

## **RESOLUTION NO. XXXX-2025**

### **RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING COASTAL DEVELOPMENT PERMIT AMENDMENT (8-24/A), USE PERMIT AMENDMENT (UP 9-24/A), DESIGN REVIEW AMENDMENT (DR 11-24/A), SIGN PERMIT sp-24 FOR AN 83-UNIT MIXED-USE MULTIFAMILY PROJECT WITH 1,000 SF OF RETAIL SPACE AND 2,450 SF OF VISITOR SERVING ACCOMMODATIONS AT 1151 SOUTH MAIN STREET (APN 018-440-58), SUBJECT TO THE FINDINGS AND ALL STANDARD AND SPECIAL CONDITIONS.**

**WHEREAS**, Akashdeep Grewal (“Applicant”) submitted an application for: Coastal Development Permit 8-24/A (CDP 8-24), Design Review 11-24 (DR 11-24), Use Permit 9-24 (UP 9-24), and Sign Permit 20-24 (SP 20-24) to construct a multifamily apartment project at 1151 South Main Street.

**WHEREAS**, 1151 South Main Street, Fort Bragg, California (Assessor Parcel Number: 018-440-58) is in the Highway Commercial (CH) Zone, Coastal Zone and no changes to the site’s current zoning designation are proposed under the Project; and

**WHEREAS**, the Project is subject to the Fort Bragg Coastal General Plan and Coastal Land Use and Development Code (CLUDC); and

**WHEREAS**, Section 17.32.020 of the CLUDC requires the City Council to provide preliminary approval or disapproval of applicant-requested incentives, modifications, or waivers of development or zoning standards for the development of new multifamily housing units that include inclusionary housing units; and

**WHEREAS**, the City Council held a public hearing on November 12, 2024, to accept public testimony and provided preliminary conceptual approval of two inclusionary housing incentives for the proposed Project; and

**WHEREAS**, the Planning Commission held a public meeting on March 12, 2025 to consider the Project, accept public testimony and consider making a recommendation to City Council; and

**WHEREAS**, the City Council held a public hearing on March 24, 2025 and accepted public testimony and approved all the project permits and the CEQA exemption for the project; and

**WHEREAS**, On April 5, 2025 the City Council’s approval was appealed by project neighbors Judy Mashhour-Azad; and

**WHEREAS**, On April 10, 2025 the City Council’s approval was appealed by Paul Clark represented by Vannucci Momsen Morrow Attorneys.

**WHEREAS**, On April 11th, the Coastal Commission staff notified the City of the appeal.

**WHEREAS**, On May 8th Coastal Commission, City Staff and the applicant discussed the project and agreed to revise the project to address concerns of Coastal Commission staff; and

**WHEREAS**, the applicant submitted a revised project application on May 27, 2025; and

**WHEREAS**, the Planning Commission held a public hearing on June 11, 2025 which was continued to June 18<sup>th</sup> and June 25<sup>th</sup> to consider the Project, accept public testimony and adopted a resolution recommending that City Council approve the project subject to the findings and special conditions in the staff report and this resolution, and

**WHEREAS**, the Planning Commission further encourages the City Council to consider requiring a 3-way stop at the intersection of Ocean View and Harbor Ave, with no stop for west bound traffic, if indicated by a supplemental traffic memo.

**WHEREAS**, the City Council has the final approval authority over the inclusionary housing incentives for this project and therefore has authority over all project entitlements; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA) Section 15332 (class 32) of the CEQA Guidelines the project is exempt from CEQA as an "In-Fill Development Project" and per Section 15192 as an "Infill Housing Development," and

**NOW, THEREFORE, BE IT RESOLVED** that the City of Fort Bragg City Council, 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 applications; all site plans, and all reports and public testimony submitted as part of the City Council meeting of July 14, 2025 and City Council deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the City Council of the City of Fort Bragg, *per the analysis incorporated herein by the project staff reports, dated July 14, June 25, June 18, June 11 and March 24, 2025, hereby recommends that the City* approve Coastal Development Permit 8-24/A (CDP 8-24/A), Design Review 11-24/A (DR 11-24/A), Use Permit 9-24/A (UP 9-24/A), and Sign Permit 20-24 (SP 20-24), subject to the findings, standard conditions and special conditions below:

A. General Findings

1. The foregoing recitals are true and correct and made a part of this Resolution;
2. The documents and other material constituting the record for these proceedings are located at the Community Development Department;
3. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code (ILUDC), and the Fort Bragg Municipal Code in general.

