



PLANNING COMMISSION STAFF REPORT

TO: Planning Commission **DATE:** April 16, 2025

DEPARTMENT: Community Development Department

PREPARED BY: Sarah Peters, Assistant Planner
Marie Jones, Marie Jones Consulting

PRESENTER: Sarah Peters, Assistant Planner

AGENDA TITLE: Receive a Report, Hold a Public Hearing, and Consider Approval of a Request to Subdivide an Existing 12,000 SF Undeveloped Parcel Into Two Parcels of 6,000 SF Each.

OWNER / APPLICANT: Linda Jo Stern and Shannon Underhill

LOCATION: 104 Dana Street

ASSESSOR'S PARCEL NO.: 020-490-53-00

ZONING: Low Density Residential (RL)

SURROUNDING LAND USES:

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

ENVIRONMENTAL DETERMINATION: Staff recommends that the project be found exempt under CEQA Guidelines Section 15315 Minor Land Division.

APPEALABLE PROJECT: ☒ Can be appealed to City Council

RECOMMENDATION

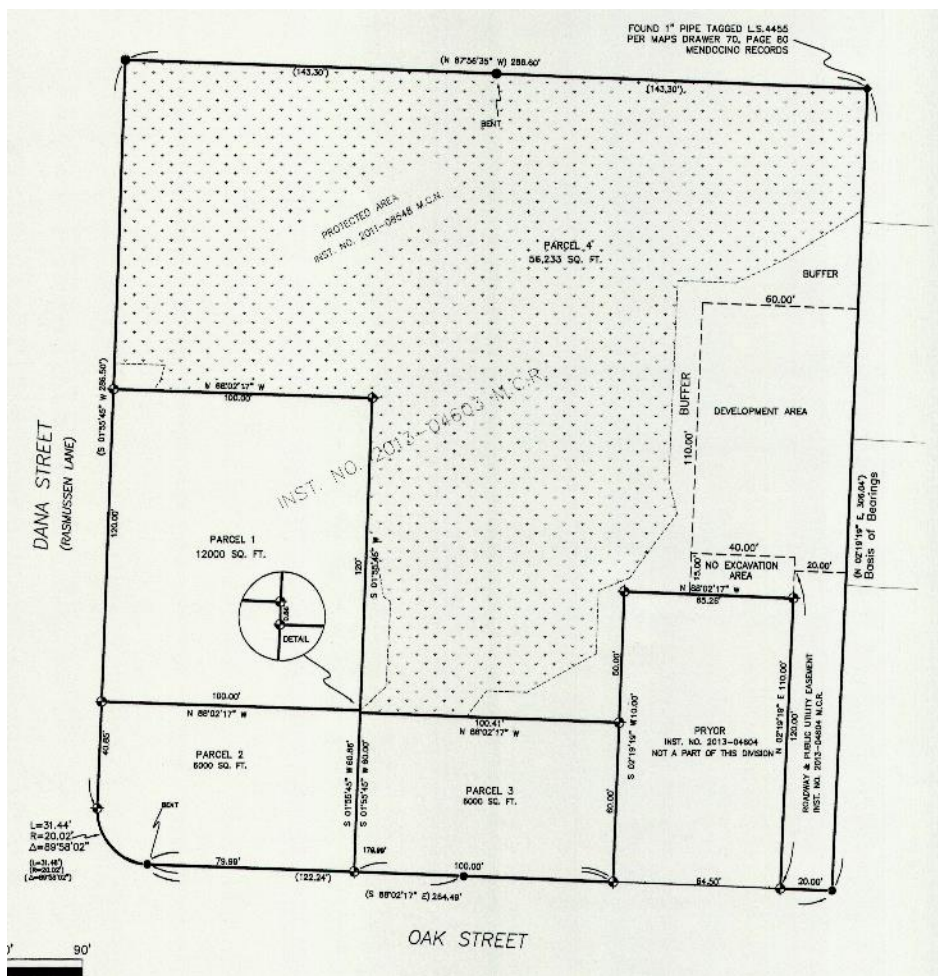
That the Planning Commission: 1) receive staff report; 2) open the public hearing; 3) take public comment; 4) close the public hearing and deliberate; and 5) adopt a resolution approving the Tentative Map for Minor Subdivision 1-24 (DIV 1-24); and find that the project is categorically exempt under CEQA Guidelines Section 15315, Minor Land Division.

