



CITY COUNCIL STAFF REPORT

TO: City Council

DATE: July 14, 2025

DEPARTMENT: Community Development

PREPARED BY: Marie Jones, MJC

PRESENTER: Marie Jones, MJC

AGENDA TITLE: RECEIVE REPORT AND CONSIDER APPROVAL OF COASTAL DEVELOPMENT PERMIT AMENDMENT (8-24/A), USE PERMIT AMENDMENT (UP 9-24/A, DESIGN REVIEW AMENDMENT (DR 11-24/A), FOR AN 83-UNIT MULTIFAMILY PROJECT WITH 1,000 SF OF RETAIL SPACE AND 2,450 SF OF VISITOR SERVING ACCOMMODATIONS AT 1151 SOUTH MAIN STREET (APN 018-440-58)

APPLICATION NO.: Coastal Development Permit Amendment (CDP 8-24/A), Design Review Amendment (DR 11-24/A), and Use Permit Amendment (UP 9-24/A). 9/1/2024, revised application submittal 1/29/2025 and 5/19/2025

APPLICANT/AGENT: Kosh Grewal

PROPERTY OWNER: Akashdeep Grewal, Kosh Petroleum Inc.

REQUEST: Coastal Development Permit, Use Permit and Design Review Permit Amendments to Modify an Approved Mixed-Use Multifamily Project at 1151 S Main Street to: 1) Change 3 units of Multifamily Housing into 2,450 SF of Hotel Units on the Ground Floor of Building 3; and 2) add a Signed Public Access Sidewalk Through the Parcel.

LOCATION: 1151 South Main Street

APN: 018-440-58 (2.6 acres)

ZONING: Highway Visitor Commercial (CH)/ Coastal Zone

**ENVIRONMENTAL
DETERMINATION:**

Statutorily exempt from CEQA pursuant to section 15332 – Class 32 In-Fill Development

Projects and 15192 Infill Housing Development.

**SURROUNDING
LAND USES:**

NORTH: Retail & Mobile Home Park
EAST: Highway 1, Retail
SOUTH: Hotel
WEST: Single-Family Homes

APPEALABLE PROJECT: Appealable to City Council and the California Coastal Commission.

RECOMMENDATION

Adopt a Resolution of the Fort Bragg City Council Approving Coastal Development Permit Amendment (CDP 8-24/A), Use Permit Amendment (UP 9-24/A) and Design Review Amendment (DR 11-24/A) to: 1) Change 3 units of Multifamily Housing into 2,450 SF of Hotel Units on the Ground Floor of Building 3; and 2) add a Signed Public Access Sidewalk Through the Parcel. (Attachment 1).

PROJECT BACKGROUND

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

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

1. Increase the height limit for the proposed project from 28 feet to 38 feet; and
2. In exchange for the applicant undertaking the design, engineering and construction of the stormwater improvements identified as project 5.5.8.1 in the City's 2004 Storm Drain Master Plan, the City shall provide a corresponding capacity fee

concession (drainage, sewer and water) to offset the project cost as the second concession.

Please see the attached staff report for the City Council's discussion and deliberation regarding the requested inclusionary housing incentives (Attachment 2).

City Review & Decisions

- On March 12 the Planning Commission reviewed the project and held a public hearing and made a recommendation to the City Council to approve the project permits. During the Planning Commission hearing, both the public and Commissioners raised important issues which resulted in additional analysis, including potential impacts to ground water recharge on Todds Point, stormwater management concerns, the need for a school bus stop, grading impacts, among other items. Additional analysis about these topics was included in the March 24, 2025 Staff Report to City Council.
- On March 24, the City Council held a public hearing, deliberated and adopted a Resolution approving the Coastal Development Permit, Use Permit, Design Review Permit, Sign Permit and CEQA exemptions for the project.

Project Appeal to the Coastal Commission

- On April 5, 2025 the City Council's approval was appealed by project neighbors Judy Mashhour-Azad raising concerns regarding visual resources/character, greenhouse gas emissions, groundwater contamination, and ADA access.
- On April 10, 2025 the City Council's approval was appealed by Paul Clark and Mary Chamberlin, Guy R Burnett, Teresa & David Skarr, and Hamid Zarrabi represented by Vannucci Momsen Morrow Attorneys. The appeal raises issues related to affordability standards, visual resources/character, visitor-serving requirements in the Highway Visitor Commercial zone, and traffic impacts.
- On April 11th, the Coastal Commission staff notified the City of the appeal.
- On April 29th, the applicant elected to waive their right to a Coastal Commission hearing on the appeal within 49 days after the appeal has been filed with the Coastal Commission to allow time to consider appeal issues and make modifications to the project as described herein.
- Copies of the appeals are included as Attachment 3.
- Copies of the City's responses to the appeal issues in included in Attachment 4.

On May 8th Coastal Commission Staff, City Staff, City consultant Marie Jones, and the project applicant participated in a conference call to discuss aspects of the project that concerned Commission staff and related to issues raised under the appeals. During that meeting and through subsequent emails the applicant elected to make the following modifications to the project:

1. Increase the visitor-serving aspects of the project by ensuring that the entire ground floor of Building 3 is composed of visitor serving uses. The applicant expressed concerns about the likelihood that devoting the entirety of the ground

for to retail spaces would be vacant and produce low rents given the location and the excess of vacant small retail spaces in Fort Bragg and impact the financial feasibility of the project. Similarly, adding a restaurant to the project is infeasible, as a restaurant cannot be accommodated at this location because it would require additional parking, which is not feasible. Additionally, the project applicant does not want to manage a restaurant and the cost to build out a restaurant would be prohibitively expensive and impact project feasibility. Through this discussion the stakeholders came to agreement that the ground floor comprised of one 1,000 SF retail space and 2,450 SF of hotel space (the remainder of the ground floor of Building 3) with 25% of the units proposed as low-cost visitor serving accommodations would better align the project as a whole with the Coastal General Plan requirements to prioritize visitor serving uses, including lower-cost uses, in this CH-designated area.

2. Revise the pedestrian sidewalk system to include a public access route that would connect the southeast corner of the property to the northwest corner of the property. This sidewalk system will include “Public Access” signage and a sign at the northwest corner to Pomo Bluffs Park. Again, adding this project component will better align the project as a whole with the Coastal General Plan requirements to prioritize visitor serving uses, including lower-cost uses (pedestrian connectivity with nearby coastal parks), as this site is close to excellent coastal trail and harbor accesses which offer additional public recreational opportunities.

On June 11th, the Planning Commission opened the public hearing and continued the hearing to June 18th as staff was not available to present the staff report due to a family emergency.

On June 18th the Planning Commission opened the public hearing and took public testimony and continued the public hearing to June 25th and directed staff to return with a revised resolution with traffic control techniques to address potential safety concerns at the corner of Harbor Ave and Ocean View.

The applicant hired a traffic consultant to review the prior traffic study, in light of the revised project. That traffic engineer sent a short memo that concurred with staff's analysis that the proposed traffic would result in less peak traffic and less overall traffic than the original Autozone project (Attachment 17). Subsequently the traffic engineer also provided professional input regrading various traffic calming measures to address existing traffic safety concerns along Ocean View Ave (Attachment 18).

On June 25, 2025, the Planning Commission again opened the continued the public hearing and took additional public testimony. The commission voted 4 to 5 to recommend approval of the project with a single commissioner objecting to the project based on his recommendation that a more complete noise analysis be prepared for the project. That analysis has been completed and is included in this staff report.

OVERVIEW OF STAFF REPORT

This report builds upon the previous staff report. It is supplemental to it. The analysis of both staff reports should be considered when deliberating about the requested project.

1. The staff report provides additional analysis of the revised project description which includes the following changes:
 - a) Coastal Development Permit Amendment to increase the visitor serving use of the project for the entire ground floor of building 3 to include 1,000 sf retail space and 2,450 sf of visitor accommodations and to add a signed public access sidewalk through the parcel.
 - b) A Use Permit analysis for the 2,450 SF of visitor accommodations.
 - c) The revised project now includes 83 units instead of the original 87.
 - d) The remainder of the Project remains as described in the staff report to City Council dated March 24, 2025 (Attachment 2).
2. This staff report includes additional analysis that responds to the stated issues in the appeals and subsequent hearings at the Planning Commission, as follows:
 - a) A “response to comments” document that responds to comments raised in the two appeals (Attachments 3 and 4); and
 - b) A market study and feasibility analysis of the Project as proposed and with 1/3 of the project dedicated to retail (first floor) (Attachment 5).
3. This staff report also analyses concerns raised by the public at all three planning commission meetings, which were not previously raised in either the appeal or the staff report dated 3-2025, including the following:
 - a) Noticing of the neighbors by mail for the City Council hearing regarding preliminary pre-approval of the Density Bonus planning incentives; and
 - b) Additional analysis/detail regarding traffic impacts and traffic safety concerns on Ocean View Drive; and
 - c) Additional noise analysis on neighbors and future occupants.
4. The prior staff report (Attachment 2) includes the following key analyses that remain germane to this project permit request and should be reviewed prior to the Public Hearing.
 - a) Use permit analysis to 1) reduce parking requirements, 2) develop multifamily units, and 3) increase the Floor Area Ratio for the project from 0.4 to 0.7.
 - b) Design Review of the multifamily Housing portion of this mixed-use project.
 - c) All analysis related to the project which are not identified in 1-3 above, including: detailed project description; consistency analysis with all relevant General Plan policies; compliance with development standards; compliance with parking lot standards; compliance with fencing, screening, landscaping, lighting and solid waste storage requirements; compliance with multifamily standards; visual resources analysis, cultural resources analysis, ESHA and Wetlands analysis, public access analysis, water and wastewater analysis, circulation analysis, stormwater analysis, grading and construction requirements, geologic hazards discussion, drainage and groundwater recharge analysis, and the design review and sign permit

analysis for the multifamily component of the project.

