



PLANNING COMMISSION MEMO

TO: Planning Commission

DATE: June 18, 2025

DEPARTMENT: Community Development

PREPARED BY: Marie Jones, MJC

PRESENTER: Marie Jones, MJC

Issue: Response to Letter from Philli M. Vannucci of Vannucci Momsen Morrow

This memo responds to the letter of Colin Marrow dated June 11, 2025 regarding the proposed mixed-use project at 1151 S Main Street. The comments below match keyed comment block on the attached copy of the attorney's letter which you can refer to for ease of following the dialogue.

The attorney's letter is incorrect as follows:

1. This project has returned to the City for review because the applicant agreed to revise the project description to include additional visitor serving uses.
2. The infill CEQA exemption requirement for general plan and zoning conformity is not defeated because a different statute requires the city to exceed, ignore, or act differently than the GP or zoning code requires. Density bonus law itself, per Cal Gov code 65915(j)(1), requires the City to grant planning incentives that may contradict some portion of a Local Coastal General Plan as follows: **"The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval."**
3. Even though the requested planning incentive differs from a specific Coastal General Plan requirement, for the purpose of the infill CEQA exemption, the City is in conformity with the General Plan once the City grants the concession/planning incentive. Similarly, a project can be brought into compliance with the Coastal General Plan and zoning ordinance by requiring conformance with a Special Condition.
4. This requirement for ground floor visitor serving uses was not ignored. The applicant requested and received a density housing planning incentive to reduce this requirement. Similarly, the General Plan definition for Highway Serving Commercial also requires projects to be less than 24 units per acre, but per density bonus law the applicant is also eligible for a density bonus that exceeds this maximum.

5. Per HCD, the bus stop at Harvest market is considered a major transit stop. Additionally, the “Major Transit Stop” requirement is only for the Urban Infill Housing CEQA exemption. There is no such requirement for the Infill Development CEQA Exemption and only one CEQA exemption is required.
6. A vehicle miles traveled analysis, GHG emission analysis and noise analysis have been completed as detailed in the staff report and the project does not exceed relevant agency thresholds for significance.
7. The mission and vision sections of the Coastal General Plan are not regulatory. Only policies are regulatory.
8. The City's LCP is controlling for development within the City of Fort Bragg not the Coastal Act, so his arguments with regard to the Coastal Act has no merit regardless of his misrepresentation of the case facts in that argument.
9. A public trail has been added to the project description per comments from Coastal Commission staff. This provides public access from Highway 1 to Harbor Drive from which pedestrian and cyclists can access Pomo Bluffs Park.
10. The Coastal Commission staff are satisfied with the new proposed project approach and no Coastal Commissioner sought to accept the first appeal, so the Coastal Commission as a whole does not agree that the Density Bonus incentives lessen the effect or application of the City's Certified LCP see also points 2 & 3 of this memo.
11. As detailed in the staff reports, the proposed project will not affect the level of service, so a traffic report is not required (Policy C-2.6). A traffic study was prepared for this site previously and as detailed in the staff report daily trips are virtually identical for the two projects. Caltrans did not express concerns about traffic generated by the project. The Department of Public Works determined that the existing Traffic Study was adequate for this project as no impact to level of service is foreseeable.

Relevant text from the General Plan is included below for reference:

Highway Commercial. This land use designation applies to land uses serving residents and visitors on sites which are located along Highway One and arterials at the entry points to the community. Typical uses allowed in this designation include motels and other lodging enterprises, restaurants, and retail outlets.

Residential uses are permitted above the ground floor or on the ground floor at the rear of buildings at a maximum density of up to 24 units per acre with a conditional use permit.

Policy C-2.6: Traffic Studies for High Trip Generating Uses: Traffic 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.**

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June 11, 2025

VIA EMAIL

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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.

Comment 1

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

Comment 2

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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.

Comment 3
Comment 4

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.

Comment 5

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.

Comment 6

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.)

No relevance

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.

Comment 2 & 3

“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.

Comment 7

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.

Comment 7

“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)

Comment 2 & 3

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).)

Comment 2 & 3

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.

Comment 2 & 3

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.

Comment 8 & 9

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.)

Comment 8 & 9

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.)

Comment 8

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.)

Comment 2 & 3

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.

Comment 10

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.)

Comment 11

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.

Comment 11

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.

Comment 11

Conclusion

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

Respectfully submitted,



Colin W. Morrow