**NOW, THEREFORE, BE IT RESOLVED** that The Fort Bragg Planning Commission Recommends that the Fort Bragg City Council makes the following findings and determinations for Coastal Development Permit 8-24/A to allow for the construction of an 83-unit mixed-use project proposed for at 1151 South Main Street *per analysis incorporated herein by reference to the project staff reports and memos, dated July 14, June 25, June 18, June 11, 2025 and March 24, 2025.*

1. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.
2. The proposed use is consistent with the purposes of the zone in which the site is located.
3. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan.
4. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
5. Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development.
6. The Project is located between the first public road and the sea.
7. Project does not involve any geologic, flood or fire hazards, and the Project is not located within an Environmentally Sensitive Habitat Area.

**NOW, THEREFORE, BE IT RESOLVED** that The Fort Bragg Planning Commission recommends that the Fort Bragg City Council makes the following findings and determinations for Use Permit 9-25/A to allow for the construction of an 83-unit mixed-use project proposed for 1151 South Main Street *per analysis incorporated herein by reference to the project staff reports, dated July 14, June 25, June 18, June 11, and March 24, 2025.*

1. The proposed use is consistent with the General Plan, any applicable specific plan, and the Local Coastal Program;
2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.
5. The proposed use complies with any findings required by Section 17.22.030 (Commercial District Land Uses and Permit Requirements).
  - a. Secondary uses oriented to local clientele may be permitted where the primary use of a site is oriented to or serves visitor, regional, or transient traffic;
  - b. Secondary uses may be allowed where primary uses are precluded because of environmental concerns or other site-specific problems; and

- c. The use is generally vehicular-oriented unless part of a larger visitor-oriented complex.

**NOW, THEREFORE, BE IT RESOLVED** that The Fort Bragg Planning Commission recommends that the Fort Bragg City Council makes the following findings and determinations for Design Review Permit 11-25/A to allow for the construction of an 83-unit mixed-use project proposed for 1151 South Main Street *per analysis incorporated herein by reference to the project staff reports, dated July 14, June 25, June 18, June 11, and March 24, 2025.*

1. Complies with the purpose and requirements of this Section (Design Review in the CLUDC)
2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community.
3. Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.
4. Provides efficient and safe public access, circulation and parking.
5. Provides appropriate open space and landscaping, including the use of water efficient landscaping.
6. Is consistent with the Coastal General Plan, and applicable specific plan, and the certified Local Coastal Program.
7. Complies and is consistent with the City's Design Guidelines.

**NOW, THEREFORE, BE IT RESOLVED** that the Fort Bragg City Council does hereby approve the following Density Bonus incentives to allow for the construction of an 83-unit mixed-use project proposed for 1151 South Main Street *per analysis incorporated herein by reference to the project staff reports, dated July 14, June 25, June 18, June 11, and March 24, 2025:*

1. Increase the height limit for the proposed project from 28 feet to 38 feet; and
2. Allow a minimum balcony size of 42 SF, and the project shall provide the range of balcony sizes illustrated in the project plans.
3. Modify the requirement for visitor serving uses on the street facing frontage of the front bottom floor of each building, to the street facing frontage of the bottom floors of Buildings 3 and 5, with the following configuration: 1,000 SF of retail and 2,450 SF of hotel suites, 25% of which would be low-cost visitor serving accommodations.

**NOW, THEREFORE, BE IT RESOLVED** that the Fort Bragg City Council makes the following findings and determinations for the Density Bonus Law incentives to allow for the construction of an 83-unit mixed-use project proposed for 1151 South Main Street *per analysis incorporated herein by reference to the project staff reports, dated July 14, June 25, June 18, June 11, and March 24, 2025.*

1. The requested incentives are required in order to provide for affordable housing costs as defined in Health and Safety Code Section 50052.5, or for rents for

