

416 N Franklin Street Fort Bragg, CA 95437 Phone: (707) 961-2823 Fax: (707) 961-2802

# Meeting Agenda City Council

THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT
NO. 1 AND THE FORT BRAGG REDEVELOPMENT SUCCESSOR
AGENCY

Monday, June 9, 2025

6:00 PM

Town Hall, 363 N. Main Street and Via Video Conference

**CALL TO ORDER** 

**PLEDGE OF ALLEGIANCE** 

**ROLL CALL** 

#### COUNCILMEMBERS PLEASE TAKE NOTICE

Councilmembers are reminded that pursuant to the Council policy regarding use of electronic devices during public meetings adopted on November 28, 2022, all cell phones are to be turned off and there shall be no electronic communications during the meeting. All e-communications such as texts or emails from members of the public received during a meeting are to be forwarded to the City Clerk after the meeting is adjourned.

#### **ZOOM WEBINAR INVITATION**

This meeting is being presented in a hybrid format, both in person at Town Hall and via Zoom.

You are invited to a Zoom webinar.

When: Jun 9, 2025 06:00 PM Pacific Time (US and Canada)

Topic: City Council Meeting

Please click the link below to join the webinar: https://us06web.zoom.us/j/81577833444

Or Telephone: Dial 1 669 444 9171 US (\*6 mute/unmute, \*9 raise hand)

Webinar ID: 815 7783 3444

To speak during public comment portions of the agenda via zoom, please join the meeting and use the raise hand feature when the Mayor or Acting Mayor calls for public comment on the item you wish to address.

#### **CLOSED SESSION REPORT**

#### **AGENDA REVIEW**

#### 1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

**1A.** <u>25-197</u> National Pollinator Week Proclamation

Attachments: 14- Pollinator Week

**1B.** <u>25-198</u> Juneteenth Freedom Day Proclamation

Attachments: 15-Juneteenth Day

# 2. PUBLIC COMMENTS ON: (1) NON-AGENDA, (2) CONSENT CALENDAR & (3) CLOSED SESSION ITEMS

MANNER OF ADDRESSING THE CITY COUNCIL: All remarks and questions shall be addressed to the City Council; no discussion or action will be taken pursuant to the Brown Act. No person shall speak without being recognized by the Mayor or Acting Mayor. Public comments are restricted to three (3) minutes per speaker.

TIME ALLOTMENT FOR PUBLIC COMMENT ON NON-AGENDA ITEMS: Thirty (30) minutes shall be allotted to receiving public comments. If necessary, the Mayor or Acting Mayor may allot an additional 30 minutes to public comments after Conduct of Business to allow those who have not yet spoken to do so. Any citizen, after being recognized by the Mayor or Acting Mayor, may speak on any topic that may be a proper subject for discussion before the City Council for such period of time as the Mayor or Acting Mayor may determine is appropriate under the circumstances of the particular meeting, including number of persons wishing to speak or the complexity of a particular topic. Time limitations shall be set without regard to a speaker's point of view or the content of the speech, as long as the speaker's comments are not disruptive of the meeting.

BROWN ACT REQUIREMENTS: The Brown Act does not allow action or discussion on items not on the agenda (subject to narrow exceptions). This will limit the Council's response to questions and requests made during this comment period.

WRITTEN PUBLIC COMMENTS: Written public comments received after agenda publication are forwarded to the Councilmembers as soon as possible after receipt and are available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, during normal business hours. All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, except comments that are in an unrecognized file type or too large to be uploaded to the City's agenda software application. Public comments may be submitted to cityclerk@fortbraggca.gov.

#### 3. STAFF COMMENTS

#### 4. MATTERS FROM COUNCILMEMBERS

#### 5. CONSENT CALENDAR

All items under the Consent Calendar will be acted upon in one motion unless a Councilmember requests that an individual item be taken up under Conduct of Business.

**5A.** 25-207 Accept Certificate of Completion for EV Fleet Charging Station Project

(PWP-00126) and Direct City Clerk to File Notice of Completion

<u>Attachments:</u> Att 1 - Notice of Completion

Att 2 - Certificate of Completion

**5B.** 25-208 Adopt City Council Resolution of the Fort Bragg City Council Approving

Contract Change Order 3 with Akeff Construction Services, Inc. for City EV Fleet Charging Station Project PWP-00126; Approving Budget Amendment 2024/25-13 and Authorizing City Manager to Execute Contract (Amount Not

To Exceed \$184,642.00); CEQA Exemption 15301

Attachments: RESO EV Fleet Change Order 3

Att 1 - Budget Amendment 2024/25-13

Att 2 - EV Charging CO #3 Request

**5C.** <u>25-215</u> Approve Special Minutes of March 24, 2025

Attachments: SCCM2025-03-24

**5D.** <u>25-216</u> Approve Special Minutes of March 20, 2025

Attachments: SCCM2025-03-20

**5E.** <u>25-217</u> Approve Special Minutes of March 11, 2025

Attachments: SCCM2025-03-11

**5F.** 25-218 Approve Minutes of March 10, 2025

Attachments: CCM2025-03-10

#### 6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

#### 7. PUBLIC HEARING

When a Public Hearing has been underway for a period of 60 minutes, the Council must vote on whether to continue with the hearing or to continue the hearing to another meeting.

**7A.** 25-211 Receive a Report, Hold a Public Hearing, and Introduce, by Title Only, and

Waive Further Reading of Ordinance xxxx-2025, Adopting the Updated Fire

Hazard Severity Zone (FHSZ) Maps for the City of Fort Bragg Local Responsibility Area (LRA), as Released by the California Department of Forestry and Fire Protection (CAL FIRE) Under the Direction of the Office of

the State Fire Marshal (OSFM)

Attachments: Staff Report

Att 1 - Ordinance XXXX-2025 FHSZ

Att 2 - FHSZ Map City of Fort Bragg LRA

Att 3 - Response Public Survey

Att 4 - Press Release Calfire

Att 5 - NOPH LRA

**7B.** 25-200

Receive a Report, Hold a Public Hearing, Receive Planning Commission's Recommendation, and Introduce, by Title Only, and Waive Further Reading of Ordinances:

1) Ordinance XXXX-2025 Amending Division 17 of the Fort Bragg Municipal Code Local Coastal Program Amendment 4-25 (CLUDC 4-25) to Amend Chapter 17.42.200 "Urban Unit Development," And Chapter 17.84.045 "Urban Lot Split," to Incorporate Comments From HCD Into Regulations and Standards for Urban Lot Splits and Urban Unit Residential Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9; Statutorily Exempt CEQA Guideline 15265 and Gov Code 65852.21 and 66411.7

2) Ordinance XXXX-2025 Amending Division 18 of the Fort Bragg Municipal Code Land Use and Development Code Amendment 4-25 (ILUDC 4-25) to Amend Chapter 18.42.200 "Urban Unit Development," and Chapter 18.84.045 "Urban Lot Split," to Incorporate Comments From HCD Into Regulations and Standards for Urban Lot Splits and Urban Unit Residential Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9; Statutorily Exempt Gov Code 65852.21 and 66411.7

Attachments: Staff Report - Urban Lot Split Ordinances

Att 1 - CC CLUDC Lot Split Ordinance

Att 2 - CC ILUDC Lot Split Ordinance

Att 3 - PC Resolution 9-2025

Att 4 - Consistency Analysis

Att 5 - HCD's Feb 2025 Comment Letter

Att 6 - NOPH Urban Lot

#### **7C.** 25-201

Receive a Report, Hold a Public Hearing, Receive Planning Commission's Recommendation, and Introduce, by Title Only, and Waive Further Reading of Ordinances:

1) Ordinance XXXX-2025 Amending Various Sections of Division 18 (ILUDC) of the Fort Bragg Municipal Code (ZON 4-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites; Statutorily Exempt 15265

2) Ordinance XXXX-2025 Amending Various Sections of Division 17 (CLUDC) of the Fort Bragg Municipal Code (ZON 5-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites; Categorically Exempt 15061.b.3) and Government code 65583(a)(4)(D)

Attachments: Staff Report - HCD Housing Element Update

Att 1 - ILUDC - HCD Ordinance Att 2 - CLUDC HCD Ordinance Att 3 - PC Resolution 10-2025

Att 4 - NOPH

#### **7D.** 25-212

Receive a Report, Hold a Public Hearing, and Consider Adoption of a City Council Resolution Updating the City's Fee Schedule to Include MCN and Municipal Broadband Service Fees; Statutorily Exempt 14 CCR 15273

#### Attachments: Staff Report

Att 2 - Fiber Plans & Installation Rates

Att 3 - MCN Rates

Att 4 - NOPH Fee Schedule

Att 1 - RESO Fee Schedule

**Public Comment 7D** 

#### **7E.** 25-193

Receive a Report, Hold a Public Hearing to Present City of Fort Bragg Vacancy Report 2025, a Comprehensive Overview of Current Job Vacancies, Recruitment and Retention Efforts as Required by Assembly Bill 2561.

Attachments: Staff Report-AB 2561

Att 1 - Bill Text - AB-2561

Att 2 - 2025.06.09 AB 2561 Vacancy Report

Att 3 - Time to Fill - Days

Att 4 - Requisition Summary - FY2024-25 NEOGOV Att 5 - Procedures Re Public Hearings - AB 2561

Att 6 - NOPH AB 2561

#### 8. CONDUCT OF BUSINESS

**8A.** <u>25-213</u> Consider Adopting a Resolution Accepting the Mill Site Development Strategy

Report and Directing City Manager to Initiate Phase 2 of the Master

Development Agreement Planning Program; CEQA Exemptions 15265 and

15061(b)(3)

Attachments: Staff Report

Att 1 - RESO

Att 2 - Exhibit B - Development Strategy Reporting EPS

Public Comment 8A

**8B.** 25-177 Receive Report and Provide Direction to Staff Regarding Initiating Project for

the Installation of Parcourse Fitness Equipment Stations along Coastal Trail

Attachments: Staff Report - Fitness Stations Coastal Trail

Att 1 - Potential Locations Map

Att 2 - Fitness Equipment Types

Att 3 - Coastal Trail Fitness Stations Survey

Att 4 - Binocular Survey March 2025

#### 9. CLOSED SESSION

#### **ADJOURNMENT**

The adjournment time for all Council meetings is no later than 10:00 p.m. If the Council is still in session at 10:00 p.m., the Council may continue the meeting upon majority vote.

# NEXT REGULAR CITY COUNCIL MEETING: 6:00 P.M., MONDAY, JUNE 23, 2025

STATE OF CALIFORNIA	)
	)ss
COUNTY OF MENDOCINO	)

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on June 4, 2025.

Diana Paoli City Clerk

#### **NOTICE TO THE PUBLIC:**

# DISTRIBUTION OF ADDITIONAL INFORMATION FOLLOWING AGENDA PACKET DISTRIBUTION:

- Materials related to an item on this Agenda submitted to the Council/District/Agency after distribution of the agenda packet are available for public inspection upon making reasonable arrangements with the City Clerk for viewing same during normal business hours.
- Such documents are also available on the City of Fort Bragg's website at https://city.fortbragg.com subject to staff's ability to post the documents before the meeting.

#### ADA NOTICE AND HEARING IMPAIRED PROVISIONS:

It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.

If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.

This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).



416 N Franklin Street Fort Bragg, CA 95437 Phone: (707) 961-2823 Fax: (707) 961-2802

#### **Text File**

File Number: 25-197

Agenda Date: 6/9/2025 Version: 1 Status: Business

In Control: City Council File Type: Proclamation

Agenda Number: 1A.

**National Pollinator Week Proclamation** 

# PROCLAMATION National Pollinator Week June 16-22, 2025

WHEREAS, pollinator species such as thousands of species of bees are essential partners in producing much of our food supply; and

WHEREAS, pollinator species provide significant environmental benefits that are necessary for maintaining healthy, diverse urban and suburban ecosystems; and

WHEREAS, pollination plays a vital role for the trees and plants of our community, enhancing our quality of life, and creating recreational and economic development opportunities; and

WHEREAS, in the last year, the City of Fort Bragg has managed urban landscapes and public lands that include many municipal parks and greenways, as well as wildlife habitats; and

WHEREAS, the City of Fort Bragg encourages developers and residents to use bee friendly landscaping and promote wise conservation stewardship, including the protection of pollinators and maintenance of their habitats in urban and suburban environments;

NOW, THEREFORE, I, Jason Godeke, Mayor of the City of Fort Bragg, on behalf of the entire City Council, do hereby proclaim the Week of June 16-22, 2025 as National Pollinator Week in the City of Fort Bragg and urge all citizens to recognize this observance.

JASON GODEKE, Mayor

ATTEST:

Diana Paoli, City Clerk



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#### **Text File**

File Number: 25-198

Agenda Date: 6/9/2025 Version: 1 Status: Business

In Control: City Council File Type: Proclamation

Agenda Number: 1B.

Juneteenth Freedom Day Proclamation

# PROCLAMATION JUNETEENTH DAY

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

WHEREAS, Juneteenth, also known as "Juneteenth Independence Day," "Emancipation Day," "Emancipation Celebration" and "Freedom Day," is the oldest known celebration commemorating the ending of slavery in the United States and has been celebrated by the Black Community for over 150 years; and

WHEREAS, President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863, declaring that "all persons held as slaves within the rebellious states are, and henceforward shall be free," paving the way for the passing of the thirteenth amendment which formally abolished slavery in the United States of America; and

WHEREAS, Juneteenth, or June 19, 1865, is considered the date when the last slaves in America were freed when General Gordon Granger rode into Galveston, Texas, and issued General Order No. 3, almost two and a half years after President Lincoln issued the Emancipation Proclamation; and

WHEREAS, June 19 symbolizes freedom, celebrates the abolishment of slavery, reminds all Americans of the significant contributions of African Americans to our society, and is a time for reflection and rejoicing, assessment, self-improvement, and planning for the future; and

WHEREAS, Juneteenth celebrations are a tribute to those African Americans, then and now, who fought so long and worked so hard to make the dream of equality a reality; and

WHEREAS, President Biden called upon Americans to recommit together to the work of equity, equality, and justice; and commit together to eradicate systemic racism that still undermines our founding ideals and collective prosperity;

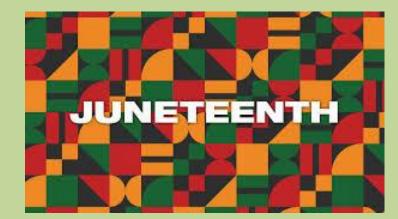
**NOW THEREFORE,** I, Jason Godeke, Mayor of the City of Fort Bragg, on behalf of the entire City Council, do hereby proclaim Juneteenth Day in the City of Fort Bragg and urge all residents to become more aware and continually educated on the significance of this celebration in Black History and in the heritage of our nation.

SIGNED this 9th day of June, 2025

JASON GODEKE, Mayor

ATTEST:

Diana Paoli, City Clerk



No. 15-2025

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416 N Franklin Street Fort Bragg, CA 95437 Phone: (707) 961-2823 Fax: (707) 961-2802

#### **Text File**

File Number: 25-207

Agenda Date: 6/9/2025 Version: 1 Status: Consent Agenda

In Control: City Council File Type: Consent Calendar

Agenda Number: 5A.

Accept Certificate of Completion for EV Fleet Charging Station Project (PWP-00126) and Direct

City Clerk to File Notice of Completion

RECORDING REQUESTED BY:				
City of Fort Bragg				
AND WHEN RECORDED, RETURN TO:				
City of Fort Bragg 416 North Franklin Street Fort Bragg, California 95437 Attention: Diana Paoli, City Clerk				
The City is exempt from	recordation fees per Government Code §27383.			
NOTICE	OF COMPLETION			
1. The undersigned is the duly authorize	zed agent of the owner, City of Fort Bragg.			
2. The full name of the owner is City of	f Fort Bragg, a municipal corporation.			
3. The nature of the interest of the own	ner is a fee interest.			
• •	in accordance with the Contract entitled t; PWP-00126 dated January 6, 2025.			
Inc., a California Corporation, 3220	provement work is <b>Akeff Construction Services</b> 05 N Mitchell Creek Road, Fort Bragg, California to this firm on December 09, 2024, pursuant to ragg City Council.			
6. The address of the owner is the Ci Bragg, California 95437.	ity of Fort Bragg, 416 North Franklin Street, Fort			
executed a Certificate of Completio	al, Assistant Director - Engineer, Public Works, n for the above-referenced project indicating that nat date. See Certificate of Completion attached			
State of California )				
County of Mendocino )				
I hereby certify under penalty of perjury	that the foregoing is true and correct:			
City Council Approval	CITY OF FORT BRAGG			
<u>June 09, 2025</u> (Date)	By: Diana Paoli			
,				

Diana Paoli City Clerk

#### PROOF OF SERVICE BY MAIL

(Code of Civil Procedure Sections 1013a, 2015.5)

I am over the age of 18 years, employed in the County of Mendocino, and not a party to the within action; my business address is Fort Bragg City Hall, 416 North Franklin Street, Fort Bragg, California 95437.

On [Date], I served the attached document by placing a true copy thereof enclosed in a sealed envelope, with postage thereon fully prepaid, via Certified Mail, Return Receipt Requested, in the United States mail at Fort Bragg, California addressed as follows:

Akeff Construction Services, Inc 32205 N. Mitchell Creek Road Fort Bragg, California 95437

Executed on [Date], at Fort Bragg, Mendocino County, California.

I declare, under penalty of perjury, that the foregoing is true and correct.

ATTEST:	
Diana Paoli City Clerk	



#### CITY OF FORT BRAGG

Incorporated August 5, 1889
416 N. Franklin Street, Fort Bragg, CA 95437
Phone: (707) 961-2823 Fax: (707) 961-2802
www.FortBragg.com

#### **CERTIFICATE OF COMPLETION**

All items of work and the provisions of the contract executed with Akeff Construction Services Inc. for labor, materials, equipment, and supervision for the EV Fleet Charging Station, as shown in the Plans and Specifications for the EV Fleet Charging Station Project, City Project PWP-00126 dated November 07, 2024, have been completed.

This project as described above was awarded by the Fort Bragg City Council by resolution at their meeting of December 09, 2024.

It is recommended that the completed project be accepted by the City Council.

Chantell O'Nal
Chantell O'Neal

Assistant Director of Engineering

DATED: <u>June 02, 2025</u>.



416 N Franklin Street Fort Bragg, CA 95437 Phone: (707) 961-2823 Fax: (707) 961-2802

#### **Text File**

File Number: 25-208

Agenda Date: 6/9/2025 Version: 1 Status: Consent Agenda

In Control: City Council File Type: Staff Report

Agenda Number: 5B.

Adopt City Council Resolution of the Fort Bragg City Council Approving Contract Change Order 3 with Akeff Construction Services, Inc. for City EV Fleet Charging Station Project PWP-00126; Approving Budget Amendment 2024/25-13 and Authorizing City Manager to Execute Contract (Amount Not To Exceed \$184,642.00); CEQA Exemption 15301

City of Fort Bragg Page 1 Printed on 6/17/2025

<b>RESOLUTION NO.</b>	-2025
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RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING CONTRACT CHANGE ORDER #3 WITH AKEFF CONSTRUCTION SERVICES, INC. FOR CITY EV FLEET CHARGING STATION PROJECT PWP-00126; APPROVING BUDGET AMENDMENT 2024/25-13, AND AUTHORIZING CITY MANAGER TO EXECUTE CONTRACT (AMOUNT NOT TO EXCEED \$184.642.00)

**WHEREAS**, on December 9, 2024, the City Council awarded the construction contract for the Charging Station Project to Akeff Construction for \$159,897.00; and

**WHEREAS**, on March 30, 2025, the City Manager authorized contract change order number 1 (CCO1) for \$9,244.00 to cover the cost of additional electrical hardware and installation;

**WHEREAS,** on April 28, 2025 City Council Authorized CCO2 for \$12,503.00, bringing the net total increase of change order work to \$21,747.00; and

**WHEREAS**, another budget amendment (attachment 1) for \$2,998.00 (BA 2024/25-13) is necessary to ensure sufficient funds to cover the final balancing change order and close out the project; and

**WHEREAS**, per Fort Bragg Municipal Code Section 3.20.050, the City Manager's signing authority for change orders may not exceed 10% of the approved contract cost; and

**NOW, THEREFORE, BE IT RESOLVED** that this Project is categorically exempt from CEQA, 14 CCR Section 15301 existing facilities, because the charging stations are features being incorporated into the existing parking area, which will help reduce greenhouse gas emissions; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Fort Bragg does hereby approve Budget Amendment No. 2024/25-13 (attachment 1) amending the FY 2024/25 Budget to appropriate \$2,998.00 to cover additional project costs; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Fort Bragg does hereby approve the final balancing Contract Change Order #3 with Akeff Construction Services, Inc. for City EV Fleet Charging Station Project PWP-00126 and authorize the City Manager to execute the Contract (Amount Not To Exceed \$184,642.00).

The above and fo seconded by	regoing Resolution was introduced by Councilmember, , and passed and adopted at a regular meeting of the City
	ort Bragg held on the 9 <sup>th</sup> day of June, 2025, by the following vote:
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
RECUSED:	

ATTEST:	Jason Godeke Mayor	
Diana Paoli City Clerk		

			BU	DGET FY 24/25	_			
					Budget	Adjustment #:	2024/25-13	
						Budget FY:	FY 2024/25	
Account Description	Accou	ınt #		FY 24/25	Increase (+)	Decrease (-)	Revised Total	Description
				Current Budget	Budget Amt	Budget Amt	Budget Amt	
Ev Charging	428	4879	0731	\$ 186,249.61	\$2,998		\$189,247.61	EV Fleet Charging Station
					\$ 2,998	\$ -	\$ 189,248	
						1		
Reason for Amendment:	RESO	LUTIO	N#:					
				Additional funding to	cover costs from C	hange Order #3		
Authorization:	-				Signature:		Date:	
Requested By:	Emily	Reno		_				
Approval:	Isaac '	Whippy		_				
Finance Use:	Adrian	a Hern	andez N	Moreno		<u> </u>		
Attach copies of Resolution o	r other d	ocumei	ntation					

#### AKEFF CONSTRUCTION SERVICES, INC. 32205 N MITCHELL CREEK RD FORT BRAGG, CA 95437 707-964-7346 License #806381 akeff@live.com

Project- EV Charging Station

Subject: Change Order Request #3

May 28, 2025		
Fort Bragg Electric – Submitted addit Mark Up	ional Charges	\$1,500.00 \$150.00
Line Item #10 Hot Asphalt 1 @ \$510		\$510.00
Line Item #15 Pavement Markings 2 Credit for	2 @ \$360.00 (1) \$360	\$720.00 -\$360.00
Striping – Curb Painting		\$478.00
1 Hour Equipment Operator 2.5 Hours Labor Supplies	\$150.00 \$300.00 \$28.00	
	Total =	\$2,998.00



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#### **Text File**

File Number: 25-215

Agenda Date: 6/9/2025 Version: 1 Status: Business

In Control: City Council File Type: Minutes

Agenda Number: 5C.

Approve Special Minutes of March 24, 2025



416 N Franklin Street Fort Bragg, CA 95437 Phone: (707) 961-2823 Fax: (707) 961-2802

# Meeting Minutes Special City Council

THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT
NO. 1 AND THE FORT BRAGG REDEVELOPMENT
SUCCESSOR AGENCY

Monday, March 24, 2025

4:30 PMTown Hall, 363 N Main Street and Via Video Conference

#### **SPECIAL CLOSED SESSION**

#### **CALL TO ORDER**

Mayor Godeke called the meeting to order at 4:33 PM

#### **ROLL CALL**

**Present:** 5 - Mayor Jason Godeke, Vice Mayor Marcia Rafanan, Councilmember Tess Albin-Smith, Councilmember Scott Hockett and Councilmember Lindy Peters

#### 1. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None.

#### 2. CLOSED SESSION

Mayor Godeke convened to closed session at 4:36 PM.

2A. 25-87 PUBLIC EMPLOYEE EVALUATION/DISCIPLINE/DISMISSAL/RELEASE Title: City

Manager Pursuant to California Government Code 54957(b)

**2B.** 25-89 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of

Section 54956.9:(One Case)

Mayor Godeke reconvened the meeting to Open Session at 5:18 PM and reported

that no reportable action had been taken on the Closed Session Items.

#### **ADJOURNMENT**

Mayor Godeke adjourned the meeting at 5:18 PM.



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**Text File** 

File Number: 25-216

Agenda Date: 6/9/2025 Version: 1 Status: Business

In Control: City Council File Type: Minutes

Agenda Number: 5D.

Approve Special Minutes of March 20, 2025



416 N Franklin Street Fort Bragg, CA 95437 Phone: (707) 961-2823 Fax: (707) 961-2802

# Meeting Minutes Special City Council

THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT
NO. 1 AND THE FORT BRAGG REDEVELOPMENT
SUCCESSOR AGENCY

Thursday, March 20, 2025

4:30 PM

Town Hall, 363 N Main Street and Via Video Conference

#### MID-YEAR BUDGET WORKSHOP

#### **CALL TO ORDER**

Mayor Godeke called the meeting to order at 4:02 PM.

#### **ROLL CALL**

**Present:** 5 - Mayor Jason Godeke, Vice Mayor Marcia Rafanan, Councilmember Tess Albin-Smith, Councilmember Scott Hockett and Councilmember Lindy Peters

#### 1. CONDUCT OF BUSINESS

**1A.** 25-81 FY 24/25 Mid-Year Budget Review & Provide Direction on FY 25/26 Budget Goals & Priorities

#### 1. INTRODUCTION & OVERVIEW

City Manager Whippy gave a brief introduction regarding the economic climate and presented suggested budget amendments.

2. PUBLIC COMMENTS

Jacob Patterson and Andrew Jordan.

3. CAPITAL IMPROVEMENT PROJECTS

Public Works Director John Smith presented updates and answered questions.

4. FY 2025 MID-YEAR PERFORMANCE REPORT

City Manager Whippy presented a PowerPoint on the General Fund and budget adjustment requests.

#### Mayor Godeke recessed the meeting at 6:00 PM; the meeting reconvened at 6:23 PM.

4b. Assistant Finance Director Merilyn Tiriboyi presented Enterprise (Water/Wastewater), CV Starr Enterprise and Internal Service Funds: Facilities, Fleet and IT.

5. FY 25/26 BUDGET GOALS - DISCUSSION AND DIRECTION

City Manager Whippy presented budget development slides and presented further staffing needs across the organization. Whippy suggested budget amendments and they discussed the use of unassigned reserves for streets projects. Council had no objections to the suggested budget amendments. There was also discussion regarding moving from complaint driven to compliance driven code enforcement. Chief Cervenka presented staffing needs at the Police Department.

#### **ADJOURNMENT**

Mayor Godeke adjourned the meeting at 7:31 PM

IMAGED (\_\_\_\_\_)



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#### **Text File**

File Number: 25-217

Agenda Date: 6/9/2025 Version: 1 Status: Business

In Control: City Council File Type: Minutes

Agenda Number: 5E.

Approve Special Minutes of March 11, 2025



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# Meeting Minutes Special City Council

THE FORT BRAGG CITY COUNCIL MEETS CONCURRENTLY
AS THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT
NO. 1 AND THE FORT BRAGG REDEVELOPMENT
SUCCESSOR AGENCY

Tuesday, March 11, 2025

6:00 PM

Town Hall, 363 N Main Street

#### **Special Meeting**

#### **CALL TO ORDER**

Mayor Godeke called the meeting to order at 6:00 PM.

#### PLEDGE OF ALLEGIANCE

#### **ROLL CALL**

**Present:** 5 - Mayor Jason Godeke, Vice Mayor Marcia Rafanan, Councilmember Tess Albin-Smith, Councilmember Scott Hockett and Councilmember Lindy Peters

#### **CLOSED SESSION REPORT**

Mayor Godeke reported that direction was given to City Attorney to seek an additional stay in order to pursue continuing settlement negotiations via a Master Development Agreement.

#### **AGENDA REVIEW**

Mayor Godeke announced moving Item 5F to Conduct of Business between Items 8A and 8B.

#### 1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

**1A.** 25-74 Introduction and Swearing In of City Clerk Diana Paoli

City Manager Isaac Whippy introduced and welcomed Diana Paoli to City team. Acting City Clerk Amber Lenore Weaver proceeded with swearing in ceremony.

# 2. PUBLIC COMMENTS ON: (1) NON-AGENDA, (2) CONSENT CALENDAR & (3) CLOSED SESSION ITEMS

- (1) None.
- (2) Shelley Green and Jenny Shattuck.
- (3) None.

#### 3. STAFF COMMENTS

City Manager Isaac Whippy shared pool closure at CV Starr on Fridays for maintenance. Assistant Director Engineering Chantell O'Neal shared upcoming Blue Zones event on the

Coastal Trail for binocular viewing.

#### 4. MATTERS FROM COUNCILMEMBERS

Councilmember Albin-Smith shared upcoming Whale Festival event including Whale Run, Craft Fair and Symphony. Vice Mayor Rafanan welcomed Diana Paoli. Councilmember Peters shared Varsity Baseball team earned 1st Place in Colusa Tournament and JV Baseball team earned 2nd Place.

#### 5. CONSENT CALENDAR

A motion was made by Councilmember Peters, seconded by Vice Mayor Rafanan, to approve the Consent Calendar with amendment to move Item 5F to Conduct of Business. The motion carried by the following vote:

Aye: 5 - Mayor Godeke, Vice Mayor Rafanan, Councilmember Albin-Smith, Councilmember Hockett and Councilmember Peters

Adopt Resolution of the Fort Bragg City Council Approving a Contract Change Order with Bartley Pump PM LLC for Maintenance and Emergency Repairs to One of Two Noyo River Pumps and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$85,705.15)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4900-2025

Security for the Installation of an Access Control System at the Fort Bragg
Police Department, and Security Cameras in Various City-Owned Facilities
and Authorizing City Manager to Execute Contract (Total Amount Not to
Exceed \$71,588.06)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4901-2025

**5C.** <u>25-54</u> Approve Purchase of Microsoft 365 Licensing Subscription Not to Exceed \$34,547.34; Contract subject to City Attorney Approval

This Purchase was approved on the Consent Calendar.

**5D.** 25-55 Adopt City Council Resolution Approving Budget Amendment No. 2024/25-08 for Fiscal Year 2024/25

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4902-2025

5E. 25-58

Adopt City Council Resolution of the Fort Bragg City Council Approving the Purchase of ParkPlanet Stage Structure for the Bainbridge Park Enhancement Project, City Project No. PWP-00096, and Authorizing City Manager to Execute Purchase Agreement (Amount Not to Exceed \$76,267.06)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4903-2025

**5G.** 25-72 Adopt City Council Resolution Approving First Amendment to Professional

Services Agreement with Lake Tech (Amount Not To Exceed \$37,273.20)

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4904-2025

**5H.** 25-73 Receive and File Minutes of the October 25, 2024 Community Development

Committee Meeting

This Committee Minutes was received and filed

#### 6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None.

#### 7. PUBLIC HEARING

None.

#### 8. CONDUCT OF BUSINESS

**8A.** <u>25-57</u> Adopt City Council Resolution of the Fort Bragg City Council Approving the

Purchase of Polyturf Champion Sport Turf for the Bainbridge Park Enhancement Project, City Project No. PWP-00096, and Authorizing City

Manager to Execute Purchase Agreement (Amount Not to Exceed \$64,898.59)

Assistant Director Engineering Chantell O'Neal gave the staff report on this agenda item. Public Comment: Jacob Patterson, Shelley Green, Kylie Felicich, Andrew Wells, Miguel, Jenny Shattuck, Angel Mex, Gabe Uribe, Oscar Estrella, Richard Garcia, Sandy, Monica Rodrigues, Wyatt Wells, Shel Saunders, Bert Arellano, and Jay McMartin.

Discussion: Councilmembers asked clarifying questions.

A motion was made by Councilmember Albin-Smith, seconded by Councilmember Peters, that this Resolution was adopted. The motion carried by the following vote:

Enactment No: RES 4905-2025

**5F.** 25-59 Adopt City Council Resolution of the Fort Bragg City Council Approving the

Purchase of MTJ Sport Court Kit for the Bainbridge Park Enhancement Project, City Project No. PWP-00096, and Authorizing City Manager to Execute Purchase Agreement (Amount Not to Exceed \$111,000.00)

Assistant Director Engineering Chantell O'Neal gave the staff report on this agenda item. <a href="Public Comment:">Public Comment:</a> Jacob Patterson, Jenny Shattuck, Richard Garcia, and Kylie Felicich. <a href="Discussion">Discussion</a>: Councilmembers asked clarifying questions.

A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that this Resolution was adopted. The motion carried by the following vote:

Enactment No: RES 4906-2025

**8B.** 24-1091

Receive Report and Consider Adoption of City Council Resolution Authorizing City Manager to Execute Joint Build Agreement with California Department of Technology with City Attorney Approval as to Form

Sarah McCormick gave the staff report on this agenda item.

**Public Comment:** 

Discussion: Councilmembers asked clarifying questions.

A motion was made by Councilmember Peters, seconded by Councilmember Rafanan, that this Resolution was adopted. The motion carried by the following vote:

Aye: 5 - Mayor Godeke, Vice Mayor Rafanan, Councilmember Albin-Smith, Councilmember Hockett and Councilmember Peters

Enactment No: RES 4907-2025

**8C.** 25-29

Receive Report and Consider Adopting City Council Resolution Approving OMNIA Partners Cooperative Purchasing Agreement for Municipal Broadband Utility Project, Public Works Project No. 130, Authorizing City Manager to Execute Contract (Amount Not to Exceed \$1,190,313.31) Following City Attorney Approval As To Form, and Finding the Project Exempt from CEQA under 14 CCR 15301(b), 15302(c) and 15304(f)

Sarah McCormick gave the staff report on this agenda item.

Public Comment:

Discussion: Councilmembers asked clarifying questions.

A motion was made by Councilmember Rafanan, seconded by Councilmember Peters, that this Resolution was adopted. The motion carried by the following vote:

Enactment No: RES 4908-2025

**8D.** 25-40

Receive Report and Consider Adopting City Council Resolution Approving Professional Services Agreement with GHD to Provide Construction Management Services for the Municipal Broadband Project, Public Works Project No. 130, Authorizing City Manager to Execute Contract (Amount Not To Exceed \$1,449,466.60), and Finding the Project Exempt from CEQA under 14 CCR 15301(b), 15302(c) and 15304(f)

Sarah McCormick gave the staff report on this agenda item.

Public Comment: Jacob Patterson.

Discussion: Councilmembers asked clarifying questions.

A motion was made by Councilmember Albin-Smith, seconded by Councilmember Peters, that this Resolution was adopted. The motion carried by the following vote:

Aye: 5 - Mayor Godeke, Vice Mayor Rafanan, Councilmember Albin-Smith, Councilmember Hockett and Councilmember Peters

Enactment No: RES 4909-2025

**8E**. <u>25-43</u>

Adopt City Council Resolution Awarding Construction of Municipal Broadband Project, Public Works Project No.130, to HP Communications as the Lowest Responsive Bidder and Authorizing City Manager to Execute Contract Following City Attorney Approval As To Form (Amount Not To Exceed \$9,966,164.75), and Finding the Project Exempt from CEQA under 14 CCR 15301(b), 15302(c) and 15304(f)

Sarah McCormick gave the staff report on this agenda item.

Public Comment: Jacob Patterson.

Discussion: Councilmembers asked clarifying questions.

A motion was made by Councilmember Rafanan, seconded by Councilmember Peters, that this Resolution was adopted. The motion carried by the following vote:

Aye: 5 - Mayor Godeke, Vice Mayor Rafanan, Councilmember Albin-Smith,
Councilmember Hockett and Councilmember Peters

Enactment No: RES 4910-2025

**8F.** 25-56

Adopt a Resolution of the Fort Bragg City Council Awarding the Town Hall Retrofit & Bathroom Remodel Project, City Project No. PWP-00122, to Adams Commercial General Contracting, Inc. as the Lowest Responsible Bidder, Approving Budget Amendment 2024/25-09, Authorizing the City Manager to Execute Contract (Not To Exceed \$793,205), and Finding the Project Exempt from CEQA under 14 CCR 15301

John Smith gave the staff report on this agenda item.

Public Comment: Shelley Green.

Discussion: Councilmembers asked clarifying questions.

A motion was made by Councilmember Peters, seconded by Councilmember Albin-Smith, that this Resolution was adopted. The motion carried by the following vote:

Aye: 5 - Mayor Godeke, Vice Mayor Rafanan, Councilmember Albin-Smith,
Councilmember Hockett and Councilmember Peters

Enactment No: RES 4911-2025

#### 9. CLOSED SESSION

#### **ADJOURNMENT**

Mayor Godeke adjourned meeting at 8:17 PM.



416 N Franklin Street Fort Bragg, CA 95437 Phone: (707) 961-2823 Fax: (707) 961-2802

**Text File** 

File Number: 25-218

Agenda Date: 6/9/2025 Version: 1 Status: Business

In Control: City Council File Type: Minutes

Agenda Number: 5F.

Approve Minutes of March 10, 2025



416 N Franklin Street Fort Bragg, CA 95437 Phone: (707) 961-2823 Fax: (707) 961-2802

# Meeting Minutes City Council

Monday, March 10, 2025

6:00 PM

Town Hall, 363 N. Main Street and Via Video Conference

#### **CALL TO ORDER**

Mayor Godeke called the meeting to order at 6:00 PM.

#### PLEDGE OF ALLEGIANCE

**ROLL CALL** 

**Present:** 5 - Mayor Jason Godeke, Vice Mayor Marcia Rafanan, Councilmember Tess Albin-Smith, Councilmember Lindy Peters and Councilmember Scott Hockett

#### **CLOSED SESSION REPORT**

None.

#### **AGENDA REVIEW**

None.

#### 1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

None.

# 2. PUBLIC COMMENTS ON: (1) NON-AGENDA, (2) CONSENT CALENDAR & (3) CLOSED SESSION ITEMS

- (1) Gabriel Quinn Maroney.
- (2) None.
- (3) Kristy Wagner, Doug Hammerstrom, Jade Tippett, Shelley Green, Tim Perry, Gabriel Quinn Maroney, Peter McNamee, Jacob Patterson, Marcy Snider, Joe Harris, and John Gallo.

#### 3. STAFF COMMENTS

None.

#### 4. MATTERS FROM COUNCILMEMBERS

Councilmember Albin-Smith shared upcoming Whale Festival activities including live music, beer tasting, Whale Run, Symphony of the Redwoods Concerts, chowder tasting, and craft fair.

#### 5. CONSENT CALENDAR

None.

#### 6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

Councilmember Albin-Smith disclosed ex parte communication with Robert Pinoli.

#### 7. PUBLIC HEARING

None.

#### 8. CONDUCT OF BUSINESS

**8A.** <u>25-75</u> Mill Site Master Development Agreement Phase 1 Report

City Manager Isaac Whippy presents Vision of Phase 1 on Strategy Report, informs pause of lawsuit was intentional to invite public feedback and continue with collaborative communications and negotiations with Railroad and City. Phase 1 would occur in stages and also discussed Ad Hoc committee was formed with Councilmember Peters and Mayor Godeke. Walter Kieser from "EPS" of Oakland provided a presentation and history with negotiations with Georgia Pacific when Coastal Trail was built and his role back in 2003. City hired Consultant, Marie Jones shared history of developing Mill Site along with more details on the Development Strategy Report, development process, agencies involved and City's goal to continue negotiations and move toward a Master Development Agreement with Railroad. Chris Hart and Robert Pinoli on behalf of the Railroad shared history, vision, and perspective of development and agency oversight and regulations of Railroad.

<u>Public Comment:</u> Peter McNamee, Jenny Shattuck, Ron White, Terri Oakes, Doug Hammerstrom, Kendell Smith, Jade Tippett, Steve, Gabriel Quinn Maroney, Jacob Patterson, Chris paloma, George Reinhardt, Laura Bianchi Limbird, John Gallo, Marcy Snider, Jessiah Mellot, Paul Clark, Alex Helperin, and Jay McMartin-Rosenquist.

Discussion: Councilmembers inquired if the Master Development Agreement is binding and enforceable in court. Councilmembers ask clarifying questions regarding planning, development and process of developing Mill Site.

#### 9. CLOSED SESSION

Mayor Godeke recessed the meeting at 9:41 PM; the meeting reconvened to Closed Session at 9:52 PM. Mayor Godeke asked for a motion to continue meeting past 10:00 PM. A motion was made by Councilmember Peters, seconded by Councilmember Hockett to continue meeting past 10:00 PM. The motion carried by the following vote:

Aye: 5 - Mayor Godeke, Vice Mayor Rafanan, Councilmember Albin-Smith,
Councilmember Peters and Councilmember Hockett

<b>9A</b> . <u>25-76</u>	CONFERENCE WITH LEGAL COUNSEL - Existing Litigation Pursuant to
	Paragraph (1) of Subdivision (d) of Gov. Code Section 54956.9 City of Fort
	Bragg v. Mendocino Railroad

9B. 25-77 CONFERENCE WITH LEGAL COUNSEL - Existing Litigation Pursuant to Paragraph (1) of Subdivision (d) of Gov. Code Section 54956.9 SIERRA NORTHERN RAILWAY and MENDOCINO RAILWAY v. CITY OF FORT

Mayor Godeke reconvened the meeting to Open Session at 10:42 PM and reported that no reportable action was taken on the Closed Session items.

### **ADJOURNMENT**

IMAGED ( )

Mayor Godeke adjou	rned the meeting at 10:42 PM.
JASON GODEKE, MAYOR	
Amber Lenore Weaver, Acting City Clerk	



### **City of Fort Bragg**

416 N Franklin Street Fort Bragg, CA 95437 Phone: (707) 961-2823 Fax: (707) 961-2802

### **Text File**

File Number: 25-211

Agenda Date: 6/9/2025 Version: 1 Status: Public Hearing

In Control: City Council File Type: Ordinance

Agenda Number: 7A.

Receive a Report, Hold a Public Hearing, and Introduce, by Title Only, and Waive Further Reading of Ordinance xxxx-2025, Adopting the Updated Fire Hazard Severity Zone (FHSZ) Maps for the City of Fort Bragg Local Responsibility Area (LRA), as Released by the California Department of Forestry and Fire Protection (CAL FIRE) Under the Direction of the Office of the State Fire Marshal (OSFM)



### CITY COUNCIL STAFF REPORT

TO: City Council DATE: June 9, 2025

**DEPARTMENT:** Administration & Fire Department

PREPARED BY: Isaac Whippy, City Manager

PRESENTER: Chief Orsi, Fire Chief & Isaac Whippy, City Manager

AGENDA TITLE: Public Hearing and Introduction of Ordinance to Adopt Updated Fire Hazard Severity Zone (FHSZ) Map in Compliance with CAL FIRE Mandate

#### RECOMMENDATION

Conduct a public hearing and Introduce By Title Only and Waiving Further Reading of ordinance No. XXXX-2025 An Ordinance of the City Council of the City of Fort Bragg to designate Fire Hazard Severity Zones

### BACKGROUND

On February 24, 2025, CAL FIRE released updated Fire Hazard Severity Zone (FHSZ) maps for Mendocino County, which for the first time include Local Responsibility Areas (LRAs) such as the City of Fort Bragg. These maps classify wildfire hazard levels as Moderate, High, or Very High based on topography, fuels, climate, and fire history.

Under Government Code Section 51179, LRA jurisdictions are required to adopt the new maps within 120 days of release—no later than June 24, 2025. The City is not permitted to alter the severity designations provided by CAL FIRE, unless it proposes to increase a zone's severity level.

### **DISCUSSION AND ANALYSIS**

Following the release of the FHSZ maps, the City made the draft maps publicly available beginning March 25, 2025, and opened a public comment period, which remained active through April 30, 2025. A press release was issued on April 10, directing the public to review the maps and submit comments via an online survey.

A public hearing notice was provided, and tonight's meeting satisfies the legal requirements for ordinance introduction.

### **Key points:**

- The City cannot reduce the severity designations included in the map; it can only adopt the map as-is or increase severity.
- The proposed ordinance closely mirrors the model ordinance provided by CAL FIRE.
- While the map may trigger additional building code requirements for properties in the Very High FHSZ, it does not change zoning or land use entitlements.

### **FISCAL IMPACT**

There is no direct fiscal impact associated with the adoption of the FHSZ map. Future development in designated high-risk areas may incur additional mitigation or construction costs in line with state wildfire standards.

### **PUBLIC OUTREACH**

- Public notice posted online and in compliance with all noticing requirements
- Press release issued April 10, 2025
- Online survey made available for public comments on March 25, 2025.
- Map and survey link hosted on the City's website

### **ATTACHMENTS**

- Draft Ordinance for Adoption of FHSZ Map
- City of Fort Bragg FHSZ Map (2025)
- April 10, 2025 Press Release
- Public Comments

### BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF FORT BRAGG TO
DESIGNATE FIRE HAZARD SEVERITY
ZONES

**ORDINANCE NO. XXXX-2025** 

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FORT BRAGG ORDAINS AS FOLLOWS:

### **SECTION 1. VERY HIGH FIRE HAZARD SEVERITY ZONES**

The City of Fort Bragg hereby designates the Fire Hazard Severity Zones as recommended by the California Department of Forestry and Fire Protection pursuant to Government Code Section 51178.

### **SECTION 2. APPROVAL OF MAP**

The map approved by the City of Fort Bragg, entitled "City of Fort Bragg – Mendocino County: Local Responsibility Area Fire Hazard Severity Zones," dated February 24, 2025, is attached hereto as Exhibit A and incorporated herein by reference. The official map is also located electronically on the following website: https://www.city.fortbragg.com/services/fire-department/fire-hazard-severity-zones

### SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The adoption of this Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which provides that CEQA only applies to projects that have the potential to cause a significant effect on the environment. Because the adoption of the FHSZ map is mandated by state law and does not itself authorize development or specific actions that would result in a physical change to the environment, it can be seen with certainty that this action will not result in a significant environmental impact.

### **SECTION 4. EFFECTIVE DATE**

This Ordinance shall be published according to law in a newspaper of general circulation in the City of Fort Bragg and shall become effective thirty (30) days after its adoption.

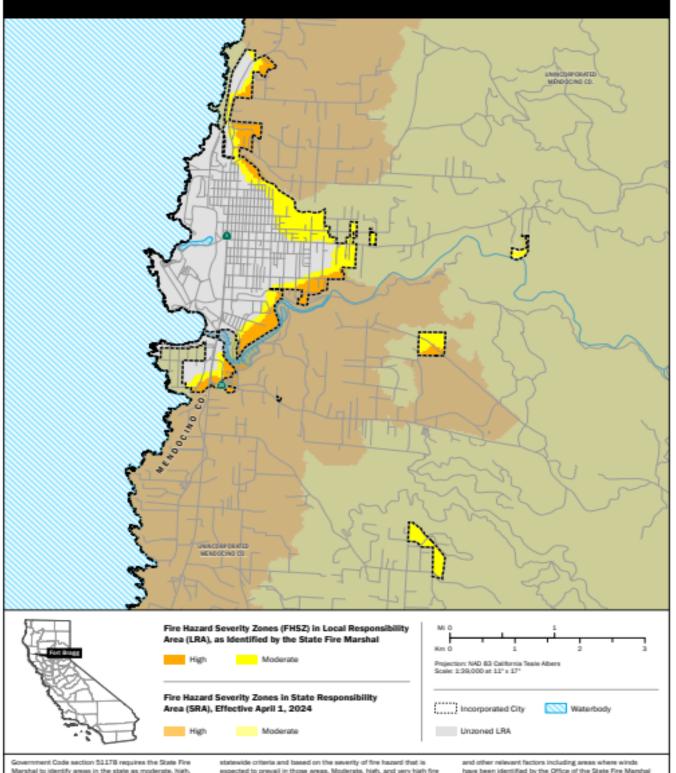
The foregoing Ordinance was introduced by		by	at a
	e City Council of the City oneeting of the City of Fort		
AYES: NOES: ABSENT: ABSTAIN:	Jason Godeke,		
	Mayor		
ATTEST:			
Diana Paoli City Clerk			
PUBLISH:	May 29, 2025, and	(by summary)	



# **Local Responsibility Area** Fire Hazard Severity Zones

As Identified by the State Fire Marshal

February 24, 2025



expected to prevail in those areas. Moderate, high, and very high fire

have been identified by the Office of the State Fire Manshal

### #1

### COMPLETE

Collector: Web Link 1 (Web Link)

 Started:
 Tuesday, March 25, 2025 3:13:04 PM

 Last Modified:
 Tuesday, March 25, 2025 3:15:49 PM

**Time Spent:** 00:02:44 **IP Address:** 96.95.222.177

### Page 1

### Q1

CAL FIRE has released an update to the CAL FIRE Fire Hazard Severity Zones and has asked the County of Mendocino Office of Emergency Services to seek public comment on the proposed updated map. These zones are critical for determining risk and informing mitigation efforts within our community and local jurisdictions are required to adopt these zones by ordinance. We encourage all residents to review the map and provide feedback. Please note that local jurisdictions are only allowed to increase the severity of these zones, they will NOT be able to decrease them. Your input will help ensure the accuracy and effectiveness of these designations. Access the map by clicking the link: https://experience.arcgis.com/experience/6a9cb66bb1824cd98756812af41292a0

On what planet does it make sense to call residential areas along the cool, damp North Coast "High Fire Hazard" zones, while inland forested areas (subject to much higher temperatures and dry conditions) are labeled "Moderate"?!?!???

This makes it super hard for home-owners to get insurance, even in areas with much, MUCHlower risk than the inland areas.

### #2

### COMPLETE

Collector: Web Link 1 (Web Link)

**Started:** Friday, April 11, 2025 10:43:39 AM **Last Modified:** Friday, April 11, 2025 10:54:02 AM

Time Spent: 00:10:23 IP Address: 174.62.64.28

### Page 1

### Q1

CAL FIRE has released an update to the CAL FIRE Fire Hazard Severity Zones and has asked the County of Mendocino Office of Emergency Services to seek public comment on the proposed updated map. These zones are critical for determining risk and informing mitigation efforts within our community and local jurisdictions are required to adopt these zones by ordinance. We encourage all residents to review the map and provide feedback. Please note that local jurisdictions are only allowed to increase the severity of these zones, they will NOT be able to decrease them. Your input will help ensure the accuracy and effectiveness of these designations. Access the map by clicking the link: https://experience.arcgis.com/experience/6a9cb66bb1824cd98756812af41292a0

We will need the help of the state senate and assembly because the first mile and a half of the coastline is NOT a high hazzard area. This is science not panic. Look at the rainfall, fog days and dew points all year long. The map, a catch all approach, will hand this fog belt to the cancel happy insurance companies.

### #3

### COMPLETE

Collector: Web Link 1 (Web Link)

Started: Monday, April 14, 2025 9:33:30 AM Last Modified: Monday, April 14, 2025 9:36:26 AM

 Time Spent:
 00:02:55

 IP Address:
 173.165.147.13

### Page 1

### Q1

CAL FIRE has released an update to the CAL FIRE Fire Hazard Severity Zones and has asked the County of Mendocino Office of Emergency Services to seek public comment on the proposed updated map. These zones are critical for determining risk and informing mitigation efforts within our community and local jurisdictions are required to adopt these zones by ordinance. We encourage all residents to review the map and provide feedback. Please note that local jurisdictions are only allowed to increase the severity of these zones, they will NOT be able to decrease them. Your input will help ensure the accuracy and effectiveness of these designations. Access the map by clicking the link: https://experience.arcgis.com/experience/6a9cb66bb1824cd98756812af41292a0

I have reviewed the map and believe there is no need to increase the severity of these zones.



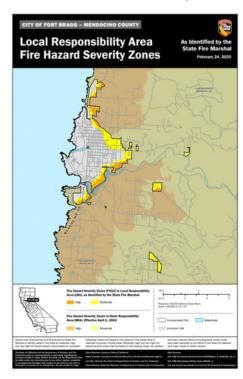
# **PRESS RELEASE**

FOR IMMEDIATE RELEASE

### **MEDIA CONTACT**

Isaac Whippy City Manager (707) 961 2823 iwhippy@fortbragg.com

# CAL FIRE Seeking Public Comment on Newly Released Fire Hazard Severity Zones in Local Responsibility Areas



**April 10, 2025; Fort Bragg, CA** - On February 24, 2025, the California Department of Forestry and Fire Protection (CAL FIRE) released an update to the Fire Hazard Severity Zone (FHSZ) map for Mendocino County, which now includes portions of Local Responsibility Areas (LRAs). CAL FIRE is seeking public comment on the proposed map updates.

The State Fire Marshal classifies areas as Moderate, High, or Very High Fire Hazard **Severity** Zones based on consistent statewide criteria and the level of wildfire hazard expected to prevail in those areas.

Previously, FHSZ maps applied only to State Responsibility Areas (SRAs)—areas where the State has primary responsibility for wildland fire protection. The newly updated maps now extend to include LRAs, where wildfire protection is the responsibility of local government agencies, including the City of Fort Bragg.





### **MEDIA CONTACT**

Isaac Whippy
City Manager
(707) 961 2823
iwhippy@fortbragg.com

April 10, 2025; Fort Bragg, CA - continued

The updated City of Fort Bragg map can be accessed <u>here</u>: https://www.city.fortbragg.com/services/fire-department/fire-hazard-severity-zones

### **Submit Public Comment**

The City is collecting public comments on behalf of CAL FIRE. All residents, property owners, and stakeholders are encouraged to review the proposed maps, ask questions, and share their feedback.

Submit comments via survey: Fort Bragg- Fire Hazard Severity Zone Survey

The public comment period will close on **April 30, 2025**. These updated maps are a key part of wildfire preparedness and land-use planning. While the City of Fort Bragg does not control the creation of these maps, they are required to ensure that the public has ample opportunity to review and provide input.

For questions about the Fire Hazard Severity Zone mapping process, please contact the Office of the State Fire Marshal at:

FHSZinformation@fire.ca.gov

**4** (916) 633-7655





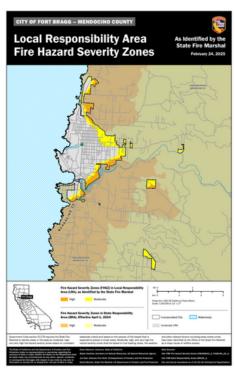
### **MEDIA CONTACT**

Isaac Whippy City Manager (707) 961 2823 iwhippy@fortbragg.com

# **COMUNICADO DE PRENSA**

PARA PUBLICACIÓN INMEDIATA

CAL FIRE solicita comentarios públicos sobre las zonas de gravedad de riesgo de incendio recientemente publicadas en áreas de responsabilidad local



**10 de abril de 2025**; **Fort Bragg**, **CA** - El 24 de febrero de 2025, el Departamento Forestal y de Protección contra Incendios de California (CAL FIRE) publicó una actualización del mapa de Zonas de Gravedad de Riesgo de Incendio (ZSI) del Condado de Mendocino, que ahora incluye partes de las Áreas de Responsabilidad Local (LRA). CAL FIRE solicita comentarios del público sobre las actualizaciones propuestas del mapa.

El Jefe de Bomberos del Estado clasifica las áreas como zonas de severidad de riesgo de incendio moderado, alto o muy alto según criterios estatales consistentes y el nivel de riesgo de incendio forestal que se espera que prevalezca en esas áreas.

Anteriormente, los mapas de las Zonas de Seguridad y Salud Ocupacional (FHSZ) se aplicaban únicamente a las Áreas de Responsabilidad Estatal (SRA), donde el Estado tiene la responsabilidad principal de la protección contra incendios forestales. Los mapas actualizados ahora incluyen las LRA, donde la protección contra incendios forestales es responsabilidad de las agencias gubernamentales locales, incluida la ciudad de Fort Bragg.







### **MEDIA CONTACT**

Isaac Whippy
City Manager
(707) 961 2823
iwhippy@fortbragg.com

## **COMUNICADO DE PRENSA**

PARA PUBLICACIÓN INMEDIATA

CAL FIRE solicita comentarios públicos sobre las zonas de gravedad de riesgo de incendio recientemente publicadas en áreas de responsabilidad local

10 de abril de 2025; Fort Bragg, CA - continuada

Se puede acceder al mapa actualizado de la ciudad de Fort Bragg <u>aquí</u>: https://www.city.fortbragg.com/services/fire-department/fire-hazard-severity-zones

### Enviar comentarios públicos

La ciudad está recopilando comentarios públicos en nombre de CAL FIRE. Se anima a todos los residentes, propietarios y partes interesadas a revisar los mapas propuestos, hacer preguntas y compartir sus comentarios.

La Ciudad está recopilando comentarios públicos en nombre de CAL FIRE. Se anima a todos los residentes, propietarios y partes interesadas a revisar los mapas propuestos, hacer preguntas y compartir sus comentarios.

• Envíe comentarios a través de una encuesta: Fort Bragg- Fire Hazard Severity Zone Survey

El período de comentarios públicos finalizará el **30 de abril de 2025**. Estos mapas actualizados son clave para la preparación ante incendios forestales y la planificación del uso del suelo. Si bien la ciudad de Fort Bragg no controla la creación de estos mapas, son necesarios para garantizar que el público tenga amplias oportunidades de revisarlos y ofrecer sus comentarios.

Si tiene preguntas sobre el proceso de mapeo de zonas de gravedad de riesgo de incendio, comuníquese con la Oficina del Jefe de Bomberos del Estado a:

FHSZinformation@fire.ca.gov

**4** (916) 633-7655







Incorporated August 5, 1889
416 N. Franklin Street, Fort Bragg, CA 95437
Phone: (707) 961-2827 Fax: (707) 961-2802
www.FortBragg.com

### **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Fort Bragg City Council will conduct a public hearing at a regular meeting to be held at 6:00 p.m., or as soon thereafter as the matter may be heard, on Monday, June 9, 2025, at Town Hall, southwest corner of Main and Laurel Streets (363 N. Main Street), Fort Bragg, California 95437. The public hearing will concern the following item:

Discuss and consider introduction of an ordinance adopting the updated Fire Hazard Severity Zone (FHSZ) maps for the City of Fort Bragg Local Responsibility Area (LRA), as released by the California Department of Forestry and Fire Protection (CAL FIRE) under the direction of the Office of the State Fire Marshal (OSFM).

In accordance with California Government Code Section 51178.5, the City of Fort Bragg made the updated FHSZ maps for the City of Fort Bragg LRA available for public review and comment on the date of CAL FIRE's release of the maps, February 24, 2025, on the Fort Fire Hazard Severity Zones website City of Bragg's at https://www.city.fortbragg.com/services/fire-department/fire-hazard-severity-zones.The community was invited to submit comments in person at the City of Fort Bragg Community Development Department public counter, via email to cityclerk@fortbraggca.gov, or via phone to Diana Paoli, City Clerk, at (707) 961-2823 ext 104.

The hearing will be open for public participation. All interested persons are invited to appear at that time to present their comments. The public comment period runs from the date this notice is published until the date of the hearing to allow sufficient time for submission of comments by mail. Public Comment regarding this Public Hearing may be made in any of the following ways: (1) Emailed to <a href="cityclerk@fortbraggca.gov">cityclerk@fortbraggca.gov</a> (2) Written comments delivered to City Hall, 416 N. Franklin Street before 2:00 PM on the day of the meeting; or (3) Verbal comments made during the meeting, either in person at Town Hall or virtually using Zoom if a Zoom link is provided at the time of agenda publication. Comments received via email will be provided to the City Council and reflected in the packet. Comments will not be read verbally at the meeting. All comments received after 2:00 PM on the day of the meeting will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, exempt comments are those in an unrecognized file type or too large to upload to City Agenda software

The proposed document that will be considered by the City Council will be made available for review on the City's website: <a href="https://cityfortbragg.legistar.com/Calendar.aspx">https://cityfortbragg.legistar.com/Calendar.aspx</a> at least 72 hours prior to the City Council meeting. The proposed document is also available for review and/or copying during normal office hours at Fort Bragg City Hall, 416 N. Franklin Street. To obtain more information, please contact Isaac Whippy, City Manager, via email at <a href="https://www.inityhuber.com/wiespa-aspx">iwhippy@fortbraggca.gov</a>.

DATED: May 29, 2025

Diana Paoli, City Clerk

PUBLISHED/POSTED: May 29, 2025

STATE OF CALIFORNIA ) ss.

COUNTY OF MENDOCINO )

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg in the Administration Department and that I caused this notice to be posted in the City Hall Notice case on May 29, 2025.

Diana Paoli, City Clerk



### CIUDAD DE FORT BRAGG

Incorporado August 5, 1889 416 N. Franklin Street, Fort Bragg, CA 95437 Teléfono: (707) 961-2827 Fax: (707) 961-2802 www.FortBragg.com

### **AVISO DE AUDIENCIA PÚBLICA**

**SE NOTIFICA** que el Ayuntamiento de Fort Bragg celebrará una audiencia pública en sesión ordinaria a las 18:00 h, o tan pronto como se trate el asunto, el lunes 9 de junio de 2025 en el Ayuntamiento, esquina suroeste de las calles Main y Laurel (363 N. Main Street), Fort Bragg, California 95437. La audiencia pública tratará el siguiente tema:

Debatir y considerar la introducción de una ordenanza que adopte los mapas actualizados de la Zona de Gravedad de Riesgo de Incendio (FHSZ) para el Área de Responsabilidad Local (LRA) de la Ciudad de Fort Bragg, publicados por el Departamento de Silvicultura y Protección contra Incendios de California (CAL FIRE) bajo la dirección de la Oficina del Jefe de Bomberos del Estado (OSFM).

La audiencia estará abierta a la participación pública. Se invita a todas las personas interesadas a comparecer en ese momento para presentar sus comentarios. El período de comentarios públicos se extiende desde la fecha de publicación de este aviso hasta la fecha de la audiencia para permitir tiempo suficiente para la presentación de comentarios por correo. Los comentarios públicos sobre esta audiencia pública pueden presentarse de cualquiera de las siguientes maneras: (1) Por correo electrónico a cityclerk@fortbraggca.gov (2) Comentarios escritos entregados al Ayuntamiento, 416 N. Franklin Street antes de las 2:00 p. m. del día de la reunión; o (3) Comentarios verbales realizados durante la reunión, ya sea en persona en el Ayuntamiento o virtualmente a través de Zoom si se proporciona un enlace de Zoom al momento de la publicación de la agenda. Los comentarios recibidos por correo electrónico se proporcionarán al Ayuntamiento y se reflejarán en el paquete. Los comentarios no se leerán verbalmente en la reunión. Todos los comentarios recibidos después de las 2:00 p. m. del día de la

reunión se convertirán en una parte permanente del paquete de la agenda el día después de la reunión o lo antes posible; los comentarios exentos son aquellos en un tipo de archivo no reconocido o demasiado grandes para cargarlos en el software City Agenda.

El documento propuesto que será considerado por el Ayuntamiento estará disponible su revisión en el sitio web de la Ciudad: para https://cityfortbragg.legistar.com/Calendar.aspx al menos 72 horas antes de la reunión del Ayuntamiento. El documento propuesto también está disponible para su revisión y/o copia durante el horario de oficina habitual en el Ayuntamiento de Fort Bragg, 416 N. Franklin Street. Para obtener más información, comuníquese con Isaac Whippy, Administrador Municipal, por correo electrónico a iwhippy@fortbraggca.gov.

FECHA: 29 de mayo de 2025

Diana Paoli, Secretaria Municipal

PUBLICADO: 29 de mayo de 2025

ESTADO DE CALIFORNIA)

) artículos.

CONDADO DE MENDOCINO)

Declaro, bajo pena de perjurio, que soy empleado de la Ciudad de Fort Bragg en el Departamento de Administración y que hice que este aviso se publicara en la caja de Avisos del Ayuntamiento el 29 de mayo de 2025.

Diana Paoli, Secretaria Municipal



### **City of Fort Bragg**

416 N Franklin Street Fort Bragg, CA 95437 Phone: (707) 961-2823 Fax: (707) 961-2802

### **Text File**

File Number: 25-200

**Agenda Date:** 6/9/2025 **Version:** 1 **Status:** Public Hearing

In Control: City Council File Type: Ordinance

Agenda Number: 7B.

Receive a Report, Hold a Public Hearing, Receive Planning Commission's Recommendation, and Introduce, by Title Only, and Waive Further Reading of Ordinances:

- 1) Ordinance XXXX-2025 Amending Division 17 of the Fort Bragg Municipal Code Local Coastal Program Amendment 4-25 (CLUDC 4-25) to Amend Chapter 17.42.200 "Urban Unit Development," And Chapter 17.84.045 "Urban Lot Split," to Incorporate Comments From HCD Into Regulations and Standards for Urban Lot Splits and Urban Unit Residential Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9; Statutorily Exempt CEQA Guideline 15265 and Gov Code 65852.21 and 66411.7
- 2) Ordinance XXXX-2025 Amending Division 18 of the Fort Bragg Municipal Code Land Use and Development Code Amendment 4-25 (ILUDC 4-25) to Amend Chapter 18.42.200 "Urban Unit Development," and Chapter 18.84.045 "Urban Lot Split," to Incorporate Comments From HCD Into Regulations and Standards for Urban Lot Splits and Urban Unit Residential Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9; Statutorily Exempt Gov Code 65852.21 and 66411.7



### **City Council Staff Report**

TO: City Council DATE: June 9, 2025

**DEPARTMENT:** Community Development Department

PREPARED BY: MJC

PRESENTER: Marie Jones

AGENDA TITLE: Receive Report, Hold a Public Hearing and Consider Introduction of Amendments to the City's Urban Lot Split and Urban Unit Development Ordinances (ILUDC and CLUDC) to Comply with Comments Received from staff of the State Housing and Community Development Department (HCD) and staff of the California Coastal Commission.

### **RECOMMENDED ACTIONS**

### INTRODUCE BY TITLE ONLY AND WAIVING FURTHER READING OF:

- Ordinance XXXX-2025 An Ordinance Amending Division 17 of the Fort Bragg Municipal Code Local Coastal Program Amendment 4-25 (CLUDC 4-25) to Amend Chapter 17.42.200 "Urban Unit Development" and Chapter 17.84.045 "Urban Lot Split" to Incorporate Comments From HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9; and
- 2. Ordinance XXXX-2025 An Ordinance Amending Division 18 of the Fort Bragg Municipal Code Land Use and Development Code Amendment 4-25 (ILUDC 4-25) to Amend Chapter 18.42.200 "Urban Unit Development" and Chapter 18.84.045 "Urban Lot Split" To Incorporate Comments from HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Residential Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9.

### **BACKGROUND**

Senate Bill 9 (SB-9) was the product of a multi-year effort to develop solutions to address the State's housing crisis. The goals of SB-9 are to:

- Provide options for homeowners to: 1) build intergenerational wealth to improve equity and create social mobility; and 2) increase the supply of affordable rental opportunities and home ownership.
- Benefit homeowners NOT institutional investors. By requiring owner occupancy, the program is not available to speculators and developers generally. The program requires a homeowner to submit an affidavit of owner occupancy for three years.
- Requires a roughly equal (no more than a 40/60 percent) lot split, with a minimum resulting lot size of 1,200 SF.
- Only permissible in single family zoning districts.
- Establishes a maximum number of four (4) units, including two primary homes with two additional units (ADU/JADUs) for any lot which has <u>not</u> been split through an urban lot split. Allows up to two units maximum per parcel created through an urban lot split (two primary units, or one primary and one ADU/JADU).
- Requires development standard exceptions to accommodate at least two units of 800 sf each on each subsequent lot.
- Prohibits urban lot splits and urban unit development in a variety of circumstances including: on parcels in environmentally sensitive habitat areas, historic neighborhoods, wetlands, hazardous waste sites, flood zones and tidelands, areas vulnerable to sea level rise, and areas with an earthquake fault among other prohibitions.

#### **DISCUSSION AND ANALYSIS**

The City Council approved these ordinances in March of 2023. MJC submitted the draft ordinances to HCD and the Coastal Commission in April of 2023 for comment and review as required by these State agencies.

