



City of Fort Bragg

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

Meeting Agenda Planning Commission

Wednesday, September 22, 2021

6:00 PM

Via Video Conference

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PLEASE TAKE NOTICE

Due to state and county health orders and to minimize the spread of COVID-19, Planning Commissioners and staff will be participating in this meeting via video conference. The Governor's executive Orders N-25-20, N-29-20, and N-08-21 suspend certain requirements of the Brown Act and allow the meeting to be held virtually.

The meeting will be live-streamed on the City's website at <https://city.fortbragg.com/> and on Channel 3. Public Comment regarding matters on the agenda may be made by joining the Zoom video conference and using the Raise Hand feature when the Chair or Acting Chair calls for public comment. Any written public comments received after agenda publication will be forwarded to the Commissioners as soon as possible after receipt and will be available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, California. All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, except those written 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 Sarah Peters, speters@fortbragg.com.

ZOOM WEBINAR INVITATION

*When: Sep 22, 2021 06:00 PM Pacific Time (US and Canada)
Topic: Planning Commission*

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/83272511438>

Or Telephone:

US: +1 346 248 7799 or +1 720 707 2699

Webinar ID: 832 7251 1438

International numbers available: <https://us06web.zoom.us/j/83272511438>

TO SPEAK DURING PUBLIC COMMENT PORTIONS OF THE AGENDA VIA ZOOM, PLEASE JOIN THE MEETING AND USE THE RAISE HAND FEATURE WHEN THE CHAIR OR ACTING CHAIR CALLS FOR PUBLIC COMMENT ON THE ITEM YOU WISH TO ADDRESS.

1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS

MANNER OF ADDRESSING THE PLANNING COMMISSION: All remarks and questions shall be addressed to the Planning Commission; no discussion or action will be taken pursuant to the Brown Act. No person shall speak without being recognized by the Chair or Acting Chair. 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 Chair or Acting Chair 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 Chair or Acting Chair, may speak on any topic that may be a proper subject for discussion before the Planning Commission for such period of time as the Chair or Acting Chair 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 Commissioners' response to questions and requests made during this comment period.

2. STAFF COMMENTS

3. MATTERS FROM COMMISSIONERS

4. CONSENT CALENDAR

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

4A [21-471](#) Minutes of the August 5, 2021 Planning Commission Meeting

Attachments: [Minutes of the August 5, 2021 Planning Commission](#)

5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

6. PUBLIC HEARINGS

6A [21-487](#) Receive Report, Hold Public Hearing, and Consider Adopting a Resolution for the Design Review (DR 5-21) of a Proposed Mural at 221 E. Redwood Ave

Attachments: [092221 Staff Report for DR 5-21](#)

[ATT 1 - Sample of Artist Sallly Rodriguez's Artwork](#)

[ATT 2 - Approval Resolution](#)

[ATT 3 - Denial Resolution](#)

6B [21-486](#) Receive Report, Hold Public Hearing, and Consider Adoption of Planning Commission Resolution Recommending Approval of Coastal Development Permit Amendment 3-17/19/21, Design Review Amendment 5-17/19/21, and Lot Merger 1-21 of APN 018-340-04-00 and APN 018-340-06-00 for the Danco Mixed-Income Senior, Multi-family, and Permanently Supportive Housing Project Located at 441 South Street

- Attachments:** [09222021 Danco Lot Merge Staff Report](#)
[Att 1 - ALTA Map](#)
[Att 2 - Grant Deed & Legal Description](#)
[Att 3 - PC Resolution 3-2019](#)
[Att 4 - Staff Report CDP 3-17/19 DR 5-17/19](#)
[Att 5 - Resolution DANCO Merger](#)
[Att 6 - Public Comment](#)

7. CONDUCT OF BUSINESS

ADJOURNMENT

The adjournment time for all Planning Commission meetings is no later than 9:00 p.m. If the Commission is still in session at 9:00 p.m., the Commission may continue the meeting upon majority vote.

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 September 15, 2021.

Sarah Peters
Administrative Assistant, Community Development Department

NOTICE TO THE PUBLIC

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Community Development Department at 416 North Franklin Street, Fort Bragg, California, during normal business hours. Such documents are also available on the City’s website at www.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).



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Phone: (707) 961-2823
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Text File

File Number: 21-471

Agenda Date: 9/22/2021

Version: 1

Status: Business

In Control: Planning Commission

File Type: Minutes

Agenda Number: 4A

Minutes of the August 5, 2021 Planning Commission Meeting



City of Fort Bragg

416 N Franklin Street
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Phone: (707) 961-2823
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Meeting Minutes Planning Commission

Thursday, August 5, 2021

6:00 PM

Town Hall, 363 N.Main Street

Special Planning Commission Meeting

MEETING CALLED TO ORDER

Chair Logan called the meeting to order at 6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

- Present** 4 - Chair Jeremy Logan, Commissioner Stan Miklose, Commissioner Michelle Roberts, and Commissioner Nancy Rogers
- Absent** 1 - Vice Chair Jay Andreis

1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS

A public comment was made by Jenny Shattuck.

2. STAFF COMMENTS

None.

3. MATTERS FROM COMMISSIONERS

Commissioner Rogers asked if there is any work being done on the mill site. Assistant Director O'Neal said that there are no active building permits for the mill site.

Commissioner Miklose asked for information on Caltrans' withdrawal of the sidewalk upgrade application and Assistant Director O'Neal provided the information.

4. CONSENT CALENDAR

Chair Logan requested Item 4B be pulled for discussion. A motion was made by Chair Logan, seconded by Commissioner Rogers, to approve the Consent Calendar, excepting Item 4B. The motion carried by the following vote:

Aye: 3 - Chair Logan, Commissioner Miklose and Commissioner Rogers

No: 1 - Commissioner Roberts

Absent: 1 - Vice Chair Andreis

4A. [21-414](#) Approve Minutes of July 21, 2021

These Minutes were approved on the Consent Calendar.

ITEMS REMOVED FROM CONSENT CALENDAR

4B. [21-411](#) Amended Denial Resolution MUP 1-21

Chair Logan presented a copy of the Resolution redlined with his changes. Commissioners discussed further amending the resolution to include adding to bullet point number one in the findings section that there was not sufficient evidence that the required noticing for the minor use permit, the minor use permit administrative hearing, and the minor use permit appeal were properly posted at the property.

A motion was made by Chair Logan, seconded by Commissioner Roberts, that this Planning Resolution be adopted as amended. The motion carried by the following vote:

Aye: 3 - Chair Logan, Commissioner Roberts and Commissioner Rogers

Absent: 1 - Vice Chair Andreis

Recuse: 1 - Commissioner Miklose

Enactment No: RES PC09-2021

5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

Commissioner Roberts disclosed that a conflict may exist related to her source of income from her tenant, Jacob Patterson, who also represents the appellants. City Attorney Keith Collins stated that Commissioner Roberts' participation in the matters before the Commission on the Consent Calendar, particularly item 4B, is authorized by the California Code of Regulations when participation of a potentially conflicted official is legally required in order to establish a quorum, as in the case currently before the commission.

Commissioner Miklose recused himself from Item 4B.

6. PUBLIC HEARINGS**7. CONDUCT OF BUSINESS****ADJOURNMENT**

Chair Logan closed the Planning Commission meeting at 6:24 P.M.

Jeremy Logan, Chair

Sarah Peters, Administrative Assistant

IMAGED (_____)



City of Fort Bragg

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Text File

File Number: 21-487

Agenda Date: 9/22/2021

Version: 1

Status: Public Hearing

In Control: Planning Commission

File Type: Planning Resolution

Agenda Number: 6A

Receive Report, Hold Public Hearing, and Consider Adopting a Resolution for the Design Review (DR 5-21) of a Proposed Mural at 221 E. Redwood Ave

AGENCY:	CDD
MEETING DATE:	September 22, 2021
PREPARED BY:	H.Gurewitz
PRESENTED BY:	H Gurewitz

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: DR 5-21

OWNER: Sabine Brunner

APPLICANT: Alleyway Art Project

AGENT: Lia Morsell

PROJECT: Install three (3) 6'X6' mural panels on west facing exterior wall of a building located in the Central Business District

LOCATION: 221 E. Redwood Ave.

APN: 008-154-28

LOT SIZE: 2,178 sq. ft.

ZONING: Central Business District

ENVIRONMENTAL DETERMINATION: This project is exempt from CEQA per Statutory Exemption §15301 Existing Facilities – Operation, repair, maintenance, ... or minor alteration of existing public or private structures... involving negligible or no expansion of existing or former use...

SURROUNDING LAND USES:
NORTH: Retail
EAST: Retail store
SOUTH: Retail stores and Restaurant
WEST: Vacant Commercial (CBD) lot

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

BACKGROUND

In 2018, the Alleyway Art Project was initiated by Lia Morsell. The project connects artists with buildings in the commercial areas of Fort Bragg to beautify the City and increase

access to public art. Examples of the murals that have been installed can be seen on their website at: <https://www.fortbraggalleywayart.org/our-murals.html>.

The City's approval process for murals associated with the Alley Way Art Project have generally been administrative design review in which the location and the proposed mural are submitted for review by staff and approved by the Director. In accordance with ILUDC Section 18.71.050, the Director has the authority (per Table 7-1) to defer the decision to the Planning Commission. Because of the size and high visibility location of the proposed mural, City staff have deferred the decision to the Planning Commission.

PROJECT DESCRIPTION

Install a mural on three six foot by six foot panels (total of 108 square feet) on the west facing exterior wall at 221 E Redwood Avenue (see image below). Artwork will be painted by Sally Rodriguez who will do a cubist interpretation of some of the unique history of that section of Redwood. The piece will be called "Redwood Frolic" and based on local oral histories of the block where her mural will be featured.



According to the applicant, the 200 block of Redwood holds some of the oldest buildings in Fort Bragg, and used to house a Finnish community plus a fish shop serving local dock workers. Ms. Rodriguez describes the mural as a playful Cubist mish-mash of history, bright colors, stray cats, fish, boats, and angels, all juxtaposed with contemporary businesses and local characters. See Attachment 1 for examples of Ms. Rodriguez's work.

ANALYSIS

GENERAL PLAN CONSISTENCY

ILUDC Section 18.71.050(F)(6) requires that the project be consistent with the General Plan. The proposed project is consistent with the following General Plan Goals and Policies:

Goal/Policy/Program	Project
Community Design Policy CD-2.5 Strengthen the distinctive identity and unique sense of place of the Central Business District	Public art and murals are a valuable means for creating a distinctive identity and a unique sense of place.
Community Design Policy CD-7.1 Public Art: Encourage the provision of murals, fountains, sculptures, and other forms of public art in public spaces and parks.	The proposed project is a mural that will be visible from the public right of way though it will not be placed on public property and is not adjacent to public property.
Land Use Goal LU-3 Ensure that the Central Business District remains the historic, civic, cultural, and commercial core of the community.	The addition of murals enhances the cultural aspect of downtown and the proposed mural is intended to honor the history of the neighborhood/block.

The project does not conflict with any Goals, Policies, or Programs in the General Plan.

DESIGN REVIEW

Section 18.71.050(G) of the ILUDC says that the review authority shall find that the project complies with all applicable criteria identified in Section 18.71.050(F) of the ILUDC. The following are the criteria from this section:

Criteria	Proposed Project
1. Complies with the purpose and requirements of this Section; 18.71.050A. Purpose: Design Review is intended to ensure that the design of proposed development and new land uses assists in maintaining and enhancing the small-town, coastal, historic, and rural character of the community.	The City of Fort Bragg has been a center for art on the Mendocino Coast for many years with no less than three art galleries. The provision of public art furthers the cultural character and enhances and maintains this image.
2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;	Not applicable to this project as there are no changes to architectural design or building massing.
3. Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and	The mural can be found to comply with the criteria that it provides an attractive and

setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;	desirable design and exterior appearance of the building.
4. Provides efficient and safe public access, circulation, and parking;	Not applicable to this project.
5. Provides appropriate open space and landscaping, including the use of water efficient landscaping;	Not applicable to this project.
6. Is consistent with the General Plan, any applicable specific plan;	See above.
7. Complies and is consistent with the City's Design Guidelines.	See below.

Compliance with City's Design Guidelines

The Citywide Design Guidelines do not provide guidelines for public art however, there are several places where exterior design and color are discussed:

Building Color guidelines are provided on pg. 2-15 for the painting of a building. It says that there should be a dominant color to serve as the primary base, a secondary color to emphasize architectural elements, and a minor color for trim. It also recommends that exterior building colors should reflect the architectural style or period of the building or its environs. It is the opinion of staff that it is inappropriate to apply this criterion to a mural as it would limit artistic expression and the ability of a mural to create a unique and distinctive identity.

Additionally, on page 2-15 through 2-16 the Guidelines state:

“Additions to existing structures should be well integrated with the existing structure. The design of the addition should follow the general scale, proportion, massing, roof line, and detailing of the original structure... New additions should be designed so that if the addition were to be removed in the future, the essential form and integrity of the original structure would be unimpaired. “

The proposed mural would cover a wall and would be integrated with the structure and would cause little damage if removed in the future.

It is reasonable to make the finding(s) that this project complies with the criteria specified Inland Land Use and Development Code Section 18.71.050(F). However, design is subjective and it is at the discretion of the Planning Commission to determine whether the project meets the criteria.

ENVIRONMENTAL DETERMINATION

This project is exempt under Section 15301 Existing Facilities of the California Environmental Quality ACT (CEQA):

“Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The Types of “existing facilities” itemized below are not intended to be all-inclusive of the types of project which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use.”

The proposed project is a mural which is negligible as related to the existing use of the property.

RECOMMENDED PLANNING COMMISSION ACTION

Open the public hearing, receive staff report, take public comment, and consider whether to approve or deny the proposed mural project at 221 E. Redwood Ave. via resolution.

ALTERNATIVE PLANNING COMMISSION ACTIONS

- Continue the public hearing to a later date.
- Postpone review until a final design is provided.

ATTACHMENTS

1. Samples of Artist Sally Rodriguez’s artwork
2. Approval Resolution
3. Denial Resolution





RESOLUTION NO. PC -2021

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION APPROVING THE DESIGN REVIEW APPLICATION 5-21 FOR A MURAL AT 221 E. REDWOOD AVE

WHEREAS, the Alleyway Art Project (“Applicant”), submitted an application for Design Review for a mural; and

WHEREAS, the project is located at 221 E. Redwood Ave in Fort Bragg, CA (APN: 008-154-28) in the Central Business District (CBD) zoning district; and

WHEREAS, the Project is subject to the Fort Bragg Inland General Plan and Inland Land Use and Development Code (ILUDC) and the Citywide Design Guidelines; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 22, 2021, to consider the Project and take public testimony; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Section 15301 the project is exempt as an existing facility with negligible expansion of use; and

WHEREAS, the public hearing included evidence establishing that the project, complies with all applicable criteria identified in Subsection (F) of Section 18.71.050 of the Inland Land Use Development Code including:

1. Complies with the purpose and requirements of Section 18.71.050(A);
2. Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
3. Is consistent with the Inland General Plan;
4. Complies and is consistent with the City's Design Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the City of Fort Bragg Planning Commission, finds as follows:

1. The proposed project complies with the purpose and requirements of this Section, that “*Design Review is intended to ensure that the design of a proposed project assists in maintaining and enhancing the small-town, coastal, historic, and rural character of the community. The City of Fort Bragg has been a center for art on the Mendocino Coast for many years with no less than three art galleries,*” because the provision of public art furthers the cultural character and enhances and maintains the artistic image of the community.
2. The proposed mural is attractive and provides an attractive and desirable site layout and design that will enhance the exterior appearance of the building.

3. The proposed project is consistent with the Inland General Plan, specifically Community Design Policies CD-2.5 and CD-7.1 and Land Use Goal LU-3.
4. The proposed project complies and is consistent with the City's Design Guidelines because it will provide an aesthetic and artistic feature on a wall facing the public right of way.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Fort Bragg does hereby make the findings contained in this Resolution and approves Design Review 5-21 (DR 5-21) subject to the following conditions of approval:

A. Standard Conditions

1. This action shall become final on the 11th working day following the decision unless an appeal to the City Council is filed pursuant to Chapter 17.92.030. This action is appealable to the California Coastal Commission pursuant to Chapter 17.92.040.
2. 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.
3. 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 required permit applications shall be consistent with this approval.
4. 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.
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; 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.

7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. This Design Review approval shall lapse and become null and void 24 months from the date of approval unless before the passing of 24 months an extension is requested and obtained.
9. The Standard and Special Conditions of Approval shall be incorporated and printed in the Construction Plans submitted at time of a building permit application.

The above and foregoing Resolution was introduced by _____, seconded by _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 22nd day of September 2021, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

Jeremy Logan, Chair

ATTEST:

Sarah Peters, Administrative Assistant

RESOLUTION NO. PC -2021

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION DENYING THE DESIGN REVIEW APPLICATION 5-21 FOR A MURAL AT 221 E. REDWOOD.

WHEREAS, the Alleyway Art Project (“Applicant”), submitted an application for Design Review for a mural; and

WHEREAS, the project is located at 221 E. Redwood in Fort Bragg, CA (APN: 008-154-28) in the Central Business District (CBD) zoning district; and

WHEREAS, the Project is subject to the Fort Bragg Inland General Plan and Inland Land Use and Development Code (ILUDC) and the Citywide Design Guidelines; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 22, 2021, to consider the Project and take public testimony; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Section 15301 the project is exempt as an existing facility with negligible expansion of use; and

WHEREAS, the public hearing included evidence establishing that the project, does not comply with all of the applicable criteria identified in Subsection (F) of Section 18.71.050 of the Inland Land Use Development Code including:

1. Compliance with the purpose and requirements of Section 18.71.050(A);
2. Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
3. Consistency with the Inland General Plan;
4. Compliance and is consistent with the City's Design Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the City of Fort Bragg Planning Commission, finds as follows:

1. The proposed project does not comply with the purpose and requirements of Design Review because proposed public art is contrary to the cultural character and does not enhance or maintain this image.
2. While the proposed mural is attractive it is not an appropriate design for the area because its colors and style are inconsistent.
3. The proposed project does not comply with the Citywide Design Guidelines because the colors and style are not consistent with the historic period representative of downtown.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Fort Bragg does hereby make the findings contained in this Resolution and denies Design Review 5-21 (DR 5-21).

The above and foregoing Resolution was introduced by _____, seconded by _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 22nd day of September 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

Jeremy Logan, Chair

ATTEST:

Sarah Peters, Administrative Assistant



City of Fort Bragg

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Text File

File Number: 21-486

Agenda Date: 9/22/2021

Version: 1

Status: Public Hearing

In Control: Planning Commission

File Type: Planning Resolution

Agenda Number: 6B

Receive Report, Hold Public Hearing, and Consider Adoption of Planning Commission Resolution Recommending Approval of Coastal Development Permit Amendment 3-17/19/21, Design Review Amendment 5-17/19/21, and Lot Merger 1-21 of APN 018-340-04-00 and APN 018-340-06-00 for the Danco Mixed-Income Senior, Multi-family, and Permanently Supportive Housing Project Located at 441 South Street

AGENCY:	Planning Commission
MEETING DATE:	September 22, 2021
PREPARED BY:	Kevin Locke
PRESENTED BY:	Kevin Locke
EMAIL:	klocke@fortbragg.com

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Coastal Development Permit Amendment 3-17/19/21, Design Review Amendment 5-17/19/21, Lot Merger 1-21

OWNER: Fort Bragg South Street LP

APPLICANT: Danco Builders Northwest

AGENT: Kirsten Thrap

PROJECT: Lot Merger

LOCATION: 441 South Street

APN: 018-340-04 and APN 018-340-06-00

ZONING: Very High Density Residential

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to section 15305 Minor Alterations in Land Use Limitations.

SURROUNDING LAND USES: NORTH: Hospital, Multi-family Housing
EAST: Single Family Residential & Noyo River
SOUTH: Single Family Residential
WEST: Multi-family residential

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

BACKGROUND

Over the past several years, the City has been working with Danco (project applicant) to develop an affordable housing project on the vacant parcel located at the end of South Street toward Kemppe Way. In 2017, City Council approved Design Review (DR) 5-17 and Coastal Development Permit (CDP) 3-17 to construct three single story affordable senior residential cottages and seven market-rate duplexes. Due to insufficient financing, the project was unable to be completed at the time. This subsequently led to a grant funded project with a revised buildout configuration. In 2019, Planning Commission approved CDP amendment 3-19 and DR amendment 5-19.

As approved, the project design is based on the “pocket neighborhood” concept and includes common buildings within each component. The project includes 23 workforce, 25 senior, and 20 permanently supportive housing units. The project broke ground in 2020 and is anticipated to be completed in 2022.

During the building permit process, Staff determined that a previously unaccounted parcel on the eastern portion of the property would prevent the project from meeting applicable zoning regulations related to setbacks. This determination prompted the request for a lot merger.

PROJECT DESCRIPTION

The applicant is proposing to amend Coastal Development Permit 3-19 and Design Review 5-19 to allow for the merger of two parcels at the end of South Street toward Kemppe Way. The parcels are located on a roughly eight-acre site in a Very High Density Residential (RVH) zone. A site map with the proposed lots are lot 71 (APN 018-340-04-00) and lot 72 (APN 018-340-06-00) as shown on **Figure 1** below.

Lot 71 is a roughly 4.2-acre site and is the main parcel currently under development for the Danco project.

Lot 72 is a narrow 10,106 Sq. Ft. undevelopable site on the western portion of the site.

