CITY COUNCIL STAFF REPORT

TO: **City Council** **DATE: March 24, 2025**

DEPARTMENT: **Community Development**

PREPARED BY: **Marie Jones, MJC**

PRESENTER: **Marie Jones, MJC**

AGENDA TITLE: RECEIVE REPORT AND CONSIDER APPROVAL OF COASTAL DEVELOPMENT PERMIT (8-24), DESIGN REVIEW (DR 11-24), USE PERMIT (UP 9-24), AND SIGN PERMIT (SP 20-24) FOR A PROPOSED 87-UNIT, MULTIFAMILY, STACKED FLATS PROJECTAT 1151 SOUTH MAIN STREET (APN 018-440-58)

APPLICATION NO.:	Coastal Development Permit 8-24 (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), application submittal 9/1/2024, revised application submittal 1/29/2025.
APPLICANT:	Kosh Grewal
PROPERTY OWNER:	Akashdeep Grewal, Kosh Petroleum Inc.
AGENT:	Kosh Grewal
REQUEST:	Coastal Development Permit, Use Permit, Design Review and Sign Permit to construct a new three-story multifamily rental project. Seven buildings are proposed with a total of 87 units. The buildings range in heigh from 32' (flat roofs) to 37'8' (shed roofs). The proposed project includes six studios, 36 one-bedroom, and 45 two-bedroom units. Each unit features a private patio or balcony. Amenities include an outdoor playground and two outdoor courtyards. The project includes a parking lot, extensive landscaping and offsite improvements to Harbor Ave. and Frontage Road. The applicant has requested the

following inclusionary housing incentives: an increase in the height limit from 28 feet to 38 feet, a reduction in capacity fees to offset drainage cost improvements and a reduction in balcony size from 100 SF to 50 SF. Per State law, the project is eligible for a 50% density bonus, as 15% of the units would be affordable to very low-income families.

LOCATION:	1151 South Main Street
APN:	018-440-58 (2.6 acres)
ZONING:	Highway Visitor Commercial (CH)/ Coastal Zone
ENVIRONMENTAL DETERMINATION:	Statutorily exempt from CEQA pursuant to section 15332 – Class 32 In-Fill Development Projects and 15192 Infill Housing Development.
SURROUNDING LAND USES:	NORTH: Retail & Mobile Home Park EAST: Highway 1, Retail SOUTH: Hotel WEST: Single-Family Homes
APPEALABLE PROJECT:	Appealable to California Coastal Commission.

RECOMMENDATION

Adopt a Resolution of the Fort Bragg City Council Approving Coastal Development Permit 8-24 (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) for an 87-Unit Project and Associated Infrastructure at 1151 South Main Street, Subject to the Findings and all Standard and Special Conditions.

PROJECT BACKGROUND

Per the California Coastal Records Project, this parcel has not been developed since it was part of a dairy farm in the 1970s. In 2018, AutoZone Parts, Inc. requested a Coastal Development Permit and a Design Review Permit to subdivide an existing parcel into two lots and construct a 7,500 SF retail store with associated infrastructure and frontage improvements. The Planning Commission denied the CDP and DR permits for the proposed AutoZone on October 23, 2019 due to insufficient findings for Design Review and inconsistency with Policy LU-4.1 (Policy LU-4.1 Formula Businesses and Big Box Retail: Regulate the establishment of formula businesses and big box retail to ensure that their location, scale, and appearance do not detract from the economic vitality of established commercial businesses and are consistent with the small town, rural character of Fort Bragg). This decision was appealed to the City Council and on January 27th the City Council denied the appeal and upheld the Planning Commission's decision.

The applicant purchased the property with the intention of developing multifamily housing on the site as they own the adjacent hotel and saw a need for market rate employee housing in Fort Bragg.

Inclusionary Incentives. On October 28, 2024, the City Council held a public hearing and preapproved the following inclusionary housing incentives for this proposed project:

1. Increase the height limit for the proposed project from 28 feet to 38 feet; and
2. In exchange for the applicant undertaking 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 concession (drainage, sewer and water) to offset the project cost as the second concession.

Please see the attached staff report for the City Council's discussion and deliberation regarding the requested inclusionary housing incentives (Attachment 1).

DECISION PROCESS

As this project has inclusionary housing, the City Council has the final approval authority over the inclusionary housing incentives awarded for this project and therefore the entire project.

- On March 12 the Planning Commission reviewed the project and held a public hearing and made a recommendation to the City Council to approve the project permits.

- During the Planning Commission hearing, both the public and Commissioners raised important issues which resulted in additional analysis, including potential impacts to ground water recharge on Todds Point, stormwater management concerns, the need for a school bus stop, grading impacts, among other items. The new analysis is noted in this report in **blue text** and the new and changed conditions are in red text.

PROJECT DESCRIPTION

The project applicant proposes constructing a multifamily project consisting of the following components:

- The project includes seven buildings which range in height from 32' (flat roofs) to 37' 8' (shed roofs) with a total of 87 units.
- The project includes six studio, 36 one-bedroom, and 45 two-bedroom units. Each unit features a private patio or balcony.
- Site amenities include an outdoor playground, outdoor courtyard, and 18,850 SF of open space (14,067 SF of common open space and 4,783 SF of private open space). Landscaping includes 3,006 SF of bioretention planters, as well as 37,000 SF of landscaped areas throughout the project. The landscaping plan

includes 73 trees, multiple plants native to Northern California's coast, and four non-native species.

- Total open space (playgrounds, courtyards, open space, landscaped areas) is approximately 55,850 SF (1.3 acres) or 46% of the site. The total building footprint is 28,126 SF or 24% of the site. The remainder of the site, 24,942 SF or 30%, is composed of the parking lot and sidewalks.
- Building finishes are composed of cement plaster, cement board siding, standing seam metal roof, brick veneer, and board and batten.
- The proposed project density would be 32 units per acre.
- The project includes 107 parking spaces in an L-shaped parking lot located along the west and north sides of the parcel. The parking lot includes 16-foot-high light poles and is surrounded by landscaping with 25 trees (planted every five to eight stalls). The project includes 11 bicycle spaces. The parking lot proposal includes 43 EV-ready parking spaces, eight EV chargers and three ADA parking spaces. There are two trash enclosures proposed for the parking lot. The parking lot would be entered from Harbor Ave. and Frontage Road on the east side of the parcel.
- The project would also include installation of sidewalks, curbs, and gutters along the parcel boundaries that front Harbor Avenue and the unnamed road along the east side of the parcel. North Harbor Ave. would be paved to City standards from the intersection with Ocean View Drive to the parcel's northern edge.
- The applicant has requested a Use Permit to: 1) build apartments; 2) increase the Floor Area Ratio from 0.4 to 0.7; and 3) reduce the parking requirement from 109 to 107 spaces.

Figure 1: Site Location

COASTAL GENERAL PLAN CONSISTENCY ANALYSIS - HOUSING POLICIES

As conditioned, the project would be consistent with all Coastal General Plan policies. This section is focused on Housing Policies, and the other policies of the Coastal General Plan are discussed and addressed in the relevant sections of this staff report.

Housing Policies. The project is supported by and helps implement many housing policies of the Coastal General Plan and the City's Housing Element as described below. Policies and goals are noted by italics. Coastal General Plan policies that are not housing specific are analyzed under the appropriate section heading on subsequent pages.

The proposed project implements the following Housing Element policies:

> *Goal H-2 Provide a range of housing, including single-family homes, townhouses, apartments, and other housing types to meet the housing needs of all economic segments of the community.*
>
> *Policy H-2.7 Infill Housing: Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure.*

The project includes studios and one- and two-bedroom stacked units and apartments on an infill site.

> *Policy H-1.7 Workforce Housing: Encourage multi-unit housing developments in order to encourage market rate rental housing, affordable housing and lower cost ownership opportunities such as townhomes and condominiums.*
>
> > The proposed project would be comprised of a mix of market-rate and affordable apartments. This would be the first large market rate/workforce housing project in more than 20 years. The last market-rate project was a seven-unit Planned Unit Develop project on Whipple street (2004).
>
> *Program H-1.7.8: Workforce Housing in Mixed-Use Zoning. Continue to allow workforce housing in all zoning districts that allow mixed-use development.*
>
> > The proposed workforce housing project would be located in Highway Commercial (CH) zoning, which is a mixed-use zoning district.
>
> *Policy H-3.2 Encourage Senior Housing: Allow senior housing projects to be developed with density bonuses and flexible parking standards.*
>
> > While not specifically designed for seniors, this project could serve seniors as all accessible units are located on the ground floor.

Policy H-3.7 Large Families: Encourage housing for large families.

The project includes 45 two-bedroom units to accommodate larger families.

Policy H-3.9 Housing for the Disabled: Continue to facilitate barrier-free housing in new development.

The project includes 29 ground floor apartments of which eight can be constructed to serve disabled individuals, as required by the Coastal Land Use and Development Code (CLUDC).

Policy H-4.1 Equal Housing Opportunity: Continue to facilitate non-discrimination in housing in Fort Bragg.

This project will provide housing units without discrimination based on race, gender, age, sexual orientation, marital status or national origin.

COMPLIANCE LAND USE REGULATIONS

Coastal General Plan Land Use Policies

The Coastal General Plan includes the following Land Use Designation definition:

> **Highway Commercial.** This land use designation applies to land uses serving residents and visitors on sites which are located along Highway One and arterials at the entry points to the community. Typical uses allowed in this designation include motels and other lodging enterprises, restaurants, and retail outlets. Residential uses are permitted above the ground floor or on the ground floor at the rear of buildings at a maximum density of up to 24 units per acre with a conditional use permit.

Similarly, the Coastal Land Use and Development Code sec. 17.22.030-E describes the purpose of the CH zoning district as follows:

> *The CH zoning district is applied to sites along Highway 1 and arterials at the entry points to the community. Allowable land uses include lodging, restaurants, and retail stores. The maximum allowable residential density within the CH district for the residential component of a mixed-use project is 24 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40.*

However, per the Coastal Land Use and Development Code, only “multi-family housing” is listed as a permissible use with a Use Permit in the CH Zoning District, while “mixed-use residential” is not listed as a permissible use. Thus, there is an inconsistency between the Coastal General Plan which appears to require a visitor oriented commercial use on

the bottom floor of each of the seven residential buildings and the CLUDC that allows multifamily development with a Use Permit, in other words the CLUDC use tables appear to allow multifamily without requiring a commercial component to the project. There are currently at least four other residential developments in Fort Bragg which do not include a commercial component in this zoning district.

The applicant has determined that including a visitor serving commercial use on the bottom floor of each of the residential structures would make the project infeasible as it would: 1) eliminate 14 residential units from the project and 2) would require the developer to build out commercial space which would likely never be rented or occupied by a commercial use especially as most of these storefronts would not be visible from the public right of way. Therefore, the applicant has requested a planning incentive under State Density Bonus law to wave this requirement. This request is analyzed later in the report in the Density Bonus section.

Coastal Commission staff requested an analysis of the following additional Coastal General Plan Policies in the Land Use Element that may be relevant to the project:

> *Policy LU-4.3 Large-Scale Commercial Development: To maintain scenic views of the coast and to ensure that building sizes at the City's gateways are in scale with the community, no commercial building shall exceed the following limitations on the gross floor area: a) between the Noyo River and Pudding Creek Bridges - maximum 50,000 square feet; b) east of Highway One and north of Pudding Creek Bridge - maximum 30,000 square feet; c) west of Highway One and north of Pudding Creek Bridge and south of the Noyo River Bridge - maximum 15,000 square feet; and d) east of Highway One and south of Noyo River Bridge – maximum 40,000 square feet.*
>
> The proposed project is composed of seven buildings of less than 15,000 SF each and the project complies with this policy.
>
> *Policy LU-5.3: Lower Cost Facilities: Protect, encourage, and, where feasible, provide lowercost visitor and recreational facilities for persons and families of low and moderate income. If and when average annual occupancy rates at Fort Bragg visitor facilities exceed 70%, removal or conversion of existing lower cost facilities shall be prohibited unless the use will be replaced with another facility offering comparable visitor serving or recreational facilities.*
>
> The project site does not currently include visitor serving facilities. The applicant has indicated that providing lower cost visitor serving facilities is infeasible and incompatible with the residential use. Therefore the project complies with this policy.
>
> *Policy LU-5.5: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public*

recreational opportunities are preferred.

The proposed project does not include public recreational opportunities, nor are such opportunities required by the policy. They are preferred where feasible by this policy. This site is relatively close to excellent coastal trail and harbor access which do offer public recreational opportunities. Public recreational opportunities are not compatible with multi-family residential development nor are they compatible with a parcel that is immediately adjacent to the loud and busy highway 1 route. The project complies with this policy.

Policy LU-5.6: The use of private lands suitable for visitor-serving and commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

As previously noted, this site has remained vacant and undeveloped. It does not appear to be suitable for visitor serving or commercial recreational facilities as in the past 40 years no proposals have come forward forwarding this uses in an application since the parcel was created through a subdivision process. If there were a competing application for a visitor serving or commercial recreational use it would receive preference. However, this is not the case here, therefore the project complies with this policy.

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.