AGENDA ITEM NO. XX

BACKGROUND:

On April 26, 2011, a subdivision was approved to allow the division of 80,227 SF parcel, located at the corner of Oak Street and Dana Street, into four parcels of 12,000 SF, 6,000 SF, 6,000 SF, and 56,227 SF. The subdivision was feasible because the project included an extensive wetland mitigation and restoration project which allowed the applicant to fill a portion of the existing wetland to establish the new residential parcels. The wetland mitigation project was subsequently completed and established a new larger wetland (through a mix of creation, restoration and enhancement). The new wetland was protected through a deed restriction. See Figure 1 below and **Attachment 1 – Parcel Map Division #1-10.**

Figure 1- Parcel Map



The 12,000 SF parcel in that subdivision, "Parcel 1" of the four resulting parcels (see Figure 2 below), became 104 Dana Street. By increasing, enhancing, and protecting a new larger wetland area in Parcel 4, the new mitigation wetland allowed for the development and fill of the small remnant wetland in Parcel 1 (and other parcels) of the subdivision. The wetland mitigation project was completed over a period of five years and was reviewed by both City

staff and CDFW staff to ensure that it functioned effectively and fully mitigated the removal of the wetland areas from the other parcels.

The images below illustrate the extent of the wetland prior to mitigation (cross hatch area of the left image) and the final wetland configuration (right). The project resulted in a 200% replacement of the 0.15 acres of wetland which were removed from parcels 1, 2 and 3 as they were replaced with 0.31 acres of new wetland on the remainder parcel. Prior to implementation of the wetland mitigation project the wetland on site was “fragmented, highly altered and degraded” due to “land alterations, degradation, ditching” and other activities on site. One primary goal of the wetland mitigation project was to link the fragmented wetlands and improve water quality of the water flowing through the wetland. The wetland mitigation project also created new wetland with higher biological value and function than the removed wetlands.

