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# W11a

**Prepared March 20, 2025 for the April 9, 2025 Hearing**

**TO:** Coastal Commissioners and Interested Persons

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**SUBJECT:** **City of Fort Bragg LCP Amendment LCP-1-FTB-24-0047-1 (Millsite Planning Area C Redesignation/Rezone)**

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## **I. SUMMARY OF STAFF RECOMMENDATION**

The former Georgia-Pacific Mill Site (hereafter “Mill Site”), which ceased operations in 2002, is an approximately 433-acre bluff-top site located on the Noyo Headlands west of State Route 1 that is planned and zoned for Timber Resources Industrial (IT) uses under the City’s certified LCP (**Exhibit 1**). The Mill Site is currently the only property in the City designated and zoned IT, with allowable uses limited to timber-resource and forest-products related manufacturing, aquaculture, and public access and recreation. The Mill Site is largely vacant, underutilized, or developed with permitted or legal nonconforming uses unrelated to timber industrial uses, including, but not limited to: (1) remnant industrial access roads, warehouses, and infrastructure throughout its interior; (2) an over 3-mile-long Class 1 segment of the California Coastal Trail (CCT) along the length of the western bluff of the Mill Site; and (3) four existing legal non-conforming residential units on the southern end of the site.

The City’s existing certified Land Use Plan (LUP) includes two Plan Areas for the Mill Site subject to a comprehensive community-based planning process that must be completed prior to redesignating and rezoning any Mill Site lands to different land use and zoning designations – a northern area (Plan Area A) and southern area (Plan Area B) (**Exhibit 2**). This LCP Amendment application proposes to amend the LUP to add a third planning subarea for the Mill Site, Plan Area C, as well as to redesignate and rezone the land within this new plan area (**Exhibits 3-4**). The lands within proposed Plan Area C are comprised of a contiguous strip of IT designated/zoned lands that extends all along the generally western portion of the Mill Site and that collectively includes lands under the following ownerships: City of Fort Bragg (~104 acres), Noyo Center for Marine Science (~11 acres), and Sherwood Valley Band of Pomo Indians (~5 acres). The City’s property is developed with the Noyo Headland Park and CCT and

would be redesignated/rezoned from IT to Parks and Recreation (PR). The Noyo Center's property is partially developed with a visitor-serving interpretive center and would be redesignated/rezoned from IT to Public Facilities and Services (PF); an additional visitor-serving facility (science center) is planned for an undeveloped portion of the property. The property owned by the Sherwood Valley Band of Pomo Indians is developed with four existing residential units and would be redesignated/rezoned from IT to Medium Density Residential (RM). The proposed amendment would also amend Coastal Land Use Development Code to allow development of a science center with a use permit in the PF and PR Zoning Districts (to facilitate the development of the community's long-envisioned science center on the Noyo Center's property).

Community-based planning for the Mill Site, including for the lands within proposed Plan Area C, has been extensive and comprehensive, dating to 2003. This comprehensive community-based planning process has included several dozen community meetings, Planning Commission meetings, and City Council meetings to craft and draft land use maps as well as policies and regulations for the redevelopment of the Mill Site (**Exhibit 5**). Through all the various permutations of land use maps developed to date, all have included the coastal trail/park uses, visitor-serving/science-oriented Noyo Center uses, and continuing residential uses on the Pomo-owned property, as mapped in proposed Plan Area C and as proposed to be redesignated/rezoned under this LCP amendment.

The proposed LUP amendment as submitted is consistent with the priority use policies of the Coastal Act and will ensure that public access is maintained and maximized consistent with the Coastal Act. Comprehensive community-based planning for Plan Areas A and B, which comprise the remaining ~300+ acres of the Mill Site owned primarily by Mendocino Railway, will remain ongoing and unaffected by the proposed redesignation of the Plan Area C lands.

The proposed amendment also will result in additional affordable housing opportunities in the coastal zone by redesignating and rezoning 5 acres of IT lands where housing is not currently allowed (but which is developed with existing nonconforming houses) to RM, which allows for a variety of housing types, including affordable units. The existing four houses on this land owned by the Sherwood Valley Band of Pomo Indians were relocated to the site in the 1950s by the Army Corps of Engineers to make way for an Army Corps project in Noyo Harbor. Redesignating the subject land to RM will provide greater flexibility for residents to make residential improvements under future CDP authorizations and also will increase the availability of residential land to accommodate the City's regional housing needs (RHNA) requirements.

Finally, the proposed zoning districts allow for the same range of uses as the respective land use designations, and because the proposed LCP amendment will redesignate and rezone lands to existing certified land use designations and zoning districts (PR, PF, and RM), the LCP amendment as submitted defines the kinds, locations and intensity of land uses allowed in proposed Plan Area C (**Appendix B**). As submitted, the proposed zoning conforms with and is adequate to carry out the land use designation provisions of the LUP as proposed to be amended. However, staff recommends two minor suggested modifications to correct inadvertent errors and omissions that affect

conformity of the proposed IP amendment with the LUP as amended. Only with the incorporation of Suggested Modifications 1 and 2 (**Appendix A**) can the IP amendment be found consistent with the stated goals and policies of the certified LUPs. Therefore, staff recommends that the Commission, after a public hearing:

- a. Certify the Land Use Plan portion of LCP Amendment No. LCP-1-FTB-24-0047-1 as submitted;
- b. Reject the Implementation Plan portion of LCP Amendment No. LCP-1-FTB-24-0047-1 as submitted; and
- c. Certify the Implementation Plan of the LCP Amendment No. LCP-1-FTB-24-0047-1 if modified in accordance with the suggested changes set forth in the staff report.

**Staff Note: LCP Amendment Action Deadline**

The City of Fort Bragg transmitted LCP Amendment Application No. LCP-1-FTB-24-0047-1 to the Commission on October 9, 2024. The LCP amendment submittal was filed as complete by the North Coast District Office on November 27, 2024. As the proposed amendment affects both the Land Use Plan and Implementation Plan portions of the LCP (**Exhibit 6**), the Commission has a 90-working-day deadline or until April 11, 2025 to take a final action on the LCP amendment. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission must take a final action on this LCP amendment at the April hearing. If the Commission fails to take a final action in this case (e.g., if the Commission instead chooses to postpone/continue LCP amendment consideration), then staff recommends that, as part of such non-final action, the Commission extend the deadline for final Commission action on the proposed amendment by one year.

**Additional Information**

For further information, please contact Robert Yuwiler at the Commission's North Coast District Office in Arcata at (707) 826-8950. Please mail correspondence to the Commission at the letterhead address. Please also send a copy of all correspondence or other documents electronically to [Northcoast@coastal.ca.gov](mailto:Northcoast@coastal.ca.gov).

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## **APPENDICES**

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[Appendix B](#) – Comparison of uses allowed in the IT, PR, PF, and RM Zoning Districts

## **EXHIBITS**

[Exhibit 1 – Vicinity Maps](#)

[Exhibit 2 – Existing and Proposed LUP Map LU-4 \(Mill Site Plan Areas\)](#)

[Exhibit 3 – Existing and Proposed LUP Map LU-1 \(Land Use Designations\)](#)

[Exhibit 4 – Existing and Proposed IP Zoning Map](#)

[Exhibit 5 – Summary of comprehensive community planning efforts](#)

[Exhibit 6 – Resolution of LCP Amendment Adoption & Transmittal](#)

## II. MOTIONS AND RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motions to introduce the resolutions and the staff recommendations are provided prior to each resolution.

