

MEETING DATE: February 26, 2020

PREPARED BY: S. McCormick

PRESENTED BY: S. McCormick

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Use Permit 1-20 (UP 1-20)

OWNER/APPLICANT: Tiffany Tong

REQUEST: Use Permit to convert an existing commercial retail unit into two residential units, creating a multifamily project at 127 E Laurel Street.

LOCATION: 127 E Laurel Street

ASSESSOR'S PARCEL NO.: 008-056-27

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA pursuant to Section 15303 – conversion of existing structures to new uses.

SURROUNDING LAND USES:

NORTH:	Residential
EAST:	Mixed Use Project and Retail
SOUTH:	Retail
WEST:	Mixed Use Project

APPEALABLE PROJECT: Can be appealed to City Council

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA pursuant to Section 15303 – conversion of existing structures to new uses.

PROJECT BACKGROUND AND DESCRIPTION

In 2016, the City approved Minor Subdivision 1-16 (DIV 1-16) to subdivide a 6,250 square foot parcel in the Central Business District into two parcels of 3,825 SF (Parcel 1) and 2,425 SF (Parcel 2).

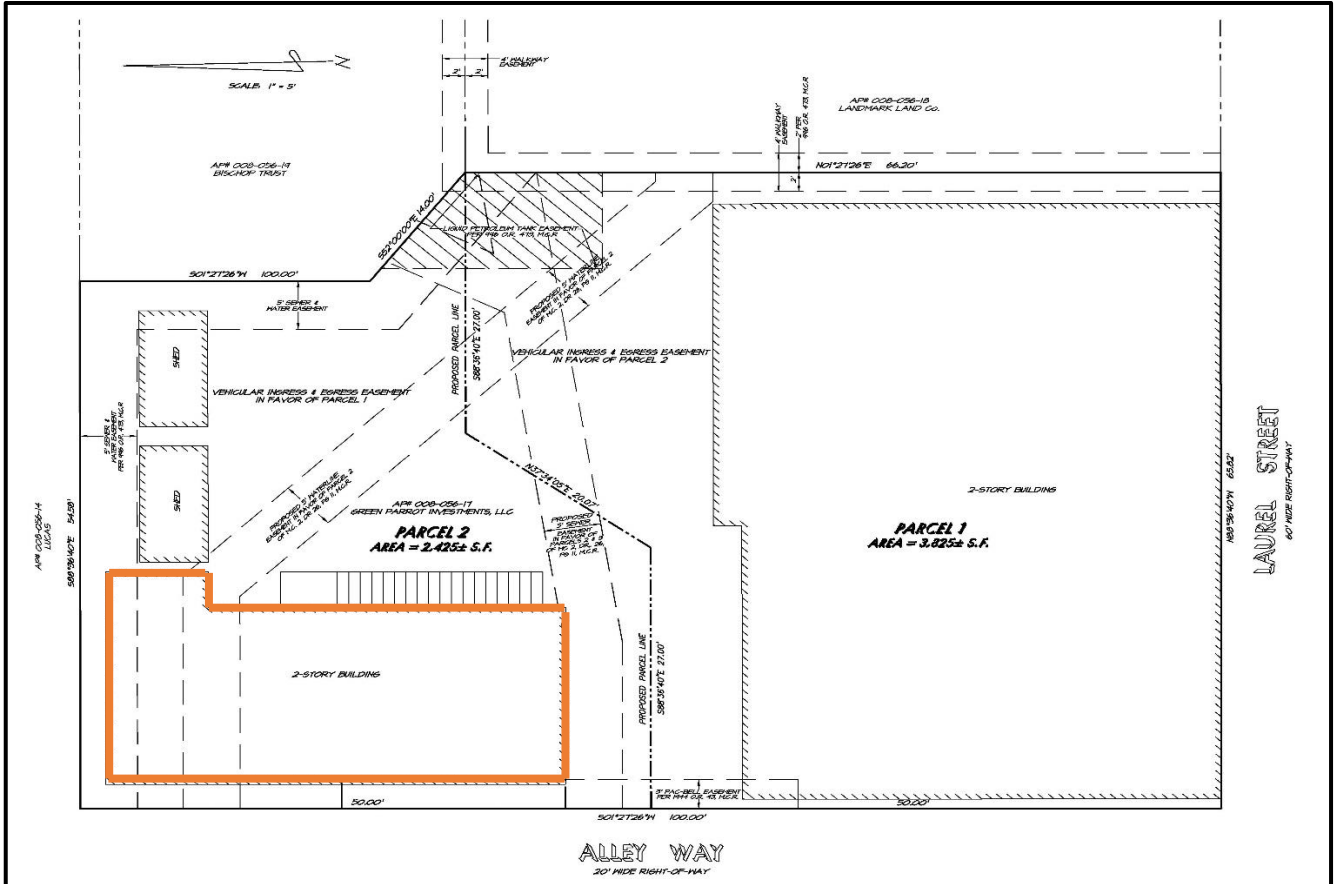


Image 1: Subject Structure Identified by **ORANGE**

Parcel 2 is the subject site of this Use Permit application, with an address of 127 E Laurel Street. The two-story structure depicted along the alley is the building proposed to be converted. The existing residential dwelling on the second floor would be unchanged, and the commercial use on the ground floor would be remodeled and converted into two studio apartments (Attachment 1 – Floor Plan).



