

COMMENTS ABOUT THE DRAFT HOUSING ELEMENT

August 14, 2019

The following comments about the draft update to the City of Fort Bragg's Housing Element and associated environmental review are submitted for the consideration of the Planning Commission for purposes of their review and potential recommendations to the City Council. To the extent that they raise concerns about the adoption of the City's draft update to the Housing Element or associated Mitigated Negative Declaration ("MND") as they are currently written, they should be considered a roadmap for potential revision of both documents. If such revision is not made, these comments and observations constitute objections to the City's potential adoption of the update to the Housing Element and the MND as follows:

1. The draft MND for the Housing Element update includes suggested mitigation measures that demonstrate various ways that the draft Housing Element programs may not actually be consistent with the balance of Fort Bragg's two General Plans.
 - A. Since consistency with the rest of the applicable general plans is required in order for the City of Fort Bragg to adopt the draft updated housing elements, the draft Housing Element should be revised to remove the inconsistencies wherever possible.
 - B. Alternatively, the Housing Element must include a program, including a specific timeline, to address and resolve such temporary inconsistencies that cannot be removed through revision. The program would require amendment of inconsistent provisions rather than trying to defer making sure everything is internally consistent in the form of purported mitigation measures requiring future revisions to maintain the required consistency.
 - i. Mitigation measures in an MND or EIR are not equivalent to Housing Element programs even if they involve significant substantive overlap.
 - C. The MND should be revised as well to include this specific program as part of the current mitigation measures concerning the perceived inconsistencies. In addition, the inconsistencies that are more than temporary should be evaluated and analyzed in more detail than is present in the MND.
 - i. The MND improperly defers required analysis and attempts to segment the environmental review of the adoption of the Housing Element itself, waiting until the programs are created or the projected development is built. That is impermissible and contrary to the California Environmental Quality Act ("CEQA").
2. The public participation section is incomplete and too cursory. For example, there does not appear to be any outreach to the local Latino or Hispanic community even though

that demographic makes up nearly 34% of the population according to the American Community Survey. Many of the larger households experiencing overpayment and overcrowding in housing fall into this demographic and yet there was no specific documented outreach and a lack of meaningful participation, even from the various community organizations with a Latino or Hispanic focus that exist in the community.

3. Many of the programs are too vague and lack necessary detail so that they can be projected to actually have a beneficial impact within the 2019 – 2027 planning period and have a reasonable likelihood of achieving the projected goals attributed to the program. The Housing Element provides no support for the number of housing units that are projected to result from any program, and these projections appear to be based on unsupported assumptions rather than analysis.
 - A. Very few, if any suggested programs demonstrate a beneficial impact within the planning period. In fact, most of them could not because they are so speculative and only involve "considering" adopting something along the lines of what is mentioned yet they attribute specific units as being facilitated by these programs in order to superficially suggest they may have a beneficial impact.
 - B. That is not surprising because the conceptual programs were developed prior to any of the analysis that was supposed to inform the development of the programs.
4. Likewise, the purported analysis of the effectiveness of the existing programs is a mere recitation of prior results of particular programs rather than an actual analysis of the effectiveness of any program. It is not explicit enough to evaluate if the program needs to be improved or modified to make it more effective so Fort Bragg can realistically try to achieve its housing goals.
 - A. Basically, what is missing is an essential analytical component: an actual evaluation of what unmet needs the programs are trying to address and how the programs fell short. Without this analysis, there is no way of predicting how Fort Bragg might be able to achieve its housing goals and attempt to address the unmet needs of all of the community.
5. The funding sources listed for particular programs are not sufficient to fund the programs without demonstrating a projected cost for a particular program and that there are sufficient funds in the identified sources.
 - A. For example, there are numerous programs that are identified as being funded by the General Plan Maintenance Fee.
 - i. However, the City of Fort Bragg has not been accounting for those fees according to applicable state laws and may actually have to refund some of the existing fund balance because they haven't provided annual

reports on the use of the funds, until they were presented at the 8/12/19 City Council meeting. These reports include detail that suggests improper expenses may have been charged to the fund containing these fees.

