From:	Jacob Patterson
To:	Gonzalez, Joanna; CDD User
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Subject:	Public Comment -- 8/14/19 PC Meeting, Item No. 4A, fence CDP
Date:	Thursday, August 08, 2019 11:49:19 AM

Planning Commissioners and City Staff,

Item 4A on the agenda for the Fort Bragg Planning Commission's August 12, 2019 meeting is a public hearing about a CDP that is being requested for a boundary fence at 200-250 West Ocean View Drive. City staff suggest Special Condition 1 for this CDP. I would like to suggest a Special Condition 2 for this CDP to ensure that the project is consistent with the Coastal Act and two polices of the Coastal General Plan, LU-5.7 and OS-16.7, and so the Planning Commission can make the required findings, the conclusions of which are outlined on pages 6 and 7 of the staff report. Special Condition 2 effectively serves as a project alternative.

The Coastal General Plan, which is one half of the City's certified LCP, includes two policies that I believe are relevant to this project and requested CDP (emphasis added):

Policy LU-5.7: Adequate parking should be provided to serve coastal access **and recreation uses** to the extent feasible. **Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided**.

Policy OS-16.7: Mitigation measures required for impacts to public access **and recreational opportunities** shall be implemented prior to or concurrent with construction of the approved development. Mitigation shall not substitute for implementation of a feasible project alternative that would avoid impacts to public access.

To approve the requested CDP, the Planning Commission must find (among other findings) that the:

The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code. [General #1]

For the purposes of the environmental determination, the project is exempt under Section 15303e of the California Environmental Quality Act (CEQA). [General #4]

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. [CDP #1]

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). [CDP #2]

The proposed development is in conformance with the City of Fort Bragg’s Coastal General Plan. [CDP #4]

And CDP Findings 7 to 10, which concern not impacting resources or mitigating the impacts

to identified resources.

In order to approve this CDP, you must be able to make all of these findings as applied to this project. To consider making these findings, you should evaluate the following observations and analysis:

This field provides periodic special event parking for community events and the events provide passive recreational activities for local residents and visitors to the coast. The Coastal Act, and by implication the relevant policies in our LCP, protect parking capacity and infrastructure as coastal resources just like the capacity of the adjacent streets. Streets or parking locations, as transportation infrastructure, need to provide adequate capacity to facilitate the public's access to the shoreline itself as well as access to other coastal resources and priority uses like fishing or passive recreational uses, including community events. Therefore, this event parking is a coastal resource under the Coastal Act along with the events themselves, and are thus protected by the polices in our certified LCP, including LU-5.7 and OS-16.7. Installing a fence that prevents the potential continued use of this field as the site of passive recreational community events or the parking for the events themselves would not be consistent with our General Plan, LCP, or the Coastal Act.

As such, I believe this CDP needs another special condition to ensure the field's continuing ability to serve as periodic special event parking until it is developed, at which point alternate parking locations for these events should be identified. Special Condition 2 should require the fence to include removable sections or a gateway wide enough to permit two lanes of vehicular access (for in and out access points). The access should be on the eastern section of fencing that borders the Harbor Avenue stub adjacent to the Emerald Dolphin Inn. The applicant indicates a gate at this location anyway, so this should be an easy condition to satisfy. I would also suggest requiring pedestrian-width openings or gates along the southern boundary so people can directly access the adjacent field where the community events often occur (e.g., the Paul Bunyan Days logging competition, the carnival, or the circus). That would help with the wildlife traffic as well, at least for wildlife that can't jump over the fence or get under the 6 inch opening along the ground.

Without an additional special condition, I believe the project would require a mitigation measure comparable to the special condition because a fence that prevents the future special event parking would constitute a potentially significant impact due to conflicts with applicable land use plan polices (LU-5.7 and OS-16.7) and the Coastal Act. That would prevent the City from relying on the 15303e Class 3 categorical exemption from environmental review. This means that the Planning Commission should not approve the staff's recommendation to approve the CDP, or make the required CEQA determination, without another special condition.

With a new Special Condition 2 requiring the installation and retention of gates or removable sections of fence to permit the field's potential continued use for special event parking, I believe the required findings and environmental determination would be justified and the Planning Commission should approve the CDP under those circumstances.

Regards,

--Jacob