PERMIT PROCESS

This hearing is intended to discuss proposed modifications to an already approved project, and this staff report focuses on the analysis of the project modifications and the issues raised by the appellants as discussed above.

As the modified project will have to comply with all approved special conditions (including (a) those in the City Council resolution dated 3-24-2025, as amended herein, if any amendments to existing conditions are made in this CDP amendment action as well as (b) the new Special Conditions adopted in the resolution today), the numbering for Special Conditions in this staff report starts where the numbering for the special conditions in the resolution adopted on 3-24-2025 ended namely with Special Condition 38.

The attached resolution rescinds the initial CDP, UP and DR permits in their entirety and replaces them with the amended permit for the full project as amended subject to all the findings and special conditions identified in the original staff report and for amended project elements.

COMPLIANCE LAND USE REGULATIONS

Coastal General Plan Land Use Policies

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

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

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

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

However, per the Coastal Land Use and Development Code, only “multi-family housing” is listed as a permissible use with a Use Permit in the CH Zoning District, while “mixed-

use residential” is not listed as a permissible use. Thus, there is an inconsistency between the Coastal General Plan which appears to require a visitor oriented commercial use on the bottom floor of each of the seven residential buildings and the CLUDC that allows multifamily development with a Use Permit, in other words the CLUDC use tables appear to allow multifamily without requiring a commercial component to the project. There are currently at least four other residential developments in Fort Bragg which do not include a commercial component in this zoning district.

The applicant determined that including a visitor serving commercial use on the bottom floor of each of the residential structures would make the project infeasible as it would: 1) eliminate 14 residential units from the project and 2) would require the developer to build out commercial space which would likely never be rented or occupied by a commercial use especially as most of these storefronts would not be visible from the public right of way. Attachment 5 provides a market study and feasibility analysis for various configurations of the project and the study concluded that the proposed project would generate an ROI of 10% and the alternative project (1/3 retail 2/3 multifamily) would generate an ROI of 4.8%. The lower ROI of the alternative project makes it an infeasible project as an investor could earn this rate of return by investing in the much more secure government bond market. Therefore, the applicant requested a planning incentive under State Density Bonus law to reduce this requirement which was approved by the City Council on March 24, 2025 for the prior project configuration.

However, to ensure the project provides adequate visitor-serving uses consistent with the intent of the CH land use designation, the applicant has revised the project description, through this CDP and Use Permit amendment, to include 2,450 SF of hotel units on the ground floor of Building 3 as requested by the Coastal Commission staff. The hotel units would add more Coastal Act and LCP priority uses (lodging) to the ground floor of Building 3. As modified through the planning incentive through State Density Bonus Law and with these added visitor serving components, the project complies with the Land Use Definition and section 17.22.030-E of the CLUDC. The City Council would need to approve this modified incentive request as part of this amended project, and the findings for doing so are both in this report and in the attached resolution (Attachment 1).

During the June public hearings for this project, the Planning Commission recommended that all visitor serving uses occupy the street fronting first floor of buildings 3 and 5, which are the only buildings that are adjacent to Highway 1. This suggestion was reviewed with the Coastal Commission’s North Coast Director, who concurred that this modification would be acceptable, given the exact wording of the policy (e.g. “Residential uses are permitted above the ground floor or on the ground floor at the rear of buildings”). The Planning Commission therefore recommended the following Special Condition:

Special Condition 39. As part of the building permit submittal, the project plans shall illustrate all visitor serving uses (hotel units and retail space) on the east side of the ground floor of buildings 3 and 5.

Policy LU-4.3 Large-Scale Commercial Development: To maintain scenic views of the coast and to ensure that building sizes at the City's gateways are in scale with the community, no commercial building shall exceed the following limitations on the gross floor area: a) between the Noyo River and Pudding Creek Bridges - maximum 50,000 square feet; b) east of Highway One and north of Pudding Creek Bridge - maximum 30,000 square feet; c) west of Highway One and north of Pudding Creek Bridge and south of the Noyo River Bridge - maximum 15,000 square feet; and d) east of Highway One and south of Noyo River Bridge – maximum 40,000 square feet.

The approved project is composed of seven buildings of less than 15,000 SF each and the project amendment would not modify this requirement, so the amendment complies with this policy.

Policy LU-5.3: Lower Cost Facilities: Protect, encourage, and, where feasible, provide lower cost visitor and recreational facilities for persons and families of low and moderate income. If and when average annual occupancy rates at Fort Bragg visitor facilities exceed 70%, removal or conversion of existing lower cost facilities shall be prohibited unless the use will be replaced with another facility offering comparable visitor serving or recreational facilities.

The revised project will include visitor serving facilities. Additionally, the applicant agreed to offer 25% of the visitor-serving accommodations as low-cost visitor serving accommodations. See the special condition below:

Special Condition 40: Twenty-five percent (one unit) of visitor accommodations will be rented at rates that meet the Coastal Commission's definition of Low-Cost Visitor Serving Accommodations, which is defined as 70% of the ADR for the state.

Policy LU-5.5: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The conditioned project includes 25% of hotel units as Lower-cost visitor serving facilities. The revised project will also include a free walking trail through the project site that connects Highway 1 to Harbor Ave. This site is close to excellent coastal trail and harbor accesses which offer additional public recreational opportunities. The project complies with this policy.

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

The amended project will include visitor-serving and recreational facilities; therefore the project complies with this policy.

Policy LU-5.7: Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.

As analyzed later in this staff report, the approved project would add 40+ on-street parking spaces, which currently don't exist and are also not required to meet the parking needs of the proposed development. These 40 new public parking spaces would be available for public access to the nearby Fort Bragg Coastal Trail and Pomo Bluffs Trail, although both of these trail systems have their own parking lots, with 400+ spaces on the south side of the Noyo Headland Park and 43 parking spaces at Pomo Headlands Park. Neither parking lot is currently over-subscribed. The project complies with this policy.

Policy LU-10.2: Locating New Development. New residential, commercial, or industrial development, except as otherwise provided in the LCP, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. Where feasible, new hazardous industrial development shall be located away from existing developed areas.

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

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

1. The approved project will enhance transit services to the site and Special Condition 20 of the initial permit requires the applicant to work with MTA to determine if the addition of a transit stop at the property is warranted and feasible.
2. The project provides pedestrian and bicycle access in and through the project.
3. The project site plan includes two courtyards and a playground to meet the recreational needs of the residents.
4. The proposed project includes parking spaces per density bonus law which will reduce parking and auto use. The proposed site plan splits traffic between Frontage Road

- and Harbor road thereby reducing the overall impact of the project on these two roads.
5. The revised project includes a public pathway through the project site to allow improved access to Pomo Bluffs Park.
 6. The proposed project is a mixed-use smart growth project adjacent to many amenities (Mendocino College, shopping mall, grocery store, restaurants and coastal access) and surrounded by development.
 7. The project complies with this policy.

Policy LU-10.4: Ensure Adequate Services and Infrastructure for New Development. Development shall only be approved when it has been demonstrated that the development will be served with adequate water and wastewater treatment. Lack of adequate services to serve the proposed development shall be grounds for denial of the development.

As analyzed in this report and the March 24th report to City Council this project can be served by existing services. As conditioned the revised project complies with this policy.

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

Fort Bragg is compliant with Air Quality standards except for PM-10. The proposed project would not include any wood burning stoves and so would not contribute further to PM-10 emissions. The state Building Code requires multifamily projects to utilize the lowest GHG producing HVAC systems and on-site PV for energy use reductions. As analyzed later in the report the proposed project's construction would result in a one-time release of 251 metric tons of CO₂e and project occupancy would result in the production of 402 metric tons of CO₂e/year, and even taken together these values are far below the 1,293 CO₂e metric ton/year screening level set by the MCAQCB. This project would be located in a city and so would minimize vehicle miles traveled relative to other residential and commercial projects in the County. The project complies with this policy.

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

The project is not located in a designated special community or neighborhood. The project site does not have unique characteristics which make it a popular visitor destination point. For example, in Fort Bragg, the Noyo Harbor and the Central Business District could be considered special communities because they have unique characteristics such as an active harbor and downtown historic shopping that make them visitor destinations. This parcel and its neighborhood, which is dominated by commercial and hotel development, have no such characteristics. The project complies with this

policy.

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

The project is not on or near the shoreline, so this policy does not apply to the project. There are no wetlands on site. The project includes coastal dependent hotel units and a visitor serving commercial space.

The required Use Permit analysis for the hotel use is included in the Use Permit section of this report.

