

4. COASTAL ELEMENT

A. Integration of the Coastal Program into the General Plan

Fort Bragg's Local Coastal Program consists of the Coastal Element of the General Plan as well as other coastal-related policies and programs of the General Plan, the Land Use Map, and implementing regulations in the Fort Bragg Municipal Code. The policies, programs, land use designations and related maps in the General Plan which are intended to meet Coastal Act requirements are noted by the logo of the Coastal Commission: ~ a wave symbol. These policies also apply to properties which are outside of the Coastal Zone, unless the policy specifically states that its application is limited to the Coastal Zone. Policies not demarked with the wave symbol also apply to development within the Coastal Zone unless it is evident from the policy or program text that the policy or program specifically addresses sites or resources outside the Coastal Zone.

B. Purpose of the Coastal Element

The California Coastal Act of 1976 established a comprehensive plan to protect resources and regulate development along California's coast. Each local jurisdiction is responsible for development and implementation of a Local Coastal Program (LCP) which is reviewed and certified by the California Coastal Commission.

The Coastal Act (in Public Resources Code, Section 30001.5), sets the following goals for LCPs in the Coastal Zone:

- Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses in the coastal zone.

Fort Bragg's Coastal Zone is described in Map LC-1. Approximately one-third of the City of Fort Bragg is located within the Coastal Zone, including all of the lands west of Highway One and most of the lands on the east side of the highway, south of Walnut Street. All land use

decisions in the Coastal Zone must be consistent with the Coastal Element. After certification of the Coastal Element, certain proposed new developments approved by the City of Fort Bragg may be appealed by any interested party to the Coastal Commission, as provided in Public Resources Code Section 30603(a).

The Coastal Commission retains coastal development permitting jurisdiction on tidelands, areas which have been filled, submerged lands, and public trust lands.

C. Goals, Policies and Programs

D. Coastal Access

Map LC-1, Coastal Zone, Coastal Access, and City Trail System

Public access to the shoreline is guaranteed by the California Constitution and is further defined by standards established by the Coastal Act and the Subdivision Map Act. The purpose of these laws is to recognize the shoreline as a public resource which is available for viewing, recreation, and scientific research at the water's edge and along tidal rivers.

As development in the Fort Bragg area and elsewhere increases, there will be an increased need for public access. Access to the coastline is dependent on the right of the public to cross public and private land. Access across private land generally is obtained through purchase of an easement, or obtained as a condition of development approval.

If the public has used an access for at least five years without receiving permission from the owner, but with the owner having knowledge of that access and without the owner attempting to prevent the access, courts have found that the public acquires what is, in effect, an easement through prescriptive rights. Such an easement allows the public to continue to use the access indefinitely, even if the owner later attempts to prevent it.

Refer to the Conservation, Open Space, and Parks Element for related additional policies and programs. Refer to the General Plan Glossary for definitions of different types of public accesses such as lateral and vertical access.

Goal LC-1 Maximize public access to and along the coast consistent with sound resources and conservation principles and constitutionally protected rights of private property owners.

Policy LC-1.1 Coastal Access: Provide public open space and shoreline access in the Coastal Zone. Acquisitions for coastal access shall not preclude the potential development of necessary infrastructure to support coastal-dependent uses.

Program LC-1.1.1: Provide shoreline access in the Coastal Zone along the vertical and lateral access routes as described in Table LC-1 and Map LC-1.

Program LC-1.1.2: Acquire additional public access to the shoreline by:

- a) accepting Offers To Dedicate (OTDs) that will increase opportunities for public access and recreation;
- b) actively seeking public agency, community non-profit, or other private offers of dedication and offers to assume the liability and maintenance responsibilities; and
- c) requiring public access as a condition of development consistent with the Coastal Act, the Coastal Commission's Statewide Interpretive Guidelines, and the findings required to support an Offer to Dedicate (OTD); and
- d) creating a partnership with the State Coastal Conservancy and other funding agencies to purchase and develop public access to and along the coast, with the City assuming responsibility for management and maintenance of the public open space.

TABLE LC-1: COASTAL ZONE PUBLIC ACCESS

Map Key	Access Point/Area	Description of Proposed Access and Related Programs
A	Pudding Creek sand bar - Vertical Access	Existing access from Highway One to the sand bar located at the northern bank of Pudding Creek where it joins the ocean.
B	Old Haul Road	Existing lateral access from the Pudding Creek Trestle to northern City Limits.
C	Bluff Access on the South Bluff of the Mouth of Pudding Creek	Lateral access shall be provided on the south bluff of the mouth of Pudding Creek. Bluff top access as indicated in Map LC-1 shall be required as a condition of permit approval from Glass Beach Drive westerly to the point above the mouth of the river, and then southwesterly to Glass Beach. Other General Plan policies regarding protection of environmentally sensitive areas shall apply to the development of bluff access in this area.
D	Glass Beach - Vertical Access	Vertical access from west end of Elm Street to Glass Beach shall be required as a condition of permit approval. Funding shall be sought by a public agency or private association for additional parking at the end of Elm Street and for directional signs at the site and on Main Street. Directional signs that may tend to increase utilization at the site shall be provided only after additional parking is provided.
E	Glass Beach	Beach and bluff lateral access to the area shall be required as a condition of permit approval on this site.
F	Glass Beach South	Public access south of Glass Beach shall be permitted in a manner that does not adversely impact environmentally sensitive areas.
G	South Side of Noyo Bridge - Vertical Access	Vertical access shall be required as mapped as a condition of permit approval. Minor signing and path improvements shall be accomplished by a public agency or private association.
H	South Side of Noyo Bridge - Lateral Access	Lateral access along the south bank of the Noyo River within the City Limits shall be acquired. This access shall be connected to the trail system leading from the southern bluff of the Noyo Headlands to South Harbor Drive as indicated in Map LC-1.