- The City received HCD's review/comment letter on February 19, 2025 (Attachment 4). All of HCD's required changes are noted in red text in the attached draft ordinances (attachments 2 and 3).
- The Coastal Commission provided comments in the fall of 2024 and requested that the City include any additional comments from HCD into the LCP submittal and resubmit the CLUDC ordinance as an ordinance for the Coastal Commission's consideration.

HCD's requested revisions include only one substantive changes, namely: the City may not require any design standards related to multifamily development for Urban Unit development projects and therefore the entirety of section 18.42.200.G was struck from the attached draft ordinance. The remainder of the changes clarified legal definitions for factors that limit lot splits (18.84.045.A.4) and urban unit development (18.42.200.C).

### FISCAL IMPACT

Eliminating the Capacity Fee for units of 750 SF or less, as required by state law, will result in the City investing more funds from other sources on capital improvements related to sewer and water infrastructure.

### **ENVIRONMENTAL ANALYSIS**

The proposed amendments are not a project under CEQA pursuant to Government code 65852.21 and 66411.7(n) and further the amendment to the Coastal Land Use and Development Code is part of the City's Local Coastal Program and will be submitted to the California Coastal Commission for certification and is therefore statutorily exempt from further environmental review under CEQA Guidelines 15265 Adoption of Coastal Plans and Programs.

### **COMMUNITY OUTREACH**

These ordinances have been discussed at all housing forums at the City of Fort Bragg at the prior Planning Commission and City Council hearing on this topic. Generally, the community is mixed on the relaxation of the code to allow construction of four units per single family home and lot splits in Single family residential zoning districts.

### **ALERNATIVES**

The City could decide not to adopt City specific ordinances and could instead implement State law by referencing State law in the City's zoning code.

#### CONSISTENCY

The consistency of the proposed ordinance has been analyzed as part of the ordinance adoption process, please see the General Plan Consistency Analysis (Attachment 3).

### **ATTACHMENTS**

- 1. An Ordinance Amending Division 17 of the Fort Bragg Municipal Code Local Coastal Program Amendment 4-25 (CLUDC 4-25) to Amend Chapter 17.42.200 "Urban Unit Development" and Chapter 17.84.045 "Urban Lot Split" to Incorporate Comments From HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9; and
- 2. An Ordinance Amending Division 18 of the Fort Bragg Municipal Code Land Use and Development Code Amendment 4-25 (ILUDC 4-25) to Amend Chapter 18.42.200 "Urban Unit Development" and Chapter 18.84.045 "Urban Lot Split" To Incorporate Comments from HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Residential Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9.
- 3. Resolution of the Fort Bragg Planning Commission Recommending that the City

Council Amend: 1) An Ordinance Amending Division 17 of the Fort Bragg Municipal Code (CLUDC 4-25) to Amend Chapter 17.42.200 "Urban Unit Development" and Chapter 17.84.045 "Urban Lot Split" to Incorporate Comments From HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9; and 2) An Ordinance Amending Division 18 of the Fort Bragg Municipal Code (ILUDC 4-25) to Amend Chapter 18.42.200 "Urban Unit Development" and Chapter 18.84.045 "Urban Lot Split" To Incorporate Comments from HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Residential Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9.

4. HCD's February 19, 2025, Comment Letter

### NOTIFICATION

1. "Notify Me" subscriber lists: Fort Bragg Downtown Businesses; and Economic Development Planning.

# BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE AMENDING DIVISION 17 OF THE FORT BRAGG MUNICIPAL CODE LOCAL COASTAL PROGRAM AMENDMENT 4-25 (CLUDC 4-25) TO AMEND CHAPTER 17.42.200 "URBAN UNIT DEVELOPMENT," AND CHAPTER 17.84.045 "URBAN LOT SPLIT," TO INCORPORATE COMMENTS FROM HCD INTO REGULATIONS AND STANDARDS FOR URBAN LOT SPLITS AND URBAN UNIT RESIDENTIAL DEVELOPMENT PROJECTS IN LOW DENSITY RESIDENTIAL ZONING DISTRICTS PURSUANT TO SENATE BILL 9

**ORDINANCE NO. XXXX-2025** 

**WHEREAS,** California Constitution Article XI, Section 7, enables the City of Fort Bragg (the "City") to enact local planning and land use regulations; and

**WHEREAS**, the authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare; and

WHEREAS, the City of Fort Bragg ("City") adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits and its sphere of influence; and

WHEREAS, the City adopted a Coastal General Plan ("Coastal GP") as the Land Use Plan portion of the Local Coastal Program on May 12, 2008 which established policies for all land within the Fort Bragg Coastal Zone; and

**WHEREAS,** the City adopted a Coastal Land Use and Development Code in 2008 as the implementing portion of the Local Coastal Program on May 12, 2008, which established all land use regulations for the Coastal Zone; and

**WHEREAS**, in August 2008 the California Coastal Commission certified the City's Local Coastal Program (LCP) which includes the Coastal GP and the ILUDC; and

WHEREAS, the Coastal General Plan includes policies to: (1) advance the orderly growth and development of the City's Coastal Zone; (2) protect coastal resources; (3) incorporate sustainability into the development process so that Fort Bragg's coastal resources and amenities are preserved for future generations; (4) respond to current environmental and infrastructure constraints; (5) protect the public health, safety and welfare; and (6) promote fiscally responsible development; and

WHEREAS, the availability of housing is a substantial concern for individuals of all demographics, ages, and economic backgrounds in communities throughout the State of California; and

WHEREAS, on September 16, 2021, California Governor Gavin Newsom signed Senate Bill 9 (SB-9) into law as part of an effort to address the State's housing crisis by streamlining housing production; and

**WHEREAS,** the new legislation became effective on January 1, 2022, and requires local agencies to ministerially approve urban lot splits and development of up to four residential units per single family residential lot provided the projects meet certain criteria; and

**WHEREAS**, the City wishes to balance compliance with State law with the rights still preserved under the new legislation authorizing the City to establish objective zoning, subdivision and design review standards consistent with SB-9 requirements to approve urban lot splits and urban unit residential development; and

WHEREAS, the project is exempt from CEQA, as a zoning amendment to implement the provisions of Sections 65852.21 and Section 66411.7 of the Government Code and 14 CCR 15265 as this ordinance will be submitted to the Coastal Commission for certification; and

WHEREAS, the "activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long range development plan" pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA, and this statutory exemption "shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA Guidelines § 15265 (c)); and

WHEREAS, the Community Development Committee held a duly noticed public hearing on May 17, 2023, to discuss a memo about SB-9 implementation in Fort Bragg; and public comments were given at that time; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on May 15, 2025, to consider the Zoning Amendment, accept public testimony; and adopted a resolution recommending a zoning amendment to add Chapter 17.42.200 "Urban Unit Development", and Chapter 17.84.045 "Urban Lot Split" to the CLUDC.

**WHEREAS,** the City Council held a duly noticed public hearing on June 9, 2025, to consider the Zoning Amendment, accept public testimony; and

**NOW, THEREFORE, BE IT RESOLVED** that the Fort Bragg City Council, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; the Project application; all reports and public testimony submitted as part of the City Council meeting of December 11, 2023 and City Council deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Fort Bragg City Council does hereby make the following findings and determinations:

# <u>SECTION 1</u>: COASTAL LAND USE AND DEVELOPMENT CODE AMENDMENT FINDINGS

Pursuant to Fort Bragg Municipal Code Section 17.94.060, City Council makes the following findings for adoption of the proposed amendments to the Fort Bragg Coastal Land Use and Development Code:

a. The proposed amendment is consistent with the General Plan and any applicable specific

### plan; and

As noted in the General Plan Consistency Analysis, which is Attachment 5 to the staff report and incorporated by reference under the resolution statement above, the project is consistent with the Coastal General Plan as follows:

- 1. The proposed project is consistent with the land use designations of the Land Use Element of the Coastal General Plan (CGP) because state law does not allow local jurisdictions to include the four units allowed through an Urban Lot Split and subsequent development in their density calculations. Thus, while the amendments will allow "higher" residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
- 2. The proposed amendment is consistent with the following applicable General Plan policies: Policy LU-10.2, Policy LU-10.4, Policy LU-10.6, Policy LU-5.7, Policy LU-10.1, Policy PF-1.1, Policy PF-2.1, Policy CD-1.1: Policy CD-2.4 and Policy CD-2.5
- 3. The proposed amendment would be consistent with the policies of the Open Space and Conservation Element as a CDP is required if the project is located in an area that has the potential to effect Environmentally Sensitive Habitats, wetlands, visual resources or on other Coastal Act resources as illustrated in the Maps of the Coastal General Plan.
- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
  - The proposed amendment is mandated by State Law as such it is in the public interest to permit additional opportunities for residential housing development, which will provide for better convenience and welfare for the residents of the City of Fort Bragg as it will result in additional housing units. The proposed amendment requires conformance with all applicable building codes which will ensure healthy and safe housing.
- c. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The Proposed Amendment is consistent with CLUDC standards with the following State mandated exception.

- Lot Coverage: As mandated by state law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
- Set Backs: As mandated by state law, housing units developed as a consequence of this
  ordinance have an exception from the code requiring only 4 feet setbacks on the rear and
  side property lines. Additionally, front yard setbacks must be reduced, if two 800 SF units
  cannot otherwise be constructed on a lot created through an Urban Lot Split.
- 3. **Parking and Traffic:** Again, in compliance with State law, City Council may require that housing units developed as a consequence of this ordinance provide off-street parking so long as that requirement does not preclude an applicant from building at least two units of

800 SF each.

### **SECTION 2.** LEGISLATIVE FINDINGS.

The City Council hereby finds as follows:

- 1. The foregoing recitals are true and correct and are made a part of this Ordinance.
- On October 11, 2023, the Planning Commission held a properly noticed public hearing to consider recommending the proposed minor amendment to the Coastal Land Use and Development Code to the Fort Bragg City Council for adoption, and adopted a resolution in support of the City Council's adoption of the minor amendment to the CLUDC pursuant to Gov. Code Section 65355.
- 3. On December 11, 2023 the City Council held a properly noticed public hearing to consider adoption of the amendment to the Coastal Land Use and Development Code.
- 4. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City and seeks to be consistent with recently adopted State Laws, including Assembly Bills 68, 587, 671, 345 and 881 and Senate Bill 13; and
- 5. The proposed amendment is internally consistent with other applicable provisions of the Coastal Land Use Development Code, including Chapters 17.42, 17.71, 17.100, and others; and the LCP Amendment is consistent with the California Coastal Act; and
- 6. The California Environmental Quality Act ("CEQA") does not apply to activities and approvals of a local coastal program that are undertaken by a local government pursuant to Public Resources Code Section 21080.9) and CEQA Guidelines Section 15265(a), and
- 7. Pursuant to Coastal Act Section 30510(a), the City of Fort Bragg will carry out the Local Coastal Program as amended in a manner fully in conformity with the California Coastal Act; and
- 8. The documents and other material constituting the record for these proceedings are located at the Community Development Department.
- 9. The amendments to the Local Coastal Program shall take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519.

**SECTION 3.** BASED ON THE FOREGOING, CITY COUNCIL DOES HEREBY:

Amend 17.84.045 Urban Lot Splits as follows:

### **17.84.045 URBAN LOT SPLITS**

**Purpose.** This Section establishes standards to implement California Government Code Section 66411.7 and Government Code 65852.21 which requires approval of the subdivision of a residential lot in RR, RS, and RL Zoning Districts into two parcels with up to two units of housing on each subsequent parcel per 17.42.200.

**Coastal Development Permit required.** An application for an Urban Lot Split shall be approved with an administrative Coastal Development Permit. While a public hearing shall not be held, public notice is required for both the Pending Action and the Final Action.

**Definitions**. These definitions are intended for the narrow purpose of implementing 17.84.045.

- Unit. Unit means a primary dwelling unit or one unit of a duplex an ADU or a JADU.
- **Urban Lot Split.** A lot split authorized through 66411.7 and regulated by this Section 17.84.045.
- **Front Parcel**. A parcel, created by an Urban Lot Split, which includes at least 50% of the original parcel's street-facing frontage.
- **Back Parcel.** A parcel, created by an Urban Lot Split, which includes more than 50% of the original parcel's alley-facing frontage or back parcel line.
- Front of the Parcel. The "front of the parcel" is defined as 1) the street side of the Front Parcel or 2) the alley side of an alley fronting Back Parcel, or 3) the newly created parcel line for a Back Parcel that does not abut an alley.
- Residential Use. Residential Use includes primary units, ADUs, a duplex, and associated accessory residential structures (per Land Use Table 2-1 Residential Uses).

### A. Limitation on Location.

- 1. The parcel must be in a Low-Density Residential zone (RR, RS, RL zones). Parcels in multifamily residential zoning districts and commercial zoning districts are not eligible for Urban Lot Splits.
- 2. The applicant shall undertake proper mitigation if the parcel is in a Fire, Flood, or Earthquake Hazard Zone per the appropriate section of this code.
- 3. Both resulting parcels shall have access to, provide access to, or adjoin the public right-of-way.
- 4. Urban Lot Splits are not permitted, under any of the following conditions described in Gov Code 65913.4 A.6. B to K, the relevant sections of which are described below:
  - a. On a parcel adjacent to another parcel that was split via the Urban Lot Split under ownership by the same person or a person working in concert with the property owner of the adjacent parcel
  - b. On a parcel that was created through a previous Urban Lot Split.
  - c. On a parcel located in a **historic site or district**, listed on the State Historic Resources Inventory or designated as a Historic Landmark.
  - d. On a parcel located on prime **farmland** or farmland of statewide importance.
  - e. On a parcel that includes a **wetland**, as defined in Section 30121 of the Public Resources Code or habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.
  - f. A **hazardous waste** site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:
    - (i) The site is an underground storage tank site that received a uniform closure letter issued by the State Water Resources Control Board for residential use or residential mixed uses.
    - (ii) The State Water Resources Control Board or other agency has made

a determination that the site is suitable for residential use or residential mixed uses.

- g. Within a **special flood hazard** area subject to inundation by the 1 percent annual chance flood (100-year flood) or within a **regulatory floodway** as determined by the Federal Emergency Management Agency.
- h. On a parcel located on lands under a **conservation easement** or any natural resources protection plan.
- i. Land that contain **habitat for protected species** identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
- j. On a parcel where the Urban Lot Split would **require demolition or alteration** of affordable <u>or</u> rental housing that: 1) is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; (2) is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (3) has been occupied by a tenant in the last three years.
- k. On a parcel located within areas mapped in the Coastal General Plan on any of the following Coastal General Plan maps: Map OS-1 Open Space and Environmentally Sensitive Habitat Areas; Map OS-2 Special Review and Runoff Sensitive Areas; and/or Map SF-2 Flood Hazards.
- I. The project site should comply with Government Code section 65913.4 Housing Development Approvals, including but not limited to the following:
  - I. Lot splits are not permitted on parcels in the coastal zone that are vulnerable to five feet of sea level rise (as defined by Gov Code section 65913(a)(6)(aiii)).
  - II. Lot splits are not permitted on parcels between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
  - III. Lot splits are not permitted on parcels on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
  - IV. Urban Lot Splits are not permissible within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist. This restriction does not apply if the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

### B. Lot Size, Lot Split Size, Setbacks

1. No parcel of less than 2,400 SF may be subdivided through the Urban Lot Split process.

- 2. The resulting lots must be near equal in size; each lot must be at least 40 percent of the existing lot size, but no smaller than 1,200 sf.
- 3. The new lot line may be approved even if the line divides pre-existing adjacent or connected structures, so long as the structures meet building code safety standards and are sufficient to allow for separate conveyance.

### C. Urban Lot Split Access & Public Improvements.

- 1. Created parcels shall have access to, provide access to, or adjoin the public right- of-way. Flag Lots or easements are permissible if there is no alley access to the back parcel. As feasible, no more than one curb cut is permitted per original parcel, shared street access is required where street access is necessary for both parcels.
- 2. Easements shall be required for the provision of public services and facilities.
- 3. The City shall not require the dedication of rights-of-way or the construction of offsite improvements.

### D. Use Limitation and Deed Restriction.

- 1. **Deed Restriction.** As part of the recordation of the Lot Split, the owner shall record a deed restriction on both resultant lots in a form approved by the City that includes all items enumerated in D2 below.
- 2. **Use Limitations.** The following restrictions apply to all lots created through an Urban Lot Split.
  - a. **Sale.** The sale of an ADU unit separate from the sale of the primary unit on the same parcel is prohibited.
  - b. Short-term Rentals. Units shall not be rented for periods of less than 31 days.
  - c. Future Lot Splits. Future Urban Lot Splits of either resulting parcel is prohibited.
  - d. **Prohibition of non-residential uses.** Non-residential uses are not permitted. Only residential uses are permitted, (per Use Table 2-1 Residential Uses)
- 3. **Owner Occupancy Affidavit**. The property owner shall sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.
  - a. The owner-occupancy requirement does not apply to parcels under ownership of a community land trust, as defined in Section 402.1 of the Revenue and Taxation Code, or a qualified nonprofit corporation as described in 214.15 of the Revenue and Taxation Code.
- **E. Subdivision Map Act & General Plan Conformance**. This Section overrides any conflicting provisions of the Subdivision Map Act. General Plan conformance is not required if it would preclude urban lot-splits mandated by this Section.

### F. Exceptions to Development Standards for Lot Splits with Existing Development.

- 1. The Community Development Director shall modify or eliminate objective development standards if they prevent the construction of up to two units of at least 800 square feet on each lot.
- 2. Side & Rear Yard Setbacks. No setbacks are required for existing structures.
- 3. **Non-Conforming Structures and Land Uses.** All existing nonconforming zoning conditions (use, development standards, parking standards, etc.) may continue with an Urban Lot Split.

- **G. Urban Lot Split Application Requirements.** An application for an Urban Lot Split under this Section shall include the following materials.
  - 1. Tentative Map.
  - 2. Boundary survey.
  - 3. Parcel Map with legal descriptions for both parcels.
  - 4. Deed restriction.
- H. **Allowable Development.** Development of parcels created through an Urban Lot Split shall be regulated by Section 17.42.200.
- I. **Required Findings for Denial.** The denial of a proposed Urban Lot Split requires the Building Official to make the following finding:
  - a. Based upon a preponderance of the evidence, the proposed housing development would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
  - b. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- J. Required Findings for Approval in the Coastal Zone. The approval of a proposed Urban Lot Split requires the Review Authority to make the following findings for Urban Lot Splits in the Coastal Zone:
  - 1. New parcels will minimize risks to life and property in areas of geologic and flood hazard.
  - 2. New parcels will assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area; and not in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
  - 3. New parcels are consistent with relevant LCP policies requiring that parcels be sited and designed to prevent significant degradation of adjacent sensitive habitats and recreation areas and to allow the continuance of those areas into the future.
  - 4. New parcels are consistent with LCP policies protecting public access, recreational opportunities, marine habitats, water quality, and visual resources.
  - 5. New parcels are served with adequate public services.
  - 6. New parcels will not be directly or indirectly impacted by sea level rise under the "mediumhigh risk aversion" scenarios prepared by the Coastal Commission for a period of 101 years.

### **SECTION 4.**

Chapter 17.42.200 is hereby adopted is amended as follows:

#### 17.42.200 URBAN UNIT DEVELOPMENT

**Purpose.** This Section establishes standards to implement California Government Code Section 66411.7 and section 65852.21 which requires ministerial approval up to two units of housing (see

A-2) on a parcel created through an Urban Lot Split and up to four Units (see A-1) on a single parcel that was not created through an urban lot split.

**Coastal Development Permit required.** An application for residential development that complies with the standards of this Section shall be approved with an administrative Coastal Development Permit. While a public hearing shall not be held, public notice is required for both the Pending Action and the Final Action.

**Definitions**. These definitions are intended for the narrow purpose of implementing 17.42.200

- Unit. "Unit means a primary dwelling unit, one unit of a duplex, an ADU or a JADU.
- **Urban Lot Split.** A lot split authorized through 66411.7 and regulated by this Section 17.84.045.
- **Front Parcel**. A parcel, created by an Urban Lot Split, which includes at least 50% of the original parcel's street-facing frontage.
- Back Parcel. A parcel, created by an Urban Lot Split, which includes more than 50% of the original parcel's alley-facing frontage or back parcel line.
- Front of the Parcel. The front of the parcel shall be the street side of the Front Parcel, the alley side of an alley fronting Back Parce I, or the newly created parcel line for a Back Parcel that does not abut an alley.
- Residential Use. Residential Use includes primary units, ADUs, a duplex, and associated accessory residential structures (per Land Use Table 2-1 Residential Uses).

### A. Density, Size & Number of Units Allowed.

- 1. A Maximum of four units (two units and two J/ADUs) are permissible on lots which do <u>not</u> go through an Urban Lot Split. There is no size limit for primary units; <del>second units</del> attached and detached accessory dwelling units must be 800 for a studio apartment or 1,000 SF or less for a 1+ bedroom unit.
- 2. A maximum of two units is permissible on each lot created by an Urban Lot Split as follows:
  - a. Two Primary Units of 1,200 SF or less each, or
  - b. One Duplex of 2,200 SF or less, or
  - c. One Primary Unit of any size & One ADU of 800 SF or less for a studio or 1,000 SF or less for a 1+ bedroom unit, or
  - d. One Primary Unit of any size & One Junior ADU of 500 SF or less, or
  - e. Lots created through an Urban Lot Split are not eligible for the maximum of three units (primary, ADU, JADU) specified under 17.42.170.
- 3. Units permissible under this section are exempt from the calculation of the maximum allowable density and shall be deemed to be a residential use that is consistent with the General Plan and zoning designation for the lot(s).

### B. Setbacks For New Units.

- 1. Rear and side yard setbacks for new units shall be 4 feet.
- 2. The minimum front yard setback for the back parcel shall be:
  - a. 10 feet when facing the alley, and
  - b. 5 feet when facing the new property line (see definitions).
- 3. The minimum front yard setback for the front parcel shall comply with the development standards of Section 17.21.050.

### C. Limitation on Location.

- The Urban Unit Development must be on a parcel in a Low-Density Residential zone (RR, RS, RL zones). Parcels in multifamily residential zoning districts and commercial zoning districts are not eligible for Urban Lot Splits.
- 2. The applicant shall undertake proper mitigation if the parcel is in a Fire, Flood, or Earthquake Hazard Zone per the appropriate section of this code.
- 3. Urban Unit Developments are not permitted, under any of the described in Gov Code 65913.4 A.6. B to K, the relevant sections of which are described below:
  - a. On a parcel located in a **historic site or district**, listed on the State Historic Resources Inventory or designated as a Historic Landmark.
  - b. On a parcel located on prime **farmland** or farmland of statewide importance.
  - c. On a parcel that includes a **wetland**, as defined in Section 30121 of the Public Resources Code or habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.
  - d. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:
    - (iii) The site is an underground storage tank site that received a uniform closure letter issued by the State Water Resources Control Board for residential use or residential mixed uses.
    - (iv) The State Water Resources Control Board or other agency has made a determination that the site is suitable for residential use or residential mixed uses.
  - e. Within a **special flood hazard** area subject to inundation by the 1 percent annual chance flood (100-year flood) or within a **regulatory floodway** as determined by the Federal Emergency Management Agency.
  - f. On a parcel located on lands under a **conservation easement** or any natural resources protection plan.
  - g. Land that contain **habitat for protected species** identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
  - h. On a parcel where the Urban Unit Development would **require demolition or alteration** of affordable <u>or</u> rental housing that: 1) is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; (2) is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (3) has been occupied by a tenant in the last three years.
  - i. On a parcel located within areas mapped in the Coastal General Plan on any of the following Coastal General Plan maps: Map OS-1 Open Space and Environmentally Sensitive Habitat Areas; Map OS-2 Special Review and Runoff Sensitive Areas; and/or Map SF-2 Flood Hazards.

- j. The project site should comply with Government Code section 65913.4 Housing Development Approvals, including but not limited to the following:
  - I. Urban Unit Development units are not permitted on parcels in the coastal zone that are vulnerable to five feet of sea level rise (as defined by Gov Code section 65913(a)(6)(aiii)).
  - II. Urban Unit Development are not permitted on parcels between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
  - III. Urban Unit Development are not permitted on parcels on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
  - IV. Urban Unit Development are not permissible within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist. This restriction does not apply if the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencinwith Section 8875) of Division 1 of Title 2.
- **D. Off-street parking**. One off-street parking space is required for each unit unless the unit is located half a mile from a bus stop or there is a car share on the same block. Where feasible, parking access shall be provided from the alley for both parcels via an easement or parcel configuration. In no case will parking be accommodated within the alley setback. In no case will more than one curb cut be permitted per original parcel. Shared street access is required where street access is necessary for both parcels. Parking shall be provided onsite in areas with coastal access that have constrained public parking.
- **E. Timing.** Units may be constructed simultaneously or at different times.

### F. Exceptions to Development Standards

- 1. Exceptions to Accommodate at least two 800 SF Units. The Community Development Director shall modify or eliminate objective development standards if they prevent the construction of up to two units of at least 800 square feet on each lot. The following objective development standards shall be modified last (and only if no other combination of modified standards permits at least two 800 SF Units): parking requirement, front setback, height limit.
- **2. Non-conforming Setbacks.** The non-conforming setbacks of an existing structure may be retained for a new unit that is located in the same footprint.

### G. Objective Design Review Standards

1. **Private open space and storage space.** Each unit must include 100 SF of private open space. Private open space shall be at the same elevation as and immediately accessible from within the unit. Each private open space area shall have a minimum dimension of 8 feet; except for upper-floor balconies where the private open space is provided as a

- balcony. Each unit must include 100 cubic feet of outdoor accessible storage space aspart of the unit.
- 2. Building facades adjacent to streets. Dwelling units shall be sited and designed so that at least 75% of the facade of each building adjacent to a public street is occupied by habitable space with windows. Each facade adjacent to a street shall have at least one pedestrian entry into the structure.
- **G.** Separate Connections. The project shall include separate gas, electric and water utility connection directly between each dwelling unit and the utility. Capacity fees. Units of less than 750 SF shall be exempt from paying capacity fees, and units of more than 750 SF shall pay a prorated share of the capacity fee.
- H. **Vacation Rentals Prohibited.** Urban Unit Development rentals must be for a period longer than 30 days.
- **I. Application Requirements.** An application for development of allowable units under this section shall include the following materials.
  - a. Site Plan existing conditions,
  - b. Site Plan proposed project,
  - c. Floor Plans, and
  - d. Elevations and Finishes.
- K. **Required Findings for Denial.** The denial of a proposed Urban Unit Development requires the Review Authority to make the following findings:
  - c. Based upon a preponderance of the evidence, the proposed housing development would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
  - d. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- J. Required Findings for Approval in the Coastal Zone. The approval of a proposed Urban Unit Development requires the Review Authority to make the following findings in the Coastal Zone:
  - 3. New units will minimize risks to life and property in areas of geologic and flood hazard.
  - 4. New units will assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area; and not in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
  - 5. New units are consistent with relevant LCP policies requiring that units be sited and designed to prevent significant degradation of adjacent sensitive habitats and recreation areas and to allow the continuance of those areas into the future.
  - 6. New units are consistent with LCP policies protecting public access, recreational opportunities, marine habitats, water quality, and visual resources.
  - 7. New parcels/units are served with adequate public services.
  - 8. New parcels/units will not be directly or indirectly impacted by sea level rise under the

"medium-high risk aversion" scenarios prepared by the Coastal Commission for a period of 101 years.

<u>SECTION 6.</u> Effective Date and Publication. This Ordinance shall become effective upon its certification by the Coastal Commission. Within fifteen (15) days after the passage of this Ordinance by the Coastal Commission, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

<u>SECTION 7.</u> Fort Bragg City Council does hereby approve LCP 2-25 to Amend Chapter 17.42.200 "Urban Unit Development," and Chapter 17.84.045 "Urban Lot Split," to Incorporate Comments From HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Residential Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9.

The foregoing	ordinance was introduced by Councilmember at a	
adopted at a regula	ne City Council of the City of Fort Bragg held on June 9, 2025, and r meeting of the City of Fort Bragg held on, by the	
following vote:		
AYES:		
NOES:		
ABSENT:		
ABSTAIN:		
RECUSE:		
	Jason Godeke, Mayor	
ATTEST:		
Diana Baali City		
Diana Paoli, City Clerk		
PUBLISH:	May 29, 2025 and Date, 2025 (by summary).	
FFECTIVE DATE: 15 Day after Certification by the California Coastal Commiss		

## BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

AN ORDINANCE AMENDING DIVISION 18 OF THE FORT BRAGG MUNICIPAL CODE LAND USE AND DEVELOPMENT CODE AMENDMENT 4-25 (ILUDC 4-25) TO AMEND CHAPTER 18.42.200 "URBAN UNIT DEVELOPMENT," AND CHAPTER 18.84.045 "URBAN LOT SPLIT," TO INCORPORATE COMMENTS FROM HCD INTO REGULATIONS AND STANDARDS FOR URBAN LOT SPLITS AND URBAN UNIT RESIDENTIAL DEVELOPMENT PROJECTS IN LOW DENSITY RESIDENTIAL ZONING DISTRICTS PURSUANT TO SENATE BILL 9.

**ORDINANCE NO. XXXX-2025** 

**WHEREAS,** California Constitution Article XI, Section 7, enables the City of Fort Bragg (the "City") to enact local planning and land use regulations; and

**WHEREAS** the authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare; and

WHEREAS, the City of Fort Bragg ("City") adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits and its sphere of influence; and

**WHEREAS**, the City of Fort Bragg ("City") adopted an Inland General Plan and certified an Environmental Impact Report Addendum ("EIR Addendum") for the General Plan on December 2. 2012: and

WHEREAS, the City of Fort Bragg ("City") adopted an Inland Land Use and Development Code and Negative Declaration on February 10, 2014; and

**WHEREAS**, the adoption of an Inland Land Use and Development Code is necessary to: 1) provide a regulatory framework for implementation of the Inland General Plan; 2) to implement new state planning and land use requirements; and 3) update zoning regulations in accordance with City Council policy direction; and

**WHEREAS** the City desires to ensure that residential development occurs in an orderly manner, in accordance with the goals and objectives of the General Plan and reasonable land use planning principles; and

**WHEREAS**, on September 16, 2021, California Governor Gavin Newsom signed Senate Bill 9 (SB-9) into law as part of an effort to address the State's housing crisis by streamlining housing production; and

**WHEREAS**, the new legislation became effective on January 1, 2022, and requires local agencies to ministerially approve urban lot splits and development of two to four residential units per single family residential lot provided the projects meet certain criteria; and

**WHEREAS** the City wishes to balance compliance with State law with the rights still preserved under the new legislation authorizing the City to establish objective zoning, subdivision and design review standards consistent with SB-9 requirements to approve urban lot splits and urban unit residential development; and

**WHEREAS,** the project is exempt from CEQA, as a zoning amendment to implement the provisions of Sections 65852.21 and Section 66411.7 of the Government Code is exempt from CEQA by those code sections; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on May 15, 2025, to consider the Zoning Amendment, accept public testimony; and adopted a resolution recommending a zoning amendment to add Chapter 18.42.200 "Urban Unit Development", and Chapter 18.84.045 "Urban Lot Split" to the ILUDC.

**WHEREAS,** the City Council held a duly noticed public hearing on June 9, 2025, to consider the Zoning Amendment, accept public testimony; and

NOW, THEREFORE, BE IT RESOLVED that the Fort Bragg City Council, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Inland General Plan; the Inland Land Use and Development Code; the Project application; all reports and public testimony submitted as part of the City Council meeting of December 11, 2023 and City Council deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Fort Bragg City Council does hereby make the following findings and determinations:

#### **SECTION 1: LEGISLATIVE FINDINGS**

- 1. The foregoing recitals are true and correct and made a part of this Ordinance as findings.
- 2. On October 11, 2023, the Planning Commission held a properly noticed public hearing to consider recommending the proposed minor amendment to the Inland Land Use and Development Code to the Fort Bragg City Council for adoption and adopted a resolution in support of the City Council's adoption of the amendment to the ILUDC pursuant to Gov. Code Section 65355.
- On December 11, 2023 the City Council held a properly noticed public hearing to consider adoption of the minor amendment to the Inland Land Use and Development Code.
- 4. The proposed ILUDC 2-23 amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City as it intends amendments to be consistent with recently adopted State laws; and

- 5. The proposed amendment is consistent with the General Plan and any applicable specific plan.
  - i. The proposed project is consistent with the land use designations of the Land Use Element of the General Plan because state law does not allow local jurisdictions to include the four units allowed through an Urban Lot Split and subsequent development in their density calculations. Thus, while the amendments will allow "higher" residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element.
  - ii. The proposed amendment is consistent with and implements the following applicable General Plan policies: Policy LU-6.1, Policy PF-1.2, Policy PF-2.1, Policy CD-1.2, Policy H-1.6, Policy H-2.9, Policy H-3.2, and Program H-4.1.2.
- 6. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
  - The proposed amendment is mandated by State Law as such it is in the public interest to permit additional opportunities for residential housing development, which will provide for better convenience and welfare for the residents of the City of Fort Bragg. The proposed amendment requires conformance with all applicable building codes which will ensure healthy and safe housing.
- 7. The proposed amendment is internally consistent with other applicable provisions of this Development Code.
  - The Proposed Amendment is consistent with ILUDC standards with the following State mandated exceptions.
  - i. Lot Coverage: As mandated by state law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
  - ii. Set Backs: As mandated by state law, housing units developed as a consequence of this ordinance have an exception from the code requiring only 4 feet setbacks on the rear and side property lines. Additionally, front yard setbacks must be reduced if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
  - iii. Parking and Traffic: Again, in compliance with State law, City Council may require that housing units developed as a consequence of this ordinance provide off-street parking so long as that requirement does not preclude an applicant from building at least two units of 800 SF each.
- 8. The project is exempt from CEQA, as a zoning amendment to implement the

provisions of Sections 65852.21 and Section 66411.7 of the Government Code is exempt from CEQA by those code sections; and

9. The documents and other material constituting the record for these proceedings are located at the Community Development Department, and

**SECTION 2.** Based on the foregoing, the City Council does hereby:

Amend 18.84.045 Urban Lot Splits

#### 18.84.045 Urban Lot Splits

**Purpose.** This Section establishes standards to implement California Government Code Section 66411.7 and Government Code 65852.21 which requires ministerial approval of the subdivision of a residential lot in in RR, RS, and RL Zoning Districts into two parcels with up to two units of housing on each subsequent parcel per 18.42.200.

**Ministerial Approval.** An application for an Urban Lot Split and/or the associated residential development that complies with the standards of this Section shall be approved ministerially.

**Definitions**. These definitions are intended for the narrow purpose of implementing 18.84.045.

- **Unit.** Unit means a primary dwelling unit or one unit of a duplex an ADU or a JADU.
- **Urban Lot Split.** A lot split authorized through 66411.7 and regulated by this Section 18.84.045.
- **Front Parcel**. A parcel created by an Urban Lot Split that includes at least 50% of the original parcel's street-facing frontage.
- **Back Parcel.** A parcel, created by an Urban Lot Split, which includes more than 50% of the original parcel's alley-facing frontage or back parcel line.
- Front of the Parcel. The "front of the parcel" is defined as 1) the street side of the Front Parcel or 2) the alley side of an alley fronting Back Parcel, or 3) the newly created parcel line for a Back Parcel that does not abut an alley.
- Residential Use. Residential Use includes primary units, ADUs, a duplex, and associated accessory residential structures (per Land Use Table 2-1 Residential Uses).

#### A. Limitation on Location.

- 1. The parcel must be in a Low-Density Residential zone (RR, RS, RL zones). Parcels in multifamily residential zoning districts and commercial zoning districts are not eligible for Urban Lot Splits.
- 2. The applicant shall undertake proper mitigation if the parcel is in a Fire, Flood, or Earthquake Hazard Zone per the appropriate section of this code.
- 3. Both resulting parcels shall have access to, provide access to, or adjoin the public right-of-way.
- 4. Urban Lot Splits are not permitted under any of the following conditions described in Gov Code 65913.4 A.6. B to K, the relevant sections of which are described below:
  - a. On a parcel adjacent to another parcel that was split via the Urban Lot Split under ownership by the same person or a person working in concert with

- the property owner of the adjacent parcel
- b. On a parcel that was created through a previous Urban Lot Split.
- c. On a parcel located in a **historic site or district**, listed on the State Historic Resources Inventory or designated as a Historic Landmark.
- d. On a parcel located on prime **farmland** or farmland of statewide importance.
- e. On a parcel that includes a **wetland**, as defined in Section 30121 of the Public Resources Code or habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.
- f. A **hazardous waste** site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:
  - (i) The site is an underground storage tank site that received a uniform closure letter issued by the State Water Resources Control Board for residential use or residential mixed uses.
  - (ii) The State Water Resources Control Board or other agency has made a determination that the site is suitable for residential use or residential mixed uses.
- g. Within a **special flood hazard** area subject to inundation by the 1 percent annual chance flood (100-year flood) or within a **regulatory floodway** as determined by the Federal Emergency Management Agency.
- h. On a parcel located on lands under a **conservation easement** or any natural resources protection plan.
- i. Land that contain habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
- j. On a parcel where the Urban Lot Split would **require demolition or alteration** of affordable <u>or</u> rental housing that: 1) is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; (2) is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (3) has been occupied by a tenant in the last three years.
- k. On a parcel located within areas mapped in the Coastal General Plan on any of the following Coastal General Plan maps: Map OS-1 Open Space and Environmentally Sensitive Habitat Areas; Map OS-2 Special Review and Runoff Sensitive Areas; and/or Map SF-2 Flood Hazards.
- I. The project site is not within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist. This restriction does not apply if the development complies with applicable seismic protection building code standards adopted by the

California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

#### B. Lot Size, Lot Split Size, Setbacks

- 1. No parcel of less than 2,400 SF may be subdivided through the Urban Lot Split process.
- 2. The resulting lots must be near equal in size; each lot must be at least 40 percent of the existing lot size, but no smaller than 1,200 SF.
- 3. The new lot line may be approved even if the line divides pre-existing adjacent or connected structures, so long as the structures meet building code safety standards and are sufficient to allow for separate conveyance.

#### C. Urban Lot Split Access & Public Improvements.

- Created parcels shall have access to, provide access to, or adjoin the public rightof-way. Flag Lots or easements are permissible if there is no alley access to the back parcel. As feasible, no more than one curb cut is permitted per original parcel, shared street access is required where street access is necessary for both parcels.
- 2. Easements shall be required for the provision of public services and facilities.
- 3. The City shall not require the dedication of rights-of-way or the construction of offsite improvements.

#### D. Use Limitation and Deed Restriction.

- 1. **Deed Restriction.** As part of the recordation of the Lot Split, the owner shall record a deed restriction on both resultant lots in a form approved by the City that includes all items enumerated in D2 below.
- 2. **Use Limitations.** The following restrictions apply to all lots created through an Urban Lot Split.
  - a. **Sale.** The sale of an ADU unit separate from the sale of the primary unit on the same parcel is prohibited.
  - Short-term Rentals. Units shall not be rented for periods of less than 31 days.
  - c. **Future Lot Splits**. Future Urban Lot Splits of either resulting parcel is prohibited.
  - d. **Prohibition of non-residential uses.** Non-residential uses are not permitted. Only residential uses are permitted, (per Use Table 2-1 Residential Uses)
- 3. **Owner Occupancy Affidavit**. The property owner shall sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.
  - a. The owner-occupancy requirement does not apply to parcels under ownership of a community land trust, as defined in Section 402.1 of the Revenue and Taxation Code, or a qualified nonprofit corporation as described in 214.15 of the Revenue and Taxation Code.
- **E. Subdivision Map Act & General Plan Conformance**. This section overrides any conflicting provisions of the Subdivision Map Act. General Plan conformance is not required if it would preclude urban lot-splits mandated by this section.

## F. Exceptions to Development Standards for Lot Splits with Existing Development.

- 1. The Community Development Director shall modify or eliminate objective development standards if they prevent the construction of up to two units of at least 800 square feet on each lot.
- 2. Side & Rear Yard Setbacks. No setbacks are required for existing structures.
- 3. Non-Conforming Structures and Land Uses. All existing nonconforming zoning conditions (use, development standards, parking standards, etc.) may continue with an Urban Lot Split.
- **G. Urban Lot Split Application Requirements.** An application for an Urban Lot Split under this section 18.42.200 shall include the following materials.
  - 1. Tentative Map.
  - 2. Boundary survey.
  - 3. Parcel Map with legal descriptions for both parcels.
  - 4. Deed restriction.
- **H. Allowable Development.** Development of parcels created through an Urban Lot Split shall be regulated by Section 18.42.200.
- **I. Required Findings for Denial.** The denial of a proposed Urban Lot Split requires the Building Official to make the following findings:
  - a. Based upon a preponderance of the evidence, the proposed housing development would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
  - b. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

#### **SECTION 3.**

Chapter 18.42.200 Urban Unit Development is amended as follows:

#### 18.42.200 - URBAN UNIT DEVELOPMENT

**Purpose.** This Section establishes standards to implement California Government Code Section 66411.7 and section 65852.21 which requires ministerial approval up to two units of housing (see A-2) on a parcel created through an Urban Lot Split and up to four Units (see A-1) on a single parcel that was not created through an urban lot split.

**Ministerial Approval.** An application for the residential development that complies with the standards of this Section shall be approved ministerially.

**Definitions**. These definitions are intended for the narrow purpose of implementing 18.42.200

- Unit. "Unit means a primary dwelling unit, one unit of a duplex, an ADU or a JADU.
- Urban Lot Split. A lot split authorized through 66411.7 and regulated by this

- Section 18.84.045.
- **Front Parcel**. A parcel, created by an Urban Lot Split, which includes at least 50% of the original parcel's street-facing frontage.
- **Back Parcel.** A parcel, created by an Urban Lot Split, which includes more than 50% of the original parcel's alley-facing frontage or back parcel line.
- Front of the Parcel. The front of the parcel shall be the street side of the Front Parcel, the alley side of an alley fronting Back Parcel, or the newly created parcel line for a Back Parcel that does not abut an alley.
- Residential Use. Residential Use includes primary units, ADUs, a duplex, and associated accessory residential structures (per Use Table 2-1 Residential Uses).

#### A. Density, Size & Number of Units Allowed.

- 1. A maximum of four units (two primary units and two J/ADUs) are permissible on lots which do <u>not</u> go through an Urban Lot Split. There is no size limit for primary units, second units attached and detached accessory dwelling units must be 800 for a studio apartment or 1,000 SF or less for a 1+ bedroom unit.
- 2. A maximum of two units is permissible on each lot created by an Urban Lot Split as follows:
  - a. Two Primary Units of 1,200 SF or less each, or
  - b. One Duplex of 2,200 SF or less, or
  - c. One Primary Unit of any size & One ADU of 800 SF or less for a studio or 1,000 SF or less for a 1+ bedroom unit, or
  - d. One Primary Unit of any size & One Junior ADU of 500 SF or less., or Lots created through an Urban Lot Split are not eligible for the maximum of three units (primary, ADU, JADU) specified under 17.42.170.
- Units permissible under this section are exempt from the calculation of the maximum allowable density for the lot on which they are located and shall be deemed a residential use that is consistent with the General Plan and zoning designation for the lot(s).

#### B. Setbacks For New Units.

- 1. Rear and side yard setbacks for new units shall be4 feet.
- The minimum front yard setback for the back parcel shall be 10 feet when facing the alley, and 5 feet when facing the new property line (see definitions). The minimum front yard setback for the front parcel shall comply with the development standards of Section 18.21.050.

#### C. Limitation on Location.

- 1. The Urban Unit Development must be on a parcel in a Low-Density Residential zone (RR, RS, RL zones). Parcels in multifamily residential zoning districts and commercial zoning districts are not eligible for Urban Lot Splits.
- 2. The applicant shall undertake proper mitigation if the parcel is in a Fire, Flood, or Earthquake Hazard Zone per the appropriate section of this code.
- 3. Urban Unit Developments are not permitted, under any of the conditions described in Gov Code 65913.4 A.6. B to K. The project site should also comply with Government Code section 65913.4 Housing Development Approvals. Relevant requirements of the above code sections are described below:
  - a. On a parcel located in a historic site or district, listed on the State

- Historic Resources Inventory or designated as a Historic Landmark.
- b. On a parcel located on prime **farmland** or farmland of statewide importance.
- c. On a parcel that includes a **wetland**, as defined in Section 30121 of the Public Resources Code or habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.
- d. On a parcel that has a **hazardous waste site** that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:
  - (iii) The site is an underground storage tank site that received a uniform closure letter issued by the State Water Resources Control Board for residential use or residential mixed uses.
  - (iv) The State Water Resources Control Board or other agency has made a determination that the site is suitable for residential use or residential mixed uses.
- e. Within a **special flood hazard** area subject to inundation by the 1 percent annual chance flood (100-year flood) or within a **regulatory floodway** as determined by the Federal Emergency Management Agency.
- f. On a parcel located on lands under a **conservation easement** or any natural resources protection plan.
- g. Land that contain habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
- h. On a parcel where the Urban Lot Split would **require demolition or alteration** of affordable <u>or</u> rental housing that: 1) is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; (2) is subject to any form of rent or price control through a public entity's valid exercise of its police power; or (3) has been occupied by a tenant in the last three years.
- i. On a parcel located within areas mapped in the Coastal General Plan on any of the following Coastal General Plan maps: Map OS-1 Open Space and Environmentally Sensitive Habitat Areas; Map OS-2 Special Review and Runoff Sensitive Areas; and/or Map SF-2 Flood Hazards.
- j. The project site is not within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist. This restriction does not apply if the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local

## building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

- D. Off-street parking. One off-street parking space is required for each unit unless the unit is located half a mile from a bus stop or there is a car share on the same block. Where feasible, parking access shall be provided from the alley for both parcels via an easement or parcel configuration. In no case will parking be accommodated within the alley setback. In no case will more than one curb cut be permitted per original parcel. Shared street access is required where street access is necessary for both parcels.
- **E. Timing.** Units may be constructed simultaneously or at different times.
- F. Exceptions to Development Standards
  - 1. Exceptions to Accommodate at least two 800 SF Units. The Community Development Director shall modify or eliminate objective development standards if they prevent the construction of up to two units of at least 800 square feet in on each lot. The following objective development standards shall be modified last (and only if no other combination of modified standards permits at least two 800 SF Units): parking requirement, front setback, height limit.
  - **2. Non-conforming Setbacks.** The non-conforming setbacks of an existing structure may be retained for a new unit that is located in the same footprint.

#### G. Objective Design Review Standards

- 1. Private open space and storage space. Each unit must include 100 SF of private outdoor open space. Private open space shall be at the same elevation as and immediately accessible from within the unit. Each private open space area shall have a minimum dimension of 8 feet; except for upper-floor balconies where the private open space is provided as a balcony. Each unit must include 100 cubic feet of outdoor accessible storage space as part of the unit.
- 2. Building facades adjacent to streets. Dwelling units shall be sited and designed so that at least 75% of the facade of each building adjacent to a public street is occupied by habitable space with windows. Each facade adjacent to a street shall have at least one pedestrian entry into the structure.
- G. **Capacity fees**. Units of less than 750 SF shall be exempt from paying capacity fees, and units of more than 750 SF shall pay a prorated share of the capacity fee.
  - a. Separate Connections. The project shall include separate gas, electric and water utility connection directly between each dwelling unit and the utility.
- H. **Vacation Rentals Prohibited.** Urban Unit Development rentals must be for a period longer than 30 days.
- **I. Application Requirements**. An application for development of allowable units under this section shall include the following materials.
  - a. Site Plan existing conditions.
  - b. Site Plan proposed project,
  - c. Floor Plans, and

d. Elevations and Finishes.

**EFFECTIVE DATE: Date. 2025.** 

- **J.** Required Findings for Denial. The denial of a proposed Urban Lot Split requires the Building Official to make the following finding:
  - a. Based upon a preponderance of the evidence, the proposed housing development would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; and
  - b. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

<u>Section 4.</u> Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

<u>Section 5.</u> Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

meeting of the City Council of th	troduced by Councilmember at a regular le City of Fort Bragg held on June 9, 2025, and the City of Fort Bragg held on, by the
AYES: NOES: ABSENT: ABSTAI	N: RECUSE:
ATTEST:	Jason Godeke, Mayor
Diana Paoli, City Clerk	
PUBLISH: May 29, 2025, and D	Date, 2025 (by summary).

#### **RESOLUTION NO. PC 9-2025**

## RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT:

- AN ORDINANCE AMENDING DIVISION 17 OF THE FORT BRAGG MUNICIPAL CODE (CLUDC 4-25) TO AMEND CHAPTER 17.42.200 "URBAN UNIT DEVELOPMENT," AND CHAPTER 17.84.045 "URBAN LOT SPLIT," TO INCORPORATE COMMENTS FROM HCD INTO REGULATIONS AND STANDARDS FOR URBAN LOT SPLITS AND URBAN UNIT RESIDENTIAL DEVELOPMENT PROJECTS IN LOW DENSITY RESIDENTIAL ZONING DISTRICTS PURSUANT TO SENATE BILL 9; and
- AN ORDINANCE AMENDING DIVISION 18 OF THE FORT BRAGG MUNICIPAL CODE (ILUDC 4-25) TO AMEND CHAPTER 18.42.200 "URBAN UNIT DEVELOPMENT," AND CHAPTER 18.84.045 "URBAN LOT SPLIT," TO INCORPORATE COMMENTS FROM HCD INTO REGULATIONS AND STANDARDS FOR URBAN LOT SPLITS AND URBAN UNIT RESIDENTIAL DEVELOPMENT PROJECTS IN LOW DENSITY RESIDENTIAL ZONING DISTRICTS PURSUANT TO SENATE BILL 9.

**WHEREAS,** California Constitution Article XI, Section 7, enables the City of Fort Bragg (the "City") to enact local planning and land use regulations; and

**WHEREAS**, the authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare; and

WHEREAS, the City of Fort Bragg ("City") adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits and its sphere of influence; and

WHEREAS, the City adopted a Coastal General Plan ("Coastal GP") as the Land Use Plan portion of the Local Coastal Program on May 12, 2008 which established policies for all land within the Fort Bragg Coastal Zone; and

WHEREAS, in August 2008 the California Coastal Commission certified the City's Local Coastal Program (LCP) which includes the Coastal GP as the Land Use Plan; and

WHEREAS, The City Council adopted Resolution 3162-2008 on May 12, 2008 adopting the Coastal General Plan; and

**WHEREAS**, the City adopted a Coastal Land Use and Development Code in 2008 as the implementing portion of the Local Coastal Program on May 12, 2008, which established all land use regulations for the Coastal Zone; and

WHEREAS, the Coastal General Plan includes policies to: (1) advance the orderly growth and development of the City's Coastal Zone; (2) protect coastal resources; (3) incorporate sustainability into the development process so that Fort Bragg's coastal resources and amenities are preserved for future generations; (4) respond to current environmental and infrastructure constraints; (5) protect the public health, safety and welfare; and (6) promote fiscally responsible development; and

WHEREAS, the availability of housing is a substantial concern for individuals of all demographics, ages, and economic backgrounds in communities throughout the State of California; and

WHEREAS, on September 16, 2021, California Governor Gavin Newsom signed Senate Bill 9 (SB-9) into law as part of an effort to address the State's housing crisis by streamlining housing production; and

WHEREAS, the new legislation became effective on January 1, 2022, and requires local agencies to ministerially approve urban lot splits and development of up to four residential units per single family residential lot provided the projects meet certain criteria; and

**WHEREAS**, the City wishes to balance compliance with State law with the rights still preserved under the new legislation authorizing the City to establish objective zoning, subdivision and design review standards consistent with SB-9 requirements to approve urban lot splits and urban unit residential development; and

WHEREAS, The project is exempt from CEQA, as a zoning amendment to implement the provisions of Sections 65852.1 and Section 66411.7 of the Government Code is exempt from CEQA by those code sections; and

WHEREAS, the "activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long range development plan" pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA, and this statutory exemption "shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA Guidelines § 15265 (c)); and

WHEREAS, the Community Development Committee held a duly noticed public hearing on May 17, 2023, to discuss a memo about SB-9 implementation in Fort Bragg; and public comments were given at that time; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 11, 2023, to consider the Zoning Amendments, accept public testimony, and: 1) adopted resolution recommending a zoning amendment to add Chapter 18.42.200 "Urban Unit Development", and Chapter 18.84.045 "Urban Lot Split" to the ILUDC as well as make relevant changes and additions to the definitions and land use chapters of the zoning ordinances; and 2) adopted a resolution recommending an LCP amendment to add Chapter 17.42.200 "Urban Unit Development", and Chapter 17.84.045 "Urban Lot Split" to the CLUDC as well as make relevant changes and additions to the definitions and land use chapters of the zoning ordinances.

WHEREAS, the City Council held duly noticed public hearings on December 11, 2023 and January 22, 2024 and adopted: 1) an ordinance amending Division 18 of the Fort Bragg Municipal Code (ILUDC 2-23) to amend Chapter 18.21.030(b) & 18.21.050 "Residential Zoning Districts," add Chapter 18.42.200 "Urban Unit Development," add chapter 18.84.045 "Urban Lot Split," and amend Chapter 18.100 "definitions" to establish regulations and standards for urban lot splits and urban unit residential development projects in low density residential zoning districts pursuant to Senate Bill 9; and 2) a Resolution of the Fort Bragg City Council submitting an LCP Amendment (LCP 2-23) application to the Coastal Commission to amend Title 17 of the Fort Bragg Municipal Code to amend Chapter 17.21.030(b) & 17.21.050 "Residential Zoning Districts", add chapter 17.42.200 "Urban Unit Development", add chapter 17.84.045 "Urban Lot Split", and amend Chapter 17.100 "Definitions" to establish regulations and standards for urban lot splits and urban unit residential development projects in low-density residential zoning districts pursuant to Senate Bill 9.

WHEREAS, Marie Jones Consulting submitted, on behalf of the City of Fort Bragg, the requested LCP amendment to the staff of the California Coastal Commission in June of 2024 and the adopted ILUDC ordinance to the staff of the Department of Housing and

Community Development (HCD) in May of 2024 for their required review upon completion of the City action, and

WHEREAS, HCD submitted a letter dated February 19, 2025 requesting additional changes to the submitted Urban Lot Split and Urban Unit Development zoning ordinances; and

WHEREAS, the Coastal Commission requested that the City resubmit the CLUDC amendment in ordinance format incorporating the recommended changes of HCD, and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on May 15, 2025, to consider the Zoning Amendments; and

NOW, THEREFORE, BE IT RESOLVED that the City of Fort Bragg Planning Commission, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; the Project application; all reports and public testimony submitted as part of the Planning Commission meeting of May 15, 2025 and Planning Commission deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of Fort Bragg does hereby make the following findings and determinations:

**NOW, THEREFORE, BE IT FURTHER RESOLVED** pursuant to Fort Bragg Municipal Code Section 17.94.040 and Section 17.94.060 the following findings are the Planning Commissions reasons for recommending amendments to the Fort Bragg **Coastal** Land Use and Development Code:

- a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
  - As noted in the General Plan Consistency Analysis, which is Attachment 2 to the staff report and incorporated by reference under the resolution statement above, the project is consistent with the Coastal General Plan as follows:
  - 1. The proposed project is consistent with the land use designations of the Land Use Element of the Coastal General Plan (CGP) because state law does not allow local jurisdictions to include the four units allowed through an Urban Lot Split and subsequent development in their density calculations. Thus, while the amendments will allow "higher" residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
  - 2. The proposed amendment is consistent with the following applicable General Plan policies: Policy LU-10.2, Policy LU-10.4, Policy LU-10.6, Policy LU-5.7, Policy LU-10.1, Policy PF-1.1, Policy PF-2.1, Policy CD-1.1: Policy CD-2.4 and Policy CD-2.5
  - 3. The proposed amendment would be consistent with the policies of the Conservation Element as a CDP is required if the project is located in an area that has the potential to effect Environmentally Sensitive Habitats, Wetlands, visual resources or on other Coastal Act resources as illustrated in the Maps of the Coastal General Plan.
- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
  - The proposed amendment is mandated by State Law as such it is in the public interest to permit additional opportunities for residential housing development, which will provide for better convenience and welfare for the residents of the City of Fort Bragg as it will result

in additional housing units. The proposed amendment requires conformance with all applicable building codes which will ensure healthy and safe housing.

c. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The Proposed Amendment is consistent with CLUDC standards with the following State mandated exception.

- Lot Coverage: As mandated by state law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
- Set Backs: As mandated by state law, housing units developed as a consequence
  of this ordinance have an exception from the code requiring only 4 feet setbacks on
  the rear and side property lines. Additionally, front yard setbacks must be reduced if
  two 800 SF units cannot otherwise be constructed on a lot created through an Urban
  Lot Split.
- Parking and Traffic: Again, in compliance with State law, City Council may require that housing units developed as a consequence of this ordinance provide off-street parking so long as that requirement does not preclude an applicant from building at least two units of 800 SF each.
- d. The documents and other material constituting the record for these proceedings are located at the Community Development Department, and
- e. The foregoing recitals are true and correct and made a part of this Resolution; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** pursuant to Fort Bragg Municipal Code Section 18.94.040 and Section 18.94.060 the following findings are the Planning Commissions reasons for recommending amendments to the Fort Bragg **Inland** Land Use and Development Code:

- a. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City as it intends amendments to be consistent with recently adopted State laws; and
- b. The proposed amendment is consistent with the General Plan and any applicable specific plan.
- c. The proposed project is consistent with the land use designations of the Land Use Element of the General Plan because state law does not allow local jurisdictions to include the four units allowed through an Urban Lot Split and subsequent development in their density calculations. Thus, while the amendments will allow "higher" residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element.
- d. The proposed amendment is consistent with and implements the following applicable General Plan policies: Policy LU-6.1, Policy PF-1.2, Policy PF-2.1, Policy CD-1.2, Policy H-1.6, Policy H-2.9, Policy H-3.2, and Program H-4.1.2.
- e. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
- f. The proposed amendment is mandated by State Law as such it is in the public interest to permit additional opportunities for residential housing development, which will provide for better convenience and welfare for the residents of the City of Fort Bragg. The proposed amendment requires conformance with all applicable building codes which will ensure healthy and safe housing.
- g. The proposed amendment is internally consistent with other applicable provisions of Page 4

this Development Code.

- h. The Proposed Amendment is consistent with ILUDC standards with the following State mandated exceptions.
  - Lot Coverage: As mandated by state law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
  - Setbacks: As mandated by state law, housing units developed as a consequence
    of this ordinance have an exception from the code requiring only 4 feet setbacks
    on the rear and side property lines. Additionally, front yard setbacks must be
    reduced if two 800 SF units cannot otherwise be constructed on a lot created
    through an Urban Lot Split.
  - Parking and Traffic: Again, in compliance with State law, City Council may require
    that housing units developed as a consequence of this ordinance provide offstreet parking so long as that requirement does not preclude an applicant from
    building at least two units of 800 SF each.
- The project is exempt from CEQA, as a zoning amendment to implement the provisions of Sections 65852.1 and Section 66411.7 of the Government Code is exempt from CEQA by those code sections; and
- j. The documents and other material constituting the record for these proceedings are located at the Community Development Department, and
- k. The foregoing recitals are true and correct and made a part of this Resolution; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend the City Council adopt:

- An Ordinance Amending Division 17 of the Fort Bragg Municipal Code (CLUDC 2-25) to Amend Chapter 17.42.200 "Urban Unit Development" and Chapter 17.84.045 "Urban Lot Split" to Incorporate Comments From HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9; and
- 2. An Ordinance Amending Division 18 of the Fort Bragg Municipal Code (ILUDC 3-25) to Amend Chapter 18.42.200 "Urban Unit Development" and Chapter 18.84.045 "Urban Lot Split" To Incorporate Comments from HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Residential Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that this Resolution shall become effective immediately upon its passage and adoption.

The above and foregoing Resolution was introduced by Commissioner Turner, seconded by Commissioner Stavely, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 14th day of May, 2025, by the following vote:

AYES: Stavely, Turner, Bushnell, Neils

NOES: None.
ABSENT: Jensen
ABSTAIN: None.
RECUSE: None.

David Jensen, Chair

ATTEST:

Maria Flynn, Administrative Assistant

### ATTACHMENT 3: GENERAL PLAN/LUDC - CONSISTENCY ANALYSIS

This attachment analyzes both the ILUDC and CLUDC amendments consistent with the respective Inland and Coastal General Plans and the ILUDC and CLUDC.

## 1. Coastal General Plan & CLUDC Consistency Analysis

#### **Required Findings**

The CLUDC 17.95.060(B) requires that the following findings be made for the amendments to the Coastal Land Use and Development Code:

- 1. The proposed amendment is consistent with the Coastal General Plan and any applicable specific plan.
- 2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
- 3. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The amendment is consistent with relevant policies of the City's Coastal General Plan as analyzed below.

#### Land Use Element

The proposed project is consistent with the land use designations of the Land Use Element of the Coastal General Plan (CGP) because state law does not allow local jurisdictions to include the four units allowed through an Urban Lot Split and subsequent development in their density calculations. Thus, while the amendments will allow "higher" residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element.

The proposed amendment to the CLUDC is **consistent** with the following Coastal General Plan Policies in the Land Use Element.

Policy	Analysis
Policy LU-10.2: Locating New Development.	Allowing Urban Lot Splits by right will increase
New residential, commercial, or industrial	infill development by allowing up to four units
development, except as otherwise provided in	on a lot where previously only one primary unit
the LCP, shall be located within, contiguous	and 2 ADUs were allowed. The areas with low
with, or in close proximity to, existing	density residential zoning located within the
developed areas able to accommodate it or,	coastal zone are largely developed and this
where such areas are not able to	policy would increase density in these already
accommodate it, in other areas with adequate	developed areas. Further the ordinance
public services and where it will not have	prohibits speculators from using the tool to
	increase density by requiring 3 years of

significant adverse effects, either individually or cumulatively, on coastal resources.	property owner occupancy in one of the units on one of the resulting parcels. The proposed ordinance includes safeguards for protection of Coastal Resources and a Coastal Development Permit would be required to
	ensure protection of coastal resources.
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.  Policy LU-10.6: Protect Special Communities.  New Development shall, where appropriate, protect special communities and	The City recently upgraded its Sewer Treatment Facility and has acquired property to develop additional water storage which together will ensure adequate sewer and water services throughout Fort Bragg. Additionally, The City anticipates a relatively few number of Urban Lot Splits and Urban Unit Developments per year which would be served by existing infrastructure.  In the proposed CLUDC amendment, an applicant for an Urban Lot Split must provide onsite parking where visitor-serving parking is
neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.	constrained.
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.	The proposed amendment requires off-street parking for Urban Lot Splits and associated housing development in neighborhoods that provide coastal recreational access.
Policy LU-10.1: Preserve Neighborhoods: Preserve and enhance the character of the City's existing residential neighborhoods.	The Urban Lot Split regulations and associated housing development include sufficient regulatory guidelines to help Fort Bragg to preserve and enhance the character of the City's existing residential neighborhoods, even with increasing density.

There are no other applicable policies in the land use element.

#### **Public Facilities Element**

The proposed amendment to the CLUDC is consistent with the following Coastal General Plan Policies in the Public Facilities Element.

**Policy PF-1.1:** All new development proposals shall be reviewed and conditioned to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses.

**Analysis:** The City of Fort Bragg continues to rely on three surface water sources: Waterfall Gulch (tributary to Hare Creek), Newman Gulch (tributary to Noyo River), and the Noyo River (intake is at Madsen Hole). The water treatment plant was originally constructed in the 1950's,

and upgraded in the 1980's, and has a capacity of 2.2 million gallons per day (MGD). While the water supply has not changed, the City has made significant progress in amplifying storage capacity:

- It added an additional 1.5 million gallon finished water storage tank and the Summers Lane Reservoir with a raw water capacity of 14.7 million gallons, creating a total water storage capacity to 22.6 million gallons.
- It installed a desalination batch plant to allow effective use of water from the Noyo during low flow conditions.
- It purchased the "gulf course" property with plans to build new water storage capacity on the site.

While there is more than sufficient capacity, the City is also exploring long term sustainable water strategies that include "purple pipe" transmission of treated recycled wastewater and desalinization. The City's potable water system has sufficient capacity to support future development that could occur as a result of the proposed code revision while still accommodating other planned growth in the City.

The City's Water Treatment Plant (WWTP) provides sewage treatment and disposal through the Fort Bragg Municipal Improvement District No. 1 (MID). The MID is somewhat larger than the City as it includes part of the Sphere of Influence. The Wastewater Treatment Plant (WWTP) was constructed in 1971 and underwent a substantial upgrade in 2020. It has a secondary treatment level capacity of 0.8 million gallons per day (MGD) for average dry weather flow (ADWF) and 4.9 MGD Peak Hydraulic Flow. The WWTF also has sufficient capacity to handle additional wastewater that may result from development of housing related to the proposed code revisions.

**Policy PF-2.1 Development Pays Its Share**: Require that new development pay its share of capital improvements and the cost of public services to maintain adequate levels of service.

**Analysis:** The ordinance includes capacity fees for housing units of more than 800 SF associated with Urban Lot Splits.

There are no other policies that are applicable to the proposed CLUDC updates.

#### Conservation, Open Space, Energy, and Parks Element

The proposed amendment would be consistent with the policies of the Conservation Element as a CDP is required if the project is located in an area that has the potential to have Environmentally Sensitive Habitat, Wetlands, visual resources or on other Coastal Act resources as illustrated in the Maps of the Coastal General Plan.

#### **Circulation Element**

The proposed amendment is consistent the policies of this element and does not conflict with anything in the element.

### Community Design, Safety, and Noise Elements

The proposed amendment is consistent with the policies of this element and does not conflict with anything in the element.

Policy	Analysis
Policy CD-1.1: Visual Resources: Permitted	As amended, new development would be
development shall be designed and sited to protect views to and along the ocean and	required to apply for a CDP which would necessitate a visual analysis if visual
scenic coastal areas, to minimize the	resources would be impacted by a proposed
alteration of natural landforms, to be visually	project.
compatible with the character of surrounding	projecti.
areas, and, where feasible, to restore and	
enhance scenic views in visually degraded	
areas.	
Policy CD-2.4 Discourage Sameness and	Urban Lot Splits and Two Unit Development
Repetitive Residential Designs.	can only be undertaken by individual home-
	owners and would therefore not result in
	sameness or repetitive design.
Policy CD-2.5 Scenic Views and Resource	As amended, new development would be
Areas: Ensure that development does not	required to apply for a CDP which would
adversely impact scenic views and resources	necessitate a visual analysis if visual
as seen from a road and other public rights-of-	resources would be impacted by a proposed
way.	project.

#### **Housing Element**

The City's Housing Element was updated in 2019 and adopted by the City Council for both Inland and Coastal Fort Bragg, however the 2019 Housing Element has not been certified by Coastal Commission as part of the Local Coastal Program. Nevertheless, this consistency review for the amendments to the CLUDC uses the goals, policies, and programs from the 2019 Housing Element as it has been updated per State Law. The last certified Housing Element (2008) in the Coastal General Plan does not include most State mandated goals, policies and programs.

The proposed amendments to the CLUDC **are consistent** with the following applicable policies of the 2019 Housing Element:

Policy	Analysis
Policy H-1.6 Infill Housing: Encourage	The proposed zoning code amendment will
housing development on existing infill sites in	allow housing development on parcels created
order to efficiently utilize existing	through Urban Lot Splits this results in denser
infrastructure.	and more efficient use of space to increase
	housing in already developed areas.
Policy H-2.9 First Time Home Buyers:	The proposed zoning code amendment would
Encourage affordable housing for first time	result in smaller lots and more housing units
home buyers.	for sale, which would reduce the cost of new
	homes and increase affordability for first time
	home buyers.