### A. Approval of the Amendments to the Land Use Plan as Submitted

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion 1:** I move that the Commission certify Land Use Plan Amendment No. LCP-1-FTB-24-0047-1 as submitted by the City of Fort Bragg.

**Resolution 1:** The Commission hereby certifies the Land Use Plan Amendment No. LCP-1-FTB-24-0047-1 as submitted by the City of Fort Bragg and adopts the findings set forth below on grounds that the land use plan as amended meets the requirements of and is in conformity with policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

### B. Denial of the Amendments to the Implementation Program as Submitted

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the implementation program amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion 2:** I move that the Commission reject Implementation Program Amendment No. LCP-1-FTB-24-0047-1 as submitted by the City of Fort Bragg.

**Resolution 2:** The Commission hereby denies certification of Implementation Program Amendment No. LCP-1-FTB-24-0047-1 as submitted by the City of Fort Bragg on the grounds that the implementation program amendment as submitted does not conform with and is inadequate to carry out the provisions of the certified land use plan. Certification of the implementation program amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the implementation program amendment as submitted.

### C. Certification of the IP Amendments with Suggested Modifications

Staff recommends a **YES** vote. Passage of this motion will result in certification of the implementation program amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**Motion 3:** I move that the Commission certify Implementation Program Amendment No. LCP-1-FTB-24-0047-1 for the City of Fort Bragg if modified in accordance with the suggested changes set forth in the staff report.

**Resolution 3:** The Commission hereby certifies the Implementation Program Amendment No. LCP-1-FTB-24-0047-1 for the City of Fort Bragg if modified as suggested on grounds that the implementation program, as amended, conforms with and is adequate to carry out the provisions of the certified land use plan. Certification of the implementation program amendment will comply with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the implementation program amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

### III. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed Implementation Plan (IP) amendment (shown below and in **Appendix A**), which are necessary to ensure that the IP conforms with and is adequate to carry out the policies of the certified Land Use Plan (LUP) as amended. All suggested modifications are requested by the City to fix errors, inconsistencies, and clarifications needed for IP conformity with the LUP that were identified by Commission and City staff after transmittal of the LCP Amendment (LCPA) application. If the City of Fort Bragg accepts the suggested modifications within six months of Commission action, by formal resolution of the City Council, the modified amendment will become effective upon the Executive Director's determination that the City's action is legally adequate and has reported that determination to the Commission at a Commission meeting.

**Suggested Modification 1** – Delete changes incorrectly made to IP Industrial Zoning Districts Table 2-10 (IP sec. 17.24.030) to add the “science center” use type as a conditional use in the Harbor District Zoning District and instead modify IP Special Purpose Zoning Districts Table 2-14 (IP section 17.26.030) to add the “science center” use type as a new conditional use allowed in the Public Facility Zoning District and the Parks and Recreation Zoning District.

**Suggested Modification 2** - Add the proposed new use type “science center” to the Article 10 Glossary (IP section 17.100, in the “S” section) with a definition suggested by the City as necessary for adequate implementation of the other proposed LCP

amendment provisions, as follows: **Science Center: A facility such as a museum, visitor center, or classroom building devoted primarily to scientific education and research, which includes interactive exhibits and technology to educate and provide a hands-on learning experience in one or more science subjects and which may include a research laboratory and incidental housing for researchers.**

#### IV. PROCEDURAL ISSUES

##### A. Standard of Review

The standard of review for land use plans (LUPs) and their amendments is found in section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, section 30512(c) states:

The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

The standard of review for implementation plans (IPs) and their amendments is found in section 30513 of the Coastal Act. This section states in part:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...

...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken...

Pursuant to the above cited sections, to certify the proposed amendment to the LUP portion of the City of Trinidad Local Coastal Program (LCP), the Commission must find that the LUP as amended meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. To certify the proposed amendment to the IP portion of the City of Trinidad LCP, the Commission must find that the IP as amended would be in conformity with and adequate to carry out the policies of the certified LUP.

## **B. Public Participation**

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City's Planning Commission held a public hearing on the proposed amendment on August 14, 2024, and the Fort Bragg City Council held a public hearing on September 9, 2024.<sup>1</sup> The hearings were noticed to the public consistent with sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

## **C. Procedural Requirements**

Pursuant to section 13544 of the Commission's regulations, if the Commission denies the LCP amendment as submitted, but then approves it with suggested modifications, the LCP amendment will not take effect until the City accepts and agrees to the Commission's suggested modifications, the Commission Executive Director determines that the City's acceptance is consistent with the Commission's action, and the Executive Director reports the determination to the Commission at the next regularly scheduled public meeting. If the City does not accept the suggested modifications within six months of the Commission's action, then the LCP amendment is not effective within the coastal zone.

## **D. Deadline for Commission Action**

The City of Fort Bragg transmitted Local Coastal Program (LCP) Amendment Application No. LCP-1-FTB-24-0047 to the Commission on October 9, 2024. The LCP amendment submittal was filed as complete by the North Coast District Office on November 27, 2024. As the proposed amendment affects both the LUP and IP portions of the LCP, the Commission has a 90-working-day deadline or until April 11, 2025 to take a final action on the LCP amendment. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission must take a final action on this LCP amendment at the April hearing. If the Commission fails to take a final action in this case (e.g., if the Commission instead chooses to postpone/continue LCP amendment consideration), then staff recommends that, as part of such non-final action, the Commission extend the deadline for final Commission action on the proposed amendment by one year.

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<sup>1</sup> In addition to these meetings several additional community, Planning Commission, and City Council meetings were held to discuss earlier versions of the Specific Plan Process between the years 2009-2012 (consisting of 29 meetings) as well as several additional public meetings held from 2017-2019 (see Finding VI-A, below).

## V. DESCRIPTION OF THE LCP (LUP AND IP) AMENDMENTS

### A. Background

The City of Fort Bragg is the commercial, educational, medical, and professional service center for a large portion of the Mendocino Coast. Historically, the City's growth and development centered around the lumber and fishing industries, both of which have declined in recent decades. A large portion of the City's coastal zone (approximately 40 percent) is comprised of a former lumber mill site with lands designated and zoned for timber industrial uses (**Exhibit 1**).

The former Georgia-Pacific Mill Site (hereafter "Mill Site"), which ceased operations in 2002, is an approximately 433-acre bluff-top site located on the Noyo Headlands west of State Route 1 that is planned and zoned for Timber Resources Industrial (IT) uses under the City's certified LCP. The Mill Site is currently the only property in the City designated and zoned IT, with allowable uses limited to timber-resource and forest-products related manufacturing, aquaculture, and public access and recreation. The Mill Site is largely vacant, underutilized, or developed with permitted or legal nonconforming uses unrelated to timber industrial uses, including, but not limited to: (1) remnant industrial access roads, warehouses, and infrastructure throughout its interior; (2) an over 3-mile-long Class 1 segment of the California Coastal Trail along the length of the western bluff of the Mill Site; and (3) four existing legal non-conforming residential units on the southern end of the site.