I	North Harbor Drive – Vertical Access	A vertical access from the bottom of North Harbor Drive to the proposed lateral access along the north bank of the Noyo River shall be required as a condition of permit approval.
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Note: The Map Key refers to the letter code indicating the general location of the public access on Map LC-1: Coastal Land Use and Environment.

Map Key	Access Point/Area	Description of Proposed Access and Related Programs
J	North Bank of the Noyo – Lateral Access	Require public access along the entire length of the City's frontage on the north bank of the Noyo River as a condition of permit approval, except where physical conditions make access infeasible due to topography and/or safety considerations.
K	South Street – Vertical Access	Require a vertical access from the end of South Street to the north bank of the Noyo River as a condition of permit approval. This access may be in conjunction with any street required for access to development. Public parking may be provided by a public agency or private association.
L	Noyo Bluffs Overlook	Develop signage and trails to accommodate public use of the Noyo Bluffs Overlook park for passive recreation.
M	North Shore of Noyo Bay	Rights for access and recreation shall be required as a condition of approval or through acquisition by a public or private organization for the north shore of the Noyo Bay, west of the Bridge, labeled "Open Space" as indicated on Map LC-1.
N	Cypress Street - Vertical Access	Require a vertical access from the end of Cypress Street to the north bank of the Noyo River as a condition of permit approval. This access may be in conjunction with any street required for access to development. If the area is developed, then public parking may be provided by a public agency or private association.
O	Highway One and MacKerricher State Park - Vertical Access	A vertical access between Highway One and MacKerricher State Park.
P	Todd Point	Recognize that prescriptive rights may exist on the portion of Todd Point labeled "PD" on Map LC-1. Require public access as a condition of permit approval in this area. Soil and vegetation restoration work shall be part of any acquisition and a paved parking area shall be developed.
Q	Airport Road/Highway One	Acquire and improve the current unimproved dirt trail to the coast. Major parking facilities and restrooms are not recommended due to the fragile nature of the coastal bluffs.
R	Central Business District to Glass Beach Parking area	Proposed vertical access to start at Pine Street, along railroad right-of-way to Glass Beach
S	Pine Street to Bluff edge	Proposed vertical access from Pine Street to Glass Beach

Note: The Map Key refers to the letter code indicating the general location of the public access on Map LC-1: Coastal Land Use and Environment.

Program LC-1.1.3: Work with the California Coastal Conservancy to assure that the proposed access improvements and public facilities identified in the Noyo Harbor Plan are provided on the banks of the Noyo River.

Program LC-1.1.4: Work with the appropriate State agencies to preserve and improve the existing coastal access north of Airport Road (i.e., Access "Q" on Map LC-1). Parking or recreational facilities shall not be required on the west side of Highway One in this area due to the fragile nature of the coastal terrace prairie habitat.

Program LC-1.1.5: Acquisitions of coastal land and easements for public access purposes shall not preclude the potential development of necessary infrastructure to support coastal-dependent uses.

Policy LC-1.2 Right of Public Access: Development in the Coastal Zone 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. Public prescriptive rights must be protected wherever they exist.

Program LC-1.2.1: Development can be sited in an area of historical public use where equivalent areas for public access are provided nearby¹. Such dedication areas should provide equivalent area and use for public access.

Policy LC-1.3 New Development: Require public access from the nearest public roadway to the shoreline and along the coast in new development except where:

- a) it is inconsistent with public safety or the protection of fragile coastal resources;
- b) adequate access exists within 500 feet of the site; or
- c) access at the site would be inconsistent with other Coastal Element policies, including expanded or new coastal-dependent industry or the protection of environmentally sensitive resources.

Program LC-1.3.1: Review new development to prevent siting of structures that encroach on coastal access routes where prescriptive easements may exist so as to provide the opportunity to acquire the access through a conservation easement, adjudication, or other means, as appropriate.

Program LC-1.3.2: Require, as a condition of development for projects where discretionary approval by the City is required, lateral access along the bluffs of the Georgia-Pacific property and adjacent properties, north of the Noyo Harbor area to Pudding Creek as indicated in Map LC-1.

Program LC-1.3.3: Consider the establishment of an ocean front park connecting to bicycle trails and rest areas from the Botanical Gardens to MacKerricher State Park.

Policy LC-1.4 Use of Public Accesses: Dedicated accesses shall not be required to be opened for public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the access.

¹ *The Statewide Interpretive Guidelines* state that lateral access is generally required along all stretches of sandy beach. The adequacy of available vertical access is determined by the amount of public use of the area, availability of support services, and the location of beaches, etc.

Program LC-1.4.1: Work with the Coastal Conservancy and other organizations to accept liability for and maintain public accesses.