- the targeted units to be set in compliance with Government Code Section 65915(c).
2. The concession or incentive will not have a specific adverse impact, as defined by Government Code Section 65589.5(d)(2), upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.
  3. The City has determined that the development incentives requested will not have any adverse effects on coastal resources.
  4. The project is not feasible if the applicant must replace 9,560 SF of housing units with visitor-serving commercial space, which is very likely not a viable use.
  5. This site has remained undeveloped for over 40 years, since it was first subdivided as part of the former cattle ranch. This indicates that there is insufficient demand to support visitor serving uses on this site. Indeed, the only other development proposal for this site in 40 years was an auto parts store, which is also not a visitor serving use.
  6. The Fort Bragg City Council has identified workforce housing development as a top priority in the City's Strategic Plan and set a goal to develop 200 units of housing in Fort Bragg by 2026.
  7. The Coastal Commission implements the California Coastal Act of 1976, and Section 30604(f) of the Coastal Act requires the Commission to encourage housing opportunities for persons of low or moderate income.  
*"Section 30604 (f) The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code, the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity."*
  8. The State of California has passed regulations to streamline and facilitate the construction of market rate and affordable multifamily developments including regulations that limit the ability of local jurisdictions to deny multifamily housing projects based on subjective criteria and the requirement to provide housing incentives and density bonuses for project that include affordable housing. Statewide housing laws, such as Density Bonus Law, the Housing Accountability Act, and the Housing Crisis Act, apply in the coastal zone in ways that are also consistent with the Coastal Act.

9. There are relatively few large parcels in Fort Bragg that support multifamily housing, as identified in the City's vacant parcel inventory. Most vacant parcels that can accommodate multifamily housing have an environmental constraint. This parcel does not have any environmental constraints.
10. There are ten vacant parcels zoned Highway Commercial in the Coastal zone of Fort Bragg. These parcels total 30+ acres so there is significant vacant land to meet future visitor serving needs.
11. Workforce housing supports visitor serving uses by ensuring that there are sufficient units for workers in restaurants, hotels, parks, retail stores, etc. This has become a crisis on the Mendocino Coast because more residential units in the County have been converted into vacation rentals than have been built in the past twenty years. The conversion of housing into vacation rentals in the County has made housing a critical support sector for the visitor serving economy on the coast while it has weakened the hotel market in Fort Bragg.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Fort Bragg City Council make the following findings and determinations regarding the Sign Review Permit SP 20-24 for this project *per the analysis incorporated herein by reference to the project staff reports dated July 14, June 25, June 18, June 11, and March 24, 2025:*

1. The proposed signs do not exceed the standards of Sections 17.38.070 (Zoning District Sign Standards) and 17.38.080 (Standards for Specific Sign Types), and are of the minimum size and height necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site;
2. That the placement of the sign on the site is appropriate for the height and area of a freestanding or projecting sign;
3. That a flush or projecting sign relates to the architectural design of the structure. Signs that cover windows, or that spill over natural boundaries, and/or cover architectural features shall be discouraged;
4. The proposed signs do not unreasonably block the sight lines of existing signs on adjacent properties;
5. The placement and size of the sign will not impair pedestrian or vehicular safety;
6. The design, height, location, and size of the signs are visually complementary and compatible with the scale, and architectural style of the primary structures on the site, any prominent natural features on the site, and structures and prominent natural features on adjacent properties on the same street; and
7. The proposed signs are in substantial conformance with the design criteria in Subsection 17.38.060.F (Design criteria for signs).

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that this Coastal Development Permit, Use Permit and Design Review amendment supersedes the original permit approved March 24, 2025 and shall control the development of the project and will render the original approval null and void and with no legal effect as of the issuance date of this amended CDP.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Fort Bragg City Council does hereby approve Coastal Development Permit 8-24/A (CDP 8-24/A), Design Review

11-24/A (DR 11-24/A), Use Permit 9-24/A (UP 9-24/A), and Sign Permit 20-24 (SP 20-24) subject to the following standard and special conditions:

### **SPECIAL CONDITIONS**

1. Prior to the issuance of the building permit, the applicant shall submit a revised parking plan with two motorcycle parking spaces and 40% of all spaces designated as EV ready, for approval by the Community Development Director. The motorcycle parking spaces can replace regular parking spaces.
2. The applicant shall install 50 SF of shrubs and grasses at the parking lot entrances from the existing planting list on the landscaping plan. The parking lot entrances shall include enhanced paving (stamped and colored) crosswalk. These items will be installed prior to the issuance of occupancy permit.
3. The Building Permit Plan Set shall include a site plan that illustrates 150 SF of private open space for the downstairs units. This may be achieved either with symbolic fencing or by expanding the size of the patio.
4. The Building Permit Plan Set shall include a site plan for approval by the Director of Community Development, which illustrates a pedestrian entry on the eastern facade of the eastern units of buildings 3 and 7. The applicant can relocate the storage units on these buildings, which would result in an identifiable door from Highway 1.
5. The applicant shall construct a 5-foot-high soundwall between the parking lot and Harbor Ave prior to the final of the building permit. The soundwall shall be included on the building permit application plan set.
6. Prior to issuance of the Certificate of Occupancy the applicant shall complete and enter into an Inclusionary Housing Regulatory Agreement per all of the requirements of section 17.32.080B with the City of Fort Bragg. The regulatory agreement will regulate eight units as affordable to households of very low income.
7. The applicant shall resubmit the site plan and floor plan with the Building Permit application for Building 3 defining and redesigning the bottom floor northeast unit of the building for a visitor serving use, such as a retail store or gift shop. Additionally, shop hours shall be limited from 9:00am to 5:00pm so that parking may be shared with the apartment residents as permitted by CLUDC section 17.36.080B.
8. Tribal monitoring is required during earth moving activities, which shall be paid for by the applicant. Please contact Sherwood Valley Band of Pomo Tribal Historic Preservation Office representative Vallerie Stanley at (707) 459-9690 or [svrthpo@sherwoodband.com](mailto:svrthpo@sherwoodband.com) at least 10 days prior to construction for scheduling.
9. If cultural resources are encountered during construction, work on-site shall be temporarily halted within 50 feet and marked off of the discovered materials, and workers shall avoid altering the materials and their context until a qualified professional archaeologist and tribal monitor has evaluated the situation and provided appropriate recommendations. Project personnel shall not collect or move cultural resources. No social media posting.

10. If human remains or burial materials are discovered during project construction, work within 50 feet of the discovery location, and within any nearby area reasonably suspected to overlie human remains, will cease (Public Resources Code, Section 7050.5). The Mendocino County coroner will be contacted. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws regarding the disposition of Native American remains (Public Resources Code, Section 5097).
11. The applicant shall complete a pre-construction bird survey within and adjacent to any proposed disturbance area within the Project area for nesting raptors and other protected bird species within 14 days prior to disturbance. The nesting survey radius around the proposed disturbance would be identified prior to the implementation of the protected bird nesting surveys by a CDFW qualified biologist and would be based on the habitat type, habitat quality, and type of disturbance proposed within or adjacent to nesting habitat, but would be a minimum of 250 feet from any area of disturbance. If any nesting raptors or protected birds are identified during such pre-construction surveys, trees, shrubs or grasslands with active nests should not be removed or disturbed. A no disturbance buffer should be established around the nesting site to avoid disturbance or destruction of the nest site until after the breeding season or after a qualified wildlife biologist determines that the young have fledged. The extent of these buffers would be determined by a CDFW qualified wildlife biologist and would depend on the special-status species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed by a qualified wildlife biologist to make an appropriate decision on buffer distances based on the species and level of disturbance proposed in the vicinity of an active nest.
12. The applicant shall retain any of the indicated four trees if they are identified as Bishop Pine, as feasible.
13. The applicant shall resubmit the Landscaping Plan to include the following changes:
  - a. Yellow bush lupine (*Lupinus arboreus*) shall be replaced with Coyote bush
  - b. Dwarf rock rose (*Citis 'Mickie'*) shall be replaced with a mix of riverbank lupine (*Lupinus rivularis*) and red elderberry (*Sambucus racemosa*).
  - c. Replace all non-native trees, such as Strawberry tree (*Arbutus x 'Marina'*) and Trident maple (*Acer buergerianum*), with a mix of California wax myrtle (*Morella californica*), coffeeberry (*Frangula californica*), Howard McMinn manzanita (*Arctostaphylos 'Howard McMinn'*), and Pacific dogwood (*Cornus nuttallii*).
  - d. The Cape rush (*Chondropetalum tectorum*) in the bioretention planting area shall be replaced with locally native species such as Pacific reed grass (*Calamagrostis nutkaensis*), blue rush (*Juncus patens*) and/or common rush (*Juncus effusus*).
14. The applicant shall not plant or allow any volunteer growth of any species of broom, pampas grass, gorse, or other species of invasive non-native plants listed on the California Invasive Plant Council (CALIPC) website.