Policy H-3.2 Improve Accessibility to Housing: Make it easier to develop housing for seniors and persons with disabilities.	The proposed zoning code amendment would result in smaller lots and more housing units for sale, which would reduce the cost of new homes and increase affordability for seniors and people with disabilities.
Program H-4.1.2 Reduce Capacity Fees for Smaller Units: Consider charging water and sewer capacity fees based on the size of the unit (either square feet or number of bedrooms) in order to ensure that each unit pays its fair share for capacity costs.	The ordinance waves capacity fees for housing units of 750 SF or less which are associated with Urban Lot Splits.

The proposed project does not conflict with any goals, policies, or programs of the 2019 Housing Element.

# CONSISTENCY WITH CLUDC SITE PLANNING AND PROJECT DESIGN STANDARDS

The Proposed Amendment is consistent with CLUDC standards with the following State mandated exception.

- Lot Coverage: As mandated by state law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
- Set Backs: As mandated by state law, housing units developed as a consequence of this
  ordinance have an exception from the code requiring only 4 feet setbacks on the rear and
  side property lines. Additionally, front yard setbacks must be reduced if two 800 SF units
  cannot otherwise be constructed on a lot created through an Urban Lot Split.
- Parking and Traffic: Again, in compliance with State law, City Council can require that
  housing units developed as a consequence of this ordinance provide off-street parking so
  long as that requirement does not preclude an applicant from building at least two units of
  800 SF each.

#### **COASTAL RESOURCES ANALYSIS**

All Urban Lot Splits and Two Unit projects are required to obtain an administrative Coastal Development Permit and make specific findings that Coastal Act resources will not be impacted. The Coastal Commission's staff has reviewed a draft of the ordinance and suggested modifications which would make it compatible with the Coastal Act, these are noted in brown text in the draft ordinance.

## 2. General Plan & ILUDC Consistency Analysis

#### **Required Findings**

The ILUDC 18.95.060(B) requires that the following findings be made for the amendments to the Inland Land Use and Development Code:

- 4. The proposed amendment is consistent with the Inland General Plan and any applicable specific plan.
- 5. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
- 6. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The amendment is consistent with relevant policies of the City's General Plan and the ILUDC as analyzed below.

#### **Land Use Element**

The proposed project is consistent with the land use designations of the Land Use Element of the General Plan because state law does not allow local jurisdictions to include the four units allowed through an Urban Lot Split and subsequent development in their density calculations. Thus, while the amendments will allow "higher" residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element.

The proposed amendment to the ILUDC is **consistent** with the following General Plan Policy in the Land Use Element.

Policy	Analysis
<b>Policy LU-6.1:</b> Preserve Neighborhoods:	The Urban Lot Split regulations and
Preserve and enhance the character of the	associated Urban Unit Development include a
City's existing residential neighborhoods.	number of regulatory requirements that may
	help Fort Bragg preserve and enhance the
	character of the City's existing residential
	neighborhoods, even with increasing density.
	The regulatory requirements include various
	required deed restrictions, owner occupancy
	for three years, a minimum of a 60/40% lot
	split, and protections for wetlands and historic
	resources.

There are no other applicable policies in the land use element.

#### **Public Facilities Element**

The proposed amendment to the CLUDC is consistent with the following Coastal General Plan Policies in the Public Facilities Element.

**Policy PF-1.2:** All new development proposals shall be reviewed and conditioned to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses.

**Analysis:** The City of Fort Bragg continues to rely on three surface water sources: Waterfall Gulch (tributary to Hare Creek), Newman Gulch (tributary to Noyo River), and the Noyo River (intake is at Madsen Hole). The water treatment plant was originally constructed in the 1950's, and upgraded in the 1980's, and has a capacity of 2.2 million gallons per day (MGD). While the water supply has not changed, the City has made significant progress in amplifying storage capacity:

- It added an additional 1.5 million gallon finished water storage tank and the Summers Lane Reservoir with a raw water capacity of 14.7 million gallons, creating a total water storage capacity to 22.6 million gallons.
- It installed a desalination batch plant to allow effective use of water from the Noyo during low flow conditions.
- It purchased the "golf course" property with plans to build new water storage capacity on the site.

While there is more than sufficient capacity, the City is also exploring long-term sustainable water strategies that include "purple pipe" transmission of treated recycled waste water and desalinization. The City's potable water system has sufficient capacity to support future development that could occur as a result of the proposed code revision while still accommodating other planned growth in the City.

The City's Water Treatment Plant (WWTP) provides sewage treatment and disposal through the Fort Bragg Municipal Improvement District No. 1 (MID). The MID is somewhat larger than the City as it includes part of the Sphere of Influence. The Wastewater Treatment Plant (WWTP) was constructed in 1971 and underwent a substantial upgrade in 2020. It has a secondary treatment level capacity of 0.8 million gallons per day (MGD) for average dry weather flow (ADWF) and 4.9 MGD Peak Hydraulic Flow. The WWTF also has sufficient capacity to handle additional wastewater that may result from development of housing related to the proposed code revisions.

Additionally, The City anticipates a relatively few number of Urban Lot Splits and Urban Unit Developments per year which would be served by existing infrastructure.

**Policy PF-2.1 Development Pays Its Share**: Require that new development pay its share of capital improvements and the cost of public services to maintain adequate levels of service.

**Analysis:** The ordinance includes capacity fees for housing units of more than 750 SF associated with Urban Lot Splits, as permissible by State Law.

There are no other policies that are applicable to the proposed CLUDC updates.

#### Conservation, Open Space, Energy, and Parks Element

The proposed amendment would be consistent with the policies of the Conservation Element.

#### **Circulation Element**

The proposed amendment is consistent the policies of this element and does not conflict with anything in the element.

## **Community Design, Safety, and Noise Elements**

The proposed amendment is consistent the policies of this element and does not conflict with anything in the element.

Policy	Analysis
Policy CD-1.2 Discourage Sameness and	Urban Lot Splits and Two Unit Development
Repetitive Residential Designs.	can only be undertaken by individual home-
	owners and would therefore not result in
	sameness or repetitive design.

#### **Housing Element**

The City's Housing Element was updated in 2019 and adopted by the City Council. The proposed amendments to the ILUDC **are consistent** with 2019 Housing Element, including the following relevant policies:

Policy	Analysis
Policy H-1.6 Infill Housing: Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure.  Policy H-2.9 First Time Home Buyers: Encourage affordable housing for first time home buyers.	The proposed zoning code amendment will allow housing development on parcels created through Urban Lot Splits this results in denser and more efficient use of space to increase housing in already developed areas.  The proposed zoning code amendment would result in smaller lots and more housing units for sale, which would reduce the cost of new homes and increase affordability for first time home buyers.
Policy H-3.2 Improve Accessibility to Housing: Make it easier to develop housing for seniors and persons with disabilities.	The proposed zoning code amendment would result in smaller lots and more housing units for sale, which would reduce the cost of new homes and increase affordability for seniors and people with disabilities.
Program H-4.1.2 Reduce Capacity Fees for Smaller Units: Consider charging water and sewer capacity fees based on the size of the unit (either square feet or number of bedrooms) in order to ensure that each unit pays its fair share for capacity costs.	The ordinance waves capacity fees for housing units of 750 SF or less which are associated with Urban Lot Splits.

The proposed project does not conflict with any policies of the 2019 Housing Element.

## **Consistency with CLUDC Site Planning and Project Design Standards**

The Proposed Amendment is consistent with ILUDC standards with the following State mandated exception.

- Lot Coverage: As mandated by state law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
- Set Backs: As mandated by state law, housing units developed as a consequence of this
  ordinance have an exception from the code requiring only 4 feet setbacks on the rear and
  side property lines. Additionally, front yard setbacks must be reduced if two 800 SF units
  cannot otherwise be constructed on a lot created through an Urban Lot Split.
- Parking and Traffic: Again, in compliance with State law, City Council may require that
  housing units developed as a consequence of this ordinance provide off-street parking so
  long as that requirement does not preclude an applicant from building at least two units of
  800 SF each.

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT DIVISION OF HOUSING POLICY DEVELOPMENT

651 Bannon Street, Suite 400 Sacramento, CA 95811 (916) 263-2911 / FAX (916) 263-7453 www.hcd.ca.gov



February 19, 2025

John Smith, Acting Community Development Director Community Development Department City of Fort Bragg 416 N. Franklin Street Fort Bragg, CA 95437

Dear John Smith:

#### RE: City of Fort Bragg Senate Bill 9 Ordinance-Letter of Technical Assistance

The purpose of this letter is to provide technical assistance to the City of Fort Bragg (City) regarding Ordinance 986-2023 (Ordinance), adopted on March 25, 2024, and which amended the Inland Land Use Development Code and implemented provisions of Senate Bill (SB) 9 (Chapter 162, Statutes of 2021)<sup>1</sup>. Additionally, this letter also provides technical assistance on the City's pending Local Coastal Program Amendment 2-23 (LCPA), which is proposed to amend the Coastal Land Use Development Code to implement SB 9 in the Coastal Zone portions of the City.

The California Department of Housing and Community Development (HCD) conducted a review of the City's LCPA<sup>2</sup> sections 17.42.200 (Coastal-Urban Unit Development) and 17.84.045 (Coastal-Urban Lot Split), along with Ordinance sections 18.42.200 (Inland-Urban Unit Development)<sup>3</sup> and 18.84.045 (Inland-Urban Lot Split)<sup>4</sup>, and finds the LCPA and Ordinance do not comply with state law in the following respects:

https://www.codepublishing.com/CA/FortBragg/#!/LUC18/FortBraggLUC184/FortBraggLUC1842.html #18.42.200.

https://www.codepublishing.com/CA/FortBragg/#!/LUC18/FortBraggLUC188/FortBraggLUC1884.html #18.84.045.

<sup>&</sup>lt;sup>1</sup> Gov. Code, §§ 65852.21, 66411.7 et seq.

<sup>&</sup>lt;sup>2</sup> https://cityfortbragg.legistar.com/View.ashx?M=F&ID=12517837&GUID=4C798BE8-F409-4FA1-8607-81FB6A3F2AA8.

- 1. Sections 17.42.200 and 18.42.200 Limitations on Location for Urban Unit Development - The LCPA and Ordinance, respectively, contain site exclusions applicable to urban lot splits<sup>5</sup> in Sections 17.84.045 (Coastal Urban Lot Splits) and 18.84.045 (Inland Urban Lot Splits) but do not reference those same site exclusions under Sections 17.42.200 and 18.42.200 (Urban Unit Development). Under SB 9 and as amended by SB 450, "A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially...if the proposed housing development meets all of the following requirements:...(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4 as that section read on September 16, 2021"6; "(3) the proposed housing development would not require demolition or alteration of any of the following types of housing..." and "(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights..."8 Therefore, the City must amend the LCPA and Ordinance to specify that the site exclusions also apply to units developed pursuant to Government Code Section 65852.21. Please note that exclusions should match the modified exclusion language resulting from Comment #7 below in addition to this specific finding. Government Code Section 65913.4, subdivision (a)(6) (B) to (K), as it read on September 16, 2021 is included as Enclosure 1.
- 2. Sections 17.42.20-0 and 18.42.200(A) Purpose The LCPA and Ordinance, respectively, state, "This Section establishes standards to implement California Government Code § 66411.7 which requires ministerial approval up to 2 units of housing (see Subsection (D)(2) of this Section) on a parcel created through an urban lot split and up to 4 units (see Subsection (D)(1) of this Section) on a single parcel that was not created through an urban lot split." However, Government Code Section 65852.21 also provides for ministerial approval of SB 9 units. Therefore, the City must modify the LCPA and Ordinance to also reference the applicability of ministerial approvals pursuant to Government Code Section 65852.21.
- 3. Sections 17.42.200(A) and 18.42.200(D) Density, Size and Number of Units allowed The LCPA and Ordinance, respectively, state, "A maximum of 2 units is permissible on each lot created by an urban lot split...One primary unit of any size and 1 ADU [Accessory Dwelling Unit] of 800 square feet or less..." However, Government Code Section 66321 states, "...a local agency shall not establish by ordinance any of the following: (2) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:(A) Eight hundred fifty square feet...(B) One thousand square feet for an accessory dwelling unit that provides more than one bedroom"9. Therefore, the City must modify the LCPA and Ordinance to remove conflicts with state law.

<sup>&</sup>lt;sup>5</sup> Gov. Code, § 66411.7, subd. (a)(3)(C).

<sup>&</sup>lt;sup>6</sup> Gov. Code, § 65852.21, subd. (a)(2).

<sup>&</sup>lt;sup>7</sup> Gov. Code, § 65852.21, subd. (a)(3).

<sup>&</sup>lt;sup>8</sup> Gov. Code, § 65852.21, subd. (a)(4).

<sup>&</sup>lt;sup>9</sup> Gov. Code, § 66321, subd. (b)(2).

The City may want to consider maintaining all standards specific to Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU), in the City's ADU/JADU Ordinance and the applicable ADU/JADU section(s) of the Local Coastal Program.

- 4. Sections 17.42.200(F) and 18.42.200(F)-Objective Design Review Standards- The LCPA and Ordinance contain requirements related to private open space and storage space. However, Government Code Section 65852.21, subdivision (b)(3), as amended by SB 450 specifies that, "A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone..." (emphasis added). The LCPA and Ordinance appear to include development standards (e.g. at a minimum, private open space) that are required of multi-family residential units but not single-family residential units. As SB 9 units are located in single-family zones, development standards cannot be more restrictive than those required in single-family zones. Therefore, the City must review all development standards applicable to SB 9 units to confirm they apply uniformly to development within the underlying zone.
- Sections 17.42.200(E) and 18.42.200(H) Exceptions to Development Standards -The LCPA and Ordinance, respectively, state, "Exceptions to accommodate at least 2 800-square-foot units: The Community Development Director shall modify or eliminate objective development standards if they prevent the construction of up to 2 units of at least 800 square feet in on each lot. The following objective development standards shall be modified last (and only if no other combination of modified standards permits at least 2800-square-foot units): parking requirement, front setback, height limit." However, Government Code Section 66411.7, subdivision (c)(2) specifies that, "A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet". 10 While the LCPA and Ordinance include the physical preclusion language under 17.42.200 and 18.42.200 (Urban Unit Development), it must also be included as applicable to urban lot splits. Therefore, the City must modify the LCPA and Ordinance to include the physical preclusion language for urban lot splits pursuant to Government Code section 66411.7.
- 6. Sections 17.42.200(G)(1) and 18.42.200(J)(1) *Utilities* The LCPA and Ordinance, respectively, state, "The project shall include separate gas, electric and water utility connection directly between each dwelling unit and the utility." The LCPA and Ordinance specify that "*Unit*" means a primary unit or one unit of a duplex, an ADU or a JADU. However, "For an accessory dwelling unit described in paragraph (1) of subdivision (a) of [Government Code] Section 66323...a local agency...shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility...<sup>11</sup>"

<sup>&</sup>lt;sup>10</sup> Gov. Code, §§ 65852.21, subd. (b)(2)(A) and 66411.7, subd. (c)(2).

<sup>&</sup>lt;sup>11</sup> Gov. Code, § 66324, subd. (d).

Therefore, the City must modify the LCPA and Ordinance to remove conflicts with ADU law.

- 7. Sections 17.84.045(A) and 18.84.045(B) *Site Exclusion Language* The LCPA and Ordinance, respectively, state that for urban lot splits, "The applicant shall undertake proper mitigation if the parcel is in a Fire, Flood, or Earthquake Hazard Zone per the appropriate section of this code." The Ordinance also states that urban lot splits are not permitted "On a parcel located in a historic site or district, listed on the State Historic Resources Inventory or designated as a Historic Landmark...On a parcel located on prime farmland, a hazardous waste site listed pursuant to Section 65962.5, or within a 100-year flood zone". This language is similar to but not identical to language contained in SB 9.<sup>12</sup> The site exclusion language contained in the Ordinance appears to reflect City specific conditions and applicability. While it is not required that the City include Government Code <sup>13</sup> language verbatim, the City should generally make reference to the applicability of Government Code Section 65913.4, as that section read on September 16, 2021, in both the LCPA and Ordinance.
- 8. Sections 17.84.045(A)(2) and 18.84.045(B)(2) Earthquake Hazard Zones The LCPA and Ordinance, respectively, state, "The applicant shall undertake proper mitigation if the parcel is in a ... Earthquake Hazard Zone per the appropriate section of this code." However, SB 9 provides the following exclusion language, "...within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies..." The LCPA and Ordinance fault zone exclusion language substantively differ from the state law in light of the fact that the City has locally mapped fault lines in the Local Coastal Program that are not mapped by the State Geologist. Therefore, the fault zone exclusion language in both the LCPA and Ordinance must be amended to be consistent with state law.
- 9. Sections 17.84.045(A)(4) and 18.84.045(B)(4) Rental and Affordable Housing Protections The LCPA and Ordinance, respectively, state, "Urban lot splits are not permitted...(g) On a parcel where the urban lot split would require demolition of affordable or rental housing..." However, SB 9 specifies that "[t]he proposed urban lot split would not require demolition or alteration of any of the following types of housing...<sup>15</sup> (emphasis added)". The City's LCPA and Ordinance currently addresses limitations on demolition of residential structures but does not include the same limitations on alteration to residential structures. Therefore, the LCPA and Ordinance must be modified to include the limitations on alterations of residential structures as well.

<sup>&</sup>lt;sup>12</sup> Gov. Code, §§ 66411.7, subd. (a); 65852.21, subd. (a); 65913.4, subd. (a)(6)(B) through (K), as it read on September 16, 2021.

<sup>&</sup>lt;sup>13</sup> Gov. Code, § 65913.4, subd. (a)(6)(B) through (K).

<sup>&</sup>lt;sup>14</sup> Gov. Code, § 65913.4, subd. (a)(6)(F).

<sup>&</sup>lt;sup>15</sup> Gov. Code, § 66411.7, subd. (a)(3)(D), 65852.21, subd. (a)(3) and (4).

- 10. Section 17.84.045(A)(4)(h) Limitations on Location for Urban Lot Splits in Coastal Zone The LCPA states, "Urban Lot Splits are not permitted...On a parcel located within areas mapped in the Coastal General Plan on any of the following Coastal General Plan maps: Map OS-1 Open Space and Environmentally Sensitive Habitat Areas; Map OS-2 Special Review and Runoff Sensitive Areas; and/or Map SF-2 Flood Hazards". However, SB 9, as amended by SB 450, requires that for a pending urban lot split, "The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4 as that section read on September 16, 2021." Therefore, the City must demonstrate in the LCPA that additional site exclusions included under Section 17.84.045 (A)(4)(h), are equivalent to, and do not exceed, site exclusions under Government Code section 65913.4, subdivision (a)(6)(B) to (K) as that section read on September 16, 2021.
- 11. Sections 17.84.045(D)(2)(b) and 18.84.045(E)(2)(b) Short-Term Rentals The LCPA and Ordinance, respectively, state that for urban lot splits, "Units shall not be rented for periods of less than 31 days". The LCPA and Ordinance do not contain similar language for SB 9-unit developments. State law provides that "... A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days". Therefore, the City must modify the LCPA and Ordinance to specify that SB 9 units, constructed independent of an urban lot split, are required to be rented for a term longer than 30 days (i.e. for periods not less than 31 days).
- 12. Sections 17.84.045(I) and 18.42.200(L) Findings for Denial The LCPA and Ordinance, respectively, state, "The denial of a proposed urban lot split requires the Building Official to make the following finding..." However, the Ordinance does not include similar language for denial of an SB 9-unit development. State law, as amended by SB 450, provides, "... a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact". Therefore, the City must modify the LCPA and Ordinance to specify the required Findings for Denial for SB 9 unit developments.

<sup>&</sup>lt;sup>16</sup> Gov. Code, § 66411.7, subd. (a)(3)(C) and 65852.21, subd. (a)(2).

<sup>&</sup>lt;sup>17</sup> Gov. Code, §§ 65852.21, subd. (e) and 66411.7, subd. (h).

<sup>&</sup>lt;sup>18</sup> Gov. Code, § 65852.21, subd. (d).

John Smith, Acting Community Development Director Page 6

#### Conclusion

HCD looks forward to assisting the City with its implementation of SB 9 and in its compliance with state housing laws. HCD would like to remind the City that HCD has enforcement authority over SB 9, among other state housing laws. Accordingly, HCD may review local government actions and inactions to determine consistency with these laws. If HCD finds that a city's actions do not comply with state law, HCD may notify the California Office of the Attorney General that the local government is in violation of state law. <sup>19</sup> If you have questions or need additional information, please contact Mindy Wilcox at <a href="mindy.wilcox@hcd.ca.gov">mindy.wilcox@hcd.ca.gov</a>.

Sincerely,

Shannan West

Housing Accountability Unit Chief

<sup>&</sup>lt;sup>19</sup> Gov. Code, § 65585, subd. (j).

Incorporated August 5, 1889
416 N. Franklin Street, Fort Bragg, CA 95437
Phone: (707) 961-2827 Fax: (707) 961-2802
www.FortBragg.com

### **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Fort Bragg City Council will conduct a public hearing at a regular meeting to be held at 6:00 p.m., or as soon thereafter as the matter may be heard, on Monday, June 9, 2025, at Town Hall, southwest corner of Main and Laurel Streets (363 N. Main Street), Fort Bragg, California 95437. The public hearing will concern the following item:

APPLICATION: Local Coastal Program Amendment 4-25 (CLUDC 4-25) & Inland

Land Use and Development Code Amendment 4-25 (ILUDC 4-25)

FILING DATE: 2/19/2025

APPLICANT: City of Fort Bragg

PROJECT: Zoning Amendments to the Inland and Coastal zoning codes to

Comply with HCD's Recommended Changes to the City's Urban Lot

Split and Two Unit Development ordinances.

LOCATION: All lots in Single-Family Residential Zoning Districts in the Coastal

Zone and the Inland Area.

ENVIRONMENTAL

DETERMINATION: The proposed zoning amendments are Statutorily Exempt from

CEQA per Government Section 66411.7(n) and Government Code

15265.

Public Comment regarding this Public Hearing may be made in any of the following ways: (1) Emailed to <a href="maileo:cityclerk@fortbragg.com">cityclerk@fortbragg.com</a> (2) Written comments delivered to City Hall, 416 N. Franklin Street before 2:00 PM on the day of the meeting; or (3) Verbal comments made during the meeting, either in person at Town Hall or virtually using Zoom if a Zoom link is provided at the time of agenda publication. Comments received via email will be provided to the City Council and reflected in the packet. Comments will not be read verbally at the meeting. All comments received after 2:00 PM on the day of the meeting will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, exempt comments are those in an unrecognized file type or too large to upload to City Agenda software.

Staff reports and other documents that will be considered by City Council will be made available for review on the City's website: https://cityfortbragg.legistar.com/Calendar.aspx, at least 72 hours prior to the City Council meeting, and are also available for review and/or copying during normal office hours at Fort Bragg City Hall, 416 N. Franklin Street. To obtain application materials or for more information, please contact the City Clerk, via email at cityclerk@fortbragg.com. At the conclusion of the public hearing, the City Council will consider a decision on the above matter.

**Appeal process and fee schedule:** Decisions of the City Council shall be final unless appealed to the Coastal Commission in writing within ten (10) days thereafter If you challenge the above case in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Community Development Department at, or prior to, the public hearing.

Diana Paoli, City Clerk

POSTING/MAILING ON OR BEFORE:

May 29, 2025

**PUBLICATION DATE:** 

May 29, 2025

STATE OF CALIFORNIA

) ss.

COUNTY OF MENDOCINO)

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg; and that I caused this notice to be posted in the City Hall Notice case on or before May 29, 2025.

Diana Paoli, City Clerk

cc: Coastal Commission

"Notify Me" Subscriber Lists

Incorporado August 5, 1889 416 N. Franklin Street, Fort Bragg, CA 95437 Teléfono: (707) 961-2827 Fax: (707) 961-2802 www.FortBragg.com

### **AVISO DE AUDIENCIA PÚBLICA**

**SE NOTIFICA** que el Ayuntamiento de Fort Bragg celebrará una audiencia pública en sesión ordinaria a las 18:00 h, o tan pronto como se trate el asunto, el lunes 9 de junio de 2025 en el Ayuntamiento, esquina suroeste de las calles Main y Laurel (363 N. Main Street), Fort Bragg, California 95437. La audiencia pública tratará el siguiente tema:

SOLICITUD: Enmienda 4-25 al Programa Costero Local ( CLUDC 4-25) y

Enmienda 4-25 al Código de Uso y Desarrollo de Tierras Interiores

(ILUDC 4-25)

FECHA DE PRESENTACIÓN: 19/02/2025 SOLICITANTE: Ciudad de Fort Bragg

PROYECTO: Enmiendas de zonificación a los códigos de zonificación del interior

y la costa para cumplir con los cambios recomendados por el HCD a las ordenanzas de división de lotes urbanos y desarrollo de dos

unidades de la ciudad.

UBICACIÓN: Todos los lotes en distritos de zonificación residencial unifamiliar en

la zona costera y el área interior.

**AMBIENTAL** 

DETERMINACIÓN: Las modificaciones de zonificación propuestas están exentas por

estatuto de la CEQA según la Sección Gubernamental 66411.7(n) y

el Código Gubernamental 15265.

Los comentarios públicos sobre esta Audiencia Pública se pueden hacer de cualquiera de las siguientes maneras: (1) Enviar por correo electrónico a <a href="cityclerk@fortbragg.com">cityclerk@fortbragg.com</a> (2) Los comentarios escritos se entregan al Ayuntamiento, 416 N. Franklin Street antes de las 2:00 p. m. del día de la reunión; o (3) Los comentarios verbales se hacen durante la reunión, ya sea en persona en el Ayuntamiento o virtualmente usando Zoom si se proporciona un enlace de Zoom en el momento de la publicación de la agenda. Los comentarios recibidos por correo electrónico se proporcionarán al Ayuntamiento y se reflejarán en el paquete. Los comentarios no se leerán verbalmente en la reunión. Todos los comentarios recibidos después de las 2:00 p. m. del día de la reunión se convertirán en una parte permanente del paquete de la agenda el día después de la reunión o lo antes posible; los comentarios exentos son aquellos en un tipo de archivo no reconocido o demasiado grande para cargarlo al software City Agenda.

Los informes del personal y demás documentos que el Ayuntamiento considerará estarán sitio Ciudad: disponibles revisión en el web de la https://cityfortbragg.legistar.com/Calendar.aspx, al menos 72 horas antes de la reunión del Ayuntamiento, y también están disponibles para su revisión o copia durante el horario de oficina habitual en el Ayuntamiento de Fort Bragg, 416 N. Franklin Street. Para obtener los materiales de solicitud o más información, comuníquese con el Secretario Municipal por correo electrónico a cityclerk@fortbragg.com. Al finalizar la audiencia pública, el Ayuntamiento considerará una decisión sobre el asunto mencionado.

Proceso de apelación y escala de tarifas: Las decisiones del Concejo Municipal serán definitivas a menos que se apelen por escrito ante la Comisión Costera dentro de los diez (10) días posteriores. Si impugna el caso anterior ante el tribunal, es posible que se le limite a plantear solo los problemas que usted u otra persona planteó en la audiencia pública descrita en este aviso o en la correspondencia escrita entregada al Departamento de Desarrollo Comunitario en la audiencia pública o antes de ella.

Diana Paoli, Secretaria Municipal

ENVÍO POR CORREO **EL 29 de** mayo de 2025 O ANTES FECHA DE PUBLICACIÓN: 29 de mayo de 2025

ESTADO DE CALIFORNIA )
) artículos.
CONDADO DE MENDOCINO )

Declaro, bajo pena de perjurio, que soy empleado de la Ciudad de Fort Bragg y que hice que este aviso se publicara en la caja de Avisos del Ayuntamiento el 29 de mayo de 2025 o antes.

Diana Paoli, Secretaria Municipal

cc: Comisión Costera

Listas de suscriptores de "Notificarme"



# **City of Fort Bragg**

416 N Franklin Street Fort Bragg, CA 95437 Phone: (707) 961-2823 Fax: (707) 961-2802

#### **Text File**

File Number: 25-201

Agenda Date: 6/9/2025 Version: 1 Status: Public Hearing

In Control: City Council File Type: Ordinance

Agenda Number: 7C.

Receive a Report, Hold a Public Hearing, Receive Planning Commission's Recommendation, and Introduce, by Title Only, and Waive Further Reading of Ordinances:

- 1) Ordinance XXXX-2025 Amending Various Sections of Division 18 (ILUDC) of the Fort Bragg Municipal Code (ZON 4-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites; Statutorily Exempt 15265
- 2) Ordinance XXXX-2025 Amending Various Sections of Division 17 (CLUDC) of the Fort Bragg Municipal Code (ZON 5-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites; Categorically Exempt 15061.b.3) and Government code 65583(a)(4)(D)



# **City Council Staff Report**

TO: City Council DATE: June 9, 2025

**DEPARTMENT:** Community Development Department

PREPARED BY: MJC

PRESENTER: Marie Jones

AGENDA TITLE: Receive Report, Hold a Public Hearing and Consider Adopting Various Zoning Amendments (Zon 4-25, Zon 5-25) to the Coastal and Inland Zoning Codes to Implement Changes in State Law in New and Revised Regulations Regarding Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites.

#### RECOMMENDED ACTION

- Adopt An Ordinance Amending Various Sections of Division 18 (ILUDC) of the Fort Bragg Municipal Code (ZON 4-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites; and
- Adopt An Ordinance Amending Various Sections of Division 17 (CLUDC) of the Fort Bragg Municipal Code (ZON 5-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites.

#### **BACKGROUND**

The City Council adopted the City's Housing Element in 2019. The Housing Element includes policies and programs which must be implemented over the seven-year Housing Element timeline in conformance with State Law. HCD has requested that the City update the City's Zoning Ordinances for compliance with five Housing Element programs as described below.

#### **DISCUSSION AND ANALYSIS**

State law requires specific regulatory language to implement each of the Housing Element programs summarized below. In the attached ordinances, language that is required by state law is noted in red text. Language in purple text can be modified by the Planning Commission/City Council.

- <u>1. Program H-1.6.3: Redevelopment of Non-Vacant Sites:</u> Require the replacement of housing units subject to the requirements of Government Code, section 65915, subdivision (c)(3) on sites identified in the site inventory when any new development (residential, mixed-use or non-residential) occurs on a site that has been occupied by or restricted for the use of lower-income households at any time during the previous five years. This requirement applies to 1) non-vacant sites and 2) vacant sites with previous residential uses that have been vacated or demolished.
  - > Responsibility: Community Development Department
  - > Financing: General Fund
  - > Scheduling: the requirement will be implemented by 2020/21 and applied as applications on identified sites are received and processed.
  - Qualification: 5 units

This program has been implemented in the attached ordinance per State Law and HCD guidance materials.

- <u>2. Program H-2.4.7 Supportive Housing:</u> Revise the City's zoning ordinance so that it complies with AB 2162, which requires the City to allow supportive housing by right in all multi-family zoning districts and in all mixed-use zoning districts.
  - Responsibility: Community Development Department
  - > Financing: City
  - > Scheduling: 2020 2021
  - Qualification: 30 units

This program has been implemented in the attached ordinance per State Law and HCD guidance materials.

- 3. Program H-2.5.8. Maximize Housing Density by Right for projects with 20%+ Affordable Units. Revise the Land Use and Development Code to allow the maximum density permissible within a zoning district by right (no Use Permit) for all residential projects that include at least 20% of units deed restricted at rents affordable to low income households and that have been listed in the last two Housing Elements as an eligible site in the Vacant Parcel Inventory for the RHNA, these parcels are listed on the Vacant Parcel Inventory and include: 008-172-09, 251 So Franklin St; 018-440-58, 1151 So Main St; 018-150-61, 1190 So Main St; 018-090-02, 700 River Dr.; 018-090-16, 700 River Dr.; 008-010-31, 1020 Glass Beach Dr.; 018-113-03, 970 Chestnut St; 008-010-33, 1080 Glass Beach Dr.; 008-290-73, 1329Cedar St; 008-302-28, 1328 Cedar St; 008-290-34, 1325 Cedar St; 018-100-42, 485 So Lincoln St; 018-210-29, 860 Hazelwood St; 020-520-22, 1600 Oak St; 018-440-50, 200 We Ocean View Dr.; 018-113-01, 552 S Lincoln St; 018-440-38, 350 Ocean View Dr.; 018-440-49, 250 We Ocean View Dr.; 018-340-04, 441South St; 018-340-03, 601 Cypress St; 008-350-60, 920 Stewart St; 018-150-58, No Street Address; 018-150-56, No Street Address; 018-150-55, 100 East Ocean View Dr.
  - > Responsibility: Community Development Department
  - Financing: General Plan Maintenance Fee Fund

Scheduling: 2020-2021 Quantification: 20 units

Implementation of this program is only required by HCD if the City does not provide zoning of parcels sufficient to meet its lower income RHNA (Regional Housing Needs Assessment) numbers. The City has sufficient zoning to achieve its RHNA numbers, therefore implementation of Program H-2.5.8 is not required at this time. Both the City Council and the Planning Commission considered making multifamily housing permissible by right and decided not to pursue this policy objective as part of the City's Prohousing initiative, therefore the above program has not been rolled into the attached ordinances.

**4. Program H-2.8.7 Emergency Shelters Regulatory Changes.** Consider revising the LUDC to ensure that emergency shelters are subject only to the following requirements (per State law): 1) maximum number of beds; 2) off-street parking based upon demonstrated need; 3) size and location of onsite waiting and intake areas; 4) provision of onsite management; 5) proximity to other shelters; 6) length of stay; 7) lighting; and 8) security during hours when the shelter is open.

- Responsibility: Community Development Department
- Financing: City
- Scheduling: Changes to the zoning code will take place in 2020/21

This program has been implemented in the attached ordinance per State Law and HCD guidance materials. Per government code section 65583.a4(F) the City can require a Use Permit for new emergency shelters if the City can prove that the existing shelter can accommodate the needs of the community.

A local government that can demonstrate, to the satisfaction of the department, the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need and the needs of the other jurisdictions that are a part of the agreement for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zoning designation where new emergency shelters are allowed with a conditional use permit.

Direction is sought on the following questions:

- 1. Decide if the City should pursue this designation by HCD or continue with the existing regulations which allow Emergency Shelters in the General Commercial Zoning district by right.
- 2. Most of the Emergency Shelter regulations are required by law, however the details of the Shelter Management Plan may be modified, deleted or added to (language noted in purple text).
- 3. Decide if the City should include a carve-out for the emergency weather shelter so that it is only subject to a limited term permit.

<u>5. Program H-2.8.10 Define Group Home.</u> Revise the ILUDC and CLUDC to define group homes that serve 6 or fewer as a permitted use in all zones in which a single-family home is permitted, and to define group homes with 7 or more residents as an organizational house.

- > Responsibility: Community Development Department
- Financing: City
- > Scheduling: 2020-2021

This program has been implemented in the attached ordinance per State Law and HCD guidance materials. Group homes cannot legally be subject to specific use regulations due to a myriad or State and Federal laws protecting people with disabilities from discrimination.

### Direction sought:

1. Should the City require a Use Permit for a group home with more than 7 people or allow it as permitted use by right?

#### **FISCAL IMPACT**

The amendments would allow the City to continue its Housing Element certification by HCD and allow the City to continue to be eligible for CDBG funding for various city and community program.

#### **ENVIRONMENTAL ANALYSIS**

The proposed amendment to the Coastal Land Use and Development Code is part of the City's Local Coastal Program and will be submitted to the California Coastal Commission for certification. Therefore, the proposed project is statutorily exempt from further environmental review under CEQA Guidelines 15265 Adoption of Coastal Plans and Programs.

The project is exempt from CEQA under Section 15061.b.3 the Commonsense exemption and 65583.a.4.D, as a zoning amendment will implement the provisions of Sections 65650, 65583, 65660 and of the Government Code. The proposed zoning code amendments allow the City to comply with state law. These regulations qualify for the Commonsense Exemption as analyzed below:

- The zoning amendment which clarifies that housing projects proposed for non-vacant sites have additional requirements to qualify for density bonuses would reduce the environmental impacts of approving density bonuses and planning incentives for housing projects, as such projects would have to provide replacement housing for an low-income housing that is lost or build smaller projects without the density bonus or planning incentives. This zoning amendment would reduce environmental impacts of Housing projects on non-vacant sites with affordable rental housing.
- Emergency Shelters are already currently permissible by right in the General Commercial zoning district and the proposed ordinance would not change this

requirement. The proposed zoning amendment would however set new standards for all new Emergency Shelters per State Law which would allow the City to reduce some of the environmental impacts associated with the operation of an emergency shelter. As no additional regulations are permissible (per State Law) than those included in the ordinance, it is not feasible to further mitigate environmental impacts through a CEQA document. Therefore, these regulations must receive a commonsense exemption.

- Currently Group Homes are regulated as single-family homes within the City of Fort Bragg, the regulatory changes formalize current practice as permitted by State Law. Group homes with more than 7 residents have been regulated under day care, adult which requires a Use Permit in multifamily zoning districts and Group Homes of 7 or more residents would also require a Use Permit in the zoning amendment. The net effort of these changes is to provide regulatory clarity without changing the impact of regulations on the environment.
- Currently Supportive Housing is regulated as multifamily housing, and the City requires a Use Permit in commercial and multifamily residential zoning districts for Supportive Housing. However, State law does not allow the City to require a Use Permit for Supportive Housing projects that meet certain conditions. The proposed regulations set standards for Supportive Housing per State law. As no additional standards can be added to the regulations, per State Law, there is no feasible way to mitigate any potential environmental impacts in the Ordinance. Additionally, the government code includes a CEQA exemption to adopt regulations for Supportive Housing (Section 65583.a.4.D).

#### **COMMUNITY OUTREACH**

This will be the second meeting on this topic as it was heard by the Planning Commission on May 14<sup>th</sup>. MJC reached out to the Police Department for comments and the department agrees with the recommendations. Additionally MJC spoke with the Executive Director of the Hospitality Center who attended the Planning Commission hearing and he did not provide comments on the proposed ordinance changes.

#### **ALERNATIVES**

The City could decide not to adopt City specific ordinances and could instead implement State law by referencing State law in the City's zoning code.

#### **CONSISTENCY**

The consistency of the proposed ordinance has been analyzed and the ordinances are consistent with the City's General Plans and Zoning Ordinances. The amendments implement five mandatory programs of the City's Housing Element.

#### **ATTACHMENTS**

1. An Ordinance Amending Various Sections of Division 18 (ILUDC) of the Fort Bragg Municipal Code (ZON 4-25) to Implement Changes in State Law for New and

- Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites.
- An Ordinance Amending Various Sections of Division 17 (CLUDC) of the Fort Bragg Municipal Code (ZON 5-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites.
- 3. A Resolution of the Fort Bragg Planning Commission Recommending that the City Council Adopt Ordinance ZON 5-25 and ZON 4-25.

#### **NOTIFICATION**

- 1. "Notify Me" subscriber lists: Fort Bragg Downtown Businesses; and Economic Development Planning.
- 2. Hospitality House & Hospitality Center

# BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

An Ordinance Amending Various Sections of Division 18 (ILUDC) of the Fort Bragg Municipal Code (ZON 4-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites.

**ORDINANCE NO. XXXX-2025** 

**WHEREAS,** California Constitution Article XI, Section 7, enables the City of Fort Bragg (the "City") to enact local planning and land use regulations; and

**WHEREAS** the authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare; and

**WHEREAS,** the City of Fort Bragg ("City") adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits and its sphere of influence; and

WHEREAS, the City of Fort Bragg ("City") adopted an Inland General Plan and certified an Environmental Impact Report Addendum ("EIR Addendum") for the General Plan on December 2, 2012; and

WHEREAS, the City of Fort Bragg ("City") adopted an Inland Land Use and Development Code and Negative Declaration on February 10, 2014; and

**WHEREAS**, the adoption of an Inland Land Use and Development Code is necessary to: 1) provide a regulatory framework for implementation of the Inland General Plan; 2) to implement new state planning and land use requirements; and 3) update zoning regulations in accordance with City Council policy direction; and

**WHEREAS**, the City of Fort Bragg adopted a new Housing Element in 2019 which was certified by the State Housing and Community Development Department; and

WHEREAS, the housing Element included the following mandatory programs which must be implemented per State Law: Program H-1.6.3 Redevelopment of Non-Vacant Sites; Program H-2.4.7 Supportive Housing; Program H-2.5.8 Maximize Housing Density by Right for projects with 20%+ Affordable Units; Program H-2.8.7 Emergency Shelters Regulatory Changes; and Program H-2.8.10 Define Group Home.

WHEREAS, the project is exempt from CEQA under Section 15061.b.3 the Common Sense exemption and 65583.a.4.D, as the zoning amendment will implement

the provisions of Sections 65650, 65583, 65660 and of the Government Code; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on May 14, 2025, to consider the zoning amendments, accept public testimony; and adopted a resolution recommending that the City Council adopt the mandatory zoning amendments to implement programs of the City's Housing Element.

**WHEREAS**, the City Council held a duly noticed public hearing on June 9, 2025, to consider the Zoning Amendment, accept public testimony; and

NOW, THEREFORE, BE IT RESOLVED that the Fort Bragg City Council, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Inland General Plan; the Inland Land Use and Development Code; the Project application; all reports and public testimony submitted as part of the City Council meeting of June 9, 2025 and City Council deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Fort Bragg City Council does hereby make the following findings and determinations:

#### **SECTION 1: LEGISLATIVE FINDINGS**

- 1. The foregoing recitals are true and correct and made a part of this Ordinance.
- 2. On May 14, 2025, the Planning Commission held a properly noticed public hearing and adopted a resolution in support of the City Council's adoption of the proposed amendments to the Inland Land Use and Development Code.
- 3. On June 9, 2025 the City Council held a properly noticed public hearing to consider adoption of the amendments to the Inland Land Use and Development Code.
- 4. The proposed ILUDC 4-25 amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City as the amendments will make the zoning code consistent with adopted State laws; and
- 5. The proposed amendment is consistent with the General Plan and any applicable specific plan.

The proposed amendment is consistent with and implements the following applicable General Plan programs: Program H-1.6.3, Program H-2.4.7, Program H-2.8.7 and Program H-2.8.10.

6. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendment is mandated by State Law as such it is in the public interest and will provide for better convenience and welfare for the residents of the City of Fort Bragg. The proposed amendment requires conformance with all applicable building codes which will ensure healthy and safe housing.

7. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The Proposed Amendment is consistent with ILUDC standards.

- 8. The project is exempt from CEQA under Section 15061.b.3 the Common Sense exemption and 65583.a.4.D, as a zoning amendment will implement the provisions of Sections 65650, 65583, 65660 and of the Government Code.
- 9. The documents and other material constituting the record for these proceedings are located at the Community Development Department.

### **SECTION 2.**

Based on the foregoing, the City Council does hereby Amend 18.31.030 - Density Bonus and Incentives Eligibility to include subsection B "Development of Non-Vacant Sites" as follows:

## 18.31.030 - Density Bonus and Incentives Eligibility

In order to be eligible for a density bonus and/or other incentives as provided by this Chapter, a proposed housing development shall comply with the following requirements, and satisfy all other applicable provisions of this Development Code and State law, except as provided by § 18.31.040 (Types of Density Bonuses):

- **A. Housing development.** In order to qualify for a density bonus and incentives, the housing development shall meet Government Code Section <u>65915(b)</u> requirements with regard to affordability, household income levels, and senior housing.
- **B.** Redevelopment of Non-Vacant Sites. Per Government Code Section 65915(c)(3)(A), to qualify for a density bonus and/or incentives a project proposed for a non-vacant site shall be ineligible for a density bonus, incentives or concessions if the housing development is proposed on property that includes parcel(s) with affordable rental dwelling units (subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income or are occupied by lower or very low income households) or which had affordable rental dwelling units that have been vacated or demolished in the five-year period preceding the application; unless the proposed housing development replaces those units, and either of the following applies:
  - (i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in Government Code 65915(b), or
  - (ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.
- **C. Minimum project size to qualify for density bonus.** The density bonus shall be available only to a housing development that provides affordable housing in compliance with Chapter 18.32 (Inclusionary Housing Requirements), or in compliance with State law.
- **D.** Condominium conversion projects. A condominium conversion project is eligible for a density bonus or incentives, if it complies with the eligibility and other requirements in State law (Government Code Section 65915.5).

- **E.** "Sweat equity" developments. A "sweat equity" housing development is eligible for incentives in compliance with § 18.31.045(B)(5) (Incentives for affordable housing projects Incentives for "sweat equity" developments).
- **F. Donations of land.** The donation of land makes a project eligible for a density bonus if it satisfies all of the requirements of Government Code Section 65915(g).

## **SECTION 3.**

Amend Chapter 18.21.030 - Residential District Allowable Land Uses and Permit Requirements Table 2-1 as follows:

TABLE 2-1 Allowed Land Uses and Permit Requirements for Residential Zoning Districts		P Permitted use, Zoning Clearance required MUP Minor Use Permit required (see § 18.71.060) UP Use Permit required (see § 18.71.060) Permit requirement set by Specific Use					
	S —	Regulation Nation	ations ot allo	wed			
	PERMIT REQUIRED BY DISTRICT Specific Use						
LAND USE (1)	RR	RS	RL	RM	RH	RVH	Regulations
RESIDENTIAL USES							
Group Home(s)	Р	Р	Р	Р	Р	Р	18.42.077
Group Home(s)  Low Barrier Navigation Center	P -	P -	P -	P P	P P	P P	18.42.077 18.42.093

### **SECTION 4.**

Amend 18.22.030 - Commercial District Land Uses and Permit Requirements

Table 2-6 as follows:						
TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P MUP	Minor Use Permit required (see UP § 18.71.060)				
Tor Commercial Zonning Districts	UP S	Permit requirement set by Specific Use				
	_	Use not	allowe	d		
	PERM	RMIT REQUIRED BY DISTRICT Specific Use				
LAND USE (1)	CN	СО	CBD	CG	СН	Regulations
RESIDENTIAL USES						
Emergency shelter		_		P/UP	_	18.42.075
Group Home(s)		Р	Р	Р	Р	18.42.077
Group Home(s)  Low Barrier Navigation Center		P P	P P	P P	P P	18.42.077 18.42.093

**SECTION 5.** Add Chapter 18.42.075 Emergency Shelter in its entirety:

## 18.42.075 Emergency Shelter

- A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) emergency Shelters shall comply with the standards of this Section. These standards apply in addition to the other provisions of this Development Code.
- B. **Definitions.** Definitions of the Emergency Shelters regulated by this Section are in Article 10 (Definitions) under "Emergency Shelter."
- C. **Permitting.** An emergency shelter with a capacity of 30 occupants or less shall be approved ministerially if it complies with the standards in 18.42.075D. An emergency shelter, with a capacity greater than 30 occupants, shall require a use permit approval.
- D. **Standards for Emergency Shelters.** An Emergency Shelter shall be approved if it complies with the following standards:
  - 1. **Location.** Emergency shelter facilities shall not be less than 300 feet from any other emergency shelter, as measured from the property line.
  - 2. **Maximum Number of Beds.** In order to avoid the concentration of impacts on residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, Emergency Shelters shall be allowed two beds times the maximum residential density of the zoning district.
  - 3. **Parking.** Off-street parking shall be required based upon the demonstrated need by the applicant and approved by the Director of Community Development. Absent a demonstration of a lower need, parking shall be provided at the rate of 0.25 spaces/bed and one space/employee.
  - 4. **Waiting and Intake Areas.** Adequate waiting areas must be provided within the premises for clients and prospective clients including 10 square feet per bed, minimum 100 square feet, to ensure that public sidewalks or private walkways are not used as queuing or waiting areas.
  - 5. On Site Management. An on-site manager is required during all hours when the Emergency Shelter is open. The on-site manager shall be a person employed by the organization hosting the shelter. A shelter management plan shall be submitted as a part of the permit application and shall be followed during shelter operations. The Shelter Management Plan shall address the following:
    - a) **Staffing.** A minimum of one staff member per 15 beds shall be awake and on duty while the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff who have been convicted of a felony or who are required to register as a sex registrant under Penal Code 290.
    - b) **Hours.** The facility shall operate on a first-come, first-served basis with clients only permitted on site and admitted to the facility between 4:00 p.m. and 7:00 a.m. Clients must vacate the facility by 8:00 a.m. A curfew of 10:00 p.m. (or earlier) shall be established and strictly enforced and clients shall not be

- admitted after the curfew unless escorted to the shelter by a police officer.
- c) **Security.** The facility shall have on-site security during all hours when the shelter is open. The service provider shall comply with the following minimum requirements:
  - I. Waiting Area Management. Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served, the monitor shall inform the client of alternative programs and locations where he or she may seek similar service.
  - II. Incidents. Service providers shall establish standards for responding to emergencies and incidents involving the expelling of clients from the facility. Re-admittance policies for clients who have previously been expelled from the facility shall also be established in partnership with the Police Department.
  - III. **Alcohol and illegal drug use**. Service providers shall expel clients from the facility if found to be using alcohol or illegal drugs.
  - IV. **Lighting.** Exterior lighting shall be provided for the entire outdoor and parking area of the property. All lighting shall comply with the City's Lighting Ordinance.
- d) Referrals and Coordinated Entry integration. Service providers shall maintain up-to-date information and referral sheets to give clients. Service providers will educate on-site staff to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income, including referrals to outside assistance agencies.
- e) **Screening.** Service providers shall provide criteria to screen clients for admittance, with the objective to provide first service to individuals with connections to the City of Fort Bragg.
- f) **Length of Stay.** Service providers will maintain information on individuals utilizing the facility and will ensure that the maximum length of stay at the facility shall not exceed six months in a 365-day period.
- g) Avoidance of Nuisance Conditions.
  - I. Service providers shall provide for the timely removal of litter attributable to clients within the vicinity of the facility every 24-hour period.
  - II. Noise generated from the Emergency Shelter shall not exceed the standards in Chapter 9.44.
  - III. Service providers will maintain good communication and have procedures in place to respond to operational issues which may arise from the neighborhood, City staff, or the general public.
  - IV. All graffiti on the premises shall be removed by the business operator within 24 hours.
- h) **Other Activity Areas.** The facility may also provide the following services:
  - I. Outdoor recreation. Areas shall be enclosed with a six-foot-high fence or wall to separate the residents from neighboring properties.
  - II. A counseling center for job placement, educational, life skills, health care, legal services, mental health services, substance abuse treatment, childcare, etc.
  - III. Laundry facilities to serve the number of clients at the shelter.

- IV. Kitchen and dining area.
- V. Client storage areas. Areas shall be enclosed and protected from rain and theft.
- VI. Toilets. Service providers shall provide sufficient numbers of male and female toilets to comply with the Building Code.
- i) Other requirements as deemed necessary by the City to ensure that the facility does not create a nuisance.

**SECTION 6.** Chapter 18.42.077 Group Homes is hereby added in its entirety:

## **18.42.077 Group Homes**

- A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) group homes shall comply with the standards of this Section.
- B. **Definitions.** The definitions of the Group Homes regulated by this Section is in Article 10 (Definitions).
- C. Permitting Requirements.
  - a. Six or Fewer Residents. Group homes that operate as single-family residences and that provide licensable and/or licensable services to six or fewer residents can locate in any single-family neighborhood, subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residences.
  - b. **Seven or More Residents**. Group Homes that provide licensable or un-licensable services to seven or more residents are subject to a Use Permit.
  - c. If a group home qualifies as either supportive or transitional housing it must comply with Section 18.42.167.

**SECTION 7.** Chapter 18.42.093 Low Barrier Navigation Center is hereby added in its entirety:

# **18.42.093 Low Barrier Navigation Center**

- D. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) Low Barrier Navigation Center shall comply with the standards of this Section. This section implements Government Code section 65660.
- E. **Definitions.** The definitions of the Low Barrier Navigation Center regulated by this Section is in Article 10 (Definitions).
- **F.** Low Barrier Navigation Center (Center) Permitting Requirements. All centers must meet the following minimum requirements:
  - a. The Center must connect people to permanent housing through a services plan that identifies services staffing.
  - b. The Center must be linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and

provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.

- c. The Center must comply with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
- d. The Center must have a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
- G. **Permit Processing Time.** The City shall notify the developer whether the application is complete within 30 days of receipt of an application. After the application is deemed complete, the City shall complete its administerial review of the application within 60 days for smaller projects (50 or fewer units) and the conditional use permit review with 120 days for larger projects (more than 50 units).

**SECTION 8.** Chapter 18.42.166 Supportive Housing is hereby added in its entirety:

## 18.42.167 Supportive Housing

- A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) emergency Shelters shall comply with the standards of this Section. This section implements Government Code section 65583 and sections 65650 65656.
- B. **Definitions.** The definition of Supportive Housing regulated by this Section is in Article 10 (Definitions).
- C. Supportive Housing Permitting Requirements.
  - 1. Supportive housing is allowed by right in multifamily residential zoning districts.
  - 2. Supportive housing is allowed by right in commercial zoning districts where all the following requirements are met, otherwise a Use Permit is required.
    - a) Units are subject to a recorded affordability restriction for 55 years.
    - b) 100 percent of the units (except manager units) are dedicated to lower income households and are receiving public funding to ensure affordability.
    - c) At least 25 percent of the units or 12 units, whichever is greater, are restricted to residents in supportive housing. If development is less than 12 units then 100 percent of units (except manager units) are restricted to residents in supportive housing.
    - d) The project includes less than 50 Supportive Housing Units.
    - e) The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915.
  - 3. Supportive housing is eligible for a density bonus, concessions and incentives per Chapter 18.31.

- D. **Permit Processing Time.** The City shall notify the developer whether the application is complete within 30 days of receipt of an application. After the application is deemed complete, the City shall complete its administerial review of the application within 60 days for smaller projects (50 or fewer units) and the conditional use permit review with 120 days for larger projects (more than 50 units).
- E. **Standards for Supportive Housing.** Supportive Housing shall comply with the following standards:
  - 1. **Supportive Services Plan Required**. The Project Applicant shall submit a plan for providing supportive services for approval by the Director of Community Development. The supportive services plan shall include the following:
    - a) Documentation of the supportive services that will be provided on-site.
    - b) The name of the supportive service provider/entity.
    - c) Funding sources for the proposed supportive services.
    - d) Proposed staffing levels for the supportive services.
  - 2. The supportive housing project shall comply with the objective development standards of this Development Code that apply to multifamily housing development.
  - 3. Non-residential floor area shall be provided in the development for on-site supportive services in the following amounts:
    - a) A minimum of 90 square feet for developments that are 20 or fewer units.
    - b) At least 3 percent of the total non-residential floor area for developments that are greater than 20 units.
  - 4. Any change to the occupancy of the supportive housing units is made in a manner that minimizes tenant disruption and only upon the vacancy of the supportive housing units.
  - 5. All units (except manager units) shall include at least one bathroom and a kitchen or other cooking facilities.
- F. **Parking Exception**. No parking is required for supportive housing developments located within one-half mile of a public transit stop.
- G. Reduction in number of supportive housing units. The City shall, at the request of the project owner, reduce the number of residents required to live in supportive housing if the project-based rental assistance or operating subsidy for a supportive housing project is terminated through no fault of the project owner, but only if all of the following conditions have been met:
  - 1. The owner demonstrates that it has made good faith efforts to find other sources of financial support.
  - 2. The reduction in the number of supportive housing units is restricted to the minimum necessary to maintain the project's financial feasibility.
  - 3. Change to the occupancy of the supportive housing units minimizes tenant disruption and occurs only upon vacancy of a supportive housing unit.

#### SECTION 9.

The Definitions Chapter 18.200 is hereby amended to add the following definitions:

#### 18.200 Definitions

**Emergency Shelter.** A facility for the temporary shelter and feeding of indigents or disaster victims, operated by a public or nonprofit agency. Emergency shelter is housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. Emergency Shelter also includes other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care. Emergency shelter does not include the emergency weather shelter which is set up for a period of less than 14 days and is regulated through the limited term permit process in all zoning districts.

**Group Homes.** Housing shared by unrelated persons with disabilities that provide peer and other support for their residents' disability related needs and in which residents share cooking, dining, and living areas, and may, in some group homes, participate in cooking, housekeeping, and other communal living activities.

Low Barrier Navigation Center. A Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. A Low Barrier Navigation Center may be non-congregate and relocatable. "Low Barrier" means utilization of best practices to reduce barriers to entry, and may include, but not be limited to, the following: 1) allowing the presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth; 2) allowing pets, 3) providing space for the storage of possessions; and 4) providing privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

**Supportive Housing.** Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

<u>Section 10.</u> Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

<u>Section 11.</u> Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember at regular meeting of the City Council of the City of Fort Bragg held on June 9, 2025, an adopted at a regular meeting of the City of Fort Bragg held on, by the following vote:	nd
AYES: NOES: ABSENT: ABSTAIN: RECUSE:	
Jason Godeke, Mayor ATTEST:	
Diana Paoli, City Clerk	
PUBLISH: May 29, 2025 and Date, 2025 (by summary). EFFECTIVE DATE: Date, 2025.	

# BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

An Ordinance Amending Various Sections of Division 17 (CLUDC) of the Fort Bragg Municipal Code (ZON 5-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites.

**ORDINANCE NO. XXXX-2025** 

**WHEREAS,** California Constitution Article XI, Section 7, enables the City of Fort Bragg (the "City") to enact local planning and land use regulations; and

**WHEREAS**, the authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare; and

WHEREAS, the City of Fort Bragg ("City") adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits and its sphere of influence; and

WHEREAS, the City adopted a Coastal General Plan ("Coastal GP") as the Land Use Plan portion of the Local Coastal Program on May 12, 2008 which established policies for all land within the Fort Bragg Coastal Zone; and

**WHEREAS,** the City adopted a Coastal Land Use and Development Code in 2008 as the implementing portion of the Local Coastal Program on May 12, 2008, which established all land use regulations for the Coastal Zone; and

**WHEREAS**, in August 2008 the California Coastal Commission certified the City's Local Coastal Program (LCP) which includes the Coastal GP and the ILUDC; and

WHEREAS, the Coastal General Plan includes policies to: (1) advance the orderly growth and development of the City's Coastal Zone; (2) protect coastal resources; (3) incorporate sustainability into the development process so that Fort Bragg's coastal resources and amenities are preserved for future generations; (4) respond to current environmental and infrastructure constraints; (5) protect the public health, safety and welfare; and (6) promote fiscally responsible development; and

**WHEREAS,** the provision of services and shelter to disabled and homeless people is a substantial concern for individuals of all demographics, ages, and economic backgrounds in communities throughout the State of California; and

**WHEREAS**, the housing Element included the following mandatory programs which must be implemented per State Law: Program H-1.6.3 Redevelopment of Non-Vacant Sites; Program H-2.4.7 Supportive Housing; Program H-2.5.8 Maximize Housing Density by Right for projects with 20%+ Affordable Units; Program H-2.8.7 Emergency Shelters Regulatory Changes; and

Program H-2.8.10 Define Group Home.

**WHEREAS**, the project is exempt from CEQA under Section 15061.b.3 the Common Sense exemption and 65583.a.4.D, as a zoning amendment will implement the provisions of Sections 65650, 65583, 65660 and of the Government Code and 14 CCR 15265 as it relates to adoption of a Coastal Plan; and

WHEREAS, the "activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long range development plan" pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA, and this statutory exemption "shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA Guidelines § 15265 (c)); and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on May 14, 2025, to consider the zoning amendments, accept public testimony; and adopted a resolution recommending that the City Council adopt the mandatory zoning amendments to implement programs of the City's Housing Element.

**WHEREAS**, the City Council held a duly noticed public hearing on June 9, 2025, to consider the Zoning Amendment, accept public testimony; and

**NOW, THEREFORE, BE IT RESOLVED** that the Fort Bragg City Council, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; the Project application; all reports and public testimony submitted as part of the City Council meeting of June 9, 2025 and City Council deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Fort Bragg City Council does hereby make the following findings and determinations:

# <u>SECTION 1</u>: COASTAL LAND USE AND DEVELOPMENT CODE AMENDMENT FINDINGS

Pursuant to Fort Bragg Municipal Code Section 17.94.060, City Council makes the following findings for adoption of the proposed amendments to the Fort Bragg Coastal Land Use and Development Code:

a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and

The proposed amendment is consistent with and implements the following applicable General Plan programs: Program H-1.6.3, Program H-2.4.7, Program H-2.8.7 and Program H-2.8.10.

b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendment is mandated by State Law as such it is in the public interest and will provide for better convenience and welfare for the residents of the City of Fort Bragg. The proposed amendment requires conformance with all applicable building codes which will ensure healthy and safe housing.

c. The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The Proposed Amendment is consistent with CLUDC standards.

## **SECTION 2.** LEGISLATIVE FINDINGS.

The City Council hereby finds as follows:

- 1. The foregoing recitals are true and correct and are made a part of this Ordinance.
- 2. On May 14, 2025, the Planning Commission held a properly noticed public hearing to consider recommending the proposed minor amendment to the Coastal Land Use and Development Code to the Fort Bragg City Council for adoption, and adopted a resolution in support of the City Council's adoption of the minor amendment to the CLUDC.
- 3. On June 9, 2025, the City Council held a properly noticed public hearing to consider adoption of the amendment to the Coastal Land Use and Development Code.
- 4. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City and seeks to be consistent with recently adopted State Laws; and
- 5. The proposed amendment is internally consistent with other applicable provisions of the Coastal Land Use Development Code, including Chapters 17.42, 17.71, 17.100, and others; and the LCP Amendment is consistent with the California Coastal Act; and
- 6. The California Environmental Quality Act ("CEQA") does not apply to activities and approvals of a local coastal program that are undertaken by a local government pursuant to Public Resources Code Section 21080.9) and CEQA Guidelines Section 15265(a), and
- 7. Pursuant to Coastal Act Section 30510(a), the City of Fort Bragg will carry out the Local Coastal Program as amended in a manner fully in conformity with the California Coastal Act: and
- 8. The documents and other material constituting the record for these proceedings are located at the Community Development Department.
- The amendments to the Local Coastal Program shall take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519.

# 17.31.030 - Density Bonus and Incentives Eligibility

In order to be eligible for a density bonus and/or other incentives as provided by this Chapter, a proposed housing development shall comply with the following requirements, and satisfy all other applicable provisions of this Development Code and State law, except as provided by § 17.31.040 (Types of Density Bonuses):

**A.** Housing development. In order to qualify for a density bonus and incentives, the housing development shall meet Government Code Section <u>65915(b)</u> requirements with regard to affordability, household income levels, and senior housing.

- **B.** Redevelopment of Non-Vacant Sites. Per Government Code Section 65915(c)(3)(A), to qualify for a density bonus and/or incentives a project proposed for a non-vacant site shall be ineligible for a density bonus, incentives or concessions if the housing development is proposed on property that includes parcel(s) with affordable rental dwelling units (subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income or are occupied by lower or very low income households) or which had affordable rental dwelling units that have been vacated or demolished in the five-year period preceding the application; unless the proposed housing development replaces those units, and either of the following applies:
  - (i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in Government Code 65915(b), or
  - (ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.
- **C. Minimum project size to qualify for density bonus.** The density bonus shall be available only to a housing development that provides affordable housing in compliance with Chapter 17.32 (Inclusionary Housing Requirements), or in compliance with State law.
- **D.** Condominium conversion projects. A condominium conversion project is eligible for a density bonus or incentives, if it complies with the eligibility and other requirements in State law (Government Code Section 65915.5).
- **E.** "Sweat equity" developments. A "sweat equity" housing development is eligible for incentives in compliance with  $\S 17.31.045(B)(5)$  (Incentives for affordable housing projects Incentives for "sweat equity" developments).
- **F. Donations of land.** The donation of land makes a project eligible for a density bonus if it satisfies all of the requirements of Government Code Section <u>65915(g)</u>.

### **SECTION 3.**

Low Barrier Navigation Center

Supportive Housing

Amend Chapter 17.21.030 - Residential District Allowable Land Uses and Permit Requirements Table 2-1 as follows:

Table 2-1 as follows.							
TABLE 2-1	Р	Permi	tted us	se, Zor	ning Cl	earand	e required
Allowed Land Uses and Permit	MUP	Minor	Use P	ermit	requir	ed (see	e § <u>17.71.060</u> )
Requirements for Residential Zoning Districts	UP	Use P	ermit r	equire	d (see	§ <u>17.7</u>	<u>'1.060</u> )
Districts		Permi	t requi	iremer	it set b	y Spe	cific Use
	S	Regul	ations				
	_	Use no	ot allo	wed			
	PEF	PERMIT REQUIRED BY DISTRICT Specific U			Specific Use		
LAND USE (1)	RR	RS	RL	RM	RH	RVH	Regulations
RESIDENTIAL USES							
Group Home(s)	Р	Р	Р	Р	Р	Р	17.42.077

Р

Р

Р

Р

17.42.093

17.42.167

Р

Р

### **SECTION 4.**

Group Home(s)

Supportive Housing

Low Barrier Navigation Center

Amend 17.22.030 - Commercial District Land Uses and Permit Requirements Table 2-6 as follows:

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P MUP UP S	Permitted use, Zoning Clearance required Minor Use Permit required (see § 17.71.060)  Use Permit required (see § 17.71.060)  Permit requirement set by Specific Use Regulations  Use not allowed			e 71.060)	
	PERM	RMIT REQUIRED BY DISTRICT Specific Use				Specific Use
LAND USE (1)	CN	СО	CBD	CG	СН	Regulations
RESIDENTIAL USES						
Emergency shelter	_	_	_	P/UP	_	17.42.075

## SECTION 5. Add Chapter 17.42.075 Emergency Shelter in its entirety:

## 17.42.075 Emergency Shelter

A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) emergency Shelters shall comply with the standards of this Section. These standards apply in addition to the other provisions of this Development Code.

Р

Р

P/UP

P

Р

P/UP

Р

P/UP

Р

Р

P/UP

17.42.077

17.42.093

17.42.167

- B. **Definitions.** Definitions of the Emergency Shelters regulated by this Section are in Article 10 (Definitions) under "Emergency Shelter."
- C. **Permitting.** An emergency shelter with a capacity of 30 occupants or less shall be approved ministerially if it complies with the standards in 17.42.075D. An emergency shelter, with a capacity greater than 30 occupants, shall require a use permit approval.
- D. **Standards for Emergency Shelters.** An Emergency Shelter shall be approved if it complies with the following standards:
  - 1. **Location.** Emergency shelter facilities shall not be less than 300 feet from any other emergency shelter, as measured from the property line.
  - 2. **Maximum Number of Beds.** In order to avoid the concentration of impacts on residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, Emergency Shelters shall be allowed two beds times the maximum residential density

of the zoning district.

- Parking. Off-street parking shall be required based upon the demonstrated need by the
  applicant and approved by the Director of Community Development. Absent a
  demonstration of a lower need, parking shall be provided at the rate of 0.25 spaces/bed and
  one space/employee.
- 4. Waiting and Intake Areas. Adequate waiting areas must be provided within the premises for clients and prospective clients including 10 square feet per bed, minimum 100 square feet, to ensure that public sidewalks or private walkways are not used as queuing or waiting areas.
- 5. On Site Management. An on-site manager is required during all hours when the Emergency Shelter is open. The on-site manager shall be a person employed by the organization hosting the shelter. A shelter management plan shall be submitted as a part of the permit application and shall be followed during shelter operations. The Shelter Management Plan shall address the following:
  - a) Staffing. A minimum of one staff member per 15 beds shall be awake and on duty while the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff who have been convicted of a felony or who are required to register as a sex registrant under Penal Code 290.
  - b) **Hours.** The facility shall operate on a first-come, first-served basis with clients only permitted on site and admitted to the facility between 4:00 p.m. and 7:00 a.m. Clients must vacate the facility by 8:00 a.m. A curfew of 10:00 p.m. (or earlier) shall be established and strictly enforced and clients shall not be admitted after the curfew unless escorted to the shelter by a police officer.
  - c) **Security.** The facility shall have on-site security during all hours when the shelter is open. The service provider shall comply with the following minimum requirements:
    - I. Waiting Area Management. Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served, the monitor shall inform the client of alternative programs and locations where he or she may seek similar service.
    - II. **Incidents.** Service providers shall establish standards for responding to emergencies and incidents involving the expelling of clients from the facility. Re-admittance policies for clients who have previously been expelled from the facility shall also be established in partnership with the Police Department.
    - III. **Alcohol and illegal drug use**. Service providers shall expel clients from the facility if found to be using alcohol or illegal drugs.
    - IV. **Lighting.** Exterior lighting shall be provided for the entire outdoor and parking area of the property. All lighting shall comply with the City's Lighting Ordinance.
  - d) Referrals and Coordinated Entry integration. Service providers shall maintain upto-date information and referral sheets to give clients. Service providers will educate on-site staff to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income, including referrals to outside assistance agencies.

