



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
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Meeting Agenda Planning Commission

Wednesday, January 31, 2024

6:00 PM

Town Hall, 363 N.Main Street and
Via Video Conference

Special Meeting

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PLANNING COMMISSIONERS PLEASE TAKE NOTICE

Planning Commissioners are reminded that pursuant to the Council policy regarding use of electronic devices during public meetings adopted on November 28, 2022, all cell phones are to be turned off and there shall be no electronic communications during the meeting. All e-communications such as texts or emails from members of the public received during a meeting are to be forwarded to the City Clerk after the meeting is adjourned.

ZOOM WEBINAR INVITATION

This meeting is being presented in a hybrid format, both in person at Town Hall and via Zoom.

When: Jan 31, 2024 06:00 PM Pacific Time (US and Canada)

Topic: Planning Commission

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/88460231142>

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Webinar ID: 884 6023 1142

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To speak during public comment portions of the agenda via zoom, please join the meeting and use the raise hand feature when the Chair or Acting Chair calls for public comment on the item you wish to address.

1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR**ITEMS**

MANNER OF ADDRESSING THE COMMISSION: All remarks and questions shall be addressed to the Planning Commission; no discussion or action will be taken pursuant to the Brown Act. No person shall speak without being recognized by the Chair or Acting Chair. Public comments are restricted to three (3) minutes per speaker.

TIME ALLOTMENT FOR PUBLIC COMMENT ON NON-AGENDA ITEMS: Thirty (30) minutes shall be allotted to receiving public comments. If necessary, the Chair or Acting Chair may allot an additional 30 minutes to public comments after Conduct of Business to allow those who have not yet spoken to do so. Any citizen, after being recognized by the Chair or Acting Chair, may speak on any topic that may be a proper subject for discussion before the Planning Commission for such period of time as the Chair or Acting Chair may determine is appropriate under the circumstances of the particular meeting, including number of persons wishing to speak or the complexity of a particular topic. Time limitations shall be set without regard to a speaker's point of view or the content of the speech, as long as the speaker's comments are not disruptive of the meeting.

BROWN ACT REQUIREMENTS: The Brown Act does not allow action or discussion on items not on the agenda (subject to narrow exceptions). This will limit the Commissioners' response to questions and requests made during this comment period.

WRITTEN PUBLIC COMMENTS: Written public comments received after agenda publication are forwarded to the Commissioners as soon as possible after receipt and are available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, during normal business hours. All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, except comments that are in an unrecognized file type or too large to be uploaded to the City's agenda software application. Public comments may be emailed to CDD@fortbragg.com.

2. STAFF COMMENTS**3. MATTERS FROM COMMISSIONERS****4. CONSENT CALENDAR**

All items under the Consent Calendar will be acted upon in one motion unless a Commissioner requests that an individual item be taken up under Conduct of Business.

5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS**6. PUBLIC HEARINGS**

- 6A. [24-534](#) Continue Public Hearing and Consider Adoption of a Resolution of the Fort Bragg Planning Commission Recommending that the City Council Establish Regulations and Standards for Outdoor Dining by Amending Division 18 of the Fort Bragg Municipal Code and its Subchapter 18.42.165 Restaurants; and Adopt a Resolution of the Fort Bragg Planning Commission Recommending that the City Council File with the Coastal Commission an LCP Amendment Application to Establish Regulations and Standards for Coastal Area Outdoor Dining and Amend Division 17 Article 4 of the Fort Bragg Municipal Code and its Subchapter 17.42.190 - Restaurants; and Mitigated Negative Declaration and Statutory Exemption.

Attachments: [Staff Report Outdoor Dining 1-31-2024](#)
[Att. 1 Outdoor Dining LCP Resolution 1-31-2024](#)
[Att. 2 Outdoor Dining ILUDC Resolution 1-31-2024](#)
[Att. 3 Consistency Analysis](#)
[Att. 4 Initial Study- Mitigated Negative Declaration](#)
[01262024 Patterson Public Comment](#)

7. CONDUCT OF BUSINESS

- 7A. [24-533](#) Select Chair and Vice-Chair of the Planning Commission (Ord. 740 §1,1992; Fort Bragg Municipal Code §2.20.050; PC Bylaws § III.D.)

Attachments: [01312024 Patterson Public Comment](#)

- 7B. [24-535](#) Adopt Resolution Amending Bylaws for the Fort Bragg Planning Commission

Attachments: [PC Reso Bylaws 2024](#)
[PC Bylaws 2024](#)

ADJOURNMENT

The adjournment time for all Planning Commission meetings is no later than 9:00 p.m. If the Commission is still in session at 9:00 p.m., the Commission may continue the meeting upon majority vote.

STATE OF CALIFORNIA)
)ss.
 COUNTY OF MENDOCINO)

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on or before January 26, 2024.

 Maria Flynn
 Administrative Assistant, Community Development Department

NOTICE TO THE PUBLIC

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Community Development Department at 416 North Franklin Street, Fort Bragg, California, during normal business hours. Such documents are also available on the City's website at www.fortbragg.com subject to staff's ability to post the documents before the meeting.

ADA NOTICE AND HEARING IMPAIRED PROVISIONS:

It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.

If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.

This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).



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Text File

File Number: 24-534

Agenda Date: 1/31/2024

Version: 1

Status: Public Hearing

In Control: Planning Commission

File Type: Planning Staff Report

Agenda Number: 6A.

Continue Public Hearing and Consider Adoption of a Resolution of the Fort Bragg Planning Commission Recommending that the City Council Establish Regulations and Standards for Outdoor Dining by Amending Division 18 of the Fort Bragg Municipal Code and its Subchapter 18.42.165 Restaurants; and Adopt a Resolution of the Fort Bragg Planning Commission Recommending that the City Council File with the Coastal Commission an LCP Amendment Application to Establish Regulations and Standards for Coastal Area Outdoor Dining and Amend Division 17 Article 4 of the Fort Bragg Municipal Code and its Subchapter 17.42.190 - Restaurants; and Mitigated Negative Declaration and Statutory Exemption.



Photo from Mendocino Voice

Outdoor Dining

Receive Report and Consider
Adopting Amendments to
ILUDC & CLUDC Regarding
Outdoor Dining. Continued
from 1-10-2024

Marie Jones Consulting, 1-31-2024

PROJECT INFORMATION

APPLICATION #:	ILUDC Amendments 3-23 (ILUDC 3-23) and LCP Amendment 3-23 (LCP 3-23)
APPLICANT:	City of Fort Bragg
PROJECT:	Receive Report, Hold a Public Hearing, and 1) Adopt a Resolution of the Fort Bragg Planning Commission Recommending that the City Council Amend <i>Chapter 18.42.165 – Restaurants</i> of Division 18 of the Fort Bragg Municipal Code to Establish Regulations and Standards for Outdoor Dining; and 2) Adopt a Resolution of the Fort Bragg Planning Commission Recommending that the City Council Submit an LCP Amendment Application to the Coastal Commission to Amend <i>Chapter 17.42.190– Restaurants</i> of Division 17 of the Fort Bragg Municipal Code to Establish Regulations and Standards for Outdoor Dining
LOCATION:	Commercial Zoning Districts in the Coastal Zone and the Inland Area.
APN:	Various
LOT SIZE:	Various
ZONING:	CN (Neighborhood Commercial), CG (General Commercial), CO (Office Commercial), CH (Highway and Visitor Commercial), CBD (Central Business District), RM (Medium Density Residential), RH (High Density Residential); RVH (Very High Density Residential).
ENVIRONMENTAL DETERMINATION:	A Mitigated Negative Declaration (MND) has been prepared for the amendments to the Inland Land Use and Development Code. The proposed amendment to the Coastal Land Use and Development Code is part of the City’s Local Coastal Program and will be submitted to the California Coastal Commission for certification. Therefore, the CLUDC Amendment is statutorily exempt from further environmental review under CEQA Guidelines 15265 Adoption of Coastal Plans and Programs.

BACKGROUND

The Mendocino County Health Officer, Dr. Noemi Doohan, declared a local health emergency on March 4, 2020, and the Community embarked on a strategy to reduce transmission and hospitalizations over the following three-year period. During COVID, many Fort Bragg businesses made significant operational adaptations to reduce risk to people from the COVID-19 Pandemic. One of those adaptations has proven to be a benefit to businesses and the community, namely open-air dining. Specifically, during the COVID-19 Pandemic the City allowed a number of restaurants to move tables outdoors and set up outdoor tents. The City also waived parking requirements and capacity fee charges. Outdoor dining allowed all diners to reduce their exposure risk to COVID-19, and many also found it a pleasant experience. While

the fight against the COVID Pandemic has largely been won through vaccines and public health measures, a small but important component of our community are elderly or have underlying conditions that continue to make them vulnerable to COVID-19 infections and complications.

In May 2020, the City adopted an amendment to the Municipal Code which gave the City Manager, as the Director of Emergency Services, the power: *“To waive zoning requirements and/or standards to facilitate business operations of established businesses affected by public health orders of the federal, state, or county government, to the extent that such waivers would not result in an increase in general intensity of use beyond what is otherwise allowed, as applicable to zoning district.”*

The City no longer has this authority because related public health orders have been lifted at the federal, state and county level.

- On February 28, 2023, Governor Gavin Newsom announced that the COVID-19 State of Emergency ended.
- On April 11, 2023, President Joe Biden signed a bipartisan congressional resolution to bring the U.S. national emergency to respond to the COVID-19 pandemic to a close.
- On May 10, 2023, Mendocino County released a notice of the expiration of the County’s COVID-19 Urgency Ordinance 4472 which allowed many temporary business modifications in response to the Pandemic.

As there is no longer a public health emergency, the City cannot adopt a modified emergency ordinance relying on this authority to waive zoning requirements for outdoor dining.

On May 17, 2023, the Community Development Committee met and discussed this issue and asked the City to bring the issue forward to the City Council for discussion and policy direction. The City secured the services of Marie Jones Consulting (MJC) to undertake this project in June of 2023. On June 26, 2023 the City Council met and discussed this issue and provided the following direction to MJC regarding outdoor dining regulations.

1. **Location.** The City Council directed to not limit outdoor dining to any specific location on a parcel, but that all outdoor dining in pavilions and tents must comply with setback requirements.
2. **Zoning Districts, Minor Use Permits and Size.** The City Council directed that outdoor dining be allowed by right in all zoning districts where indoor dining is currently allowed by right, namely: RM, RH, RVH and all commercial zoning districts. Further, the City Council indicated that a Minor Use Permit should be required for any outdoor dining facilities of more than 1,300 SF in size.
3. **Design Review.** The City Council directed that pavilions and outdoor tents should meet minimum design criteria, much like a sign, with over-the-counter objective review criteria.
4. **Parking.** The City Council recommended that additional parking should not be required for outdoor dining.
5. **Capacity Fees.** Restaurants pay sewer and water capacity fees which are

\$50.35/SF, so a large outdoor dining area of 1,300 SF would need to pay capacity fees of \$65,443. The City Council recommended that no capacity fees be charged for outdoor dining.

6. **Outdoor Dining on Public Property.** The City Council recommended that outdoor dining be allowed on sidewalks through the encroachment permit process.
7. **Public Safety.** The City Council directed staff to work with the County to identify an effective building permit process for outdoor dining facilities in pavilions with lights and/or heaters.

City Council direction to exempt all outdoor dining facilities from permitting resulted in a number of challenges while preparing the MND and the General Plan Consistency analysis. A building permit is not required to put up a pavilion or tent because it is a temporary structure. Absent the need to obtain a building permit or any planning permit, the only method to ensure that a proposed project complies with the ordinance is through code enforcement, which may cause problems if someone installed a pavilion only to find out after the fact that it does not comply with the ordinance. There are three potential permits that could be required for outdoor dining.

- **Limited Term Permit.** A limited term permit (LTP) is obtained for a short period (less than a year) and would have to be reapplied for each year. An LTP is not suitable for outdoor dining facilities where a restaurateur may want to establish outdoor dining on a permanent basis.
- **Minor Use Permit.** This would be a good permit to require if one wants to determine the compatibility of the facility with other uses. However, this is likely not useful for outdoor dining because it would be part of a restaurant which has been deemed to be compatible.
- **Administrative Design Review.** This is the best permitting choice because most issues with a tent will likely relate to design and visual impacts.

On January 10, 2024, the Planning Commission held a public hearing and discussed this item at length. New language was added to this staff report as a consequence of the January 10th meeting and is noted in blue text. The Planning Commission recommended the following changes to the draft ordinance:

1. **Permits.** A Minor Use Permit and Administrative Design review should be required for all outdoor dining facilities located within a pavilion or other tent structure. This is a relatively simple and inexpensive permitting process which would allow residents and businesses located within 300 feet of the outdoor dining pavilion to raise issues if they have them regarding noise, parking, safety, etc. It would also allow the City to place special conditions on the permits to minimize negative impacts to the neighboring businesses and residents. Additionally, the administrative design review process would allow City staff to address how the pavilion or tent structure affects the views to the property and ensure that the pavilions are compatible with the neighborhood or commercial district. Furthermore, the Planning Commission directed that outdoor dining is not appropriate in the Low Density Residential (RL) zoning district even though restaurants are allowed in RL districts.

2. **Capacity Fees.** The Planning Commission recommends that the City Council should not eliminate capacity fees for outdoor restaurants, as to do so is not equitable to the businesses who have already paid capacity fees for their indoor dining establishments but either cannot or do not want to offer outdoor dining. The Planning Commission noted that by not charging a capacity fee for outdoor dining, the City would give a competitive disadvantage to the many restaurants who have already paid capacity fees. The unfairness is compounded for businesses that have already paid capacity fees for outdoor dining facilities established prior to the pandemic. Instead, the Planning Commission recommended a data driven mechanism to determine the correct proportional share of capacity fees that should be paid for outdoor dining facilities. The Planning Commission directed MJC to prepare an analysis that includes a rational basis for charging capacity fees for outdoor dining.

MJC analyzed water unit data from the City of Fort Bragg. The analysis first examined net change in restaurant water use/year from 2018 through 2023 to determine a baseline water use trendline, as the pandemic resulted in significant economic disruption across all restaurants (Table 1). Next using Google Earth, MJC determined the years that tents were utilized at each restaurant with outdoor dining. Then MJC determined the water use change for those restaurants with outdoor dining for each year relative to the prior year (Table 2). Finally, MJC determined the net difference between water use for restaurants with outdoor dining versus restaurants with only indoor dining (Table 1).

Table 1: Comparison of Water Use - Restaurants with & without Outdoor Dining					
Year of Read	Total Water Consumption (Units)	Percent Change All Restaurants	% Change Consumption Restaurants with Outdoor Dining	% Change Consumption all Indoor Restaurants	Net Difference
2018	11,868				
2019	10,846	-9%	NA	-9%	NA
2020	7,853	-28%	NA	-28%	NA
2021	9,027	15%	20%	-27%	47%
2022	8,917.23	-1%	8%	-24%	32%
2023	8,836.88	-1%	17%	-12%	29%
Average Last three years		4%	15%	-21%	36%
Source: City of Fort Bragg dept of Finance, 2024; MJC 2024					

Table 2: Water Units Per Year for Restaurants with Some Outdoor Dining (denoted by green shading)							
Restaurant Name	Year w/ Outdoor Dining	2018	2019	2020	2021	2022	2023
Dennys	2021	106	799	401	404	419	428
KC Salt Water Grill	2023						
Café 1	2021	171	145	106	131	117	126.85
Brewery	2021-2023	1,297	1,232	648	746	561	577
Mayan Fusion	2021-2023	317	392	317	346	291	258.23
Laurel St. Restaurant - Seaside	2022	204	203	139	173	165.62	146
Vcanto	2021-2023	331	242	182	252	246.83	144
Noyo River Lodge	2021-2022	800	832	665	926	837	803.7
Homestyle Café	2021-2022	198	185	145	150	124.72	134
Cliff House / Noyo River Grill	2021	468	23	158	189	closed	344
	Total	3892	4053	2761	3317	2762.17	2961.78
	% change		4.1%	-31.9%	20.1%	-16.7%	7.2%

Source: City of Fort Bragg dept of Finance, 2024; MJC 2024

Overall, restaurants with outdoor dining generally use much more water than indoor restaurants. The average water use for a restaurant with outdoor dining was 407 units in 2021, while the average water use for indoor-only restaurants was 180 units of water/year. This differential existed prior to the pandemic and outdoor dining: in 2019, restaurants that would later have outdoor dining (once the pandemic started) used an average of 338 units of water/year while indoor-only restaurants used an average of 225 units of water use. Restaurants with high initial water use were more likely to embrace outdoor dining. In other words, popular restaurants wanted to expand their number of tables, dining service and revenues and therefore opened outdoor dining pavilions. Some pavilions were opened well after COVID restrictions were withdrawn.

Based on the available information, over the past three years, restaurants with outdoor dining increased their average water use by 15% per year, while restaurants with only indoor dining saw an average decrease in water use of -21%, the average difference was 36% (Table 1). Outdoor dining is popular. Restaurants with outdoor dining experienced significant water use increases, which presumably was associated with more patrons and revenues. On the other hand, over this period, even with robust tourism occupancy in Fort Bragg, indoor dining only restaurants have had a significant and ongoing reduction in water use, perhaps indicating that their customer base is leaking to other restaurants with outdoor pavilions. Therefore, the evidence supports the Planning Commission’s recommendation for an outdoor dining capacity fee (based on this evidence in association with the new Capacity Fee study). The ordinance includes recommended revised language to this effect.

- Parking.** The Planning Commission expressed concern about the potential impact of outdoor dining on parking availability and recommends that new outdoor dining facilities not be permitted where they occupy more than 10% of parking spaces that are required to serve the existing indoor restaurant. The Planning Commission expressed concern that outdoor dining that consumes existing parking spaces will impact parking availability for adjacent businesses and residents, especially as this new ordinance does not require additional parking for the new outdoor dining area. Therefore, the Planning Commission recommended that outdoor dining facilities not

result in the temporary removal of more than 10% of the minimum required parking for the indoor dining facility.

4. **Inspection.** Pavilions and tents are temporary structures, and are typically not subject to building codes. As they are likely to deteriorate in salt air and potentially result in unsafe or unsightly structures, the Planning Commission recommends that a schedule of inspection be undertaken (perhaps the Fire Inspector or a third-party independent inspector) to ensure that such facilities are in good repair. Canvas in an outdoor environment typically lasts from five to ten years. Therefore, the Planning Commission recommends that each outdoor pavilion and associated equipment and furnishings be regularly inspected by a third party to certify to the City that they are safe and in good condition.
5. **Coordinate with County Environmental Health Requirements.** The Planning Commission recommended that the City coordinate with the County Division of Environmental Health to determine if they have any requirements or limitations which should be included in the ordinance. Manuel Ramirez of Mendocino County Division of Environmental Health was contacted, and he noted that all food preparation and service in an outdoor dining pavilion must meet the California Retail Food Code.

The attached draft ordinances have been revised to reflect the Planning Commission's recommendations.

Additionally, as a result of preparation of the MND and the General Plan Consistency review many other changes were also made to the ordinance.

Mitigated Negative Declaration. The MND includes the following five Mitigation Measures to ensure that outdoor dining would have a less than significant impact on the environment.

Mitigation Measure Aesthetics-1. The following additional requirements shall be added to the regulations for outdoor dining to reduce the potential impact on aesthetics to less than significant.

Setbacks & Height Limits. Outdoor dining pavilions and tents shall comply with all relevant setbacks and height limits of the zoning district in which they are located. Pavilions can be ~~in front of,~~ behind or to the side of the associated restaurant. Outdoor dining that is not located within a pavilion may be in front of the building. Where the front of the building is the facade facing the primary street.

Mitigation Measure Aesthetics-2. The following additional requirements shall be added to the regulations for outdoor dining to reduce the potential impact on aesthetics to less than significant.

Objective Design & Safety Criteria.

All lighting located within or outside of outdoor dining pavilions shall be downward facing and night sky compliant.

Mitigation Measure Bio-1. The following requirements shall be added to the regulations for outdoor dining to reduce the potential impact on biological resources to less than significant.

Location, Setbacks, and Height Limits. Outdoor dining pavilions and tents

shall comply with all relevant setbacks and height limits of the zoning district in which they are located. **Outdoor Dining Facilities shall be located on previously developed areas (such as a parking lot, sidewalk, or landscaped area) or located a minimum of 50 feet from any Environmentally Sensitive area, wetland, or rare plant community.**

Mitigation Measure Trans-1: Revise the proposed zoning ordinance as follows:
Objective Design & Safety Criteria. Outdoor dining pavilions and tents shall comply with the following objective criteria:

Outdoor Dining facilities shall not conflict with use of existing bicycle parking and access.

Mitigation Measure Trans-2: Revise the proposed zoning ordinance as follows:
Objective Design & Safety Criteria. Outdoor dining pavilions and tents shall comply with the following objective criteria:

Outdoor Dining facilities shall not conflict with emergency access as determined by the Fire Marshal.

These mitigation measures have been incorporated into the attached resolutions.

General Plan Consistency. The consistency analysis identified many inconsistencies between the proposed amendment and various policies of the Coastal General Plan, the General Plan, the CLUDC and the ILUDC. It also identifies various approaches that can be used in revising the ordinances so that the inconsistencies and conflict are eliminated (please see Attachment 3 for the complete analysis). To avoid inconsistencies with the code, the amendment was modified per the following recommendations:

Recommended Modification	Conflicts which are resolved
Coastal Amendment	
Require Coastal Development Permit for outdoor dining.	Construction of a pavilion is considered development in the Coastal Act, and all development is required to obtain a CDP. Additionally, there are many policies of the Coastal General Plan that would conflict with an ordinance that does not require a CDP, especially policies and regulations regarding impacts to views, Environmentally Sensitive Habitat Area, and stormwater.
Both Amendments	
Revise ordinance to prohibit pavilions in front of buildings along the primary building frontage.	This change is necessitated due to conflicts with General Plan requirements to protect the character of the downtown.
Amend Table 3-7 to indicate “no parking required” for outdoor dining.	This change is required to ensure no conflict between the draft ordinance and Table 3-7.
Require that pavilions only be located on a parking lot, sidewalk, or hardscape area.	This change eliminates conflicts with regulations and policies regarding stormwater and Environmentally Sensitive Areas.

Require that outdoor dining facilities be located a minimum of 50 feet from any environmentally sensitive area, wetland, or rare plant community.	This change eliminates conflicts with sensitive biological resources policies and regulations.
Outdoor dining pavilions and tents shall be sited so that they do not add to stormwater runoff volume or peak runoff rates.	This change eliminates conflicts with regulations regarding stormwater.
Outdoor dining pavilions and tents shall not be in an area that would impact scenic views or resources as seen from a public right of way.	This change eliminates conflicts with policies protecting scenic resources.
Consider requiring administrative design review for pavilions.	This change eliminates conflicts with Design Review regulations which require design review for commercial structures greater than 250 square feet.
Require that all lighting located within or outside of outdoor dining pavilions be downward facing and night sky compliant.	This change eliminates conflicts with policies regarding scenic resources and design review.
Require that outdoor dining facilities don't interfere with bicycle access and parking	This change eliminates conflicts with circulation policies in the General Plan.
Require that pavilion and tent colors should either be white or a color which is compatible with the colors of the restaurant building.	If administrative design review is not required, this minimal requirement could reduce potential design conflicts between a pavilion and its associated building.
Remove Capacity fee exemption.	The proposed exemption from paying capacity fees conflicts with a General Plan policy. Additionally, at this time the City has a de facto, across the board, exemption from capacity fees while the City's new capacity fee analysis is prepared.

RECOMMENDED ACTION:

1. Hold a Public Hearing and Consider Adopting a Resolution of the Fort Bragg Planning Commission Recommending that the City Council Amend Chapter 18.42.165 – Restaurants of Division 18 of the Fort Bragg Municipal Code to Establish Regulations and Standards for Outdoor Dining.
2. Hold a Public Hearing and Consider Adopting a Resolution of the Fort Bragg Planning Commission Recommending that the City Council Submit an LCP Amendment Application to the Coastal Commission to Amend Chapter 17.42.190 – Restaurants of Division 17 of the Fort Bragg Municipal Code to Establish Regulations and Standards for Outdoor Dining

ALTERNATIVE ACTION(S):

Provide direction to engage in complaint-driven code enforcement and require all outdoor dining facilities to comply with existing code requirements.

