

MEETING DATE: Apr 24, 2024
PREPARED BY: S. Peters
PRESENTED BY: S. Peters



AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Coastal Development Permit 1-24, Use Permit 1-24 and Design Review 1-24

APPLICANT: South Harrison Street Development, LLC

PROPERTY OWNER: South Harrison Street Development, LLC

AGENT: Genaro Oxté

REQUEST: Coastal Development Permit, Use Permit, and Design Review to allow construction of two, two-story, multi-family buildings, consisting of two 960 SF apartments in the front building, a 960 SF apartment in the rear building, as well as a 901 SF storage unit in the rear building which applicant anticipates converting to an ADU at a later date. Site shall include 228 SF of common space, three 117 Cu. Ft. storage spaces for the apartments, sidewalks, and a five space parking lot.

LOCATION: 620 S. Franklin Street

APN: 018-030-22 (Parcel Size: 7,030 Square Feet)

ZONING: General Commercial (CG) / Coastal Zone

ENVIRONMENTAL DETERMINATION: Statutorily exempt from CEQA pursuant to section 15332 (Infill Development) of CEQA Guidelines

SURROUNDING LAND USES:
NORTH: Single-Family Dwellings
EAST: PG&E Maintenance Yard, Telecommunications Facilities
SOUTH: Single-Family Dwellings, Appliance and Paint Stores
WEST: Grocery Store and Associated Parking Lot

APPEALABLE PROJECT: Can be appealed to Fort Bragg City Council

PROJECT DESCRIPTION

South Harrison Street Development, LLC proposes to construct two, two-story buildings. The building fronting Franklin Street would contain two 960 SF apartments. The rear building would contain one 960 SF apartment on the upper floor, a 901 SF storage unit on the bottom floor, and three 117 Cu. Ft. storage units for apartment tenants' use. Applicant anticipates converting the 901 SF storage unit to an Accessory Dwelling Unit at a later date.

The project also includes a 228 SF common space between the buildings, open space for each apartment, sidewalks, and a 5-space parking lot. The project fronts South Franklin Street, and the parking lot is at the east end of the parcel, fronting the alley between South Franklin Street and the PG&E maintenance yard.

COMPLIANCE WITH CLUDC ZONING STANDARDS

The proposed project complies with all required zoning standards for the General Commercial (CG) Zoning District. See Table 1, below, for specific standards and project details.

- Setbacks – structures comply with all required setbacks.
- Site coverage – there is no limitation on site coverage in the CG Zoning District.
- Height – the CG Zoning District allows for a 35-foot maximum building height. The buildings are proposed at maximum of 24.8 feet above finished grade.
- Floor Area Ratio (FAR) – FAR is the ratio of floor area to total lot area. With 3,914 square feet of total proposed floor area on a 7,030 sq. ft. parcel, the project will yield a FAR of 0.56. FAR. Generally, FAR for the General Commercial zone is .40, however FAR “may be increased with Use Permit approval to accommodate housing units up to the maximum density allowed in the zone.” As this project complies with density standards, Staff recommends approval of the 0.56 Floor Area Ratio.

Table 1 – Compliance with Zoning Standards

Development Standard	Zoning Requirements for Commercial General	Proposed Project Compliance
Front Setback	None	N/A
Side-Interior	None	N/A
Rear	5 feet	5 feet - complies
Density	24 units per acre = 3 units	3 units - complies
Floor Area Ratio (FAR)	.40	.56 – requires Use Permit approval, please see above
Site Coverage	No limitation	N/A
Height Limit	35 feet	24.8 feet – complies

COMPLIANCE WITH CLUDC SITE STANDARDS

Parking. CLUDC 17.36.040 Table 3.7: Parking Requirements by Land Use, requires 1.5 parking spaces for each unit between 400 and 960 square feet. The five proposed parking spaces satisfy this requirement. One disabled parking space is included in the five, which complies with CLUDC Chapter 17.36.

