

MEETING DATE: March 22, 2017

PREPARED BY: S. Perkins

PRESENTED BY: S. Perkins

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Use Permit 1-17 (U 1-17)

OWNER: Robert Colombi Family Trust

APPLICANT: Lisa Edens-Tan

REQUEST: Use Permit to convert an existing vacant commercial property to mixed use. Project components include a wellness clinic with family medicine, infrared sauna, massage, IV therapy, constitutional hydrotherapy, teaching kitchen, and retail apothecary. The proposed medical services and personal services uses also require Use Permit approval.

LOCATION: 647 N Main Street, Fort Bragg

ASSESSOR'S PARCEL NO.: 008-047-12

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

SURROUNDING LAND USES:

NORTH:	Vacant
EAST:	Residential
SOUTH:	Vacant (future office use)
WEST:	Mixed-Use (visitor-serving and residential)

APPEALABLE PROJECT: Can be appealed to City Council

PROJECT BACKGROUND AND DESCRIPTION

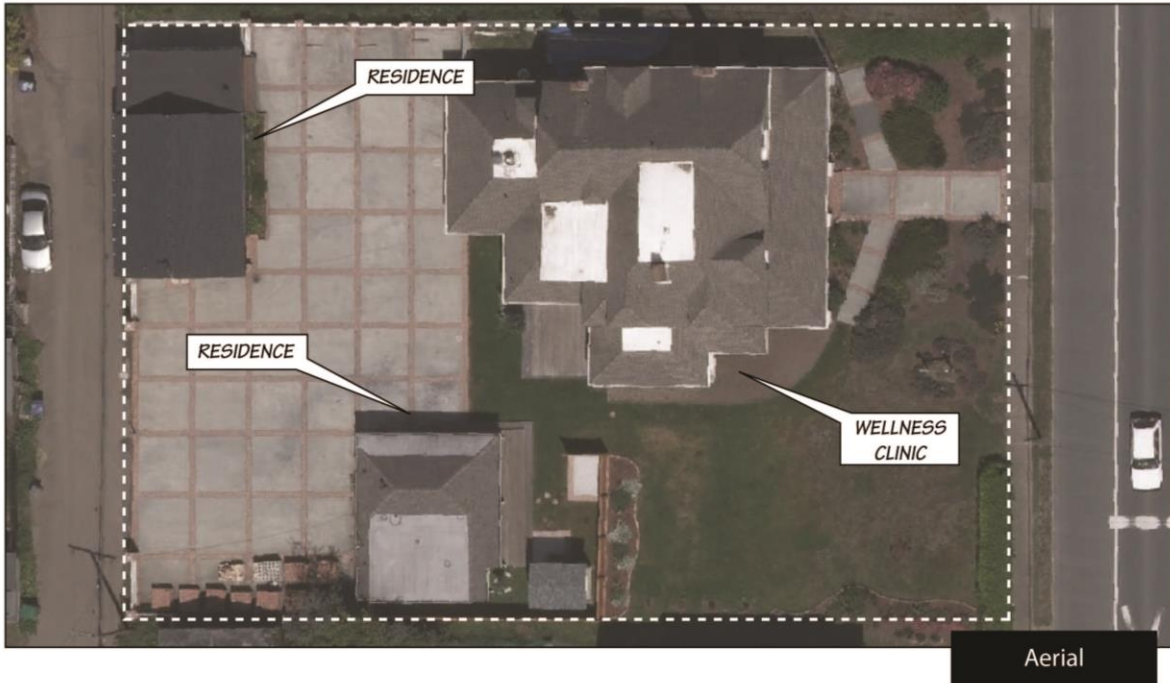
The property at 647 North Main Street (See **Attachment 1 – Location Map**) operated as a combination of hotel, bed and breakfast and restaurant uses through the 1980s and early 1990s. The primary building had a kitchen, dining room and guest rooms on the first floor with additional guest rooms on the second floor. The two buildings behind the primary structure have been used alternatively as guest rooms, residences and storage. More recently it was operated as the Rendezvous Restaurant until around 2011.

