



AGENCY:	City Council
MEETING DATE:	Feb. 26, 2018
DEPARTMENT:	Community Development
PRESENTED BY:	S. Perkins
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AGENDA ITEM SUMMARY

TITLE:

RECEIVE RECOMMENDATION OF THE PLANNING COMMISSION, CONDUCT PUBLIC HEARING, AND CONSIDER ADOPTION OF CITY COUNCIL RESOLUTION TO SUBMIT A LOCAL COASTAL PROGRAM AMENDMENT (LCP 2-17) TO AMEND THE COASTAL GENERAL PLAN AND COASTAL ZONING MAP FOR THE PARCEL AT 100 EAST OCEAN VIEW DRIVE FROM RVH TO CH

ISSUE:

The City received an application to rezone a parcel located at 100 East Ocean View Drive (APN 018-150-55), which was recently created as part of the Riverview Subdivision (DIV 4-02/14). The utility of this parcel is limited because it is relatively small and narrow, and because it is split-zoned, meaning it is subject to the requirements of two different zoning districts and General Plan Land Use Designations. The 0.69 acre parcel is approximately one-third Very High Density Residential (RVH) and two-thirds Highway Visitor Commercial (CH).

The applicant proposes to rezone the parcel and modify the land use designation to classify the property completely as CH. The rezoning and land use designation change would not entitle any development; it would require that any future development be subject to the policies and zoning regulations of the CH district only. See **Attachment 1** for the location of the parcel.

The Planning Commission reviewed the application during a public hearing on August 23, 2017, and found the proposed amendment consistent with the Coastal General Plan. The Commission, by adoption of Resolution PC 02-2017 (**Attachment 6**), recommends the City Council approve the application.

Coastal General Plan

The Coastal General Plan establishes the Land Use Plan portion of the City of Fort Bragg Local Coastal Program (LCP) and was prepared in accordance



with the California Coastal Act and Certified by the Coastal Commission in 2008. The Coastal General Plan consists of narrative text and maps, along with goals, policies and programs. Map LU-1 is the Land Use Designations map, and identifies the types and intensities of development permitted on specific parcels, and the policies and programs that apply to specific parcels. A detail of the Land Use Designations map is included as **Attachment 2** of this report. The applicant proposes to change the land use designation for the subject parcel to CH.

Zoning Map

The Zoning Map is a component of the Coastal Land Use and Development Code (CLUDC), specifically Section 17.14 of the CLUDC. The zoning map is similar to the General Plan's Land Use Designations map, in that it identifies the zoning districts of City parcels, which regulates uses and standards for development. The Zoning Map is included as **Attachment 3** of this report. The applicant proposes to change the zoning map for the subject parcel to CH.

ANALYSIS:

CLUDC Chapter 17.94 covers the process for amending the Local Coastal Program, including the following findings required for approval of amendments:

18.94.060(A) Findings for General Plan Amendments

- (1) The amendment is internally consistent with all other provisions of the General Plan and any applicable specific plan;
- (2) The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
- (3) The affected site is physically suitable in terms of design, location, shape, size operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

18.94.060(B)(3) Additional finding for Zoning Map amendments

The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the requested zoning designation and the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

Staff reviewed the application to verify consistency with the City's Coastal General Plan and other elements of the Local Coastal Program. The following is an analysis of the proposed amendments to the Land Use Designations Map and the Zoning Map and their compliance with the required findings.

18.94.060(A)(1) The amendment is internally consistent with all other provisions of the General Plan and any applicable specific plan.

The California Coastal Act, generally speaking, seeks to protect coastal resources (natural and cultural), visual quality, public access and visitor-serving facilities in the Coastal Zone. The proposed LCP amendment would affect these pillars of the Coastal Act in the following ways:

Coastal Resources (natural and cultural)

The proposed LCP amendment does not include any physical development that could impact coastal resources on the site. Any future development would require a Coastal Development Permit, where the impacts of that development would be analyzed and mitigated as necessary. In order to approve any Coastal Development Permit, the CLUDC requires applicants to provide an inventory of the coastal resources present on the site. Development that does not avoid impacts to coastal resources or appropriately mitigate these impacts would not be approved. The requirement for a Coastal Development Permit for future development would ensure the continued protection of coastal resources on the project site.

Visual Quality

Since this application for an LCP amendment does not include any physical development, approval of this project would not directly impact visual quality. However, the land use change alters the regulations applicable to one-third of the site, as the RVH requirements would no longer apply and the CH requirements would take their place.

The RVH district allows development up to 45 feet in height, and permits lot coverage of up to 100 percent. Comparatively, the CH district limits development to a maximum height of 35 feet and a maximum floor area ratio of 0.40. The maximum scale of future development would decrease with this land use change, reducing the visual mass of future projects and reducing impacts to visual quality. Additionally, future development would require a Coastal Development Permit, where project-specific visual impacts would be reviewed and addressed. This LCP amendment reduces the maximum development potential on the site, and would not negatively impact visual quality.

Public Access

The project site has no access to the coast or natural features. While future development would be subject to Coastal Development Permitting and access would be analyzed during that review, it is unlikely that the subject property has any value for public access. This amendment would not affect public access in any way.