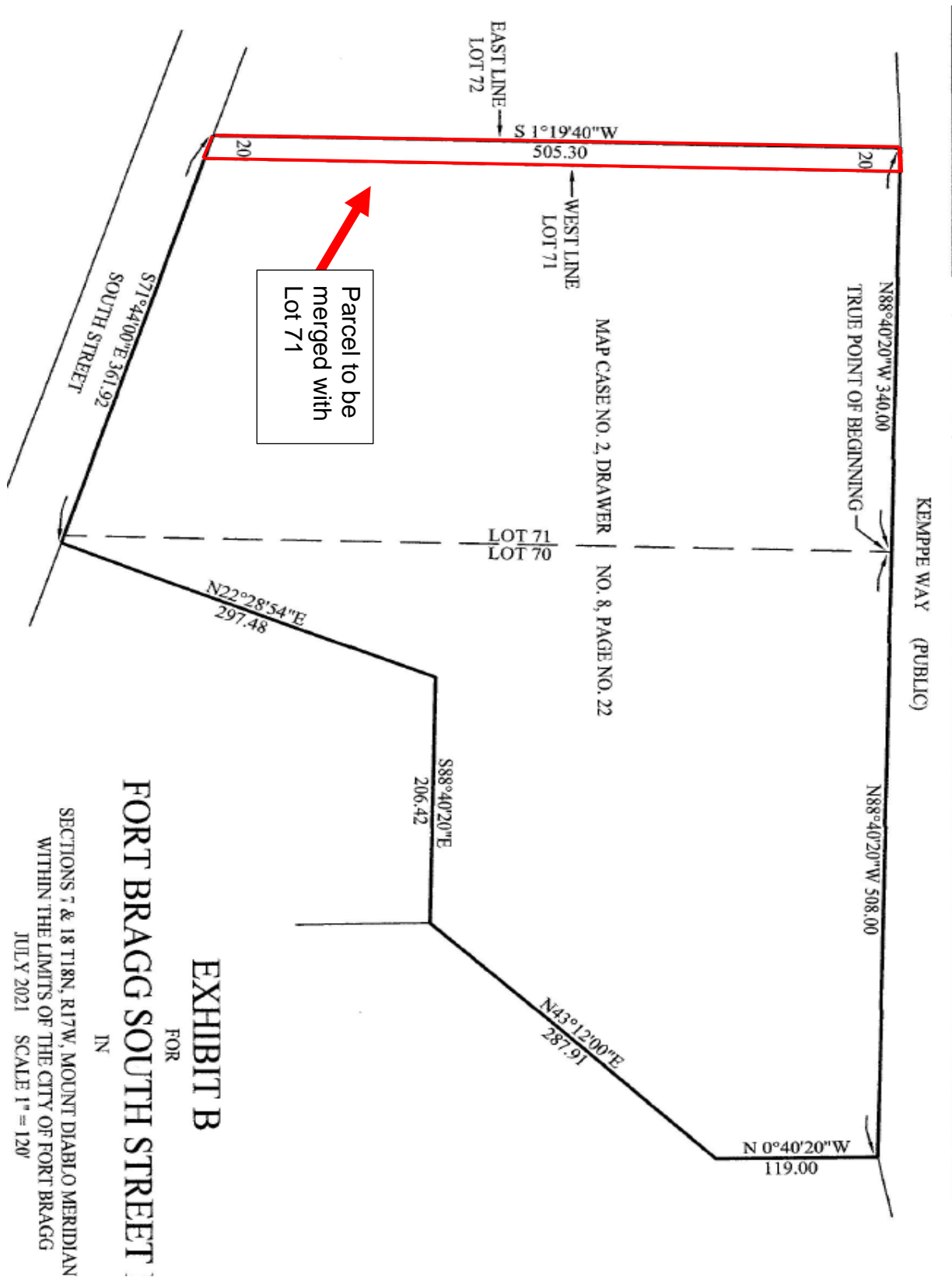


EXHIBIT B
 FOR
FORT BRAGG SOUTH STREET
 IN
 SECTIONS 7 & 18 T18N, R17W, MOUNT DIABLO MERIDIAN
 WITHIN THE LIMITS OF THE CITY OF FORT BRAGG
 JULY 2021 SCALE 1" = 120'

Figure 1 – Proposed Lot Merger

CONSISTENCY WITH PLANNING POLICIES

Lot Merger

Under Coastal Land Use and Development Code (CLUDC) section 17.84.050 – Parcel Merger:

“A parcel or unit may be merged with a contiguous parcel or unit held by the same owner if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size as identified by this Development Code applicable to the parcels or units of land, and if all of the requirements of Map Act Section 66451.11 are satisfied.”

The proposed parcels are contiguous and held by the same owner. A very high density residential zone does not have minimum parcel size, and is established during the subdivision process. When establishing subdivision standards/minimum sizes, the proposed lots also must be able to comply with development standards established in CLUDC section 17.21.050. Currently, Lot 72 is preventing the proposed development from meeting the minimum setback requirements as provided in 17.21.050 and amended in CDP 3-19 (10 feet). Once merged, the project shall conform to the standards for minimum parcel size, thus complying with all requirements set forth in Map Act Section 66451.11 for a merger.

COASTAL RESOURCES

See **Attachment 4** for coastal resources analysis.

ENVIRONMENTAL DETERMINATION

Minor Lot Adjustments which do not create any new parcels are exempt from CEQA (Class 5 exemption) as provided in Section 15305(a) of the CEQA Guidelines.

PLANNING COMMISSION ACTION

That the Planning Commission Hold a Hearing and Consider Recommending Adoption of a Resolution of the Fort Bragg City Council approving CDP amendment **3-17/19/21**, DR Amendment **5-17/19/21**, and Merger 1-21.

ALTERNATIVE PLANNING COMMISSION ACTIONS

Hold a hearing, close the hearing, deliberate without a decision, and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.

GENERAL FINDINGS

See **Attachment 3** for general findings related to CDP 3-19.

COASTAL DEVELOPMENT PERMIT FINDINGS

See **Attachment 3** for general findings related to CDP 3-19.

STANDARD CONDITIONS

See **Attachment 3** for standard conditions related to CDP 3-19 and DR 5-19.

SPECIAL CONDITIONS

See **Attachment 3** for standard conditions related to CDP 3-19 and DR 5-19. No special conditions are proposed by staff related to the lot merger.

Attachments:

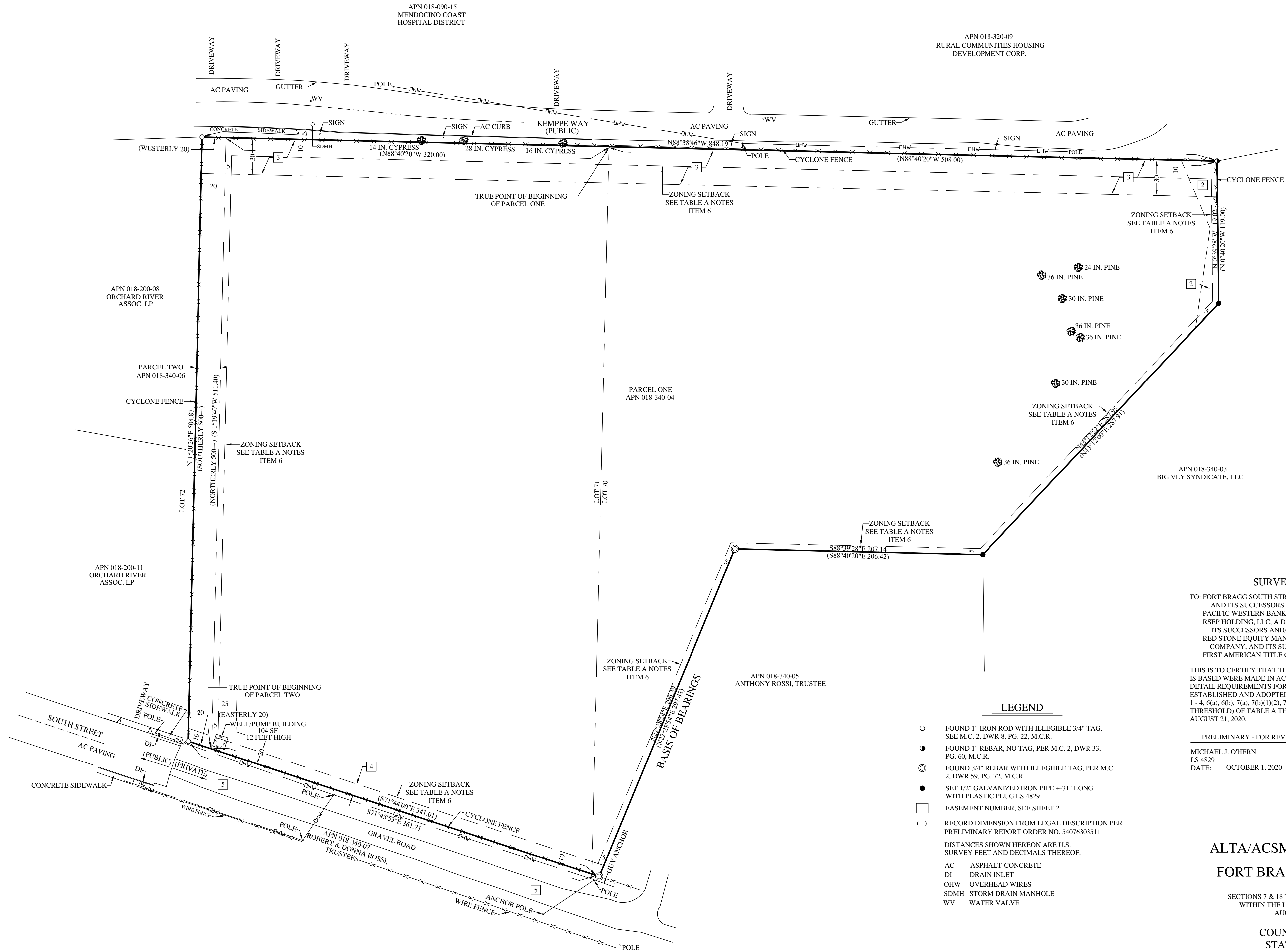
Attachment 1 – ALTA Map

Attachment 2 – Grant Deed and Legal Description

Attachment 3 – PC Resolution 03-2019

Attachment 4 – Staff Report CDP 3-19 & DR 5-19

Attachment 5 – Merger Resolution



SURVEYOR'S STATEMENT

TO: FORT BRAGG SOUTH STREET LP, A CALIFORNIA LIMITED PARTNERSHIP, AND ITS SUCCESSORS AND/OR ASSIGNS
 PACIFIC WESTERN BANK, A CALIFORNIA STATE-CHARTERED BANK
 RSEP HOLDING, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND ITS SUCCESSORS AND/OR ASSIGNS
 RED STONE EQUITY MANAGER, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND ITS SUCCESSORS AND/OR ASSIGNS
 FIRST AMERICAN TITLE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1 - 4, 6(a), 6(b), 7(a), 7(b)(1)(2), 7(c), 8, 9, 10(a), 10(b), 11, 13, 14, 16 - 20 (\$1,000,000 MINIMUM THRESHOLD) OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 21, 2020.

PRELIMINARY - FOR REVIEW
 MICHAEL J. O'HERN
 LS 4829
 DATE: OCTOBER 1, 2020



LEGEND

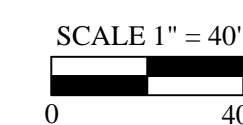
- FOUND 1" IRON ROD WITH ILLEGIBLE 3/4" TAG. SEE M.C. 2, DWR 8, PG. 22, M.C.R.
 - FOUND 1" REBAR, NO TAG, PER M.C. 2, DWR 33, PG. 60, M.C.R.
 - ⊙ FOUND 3/4" REBAR WITH ILLEGIBLE TAG, PER M.C. 2, DWR 59, PG. 72, M.C.R.
 - SET 1/2" GALVANIZED IRON PIPE +31" LONG WITH PLASTIC PLUG LS 4829
 - EASEMENT NUMBER, SEE SHEET 2
 - () RECORD DIMENSION FROM LEGAL DESCRIPTION PER PRELIMINARY REPORT ORDER NO. 54076303511
- DISTANCES SHOWN HEREON ARE U.S. SURVEY FEET AND DECIMALS THEREOF.
- AC ASPHALT-CONCRETE
 DI DRAIN INLET
 OHW OVERHEAD WIRES
 SDMH STORM DRAIN MANHOLE
 WV WATER VALVE

ALTA/ACSM LAND TITLE SURVEY
 FOR
FORT BRAGG SOUTH STREET LP
 IN

SECTIONS 7 & 18 T18N, R17W, MOUNT DIABLO MERIDIAN
 WITHIN THE LIMITS OF THE CITY OF FORT BRAGG
 AUGUST 2020 SCALE 1" = 40'

COUNTY OF MENDOCINO
 STATE OF CALIFORNIA

KELLY-O'HERN ASSOCIATES
 3240 MOORE AVENUE
 EUREKA, CALIFORNIA 95501
 (707)442-7283



NOTES

1. THIS SURVEY IS BASED ON A PRELIMINARY REPORT BY FIRST AMERICAN TITLE COMPANY, ORDER NO. 54076303511 DATED: JULY 9, 2020
 LEGAL DESCRIPTION:
 REAL PROPERTY IN THE CITY OF FORT BRAGG, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:
 PARCEL ONE:
 COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 1 AND 12, TOWNSHIP 18 NORTH, RANGE 18 WEST AND SECTIONS 6 AND 7, TOWNSHIP 18 NORTH, RANGE 17 WEST, MOUNT DIABLO MERIDIAN; THENCE EAST, 2,670 FEET; THENCE SOUTH 5,310 FEET; THENCE WEST, 320 FEET TO THE TRUE POINT OF BEGINNING (SAID TRUE POINT OF BEGINNING ALSO BEING THE NORTH CORNER COMMON TO LOTS 70 AND 71 OF UNION LUMBER COMPANY, SUBURBAN LOTS AS SHOWN ON THAT CERTAIN RECORD OF SURVEY MAP FILED FOR RECORD FEBRUARY 3, 1967 IN MAP CASE 2, DRAWER 8, PAGE 22, MENDOCINO COUNTY RECORDS.)
 THENCE FROM SAID POINT OF BEGINNING AND ALONG EXTERIOR BOUNDARIES OF THE FOLLOWING DESCRIBED PARCEL, NORTH 88°40'20" WEST, 320.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 71; THENCE ALONG THE WESTERLY LINE OF SAID LOT 71, SOUTH 01°19'40" WEST, 511.40 FEET TO THE SOUTHWEST CORNER OF SAID LOT 71 AND THE NORTHERLY LINE OF SOUTH STREET; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 71 AND LOT 70 AND SAID NORTHERLY LINE OF SOUTH STREET, SOUTH 71°44'00" EAST, 341.01 FEET; THENCE LEAVING SAID NORTHERLY LINE OF SOUTH STREET, NORTH 22°28'54" EAST, 297.48 FEET; THENCE SOUTH 88°40'20" EAST, 206.42 FEET TO A POINT ON THE EASTERLY LINE OF THE LANDS OF JOE J. ROSSI AS SHOWN ON AFORESAID RECORD OF SURVEY MAP; THENCE ALONG SAID EASTERLY LINE, NORTH 43°12'00" EAST, 287.91 FEET; THENCE NORTH 00°40'20" WEST, 119.00 FEET TO THE NORTH LINE OF SAID LANDS OF JOE J. ROSSI AND THE NORTHERLY LINE OF SAID LOT 70; THENCE ALONG SAID NORTHERLY LINE OF SAID LOT 70, NORTH 88°40'20" WEST, 508.00 FEET TO THE TRUE POINT OF BEGINNING.
 PARCEL TWO:
 THAT PART OF THE NORTH ONE-HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION EIGHTEEN (18), TOWNSHIP EIGHTEEN (18) NORTH, RANGE SEVENTEEN (17) WEST, M. D.B.M., PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:
 COMMENCING AT THE SOUTHWESTERLY CORNER OF LOT SEVENTY ONE (71) OF A CERTAIN SUBDIVISION IN SAID NORTH ONE-HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION EIGHTEEN (18) TOWNSHIP EIGHTEEN (18) NORTH, RANGE SEVENTEEN (17) WEST FOR THE POINT OF BEGINNING; THENCE AROUND THE PIECE OR PARCEL OF LAND TO BE CONVEYED BY THE FOLLOWING COURSES AND DISTANCES:
 NORTHERLY AND ALONG THE WESTERLY BOUNDARY LINE OF SAID LOT SEVENTY-ONE (71) FIVE HUNDRED (500) FEET MORE OR LESS TO THE NORTHERLY BOUNDARY LINE OF LOT SEVENTY-ONE (71); THENCE WESTERLY TWENTY (20) FEET TO THE EASTERLY BOUNDARY LINE OF LOT SEVENTY-TWO (72); THENCE SOUTHERLY AND ALONG THE EASTERLY BOUNDARY LINE OF LOT SEVENTY-TWO (72) FIVE HUNDRED (500) FEET MORE OR LESS, TO THE SOUTHERLY BOUNDARY LINE OF LOT SEVENTY-TWO (72); THENCE EASTERLY AND ALONG THE NORTHERLY BOUNDARY LINE OF A CERTAIN LANE, OR ROAD, TWENTY (20) FEET, MORE OR LESS, TO THE POINT OF BEGINNING.
 APN: 018-340-04-00 (AFFECTS: PARCEL ONE) AND 018-340-06-00 (AFFECTS: PARCEL TWO)
 2. NO EVIDENCE WAS OBSERVED INDICATING THAT THIS SITE HAS BEEN USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
 3. NO EVIDENCE OF A CEMETERY OR BURIAL GROUNDS WAS OBSERVED.
 4. ONLY THE TREES SHOWN HEREON WERE LOCATED BY THIS SURVEY, OTHER TREES EXIST ON SUBJECT PROPERTY. THERE ARE NUMEROUS TREE STUMPS ALONG THE NORTHERLY AND WESTERLY PROPERTY LINES BUT NOT TIED BY THIS SURVEY.
 5. NO OVERLAPS OR ENCROACHMENTS WERE FOUND ON THIS PROPERTY.

SURVEY NOTES

- A. THE LOCATION OF THE BOUNDARY OF THIS PARCEL IS BASED ON MONUMENTS ILLUSTRATED ON THE RECORD OF SURVEY FILED IN MAP CASE 2 DRAWER 59 PAGE 72.
- B. MISSING MONUMENTS ALONG THE EASTERLY LINE OF THIS PROPERTY WHICH WERE SET BY THIS SURVEY WERE CALCULATED BY GRANT BOUNDARY ADJUSTMENT USING DIMENSIONS FROM MAP CASE 2 DRAWER 59 PAGE 72.

TABLE A NOTES

- ITEM 1 SEE SHEET ONE FOR LOCATIONS OF FOUND MONUMENTS. SEE LEGEND ON SHEET ONE FOR DESCRIPTIONS OF FOUND MONUMENTS.
- ITEM 2 THE ADDRESS OF THE SUBJECT PROPERTY IS 441 SOUTH STREET, FORT BRAGG, CA
- ITEM 3 ACCORDING TO FLOOD INSURANCE RATE MAP NO. 06045C1016G, WITH A DATE OF IDENTIFICATION OF JULY 17, 2017, FOR COMMUNITY NUMBER 060184 IN MENDOCINO COUNTY, STATE OF CALIFORNIA, THE SUBJECT PROPERTY IS LOCATED WITHIN FLOOD ZONE X (AREAS OF MINIMAL FLOODING).
- ITEM 4 GROSS AREA: 355,623 SQUARE FEET
8.16 ACRES
- ITEM 6 ZONING: RVH (VERY HIGH DENSITY RESIDENTIAL)
 MINIMUM LOT AREA, MINIMUM LOT WIDTH, MINIMUM LOT DEPTH AND MAXIMUM LOT DEPTH - DETERMINED BY THE REVIEW AUTHORITY DURING THE SUBDIVISION PROCESS, CONSISTENT WITH THE COASTAL GENERAL PLAN
 MAXIMUM HEIGHT LIMIT: 45 FEET
 MINIMUM YARD SETBACK: FRONT - 20 FEET, BUT NO CLOSER THAN 25 FEET TO A CITY STREET
 SIDE-INTERIOR - 5 FEET EXCEPT 10 FEET FOR SINGLE-STORY AND 20 FEET FOR MULTI-STORY BUILDINGS OF 3 OR MORE UNITS ON A SITE ABUTTING AN RS OR RL ZONE
 SIDE-STREET SIDE - 10 FEET
 REAR - 20 FEET ABUTTING AN RS OR RL ZONE, 10 FEET ELSEWHERE
 MAXIMUM GROUND COVERAGE: N.A.
 ZONING INFORMATION SHOWN HEREON IS FROM THE CITY OF FORT BRAGG ZONING CODE AVAILABLE ON THE CITY OF FORT BRAGG WEBSITE
 ZONING SETBACK LINES SHOWN ON SHEET 1 ARE FROM THE PROJECT ARCHITECT, WHO HAS STATED THAT THESE SETBACKS ARE FROM THE APPROVED CDP.
- ITEM 7 SEE SHEET ONE FOR LOCATION, SIZE AND SQUARE FOOTAGE OF EXISTING BUILDING ON THE SUBJECT PROPERTY.
NO OTHER AREAS WERE SPECIFIED BY THE CLIENT.
- ITEM 8 SEE SHEET ONE FOR LOCATIONS OF SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- ITEM 9 THERE ARE NO CLEARLY IDENTIFIABLE PARKING SPACES ON THE SUBJECT PROPERTY.
- ITEM 10 THERE ARE NO DIVISION OR PARTY WALLS ON THE SUBJECT PROPERTY.
- ITEM 11 SEE SHEET ONE FOR LOCATIONS OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY. 811 LOCATION SERVICE IS NOT AVAILABLE FOR MAPPING PURPOSES THUS THERE HAVE BEEN NO UTILITIES MARKED BY 811 LOCATION SERVICES ON THIS PROPERTY.
 UNDERGROUND DISCLAIMER: ONLY THOSE UNDERGROUND FEATURES NOTED ON THIS MAP HAVE BEEN LOCATED BY THIS SURVEY. THE PRESENCE OR ABSENCE OF ADDITIONAL UNDERGROUND UTILITIES OR OTHER FEATURES IS NOT GUARANTEED BY THIS MAP, AND NO LIABILITY IS ASSUMED FOR ANY SUCH ITEMS.
- ITEM 13 SEE SHEET ONE FOR NAMES OF ADJOINING OWNERS ACCORDING TO THE CURRENT TAX RECORDS.
- ITEM 14 ACCESS TO A PUBLIC RIGHT OF WAY, KNOWN AS KEMPE WAY, IS BASED ON FRONTAGE THEREON, SEE SHEET 1. THE STATUS OF KEMPE WAY AS A PUBLIC RIGHT OF WAY IS BASED ON INFORMATION FROM THE CITY ENGINEER'S OFFICE. THERE ARE NO CURB CUTS OR DRIVEWAYS THAT ACCESS KEMPE WAY.
- ITEM 16 THERE IS NO INDICATION OF RECENT BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- ITEM 17 THERE ARE NO PROPOSED CHANGES TO STREET RIGHT OF WAY LINES. NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WAS OBSERVED.
- ITEM 18 NO WETLAND DELINEATION WAS PROVIDED AND NO WETLANDS WERE OBSERVED.
- ITEM 19 SEE SHEET 1 FOR ANY PLOTTABLE OFFSITE EASEMENTS OR SERVITUDES (NONE)
- ITEM 20 PROFESSIONAL LIABILITY INSURANCE POLICY OBTAINED BY THE SURVEYOR IN THE AMOUNT OF \$1,000,000 TO BE IN EFFECT THROUGHOUT THE CONTRACT TERM. CERTIFICATE OF INSURANCE TO BE FURNISHED UPON REQUEST.

