

From: Jacob Patterson <jacob.patterson.esq@gmail.com>
Sent: Saturday, June 7, 2025 5:13 PM
To: cdd
Cc: City Clerk; Whippy, Isaac
Subject: Public Comment -- 6/11/25 PC Mtg., Item No. 6A, 1151 S. Main Amendments
Attachments: 2019 Auto Zone MND with Attachments.pdf; 20190925 AutoZone Staff Report excerpt re visual resources.pdf; CGP Element 08 Noise.pdf

Planning Commission & Staff,

I didn't comment much the first time this project came around because I support it (conceptually) and didn't invent the time to go through the agenda materials in detail. That was a mistake because the planning was deficient in several areas, which the Coastal Commission staff appears to have recognized based on this item coming back with amendments. Unfortunately, the amendments do not cure all of the defects in the planning and I believe the appeals that were filed have significant merit and will continue to do so if and when the amended project advances.

First, the planning for this project is being done in a manner that is inconsistent with our past planning practices and these differences are being used to recommend you ignore pretty obvious deficiencies. (Just because Marie asserts that she fully evaluated everything already doesn't mean she is correct; presumably she thought that the first time too, which didn't turn out to be the case.) For example, it is clear that this zoning district is not intended for primarily residential uses, and mixed use projects (as the amended application now is) require non-residential uses on the ground floor in all the buildings, not just in a single building. (At best, one might be able to argue that the ground floor commercial uses only need to be in the buildings along the street frontage, in this case the unnamed frontage road, but the amended proposal doesn't even do that.) The staff report tries to dismiss this with a red herring argument that there are other multifamily apartment complexes in Fort Bragg without ground floor commercial uses. While that is certainly true, none of them are in this land use and zoning district and none of them are mixed use developments. As such, the attempted suggestion that this project somehow doesn't have to comply with an explicit requirement simply because multi-family projects in other zoning districts exist is silly. This project is a mixed use project with a residential component not a multi-family residential development even if it would be if it didn't have a non-residential component. A fully-residential project obviously can't have ground floor commercial uses so that is why they get built on other sites without that. That isn't an internal conflict in our planning documents, it is trying to compare apples to oranges. Regardless, if there is a conflict between the CLUDC and provisions of the Coastal General Plan (CGP), the CGP controls as it is the superior planning document. The CGP requires that the residential component of mixed use projects be in upper floors or on ground floors but behind the commercial uses in those buildings. Here, the application has been changed to try to address this but has not sufficiently because the ground floor commercial uses are all in Building 3 and in none of the other buildings. Each building in this mixed use development needs to have a commercial component in front of any ground floor residential uses. (I also wonder why they are retaining a retail space that may very well remain vacant when lodging is clearly a commercial use as well... all of the buildings should have a ground floor short-term lodging component.)

Moreover, the rental stream from transient visitors staying in the hotel lodging will generate more rent than the displaced long-term residential units and those units will be less expensive to construct because they don't require kitchens. Having more transient lodging will increase the profitability and feasibility of this project even if commercial retail uses would not. Brand new transient short-term lodging is well used in FB with high occupancy rates whereas our retail environment is depressed. Of course, that wasn't properly addressed in the feasibility "study", which appears to be designed to not actually study feasibility but to try to justify the original proposal. (The data is manipulated as well, listing currently occupied buildings as vacant (e.g., the former credit union on N. Franklin).) A proper feasibility analysis for this amended project would evaluate the financial viability of converting ground floor long term residential rentals to

short term transient lodging managed as part of the hotel. On a related note, I recommend you adopt a combination of the two options for Special Condition 42 Marie suggested by both requiring the lodging to be managed as part of the adjacent Emerald Dolphin Inn (or with their own small office on this site) and that none of the units includes a kitchen to avoid unintentionally creating short term vacation rentals, which are prohibited and have a greater likelihood of creating conflicts with the residential tenants. Regardless, more of the ground floor units need to be converted to transient lodging, which might create enough units for this property to continue to be managed as a small hotel even if the Emerald Dolphin Inn is sold to a different owner and the units can't be managed from there.

Marie also attempts to dismiss the CGP policy that protects existing blue water ocean views through the site and the need for visual analysis. That is patently ridiculous and there is a reason that the prior Auto Zone project included significant viewshed analysis and required the creation of a protected view corridor through the site to protect the only existing ocean view that couldn't be interrupted by future development on nearby property between this site and the ocean. That analysis is detailed in the MND for the Auto Zone project, which I have attached to this comment so it can be incorporated into the entitlement review for this subsequent proposal on the same site. One of the principle tenets of planning is a jurisdiction taking a consistent approach to how we interpret and apply our own planning requirements. We cannot simply change our interpretations from project to project depending on our mood or on the staff or consultant working on the project. The same protected view corridor from the Auto Zone project, which wasn't created because that project was correctly denied, needs to be added to this project for the exact same reasons it applied in 2019. Unfortunately, the proposed building layouts don't comply with that and will need to be adjusted in order for the City to properly apply its own requirements. Interestingly, the view corridor is also the ideal location for the signed public access route through the property, certainly a much better and more obvious one than the sidewalks that meander between the buildings without providing a clear view to the coats that people will be trying to access.

The staff report described the ocean view issues as follows (see also the attached excerpt from the AutoZone staff report covering this issue):

"Visual Resources – The proposed project location is not identified as a potentially scenic view on Map CD-1 of the Coastal General Plan. However, this vacant site and the numerous vacant residential parcels in the County located west of the site, offer views to the ocean and a general open space quality. Staff conducted a site visit with California Coastal Commission staff to determine how best to protect views to the ocean through the site. It was decided that a "View Easement" would be the best tool for protecting blue water views from the proposed development and any future potential development. The view easement would be clearly illustrated on the Plat to be recorded as a deed restriction and permanent exhibit to the deeds as a condition of the subdivision"

In short, this is still a serious concern that needs to be addressed rather than dismissed in its entirety as Marie suggests. The Coastal Commission staff recognized this issue during the review for the proposed AutoZone at the same location as this proposed mixed use development and will likely recognize the issue again with the same suggested solution. This was not a topic of the appeals but since the project permits are coming back for approval again and the resolution replaces the initial approvals, this issue can be fully fleshed out this time. I expect that the appellants will add this as one of their grounds for appeal because it shows a clear and direct conflict between the amended project, as proposed, and the relevant CGP policies listed in the attached excerpt, which are incorporated as specific objections to this project as well through my public comment.

Another interesting issue from the Auto Zone that is relevant is the prior (required) transportation analysis. Marie mentions this and relies upon it for some of her recommendations even though that reliance is misplaced because the focus of transportation studies has changed in the intervening years from a Level of Service (LOS) focus to a Vehicle Miles Travelled (VMT) focus. As noted in my comments about the Hazlewood project, a traffic and transportation study is required for this project and the prior AutoZone study is not sufficient. There are significant differences between that proposal and this project, including significant differences in pedestrian traffic flows and related pedestrian safety concerns. This is particularly true now that there are proposed hotel lodging units that will be managed from the Emerald Dolphin Inn that requires people to cross Ocean Drive. Not only do we need to impose the suggested mitigations from the Auto Zone MND, as Marie has done, but we need to address the vehicular and pedestrian safety

concerns about the intersection of Ocean Drive and Harbor Avenue. In the least, we will need additional crosswalks, if not a four-way stop, there because of the new vehicular traffic generated by this project as well as the increased pedestrian crossings for the hotel guests.

The neighbors already brought up many of the transportation concerns as well as the lack of a required traffic and transportation study, which is not discretionary even though Marie is treating it as such, but none of those issues have been resolved. I am confident the applicant wouldn't have serious objections to making some alterations to the Ocean Drive / Harbor Avenue intersection to address the concerns and the City should impose them. If we had a proper study that evaluates the pedestrian and vehicular traffic and resulting congestion on Harbor, which was not present for the proposed AutoZone, we would likely see the clear need. Unfortunately, no study was done and Marie is attempting to rely on an outdated study for a materially different project.

One issue that wasn't brought up the first time is the lack of necessary noise analysis. I raised this issue for the Hazelwood project but at least there some ambient noise levels were measured and basic calculations done to show how the project complies with our noise exposure thresholds and the requirements of the Noise Element of the CGP (see attached for the relevant policies and thresholds, which this project must be demonstrated to satisfy) and corresponding Noise ordinance. That hasn't been done for this project and it needs to because, again, it is a requirement even if Marie didn't treat it as such. This project is in a very different ambient noise setting compared to the Hazelwood Senior Apartments and we need to worry about the future residents (and transient lodging guests) being exposed to excessive noise levels from traffic along Highway One. The outside residential exposure levels are important but so are the interior noise levels in each residence. If the noise levels are projected to exceed our acceptable thresholds, we need to mitigate that by doing things like requiring noise-rated construction materials that reduce indoor noise exposure. The outside exposure of residents and visitors using the grounds, the playground, or their balconies also need to be less than the acceptable thresholds set out in the Noise Element and Ordinance but we have no such analysis to come to that conclusion even though we know that traffic noise on Main Street often exceeds our local thresholds, which is one of the reasons why there aren't very many residential developments built along the Main Street corridor. If we don't take any measurements of the ambient noise levels and then predict the Highway One traffic noise based on standard noise formulas that are readily available and used for noise studies all the time, we can't know if this project meets local requirements. Ignoring a planning issue doesn't make it go away, it means we need to wait and consider this project after we have the analysis. Marie was able to do that between the Planning Commission and City Council hearings for Hazelwood and there is no reason we can't do it again for this project. I object to proceeding without moving forward with ambient measurements and calculating predicted exposure levels both inside the residential units and for residents and visitors using the outdoor amenities.

Don't get me wrong, I like this project and want to see it get built, but I cannot support planning shortcuts and misleading statements in the entitlement review process before we get there. Because this project has already been appealed and at least one of the appellants is represented by competent legal counsel, it behooves the Planning Commission to take a cautious approach and make sure every I is dotted and every T is crossed. We aren't there yet but I think we can get there with a little more analysis and additional project adjustments.

Best regards,

--Jacob

need to be reserved for this use as required by Coastal General Plan Policy PF-1.3. The Avalon Hotel is a proposed 65-room hotel and meeting facility with a restaurant and bar at the location of the former Hi-Seas Motel site north of Pudding Creek. The City has determined there is adequate water to serve the proposed Avalon project, as well as the two proposed parcels that are part of the proposed minor subdivision.

Special Condition 12: Water Connection: 1) connection fees are due prior to issuance of building permit; 2) the water main is located in Harbor Avenue. A private utility easement benefiting Lot 1 shall be recorded on the Final Map (see Special Condition 7) for connection across Lot 2; and 3) final utility hookup configuration shall be approved by the Public Works Director or designated staff.

Stormwater - The proposed project will result in a significant increase of impervious surfaces on this undeveloped site, including 7,500 SF of building with parking lot and associated improvements. A preliminary stormwater control plan was submitted, which shows that drainage will continue to flow to the west and a 13,773 SF bio retention area has been designed to capture water onsite. In addition, there are several landscaped self-treating areas surrounding the building and in the parking lot. As the project will have over an acre of ground disturbance, the applicant is required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the California State Water Board in order to obtain a Construction General Permit. Furthermore, the City requires a Runoff Mitigation Plan to demonstrate the project meets local, state and federal regulation requirements.

Special Condition 13: Prior to issuance of building permit, a Draft Stormwater Pollution Prevention Plan (SWPPP) must be submitted and approved by Public Works Department. A grading plan for the bioretention areas shall be incorporated into the SWPPP.

Special Condition 14: Prior to issuance of building permit, a Runoff Mitigation Plan (RMP) must be submitted and approved by the Public Works Department. This requirement could be fulfilled using a SWPPP. If using a SWPPP to fulfil the RMP, a draft version shall be submitted and approved prior to filing for a Notice of Intent (NOI) with the California State Water Resources Control Board.

Special Condition 15: In consideration of AutoZone's recent \$11 million settlement agreement (*The People vs AutoZone, County of Alameda*, June 17, 2019), provide evidence ensuring adequate measures in the handling and disposal of hazardous materials and their containers.

Several policies with the goal to improve water quality, through project design and implementation of Best Management Practices (BMPs), both during the construction phase and post-development. Mitigation Measures: AIR-1, BIO-2, and HYDRO-1 involve the implementation of BMPs in order for the project to comply with regulations pertaining to stormwater.

Visual Resources – The proposed project location is not identified as a potentially scenic view on Map CD-1 of the Coastal General Plan. However, this vacant site and the numerous vacant residential parcels in the County located west of the site, offer views to the ocean and a general

open space quality. Staff conducted a site visit with California Coastal Commission staff to determine how best to protect views to the ocean through the site. It was decided that a "View Easement" would be the best tool for protecting blue water views from the proposed development and any future potential development. The view easement would be clearly illustrated on the Plat to be recorded as a deed restriction and permanent exhibit to the deeds as a condition of the subdivision (see mitigation measure LAND-2). With mitigation incorporated, the project will have a less than significant impact on blue water visual resources.

In selecting the most protected view easement, the adjacent parcels were considered because many existing views cross through vacant lots. The aerial image below depicts several views from the unnamed frontage road. The red lines offer expansive blue water views today, however cross through vacant parcels that are zoned for residential units and will likely be developed. The white corridor crosses through the center of site and stretches toward Noyo Harbor. Although there could be additional development on these lots, they are more protected than the vacant lots.

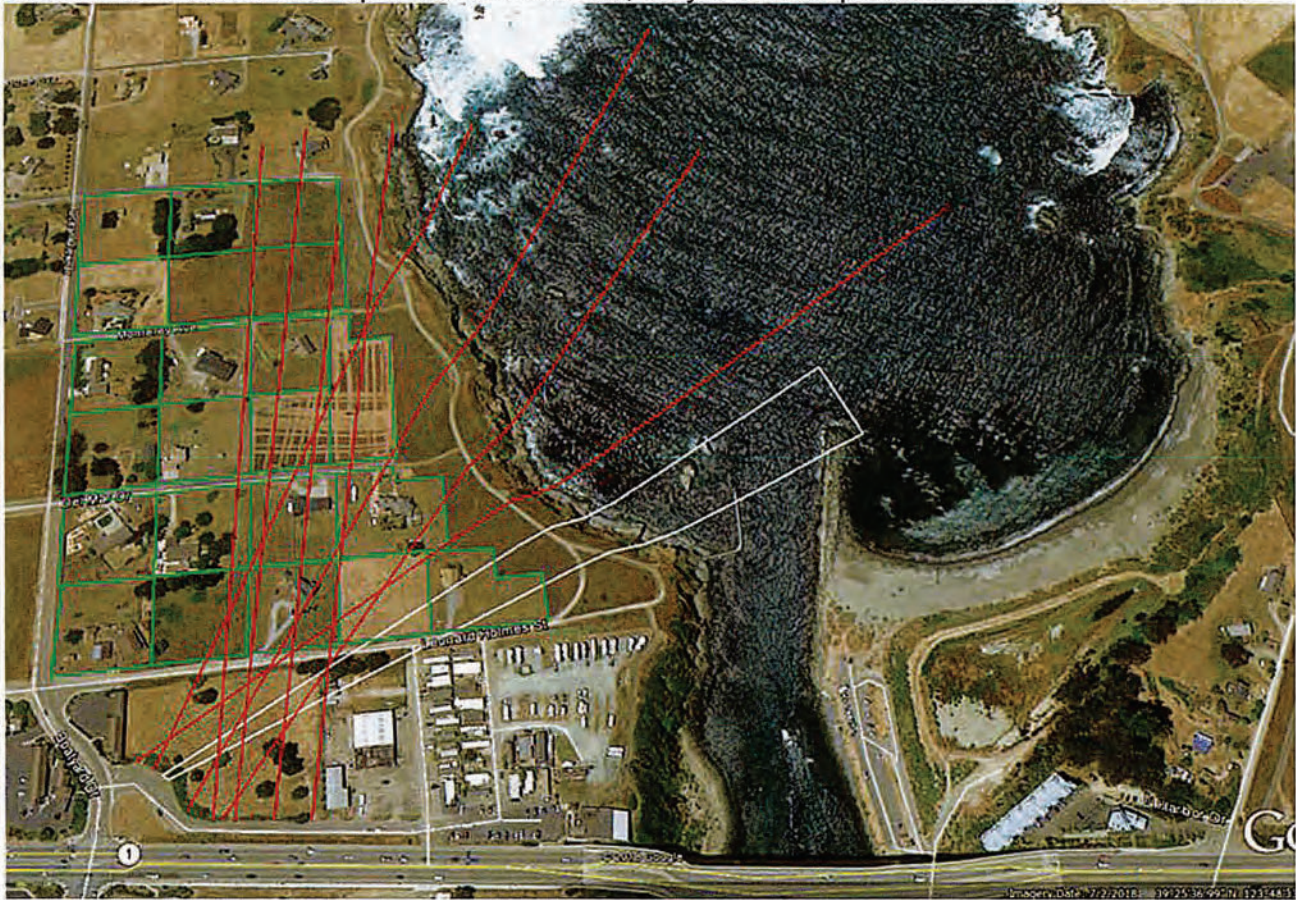


Image 5: Aerial of View Corridor



Image 6: Perspective of view easement across lot from unnamed frontage road

In order to approve a Coastal Development Permit (CDP) for a project that is located “along Highway 20 and Highway 1 on sites with views to the ocean” CLUDC 17.50.070 requires the review authority to find that the proposed project:

1. Minimize the alteration of natural landforms;
2. Is visually compatible with the character of the surrounding area;
3. Is sited and designed to protect views to and along the ocean and scenic coastal areas; and
4. Restores and enhances visual quality in visually degraded area, where feasible.

These requirements are also illustrated with following Coastal General Plan Policies:

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.

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.

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.

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.