- ii. The City Council has yet to make the required five-year findings to avoid having to refund some of the fees that were not used for their intended purpose and it remains to be seen if the findings can be made in light of the content of the fee reports.
 - iii. There is also a question if that particular fee was adopted properly because there do not appear to be any analysis or justification for the amount of the fee, including an apparent lack of a fee study at the time of adoption. As a result, the City of Fort Bragg may be unable to collect the fee going forward until it is adopted according to applicable legal requirements.
 - iv. As such, alternate funding sources as well as project budgets should be included in the Housing Element for each project currently identified as being funded by the General Plan Maintenance Fee.
6. Several housing element programs should be reclassified as policies. This only applies to a handful of programs but if they remain only programs, they won't be factored in for Coastal Development Permit reviews because the Coastal General Plan includes a Land Use Policy that excludes programs from CDP reviews. Some of the programs are written more like policies anyway and the Planning Commission should revise as necessary.
- A. In particular, Program H-5.2.1 should be a policy not just a program because it is actually important for a broader reason than simply discouraging the conversion of residential units (Policy H-5.2).
- i. Allowing vacation rentals would discourage the development of new residential rental units on the Mill Site in favor of vacation rentals because the construction costs are the same but the revenue streams are significantly higher for vacation rentals compared to long-term residential rentals.
 - ii. Since you can't convert something that doesn't exist yet, this is a distinct issue from conversion of existing residential units and an independent reason to prohibit vacation rental units or most of the new upper floors in CBD zoning could be vacation rental units rather than rental housing or condos.
 - iii. Vacation rentals do not provide any housing and vacation rental conversions in the unincorporated Mendocino County areas near Fort Bragg are a major factor in the constrained rental supply within Fort

Bragg because renters are being displaced. Rents continue to rapidly increase as a result of the constrained rental supply and more renters who used to live in the unincorporated County.

- iv. These issues should have been analyzed more in the Housing Element's analysis sections but the policies and programs are the operative part.
7. The City needs another program to address the unique housing needs of our hospitality industry workers, who are being priced out of local housing or forced into overcrowding situations and another to address workforce housing issues for our industrial uses.
- A. The City Council is currently discussing the redevelopment of our former mill site and they have hit upon the topic of workforce housing in various ways. One such discussion was about encouraging workforce housing by permitting dormitory-like residential development as an accessory use to industrial development but they haven't discussed the needs of hospitality industry workers. The Housing Element needs a program to address this unmet need and specific demographic.
 - i. Fort Bragg should permit or even require workforce housing for industrial developments, including dormitory-style accessory residential uses on industrial sites. Fort Bragg only currently allows live-work units now, which is different type of residential unit than separate buildings for residential and industrial purposes on the same project site.
 - ii. Fort Bragg should have an accessory workforce housing residential use in addition to live/work units but the use has to be accessory to the primary industrial or commercial use. This should be allowed in Visitor zoning districts to encourage the provision of employee housing units for hotel workers. It should actually require not just encourage any hospitality business to provide on-site or off-site housing that is affordable to their workers as a condition of building the hotel in the first place. This is common in forward-thinking communities with tourism-dependent economies and was something brought up in a couple of past public comments from Mr. Che Wachtel and other local housing activists. Such a policy is consistent with the social and environmental justice policies of the Coastal Commission, and most hotel development is planned in the Coastal Zone.
 - B. A housing element program to require Fort Bragg to develop such an ordinance is necessary—require is better than “consider adopting” because it is enforceable and this is a serious local unmet housing need.
 - i. The Land Use and Development Codes and General Plan policies should be updated to require that the developers of new hotels provide housing that is affordable and available to the hospitality employees either on the

site of the hotel or off-site but developed in conjunction with the hotel, which is very common for the development of resorts, for example.

