

RESOLUTION NO. PC -2021

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION FOR APPROVAL OF COASTAL DEVELOPMENT PERMIT 4-20 (CDP 4-20), DESIGN REVIEW 3-20 (DR 3-20), USE PERMIT 2-20 (UP 2-20), AND SIGN PERMIT 8-21 (SP 8-21) FOR THE CONSTRUCTION OF A RESIDENTIAL CARE FACILITY FOR THE ELDERLY (RCFE) COMPRISING OF THREE, SINGLE STORY RESIDENTIAL BUILDINGS WITH 12 PARKING SPACES AND ASSOCIATED IMPROVEMENTS AT 350 CYPRESS STREET

WHEREAS, Parents and Friends, Inc. (“Applicant”) submitted an application for a Coastal Development Permit, Design Review and Use Permit to construct a residential care facility for the elderly (RCFE) comprising of three, single story residential buildings with 12 parking spaces and associated improvements; and

WHEREAS, the Project is located at 350 Cypress Street in the Office Commercial (CO) zoning district, and

WHEREAS, the Project is subject to the Fort Bragg Coastal General Plan and Coastal Land Use and Development Code (CLUDC); and

WHEREAS, the Planning Commission held a duly noticed public hearing on May 19, 2021, to consider the Project and take public testimony;

WHEREAS, pursuant to California Environmental Quality Act (“CEQA”), 14 California Code of Regulations §15332, the Project is Categorically Exempt because it is an infill development project; and

WHEREAS, pursuant to National Environmental Policy Act (“NEPA”), 24CFR58.35(a), the Project is Categorically Excluded.

NOW THEREFORE BE IT RESOLVED, that based on the entirety of the record before it, which includes without limitation, the CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15301, et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; the Project applications; all site plans, and all reports and public testimony submitted as part of the Planning Commission’s meeting of April 14, 2021, and Planning Commission deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of Fort Bragg hereby finds as follows:

A. General Findings

1. The foregoing recitals are true and correct and made a part of this Resolution;
2. The documents and other material constituting the record for these proceedings are located at the Community Development Department;
3. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code in general;

The proposed project, as conditioned, would be consistent with the relevant policies

of the Coastal General Plan and applicable provisions of the Coastal Land Use Development Code (CLUDC) and Fort Bragg Municipal Code in general, per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

4. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

The proposed facility would be compatible with existing government, healthcare, commercial, residential and recreational land uses in the vicinity as well as with foreseeable future uses as permitted by the CO district land use regulations.

5. 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;

The project site is a trapezoidal parcel, 0.89 acres in size, which can demonstrably accommodate the design characteristics and operations of the proposed RFCE. As such, the project meets this finding per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

6. For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under Section 15332 – In-fill Development Projects.

Per analysis incorporated herein by reference to the project staff report, dated May 19, 2021, for the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under Section 15332 – In-fill Development Projects.

B. 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;

The project proposes the redevelopment of the subject site with three buildings for a residential care facility for the elderly, and associated improvements. As conditioned, the project conforms with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

2. If the project is located between the first public road and the sea, that 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);

The project is not located between the first public road and the sea. Therefore, this finding is not applicable to this project.

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

environment;

As conditioned, the project would not have any significant adverse effects on the environment per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

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

The proposed RCFE is located in the Office Commercial (CO) Zone. The CO zoning district is applied to areas of the City that are intended to serve the office and institutional needs of the community that cannot be accommodated within the CBD zoning district. Other related and office-supporting uses may also be allowed. Parks, doctor's offices, medical services and social service organizations are primary uses in this district, which would be compatible with the proposed RCFE. Therefore, it is consistent with the purpose of the CO zone, in which the subject site is located.

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

As conditioned, the project conforms with the City of Fort Bragg's Coastal General Plan per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

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; and

As conditioned, the project meets this finding per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

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 conditioned, the project meets this finding per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

Design Review

1. Complies with the purpose and requirements of this Section.

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 project complies with the purpose and requirements of Design Review per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community.

As conditioned, the project meets this finding per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

3. 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 conditioned, the project meets this finding per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

4. Provides efficient and safe public access, circulation, and parking.

As conditioned, the project meets this finding per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

5. Is consistent with the Coastal General Plan, any applicable specific plan, and the certified Local Coastal Program if located in the Coastal Zone.