In collaboration with Coastal Commission staff, staff proposes that an easement protecting the view associated with the white view corridor illustrated in Aerial 5, would meet these Coastal General Plan requirements, and therefore the MND includes Mitigation Measure LAND-2 to ensure preservation of this view corridor.

Environmental Determination. The project was analyzed in a Mitigated Negative Declaration pursuant to the CEQA. The MND identified the following mitigation measures which shall be implemented under Special Condition 8.

PLANNING COMMISSION ACTION

Staff recommends that the Planning Commission: 1) receive staff report; 2) open the public hearing; 3) take testimony from the public and the applicant; 4) close the public hearing and deliberate; and

- 5a) direct staff to prepare a resolution with findings for approval based on the project's consistency with the City's Coastal General Plan and Coastal Land Use and Development Code as discussed and mitigated in the MND, and analyzed and conditioned in the staff report; **or**
- 5b) direct staff to prepare a resolution with findings for denial based on Planning Commission's determination that the project is inconsistent with either: a) Policy LU-4.1, (appearance/small town character); b) CLUDC 17.50.070 (sited and designed to protect views to and along the ocean and scenic coastal areas); and/or c) insufficient findings regarding Design Review Permit; and

Further, staff recommends the Planning Commission continue the public hearing to the next regularly scheduled meeting of Planning Commission on October 9, 2019, in order to provide staff an opportunity to develop a resolution for the selected Planning Commission action.

ATTACHMENTS

1. Mitigated Negative Declaration and Attachments
2. Site Plan
3. Preliminary Landscape Plan
4. Photometric Plan
5. Sign Plan

8. NOISE ELEMENT

The policies of the Noise Element are not part of the City of Fort Bragg certified Local Coastal Program and do not govern the review and approval of coastal development permits.

A. Purpose

The purpose of the Noise Element is to protect the health and welfare of the community by promoting development which is compatible with established noise standards. This element has been prepared in conformance with Government Code Section 65302(f) and the guidelines adopted by the State Office of Noise Control, pursuant to Health and Safety Code Section 46050.1. Existing and future noise problems in the Planning Area are identified. Policies and implementation programs are provided to reduce the community's exposure to excessive noise levels. Accomplishing this task requires an evaluation of the noise generation from sources such as roads, highways, and stationary sources such as industrial facilities.

B. Noise Characteristics

Noise is defined as unwanted sound. Airborne sound is a rapid fluctuation of air pressure above and below atmospheric pressure. Sound levels are usually measured and expressed in decibels (dB) with 0 dB corresponding roughly to the threshold of hearing. Decibels and other technical terms are defined in Table N-1.

Most of the sounds which we hear in the environment do not consist of a single frequency, but rather a broad band of frequencies, with each frequency differing in sound level. The intensities of each frequency add together to generate a sound. The method commonly used to quantify environmental sounds consists of evaluating all of the frequencies of a sound in accordance with a weighting that reflects the fact that human hearing is less sensitive at low frequencies and extreme high frequencies than in the mid-range frequency. This method is called weighting, and the decibel level so measured is called the A-weighted sound level (dBA). In practice, the level of a sound source is conveniently measured using a sound level meter that includes an electrical filter corresponding to the A-weighting curve.

Although the A-weighted noise level may adequately indicate the level of environmental noise at any instant in time, community noise levels vary continuously. Most environmental noise includes a conglomeration of noise from distant sources which create a relatively steady background noise, often called ambient noise, in which no particular source is identifiable. To describe the time-varying character of environmental noise, the statistical noise descriptors, L_{10} , L_{50} , and L_{90} , are commonly used. They are the A-weighted noise levels equaled or exceeded during 10 percent, 50 percent, and 90 percent of a stated time period. A single number descriptor called the L_{eq} is now also widely used. The L_{eq} is the average A-weighted noise level during a stated period of time.

In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. During the nighttime, exterior background noises are generally lower than the daytime levels. However, most household noise also decreases at night and exterior noise becomes very noticeable. Further, sensitivity to noise increases when

people sleep at night. To account for human sensitivity to nighttime noise levels, a descriptor, the L_{dn} (day/night average sound level) was developed. The L_{dn} divides the 24-hour day into the daytime of 7:00 AM to 10:00 PM and the nighttime of 10:00 PM to 7:00 AM. The nighttime noise level is weighted 10 dB higher than the daytime noise level.

TABLE N-1
DEFINITION OF ACOUSTICAL TERMS

Term	Definition
Decibel (dB)	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
Frequency (Hz)	The number of complete pressure fluctuations per second above and below the atmospheric pressure.
A-Weighed Sound Level (dBA)	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
L_{01} , L_{10} , L_{50} , L_{90}	The A-weighted noise levels that are exceeded by 1%, 10%, 50% and 90% of the time during the measurement period.
Equivalent Noise Level (L_{eq})	The average A-weighted noise level during the measurement period.
L_{dn}	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 PM and 7:00 AM.
L_{max} , L_{min}	The maximum and minimum A-weighted noise level during the measurement period.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

C. The Existing and Future Noise Environment

Fort Bragg experiences noise from autos and trucks on Highway One, Highway 20, local arterials, the railroad, and several industrial uses, including the Georgia-Pacific operations and the Baxman aggregate processing facility. Existing and year 2011 traffic noise (L_{dn}) contour distances from major thoroughfares are shown on Tables N-2 and N-3.

**TABLE N-2
EXISTING TRAFFIC NOISE (L_{dn}) CONTOUR DISTANCES**

Roadway	Noise Level 50 ft. from Centerline (L_{dn})	Contour Distances (in feet from Centerline)		
		70 L_{dn}	65 L_{dn}	60 L_{dn}
Hwy. One (Ocean View Drive to Hwy. 20)	72	65	140	305
Hwy One (Cypress St. to Ocean View Dr.)	73	75	165	350
Hwy. One (Chestnut St. to Cypress St.)	70	50	110	240
Hwy. One (Oak St. to Chestnut St.)	69	45	100	215
Hwy. One (Redwood Ave. to Oak St.)	69	45	95	205
Hwy. One (Laurel St. to Redwood Ave.)	69	40	90	190
Hwy. One (Pine St. to Laurel St.)	68	40	80	175
Hwy. One (Elm St. to Pine St.)	68	40	80	175
Hwy. One (Pudding Creek Rd. to Elm St.)	68	35	75	160
Franklin St. (South of Chestnut St.)	60	—	—	50
Franklin St. (Oak St. to Chestnut St.)	61	—	—	55
Franklin St. (Redwood Ave. to Oak St.)	60	—	—	50
Franklin St. (Laurel St. to Redwood Ave.)	60	—	—	50
Hwy. (at Hwy. One)	62	—	40	70
Ocean View Drive (East of Hwy. One)	60	—	—	50
Chestnut St. (East of Hwy. One)	59	—	—	45
Chestnut St. (East of Franklin St.)	58	—	—	35
Elm St. (West of Hwy. One)	61	—	—	60

Source: Illingworth & Rodkin, Inc., February, 2002

TABLE N-3
FUTURE (YEAR 2011) TRAFFIC NOISE (L_{dn}) CONTOUR DISTANCES

Roadway	Noise Level 50 ft. from Centerline (L_{dn})	Contour Distances (in feet from Centerline)		
		70 L_{dn}	65 L_{dn}	60 L_{dn}
Hwy. One (Ocean View Drive to Hwy. 20)	73	80	175	380
Hwy. One (Cypress St. to Ocean View Dr.)	74	100	205	450
Hwy. One (Chestnut St. to Cypress St.)	71	55	125	270
Hwy. One (Oak St. to Chestnut St.)	70	50	115	245
Hwy. One (Redwood Ave. to Oak St.)	70	50	105	225
Hwy. One (Laurel St. to Redwood Ave.)	69	45	90	205
Hwy. One (Pine St. to Laurel St.)	69	45	90	200
Hwy. One (Elm St. to Pine St.)	69	45	95	195
Hwy. One (Pudding Creek Rd. to Elm St.)	69	45	95	195
Franklin St. (South of Chestnut St.)	61	—	—	55
Franklin St. (Oak St. to Chestnut St.)	62	—	—	60
Franklin St. (Redwood Ave. to Oak St.)	60	—	—	55
Franklin St. (Laurel St. to Redwood Ave.)	60	—	—	50
Franklin St. (Pine St. to Laurel St.)	61	—	—	55
Hwy. 20 (at Hwy. One)	63	—	40	85
Ocean View Drive (East of Hwy. One)	61	—	—	55
Ocean View Drive (West of Hwy. One)	61	—	—	55
Chestnut St. (East of Hwy. One)	60	—	—	50
Chestnut St. (East of Franklin St.)	61	—	—	60
Oak St. (East of Hwy. One)	61	—	—	60
Oak St. (East of Franklin St.)	60	—	—	50
Redwood Ave. (West of Hwy. One)	64	—	45	100
Laurel St. (West of Hwy. One)	61	—	—	55
Elm St. (West of Hwy. One)	64	—	45	95

Source: Illingworth & Rodkin, Inc., February, 2002

Noise from traffic on local roadways, distant industrial activities, and neighborhood activities are the most significant sources of community noise in the majority of the City.

Noise from industrial uses was audible during the evening and nighttime hours at most noise sites that were monitored. Background noise levels in the areas of Fort Bragg which generally contain noise sensitive land uses would be considered to be moderately quiet and compatible with the City's noise exposure standards.


The principal areas that are affected by excessive noise are along both sides on Highway One throughout the City (ranging from 160-350 feet on either side of the highway) and along Franklin Street and several east-west arterials (ranging from 35-70 feet from the road edge). See the Draft EIR for a more detailed discussion of the existing and projected noise environment in the City.


D. Noise and Land Use Compatibility Standards


The standards listed in Table N-4 shall be used to evaluate the compatibility between land uses and future noise in Fort Bragg.

**TABLE N-4
NOISE AND LAND USE COMPATIBILITY STANDARDS**

Land Use Category	Exterior Noise Exposure L _{dn} dB					
	55	60	65	70	75	80
Residential, Hotels and Motels						
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
"Noise Sensitive" - Schools, Libraries, Museums, Hospitals, Personal Care, Meeting Halls, Churches						
Office Buildings, Business Commercial and Professional						
Auditoriums, Concert Halls, Amphitheaters						

 **Normally Acceptable**
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal, conventional construction, without any special insulation requirements.

 **Conditionally Acceptable**
Specified land use may be permitted only after a detailed analysis of the noise reduction requirements and needed noise insulation features included in the design.

 **Unacceptable**
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

Source: Illingworth & Rodkin, Inc., March, 2002

E. Explanation of Table N-4: Land Use Compatibility for Community Noise

1. Noise Source Characteristics

Table N-4 shows the ranges of exterior noise exposure which are considered acceptable, conditionally acceptable, or unacceptable for the specified land use. Table N-4 is used to determine whether the noise exposure requires mitigation in order to achieve a compatible noise environment.

Where the noise exposure is acceptable for the intended land use, new development may occur without requiring an evaluation of the noise environment.

Where the noise exposure would be conditionally acceptable, a specified land use may be permitted only after a detailed analysis is made of the noise impacts, and the needed noise insulation features are included in the design to protect people from exposure to excessive noise. Such noise insulation features may include measures to protect noise sensitive outdoor activity areas (e.g. at residences, schools, or parks) or may include building sound insulation treatments such as sound-rated windows to protect interior spaces in residences, schools, hospitals, or other buildings which are sensitive to noise. Noise reduction measures should be focused on reducing noise where it would have an adverse effect for the specified land use, outdoors and/or indoors depending upon the land use.

For areas where the existing noise environment is unacceptable, new development should generally not be undertaken, because there may not be sufficient noise reduction measures to bring the development into compliance with the noise policies of this Element.

Sensitive receptors are land uses which are sensitive to noise such as hospitals, convalescent homes, schools, and libraries.

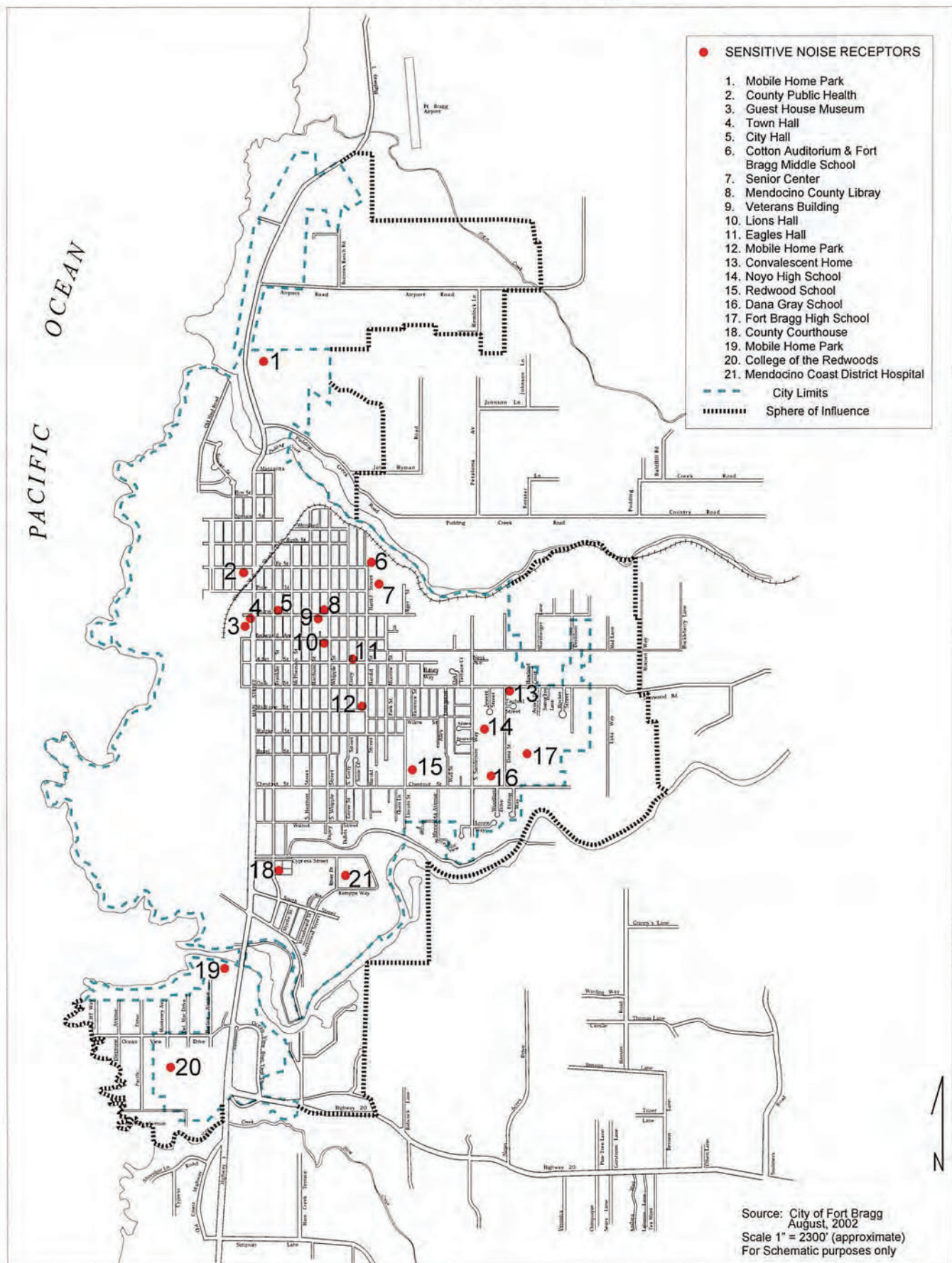
2. Acceptable Noise Environments

Another consideration, which in some communities is an overriding factor, is the desire for an acceptable outdoor noise environment. When this is the case, more restrictive standards for land use compatibility, typically below the maximum considered normally acceptable for that land use category, may be appropriate.

The following are the Noise and Land Use Compatibility Standards for noise exposure:

1. The standard for maximum outdoor noise level permitted in residential areas is a L_{dn} of 60 dB. This standard is applied where outdoor use is a major consideration, such as backyards in single-family housing developments and recreation areas in multi-family developments. This standard should not be applied to outdoor areas such as small decks and balconies typically associated with multi-family residential developments, which can have a higher exposure of 65 dB L_{dn} .
2. The maximum acceptable interior noise level in new multi-family residential development required by the State of California Noise Insulation Standards is a L_{dn} of 45 dB. This standard is also applied to single-family and all other residential development.
3. For projects occurring within noise environments that are conditionally acceptable, studies must be conducted to show how noise levels will be reduced in the areas that people use (which is generally the interior of offices, stores, industrial buildings, auditoriums, etc.). For

Map N-1 Sensitive Noise Receptors



non-residential projects, no maximum outdoor standard is established other than the exterior environment cannot exceed the lower limit of the unacceptable range, since noise mitigation is not feasible at these noise exposure levels. Building construction will incorporate noise reduction measures recommended by an acoustic engineer to reduce interior noise levels to an acceptable level. For non-residential projects, the interior noise level is what is important. The conditionally acceptable noise levels indicate that interior noise levels can be reduced to an acceptable level given noise reduction implementation. Non-residential projects may be allowed even if the exterior noise environment is within the conditionally acceptable range. No standards are established for industrial uses since the exterior noise environment is not important for such uses.

