

MEETING DATE: May 23, 2018

PREPARED BY: Sarah McCormick

PRESENTED BY: Sarah McCormick

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Coastal Development Permit 3-18 (CDP 3-18) and Lot Line Adjustment 2-17 (LLA 2-17)

APPLICANT: Ann F. Mingledorff, Senior Council-Real Estate, Georgia Pacific, LLC

PROPERTY OWNER: Georgia Pacific, LLC

AGENT: Bradley A. Thomas, PLS President, Doble Thomas and Associates, Inc.

REQUEST: Coastal Development Permit and Lot Line Adjustment to authorize the transfer of 11.33 acres from APN 008-151-22 (Lot "A") and 0.03 acres of APN 008-020-15 (Lot "B") as illustrated on the map prepared by Bradley A. Thomas, Doble Thomas and Associates date stamped August 30, 2017.

LOCATION: 70 and 90 W Redwood Avenue

APN: 008-151-22, 008-161-08, 008-171-07, 008-020-15

ZONING: Central Business District (CBD) and Timber Resources Industrial (IT) in the Coastal Zone

ENVIRONMENTAL DETERMINATION: The request for a lot line adjustment is considered a "Minor Alteration in Land Use Limitations" as determined under the California Environmental Quality Act (CEQA) pursuant to Section 15305 and is categorically exempt from further environmental review.

SURROUNDING LAND USES:

NORTH: Redwood Avenue, Central Business District
EAST: Chief Celeri Drive, Central Business District
SOUTH: Central Business District
WEST: Timber Resources Industrial

APPEALABLE PROJECT: ☒ **Can be appealed to City Council**

☒ **Can be appealed to California Coastal Commission as the project is between the road and the sea and within 300 feet of a beach (60603(a)(1)).**

PROJECT DESCRIPTION

Coastal Development Permit and Lot Line Adjustment to authorize the transfer of 11.33 acres from APN 008-151-22 (Lot "A") and 0.03 acres of APN 008-020-15 (Lot "B") to a newly created parcel referred to as Resulting Lot "B" as illustrated on the map prepared by Bradley A. Thomas, Doble Thomas and Associates date stamped August 30, 2017.

CONSISTENCY WITH PLANNING POLICIES

Land Use. The proposed lot line adjustment involves portions of APN 008-151-22 in Lot "A", which is zoned Central Business District (CBD) and APN 008-020-15 in Lot "B", which is zoned Timber industrial Resources (IT) (Attachment 1 – Site Plan).

Upon completion of the Lot Line Adjustment, the "Resulting Lot A" parcel will have split zoning, with the majority designated as Central Business District (CBD) and an existing outbuilding in the rear of parcel within Timber Industrial District (IT) (Attachment 2 – Plat of Lot "A"). In order to comply with Coastal Land Use and Development Code (CLUDC) Section 17.24.050 which outlines site planning and building standards within industrial districts, the current lot line configuration as depicted does not allow for the necessary 10 foot side setback required. To ensure a legal conforming parcel result from this lot line adjustment, Planning Commission should include the following special condition:

Special Condition 1: Prior to recordation of the revised deeds, a description and plat of each parcel including the location and dimensions of the split zoning district shall be adjusted to create a square/linear configuration along the western boundary and then be submitted to the Public Works Director for review and approval. The new deed descriptions shall be prepared by, and bear the seal of, a Licensed Land Surveyor.

Campbell Global: Forest and Natural Resource Investments currently occupies the building located on the newly proposed parcel resulting from this lot line adjustment. As a timber resource management company, the split zoning of CBD/IT is a compatible land use and complies with the CLUDC. However, the split zoning may create complications for future owners and land uses that are not related to timber industries. CLUDC Section 17.24.030 regulates land uses and permit requirements in industrial districts and the table below depicts land uses and regulations within IT:

Timber Industrial Zoning Land Use (IT)	Permit Requirement	Development Standard	Specific Use Regulations
Aquaculture	Coastal Development Permit and Use Permit	UP	
Crop production, horticulture, orchard, vineyard	Permitted, with a Coastal Development Permit and possible Use Permit	P(4)	
Storage - Outdoor	Coastal Development Permit and Use Permit	UP	17.42.140
Office - Accessory	Permitted, with a Coastal Development Permit and possible Use Permit	P(4)	
Public safety facility	Permitted, with a Coastal Development Permit and possible Use Permit	P(4)	
Transit station or terminal	Coastal Development Permit and Use Permit	UP	
Pipeline or transmission line	Specific Use Regulations	S	17.42.144
Telecommunications facility	Specific Use Regulations	S	17.44

As illustrated in the table above, the scope of allowable land uses is very limited within IT zoning. However, the upcoming LCP Amendment depicts the IT portion of this proposed parcel as CBD. If the LCP Amendment is adopted by Planning Commission, City Council and California Coastal Commission, as anticipated, the entire parcel will have the single zoning designation of Central Business District alleviating any issues that might arise in the future with the split zoning of this parcel. That said, the applicant is aware of the split zoning and understands that any future rezoning through the Mill Site rezoning process is not guaranteed.

