



HEARING BODY: Planning Commission
MEETING DATE: November 9, 2022
PREPARED BY: H. Gurewitz
PRESENTED BY: H. Gurewitz

AGENDA ITEM SUMMARY REPORT

APPLICATION #: Coastal Development Permit 10-22 (CDP 10-22), Use Permit 5-22 (UP 5-22), and Design Review 15-22 (DR 15-22)

OWNER: David and Pamela Duncan

APPLICANT: David Duncan

AGENT: N/A

PROJECT: The proposed project would construct a 1,756 sq. ft. mixed use structure with 810 sq. ft. of office space, two apartments (778 sq. ft. and 718 sq. ft.), a 60 sq. ft. storage area, and associated parking.

LOCATION: 840 S. Franklin Street

APN: 018-210-34

LOT SIZE: 7,500 square feet

ZONING: General Commercial – Coastal Zone

ENVIRONMENTAL DETERMINATION: Categorically Exempt Class 3 – New Construction of small structure less than 2,500 square feet.

SURROUNDING LAND USES: North: vacant (General Commercial Zoning)
East: Residential (General Commercial Zoning)
South: vacant (General Commercial Zoning)
West: currently vacant/proposed Grocery Outlet (Highway Visitor Commercial Zoning)

APPEALABLE: This project can be appealed to:

- City Council
- California Coastal Commission

PROJECT DESCRIPTION

The proposed project would construct a 1,756 sq. ft. mixed use structure with 810 sq. ft. of office space, two apartments (778 sq. ft. and 718 sq. ft.), and a 60 sq. ft. storage area. The project would include developing an asphalt parking area with six parking spaces, two rain cisterns, three bioswales, paved and unpaved walkways, landscaping, and fencing.

PROJECT ANALYSIS

General Plan and Land Use Consistency

The proposed project is a mixed-use development comprised of office space and residential uses. The City's Coastal General Plan designates the site within a General Commercial (CG) Zoning District, for which typical land uses *include automotive and service-related outlets, retail sales, hardware, paint or carpeting sales, offices, apparel stores, and food stores. Shopping centers are allowed with approval of a conditional use permit. Residential uses are permitted above the ground floor or on the ground floor at the rear of buildings at a maximum density of up to 24 units per acre.*

The proposed project is not located in close proximity to a sensitive noise receptor as listed on Map N-1. The project is not in an identified Environmentally Sensitive Habitat Area on Map OS-1, nor is it in the Special Review Area or Runoff Sensitive Area on Map OS-2. It is not located within close proximity to an identified geologic hazard on Map SF-1 nor Flood Hazard on Map SF-2.

The proposed project is consistent with Land Use Policy LU-10.2 to locate new development within, contiguous with, or in close proximity to existing develop areas. It is also consistent with the City's 2019 Housing Element Policies H-1.2 (Coastal H-2.2) Mixed Use Development, Policy H-1.6 (Coastal H-2.7) Infill Housing and Policy H-1.7 Workforce Housing.

On the City's Zoning Map, the site is in the Commercial General Zoning District. According to Coastal Land Use and Development Code (CLUDC) Section 17.22.030, Table 2-6, the residential component of a mixed-use project requires Use Permit approval; the commercial business/service office component is a permitted use. As analyzed and conditioned within this report, its attachments and the associated resolution, the proposed project complies with the City's local coastal program, and is allowable with a Coastal Development Permit, Use Permit, and Design Review.

Site Planning and Project Design

CLUDC Section 17.22.050 provides commercial district site planning and building standards, and CLUDC Section 17.30 provides additional standards necessary for all development and land uses. Furthermore, Article 3 of the CLUDC includes standards for specific land uses relevant to the proposed project: Mixed Use Projects, and Multi-Family Projects. The intent of these standards is to ensure that proposed development is compatible with existing and future development, and consistent with City regulations. The table below describes the project's consistency with these requirements:

Standard	Analysis	Project Consistency
Setbacks	The project complies with setbacks. The building would be setback 6-feet 6-inches from S. Franklin Street (front), offer 5-foot setback from the north property line (side), and 6-feet 8-inches from the north property line (side). Proposed parking is located at the rear of the property, but not within the rear setback, which is 15-foot	Yes
Lot Coverage and Floor Area Ratio	There is no maximum lot coverage in the General Commercial Zoning District thus the project complies with lot coverage. The proposed FAR is 0.33 which is less than the maximum allowable FAR of 0.4.	Yes
Maximum Height	The proposed building would be 24 ft. high, which is under the 35-foot maximum height limit (45-feet allowed with UP approval)	Yes
Fencing & Trash Enclosures	<p>The project includes a 36-inch tall fence on the west side of the property constructed of either wood with hog wire infill or solid wood installed as staggered boards. There is an existing wood fence on the south side of the property that would remain. Additional solid wood fencing would be installed behind the office to create a private outdoor space for the apartments, at a height of less than 6-feet tall. The location for trash cans is noted on the plans, however, Special Condition 1 is recommended for project compliance.</p> <p>SPECIAL CONDITION 1: Solid Waste storage area shall be fully enclosed by a six-foot high decorative solid enclosure that is architecturally compatible with adjacent structure. Gates shall be solid and continuously maintained in working order. A concrete apron shall be installed. Landscaping shall be provided to soften and screen the enclosure.</p>	Yes (with condition)
Parking, Pedestrian Circulation, and Driveway	The project would be accessed from the rear using a 20-foot wide driveway, and includes a total of six parking spaces including one ADA accessible space. The parking spaces are designed to be 18-feet by 9-feet at 90°, which could require a 23-footwide driveway. However, CLUDC Section 18.36.100(D) (2) (b) allows for a smaller 10-foot wide driveway for parking lots with 8 or fewer spaces. Thus the, 20 foot wide driveway complies with the code.	Yes (with conditions)

Standard	Analysis	Project Consistency
	<p>Bicycle parking is included between the parking lot and the building. A five-foot-wide vegetated area with bioswale is located along the south side, and a three-foot-wide vegetated swale area is located on the north side of the parking lot. A 4-foot paved walkway is proposed along the north side of the building to provide pedestrian access to the office and the front of the building. Apartments would be accessed from the rear of the site. In order to comply with 17.36.090(G) and (J), as well as applicable General Plan policies, such as Policy C-10.5 Bicycle parking, Policy C-11.2 [ADA] Access the following condition has been added:</p> <p>SPECIAL CONDITION 2: Wheel stops shall be installed at all parking spaces and allow for two feet of vehicle overhang area within the parking space. All spaces shall be clearly outlined with four-inch wide lines painted on the parking surface.</p> <p>SPECIAL CONDITION 3: Final grading and driveway plans shall be designed to meet state and federal ADA regulations including installation of curb cuts, ramps, or other required features.</p>	
<p>Signage</p>	<p>A 36"x24" space for an office sign is provided at the front of the building, but a sign has not been proposed. Thus, a condition has been added for compliance with Chapter 17.38 Signs:</p> <p>SPECIAL CONDITION 4: A signage plan and a sign permit application shall be submitted to the Community Development Department, prior to installation of the sign.</p>	<p>Yes (with condition)</p>
<p>Lighting</p>	<p>The proposed outdoor lighting involves installing a light fixture on an existing pole in the parking lot, and several downcast lighting features along the pedestrian paths. A sample of the downcast lighting is provided on page five of Attachment 1. In order to ensure that the proposed lighting complies with CLUDC Section 17.30.070, Citywide Design Guidelines, and applicable Community Design Element Policies: CD-1.9, CD-6.1, and CD-6.2 the following condition has been added:</p>	<p>Yes (with condition)</p>

Standard	Analysis	Project Consistency
	<p>SPECIAL CONDITION 5: Pole lighting shall be limited to maximum height of 16-feet and all fixtures shall be shielded and/or recessed to reduce light bleed to adjoining parcels and to ensure the light source is not visible from off site. Light fixtures shall be in the warm color spectrum using energy efficient technology, directed downward and away from other properties and the public right of way, and shall be no brighter than necessary for safety.</p>	
<p>Landscaping</p>	<p>Landscaped areas are proposed south of the office and the apartments and include two fenced areas for tenant gardening/landscaping. Gravel paths and drought tolerant species are proposed for the southwest side area of the site, as well as the area between the parking lot and the building. Three vegetated bioswales are proposed and as required, by CLUDC Section 17.34.050(C)(4)(a)(I) the project has a 15 ft. landscaping strip between the parking lot and back of sidewalk on Myrtle Street.</p> <p>CLUDC Section 17.34.050(C)(4)(b) requires an 8 foot landscaping strip between the parking and adjacent parcel, however, in order to meet the parking requirement and provide enough space for the driveway to allow residents and customers to safely pull in and out, the landscaping strips are designed to be 7 foot wide on the north side. A 5 foot wide landscaping strip is planned on the south side. The review authority has discretion to determine what is appropriate for the site and surrounding development. Thus, the Commission can allow the 20' wide driveway and the reduced vegetation strips. However, to ensure landscaping meets the code requirements, and is consistent with applicable Coastal General Plan policies such as OS-1.8 Landscape with Native Plant Species and Community and CD-2.7 Landscaping the following special condition has been added:</p> <p>SPECIAL CONDITION 6: A final landscaping plan illustrating native and drought resistant plantings, including either tall shrubs and/or trees shall be submitted for review and approval by the Community Development Director.</p>	<p>Yes (with condition)</p>