Figure - Wetland prior to mitigation

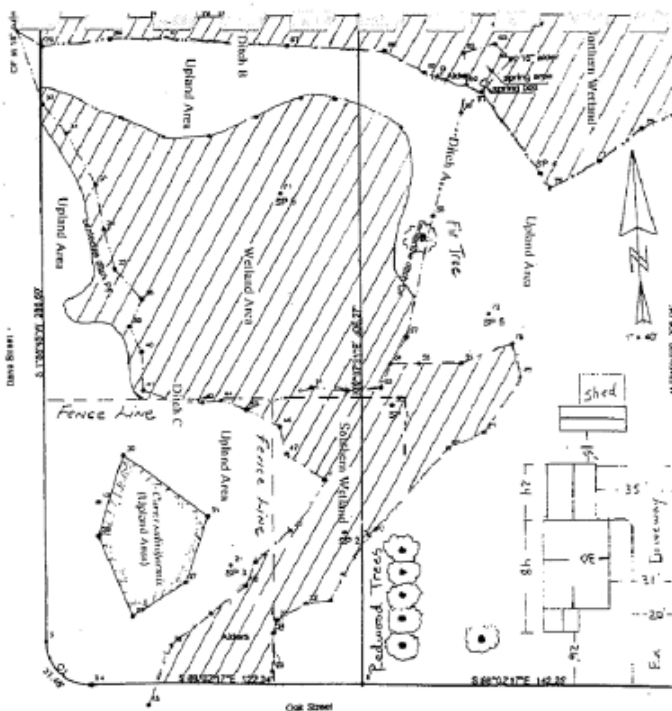


Figure 3 - Final wetland configuration

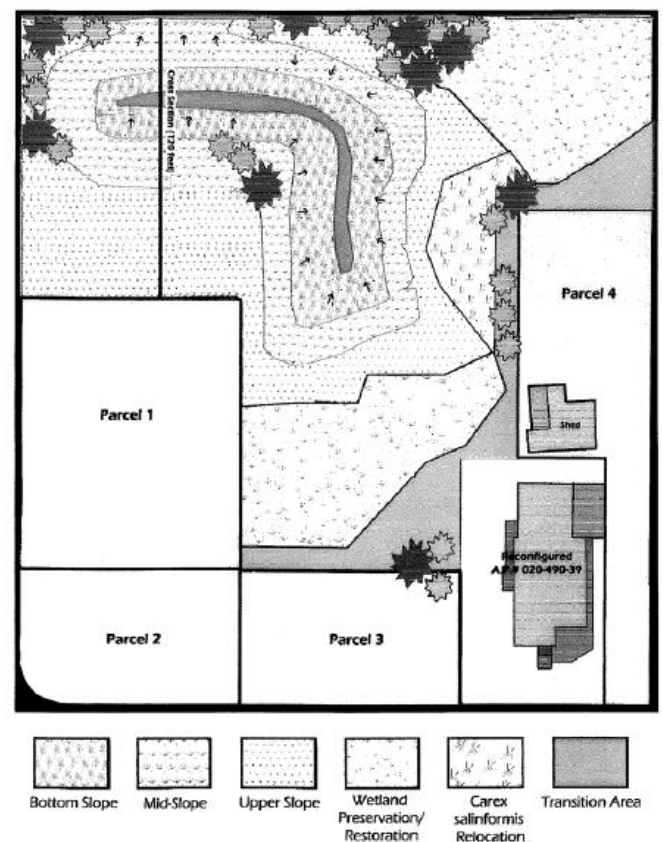


Fig. 3 – Site Conceptual Map from project Wetland Management and Mitigation Plan.

The subdivision and wetland mitigation project received permit approvals from the following agencies for the project:

- Section 404 Clean Water Act permit and Nationwide 29 permit from the Army Corps of Engineers (ACOE)

- Section 401 Clean Water Act permit from the Regional Water Quality Control Board (RWQCB)
- Section 1600 Lake and Streambed Alteration Agreement from the California Department of Fish and Game

Pryor Subdivision MND. Mitigation measures in the MND for the subdivision project and the wetland mitigation project were completed as required. The wetland mitigation project was monitored for five years by a wetland mitigation consulting firm to ensure that the new wetland became well established and productive. The consultant submitted annual reports to the City of Fort Bragg for review and approval. There are three mitigation measures from the MND that have relevance for the proposed new subdivision namely Mitigation Measure Bio-5, Mitigation Measure Geol – 1, and Mitigation Measure Hydro – 1:

Mitigation Measure Bio – 5. Throughout project implementation, during monitoring stages **and subsequent residential build out**, all mitigation measures contained within the project **Wetland Management and Mitigation Plan** shall be made a requirement of project approval, and diligently performed, including recordation of a protective deed restriction, and enhanced and additional mitigation measures as may be required by trustee agency representatives through comment on this draft document.

Mitigation Measure Geol – 1. All recommendations contained within the BACE Geotechnical Investigation (#12169.1, dated September 10, 2009), Section 6.0 Recommendations (6.1 through 6.5), shall be implemented during the development of the entire subdivision, whether that development occurs lot by lot over a period of time, or concurrently. Such mitigation measures will be incorporated in the special conditions of the subdivision approval, recorded on the subdivision map and added to building and other permit conditions as appropriate to ensure their implementation over time.

Mitigation Measure Hydro – 1. Prior to recordation of the tentative map, the applicant is to add restrictive covenants to the new residential parcels that prohibit hobbyist, home businesses and commercial uses, such as automobile storage, collecting and vehicle maintenance/repairing, and other activities involving potentially polluting chemicals and substances which could have a negative effect on water quality. Specific thresholds and performance standards will be developed in cooperation with the applicant and Community Development Department.