EASEMENTS AND EXCEPTIONS LISTED IN A PRELIMINARY REPORT BY FIRST AMERICAN TITLE COMPANY, ORDER NO. 54076303511, DATED JULY 9, 2020. NUMBERS CORRESPOND TO NUMBERS IN THE REPORT.

- 1 TAXES OR ASSESSMENTS - BLANKET IN NATURE - AFFECTS THE PROPERTY BUT IS UNPLOTTABLE.
- 2 BOOK 484 O.R., PAGE 67 - EASEMENT FOR WIRES AND CABLES FOR THE TRANSMISSION OF ELECTRIC ENERGY, COMMUNICATION AND INCIDENTAL PURPOSES GRANTED TO PACIFIC GAS AND ELECTRIC COMPANY - SHOWN HEREON.
- 3 BOOK 1253 O.R., PAGE 533 AND BOOK 1286 O.R., PAGE 393 - 30 FOOT WIDE EASEMENT FOR LIGHT AND AIR GRANTED TO RURAL COMMUNITIES HOUSING DEVELOPMENT CORPORATION - SHOWN HEREON.
- 4 INSTRUMENT NO. 2004-17391, INSTRUMENT NO. 2007-18154 AND INSTRUMENT NO. 2008-20008 - EASEMENT FOR A WATERLINE - SHOWN HEREON.
- 5 POSSIBLE RIGHTS OF THE ADJOINING PROPERTY OWNERS TO USE OR PASS THROUGH THE HEREIN DESCRIBED PROPERTY FOR ACCESS TO THEIR RESPECTIVE LOTS BASED UPON ANY CLAIM OR ASSERTED CLAIM THAT SUCH RIGHTS HAVE BEEN ESTABLISHED BY PROVEN USE OVER A PERIOD OF TIME PURSUANT TO THE ESTABLISHMENT OF SAID PROPERTY ON THE MAP OF THE SUBURBAN LOTS SOUTH OF FORT BRAGG AS A ROADWAY ALONG THE SOUTHERLY BOUNDARY OF LOT 70 - SHOWN HEREON.
- 6 WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS - BLANKET IN NATURE - AFFECTS THE PROPERTY BUT IS UNPLOTTABLE.
- 7 THE NEW LENDER, IF ANY, FOR THIS TRANSACTION MAY BE A NON-INSTITUTIONAL LENDER. IF SO, THE COMPANY WILL REQUIRE THE DEED OF TRUST TO BE SIGNED BEFORE A FIRST AMERICAN APPROVED NOTARY - BLANKET IN NATURE - AFFECTS THE PROPERTY BUT IS UNPLOTTABLE.

VICINITY MAP



-NOT TO SCALE-

ALTA/ACSM LAND TITLE SURVEY
 FOR
 FORT BRAGG SOUTH STREET LP
 IN
 SECTIONS 7 & 18 T18N, R17W, MOUNT DIABLO MERIDIAN
 WITHIN THE LIMITS OF THE CITY OF FORT BRAGG
 AUGUST 2020

COUNTY OF MENDOCINO
 STATE OF CALIFORNIA
 KELLY-O'HERN ASSOCIATES
 3240 MOORE AVENUE
 EUREKA, CALIFORNIA 95501
 (707)442-7283

**When Recorded Mail Document
and Tax Statement To:**

Fort Bragg South Street, LP
5251 Ericson Way
Arcata, CA 95521

SPACE ABOVE THIS LINE FOR RECORDER'S
USE

**GRANT DEED FOR VOLUNTARY MERGER OF PARCELS
APN: 018-340-04 & 018-340-06
441 SOUTH STREET**

The undersigned grantor(s) declare(s)
DOCUMENTARY TRANSFER TAX IS \$ 0.00 R&T Code Section 11925(d)

- [] computed on full value of property conveyed, or
- [] computed on full value less value of liens or encumbrances remaining at time of sale,
- [] Unincorporated Area City of Fort Bragg

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Fort Bragg South Street LP, a California limited partnership
Hereby GRANTS to
Fort Bragg South Street LP, a California limited partnership

The following described real property in the City of Fort Bragg, County of Mendocino, State of California:

That real property described in Exhibit A and illustrated on Exhibit B attached hereto and made a part thereof.

This deed is recorded pursuant to Government Code Section 66499.20.3 and is intended to memorialize Voluntary Merger No. LLA 2-21 to effectuate the merger of lots or parcels in common ownership to create a single, legal parcel within the meaning of Civil Code Section 1093.

DATED: _____, 2021

Fort Bragg South Street LP, a California limited partnership

ADMINISTRATIVE GENERAL PARTNER:

Johnson & Johnson Investments, LLC,
a California limited liability company

By: _____

Daniel J. Johnson, Member

CO-ADMINISTRATIVE GENERAL PARTNER:

Danco Communities, a California corporation

By: _____

Daniel J. Johnson, President

MAIL TAX STATEMENTS AS DIRECTED ABOVE

MANAGING GENERAL PARTNER:

Community Revitalization and Development Corporation, a California nonprofit public benefit corporation

By: _____

David Rutledge, President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____)SS
COUNTY OF _____)

On _____ before me, _____, a notary public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____)SS
COUNTY OF _____)

On _____ before me, _____, a notary public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

MAIL TAX STATEMENTS AS DIRECTED ABOVE

EXHIBIT A

That certain real property situated in the City of Fort Bragg, County of Mendocino, State of California and being a portion of sections 7 and 18, Township 18 North, Range 17 West, Mount Diablo Meridian, more particularly described as follows:

Commencing at the section corner common to Sections 1 and 12, Township 18 North, Range 18 West and Sections 6 and 7, Township 18 North, Range 17 West, Mount Diablo Meridian;

thence East, 2,670 feet;

thence South 5,310 feet;

thence West 320 feet to the TRUE POINT OF BEGINNING (said true point of beginning also being the North corner common to Lots 70 and 71 of Union Lumber Company Suburban Lots as shown on that certain Record of Survey Map filed for record February 3, 1967 in Map Case 2, Drawer 8, Page 22, Mendocino County Records);

thence from said TRUE POINT OF BEGINNING and along the exterior boundaries of the following described parcel, North 88 degrees 40 minutes 20 seconds West, 340.00 feet to the Northeast corner of Lot 72 as shown on said map;

thence South 01 degrees 19 minutes 40 seconds West, 505.30 feet to the Southeast corner of said Lot 72 and the Northerly line of South Street;

thence South 71 degrees 44 minutes 00 seconds East, along the Southerly line of said Lots 71 and 70 and the Northerly line of South Street, 361.92 feet to the Easterly line of that parcel of land described in Book 2192 Official Records, Page 22;

thence leaving said Northerly line of South Street, and along the Easterly line of said parcel, North 22 degrees 28 minutes 54 seconds East, 297.48 feet;

thence continuing along said parcel, South 88 degrees 40 minutes 20 seconds East, 206.42 feet to a point on the Easterly line of the lands of Joe J. Rossi as shown on aforesaid Record of Survey Map

thence along said Easterly line, North 43 degrees 12 minutes 00 seconds East, 287.91 feet;

thence North 00 degrees 40 minutes 20 seconds West, 119.00 feet to the North line of said lands of Joe J. Rossi and the Northerly line of said Lot 70;

thence along said Northerly line of said Lot 70, North 88 degrees 40 minutes 20 seconds West, 508.00 feet, more or less, to the TRUE POINT OF BEGINNING.

This description is based on record dimensions from Record of Survey Maps filed for record February 3, 1967 in Map Case 2, Drawer 8, Page 22, Mendocino County Records and November 21, 1994 in Map Case 2, Drawer 59, Page 72, Mendocino County Records.

Prepared by:

Michael J. O'Hern FOR REVIEW

Michael J. O'Hern

LS 4829

Dated:

7-27-21

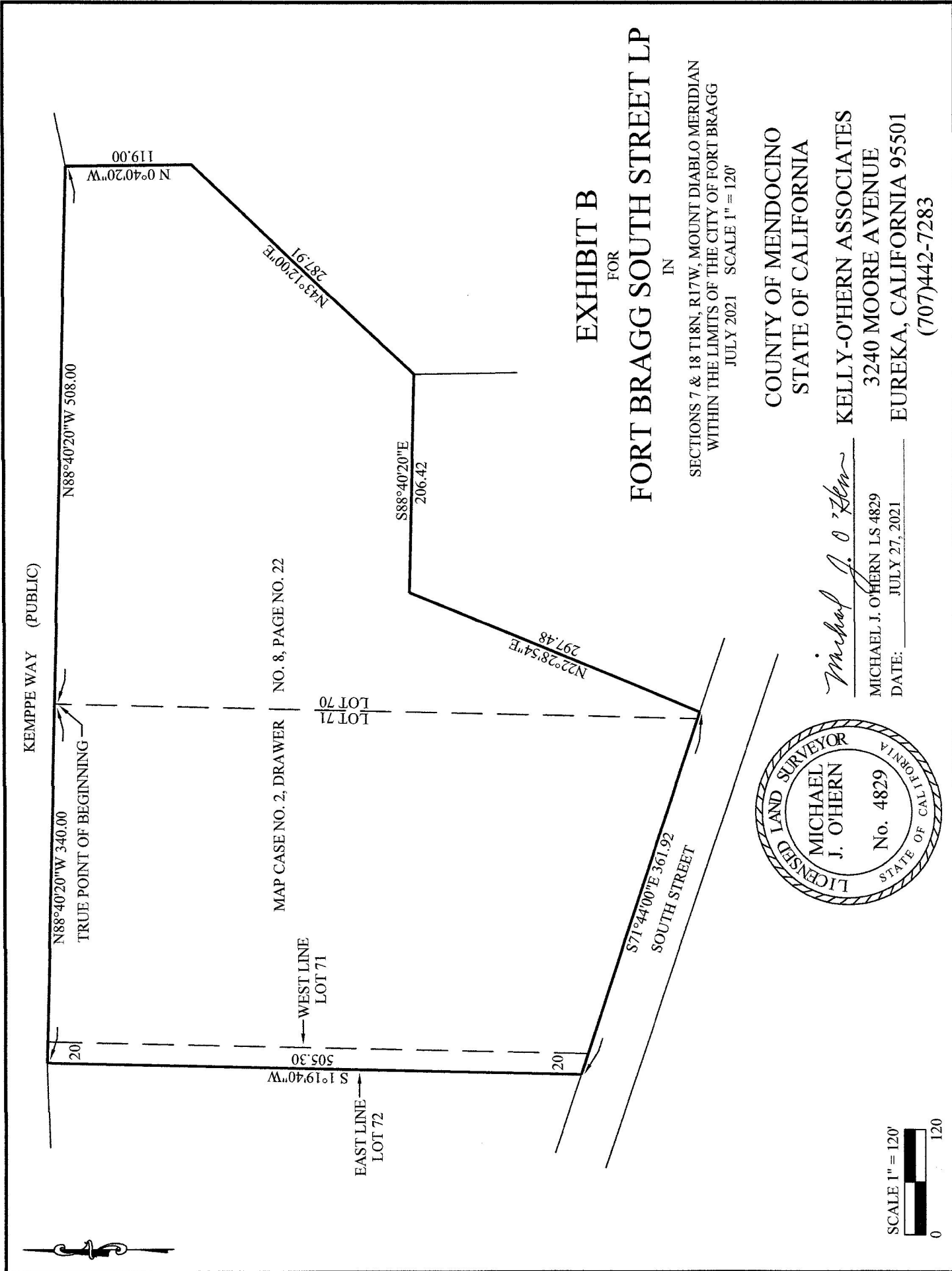
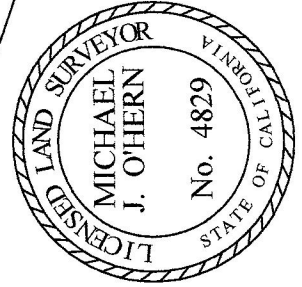


EXHIBIT B
 FOR
FORT BRAGG SOUTH STREET LP

IN
 SECTIONS 7 & 18 T18N, R17W, MOUNT DIABLO MERIDIAN
 WITHIN THE LIMITS OF THE CITY OF FORT BRAGG
 JULY 2021 SCALE 1" = 120'

COUNTY OF MENDOCINO
 STATE OF CALIFORNIA
 KELLY-O'HERN ASSOCIATES
 3240 MOORE AVENUE
 EUREKA, CALIFORNIA 95501
 (707)442-7283

Michael J. O'Hern
 MICHAEL J. O'HERN LS 4829
 DATE: JULY 27, 2021



RESOLUTION NO. 3-2019

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION AUTHORIZING TWO AFFORDABLE HOUSING INCENTIVES AND APPROVING COASTAL DEVELOPMENT PERMIT 3-17/19 AND DESIGN REVIEW DR 5-17/19 FOR A PROPOSED MIXED-INCOME SENIOR, MULTI-FAMILY AND PERMANENTLY SUPPORTIVE HOUSING PROJECT LOCATED AT 441 SOUTH STREET (APN 018-340-04)

WHEREAS, Danco Communities ("Danco") has applied for a Coastal Development Permit, Design Review to allow construction of: 1) Twenty permanent supportive residential cottages ranging from 616 to 830 square feet, a 3,000 square foot commons building, walkways and a full size basketball court and a manager's unit; and 2) Twenty-five single-story affordable senior residential cottages ranging from 616 to 848 square feet, a 1,200 square foot commons building, two 440 square foot Common utility buildings, a manager's unit, walkways and 29 parking spaces and Associated driveway; and 3) Twenty-three two-story, workforce/family residential duplex units, ranging from 1,000 to 1,200 square feet (2 and 3 bedrooms), landscaping, playground and 36 covered Parking spaces and with associated driveways per the CLUDC and the Coastal General Plan.

WHEREAS, ninety-eight percent (98%) of the dwelling units are proposed as affordable rentals that limited to low income households; and

WHEREAS, State housing law (Government Code Section 65915) requires jurisdictions to approve from one to three "affordable housing incentives" (i.e., reductions in requirements of the zoning code) for affordable housing projects; and

WHEREAS, under the applicable statute for affordable housing incentives, the Danco Project is eligible for three planning incentives; and

WHEREAS, Danco has requested only two affordable housing incentives: 1) a front yard setback reduction from the required 25 feet to 10 feet; and 2) a parking reduction from the required 170 spaces to 70 spaces in conformance with Assembly Bill No. 744; and

WHEREAS, on February 12, 2019, at a duly noticed public meeting, the Fort Bragg Planning Commission considered the requested affordable housing incentives for the Danco Project and provided approval of the two incentives; and

WHEREAS, on February 12, 2019, at a duly noticed public hearing, the Fort Bragg Planning Commission considered public testimony as well as the staff report analysis for Coastal Development Permit 3-17/19 and Design Review 5-17/19, for the Plateau Project, which is incorporated herein by reference, and determined that there is sufficient evidence to support all of necessary findings for project approval.

NOW THEREFORE BE IT RESOLVED that, based on all of the evidence presented in the staff report for Coastal Development Permit 3-17/19 and Design Review 5-17/19, the City Council finds as follows:

GENERAL FINDINGS

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code;
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located;

CEQA FINDINGS

1. For the purposes of environmental determination, the project is considered to be statutorily exempt from CEQA pursuant to section 15192 (Affordable Housing) of CEQA Guidelines pursuant to the California Environmental Quality Act (CEQA).
2. The project must be consistent with:
 - (1) Any applicable general plan, specific plan, or local coastal program, including any mitigation measures required by such plan or program, as that plan or program existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete; and
 - (2) Any applicable zoning ordinance, as that zoning ordinance existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete, unless the zoning of project property is inconsistent with the general plan because the project property has not been rezoned to conform to the general plan.
3. Community-level environmental review has been adopted or certified.
4. The project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees.
5. The site of the project:
 - (1) Does not contain wetlands, as defined in Section 328.3 of Title 33 of the Code of Federal Regulations.
 - (2) Does not have any value as an ecological community upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection.
 - (3) Does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or by the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code).
 - (4) Does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete.

6. The site of the project is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code.
7. The site of the project is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. In addition, the following steps have been taken in response to the results of this assessment:
 - (1) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements.
 - (2) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.
8. The project does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code.
9. The project site is not subject to wildland fire hazard, as determined by the Department of Forestry and Fire Protection, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard.
10. The project site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties.
11. The project site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.
12. Either the project site is not within a delineated earthquake fault zone or a seismic hazard zone, as determined pursuant to Section 2622 and 2696 of the Public Resources Code respectively, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake or seismic hazard.
13. Either the project site does not present a landslide hazard, flood plain, flood way, or restriction zone, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.
14. The project site is not located on developed open space.
15. The project site is not located within the boundaries of a state conservancy.
16. The project has not been divided into smaller projects to qualify for one or more of the exemptions set forth in sections 15193 to 15195.
17. The project meets the threshold criteria set forth in section 15192.
18. The project meets the following size criteria: the project site is not more than five acres in area.
19. The project meets both of the following requirements regarding location:
 - a. The project meets one of the following location requirements relating to population density:
 - i. The project site is located within an urbanized area or within a census-defined place with a population density of at least 5,000 persons per square mile.
 - ii. If the project consists of 50 or fewer units, the project site is located within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.
 - iii. The project is located within either an incorporated city or a census defined place with a population density of at least 1,000 persons per square mile and

there is no reasonable possibility that the project would have a significant effect on the environment or the residents of the project due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project.

- b. The project meets one of the following site-specific location requirements:
 - i. The project site has been previously developed for qualified urban uses; or
 - ii. The parcels immediately adjacent to the project site are developed with qualified urban uses.
 - iii. The project site has not been developed for urban uses and all of the following conditions are met:
 - 1. No parcel within the site has been created within 10 years prior to the proposed development of the site.
 - 2. At least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses.
 - 3. The existing remaining 25 percent of the perimeter of the site adjoins parcels that have previously been developed for qualified urban uses.
20. The project meets both of the following requirements regarding provision of affordable housing.
- a. The project consists of the construction, conversion, or use of residential housing consisting of 100 or fewer units that are affordable to low-income households.
 - b. The developer of the project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least 30 years, at monthly housing costs deemed to be "affordable rent" for lower income, very low income, and extremely low income households, as determined pursuant to Section 50053 of the Health and Safety Code.
21. The project will not have a Cumulative Impact or Significant Effect. The project is not located on a scenic highway.
22. The project is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
23. The project site does not include any Historical Resources.

AFFORDABLE HOUSING INCENTIVE FINDINGS

- 1. The residential development project will be consistent with the General Plan and the certified LCP.
- 2. The approved number of dwelling units can be accommodated by existing and planned infrastructure capacities.
- 3. Adequate evidence exists to indicate that the proposed residential project will provide affordable housing in a manner consistent with all standards set forth in Government Code Section 65915;
- 4. There are sufficient provisions to guarantee that the affordable dwelling units will remain affordable for the required time period.
- 5. The approved incentives do not have an adverse effect on coastal resources.

COASTAL DEVELOPMENT PERMIT FINDINGS

1. The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources;
2. The project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);
3. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;
4. The proposed use is consistent with the purposes of the zone in which the site is located;
5. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
6. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity;
7. Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development;
8. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site, or other reasons;
9. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards due to required project modifications, landscaping, or other conditions;
10. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity;
11. The resource as identified will not be significantly degraded by the proposed development;
12. There is no feasible less environmentally damaging alternative; and
13. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

DESIGN REVIEW FINDINGS

1. The project complies with the purpose and requirements of CLUDC Section 17.71.050 Design Review;
2. The project provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
3. The project provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
4. The project provides efficient and safe public access, circulation, and parking;
5. The project provides appropriate open space and landscaping, including the use of water efficient landscaping;
6. The project is consistent with the Coastal General Plan, any applicable specific plan, and the certified Local Coastal Program; and
7. The project complies and is consistent with the City's Design Guidelines.

