

## AGENDA ITEM SUMMARY REPORT

**APPLICATION NO.:** Minor Subdivision 1-23 (DIV 1-23)

**OWNER/APPLICANT:** Heather and Carlos Franco

**APPLICATION:** A request to subdivide an existing  $\pm 30,784$  SF parcel into three parcels of  $\pm 10,665$  SF,  $\pm 12,119$  SF and  $\pm 8,000$  SF. The existing parcel is developed with one residential unit, detached garage with driveway, and landscaped areas.

**LOCATION:** 145 Dana Street

**ASSESSOR'S PARCEL NO.:** 008-312-18

**APPEALABLE PROJECT:** ☒ Can be appealed to City Council

**ZONING:** Low Density Residential District (RL)

**ENVIRONMENTAL DETERMINATION:** Staff recommends that the project be found exempt under CEQA Guidelines Section 15315 Minor Land Division.

**SURROUNDING  
LAND USES:**

SOUTH: Single-family residential  
EAST: Single-family residential and assisted living facility  
NORTH: Single-family residential  
WEST: Single-family residential

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission: 1) receive staff report; 2) open the public hearing; 3) take public comment; 4) close the public hearing and deliberate; and 5) adopt a resolution approving the Tentative Map for Minor Subdivision 1-23 (DIV 1-23); and find that the project is categorically exempt under CEQA Guidelines Section 15315.

**PROJECT DESCRIPTION:**

The applicants propose a Tentative Map to subdivide a  $\pm 30,874$ -square-foot parcel located in a Low Density Residential District (RL). The site is located at 145 Dana Street at its intersection with Oak Street. The existing site improvements include a single-family residential unit with a

detached garage, paved driveway, and connections to City water and sewer, and PG&E. The yards are landscaped. The applicants request to split a ±30,784-square-foot property into three parcels with areas of ±8,000 square feet (Proposed Parcel 1), ±12,119 square feet (Proposed Parcel 2) and ±10,665 square feet (Proposed Parcel 3).

The existing single-family residence and garage would remain as part of Parcel 2 (the middle lot). In the future, the applicants may construct a single-family residence on proposed Parcels 1 and 3. On proposed Parcel 1, a new 12-foot-wide driveway would be required at time of the residential development. Similarly on proposed Parcel 3, a 22-foot-wide driveway would be required at the time of residential development. Additionally, a 5-foot-wide public utility easement is proposed along the property frontage on Oak Street and Dana Street. When completed, the two new dwelling units would have separate utility connections. See **Attachment 1: Tentative Map**.

Surrounding land uses include single-family residential parcels on all sides of the existing lot and an assisted living facility is across the street. The surrounding single-family residential parcels vary in size between 8,000 square-feet to 19,000 square-feet as shown in Figure 1.

**Figure 1: Project Site and Surrounding Parcel Sizes**



**INLAND LAND USE & DEVELOPMENT CODE ANALYSIS:**

The following analysis summarizes the proposed subdivision’s consistency with the zoning designation and relevant development standards.

Minimum Parcel Size Standards

Inland Land Use and Development Code (ILUDC) Section 18.21.040 prescribes standards for newly created parcels in the RL District. The proposed parcels are within the minimum and maximum parcel dimensions required by the ILUDC, as demonstrated in Table 1.

**Table 1: Residential District Subdivision Standards**

Low Density Res. Minimum Parcel Size Standards	Lot Size Area (sf)	Width (ft)	Depth (ft)	Compliance
	> 6,000	> 50	3 times width maximum	
<i>Proposed Parcel 1</i>	8,000	58.5	130.26' <sup>1</sup>	Complies
<i>Proposed Parcel 2</i>	12,119	87.5	138.51'	Complies
<i>Proposed Parcel 3</i>	10,665	77	138.51'	Complies

Figure 2 shows the proposed lots in the context of the neighboring parcels:

**Figure 2: Proposed Tentative Map in Context**



## PARCEL 2 DEVELOPMENT STANDARDS COMPLIANCE ANALYSIS

When a parcel is proposed for subdivision, for the parcel with existing development all existing development must comply with all current development standards, such as setbacks, parking etc. However, as the applicant is not proposing to develop the two vacant single-family parcels at this time, zoning code compliance for any future development will be analyzed when building permits are submitted for those parcels (1&2). While the tentative map illustrates potential development footprints for Parcel 1 and Parcel 3, these are illustrative only and not under the purview/review of the Planning Commission for a minor subdivision. Therefore, the following analysis of development standards apply to Parcel 2, which has development.

### Parcel 2 Setbacks

As shown in Table 2, the proposed development on parcel 2 will comply with the setbacks required by ILUDC §18.21.050 for RL Districts.

<sup>1</sup> ILUDC 18.100 Definition of Front Lot Line: the front lot line on a corner lot is the line with the shortest frontage.