DEVELOPMENT STANDARDS

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

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

SITE STANDARDS

Parking

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

1151 South Main Parking Analysis

Parking Requirement	Revised Project	
	Number of Units	Required Parking Spaces
Density Bonus Law		
0 to 1 bedroom: 1 onsite parking space	40	40
2-3 bedrooms: 1.5 onsite parking spaces	41	62
ADU Law		
One space per unit	2	2
Mixed Use Component		
One Retail/Office Space - No Parking Required	1,050 SF	0
Hotel Units (1 space per bedroom)	4 BRs	4
Total Residential Units	83	108

- The project includes 83 multifamily units, which must comply with state-mandated density bonus parking (65915p1) requirements:
 - (A) Zero to one bedroom: one onsite parking space (40 parking spaces for this project), and
 - (B) Two to three bedrooms: one and one-half onsite parking spaces, which requires (62 parking spaces for this project).
- Two of the proposed housing units are proposed as attached ADUs rather than regular multifamily units, as permissible under State ADU law. The two ADUs are 2-bedroom units and would therefore require 2 spaces total. Under State ADU law a proposed multifamily housing project is allowed to add two attached or detached ADUs and the parking standards for those accessory dwelling units is one space per unit:

66314.(d) (10) (A) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less.¹
- This amendment turns three housing units into hotel units on the bottom floor of Building 3. This will eliminate three housing units from the approved project, bringing the total number of housing units to 83.

Per Code Section 17.36.080A.1, the City Council approved a reduction in the number of parking spaces where two or more uses have distinct and differing peak parking periods per the Use Permit process. The 1,050 SF visitor serving use would meet this criterion as

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

the special condition requires that it be operated only between the hours of 9:00am to 5:00pm when the majority of residents would be at work.

The Use Permit analysis to authorize shared parking between the retail and the residential uses of the site per code section 17.36.080A.1 has been approved as part of UP 9-24.

However, the applicant must provide one additional on-site parking space which is required for the conversion of three apartment units into visitor serving hotel suites on the ground floor of Building 3. Therefore, the Special Condition below is recommended.

Special Condition 41: The site plan for the Building Permit application, shall illustrate the conversion of one “tree stall” into a parking spot.

As previously analyzed in the staff report for the approved CDP 8-24 (Attachment 2), the conditioned project complies with all parking, ADA, bicycle and motorcycle parking requirements.

Fencing & Screening, Landscaping, Lighting, Solid Waste Recycling & Material Storage

As previously analyzed in the staff report for CDP 8-24, the project as conditioned complies with all Fencing, Screening & Landscaping Lighting, Solid Waste Recycling & Material Storage Requirements.

COMPLIANCE WITH MULTIFAMILY REQUIREMENTS

As previously analyzed in the staff report for CDP 8-24, the project as conditioned complies with all Multifamily Requirements.

COMPLIANCE WITH MIXED USE REQUIREMENTS.

This project amendment application must be analyzed for compliance with the specific land use standards in CLUDC §17.42.100 *Mixed Use Projects* including design considerations (A), mix of uses (B), maximum density (C), site layout and project design standards (D), and performance standards (E), as follows:

A. Design considerations. A mixed use project shall be designed to achieve the following objectives: 1. The design shall provide for internal compatibility between the residential and nonresidential uses on the site.	The non-residential uses are located in only one building and would be relatively quiet (retail and hotel units) and so would be compatible with the residential uses. The residential units of building 3 would be located on the second and third floor and have separate external entrances.
2. Potential glare, noise, odors, traffic, and other potential nuisance conditions for residents shall be minimized to allow a compatible mix of residential and	The proposed non-residential uses would not add to glare, noise, odors, traffic or other nuisance conditions.

nonresidential uses on the same site.	
3. The design shall take into consideration existing and potential future uses on adjacent properties and shall include specific design features to minimize potential impacts.	The mixed-use project would not conflict with adjacent hotel, restaurant or retail operations. The project includes special conditions to reduce impacts on neighboring residential uses such as installation of a sound wall, extensive landscaping, street improvements, and discouraging parking on the west side of Harbor Road.
4. The design shall ensure that the residential units are of a residential character, and that appropriate privacy between residential units and other uses on the site is provided.	The proposed project includes 83 apartments with strong residential character. Each residential unit has a separate entrance which provides appropriate privacy. All commercial uses are concentrated in Building 3.
5. Site planning and building design shall provide for convenient pedestrian access from the public street into the nonresidential portions of the project, through such means as courtyards, plazas, walkways, and street furniture.	The approved project includes a sidewalk connection to the Frontage (unnamed) road. The City Council could require the applicant to install a bench in front of Building 3. Special Condition 42: The Site Plan for the Building Permit shall include a public bench located in front of Building 3.
6. Site planning and building design shall be compatible with and enhance the adjacent and surrounding residential neighborhood in terms of building design, color, exterior materials, landscaping, lighting, roof styles, scale, and signage.	This project is located in a largely commercial neighborhood. As previously analyzed in the staff report for CDP 8-24, this mixed use project is located as far east on the parcel as feasible and thereby increases the distance between the approved project and the residential areas to the west. Design Review has already been approved for this project by the City Council.
B. Mix of uses. A mixed use project may combine residential uses with any other use allowed in the applicable zoning district where allowed by Article 2 (Zoning Districts and Allowable Land Uses); provided, that where a mixed use project is proposed with a use that is required to have Minor Use Permit or Use Permit approval in the applicable zoning district, the entire mixed use project shall be subject to that permit requirement.	A Use Permit is required for the mixed-use project and is included in this analysis.
C. Maximum density. The residential component of a mixed use project shall comply with the density requirements of the applicable General Plan designation and zoning district.	The proposed project would provide 83 units of which as analyzed in the staff report to the City Council and the project complies with the City's General Plan designation and zoning district as conditioned and through incentives approved for the project via State Density Bonus law by the City Council on March 24, 2025.

<p>D. Site layout and project design standards. Each proposed mixed-use project shall comply with the property development standards of the applicable zoning district and the following requirements:</p> <p>1. Location of units. Residential units shall not occupy ground floor street frontage on the primary street frontage. Residential units are allowed on the first floor of alleys and secondary street frontages. The ground floor street frontage space within a mixed-use building shall be reserved for commercial uses, except for a lobby or other feature providing access to the residential units.</p>	<p>The proposed project would provide 83 units of housing on first, second and third floors as conditioned and through incentives approved for the project via Density Bonus law by the City Council on March 24, 2025.</p> <p>This amendment to the project is more conforming with this requirement as it would result in the dedication of the entire first floor of Building 3 for visitor serving commercial uses (retail and hotel).</p>
<p>2. Parking. In order to encourage the development of residential uses in existing and new commercial areas, the use of shared parking provisions shall be incorporated into mixed use projects in compliance with § 17.36.080 (Reduction of Parking Requirements).</p>	<p>This has been achieved in the project.</p>
<p>3. Loading areas. Commercial loading areas shall be located away from residential units and shall be screened from view from the residential portion of the project to the maximum extent feasible.</p>	<p>Only projects of more than 5,000 SF of commercial space are required to provide a commercial loading space (see 17.36.110 Table 3-11). This amended project includes less than 4,000 SF of commercial space and no loading space is required.</p>
<p>4. Refuse and recycling areas. Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses.</p>	<p>The proposed project includes two refuse and recycling areas which are convenient to all residents and the commercial uses.</p>
<p>E. Performance standards.</p> <p>1. Lighting. Lighting for commercial uses shall be appropriately shielded to limit impacts on the residential units.</p>	<p>The lighting for the amended project will not be changed and is appropriately shielded to limit impacts to all uses including residential uses.</p>
<p>2. Noise. Each residential unit shall be designed and constructed to minimize nonresidential project noise levels, in compliance with the City's Noise Ordinance. Night-time commercial uses shall minimize noise levels, in compliance with the City's Noise Ordinance.</p>	<p>The proposed project would minimize noise impacts to the residential uses as they are located above a small retail space and hotel uses of the first floor. Compliance with the City's noise ordinance is required of all businesses and residences throughout the City. Nothing additional is required.</p>

COMPLIANCE WITH LODGING REQUIREMENTS

The CLUDC does not include specific standards for lodging facilities. However, the City

of Fort Bragg does prohibit vacation home rentals outside of the Central Business District. Therefore, the hotel units must be managed out of the applicant's existing adjacent hotel as an annex to that hotel, and a special condition is included below.

The Planning Commission requested that kitchens be excluded from the hotel suites to ensure that they not be considered a vacation rental, which is not permitted in the City outside of the Central Business District.

Special Conditions 43: The applicant shall reconfigure the three multifamily units into four hotel suites without kitchens. The applicant shall manage all four hotel suites out of their hotel business, the Dolphin Inn. If the applicant sells the Dolphin Inn in the future, the space shall be modified into another visitor serving use through a CDP amendment.

Additionally, special condition 40 ensures that 25% of units will be lower cost visitor serving accommodations consistent with policies LU-5.5 and LU-5.6.

USE PERMIT ANALYSIS

Use Permit 9-24 was approved for this project by the City Council on March 24th to: 1) reduce parking requirements; 2) develop multifamily units; and 3) increase the Floor Area Ratio for the project from 0.4 to 0.7.

This Use Permit Amendment (UP 9-24/A) is required because the CLUDC requires a Use Permit for: 1) a Residential Component of a Mixed-Use Project; and 2) Lodging Use.

Use Permit – Mixed-Use Projects

All Mixed-Use Projects with a Residential Component are required to obtain a Use Permit in the CH zoning district. The project complies with the specific mixed-use standards as analyzed earlier in this report. Please see the findings section below for the Use Permit. The CLUDC does not include specific standards for hotel/lodging.