ENVIRONMENTAL ANALYSIS:

On December 7, 2023, a Notice of Intent to Adopt was published. Beginning December 7 through December 27, 2023, a draft Mitigated Negative Declaration was available for review and comment (Attachment 4). As of December 29, 2023, no comments were received. The Planning Commission will not adopt a resolution regarding the MND because the Planning Commission is only providing a recommendation.

FISCAL IMPACT:

The fiscal impact will depend on the policy direction. Some considerations include:

- Reducing parking requirements could result in a more parking constrained downtown which could result in pressure on the City to purchase and develop land for public parking.
- Additional outdoor dining will result in increased sales tax revenues.
- Waiving the Capacity Fee for outdoor dining would result in the City investing more funds from other sources in capital improvements related to sewer and water infrastructure.

GREENHOUSE GAS EMISSIONS IMPACT:

Greenhouse gas emissions are higher for outdoor dining due to heating and lighting the outdoors and/or the pavilion, which are not required to pass Title 24 energy calculations.

CONSISTENCY:

The consistency of any proposed ordinance with the General Plan has been analyzed in Attachment 3.

IMPLEMENTATION/TIMEFRAMES:

December– Prepared and circulated CEQA document.

January – Recommendation from Planning Commission.

February – First reading of the ordinance by City Council.

February – Second reading of the ordinance and adoption by City Council.

March – Ordinance goes into effect.

ATTACHMENTS:

1. Resolution of the Fort Bragg Planning Commission Recommending that the City Council Amend Chapter 18.42.165 – Restaurants of Division 18 of the Fort Bragg Municipal Code to Establish Regulations and Standards for Outdoor Dining.
2. Resolution of the Fort Bragg Planning Commission Recommending that the City Council Submit an LCP Amendment Application to the Coastal Commission to Amend Chapter 17.42.190 – Restaurants of Division 17 of the Fort Bragg Municipal Code to Establish Regulations and Standards for Outdoor Dining
3. General Plan and Zoning Ordinance Consistency Analysis
4. Mitigated Negative Declaration

NOTIFICATION:

1. “Notify Me” subscriber lists: Fort Bragg Downtown Businesses; and Economic Development Planning.

2. Restaurants with outdoor dining: Craving Grill, Cucina Verona, KW SaltWater Grill, Mayan Fusion, North Coast Brewery, Noyo Harbor Inn, Overtime Brewery, Piaci's Pub & Pizzeria

RESOLUTION NO. PC -2024

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL SUBMIT AN LCP AMENDMENT APPLICATION TO THE COASTAL COMMISSION TO AMEND CHAPTER 17.42.190– RESTAURANTS OF DIVISION 17 OF THE FORT BRAGG MUNICIPAL CODE TO ESTABLISH REGULATIONS AND STANDARDS FOR OUTDOOR DINING

WHEREAS, California Constitution Article XI, Section 7, enables the City of Fort Bragg (the “City”) to enact local planning and land use regulations; and

WHEREAS, the authority to adopt and enforce zoning regulations is an exercise of the City’s police power to protect the public health, safety, and welfare; and

WHEREAS, the City of Fort Bragg (“City”) adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits and its sphere of influence; and

WHEREAS, the City adopted a Coastal General Plan (“Coastal GP”) as the Land Use Plan portion of the Local Coastal Program on May 12, 2008 which established policies for all land within the Fort Bragg Coastal Zone; and

WHEREAS, in August 2008 the California Coastal Commission certified the City’s Local Coastal Program (LCP) which includes the Coastal GP as the Land Use Plan; and

WHEREAS, the City Council adopted Resolution 3162-2008 on May 12, 2008, adopting the Coastal General Plan; and

WHEREAS, the City adopted a Coastal Land Use and Development Code in 2008 as the implementing portion of the Local Coastal Program on May 12, 2008, which established all land use regulations for the Coastal Zone; and

WHEREAS, the Coastal General Plan includes policies to: (1) advance the orderly growth and development of the City’s Coastal areas; (2) protect coastal resources; (3) incorporate sustainability into the development process so that Fort Bragg’s coastal resources and amenities are preserved for future generations; (4) respond to current environmental and infrastructure constraints; (5) protect the public health, safety and welfare; and (6) promote fiscally responsible development; and

WHEREAS, in May of 2020, due to the COVID-19 Pandemic the City adopted an amendment to the Municipal Code which gave the City Manager, as the Director of Emergency Services, the power: “To waive zoning requirements and/or standards to facilitate business operations of established businesses affected by public health orders of the federal, state, or county government, to the extent that such waivers would not result in an increase in general intensity of use beyond what is otherwise allowed, as applicable to zoning district;” and

WHEREAS, the City of Fort Bragg relaxed standards so that outdoor dining could be established during the pandemic and a number of restaurants erected outdoor dining facilities which have proven to be very popular; and

WHEREAS, on February 28, 2023, Governor Gavin Newsom announced that the COVID-19 State of Emergency ended; and

WHEREAS, on April 11, 2023, President Joe Biden signed a bipartisan congressional resolution to bring the U.S. national emergency to respond to the COVID-19 pandemic to a close; and

WHEREAS, on May 10, 2023, the Mendocino County Building Department released a notice of the expiration of the County's COVID-19 Urgency Ordinance 4472 which allowed many temporary business modifications in response to COVID-19. The notice provided businesses with an opportunity to apply for the appropriate permits to retain any temporary modifications to their structures or facilities; and

WHEREAS, the City desires to ensure that outdoor dining can continue in Fort Bragg in a safe and enjoyable manner; and

WHEREAS, the Community Development Committee held a duly noticed public hearing on May 17, 2023, to discuss recommending regulations to establish a method for outdoor dining to continue even as state regulations allowing outdoor dining during the COVID-19 Pandemic were set to expire; and

WHEREAS, on June 26, 2023, City Council received a report and provided direction to staff regarding future zoning modifications to allow outdoor dining; and

WHEREAS, the "activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long range development plan" pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA, and this statutory exemption "shifts the burden of CEQA compliance from the local agency to the California Coastal Commission" (CEQA Guidelines § 15265 (c)); and

WHEREAS, the Planning Commission held a duly noticed public hearing on January 10, 2024, to consider the Zoning Code Amendment, accept public testimony and continued consideration of the recommended amendments to January 31, 2024; and

NOW, THEREFORE, BE IT RESOLVED that the City of Fort Bragg Planning Commission, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; the Project application; all reports and public testimony submitted as part of the Planning Commission meeting of January 10, 2024 and January 31, 2024, and Planning Commission deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of Fort Bragg does hereby make the following findings and determinations:

SECTION 1: COASTAL LAND USE AND DEVELOPMENT CODE AMENDMENT FINDINGS

Pursuant to Fort Bragg Municipal Code Section 17.94.060, the Planning Commission recommends that the City Council make the following findings for adoption of the proposed amendments to the Fort Bragg Coastal Land Use and Development Code:

- a. The proposed amendment is consistent with the Coastal General Plan and any applicable specific plan; and
 - 1. The proposed project is consistent with the land use designations of the Land Use Element of the Coastal General Plan (CGP) because the amendment would allow outdoor dining in the same land use designations as restaurants.
 - 2. The proposed amendment is consistent with the following applicable General Plan policies: Policy LU-3.1, Policy LU-5.7, Policy LU-10.2, Policy LU-10.4, Policy PF-1.2, Policy PF-2.1, Policy CD-1.1, Policy CD-2.1, Policy CD-2.5, Policy CD-3.2, Policy CD-3.3, Policy CD-3.4, Policy CD-1.9, Policy SF-5.1.
- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
 - 1. As revised, the proposed amendment includes sufficient safeguards to protect the health and safety of diners and of outdoor dining facilities. Outdoor dining will improve convenience by increasing dining options and providing for outdoor dining for people with immune issues where indoor dining may be unsafe due to COVID-19 and other communicable illness. The amendment furthers the public interest and welfare as indicated by the continued popularity of outdoor dining.
- c. The proposed amendment is internally consistent with other applicable provisions of this Development Code.
 - 1. The Proposed Amendment is consistent with CLUDC standards as amended as analyzed in the consistency analysis.

SECTION 2: GENERAL FINDINGS:

- a. The foregoing recitals are true and correct and made a part of this Resolution; and
- b. The documents and other material constituting the record for these proceedings are located in the Community Development Department.

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend that the City Council submit and LCP Amendment Application to the Coastal Commission to amend Division 17 to the Fort Bragg Municipal Code to Amend Chapter 17.42.190 – *Restaurants* to establish regulations and standards for outdoor dining, as delineated in Attachment A.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

The above and foregoing Resolution was introduced by _____ seconded by _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 31st day of January 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

Jeremy Logan, Chair

ATTEST:

**Maria Flynn, Administrative Assistant
Community Development Department**

Planning Commission Resolution Attachment A: LCP 3-23 “Outdoor Dining” Zoning Code Amendments

Draft Ordinance: CLUDC Outdoor Dining

Amend 17.21.030 - Allowed Land Uses and Permit Requirements for Residential Zoning Districts, Table 2-1 as follows (amendment shown in red text):

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	P	Permitted Use, Zoning Clearance required					
	MUP	Minor Use Permit required (see Section 17.71.060)					
	UP	Use Permit required (see Section 17.71.060)					
	S	Permit requirement set by Specific Use Regulations					
	—	Use not allowed					
LAND USE (1)	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	RR	RS	RL	RM	RH	RVH	
Restaurant, Café, Coffee Shop	-	-	UP	UP	UP	UP	17.42.165
Outdoor Dining	-	-	-	MUP	MUP	MUP	17.42.165

Amend 17.22.030- Allowed Land Uses and Permit Requirements for Commercial Zoning Districts, Table 2-1 as follows (amendment shown in red text):

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P	Permitted Use, Zoning Clearance required				
	MUP	Minor Use Permit required (see Section 17.71.060)				
	UP	Use Permit required (see Section 17.71.060)				
	S	Permit requirement set by Specific Use Regulations				
	—	Use not allowed				
LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	
Outdoor Dining	MUP	MUP	MUP	MUP	MUP	18.42.165

Amend 17.36.040 - Number of Parking Spaces Required, Table 3-7 as follows (amendment shown in red text):

TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE (Continued)

Land Use Type: Retail Trade	Vehicle Spaces Required
All "Retail Trade" and general retail uses listed in § 17.22.030 , Table 2-6, except for the following:	1 space for each 400 sf of floor area, plus 1 space for each 600 sf of outdoor sales area.
Restaurant, cafe, coffee shop	1 space for each 4 seats; or 1 space for each 200 sf of floor area, whichever would yield more spaces.
Outdoor Dining	No parking required

Amend 17.42.190 of the CLUDC as follows (amendment shown in red text):

17.42.190 – Restaurants & Outdoor Dining

A. Grease and Oils. The following standards for restaurants are intended to regulate the disposal of grease and oils for the protection of the City of Fort Bragg sewage treatment plant and the environment:

1. Operating standards. Restaurants shall comply with the following operating standards:
 - a. Installation and maintenance of grease trap/interceptor. Grease interceptor installation and maintenance must comply with the City’s Food Service Establishment Wastewater Discharge Permit and the City’s Municipal Code section regarding fats, oil and grease control.
 - b. Washing of restaurant floor mats, exhaust filters. Restaurant floor mats and exhaust filters shall be washed in a sink or wash area that drains to the sanitary sewer, or collected wastewater from such washing shall be discharged to the sanitary sewer.

B. Outdoor Dining. The following standards are for outdoor dining facilities and are intended to regulate for the safe and compatible operation of outdoor dining facilities. Outdoor Dining Facility may consist of tables and chairs for dining with or without a pavilion, tents and/or umbrellas.

1. **Coastal Development Permit.** A Coastal Development Permit is required for an Outdoor Dining Facility that includes the erection of a pavilion or tent.
2. **Allowed as part of Indoor Dining.** These regulations apply only to

restaurants that have an indoor dining component. Entirely outdoor restaurants are not permitted.

3. Location, Setbacks & Height Limits.

- a. Outdoor dining pavilions and tents shall comply with all relevant setback and height limits of the zoning district.
- b. Pavilions and tents may be located behind or to the side of the associated restaurant. Outdoor dining that is not in a pavilion or tent may be in front of the associated restaurant. Where the front of the building is the facade facing the primary street.
- c. Outdoor dining facilities shall be located on previously developed areas such as a parking lot, sidewalk, or hardscape area. Outdoor dining may not result in a net loss of more than 10% of parking spaces unless otherwise allowed by this development code.
- d. Outdoor dining must be located a minimum of 50 feet from any environmentally sensitive area, wetland or rare plant community.
- e. Outdoor dining pavilions and tents shall be sited so that they do not add to stormwater runoff volume or peak runoff rates.
- f. Outdoor dining pavilions and tents shall not be located in an area that would impact scenic views or resources as seen from a public right of way.
- g. Outdoor dining is permissible on the City's sidewalks with Encroachment Permit approval.

4. Size Limits. Outdoor dining facilities shall be limited to 1,300 SF. A larger size may be approved with a Minor Use Permit.

5. Objective Design & Safety Criteria. Outdoor dining pavilions and tents are subject to Administrative Design Review and shall comply with the following criteria:

- a. Outdoor dining facilities shall be confined to the area shown on the approved site plan.
- b. Where umbrellas, tents or pavilions are proposed, a vertical clearance of at least 7 feet must be maintained.
- c. Utilities, Heating & Lighting
 - I. The use of heating devices and electrical extension cords and lighting are subject to review and approval by the Community Development Director and the Fire Marshal.
 - II. Portable Heaters/Space Heaters are permitted if approved for outdoor use, located in accordance with the manufacturer's recommendations, and located at least two feet from the edge or roof of any umbrella canvas, tent, pavilion, foliage, or any other flammable object or material.
 - III. All lighting located within or outside of outdoor dining pavilions shall be downward facing and night sky compliant.
- d. Outdoor Dining shall not interfere with building ingress/egress.
 - 1. ADA Accessibility. The outdoor dining area shall be designed, constructed and/or conform to the applicable provisions, rules, regulations and guidelines of the California Building Code and

Americans with Disabilities Act.

2. Outdoor Dining facilities shall not conflict with use of existing bicycle parking and access.
 - e. Moveable barriers shall be of solid, durable materials. Preferred barriers include removable fences, freestanding fences, hedges, planters, trees, removable columns, and pavilion or tent structures. Fabric inserts, chain link fencing, plastic, vinyl, chicken wire and cyclone fencing are not permitted.
 - f. Pavilion and tent colors should either be white or a color which is compatible with the colors of the restaurant building.
6. **Operating Standards.** Outdoor dining shall comply with the following operating standards:
- a. No amplified music after 9:00 pm.
 - b. No new service after 9:00 pm.
 - c. Hours of operation shall not begin prior to 7:00 am or extend later than 10:00 pm.
 - d. Smoking is prohibited in outdoor dining areas.
 - e. Outdoor dining, food preparation and cooking is only permissible in compliance with the California Retail Food Code and with the approval of the Mendocino County Division of Environmental Health.
 - f. Pavilions must be inspected regularly by an independent third party who shall submit a letter to the City guaranteeing that the pavilion and associated equipment and furnishings are safe and in good repair.
 - g. Establishments that serve alcoholic beverages in the outdoor dining area must meet all requirements of the Alcoholic Beverage Control Board and any other federal, state, or local laws and regulations governing the sale and consumption of alcoholic beverages.
7. **Capacity Fees.** Outdoor dining facilities shall pay 15% of the regular and normal capacity fee for restaurants. If the property owner decides to remove the outdoor dining facility, a portion of the capacity fees will be reimbursed, and the City will retain 5% of the capacity fee for each year that outdoor dining was in operation.

18.100 Definitions Amendments

In order to support the required code updates, the following addition to the definitions in ILUDC Section 18.100.020 are recommended:

Outdoor Dining Facility. Outdoor dining may consist of tables and chairs for dining with or without a pavilion, tents and/or umbrellas, and adjacent to and on the same parcel as a restaurant with an indoor dining component. Outdoor bars are not outdoor dining facilities.

RESOLUTION NO. PC -2024

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE TO AMEND CHAPTER 18.42.165 – RESTAURANTS OF DIVISION 18 OF THE FORT BRAGG MUNICIPAL CODE TO ESTABLISH REGULATIONS AND STANDARDS FOR OUTDOOR DINING

WHEREAS, California Constitution Article XI, Section 7, enables the City of Fort Bragg (the “City”) to enact local planning and land use regulations; and

WHEREAS the authority to adopt and enforce zoning regulations is an exercise of the City’s police power to protect the public health, safety, and welfare; and

WHEREAS, the City of Fort Bragg (“City”) adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits and its sphere of influence; and

WHEREAS, the City adopted an Inland General Plan and certified an Environmental Impact Report Addendum (“EIR Addendum”) for the General Plan on December 2, 2012; and

WHEREAS, the City adopted an Inland Land Use and Development Code and Negative Declaration on February 10, 2014; and

WHEREAS, the adoption of an Inland Land Use and Development Code is necessary to: 1) provide a regulatory framework for implementation of the Inland General Plan; 2) to implement new State planning and land use requirements; and 3) update zoning regulations in accordance with City Council policy direction; and

WHEREAS, in May 2020, due to the COVID-19 Pandemic the City adopted an amendment to the Municipal Code which gave the City Manager, as the Director of Emergency Services, the power: “To waive zoning requirements and/or standards to facilitate business operations of established businesses affected by public health orders of the federal, state, or county government, to the extent that such waivers would not result in an increase in general intensity of use beyond what is otherwise allowed, as applicable to zoning district;” and

WHEREAS, the City relaxed standards so that outdoor dining could be established during the pandemic and a number of restaurants erected outdoor dining facilities which have proven to be very popular; and

WHEREAS, On February 28, 2023, Governor Gavin Newsom announced that the COVID-19 State of Emergency ended; and

WHEREAS, On April 11, 2023, President Joe Biden signed a bipartisan congressional resolution to bring the U.S. national emergency to respond to the COVID-19 Pandemic to a close; and

WHEREAS, on May 10, 2023, the Mendocino County Building Department released a notice of the expiration of the County’s COVID-19 Urgency Ordinance 4472 which allowed many temporary business modifications in response to COVID-19; and the

notice provided businesses with an opportunity to apply for the appropriate permits to retain any temporary modifications to their structures or facilities; and

WHEREAS the City desires to ensure that outdoor dining can continue in Fort Bragg in a safe and enjoyable manner; and

WHEREAS, the Community Development Committee held a duly noticed special meeting on May 17, 2023, to discuss recommending regulations to establish a method for outdoor dining to continue even as State regulations allowing outdoor dining during the COVID-19 Pandemic were set to expire; and

WHEREAS, on June 26, 2023, City Council received a report and provided direction to staff regarding future zoning modification to allow outdoor dining; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Section 15074 of the CEQA Guidelines, a Mitigated Native Declaration (MND) was prepared and circulated for public comment for the zoning code amendment; and

WHEREAS, a Notice of Intent to Adopt an MND was published on December 7, 2023, and the twenty-day review period was from December 7 through December 27, 2023; and

WHEREAS the Planning Commission held a duly noticed public hearing on January 10, 2024, to consider the Zoning Code Amendment, accept public testimony; and

NOW, THEREFORE, BE IT RESOLVED that the City of Fort Bragg Planning Commission, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Inland General Plan; the Fort Bragg Inland Land Use and Development Code; the Project application; all reports and public testimony submitted as part of the Planning Commission meeting of January 10, 2024 and January 31, 2024 and Planning Commission deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of Fort Bragg does hereby make the following findings and determinations:

SECTION 1: INLAND LAND USE AND DEVELOPMENT CODE AMENDMENT FINDINGS

Pursuant to Fort Bragg Municipal Code Section 18.94.060, the Planning Commission recommends that the City Council make the following findings for adoption of the proposed amendments to the Fort Bragg Inland Land Use and Development Code:

- a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
 1. The proposed project is consistent with the land use designations of the Land Use Element of the Inland General Plan (CGP) because the amendment would allow outdoor dining in the same land use designations as restaurants.
 2. The proposed amendment is consistent with the following applicable General Plan policies: Policy LU-3.1, Policy PF-1.2, Policy PF-2.1, Policy OS-1.2,

Policy OS-5.2, Policy OS-6.3, Policy C-1.2, Policy CD-1.1, Policy CD-1.3, Policy CD-2.2, Policy CD-2.3, Policy CD-2.4, Policy CD-5.3, Policy SF-4.1.

- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
 - 1. As revised, and recommended by the Planning Commission, the proposed amendment includes sufficient safeguards to protect the health and safety of diners and of outdoor dining facilities. Outdoor dining will improve convenience by increasing dining options and providing for outdoor dining for people with immune issues where indoor dining may be unsafe due to COVID-19 and other communicable illness. The amendment furthers the public interest and welfare as indicated by the continued popularity of outdoor dining.
- c. The proposed amendment is internally consistent with other applicable provisions of this Development Code.
 - 1. The Proposed Zoning Code Amendment is consistent with ILUDC standards as amended and as analyzed in the consistency analysis.

SECTION 2: GENERAL FINDINGS:

- a. The foregoing recitals are true and correct and made a part of this Resolution; and
- b. The documents and other material constituting the record for these proceedings are located in the Community Development Department.

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend that the City Council amend Division 18 to the Fort Bragg Municipal Code to Amend Chapter 18.42.165 – *Restaurants* to establish regulations and standards for outdoor dining, as delineated in Attachment A.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

The above and foregoing Resolution was introduced by _____ seconded by _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 31st day of January 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

Jeremy Logan, Chair

ATTEST:

**Maria Flynn, Administrative Assistant
Community Development Department
Planning Commission Resolution Attachment A: ILUDC 3-23 “Outdoor Dining” Zoning Code Amendments**

Draft Ordinance: ILUDC Outdoor Dining

Amend 18.21.030 - Allowed Land Uses and Permit Requirements for Residential Zoning Districts, Table 2-1 as follows (amendment shown in red text):

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	RR	RS	RL	RM	RH	RVH		
	LAND USE (1)							
Restaurant, Café, Coffee Shop	-	-	UP	UP	UP	UP	18.42.165	
Outdoor Dining	-	-	-	MUP	MUP	MUP	18.42.165	

Amend 18.22.030- Allowed Land Uses and Permit Requirements for Commercial Zoning Districts, Table 2-1 as follows (amendment shown in red text):

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	
	LAND USE (1)					
Restaurant, café, coffee shop	UP	P	P	P	P	18.42.165
Second hand store	—	—	—	P	P	
Service station	—	—	—	UP	UP	18.42.180
Shopping center	—	—	—	UP	UP	
Outdoor Dining	MUP	MUP	MUP	MUP	MUP	18.42.165

Amend 18.36.040 - Number of Parking Spaces Required, Table 3-7 as follows (amendment shown in red text):

TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE (Continued)

Land Use Type: Retail Trade	Vehicle Spaces Required	
	Minimum	Maximum
All "Retail Trade" and general retail uses listed in § 18.22.030, Table 2-6, except for the following:	1 space for each 400 sf of floor area, plus 1 space for each 600 sf of outdoor sales area.	1 space for each 200 sf of floor area, plus 1 space for each 400 sf of outdoor sales area.
Restaurant, cafe, coffee shop	1 space for each 100 sf of dining area.	1 space for each 40 sf of dining area.
Outdoor Dining	No parking required	No parking required

Amend 18.42.165 of the ILUDC as follows (amendment shown in red text):

18.42.165 – Restaurants & Outdoor Dining

A. Grease and Oils. The following standards for restaurants are intended to regulate the disposal of grease and oils for the protection of the City of Fort Bragg sewage treatment plant and the environment:

1. Operating standards. Restaurants shall comply with the following operating standards:
 - a. Installation and maintenance of grease trap/interceptor. Grease interceptor installation and maintenance must comply with the City's Food Service Establishment Wastewater Discharge Permit and the City's Municipal Code section regarding fats, oil and grease control.
 - b. Washing of restaurant floor mats, exhaust filters. Restaurant floor mats and exhaust filters shall be washed in a sink or wash area that drains to the sanitary sewer, or collected wastewater from such washing shall be discharged to the sanitary sewer.