BE IT FURTHER RESOLVED that the Planning Commission has determined that the Project is categorically exempt from environmental review pursuant to the California

Environmental Quality Act ("CEQA") and Title 14, the California Code of Regulations ("CEQA Guidelines"), Section 15192 and Section 15194 – Affordable Housing Exemption.

BE IT FURTHER RESOLVED that the Planning Commission hereby grants the following two affordable housing incentives for the Danco Project: 1) a front yard setback reduction from the required 25 feet to 10 feet; and 2) a parking reduction from the required 170 spaces to 70 spaces in conformance with the CLUDC parking requirements and state law.

BE IT FURTHER RESOLVED that the City Council hereby approves the Coastal Development Permit 3-17/19, Design Review 5-17/19 for the Danco Project, subject to the following Special Conditions and Standard Conditions:

SPECIAL CONDITIONS

1. The Danco Plateau Project, at 441 South Street, shall accept HUD Section 8 rental assistance and Housing Voucher holders for all below-market-rate units provided in the development.
2. Prior to issuance of the Certificate of Occupancy, the developer shall either: 1) present the City with a copy of a fully executed Affordable Housing Regulatory Agreement with the California Tax Credit Allocation Committee; or 2) develop, execute and record an Affordable Housing Regulatory Agreement that is approved by the City Attorney and that complies with Section 17.32.080 B of the CLUDC.
3. Prior to issuance of building permit, the applicant shall resubmit the site plan illustrating one EV Changing Stations in the Senor Housing parking lot an one EV charging station in the Workforce Housing parking lot, for approval by the Community Development Director.
4. Prior to issuance of building permit, the applicant shall resubmit the site plan illustrating bicycle parking for the Senor and Workforce Housing parking for Community Development Director approval.
5. Prior to issuance of building permit, the applicant shall submit a revised site plan illustrating one motorcycle parking space for approval by the Community Development Director.
6. Prior to issuance of building permit, the applicant shall submit a revised site plan illustrating: a 20 foot drive isle from the street that is not intersected by parking spaces to allow for vehicular queuing and stacking for the PSH parking lot. Additionally this strip shall be landscaped with attractive plants that screen the parking lot from public view.
7. Prior to issuance of building permit, the applicant shall submit a landscaping plan for the parking lots for review by the Community Development Director. The parking landscaping plan shall comply with Section 17.34 of the CLUDC.
8. The applicant shall remove all cyclone fencing, located on the subject property, prior to approval of the Certificate of Occupancy for the project.
9. Prior to issuance of building permit, the applicant shall submit a detailed fencing plan for review by the Community Development Director. All fencing shall comply with Section 18.30.050 of the CLUDC.
10. Prior to issuance of the Building Permit, the applicant shall submit a detailed landscaping and lighting plan for review by the Community Development Director that includes local native plants only, preferably grown from local genetic sources. The landscaping plan shall comply with the sections 17.34.059C5b2 and 17.34.060 of the CLUDC. The Lighting Plan shall comply with 17.30.070. The submitted landscaping and lighting plans shall be approved by the Community Development Director prior to issuance of the building permit.

11. Prior to issuance of the Building Permit, the applicant shall submit a sign plan for review and approval by the Community Development Director.
12. The applicant shall provide: 1) a site plan that illustrates a dumpster/recycling area for each parking lot of each facility and 2) elevations and floor plan for the solid waste recycling storage building, to the Community Development Director for approval prior to issuance of the Building Permit. The storage structure shall have the same quality and level of finish as the other buildings on the site.
13. Prior to issuance of the Building Permit the applicant shall submit a detailed site plan for approval by the Director of Community Development, which illustrates that windows on each unit are oriented to ensure privacy within each unit from adjacent unit windows.
14. Prior to issuance of the Building Permit the applicant shall submit detailed floor plans and elevations for all accessory structures including the Commons Buildings, the Common Storage Building and Trash and Recycling Buildings for approval by the Director of Community Development. The accessory buildings shall be designed and constructed with an architectural style, exterior colors and materials similar to the structures in the project containing dwelling units.
- 15.A. Prior to issuance of the building permit, the applicant shall complete the following studies, and submit them to the Community Development Director for review. If the studies identify rare plants or wetlands which would be impacted by the project, the applicant shall be required to apply for a CDP amendment to revise the site plan as necessary:
 - A Seasonally-appropriate (April to June) botanical surveys shall be conducted on parcel 018-340-004 for the special status plant species included in Table A-1 of the survey.
 - Vegetation community mapping red fescue shall occur on parcel 018-340-004. The areas of parcel 018-340-004 to determine if it meets the vegetation community criteria for red fescue grassland.
 - Spring and summer surveys should be conducted on parcel 018-340-004 for the special status animal species included in Table A-2. Viola adunca surveys should be conducted during the botanical surveys, to ascertain habitat viability for the Behren's silverspot butterfly (*Speyeria zerene behrensii*) between April 21 and June 14.
- 15.B Prior to issuance of the Building Permit the applicant shall resubmit the site plan, including relocation of the playing yard, half basket ball court and the eastern most units of the multifamily housing to avoid the EHSA and the 30 foot ESHA buffer as roughly illustrated in the diagram below. Additionally during construction, construction fencing shall be placed on the 30 foot ESHA buffer (to be shown on all plans) to protect the ESHA from any construction damage during construction.
- 15.C Prior to issuance of the Certificate of Occupancy, a permanent redwood fence shall be installed along the 30 foot buffer (illustrated in orange) to protect the ESHA (illustrated in light green with a red border) from encroachment. No live tree removal is permitted within the ESHA area (as illustrated in the plan below).
16. Special Condition 16: Prior to final of the building permit, the developer shall:
 - a. Create a solution to the satisfaction of the Public Works Director that water pressures can be achieved (via pressure pump, tank, etc.) for enhancing the water system to meet City standards. Documentation to this effect shall be submitted to the Public Works Department, prior to issuance of the building permit.

- b. The applicant shall ensure adequate pressure and flow to the subject site to provide necessary domestic and fire suppression flows.
 - c. The applicant shall extend the 8" water main on South Street along the length of South Street in front of the project site. New water laterals shall connect the development to the constructed water main.
 - d. The Public Works Department may further require that an 8" water main connection be installed between the main on Kempe Way and the Main on South Street along the drive isles that transects the property, to ensure adequate system pressures can be maintained.
 - e. All water main improvements shall be dedicated to the City of Fort Bragg. If a main is constructed across the parcel to create a loop, a Public Utility (or similar) Easement of at least ten feet in width shall be recorded.
 - f. A backflow device (per City standards) shall be installed for both domestic and fire suppression lines.
 - g. The utility hookup configurations will be approved by the Director of Public Works or designated staff. Alternate main location options may be considered.
17. Prior to issuance of a grading permit or building permit, the developer shall:
- a. Submit plans for the installation of a sewer main in South Street (to City Standards) from the manhole in intersection of South Street and River Drive to the proposed development to the satisfaction of the Public Works Director.
 - b. The new sewer main shall be adequately sized to achieve standards established by the FBMC and reasonably designed to convey waste water for future development of the parcel. FBMC section 14.28.040 states The minimum size of a sewer lateral shall be 4-inch diameter. The minimum slope of a sewer lateral shall be 2 feet per 100 feet (2% slope). Exceptions will be reviewed and approved at the discretion of the District Manager.
 - c. New waste water laterals shall connect the development to the constructed sewer main, per the satisfaction of the Director of Public Works.
 - d. The exact location of the waste water line in the City right of way will be determined by the City Engineer at the time of review of the encroachment permit application.
 - e. A new waste water lateral shall connect the development to the constructed sewer main.
 - f. All new constructed gravity fed waste water mains shall be dedicated to the City. However waste water force mains will remain in the ownership of property owner and all maintenance of associated lift stations and force main will remain the owner's responsibility.
 - g. Utility hookup configuration will be worked out with the Public Works Director or designated staff. Alternate main location options may be considered.
18. Prior to issuance of a grading permit or building permit, the developer shall pay all Water and Sewer Capacity Fees and Storm Drain Fees.
19. The developer shall submit to the City Engineer, for review and approval, improvement drawings for required public improvements. The plans shall be drawn by, and bear the seal of, a licensed Civil Engineer. Street Section Standards for Minor and Collector streets is City Standard No. 204.

20. Prior to issuance of a Certificate of Occupancy for the project the following public improvement will be completed by the applicant per the direction of the Director of Public Works and according to City standards:

- a. South Street shall be improved as follows, prior to the final of the building permit: south street shall be improved along the length of the parcel frontage including a 50' fully paved ROW and a paved parking lane. Upon improvement to this section, and prior to final of the building permit, the paved portion of the street shall be dedicated to the City.
- b. Installation of sidewalk, curb, corner ramps, gutter and conform paving along the project frontage on the south side of Kempe Way.
- c. Installation of sidewalk, curb, corner ramps, gutter and conform paving along the project frontage on the North side of South Street. A gravel shoulder will be accepted on the south side.

All frontage and utility improvements (ADA compliant driveway aprons, corner ramps, sidewalk, curb, gutter, conform paving, etc.) shall be implemented according to current City Standards.

21. Fire Marshall Requirements

- a. Prior to issuance of the building permit the applicant shall complete a water modeling analysis that illustrates a minimum flow rate of 1,500 gallons per minute for all hydrants on the project site.
- b. Prior to issuance of the building permit that applicant shall submit plans and specifications for two panic hardware/gates that shall be added to the fence surrounding the PSH project
- c. Prior to final of the building permit a flow alarm shall be installed on the project sprinkler system.
- d. Prior to issuance of a building permit, the applicant shall submit a revised site plan that clearly illustrates: 1) the installation of a water main connecting Kemppe Way with South Street; 2) the installation of two fire hydrants as illustrated in red stars below; and 3) emergency vehicle access from Kempee way through to South street. Other fire suppression requirements (including infrastructure) may be required by the Fire District. All fire hydrants, valves, service lines, etc. comprising this new infrastructure shall be included on site plans for review and approval by the Fire Marshall and the Public Works Department.

22. The property shall have an on-site residential property manager in order to minimize false alarms to the fire department. In the event that false fire alarms exceed three in any year, the Fort Bragg Fire Department will charge the property owner for all costs related to excess false fire alarms.

23. Prior to issuance of the Building Permit the applicant shall provide a stormwater analysis and plan Per code section 17.64.045 that proves that:

- a. Storm water runoff has been minimized by incorporation of Low Impact Development (LID) strategies that minimize impermeable areas, maximize permeable areas, and that slow, spread, and sink runoff so as to recharge groundwater and minimize runoff. Runoff that is expected shall be collected at vegetative swales or bioretention facilities and overflow finally conveyed by a storm drain system approved by the City Engineer.

- b. Treatment Control BMPs have been sized and designed to retain and infiltrate runoff produced by all storms up to and including the 85th percentile (.83" in 24-hours) based on the size of the development.
 - c. An Operations and Maintenance Plan has been developed for all regulated project components by the State NPDES Phase II MS4
 - d. All drainage channels, conduits, culverts, and appurtenant facilities shall have sufficient capacity to convey a 100-year flood. The existing drainage infrastructure is a 24" diameter which conveys storm water from River Gardens at the south west corner of the subject lot in a northerly direction (red lines on the attached CAD map). Applicant shall provide analysis documenting sufficiency of existing infrastructure or provide engineer reviewed design of proposed upgrades to drainage conveyance system. If upgrades to infrastructure are required, this shall be completed by the developer.
24. All public improvements to drainage conveyance systems shall be dedicated to the City.
 25. Prior to issuance of the Building Permit the applicant shall provide an analysis that documents the sufficiency of existing stormwater infrastructure or provide an engineer reviewed design of a new proposed drainage conveyance system. If upgrades to infrastructure are required, this shall be completed by the developer and dedicated to the City.
 26. Prior to issuance of the Building Permit the applicant shall submit a Water Quality Management Plan and/or a Storm Water Pollution Prevention Plan (SWPPP) that for review and approval by the City Engineer. And such plan shall be in compliance with all stormwater management requirements of the CLUDC Section 17.64 and Municipal Code Section 12.14. . A Runoff Mitigation plan (RMP) is required by the City to demonstrate the project meets the requirements is established by local, state and federal regulations. The RMP requirement can be fulfilled by a SWPPP as long as it complies with the above mentioned regulations. If using a SWPPP to fulfill the RMP, a draft version should be submitted to the City to ensure the project is in compliance prior to filing for a Notice of Intent (NOI).
 27. Prior to issuance of the building permit the applicant shall submit a site plan for approval by the Community Development Director which orients both PSH houses along Kemppe avenue to the street. While direct access to the street is not feasible due to the security fencing, the units shall be reoriented so that the front porch faces the street.
 28. The play area shall include seating or benches for parents to use while watching their children play.
 29. Prior to issuance of the Building Permit, the applicant shall resubmit a project painting plan with muted earth tones, for review and approval by the Community Development Director.
 30. Prior to issuance of a Building Permit, the applicant shall submit for the review and approval of the Community Development Director plans for the locations and visual screening of all mechanical equipment proposed to be constructed as part of the project, including but not limited to: standpipes, backflow preventers, generators and propane fuel tanks.
 31. Prior to issuance of the Building Permit, the applicant shall resubmit the site plan to include property line fencing along the west and east property lines of the Senior Housing project. The applicant shall also submit elevations of the fencing design for approval by the Community Development Director.
 32. Prior to issuance of the Building Permit, the applicant shall resubmit the site plan eliminating the walking trail along the east side of the project site.

33. Prior to issuance of the Building Permit, the applicant shall resubmit a site plan, for review and approval by the Community Development Director, that re orients those multi-family units along Kemppe Way where the steep slope prohibits direct building access from the sidewalk on Kemppe Way. Where necessary for access, the buildings will be reoriented so that the front doors face south to the parking area.
34. As part of the Building Permit, the applicant shall design and engineer the covered parking so that it can structurally support solar panels in the future.

STANDARD CONDITIONS

1. 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 CLUDC.
2. 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. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details, and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.
3. Notice to Applicant of Fees & Exaction Appeal Period:
 - a. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code §66020(d), these conditions constitute written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions.
 - b. The applicant is hereby notified that the 90-day protest period, commencing from the date of approval of the project, has begun. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exaction contained in this notice, complying with all the requirements of Government Code §66020, the applicant will be legally barred from later challenging such exactions.
4. 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 CLUDC.
5. 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.
6. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
7. All utilities, including but not limited to water, sewer, telephone, gas, electricity, and conduit for cable television shall be provided to the project in compliance with all-applicable standards and requirements of the applicable provider.
8. All rights-of-way associated with the project improvements shall be offered by separate instrument, as an irrevocable offer of dedication in a form approved by the City Attorney, prior to issuance of the first building permit.

9. **Improvements in the Public Right-of-Way:** The applicant shall obtain an encroachment permit for all improvements within the public right-of-way. Applicant shall post a performance bond and labor and materials payment bond (or other equivalent financial security) in the amount of 100% of the cost of the improvements to be constructed in the public right-of-way, and those improvements to be dedicated to the City, as public improvements as improvement security to ensure the faithful performance of all duties and obligations required of applicant in the construction of the improvements. Such improvement security shall be in a form acceptable to the City Attorney. Such security shall be either a corporate surety bond, a letter of credit, or other instrument of credit issued by a banking institution subject to regulation by the State or Federal government and pledging that the funds necessary to carry out this Agreement are on deposit and guaranteed for payment, or a cash deposit made either directly with the City or deposited with a recognized escrow agent for the benefit of the City.
10. 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 25 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. [8.g.13]
11. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - (1) That such permit was obtained or extended by fraud.
 - (2) That one or more of the conditions upon which such permit was granted have been violated.
 - (3) 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.
 - (4) 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.
12. Unless a condition of approval or other provision of the Coastal Land Use and Development Code establishes a different time limit, this approval shall expire in two years from the date of approval unless prior to that date a building permit has been issued or a time extension has been granted, except where an extension of time is approved in compliance with CLUDC Subsection 17.76.070 (B).

The above and foregoing Resolution was introduced by Planning Commissioner Roberts, seconded by Planning Commissioner Logan, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 12th day of February 2019, by the following vote:

**AYES: Commissioner Andreis, Commissioner Logan, Commissioner Roberts, and
Chair
Rogers**

NOES: None.

ABSENT: Vice Chair Miklose
ABSTAIN: None.
RECUSED: None.



Nancy Rogers
Planning Commission Chair

ATTEST:



Joanna Gonzalez
Admin Assistant



AGENCY: Planning Commission
MEETING DATE: February 12, 2019
DEPARTMENT: Community Dev.
PRESENTED BY: M. Jones
EMAIL ADDRESS: mjones@fortbragg.com

AGENDA ITEM SUMMARY

TITLE:

RECEIVE REPORT AND CONSIDER APPROVAL OF COASTAL DEVELOPMENT PERMIT AMENDMENT 3-17/19, DESIGN REVIEW AMENDMENT DR 5-17/19 AND APPROVAL OF TWO AFFORDABLE HOUSING INCENTIVES FOR A PROPOSED MIXED-INCOME SENIOR, MULTI-FAMILY AND PERMANENT SUPPORTIVE HOUSING PROJECT LOCATED AT 441 SOUTH STREET (APN 018-340-04)

APPLICATION NO.: Coastal Development Permit Amendment 3-17/19 (CDP 3-17/19) and Design Review 5-17/19 (DR 5-17/19)

APPLICANT: Danco Communities

PROPERTY OWNER: Richard Nelepovitz

AGENT: Chris Dart, Danco Group

REQUEST: Coastal Development Permit Amendment and Design Review Amendment for a 68 unit affordable housing project consisting of:

- A) Twenty permanent supportive residential cottages ranging from 616 to 830 square feet, a 3,000 square foot commons building, walkways and a full size basketball court and a manager's unit; and
- B) Twenty-five single-story affordable senior residential cottages ranging from 616 to 848 square feet, a 1,200 square foot commons building, two 440 square foot Common utility buildings, a manager's unit, walkways and 29 parking spaces and Associated driveway; and
- C) Twenty-three two-story, workforce/family residential duplex units, ranging from 1,000 to 1,200 square feet (2 and 3 bedrooms), landscaping, playground and 36 covered Parking spaces and with associated driveways per the CLUDC and the Coastal General Plan.

LOCATION: 441 South Street

APN: APN 018-340-04 (5 acre site of a 7 acre parcel)

ZONING: Very High density Residential (RVH)/ Coastal Zone

ENVIRONMENTAL DETERMINATION: Statutorily exempt from CEQA pursuant to section 15192 (Affordable Housing) of the 2018 CEQA Guidelines.

SURROUNDING LAND USES: NORTH: Hospital, Multi-Family Housing
EAST: Single Family Residential & Noyo River
SOUTH: Single Family Residential
WEST: Multi-Family Housing

APPEALABLE PROJECT: Cannot be appealed to California Coastal Commission.

PROJECT BACKGROUND

Danco has developed numerous affordable and market rate projects, senior and multifamily residential projects. Their website showcases several affordable housing projects for seniors and families www.danco-group.com/communities.

On September 11, the City Council conceptually approved Danco's request for a loan of \$250,000 at 3% interest for a 55 year term for a 44 unit senior housing development at 441 South Street. The City loan will specifically limit the PSH occupancy to the following: homeless seniors, veterans and families.

On January 7, 2018 the City Council approved Design Review 3-17 and Coastal Development Permit 3-17 to allow construction of: 1) Thirty single-story affordable senior residential cottages ranging from 616 to 830 square feet (8 two-bedroom units and 22 one-bedroom units), a 1,200 square foot commons building, a 440 square foot common utility building, walkways and a 30-space parking area and associated driveway; and 2) Seven market-rate two-story, residential duplex units with 14 units ranging from 1,000 to 1,200 square feet each (2 and 3 Bedrooms), landscaping and a 28-space parking area and associated driveway.

Danco submitted a tax credit application for this project in the spring of 2018, but the application was denied because the project did not have sufficient sources of non-tax credit financing. The City had tried to work with the Community Development Block Grant program (CDBG) to use CDBG funds for off-site improvements, but CDBG would not consider a tax credit funded project "shovel ready" because the tax credit funding had not been committed and the Tax Credit bonding agency also required CDBG funds to committed prior to approving their funding, making a true Catch-22 situation.

On August 13, 2018 the City Council expressed preliminary support for a new configuration for the Danco Affordable Housing community on South Street to include: 14 units of Market Rate (Workforce)

Housing; 15 units of Permanent Supportive Housing (PSH) for homeless seniors and homeless disabled people; and 15 units of Affordable Senior Housing.

On November 11, 2018, the City Council directed staff to submit a grant application for \$3,000,000 to the Continuum of Care for HEAP funding for the Permanent Supportive Housing component of this project. Furthermore, City Council expressed preliminary support for a revised configuration for the Danco Affordable Housing community on South Street to include 23 units of Workforce Housing, 20 units of Permanent Supportive Housing, and 25 units of Affordable Senior Housing. The HEAP funding application specifically limits the PSH occupancy to the following: homeless seniors, veterans and families. On December 17, 2018, the Continuum of Care awarded the \$3 million in HEAP funding for the construction of 20 Permanent Supportive Housing units at 441 South Street.

PROJECT DESCRIPTION

Danco Communities (“Danco”), a vertically-integrated developer, contractor and manager of affordable workforce and senior housing in northern California and the western United States, proposes to construct a mixed-income project consisting of the following three primary components:

- A. 20 permanent supportive residential cottages ranging from 616 to 830 square feet, a 3,000 square foot common building, walkways, fencing, and a full size basketball court and a manager’s unit; and
- B. 25 single-story affordable senior residential cottages ranging from 616 to 848 SF., a 1,200 SF commons building, two common utility buildings (440 and 276 SF), a manager's unit, walkways and 29 parking spaces and associated driveway; and
- C. 23 two-story, workforce/family residential duplex units, ranging from 1,000 to 1,200 square feet (2 and 3 bedrooms), landscaping, playground and a half-court basketball court.