MM Geol-1 and MM Hydro-1 have been revised to apply to this project only and are included as special conditions 11 and 12 of this staff report under the stormwater analysis section. MM Bio-5 is analyzed and conditioned below:

MM Bio-5. The Wetland Management and Mitigation plan includes the following relevant requirements that are incorporated below into **Special Condition 1**:

Special Condition 1: The applicant shall comply with the following wetland mitigation measures contained in the **Wetland Management and Mitigation Plan**

(page numbers in parentheses) for the construction of all new development on the resulting parcels:

- **Stormwater Run-off** (page 19). All roof water for each house will be collected into gutters and downspouts and then directed into gravel/rock energy dissipaters. From the energy dissipaters, subsurface water would flow into the wetlands. The landscaped areas on the wetland side of future residential development would also be directed into the wetlands as subsurface water. The water directed into the wetlands will be subtle to prevent channelization and the creation of concentrated erosion.
- **Landscape Run-off** (page 20). Water from landscaped areas on the street sides of any future residential development on proposed Parcels 1 and 2 would be directed away from the wetlands and towards the street.
- **Permeable Pavers** (page 20): Although at this time, there is no specific driveway construction proposed, we recommend a permeable driveway system that reduces runoff and increases onsite infiltration for any potential future development.
- **Bioswales** (page 20) Bioswales or rain gardens on the property and adjacent to the driveway or the building pads could further collect water that otherwise may be directed off site.
- **Roof Leader-(Downspout)** (page 20). Disconnection and Energy Dissipaters: As discussed, stormwater that will be directed into the wetlands will be diffused to prevent a concentrated channel that would create an erosion point. From the downspouts of the roofs the water will hit a rocked energy dissipater. From the energy dissipater, water will be diffused to prevent a concentrated channel that would create an erosion point. Through subsurface water flow this water will recharge the water table.
- **Fencing** (page 21) Permanent fencing will be placed and maintained along the entire edge of the parcel abutting the wetland to contain the entire wetland management area. The purpose of the fencing is to prevent public access into the wetlands that may contribute to the degradation of the habitat. Along the wetland side of the fence dormant willow stakes will be placed and maintained. Willow stakes will help stabilize the slope and act as transitional plant along the edge of development.

The current owners purchased the property (Parcel 1) in October 2016.

The deed restriction protecting the new wetland did not extend to parcels 1 through 4, it was recorded for the remainder parcel only. The **Wetland Management and Mitigation Plan** indicated that the wetlands extend onto parcel 1, 2 and 3 at the top of slope only (edge of parcels). In 2017 the applicant requested a grading permit to fill areas of the parcel that had been filled as part of the initial wetland mitigation project and later settled and resulted in a constructed wetland. As the wetland areas of this parcel had already been mitigated through the subdivision process the City approved the grading permit in August 2017. The grading permit was not acted upon at the time due to personal circumstances. In June 2023 the City approved a second grading permit which allowed for up to 200 Cubic

Yards of fill material to grade the site to an average slope of 1.6%. **See Attachment 2 – Grading Permit.** This permit was finalized by the City on December 7, 2023. The applicant completed the grading and thereby vested the grading permit, and this action cannot be legally unwound.

Parcel 1 is now under review for division into two subsequent parcels of equal size. It should be noted that Tom Pryor (the owner of the original parcel and property owner who completed the original subdivision) sized Parcel 1 for later subdivision. He completed a minor subdivision (creating four new parcels) to avoid the infrastructure costs associated with a major subdivision (creating five or more parcels), which would have included installing sidewalk, curb and gutter, stormwater improvements, etc.

The Assessor Parcel Number for Parcel 1 is 020-490-53-00. The zone is Low Density Residential (RL) and the surrounding land uses are single-family residential.

Figure 4 - Aerial View



PROJECT DESCRIPTION, DISCUSSION AND ANALYSIS:

The applicants propose a Tentative Map to subdivide a 12,000-square-foot parcel located in a Low-Density Residential District (RL). The parcel is located at 104 Dana Street. The parcel is vacant with no site improvements or connections to City water or sewer, and PG&E. The applicants request to split the 12,000-square-foot property into two parcels of 6,000 square feet each. Proposed Parcel 1 would be located on the northeast half of the existing parcel, and Parcel 2 on the southeast half of the existing parcel.