**Table 2: Proposed Parcel Setback Compliance**

<i>Low Density Residential Required Setbacks</i>	<i>Front Yard (ft)</i>	<i>Interior Side Yard (ft)</i>	<i>Street Side Yard (ft)</i>	<i>Rear Yard (ft)</i>	<i>Compliance</i>
	20 ft., but no closer than 25 ft. to the street right-of-way or the edge of pavement	5	10	10	
<i>Proposed Parcel 2</i>	22	5' (R) 14' (L)	N/A	33.5	Complies

**Parcel 2 Parking**

ILUDC §18.36.040 Table 3-7 requires a minimum of two and a maximum of four parking spaces per single-family dwelling unit and ILUDC §18.36.090(D)(1) Table 3-10 establishes the required parking-space size. Additionally, ILUDC §18.36.100(A)(1) provide standards for driveway width, spacing, dimensions and distance. The existing development on Parcel 2 satisfies all parking space and driveway requirements.

**Table 3: Parking and Driveway for Parcel 2.**

<i>ILUDC Requirement</i>	Parcel 2	Compliance
<i>Two 9 ft x 18 ft spaces per single family dwelling</i>	Existing driveway can accommodate two parking spaces and would not be expanded or reduced as a result of the project.	Complies
Minimum driveway width: 10 ft Maximum driveway width: 23 ft	Existing driveway is ~25 ft but will not be reduced or increased as part of the project,	Existing non-conforming/ Complies
<i>Minimum driveway length: 23 ft</i>	~75 ft	Complies
<i>Minimum paved driveway length: 20 ft</i>	Existing driveway is paved	Complies

**Public Utilities and Services**

The existing residence is currently served by City water and sewer, with other utilities provided by PG&E, heating fuel distributors, and AT&T and Comcast or other wired, wireless and satellite telecommunications providers. The Public Works Department has determined that the City has adequate potable water supply and capacity at its wastewater treatment facility to serve the proposed subdivision. See Public Works Memorandum that recommends the payment of residential capacity and connection fees for water and sewer (January 18, 2024). Public Works staff also recommends installation of a backflow device. A public utility easement will be recorded, as shown on the proposed Tentative Map. The Public Works Memorandum includes fee estimates to add two new water and sewer connections. The applicant is required to pay capacity and connection fees; see recommended **Special Condition 1**.

**Special Condition 1:** Applicant shall comply with all requirements in the memo prepared by Public Works on January 10, 2024.

The Fort Bragg Fire Department (FBFD) has reviewed the proposal and determined that there are no special conditions required. However, to ensure emergency personnel can easily locate the sites, **Special Condition 2** requires that the applicant apply for assignment of addresses.

**Special Condition 2:** Prior to occupancy of any residential unit in this subdivision, address numbers shall be placed in such a manner as to be visible from Dana St. and shall be placed on each residential unit in such a manner as to be visible from the access driveway. The minimum height of numbers to be used shall be three inches and contrasting color from basic background visible from the access driveway. The minimum height of numbers to be used shall be three inches and contrasting color from basic background.

#### Frontage Improvements

The proposed subdivision will create two new lots on an existing City Street with existing sidewalk and utilities. No other frontage, site, or utility improvements can be required for a minor subdivision. Improvements must be required at the time of development.

#### Stormwater

All Stormwater controls and improvements are prescribed by Fort Bragg ILUDC Section 18.64 *Urban Runoff Pollution Control*, and Fort Bragg Municipal Code (FBMC) Section 12.14 *Drainage Facilities*. Stormwater flows across this site in a south westerly direction. The onsite storm water management system shall maintain post-development peak runoff rate and average volume at levels that are similar to pre-development levels. All storm water management and erosion control shall comply with the requirements of Title 18 of the City of Fort Bragg ILUDC as recommended in **Special Conditions 3, 4, and 5**.

**Special Condition 3:** Prior to approval of the final parcel map, the applicant shall submit a Final Stormwater Control Plan, along with associated calculations and worksheets, to be approved by the Public Works Director or his/her designee.

**Special Condition 4:** Stormwater runoff shall be minimized via the incorporation of the selected site design measures in accordance with the approved Final Stormwater Control Plan.

**Special Condition 5:** Private Maintenance Agreements for the on-site storm water facilities shall be recorded as part of the Deed for each parcel. Drafts of these documents shall be submitted and approved prior to approval of the Parcel Map.

## GENERAL PLAN CONSISTENCY ANALYSIS:

As proposed the project is consistent with the density and intensity of use proposed in the City's Inland General Plan. It does not conflict with any policies and is consistent with the following relevant policies:

### Land Use Element

**Program LU-7.1.1** *Use the minimum density indicated by the Land Use Designations Map as a starting point when determining specific density for a residential project.*

CONSISTENT: The project site has a General Plan Land Use Designation of Low Density Residential (RL) which has an allowable density of 3 to 6 dwelling units per acre. The Tentative Map proposes 3 dwelling units on 0.7 acres of land or 4 units per acre which is within the allowable density and as such also complies with Program LU-7.1.1.