15. Prior to issuance of the building permit, the final utility hookup configuration shall be approved by the Public Works Director or designated staff.
16. Additionally, as all-new development is required to pay its fair share of the water system infrastructure and future capital improvements through the Water Capacity Charge, the applicant will be required to pay any residual water capacity charges after completing any storm drain improvements and prior to final of the Building Permit.
17. Prior to issuance of a grading permit or building permit, the developer shall meet the following requirements:
  - a. The new sewer main shall be adequately sized to achieve standards established by the FBMC and reasonably designed to convey wastewater for future development of the parcel. FBMC section 14.28.040 states that the minimum size of a sewer lateral shall be 4 inches in diameter. The minimum slope of a sewer lateral shall be two feet per 100 feet (2% slope). Exceptions will be reviewed and approved at the discretion of the District Manager.
  - b. New wastewater laterals shall connect the development to the constructed sewer main, per the satisfaction of the Director of Public Works.
  - c. The exact location of the utility hookup configuration in the City right-of-way shall be approved by the Public Works Director or designated staff at the time of review of the encroachment permit application.
  - d. All new wastewater force mains will remain in the ownership of property owner and all maintenance of associated lift stations and force main will remain the owner's responsibility.
  - e. Connection fees are due prior to issuance of building permit. Prior to issuance of the occupancy, the developer shall pay all Water and Sewer Capacity Fees and Storm Drain Fees due per the Inclusionary Housing Incentive #2.
18. At the time of development and prior to the issuance of the occupancy permit, the applicant shall obtain an encroachment permit from Caltrans and install appropriate Keep Clear signage and street markings at the intersection of Ocean View Drive and the frontage road (Intersections Highway 1/Ocean View Drive and Ocean View Drive/Frontage Rd) and the applicant shall obtain an encroachment permit from the City of Fort Bragg and install appropriate "Keep Clear" signage and street markings at the Intersection of Harbor Ave and Ocean View Road.
19. At the time of development and prior to the issuance of the occupancy permit, the applicant shall obtain an encroachment permit from Caltrans and place a "No-Left Turn" sign for eastbound traffic exiting the frontage road onto Highway 1.
20. The applicant shall work with MTA and the School District to determine if the addition of a transit and/or school bus stop at the property is warranted/feasible. If a transit/school bus stop is feasible and desirable the applicant shall install a bus stop in the sidewalk at a location per the request of MTA/School District prior to final of the building permit.
21. The developer shall submit to the City Engineer, for review and approval, improvement drawings for required public improvements. The plans shall be drawn by, and bear the seal of, a licensed Civil Engineer. Street Section

Standards for Minor and Collector streets is City Standard No. 204.