The allowable density range in the RL zone is 3 to 6 units per acre. In the future, the applicants may construct 1 dwelling unit or 1 duplex per parcel; or 1 dwelling unit and 1 ADU and 1 JADU where allowed by § [18.42.170](#); or 2 to 4 units, where allowed, by § [18.42.200](#).

On each proposed parcel, new driveway cuts and frontage improvements would be required at time of the residential development, including curb, gutter, sidewalk and street pave-out along Dana Street. The proposed driveway for Parcel 2 would be required to be at least 1—feet from the northern edge of the Oak Street travel lane as this was a condition of the Pryor Subdivision that created this parcel. See **Attachment 3 - Tentative Map**.

Surrounding land uses include single-family residential parcels on all sides of the existing lot. The parcel east of the lot contains a protected wetland, resulting from relocation of original wetland as part of the Pryor Subdivision.

Figure 5 - Project Site and Surrounding Parcel Sizes



INLAND LAND USE & DEVELOPMENT CODE ANALYSIS:

The following analysis summarizes the proposed subdivision's consistency with the zoning designation and relevant development standards.

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 District. The proposed parcels are within the minimum and maximum parcel dimensions required by the ILUDC, as demonstrated in Table 1.

Table 1: Residential District Subdivision Standards

Low Density Res. Minimum Parcel Size Standards	Lot Size Area (sf)	Width (ft)	Depth (ft)	Compliance
	> 6,000	> 50	3 times width maximum	
<i>Proposed Parcel 1</i>	6,000	60.0	180.0	Complies
<i>Proposed Parcel 2</i>	6,000	60.0	180.0	Complies

Figure 6- Proposed Tentative Map in the context of the neighboring parcels:



DEVELOPMENT STANDARDS COMPLIANCE ANALYSIS:

When a parcel is proposed for subdivision, all existing development must comply with all current development standards, such as setbacks, parking etc. However, as the applicant is not proposing to develop the two vacant single-family parcels at this time, zoning code compliance for any future development will be analyzed when building permits are submitted for those parcels (1&2). Potential development footprints for Parcel 1 and Parcel 2 are illustrative only and not under the purview/review of the Planning Commission for a minor subdivision.

Public Utilities and Services

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. See Public Works Memorandum that provides information on adequacy of sewer line in Dana Street. (March 24, 2025). If adequate fall is not achievable, then pumping would be required. Public Works staff would also require installation of backflow devices on all water service connections associated with fire sprinklers. The Public Works Memorandum includes fee estimates to add two new water and sewer connections. The applicant is required to pay capacity and connection fees; see recommended **Special Condition 2**.

Special Condition 2: Applicant shall comply with all requirements in the memo prepared by Public Works on March 24, 2025. See **Attachment 4: Public Works Memo**.

The Fort Bragg Fire Department (FBFD) has reviewed the proposal and did not require any special conditions. However, to ensure emergency personnel can easily locate the sites, **Special Condition 3** requires that the applicant apply for assignment of addresses.

Special Condition 3: Prior to occupancy of any future residential unit in this subdivision, address numbers shall be placed in such a manner as to be visible from Dana St. 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.

Site Improvements

The proposed subdivision will create two new lots on an existing City Street with where there is no existing sidewalk. Per Special Condition 2 of the original subdivision permit (DIV 1-10 & USP 2-10), frontage improvements are to be done at time of development of the parcels. No other improvements can be required for a minor subdivision. See **Attachment 5: Pryor Development Permit and Conditions**. See **Special Condition 4** below which carries these requirements forward into this subdivision.

Special Condition 4: Frontage improvements shall be completed at the time of development of parcels. The driveway shall be constructed at least 100 feet north of the northern edge of Oak Street's northern-most travel lane. Power and telecommunications utility lines shall run underground from existing power poles to each parcel. If a main line extension is necessary, then such extension shall be constructed underground.