CLUDC Section 17.42.120 requires that “Off-street parking for a multi-family structure of three or more units shall be located so that it is not visible from the street fronting the parcel.” The proposed parking lot is located behind the buildings at the rear of the parcel.

The parking area includes 1,906 SF of permeable pavers to allow storm water to infiltrate through the surface of the pavement to the ground below.

Fencing. The project includes a 6-foot high cedar wood fence to screen adjacent parcels from the parking lot and multi-family buildings. The fence will run the length of the parcel from the alley to the front edge of the parcel. This will also provide privacy to residents of the multi-family apartments. The proposed wood fence complies with the requirements of the CLUDC.

Landscaping. The applicant has not submitted a landscaping plan for the site other than indicating that the project will include 5 trees and 2,054 square feet of landscaped open space. The project’s open space also includes 228 square feet of common open space. As the applicant has not submitted a detailed landscaping plan, Staff recommends **SPECIAL CONDITION 1** to require submittal of a landscaping plan prior to issuance of the building permit. This condition requires that the landscaping plan include drought tolerant, native plants. However, Staff consulted with the Sherwood Valley Band of Pomo as part of the project referral process, and the Tribe requested any flora and fauna placement be local, indigenous plants. At its discretion, Planning Commission may amend Special Condition 1, to require 100% local, indigenous plants.

Sign. The project does not include a sign plan. The applicant will be required to obtain a sign permit if they propose project signage at a future time.

Solid Waste Recycling & Material Storage. The site plan includes a 74 square foot area for solid waste and recycling storage located just off the southwest end of the parking lot adjacent to the sidewalk.

Water Supply, Sewage Disposal, Solid Waste, and Public Roadway Capacity. Coastal General Plan policy PF-1.3 requires the City to determine if the project will be served adequately with existing services. This is a small 3-unit project, with an eventual ADU, all of which can be adequately served by existing services.

Grading and Storm Water. Planning staff consulted with Public Works about potential grading and storm water issues. As this project is in the Coastal Zone, a grading permit is required in compliance with CLUDC Chapter 17.60, and **SPECIAL CONDITION 2** has been established to ensure this requirement is met. Additionally, **SPECIAL CONDITION 3** is

included to minimize storm water runoff by incorporating Low Impact Development (LID) strategies.

Public Facilities and Improvements. In compliance with CLUDC Section 17.30.090, Staff has included **SPECIAL CONDITION 4** to replace existing driveway fronting S. Franklin Street with standard sidewalk per City Standard 205.

COMPLIANCE WITH USE PERMIT REQUIREMENTS

Standards for Specific Land Uses: Multi-family Residences. CLUDC 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 2: Compliance with CLUDC Multi-Family Standards

Standard	Requirement	Project	Compliance
Front Set Back	No more than 40% of the front setback may be paved	The CG zone requires no front setback, and project proposes a sidewalk and walkway that makes up less than 40% of front area.	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 three or four units must provide 200 SF of common open space and 100 SF of private open space, including porches and balconies.	The proposed project complies with both open space requirements: each unit will have a private open space of at least 102 SF. The project includes 3,401 SF of open space, of which common landscaped space totals approximately 2,054 SF or 684 SF per unit. Additionally the CLUDC requires that the common open space be accessible, continuous and usable and the proposed project provides this within the limitations of its small size.	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 project includes three 117 cubic feet of locked storage area for each residence. The building will provide a minimum of 351 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 buildings proposed do not include windows that are within 10 feet of another unit.	
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 with dwelling units.	The proposed buildings will have the same exterior treatments, as will the trash and recycling bin enclosure.	See SPECIAL CONDITION 5

Outdoor Lighting	Outdoor lighting shall be installed and maintained along all vehicular access ways and major walkways, per 17.42.120.F	The outdoor lighting plan has not been submitted with the application.	See SPECIAL CONDITION 1
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 two residences that front S. Franklin Street. For both residences, 100% of the space facing the street is habitable space with windows. The Site Plan shows a pedestrian entry into the structure fronting onto S. Franklin Street.	Yes

DESIGN REVIEW

The Citywide Design Guidelines include multi-family residential design guidelines. Table 3 below analyzes the project’s conformance with these design guidelines and project review criteria, per CLUDC 17.71.050(E), as appropriate and applicable to the proposed development.

