



AGENCY: Planning Commission
MEETING DATE: April 23, 2019
DEPARTMENT: Community Development
PRESENTED BY: Marie Jones
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AGENDA ITEM SUMMARY

TITLE:

Receive Report and Make Recommendation to City Council Regarding Revisions to the Mill Site Reuse Plan Local Coastal Program (LCP) Amendment, Including: 1) Recommended Policy Changes from the Mill Site Visual Analysis; 2) Recommended Revision of the Citywide Design Guidelines; 3) Policy Changes to the Community Design Element of the Coastal General Plan; and 4) Recommended Changes to Related Maps and Figures.

ISSUE:

Since 2017, the Planning Commission, City Council and the Community have participated in 27 meetings to develop a Local Coastal Program (LCP) Amendment for submittal to the Coastal Commission. Staff has developed a summary of all workshops and City Council and Planning Commission meetings and the direction that has been provided (Attachment 1).

Staff has worked over the past 18 months to incorporate the City Council and Planning Commission's vision, priorities and direction into the Land Use Plan, policies and regulatory language, which together comprise the three components of the Local Coastal Program (LCP) amendment.

At the April 9, 2019 Planning Commission meeting, the Planning Commission provided direction on various changes requested to the Visual Analysis (attachment 1), the Community Design Element (Attachment 2 and Attachment 3) the revised Design Guidelines (Attachment 4), and a revision to the Land use Plan (attachment 5). The Planning Commission also requested an analysis of projects that were appealed to the Coastal Commission based on visual resource issues.

Staff is seeking confirmation of the changes made to these documents and further direction from the Planning Commission on the Visual Analysis requirements for the Land Use Plan.

ANALYSIS:

The City engages in two kinds of review for new development projects in the Coastal Zone as follows.

1. **Design Review** – for Design Review staff analyzes the proposed architecture against the Citywide Design Guidelines and is focused on securing a higher quality of design for new development that is compatible with neighboring development. Design review is about the design and architecture of the proposed building, landscaping, parking and accessory structures.
2. **Visual Analysis** – For some Coastal Development Permits, a visual analysis is required to determine potential impacts projects that could have on views of the ocean, bluff, beach or other scenic areas along the ocean. The visual analysis looks at the reduction in view quality or access that happens because of the development. The goal of the visual analysis is to

ensure that adequate visual access is maintained to the ocean and other scenic areas. A Visual Analysis is completed as part of the Coastal Development Permit, and all projects located in areas that require a visual analysis must comply with all view protection policies of the Coastal General Plan's Community Design Element.

Staff is bringing these items forward, together, to the Planning Commission because they are interrelated, and it will be helpful to review all proposed changes relating to visual quality and design at one time.

VISUAL RESOURCES ANALYSIS & RECOMMENDATIONS

The draft Mill Site Visual Resources Analysis 2019 (Attachment 1), was discussed at the March 21st Joint City Council and Planning Commission meeting.¹ As noted by staff at that meeting, the Coastal Commission's staff had requested that a visual analysis be completed for W Cypress Street. The City Council and Planning Commission subsequently requested a visual analysis for the Mill Site from the Noyo Bridge and Harrison Street intersections throughout Fort Bragg. Please see Attachment 1 to view these additions (in **purple text**).

Staff has prepared three new drafts of Map CD-1 which includes areas that would require a Visual Analysis as part of any Coastal Development Permit process as well as view corridors which would prohibit view blocking development. See Attachment 3a and 3b to view the revised Map CD-1 Scenic Views, for the City as whole and the Mill Site, respectively. Attachment 3c includes an alternative for Map CD-1 which designates more of the southern portion of the Mill Site as a scenic resource.