B. Outdoor Dining. The following standards are for outdoor dining facilities and are intended to regulate for the safe and compatible operation of outdoor dining facilities. Outdoor Dining Facility may consist of tables and chairs for dining with or without a pavilion, tents and/or umbrellas.

1. **Allowed as part of Indoor Dining.** These regulations apply only to restaurants that have an indoor dining component. Entirely outdoor restaurants are not permitted.
2. **Location, Setbacks & Height Limits.**
 - a. Outdoor dining pavilions and tents shall comply with all relevant setback

- and height limits of the zoning district in which they are located.
- b. Pavilions can be behind or to the side of the associated restaurant. Outdoor dining that is not located within a pavilion may be in front of the building, where the front of the building is the facade facing the primary street.
 - c. Outdoor dining facilities shall be located on previously developed areas such as a parking lot, sidewalk, or hardscape area. Outdoor dining may not result in a net loss of more than 10% of parking spaces unless otherwise allowed by this development code.
 - d. Outdoor dining must be located a minimum of 50 feet from any environmentally sensitive area, wetland or rare plant community.
 - e. Outdoor dining pavilions and tents shall be sited so that they do not add to stormwater runoff volume or peak runoff rates.
 - f. Outdoor dining pavilions and tents shall not be located in an area that would impact scenic views or resources as seen from a public right of way.
 - g. Outdoor dining is permissible on the City's sidewalks with Encroachment Permit approval.
3. **Size Limits.** Outdoor dining facilities shall be limited to 1,300 SF. A larger size may be approved with a Minor Use Permit.
 4. **Design Review & Safety.** Outdoor dining pavilions and tents are subject to Administrative Design Review and shall comply with the following criteria:
 - a. Outdoor dining facilities shall be confined to the area shown on the approved site plan.
 - b. Where umbrellas, tents or pavilions are proposed, a vertical clearance of at least 7 feet must be maintained.
 - c. Utilities, Heating & Lighting
 - I. The use of heating devices and electrical extension cords and lighting are subject to review and approval by the Community Development Director and the Fire Marshal.
 - II. Portable Heaters/Space Heaters are permitted if approved for outdoor use, located in accordance with the manufacturer's recommendations, and located at least two feet from the edge or roof of any umbrella canvas, tent, pavilion, foliage, or any other flammable object or material.
 - III. All lighting located within or outside of outdoor dining pavilions shall be downward facing and night sky compliant.
 - d. Outdoor Dining shall not interfere with building ingress/egress.
 1. ADA Accessibility. The outdoor dining area shall be designed, constructed and/or conform to the applicable provisions, rules, regulations and guidelines of the California Building Code and Americans with Disabilities Act.
 2. Outdoor Dining facilities shall not conflict with use of existing bicycle parking and access.
 - e. Moveable barriers shall be of solid, durable materials. Preferred barriers include removable fences, freestanding fences, hedges, planters, trees, removable columns, and pavilion or tent structures.

Fabric inserts, chain link fencing, plastic, vinyl, chicken wire and cyclone fencing are not permitted.

- f. Pavilion and tent colors should either be white or a color which is compatible with the colors of the restaurant building.

5. Operating Standards. Outdoor dining shall comply with the following operating standards:

- a. No amplified music after 9:00 pm.
- b. No new service after 9:00 pm.
- c. Hours of operation shall not begin prior to 7:00 am or extend later than 10:00 pm.
- d. Smoking is prohibited in outdoor dining areas.
- e. Outdoor dining, food preparation and cooking is only permissible in compliance with the California Retail Food Code and with the approval of the Mendocino County Division of Environmental Health.
- f. Pavilions must be inspected regularly by an independent third party who shall submit a letter to the City guaranteeing that the pavilion and associated equipment and furnishings are safe and in good repair.
- g. Establishments that serve alcoholic beverages in the outdoor dining area shall meet all requirements of the Alcoholic Beverage Control Board and have a permit for such service as well as any other federal, state, or local laws and regulations governing the sale and consumption of alcoholic beverages.

6. Capacity Fees. Outdoor dining facilities shall pay 15% of the regular and normal capacity fee for restaurants. If the property owner decides to remove the outdoor dining facility, a portion of the paid capacity fees will be reimbursed, and the City may retain 5% of the capacity fee for each year that outdoor dining was in operation.

18.100 Definitions Amendments

In order to support the required code updates, the following addition to the definitions in ILUDC Section 18.100.020 are recommended:

Outdoor Dining Facility. Outdoor dining may consist of tables and chairs for dining with or without a pavilion, tents and/or umbrellas, and adjacent to and on the same parcel as a restaurant with an indoor dining component. Outdoor bars are not outdoor dining facilities.

ATTACHMENT 3: GENERAL PLAN/CLUDC - CONSISTENCY ANALYSIS

ILUDC 3-23 AND LCP 3-23 “OUTDOOR DINING” ZONING CODE AMENDMENTS

This attachment analyzes both the ILUDC and CLUDC outdoor dining amendments consistent with the respective Inland and Coastal General Plans and their implementation in the land use and development codes.

1. Coastal General Plan & CLUDC Consistency Analysis

Required Findings

The CLUDC 17.95.060(B) requires that the following findings be made for the amendments to the Coastal Land Use and Development Code:

1. The proposed amendment is consistent with the Coastal General Plan and any applicable specific plan.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
3. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The amendment is consistent with relevant policies of the City’s Coastal General Plan as analyzed below.

Land Use Element

The proposed amendment to the CLUDC is **consistent** with the following Coastal General Plan Policies in the Land Use Element.

Policy	Analysis
Policy LU-3.1 Central Business District: Retain and enhance the small-scale, pedestrian friendly, and historic character of the Central Business District (CBD).	The proposed outdoor dining amendment would enhance the pedestrian friendly aspect of the CBD. However, large pavilions could conflict with the historic character of the Central Business District, therefore MJC recommends that the City Council consider regulatory limitations that help to preserve the historic character of the downtown. For example, pavilion color should be subject to administrative design

	<p>review much like color choices for all commercial buildings. Recommended addition: B4k) Pavilion and tent colors should either be white or a color which is compatible with the colors of the restaurant building.</p>
<p>Policy LU-5.7: Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.</p>	<p>The proposed amendment does not comply with this policy, and the following language would help ensure compliance: B2c. Outdoor Dining Facilities shall be located on previously developed areas such as a parking lot, sidewalk, or landscaped area. However, if outdoor dining is proposed for a parking lot, it may not result in a net loss of parking spaces. unless otherwise allowed by this development code. Outdoor dining must be located a minimum of 50 feet from any environmentally sensitive area, wetland or rare plant community.</p>
<p>Policy LU-10.2: Locating New Development. New residential, commercial, or industrial development, except as otherwise provided in the LCP, 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.</p>	<p>The proposed ordinance complies with this policy because outdoor dining would be required to be adjacent to an existing restaurant.</p>
<p>Policy LU-10.4: Ensure Adequate Services and Infrastructure for New Development. Development shall only be approved when it has been demonstrated that the development will be served with adequate water and wastewater treatment. Lack of adequate services to serve the proposed</p>	<p>The City recently upgraded its Sewer Treatment Facility and has acquired property to develop additional water storage which together will ensure adequate sewer and water services throughout Fort Bragg. While restaurants have a significant impact of water and sewer capacity, the City has adequate</p>

development shall be grounds for denial of the development.	capacity of both to serve new and existing outdoor dining activities.
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There are no other applicable policies in the land use element.

Public Facilities Element

The proposed amendment to the CLUDC is consistent with the following Coastal General Plan Policies in the Public Facilities Element.

Policy	Analysis
Policy PF-1.1: All new development proposals shall be reviewed and conditioned to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses.	The proposed zoning amendment would allow a dining pavilion facility of up to 1,300 SF as a permitted use by right, without charging water or sewer capacity fees for the additional service use. Restaurants are one of more intense water and sewer capacity uses. However, the City currently has the existing capacity to serve the water and sewage needs of all existing development and any new outdoor dining facilities.
Policy PF-2.1 Development Pays Its Share: Require that new development pay its share of capital improvements and the cost of public services to maintain adequate levels of service.	The ordinance does not require restaurants with outdoor dining areas to pay capacity fees for the square footage of the outdoor dining. The ordinance does contradict the plain language of Policy PF-2.1. Therefore, the City should consider striking the language regarding exempting outdoor dining from payment of capacity fees or include outdoor dining in Table 3-7 and indicate that no parking is required. 6. Parking Requirements & Capacity fees Exemption. Outdoor dining facilities are exempt from parking requirements and payment of sewer and water capacity fees.

Conservation, Open Space, Energy, and Parks Element

The proposed amendment would be consistent with the policies of the Conservation Element as a CDP is required if the project is located in an area that has the potential to have Environmentally Sensitive Habitat, Wetlands, visual resources or on other Coastal Act resources as illustrated in the Maps of the Coastal General Plan.

Circulation Element

The proposed amendment is consistent the policies of this element and does not conflict with anything in the element.

Community Design, Safety, and Noise Elements

The proposed amendment is consistent with the policies of this element and does not conflict with anything in the element.

Policy	Analysis
Policy CD-1.1: Visual Resources: Permitted development shall 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.	As amended, new development would be required to apply for a CDP which would necessitate a visual analysis if visual resources would be impacted by a proposed project.
Policy CD-2.1 Design Review: All development that has the potential to affect visual resources shall be subject to Design Review, unless otherwise exempt from Design Review pursuant to Coastal Land Use & Development Code Section 17.71.050. Design Review approval requirements shall not replace, supersede or otherwise modify the independent requirement for a coastal development permit approved pursuant to the applicable policies and standards of the certified LCP. Ensure that development is constructed in a manner consistent with the Citywide Design Guidelines.	Policy CD-2.1 applies to pavilions as they are development under the Coastal Act. However, the Citywide Design Guidelines do not include any regulations specific to Pavilions. Furthermore, the City Council has decided to exempt pavilions from the need to obtain a Design Review permit and instead require compliance with the objective design requirements located within the ordinance. For conformance with this criteria, City Council should either exempt Outdoor Pavilions from Design Review or consider requiring at least administrative design review for pavilions. The following additional language is recommended. B4) Objective Design & Safety Criteria. Outdoor dining pavilions and tents are subject to Administrative Design Review and shall comply with the following additional criteria:

Policy CD-2.5 Scenic Views and Resource Areas: Ensure that development does not adversely impact scenic views and resources as seen from a road and other public rights-of-way.	As proposed the ordinance does not include any regulations that would protect scenic resources. However, a CDP would be required for a pavilion, which would require this analysis.
Policy CD-3.2 Pedestrian Activity: Encourage increased pedestrian movement and activity in the Central Business District.	Outdoor dining improves pedestrian oriented activity in the Central Business District.
Policy CD-3.3 Economic Vitality: Continue to support the economic diversity and vitality of downtown businesses.	Outdoor dining will increase the vitality of downtown restaurants.
Policy CD-3.4 Parking: Improve the availability of public parking facilities in the Central Business District and other commercial areas.	The proposed ordinance has the potential to remove private parking spaces, which would otherwise be required to park existing restaurants. However, these are not public parking facilities so there is no conflict with this policy.
Policy CD-1.9: Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity fixtures, and shielded so that no light shines beyond the boundary of the property.	As mitigated the ordinance requires that all lighting (in and outside) related to outdoor dining be shielded and downward facing.

Safety Element

The proposed amendment to the CLUDC **is consistent** with the Safety Element, including the following relevant policies:

Policy	Analysis
Policy SF-5.1 Minimize Fire Risk in New Development: Review all development proposals for fire risk and require mitigation measures to reduce the probability of fire.	The proposed zoning code amendment requires review and approval by the Fire Marshall who will implement this Policy as part of his review.

CONSISTENCY WITH CLUDC SITE PLANNING AND PROJECT DESIGN STANDARDS

Parking. The proposed ordinance conflicts with the parking ordinance because it: 1) allows applicants to eliminate parking spaces in order to accommodate an outdoor dining area and 2) it does not require parking for the outdoor dining area itself. In order to eliminate this conflict, the following amendment would need to be added to the ordinance.

Furthermore, the following change can be made to the proposed ordinance to ensure that otherwise required parking spaces are not eliminated:

B2c) Outdoor Dining Facilities shall be located on previously developed areas such as a parking lot, sidewalk, or landscaped area. *However, if outdoor dining is proposed for a parking lot, it may not result in the loss of parking spaces for the indoor dining area unless otherwise allowed by this development code.* Outdoor dining must be located a minimum of 50 feet from any environmentally sensitive area, wetland or rare plant community.

COASTAL RESOURCES ANALYSIS

Outdoor dining facilities would be required to obtain an Administrative Coastal Development Permit and make specific findings that Coastal Act resources will not be impacted.

2. Inland General Plan & ILUDC Consistency Analysis

Required Findings

The ILUDC 18.95.060(B) requires that the following findings be made for the amendments to the Inland Land Use and Development Code:

4. The proposed amendment is consistent with the Inland General Plan and any applicable specific plan.
5. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
6. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The amendment is consistent with relevant policies of the City’s General Plan and the ILUDC as mitigated and analyzed below.

Land Use Element

The proposed amendment to the ILUDC is **consistent** with the General Plan Policies in the Land Use Element, with the following possible exception:

Policy	Analysis
<p>Policy LU-3.1 Central Business District: Retain and enhance the small-scale, pedestrian friendly, and historic character of the Central Business District (CBD).</p>	<p>The proposed outdoor dining amendment would enhance the pedestrian friendly aspect of the CBD. However, large pavilions could conflict with the historic character of the Central Business District, therefore MJC recommends that the City Council consider regulatory limitations that help to preserve the historic character of the downtown. For example, pavilion color should be subject to administrative design review much like color choices for all commercial buildings.</p> <p>Recommended addition: B4k) Pavilion and tent colors should either be white or a color which is compatible with the colors of the restaurant building.</p>

Public Facilities Element

The proposed amendment to the CLUDC is consistent with the Coastal General Plan Policies in the Public Facilities Element with the following potential exceptions:

Policy	Analysis
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<p>Policy PF-1.2: All new development proposals shall be reviewed and conditioned to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses.</p>	<p>The proposed zoning amendment would allow a dining pavilion facility of up to 1,300 SF as a permitted use by right, without charging water or sewer capacity fees for the additional service use. Restaurants are one of more intense water and sewer capacity uses. However, the City currently has the existing capacity to serve the water and sewage needs of all existing development and any new outdoor dining facilities.</p>
<p>Policy PF-2.1 Development Pays Its Share: Require that new development pay its share of capital improvements and the cost of public services to maintain adequate levels of service.</p>	<p>The ordinance does not require restaurants with outdoor dining areas to pay capacity fees for the square footage of the outdoor dining. The ordinance does contradict the plain language of Policy PF-2.1. Therefore, the City should consider striking the language regarding exempting outdoor dining from payment of capacity fees or include outdoor dining in Table 3-7 and indicate that no parking is required.</p> <p>7. Parking Requirements & Capacity fees Exemption. Outdoor dining facilities are exempt from parking requirements and payment of sewer and water capacity fees.</p>

There are no other policies that are applicable to the proposed CLUDC updates.

Conservation, Open Space, Energy, and Parks Element

The proposed amendment would be consistent with the policies of the Conservation Element.

Policy	Analysis
<p>Policy OS-1.2 Preserve Natural Resources: Require that sensitive natural resources in Special Review Areas be preserved and protected to the maximum degree feasible.</p>	<p>As mitigated the proposed amendment would require that outdoor dining take place on previously developed areas and at least 50 feet from an environmentally sensitive area.</p>
<p>Policy OS-5.2 Riparian Habitat: Prevent development from destroying riparian habitat to the maximum feasible extent.</p>	

<p>Preserve, enhance, and restore existing riparian habitat in new development unless the preservation will prevent the establishment of all permitted uses on the property.</p>	
<p>Policy OS-6.3 Minimize Increases in Stormwater Runoff: Development shall be designed and managed to minimize post project increases in stormwater runoff volume and peak runoff rate, to the extent feasible.</p>	<p>The erection of an outdoor dining pavilion is exempt from the requirement to get a building permit. Furthermore, the ordinance would not require any other permitting for pavilions of less than 1,300 SF. This limits the ability of the City to regulate stormwater and to ensure that the requirements of Policy OS-6.3 are met. Therefore, the City Council should consider adding the following language to the ordinance.</p> <p>B2d) Outdoor dining pavilions and tents shall be sited so that they do not add to stormwater runoff volume or peak runoff rates.</p>

Circulation Element

The proposed amendment is consistent with the policies of this element and does not conflict with anything in the element.

Policy	Analysis
<p>Policy C-1.2: Walking and bicycling shall be considered an essential and integral part of the city's circulation network.</p>	<p>As mitigated, the proposed amendment would require that outdoor dining not interfere with bicycle parking or egress.</p>

Community Design, Safety, and Noise Elements

The proposed amendment is consistent with the policies of this element and does not conflict with anything in the element.

Policy	Analysis
<p>Policy CD-1.1 Citywide Design Guidelines: Ensure that new development and remodels are constructed in a manner consistent with the Citywide Design Guidelines.</p>	<p>The ILUDC defines development as follows: <i>On land grading, removing, dredging, mining, or extraction of any materials; subdivision pursuant to the Subdivision Map Act, construction,</i></p>

	<p><i>reconstruction, demolition, or alteration of any structure.</i> According to this definition, Policy CD1.1 would apply to pavilions as they are a structure. However, the Citywide Design Guidelines do not include any regulations specific to Pavilions. Further the City Council has decided to exempt pavilions from the need to obtain a Design Review permit and instead require compliance with the objective design requirements located within the ordinance.</p>
<p>Policy CD-1.3 Scenic Views and Resource Areas: Ensure that development does not adversely impact scenic views and resources as seen from public rights-of-way.</p>	<p>As proposed the ordinance does not include any regulations that would protect scenic resources. Therefore, the following additional language is recommended:</p> <p>B2e) Outdoor dining pavilions and tents shall not be located in an area that would impact scenic views or resources as seen from a public right of way.</p>
<p>Policy CD-2.2 Pedestrian Activity: Encourage increased pedestrian movement and activity in the Central Business District.</p>	<p>Outdoor dining improves pedestrian oriented activity in the Central Business District.</p>
<p>Policy CD-2.3 Economic Vitality: Continue to support the economic diversity and vitality of downtown businesses.</p>	<p>Outdoor dining will increase the vitality of downtown restaurants.</p>
<p>Policy CD-2.4 Parking: Improve the availability of public parking facilities in the Central Business District and other commercial areas.</p>	<p>The proposed ordinance has the potential to remove private parking spaces, which would otherwise be required to park existing restaurants. However, these are not public parking facilities so there is no conflict with this policy.</p>
<p>Policy CD-5.3: Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity fixtures, and shielded so that no light shines beyond the boundary of the property.</p>	<p>As mitigated the ordinance requires that all lighting (in and outside) related to outdoor dining be shielded and downward facing.</p>

Safety Element

The proposed amendments to the ILUDC **are consistent** with the Safety Element, including the following relevant policies:

Policy	Analysis
Policy SF-4.1 Minimize Fire Risk in New Development: Review all development proposals for fire risk and require mitigation measures to reduce the probability of fire.	The proposed zoning code amendment requires review and approval by the Fire Marshall who will implement this Policy as part of his review.

Consistency with ILUDC Site Planning and Project Design Standards

The Proposed Amendment is consistent with ILUDC standards with the following exceptions.

Parking. The proposed ordinance conflicts with the parking ordinance because it: 1) allows applicants to eliminate parking spaces in order to accommodate an outdoor dining area and 2) it does not require parking for the outdoor dining area itself. In order to eliminate this conflict, the following amendment would need to be added to the ordinance.

TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE (Continued)

Land Use Type: Retail Trade	Vehicle Spaces Required	
	Minimum	Maximum
All “Retail Trade” and general retail uses listed in § 18.22.030 , Table 2-6, except for the following:	1 space for each 400 sf of floor area, plus 1 space for each 600 sf of outdoor sales area.	1 space for each 200 sf of floor area, plus 1 space for each 400 sf of outdoor sales area.
Restaurant, cafe, coffee shop	1 space for each 100 sf of dining area.	1 space for each 40 sf of dining area.
Outdoor Dining	No parking required	No parking required

Furthermore, the following change can be made to the proposed ordinance to ensure that otherwise required parking spaces are not eliminated:

B2c) Outdoor Dining Facilities shall be located on previously developed areas such as a parking lot, sidewalk, or landscaped area. **However, if outdoor dining is proposed for a parking lot, it may not result in the loss of parking spaces for the indoor dining area unless otherwise allowed by this development code.** Outdoor dining must be located a minimum of 50 feet from any environmentally sensitive area, wetland or rare plant community.



CITY OF FORT BRAGG

Incorporated August 5, 1889
416 N. Franklin Street, Fort Bragg, CA 95437
Phone: (707) 961-2823
www.FortBragg.com

**NOTICE OF INTENT TO ADOPT A
MITIGATED NEGATIVE DECLARATION**

In accordance with Section 21092 and 21092.3 of the Public Resources Code and California Environmental Quality Act (CEQA) Guidelines Section 15072, the City of Fort Bragg is circulating an Initial Study/Mitigated Negative Declaration for Inland Land Use and Development Code Amendments. Based on the Initial Study prepared for the proposed project, the City of Fort Bragg has prepared a Draft Mitigated Negative Declaration (MND). The City of Fort Bragg is distributing this Notice of Intent to Adopt a Mitigated Negative Declaration to the public, responsible agencies, trustee agencies, and the Mendocino County Clerk.

Notice is hereby given that a Draft MND is available for public review during the public comment period, December 7, 2023 through December 27, 2023.

PROJECT TITLE: Inland Land Use and Development Code Amendments to regulate Outdoor Dining (ILUDC 3-23), Tiny Homes (ILUDC 4-23), Tiny Home Communities (ILUDC 5-23), and changes to Planned Development Permit requirements (ILUDC 6-23).

DESCRIPTION: The proposed zoning amendments would: 1) modify existing regulations regarding tiny homes; 2) establish regulations for tiny home communities; 3) establish regulations for outdoor dining; and 4) modify the minimum parcel size for Planned Development Permits from 5 to 1 acre. The Project would revise the Inland Zone of the City of Fort Bragg for the residential and commercial zoning districts: RS, RL, RM, RH, RVH, CBD, CH, CN.

REVIEW PERIOD: December 7, 2023 through December 27, 2023

LEAD AGENCY: City of Fort Bragg

DOCUMENT LOCATION: The IS/MND for the above Project is available for public review on the City's website (www.city.fortbragg.com). A printed copy is available at Community Development Department, City Hall, 416 N Franklin Street, Fort Bragg and the Fort Bragg Public Library, 499 E Laurel St.

All interested persons are invited to provide written comments during the public review period. Written comments should be delivered to the City, no later than 2:00PM on December 27, 2023, via email to cdd@fortbragg.com or via mail to Community Development Department, City of Fort Bragg, 416 N Franklin Street, Fort Bragg, CA 95437. The Planning Commission is tentatively scheduled to consider the IS/MND and the Project at a regularly scheduled meeting on Wednesday, January 10, 2024.



Juliana Cherry
Community Development Director



**Initial Study/
Mitigated Negative
Declaration for**

Inland Land Use and
Development Code

Amendments to regulate:

Outdoor Dining, Tiny Homes,
Tiny Home Communities, and

Changes to Planned
Development Permit

Requirements.

12-7-2023

Marie Jones Consulting Fort Bragg, CA



Inland Land Use and Development Code Amendments to Regulate: Outdoor Dining, Tiny Homes, Tiny Home Communities, and Changes to Planned Development Permit Requirements.