- e) Screening. Service providers shall provide criteria to screen clients for admittance, with the objective to provide first service to individuals with connections to the City of Fort Bragg.
- f) **Length of Stay.** Service providers will maintain information on individuals utilizing the facility and will ensure that the maximum length of stay at the facility shall not exceed six months in a 365-day period.
- g) Avoidance of Nuisance Conditions.
  - I. Service providers shall provide for the timely removal of litter attributable to clients within the vicinity of the facility every 24-hour period.
  - II. Noise generated from the Emergency Shelter shall not exceed the standards in Chapter 9.44.
  - III. Service providers will maintain good communication and have procedures in place to respond to operational issues which may arise from the neighborhood, City staff, or the general public.
  - IV. All graffiti on the premises shall be removed by the business operator within 24 hours.
- h) Other Activity Areas. The facility may also provide the following services:
  - I. Outdoor recreation. Areas shall be enclosed with a six-foot-high fence or wall to separate the residents from neighboring properties.
  - II. A counseling center for job placement, educational, life skills, health care, legal services, mental health services, substance abuse treatment, childcare, etc.
  - III. Laundry facilities to serve the number of clients at the shelter.
  - IV. Kitchen and dining area.
  - V. Client storage areas. Areas shall be enclosed and protected from rain and theft.
  - VI. Toilets. Service providers shall provide sufficient numbers of male and female toilets to comply with the Building Code.
- i) Other requirements as deemed necessary by the City to ensure that the facility does not create a nuisance.

SECTION 6. Chapter 17.42.077 Group Homes is hereby added in its entirety:

# 17.42.077 Group Homes

- A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) group homes shall comply with the standards of this Section.
- B. **Definitions.** The definitions of the Group Homes regulated by this Section is in Article 10 (Definitions).
- C. Permitting Requirements.
  - a. **Six or Fewer Residents**. Group homes that operate as single-family residences and that provide licensable and/or licensable services to six or fewer residents can locate in any single-family neighborhood, subject only to the generally applicable, nondiscriminatory health, safety, and zoning laws that apply to all single-family residences.
  - b. Seven or More Residents. Group Homes that provide licensable or un-licensable

- services to seven or more residents are subject to a Use Permit.
- c. If a group home qualifies as either supportive or transitional housing it must comply with Section 17.42.167.

SECTION 7. Chapter 17.42.093 Low Barrier Navigation Center is hereby added in its entirety:

## 17.42.093 Low Barrier Navigation Center

- D. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) Low Barrier Navigation Center shall comply with the standards of this Section. This section implements Government Code section 65660.
- E. **Definitions.** The definitions of the Low Barrier Navigation Center regulated by this Section is in Article 10 (Definitions).
- **F. Low Barrier Navigation Center (Center) Permitting Requirements.** All centers must meet the following minimum requirements:
  - a. The Center must connect people to permanent housing through a services plan that identifies services staffing.
  - b. The Center must be linked to a coordinated entry system, so that staff in the interim facility or staff who colocate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
  - c. The Center must comply with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
  - d. The Center must have a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
- G. **Permit Processing Time.** The City shall notify the developer whether the application is complete within 30 days of receipt of an application. After the application is deemed complete, the City shall complete its administerial review of the application within 60 days for smaller projects (50 or fewer units) and the conditional use permit review with 120 days for larger projects (more than 50 units).

**SECTION 8.** Chapter 17.42.166 Supportive Housing is hereby added in its entirety:

# 17.42.167 Supportive Housing

A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) emergency Shelters shall comply with the standards of this Section. This section implements

Government Code section 65583 and sections 65650 – 65656.

- B. **Definitions.** The definition of Supportive Housing regulated by this Section is in Article 10 (Definitions).
- C. Supportive Housing Permitting Requirements.
  - 1. Supportive housing is allowed by right in multifamily residential zoning districts.
  - 2. Supportive housing is allowed by right in commercial zoning districts where all the following requirements are met, otherwise a Use Permit is required.
    - a) Units are subject to a recorded affordability restriction for 55 years.
    - b) 100 percent of the units (except manager units) are dedicated to lower income households and are receiving public funding to ensure affordability.
    - c) At least 25 percent of the units or 12 units, whichever is greater, are restricted to residents in supportive housing. If development is less than 12 units then 100 percent of units (except manager units) are restricted to residents in supportive housing.
    - d) The project includes less than 50 Supportive Housing Units.
    - e) The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915.
  - 3. Supportive housing is eligible for a density bonus, concessions and incentives per Chapter 17.31.
- D. Permit Processing Time. The City shall notify the developer whether the application is complete within 30 days of receipt of an application. After the application is deemed complete, the City shall complete its administerial review of the application within 60 days for smaller projects (50 or fewer units) and the conditional use permit review with 120 days for larger projects (more than 50 units).
- E. **Standards for Supportive Housing.** Supportive Housing shall comply with the following standards:
  - 1. **Supportive Services Plan Required**. The Project Applicant shall submit a plan for providing supportive services for approval by the Director of Community Development. The supportive services plan shall include the following:
    - a) Documentation of the supportive services that will be provided on-site.
    - b) The name of the supportive service provider/entity.
    - c) Funding sources for the proposed supportive services.
    - d) Proposed staffing levels for the supportive services.
  - 2. The supportive housing project shall comply with the objective development standards of this Development Code that apply to multifamily housing development.
  - 3. Non-residential floor area shall be provided in the development for on-site supportive services in the following amounts:
    - a) A minimum of 90 square feet for developments that are 20 or fewer units.
    - b) At least 3 percent of the total non-residential floor area for developments that are greater than 20 units.
  - 4. Any change to the occupancy of the supportive housing units is made in a manner that minimizes tenant disruption and only upon the vacancy of the supportive housing

units.

- 5. All units (except manager units) shall include at least one bathroom and a kitchen or other cooking facilities.
- F. **Parking Exception**. No parking is required for supportive housing developments located within one-half mile of a public transit stop.
- G. **Reduction in number of supportive housing units**. The City shall, at the request of the project owner, reduce the number of residents required to live in supportive housing if the project-based rental assistance or operating subsidy for a supportive housing project is terminated through no fault of the project owner, but only if all of the following conditions have been met:
  - 1. The owner demonstrates that it has made good faith efforts to find other sources of financial support.
  - 2. The reduction in the number of supportive housing units is restricted to the minimum necessary to maintain the project's financial feasibility.
  - 3. Change to the occupancy of the supportive housing units minimizes tenant disruption and occurs only upon vacancy of a supportive housing unit.

#### SECTION 9.

The Definitions Chapter is hereby amended to add the following definitions:

#### 17.200 Definitions

**Emergency Shelter.** A facility for the temporary shelter and feeding of indigents or disaster victims, operated by a public or nonprofit agency. Emergency shelter is housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. Emergency Shelter also includes other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care. Emergency shelter does not include the emergency weather shelter which is set up for a period of less than 14 days and is regulated through the limited term permit process in all zoning districts.

**Group Homes.** Housing shared by unrelated persons with disabilities that provide peer and other support for their residents' disability related needs and in which residents share cooking, dining, and living areas, and may, in some group homes, participate in cooking, housekeeping, and other communal living activities.

Low Barrier Navigation Center. A Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. A Low Barrier Navigation Center may be non-congregate and relocatable. "Low Barrier" means utilization of best practices to reduce barriers to entry, and may include, but not be limited to, the following: 1) allowing the presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth; 2) allowing pets, 3) providing space for the storage of possessions; and 4) providing privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

**Supportive Housing.** Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

<u>SECTION 10.</u> Effective Date and Publication. This Ordinance shall become effective upon its certification by the Coastal Commission. Within fifteen (15) days after the passage of this Ordinance by the Coastal Commission, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

**SECTION 11.** Fort Bragg City Council does hereby approve LCP 2-25 to Amend Chapter 17.42.200 "Urban Unit Development," and Chapter 17.84.045 "Urban Lot Split," to Incorporate Comments From HCD into Regulations and Standards for Urban Lot Splits and Urban Unit Residential Development Projects in Low Density Residential Zoning Districts Pursuant to Senate Bill 9.

	Ordinance was introduced by Councilmember at a
	e City Council of the City of Fort Bragg held on June 9, 2025, and remeeting of the City of Fort Bragg held on, by the
following vote:	
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
RECUSE:	
	Jason Godeke, Mayor
ATTEST:	
Diana Baali	
Diana Paoli,	
City Clerk	
PUBLISH:	May 29, 2025 and Date, 2025 (by summary).
EFFECTIVE DATE:	15 Day after Certification by the California Coastal Commission

#### **RESOLUTION NO. PC 10-2025**

# RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT:

- 1. An Ordinance Amending Various Sections of Division 18 (ILUDC) of the Fort Bragg Municipal Code (ZON 4-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites; and
- 2. An Ordinance Amending Various Sections of Division 17 (CLUDC) of the Fort Bragg Municipal Code (ZON 5-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites.

**WHEREAS,** California Constitution Article XI, Section 7, enables the City of Fort Bragg (the "City") to enact local planning and land use regulations; and

**WHEREAS**, the authority to adopt and enforce zoning regulations is an exercise of the City's police power to protect the public health, safety, and welfare; and

WHEREAS, the City of Fort Bragg ("City") adopted a General Plan in 2002 which established policies for all lands within Fort Bragg city limits and its sphere of influence; and

WHEREAS, the City adopted a Coastal General Plan ("Coastal GP") as the Land Use Plan portion of the Local Coastal Program on May 12, 2008 which established policies for all land within the Fort Bragg Coastal Zone; and

WHEREAS, in August 2008 the California Coastal Commission certified the City's Local Coastal Program (LCP) which includes the Coastal GP as the Land Use Plan; and

**WHEREAS,** The City Council adopted Resolution 3162-2008 on May 12, 2008 adopting the Coastal General Plan; and

WHEREAS, the City adopted a Coastal Land Use and Development Code in 2008 as the implementing portion of the Local Coastal Program on May 12, 2008, which established all land use regulations for the Coastal Zone; and

WHEREAS, the Coastal General Plan includes policies to: (1) advance the orderly growth and development of the City's Coastal Zone; (2) protect coastal resources; (3) incorporate sustainability into the development process so that Fort Bragg's coastal resources and amenities are preserved for future generations; (4) respond to current environmental and infrastructure constraints; (5) protect the public health, safety and welfare; and (6) promote fiscally responsible development; and

**WHEREAS,** the availability of housing is a substantial concern for individuals of all demographics, ages, and economic backgrounds in communities throughout the State of California; and

WHEREAS, on September 16, 2021, California Governor Gavin Newsom signed Senate Bill 9 (SB-9) into law as part of an effort to address the State's housing crisis by

streamlining housing production; and

WHEREAS, the new legislation became effective on January 1, 2022, and requires local agencies to ministerially approve urban lot splits and development of up to four residential units per single family residential lot provided the projects meet certain criteria; and

**WHEREAS**, the City wishes to balance compliance with State law with the rights still preserved under the new legislation authorizing the City to establish objective zoning, subdivision and design review standards consistent with SB-9 requirements to approve urban lot splits and urban unit residential development; and

WHEREAS, The project is exempt from CEQA under Section 15061.b.3 the "Common Sense exemption", Gov Code 65583.a.4.D; and

WHEREAS, the "activities and approvals by a local government necessary for the preparation and adoption of a local coastal program or long range development plan" pursuant to the California Coastal Act are statutorily exempt from compliance with CEQA, and this statutory exemption "shifts the burden of CEQA compliance from the local agency to the California Coastal Commission (CEQA Guidelines § 15265 (c)); and

WHEREAS, the Community Development Committee held a duly noticed public hearing on May 17, 2023, to discuss a memo about SB-9 implementation in Fort Bragg; and public comments were given at that time; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 11, 2023, to consider the Zoning Amendments, accept public testimony, and: 1) adopted resolution recommending a zoning amendment to add Chapter 18.42.200 "Urban Unit Development", and Chapter 18.84.045 "Urban Lot Split" to the ILUDC as well as make relevant changes and additions to the definitions and land use chapters of the zoning ordinances; and 2) adopted a resolution recommending an LCP amendment to add Chapter 17.42.200 "Urban Unit Development", and Chapter 17.84.045 "Urban Lot Split" to the CLUDC as well as make relevant changes and additions to the definitions and land use chapters of the zoning ordinances.

WHEREAS, the City Council held duly noticed public hearings on December 11, 2023 and January 22, 2024 and adopted: 1) an ordinance amending Division 18 of the Fort Bragg Municipal Code (ILUDC 2-23) to amend Chapter 18.21.030(b) & 18.21.050 "Residential Zoning Districts," add Chapter 18.42.200 "Urban Unit Development," add chapter 18.84.045 "Urban Lot Split," and amend Chapter 18.100 "definitions" to establish regulations and standards for urban lot splits and urban unit residential development projects in low density residential zoning districts pursuant to senate bill 9; and 2) a Resolution of the Fort Bragg City Council submitting an LCP Amendment (LCP 2-23) application to the Coastal Commission to amend Title 17 of the Fort Bragg Municipal Code to amend Chapter 17.21.030(b) & 17.21.050 "Residential Zoning Districts", add chapter 17.42.200 "Urban Unit Development", add chapter 17.84.045 "Urban Lot Split", and amend Chapter 17.100 "Definitions" to establish regulations and standards for urban lot splits and urban unit residential development projects in low-density residential zoning districts pursuant to senate bill 9.

WHEREAS, Marie Jones Consulting submitted, on behalf of the City of Fort Bragg, the requested LCP amendment to the staff of the California Coastal Commission in June of 2024 and the adopted ILUDC ordinance to the staff of the Department of Housing and

Community Development (HCD) in May of 2024 for their required review upon completion of the City action, and

WHEREAS, HCD submitted a letter dated February 19, 2025 requesting additional changes to the submitted Urban Lot Split and Urban Unit Development zoning ordinances; and

**WHEREAS,** the Coastal Commission requested that the City resubmit the CLUDC amendment in ordinance format incorporating the recommended changes of HCD, and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on May 14, 2025, to consider the Zoning Amendments; and

NOW, THEREFORE, BE IT RESOLVED that the City of Fort Bragg Planning Commission, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; the Project application; all reports and public testimony submitted as part of the Planning Commission meeting of May 14, 2025 and Planning Commission deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of Fort Bragg does hereby make the following findings and determinations:

**NOW, THEREFORE, BE IT FURTHER RESOLVED p**ursuant to Fort Bragg Municipal Code Section 17.94.040 and Section 17.94.060 the following findings are the Planning Commissions reasons for recommending amendments to the Fort Bragg **Coastal** Land Use and Development Code:

- a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
  - As noted in the General Plan Consistency Analysis, which is Attachment 2 to the staff report and incorporated by reference under the resolution statement above, the project is consistent with the Coastal General Plan as follows:
  - 1. The proposed project is consistent with the land use designations of the Land Use Element of the Coastal General Plan (CGP) because state law does not allow local jurisdictions to include the four units allowed through an Urban Lot Split and subsequent development in their density calculations. Thus, while the amendments will allow "higher" residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
  - 2. The proposed amendment is consistent with the following applicable General Plan policies: Policy LU-10.2, Policy LU-10.4, Policy LU-10.6, Policy LU-5.7, Policy LU-10.1, Policy PF-1.1, Policy PF-2.1, Policy CD-1.1: Policy CD-2.4 and Policy CD-2.5
  - 3. The proposed amendment would be consistent with the policies of the Conservation Element as a CDP is required if the project is located in an area that has the potential to effect Environmentally Sensitive Habitats, Wetlands, visual resources or on other Coastal Act resources as illustrated in the Maps of the Coastal General Plan.
- b. The proposed amendment would not be detrimental to the public interest, health,

safety, convenience, or welfare of the City.

The proposed amendment is mandated by State Law as such it is in the public interest to permit additional opportunities for residential housing development, which will provide for better convenience and welfare for the residents of the City of Fort Bragg as it will result in additional housing units. The proposed amendment requires conformance with all applicable building codes which will ensure healthy and safe housing.

- c. The proposed amendment is internally consistent with other applicable provisions of this Development Code.
  - The Proposed Amendment is consistent with CLUDC standards with the following State mandated exception.
  - Lot Coverage: As mandated by state law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
  - Set Backs: As mandated by state law, housing units developed as a consequence
    of this ordinance have an exception from the code requiring only 4 feet setbacks
    on the rear and side property lines. Additionally, front yard setbacks must be
    reduced if two 800 SF units cannot otherwise be constructed on a lot created
    through an Urban Lot Split.
  - Parking and Traffic: Again, in compliance with State law, City Council may require
    that housing units developed as a consequence of this ordinance provide off-street parking
    so long as that requirement does not preclude an applicant from building at least two units
    of 800 SF each.
- d. The documents and other material constituting the record for these proceedings are located at the Community Development Department, and
- e. The foregoing recitals are true and correct and made a part of this Resolution; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED p**ursuant to Fort Bragg Municipal Code Section 18.94.040 and Section 18.94.060 the following findings are the Planning Commissions reasons for recommending amendments to the Fort Bragg **Inland** Land Use and Development Code:

- f. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City as it intends amendments to be consistent with recently adopted State laws; and
- g. The proposed amendment is consistent with the General Plan and any applicable specific plan.
- h. The proposed project is consistent with the land use designations of the Land Use Element of the General Plan because state law does not allow local jurisdictions to include the four units allowed through an Urban Lot Split and subsequent development in their density calculations. Thus, while the amendments will allow "higher" residential densities, State law does not allow local jurisdictions to count these increases in density towards density limitations. Thus, density limitations do not need to be modified in the Land Use Element.
- i. The proposed amendment is consistent with and implements the following applicable General Plan policies: Policy LU-6.1, Policy PF-1.2, Policy PF-2.1, Policy CD-1.2, Policy H-1.6, Policy H-2.9, Policy H-3.2, and Program H-4.1.2.
- j. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

- k. The proposed amendment is mandated by State Law as such it is in the public interest to permit additional opportunities for residential housing development, which will provide for better convenience and welfare for the residents of the City of Fort Bragg. The proposed amendment requires conformance with all applicable building codes which will ensure healthy and safe housing.
- I. The proposed amendment is internally consistent with other applicable provisions of this Development Code.
- m. The Proposed Amendment is consistent with ILUDC standards with the following State mandated exceptions.
  - Lot Coverage: As mandated by state law, housing units developed as a consequence of this ordinance must be exempt from lot coverage calculations if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
  - Setbacks: As mandated by state law, housing units developed as a consequence of this ordinance have an exception from the code requiring only 4 feet setbacks on the rear and side property lines. Additionally, front yard setbacks must be reduced if two 800 SF units cannot otherwise be constructed on a lot created through an Urban Lot Split.
  - Parking and Traffic: Again, in compliance with State law, City Council may require that housing units developed as a consequence of this ordinance provide off-street parking so long as that requirement does not preclude an applicant from building at least two units of 800 SF each.
- n. The project is exempt from CEQA, as a zoning amendment to implement the provisions of Sections 65852.1 and Section 66411.7 of the Government Code is exempt from CEQA by those code sections; and
- o. The documents and other material constituting the record for these proceedings are located at the Community Development Department, and
- p. The foregoing recitals are true and correct and made a part of this Resolution; and

# **NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Fort Bragg Planning Commission does hereby recommend the City Council adopt:

- 1. An Ordinance Amending Various Sections of Division 18 (ILUDC) of the Fort Bragg Municipal Code (ZON 4-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites; and
- 2. An Ordinance Amending Various Sections of Division 17 (CLUDC) of the Fort Bragg Municipal Code (ZON 5-25) to Implement Changes in State Law for New and Revised Regulations Related to Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of Density Bonus to Non-Vacant Sites.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that this Resolution shall become effective immediately upon its passage and adoption.

The above and foregoing Resolution was introduced by Commissioner Turner, seconded by Commissioner Bushnell, and passed and adopted at a regular

meeting of the Planning Commission of the City of Fort Bragg held on the 14th day of May, 2025, by the following vote:

AYES:

Stavely, Turner, Bushnell, Neils.

NOES:

None. Jensen.

ABSENT: ABSTAIN: None.

RECUSE: None.

David Jensen, Chair FOR

ATTEST:

Maria Flynn, Administrative Assistant



# CITY OF FORT BRAGG

Incorporated August 5, 1889 416 N. Franklin Street, Fort Bragg, CA 95437 Phone: (707) 961-2827 Fax: (707) 961-2802 www.FortBragg.com

## **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Fort Bragg City Council will conduct a public hearing at a regular meeting to be held at 6:00 p.m., or as soon thereafter as the matter may be heard, on Monday, June 9, 2025, at Town Hall, southwest corner of Main and Laurel Streets (363 N. Main Street), Fort Bragg, California 95437. The public hearing will concern the following item:

APPLICATION:

Zoning Amendment 4-24 (ZON 4-25), Zoning Amendment 5-25

(ZON 5-25)

FILING DATE:

4/20/2025

APPLICANT:

City of Fort Bragg

PROJECT:

Zoning Amendments to the Coastal and Inland Zoning Codes to Implement Changes in State Law in New and Revised Regulations Regarding Emergency Shelters, Group Homes, Low Barrier Navigation Centers, Supportive Housing, and the Granting of

Density Bonus to Non-Vacant Sites.

LOCATION:

Residential and Commercial Zoning Districts in the Coastal Zone and the

Inland Area.

**ENVIRONMENTAL** 

**DETERMINATION:** 

Exempt from CEQA under Section 15061.b.3 the "Common Sense

Exemption", Gov Code 65583.a.4.D, and Section 15265A1 for LCP

Amendments.

Public Comment regarding this Public Hearing may be made in any of the following ways: (1) Emailed to <a href="maileo:cityclerk@fortbragg.com">cityclerk@fortbragg.com</a> (2) Written comments delivered to City Hall, 416 N. Franklin Street before 2:00 PM on the day of the meeting; or (3) Verbal comments made during the meeting, either in person at Town Hall or virtually using Zoom if a Zoom link is provided at the time of agenda publication. Comments received via email will be provided to the City Council and reflected in the packet. Comments will not be read verbally at the meeting. All comments received after 2:00 PM on the day of the meeting will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, exempt comments are those in an unrecognized file type or too large to upload to City Agenda software.

Staff reports and other documents that will be considered by City Council will be made available for review on the City's website: https://cityfortbragg.legistar.com/Calendar.aspx, at least 72 hours prior to the City Council meeting, and are also available for review and/or copying during normal office hours at Fort Bragg City Hall, 416 N. Franklin Street. To obtain application materials or for more information, please contact the City Clerk, via email at cityclerk@fortbragg.com. At the conclusion of the public hearing, the City Council will consider a decision on the above matter.

Appeal process and fee schedule: Decisions of the City Council shall be final unless appealed to the Coastal Commission in writing within ten (10) days thereafter If you challenge the above case in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Community Development Department at, or prior to, the public hearing.

Suma Vaw
Diana Paoli, City Clerk

POSTING/MAILING ON OR BEFORE:

May 29, 2025

**PUBLICATION DATE:** 

May 29, 2025

STATE OF CALIFORNIA ) ) ss. COUNTY OF MENDOCINO )

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg; and that I caused this notice to be posted in the City Hall Notice case on or before May 29, 2025.

cc: Coastal Commission

"Notify Me" Subscriber Lists



#### CIUDAD DE FORT BRAGG

Incorporado August 5, 1889 416 N. Franklin Street, Fort Bragg, CA 95437 Teléfono: (707) 961-2827 Fax: (707) 961-2802 www.FortBragg.com

#### **AVISO DE AUDIENCIA PÚBLICA**

**SE NOTIFICA** que el Ayuntamiento de Fort Bragg celebrará una audiencia pública en sesión ordinaria a las 18:00 h, o tan pronto como se trate el asunto, el lunes 9 de junio de 2025 en el Ayuntamiento, esquina suroeste de las calles Main y Laurel (363 N. Main Street), Fort Bragg, California 95437. La audiencia pública tratará el siguiente tema:

SOLICITUD: Enmienda de zonificación 4-24 (ZON 4-25), Enmienda de

zonificación 5-25 (ZON 5-25)

FECHA DE PRESENTACIÓN: 20/04/2025 SOLICITANTE: Ciudad de Fort Bragg

PROYECTO: Enmiendas de zonificación a los códigos de zonificación costera e

interior para implementar cambios en la ley estatal en regulaciones nuevas y revisadas con respecto a refugios de emergencia, hogares grupales, centros de navegación de baja barrera, viviendas de apoyo y la concesión de bonificaciones de densidad a sitios no vacantes.

UBICACIÓN: Distritos de Zonificación Residencial y Comercial en la Zona Costera y el

Área Interior.

**AMBIENTAL** 

DETERMINACIÓN: Exento de CEQA según la Sección 15061.b.3, la "Exención de

sentido común", Código de Gobierno 65583.a.4.D y la Sección

15265A1 para enmiendas LCP.

Los comentarios públicos sobre esta Audiencia Pública se pueden hacer de cualquiera de las siguientes maneras: (1) Enviar por correo electrónico a <a href="cityclerk@fortbragg.com">cityclerk@fortbragg.com</a> (2) Los comentarios escritos se entregan al Ayuntamiento, 416 N. Franklin Street antes de las 2:00 p. m. del día de la reunión; o (3) Los comentarios verbales se hacen durante la reunión, ya sea en persona en el Ayuntamiento o virtualmente usando Zoom si se proporciona un enlace de Zoom en el momento de la publicación de la agenda. Los comentarios recibidos por correo electrónico se proporcionarán al Ayuntamiento y se reflejarán en el paquete. Los comentarios no se leerán verbalmente en la reunión. Todos los comentarios recibidos después de las 2:00 p. m. del día de la reunión se convertirán en una parte permanente del paquete de la agenda el día después de la reunión o lo antes posible; los comentarios exentos son aquellos en un tipo de archivo no reconocido o demasiado grande para cargarlo al software City Agenda.

Los informes del personal y demás documentos que el Ayuntamiento considerará estarán disponibles para revisión el sitio web de la Ciudad: su en https://cityfortbragg.legistar.com/Calendar.aspx, al menos 72 horas antes de la reunión del Ayuntamiento, y también están disponibles para su revisión o copia durante el horario de oficina habitual en el Ayuntamiento de Fort Bragg, 416 N. Franklin Street. Para obtener los materiales de solicitud o más información, comuníquese con el Secretario Municipal por correo electrónico a cityclerk@fortbragg.com. Al finalizar la audiencia pública, el Ayuntamiento considerará una decisión sobre el asunto mencionado.

Proceso de apelación y escala de tarifas: Las decisiones del Concejo Municipal serán definitivas a menos que se apelen por escrito ante la Comisión Costera dentro de los diez (10) días posteriores. Si impugna el caso anterior ante el tribunal, es posible que se le limite a plantear solo los problemas que usted u otra persona planteó en la audiencia pública descrita en este aviso o en la correspondencia escrita entregada al Departamento de Desarrollo Comunitario en la audiencia pública o antes de ella.

Diana Paoli, Secretaria Municipal

ENVÍO POR CORREO **EL 29 de** mayo de 2025 O ANTES FECHA DE PUBLICACIÓN: 29 de mayo de 2025

ESTADO DE CALIFORNIA )

) artículos.

CONDADO DE MENDOCINO )

Declaro, bajo pena de perjurio, que soy empleado de la Ciudad de Fort Bragg y que hice que este aviso se publicara en la caja de Avisos del Ayuntamiento el 29 de mayo de 2025 o antes.

Diana Paoli, Secretaria Municipal

cc: Comisión Costera

Listas de suscriptores de "Notificarme"



#### **City of Fort Bragg**

416 N Franklin Street Fort Bragg, CA 95437 Phone: (707) 961-2823 Fax: (707) 961-2802

#### **Text File**

File Number: 25-212

Agenda Date: 6/9/2025 Version: 1 Status: Public Hearing

In Control: City Council File Type: Staff Report

Agenda Number: 7D.

Receive a Report, Hold a Public Hearing, and Consider Adoption of a City Council Resolution Updating the City's Fee Schedule to Include MCN and Municipal Broadband Service Fees;

Statutorily Exempt 14 CCR 15273



#### CITY COUNCIL STAFF REPORT

TO: City Council DATE: June 9, 2025

**DEPARTMENT:** Administration & Finance Department

PREPARED BY: Isaac Whippy, City Manager

PRESENTER: Isaac Whippy, City Manager

AGENDA TITLE: Conduct Public Hearing to consider the Adoption of Municipal

**Broadband/MCN Fees for MCN and Related Fiber Optic services** 

#### RECOMMENDATION

Conduct a public hearing to consider the adoption of Municipal Broadband/MCN Fees and make updates to the City of Fort Bragg Fee Schedule

#### **BACKGROUND**

The City recently acquired Mendocino Community Network (MCN) as part of its broader municipal broadband initiative to provide reliable, high-speed internet access to residents and businesses in Fort Bragg. This item establishes the fees that will govern MCN services and broadband going forward.

Importantly, no existing MCN fees are being increased at this time. The proposed fee schedule mirrors MCN's current rates, as provided in Exhibit B of the acquisition packet. The only new fees to the customer are for the City's fiber-optic broadband services, developed to comply with funding conditions tied to the California Public Utilities Commission's Federal Funding Account (FFA) grant.

These fiber service fees were incorporated into the broadband financial pro forma and are projected to generate sufficient revenue to cover the utility's operating costs and annual debt service obligations associated with the broadband infrastructure investment.

#### **DISCUSSION AND ANALYSIS**

The City's broadband fee strategy is based on a cost recovery model that ensures longterm fiscal sustainability and avoids any reliance on the General Fund. The strategy includes:

No change to existing MCN dial-up and DSL service rates

- New fiber-optic broadband service fees, aligned with infrastructure costs, staffing, and ongoing operations
- A combination of fixed rates and deposit-based (time and materials) fees, depending on the service provided

This approach is consistent with best practices in utility rate-setting and complies with state laws governing municipal service fees.

#### Fiber Plans:

The following rate structure outlines the fiber-optic residential service tiers the City will offer through MCN, using a modern, marketable naming system to support user engagement and outreach:

	MCN FIBER PLANS				
PLAN NAME	MONTHLY RATE	SPEED	IDEAL FOR		
Fiber Breeze (Low-Income qualify)	\$40	500 Mbps	Everyday browsing, Zoom calls, HD Streaming		
FiberCore	\$50	1 Gig	Multi-device homes, 4K streaming, remote work		
FiberBlaze	\$70	2 Gig	Multi-device homes, 4K streaming, remote work. Power users, online gaming, smart homes		
FiberEdge	\$90	5 Gig	Creators, professionals, heavy upload/download households. Advance tech use. Constant, high-volume data flow		
FiberUltra	\$110	10 Gig	Maximum performance for businesses & future-ready homes		

#### Installation costs:

Standard Installation includes up to 150 feet of fiber drop from the City right-of-way to the customer's premises, along with basic restoration of any areas disturbed during the installation process.

If the required fiber drop exceeds 150 feet or involves complex conditions, such as boring under driveways, sidewalks, or other hardscapes, additional fees may apply based on hourly labor rates and material costs. A cost estimate will be provided in advance for any non-standard installations.

#### MCN Current Rates

The City's broadband pricing model was developed to ensure both sustainability and market competitiveness:

- Fusion service rates are based on a markup of Sonic's rates.
- The Open Air package was priced to match Fusion (with digital voice), offering a cost-effective option for customers not needing phone service.
- By removing Sonic as a middleman, Open Air provides a higher profit margin, with even better returns when bundled with City-provided VOIP phone service.
- Rates were compared to Comcast and Further Reach offerings and set below both to enhance affordability and drive subscriber growth.

#### <u>Financial Projections:</u>

Together with MCN's legacy service fees, these plans are projected to generate approximately \$2,305,505 in annual revenue, based on projected subscriber uptake as outlined in the City's broadband business plan.

This anticipated revenue will support:

- Ongoing operations and maintenance of the City's fiber-optic network;
- Customer service, billing, and technical support infrastructure;
- Annual debt service payments tied to the City's \$7.4 million investment in broadband infrastructure.

This rate structure ensures that the MCN broadband utility is financially self-sustaining, fulfills the terms of the CPUC grant, and maintains quality service delivery without the use of General Fund dollars. The City will continue to monitor cost recovery, system performance, and market competitiveness annually and make adjustments as necessary.

No additional fee increases are proposed at this time.

#### LEGAL FRAMEWORK

The proposed fees comply with all applicable state requirements, including Government Code Section 66018, which governs the process for adopting service-related fees. This statute requires:

- Advance public notice and publication of the proposed fees;
- A public hearing to receive input from the community;
- A minimum 60-day waiting period before newly adopted fees take effect.

The City has fully satisfied all procedural and public notice obligations.

The MCN enterprise is scheduled to be officially operated by the City of Fort Bragg effective July 1, 2025. As part of the transition, existing MCN service rates (such as dial-up and DSL) will remain in place without modification. Because these fees are already established and in use, the City will not impose a 60-day waiting period on their continued collection. This ensures a seamless transition for existing customers and uninterrupted service delivery during the operational handoff.

Only the newly introduced fiber-optic service fees will become effective 60 days after adoption, as required under state law. The fees proposed here are fees for the use of City property. Regardless, the fees have been determined to not exceed the cost of providing the service for which the fees are charged.

#### **FISCAL IMPACT**

The proposed fees are essential to the financial health and long-term sustainability of the City's municipal broadband utility. Based on the broadband financial pro forma and projected subscriber levels, the combination of existing MCN service fees and newly adopted fiber-optic broadband fees is estimated to generate approximately \$2,305,505 in annual revenue.

This revenue will support the following key components:

- Operations and maintenance of both fiber-optic and legacy broadband infrastructure;
- Customer service, billing, network management, and administrative support;
- Annual debt service payments tied to the City's \$17.4 million broadband infrastructure investment, including the \$10.4 million Federal Funding Account (FFA) grant administered by the California Public Utilities Commission.

To ensure financial transparency and accountability, the Broadband Utility will be structured as a separate Enterprise Fund, distinct from the City's General Fund. This separation guarantees that broadband-related revenues and expenditures are independently tracked and used solely for broadband operations, infrastructure, and related obligations.

The fee structure is rooted in a cost recovery model, which aligns with Government Code requirements and best practices in municipal utility management. Rates have been set at levels that are competitive, affordable, and sufficient to meet all operating and capital obligations without the need for General Fund support. All fees proposed for adoption do not exceed the cost of the service and supporting infrastructure for which they are imposed. A key fiscal goal of the Broadband Utility is to ensure that revenues remain sustainable and proportionate to long-term operational and infrastructure costs. The City will regularly monitor system performance, subscriber trends, and financial results to adjust rates as needed and maintain service reliability and fiscal discipline.

This approach reflects a forward-thinking, fiscally responsible investment in local infrastructure, digital equity, and community resilience.

#### STRATEGIC GOALS CONSISTENCY

The adoption of the broadband fee schedule directly supports multiple goals outlined in the City of Fort Bragg's 2024–2028 Strategic Plan, specifically:

- Goal 1 Invigorate Economic Opportunity and Community Vibrancy
   The City's investment in a municipally operated fiber-optic broadband network
   expands access to high-speed internet, supporting local businesses, remote
   workers, students, and entrepreneurs. Affordable broadband services enhance
   digital inclusion, attract modern industries, and improve quality of life.
- Goal 2 Implement Resilient Infrastructure and Encourage Environmental Stewardship
  Establishing a financially sustainable broadband utility aligns with the City's infrastructure modernization objectives. A robust, locally controlled network improves resilience, supports smart city capabilities, and complements other forward-thinking infrastructure investments such as solar energy and water system upgrades.
- Goal 5 Fund Our Future with Financial and Fiscal Responsibility
   The broadband fee structure is grounded in a cost recovery model that ensures the
   utility is self-sustaining, without reliance on the General Fund. It enables the City to
   meet ongoing operational needs and service debt associated with its \$7.4 million
   broadband infrastructure investment, while maintaining affordability for users.
- Goal 6 Champion a Sustainable Municipal Organization
   By acquiring and operating MCN, the City is demonstrating innovation, self-reliance,
   and long-term thinking in the delivery of essential services. This initiative positions
   the City as a forward-looking organization capable of managing complex public
   utilities while centering

#### **ATTACHMENTS**

- Exhibit A Resolution Adopting MCN & Broadband Fees
- Exhibit B+C- Broadband Fee Schedule (MCN+ Fiber Optic Services)
- Exhibit D Public hearing Notice (Published)

## RESOLUTION NO. xxxx-2025 RESOLUTION OF THE FORT BRAGG CITY COUNCIL

## ADOPTING BROADBAND AND MENDOCINO COMMUNITY NETWORK(MCN) FEES FOR THE CITY'S MUNICIPAL FIBER-OPTIC BROADBAND UTILITY

WHEREAS, the City of Fort Bragg has acquired the Mendocino Community Network (MCN) as part of its municipal broadband initiative to expand high-speed, reliable, and locally managed internet access to residents and businesses; and

**WHEREAS**, the City intends to operate MCN as a municipal broadband utility, beginning July 1, 2025; and

**WHEREAS**, the City proposes to maintain MCN's existing service rates (dial-up, DSL, and related services) and adopt new fees for municipal fiber-optic broadband services consistent with the financial pro forma, infrastructure investment, and grant requirements associated with the \$17.4 million broadband project; and

**WHEREAS**, Government Code Section 66016 requires that prior to adopting new or increased fees, the City Council must conduct a duly noticed public hearing and provide supporting documentation at least 10 days in advance; and

**WHEREAS**, a public hearing was held on June 10, 2025, at which time all interested persons were given the opportunity to be heard concerning the proposed fee schedule; and

**WHEREAS**, the City Council finds that the proposed service fees:

- Are based on the reasonable cost of providing broadband services;
- Are necessary to fund operations, maintenance, customer service, capital improvements, supplies, equipment and materials, and debt obligations related to the broadband utility;
- Do not exceed the cost of service for which the fees are imposed; and
- Are consistent with the grant funding conditions established by the California Public Utilities Commission's Federal Funding Account (FFA) program; and

**WHEREAS**, the City will continue to charge existing MCN customers their current rates without interruption, and these rates are not subject to the 60-day waiting period under Government Code Section 66017 since they are not being increased; and

**WHEREAS,** a fee study has been completed using reasonable good faith estimates of the costs to the City and the rates imposed herein do not exceed the costs to the City; and

**WHEREAS**, the fees charged herein are charges for access to and use of city property; and

**WHEREAS**, all fees collected herein shall be restricted to and used only for the MCN network and broadband and for no other purpose; and

**WHEREAS**, adoption of this Resolution is statutorily exempt pursuant to 14 Cal Code Reg. 15273 "Rates, Tolls, Fares, and Charges" which provides that CEQA does not apply to the

establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of (i) meeting operating expenses, including employee wage rates and fringe benefits; (ii) purchasing or leasing supplies, equipment, or materials; (iii) meeting financial reserve needs and requirements; (iv) obtaining funds for capital projects, necessary to maintain service within existing service areas; or (v) obtaining funds necessary to maintain such intra-city transfers as are authorized by city charter.

### NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FORT BRAGG FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

- 1. The Recitals set forth above are true and correct and are incorporated herein as findings of fact.
- 2. The City Council of the City of Fort Bragg, do hereby adopts the fees shown on Exhibits "B and C," attached, showing the fees to be charged for the services described therein; and
- 3. The City Clerk is authorized and directed to update the Consolidated Fee Schedule to reflect the fees described in Exhibits "B and C;" and
- 4. The Director of Finance is directed to collect and deposit the fees herein into the Broadband enterprise fund and are restricted.
- 5. The fees imposed by this Resolution shall become effective August 11, 2025.
- 6. The existing MCN fees are confirmed and shall remain in effect upon the City's assumption of the MCN network on July 1, 2025.

The above and foregoing Resolution was introduced by Council/Board

	y Councilm/Board Member	
passed and adopted at a regular n held on the 9 <sup>th</sup> day of June 2025, k	neeting of the City Council of the Ci by the following vote:	ty of Fort Bragg
AYES: NOES: ABSENT: ABSTAIN RECUSE:		
	JASON GODEKE Mayor	
ATTEST:		
 Diana Paoli City Clerk		

# FIBER PLANS

PLAN NAME	MONTHLY RATES	SPEED	IDEAL FOR
Fiber Breeze (Low-Income qualify)	\$40	500 Mbps	Everyday browsing, Zoom calls, HD Streaming
FiberCore	\$50	1 Gig	Multi-device homes, 4K streaming, remote work
FiberBlaze	\$70	2 Gig	Multi-device homes, 4K streaming, remote work. Power users, online gaming, smart homes
FiberEdge	\$90	5 Gig	Creators, professionals, heavy upload/download households. Advance tech use. Constant, high-volume data flow
FiberUltra	\$110	10 Gig	Maximum performance for businesses & future-ready homes

## INSTALLATION COSTS

Standard Installation includes up to 150 feet of fiber drop from the City right-of-way to the customer's premises, along with basic restoration of any areas disturbed during the installation process.

If the required fiber drop exceeds 150 feet or involves complex conditions—such as boring under driveways, sidewalks, or other hardscapes—additional fees may apply based on hourly labor rates and material costs. A cost estimate will be provided in advance for any non-standard installations.

Sequence	Class	RGID	RGID	Service
1	Dialup	Regular Dialup	1	Regular Dialup
2	Dialup			Regular Dialup Overtime (\$0.33/hour)
3	Dialup			Setup Fee
4	Dialup	Basic Dialup	2	Basic Dialup
5	Dialup			Basic Rate Overtime (\$0.33/hour)
6	Dialup			Basic Rate Overtime (\$2.50/hour)
7	Dialup			Setup Fee
8	Dialup	NonProfit/Community Dialup	9	NonProfit/Community Dialup
9	Dialup			Non-Profit Overtime
43	Dialup	MUSD Dialup	66	MUSD Dialup
44	Dialup			MUSD Dialup Overtime
45	Dialup	FBUSD Dialup Account Overtime	71	FBUSD Dialup Account
46	Dialup			Overtime
47	Dialup	Manchester USD Dialup Account	72	Free Manchester USD Dialup Account Overtime
48	Dialup			Manchester USD Dialup Account
49	Dialup	FBUSD Discount Dialup	75	FBUSD Discount Dialup
50	Dialup			FBUSD Discount Overtime
59	Dialup	AVUSD Discount Dialup	126	AVUSD Discount Dialup
60	Dialup			AVUSD Overtime past 150 hours
61	Dialup	CR Support Dialup 150 hours per month	147	CR Support Dialup 150 hours per month
62	Dialup			CR Support Overtime
63	Dialup	Yearly Basic Dialup Account	148	Setup Fee
64	Dialup			Yearly Basic Dialup Account
65	Dialup	Yearly Basic Overtime	149	Yearly Basic Overtime
66	Dialup			Yearly Basic Overtime
67	Dialup	CR Associate Dialup	150	CR Associate Dialup
68	Dialup			CR Associate Overtime
73	Dialup	Willits Unified School Dialup	191	Willits Unified School Dialup
74	Dialup			Willits Unified School Dialup Overtime
79	Dialup	MUSD Retiree Dialup	197	MUSD Retiree Dialup
80	Dialup			MUSD Retiree Dialup Overtime

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38Email80GB to 125GB57EmailYearly E-Mail Pre-Pay121 Yearly E-Mail Pre-Pay69EmailMUSD E-Mail70EmailMUSD E-Mail71EmailNon-Profit/Community E-Mail153 Non-Profit/Community E-Mail393EquipmentVS- Single PortW- ADSL Wireless, Zyxel394EquipmentW- ADSL Wireless, ZyxelW- ADSL Wireless, Zyxel395EquipmentVW- Zyxel VDSL WirelessVW- Zyxel VDSL Wireless396EquipmentVB- Zyxel VDSL Bonded WirelessVB- Zyxel VDSL Bonded Wireless397EquipmentVBS- Zyxel VDSL Bonded Single PortVBS- Zyxel VDSL Bonded Single Port	36	Email			20GB to 50GB
57 Email Yearly E-Mail Pre-Pay 69 Email MUSD E-Mail 70 Email Non-Profit/Community E-Mail 71 Email Non-Profit/Community E-Mail 393 Equipment VS- Single Port 394 Equipment W- ADSL Wireless, Zyxel 395 Equipment VW- Zyxel VDSL Wireless 396 Equipment VB- Zyxel VDSL Bonded Wireless 397 Equipment VBS- Zyxel VDSL Bonded Single Port  121 Yearly E-Mail Pre-Pay 152 MUSD E-Mail 153 Non-Profit/Community E-Mail 153 Non-Profit/Community E-Mail 154 Non-Profit/Community E-Mail 155 Non-Profit/Community E-Mail 156 Non-Profit/Community E-Mail 157 Non-Profit/Community E-Mail 158 Non-Profit/Community E-Mail 159 Non-Profit/Community E-Mail 150 Non-Profit/Community E-Mail 150 Non-Profit/Community E-Mail 150 Non-Profit/Community E-Mail 151 Non-Profit/Community E-Mail 152 Non-Profit/Community E-Mail 153 Non-Profit/Community E-Mail 155 Non-Profit/Community E-Mail 156 Non-Profit/Community E-Mail 157 Non-Profit/Community E-Mail 158 Non-Profit/Community E-Mail 159 Non-Profit/Community E-Mail 150 Non-Profi	37	Email			50GB to 80GB
69 Email MUSD E-Mail 70 Email MUSD E-Mail 71 Email Non-Profit/Community E-Mail 393 Equipment VS- Single Port 394 Equipment W- ADSL Wireless, Zyxel 395 Equipment VW- Zyxel VDSL Wireless 396 Equipment VB- Zyxel VDSL Bonded Wireless 397 Equipment VBS- Zyxel VDSL Bonded Single Port 398 W- ADSL Wireless 399 VW- Zyxel VDSL Bonded Wireless 390 VB- Zyxel VDSL Bonded Single Port 391 VBS- Zyxel VDSL Bonded Single Port	38	Email			80GB to 125GB
70 Email MUSD E-Mail  71 Email Non-Profit/Community E-Mail 153 Non-Profit/Community E-Mail  393 Equipment VS- Single Port W- ADSL Wireless, Zyxel W- ADSL Wireless, Zyxel  394 Equipment VW- ADSL Wireless VW- ADSL Wireless VW- Zyxel VDSL Wireless  395 Equipment VW- Zyxel VDSL Bonded Wireless VB- Zyxel VDSL Bonded Wireless  396 Equipment VB- Zyxel VDSL Bonded Single Port VBS- Zyxel VDSL Bonded Single Port	57	Email	Yearly E-Mail Pre-Pay	121	Yearly E-Mail Pre-Pay
71 Email Non-Profit/Community E-Mail 153 Non-Profit/Community E-Mail 393 Equipment VS- Single Port W- ADSL Wireless, Zyxel W- ADSL Wireless, Zyxel W- ADSL Wireless, Zyxel 595 Equipment VW- Zyxel VDSL Wireless VW- Zyxel VDSL Wireless VB- Zyxel VDSL Bonded Wireless 396 Equipment VB- Zyxel VDSL Bonded Wireless VB- Zyxel VDSL Bonded Single Port VBS- Zyxel VDSL Bonded Single Port	69	Email	MUSD E-Mail	152	MUSD E-Mail
393 Equipment VS- Single Port 394 Equipment W- ADSL Wireless, Zyxel W- ADSL Wireless, Zyxel 395 Equipment VW- Zyxel VDSL Wireless 396 Equipment VB- Zyxel VDSL Bonded Wireless 397 Equipment VBS- Zyxel VDSL Bonded Single Port 398 VB- Zyxel VDSL Bonded Single Port 399 VBS- Zyxel VDSL Bonded Single Port 399 VBS- Zyxel VDSL Bonded Single Port	70	Email			MUSD E-Mail
394EquipmentW- ADSL Wireless, ZyxelW- ADSL Wireless, Zyxel395EquipmentVW- Zyxel VDSL WirelessVW- Zyxel VDSL Wireless396EquipmentVB- Zyxel VDSL Bonded WirelessVB- Zyxel VDSL Bonded Wireless397EquipmentVBS- Zyxel VDSL Bonded Single PortVBS- Zyxel VDSL Bonded Single Port	71	Email	-	153	Non-Profit/Community E-Mail
395 Equipment VW- Zyxel VDSL Wireless 396 Equipment VB- Zyxel VDSL Bonded Wireless 397 Equipment VBS- Zyxel VDSL Bonded Single Port 398 VW- Zyxel VDSL Wireless 399 VB- Zyxel VDSL Bonded Wireless 399 VBS- Zyxel VDSL Bonded Single Port 399 VW- Zyxel VDSL Bonded Wireless 390 VBS- Zyxel VDSL Bonded Single Port	393	Equipment	VS- Single Port		
396 Equipment VB- Zyxel VDSL Bonded Wireless VB- Zyxel VDSL Bonded Wireless 397 Equipment VBS- Zyxel VDSL Bonded Single Port VBS- Zyxel VDSL Bonded Single Port	394	Equipment	W- ADSL Wireless, Zyxel		W- ADSL Wireless, Zyxel
397 Equipment VBS- Zyxel VDSL Bonded Single Port VBS- Zyxel VDSL Bonded Single Port	395	Equipment			
	396	Equipment			•
398 Equipment Grandstream DP720-Handset Grandstream DP720-Handset	397	Equipment	· ·		,
	398	Equipment	Grandstream DP720-Handset		Grandstream DP720-Handset

400   Equipment   Grandstream DP750-Base   Grandstream DP752-Base   Grandstream TA-2 port   Grandstream TA-4 Port   Grandstream 2130-3 Line Phone   Grandstream 2160-6 Line Phone   Grandstream 2160-6 Line Phone   Grandstream 2170-12 Line Phone   Grandstream 2180-3 Line Ph	399	Equipment	Grandstream DP730-Handset W/LCD		Grandstream DP730-Handset W/LCD
401         Equipment         Grandstream DP752-Base         Grandstream DP752-Base           402         Equipment         Grandstream TA-2 port         Grandstream TA-4 Port           403         Equipment         Grandstream TA-4 Port         Grandstream TA-4 Port           404         Equipment         Grandstream 2130-3 Line Phone         Grandstream 2130-3 Line Phone           405         Equipment         Grandstream 2160-6 Line Phone         Grandstream 2170-12 Line Phone           406         Equipment         Grandstream 2170-12 Line Phone         Grandstream 2170-12 Line Phone           407         Equipment         TP Link 5 Port Network Switch         TP Link 5 Port Network Switch           283         Fiber         Tier C- 20 Mbps         490 Tier C- 20 Mbps           284         Fiber         Setup Fee           285         Fiber         Setup Fee           286         Fiber         Tier C - 50 Mbps           287         Fiber         Setup Fee           288         Fiber         Setup Fee           299         Fiber         Setup Fee           290         Fiber         Setup Fee           291         Fiber         Setup Fee           292         Fiber         Tier C - 500 Mbps					
402   Equipment   Grandstream TA-2 port   Grandstream TA-2 port   Grandstream TA-2 port   Grandstream TA-4 Port   Grandstream TA-4 Port   Grandstream 2130-3 Line Phone   Grandstream 2130-3 Line Phone   Grandstream 2130-3 Line Phone   Grandstream 2130-3 Line Phone   Grandstream 2160-6 Line Phone   Grandstream 2170-12 Line Phone					
403   Equipment   Grandstream TA4-4 Port   Grandstream TA4-4 Port   Equipment   Grandstream 2130-3 Line Phone   Grandstream 2130-3 Line Phone   Grandstream 2160-6 Line Phone   Grandstream 2160-6 Line Phone   Grandstream 2160-6 Line Phone   Grandstream 2170-12 Line Phone   Grandstream 2170-12 Line Phone   Grandstream 2170-12 Line Phone   Grandstream 2170-12 Line Phone   TP Link 5 Port Network Switch   Te C - 50 Mbps   Port Fee   Setup Fee   Setu					
404   Equipment   Grandstream 2130-3 Line Phone   Grandstream 2130-3 Line Phone   405   Equipment   Grandstream 2160-6 Line Phone   Grandstream 2160-6 Line Phone   Grandstream 2170-12 Line Phone   Grandstream 2170-12 Line Phone   Grandstream 2170-12 Line Phone   Grandstream 2170-12 Line Phone   407   Equipment   TP Link 5 Port Network Switch   Tier C - 50 Mbps   Port Fee   Setup Fe			•		·
405   Equipment   Grandstream 2160-6 Line Phone   Grandstream 2160-6 Line Phone					
406         Equipment         Grandstream 2170-12 Line Phone         Grandstream 2170-12 Line Phone           407         Equipment         TP Link 5 Port Network Switch         TP Link 5 Port Network Switch           283         Fiber         Tier C - 20 Mbps         490 Tier C - 20 Mbps           284         Fiber         Port Fee         285 Fiber           285         Fiber         Setup Fee           286         Fiber         Port Fee           287         Fiber         Port Fee           288         Fiber         Setup Fee           289         Fiber         Port Fee           290         Fiber         Port Fee           291         Fiber         Setup Fee           292         Fiber         Port Fee           293         Fiber         Setup Fee           294         Fiber         Setup Fee           295         Fiber         Port Fee           296         Fiber         Setup Fee           297         Fiber         Port Fee           298         Fiber         Setup Fee           298         Fiber         Setup Fee           299         Fiber         Setup Fee           300					
407         Equipment         TP Link 5 Port Network Switch         TP Link 5 Port Network Switch           283         Fiber         Tier C - 20 Mbps         490 Tier C - 20 Mbps           284         Fiber         Port Fee           285         Fiber         Setup Fee           286         Fiber         Port Fee           287         Fiber         Port Fee           288         Fiber         Setup Fee           289         Fiber         Port Fee           290         Fiber         Port Fee           291         Fiber         Setup Fee           292         Fiber         Setup Fee           293         Fiber         Port Fee           294         Fiber         Setup Fee           295         Fiber         Setup Fee           296         Fiber         Setup Fee           297         Fiber         Port Fee           298         Fiber         Setup Fee           299         Fiber         Setup Fee           298         Fiber         Setup Fee           299         Fiber         Setup Fee           300         Fiber         Setup Fee           301         Fib					
283         Fiber         Tier C- 20 Mbps         490 Tier C- 20 Mbps           284         Fiber         Port Fee           285         Fiber         Setup Fee           286         Fiber         Tier C - 50 Mbps           287         Fiber         Port Fee           288         Fiber         Setup Fee           289         Fiber         Port Fee           289         Fiber         Port Fee           290         Fiber         Setup Fee           291         Fiber         Setup Fee           292         Fiber         Port Fee           293         Fiber         Setup Fee           294         Fiber         Setup Fee           295         Fiber         Setup Fee           296         Fiber         Port Fee           297         Fiber         Setup Fee           298         Fiber         Tier C - 1000 Mbps         496 Tier C - 1000 Mbps           299         Fiber         Setup Fee           300         Fiber         Setup Fee           301         Fiber         Setup Fee           302         Fiber         Setup Fee           303         Fiber					
Port Fee	_				
285         Fiber         Setup Fee           286         Fiber         Tier C - 50 Mbps           287         Fiber         Port Fee           288         Fiber         Setup Fee           289         Fiber         Tier C - 100 Mbps           290         Fiber         Port Fee           291         Fiber         Setup Fee           292         Fiber         Tier C - 250 Mbps           293         Fiber         Port Fee           294         Fiber         Setup Fee           295         Fiber         Tier C - 500 Mbps           296         Fiber         Port Fee           297         Fiber         Setup Fee           298         Fiber         Setup Fee           299         Fiber         Setup Fee           300         Fiber         Setup Fee           301         Fiber         Setup Fee           302         Fiber         Fiber         Port Fee           303         Fiber         Fiber         Setup Fee           304         Fiber         Fier T - 50 Mbps         499 Tier 1 - 50 Mbps			Tier C- 20 Mbps	490	•
286         Fiber         Tier C - 50 Mbps         491 Tier C - 50 Mbps           287         Fiber         Port Fee           288         Fiber         Setup Fee           289         Fiber         Tier C - 100 Mbps           290         Fiber         Port Fee           291         Fiber         Setup Fee           292         Fiber         Port Fee           293         Fiber         Port Fee           294         Fiber         Setup Fee           295         Fiber         Setup Fee           296         Fiber         Port Fee           297         Fiber         Setup Fee           298         Fiber         Setup Fee           300         Fiber         Port Fee           301         Fiber         Setup Fee           301         Fiber         Port Fee           302         Fiber         Setup Fee           303         Fiber         Port Fee           304         Fiber         Setup Fee					
287         Fiber         Port Fee           288         Fiber         Setup Fee           289         Fiber         Tier C - 100 Mbps           290         Fiber         Port Fee           291         Fiber         Setup Fee           292         Fiber         Tier C - 250 Mbps           293         Fiber         Port Fee           294         Fiber         Setup Fee           295         Fiber         Tier C - 500 Mbps           296         Fiber         Port Fee           297         Fiber         Setup Fee           298         Fiber         Tier C - 1000 Mbps           299         Fiber         Setup Fee           300         Fiber         Setup Fee           301         Fiber         Setup Fee           302         Fiber         Setup Fee           303         Fiber         Port Fee           303         Fiber         Setup Fee           304         Fiber         Fiber           304         Fiber         Fiber					
288         Fiber         Tier C - 100 Mbps         492 Tier C - 100 Mbps           290         Fiber         Port Fee           291         Fiber         Setup Fee           292         Fiber         Tier C - 250 Mbps           293         Fiber         Port Fee           294         Fiber         Setup Fee           295         Fiber         Tier C - 500 Mbps           296         Fiber         Port Fee           297         Fiber         Setup Fee           298         Fiber         Tier C - 1000 Mbps         496 Tier C - 1000 Mbps           299         Fiber         Setup Fee           300         Fiber         Setup Fee           301         Fiber         Setup Fee           302         Fiber         Fiber         Setup Fee           303         Fiber         Fiber         Setup Fee           304         Fiber         Tier 1 - 50 Mbps         499 Tier 1 - 50 Mbps			Tier C - 50 Mbps	491	
289         Fiber         Tier C - 100 Mbps         492 Tier C - 100 Mbps           290         Fiber         Port Fee           291         Fiber         Setup Fee           292         Fiber         Tier C - 250 Mbps           293         Fiber         Port Fee           294         Fiber         Setup Fee           295         Fiber         Tier C - 500 Mbps           296         Fiber         Port Fee           297         Fiber         Setup Fee           298         Fiber         Tier C - 1000 Mbps           299         Fiber         Port Fee           300         Fiber         Setup Fee           301         Fiber         Setup Fee           302         Fiber         Tier 1 - 20 Mbps           303         Fiber         Setup Fee           304         Fiber         Tier 1 - 50 Mbps	287	Fiber			Port Fee
290         Fiber         Port Fee           291         Fiber         Setup Fee           292         Fiber         Tier C - 250 Mbps           293         Fiber         Port Fee           294         Fiber         Setup Fee           295         Fiber         Port Fee           296         Fiber         Port Fee           297         Fiber         Setup Fee           298         Fiber         Tier C - 1000 Mbps           299         Fiber         Port Fee           300         Fiber         Setup Fee           301         Fiber         Setup Fee           302         Fiber         Port Fee           303         Fiber         Setup Fee           304         Fiber         Setup Fee           304         Fiber         Tier 1 - 50 Mbps	288	Fiber			
291         Fiber         Setup Fee           292         Fiber         Tier C - 250 Mbps           293         Fiber         Port Fee           294         Fiber         Setup Fee           295         Fiber         Tier C - 500 Mbps           296         Fiber         Port Fee           297         Fiber         Setup Fee           298         Fiber         Setup Fee           299         Fiber         Port Fee           300         Fiber         Setup Fee           301         Fiber         Setup Fee           302         Fiber         Port Fee           303         Fiber         Setup Fee           304         Fiber         Setup Fee           304         Fiber         Tier 1 - 50 Mbps	289	Fiber	Tier C - 100 Mbps	492	Tier C - 100 Mbps
292         Fiber         Tier C - 250 Mbps           293         Fiber         Port Fee           294         Fiber         Setup Fee           295         Fiber         Tier C - 500 Mbps           296         Fiber         Port Fee           297         Fiber         Setup Fee           298         Fiber         Tier C - 1000 Mbps           299         Fiber         Port Fee           300         Fiber         Setup Fee           301         Fiber         Tier 1 - 20 Mbps           302         Fiber         Port Fee           303         Fiber         Setup Fee           304         Fiber         Setup Fee           304         Fiber         Tier 1 - 50 Mbps	290	Fiber			Port Fee
293         Fiber         Port Fee           294         Fiber         Setup Fee           295         Fiber         Tier C - 500 Mbps           296         Fiber         Port Fee           297         Fiber         Setup Fee           298         Fiber         Tier C - 1000 Mbps           299         Fiber         Port Fee           300         Fiber         Setup Fee           301         Fiber         Tier 1 - 20 Mbps           302         Fiber         Port Fee           303         Fiber         Setup Fee           304         Fiber         Tier 1 - 50 Mbps	291	Fiber			·
294         Fiber         Setup Fee           295         Fiber         Tier C - 500 Mbps           296         Fiber         Port Fee           297         Fiber         Setup Fee           298         Fiber         Tier C - 1000 Mbps           299         Fiber         Port Fee           300         Fiber         Setup Fee           301         Fiber         Tier 1 - 20 Mbps           302         Fiber         Port Fee           303         Fiber         Setup Fee           304         Fiber         Tier 1 - 50 Mbps	292	Fiber	Tier C - 250 Mbps	494	Tier C - 250 Mbps
295         Fiber         Tier C - 500 Mbps           296         Fiber         Port Fee           297         Fiber         Setup Fee           298         Fiber         Tier C - 1000 Mbps           299         Fiber         Port Fee           300         Fiber         Setup Fee           301         Fiber         Tier 1 - 20 Mbps           302         Fiber         Port Fee           303         Fiber         Setup Fee           304         Fiber         Tier 1 - 50 Mbps	293	Fiber			Port Fee
296         Fiber         Port Fee           297         Fiber         Setup Fee           298         Fiber         Tier C - 1000 Mbps           299         Fiber         Port Fee           300         Fiber         Setup Fee           301         Fiber         Tier 1 - 20 Mbps           302         Fiber         Port Fee           303         Fiber         Setup Fee           304         Fiber         Tier 1 - 50 Mbps	294	Fiber			Setup Fee
297         Fiber         Setup Fee           298         Fiber         Tier C - 1000 Mbps           299         Fiber         Port Fee           300         Fiber         Setup Fee           301         Fiber         Tier 1 - 20 Mbps           302         Fiber         Port Fee           303         Fiber         Setup Fee           304         Fiber         Tier 1 - 50 Mbps	295	Fiber	Tier C - 500 Mbps	495	Tier C - 500 Mbps
298         Fiber         Tier C - 1000 Mbps           299         Fiber         Port Fee           300         Fiber         Setup Fee           301         Fiber         Tier 1 - 20 Mbps           302         Fiber         Port Fee           303         Fiber         Setup Fee           304         Fiber         Tier 1 - 50 Mbps           499         Tier 1 - 50 Mbps	296	Fiber			Port Fee
299         Fiber         Port Fee           300         Fiber         Setup Fee           301         Fiber         Tier 1 - 20 Mbps           302         Fiber         Port Fee           303         Fiber         Setup Fee           304         Fiber         Tier 1 - 50 Mbps	297	Fiber			Setup Fee
299         Fiber         Port Fee           300         Fiber         Setup Fee           301         Fiber         Tier 1 - 20 Mbps           302         Fiber         Port Fee           303         Fiber         Setup Fee           304         Fiber         Tier 1 - 50 Mbps	298	Fiber	Tier C - 1000 Mbps	496	Tier C - 1000 Mbps
301         Fiber         Tier 1 - 20 Mbps         498 Tier 1 - 20 Mbps           302         Fiber         Port Fee           303         Fiber         Setup Fee           304         Fiber         Tier 1 - 50 Mbps           499         Tier 1 - 50 Mbps	299	Fiber			
301         Fiber         Tier 1 - 20 Mbps         498 Tier 1 - 20 Mbps           302         Fiber         Port Fee           303         Fiber         Setup Fee           304         Fiber         Tier 1 - 50 Mbps           499         Tier 1 - 50 Mbps	300	Fiber			Setup Fee
302         Fiber         Port Fee           303         Fiber         Setup Fee           304         Fiber         Tier 1 - 50 Mbps           499         Tier 1 - 50 Mbps	301	Fiber	Tier 1 - 20 Mbps	498	•
304 Fiber Tier 1 - 50 Mbps 499 Tier 1 - 50 Mbps	302	Fiber	·		•
304 Fiber Tier 1 - 50 Mbps 499 Tier 1 - 50 Mbps	303	Fiber			Setup Fee
			Tier 1 - 50 Mbps	499	•
			,		'

306	Fiber			Setup Fee
307	Fiber	Tier 1 - 100 Mbps	500	Tier 1 - 100 Mbps
308	Fiber			Port Fee
309	Fiber			Setup Fee
310	Fiber	Tier 1 - 250 Mbps	501	Tier 1 - 250 Mbps
311	Fiber			Port Fee
312	Fiber			Setup Fee
313	Fiber	Tier 1 - 500 Mbps	503	Tier 1 - 500 Mbps
314	Fiber			Port Fee
315	Fiber			Setup Fee
316	Fiber	Tier 1 - 1000 Mbps	504	Tier 1 - 1000 Mbps
317	Fiber			Port Fee
318	Fiber			Setup Fee
319	Fiber	Tier 2 - 20 Mbps	505	Tier 2 - 20 Mbps
320	Fiber			Port Fee
321	Fiber			Setup Fee
322	Fiber	Tier 2 - 50 Mbps	506	Tier 2 - 50 Mbps
323	Fiber			Port Fee
324	Fiber			Setup Fee
325	Fiber	Tier 2 - 100 Mbps	507	Tier 2 - 100 Mbps
326	Fiber			Port Fee
327	Fiber			Setup Fee
328	Fiber	Tier 2 - 250 Mbps	508	Tier 2 - 250 Mbps
329	Fiber			Port Fee
330	Fiber			Setup Fee
331	Fiber	Tier 2 - 500 Mbps	509	Tier 2 - 500 Mbps
332	Fiber			Port Fee
333	Fiber			Setup Fee
334	Fiber	Tier 2 - 1000 Mbps	510	Tier 2 - 1000 Mbps
335	Fiber			Port Fee
336	Fiber			Setup Fee
337	Fiber	Tier 3 - 20 Mbps	511	Tier 3 - 20 Mbps

338	Fiber			Port Fee
339	Fiber			Setup Fee
340	Fiber	Tier 3 - 50 Mbps	513	Tier 3 - 50 Mbps
341	Fiber			Port Fee
342	Fiber			Setup Fee
343	Fiber	Tier 3 - 100 Mbps	514	Tier 3 - 100 Mbps
344	Fiber			Port Fee
345	Fiber			Setup Fee
346	Fiber	Tier 3 - 250 Mbps	515	Tier 3 - 250 Mbps
347	Fiber			Port Fee
348	Fiber			Setup Fee
349	Fiber	Tier 3 - 500 Mbps	516	Tier 3 - 500 Mbps
350	Fiber			Port Fee
351	Fiber			Setup Fee
352	Fiber	Tier 3 - 1000 Mbps	517	Tier 3 - 1000 Mbps
353	Fiber			Port Fee
354	Fiber			Setup Fee
355	Fiber	Tier 4 - 20 Mbps	519	Tier 4 - 20 Mbps
356	Fiber			Port Fee
357	Fiber			Setup Fee
358	Fiber	Tier 4 - 50 Mbps	520	Tier 4 - 50 Mbps
359	Fiber			Port Fee
360	Fiber			Setup Fee
361	Fiber	Tier 4 - 100 Mbps	521	Tier 4 - 100 Mbps
362	Fiber			Port Fee
363	Fiber			Setup Fee
364	Fiber	Tier 4 - 250 Mbps	522	Tier 4 - 250 Mbps
365	Fiber			Port Fee
366	Fiber			Setup Fee
367	Fiber	Tier 4 - 500 Mbps	523	Tier 4 - 500 Mbps
368	Fiber			Port Fee
369	Fiber			Setup Fee

