

MEETING DATE: November 12, 2020  
PREPARED BY: D. O'Connor/C. O'Neal  
PRESENTED BY: C. O'Neal

## AGENDA ITEM SUMMARY REPORT

**APPLICATION NO.:** Minor Subdivision 1-20 (DIV 1-20)

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

**REQUEST:** The proposed project would subdivide an existing ±22,989 SF parcel into three parcels of ±7,515 SF, ±7,793 SF and ±7,681 SF. The existing parcel is developed with an existing single-unit residential dwelling, two accessory structures (sheds) and paved walkways. The undeveloped portions of the parcel are landscaped.

**LOCATION:** 130 Halsey Way

**ASSESSOR'S PARCEL NO.:** 008-264-17

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

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

**ENVIRONMENTAL DETERMINATION:** The City of Fort Bragg is the Lead Agency for CEQA purposes, and has prepared a Mitigated Negative Declaration with a Mitigation Monitoring Plan.

**SURROUNDING LAND USES:**

SOUTH:	Single-unit residential
EAST:	Single-unit residential
NORTH:	Single-unit residential
WEST:	Single-unit residential



**CONSISTENCY WITH GENERAL PLAN AND LAND USE & DEVELOPMENT CODE:**

The following analysis summarizes the proposed project’s compliance with development standards and relevant General Plan policies that have a bearing on the project. Special conditions are recommended where necessary, to bring the project into conformance with the City’s Inland Program.

**LAND USE:** This Minor Division (less than 4 parcels) is located in the Low Density Residential Zone. The development standards are described below.

Minimum Parcel Size Standards

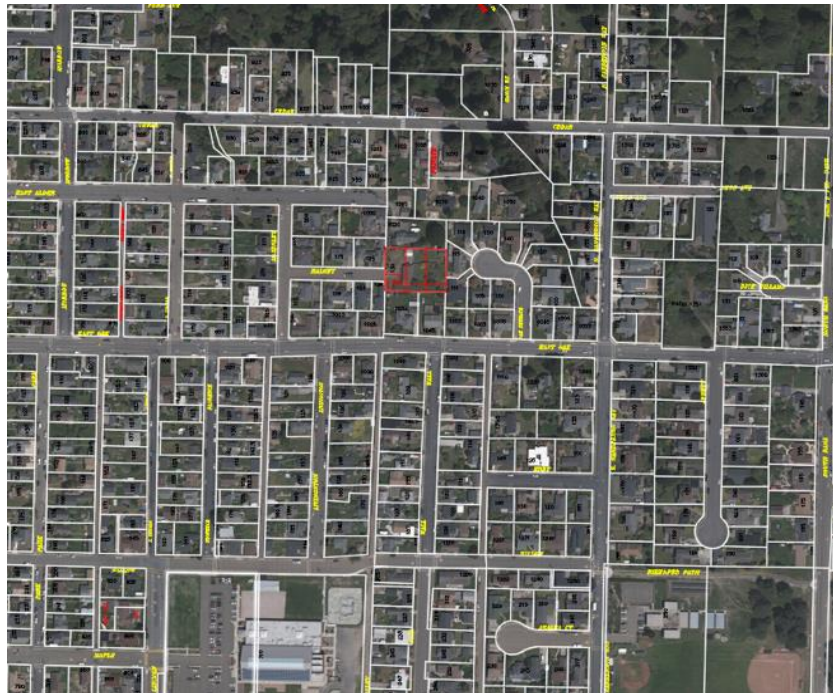
Inland Land Use and Development Code (ILUDC) Section 18.21.040 prescribes standards for newly created parcels in the Low Density Residential zone. The proposed parcels meet or exceed all parcel dimension required by the ILUDC. Table 1 below compares the ILUDC requirements with the proposed Tentative Map:

**Residential District Subdivision Standards, Table 1**

<b>Minimum Parcel Dimension Standards – Low Density Residential</b>			
	<i>Min. Area (sf)</i>	<i>Min. Width (ft.)</i>	<i>Max. Depth (ft.)</i>
<i>ILUDC Requirement</i>	6,000	50	3 times width
<i>Proposed Parcel 1</i>	7,515	53	130
<i>Proposed Parcel 2</i>	7,793	65	130
<i>Proposed Parcel 3</i>	7,681	58	130

**Legend:** Compliant | Existing Nonconforming | Not compliant

Below is an image showing how the proposed lots compare in size with the greater area:



Setbacks

ILUDC Section 18.21.050 lists the required setbacks and site planning policies for development in the Low Density Residential districts. The proposed relocation of the existing single family residence to Parcel 1 is consistent with the ILUDC, as shown in Table 2, below.