Initial Study/Mitigated Negative Declaration

Prepared for:

City of Fort Bragg
416 N. Franklin Street
Fort Bragg, CA 95437

Prepared by:

Marie Jones Consulting
Fort Bragg, CA

December 2023

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ACRONYMS AND ABBREVIATIONS

BERD – Built Environment Resources Directory
BLM – Bureau of Land Management
BMP – Best Management Practices for Stormwater
CBC – California Building Code
CDC – California Department of Conservation
CEQA – California Environmental Quality Act
City – City of Fort Bragg
County – Mendocino County
CRHR – California Registry of Historic Places
EIR – Environmental Impact Report
EPA – Environmental Protection Agency
FBUSD – Fort Bragg Unified School District
Ft – foot
GHG- Greenhouse Gas
GLO – General Land Office
ILUDC – Inland Land Use and Development Code
IS – Initial Study
NAHC – Native American Heritage Commission
NRCS – Natural Resources Conservation Service
NWIC – Northwest Information Center
OSHA – Operational Safety and Health Agency
PG&E – Pacific Gas and Electric
RWS – Redwood Waste Solutions
SF – Square foot
SWPPP – Storm Water Pollution Prevention Plan
SWRCB – State Water Resources Control Board
TCR – Tribal Cultural Resources
WWTP– Waste Water Treatment Plant

1.0 INITIAL STUDY

1.1. INITIAL STUDY INFORMATION SHEET

1. Project title: LAND USE AND DEVELOPMENT CODE AMENDMENTS TO REVISE THE TINY HOMES ORDINANCE, REPEAL AND REPLACE THE MOBILE HOMES ORDINANCE WITH A TINY HOME COMMUNITIES ORDINANCE, MAKE MINOR CHANGES TO THE PLANNED DEVELOPMENT ORDINANCE, AND ESTABLISH REGULATIONS TO ALLOW OUTDOOR DINING.
2. Lead agency name and address: City of Fort Bragg
416 N. Franklin Street
Fort Bragg, CA 95437
3. Contact person and phone number: Juliana Cherry
707-961-2823
4. Project location: City of Fort Bragg
5. Zoning: Coastal and Inland: Low Density (RL), Medium Density (RM), High Density (RH) and Very High-Density (RVH) Residential Zoning Districts, General Commercial (CG), Highway Visitor Commercial (CH), and Neighborhood Commercial (CN).

1.2. INTRODUCTION

The proposed project is subject to the requirements of the California Environmental Quality Act (CEQA). The Lead Agency is the City of Fort Bragg. This MND satisfies the requirements of CEQA (Public Resources Code, Div. 13, Sec. 21000-21177) and the State CEQA Guidelines (California Code of Regulations, Title 14, Sec 15000-15387).

CEQA encourages lead agencies and applicants to modify their projects to avoid significant adverse impacts (CEQA Section 20180(c) (2) and State CEQA Guidelines Section 15070(b) (2)). Section 15063(d) of the State CEQA Guidelines states that an IS shall contain the following information in brief form:

- A description of the project including the project location
- Identification of the environmental setting
- Identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to provide evidence to support the entries
- Discussion of means to mitigate significant effects identified, if any
- Examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls

- The name of the person or persons who prepared and/or participated in the Initial Study

1.3. PROJECT BACKGROUND

Tiny Home Communities. In 2019, the City of Fort Bragg amended the Housing Element of the General Plan for conformance with State Housing Law. That Housing Element Amendment included many new policies and programs including the following non-mandatory program regarding Tiny Home Communities.

Program H-1.7.10: Tiny Home Community. Consider adopting new zoning regulations to allow for small home subdivisions, with small individual parcel ownership, in all residential zoning districts. Consider changing the minimum lot size and minimum parcel dimensions of the LUDC to accommodate tiny home communities as part of a planned development.

The proposed zoning amendments would partially implement this program. The City currently has a Mobile Home Park ordinance which is outdated and limiting in that it requires a parcel of 3+ acres. Additionally, mobile homes themselves have changed significantly as Park Model RVs and Tiny Homes are very similar in look and design, hence it does not make sense to have two separate ordinances to address these similar mobile living units. The proposed ordinance change would allow Tiny Homes and Park Model RVs in Tiny Home Communities.

Tiny Homes. In 2019, the City of Fort Bragg amended the Housing Element of the General Plan for conformance with State Housing Law. That Housing Element Amendment included many new policies and programs including the following non-mandatory programs regarding Tiny Homes.

Program H-1.3.5: Allow Tiny Homes as Second Units. Consider revising the zoning ordinance so that people can park mobile residences (residences built under the vehicle code) as a second unit, so long as the residence looks like a house (e.g., external siding that is compatible with the residential neighborhood, skirted if the wheels would otherwise be visible from the public right of way, etc.).

The proposed attached zoning amendment would implement this program. Additionally, the City currently has regulations related to mobile homes that should be updated and incorporated into this ordinance. The proposed ordinance would regulate both Tiny Homes and Park Model RVs as equivalent housing types subject to the same requirements.

Planned Development. City staff has suggested making a change to this flexible permitting process to make it more usable for housing development projects by reducing the minimum lot size from 5 acres to 1 acre.

Outdoor Dining. In 2020 the City adopted an emergency ordinance to permit the construction of outdoor dining pavilions as part of the response to the Covid Pandemic. On May 17, 2023, the Community Development Committee met and discussed this issue and asked the City to bring the issue forward to the City Council for discussion and policy direction. On June 26, 2023, the City Council met and discussed this issue and provided direction to establish Outdoor Dining Regulations.

1.4. PROJECT LOCATION

The project site includes the City of Fort Bragg (City), in western Mendocino County, California for the Tiny Home Communities, Tiny Home and Planned Development Amendments.

1.5. PROJECT SETTING AND SURROUNDING LAND USES

The project site includes residential and commercial zoning districts within the City of Fort Bragg.

1.6. PROJECT DESCRIPTION

The proposed project includes four amendments to the Inland Land Use and Development Code as follows:

I. Tiny Home Ordinance Amendment

Amends Title 18.21.030 & 18.21.050 Land Use Tables as follows:

Amends 18.21.030(B) Table 2-1 Allowable Land Uses and Permit Requirements for Residential Zoning Districts:

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	RR	RS	RL	RM	RH	RVH		
RESIDENTIAL USES								
Tiny Home	P	P	P	P	P	P	P	18.42.175

Amends 18.22.030(C) Table 2-6 Allowable Land Uses and Permit Requirements for Commercial Zoning Districts:

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	
RESIDENTIAL USES						
Primary Residential Unit	P(3)	--	P(4)	P(4)	–	
Tiny Home	P(6)			P(6)		18.42.175

(6) Use permitted only on parcels with existing single residential unit or existing/proposed multifamily development, and only in compliance with § 18.42.175.

The proposed amendment to establish new regulation for Tiny Homes would include the repeal of 18.42.175 Tiny Homes and its replacement with 18.42.175 Tiny Homes and Model Park RVs (see below).

18.42.175 – Tiny Homes & Model Park RVs

A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses), Tiny Homes, Park Model RVs shall comply with the standards of this section.

B. **Definitions.**

Park Model RV. Must comply with the ANSI Standard 119.5 and all of the following requirements, as defined in Health and Safety Code Section 18009.3:

- i. Contain 400 SF or less of gross floor area, excluding loft area space if that loft area space meets the requirements of subdivision (b) and Section 18033.
- ii. May not exceed 14 feet in width at the maximum horizontal projection.
- iii. Built upon a single chassis.
- iv. May only be transported upon public highways with a permit issued pursuant to Section 35780 of the Vehicle Code. Park Model RVs shall be licensed and registered with the California Department of Motor Vehicles.
- v. Is not a self-propelled recreational vehicle.

Tiny Home. A tiny home is a small towable residential unit that meets the design and construction criteria listed in 18.42.175. Tiny Homes shall meet the provisions of ANSI 119.5 or Appendix Q of the UBC (or a comparable updated standard). It shall be the burden of the applicant to show compliance with one of these standards. Tiny Homes shall be licensed and registered with the California Department of Motor Vehicles.

C. **Tiny Home and Park Model RV Standards.** Tiny Homes and Park Model RVs shall be subject to all of the following additional criteria:

1. **Limitation on Location.**

- a. Tiny homes and Park Model RV are allowed as an accessory use to a Primary Unit in residentially zoning districts (RS, RR, RM, RH, and/or RVH).

2. **Development Standards.** A Tiny Homes and Park Model RVs (Unit) shall conform with the following requirements:

- a. **Height.** The Unit shall have a maximum height of 13' 6" to comply with Department of Motor Vehicles (DMV) towing requirements.
- b. **Location.** A Unit shall be located toward the side or rear of the property and maintain 4-foot side and rear setbacks, unless otherwise listed herein.
- c. **Size.** The minimum square footage of a Unit shall be 150 SF to comply with the California Health & Safety Code. The maximum size shall be 400 SF.
- d. **Number of Units Allowed.** Units are allowed on a parcel in the following configurations:
 - i. On a parcel with an existing primary unit, a maximum of one Tiny home or Park Model RV unit is permitted. Neither is permitted if there is a detached ADU on the property.
 - ii. Tiny Homes or Park Model RVs are permitted in Tiny Home Communities, and the maximum allowed is determined by Section 18.42.110.
- e. **Foundation.** Tiny Homes shall not be placed on a temporary or permanent foundation unless they are constructed in compliance with the Appendix Q Tiny Houses of the UBC and if they are permitted in compliance with section 18.42.170 as an ADU. Park Model RVs may be placed on a permanent foundation.

3. **Design Standards.** A Tiny Home or Park Model RV shall maintain a residential appearance through the following design standards.
 - a. **Skirting.** The undercarriage (wheels, axles, tongue and hitch) shall be hidden from view with a solid wood, metal or concrete apron when parked.
 - b. **Roof Pitch.** Roofs shall have a minimum of a 3:12 for greater than 50% of the roof area.
 - c. **Foundation or Pad.** A paved parking pad shall be required and include bumper guards, curbs, or other installations adequate to prevent movement of the unit. Alternative paving methods may be permitted at the discretion of the Community Development Director.
 - d. **Mechanical Equipment.** Mechanical equipment shall be incorporated into the structure and not be located on the roof (except for solar panels). Generators are not allowed except for use during emergencies.
 - e. **Materials.** Materials for the exterior walls shall include wood, hardiepanel or equivalent material as determined by the Community Development Director.
 - f. **Windows.** Windows shall be double pane glass or better, labeled for building use, and be trimmed out.
 - g. **Utility Connections.** The home shall be connected to City water and sewer utilities through dedicated pipes, and it may use on or off-grid electricity.

4. **Ownership.** Ownership of the Tiny Home or Park Model RV is not required.

5. **Short Term Rentals.** Tiny Homes and Park Model RV shall not be used as short-term rentals of less than 30 days.

D. Parking Requirements. No parking is required for a Tiny Home or Park Model RV.

II. Tiny Home Communities Ordinance Amendment

Amends 18.21.030(B) Table 2-1 Allowable Land Uses and Permit Requirements for Residential Zoning Districts:

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts	Permitted use, Zoning Clearance P required Minor Use Permit required (see MUP § 18.71.060) UP Use Permit required (see § 18.71.060) S Use Regulations — Use not allowed							Specific Use Regulations
	PERMIT REQUIRED BY DISTRICT							
LAND USE (1)	RR	RS	RL	RM	RH	RVH		
RESIDENTIAL USES								
Mobile Home Park	UP	UP	UP	UP	UP	UP	18.42.110	
Tiny Home Community	-	-	UP	UP	UP	UP	18.42.110	

Amends 18.22.030(C) Table 2-6 Allowable Land Uses and Permit Requirements for Commercial Zoning Districts:

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P Permitted use, Zoning Clearance required MUP Minor Use Permit required (see § 18.71.060) UP Use Permit required (see § 18.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed					
	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
LAND USE (1)	CN	CO	CBD	CG	CH	Regulations

Residential Uses

Tiny Home Community	UP	UP	-	UP	UP	18.42.110
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The proposed amendment to establish regulation for Tiny Home Communities would include the repeal of 18.42.110 Mobile Home Parks and its replacement with 18.42.110 Tiny Home Communities.

18.42.110 - Tiny Home Communities

This Section provides requirements and development standards for the development of Tiny Home Communities and Park Model RV Communities. The City intends that these communities be designed and landscaped to be compatible with adjacent residential and other uses. These standards are intended to provide a means of achieving a stable community in character with the surrounding area.

Definitions.

Tiny Home Lot Space. The space dedicated to each individual Tiny Home unit and its associated storage space, open space and internal setbacks. This area is rented to a Tiny Home tenant; it is not a separate legal space under the subdivision map act.

Park Model RV. Must comply with the ANSI Standard 119.5 and all of the following requirements, as defined in Health and Safety Code Section 18009.3:

1. Contain 400 SF or less of gross floor area, excluding loft area space if that loft area space meets the requirements of subdivision (b) and Section 18033.
2. May not exceed 14 feet in width at the maximum horizontal projection.
3. Built upon a single chassis.
4. May only be transported upon public highways with a permit issued pursuant to Section 35780 of the Vehicle Code. Park Model RVs shall be licensed and registered with the California Department of Motor Vehicles.
5. Is not a self-propelled recreational vehicle.

Tiny Home. A tiny home is a small towable residential unit that meets the design and construction criteria listed in 18.42.175. Tiny homes shall meet the provisions of ANSI 119.5 or Appendix Q of the UBC (or a comparable updated standard). It shall be the burden of the applicant to show compliance with one of these standards. Tiny homes shall be licensed and registered with the California Department of Motor Vehicles.

Tiny Home Community. Is any area or tract of land where two or more lots are rented or leased or held out for rent or lease to accommodate Tiny Homes, Park Model RVs and up to 25% of units as Small Manufactured Homes.

Small Manufactured Home. A small, manufactured home that complies with Title 24, Code of Federal Regulations, Chapter XX, Part 3280 that is between 350 and 600 SF and is a self-contained residential living unit, built off-site and placed on a permanent foundation.

A. Tiny Home and Park Model RV Community Standards. Each community shall comply with the following requirements:

1. Permit Requirements. Each Community shall be subject to Design Review in addition to the Use Permit approval required by § [18.21.030](#) (Residential Zoning District Allowable Land Uses and Permit Requirements). **A Coastal Development Permit is required for all Tiny Home Communities located within the Coastal Zone.**

2. Allowable Uses.

- a. **Unit Type.** Tiny Home Communities may be composed of any mix of Tiny Homes and Park Model RVs and may include up to 25% of the units as Small Manufactured Homes. A management office/residence is required.
- b. **Accessory Uses.** Use Permit approval for a Tiny Home Community may authorize accessory uses that are incidental to the planned residential use, exist for the sole purpose of service to the residents, are typically found in multifamily developments, and do not alter the character of the residential use.
 1. Residential accessory uses are limited to awnings, fences, garages (maximum size 400 SF), and storage sheds (maximum size 120 SF).
 2. Laundry facility, community room, community kitchen, recreational facilities, common open space, playground, clubhouse, and similar uses.
 3. A Tiny Home Community may contain accessory retail and service uses for park residents as authorized by Use Permit approval, and in compliance with §18.42.020 (Accessory Retail and Service Uses).

3. Standards. This section identifies standards for Tiny Home Community development, recognizing the dual need for moderately priced housing, and standards that will adequately protect residents of the communities and the City as a whole.

- a. **Phased Development.** Development may be in phases, so long as each phase complies with the minimum standards of this Section, and all “lots/spaces” in a phase are developed/ improved and authorized by a permit for occupancy in compliance with Health and Safety Code Section 18505.
- b. **Project Size.** Tiny Home Communities shall be located on a parcel that is at least 0.25 acres in size and not more than 5 acres in size.
- c. **Density.** Individual spaces shall comply with the maximum density permissible under the Land Use Code but no more than one unit per 1,800 SF of the total parcel size.

4. Tiny Home Community Layout and Design. The “Site Planning – New Multi Family Developments” section of the Citywide Design Guidelines shall be utilized for site layout and design for a Tiny Home Community. Additionally, a Tiny Home shall comply following additional requirements:

- a. **Orientation.** Tiny Homes that are adjacent to a street shall be oriented so that their front door faces the Street. Other units should be oriented around a central courtyard, promenade, or community garden.
- b. **Street Setbacks & Landscaping.** All street side setback areas shall be landscaped and continually maintained, in compliance with Chapter [18.34](#) (Landscaping Standards).
- c. **Individual Unit “Lot Space” Size.** The individual “lot space” for each unit within the Tiny Home Community shall include adequate space for the unit, internal setbacks, open space, and accessory storage as follows:
 - I. **Unit.** Between 150 and 400 SF of dedicated space depending on the size of the Tiny Home unit.
 - II. **Dedicated Open Space.** Each Tiny Home shall have at least 100 SF of dedicated open space in the form of a patio, lawn or landscaped area.
 - III. **Required Accessory Structures.** Each Tiny Home will be provided with 100 SF of storage space, which may be consolidated into one or more central storage buildings or located at individual tiny home sites.
 - IV. **Internal Setbacks.** Each Tiny Home shall maintain a minimum setback of 10 feet from other units.
- d. **Recommended Community Facilities.** Tiny Home Communities that include one or more of the following: shared open space, a community center, laundry facility, or a shared community garden are preferred.
- e. **Landscaping and Paths.** Each Tiny Homes Community shall include a network of landscaped walking paths that connect units to each other and to parking areas and sidewalks; and landscaping shall be provided in compliance with Chapter 18.34 (Landscaping Standards).
- f. **Parking.** Parking shall be provided at the rate of one parking space for each Tiny Home or Park Model RV. Parking should be consolidated in parking lots at the rear or side of the property, where feasible. Additionally, street parking may be utilized to meet up to 25% of the parking requirement through Minor Use Permit approval.
- g. **Internal Streets.** Internal streets are discouraged but shall comply with City street standards where provided, except where superseded by a standard required by state law.
- h. **Solid Waste.** Adequate solid waste and recyclable materials storage enclosures shall be provided in compliance with § 18.30.110.
- i. **Utilities.** All utility distribution facilities (including cable television, communication and electric lines and boxes) within a Tiny Home Community shall be placed underground. The developer is responsible for complying with the requirements of this Subsection and shall make the necessary arrangements with the utility companies for the installation of the required facilities. Each Tiny Home shall have a separate water meter.
- j. **Fencing.** A fence, solid masonry wall, or other decorative landscape screening is required to hide utilities (propane tanks, trash enclosures, etc.) from public view from a public right of way. Other fencing may be required by the review authority as part of the Design Review and Use Permit approval for the facility.
- k. **Signs.** A Tiny Home Community may have up to two externally illuminated identification signs not exceeding 6 feet in height or 24 square feet in area. The signs shall be integrated into the Tiny Home Community landscaping, at a location specified in the Use Permit approval.

B. Standards for Individual Units.

- 1. **Tiny Home Standards.** Individual Tiny Homes located within a Tiny Home Community shall comply with the standards for Tiny Homes enumerated in 18.42.175 of this development code.

2. **Park Model RV Standards.** Park Model RVs shall comply with the individual standards enumerated in 18.42.175 of this development code.
3. **Travel Trailers.** A self-propelled travel trailer, camper, motor coach, motor home, trailer coach, or any similar vehicle not certified under the National Mobile Home Construction Safety Standards Act of 1974 ([42](#) USC Section [4401](#) et seq.) shall not be allowed within a mobile home park.

III. Planned Development Permit Amendment

The proposed amendment to the Planned Development regulations includes revising the minimum project size from 5 acres to 1 acre as illustrated below.

18.71.090 - Planned Development Permit

A. Purpose. The Planned Development Permit is intended to provide for flexibility in the application of Development Code standards to proposed development under limited and unique circumstances. The purpose is to allow consideration of innovation in site planning and other aspects of project design, and more effective design responses to site features, uses on adjoining properties, and environmental impacts than the Development Code standards would produce without adjustment. The City expects each planned development project to be of obvious, significantly higher quality than would be achieved through conventional design practices and standards.

B. Applicability. A Planned Development Permit application may be filed and processed only under the following circumstances:

1. **Minimum Site Area.** A Planned Development Permit may be requested for a residential, commercial, industrial, or mixed-use development on a site larger than ~~5~~ **1** acres.
2. **Timing of Permit.** No Building or Grading Permit shall be issued on a site for which a Planned Development Permit is proposed until the Planned Development Permit has been approved in compliance with this Section.
3. **Scope of Approval.**
 - a. Planned Development Permit approval may adjust or modify, where determined by the review authority to be necessary and justifiable, any applicable development standard of this Development Code (e.g., building height, setbacks, parking, street layout, etc.); provided, that the approval shall not authorize a land use that is not allowed in the applicable zoning district by Article [2](#).
 - b. A project proposing increased residential density may only be approved by the Council in compliance with Chapter [18.31](#) (Density Bonuses and Affordable Housing Incentives).

IV. Outdoor Dining Ordinance Amendment

Amend 18.36.040 - Number of Parking Spaces Required, Table 3-7 as follows (amendment shown in red text):

TABLE 3-7 - PARKING REQUIREMENTS BY LAND USE (Continued)

Land Use Type: Retail Trade	Vehicle Spaces Required	
	Minimum	Maximum
All "Retail Trade" and general retail uses listed in § 18.22.030, Table 2-6, except for the following:	1 space for each 400 sf of floor area, plus 1 space for each 600 sf of outdoor sales area.	1 space for each 200 sf of floor area, plus 1 space for each 400 sf of outdoor sales area.
Restaurant, cafe, coffee shop	1 space for each 100 sf of dining area.	1 space for each 40 sf of dining area.
Outdoor Dining	No parking required	No parking required

Amend 18.42.165 as follows:

18.42.165 – Restaurants & Outdoor Dining

A. Grease and Oils. The following standards for restaurants are intended to regulate the disposal of grease and oils for the protection of the City of Fort Bragg sewage treatment plant and the environment:

1. **Operating Standards.** Restaurants shall comply with the following operating standards:
 - a. Installation and maintenance of grease trap/interceptor. Grease interceptor installation and maintenance must comply with the City’s Food Service Establishment Wastewater Discharge Permit and the City’s Municipal Code section regarding fats, oil and grease control.
 - b. Washing of restaurant floor mats, exhaust filters. Restaurant floor mats and exhaust filters shall be washed in a sink or wash area that drains to the sanitary sewer, or collected wastewater from such washing shall be discharged to the sanitary sewer.

B. Outdoor Dining. The following standards are for outdoor dining facilities and are intended to regulate for the safe and compatible operation of outdoor dining facilities. Outdoor Dining Facility may consist of tables and chairs for dining with or without a pavilion, tents and/or umbrellas.