The property has been vacant for several years. A potential purchaser, currently in escrow, would like to reuse the property as a wellness clinic for family medicine with sauna, message and therapy components. The business would also include a teaching kitchen and a retail apothecary. The applicant requests to use the two exterior buildings as residences resulting in a horizontal mixed use project. See **Attachment 2 – Site Plan** for the proposed layout of the project. The Coastal Land Use and Development Code (CLUDC) requires a Use Permit for mixed use projects in the Highway Visitor Commercial (CH) zoning district. The *Medical Services* and *Personal Services* uses also require a Use Permit in the CH zoning district

The proposed project includes the following components:

Use	Approximate Square Footage
First Floor	
Treatment Room	116
Apothecary	116
Reception Area	281
Sauna Room	524
Lounge Area	165
Teaching Kitchen	224
Restroom	69
ADA Entrance and Laundry	222
Second Floor	
Treatment Room	272
Treatment Room	266
Treatment Room	224
Office Space	224
Accessory Structures	
Residence	1000
Residence	750

The proposed project will require an interior remodel; no external development is proposed. See **Attachment 3 – Floor Plans** for addition information on the location of the various project components.



MIXED USE

The CLUDC defines mixed use projects combining “both commercial and residential uses, where the residential component is typically located above the commercial [component].” Mixed use projects require Use Permits in the Highway Visitor Commercial (CH) zoning districts. Section 17.42.100 outlines specific requirements for mixed use applications. The following analysis lists and discusses the application’s consistency with these requirements.

Policy	Project Consistency
17.42.100 (A) Design considerations. A mixed use project shall be designed to achieve the following objectives:	
1. The design shall provide for internal compatibility between the residential and non-residential uses on the site.	Yes
2. Potential glare, noise, odors, traffic, and other potential nuisance conditions for residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site.	Yes
3. The design shall take into consideration existing and potential future uses on adjacent properties and shall include specific design features to minimize potential impacts.	Yes
4. The design shall ensure that the residential units are of a residential character, and that appropriate privacy between residential units and other uses on the site is provided.	Yes
5. Site planning and building design shall provide for convenient pedestrian access from the public street into the nonresidential portions of the project, through such means as courtyards, plazas, walkways, and street furniture.	Yes
6. Site planning and building design shall be compatible with and enhance the adjacent and surrounding residential neighborhood in terms of building design color exterior materials, landscaping, lighting, roof	Yes

styles, scale and signage.	
----------------------------	--

The existing structures on the property have previously supported residential and commercial uses without conflict with the surrounding community. The proposed residential units are also existing and are of a residential character.

Policy	Project Consistency
17.42.100(B) Mix of uses. A mixed use project may combine residential uses with any other use allowed in the applicable zoning district where allowed by Article 2; provided, that where a mixed use project is proposed with a use that is required to have Minor Use Permit or Use Permit approval in the applicable zoning district, the entire mixed use project shall be subject to that permit requirement.	Yes

The CLUDC considers the treatment rooms and office space as a *Medical Service – Doctor’s Office* use. The sauna and massage functions are *Personal Services* uses, per the CLUDC. Both uses require Use Permits in the CH zoning district, and are subject to the approval of this application. Should the Planning Commission approve this application, the project would be consistent with the policy above.

The business will also include a retail component, which is a permitted use in the CH district.

Policy	Project Consistency
17.42.100(C) Maximum density. The residential component of a mixed use project shall comply with the density requirement of the applicable General Plan designation and zoning district.	Yes

The CH district and General Plan land use designation restrict residential densities to a maximum of 24 units per acre. With two proposed residential units, the resulting acreage would be two units per 0.35 acres, or 5.71 units per acre. This falls well below the maximum density permitted in the CH district.