More detail about each of these project components is included below. Also, please see Attachments 1 through 4 for detailed site plans, elevations and floor plans.

Permanent Supportive Housing (PSH)

Permanent Supportive Housing (PSH) is a model that combines low-barrier affordable housing, health care, and supportive services to help individuals and families lead more stable lives. PSH typically targets people who are homeless or otherwise unstably housed, experience multiple barriers to housing, and are unable to maintain housing stability without supportive services. This model has been shown to impact housing status, and result in cost savings to various public service systems, including health care and police services.

The PSH approach integrates permanent, affordable rental housing with onsite delivery of supportive services to help people who are homeless and/or have serious and long-term disabilities access and maintain stable housing in the community. Key components of PSH that facilitate successful housing tenure include:

- Individually tailored and flexible supportive services that are voluntary, can be accessed 24 hours a day/7 days a week, and are not a condition of ongoing tenancy;
- Leases that are held by the tenants without limits on length of stay; and
- Ongoing collaboration between service providers, property managers, and tenants to preserve tenancy and resolve any crisis that may arise.

Studies such as the US Department of Housing and Urban Development's (HUD) The Applicability of Housing First Models to Homeless Persons with Serious Mental Illness¹ have shown that Housing First permanent supportive housing models result in long-term housing stability, improved physical and behavioral health outcomes, and reduced use of crisis services such as emergency departments, hospitals, police and jails.

PSH Unit Mix: residential units designed as independent cottages including eighteen 1-Bedrm Units (Min. 616 S.F.) and two 2-Bedrm Units (Min. 830 S.F.) for families. The 20 Units will form a pocket neighborhood of similar low scale and vernacular context. All units have outdoor private yards for gardening (min. 250 sf) and a private covered patio (min. 88 sf), facing common outdoor open spaces. There will also be one Manager's Unit (Min. 848).

PSH Total Building Area: Approx. 17,106 SF

PSH Parking: 5 Parking Spaces (1 Accessible Space) for Visitors and Staff Only; 3 Bicycle Parking Spaces

PSH Amenities:

- Main Commons, Community Building @ 3,000 S.F. contains support facilities, such as a residential style common kitchen, near a gathering space, manager's office, security office, laundry facility, support staff offices, and mailroom.
- Full Size Basketball Court
- Common Outdoor Open Space / Gathering Areas
- Private Patios (Min. 88 SF) & Gardens (Min. 115 S.F) for each unit
- The site will be fenced and access will be controlled.

AFFORDABLE SENIOR HOUSING

The affordable senior housing component of this project will be very similar to the senior units in Fort Bragg, at the Cottages on Cypress Street project.

UNIT MIX: The affordable / low-income senior housing project would include 25 units of affordable senior residential units designed as independent cottages with three common structures, common outdoor spaces, private outdoor spaces. The 25 affordable senior residences are made up of 19 one-bedroom (616 sf) and 6 two-bedrooms units (848 SF). The buildings are designed in cottage styles creating a pocket neighborhood of similar low scale and vernacular context. All will have outdoor private yards for gardening (min. 250 sf) and a private covered patio (min. 88 sf),

Total building area: approx. 19,642 sf total

Parking: 29 parking spaces (4 accessible spaces) and 8 bicycle parking spaces. The 29 parking spaces are located along the perimeter of the property, away from the views of the units and it is screened from common open spaces. A total of 8 bicycle parking spaces will be dispersed at the parking lots and walkways along with one motor cycle space. The driveway and parking areas may be permeable where allowed by local and cal-fire codes.

Amenities:

- Main common community building @ 1,200 sf
- Two common utility buildings (440 & 276 sf) for common laundry facility, additional storage, common utilities, and other similar uses
- Common outdoor open space / gathering areas

¹ <https://www.huduser.gov/portal/publications/hsgfirst.pdf>

- Private patios & gardens
- Accessible walkways will be constructed for public access from the side walks.

Affordable Workforce Housing

The Affordable Workforce housing is proposed as a series of duplexes along the southern side of Kemppe Way. The duplexes would face the street with the parking located behind. A play area and half court basketball court are proposed for the western side of the parcel, overlooking the Noyo River.

Unit mix: 11 duplex (23 units) two story 3-bedrm units @ 1,230 sf each

Total building area: Approx. 28,290 sf total

Open Space: 152 Sf for each unit (private porch/patio)

Parking: 36 covered spaces

PERMIT ANALYSIS

CONSISTENCY WITH COASTAL GENERAL PLAN POLICIES

As conditioned, the project is consistent with all Coastal General Plan policies. The project is supported by, and helps implement many infill and affordable housing policies of the Coastal General Plan as described below. Policies and goals are noted in *Italics* and project compliance with policies is noted in regular text.

Goal H-2 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-2.7 Infill Housing: Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure.

The project includes a range of housing types to serve homeless, seniors and families and the site is an infill site.

Policy H-3.2 Encourage Senior Housing: Allow senior housing projects to be developed with density bonuses and flexible parking standards were found to be consistent with maintaining the character of the surrounding neighborhood consistent with the requirements of Policy H-3.5.

The project includes 25 units of senior housing and the applicant is requesting two planning incentives (a reduction in the parking requirement and the front setback). State density bonus law requires the City to grant up to three planning incentives for this project based on the level of affordability (as described later in this report).

Program H-3.2.2 Affordable Senior Housing: Establish and maintain an inventory which identifies properties which are potentially well-suited for senior housing funded by HUD 202 financing or similar program. Work with developers to facilitate obtaining funding and construction of senior housing.

This parcel was identified in the 2008 Housing Element as an appropriate parcel for senior and affordable housing development. Staff worked with the applicant to find the site and developed a grant application of \$3 million to help fund construction.

Goal H-3 Expand affordable housing opportunities for persons with special housing needs such as the elderly, the disabled, households with very- low to moderate incomes, and first time home buyers.

The project includes affordable housing opportunities for a wide variety of people with special needs including the elderly, disables and persons with low and very low incomes.

Policy H-3.1 Available Funding Sources: Utilize County, State and Federal programs and other funding sources that provide housing opportunities for lower-income households.

Program H-3.1.1 Available Funding: Seek available State and Federal assistance to develop affordable housing for seniors, the disabled, lower-income large households, and households with special housing needs. Consider joint applications with the County Community Development Commission for HCD programs such as the California Self Help Housing Program (CSHHP), the Multi-family Housing Program (MHP), and/or the HOME Program.

Program H-3.1.2 Tax-Exempt Financing: Require developers utilizing tax-exempt financing to include language in agreements with the City permitting persons and households eligible for HUD Section 8 rental assistance or Housing Voucher Holders to apply for below-market-rate units provided in the development.

The project will utilize \$3 million of HEAP funding, which was secured by CDD staff for the project. The project will also seek Tax Credit Financing, and as conditioned below by Special Condition 1, this project will require Section 8 eligibility.

Special Condition 1: The Danco Plateau Project, at 441 South Street, shall accept HUD Section 8 rental assistance and Housing Voucher holders for all below-market-rate units provided in the development.

Policy H-3.4 Increase Affordable Housing Development: Encourage the construction of housing units which are affordable to households with very-low to moderate incomes consistent with Chapters 17.31 and 17.32 of the Coastal Land Use and Development Code.

The project will be 100% affordable to households with very low, low and moderate-income incomes.

Policy H-3.7 Large Families: Encourage housing for large families.

The project includes twenty-three 3-bedroom units designed for larger families.

Policy H-3.9 Housing for the Disabled: Continue to facilitate barrier-free housing in new development.

The project includes Senior and Permanently Supportive Housing, both of which directly serve disabled individuals. Additionally, per the CLUDC at least two of the workforce housing units will be designed with universal accessibility per State law.

Policy H-3.10 Emergency and Transitional Housing:

Program H-3.10.2 Inter-Agency Cooperation: Work with private, county, and State agencies to provide emergency housing for the homeless.

The City has partnered with the Continuum of Care of Mendocino County to partially fund this 68 unit affordable housing project (+one manager's unit). Additionally the PSH units will include coordinated services from a wealth of local non-profit service providers.

Goal H-4 Promote housing opportunities for all persons regardless of race, gender, age, sexual orientation, marital status, or national origin.

Policy H-4.1 Equal Housing Opportunity: Continue to facilitate non-discrimination in housing in Fort Bragg.

This project, with state and federal funding, will provide housing units without discrimination based on race, gender, age (except for Senior Housing), sexual orientation, marital status, or national origin.

INCLUSIONARY HOUSING INCENTIVE ANALYSIS

State housing law (Government Code Section 65915) requires jurisdictions to approve from one to three "planning incentives" (i.e., reductions in requirements of the zoning code) for affordable housing projects. The number of incentives, which must be granted, depends on: 1) the proposed income qualification for the units; and 2) the percent of affordable units in the project. State law (Government Code Section 65915[b]) allows the applicant of this project to request and receive up to three incentives as the project includes more than the minimum 30% of the total units affordable to low income households for three incentives. Ninety-eight percent of the units will be affordable to low income homeless, senior or family households.

The CLUDC regulates the type of incentives that can be approved by the City for affordable housing projects. As shown below, CLUDC 17.31.040 (D)(1)(a) provides the authority to reduce setback requirements and CLUDC 17.31.040 (D)(1)(c) sets the maximum parking for affordable projects.

CLUDC 17.31.040 (D) other incentives.

1. **Available concessions or incentives.** A qualifying project shall be entitled to at least one of the following concessions or incentives identified by State law (Government Code Section 65915[b]), in addition to the density bonus allowed by State Law and Subsection B, above:
 - a. A reduction in the site development standards of this Development Code [e.g. site coverage, landscaping, height restriction waivers, reduced parcel dimensions (i.e., minimum length and width, including lot area), and/or setback requirements];
 - b. Approval of mixed use zoning not otherwise allowed by this Development Code in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the project will be located;
 - c. A reduction in the vehicular parking standards, inclusive of handicapped and guest parking, not to exceed the following ratios:
 - i. Zero to one bedrooms: one on-site parking space.
 - ii. Two to three bedrooms: two on-site parking spaces.
 - iii. Four and more bedrooms: two and one-half parking spaces.

However, this local regulation (adopted in 2008) is contradicted by State Law, which takes precedence where there is a conflict. See the relevant text from the State Density Bonus law below:

65915. (a) (1) *When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, **that local government shall comply with this section.** A city, county, or city and county shall adopt an ordinance that specifies how compliance with this section will be implemented. **Failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.***

(2) *A local government **shall not condition the submission, review, or approval** of an application pursuant to this chapter on the preparation of an additional report or study **that is not otherwise required by state law, including this section.***

(d) (1) *An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. **The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:***

(A) *The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).*

(B) *The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.*

(C) *The concession or incentive would be contrary to state or federal law.*

(d) (2) **The applicant shall receive the following number of incentives or concessions:**

(C) **Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.**

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

Additionally Section 65651 and Section 65654 of the government code state as follows:

Section 65651 (a) **Supportive housing shall be a use by right** in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the proposed housing development satisfies all of the following requirements:

(1) *Units within the development are subject to a recorded affordability restriction for 55 years.*

(2) *One hundred percent of the units, excluding managers' units, within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians. For purposes of this paragraph, "lower income households" has the same meaning as defined in Section 50079.5 of the Health and Safety Code.*

(5) *Nonresidential floor area shall be used for onsite supportive services in the following amounts:*

(A) For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.

Section 65654. If the supportive housing development is located within one-half mile of a public transit stop, the local government shall not impose any minimum parking requirements for the units occupied by supportive housing residents.

The project applicant (DANCO) has waived their right to a ministerial approval of the Permanently Supportive Housing units, because the project as a whole includes more than just PSH units and because the applicant would like to go through the entire permitting process as a courtesy to the City of Fort Bragg. However, per Section 65654 the applicant is seeking a waiver for all parking for the PSH as the units are located within a half mile of a public transit stop (which is located at the MCDH).

Accordingly, the applicant has requested the following two Affordable Housing Incentives:

Table 1 – Affordable Housing Incentive Request			
Development Standard	CLUDC Zoning Requirement	Affordable Housing Request	Recommended Incentive
Reduction of Front Setback	25 feet	10 Feet	10 feet
Number of Parking Spaces	2 spaces for each unit, plus guest parking at a ratio of 1 uncovered space for each 3 units for a total of 170 spaces.	Permanently Supportive Housing: no tenant parking, five parking spaces for guests, employees and service providers. Senior Housing: 1 space per unit (25 spaces) and 4 guest spaces for 29 spaces total. Family Housing: 1.5 spaces per 3 bedroom unit, 36 spaces total. Total 70 spaces	As requested, 70 spaces total.

Staff has reviewed the parking and set back reduction requests in light of the required findings that would be necessary to reject the request under State housing law Section 65915 (d) 1A and B, and has determined that the parking reduction is reasonable as an incentive as the findings for rejection of the incentive cannot be made. The incentives:

1. Will result in identifiable and actual cost reductions necessary to provide for affordable housing costs; and
2. Will not have a specific, adverse impact upon public health and safety or the physical environment or on any real property that are listed in the California Register of Historical Resources.

Furthermore, staff does not anticipate a parking shortage in this neighborhood even with the reduced parking for the project, as the proposed project includes underutilized street frontage. The project would be “consistent with maintaining and improving the character of the surrounding neighborhood” (as required by Policy H-3.2 above).

Staff recommends that the Planning Commission approve the requested parking incentive for this proposed affordable housing project.

The requested front setback reduction would result in a functional site plan with more internal open space and a neighborhood atmosphere with more “eyes on the street” than would otherwise be possible. Additionally as the neighborhood has many large-scale multifamily projects and very large institutional uses (hospital, dental offices, etc.), the proposed project would add three smaller-in-scale traditionally designed residential projects to the neighborhood. The mix of scale and configurations for the different housing product types will provide visual interest to the neighborhood and improve the overall streetscape and feel of the larger neighborhood. Thus, the reduction in the setback from 25 feet to ten would not have a negative visual impact on the neighborhood.

The Planning Commission will need to provide final approval of the incentives by resolution and a resolution have been attached for this purpose (Attachment 9).

Density Bonus

Under state Law and the City’s CLUDC the applicant is eligible to request a density bonus of ten percent. However, the applicant did not request a density bonus. The project site has a total average density of 13.6 units per acre. The CLUDC requires a density of between 12 and 24 units per acre for this zoning district, and the proposed project is within this density range.

Long Term Affordability Requirements

Additionally, in order to qualify for the incentives under State law, the income thresholds and the total number of affordable units must be guaranteed for at least 55 years. Normally the City requires an Affordable Housing Regulatory Agreement with the City in order to ensure this long term affordability. However, if this project is funded through Tax Credit Allocation, the California Tax Credit Allocation Committee requires a more restrictive regulatory agreement (with a much longer timeframe of 55 years instead of 30 years). **Special Condition 2 is recommended** to ensure long term affordability.

Special Condition 2: Prior to issuance of the Certificate of Occupancy, the developer shall either: 1) present the City with a copy of a fully executed Affordable Housing Regulatory Agreement with the California Tax Credit Allocation Committee; or 2) develop, execute and record an Affordable Housing Regulatory Agreement that is approved by the City Attorney and that complies with Section 17.32.080 B of the CLUDC.

USE PERMIT ANALYSIS

Multi-family housing is a permitted use by right in the RVH district; no use permit is required.

COMPLIANCE WITH CLUDC ZONING STANDARDS

COMPLIANCE WITH CLUDC DEVELOPMENT STANDARDS

The proposed project complies with all required zoning standards for the Very High Density Residential (RVH) Zoning District. See Table 2, below, for specific standards and project details.

Development Aspect	Zoning Requirement (CO)	Proposed Project	Compliance
Front setback	10 feet	10 feet per incentive	Yes
Rear Setback	10 feet	10	Yes
Side Setback	10 feet	West 10 FT, East 12 FT	Yes
Site Coverage	No Limitation	NA	NA
Height Limit	45 feet	16 feet & 24 feet	Yes
Floor Area Ratio (FAR)	0.40	0.3	Yes
Density	12 to 24 units/acre	13.5 units/acre.	Yes

- Setbacks – the structures comply with all setbacks, if the Planning Commission authorizes the reduction of the front setback from 25 feet to 10 feet as an affordable housing incentive to the developer. Additionally section 17.42.120 of the CLUDC requires that no more than 40 percent of the front setback be paved for walkways, driveways, or other hardcover pavement. Less than five percent of the frontage in the proposed design is dedicated to pavement (for drive isles). As this parcel is a double frontage lot, the front setback applies to both street frontages (South Street, and Kemppe Street).
- Site coverage – there is no limitation on site coverage in the RVH Zoning District.
- Height – All proposed structures are well under the 45-foot maximum building height as follows:
 - The PSH and the senior cottages are proposed at a maximum 16 feet above finished grade.
 - The duplexes are proposed at a maximum 24 feet above finished grade.
 - The common buildings are proposed at a maximum of 22 feet above finished grade.
 - The PSH Commons and PSH offices building are proposed for 23 feet above grade.
- Floor Area Ratio (FAR) – FAR is the ratio of floor area to total lot area. With approximately 65,038 square feet of total proposed floor area on a 5 acre parcel (215,000 square feet) the project will yield a FAR of 0.3, well below the allowable FAR limit of 0.40 (see Table 3 below).
- The project includes 68 units and the site is just under five acres, so the density is 13.5 units per acre, which conforms to this standard.

	Total Buildings (SF)	Site Size (SF)	FAR
Permanent Supportive Housing	17,106	71,420	0.24
Senior Cottages	19,642	84,960	0.23
Workforce Housing Duplexes	28,290	58,657	0.48
Total	65,038	215,037	0.30

COMPLIANCE WITH CLUDC SITE STANDARDS

Parking

Seventy parking spaces are proposed as the applicant is requesting and is eligible for a reduction in parking as an incentive for providing at least 30% of the units as affordable housing. As noted previously the project will provide 70 parking spaces as follows:

1. Permanently Supportive Housing: no tenant parking, five parking spaces for guests, employees and service providers;
2. Senior Housing: 1 space per unit (25 spaces) and 4 guest spaces for 29 spaces total; and
3. Family Housing 1.5 spaces per 3-bedroom unit, 36 spaces total.

An analysis of how these parking lots conform to the CLUDC follows:

- Six of the parking spaces are designated as ADA spaces, which are more than required by CLUDC Chapter 17.36 or state law.
- State Law requires that two of the spaces be dedicated to Electrical Vehicle Charging Stations. The applicant will need to identify two EV charging stations on the Site Plan. Please see **Special Condition 3**.

Special Condition 3: Prior to issuance of building permit, the applicant shall resubmit the site plan illustrating one EV Changing Station in the Senior Housing parking lot, one EV Changing Station in the PSH parking lot, and two EV charging stations in the Workforce Housing parking lot, for approval by the Community Development Director. The EVCS shall be installed prior to final of the building permit.

- The applicant's site plan describes 11 bicycle parking spaces (3 on the PSH and 8 for the senior project), while this is more than the amount required by the CLUDC, staff **recommends Special Condition 4** to clarify the location for bicycle parking and to also include bicycle parking in the workforce housing portion of the project.

Special Condition 4: Prior to issuance of building permit, the applicant shall resubmit the site plan illustrating bicycle parking for the Senior and Workforce Housing parking for Community Development Director approval.

- The CLUDC requires that parking lots with more than 50 parking spaces provide one motorcycle parking space for each 50-vehicle spaces provided. Staff has included **Special Condition 5** to ensure that one motorcycle space is added to the Workforce Housing parking lot.

Special Condition 5: Prior to issuance of building permit, the applicant shall submit a revised site plan illustrating one motorcycle parking space for approval by the Community Development Director.

Section 17.42.120 of the CLUDC requires that "off street parking be located so that it is not visible from the street fronting the parcel." The various project parking lots are located behind the residential units and are shielded from view of the public right of way. The PSH parking is for the office uses associated with the provision of services to PSH clients; it is not residential parking and thus does not need to be

located behind the residential units. However as noted below this parking lot should will need to be slightly reconfigured as required by Special Condition 6.

Parking Lot Zoning Standards. The proposed project complies with all but two of the required standards for parking lots as noted in Table 4 below.

Table 4: Development Standards for Proposed Parking Lot		
Development Standards	Requirements	Proposal
Parking Lot Visibility	Section 17.42.120 of the CLUDC requires that “off street paring be located so that it is not visible from the street fronting the parcel.”	The residential parking lots are located behind the residential units and are shielded from view of the public right of way.
Parking Space Dimensions	90 degree angle parking should have a minimum space width of 9 feet and a minimum space depth of 18 feet.	The proposed parking lot offers 9-foot wide spaces and a space depth of 18 feet.
Driveway width and depth	The minimum driveway width for 90 degree angle parking is 23 feet.	The proposed parking lot driveway width is 25 feet.
Driveway Cueing Area	Section 17.36.090 B1 requires “A nonresidential development that provides 50 or more parking spaces shall have access driveways that are not intersected by a parking aisle, parking space, or another access driveway for a minimum distance of 20 feet from the street right-of-way, to provide a queuing or stacking area for vehicles entering and exiting the parking area.”	The site plan illustrates more than a 20-foot cuing area at all four parking lot entrances, except for the PSH parking area. Staff recommends Special Condition 6 to address this.
Distance from Street Corners	Per 17.36.100B1 Each driveway shall be separated from the nearest street intersection as follows, except where the City Engineer allows less separation: 1. A minimum of 150 feet from the nearest intersection, as measured from the centerline of the driveway to the centerline of the nearest travel lane of the intersecting street	The driveway on the north side of the parcel intersects with the alley intersection across Kemppe Street (at the Imaging Center). The City engineer has determined that the continuation of the alley onto the site would provide for the safest flow of traffic and the best configuration for turning through the intersection.