As analyzed later in this staff report, the proposed project would add over 40 on-street parking spaces, which are currently unavailable and are not required to meet the parking needs of the proposed development. Consequently, the proposed project would increase the amount of parking serving the nearby Fort Bragg Coastal Trail and Pomo Bluffs Trail. Both of these trail systems have their own parking lots. There are over 400 parking spaces on the south side of the Noyo Headland Park and 43 parking spaces in the formal parking lot at Pomo Headlands Park. Neither parking lot is currently over-subscribed. The project complies with this policy.

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. Where feasible,

new hazardous industrial development shall be located away from existing developed areas.

The proposed project would be located in an area already surrounded by development on all four sides. The project complies with this policy.

Policy LU-10.3: The location and amount of new development shall maintain and enhance public access to the coast by: (1) facilitating the extension of transit services where feasible; (2) providing non-automobile circulation within the development that includes circulation connections outside of the development; (3) assuring that the recreational needs of new residents will be supported by onsite recreational facilities and/or off-site local park recreational facilities to ensure that coastal recreation areas are not overloaded; and (4) utilizing smart growth and mixed-use development concepts where feasible to improve circulation and reduce auto use, where such auto use would impact coastal access roads.

1. The proposed project could enhance transit services to the site and Special Condition 20 is included to require the applicant to work with MTA to determine if the addition of a transit stop at the property is warranted and feasible.
2. The project provides pedestrian and bicycle access in and through the project.
3. The project site plan includes two courtyards and a playground to meet the recreational needs of the residents.
4. The proposed project includes parking spaces per density bonus law which will reduce parking and auto use. The proposed site plan splits traffic between Frontage Road and Harbor road thereby reducing the overall impact of the project on these two roads.
5. The project complies with this policy.

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 development shall be grounds for denial of the development.

As analyzed later in the report under the CDP section this project can be served by existing services. As conditioned the project complies with this policy.

Policy LU-10.5: Minimize Impacts on Air Quality and Green House Gasses. New development shall: 1) be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development, and 2) minimize energy consumption and vehicle miles traveled.

Fort Bragg is compliant with Air Quality standards except for PM-10. The proposed project would not include any wood burning stoves and so would not contribute further to PM-10 emissions. The state Building Code requires multifamily projects to utilize the lowest GHG producing HVAC systems and on site PV for energy use reductions. This project would be located in a city and so would minimize vehicle miles traveled relative to other projects in the County. The project complies with this policy.

Policy LU-10.6: Protect Special Communities. New Development shall, where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The proposed project is not located in a special community or neighborhood. The project complies with this policy.

Policy LU-10.7: Priority for Coastal Dependent Uses. Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

The proposed project is not near the shoreline. There is no wetland on site. Residential housing can be considered coastal-related development because the City has a severe housing crisis and working families (most of whom work in the coastal dependent hotel, restaurant, retail, fishing and logging sectors) cannot find housing and so many coastal related businesses cannot expand or attract/retain employees.

The required Use Permit analysis for the multifamily project is included in the Use Permit section of this report.

DEVELOPMENT STANDARDS

The proposed project complies with all required zoning standards for the Highway Commercial Zoning District. See Table 2 for specific standards and project details.

Table 2 – Compliance with Zoning Standards			
Development Aspect	**Zoning Requirement (CH)**	**Proposed Project**	**Compliance**
Front setback	15 feet	15 feet	Yes
Rear Setback	15 feet	81 feet	Yes
Side Setback	0 feet	56 Feet (N), 11 Feet (S)	Yes
Site Coverage	No Limitation	NA	NA
Height Limit	28 feet	38 feet	Yes, per Inclusionary Housing Incentive
Floor Area Ratio (FAR)	0.40	0.7	Requires Use Permit
Density	12 to 24 units/acre	32 units/acre	Yes, per State Density Bonus Law

SITE STANDARDS

Parking

One hundred and seven parking spaces are proposed at a rate of 1.5 spaces/two-bedroom and 1 space/one-bedroom and studio. The table below allocates the parking requirements for the project as modified through this permit analysis:

1151 South Main Parking Analysis		
	Revised Project	
Parking Requirement	**Number of Units**	**Required Parking Spaces**
Density Bonus Law		
0 to 1 bedroom: 1 onsite parking space	42	42
2-3 bedrooms: 1.5 onsite parking spaces	42	63
ADU Law		
One space per unit	2	2
Mixed Use Component		
One Retail/Office Space - No Parking Required	1,050 SF	0
Total	**86**	**107**

- The project includes 84 multifamily units, which must comply with state-mandated

density bonus parking (65915p1) requires projects which include inclusionary housing to meet the following maximum parking ratios:
    - (A) Zero to one bedroom: one onsite parking space (42 parking spaces for this project), and
    - (B) Two to three bedrooms: one and one-half onsite parking spaces, which requires (63 parking spaces for this project).
- Two of the proposed housing units are proposed as attached ADUs rather than regular multifamily units, as permissible under State ADU law. The two ADUs are 2-bedroom units and would therefore require 2 spaces total. Under State ADU law a proposed multifamily housing project is allowed to add two attached or detached ADUs and the parking standards for those accessory dwelling units is one space per unit:

    66314.(d) (10) (A) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less.[1]
- Special Condition 7 (included later in the report) requires the Applicant to change the bottom floor northeast two-bedroom unit in Building 3 into a visitor serving use (retail). This use would eliminate one of the housing units from the project, bringing the total number of housing units to 86.

Per Code Section 17.36.080A.1, the City Council can approve a reduction in the number of parking spaces where two or more uses have distinct and differing peak parking periods per the Use Permit process. The 1,050 SF visitor serving use would meet this criterion as the special condition requires that it be operated only between the hours of 9:00am to 5:00pm when the majority of residents would be at work.

The Use Permit analysis to authorize shared parking between the retail and the residential uses of the site per code section 17.36.080A.1 is included later in this report.

An analysis of the parking lot's conformance with the CLUDC follows:

- **ADA.** Three of the parking spaces are designated as ADA spaces, and only two are required by CLUDC Chapter 17.36.
- **EV.** California's CalGreen code requires, for new multifamily projects, that 10% of parking spaces be EV-capable and 40% of parking spaces be EV-ready. The applicant has proposed to meet these requirements with 43 EV-ready spaces and 11 EV chargers.
- **Bicycles.** The applicant's site plan includes 11 bicycle parking spaces as required by the CLUDC.
- **Motorcycles.** One motorcycle parking space for every 50 vehicle spaces provided.

[1] The City of Fort Bragg has adopted more relaxed parking standards for ADUs, by requiring no parking for ADUs. However, this ordinance is not yet in as the City Council must complete the ordinance adoption process and the proposed changes must be certified by the Coastal Commission. Therefore, State Law supersedes the City's current ADU ordinance.

Special Condition 1: Prior to the issuance of the building permit, the applicant shall submit a revised parking plan with two motorcycle parking spaces. The motorcycle parking spaces can replace regular parking spaces.

Parking Lot Zoning Standards. The proposed project complies with all but one of the required standards for parking lots as noted in Table 4 below.

Table 4: Development Standards for Proposed Parking Lot		
Develop-ment Standards	**Requirements**	**Proposal**
Parking Lot Visibility	Section 17.42.120 of the CLUDC requires that "off street parking be located so that it is not visible from the street fronting the parcel."	The residential parking lot is located behind the residential units and is shielded from view from Highway 1 by buildings and landscaping.
Parking Space Dimensions	Ninety-degree angle parking should have a minimum space width of 9 feet and a minimum space depth of 18 feet.	The proposed parking lot offers 9-foot-wide spaces and a space depth of 18 feet.
Driveway width and depth	The minimum driveway width for 90-degree angle parking is 23 feet.	The proposed parking lot driveway width is 23 feet.
Driveway Cueing Area	Section 17.36.090 B1 requires "A nonresidential development that provides 50 or more parking spaces shall have access driveways that are not intersected by a parking aisle, parking space, or another access driveway for a minimum distance of 20 feet from the street right-of-way, to provide a queuing or stacking area for vehicles entering and exiting the parking area."	The site plan illustrates that the three parking lot entrances are located in back of the right of way by 20 feet, in compliance with this requirement.
Distance from Street Corners	Per 17.36.100B1 Each driveway shall be separated from the nearest street intersection as follows, except where the City Engineer allows less separation: 1. A minimum of 150 feet from the nearest intersection, as measured from the centerline of the driveway to the centerline of the nearest travel lane of the intersecting street	The project complies with this requirement. The driveway on the northeast side of the parcel is 425 feet away from the intersection with Highway 1. The driveway on the southwest side of the parcel is 375 feet away from the intersection with Ocean View Drive.

Parking Lot Landscaping	Per section 17.34.050C5a, Multi-family, commercial, and industrial uses shall provide landscaping within each outdoor parking area at a minimum ratio of 10 percent of the gross area of the parking lot. Location of landscaping. Landscaping shall be evenly dispersed throughout the parking area, as follows: i) Orchard-style planting (the placement of trees in uniformly spaced rows) is encouraged for larger parking areas. ii) Parking lots with more than 50 spaces shall provide a concentration of landscape elements at primary entrances, including, at a minimum, specimen trees, flowering plants, enhanced paving, and project identification. iii) Landscaping shall be located so that pedestrians are not required to cross unpaved landscaped areas to reach building entrances from parked cars. This shall be achieved through proper orientation of the landscaped fingers and islands, and by providing pedestrian access through landscaped areas that would otherwise block direct pedestrian routes.	The proposed site plan includes 37,000 SF of parking lot and 12,805 SF of landscaped area, which exceeds the minimum landscaping requirement of 3,700 SF. i) The landscaping plan includes Coastal Shore pines and Tan oaks at the entrances, but no shrubs. See Special Condition 2 to address this requirement. ii) Landscaped areas do not interfere with pedestrian access throughout the parking lot and the project.

The project site plan complies with most of the site development standards for the parking lot, however Special Condition 2 is recommended to address deficiencies:

> **Special Condition 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.

Fencing & Screening

The applicant has proposed a 6-foot-high, 50% “open wood” fence along the southern and northern property boundaries. This complies with the zoning standards for fencing. (See item 7 on page 10 of the plan set.)

Landscaping

The submitted landscaping plan includes 73 trees as follows: 25 parking lot shade trees, 35 accent trees, and 13 perimeter trees to screen and soften the project from Highway 1. The landscaping plan also includes extensive plantings of native shrubs, plants and ground covers totaling 37,650 SF. The landscaping plan is in compliance with the City's CLUDC landscaping requirements. However, to comply with open space policies of the Coastal General Plan the landscaping plan must be revised and resubmitted per Special Conditions 13 and 14 described later in this report.

Table 5: Landscaping	
	Landscaping
Parking Lot Landscaping	12,805 SF
Common Open Space	14,067 SF
Private Open Space (ground floor)	1,739 SF
Highway 1 Frontage Landscaping	9,039 SF
Total	**37,650 SF**

Lighting

The CLUDC regulates outdoor lighting fixture height, energy efficiency and light spillover onto adjoining properties. The applicant has submitted light fixture specifications, and the selected lights are night sky compliant. The lighting plan illustrates that light does not leave the property at appreciable lumens as required by Policy CD-1.9.

Solid Waste Recycling & Material Storage

The site plan includes two solid waste dumpster enclosures, one each at the north and south ends of the parking lot. These are well placed for ease of collection. The design of the solid waste enclosures includes sufficient space for trash, recyclable and organic waste collection and storage. Additionally, the enclosures are designed to be secure against animal intrusion and are compatible with the appearance of the units, including the cement plaster exterior. (See item 1-9 on page 10 of the plan set.)

COMPLIANCE WITH MULTIFAMILY REQUIREMENTS

The Coastal LUDC section 17.42.120 includes specific standards for multifamily projects and the project's compliance with each standard is analyzed in the table below.

Table 4: Compliance with CLUDC Multifamily Standards

Standard	Requirement	Project	Complies
Front Set Back	No more than 40% of the front setback may be paved.	Less than 5% of the front setback is paved with drive isles and walkways.	Yes
Open Space	Section 17.42.120 of the CLUDC requires that multifamily projects provide permanently maintained out-door open space for each dwelling unit (private space) and for all residents (common space). Projects of more than 11 units must provide 100 SF of common open space/unit. Additionally, each unit should have either a 150-SF private patio or a 100-SF balcony.	The proposed project exceeds the public open space requirements but does not meet the private open space requirements. **Public Open Space.** The project includes 14,067 SF of common landscaped open space and only 8,700 SF is required. Additionally, the CLUDC requires that the common open space be accessible, continuous and usable, and the proposed project provides this in two centralized courtyards and the playground with various walking paths. **Private Open Space.** All ground floor units can be conditioned to include a 150-SF patio as required by the code.	Yes See Special Condition 3 below.
Storage	Section 17.42.120 of the CLUDC requires that multifamily projects provide a minimum of 100 cubic feet of storage space outside of the unit.	Each unit includes an individual private storage space accessible from outside the unit's patio.	Yes
Window Orientation	Section 17.42.120 of the CLUDC requires that windows that are 10 feet or less from another unit should be located to provide privacy between units.	All buildings are located between 15 and 30 feet from adjacent buildings, and no windows are located facing each other with less than 10 feet of privacy.	Yes

Accessory Structures	Accessory structures and uses (e.g., bicycle storage, garages, laundry rooms, recreation facilities, etc.) shall be designed and constructed with an architectural style, exterior colors and materials similar to the structures in the project containing dwelling units.	The proposed trash enclosures will have the same exterior treatments as the remainder of the project.	Yes
Outdoor Lighting	Outdoor lighting shall be installed and maintained along all vehicular access ways and major walkways, in compliance with 17.42.120F	The lighting plan complies with City requirements	Yes
Building Facades Adjacent to Streets	At least 75 percent of the facade of each building adjacent to a public street is occupied by habitable space with windows. Each facade adjacent to a street shall have at least one pedestrian entry into the structure.	All of the buildings facing the street include 100% habitable space. The façades facing Highway 1 do not have a pedestrian entry into the structures that face the street, however, street-facing doors may be problematic for residential uses fronting Highway 1 due to loss of privacy and increased noise. The doors to storage space might serve as doors visible from Highway 1.	Yes See Optional Special Condition 4.