As conditioned, the project meets this finding per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

6. Complies and is consistent with the City's Design Guidelines.

As conditioned, the project meets this finding per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

Use Permit

1. The proposed use is consistent with the General Plan, any applicable specific plan, and the Local Coastal Program;

As conditioned, the project meets this finding per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;

The proposed use is allowed within the applicable Office Commercial (CO) zoning district and the project meets this finding per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

The proposed facility would be compatible with existing government, healthcare, commercial, residential and recreational land uses in the vicinity as well as with foreseeable future uses as permitted by the CO district land use regulations.

4. 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; and

The project site is a trapezoidal parcel, 0.89 acres in size, which can demonstrably accommodate the design characteristics and operations of the proposed RFCE. As such, the project meets this finding per analysis incorporated herein by reference to the

project staff report, dated May 19, 2021.

5. Pursuant to CLUDC Section 17.22.030(C)(2), the use acts to support primary uses in the zone, or clients or visitors of allowable permitted uses.

The proposed use meets this finding per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

Sign Permit

1. The proposed signs do not exceed the standards of Sections 17.38.070 (Zoning District Sign Standards) and 17.38.080 (Standards for Specific Sign Types), and are of the minimum size and height necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site;

As conditioned, the proposed sign meets this finding per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

2. That the placement of the sign on the site is appropriate for the height and area of a freestanding or projecting sign;

As conditioned, the placement of the sign on the site is appropriate for the height and area of a freestanding or projecting sign, per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

3. That a flush or projecting sign relates to the architectural design of the structure. Signs that cover windows, or that spill over natural boundaries, and/or cover architectural features shall be discouraged;

This finding does not apply to the proposed freestanding monument sign.

4. The proposed signs do not unreasonably block the sight lines of existing signs on adjacent properties;

The proposed sign meets this finding, per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

5. The placement and size of the sign will not impair pedestrian or vehicular safety;

The proposed sign meets this finding, per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

6. The design, height, location, and size of the signs are visually complementary and compatible with the scale, and architectural style of the primary structures on the site, any prominent natural features on the site, and structures and prominent natural features on adjacent properties on the same street; and

The proposed sign meets this finding, per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

7. The proposed signs are in substantial conformance with the design criteria in Subsection 17.38.060.F (Design criteria for signs).

As conditioned, the proposed sign meets this finding per analysis incorporated herein by reference to the project staff report, dated May 19, 2021.

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 Coastal Development Permit 4-20 (CDP 4-20), Design Review 3-20 (DR 3-20) and Use Permit 2-20 (UP 2-20) for the Project subject to the following conditions of approval:

A. Standard Conditions

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to CLUDC Chapter 17.92 – Appeals;
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the CLUDC;
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City;
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes;
5. 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;
6. 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.
7. Unless a condition of approval or other provision of the Coastal Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with CLUDC Subsection 17.76.070(B).

8. The Owner shall install automatic sprinkler systems at the Property in conformity with all applicable federal, state and local laws and regulations including, but not limited to, the requirements of California Fire Code, 2019 Edition, as modified by Chapter 15.05 or the Fort Bragg Municipal Code.

B. Special Conditions

1. If human remains are encountered, all work must stop in the immediate vicinity of the discovered remains. The County Coroner and a qualified archaeologist shall be notified immediately so that an evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission shall be contacted by the Coroner so that a "Most Likely Descendant" can be designated and further recommendations regarding treatment of the remains is provided.

2. Tree removal and mowing of tall grasses and shrubs shall occur between September 1 and February 28 to reduce potential nesting material. If construction, grading, or other project-related improvements are scheduled during the nesting season (March 1 through August 31), a pre-construction nesting survey should be conducted no more than five days prior to commencement of project activities. The survey should include the parcel and suitable nesting habitat within a 100-foot buffer. If nesting birds are detected, appropriate buffers, monitoring, and operational restrictions should be put in place with review and concurrence from CDFW.

3. A bat habitat assessment should be performed for the structures no more than 14 days prior to demolition to determine if bats are present. If no suitable roosting habitat or evidence of bat is found, then no further study is warranted. If evidence is found, appropriate buffers, monitoring, and operational restrictions should be put in place with review and concurrence from CDFW.