8. The Vacant and Underutilized Site Inventory, Attachment B, includes inaccurate information and sites that are vacant because development is infeasible due to site conditions and development constraints, including: capacity of transportation infrastructure to handle traffic volumes from potential residents and visitors if the site is developed to maximum density; ESHAs limiting development; geologic hazards, including identified fault lines crossing some sites; water recharge and drainage issues; designation as open space; significant tree cover, including special status trees; and water supply constraints due to climate change and sea-level rise projections being excluded from the City's water model, and insufficient water supply from June to October for current development should the Noyo River intake be compromised due to sea-level rise. (The Noyo River intake provides approximately 50% of the City's water supply.)
 - A. Actual conditions for particular sites that are zoned at the requisite densities deemed appropriate for lower income housing are either constrained so they can't actually be developed or are in locations that make the land prices so high that lower income developments aren't actually financially feasible.
 - i. Nearly all of Fort Bragg's high density residential zoning, which is deemed appropriate for those RHNA categories because of the density allowed, is in the Coastal Zone and often property with ocean frontage or on bluffs overlooking the ocean and harbor.
 - ii. Likewise, several parcels are basically undevelopable because they are in the Coastal Zone and contain riparian watersheds, wildlife corridors, rare plant communities, and other ESHAs and the Coastal Act protects these resources.
 - iii. Fort Bragg also has significant Native American archaeological sites in some of these areas all of which make any development, let alone lower income housing, extremely unlikely if not totally infeasible.
 - B. Page 1 of Attachment B includes a site without significant constraints and which is zoned to permit emergency shelters by right. Fort Bragg has a significant homeless population and insufficient shelter beds at present.
 - i. This site should have a site-specific program limiting other development that would prevent the construction of a much needed emergency shelter for our significant homeless population. This is the best likely site for such a facility in Fort Bragg and in light of the limited shelter beds provided at present and the possible elimination of the emergency weather shelter program, this critical site should be preserved.

- ii. Alternatively, or in addition to that program, another program to facilitate the acquisition of the site and development of an emergency shelter at this location should be included.
 - iii. The potential to include even more units than the projected 13 likely units is present for this site. Moreover, the site across Maple Street is underutilized and could be developed in conjunction with this site. I believe it is also under common ownership.
- C. Page 2 includes another vacant site that is subject to these transportation infrastructure capacity issues and is also subject to a current development application for a subdivision and two stand-alone commercial stores, including an Auto Zone.
 - i. It should be removed from the inventory for those reasons as well as the significant constraint that it has blue water ocean views and existing native trees, both of which have been identified as development constraints in the development review for Auto Zone.
 - ii. If not removed, it needs a site-specific program to address the development constraints.
- D. Page 3 includes a parcel that is misidentified on Page 14. This parcel is zoned for Highway Visitor Commercial, a priority Coastal Act use and only allows secondary residential uses. It is further constrained by existing mature trees that are protected by applicable Coastal General Plan policies. There have also been traffic studies for nearby proposed commercial developments (e.g., the proposed Hare Creek Center application that has been withdrawn in part due to traffic and other environmental constraints) that identified existing significant unmitigated impacts that would be exacerbated by additional development.
 - i. This site requires a program to address these transportation infrastructure constraints, particularly at the study intersection of Boatyard Drive and the non-signalized entrance to the Boatyard Shopping Center. The nearby sites identified on Pages 2, 12, and 14 should also be included in this program dealing with known transportation and traffic constraints.
 - ii. Further, since road capacity and street access to Coastal Resources is protected by the Coastal Act, this is a serious concern that limits development of any of the vacant sites near the intersection on Highway One and Ocean View Drive.
 - iii. Thus, the projected residential units are not reasonable or justified.