1. **Allowed as part of Indoor Dining.** These regulations apply only to restaurants that have an indoor dining component. Entirely outdoor restaurants are not permitted.
2. **Location, Setbacks & Height Limits.**
 - a. Outdoor dining pavilions and tents shall comply with all relevant setback and height limits of the zoning district in which they are located.
 - b. Pavilions and tents may be located behind or to the side of the associated restaurant. Outdoor dining that is not in a pavilion or tent may be in front of the associated restaurant. Where the front of the building is the facade facing the primary street.
 - c. Outdoor dining facilities shall be located on previously developed areas such as a parking lot, sidewalk, or hardscape area. Outdoor dining may not result in a net loss of parking spaces unless otherwise allowed by this development code.
 - d. Outdoor dining must be located a minimum of 50 feet from any environmentally sensitive area, wetland or rare plant community.
 - e. Outdoor dining pavilions and tents shall be sited so that they do not add to stormwater runoff volume or peak runoff rates.
 - f. Outdoor dining pavilions and tents shall not be located in an area that would

- g. Outdoor dining is permissible on the City's sidewalks with Encroachment Permit approval.
- 3. **Size Limits.** Outdoor dining facilities shall be limited to 1,300 SF. A larger size may be approved with a Minor Use Permit.
- 4. **Objective Design & Safety Criteria.** Outdoor dining pavilions and tents are subject to (or exempt from) administrative design review and shall comply with the following additional criteria:
 - a. Outdoor dining facilities shall be confined to the area shown on the approved site plan.
 - b. Where umbrellas, tents or pavilions are proposed, a vertical clearance of at least 7' must be maintained.
 - c. Utilities, Heating & Lighting
 - I. The use of heating devices and electrical extension cords and lighting are subject to review and approval by the Chief Building Official and the Fire Marshal.
 - II. Portable Heaters/Space Heaters are permitted if approved for outdoor use, located in accordance with the manufacturer's recommendations, and located at least two feet from the edge or roof of any umbrella canvas, tent, pavilion, foliage, or any other flammable object or material.
 - III. All lighting located within or outside of outdoor dining pavilions shall be downward facing and night sky compliant.
 - d. Outdoor Dining shall not interfere with building ingress/egress.
 - 1. ADA Accessibility. The outdoor dining area shall be designed, constructed and/or conform to the applicable provisions, rules, regulations and guidelines of the California Building Code and Americans with Disabilities Act.
 - 2. Outdoor Dining facilities shall not conflict with use of existing bicycle parking and access.
 - e. Moveable barriers shall be of solid, durable materials. Preferred barriers include removable fences, freestanding fences, hedges, planters, trees, removable columns, and pavilion or tent structures. Fabric inserts, chain link fencing, plastic, vinyl, chicken wire and cyclone fencing are not permitted.
 - f. Pavilion and tent colors should either be white or a color which is compatible with the colors of the restaurant building.
- 5. **Operating Standards.** Outdoor dining shall comply with the following operating standards:
 - B. No amplified music after 9:00pm
 - C. No new service after 9:00pm
 - D. Hours of operation shall not begin prior to 7:00AM or extend later than 10:00PM.
 - E. Smoking is prohibited in outdoor dining areas.
 - F. Outdoor food preparation and cooking are not permitted.
 - G. Establishments that serve alcoholic beverages in the outdoor dining area shall be required to meet all requirements of the Alcoholic Beverage Control Board and any other federal, state, or local laws and regulations governing the sale and consumption of alcoholic beverages.

V. 18.100 Definitions Amendment

In order to support the required code updates, the following addition to the definitions in ILUDC Section 18.100.020 would be added:

Outdoor Dining Facility. Outdoor dining may consist of tables and chairs for dining with or without a pavilion, tents and/or umbrellas adjacent to and on the same parcel as a restaurant located within a building.

Tiny Home Lot Space. The space dedicated to each individual tiny home unit and its associated storage space, open space and internal setbacks. This area is rented to a Tiny Home tenant; it is not a separate legal space under the subdivision map act.

Park Model RV. Must comply with the ANSI Standard 119.5 and all of the following requirements, as defined in Health and Safety Code Section 18009.3:

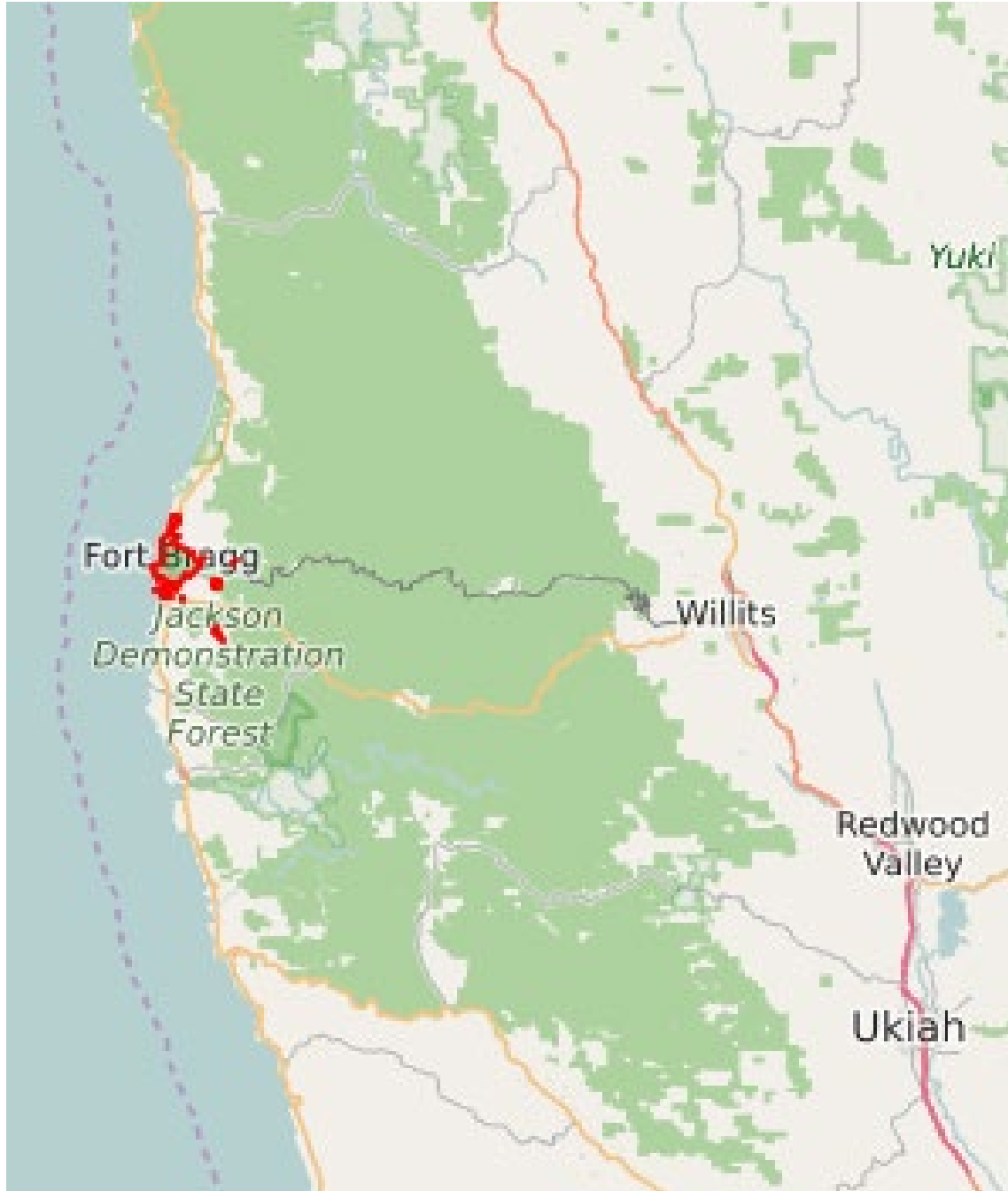
- i. Contain 400 SF or less of gross floor area, excluding loft area space if that loft area space meets the requirements of subdivision (b) and Section 18033.
- ii. May not exceed 14 feet in width at the maximum horizontal projection.
- iii. Built upon a single chassis.
- iv. May only be transported upon public highways with a permit issued pursuant to Section 35780 of the Vehicle Code. Park Model RVs shall be licensed and registered with the California Department of Motor Vehicles.
- v. Is not a self-propelled recreational vehicle.

Tiny Home. A tiny home is a small towable residential unit that meets the design and construction criteria listed in 18.42.175. Tiny homes shall meet the provisions of ANSI 119.5 or Appendix Q of the UBC (or a comparable updated standard). It shall be the burden of the applicant to show compliance with one of these standards. Tiny homes shall be licensed and registered with the California Department of Motor Vehicles.

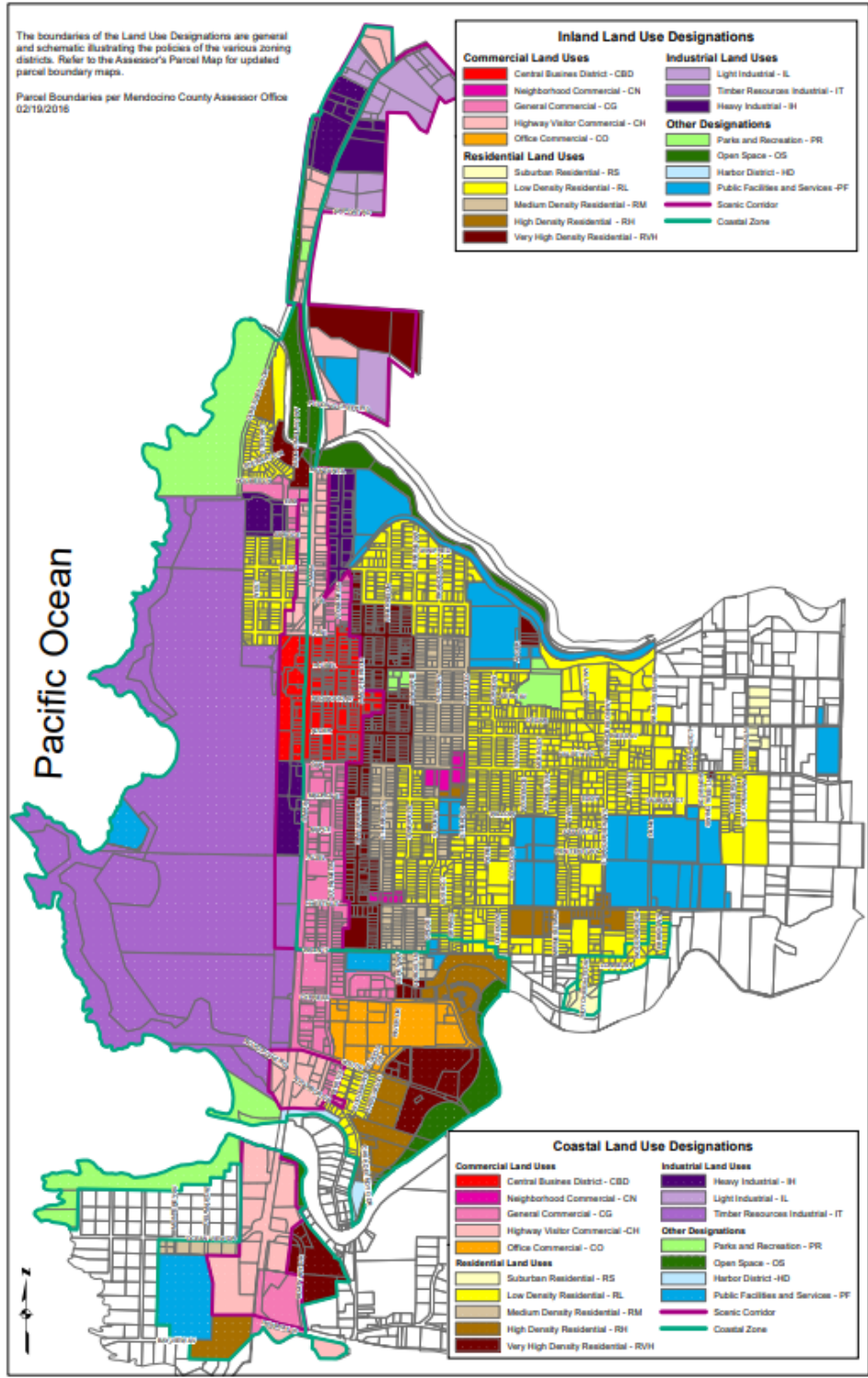
Tiny Home Community. Is any area or tract of land where two or more lots are rented or leased or held out for rent or lease to accommodate Tiny Homes, Park Model RVs and up to 25% of units as Small Manufactured Homes.

Small Manufactured Home. A small, manufactured home that complies with Title 24, Code of Federal Regulations, Chapter XX, Part 3280 that is between 350 and 600 SF and is a self-contained residential living unit, built off-site and placed on a permanent foundation.

VI. Vicinity Map- City of Fort Bragg, CA



VII. City of Fort Bragg Zoning Map



1.7. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or “Less than Significant with Mitigation Incorporated” as indicated by the checklist on the following pages.

<input checked="" type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Energy
<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards and Hazardous Materials
<input checked="" type="checkbox"/> Hydrology and Water Quality	<input checked="" type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Noise	<input type="checkbox"/> Population and Housing	<input checked="" type="checkbox"/> Public Services
<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation	<input type="checkbox"/> Tribal Cultural Resources
<input checked="" type="checkbox"/> Utilities and Service Systems	<input type="checkbox"/> Wildfire	<input type="checkbox"/> Mandatory Findings of Significance

1.8. DETERMINATION

On the basis of this initial evaluation:

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



JULIANA VON HACHT CHERRY

November 30, 2023

Date

2.0 ENVIRONMENTAL INITIAL STUDY CHECKLIST

The lead agency has defined the column headings in the environmental checklist as follows:

- A. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- B. "Less Than Significant with Mitigation Incorporated" applies where the inclusion of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." All mitigation measures are described, including a brief explanation of how the measures reduce the effect to a less than significant level. Mitigation measures from earlier analyses may be cross-referenced.
- C. "Less Than Significant Impact" applies where the project does not create an impact that exceeds a stated significance threshold.
- D. "No Impact" applies where a project does not create an impact in that category. "No Impact" answers do not require an explanation if they are adequately supported by the information sources cited by the lead agency which show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project specific screening analysis).

The explanation of each issue identifies the significance criteria or threshold used to evaluate each question; and the mitigation measure identified, if any, to reduce the impact to less than significance. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration [CEQA Guidelines Section 15063(c)(3)(D)]. Where appropriate, the discussion identifies the following:

- a) Earlier Analyses Used. Identifies where earlier analyses are available for review.
- b) Impacts Adequately Addressed. Identifies which effects from the checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and states whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Incorporated," describes the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

VIII. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting

The project site includes the Inland Area of the City of Fort Bragg (City), in western Mendocino County, California. The City of Fort Bragg is largely developed with the inland portion of the City lying east of Highway 1 and north of Chestnut Street. As such the project site does not block views to the Ocean from Highway 1.

Discussion

a) Have a substantial adverse effect on a scenic vista?

No Impact. The proposed zoning amendments would affect only development patterns east of Highway 1 and north of Chestnut Street. The project would not therefore obstruct a view of the Pacific Ocean. Proposed development approved as a consequence of the ILUDC amendments would be surrounded by similar development and would be consistent with the existing development patterns in the vicinity. As development approved as a consequence of the proposed amendment would not obstruct views of the Pacific Ocean and would be consistent with the existing surrounding uses, impacts relating to scenic vistas would be less than significant and no mitigation would be required.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. The project is regulated by the City’s Inland General Plan and ILUDC. The City’s Inland General Plan includes the following Policy:

Policy CD-1.3: Scenic Views and Resource Areas: Ensure that development does not adversely impact scenic views and resources as seen from public rights-of-way.

The proposed amendment would comply with this policy. Per Caltrans Scenic Highway System Lists, State Highway 1 is an eligible state scenic highway, although it has not been designated as scenic (Caltrans 2019). As the project is not located within a state scenic highway, it would have no impact on scenic resources and no mitigation is required.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

- **Tiny Homes. Less than Significant Impact.** Tiny homes would be located behind the primary structure and limited to 16 feet in height, therefore the impact to visual resources would be less than significant.
- **Tiny Home Communities and Planned Development. Less than Significant Impact.** Tiny Home Communities and Planned Development projects would be required to comply with Design Review and a Use Permit, which require finding that a proposed project is compatible with the visual character and the City's design guidelines.
- **Outdoor Dining. Less than Significant Impact with Mitigation.** As proposed the Outdoor Dining ordinance could have a significant impact on the quality of public views of a site and/or its surroundings. The ordinance as proposed does not require design review of outdoor dining pavilions even though Design Review is required for other commercial structures in Fort Bragg. Additionally, the City has not established standards for the review of pavilions which might go through a design review process if such a review was required. Therefore, Mitigation Measure Aesthetics-1 is recommended to address this issue.

Mitigation Measure Aesthetics-1. The following additional requirements shall be added to the regulations for outdoor dining to reduce the potential impact on aesthetics to less than significant.

B. Setbacks & Height Limits. Outdoor dining pavilions and tents shall comply with all relevant setbacks and height limits of the zoning district in which they are located.

Pavilions can be located ~~in front of,~~ behind or to the side of the associated restaurant.

Outdoor dining that is not located within a pavilion may be in front of the building. Where the front of the building is the facade facing the primary street.

d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

- **Tiny Homes. Less than Significant Impact.** Tiny homes would be located behind the primary structure and limited to 16 feet in height, they would not result in substantial light, glare or affect day or nighttime views.
- **Tiny Home Communities and Planned Development. Less than Significant Impact.** Both Tiny Home Communities and Planned Development projects are required to comply with Design Review which includes potential impacts of light, glare and views. Additionally, any exterior lighting is required to be downcast, and shielded in compliance with regulations set by the International Dark-Sky Association and the performance standards of ILUDC

18.30.070 Outdoor Lighting. As a result, the potential for new sources of significant light or glare within a Tiny Home Community, which would adversely affect day or nighttime views in the area, would be less than significant.

- **Outdoor Dining. Less than Significant Impact with Mitigation.** As proposed the Outdoor Dining ordinance could have a significant impact on nighttime glare as canvas tents which are illuminated from the interior do emit a significant amount of light into the dark sky. Therefore, Mitigation Measure Aesthetics-2 is recommended to address this issue.

Mitigation Measure Aesthetics-2. The following additional requirements shall be added to the regulations for outdoor dining to reduce the potential impact on aesthetics to less than significant.

D. Objective Design & Safety Criteria.

8. All lighting located within or outside of outdoor dining pavilions shall be downward facing and night sky compliant.

IX. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The City of Fort Bragg does not contain any forest lands or timberland production zones. While agriculture is allowed in all zoned areas of the City of Fort Bragg, no lands are designated as “Prime

Farmland”, and none are currently under agricultural uses. There are no sites in the City of Fort Bragg that are covered under the Williamson Act.

The California Important Farmlands Map prepared for Mendocino County by the California Department of Conservation classifies the project site as Grazing Land and Urban/Built-Up Land (California Department of Conservation [CDC] 2022a).

Discussion

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No impact. The proposed zoning amendments would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, conflict with existing zoning for agricultural use, or a Williamson Act contract. As noted above, the City is designated as “Urban and Built-Up Land” under the FMMP of the CDC (CDC 2022a). No impact would occur.

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?
- d) Result in the loss of forest land or conversion of forest land to non-forest use?

No impact. The City of Fort Bragg is neither designated nor zoned as forest land or timberland and there is no forest land located within City limits. No impact would occur.

- e) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No impact. The proposed zoning code amendment would not conflict with existing zoning, nor does it include rezoning. Additionally, there is no timberlands, forest land or timber zoned timberland Production located within the inland portion of the City of Fort Bragg, where the proposed regulations would be applied.

X. AIR QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Conflict with or obstruct implementation of the applicable air quality plan?

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard?

a) and b) No Impact. The proposed project would have no impact on the implementation of the Mendocino County air quality requirements which are focused on PM-2.5 and PM-10. The addition of Tiny Homes, Tiny Home Communities and Planned Development of 1 acre or less will likely result in lower levels of PM-2.5 and PM-10, as any new development approved through these regulations would result in increased densities within Fort Bragg which would reduce commuting and thereby improve air quality. The proposed amendment to allow outdoor dining prohibits outdoor cooking, the only likely source of additional PM 2.5 and PM 10 pollution, and therefore this project will not conflict with air quality goals for Mendocino County.

c) Expose sensitive receptors to substantial pollutant concentrations?

No Impact. As noted above the proposed project would not result in substantial pollution, and there would be no impact on sensitive receptors.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

No Impact. The proposed project would result in additional residential development and outdoor dining. Neither of these activities will result in emissions and odors that would adversely affect a substantial number of people.

XI. BIOLOGICAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

Biological resources are protected through the City’s General Plan Conservation, Open Space, and Parks Element includes the following relevant policies:

Goal OS-1 Preserve areas with important biotic resources.

Policy OS-1.1 Special Review Areas: Areas in the City containing watercourses, wetlands, sensitive plant and wildlife habitat, and forested land shall be designated as Special Review Areas.

Sensitive plant and wildlife habitat include: all species that appear on Federal lists of endangered, threatened, rare, and candidate species and plant and animal species

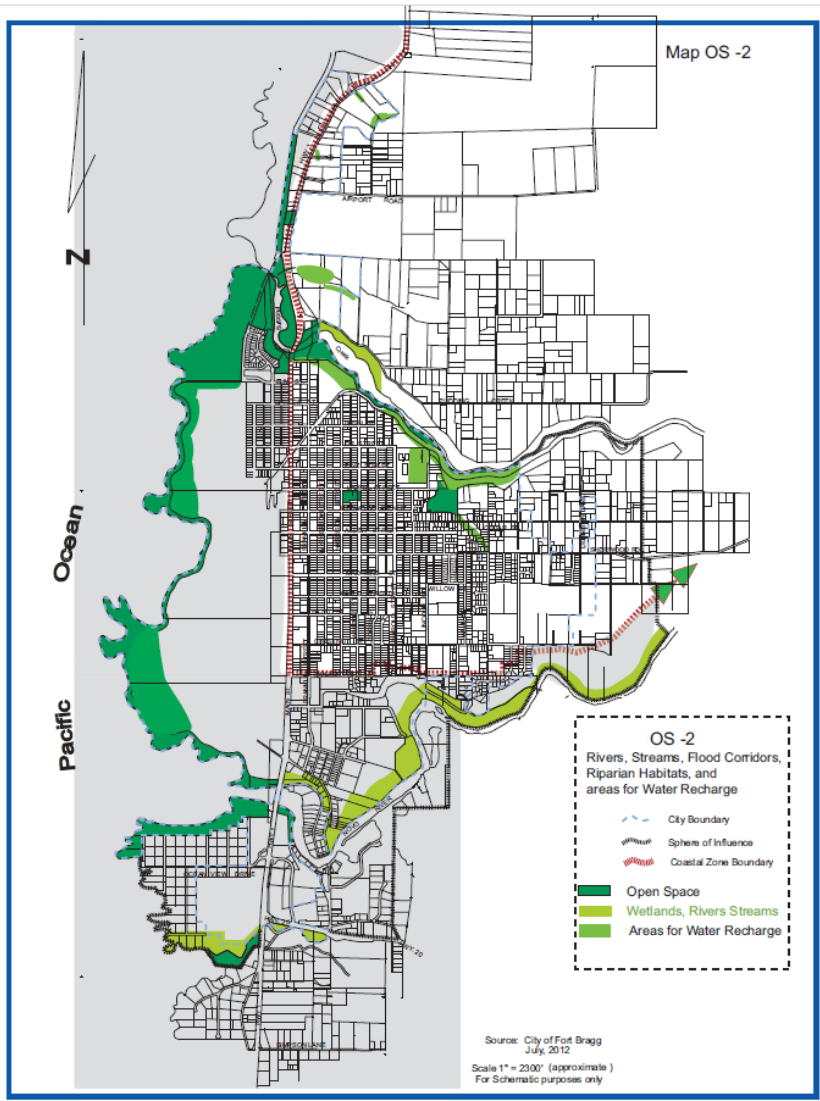
designated by the California Department of Fish and Wildlife as species of special concern or their current equivalent (G1, G2, S1 and S2 listed plants).

Policy OS-1.2 Preserve Natural Resources: Require that sensitive natural resources in Special Review Areas be preserved and protected to the maximum degree feasible.

Program OS-1.2.1: Review projects requesting discretionary approvals to determine whether the project is located in an area with potentially sensitive natural resources.

Policy OS-1.3 Biological Report Required for Special Review Areas: Permit applications for development within or adjacent to Special Review Areas which have the possibility of containing sensitive habitat shall include a biological report prepared by a qualified biologist which identifies the resources and provides recommended measures to ensure that the requirements of CEQA, the Department of Fish and Wildlife, and the City of Fort Bragg's *Inland General Plan* are fully met. The required content of the biological report is specified in the *Inland Land Use and Development Code*.

The map below illustrates locations with the City of Fort Bragg for which a biological analysis is required.