370	Fiber	Tier 4 - 1000 Mbps	524	Tier 4 - 1000
371	Fiber			Port Fee
372	Fiber			Setup Fee
104	Fusion	Fusion Residential	314	Fusion Residential
105	Fusion			Fusion Static IP Address
106	Fusion			Fusion Static IP Address
107	Fusion			Sonic Telecom - California 911 Emergency Surchard
108	Fusion			Sonic Telecom - California Advanced Services Fund
109	Fusion			Sonic Telecom - California Deaf and Disabled Telec
110	Fusion			Sonic Telecom - California High Cost Fund-A Surcha
111	Fusion			Sonic Telecom - California Lifeline Telephone Service
112	Fusion			Sonic Telecom - California Public Purpose Programe
113	Fusion			Sonic Telecom - California Public Utility Commission
114	Fusion			Sonic Telecom - California Teleconnect Fund Surch
115	Fusion			Sonic Telecom - FCC Interstate Telecom Service Pr
116	Fusion			Sonic Telecom - Federal Subscriber Line Charge Fe
117	Fusion			Sonic Telecom - Federal Universal Service Fund Fe
118	Fusion			Sonic Telecom - Fusion Voice Service
119	Fusion			Sonic Telecom - Property Tax Allotment Fee
120	Fusion			Sonic Telecom - Regulatory Recovery Surcharge
121	Fusion			Sonic Telecom - State and Federal Regulatory Reco
122	Fusion			Sonic Telecom - State Property Tax Fee
123	Fusion			Sonic Telecom - Voice Regulatory Recovery Surcha
124	Fusion			Sonic Telecom -California 988 Suicide Prevention
125	Fusion	Fusion Business Data Service	315	Fusion Business Data Service
126	Fusion			Fusion Static IP Address Fee
127	Fusion			Fusion Static IP Address Fee
128	Fusion			Fusion Static IP Address Fee
129	Fusion			Sonic Telecom - California 911 Emergency Surchard
130	Fusion			Sonic Telecom - California Advanced Services Fund
131	Fusion			Sonic Telecom - California Deaf and Disabled Telec
132	Fusion			Sonic Telecom - California High Cost Fund-A Surcha

133	Fusion		S	onic Telecom - California Lifeline Telephone Servid
134	Fusion			onic Telecom - California Public Purpose Programe
135	Fusion			onic Telecom - California Public Utility Commission
136	Fusion			onic Telecom - California Teleconnect Fund Surch
137	Fusion		S	onic Telecom - FCC Interstate Telecom Service Pr
138	Fusion		S	onic Telecom - Federal Subscriber Line Charge Fe
139	Fusion		S	onic Telecom - Federal Universal Service Fund Fe
140	Fusion		S	onic Telecom - Fusion Voice Service
141	Fusion		S	onic Telecom - Property Tax Allotment Fee
142	Fusion		S	onic Telecom - Regulatory Recovery Surcharge
143	Fusion		S	onic Telecom - State and Federal Regulatory Reco
144	Fusion		S	onic Telecom - State Property Tax Fee
145	Fusion		S	onic Telecom - Voice Regulatory Recovery Surcha
146	Fusion		S	onic Telecom -California 988 Suicide Prevention
147	Fusion	Fusion Residential Bonded Data Service	320 F	usion Residential Bonded Data Service
148	Fusion		F	usion Static IP Service
149	Fusion		S	onic Telecom - California 911 Emergency Surchard
150	Fusion		S	onic Telecom - California Advanced Services Fund
151	Fusion		S	onic Telecom - California Deaf and Disabled Telec
152	Fusion			onic Telecom - California High Cost Fund-A Surcha
153	Fusion			onic Telecom - California Lifeline Telephone Servid
154	Fusion			onic Telecom - California Public Purpose Programe
155	Fusion			onic Telecom - California Public Utility Commission
156	Fusion			onic Telecom - California Teleconnect Fund Surch
157	Fusion			onic Telecom - FCC Interstate Telecom Service Pr
158	Fusion			onic Telecom - Federal Subscriber Line Charge Fe
159	Fusion			onic Telecom - Federal Universal Service Fund Fe
160	Fusion			onic Telecom - Fusion Voice Service
161	Fusion			onic Telecom - Property Tax Allotment Fee
162	Fusion			onic Telecom - Regulatory Recovery Surcharge
163	Fusion			onic Telecom - State and Federal Regulatory Reco
164	Fusion		S	onic Telecom - State Property Tax Fee

Sonic Telecom - California 988 Suicide Prevention	165	Fusion			Sonic Telecom - Voice Regulatory Recovery Surcha
Fusion   Fusion   Fusion   Fusion   Fusion   Static IP Service   Fusion Static IP Service   Fusion Static IP Service   Fusion Static IP Service   Fusion Static IP Service   Fusion Static IP Service   Fusion Static IP Service   Fusion Static IP Service   Fusion Static IP Service   Fusion Static IP Service   Fusion Sonic Telecom - California 911 Emergency Surchan   Sonic Telecom - California Polita Advanced Services Fund Sonic Telecom - California Deaf and Disabled Telecom   Fusion   Sonic Telecom - California Deaf and Disabled Telecom   Sonic Telecom - California Deaf and Disabled Telecom   Sonic Telecom - California Deaf and Disabled Telecom   Sonic Telecom - California Public Durina   Public Durina   Sonic Telecom - California Public Durina   Sonic Telecom - California Public Durina   Sonic Telecom - California Public Durina   Sonic Telecom - Federal Subscriber Line Charge   Fusion   Sonic Telecom - Federal Subscriber Line Charge   Fusion   Sonic Telecom - Federal Universal Service Pund   Fusion   Sonic Telecom - Federal Universal Service Pund   Fusion   Sonic Telecom - Property Tax Allotment   Fee   Sonic Telecom - Property Tax Allotment   Fee   Sonic Telecom - State and Federal Regulatory Recovery Surcharge   Sonic Telecom - State Property Tax Fee   Sonic Telecom - State Property Tax Fee   Sonic Telecom - California 988 Suicide Prevention   Sonic Telecom -	166	Fusion			Sonic Telecom -California 988 Suicide Prevention
Fusion   Sonic Telecom - California 911 Emergency Surchan   T72   Fusion   Sonic Telecom - California Advanced Services Func   Sonic Telecom - California Deaf and Disabled Telecom   T73   Fusion   Sonic Telecom - California High Cost Fund-A Surch   Sonic Telecom - California High Cost Fund-A Surch   Sonic Telecom - California High Cost Fund-A Surch   Sonic Telecom - California Public Purpose Program   T75   Fusion   Sonic Telecom - California Public Purpose Program   T76   Fusion   Sonic Telecom - California Public Utility Commission   Sonic Telecom - California Teleconnect Fund Surch   T79   Fusion   Sonic Telecom - Foot Interstate Telecom Service Pulator   Sonic Telecom - Foot Interstate Telecom Service Pulator   Sonic Telecom - Federal Subscriber Line Charge Fe   Sonic Telecom - Federal Universal Service Fund Fe   Sonic Telecom - Foot Property Tax Allotment Fee   Sonic Telecom - State and Federal Regulatory Recovery Surchard Sonic Telecom - State Property Tax Fee   Sonic Telecom - Voice Regulatory Recovery Surchard	167	Fusion	Fusion Business Bonded Service	321	Fusion Business Bonded Service
Fusion Fusion   Fusion   Fusion   Sonic Telecom - California 911 Emergency Surchars   Sonic Telecom - California 911 Emergency Surchars   Sonic Telecom - California 911 Emergency Surchars   Sonic Telecom - California Deaf and Disabled Telecom   Sonic Telecom - California Deaf and Disabled Telecom   Sonic Telecom - California Deaf and Disabled Telecom   Sonic Telecom - California Teleconnect Fund Surch   Sonic Telecom - California Public Utility Commission   Sonic Telecom - California Public Utility Commission   Sonic Telecom - Fundamental Deaf and Deaf and Deaf and Disabled Public Utility Commission   Sonic Telecom - Fundamental Deaf and Deaf	168	Fusion			Fusion Static IP Service
Sonic Telecom - California 911 Emergency Surchan	169	Fusion			Fusion Static IP Service (4)
Sonic Telecom - California Advanced Services Function	170	Fusion			Fusion Static IP Service (8)
Sonic Telecom - California Advanced Services Function	171	Fusion			Sonic Telecom - California 911 Emergency Surchard
Sonic Telecom - California High Cost Fund-A Surch	172	Fusion			Sonic Telecom - California Advanced Services Fund
Sonic Telecom - California Lifeline Telephone Service	173	Fusion			Sonic Telecom - California Deaf and Disabled Telec
Sonic Telecom - California Public Purpose Program	174	Fusion			Sonic Telecom - California High Cost Fund-A Surcha
Sonic Telecom - California Public Utility Commission	175	Fusion			Sonic Telecom - California Lifeline Telephone Servid
Sonic Telecom - California Teleconnect Fund Surch	176	Fusion			Sonic Telecom - California Public Purpose Programe
Type	177	Fusion			Sonic Telecom - California Public Utility Commission
Sonic Telecom - Federal Subscriber Line Charge Federal Subscriber Line Charge Federal Fusion   Sonic Telecom - Federal Universal Service Fund Federal Subscriber Line Charge Federal Subscriber Line Charge Federal Subscriber Line Charge Federal Fusion   Sonic Telecom - Federal Universal Service Fund Federal Subscriber Line Charge Federal Federal Universal Service Fund Federal Universal Service Fund Federal Subscriber Line Charge Federal Federal Universal Service Fund Federal Universal Service Fund Federal Subscriber Line Charge Federal Federal Universal Service Fund Federal Property Tax Federal Sonic Telecom - Fund Federal Universal Service Fund Federal Property Tax Allotment Federal Sonic Telecom - Property Tax Allotment Federal Sonic Telecom - Property Tax Allotment Federal Sonic Telecom - Property Tax Allotment Federal Regulatory Recovery Surchar Sonic Telecom - Property Tax Allotment Federal Regulatory Recovery Surchar Sonic Telecom - Property Tax Allotment Federal Regulatory Recovery Surchar Sonic Telec	178	Fusion			Sonic Telecom - California Teleconnect Fund Surch
181FusionSonic Telecom - Federal Universal Service Fund Fe182FusionSonic Telecom - Fusion Voice Service183FusionSonic Telecom - Property Tax Allotment Fee184FusionSonic Telecom - Regulatory Recovery Surcharge185FusionSonic Telecom - State and Federal Regulatory Recovery Surcharge186FusionSonic Telecom - State Property Tax Fee187FusionSonic Telecom - Voice Regulatory Recovery Surcharge188FusionSonic Telecom - California 988 Suicide Prevention191FusionSingle Port Modem192FusionWireless Modem Rental193FusionBonded Modem Rental194FusionBonded Modem Rental195FusionBonded Modem Rental196Annual Service228Open AirOpen AirSetup Fee230Open AirStatic IP Address	179	Fusion			Sonic Telecom - FCC Interstate Telecom Service Pr
182FusionSonic Telecom - Fusion Voice Service183FusionSonic Telecom - Property Tax Allotment Fee184FusionSonic Telecom - Regulatory Recovery Surcharge185FusionSonic Telecom - State and Federal Regulatory Recovery Surcharge186FusionSonic Telecom - State Property Tax Fee187FusionSonic Telecom - Voice Regulatory Recovery Surcharge188FusionSonic Telecom - California 988 Suicide Prevention191FusionSingle Port Modem192FusionWireless Modem Rental350 Wireless Modem Rental193FusionBonded Modem Rental351 Bonded Modem Rental227Open AirOpen Air Residential 50423 Open Air Residential 50228Open AirSetup Fee230Open AirSetup Fee230Open AirStatic IP Address	180	Fusion			Sonic Telecom - Federal Subscriber Line Charge Fe
Sonic Telecom - Property Tax Allotment Fee	181	Fusion			Sonic Telecom - Federal Universal Service Fund Fe
184FusionSonic Telecom - Regulatory Recovery Surcharge185FusionSonic Telecom - State and Federal Regulatory Reco186FusionSonic Telecom - State Property Tax Fee187FusionSonic Telecom - Voice Regulatory Recovery Surcha188FusionSonic Telecom - California 988 Suicide Prevention191FusionSingle Port Modem192FusionWireless Modem Rental193FusionWireless Modem Rental193FusionBonded Modem Rental227Open AirOpen Air Residential 50228Open AirOpen Air Residential 50229Open AirSetup Fee230Open AirStatic IP Address	182	Fusion			Sonic Telecom - Fusion Voice Service
Sonic Telecom - State and Federal Regulatory Record Sonic Telecom - State Property Tax Fee	183	Fusion			Sonic Telecom - Property Tax Allotment Fee
186FusionSonic Telecom - State Property Tax Fee187FusionSonic Telecom - Voice Regulatory Recovery Surcha188FusionSonic Telecom - California 988 Suicide Prevention191FusionSingle Port Modem192FusionWireless Modem Rental350 Wireless Modem Rental193FusionBonded Modem Rental351 Bonded Modem Rental227Open AirOpen Air Residential 50423 Open Air Residential 50228Open AirAnnual Service229Open AirSetup Fee230Open AirStatic IP Address	184	Fusion			Sonic Telecom - Regulatory Recovery Surcharge
187FusionSonic Telecom - Voice Regulatory Recovery Surcha188FusionSonic Telecom - California 988 Suicide Prevention191FusionSingle Port Modem192FusionWireless Modem Rental350 Wireless Modem Rental193FusionBonded Modem Rental351 Bonded Modem Rental227Open AirOpen Air Residential 50423 Open Air Residential 50228Open AirAnnual Service229Open AirSetup Fee230Open AirStatic IP Address	185	Fusion			Sonic Telecom - State and Federal Regulatory Reco
188FusionSonic Telecom -California 988 Suicide Prevention191FusionSingle Port Modem Rental349 Single Port Modem192FusionWireless Modem Rental350 Wireless Modem Rental193FusionBonded Modem Rental351 Bonded Modem Rental227Open AirOpen Air Residential 50423 Open Air Residential 50228Open AirAnnual Service229Open AirSetup Fee230Open AirStatic IP Address	186	Fusion			, ,
191FusionSingle Port Modem Rental349Single Port Modem192FusionWireless Modem Rental350Wireless Modem Rental193FusionBonded Modem Rental351Bonded Modem Rental227Open AirOpen Air Residential 50423Open Air Residential 50228Open AirAnnual Service229Open AirSetup Fee230Open AirStatic IP Address	187	Fusion			
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193FusionBonded Modem Rental351Bonded Modem Rental227Open AirOpen Air Residential 50423Open Air Residential 50228Open AirAnnual Service229Open AirSetup Fee230Open AirStatic IP Address	191	Fusion	Single Port Modem Rental	349	Single Port Modem
227Open AirOpen Air Residential 50423 Open Air Residential 50228Open AirAnnual Service229Open AirSetup Fee230Open AirStatic IP Address	192	Fusion	Wireless Modem Rental	350	Wireless Modem Rental
228 Open Air Annual Service 229 Open Air Setup Fee 230 Open Air Static IP Address	193	Fusion	Bonded Modem Rental	351	Bonded Modem Rental
229Open AirSetup Fee230Open AirStatic IP Address	227	Open Air	Open Air Residential 50	423	Open Air Residential 50
230 Open Air Static IP Address	228	Open Air			Annual Service
	229	Open Air			•
231 Open Air Open Air Residential 100 424 Open Air Residential 100	230	Open Air			Static IP Address
	231	Open Air	Open Air Residential 100	424	Open Air Residential 100

232	Open Air			Annual Service
233	Open Air			Setup Fee
234	Open Air			Static IP Address
235	Open Air	Open Air Business 50	425	Open Air Business 50
236	Open Air			Annual Service
237	Open Air			Setup Fee
238	Open Air			Static IP Address
239	Open Air	Open Air Business 100	426	Open Air Business 100
240	Open Air			Annual Service
241	Open Air			Setup Fee
242	Open Air			Static IP Address
243	Open Air	WiFi Extender	436	Vilo Extender 1-3
244	Open Air			Each Additional
245	Open Air	Open Air Long Range 6	440	Open Air Long Range 6
246	Open Air			Annual Service
247	Open Air			Setup Fee
248	Open Air	Open Air Long Range 12	441	Open Air Long Range 12
249	Open Air			Annual Service
250	Open Air			Setup Fee
251	Open Air	Open Air Long Range 18	442	Open Air Long Range 18
252	Open Air			Annual Service
253	Open Air			Setup Fee
254	Open Air	Open Air Long Range 25	443	Open Air Long Range 25
255	Open Air			Annual Service
256	Open Air			Setup Fee
257	Open Air	Open Air Long Range Business 6	444	Open Air Long Range Business 6
258	Open Air			Annual Service
259	Open Air			Setup Fee
260	Open Air	Open Air Long Range Business 12	445	Open Air Long Range Business 12
261	Open Air			Annual Service
262	Open Air			Setup Fee
263	Open Air	Open Air Long Range Business 18	446	Open Air Long Range Business 18

264	Open Air			Annual Service
265	Open Air			Setup Fee
266	Open Air	Open Air Long Range Business 25	447	Open Air Long Range Business 25
267	Open Air			Annual Service
268	Open Air			Setup Fee
276	Open Air	Open Air Residential 250	471	Open Air Residential 250
277	Open Air			Setup Fee
278	Open Air	Open Air Business 250	472	Open Air Business 250
279	Open Air			Setup Fee
280	Open Air	Open Air Setup	474	Open Air Extreme
281	Open Air			Setup Fee
373	Open Air	Vilo - (WifFi 6) Extender	528	Vilo 6 Extender 1 to 2 Pack
374	Open Air			Vilo 6 Extender Extra Past 2
375	Open Air	Open Air X-Press Residential	530	Open Air X-Press
376	Open Air			Open Air X-Press Setup Fee
377	Open Air			Property Tax Allotment
378	Open Air			Regulatory Cost Recovery Charge
379	Open Air	Open Air X-Press Business	531	Open Air X-Press Business
380	Open Air			Open Air X-Press Setup Fee
381	Open Air			Property Tax Allotment
382	Open Air			Regulatory Cost Recovery Charge
383	Open Air	Open Air X-Press Rural Business	533	Open Air X-Press Rural Business
384	Open Air			Open Air X-Press Setup Fee
385	Open Air			Property Tax Allotment
386	Open Air			Regulatory Cost Recovery Charge
387	Open Air	Open Air X-Press Rural Residential	534	Open Air X-Press Rural Residential
388	Open Air			Open Air X-Press Rural Setup
389	Open Air			Property Tax Allotment
390	Open Air			Regulatory Cost Recovery Charge
189	VOIP	Toll Free Number Service	327	Toll Free Number Service
190	VOIP			Toll Free Usage
194	VOIP	MCN Fax to E-Mail Service	352	MCN Fax to E-Mail Service

196	VOIP	MCN Business Digital Voice Service	379	MCN Business Digital Voice Service
197	VOIP			MCN Bus Digital Voice Guest Tax and Fee Recover
198	VOIP			MCN Bus Digital Voice Guest USAC Tax Recovery (
207	VOIP			MCN Digital Voice Fax to Email
210	VOIP	MCN Residential Digital Voice Service	381	MCN Residential Digital Voice
215	VOIP			MCN Residential Digital Voice Tax and Fee Recover
216	VOIP			MCN Residential Digital Voice USAC Tax Recovery
218	VOIP	MUSD Digital Voice		MUSD Digital Voice
226	VOIP	Telephone Adapter Rental	419	Telephone Adapter Rental
15	Web1	List Server	19	List Server
17	Web1			Setup Fee
18	Web1	Domain Service	20	Domain Service
21	Web1	Co-Host Windows & Unix	24	Co-Host Windows & Unix
22	Web1			Setup Fee
39	Web1	Non Profit/Community/School Domain Se	33	Non Profit/Community/School Domain Service
41	Web1	Yearly Domain Host Rate	48	Yearly Domain Host Rate
58	Web1	Yearly Listserve/Autoresponder	125	Yearly Listserve/Autoresponder
72	Web1	Non-Profit/Community/School ListServ	154	Non-Profit/Community/School ListServ
75	Web1	Secure Certificate	193	Secure Certificate
77	Web1	MySQL Database	194	MySQL Database
81	Web1	WebTools	220	Business Card
82	Web1			Starter Website
83	Web1			Personal Website
84	Web1			Small Business Website
85	Web1			Ecommerce Website
86	Web1			Business Card Export
87	Web1			Starter Website Export
88	Web1			Personal Website Export
89	Web1			Small Business Website Export
90	Web1			Ecommerce Website Export
94	Web1	MCN Starter Blog		MCN Starter Blog
95	Web1	MCN Basic Blog	277	MCN Basic Blog

96	Web1	MCN SimpleBlog 10 MB Storage, 200MB	278	MCN SimpleBlog 10 MB Storage, 200MB Transfer
97	Web1			Yearly MCN SimpleBlog 10 MB Storage, 200MB Tra
98	Web1	Yearly MySQL Database	280	Yearly MySQL Database
103	Web1	Yearly Web Tools	311	Yearly Web Tools
219	Web1	.NET Yearly Domain Registration	408	.NET Yearly Domain Registration
220	Web1	.CO Yearly Domain Registration	412	.CO Yearly Domain Registration
221	Web1	.US Yearly Domain Registration	413	.US Yearly Domain Registration
222	Web1	.BIZ Yearly Domain Registration	414	.BIZ Yearly Domain Registration
223	Web1	.INFO Yearly Domain Registration	415	.INFO Yearly Domain Registration
224	Web1	.COM Yearly Domain Registration	416	.COM Yearly Domain Registration
225	Web1	.ORG Yearly Domain Registration	417	ORG Yearly Domain Registration
11	Web2	Basic Web Service	12	Basic Web Service
12	Web2	Professional Web Service	13	Professional Web Service
13	Web2			Additional Storage
14	Web2			Setup Fee
40	Web2	Standard Website	41	Standard Website
51	Web2	Non-Profit/Community Web Site	83	Non-Profit/Community Web Site
52	Web2	Yearly Basic Web Service	88	Yearly Basic Web Service
55	Web2	Yearly Professional Web Service	119	Yearly Professional Web Service
56	Web2			Setup Fee
100	Web2	Premium Web Service	298	Premium Web Service
102	Web2	Standard Yearly Website	301	Standard Yearly Website
391	WiFrost	WiFrost	535	WiFrost
392	WiFrost			WiFrost Setup

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Incorporated August 5, 1889
416 N. Franklin Street, Fort Bragg, CA 95437
Phone: (707) 961-2827 Fax: (707) 961-2802
www.FortBragg.com

### **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the Fort Bragg City Council will conduct a public hearing at a regular meeting to be held at 6:00 p.m., or as soon thereafter as the matter may be heard, on Monday, June 9, 2025, at Town Hall, southwest corner of Main and Laurel Streets (363 N. Main Street), Fort Bragg, California 95437. The public hearing will concern the following item:

## Proposed Resolution Adopting Revisions to the City's Fee Schedule for Municipal Broadband Utility

At Pursuant to applicable law, at least ten (10) days prior to the public hearing, data indicating the cost or estimated cost of providing the services for which the fee is proposed, along with the anticipated revenue sources, will be made available to the public for review.

The proposed resolution and supporting documentation to be considered by the City Council will be available for public inspection at least 72 hours in advance of the hearing. These materials may be reviewed at the Office of the City Clerk, City Hall, 416 North Franklin Street, Fort Bragg, California 95437. To schedule an appointment for viewing or to request copies during normal business hours, please call (707) 961-2823 ext. 104.

All interested members of the public are encouraged to attend the meeting and provide oral or written comments. The City Council will consider whether the proposed rates and charges are fair, reasonable, non-discriminatory, and not excessive. Written comments should be submitted in advance and received no later than the date of the hearing. Public Comment regarding this Public Hearing may be made in any of the following ways: (1) Emailed to <a href="mailto:cityclerk@fortbraggca.gov">cityclerk@fortbraggca.gov</a> (2) Written comments delivered to City Hall, 416 N. Franklin Street before 2:00 PM on the day of the meeting; or (3) Verbal comments made during the meeting, either in person at Town Hall or virtually using Zoom if a Zoom link is provided at the time of agenda publication. Comments received via email will be provided to the City Council and reflected in the packet. Comments will not be read verbally at the meeting. All comments received after 2:00 PM on the day of the meeting will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, exempt comments are those in an unrecognized file type or too large to upload to City Agenda software

DATED: May 29, 2025

Diana Paoli, City Clerk

PUBLISHED/POSTED: May 29, 2025

STATE OF CALIFORNIA ) ) ss. COUNTY OF MENDOCINO )

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg in the Administration Department and that I caused this notice to be posted in the City Hall Notice case on May 29, 2025.

Diana Paoli, City Clerk



Incorporado August 5, 1889 416 N. Franklin Street, Fort Bragg, CA 95437 Teléfono: (707) 961-2827 Fax: (707) 961-2802 www.FortBragg.com

### **AVISO DE AUDIENCIA PÚBLICA**

**SE NOTIFICA** que el Ayuntamiento de Fort Bragg celebrará una audiencia pública en sesión ordinaria a las 18:00 h, o tan pronto como se trate el asunto, el lunes 9 de junio de 2025 en el Ayuntamiento, esquina suroeste de las calles Main y Laurel (363 N. Main Street), Fort Bragg, California 95437. La audiencia pública tratará el siguiente tema:

Propuesta de Resolución que adopta revisiones a la escala de tarifas de la ciudad para el servicio municipal de banda ancha

De conformidad con la legislación aplicable, al menos diez (10) días antes de la audiencia pública, se pondrán a disposición del público para su revisión los datos que indiquen el costo o el costo estimado de proporcionar los servicios por los cuales se propone la tarifa, junto con las fuentes de ingresos previstas.

La resolución propuesta y la documentación justificativa que el Ayuntamiento considerará estarán disponibles para consulta pública al menos 72 horas antes de la audiencia. Estos materiales pueden consultarse en la Oficina del Secretario Municipal, Ayuntamiento, 416 North Franklin Street, Fort Bragg, California 95437. Para programar una cita para su consulta o solicitar copias en horario laboral, llame al (707) 961-2823, ext. 104.

Se anima a todo el público interesado a asistir a la reunión y a presentar comentarios orales o escritos. El Ayuntamiento considerará si las tarifas y cargos propuestos son justos, razonables, no discriminatorios y no excesivos. Los comentarios por escrito deben enviarse con antelación y recibirse a más tardar en la fecha de la audiencia. Los comentarios públicos con respecto a esta Audiencia Pública pueden hacerse de cualquiera de las siguientes maneras: (1) Enviar por correo electrónico a <a href="maitivelerk@fortbraggca.gov">cityclerk@fortbraggca.gov</a> (2) Los comentarios por escrito se entregan al Ayuntamiento, 416 N. Franklin Street antes de las 2:00 p. m. del día de la reunión; o (3) Los comentarios verbales se hacen durante la reunión, ya sea en persona en el Ayuntamiento o virtualmente a través de Zoom si se proporciona un enlace de Zoom en el momento de la publicación de la agenda. Los comentarios recibidos por correo electrónico se proporcionarán al Ayuntamiento y se reflejarán en el paquete. Los comentarios no se leerán verbalmente en la reunión. Todos los comentarios recibidos después de las 2:00 p. m. del día de la reunión se convertirán en una parte permanente del paquete de la agenda el día después de la reunión o lo antes posible; los

comentarios exentos son aquellos en un tipo de archivo no reconocido o demasiado grandes para cargarlos en el software City Agenda.

FECHA: 29 de mayo de 2025

Diana Paoli, Secretaria Municipal

PUBLICADO: 29 de mayo de 2025

ESTADO DE CALIFORNIA)

) artículos.

CONDADO DE MENDOCINO )

Declaro, bajo pena de perjurio, que soy empleado de la Ciudad de Fort Bragg en el Departamento de Administración y que hice que este aviso se publicara en la caja de Avisos del Ayuntamiento el 29 de mayo de 2025.

Diana Paoli, Secretaria Municipal

 From:
 Jacob Patterson

 To:
 Whippy, Isaac

 Cc:
 City Clerk

Subject: Public Comment 2 -- Re: Notice of Public Hearing for the Fort Bragg City Council Meeting on Monday, June 9,

2025, at 6:00 PM

**Date:** Tuesday, June 3, 2025 1:18:44 PM

#### City Council [via BCC],

After some back-and-forth, I was finally able to review the detailed calculations for the proposed monthly fiber rates--I am still waiting on more detail for the legacy MCN fees and rates. I am pleased to say that I find the documentation for the proposed new fiber rates to be both reasonable and adequate to proceed so please ignore my earlier comment even though it was accurate based on what I had access to at the time. (That said, in the future, it would behoove the City to have all the supporting documentation available and ready to provide to anyone who requests it before the public hearing notice goes out.) I assume that the legacy MCN rates and fees will probably be justified too since they are based on actual past data rather than projections from our business plan for the new services. I have high hopes for this exciting new service and will be an early subscriber to convert the legacy MCN services at my house to our new high-speed fiber (all the better to stream our City meetings from my home office).

Best regards,

--Jacob

On Mon, Jun 2, 2025 at 1:45 PM Jacob Patterson < <u>jacob.patterson.esq@gmail.com</u>> wrote: Isaac (& City Clerk for the record),

Before I get into the substantive concerns, this public hearing notice is not accessible and violates the ADA because OCR has not been added to the PDF so screenreader software can't read its contents. The City is required to provide all documents for public meetings in an accessible manner, meaning anyone trying to access the document has a way to read the content (or listen to it through screen reader technology). I had to OCR the public hearing notice myself. This should be corrected and always implemented going forward.

Regarding the substance of the proposed fee updates, I've looked at the spreadsheets that purportedly support the proposed fees for the broadband utility and they don't contain any calculations, instead they are just numbers entered into the fields. These records are nothing more than a price list, not the underlying calculations, which are legally required, btw. I suspected this might not be handled properly based on the City's past issues with updates to the fee schedule and I wasn't wrong, this is concerning. Fees need to be based on something, not just be made up. The supporting documentation that is supposed to be available for public review must answer the following questions. How did we get to these numbers? How did the various amounts get calculated?

We are required to have more data than this to establish fees for services. The notice recognizes this but it was issued without what it says will be made available (aka "At [sic] Pursuant to applicable law, at least ten (10) days prior to the public hearing, data indicating the cost or estimated cost of providing the services for which the fee is proposed, along with

the anticipated revenue sources, will be made available to the public for review" but no such data has been provided. Is this an oversight or does it not actually exist? For example, the fee structure needs to show that the monthly different tiers are based on the cost of providing the service, not just our revenue targets (or however we came up with these numbers). Each tier doesn't need to directly correspond to the cost of providing that specific level of service to that tier's customers but the overall revenue projected to be collected from the ratepayers as a whole needs to not exceed the cost of providing the service. These projected costs should have been calculated when we developed the business plan and applied for the loans to pay for the project. We have ongoing operating costs, debt service costs, and reasonable capital reserves. Where is this data and where are these calculations? For our water and sewer rates, we literally run projected expenses over a rate study time period and then calculate the fees based on generating enough revenue to cover the operating expenses as well as reserves for maintenance and future capital projects. That involves a lot more analysis and calculation than simply writing a price list. A broadband utility is not a water or sewer service but it is still bound by similar legal requirements when it comes to establishing fees for service and utility rates. I expected to see those calculations as part of the information available for this scheduled fee hearing but, alas, it doesn't appear to be available. Did Isaac just accidentally omit the sup[porting calculations? If so, please forward the relevant documents ASAP. If they don't exist, then the City has a big concern that will likely prevent us moving forward with the proposed fee updates at this time.

I recommend the City cancel this public hearing until you can run a compliant rate study for the new utility. We have plenty of time before any services will be able to be provided anyway. Alternatively, you could proceed but just with the rates for the existing MCN customers we are taking on and wait in the broadband. I am not even sure this is the proper way to go about establishing our fees and rates. We don't have our water and sewer rates in our fee schedule, we have cursory fees for things like the physical water connections or inspections, special equipment use, and connection fees. The rates for water and sewer services are in a separate document that went through a different process. I assume that other process would also apply to broadband customer rates as well, although it would require some legal research for me to state that with any certainty. Our fee schedule should contain line items for tertiary fees like broadband connections fees (if any) or service calls for existing customers, as well as account deposits, etc. If we want it to also contain the monthly service charges for basic internet service, we need to have a rate study to establish those rates and no such study is yet available.

Actually, I don't think we have enough data yet to even run a rate study. For existing MCN customers, we should at least have their past rate studies that they used to come up with the existing rates and fees. Where is that and have we evaluated it for accuracy as well as legal adequacy? If not, we need to before trying to adopt it ourselves. The "existing" fees (at Mendo Unified) that I assume we are merely proposing to carry forward to our fee structure must have been calculated with something. (I should say they should have been; I don't know if their process was legally compliant and I wouldn't be surprised if it wasn't. We can't assume their work was justifiable and need to have the supporting calculations before we try to enact comparable fees for the customers we are taking on as part of the acquisition.) Even if the City hasn't evaluated Mendo Unified's calculations, I expect to be able to and that data should have been made available as part of my request to review the data mentioned in the public hearing notice.

If the City proceeds with this non-compliant effort, the entire utility's ability to operate and

bill for services will likely be undermined. As it stands now, this proposed fee update is not legally adequate, IMO, and the City is well-advised to correct the errors and omissions before proceeding. This cannot be done and still hold the public hearing on the 9th because the data and analysis need to be made available for the full ten-day public review period. As such, the hearing must be rescheduled until after the supporting data and analysis have been generated.

Regards,

--Jacob

On Mon, Jun 2, 2025 at 11:52 AM Whippy, Isaac < <u>iwhippy@fortbraggca.gov</u>> wrote: | Jacob,

Please see the attached spreadsheets for the Fees.

**From:** Jacob Patterson < <u>iacob.patterson.esq@gmail.com</u>>

**Sent:** Monday, June 2, 2025 10:13 AM

**To:** Whippy, Isaac < <u>iwhippy@fortbraggca.gov</u>>

**Subject:** Re: Notice of Public Hearing for the Fort Bragg City Council Meeting on Monday, June 9, 2025, at 6:00 PM

Thanks, that is easiest. I am surprised you even have the necessary data to be able to compute the fees and am not sure why there are fees associated with this anyway. Rates for utility services aren't included in the fee schedule and secondary costs for things like hookups are supposed to be covered by the utility. I guess there could be a customer service charge for unusual service visits or something.

On Mon, Jun 2, 2025 at 9:44 AM Whippy, Isaac < <u>iwhippy@fortbraggca.gov</u>> wrote: Sure- i can email it over. Please look for an email before noon today.

**From:** Jacob Patterson < <u>jacob.patterson.esq@gmail.com</u>>

**Sent:** Monday, June 2, 2025 9:02 AM

**To:** Whippy, Isaac < <u>iwhippy@fortbraggca.gov</u>>

**Subject:** Re: Notice of Public Hearing for the Fort Bragg City Council Meeting on Monday, June 9, 2025, at 6:00 PM

You can't just email me the spreadsheet(s)? It would be easier to do that since I would need to review the electronic file and that requires a computer, which someone would have to set up in the conference room. If not, I will come in later this morning. Probably around 11:00 or 11:30.

On Mon, Jun 2, 2025 at 8:38 AM Whippy, Isaac < <u>iwhippy@fortbraggca.gov</u>> wrote:

Thank you for your email, Jacob. Please let me know when you would like to come in

to review the fees?

**From:** Jacob Patterson < <u>iacob.patterson.esq@gmail.com</u>>

**Sent:** Thursday, May 29, 2025 3:29 PM

**To:** City Clerk < <a href="mailto:cityclerk@fortbraggca.gov">cityclerk@fortbraggca.gov</a>>; Whippy, Isaac

< iwhippy@fortbraggca.gov>

**Subject:** Fwd: Notice of Public Hearing for the Fort Bragg City Council Meeting on

Monday, June 9, 2025, at 6:00 PM

Isaac or Diana,

Pursuant to this public hearing notice, I would like to review the supporting calculations and analysis for the fee schedule update as is my usual practice. As noted, this information is required to be made available for 10 days prior to the meeting. Can it be emailed to me or do I need to come in and review it in person? I need the spreadsheets with the actual calculations so I can review any formulas, etc., not just a list of the proposed fees themselves or a PDF print of the calculations spreadsheet. I'd like to review these documents starting tomorrow.

Thanks,

--Jacob

----- Forwarded message -----

From: City of Fort Bragg, CA < CityofFortBragg@public.govdelivery.com>

Date: Thu, May 29, 2025 at 2:59 PM

Subject: Notice of Public Hearing for the Fort Bragg City Council Meeting on

Monday, June 9, 2025, at 6:00 PM To: <<u>jacob.patterson.esg@gmail.com</u>>

# Notice of Public Hearing for the Fort Bragg City Council Meeting on Monday, June 9, 2025, at 6:00 PM

Post Date: 05/29/2025 2:57 PM

**NOTICE IS HEREBY GIVEN** that the Fort Bragg City Council will conduct a public hearing at a regular meeting to be held at 6:00 p.m., or as soon thereafter as the matter may be heard, on Monday, June 9, 2025, at Town Hall, southwest corner of Main and Laurel Streets (363 N. Main Street), Fort Bragg, California 95437. The public hearing will concern the following item:

 Proposed Resolution Adopting Revisions to the City's Fee Schedule for Municipal Broadband Utility <u>Public Hearing Notice can be found here</u> SE NOTIFICA que el Ayuntamiento de Fort Bragg celebrara una audiencia publica en sesion ordinaria a las 18:00 h, o tan pronto coma se trate el asunto, el lunes 9 de junio de 2025 en el Ayuntamiento, esquina suroeste de las calles Main y Laurel (363 N. Main Street), Fort Bragg, California 95437. La audiencia publica tratara el siguiente tema:

• Propuesta de Resolución que adopta revisiones a la escala de tarifas de la ciudad para el servicio municipal de banda ancha El aviso de audiencia pública se puede encontrar aquí.

Click here for more information

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This email was sent to <a href="mailto:jacob.patterson.esq@gmail.com">jacob.patterson.esq@gmail.com</a> using govDelivery Communications Cloud on behalf of: City of Fort Bragg, California : 416 North Franklin Street Fort Bragg, CA 95437



#### Paoli, Diana

From: Jacob Patterson < jacob.patterson.esq@gmail.com>

**Sent:** Saturday, June 7, 2025 10:48 AM

To: City Clerk
Cc: Whippy, Isaac

Subject: Public Comment -- 6/9/25 CC Mtg., Item No. 7D, Broadband Fees

#### City Council & Staff,

Not to bang on a familiar drum, but updates to the fee schedule, particularly brand new fees that didn't exist before, require a lot of supporting analysis. For the most part, that analysis exists for the proposed fees, including for the fees and rates associated with our new fiber internet service that is being built out now. However, some of the legacy MCN rates and fees do not appear to have adequate support. Moreover, the issue is not a lack of analysis, the issue is the analysis provided demonstrates that a subset of the proposed fees and rates are excessive and thus not legally justified. As a public entity, we cannot charge fees and utility rates that far exceed the cost of providing those services. Basically, we can't make excess profits from these fees and rates but the analysis shows that is exactly what we expect to happen related to two service lines: email accounts and web-hosting.

I reviewed all worksheets in all of the documents Issac provided to me during the public review period leading up to this public hearing and, although there is adequate and appropriate support for the new fiber monthly rates, there isn't comparable support for all of the legacy MCN fees and rates. In particular, the Email and WebHost Domain worksheets show huge excess profits and all the other service lines have modest net profits per customer, which supports the rates and fees associated with those services. The list of proposed fees associated with legacy MCN services using existing infrastructure includes 21 line items associated with email accounts and 48 line items associated with WebHost domains (assuming the two Wifrost line items are web-hosting related). IMO, none of those fee line items have adequate support for us to adopt them without significantly reducing the proposed fees. The Email worksheet shows the projected revenues but there is no cost information other than a single annual line item of \$6,600.00 that isn't explained. Based on the revenues for email, there are \$6,600.00 in costs and net profits of \$186,012.00. If that is accurate, any email-related fees MCN is charging that generate all that profit are obviously excessive and not tied at all to the cost of providing the services so we can't just carry them forward as our own fees and rates. (You don't need to be a lawyer to understand that is legally problematic.) The WebHost Domain worksheet is similar, showing huge excess profits of \$123,960.00 (or \$10,330.00 monthly).

Based on the fact that we need a significant subsidy from the legacy MCN revenues to even break even for the new fiber service, there is an issue because we are collecting far in excess of the costs to provide the legacy MCN services even if the rates for the new fiber services are justified and have a reasonable relationship to the costs of providing that service. Clearly, the legacy MCN fees and rates for email and web-hosting are excessive based on the detailed cost breakdowns. Think of it this way--this is just a hypothetical, not the real scenario--we can't make a huge profit from our sewer enterprise to cover the revenue shortfalls from the water enterprise even though we bill them together. That is not perfectly analogous because water and sewer are two different enterprises and the legacy MCN services will be in the same enterprise as the new fiber services but there still has to be a reasonable relationship between the broadband enterprise's particular rates and fees to the cost of providing the relevant service. When looking at the available data for the different service lines in legacy MCN, that reasonable relationship is only demonstrated for the service lines and their fees, not all of them... hence the significant excess revenue (aka profit) that we would need to use to subsidize the new fiber services. This is problematic because there is little connection between these two service lines. They are offered to different customers as alternatives to each other and use completely different infrastructure. In fact, only management overhead costs will be connected between the legacy and new service lines.

In general, permissible revenue generation beyond direct operating expenses can only cover depreciation expenses and develop reasonable reserves for future maintenance and capital improvements. That is in a normal situation where a service is going to be an ongoing concern in the long term. Here, we have a legacy service that is going to be phased out in the near term and it won't involve significant additional capital investments or even significant maintenance expenses. (Even the depreciation expenses arguably aren't fully justified because the depreciated equipment isn't going to be replaced.) Basically, the legacy MCN services other than the email and web-hosting, coincidentally the two service lines that would generate excessive revenues and profits, have no significant future capital needs and the web-hosting and email don't either so there is no justification to charge exorbitant fees and rates to try to build up capital reserves that won't be used for anything.

To summarize, if the documents provided to me are all we have, I think there is an issue with the proposed rates and fees associated with email and web-hosting and the relevant/corresponding rates and fees should be recalculated before we try to adopt them. Unfortunately, that may create financial issues for the utility overall since we wouldn't have the full surplus \$309,972.00 to help subsidize the early year shortfalls for the new fiber services but that isn't a reason to try to ignore the legal requirement that fees and utility rates cannot generate excess revenues and profits and must be limited to the cost of providing the particular services. I wonder if staff even got a legal opinion regarding carrying forward the legacy rates and fees that involved this level of specificity. I suspect not. The legality of government operated utility rates and fees is not necessarily anything the M&A legal counsel or underwriters would have considered as part of the due diligence process and Jones & Mayer frequently doesn't appear to dig into the weeds when we have agenda items like this one, which implicate complex areas of public law and a lot of detailed fact-dependant analysis--I had to go through many workbooks and data fields in the supporting spreadsheets and I suspect none of these documents have been reviewed by legal counsel for the purposes of reviewing the legal adequacy of the proposed fees. Frankly, it would be extremely expensive to pay for the number of billable hours necessary to do that but my time is my own so I had the time to do so.

Regards,

--Jacob

## Fort Bragg Internet Users Against Excessive Fees

### Comment on Fee Schedule Public Hearing, Item # 7D, 6/9/25 City Council Meeting

Date: June 9, 2025

To: Fort Bragg City Council From: David Childs, President

CC: Isaac Whippy, Fort Bragg City Manager; Jacob Patterson

City of Fort Bragg Received

JUN 9 2025

2:10 pm

Fort Bragg Internet Users Against Excessive Fees is an unincorporated association of local internet users who are customers of MCN or expect to be customers of the new fiber internet utility being created by the City of Fort Bragg. While we support your effort to bring gigabit-speed internet services to Fort Bragg, we are concerned that the proposed monthly rates and fees for existing MCN customers who are being transitioned over as part of your acquisition of MCN will be overcharged for some of those services. As noted in other comments, the fees for email and webhosting services appear to far exceed the cost of providing those services with a projected annual surplus of over \$300,000 from those two service lines!

We must object to the proposed fee schedule items for email and webhosting because of those excessive fees and rates. As MCN email account holders, we don't think we should be paying too much for our email accounts so you can subsidize your new fiber start-up when we won't benefit at all from that other service. This is particularly true for those of us who live outside the city limits and won't have the option of switching over to the new fiber internet and are stuck with our current MCN services. The same is true for webhosting customers. Why should email and webhosting customers effectively subsidize the lucky customers who get to access this new gigabit-speed internet when we don't have any related benefits? Please remove these excessive fees before you adopt the other updates to the fee schedule.

Stop the Steal!

#### Paoli, Diana

From: Annemarie <aweibel@mcn.org>
Sent: Monday, June 9, 2025 3:37 PM

**To:** Paoli, Diana; Peters, Lindy; Albin-Smith, Tess; Rafanan, Marcia; Godeke, Jason; Hockett,

Scott; Whippy, Isaac

**Subject:** please vote no on the MOU with the railway, public comment item 8A

Dear City Council members,

I am involved with another meeting at the same time that is why I am writing to you. It took me all this time to read all the documents and highlight them, but now I am running out of time to respond to all the issues that were brought up.

I have attended City meetings off and on and commented on issues all along for the last 20 years.

This agenda item lists: Consider Adopting a Resolution Accepting the Mill Site Development Strategy Report and Directing City Manager to Initiate Phase 2 of the Master Development Agreement Planning Program; CEQA Exemptions 15265 and 15061(b)(3)

Looking up CEQA Exemptions 15061(b)(3) I understand that 15061(b)(3) The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

I understand that voting in favor of a MOU with the Skunk Train without giving the public enough time (5 days) to study the agenda, resolution, 59 pages EPS draft report and not truly listening to the public that has been involved with this project for 20 plus years is premature. it should not be exempt from CEQA as the issue about the toxins has not been addressed. To move on now without having any guarantees that the toxin issue will be properly addressed does not give the community hope that it will ever be addressed. And shipping it to Kettleman City where babies of undocumented Hispanic workers die due to the toxins is not a solution either.

I agree with all the public comments you received so far and also agree with the comments by Peter McNamee of Fort Bragg addressed to the editor of the AVA which questions the legality of making land use decisions in closed session (abbreviated version). "The full justification for the Fort Bragg City Council putting off resolution of its lawsuit with Mendocino Railway in the courts, in order to negotiate a master development agreement for the Fort Bragg headlands with the railway, was never transparently vetted with the public. And while its legal for city councils to make decisions about litigation in closed session, it is not legal or morally acceptable to make land use planning decisions in closed session.

The City Council's decision to make decisions in closed sessions has exposed the City on multiple fronts to added risk of legal & financial liability.

Equally troubling, hiding the deliberations regarding land use planning from the public, undermines the public's faith in the integrity of City Officials and the Council. Land use decision making must be done in public with full transparency, and determinations of law should be made by the courts. More than six months into these secret discussions and the public has no way of knowing what is being discussed or what the impacts may be on the community".

In your resolution you write that "Appropriate environmental studies will be completed when the binding Development Agreement is presented to the Council at a future public hearing". This is not what the public wants to hear.

I attended the DTSC meeting when they wanted to pull out as their senior scientist was retiring. The community will not allow you to postpone the key issue now. The EPS draft report did not mention the dam. Not all wetlands are mapped now.

That needs to be done now. On page 39 there was only mention of "Allow for daylighting of Maple Creek. (2019)" Why not Alder Creek?

Please vote no on the MOU with the railway and if you can not agree to that, ask for an extension to allow that the public to tell you their reaction to all this information. Please schedule a meeting with the public. 5 days is not enough time!

Sincerely, Annemarie Weibel



## **City of Fort Bragg**

416 N Franklin Street Fort Bragg, CA 95437 Phone: (707) 961-2823 Fax: (707) 961-2802

#### **Text File**

File Number: 25-193

Agenda Date: 6/9/2025 Version: 1 Status: Public Hearing

In Control: City Council File Type: Staff Report

Agenda Number: 7E.

Receive a Report, Hold a Public Hearing to Present City of Fort Bragg Vacancy Report 2025, a Comprehensive Overview of Current Job Vacancies, Recruitment and Retention Efforts as Required by Assembly Bill 2561.

Receive a Report, Hold a Public Hearing to present a comprehensive overview of current job vacancies, recruitment and retention efforts as required by Assembly Bill 2561. This presentation will also include recruitment and retention challenges and potential areas of improvement (Government Code Section 3502.3).



### CITY COUNCIL STAFF REPORT

TO: City Council DATE: June 9, 2025

**DEPARTMENT:** Administration Department

PREPARED BY: Juli Mortensen, Human Resources Manager

PRESENTER: Juli Mortensen, Human Resources Manager

AGENDA TITLE: AB 2561 Vacancy Report

#### RECOMMENDATION

Staff recommends that the City of Fort Bragg receive the FY 2024-2025 Assembly Bill (AB) 2561 Vacancy Report. The report provides an update on the status of vacancies, recruitment, and retention efforts for the City of Fort Bragg, in compliance with the AB 2561 law, which took effect on January 1, 2025, and was codified. ("AB") 2561. (Gov. Code § 3502.3)

#### **BACKGROUND**

AB 2561 was introduced to address the issue of job vacancies in local government, which adversely affects the delivery of public services and the workload of employees. Among other requirements, the bill mandates that public agencies conduct a public hearing to present the status of vacancies, recruitment, and retention efforts during a public hearing before the agency's governing body at least once per fiscal year prior to the adoption of the next fiscal year's budget and identify any necessary changes to policies, procedures, and recruitment activities that may lead to obstacles in the hiring process. The bill was enacted into law and is codified as Government Code section 3502.3, effective January 1, 2025.

#### **DISCUSSION AND ANALYSIS**

In compliance with the new legal obligations, the City is required to do the following:

- 1. <u>Public Hearing Report on Vacancies:</u> For the fiscal year 2024-2025, the City's annual average percentage of vacancies (i.e., regular, full-time equivalent) is 13%. The table below shows a breakdown of the percentage of vacancies:
- 2. <u>Employee Organization Participation:</u> Allow the recognized employee organization for each bargaining unit at the City to make presentations during the public hearing concerning vacancies and recruitment and retention efforts. The

Human Resources Department notified the two (2) represented bargaining units at the City of the opportunity to present. (Gov. Code § 3502.3(b).)

### City of Fort Bragg AB 2561 Vacancy Rate

Employee Group	Vacancy Rate
FBEO	0%
FBPA	2%
Conf/Nbarg	16%
CV Starr	20%
Temporary	20%
Mid-Mgmt	1%
Executive	33%
Total Vacancy Rate	13%

As shown above, the City has several employee groups with vacancy rates of 20% or higher. For FY 2024-2025, within the City's bargaining units with recognized employee organizations, both the Fort Bragg Employee Organization (FBEO) and the Fort Bragg Police Association have very low vacancy rates of 0% and 2%, respectively. Several non-bargaining employee groups also have low vacancy rates. Specifically, the Mid-Management group's vacancy rates of 20% or higher. Several non-bargaining groups also have low vacancy rates. Specifically, the Mid-Management group has a vacancy rate of 1%.

#### **Confidential/Non-Bargaining Employee Group**

Although the Confidential/Non-Bargaining vacancy rate is below the threshold at 16%, depending on how certain positions are calculated, such as the Public Information Coordinator, Administrative Assistant – Administration, and City Clerk roles, the rate could exceed 20%. For transparency, further explanation is provided.

Another factor was the vacancy in the City Clerk position in December 2024. The City advertised both a certified and non-certified version of the role to attract a broader applicant pool, due to the specialized skills and certifications required. The position was ultimately filled in February 2025 at the City Clerk — Non-Certified level, which is classified under Confidential/Non-Bargaining rather than Mid-Management. Because the position straddled classifications and was partially filled during the fiscal year, the calculation of the vacancy rate is open to interpretation. While technically below 20%, the City is providing this context to ensure transparency regarding staffing levels in this group.

#### C.V. Starr Employee Group

The C.V. Starr vacancy rate is 20%, meeting the AB 2561 threshold. This rate is largely driven by a 50% vacancy rate in the Senior Lifeguard classification. The Senior

Lifeguard classification is a full-time position. Lifeguarding is a physically and emotionally demanding job- staff must remain alert at all times and be prepared to save lives. The challenge is amplified by the facility's unusually deep lap pool, which requires stronger swimming abilities and a higher level of physical fitness.

These physical demands limit the applicant pool. According to the World Health Organization, more than 80% of adolescents and 27% of adults do not meet the recommended fitness levels. The City, in collaboration with Mendocino County's Blue Zone initiative, may broaden the future labor pool. Most part-time lifeguards are high school students, whose availability is often limited due to school, social, and family commitments. While the position pays \$19 - \$23 per hour, it competes with less stressful jobs like-fast food—which now offer \$20 an hour minimum wage, creating a recruitment disadvantage. Additionally, lifeguards often face high responsibility and stress, and sometimes patron complaints, which the City is addressing through improved work practices.

Staffing shortages have required supervisors to step in as lifeguards and invest heavily in recruitment efforts. These challenges are expected to grow, especially as the center recently expanded Sunday hours. Further complicating staffing is the pool layout: safety regulations require more lifeguards on duty when both pools are open and the adjacent water slide are open, stretching already limited staffing resources.

#### **Temporary Employee Group**

The Temporary employee group has a vacancy rate of 20%, comprising seven positions. The positions are: Assistant Planner – Temporary, Construction Project Manager – Temporary, Grants Analyst, Intern, Office Assistant, Seasonal Laborer, and Seasonal Parking Attendant. Since the employee group has only seven classifications, a single vacancy will have a significant impact on the vacancy rate.

Recruiting for temporary positions is challenging because these positions typically offer limited sick leave as a benefit, but no other benefits are available. In this labor and economic environment, the compensation for temporary positions is on the lower end, and the lack of benefits deters interested individuals from applying.

Currently, the Seasonal Laborer pays \$18 per hour. Effective January 1, 2025, the minimum wage is \$16.50 for all employers. For fast food workers, the minimum wage is currently \$20 per hour. This will become more of an issue when the delayed minimum wage increase for healthcare workers goes into effect. As the minimum wage continues to rise, it will likely exert upward pressure on the City to reevaluate its lower-paying classifications, including temporary positions.

#### **Executive Management**

The Executive Management group has a vacancy rate of 33%. The Executive Management employee group consists of seven positions. The positions are the Assistant City Manager, City Manager, Director of Community Development, Director of

Finance/City Treasurer, Director of Public Works, Police Chief, and Police Chief – Executive POST.

However, not all seven positions were authorized for the FY 2024-2025. Specifically, the Police Chief classification was not funded, as the Police Chief–Executive POST is currently filled: only one of these positions would be filled at a time. The Director of Finance/City Treasurer was not budgeted, as the City Manager currently performs both roles. Additionally, the Assistant City Manager was not included in this year's budget.

Of the four authorized positions, three —City Manager, Director of Public Works, and Police Chief — were filled throughout the year. The Director of Community Development position remains vacant, resulting in the group's 33% vacancy rate.

This role has been vacant since late 2019, following over 13 years of stability. Despite multiple recruitment efforts, the position has been difficult to fill. Interim coverage has been provided by the Director of Public Works and the Assistant Director – Engineering Division, with support from a planning consultant. A dual recruitment for a Senior Planner and Community Director was launched in March 2025 and is currently in progress. While details remain confidential, the City remains hopeful for a successful hire.

#### Recruitment Challenges for the Community Development Director/Senior Planner Position

The City has experienced persistent challenges in recruiting for the Planner position within the Community Development Department. Feedback from both public agencies and executive recruitment firms indicates a key barrier is the current salary range, which is considered too low to attract qualified candidates. In fact, several firms have declined to support the search, citing that the compensation does not justify their time or resources.

Why has this position been such a challenge to recruit for? When reaching out to other agencies and recruitment firms, one challenge is determining the appropriate salary range. Executive Recruitment firms have provided guidance stating that the salary range for the position is too low and is not worth their time and effort. The local political climate is one possible barrier to successfully attracting qualified candidates. It is reasonable to assume that qualified candidates with the requisite information would do research and view past and current public meetings. Interested parties may be deterred by what they see in the meetings.

Geographical location also presents a significant hurdle. Fort Bragg's remote setting, while offering natural beauty and a tight-knit community, can be a deterrent for some candidates, particularly those with partners who may be concerned about the limited retail and service amenities, the high cost of living, or the availability of quality housing. These broader quality-of-life factors can impact a candidate's decision to relocate.

The City recognizes these barriers and is actively working to address them. Efforts include initiatives to improve housing availability and affordability, strengthen the local

economy, and invest in critical infrastructure. One such effort is the City's recent acquisition of Mendocino Community Network (MCN) from the Mendocino Unified School District. This acquisition is a cornerstone of the City's broader municipal broadband initiative, aimed at enhancing connectivity and fostering economic development. The City is currently in the process of transitioning MCN staff to City employment as part of this strategic effort.

#### **Retention Efforts**

Even though the City's Strategic Plan sets ambitious goals and demands high performance in a fast-paced environment, the City Manager has also made it a priority to foster a healthy work-life balance and support employee career growth. This includes investing in professional development, establishing clear career ladders within each department, and creating opportunities for internal advancement.

The City has prioritized expanding access to wellness resources, such as mental health apps and enhanced employee benefits. Employee retention remains a key focus, with improvements made to breakroom access and workplace amenities, along with ongoing investments in teambuilding, training, and wellness initiatives. Recent training sessions have covered topics such as accountability, leadership development, and handling difficult customer interactions. Team-building activities have helped build camaraderie and collaboration.

Mental and physical wellness are also emphasized. Employees receive free subscriptions to Calm.com for mental well-being and complimentary single memberships to the C.V. Starr Community Center to support physical fitness. These efforts reflect the City's to creating a supportive work environment, retaining valued employees, and maintaining a strong, resilient workforce.

#### Hiring Summary FY 2024-2025

#### Number of Requisitions

To date, during FY 2024-2025, the City has processed or is working on filling 12 requisitions. The term' requisition' is interchangeable with 'job posting'. Of these, five (5) have been filled and seven (7) are unfilled. As shown below, the Seasonal Laborer recruitment is hiring two people. Because of this, the Seasonal Laborer requisition is being treated as two vacancies.

Requisition		Number Of	Requisition					Code - Requisition	Text - Requisition Joh
Number	Requisition Title	Vacancies	Status	Assigned Analyst	Department Name	Employee Group	Hiring Managers	Job Term/Job Type	Term/Job Type
20240002	5 Administrative Assistant	1	Filled	Mortensen, Juli	Oty Manager (Administrative Services)	Confidential/Non-Bargaining	Isaac Whippy	FT	Full-Time
20240002	2 Oty Oerk	1	Filled	Mortensen, Juli	Oty Manager (Administrative Services)	Confidential/Non-Bargaining	Isaac Whippy	FT	Full-Time
20240002	6 Public Experience Liasion	1	Open	Mortensen, Juli	Oty Manager (Administrative Services)	Confidential/Non-Bargaining	Isaac Whippy	PT	Part-Time
20240002	Community Development 4 Director	1	Open	Mortensen, Juli	Community Development	Executive	Isaac Whippy	FT	Full-Time
LOL 1000L	Director of Broadband and		Орол	ivortorioon, con	Community Bordopman	Becaute	подае типрру		r un mino
20240002	9 Digital Infrastructure	1	Open	Mortensen, Juli	Broadband & Digital Infrastructure	Executive	Isaac Whippy	FT	Full-Time
	OFFICE ASSISTANT-								
20240002	10 TEMPORARY	1	Filled	Bryant, Lesley	Police Operations	FBPA	Neil Cervenka, Thomas O'Neal	Seasonal/Temporary	Seasonal/Temp
20240002	PART-TIMEGRANTS ANALYST	1	Filled	Bryant, Lesley	Police Operations	FBPA	Neil Cervenka, Thomas O'Neal	Grant Funded	Grant Funded
20240001	9 Police Sergeant	1	Open	Bryant, Lesley	Police Operations	FBPA	Neil Cervenka	FT	Full-Time
20240002	8 Social Services Liaison	1	Open	Bryant, Lesley	Police Administration	FBPA	Neil Cervenka	FT	Full-Time
20240002	3 Senior Planner	1	Open	Mortensen, Juli	Community Development	Mid-Management	Isaac Whippy	FT	Full-Time
20240002	7 Seasonal Laborer	2	Open	Mortensen, Juli	Public Works: Corporation Yard	Temporary	Heath Daniels, John Smith	Seasonal/Temporary	Seasonal/Tem
otals		12							
Total Number o		12							
otal Number o	of Filled Requisitions	5							
Cotal Number	of Unfilled Poquicitions	7	*The Season	al Laborer has two r	neitions for the single recruitment so it i	une counted se two vacancine			

#### Time to Fill FY 2024-2025

In the FY 2024-2025, the City filled six requisitions (positions). The time to fill was 67 days. Time to Fill metric to assist Human Resource professionals in identifying how long the agency takes to move an applicant through their hiring process from start to finish. This period includes advertising the job, extending the conditional offer, completing preemployment processing, and finally, the date the hire assumes the position. A table reflecting the Time to Fill by Employee Group is shown below.

	Requisiti			5 (1)	Time to
Requisition Title	on Status		Hire Candidate Full Name	Department Name	Fill - Days
<b>a</b> ty <b>a</b> erk	Filled	4727540	Paoli, Diana	Oty Manager (Administrative Services)	86
<b>a</b> ty <b>a</b> erk	Filled	4732893	Paoli, Diana	Oty Manager (Administrative Services)	86
Police Sergeant	Open	4621591	Frank, Jarod	Police Operations	14
OFFICE ASSISTANT - TEMPORARY	Filled	4679803	Ponts, Jennifer	Police Operations	71
PART-TIME GRANTS ANALYST	Filled	4679867	Morse, Jason	Police Operations	101
Administrative Assistant	Filled	4883326	Remington, Stephanie	Oty Manager (Administrative Services)	43
					67

How does the City of Fort Bragg compare to other public agencies? According to NEOGOV, local government entities average 130 days. The average time for state government entities to fill positions is 96 days. In the private sector, the average time to fill is 36 days. As you can see from the above table, the City of Fort Bragg is doing excellent. The City's Time to Fill is 51% of the 130-day number that NEOGOV states in their article, "Why Time-to-Hire is So Important, and How to Reduce It."

The Part-Time Grants Analyst position has taken the longest to fill. Part-time positions are often challenging to fill because most people are seeking full-time positions that offer benefits. The Part-Time Grants Analyst has limited sick leave, but is not entitled to any other benefits. Another factor is the position's specialized knowledge in grant writing and administration.

The City Clerk's requisition is listed twice because of the dual advertising approach the City took. There was only one hire. The City Council did not approve the staff's recommendation for the City Clerk, Mid-Management position during the January 28,

2025, City Council meeting. As a result, this added twelve days to the hiring process. If the additional 12 days were not included, the Time to Hire for the City Clerk position would reduce the duration to 74 days and lower the overall Time to Fill average to 62.8 days. If one were to remove one of the City Clerk positions, because only one of the two positions would be filled, it would change the City's Time to Fill average to 63 days.

#### **Recruitment Successes and Challenges**

In summary, the City's vacancy rate is 13%, and the Confidential/Non-Bargaining, C.V. Starr, Temporary, and Executive Management employee groups are the groups that contribute to the vacancy rate. Another clear success is the City's Time to Hire metric. This helps ensure that those who apply and are extended a conditional job offer join the team and do not drop out during the pre-employment process. This is especially remarkable due to the challenges in scheduling pre-employment medicals in our area. In addition, the City has been successful in its recruitment and retention efforts during fiscal year 2024-2025; however, it also faces challenges. The City is committed to overcoming these challenges and continually improving the organization by onboarding more highly qualified, motivated staff to bring the City's strategic goals to fruition.

#### FISCAL IMPACT/FUNDING SOURCE

The cost of publication of the public notice in the local paper is the only fiscal impact. The advertising cost was \$254.10 to publish the hearing notice in the Fort Bragg Advocate. Other than the advertising cost, there is no direct fiscal impact associated with conducting the public hearing required under Government Code § 3205.3.

#### **ENVIRONMENTAL ANALYSIS:**

The California Environmental Quality Act (CEQA) does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment or is otherwise not considered a project as defined by CEQA Statute §21065 and CEQA State Guidelines §15060(c)(3) and §15378. The public hearing and reporting on vacancy rates, recruitment, and retention efforts meet the above criteria and are therefore exempt from CEQA. No additional environmental review is required.

#### STRATEGIC PLAN/COUNCIL PRIORITIES/GENERAL PLAN CONSISTENCY

This is in alignment with the City's Strategic Plan: 6A Develop and implement a Recruitment and Retention Program for all departments that attracts the best and brightest who will invest in the well-being of our City, where we build community through work.

#### **COMMUNITY OUTREACH**

Notice of the hearing to the public will be provided in accordance with the Ralph M. Brown Act, Assembly Bill 2561 (Gov. Code § 3502.33502.3(a)(2), Gov. Code § 3502.3(a)(3)), Gov. Code § 3502.3(b), Gov. Code § 3502.3(c). The City of Fort Bragg has provided outreach to notify each of the respective bargaining units, the Fort Bragg Employee Organization (FBEO) and the Fort Bragg Police Association (FBPA), of their board of directors in compliance with Assembly Bill 2561 (Gov. Code §3502.3(b)). A notice of public hearing was published.

#### **ALTERNATIVES:**

There is no alternative. This is a legal obligation as outlined in Assembly Bill 2561 (Gov. Code Section 3502.3).

#### ATTACHMENTS:

- Assembly Bill 2561
- 2025.06.09 AB 2561 Vacancy Report

#### **NOTIFICATION:**

Service Employees International Union Local 1021

Field Representative – Patrick Hickey, patrickhickey@seiu1021.org

Fort Bragg Employee Organization Board

President - Cody Filosi, cfilosi@fortbraggca.gov

Vice President – Steve Baxman, sbaxman@fortbraggca.gov

Member at Large – Adriana Hernandez Moreno, amoreno@fortbraggca.gov

Member at Large – Justin Celeri@fortbraggca.gov

Mastagni Holstedt, A.P.C.

Labor Relations Consultant – Shaun A. Du Fosee, sdufosee@mastagni.com

Fort Bragg Police Association Board

President - Jarod Frank, jfrank@fortbraggca.gov

Vice President - Padraic Ferris, pferris@fortbraggca.gov

Secretary - Rory Beak, rbeak@fortbraggca.gov

Treasurer - Antoinette Moore, amoore@fortbraggca.gov

Member at Large – Anthony Welter, awelter@fortbraggca.gov



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AB-2561 Local public employees: vacant positions. (2023-2024)

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Date Published: 09/23/2024 09:00 PM

#### Assembly Bill No. 2561

#### **CHAPTER 409**

An act to add Section 3502.3 to the Government Code, relating to public employment.

[ Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024. ]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2561, McKinnor. Local public employees: vacant positions.

Existing law, the Meyers-Milias-Brown Act (act), authorizes local public employees, as defined, to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on matters of labor relations. The act requires the governing body of a public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations and to consider fully presentations that are made by the employee organization on behalf of its members before arriving at a determination of policy or course of action.