Option Special Condition 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. The building permit plan set shall include 100 SF balconies for each upstairs residential unit.

Optional Special Condition 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.

USE PERMIT ANALYSIS

A Use Permit analysis is requested to: 1) reduce parking requirements; 2) develop multifamily units; and 3) increase the Floor Area Ratio for the project from 0.4 to 0.7.

Use Permit - Parking Reduction Analysis

Per Code Section 17.36.080A.1, the City Council can approve a reduction in the number of parking spaces where two or more uses have distinct and differing peak parking periods per the Use Permit process. By Special Condition the required 1,050 SF visitor serving use would meet this criterion as the special condition requires that it be operated only between the hours of 9:00am to 5:00pm when the majority of residents are at work. Additionally, the project includes the development of 40 new on-street parking spaces which could also serve the development although they are not required per the code.

Finally, the Coastal Commission concerns itself with parking only when it could potentially reduce public access to the coast. There is no public access to the coast from this project site. The nearby Pomo Bluff Park and the Noyo Headland Park both offer sufficient parking to meet coastal access needs. Both of these trail systems have their own parking lots. There are over 400 parking spaces on the south side of the Noyo Headland Park and 43 parking spaces in the formal parking lot at Pomo Headlands Park. Neither parking lot is currently over-subscribed.

Given these facts and analysis, the City Council can approve a Use Permit to allow the project to share parking between the 1,000 SF visitor serving use and the residential units.

Use Permit - Increased FAR Analysis

The City's zoning code allows up to 24 units per acre in the Highway Commercial Zoning District. The FAR of 0.4 is set to regulate the scale of the commercial not the residential development in this zoning district. Per Table 2-9, a Use Permit can be used to increase the FAR above 0.4 to accommodate housing. As a point of comparison FAR in the Central Business District is 2.0 and FAR is not regulated in residential zoning districts. Instead, the size of residential buildings in residential zoning districts is constrained only by the height limit and the maximum number of units allowed in the district.

- The City Council pre-approved an Inclusionary Housing Incentive to allow development of 38 feet instead of 28 feet
- Density Bonus Law applied to this project and the level of affordability for housing would allow up to 36 units/acre.

The applicant has proposed modest unit sizes of 500 SF for the studios, 760 SF for the one-bedroom units and 1,000 SF for the two-bedroom units and has requested a 0.3 increase in the FAR from 0.4 to 0.7 to accommodate 33 units/acre, which is less than the maximum density allowed by density bonus law. This increase in FAR is reasonable

as it allows the requested level of density for very small units. Without the FAR increase the applicant would have to reduce unit size by 42% resulting in 290 SF studios, 440 SF one-bedroom units and 580 SF two-bedroom units. These unit sizes are not practical or feasible.

Use Permit – Multifamily Analysis
All multifamily projects are required to obtain a Use Permit in the CH zoning district. The project complies with the specific multifamily standards as analyzed earlier in this report. Please see the findings section below for the Use Permit.

Use Permit Findings Analysis. The City Council must make the following findings to approve the Use Permit for: 1) a multifamily housing development in the Highway Commercial zoning district and 2) a reduction in the required parking and utilization of new on-street parking to meet a portion of the off-street parking requirements.

1. The proposed use is consistent with the General Plan, any applicable specific plan, and the Local Coastal Program;

As detailed throughout this report and as conditioned, the project is consistent with the Coastal General Plan and 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;

The proposed use is allowed with Use Permit approval in the Highway Commercial Zoning District and, as conditioned and analyzed in this report, the use complies with the CLUDC 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;

The vicinity includes a mix of existing land uses: two hotels, a large shopping center, three small format retail stores, two auto repair businesses, a mobile home park, a college campus, a day care, and a number of single-family homes. There are five nearby vacant parcels, four of which are zoned for medium and high-density residential and two of which are zoned Highway Commercial. There are no active proposals for any of the vacant parcels, though one is for sale and the City has had an initial conversation with a potential developer to do a residential development on one of the parcels. The proposed apartment units would be compatible with all current and future commercial and multifamily residential uses in terms of design, location, size and operating characteristics. Most of the buildings in the corridor are average quality of contemporary design. The proposed project would have significantly higher design quality than the buildings in the neighborhood. The project is large at 84,000 SF, but the individual buildings of the project at 9,000 to 14,000 SF are similar in size to the smaller buildings in the vicinity (see table). The residential project will have compatible operations to the other commercial development in the vicinity.

Project	Size (SF)	Design	Operations
Surf Motel	27,000	Contemporary - parking in middle	Hotel - similar operating characteristics to an apartment building
Dolphin Motel	30,000	Contemporary - parking in front	Hotel - similar operating characteristics to an apartment building
Boatyard Shopping Center	109,000	Contemporary - Parking in middle	Shopping Mall - 7 to 10pm. Compatible with residential use.
Outlet Store	8,000	Industrial - parking in front	9:00 to 5:00 compatible with residential use
McDonalds	3,000	Modern with Parking in Front	Compatible with Residential use
Office Building	8,000	Contemporary - Parking in Front	Compatible with Residential use
Proposed Project	84,000	Contemporary/Modern - Parking in rear	Residential

However, the three single-family homes located directly to the west of the proposed project could experience additional noise from the project parking lot. The closest home is 90 feet from the parking lot. While these homes may be negatively impacted by noise from the parking lot, the increase in noise would be offset by a reduction in noise from Highway 1, which would be blocked by the proposed project.

- Traffic noise on Highway 1 is between 60 and 70 decibels (at 50 feet from the highway) and 57.8 decibels at the closest house.
- By comparison, vehicle door slams, the loudest vehicle noise in a parking lot, are 64 decibels (at 50 feet) or 51.8 decibels at the closest house.

Overall noise levels may be lower at the nearby homes after the construction of the proposed project. However, if the City Council would like to further protect the nearby residences from noise, the City Council could require a sound wall between the parking lot and Harbor Ave. through an optional special condition.

Special Condition 5: The applicant shall construct a 5-foot-high soundwall between the parking lot and North Harbor Ave. prior to the final of the building permit. The soundwall shall be included on the building permit application plan set.

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.

The proposed site is a flat lot which is easily accessible to emergency vehicles. The project site can effectively access sewer, water and storm drain utilities from the site per the Public Works Department and as required by Special Conditions in this report. The proposed site plan provides for effective vehicular access and

solid waste collection. The project includes adequate stormwater filtration and conveyance systems.

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;

The primary purpose of this project would be to meet regional housing needs per HCD (Regional Housing Needs Allocation). Indeed, Coastal Act Section 30604(f) requires the Commission to encourage housing opportunities for persons of low and moderate income. This apartment project would provide needed workforce housing and affordable inclusionary housing for people of very low income.

b. Secondary uses may be allowed where primary uses are precluded because of environmental concerns or other site-specific problems; and

This finding is not relevant, see above.

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

The multifamily units are vehicular-oriented.

INCLUSIONARY HOUSING / DENSITY BONUS ANALYSIS

The CLUDC includes inclusionary housing requirements for projects of more than three units. The inclusionary housing ordinance was adopted in 2007 and is intended to implement the Housing Element of the General Plan, by offering incentives for the development of housing that is affordable to low- and moderate-income households. Per section 17.32.040, developments of greater than seven units "must construct 15 percent of all new dwelling units in a residential development as affordable units." Additionally, section 17.32.060.A.1 identifies the required affordability levels for the affordable units:

- *One-third of the inclusionary units must be affordable to very low-income households with income less than 50% of area median income;*
- *One-third of the inclusionary units must be affordable to low-income households with income less than 80% of area median income;*
- *One-third of the inclusionary units must be affordable to moderate-income households with income less than 120% of area median income, with the first priority for rental given to essential public service employees within the City; and second priority given to local residents who work within city limits. Essential public service employees include: City of Fort Bragg sworn police officers, Fort Bragg Fire Protection Authority fire fighters, Fort Bragg Unified School District teachers, and Mendocino Coast District Hospital health care workers.*

However, the applicant proposes to provide all required inclusionary units at a rent that is affordable to very low-income residents, which qualifies the applicant, per State law, to receive a 50% density bonus, a parking reduction, and up to three planning incentives (Government Code 65915.(a)(3)(D)).

Number and Affordability of Inclusionary Units. The applicant initially applied for permits for 53 units and the inclusionary requirement for 53 units is eight units (15% of 53=8). Therefore, the applicant has committed to renting eight units at a rent that is affordable to families earning less than 50% of median Income. Median family income in Fort Bragg in 2022 was $57,662. After adjusting for inflation, Area Median Income (AMI) in 2024 was $62,123. Families earning 50% of AMI would earn $31,061/year and pay $647/month for an affordable unit (see table below). It is also important to note that the Density Bonus is applied for the project after the number of inclusionary units is determined. This is why the project will not have 15% of 87 units (13 units) as the number of inclusionary units.

Inclusionary Housing Calculations for Harbor View Apartments

	Units	Annual Income Limit	Monthly Affordable Rent/Unit (25% of gross income)
Total Units	53		
Inclusionary Units 50% of AMI	8	$ 31,061	$ 647

Notes	
AMI 2022, US Census	$ 57,662
AMI 2024, inflation adjusted	$ 62,123

Regulatory Agreement. To ensure ongoing affordability, the applicant must enter into an Inclusionary Housing Regulatory Agreement per section 17.32.080 with the City of Fort Bragg. Special Condition 6 sets the timing and process to enter into the regulatory agreement.

> **Special Condition 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.

Density Bonus Calculation. With current zoning, the project is eligible for a maximum of 62.4 units (24 units/acre x 2.6 acres). Additionally, per Government Code 65915(f)(2), the applicant is eligible for a 50% density bonus for agreeing to provide 15% of units at a rent affordable to very low-income households. Per State Density Bonus law, the applicant could build as many as 93 units, and the applicant has requested 87 units, which is permissible per state Density Bonus Law.

Inclusionary Housing Incentives. Furthermore, to ensure that the inclusionary Housing requirement does not impact the financial feasibility of a proposed project, the applicant is allowed to request three zoning incentives from the City Council per Government Code Section 65915 (d)(2)(C). Accordingly, the City Council considered this project, and pre-approved the following two zoning incentives requested by the applicant: :

1. Increase the height limit for the proposed project from 28 feet to 38 feet; and
2. In exchange for the applicant undertaking 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 concession (drainage, sewer and water) to offset the cost of the project as the second concession.

The applicant is eligible for an additional incentive per State Density Bonus Law and the project does not comply with the requirement for commercial development on the street facing frontage of each building. This requirement would make this project financially infeasible as it would: 1) eliminate 14 residential units from the project; and 2) require the developer to build out 9,560 SF of commercial space which would likely never be rented or occupied as most of these storefronts would not be visible from the public right of way. Therefore, the applicant has requested a planning incentive under State Density Bonus law to wave this requirement.

3. Allow the applicant to construct a multifamily residential project with a Use Permit as permitted in the Zoning Ordinance and eliminate the requirement for visitor serving uses on the front bottom floor of each building.

The applicant is requesting this concession to retain the project's financial feasibility. MJC spoke with Coastal Commission staff about this potential concession, and they concurred that the incentive request was potentially feasible given State Density Bonus law. However, Coastal Commission staff requested that the bottom northeast unit of building three be utilized for a visitor serving use to insure a mixed-use character to the project. The applicant has agreed to make that unit into a retail shop. Therefore, the following Special Condition is recommended:

> **Special Condition 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.

MJC recommends approval of the three incentive with the addition of the above special condition, based on the following findings:

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 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 especially become a crisis on the Mendocino Coast as more affordable residential units in the County have been turned into vacation rentals than have been built in the past twenty years. This has made housing a critical support sector for the visitor serving economy at the same time that it has weakened the hotel market in Fort Bragg.

COASTAL DEVELOPMENT PERMIT ANALYSIS

This section analyzes Coastal Resources (visual, archaeological, biological and public access) for the Coastal Development Permit for the project.