<p>Parking Lot Landscaping</p>	<p>Per section 17.34.050C5a, Multi-family, commercial, and industrial uses shall provide landscaping within each outdoor parking area at a minimum ratio of 10 percent of the gross area of the parking lot. Location of landscaping. Landscaping shall be evenly dispersed throughout the parking area, as follows. i) Orchard-style planting (the placement of trees in uniformly spaced rows) is encouraged for larger parking areas. ii) Parking lots with more than 50 spaces shall provide a concentration of landscape elements at primary entrances, including, at a minimum, specimen trees, flowering plants, enhanced paving, and project identification. iii) Landscaping shall be located so that pedestrians are not required to cross unpaved landscaped areas to reach building entrances from parked cars. This shall be achieved through proper orientation of the landscaped fingers and islands, and by providing pedestrian access through landscaped areas that would otherwise block direct pedestrian routes.</p>	<p>The proposed site plan includes 22 of the parking lot as landscaped areas, which exceeds the minimum landscaping requirement.</p> <p>i) The project site plan includes trees along the northern edge of the family parking lot. There is already a row of trees along the western edge of the site, which meets the intent of this requirement.</p> <p>ii) A detailed landscaping plan has not been submitted and this is not illustrated on the site plan. See Special Condition 7 to address this requirement.</p> <p>iii) Landscaped areas do not interfere with pedestrian access throughout the parking lot and the project.</p>
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Table 5: Parking Lot Landscaping Analysis			
	Landscaping (SF)	Parking Lot (SF)	% Landscaping
Senior Cottages	2,710	17,632	15%
Permanent Supportive Housing	568	4,384	13%
Workforce Housing	6,345	22,000	29%
Total	9,623	44,016	22%

The project site plan complies with most of the site development standards for the parking lot, however Special Condition 3 is recommended to address deficiencies:

Special Condition 6: Prior to issuance of building permit, the applicant shall submit a revised site plan illustrating: a 20-foot drive isle from the street that is not intersected by parking spaces to allow for vehicular queuing and stacking for the PSH parking lot. Additionally this strip shall be landscaped with attractive plants that screen the parking lot from public view.

Special Condition 7: Prior to issuance of building permit, the applicant shall submit a landscaping plan for the parking lots for review by the Community Development Director. The parking-landscaping plan shall comply with Section 17.34 of the CLUDC.

Fencing & Screening

A Monterey Cypress tree hedge is located on the adjacent property to the west and will provide sufficient screening between the two properties. However this area also includes an existing cyclone fence which is not a permitted fencing type within the front or side yards within any zoning district (17.30.050E3). The cyclone fencing appears to be located on the applicant’s property. This fencing can be left in place during construction (as construction fencing) to provide job site protection but must be removed prior to occupancy. **Special Condition 8** is included to mandate the removal of this fencing.

Special Condition 8: The applicant shall remove all cyclone fencing, located on the subject property, prior to approval of the Certificate of Occupancy for the project.

Additionally the project elevations include a notation for a decorative 6 FT wrought iron fence per City Standards. The City does not have a standard for decorative fencing. Therefore, staff recommends **Special Condition 9**.

Special Condition 9: Prior to issuance of building permit, the applicant shall submit a detailed fencing plan for review by the Community Development Director. All fencing shall comply with Section 18.30.050 of the CLUDC.

Landscaping & Lighting

The applicant has not submitted a detailed landscaping plan for the site. However, the site plan illustrates 32 trees, 114 bushes/plants and approximately 37,250 square feet of open space in four separate grassy commons/playgrounds. The site plan also includes significant areas of private landscaped yards and landscaping around the parking lot and interior walkways.

Table 6: Project Open Space	
	Open Space
Senior Cottages	14,665
Permanent Supportive Housing	14,597
Workforce Housing	8,006
Total	37,268

The applicant has not submitted a lighting plan. The CLUDC regulates outdoor lighting fixture height, energy efficiency and light spill over onto adjoining properties.

As the applicant has not submitted a detailed landscaping or lighting plan, **Special Condition 10** has been added to require that these plans be submitted and approved prior to issuance of the building permit.

Special Condition 10: Prior to issuance of the Building Permit, the applicant shall submit a detailed landscaping and lighting plan for review by the Community Development Director that includes local native plants only, preferably grown from local genetic sources. The landscaping plan shall comply with the sections 17.34.059C5b2 and 17.34.060 of the CLUDC. The Lighting Plan shall comply with 17.30.070. The Community Development Director shall approve the submitted landscaping and lighting plans prior to issuance of the building permit.

Signage

The project does not include a sign design. The applicant shall obtain a sign permit for project signage.

Special Condition 11: Prior to issuance of the Building Permit, the applicant shall submit a sign plan for review and approval by the Community Development Director.

Solid Waste Recycling & Material Storage

The site plan does not include a site for solid waste material and storage. However the facilities will be established in each parking lot. Additionally the plan does not illustrate the design or materials for the building enclosure, therefore **special Condition 12** has been added.

Special Condition 12: The applicant shall provide: 1) a site plan that illustrates a dumpster/recycling area for each parking lot of each facility and 2) elevations and floor plan for the solid waste recycling storage building, to the Community Development Director for approval prior to issuance of the Building Permit. The storage structure shall have the same quality and level of finish as the other buildings on the site.

COMPLIANCE WITH MULTI-FAMILY REQUIREMENTS

STANDARDS FOR SPECIFIC LAND USES MULTIFAMILY

The Coastal LUDC section 17.42.120 includes specific standards for multi-family projects, which are summarized in the Table below with an analysis of the projects compliance with the applicable standard.

Table 4: Compliance with CLUDC Multi-Family Standards

Standard	Requirement	Project	Compliance
Front Set Back	No more than 40% of the front setback may be paved.	Less than 10% of the front setback is paved with drive isles and walkways.	Yes
Open Space	Section 17.42.120 of the CLUDC requires that multifamily projects “provide permanently maintained outdoor open space for each dwelling unit (private space) and for all residents (common space).” Projects of more than eleven units must provide 100sf of common open space and 150 SF with patios or porches of private open space per unit.	The proposed project complies with both open space requirements. All three unit types would have a patio or 88 SF and outdoor gardening areas of 250 SF for each unit (total of 338 SF/unit). The total private open space is 23,000 SF. The project also includes 37,268 square feet of common landscaped open space or 886 SF per unit. Additionally the CLUDC requires that the common open space be accessible, continuous and usable and the proposed project provides this kind of high quality open space in three courtyard common areas.	Yes
Storage	Section 17.42.120 of the CLUDC requires that multifamily projects provide a minimum of 100 cubic feet of storage space outside of the unit.	The Common Misc buildings will provide a minimum of 100 cubic feet of locked storage area for each residence. The buildings will provide a minimum of 6,800 cubic feet of storage space in total.	Yes

Window Orientation	Section 17.42.120 of the CLUDC requires that windows that are 10 feet or less from another unit should be located to provide privacy between units.	The project floor plans and site plan are not detailed enough to determine if this criteria has been met. Special Condition 13 is recommended.	Special Condition 13
Accessory Structures	Accessory structures and uses (e.g., bicycle storage, garages, laundry rooms, recreation facilities, etc.) shall be designed and constructed with an architectural style, exterior colors and materials similar to the structures in the project containing dwelling units.	The proposed common building and common misc. building will have the same exterior treatments as the remainder of the project, however the applicant has not provided elevations for these structures and staff recommends Special Condition 14.	Special Condition 14
Outdoor Lighting	Outdoor lighting shall be installed and maintained along all vehicular access ways and major walkways, in compliance with 17.42.120F	The Landscaping and lighting plan has not been submitted with the application.	Special Condition 7
Building Facades Adjacent to Streets	At least 75 percent 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.	The project includes 12 duplexes, 2 cottages and one office building that fronts Kemppe Way. There are also eight cottages that front South Street. For all of the residences, 100% of the space facing the street is habitable space with windows. The Site Plan illustrates that all units that front a street have street fronting pedestrian entrances.	Yes

Special Condition 13: Prior to issuance of the Building Permit the applicant shall submit a detailed site plan for approval by the Director of Community Development, which illustrates that windows on each unit are oriented to ensure privacy within each unit from adjacent unit windows.

Special Condition 14: Prior to issuance of the Building Permit the applicant shall submit detailed floor plans and elevations for all accessory structures including the Commons Buildings, the Common Storage Building and Trash and Recycling Buildings for approval by the Director of Community Development. The accessory buildings shall be designed and constructed with an architectural style, exterior colors and materials similar to the structures in the project containing dwelling units.

COASTAL DEVELOPMENT PERMIT ANALYSIS

Cultural Resources

An archeological survey was completed for the site in September of 2006: after an extensive field survey, the archaeologist concluded that there is no evidence of archaeological sites or other historic resources. The survey provided no special direction for the handling of development in relation to cultural resources other than to recommend the City’s standard condition 6, which defines the standard

required response if unknown resources are discovered during construction. No impacts to cultural resources are expected as a result of the project. The City of Fort Bragg consulted with the Sherwood Valley Band of Pomo, which has pre-historic, historic and present day connections to the Fort Bragg Area. The SVBP Tribal Council has requested Native American monitoring during all ground-disturbing activities. However, as the archaeology survey did not identify any cultural sites on the parcel, Native American monitoring cannot be required by the City of the project applicant. In order to be responsive to the Tribe's concerns, staff reached out to Danco to determine if they would allow monitoring during ground disturbing activities at the tribes expense. Danco indicated that they would welcome tribal monitoring and would also pay for tribal monitors during ground disturbing activities. No special conditions are required for Native American monitoring as it this is a voluntary measure on the part of the applicant.

Environmentally Sensitive Habitat Areas, and Wetland and Riparian Protection

A wetland delineation and botanical study was prepared for the site by William Maslach a professional botanist/biologist in 2007. The analysis included full floristic and wetland delineation surveys in May, June, July and August of 2006. The surveys found no special status plants on the site and indicated that the site is covered in a meadow of exotic grasses, with a small stand of bishop pine located on the far eastern edge of the site. The biologist noted that the bishop pine population is too small to be considered a forest due to the small number of trees. A wetland survey was also completed and no primary or secondary wetland hydrology indicators were present. In December of 2017, SHN completed a botanical and wetland survey report for the site and found no evidence of wetlands or special status plants on the site. The report characterized the site as "a mowed field, dominated primarily by non-native grasses." the report noted that "a riparian woodland habitat occurs over 100 feet from the parcel edge....and wetland associated with the Noyo River are over 200 feet away." The report concludes that the site does not have ESHA, wetland or riparian habitat and the project will not have an impact on any special status species either on the site or within the nearby Noyo River basin. . The report did however note that the study was limited due to the time of the survey (December) and included recommendations for further study. **Special Condition 15a** has been added to require these additional studies prior to issuance of the Building Permit.

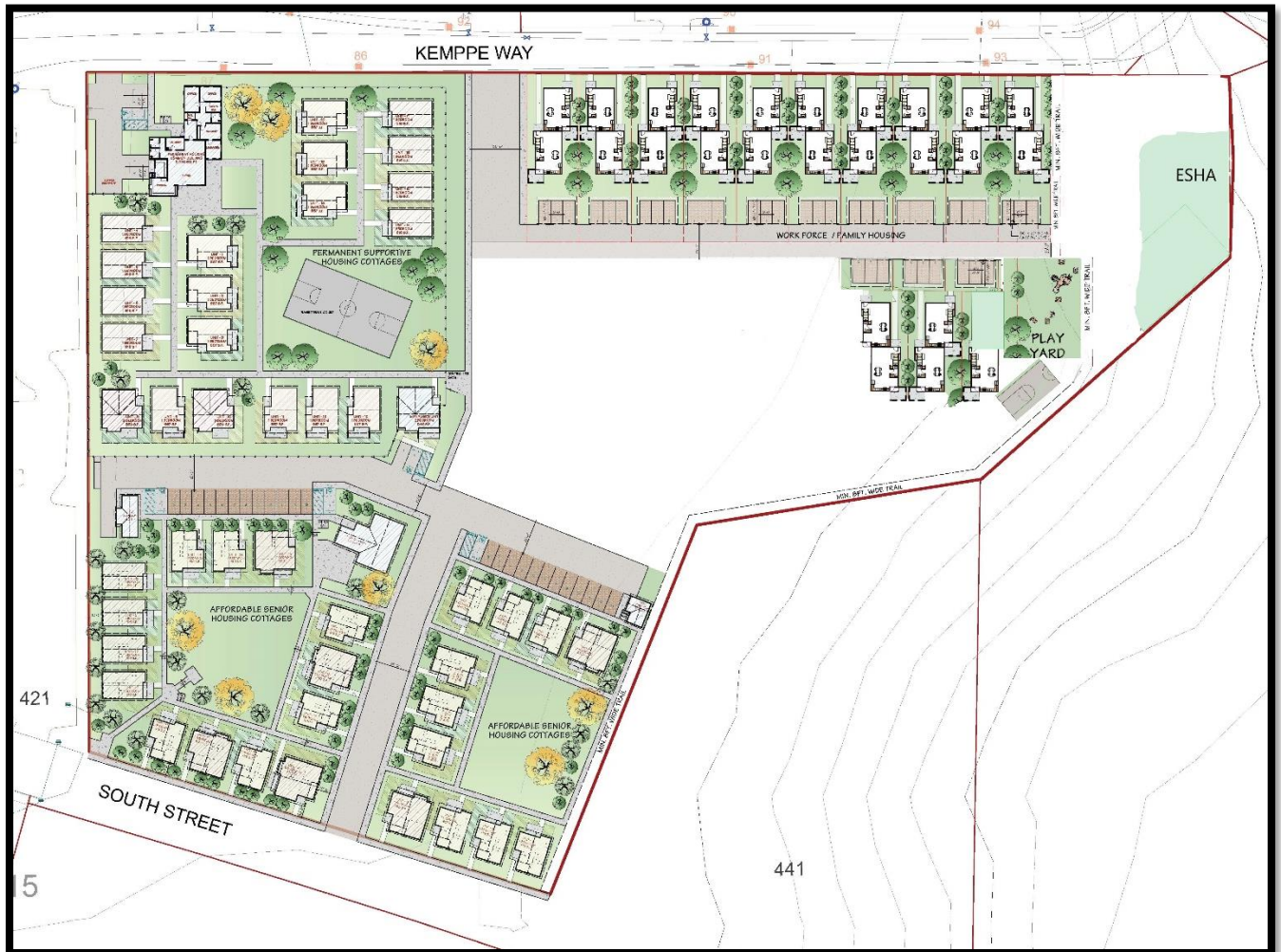
Special Condition 15a: Prior to issuance of the building permit, the applicant shall complete the following studies, and submit them to the Community Development Director for review. If the studies identify rare plants or wetlands, which would be impacted by the project, the applicant shall be required to apply for a CDP amendment to revise the site plan as necessary:

- A Seasonally appropriate (April to June) botanical surveys shall be conducted on parcel 018-340-004 for the special status plant species included in Table A-1 of the survey.
- Vegetation community mapping red fescue shall occur on parcel 018-340-004. The areas of parcel 018-340-004 to determine if it meets the vegetation community criteria for red fescue grassland.
- Spring and summer surveys should be conducted on parcel 018-340-004 for the special status animal species included in Table A-2. *Viola adunca* surveys should be conducted during the botanical surveys, to ascertain habitat viability for the Behren's silverspot butterfly (*Speyeria zerene behrensii*) between April 21 and June 14.

On February 6th City staff meet with Daniel Harrington, Environmental Scientist from Fish and Wildlife.

Mr. Harrington determined that four of the trees slated for removal qualify as an ESHA and that in order for them to be removed the applicant would have to establish a copse of trees three times larger than the one that would be removed. Alternatively, the project could be redesigned in order to avoid the ESHA. Staff discussed this alternative with the applicant, who agreed that **Special Condition 15b** should be included to address this concern.

Special Condition 15b: Prior to issuance of the Building Permit the applicant shall resubmit the site plan, including relocation of the playing yard, half basketball court and the **eastern five most units** of the multifamily housing to avoid the ESHA and the 30 foot ESHA buffer as roughly illustrated in the diagram below. Additionally during construction, construction fencing shall be placed on the 30 foot ESHA buffer (to be shown on all plans) to protect the ESHA from any construction damage during construction.



Special Condition 15c: Prior to issuance of the Certificate of Occupancy, a permanent redwood fence shall be installed along the 30-foot buffer (illustrated in orange) to protect the ESHA (illustrated in light green with a red border) from encroachment. No live tree removal is permitted within the ESHA area (as illustrated in the plan below).



Public Access

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

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

The project is not in an area used by the public to access the coast nor is it identified in the Coastal General Plan as a location for public access to the Noyo River. The properties to the north and south are identified as access points and irrevocable offers to dedicate will be required when these projects are developed in the future.

Special Communities, Neighborhoods, and Recreational and Visitor Serving Uses

The project will neither impact a special community or neighborhood nor displace or preclude any potential recreational or visitor serving uses.

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

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

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

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

As conditioned below, the 69 unit Danco project will be served by existing services.

Water Supply. The City's ongoing need for water storage during severe drought conditions was addressed with the construction of the City's new Summers Lain Reservoir, which provides an additional 15 million gallons (MG) of raw water storage to help ensure a reliable water supply during the late summer months when flows are low at the City's three water sources. This additional raw water storage will ensure adequate water supply during severe drought years and will help to meet the needs of current and future development for the City.

On a daily basis the City currently produces about 50 gallons of treated water per resident. The 69 new residences will serve approximately 115 residents, which would use up to 5,750 gallons of water per day or 2 million gallons per year. This is a 0.6% overall increase in water demand for the City's Water Enterprise. With the new 45 Acre Foot Summers Lain reservoir, the City currently has sufficient water supply and storage to meet in excess of a 20 percent increase in overall water demand and thus can accommodate the additional 0.6% water demand from the Danco project.

Water Service. The project is served by two 8 inch water mains along Kempe Way and South Street. These water mains should provide sufficient levels of service, however the water main on South Street will need to be extended to the edge of the project site as part of the project. Additionally it is desirable for a new water main to be installed within the drive isles that enter the property to cross the property and thereby provide better overall hydrological performance in the area. Indeed some water pressure issues exist in this area of the City's water distribution system. The City can provide pressure data for the Hydrant 154 at Kempe Way and River Dr. and for Hydrant 158 at South St and River Dr. Additionally, under contract with the City, KASL Engineering has developed a computer model to analyze water pressures and they may be able to run site specific analyses for a fee to the applicant.

The Public Works Director and the developer will work together to ensure that the project, when constructed, has adequate water pressure and that no lessening in water pressure to other properties in the same sector occurs. In order to ensure this occurs, **Special Condition 16** has been added.

1. **Special Condition 16:** Prior to final of the building permit, the developer shall:
 - a. Create a solution to the satisfaction of the Public Works Director that water pressures can be achieved (via pressure pump, tank, etc.) for enhancing the water system to meet City standards. Documentation to this effect shall be submitted to the Public Works Department, prior to issuance of the building permit.
 - b. The applicant shall ensure adequate pressure and flow to the subject site to provide necessary domestic and fire suppression flows.
 - c. The applicant shall extend the 8" water main on South Street along the length of South Street in front of the project site. New water laterals shall connect the development to the constructed water main.
 - d. The Public Works Department may further require that an 8" water main connection be installed between the main on Kempe Way and the Main on South Street along the drive isles that transects the property, to ensure adequate system pressures can be maintained.
 - e. All water main improvements shall be dedicated to the City of Fort Bragg. If a main is constructed across the parcel to create a loop, a Public Utility (or similar) Easement of at least ten feet in width shall be recorded.
 - f. A backflow devise (per City standards) shall be installed for both domestic and fire suppression lines.
 - g. The utility hookup configurations will be approved by the Director of Public Works or designated staff. Alternate main location options may be considered.

Additionally as all-new development is required to pay its fair share of the water system infrastructure and future capital improvements through the Water Capacity Charge, the applicant will be required to pay water capacity charges when they secure their Building Permit. (See Special Condition 12).

Waste Water. The City's Waste Water Treatment Plan was sufficient capacity to serve the new development. The sewer main on South Street transitions from an 8"line to a 6" line about 300 feet from the project site on South Street. The sewer main will need to be increase to an 8" line to handle the flow from the proposed project (see Attachment 4). In order to ensure this occurs, **Special Condition 17** has been added.

- Special Condition 17:** Prior to issuance of a grading permit or building permit, the developer shall:
 - a. Submit plans for the installation of a sewer main in South Street (to City Standards) from the manhole in intersection of South Street and River Drive to the proposed development to the satisfaction of the Public Works Director.
 - b. The new sewer main shall be adequately sized to achieve standards established by the FBMC and reasonably designed to convey wastewater for future development of the parcel. FBMC section 14.28.040 states The minimum size of a sewer lateral shall be 4-inch diameter. The minimum slope of a sewer lateral shall be 2 feet per 100 feet (2% slope). Exceptions will be reviewed and approved at the discretion of the District Manager.
 - c. New waste water laterals shall connect the development to the constructed sewer main, per the satisfaction of the Director of Public Works.

- d. The exact location of the waste water line in the City right of way will be determined by the City Engineer at the time of review of the encroachment permit application.
- e. A new waste water lateral shall connect the development to the constructed sewer main.
- f. All new constructed gravity fed waste water mains shall be dedicated to the City. However waste water force mains will remain in the ownership of property owner and all maintenance of associated lift stations and force main will remain the owner's responsibility.
- g. Utility hookup configuration will be worked out with the Public Works Director or designated staff. Alternate main location options may be considered.

Additionally as all new development is required to pay its fair share of the wastewater system infrastructure and future capital improvements through the wastewater Capacity Charge, the applicant will be required to pay wastewater capacity charges when they secure their Building Permit.

Special Condition 18: Prior to issuance of a grading permit or building permit, the developer shall pay all Water and Sewer Capacity Fees and Storm Drain Fees.