Table 3: Compliance with Design Guidelines

Design Guideline	Proposed Project	Compliance
Site Planning – New Multi-Family Developments – Mandatory Standards		
New multi-family residential structures shall be compatible with other development in the immediate area. New structures should complement existing development through scale, proportion, height, form, style, siting, and relationship to surrounding structures.	Other developments in the immediate area include a mix of residential and commercial structures, including a grocery store and parking lot, an appliance store, and a paint store. These buildings vary in their form and style such that there is not a consistent character of buildings in the immediate area of the proposed development. At two stories, the proposed buildings would be higher than most of the surrounding structures, but the street facing building is stepped back 15’ from the public right of way in a zero setback zone, which will lessen the appearance of mass and bulk. On balance, the proposed project would be compatible with the neighborhood context in which it is located.	Yes
Buildings shall be oriented toward 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.	The project proposes two buildings, one located behind the other, a feature necessitated by the narrowness of the lot. Stairs and common space area between buildings are conducive to privacy and no windows look into other windows in the development. The front door of the street facing building is visible from the street. The north, south, west and east facades include windows that are well placed for the size and shape of the building, and the upper floors include open space balconies that allow for visibility of the street to the south. The lower floor of the front building includes a private open space area on the north side.	Yes

In addition to a street orientation, the clustering of multi-family units shall be a consistent site planning element. Whenever possible, buildings should be configured around courtyards, gathering areas, and open spaces.	The common space open area is located directly between the two buildings.	Yes
Site Planning – New Multi-Family Developments – Preferred Standards		
Mailboxes should be located in highly visible, heavy use areas for convenience, to allow for casual social interaction, and to promote safety. A bench or seating area in close proximity to the mailbox location is strongly encouraged. A recycling receptacle should be located adjacent to the mailboxes.	Mailboxes are not depicted on the site plan. Staff recommends including location of mailboxes on the landscaping plan to be submitted to the Community Development Director for review and approval.	See SPECIAL CONDITION 1
Clusters of smaller buildings (with 1-6 units) are preferred over large buildings with more than 6 units each.	Project designed as two buildings and storage structure, rather than a single large structure.	Yes
Architectural Design – Mandatory Standards		
Carports and detached garages shall be designed as an integral part of the development's architecture. They should be similar in material, color, and detail to the main buildings of the development. Flat roofs should be avoided. Prefabricated metal carports should not be used.	Not applicable to this project as there are no proposed carports or garages.	N/A
The design of houses shall be varied within new neighborhoods to create diversity and interest. Housing on a street should include variability in massing, composition, architectural style, finish materials and colors. Repeating designs are permissible, only if the quality of the design is excellent and repetition is part of the architectural style. Repetitive units should not comprise more than eight units in a row or 50% of the units on any single block, whichever is more.	The design of the buildings are well articulated on all sides with variations in both roof form and wall planes. The placement of windows around the structure and the varying roof lines would relate well to surrounding development, provide articulation, and are within the human scale. The upper floor balconies further help articulate facades. The buildings each have their own pedestrian entrances. The proposed architectural form and detail are consistent with the design guidelines.	Yes
Architectural Design – Preferred Standards		
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.	The proposed project makes use of single-family residential design elements, with pitched roofs, private balconies, street facing porch and front yard landscaped area between sidewalk and building. The roof will have a 5-12 slope and be covered with either: a 30 Year, Class "A" composition shingles, or 50-year matte metal roof. There are no highly reflective materials and the roof has appropriate overhangs. A solar array will be mounted on the south section of roof.	Yes
Buildings with height greater than two stories that step back the structure on the upper floor from the street and	Not applicable to this project, as the buildings are not greater than two stories.	N/A