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

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

As detailed throughout this report, the Staff Report for CDP 8-24 and UP 9-24 dated March 24, 2025 and as conditioned in both reports, the project is consistent with the Coastal General Plan and Local Coastal Program.

2. *The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;*
The proposed use is allowed with Use Permit approval in the Highway

Commercial Zoning District and, as conditioned and analyzed in this report, the Staff Report for CDP 8-24 and UP 9-24 dated March 24, 2025 and as conditioned in both reports, the use complies with the CLUDC and the Municipal Code.

3. *The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;*

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

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

Therefore, the proposed mixed-use project would be compatible with current and future commercial and multifamily residential uses in terms of design, location, size and operating characteristics. On March 24, 2025 the City Council adopted a Special Condition to protect residential uses to the west from sound generated by the project.

4. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise*

constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.

The proposed site is a flat lot which is easily accessible to emergency vehicles. The project site can effectively access sewer, water and storm drain utilities from the site per the Public Works Department and as required by the Special Conditions for the project. The proposed site plan provides for effective vehicular access and solid waste collection. The project includes adequate stormwater filtration and conveyance systems.

5. *The proposed use complies with any findings required by Section 17.22.030 (Commercial District Land Uses and Permit Requirements).*

a. *Secondary uses oriented to local clientele may be permitted where the primary use of a site is oriented to or serves visitor, regional, or transient traffic;*

The amended project will include three hotel units and one retail store on the ground floor of Building 3. These uses are oriented to serve visitors. The project applicant has requested and the City Council has approved a Density Bonus Law planning incentive to reduce the requirement for primary visitor serving uses in the bottom floor of all buildings. Coastal Commission staff have concurred that the applicant is able to request and the City may approve this density bonus law incentive so long as visitor serving uses are located on the entire ground floor of one building (Building 3). Notable, the project would provide much-needed market rate housing to employees of the Fort Bragg's tourism economy. Additionally, the Coastal Act Section 30604(f) requires the Commission to encourage housing opportunities for persons of low and moderate income. This project would consist of modest units and some units would be affordable to people of very low incomes.

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

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

The multifamily units, hotel units and commercial retail are vehicular-oriented.

DENSITY BONUS ANALYSIS & INCENTIVES

On March 24, 2025 the City Council approved a density bonus and planning incentives for this project as detailed in Attachment 2.

Adequacy of Hearing Notice for Density Bonus Planning Incentives. During the Planning Commission of June 25th a neighbor asserted that they should have been notified of this hearing by mail and that the City Council cannot approve the project because we did not provide them with notice of this hearing.

The notice for this hearing was posted on site and sent to the newspaper but was not mailed to adjacent property owners, because this was not a “land use decision”, instead it was only “preliminary pre-approval” of incentives. Additionally, there was no prejudice or actual harm to the property owners as analyzed below.

Per state law and case law, even if a court found that this notice is defective, a decision may be upheld unless it can be demonstrated that the defect was prejudicial, a substantial injury occurred from the defect, and a different result was probable had the defect not occurred. Govt C §65010(b); Rialto Citizens for Responsible Growth v City of Rialto (2012) 208 CA4th 899, 919.

- 1) At the Inclusionary Housing hearing it was made very clear to the City Council that the decision at issue was only a preliminary preapproval and not a final decision because the project permit approval was coming back for consideration which would include the actual consideration (and potential approval or rejection) of the incentives.
- 2) Additionally, the city is required to grant incentives under density bonus law so it is not probable that a different outcome would have resulted. Nor is there a substantial injury occurring from the lack of mailing, as all neighbors have been properly noticed regarding all four public hearings related to the actual land use decision and the final approvals of the planning incentives. Furthermore, all noticed neighbors have attended these hearings and participated by providing public testimony on multiple occasions prior to final decisions.
- 3) Additionally, per our CLUDC the “method of notice distribution” 17.96.020B2c includes notice by mail to affected owners, for “a planning permit, amendment or appeal”. The hearing was for preliminary pre-approval of planning incentives, which was not a planning permit, amendment or appeal.
- 4) Finally, only one of the incentives requested at the preliminary hearing is still part of the project, namely the increase in maximum height from 28 feet to 36 feet, and State Density Bonus law requires that the City approve incentives if they are required to accommodate the density bonus. The height limit incentive is required to accommodate the density bonus as the 50% density bonus cannot be accommodated on the site without the height increase. All other incentives discussed in that first hearing have been dropped except for the height limit. See below the requirement for state Density Bonus Law:

“65915. (e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section.”

Number and Affordability of Inclusionary Units. As amended the project includes the following:

1. The applicant initially applied for permits for 53 units and the inclusionary requirement for 53 units is eight units ($15\% \text{ of } 53=8$).
2. Median family income in Fort Bragg in 2022 was \$57,662. After adjusting for inflation, Area Median Income (AMI) in 2024 was \$62,123. Families earning 50% of AMI would earn \$31,061/year and pay \$647/month for an affordable unit (see table below).
3. It is also important to note that per State Law the Density Bonus is applied to the project after the number of inclusionary units is determined. This is why the project will not provide 15% of 83 units (which would be 13 units) as the number of inclusionary affordable units.

Density Bonus Calculation. Per Government Code 65915(f)(2), the applicant is eligible for a 50% density bonus for agreeing to provide 15% of units at a rent affordable to very low-income households. Density bonus law clearly indicates that the density bonus is 50% for projects which provide 15% of units at a rent that is affordable to very low-income residents.

However, to address issues raised by the appeals, the applicant now is requesting to amend their permit application to change four of the residential units into a mix of retail and visitor-serving accommodations. Therefore, the applicant has requested a total of 83 residential units, eight of which will be affordable for very low-income residents. If one backs out the density bonus from an 83-unit project the base project is 55 units. So, the applicant must provide 15% of these 55 units as affordable units, which is eight units. Per density bonus law the percentage of units that are affordable is always calculated on the base number of units and excludes the density bonus units.

Density Bonus Incentives. T The City Council considered three zoning incentives on March 24, 2025 per Government Code Section 65915 (d)(2)(C). .

1. Increase the height limit for the proposed project from 28 feet to 38 feet; and
2. Reduce the minimum balcony size from 100 SF to 42 SF, and build the balconies with the range of sizes as detailed in the project plans.
3. Allow the applicant to construct a multifamily residential project with a Use Permit as permitted in the Zoning Ordinance and eliminate the requirement for visitor serving uses on the front bottom floor of each building.

The applicant requested these incentives to retain the project's financial feasibility (Attachment 5). However, the applicant is now requesting to change three multifamily units into 2,450 SF of hotel suites, 25% of which would be low-cost visitor serving accommodations. As discussed previously, this request is consistent with the Coastal General Plan requirements to prioritize visitor serving uses, including those providing lower cost uses, in the CH zone district. Therefore, the requested density Bonus

incentives now include the following:

1. Increase the height limit for the proposed project from 28 feet to 38 feet; and
2. Allow a minimum balcony size of 42 SF, and the project shall provide the range of balcony sizes illustrated in the project plans.
3. Modify the requirement for visitor serving uses on the street facing frontage of the front bottom floor of each building, to the street facing frontage of the bottom floors of Buildings 3 and 5, with the following configuration: 1,000 of retail and into 2,450 SF of hotel suites, 25% of which would be low-cost visitor serving accommodations.

Attachment 5 is a market study and feasibility analysis for two alternative configurations of the project and key findings of the study include:

- Fort Bragg currently has over 44,000 sf of vacant small format retail space, which rents for \$0.75 to \$1.50 per square foot depending on the size of the space, condition and location.
- Much of this vacant retail space has been vacant for years with an average vacancy time of 4 years.
- Fort Bragg has a very “soft” or poor market for new small format retail space.
- The multifamily residential retail market is very strong with a vacancy rate of less than 1% and average rents which range from \$1.60 to \$3.25 per square foot.
- If the applicant was forced to add 24,000 SF of new vacant retail space in this market it is unclear if and when it would be rented. Therefore, the applicant requested a planning incentive under State Density Bonus law to waive this requirement which was approved by the City Council on March 28, 2025.
- The project, as proposed, would generate an estimated \$2.9 million in gross income per year, while a project composed of 100% retail on the first floor of all buildings and the remainder 2/3 of the buildings as multifamily would generate only \$2.2 million in gross income.
- Total development cost for the proposed project would be \$27.6 million whereas the alternative project with more retail would be an estimated \$23.5 million.
- The applicant would need to invest \$5.5 million in the proposed project and \$4.6 million in the alternative project.
- Assuming the applicant can secure an interest only commercial loan at 7.1% with a ten-year balloon payment and a 20-year term, the proposed project would generate an ROI of 10% and the alternative project (1/3 retail) would generate an ROI of 4.8%. The lower ROI is not a feasible project as an investor could earn this much by investing in the much more secure government bond market.
- This project is exposed to risk from the volatile bond market which might result in a higher interest rate at the start of construction and the trade war and higher tariffs which has already driven up material and construction costs.