Grading/Soils Report

A Geotechnical investigation report was conducted in 2009 for the Pryor subdivision. That report concluded that the site is geotechnically suitable for the proposed development. It provided an analysis of some geotechnical considerations affecting construction and their possible mitigation measures. Subsequently, fill was added to the site and permitted grading completed. As recommended by the county building official and the Public Works department, applicant shall submit a new soils report from a licensed engineer, indicating if the soil requires any specific measures to support structure(s). **Special Condition 5** requires that this report be submitted prior to approval of the parcel map.

Special Condition 5: Prior to approval of the final parcel map, the applicant shall submit a soils report from a licensed engineer, verifying that the soil is adequate to support structure(s) on both resulting parcels and indicating if the soil requires any specific measures to support such structures.

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*. This subdivision would be subject to Municipal Code Section 12.14.02, requiring a site design that can accommodate 100 year-frequency storm events. A site assessment will be required for evaluation of site conditions, such as soils, vegetation, flow paths, and stormwater calculations. All storm water management and erosion control shall comply with Title 18 of the City of Fort Bragg ILUDC and the MND and Special Conditions for the original subdivision as recommended in **Special Conditions 6-12 below**:

Special Condition 6: This subdivision is subject to Municipal Code Section 12.14.02, requiring a site design that can accommodate 100 year-frequency storm events.

Special Condition 7: The applicant shall evaluate the site conditions, such as soils, vegetation, and flow paths and submit stormwater calculations to the City Engineering Department assuming full build out of the subdivision. *Refer to Mendocino County Low Impact Development (LID) Design Standards Manual v2.1 for guidance. It can be reviewed at:*

<https://www.mendocinocounty.org/home/showdocument?id=27635>

Special Condition 8: Storm water runoff shall be minimized by incorporation of LID strategies and site design measures that minimize impermeable areas, maximize permeable areas, and that slow, spread, and sink runoff so as to recharge groundwater and minimize runoff.

Special Condition 9: Low Impact development strategies are required and sized based on the area of impervious surface at the time of building permit submittal. LID design shall be submitted with building permits for construction.

- i. *The subdivider shall implement site design measures to reduce runoff as outlined in the Pryor Subdivision documents. The Site Assessment, layout and design measures shall be shown on a drainage site plan.*
- ii. *The drainage site plan shall divide each developed portion of the project site into discrete Drainage Management Areas (DMA's).*
- iii. *Any remaining runoff from DMA's expected shall be collected at treatment control BMP's (vegetated swales, permeable pavements, rain gardens, or other bio retention facilities).*
- iv. *Treatment Control BMPs shall be sized and designed to retain and infiltrate runoff produced by all storms up to and including the 85th percentile (0.83" in 24-hours).*
- v. *Treatment control BMPs require O&M plan; a maintenance and operation plan shall be submitted for the upkeep of this facility. The plan shall include provision(s) demonstrating adequate on-going operations and maintenance.*

- vi. Drainage fees shall be paid prior to the issuance of each parcels' respective building permit for dwelling units.

Special Condition 10: All proposed drainage features shall be reflected on a final utility, grading and storm drainage plan, which reflects all proposed easements and site improvements.

Special Condition 11: All recommendations contained within the BACE Geotechnical Investigation (#12169.1, dated September 10, 2009), Section 6.0 Recommendations (6.1 through 6.5), shall be implemented during the development of the parcels, recorded on the subdivision map, and added to building and other permit conditions as appropriate to ensure their implementation over time.

Special Condition 12: Prior to recordation of the tentative map, the applicant shall add restrictive covenants to the new residential parcels that prohibit hobbyist, home businesses and commercial uses, such as automobile storage, collecting and vehicle maintenance/repairing, and other activities involving potentially polluting chemicals and substances which could have a negative effect on water quality. Specific thresholds and performance standards will be developed in cooperation with the applicant and Community Development Department.

FISCAL IMPACT/FUNDING SOURCE:

No fiscal impact.

ENVIRONMENTAL ANALYSIS:

The project was reviewed for eligibility for exemption from California Environmental Quality Act, CEQA Guidelines Section 15315. Class 15 Categorical Exemption consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.