This bill would, as specified, require a public agency to present the status of vacancies and recruitment and retention efforts at a public hearing at least once per fiscal year, and would entitle the recognized employee organization to present at the hearing. If the number of job vacancies within a single bargaining unit meets or exceeds 20% of the total number of authorized full-time positions, the bill would require the public agency, upon request of the recognized employee organization, to include specified information during the public hearing. By imposing new duties on local public agencies, the bill would impose a state-mandated local program. The bill would also include related legislative findings.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement shall be made pursuant to these statutory provisions for costs mandated by the state pursuant to this act, but would recognize that a local agency or school district may pursue any available remedies to seek reimbursement for these costs.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

#### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### **SECTION 1.** The Legislature finds and declares as follows:

- (a) Job vacancies in local government are a widespread and significant problem for the public sector affecting occupations across wage levels and educational requirements.
- (b) High job vacancies impact public service delivery and the workers who are forced to handle heavier workloads, with understaffing leading to burnout and increased turnover that further exacerbate staffing challenges.
- (c) There is a statewide interest in ensuring that public agency operations are appropriately staffed and that high vacancy rates do not undermine public employee labor relations.

- SEC. 2. Section 3502.3 is added to the Government Code, to read:
- 3502.3. (a) (1) A public agency shall present the status of vacancies and recruitment and retention efforts during a public hearing before the governing board at least once per fiscal year.
- (2) If the governing board will be adopting an annual or multiyear budget during the fiscal year, the presentation shall be made prior to the adoption of the final budget.
- (3) During the hearing, the public agency shall identify any necessary changes to policies, procedures, and recruitment activities that may lead to obstacles in the hiring process.
- (b) The recognized employee organization for a bargaining unit shall be entitled to make a presentation at the public hearing at which the public agency presents the status of vacancies and recruitment and retention efforts for positions within that bargaining unit.
- (c) If the number of job vacancies within a single bargaining unit meets or exceeds 20 percent of the total number of authorized full-time positions, the public agency shall, upon request of the recognized employee organization, include all of the following information during the public hearing:
- (1) The total number of job vacancies within the bargaining unit.
- (2) The total number of applicants for vacant positions within the bargaining unit.
- (3) The average number of days to complete the hiring process from when a position is posted.
- (4) Opportunities to improve compensation and other working conditions.
- (d) This section shall not prevent the governing board from holding additional public hearings about vacancies.
- (e) The provisions of this section are severable. If any provision of this section or its application is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.
- (f) For purposes of this section, "recognized employee organization" has the same meaning as defined in subdivision (a) of Section 3501.
- **SEC. 3.** The Legislature finds and declares that Section 2 of this act, which adds Section 3502.3 to the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

It is in the public interest, and it furthers the purposes of paragraph (7) of subdivision (b) of Section (3) of Article I of the California Constitution, to ensure that information concerning public agency employment is available to the public.

**SEC. 4.** No reimbursement shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code for costs mandated by the state pursuant to this act. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Part 7 (commencing with Section 17500) and any other law.

#### AB 2561 Vacancy Report - FBEO

Fort Bragg Employee Organization (FBEO) Classifications	Budgeted as of 7/1/2024	Headcount as of 7/1/2024	Incumbents	Number of Incumbents	Filled Percentage	Vacancy Rate	Notes
	3	3	Emily Reno	3	100%	0%	
			Laura Godinez		100%	0%	Emily is the Admin Assistant
							mentioned on the 7/1/24
							Budget for Public Works.
							Maria Flynn is the
							Administrative Assistant in
Administrative Assistant - Non-Confidential			Maria Flynn		100%	0%	Community Development.
Assistant City Engineer	2	2	Alfredo Huerta	2	N/A	N/A	
			Diane O'Connor		100%	0%	
Assistant Planner	1	1	Sarah Peters	1	100%	0%	
Associate Planner	0	0	None	N/A	N/A	N/A	
Code Enforcement Officer	0	0	None	N/A	N/A	N/A	
Engineering Technician	2	2	Carlos Hernandez	2	100%	0%	
			Kevin McDannold		100%	0%	
Environmental Compliance Officer	1	1	Frank Kemper	1	100%	0%	
Finance Technician I	2	2	Alexandria Frazer	2	100%	0%	
			Jessica Syres		100%	0%	
Finance Technician II	0	N/A	None		N/A	N/A	-
Finance Technician III	1	1	Adriana Hernandez Moreno	1	100%	0%	-
Government Accountant I	1	1	Laura Bianchi Limbird	1	100%	0%	
Government Accountant II	0	N/A	None	N/A	N/A	N/A	
Grants Coordinator	1	1	Lacy Sallas	1	100%	0%	
Maintenance Worker I	3	3	Nicholas Perry	3	100%	0%	
			Andrew Ryken		100%	0%	
Maintenance Worker II	0.5	0.5	Brandon Wilber Jason Balassi	4	100% 100%	0% 0%	
IMaintenance Worker II	8.5	8.5		4			O. F. Maintananaa Walkana
			Justin Celeri		100% 100%	0% 0%	8.5 Maintenance Workers
			Justin Archimede		100%	0%	budgeted as per FY 24-2025 Budget document. The .5 is
Maintenance Worker III	1	1	Marshall Morgan Steven Baxman	1	N/A	N/A	for a Seasonal Laborer. None
Maintenance Worker IV	no	0	None	N/A	N/A	N/A	were hired as of the report
Maintenance Worker Lead	1	1	lan Sanderson	1	100%	0%	date.
Mechanic Worker Edad Mechanic	1	•	Craig Utsumi	1	100%	0%	uato.
Operations Supervisor	0		None	N/A	N/A	N/A	1
Planning Technician	0		None	N/A	N/A	N/A	1
Systems Technician	0		None	N/A	N/A	N/A	1
Treatment Plant Operator in Training	1	1	Andrew Wood	1	100%	0%	
Treatment Plant Operator I	0	0	None	N/A	N/A	N/A	
Treatment Plant Operator II	5	5	Humberto Arellano	5	100%	0%	
			Chris Brians		100%	0%	S Towns out Diams Const.
			Cody Filosi		100%	0%	6 Treatment Plant Operators
			Paul Labreck		100%	0%	were budgeted as of 7/1/2025.
			Merle Larson		100%	0%	
Treatment Plant Operator - Wastewater Lead	1	1	Alden Ramos		100%	0%	
Treatment Plant Operator - Water, Collection, and Distribution	0	0	None		N/A	N/A	
	rgaining Unit T	otal Vacancy	Rate				0%

Approach
Took the 1/1/2025 Compensation Schedule for list of positions
Went through each position to determine the number of incumbents
Went through and reviewed the year and provided an approximate amount of the year where the position is filled.
The 7/1/2024 Headcount is pulled from the 2024-2025 Budget

AB 2561 Vacancy Report - FBPA

Fort Bragg Police Association Classifications	Budgeted as of 7/1/2024	Headcount as of 7/1/2024	Incumbents	Number of Incumbents	Filled Percentage	Vacancy Rate	Note
							The CSO was frozen in exchange for
Community Services Officer	2	2		0	N/A	N/A	sponsoring Police Recruit.
Police Sergeant	1	4	Anthony Welter	4	100%	0%	
			P.J. Ferris		100%	0%	
							Nayeli Carmona DeLeon separated.
			Jarod Frank		83%	0%	Promoted Jarod Frank
			Jonnathan McLaughlin		100%	0%	
Police Officer	5	5	Humberto Arellano Jr.	7	100%	0%	
			Tyler Baker		100%	0%	
			Rory Beak		100%	0%	
			Gadge Ferris		100%	0%	
			David Franco		100%	0%	
			Antoinette Moore		100%	0%	
			Amando Pacheco		100%	0%	
							Keyona Slaughter hired in exchange for
Police Recruit	Yes		Keyona Slaughter		75%	25%	freezing CSO positions.
Special Investigator	Yes	1	Wesley Rafanan		100%	0%	
	FBPA Bar	gaining Unit Tota	I Total Vacancy Rate				2%

#### Approach

Took the 1/1/2025 Compensation Schedule for list of positions

Went through each position to determine the number of incumbents

Went through and reviewed the year and provided an approximate amount of the year where the position is filled.

The 7/1/2024 Headcount is pulled from the 2024-2025 Budget

#### AB 2561 Vacancy Report - Confidential/Non-Bargaining Employee Group

		Headcount					
Confidential Non-Bargaining	Budgeted as	as of		Number of	Filled	Vacancy	
Classifications	of 7/1/2024	7/1/2024	Incumbents Cristal Munoz	Incumbents	Percentage 100%	Rate 0%	Notes
Administrative Analyst	yes			1		0%	
Administrative Analyst - PD	yes		Lesley Bryant	1	100%	0%	
Administrative Assistant - Administration		0	None		N/A	N/A	Amber Weaver moved to Public Information Coordinator
			Stephanie Remingt	1	67%	33%	Position was authorized in lieu of the Public Information Coordinator
Assistant Planner/Code Enforcement	ves		George Leinen	1	83%	0%	The position was not filled. George Leinen moved to the FT Assistant Planner (FBEO) positon in late April 2025.
Audiovisual Technician (<1000 hrs)	yes		Alfred Holston	2	83%	17%	Both camne on in Aug. 2024.
(,	<i>y</i>		Troy Mellott	_	83%	17%	Only 1000 hours authorized.
City Clerk, Non-Certified	no		Diana Paoli	1	71%	29%	New position created in February 2025.
Housing & Economic Development Coordina		0			N/A	N/A	
Laborer-Public Works (<1000 hrs)	No	0			N/A	N/A	
Laborer-Water/Wastewater	Yes		Erik Filosi	1	100%	0%	This is the 0.5 referenced in the FY 24-2025 for Public Works.
Police Transport Officer (PT) (<1000 hrs)	Yes	0		0	0%	100%	
Public Information Coordinator	yes	1	Amber Weaver	1	75%	0%	Position not filled. Stephanie Remington hired as Administrative Assistant - Administration (CNBrg EE group). The position, in essence, was not approved from March 23, 2025 to June 30, 2025.
		,			000/	201	Mellisa Johnson hired as more
Social Services Liaison - Crisis Worker	Grant funded.	2	Meliisa Johnson	3	92%	8%	grant funds were secured.
			Janette Ornelas		100%	0%	_
0.4. 7.1			Hannah Nanez		100%	0%	
Systems Technician	no		T ( 1)		N/A	N/A	100/
Confidential/Non	-Bargaining En	npioyee Group	Total Vacancy Ra	te			16%

Approach
Took the 1/1/2025 Compensation Schedule for list of positions
Went through each position to determine the number of incumbents
Went through and reviewed the year and provided an approximate amount of the year where the position is filled.
The 7/1/2024 Headcount is pulled from the 2024-2025 Budget

Explanation of the 16% Vacancy Rate

The over 16% rate is due to the departure of the City Clerk and Public Information Coordinator. The City Clerk was filled within two months. The City Clerk, prior to February 2025, was a Mid-Management position.

AB 2561 Vacancy Report - C.V. Starr

	Budgeted	Headcount					
	as of	as of		Number of	Filled	Vacancy	
C.V. Starr Classifications	7/1/2024	7/1/2024	Incumbents	Incumbents		Rate	Notes
3.V. Starr Glassifications	0		None	0	N/A	N/A	Notes
Administrative Assistant I - PT	3		Brenner Redfern	3	100%	0%	
	ŭ	ŭ	Bryan Vidal	ŭ	25%	75%	
			Gibb Alam		100%	0%	
			William Seaholm III		75%	25%	
Administrative Assistant II - PT	0	0	None	0	N/A	N/A	
Administrative Assistant III - PT	0		None	0	N/A	N/A	
Administrative Coordinator	1		Ruby Acosta	1	100%	0%	
Senior Administrative Assistant	2		Belgica Gordon	1	100%	0%	
	_		Eduardo Moran	1	100%	0%	
Custodian I - CV Starr	0	0	None	0	N/A	N/A	
Custodian II - CV Starr	0		None	0	N/A	N/A	
Custodian III - CV Starr	1		Maria Escobedo	1	100%	0%	
	1		mana 200000ao		10070	0,0	Does dual role. Also does
Fitness Equipment Technician	0.125	0 125	Mike Mihos	0	N/A	N/A	Fitness Intstructor I
Fitness Instructor I - CV Starr	0.120		None	0	N/A	N/A	Transco interructor i
Fitness Instructor II - CV Starr	5		Kathy Marden	0.125	100%	0%	
Thiress mendeler in GV Clair	Ŭ	Ŭ	Aimee Maxey	0.125	100%	0%	
			/ IIII CC Waxey	0.120	10070	070	Does dual role. Also does
							Fitness Equipment
			Mike Mihos	0.125	100%	0%	Instructor II.
			Neol Trost	0.125	100%	0%	instructor ii.
			Deborah Karish	0.125	100%	0%	
Head Lifeguard	1	1	Caleb Holland	0.125	100%	0%	
lieau Liieguaru	'	'	Zachery Quamme	0.125	17%	83%	
Lifeguard - CV Starr	0	0	None Quantine	0.123	N/A	N/A	
Lifeguard I - PT	16		Leilani Cen	22	50%	50%	
Lineguaru 1 - 1 1	10	20	Andrew Cudney	22	58%	42%	
			Michael Juntz		25%	75%	
			Evan Lotten		25%	75%	
			Elena Caranicolas		100%	0%	
			Koa Chamberlin		58%	42%	
			Joyce Garcia Blanco		100%	0%	
			Litzy Garcia		100%	0%	
			Elizabeth Keppeler		58%	42%	
			Dafne Lopez-Alcanta	r	100%	0%	
			Brendan Meloro		100%	0%	
			Colin Mclea		100%	0%	
			Max Oatney		100%	0%	
			Marvin Parrish		100%	0%	
			Michael Rice		100%	0%	
			Alexander Ries		100%	0%	
			Dakoda Thompson		58%	42%	
			Rory Twungubumwe		100%	0%	
			Meicah Wasco		100%	0%	
			Haley Martin		25%	75%	
			Leonardo Escobar		17%	83%	
			Luke Weston		58%	42%	
			Lune Weston		30 /6	4Z /0	Zachery was doing dual role
							from July 1, 2024 to
			Zachery Quamme		83%	17%	5/17/2025.
Lifeguard II - PT	0	0		0	N/A	1/% N/A	5/11/2025.
Lifeguard III - PT	0	0		0	N/A N/A	N/A N/A	
	"	U		1			
Maintenance Supervisor	1		Paul Kelley	l I	100%	0%	l

Maintenance Worker I - CV Starr	0	0	Wilbert Escobedo	1	100%	0%	
Maintenance Worker II - CV Starr	0		Kurtis Gibnev	1	100%	0%	
Maintenance Worker III - CV Starr	0	0	,			-	
Recreation Coordinator	1	1		None	0%	100%	
Recreation Instructor I Recreation Instructor II	0 2	2	Victoria Yanez Mark Riley	1 2	100% 100%	0% 0%	The position is very seasonal and depends on how many swim classes are filled up. If there is a huge request for swim lesson the employee works.  Otherwise, they do not work.
Recreation Instructor III	0		Kendra Sells Theresa Branscomb	1	100%	0%	
Recreation Supervisor	1		Kimberly Ramey	1	100%	0%	
Senior Lifeguard	1		Caleb Strickland	1	50%	50%	
C.V		20%					

Approach
Took the 1/1/2025 Compensation Schedule for list of positions
Went through each position to determine the number of incumbents
Went through and reviewed the year and provided an approximate amount of the year where the position is filled.
The 7/1/2024 Headcount is pulled from the 2024-2025 Budget

Explanation of the Vacancy Rate

The main driver of the 20% vacancy rate is the for the Lifeguard classifications. This classification continues to be a challenge. The recruitment efforts are ongoing and continues to be a top priority. CV Starr is now open on Sundays as the due to the onboarding of

AB 2561 Vacancy Report for Temporary Employees

Temporary Employees	Budgeted as of 7/1/2024	Headcou nt as of 7/1/2024	Incumbents	Number of Incumbents	Filled Percentage	Vacancy Rate	Notes
							This an unexpected position to provide coverage while others are on
Assistant Planner -Temp	0	0	Valerie Stump	1	13%	0%	leave. Valerie started on 5/19/2025
Construction Project Manager - Temp	No	0	None	0	N/A	N/A	
	No		Jason Morse	2	46%	0%	It is not vacant because it is grant funded. Only filled once grant funds were secured.
Grants Analyst		0	Jennifer Ponts	1	50%	0%	This is Grant Funded. Originally
Intern	No	0	None	0	N/A	N/A	hired as Office Assistant - Temp
Office Assistant	No	0	Jennifer Ponts	1	100%	0%	(Emergency Weather Shelter). They moved to Grants Analyst, which is also grant funded.
Seasonal Laborer	0.5	0	None	0	0%	100%	While it was budgeted, the direction given was to not fill the position.
Seasonal Parking Attendant	0		None	0	N/A	N/A	
Temporary	Employee G	roup Total	Vacancy Rate				20%

#### **Approach**

Took the 1/1/2025 Compensation Schedule for list of positions

Went through each position to determine the number of incumbents

Went through and reviewed the year and provided an approximate amount of the year where the position is filled.

The 7/1/2024 Headcount is pulled from the 2024-2025 Budget

#### **Explanation of the Vacancy Rate**

This employee group consists of a small number of classifications. One vacancy has a huge influence on the vacancy rate. A challenge of recruiting for temporary positions is the lack of benefits and generally are high hourly rate positions. Currently, a Seasonal Laborer positon pay is at \$18 per hour. Effective January 1, 2025, minimum wage is \$16.50 per hour for all employers. The minimum wage for fast food workers is \$20 per hour. The scheduled minimum wage increase for healthcare workers has been delayed. As the minimum wage continues to be increased by legislators, it will continue to exert upward pressure on the City to reevaluate its lower paying classifications. Minimum wage increases could lead to higher prices, thereby increasing the overall costs for businesses, including local agencies.

AB 2561 Vacancy Report for Mid-Management Employee Group

	Budgeted as of	Headcount as of		Number of	Filled	Vacancy	
Mid-Management Classifications	7/1/2024	7/1/2024	Incumbents	Incumbents	Percentage	Rate	Notes
Assistant Director - Engineering Division	1	1	Chantell O'Neal	1	100%	0%	
Assistant Finance Director	1	0	Merilyn Tiriboyi	1	92%	8%	
C.V. Starr Manager	1	1	Moneque Wooden	1	100%	0%	
City Clerk	1	1	Diana Sanchez	1	100%	0%	
Construction Project Manager	0	0	None	0	N/A	N/A	
Economic Development Manager	1	1	Sarah McCormick	1	100%	0%	
Human Resources Manager	1	1	Juli Mortensen	1	100%	0%	
Operations Manager	1	1	Heath Daniels	1	100%	0%	
Police Captain	1	1	Thomas O'Neal	1	100%	0%	
Senior Government Accountant	0	0	None	0	N/A	N/A	
Senior Planner	0	0	None	0	N/A	N/A	
Mid-Management E	mployee G	roup Total Va	cancy Rate				1%

Approach
Took the 1/1/2025 Compensation Schedule for list of positions
Went through each position to determine the number of incumbents
Went through and reviewed the year and provided an approximate amount of the year where the position is filled.
The 7/1/2024 Headcount is pulled from the 2024-2025 Budget

#### AB 2561 Vacancy Report for Executive Management Employee Group

Mid-Management Classifications	Budgeted as of 7/1/2024	Headcount as of 7/1/2024	Incumbents	Number of Incumbents	Filled Percentage	Vacancy Rate	Notes		
Assistant City Manager	0	0	None	N/A	N/A	N/A			
City Manager	1	1	Isaac Whippy	1	100%	0%			
<b>Director - Community Development</b>	1	0	Vacant	0	0%	100%	A recruitment is in progress.		
Director - Finance/City Treasurer	0	0	None	N/A	N/A	N/A			
Director - Public Works	1	1	John Smith	1	100%	0%			
Police Chief	0	0	None	N/A	N/A	N/A			
Police Chief - Executive Post	1	1	Neil Cervenka	1	100%				
Executive Ma	Executive Management Employee Group Total Vacancy Rate								

#### **Approach**

Took the 1/1/2025 Compensation Schedule for list of positions

Went through each position to determine the number of incumbents

Went through and reviewed the year and provided an approximate amount of the year where the position is filled.

The 7/1/2024 Headcount is pulled from the 2024-2025 Budget

#### **Explanation of the Vacancy Rate**

The Community Development Director position has been extremely challenging to fill due to a variety of factors, such as pay in comparison to other locations, the City's physical location, and the political environment.

## **City of Fort Bragg AB 2561 Vacancy Rate**

Employee Group	Vacancy Rate
FBEO	0%
FBPA	2%
Conf/Nbarg	16%
CV Starr	20%
Temporary	20%
Mid-Mgmt	1%
Executive	33%
Total Vacancy Rate	13%

#### FY 2024-2025 Time to Fill Report

Requisition Title	Requisiti on Status	Job Id	Hire Candidate Full Name	Department Name	Time to Fill - Days
City Clerk	Filled	4727540	Paoli, Diana	City Manager (Administrative Services)	86
City Clerk	Filled	4732893	Paoli, Diana	City Manager (Administrative Services)	86
Police Sergeant	Open	4621591	Frank, Jarod	Police Operations	14
OFFICE ASSISTANT - TEMPORARY	Filled	4679803	Ponts, Jennifer	Police Operations	71
PART-TIME GRANTS ANALYST	Filled	4679867	Morse, Jason	Police Operations	101
Administrative Assistant	Filled	4883326	Remington, Stephanie	City Manager (Administrative Services)	43
City Time to Fill					67

#### FY 2024-2025 Requisition Summary

Requisition Number	Requisition Title	Number Of Vacancies	Requisition	Assigned Analyst	Department Name	Employee Group	Hiring Managers	Code - Requisition Job Term/Job Type	Text - Requisition Job Term/Job Type
	5 Administrative Assistant	vacancies 1	Filled		City Manager (Administrative Services)	Confidential/Non-Bargaining	Isaac Whippy		Full-Time
	2 City Clerk	1	Filled		City Manager (Administrative Services)	Confidential/Non-Bargaining	Isaac Whippy	FT	Full-Time
	6 Public Experience Liasion	1	Open		City Manager (Administrative Services)	Confidential/Non-Bargaining	Isaac Whippy	PT	Part-Time
	Community Development			,	,	, , , , , , , , , , , , , , , , , , ,	117		
20240002	4 Director	1	Open	Mortensen, Juli	Community Development	Executive	Isaac Whippy	FT	Full-Time
	Director of Broadband and Digital								
20240002	9 Infrastructure	1	Open	Mortensen, Juli	Broadband & Digital Infrastructure	Executive	Isaac Whippy	FT	Full-Time
20240002	OFFICE ASSISTANT - 0 TEMPORARY	1	Filled	Bryant, Lesley	Police Operations	FBPA	Neil Cervenka, Thomas O'Neal	Seasonal/Temporary	Seasonal/Temp
20240002	1 PART-TIME GRANTS ANALYST	1	Filled	Bryant, Lesley	Police Operations	FBPA	Neil Cervenka, Thomas O'Neal	Grant Funded	Grant Funded
20240001	9 Police Sergeant	1	Open	Bryant, Lesley	Police Operations	FBPA	Neil Cervenka	FT	Full-Time
20240002	8 Social Services Liaison	1	Open	Bryant, Lesley	Police Administration	FBPA	Neil Cervenka	FT	Full-Time
20240002	3 Senior Planner	1	Open	Mortensen, Juli	Community Development	Mid-Management	Isaac Whippy	FT	Full-Time
20240002	7 Seasonal Laborer	2	Open	Mortensen, Juli	Public Works: Corporation Yard	Temporary	Heath Daniels, John Smith	Seasonal/Temporary	Seasonal/Temp
Totals		12							

Total Number of Vacancies

\*The Seasonal Laborer has two positions for the single recruitment so it was counted as two vacanci

## CITY OF FORT BRAGG PROCEDURES FOR THE PUBLIC HEARING REGARDING AB 2561

#### **Introduction and Scope:**

Effective January 1, 2025, Government Code section 3502.3 requires the **City of Fort Bragg** to present information on the status of vacancies at the **City of Fort Bragg** and the **City of Fort Bragg's** recruitment and retention efforts at a public hearing before the **City of Fort Bragg's City Council** at least once per fiscal year.

Government Code section 3502.3 also requires **City of Fort Bragg** to identify during the public hearing any necessary changes to **City of Fort Bragg** policies, procedures, and recruitment activities that may contribute to obstacles in the **City of Fort Bragg's** hiring process.

At the public hearing, a recognized employee organization for a bargaining unit is entitled to make a presentation to the **City of Fort Bragg's City Council** addressing the status of vacancies and recruitment and retention efforts for positions within that bargaining unit.

The purpose of these procedures is to establish protocol for the **City of Fort Bragg's** public hearings on vacancies in order to ensure a fair, orderly and efficient hearing process.

The agency should reserve the right to schedule separate public hearings for different bargaining units, and is not limited to one Public Hearing to address all vacancies and recruitment and retention efforts within the entire agency.

#### **Notice Requirements:**

- 1. The **City of Fort Bragg** will notify in writing each recognized employee organization that represents **City of Fort Bragg** employees that the **City of Fort Bragg's City Council** will hold a one-hour public hearing pursuant to the obligations set forth under Government Code section 3502.3 (Assembly Bill 2561). The notice will provide each recognized employee organization the opportunity to identify any negotiable impacts/effects regarding the agency's compliance with Government Code section 3502.3.
- 2. The **City of Fort Bragg** will notify in writing each recognized employee organization that represents **City of Fort Bragg employees** of the date, time, and place of the hearing at least **ten** (10) working days in advance of the hearing.
  - In the notice, the **City of Fort Bragg** will inquire whether the employee organization intends to make a presentation to the **City of Fort Bragg's City Council** at the public hearing. The **City of Fort Bragg** will request that, for planning purposes, the employee organization provide written notice to the Human Resources Department at least **five** (5) working days in advance of the public hearing indicating whether the employee organization intends to make a presentation at the public hearing.
- 3. In the event the vacancy rate for the bargaining unit is at least 20% of the total number of authorized full-time positions in the bargaining unit, an employee organization may request that the **City of Fort Bragg** present "additional information" related to the vacancies as permitted by Government Code section 3502.3. The **City of Fort Bragg** will request that the employee organization provide a written request for the presentation of such information to the Human Resources Department at least **five** (5) working days in advance of the public hearing. The "additional information" includes the following: (1) the total number of job vacancies within the

## CITY OF FORT BRAGG PROCEDURES FOR THE PUBLIC HEARING REGARDING AB 2561

bargaining unit; (2) the total number of applicants for vacant positions within the bargaining unit; (3) the average number of days to complete the hiring process from when a position is posted; and (4) opportunities to improve compensation and other working conditions.

- 4. Notice of the hearing to the public will be provided in accordance with the Ralph M. Brown Act. (Gov. Code §§ 54950-54963.)
- 5. A **City of Fort Bragg** staff report regarding vacancies, recruitment, and retention efforts may be published as part of the agenda packet for the meeting.
- 6. The **City of Fort Bragg** and recognized employee organizations may agree to exchange presentation materials in advance of the public hearing.

#### **Order of the Hearing:**

The public hearing will proceed in the following order:

- 1. <u>City of Fort Bragg Presentation</u>: The City of Fort Bragg presentation will allow time for each bargaining unit that it represents. The City of Fort Bragg may choose to present on all bargaining units at once, or to present data for each bargaining unit separately, followed by each applicable employee organization presentation.
- 2. Employee Organization Presentation: Following the agency presentation, each employee organization will have the opportunity to make a presentation for each of the bargaining units that the employee organization represents. For each bargaining unit, the employee organization presentation should not contain bargaining proposals to the City of Fort Bragg on matters that have not been presented in bargaining.
- 3. Governing Body Questions and Discussion: The City of Fort Bragg's City Council may ask questions of the City of Fort Bragg and the employee organization presenters.
- 4. <u>Final City of Fort Bragg Comments</u>: Final City of Fort Bragg comments will be allowed for each bargaining unit.
- 5. <u>Final Employee Organization Comments</u>: Final employee organization comments will be allowed for each bargaining unit.
- 6. <u>Public Comment</u>: Public comment regarding the AB 2561 hearing will be limited to three (3) minutes per person.

#### **Standards of Discourse:**

The **City of Fort Bragg's City Council** should recognize that engaging with diverse perspectives is vital for effective governance and a vibrant community. To ensure full expression of such diverse perspectives, The **City of Fort Bragg's City Council** should ensure that participants follow the principles of respectful and civil discourse.



#### CITY OF FORT BRAGG

Incorporated August 5, 1889
416 N. Franklin Street, Fort Bragg, CA 95437
Phone: (707) 961-2827 Fax: (707) 961-2802
www.FortBragg.com

#### NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that the Fort Bragg City Council will conduct a public hearing at a regular meeting to be held at 6:00 p.m., or as soon thereafter as the matter may be heard, on Monday, June 9, 2025, at Town Hall, southwest corner of Main and Laurel Streets (363 N. Main Street), Fort Bragg, California 95437. The public hearing will concern the following item:

Receive a Report, Hold a Public Hearing to present a comprehensive overview of current job vacancies, recruitment and retention efforts as Required by Assembly Bill 2561. This presentation will also include recruitment and retention challenges and potential areas of improvement (Government Code Section 3502.3)

Public Comment regarding this Public Hearing may be made in any of the following ways: (1) Emailed to <a href="maileo:cityclerk@fortbragg.com">cityclerk@fortbragg.com</a> (2) Written comments delivered to City Hall, 416 N. Franklin Street before 2:00 PM on the day of the meeting; or (3) Verbal comments made during the meeting, either in person at Town Hall or virtually using Zoom if a Zoom link is provided at the time of agenda publication. Comments received via email will be provided to the City Council and reflected in the packet. Comments will not be read verbally at the meeting. All comments received after 2:00 PM on the day of the meeting will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, exempt comments are those in an unrecognized file type or too large to upload to City Agenda software.

Staff reports and other documents that will be considered by City Council will be made available for review on the City's website: https://cityfortbragg.legistar.com/Calendar.aspx, at least 72 hours prior to the City Council meeting, and are also available for review and/or copying during normal office hours at Fort Bragg City Hall, 416 N. Franklin Street. To obtain application materials or for more information, please contact the City Clerk, via email at cityclerk@fortbragg.com. At the conclusion of the public hearing, the City Council will consider a decision on the above matter.

Diana Paoli, City Clerk

POSTING/MAILING ON OR BEFORE:

PUBLICATION DATE:

May 29, 2025

May 29, 2025

STATE OF CALIFORNIA	)	
	) s	S.
COUNTY OF MENDOCINO	)	

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg; and that I caused this notice to be posted in the City Hall Notice case on or before May 29, 2025.

Diana Paoli, City Clerk

cc: Fort Bragg Employee Organization/Service Employees International Union Local 1021 Fort Bragg Police Association



#### CIUDAD DE FORT BRAGG

Incorporado August 5, 1889 416 N. Franklin Street, Fort Bragg, CA 95437 Teléfono: (707) 961-2827 Fax: (707) 961-2802 www.FortBragg.com

#### **AVISO DE AUDIENCIA PÚBLICA**

**SE NOTIFICA** que el Ayuntamiento de Fort Bragg celebrará una audiencia pública en sesión ordinaria a las 18:00 h, o tan pronto como se trate el asunto, el lunes 9 de junio de 2025 en el Ayuntamiento, esquina suroeste de las calles Main y Laurel (363 N. Main Street), Fort Bragg, California 95437. La audiencia pública tratará el siguiente tema:

Recibir un informe y celebrar una audiencia pública para presentar un panorama completo de las vacantes actuales y las iniciativas de reclutamiento y retención, según lo exige el Proyecto de Ley 2561 de la Asamblea. Esta presentación también incluirá los desafíos de reclutamiento y retención, así como las posibles áreas de mejora ( Sección 3502.3 del Código de Gobierno).

Los comentarios públicos sobre esta Audiencia Pública se pueden hacer de cualquiera de las siguientes maneras: (1) Enviar por correo electrónico a <a href="cityclerk@fortbragg.com">cityclerk@fortbragg.com</a> (2) Los comentarios escritos se entregan al Ayuntamiento, 416 N. Franklin Street antes de las 2:00 p. m. del día de la reunión; o (3) Los comentarios verbales se hacen durante la reunión, ya sea en persona en el Ayuntamiento o virtualmente usando Zoom si se proporciona un enlace de Zoom en el momento de la publicación de la agenda. Los comentarios recibidos por correo electrónico se proporcionarán al Ayuntamiento y se reflejarán en el paquete. Los comentarios no se leerán verbalmente en la reunión. Todos los comentarios recibidos después de las 2:00 p. m. del día de la reunión se convertirán en una parte permanente del paquete de la agenda el día después de la reunión o lo antes posible; los comentarios exentos son aquellos en un tipo de archivo no reconocido o demasiado grande para cargarlo al software City Agenda.

Los informes del personal y demás documentos que el Ayuntamiento considerará estarán disponibles para revisión el sitio web de Ciudad: su en https://cityfortbragg.legistar.com/Calendar.aspx, al menos 72 horas antes de la reunión del Ayuntamiento, y también están disponibles para su revisión o copia durante el horario de oficina habitual en el Ayuntamiento de Fort Bragg, 416 N. Franklin Street. Para obtener los materiales de solicitud o más información, comuníquese con el Secretario Municipal por correo electrónico a cityclerk@fortbragg.com. Al finalizar la audiencia pública, el Ayuntamiento considerará una decisión sobre el asunto mencionado.

Diana Paoli, Secretaria Municipal

ENVÍO POR CORREO EL 29 de mayo de 2025 O ANTES FECHA DE PUBLICACIÓN: 29 de mayo de 2025

## ESTADO DE CALIFORNIA ) ) artículos.

CONDADO DE MENDOCINO )

Declaro, bajo pena de perjurio, que soy empleado de la Ciudad de Fort Bragg y que hice que este aviso se publicara en la caja de Avisos del Ayuntamiento el 29 de mayo de 2025 o antes.

Diana Paoli, Secretaria Municipal

cc: Organización de Empleados de Fort Bragg/Sindicato Internacional de Empleados de Servicios Local 1021

Asociación de Policía de Fort Bragg



#### **City of Fort Bragg**

416 N Franklin Street Fort Bragg, CA 95437 Phone: (707) 961-2823 Fax: (707) 961-2802

#### **Text File**

File Number: 25-213

Agenda Date: 6/9/2025 Version: 1 Status: Business

In Control: City Council File Type: Staff Report

Agenda Number: 8A.

Consider Adopting a Resolution Accepting the Mill Site Development Strategy Report and Directing City Manager to Initiate Phase 2 of the Master Development Agreement Planning

Program; CEQA Exemptions 15265 and 15061(b)(3)



#### CITY COUNCIL STAFF REPORT

TO: City Council DATE: June 9, 2025

**DEPARTMENT:** Administration

PREPARED BY: Isaac Whippy, City Manager & Walter Kieser, EPS

PRESENTER: Isaac Whippy, City Manager & Walter Kieser, EPS

AGENDA TITLE: Receive Report and Consider Adopting Resolution of the Fort Bragg City Council Directing Staff to Initiate Phase 2 of the Mill Site Master

**Development Agreement Planning Program** 

#### RECOMMENDATION/DIRECTION

- 1. Adopt a Resolution (<u>Attachment 2</u>) accepting the Mill Site Development Strategy Report as a guideline for subsequent Mill Site planning;
- 2. Direct staff and the Consultant Team, in coordination with the applicant, Mendocino Railway, to prepare a work plan, budget, and schedule for the Phase 2 MOU preparation; and
- 3. Select a date within the next 30 days to convene the first City Council Study Session focused on the proposed overarching approach to Mill Site land use approvals and the regulatory framework for rail-related uses.

#### BACKGROUND

On October 15, 2024, the Fort Bragg City Council evaluated a recommendation from the City Manager to negotiate a Master Development Agreement (MDA) and complete a Local Coastal Program amendment for the reuse of the Mill Site. This was a strategic alternative to the ongoing and increasingly costly litigation with Mendocino Railway (MR). This shift in approach was informed by rising legal expenses and a shared interest in achieving timely redevelopment outcomes. A proposal outlining this MDA-based planning strategy was prepared by the Economic & Planning Systems consulting team. The recommended framework builds upon decades of prior planning work and reflects the mutual intent of both the City and MR to replace adversarial proceedings with a renewed partnership focused on unlocking the Mill Site's economic and community potential.

#### **DISCUSSION AND ANALYSIS**

PHASE 1- INITIATION OF PLANNING PROGRAM.

In addition to incorporating prior planning efforts for the Mill Site, during the Phase 1 work effort, the planning team focused on resolving four key issues, including:

- 1. The configuration of the proposed natural area that will encompass the Mill Pond and related wetland area, and the delineation of two new parks in the southern district for active and passive recreation;
- 2. More precise delineation of the locations and definition of rail-related facilities;
- A draft circulation network of roadways and trails connecting developed areas of the mill site to the rest of the city and the open space, parks, and the Coastal Trail corridor on the Mill site:
- 4. Detailing the potential future uses in the southern district and focusing on mixeduse zoning opportunities to meet both housing and employment needs.
- 5. The configuration of the proposed natural area that will encompass the Mill Pond and related wetland area, and the delineation of two new parks in the southern district for active and passive recreation.

This work was shared with the community at a public workshop held on February 25, 2025, which was attended by more than 100 residents and livestreamed via the City's website. The robust public participation and comments received during the workshop—along with additional input provided during City Council meetings on October 15, 2024, and March 10, 2025—offer valuable guidance for shaping the next phases of the Master Development Agreement and Planning Program.

The Fort Bragg Mill Site Development Strategy Report (Attachment 2) summarizes the outcomes of the first phase of this initiative and outlines a recommended path for Phase Two. This next phase will center on the preparation of a Memorandum of Understanding (MOU) between the City and Mendocino Railway, establishing the framework for a collaborative, long-term partnership to guide redevelopment of the Mill Site.

Over the first half of the litigation stay (April-May 2025), City staff, consultants, Ad-Hoc Committee, and legal counsel have worked diligently to clarify and address key regulatory considerations related to both rail and non-rail development activities. This effort has included close coordination with the planning team to refine the scope and process for the Master Development Agreement Program, particularly with respect to distinguishing the jurisdictional boundaries and permitting pathways for rail-related infrastructure. Notably, additional planning work has been undertaken to incorporate more detail around potential rail-related activities, including conceptual plans for the proposed Electric Trolley, ensuring that these elements are thoughtfully integrated into the overall development strategy while remaining compliant with applicable federal and state regulations.

#### PHASE 2 - PREPARATION OF MEMORANDUM OF UNDERSTANDING

The *Illustrative Plan*, Guiding Principles, and other data and information assembled as part of the Phase 1 Development Strategy provide a foundation for negotiation of a Memorandum of Understanding (MOU) in Phase 2.

The MOU will establish a general framework, analysis, and agreements needed to proceed with the proposed Master Development Agreement and LCP Planning Amendment.

- The MOU will be a non-binding agreement between the City and MR and may reference and incorporate related agreements with other agencies and entities, all geared toward identifying key terms and conditions, testing feasibility, identifying roles and responsibilities, and resolving the general structure and approach of a potential subsequent Master Development Agreement (which would be a binding contractual agreement, if approved at a later time) and its related planning components.
- The MOU, as negotiated, will focus on the overall feasibility of Mill Site development from a physical, regulatory, and financial perspective.
- It will flush out any 'fatal flaws', limitations, and constraints to achieving the vision presented in the Illustrative Plan.
- It will form the basis for launching the substantial, time-consuming, and costly effort of developing a potential Master Development Agreement, an LCP Amendment, and a related financing strategy. It is likely, given its expected scope, that the MOU will require several months to prepare.

The preparation and negotiation of the MOU, if initiated, will include:

- Ongoing Council oversight and community engagement.
- The technical preparation of the MOU components will occur as a cooperative effort between the City (with assembled consultants and legal advisors) and MR, along with its planning and legal team.
- This effort will be augmented with input from the Coastal Commission and other involved regulating agencies and affected entities. It is proposed that the City Council Ad Hoc Committee will continue to provide oversight and that there will be regular updates to the entire Council and public throughout the agreed upon duration of the stay and any additional time needed to complete, review, and adopt the MOU.

Once assembled in draft form, the proposed Memorandum of Understanding (MOU) will be presented at a regularly scheduled City Council meeting, where it will be reviewed in a public hearing and either approved or denied at the Council's discretion.

Adoption of the MOU could initiate the start of phase III of this project, namely development of a Master Development Agreement (MDA), which would also be subject to public hearings and either approved or denied at the Council's discretion. The MDA could include the following technical components: planning entitlements for specific projects, including CEQA approval, a strategy for infrastructure financing, and possible real property transactions. On a parallel basis, the City will also complete the LCP Amendment submittal (application) to rezone the Mill Site and establish regulatory policies in the Coastal General Plan and regulation modifications to the Coastal Land Use and Development Code. The City will then submit this LCP Amendment request to the Coastal Commission for their review and consideration.

As a cooperative, agreement-based approach, the Master Development Agreement would help the City to achieve the City's long-term vision for the redevelopment of the Mill Site. which includes the following general objectives: delivering exemplary public coastal access; protecting and enhancing open space, sensitive natural, archaeological, and historical resources; enhancing downtown revitalization and visitor-serving amenities; creating a diverse range of housing options; and establishing space for job-generating commercial, service, and industrial uses.

#### **FISCAL IMPACT**

The fiscal impact associated with Phase Two of the Master Development Agreement Program is estimated at \$60,000. The cost will be shared equally between the City of Fort Bragg and Mendocino Railway (MR), with each party contributing 50%, or \$30,000. Funding for the City's share could be allocated from the City's legal services budget for FY 24/25. This effort is a strategic alternative to ongoing litigation.

Additional costs for technical services will likely be required during the MOU Phase 2 effort. Such additional costs will be brought back to the City Council for their approval.

#### **ENVIRONMENTAL ANALYSIS**

Council acceptance of the Development Strategy Report is exempt from CEQA pursuant to 14 CCR 15262 "Feasibility and Planning Studies. The Report provides a non-binding guideline for the parties to continue their discussions to resolve their dispute and acceptance of the report does not commit the City or Mendocino Railroad to any development of the property. Appropriate environmental studies will be completed when the binding Development Agreement is presented to the Council at a future public hearing. In addition, this project is exempt pursuant to 15061(b)(3) which provides that "CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

#### **PUBLIC OUTREACH**

Community engagement remains a foundational of the Mill Site Master Development Agreement Program. During Phase One, the City hosted a well-attended public workshop on February 25, 2025, which drew over 100 participants and was livestreamed to expand accessibility. In addition, public input was received during City Council meetings held on October 15, 2024, and March 10, 2025. These forums provided valuable feedback that informed the Development Strategy Report and helped shape the recommended next steps.

As the City transitions into Phase Two, continued outreach efforts will ensure ongoing transparency and public participation. The City will host a series of community meetings in June and July 2025 to provide updates, gather input, and foster dialogue around the forthcoming Memorandum of Understanding (MOU) and future planning components. Regular updates will also be presented at public City Council meetings to ensure that residents and stakeholders remain informed and engaged throughout the process.

These outreach efforts reflect the City's commitment to inclusive planning and meaningful public involvement in shaping the future of the Mill Site.

#### **ATTACHMENTS**

- Exhibit A Resolution
- Exhibit B Development Strategy Report

#### **RESOLUTION No. xx 2025**

## RESOLUTION OF THE FORT BRAGG CITY COUNCIL DIRECTING STAFF TO INITIATE PHASE 2 OF THE MILL SITE MASTER DEVELOPMENT AGREEMENT PLANNING PROGRAM

**WHEREAS**, the City of Fort Bragg has over the past 20 years pursued coastal access and recreational improvements, remediation of hazardous materials, and a range of new urban uses including visitor-serving commercial, recreational, and lodging uses; new housing meeting the needs of residents, expansion and revitalization of the downtown area, and job-creating industrial and service businesses; and

**WHEREAS**, in November of 2024, the City of Fort Bragg initiated the first phase of a new planning and development program titled the Master Development Agreement Program to resolve existing legal disputes and to collaboratively plan for the development of the Mill Site; and

**WHEREAS**, the City participated in a cooperative planning effort with Mendocino Rail (MR) and its design and planning consultants that included extensive reference to earlier Mill Site planning efforts for the Mill Site conducted by the City; and

**WHEREAS**, the City Council, a Council Ad Hoc Committee, and the public at large have participated, reviewed, and helped shape the Illustrative Plan and related recommendations; and

**WHEREAS,** over the past six months, the City of Fort Bragg, assisted by a consulting team and in cooperation with MR, has prepared a *Development Strategy Report*, which outlines a decision-making process for future planning and entitlements related to the reuse of the Mill Site property in Fort Bragg; and

**WHEREAS**, the *Development Strategy Report* includes an 'Illustrative Plan', a graphic representation of the Mill Site showing a conceptual plan for its revitalization and redevelopment, which include extensive open space, improvements to the Coastal Trail and related coastal access, and areas designated for residential, commercial, institutional, and industrial (job-generating) development.

**WHEREAS**, a *Development Strategy Report* has been prepared and circulated that documents the Phase 1 planning process and provides guidance for subsequent phases of the Master Development Agreement Program.

WHEREAS, acceptance of the Development Strategy Report is exempt from CEQA pursuant to 14 CCR 15262 "Feasibility and Planning Studies. The Report provides a non-binding guideline for the parties to continue their discussions to resolve their dispute and acceptance of the report does not commit the City or Mendocino Railroad to any development of the property. Appropriate environmental studies will be completed when the binding Development Agreement is presented to the Council at a future public hearing. In addition, this project is exempt pursuant to 15061(b)(3) which provides that "CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

#### NOW, THEREFORE, BE IT FOUND, DETERMINED, AND RESOLVED THAT:

- 1. The Recitals set forth above are true and correct and incorporated herein as findings and determinations.
- 2. The City Council accepts the *Development Strategy Report* as a reference and guide for subsequent phases of planning for the reuse of the Mill Site.
- 3. The City Council directs staff to initiate Phase 2 of the Master Development Agreement Program that involves negotiation of a non-binding Memorandum of Understanding (MOU) with the property owner, Mendocino Railway, as specified in the *Development Strategy Report*.
- 4. Preparation of the MOU will provide additional data, analysis, coordination and collaboration with the California Coastal Commission and other affected agencies and organizations, including tribal interests.
- 5. The MOU will address a series of topics that ideally can be resolved prior to initiation of a process to amend the City's Local Coastal Program and enter into a Master Development Agreement. These topics include: settling the pending legal action, further resolving key land use and facility locations, articulating the planning and regulatory procedures to be followed, further documenting needed infrastructure improvements and how such improvements will be paid for, outlining the topics and terms to be included in the proposed Master Development Agreement, and lastly, identifying any significant real estate transactions needed to support plan implementation.
- 6. Opportunities for continued public review and participation regarding Mill Site planning and development will be provided at scheduled City Council meetings or at other special meetings as may be appropriate.
- 7. Every effort will be made to shape the agreements reached in the MOU in a manner that contributes to the resolution of the pending legal action.

The above and foregoing Resolution v	
adopted at a regular meeting of the City Cou	
	incli of the City of Fort Bragg held
on June 9, 2025, by the following vote:	
AYES:	
NOES:	
ABSENT:	
ABSTAIN:	
RECUSED:	

JASON	GODEKE.	Mayor	

ATTEST:

Diana Paoli City Clerk





# MILL SITE DEVELOPMENT STRATEGY

**DRAFT REPORT** 



Prepared for:

City of Fort Bragg

Prepared by:

Economic & Planning Systems, Inc.

April 2025

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#### Introduction

On October 15, 2024, the Fort Bragg City Council considered a proposal from the City Manager to pursue a master development agreement and planning program for the Mill Site in lieu of continuing with the ongoing litigation 1. Mendocino Railway (MR) had suggested this approach as part of a proposed litigation settlement agreement. At the request of the City Manager, a proposal describing such a development agreement-based planning program was prepared for the City of Fort Bragg (City) by Economic & Planning Systems, Inc. This collaborative and comprehensive approach was recommended by the consultant given current circumstances and the body of earlier planning efforts and the desire of the City and MR to establish a renewed planning effort needed to mobilize redevelopment of the Mill Site. This Report presents the results of the first phase of this effort and provides a recommended approach for the second phase of the Master Development Agreement Program. Supporting Attachments are included in the Report Appendix.

## Overview of the Master Development Agreement and Planning Program

Assembling a development agreement-based planning program will build upon many years of planning, environmental review, remediation, infrastructure improvement, and development that has occurred as well as the current aspirations of MR and land use and policy objectives of the City.

The master development agreement approach recommended has been successfully used in numerous complex development projects in California for decades. Development agreements (see Cal. Gov't Code § 65864 et seq.) are contractual agreements between a city or county and a developer(s) regarding a particular development planning area or project. Development agreements overlay standard planning and development regulations (zoning, etc.) adding a 'vesting' of development approvals (entitlement) and other considerations (public investments, etc.) by the local jurisdiction in trade for considerations and contributions benefiting the public from the developer that cannot be imposed through normal 'police power' development regulations or financing methods (see **Attachment 1**).

The City's interest in settling the litigation with a durable agreement pertains to clarifying land use authority for development on the Mill Site, as needed to move forward with a multi-year planning and development process.

The proposed Mill Site Master Development Agreement, given the complexities involved, would need a phased approach allowing planning and technical analyses, community engagement, negotiations, cooperation with other landowners in or adjacent to the Mill Site, and consultations with the regulating agencies in the mix including the California Coastal Commission, the Department of Toxic Substances Control (DTSC), tribal interests, federal rail regulators, etc.

The Mill Site Master Development Agreement would encompass four key elements:

- Land Use Approvals. Development of the Mill Site will require a range of planning approvals including an amendment to the Local Coastal Program and related CEQA clearance, creation of a master subdivision map, Coastal Development Permits (for individual development projects) and other City approvals (use permits, design review, etc.). These plans and regulatory efforts would occur in parallel with the Development Agreement. The key link being the 'vesting' of entitlements, i.e., making the approved plans and development regulations durable (not subject to future change by the City) for a specified, typically long-term period.
- Other Regulatory Clearances. A variety of permits would be required by third party agencies. The Development Agreement can, in cooperation with these agencies, specify how and when activities needed to achieve these clearances occur and how they would be funded.
- Infrastructure Financing Plan. The Development Agreement would include terms related to the provision of infrastructure, including phasing and reference to improvement programs, and how infrastructure would be funded. Through the Development Agreement, the City can agree to form land secured financing districts (assessment districts, Community Facility Districts, etc.), and cooperative financing including the use of tax increment financing through an Enhanced Infrastructure Financing District, pursuing state and federal grants, etc. Formation of such financing districts is often specified in the Development Agreement and linked to completion of Land Use Approvals.
- <u>Supporting Real Estate Transactions</u>. It is likely that Mill Site development
  would involve the purchase, sale, or exchange of real property among the
  parties to the Development Agreement. The Development Agreement can set
  forth the terms surrounding any sale, lease, exchange, or disposal of real
  property. Examples of such transactions on the Mill Site include lot line
  adjustments, dedications of rights-of-way and easements, as needed to conform
  to the land use designation boundaries and road network, open space parcels,
  and Pond area parcels.

The City Council started consideration of the proposed Master Development Agreement and Planning Program at its meeting on October 15, 2024. At this meeting, in addition to a general presentation and discussion of the Program, the City Council approved seeking a stay of the litigation and moving forward with the Consultant work program and contract for the Phase 1 Development Strategy effort. At the meeting, public comments were received regarding the Program and the Council's pending decisions.

Following consultations with representatives of MR and California Coastal Commission staff, the City and MR agreed to seek a stay of the pending litigation from the Court allowing time to complete the first phase of the work program. The Court agreed to stay the litigation for a period of 90 days beginning on November 28, 2024, and concluding on March 4, 2025.

The City then entered into a contract with Economic & Planning Systems, Inc. (Consultant) to complete the first phase (Phase 1) of the proposed Master Development Agreement and Planning Program (see **Attachment 2**) which was intended to assemble and further develop an 'illustrative plan and planning framework' for the Mill Site through a process of collaboration with MR, coordination with the Coastal Commission, consultations with other agencies and entities, and active public engagement. During January, February, and March of 2025, the planning team members worked independently on given tasks, including consultations with affected agencies and organizations, and met regularly to share information and further develop the *Illustrative Plan* and planning framework. During this time, several iterations of a working draft *Illustrative Plan* were prepared for continued review and refinement purposes.

#### Phase 1 Development Strategy Key Issues Addressed

In addition to reflecting prior planning efforts for the Mill Site the planning team focused on resolving *four* key issues, including:

- 1. The configuration of the proposed natural area that will encompass the Mill Pond and related wetland area, and the delineation of two new parks in the southern district for active and passive recreation;
- 2. More precise delineation of the locations and definition of rail-related facilities;
- 3. The circulation network of roadways, and multiuse trails connecting to the rest of the city and the open space, parks, and the Coastal Trail corridor; and
- 4. Detailing the potential future uses in the southern district and focusing on mixed-use zoning opportunities to meet both housing and employment needs.

This work was completed in anticipation of a community workshop where the resulting draft *Illustrative Plan*, along with supporting materials, could be presented and public comments and questions received. The community workshop was held in Fort Bragg on February 25, 2025. The meeting was well attended by more than 100 residents and livestreamed on the City's website. The public comments that were received and documented provide substantial input for the subsequent phases of the Master Development Agreement and Planning Program. Additional community input was received as public comment at two City Council meetings, held on October 15, 2024, and March 10, 2025.

#### Phase 1 Development Strategy Preparation

#### **Coordination with Mendocino Railway**

The coordination with MR began with an agreement to pursue a stay in the litigation and to jointly participate and fund needed consultant support. In addition to supporting the City's efforts, MR engaged its urban design and planning consultant in the effort. The City and MR agreed to the overall scope of work proposed and provided technical guidance as the effort unfolded.

#### The Planning Team

At the inception of the Phase 1 effort, following the initial agreement between the City and MR to seek a planning alternative to the pending litigation and proceed with the Phase 1 effort, a planning team was assembled that included City Manager Whippy, EPS staff (Walter Kieser) and sub-consultants (Marie Jones, Linda Ruffing, and Vanessa Blodgett), and MR (Chris Hart) and their planning and design consultant (Burton Miller). A City Council Ad Hoc Committee (Mayor Godeke, Councilmember Peters) was provided regular updates regarding the ongoing technical efforts as guided by the Phase 1 Work Program.

Members of the planning team were assigned specific tasks as defined in the Phase 1 Work Program and then collaborated informally and met as a group regularly to review the assigned work products. This collaborative effort was technical, focusing on the assembly of the *Illustrative Plan* and supporting documentation and preparing materials for the consultation process and public workshop.

#### **Coordination with California Coastal Commission**

During the preparation of the *Illustrative Plan* and as part of the broader effort to consult with affected agencies and entities, the planning team has been in contact with Coastal Commission staff informing them about the Master Development Agreement and Planning Process, and sharing documents, including versions of the *Illustrative Plan* as it evolved over the past several months. Comments received from Commission staff were considered by the planning team as the *Illustrative Plan* and the planning framework was further developed, in general. While there has been an effort to conform with Coastal Act and General Plan requirements and obtain informal guidance from Commission staff, formal review by the Coastal Commission will only occur when proposed a Local Coastal Program (LCP) Amendment is prepared and submitted and in response to individual Coastal Development Permit applications.

## Summary of Consultation with Other Agencies and Tribal Interests

Consultation with agencies and tribes is still in the early stages and will continue throughout the Master Development Agreement and Planning Process.

- <u>Tribal Interests</u>. Given the deep history of the Mill Site as part of Pomo culture, it is particularly important to respect, reflect, and celebrate this history and the interests of living descendants. The following includes a brief synopsis of agency and tribal consultation activities to date. The initial *Illustrative Plan* and circulation plan were shared with Sherwood Valley Band of Pomo Indians (SVBP) Tribal Preservation Officer, who brought the plan forward to SVBP Tribal Council for discussion. The team is working with SVBP to set up a formal consultation process, which would extend throughout the development of a formal project description for CEQA and the CEQA process. The potential for a Pomo Cultural Center on the Mill Site will be further discussed as the planning efforts continue.
- <u>Caltrans (State Department of Transportation)</u>. The initial *Illustrative Plan* and circulation plan were shared with Caltrans. Caltrans is assembling an internal team to discuss the plan and provide formal feedback which may include a scheduled meeting to discuss the project and a formal letter at a later time. At this time the representative of Caltrans expressed some concern about the Maple Street access onto the Mill Site.
- <u>State Department of Fish and Wildlife</u>. The *Illustrative Plan* was shared with the California Department of Fish and Wildlife (CDFW) whose staff asked initial questions and made comments. CDFW staff will continue to listen in on workshops and will collect comments from the community about the project. They will provide formal comments once the site land use plan and program are more fully defined through a complete project description as part of any CEQA process.
- State Department of Toxic Substances Control (DTSC). Consultation was initiated with DTSC's project manager for the Mill Site remediation to provide an overview of the Master Development Agreement and Planning Program, to discuss the interface of it and DTSC's ongoing planning process for the Operable Unit-E Remedial Action Plan (i.e., clean-up of the Mill Pond and other on-site ponds), and to discuss the potential for creek daylighting in conjunction with Mill Pond remediation. Consultation with DTSC would continue throughout the process and more formal directions would be sought in future phases.
- Regional Water Quality Control Board (RWQCB). Consultation was initiated
  with North Coast RWQCB staff to provide an overview of the Master
  Development Agreement and Planning Program and to discuss the scope of the
  agency's regulatory oversight regarding environmental remediation,
  stormwater management, wetlands protection and creek daylighting. Additional

consultation with the RWQCB would occur at appropriate points throughout the planning process.

- Noyo Center for Marine Science. The City and the Noyo Center are actively engaged in discussions regarding various aspects of Noyo Center's proposed Ocean Science Center campus on its 11.6-acre parcel (adjacent to MR's property in the south part of the Mill Site). An LCP amendment for the Noyo Center parcel (as well as the Noyo Headlands Park parcel, and the Native American residential parcel) was recently approved by the Coastal Commission. Noyo Center 's La-bone-atory project on the Ocean Science Center property is expected to break ground later this year. As neighbors on the Mill Site, Noyo Center and MR have identified opportunities to work together for positive outcomes. Continued engagement with the Noyo Center would occur as plans for the Mill Site evolve.
- <u>Federal and State agencies regulating railways</u>. Rail-related facilities proposed by MR that fall under jurisdiction of federal and state agencies such as the Federal Railroad Administration. Surface Transportation Board and the California Public Utilities Commission would necessitate consultation during the planning process to ensure consistency with their regulations.

#### **Guiding Principles & Policies**

As a companion to the *Illustrative Plan* and to create a planning framework for subsequent planning efforts, the Guiding Principles originally prepared in 2019 were updated and detailed. These new Guiding Principles & Policies have been derived from the earlier planning effort in 2017 through 2019 and include new considerations resulting from ongoing consultations with other agencies, consideration of new site-specific topics, and, most recently, public comments from the February 25<sup>th</sup> Public Workshop (see **Attachment 3**).

#### **Assembly of the Illustrative Plan Maps**

The *Illustrative Plan*, which shows a preliminary and general distribution of potential future land uses on the Mill Site, has been derived from over 20 years of planning efforts for the Mill Site primarily relying on work by the City involving public meetings, supporting consulting efforts and most recently, interactions with MR and its planning and design consultants. Key underpinnings and components of the *Illustrative Plan* include:

<u>Planning Legacy and Foundation</u>. The current "in-progress" *Illustrative Plan* is underpinned by, and builds upon, the extensive heritage of prior planning efforts; a range of technical studies and site constraints and opportunities analysis; stakeholder mission statements; and MR's visioning concepts, first expressed and presented in a Special Joint Session of the City Council and Planning Commission, September 21, 2019.

MR then participated in an Ad Hoc Committee process 2020-2021, to refine North Mill Site land use designations and boundaries, and a Coastal Trail "buffer". A nextiteration Plan was prepared to illustrate proposed refinements consistent with Ad Hoc Committee direction. Planning resource documents included:

- Mill Site Specific Plan Preliminary Draft January 2012 City and Georgia-Pacific
- Plan Revision prepared by City staff in 2018 in a community process, including a presentation to the California Coastal Commission
- Stakeholder Proposals
- MR's prior plan iterations for North Mill Site
- Technical studies for Mill Pond improvements
- Creek Daylighting Concepts
- <u>Constraints and Opportunities Analysis</u>. As noted above, research, analysis and a
  resultant understanding of known constraints has informed planning efforts to
  date. The *Illustrative Plan* incorporates and reflects careful responses to those
  constraints. Additional study of site constraints, including detailed site-specific
  archeological resources, coastal wetlands, and remediation would continue and
  be completed as part of the Master Development Agreement and Planning
  processes.
- <u>Mill Site Planning Formative Elements</u>. As part of developing the *Illustrative Plan*, a series of seven 'formative elements' were identified. These formative elements reflect key factors to be considered as a part of Mill Site planning and development (see **Attachment 4**).
- Illustrative Plan Framework Elements. The Illustrative Plan is the product of an indepth, broad-based collaborative coordination process with MR and its Planning Consultant, and City staff/City consultant team. The Illustrative Plan's purpose is to serve as an example or explanation, designed to clarify, demonstrate, and to provide visual features intended to explain. It is a long-term vision that serves to inform/guide decisions and actions, while adhering to defined principles (e.g., Mill Site Reuse Guiding Principles) by using a structure of interconnected elements, a long-term vision in which future options are not foreclosed, and in which every move builds toward a greater goal (see Attachment 5.1).

Several of the "interconnected elements" are illustrated in the Open Space Network | Access and Circulation diagram: development parcels and land use; open space; coastal access, Coastal Trail; Nature Center Discovery Trail; South Parks Path (multi-use); Redwood Avenue Extension; street access; railway and trolley (see Attachment 5.2).

#### **Mendocino Railway Rail-Related Area**

The *Illustrative Plan* illustrates the extent of MR's proposed Railroad Related Uses, which would be areas where MR is generally expected to engage in activities and uses to which it claims preemption from State and local review authority.

#### **Affected Parcels and Corridors**

The rail-related parcels and corridors are proposed as follows:

- Parcel R4 "Railroad Square." This area is immediately west of the existing Skunk Train station, railyard and roundhouse. It includes the Dry Shed building from the former Mill operation. MR envisions this area to be used for future railrelated uses including equipment storage in the Dry Shed.
- Parcel R7 "Skunk Station." MR has a vision of relocating the Skunk Train Station
  on this parcel, south of Redwood Avenue. This would allow for a larger, more
  functional station with sufficient space for administrative offices, storage, etc.
  Convenient and central parking would be provided to allow passengers to "park
  once" to ride on the train and visit other uses in the downtown area.
- A loop of tracks is proposed in the central area, encompassing the Railroad Square and Skunk Station areas as well as land for non-rail-related commercial and visitor serving uses. The railway loop would improve MRs operations by eliminating the current "dead end" track that requires a lot of push-pulls to turn trains around. The tracks would also allow MR to park the train in an east/west location parallel to Redwood Avenue where it would not interfere with pedestrian traffic between downtown and the site.
- Track for only trolleys is envisioned by MR, extending from the loop to a "Glass Beach Station" on the north end of the site. The track would be setback from Noyo Headlands Park.
- Track for only trolleys is also planned to extend south from the Skunk Train Station. MR has indicated that they are willing to commit to only building this track with approval by the City and agreement on the location.
- Parcel R1 "Glass Beach Station" on the north end of the site is envisioned as a secondary station for the proposed on-site trolley and would include boarding platform, ticket booth, offices, restrooms, and a second story ocean view restaurant.

To provide clarity regarding Rail-Related Uses and Claimed Preempted Railroad Activities, MR prepared the following list of State and Local-regulated activities and claimed federally pre-empted railroad activities:

#### State and Local-Regulated Activities:

- 1) Construction and maintenance of non-rail facilities. This includes the development, renovation, and maintenance of buildings such as hotels, restaurants, bars, retail stores, residential housing, and other commercial or public facilities that are unrelated to rail operations.
- 2) **Installation, maintenance, and improvement of non-rail utilities:** This includes all work related to above- and below-ground utilities (such as electricity, water, sewage, gas, and telecommunications) that are unrelated to rail operations.
- 3) Installation, maintenance, and improvement of non-rail roadways: This includes all work related to City streets, sidewalks, and public roadways that are unrelated to rail operations.
- 4) Parks, greenspace, and non-rail landscaping: This encompasses the design, creation, and maintenance of public parks, gardens, open spaces, and landscaping that are unrelated to rail operations.
- 5) **Environmental compliance outside rail operations:** This encompasses all state and local environmental regulations (including waste management, pollution controls, habitat preservation, and water quality) that are unrelated to rail operations.
- 6) Events within City limits that are unrelated to rail operations: This refers to the permitting and regulation of public or private events such as festivals, markets, parades, and community gatherings that occur within City boundaries and that are not related to rail operations.
- 7) Activities of non-rail Mill Site tenants: This encompasses the regulation of residential and business tenants on the Mill Site that are not involved in rail operations.
- 8) Compliance with building and zoning codes: This encompasses construction projects, renovations, and land uses to ensure compliance with local building codes, zoning laws, and safety regulations. While federally preempted railroads are, with certain exceptions, required to comply with building codes and are subject to local inspection, such railroads are not subject to preconstruction reviews or permit requirements.

#### Claimed Federally Preempted Railroad Activities:

- 1) Development and operations related to railroad tracks, signals, and crossings: This includes construction, maintenance, and improvements of railroad infrastructure such as ties, rail, other track materials, switches, and crossings. Street/lane closures are coordinated with the City.
- Development and operations related to railroad facilities: This includes the
  construction, maintenance, and improvement of stations, yards, workshops,
  transloading facilities, and ancillary facilities.
- 3) Construction, maintenance, and operation of railroad equipment: This includes the construction, maintenance, repair, and operation of railroad equipment such as freight/passenger equipment, maintenance of way equipment, transloading equipment, as well as any noise, horns, and emissions relating thereto.

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# Community Workshop and Council Meeting Public Input

A key objective of the Development Strategy was to solicit active community input regarding the proposed Master Development Agreement and Planning Program and specifically to provide comments on the draft *Illustrative Plan*. While many aspects of the *Illustrative Plan* were derived from earlier planning efforts, a community workshop provided a current opportunity to react and provide recommendations regarding the *Illustrative Plan* and supporting materials, with more community input to be gathered in subsequent planning efforts.

#### **February 25th Community Meeting Public Comments**

The City of Fort Bragg held a public workshop on February 25, 2025, to present the draft *Illustrative Plan* and Framework and to receive public comments and questions regarding the ongoing collaborative planning effort and the resulting *Illustrative Plan*.

- Mayor Jason Godeke and City Manager Isaac Whippy provided a brief overview of this collaborative planning process as a framework for decision-making regarding future reuse of the Mill Site, which parties are pursuing in lieu of continued litigation between the City and MR.
- Chris Hart and Burton Miller (MR team) summarized MR's vision as a bold, long-term plan including the following key components: North side would be an extension of town. Future uses on the south side are less specific. Consolidation of rail-related uses (Railroad Square), railway loop, new Skunk station, extension of CBD and hotel uses in central area. Nature Center concept is reflective of the desire to create integrated open space connecting wetlands, ponds, and daylighted creeks with Discovery Trail loop. In the south, a mix of uses is contemplated including industrial, commercial, mixed use and residential. The trolley is envisioned as an electric, low impact alternative to rail, connecting development.
- Walter Kieser (consultant) discussed the complexity of Mill Site development process, long timeframes, infrastructure requirements, and costs. He explained the master development agreement strategy. There will be community involvement for each decision point.

The workshop included an opportunity for informal conversations with the planning team, adding 'post-it' comments on the wall maps and materials presented, and formal comments and questions. During the three-hour workshop, there was lively discussion and interaction between the assembled public, the planning team, the City Council and MR representatives. A transcript of the Public Comments has been prepared (see **Attachment 6**). A summary of the 'post-it' notes, placed on the wall maps and other displays, was also prepared (see **Attachment 7**).