public spaces are encouraged.		
Open Space & Outdoor Play Areas – Mandatory Standards		
Children’s play areas shall be visible from as many units as possible and from private open space areas. Direct convenient access from private open space to the communal play area is encouraged.	There are no proposed children’s play areas, however, there is a common outdoor area, centrally located and visible from various windows and balconies throughout the development.	Yes
Projects in new developments shall include bike paths as part of the street section, where feasible. Additionally, landscaping should be provided between the sidewalk and the street.	There is a bike lane as part of the street fronting the proposed project to the north and south. The project does include 15’ of landscaping between the sidewalk and the building, however it is not feasible to provide landscaping between the sidewalk and the street, which is already built out.	Yes
Open Space & Outdoor Play Areas – Preferred Standards		
A series of connected open space areas of varying shape, appearance and usage are encouraged.	While open space is limited on this small parcel, the open space areas do connect and vary in shape, appearance and usage.	Yes
Boundaries between private and common open spaces should be clearly defined by low walls or plant materials.	Private open spaces are delineated patios or balconies, clearly separate from common open space.	Yes
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.	The project does not propose an outdoor play area and it is not required for a project of this size. However, an outdoor common area is proposed to be located between the two buildings, well removed from both the street and parking areas.	Yes
Hard surface areas for outdoor activities (e.g., bicycle riding, skating, rope jumping, and hopscotch) should be provided. These active play areas should be safely separated from vehicular use areas.	Due to the narrow size of the lot, the only hard surface areas shown besides the parking lot are the sidewalks. Play areas are limited to common space and landscaped areas. Even so, Staff recommends not increasing impervious surface by requiring more hard surface areas.	No
In larger developments, separate, but not necessarily segregated, play areas or informal outdoor spaces should be provided for different age groups for safety reasons. Small developments may combine play areas (e.g., a tot lot incorporated into a larger activity area for older children).	Not applicable to the proposed small development.	N/A
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.	Seating areas are not depicted on the site plan. Staff recommends including location of seating areas on the landscaping plan to be submitted to the Community Development Director for review and approval.	See SPECIAL CONDITION 1

Figure 1 – Elevations, Paint Color



The proposed design is for two, two-story multi-family buildings, with two 960 SF apartments in one building and a 960 SF apartment and storage unit in the other. Included in the plan are three 117 Cu. Ft. storage units for tenants' use, a common area between the buildings, open space for each apartment, a trash and recycling bin enclosure just off the southwest corner of the parking lot, sidewalks, and a 5-space parking lot. The project fronts South Franklin Street, and the parking lot is at the east end of the parcel, fronting the alley.

Building designs are small in scale and have a recognizable theme and style without being monotonous. Materials will be durable and low maintenance. The proposed buildings will have a smooth, fiber cement siding, which is encouraged by the Design Guidelines as a preferred material. The siding will be painted 'Rainstorm' which is grey in color. The building trim will be painted "Midnight Oil" as depicted on the elevations. These colors would be consistent with the dark earth tone colors recommended for the Coastal Zone. The roof color is proposed to be black, which together with the facades' lighter shade of grey are harmonious and contrasting compatible colors. Thus, the colors are consistent with the Design Guidelines.

The proposed location is an urban site in the Commercial General zoning district. The building will be placed 15' from the front of the parcel, with a walkway and landscaping filling in the front yard area. As noted above, the entrance is oriented toward Franklin Street and the solar panels on the south roofs will offset energy usage. The parking is at the back of the main building and there will be a contiguous pathway around the building which would support a pedestrian friendly environment. Open areas will be landscaped and lighted subject to approval by the Community Development Director. A six foot cedar fence will provide a buffer

between the parking lot and adjacent parcels. The site planning, open space, pedestrian circulation, fencing and colors are consistent with the Design Guidelines.