The Class 15 guideline for *Minor Land Divisions* is correct for the proposed two-lot subdivision at 104 Dana Street. The proposed project would create two parcels on less than one acre of land within the City limits of Fort Bragg. Water and sewer access is available for two new connections. As analyzed, the project complies with the ILUDC and conforms to the General Plan. No variances or exceptions are required. The parcel has not been divided within the last two years and is not on a slope greater than 20 percent. The parcel was created through a subdivision permitted on April 26, 2011, for which a deed restricted wetland mitigation project was created on an adjoining parcel that fully mitigated the removal

of all wetlands from this parcel. Therefore, DIV 1-24 is eligible for a categorical exemption from CEQA under Section 15315 of the CEQA Guidelines for Minor Land Divisions. There are no applicable exceptions to the proposed CEQA Exemption Class 15 for Minor Divisions, as the project is not located on a scenic highway, is not a hazardous waste site, has no historic resources and development of these parcels will not have a significant effect on the environment. Therefore, it is recommended that the project is categorically exempt from the requirement for the preparation of environmental documents.

GENERAL PLAN CONSISTENCY ANALYSIS:

As proposed the project is consistent with the density and intensity of use proposed in the City's Inland General Plan. It does not conflict with any policies and is consistent with the following relevant policies:

Land Use Element

Program LU-7.1.1 *Use the minimum density indicated by the Land Use Designations Map as a starting point when determining specific density for a residential project.*

CONSISTENT: The project site has a General Plan Land Use Designation of Low Density Residential (RL) with an allowable density of 3 to 6 dwelling units per acre. No dwelling units are proposed on the Tentative Map, however the minimum allowable density per parcel would be 1 dwelling unit on 0.137 acres of land which is within the allowable density, and thus complies with Program LU-7.1.1. Per State Law ADUs are excluded from the maximum density calculation for a zoning district

Conservation, Open Space, Energy, and Parks Element

Policy OS-2.1 Native Landscaping: *All development shall be conditioned to require that 50% of all plantings are native plants and shall prohibit the planting of any plant species that is (a) listed as problematic and/or invasive by the California Invasive Plant Council, and/or by the State of California, or (b) listed as a 'noxious weed' by the State of California or the U.S. Federal Government.*

CONSISTENT (with condition): To ensure consistency, **Special Condition 13** is recommended for compliance with policy OS-2.1.

Special Condition 13: Prior to issuance of a building permit for the vacant lots, the applicant shall submit a landscaping plan where 50% of all plantings are native plants and that does not contain any plant species that are (a) listed as problematic and/or invasive by the California Invasive Plant Council, and/or by the State of California, or (b) listed as a 'noxious weed' by the State of California or the U.S. Federal Government.

Safety Element

Policy SF-1.1 *New development shall: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard; and (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or*

surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

CONSISTENT: The new dwelling units will be subject to the California Building Code and California Fire Code. Through the implementation of the uniform standards in these codes, the project complies with this policy.

Housing Element

Goal H-1 *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.*

Policy H-1.6 *Infill Housing: Encourage housing development on existing infill sites in order to efficiently utilize existing infrastructure.*

CONSISTENT: The proposed project would divide an existing, undeveloped 12,000 SF parcel into two lots, allowing for the future construction of additional residential units. The property is surrounded on all sides by residential land uses, including single-family residences. Therefore, this project will efficiently utilize an existing lot by subdivision and establishment of two lots. The proposed subdivision satisfies Goal H-1 and policy H-1.6.

As analyzed and conditioned, the project is consistent with the applicable policies of the City's General Plan.

ALTERNATIVES:

Provide other direction to staff.

ATTACHMENTS:

1. Parcel Map Division #1-10
2. Grading Permit – 2023
3. Tentative Map
4. Public Works Comment Memo
5. Pryor Development Permit and Conditions
6. Draft PC Resolution DIV 1-24 104 Dana
7. Notice of Exemption
8. Public Hearing Notice 2-28-2024
9. Public Comment

NOTIFICATION:

1. Applicant
2. Notify Me List Subscribers