The City Council can approve these incentives based on the following findings:

1. The requested incentives are required in order to provide for affordable housing

- costs as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set in compliance with Government Code Section 65915(c).
2. The concession or incentive will not have a specific adverse impact, as defined by Government Code Section 65589.5(d)(2), upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.
 3. The City has determined that the development incentives requested will not have any adverse effects on coastal resources.
 4. The project is not feasible if the applicant must replace 9,560 SF of housing units with commercial space, which is very likely not a viable use.
 5. This site has remained undeveloped for over 40 years, since it was first subdivided as part of the former cattle ranch. This indicates that there is insufficient demand to support visitor serving uses on this site. Indeed, the only other development proposal for this site in 40 years was an auto parts store, which is also not a visitor serving use.
 6. The Fort Bragg City Council has identified workforce housing development as a top priority in the City's Strategic Plan and set a goal to develop 200 units of housing in Fort Bragg by 2026.
 7. The Coastal Commission implements the California Coastal Act of 1976, and Section 30604(f) of the Coastal Act requires the Commission to encourage housing opportunities for persons of low or moderate income.
"Section 30604 (f) The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code, the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under Section 65915 of the Government Code, unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity."
 8. The State of California has passed regulations to streamline and facilitate the construction of market rate and affordable multifamily developments including regulations that limit the ability of local jurisdictions to deny multifamily housing projects based on subjective criteria and the requirement to provide housing incentives and density bonuses for project that include affordable housing. Statewide housing laws, such as Density Bonus Law, the Housing Accountability Act, and the Housing Crisis Act, apply in the coastal zone in

- ways that are also consistent with the Coastal Act.
9. There are relatively few large parcels in Fort Bragg that support multifamily housing, as identified in the City's vacant parcel inventory. Most vacant parcels that can accommodate multifamily housing have an environmental constraint. This parcel does not have any environmental constraints.
 10. There are ten vacant parcels zoned Highway Commercial in the Coastal zone of Fort Bragg. These parcels total 30+ acres so there is significant vacant land to meet future visitor serving needs.
 11. Workforce housing supports visitor serving uses by ensuring that there are sufficient units for workers in restaurants, hotels, parks, retail stores, etc. This has especially become a crisis on the Mendocino Coast as more affordable residential units in the County have been turned into vacation rentals than have been built in the past twenty years. This has made housing a critical support sector for the visitor serving economy at the same time that it has weakened the hotel market in Fort Bragg.

COASTAL DEVELOPMENT PERMIT ANALYSIS

The March 24th staff report fully analyzed potential impacts on coastal resources for the approved project, and the amended project would have an identical development footprint and so would not have many additional impacts. For the following topic areas, please review the permits analysis for the March 24, 2025 City Council hearing (Attachment 2), as these issues are fully discussed in that staff report and all required special conditions will be incorporated into the amended permits for this project.

- Visual Resources,
- Cultural Resources,
- Environmentally Sensitive Habitat Areas, and Wetland and Riparian Protection
- Special Communities, Neighborhoods, and Recreational and Visitor Serving Uses
- Wastewater
- Stormwater
- Grading & Construction
- Geologic Hazard
- Drainage and Groundwater Recharge
- Improvements
- Flood Hazard
- Fire and Life Safety

However, some topic areas will be impacted in small ways by the modified project, namely public access, water supply and circulation. These are discussed below:

PUBLIC ACCESS

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

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

The project is not in an area used by the public to access the coast nor is it identified in the Coastal General Plan as a location for public access to the Noyo River. The properties to the north and south are identified as access points and irrevocable offers to dedicate will be required when these projects are developed in the future. To ensure this development is well integrated with nearby access points a public access path of travel from the southeast corner of the project site to the northwest corner of the project site with appropriate signage has been requested by Coastal Commission staff. Therefore, the Special Condition below is recommended:

Special Condition 44: As part of the Building Permit submittal, the applicant shall modify the site plan to include a continuous path of travel from the southeast corner of the parcel to the northwest corner of the parcel and shall sign it with the following signs “Public Access to Pomo Bluffs Park. As part of the public access trail a sign shall be installed at the southern entrance that is clearly legible and that includes the following language “Public access trail. Public access is available through this property to Pomo Bluff Park. Part of this route is NOT ADA accessible.”

An option for the trail alignment is illustrated below.



One of the appeals suggested that the applicant should be responsible for off-site ADA improvements to connect the project site to Pomo Bluffs Park. However, the City does not have policies or regulations that require the applicant to make trail connections to the Pomo Bluffs park through this property. Indeed, the City's Coastal General Plan Map OS-3 does not identify a required coastal access trail through this site or along the adjacent Harbor Ave. Therefore, there is no regulatory requirement that the City can apply to require off-site ADA improvements to connect this property to Pomo Bluff's Park, which is located 980 linear feet from the edge of this project's parcel. In legal terms there is no nexus to justify requiring that the applicant make these appellant requested ADA improvements.

Adequacy of water supply, sewage disposal, solid waste, and public roadway capacity

The following Coastal General Plan policy requires the City to determine if the project will be served adequately with existing utilities:

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

- a. New development that increases demand for new services by more than one equivalent dwelling unit (EDU) shall only be permitted in the Coastal Zone if,
 - Adequate services do or will exist to serve the proposed development upon completion

of the proposed development, and

- Adequate services capacity would be retained to accommodate existing, authorized, and probable priority uses upon completion. Such priority uses include, but are not limited to, coastal dependent industrial (including commercial fishing facilities), visitor serving, and recreational uses in commercial, industrial, parks and recreation, and public facilities districts. Probable priority uses are those that do not require an LCP amendment or zoning variance in the Coastal Zone.
- b. Prior to approval of a coastal development permit, the Planning Commission or City Council shall make the finding that these criteria have been met. Such findings shall be based on evidence that adequate service capacity remains to accommodate the existing, authorized, and probable priority uses identified above.

As analyzed and conditioned below, the mixed-use project will be served by existing services.

WATER SUPPLY

The revised project will only slightly increase the water demand of the project by 15 gallons per day from 6,960 to 7,005 gallons per day.

- On a daily basis, residents in apartments utilize 80 gallons/unit/day.
- On a daily basis the City currently produces about 75 gallons of water per hotel room. The hotel room equivalents would be 4 bedrooms or 300 gallons per day.
- Currently retail uses consume 65 gallons per 1,000 SF.

Water Budget Proposed 83-unit Mixed Use Project at 1151				
Unit Size	Number of Units	Estimated Residents/Unit	Total Water Use/ Year (gallons)	Total Water Use/Day (gallons)
Studio	6	1.2	175,200	480
1-bedroom	34	1.5	992,800	2,720
2-bedroom	43	3	1,255,600	3,440
1000 SF Retail	1	0	29,200	65
4 Hotel Room E	4	0	116,800	300
Total	88	187.2	2,569,600	7,005

The revised project would use a total of 7,005 gallons per day and 2.5 million gallons/year. Which is just a slight increase over the 6,960 gallons per day of the approved project. This amended project would increase total water demand by 1.2% for the City's Water Enterprise.

The Table below summarizes the completed and underway water projects and total water availability increases for each project. As illustrated in the table, these projects would result in an additional 201,534 gallons of water available per day, which would more than offset the amended project's water demand of 7,005 gallons per day. The already completed package

desalination plant is sufficient, by itself, to provide 28 times more water than is needed by the proposed development.

Completed Water Availability Projects				
Project			Annual Water (gallons)	Daily Water (Gallons)
Package Desalination Plant (2022)			52,560,000	144,000
Raw Water Line Replacement (2025)			1,000,000	2,740
Water Meter Conservation Project (2025)			20,000,000	54,795
Subtotal			73,560,000	201,534
Proposed Project Projected Water Use (2026)			(2,569,600)	(7,005)
Net Available Water Post Project			70,990,400	194,529

CIRCULATION

This project was referred to Caltrans, which determined that a traffic study was not warranted and that the project would result in reduced vehicle miles traveled due to its location in the City. Caltrans is focused on vehicle miles traveled and safety instead of Level of Service (LOS). Caltrans indicated that the project would have minimal impacts on highway 1 intersections. Caltrans did ask the City to secure MCOG funding to close ADA gaps throughout this area. However, this was not recommended as a condition of approval as these gaps are pre-existing and there is no legal nexus to require these off site improvements of this developer.

Public Works staff also determined that a traffic study was not warranted for this project as it would not impact levels of service on highway 1 and a prior traffic study for the Autozone project identified the required public safety changes that should be made to the roadway system for a project with substantially the same level of daily trips.

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

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

Level of Service. "Level of Service" is a qualitative measure of traffic operating conditions whereby a letter grade "A" through "F", corresponding to progressively worsening traffic operating conditions, is assigned to an intersection or roadway segment. Table 2 below presents the minimum LOS for the intersections which could be impacted by the proposed project. As shown in Table 2, the City's General Plan allows the level of service to decline to a letter D or C for all of the potential intersections impacted by the proposed project.

Table 2. Minimum levels of service for intersections along and not along State Route 1.

Intersection Description	Minimum LOS
Signalized and All-Way-Stop Intersections along SR 1	D
Side Street Stop Sign Controlled Intersections along SR 1	D; or F if <15 vehicles per hour (veh/hr), left turns plus through movements from side street and volumes do not exceed Caltrans rural peak hour signal warrant criteria levels
Signalized and All-Way-Stop Intersections not along SR 1	C
Side Street Stop Sign Controlled Intersections not along SR 1	C; or E if <15 veh/hr, left turns plus through movements from side street and volumes do not exceed Caltrans rural peak hour signal warrant criteria levels

The City's General Plan requires the City to consider LOS when considering new projects. As noted in the table below, these intersections currently function at LOS levels (B, C, and A) much above the Maximum allowable D LOS for the intersections noted above.