**Residential District Site Planning and Building Standards Table 2**

<b>Site Planning and Setback Standards – Low Density Residential</b>					
		<i>Front Yard (ft.)</i>	<i>Interior Side Yard (ft.)</i>	<i>Street Side Yard (ft.)</i>	<i>Rear Yard (ft.)</i>
<i>ILUDC Requirement</i>		20 ft., but no closer than 25 ft. to the street right-of-way or the edge of pavement, whichever is closer	5	10	10
<i>Proposed Parcel 1</i>		25	9	-	10
<i>Proposed Parcel 2</i>		Vacant	Vacant	Vacant	Vacant
<i>Proposed Parcel 3</i>		Vacant	Vacant	Vacant	Vacant

**Legend:** Compliant | Existing Nonconforming | Vacant

Land Use and Parking

ILUDC also lists the allowable land uses in the RL zone, and prescribes specific parking requirements depending on use in the district. All three proposed parcels are consistent with the Land Use and Parking Requirements as shown in Table 3, below:

**Table 3**

<b>Permitted Uses and Parking Standards – Central Business District</b>		
	<i>Land Use</i>	<i>Parking</i>
<i>ILUDC Requirement</i>	ILUDC 18.21.030 and Table 2-1 Allowed Land Uses	ILUDC 18.36.040 Table 3-7 Parking Req. in RL by Land Use
<i>Proposed Parcel 1</i>	Relocate Residence	2 Proposed [2 Required]
<i>Proposed Parcel 2</i>	Vacant	2 Proposed [2 Required]
<i>Proposed Parcel 3</i>	Vacant	2 Proposed [2 Required]

**Legend:** Compliant | Existing Nonconforming | Not compliant

### **Subdivision Improvement Requirements:**

Section 18.88 of the ILUDC specifies the subdivision design and improvement requirements that are necessary for the approval of the Tentative Map for a Minor Subdivision. The purpose of these standards is to ensure, through careful site evaluation and design, the creation of new usable parcels that are consistent with the General Plan as analyzed below:

#### Residential Density

The RL zoning district is applied to areas of the City that are appropriate for neighborhoods of single-family dwellings on standard urban lots, surrounding the more densely developed core of the City. This zone also allows limited, neighborhood serving commercial uses on small, appropriately located individual parcels. The maximum allowable residential density within the RL district ranges from 3 to 6 dwelling units per acre. The maximum number of dwelling units allowed on a single parcel is one plus second unit where allowed by 18.42.170. The Tentative Map proposed by DIV 1-20 consistently implements the residential density requirements established in the RL zone and no additional special conditions are required for compliance with density requirements.