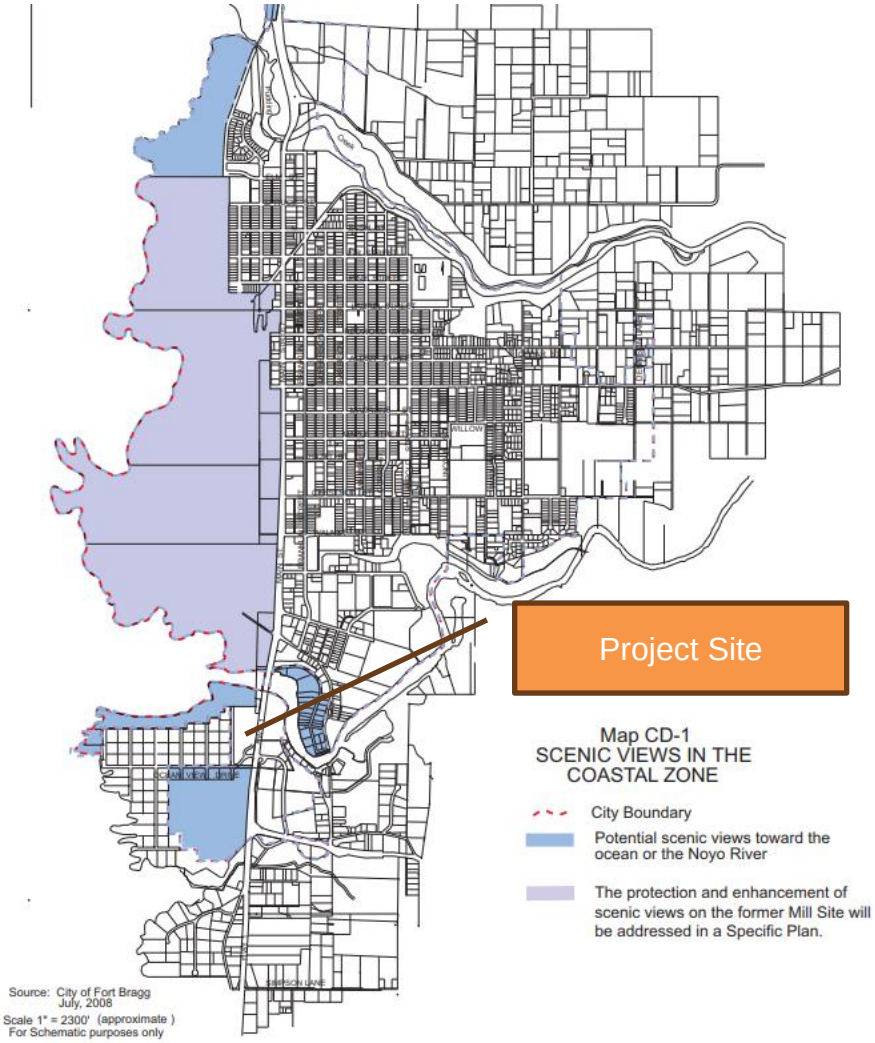
Visual Resources

The project site is located west of Highway 1 and the relevance of General Plan Policy CD-1.1 to this project is analyzed below.

> *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.*
>
> > *Program CD-1.1.1: Require Design Review of new development or significant expansion to existing development located in areas designated "Potential Scenic Views Toward the Ocean or the Noyo River" on Map CD-1: Scenic Views in the Coastal Zone.*
>
> *Policy CD-1.3: Visual Analysis Required. A Visual Analysis shall be required for all development located in areas designated "Potential Scenic Views Toward the Ocean or the Noyo River" on Map CD-1 except development listed in below.*

The proposed project is not located in an area identified as a potentially scenic view on Map CD-1 of the Coastal General Plan (see next page). Since Program CD-1.1.1 implements Policy CD-1.1 and Policy CD-1.3, which require a visual analysis, does not apply to this site as it is not mapped on Map CD-1, City Council can find that the

obstructed and fractured views across this parcel are not protected by the City's Certified LCP.



Further, as illustrated in the images below, all the views to the ocean across this site are highly constrained by existing trees, bushes and development located behind and on either side of the vacant parcel. There are large buildings to the North (two-story Outlet Store warehouse), to the South (two-story hotel building), and to the west there are 11 single family homes. These buildings significantly reduce visual access to the distant blue-water views throughout the public right of way as further illustrated by the photos below.

Figure 2 - View to property from Highway 1.

Figure 3: View to horizon from southern edge of property.

Figure 4: View to horizon from bend in Frontage Road.

Figure 5: View across middle of site.

Figure 6: View across the north portion of property.

The Coastal General Plan also includes the following additional visual resource policy:

> *Policy CD-1.4: New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent.*
>
> Highway 1 is not defined as a scenic road within City limits. A "Public Viewing Area" is defined in the City's Coastal General Plan as follows:
>
> > *Public Viewing Area. A location along existing scenic public roads and trails or within public parklands or beaches where there are scenic views of the beach and ocean, coastline, mountains, ridgelines, canyons and other unique natural features or areas.*
>
> This area of Highway 1 does not qualify as a public viewing area per this definition.

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.

> The proposed project has been designed to include extensive native landscaping and trees to ensure that the new project is more scenic than existing development along this section of Highway 1. Additionally, the project consists of a series of small buildings which are oriented on an east-west access to maximize views through the project site, while minimizing the bulk of the development, from Highway 1. See Figures 7 and 8 below.

Figure 7: View without Development.

Figure 8: View with Development.

The City's Coastal General Plan does not include a definition of a scenic resource. The California Coastal Act defines scenic resources as the visual and scenic qualities of the coast, including beaches, headlands, bluffs and more. The Act also considers cultural features, historic sites and natural points of interest as scenic resources. The empty field with a few trees does not constitute a scenic resource per this definition of the Coastal Act.

Policy CD-1.5: All new development shall be sited and designed to minimize alteration of natural landforms by:

1. *Conforming to the natural topography.*
2. *Preventing substantial grading or reconfiguration of the project site.*
3. *Minimizing flat building pads on slopes. Building pads on sloping sites shall utilize split level or stepped-pad designs.*
4. *Requiring that man-made contours mimic the natural contours.*
5. *Ensuring that graded slopes blend with the existing terrain of the site and surrounding area.*
6. *Minimizing grading permitted outside of the building footprint.*
7. *Clustering structures to minimize site disturbance and to minimize development area.*
8. *Minimizing height and length of cut and fill slopes.*
9. *Minimizing the height and length of retaining walls.*

The project site is flat and will not require alterations of the natural landform of the site.

Cultural Resources

An archeological survey was completed for the site in September of 2006. After an extensive field survey, the archaeologist concluded that there is no evidence of archaeological sites or other historic resources. The survey provided no special direction for the handling of development in relation to cultural resources other than to recommend the City's standard Condition 6, which defines the standard required response if unknown resources are discovered during construction. No impacts to cultural resources are expected as a result of the project. The City of Fort Bragg consulted with the Sherwood Valley Band of Pomo, which has pre-historic, historic and present-day connections to the Fort Bragg Area. The SVBP Tribal Council has requested Native American monitoring during all ground-disturbing activities.

Special Condition 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 at least 10 days prior to construction for scheduling.

Special Condition 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.

Special Condition 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).

Environmentally Sensitive Habitat Areas, and Wetland and Riparian Protection

Two biological studies and reports have been completed for the proposed project site in 2018 and 2024. For both surveys, no special status plants, wetlands or riparian areas were identified on the site. The 2024 biological report does recommend a pre-construction bird survey to ensure that no nests or raptors are disturbed by the project.

Special Condition 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 California Department of Fish and Wildlife 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.

Several policies within the Coastal General Plan, specifically CD-1.11, OS-5.1 and OS-5.2, require that existing native trees and vegetation should be preserved and protected, as feasible.

Policy CD-1.11: New development shall minimize removal of natural vegetation. Existing native trees and plants shall be preserved on the site to the maximum extent feasible.

Policy OS-5.1 Native Species: Preserve native plant and animal species and their habitat.

Policy OS-5.2: To the maximum extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve existing healthy trees and native vegetation on the site.

The site has 11 trees that are located throughout the project site as illustrated below. Furthermore, in their comment letter, CDFW has indicated a preference to retain trees, as feasible. Additionally, some of the most notable trees in this view shed are located on the adjoining Outlet Store parcel.

The trees, which could be retailed, on the property are noted with red arrows below and with the word “Retain” on the site plan above. The project has been redesigned twice to try and save as many trees on site as possible. The trees on the north west corner will be retained the landscaping strip next to the parking lot. and the two trees on the south side will be retained in the playground and a courtyard. It is not feasible to retain the remaining trees and construct the project.

If the City Council would like to retain the indicated trees, consider requiring optional Special Condition.

> **Optional Special Condition 12.** The applicant shall retain any of the indicated four trees if they are identified as Bishop Pine, as feasible.

The project proposes an almost entirely native plant landscaping plan, and as such will "preserve native plant species and the habitats" on site (the species if not the exact individual plants). Per comments received from the CDFW, the following additional special condition is recommended for this project, which would secure the site for native plants only and ensure that only appropriate native plants are located on the site:

Special Condition 13: The applicant shall resubmit the Landscaping Plan to include the following changes:

1. Yellow bush lupine (Lupinus arboreus) shall be replaced with Coyote bush
2. Dwarf rock rose (Citis 'Mickie") shall be replaced with a mix of riverbank lupine (Lupinus rivularis) and red elderberry (Sambucus racemosa).
3. 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).
4. 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).

General Plan Policy OS-5.4 prohibits planting of non-native invasive plants. As conditioned no such plants are proposed form the project site.

> *Policy OS-5.4: Condition development projects, requiring discretionary approval to prohibit the planting of any species of broom, pampas grass, gorse, or other species of invasive non-native plants deemed undesirable by the City.*

However, Coastal Commission staff have requested a special condition to explicitly prohibit these plants in the future.

> **Special Condition 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.

Public Access

Chapter 17.56 of the Coastal Land Use and Development Code outlines public access requirements:

> 17.56.030: Access Location Requirements. Vertical, lateral, and/or blufftop access shall be required by the review authority in compliance with this Chapter, in the locations specified by the Open Space, Conservation, and Parks Element of the Coastal General Plan.

The project is not in an area used by the public to access the coast nor is it identified in the Coastal General Plan as a location for public access to the

Noyo River. The properties to the north and south are identified as access points and irrevocable offers to dedicate will be required when these projects are developed in the future.

Special Communities, Neighborhoods, and Recreational and Visitor Serving Uses
The project will not impact a special community or neighborhood nor displace any potential recreational or visitor-serving uses.

Adequacy of water supply, sewage disposal, solid waste, and public roadway capacity
The following Coastal General Plan policy requires the City to determine if the project will be served adequately with existing utilities:

Policy PF-1.3: Ensure Adequate Service Capacity for Priority Uses.

a. New development that increases demand for new services by more than one equivalent dwelling unit (EDU) shall only be permitted in the Coastal Zone if,
   - Adequate services do or will exist to serve the proposed development upon completion of the proposed development, and
   - Adequate services capacity would be retained to accommodate existing, authorized, and probable priority uses upon completion. Such priority uses include, but are not limited to, coastal dependent industrial (including commercial fishing facilities), visitor serving, and recreational uses in commercial, industrial, parks and recreation, and public facilities districts. Probable priority uses are those that do not require an LCP amendment or zoning variance in the Coastal Zone.

b. Prior to approval of a coastal development permit, the Planning Commission or City Council shall make the finding that these criteria have been met. Such findings shall be based on evidence that adequate service capacity remains to accommodate the existing, authorized, and probable priority uses identified above.

As analyzed and conditioned below, the 87-unit apartment project will be served by existing services.

WATER SUPPLY
The City's ongoing need for water storage during severe drought conditions has been partially addressed with the construction of the City's Summers Lain Reservoir, which provides an additional 15 million gallons (MG) of raw water storage to help ensure a reliable water supply during the late summer months when flows are low at the City's three water sources.

On a daily basis, the City currently produces about 50 gallons of treated water per resident or 110 gallons per day per single family home. However, residents in apartments utilize less water (80 gallons/unit/day) than single family homes, due to less outdoor watering. The City's Impact Fee Nexus Study (2024) found that apartments utilize 80 gallons per day/unit, and this number has been used in the table to estimate total water demand for this project.

Water Budget Proposed 87-unit Project at 1151				
Unit Size	Number of Units	Estimated Residents/ Unit	Total Water Use/ Year (gallons)	Total Water Use/Day (gallons)
Studio	6	1.2	175,200	480
1-bedroom	36	1.5	1,051,200	2,880
2-bedroom	45	3	1,314,000	3,600
Total	**87**		**2,540,400**	**6,960**

The 87 new units would serve approximately 196 residents, who would use a total of 2.5 million gallons/year. This new project increases water demand by 1.2% for the City's Water Enterprise.

There are a number of new water systems which exceed the new water demand created by the proposed project.