4. Sensitive receptors are land uses that are sensitive to noise such as hospitals, convalescent homes, schools, and libraries. Exterior noise levels for these types of uses where the uses include outdoor use locations (e.g., such as schools) should not exceed those allowed as normally acceptable in Table N-4. For those uses where the use areas are within buildings (e.g., hospitals, halls, and churches), interior noise levels should be reduced as described under No. 3 above, but projects can be permitted with exterior noise levels within the conditionally acceptable range. Map N-1: Noise Sensitive Receptors shows the location of some noise sensitive uses in the City.
5. These standards are not intended to be applied reciprocally. In other words, if an area is currently below the desired noise standard, a project that causes an increase in noise up to the maximum should not necessarily be permitted. The impact of a proposed project on existing land use should be evaluated in terms of the potential for adverse community response, based on existing community noise levels, regardless of the compatibility standards.
6. The Noise and Land Use Compatibility Standards should be reviewed in relation to the specific source of noise. These standards are based on measurement systems which average noise over a 24-hour period and do not take into account single-event noise sources. Different noise sources yielding the same composite noise exposure do not necessarily create the same environment. Additional standards may be applied on a case-by-case basis where supported by acoustical analysis to assess the effects of single-event noise sources.

F. Goals, Policies and Programs

The policies of the Noise Element are not part of the City of Fort Bragg certified Local Coastal Program and do not govern the review and approval of coastal development permits.

Goal N-1 Protect City residents from harmful and annoying effects of exposure to excessive noise.



Policy N-1.1
this Element.

General Noise Levels: The maximum allowable noise levels are established in



Policy N-1.2 **Reduce Noise Impacts:** Avoid or reduce noise impacts first through site planning and project design. Barriers and structural changes may be used as mitigation techniques only when planning and design prove insufficient.

Program N-1.2.1: Adopt and use a Noise Ordinance in environmental review of all development proposals and incorporate project design measures to reduce noise to allowable limits. The Noise Ordinance should include the noise standards described in this Element as well as consider other noise concerns, including but not limited to, allowable hours for grading and construction, allowable noise levels for electronic sound devices (e.g., radios, stereos, etc.), time restrictions on the use of mechanical devices (e.g., leafblowers and other power equipment), and requirements for the placement of fixed equipment (e.g., air conditioners and condensers).

Program N-1.2.2: Consider requiring an acoustical study and mitigation measures for projects that would cause a “substantial increase” in noise as defined by the following criteria or would generate unusual noise which could cause significant adverse community response:

- a) cause the L_{dn} in existing residential areas to increase by 3 dB or more;
- b) cause the L_{dn} in existing residential areas to increase by 2 dB or more if the L_{dn} would exceed 70 dB; or
- c) cause the L_{dn} resulting exclusively from project-generated traffic to exceed an L_{dn} of 60 dB at any existing residence.

Program N-1.2.3: Consider requiring an acoustical study and mitigation measures for proposed projects that City staff finds may generate unusual noise that would cause significant adverse community response, such as, but not limited to, night-time, single-event noise or recurring impulse noise.



Policy N-1.3 Noise and Land Use Compatibility Standards: Ensure that all new noise sensitive development proposals be reviewed with respect to Table N-4: Noise and Land Use Compatibility Standards. Noise exposure shall be determined through actual on-site noise measurements.



Policy N-1.4 Residential and Noise Sensitive Land Use Standards: Require a standard of 45 L_{dn} for indoor noise level for all new residential development including hotels and motels, and a standard of 60 L_{dn} for outdoor noise at residences. These limits shall be reduced by 5 dB for senior housing and residential care facilities.

Program N-1.4.1: Use the standards in Policy N-1.2.2 to determine the need for noise studies and require new developments to provide noise attenuation features as a condition of approving new projects.

Program N-1.4.2: Require an acoustical study for all new residential projects with a future L_{dn} noise exposure of 60 L_{dn} or greater. The study shall describe how the project will comply with the Noise and Land Use Compatibility Standards. The studies shall also satisfy the requirements set forth in Title 24, part 2 of the California Code of Regulations, Noise Insulation Standards, for multi-family attached dwellings, hotels, motels, etc. regulated by Title 24.



Policy N-1.5 Non-Transportation Noise Generation: For new non-transportation noise generators, Table N-5 describes the maximum noise level at the nearest residential property line:

TABLE N-5
NOISE LEVEL PERFORMANCE STANDARDS FOR NEW PROJECTS AFFECTED BY OR INCLUDING
NON-TRANSPORTATION NOISE SOURCES

Noise Level Descriptor	Daytime (7 A.M. to 10 P.M.)	Nighttime (10 P.M. to 7 A.M.)
Hourly Leq dB	55	45
Maximum level, dB	75	65

Note: These noise levels apply to the residential property line nearest the project. Each of the noise levels shall be lowered by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g., caretaker dwellings).



Policy N-1.6 **Mitigate Noise Impacts:** Mitigate noise impacts to the maximum feasible extent.

Program N-1.6.1: Require acoustical studies and noise reduction measures, when warranted, for new developments and roadway improvements which affect noise sensitive uses such as residences, schools, hospitals, libraries, and convalescent homes.

Program N-1.6.2: Require acoustical studies and noise reduction measures for any project that would potentially generate non-transportation noise levels in a residential area such that noise levels would exceed the planning standards set forth in Program N-1.2.2 and/or Table N-5.

Program N-1.6.3: Work with Caltrans to ensure that adequate noise studies are prepared and alternative noise mitigation measures are considered when State and Federal funds are available.

Program N-1.6.4: Consider and carefully evaluate the noise impacts of all street, highway, and other transportation projects.

Program N-1.6.5: Recommend acoustical studies and noise reduction measures for all projects that would be exposed to noise levels in excess of those deemed normally acceptable, as defined in Table N-4.

Program N-1.6.6: Consider developing an ordinance that regulates the allowable hours of construction activities.

Program N-1.6.7: Consider requiring post-construction testing and sign-off by an acoustical engineer for residential projects exposed to an L_{dn} in excess of 65 dB to ensure compliance with applicable exterior and interior standards in the Noise and Land Use Compatibility Standards.

Program N-1.6.8: Restrict truck traffic to designated routes.

Paoli, Diana

From: cdd
Sent: Tuesday, June 10, 2025 11:00 AM
To: Marie Jones (marie@mariejonesconsulting.com); Peters, Sarah; Paoli, Diana
Subject: FW: Planning Commission 06/11/2025 Item 6A

Making sure you got this.

George Leinen
Community Development Department/Code Enforcement Officer
416 N. Franklin St.
Fort Bragg, CA 95437
(707) 961-2823, Ext 118
gleinen@fortbraggca.gov

From: Paul Clark <pclark@fortbraggrealty.co>
Sent: Tuesday, June 10, 2025 10:42 AM
To: cdd <cdd@fortbraggca.gov>; CMAR (CMAR@MCN.ORG) <CMAR@MCN.ORG>
Cc: Paul Clark <pclark@fortbraggrealty.co>
Subject: FW: Planning Commission 06/11/2025 Item 6A

Comments on the staff report

Page 2

Why would the commercial porting of this application be exempt from CEQA it says it is a mixed use application the City gave density bonus's based on it being a housing project

Is it really "consistent with the small town rural character of Fort Bragg"?

Page 3

The applicant purchased the property knowing it was zoned commercial. The City seems to be really reaching to get this approved.

Applicant waived their appeal rights, what about the appellants rights? This project should start all over, including the density bonus approvals by the city that were not done properly in my view.

Then city did not have all the facts.

The Coastal Commission and the city seem to be working hand in hand to get this approved, in spite of the fact that it does not meet any rational interpretation of the intent in the general plan. Again ask Councilman Peters.

Page 4

The applicant was concerned about the feasibility of a commercial use on the ground floor, sad but it is the use allowed in the general plan. Buyer beware, it is not zoned residential

Did staff do the market study? Is that staff responsibility? Hope not.

Page 5

This reiterates the fact that the general plan envisioned commercial on the ground floor. Remember this plan was done circa 2005

Page 6

Any inconsistency should be addressed in a general plan update, not decided for a project the city wants. Follow the plan.

Each structure of 15000 feet should have at least the ground floor as commercial. Doesn't pencil out, that unfortunate. The city never before was concerned about a commercial project penciling out.

It is a commercial project. Keep that in mind with a residential component.

Page 8

The project is termed approved when convenient and proposed at other times. It was appealed and they city now has a chance to look at everything it should have before, ESPECIALLY on the density bonus's. That needs to be revisited. Is this really a "smart growth project" what exactly does that mean? I don't think it is smart at all. Why would staff give it that designation. Is there a definition for this.

Page 9

No traffic study, what about that?

Staff states there are no wetlands on site. How does staff know that if no studies were done. Any studies done for AutoZone would be out of date, and thus moot.

Page 12

City gave reduction to residential parking requirements not commercial. This is suppose to be commercial.

Page 13

States this project complies with all multifamily requirements, its commercial remember.

Page 15

Special conditions suggested that may or may not be possible.

This is not part of the emerald dolphin Inn, and should not be viewed that way. It should be totally stand alone, unless the parcels are merged.

Page 16

Same issue on parking. Given to a residential project, not a commercial project.

Page 17

I agree 84000 SF is a large project. Not very much in keeping with the small town rural flavor of Fort Bragg I would think.

Page 18

The density bonus's would not seem to me to be "reduce the requirements for visitor serving uses to the bottom floor" this does not comply with that pesky general plan intent.

No matter how you rephrase it, it does and will not change that.

Page 19

The applicant is wanting to change the project, only because the city failed to catch all this the first time around. Thank you to the appellants'.

Why did the staff, PC and CC raise these issues????

The general plan should have been updated. I have suggested that for over 20 years now.

Financial Feasibility is not a planning concern, and no studies have been provided.

Also the City of Fort Bragg has decimated the potential commercial uses with its Formula Business ordinance and the "Big Box" theories in the circa 2005 plan.,

There is the internet now. Thank you Amazon for helping the decline of our small town.

Page 20

The City did not demine all that is laid out. item 3 item 4 item 5 (City denied AutoZone) 6 where are the studies, this is time 6 this request has been formally made by me.

Page 21 this is zoned commercial. There are other sites without ocean views. Colombi property on Chestnut Street for one.

Last item on page. Staff states this amended project would have identical footprint. I don't agree. Parking at lease should change. Public hearing may disclose additional impacts.

What about the Motel Sign? the city does not allow off site signs, this must be viewed as a stand alone project.

Page 25

Has this amended project been sent out to all the appropriate parties to comment? I don't see how there could have been time to do that. It is a different project and as many times mentioned still does not meet the intent of

the general plan. Public works may have assumed some liability if they stated it did not need a traffic study.

Page 32

This or any commercial project should not be exempt from CEQA.

Page 35

Again this is a commercial zone. Not a residential per the general plan intent.

Page 38

Again no exemption should exist for commercial developments. Cant have your cake and eat it too.

You get the idea. The applicant should take their chances with the Coastal Commission Appeal, the city should have never approved this project. It obviously does not meet the intent of the general plan, but you were all told that but chose to ignore it.

Lots of money and time wasted for a project that the city should have (as pointed out) NEVER accepted the application

Why not allow the Coastal Commission appeal to happen. It is obvious the appellants' have merit.

Why is MLC doing a market feasibility study? Wouldn't that be provided by the applicant? How much did that cost the city? Feasibility for a project is not up to the city.

Paul Clark

I'm sorry I must be here to speak out, but it seems that there's very few people that will do it. I moved here in 1976 became acutely involved or aware of the city activities and county since 1978 when I rent got into the real estate business, I was on the planning commission when the 1982 general plan was implemented. Feel free to ask me any questions about that. It was replaced by this dinosaur in about 2005.

1030 Sunday morning sun is in the east looking to the west beneath the forming fog layer which is breaking or breaking fog glare. You can clearly see the ocean views just driving by the property. They're not just peaks at the ocean. There are good ocean views that tourist as per this zoning would be having the first few opportunities to see the ocean. It's been completely overlooked.

Affordable housing is only affordable if someone else is paying for the occupancy driving around the hospital area. There are tons of mostly subsidized housing not completely 521 Cypress I believe which started out to be a condo project in the 70s but ended up being courtesy coastal Commission a full-blown rental property, which is good for the community however, affordability in rental property does not allow the occupants to accrue any kind of equity which is the submit that holds communities together transitional from rental housing to permanent owned properties is the best thing could possibly happen

I've suggested that the city does an actual housing study rather than just proclaim that there's a crisis having owning a property management company. We have between 70 and 100 applicants, that does not mean they're homeless that are looking but primarily for houses most have pets which precludes them from occupying many properties. The rest of the story on government involvement and why not provide housing for the private sector could go on for hours subsidize housing is preferred by most bureaucrats because

most people that are in subsidized housing will never vote to not continue and increase the subsidies paid by someone else sounds terrible but it's the truth in many cases elderly disabled totally different story you need job jobs. When was the last time the city did anything for jobs? Maybe the brewery waved a lot of the ordinances for that to get in, which is fine just be consistent not just in the downtown district.

agree that the Fort Bragg area has a housing shortage, housing crisis. I don't think so. I mentioned I moved here in 1976 rentals were difficult. I moved into an apartment of three behind a single-family residence at 3:20 5 Pine St. in town. My employer heard of these set it up so I could move in which worked out very nicely for a few years until I was able to move up into larger single-family situation. Those units are still there however, the most frustrating thing that I've been pushing since this blank plan was put into place is the fact that those could not be built again courtesy the 2005 let's call it general plan that we're still working under the one you are working with tonight 25 March driving out Sherwood Road where most of the areas have water and sewer running right by their properties some just sewer which is more required than anything, but the city cannot and exit because of this same general plan you could build hundreds of houses in this area houses which could have an ADU if they wanted Owner occupied most likely but every time a new house opens up and somebody buys it. They move out of where they are. The city has caused this shortage in many respects. They should be accountable for that the other side, of course is the state mandated incentives to get out of the property management or proper of the landlord business by anyone especially single-family Residence Rent control eviction moratorium's prop. 19, You can take that one and thank it for what it is already doing to rental stock.

The out of area or municipal services district apparently needs to be updated. It's been quite a few months now. Hopefully the city is working with Lafco and I'm hopeful that my neighbors out near the end of Cedar Street that have a very failing septic system will be able to hook on the city tower that runs right outside their property on Cedar Street in their lifetime. I'm doubtful the city cannot or will not move fast on Sirius issues. It still will require a general plan amendment the way I see it others may disagree. They want to be able to hook on and then provide an easy ADU situation. Can't do it. Thank you, city,

Dennison Lane Cimolino, Clark , and Stanley brought in city sewer water wasn't available at the time because of a moratorium and it enabled my late wife and I to split off three parcels sell them all have houses I still own the remainder with two units that are rental stock across the street one little property that was not there is not in the city was able to get a sewer connection because a slight portion of it was brought into the city in our annexation Dennis and Lane to Oak Street. There's quite a few homes that were built and sold still exist the Ciolino's and Stanley 's both built homes on their portion and I understand at least one if not more home will be constructed because of that sewer line and I believe waterline too not positive on that. That's just a small example of what could happen if the city had asked as planned when Gary Milliman was city manager all the way out to Monson Lane, many of the neighbors out in that area. Do not want to come into the city for lots of reasons, but I think the bulk of those are not adjacent directly on Sherwood Road or Cedar Street

Common sense. This was one email that sums up what is needed.

Infill exemptions. Grocery outlet? AutoZone plateau Had a question on process and uniformity to all.

Fort Bragg general plan a few notes:

it happened around 2000 when there were three seats open on the Fort Bragg city council Vince Benedetti Dan Gjerde, and Michelle White were voted into office. The remaining councilmembers were Lindy Peters, and Jere Melo. The general plan was in need of update so the process began early on many of us citizens could see that this was not going well we formed a citizens group known as the citizens for Fort Bragg's future to keep an eye on the general plan process we had someone of our group at every single committee meeting and planning or city Council related to the general plan. Marvin Parrish and I were the only two citizens that even knew about let alone attended a meeting when three of the city Council members voted to exclude councilmember Melo from participation in the general plan as his retirement was from Georgia Pacific the owners of the millsite Lindy Peters voted no but this was one of probably hundreds of 3 to 1 votes on various parts of the general plan.

it went downhill from there the general plan that evolved from this process which took many months, and many public meetings was in my opinion designed specifically to take existing authority from the city Council and structure of the general plan so future council members could not vote certain projects or actions without a general plan amendment. They accomplished the task that this letter a little bit of retrospection.

I will refer to prior general plan which would've been the 1982 version which this general plan updated it allowed for example of one of many items that a standard 50 x 150 ft.² lot zone for multiple units could effectively have a triplex or three-unit residential property constructed on it not so in the new plan. The floor area ratios and lot coverages were unreasonable for a municipality that really wanted more housing to be built. The first step the city Council took in this process was to reduce the sphere of influence which is a general planning area that a city such as Fort Bragg would have in place for future planning and for some legal purposes as well this was unheard of for a city to take this action why on earth would they wish to reduce the area over which they had some influence? No good reason except for making it more difficult to annex even if they desire to do so. In the general plan it was specifically added that a residential annexation could not be undertaken unless the annexation was revenue neutral meaning it had to be able to provide for the Lees fire protection that sort of thing. Virtually impossible for a residential annexation and to my knowledge there have been no annexations since this general plan went into effect. That may be incorrect, but none come to mind. The former administration prior to this. Had begun the public process for public meetings and notifications for discussion etc. to NEX from the eastern boundary of Fort Bragg all the way out to Monson Lane adjacent to the city water plant. this was a logical extension for residences for the citizens of the Fort Bragg area as most of the infrastructure water sewer power etc. is and then was in place. If you drive out Sherwood Road and just glance at the open areas make a left on Monson Lane, then turn back west on Cedar Street to the city limits you will see open spaces with the capacity for probably several hundred homes totally ignored in this general plan because to even attempt it would require a general plan amendment let alone an annexation.