22. Prior to the issuance of a Certificate of Occupancy for the project, the following public improvement will be completed by the applicant per the direction of the Director of Public Works and according to City standards:
  - a. Harbor Avenue shall be improved as follows, prior to the final of the building permit: Harbor Avenue shall be improved along the length of the parcel frontage including a 37' fully paved Right of Way and parking lane. Upon improvement to this section, prior to the final of the building permit, the paved portion of the street shall be dedicated to the City. Installation of sidewalk, curb, corner ramps, gutter and conform paving along the project frontage on the east side of Harbor Ave. However, the parking lane of the west side of Harbor Ave shall either be un-improved or developed with a stormwater swale, per the specifications of the Department of Public works to encourage infiltration of stormwater and discourage public parking on the west side of the road.
  - b. Installation of sidewalk, curb, corner ramps, gutter and conform paving along the project frontage on the west side of Frontage road.
  - c. All frontage and utility improvements (ADA compliant driveway aprons, corner ramps, sidewalk, curb, gutter, conform paving, etc.) shall be implemented according to current City Standards.
23. The applicant shall install appropriately sized (per Water Calculations) water catchment tanks for buildings 3, 4, 5 and 7, as these buildings include space where a catchment tank can be easily placed without impacting pedestrian access or private open space. These catchment systems will be utilized to water landscaping during non-storm conditions and to slowly infiltrate the stormwater onsite through a designed stormwater infiltration basin.
24. The applicant shall not use inorganic landscaping chemicals. No outdoor storage is permissible onsite.
25. Prior to Certificate of Occupancy, the applicant shall install, operate, and maintain certified full capture trash devices in the development-related storm drains to prevent trash runoff via stormdrain systems. A Maintenance and Operations agreement for ongoing maintenance of the trash capture devices installed with this project shall be submitted to the City for review and approval and shall be recorded with the County Recorder's office to ensure that the devices are maintained and remain effective.
26. The applicant shall install markers or stenciling for all storm drain inlets as specified by the Department of Public Works.
27. The applicant shall undertake annual inspection and maintenance tasks for all on-site BMPs as specified by the civil engineer and/or the Department of Public Works.
28. Prior to the issuance of the Building Permit the applicant shall submit a draft Water Quality Management Plan, SWIPP, and a Runoff Mitigation Plan (RMP) that demonstrates the project meets the post-construction stormwater requirements established by local, state and federal regulations. The City's RMP requirement can be fulfilled by a SWPPP instead. If using a SWPPP to fulfill the RMP, a draft version should be submitted to the City to ensure the project is in compliance prior

to filing for a Notice of Intent (NOI) with the state. Calculations must demonstrate compliance with the hydromodification requirements established by the Municipal Separate Storm Sewer System (MS4) Phase II permit E.12.f and the Mendocino County Low Impact Design Manual (LID Manual). The plan must show all calculations for lot coverage and areas of impervious surfaces including building footprints, pavement, sidewalk, etc. This can be shown on either the site plan for the building permit or incorporated into the coastal development site plan.

29. Prior to issuance of the Building Permit, the applicant shall provide a stormwater analysis and plan per code section 17.64.045 proving that:
  - a. Storm water runoff has been minimized by incorporation of Low Impact Development (LID) strategies that minimize impermeable areas, maximize permeable areas, and that slow, spread, and sink runoff to recharge groundwater and minimize runoff. Runoff that is expected shall be collected at vegetative swales or bio retention facilities and overflow finally conveyed by a storm drain system approved by the City Engineer.
  - b. Treatment Control Best Management Practices have been sized and designed to retain and infiltrate runoff produced by all storms up to and including the 85th percentile (.83" in 24-hours) based on the size of the development.
  - c. An Operations and Maintenance Plan has been developed for all regulated project components by the State NPDES Phase II MS4
  - d. All drainage channels, conduits, culverts, and appurtenant facilities shall have sufficient capacity to convey a 100-year flood. The existing drainage infrastructure is a 24" diameter which conveys storm water along Ocean Drive to an ocean outfall. Applicant shall provide analysis documenting sufficiency of existing infrastructure or provide engineer reviewed design of proposed upgrades to drainage conveyance system. If upgrades to the infrastructure are required, this shall be completed by the developer.
30. All public improvements to drainage conveyance systems shall be dedicated to the City.
31. Prior to the issuance of the Building Permit the applicant shall provide an analysis that documents the sufficiency of existing storm water infrastructure or provide an engineer reviewed design of a new proposed drainage conveyance system. If upgrades to infrastructure are required, this shall be completed by the developer and dedicated to the City.
32. In exchange for the applicant undertaking the design, engineering and construction of any needed stormwater improvements identified as project 5.5.8.1 in the City's 2004 Storm Drain Master Plan, the City shall provide a corresponding capacity fee concession (drainage, sewer and water) to offset the cost of the project as the second concession.
33. Prior to Submittal of the Grading Permit the applicant shall submit a Geotechnical Study for the proposed project for review and approval by the Director of Public Works. All recommendations included in the Geotechnical Study shall be incorporated into the final civil plans and engineering and construction drawings for the building permit application.
34. The applicant shall provide a step back, embellishment or change in height every

100 feet for all property line fences. This change in design shall be confirmed by the City prior to Occupancy Permit approval.