- E. Pages 4 and 5 includes two adjacent large parcels owned by the healthcare district and identified and evaluated for potential expansion of the hospital facility that may be required due to seismic retrofit requirements that go into effect in 2030. These sites should not be considered suitable for residential development due to ownership and their ongoing evaluation of their facility needs until that issue is resolved.
- i. The property is also subject to the same transportation infrastructure constraints as the nearby sites listed on Pages 10 and 13 so it should be included in the same program concerning that transportation infrastructure study and improvements.
 - ii. The western parcel is a seasonal wetland in the wet winter months and this constrains the development. The wetlands have been observed over a large portion of the parcel and to a greater extent than is currently acknowledged in the analysis.
- F. Page 6 includes an ocean front parcel that also abuts the Pudding Creek river below. As acknowledged, it is constrained by rare plant communities. The 10 projected units may be possible but they are extremely unlikely to be affordable to low income households. This parcel offers permanently protected unobstructed ocean views and ten units on nearly three acres of property in this location would only feasibly be above moderate.
- i. This site should be reclassified and a program to rezone it to low density residential is appropriate in light of the constraints.
 - ii. This site at 1020 Glass Beach Drive is included in Program H-2.5.8, which also shows how that program won't actually work or be effective. If it is too constrained to develop more than 10 units but has a maximum density of 44 units, how would amending the zoning code to allow that density by right facilitate any housing units? That is true for many of the vacant sites listed in Program H-2.5.8.
 - iii. An alternate program to rezone vacant but environmentally constrained sites to lower densities that are realistic that would remove all sites from being illogically counted as affordable to lower income households should be considered instead.
 - iv. Programs that have little to no connection to the reality on the ground aren't useful programs and the best way to fix this is by requiring rezoning such sites in line with feasible development or removing a constrained site from the inventory based on an illogical income category due to the zoning density rather than the development potential.

- v. The Coastal Commission may have concerns about including such sites in Program H-2.5.8 because doing so conflicts with resource protection provisions of the Coastal Act.
- G. Page 7 includes two large parcels that are near the parcel identified on Page 9. The same transportation infrastructure issues concerning Chestnut Street are the same as those for the parcel on Page 9.
 - i. In addition, the City is aware of significant drainage issues and seasonal wetlands that develop in the rainy winter months, which have interfered with prior potential development projects on this site, including a proposed charter school development by Three Rivers. The school is currently exploring developing the Hazelwood Street property listed on Page 10 into a charter school, in part because the drainage issues served as significant constraint with the development of Parcel 1 and 2 shown on Page 7.
 - ii. A program for this site is necessary to provide for the necessary transportation infrastructure improvements and drainage improvements that would permit development at levels that would allow the units projected.
 - iii. The projected residential units are too high and should also be reduced to reflect these constraints.
- H. Page 8 includes several parcels that are also constrained by the existing vegetative cover as well as wildlife corridor concerns due to the abundant wildlife that traverse the properties to access the Pudding Creek watercourse to the north. Low density residential development is the pattern in the area.
 - i. This location also straddles the City's boundary with the County, and Cedar Street is inadequate to support additional traffic flow from additional residential development. Cedar Street does not currently meet County width standards and there are no pedestrian facilities.
 - ii. In order to evaluate development potential, a transportation study should be conducted to determine what improvement needs to be made to Cedar Street both in the City and County.
 - iii. A program for this site is necessary to provide for the necessary transportation infrastructure improvements.
- I. Page 9 includes a single large parcel and the analysis states that there are no known constraints. This is justified except as to its location across from Redwood Elementary School and the narrow width of Chestnut Street, which underwent a

redesign to provide safe access to the schools but remains substandard for even the current level of traffic, including inadequate turning radius for school buses.

- i. A traffic study of this location should be required in order to determine if the 9 likely units are possible in light of the constraints.
 - ii. A program for this site, along with the nearby sites identified on Page 7, is necessary to provide for the necessary transportation infrastructure improvements.
- J. Page 10 includes the previously mentioned Hazelwood property. It is primarily vacant, clear of trees, and relatively flat.
 - i. However, it is not served by streets that could support the traffic loads that a dense residential development would produce, particularly when you include the other nearby properties that are either already under development for multifamily development or have been identified for multifamily development in the housing element.
 - ii. The identification of these properties for residential development in the housing element should be accompanied by a traffic study concerning the capacity of South Street and other nearby streets to handle the traffic that would result from the development of dense residential developments concentrated in this area of town. The existing street system is already taxed and the local hospital is in the center of several sites identified for as potential sites for dense residential development.
 - iii. The development of all of these locations in close proximity to each other is not likely without significant alteration of the existing transportation and street infrastructure. In particular, the City is unable to add a signalized intersection on Highway One further south of the existing signal at Cypress Street because of CalTrans restrictions due to the proximity to the Noyo River Bridge. The traffic loads on the streets in this area could seriously interfere with critical access to the hospital and its emergency room. As such, the number of likely residential units is unreasonable when considered in the broader context of the area.
 - iv. A program for this site is necessary in order to provide for necessary transportation infrastructure improvements, if even feasible.
- K. Page 11 includes three parcels. These existing parcels are highly wooded including primarily native tree communities that will severely restrict development because of their status. These include significant stands of native and endangered cypress trees mixed with coast redwoods.