Discussion

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

- **Tiny Homes. Less than Significant Impact.** A Tiny home would be permissible only as an accessory use to an already built Primary Residential Unit. Development of accessory residential uses are exempt from CEQA review in recognition that the impacts are less than significant.
- **Tiny Home Communities and Planned Development. Less than Significant Impact.** As both Tiny Home Communities and Planned Development projects must obtain a Use Permit per the proposed zoning amendment, any potential impacts to special status

species would be analyzed at the time of application through the required CEQA review and would be mitigated to a less than significant impact.

- **Outdoor Dining. Less than Significant with Mitigation.** The proposed outdoor dining regulations could potentially impact special status species, because the regulation does not require a use permit and thus are permitted by right. Consequently, potential impacts should be mitigated in the regulations themselves. Mitigation Measure Bio-1 would reduce potential impacts to less than significant.

Mitigation Measure Bio-1. The following requirements shall be added to the regulations for outdoor dining to reduce the potential impact on biological resources to less than significant.

B. Location, Setbacks and height limits

Outdoor dining pavilions and tents shall comply with all relevant setbacks and height limits of the zoning district in which they are located. **Outdoor Dining Facilities shall be located on previously developed areas (such as a parking lot, sidewalk or landscaped area) or located a minimum of 50 feet from any Environmentally Sensitive area, wetland or rare plant community.**

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

- **Tiny Homes. Less than significant impact.** A Tiny Home would be permissible only as an accessory use to an already built Primary Residential Unit. Development of accessory residential uses are exempt from CEQA review in recognition that the impacts are less than significant.
- **Tiny Home Communities and Planned Development. Less than Significant Impact.** As both Tiny Home Communities and Planned Development projects must obtain a Use Permit, any potential impacts to special status species would be analyzed at the time of application through the required CEQA review and would be mitigated to a less than significant impact.
- **Outdoor Dining. Less than Significant with Mitigation.** The proposed outdoor dining regulations could potentially impact riparian habitat or sensitive natural communities, because they are permitted by right. Consequently, potential impacts should be mitigated in the regulations themselves. Mitigation Measure Bio-1 would reduce potential impacts to less than significant.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. See a and b above.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact. See a and b above.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. See a and b above.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. No Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan is applicable to the inland area of the City of Fort Bragg. Therefore, no impacts to an existing adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan would occur.

XII. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting & Background

Prehistory

Over half a century of archaeological investigations in the North Coast Ranges has revealed a record of hunter-gatherer occupation spanning over 10,000 years. The cultural chronology of the project site is best described as part of the overall cultural chronology for the central North Coast Ranges. In his 1974 doctoral dissertation David A. Fredrickson proposed five chronological periods and related cultural patterns. The Paleo-Indian Period (10,000 to 6000 BC) is represented as a hunting adaptation characterized by large fluted projectile points. The Lower Archaic Period (6000 to 2000 BC) is distinguished by an emphasis on plant exploitation as evidenced by high frequencies of milling tools. The Middle Archaic (3000-1000 BC) is characterized by the introduction of mortar and pestle technology and the assumed exploitation of acorns. The Upper Archaic Period (1000 BC to AD 100) is represented growing social complexity marked by status differentiation, complex trade networks, and the development of “group oriented religious activities” (Fredrickson 1974:48). The Emergent Period (AD 500 to Historic times) is marked by the use/introduction of bow and arrow technology, expansion of exchange relations, and the establishment of clearly defined territorial systems.

A number of cultural chronologies have been developed for this region (cf. Basgall 1982; Fredrickson and White 1988; Hildebrandt and Hayes 1984; Jones and Hayes 1993; Layton 1990; Meighan 1955; White and King 1993; White et al. 2002). White et al. (2002) provides the most synthetic summary of relevant research themes and the current state of knowledge concerning prehistoric hunter-gatherer studies in the North Coast Ranges. Archaeologists and linguists believe that Yukian peoples were the original inhabitants of the Mendocino coast and were displaced by Pomo speakers. Yukian assemblages are affiliated with the Gunther Pattern of northwestern California and generally lack obsidian. When obsidian is present, it is most often derived from northeastern California sources such as the Medicine Lake Highlands and Grasshopper Flat. Pomoan assemblages are affiliated with the Augustine Pattern and show influences from Central California including strong access to obsidian from the Clear Lake basin. Layton's (1990) work at sites on Albion Head, Night Bird's retreat, and Three Chop village represent one of the most synthetic attempts devoted to detecting the expansion of Pomoan populations across the North Coast Ranges.

Significant archaeological research conducted within MacKerricher State Park during the late 1980s included excavation of 11 prehistoric Native American shell mound sites within the park, outlined a three-phase cultural chronology for the area, identified several research problems that form the basis of much subsequent work and was a major step toward understanding local archaeology on the Mendocino Coast (White 1989: Figure 1). Significant archaeological research was completed on the former GP mill Site in 2004, which identified significant archaeological sites and concluded that the Mill Site could qualify as a historic landmark.

Ethnography

The City of Fort Bragg is within the ancestral territory of the Coast Yuki (Barrett 1908, Kroeber 1925), though the land is near a territorial border between the Coast Yuki and the Northern Pomo to the south (White 1989:14). Stewart (1943) assigned this area as part of North Pomo territory extending north to the South Fork Ten Mile River. The Coast Yuki, who inhabited this region prior to European-American intrusion, are one of three linguistically related groups that spoke the Yuki language: Coast Yuki, Yuki and Huchnom. The Yuki language has been grouped with Wappo in the Yukian language family (Miller 1978:249). The following ethnographic summary is not intended as a thorough description of Coast Yuki culture, but instead is meant to provide a background to the present cultural resource investigation with specific references to the project area. In this section, the past tense is sometimes used when referring to native peoples, as this is an historical study. This convention is not intended to suggest that Yuki people only existed in the past. To the contrary, the Yuki people have a strong cultural and social identity today.

The Coast Yuki occupied a portion of what is now the northern Mendocino Coast, in the area from Cleone to north of Rockport, along the coast and for several miles inland (Barrett 1908:360). The Coast Yuki lived in small groups and moved seasonally, harvesting at beach camps during the summer, and moving inland for the winter (Miller 1978:254). Each Coast Yuki Group had a headman and controlled a strip of land from the coast inland to the eastern boundary of Coast Yuki territory. In spite of territorial divisions, many groups would come together to gather a particularly plentiful resource, such as mussels in Westport. The Coast Yuki primarily subsisted off of shellfish, seals, salmon, acorns and root plants. Some deer and elk were also consumed. Trade networks were maintained with the Cahto and Northern Pomo to obtain obsidian, tobacco, and clamshell disk beads, trading ocean products in return (Miller 1978:255).

History

Anglo Settlement and Native American Reservations

Permanent non-indigenous settlement along the Mendocino Coast did not take place until the mid-1840s. Problems quickly developed between settlers and local Native Americans involving a struggle over territory and competition over food between livestock and people. Campaigns of genocide led by local settlers decimated the population of Coast Yuki peoples, decreasing the population from 750 in 1850 to 50 in 1864 (Miller 1978:250). In 1855, two Indian reservations were established in Mendocino County for the purpose of “collecting, removing and subsisting” local tribes (Winn 1986).

The Mendocino Reservation was established on the coast near Fort Bragg, north of the mouth of the Noyo River. Indians were rounded up and brought to the reservation, where they were mandated to stay, inadequately rationed and often physically abused (Winn 1986:22-24). In 1857 Lt. Horatio Gibson established the military encampment of Fort Bragg to manage the Mendocino Reservation (Palmer 1880:423-428). By the summer 1857, the reservation included a population of 3,450 Indians from many different tribal groups, 350 acres of planted land, and 24 houses for Indians (Winn 1986:17). An additional 1,500 Indians were absent by permission subject to good behavior enforced by the U.S. Army military. Native Americans were rounded up, mandated to stay on the reservation, inadequately rationed, and physically abused (Winn 1986:22-24). Thomas J. Henley, Superintendent of Indian Affairs in California in the mid 1850’s, was accused of stealing reservation funds and fraud (Winn 1986:21-22). Henley was removed from office in June 1859, but never charged for his alleged crimes. The Mendocino Reservation was deemed a failure and closed in 1867 (Winn 1986). After the closing of the Mendocino Reservation in 1867, Coast Yuki people were moved to the Round Valley Reservation (Miller 1978:249). By 1970, it was believed that no speakers of the Coast Yuki language remained (Kroeber and Heizer 1970:3).

Discussion

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

- **Tiny Homes & Outside Dining. Less than Significant.** There is always the possibility that the erection of a pavilion and or the subsurface construction activities associated with the development of a concrete pad for a Tiny home, such as trenching and grading, could potentially damage or destroy previously undiscovered cultural resources. However, if cultural resources are discovered, the City’s permitting process includes a standard condition (see below) that defines the required practice to mitigate any such discovery to a less than significant impact.

Standard Condition 6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 25 feet of the discovery; 2) notify the Fort Bragg Community Development Department within 24 hours of the discovery; and 3) retain a professional archaeologist to determine appropriate action in consultation with stakeholders such as Native American groups that have ties to the area.

- **Tiny Home Communities and Planned Development. Less than Significant Impact.** As both Tiny Home communities and Planned Development projects must

obtain a Use Permit per the proposed zoning amendment, any potential impacts to cultural or historic resources would be analyzed at the time of application through the required CEQA review and would be mitigated to a less than significant impact.

- c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Less than Significant. There is always the possibility that subsurface construction activities associated with the proposed project, such as trenching and grading, could potentially damage or destroy previously undiscovered human remains. However, if human remains are discovered, the City’s permitting process includes a standard condition that defines the required practice to mitigate any such discovery to a less than significant impact.

Standard Condition 6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 25 feet of the discovery; 2) notify the Fort Bragg Community Development Department within 24 hours of the discovery; and 3) retain a professional archaeologist to determine appropriate action in consultation with stakeholders such as Native American groups that have ties to the area.

XIII. ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

- **Tiny Homes, Tiny Home Communities & Planned Development. No Impact.** The proposed project would consist of zoning amendments to allow residential construction. All residential construction must comply with Title 24 which limits energy use to a less than significant level. Additionally increasing density in Fort Bragg would reduce the use of energy for transportation.
- **Outdoor Dining. Less than Significant Impact.** Proposed outdoor dining pavilions do not have to comply with Title 24, nevertheless they do use propane heaters to heat the outdoors. The use of outdoor propane heaters is not regulated from an energy

perspective. However, due to the small size of these facilities they will not have a significant impact on energy use.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The proposed project will not conflict with any local or state plan for renewable energy or energy efficiency.

XIV. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The City of Fort Bragg is located in the Coastal Range geomorphic province of California in an area of relatively steep and mountainous topography. The City itself is built on uplifted marine terrace deposits. There are no mines nor identified mineral resources within the City of Fort Bragg limits (CDC 2022d).

Regionally, the University of California Museum of Paleontology (UCMP) database lists 513 fossil localities within Mendocino County (UCMP 2020). Of the known fossil localities, 63 are from the Cretaceous period and 2 are from the Jurassic Period. A review of the Mendocino County fossil record indicates that 10 early Cretaceous fossils have been discovered within the County and no late Jurassic fossils have been discovered (UCMP 2020).

Seismically, the City is located between two major fault systems, the Mayacamas Fault is 20 miles east of the City and runs north-south roughly along Highway 101. The San Andreas Fault network runs approximately 5 miles offshore from the City. According to the Department of Conservation’s Earthquake Hazards Zone Application (CDC EQ Zapp), the City of Fort Bragg does not contain any Alquist Priolo fault traces or zones (CDC 2022b). The Department of Conservation’s “Earthquake Shaking Potential for California” shows the relative intensity of ground shaking anticipated from future earthquakes. The City of Fort Bragg is shown as moderate level of intensity for 1.0 second earthquake shaking (CDC 2022c).

The City also has some areas that have potential for landslides. There are areas along the Noyo River and Pudding Creek that may present a higher risk for landslides due to steep slopes.

At the local level, the Inland General Plan policies and programs also address geology and soils, as outlined in Table 1 below.

Table 1: Inland General Plan Policies and Programs- Geology and Soils

Safety Goal SF-1 Policy SF-1.1 Minimize Hazards: New development shall: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard; and (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
Program SF-1.1.1 Continue to comply with the provisions of the State Alquist-Priolo Act.
Program SF-1.1.2 Require professional inspection of foundations and excavations, earthwork, and other geotechnical aspects of site development during construction on those sites specified in soils, geologic, and geotechnical studies as being prone to moderate or high levels of seismic hazard.
Program SF-1.1.3 Monitor and review existing critical, high priority buildings to ensure structural compliance with seismic safety standards.
Program SF-1.1.7 Continue to comply with state law regarding reinforcement of unreinforced masonry structures.

<p>Policy SF-1.2 Geotechnical Report Required: Applications for development located in or near an area subject to geologic hazards, including but not limited to areas of geologic hazard shown on Map SF-1, shall be required to submit a geologic/soils/geotechnical study 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 hazard. Such study shall be conducted by a licensed Certified Engineering Geologist (CEG) or Geotechnical Engineer (GE). Refer to Map SF-1: Geologic Hazards. Refer to the General Plan Glossary for definitions of these terms.</p>
<p>Policy SF-1.4 Identify Potential Hazards: Identify potential hazards relating to geologic and soils conditions during review of development applications.</p>
<p>Policy SF-1.4 Program SF-1.4.1 Evaluate slopes over 15 percent, unstable land, and areas susceptible to liquefaction, settlement, and/or soil expansion for safety hazards prior to issuance of any discretionary approvals and require appropriate measures to reduce any identified hazards.</p>
<p>Program SF-1.4.2 Require that development in areas with identified slope stability constraints as shown on Map SF-1 or other areas where City staff determines there is potential slope stability issues be supervised and certified by a geologist, geotechnical engineer, or engineering geologist.</p>
<p>Program SF-1.4.3 Require repair, stabilization, or avoidance of active or potentially active landslides, areas of soil creep, or areas with possible debris flow as a condition of project approval.</p>

The ILUDC Chapter 18.62 provides standards for grading, erosion, and sediment control. A proposed project that creates ground disturbance would have to be in compliance with any applicable section of this chapter including §18.62.030 Erosion and Sediment Control, §18.62.070 Revegetation and Slope Surface Stabilization, §18.62.090 Setbacks for Cut and Fill Slopes, and any other section that regulates erosion.

Discussion

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?

Less than Significant Impact. According to the CDC Earthquake Hazards Zone Application (EQ Zapp) Map, there are no known active faults crossing the City of Fort Bragg. Therefore, ground rupture is unlikely, and impacts would be less than significant.

- ii. Strong seismic ground shaking?

Less than significant impact. The City of Fort Bragg is in a seismically active region where large earthquakes may be expected to occur during the economic lifespan (50 years) of structures due to the seismic activity of the northern section of the San Andreas fault. The nearest potentially

active fault is the north coast section of the San Andreas fault zone, which is located approximately 7 miles west of the project site in the Pacific Ocean. The next nearest fault is the Mayacamas Fault Zone, located approximately 22 miles east of the Site.

However, any proposed projects that would result from the zoning amendment would be constructed in accordance with standards imposed by the City of Fort Bragg through the ILUDC Chapter 18.62, standards for grading, erosion, and sediment control, and in compliance with the 2023 California Building Code (CBC). Potential impacts would be reduced to levels considered acceptable in the City of Fort Bragg. As a result, the proposed amendments would not expose people or structures to substantial adverse effects of seismic events. This would have a less than significant impact and no mitigation would be required.

- i. Seismic-related ground failure, including liquefaction?
- ii. Landslides?

Less than Significant Impact. The City of Fort Bragg is a relatively flat with elevations ranging from 0 feet to 200+ feet. Additionally, the City is not located within an Earthquake Fault Zone, as mentioned in i.), and is not located within a liquefaction zone (CDC 2022b). As previously noted, the City can require soil studies and mitigation as necessary for Tiny Homes, Tiny Home Communities and Planned Development projects through the Use Permit and building permit process. Outdoor dining pavilions are not required to be constructed to UBC standards however they must comply with ANSI ES1.19-2020 which include safety standards for special event structures such as pavilion tents.

- b) Result in substantial soil erosion or the loss of topsoil?
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Less than Significant Impact. The 2019 CBC and the City’s standards for grading, erosion, and sediment control (ILUDC Chapter 18.62), contain requirements to minimize or avoid potential effects from erosion hazards. As a condition of approval, prior to the issuance of a grading or building permit, the City would require any applicant to prepare a detailed grading plan and an erosion control plan by a qualified and licensed engineer if necessary. The soils report would identify soil hazards, including potential impacts from erosion. The City would be required to review and approve the erosion control plan based on the California Department of Conservation’s “Erosion and Control Handbook.” The erosion control plan would identify protective measures to be implemented during excavation, temporary stockpiling, disposal, and revegetation activities. Implementation of BMPs, as well as compliance with the City’s regulations and the California Building Code requirements, would reduce potential impacts related to soil erosion to less than significant and no mitigation would be required for Tiny Homes, Tiny Home Communities, Outdoor Dining Facilities and Planning Development Projects.

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less than Significant Impact. Expansive soils tend to undergo volume changes (shrink or swell) with changes in moisture content. They generally consist of cohesive fine-grained clay soils and represent a significant structural hazard to structures founded on them. Where necessary the City’s ILUDC includes requirements for soil analysis and mitigation as needed. Additionally, all proposed projects would be designed to meet seismic safety requirements specified in the California Building Code, including standards to minimize impacts from expansive soils. Therefore, impacts related to the potential hazards of construction on expansive soils would be less than significant, and no mitigation would be required.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. Septic tanks are not permitted within the City of Fort Bragg, all projects approved under the zoning amendment would have to connect to the Municipal Sewer System.

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact. No previous surveys conducted within City Limits have identified a site as sensitive for paleontological resources or other geologically sensitive resources.

XV. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?

No impact. The proposed project would reduce the amount of greenhouse gases released into the atmosphere by reducing vehicle miles traveled, through the development of housing within an urbanized area.

- b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

No impact. The City of Fort Bragg Climate Action Plan was not formally adopted by the City Council, therefore the project will not conflict with a plan for the purpose of reducing GHG emissions.

XVI. HAZARDS AND HAZARDOUS MATERIALS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

At the local level, the following policies and programs from the Inland General Plan address hazards and hazardous waste:

Table 2: Inland General Plan Policies and Programs- Hazards and Hazardous Waste

Safety Goal SF-4 Policy SF-4.1 Minimize Fire Risk in New Development: Review all development proposals for fire risk and require mitigation measures to reduce the probability of fire.
Safety Goal SF-4 Policy SF-4.1 Program SF-4.1.1 Continue to consult the Fort Bragg Fire Protection Authority in the review of development proposals to identify the projected demand for fire protection services and implement measures to maintain adequate fire protection services. Mitigation measures may include levying fire protection impact fees for capital facilities, if warranted.
Safety Goal SF-7 Policy SF-7.1 Protection from Hazardous Waste and Materials: Provide measures to protect the public health from the hazards associated with the transportation, storage, and disposal of hazardous wastes (TSD Facilities).
Safety Goal SF-7 Policy SF-7.1 Program SF-7.1.1 Continue to ensure that use, transportation, and disposal of hazardous materials are in accordance with the local, state, and federal safety standards.
Safety Goal SF-7 Policy SF-7.1 Program SF-7.1.2 Continue to support and participate in Mendocino County's Hazardous Materials Business Plan which requires all businesses using hazardous materials to list the types, quantities, and locations of hazardous materials with the County's Department of Environmental Health.
Safety Goal SF-7 Policy SF-7.1 Program SF-7.1.3 Require, as a condition of City approvals of non-residential projects, that the Fire Protection Authority be notified of all hazardous substances that are transported, stored, treated, or could be released accidentally into the environment.
Safety Goal SF-7 Policy SF-7.1 Program SF-7.1.4 Require that applications for discretionary development projects that will generate hazardous waste or utilize hazardous materials include detailed information on hazardous waste reduction, recycling, transportation, and storage, and prepare a plan for emergency response to a release or threatened release of a hazardous material.

Discussion

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than Significant Impact. The proposed zoning amendment is to allow new residential development and outdoor dining facilities. During construction, some common hazardous materials such as gasoline, diesel fuel, hydraulic fluids, oils, lubricants, and cleaning solvents would be anticipated to be utilized. However, the types and amounts of hazardous materials that might be used during construction do not pose a significant risk to the public and/or environment.

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than Significant Impact. See discussion for a) above.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less than Significant Impact. See discussion for a) above.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less than Significant Impact. Residential development that might occur as a consequence of the adoption of the zoning amendment would take place on area with residential zoning within the City of Fort Bragg, and these areas have generally not been the location for hazardous materials uses. Likewise outdoor dining facilities would be located on parcels with existing restaurants and so would not result in new exposure to hazardous materials.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The north portion of the City of Fort Bragg is located approximately 2 miles south of the private Fort Bragg Airport. However, this facility does not have an airport land use plan.

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. Within the City of Fort Bragg, the generally recognized “safe elevation level” with regard to tsunami events is approximately 60 feet above mean sea level. All areas of the City of Fort Bragg located within the Inland zoning area are located at or above 60 feet of sea level. Therefore, impact or inundation from a tsunami event has a relatively low risk. The City’s Tsunami Contingency Plan provides guidelines to alert and evacuate the public from tsunami risk areas within the City.

- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

Less than Significant Impact. The City of Fort Bragg Fire Department provides fire protection services and is located at 141 North Main Street. The City is considered an urbanized area and is not subject to regulations regarding wildland fires.

XVII. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off- site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional resources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The City of Fort Bragg is located in California’s north coast region, within Mendocino County, California. The City of Fort Bragg lies within the Coastal Franciscan Ecological Subsection of California (Miles and Goudey, 1997). This subsection is a steep, mountainous area of the northern California Coast Ranges, near the coast, south from Humboldt Bay to the Russian River. There is substantial oceanic influence on climate, including summer fog. The subsection is particularly mountainous, with rounded ridges, steep and moderately steep sides, and narrow canyons. The mean annual precipitation in this subsection is about 43 inches, with mostly rain at lower elevations. Runoff is rapid and many of the smaller streams are dry by the end of summer. Natural lakes are absent from the Coastal Franciscan Ecological Subsection (Miles and Goudey, 1997).

The National Pollutant Discharge Elimination System (NPDES) permit program of the U.S. Environmental Protection Agency (EPA) addresses water pollution by regulating point sources that discharge pollutants to waters of the United States. Created in 1972 by the Clean Water Act, the NPDES permit program grants authority to state governments to perform many permitting, administrative, and enforcement aspects of the program. Within California, the NPDES permit program is administered by the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (North Coast Regional Water Quality Control Board). Construction projects that would disturb more than one acre of land would be subject to the requirements of

General Construction Activity Stormwater Permit (Construction General Permit Order 2009-0009-DWQ, also known as the CGP), which requires operators of such construction sites to implement stormwater controls and develop a Stormwater Pollution Prevention Plan (SWPPP) identifying specific BMPs to be implemented to minimize the amount of sediment and other pollutants associated with construction sites from being discharged in stormwater runoff. Discharges of stormwater and non-stormwater from the Municipal Separate Storm Sewer System (MS4) within the jurisdictional boundary of the City of Fort Bragg are subject to Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS00004, Waste Discharge Requirements for Storm Water Discharges from MS4s (Phase II MS4 Permit). The Phase II MS4 Permit authorizes the City to discharge stormwater runoff and certain non-stormwater discharges from its MS4 to waters of the United States and provides a framework and requirements for the implementation of the City MS4 Program.

