



AGENCY:	City Council
MEETING DATE:	February 24, 2014
DEPARTMENT:	Community Dev'pmt
PREPARED BY:	T. Spade
PRESENTED BY:	T. Spade/ M. Jones

## AGENDA ITEM SUMMARY

### **TITLE:**

**RECEIVE REPORT AND CONSIDER THE ADOPTION OF CITY COUNCIL RESOLUTION (1) UPHOLDING AN APPEAL BY WALNUT MAIN GROUP OF THE PLANNING COMMISSION'S DECEMBER 18, 2013 DECISION TO DENY PERMITS FOR CONVERSION OF EXISTING OFFICE BUILDING TO RETAIL USE/DOLLAR TREE (CDP 5-2013, DR 5-2013, UP 4-2013, AND LLA 1-2013); (2) ADOPTING MITIGATED NEGATIVE DECLARATION; AND (3) APPROVING CDP 5-2013, DR 5-2013, UP 4-2013, AND LLA 1-2013 (825 AND 845 SOUTH FRANKLIN STREET)**

### **ISSUE:**

The City Council conducted a public hearing on January 27, 2014 regarding the Planning Commission's denial of permit applications to authorize conversion of an 11,000 sf portion of an existing office building from "Social Service Organization" use to "General Retail, 5,000 sf or Larger" to accommodate a retail store (Dollar Tree). The applications were: Coastal Development Permit (CDP 5-2013), Use Permit (UP 4-2013), Design Review (DR 5-2013), and Lot Line Adjustment (LLA 1-2013). At the conclusion of the hearing, the City Council directed staff to prepare a resolution with findings for approval of the project and including revised special conditions to address the following concerns:

- The loading zone shall face the building as illustrated by the site plan distributed by the Mayor and agreed to by the applicant at the meeting.
- Establish a 4-way stop at the intersection of Franklin Street and South Street as part of the project.
- Illuminated signs on the Franklin Street side of the building shall not be approved. A monument sign would be acceptable on the south side of the building/property.
- The landscaping plan shall be approved by the Community Development Director prior to issuance of the building permit. Selected plants shall be faster growing (than Rhododendrons) but not invasive. The landscaping shall be installed prior to the final of the building permit. Additionally, a bond shall be required to assure that the landscaping is maintained and the plants get established.
- Air conditioning units shall be screened.
- The fencing around the south parking lot shall be constructed of redwood.
- The adjacent lot to the south, also owned by the applicant, shall be landscaped with a minimal treatment to ensure adequate visual quality and so that it does not become an attractive nuisance adjacent to the new retail outlet.

The attached resolution for approval of the project incorporates these additional special conditions.

### **RECOMMENDED ACTION:**

Receive report and adopt resolution (1) upholding an appeal by Walnut Main Group of the Planning Commission's December 18, 2013 decision to deny permits for conversion of existing office building to retail use/Dollar Tree (CDP 5-2013, DR 5-2013, UP 4-2013, and LLA 1-2013); (2)

adopting Mitigated Negative Declaration; and (3) approving CDP 5-2013, DR 5-2013, UP 4-2013, and LLA 1-2013 (825 and 845 South Franklin Street).

**ALTERNATIVE ACTION(S):**

1. Discuss item and do not adopt the resolution.
2. Request more information and reschedule adoption of the resolution for a later date.

**ANALYSIS:**

The following items were identified by the City Council as appropriate additional requirements to assure the project is consistent with the City's Coastal Land Use & Development Code (CLUDC):

- 1. The loading zone shall face the building as illustrated by the site plan distributed by the Mayor and agreed to by the applicant at the meeting.***

It was determined that the loading zone could be located such that it would not face the street, and would in fact be located in the rear two-thirds of the property. Locating the loading zone this way would eliminate the need for an exception to CLUDC requirements and would assure consistency with CLUDC Sections 17.36.110.B.3.a and 17.36.110.B.3.c which require:

1. **Location.** Loading spaces shall be:
  - a. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible;
  - c. Situated to ensure that loading and unloading takes place on-site and in no case faces a public street, or is located within a required front setback, adjacent public right-of-way, or other on-site traffic circulation areas;

Figure 1, the site plan distributed by Mayor Turner at the January 27, 2014 City Council meeting, illustrates in green the depth of the lot that is located within the rear two-thirds of the property and also corresponds with the proposed loading zone turn-around area and portion of building to be leased by Dollar Tree.