One of the other major concerns was that the city Council used to be able to approve a water or sewer connection outside of the city limits of Fort Bragg it was done at the council level not a lot we're done but some specifically for a situation where there was a failed septic system the cities update with this general plan disallowed the city Council being the decision maker on such an issue. If they did wish to pursue such an action once again, they would have to make a general plan amendment before they could even consider it. The eastern portion of Fort Bragg has rather Ohio water table so septic systems are difficult to develop and can't have issues but are not allowed to hook onto the city sewer system in this general plan even if the city sewer is adjacent to the property many people years ago granted easements for both water and sewer lines all over town in a certainly a different time. This one change that I recommend would be good remove the limitations to a specific mapped area of water and sewer

services district but leave it entirely up to the city Council if they're responsible enough to do a general plan and implement and enforce it they are responsible enough to make a decision on a case by case basis that authority was taken from them many of you probably don't know that that's the reason for this letter. On the day that this general plan was approved by the city Council it was unanimously voted on from my recollection and Jere Melo pointed out to me he said something to the effect that if the problems that you mention which there were many proved to be negative to the City of Fort Bragg we can always change them well bless his heart that never happened he also promised after the plan had been in existence for a few years to look at the sewer situation that had progressed to see if there should be some changes to make the city Council wants again able to approve such hook ups for failed septic systems he was killed before that ever happens. And even though the city at least three years ago started on an ordinance or change of the general plan to allow adjacent properties to the city to hook onto water and or sewer it got bogged down in the discussion as they wanted to make sure by contract that any such hook ups would be obligated to provide low income housing I have no idea where this is in the process it was completely dropped I spoke recently to a property owner that would have benefited from this and was involved in the process he also has not heard anything from the city for years.

Paoli, Diana

From: M C <marysellsmendo@gmail.com>
Sent: Tuesday, June 10, 2025 6:20 PM
To: cdd; Paul Clark
Subject: 2nd Public comment for Planning Meeting 6/11/25

Follow Up Flag: Follow up
Flag Status: Completed

Good evening Planning Commission.

My name is Mary Chamberlin, and I live at 19300 Harbor Ave. I am speaking in opposition to the proposed development at 1151 South Main Street until a thorough environmental review is done.

First off, this project, particularly with its height and residential use in a commercial zone, is NOT consistent with the applicable general plan and zoning designations/policies, as required by both 15332 and 15195.

While I understand the need for housing, this project is fundamentally inconsistent with our certified Local Coastal Plan. Our LCP is clear that this area is prioritized for Highway Visitor Use, visitor-serving commercial uses. State housing law does not override the Coastal Act, and approving this project would violate our city's primary coastal protection document. Our LCP has a special legal status regarding projects within the Coastal Zone and these projects MUST be consistent with it. The housing mandates do not simply erase the Coastal Act. Why is this project not subject to a more thorough environmental review? The claim that state law "allows" the build does not exempt the project from analyzing its real-world impacts. A project of this scale will have undeniable impacts for traffic on Main Street and noise levels for surrounding residents. Why has the city not required, at minimum, a traffic impact analysis and a noise study as part of its CEQA review? On what legal grounds is this project considered exempt from this basic due diligence?

Furthermore, I am deeply concerned that neither a traffic or noise study have been required. To approve a project of this density without any data on its impacts on Main Street traffic and neighborhood safety is a failure of due diligence under the California Environmental Quality Act. I formally request that the council send this back to staff and require, at minimum, a professional traffic impact and noise analysis before proceeding.

I urge you to uphold our Local Coastal Plan and demand a proper environmental review. Please do not approve this project as it stands. Thank you.

Mary Chamberlin Realtor®
Luxe Places International Realty
Call/Text: (707)-367-5920
Email: marysellsmendo@gmail.com
CalBRE: 01956270
www.marysellsmendo.com

Paoli, Diana

From: cdd
Sent: Wednesday, June 11, 2025 10:01 AM
To: Peters, Sarah
Cc: Paoli, Diana; Munoz, Cristal; Stump, Valerie; Marie Jones (marie@mariejonesconsulting.com)
Subject: FW: Public comment for planning commission meeting 6/11
Attachments: Letter to Kosh.pdf; 2nd Public comment for Planning Meeting 6/11/25

Hello Planning Commissioners (BCC):
Please see two public comments attached for tonight's public hearing.

Thank you,

Sarah Peters

Assistant Planner | City of Fort Bragg
speters@fortbraggca.gov

From: M C <marysellsmendo@gmail.com>
Sent: Tuesday, June 10, 2025 6:05 PM
To: cdd <cdd@fortbraggca.gov>; Paul Clark <pclark@fortbraggrealty.co>
Subject: Public comment for planning commission meeting 6/11

Paul, I'm including you this time because when I sent this to the city on 3/24 no one respond and it wasn't included.

Paoli, Diana

From: cdd
Sent: Wednesday, June 11, 2025 10:15 AM
To: M C; cdd
Cc: Paul Clark; Paoli, Diana; Munoz, Cristal
Subject: RE: 2nd Public comment for Planning Meeting 6/11/25

Good morning Mary,
Both public comments were received, have been forwarded to Planning Commissioners, and will be included in the agenda packet for the public hearing.

All best,

Sarah Peters
Assistant Planner | City of Fort Bragg
speters@fortbraggca.gov

From: M C <marysellsmendo@gmail.com>
Sent: Wednesday, June 11, 2025 9:16 AM
To: cdd <cdd@fortbraggca.gov>
Cc: Paul Clark <pclark@fortbraggrealty.co>
Subject: Re: 2nd Public comment for Planning Meeting 6/11/25

I also submitted another before this one. Was that received?

Thank you,
Mary

On Wed, Jun 11, 2025 at 8:30 AM cdd <cdd@fortbraggca.gov> wrote:

Ms. Chamberlin,

This email is to confirm receipt of your public comment.

Thank you,

Valerie Stump
Community Development Department

From: M C <marysellsmendo@gmail.com>
Sent: Tuesday, June 10, 2025 6:20 PM
To: cdd <cdd@fortbraggca.gov>; Paul Clark <pclark@fortbraggrealty.co>
Subject: 2nd Public comment for Planning Meeting 6/11/25

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I urge you to uphold our Local Coastal Plan and demand a proper environmental review. Please do not approve this project as it stands. Thank you.

Mary Chamberlin Realtor®
Luxe Places International Realty
Call/Text: (707)-367-5920
Email: marysellsmendo@gmail.com

Dear Kosh,

My name is Mary Chamberlin. I've worked as a local realtor here on the Mendocino Coast for over 10 years. I have a very keen understanding of market value. I also live at 19300 Harbor Ave. For the record, I am not adamantly against your proposed development. Am I thrilled it will be right outside my front door? Not at all, but I am satisfied with knowing that a reputable company is investing in the long-term housing shortage issues our town has hurdled for decades. That being said, I want to share two thoughts on how to improve your overall value in your development, and improve traffic safety/congestion. While reading my two suggestions below, please refer to my extremely poor sketch on page two.

Regarding layout of development on parcel :

My first thought when I reviewed the building plans was, why would you put the parking lot in between the buildings and the view of the ocean? I believe you would increase the long-term value of your investment by putting the buildings against Harbor Avenue and the parking lot mostly on frontage Road.

1. This would eliminate a parking lot view with the ocean view. In turn this would increase your overall value for the development.
2. With that being said, this would also benefit myself and the rest of the neighbors on Harbor as we would not have a parking lot directly across from our front doors, which would negatively impact the equity in our homes.
3. Relocating the parking lot onto Frontage Road side would also lower overall noise and vehicle lights from the parking lot, and any light pollution from the parking lot.
4. I also believe this would remove the condition for the wall barrier between the parking lot and Harbor Avenue.

Regarding ingress and egress with the parcel:

I believe it would be much safer for all residents in the area if there was a one-way entry into the apartments from Frontage Road and a one-way exit from the apartments onto Harbor Avenue. I believe this would create a more uniform traffic pattern that would help ease congestion at the Ocean View Drive and Highway one intersection.

I greatly appreciate any consideration with my recommendations. Thank you very much.

Mary Chamberlin

N ↑

Harbor Ave

1

2

3

4

5

6

7

ENTRY ONLY

Parking Lot

Parking Lot

Frontage Rd

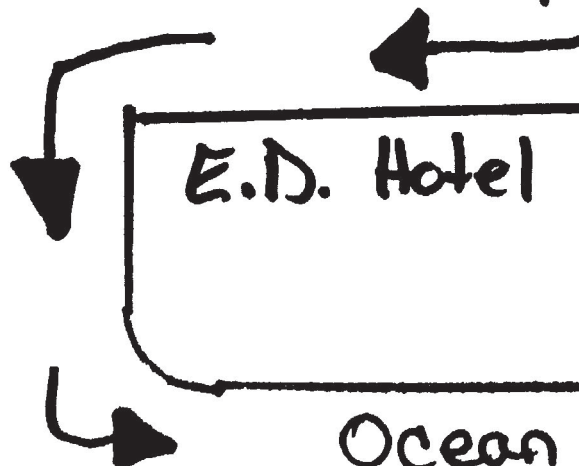
HWY 1

EXIT ONLY

E.D. Hotel

Ocean View Dr.

S ↓



Paoli, Diana

From: Paul Clark <pclark@fortbraggrealty.co>
Sent: Wednesday, June 11, 2025 10:42 AM
To: cdd
Cc: Paul Clark; cmar@mcn.org; Colin Morrow
Subject: Planning Commission 06112025 Item 6A
Attachments: 1151.pdf

Comment 3

I submit that the density bonus incentives the city council gave to this project was and is not appropriate. This is not and can not be a residential multifamily development. It must be a commercial development with a subordinate residential component. And as such these incentives are not properly done. Further I believe the project would need a variance for the FAR ratios to be exceeded. I do not believe the city council gave them this variance, and if so it was not warranted based on the above.

Paul Clark



AGENCY: City Council
MEETING DATE: Nov 12, 2024
DEPARTMENT: Community Development
PRESENTED BY: Marie Jones Consulting
EMAIL ADDRESS: marie@mariejonesconsulting.com

AGENDA ITEM SUMMARY

TITLE: 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

ISSUE:

In September of 2024 the City received an application for a 53-unit market rate housing project proposed for 1151 South Main Street. The City has been working with the applicant to address and resolve a variety of items on the project and the Planning and Public Works review of the application is nearly complete. At this time, the remaining outstanding issue for the project is stormwater management.

Until recently, MJC understood that the City's Inclusionary Housing Ordinance did not apply to rental projects due to the 2009 Palmer appeals court decision. As noted in the Inclusionary Housing in Lieu Fee staff report, presented to the City Council on October 28, 2024, subsequent state law and court cases re-established inclusionary housing as a planning tool in 2017. The applicant was notified as soon as this error was discovered, and the applicant was asked to submit a request for incentives for City Council's consideration. The applicant subsequently submitted the attached request for incentives (Attachment 1).

ANALYSIS:

The inclusionary housing ordinance implements 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 the Coastal Land Use and Development Code (CLUDC), section 17.32.040 developments of greater than 7 units "must construct 15 percent of all new dwelling units in a residential development as affordable units."

Additionally, in recognition that the inclusionary housing requirement reduces the profitability and therefore the feasibility of a project the ordinance includes a mechanism by which the City Council can "pre-approve" planning incentives prior to submittal of the final permit application and consideration of the project by the Planning Commission and City Council, see CLUDC section 17.32.070 below:

17.32.070 - Inclusionary Housing Incentives

A. Process for describing incentives. A residential development that complies with the inclusionary housing requirements in Subsection 17.32.040.A. (Number of units required), through the actual construction of inclusionary units, shall be entitled to the following procedures and incentives.

1. Voluntary conceptual preliminary approval of incentives.

AGENDA ITEM NO. _____

Paoli, Diana

From: Hamid Zarrabi <hamkath40@yahoo.com>
Sent: Wednesday, June 11, 2025 10:24 AM
To: cdd
Cc: HAMID ZARRABI
Subject: Planning Commission meeting June 11, 2025

Follow Up Flag: Follow up
Flag Status: Completed

Comments regarding Planning Commission meeting 6/11/2025. Project at 1151 South Main St.

Dear Council members,

First of all I must ask all of you not to ignore all the public comments and requests that were made in the past, being made now and in the future regarding this project. You did so before and that is why we are here again.

I will start my comments and request by reminding everyone and saying this property is still zoned commercial so all the regulations set forth should apply to all the project and not just in parts. The applicant is now requesting a mixed residential and commercial use. If so, then all the 7 individual buildings should include a commercial space and not just one. If these spaces are to be motel/hotel then all regulations such as operations, staffing and parking requirements for such business should apply.

The lack of necessary noise analysis issue generated by this complex still exists. By saying "one car door slamming in the parking lot is not bad" is not enough. The amount of noise generated by this complex goes way beyond that. The applicant might not realize it but this will have an effect on his business next door. A proper and professional analysis needs to be done.

The applicant is basically stating that he needs to increase the building height from 28 feet to 38 feet in order for his business to be profitable. The city has PRE APPROVED the height increase which is against the already established regulations. At all the previous public hearings regarding this project the issue was opposed several times by the public but ignored by the council members. And, now it is being opposed again. It is shameful to say the city of Fort Bragg is putting the applicants profitability over its citizens request. It looks to me like someone did not do a proper business analysis before going forward with establishing the business.

Another issue that has not been properly addressed is auto and pedestrian traffic that will effect all the surrounding areas and not just the so called "Unnamed Road". Your contractor never mentions Harbor Avenue which will be most effected because of the parking lot location. There should be a proper and official traffic study done for this project and not just here say as it's been done by your contractor over and over again.

Thanks
Hamid Zarrabi

- P.C

Submitted 11 June 2025. Received by _____

1. Storm drain at Ocean View & Harbor Avenue is plugged from catchment basin through entire length of outflow pipe.
 - a) City staff abandoned responsibility for maintaining the storm drain.
 - b) As a result, I get 20-30gpm of gutter water flowing between my house and garage.
 - c) The city has failed to respond to Underground Search Associates (USA) alerts for utility/construction activity in this area.
2. Applicant has stated they will monitor the re-charge ponds.
 - a) What is the monitoring schedule (Daily, Weekly, Monthly, Semi-annual, Annual) ?
 - b) What contaminants will be monitored?
 - c) When the storm drain at Ocean View & Harbor Avenue fails, where will the re-charge pond overflow be diverted to?
 - d) Where will the recharge pond monitoring results be published, or How will local residents be notified?
 - e) Where will the monitoring sites be located?
 - f) Who is responsible for remediation of water source when recharge overflow contaminates ground water?
 - g) Overflow from recharge ponds should be channeled through underground closed culvert, north to the Pomo Bluffs Park. This will contain all contaminated overflow until it can be safely discharged over the bluff or to a pond in the Noyo Bluffs Park.
3. Light pollution:
 - a) Applicant currently has area lighting that fails "downcast" requirements. Raw light extends 100-500 feet from source all night.
 - b) Applicant should be held to standards for downcast lighting fixtures.
4. Three story structures in this location are totally out of nature for all structures on Todd's Point.
 - a) Three (3) stories is invasive to the privacy of local residents.
 - b) Three stories will dominate the skyline which now is basically unobstructed over residences on Todd's Point.
 - c) Intent to keep the area west of Highway One as a View Corridor is violated by these three stories.
5. **There is no rule, regulation, statute or law that requires this body to**

callously endanger lives of citizens or visitors to Fort Bragg. The intersection at Ocean View & Harbor Avenue is a blind intersection. This intersection is blocked by applicants' hedgerow to the East, and is further obscured by an "S"-shaped approach from Highway One. With this project, there is no way to make this intersection safe.

- a) The increase in traffic from this project, coupled with students and staff related to the college, and the congestion from school busses at the Frontage Road and Ocean View will most certainly cost lives.
- b) A copy of these comments will be available to family insurance companies concerned with injury and/or death, by virtual "Freedom of Information" act.
- c) School busses backing out of this intersection are subject to particular danger involving children of families in the project and elsewhere in Fort Bragg Unified School District boundaries.
- d) A new traffic study needs to be completed during normal college class schedule, Holiday traffic peaks, and early morning / late afternoon sun-blinding events.
- e) Routing the school bus through the entrance to the RV park / Outlet store is extremely dangerous due to the excessive slope encountered while completing a right hand then left hand turn on a steep driveway.
- f) The Ocean View / Frontage Road intersection allows only 50' to merge in to congested traffic pattern, which is extremely dangerous for any school bus picking up or delivering children. A school bus will have to approach the intersection through another "S-curve, Stop, and then turn left with only 50' to the traffic light limit / crosswalk line. A school bus length is greater than the traffic lane on Ocean View, which would then block ALL right hand, left hand, and through-traffic on west-bound Ocean View.

Dewey/305_grps/20250611

Submitted by Guy Burnett
19200 HARBOR AVE
Fort Bragg CA.
95437
707 961-1614

Paoli, Diana

From: Colin Morrow <cmorrow@vmm-law.com>
Sent: Wednesday, June 11, 2025 3:56 PM
To: cdd; Paoli, Diana
Subject: Public Comment Re 6/11/25 Planning Comission Agenda Item 6(A)
Attachments: 250611_Public_Comment_Ltr.pdf

Greeting:

Please find a public comment attached concerning the above-referenced item.