Policy	Project Consistency
17.42.100 (D) Site layout and project design standards. Each proposed mixed use project shall comply with the property development standards of the applicable zoning district, and the following requirements:	
1. Location of units. Residential units shall not occupy ground floor street frontage on the primary street frontage. Residential units are allowed on the first floor of alleys and secondary street frontages. The ground floor street frontage space within a mixed use building shall be reserved for commercial uses, except for a lobby or other feature providing access to the residential units.	Yes
2. Parking. In order to encourage the development of residential uses in existing and new commercial areas, the use of shared parking provisions shall be incorporated into mixed use projects in compliance with Section 17.36.080 (Reduction of Parking Requirements).	Yes
3. Loading areas. Commercial loading areas shall be located away from residential units and shall be screened from view from the residential portion of the project to the maximum extent feasible.	Yes (with conditions)
4. Refuse and recycling areas. Areas for the collection and storage of	Yes

refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses.	(with conditions)
---	-------------------

The existing parking lot served the historical restaurant and hotel uses of the property; however, its design and the number of spaces are non-conforming with the current CLUDC requirements. CLUDC Section 17.36.040(C)(2) states that a use or structure with nonconforming off-street parking may undergo a change in use so long as: 1) the number of existing parking spaces shall be maintained on the site; and 2) additional spaces are only required if the new use requires more parking than the previous use. The former restaurant and hotel uses would have required 19 parking spaces. The proposed combination of uses requires nine spaces. Based on staff's measurements of the existing parking spaces (they are presently unmarked), between seven and nine spaces exist. Since the proposed use requires less parking than previous uses, the nonconforming parking lot may be allowed.

Additionally, CLUDC Section 17.36.040(C)(3) allows the review authority to waive parking requirements if it is determined that the location, parcel size or topography renders the requirement unreasonable. Short of developing additional parking in the front yard (which the CLUDC disallows), the property is completely built-out and providing additional parking is unfeasible. The existing parking lot is sufficient to serve the proposed mixed use project and meets the CLUDC parking requirements.

Although the quantity of parking is adequate to serve the proposed development and meets the standards of the CLUDC, the parking lot will require minor improvements to comply with current standards. **Special Condition 8** requires the applicant to stripe the parking spaces, install wheel stops or curbing, and provide an ADA parking space in compliance with city codes prior to business license approval.

The proposed use will require a limited amount of delivery and loading. As the site is presently developed, it is infeasible to fully separate the loading areas from the residential units. In order to limit the possibility of issues arising due to the proximity of the residential units and commercial deliveries, staff recommends **Special Condition 1** requiring loading and deliveries to occur between the hours of 8 a.m. and 6 p.m.

Special Condition 1: Loading and deliveries for the commercial uses on the property shall occur only between the hours of 8 a.m. and 6 p.m. to limit disturbances to the residential units.

Policy	Project Consistency
17.42.100 (E) Performance standards.	
1. Lighting. Lighting for commercial uses shall be appropriately shielded to limit impacts on the residential units.	Yes (with conditions)
2. Noise. Each residential unit shall be designed and constructed to minimize nonresidential project noise levels, in compliance with the City's noise ordinance.	Yes
3. Hours of operation. A mixed use project proposing a commercial component that will operate outside of the hours from 8 a.m. to 6 p.m. shall require Use Permit approval to ensure that the commercial uses will not negatively impact the residential uses within the project, or any adjacent residential uses.	Yes (with conditions)

In order to avoid conflicts with lighting, staff recommends **Special Condition 2** requiring lighting on commercial building to be downcast and shielded, and lighting on the west-facing façade to be limited to lighting required for security and/or ADA requirements.

Special Condition 2: Lighting on the west-facing façade of the building shall be limited to only that which is required for security and/or ADA requirements. Lighting shall be downcast and shielded. The City will verify compliance with this requirement at time of final inspection of a building permit for the interior remodel of the building.

The applicant requests business hours to extend to 9 p.m. The business will provide occasional evening classes (6 p.m. to 9 p.m.). Hosting evening classes should limit the quantity of ingress and egress to and from the building and parking lot to only the times class attendees are arriving and leaving, limiting the impact of the commercial use on the residences in the rear. Since the property is zoned primarily for commercial uses (CH) and located in a commercial district where neighboring uses could one day operate beyond 6 p.m. (restaurants, inns, etc.), the Planning Commission may find the time extension reasonable.

Staff recommends **Special Condition 3** requiring customer visits to the commercial business to arrive no earlier than 8 a.m. and leave no later than 9 p.m.