Special Condition 3 has been revised to ensure that the loading zone location will be located such that it does not face the street and will be within the rear two-thirds of the parcel (new language in underlined text):

Special Condition 3: Prior to issuance of the Coastal Development Permit, a revised parking and circulation plan shall be submitted for approval by the Community Development Director. The new plan shall include striping in the vicinity of the loading zone area and shall include a loading zone lighting plan. The loading zone shall face the building as illustrated by the site plan distributed by the Mayor and agreed to by the applicant at the January 27, 2014 City Council meeting - the intent of this requirement is to assure the loading zone will not face the street and will be located within the rear two-thirds of the lot. The loading zone and associated driveways shall be paved prior to issuance of the building permit for the building improvements, and prior to occupancy.

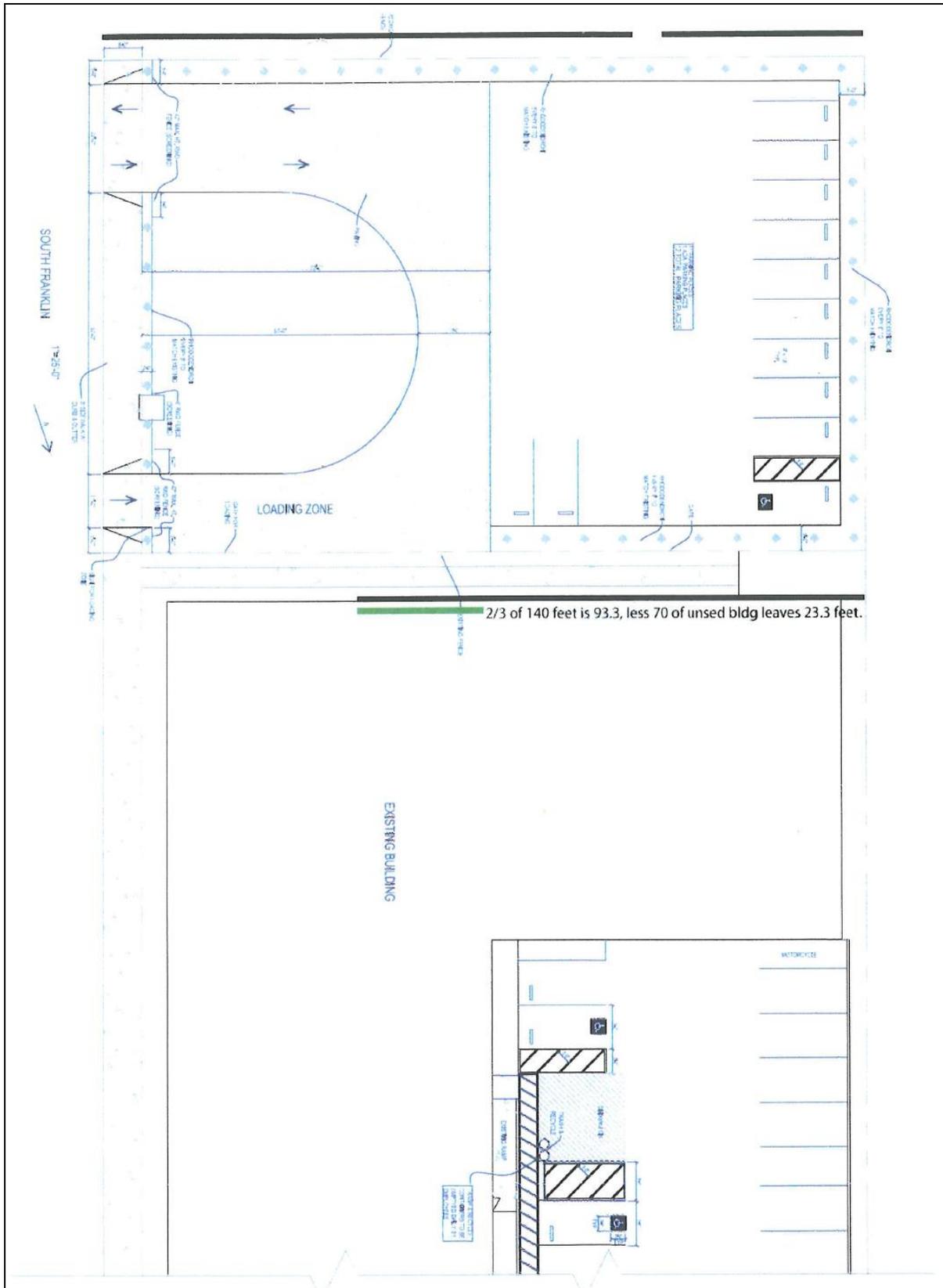


Figure 1. Site plan depicting how loading zone can be located in rear 2/3 of lot.

**2. Establish a 4 way stop at the intersection of Franklin Street and South Street as part of the project.**

The Planning Commission’s denial of the project was based partly on concerns regarding safety at the intersection of South and Franklin Streets. The project is expected to result in an increase in traffic at this intersection which is the main route used to access the Mendocino Coast Clinic and the Mendocino Coast District Hospital emergency room. The intersection currently is equipped with a two-way stop, with stop signs on Franklin Street, and no stop signs along South Street, allowing emergency and other traffic to cross this intersection from an east to west direction without a stop. To address the perception of decreased safety associated with the proposed retail use of the subject building, the intersection would be modified to a four-way stop sign controlled intersection, requiring traffic to stop when heading east-west along South Street at Franklin. Special Condition #14 is included in the resolution to address this concern.

Special Condition #14. The applicant shall pay \$500 towards the cost of installation of new stop signs at Franklin and South Streets, as his proportional share, to address safety concerns.