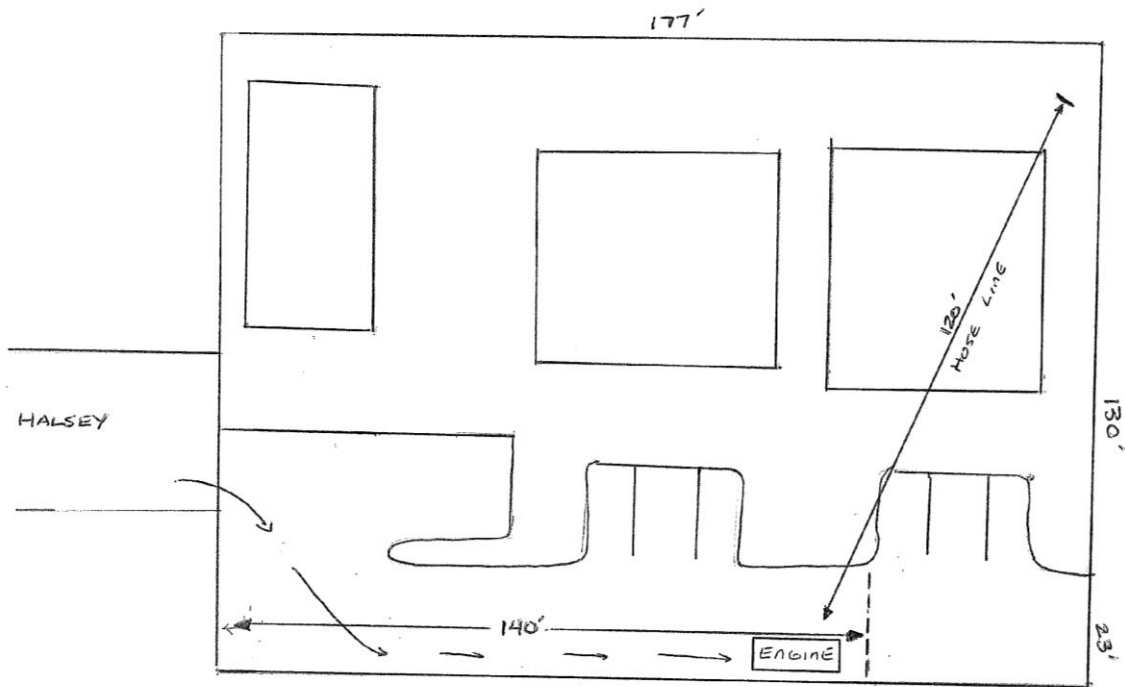
**Public Utilities and Services.** The project site would be served by City water and sewer, with other utilities provided by PG&E, heating fuel distributors, and AT&T and Comcast or other wired, wireless and satellite telecommunications providers. The Public Works Department has determined that the City has adequate potable water supply and capacity at its wastewater treatment facility to serve the proposed subdivision.

The Fort Bragg Fire Department (FBFD) has reviewed the proposal and has required the addition of a fire hydrant. In order to comply with Section 18.88.050 B, a fire hydrant shall be installed at the end of Halsey Way as requested by the Fire Marshall (Special Condition 1). The Fire Marshall additionally determined that while the code requires a mid-length turn-around for dead ends longer than 150' and this proposed drive way will be 177', the division does not require a turn-around since the engines ability to stop at the west end of the east "parking area" will still be able to meet the 150' hose line requirements. See FBFD image on next page.

**Special Condition 1:** Prior to final of the building permit issued to relocate the existing residence, applicant shall install a fire hydrant at the end of Halsey Way, at a location to be approved by the Public Works Director.

In order to ensure emergency personnel can easily locate the sites, Special Condition 2 requires assignment of addresses.

**Special Condition 2:** Prior to occupancy of any residential unit in this subdivision, address numbers shall be placed in such a manner as to be visible from Halsey Way, and shall be placed on each residential unit in such a manner as to be



visible from the access driveway. The minimum height of numbers to be used shall be three inches and contrasting color from basic background visible from the access driveway. The minimum height of numbers to be used shall be three inches and contrasting color from basic background.

**Floodplain Development/Emergency Planning.** According to FEMA maps, all portions of the subject property are outside of the 100-year flood zone. The project is not located in a tsunami inundation zone according to California Emergency Management Agency maps. The project was reviewed by the Fort Bragg Police Department and no safety issues were identified.

**Frontage Improvements, Site Improvements, and Utilities.** The Public Works Department and the developer have discussed the project details as they relate to public infrastructure and developed the following list of required improvements. The improvements shall be executed by the developer for each parcel at the time specified below.

Driveway and Vehicle Access

The three newly-created parcels would share a permeable paved driveway via a 22-foot wide private access way and private utility easement along the south property boundary. The access shall be paved for at least the first 20 feet from its intersection with Halsey Way to comply with City Standards (FBMC section 18.36.100), the proposed permeable pavement meets this requirement. The existing residence will

need to be relocated prior to construction of the shared driveway, however it cannot be moved before the map has been recorded, in order to comply with the required building setback. Permeable pavement parking spaces are proposed for each of the three parcels that are sufficient for two vehicles each. The east end of Halsey Way would be improved with a 4-foot concrete sidewalk to improve pedestrian access. To ensure these improvements, staff recommends Special Conditions 3, 4, and 5:

**Special Condition 3:** Prior to final of the building permit issued to relocate the existing residence, the applicant shall construct sidewalk across Halsey Way along the entire width of Halsey Way, as shown on the Tentative Map. An encroachment permit is required to construct the frontage improvements.