Thank you,
Colin

--

Colin W. Morrow
Vannucci Momsen Morrow
An Association of Sole Practitioners
P.O. Box 1214
Mendocino, CA 95460
Phone: 707-380-1070
Email: cmorrow@vmm-law.com

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VANNUCCI MOMSEN MORROW

Attorneys at Law
An Association of Sole Practitioners

Philip M. Vannucci
Brian S. Momsen
The Hofman Building
308 S School St.
Ukiah, CA 95482
Phone: 707.462.0900
Email: pvannucci@vmm-law.com
Email: bmomsen@vmm-law.com

Colin W. Morrow
The Penny Farthing Building
45060 Ukiah St., Ste. A
P.O. Box 1214
Mendocino, CA 95460
Phone: 707.380.1070
Email: cmorrow@vmm-law.com

June 11, 2025

VIA EMAIL

Planning Commission
City of Fort Bragg
Community Development Department
416 N. Franklin St.
Fort Bragg, CA 95437
(cdd@fortbragg.com)
(dpaoli@fortbragg.com)

Re: Public Comment Concerning the Planning Commission's Review of
Agenda Item 6(A) on the June 11, 2025, Agenda, Concerning 1151
South Main Street in Fort Bragg, California

Honorable Planning Commission Members:

I represent Paul Clark, and I write on his behalf in opposition to the approvals sought concerning a proposed wall of residential apartments between scenic Highway One and the coast. Such a barrier of bedrooms is fundamentally incompatible with the California Environmental Quality Act ("CEQA"), the City of Fort Bragg's general plan, and the Coastal Act. The applicant and City have tacitly acknowledged that when this project previously came before the City, it was improperly approved with a blind eye toward significant Coastal Act considerations. This tacit acknowledgement came in the form of the applicant returning to the City for approval of an amended project rather than attempt to defend a woefully defective approval before the Coastal Commission. Though the applicant has offered some inadequate remedies to the Coastal Act issue, this Commission must also revisit the CEQA and general plan issues, which compel denial of the project.

The Project Is Not Exempt From CEQA

The applicant and City rely upon two CEQA exemptions, neither of which apply. The first of these is the so-called "in-fill development projects" exception. (Cal. Code Regs. Tit. 14, § 15332.) This exception does not apply because the project is not "consistent with the applicable general plan designation and all applicable general plan

policies as well as with applicable zoning designation and regulations” insofar as the subject real property was zoned in conformity with the City of Fort Bragg’s General Plan to only have “[r]esidential uses . . . above the ground floor or on the ground floor at the rear of buildings, (General Plan, Part 2(G)). This requirement was ignored. Moreover, approval of that many residential units is likely to add major traffic issues—including vehicle miles driven, additional greenhouse gas emissions from idling in congested traffic, and added noise in proximity to sensitive noise receptors—which would also render the exception inapplicable. Two sensitive noise receptor locations are identified in the map attached hereto as Exhibit A, which is excerpted from the City of Fort Bragg’s general plan. What little mention of noise is present in the staff report is wholly conclusory, with no statements of actual studies or fieldwork having been performed.

The second of these is the so-called “in-fill housing development” exemption. This exception does not apply because—at a minimum—the project is not within one-half mile of a major transit stop. A “major transit stop” is defined as “a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.” I have investigated this, and the cited transit stop in the staff report is only served by one bus route, and the frequency of that bus route is insufficient to qualify as a major transit stop. The relevant local transit authority website materials on point are attached hereto as Exhibit B. The staff report does nothing to explain that the project is near a “major transit stop,” it merely states as much in a wholly conclusory off-hand remark.

Regardless, “a finding of categorical exemption cannot be sustained if there is a ‘fair argument’ based on substantial evidence that the project will have significant environmental impacts, even where the agency is presented with substantial evidence to the contrary.” (*Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 262, fn. 12.) “This unusual ‘fair argument’ standard of review over a public agency’s decision has been characterized as setting a ‘low threshold requirement for initial preparation of an EIR and reflects a preference for resolving doubts in favor of environmental review when the question is whether any such review is warranted.’” (*Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358, 370 quoting *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1316–1317.)

At a minimum, a fair argument can be made that the project is likely to have significant and important effects including vehicle miles driven, additional greenhouse gas emissions from idling in congested traffic, and added noise in proximity to noise sensitive locations.

The Project Is Inconsistent with the General Plan

“[T]he propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements.” (*Orange*

Citizens for Parks & Recreation v. Superior Court (2016) 2 Cal.5th 141, 153.) “A zoning ordinance that conflicts with a general plan is invalid at the time it is passed.” (*Ibid.*). “An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.” (*Ibid.*) “Because of its broad scope, long-range perspective, and primacy over subsidiary land use decisions, the general plan has been aptly described as the constitution for all future developments within the city or county.” (*Id.* at p. 152.)

General plan consistency at this site is key because the subject real property is located at *the* central arterial in-route to Fort Bragg, directly where visitors from either San Francisco (traveling north via Highways 101 or 1) or the Central/Sacramento Valley (traveling west via Highway 20) enter Fort Bragg.

“The mission of [Fort Bragg’s] Coastal General Plan is to preserve and enhance the small town character and natural beauty that make the City a place where people want to live and visit, and to improve the economic diversity of the City to ensure that it has a strong and resilient economy which supports its residents.” (General Plan, Part 1(D).) This project does the opposite. It creates a homogenous monolith of apartments that undermine the small-town character of Fort Bragg, perpetuates the City’s drift toward a bedroom community, and physically obstructs highway visitors’ views of both the coastline and coastal access.

The mission and vision of Fort Bragg is of “[a] city which seeks to preserve its natural beauty and provide access to the scenic and recreational resources of its natural setting.” (*Ibid.*) Nevertheless, the project obstructs natural beauty as mentioned above. The mission and vision of Fort Bragg is as “[a] city that embraces its role as the primary commercial and service center on the Mendocino coast.” (*Ibid.*) Nevertheless, this project sacrifices real property that was expressly allocated for visitor serving commercial facilities to insular bedroom units. The mission and vision of Fort Bragg is “[a] city which promotes itself as a tourist destination and which provides the necessary infrastructure and services to support a growing population of transient visitors.” (*Ibid.*) Nevertheless, this project rebuffs transient visitors in favor of cloistered bedrooms.

“Highway Visitor Commercial”—as the subject property is zoned—is specifically designated by Fort Bragg’s Coastal General Plan as follows:

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 buildings¹ at a maximum density of up to 24

¹ The choice to use—and approval of—ground floor spaces as residential facilities is a fundamental defect in the project. Moreover, the use of the ground floor for commercial

units per acre with a conditional use permit.

(General Plan, Part 2(G); see also Fort Bragg Municipal Code 17.22.030, subd. (C)(5)(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*;" (emphasis added)].)

Paired with this, it is a goal of the local coastal plan to "[m]aximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principles and the constitutionally protected rights of property owners." (General Plan, Goal LU-5.0) Local Coastal Plan policies include that the City of Fort Bragg should "[c]ontinue to provide for and encourage additional visitor-serving commercial facilities," (General Plan, Policy LU-5.1,) and "[e]nsure that there are adequate sites for visitor-serving land uses by: a) Maintaining existing areas designated for Highway-Visitor Commercial uses; b) Maintaining the Highway Visitor Commercial land use designation as one allowing primarily recreational and visitor-serving uses; and c) Reserving adequate infrastructure capacity to accommodate existing, authorized, and probable visitor serving uses," (General Plan, Policy LU-5.2)

It is a policy of the local coastal plan to "[e]ncourage the development of residential uses *in conjunction with commercial enterprises in commercial zones*, where the viability of the commercial activities and visitor-serving uses would not be adversely affected." (General Plan, Policy H-2.2 (emphasis added).)

This project, however, sacrifices all these general plan priorities for dense, urban, and privately held residential units wholly contrary to these general plan priorities. The proper use of the space as a welcoming area for visitor serving facilities—rather than a private wall on the water—is underlined by the zoning. As you can see from the zoning map attached hereto as Exhibit C, this gateway lot is zoned Highway serving commercial, and the residential core is intended to be in the town center and to the east of the highway. This project is the opposite.

The Project Is Inconsistent With the Coastal Act

The policies of the Coastal Act prioritize that "maximum access, . . . and recreational opportunities shall be provided for all the people consistent with public safety needs" (Pub. Res. Code § 30210.) "Development shall not interfere with the public's right of access to the sea" (*Id.* at § 30211.) "Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided.

use would not make the project unfeasible because the City's planner explained at hearing that the applicant had initially been "perfectly happy" with a 56 residential unit project. (Hearing Video, available at <https://www.city.fortbragg.com/government/city-council/council-meeting-live-stream>.) The applicant could still have 56 units with the ground floors committed to visitor serving commercial uses.

Developments providing public recreational opportunities are preferred.” (*Id.* at § 30213.) “Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.” (*Id.* at § 30221.) “The use of private lands suitable for visitor-serving 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.” (*Id.* at § 30222.)

These policies embrace—and specifically articulate—the paramount value of coastal access and visitor serving facilities. “[A] core principle of the Act is to maximize public access to and along the coast as well as recreational opportunities in the coastal zone.” (*San Diego Unified Port Dist. v. California Coastal Com.* (2018) 27 Cal.App.5th 1111, 1129.)

The Density Bonus Law “does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976.” (Gov. Code § 65915.)

Here, however, this project will defeat these aims. It will hijack a substantial 2.6 acre tract of land that is particularly situated to serve—and designated by prior conscious zoning for—visitor serving commercial facilities. Having a three story wall of private bedrooms also creates a visual barrier to coastal access contrary to Public Resources Code section 30251. Although the area is not labeled as a highly scenic viewshed, the ocean is clearly visible from Highway 1 through the lot, and this view (and notice to the public) of coastal access would be destroyed.

The applicant’s very minor changes in relation to coastal access do little to change the project’s flaws. As to the pedestrian path and signage, this is not a pedestrian focused area—it is a vehicle focused area—there is nothing to suggest signs will be visible to cars or that cars will have anywhere to park to use the pedestrian path. A major issue that is not addressed by any of the very minor concessions is that visual notice of public coastal facilities will be walled off from drivers by this project.

Traffic Considerations Compel Denial

The project is situated upon an arterial roadway that brings Fort Bragg most of its visitors.

Fort Bragg is built along Highway One which is also called Main Street within the City. Highway One is the only continuous north-south road serving the north coast of Mendocino County, providing a local transportation corridor for many communities and the primary access route for visitors. Traffic volumes on this roadway have increased steadily over the years.

(General Plan, 5-C.)

The primary intersection serving the project is Ocean View Drive and Highway 1. The City's own prior analysis has concluded that even prior to this project, the level of service at this intersection was in decline. (General Plan, Table C-3.)

Numerous local coastal plan policies focus on the importance of traffic considerations. It is a policy to "[e]nsure that the amount and phasing of development can be adequately served by transportation facilities." (General Plan, Policy C-21.) To service this policy, the City Council is to "[r]eview development proposals for their direct and cumulative effects on roadway Level of Service standards. During the development review process, City staff will determine whether traffic studies need to be carried out and the scope of such studies. (General Plan, Program C-1.2.1.) The City is to "provide consistent standards for the City's street system." (General Plan, Policy C-2.4.)


The local coastal plan is clear that "[t]raffic studies shall be required for all major development proposals, including but not limited to, drive-through facilities, fast food outlets, convenience markets, major tourist accommodations, shopping centers, commercial development, residential subdivisions, and other generators of high traffic volumes that would affect a Level of Service. Traffic studies shall identify, at a minimum: (a) the amount of traffic to be added to the street system by the proposed development; (b) other known and foreseeable projects and their effects on the street system; (c) the direct, indirect, and cumulative adverse impacts of project traffic on street system operations, safety, and public access to the coast; (d) mitigation measures necessary to provide for project traffic while maintaining City Level of Service standards; (e) the responsibility of the developer to provide improvements; and (f) the timing of all improvements." (General Plan, Policy C-2.6.) These requirements are further in accord with—and parallel—the policy objectives of the Coastal Act.

Nevertheless, no traffic study has been required, and the City wholly—and improperly—delegated what scant mention of traffic there is to CalTrans, who declined to do a traffic study.

Conclusion

For the foregoing reasons, we respectfully pray that this honorable Planning Commission deny the submitted project as woefully defective.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Colin W. Morrow', with a long horizontal flourish extending to the right.

Colin W. Morrow

EXHIBIT A

Map N-1 Sensitive Noise Receptors

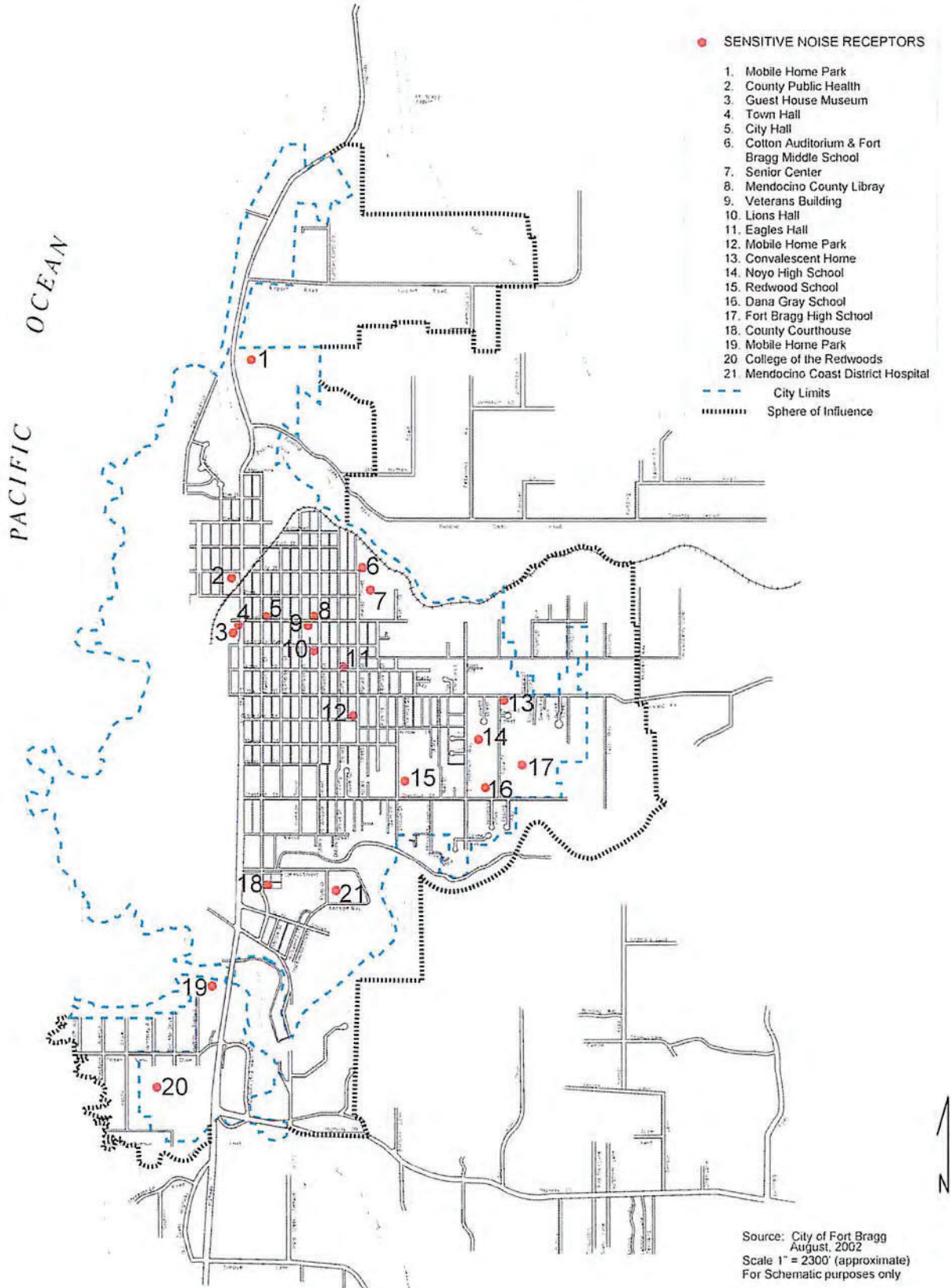


EXHIBIT B

System Alert: [Route 65 CC Rider Schedule Connect with North State Express](#)

1-800-696-4MTA

En español

PLAN YOUR TRIP**Start**

Address, placename, or intersection

End

Address, placename, or intersection

When

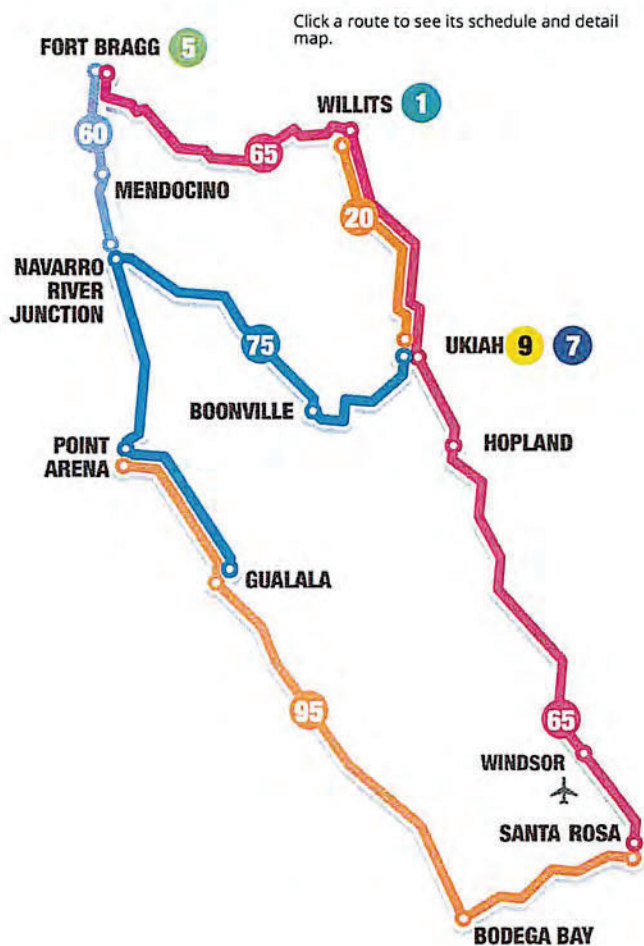
Leave at 6/11/2025 11:36 AM

Get Directions

Get Directions

[More about transit in Google Maps and on your mobile phone.](#)**Service Alerts****New Stop Alert!**[Route 65 CC Rider Schedule Connect with North State Express — Now Connects Monday – Saturday —](#)[When severe weather events impact Mendocino County 2024](#)[West Road and Highway 101 Bus Stop Relocation](#)**News**[All New Electric Bus Serving Ukiah](#)[Willits Community Workshop — Haehl Creek Village](#)[Ukiah Transit Center and Short-Range Transit Development Plan \(SRTDP\) – Project Update](#)[Four Northern California transit agencies join forces to buy contactless open-loop fare payment systems off of California's purchasing agreements](#)[Public Transit a Safe Way to Travel During the COVID-19 Pandemic](#)[When a Ukiah Dialysis Clinic Lost Power, MTA Transport Was Critical](#)[Two Customers Cite MTA's New Dial-A-Ride for Better Service](#)[MTA Offers Travel Training](#)[With Gas Prices Sky-High, It Pays to Take the Bus](#)[Six Top Hike/Bike Adventures, No Car Needed](#)**Board Meetings**

MTA Regular Board Meeting- May 28, 2025



[Cancelled Regular Board Meeting - April 30, 2025](#)[MTA Regular Board Meeting- March 26, 2025](#)[Sign up for Service Alerts](#)[Subscribe](#)**MTA SERVICE INFORMATION**[Maps & Schedules](#)[Fares](#)[How to Ride](#)[Holidays](#)[Accessibility](#)**OTHER SERVICES**[Dial-A-Ride](#)[Summer Youth Pass](#)[Connecting Services](#)[App Center](#)[Developer Data](#)**AGENCY INFORMATION**[About MTA](#)[MTA Careers](#)[Inside MTA](#)[Related Organizations](#)[Contact](#)[MTA Customer Service](#)[Advertising](#)[Board of Directors](#)[Board Meetings](#)[Planning Documents](#)[Title VI Program](#)[Enterprise System Catalog](#)[Procurements](#)

Mendocino County, California. MTA's service area encompasses about 2,800 square miles including the Mendocino Coast and Inland communities. The transit system includes a network of long distance, commute and local fixed routes, plus Dial-A-Ride services in Ukiah and Ft. Bragg. MTA provides service throughout the county, including the communities of Albion, Anchor Bay, Bodega, Bodega Bay, Boonville, Calpella, Caspar, Elk, Fort Bragg, Fort Ross, Freestone, Gualala, Hopland, Jenner, Manchester, Mendocino, Navarro, Philo, Point Arena, Redwood Valley, Santa Rosa, Sea Ranch, Stewarts Point, Ukiah, Willits, and Windsor.