Circulation, Access & Street Frontage

Based on survey map LLA1-94, South Street was dedicated to the City, however the City has been unable to identify documentation that the city accepted the dedication, this is likely because the street is unimproved and the City generally does not accept the dedication of unimproved streets. The proposed project will LAO require considerable street and frontage improvements along South Street and Kemppe Way to comply with Section 17.30.090 of the CLUDC; including: installation of sidewalk, curb and gutter along the project frontage on the south side of Kemppe Way. **Special conditions 19 and 20** are recommended to address this deficiency.

Special Condition 19: The developer shall submit to the City Engineer, for review and approval, improvement drawings for required public improvements. The plans shall be drawn by, and bear the seal of, a licensed Civil Engineer. Street Section Standards for Minor and Collector streets is City Standard No. 204.

Special Condition 20: Prior to issuance of a Certificate of Occupancy for the project the following public improvement will be completed by the applicant per the direction of the Director of Public Works and according to City standards:

- a) South Street shall be improved as follows, prior to the final of the building permit: south street shall be improved along the length of the parcel frontage including a 50' fully paved ROW and a paved parking lane. Upon improvement to this section, and prior to final of the building permit, the paved portion of the street shall be dedicated to the City.
- b) Installation of sidewalk, curb, corner ramps, gutter and conform paving along the project frontage on the south side of Kempe Way.
- c) Installation of sidewalk, curb, corner ramps, gutter and conform paving along the project frontage on the North side of South Street. A gravel shoulder will be accepted on the south side.

All frontage and utility improvements (ADA compliant driveway aprons, corner ramps, sidewalk, curb, gutter, conform paving, etc.) shall be implemented according to current City Standards.

Geologic Hazard. The site is located 170 feet inland from the coastal bluff overlooking the Noyo River at the end of Kemppe St and therefore, is not subject to hazards associated with coastal bluff erosion. All hazards associated with earthquakes will be addressed by the building permit process under the authority of the California Building Code.

Flood Hazard. According to Federal Emergency Management Agency (FEMA) flood insurance maps the project site is located outside the 500-year flood plains associated with the Noyo River. No flooding concerns are raised relative to the project.

Visual Analysis

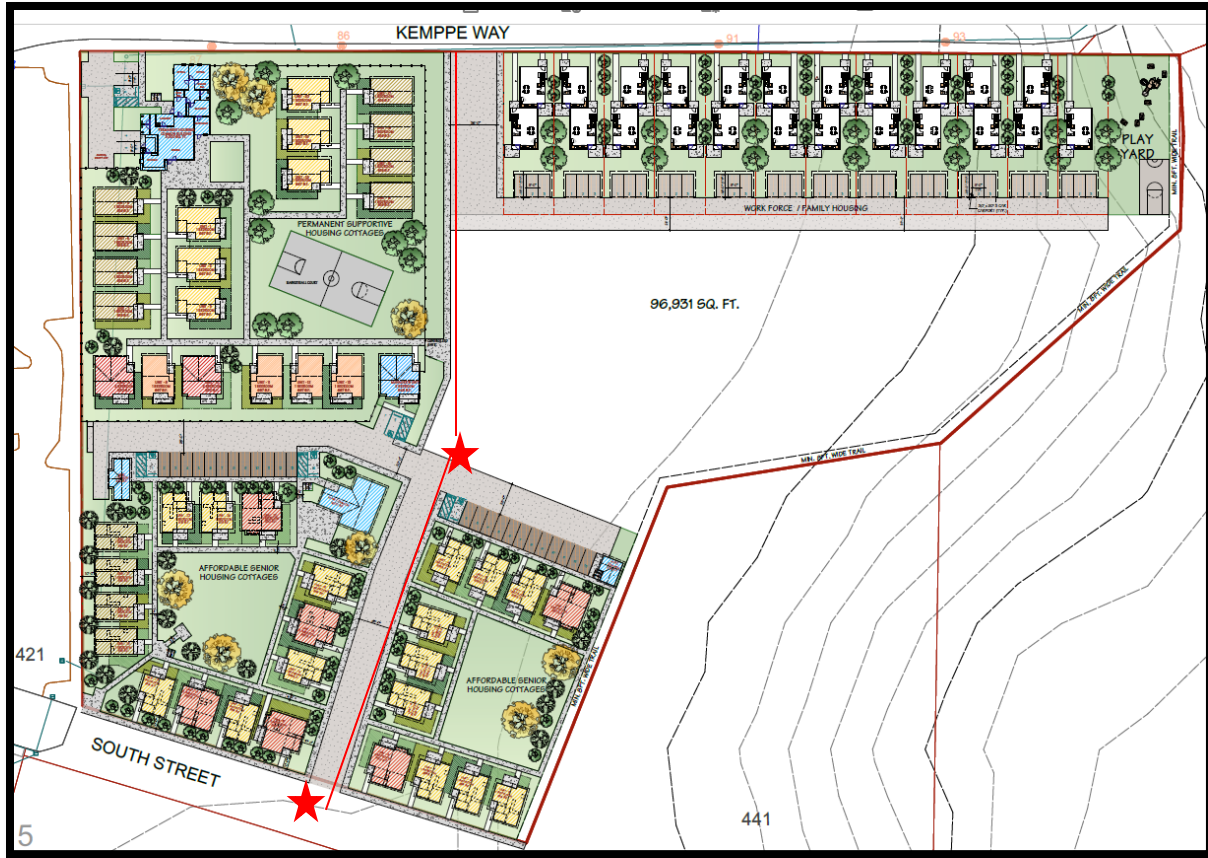
The project is not in an area requiring visual analysis as part of the Coastal Development Permit review process, therefore no review of visual impact of the proposal to coastal scenic views is required. The project is subject to Design Review as discussed later in this report.

Fire and Life Safety

The Fire Marshal reviewed the project plans and did not issue a statement of concern regarding fire and life safety. The new buildings code requires that all buildings have sprinkler systems, a monitored alarm system, and parking and driveway areas that are navigable by fire trucks and other emergency vehicles. The Fire Marshal identified the following required physical improvements for the project: 1) two fire hydrants and a connecting waterline (for pressure) shall be installed as illustrated in **Special Condition 21** below; 2) a flow alarm is required for the sprinkler system; 3) two clearly visible panic gates are required for the fencing surrounding the PSH facility; and 4) emergency vehicle access must be provided from Kemppe Way through the site to South Street. Other Fire Code requirements will be incorporated in the construction plans as necessary during the building permit review by the Fire Marshall.

Special Condition 21: Fire Marshall Requirements

- a) Prior to issuance of the building permit the applicant shall complete a water modeling analysis that illustrates a minimum flow rate of 1,500 gallons per minute for all hydrants on the project site.
- b) Prior to issuance of the building permit that applicant shall submit plans and specifications for two panic hardware/gates that shall be added to the fence surrounding the PSH project
- c) Prior to final of the building permit a flow alarm shall be installed on the project sprinkler system.
- d) Prior to issuance of a building permit, the applicant shall submit a revised site plan that clearly illustrates: 1) the installation of a water main connecting Kemppe Way with South Street; 2) the installation of two fire hydrants as illustrated in red stars below; and 3) emergency vehicle access from Kempee way through to South street. Other fire suppression requirements (including infrastructure) may be required by the Fire District. All fire hydrants, valves, service lines, etc. comprising this new infrastructure shall be included on site plans for review and approval by the Fire Marshall and the Public Works Department.



Senior housing projects tend to have a high incidence of false fire alarms, especially if there is no on-site property manager. One senior project in the City of Fort Bragg currently results in over \$60,000 in excess expense due to false fire alarms and the absence of an on-site property manager. In order to reduce the incidence of false fire alarms and excessive fire response by the volunteer fire department the Fire Marshal recommends that an on-site manager be required. **Special Condition 22** has been added to ensure that one of the units is used by an on-site property manager as proposed.

Special Condition 22: The property shall have an on-site residential property manager in order to minimize false alarms to the fire department. In the event that false fire alarms exceed three in any year, the Fort Bragg Fire Department will charge the property owner for all costs related to excess false fire alarms.

Storm Water Runoff Pollution Control/Project of Special Water Quality Concern

The site plan layout is intended to maximize on-site retention and infiltration of storm water by providing open spaces in the central common areas, use of permeable parking surfaces and vegetated swales along the perimeter of the site, taking into account the west-to-east tendency of surface water flow on the site. The Coastal General Plan includes a number of storm water policies that are relevant to this project including:

Policy OS-11.1: Use Integrated Management Practices in Site Design. The city shall require, where appropriate and feasible, the use of small-scale integrated management practices (e.g., Low Impact Development techniques) designed to maintain the site's

natural hydrology by minimizing impervious surfaces and infiltrating stormwater close to its source (e.g., vegetated swales, permeable pavements, and infiltration of rooftop runoff).

Policy OS-11.4: Infiltrate Stormwater Runoff. Development shall maximize on-site infiltration of stormwater runoff, where appropriate and feasible, to preserve natural hydrologic conditions, recharge groundwater, attenuate runoff flow, and minimize transport of pollutants. Alternative management practices shall be substituted where the review authority has determined that infiltration BMPs may result in adverse impacts, including but not limited to where saturated soils may lead to geologic instability, where infiltration may contribute to flooding, or where regulations to protect groundwater may be violated.

Policy OS-11.5: Divert Stormwater Runoff into Permeable Areas. Development that creates new impervious surfaces shall divert stormwater runoff flowing from these surfaces into permeable areas, where appropriate and feasible, to enhance on-site stormwater infiltration capacity.

Policy OS-11.6: Use Permeable Pavement Materials. To enhance stormwater infiltration capacity, development shall use permeable pavement materials and techniques (e.g., paving blocks, porous asphalt, permeable concrete, and reinforced grass or gravel), where appropriate and feasible. Permeable pavements shall be designed so that stormwater infiltrates into the underlying soil, to enhance groundwater recharge and provide filtration of pollutants. All permeable pavement that is not effective in infiltrating as designed will be replaced with effective stormwater detention and infiltration methods.

With more than 122,000 square feet of new impervious surfaces (roof tops, sidewalks, parking spaces, drive isles), the project is categorized as a project of Special Water Quality Concern by the CLUDC.

Policy OS-12.1: Developments of Special Water Quality Concern. The categories of development listed below have the potential for greater adverse coastal water quality impacts, due to the development size, type of land use, impervious site coverage, or proximity to coastal waters. A development in one or more of the following categories shall be considered a "Development of Special Water Quality Concern," and shall be subject to additional requirements set forth in Policy OS-12.2 below to protect coastal water quality. Developments of Special Water Quality Concern include the following:

- a) Housing developments of ten or more dwelling units.

As a project of Special Water Quality Concern the project must comply with the following policies.

Policy OS-12.2: Additional Requirements for Developments of Special Water Quality Concern. All Developments of Special Water Quality Concern (as identified in Policy OS-12.1, above) shall be subject to the following four additional requirements to protect coastal water quality:

- 1) Water Quality Management Plan. The applicant for a Development of Special Water Quality Concern shall be required to submit for approval a Water Quality Management Plan (WQMP), prepared by a qualified licensed professional, which supplements the Runoff Mitigation Plan required for all development. The WQMP shall include hydrologic calculations per City standards that estimate increases in pollutant loads and runoff flows resulting from the proposed development, and specify the BMPs that will be implemented to minimize post-construction water quality impacts.
- 2) Selection of Structural Treatment Control BMPs. As set forth in Policy OS-10.4, if the review authority determines that the combination of Site Design and Source Control BMPs is not sufficient to protect water quality and coastal waters as required by Policy OS-9.3, structural Treatment Control BMPs shall also be required. The WQMP for a Development of Special Water Quality Concern shall describe the selection of Treatment Controls BMPs, and applicants shall first consider the BMP, or combination of BMPs, that is most effective at removing the pollutant(s) of concern, or provide a justification if that BMP is determined to be infeasible.
- 3) 85th Percentile Design Standard for Treatment Control BMPs. For post-construction treatment of runoff in Developments of Special Water Quality Concern, Treatment Control BMPs (or suites of BMPs) shall be sized and designed to treat, infiltrate, or filter the amount of stormwater runoff produced by all storms up to and including the

85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event (with an appropriate safety factor of 2 or greater) for flow-based BMPs.

- 4) Goal for Runoff Reduction. In Developments of Special Water Quality Concern, the post-development peak stormwater runoff discharge rate shall not exceed the estimated pre-development rate for developments where an increased discharge rate will result in increased potential for downstream erosion or other adverse habitat impacts.

Special Condition 23. Prior to issuance of the Building Permit the applicant shall provide a stormwater analysis and plan Per code section 17.64.045 that proves that:

- a. Storm water runoff has been minimized by incorporation of Low Impact Development (LID) strategies that minimize impermeable areas, maximize permeable areas, and that slow, spread, and sink runoff to recharge groundwater and minimize runoff. Runoff that is expected shall be collected at vegetative swales or bio retention facilities and overflow finally conveyed by a storm drain system approved by the City Engineer.
- b. Treatment Control BMPs have been sized and designed to retain and infiltrate runoff produced by all storms up to and including the 85th percentile (.83" in 24-hours) based on the size of the development.
- c. An Operations and Maintenance Plan has been developed for all regulated project components by the State NPDES Phase II MS4
- d. All drainage channels, conduits, culverts, and appurtenant facilities shall have sufficient capacity to convey a 100-year flood. The existing drainage infrastructure is a 24" diameter which conveys storm water from River Gardens at the south west corner of the subject lot in a northerly direction (red lines on the attached CAD map). Applicant shall provide analysis documenting sufficiency of existing infrastructure or provide engineer reviewed design of proposed upgrades to drainage conveyance system. If upgrades to infrastructure are required, this shall be completed by the developer.

Special Condition 24: All public improvements to drainage conveyance systems shall be dedicated to the City.

The existing drainage infrastructure adjacent to this site is a 24" diameter storm drain which conveys storm water from River Gardens at the south west corner of the subject lot in a northerly direction. The applicant will need to provide an analysis that documents the sufficiency of existing infrastructure or provide an engineer reviewed design of a new proposed drainage conveyance system. If upgrades to infrastructure are required, this shall be completed by the developer and dedicated to the City. **Special Condition 25** has been added to ensure that these requirements are met.

Special Condition 25. Prior to issuance of the Building Permit the applicant shall provide an analysis that documents the sufficiency of existing storm water infrastructure or provide an engineer reviewed design of a new proposed drainage conveyance system. If upgrades to infrastructure are required, this shall be completed by the developer and dedicated to the City.

The project applicant has requested that a special condition be placed on the project so that the Water Quality Management Plan may be approved by the City Engineer prior to issuance of the building permit for the project. Staff has apprised the applicant that completion of the Water Quality Management Plan

may require the applicant to redesign features associated with production, treatment and infiltration of storm water. Accordingly, Staff is recommending **Special Condition 26**.

Special Condition 26. Prior to issuance of the Building Permit the applicant shall submit a Water Quality Management Plan and/or a Storm Water Pollution Prevention Plan (SWPPP) that for review and approval by the City Engineer. In addition, such plan shall comply with all storm water management requirements of the CLUDC Section 17.64 and Municipal Code Section 12.14. . A Runoff Mitigation plan (RMP) is required by the City to demonstrate the project meets the requirements is established by local, state and federal regulations. The RMP requirement can be fulfilled by a SWPPP as long as it complies with the above-mentioned regulations. If using a SWPPP to fulfill the RMP, a draft version should be submitted to the City to ensure the project is in compliance prior to filing for a Notice of Intent (NOI).

DESIGN REVIEW

Energy Efficiency

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

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

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

As proposed, the project will:

- a. Take advantage of passive solar gain for some of the space heating requirements of each unit.
- b. Achieve insulation values of R-22 or better in the walls and R-49 or better in the roof.
- c. Space heating will be provided by air-source heat pumps with equipment located in mechanical space at the roof level.
- d. Achieve energy efficiency as indicated in Reg. Section 10325(c)(6)(B) beyond the requirements in the 2016 Title 24, Part 6 of the California Building Code (2016 Standards).

The combination of these strategies will result in buildings that are energy efficient and maintain minimal utility costs for the residents while exceeding California Title 24 Building Energy Code compliance standards.

Compliance with Citywide Design Guidelines

The individual senior and PSH cottages and the multi-family duplexes have an architectural style that is typical of coastal northern California and Fort Bragg. There are several variations and sizes of cottages which add to the visual appeal of the project. All cottages include covered porches and some have small decks, which add visual interest to the buildings. The building fronts are well-articulated with plenty of windows to provide for a nice architectural appearance from the outside and good day-lighting on the inside. The duplexes include porches facing the streets, good window placement and a combination of board and baton and hardi-plank siding.

The Citywide Design Guidelines provide guidance for Design Review and each relevant guideline is summarized in the table below, along with a description of how the project conforms to the guideline and any Special Conditions required for conformance.

Table 5: Compliance with Citywide Design Guidelines

Relevant Design Guidelines	Project Compliance
New multi-family residential development should be compatible with other development in the immediate area through the use of complementary building arrangements, buffers, and avoidance of overwhelming building scale and visual obstructions.	The project is composed of small dispersed buildings and is compatible with the scale of development in the neighborhood. The pocket parks help to create a micro neighborhood feel for each separate project type.
Developments should relate directly to the adjacent street, and present an attractive and interesting façade to passersby.	All of the duplex units are oriented along Kemppe street, which provides for a very traditional neighborhood design. All senior cottages along the street frontages are oriented to the street. Two of the PSJ units are not oriented to the street, Special Condition 27 is recommended to address this non-compliance.
Whenever possible, buildings should be configured around courtyards, gathering areas, and open spaces.	Both the senior cottages and the PSH cottages are oriented around one of three central commons which create a pocket neighborhood of similar low scale and vernacular context. The workforce duplexes are oriented to the street.
Buildings should be oriented to provide some privacy yet still relate to the street and the existing community. Doors should be visible from the street and windows should allow residents to have “eyes on the street” for natural surveillance.	Along South Street and Kemppe Way, the units are oriented toward the sidewalk and connected to the sidewalk with pathways and a visible door (except for two PSH units see special condition 27). Windows are oriented to provide eyes on the street. However two of the units on South Street (unit 28 and Unit 30) have only one very small window that fronts South Street. From a review of the floor plan this window is located in the bedroom. Thus it is probably not practical to require a larger window here.
Energy efficiency and energy conservation should be considered in building siting. Buildings should be oriented to take advantage of solar opportunities whenever possible.	The project design emphasizes passive solar gain along with daylighting within units. Thirty-three of the units will have excellent passive solar access with the main access of the building facing south with un interrupted solar access. Most of the other building will have fair solar access.
Where bus routes are located near the development, the site design should consider convenience and comfort factors for residents. These include direct access, widened sidewalks, seating areas, and weather protection provided near public transit stops.	The closest transit stop is located at the Mendocino Coast District Hospital. The project will include installation of sidewalks along Kemppe Way to provide for easy access to the transit stop (see Special Condition 20).

<p>Open Space</p> <ol style="list-style-type: none"> 1. Residents should have access to useable open space for recreation and social activities. Open spaces should be conveniently located for the majority of units. 2. Open space areas should be sheltered from the noise and traffic of adjacent streets or other incompatible uses. Open space siting should give consideration to prevailing breezes and sun orientation in order to provide a comfortable environment. 3. A series of connected open space areas of varying shape, appearance and usage are encouraged. Smaller areas may directly relate to a cluster of units, while the larger areas may serve several clusters as common open space. 4. Boundaries between private and common open spaces should be clearly defined by low walls or plant materials. 5. Private open space should be provided adjacent to the units it serves and should be immediately adjacent to the public right-of-way or common open space. 6. Shade structures are encouraged to provide shelter from sun and rain. 	<ol style="list-style-type: none"> 1. The open space areas total 17% of the site. The courtyards and play areas are designed to encourage outdoor use and activity. The multi-family project commons areas includes a playground for children and a half-court basketball court. Likewise the PSH commons include space for gardening, socializing and a full court basketball court. 2. The common spaces are interior to the development and are sheltered from street noise. They are also well situated to maximize solar gain and to be protected from prevailing ocean breezes from the north west. 3. The commons spaces are interconnected with paths to form pocket neighborhood, and they are of varying shape and utility. 4. Boundaries between common space and private space will be clearly defined by the installation of low fencing and plantings. 5. Private open space is proposed to be located directly in front of each unit it serves. 6. Shade structures are provided in the form of front porches.
<p>Play Areas</p> <ol style="list-style-type: none"> 1. Children’s play areas should be visible from as many units as possible and from private open space areas. Direct, convenient access from ground level, private open space to the communal play area is encouraged. 2. Outdoor play areas should be located adjacent to laundry rooms, community centers, or similar common facilities. Play areas should not be located near public streets, parking, or entry areas unless physically separated by appropriate walls, fencing, or dense landscaping. 3. Hard surface areas for outdoor activities (e.g., bicycle riding, skating, rope jumping, and 	<ol style="list-style-type: none"> 1. The proposed play areas are not located adjacent to the multi-family units, however they are located in a natural setting with lovely views to the Noyo River. Sidewalks provide direct access to this play area. 2. This play area is not located next to a community center, however is in well away from public parking and streets. A fence could be installed between the play area and the end of Kemppe Way, however Kemppe Way turns the corner prior to the play area and so is not strictly necessary. Dense landscaping may make more sense for this area. 3. The play area includes a half-court basketball court which can easily be utilized for a variety of listed outdoor activities.