The City’s Inland General Plan Open Space Element contains the following relevant policies:

Table 3: Inland General Plan Policies and Programs- Hydrology and Water Quality

Open Space Goal OS-6 Policy OS-6.3 Minimize Increases in Stormwater Runoff: Development shall be designed and managed to minimize post project increases in stormwater runoff volume and peak runoff rate, to the extent feasible.
Open Space Goal OS-6 Policy OS-6.3 Program OS-6.3.1: Develop and implement Low Impact Development requirements in the Inland Land Use and Development Code. Remove regulatory barriers to Low Impact Development from the Inland LUDC where feasible.
Open Space Goal OS-6 Policy OS-6.4 Maintain and Restore Biological Productivity and Water Quality: Development shall maintain and, where feasible, restore the biological productivity and the quality of streams and wetlands to maintain optimum populations of aquatic organisms and for the protection of human health.
Open Space Goal OS-6 Policy OS-6.5 Municipal Activities to Protect and Restore Water Quality: The City shall promote both the protection and restoration of water quality. Water quality degradation can result from a variety of factors, including but not limited to the introduction of pollutants, increases in runoff volume and rate, generation of non-stormwater runoff, and alteration of physical, chemical, or biological features of the landscape.
Open Space Goal OS-6 Policy OS-6.5 Program OS-6.5.2 BMPS for Municipal Maintenance Activities. The City shall ensure that municipal maintenance activities and other public projects integrate appropriate BMPs to protect water quality.
Safety Goal SF-2 Policy SF-2.1 Flood Hazards: Ensure adequate standards for development in the 100-year floodplain.
Safety Goal SF-2 Policy SF-2.1 Program SF-2.1.1 Maintain and update as necessary the zoning and building code standards and restrictions for development in identified floodplains and areas subject to inundation by a 100-year flood. Use the Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) in the review of development proposals
Safety Goal SF-2 Policy SF-2.1 Program SF-2.1.2 Ensure all development in flood prone areas meet federal, state, and local requirements.
Safety Goal SF-2 Policy SF-2.2 Storm Drainage: Continue to maintain effective flood drainage systems and regulate construction to minimize flood hazards.

Safety Goal SF-2 Policy SF-2.2 Program SF-2.2.1 Continue to update the City’s Storm Drain Master Plan.
Safety Goal SF-2 Policy SF-2.3 Require development to pay for the costs of drainage facilities needed to drain project-generated runoff.
Safety Goal SF-2 Policy SF-2.3 Program SF-2.3.1 Update and utilize the City’s Drainage Development Impact Fees to ensure that development pays for its proportional share of drainage facilities.
Safety Goal SF-2 Policy SF-2.4 Require, where necessary, the construction of siltation/detention basins to be incorporated into the design of development projects.
Safety Goal SF-2 Policy SF-2.5 Require, as determined by City staff, analysis of the cumulative effects of development upon runoff, discharge into natural watercourses, and increased volumes and velocities in watercourses and their impacts on downstream properties. Include clear and comprehensive mitigation measures as part of project approvals to ensure that new development does not cause downstream flooding of other properties.
Safety Goal SF-2 Policy SF-2.6 Analyze the impacts of and potential flooding issues resulting from Climate Change and rising sea levels on proposed projects located within the 100-year Sea-Level Rise Inundation Area (see Map SF-4).

Discussion

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact. The proposed zoning amendment may result in development projects that have the potential to impact water quality standards, however all such projects must comply with the City’s General Plan, MS4 Permit, and ILUDC Chapter 18.62 Grading, Erosion, And Sediment Control Standards and Chapter 18.64 Urban Runoff Pollution Control, which will reduce any potential impacts to a less than significant level.

- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No Impact. Water for potential projects would be supplied by the City of Fort Bragg water treatment system. The City obtains all its water supply from surface sources and the project will not have an impact on groundwater systems. Additionally, all new development must comply with the City’s ILUDC and Inland General Plan which require groundwater recharge for larger projects.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- i. Result in substantial erosion or siltation on- or off-site?
- ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off- site?

Less than Significant Impact. Any potential project that requires grading would require a City grading permit per Fort Bragg Municipal Code Section 18.60 (Grading Permit Requirements and Procedures). All grading would have to be performed in compliance with Fort Bragg Municipal Code Chapter 18.62 (Grading, Erosion, and Sediment Control Standards). As such the City can and would require Erosion and sediment control BMPs for projects that have the potential to result in erosion or siltation. In granting a grading permit for a discretionary grading project, the Director of Public Works may impose any condition determined to be necessary to protect public health, safety and welfare, to prevent the creation of hazards to property, improve the quality of stormwater runoff by incorporating Low Impact Development design strategies, and to ensure proper completion of grading.

- iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional resources of polluted runoff?

Less than Significant Impact. Through the review process for a grading permit, City staff can require an examination of rainwater runoff and potential impacts on the City's storm drain system.

- iv. Impede or redirect flood flows?

Less than significant impact. Again, through the review process for a grading permit City staff can require an examination of rainwater runoff and potential impacts on stormwater flows and make appropriate requirements to mitigate any potential impacts of such future projects.

- c) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than Significant Impact. The California Emergency Management Agency, the California Geologic Survey, and the University of Southern California partnered to create the California Official Tsunami Inundation Maps and the Inland Area of the City of Fort Bragg is not within the inundation zone, according to the Fort Bragg quadrant (State of California 2021). The City of Fort Bragg is in the generally recognized "safe elevation level" with regard to a tsunami event and is approximately 60 feet above mean sea level. Therefore, impacts related to release of pollutants due to project inundation would be less than significant.

- d) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. Any development that is proposed as a consequence of the proposed zoning amendment would be required to comply with all City water quality requirements.

XVIII. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) Physically divide an established community?

No Impact. The proposed zoning amendment would result in the approval of changes to existing already regulated residential development types (Tiny Homes, Tiny Home Communities and Planned Development Projects) in residential districts. As such they would be a residential component of an existing residential community. They would not divide a community. Likewise outdoor dining facilities are a relatively small part of the fabric of the commercial zoning districts in which they would be located and would likewise not divide a community.

b) Cause significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. Any proposed project that could be approved as a consequence of the proposed zoning amendment would have to comply with the City’s Inland General Plan and Land Use and Development Code.

XIX. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

The California Division of Mines and Geology has not identified any significant mineral resources in the City of Fort Bragg (City) or City’s Sphere of Influence (CDC 2022d). Historically, various

parties have taken small amounts of aggregate from area streams, but this is no longer the case (City of Fort Bragg 2002).

The most predominant of the minerals found in Mendocino County are aggregate resource minerals, primarily sand and gravel, found along many rivers and streams. Aggregate hard rock quarry mines are also found throughout the County. Three sources of aggregate materials are present in Mendocino County: quarries, instream gravel, and terrace gravel deposits. The viability of different sources for any use depends on the property of the rock itself and the processing required to prepare the rock. According to the Mendocino County General Plan Environmental Impact Report (2008), there are no mineral resources within the City of Fort Bragg. The closest mineral resource is located north of the City of Fort Bragg and is labeled as sand and gravel (Mendocino County 2009).

Discussion

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The proposed City of Fort Bragg does not contain mineral resources that are of value locally, to the region, or to residents of the City, County, or State. No impact would occur.

XX. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

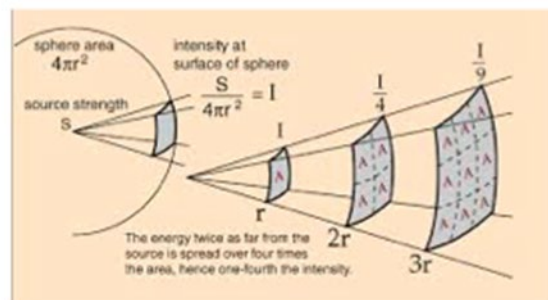
Background

Noise Measurements. Acousticians define sound as a sensation in the ear created by pressure variations or vibrations in the air. What qualifies as noise, or unwanted sound, tends to be

subjective. That is, sound that one person perceives as music may be noise to someone else. Sound is composed of many frequencies, some of which may affect one person more than another. Because engineers measure sound in decibels (dB) on a logarithmic scale, when two sources of sound, each measuring 70 dB(A), are added together, the resulting sound level is not 140 dB(A) but 73 dB(A). The (A) refers to a weighting scale that approximates the manner in which humans hear higher frequencies better than lower frequencies.

Noise Attenuation. The area of a surface around a point sound source increases with the square of the distance from the source. This means that the same sound energy from the source is distributed over a larger area and the energy intensity reduces with the square of the distance from the source (Inverse Square Law). For every doubling of distance, the sound level reduces by 6 decibels (dB), (e.g., moving from 10 to 20 meters away from a sound source). But the next 6dB reduction means moving from 20 to 40 meters, then from 40 to 80 meters for a further 6dB reduction.

Distance		Level c/w 10 metres
From source	c/w 10 m	
5	½	+6
10	1	0
20	2	-6
30	3	-10
40	4	-12
50	5	-14
60	6	-16
70	7	
80	8	-18
90	9	
100	10	-20



City Noise Regulations

The City regulates noise via the City’s Municipal Code 9.44.020 SPECIAL RESTRICTIONS - RESIDENTIAL AREAS, which notes the following restrictions:

A. Between the hours of 10:00 p.m. of one (1) day and 7:00 a.m. of the following day, it is unlawful for any person within a residential zone, or within a radius of 500 feet therefrom, to create cause to be created or maintain sources of noise which cause annoyance or discomfort to a reasonable person of normal sensitiveness in the neighborhood.

The sources include, but are not limited to, the following:

1. Excessively loud noises caused by the use or operation of radios, musical instruments and drums, phonographs, television sets, or other machines or devices for the production, reproduction or amplification of sound;
2. Operation of equipment or performance of any outside construction or repair work on buildings, structures, or projects or operation of construction-type devices;
3. Excessively loud sounds, cries, or behavioral noise caused by the keeping or maintenance of animals or fowl;
4. Excessively loud noise caused by the operation of any machinery, chain saw, equipment, device, pump, fan compressor, air conditioning apparatus, or similar mechanical device;
5. Operation of chimes, bells, or other devices for the purpose of advertising or inviting the patronage of any person or persons to any business enterprise; and

6. Repairing, rebuilding, or testing of motor vehicles or operating of any motor-driven vehicle off public streets or highways.

Discussion

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Less than Significant Impact. The proposed Zoning Ordinance amendments could result in slight increases in residential development which would be compatible in terms of noise generation with other residential uses within the residential zoning districts. The City’s noise ordinance would reduce impacts of construction noise to a less than significant impact. Likewise, outdoor dining would produce low volume noise levels associated with talking and eating and would be compatible with the noise levels in the districts where outdoor dining is permissible.

- b) Generation of excessive ground borne vibration or ground borne noise levels?

No Impact. None of the proposed zoning amendments have the potential to result in development projects that would themselves result in ground borne vibrations.

- c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. There nearest airport is located 2 miles away; there is no airport located within two miles of residential and commercial zoning districts within the City of Fort Bragg.

XXI. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

Based on the U.S. Census Bureau, Fort Bragg city, a census-designated place had a population of approximately 6,907 persons as of 2022. There were an estimated 2,925 households, with 2.35 persons per household. The City’s population declined compared to 2019, when the City had

7,291 residents. But the City’s number of households went up from 2,775 households while the average number of residents per household fell from 2.56 people per household. This illustrates that while the City has added housing units they have been for smaller households.

Discussion

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less than Significant Impact. The propped zoning amendments will not induce substantial unplanned population growth. The City, like much of California, struggles with a housing crisis, in which there are more people looking for units than there are housing units available. The proposed zoning amendments would likely increase the number of available units by a fraction of the needed units and as such would not result in substantial population growth. The City anticipates less than five (5) tiny home approvals per year, one tiny home community approval every ten years or so, and one or two Planned Development projects over a 20-year period. This is based on past development trends.

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The proposed project would not displace any residents or housing, as the zoning amendments are to facilitate new development of housing on vacant parcels (Tiny Home Communities and Planned Development Projects) and the facilitation of one Tiny Home per primary residential unit on a parcel. Likewise, outdoor dining would happen on lots with established restaurants and so would not displace people.

XXII. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

Public services provided by the City of Fort Bragg include fire, police, school, library, and park services.

Discussion

a) Fire protection?

Less than Significant Impact. The project site is located within a Local Responsibility Area (LRA) (CAL FIRE 2022) and is served by the City of Fort Bragg Fire Department. The Fort Bragg Fire Department is a volunteer fire department with 36 firefighters and four (4) auxiliary members. Currently, there are four (4) paid positions in the department: a full-time Fire Chief, an Office Manager, a Maintenance Engineer, and a Fire Prevention Officer. As the proposed zoning amendment would not result in a significant population increase and all subsequent residential building permits would be routed to the Fire Department to identify any fire service-related issues. Additionally, the proposed outdoor dining regulations include sufficient fire safety requirements to reduce potential impact to a less than significant impact. The Fire Marshal was asked to comment on the proposed regulations and indicated that he would review all pavilions for fire and safety issues prior to issuing an approval.

b) Police protection?

Less than Significant Impact. The Fort Bragg PD is located at 250 Cypress Street, in Fort Bragg, California. The zoning amendment would allow new residential units and outdoor dining facilities, however these new developments are not anticipated to be sufficiently large or disruptive to increase police utilization.

c) Schools?

Less than Significant Impact. The City is served by the Fort Bragg Unified School District (FBUSD), Montessori Del Mar Community School, Three Rivers Charter School and Mendocino College.

The proposed zoning amendment could result in the limited development of new residential units as discussed in the Housing and Population analysis of the MND. As a result, the proposed project would not result in substantial population growth or a significant increase in the student population. It is anticipated that any new students could be adequately accommodated by the existing schools within the FBUSD, and a less than significant impact would occur.

d) Parks?

Less than Significant Impact. In total the City has 172 acres of parks and open space which is well above the threshold of 3 acres of park space per 1,000 residents. The City has seven thousand residents and has 24.4 acres of parks for every 1,000 residents. Therefore, a less than significant impact would occur.

e) Other public facilities?

Less than Significant Impact. There are no elements of the proposed project that would impact other public facilities, such as regional hospitals.

XXIII. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

In total the City has 172 acres of parks and open space which is well above the threshold which is 3 acres of neighborhood and community park space per 1,000 residents. The City has seven thousand residents and has 24.4 acres of parks for every 1,000 residents. City parks include:

- Otis Johnson Park, a 6-acre riparian park with hiking trails.
- Bainbridge Park, a 2-acre park in the City with an 11,000 square foot playground, basketball court, and tennis court.
- CV Starr Center, an aquatic facility with a leisure pool and competition lap pool and fitness rooms.
- The 5.5-mile Coastal Trail stretches from Glass Beach to Noyo Harbor on 104 acres of land.
- Noyo Beach and Pomo Bluffs Park.

Discussion

- a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

a and b) No Impact. The proposed zoning amendments may result in the subsequent construction of a fractional increase in the number of residential units in Fort Bragg. As a result, a small population increase is anticipated, and use of the existing park and recreational facilities are more than adequate to meet any future recreation needs that are facilitated by adoption of the zoning ordinance.

XXIV. TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

Some of the applicable goals, policies, and programs in the Circulation Element of the Inland General Plan include:

Table 4: Inland General Plan Policies and Programs- Transportation

Circulation Goal C-1 Policy C-1.3 Complete Streets: New development, that includes new streets or street segments, shall build multi-modal “complete streets” that are designed for the safety and comfort of cyclists and pedestrians, including children, the elderly, and people with disabilities, consistent with US Department of Transportation complete streets guidelines
Circulation Goal C-1 Policy C-1.3 Program C1.3.2 Through the Capital Improvement Plan and related impact fees, the City shall ensure that adequate funds are provided to maintain the existing circulation network, and where feasible upgrade it to “complete street” design.
Circulation Goal C-2 Policy C-2.2 Coordinate Land Use and Transportation: Ensure that the amount and phasing of development can be adequately served by transportation facilities.
Circulation Goal C-2 Policy C-2.3 Do not permit new development that would result in the exceedance of roadway and intersection Levels of Service standards unless one of the following conditions is met: <ul style="list-style-type: none"> a) Revisions are incorporated in the proposed development project which prevent the Level of Service from deteriorating below the adopted Level of Service standards; or b) Funding of pro rata share of the cost of circulation improvements and/or the construction of roadway improvements needed to maintain the established Level of Service is included as a condition or development standard of project approval.

Circulation Goal C-3 Policy C-3.4 Program C-3.4.1 Review site plans for new development to facilitate the continuation of streets to improve local circulation. Where streets are not feasible, priority shall be given to providing pedestrian and bicycle trails that establish bicycle and pedestrian connections to streets wherever possible.

Circulation Goal C-3 Policy C-3.5 Right-of-Way Acquisition: Require right-of-way dedications for new development to meet the City’s roadway width standards

Discussion

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

- **Tiny Homes. Less than Significant Impact.** The proposed zoning amendment includes changes that would allow subsequent development of a small number of new Tiny Homes; however the Tiny Homes would be dispersed throughout the City and would not result in any conflicts with the City’s circulation system, including transit, roadway, bicycle and pedestrian facilities.
- **Tiny Home Communities and Planned Development Projects. Less than Significant Impact.** The zoning amendment would require a Use Permit for these types of development and if a CEQA analysis is required and all potential conflicts with the circulation system, including transit, roadway, bicycle and pedestrian facilities would be analyzed at that time.
- **Outdoor Dining. Less than Significant with Mitigation.** Outdoor dining facilities have the potential to interfere with access to entryways and bicycle parking. Therefore, the following mitigation is proposed.

Mitigation Measure Trans -1: Revise the proposed zoning ordinance as follows:

D. Objective Design & Safety Criteria. Outdoor dining pavilions and tents shall comply with the following objective criteria:

8. Outdoor Dining facilities shall not conflict with use of existing bicycle parking and access.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Less than Significant Impact. SB 743, passed in 2013, required OPR to develop new CEQA Guidelines that address traffic metrics under CEQA. As stated in the legislation (and Section 21099[b][2] of CEQA), upon adoption of the new CEQA guidelines, “automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the CEQA guidelines, if any.” The Office of Administrative Law approved the updated CEQA Guidelines on December 28, 2018, and the changes are reflected in new CEQA Guidelines (Section 15064.3). CEQA Guidelines Section 15064.3 was added December 28, 2018, to address the determination of significance for transportation impacts. Pursuant to the new CEQA Guidelines, VMT replaced congestion as the metric for determining transportation impacts.

The Vehicle Miles Traveled (VMT) associated with a project is the primary basis for determining traffic impacts under CEQA. Like many other jurisdictions in California, the City of Fort Bragg has not yet adopted policies or thresholds of significance regarding VMT. Therefore, the project was analyzed based on the guidance provided in the Technical Advisory on Evaluating Transportation Impacts in CEQA (2018) by the state’s Office of Planning and Research (OPR), as well as the Senate Bill 743. A significance threshold equal to the sub region average total VMT per service population for the “Fort Bragg Adjacent” region was developed. Based on the Mendocino Council of Governments (MCOG) SB 743 VMT Screening Tool by Fehr & Peers, the sub regional average VMT per service population is 22.0. The City is located in the traffic analysis zone (TAZ) 474, which has an average of 19.0 VMT per service population. The proposed zoning amendment would result in additional housing and restaurant services close to schools, jobs and retail opportunities in the City which has an average VMT of 19.0 VMT which would be below the sub regional average and would have a less-than-significant impact on VMT.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

- **Tiny Homes. No Impact.** The proposed zoning amendment includes changes that would allow for a small number of new Tiny Homes dispersed throughout the City on existing residential lots and would not result in any conflicts or increase hazards due to geometric design or incompatible uses.
- **Tiny Home Communities and Planned Development Projects. Less than Significant Impact.** The zoning amendment would require a Use Permit for these types of development and if a CEQA analysis is required all potential conflicts and hazards due to geometric design or incompatible uses would be analyzed at that time.
- **Outdoor Dining. Less than Significant Impact.** Outdoor dining facilities are compatible with indoor dining, but they have the potential to block vehicle visibility at corners. However, required compliance with setback requirements should reduce this to a less than significant impact.

d) Result in inadequate emergency access?

- **Tiny Homes. No Impact.** The proposed zoning amendment includes changes that would allow for a small number of new Tiny Homes located on the back of residential parcels and as such they will not block emergency access.
- **Tiny Home Communities and Planned Development Projects. Less than Significant Impact.** The zoning amendment would require a Use Permit and Building Permit for these types of development and the review of adequate emergency access is a critical component of these reviews.
- **Outdoor Dining. Less than Significant with Mitigation.** Outdoor dining facilities would be located on sites which already include a restaurant for which emergency access has already been analyzed. Outdoor dining pavilions have the potential to interfere with emergency access, therefore the Mitigation Measure included below is recommended to ensure a less than significant impact.

Mitigation Measure Trans -2: Revise the proposed zoning ordinance as follows:

D. Objective Design & Safety Criteria. Outdoor dining pavilions and tents shall comply with the following objective criteria:

9. Outdoor Dining facilities shall not conflict with emergency access as determined by the Fire Marshal.

XXV. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Setting

CEQA, as amended by Assembly Bill 52 (AB 52), requires that the City of Fort Bragg provide notice to any California Native American tribes that have requested notice of projects subject to CEQA review and consult with tribes that responded to the notice within 30 days of receipt with a request for consultation.

- Sherwood Valley Rancheria
- Coyote Valley Band of Pomo Indians
- Manchester Band of Pomo Indians
- Cahto Tribe
- Guidiville Indian Rancheria
- Pinoleville Pomo Nation
- Hopland Band of Pomo Indians
- Potter Valley Tribe

The purpose of consultation is to identify Tribal Cultural Resources (TCRs) that may be significantly impacted by the proposed project, and to allow the City to avoid or mitigate significant impacts prior to project approval and implementation. Section 21074(a) of the PRC defines TCRs for the purpose of CEQA as:

- (1) *Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:*
 - (A) *Included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or*
 - (B) *Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or,*
- (2) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.*

Because the first two criteria also meet the definition of a Historical Resource under CEQA, a TCR may also require additional consideration as a Historical Resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators and can only be identified by a culturally affiliated tribe, which has been determined under State law to be the subject matter expert for TCRs.

CEQA requires that the City initiate consultation with tribes at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures. Therefore, in accordance with the requirements summarized above, the City carried out, or attempted to carry out, tribal consultation for the project.

To date only one TCR has been identified within the City of Fort Bragg and that TCR is not located within the inland zoning area.

Discussion

- a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?
 - ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision

(c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

- **Tiny Homes, Tiny Home Communities, Outdoor Dining and Planned Development projects. Less than Significant Impact.** There are no known TCR located within the residential or commercial areas of Fort Bragg, so the proposed zoning ordinance amendments will have a less than significant impact on TCR.

XXVI. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Background

The Public Facilities Element of the Inland General Plan has goals, policies and programs to manage the impacts of growth on the City's infrastructure. These can be found on Page 3-3 through 3-6 of the Public Facilities Element of the City's General Plan. Included in these policies are:

Table 5: Inland General Plan Policies and Programs- Utilities and Service Systems

Public Facilities Goal PF-1 Ensure that new development is served by adequate public services and infrastructure.
Public Facilities Goal PF-1 Policy PF-1.1 Ensure Adequate Services and Infrastructure for New Development: Review new development proposals to ensure that the development can be served with adequate potable water; wastewater collection, treatment, and disposal; storm drainage; fire and emergency medical response; police protection; transportation; schools; and solid waste collection and disposal.
Public Facilities Goal PF-1 Policy PF-1.2 All new development proposals shall be reviewed and conditioned to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses.
Public Facilities Goal PF-1 Policy PF-1.2 Program PF-1.2.1 New development shall be responsible for any improvements or extensions of infrastructure or the service capacity necessary to serve the development.

Discussion

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

- **Tiny Homes. No Impact.** The proposed zoning amendment includes changes that would allow for a small number of new Tiny Homes located on the back of residential parcels and as such they will not result in in the relocation or construction of new or expanded utilities.
- **Tiny Home Communities and Planned Development Projects. Less than Significant Impact.** The zoning amendment would require a Use Permit and Building Permit for these types of development and the review of adequate public services is a critical component of these reviews.
- **Outdoor Dining. Less than Significant Impact.** Outdoor dining facilities would be located on sites which already include a restaurant for which service capacity has already been analyzed. Further the regulations limit the potential size of the new outdoor dining facilities such that they would have a less than significant impact on the need to relocate or expand service infrastructure.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Less than Significant Impact. According to the City’s most recent Municipal Service Review (adopted December 2017), on a daily basis, the City currently produces about 50 gallons/resident and 78 gallons/1,000 square feet (SF) of commercial/industrial space of treated water. The City currently has sufficient water supply and storage to meet a 20% increase in water demand during a 50-year drought. The City can accommodate the additional growth in the Inland Area that might occur as a consequence of the zoning amendment without developing additional water storage.