Image 2: View looking north down alley from Laurel Street toward Pine Street

USE PERMIT ANALYSIS

The proposed site is located in the Central Business District (CBD) zoning district, which is applied to the core of downtown: the civic, cultural, and commercial center of the City. The City's Inland Land Use and Development Code requires that Use Permits for projects within a commercial zoning district must first comply with findings for the specific commercial district in which it is located, in addition to the standard Use Permit findings.

As the CBD represents the civic, cultural and commercial center of the City, it is vital that commercial uses take priority over other land uses in this zoning district. That said, residential uses in the CBD can be a positive contribution and help activate downtown streets. With the inclusion of Special Condition 1 drafted below, future residents of the proposed multifamily

project would be aware of the commercial nature of their neighborhood. This means that street parking could be challenging because parking is available on a first-come, first-served basis, often with a posted two-hour time limit between the hours of 9:00 a.m. and 6:00 p.m. Living in the CBD could also mean that the quiet enjoyment of residential homes might be challenging, as people are often coming and going from businesses that keep late hours. In addition, many of our community’s events, including the weekly Farmer’s Market, annual car show and numerous parades involve street closure, which could also prove challenging.

Below is an analysis of the proposed project as it relates to specific Use Permit findings for the CBD.

§18.22.030 Commercial District Land Uses and Permit Requirements	Project Consistency
Central Business District	
<p>The use compliments the local, regional and tourist serving retail, office and commercial services functions of the CBD, and will not detract from this basic purpose of the CBD.</p> <p>Residential uses in the CBD can be a helpful tool to activate the downtown. However, living downtown could also impede on the quiet enjoyment of homes. To ensure future residents of the proposed multifamily project are aware of the many businesses, events and activities of the CBD, staff has drafted a template memo and included Special Condition 1 (Attachment 2 – CBD Memo).</p> <p>Special Condition 1: Prior to finalization of building permit, the applicant will draft a memo to future potential residents that clearly states the objectives of the CBD and provides examples of the many events downtown and limitations of on-street parking.</p>	<p>Yes see Special Condition 1</p>
<p>Uses proposed for the intense pedestrian oriented retail shopping areas of the CDB, which include the 100 blocks of East and West Laurel Street, the 300 block of N Franklin Street, and the 100 and 200 blocks of Redwood Avenue, shall be limited to pedestrian oriented uses on the street-fronting portion of the building.</p> <p>The proposed project is located on the alley between E Laurel Street and Pine Street. Therefore, the pedestrian oriented street-fronting portions of the CBD would not be impacted.</p>	<p>Yes</p>

ILUDC §18.71.070(F) establishes the other findings that Planning Commission must make in order to approve the requested Use Permit:

- 1. The proposed use is consistent with the General Plan and any applicable specific plan;**
The proposed use is consistent with the General Plan because it would not adversely affect the primarily commercial character of the Central Business District (CBD) as the project is not located on the pedestrian oriented street-fronting portions of the CBD. Additionally, future prospective residents would be notified of the commercial character of their neighborhood prior to taking up residency. The proposed project aligns with several goals and policies of the CBD, as well as policies of the City's Housing Element:

The following General Plan Policies have bearing on the proposed project:

- Policy H-1.7 Workforce Housing: Encourage multi-unit housing developments in order to encourage market rate rental housing, affordable housing and lower cost ownership opportunities such as townhomes and condominiums.
- Policy CD-2.1 Adaptive Reuse: Facilitate the adaptive reuse of existing older buildings in the Central Business District;
- Policy CD-2.2 Pedestrian Activity: Encourage increased pedestrian movement and activity in the Central Business District.

- 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 CBD zoning district allows *Multifamily* with Use Permit approval. There are no exterior modifications proposed to the structure and therefore any nonconforming external development standard would be allowed as legally nonconforming.

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

Design. No external development is proposed.

Location. The zoning designation of the subject parcel is Central Business District, which represents the City's commercial core. Allowing residential in the Central Business District could help activate downtown streets and contribute positively to the neighborhood.

Size. The existing commercial unit is approximately 1,000 SF and comprises the ground floor of the structure. This unit would be split into two studio apartments that are approximately 500 SF each. The size would allow sufficient space for living, sleeping, eating and sanitation.