**3. Illuminated signs on the Franklin Street side of building shall not be approved. A monument sign would be acceptable on the south side of the building/property.**

The applicant proposes a 1½ inch tall vinyl sign on the door located on Franklin Street that indicates that the door is to be used as an emergency exit only. The sign will not be illuminated. The project is not expected to result in glare to neighbors residing across the street.



Figure 2. Proposed signage on east side of building.

Language has been added to Special Condition 9 to assure no illuminated signs are approved on the east side of the building (new language in underlined text):

Special Condition 9: Prior to issuance of the Coastal Development Permit, the applicant shall apply for administrative design review, to be approved by the Community Development Director. The Design Review shall consist of new approved colors for the exterior of the building to tie the proposed green color of the signs to the building, and a revised sign plan that shall include reduction of the proposed freestanding sign to a height of 42 inches, and shall ensure no illuminated signs shall be placed on the east (Franklin Street) side of the building or property.

**4. The landscaping plan shall be approved by the Community Development Director prior to issuance of the building permit. Selected plants shall be faster growing (than Rhododendrons) but not invasive. The landscaping shall be installed prior to the final of the building permit. Additionally, a bond shall be required to assure that the landscaping is maintained and the plants get established.**

Concerns were expressed regarding the use of rhododendrons for landscaping because they tend to be slow growing and would take a long time to reach a desirable size. Additionally, the Council requested that a bond or deposit be required to assure that landscaping is maintained until well-established. Section 17.34.040.E discusses landscape plan requirements and includes criteria for a statement of surety when required by the decision making body:

- A. **Statement of surety.** When required by the Director, security in the form of cash, performance bond, letter of credit, or instrument of credit, in an amount equal to 150 percent of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the City for a two-year period.