Table 11. Existing Conditions with Project Intersection Level of Service Summary

No.	Intersection	Weekday				Weekend	
		A.M.		P.M.		Midday	
		Delay (s)	LOS	Delay (s)	LOS	Delay (s)	LOS
1	SR 1 / frontage road						
	Eastbound LTR	12.5	B	14	B	18.7	C
	Westbound LTR	12.6	B	13.6	B	15.4	C
	Northbound L	8.7	A	11.1	B	11.1	B
	Southbound L	9.8	A	10.5	B	10.1	B
2	SR 1 / Ocean View Drive	11.3	B	13.6	B	18.1	B
3	SR 1 / SR 20	8.4	A	8.5	A	11.6	B
4	SR 20 / Boatyard Drive						
	Eastbound L	8.9	A	8.3	A	8.4	A
	Westbound L	8.2	A	8	A	8	A
	Northbound LTR	10.5	B	13	B	12.9	B
	Southbound LTR	9.2	A	13.1	B	13.1	B
5	Ocean View Drive / frontage road						
	Eastbound T	7.4	A	7.5	A	7.6	A
	Southbound L	10.8	B	10.7	B	10.7	B

The traffic study noted that none of these intersections currently warrant a new level of traffic control (signalization or all stop signs).

Per the Institute of Transportation Engineers (ITE) publication "Trip Generation, 10th Edition" the proposed multifamily project would generate 0.54 vehicle trips/unit during peak travel hours or 44 vehicle trips total for the 83-unit housing project at peak hours.

Additionally, this mixed-use apartment project would generate less than 406 vehicular trips per day per the ITI Trip Generation Manual, and this is an insufficient traffic load for the project

to reduce the Level of Service at any of the intersections below acceptable levels

Additionally, the Autozone Traffic Study found that even with 55.34 per peak hour trips and 387 trips per day, Only the eastbound left turn from Ocean View Drive to Highway 1 fell from a LOS of C to D, which is an allowable level of service per the Coastal General Plan. No signalizations were warranted for that project. The Traffic Study also determined that the project would not result in queue lengths at intersections that exceed existing capacity. Therefore, this proposed project will not exceed current LOS limits per Policy C-1.3 of the Coastal General Plan. And Per Policy C-2.3 a traffic study was not required for this project.

Table 13. Future Conditions Intersection Level of Service Summary

No.	Intersection	Weekday				Weekend	
		A.M.		P.M.		Midday	
		Delay (s)	LOS	Delay (s)	LOS	Delay (s)	LOS
1	SR 1 / frontage road						
	Eastbound LTR	15.7	C	25	D	27.2	D
	Westbound LTR	12.3	B	16.6	C	19.6	C
	Northbound L	9.1	A	13	B	13.3	B
	Southbound L	9.4	A	12.2	B	11.1	B
2	SR 1 / Ocean View Drive	13	B	22	C	33.5	C
3	SR 1 / SR 20	11.7	B	21.3	C	19	B
4	SR 20 / Boatyard Drive						
	Eastbound L	1.9	A	1.9	A	8.7	A
	Westbound L	7.7	A	8.1	A	8.1	A
	Northbound LTR			13.9	B	13.9	B
	Southbound LTR	9.8	A	14.4	B	14.4	B
5	Ocean View Drive / frontage road						
	Eastbound T	7.5	A	7.8	A	8	A
	Southbound L	10	B	11.3	B	12.8	B

Based on a review of this traffic analysis for the Autozone, Staff determined that a traffic study was not necessary for this project as the proposed project could not result in a drop of LOS below the minimum threshold in the Coastal General Plan.

However, traffic safety is a concern for this project. The traffic study that was completed for the Autozone project included two safety recommendations to address traffic flow and safety at the intersection of Ocean View Drive at Side Street/South Main Street, and at South Main Street/Highway 1. Those recommendations were rolled into Special Conditions that were adopted as part of the permit approvals for this project and are included below for information purposes.

Special Condition: At the time of development and prior to the issuance of the occupancy permit, the applicant shall obtain an encroachment permit from Caltrans and install appropriate Keep Clear signage and street markings at the intersection of

Ocean View Drive and the frontage road (Intersections Highway 1/Ocean View Drive and Ocean View Drive/Frontage Rd). As conditions warrant and concurrent with regular maintenance, the applicant shall extend westbound north lane striping by approximately 100 feet to provide an earlier separation between left turning and right turning traffic.

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

1. Special Condition 18: At the time of development and prior to the issuance of the occupancy permit, the applicant shall obtain an encroachment permit from Caltrans and install appropriate Keep Clear signage and street markings at the intersection of Ocean View Drive and the frontage road (Intersections Highway 1/Ocean View Drive and Ocean View Drive/Frontage Rd) and the applicant shall obtain an encroachment permit from the City of Fort Bragg and install appropriate "Keep Clear" signage and street markings at the Intersection of Harbor Ave and Ocean View Road.

During June's 2025 Planning Commission hearings, traffic safety come up as an issue again. Based on comments received at the public hearing regarding traffic, a traffic memo was prepared by a traffic engineer for this project (Attachment 17) which confirmed the City's analysis that traffic impacts of the project would be minimal, and a new traffic count is not required for the project because the project would not impact levels of service at any intersection. Additionally, the Planning Commission discussed various options for addressing existing and future traffic safety concerns, as follows:

1. Neighbors mentioned that there is currently some speeding on Ocean View Drive. The Planning Commission discussed the option of installing speed bumps on Ocean View Drive and the applicant agreed to do so as part of the project. However, it was noted that this could not be added as a special condition, because off-site improvements that address existing safety concerns which would not be impacted by the project (as the speeding is occurring west of the site) cannot be required of a developer due to case law. Additionally, most of Ocean View Drive is located in the County, so the City will need to work with the County to install a speed bump to address speeds west of the project site. In the meantime, the City Police Department will engage in more traffic enforcement on Ocean View Drive.
2. Neighbors and Planning Commissioners noted that the intersection of Ocean View Drive and Harbor Ave is obscured by tall bushes and trees. The Planning Commission therefore recommended the addition of a special condition to address this safety concern:

Special Condition 45. Prior to issuance of the building permit, the applicant shall insure that the “traffic visibility area” on their property at the intersection of Ocean View Drive and Harbor Ave complies with the City’s zoning code and is less than 42 inches in height.

3. The Planning Commission requested an analysis of the feasibility of establishing a four way stop at the intersection of Ocean View and Harbor Ave and/or Ocean View and Frontage Road. The applicant hired a traffic engineer to explore the safety issues associated with the establishment of a four-way stop at either location (Attachment 18). The traffic engineer determined that a four-way stop is not advisable at the intersection of Frontage Road and Highway 1 due to the likelihood that traffic would back up onto highway 1. The traffic engineer also determined that a four-way traffic stop at the intersection of Harbor Ave and Ocean View Road is unlikely to meet the established warrants as outlined in the California Manual on Uniform Traffic Control Devices (CAMUTCD). Installing unwarranted traffic control devices can often lead to increased violations, driver frustration, and even a rise in certain collisions. The Planning Commission mused further about installing a three-way stop but did not reach a decision. As the installation of a 4-way stop sign would not be warranted now given existing and projected traffic conditions at the intersection, the City Council can consider adding optional condition 46 as follows for potential future conditions:

Optional Special Condition 46. If a four-way stop sign is warranted by traffic conditions at the intersection of Harbor Ave and Ocean View within 4 years of completion of the project, the applicant shall obtain an encroachment permit and install the required 4-way stop sign.

Green House Gas Emissions & Vehicle Miles Travelled

Neither the City’s Coastal General Plan nor the City’s Zoning Ordinance requires an analysis of Vehicle Miles Travelled (VMT) or greenhouse gas emissions analysis for a proposed development project. While these analyses are required for CEQA, this project is exempt from CEQA as an urban infill project. The following analysis is included here to respond to concerns raised in the appeals to the Coastal Commission.

The City of Fort Bragg adopted a Climate Action Plan (CAP) in 2012. The plan sets greenhouse gas reduction goals including a 30% reduction in greenhouse gasses for the municipality by 2020, and a 7% reduction goal for the community by 2020. However, the City Council never formally adopted these goals, nor did they formally adopt the Climate Action Plan. According to the CAP, nearly 70% of the City’s GHG emissions were produced by vehicles, primarily automobiles. Transportation emissions are high because the City is a rural community and because the majority of visitors travel to Fort Bragg in personal vehicles. The proposed project will reduce vehicle miles traveled as it will allow more coastal residents to live within City limits where most of the jobs and retail opportunities are located. The chart below summarizes total Vehicle Miles Traveled from a CalEEMod analysis of the proposed project.

CalEEMod Table for VMT for 1151 S Main Street, Fort Bragg CA				
Land Use Type	VMT			
	VMT/ Weekday	VMT/ Saturday	VMT/ Sunday	VMT/ Year
Apartments Low Rise	1,960	2,179	1,681	712,194
Strip Mall	23	29	14	8315
Hotel	81	71	52	27640

The CalEEMod found that the development of this mixed-use multifamily project would result in 3,808 VMTs per resident, which is significant less than the average yearly VMT for residents of the Mendocino Coast, likely reflecting the fact that individuals who live in Fort Bragg drive less to work, school, and shop than residents outside of the City. Therefore, this project will reduce total VMT in the county.