Zoning Standards.

The minimum lot size for the CBD zoning district is 2,000 SF and IT zoning district is 5,000 SF. The parcels resulting from the proposed lot line adjustment exceed the minimum requirement and are therefore compliant with the Coastal Land Use and Development Code (CLUDC). The CBD portion of the proposed lot line adjustment is in compliance with the site planning and building standards outlined in CLUDC Section 17.24.060 as shown below:

Development Standard	CBD Zoning District Requirement	Proposed Project	Compliance
Front Setback	None allowed – Building facades shall abut the back of the public sidewalk	Existing building legally non-conforming	Yes

Side – Interior	None Required	N/A None Required	Yes
Side – Street	None Required	N/A None Required	Yes
Rear	5ft adjacent to an alley; none required elsewhere	N/A None Required	Yes
Site Coverage	No limitation	N/A None Required	Yes
Height Limit	35 feet and 3 stories	Existing building is single story	Yes

However in order for the IT portion of the proposed parcel to be in compliance with the CLUDC Section 17.24.060, Special Condition 1 would be required:

Development Feature	Timber Resources Industrial (IT)	Proposed Project	Compliance
Setbacks	<i>Minimum and, where noted, maximum setbacks required for primary structures. See Section 17.30.100 for exceptions to these requirements.</i>		
Front	30 ft from Highway 1; 15 ft elsewhere.	+/- 195 ft	Yes
Side - Interior	10 ft; except no setback allowed if the other side is 15 ft or more.	0ft	No (see Special Condition 1)
Side – Street	15 ft	+/-90 ft	Yes
Rear	Abutting an alley, 10 ft within 30 ft of each side property line or driveway accessing the alley; none required elsewhere.	N/A None Required	Yes

Addressing. Most of Georgia Pacific’s land holdings on the Mill Site are given the address of 90 W Redwood Avenue, including the existing building currently occupied by Campbell Global. In order to comply with Municipal Code Chapter 15.12 – House Numbering, which regulates details of assigning and displaying addresses, the following special condition is recommended:

Special Condition 2: Within six months of proposed lot line adjustment, the owner of resulting Lot “A” shall submit an Address Listing Application to the City of Fort Bragg to assign a new address to the existing building currently occupied by Campbell Global. The address number assigned will be of an even number in the 100 block of W Redwood Avenue. Designated address shall be displayed by numbers four inches (4”) in height and clearly visible at a distance of not less than 100 feet from nearest road.

Parking. Resolution 3959-2016 and 2018 Fee Schedule waives parking requirements within the Central Business District, and therefore no parking is required.

Consistency with Coastal General Plan Policies. Policy within the Circulation Element and Open Space Element of the Coastal General Plan suggest the dedication of Redwood Avenue to the City of Fort Bragg be required in order for this project to be consistent with Coastal General Plan Policies.

- Policy C-2.5: Continue to prohibit the establishment of private roads.
- Policy C-2.8 Continuation of Streets: Require the continuation of streets and bicycle and pedestrian paths through new developments wherever possible.
- Policy C-2.9: Facilitate Street Connections. Review site plans for new development to facilitate the continuation of streets to improve local circulation. Priority shall be given to providing pedestrian and bicycle trails that establish connections to streets wherever possible.
- Policy C-2.10 Continue Grid System onto Mill Site: Ensure that the grid street system and a north/south arterial on the Mill Site be designed to ensure the maximum benefit to local traffic, pedestrian, and bicycle circulation and to provide maximum public access to the coast.

Therefore, if Planning Commission chooses to approve this coastal development permit, the following special condition is recommended to ensure compliance with the Coastal General Plan:

Special Condition 3: The City requires the revised deeds, description and plat for remaining Parcel B to include an irrevocable offer to dedicate that portion of Redwood Avenue between the City's exiting right of way (and along the length of the north edge of Lot A) that conforms to the City's standard street width, to the City of Fort Bragg, in order to facilitate the continuation of a public grid system onto the Mill Site, consistent with the Circulation Element of the Coastal General Plan as illustrated in the image below:



Cultural Resources. No physical development is proposed in conjunction with this project and, therefore, there will be no impact to cultural resources. All future development will require a Coastal Development Permit and impact to cultural resources will be considered at that time.