Since the decline of the timber industry, growth in the local economy has become oriented towards retail, tourism, and service sectors, and future growth in these areas, rather than in timber industrial uses, is projected. In 2008, when the Commission certified a comprehensive update to the City's LCP,<sup>2</sup> policies and standards were added requiring completion of a comprehensive planning process for the Mill Site to enable different land use and zoning designations than those currently allowed for the subject IT lands.<sup>3</sup> This comprehensive planning process would afford the community an opportunity to plan for its future, engage in consensus building, and develop comprehensive land use and economic development strategies.

The City's existing certified Land Use Plan (LUP)<sup>4</sup> includes Map LU-4 that depicts two Plan Areas for the Mill Site subject to the comprehensive community planning process:

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<sup>2</sup> See <https://documents.coastal.ca.gov/reports/2008/1/F7b-1-2008.pdf>.

<sup>3</sup> Initially, policies and standards of the LCP required that a specific plan process be the planning mechanism used for planning for the future uses and redevelopment of the Mill Site, but in 2018 the Commission certified an LCP amendment allowing a comprehensive community-based planning process rather than a specific plan process, and the number of geographic subareas for planning purposes was reduced from five to two at that time.

<sup>4</sup> The City's certified Land Use Plan is contained within a document known as the "City of Fort Bragg Coastal General Plan." Section C of Chapter 1 of the Coastal General Plan indicates that only certain policies contained within the Coastal General Plan constitute the certified Land Use Plan portion of the

Plan Area A and Plan Area B. Plan Area A covers the northern half of the 433-acre site from the ocean to the western terminus of Oak Street (at the southeastern end of the plan area) to the western terminus of Elm Street/intersection with Glass Beach Drive (at the northeastern end of the plan area). Plan Area B extends (generally) from Oak Street south to Noyo Bay and west to the ocean. **Exhibit 2** depicts the existing plan areas as depicted on certified LUP Map LU-4.

## B. Proposed Amendments

This LCP Amendment application proposes to add a third planning subarea for the Mill Site, Plan Area C, to LUP Map LU-4 (**Exhibit 2**) as well as to redesignate and rezone the land within this new Plan Area (**Exhibits 3-4**). The lands within proposed Plan Area C are comprised of a contiguous strip of IT designated/zoned lands that extends all along the generally western portion of the Mill Site and that collectively includes lands under the following ownerships: City of Fort Bragg, Noyo Center for Marine Science, and Sherwood Valley Band of Pomo Indians (Pomo). The new plan area consists mostly of ocean-fronting and bay-fronting lands extending from Glass Beach in the north to Noyo Bay in the south. Table 1 summarizes the lands affected by the subject LCP amendment and the proposed new land use and zoning designations, and **Exhibit 2** depicts the proposed new Plan Area C.

**Table 1.** Lands proposed for inclusion in Mill Site Plan Area C as proposed on amended LUP Map LU-4 (Exhibit 2) and as proposed on amended maps Map LU-1 (the LUP land use designation map, Exhibit 3) and the IP Zoning Map (Exhibit 4).

Land Ownership	Assessor Parcel Nos.	Acreage	Proposed Land Use & Zoning
City of Fort Bragg	018-430-01, 018-430-18, 018-430-15, 018-430-04, 008-020-14, 008-020-10, 008-020-11, 008-010-35, 008-010-38, 018-430-10	104	Parks and Recreation (PR)
Noyo Center	018-430-15	11	Public Facilities (PF)
Sherwood Valley Band of Pomo	018-430-07, 018-120-44	5	Medium-Density Residential (RM)

As mentioned, all lands within proposed Plan Area C currently are designated and zoned for IT uses as depicted on LUP Map LU-1 and on the IP Zoning Map. These two maps would be amended (**Exhibits 3-4**) to depict the proposed land use and zoning designations summarized in Table 1 above. Additionally, the appropriate zoning code table of the IP would be amended to add a “Science Center” use as a new use type allowed with a conditional use permit within the PR and PF zoning districts.

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City’s LCP and govern the review and approval of CDPs. Those policies are identified by policy number.

## VI. CONSISTENCY ANALYSIS

### A. Findings for Approval of the LUP Amendment As Submitted

The Commission must find that the LUP as amended meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act.

#### Applicable Coastal Act Policies

The Coastal Act contains objectives and policies designed to protect, maintain, and enhance the quality of the coastal zone and coastal resources. This includes balancing uses and development in the coastal zone in a way that considers the social and economic needs of the state, the use of infill residential development as a means of simultaneously limiting such development in more rural areas to protect agricultural lands and scenic natural landscapes, and the need to ensure that coastal resources are protected through all LCP and CDP processes and outcomes. Relevant provisions include (but are not limited to) the following:

Section 30210:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30212(a) (in relevant part):

*Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby,....*

Section 30212.5:

*Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

Section 30213 (in relevant part):

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...*

Section 30220:

*Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Section 30221:

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

Section 30222:

*The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

Section 30222.5:

*Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.*

Section 30223:

*Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Section 30250 (in relevant part):

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...*Section 30251 (in relevant part):

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...*

Section 30253 states (in relevant part):

*New development shall do all of the following:*

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or*

surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...

Section 30255 states (in relevant part):

*Coastal-dependent developments shall have priority over other developments on or near the shoreline... When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal dependent uses they support.*

Section 30270 states:

*The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.*

Section 30503:

*During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected governmental agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not been subjected to public hearings within four years of such submission*

In addition, the following LUP policies relate specifically to LCP amendments involving the Mill Site:

LU-7.1. Changes in Industrial Land Use: *Require that any Local Coastal Program (LCP) amendments and rezoning of lands which are designated Timber Resources Industrial: 1) be subject to a comprehensive planning process consistent with Policy LU-7.2 and 2) be submitted to, and effectively certified by, the Coastal Commission as an LCP amendment.*

LU-7.2. Comprehensive Planning Process Required. *LCP amendments that propose to redesignate lands designated Timber Resources Industrial must be developed through a comprehensive community-based planning process that addresses, at a minimum an area including one or more of the subareas as shown on Map LU-4. Community participation shall be solicited throughout the planning process in accordance with established City practices and CLUDC requirements. The LCP amendment shall:*

- a) *Designate new land use classifications, and include development policies and standards that establish the kinds, locations and intensity of land uses;*
- b) *Identify adequate connections for existing and future infrastructure such as roads, utilities, and coastal access to surrounding developed and undeveloped areas, including ensuring adequate public vehicular, bicycle, and pedestrian access is provided from*

*Highway One to the coastal trail within each of the subareas shown on Map LU-4;*

- c) *Establish orderly phasing for development and future rezoning activities, including ensuring that adequate public services are available for new development;*
- d) *Include other measures as needed to protect the health, safety, and well-being of the community;*
- e) *Map land uses and transportation facilities, including coastal access; and*
- f) *Be consistent with the policies of the Coastal Act and Fort Bragg's LCP.*

....