The landscaping will incorporate drought tolerant native species and gravel pathways to minimize water use and maximize open space for the residents. Per **SPECIAL CONDITION 1**, a final landscaping plan shall be provided with the building permit submittal. Thus, the proposed project would be consistent with the Design Guidelines.

Overall, the proposed project plans are based on the functional purpose of the development and the requirements of the Coastal Land Use Code and the Citywide Design Guidelines. It meets the overall Citywide Design Guidelines and the corridor design objectives because it:

- ensures a comfortable pedestrian environment through the design approach;
- limits parking to the rear;
- creates a visual and physical connection between building entry and the public realm;
- emphasizes the front yard landscaping; and
- utilizes an infill lot with a small multi-family development which is heavily encouraged.

COASTAL RESOURCES ANALYSIS

Natural Resources

As shown on Map OS-1 in the City's Coastal General Plan, the project site is not located in an Environmentally Sensitive Habitat Area. The proposed apartments are multi-family development on an infill site, which is a type of development encouraged by the code to maximize the use of developed land and limit development in natural areas. The proposed project will have no impact on natural resources.

Marine Resources

The proposed project is well beyond 300 feet from the top of the coastal bluff with significant development located between the bluff and the project. The proposed project would have no impacts on marine resources.

Geologic, Flood, and Fire Hazards

The site is located over 2,000 feet from the closest coastal bluff 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. According to Federal Emergency Management Agency (FEMA) flood insurance maps, the project site is located outside the 500-year flood plain associated with the Noyo River, Pudding Creek and Hare Creek. No flooding concerns are raised relative to the project. The project site is not located in a moderate or high fire hazard area (Fire Hazard Severity Zones in State Responsibility Area Map) and therefore, no special measures are required beyond those of the building permit process and compliance with any of the Fire Marshal's requirements. City staff consulted with the Fort Bragg Volunteer Fire Department and no concerns were expressed nor special conditions requested.

Public Access

The project is not in an area used by the public to access the coast and therefore will not interfere with public access to coast.

Cultural Resources

The proposed project is located outside the special review area and thus an archaeological survey was not required. While it is unlikely the proposed project would have impacts on cultural or historic resources, the Sherwood Valley Band of Pomo has requested Cultural Monitoring at the project site during excavation. Staff has added a requirement for Cultural Monitoring as **Special Condition 6**. Additionally, staff recommends the “discovery clause” that is a standard condition of all City development permits that involve disturbance of the ground (see Standard Condition 6).

Scenic Resources

Visual analysis is required for all projects located in “Potential Scenic Views Toward the Ocean or the Noyo River,” as shown in Map CD-1 of the Coastal General Plan. As indicated on Map CD-1, the subject parcel is not located in such an area. The proposed multi-family development would be similar to the existing, surrounding development of the area and will not have impacts on visual resources or ocean views.

Recreational Resources

The proposed project is more than 300 feet from the top of the coastal bluff and located on an infill lot with existing development between the project and the sea. The project will not inhibit public access or impact recreational resources.

The proposed project will not have impacts on coastal resources.

CONSISTENCY WITH COASTAL GENERAL PLAN POLICIES

Multi-family housing is a conditional use in the General Commercial (CG) zoning district, and as such a Use Permit is required. As described in staff report and attachments, the proposed project complies with required Use Permit findings and CG district special findings:

Per CLUDC 17.71.060, the project complies with the following findings:

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

As conditioned, the project is consistent with the Coastal General Plan and certified LCP. It does not conflict with any policies and is consistent with the following relevant policies:

Land Use Element

Policy LU-10.2: Locating New Development. New residential, commercial, or industrial development, except as otherwise provided in the LCP, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

CONSISTENT: The Multi-Family housing is proposed to be developed on a parcel that is surrounded by existing developed areas, such as the Safeway across the street and the residential units on either side.