[Site Credits](#)

System Alert: [Route 65 CC Rider Schedule Connect with North State Express](#)

1-800-696-4MTA

The Coaster

The Coaster Northbound Weekday

Stop	Run #1	Run #2	Run #3	Run #4
Navarro River Junction	8:55am	—	—	4:50pm
Albion Store	9:05am	—	—	5:00pm
The Woods	9:15am	12:30pm	3:45pm	5:10pm
Little River Market	9:20am	12:35pm	3:50pm	5:15pm
Little Lake St & Kasten St	9:25am	12:40pm	3:55pm	5:20pm
Main St & Lansing St	9:30am	12:45pm	4:00pm	5:25pm
Caspar Beach	9:36am	12:51pm	4:06pm	5:31pm
Caspar	9:42am	12:57pm	4:12pm	5:37pm
Mendocino College Coast Center	9:47amRR	1:02pmRR	4:17pmRR	5:42pmRR
Boatyard Drive	9:48am	1:03pm	4:18pm	5:43pm

[Site Credits](#)

System Alert: [Route 65 CC Rider Schedule Connect with North State Express](#)

1-800-696-4MTA

11/11/2025

11/11/2025

The Coaster Southbound Weekday

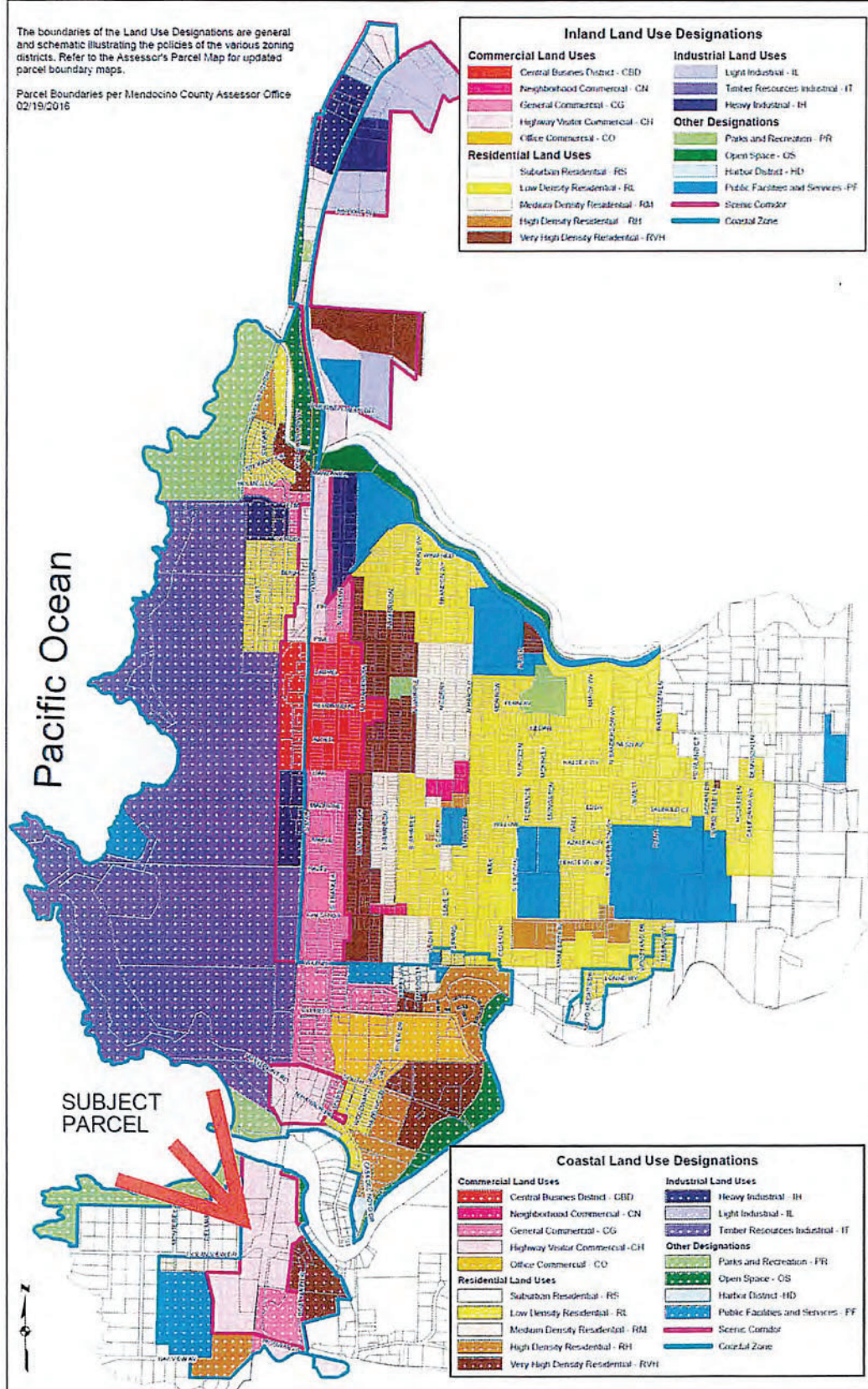
Stop	Run #1	Run #2	Run #3	Run #4
Boatyard Drive	7:40am	11:57am	2:57pm	3:57pm
Caspar	7:45am	12:03pm	3:03pm	4:03pm
Caspar Beach	—	12:09pm	3:09pm	4:09pm
St. Anthony's Church	7:55am	12:19pm	3:19pm	4:19pm
Little Lake Rd & Gurley Ln	8:00am	—	3:27pm	—
Little Lake St & Kasten St	8:05am	12:20pm	3:32pm	4:20pm
Main St & Lansing St	8:15am	—	—	4:25pm
Little River Market	8:20am	12:25pm	3:37pm	4:30pm
The Woods	8:25am	12:30pm	3:45pm	4:35pm
Albion Store	8:35am	—	—	4:40pm
Navarro River Junction	8:45am	—	—	4:50pm

[Site Credits](#)

EXHIBIT C

The boundaries of the Land Use Designations are general and schematic illustrating the policies of the various zoning districts. Refer to the Assessor's Parcel Map for updated parcel boundary maps.

Parcel Boundaries per Mendocino County Assessor Office 02/19/2016



From: [Jacob Patterson](#)
To: [cdd; City Clerk](#)
Cc: [Whippy, Isaac](#); pclark@fortbraggrealty.co; marysellsmendo@gmail.com
Subject: Additional Written Public Comment for Proposed Todd's Point Housing Complex
Date: Monday, June 16, 2025 5:27:15 PM

Planning Commission,

I want to retract a portion of my oral comments at the 6/11/25 meeting where I stated that I thought this project was exempt from CEQA but still requires noise and traffic and transportation safety analyses. Now that I have read the letter from Colin Morrow, I agree with his analysis that the two categorical exemptions Marie tried to rely on for this project are not actually applicable for the same reasons that Colin outlined in the letter he submitted. This project requires a CEQA review and one has not been prepared. That shouldn't be surprising since this one of the most significant proposed developments in the City of Fort Bragg since the Glass Beach subdivision back in the 1990s. If a project this significant is exempt, why wouldn't every project be exempt? Don't forget that the default for all projects is a proper CEQA review (e.g., IS/MND or EIR) not an exemption from further review.

It is telling that the last project proposed at this location, the AutoZone in 2019, didn't attempt to rely on a categorical exemption, including the same in-fill exemption Colin analyzed and correctly determined was not applicable to this project. The project size is within the requirements for the infill exemption and it is surrounded by existing development but the fatal flaw is the lack of consistency with the Coastal General Plan, not just the land use district but specific policies mentioned in other comments (e.g., the requirement for a traffic and transportation analysis comes from a CGP policy as do the noise exposure thresholds and noise study). Just like the AutoZone proposal, this project requires a CEQA review. In that case, they determined an IS/MND was adequate rather than a full EIR. It is clear to me that at least an IS/MND is required but it is possible this would require a full EIR just like the nearby Grocery Outlet project did. The infill housing exemption can't apply anywhere in Fort Bragg because we don't have any qualifying transit stops, let alone one within the prescribed distance from the project site.

Normally, the Planning Commission should be able to rely on the adequacy of the staff and legal work but reliance in this case would be misplaced. As I mentioned, if you follow the staff recommendation regarding CEQA and regarding approving the entitlements, all you are doing is setting up what is likely to be a successful appeal to the Coastal Commission and/or a successful legal challenge.

Please take caution. Unlike the other commenters who appear opposed to this project, I am not opposed. In fact, I welcome more housing to Fort Bragg. What I am opposed to, however, is sloppy and deficient planning. Unfortunately, that is what we have for this project. If you want to see additional housing in Fort Bragg and in this location, you should refuse to approve this project and direct staff to perform the necessary analysis and to work with the applicant to adjust the project proposal to make it fully consistent with the Coastal General Plan and CLUDC.

Regards,

--Jacob

Paoli, Diana

From: Annemarie <aweibel@mcn.org>
Sent: Wednesday, June 18, 2025 1:16 AM
To: Paoli, Diana
Subject: public comments planning commission 6-18-25 for Proposed Todd"s Point Housing Complex item 6a
Attachments: CDP 8-24.pdf; Fort Bragg View Corridor_04.14.17.2.pdf; 1151 S. Main Site Plan_ Retail A + B 06.01.17.pdf

Dear Commissioners,

Please deny this project. It should have included an MND, or an EIR.

I was involved when a project for Auto Zone was proposed for that site.
Luckily that did not happen.

I am resubmitting what I submitted on 3-21-2025: Technical Comments regarding the CDP 8-24, Design Review, Use Permit, and Sign Permit for multifamily rentals at 1151 South Main Street

I know since then there were appeals. I received a notice from the Coastal Commission, but it seems that the developer instead prefers to make a few changes than deal with the Coastal Commission.

I was not able to attend the meeting on the 11th, but was glad to find out that you did not vote on it.

I have read all the public comments and agree with everyone that this project needs to be denied. I am unfortunately not able to attend again.

Please deny this project.

Sincerely, Annemarie Weibel

Technical Comments regarding the CDP 8-24, Design Review, Use Permit, and Sign Permit for multifamily rentals at 1151 South Main Street

I am opposed to this growth inducing, high rise development at the gateway to Fort Bragg with many unresolved cumulative impacts. It would be precedent setting for the mill site and other developments. We already have the North Cliff Hotel!

Inaccurate Description of the Project Site: The staff report on page 4 refers to North Harbor Drive which is not in the project site. And on page 9 Harbor Road was mentioned instead of Harbor Avenue. Nor is Kemppe Way anywhere close by.

It is inaccurate for the City to indicate that "the City has determined that the development incentives requested will not have any adverse effects on coastal resources." This development with construction vehicles and renter's vehicles would access the site via Highway 1, which may likely have potentially significant impacts on public access, recreational, and other Coastal Act high priority traffic use of Highway 1 in the area. Ocean View Drive serves as the only public street, shown on the certified LCP land use map, that connects the public, visitor-serving, and private developed uses on Todd's Point with Highway 1. Establishment by the City of an alternative public street to connect Todd's Point with Highway 1 would require the City to analyze the potentially significant environmental, coastal resource, and public access-recreational impacts of any such alternative road, and the changes in the kinds and intensities of use it may likely entail, as part of this project and amend the certified LCP (e.g., land use and zoning maps) to specify the location and capacities of such an alternative street, before acting on the CDP. There was no traffic analysis done for this project, neither for the Auto Zone and potential Dollar Store. The Auto Zone project relied on a faulty traffic analysis done for the Hare Creek mall and the Auto Zone project relied on it. Citizens for Appropriate Coastal Developments (CACLU) pointed out that that the Traffic Study was faulty (not done on a holiday, 4th of July, Salmon BBQ for example and also done while local schools and the college were not in session). We did our own Traffic Study and submitted our results in our appeal of the Mitigated Negative Declaration (MND), and/or in our response to the Draft Environmental Impact Report (DEIR). The Hare Creek Commercial Center Project Traffic Impact Study was collected in August 2013, which is more than twelve years ago and needs to be redone. According to Michael Baker International's Traffic Study memo from 12-23-2016 "Traffic studies do have a limited "life", and updates to the data and analysis may be necessary to satisfy AHJ requirements."

It is inaccurate for the City to mention that this project will have no impact on a special community or neighborhood.

There needs to be an area reserved where **during construction** machinery and vehicles can be hosed off in order not to spread oil and invasive plants on site. No information was given how to eliminate/reduce problems during construction (air pollution, noise, hazardous contamination, dust, traffic, etc.)

Vague Description of the Project Site: To propose a gift shop for this development is ridiculous. What people need especially in an emergency are matches, candles, batteries, toilet paper, water, basic food items, basic drug store items, etc. There are enough gift shops in Fort Bragg for the wealthy people and tourists.

Incomplete and/or Inaccurate Description of Existing Conditions: The project site is within the area reported to be utilized by white-tailed kites (*Elanus leucurus*), a California fully protected native raptor

species. LCP land use plan Policy OS-5.1 requires the preservation of this species and its habitat. We know that a bird survey will be done before commencing the work, but the mandated biological evaluation was not talking about any California fully protected native raptor species. See Code Section D and Code section c, In-Fill). In-Fill projects are mandated to consider biological resources. If the 2018 and 2024 biological studies did not include the white-tailed kites then another survey needs to be done before the City Council approves the project. Eliminating well established native trees also helps eliminate the animal species that live close to these trees. Policies CD-1.11, OS-5.1, and OS-5.2 all indicate the importance of minimizing removal of natural vegetation, but the recommendation by CDFW is too vague, as is Policy CD-1.11 that mentions "to the extent feasible". The staff reports lists at least six trees will be removed. Being successful with new trees in this harsh, salty, and windy environment is not easy and takes a long time. Why have the four trees not been identified? Will they only be retained if they are Bishop pine trees? See Audubon bird count from 12-30-2023 where 12 white-tailed kites were seen in Fort Bragg: <https://ebird.org/tripreport/173997>.

What impact on wildlife will this development have? A partial list includes great blue herons, wild turkey, geese, hares, skunks, opossums, raccoons, about 15 deer, coyotes, frogs, salamanders, snakes, lizards, gophers, mice, osprey, owls, red-tailed hawks, turkey vultures, woodpecker, robins, meadowlarks, flickers chickadees, Stellar's jays, hummingbirds, swallows, finches, wrens, gulls, ravens, peregrine falcons, egrets, and white-tailed kites. A heard of deer have been grazing in the Todd Point area for years. Construction and resultant increase in traffic, light, noise, and human presence will impact all wildlife in the region.

As an In-Fill development the CDP other than biological resources also needs to address the legally mandated resources: viewshed, access to coast, and archaeological resources. The paragraph about visual resources in the staff report only addresses CD-1.1, CD-1.1.1, CD-1.3, CD-1.4, CD-2.5, and CD-1.5. The open space and scenic character of this area warrant a detailed analysis on how the development has been sited and designed to minimize visual impacts. The applicant should analyze these impacts and develop feasible alternatives, if applicable. Specifically, the applicant should clarify how much existing blue water view is being retained and how much is being lost to demonstrate how the project is consistent with the above mentioned policies.