Public Access. The project area is adjacent to private property without public coastal access, therefore there would be no impact on public access to coastal resources.

Environmentally Sensitive Habitat Areas. The project area is potentially located in an area with environmentally sensitive habitat areas (ESHAs) on site. No physical development is proposed in conjunction with this project and, therefore, no impact to any ESHAs would occur. All future development will require a Coastal Development Permit and impact to environmentally sensitive habitat areas will be considered at that time.

Geologic, Flood, and Fire Hazard. The proposed lot line adjustment is not in an area subject to flooding or tidal inundation. No new physical development is proposed as part of this lot line adjustment. All future development will require a Coastal Development Permit and potential geologic, flood and fire hazards will be considered at that time.

Visual Analysis. No physical development is proposed and, therefore, no impact to the viewshed would occur as a result of this lot line adjustment. All future development will require a Coastal Development Permit a Visual Analysis will be conducted as part of the permitting process.

Storm Water Runoff Pollution Control. No new development or impervious surfaces are proposed as part of the lot line adjustment and, therefore, no additional storm water runoff would occur that would require mitigation. All future development will require a storm water management plan prior to approval of a building permit.

Air Quality. The proposed lot line adjustment does not involve any physical development and will not contribute to additional emissions from construction. All future development will require a Coastal Development Permit and impact to air quality will be considered at that time

Special Communities, Neighborhoods, and Recreational and Visitor Serving Uses. No physical development or change in land use is proposed and, therefore, the proposed lot line adjustment will neither impact a special community or neighborhood nor displace or preclude any potential recreational or visitor serving uses.

Energy Consumption and Vehicle Miles. No physical development or change in land use is proposed by the requested lot line adjustment and, therefore, no increase in energy consumption or vehicle miles traveled will occur.

Adequacy of water supply, sewage disposal, solid waste, and public roadway capacity. Not impacted by the project. Future serving capacity of water, sewage, and roadways will be considered at time of future development.

Environmental Determination. The project is Categorically Exempt from CEQA pursuant to Section 15305(a) of the California Code of Regulations Title 14, Chapter 3. Class 5(a) exempts minor lot line adjustments.

PLANNING COMMISSION ACTIONS

1. Hold a hearing, close the hearing, deliberate and approve Coastal Development Permit 3-18 and Lot Line Adjustment 2-17 subject to the required approval findings and subject to the standard and special conditions.
2. Hold a hearing, close the hearing, deliberate without a decision, and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.

RECOMMENDATION

Staff recommends approval of CDP 3-18 and LLA 2-17 based on the following findings and subject to the standard conditions and special conditions listed below:

GENERAL FINDINGS

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code;
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
3. The 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 type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located;
4. For the purposes of the environmental determination, the project is considered exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA Guidelines Section 15305(a) – Minor Alterations in Land Use Limitations (Minor Lot Line Adjustments)).

COASTAL DEVELOPMENT PERMIT FINDINGS

1. The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of

- Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources;
2. The project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);
 3. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;
 4. The proposed use is consistent with the purposes of the zone in which the site is located;
 5. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
 6. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity;
 7. Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development;
 8. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site, or other reasons;
 9. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards due to required project modifications, landscaping, or other conditions;
 10. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity;
 11. The resource as identified will not be significantly degraded by the proposed development;
 12. There is no feasible less environmentally damaging alternative; and
 13. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to CLUDC Chapter 17.92 - Appeals.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the CLUDC.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details, and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated

otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.

4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - (a) That such permit was obtained or extended by fraud.
 - (b) That one or more of the conditions upon which such permit was granted have been violated.
 - (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
 - (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
8. Unless a condition of approval or other provision of the Coastal Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with CLUDC Subsection 17.76.070 (B).

SPECIAL CONDITIONS

1. Prior to recordation of the revised deeds, a description and plat of each parcel including the location and dimensions of the split zoning district shall be adjusted to create a square/linear configuration along the western boundary and then be submitted to the Public Works Director for review and approval. The new deed descriptions shall be prepared by, and bear the seal of, a Licensed Land Surveyor.
2. The owner of resulting Lot "A" will submit an Address Listing Application to the City of Fort Bragg to assign a new address to the existing building currently occupied by Campbell Global. The address number assigned will be of an even number in the 100 block of W

Redwood Avenue. Designated address must be displayed by numbers four inches (4") in height and clearly visible at a distance of not less than 100 feet from nearest road.

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ATTACHMENTS

1. Attachment 1 – Site Location Map
2. Plat Resulting Lot "A"