**Special Condition 4:** Prior to final of the building permit issued to relocate the existing residence, the applicant shall construct a permeable paved 22-foot driveway. An encroachment permit is required to construct the frontage improvements.

**Special Condition 5:** A private, non-exclusive easement for the shared driveway shall be shown on the recorded Parcel Map. Maintenance Agreements for the private driveway shall be recorded as part of the deed for each parcel.

#### Traffic and Circulation

The City has received two comments from concerned members of the public regarding increased impacts to traffic and circulation in this location. A traffic study is only necessitated for a project when one of the environmental thresholds of significance triggers this requirement or if an increase in density is requested by the applicant. The City's General Plan prescribes the density in this location as allowing 3-6 units per acre and further describes the Levels of Service thresholds for this area as being met so long as the density of development is in keeping with those requirements. According to CEQA, this project complies with all the General Plan policies related to the Circulation Element. This project is considered as an in-fill project which means, it has less potential to create carbon emissions due to long distance travel and thus it has less potential to have "negative" transportation impact from a CEQA perspective. As required by the Land Use code, each developable parcel will be served with two parking spaces as described above. This project does not create any significant impacts to traffic or circulation as defined by CEQA or identified in the General Plan Policies. Staff does not recommend a traffic analysis be required for approval of this project.

#### Utilities

The existing residence is connected to City water and sewer. The project would connect the two proposed parcels to public water and sewer, and realign the existing public water and sewer connection for the relocated residence. The private utilities would run parallel with each other, within the proposed access driveway and public utility

easement. Three sewer cleanouts are proposed. To ensure compliance with these requirements, staff recommends approval of the following Special Conditions:

**Special Condition 6:** Water, sewer, and drainage capacity fees (Municipal Code section 12.14.030) for each lot shall be paid prior to issuance of the first building permit for said lot, and a note stating such shall appear on the face of the Parcel Map for recordation.

**Special Condition 7:** Applicant shall pay all water and sewer connection fees in order to connect to the public utilities (Municipal Code section 14.14.020). Connection fees shall be paid and connections shall be made prior to finalization of the building permit issued to relocate the existing residence.

**Special Condition 8:** Private, non-exclusive utility easements for the private utilities shall be shown on the recorded Parcel Map. Maintenance Agreements for the private utilities shall be recorded as part of the deed for each parcel.

#### Easements

This project will require the dedication of private easements for the benefit of the parcels. Drafts of these easements and maintenance and operations documents shall be submitted and approved prior to approval of the Parcel Map. The required easements are described in Special Conditions 5, 8 and 11.

#### Stormwater

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

In accordance with SHN's evaluation of the site conditions, the following Low Impact Design (LID) site design measures are proposed. Runoff water from this site is expected to be captured by a combination of the bioretention planters located on the south side of each proposed building footprint and via surface flow toward the permeable paved driveway where the water will be allowed to percolate into the ground and be retained on site. Finally, any water expected to leave the site during rain events which exceeds the 85<sup>th</sup> percentile 24-hour design storm event, will be conveyed via a 20' by 2' concrete valley gutter along Halsey Way according to the proposed Stormwater Management Plan (attachment 4).

To ensure compliance, with all site design and stormwater requirements, the following Special Conditions are recommended:



**Special Condition 9:** Prior to recordation of the Parcel Map, applicant must submit a Final Stormwater Control Plan, along with associated calculations and worksheets, to be approved by the Public Works Director or his/her designee.

**Special Condition 10:** Stormwater runoff shall be minimized via the incorporation of the selected site design measures in accordance with the approved Final Stormwater Control Plan.

**Special Condition 11:** Private Maintenance Agreements for the on-site storm water facilities shall be recorded as part of the Deed for each parcel. Drafts of these documents shall be submitted and approved prior to approval of the Parcel Map.