Information about the **playground** indicate that play areas should not be located near public streets, parking, or entry areas unless physically separated by appropriate walls, fencing, or dense landscaping. We agree that children should not play next to moving vehicles and be close to entry areas for safety reasons, and also should not be exposed to breathing in bad air, and exposed to noise from cars. They should also not be fenced in. Why would you want to lock children in? As the playground can't be supervised by all residents from their apartments the residents need to accompany their children anyway. The project leaves it up to the Community Development Department to determine where the play area would be located. This is not appropriate. The public is also not informed about the possible dimension of the fence/potential enclosure of the playground. Therefore it can not be assessed if it is aesthetically (visually) pleasing. Currently the plans show that the playground would be very close to Highway 1 where there would be lots of noise (also from emergency vehicles) and bad air. This makes no sense. How can a Planning Commission vote on an Incomplete Description of Existing Conditions.

The project elements (components) omit any description and photos of the length of the proposed **6-foot-high 50% "open wood" fence** that would be placed along the northern and southern property boundaries. What kind of mitigation is proposed for the negative visual aspects of the fence? Where are photos of it? Can plants hide the fence? Where can item 7 of the plan set be found?

The project elements (components) omit any description and photos of the length of the proposed **5-foot-high soundwall**. What kind of mitigation is proposed for the negative visual aspects of the soundwall? Can plants hide the soundwall? The noise generated by this project will lower the property value of especially the three single-family homes located directly to the west of the project. How will they be compensated?

The staff report indicates that this apartment complex is designed for people from very **low income**. Even the 13 apartments are not for people with "very low income" as Ms. Oakes explained in her presentation to the Planning Commission. This information is not the same as the one in the Special Conditions which lists that 8 units need to be affordable for households of very low income. Which one is true? Apparently **disabled people** can rent the apartments level with the ground. What about friends/visitors if they are disabled? What if someone becomes disabled. There is no plan for an elevator.

The staff report does not analyze how **landscaping policies** like CD-1.6, CD-1.11, CD 2.7, OS-5.1, and OS 5.2 should be implemented by the applicant to insure that the landscaping plan is consistent with the above-mentioned landscaping and visual resources policies in order to support native habitat, including existing trees, while ensuring scenic areas are not blocked by landscaping. First of all the Scotch broom needs to be removed as a condition of the CDP approval.

The project plan does not show how the **rooftop photovoltaic systems** would look like.

The few photos depicting the **view towards the ocean** removes the project from its coastal and ocean visual environment. Further, the project buildings, ancillary development, and landscaping are proposed to be sited and designed to impede, rather than, protect public views to and along the ocean and scenic coastal areas. The proposed development does not minimize the alteration of natural land forms, is not visually compatible with the character of surrounding areas, and does not contribute to restored and enhanced visual quality in the City's Highway 1 and Highway 20 southern coastal gateway. The scenic and visual qualities of the City's southern coastal area gateway need to be protected. The skyline, the horizon, the view of the ocean and the Lost Coast need to be protected. The Auto Zone proposal analyzed the view corridor to the ocean and placed the proposed buildings (Auto Zone and Dollar Store) so that there would still be a view of the ocean.

Geology and Soils: A complete and up-to-date geotechnical report is needed because soil geology of the area is unknown. The project lists a geotechnical study which was not shared with the public. As there is a seismic profile of the area (a fault runs from the mouth of Noyo Harbor through Todd Point) – how does project design address seismic standards, especially since project is in close proximity to a fault line? The project does not address **grading**. How much grading would happen (cubic yards/cubic feet)? How much would be exported and how much imported? Where will the exported soil be reused as it is most likely good fertile soil from the former dairy farm. As this area used to be a dairy farm it seems that any soil should be used on site as it would be agriculturally valuable. The project does not address the makeup of the soil.

This area was rezoned in 1995 to allow for this type of development, with the city hoping to increase its tax base. **No consideration was given to the cumulative impact of development on Todd Point or on the gateway to the city.**

Hazards and Hazardous Materials: Are the proposed buildings designed to minimize geologic, fire, and other potential risks to life and property?

Is the foundation of the proposed buildings and other structures on the site designed to safely meet applicable seismic standards, the historic seismicity (peak ground acceleration, shaking, etc.) of the Fort Bragg area, and the potential seismicity of any blind thrust faulting in the area? Can hazardous materials potentially leach from the building materials, including asphalt, pavers, and other substances used to construct parking lots and sidewalk areas? Will pesticides, herbicides, and poisons be used to control insects, weeds, and vermin? If so, what substances will be used and how will they be prevented from getting into ground water supplies? A hazardous materials management plan needs to be prepared and presented. Trash receptacles need to be removed to the east side of the project (noise, rodents, insects, odors).

Groundwater Recharge and Water Balance: Was an analysis of the impact of changing climatological conditions and long-term drought, and the impact of the project on the aquifer and shallow wells in the area done? They need to be done. Todd Point residences are having issues with their shallow 35 ft. wells which includes running dry, and having salt-water intrusion. Some residents share wells. Will low flush toilets be installed and energy saving showers in order to minimize water consumption? How will this project affect wells in the immediate area? Why has the city not addressed the concerns of their own staff (Dick LaVen & Dave Goble, 2003) with regards to the water situation at Todd Point? Who will pay if residents at Todd Point run out of water or discover toxins in their water? How might the project alter existing groundwater recharge at the site and in the general area? What are the current and projected groundwater levels, including during peak rain events and rain fall seasons, to the west of the project site during the economic life of the project and beyond? This analysis should include projected changes in sea level including and discharge of storm water into the ground.

Storm Water Runoff: Excavation, compaction, paving, and subsequent runoff from the buildings, access road and parking lots must be thoroughly assessed, including potential toxic load. How might the project alter the existing drainage pattern of the site or area, including erosion or siltation on- or off-site? It is important to identify and address non-point pollution in the design of the project. What is the potential for pollution of the groundwater sources to the Todd Point residential area to the immediate west of the proposed development during construction and operation of the project, and how will liability be assigned if wells are contaminated with toxins from the project? Are there any areas that might collect storm water runoff and serve as a breeding ground for mosquitoes? If so, how will this be mitigated?

Land Use and Planning: How does this project affect the coastal trail?

Noise: Fort Bragg city planning maps show only the college as a sensitive noise receptor, and not the charter school, and the preschool next to the development, or any of the nearby residences.

Recreation: With projects seaward of the first continuous public road in addition to the land use and coastal zoning standards, the Coastal Act's public access and recreation policies apply. Traffic impacts from the project during peak seasonal and hourly demand on Hwy 1 capacity at the Ocean View Dr. intersection and at the Hwy 1 / Hwy 20 intersection constitute the relevant tests for measuring project

impacts on coastal recreational access along Hwy 1 where public recreational traffic has priority over general shopping center commercial traffic.

Transportation and Traffic: How will traffic at Harbor Ave. be managed given the close proximity to the intersection of Hwy 1 and Ocean View Dr., the need for motel guests at Emerald Dolphin Inn to walk across Ocean View Dr. to access services and amenities, and the proximity of Del Mar Dr., where a college, charter school, and 1 preschool is located? This seems like a major bottleneck that could cause significant backups onto Hwy 1, and delay ingress and egress to the entire Todd Point area. The setting sun blinds people as they drive west on Ocean View Dr. Will the increase in traffic cause increased accidents? Would it include potentially deadly impacts on pedestrians? Hare Creek Bridge, which was built in 1947, is old, narrow, crumbling, and without earthquake retrofits. Yet Hare Creek Bridge is not on the agenda of bridges needing to have shoulders widened and new bridge rails installed. Hare Creek Bridge needs to be replaced, but it is not on any Caltrans schedule for replacement. The high curbs, narrow sidewalk, and crumbling railings on Hare Creek Bridge already make it unsafe for pedestrians and bicyclists. The increased traffic along Hwy 1 brought about by this project will only exacerbate this situation. Given the substantially deteriorated and substandard condition of Hare Creek Bridge, it would not be safe during earthquakes. A tsunami would affect the Hare Creek Bridge. People who live south of the bridge could not access the hospital. Absent replacement of that bridge prior to project approval, the bridge cannot accommodate the project, and the project lacks the requisite public transportation infrastructure to support it without potentially significant adverse effects on protected public resources (water quality, fisheries, and environmentally sensitive habitat). **A complete and up-to-date traffic study needs to be done, assessing traffic at a variety of times and circumstances and accounting for the impact of new developments that will increase vehicular traffic.**

Geologic Hazards: The project site is located within the area of the North Coast segment of the San Andreas Fault System, which locally is bounded by the San Andreas Fault Zone on the west and the Maacama Fault Zone on the east. The USGS has estimated that the San Andreas Fault System has a 10% probability of generating a $\geq M6.7$ earthquake between 2000-2030 (Mendocino County General Plan EIR sec. 4.6. Geology, Soils, and Mineral Resources, at 4.6-5) and the estimated maximum capable earthquake magnitude for the Maacama Fault is $M7.3$. In addition, the region located off Cape Mendocino, is characterized by thrust faults, capable of strong and extended seismic shaking; the 1700 earthquake on the Cascadia Subduction Zone is estimated to have been a $M9.0$ event. A geology and soils impact is considered significant pursuant to CEQA if implementation of the proposed project would expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking, seismic-related ground failure, including, but not limited to, liquefaction, and if the development is located on expansive soil, and/or if the development is located on soil that would become unstable as a result of the project and potentially result in lateral spreading, subsidence, liquefaction, or collapse. See 2009 USGS Earthquake Design Map.

As no reference was made about geotechnical borings we don't know if the project site may contain an unknown quantity of fill that is, or may likely consist of, improperly placed and improperly compacted earthen and other materials. These earthen materials are "moisture sensitive" and "moderately compressible under saturated conditions", a site geological hazard. Structures within the general vicinity have experienced excessive post-construction movement when the foundation soils become

near-saturated. The project description therefore does not accurately or completely identify the project's grading (cut and fill) volumes, and on that basis precludes accurate, complete, and objective environmental review of the project, or adequately analyzed, designed, or described mitigations (e.g., in light of the project proposal for infiltration of intercepted storm water runoff from impervious structural surfaces). If any fill was placed it would be important to know if it was placed subsequent to February 3, 1973 (the effective date of the coastal development permit regulatory program), either under the 1972 Coastal Zone Conservation Act, or the 1976 Coastal Act.

The project does not describe or analyze the composition and location of buried utility and other structures, and their adjoining soils or other materials on the project site. The project fails to disclose, or analyze, whether any of these buried structures contain any hazardous materials, or even their location(s). The project description, in relevant part, should therefore be revised, based on a complete (representative) set of subsurface geotechnical borings and the revised project when complete, be recirculated for public review. The project elements (components) omit any description of the size and location of potable water pipes, size and location of on-site and any off-site stormwater retention structures. Why did this project not include detention ponds that could become nature areas?

Dave Goble, former Director of Public Works, addressed in his letter from 2003 drainage/erosion concerns at the end of Cliff Way-it has a City drain pipe which Goble said will need to be upsized and maintained as development occurs in the Todd Point area. When communicating with John Smith's former boss at Public Works the public was told that this was not relevant until a development would happen. Now we have a proposal and the City needs to look into it before this project gets under way. Sewer connections would require a public utility easement within the right of way of the unnamed frontage road. Percolation capacity or perimeter overland flow controls are not indicated for the stormwater system. Why not? There is no description about the catchment tanks. How big are they? Can they be painted to blend in?

Parking Access: It should not be assumed that parking can also happen outside the property as this area also provides access to the public, visitor-serving, and private developed uses on Todd's Point with Highway 1. How many of the parking spaces are designated for visitors? The bus station for the MTA and the School Bus should be covered.

Vehicle Access: There was no traffic study completed for the Auto Zone/Dollar Store project. They referred to the faulty traffic study of the Hare Creek mall. In it it was indicated that "Widening the eastbound approach to the intersection of SR1 and Ocean View Drive by adding a right turn lane mentioned in the Mitigated Negative Declaration (MND) for the Hare Creek mall (see page 54/369). The DEIR was required to fully disclose and analyze this intersection. To the extent that the Hare Creek project had to rely on this right turn lane development to mitigate peak hour or peak day traffic generated by the Hare Creek mall to below a level of significance. The DEIR would have been required to analyze those effects and mitigations, rather than incur impermissible piece-meal environmental review and deferred mitigation of this project. The DEIR also failed to disclose the ownership of the land on which the right turn lane was proposed, or any analysis of its current or lawful (permitted) environmental condition(s). As further discussed below, the Project circulation scheme is based on superannuated (outdated) data and was inadequate to connect the strip mall to Highway 1, without directly or cumulatively incurring unmitigated significant adverse traffic impacts. Given the existing and planned traffic capacity limitations of Highway 1, including, but not limited to the area of its intersection with Ocean View Drive, the project would have impermissibly functioned to significantly adversely effect and preclude Coastal Act priority public access and recreation, commercial recreation, and visitor-serving land uses in the affected area. The same is true for this housing development at 1151

South Main Street. We believe that the project would result in a significant effect on traffic, noise and air quality. (Code Section c, In-Fill) How will traffic flow affect ingress and egress to the entire Todd Point area, especially the passage of emergency vehicles? Based on the traffic study for the Hare Creek mall the City's roads were nearing capacity. Now with additional traffic the City would violate its own standards.

Pedestrian Access: The Hare Creek project did not analyze the impacts to pedestrians attempting to travel to or from the project, nor to cross the frontage road without a complete or adequate network of pedestrian infrastructure (sidewalks and marked crosswalks). It also did not address the inadequate off-site infrastructure or lack thereof, including failing to require fair-share contributions to the future installations of such infrastructure. Herewith the project at 1151 South Main Street we are in the same situation. The staff report refers to a sidewalk. In order to guarantee safety more sidewalks would have to be proposed now and not after the City Council approves the project. The public has the right to know the location of all the necessary sidewalks, their elevation, and any proposed grading, safety barriers, and other improvements to render such sidewalks functional and safe. They have to be in place before people move in. The development at 1151 only mentions a sidewalk on the west side of Frontage Road. There is no safe way for hotel guests and cleaning people to cross the street from the Emerald Dolphin Inn to the office and mini golf. That needs to be resolved.

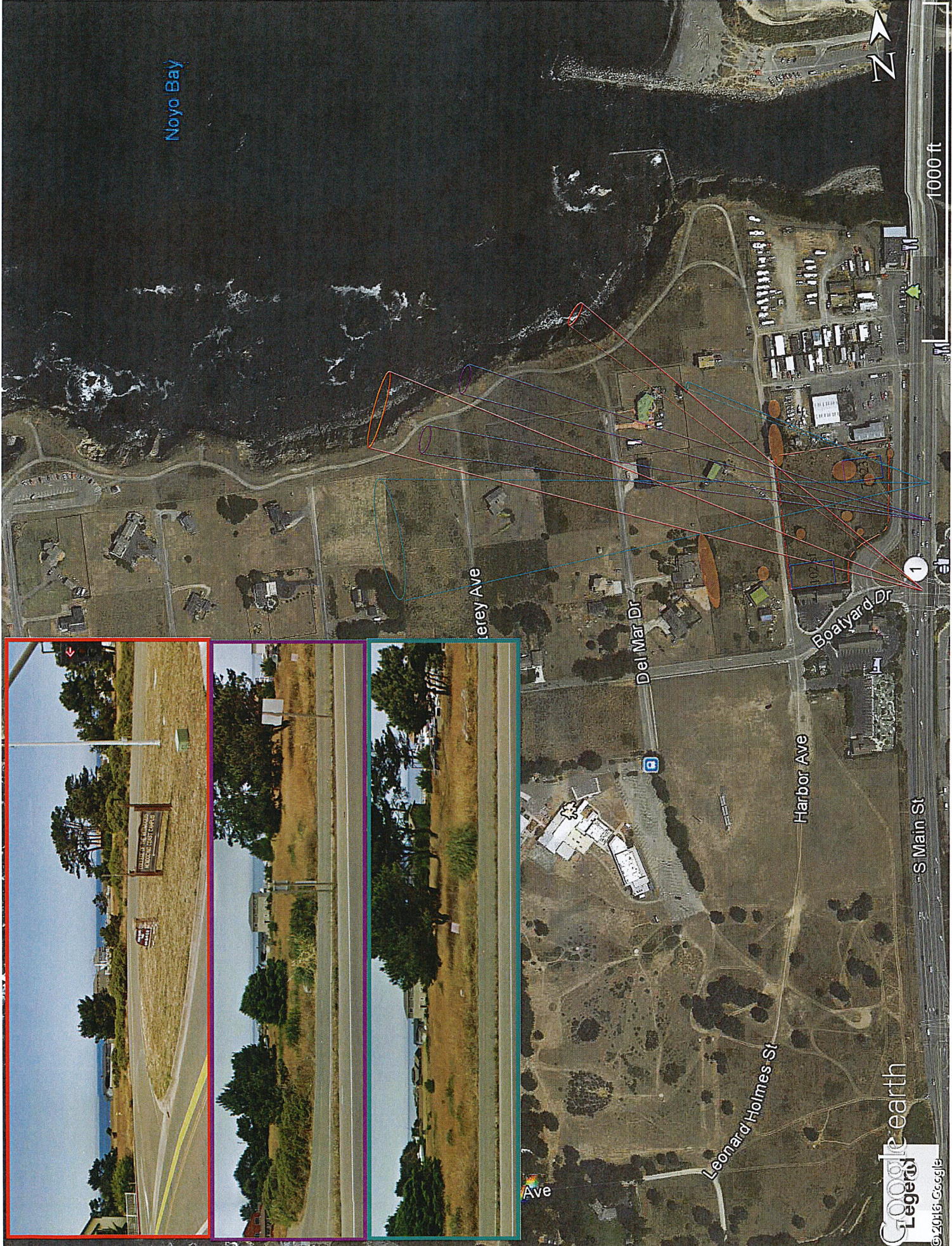
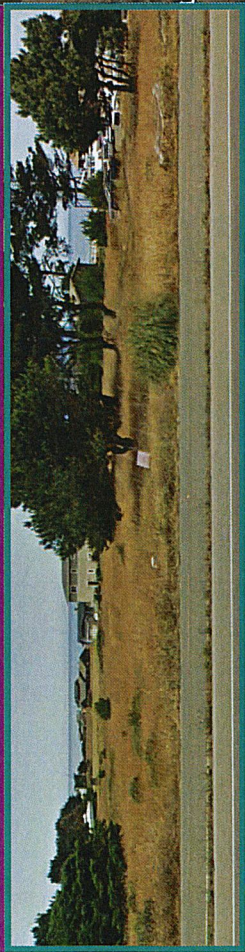
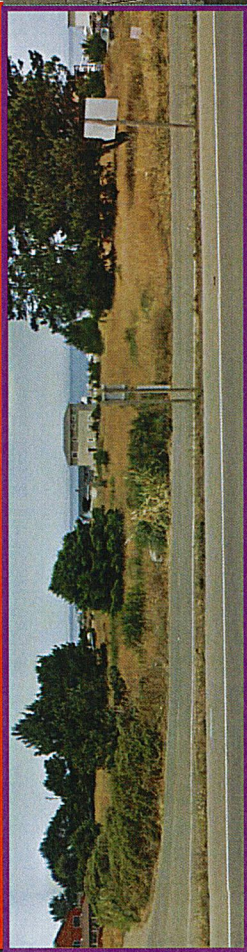
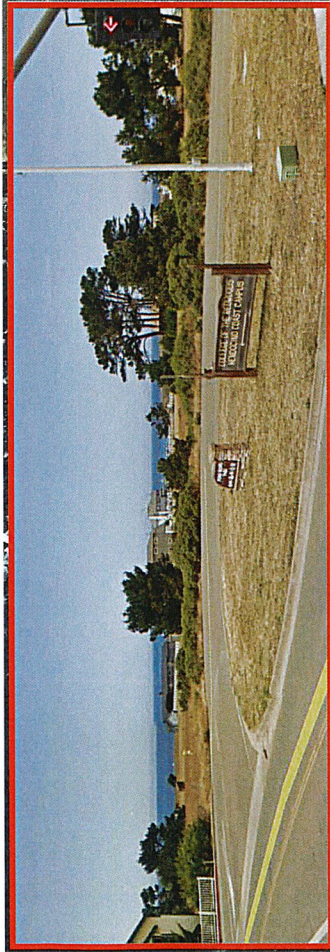
Bicycle Access: Having 11 bike racks does not seem to be enough. Are the bike racks covered? Why would there only be two motorcycle parking places available? Although the public was explained that the City only had limited mandated resources they needed to be concerned about like: viewshed, access to coast, archaeological, and botanical resources, it seems to me that the City still needs to follow its own City mandates like Air Quality and Greenhouse Gas (GHG) Emissions.