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

**Policy OS-2.1 Native Landscaping:** *All development shall be conditioned to require that 50% of all plantings are native plants and shall prohibit the planting of any plant species that is (a) listed as problematic and/or invasive by the California Invasive Plant Council, and/or by the State of California, or (b) listed as a 'noxious weed' by the State of California or the U.S. Federal Government.*

CONSISTENT (with condition): To ensure consistency, **Special Condition 6** is recommended for compliance with policy OS-2.1.

**Special Condition 6:** Prior to issuance of a building permit for the vacant lots, the applicant shall submit a final landscaping plan where 50% of all plantings are native plants and that does not contain any plant species that are (a) listed as problematic and/or invasive by the California Invasive Plant Council, and/or by the State of California, or (b) listed as a 'noxious weed' by the State of California or the U.S. Federal Government.

### Safety Element

**Policy SF-1.1** *New development shall: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard; and (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

CONSISTENT: The new dwelling units will be subject to the California Building Code and California Fire Code. Through the implementation of the uniform standards in these codes, the project complies with this policy.

### Housing Element

**Goal H-1** *Provide a range of housing, including single-family homes, townhouses, apartments, and other housing types to meet the housing needs of all economic segments of the community.*

**Policy H-1.6 Infill Housing:** *Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure.*

CONSISTENT: The proposed project would divide an existing 0.7 acre parcel into three lots, retain one single-family residential unit and allows for the future construction of additional residential units. The property is surrounded on all sides by residential land uses, including single-family residences and an assisted living facility. Therefore, this project will efficiently utilize an existing lot by subdivision and establish three lots. The proposed subdivision satisfies Goal H-1 and policy H-1.6.

As analyzed and conditioned, the project is consistent with the applicable policies of the City's General Plan.

#### **ENVIRONMENTAL DETERMINATION:**

The project was reviewed for eligibility for exemption from California Environmental Quality Act, CEQA Guidelines Section 15315. Class 15 Categorical Exemption consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

The Class 15 guideline for *Minor Land Divisions* is correct for the proposed three-lot subdivision at 145 Dana Street. The proposed project would create three parcels on less than one acre of land within the City limits of Fort Bragg. The site is connected to water and sewer and access is available for two new connections. As analyzed, the project complies with the ILUDC and conforms to the General Plan. No variances or exceptions are required. The parcel has not been divided within the last two years and is not on a slope greater than 20 percent. It is recommended that the project be found exempt from CEQA under CEQA Guidelines Section 15315.

#### **CONDITIONS OF APPROVAL:**

The following standard and special conditions are recommended for inclusion in approval of the proposed Tentative Map (DIV 1-23):

#### **SPECIAL CONDITIONS**

1. Applicant shall comply with all requirements in the memorandum prepared by Public Works on January 10, 2024.
2. Prior to occupancy of any residential unit in this subdivision, address numbers shall be placed in such a manner as to be visible from Dana St. and shall be placed on each residential unit in such a manner as to be visible from the access driveway. The minimum height of numbers to be used shall be three inches and contrasting color from basic background visible from the access driveway. The minimum height of numbers to be used shall be three inches and contrasting color



from basic background.

3. Prior to approval of the final parcel map, the applicant shall submit a Final Stormwater Control Plan, along with associated calculations and worksheets, to be approved by the Public Works Director or his/her designee.
4. Stormwater runoff shall be minimized via the incorporation of the selected site design measures in accordance with the approved Final Stormwater Control Plan.
5. Private Maintenance Agreements for the on-site storm water facilities shall be recorded as part of the Deed for each parcel. Drafts of these documents shall be submitted and approved prior to approval of the Parcel Map.
6. Prior to issuance of a building permit, the applicant shall submit a final landscaping plan where 50% of all plantings are native plants and that does not contain any plant species that are (a) listed as problematic and/or invasive by the California Invasive Plant Council, and/or by the State of California, or (b) listed as a 'noxious weed' by the State of California or the U.S. Federal Government.

### **STANDARD CONDITIONS**

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to ILUDC Chapter 18.92 - Appeals.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the ILUDC.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. 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; 2) Notify the Fort Bragg Community Development Department within 24 hours of the discovery; and 3) Retain a professional archaeologist to determine appropriate action in consultation with stakeholders such as Native American groups that have ties to the area.



7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a) That such permit was obtained or extended by fraud.
  - b) That one or more of the conditions upon which such permit was granted have been violated.
  - c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
  - d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
8. Unless a condition of approval or other provision of the Inland Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with ILUDC Subsection 18.76.070(B).

#### **ATTACHMENTS**

1. Tentative Map
2. Public Works Comment Memo
3. Notice of Exemption
4. Applicant Comment
5. Draft PC Resolution DIV 1-23 145 Dana
6. Public Hearing Notice 2-14-2024