**Environmental Determination.** A Mitigated Negative Declaration (MND) has been prepared for this project for conformance with the California Environmental Quality Act (CEQA). It was made available to the public on October 8, 2020. With incorporation of the mitigation measures from the MND, the project will not result in a significant impact to the environment. **Special Condition 12** specifically incorporates all the mitigation measures identified in the MND into this subdivision land use entitlement.

#### Mitigated Negative Declaration

The project was referred to California Department of Fish and Wildlife (CDFW) to review the project's potential for impacts on biological resources. After reviewing the project, CDFW responded that they do not have any comments to provide on the referral. City staff followed up with Fish and Wildlife to discuss the proposed removal of several holly bushes as part of the application. The holly bushes located on site are not protected habitat; however, because they have the potential to provide habitat for sensitive or special status species. The holly bushes proposed for removal provide approximately 1,050 SF of habitat. In a telephone conversation with Fish and Wildlife on June 16, 2020, it was suggested that replanting of native, locally purchased shrubs would offset any potential impacts to special status species that utilize the existing holly bushes for habitat. The mitigation measure described in Special Condition 12 is proposed to ensure that any impacts related to the removal of the holly bushes are less than significant. Attachment 6 to this report is a revised **Landscape Plan**, submitted by the applicant on October 20, 2020.

#### Vegetation

The project proposes to remove one small stand of holly trees with specimens 3 inches to 12 inches in diameter) and a solitary holly tree of 8 inches in diameter. The attached Mitigated Negative Declaration (MND) has a Biologic Condition (BIO-1) that is incorporated herein as Special Condition 12. To maintain compliance with ILUDC Section 18.34, Landscaping, and the MND, the following Special Conditions are recommended:

**Special Condition 12/BIO-1:** Prior to approval of a Final Map, the applicant shall submit a landscape plan for the approval of the Community Development Director that identifies no less than 1,050 SF of area for the planting of native, drought-tolerant, locally-purchased shrubs or trees. The area of planting shall be based on the ultimate canopy/growth size of the specimens proposed. The area of planting may be split into multiple locations throughout the project site of no less than 300 SF each. Plantings proposed by the approved landscape plan shall be complete/installed prior to final inspection of a building permit on parcels where the plantings are proposed.

**Special Condition 13:** Drought tolerant plant species native to northern California coastal habitats, obtained from local genetic stocks are encouraged. The installation of any irrigation systems shall utilize water efficient drip or microspray irrigation systems. Lawns shall not be installed.

## **RECOMMENDATION**

Staff recommends adoption of the Initial Study/Mitigated Negative Declaration, and the mitigation monitoring plan, and approval of the Tentative Map for Minor Subdivision 1-20 (DIV 1-20) based on the findings and subject to the conditions cited below:

### **CEQA FINDINGS**

The Planning Commission of the City of Fort Bragg finds, determines, and certifies as follows for the purpose of adopting the MND for this project:

1. The above recitals are true and correct, and are incorporated herein by reference.
2. The MND was prepared in compliance with the requirements of CEQA.
3. The MND was presented to the Planning Commission, a decision-making body for the City, the lead agency for the Project, and the Planning Commission has reviewed and considered the information contained in the MND.
4. The MND reflects the Planning Commission's independent judgment and analysis as to the environmental effects of the Project.
5. After mitigation, all project impacts are less than significant.
6. The Planning Commission has, by its review of the evidence and analysis presented in the MND and in the record, acquired a better understanding of the full scope of the environmental issues presented by the Project. In turn, this understanding has enabled the Planning Commission to make fully informed, thoroughly considered decisions on these important issues.
7. The location of the documents or other material that constitute the record of proceedings upon which the decision is based is the City of Fort Bragg Community Development Department, 416 North Franklin Street, Fort Bragg CA 95437; the official custodian of said records is the City Clerk of the City of Fort Bragg.

### **GENERAL FINDINGS**

1. The proposed project is consistent with 18.81.070(A) the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Land Use and Development Code (LUDC) 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; and
4. For the purposes of the environmental determination, a Mitigated Negative Declaration has been prepared for conformance with the California Environmental Quality Act (CEQA). As mitigated, the project will not result in significant or potentially significant environmental impacts.