- i. The projected likely units are totally unreasonable. Most nearby development has a single unit per acre other than the extremely dense subdivision to the west of Lot 1, which was built in a parcel that had previously been partially cleared of trees and probably would not have been approved if reviewed today because of similar environmental constraints.
 - ii. Parcels 2 and 3 have existing homes and are not vacant.
 - iii. Also, this page includes a Hazelwood Street parcel that isn't depicted on the map and is in a completely different part of town. The information should be corrected. The Hazelwood property is currently being considered for the construction of a private school and has a SFH on it already (see p. 10).
- L. Page 12 has four parcels. Lots 3 and 4 are vacant but are also the site of recurring passive recreational activities, including periodic community events, as well as special event parking.
 - i. These activities are priority Coastal Act uses and developing the property with residential units instead of the current passive recreational uses may be quite challenging. That is a constraint to development that has even become an issue with a current application for a Coastal Development Permit simply to erect a boundary fence on the perimeter of lots 3 and 4. That is a constraint to development of these sites that should be acknowledged.
- M. Page 13 there is a single lot that is 1/3 zoned for residential development. It is nearly covered in existing coastal vegetation and many native trees, which are protected from removal by various policies in the Coastal General Plan, making any development there extremely unlikely.
 - i. The fifty two residential units that are currently projected as likely are not reasonable or justified because of the development constraints. Will each unit be a small studio apartment?
 - ii. The City of Fort Bragg has inexplicably applied Very High Density residential to several vacant parcels that are vacant because development is seriously constrained by ESHAs on the site or adjacent to the site, including drainage into our river watershed. This is one such site. It has been the location of illegal homeless encampments and may also be subject to prescriptive easements for river access as well as habitation.

- N. Page 14 shows three lots in the Coastal Zone and lists Lot 3 as medium density residential.
- i. That would be incorrect because the numbered lot used to have split zoning and was rezoned to Highway Visitor Commercial. However, the lot is misidentified on the diagram, which is really the site evaluated on Page 3.
 - ii. The actual lot is across the street, heavily wooded with protected tree shore pines, and sloping into the Noyo River drainage and viewshed, which requires visual analysis that will limit, if not prevent, development potential.
 - iii. A program requiring a botanical and viewshed analysis should be required specific to this site. A portion of adjacent Lot 2 has similar constraints, which are acknowledged.
9. In addition, the table on the cover page of Appendix B doesn't align with Map 1 (p. 10-64) showing vacant sites.
- A. The map identifies additional sites that still show as developable that should be listed as partially developable or undevelopable, particularly the large parcel south of the Ocean View Drive sites that was formerly listed as a Harbor Avenue site with mixed zoning.
- i. That site isn't suitable for significant residential development. It has been removed from the inventory because it exceeds 10 acres but the map should be amended for consistency showing the site as constrained.
 - ii. That site is also subject to ESHAs and drains into the Hare Creek watershed. The portion zoned for high density residential development is not suitable for residential development because it is in or is adjacent to the EHSAs and drainage into Hare Creek.
10. The levels of environmental review in the Appendix B Table claiming categorical exemptions for many Coastal Zone sites is misleading because Coastal Commission staff reports are considered CEQA equivalent documents.
- A. reviews of Coastal Development Permits will still be subject to rigorous environmental analysis as well as be subject to the resource protection provisions of the Coastal Act and corresponding Local Coastal Program policies.
- i. These serve as significant constraints on development, particularly the sites with Ocean View Drive and S. Main Street addresses.