### Consistency Analysis

#### **Mill Site Comprehensive Planning Process**

In 2018 the Coastal Commission approved City of Fort Bragg LCP Amendment No. LCP-1-FTB-17-0077-1 as submitted,<sup>5</sup> which changed the planning process by which the 433-acre former Georgia-Pacific lumber mill site (Mill Site) would be redesignated and rezoned. The amendment replaced previous requirements for the preparation and adoption of a specific plan with instead a requirement for a community-based comprehensive planning process. The approved LCP amendment also changed Map LU-4 to change the number of comprehensive plan planning subareas from five to two.

Pursuant to LUP policies LU-7.1 and 7.2 cited above, when and if new land uses and zoning are proposed at the Mill Site within a planning subarea, an LCP amendment must be developed through a comprehensive community-based planning process that is consistent with all the policies of the Coastal Act and the City's LCP. Until such an LCP amendment is certified, the Mill Site will continue to be designated and zoned Timber Resources Industrial (IT). Development can continue to occur on the Mill Site consistent with the IT designation and zoning district and consistent with the permitting requirements of the LUP and Coastal Land Use and Development Code (the City's certified IP). Allowed uses on IT-designated lands under the certified LCP include crop production, horticulture, orchards, vineyards, lumber and wood product manufacturing, outdoor storage, hiking/riding trails, parks, playgrounds, nature preserves, accessory offices, public safety facilities, electric power generation, pipelines and transmission lines, telecommunication facilities, and transit stations and terminals.

When new land use designations on the Mill Site are proposed, and therefore when an LCP amendment is triggered, LUP policy 7.2 requires the planning process to be community-based and to address an area approximating one or more of the subareas

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<sup>5</sup> See <https://documents.coastal.ca.gov/reports/2018/9/W9b/w9b-9-2018-report.pdf>.

as shown on Map LU-4. Under the proposed amendment, Map LU-4 would be amended to designate three subareas rather than two (a new planning subarea, Plan Area C, would be added). In addition, Map LU-1 would be amended to reflect proposed new land use designations of the several parcels that comprise proposed Plan Area C (i.e., those parcels owned by the City, Noyo Center, and Pomo), which would be changed from the IT designation to the other land use designations as summarized in Table 1 above.

The purpose of adding this third plan area to Map LU-4 is because comprehensive community-based planning has been completed for the lands that comprise proposed Plan Area C due to the lands already being developed with and/or permitted for uses that conform with uses allowed in the proposed new land use designations as described in Table 1 above. The City and the property owners of the subject lands desire to apply new land use designations that conform with and are better aligned with existing and planned uses developed through comprehensive community-based planning for these lands as opposed to uses allowed on IT lands. A comparison of uses allowed on IT lands versus on the proposed PR, PF, and RM land use designations is shown in **Appendix B**. Comprehensive community-based planning for Plan Areas A and B, which comprise the remaining ~300+ acres of the Mill Site, will remain ongoing and unaffected by the proposed redesignation of the Plan Area C lands.

Proposed Plan Area C consists of about 120 acres of IT-designated land owned by (1) the City (~104 acres to be redesignated from IT to Parks and Recreation, PR); (2) Noyo Center for Marine Science (11 acres to be redesignated from IT to Public Facilities and Services, PF); and (3) Sherwood Valley Band of Pomo Indians (~5 acres to be redesignated from IT to Medium-Density Residential, RM). As discussed above, each of the three areas within Plan Area C proposed for redesignation and rezoning are either already developed with, or have completed planning and permitting for the development of, uses that conform with uses allowed in each respective designation: coastal access and recreation (for City-owned lands), a science center (for the Noyo Center's property), and residential uses (for the Pomo-owned lands), as discussed below.

Changing 104 acres of the City's Noyo Headland Park property from the IT designation to the Parks and Recreation (PR) designation is consistent with the current use of the land for hiking, nature preservation, and park uses. As described in LUP chapter 2 (Land Use Element), the purpose of the PR designation is as follows:

*This land use designation is intended for public parks and recreational facilities. Typical uses include passive and active recreational facilities, including trails, playgrounds, parking lots, interpretive facilities, restrooms, storage sheds, and other structures needed to accommodate public use or provide for maintenance of the land and recreational facilities.*

The City acquired this property from the former landowner, Georgia-Pacific, between 2006 and 2010, and all parcels have a deed restriction that limits use of the subject lands to coastal access and recreation. The coastal trail on the site was developed under three local CDPs (for three separately permitted segments), and the coastal trail

project was constructed between 2014 and 2017. Future uses on these bluff-top, mostly ocean-fronting lands owned by the City are better aligned with allowed PR uses under the certified LCP rather than historic IT uses (see **Appendix B**).

Changing the 11-acre Noyo Center-owned property from the IT designation to the Public Facilities and Services (PF) designation is consistent with an existing use on the site (Crow's Nest Interpretive Center, a visitor-serving use) and with the grant acquisition purpose and the planned use of the land as envisioned under the comprehensive community-based planning process completed for this area of the Mill Site. As described in LUP chapter 2, the purpose of the PF designation is as follows:

*This land use designation is intended for existing and proposed public buildings, utility facilities, water and wastewater treatment plants, and related easements.*

Typical uses allowed on PF lands include libraries and museums, which are uses somewhat similar to the envisioned science center use. The City initially acquired this property in 2010 with a State Coastal Conservancy grant, and the property has a deed restriction that limits use of the site to science center and/or passive recreation. The property was transferred to the Noyo Center in 2020. The City recently approved a CDP for the development of the planned science center (pending certification of this LCP amendment) along with authorization of associated access road, sewer, and water line improvements and parking facilities.

Changing the 5 acres of land owned by the Sherwood Valley Band of Pomo Indians that is developed with four existing non-conforming residential units from IT to Medium-Density Residential (RM) is consistent with the existing residential use of the site and with the planned use of the land under the comprehensive community-based planning process completed for this area of the Mill Site. The purpose of the RM designation under the existing certified LUP is as follows:

*This designation is intended for a variety of housing types, including duplexes, triplexes, townhouses, and apartment units located in proximity to parks, schools, and public services. With issuance of a conditional use permit, limited neighborhood-serving commercial uses are permitted, such as convenience stores, cafés, and restaurants located primarily on individual parcels or in small clusters of retail establishments. The allowable density range is 6 to 12 units per acre.*

Although residential uses are not permitted on IT lands, the subject property has been developed with residences occupied by four families who are members of the tribe since the 1950s when the Army Corps of Engineers relocated these homes to this site to make way for an Army Corps project in Noyo Harbor.<sup>6</sup> This property was transferred

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<sup>6</sup> According to information provided by the City, during various community meetings held between 2010 and 2019, the land owned by the Sherwood Valley Band of Pomo Indians (Pomo) proposed to be

from Georgia-Pacific to the tribe in 2021. Redesignating the site to RM will make the existing four residential units on the two parcels conforming to the new land use designation and will allow greater flexibility and for residents to make residential improvements under future CDP authorizations.

Because the proposed LCP amendment will redesignate lands to existing certified land use designations and zoning districts (PR, PF, and RM), the LCP amendment as submitted defines the kinds, locations, and intensity of land uses allowed in the proposed Plan Area C (as required by LUP policy LU-7.2-a). All relevant certified LCP polices related to the land uses and zoning districts for PR, PF, and RM uses will remain in full force.