#### March 10th City Council Meeting

The City Council held a noticed public meeting on March 10, 2025, to receive a presentation of the Illustrative Plan and Development Strategy Report. The meeting was well attended and following a staff presentation and comments from MR representatives, public comments were received. Approximately 25 members of the public provided comments with testimony taking two hours. A summary of these public comments was prepared (see **Attachment 8**). Following the public comments, the City Council made individual comments and asked questions of staff and MR representatives.

Based on the Phase 1 efforts, and given the end of the stay period, the Council was faced with deciding how to proceed, i.e., whether to continue with the proposed Master Development Agreement and Planning Program or to allow the litigation process to resume. Following this discussion, the Council majority agreed to seek an extension of the litigation stay and to proceed with the proposed Phase 2 effort.

In parallel with the City's deliberations, there was continuing coordination with MR and the Coastal Commission, as their concurrence was needed to seek Court action to stay the litigation for three additional months or longer, in order to provide the parties with the opportunity to negotiate a potential settlement agreement in parallel with the proposed Phase 2 planning effort Memorandum of Understanding (MOU).

If the Council opts to continue forward with the Master Development Agreement and Planning Program, the *Illustrative Plan*, Guiding Principles, and other results of the Phase 1 Development Strategy would serve as a starting point for the subsequent phases of the process, beginning with Phase 2, which would be to create a MOU.

### Phase 2 Memorandum of Understanding

The *Illustrative Plan*, Guiding Principles, and other data and information assembled as part of the Phase 1 Development Strategy would provide a foundation for negotiation of a Memorandum of Understanding (MOU) in Phase 2. The proposed MOU would establish a general framework, analysis, and agreements needed to proceed with the proposed Master Development Agreement and Planning Program. The proposed MOU would be a <u>non-binding agreement</u> between the City and MR and may reference and incorporate related agreements with other agencies and entities, all geared toward identifying key terms and conditions, testing feasibility, identifying roles and responsibilities, and resolving the general structure and approach of the subsequent Master Development Agreement (<u>a binding contractual agreement</u>) and its related planning components.

#### **Linkage to the Lawsuit Settlement**

The effort to settle pending litigation, based on the Development Strategy *Illustrative Plan* and Guiding Principles, would occur in parallel with the preparation of the MOU. It is presumed that such a settlement, involving the City, MR, and the Coastal Commission, would occur during the Phase 2 MOU negotiations. Proceeding with the Phase 3 Master Development Agreement and Planning Components effort would likely be dependent on settling the City vs. MR lawsuit.

The parallel settlement of the lawsuit and subsequent completion and approval of the MOU would lead to the formal initiation of the Phase 3 Master Development Agreement Planning Process, when actual planning approvals would be processed, involving the full round of review by affected agencies, community engagement, environmental review, and formal adoption by the City.

#### **Memorandum of Understanding Process**

The preparation and negotiation of the MOU would include ongoing Council oversight and community engagement. The technical preparation of the MOU components would occur as a cooperative effort between the City (with assembled consultants and legal advisors) and MR, along with its planning and legal team, and augmented, as may be necessary, by input from the involved regulating agencies and affected entities. It is expected that the City Council Ad Hoc Committee would continue to provide oversight and that there would be regular updates to the entire Council and public throughout the agreed upon duration of the stay and any additional time needed to complete, review, and adopt the MOU.

The MOU would focus on a variety of topics that address the overall feasibility of Mill Site development from a physical, regulatory, and financial perspective. It is designed to flush out any 'fatal flaws' limitations and constraints to achieving the vision presented in the *Illustrative Plan*, prior to launching the substantial, time-consuming, and costly effort of developing a Master Development Agreement, land use plan and related regulations and requirements.

Once assembled in draft form, the resulting MOU would be formally presented and reviewed in a public hearing by the City Council and following public comments, and would be approved, or rejected at the Council's discretion. Adoption of the MOU would set in motion the formal preparation of the Master Development Agreement and its four constituent technical components (planning and entitlement, regulatory clearances, infrastructure financing, and real property transactions).

The MOU process would be pursued as a set of five serial topics, as presented below. Each topic would be structured to include formal staff and applicant working meetings, related technical efforts, preparation of draft documents, and throughgoing public and Council review, step-by-step.

#### MOU Topic #1: MOU Initiating Actions

#### 1. Negotiating a Settlement Agreement for the Pending Lawsuit

The purpose of the Phase 1 effort was to create an *Illustrative Plan* and planning framework that provides a planning-based approach as an alternative to and incentive for settling the pending legal action. The planning team would support the legal team regarding technical aspects and planning references for the settlement, as noted above, including:

- A conceptual agreement regarding the regulation of claimed rail related properties/uses/buildings and the claimed preemption of local jurisdiction and a process to ensure that applicable public health and safety standards will be applied.
- The supporting terms, conditions, and timeline for settlement of the pending lawsuit(s) that can evolve from settlement agreement negotiations between the City, MR, and the Coastal Commission.

It is presumed that the legal team would work in parallel with other technical aspects of the MOU with the goal of reaching a settlement within the 90-day extended stay that ends on July 1, 2025. It is likely that the MOU may require more time than this 90-day period.

#### 2. Accepting the Illustrative Plan and Planning Framework

The *Illustrative Plan*, Guiding Principles, and planning framework prepared during Phase 1 should be accepted by the City Council and MR as a general guideline for future planning efforts while recognizing that changes will likely occur as new information becomes available, additional community input is received, and the planning process continues. This action should include any related input from the Coastal Commission and the affected agencies and organizations that have been and will continue to be consulted as a part of the process.

#### 3. Agreeing to the Scope and Budget for the Memorandum of Understanding

The MOU is designed and intended to proactively address the key decisions and terms that are involved with the proposed Development Agreement, the planning approvals, infrastructure requirements, phasing, and funding, completing remediation of the Pond Areas (and other locations that require additional remediation) and identifying any land transactions between the City and MR that are part of achieving the desired pattern of development. The City and MR would need to assemble and approve a formal scope of work for the MOU that describes the process and serves as a basis for retaining needed consultant support and technical cooperation between the City and MR.

The preparation of the MOU would require a range of technical efforts that can be assigned to City staff, City consultants, or MR representative and their consultants, in parallel with the legal matters involved, including those related to settlement of the litigation and the structure of the development agreement. The tasks listed above provide a basis for the development of a MOU Work Program, a related budget, and an agreement regarding funding of the MOU preparation effort.

#### MOU Topic #2: Land Use Planning Context and Approach

The core of the MOU would address aspects of the land use planning and regulation on the Mill Site. The matter is complex given the large scale and varied factors affecting development potential and constraints affecting different portions of the Mill Site. These planning factors influence when something is built, what gets built, where it is built, how it is built, what it looks like and who it will serve. While the Illustrative Plan is the starting point for community discussions/ decisions (that includes the community, the City, property owners, and the Coastal Commission) it is an LCP amendment that over the longer term must be designed and sited according to City regulations and procedures to receive development permits.

#### 1. Establishing an Optimal Approach to the Land Use Designations

An agreement should be reached regarding the approach to establishing land use approvals and related environmental review including the appropriate mix and timing of an LCP amendment, CEQA and/or NEPA review, applicable zoning districts and rezoning, LCP amendment policy language, Development Agreement terms, master tentative map and final map terms, fees, etc.

#### 2. Creating Value and Responding to Market Opportunities

The key to a successful Master Development Agreement involving a large swath of developable land and lacking a fully developed market such as the Mill Site is 'creating value'. Value is created through good planning, establishing development entitlements and permits, improving existing amenities, and other development readiness investments as needed to attract investors and builders to the site. Value creation begins with removing or managing constraints such as the remediation requirements, infrastructure capacity or service deficiencies, and creating amenities. The initial development entitlements and related environmental clearances also create value as they render the site 'development ready'. As example, early completion of the proposed Skunk Train and other rail related elements could provide a catalyst for new development and enhance destination image and identity.

#### 3. Further Clarifying and Conforming to Coastal Commission Policies

The Coastal Act favors development projects in the Coastal Zone that serve priority uses as defined by the Coastal Act which include visitor serving uses, open space, parks, coastal access, and coastal dependent uses. The Coastal Act also includes policies to protect open space and natural communities, ensuring adequate City services to support proposed uses.

## 4. Precedent Images and Concept Studies to Better Communicate Planning and Design Opportunities and Intent

Building upon Guiding Principles & Policies; Planning Legacy and Foundation; Constraints and Opportunities Analysis; Formative and Framework Elements; and Stakeholder Input (Agency and Public), studies and exhibits will be developed to illustrate opportunities and planning and design intent, to catalogue proposed open space components, building elements (type, character, scale), and Railroad Core features. Precedent images will explore and illustrate a range of proposed and candidate uses to better communicate intended qualities and attributes. Concept-level site-planning and design studies will illustrate the composition and organization, of buildings, public space and landscape. Studies may include the proposed Open Space Network/ Public Amenities; Nature Center; Pomo Indian Cultural Center; Railroad Core; Residential Prototypes/Densities; and potential Specialty Commercial,

Industrial, and Institutional uses. The Precedent Images and Concept Studies will serve to illustrate how proposed land uses and facilities might appear and to inform planning and design policy.

#### 5. Continued Cooperation with Other Regulating Agencies

Continuing coordination is needed with other regulating agencies to achieve a more precise definition for achieving regulatory permits, remediation requirements for the Mill Pond and related wetland areas, and possible upgrades in remediation as necessary to support future uses. The liaison and discussions that have occurred during Phase 1 would be continued and enhanced as may be appropriate.

## 6. Linking the Pace and Scale of 'Development Readiness' to Realistic Market Demand-Driven Development Opportunities

It will be valuable to conduct a long-range market forecast for the Mill Site development given known conditions and identification of potential 'anchor' institutional, commercial, and industrial uses, particularly those related to the unique circumstances and opportunities created by the Mill Site development opportunities. Continued market research, industry innovation sectors, and direct marketing to desired end-users should all be in the mix. For any project to proceed, there must be sufficient market demand to cover the cost of development and make a return on investment(s) in land, pre-development planning and entitlement, and marketing. On-site and City infrastructure is needed to develop the site including streets, sidewalks, storm drain systems, water and sewer lines. Improvements to the City's capacity to provide water and sewer services are needed to fund- the costs to complete environmental remediation and other site-specific mitigation measures, as well as the cost of vertical construction and related site improvements.

#### 7. Further Resolving Site-Specific Development Constraints

Some areas of the Mill Site may be undevelopable due to site-specific constraints that will need to be more precisely mapped. Wetlands, rare plants and rare plant communities, and archaeological resources all pose development constraints. Indeed, the City's Coastal General Plan restricts new development within a 50- to 100-foot perimeter of any area with environmentally sensitive resources, cultural resources or wetlands. Also, development may be prohibited or constrained in coastal view corridors. Not all wetlands have been mapped, and the location of protected plant populations can change over time, so while some areas of the *Illustrative Plan* show potential for development, that potential may not be fully realized if wetlands or rare plants or cultural resources are found on a specific location during the development review process.

## 8. Conforming and Where Appropriate Modifying the City's Zoning Ordinance and Related Regulations

City land use planning designations applied to the Mill Site set development standards such as height limits, setbacks, building mass (FAR), and other use-related conditions, including maximum and minimum density (units per acre), maximum building size, and requirements for landscaping, lighting, parking, etc. The application of existing standards will likely result in development that is similar in scale and scope to existing development within the city, which typically utilizes 20% to 40% of a parcel for the building footprint. The zoning code also generally determines allowable land uses in each zoning district and whether a use permit is required. The City's design guidelines set minimum and preferred design criteria for buildings, accessory structures, parking areas, landscaping, signage and more. Most new developments require design review approval from the Planning Commission to proceed.

## MOU Topic #3: Clarifying and Documenting Infrastructure Requirements and Financing Strategy

Building upon prior engineering evaluation and infrastructure needs assessments, it would be necessary to document, to the degree possible at this early stage of planning, the infrastructure and related facilities needed to serve Mill Site development. The following items would be included in this effort:

#### 1. A Preliminary Site Improvement Program

The Mill Site's basic public infrastructure needed to support planned development should be identified, building upon prior evaluations of the site's infrastructure needs, including location and phasing, and identification of financing sources as needed to pay for improvements.

#### 2. Framework for an Agreement Regarding Private and Public Funding Mechanisms

This may include the use of special tax supported bonds (CFD), and grant sources that may be available. It is typical that substantial private equity investment will be necessary, especially in the early stages of 'value creation' on the Mill Site as needed to improve the land value or special tax capacity for debt financing.

#### 3. A Financial Feasibility Study

Building upon the foundational technical efforts, a financial feasibility study should be prepared that links new development and related increases in property value to the phased program of needed site preparation and infrastructure and related private and public sources and investment. Meeting basic development feasibility criteria would be necessary prior to moving on to Phase 3, the formal planning process, as described above.

### MOU Topic #4: Mapping out the Functions and Terms of the Master Development Agreement

The Master Development Agreement and Planning Program envisions a primary role for negotiating and adopting a development agreement for the Mill Site. The fundamental purpose of the Development Agreement would be to strengthen assurances needed to accomplish the beneficial redevelopment of the Mill Site in conformance with the land use plan. These assurances include 'vesting' of development rights for the entire site, providing long term certainty for the landowners and developers that they would be able to build what has been approved. The development agreement can also include the City's willingness to create various land/real estate-based financing mechanisms such as the Mello Roos Community Facility District. As an exchange for these benefits, the Developer would offer various concessions toward public benefits that cannot otherwise be required through the normal land use regulatory process.

The development agreement envisioned would be a 'master' agreement, i.e., it would cover the entire Mill Site and encompass all the various aspects of the development approval, investment, and management process going forward.

#### MOU Topic #5: Identifying Special Real Estate Land Transactions

This topic involves identification of any large land transactions between the City, MR, or other landowners that underpin and define future development including ownership of parklands and open space, ownership of the Pond and surrounding natural area, and lot line adjustments needed to precisely align parcel boundaries to infrastructure locations (e.g., roadway alignments) and related irrevocable offers of dedication. This effort should be completed in coordination with the preparation of a Subdivision Map Act compliant Master Tentative Map for the Mill Site that will, as proposed, divide the Mill Site into a set of large sub-areas that conform to the emerging land use plan use designations and phasing.

# Phase 3 Master Development Agreement and Planning and Development Approvals

Following public review of the MOU a decision can be taken by the City Council regarding proceeding with the next Phase of the Master Development Agreement Program, as described in the original Program Proposal (see **Attachment 1**). Phase 3 is where the substantial efforts required for successful reuse and redevelopment of the Mill Site will occur, including: 1) determining and creating the needed land use approvals (and related environmental review); 2) achieving other regulatory approvals including those related to hazardous materials remediation; 3) completing an infrastructure facilities and financing plan, and 4) establishing agreements regarding any real property transactions that are needed to support the overall reuse and redevelopment effort.

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# **Appendices**

### Mill Site Master Development Agreement Program Proposal

The City of Fort Bragg (City) and the Mendocino Railway (MR) have tentatively agreed that a formal and cooperative 'master planning and development agreement' approach to further development of the Mill Site is in the interest of both parties, other property owners, and the City as a whole. As a part of pursuing this cooperative approach the parties have agreed to stay the pending litigation between them, to pursue settlement discussions, including with the California Coastal Commission, which is also an intervening party in the action.

Assembling such a cooperative approach will build upon the many years of planning, environmental review, remediation, infrastructure improvement, and development that has occurred as well as the current aspirations of MR and land use and policy objectives of the City. The master 'development agreement' approach recommended has been used successfully in complex development projects in California for decades. Development agreements (see Cal. Gov't Code § 65864 et seq.) are contractual agreements between a local jurisdiction and a developer(s) regarding a particular development project. Development agreements overlay standard planning and development regulations (zoning, etc.) adding a 'vesting' of development approvals (entitlement) and other considerations (public investments, etc.) by the local jurisdiction in trade for considerations and contributions from the developer that cannot be imposed through normal 'police power' development regulations or financing methods.

The proposed Mill Site Development Agreement -- given the complexities involved, will need to be approached in sequentially phased approach allowing planning and technical analyses, community engagement, negotiations, cooperation with other landowners in or adjacent to the Mill Site, and consultations with the regulating agencies in the mix including the California Coastal Commission, the Department of Toxic Substances Control (DTSC), tribal interests, etc.

A conceptual illustration of such a phased approach to creating a Mill Site Development Agreement is shown on **Figure 1**. Our consultant, Walter Kieser, Senior Principal with the firm Economic & Planning Systems, has assembled this approach drawing upon his own and the firm's experience with such agreements for management of large-scale development projects and development financing. Mr. Kieser also brings his historical knowledge of the Mill Site stretching back now 20 years working for the City of Fort Bragg. The illustration remains a 'sketch' but provides an overall sense of how such a process could be structured.

The illustration shows four major phases of activity and agreement, each punctuated with a 'decision point' (D-1, D-2, etc.) where the parties would complete their respective tasks and obligations and agree to proceed to the next phase. Key to this approach is a 'stair-step' procedure that keeps efforts in their proper subordinated order, allowing the resolution of issues, building of confidence and certainty, and providing a milestone-based off-ramp if agreement is not reached.

#### Decision Point 1 - Agree to pursue a development agreement and stay pending litigation.

The proposed approach will require agreement between the parties to pursue a potential development agreement (as can be further detailed) in good faith and agree to stay pending litigation. This provisional agreement would authorize and further define the first phase of work. <u>Time frame: 14 days</u>.

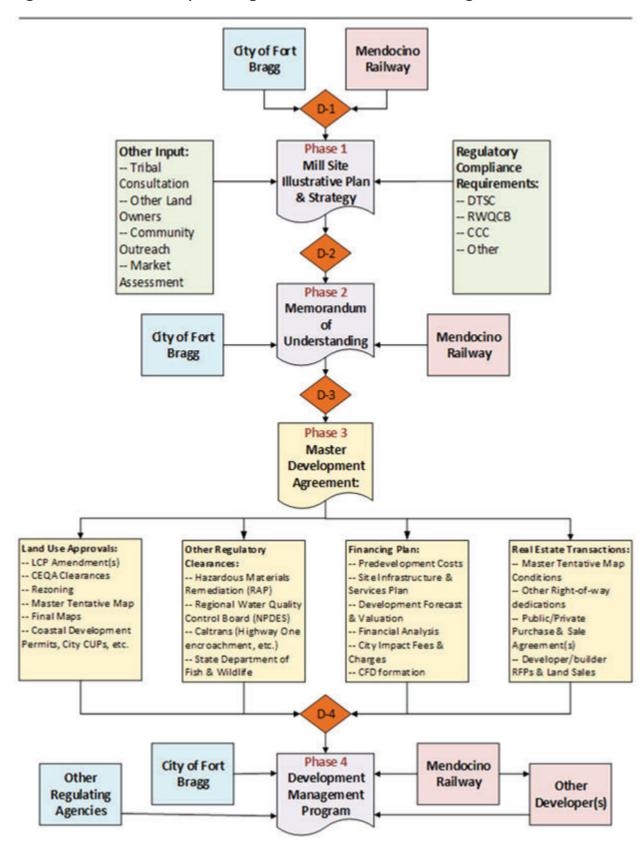


Figure 1 - Master Development Agreement Illustrative Flow Diagram

Phase 1 – Millsite Development Strategy. It will be necessary to 'get on paper' a generalized illustration of proposed land uses, existing and future ownership of land, and the location of the basic infrastructure serving the Site (and City), including any rail-related improvements. This high-level illustrative plan, building on prior analysis and planning proposals for the Mill Site, would generally describe the development program envisioned, the actions needed to achieve the development program, including needed outreach and agency consultations, meeting all regulatory requirements, public and private infrastructure investments required, and how, given all of this, sufficient public and private values can be created. This information, and supporting definition of terms, rights, and responsibilities, will serve as the basis of a Memorandum of Understanding (MOU)between the two parties developed in Phase 2. Time frame: 90 days.

#### Decision Point 2 - Agree to Prepare a Memorandum of Understanding

The Development Strategy will disclose and determine how the interests of MR and the City, as well as the California Coastal Commission (CCC), can be met and a general reckoning of all the regulatory requirements, permitting, and investments that will be required. On the basis of this information, resolution of issues, and agreement, the basic terms of a potential DA can be outlined in a MOU.

Phase 2 – Memorandum of Understanding. The terms derived from the Development Strategy (and other sources) will be structured in a non-binding document that will allow formalization of terms, related evaluation (cost and feasibility analysis, etc.) and a wholistic view of the development program, its benefits (value creation, etc.) City actions and investments, landowner and developer actions and investments, and the necessary third-party regulatory requirements and how they will be met as part of the development process will be evaluated. An overall work plan and schedule for preparation of the DA and its referenced technical components would be developed and attached to the MOU, along with a funding agreement to pay for the process. Time frame 60 days.

## Decision Point 3 – Agree to Proceed with the DA and its Related Planning, Review, Financing, and Real Property Transactions

A Draft DA would be prepared early in Phase 3 based upon the MOU terms and related negotiations. Meanwhile, the substantive activities would be fully mobilized along with an agreement and commitment of funding to pay for preparation of the DA and its technical components. Settlement of the pending legal actions are proposed to occur as a component of the final approval of the DA.

Phase 3 – Development Agreement and preparation of land use approvals, other regulatory requirements, financing plan, and real estate transaction agreement. Assuming the MOU process yields an agreement to proceed with the more expansive planning, engineering, financing, and transactions, a formal DA can be initiated. It is during Phase 3 that the substantive components encompassed by the DA will be completed, building on the full breadth and depth of prior efforts. A full and detailed work program will be needed at this point as well as assembling the consultants and legal advisors needed to complete the respective plans, review, and analysis as needed to complete the four major components of the DA – 1) Land Use Approvals; 2) Regulatory Clearances; 3) Infrastructure Financing; and 4) any Real Estate Transactions (P&SA).

It is difficult at the outset to estimate the timeframe required to complete the DA and its four technical components, particularly given the requirements and influence of the regulatory agencies in the mix. However, the overall program, during each phase, will be structured to reveal and scope the various components and related regulatory actions, thus clarifying and expediting the schedule needed to complete the work. Estimated time frame 18 months.

#### Decision Point 4 - Finalize and Adopt any DA

Following completion of the technical components and agreement to DA terms reflecting the technical work, regulatory requirements, feasibility testing, and execution of related agreements, a DA can be adopted, following the full public hearing process, by the City in a bundle with the development approvals, regulatory permitting, funding agreement and mechanisms, and related land transactions.

Phase 4 – Development Management Program. The terms of the DA will be played out over time including completing needed land use approvals, regulatory compliance clearances, assembling financing and related financing districts, if any, and crafting and completing any land purchases and sales, as infrastructure improvements, subdivision, and development proceeds. All of this will require creation of a project management team and a sustained, cooperative working relationship between the City, MR, landowners, the CCC and other regulatory agencies, and 'vertical' developers that may purchase developable land in the Mill Site, all as guided by the DA and the land use approvals. While it is difficult to forecast the vertical development stage, it will likely take many years to complete.

# Mill Site Master Development Agreement & Planning Program Phase 1 Work Program: Development Strategy Preparation

#### Introduction

The 'Overview of the Proposed Master Development Agreement Process' describes a multipronged, cooperative approach to achieving the desired development of the Mill Site that has been the subject of previous planning, environmental remediation, and development efforts over the past 20 years. The first phase of this process is proposed to be the assembly of a 'Development Strategy'. This Strategy will, over a compressed time frame of 90 days, assemble and articulate the desired 'high-level' outcomes of the proposed cooperative planning, financing, and development efforts to be completed in subsequent components and phases of the process. At the heart of this Development Strategy will be an 'Illustrative Plan', a visual representation of the Mill Site in its envisioned future form, showing the general location of land uses, major roads and access points, public infrastructure, open spaces and recreational facilities, and identifying the land transactions that are envisioned as may be proposed.

An initial working version of the *Illustrative Plan* will be assembled by the City and its consultants in an expedient manner based on prior planning efforts, proposals by MR or other entities for future development of the Mill Site and vetted with MR, and in consultation with the California Coastal Commission, all of which will be done in a cooperative effort predicated on the goal toward potentially resolving (settling) pending litigation through the proposed Master Development Agreement Program. The initial *Illustrative Plan* will then be subjected to a geographically based constraints analysis. The resulting *Illustrative Plan* and constraints analysis will then be reviewed in a workshop format by other affected landowners, the key regulating agencies (California Coastal Commission, DTSC, RWQCB), and tribal representatives, seeking concurrence and recommending agreeable changes. The resulting public review *Illustrative Plan* will then be presented in a formal public engagement process and subsequently guide the more detailed, multi-pronged Master Development Agreement Program.

The *Illustrative Plan* will take advantage of the full range of existing and prior planning efforts conducted and completed by the City and reflect proposals made by MR and the other affected landowners and incorporate the input and concerns of the Coastal Commission and other regulating agencies in the mix. It is further proposed that a generalized market assessment be conducted that may include the preparation of a developer solicitation (RFQ). This outreach and market reference will be designed to test and modify the *Illustrative Plan* as may be appropriate. The resulting *Illustrative Plan* will become the reference point and guide for creating the Development Strategy – that will specify the more detailed land use planning, zoning regulations, remediation actions, environmental review, infrastructure investments and financing strategies, and identification and evaluation of the land transactions that may be involved, i.e., the four structural components of a Mill Site Development Agreement.

## **Guiding Principles**

The preparation of the Millsite Development Strategy will be guided by the following principles:

- 1. <u>Maximine Use of Existing Information, Plans, & Decisions</u>. The prior planning and regulatory efforts by the City and landowner proposals will provide a sound basis for assembling the *Illustrative Plan*. A GIS-based composite map will be prepared as a graphic illustration and measuring tool for documenting the sources assembled.
- 2. Consultations with Other Regulating Agencies. It is recognized that the development of the Mill Site must ultimately meet with planning and regulatory approval of the Coastal Commission and the agencies regulating hazardous materials remediation. At the preliminary stage, the City will be seeking preliminary comments and input that can help shape the plan that will ultimately be submitted for approval. Also, the Coastal Commission is a party to the pending litigation with MR and the City, and so the Coastal Commission's early input and participation is necessary to any potential successful resolution of issues in the action.
- 3. Engagement of Affected Property Owners and Interests. MR and other affected property owners, including tribal interests, will be engaged and consulted as the *Illustrative Plan* is assembled. This process may result in the formulation of several development scenarios, reflecting the various interests.
- 4. Ongoing Public Information & Engagement. The assembly of the *Illustrative Plan* and its review will include ongoing public information (through updates at each City Council meeting, regular Website posts, etc.) as well as two public workshops, including an initial workshop that presents the proposed Master Development Agreement Program and the process for assembling the *Illustrative Plan*. The resulting draft *Illustrative Plan* will be presented in a City Council Study Session with full public participation invited.
- 5. The City Council direction and discussions. It is proposed that the City Council will be regularly briefed regarding the ongoing effort through formation of a Council Ad Hoc Committee. Additionally, is proposed that a standing Mill Site update be provided at each City Council meeting. Finally, it is proposed that the Council will accept the resulting Development Strategy Report as a guide for the next Phase of the Master Development Agreement Program.
- 6. <u>Negotiation Confidentiality and Integrity</u>. While the development of the *Illustrative Plan* will be an entirely public process, the pending litigation, resolving various regulatory challenges, and negotiations over possible real estate transactions, will require appropriate confidentiality and discipline throughout the process.

### Phase 1 Work Tasks

### Task 1 – Preliminary Review of Proposed Master DA Planning Process

The Development Strategy (and the proposed Development Agreement (DA) Process will be initiated by assembling the appropriate documents and conducting a preliminary meeting between representatives of the City and Mendocino Railway (MR) representatives, also with the anticipated participation of the California Coastal Commission. This meeting will provide for a discussion about the proposed process and in particular the actions needed to initiate and conduct the Process. The Consultant (Walter Kieser) with the firm EPS, will facilitate the meeting and recommend any resulting changes to the Work Program.

Outcome sought: Agreement to proceed with the Master DA Planning Process and specifically the Phase 1 Work Program (as may be modified as a result of the meeting). It is assumed that the stay on pending litigation will be in place by the time this meeting occurs. Specifically, the Phase 1 Work Program, as agreed upon, will be converted to an task-oriented identification of 'resources' (personnel) and their initial respective commitment of time, and a related task budget adding up to a Phase 1 budget estimate.

## Task 2 – Scope of Proposed Development Strategy & Commitment of Resources

Once the Process has tentatively been agreed upon, an effort to more fully scope the preparation of the proposed Development Strategy can occur along with assembling the resources (staff, consultants, agency advisors, etc.). A first-round assembly of adopted or proposed archival plans and documents, regulatory orders, agreements, etc.) will occur as a reference point and as needed to initiate preparation of the *Illustrative Plan*. City and MR will review and agree upon the Work Program, budget, timeframe, and the responsibilities of the respective parties, with the anticipated participation of the Coastal Commission.

<u>Outcome sought</u>: Detailed Work Program, formal assembly, commitment, and engagement of resources, and a funding agreement for the Phase 1 Development Strategy preparation.

## Task 3 – Preparation of the Illustrative Plan & Development Strategy

#### 3.1: Overview

The 'overview' will describe the purpose of the Development Strategy and its component elements and how it will influence the subsequent phases of the DA Process. Specifically, the scope of each element will be developed in a manner that can lead to the necessary technical and engagement efforts.

#### 3.2: Assembly and Review of Planning and Regulatory Document Archive.

As noted above, the *Illustrative Plan* and Development Strategy will be fully informed by the body of existing adopted plans and regulations and archival proposed plans and regulations, prior MR submittals, all in the context of the existing circumstances. These efforts include:

- The original draft City/GP Specific Plan that followed four years of work and was shelved in 2012 when the cost-recovery litigation for the remediation became GP's primary focus;
- A revision of City/GP Specific Plan that was prepared by Marie Jones in 2018 and went through a community process (including a presentation to the Coastal Commission when they met here in Fort Bragg. This plan was 'shelved' when MR purchased the north half of the Mill Site;
- MR's prior draft land use plan for the north half of the Mill Site;
- Plans submitted by members of the Fort Bragg community over time (Noyo Headlands Unified Design Group, John Gallo, Grassroots Institute, etc.); and
- Plans/alternatives for the Mill Pond area, including work done to evaluate the feasibility of restoring the Maple Creek and Alder Creek drainages/wetlands.

#### 3.3: Base Mapping and Constraints Analysis

A GIS-based mapping system will be assembled that includes a working scale base map of the Mill Site, identification of and mapping of recognized development constraints including natural features, remediation-related constraints, resource conservation areas, etc. A map layer that spatially documents the adopted and archival proposed plans and regulations will also be prepared. As an example, constraints will include a map layer showing areas on the Mill Site that are subject to deed covenants that restrict future uses, require ongoing groundwater monitoring, etc.

#### 3.4: Draft Illustrative Plan & Vision for the Mill Site

At the highest level, the City, MR, the Coastal Commissions and the other affected landowners and the public will be encouraged to express their ideal vision for the Mill Site including specific goals and related objectives in full view of adopted plans and regulations, archival plans and regulations and the development constraints as presently documented. These goals and objectives will be drafted and reviewed in stakeholder consultations, a series of formal 'workshop' style meetings where each party brings forth their respective goals and objectives towards achieving an integrated single Vision. Once the documentation is compiled, the EPS team can analyze it and clarify where there is alignment and where there are potentially conflicting components.

Following this effort, an informal meeting of City representatives (ad-hoc Council committee and City Manager), MR representatives (preferably without respective legal representation) can be convened, with anticipated participation from the Coastal Commission, to work through the areas where there may be a lack of alignment. While ideally, a single integrated vision could be achieved, there may be some components of the preliminary *Illustrative Plan* where "alternative scenarios" are prepared for subsequent community input, as may be directed by the ad hoc committee.

#### 3.5 Initial Regulating Agency Consultation

This early consultation with the DTSC, CCC and RWQCB will be conducted between the consultant team and the individual agencies to present and review the *Illustrative Plan* and to gain insights regarding related review and regulatory procedures and requirements. At this point we are only trying to gain clarity about the regulatory issues, requirements and procedures to accurately reflect and present them at the first community workshop.

#### 3.6 Landowner Consultations

The other landowners will be engaged in a consultant-led workshop format to present and discuss the *Illustrative Plan*. The other landowners include:

- The Native American housing parcel and engagement of broader tribal interests. (Given the government-to-government aspects of the tribal consultations, the ad hoc committee should lead this effort.);
- The City properties (Wastewater Treatment Facility and the Noyo Headlands Park).
- The Noyo Center for Marine Science (11.6-acre undeveloped parcel with big plans for a
  marine science education and research campus (the "Ocean Science Center"). The Noyo
  Center has been engaged in an in-depth conceptual planning process for its Ocean Science
  Center facility for the past year. Its planning efforts have occurred in consultation with the
  City and an environmental review and permitting process will begin in early 2025.

#### 3.7 Public Engagement Process

The broader public of Fort Bragg will be engaged and consulted regarding the *Illustrative Plan* and the Vision, as they have been initially articulated through cooperation of the City, MR, the Coastal Commission, other regulatory agencies, and other affected landowners and tribal interests. General public information regarding the process will begin immediately (press release, Council agenda item, website announcement, etc.). At least one formal, facilitated community workshop will be conducted to introduce the proposed DA Process and in particular the proposed *Illustrative Plan* and vision for the Mill Site. The resulting input will be taken into account and a revised *Illustrative Plan* and vision will be prepared for a presentation at a City Council Study Session where public testimony will be received.

### Task 4 Specifications for the MOU and Development Agreement

Completion and review of the *Illustrative Plan* and Development Strategy will lead to preparation of a summary *Development Strategy Report* that will provide the technical basis for scoping and initiating the subsequent technical phases of the DA Process. The Report will be a descriptive of and review relevant documents and information, subject to review and refinement as the process proceeds into the Phase 2 effort where general agreement and direction will be documented in int proposed Memorandum of Understanding, including but not limited to the following topics.

#### 4.1. Specification of Land Use Plans & Regulations

The *Illustrative Plan* will be evaluated to determine the planning regulatory actions necessary to convert it into a formal land use plan and related 'project description' as needed for the environmental review process. The resulting Land Use Plan will be the basis for the required amendment to the Local Coastal Program and related regulatory actions by the City including rezoning, master tentative map, etc., all building on prior efforts, as may be applicable.

#### 4.2 Remediation Requirements

The earlier consultations with DTSC, CCC and RWQCB and any other regulatory agencies, and continued dialogue between the City, MR and CCC, will hopefully lead to a proposed action plan for resolving outstanding issues regarding the final clean-up of the Mill Pond and for reaching necessary solutions regarding how needed remediation will be funded, including alternatives for funding. It will be important to accurately identify the status of the remediation and the necessary steps to complete RAP approved for OU-E (Operable Unit E - the Mill Pond area). The public will need to be assured that there will be plenty of community process during the environmental review process.

#### 4.3 Infrastructure Requirements and Financing Strategy

Substantial infrastructure improvements will be required to achieve the *Illustrative Plan* and vision. This task will define the components of infrastructure and assemble prior efforts to define and evaluate infrastructure needs in the context of the *Illustrative Plan*. While cost estimates will be the result of subsequent design and engineering efforts, a general sense of costs can be estimated at this point that can lead to identification of funding options, including the proposed land-secured financing (Mello-Roos Community Facilities District), existing City impact fee programs, grant sources, etc. The first City/GP Specific Plan process (2012) included civil engineering work to define the necessary infrastructure to support redevelopment of the Mill Site that can serve as a reference point for this work.

#### 4.4 Real Property Transactions

The *Illustrative Plan* will also identify the tentatively agreed upon 'end state' for property ownership in the Mill Site, reflecting any land trades, purchase and sales, and dedications that derive from the master tentative map. It is recognized that there presently exists no agreement regarding various transaction proposals; in this task, an effort will be made to resolve an agreeable plan for potential real property transactions (and the related conditions, covenants, and restrictions that may need to be applied). Existing examples of potential real property transactions include:

- Transfer of Mill Pond/central park area (i.e., OU-E) to City of Fort Bragg, after remediation.
- Transfer of Maple Creek and Alder Creek corridors for open space/habitat purposes.
- Transfer of a wildlife corridor connecting forested/wetland areas along Main Street to the coast.
- The Noyo Center has expressed interest in acquiring a small parcel that adjoins the Noyo
  Center property and would accommodate an alternative road access around the southeast
  boundary of their parcel.

#### 4.5. Project Description & CEQA Process

The foregoing tasks, as assembled, can lead to the preparation of a provisional 'project description' as commonly understood and required as part of CEQA review (preparation of an EIR). In this instance it is appropriate and recommended that a 'programmatic' EIR be prepared that encompasses all the aspects of the Development Strategy that would likely require CEQA clearance. There will also be an evaluation of the need for NEPA clearance; if so, it would make sense to consolidate the environmental review for the OU-E RAP with the environmental review for the initial Mill Site entitlements. NEPA clearance might be needed as well.

#### 4.6. Proposed DA Procedural Steps

The proposed Development Agreement is a contractual form built upon statutory authority and numerous examples of how master development plans are achieved through a cooperative 'public-private' approach to development. This task would review and refine the proposed procedural steps and the specific content of each step.

#### 4.7. Anticipated Roles and Responsibilities of the Parties

The final task of the Development Strategy, building upon all the tasks described above, will be to describe the anticipated roles and responsibilities of the parties in completing the four elements of the DA including the land use approvals, the regulatory clearances, any financing plan, and any real estate transactions.

# Mill Site Master Development Agreement Program Guiding Principles and Policies

#### Connections, Views, Open Space and Access

- Extend the City street grid into the site. (2019)
- Create multiuse trail connections to Noyo Headland park and other new parks.
- Retain public view corridors to the ocean through the Mill Site. (2019)
- Allow for daylighting of Maple Creek. (2019)
- Maximize Public Access and Recreation (CCC Goal 1)
- Protect and Enhance Coastal Resources (Wetlands, Archaeological Resources, Environmentally Sensitive Habitat, etc.). (CCC Goal 2)
- Enhance coastal access and recreational opportunities through access points, visitor attractions, parks and recreational facilities, and visitor parking as needed.

#### **Pomo Culture and History**

- Engage in formal tribal consultation during master development agreement process.
- Celebrate Pomo Cultural History in planning and design
- Pursue creating a Pomo Indian Heritage Village/Visitor Center and/or Cultural Center.

#### **Expand Downtown and Economic Vitality**

- Extend the downtown commercial district into the Mill Site. (2017)
- Provide visitor-serving uses and compact mixed-use residential development within the extension of the Central Business District. (2017)
- Extend Redwood Avenue to integrate Downtown and the Mill Site to include uses complementary to the CBD, Skunk Train experience, and Coastal Trail - not to compete with the CBD.

#### **Housing Needs and Opportunities**

- Establish zoning for residential and visitor-serving uses in the Northern District. (2019)
- Provide a range of housing types, unit sizes, affordability, and densities to serve Fort Bragg's housing needs.
- Housing densities and form (height, bulk and mass) should be sensitive to, and compatible with, the fabric of the City.

#### **Economic Development**

- Create new living-wage job opportunities on the Mill Site. (2019)
- North Mill Site extend and enhance the City's existing downtown urban form focusing on housing and visitor-serving uses with near-term development potential.
   South Mill Site – provide sites that are suitable for a mix of commercial, institutional, industrial and residential uses.
- Establish zoning for jobs and a more diversified economy in the Southern District (light industrial, education, visitor-serving, R&D, and office space). (2019)
- Create economic diversity consider science/biomedical, technology, education, remotework, Blue Economy "big idea" uses.
- Allow residential use in the Southern District in conjunction with job growth on the site.

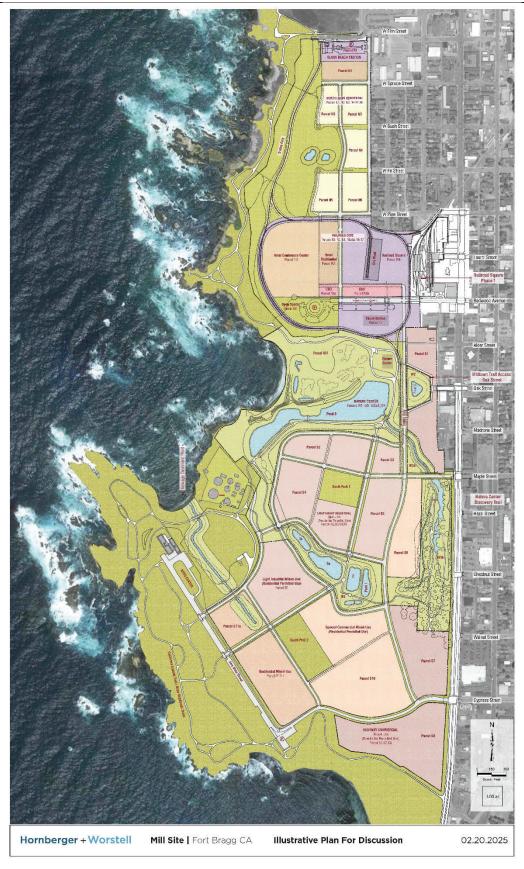
## Sustainable, Resilient, and Beautiful Development

- Incorporate smart growth practices, such as compact design, mixed-use development, and higher density residential development adjacent to the City's Central Business District. (2019)
- Require sustainable development practices, such as low-impact development and green building. (2019)
- Require high quality design for all development. (2019)

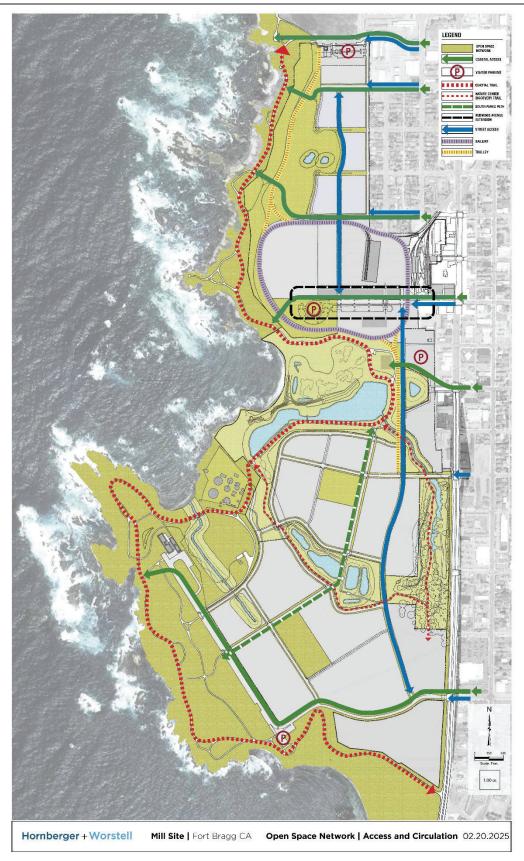
# Mill Site Master Development Agreement Program Mill Site Planning Formative Elements

- 1. **Establish Land Use Sub-Areas** -- The essence of a land use plan is the spatial expression, a mosaic, of sub-areas where various land uses will be located and will interact with each other internally and with surrounding existing land uses.
- 2. Distinguish the North Mill Site Area from the South Mill Site Area -- The North Mill Site area is best thought of as an extension and enhancement to the City's existing downtown urban form, focusing on housing and visitor-serving uses with near-term development potential while the expansive South Mill Site Area has longer range potential for a variety of uses including larger format commercial, industrial, and institutional uses along with visitor-serving and residential uses.
- 3. Determine Individual Land Use Types & Mix -- Planning for the Mill Site has always assumed a mix of residential, commercial, visitor serving, and industrial areas in addition to coastal access uses (e.g., parking), and conservation uses. While the Plan can envision a desired mix of use types, development densities and quantities, the market will always determine what gets built. Lacking a 'ready market', flexibility and strategy are necessary, taking advantage of current market conditions while creating value and incentivizing development for which there may not be a current market.
- 4. **Resolve and Reflect Development Constraints**. A range of site-specific and area-wide development constraints will affect the location and scale of new development. While some of these constraints have been reflected in the Illustrative Plan, others will be revealed during the formal planning process.
- 5. Create Community and Real Estate Value -- The key to successful development of the Mill Site given its large swath of development land and lacking a fully developed market demands 'creating value'. Such value begins with public investments (e.g., the coastal trail) and through good planning, establishing development entitlements and permits, improving existing amenities, investment in needed infrastructure, and other development readiness investments as needed to attract investors and builders.
- 6. **Enhance Coastal Access** -- The Coastal Trail and adjacent parks and open spaces will remain the central amenity of the Mill Site. The Land Use Plan for the Mill Site will further improve the Coastal Trail and other existing public access facilities by providing additional access points, visitor attractions, and expanding parking where and if needed.
- 7. Infrastructure Needs & Capacity -- Development of the Mill Site will require a full range of urban infrastructure that will shape and be constructed concurrent with development activity. This infrastructure includes roadways, water, sewer, drainage, and power utilities. This infrastructure will be 'tuned' to the precise needs determined in the formal planning process. Infrastructure funding will be derived from private equity, development fees and charges, land secured special taxes and assessments. Potential City sources include grant funding, utility rates, property tax increments, and bonds.

## Mill Site Illustrative Plan Map



## Mill Site Illustrative Plan Open Space and Circulation Network



# Mill Site Master Development Agreement & Planning Program Public Comments from February 25<sup>th</sup> Public Workshop

The City of Fort Bragg held a fully noticed (as a City Council meeting) public workshop on February 25, 2025 to receive public comment and questions regarding the Master Development Agreement Program and the results of the Phase 1 Development Strategy.

#### **PUBLIC COMMENTS:**

- Concerns about MR having equal standing with City; does low price MR paid for property result in property tax fraud. City should report to Assessor, State Board of Equalization, Attorney General, Grand Jury, IRS.
- With regard to process, drop previous assumptions, opinions, prejudices. Join together to be stewards of this place. How much, what kind of growth? What we do now will have permanent effect on community. Do this to build a sense of community, not adversarial.
- Previously, Planning Commission and City Council unanimously accepted a land use map for future development of Mill Site. In DA, developer should acknowledge that they will allow local/state regulation for health and safety and if they will be subject to local and state regulatory agencies.
- Excited about curtain being pulled back on headlands. Opportunity to make something very special. Love the idea of bikes, trolleys, walking pedestrians. Great testimony to reducing the carbon footprint that community can embrace.
- What we are seeing is not an alternative vision. Whole site is not cleaned up to residential standards. Mill Pond has not been adequately characterized. Dam is in danger of collapse. Consider earthquakes, tsunami, sea level rise. Runoff is polluting area. Great vision: coastal Pomo cultural center.
- Who is on City Council ad hoc committee? Tess knows a lot about CEQA. Important to clean-up Mill Site completely.

#### **Responses:**

- Mayor Godeke: Mill Site ad hoc committee is comprised of Councilmember Peters, Mayor Godeke. Committee previously was Councilmember Rafanen and Godeke.
- Torgny Nilsson (MR): Purchase price for mill site included land for liability swap. Costs for remediation of Mill Pond could be well over \$60M. Purchase was approved by the court as reflecting fair market value of property. MR has never wavered from saying that it will follow all applicable laws. Railroads are the most regulated entity in the nation. Only areas MR wants preemption for are shown in purple on Illustrative Plan plus the trolley.
- Robert Pinoli (MR): State Board of Equalization regulates taxation of railroad property, not County assessor. There was a reassessment, but value was not escalated exponentially because there are no improvements.

- Like acknowledgment of Native American history. MR should donate profits to Pomo because they were forced off of the land. They have a spiritual connection. We owe it to them to give a percentage of profit. Concept should go to ocean and allow for ceremonial participation, sacred space. Need more affordable housing for young families, housing should allow children and pets.
- Appreciation for openness to moving forward. The plans need to start from the ground up. Need to understand are limitations of land. For example, hat further remediation is necessary to remediate to residential standards? What about habitat areas, creek daylighting, stormwater runoff? Support giving land back to native folks. What ratio of uses best serves our needs? Tourism is unstable choice upon which to base an economy. Discretionary spending is the first to go. Need jobs, good incomes in order for younger generation to return and stay. Tourism is unstable, we need to diversify the coast economy and bring jobs for families.
- Question re: buildings in purple zones, and the Stations at Glass Beach and the Dry Sheds. Is MR willing to agree that they will follow City, State, County permitting and inspection requirements for these areas. If so, would that be different from non-purple zoned areas on site? If so, how would it be different and why? When property was purchased by MR, you agreed that there would be substantial clean-up. How long will that take? Interest in making it beautiful now.
- People have different priorities. As community, not clear about what we want to get out of the Mill Site. My #1 priority is to replace the economic engine that we lost when the Mill closed. How do we do it, what do we care about, what's important to us? Fort Bragg is on very shaky economic grounds. Tourism is one leg of a 3 legged stool. Create a bullet point list of things that matter to us. How do we preserve the land, how do we create community. Most of what people say are values that we all share. Not a conflict. It's a matter of prioritizing.
- Area has so much history, natives, railroad, chopping down old growth forests. Lots that we can learn from. We could be the Redwood Riviera. The opportunity to develop this property is amazing. Want beautiful buildings, not cookie-cutter. Support protecting the train system. We can manifest something truly wonderful. This is a beautiful area. Think about the future: emergencies, keeping the runway, the economy. Botanical drugs. Natural pharmaceuticals.

#### **Responses:**

- Marie Jones (consultant): With regard to remediation: Mill Site was cleaned up to accommodate future uses envisioned at the time the clean-up was approved. Big piece that isn't done is remediation of Mill Pond complex. There is community interest in daylighting creeks. A Remedial Action Plan has been prepared and submitted to DTSC. DTSC will consider community acceptance. The Coastal Commission, Dept. of Fish & Wildlife and Water Quality Control Board will all have a role in regulating clean-up of the Mill Pond. MR is required to get a Coastal Development Permit through the City for the project.
- Tgorny Nilsson (MR): Federal pre-emption for railroads. OSHA, FRA, DOT, CPUC, STB. Railroads are required to follow local building codes but are not subject to local authority. We welcome local inspectors to come see what we are doing.
- Robert Pinoli (MR): Clean-up plans and other documentation related to remediation is available on DTSC's digital document repository - Envirostor.

- Chris Hart (MR): Need to support existing tourism economy and diversify existing economy. Plan provides space for light, heavy industrial. MR has had a lot of meetings with the Sherwood Valley Band of Pomo. Housing needed at all income-levels. Plan will provide for a range of housing prices. MR has bought 3 different buildings for employee housing. Community can't just be Bay Area retirement home. Need homes for young people.
- Walter Kieser (consultant): Question about replacing economic engine. Need a space for people to invest and build things. If people can't afford to live here, there will be no workers for that industry. Where are we going to build, and where are my employees going to live.

- Commentor worked on remediation in Sacto. GeoTracker website has info for remediation areas across the state. Mill Site was economic engine for decades. Clean-up requirements are different for commercial vs residential uses. Mind-boggling how much money goes into cleanup.
- Does MR own the property? Attorney said that they paid \$60M but only \$1.23M is documented. MR claims to be public utility and exempt from City and Coastal Commission permitting requirements. Clearly, they are not, they are an excursion/entertainment train not a public utility. MR and the City are in court over this issue, it's been put on hold. It is premature to be making plans. The plans are clearly MR plans, not those of the community.
- Mill Site has great potential. This coast deserves the best. Inspiring to be here. Education is a way to show how we love the coast. Give back to community. Exploratorium. Surrounding that with community, retirement community, daycare, parks. Focus on taking care of people here. Show how we love this community. Bring nature back. Educate kids. Raise the standard of living. When you build, use quality products. Make development outstanding and inspire others to be in community. History of community. Let's rebuild that in a more beautiful and respectful way.
- Economy really needs help. The headlands is the future. Tourism economy is important. Diversifying the economy is important. Remote workers have huge potential to boost economy. One way to attract, is to have it be a world-class destination. Need to do it right on the Mill Site.
- Alternatives for Mill Pond remediation include transferring sediments to Kettleman City. Or leaving it there. Treat sediments with latest technologies. Consider hybrid model for clean-up.
- If there is ability for people to work together, there will be more concessions on both sides. Trusting City and MR to be wise and responsible. I have 15 things to be changed about illustrated plan. All for the better.

#### **Responses:**

Tgorny Nilsson (MR): Purchase involved cash and land for taking on the cleanup liability. Cleanup could be as much as \$60M. GP offered same purchase terms to anybody. No one else willing to clean up the Mill Pond. Approved by local court. MR has tourist, freight, commuter components, including new contract for freight. We have wanted to open tunnel for years-Coastal Commission has prevented us. City has submitted documents claiming that we are a public utility.

- With humility, grace, politeness- we will get through this. Coastal Trail is magnificent. Have vision folks. Come together. Bend, but don't break. Done with fighting. I pray for this community all the time. To quote my father: "Fort Braggers are tough. They were raised on fish head soup."
- This is a world class stretch of Pacific Ocean. Tremendous opportunity. Pleading that we might do something beautiful. Be a model for the world. Develop with highest quality materials. Include open space and wild space. Also okay with doing ecological restoration. Appreciate the opportunity that we have to make decisions.
- Have opinion, a voice. Opening of Coastal Trail provided a safe place to walk. Has opened up a whole new world to this community. When was last time a City had the opportunity to do the things that you have an opportunity to do. Vision of the Noyo Center. Go on their website. Local College. Arcata Marsh; Petaluma wetlands adjacent to wastewater treatment area.
- Where is water coming from. Don't see anything for solar, wind. Electricity should be underground. Smell shadow at WWTF - something has to be done. Amazing opportunity. Do it in a positive, generous manner.
- Consider having an area that's like a sports complex, race track. Race cars on 1/4 mile track. Or pump track for kids. Recreation facility zoning.
- Proud of City. Evolving, moving forward. If you work with nature, things that need to be done can be done inexpensively. Need more parking at Glass Beach (where nature turns trash to treasure).
- We have to meet the needs of the future. Need to work very closely with the Sherwood Valley Band and the coastal Pomo community at Noyo. They are the foundation of this community. They will put you on the road to greatness.
- Do not overbuild. Tell the story. Want to be a magnet, need hotels, need creeks daylighted.
- Cultural Center for Pomos could be center stone of Mill Site real draw. Different from something like Disneyland.

#### **Responses:**

- John Smith (City Public Works Director): City is currently undertaking \$72 Million in water projects. With water meter project, expect to find savings of about 20 million gallons per year. New potential sources. Recycled water feasibility study \$500k to see if we can reuse treated wastewater. Desal buoy (12 month pilot project; in water in June). Scalable. Water Plant \$12M project for efficiencies. Reservoirs, additional 135 AF of water storage. Will help with dilution requirements for recycled water project. Can discharge water from reservoirs to reduce impacts on river. Largest rain capture device around. Will have a challenge discharging all that water. Also looking into stormwater reuse.
- Marie Jones (consultant): The planning process will involve the tribes; formal government to government consultation. Have contacted Sherwood Valley Tribal Historic Preservation Officer Valerie Stanley. Tribal Council will likely ask for consultation. Process is multi-pronged and will include Caltrans, CDFW, CCC, DTSC... bring everybody along together.
- Councilmember Albin-Smith: Reminder to put your suggestions on the plans on the wall.

 Councilmember Peters: Federal Railroad Act was passed in 1882 to give railroads power of eminent domain to take whatever land they wanted, with devastating consequences to native tribes.

#### **PUBLIC COMMENTS:**

- Should have net zero energy buildings. Be very ambitious, do something very special. Where is focus on science and education. Build on that idea. No one has mentioned climate change. Wake up. We can be sequesters of carbon. Build with thoughts about what climate change will bring us. Droughts, atmospheric rivers. There is too much development. There should be much left for nature. Pomo community supports creek daylighting, traditional cultural practices.
- Concern about federal pre-emption. Purple area on map. Diesel locomotives, 100 decibel train horn. Comfortable with trolley. Climate change issue, when stuff changes - then all the rules go out the window. Population of Mendocino County could more than double with climate refugees in coming decades. Plan for influx of large numbers of people.
- Gratitude to city government. This is the most beautiful place on earth. Sacred coast. Local zoning is extremely important.
- Skunk Train is not a common carrier. Purple areas should not be exempted from compliance.
   Cannot rely on federal government to regulate.
- Need more of this kind of process. Every couple of months. Let's make Fort Bragg continually be amazing forever.
- Can somebody on Skunk address Tier 3, 4 engines. Is Sierra Railroad developing hydrogen engines? Could be educational opportunity.
- Vision of having Mill Site be fantastic place for visitors and community. Economy to attract with remote workers. Vision for it to still be quiet and peaceful. To remain beautiful as bluffs recede. Hotel should be moved back 200'. Or transfer development rights elsewhere in City or County. Skunk station, events venue. Not having north-south corridor would reduce traffic, increase serenity. Think outside of box for south parcel. Intentionally kept things vague for big idea. Do south parcel later? Do transfer of development rights with Noyo Center, move that back. Eventually move WWTF back too.
- Should abide by rules of decorum. Lindy's comments to Tgorny were not appropriate. Maybe someone else needs to be appointed to Mill Site committee
- Be sure to thank GP for selling us coastal trail. Very generous. Should be plaque thanking them for having that opportunity.

#### **Responses:**

Robert Pinoli (MR): MR has grant to replace 3 tier zero diesel locomotives with 3 tier 4 low emission locomotives here in Fort Bragg. Sister Company, Sierra Northern Railway has 36 tier 4 locomotives. Also building one fuel cell locomotive in Sacramento area. Federal Railroad Commission inspects 3-4 times a year with California Public Utilities Commission and Transportation Safety Administration. MR was first railway in nation to use 100% biodiesel. Only one in entire nation building a hydrogen locomotive.

- Chris Hart (MR): In response to comments about leaving open space: 44% of land in north area is planned for open space. Trying to make it a welcoming environment for people to visit. Needs to be beautiful. Spent a lot of time in 2019/2020 working with the Council's ad hoc committee.
- Marie Jones (consultant): In previous plan, identified urban reserve on south end an area for the big idea. Coastal Commission feedback was that area will need a land use classification. If we leave it with Current zoning (Timber Resources Industrial) a lumber mill would be a permitted use which might not be compatible.

- West Street/Weller District. Concerned about impacts on views from neighborhood. Grass along GP fence needs to be mowed. Fire danger.
- Need local jurisdiction over the entire Mill Site. We voted for the City Council. We trust them. Lobbying for local jurisdiction.
- Support concept of small mill, targeted micro-mill on south end of Mill Site.

#### **Responses:**

- Chris Hart (MR): City staff doesn't have expertise to know how railroads run. Local regulation of railroad uses is ambitious, doesn't exist. Simple noble idea; it's hard.
- Isaac Whippy (City Manager): Thank community for participation/feedback. On March 10, City Council study session is scheduled. Can email comments to City Manager, Mayor.

## Fort Bragg Mill Site Master Development Agreement - Phase I February 25, 2025 Community Workshop

## **POST-IT NOTES SUMMARY**

#### WHAT DO YOU LIKE ABOUT THE PLAN?

Residential above the commercial buildings is perfect	At least we're here, talking, tonight.
Integrating our Noyo Center into the main area plan- not set only aside - integration of our treasures. History, botanical gardens, mushrooms, whales, native American history, small educational pavilions can be incorporated into some designated development areas.	I like that you offered to take the trolley off the plan- this hopefully will not be a Knotts Berry Farm on sacred land.
There are more coast access points	An electric jitney is a good idea.
#1. Very excited about the Noyo Center. 2. Nature center. 3. Discovery trail loop. 4. Daylighting creeks	We need to be known for something, do it.

## WHAT WOULD YOU CHANGE?

No train to Glass Beach. I'd like to see a trolley that travels further south along Highway 1 and is free to	No trolleys and trains
locals	
No train. Too noisy, too much pollution. No one would	No trolleys, no light industry, no housing. Leave it to
use convention center or hotel w/ train circling.	nature, coastal trails, Noyo Center, Pomo Center
No mini city	No trolley
The proposed trains will have a negative impact on coastal areas	More Open Space
More open space	Trolley to go further south, paralleling Safeway.
The train sounds like an amusement park. Why here on the ocean bluffs?	No Railroad circle activity
More environmental preservation	A lot more open space, lower density building
No hotel/convention center. Focus instead on	I can see an advantage to expanding the railroad to a
opportunities for young adults- marine science, a	"Railroad Square" but not the railroad loop. Too noisy
culinary school with ocean view student-operated	and impactful for the coastal environment. An electric
restaurants, etc.	trolley may be valuable depending on cost and where it is located.
It is too much.	Housing density is too much for such a small town
All buildings must be 100% green. We can be a model	Historical Indigenous Pomo site(s) should be at the
for CA and the world.	forefront of new developed land and not be pushed out of sight, to be enveloped around.
Save half for Nature	World class coast; no idea why we'd overdevelop with such ho-hum buildings?!

Maintaining a quiet, unrestricted walkway along the	Did we forget about sea level changes and big weather?
ocean without any tram or train is vital. The distractions	This is too much coastal development.
of a trolley will be detrimental to experiencing our	
coastal retreat walk.	
No new railroad tracks. The citizens want quiet zones for	
the tracks that exist.	

### WHAT WOULD YOU LIKE TO SEE ON THE MILL SITE?

Would like to see convention space identified	High density, affordable housing is a must.
Local Zoning compliance for all parts	Workforce housing
How about an aquarium? Educational, aspirational?	Daylight streams, create riparian park
Retirement community development. Small spaces than	
large community areas: gardening, dancing/exercise	
space.	
PG&E/Sonoma Clean Power involvement in	A Pomo museum and area for sacred Pomo celebrations
development of a larger grid to support development of	is vital. This was the land they were forced off of. This
the property.	area designated for honoring the Pomo will help heal the land.
More cost-effective alternatives to energy resources:	Emphasis on broadly-useful, well-paved trail with
wind turbine, seawater turbine, solar.	sufficient access points, including parking. Concern for
	aquatic pollution and clean up. Restoration of native
	vegetation should be well thought-out.
New (fireproof) building construction materials	Coastal Pomo Cultural Center. from Branden Roscoe.
	Information provided to City Council.
Solar-powered lighting and emergency phone stations	A beautiful example of functional beauty. Pulling the
along the nature paths	curtain back to a vista of the Pacific with living and
	active use.
Do not dismiss events venue so quickly. Look at	Rails around the whole site. Civic center for big events.
Newport, OR performing arts center. There are already 5	hotel, housing for low income, less building on the north
major events based in Mendo which bring hundreds of thousands of dollars and bring people from all over west	side. Work with the Pomo to take over contaminated
coast. Build it and they will come. Especially when it is	land (ask them). City helps get clean up for land given to Pomo in return - a cultural center.
110 degrees inland. Suggestion: hotel site to include	Formo in return - a cultural center.
event center.	
Retirement Community (progressive: independent to	Indigenous sites should be at least
assisted living, full service)	commemorated/better yet, restored for use of first
<b>3</b> ,	people of the area.
Retirement/senior living homes; childcare; family	Importance of new economic development. Marine
homes; park space; coastal agriculture. Quantum	research; coastal alternative energy systems;
Exploratorium	redwood/wildlife research education facility; cannabis
	research
Science education	Plan might include emergency medical station:
	nurse/paramedic, etc.
More, not less open space for everyone around	Start filing permits, change the zoning.
developments. Small dwellings, not McMansions. More	
space along the headlands because the ocean will keep	
eroding the slopes	

Will the workers who build this make a living wage.	We need more housing
Healthcare, or an apprenticeship program for the	
workforce	
Multi-level retirement facility offering robust	
independent living, assisted living, rehabilitation	
services and memory care.	

#### **COMMENTS ON PLANS & DOCUMENTS**

Should have events venue that you can see over from	Moving hotel back 200 feet, allows us to move tracks
CBD. Station should be NE of here.	back 200 feet.
Daylight Alder Creek as well	What moderate to heavy industriesnot! There are
	needs for these?? Not on these treasured acres. Job
	creation does not require mod-heavy industry.
No tracks! Low impact roads	Given what Nilsson said, does this whole purple area
	qualify for federal preemption? If so, no train on the mill
	site!
No train tracks	How much would new retail development west of Hwy 1
	affect current downtown businesses? I don't think we
	have population base to support a large new
	development
100 decibel train horn next to Coastal Trail, diesel soot?	What agencies will permit and regulated "rail related"
	development such as proposed Glass Beach Station and
	MR's reuse of the existing mill buildings for rail-related
	activity. Is this different from other development?
No tracks anywhere. Electric jitney sure.	What agencies will permit and inspect all of the map
	areas colored in purple? Is that any different from
	permitting and inspections in other areas? why?
More Open Space - away from toxic pond	Will the City and the railway create a review board for all
	future development of the property, or will developers
	have control of the parcels they purchase for
	development
Remove high density housing east of hotel and move	
hotel back	

## **GENERAL COMMENTS**

Why develop in the first place? Why housing (other than as a profitable money grab?)	Has there been any thoughts of letting Pomo elders see to the environmental aspects? What would it look like for them to decide and dictate where things should be?
I'm wondering just why we need this huge infringement on our coast?	The current jobs advertised by the Skunk Train pay \$18.75/hr- not nearly a living wage here. Will jobs at this new coastal disneyland be any better? Who is this really for?
It's our coast (said every osprey, hawk, shorebird, snake, and human kind)	Adding housing=adding population. Our recreation fields are already at capacity. Where will our kids play sports and recreate?

## Attachment 7

When someone shows you who they area, believe them	How much would the overall labor cost? How would we
the first time	integrate the architecture from old to new to not have a
	classism-fueled architecture wall?
I appreciate you want to be successful in a way that	I am a 25-year old local that volunteers with ALRFD as
includes your community. It has been a long journey-	an EMT. My whole generation works 2+ jobs and we still
less is always more. I appreciate you are asking. I will be	can't afford to live. New workers can't support our
hopeful that you can listen and take action with respect.	communities. EMS is dying out and we can't afford to
	take care of you or ourselves.
Given local population trends, how much new housing?	In case of an emergency (medical, fire, shooting) what
	would be the evacuation route for this future housing?
	Will there be more EMS jobs on site? Example: on-site
	basic first aid, helicopter pad, nature guards?
Good ideas, good intentions. Thinking about what can	What is your plan for all the pine trees that line the Hwy
benefit the people who live here full-time. Need more	1 into town? They obstruct our view of our coastline -
Gen Z perspective.	that is a beautiful thing - But not with so much
	development.
Are we creating San Diego or are we looking at why	I am a climate refugee. I own a finance agency and want
people come to Ft Bragg? They come to get away from	to live here. My business is 100% digital. A huge crowd is
"so much development" Simplify- look at Denmark for	right behind me. You need a sense of urgency!
housing concepts.	
Skunk train should fix the tunnel to make it easier for	
people to get here	

## Fort Bragg Mill Site Master Development Agreement - Phase 1 March 10, 2025 Fort Bragg City Council Meeting Summary

#### 1. PUBLIC COMMENTS

#### **RE: Continuance of Stay of Litigation**

- Only thing on table tonight is to ask for a continuance of the stay. Process that invites early/quick solution. Demographic and market analysis needs to be redone. Wants process to go forward slowly and mindfully with lots of study and due diligence. Discussion about what the decision points are on the diagram.
- Supports continuing effort, extending the stay even if we have to go to court later. A negotiated agreement is a more flexible way to address these issues. Might win, might lose. It's all about the details. Have to get it right; have to be super thorough. Not harmed by another month or too. Concerned about how the City is pursuing the litigation. Won't reverse the eminent domain. Federal courts are not bound by State court decisions.
- Thank you for having the grace to do a stay. Appreciate seeing people working together on this. Fighting it out will poison the well. Empower our citizens instead of trying to disempower.
- CCC filed an opposition to the initial stay. City filed its complaint in 2021. MR has delayed discovery, etc. Extending stay would prejudice City and CCCs duty to protect the coast.
- We're not ready to proceed past Phase 1. MOU formalizing development plan. So much more analysis that needs to be done. Don't know what we're doing on the southern half. Big idea: figure out what we are going to do and phase it. What is the vision. What are the jobs. Have a slew of ideas on how to work together to meet mutual goals. Don't know where Coastal Commission stands. Delay decision D1 for 90 days while we work together.