Standard	Analysis	Project Consistency
<p>Operational & Performance Standards</p>	<p>Post construction, the proposed project is not anticipated to create substantial dust, vibration, noise, light and glare, odors, radioactivity, or EMFs. The residences will be located on the opposite side of the building from other commercial activity and buffered with vegetation. However, during construction, temporary dust, noise, or vibration could be created. In order to minimize the impacts of construction activity on neighboring properties, the following special conditions shall be applied in compliance with Coastal General Plan Policy N-1.2 Reduce Noise Impacts, Policy N-1.4 Residential and Noise Sensitive Land Use Standards, Policy N-1.6, Mitigate Noise Impacts, Policy OS-14.2 Minimize Land Disturbance During Construction, and Policy OS-14.4 Stabilize Soil Promptly.</p> <p>SPECIAL CONDITION 7: In order to prevent dust from construction, the following shall apply:</p> <ol style="list-style-type: none"> 1. Grading shall be designed and grading activities shall be scheduled to ensure that repeat grading will not be required, and that completion of the dust-generating activity (e.g., construction, paving or planting) will occur as soon as possible. 2. Operations during high winds. Clearing, earth-moving, excavation operations or grading activities shall cease when the wind speed exceeds 25 miles per hour averaged over one hour. 3. Limiting the area of disturbance. The area disturbed by clearing, demolition, earth-moving, excavation operations or grading shall be minimized at all times. 4. Dust emissions shall be controlled by watering a minimum of two times each day. 5. Graded areas shall be revegetated as soon as possible, but within no longer than 30 days, to minimize dust and erosion. Disturbed areas of the construction site that are to remain inactive longer than three months shall be seeded and watered until grass cover is grown and maintained. 6. Appropriate facilities shall be constructed to contain dust within the site as required by the City Engineer. 	<p>Yes (with conditions)</p>

Standard	Analysis	Project Consistency
	<p>SPECIAL CONDITION 8: Construction activities shall not take place before 7:00 AM or after 7:00 PM Prior to commencing activities using high noise generating equipment, the applicant shall notify neighboring residential parcels within 100-feet of the property line at least 72 hours before commencing construction.</p> <p>SPECIAL CONDITION 9: During construction, vehicle idling on site shall be limited to no more than five minutes, pursuant to state law. All internal combustion engine-driven equipment shall be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment. Air compressors and pneumatic equipment shall be equipped with mufflers and impact tools shall be equipped with shrouds or shields; and all unnecessary idling of internal combustion engines on-site is prohibited.</p>	
<p>Public Facilities and Improvements</p>	<p>Improvements to public street frontage are required per CLUDC Section 17.30.090. Further, the project will be required to pay an estimated water impact fee of \$10,703 and an estimated sewer impact fee of \$10,228. Drainage fees at \$0.15/sf of impervious surface will also be calculated at the time of building permit submittal. The following special condition have been drafted to ensure compliance with this and other applicable General Plan Policies such as LU-10.4/ PF-1.2 Ensure Adequate Services and Infrastructure for New Development, Policy PF-2.1 Development Pays Its Share, SF-3.4 Require development to pay for the costs of drainage facilities needed to drain project-generated runoff, C-2.8 Continuation of Streets, and C-9.2 Require Sidewalks:</p> <p>SPECIAL CONDITION 10: The applicant shall construct sidewalk and as needed install new curb and gutter per City Standard 205 along the length of the project frontage on Myrtle St. This includes any subgrade and AC paving necessary to connect the existing pavement to the new gutter, per City Standard 215. Plans shall be submitted along with final building permit application.</p>	<p>Yes (with condition)</p>
<p>Grading and Stormwater</p>	<p>The applicant submitted a small construction site storm water erosion and sedimentation control plan, and included integrated Low Impact Development</p>	<p>Yes (with condition)</p>