Community-based planning for the Mill Site, including for the lands within proposed Plan Area C, has been extensive and comprehensive, dating to 2003 (**Exhibit 5**). In 2003, the City initiated a community-based planning process, which prioritized the development of a marine science and education center as a priority reuse option for a portion of the Mill Site. In 2006, with the assistance of a group of scientists and administrators of successful biological field stations across the nation, the City prepared a Strategic Plan for the center and coined its name: the Noyo Center for Science & Education at Fort Bragg (“Noyo Center”). In 2010, the City obtained grant funding to prepare a development program, site plan, floor plans, elevations, and schematic designs for the Noyo Center. In 2011, the City acquired the subject Noyo Center lands from the property owner at that time (Georgia-Pacific) using a grant from the State Coastal Conservancy, which imposed a deed restriction that limits the use of the Noyo Center lands to a science center and/or to passive recreation. Between 2009 and 2012, the City, the community, and Georgia-Pacific engaged in a collaborative planning process to prepare a specific plan for the Mill Site that would redesignate and rezone the Mill Site lands from IT to other uses. The specific plan process included 29 community meetings held over six years (Exhibit 5). The draft land use plan maps generated out of these meetings included the designation of areas planned for the coastal trail and open space (finalized in 2008) and areas planned for the Noyo Center’s facilities and the Pomo’s lands identified on draft LUP maps in 2009-2010. By 2012, a preliminary draft of the specific plan had been produced based on extensive public outreach resulting in the development draft policies and regulations for the specific plan, draft revised citywide design guidelines, a draft master tentative map, a draft utility master plan, and numerous resource and background studies for an EIR including botanical and wetland studies, a traffic study, an archaeology report, and a geotechnical study, among others. However, the process abruptly stopped in the fall of 2012 when

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redesignated/ rezoned RM were consistently mapped as Low-Density Residential (RL) rather than RM. During this timeframe however, the parcel was owned by Georgia-Pacific, and there was no actual plan for how to transfer the land to the residents of the tribe who lived in the existing nonconforming residences on the land. The subject land ultimately was transferred to the Pomo in 2021. Redesignating and rezoning this land as RL rather than RM would result in the continuation of a non-conforming use on the site, as only one residential unit is permitted per parcel on RL lands, and one of the parcels currently has three residential units. Thus, the City Council elected to redesignate the lands RM in its action adopting and transmitting this LCP amendment request.

Georgia-Pacific withdrew its specific plan application and ceased funding the planning process due to a three-party lawsuit between Georgia-Pacific, Office Max, and the City regarding the liability for remediation of the Mill Site. In 2017, the City initiated a new comprehensive community-based planning process for the site, funded in part by a Coastal Commission grant.<sup>7</sup> This comprehensive community-based planning process included numerous community meetings, Planning Commission meetings, and City Council meetings to craft and draft land use maps as well as policies and regulations for the redevelopment of the Mill Site (**Exhibit 5**). Through all the various permutations of land use maps developed to date, all have included the coastal trail/park uses, visitor-serving/science-oriented Noyo Center uses, and Pomo-owned land residential uses as mapped in proposed Plan Area C and as proposed to be redesignated/rezoned under this LCP amendment.

Therefore, the Commission finds that the proposed amendments to LUP Map LU-4 to create a third planning subarea for the Mill Site that will be subject to the comprehensive community-based planning process requirements of the LCP, and to redesignate the lands designated IT within the entirety of that new plan subarea to other uses, is consistent with the requirements of LUP policy LU-7.2 and with the Chapter 3 policies of the Coastal Act, as discussed further below.

### **Priority Uses**

As cited above, the Coastal Act prioritizes certain land uses over other competing uses, including, but not limited to, visitor-serving facilities and particularly lower-cost visitor-serving facilities, coastal access and recreational facilities, and coastal-dependent uses (see cited sections 3010-3013; 30220-30223; and 30255). Most uses allowed on IT lands are not priority uses under the Coastal Act (exceptions are aquaculture and coastal access, recreation, and nature preserve uses). However, several Coastal Act priority uses are allowed on PR and PF lands as proposed for redesignation under this LCP amendment.

As discussed above, coastal access, recreation, and nature preserve uses are permitted uses under the proposed PR and PF designations, and a visitor serving use that is not currently allowed on IT lands will be allowed under the proposed redesignated PR and PF lands (library, museum, and the proposed science center uses are uses allowed with a use permit on PR- and PF-designated lands). Over 300 acres of IT-designated lands will remain on the Mill Site in Plan Areas A and B where aquaculture, another priority use under the Coastal Act, could be prioritized in the future if desired and if determined appropriate under the comprehensive community-based planning process for those remaining planning areas. Therefore, the Commission finds the proposed LUP amendment as submitted is consistent with the priority use policies of the Coastal Act.

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<sup>7</sup> See <https://documents.coastal.ca.gov/assets/lcp/grants/Round%204/FortBragg.pdf>.

## **Public Access and Recreation**

In addition to the public access and recreation policies cited above, LUP policy C-2.10 (from the Circulation Element chapter of the certified LUP) currently requires the extension of the City's street grid and a north/south arterial on the Mill Site as feasible, that transportation facilities providing public vehicular, bicycle, and pedestrian access from State Route 1 to the coastal trail be established at multiple locations, and that a trail system providing maximum public access to the coast in Mill Site planning also be established:

*Continue Grid System onto Mill Site: Planning Areas A and B shown on Map LU-4 shall include the extension of the City's street grid and a north/south arterial, as feasible. Transportation facilities within Planning Areas A and B shall serve local traffic, pedestrian, and bicycle circulation and provide public vehicular, bicycle, and pedestrian access from Highway One to the coastal trail at multiple locations. The trail system in Planning Areas A and B shall provide maximum public access to the coast.*

This policy aligns with the public access and recreation policies of the Coastal Act that generally require that maximum public access and recreational opportunities be provided for all the people.

Though proposed Plan Area C is not referenced in LUP policy C-2.10, which is not proposed to be modified under this LUP amendment request, the City's street grid has already been extended onto the Mill Site at the coastal trail parking lot at the north end of proposed Plan Area C and at Cypress Street and Noyo Point Road, which access the south end of proposed Plan Area C. A connection at Alder Street (to access the middle of Plan Area C) is not feasible at this time, as the City does not own right of way. A connection at Alder Street may be made as part of a future planning process for the remainder of the Mill Site (Plan Areas A and B). Additionally, Jere Mello Drive, which runs along the eastern side of Plan Area C near the south end of the proposed plan area, provides a north/south arterial for the southern portion of the Mill Site.

As previously discussed, the lands of proposed Plan Area C largely are developed with existing coastal access and recreational facilities, including several miles of Class 1 coastal trail and open space public recreation lands on over 100 acres of City-owned property within the proposed new planning sub-area. The trail currently provides coastal access for about 15,000 visitors/day on a busy summer holiday weekend and is designed to accommodate upwards of 20,000 daily visitors. The City's coastal trail property is accessed from Noyo Point Road, Cypress Street, Oak Street, Elm Street, and Glass Beach Drive. Redesignating these lands to PR will ensure public access is maintained and maximized.