The Planning Commission also requested an analysis of projects, which were approved at the local level and appealed to the Coastal Commission based on impacts to visual resources. Staff reached out to the Coastal Commission and received an extensive list of projects in which visual resources were one of the issues raised in the appeal. Out of 115 project appeals since 2000, 79 of them included a discussion of visual resource issues. Below please find a list of appeals which were accepted by the Coastal Commission that included a discussion of visual resource issues:

1. A-1-DNC-15-0047 Nautical Inn - we went SI but there has been no de novo hearing
2. A-1-DNC-10-016 (County of Del Norte) NSI
3. A-1-DNC-09-048 Border Coast Airport Authority Adopted Findings
4. A-1-DNC-07-036 Trask de novo
5. A-1-DNC-07-023 - Park Appeal-S.I. & De Novo
6. A-1-DNC-08-033 Pinger SI Report Sept 2008
7. A-1-DNC-06-037 JHP LLC SI Report Oct 2006
8. A-1-DNC-04-054 Reed RV Park NSI
9. A-1-DNC-04-043 Trinity Development SI Staff Report
10. A-1-CRC-00-033 (Del Norte Healthcare Dist.) – went SI, approved de novo
11. A-1-CRC-02-150 Beth Forest Trust
12. A-1-CRC-08-004 (Coasta Norte Mixed Use Development) – went SI, eventually approved

¹ The Visual Analysis explores potential visual impacts of new Mill Site zoning (future development) on scenic public views. Per CEQA and the Coastal Act, only public scenic views are protected, e.g. scenic views from public properties (state parks, coastal trail), from CA Hwy 1 and other public streets. Private scenic views are not protected by CEQA or the Coastal Act and they are not explored in this analysis.

13. A-1-CRC-02-150 Beth Forest Trust
14. A-1-TRN-06-042 U.S. Cellular
15. A-1-TRN-08-046 Marshall
16. A-1-HUM-96-070 - Sand Pointe Revised Findings (final)
17. A-1-HUM-00-016 - Sand Pointe appeal S.I.
18. A-1-HUM-01-022 HAF
19. A-1-HUM-01-058 - Humboldt County SI & de novo
20. A-1-HUM-07-007 Mamer NSI
21. A-1-HUM-05-041 Kable de novo
22. A-1-HUM-08-045 Zee NSI Report
23. A-1-HUM-12-006 (Brian Smith) NSI rpt
24. A-1-HUM-15-0065_HomanNSI
25. A-1-HUM-17-0043_DiasNSI
26. A-1-EUR-01-029 Eureka Waterfront Partners
27. A-1-MEN-14-0072 (Chetelat&Tyson) NSI
28. A-1-MEN-14-0006 (Verizon-Funke) SI
29. A-1-MEN 12-018 (Roscoe) NSI
30. A-1-MEN-11-016 (Lane) SI
31. A-1-MEN-09-034 (Marr-Malin)
32. A-1-MEN-00-028 (Bing)
33. A-1-MEN-05-035 Wardlaw de novo
34. A-1-MEN 10-031 (Phillips) SI report
35. A-1-MEN-10-015_Bethel_DeNovoStfRpt-Revised
36. A-1-MEN-10-001 (Sharples Verizon Wireless) SI De Novo
37. A-1-MEN-09-052 (Blue Port LLC) SI
38. A-1-MEN-09-012 (Cusenza) NSI Staff Report
39. A-1-MEN-08-048 Plenty NSI
40. A-1-MEN-08-015 Bower Limited Partnership SI
41. A-1-MEN-07-028 Jackson Grube Family Inc
42. A-1-MEN-07-053 Billings SI de novo
43. A-1-MEN-07-003 Nelson SI Report Feb07
44. A-1-MEN-08-009 Hoechstetter & Shea SI & de novo
45. A-1-MEN-06-052 RCLC SI and de novo
46. A-1-MEN-06-046 Lost Coast Trail Rides SI & de novo
47. A-1-MEN-06-047 Elliott SI
48. A-1-MEN-06-039 Men Co Solid Waste Div NSI
49. A-1-MEN-04-036and1-05-36-Caltrans SI-dn-CDP
50. A-1-MEN-05-024 Reed SI de novo (Ruby)
51. A-1-MEN-05-057 Reynen NSI Stf Rpt Jan 2006
52. A-1-MEN-05-002 US Cellular
53. A-1-MEN-05-023 EvertsHigginsGill de novo
54. A-1-MEN-05-032 MacCallum House SI Stf Rpt Sept 2005
55. A-1-MEN-04-023 (Pauli) SI and DE NOVO
56. A-1-MEN-04-030 - Bangs SI & DE NOVO
57. A-1-MEN-04-036and1-05-36-Caltrans SI-dn-CDP
58. A-1-MEN-03-066 (S.A.F.E.) SI & de novo approval
59. A-1-MEN-02-157 and A-1-MEN-02-158 (Lemley) Staff Report
60. A-1-MEN-02-148 Auguste SI denovo DENIAL
61. A-1-MEN-02-149 (Woodhead and Hickman) NSI Rpt
62. A-1-MEN-02-013 MacIver NSI
63. A-1-MEN-02-030 McClure SI Rpt July 2002