Standard	Analysis	Project Consistency
	<p>stormwater features, which are comprised of bio-swales and cisterns to collect rainwater. Thus, the proposed project is consistent with applicable policies such as, Open Space Policies OS-3.1, OS-9.2 Minimize increases in Stormwater Runoff, OS-10.1 Construction-phase Stormwater Runoff Plan, OS-10.2 Post Construction Stormwater Runoff Plan, OS-11.3 Minimize Impervious Surfaces, OS-11.4 Infiltrate Stormwater Runoff, and OS-14.1 Minimize Polluted Runoff and Pollution from Construction. A grading permit is required in compliance with CLUDC Chapter 17.60 thus a special condition has been established:</p> <p>SPECIAL CONDITION 11: A grading plan shall be submitted with the building permit submission. The grading plan shall ensure that land disturbance during construction is minimized and that soils are stabilized promptly.</p>	
<p>Traffic & Circulation</p>	<p>The proposed project will not be a high traffic generator as it will include one office and two apartments. Thus, a traffic study was not required. The project is consistent with General Plan Policies C-1.3 Do not permit new development that would result in the exceedance of roadway and intersection Level Of Service standards.</p>	<p>Yes</p>
<p>(Public) Safety</p>	<p>The proposed project is not on a slope or a flood zone, nor is it in a fire hazard zone. The proposed project was sent for review to the City of Fort Bragg Police Department (PD) and the Fort Bragg Fire Protection Authority. No concerns expressed by either entity. The proposed project is consistent with Safety Element Policy SF-6.1 Demand for Police Services, and it does not conflict with any policies in the Safety Element.</p>	<p>Yes</p>
<p>Mixed Use Projects</p>	<p>Residential components of mixed use are allowed at the ground level, behind street-facing non-residential uses. The proposed mixed use project meets specific design criteria and site layout standards as analyzed and conditioned within report. In order to ensure future commercial uses are compatible with residential character, the following special condition is recommended:</p>	<p>Yes (with condition)</p>

Standard	Analysis	Project Consistency
	Special Condition 12: A mixed use project proposing a commercial component that will operate outside the hours of 8:00 AM to 6:00 PM shall require Use Permit approval.	
Multi-Family Projects	The proposed project has over 500 square feet of onsite open space, includes two fenced areas and two 100 cubic feet storage units for residences.	

COASTAL RESOURCES ANALYSIS

Natural Resources

The biological inventory indicates that there are no environmentally sensitive habitat areas (ESHA) nor wetlands nor riparian areas on the site or within 100 feet. The office and apartments are mixed use development on an infill site. The proposed type of mixed use development is encouraged by the code in order to maximize the use of developed land and limit development in natural areas. The proposed project will have no impact on natural resources.

Marine Resources

The proposed project is just beyond 300 feet from the top of the coastal bluff with significant development located between the bluff and the project. As noted above, a stormwater plan has been submitted to indicate best management practices during construction and Low Impact Development features are incorporated into the project site to prevent increased run-off toward the Noyo River post-construction. As conditioned, the proposed project would have no impacts on marine resources.

Scenic Resources

The proposed project would be located one block east of Highway One and would not be located between the sea and the first public road. It is not in a scenic resource area and would not have impacts on visual resources or ocean views.

Cultural/Historic Resources

The proposed project is located outside the special review area requiring an archaeological report. In order to protect potential unknown cultural resources, the following standard condition will apply:

If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all

further excavation and disturbances within 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.

As conditioned, the proposed project would not have significant impacts on cultural or historic resources.

Recreational Resources

The proposed project is more than 300 feet from the top of the coastal bluff and located on an infill lot with existing development between the project and the sea. The project will not inhibit public access or impact recreational resources. As such, the proposed project will not have impacts on coastal resources.

DESIGN REVIEW

The proposed design is for a two-story mixed-use building with a one-story 810 square foot office at the front and a two-story building with two apartments (718 sq. ft. and 778 sq. ft.) behind. The design of the building is well articulated on all sides with variations in both roof form and wall planes. The placement of windows around the structure and the varying roof lines and lighting fixtures would relate well to surrounding development, provide articulation, and are within the human scale. The building has two separate pedestrian entrances, one for residential and one for the commercial use. The proposed architectural form and detail are consistent with the design guidelines.