1. **Package Desalination Plant.** The City has already constructed and currently operates a package desalination system which allows the City to pump brackish water from the Noyo River during high tides and low stream flows, which significantly increases the time periods in which the City can collect water while reducing the negative impact of water withdrawal during extreme drought conditions (low water flow on the river). The desalination system can process up to 144,000 gallons per day in drought conditions, which is quite significant as total water demand in a drought year is about 550,000 gallons per day. With the package desalination plant, the City can serve this project without withdrawing additional water during low flow conditions when the tide is out, which is the only time period during which there are pumping limitations. Instead, the City can withdraw more water during high tides when the water is brackish and when there are no impacts on fish. Additionally, the City can withdraw water during high tides and store it in the raw water pond for future treatment thereby ensuring adequate water availability even when there are multiple extremely low tides in a row during any given time period.
2. **Water Treatment Plant Upgrade.** The City's water treatment system was recently upgraded and has sufficient plant capacity to increase water production by an additional 102% (or double the amount of water currently utilized). In other words, existing development utilizes just one-third of potential capacity.
3. **Water meter conservation project.** This project started in 2021 will be completed in 2025 and result in conservation of 20 million gallons of water per year or 54,795 gallons per day.
4. **Raw Water Line Replacement.** The City has started construction to replace the raw water line from the unnamed creek on Simpson Lane to the raw water ponds. This project will be completed in 2025 and is designed to eliminate significant water leaks

from the distribution system. This project will eliminate more than 1 MG of water loss/year from the raw water system or about 2,740 gallons per day.

The Table below summarizes the completed and underway water projects and total water availability increases for each project. As illustrated in the table, these projects would result in an additional 201,534 gallons of water available per day, which would more than offset the proposed project's water demand of 6,960 gallons per day. The already completed package desalination plant is sufficient, by itself, to provide 28 times more water than is needed by the proposed development.

Fort Bragg - Completed/Ongoing Water Projects		
Project	**Annual Water (gallons)**	**Daily Water (Gallons)**
Package Desalination Plant (2022)	52,560,000	144,000
Raw Water Line Replacement (2024/2025)	1,000,000	2,740
Water Meter Conservation Project (2021-25)	20,000,000	54,795
Subtotal	***73,560,000***	***201,534***
Proposed Project Projected Water Use (2026)	(2,540,400)	(6,960)
Net Available Water Post Project	**71,019,600**	**194,574**

Additionally, the City has started planning and permitting for the following additional projects:

- **Water storage project**. This new facility, undergoing permitting (EIR), may be built in 2026/27 and would consist of three surface reservoirs with a total of 135-acre feet (60 million gallons) of new water storage, which is sufficient water storage to provide all water needs of the City for four months, without any further water withdrawal from the City's three water sources. This water storage is intended to meet all City water needs in severe drought conditions.
- **Offshore desalination wave energy buoy**. This pilot project is undergoing permitting and would provide all water use at the Wastewater Treatment Facility (WWTF). Upon completion, this project will produce half a million gallons of desalinated water/year. The MND has been completed and circulated. Permitting and installation is anticipated in 2025. Once the pilot project is complete the City will evaluate it to determine if this is a good long term water solution that might be scaled up.
- **Recycled Water Project.** This project could provide up to 182 million gallons of recycled water per year. An RFP has been let to complete a feasibility study

for this project.

The table below illustrates the net water impact of three proposed projects that are in the feasibility, design or permitting stage.

Planned & In-Permitting Water Projects		
Project	**Annual Water (gallons)**	**Daily Water (Gallons)**
Water Storage Project	60,000,000	164,384
Water Desalination Bouy	500,000	1,370
Recycled Water Project	182,000,000	498,630
Total	**242,500,000**	**664,384**

Water Service. The project is served by a water main that is located on Harbor Ave. Public Works staff recommends the following Special Conditions:

> **Special Condition 15:** Prior to issuance of the building permit, the final utility hookup configuration shall be approved by the Public Works Director or designated staff.
>
> **Special Condition 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.

WASTEWATER

The City's Wastewater Treatment Plant was significantly updated in 2016 and has sufficient capacity to serve the new development. The sewer main on Frontage Road also has sufficient diameter to serve this development. On Frontage Road, the sewer depth is approximately 10' at site. The Public Works Department requested the following Special Condition for this project:

> **Special Condition 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.

CIRCULATION

This project was referred to Caltrans, which determined that a traffic study was not warranted and that the project would result in reduced vehicle miles traveled due to its location in the City. Caltrans did ask the City to secure MCOG funding to close ADA gaps throughout this area, however, this was not recommended as a condition of approval as these gaps are pre-existing. However, the Department of Public Works referenced a traffic study that was completed for the Autozone project on this site to recommend the following two conditions to address traffic flow and safety at the intersection of Ocean View Drive at Side Street/South Main Street, and at South Main Street/Highway 1.

> **Special Condition 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). As conditions warrant and concurrent with regular maintenance, the applicant shall extend westbound north lane striping by approximately 100 feet to provide an earlier separation between left turning and right turning traffic.

This Special Condition will allow southbound traffic on the frontage road to merge with eastbound traffic on Ocean View Drive without impacting the operations of the traffic signal at Highway 1 and Ocean View Drive. There is sufficient additional stacking room between the Ocean View Drive/Frontage Road intersection and the Ocean View Drive/Harbor Avenue intersection to the west to accommodate the anticipated additional queue length for eastbound left and eastbound through traffic.

> **Special Condition 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.

This signage is to prevent exiting traffic from turning northbound onto Highway 1 at this unsignalized intersection.

As conditioned the project complies with the following circulation policies of the Coastal General Plan:

Policy C-1.1 Level of Service Standards: Establish the following Level of Service (LOS) standards:

- Signalized and All-Way-Stop Intersections Along Highway - One LOS D
- Side Street Stop Sign Controlled Intersections Along Highway One (Side Street Approach) LOS D, or LOS F if there are less than 15 vehicles/hour left turns plus through movements from the side street and the volumes do not exceed Caltrans rural peak hour signal warrant criteria levels.

The proposed project has the potential to impact five intersections.

1. S Main Street / CA Hwy 1 at access drive to unnamed frontage road near bridge;
2. S Main Street / CA Hwy 1 at Ocean View Drive
3. S Main Street / CA Hwy 1 at Hwy 20
4. Hwy 20 at Boatyard Drive
5. Ocean View Drive at unnamed frontage road

All of the intersections are under the jurisdiction of Caltrans, with the exception of the intersection of Ocean View Drive and the unnamed frontage road. Caltrans reviewed the proposed project and did not request a traffic study, as this residential apartment project would generate an estimated 406 vehicular trips per day per the ITI Trip Generation Manual, this is equivalent to the level of trips that would have been generate by the Autozone project and that project's traffic study found that the project would not impact Level of Service at any of the intersections, therefore the project will not exceed current LOS limits per Policy C-1.3 of the Coastal General Plan. And Per Policy C-2.3 a traffic study was not required for this project.

Policy C-8.3: Transit Facilities in New Development. Continue to require the provision of bus stops, bus shelters, benches, turnouts, and related facilities in all major new commercial, industrial, residential, and institutional developments.

Special Condition 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.

Policy C-9.2: Require Sidewalks. Require a sidewalk on both sides of all collector and arterial streets and on at least one side of local streets as a condition of approval for new development.

As conditioned below, the project will include sidewalk improvements to Frontage Road and Harbor Ave..

Improvements. The proposed project will require considerable street and frontage improvements along the Frontage road and Harbor Avenue to comply with Section 17.30.090 of the CLUDC, including: installation of sidewalk, curb and gutter along the project frontage on the south side of Kemppe Way. Special conditions are recommended below to address this deficiency.

Special Condition 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. However, the parking lane of the west side of Harbor Ave drive 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.

Special Condition 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 50' fully paved Right of Way and a paved 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.
b) Installation of sidewalk, curb, corner ramps, gutter and conform paving along the project frontage on the west side of Frontage road.

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.

STORMWATER

A Preliminary Drainage Study was prepared for this project in 2025 by JTS Engineering Consultants. That study describes the stormwater management system of the project as follows:

In existing conditions, most of the project site area drains to Harbor Avenue by sheet flowing over the native soil. The proposed project shall contain bio-retention planters along the west side of the property, which collect runoff within the project site. From the bio-retention planters, runoff shall route to underground detention facilities connected to a pump, which will discharge to the proposed curb and gutter system along Unnamed Road at a point where the stormwater will drain to the

existing drain inlet at the northeast corner of the Ocean View Drive and Harbor Avenue intersection, which drains to the ditch and culvert system along Oceanview Drive. The facilities along Oceanview Drive will be upsized as a part of this project.

The hydrologist used Autodesk Civil 3D to calculate pre and post construction stormwater flows from the project site in both ten- and 100-year storm events. The Drainage Study identified the following peak runoff flows from the project site, without the proposed stormwater management and mitigation system:

Table 1 – Site Hydrology

Watershed	Existing 10-Year Runoff (cubic-feet per second)	Proposed 10-Year Runoff (cubic-feet per second)	Existing 100-Year Runoff (cubic-feet per second)	Proposed 100-Year Runoff (cubic-feet per second)
Project Site	0.742	6.12	1.027	8.593
Unnamed Rd.	0.088	0.181	0.125	0.251
Harbor Ave.	0.072	0.387	0.099	0.534

The project will mitigate this stormwater flow by installing underground storage pipes with a weir and orifice outflow design. The actual outflow will be controlled using a pump that will ultimately route to the roadside ditches along Ocean View Avenue. The 10-year and 100- year outflow from the project site is designed as 0.299 and 0.352 cubic-feet per second, respectively, which is below the peak discharge of existing conditions. In other words, there would be less peak flow runoff from the site after it is constructed than there is now. This was modeled using the design condition of only the 300 feet of 48-inch pipe. Additionally, the model did not include the infiltration afforded by the bioswale system. However, the bioswales would actually infiltrate more stormwater on site as would the rainwater capture tanks which are a Special Condition in this report. The Applicant is required to submit a final drainage report to the Department of Public Works as part of the Building Permit application to ensure that post construction stormwater runoff is less than pre-construction stormwater runoff.

The Coastal General Plan includes a number of storm water policies that are relevant to this project including:

Policy OS-9.2: 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, to avoid adverse impacts to coastal waters.

The proposed project includes a system of bioretention basins to reduce the peak runoff volume and rate to avoid adverse impacts to coastal waters. The project has also reduced impervious surfaces and increased pervious areas by requesting a reduced parking ratio as an inclusionary housing incentive, which also reduces runoff volume and peak. The project could further reduce peak runoff volume and flow if the project implemented a stormwater catchment

system (cisterns or tanks) for landscaping or permeable paving. The special condition below would require this.

> **Special Condition 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.

Policy OS-9.5. Maintain and Restore Biological Productivity and Water Quality. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Most of the above policy does not apply to this proposed project. The applicable sections are underlined. As conditioned the project will control and direct runoff into bioswales, water tanks, and the storm drain ditch along Ocean Drive which will result in stormwater pre-treatment and slowing the discharge of stormwater for effective ground water recharge. As noted in the Preliminary Stormwater Report the peak stormwater runoff will be less post construction, which will allow this water to better infiltrate into the groundwater through the stormwater swale that runs along Ocean View Drive.

Policy OS-10.1: Construction-phase Stormwater Runoff Plan. All development that requires a grading permit shall submit a construction-phase erosion, sedimentation, and polluted runoff control plan. This plan shall evaluate potential construction-phase impacts to water quality and coastal waters, and shall specify temporary Best Management Practices (BMPs) that will be implemented to minimize erosion and sedimentation during construction, and prevent contamination of runoff by construction chemicals and materials.

The requirements of this policy are met through Special Condition 28 below.

Policy OS-10.2: Post-Construction Stormwater Runoff Plan. All development that has the potential to adversely affect water quality shall submit a post-construction polluted runoff control plan ("Runoff Mitigation Plan"). This plan shall specify long-term Site Design, Source Control, and, if necessary, Treatment Control BMPs that will be implemented to minimize stormwater pollution and erosive runoff after construction, and shall include the monitoring and maintenance plans for these BMPs.

The requirements of this policy are met through Special Condition 28 below.

Policy OS-10.3: Emphasize Site Design and Source Control BMPs. Long-term post-construction Best Management Practices (BMPs) that protect water quality and control runoff flow shall be incorporated in the project design of development that has the potential to adversely impact water quality in the following order of emphasis:

A) Site Design BMPs: Any project design feature that reduces the creation or severity of potential pollutant sources, or reduces the alteration of the project site's natural flow regime. Examples include minimizing impervious surfaces, and minimizing grading.

B) Source Control BMPs: Any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or operational practices that aim to prevent stormwater pollution by reducing the potential for contamination at the source of pollution. Examples include covering outdoor storage areas, use of efficient irrigation, and minimizing the use of landscaping chemicals.

C) Treatment Control BMPs: Any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption, or any other physical, biological, or chemical process.

The requirements of this policy are achieved through the proposed: A) minimizing impervious surfaces, B) stormwater capture for landscape irrigation; and C) stormwater management bioswales, trash capture device. The following optional Special Condition would further protect stormwater.

Special Condition 24: The applicant shall not use inorganic landscaping chemicals. No outdoor storage is permissible onsite.

Policy OS-11.1: Use Integrated Management Practices in Site Design. The city shall require, where appropriate and feasible, the use of small-scale integrated management practices (e.g., Low Impact Development techniques) designed to maintain the site's natural hydrology by minimizing impervious surfaces and infiltrating stormwater close to its source (e.g., vegetated swales, permeable pavements, and infiltration of rooftop runoff).

The project uses an Integrated Stormwater Management System which includes five large bioretention planters on the west side of the parking lot, which collect and pre-treat storm water from the parking lots and rooftops through a system of storm drain inlets (Civil plan set C 6/7). Storm water then flows from these bioretention areas into a storm drain system and (then?) to the storm drain outlet on Ocean Drive.