64. A-1-MEN-02-029 Shia DE NOVO
65. A-1-MEN-16-0007_(MintzShapiro)NSIstfrpt
66. A-1-MEN-14-0053 (SAFE) NSI
67. A-1-MEN-01-063 Kennedy SI Rpt Jan 2002
68. A-1-MEN-01-049 Final Draft Latham SI
69. A-1-MEN-01-051 Meredith SI
70. A-1-MEN-01-056 Williams Appeal Draft SI
71. A-1-MEN-00-02 Ottoson de novo (final)
72. A-1-MEN-00-028 Jones SI Staff Report Aug 2000
73. A-1-MEN-00-020 RD Beacon
74. A-1-MEN-00-052 McNeely NSI
75. A-1-MEN-00-051 Bonham Investment Co.
76. A-1-MEN-99-081 Demartini
77. A-1-MEN-99-001 Smiley findings 7.18.01
78. A-1-FTB-02-018 Affinito –
79. A-1-FTB-99-006 Caltrans Noyo Bridge Revised Findings

The Coastal Commission staff also noted that many applicants withdraw their project upon appeal. So many projects are not constructed based on applicant's withdrawal of the project upon appeal rather than denial of a project by the Coastal Commission.

Additionally, Coastal Commission staff noted that there have been a number of recent appeals based on visual issues in Mendocino County where the highly scenic resource policies are very stringent. However, the research only revealed two denials based on visual resources as the Commission often finds Substantial Issue but very rarely denies a project de novo (or any other time). Coastal Commission staff recommended denial for the following projects based on visual resources.

Project Name and Permit Number	Brief Project description & issue
A-1-MEN-10-015 Barbara Bethel and John Hupp single-family residence and guest cottage	The property owner received approval to construct the SFR and Guest House, and a subsequent approval to construct a larger project with more windows than approved. The appeal was based on impacts to scenic resources.
A-1-MEN-03-069 Robert Hunt's large 18 foot high 7,100 SF SFR	The project was denied based on non-conformance with visual resource policies of the LCP.

Rather than denying Coastal Development Permits, the Coastal Commission typically places many additional special conditions during their de-novo review. This may well deter many applicants from actually completing their project as the special conditions may make the project financially unfeasible or may change the project so much that it no longer meets the needs of the applicant.

At the conclusion of this research, it appears that designating an area for Visual Analysis will rarely result in the direct denial of a project upon appeal by the Coastal Commission. Rather it is more likely to result in further changes of the project through the attachment of additional

special conditions to reduce the impact of the project on visual resources, including by reducing the project height, massing, details, color and/or location on the subject parcel. This may ultimately make some projects unfeasible.

Direction Sought: Review the various versions of Map CD-1 (attachment 3a, b and c) and recommend any select between Attachment 3b and 3c for the final Mill Site Visual Resource Analysis map. Alternatively, provide direction for any additional desired changes to one of the maps.

Design Guidelines Review and Recommendations

Over the years, staff has found the existing Citywide Design Guidelines to be overly long and proscriptive, and not entirely relevant to projects that are proposed in Fort Bragg. Indeed, the very length and complexity of the Design Guidelines has made the Design Review process cumbersome and challenging. Especially as any given project must comply with hundreds of different site design requirements. The complexity of the City's current design guidelines makes them difficult to apply to proposed projects, and if strictly applied would require the City to ask applicants to completely redesign their projects for all submittals.

Due to these challenges, staff completely revised our Citywide Design Guidelines. Staff reduced the 147-page document to a 40-page document (Attachment 4). Staff made the following changes to the Design Guidelines.