Policy LC-1.5 Offers to Dedicate: Facilitate the acceptance of Offers to Dedicate (OTDs) as a means of obtaining additional public access.

Program LC-1.5.1: Acquire OTDs for access easements for all areas designated on Map LC-1 in conjunction with new development, as feasible, unless other sites exist within 500 feet which provide sufficient access, parking, and other related facilities.

Program LC-1.5.2: Establish a City procedure for acceptance of OTDs and management of public accesses prior to their expiration.

Program LC-1.5.3: Either the City or a suitable managing agency shall accept and seek funding for development of access trails on the following OTDs prior to their expiration:

- a) APN 018-520-11 (531 Cypress Street) and
- b) APN 018-45-21 (Redwood Community College District).

Policy LC-1.6 Priority to Beach Rather than Bluff Access North of Glass Beach: Give a higher priority to public use of the beaches rather than to the bluffs in the design and development of accesses and the location and placement of directional signs. This policy applies to bluffs north of Glass Beach to the mouth of Pudding Creek and then easterly to the Pudding Creek Trestle.

Policy LC-1.7 Coastal Trails: Develop a continuous trail system throughout the City which connects to the California Coastal Trail system.

The City's local trails should connect with the California Trail system. Refer to the Conservation, Open Space, and Parks Element for additional policies and programs regarding trails.

Program LC-1.7.1: Ensure that City trails connect with the California Coastal Trails system, as shown on Map LC-1. Acquire rights-of-way through Offers to Dedicate; easements; land transfers; and land acquisition, as appropriate.

Policy LC-1.8 General Standards: Require that all public access easements offered for dedication to public use be a minimum of 25 feet wide. The area where public access is allowed within the easement may be reduced to the minimum necessary to avoid:

- a) adverse impacts on sensitive environmental areas;
- b) encroachment closer than 20 feet from an existing residence; and/or
- c) hazardous topographic conditions.

Policy LC-1.9 Standards for Lateral Shoreline Access Easements: Lateral shoreline access easements shall extend landward 25 feet from mean high tide to the toe of the bluff or the first line of terrestrial vegetation if the width of the beach is greater than 25 feet. Lateral blufftop easements shall be at least 25 feet in width. The area where public access is allowed within the easement may be reduced consistent with Policy LC-1.8 above. The average annual bluff retreat (erosion) shall be taken into account when planning lateral accesses.

Policy LC-1.10 Visitor Accommodations and Services: Require public access to the blufftop and/or shoreline for visitor serving uses, where a nexus can be established, as a condition of permit approval, or by other methods such as OTDs, specified by the City. Access shall be available to the public at large as well as to guests.

Policy LC-1.11 Safety and Environmental Protection: Request temporary closure of any public access for due cause such as, but not limited to: situations where the protection of sensitive environmental resources cannot otherwise be ensured, to prevent uses hazardous to the public, during periods of construction, or after finding continued use is not consistent with safety and/or environmental concerns. Permanent closure shall require an amendment to the Local Coastal Program.

Program LC-1.11.1: Request the California Department of Fish and Game monitor public accesses adjoining or near sensitive environmental resources such as wetlands, dunes, tide pools, and other sensitive wildlife habitats to determine whether they are being adversely impacted or degraded. Request that regulations governing use of accesses be implemented and posted as needed. Limit public use, as needed, to allow resource recovery and restoration.

E. Recreation and Visitor-Serving Facilities

The Coastal Act gives priority to recreational and visitor-serving uses in the Coastal Zone. The goals established by the State for the Coastal Zone include reserving upland areas for recreational uses, protecting an adequate amount of oceanfront land for recreational use, and focusing recreational facilities in selected areas, rather than spreading them out along the entire coastline.

Fort Bragg serves as the regional service center for the Mendocino coast and many support services needed for recreation and tourist-oriented businesses on the coast are located here. No shortage of visitor-serving land use exists in the City.

All commercial land use designations in the City allow visitor-commercial uses, and there are many vacant parcels available for this use.

Goal LC-2 Maximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principles and the constitutionally protected rights of property owners.

Policy LC-2.1 Additional Sites for Visitor-Serving Commercial: Continue to provide for and encourage additional visitor-serving commercial facilities.

Program LC-2.1.1: Ensure that there are adequate sites for visitor-serving land uses by:

- a) maintaining existing areas designated for Highway-Visitor Commercial uses; and
- b) maintaining the Highway Visitor Commercial (C3) land use designation as one allowing primarily recreational and visitor-serving uses.

Policy LC-2.2 Lower-Cost Facilities: Protect, encourage, and, where feasible, provide lower-cost visitor and recreational facilities for persons and families of low and moderate income.

Program LC-2.2.1: Inventory and monitor lower-cost visitor recreational facilities in the City.

Program LC-2.2.2: Encourage lower-cost visitor and recreational facilities during the project review process with private developers and work with State Parks to expand such facilities on State land.