The roof will have a 3-12 slope, be covered with charcoal colored asphalt roof tile/shingles and will have solar panels on the north and east elevations. No roof mounted equipment (other than solar panels) is proposed, but if roof mounted equipment is proposed in the final plans, screening would be required. There are no highly reflective materials and has appropriate overhangs. Thus, the proposed roof form is consistent with the design guidelines.

The north, south, east, and west facades all have windows that are well placed for the size and shape of the building. The main entrance to the commercial component is oriented to S. Franklin Street and the apartment entrances are oriented toward Myrtle Street and the parking lot. Thus, the project is consistent with the Design Guidelines for Windows, Doors, and Entries.

The proposed building will have a smooth stucco exterior which is encouraged by the Design Guidelines as a material. The stucco will be painted 'Even Better Beige' with light beige window trim. These colors would be consistent with the color palette of other structures in the area (810 and 820 S. Franklin Street) and the earth tone colors recommended for the Coastal Zone. The light color around the window trim and the dark roof tiles will be harmonious and

contrasting compatible colors that will accentuate detail. Thus, the colors are consistent with the Design Guidelines.

Exterior lighting is proposed as part of the overall design. The proposed fixtures would be barn style fixtures (**Attachment 1**) in dark colors that will enhance the architectural features as well as provide adequate lighting on site. Per **SPECIAL CONDITION 5** the proposed lighting will be consistent with the Design Guidelines.

The proposed location is an urban site in the Commercial General zoning district. The building will be placed a little less than 10 feet from the back of sidewalk with landscaping and a 36" tall fence that will be constructed of hog wire and wood, or solid wood. As noted above, the entrance is oriented toward Franklin Street and the solar panels on the north and east roofs will offset energy usage. The parking is at the back of the main building and there will be a contiguous pathway around the building supporting a pedestrian friendly environment. Open areas will be landscaped and proposed lighting locations should be sufficient to create a well-lit area without using overly bright lighting. The site planning, open space, pedestrian circulation, and fencing are consistent with the Design Guidelines.

The landscaping will incorporate drought tolerant native species and gravel pathways to minimize water use and maximize open space for the residents. Per **SPECIAL CONDITION 6**, a final landscaping plan shall be provided with the building permit submittal for review and approval. Thus, the proposed project would be consistent with the Design Guidelines.

The business will have a small exterior sign on Franklin Street and the back of the building will have a directional sign to orient pedestrians to the front of the building via the paved pathway. Two areas will be fenced to provide for private outdoor space for residents. Thus, the proposed site amenities are consistent with the Design Guidelines.

Overall, the proposed project plans are based on the functional purpose of the development and the requirements of the Coastal Land Use Code and the Citywide Design Guidelines. It meets the overall Citywide Design Guidelines and the corridor design objectives because it:

- ensures a comfortable pedestrian environment through the design approach;
- limits parking to the rear;
- creates a visual and physical connection between the building entry and the public realm;
- emphasizes the front yard landscaping; and
- is a mixed-use development which is heavily encouraged.

ENVIRONMENTAL ANALYSIS

The proposed project is exempt under CEQA Guidelines 15303 New Construction because it is a new building that is less than 2,500 square feet. The project consists of one office and two apartments. The proposed site does not contain environmentally sensitive habitat area, wetlands, or other important biological resources. The site would not create any cumulative

impacts as it will be very low intensity uses, and there are no unusual circumstances of the site that might create significant impacts. The project is not located on a scenic highway, it is one block east of Highway One and blocked from view by existing development. There are no hazardous clean-up sites listed on or adjacent to the site on the Waterboard GeoTracker site and there are no cleanup sites listed on Department of Toxic Substance Control's Evirostor Website. There are no existing structures on the site nor identified historic resources. Thus, there are no exceptions to the exemption and the project is exempt from further review under the California Environmental Quality Act per the CEQA Guidelines section 15303(b) and (c).

RECOMMENDED PLANNING COMMISSION ACTION

Adopt resolution approving Coastal Development Permit 10-22 (CDP 10-22), Use Permit 5-22 (UP 5-22), and Design Review 15-22 (DR 15-22).

Alternative Planning Commission Actions

1. Revise the special conditions and adopt resolution approving the project.
2. Request additional information and continue hearing to a further date.
3. Deny proposed project.

ATTACHMENTS

1. Project Plans
2. Natural Resource Inventory
3. Stormwater Form
4. Proposed Exterior Colors
5. Public Works Comment Letter
6. THPO Comment Letter
7. Draft Resolution