1. Simplified the Design Guidelines by eliminating redundant and repetitive guidelines, deleting requirements that are addressed through the zoning ordinance, and eliminating conflicting guidelines;
2. Simplified some requirements and deleted others to provide for more flexibility in design without sacrificing design quality;
3. Added new design criteria that are specific to concerns of today, including for example material quality, solar orientation, native landscaping, among other topics;
4. Reorganized the guidelines so that there is a general section that addresses all general design goals, rather than this section being redundantly reiterated for each zoning district;
5. Revised and shortened the guidelines for specific business types;
6. Reorganized the design guidelines into a table format; and
7. Differentiated guidelines that should be applied to larger projects and/or projects located in visually sensitive areas.

At the April 9th, Planning Commission meeting, the Planning Commission provided the following general direction.

1. Further revise the Design Guidelines so that more of the guidelines are preferred and fewer and mandatory to ensure that new development projects fit within the community without being so proscriptive that they stifle investment, job growth, and design creativity and innovation.
2. Add policies regarding: strip malls, outdoor gathering spaces, setbacks for roof decks and

balconies, in-block pedestrian paths, consolidation of parking lots, encourage plazas, and walkability.

3. Revise the materials section to only allow real rock and brick.
4. Revise policies regarding colors to make them less restrictive.
5. Add policies regarding bike paths and landscaping between the sidewalk and the parking isle in multifamily housing.
6. Add a materials requirements guidelines to the industrial section.
7. Revise the Land Use Plan to include a bike path connecting the downtown through the medium density residential zoning district to the coastal trail and the north park. (see Attachment 8)
8. Revise the Design Review Map to increase the areas of the Mill Site that require a higher level of Design Review.

Staff has endeavored to make all these changes in the attached design guidelines please see Purple text in Attachment 4A to review the Design Guidelines. Please see Attachment 5a and b to review the Map of Sensitive Review areas in the City and on the Mill Site, where a stricter application of the Design Guidelines is recommended.

Staff has also included Attachments 6a and 6b to illustrate both the areas requiring a visual analysis and the areas requiring a higher level of design for the City as a whole and the Mill Site. These maps illustrate the extent of the higher level or review for new development on and off the Mill Site.

Direction Sought: Please review the changes to the Design guidelines (highlighted in green), the Land Use Plan and Design Review Map and confirm that all requested changes have been made. Provide direction for any additional desired changes.

COMMUNITY DESIGN ELEMENT POLICY REVIEW

During the April 9th, Planning Commission meeting, staff revised the Community Design Element per direction of the Planning Commission. All text highlighted in green illustrates changes made as a result of direction provided during the Planning Commission meeting.

Staff recommends deletion of Program CD-1.1.1 (on page 6-3 of attachment 7b) because the program is focused on design review which is a different process than visual resource analysis. This program is superseded by Policy CD-1.4.

The Planning Commission requested changes to the following policies (see attachment 7b):

Page 6-5: Policy CD-1.5

Page 6-6 Policy CD-X.X

Page 6-7: Policy CD-1.12, CD-1.13, CD-1.14,

Page 6-8: Policy CD-1.15 (which includes two versions for discussion); Policy CD-2.2

Page 6-13: Policy CD-4.2

Direction Sought: Please review the green highlighted text and confirm that all requested changes have been made. Provide direction for any additional desired changes. Provide a decision on which version of Policy CD-1.15 you prefer.

RECOMMENDED ACTION:

Provide direction to staff regarding proposed policy changes to the Citywide Design Guidelines and the Community Design Element.

ALTERNATIVE ACTION(S):

None.

FISCAL IMPACT:

The City was awarded a Community Development Block Grant (CDBG) in the amount of \$50,000, a Coastal Commission grant of \$100,000, and a \$48,000 MCOG grant for this LCP amendment. Additionally, the City has a General Plan Maintenance Fund, funded through building permit fees, that may be used for costs associated with the LCP Amendment.

As City Council and the Planning Commission further refine a final Land Use Plan and LCP Amendment, staff will prepare a fiscal analysis to identify if the overall Mill Site Reuse will have a net positive fiscal impact on Fort Bragg.

CONSISTENCY:

The City's 2014 Economic Development Strategy specifically includes rezoning and the eventual reuse of the Mill Site as a high priority project. The project must comply with the City's Coastal General Plan in order to be certified by the Coastal Commission. This may require modification of one or more policies of the Coastal General Plan prior to submittal of an LCP amendment.