Policy OS-11.2: Preserve Functions of Natural Drainage Systems. Development shall be sited and designed to preserve the infiltration, purification, detention, and retention functions of natural drainage systems that exist on the site, where appropriate and feasible. Drainage shall be conveyed from the developed area of the site in a non-erosive manner.

The site currently has no natural drainage system as it is entirely flat. Stormwater currently soaks into the ground until it reaches saturation and then it flows off

site through the City's storm drain system. The project will include the development of impervious surfaces which necessarily impact this existing state. Therefore, it is not feasible to preserve this function where development is proposed. Drainage will be conveyed from the site in a nonerosive manner through an underground stormwater pipe to the swale located on the north side of Ocean Drive and to the outfall at the end of Ocean Drive.

Policy OS-10.4: Incorporate Treatment Control BMPs if Necessary. If the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters consistent with Policy OS-9.3, as determined by the review authority, development shall also incorporate post-construction Treatment Control BMPs. Projects of Special Water Quality Concern (see Policy OS-12.1) are presumed to require Treatment Control BMPs to meet the requirements of OS-9.3. Treatment Control BMPs may include, but are not limited to, those outlined in the City's Storm Water Management program, including biofilters (e.g., vegetated swales or grass filter strips), bioretention, infiltration trenches or basins, retention ponds or constructed wetlands, detention basins, filtration systems, storm drain inserts, wet vaults, or hydrodynamic separator systems.

The proposed project includes the following Treatment Control BMPs: vegetated bioretention, infiltration basins, and hydrodynamic separator systems.

Policy OS-11.3: Minimize Impervious Surfaces. Development shall minimize the creation of impervious surfaces (including pavement, sidewalks, driveways, patios, parking areas, streets, and roof-tops), especially directly connected impervious areas, where feasible. Redevelopment shall reduce the impervious surface site coverage, where feasible. Directly connected impervious areas include areas covered by a building, impermeable pavement, and/or other impervious surfaces, which drain directly into the storm drain system without first flowing across permeable land areas (e.g., lawns).

The proposed project includes the minimum impervious surfaces feasible for parking, sidewalks and multifamily housing. The new impervious surfaces will drain into bioswales where they will be pretreated prior to entry into the storm drain system; or will be caught in rainwater capture tanks for slow infiltration into the ground water system.

Policy OS-11.4: Infiltrate Stormwater Runoff. Development shall maximize on-site infiltration of stormwater runoff, where appropriate and feasible, to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flow, and minimize transport of pollutants. Alternative management practices shall be substituted where the review authority has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated soils may lead to geologic instability, where infiltration may contribute to flooding, or where regulations to protect groundwater may be violated.

Special Condition 23 would result in stormwater flows from half of the buildings being captured in cisterns and allowed to infiltrate into groundwater onsite during non-storm conditions. This project has also been designed to pretreat and

infiltrate stormwater from the parking lot and the remaining buildings in bioswales, from which the stormwater overflow would be conveyed to the drainage swale along Ocean Drive where it could infiltrate further into the groundwater system. Residual storm flows during major storms would go into the ocean from the stormwater outfall at Glass Beach Drive. Public Works recommends adding a special condition requiring installation of a trash capture device. This project site proposes development in a priority land use area that has the potential to contribute trash and debris to waterways. To ensure consistency with the municipal stormwater management program and Statewide Trash Provisions, staff recommends the installation of certified full-capture trash devices* in project-related storm drains to prevent trash from leaving the site. These devices are designed to capture trash particles ≥5 mm in size, effectively preventing their transport into downstream water bodies. Trash capture devices installed as part of the project's stormwater management strategy shall be included in an ongoing operations and maintenance plan and comply with annual reporting requirements to ensure the continued effectiveness of the devices.

State Water Resources Control Board Certified Full Capture Device List https://www.waterboards.ca.gov/water_issues/programs/stormwater/docs/trash_implementation/certified_fcsdevicelist_16Feb2021.pdf

Special Condition 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 storm drain 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.

Policy OS-11.5: Divert Stormwater Runoff into Permeable Areas. Development that creates new impervious surfaces shall divert stormwater runoff flowing from these surfaces into permeable areas, where appropriate and feasible, to enhance on-site stormwater infiltration capacity.

See above discussions.

Policy OS-11.6: Use Permeable Pavement Materials. To enhance stormwater infiltration capacity, development shall use permeable pavement materials and techniques (e.g., paving blocks, porous asphalt, permeable concrete, and reinforced grass or gravel), where appropriate and feasible. Permeable pavements shall be designed so that stormwater infiltrates into the underlying soil, to enhance groundwater recharge and provide filtration of pollutants. All permeable pavement that is not effective in infiltrating as designed will be replaced with effective stormwater detention and infiltration methods.

See discussion above.

Policy OS-11.9: Provide Storm Drain Inlet Markers. Markers or stenciling shall be required for all storm drain inlets constructed or modified by development, to discourage dumping and other illicit discharges into the storm drain system.

The applicant will need to comply with the Special Condition below:

Special Condition 26: The applicant shall install markers or stenciling for all storm drain inlets as specified by the Department of Public Works.

Policy OS-11.10: Continue Operation and Maintenance of Post-Construction BMPs. Permitees shall be required to continue the operation, inspection, and maintenance of all post-construction BMPs as necessary to ensure their effective operation for the life of the development.

Special Condition 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.

This project is categorized as a project of Special Water Quality Concern by the CLUDC, as it has more than 10 dwelling units.

Policy OS-12.1: Developments of Special Water Quality Concern. The categories of development listed below have the potential for greater adverse coastal water quality impacts, due to the development size, type of land use, impervious site coverage, or proximity to coastal waters. A development in one or more of the following categories shall be considered a "Development of Special Water Quality Concern," and shall be subject to additional requirements set forth in Policy OS-12.2 below to protect coastal water quality. Developments of Special Water Quality Concern include the following:

a) Housing developments of ten or more dwelling units.

As a project of Special Water Quality Concern, the project must comply with the following policies:

Policy OS-12.2: Additional Requirements for Developments of Special Water Quality Concern. All Developments of Special Water Quality Concern (as identified in Policy OS-12.1, above) shall be subject to the following four additional requirements to protect coastal water quality:

1) Water Quality Management Plan. The applicant for a Development of Special Water Quality Concern shall be required to submit for approval a Water Quality Management Plan (WQMP), prepared by a qualified licensed professional, which supplements the Runoff Mitigation Plan required for all development. The WQMP shall include hydrologic calculations per City standards that estimate increases in pollutant loads and runoff flows resulting from the proposed development, and specify the BMPs that will be implemented to minimize post-construction water quality impacts.

The Department of Public Works has requested the following Special Condition to comply with this section:

Special Condition 28: Prior to 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.

2) Selection of Structural Treatment Control BMPs. As set forth in Policy OS-10.4, if the review authority determines that the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters as required by Policy OS-9.3, structural Treatment Control BMPs shall also be required. The WQMP for a Development of Special Water Quality Concern shall describe the selection of Treatment Controls BMPs, and applicants shall first consider the BMP, or combination of BMPs, that is most effective at removing the pollutant(s) of concern, or provide a justification if that BMP is determined to be infeasible.

3) 85th Percentile Design Standard for Treatment Control BMPs. For post-construction treatment of runoff in Developments of Special Water Quality Concern, Treatment Control BMPs (or suites of BMPs) shall be sized and designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

4) Goal for Runoff Reduction. In Developments of Special Water Quality Concern, the post-development peak stormwater runoff discharge rate shall not exceed the estimated pre-development rate for developments where an increased discharge rate will result in increased potential for downstream erosion or other adverse habitat impacts.

Special Condition 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.

Special Condition 30: All public improvements to drainage conveyance systems shall be dedicated to the City.

The following additional stormwater policies will be implemented through Special Conditions 20-30 above.

- Policy OS-14.1: Minimize Polluted Runoff and Pollution from Construction.
- Policy OS-14.2: Minimize Land Disturbance During Construction.
- Policy OS-14.3: Minimize Disturbance of Natural Vegetation.
- Policy OS-14.5: Grading During Rainy Season. Grading is prohibited during the rainy season (from November 1 to March 30), except in response to emergencies, unless the review authority determines that soil conditions at the project site are suitable, and adequate erosion and sedimentation control measures will be in place during all grading operations.

The City's 2004 Storm Rain Master Plan includes a project to replace culverts on Ocean Drive as follows:

5.5.8.1 Culvert Replacement: Ocean View Drive Project

A project is proposed to replace existing culverts and regrade drainage ditches on Ocean View Drive. Three undersized culverts were identified for replacement. It is recommended that the 12" HDPE culvert crossing Monterey Avenue be replaced with a 24" HDPE culvert (see Node H-1.6 on Figure 5-17). It is also recommended that the 18" CMP culvert at Pacific Drive and the 12" CMP culvert at Neptune Avenue be replaced with 30" HDPE culverts (see Nodes H-1.4 and H-1.2 on Figure 5-17). However, it should be noted that these two culverts

are outside of the Fort Bragg City limits, and therefore fall within the jurisdiction of the County of Mendocino. It is also recommended that the drainage ditches on both sides of Ocean View Drive be cleaned and regraded to 2' x 2' x 3'. This project is designated as a medium priority because the existing culverts are undersized for the current levels of development and drainage ditches are in need of maintenance. Because of the growth potential in the Todd Point area this project is considered development driven. Our opinion of the probable cost for the project is $118,300.

The Special Condition below requires the applicant to document the sufficiency of existing infrastructure or complete upgrades to infrastructure if required.

Special Condition 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 for approval by the Department of Public Works. If upgrades to infrastructure are required, the upgrades shall be completed by the developer and dedicated to the City.

Additionally, the City Council pre-approved the following inclusionary housing incentive as part of this project:

Special Condition 32. In exchange for the applicant undertaking the design, engineering and construction of any needed stormwater improvements identified in project 5.5.8.1 in the City's 2004 Storm Drain Master Plan, the City shall provide a corresponding capacity fee credit (drainage, sewer and water) to offset the cost of the project as the second planning incentive.

Grading & Construction

During the Planning Commission public hearing, neighbors expressed concerns regarding the potential impact of the construction process on dust and stormwater pollution. The applicant must comply with a number of Coastal General Plan policies, grading standards and construction management standards during the construction process including the following policies from the Coastal General plan which are implemented through the grading permit process:

Policy OS-14.1: Minimize Polluted Runoff and Pollution from Construction. All development shall minimize erosion, sedimentation, and the discharge of other polluted runoff (e.g., chemicals, vehicle fluids, concrete truck wash-out, and litter) from construction activities, to the extent feasible.

Policy OS-14.2: Minimize Land Disturbance During Construction. Land disturbance activities during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, to the extent feasible, to avoid increased erosion and

sedimentation. Soil compaction due to construction activities shall be minimized, to the extent feasible, to retain the natural stormwater infiltration capacity of the soil.

Policy OS-14.3: Minimize Disturbance of Natural Vegetation. Construction shall minimize the disturbance of natural vegetation (including significant trees, native vegetation, and root structures), which are important for preventing erosion and sedimentation.

Policy OS-14.4: Stabilize Soil Promptly. Development shall implement soil stabilization BMPs (including, but not limited to, re-vegetation) on graded or disturbed areas as soon as feasible.

Policy OS-14.5: Grading During Rainy Season. Grading is prohibited during the rainy season (from November 1 to March 30), except in response to emergencies, unless the review authority determines that soil conditions at the project site are suitable, and adequate erosion and sedimentation control measures will be in place during all grading operations.

Additionally, all existing and proposed projects must comply with the performance standards (section 17.30.080) of the Coastal Land Use and Development Code which regulate dust emissions during construction and grading, ground vibration, hazardous materials, light and glare, liquid waste, noise, odor and radioactivity, electrical disturbance or electromagnetic interference.

Geologic Hazard. The site is located 420 feet inland from the coastal bluff overlooking Noyo Harbor and, therefore, is not subject to hazards associated with coastal bluff erosion. All hazards associated with earthquakes will be addressed by the building permit process under the authority of the California Building Code. A geotechnical Report was prepared for this site. That report provided the following key findings about the site:

- Based on site grades at the time of our field exploration, it is anticipated that cuts and fills during earthwork will be minimal and limited to providing a level area for the project area.
- The primary geotechnical constraints identified in the investigation is the presence of moderate compressible soils, and potential for undocumented fill to be encountered throughout the site. If undocumented fill is encountered, these soils should be excavated to verify the extent and placed as compacted engineered fill.
- The soils encountered in the test borings drilled as part of the investigation generally consisted of near surface silty and clayey sands with gravel underlain by interbedded layers of sandy silty clay, sand with silt, silty sands, and sandy silts to the maximum depth explored of 20.5 feet bgs. The upper 5 feet were noted to be

loose to medium dense. Below 5 feet, the soils were generally described as dense to very dense.

- Loose near surface soils should be removed below areas of proposed new foundations. To minimize post-construction soil movement, this report recommends foundations be supported entirely on a uniform layer of engineered fill.

However, while the geotechnical report provides confidence that the project is feasible given geotechnical conditions of the site, the applicant should have the report updated to reflect the loads of the proposed buildings. Therefore, the Special Condition below is recommended for this project:

> **Special Condition 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.