F. Environmentally Sensitive Habitat Areas

Map LC-2, Special Review and Runoff Sensitive Areas

Protection of environmentally sensitive habitat areas is one of the essential aspects of the Coastal Act. Fort Bragg has several environmentally sensitive areas. These include:

- Coastal Bluffs are the ocean-facing cliffs along the entire coastal margin. These bluffs are well vegetated and constitute important habitat for a variety of plant and animal species.
- Intertidal and Marine Areas are the rocky intertidal areas along the coast and contain biologically rich tide pools, nesting grounds, and kelp beds.
- Wetlands are areas within the Coastal Zone which may be periodically or permanently covered with shallow water and include salt and fresh water marshes.
- Riparian Habitats are areas of vegetation and associated wildlife habitat which typically occur adjacent to fresh watercourses.

The location of environmentally sensitive habitat areas is indicated by Map LC-2: Special Review Areas. The Conservation, Open Space and Parks Element contains related additional polices and programs.

Goal LC-3 Protect and enhance environmentally sensitive areas in the Coastal Zone against disruption of habitat values.

Policy LC-3.1 Special Review Areas: In environmentally sensitive habitat areas, permit only uses which are dependent on, and which do not degrade or disrupt, such habitat areas.

Program LC-3.1.1: Special Review Areas identified in Map LC-2 or other sites identified by City staff which have the possibility of containing cultural resources or environmentally sensitive habitat shall submit an assessment prepared by a qualified professional which identifies the resources and provides recommended measures to ensure that the requirements of the Coastal Act and the City of Fort Bragg's Local Coastal Program are fully met. The assessments shall include the following:

- a) field survey by a qualified archaeologist for cultural resources, evaluation of any resources found, and preparation of a mitigation plan to record,

- curate, and/or preserve important resources, unless City staff determines that there is no likelihood of cultural resources occurring on the site;
- b) field survey for special status wildlife and vegetation and identification of methods to protect these populations, including a mitigation plan and identification of buffers;
 - c) field survey and mapping of sensitive bluff edge and coastal terrace prairie vegetation communities and identification of a mitigation plan and buffers to protect these communities; and
 - d) field survey for wetlands and identification of a protection plan including buffers.

These assessments shall be reviewed by the City and approving agencies.

The assessments described above may be prepared concurrently with the submission of an application or as a part of the environmental documentation required pursuant to CEQA. The selection of the professional preparing the report shall be made or approved by the City or the agency approving the permit and paid for by the applicant.

Program LC-3.1.2: Assessments prepared for Special Review Areas shall contain mitigating measures meeting the following minimum standards:

- a) They are specific, implementable, and, wherever feasible, quantifiable.
- b) They result in the maximum feasible protection, habitat restoration and enhancement of sensitive environmental resources. Habitat restoration and enhancement shall be required wherever feasible, in addition to the baseline standard of minimizing habitat disruption.
- c) They incorporate the mitigating measures for environmentally sensitive resources into a Mitigation Monitoring Program pursuant to Public Resources Code Section 21081.6.
- d) They include substantial information and analysis to support a finding that there is no feasible, less environmentally damaging alternative.

Program LC-3.1.3: Use the California Coastal Commission's Statewide Interpretive Guidelines for Wetlands and Other Environmentally Sensitive Habitat Areas to develop mitigation measures for wetlands and riparian areas.

Program LC-3.1.4: Update the mapping of environmentally sensitive habitat areas as new information becomes available.

The environmentally sensitive habitat areas shown on Map LC-2 are based on the best information available at the time mapping was done. The boundaries of sensitive environmental areas identified in Map LC-2 are not intended to be definitive, but to identify the general location of sensitive environmental resources. Detailed locations and boundaries of these resources shall be obtained by the preparation of assessments described in Program LC-3.1.1. Revisions to Map LC-2 resulting from these assessments, EIRs, and other sources shall be carried out as a minor amendment to the Local Coastal Program (LCP). Minor revisions shall not require a General Plan Amendment since this would constitute a correction of factual information and not a substantial change to policies or programs of the Plan.

Program LC-3.1.5: Development in or adjacent to Environmentally Sensitive Habitat Areas shall be reviewed in accordance with the guidelines and standards contained in Appendices A and B of this General Plan.

- a) Appendix A: Standards for Mitigation Monitoring Programs for Wetlands and Other Sensitive Environmental Habitats in the Coastal Zone, and
- b) Appendix B: Guidelines for Wetlands Mitigation and the Creation of Off-Site Wetlands Mitigation in the Coastal Zone.

Appendices A and B contain specific information required for the evaluation of coastal development permit applications in a wetland. Applicants shall supply data needed to comply with these standards and guidelines by using the checklist in Appendix C. These appendices are taken from the Coastal Commission's "Procedural Guidance for the Review of Wetland Projects in California's Coastal Zone." The three appendices are all adopted parts of this General Plan.

Program LC-3.1.6: New development on all properties identified as Runoff Sensitive on Map LC-2 shall have a drainage and erosion control plan prepared and approved by the City. The plan shall include measures to minimize erosion during project construction and erosion from runoff from the site once the project is completed. Any changes in runoff that would affect sensitive plant and animal populations, habitats, or buffer areas for those populations or habitats shall be reviewed by a qualified biologist to ensure that there will not be adverse hydrologic or erosion impacts on sensitive species or habitats. Mitigation measures shall be identified and adopted to minimize adverse runoff impacts. All new runoff to any streams in the City or the ocean shall be designed to minimize the transport of pollutants deposited on roads, parking lots, and other project impermeable surfaces to streams or the oceans.