<p>hopscotch) should be provided. These active play areas should be safely separated from vehicular use areas.</p> <p>4. Seating areas should be provided where adults can supervise children’s play and also where school-age children can sit. Seating location should consider comfort factors, including sun orientation, shade, and wind.</p>	<p>4. As the code requires that play areas include seating areas for adults, see Special Condition 28.</p>
<p>Architecture</p> <ol style="list-style-type: none"> 1. Use of single-family residential design elements (e.g., pitched roofs, porches, individual entries) are recommended to reduce perceived density, give identity to the development and its individual dwelling units, add visual interest, and be compatible with the neighborhood context. 2. Roof pitches and materials should appear residential in character and should consider the prevailing roof types in the neighborhood. 3. The development’s dwelling units, community facilities, and parking structures should be unified by a consistent use of building materials, textures, and colors. Exterior columns or supports for site elements, such as trellises and porches, should utilize materials and colors that are compatible with the rest of the development. 4. Building materials should be durable, require low maintenance, and be of comparable or better quality and image to what is used in the surrounding neighborhood. Frequent changes in building materials should be avoided. 5. Color should be used as an important design element in the development’s appearance. The predominant colors for the dwelling units and accessory structures should be natural or muted tones. Appropriate use of more than one predominant paint color is encouraged. Compatible accent colors are encouraged to enhance important building elements. 6. The color of shadow patterns, relief, decorative trim, and wood frames should be distinctive yet compatible with the overall building color. 7. Materials such as brick, stone, copper, etc. should be left in their natural colors. Such materials should not appear thin and artificial. 	<ol style="list-style-type: none"> 1. The project is designed as single family and duplex units with pitched roofs, porches and individual entries. The units will be visually interesting as they will be painted a variety of colors and are oriented in a variety of different directions. 2. As proposed the roof pitches and materials are residential in character and are consistent with single family residential roof style. Roof shingles will be dark asphalt composite. 3. As proposed the dwelling units, common buildings and covered parking will be constructed with the consistent design features and materials and will provide a consistent look for the facility. Porches and fencing will be compatible with the overall facility. 4. Proposed exterior finish materials would include a blend of vertical board and batten siding, shingled siding and lap siding, which will serve to further create variety between buildings in the development. Windows will be dual glazed with vinyl frames in a taupe or sand color. 5. The proposed color palette would be subdued and varied with each unit including a complementary mix of two to three different colors and the overall project utilizing 10 complementary colors. The color pallet that is proposed is identical to the color pallet for the Cottages at Cypress Street (330 E Cypress Street). See attachment 7 for the proposed color pallet. 6. Staff has included Special Condition 29 to give the Director approval authority for how the proposed colors are painted onto the structures. Commission input regarding the proposed color scheme would be helpful. 7. No brick, stone or copper are proposed for the project.

8. Veneer should turn corners and avoid exposed edges.	8. Veneer is not proposed for the project.
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Special Condition 27. Prior to issuance of the building permit the applicant shall submit a site plan for approval by the Community Development Director which orients both PSH houses along Kemppe avenue to the street. While direct access to the street is not feasible due to the security fencing, the units shall be reoriented so that the front porch faces the street.

Special Condition 28. The play area shall include seating or benches for parents to use while watching their children play.

Special Condition 29. Prior to issuance of the Building Permit that applicant shall submit a paint color plan for the site for review and approval by the Community Development Director.

The project plans do not provide design details or screening for mechanical equipment. Therefore **Special Condition 30** has been added to ensure that these components comply with the CLUDC.

Special Condition 28. Prior to issuance of a Building Permit, the applicant shall submit for the review and approval of the Community Development Director plans for the locations and visual screening of all mechanical equipment proposed to be constructed as part of the project, including but not limited to: standpipes, backflow preventers, generators and propane fuel tanks.

ENVIRONMENTAL DETERMINATION

Staff has performed a review of the project under the guidelines of the California Environmental Quality Act (CEQA) and determined the project to be exempt from CEQA review under section 15192 & 15193 – Affordable Housing Development. Both Sections are cited below with an analysis of the project’s compliance with the threshold criteria for the exemption.

15192. THRESHOLD REQUIREMENTS FOR EXEMPTIONS FOR AGRICULTURAL HOUSING, AFFORDABLE HOUSING, AND RESIDENTIAL INFILL PROJECTS

In order to qualify for an exemption set forth in sections 15193, 15194 or 15195, a housing project must meet all of the threshold criteria set forth below.

<p>(a) The project must be consistent with:</p> <p>(1) Any applicable general plan, specific plan, or local coastal program, including any mitigation measures required by such plan or program, as that plan or program existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete; and</p> <p>(2) Any applicable zoning ordinance, as that zoning ordinance existed on the date that the application for the project pursuant to Section 65943 of the Government Code was deemed complete, unless the zoning of project property is inconsistent with the general plan because the project property has not been rezoned to conform to the general plan.</p>	<p>This threshold criteria has been met.</p> <p>As analyzed in this staff report and with the implementation of the recommended special conditions the project is consistent with the General Plan and the Local Coastal Program.</p> <p>As condition, and as analyzed in this staff report the project is consistent with the CLUDC.</p>
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<p>(b) Community-level environmental review has been adopted or certified.</p>	<p>This threshold criteria has been met. The Coastal Commission's adoption of the Certified Local Coastal Program is the Coastal Act equivalent of a community level environmental review.</p>
<p>(c) The project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees.</p>	<p>This threshold criteria has been met. As conditioned the project can be adequately served by existing facilities and a special condition requires the payment of all development fees.</p>
<p>(d) The site of the project:</p> <p>(1) Does not contain wetlands, as defined in Section 328.3 of Title 33 of the Code of Federal Regulations.</p> <p>(2) Does not have any value as an ecological community upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection.</p> <p>(3) Does not harm any species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or by the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code.</p> <p>(4) Does not cause the destruction or removal of any species protected by a local ordinance in effect at the time the application for the project was deemed complete.</p>	<p>This threshold criteria has been met. As noted in this report and illustrated in the attachments this project site does not contain wetlands, nor would it have any impacts on special status species or species of concern.</p> <p>The site is covered in invasive plant communities which do not constitute and ecological community.</p>
<p>(e) The site of the project is not included on any list of facilities and sites compiled pursuant to Section 65962.5 of the Government Code.</p> <p>(f) The site of the project is subject to a preliminary endangerment assessment prepared by a registered environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. In addition, the following steps have been taken in response to the results of this assessment:</p> <p>(1) If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with state and federal requirements.</p>	<p>The project meets this threshold criteria.</p> <p>The site is not listed on DTSC's compilation of hazardous sites. The site has not been developed and has no history of development which would have resulted in a release of hazardous substances.</p>

(2) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.	
(g) The project does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code.	The project meets this threshold criteria. An archaeological study was completed for the site and it found no evidence of historical pre-historic resources.
(h) The project site is not subject to wildland fire hazard, as determined by the Department of Forestry and Fire Protection, unless the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a wildland fire hazard.	The project meets this threshold criteria. The City of Fort Bragg is an urbanized area and is not subject to wildland fire hazard. Additionally, the project site has been reviewed by the Fort Bragg Fire Department, which has approved the project as conditioned.
(i)The project site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties.	The project meets this threshold criteria. The site is surrounded to the south and west by residential development to the east by the Noyo River and residential development and to the north by the hospital. None of these facilities represent a risk of fire or explosion from stored materials.
(j)The project site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.	The project meets this threshold criteria. The project site is mowed field.
(k)Either the project site is not within a delineated earthquake fault zone or a seismic hazard zone, as determined pursuant to Section 2622 and 2696 of the Public Resources Code respectively, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of an earthquake or seismic hazard.	The project meets this threshold criteria. The general Plan and Building Code contain provisions to minimize and mitigate hazard risk.
(l) Either the project site does not present a landslide hazard, flood plain, flood way, or restriction zone, or the applicable general plan or zoning ordinance contains provisions to mitigate the risk of a landslide or flood.	The project meets this threshold criteria. The project site in not in an area with landslide or flood risk.
(m) The project site is not located on developed open space.	The project meets this threshold criteria. The project site is an undeveloped and is located in a High Density Residential zoning district.
(n) The project site is not located within the boundaries of a state conservancy.	The project meets this threshold criteria. There are no portion of

	Fort Bragg that are located within a state conservancy.
(o) The project has not been divided into smaller projects to qualify for one or more of the exemptions set forth in sections 15193 to 15195.	The project meets this threshold criteria. The project site is being reviewed in its entirety.

15194. AFFORDABLE HOUSING EXEMPTION

CEQA does not apply to any development project that meets the following criteria:

Class 32 Categorical Exemptions Conditions	Project Consistency Analysis
(a) The project meets the threshold criteria set forth in section 15192.	The project site meets this criteria. See above analysis.
(b) The project meets the following size criteria: the project site is not more than five acres in area.	The project site meets this criteria. The project site is just under 5 acres in size.
<p>(c)The project meets both of the following requirements regarding location:</p> <p>(1)The project meets one of the following location requirements relating to population density:</p> <p>(A) The project site is located within an urbanized area or within a census-defined place with a population density of at least 5,000 persons per square mile.</p> <p>(B) If the project consists of 50 or fewer units, the project site is located within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.</p> <p>(C) The project is located within either an incorporated city or a census defined place with a population density of at least 1,000 persons per square mile and there is no reasonable possibility that the project would have a significant effect on the environment or the residents of the project due to unusual circumstances or due to the related or cumulative impacts of reasonably foreseeable projects in the vicinity of the project.</p> <p>(2)The project meets one of the following site-specific location requirements:</p> <p>(A) The project site has been previously developed for qualified urban uses; or</p> <p>(B) The parcels immediately adjacent to the project site are developed with qualified urban uses.</p> <p>(C) The project site has not been developed for urban uses and all of the following conditions are met:</p> <ol style="list-style-type: none"> 1. No parcel within the site has been created within 10 years prior to the proposed development of the site. 2. At least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses. 3. The existing remaining 25 percent of the perimeter of the site adjoins parcels that have 	<p>The project site meets this criteria. The project site is located complies with (C) as it is located in the incorporated City of Fort Bragg, which has a population of more than 1,000 persons per square mile. And staff has determined based on the analysis in this staff report that there is no reasonable possibility that the project would have a significant effect on the environment nor will it have cumulatively significant impacts on the environment.</p> <p>The project site meets this criteria per 2(C). The project site is an undeveloped field and it is surrounded by development along 1,865 linear feet of the perimeter of the site, with only 391 linear feet of the site adjacent to an undeveloped area, thus 16% of the perimeter of the site is undeveloped. The undeveloped area to the east of the site adjoins parcels that are currently developed.</p>

previously been developed for qualified urban uses.	
<p>(d) The project meets both of the following requirements regarding provision of affordable housing.</p> <p>(1) The project consists of the construction, conversion, or use of residential housing consisting of 100 or fewer units that are affordable to low-income households.</p> <p>(2) The developer of the project provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for lower income households for a period of at least 30 years, at monthly housing costs deemed to be “affordable rent” for lower income, very low income, and extremely low income households, as determined pursuant to Section 50053 of the Health and Safety Code.</p>	<p>The project site meets Criteria d(1) as the project consists of fewer than 100 units affordable to low income households.</p> <p>The project site meets Criteria d(2) as the project is conditioned to require 55 years of affordability for all 67 units the “affordable rent” for lower income, very low income, and extremely low income households, shall be as determined pursuant to Section 50053 of the Health and Safety Code.</p>

This CEQA exemption is intended to promote affordable development within urbanized areas. The class consists of environmentally benign in-fill affordable housing projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects. Application of this exemption, as all categorical exemptions, is limited by the factors described in section 15300.2. of CEQA and, these factors have been analyzed in the table below:

Table 7: Project Consistency with 15300.2 Exceptions

15300.2 Exceptions	Analysis of Compliance with Exceptions
(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies	The project is not located in area that has been mapped or designated as a location with an environmental resource of hazardous or critical concern by any federal, state, or local agencies.
(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.	There are no other projects in the area which would have a cumulatively significant impact with the proposed project.
(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.	As analyzed throughout this staff report the proposed project will not have a significant effect on the environment.
(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar	The project is not located adjacent to or within the view shed of a scenic highway.

resources, within a highway officially designated as a state scenic highway.	
(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.	No phase I report was required because the site has no known previous use that would result in contamination. The site is not listed on any DTSC or RWQCB list of facilities or sites requiring remediation or in violation of a cleanup order. The site does not have any known contamination.
(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.	As noted earlier in this staff report, an archaeological survey was completed for this site and no archaeological or historic resources were discovered or identified by the survey. The project will not have any impact on a historical or archaeological resource.

COASTAL DEVELOPMENT PERMIT FINDINGS

In order to act on the Coastal Development Permit the Planning Commission must make the following Coastal Development Permit Findings:

1. *The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources;*

As noted in the staff report above, as conditioned, the proposed project would be in conformity with Fort Bragg's Certified LCP. Additionally, as noted above there are no coastal resources on the site that would be impacted by the proposed development.

2. *The project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30210 of the Public Resources Code);*

The proposed project does not interfere with the public's access to the Coast. Additionally this project site does not lie between a public access way (street or trail) and the coast, as such it cannot provide public access to the coast.

3. *Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;*

The project includes a verity of special conditions which will lessen and adverse stormwater impacts of the project. There were no other identified, potential adverse, project impacts on the environment.

4. *The proposed use is consistent with the purposes of the zone in which the site is located;*

Multifamily residential is a permitted use in the zoning district.

5. *The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;*

As detailed in the staff report and conditioned above the proposed project is in conformance with the Coastal General Plan.

6. *The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity;*

As detailed in this staff report and as proposed and conditioned, the proposed residential uses will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. Specifically the application proposal includes a fence and security around the PSH units. The Fire Department has asked for two special conditions requiring panic gates and an on-site manager for fire safety, both of these requests have been included as Special Conditions.

7. *Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development;*
As detailed in this staff report and as proposed and conditioned, the proposed project will be adequately served by water supply, sewage disposal, solid waste, and public roadway capacity.
8. *The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site, or other reasons;*
9. *The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards due to required project modifications, landscaping, or other conditions;*
10. *There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity;*

As detailed in this staff report and as proposed and conditioned, the proposed project will neither be subject to nor have adverse impacts of hazards as listed above. As the project will not have any impacts on site stability nor will the site have impacts on structural integrity, there are no alternatives that would lessen this effect.

11. *The resource as identified will not be significantly degraded by the proposed development;*
12. *There is no feasible less environmentally damaging alternative; and*
13. *All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.*

As detailed in this staff report and as proposed and conditioned, the proposed project will not have significant impacts on the environment, as such there is no less environmentally damaging alternative. Feasible mitigation measure have been included to eliminate project related impacts to botanical; and cultural resources.

DESIGN REVIEW FINDINGS

In order to act on the Design Permit the Planning Commission must make the following Design Permit Findings:

1. *The project complies with the purpose and requirements of CLUDC Section 17.71.050 Design Review;*

The applicant has submitted for a design review permit in compliance with section 17.71.050. Story poles were not required because the site does not include views to the ocean or the Noyo River.
2. *The project provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;*

The project site is located within an area of large institutional and multi-family developments. As such the proposed development has less massing and is smaller in scale than surrounding buildings. It is compatible with the site surrounding and the community.

3. *The project provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;*

As detailed and conditioned in this report, the project provides attractive and desirable site layout and design

4. *The project provides efficient and safe public access, circulation, and parking;*

As detailed and conditioned in this report, the project provides safe and efficient circulation and parking.

5. *The project provides appropriate open space and landscaping, including the use of water efficient landscaping;*

As detailed and conditioned in this report, the project would provide appropriate open space, landscaping and water efficient landscaping.

6. *The project is consistent with the Coastal General Plan, any applicable specific plan, and the certified Local Coastal Program; and*

As detailed and conditioned in this report, the project would comply with the Coastal GP and the CLUDC.

7. The project complies and is consistent with the City's Design Guidelines.

As detailed and conditioned in this report, the project would comply with the City's Design Guidelines.

PLANNING COMMISSION ACTION

1. Hold a hearing on the *Coastal Development Permit and Design Review*, close the hearing, deliberate, and Consider adopting a Resolution of the Fort Bragg City Council Authorizing Two Affordable Housing Incentives and Approving Coastal Development Permit 3-17 and Design Review DR 5-17 For the Danco Project.

ALTERNATIVE ACTION

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

RECOMMENDATION

Staff recommends adoption of a Resolution of the Fort Bragg City Council Authorizing Two Affordable Housing Incentives and Approving Coastal Development Permit 3-17/19 and Design Review DR 5-17/19 for the Danco Project.

ATTACHMENTS

1. Project Location Map
2. Project Site Plan
3. Project Elevations (Kemppe and South St.)
4. Senior and PSH Cottage Elevations and Floor Plans
5. Duplex Floor Plans
6. Project Colors
7. Project Site & Adjacent City Infrastructure
8. Public Hearing Notice
9. Resolution of the Fort Bragg Planning Commission Authorizing Two Affordable Housing Incentives and Approving Coastal Development Permit 3-17/19 and Design Review DR 5-17/19 for 68 Affordable Housing Units and Associated Infrastructure Located at 441 South Street.
10. Project Site Photos

RESOLUTION NO. PC ____-2021

**RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION
RECOMMENDING TO CITY COUNCIL APPROVAL OF COASTAL
DEVELOPMENT PERMIT AMENDMENT 3-17/19/21, DESIGN REVIEW 5-
17/19/21, AND LOT MERGER 1-21 FOR LOTS 71 & 72 OF THE DANCO
COMMUNITIES SUBDIVISION (APN 018-340-04 AND 7 018-340-06)**

WHEREAS, Danco Communities (Danco) has a Coastal Development Permit and Design Review Entitlement to allow for construction of: 1) Twenty permanent supportive residential cottages ranging from 616 to 830 square feet, a 3,000 square foot commons building, walkways and a full size basketball court and a manager's unit; and 2) Twenty-five single-story affordable senior residential cottages ranging from 616 to 848 square feet, a 1,200 square foot commons building, two 440 square foot Common utility buildings, a manager's unit, walkways and 29 parking spaces and Associated driveway; and 3) Twenty-three two-story, workforce/family residential duplex units, ranging from 1,000 to 1,200 square feet (2 and 3 bedrooms), landscaping, playground and 36 Parking spaces with associated driveways per the CLUDC and the Coastal General Plan; and

WHEREAS, the City of Fort Bragg identified a parcel adjacent to the subdivision preventing compliance with applicable development standards as approved in Coastal Development Permit (CDP) 3-19 and Design Review (DR) 5-19; and

WHEREAS, the City of Fort Bragg requested Danco Communities apply for a lot merger as an amendment to CDP 3-19 and DR 5-19; and

WHEREAS, City Staff has reviewed the completed application for the proposed lot merger for compliance with the Subdivision Map Act and applicable City Code; and

WHEREAS, the project is a minor land transfer between two lots and does not create any new parcels, qualifying it for an exemption under California Environmental Quality Act (CEQA) Guidelines Section 15305(a) Minor Alterations to Land; and

WHEREAS, the Planning Commission of the City of Fort Bragg held a hearing on September 22, 2021 at which time considered all oral and documentary evidence presented, and found the proposed merger does conform to the Zoning and Subdivision Codes of the City of Fort Bragg; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Fort Bragg hereby finds as follows:

Parcel Merger

1. Will be merged in compliance with Map Act Chapter 3, Article 1.5 or Map Act Sections 66499.20-1/2, or 66499.20-3/4; and

The existing parcel 018-340-06 as currently configured would be considered undevelopable. Parcel 018-340-06 is held by the same owner as 018-340-04. A

parcel or unit may be merged with a contiguous parcel or unit held by the same owner under this circumstance to create a conforming parcel. The merged parcels new legal descriptions conform to the parcel size standards in the General Plan and Zoning Ordinance and the use proposed for the site.

2. Shall also require a Coastal Development Permit in compliance with the certified LCP and processed pursuant to Section 17.71.045 (Coastal Development Permits):

The existing Coastal Development permit (CDP 3-17/19) is being amended to conform to this requirement as part of this Merger.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Fort Bragg, does hereby recommend approval of Lot Merger 1-21 as an amendment to Coastal Development Permit 3-17/19 and Design Review 5-17/19 for review and consideration by the Fort Bragg City Council.

The above and foregoing Resolution was introduced by Commissioner _____, seconded by Commissioner _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 22nd day of September, 2021, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

**Jeremy Logan
Commission Chair**

ATTEST:

**Sarah Peters
Administrative Assistant**



City of Fort Bragg,

This letter is in response to your
letter to tenants on Sept 9th dated -

You write

520 Cypress st #1
Fort Bragg, Ca 95437

9/17/2021



To City of Fort Bragg, Sarah Peters and Kevin Locke,

We as citizens of the community and residents of Cypress Ridge Apartments Low income senior housing have concerns. There have been ongoing water shortages every year for the past 3 years and have been asked to conserve water. Therefore, you build more units!

River St and Kemppe Lane are ambulance zones and having extra traffic will have an impact on our hospital and the safety of the citizens of Fort Bragg. REACH etc. have to fly over to get to the landing zone and what risk is it going to be for emergency units?

What extra parcels does Danco want to build, what will be done with them, as the letter is very vague!

As it is now we have 8 plus apartment complexes within a quarter mile radius. Please think of the traffic impact. We do not think that more should be added to an already stressed area.



As the wildlife in the area has lost their habitat. Please think of a way to help by adding some wildlife trails for their safe passage.

With Regard's,

Concerned Citizens of Cypress Ridge Apartment

- Jocelyn White #1
- Pat #8 #35
- Pat #35
- Jama Bradley #33
- Dolly Bail #34
- Charles Stevens #23
- Mary Ann #19
- Anthony d. Joaquin #4
- John E. J... #15
- Stella Elm #29

- Kenneth Gates #18
- Frances Curry #9
- Mary J. Anthony #3
- Rita Lorenz #6
- Sison Lindley #7
- Nola G. ... #42
- Ellie Green #41
- Arne Kissack #2
- Paul Sprunger #5