4. The applicant shall provide documentation from a qualified biologist to the Community Development Department, demonstrating compliance with Special Condition 3 and 4 for this project, prior to final occupancy.

5. Prior to issuance of a building permit, the applicant shall submit a final landscaping plan, prepared in accordance with the CLUDC Chapter 17.34, for review and approval by the Community Development Department. The final landscaping plan shall clearly show the trees proposed for preservation on the site and demonstrate compliance with the International Society of Arboriculture (ISA)'s Best Management Practices for construction activities around trees in the Critical Root Zone. The plan shall include a minimum of one tree per 200 square feet of landscaped area in the street side setback in accordance with the CLUDC Section 17.34.60(B)(2)(d)(ii).

6. Stormwater.

a. Treatment Control BMPs shall be sized and designed to retain and infiltrate runoff produced by all storms up to and including the 85th percentile (0.83" in 24-hours).

b. A Maintenance and Operations agreement for ongoing maintenance of the bioretention features installed with this project shall be submitted to the City for review and approval and shall be recorded with the County Recorder's office to ensure that the bioretention features are maintained and remain effective.

c. Applicant shall ensure that any landscape irrigation systems installed within the vicinity of the bioretention features shall be completely shut down from October 15 to April 15 so they do not contribute any water to the retention facilities.

d. If construction is to be conducted between October and April (the rainy season) approval from the Public Works Department and additional construction BMP's will be required.

7. 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) for review and approval by the City Engineer.

8. Prior to building permit issuance, the applicant shall retain the services of a Certified Access Specialist (CAsp) to evaluate the project for all required accessibility features for American with Disabilities Act compliance. The Building Permit plans shall demonstrate incorporation of the recommendations by the CAsp.

9. Prior to issuance of building permit, the applicant shall revise the plans to remove the two (2) tandem parking spaces.

10. Prior to building permit issuance, all existing and proposed fences, height and type shall be shown and noted on the site plan; fences shall comply with the provisions of CLUDC 17.30.050.

11. Water Efficient Landscape Ordinance. All landscaping and irrigation shall comply with the requirements of the State of California Model Water Efficient Landscape Ordinance (MWELo).

12. The Final Landscaping Plan, submitted prior to building permit issuance, shall ensure that no turf area is proposed in any area of ten (10) feet or less in width.

13. Prior to issuance of building permit, the applicant shall revise the site plan to orient the proposed monument sign perpendicular to Cypress Street, subject to review and approval by the Community Development Department.

14. Prior to issuance of building permit, the proposed sign shall be modified to include six-inches tall, illuminated letters for the street address included in the sign for review and approval by the Community Development Department.

15. Prior to issuance of a building permit, the applicant shall submit elevations and floor plan for the solid waste storage for review and approval by the Community Development Department. The solid waste enclosure's design shall comply with the CLUDC Section 17.30.110.

16. Impact fees for water, sewer, and drainage shall be paid prior to issuance of first building permit for facility.

17. Sewer Connections. Connection fees and cleanouts required, all associated fees shall be paid prior to the issuance of the first building permit. Applicant to specify what size of connections, if any, will be needed for this project.

18. Water Connections. Connection fees and an approved backflow device is required for all water connections. All associated fees shall be paid prior to the issuance of the first building permit. Applicant to specify what size connections, if any, will be needed for this project.

19. 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.

20. Encroachment Permit will be required for any activity occurring in the public right of way during construction. This includes the placement of a dumpsters, construction vehicles not parked in conformance with parking codes, installation of any off-site improvements located in the City's right of way, and for installation of any frontage improvements. Please submit the relevant encroachment permit application two (2) weeks prior to anticipated construction date(s) to allow adequate time for processing.

21: Prior to building permit issuance, the applicant shall revise the site plan to include a).the propane tank relocated out of the front yard and to a shielded location, which may be in the side or the rear yard if there is no other feasible location b). ____; c). ____; d) and e). ____, subject to review and approval by the Community and Development Department.

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

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 19th day of May 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jeremy Logan, Chair

ATTEST:

Joanna Gonzalez, Administrative Assistant