Refer to Program OS-2.1.1 requiring adoption of a Municipal Stormwater Program to control and reduce the transport of pollution to streams and the ocean.

Policy LC-3.2 Buffer Areas: Development in areas adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to prevent impacts which would degrade such areas, and shall be wholly compatible with the preservation of such habitat areas.

Program LC-3.2.1: Establish buffer areas adjacent to all Environmentally Sensitive Habitat Areas² protecting these areas from degradation and ensuring that restoration and enhancement occur when new development takes place. The width of the buffer area shall be a minimum of 100 feet, unless the applicant can demonstrate that a lesser buffer width can meet the requirements of the Coastal Act and the General Plan. In no event shall the buffer area be less than 30 feet. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Area. In wetland areas, the buffer area shall be measured from the landward edge of riparian vegetation or from the top edge of the streambank.

Program LC-3.2.2: Utilize the following criteria to establish buffer areas:

² Environmentally Sensitive Habitat Areas are also termed sensitive coastal resource areas and mean those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity, and include special marine and land habitat areas, wetlands, lagoons, and estuaries shown on Map LC-2 and/or in the assessments carried out for the Special Review Areas.

- a) Biological significance of adjacent lands. The location and width of buffer areas shall be based on the functional relationship to the habitat requirements of species in the sensitive habitat area to ensure that sensitive plant and animal species will not be disturbed significantly by the permitted development, and that habitat protection and enhancement will occur. This determination requires field investigation and analysis by a qualified biologist or related professional selected or approved by the City.
- b) Erosion susceptibility. The width of the buffer shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, erosion potential, and vegetative cover of the parcel proposed for development and adjacent lands. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development shall be provided.
- c) Use natural topography. Where feasible, use hills and bluffs adjacent to Environmentally Sensitive Habitat Areas, to buffer these habitat areas. Where otherwise permitted, locate development on the sides of hills away from Environmentally Sensitive Habitat Areas. Include bluff faces in the buffer area.
- d) Use existing man-made features. Where feasible, use man-made features such as roads and dikes to buffer environmentally sensitive habitat areas.

Program LC-3.2.3: Revise the Zoning and Subdivision Ordinances to prohibit new land divisions creating new parcels located entirely within a buffer area.

Program LC-3.2.4: Require that Environmentally Sensitive Habitat Areas and buffer areas in the Coastal Zone incorporate attractively designed barriers to prevent physical intrusion as appropriate.

Policy LC-3.3: Noyo River Wetlands: Permit only wetlands restoration and related conservation and habitat restoration projects in the Special Review Areas on the Noyo River, as indicated in Map LC-2.

Policy LC-3.4 Dredging and Filling: Prohibit dredging, filling³, vegetation removal, and grading in Environmentally Sensitive Habitat Areas except for:

- a) pipelines, utility lines, road crossing, and ongoing draining and dredging of existing timber production-related ponds when no less environmentally damaging alternative route is feasible; and
- b) removal of trees for disease control, public safety purposes, or for firewood for the personal use of the property owner at his or her residence. Such activities shall be subject to restrictions to protect sensitive habitat values.

³ Areas in the Coastal Zone where dredging, filling and diking would occur are limited to Noyo Harbor, which is outside of city limits and are addressed by the County of Mendocino's Local Coastal Program. There is a small dredge spoils site north of the jetty in Noyo Harbor within City limits. It is used for maintenance dredging about once every three years.

Diking, filling or dredging of a wetlands or estuary shall only be permitted if there is no feasible less environmentally damaging alternative.

Feasible is defined in Section 30108 of the Coastal Act to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors". A less feasible, environmentally damaging alternative may involve a location for the proposed development which is off the project site on lands not owned by the applicant. Feasible under the Coastal Act is not confined to economic considerations. Environmental, social, and technological factors also shall be considered in any determination of feasibility.

Program LC-3.4.1: Implement the following measures when a project involves dredging, filling or diking a wetlands:

- a) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to wetland habitats and to water circulation. Avoiding significant disruption means that the functional capacity of the wetland is maintained.
- b) Limitations may be imposed on the timing of the operation, the type of operation, the quantity of dredged material removed, and the location of the spoils site.
- c) Dredge spoils suitable for beach replenishment shall, where feasible, be transported to appropriate beaches or into suitable longshore current systems.
- d) Other mitigation measures may include opening areas to tidal action, removing dikes, improving tidal flushing, or other restoration measures.

Program LC-3.4.2: Require the Department of Fish and Game and U.S. Army Corps of Engineers, as applicable, to review dredging, filling and diking plans in, or adjacent to, wetlands or estuaries to establish mitigating measures.

G. Commercial Fishing and Recreational Boating and Fishing

Commercial fishing and recreational boating and fishing are located in Noyo Harbor. It is an all-weather port and the most active and important harbor between Bodega Bay and Eureka. The Noyo Harbor District has constructed 256 berths since 1968. Those berths are nearly always occupied, and approximately 43 percent of the boats moored there are commercial craft. The lower harbor area also contains parking and ship building areas, boat launching and repair facilities, fish processing plants, and marine supply stores. Commercial outlets, including visitor-oriented restaurants, are clustered on the north bank of the harbor. About a half-mile upriver, on the south side of the river, the Dolphin Cove private commercial marina provides berths for about 150 boats, most of which are recreational.