Visitor-Serving Facilities

The Coastal Act seeks to provide opportunities for California residents to visit the coast and protect existing visitor-serving facilities. The parcel is presently vacant, and no visitor-serving facilities exist on site. The LCP amendment would convert land from residential zoning to Highway Visitor Commercial zoning. This would increase the land available in the City for visitor-serving facilities, consistent with this goal of the Coastal Act. Additionally, changing the land use so that the parcel has one zoning district instead of two increases the likelihood of future development of the parcel. This LCP amendment is consistent with the visitor-serving goal of the Coastal Act.

In addition to these general tenets of the Coastal Act, the City's Coastal General Plan has policies that apply to this project. The application seeks to designate a parcel that is presently two-thirds CH to be exclusively CH. The Coastal General Plan defines the CH district as follows:

This land use designation applies to land uses serving residents and visitors on sites which are located along Highway One and arterials at the entry points to the community. Typical uses allowed in this designation include motels and other lodging enterprises, restaurants, and retail outlets. Residential uses are permitted above the ground floor or on the ground floor at the rear of buildings at a maximum density of up to 24 units per acre with a conditional use permit.

Additionally, the Coastal General Plan includes the following policies regarding visitor-serving commercial land uses:

Policy LU-5.1 Additional Sites for Visitor-Serving Commercial: Continue to provide for and encourage additional visitor-serving commercial facilities.

The project parcel is less than 1,500 feet from the southern City boundary and about 100 feet from Main Street (an arterial road). Its location is consistent with the General Plan's definition of the CH district. Additionally, the reclassification of the parcel to completely CH would be consistent with Policy LU-5.1 to provide for and encourage more visitor-serving commercial facilities.

Reclassifying the parcel to CH would remove approximately 0.23 acres of existing RVH property. The following Coastal General Plan policy addressing residential land use designations is applicable to this application:

The residential neighborhoods of Fort Bragg are one of its most precious assets. Due to the layout of the City, most residential neighborhoods are relatively separated from commercial, retail, and industrial developments. Homes are typically located on local and collector streets, rather than on the busier arterial streets, thereby minimizing the number of residents exposed to heavy traffic and noise.

The parcel is at the intersection of Ocean View Drive and Main Street, outside of any established neighborhoods and away from local streets.

The application is consistent with the Coastal General Plan, and staff recommends the City Council make this finding.

18.94.060(A)(2) The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The Municipal Code and CLUDC both contain numerous policies that address public health and safety, including but not limited to:

- Title 6: Health and Sanitation
- Title 9: Public Peace, Safety and Morals
- Title 10: Vehicles and Traffic
- Title 14: Water and Sewers

The proposed change in land use designation and zoning does not propose any changes to these or other public health and safety policies. The proposed change would allow land uses on the whole property that are presently only allowed on two-thirds of the property. Future development would require a Coastal Development Permit, where impacts to public interest, health, safety, convenience or welfare would be addressed.

The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

18.94.060(A)(3) and 18.94.060(B)(3) The affected site is physically suitable in terms of design, location, shape, size operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

Any future development would require a Coastal Development Permit, where project impacts relating to the factors identified in the approval finding would be addressed and mitigated as necessary. Additionally, reclassifying the parcel to be completely CH would make the site more physically suitable for development than the current configuration.

The approximately one-third portion of the property presently zoned RVH would be extremely difficult to develop with multi-family housing, making the current configuration likely unsuitable for future uses. This land use change would rectify a potential future issue if an owner attempted to develop the RVH portion with multi-family housing.

The affected site is physically suitable to ensure that anticipated development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

If the Council adopts the resolution approving this application to amend the LCP, staff will make a formal application to the California Coastal Commission to certify the amendment. The CLUDC includes several requirements for the contents of the application. **Attachment 4** of this report includes a review of the project's consistency with the application requirements.

Additionally, the Coastal Commission's formal application includes other submission requirements. A copy of the Coastal Commission's application and the City's efforts to satisfy the requirements is included as **Attachment 5**.

RECOMMENDED ACTION:

Adopt City Council Resolution (**Attachment 7**) authorizing submittal of a Local Coastal Program Amendment (LCP 2-17) application to amend Coastal General Plan Map LU-1 and Coastal Land Use and Development Code Section 17.14 (Zoning Map) to designate the parcel at 100 East Ocean View Drive as Highway Visitor Commercial.

ALTERNATIVE ACTION(S):

Provide other direction to staff.

FISCAL IMPACT:

The project would not impact the City budget.

CONSISTENCY:

The proposed amendment must comply with the City's Coastal General Plan and the Coastal Act in order to be certified by the Coastal Commission.

IMPLEMENTATION/TIMEFRAMES:

Staff will submit the LCP Amendment to the Coastal Commission following Council adoption of the resolution.

ATTACHMENTS:

1. Location Map
2. Coastal General Plan Map LU-1: Land Use Designations
3. Coastal Land Use and Development Code Section 17.14: Zoning Map
4. Coastal Land Use and Development Code Application Requirements
5. California Coastal Commission Application
6. Resolution of the Planning Commission (PC 06-2017)
7. Resolution of the City Council

NOTIFICATION:

1. Sean Hogan, Applicant