There will be an increase in greenhouse gas emissions due to increase in vehicular trips which requires **a complete and up-to-date air quality and GHG analysis**. As there is a preschool next door there is a need to study impact on air quality in relation to it. What limits to emissions will be in place during construction (control of particulates, like dust and diesel, and GHG emissions of large equipment. Does this project help or hurt city in meeting new state and local standards for GHG emissions (40% below 1990 levels by 2030)?

(Code section a, In-Fill) according to the staff report apparently complies with the General Plan and the City's LCP. **As an In-Fill development the CDP also needs to completely address the legally mandated resources:** viewshed, access to coast, as well as archaeological, and botanical resources.

I am incorporating in my comments by reference the minutes, the video, the written and verbal comments in regards to this project that was heard by the Planning Commission on 3-12-2025.

Sincerely, Annemarie Weibel



Noyo Bay

Harvey Ave

Del Mar Dr

Harbor Ave

Boatyard Dr

Leonard Holmes St

S Main St

1000 ft



Google earth

© 2016 Google

SITE DATA

APN: 018-440-58-00
 SITE AREA: 113,124 S.F. (2.6 AC.)
 ZONING: CH (HIGHWAY VISITOR COMMERCIAL)



SITE PLAN
 SCALE: 1" = 30'-0"

RETAIL DEVELOPMENT
 1151 S MAIN STREET
 FORT BRAGG, CA 95437

DATE:	REV. NO.	REV. DATE

SITE PLAN

JOB NO.:

Peters, Sarah

From: Leslie and Jerry Kashiwada <kashiwa@mcn.org>
Sent: Wednesday, June 18, 2025 10:51 AM
To: cdd
Subject: Multi-use project at 1151 S. Main Street

To the Fort Bragg Planning Commissioners:

The proposed multi-use project at 1151 S. Main Street presents several important issues. These have been well addressed by multiple people in the public comments, but I want to add my voice of concern.

The size and scale of the project is out of character for the area. There are no 3-story buildings anywhere in Fort Bragg, other than the Harbor Lite Lodge and the illegally-constructed North Cliff Hotel, both of which are not at street level so don't appear to be 3-story buildings from Main Street. To place seven 3-story buildings at the south entrance to the city will have an outsized visual impact. The Emerald Dolphin Inn is 2 stories, while all other commercial buildings in the area are 1 story. The project site is described as having urban development on all four sides, but the land to the west consists of single-family houses on large lots or undeveloped vacant lots. This project will have an outsized impact on the residences adjacent to the site visually and with regards to density of inhabitants.

There are many issues beyond height and scale, including traffic and noise (including placement of parking), maintaining a view to the ocean, retaining legacy trees (whether Bishop pine or shore pine), and risk of contamination of nearby shallow wells. Other concerns, such as compliance with zoning (i.e., commercial use on the first floor of each building, not just Bldg 4), access for school buses, and whether or not this meets the needs of the community have not been adequately addressed.

As mentioned in several other public comments, the exemption from CEQA review seems to have been improperly applied. Therefore, I strongly encourage you to require an IS/MND or EIR with NEW traffic and noise studies, biological review, and cumulative impacts.

Thank you for your time and attention,

Leslie Kashiwada

Peters, Sarah

From: Daney Dawson <daneyd@mcn.org>
Sent: Wednesday, June 18, 2025 1:10 PM
To: cdd
Cc: roseanchorage@gmail.com
Subject: Multi use project 1151 S Main Street

Fort Bragg Planning Commissioners:

The proposed project is inappropriate in size and scale.

There will be deleterious impacts to the surrounding neighborhoods, which are mostly single family homes.

The traffic generated will create congestion at the Hwy 1- Main St. intersection- in a 2011 traffic study, traffic was already shown to restrict LOS at certain times of day. The Fort Bragg General Plan policy C-1.3 does not permit "new development that would result in the exceedance of roadway and intersection Levels of Service Standards unless revisions are incorporated in the proposed development project which prevent the LOS from deteriorating below the adopted LOS standards."

Section D of the GP states that: "Land use and transportation must be coordinated so that the capacity of the transportation system will accommodate the traffic generated by the development of the community."

With the proposed development of the Noyo Headlands, the cumulative impact of out-sized developments in Fort Bragg will overwhelm public services such as water, sewer, fire, police, traffic, as well as impact the small town character and community which we enjoy.

The GHG emissions from out sized development will not meet state or local standards for GHG emission reduction. A commercial center at the outskirts of downtown will generate traffic. The Fort Bragg Climate Action Plan called for a reduction in GHG emissions by 30% by 2020.

I do not know if these goals have been met, but I think not.

In addition, the FB LCP Mission Statement, section D states that Fort Bragg is a city that "supports efforts to preserve and strengthen the vitality of commerce in its central business district."

I urge you to deny this permit, or send the developer back to the drawing board with the goal of downsizing, and eliminating the plan for commercial development.

Thank you

Daney Dawson
50 year resident of the coast

Paoli, Diana

From: Ali Van Zee <yourali747@gmail.com>
Sent: Wednesday, June 18, 2025 1:49 PM
To: cdd
Cc: Paoli, Diana
Subject: 6/11/25 PC Mtg., Item No. 6A, 1151 S. Main Amendments 2019 Auto Zone MND

City Council Members, Planning Commission and staff,

You have heard from a plethora of coast citizens with regard to this proposed project with many opposed to the size and scope, lack of EIR, dismissal of CEQA regs as if they don't matter, etc etc.

I am heartily in agreement with the comments submitted by Annemarie Weibel and Leslie Kashiwada. I also stand behind the studied comments of Jacob Patterson (Page 55 of your published comments for this project), with one exception: I do not endorse this project in its current location.

Putting a behemoth cluster of structures on the WEST side of Highway One and blocking off more views of our Coast is ruinous to the character of our unique area. As I have advocated in the past, there are more suitable sites on the East side of the Hwy as it approaches town with water and electricity already in place AND it could be set back off the Highway more so as not to "crowd" the road.

This project, along with the monstrous Grocery Outlet project, smack of the worst kind of privileged cronyism - something our struggling community doesn't need and for which we take to the streets weekly now.

We need to create more affordable housing, that is clear. But there are a number of other sites more suitable.

We need to make Fort Bragg more attractive, not less. We need trees downtown and through our City neighborhoods to create a sense of calm, breathable space, a nicer place to gather than gritty sidewalks and streets.

Relocate and scale back this project and use the savings to increase the attractiveness of Fort Bragg.

Thanks,

Ali Van Zee
(Fort Bragg resident)

~We survive together, or not at all~

Planning Commission Mtg 18 June 2025; pgs 1-~~6~~4

**All of the critical information submitted by the public should be reviewed
BEFORE a vote on this project.**

Topic 1/ Traffic: There is no rule, regulation, statute or law that requires this body to callously endanger lives of citizens or visitors to Fort Bragg. The intersection at Ocean View & Harbor Avenue is a blind intersection. This intersection is blocked by applicants' hedgerow to the East, and is further obscured by an "S"-shaped approach from Highway One. With this project, there is no way to make this intersection safe, especially since projected traffic on Harbor Avenue will increase x25; for reference, that is larger than during the annual Fireworks celebration, on a DAILY basis.

1a) The increase in traffic from this project, coupled with students and staff related to the college, and the congestion from school busses at the Frontage Road and Ocean View will most certainly cost lives.

1b) A copy of these comments will be available to family, insurance companies, and anyone concerned with injury and/or death, by "Freedom of Information" act.

1c) School busses backing out of this intersection are subject to particular danger involving children of families in the project and elsewhere in Fort Bragg Unified School District boundaries.

1d) A new traffic study needs to be completed during normal college class schedule, Holiday traffic peaks, and early morning / late afternoon sun-blinding events.

1e) Routing the school bus through the entrance to the RV park / Outlet store is extremely dangerous due to the excessive slope encountered while completing a right hand then left hand turn on a steep driveway.

1f) The Ocean View / Frontage Road intersection allows only 50' to merge in to congested traffic pattern, which is extremely dangerous for any school bus picking up or delivering children. A school bus will have to approach the intersection through another "S-curve, Stop, and then turn left with only 50' to the traffic light limit / crosswalk line. A school bus length is greater than the traffic lane on Ocean View, which would then block ALL right hand, left hand, and through-traffic on west-bound Ocean View.

Topic 2/ Plumbing:

2a) Storm drain at Ocean View & Harbor Avenue is plugged from catchment basin through entire length of outflow pipe.

City staff abandoned responsibility for maintaining the storm drain.

As a result, I get 20-30gpm of gutter water flowing between my house and garage.

The city has failed to respond to Underground Search Associates (USA) alerts for utility/construction activity in this area.

2b) Applicant has stated they will monitor the re-charge ponds.

What is the monitoring schedule (Daily, Weekly, Monthly, Semi-

annual, Annual) ?

What contaminants will be monitored?

When the storm drain at Ocean View & Harbor Avenue fails, where will the re-charge pond overflow be diverted to?

Where will the recharge pond monitoring results be published, or How will local residents be notified?

Where will the monitoring sites be located?

Who is responsible for remediation of water source when recharge overflow contaminates ground water?

Overflow from recharge ponds should be channeled through underground closed culvert, north to the Pomo Bluffs Park. This will contain all contaminated overflow until it can be safely discharged over the bluff or to a pond in the Noyo Bluffs Park.

2c) Infiltration/Percolation/Recharge Ponds; City staff and consultants are aware of the dangers presented by these ponds, but have chosen to disregard them and conceal the issues from Planning Commission and City Council. It is inappropriate to install infiltration/percolation/recharge ponds on this project site.

The overlaying "Fractured Franciscan Bedrock" is a poor percolation filter. The "Forever Contaminants" concentration in the ponds are not filtered out or digested by the plants and animals anticipated to populate this biology experiment. They will just be tortured, chemically burned and poisoned.

The historical test drilling/wells/bore holes are also known to City Staff and Consultant, but have not been located on site plan. It is essential that the direct conduits to the water table be plotted BEFORE a vote on this project.

During a high rain event of 1" per hour 15,000 to 30,000 gallons of runoff will be channeled into the ponds. Much of this water would be pumped in the catchment pit and into the open drainage channels. This concentrated effluent would be prime source for water table contamination. Currently, this drainage system has FAILED, and all of this excess capacity for the ponds would be pumped out and run directly onto resident's property. This issue needs to be resolved BEFORE a vote on this project.

2d) The existing catchment and drainage culverts that will receive this effluent are plugged solid. City has concealed this fact, and the reason the system has failed, and that the City is afraid to correct/maintain the system. This is remarkably disingenuous, but consistent with its manipulation of critical facts in the project process.

Mr. Smith, please inform the Planning Commission, the public, and the applicant of the reason why the City will not correct the drainage system at Ocean View and Harbor Avenue **BEFORE a vote on this project.**

A tight culvert system designed to accept the pond's effluent needs to be installed north-bound with gravity drainage to Pomo Bluff Park BEFORE a vote on this project.

Given the obstacles in the path of flow, the storm drain system at Ocean View and Harbor Avenue cannot be made to current engineering standards. This failure of maintenance and corrective measures may VIOLATE City of Fort Bragg MS-4 Permit. Increased traffic at this intersection will cause

accelerated sediment accumulation in the catchment basin and culvert, causing flooding to residents. Corrections need to be completed **BEFORE** a vote on this project.

The applicant and city should fully disclose the actions they will take when local wells and water table become useless. This solution needs published **BEFORE** a vote on this project.

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Topic 3/ Off-Site Parking; This project will generate a need for 200 additional parking opportunities. Given 25' allotment per vehicle, this will require 5000 linear feet of parking (nearly one mile long if everyone were parking off-site). If only 100 vehicles park on Harbor Avenue, that makes 2,500 linear feet or ½ mile of parked cars, trucks, and inoperative vehicles.

3a) These properties are nearly one acre each, and they need more than one clearly defined 15' access point to their properties, with placement designated by each landowner.

3b) Any unauthorized vehicle parked on private property shall be towed at expense of vehicle owner (not landowner). Applicant shall require an appropriate "towing deposit" for each vehicle a renter owns or is buying. That deposit shall be used to pay the tow company. Abandoned vehicles shall be towed after 72 hours.

3c) City police shall respond and tag abandoned or un-used vehicles within 24 hours of notification. These conditions need to be in the rental contract or codified by the city **BEFORE a vote on this project**. As a point of reference, on a daily basis, this represents more vehicles than the Police/Fire departments allow during Fireworks celebration.

Topic 4/ This area is Zoned Commercial for VISITOR use; but the vast majority of space for this project is planned as residential, not "visitor" lodging as it should be per Land Use documents. Additionally ...

As of 10 June 2025, How many applicant's employees are currently living in any motel owned, operated, or managed by applicant or his family/associates?

How many of the applicant's many city-wide employees are currently eligible for subsidized housing?

HOW MANY OF THE APPLICANT'S EMPLOYEES ANTICIPATE LIVING IN THESE APARTMENTS?

Will this housing project really address the needs of LOCAL residents?
We need to discover these answers BEFORE a vote on this project.

Topic 5/ Three story structures: 3-story structures are totally out of nature for all structures on Todd's Point.

Three (3) stories is invasive to the privacy of local residents.

Three stories will dominate the skyline which now is basically unobstructed over residences on Todd's Point.

Intent to keep the area west of Highway One as a **View Corridor** is violated by these three stories.

Topic 6/ Light pollution:

Applicant currently has area lighting that fails “downcast” requirements. Raw light extends 100-500 feet from source all night, and continuously shines directly into our home – all night, and every night of the year.

Applicant should be held to standards for downcast lighting fixtures.

All lighting on the proposed project should clearly identify height of support poles, arc of illumination, and manufacturer make and item number of all lighting components, in order to confirm standards for “downcast lighting”.

This issue needs corrected **BEFORE** a vote on this project.


Topic 7/ Rentals: Maintenance and public safety for this property is an important aspect, and would become very scattered and unreliable if this property transferred from a RENTAL basis to a fragmented ownership basis. So Applicant and future owners must commit (sign a contract) to maintain the status of “apartments”, instead of converting to condominiums or resident-owned units for 50 years. In addition, the applicant accepts responsibility for a 50-year period of proper maintenance and public safety standards on the entire complex. An agreement for these conditions need to be found BEFORE a vote on this project.

Topic 8/ Question accuracy of Applicant statement re “Finances”; The applicant clearly stated that he did not realize the project was not financially feasible as originally submitted. A profit would not be possible without subsidies, incentives, and a third story? I find it difficult to believe that a developer would invest time, money, and effort that would not provide an appropriate return, so, is it really the case? The financials prior to the public funding/assistance/incentives should be reviewed. This information needs to be clarified **BEFORE** a vote on this project.

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Conclusion: There is no harm or foul to postpone vote until each board member can review the submitted documents and testimony, and have the assurance that their vote is based ALL available information – and not pressured for a quick response.

Respectfully submitted by

Truthful L. Kindness



... and Guy R. Burnett



19200 Harbor Avenue, Fort Bragg CA 95437