### **SUBDIVISION FINDINGS**

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, and any applicable Specific Plan;
2. The site is physically suitable for the type or proposed density of development;
3. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat;
4. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems;
5. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision;
6. The discharge of sewage from the proposed subdivision into the community sewer system would not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board;
7. There are no indications of adverse soil or geological conditions and the subdivider has provided sufficient information to the satisfaction of the City Engineer or other applicable review authority that the site is appropriate for the proposed development; and
8. The proposed subdivision is consistent with all applicable provisions of the Inland Land Use and Development Code, any other applicable provisions of the Municipal Code, and the Subdivision Map Act.

## **SPECIAL CONDITIONS**

1. Prior to final of the building permit issued to relocate the existing residence, applicant shall install a fire hydrant at the end of Halsey Way, at a location to be approved by the Public Works Director.
2. Prior to occupancy of any residential unit in this subdivision, address numbers shall be placed in such a manner as to be visible from Halsey Way, and shall be placed on each residential unit in such a manner as to be visible from the access driveway. The minimum height of numbers to be used shall be three inches and contrasting color from basic background.
3. Prior to final of the building permit issued to relocate the existing residence, the applicant shall construct sidewalk across Halsey Way along the entire width of Halsey Way, as shown on the Tentative Map. An encroachment permit is required to construct the frontage improvements.
4. Prior to final of the building permit issued to relocate the existing residence, the applicant shall construct a permeable paved 22-foot driveway. An encroachment permit is required to construct the frontage improvements.
5. A private, non-exclusive easement for the shared driveway shall be shown on the recorded Parcel Map. Maintenance Agreements for the private driveway shall be recorded as part of the deed for each parcel.
6. Water, sewer, and drainage capacity fees (Municipal Code section 12.14.030) for each lot shall be paid prior to issuance of the first building permit for said lot, and a note stating such shall appear on the face of the Parcel Map for recordation.
7. Applicant shall pay all water and sewer connection fees in order to connect to the public utilities (Municipal Code section 14.14.020). Connection fees shall be paid and connections shall be made prior to finalization of the building permit issued to relocate the existing residence.
8. Private, non-exclusive utility easements for the private utilities shall be shown on the recorded Parcel Map. Maintenance Agreements for the private utilities shall be recorded as part of the deed for each parcel.
9. Prior to recordation of the Parcel Map, applicant must submit a Final Stormwater Control Plan, along with associated calculations and worksheets, to be approved by the Public Works Director or his/her designee.
10. Stormwater runoff shall be minimized via the incorporation of the selected site design measures in accordance with the approved Final Stormwater Control Plan.
11. Private Maintenance Agreements for the on-site storm water facilities shall be recorded as part of the Deed for each parcel. Drafts of these documents shall be submitted and approved prior to approval of the Parcel Map.
12. Prior to approval of a Final Map, the applicant shall submit a landscape plan for the approval of the Community Development Director that identifies an area for the planting of native, drought-tolerant, locally-purchased shrubs or trees that will provide an equivalent quantity of habitat. The area of planting shall be based on the ultimate canopy/growth size of the specimens proposed. The area of planting may be split into multiple locations throughout the project site of no less than 300 SF each. Plantings proposed by the approved landscape plan shall be

complete/installed prior to final inspection of a building permit on parcels where the plantings are proposed.

13. Drought tolerant plant species native to northern California coastal habitats, obtained from local genetic stocks are encouraged. The installation of any irrigation systems shall utilize water efficient drip or microspray irrigation systems. Lawns shall not be installed.

### **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 Land Use & Development Code (LUDC) Chapter 18.92
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. 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.
6. This Tentative Map approval shall lapse and become null and void 24 months from the date of approval unless before the passing of 24 months, a unilateral agreement examined and approved by the City Engineer is recorded or an extension is requested and granted.

### **ATTACHMENTS**

1. Tentative Map
2. Mitigated Negative Declaration
3. Mitigation Monitoring Plan
4. Stormwater Management Plan
5. Landscape Plan
6. Site Images
7. Public Comments