Special Condition 8 has been amended as follows to add the new requirements (new language in underlined text):

Special Condition 8: Prior to issuance of the Coastal Development Permit, the applicant shall submit a revised landscape plan in compliance with Coastal Land Use and Development Code requirements. Specifically, the landscape plan shall include a combination of non-invasive, faster growing, drought resistant ground cover, trees and shrubs. Additionally, the landscaping strip in the front along Franklin Street needs to be at least 15 feet deep, and all areas that will not be paved should include some type of landscaping treatment. Drought resistant shade trees need to be provided at a rate of at least one tree per 25 linear feet. Along the south, north and west sides, the landscaping strip needs to be at least eight feet deep. Landscaped areas shall be recessed below the surface of the pavement, to allow stormwater runoff from the parking lot to flow into the landscaped area and infiltrate into the ground. Landscaping shall be installed prior to the final of the building permit.

A bond or deposit in an amount equal to 150 percent of the total value of all plant materials, irrigation, installation, and maintenance shall be posted with the City for a two-year period. Should landscaping fail, the bond or deposit shall be used by the City or an agent thereof to replace dead and dying plants, add new plants as needed, and maintain landscaping until it is well established.

**5. Air conditioning units shall be screened.**

Concerns were expressed regarding safety and visual impacts of air conditioning units located on the ground to the south of the proposed entryway. The units are unsightly and may pose a hazard. **Special Condition 11** has been added to address this issue:

Special Condition 11: The HVAC units located on the west side of the exterior of the building, to the south of the proposed new entry doors, shall be removed or buffered from view with a combination of landscaping and lattice (as approved in the landscaping under Special Condition 8).

**6. The fencing around the south parking lot shall be constructed of redwood.**

Special Condition 12 has been added to ensure that the proposed fencing is constructed of redwood, per City Council direction as reflected by the minutes. Additional language is added to ensure the height of the fence is appropriate, and to allow for the gate requested by the applicant, to match the fencing:

Special Condition 12: Fencing around the new parking and loading areas shall consist of five foot high redwood fence, allowing for lower heights to accommodate sight distance in safety visibility areas proximal to driveways, and allowing for a 12 foot wide redwood gate on the southwest corner, for future use (as approved in the landscaping plan for the site under Special Condition 8).

Approval of this exception to the Loading Zone regulations requires the approval of a Use Permit and the findings for the approval of the Use Permit are included in the attached resolution.

**7. The adjacent lot to the south, also owned by the applicant shall be landscaped with a minimal treatment to ensure adequate visual quality and so that it does not become an attractive nuisance adjacent to the new retail outlet.**

Concerns were expressed that the applicant-owned undeveloped lot to the south of the project would become an attractive nuisance as a result of the project. City Council asked that this undeveloped property be landscaped in association with the project. Additionally, staff is concerned that the lot may become an informal parking lot. Special Condition 13 has been added to require landscaping and/or fencing of this adjacent applicant-owned property:

Special Condition 13: The adjacent property to the south, also owned by the applicant, shall be landscaped with a minimal treatment to ensure adequate visual quality and so that it does not become an attractive nuisance to the new retail outlet. Prior to issuance of the building permit, the applicant shall submit a landscaping and/or fencing plan submitted for the site under Special Condition 8. The landscaping shall be installed prior to final on the building permit and prior to occupancy of the building.

**ATTACHMENTS:**

1. Resolution for Approval
2. Mitigated Negative Declaration

**NOTIFICATION:**

1. Walnut Main Group
2. Robert Affinito

- 3. Alice Chouteau
- 4. Hilair Chism
- 5. Evan Dick
- 6. David Rapport

**City Clerk's Office Use Only**

Agency Action	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Approved as Amended
Resolution No.:	_____	Ordinance No.:	_____
Moved by:	_____	Seconded by:	_____
Vote:	_____		
<input type="checkbox"/> Deferred/Continued to meeting of:	_____		
<input type="checkbox"/> Referred to:	_____		