Policy LU-10.4: Ensure Adequate Services and Infrastructure for New Development. Development shall only be approved when it has been demonstrated that the development will be served with adequate water and wastewater treatment.

CONSISTENT: Public Works has reviewed this project and ascertained that the development will be served with adequate water and wastewater treatment.

Housing Element

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.

CONSISTENT: The proposed Multi-Family development will add three apartment units to the City's housing stock, with plans to add an Accessory Dwelling Unit at a later date.

Policy H-2.7: Infill Housing: Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure. (Refer to Programs 2.2.1 to 2.2.3.)

CONSISTENT: The development is proposed for an existing infill site.

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;

CONSISTENT: The use is allowed within the CG zoning district and as discussed in this staff report, the project complies with the CLUDC and Fort Bragg 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;

CONSISTENT: The proposed small, multi-family housing development will be compatible with existing service related uses, retail stores, including those selling large products (appliances, home furnishings, building materials, etc.) and other commercial and residential land uses in the vicinity as well as with foreseeable future uses as permitted by the CG 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

CONSISTENT: All of the enumerated factors in the statement above have been considered in this staff report and the project 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 17.22.030 (Commercial District Land Uses and Permit Requirements).

CONSISTENT: The proposed use aligns with the CG zoning district's findings stated in CLUDC Section 17.22.030(C)(4) as described below:

a. The use is generally oriented to clients arriving by auto rather than pedestrians.

CONSISTENT: The proposed development is residential, and as such will have adequate parking for those who wish to drive, but residents may also wish to walk or bike. Since the use is not retail or service related, pedestrian activity, to the extent it will occur, will not conflict with this finding.

b. The uses generally require larger display and /or storage areas; and

CONSISTENT: The proposed residential development does not required display areas, as it is not a retail use, however storage areas provided exceed requirements for Multi-Family development.

c. The use is not dependent on heavy customer traffic per square foot.

CONSISTENT: This small Multi-Family development will not be dependent on heavy customer traffic per square foot, as it is residential versus consumer dependent. Developing housing in the CG zone will support primary uses in the zone as the occupants are likely to utilize the many service related uses, retail stores and café's in the vicinity.

With implementation of the recommended special conditions, the project is consistent with all Coastal General Plan policies.

ENVIRONMENTAL DETERMINATION

The project was reviewed under the California Environmental Quality Act (CEQA) and was found to be categorically exempt per section 15332 – Infill Development. Section 15332 is explained below with an analysis of the project's compliance.

15332. In-Fill Development Projects.

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The site is located within the City of Fort Bragg. It is a 7,030 square foot parcel that is surrounded on three sides by urban development uses, including: a PG&E maintenance yard, single-family residences, a grocery store, an appliance store and a paint store. The project site was previously developed but has been vacant for many years and is kept mowed. As such, it does not have value as an ecological community on which animals,

birds, plants, fish, amphibians and invertebrates depend for their conservation or protection. There are no known species on the site that require conservation or protection under Federal, State or Local ordinance. There are no known species on the site that are protected by the endangered species act. No significant long-term effects on traffic, noise, air or water quality are anticipated, and Engineering staff have determined that the project can be served by existing services.

PLANNING COMMISSION ACTION

1. Hold a public hearing and consider adoption of a resolution approving a Coastal Development Permit, a Use Permit and Design Review Permit for the Multi-Family Housing development at 620 S. Franklin Street.

ALTERNATIVES

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 Planning Commission may then deliberate and make a decision.
3. Alternative direction to staff.

RECOMMENDATION

Staff recommends approval of the resolution approving Coastal Development Permit 1-24 (CDP 1-24), Design Review 1-24 (DR 1-24) and Use Permit 1-24 (UP 1-24) based on the following findings and subject to the Special Conditions and Standard Conditions cited herein.