Drainage and Groundwater Recharge.
During the Planning Commission Public Hearing, members of the public expressed concerns about groundwater recharge and the impact of the project on neighboring wells. The Coastal General Plan includes a specific program that requires a focused resolution of this concern.

Policy OS-2.2: Protect Aquifers: Protect groundwater aquifers.

Per this policy and Program OS 2.2.2 a Hydrological Study was prepared for Todd Point in 1995 which analyzed the existing ground water storage capacity of the site and found Todds point current ground water storage capacity to be 348-acre feet of water storage. Furthermore, the study found that all ground water consumption on Todd's point in 1995 came to 6.1-acre feet per year. In 1995 there were 39 single family residences with wells that relied on the aquafer. In 2025 there are 58 single family homes with wells that rely on the aquifer. The hotel, trailer park restaurant and homes on Ocean drive that are located in the City of Fort Bragg are hooked up to City Water and so don't use ground water. Water use in 2025 for these 58 single family residences would be 9.22 acre feet of water per year. The study includes a formula to calculate ground water recharge that is lost due to impervious surfaces. Per that formula, the 53,068 SF of impervious surface of this project would result in a net loss of 1.21-acre feet of recharge to the ground water system, if no groundwater from the site's impervious surfaces was allowed to infiltrate on site. However, the project does propose to infiltrate significant water on site so the actual reduction to ground water would be less. Regardless there is a sufficiently large ground water reservoir of Todds Point that the proposed project would not impact ground water availability for residents as illustrated below:

Total Groundwater Storage on Todds Point	348.00 acre feet
Current Ground Water Use	9.22 acre feet
Proposed Project Ground Water Impact	1.21 acre feet
Total available unutilized ground water	337.57 acre feet

Additionally, according to the Geotechnical Study prepared for this site no free groundwater was found in the test wells to a depth of 21 feet.

This project is also unlikely to have any impact on groundwater supplies for the following reasons:

- 46% of the project site would consist of open space and landscaped areas which will infiltrate stormwater into the ground for eventual groundwater recharge.
- The total building footprint is 28,126 SF or 24% of the site, however four of the seven buildings (buildings 3, 4, 5 & 7) will include stormwater catchment tanks which would be sized to retain water from these building rooftops and release it slowly into the storm drain system for infiltration on site during non-storm conditions. These four buildings have a combined footprint of approximately 20,300 SF, leaving just 8,000 SF of building footprint from which stormwater would flow directly into the storm drain system.
- The remainder of the site, 24,942 SF or 30%, is composed of the parking lot and sidewalks which connect directly to the bioswale system which is designed to pretreat and partially infiltrate stormwater from the parking lot.

Finally, the table below summarizes existing pervious and impervious surfaces on Todd Point. As noted in the table all development on Todd Point currently covers 1.31% of the 63 million square feet on the point. The proposed project would increase impervious surfaces by 0.08% which is not significant for the watershed.

Ratio of Open Space to Impervious Surface on Todd Point		
Property Type	**Square Feet Impervious**	**%of Total**
Todd Point Total	**63,000,000**	**100%**
Roads	262,000	0.42%
Single Family Residential	208,000	0.33%
Hotel	60,000	0.10%
Commercial	141,000	0.22%
College	155,000	0.25%
Total Developed	**826,000**	**1.31%**
Open Space - 100% pervious	62,174,000	98.69%
Proposed Project - Impervious Surface	53,068	0.08%
Surface	**62,120,932**	**98.60%**

Based on this analysis the project complies with the requirements of Policy OS-2.2

Flood Hazard. According to Federal Emergency Management Agency (FEMA), flood insurance maps the project site is located outside the 500-year flood plain. No flooding concerns are raised relative to the project.

Fire and Life Safety. The Fire Marshal reviewed the project plans and did not issue a statement of concern regarding fire and life safety (Sheet C 5 & 6). Fire Code requirements will be incorporated in the construction plans as necessary during the building permit review by the Fire Marshall. The new building code requires that all buildings have sprinkler systems, a monitored alarm system, and parking and driveway areas navigable by fire trucks and other emergency vehicles.

DESIGN REVIEW

Energy Efficiency

Coastal General Policies relevant to green building practices include the following:

> Policy OS-6.2 Development Review Process: Make energy conservation an important criterion in the development review process.
>
> Policy OS-6.3 Alternative Energy: Encourage the development and use of alternative sources of energy such as wind, solar, and waves to meet Fort Bragg's energy needs.

As proposed, the project will:

a. Take advantage of passive solar gain for some of the space heating requirements of each unit.
b. Achieve insulation values of R-22 for walls and roof.
c. Space heating and water heating will be provided by air-source heat

pumps.

d. The project is required by the California Energy Code to include PV panels for overall net zero energy use.

The combination of these strategies will result in buildings that are energy efficient and maintain minimal utility costs for the residents.

Compliance with Citywide Design Guidelines

The stacked flats have an architectural style that is modern/contemporary. There are several design variations and building sizes that add to the visual appeal and interest of the project. All units include small decks or patios which add visual interest to the buildings. The building fronts are well-articulated with plenty of windows to provide for a nice architectural appearance from the outside and good daylighting on the inside.

The building facades facing Highway 1 do not include as many windows or doors as the facades facing south, north and west. This would protect the visual and auditory privacy of future tenants from the noise, headlights, and low-quality views of the highway. The photos below illustrate the design quality of the existing commercial businesses in the area.

Image 1: Emerald Dolphin Motel Building A (right) and Building B (left)

Image 2: Fort Bragg Outlet Building A (right) and Building B (left)

Image 3: McDonald's

Image 4: Surf Motel

Image 5: Mobile Home Park

Image 6: A-frame Coffee

The Citywide Design Guidelines provide guidance for Design Review. However, State law limits the application of design review criteria for multifamily projects to non-subjective quantitative criteria only. Each relevant quantitative guideline is summarized in the table below, along with a description of how the project conforms to the quantitative guideline and any Special Conditions required for conformance. The qualitative design guidelines have not been used in this evaluation, as required by State law.

Table 5: Compliance with Citywide Design Guidelines

Relevant Quantitative Design Guidelines	Project Compliance
5. Architectural details and materials shall be incorporated on the lower part of the building facade to relate to human scale. These pedestrian scale elements can include awnings, trellises, windows, building base articulation, and changes in materials, textures, and colors. 6. Architectural elements that add visual interest, scale, and character such as projecting balconies, trellises, recessed windows, window and door detailing, or green garden walls should be incorporated to help articulate facades and blank walls. 7. To divide the building mass into smaller scale components, building faces more than 50 feet long should reduce the perceived mass and bulk by one or more of the following: change of roof or wall plane; projecting or recessed elements, such as trellises, balconies, openings, etc.; varying cornice or rooflines; or other similar means. 8. Whenever possible, buildings should be configured around courtyards, gathering areas, and open spaces.	9. The project includes the following pedestrian scale architectural details: change in materials, windows, change in texture, railings. 10. The project includes balconies, and window and door detailing. 11. The project includes changes in roof or wall plain, projecting balconies, and varying roof lines. 12. The project buildings are oriented around two open space courtyards.
• Doors should be visible from the street and windows should allow residents to have “eyes on the street” for natural surveillance.	13. Windows and doors are oriented to the street on Harbor Ave.. Windows are oriented to the unnamed road however doors are not all oriented to the unnamed road. See Special Condition 4 which addresses this design review criteria.
• All building and site design should use passive solar design strategies for space heating and lighting to reduce energy demand to the extent feasible. • Buildings shall incorporate passive solar design and include at least one roof plane that is large enough to accommodate photovoltaic (PV) panels to meet the majority (>50%) of the building’s energy needs, when feasible. • Roof forms such as gable, hip or shed roof combinations are strongly encouraged.	14. The project design emphasizes passive solar gain with many windows located on the southern building facades. 15. The roof form includes shed and flat roofs.

Materials • Building materials should be durable, require low maintenance, and be of comparable or better quality and image to what is used in the surrounding neighborhood. Frequent changes in building materials should be avoided. • Materials such as brick, stone, copper, etc. should be left in their natural colors. Such materials should not appear thin and artificial. • Veneer should turn corners and avoid exposed edge. • Materials should enhance different parts of a building's façade and be consistent with the desired architectural style. a. Where appropriate to the architectural style, materials and textures should vary between the base and body of a building to break up large wall planes and add visual base to the building. b. Heavier materials and darker colors should be used lower on the building elevation to form the building base.	• Proposed durable exterior finish materials would include cement plaster, cement siding, board and batten, brick veneer and standing seam metal roofs. All of these materials are encouraged by the Design Guidelines. • The proposed brick veneer color is not specifically noted but is illustrated as a dark grey, which is a natural color. • Brick veneer is proposed for recessed entryways and so would not turn corners. • The project effectively uses different materials to enhance different parts of the building. • Materials at the base and body of the building are different. • Heavier materials are on the building base.
Color • No fewer than two colors should be used on any given façade, and three or more colors are preferred. This includes any "natural" colors such as unpainted brick or stone. The three preferred colors should constitute the primary base color, secondary color and minor trim color.	• All building facades include three or more colors.
Lighting • Lighting sources shall be hidden unless the sources are an integral part of the design. Lighting fixtures should not project above the fascia or roofline of the building. • Partial or full cutoff lighting is required. Exterior lighting shall be located and designed to avoid shining directly onto nearby residential properties, and shall minimize off-site glare. The latest technical and operational energy conservation concepts should be considered in lighting designs. • Parking lot lighting fixtures shall be no taller than 16 feet in height and shall cast light downward without allowing glare or light to encroach upon neighboring properties.	• Project lighting is hidden. • Full cutoff night sky compliant lighting has been specified. • The proposed lighting fixtures are 16 feet in height.

Fencing • Fences or walls of more than 100 ft should provide variation in the design – via changes in height, materials, embellishments, step backs, gates, etc. - to break up the length and provide visual interest.	• The project includes a fence of more than 100 feet in length along the north boundary. This is a property line security fence. The Special Condition below is provided below to comply with this requirement: **Special Condition 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.
Open Space • Open space areas should be sheltered from the noise and traffic of adjacent streets or other incompatible uses. Open space siting should give consideration to prevailing breezes and sun orientation in order to provide a comfortable environment. • Ideally, at least 50 percent of the open space area should have access to direct sunlight.	• The common spaces are interior to the development and are sheltered from coastal winds and street noise. • The playground is entirely open to direct sunlight. The two courtyards will receive 100% direct sunlight in the summer when the sun is high overhead.
Play Areas • Children's play areas should be visible from as many units as possible and from private open space areas. Direct, convenient access from ground level, private open space to the communal play area is encouraged. • Outdoor play areas should be located adjacent to laundry rooms, community centers, or similar common facilities. Play areas should not be located near public streets, parking, or entry areas unless physically separated by appropriate walls, fencing, or dense landscaping.	• The proposed play areas are located on the edge of the multi-family units, not centrally. The City Council could add an optional special condition to switch a central courtyard with the play area. This would expose more houses to the sounds of kids playing but would probably result in more use of the play area as it would not be adjacent to the Frontage Road. Sidewalks provide direct access to this play area. • A fence and/or dense landscaping could be installed between the play area and Frontage Road. See Optional Special Condition below. **Special Condition 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.

Site Amenities • Building numbers and individual unit numbers shall be readily visible, in a consistent location, well lighted at night, and compatible with the overall design of the development. • Internal circulation signs and visitor parking areas shall also be clearly indicated. A directory that shows the location of buildings and individual dwelling units within the development is encouraged	• The proposed project does not include these mandatory elements. See Special Condition. **Special Condition 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.

The project plans do not provide design details or screening for mechanical equipment. Therefore, a Special Condition has been added to ensure that these components comply with the CLUDC.