Several jurisdictions share responsibility for the Noyo Harbor, which is largely located in the County's jurisdiction but is within the City's Sphere of Influence. The U. S. Army Corps of Engineers is responsible for maintaining the channel. The Noyo Harbor District operates the harbor, docks, and related facilities and prepares long-term plans for facilities expansion. The State Department of Fish and Game, the State Department of Boating and Waterways, the California Coastal Commission, the County of Mendocino, and the City of Fort Bragg have partial responsibility and jurisdiction in the area.

The Coastal Act gives priority to coastal-dependent development such as commercial fishing and recreational boating over other types of land use on or near the shoreline, provided these facilities are not located in a wetland or other Environmentally Sensitive Habitat Areas.

Goal LC-4 Encourage a mixture of commercial fishing, recreational boating and fishing, mixed commercial and visitor-serving uses consistent with coastal access policies.

Policy LC-4.1 Annexation of Noyo Harbor: Consider annexation of the Noyo Harbor.

Program LC-4.1.1: Encourage the preparation of a specific plan for the Noyo Harbor with the cooperation and involvement of the Noyo Harbor District, the County of Mendocino, local property owners, and appropriate State agencies. Include in the specific plan policies that continue to give priority to coastal-dependent land uses such as commercial fishing, recreational boating, and related commercial uses, while increasing the range of visitor-serving uses on parcels not located directly on the coast or the Noyo River.

Program LC-4.1.2: Work with the County of Mendocino to improve emergency vehicle access and to establish a secondary access route to Noyo Harbor.

H. Visual Resources in the Coastal Zone

Map LC-3, Scenic Views in the Coastal Zone

Protection of visual resources is called for by the Coastal Act. Section 30251 of the Coastal Act states that 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 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 that new development shall, where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Fort Bragg has many valuable visual resources in the Coastal Zone, including high bluffs, jutting headlands, wetlands, serene river estuaries, beaches, and dunes. The mature trees that front the west side of Main Street between the North Cliff Hotel and Maple Street provide an important visual resource. Scenic resources attract many visitors to these areas and provide the basis for the City's tourist industry.

Visual resources can be readily degraded through poorly-designed and located structures, roads, signs, and utility lines that block coastal views, alter natural landforms, and detract from the small town character of the community.

The Community Design Element contains related additional polices and programs. In addition, the Local Coastal Program Background Report contains an inventory of scenic views.

Goal LC-5 Preserve and enhance scenic views.

Policy LC-5-1 Visual Resources: Design and site new development in the Coastal Zone to protect views to and along the ocean, to be visually compatible with the character of surrounding areas, and to restore and enhance scenic views in visually degraded areas.

Program LC-5.1.1: Require Design Review of new development or significant expansion to existing development⁴ located in areas designated "Potential Scenic Views Toward the Ocean or the Noyo River" on Map LC-3: Scenic Views in the Coastal Zone.

Program LC-5.1.2: The large trees fronting the west side of Highway One between the North Cliff Hotel and Cypress Street shall be retained as far as feasible; trees may be removed if they are dead or damaged or pose a public safety hazard, or to provide driveways or new public streets. The forested area north of the Georgia-Pacific nursery and south of Maple Street shall be maintained as a sensitive natural habitat and scenic resource, and it shall not be developed.

The forested area north of the Georgia-Pacific nursery contains a mature forest and likely includes wetlands. It is likely an environmentally sensitive habitat area, though this could not be confirmed when preparing the General Plan. It also contains a valuable aesthetic resource near the southern end of the Central Business District.

Program LC-5.1.3: Revise the Zoning Ordinance to require the preparation of a Visual Analysis for all projects involving two or more dwelling units and all commercial and industrial development that would impact a significant viewshed identified in Map LC-3. The City will determine whether the Visual Analysis is warranted on a project-by-project basis. The Visual Analysis shall identify scenic viewsheds on the site, and demonstrate how the proposed development would preserve scenic views of the shoreline from public right-of-way, and views from bluff tops and public accesses, as applicable.

The Visual Analysis required under this program is a more detailed analysis than required under Design Review for new development elsewhere in the City. The Visual Analysis should include, at minimum, clear photographs of the scenic views identified in Map LC-3 as seen from the public right-of-way, which includes roads, streets, and bicycle and pedestrian paths, as applicable. Proposed structures should be superimposed on these photographs by means of lines, blocked out areas of shading, or other means in a manner that accurately identifies the location, height, and bulk of the structures. The City may require the erection of story poles to show the height and footprint of the building (the height at the ridgeline and at all corners). A site map and elevations of proposed structures should be provided with an explanation of how the scenic views would be affected by the proposed development, and what mitigations are proposed.

Program LC-5.1.4: Consider amending the Zoning Ordinance to adopt comprehensive design standards to protect scenic resources.

⁴ Significant expansion of existing development is defined as an increase equal to or over 25 percent of the existing floor area of a structure.

Refer to the Community Design Element for policies and programs regarding urban design.

Policy LC-5.2 Maintain Unobstructed Views of the Ocean: Require new development north of Pudding Creek to leave unblocked views to the ocean from Highway One.