#### **RE: Settlement of Litigation**

- MR does not connect to the interstate rail system; therefore they have no federal preemption.
- At beginning of litigation, issue was whether the City has authority to enforce State and local laws pertaining to the RR. Not a planning issue. CCC has intervened as a party. Question of law- who has jurisdiction over the RR. Any attempt to go forward with planning is a failed and doomed option. It is courts job to define what is the law, how is it applied. If you move forward on presumption of what that law means, then you are acting on shifting sands. Whatever you negotiate will have no meaning b/c MR can simply reassert that you are preempted. Can only regulate if you have ability to enforce.

- MOU Phase 2 is fraught with problems. Will you resolve a pending lawsuit with this MOU. Can be no federal preemption for these people. This is not a federally controlled railroad.
- If you were a railroad, would you reach out to City and CCC for permits if you didn't have to?
- Duty to citizens to weigh development proposals independently and not as a coproponent of those proposals. MR involved in determining what happens on Mill site. Outsize influence because of litigation. Not a fair process to the citizens. Principled stand in filing/pursuing lawsuit. If abandoned, that money is for naught. If you think you are going to make a settlement, put it on a public agenda, let public weigh in on whether suit should be settled.
- Lawsuit is about MR submitting to jurisdiction of City and CCC. Move forward with lawsuit. Do not ask for continuance of stay.
- Arguing about whether the Skunk can do what it wants without us having any say. Like the plan for development. See lots of rooms for comments, shaping it. Lawsuit is about what if? what if something bad happens? what if we agree on something, but they back out? I haven't seen any of that. Arguing about who has power, not what they want to do. We have to have some economic development out of that property. How are we going to do it? There's nothing that prevents us from legal action in the future. How long will this go on? Suspect that reason to go on is to prevent property from being developed. Opposed to that.
- Question of preemption. MDA is best way to deal with it. We can negotiate all of those things. We can decide where the tracks go. Reasonable investment backed expectation. A lot of flexibility in MDA. Need more education, public participation. Negotiate details in agreement.
- Process has potential of MR getting something that they want before the City gets what they want in return. Not the usual MDA process.
- Concern about underlying assumption, one set of rules under jurisdictions of State/City; and another set of rules that would not be under the jurisdiction of the city or state.
- Don't understand why MR doesn't want to get permits on 10% of the property. Lawsuit gives you opportunity to do discovery. Will have facts to base decision on. That is important. Put process of development planning on hold. CCC is not on board. Put planning process on hold

#### RE: Master Development Agreement (MDA)

- Is MOU legally binding? No. MDA is legally binding and enforceable.
- MDA should pro-actively think about full range of potential uses.
- Have the Skunk's vision of an illustrative plan. Not the community vision. More community input required to achieve that. Have a fantastic opportunity.

- No mention of inspections relating to building permits, what about noisy events? would a second floor restaurant need health department permits?
- Put egos aside and get things done. Buffer zone of railway. Set it back. Interpret it. Need convention center, like Asilomar. Bring jobs/people here. Talk to Pomo.
- Support MDA. Support electric trolley.
- Illustrative Plan is different from previous versions. Can RR continue to designate more property as exempt? Zoning for south end; allowing for different uses. Concerned that there will be too much residential and not enough job creation.
- MDA process seems like the way to go. Concern that entire process is premature. Council needs additional information. Support skunk train going forward in compliance with all applicable local, state and federal requirements. Gather full information from court proceedings. Settlement agreement can happen at any time.
- Stipulation; should not use train horn on Mill Site. 100 db train horn. Plume coming out from Skunk Train area. Should show restricted area on the map.
- Agree with concept of buffer. Support local jurisdiction. Should go slowly. Workshops. More post-it notes, community input. Strongly disagree with any exemption from Coastal Commission. Community land trust should be included in housing out there. Grade separation; different gauge for trolley.
- NorCal Carpenters Union. Labor standards on MDA. Prevailing wages, health care benefits, apprenticeship programs.
- Enthusiastically support this process. We can work these things out. City needs to take a leadership role. Lawsuit is being treated in an unfair way. Do not back down. Importance of getting all of the work that property owner wants to do permitted, should not be sloughed aside. Education, science, Asilomar, not luxury housing. Should daylight creeks. Conciliatory tone is where we have to go as a community.
- 15-minute city. walking, cycling, public transport. Set an example. Can be adapted to rural areas.

#### **RE: Community Participation**

- Marry in haste; repent it in leisure. Process needs to be transparent and inclusive. One meeting does not constitute meaningful public input. Devil is in the details. More than proforma public participation is essential. How is the public to have meaningful input going forward. Involvement is needed as it takes place, not after it has been negotiated and agreed upon. Public input is essential. Add the public as a stakeholder. Create a CAC.
- Division, demonization, fighting. Need to transcend that and hold ourselves, each other, institutions accountable. Continue the process. Make sure that what we're doing is creative. Difference between fusion and fission. Move forward in good faith.
- Need to come together as community to find right solution for headlands. Would like to work with all interested parties towards those ends. See wisdom on every side. Idea= to recognize that we are suddenly at the end of Phase 1; agree on conceptual

plan. Way too prematurely. Propose to ask judge for 90 day delay. I don't think we have time or money to see this out. Need to start making decisions. Develop collaborative relationships.

- Process should include first reading of action items, with action at following meeting.
   Gives people more time. Would make a difference in terms of community input.
- Suggest more information about when meetings around mill site are coming up.
   Newsletter. Mail as part of public outreach. Wants more community involvement.

#### 2. STAFF REPORT

Noted receipt of emails, letters, public comments. Have begun consultation with tribes, agencies, nearby property owners. Still building trust; lots of additional study needed including market analysis, infrastructure. Illustrative Plan is a starting point to draw comments, critique.

The first Decision Point (D1) in this process was to seek a 3-month stay of the litigation and to initiate a planning process.

We're now at D2 - is it worth exploring a planning-based solution at a higher level of detail? If so, a stay of 6 months is recommended. During this phase, a Memorandum of Understanding (MOU) will be prepared with ongoing public dialogue. Contents of MOU are detailed in Phase 1 report. Phase 2 will provide some time to get into details

- further development of the plan
- how infrastructure gets paid for
- what markets are driving these types of uses
- Is development feasible; is it adequate to support infrastructure
- regulatory framework; LCP Amendment; how does this work conceptually

D3 - would be a decision on whether to move forward with Master Development Agreement (MDA) which is at least a 2 year process. The mDA would address planning, land use entitlements, remediation, financing, plan-related land transactions

D4 - sets in motion Development Management program. Don't have ready market. This would be a function of the City for many years to be manage various aspects of Mill Site development.

Staff's recommendation is to seek an additional stay of the litigation, to move forward with Phase 2, and to continue to explore a planning based-approach.

#### 3. COMMENTS FROM MENDOCINO RAILWAY

May 1, 2004 - MR reopened Skunk Train. Have participated in planning process for Mill Site in past and support current process. No agreements on contents of land use plan. Lots of education; conversation; comparing notes. Far from done. Will take time to resolve details. City/community need to have confidence in MR and vice versa.

MR has made concessions. Of the 300 acres of land, 7.5% would be used for railroad specific projects. Remaining 270 acres would be developed under City's normal processes. Illustrative Plan shows locations of where rail facilities would be located. Rather than trains, electric trolleys. Would only extend trolley track on south Mill Site if city agrees to it.

In response to questions regarding oversight agencies for railways:

#### Federal Railroad Administration (FRA):

- inspections (3-4x/year)
- records; compliance certification documents
- locomotives, passenger, freight equipment
- tracks and supporting infrastructure
- steam locomotives
- bridges- all railways required to have a bridge program annual independent 3rd party inspection

#### State CPUC:

- track and infrastructure
- motive power
- operating practices
- crossings/signals

#### CalFire:

- clean spark arrestors
- compliant on vegetation management

#### <u>Transportation Security Administration:</u>

- comes to Fort Bragg on regular basis
- Look for credible reports; signalized crossings within FB. If crossing gates were down for any reason other than a train coming through
- Safety/security training
- Work with local jurisdictions, police, sheriff, highway patrol
- have a map that represents 300 acres; less than 10% purple

#### 4. Q&A BY CITY COUNCILMEMBERS

- What sort of assurances do we have from Coastal Commission? Are they okay with what we are doing? <u>Response from staff</u>: Have been in dialogue with staff; legal team has had conversations as well. Renewed engagement with CCC as a result of this process. Material conversations are happening. CCC will be meeting in closed session.
- How legally binding is MDA? Response from staff: MDA is a contractual agreement.
   Performance measures will be baked into it. Enforcement remedies included in MDA.

- Are we putting cart before the horse? Zone it, then they come with permits and they build it? <u>Response from staff</u>: Timber Resources Industrial is current zoning. Going forward, need to rezone before development occurs.
- What is an excursion railroad and do excursion railways have the same level of oversight? Response from MR: There are examples of scenic railways that don't submit to same inspections as us.
- Who regulates permitting for buildings? Response from MR: for rail operations, have state and federal oversight for buildings. Contractors are not exempt from what the law is. Have to be knowledgeable on building codes. Need to be built to those standards. Exempted from getting permits. Not exempted from the laws. Would be fine to have City come in and see what is going on; advise us. Can do that moving forward. Have offered it.
- Concerns about certain aspects of the map. Is MR willing to work with community and Council and alter that map or is that map the final map? Response from MR: Map is far from finished. There are some things that are important to MR.

From: Adele Horne <adelehorne@gmail.com>

**Sent:** Friday, June 6, 2025 1:01 PM

To: City Clerk; Jason Godeke; Peters, Lindy; Albin-Smith, Tess; noyofish@gmail.com; Whippy,

Isaac

**Subject:** Concerned about plans for mill site development

#### Dear City Council:

I've been interested in the plans for the former mill site here in Fort Bragg for many years, and have attended a few meetings where the public came together to discuss possible uses for the land. I think all of us love the Coastal Trail that was one of the first fruits of this process. I have also followed the news about the Skunk Train claiming that they are a public utility and therefore didn't have to follow local zoning/planning rules in developing the land, and an ensuing lawsuit where they were ruled against. I recently learned that the City Council is currently negotiating with the Skunk Train and is about to vote on whether to sign a Memorandum of Understanding with them about moving forward with plans to develop the site. My concern is that the current map shows an electric trolley going parallel to the Coastal Trail, and the Railroad doing a circle around a Hotel/Conference Center on the headlands. Looking at the public comments that have been logged over the years, most people want to preserve as much open space as possible, and most people at the March 2025 meeting objected to the train and trolley they saw on the map of the headlands. Why is that map showing the rail and trolley line still part of the planning document?

I also feel strongly that we need to ensure that a full remediation of the site occurs, to make sure that the dioxins in the mill ponds don't harm current and future generations as the sea level rises. I am concerned that in readying the site for development in a cooperation with the Skunk Train, the City will be pressured to accept a scenario with minimal remediation. The community is very clear that we want a full cleanup of the toxins in the millpond. I urge you to vote "no" on moving ahead with the Memorandum of Understanding as it currently stands. It doesn't incorporate the public's concerns, and it cedes too much power to the railroad. We need more public input.

Respectfully,

Adele Horne

From: Susan Sisk <suzyqsisk@gmail.com>
Sent: Saturday, June 7, 2025 10:01 AM

To: City Clerk; Jason Godeke; lpeters@ftbragg.com; Whippy, Isaac

**Subject:** Please vote No on the MOU with the railway!

I am strongly urging a NO vote on moving ahead with the MOU with Mendo Railway as it currently stands. I know it has been exhausting financially and with a long history of negativity on the part of the railroad towards the city, however, these people are and always will be the classic bullies. They do not care about the city or our beautiful Noyo Headlands. They just want to make a ton of money creating an Amusement park for tourists and housing for rich people. The city MUST insure that the toxic remediation is completed and the old mill site restored with daylighted creeks and a beautiful ecological design. An electric trolley?!? Circling around a Hotel/Conference development?!? Planning behind closed doors without community input?!? Puhleese!

We all know that bowing the knee to a bully never works out for the one who capitulates.

Please vote NO!

Thank you, Susan Sisk

From:

cal winslow <calwinslow123@gmail.com>

Sent:

Saturday, June 7, 2025 11:48 AM

To:

City Clerk; Jason Godeke; Peters, Lindy; Albin-Smith, Tess; noyofish@gmail.com; Whippy,

Isaac

Subject:

headlands

Dear Council members.

I am astonished to see the city and the "railroad" proceeding with their wild, foolish plans, ignoring:

- 1. Unsettled status of the RR.
- 2. Lack of community input on the maps.
- 3. Lack of vision.
- 4. Many environmental concerns, including but not limited to:
- a. Incomplete cleanup
- b. The climate crisis ie. Carbon Sequestration through restoration, growing food as the Central Valley becomes a desert and much more
- c. Water scarcity
- d. Work force housing, and job creation through restoration are compatible with a "higher' vision of development.

Most important, I am concerned with toxic ponds, and the lower levels of poisons throughout the headlands. How can the Council continue to refuse to face up to this.

Your sincerely,

Cal Winslow

From:

Linda Jo Stern < lindajostern@gmail.com>

Sent:

Sunday, June 8, 2025 5:08 PM

To:

City Clerk; godekejason@gmail.com; Peters, Lindy; Albin-Smith, Tess; Whippy, Isaac;

noyofish@gmail.com; Hockett, Scott

Subject:

No trolley, no convention center, yes to total clean up, yes to open space

## Dear City Council,

Since I have lived in Fort Bragg (the past 10 years) I have been following the saga of the millsite and have gone to and participated in a number of meetings. The public at these meetings, including the most recent meeting at Town Hall, have overwhelmingly asked for a full clean up of the mill ponds and have asked for as much open space as possible. It was also very clear that there was a strong "no" voice for the Skunk Train's development idea of a trolley (really? a train trolley on the ocean coast??) and a convention center (again, is that really something we need here?)

Please do not agree to an MOU with the Skunk Train that includes these plans and please make the remediation of the site a high priority in order to make it a healthy place for generations to come.

Thank you for your consideration.

Linda Jo 617-435-8412 (mobile)

From:

Godeke, Jason

Sent:

Saturday, June 7, 2025 7:16 AM

To: Subject: Paoli, Diana Fw: Agenda

I'm forwarding a public comment, which appears to be related to Monday's agenda, though no agenda item identified...

JG

From: Jason Godeke <godekejason@gmail.com>

Sent: Saturday, June 7, 2025 7:13 AM

To: Godeke, Jason < JGodeke@fortbraggca.gov>

Subject: Fwd: Agenda

----- Forwarded message ------

From: William Carter < billcarter2437@icloud.com>

Date: Fri, Jun 6, 2025 at 7:48 PM

Subject: Agenda

To: <godekejason@gmail.com>

Protect the headlands the citizens of Ft bragg and the town from the polluting fake railroad save the headlands Sent from my iPhone

From:

Jason Godeke < godekejason@gmail.com>

Sent:

Monday, June 9, 2025 7:22 AM

To:

Paoli, Diana

Subject:

Fwd: Headlands Planning

See public comment below on item 8a (in case it didn't already come to you).

JG

----- Forwarded message ------

From: T Rosskopf < rosskopfengineering@gmail.com >

Date: Sun, Jun 8, 2025 at 9:02 PM Subject: Headlands Planning To: <godekejason@gmail.com>

#### Dear City Council:

I've been interested in the plans for the former mill site here in Fort Bragg. I think all of us love the Coastal Trail that was one of the first fruits of this process. I have also followed the news about the Skunk Train claiming that they are a public utility and therefore didn't have to follow local zoning/planning rules in developing the land, and an ensuing lawsuit where they were ruled against. I recently learned that the City Council is currently negotiating with the Skunk Train and is about to vote on whether to sign a Memorandum of Understanding with them about moving forward with plans to develop the site. My concern is that the current map shows an electric trolley going parallel to the Coastal Trail, and the Railroad doing a circle around a Hotel/Conference Center on the headlands. Looking at the public comments that have been logged over the years, most people want to preserve as much open space as possible, and most people at the March 2025 meeting objected to the train and trolley they saw on the map of the headlands. Why is that map showing the rail and trolley line still part of the planning document?

I feel strongly that we need to ensure that a full remediation of the site occurs, to make sure that the dioxins in the mill ponds don't harm current and future generations as the sea level rises. I am concerned that in readying the site for development, the City will be pressured to accept a scenario with minimal remediation. The community is very clear that we want a full cleanup of the toxins in the millpond. I urge you to vote "no" on moving ahead with the Memorandum of Understanding as it currently stands. It doesn't incorporate the public's concerns, and it cedes too much power to the railroad.

Respectfully, Thomas Rosskopf

From: Annemarie <aweibel@mcn.org>
Sent: Monday, June 9, 2025 3:37 PM

To: Paoli, Diana; Peters, Lindy; Albin-Smith, Tess; Rafanan, Marcia; Godeke, Jason; Hockett,

Scott; Whippy, Isaac

**Subject:** please vote no on the MOU with the railway, public comment item 8A

Dear City Council members,

I am involved with another meeting at the same time that is why I am writing to you. It took me all this time to read all the documents and highlight them, but now I am running out of time to respond to all the issues that were brought up.

I have attended City meetings off and on and commented on issues all along for the last 20 years.

This agenda item lists: Consider Adopting a Resolution Accepting the Mill Site Development Strategy Report and Directing City Manager to Initiate Phase 2 of the Master Development Agreement Planning Program; CEQA Exemptions 15265 and 15061(b)(3)

Looking up CEQA Exemptions 15061(b)(3) I understand that 15061(b)(3) The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

I understand that voting in favor of a MOU with the Skunk Train without giving the public enough time (5 days) to study the agenda, resolution, 59 pages EPS draft report and not truly listening to the public that has been involved with this project for 20 plus years is premature. it should not be exempt from CEQA as the issue about the toxins has not been addressed. To move on now without having any guarantees that the toxin issue will be properly addressed does not give the community hope that it will ever be addressed. And shipping it to Kettleman City where babies of undocumented Hispanic workers die due to the toxins is not a solution either.

I agree with all the public comments you received so far and also agree with the comments by Peter McNamee of Fort Bragg addressed to the editor of the AVA which questions the legality of making land use decisions in closed session (abbreviated version). "The full justification for the Fort Bragg City Council putting off resolution of its lawsuit with Mendocino Railway in the courts, in order to negotiate a master development agreement for the Fort Bragg headlands with the railway, was never transparently vetted with the public. And while its legal for city councils to make decisions about litigation in closed session, it is not legal or morally acceptable to make land use planning decisions in closed session.

The City Council's decision to make decisions in closed sessions has exposed the City on multiple fronts to added risk of legal & financial liability.

Equally troubling, hiding the deliberations regarding land use planning from the public, undermines the public's faith in the integrity of City Officials and the Council. Land use decision making must be done in public with full transparency, and determinations of law should be made by the courts. More than six months into these secret discussions and the public has no way of knowing what is being discussed or what the impacts may be on the community".

In your resolution you write that "Appropriate environmental studies will be completed when the binding Development Agreement is presented to the Council at a future public hearing". This is not what the public wants to hear.

I attended the DTSC meeting when they wanted to pull out as their senior scientist was retiring. The community will not allow you to postpone the key issue now. The EPS draft report did not mention the dam. Not all wetlands are mapped now.

That needs to be done now. On page 39 there was only mention of "Allow for daylighting of Maple Creek. (2019)" Why not Alder Creek?

Please vote no on the MOU with the railway and if you can not agree to that, ask for an extension to allow that the public to tell you their reaction to all this information. Please schedule a meeting with the public. 5 days is not enough time!

Sincerely, Annemarie Weibel

From: William Carter < billcarter2437@icloud.com>

**Sent:** Friday, June 6, 2025 7:45 PM

**To:** City Clerk **Subject:** Agenda

Headlands should be a preserve and educational commercial after a thorough clean up. Skunk train is not a utility and their trolley idea is turning g headlands into Disneyland and their existing train is a polluter both air quality and noise pollution thank you protect your town and citizens please Sent from my iPhone

Paoli, Diana	
From: Sent: To: Subject:	Christy Wagner <christywagners@gmail.com> Sunday, June 8, 2025 8:41 AM City Clerk; godekejason@gmail.com; Peters, Lindy; Albin-Smith, Tess; noyofish@gmail.com; Whippy, Isaac Vote "no" on the Memorandum of Understanding</christywagners@gmail.com>
Dear City Council Mem	bers:
claim their tourist excurbey have a documente	andum of Understanding as it cedes too much power to Mendocino Railway. Not only do they rsion company is a public utilitya trolley on the headlands will be used to buttress this claimbuted history all over the state of repeatedly violating community trust. Whoever develops the Fort be bound by local zoning/planning rules. This is the most basic and essential point.
harm current and futur	diation of the mill site must be required to make sure that the dioxins in the mill ponds don't e generations. As the site is prepared for development, the City mustn't leave itself open to being a scenario with minimal remediation.
	City's mandated responsibility, inherent to the power to control zoning and planning. This is an eveloper. Vote, no, on moving ahead with the Memorandum of Understanding as it currently
Christy Wagner  430 N. McPherson St	
Fort Bragg	

From: Karen Lewis <klewis@mcn.org>
Sent: Sunday, June 8, 2025 8:42 PM

To: City Clerk

Cc: noyofish@gmail.com; Albin-Smith, Tess; godekejason@gmail.com; Peters, Lindy;

Whippy, Isaac

Subject: Headlands/Mill Site

Dear City Council Members,

I believe it is premature to enter into any MOU with the "Mendocino Railway" with regards to future development on the Old Mill Site.

This is a very complex situation, and extremely important natural coastal habitat.

There are many different interest groups involved with a stake in the future development of this land.

Mendocino Railway has exerted undue influence trying to "railroad" their plans for the site. This is not fair, and all concerned citizens need to have enough time to weigh in and determine what is best for the community's future. If Mendocino Railway really cares about the community, they will stop claiming that they are exempt from local regulatory oversight.

BTW if Mendocino Railway was truly "a Public Utility" then it would run trains somewhere people actually need to go eg the Bay Area or Ukiah - not just a tourist train or cutesy "rail bikes".

Thank you for not caving into the pressure from Mendocino Railway which seems intent on undermining the authority and the good planning process in place already in our coastal community.

Sincerely,
Karen K. Lewis
Parent-Small Business Owner
Volunteer at Noyo Center for Marine Science klewis@mcn.org

From: Sally Carter < buttecountypainter@gmail.com>

**Sent:** Sunday, June 8, 2025 10:31 PM

To: godekejason@gmail.com; City Clerk; Peters, Lindy; Albin-Smith, Tess;

noyofish@gmail.com

**Subject:** The Future of Fort Bragg

Dear Honorable City Council Member,

I am writing to you to express my fears and hope for the future of Fort Bragg and development on the old mill site. I understand that the City Council is going to vote on entering a Memorandum of Understanding with the Mendocino Railway that has not been adjudicated as a public utility and has expressed a vision for the Fort Bragg headlands featuring electric trolleys and trains to access vigorous development. My concerns about this project are the very first and foremost issue should be the cleanup of the dioxins to provide a safe environment for all citizens and wildlife moving forward. By entering into an agreement without a clear plan to finance and execute said cleanup no development should move ahead.

I have watched and listened to public commentary on the plans to develop the former mill site and it is clear to me that most of us prefer a clear and unencumbered vista along the Coastal Trail and the people's wishes should be honored. The city finally has a view of its incredibly beautiful coastline and development in this area should be minimalistic and attuned to the residents wishes rather than a single entity given undue power in overseeing development that would be economically beneficial to said entity, the Mendocino Railway. The public has spoken out against the trolley and railroad on the headlands yet they are still on the map.

The city of Fort Bragg has an opportunity to provide the future with a goal of educational facilities with minimal infrastructure, daylighting creeks, incorporating visionary and traditional environmental knowledge. To do anything else would be handing the keys to the hen house to the fox, disregarding your constituents preference and short selling the future.

Sincerely, Sally Carter

From: Sakina Bush <sakina@mcn.org>
Sent: Monday, June 9, 2025 3:35 PM

To: City Clerk; godekejason@gmail.com; Peters, Lindy; Albin-Smith, Tess;

noyofish@gmail.com; Whippy, Isaac

**Subject:** Public comment Monday, June 9th meeting

Dear council members,

I voted for you because I thought you would be good leaders to guide us through the difficult process of having a vision and a plan for the Mill Site and one that involves dealing with a very heavy handed Mendocino Railway. It is a hard job, and I appreciate your service.

I am concerned that a Memorandum Of Understanding with Mendocino Railway is a bad idea for a couple of reasons:

- 1. People in the community will think it is some kind of formal enforceable agreement.
- 2. Mendocino Railway has a history of being underhanded, deceitful, litigious, and morally corrupt. Greed is their their primary motivation. They tried to steal someone's land in Willits. They are lying about their status as a common carrier. These are not the kind of people we should be making agreements with.

I know that there are lawsuits and legal fees and things happening behind the scenes. Maybe the City of Fort Brag has just been financially and legally bullied to the point where it has to bend a knee and agree to give the ball to the other team. If that is really the case I will understand if you fold.... BUT IF THERE IS ANOTHER OPTION PLEASE DON"T GIVE IN!

I am concerned that if you give them an inch they will take... the entire Mill Site to do with as they please.

The community deserves to have a leash on Mendocino Railway, a way to make them comply with permits, clean-up, and other limits on their development. Of course they want a -free-to-do as they- please situation.

What are the options?

I don't think the City has been forthcoming with the community about the whole situation. Are we out of options? What happened to all the restorative visions proposed? IMO an electric train trolley ride is not an appropriate use of this property and will compromise the INCREDIBLY RARE OPPORTUNITY to create something restorative and green. I know it's a brown field... but it doesn't have to be 'Skunklandia'.

Again thank you for your service,

Sincerely,

Sakina Bush Fort Bragg

From: Isabel Rucker <isabel@isabeljewelry.com>

**Sent:** Monday, June 9, 2025 8:32 AM

To: City Clerk; godekejason@gmail.com; Peters, Lindy; Albin-Smith, Tess;

noyofish@gmail.com; Whippy, Isaac

**Subject:** Please plan for the current users of the coastal trails

Dear City Council,

Please take the time to respect all of the concerns of past comments before accepting the MOU with the Skunk Train. I don't think the current MOU is taking into account people's concerns about the poison soil and opposition to a trolley. I walk almost daily there and the abundance of nature and the peace it provides to all of us citizens should be taken in to account. I don't think adding a noisy toy train trolley makes sense, it's silly and doesn't respect the current peaceful atmosphere and none of us would use it anyway.

We should build the area for the people that are already using it rather than trying to attract a dream crowd that isn't here. It's old fashioned to plan for dream crowds. I recently read a really good article about the transformation of the UN Plaza in San Francisco, they positively changed the area by forming it for the people already using it, skateboarders in this case, instead of trying to attract a dream audience that never showed up.

https://www.nytimes.com/2025/05/30/business/economy/san-francisco-skateboarding-un-plaza.html

Thanks, Isabel Rucker Fort Bragg

From: Susana hennessey lavery <shennesseylavery@gmail.com>

**Sent:** Monday, June 9, 2025 9:54 AM

To: City Clerk; Jason Godeke; Peters, Lindy; Albin-Smith, Tess; noyofish@gmail.com; Whippy,

Isaac

**Cc:** Susana hennessey lavery

**Subject:** Please vote no on MOU with Skunk train

Dear City Council:

I've been interested in the plans for the former mill site here in Fort Bragg. I love the Coastal Trail and that this area is open to the public. Unfortunately, even though the Skunk Train claim that they are a public utility and therefore didn't have to follow local zoning/planning rules in developing the land was ruled against in a lawsuit outcome I now hear that the City Council is in negotiations with the Skunk Train about an MOU. I even hear that there will be a vote on whether to sign a Memorandum of Understanding with Skunk Train about moving forward with plans to develop the site. I'm deeply concerned with this for a couple of reasons:

The current map shows an electric trolley going parallel to the Coastal Trail, and the Railroad doing a circle around a Hotel/Conference Center on the headlands. Looking at the public comments that have been logged over the years, most people want to preserve as much open space as possible, and most people at the March 2025 meeting objected to the train and trolley they saw on the map of the headlands. Why is that map showing the rail and trolley line still part of the planning document?

Second, even though there was community input in the past, I certainly didn't know about this MOU and feel there has to be an ongoing bilingual community process for input into any actions taken. I'm taken aback that this current proposal will benefit a private corporation rather than primarily our city. I strongly feel the city should be in charge of any development to ensure it has public oversight and regulation, is eco-friendly/sustainable in all its purposes and benefits in some way the original inhabitants, the Pomo.

Finally, we must ensure that a full remediation of the site occurs, to make sure that the dioxins in the mill ponds don't harm current and future generations as the sea level rises. I am concerned that in readying the site for development, the City will be pressured to accept a scenario with minimal remediation. The community is very clear that we want a full cleanup of the toxins in the millpond. I urge you to vote "no" on moving ahead with the Memorandum of Understanding as it currently stands. It doesn't incorporate the public's concerns, and it cedes too much power to the railroad.

Respectfully,

Susana Hennessey Lavery

209 North Sanderson Way

Fort Bragg, California 95437

From:

Gordon Barbosa < gordonbarbosa 58@gmail.com>

Sent:

Monday, June 9, 2025 3:54 PM

To:

City Clerk; 'Jason Godeke'; Peters, Lindy; Albin-Smith, Tess; noyofish@gmail.com;

Whippy, Isaac

Subject:

Memorandum of Understanding regarding the Mill Site

Dear Fort Bragg Council Members:

I've been interested in the plans for the former mill site here in Fort Bragg since I moved here in the fall of 2017. I think all of us love the Coastal Trail that was one of the first fruits of this process. I have also followed the news about the Skunk Train claiming that they are a public utility and therefore didn't have to follow local zoning/planning rules in developing the land, and an ensuing lawsuit where they were ruled against. I recently learned that the City Council is currently negotiating with the Skunk Train and is about to vote on whether to sign a Memorandum of Understanding with them about moving forward with plans to develop the site.

My concern is that the current map shows an electric trolley going parallel to the Coastal Trail, and the Railroad doing a circle around a Hotel/Conference Center on the headlands. From the public comments that have been logged over the years, most people seem to want to preserve as much open space as possible, and most people at the March 2025 meeting objected to the train and trolley they saw on the map of the headlands. Why is that map showing the rail and trolley line still part of the planning document?

I feel strongly that we need to ensure that a full remediation of the site occurs, to make sure that any toxins in the mill ponds don't harm current and future generations as the sea level rises. I am concerned that in readying the site for development, the City will be pressured to accept a scenario with minimal remediation. The community is very clear that we want a full cleanup of the toxins in the millpond. I urge you to vote "no" on moving ahead with the Memorandum of Understanding as it currently stands. It doesn't incorporate the public's concerns, and it cedes too much power to the railroad.

Respectfully,

Gordon Barbosa

207 N Sanderson Way,

Fort Bragg, CA 95437

209-324-5327

**From:** Doug Hammerstrom <thehahas@mcn.org>

**Sent:** Monday, June 9, 2025 5:58 PM

**To:** City Clerk; Jason Godele; Peters, Lindy; Albin-Smith, Tess **Subject:** Agenda item 8A City Council meeting on Monday 6/9/25

To all,

I have concerns about the process that is being discussed in this agenda item.

One specific concern is related to a list of items under the heading of "State and Local-Regulated Activities" on page 10 (PDF page 14) of the Mill Site Development Strategy.

The first 7 items in the list contain the phrase "that are unrelated to rail operations". My life as a lawyer has taught me to look at possible interpretations of specific wording that could be adverse to the interests I care about. The adverse meaning of this phrase is that it is a limitation on whether the listed items can be regulated. I see the word that being broad enough that "if" could be meant by it in the context of its usage.

That would mean MR could say any items listed, for instance, building a restaurant, could not be regulated if it is intended to be accessed by rail. The implication is that to contest any interpretation MR asserts you would need to sue them to an interpretation that would allow the City to regulate its activities.

Please have your attorney reword the list of agreed regulated activities to eliminate ambiguities that allow MR to contest their obligations.

My second concern is that the attorney costs of reviewing the documents necessary to the process the City is currently pursuing to avoid litigation will cost more than the litigation. Can you inform the public of what attorney costs of this process have been so far and what you expect them to be for the whole process so the public can know which process achieves the goal of saving attorney costs.

I am also concerned that public input is not being incorporated into the documents being created in this process that will provide guidance for the land use decisions that will be made for the Mill Site. In particular the maps shown in the Mill Site Development Strategy have not changed the amount of rail construction shown despite overwhelming public input wanting no additional rail lines.

Lastly, the documents attached to this agenda item all show a primary focus on the process of settling the lawsuit that pushes aside a thoughtful process of making land use decisions for the Mill Site. The concessions being made by the City suggest a party that feels that they are losing the lawsuit. The collateral damage of this focus is the future of the Mill Site that meets citizens expectations. All the land on the Southern portion of the Mill Site has residential as a permitted use. Coupled with the expressed desire of MR to build housing because it is the most profitable for them, there will be no land for job creation or any thing else citizens want to see.

The drive to settle is not allowing you to see public input; nor to see the damage you are doing to public trust of your decisions.

Doug Hammerstrom Sent from my iPhone



## **City of Fort Bragg**

416 N Franklin Street Fort Bragg, CA 95437 Phone: (707) 961-2823 Fax: (707) 961-2802

#### **Text File**

File Number: 25-177

Agenda Date: 6/9/2025 Version: 1 Status: Business

In Control: City Council File Type: Staff Report

Agenda Number: 8B.

Receive Report and Provide Direction to Staff Regarding Initiating Project for the Installation of

Parcourse Fitness Equipment Stations along Coastal Trail



#### CITY COUNCIL STAFF REPORT

TO: City Council DATE: June 9, 2025

**DEPARTMENT:** Community Development

PREPARED BY: Sarah Peters, Assistant Planner

PRESENTER: Sarah Peters, Assistant Planner

AGENDA TITLE: Receive Report and Provide Direction Regarding Installation of

Fitness Equipment along the Fort Bragg Coastal Trail

#### **BACKGROUND**

#### **Fitness Equipment**

Last year, the Community Development Committee (CDC) requested that staff look into the possibility of installing several pieces of fitness equipment along the Coastal Trail to enable walkers, joggers and cyclists the ability to incorporate stretching and strength training exercises into their outdoor workouts.

At the October 25, 2024 CDC meeting, staff presented a memo outlining some preliminary policy options for Committee members' consideration. Issues brought forward were -

- 1. The importance of protection of the views to the ocean as required by the Coastal Act and the Coastal Development Permit
- 2. Longevity of equipment related to the harsh coastal environment and graffiti
- 3. Importance of avoiding cultural resources and biological resources by choosing locations that are not known to have them.

Based on discussion of these issues, the Committee selected several locations they thought would be optimal. See **Attachment 1** for recommended locations.

At that meeting, CDC members directed staff to take this issue to the full Council, and made the following recommendations:

- Rather than complex fitness stations, select 4-6 simple pieces that can be placed individually in recommended locations. For example, a pull-up bar in one location, a sit-up bench in another location, etc.
- 2. Avoid the most visually sensitive locations and locations close to wastewater treatment plant, restrooms and at end of northern parking lot.
- 3. Keep installation simple so as not to detract from the trail itself and to keep costs low.

See **Attachment 1** for the locations CDC members recommended be considered for fitness equipment stations.

#### **Binoculars**

On March 3<sup>-</sup> City staff and BlueZones (BZ) presented the "BZ Built Environment Projects" to the Community Development Committee (CDC). The BZ Built Environment Projects include two (2) demonstration projects, one (1) project, plan, or report, and one (1) marquee project. CDC gave staff direction to include the installation of Fitness Equipment and binoculars as the two demonstration projects. On March 15<sup>-</sup> staff, Audubon Society, and BZ's hosted a pop-up event at Glass Beach to allow trail users an opportunity to utilize binoculars and take a survey to gauge interest. On June 2, 2025, the results of the survey were presented to the CDC, and they provided a recommendation to bring this concept to the whole Council.

Discussion at CDC included the binoculars being a free amenity with the option to donate via QR code for maintenance and upkeep, installation of one pair of binoculars (one that is average adult height and one that is ADA compliant). Staff would recommend them being located at Glass Beach as the hub of tourist activity. Conceptually, the installation of binoculars is a little less fleshed out than the fitness equipment but given the BZ Project timeline and the need for coastal permitting on both, staff would like to gauge interest from the full Council regarding proceeding with these two items in tandem.

#### **DISCUSSION AND ANALYSIS**

The fitness course would be a set of exercise stations that would be installed at intervals alongside the Coastal Trail. Each station would have one or more pieces of equipment that would allow participants to do exercises such as sit-ups, push-ups, and chin-ups.

The purpose of the fitness course would be to promote good health by providing well-balanced exercises in an outdoor setting, freely available to the public. Ideally on fitness course stations, the participant's body functions as the resistance for strength training. All the main muscle groups can get a good workout by doing just a few basic exercises.

#### Regulatory Issues

A Coastal Development Permit (CDP) is required for any development in the coastal zone. Development means:

On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the subdivision map act (commencing with Government Code Section 66410), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations in accordance with a timber

harvesting plan submitted pursuant to the provisions of the Z'berg Nejedly Forest Practice Act of 1973 (commencing with Public Resources Code Section <u>4511</u>).

Installation of fitness equipment falls within this definition. The CDP staff report would analyze coastal resources, such as visual, biological, and cultural resources.

- A qualified biologist will need to be hired to complete a biological assessment to identify rare, threatened or endangered species and recommend mitigations as necessary.
- A cultural resources analysis has already been prepared for the entire coastal trail site, and none of the selected locations have cultural resources.
- A CEQA document would be required if impacts to biological or visual resources cannot be avoided.

#### Materials, Installation and Utilization Considerations

**Materials.** Proximity to the ocean is a major factor in the durability and cost of the equipment. The marine environment, with its moisture and salt air is very hard on materials, which decreases the warranty length for the equipment and increases the cost of more durable equipment.

The two materials options for this project are a highly durable wood, such as Robinia, with anodized aluminum or stainless steel for connectors. Robinia is considered very durable and would have the most natural appearance, blending well with the coastal environment. The other option would be stainless steel with extra finishes and protective coatings. While it would not have as natural an appearance, stainless steel would be less likely to be cut or vandalized by vandals, which is always a concern.

**Shock Absorbency.** There is typically a "fall zone" for each piece of equipment that generally depends on peak height. The project would include excavation and placement of a protective surface such as engineered wood chips to provide protective shock absorbency within the "fall zone" around each piece of equipment. For the wood chips, a border should be installed around the fall zone to prevent migration of the chips. Alternatives to the wood chips are poured rubber or decomposed granite.

**Ongoing Maintenance.** Ongoing maintenance would also be required and should be considered by the Council, such as raking, leveling, and removal of debris from wood chip surfacing and regular equipment safety inspections, cleaning and repair. The wood chip maintenance would take at least two Public Works staff for 2-3 hours a week of maintenance for 5-6 stations. Currently, there is only one Public Works crew member that is certified for inspections. This could result in impacts on the City's ability to effectively complete existing maintenance commitments. Currently there are a number of outstanding maintenance needs on the Coastal Trail, including deteriorating property line fencing, re-establishment of invasive plant populations, and maintenance of the runway surface.

**Accessibility.** All three of the fall zone materials above, engineered wood chips, poured rubber and decomposed granite, are considered accessible. Practically speaking, wood chips are the most affordable and most natural in appearance. Poured rubber and decomposed granite may be easier to navigate for people using assistive devices for mobility and would likely require less on-going maintenance. However, they are much more costly to install and would increase the cost of the project significantly.

**Age Restrictions.** Equipment materials state 13 as a minimum age for equipment use. Signage would need to be placed at each site indicating the age restriction and that usage is at one's own risk.

**Utilization.** At least one fitness equipment source said that it has been shown that equipment along a trail is less utilized than equipment congregated in one location at or near an entrance or exit to a trail. This is because users of equipment stations tend to be the fit people that are already walking or jogging the length of the trail, and the addition of this equipment may not be as likely to draw many others out beyond the most heavily utilized areas. Conversely, equipment congregated in one station near an entrance to the trail is more accessible by all fitness levels and is therefore better utilized.

#### Surveys

An informal survey was conducted on March 11 in conjunction with BlueZones, Audubon, and the City of Fort Bragg. The question was, *if there were fitness equipment along the trail, how likely would you be to use it (on a scale of 1-5).* Below is a graph of participant responses which indicates that about 30% of the respondents would be very likely to use the site while 25% would be unlikely to use the equipment with the remaining 15% have no strong opinion



Figure 1: Survey Response Graph

A more in-depth survey was initiated in conjunction with a "Fitness Equipment Demonstration" event hosted by City staff and BlueZones. This event was held on Friday, May 30 from 4pm – 6pm at the South Coastal Trail, Friday, May 30, 2025, from 4-6 PM, to gauge interest in the installation of fitness equipment along the coastal trail. Participants

were engaged in a series of guided physical exercises and had an opportunity to complete a survey. The survey link was posted through social media on the day of the event for those who could not attend in person. The survey is still underway, however most verbal feedback the day of the event was favorable to adding fitness equipment either along the trail or congregated in one area of the trail.

#### **Project Pros and Cons**

#### Pros -

- The potential to draw more visitors to the trail
- Promotion of health and fitness via whole body workout for trail users
- Added layer of enjoyment for trail users
- Helps meet City of Fort Bragg Strategic Goal #4 (see below).

#### Cons -

- Cost and time to complete project, i.e. environmental review and studies, permitting, staff time, equipment, installation
- Ongoing maintenance, repair, and replacement of equipment and surfacing
- Unknown how much use equipment will get
- Potential liability

#### FISCAL IMPACT/FUNDING SOURCE

Approximately \$35,000 excluding site work, installation or permitting fees. This includes five stations with five pieces of equipment, some of which have more than one function. Factoring in installation and permit fees would bring the project to at least \$55,000. Utilizing surfacing such as decomposed granite would add to the total cost significantly.

BlueZones has adopted this project as their "Marquis" project for the City of Fort Bragg and would commit up to \$35,000 toward the project, with the City committing a portion of the costs, such as for permitting and installation.

#### **ENVIRONMENTAL ANALYSIS:**

This would be analyzed in a Coastal Development Permit.

#### STRATEGIC PLAN/COUNCIL PRIORITIES/GENERAL PLAN CONSISTENCY

<u>General Plan Policy OS-17.3</u> Recreational Facilities: Provide recreational facilities to meet the needs of all Fort Bragg citizens, especially children and teenagers.

Strategic Goal 4: Enhance public spaces, promote recreation, and cultivate civic pride.

<u>Strategic Goal 4E:</u> Expand, improve, and repair parks, green spaces, and urban forests to encourage nature-immersed recreation.

#### **COMMUNITY OUTREACH**

- Brought forward to CDC in October of 2024.
- Survey conducted on March 11, 2025, as part of the survey regarding adding binoculars to the Coastal Trail.

- Fitness demonstration event hosted by Blue Zones organization on May 30, 2025.
- A survey initiated in conjunction with the Blue Zones Demonstration event which is still open.

#### **COMMITTEE REVIEW AND RECOMMENDATIONS**

This was initiated through the Community Development Committee. Presentation to CDC October 2024.

#### RECOMMENDATION

That the City Council: 1) receive staff report; 2) take public comment; 3) deliberate; and 4) provide direction to staff regarding whether or not staff should undertake permitting, environmental review and installation of fitness equipment in various locations along the Coastal Trail and if yes, provide feedback to staff regarding preferred equipment materials, surface materials, and options for installation. Staff is also seeking direction regarding whether or not to proceed with the Coastal Trail binocular installation project.

#### **ALTERNATIVES**

Provide other direction to Staff.

#### **ATTACHMENTS:**

- 1. Recommended locations
- 2. Equipment Types
- 3. Coastal Trail Fitness Stations
- 4. Binocular Survey March 2025

#### **NOTIFICATION:**

"Notify Me' subscriber lists as applicable

## Coastal Trail Exercise Equipment Locations



# Exercise Equipment Location Factors

- Wind
- Visual impacts
- Distance between locations
- Fit with existing uses
- Biological resources
- Archaeological resources

## **Par Course Equipment**

Par course exercise equipment includes strength training, plyometric and stretching stations. Some of the pieces:

- Achilles Stretch
- Sit-and-Reach
- Leg Stretch
- Hamstring Stretch
- Thigh Stretch
- Quad Stretch
- Trunk Stretch
- Vault Bar
- Sit-Up
- Push-up
- Chin-up
- Knee Lift
- Body Curl
- Log Hop
- Parallel Bar Station
- Bench Dip
- Bench Curl

Par course equipment is built with two concepts in mind:

1) blend into outdoor environment; 2) keep it simple. Many are made of wood with metal posts in green, tan or brown. Some pieces are self-explanatory, but because of the simplicity of the equipment, the purpose of every station isn't always obvious. So the stations should come with illustrated panels that show how to use equipment.

**Achilles Stretch** 



Sit-and-Reach



Leg Stretch



Hamstring Stretch



Thigh Stretch



Trunk Stretch



Quadriceps Stretch



Vault Bar





Sit-Up



Push-Up



Knee Lift



Reverse Sit-Up





**Body Curl** 



Log Hop



Parallel Bar Station



Bench Dip



Bench Curl





## Fort Bragg Noyo Headlands Trail Fitness Equipment Survey ::: Encuesta de equipos de acondicionamiento físico de Fort Bragg Noyo Headlands Trail

Thank you from the City of Fort Bragg, CV Starr Center, and Blue Zones Project of Mendocino County ::: Gracias de parte de la Ciudad de Fort Bragg, el Centro CV Starr y el Proyecto de Zonas Azules del Condado de Mendocino

1.	Name:::Nombre:	
2.	Email ::: el correo electrónico:	
3.	Zip code ::: el código postal:	

- 4. What is your age range? ::: ¿Cuál es su rango de edad?
  - o 17 or younger ::: 17 años o menos
  - 0 18-24
  - 0 25-34
  - 0 35-44
  - 0 45-54
  - 0 55-64
  - o 65 or older ::: 65 años o más
- 5. Are you local or visiting? ::: ¿Eres local o estás de visita?
  - o Local
  - Visiting from 30-90 minutes away ::: Visita desde 30-90 minutos
  - Visiting from outside the area ::: Visitas desde fuera de la zona
- 6. How often do you visit The Noyo Headlands Trail in Fort Bragg? ::: ¿Con qué frecuencia visitas The Noyo Headlands Trail en Fort Bragg?
  - o This is my first time here ::: esta es mi primera vez aquí
  - o Once a year or less ::: Una vez al año o menos
  - o 2-4 times a year ::: 2-4 veces al año
  - o 5-10 times a year ::: 5-10 veces al año
  - o More than 10 times a year ::: más de 10 veces al año

7.	Did you participate in the May 30 ::: ¿Participaste en el evento de fi Trail?  • Yes ::: Sí • No									
8.	Do you believe permanently mou Noyo Headland Trail? ::: ¿Cree qu una buena adición al Noyo Headl	ue el e	equip	o de						
		1	2.	3	4	5				
	Strongly opposed ::: Fuertemente opuesto	0	0	0	0	_	Strongly in favor ::: Fuertemente a favor			
9.	If there were fitness stations alor hubiera estaciones de acondicion tendría de usarlas?									
	tenuna de usanas:	1	2	3	4	5				
	Not likely at all ::: no es Probable en absoluto	0	0	0	0	$\bigcirc$	Very likely ::: Muy probable			
10	<ul> <li>10. Would you prefer fitness equipment on the trail to be sequential (spaced out along the length of the trail) or clustered (all stations at one location along the trail)? ::: ¿Preferiría que el equipo de gimnasia en el sendero sea secuencial (espaciado a lo largo del sendero) o agrupado (todas las estaciones en un lugar a lo largo del sendero)?</li> <li>Sequential ::: secuencial</li> <li>Clustered ::: En grupo</li> <li>No opinion ::: No tengo opinión</li> </ul>									
11	<ul> <li>Other:</li></ul>									
12	. Would you be more likely to wal as mounted fitness equipment as caminara por The Noyo Headlan gimnasia montados disponibles or Yes ::: sí  No  Maybe ::: tal vez	vailab ds Tr	ole for ail si	r pub hubi	olic us era c	se there? :: aracterísti	:: ¿Sería más probable que			

13. Do you have any concerns with adding fitness equipment to the trail? ::: ¿Tiene alguna preocupación con la adición de equipos de gimnasia al sendero?
Your answer
14. Do you have any other suggestions for improving The Noyo Headlands Trail? ::: ¿Tiendalguna otra sugerencia para mejorar The Noyo Headlands Trail?
Your answer
Thank you for your time and feedback! ::: Gracias por tu tiempo y comentarios!

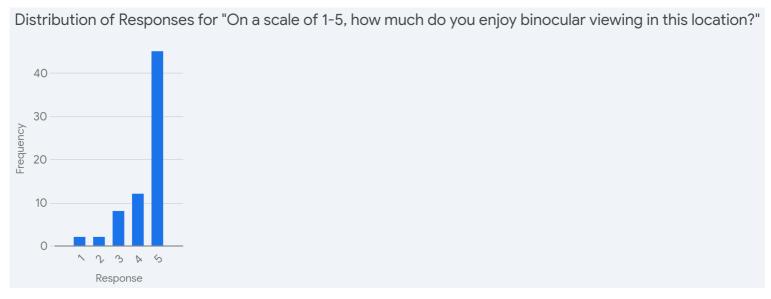
What is your age range?	Are you local or visiting?	How often do you visit The Coast Headlands Trail in Fort Bragg?	On a scale of 1. 5, how much	Do you believe permanently mounted binoculars would be a good addition to the Coast Headland Trail?	Would you be more likely to walk the Coast	Do you have any concerns with adding binoculars on the trail?		If there was fitness equipment along the trail, how likely would you be to use it?	Do you have any other suggestions for improving the Coast Headlands Trail?
35-44	Local	More than 10 times a year	4	5	Yes		Depends on who was recieving the	5	
25-34	Local	More than 10 times a year	5	5	Yes	No	fees. No	5	
35-44	Local	More than 10 times a year	5	5	Maybe	NA	No	3	NA
25-34	Local	More than 10 times a year	3	4	Maybe		No	5	
25-34	Visiting from 30-90 minutes away		5	5	Yes		Yes	5	
45-54	Local	More than 10 times a year	5	5	No	None	Yes i would but i wouldn't have had the means when I was a young parent. Please make them free	3	
25-34	Visiting from 30-90 minutes away	Once a year or less	4	5	Yes	Nope	Yes	3	No :)
35-44	Visiting from outside the area	2-4 times a year	4	5	Yes		Yes	3	Thank you
65 or older	Local	More than 10 times a year	4	5	Yes	no	No	4	convenience makes use more likely
65 or older	Local	More than 10 times a year	5	5	Maybe		Yes	2	
55-64		More than 10 times a year	5	5	Maybe	Vandalism	If it's reasonable	4	5
55-64	Visiting from outside the area	2-4 times a year		5	Maybe	Vandalism	Yes	1	Binoculars in other areas up and down the coast from fort bragg
35-44	Local	More than 10 times a year	1	5	Yes	Making them wheelchair accessible height	No	1	Better wheelchair access
65 or older	Local	More than 10 times a year	3	1	No	Ruins the natural beauty of the area. Spoils the sight-lines.	No	1	
35-44		More than 10 times a year	5	3	No	Wondering how long it will last before someone decides to damage them and is it cost effective to repair?	No	5	To fix the spot that gets big puddle is a problem during running/walk events or walking with friends during winter. Overall great job maintaining the trail.
45-54	Local	5-10 times a year	5	5	No		Maybe	4	
45-54	Visiting from 30-90 minutes away	5-10 times a year		5	Yes	No	Yes	5	
45-54	Local	More than 10 times a year	5	2	No	Yes. Look around. The City doesn't have the resources or isn't capable of maintaining what they currently have. Most things have been become rundown and look worse every year. Before long the binoculars will become an unusable eyesore by vandalism and/or neglect.	Maybe if we had visitors and not enough binoculars to go around.	2	Clean up messes and vandalism more promptly and make better, more professional looking repairs.
45-54	Local	More than 10 times a year	5	5	No	If they are directly on the trail, they may impede pedestrian, bike, skate, or scooter traffic. It would be great if they had designated spaces with a bench or two.	Yes. If it took quarters, I would bring them with me on my walk!	1	No, it is phenomenal. Thank you!

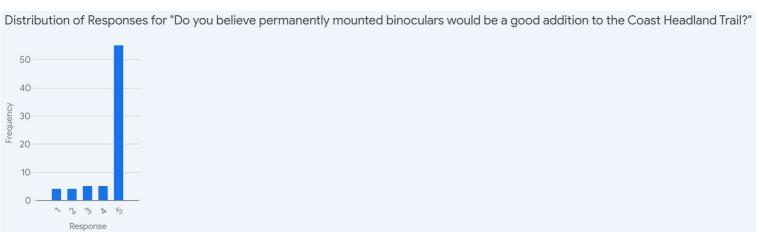
What is your age range?	Are you local or visiting?	How often do you visit The Coast Headlands Trail in Fort Bragg?	On a scale of 1 5, how much do you enjoy binocular viewing in this location?	Do you believe permanently mounted binoculars would be a good addition to the Coast Headland Trail?	Would you be more likely to walk the Coast Headlands Trail if there were features such as mounted binoculars available for public use there?		Would you pay money to use mounted binoculars if they were "pay-per-use?"	If there was fitness equipment along the trail, how likely would you be to use it?	Do you have any other suggestions for improving the Coast Headlands Trail?
55-64	Local	More than 10 times a year	5	5	Maybe	Yeah, they are going to be vandalized completely within 3 months just like the bike repair station at the Alder St bathrooms by the Mill pond. This is a great idea, but it will not work, and will fail as another disappointing public effort to make our city nicer. It's why we can't have nice things. I would be happy to be wrong, but I just see history repeating itself.	. No	5	Empty trashcans daily and fix the ruts. Wildflowers would be nice and I would pledge good, hard, and substantial cash money for native wildflowers for the coastal trail and the mill site. A seeding project or similar.
	Local	More than 10 times a year	5	5	Yes		Yes	4	
	Local	More than 10 times a year  More than 10 times a year	3	3	Maybe	Vandals will break them and it will be costly to the city to maintain them. Sorry but that seems to be the case around here if it's not graffiti then it's destruction.	Yes I would not, but a tourist probably would	1	Getting rid of the stinky smell of sewage by the crows nest
65 or older	Local	More than 10 times a year	3	2	No	Maintenance cost/vandalism?	No	1	Benches to sit on along the path
45-54	Local	More than 10 times a year	5	5	Yes	No concerns	I thi k they should be free for all I'd prefer them to be free,	3	Center trail access parking lot should be paved
	Local	More than 10 times a year	5		Yes	Vandalism	everything now a days makes you pay for something.	3	
45-54	Local	More than 10 times a year	5	5	Maybe	Potential vandalism	No	1	
65 or older	Local	More than 10 times a year	5	5	Maybe	A way to protect them from vandalism	Yes	5	
35-44	Local	5-10 times a year	4	5	Yes	My only concern is the chance of them getting damaged by the weather/waves/salty air	Yes	5	More benches or seating areas. Maybe even a picnic table or few
45-54	Local	More than 10 times a year	5	5	Maybe	No	No	5	Simple/minimal exercise equipment would be spectacular along the coastal trail. The type of equipment they have in Santa Monica would be perfect. This community has a serious obesity problem, I think locals would be really into it. Having some for the younger kids would also be really great.
55-64	Local	More than 10 times a year	5	5	Yes	No	No	2	Work on removing the invasive non native wild radish and ice plant!
65 or older	Local	2-4 times a year	3	3	Maybe	People my vandalize them	Depends on how much.	4	More distance markers.  More benches.

A good to the food and payming to the control of control of the co	What is your age range?	Are you local or visiting?	How often do you visit The Coast Headlands Trail in Fort Bragg?	On a scale of 1- 5, how much do you enjoy binocular viewing in this location?	Do you believe permanently mounted binoculars would be a good addition to the Coast Headland Trail?	Would you be more likely to walk the Coast Headlands Trail if there were features such as mounted binoculars available for public use there?		Would you pay money to use mounted binoculars if they were "pay-per-use?"	If there was fitness equipment along the trail, how likely would you be to use it?	Do you have any other suggestions for improving the Coast Headlands Trail?
Solution	25-34	Local	More than 10 times a year	2		No	binoculars are a gimmicky tourist attraction (especially pay per use ones) and would cheapen the coastal trail. Perhaps the Noyo Center could own and rent out regular binoculars instead. The coast should avoid cheap attractions like this, as they will make FB feel like a tourist trap, rather than a living breathing cultural	No	5	coastline would be to ask if tourists And locals are likely to use it. Can it build community in any way? The trolley, for example, will be a failure if it's Just for tourists, and isn't ultimately useful to locals. Exercise equipment would be both, and has potential to build community (similar to the exercise space on the beaches in Barcelona). Anything that would wear out its novelty so that locals won't like it in the end won't ultimately increase the experience for tourists either. Binoculars are not something that will actively increase tourism in Fort
1	55-64	Local	More than 10 times a year	5	5	No	vandalism.	No	2	signage about proper trail behavior (ringing bike bells etc) and NOT FEEDING WIDLIFE-
25-34   Local   More than 10 simes a year   5   5   Ves   No   No   No   3   2   2   2   2   2   2   2   2   2	35-44	Local	More than 10 times a year	5	5	Maybe	No	Yes	5	and Eth OrtoLinerti.
25-34   Local   More than 10 times a year   5   7   7   7   7   7   7   7   7   7			•	5					3	
Flant native plants to attract more native species of brinds and small mammals. Provide species of brinds and small mammals. Provide natural flood and small mammals. Provide natural flood. The species of provide and small mammals. Provide natural floor. The species of provide and small mammals. Provide natural floor. The species of provide and small mammals. Provide natural floor. The species of provide and small mammals. Provide natural floor. The species of provide and small mammals. Provide natural floor. The species of provide species of bring and Standard species of the species of provide species of the species of the species of provide species of the species of the species of provide species of the species of t		Local	•	5					2	
Signature   Sign	55-64	Local	More than 10 times a year	5	5	Maybe	vandalism is my only concern.	No	3	species of birds and small mammals. Provide natural food and cover for them to feel safe. Don't **BUILD** anything more on the trail unless it's a gazebo-like structure to protect the scopes/binoculars. Don't clear the brambles of berries during Spring and Summer (wait til winter!). Consider that we have visiting rare species on that particular stretch of coastline every fall and winter - the Burrowing and Short-eared Owls, among them. It's a spectacular sight to witness a Short-eared Owl hunting over the wide open expanses of headlands, looking for food. If we plant native plants that bear fruits and seeds, that will attract the prey animals the owls are looking for. It will create a valuable ecosystem for them, especially if there's low disturbance. I like the idea of leaving most of the headlands wild and free, for the sake of
Visiting from outside the area Once a year or less 4 5 Maybe Vandalism and on going cost of repairs.  35-44 Local 2-4 times a year 4 5 Yes No 1  18-24 Local More than 10 times a year 5 5 Maybe A couple here and there would be great, just hopefully with room in front of them to have an 1  25-34 Local More than 10 times a year 4 4 Maybe Vandalism and on going cost of Yes 3 Not at this time.  A couple here and there would be great, just hopefully with room in front of them to have an 1 use my own 4 trail that become unusable when there's heavier rain Needs to be fived somehow.				5					5	
area  35-44	35-44		5-10 times a year	2	4	No		Maybe	2	
18-24 Local More than 10 times a year 5 5 Maybe No 1  A couple here and there would be great, just hopefully with room in front of them to have an 1  Solution 1 There are a few areas in the main part of the be great, just hopefully with room in front of them to have an 1  18-24 Local More than 10 times a year 4 4 Maybe  A couple here and there would be great, just hopefully with room in front of them to have an 1  18-25-34 Local More than 10 times a year 4 Maybe		area	•	4		•	repairs.		3	Not at this time.
A couple here and there would  There are a few areas in the main part of the be great, just hopefully with  Local More than 10 times a year 4 4 Maybe  There are a few areas in the main part of the be great, just hopefully with  room in front of them to have an beavier rain. Needs to be fixed somebow.			•	4					1	
be great, just hopefully with  25-34 Local More than 10 times a year 4 4 Maybe  There are a few areas in the main part of the be great, just hopefully with  room in front of them to have an beavier rain. Needs to be fixed somebow.	18-24	Local	More than 10 times a year	5	5	Maybe		No	1	1
	25-34	Local	More than 10 times a year	4	4	Maybe	be great, just hopefully with room in front of them to have an	I use my own	4	trail that become unusable when there's

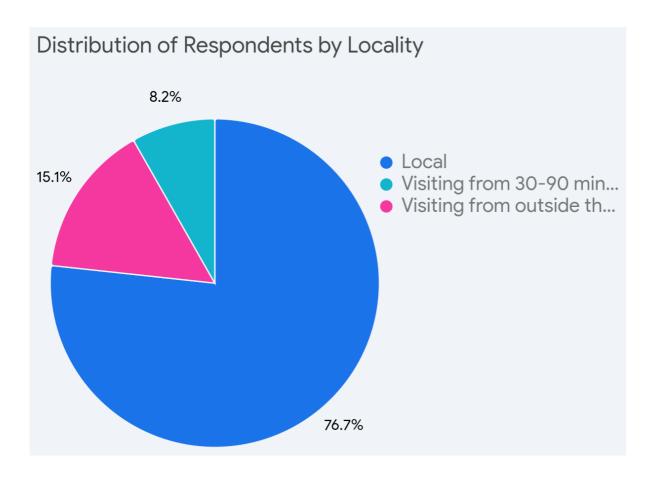
What is your age range?	Are you local or visiting?	How often do you visit The Coast Headlands Trail in Fort Bragg?	On a scale of 1- 5, how much do you enjoy binocular viewing in this location?	Do you believe permanently mounted binoculars would be a good addition to the Coast Headland Trail?	Would you be more likely to walk the Coast Headlands Trail if there were features such as mounted binoculars available for public use there?		Would you pay money to use mounted binoculars if they were "pay-per-use?"	If there was fitness equipment along the trail, how likely would you be to use it?	Do you have any other suggestions for improving the Coast Headlands Trail?
65 or older	Local	More than 10 times a year	4	3	No		No	1	Keep it as natural as possible. Don't make it into an amusement park. It is a beautiful place to observe and experience nature. Leave it that way.
45-54	Local	More than 10 times a year	3	3	Maybe	Will they be weather proof - our coastal is particularly rough on equipment like this. What is the cost and longevity when faced with the "coastal cancer" effect	No	1	seats/pick nic areas, parking areas for bikes, better historical/education maps
55-64	Local	More than 10 times a year		1	No	Visually unappealing, unsanitary, unnecessary- many people have binoculars and bring them with them.	No	1	
17 or younger	Local	More than 10 times a year	4	5	Yes	I worry if they are pay to use. They may be vandalized and they will not be used.	No	3	Add more garbage cans along the trail to reduce litter.
17 or younger	Local	More than 10 times a year	4	5	Yes	I worry if they are pay to use.	No	3	Add more garbage cans along the trail to reduce litter.
65 or older	Local	More than 10 times a year	4	5	No	no.	Yes	5	
45-54	Local	2-4 times a year	5	5	Yes	Vandalism	Yes	5	
35-44	Visiting from 30-90 minutes away	2-4 times a year	3	5	Maybe		Yes but not everyone may be able to afford	1	
65 or older	Local	5-10 times a year	3	1	No	I think they detract from the natural beauty of the area	No	2	I am not opposed to a "par course for fitness" as long as it is E of the trail
17 or younger	Local	5-10 times a year	5	5	Yes	Nope	Yes	5	Nope
45-54	Local	More than 10 times a year	5	5	Yes	Absolutely not i think is a grate idea especially if little kids can see the whales and boats and other marine animals.	Yes	3	Yes ha a bike trail and walking way for people separate.
17 or younger	Local	More than 10 times a year	5	5	Yes		Yes	5	
45-54	Local	More than 10 times a year	5	4	Yes	No	Yes	4	No
65 or older	Local	5-10 times a year		5	Yes		No	1	I'm very against charging money! I'm sick of having to pay for everything. Let all people have the opportunity to use the binoculars free of charge.
65 or older	Local	More than 10 times a year	5	2	No	Generally those type of mounted binoculars aren't very good and are difficult to adjust, especially for children and elderly folks.	No	4	perhaps putting a lane on the right side for bikes/roller blades and thereby separating the walkers from the bikers - it would be safer.
55-64	Local	More than 10 times a year	5	5	Maybe		Yes	1	
25-34	awav	2-4 umes a year	5	5	Yes		No	4	
65 or older	Visiting from 30-90 minutes away	2-4 times a year	5	5	Maybe	I am always concerned with vandalism.	Yes	3	

What is your age range?	Are you local or visiting?	How often do you visit The Coast Headlands Trail in Fort Bragg?	On a scale of 1- 5, how much do you enjoy binocular viewing in this location?	Do you believe permanently mounted binoculars would be a good addition to the Coast Headland Trail?	Would you be more likely to walk the Coast	Do you have any concerns with adding binoculars on the trail?		If there was fitness equipment along the trail, how likely would you be to use it?	Do you have any other suggestions for improving the Coast Headlands Trail?
35-44	Local	2-4 times a year	5	4	No	People don't know how to act right	No	1	PPV for nature viewing is lame, and won't work anyway because everyone uses credit card, nobody will have quarters/change. If it has to be PPV, let viewers know explicitly where the funds are going. If you do something involving people needing change, I recommend the penny smasher machine because people love a tangible souvenir. I don't know if permanent binocular stations are a thing of the past/nostalgia, I grew up with and love them, but/and I would love to know what younger people think, the attention span and interest is different. Please survey a lot of younger people for this. I support small QR codes with info about leave no trace/why (i.e. this won't be here anymore if you don't). With any viewing thing, always present info about preservation/how to act in multilingual format (beyond Spanish/English bilingual), there are tourists from everywhere who don't have context or know how to engage with the natural environment (no fault of their own, it is an education opportunity).
65 or older	Visiting from outside the area	Once a year or less	5	5	Yes			5	
35-44	Visiting from outside the area	This is my first time here	5	5	Yes		Yes	4	
65 or older	Visiting from outside the area	This is my first time here	5	5	Yes	vandals	Yes	1	
65 or older	Visiting from outside the area	Once a year or less	5	5	Yes	no	Yes	5	It's beautiful! Thank you
35-44	Visiting from outside the area	2-4 times a year	5	5	Yes	no	Yes	1	no
45-54	Visiting from outside the area	This is my first time here	5	5	Yes		Yes	5	
25-34	Visiting from outside the area	Once a year or less	5	5	Yes	no	No	5	
25-34	Local	More than 10 times a year	5	5	Yes	vandals		5	donation box
65 or older	Visiting from outside the area	2-4 times a year	1	1	No	no	No	1	
65 or older	Local	More than 10 times a year	5	5	Yes	_	Yes	5	_











## CITY OF FORT BRAGG

Incorporated August 5, 1889
416 N. Franklin Street, Fort Bragg, CA 95437
Phone: (707) 961-2823 Fax: (707) 961-2802
www.FortBragg.com

#### **CERTIFICATE OF COMPLETION**

All items of work and the provisions of the contract executed with Akeff Construction Services Inc. for labor, materials, equipment, and supervision for the EV Fleet Charging Station, as shown in the Plans and Specifications for the EV Fleet Charging Station Project, City Project PWP-00126 dated November 07, 2024, have been completed.

This project as described above was awarded by the Fort Bragg City Council by resolution at their meeting of December 09, 2024.

It is recommended that the completed project be accepted by the City Council.

Chantell O'Nal
Chantell O'Neal

Assistant Director of Engineering

DATED: <u>June 02, 2025</u>.

**EXHIBIT "A"**