35. The applicant shall submit a plan for the play area to the Community Development Department prior to the issuance of the building permit which includes a seating area for adults and an array of play equipment for children. The Plan will either relocated the Play Area to one of the two common open space areas or include fencing and landscaping to shield the play area from traffic noise.
36. The project shall include individual unit numbers that are well lighted and in a consistent location for all units. Visitor Parking shall be clearly marked. A directory shall be installed that shows the locations of all buildings, pathways and unit numbers. These items shall be installed prior to the final of the Building Permit.
37. Prior to the issuance of a Building Permit, the applicant shall submit for the review and approval of the Community Development Director plans for the locations and visual screening of all mechanical equipment proposed to be constructed as part of the project, including but not limited to standpipes, backflow preventers, generators and propane fuel tanks. All equipment shall be visually screened with vegetation, building elements, fencing or wood lattice.
38. The applicant shall undertake the design, engineering and construction of the stormwater improvements identified as project 5.5.8.1 in the City's 2004 Storm Drain Master Plan. The City shall provide a corresponding capacity fee reduction (drainage, sewer and water) to offset the cost of the project.
39. As part of the building permit submittal, the project plans shall illustrate all visitor serving uses (hotel units and retail space) on the east side of the ground floor of buildings 3 and 5.
40. Twenty-five percent of visitor accommodations will be rented at rates that meet the Coastal Commission's definition of Low-Cost Visitor Serving Accommodations, which is defined as 70% of the ADR for the state.
41. The site plan for the Building Permit application, shall illustrate the conversion of one "tree stall" into a parking spot.
42. The Site Plan for the Building Permit shall include a public bench located in front of Building 3.
43. The applicant shall reconfigure the three multifamily units into four hotel suites without kitchens. The applicant shall manage all four hotel suites out of their hotel business, the Dolphin Inn. If the applicant sells the Dolphin Inn in the future, the space shall be modified into another visitor serving use through a CDP amendment.
44. As part of the Building Permit submittal, the applicant shall modify the site plan to include a continuous path of travel from the southeast corner of the parcel to the northwest corner of the parcel and shall sign it with the following signs "Public Access to Pomo Bluffs Park. As part of the public access trail a sign shall be installed at the southern entrance that is clearly legible and that includes the following language "Public access trail. Public access is available through this property to Pomo Bluff Park. Part of this route is NOT ADA accessible."
45. Prior to issuance of the building permit, the applicant shall insure that the "traffic visibility area" on their property at the intersection of Ocean View Drive and Harbor Ave. complies with the City's zoning code and is less than 42 inches in height.

46. If a four-way stop sign is warranted by traffic conditions at the intersection of Harbor Ave and Ocean View within 4 years of completion of the project, the applicant shall obtain an encroachment permit and install the required 4-way stop sign.
47. The applicant shall complete and submit an acoustic analysis illustrating that internal noise complies with California Noise Insulation Standards and does not exceed 45 Ldn dB as part of the Building Permit application.
48. Construction activities shall occur only between the hours of 7:00 am and 7:00 pm.

## **STANDARD CONDITIONS**

1. This action shall become final on the 11th day following the City Council decision.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the CLUDC.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
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.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. That such permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which such permit was granted have been violated.
  - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
8. Unless a condition of approval or other provision of the Coastal Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with CLUDC Subsection 17.76.070(B).
9. The applicant shall defend, indemnify, and hold harmless the City, its agents,

officers, and employees from any claims, actions or proceedings, damages, costs (including without limitation attorneys' fees), injuries, or liabilities against the City or its agents, officers, or employees arising out of the City's approval of the CEQA exemption determination 15332 (class 32) as an "In-Fill Development Project" and 15192 as an "Infill Housing Development and the following approvals: Coastal Development Permit 8-24/A (CDP 8-24/A), Design Review 11-24/A (DR 11-24/A), Use Permit 9-24/A (UP 9-24/A), and Sign Permit 20-24 (SP 20-24). The applicant agrees to defend the City at the City's request and with counsel satisfactory to the City. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. The City may, at its sole discretion, participate in the defense of any action with the attorneys of its own choosing, but such participation shall not relieve the applicant of any obligation under this condition, including the payment of attorneys' fees.

**NOW, THEREFORE, 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 City Council of the City of Fort Bragg held on the 14<sup>th</sup> day of July 2025 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**RECUSE:**

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**Jason Godeke, Mayor**

**ATTEST:**

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**Diana Paoli**  
**City Clerk**