The 11 acres of Noyo Center-owned lands in the proposed planning subarea currently are developed with an existing coastal-related visitor-serving use (the Crow's Nest

Interpretive Center, established in 2015),<sup>8</sup> and a similar visitor-serving coastal-related use is planned and has already been permitted for an undeveloped portion of the Noyo Center lands to be redesignated PF (a science center for research and education on marine mammals).<sup>9</sup> The use that will be facilitated by the proposed redesignation from IT to PF will allow a limited number of scientists to engage in scientific study with nature education opportunities for school groups and other groups. The property is accessed by Cypress Street and Jere Mello Way. The coastal trail is located directly west and north of the site. Total annual visitors to the planned 2,400-square science center are expected to be up to 2,000 people per year. As previously discussed, these 11 acres, which have been owned by the Noyo Center since 2020, initially were acquired by the City from Georgia-Pacific in 2010 through a grant from the State Coastal Conservancy, which imposed a deed restriction that limits the use of the site to a science center and/or to passive recreation.

Public access is not currently available through the Pomo-owned property, which, as discussed, is developed with four existing residences, but Noyo Headland Park provides public access and recreation opportunities immediately adjacent to these lands. The property is located on Noyo Point Road and has easy access to both State Route 1 and the coastal trail.

Therefore, the Commission finds that any future redevelopment within proposed Plan Area C and on properties proposed for redesignation under this LUP amendment will not impede or alter existing recreation, public access, or public parking for visitors to the Noyo Headlands consistent with the public access and recreation policy requirements.

### **Adequacy of Services**

Roads, utilities, and coastal access are already provided to the lands within proposed Plan Area C. As discussed above, the City's coastal trail and park property is accessed from Noyo Point Road, Cypress Street, Oak Street, Elm Street, and Glass Beach Drive, and public utilities are addressed for this site. The Pomo-owned property is located on Noyo Point Road and has easy access to both State Route 1 and the coastal trail. The property is already developed with existing residential uses served by municipal utilities. The Noyo Center property is accessed by Cypress Street and Jere Mello Way. It's also accessible from the existing coastal trail. Additionally, the companion CDP approved by the City for the Noyo Center's proposed science center (discussed above) includes special conditions to ensure that utilities will be adequately provided as the parcel is developed, and public roads and public access also are addressed for this site. The undeveloped portion of the Noyo Center parcel (where the science center will be located) is adjacent to already developed parcels, the coastal trail, and City's

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<sup>8</sup> See <https://www.noyocenter.org/crows-nest>.

<sup>9</sup> See the Noyo Center's website (<https://www.noyocenter.org/la-bone-atory>) and the City County meeting materials from the hearing where the facility was approved subject to approval of this LCP amendment: <https://cityfortbragg.legistar.com/LegislationDetail.aspx?ID=6855383&GUID=0A7474BE-B398-423F-8126-BBD99AE46ABF&Options=&Search=>.

wastewater treatment facility where there are already utilities and adequate public services.

More broadly, the City has completed significant sewer and water infrastructure projects in recent years to ensure that there is sufficient water and sewer capacity to serve reasonably foreseeable future development in the City, including priority uses on the Mill Site and elsewhere in the coastal zone. As background,<sup>10</sup> the City's water supply largely is extracted from the Noyo River and is limited during certain flow levels and times of year to protect fish and aquatic life and due to salinity levels. The City's water supply system consists of the Newman Reservoir, the Simpson diversion, a direct diversion from the Noyo River (which includes a wet well in the river and a pump station at the river), and various conveyances to the water treatment plant. The City's wastewater treatment plant (WWTP) is located on the Noyo Headlands on PF-designated lands directly adjacent to the Mill Site (adjacent to both Plan Area B and proposed Plan Area C). The list of significant water and sewer system upgrade projects completed in recent years or in process or planned for the near future include the following:

- Summers Lane Reservoir. Constructed in 2016, the 45-acre-foot reservoir stores water delivered from Waterfall Gulch and increases the availability of water to the City by providing an additional 15 million gallons of raw water storage to supplement the City's water supply during the late summer months when flows are low at the City's three water sources.
- Package Desalination Plant. The City has constructed and is currently operating a package desalination system, which allows the City to pump brackish water from the Noyo River during high tides and low stream flows, which significantly increases the time periods that the City can collect water. Through this system, the City can withdraw water during high tides when the water is brackish and can store it in the raw water pond for future treatment. The desalination system can process up to 144,000 gallons per day in drought conditions (for reference, total water demand in a drought year is about 550,000 gallons per day, according to City staff).
- Water Treatment Plant Upgrade. The City's water treatment system has recently been upgraded to improve efficiencies and water production capacity, rehabilitation of the two Filter Treatment Units, and several other upgrades.
- Water Meter Conservation Project. This project, started in 2021 and nearing completion, will result in the conservation of 20 million gallons of water per year (~54,795 gallons per day).
- Raw Water Line Project. The City is in the final phases of construction to replace the raw water line that runs from the unnamed creek on Simpson Lane to the raw water ponds. This project is designed to eliminate significant water leaks from the

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<sup>10</sup> From the Public Facilities Element of the certified LUP supplemented by an updated water budget completed for local CDP #8-24 proposing a multi-family housing complex at 1151 South Main Street.

distribution system (will eliminate more than 1 million gallons of water loss per year or about 2,740 gallons per day).

- Future Water Storage Project. In 2022, the City acquired a 582-acre site (outside of the coastal zone) to establish three additional 45-acre-foot reservoirs (~135-acre feet/60 million gallons total). This project is in the design and engineering phase with completion potentially in 2027.
- Waste Water Treatment facility Upgrade. Completed in 2019, a \$17 million upgrade project included the replacement of the outdated trickling filters and anaerobic digestion system with an activated sludge treatment system. This system was designed to provide services for the full buildout of the City, including the Mill Site.

Given the mostly low intensity uses and already developed uses planned for proposed Plan Area C coupled with the significant upgrades to urban services described above, the City currently has sufficient services (water and sewer capacity and other services) to serve all existing and potential future development that would be permissible within Plan Area C as proposed to be redesignated under this LUP amendment. In addition, because of the proposed Plan Area's access to urban services, any ongoing and future uses of the subject parcels under the proposed new land use designations will concentrate development in an existing developed area able to accommodate it, with adequate services, consistent with Coastal Act section 30250(a).

### **Visual Resources**

Similar to the requirements of section 30251 of the Coastal Act, existing certified LUP policies require that new development be designed and sited to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance scenic views in visually degraded areas. Proposed Plan Area C includes ocean- and bay-fronting lands on the western and southern ends of the Mill Site extending from Glass Beach Drive/Elm Street to Noyo Bay. Redesignating most of these lands (i.e., those owned by the City) from IT to PR will ensure protection of visual resources by limiting future uses to those compatible with the purpose of the land use designation such as "*trails, playgrounds, parking lots, interpretive facilities, restrooms, storage sheds, and other structures needed to accommodate public use.*" The Noyo Center and Pomo-owned lands both are already developed with uses and facilities compatible with their respective proposed land use designations, and the remaining Noyo Center lands not yet developed but planned for the science center have undergone a visual analysis for the planned facility demonstrating that the planned future use will be limited to one-story and will not significantly impact views to the ocean from the coastal trail. Screening vegetation is planned to be used (and is required by permits already completed for the facility) to screen and soften the building façade as viewed from the coastal trail. Thus, the proposed redesignation of the subject lands for the park/recreation, public facility, and residential uses to facilitate current and proposed uses will not have any direct or cumulative impact on visual resources. For these reasons, the Commission finds that

the proposed LUP amendment as submitted is consistent with section 30251 of the Coastal Act.