The table below identifies total GHG emissions from the Construction and Operation of the proposed Mixed-Use Project. This table was generated using CalEEMod software for the revised project.

1151 S Main Street Operations and Construction Emissions (GHG CO ₂ e)							
Operations Emissions							
GHGs (lb/day for daily, MT/yr for annual)							
CO ₂							
Un/Mit.	BCO ₂	NBCO ₂	CO ₂ T	CH ₄	N ₂ O	R	CO ₂ e
Average Daily (Max) Lbs/Day							
Mit.	39.686	2,239.50	2,279.10	4.1865	0.1418	7.1026	2,433.20
Annual (Max) (Metric Tons)							
Mit.	6.5704	370.77	377.34	0.6931	0.0235	1.1759	402.84
Construction Emissions							
GHGs (lb/day for daily, MT/yr for annual)							
CO ₂							
Un/Mit.	BCO ₂	NBCO ₂	CO ₂ T	CH ₄	N ₂ O	R	CO ₂ e
Average Daily (Max) Lbs/Day							
Unmit.	-	1,506.00	1,506.00	0.0597	0.0436	0.5212	1,521.00
Annual (Max) (Metric Tons)							
Unmit.	-	249.34	249.34	0.0099	0.0072	0.0863	251.82
Source: CalEEMod, 2025							

The Mendocino Air Quality Management District sets a greenhouse gas screening level of 6.6 CO₂e metric ton per employee or resident. The table below illustrates that the project will have 196 residents/employees, which results in 1,293 metric tons of CO₂e as the screening threshold for this project.

Unit Size	Number of Units	Estimated Residents or Employees/Unit
Studio	6	1.2
1-bedroom	34	1.5
2-bedroom	43	3
1000 SF Retail	1	1
4 Hotel Room Equivalents	4	2
Total	88	196.2

As noted above, the proposed project's construction would result in a one-time release of 251 metric tons of CO₂e, and project occupancy would result in the production of 402 metric tons of CO₂e/year, and even added together the resulting 653 metric tons is far below the 1,293 CO₂e metric ton/year screening level. So, the project will not result in significant greenhouse gas emissions and does not require environmental review or mitigations.

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

Special Condition: The applicant shall work with MTA and the School District to determine if the addition of a transit and/or school bus stop at the property is warranted/feasible. If a transit/school bus stop is feasible and desirable the applicant shall install a bus stop in the sidewalk at a location per the request of MTA/School District prior to final of the building permit.

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

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

NOISE

The staff report, dated March 23, 2025, included a brief analysis of noise under the Use Permit discussion. However, neighbors brought this concern to the fore again at the Planning Commission hearing of June 25, 2025.

Occupancy Noise. Table N-2 of the City's Noise Element in the General Plan identifies current noise levels on highway 1 in the project vicinity as follows:

**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

The Day-Night Average Sound Level (L_{dn}) is used to measure noise that is deemed a nuisance. L_{dn} is a 24-hour average sound level where nighttime noise (10 p.m. to 7 a.m.) is penalized by adding 10 decibels to the measured level. This adjustment reflects the greater disturbance potential of nighttime noise.

The noise levels in Table N-2 were verified in the field with multiple trips to the site and average noise levels for LA_{eq} (the A-weighted equivalent continuous sound level) of less than 70 dB at the highway centerline at each measurement. An A-weighted noise measurement emphasize frequencies more audible to humans. Therefore, the noise measurement in the General Plan of 72 to 72 L_{dn} dB likely reflect louder vehicular traffic noise levels that have decreased over the past 20 years due to improvements in engineering and design. Nevertheless, this report relies on the General Plan noise levels of Table N-2.

Based on Table N-2 and the use of a noise attenuation calculator the following noise levels currently occur on both properties:

- The project site is located 85 feet from the highway 1 project centerline and has a calculated noise level of 67.39 L_{dn} dB.
- The nearest residence is located 400 feet from the project centerline and has a calculated noise level of 53.94 L_{dn} dB.

Per the Coastal General Plan Table N-4, residential uses may have an exterior noise exposure of less than 60 L_{dn} dB (preferable) up to 75 L_{dn} dB (conditionally acceptable). Per the Coastal General Plan noise studies are only required for projects with “noise environments that are conditionally acceptable.”

From this analysis, we can draw the following conclusions:

- The noise impacts of the highway on existing residential uses along Harbor Ave is less than 53 L_{dn} dB and is considered acceptable.
- The noise impacts of the highway on future residents of the proposed multifamily project are considered conditionally acceptable at 67 dB.
- Noise from this project would consist of typical residential noises such as intermittent noise from vehicle use and outdoor socializing, which are typical for residential neighborhoods, and which will blend into the background noise of 60 dB from the highway for the nearby residents. Noise level criteria do not consider

single event noises such as ambulances, train horns or helicopters.

- The closest home is 90 feet from the parking lot. While these homes may be negatively impacted by noise from the parking lot, the increase in noise would be offset by a reduction in noise from Highway 1, which would be blocked by the proposed project.
 - Traffic noise on Highway 1 is about 53 decibels at the closest house.
 - By comparison, vehicle door slams, the loudest vehicle noise in a parking lot, are 64 decibels which attenuate to 51.8 decibels at the closest house.
- Overall noise levels may be lower at the nearby homes after the construction of the proposed project because the buildings will block much of the highway noise.
- The project already includes a special condition to further protect the nearby residences from noise through the construction of a sound wall on the western edge of the project parking lot.

Noise for Apartment Dwellers. In California, apartments and other multi-family dwelling units must meet specific noise reduction standards to ensure the peaceful enjoyment of residents. The California Noise Insulation Standards, which are part of the California Building Code, include the following noise reduction measures:

1. Interior Noise Levels:

- Exterior Noise Sources: Interior noise levels in habitable rooms, attributable to outside sources, shall not exceed 45 dBA Ldn.
- Noise-Sensitive Uses: If a building containing noise-sensitive uses (like apartments) is located in an area with exterior noise exceeding 60 dBA Ldn, an acoustic analysis must be conducted. This analysis identifies measures to limit interior noise to 45 dBA.

2. Sound Insulation between Units:

- Airborne Sound: Walls and floor-ceiling assemblies separating dwelling units must provide airborne sound insulation to achieve a Sound Transmission Class (STC) rating of 45 (or a Normalized Noise Isolation Class (NNIC) of 42).
- Impact Sound: Floor/ceiling assemblies between dwelling units must also have an Impact Insulation Class (IIC) rating of at least 45 (or a Normalized Impact Sound Rating (NISR) of 42).

Therefore, the following special condition is recommended to ensure that noise within the apartments does not exceed Uniform Building Code standards.

Special Condition 47: The applicant shall complete and submit an acoustic analysis illustrating that internal noise complies with California Noise Insulation Standards and does not exceed 45 dBA Ldn as part of the Building Permit application.

Construction Noise. Construction noise is regulated by the City's noise ordinance in the Municipal Code.

"Between the hours of 10:00 p.m. of one (1) day and 7:00 a.m. of the following

day, it is unlawful for any person within a residential zone, or within a radius of 500 feet therefrom, to create, cause to be created or maintain sources of noise which cause annoyance or discomfort to a reasonable person of normal sensitiveness in the neighborhood.”

The Special Condition below is recommended by the Planning Commission to ensure that construction noises do not impact residences during the evenings.

Special Condition 48: Construction activities shall occur only between the hours of 7:00 am and 7:00 pm.

DESIGN REVIEW

Energy Efficiency

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

Policy OS-6.2 Development Review Process: Make energy conservation an important criterion in the development review process.

Policy OS-6.3 Alternative Energy: Encourage the development and use of alternative sources of energy such as wind, solar, and waves to meet Fort Bragg's energy needs.

As proposed, the project will:

- a. Take advantage of passive solar gain for some of the space heating requirements of each unit.
- b. Achieve insulation values of R-22 for walls and roof.
- c. Space heating and water heating will be provided by air-source heat pumps.
- d. The project is required by the California Energy Code to include PV panels for overall net zero energy use.

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

Compliance with Citywide Design Guidelines

The multifamily portion of this project was reviewed for consistency with the Citywide Design Guidelines and the Design Review Permit and was approved by the City Council on March 24, 2025. However, the proposed project has been revised and it must now also comply with the design criteria for both Hotels and Mixed-use Developments in the Citywide Design Guidelines, and this analysis is included below.

The project complies with the Mandatory Standards for Hotels because it includes:

- Walkway, stairway, balcony railings, and other similar architectural details shall be consistent with basic building design.
- The surface parking lot is screened with landscaping to provide a buffer

between the public right of way and vehicles while still allowing for visibility.

The project complies with the Mandatory Standards for Mixed Use Development because it includes:

- Refuse storage facilities for commercial use will be located as far as possible from residential units and will be screened from view.
- Separate pedestrian entrances are provided for each use.
- The project includes publicly accessible, designed outdoor space for resident and public use, that is proportionate to the size of the proposed buildings and includes a park, two courtyards, sidewalks, trails, and outdoor seating areas. The public spaces are located in visually prominent, accessible and safe locations that promote year-round activity.
- Landscaping, shade trees, and benches are incorporated into the site design.
- Site design provides for convenient pedestrian access from the public street into the nonresidential portions of the project including a sidewalk and street furniture.

ENVIRONMENTAL DETERMINATION

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

§ 15192. Threshold Requirements for Exemptions for Residential Infill Projects.

