

Reason for Vote of Abstention on April 24, 2024

On April 24 of this year the Fort Bragg Planning Commission met to review an application for two multi-family structures at 620 South Franklin. At the end of our discussion I decided to abstain from the final vote. Despite a well written and thorough staff report that laid a defensible basis for approval as well as my personal support for additional housing in the city, I could not support this particular project.

I agreed with many of the concerns submitted by Jackson Law Offices, David and Kimberly Carlisle, and the information provided by a member of the public at the meeting. In particular, I was concerned by the impact these structures would have on neighboring residences due to the size and proximity of the proposed structures, by the applicant's failure to demonstrate that there existed adequate required parking spaces, in particular the lack of adequate width for the required handicap space, and also by the fact that the size and design of the proposed structures do not appear compatible with their surroundings. In the two-block area between Chestnut and Cypress Streets, the east side of Franklin is dominated by one story single-family residences. On the west side of the street there is one two-story residence, but the scope of that building is betrayed only by two small dormers on the side facing Franklin. There are no residential structures in that area with the size and design characteristics of the proposed project. The proposed project would be compatible in other sections of Fort Bragg, but not in this location.

However, prior to the meeting the Planning Commissioners were informed that according to the restrictions imposed upon local planning authority by California's Housing Accountability Act, the City can only deny the application if the City makes a finding that there is a specific, adverse impact upon the public health or safety AND that the adverse impact cannot be avoided or addressed by condition or mitigation. In addition, this finding must be based upon a preponderance of the evidence, meaning that the evidence has to be more credible and convincing than evidence otherwise.

Given the limitations of this legal opinion it would be disingenuous for me to vote "No," so I selected the option to vote "Abstain," which was one of the options provided at the end of the draft resolution.

Respectfully,

David Jensen, Fort Bragg Planning Commissioner