Program LC-5.2.1: Revise the Zoning Ordinance to require that new development north of Pudding Creek and west of Main Street leave a minimum of 30 percent of the frontage undeveloped. The undeveloped frontage shall not include narrow passageways between buildings on the site, but shall be concentrated on the north and/or south ends of each building complex.

If new development on adjacent parcels of land were coordinated, relatively large unbroken blocks of land would result thereby maintaining intermittent views of the ocean while still allowing reasonable development on the parcels.

Program LC-5.2.2: Revise the Zoning Ordinance to require that all new development (including decks and balconies) north of Pudding Creek be set back at least 30 feet from the edge of the Old Haul Road.

I. Hazards Policies

The Safety Element contains the goals, policies and programs to reduce public exposure to natural and man-made hazards throughout the City. This section of the Coastal Element supplements the Safety Element by addressing hazards unique to the Coastal Zone such as unstable bluffs and cliff faces, and erosion adjacent to the sea.

Goal LC-6 Minimize hazards in the Coastal Zone.

Policy LC-6.1 Reduce Hazards: Continue to review development proposals to minimize hazards in the Coastal Zone.

Program LC-6.1.1: Require that geologic reports for new development and significant expansion of existing development in the Coastal Zone contain the following:

- a) cliff geometry and site topography, extending the surveying beyond the site as needed to depict unusual geomorphic conditions that might affect the site and geologic conditions;
- b) historic, current and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs, where available, and possible changes in shore configuration and sand transport;
- c) evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development and construction on landslide activity;
- d) ground and surface water conditions and variations including hydrologic changes caused by the development from, for example, drainage or irrigation;

- e) potential effects of seismic forces resulting from a maximum credible earthquake;
- f) an evaluation of the potential off-site impacts of the proposed development;
- g) mitigation measures for any potential impacts and alternative solutions; and
- h) an analysis of whether the proposed project will be subject to or contribute to significant geologic instability throughout the life span of the project. Use a minimum 75-year life span for development in the Coastal Zone.

Program LC-6.1.2: Require in areas where the City determines there are geologic hazards that a development permit not be issued until the applicant has signed as a condition of coastal permit approval a waiver of all claims against the public for future liability or damage resulting from permission to build. Record all such waivers on the deeds for subject properties.

Program LC-6.1.3: Revise the Zoning and Grading Ordinances to require setbacks on bluff tops and other areas of erosion based on a minimum 75-year economic life of the project using the following setback formula: $\text{Setback (meters)} = \text{Structure life (years)} \times \text{Retreat rate (meters/year)}$.

The retreat rate shall be determined from historical observation (e.g. aerial photographs) and/or from a complete geotechnical investigation. See Policy OS-2.1.3 regarding the proposed Grading Ordinance.

Policy LC-6.2 Alterations to Landforms: Minimize, to the maximum feasible extent, alterations to cliffs, bluff tops, faces or bases, and other natural land forms in the Coastal Zone. Permit alteration in landforms only if there exists no other feasible environmentally superior alternative and only with the provision of a permanent buffer sufficient to allow for the interception of any material eroded as a result of the proposed development.

Program LC-6.2.1: Establish standards in the Zoning Ordinance or Grading Ordinance for the alteration and grading of natural landforms taking into account site characteristics, the resulting habitat disturbance, drainage modification, or erosion and sedimentation resulting from vegetation removal.

Policy LC-6.3 Floodplain Development: Limit new development in floodplains in the Coastal Zone to those uses allowed in the Open Space land use designation, in addition to other applicable requirements.

The lands adjacent to the Noyo River, Noyo Harbor and Pudding Creek and a portion of the land adjacent to Hare Creek are designated as flood hazard areas, and portions are located within the 100-year floodplain. See Map SF-2 which shows the 100-year floodplain.

Policy LC-6.4 Bluff Face Development: Prohibit development on the bluff face because of the fragility of this environment and the potential for resultant increase in bluff and beach erosion due to poorly-sited development. Permit development such as staircase accesses to beaches for public access purposes or pipelines to serve coastal dependent industry pursuant to a conditional use permit making findings that no feasible or less environmentally damaging alternative is available and that feasible mitigation measures have been provided to minimize all

adverse environmental impacts. Require as a part of the conditional use permit, a full environmental, geological, and engineering review as specified in Program LC-6.5.1 below.

Policy LC-6.5 Seawalls, Breakwaters and Other Structures: Prohibit construction of seawalls, breakwaters, revetments, groins, harbor channels and other structures altering the natural shoreline processes or retaining walls unless a finding is made that such structures are necessary for the protection of existing development, public beaches, or existing coastal dependent uses.

Program LC-6.5.1: Revise the Zoning Ordinance to require a conditional use permit for seawalls, breakwaters, revetments, groins, harbor channels and other structures altering the natural shoreline following a full environmental, geological, and engineering review.

The review should include site-specific information pertaining to seasonal storms, tidal surges, tsunami, littoral drift, sand accretion, and beach and bluff face erosion.

Permit the structure if no feasible or less environmentally damaging alternative is available and with conditions to ensure that the structure has been designed to eliminate or mitigate adverse environmental impacts, including impacts upon local shoreline sand supply. The design and construction of allowed protective structures shall respect natural landforms and provide for lateral beach access.