IMPLEMENTATION/TIMEFRAMES:

There are a number of next steps for the Mill Site LCP amendment process, which will necessitate ongoing meetings and workshops to obtain additional input, collaboration and direction from the City Council, Planning Commission and the community in order to complete the task list included in the first part of this report.

LCP Amendment Task	Status
Prepare a Land Use Plan (zoning map) for the LCP amendment.	Drafted 10/2018
Prepare supporting maps, including: parcel lines, existing development, wetlands, transportation and access constraints.	Completed 10/2018
Revise the Coastal General Plan to include relevant policies for the LCP amendment.	80% Complete
Revise the Coastal Land Use and Development Code to include relevant policies for the LCP amendment.	50% Complete

Determine the “maximum buildout” scenario for the proposed Land Use Plan based on development regulations (height limits, parking requirements, floor area ratios, lot coverage, open space requirements and setbacks) for each zoning district.	Completed 10/2018 Will need to be revised if the Land Use Plan is revised
Prepare a summary of current lower cost visitor serving facilities, including: room inventory, revenue per available room, occupancy rates, etc.	Completed 9/2018
Climate change study: sea level rise and bluff top vulnerability & impact of Mill Site development on Climate Change.	Completed 11/2018
Tsunami study.	Completed 2007
Visual Analysis of Land Use Plan and analysis of how the Citywide Design Guidelines would be revised and implemented on site to reduce visual impacts.	Completed 12/2018.
Prepare an analysis of the City’s capacity to serve future development, including: water, sewer, drainage, etc.	Underway. Will need to be revised if the Land Use Plan is revised.
Prepare a Fiscal Impacts Analysis of the fiscal impact (revenues and expenses) on the City of the proposed buildout of the Mill Site. This analysis will explore total potential revenues and expenses related to the buildout of the Mill Site.	Spring 2019
Prepare a Feasibility Study for the Mill Site Buildout. This analysis will explore the cost of development and anticipated revenues and determine in a general sense if development on the Mill Site is feasible.	Spring 2019
Transportation study, including availability of parking to serve coastal access and the effects of the project on the capacity of Highway 1 and Highway 20 both within and outside of City Limits.	Summer of 2019 Will be prepared once Land Use plan is finalized and traffic volumes are up in the summer.
Botanical Analysis.	Summer 2019
Prepare and submit the LCP Amendment application with all attachments and analysis.	4/2018 –6/2019
Coastal Commission Review & Analysis of LCP Amendment. One year statutory review period.	6/2019 – 5/2020
Submission of “Friendly Modifications” by the Coastal Commission to the City of Fort Bragg.	6/2020
City consideration of “Friendly Modifications” and negotiations with Coastal Commission regarding modifications. Six month statutory	6/2020 –12/2020

Adoption of LCP Amendment by Coastal Commission and City of Fort	1/2021 – 3/2021
New regulations and policies become law and applicants can submit development project permit applications for review and consideration by the Planning Commission.	4/2021

ATTACHMENTS:

1. City Council Workshop & Meetings - Summary of Direction
2. Mill Site Reuse LCP Amendment: Visual Analysis and Policies – 2019
- 3a. Map CD-1: Scenic Views Citywide
- 3b. Map CD -1A Mill Site Scenic Views
- 3c. Map CD -1B Mill Site Scenic Views Alternative
4. Draft Revised Citywide Design Guidelines 2019
- 5a. Map CD-2: Design Sensitive Areas Citywide
- 5b. Map CD-2: Design Sensitive Areas Mill Site
- 6a. Map CD 1&2 overlay: Citywide Scenic Views and Design Sensitive Areas
- 6b. Map CD 1&2 overlay: Mill Site Scenic Views and Design Sensitive Areas
- 7a. *Community Design Element*– Clean
- 7b. *Community Design Element*– Track Changes
8. Revised Land Use Plan

NOTIFICATION:

1. Georgia Pacific Site Plan Notify Me Subscriber List
2. Georgia Pacific Site Remediation Notify Me Subscriber List
3. Dave Massengill, Georgia Pacific Corporation
4. Sherwood Valley Band of Pomo Tribal Chairman Mike Knight & THPO Tina Sutherland
5. Cristin Kenyon, California Coastal Commission