### **Hazards**

In addition to sections 30253 and 30270 of the Coastal Act cited above, the existing certified LUP includes similar policy requirements related to blufftop hazards and sea level rise planning. LUP policy SF-1.4 requires all development located on a blufftop to be set back from the bluff edge a sufficient distance to ensure that it will be stable for a projected 100-year economic life, and SF-1.5 requires that siting and design of new blufftop development shall take into account anticipated future changes in sea level.

The bluffs of the Noyo Headlands range from 30 above sea level on the north end of proposed Plan Area C to 105 feet above sea level on the south end of proposed Plan Area C. The existing trail facility on the lands that that will be redesignated PR was developed sufficiently back from the bluff edge to last for at least 30 years according to the geotechnical study prepared for this site to support the local CDP approvals for trail development, with bluff erosion averages estimated at less than one foot per year. To ensure coastal trail resiliency and longevity, a width of 100 extra feet inland of the planned trail route was acquired by the City (when it acquired the land from Georgia-Pacific) for the City's coastal trail property to ensure that coastal access would continue to be available to and along the site for at least 100 years. Redesignating this land from currently allowed IT uses to less intensive uses as those allowed on PR lands (**Appendix B**) is appropriate given the inherently hazardous nature of bluffs, which are naturally susceptible to erosion and landsliding.

The 11 acres of Noyo Center lands proposed for redesignation to PF uses are located approximately 60 feet above sea level and between 100 to 1200 feet from the bluff edge. The planned science center that would be facilitated by this LCP amendment would be approximately 750 feet inland from the bluff edge, thereby set back a sufficient distance to avoid the adverse effects of sea level rise and assure stability and structural integrity of the development for a projected 100-year economic life (based on geotechnical studies completed for the adjacent coastal trail, which is seaward of the planned science center site).

The Pomo-owned lands developed with existing nonconforming residences and proposed for the RM redesignation are located 90 feet above sea level above Noyo Bay, which is sheltered from direct ocean wave induced bluff erosion impacts. The existing residences on the property are set back over 100 feet from the bluff edge. Any future residential development or improvements on the site would be subject to CDP authorization, which, under LUP policy SF-1.3, would be required to be supported by a geotechnical report that identifies all potential geologic hazards affecting the proposed project site, all necessary mitigation measures, and demonstrates that the project site is suitable for the proposed development and that the development will be safe from geologic hazards.

Thus, the future CDP review process for any potential new development or redevelopment of the subject lands will ensure development minimizes risks associated

with coastal hazards and assures stability and structural integrity. As such, the Commission finds that the proposed LUP amendment as submitted considers the effects of sea-level rise and is consistent with the hazards policies of the Coastal Act.

### **Encouraging Affordable Housing Opportunities and Environmental Justice**

While not part of Coastal Act Chapter 3, and thus not technically part of the legal standard of review for the proposed LUP changes, the Coastal Act encourages the provision of affordable housing and environmental justice in the coastal zone.

Section 30604(f) (in relevant part):

*The commission shall encourage housing opportunities for persons of low and moderate income...*

Section 30604(g):

*The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.*

As previously discussed, changing the 5 acres of land owned by the Sherwood Valley Band of Pomo Indians that is developed with four existing non-conforming residential units from the IT to RM designation is consistent with the existing residential use of the site and with the planned use of the land developed under the comprehensive community-based planning process completed for this area. Though the subject land is 5 acres in total in size, only about 1.5 acres is developable, because the southern edge of the property is a bluff top and bluff face that will require a 100-foot setback for geotechnical safety (as previously determined by a geotechnical report prepared for the Mill Site).

The proposed RM designation is intended for a variety of housing types, including affordable residential units. Redesignating the site to RM will make the existing four residential units on the two parcels conforming to the new land use designation and will allow greater flexibility for residents to make residential improvements under future CDP authorizations. Additionally, the redesignation of these parcels will expand housing opportunities for Native American tribal members and is consistent with various goals and policies of the Housing Element that are part of the certified LUP:

*Goal H-3. Expand affordable housing opportunities for persons with special housing needs such as the elderly, the disabled, households with very- low to moderate incomes, and first time home buyers.*

*Goal H-4. Promote housing opportunities for all persons regardless of race, gender, age, sexual orientation, marital status, or national origin.*

*Policy H-2.1. Regional Housing Needs: Ensure that adequate residentially zoned land is available to accommodate the City's Regional Housing Needs Determinations as described in Section II.*

*Policy H-2.5. Secondary Dwelling Units: Continue to facilitate the construction of secondary dwelling units on residential properties consistent with Chapter 18.42.170 (Second Units) of the Coastal Land Use and Development Code.*

*Policy H-2.7. Infill Housing: Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure. (Refer to Programs 2.2.1 to 2.2.3.)*

According to the City, the subject property is one of only two industrial-designated properties in the City with existing non-conforming residential uses. As previously discussed, the Army Corps of Engineers relocated the existing homes to this site in the 1950s to make way for an Army Corps project in Noyo Harbor. Redesignating the subject land to RM will ensure that the four existing homes that currently are considered non-conforming uses on IT lands (where residential uses are not permitted) become conforming uses. The redesignation also will increase the available residential land to accommodate the City's regional housing needs (RHNA) requirements. Finally, as the subject site is an infill site served by sewer and water, the redesignation of the property is consistent with existing certified LUP policy H-2.7 regarding infill housing.

Given there is a critical need to increase affordable housing and the land base for affordable housing in the coastal zone, and because the proposed RM redesignation will bring existing uses on these lands that are owned by a low-income and historically disadvantaged Native American community into conformity with the LCP and will enable residents to make additions and improvements to existing homes, develop accessory dwelling units, and add new units as other City residents have the right to do (subject to obtaining CDP authorization), and because the proposed amendment as submitted is consistent with the hazards and other policies of the Coastal Act as previously discussed, the Commission finds the LCP amendment consistent with the Commission's Environmental Justice policy.<sup>11</sup>

## **B. IP Consistency Analysis**

As described previously in Finding V-B, the proposed IP amendments primarily involve rezoning lands on the Mill Site within proposed Plan Area C from the IT zoning district to other zoning districts, as described in Table 1 above, and amending the corresponding IP Zoning Map. Parks and Recreation (PR) zoning would be applied to the 104 acres of City-owned lands within the plan area proposed to be redesignated PR under the LUP as amended. Public Facility (PF) zoning would be applied to the 11 acres of Noyo Center-owned lands proposed to be redesignated PF. Medium-Density Residential (RM) zoning would be applied to the 5 acres of Pomo-owned lands proposed to be redesignated RM. Additionally, to facilitate the development of the planned science center on the Noyo Center property, the appropriate zoning code table of the IP would

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<sup>11</sup> See [https://documents.coastal.ca.gov/assets/env-justice/CCC\\_EJ\\_Policy\\_FINAL.pdf](https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf).

be amended to add a “Science Center” use as a new use type allowed with a conditional use permit within the PF and PR zoning districts.