J. Industrial and Energy Development Policies

While the Coastal Act emphasizes protection, enhancement, and restoration of coastal resources, it recognizes that some industrial and energy development may need to be located in the Coastal Zone. The following excerpts from the Coastal Act illustrate this policy:

Section 30001.2. "The Legislation further finds and declares that, notwithstanding the fact that electrical generating facilities, refineries, and coastal-dependent developments, including ports and commercial fishing facilities, offshore petroleum and gas development, and liquefied natural gas facilities, may have significant adverse effects on coastal resources or coastal access, it may be necessary to locate such developments in the coastal zone in order to ensure that inland as well as coastal resources are preserved and that orderly economic development proceeds within the state."

Section 30250(b) requires that "where feasible, new hazardous industrial development shall be located away from existing developed areas." Sections 30260 through 30265 contain provisions regulating the development, location, expansion, and continued operation of tanker facilities, terminals, offshore and onshore oil and gas facilities, refineries and power plants, as well as other hazardous industrial development.

Throughout California, including Mendocino County and Fort Bragg, there is popular opposition to offshore oil and gas exploration. The Federal government has adopted a moratorium on Outer Continental Shelf (OCS) exploration which expires in 2005. The Mendocino County Board of Supervisors has passed resolutions requesting that the Department of the Interior delete the Mendocino Coast from any OCS oil and gas development. The Governor of California made the same request. The California Coastal Commission has recommended that

the Mendocino coastal tracts be deleted because oil-related offshore and onshore industrial facilities would not be compatible with policies designed to protect the County's rural and undeveloped character and its natural resources. Voters in Fort Bragg approved a ballot measure entitled Measure C, codified as Ordinance 790, at the General Election on November 5, 1996 prohibiting on- and offshore oil and gas exploration, development, and/or production in the City.

Existing harbor facilities are not adequate to serve oil and gas exploration projects. A report funded by the Coastal Energy Impact Program (CEIP) concluded that Noyo Harbor does not meet the requirements of an all-weather harbor and dock facility necessary for the siting of an onshore energy support base for an offshore Outer Continental Shelf oil and gas development.⁵ Construction of a breakwater would be necessary before a service base could be installed.

In addition, the depth limit for channel dredging within Noyo Harbor makes the site not feasible for supply boat trips, although smaller crew boats could be accommodated.

Goal LC-7 Support industrial development which is consistent with the protection, enhancement, and restoration of coastal resources.

Policy LC-7.1 Standards for Noyo Harbor Industrial Development: Limit industrial development in the Noyo Harbor to uses which:

- a) are coastal-dependent uses, giving priority to commercial fishing activities;
- b) do not generate excessive traffic on City streets, such as South Street, North Harbor Drive, and Cypress Street;
- c) adhere to the sensitive environmental habitat restoration, preservation, and mitigation measures established by the General Plan;
- d) do not interfere with existing coastal-dependent industry, especially commercial fishing;
- e) do not interfere with the Coastal Zone public access policies; and
- f) are consistent with applicable General Plan and Coastal Act policies.

Program LC-7-1.1: Work with the County of Mendocino, the Noyo Harbor District and other agencies to develop and adopt a Noyo Harbor Plan establishing standards for conservation and development for the entire Noyo River drainage area.

Policy LC-7.2 Offshore Oil Drilling: Support Mendocino County's LCP policy to request that the Federal government be requested to establish all underwater land within the Outer Continental Shelf as a petroleum reserve to be used only in a national emergency and that the Mendocino Coast be deleted from any Outer Continental Shelf gas development licensed by the Federal government.

Policy LC-7.3 Onshore Facilities for Offshore Oil Drilling: Do not permit any onshore facilities related to the exploration and development of offshore oil and gas.

Program LC-7.3.1: Amend the Zoning Ordinance to prohibit the issuance of permits allowing for both onshore and offshore oil and gas exploration, development, and/or production in the City.

⁵ *Development Scenarios and Siting Options*, Coastal Energy Impact Program Report, 1996

Policy LC-7.4 Pipeline, Electrical, and Telecommunications Transmission Corridors:
Consolidate new pipeline corridors within existing pipeline or electrical and telecommunications transmission corridors, unless there are overriding technical constraints or significant social, aesthetic, environmental, or economic concerns.

Program LC-7.4.1: Revise the Zoning Ordinance to require a coastal development permit for new pipelines and electrical transmission facilities in the Coastal Zone, which are not specifically excluded from Coastal Permit requirements by the Coastal Act.

Program LC-7.4.2: Electrical and telecommunications transmission rights-of-way and pipelines shall be routed to minimize impacts of scenic resources and to avoid Environmentally Sensitive Habitat Areas according to the following standards:

- a) Require underground installation of electrical and telecommunication lines where technically and economically feasible, unless it can be shown that other options are more environmentally damaging.
- b) Scarring, grading, or other vegetative removal shall be minimized and construction areas shall be revegetated with plants native to the area.
- c) Where above-ground electrical or telecommunications transmission lines are necessary, design and color of the support towers shall be compatible with the surroundings to the extent safety and economic considerations allow. Avoid above-ground transmission lines along the crest of hills, bluffs, and in scenic resource areas.