- ii. Although listed as MNDs, the sites with Glass Beach Drive addresses have significant constraints that make EIRs likely.
- 11. Based on the forgoing, when adjustments to the Vacant & Underutilized Sites Inventory are made to reflect actual development constraints, there does not appear to be enough vacant land suitable for residential development identified in the inventory sufficient to meet our RHNA for all income categories.
 - A. Both Appendix B and Table 5.2 should be updated to reflect the land available for residential development factoring in actual development constraints, including the constraints that have been recognized by the City in the relevant maps from the Coastal and Inland General Plans, as well as traffic and transportation infrastructure constraints identified in various traffic and transportation studies incorporated into prior City reviews.
 - B. Additional sites are not available so additional programs should be developed, including:
 - i. Rezoning vacant parcels along S. Franklin Street currently zoned General Commercial (or amending the use table to permit high density residential development by right in General Commercial).
 - ii. Strengthening Program H-1.7.13 to rezone portions of the Mill Site for residential development that is sufficient to meet all of the unmet RHNA needs.
 - C. The collective rezoning of additional sites not currently included in the sites inventory, or use table amendments to permit residential development by right, needs to be sufficient to meet all of the RHNA for the planning period after the constrained sites mentioned above are removed from the sites inventory or are rezoned to densities that reflect appropriate and feasible development in light of the constraints.
- 12. In addition to items noted above, the MND omits or defers necessary analysis in the following areas: traffic and transportation impacts, greenhouse gas emissions, solid waste due to the inclusion of Programs H-1.7.13 and H-2.5.8. These programs involve rezoning existing property from Timber Resources Industrial, which doesn't permit residential development, to multi-family residential or change the LUDC to permit the maximum density by right rather than a use permit. That requires CEQA analysis of the impacts of the maximum residential build-out possible, which cannot be deferred until the projects are reviewed. When deferral is possible, thresholds of significance need to be determined at this time and the future relevant studies need to be added as mitigation measures in the current MND, not merely referenced in the relevant MND sections.

SPEAKER CARD

- ☐ I would like to speak to the Planning Commission on Agenda Item No. 4B
- ☐ I would like to speak to the Planning Commission under "Public Comments on Non-Agenda Items"
- ☒ I do not wish to speak but want to submit the following comments to the Planning Commission

NAME: HOUSING FOR FORT BRAGG (HFFB)

COMMENTS (ONLY IF YOU DO NOT PLAN TO SPEAK): _____

HFFB WOULD LIKE TO THANK STAFF FOR
THEIR HARD WORK ON THE HOUSING ELEMENT
BUT ALSO BELIEVES ~~THAT~~ IT DOESN'T GO FAR
ENOUGH ADDRESSING THE HOUSING NEEDS FOR
ALL FORT BRAGG RESIDENTS.

This information is retained as a Public Record, and as such, may be shared with others upon request. Please do not provide any information that you do not wish to be disclosed to others.

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ANY PERSON DESIRING TO ADDRESS THE PLANNING COMMISSION

Commission requests that those individuals who wish to address the Commission on non-agenda, public hearing, or conduct of business items fill out Speaker Cards available at the meeting. Pursuant to Commission procedures, the Chair will recognize any member of the public who wishes to speak. If you do not fill out a Speaker Card, you will be given an opportunity to speak after all those who have filled out Speaker Cards have spoken.

Guidelines for the Conduct of the Planning Commission meetings provide, in part:

- The public can speak about anything within the jurisdiction of the Planning Commission, but the legislative body generally cannot act on or discuss an item not on the agenda, pursuant to the Ralph M. Brown Act.
- All speakers before the Commission shall approach the public microphone and wait to be recognized by the Chair or acting Chair. A member of the public is not required to provide his or her name prior to addressing the Commission (Government Code §54953.3).
- Questions to staff from the public and staff responses should be directed through the Chair.
- To encourage and respect expression of all views, meeting rules prohibit clapping, booing, shouts of approval or disagreement, or other disruptive audience participation.
- The audience is requested to be seated. Standing or obstructing of aisles is prohibited.

To allow all persons to speak who may wish to do so, each speaker is allowed a maximum of three (3) minutes, or other time limitation as established by the Chair. An effective approach is to lead with your key point or concern and then explain the reasons underlying it. If others have already expressed your views, you may simply indicate that you agree with the previous speaker. If appropriate, a spokesperson may present the views of a group. Please limit your comments so that everyone has a chance to address the Commission.

Thank you.