- c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less than Significant Impact. The Wastewater Treatment Plant (WWTP) has a facility design flow capacity of 1.0 mgd (average dry weather treatment capacity), 4.9 mgd (peak daily wet weather treatment capacity), 2.2 mgd (average monthly wet weather treatment capacity). The upgraded capacity of the WWTP is sufficient to meet the wastewater service demands through buildout of the General Plan and is a significant improvement to the City's ability to handle/manage overflows. Implementation of the proposed zoning amendments would have a less than significant impact relative to this topic.

- d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less than Significant Impact. Redwood Waste Solutions provides weekly curbside residential and commercial garbage, recycling, and green waste collection within the City of Fort Bragg. Waste collected by Redwood Waste Solutions is taken to a transfer station in Ukiah for processing and transport. The waste is then disposed of at the Potrero Hills Landfill. According to the California Department of Resources Recycling and Recovery (CalRecycle), in 2020, Fort Bragg disposed of approximately 4,121 tons of solid waste. CalRecycle provides an average per capita solid waste disposal rate for residents and businesses. In Fort Bragg, CalRecycle identified solid waste disposal rates of 5.1/lbs. per resident/day which is below the State target (CalRecycle Jurisdiction Diversion/Disposal Rate Summary, 2021). Redwood Waste Solutions Inc. also provides recycling services to city residents and businesses. Redwood Waste Solutions Inc. provides curbside residential collection of recyclable materials. Acceptable materials include glass containers, all plastics, tin and aluminum cans, plastic milk cartons, newsprint, boxboard, corrugated cardboard, bond paper and magazines. Residents may also recycle some materials at buy-back centers. Special recycling programs include medical waste disposal, fluorescent light and mercury recycling, and organic farming and mulch recycling programs.

The proposed zoning amendment and subsequent potential development is not anticipated to be a significant generator of solid waste as it would permit Tiny Homes and Outdoor Dining facilities by right, but the per capita contribution to solid waste for the uses anticipated will be at or below existing per capita waste generation rates, because the residential units would be much smaller than the typical house in Fort Bragg. Tiny Home Communities and Planned Development Projects would have to go through a Use Permit and CEQA process and so the potential solid waste impacts of this potential development will be determined at the time of Use Permit consideration.

XXVII. WILDFIRE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting

The project site is located in a Local Responsibility Area, and it is not in a Very High Fire Hazard Severity Zone. However, the project site is bordered to the southeast by a State Responsibility Area (CAL FIRE 2021). The City is also part of the Fort Bragg Fire Protection Authority.

The Inland General Plan Safety Element has specific policies and programs to reduce fire hazards:

Table 6: Inland General Plan Policies and Programs- Wildfire

Safety Goal SF-4 Policy SF-4.1 Minimize Fire Risk in New Development: Review all development proposals for fire risk and require mitigation measures to reduce the probability of fire.
Safety Goal SF-4 Policy SF-4.1 Program SF-4.1.1: Continue to consult the Fort Bragg Fire Protection Authority in the review of development proposals to identify the projected demand for fire protection services and implement measures to maintain adequate fire protection services. Mitigation measures may include levying fire protection impact fees for capital facilities, if warranted.
Safety Goal SF-4 Policy SF-4.2 Maintain a High Level of Fire Protection: Work with the Fire Protection Authority to ensure a continued high level of fire protection.

Safety Goal SF-4 Policy SF-4.2 Program SF-4.2.1: Increase water main sizes or loop existing water mains where necessary to provide adequate flows for fire protection. The standard for water flow for fire protection purposes in commercial uses should be a minimum of 1,000 gallons per minute for 2 hours with 20 pounds per square inch residual pressure.

Safety Goal SF-4 Policy SF-4.2 Program SF-4.2.3 Work with the Fort Bragg Fire Protection Authority to establish a regular schedule for periodic inspections of commercial and industrial premises by the Fire Prevention Officer.

Discussion

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. Within the City of Fort Bragg, the generally recognized “safe elevation level” with regard to tsunami events is approximately 85 feet above mean sea level. Therefore, impact or inundation from a severe storm surge or tsunami event must be considered a risk for the City, albeit a relatively low risk. The City’s Tsunami Contingency Plan provides guidelines to alert and evacuate the public from tsunami risk areas within the City.

- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- c) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Less than Significant Impact. The City is relatively flat with elevations ranging from 45 feet to 200 feet and would not expose any structures or persons to risks related to slopes either during or after the occurrence of a wildfire. According to the NRCS Web Soil Survey, typical slopes in the inland area range from 0 to 15 percent, minimizing the potential for landslides.

- d) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

- **Tiny Homes. No Impact.** The proposed zoning amendment includes changes that would allow for a small number of new Tiny Homes located on the back of residential parcels and as such they will not require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- **Tiny Home Communities and Planned Development Projects. Less than Significant Impact.** The zoning amendment would require a Use Permit and Building Permit for these types of development and the review of adequate infrastructure is a component of these reviews.
- **Outdoor Dining. Less than Significant Impact.** Outdoor dining facilities would be located on sites which already include a restaurant for which service capacity has already been analyzed. Further the proposed regulations limit the potential size of the new outdoor dining facilities such that they would not necessitate infrastructure that may exacerbate fire risk or result in temporary or ongoing impacts to the environment.

XXVIII. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less than Significant Impact. As mitigated, the proposed project will not have a substantial impact on habitat or fish species, wildlife species or a plant or animal community.

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?

Less than Significant Impact. The proposed zoning amendment will have a less than significant impact on vehicle miles traveled, traffic safety and level of service and thus will not result in a cumulatively considerable impact. Likewise, all other potential impacts have been analyzed in the MND and reduced to a level of less than significant with mitigation.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

No Impact. The project does not have any substantial adverse effects on human beings either directly or indirectly.

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To: [cdd](#)
Cc: [Marie Jones](#)
Subject: Public Comment -- 1/31/24 PC Mtg., Item No. 6A, Outdoor Dining
Date: Friday, January 26, 2024 4:10:41 PM

Planning Commission,

I don't particularly support the changes you made compared to the City Council initial direction, however, zoning code amendments are within your purview so it makes sense that. That said, one of the changes you recommended relates to the capacity fees but that is fully outside the scope of the Planning Commission's authority. As such, I recommend that the discussion of capacity fees be removed from the PC's recommendations to the City Council. Commissioners can always make individual public comments and recommendations to the City Council when they consider things but the City's zoning code has no reason to address the issue of capacity fees, which is not a land use or zoning concern. If any of you want to make decisions about the City's financial matters, you should run for one of the two City Council seats that will be up for election this year.

To do this, the following language should be removed from the draft code language:

6. Capacity Fees. Outdoor dining facilities shall pay 15% of the regular and normal capacity fee for restaurants. If the property owner decides to remove the outdoor dining facility, a portion of the paid capacity fees will be reimbursed, and the City may retain 5% of the capacity fee for each year that outdoor dining was in operation.

Frankly, this shouldn't be in the ordinance anyway since we don't cover capacity fees in the code like this for other land uses or structures, they are dealt with through the City Council's fee resolution adopting the master fee schedule.

Regards,

--Jacob



City of Fort Bragg

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Text File

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Agenda Number: 7A.

Select Chair and Vice-Chair of the Planning Commission (Ord. 740 §1,1992; Fort Bragg Municipal Code §2.20.050; PC Bylaws § III.D.)

Public Comment -- 1/31/24 PC Mtg., Item No. 7A, Officers

Jacob Patterson <jacob.patterson.esq@gmail.com>

Wed 1/31/2024 11:35 AM

To:cdd <cdd@fortbragg.com>

Planning Commission,

Regardless of who you select as Chair this time, I recommend additional training on how to preside over a meeting. The past few years have involved many errors, some of which are serious enough that the PC's decisions could have been overturned on procedural grounds, because the Chair or acting Chair failed to follow proper meeting procedure for action items. For example, you have not "established proper notice" as the County does for their planning commission public hearings and some of our public hearing items have not actually had the required public notice. Another issue is the failure of the chair to properly open and close some public hearings. In fact, you have tried to continue items to a meeting after the hearing was closed without reopening it, which is not a best practice unless all you plan on doing is continuing your deliberations without bringing any additional information into the mix at the continued meeting (or in between the meetings, which would need to be disclosed). You have also failed to solicit public comment for some action items, including failing to solicit public comment for consent calendar items that are pulled from the consent calendar and discussed. Every action item requires a public comment period prior to taking the action and pulled items need a separate public comment period even if the entire consent calendar had already received public comments.

I have no clear preference for who your officers are but I think Scott Deitz is probably your best bet to assure that proper procedure is followed based on his prior experience on the Planning Commission and City Council. Regardless of the choices, I recommend comprehensive training.

Regards,

--Jacob



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Text File

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Agenda Date: 1/31/2024

Version: 1

Status: Business

In Control: Planning Commission

File Type: Planning Staff Report

Agenda Number: 7B.

Adopt Resolution Amending Bylaws for the Fort Bragg Planning Commission

RESOLUTION NO. PC -2024

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FORT BRAGG
AMENDING BYLAWS FOR THE FORT BRAGG PLANNING COMMISSION**

WHEREAS, Fort Bragg Municipal Code Chapter 2.20 — PLANNING COMMISSION, provides in part that the Planning Commission shall have the power, by resolution, to adopt rules of procedure governing its meetings, its operation, its conduct of public hearings and the performance of its duties; and

WHEREAS, on March 22, 2023, the Planning Commission unanimously adopted amendments to its meeting bylaws after considering public comment and deliberating; and

WHEREAS, on January 10, 2024, the Planning Commission held a meeting to consider whether or not the bylaws continue to be current with the Commission's practices, and the Inland General Plan and the Coastal General Plan; and

WHEREAS, on January 10, 2024, Planning Commissioner Stavely moved to adopt by Resolution a 2024 Planning Commission Meeting Schedule (including April 10, 2024) and moved to direct staff to prepare a resolution to amend the Planning Commission Bylaws Section II.A Meetings, as the Commission desires to hold its regular meetings on the second Wednesday of each month; and following a second, the Planning Commission voted unanimously to affirm the motion; and

WHEREAS, the adoption of bylaws is not subject to or is exempt from compliance with CEQA pursuant to 15061(b)(3) because adoption of the amended bylaws is legislative in nature and it can be seen with certainty that there is no possibility that the adoption will have a significant effect on the environment; and

WHEREAS, based on all the evidence presented, the Planning Commission finds that the attached Fort Bragg Planning Commission Bylaws (2024):

1. Are consistent with the goals and policies of the City of Fort Bragg Inland General Plan and the Fort Bragg Coastal General Plan; and
2. Are consistent with current practice of the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Fort Bragg does hereby find and determine the above facts and recitals are true and correct and are incorporated herein as findings. The Planning Commission further resolves, finds, and determines, pursuant to Section 2.20.100 of the Fort Bragg Municipal Code that the certain document entitled FORT BRAGG PLANNING COMMISSION BYLAWS (2024) as set forth more particularly in Exhibit "A" attached hereto and made a part thereof is adopted.

The above and foregoing Resolution was introduced by Planning Commissioner _____, seconded by Planning Commissioner _____, and passed and adopted at a special meeting of the Planning Commission of the City of Fort Bragg held on the 31st day of January, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

Jeremy Logan, Chair

ATTEST:

Maria Flynn, Administrative Assistant
Community Development Department

Exhibit A
FORT BRAGG PLANNING
COMMISSION BYLAWS
01/31/2024

I. PURPOSE

The purpose of the bylaws of the Fort Bragg Planning Commission is to establish its rules of procedure governing its meetings, its operation, its conduct of public hearings and the performance of its duties. (Fort Bragg Municipal Code §2.20.090 and 2.20.100)

II. MEETINGS

A. The Commission shall hold its regular meetings on the second Wednesday of each month at 6:00 p.m. At the first regularly held meeting of the year, the Commission may adopt a specific meeting schedule that provides alternate meeting dates to avoid conflict with recognized City holidays. The Commission shall not schedule meetings on the fourth Wednesday of November or December. The meeting schedule shall be posted for public review at City Hall and on the City's website. (Fort Bragg Municipal Code§ §2.20.060, 2.20.090 and 2.20.100)

B. The meeting place of the Planning Commission for the transaction of business is fixed and established at the Town Hall, situated on the southwest corner of North Main and Laurel Streets, and commonly known as 363 North Main Street, Fort Bragg, California or virtually if resolved by the body in accordance with AB361. The meetings will be conducted in person, via webinar and televised on local TV as well as livestreamed on the City's website. (Fort Bragg Municipal Code §2.20.100)

C. A special meeting of the Planning Commission may be called at any time by:

1. The Chair; or,
2. In the Chair's absence, by the Vice-Chair; or,
3. By a majority of the members of the Planning Commission; or
4. The City Manager, Community Development Director, or City Staff

Unless a special meeting is called by a majority vote of the members at a regular or special meeting, a written notice must be delivered, to each member of the Planning Commission at least twenty-four hours prior to the special meeting. The notice must specify the time and place of the special meeting and the business to be considered. The notice must be posted at City Hall in the kiosk and on the City's website. The only business that may be considered at a special meeting is the business shown on the notice. (Fort Bragg Municipal Code §2.20.100)

D. All regular and special meetings shall be open to the public. (Fort Bragg Municipal Code §2.20.100)

E. The order of business of the Planning Commission shall be as follows:

1. Call to Order
 2. Pledge of Allegiance
 3. Roll Call
 4. Public Comments on (1) Non-Agenda Items & (2) Consent Calendar Items
 5. Matters from Staff
 6. Matters from Commissioners
 7. Consent Calendar
 8. Disclosure of Ex Parte Communications on Agenda Items
 9. Public Hearings
 10. Conduct of Business
 11. Adjournment
- (Fort Bragg Municipal Code §2.20.100)

F. The adjournment time for all Commission meetings shall be 9:00 p.m. If the Commission is still in session at 9:00 p.m., the Commission may continue the meeting upon majority vote. Further, if it appears that the meeting will adjourn, the Planning Commission shall vote upon which items are to be continued to a future meeting. If a public hearing is underway at adjournment, the Planning Commission may continue the meeting to a future date certain. (Fort Bragg Municipal Code §2.20.100)

III. OPERATIONS

- A. There shall be five (5) members of the Planning Commission appointed by the City Council. Each member of the City Council may submit the name of a resident of the City as a nominee for a seat on the Planning Commission. The City Council as a whole shall vote to appoint the nominee, the appointment requiring the affirmative vote of at least three (3) City Councilmembers. (Fort Bragg Municipal Code §2.20.020)
- B. Planning Commission members shall be seated for a potential term coinciding with that of the nominating City Councilmember, provided, however, that the commissioners serve at the will of the City Council. The City Council may remove any Planning Commissioner at any time through the affirmative vote of at least four (4) of the City Councilmembers. (Fort Bragg Municipal Code §2.20.020)
- C. A majority of appointed Planning Commissioners constitutes a quorum for the transaction of business. (Government Code §36810)
- D. At the first regularly held meeting of the year, the Planning Commission shall select one of its members as Chair and one member as Vice-Chair of the Commission. In case of the absence of the Chair, the Vice-Chair shall act as the Chair. If the Chair and Vice-Chair leave the Commission, and there are no officers, the Commission shall elect a Chair and Vice-Chair as the first order of business of the meeting. (Fort Bragg Municipal Code §2.20.050)

- E. At the first regularly held meeting of the year, the Commission may discuss and adopt a work schedule for the year as a guide for work on the General Plan of the City. (Fort Bragg Municipal Code §2.20.100)
- F. The Community Development Director or designee shall provide updates to the Commission of all major current planning projects and all long range planning activities at the request of the Chair.
- G. After the close of the calendar year, the Commission may discuss and prepare a summary report of its work for the calendar year. The report may be submitted to the City Council and may be used for reporting to County, State or Federal agencies. (Fort Bragg Municipal Code §2.20.010)
- H. To allow for efficient consideration of planning and zoning matters, Ad Hoc committees may be appointed to consider specific matters and report to the Commission. Ad Hoc committees will be appointed by the Chair, after consultation with the Commission as to the purpose and composition of the committee. Not more than two commissioners may be appointed to an Ad Hoc committee. (Fort Bragg Municipal Code §2.20.100)
 - 1. At the first meeting of each Ad Hoc committee, one member shall be elected as Chair. The Chair shall be responsible to direct the committee and to report to the Commission when the committee believes it has completed its task. The Chair shall ensure that proper notices are posted at City Hall for meetings of the Ad Hoc committee. The Chair shall account for member participation and attendance at meetings or other work related to the task, including records of action or progress. The Chair may report to the Commission periodically, about progress and/or about member attendance. Each member of an Ad Hoc committee is responsible to attend meetings of the committee. Committee meeting dates shall be set by a consensus of the committee.
 - 2. If one or more members of an Ad Hoc committee is/are absent from one (1) meeting that has been set by consensus, the Chair shall attempt to contact the member and determine his/her interest in serving on the committee. The Chair shall report to the Commission, requesting a replacement member, if the member is not willing to continue or if failure to attend meetings continues.
 - 3. Final Ad Hoc committee recommendations shall be presented to the Commission by the Chair in writing. When the committee report is received, the Commission may receive majority and minority opinions from committee members.
 - 4. If the Commission has a vacancy, all Ad Hoc committee activities shall cease until the Commission is fully seated with all five members, in order to avoid any Brown Act violations.
- I. The Chair shall decide all questions of order. (Fort Bragg Municipal Code §2.20.100)

- J. The Chair may make or second any motion before the Planning Commission and present and discuss any matter as a member of the Planning Commission. (Fort Bragg Municipal Code §2.20.100)
- K. In the event of a tie vote, the motion shall fail. (Fort Bragg Municipal Code §2.20.100)
- L. A motion to reconsider shall not be in order except on the same day or at the next session of the Commission after which the action being proposed for reconsideration took place. Such motion must be made by a member who voted with the majority on the question, except that a member who was necessarily absent may, at the next meeting at which he or she is present, have a right to move a reconsideration of the same. A motion to reconsider shall require a majority vote. Whenever a motion to reconsider fails, further reconsideration shall not be granted.
- M. No member of the Planning Commission shall be permitted to interrupt another during debate or discussion of any subject. (Fort Bragg Municipal Code §2.20.100)
- N.
 1. Every member of the Planning Commission present shall vote on every question or matter when put, except when disqualified from voting by operation of law, or unless the Planning Commission for special reasons entered in the minutes, excuses the member from voting on a particular matter then under consideration. Should a member abstain from voting, they shall state the reason for abstaining, and said reason shall be recorded in the minutes of said meeting. (Fort Bragg Municipal Code §2.20.100)
 2. Any member of the Planning Commission who votes in the minority, on any question or matter, may file a minority opinion. The minority opinion may be verbal at the time of the vote, or written and submitted for inclusion into the minutes of the question or matter. A minority opinion shall be shown as the personal comments of an individual member and not subject to change by a majority of the Commission. A written minority opinion must be submitted to the Planning Director between the vote on the question or matter and the beginning of the next regular meeting when the minutes on the question or matter are considered.
- O. When the Commission revises staff recommendations on an application and the applicant is not present or represented, the Commission shall defer a decision until the applicant can be present or represented, unless that applicant has submitted a formal written request for the Commission to consider their project application without the applicant's presence.
- P. Each member of the Planning Commission is responsible to attend Commission meetings. Section 2.20.080 of the Fort Bragg Municipal Code shall be enforced for each member. Section 2.20.080 reads as follows: In the event a member of the Commission does not attend meetings for a period of 60 days, unless excused for cause by the Chairperson of the Commission, the office of the member shall be deemed to be vacant and the term of the member ipso facto terminated. The Secretary of the Commission shall immediately notify the Mayor of the termination.

- Q. If the Planning Director determines that a substantial question of interpretation on a planning matter needs the review of the Planning Commission, the Planning Director shall introduce the matter at the next regular meeting. The matter may apply to City ordinances or to a current project. The Planning Director shall provide a written report to the Planning Commission including the following:
1. A statement of the substantial question for review.
 2. A reference to ordinances in the Municipal Code that apply to the substantial question.
 3. A reference to the portions of the General Plan that may apply.
 4. A reference to previous actions by the Commission or City Council that may apply.

After the Planning Commission has studied the substantial question, it shall adopt a finding to be used by the Planning Director for all future interpretations/applications of the planning regulation.

IV. PUBLIC HEARINGS

On any matter before the Planning Commission that requires a public hearing, the following procedure shall be followed:

- A. The Chair will announce the item from the agenda;
- B. The Chair will open the public hearing, stating the time:
 1. The Community Development Director and/or planner will present a staff report and answer questions of the Commissioners;
 2. If it is apparent that there is considerable public interest in the matter, the Chair may poll the audience for an indication of the number of persons who wish to address the Commission; and,
 3. The Chair may:
 - a) Impose a three (3) minute time limit on each person who addresses the Commission;
 - b) Request that testimony be combined through a spokesperson where possible; and,
 - c) Limit each person who has addressed the Commission to a single opportunity to clarify their testimony.
- C. The applicant shall be given an opportunity to present the matter and answer questions from staff or Commissioners, unless they waive that right by letter in advance of the meeting;
- D. Members of the public and/or public agencies will be given an opportunity to present their comments;

- E. For meetings held in person, speakers before the Planning Commission shall approach the public podium and give their comments. They may also provide their name, address, and whether they live or work in the City prior to addressing the Commission;
- F. For meetings held virtually via webinar comments can be made in real-time while the item is open to public comment by the Planning Commission.
- G. Spoken public comments are restricted to three minutes each, unless the Chair provides a longer period for public comments. All written comments or emails received before or during the meeting that have not been published with the agenda packet will be forwarded to the Commissioners as soon as possible after receipt and will be available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, California, during normal business hours. All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible.
- H. Questions from the public or Commissioners should be directed through the Chair, unless the Chair decides to manage questions in a different manner;
- I. When all comments have been presented to the Commission, any of the following options may be selected:
 - 1. Continue the public hearing until a future date certain if there are issues raised during the hearing that need further clarification or information for application review;
 - 2. Continue the public hearing to an unspecified date if there are issues raised during the hearing that need further clarification or information for application review; in this situation the public hearing shall be re-noticed.
 - 3. Leave the public hearing open while the Commission discusses action proposed to be taken, if the Chair wants to provide an opportunity for further input from the public or the applicant during the deliberation process; and,
 - 4. Close the public hearing, stating the time. The Commission shall then discuss the action to be taken. (Fort Bragg Municipal Code §2.20.100)
- J. For current planning approvals, at the close of the deliberations, a Planning Commissioner shall make a motion to:
 - 1. Adopt the resolution adopting the CEQA document for the review of the project if CEQA review was required; and, if seconded, the Commission will act on the CEQA resolution prior to consideration of the planning resolution; and
 - 2. Adopt the planning permit(s) resolution subject to all special and standard conditions; or
 - 3. Adopt the planning permit(s) resolution subject to all special and standard conditions as modified by the Commission. The Commissioner shall clearly state for the record any proposed modifications, additions or deletions to any special conditions prior to making a motion; or

4. Provide direction to staff to prepare a resolution for denial of the permit. The Commission members indicating that they would vote for denial of the permit shall identify the reasons for denial of the application.
- K. After the motion is made by a Commissioner, it must be seconded by another Commissioner. If there is no second, the motion dies. The Chair will ask for a vote of the Commission only after a motion is made and seconded.
- L. After the Commission votes, the Community Development Director or Planning Staff shall describe the appeal process and timeline (to the City Council, and if relevant, to the Coastal Commission).
- M. For recommendations to City Council on legislative matters, the Planning Commission shall provide recommendations and suggested changes to any proposed ordinance. Recommendations may be made by minute order or by resolution depending on statute.