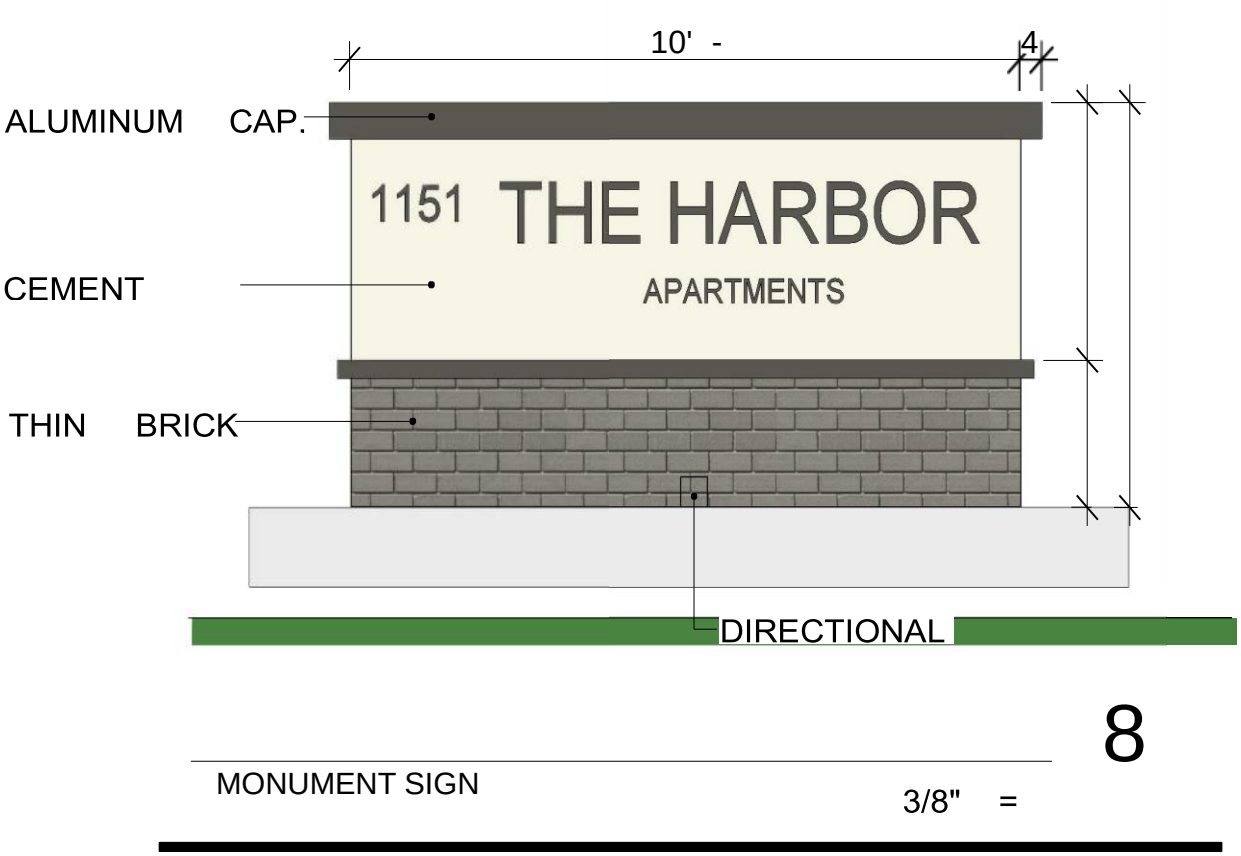
Special Condition 37. Prior to the issuance of a Building Permit, the applicant shall submit for the review and approval of the Community Development Director plans for the locations and visual screening of all mechanical equipment proposed to be constructed as part of the project, including but not limited to standpipes, backflow preventers, generators and propane fuel tanks. All equipment shall be visually screened with vegetation, building elements, fencing or wood lattice.

Sign Permit

The applicant has proposed a sign at the parking lot entrance to the project site on Frontage Road.

The proposed sign conforms with the City's zoning ordinance as follows:

- The sign complies with the requirements of 17.38.060 as: it is less than 6 feet in height; it is located on the project parcel and is not located in a traffic visibility area; it is an attractive color that matches the design of the project and is made from materials that are included in the apartment project; and the lighting is modest and appropriate.
- The sign includes street address (numbers) as required.
- The proposed sign is 37 SF which is well below the limit of 100 SF for this development (Table 3-12 of the CLUDC).
- The proposed signage complies with the additional standards of section 17.28.080C freestanding signs.



ENVIRONMENTAL DETERMINATION

The project is exempt from CEQA review under sections 15332 Infill Development and sections 15192 & 15195 – Infill Housing Development. All Sections are cited below with side-by-side analysis of the project's compliance with the threshold criteria for each exemption.

§ 15192. Threshold Requirements for Exemptions for Residential Infill Projects.
In order to qualify for the exemption, set forth in sections 15195, an infill housing project must meet all of the threshold criteria set forth below.

Code Section	Compliance Analysis
(A) The project must be consistent with: (1) Any applicable general plan, specific plan, or local coastal program, including any mitigation measures required by such plan or program, as that	The subject parcel has a General Plan land use designation of Highway Commercial and is zoned CH, which allows multifamily development with a Use Permit. The project conforms to General Plan policies and zoning regulations, with

plan or program existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete; and (2) Any applicable zoning ordinance, as that zoning ordinance existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete, unless the zoning of project property is inconsistent with the general plan because the project property has not been rezoned to conform to the general plan.	the approval of a Use Permit to increase the FAR from 0.4 to 0.7 in order to comply with Inclusionary Housing Requirements and State Density Bonus Law. As conditioned the project complies with the City's LCP.
(B). Community-level environmental review has been adopted or certified.	The City adopted an EIR for the General Plan and Land Use and Development Code in 2006. City's LCP was certified by the Coastal Commission in 2008, which is a CEQA equivalent action.
(C). The project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees.	As analyzed in the Staff Report the project site can be served by existing utilities.
(D). The site of the project: (1) Does not contain wetlands, as defined in Section 328.3 of Title 33 of the Code of Federal Regulations. (2) Does not have any value as an ecological community upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection. (3) Does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or by the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code. (4) Does not cause the destruction or removal of any species protected by a local	The project site does not contain wetlands. The Project Site is covered with ruderal grasslands and a few specimen trees. The project site has limited value for habitat and is not known to provide habitat for endangered, rare or threatened species. The City does not have any ordinance that protects non-native species from removal.

ordinance in effect at the time the application for the project was deemed complete.	
(E) The site of the project is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code.	No phase I report was required because the site has no known previous use that would result in contamination. The site is not listed on any DTSC or RWQCB list of facilities or sites requiring remediation or in violation of a cleanup order. The site does not have any known contamination.
(F) The site of the project is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. In addition, the following steps have been taken in response to the results of this assessment: (1) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements. (2) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.	See above.
(G) The project does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code.	As noted earlier in this staff report, an archaeological survey was completed for this site and no archaeological or historic resources were discovered or identified by the survey. The project will not have any impact on a historical or archaeological

	resource.
(H) The project site is not subject to wildland fire hazard, as determined by the Department of Forestry and Fire Protection, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard.	The project is not located in a wildland fire hazard area.
(I) The project site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties.	The project is surrounded by retail, restaurant, hotel and residential uses, none of which pose a risk of fire or explosion.
(j) The project site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.	As a vacant field in an urban area, the site does not present a public health risk exposure of any type.
(k) Either the project site is not within a delineated earthquake fault zone or a seismic hazard zone, as determined pursuant to Section 2622 and 2696 of the Public Resources Code respectively, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake or seismic hazard.	The City's LCP contains policies and regulations to mitigate seismic hazards.
(l) Either the project site does not present a landslide hazard, flood plain, flood way, or restriction zone, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.	The project site is not located within a flood zone or any other restrictive zone.
(m) The project site is not located on developed open space.	The site is not designated as or developed as open space.
(n) The project site is not located within the boundaries of a state conservancy.	The site is not located in a state conservancy.
(o) The project has not been divided into smaller projects to qualify for one or more of the exemptions set forth in sections 15193 to 15195.	The project is being evaluated in its entirety.

Section 15195 In-Fill Housing Development Exemption Analysis

CEQA Guideline Section 15195 identifies a categorical exemption for projects characterized as infill housing development. This exemption is intended to promote housing infill development within urbanized areas. The analysis that supports this exemption is in the table below:

Code Section	Compliance Analysis
(a) Except as set forth in subdivision (b), CEQA does not apply to any development project that meets the following criteria: (1) The project meets the threshold criteria set forth in section 15192; provided that with respect to the requirement in section 15192(b) regarding community-level environmental review, such review must be certified or adopted within five years of the date that the lead agency deems the application for the project to be complete pursuant to Section 65943 of the Government Code.	See above analysis.
(2) The project meets both of the following size criteria: (A) The site of the project is not more than four acres in total area. (B) The project does not include any single level building that exceeds 100,000 square feet.	The project site is 2.6 acres. The largest building is 14,965 SF
(3) The project meets both of the following requirements regarding location: (A) The project is a residential project on an infill site. (B) The project is within one-half mile of a major transit stop.	The project site is surrounded on all sides by urban uses. A major transit stop is located 0.27 miles away at the Boatyard Shopping Center.
(4) The project meets both of the following requirements regarding number of units: (A) The project does not contain more than 100 residential units. (B) The project promotes higher density infill housing. The lead agency may establish its own criteria for determining whether the project promotes higher density infill housing except in either of the following two circumstances: 1. A project with a density of at least 20 units per acre is conclusively presumed to promote higher density infill housing. 2. A project with a density of at least 10 units per acre and a density greater than the average density of the residential properties within 1,500 feet shall be presumed to promote higher	The project contains 87 units. The project provides high density infill at 33 units per acre.

density infill housing unless the preponderance of the evidence demonstrates otherwise.	
(5) The project meets the following requirements regarding availability of affordable housing: The project would result in housing units being made available to moderate, low or very low-income families as set forth in either A or B below: (A) The project meets one of the following criteria, and the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units as set forth below at monthly housing costs determined pursuant to paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code: 1. At least 10 percent of the housing is sold to families of moderate income, or 2. Not less than 10 percent of the housing is rented to families of low income, or 3. Not less than 5 percent of the housing is rented to families of very low income. (B) If the project does not result in housing units being available as set forth in subdivision (A) above, then the project developer has paid or will pay in-lieu fees pursuant to a local ordinance in an amount sufficient to result in the development of an equivalent number of units that would otherwise be required pursuant to subparagraph (A).	The project will provide 15% of units to families of very low income. (A-3).

(b) A project that otherwise meets the criteria set forth in subdivision (a) is not exempt from CEQA if any of the following occur: (1) There is a reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances. (2) Substantial changes with respect to the circumstances under which the project is being undertaken that are related to the project have occurred since community-level environmental review was certified or adopted. (3) New information becomes available regarding the circumstances under which the project is being undertaken and that is related to the project that was not known, and could not have been known at the time that community-level environmental review was certified or adopted.	There are no unusual circumstances associated with this project. No substantial changes have occurred. No new information has come available.

Section 15332 In-Fill Development Exemption Analysis

MJC has also determined the project to be exempt from CEQA review under **Section 15332 Infill Development**. CEQA Guideline Section 15332 identifies the Class 32 categorical exemption for projects characterized as infill development. This exemption is intended to promote infill development within urbanized areas. The class consists of environmentally benign infill projects that are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects that would result in any significant traffic, noise, air quality, or water quality effects. Such projects must meet Part 1, conditions (a) through (e), described in the analysis below:

Code Section	Compliance Analysis
(a) The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.	The subject parcel has a General Plan land use designation of Highway Commercial and is zoned CH, which allows multifamily development with a Use Permit. The project conforms to General Plan policies and zoning regulations, with the approval of a Use Permit to increase the FAR from 0.4 to 0.7 and the density bonus afforded by compliance with State Density Bonus Law. As conditioned the project complies with the City's LCP.
(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.	The project site is 2.6 acres. The project site is surrounded on all sides by urban uses.
(c) The project site has no value as habitat for endangered, rare or threatened species.	The project site does not contain wetlands. The project site is covered with ruderal grasslands and a few specimen trees. The project site has no value for endangered, rare or threatened species.
(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.	As analyzed and conditioned throughout this report the project would not result in any significant effects on traffic, noise, air quality or water quality.
(e) The site can be adequately served by all required utilities and public services.	As analyzed and conditioned throughout this report the project can be adequately served by all utilities and public services.

Project Consistency with 15300.2 Exceptions

Application of this exemption, as all categorical exemptions, is limited by the factors described in section 15300.2. of CEQA and, these factors have been analyzed in the table below:

15300.2 Exceptions	Analysis of Compliance with Exceptions
(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies	The project is not located in an area that has been mapped or designated as a location with an environmental resource of hazardous or critical concern by any federal, state, or local agencies.
(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.	There are no other projects in the area which would have a cumulatively significate impact with the proposed project.
(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.	As analyzed throughout this staff report the proposed project will not have a significant effect on the environment.
(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.	The project is not located adjacent to or within the view shed of a scenic highway.
(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.	No phase I report was required because the site has no known previous use that would result in contamination. The site is not listed on any DTSC or RWQCB list of facilities or sites requiring remediation or in violation of a cleanup order. The site does not have any known contamination.
(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.	As noted earlier in this staff report, an archaeological survey was completed for this site and no archaeological or historic resources were discovered or identified by the survey. The project will not have any impact on a historical or archaeological resource.

ALTERNATIVE ACTIONS

1. Hold a hearing, close the hearing, deliberate without a decision, and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.

2. Hold the hearing and continue the hearing to a date certain if there is insufficient time to obtain all input from all interested parties. At the date certain the Council may then deliberate and make a decision.

ATTACHMENTS

1. Resolution of the Fort Bragg City Council Approving Coastal Development Permit 8-24 (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) for an 87-Unit Project and Associated Infrastructure Located at 1151 South Main Street.
2. Resolution of the Fort Bragg Planning Commission Recommending that the City Council Approve Coastal Development Permit 8-24 (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) for an 87-Unit Project and Associated Infrastructure Located at 1151 South Main Street.
3. Staff Report: Hold a Hearing Receive Report and Consider Adopting a Resolution of the Fort Bragg City Council Providing Preliminary Preapproval of Inclusionary Housing Incentives for Proposed Fort Bragg Apartments Project at 1151 South Main Street
4. Project Site Photos
5. Project Site Plan
6. Project Elevations & Floor Plans
7. Project Colors & Materials
8. Project Accessory Buildings
9. Open Space and Landscaping Plan
10. Lighting Plan
11. Fire safety Plans
12. Civil Plans
13. Letters