In order to qualify for the exemption, set forth in sections 15195, an infill housing project must meet all of the threshold criteria set forth below.

Code Section	Compliance Analysis
(A) The project must be consistent with: (1) Any applicable general plan, specific plan, or local coastal program, including any mitigation measures required by such plan or program, as that plan or program existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete; and (2) Any applicable zoning ordinance, as that zoning ordinance existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete, unless	The subject parcel has a General Plan land use designation of Highway Commercial and is zoned CH, which allows a mixed-use multifamily development with a Use Permit. The project conforms to General Plan policies and zoning regulations, with the approval of a Use Permit to increase the FAR from 0.4 to 0.7 and the approved Inclusionary Housing planning incentives. As conditioned the project complies with the City's LCP.

the zoning of project property is inconsistent with the general plan because the project property has not been rezoned to conform to the general plan.	
(B). Community-level environmental review has been adopted or certified.	The City adopted an EIR for the General Plan and Land Use and Development Code in 2006. City's LCP was certified by the Coastal Commission in 2008, which is a CEQA equivalent action.
(C). The project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees.	As analyzed in the Staff Report the project site can be served by existing utilities.
(D). The site of the project: (1) Does not contain wetlands, as defined in Section 328.3 of Title 33 of the Code of Federal Regulations. (2) Does not have any value as an ecological community upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection. (3) Does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or by the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code. (4) Does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete.	<p>The project site does not contain wetlands.</p> <p>The Project Site is covered with ruderal grasslands and a few specimen trees. The project site has limited value for habitat and is not known to provide habitat for endangered, rare or threatened species.</p> <p>The City does not have any ordinance that protects non-native species from removal.</p>
(E) The site of the project is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code.	No phase I report was required because the site has no known previous use that would result in contamination. The site is not listed on any DTSC or RWQCB list of facilities or sites requiring remediation or in violation of a cleanup order. The site does not have any known contamination.

<p>(F) The site of the project is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. In addition, the following steps have been taken in response to the results of this assessment:</p> <p>(1) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements.</p> <p>(2) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.</p>	See above.
<p>(G) The project does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code.</p>	<p>An archaeological survey was completed for this site and no archaeological or historic resources were discovered or identified by the survey. The project will not have any impact on a historical or archaeological resource.</p>
<p>(H) The project site is not subject to wildland fire hazard, as determined by the Department of Forestry and Fire Protection, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard.</p>	<p>The project is not located in a wildland fire hazard area.</p>
<p>(I) The project site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties.</p>	<p>The project is surrounded by retail, restaurant, hotel and residential uses, none of which pose a risk of fire or explosion.</p>
<p>(j) The project site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.</p>	<p>As a vacant field in an urban area, the site does not present a public health risk exposure of any type.</p>
<p>(k) Either the project site is not within a delineated earthquake fault zone or a seismic hazard zone, as determined pursuant to Section 2622 and 2696 of the Public Resources Code respectively, or the</p>	<p>The City's LCP contains policies and regulations to mitigate seismic hazards.</p>

applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake or seismic hazard.	
(l) Either the project site does not present a landslide hazard, flood plain, flood way, or restriction zone, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.	The project site is not located within a flood zone or any other restrictive zone.
(m) The project site is not located on developed open space.	The site is not designated as or developed as open space.
(n) The project site is not located within the boundaries of a state conservancy.	The site is not located in a state conservancy.
(o) The project has not been divided into smaller projects to qualify for one or more of the exemptions set forth in sections 15193 to 15195.	The project is being evaluated in its entirety.

Section 15195 In-Fill Housing Development Exemption Analysis

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

Code Section	Compliance Analysis
<p>(a) Except as set forth in subdivision (b), CEQA does not apply to any development project that meets the following criteria:</p> <p>(1) The project meets the threshold criteria set forth in section 15192; provided that with respect to the requirement in section 15192(b) regarding community-level environmental review, such review must be certified or adopted within five years of the date that the lead agency deems the application for the project to be complete pursuant to Section 65943 of the Government Code.</p>	See above analysis.
<p>(2) The project meets both of the following size criteria:</p> <p>(A) The site of the project is not more than four acres in total area.</p> <p>(B) The project does not include any single level building that exceeds 100,000 square feet.</p>	<p>The project site is 2.6 acres.</p> <p>The largest building is 14,965 SF</p>

<p>(3) The project meets both of the following requirements regarding location:</p> <p>(A) The project is a residential project on an infill site.</p> <p>(B) The project is within one-half mile of a major transit stop.</p>	<p>The project site is surrounded by urban uses on an urban infill site.</p> <p>A major transit stop is located 0.27 miles away at the Boatyard Shopping Center.</p>
<p>(4) The project meets both of the following requirements regarding number of units:</p> <p>(A) The project does not contain more than 100 residential units.</p> <p>(B) The project promotes higher density infill housing. The lead agency may establish its own criteria for determining whether the project promotes higher density infill housing except in either of the following two circumstances:</p> <ol style="list-style-type: none"> 1. A project with a density of at least 20 units per acre is conclusively presumed to promote higher density infill housing. 2. A project with a density of at least 10 units per acre and a density greater than the average density of the residential properties within 1,500 feet shall be presumed to promote higher density infill housing unless the preponderance of the evidence demonstrates otherwise. 	<p>The project contains 83 units.</p> <p>The project provides high density infill at 31 units per acre.</p>
<p>(5) The project meets the following requirements regarding availability of affordable housing: The project would result in housing units being made available to moderate, low or very low-income families as set forth in either A or B below:</p> <p>(A) The project meets one of the following criteria, and the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units as set forth below at monthly housing costs determined pursuant to paragraph (3) of subdivision (h) of Section 65589.5 of the Government Code:</p> <ol style="list-style-type: none"> 1. At least 10 percent of the housing is sold to families of moderate income, or 	<p>The project will provide 15% of units to families of very low income. (A-3).</p>

<p>2. Not less than 10 percent of the housing is rented to families of low income, or</p> <p>3. Not less than 5 percent of the housing is rented to families of very low income.</p> <p>(B) If the project does not result in housing units being available as set forth in subdivision (A) above, then the project developer has paid or will pay in-lieu fees pursuant to a local ordinance in an amount sufficient to result in the development of an equivalent number of units that would otherwise be required pursuant to subparagraph (A).</p>	
<p>(b) A project that otherwise meets the criteria set forth in subdivision (a) is not exempt from CEQA if any of the following occur:</p> <p>(1) There is a reasonable possibility that the project will have a project-specific, significant effect on the environment due to unusual circumstances.</p> <p>(2) Substantial changes with respect to the circumstances under which the project is being undertaken that are related to the project have occurred since community-level environmental review was certified or adopted.</p> <p>(3) New information becomes available regarding the circumstances under which the project is being undertaken and that is related to the project that was not known and could not have been known at the time that community-level environmental review was certified or adopted.</p>	<p>There are no unusual circumstances associated with this project.</p> <p>No substantial changes have occurred.</p> <p>No new information has become available.</p>

Section 15332 In-Fill Development Exemption Analysis

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

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

Project Consistency with 15300.2 Exceptions

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

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

ALTERNATIVE ACTIONS

1. Hold a hearing, close the hearing, deliberate without a decision, and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.
2. Hold the hearing and continue the hearing to a date certain if there is insufficient time to obtain all input from all interested parties. At the date certain the Council may then deliberate and make a decision.

ATTACHMENTS

1. Resolution of the Fort Bragg City Council approving Coastal Development Permit 8-24 (CDP 8-24), Design Review 11-24 (DR 11-24), Use Permit 9-24 (UP 9-24), and Sign Permit 20-24 (SP 20-24) for an 86-unit mixed use project and associated infrastructure at 1151 South Main Street, subject to the findings and all standard and special conditions.
2. Staff report to City Council date March 24, 2025 for the Coastal Development Permit 8-24 (CDP 8-24), Design Review 11-24 (DR 11-24), Use Permit 9-24 (UP 9-24), and Sign Permit 20-24 (SP 20-24) for an 87-Unit Project and Associated Infrastructure Located at 1151 South Main Street.
3. Two CDP appeals to the Coastal Commission.
4. Response to Coastal Commission Appeals.
5. Market and Feasibility Analysis for Two Project Configurations (Proposed & 33% retail/66% Multifamily).
6. Resolution of the Fort Bragg Planning Commission Recommending that the City Council Approve Coastal Development Permit Amendment 8-24/A (CDP 8-24/A), Design Review Amendment 11-24/A (DR 11-24/A), and Use Permit Amendment 9-24/A (UP 9-24/A) for an 83-unit Mixed-Use Project and Associated Infrastructure Located at 1151 South Main Street.
7. Staff Report: Hold a Hearing Receive Report and Consider Adopting a Resolution of the Fort Bragg City Council Providing Preliminary Preapproval of Inclusionary Housing Incentives for Proposed Fort Bragg Apartments Project at 1151 South Main Street
8. Project Site Photos
9. Project Site Plan
10. Project Elevations & Floor Plans
11. Project Colors & Materials
12. Project Accessory Buildings
13. Lighting Plan
14. Open Space and Landscaping Plan
15. Fire Safety Plans
16. Civil Plans
17. Traffic Memo from Tahoe Design & Engineering
18. Traffic email from Tahoe Design & Engineering
19. Appellate Attorney Letter and City Response 6-18-2025