Special Condition 3: Customer visits for the commercial uses shall arrive no earlier than 8 a.m. and shall leave no later than 9 p.m.

HIGHWAY VISITOR COMMERCIAL USE PERMITS

In addition to the specific standards required to approve mixed use projects discussed above, the CLUDC requires supplementary findings be made for all Use Permits in the CH zoning district. The supplementary findings are as follows:

Policy	Project Consistency
17.22.030(C)(5) Highway Visitor Commercial	
a. Secondary uses oriented to local clientele may be permitted where the primary use of a site is oriented to or serves visitor, regional, or transient traffic.	Yes
b. Secondary uses may be allowed where primary uses are precluded because of environmental concerns or other site specific problems.	N/A
c. The use is generally vehicular-oriented unless part of a larger visitor-oriented complex.	Yes

Per the CLUDC, the Highway Visitor Commercial zoning district applies “to sites along Highway 1 and arterials at the entry points to the community. Allowable land uses include lodging, restaurants, and retail stores.” The findings required for Use Permits listed above are intended to ensure that visitor-serving uses take precedent over other uses. Staff recommends that the proposed *Medical Services – Doctor’s Office* and *Personal Services* uses are, in fact, visitor-serving uses. A wellness clinic with retail and drop-in components would be available and appealing to tourists, as would the appointment-based classes and counseling. Staff recommends the Planning Commission can make the required findings for Use Permits in the CH zoning district.

PLANNING COMMISSION ACTION

1. Hold a hearing, close the hearing, deliberate and approve Use Permit 1-17 (U 1-17) subject to the required approval findings and subject to standard and special conditions.

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.

RECOMMENDATION

Staff recommends approval of Use Permit 1-17 based on the following findings and conditions:

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 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, 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 Section 17.22.030 (Commercial District Land Uses and Permit Requirements).

HIGHWAY VISITOR COMMERCIAL USE PERMIT FINDINGS

1. Secondary uses oriented to local clientele may be permitted where the primary use of a site is oriented to or serves visitor, regional, or transient traffic.
2. Secondary uses may be allowed where primary uses are precluded because of environmental concerns or other site specific problems.
3. The use is generally vehicular-oriented unless part of a larger visitor-oriented complex.

SPECIAL CONDITIONS

1. Loading and deliveries for the commercial uses on the property shall occur only between the hours of 8 a.m. and 6 p.m. to limit disturbances to the residential units.
2. Lighting on the west-facing façade of the building shall be limited to only that which is required for security and/or ADA requirements. Lighting shall be downcast and shielded. The City will verify compliance with this requirement at time of final inspection of a building permit for the interior remodel of the building.
3. Customer visits for the commercial uses shall arrive no earlier than 8 a.m. and shall leave no later than 9 p.m.
4. Prior to issuance of a business license for the proposed use, the applicant shall bring the building into compliance with 2016 California Building Code, Chapter 11B and address applicable commercial code requirements to the satisfaction of the Mendocino County Building Department.
5. Any hot tub spa that has a water recirculation system will require the applicant to submit plans and a permit application to the Mendocino County Department of Environmental Health.
6. The teaching kitchen shall provide food only for consumption by students and not offered to other guests or the public. Otherwise, the applicant shall secure the appropriate permits from the Mendocino County Department of Environmental Health.
7. Prior to issuance of a business license for the proposed use, the applicant shall install a backflow device due to the commercial mixed use components of the project subject to the inspection of Public Works.
8. Prior to issuance of a business license for the proposed use, the applicant shall meet the following parking lot requirements:
 - a. Stripe the parking lot with spaces subject to Public Works and Municipal Code requirements;
 - b. Provide wheel stops and/or curbing as required by Municipal Code Section 17.36.090 (landscaping and/or planters may be substituted for wheel stops/curbing with prior approval by Public Works);
 - c. Provide, stripe and install signage for one ADA parking space, which shall be located in an area that minimizes travel on sloped surfaces, is near a level or ramped entrance, minimizes travel behind parked vehicles, and allows direct access to the facility's accessible entrance.

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 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 CLUDC Subsection 17.76.070 (B).

ATTACHMENTS

1. Location Map
2. Site Plan
3. Floor Plans