### **Conformity with the Land Use Designations As Amended**

Under the proposed amendment, the entire Plan Area C will be uniformly redesignated and rezoned from IT to PR for the City-owned lands, to PF for the Noyo Center-owned lands, and to RM for the Pomo-owned lands. As described in LUP chapter 2 (Land Use Element), the certified LUP describes the intent of and allowable uses in each of these designations as follows:

*Parks and Recreation (PR): This land use designation is intended for public parks and recreational facilities. Typical uses include passive and active recreational facilities, including trails, playgrounds, parking lots, interpretive facilities, restrooms, storage sheds, and other structures needed to accommodate public use or provide for maintenance of the land and recreational facilities.*

*Public Facilities and Services (PF): This land use designation is intended for existing and proposed public buildings, utility facilities, water and wastewater treatment plants, and related easements.*

*Medium Density Residential (RM): This designation is intended for a variety of housing types, including duplexes, triplexes, townhouses, and apartment units located in proximity to parks, schools, and public services. With issuance of a conditional use permit, limited neighborhood-serving commercial uses are permitted, such as convenience stores, cafés, and restaurants located primarily on individual parcels or in small clusters of retail establishments. The allowable density range is 6 to 12 units per acre.*

Sections 17.21.020(D), 17.26.020(B), and 17.26.020(C) of the Coastal Land Use and Development Code (CLUDC) (the City’s certified IP) describe the intent and allowable uses of the RM, PR, and PF zoning districts (respectively) consistent with the corresponding designations as follows:

*RM (Medium Density Residential) zoning district. The RM zoning district is applied to areas of the City that are appropriate for neighborhoods with a variety of housing types located in proximity to parks, schools, and public services. This zone also allows limited, neighborhood serving commercial uses on small, appropriately located individual parcels, or as small, pedestrian-oriented neighborhood centers. The maximum allowable residential density within the RM district ranges from six to 12 dwelling units per acre; the maximum floor area ratio (FAR) for non-residential uses is 0.40. The RM zoning district implements and is consistent with the RM land use designation of the Coastal General Plan.*

*PR (Parks and Recreation) zoning district. The PR zoning district is applied to the sites of public parks and recreational facilities. Allowable uses are*

*limited to recreational uses, and the structures needed to support those uses, and facility and site maintenance. The maximum floor area ratio (FAR) is 0.25. The PR zoning district implements and is consistent with the PR land use designation of the Coastal General Plan.*

*PF (Public Facility) zoning district. The PF zoning district is applied to the sites of existing and proposed public buildings, utility facilities, water and wastewater treatment plants, and related easements. The maximum floor area ratio (FAR) is 0.75. The PF zoning district implements and is consistent with the PF land use designation of the Coastal General Plan.*

The proposed zoning districts allow for the same range of uses as the respective land use designations, in particular land uses that are prioritized under the Coastal Act. As previously discussed, because the proposed LCP amendment will redesignate and rezone lands to existing certified land use designations and zoning districts (PR, PF, and RM), the LCP amendment as submitted defines the kinds, locations and intensity of land uses allowed in the proposed Plan Area C, as required by LUP policy LU-7.2(a). All relevant certified LCP policies related to the land uses and zoning districts for PR, PF, and RM uses will remain in full force. Therefore, the proposed rezoning of IT lands to PR, PF, and RM as submitted conforms with and is adequate to carry out the land use designation provisions of the LUP as proposed to be amended.

### **Adequacy of IP Amendments to Carry out LUP As Amended**

After the City submitted the subject LCP amendment application, certain errors and omissions in the proposed amendment as submitted were identified that affect conformity of the proposed IP amendment with the LUP as amended. First, the City's proposal inadvertently specifies the incorrect zoning table where the new science center use type would be added as a conditional use. The City's submittal references IP Zoning Table 2-10 (IP sec. 17.24.030), which applies to Industrial Zoning Districts, and the City specifically added the new use type to the Harbor District Zoning District rather than to IP Zoning Table 2-14 (IP sec. 17.26.030), which applies to Special Purpose Zoning Districts, including the PR and PF districts where the new use type was intended to be added. **Suggested Modification 1** would correct this error. Second, the City's submittal lacks a definition for the new science center use type. IP section 17.100 includes definitions of all listed use types, and the absence of a definition for the proposed new science center use type leads to the IP amendment as submitted not conforming with or being inadequate to carry out the policies of the LUP as amended. To remedy this inadvertent omission, the City staff suggested a definition for a science center necessary for adequate implementation of the other proposed LCP amendment provision, and the City would adopt the suggested modification after the Commission's action to deny the proposed IP amendment as submitted and certify it with suggested modifications. Therefore, **Suggested Modification 2** adds the term Science Center to the IP Article 10 Index and Glossary (in the "S" section) with a definition informally proposed by the City as follows:

"Science Center: a facility such as a museum, visitor center, or classroom building devoted primarily to scientific education and research, which

includes interactive exhibits and technology to educate and provide a hands-on learning experience in one or more science subjects and which may include a research laboratory and incidental housing for researchers.”

This definition aligns with other uses allowed with a use permit in the Public Facilities and Parks and Recreation zoning districts (e.g., the Library and Museum use types – both of which are defined in the IP glossary of use types). As modified, the proposed IP amendment is internally consistent and conforms with and is adequate to carry out the LUP as amended.

For all of the reasons stated above, the Commission finds that the IP amendment, only as suggested to be modified, conforms with and is adequate to carry out the coastal resource protection policies of the City’s certified LUP as amended.

## **VII. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

As set forth in Section 21080.9 of the California Public Resources Code, CEQA exempts local government from the requirement from complying with CEQA in connection with its activities and approvals necessary for the preparation and adoption of a LCP. Therefore, local governments are not required to prepare any environmental documents under CEQA in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCP amendments. Instead, the CEQA responsibilities are assigned to the Coastal Commission, and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP or LCP amendment, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA Section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§13542(a), 13540(f), and 13555(b)].

The City’s LCP amendment consists of both LUP and IP amendments. The Commission incorporates its findings on Coastal Act and LUP conformity into this CEQA finding as if set forth in full herein. As discussed throughout the staff report and hereby incorporated by reference, the LUP amendment has been found to be consistent with the Coastal Act, and the IP amendment does not conform with and is not adequate to carry out the policies of the certified LUP as amended. The Commission, therefore, has suggested modifications to bring the IP amendments into full conformance with the LUP. These modifications represent the Commission’s detailed analysis and consideration of all public comments received, including with regard to potential direct and cumulative

impacts of the proposed LCP amendment, as well as potential alternatives to the proposed amendment, including the no project alternative.

As modified, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts within the meaning of CEQA. Further, future individual projects on the subject parcels would require CDPs. Throughout the coastal zone, specific impacts to coastal resources resulting from individual development projects are assessed through the coastal development review process; thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures which would substantially lessen any significant adverse impact which the activity may have on the environment [14 CCR §§ 13542(a), 13540(f), and 13555(b)].