Operating Characteristics. The residential characteristic of the proposed project would provide sleeping, eating, sanitation and living spaces for residents 24-hours a day, seven days a week. With the inclusion of Special Condition 1, future tenants would be notified of the commercial nature of the neighborhood, prior to taking up residency.

- 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.

E Laurel Street and the alley serving the proposed project provide sufficient access for emergency vehicles to serve the site. The Fire Marshal has requested the following, included herein as Special Condition 2:

Special Condition 2: Prior to finalization of a building permit implementing this Use Permit approval, the Fire Marshal shall inspect and approve the following:

- Interconnected smoke detectors throughout the building (1st and 2nd floor);
- Fire Sprinkler System shall bear a current 5-year certification; and
- Extinguishers shall be installed in each unit.

In terms of access to public services and utilities, the current connection to a water meter appears to be on the adjacent parcel and needs to be moved. The fee for the connection is paid; however, at the request of the former owner was not installed. The applicant must connect the building to a water supply located on the same parcel as the building, prior to issuance of a building permit for this project. In addition, the conversion of commercial use to multifamily will increase water use, and additional capacity fees shall be collected, prior to issuance of building permit.

Special Condition 3: Prior to issuance of this Use Permit, the applicant shall work with Public Works to determine if an upgraded water meter is required, and relocate the water meter on to the subject parcel.

5. The proposed use complies with any findings required by §18.22.030 (Commercial District Land Uses and Permit Requirements).

The residential use of the proposed multifamily project would be suitable with the pedestrian oriented commercial activities of the Central Business District zoning district because the pedestrian oriented commercial activity of the 100 block of Laurel Street, 300 block of N Franklin Street, and 100-200 block of Redwood Avenue would not be impacted. In addition, the commercial character of the neighborhood would be conveyed to potential residents prior to taking up residence.

Based on the analysis, findings and conditions of this staff report, staff recommends approval of Use Permit 1-20, to permit a multifamily project at 127 E Laurel Street.

PLANNING COMMISSION ACTION

1. Hold a hearing, close the hearing, deliberate and approve Use Permit 1-20 (UP 1-20) subject to the required approval findings and subject to standard and special conditions as outlined in the staff report and provided below.

ALTERNATIVE ACTIONS

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 Commission may then deliberate and make a decision.
3. Deny the Use Permit.

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 Inland General Plan, Inland Land Use and Development Code (ILUDC) and the Fort Bragg Municipal Code in general;
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;
4. The project complies with Specific Use Regulations established for the project; and
5. For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under Section 15303 – conversion of existing structures to new uses.

USE PERMIT FINDINGS

1. The proposed use is consistent with the General Plan and any applicable specific plan;
2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Development Code and the Municipal Code;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
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.
5. The proposed use complies with any findings required by Section 18.22.030 (Commercial District Land Uses and Permit Requirements).

CENTRAL BUSINESS DISTRICT COMMERCIAL USE PERMIT FINDINGS

1. The use compliments the local, regional and tourist serving retail, office and commercial services functions of the CBD, and will not detract from this basic purpose of the CBD.
2. Uses proposed for the intense pedestrian oriented retail shopping areas of the CBD, which include the 100 blocks of East and West Laurel Street, the 300 block of N Franklin Street, and the 100 and 200 blocks of Redwood Avenue, shall be limited to pedestrian oriented uses on the street-fronting portion of the building.

SPECIAL CONDITIONS

1. Prior to finalization of building permit, the applicant will draft a memo to future potential residents that clearly states the objectives of the CBD and provides examples of the many events downtown and limitations of on-street parking.
2. Prior to finalization of building permit, the Fire Marshall shall inspect and approve the following:
 - Interconnected smoke detectors throughout the building (1st and 2nd floor);
 - Fire Sprinkler System shall bear a current 5-year certification; and
 - Extinguishers shall be installed in each unit.
3. Prior to issuance of this Use Permit, the applicant shall work with Public Works to determine if an upgraded water meter is required, and relocate the water meter on to the subject parcel.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to ILUDC Chapter 18.92 - Appeals.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the ILUDC.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 100 feet of the discovery; 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 shall be subject to revocation or modification upon a finding of any one or more of the following:
 - (a) That such permit was obtained or extended by fraud.
 - (b) That one or more of the conditions upon which such permit was granted have been violated.
 - (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
 - (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
8. Unless a condition of approval or other provision of the 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 ILUDC Subsection 18.76.070 (B).

ATTACHMENTS

1. Floor Plan
2. CBD Memo

NOTIFICATION

- Applicant
- Residents within 100 feet, Property Owners within 300 feet
- Advocate News, February 13, 2020
- “Notify Me” subscriber lists: Fort Bragg Downtown Businesses; Current Planning Permits; and Public Hearing Notices