

Attachment 3: Response to Comments Made in Appeals to the Coastal Commission

Note: The numbers in the left-hand column refer to subsequent paragraphs in the appeal (Attachment 3), and the responses on the right either direct the reader to specific [pages of the 3-24-2025 staff report, the 9-11-2025 Staff Report or provides direct response. The term of art “Comment Noted” indicates that the paragraph or section of the appeal does not include and specific information that requires a response.

Response to comments from Paul Clark (PC) Appeal.

Comment #	Response
PC-1	The proposed residential units are not located “upon the water”. “Barrier of bedrooms” is not a use type in our zoning code and does not effectively describe a project which is composed of seven different buildings with views between them to the ocean.
PC-2	See the analysis of the project compliance with Land Use Regulations Page 5 through 6. See also the Density Bonus Law analysis starting on page 17 through Page 20. This issue has been addressed in the revised project description.
PC-3	See comment for PC-2 above.
PC-4	Comment noted.
PC-5	Comment noted.
PC-6	Comment noted.
PC-7	Please see the visual analysis section of the City Council staff report dated 3-24-2025. As clearly described in the staff report this distant highly filtered coastal view is not protected by the City’s certified LCP. Please see the Visual Resources analysis of the Staff Report Dated 3-24-2025 pages 25-29.
PC-8	The appellants visual of the impact of the project on coastal views is not an illustration of the project on site and is irrelevant to this project as these elevations are in a generic location. They do not illustrate potential impacts to costal views. Please see the elevation illustration Figure 8 in the Staff Report Dated 3-24-2025 which illustrates the retention of the best views to the ocean through the project.
PC-9	Paul Clark’s Attorney is incorrect. Per Fort Bragg’s City Attorney, Gov Code Section 65589.5 does apply to this project. Gov Code 65589.5(j) applies to all housing projects with less than 20% of units affordable to low and moderate income households (e.g. the proposed project). (j) (1) When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written

	<p>findings supported by a preponderance of the evidence on the record that both of the following conditions exist:</p> <p>(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.</p> <p>(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.</p> <p>This is the standard referenced at the Public Hearing. The attorney for Mr. Clark instead references a different section of the code that applies only to affordable housing projects, while the planner referenced section J of the government code that applies to ALL housing projects 65589.5(j).</p>
PC-10	Paul Clark’s Attorney is incorrect. The findings sections of City Council’s resolution refers to the entire staff report and all attachments for each development permit. The Staff Report provides more than adequate evidence in the record to support the City Council’s findings for the Coastal Development Permit, Use Permit, Design Review Permit, Sign Permit and CEQA exemptions.
PC-11	Paul Clark’s Attorney is incorrect. Section 15192 does apply to projects that rent at least 5% of units to very low-income households. This proposed project complies with that standard. Eight of the 83 units will be rented to very low-income housing. See the Housing Infill Exemption analysis on Page 35 of the staff report dated 6-11-2025.
PC-12	Comments noted and already responded to see responses for PC-8, PC-2. Mission statements are not regulatory. Only General Plan policies are regulatory. From Section F of Chapter 1 of the Coastal General Plan which defines the purpose of a Policy: ” Policy: A <i>specific mandatory statement binding the City’s action and establishing the standard of review</i> to determine whether land use and development decisions, zoning changes or other City actions are consistent with the Coastal General Plan.”
PC-13	This issue has already been addressed in the staff report and in this response to comments. See the analysis of the project compliance with Land Use Regulations Page 5 through 6. See also the Density Bonus Law analysis starting on page 17 through Page 20. This issue has been addressed in the revised project description.
PC-14	This policy was extensively addressed in the Staff Report Dated 3-24-2025 see pages 33-37 regarding service capacity and pages 22-24 of the Staff report dated 6-11-2025. The proposed project would not reduce service capacity in any meaningful way. The City has more than enough service capacity to serve existing, authorized and probable priority uses. All existing uses are adequately served with existing services. The only

	authorized and proposed priority uses in the Coastal Zone include the Noyo Center for Marine Sciences (a small marine research facility with limited water needs), a fire station replacement project which will not add to water demand, and the establishment of a dance hall. Even if these uses are combined with this proposed mixed use project, they will not even begin to exceed the City's current capacity to provide services.
PC-15	The proposed project complies with this policy as it includes commercial activities (hotel suites and a retail store) in conjunction with residential uses.
PC-16	Please see the public access discussion in the Staff Report dated 6-11-2025 pages 21-22 and the response to Policy LU-5.3 on the bottom of page 6 of the staff report dated 6-11-2025.
PC-17	Comment noted.
PC-18	Comment noted and already answered.
PC-19	Comment noted and already answered
PC-20	See the circulation discussion in the staff report for the CDP amendment, pages 24-27.
PC-21	Comment noted.

Response to Comments for Appeal of Judy Mashour-Azad (JMA).

JMA-1	See the circulation discussion in the staff report dated 5-11-2025 for the CDP amendment, pages 24-27.
JMA-2	Please see the visual analysis section of the City Council staff report dated 3-24-2025 pages 25-29 As clearly described in the staff report this distant highly filtered coastal view is not protected by the City's certified LCP.
JMA-3	See answer to JMA-2 above.
JMA-4	The project does not include alteration of natural landforms.
JMA-5	Please see design review analysis from both staff reports.
JMA-6	This location is not a special community, please see discussion on page 9 of staff report dated 6-11-2025
JMA-7	The city has a housing crisis, with very high housing costs. Please see the Market and Feasibility study for this project.
JMA-8	See the analysis of the projects' compliance with Land Use Regulations Page 5 through 6 of the staff report dated 6-11-2025. See also the Density Bonus Law analysis starting on page 17 through Page 20 of the staff report dated 6-11-2025. This issue has also been addressed in the revised project description which includes visitor serving commercial uses.
JMA-9	Please see the GHG emissions discussion in the staff report Dated 6-11-2025, page 27-29.
JMA-10	Please see the stormwater discussion in the staff report dated 3-24-2025 pages 39-57. The project includes countless special conditions to ensure that contaminants do not enter the ground water. See especially special conditions 24, 25, 26, 27, 29, 31, 32 and especially Special Condition 28 which requires the applicant to submit a water quality management plan,

	SWIPP and Runoff Mitigation Plan to ensure that the project meets all local, state and federal regulations regarding water quality.
JMA-11	Please see the public access discussion in the Staff Report dated 6-11-2025 pages 21-22 and the response to Policy LU-5.3 on the bottom of page 6 of the staff report dated 6-11-2025.