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 15332 (in-fill development) of CEQA Guidelines pursuant to the California Environmental Quality Act (CEQA).

2. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
3. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
4. The project site has no value as habitat for endangered, rare or threatened species.
5. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
6. The site can be adequately served by all required utilities and public services.

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.

USE PERMIT FINDINGS

1. The proposed use is consistent with the General Plan, any applicable specific plan, and the Local Coastal Program;
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;
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 CLUDC Section 17.22.030 (Commercial District Land Uses and Permit Requirements).
6. The residential development project will be consistent with the General Plan and the certified LCP.
7. The approved number of dwelling units can be accommodated by existing and planned infrastructure capacities.

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. 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 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.
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 CLUDC Subsection 17.76.070 (B).

SPECIAL CONDITIONS

1. Prior to issuance of a building permit, the applicant shall submit landscaping and lighting plans for review and approval by the Community Development Director. The landscaping plan shall include drought tolerant, native plants and gravel pathways to minimize water use and maximize open space for the residents. The landscaping and lighting plan shall comply with the CLUDC Sections 17.34, 17.30.070, which requires downcast lighting to avoid light pollution. The landscaping plan shall include location of mailboxes and seating areas for approval by the Community Development Director.
2. A Grading Permit – is required for any earthwork/grading within the coastal zone in compliance with the Coastal Land Use and Development Code (17.60.030). All work shall be done in compliance with all federal, state and local laws, including the approved plans and conducted in compliance with all conditions required by the City of Fort Bragg Municipal Code (FBMC) Grading Ordinance; Coastal Land Use and Development Code Chapter 17.60 - Grading Permit Requirements and Procedures, Coastal Land Use Code Chapter 17.64 – Storm Water Runoff Pollution Control, the Storm Water Runoff Control Checklist, and the conditions provided at the time of building permit approval.
3. Storm water runoff shall be 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 bio retention facilities and overflow

finally conveyed by a storm drain system approved by the City Engineer. Additionally, the following must be done:

- a. 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.
 - b. It is not permitted for construction debris and soil to be placed in the City right-of-way. All construction debris/soil shall be properly disposed of.
 - c. Applicant to adhere to the storm water measures outlined in the 6-page Storm Water Control Plan that was provided by the applicant.
 - d. Applicant to ensure that there is no increase in runoff to adjacent properties or to the Public Right of Way.
 - e. Site plan as submitted indicates nearly 5,000 SF of impervious surface is proposed. Should the site exceed 5,000 SF in impervious surface, it will fall under the "regulated project" category per the Mendocino County Low Impact Development Standards Manual Version 2.2 and will require additional storm water measures. Please see Engineering Technician if questions. Applicant can view document here: <https://www.mendocinocounty.org/home/showpublisheddocument/43360/637583284035530000>
4. Circulation, Access, & Frontage requirements are as follows:
- a. Although sidewalk is present on S. Franklin Street frontage, existing driveway cut shall be abandoned and replaced with standard sidewalk per City Standard 205.
 - b. Plans for frontage improvements shall be submitted to the Public Works Department for approval with the building permit application submittal.
 - c. Frontage improvements shall be completed prior to final of the building permit.
 - d. An Encroachment Permit is required for any activity occurring in the public right of way, including sidewalk installation or other frontage improvements, placement of dumpster, ladders, construction vehicles not parked in conformance with parking codes, etc. Encroachment permit application shall be submitted a minimum of 2 weeks in advance to allow time for processing.
5. The trash and recycling bin enclosure will have the same exterior treatments as the two proposed buildings.
6. Once construction is scheduled, the applicant shall contact the City to request the referral for a Cultural Monitor. This shall be done at least three weeks prior to commencing ground disturbing activities.

ATTACHMENTS

1. Project Plans and Designs
2. Agency Comment Letters
3. Draft Resolution
4. Public Hearing Notice