

AGENCY:	Planning Commission
MEETING DATE:	May 9, 2018
PREPARED BY:	Marie Jones
PRESENTED BY:	Scott Perkins

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Design Review 17-07/09/18 (DR 17-07/09/18)

OWNER: Families of Garcia, Seaholm, Garcia, Lopez, Telles, Bermudez, Cazares, Rocha

APPLICANT/AGENT: Chuck Greenberg, Habitat for Humanity

PROJECT DESCRIPTION: Modifications to Special Conditions in order to: eliminate the requirement for parking lot lighting; increase the number of parking spaces from 18 to 25; eliminate the shared mail facility; replace site dumpsters with individual trash cans; and utilize existing landscaping to meet landscaping requirements.

LOCATION: 446, 448, 450 452, 454, 356, 458 and 460 South McPherson Street;

APN: 018-051-27/27/28/29/30/31/32/33

LOT SIZE: ± 2,613 square feet per parcel

ZONING: Very High Density Residential (RVH)

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA pursuant to Section 15332. Class 32 consists of in-fill development projects.

SURROUNDING LAND USES:
NORTH: RVH zoning, residential uses
EAST: Neighborhood Commercial zoning, residential and commercial uses
SOUTH: RVH zoning, residential use
WEST: RVH zoning, single and multi-family residential uses

APPEALABLE PROJECT: Can be appealed to City Council

BACKGROUND

In 2007, the Planning Commission approved the following permits for this parcel: Reversion to Acreage 1-07 (RA 1-07), Major Subdivision 3-07 (DIV 3-07), and Design Review 17-07 (DR 17-07).

These permit approvals consisted of a Reversion to Acreage and Major Subdivision creating one parcel of 21,000 square feet, and then subdivided the parcel into eight planned unit development (PUD) parcels and a common area. The PUD parcels range from approximately 1,325 to 1,610 square feet and the common area parcel is 9,600 square feet. The Planning Commission also approved Design Review of an eight-unit residential project and associated landscaping, lighting, parking and site improvements.

The eight-unit residential project is configured in four, two-story, two-unit buildings. Each residential unit is approximately 1,232 square feet comprising buildings of 2,464 square feet each. Site improvements include a 19-space parking area, installation of underground utilities, eight 120-gallon propane tanks, mailboxes, path lighting, garbage enclosure, curb, gutter, sidewalk and driveway approach, landscaping, irrigation and a common open-space area.

In 2009, the applicant applied for and received approval of RA 1-07/09 and Major Subdivision 3-07/09 for an amendment to modify the tentative map for the project from 9 parcels to 8 parcels in order to eliminate the parcel for the common area and replace it with cross easements.

REQUEST

The applicant submits the following request to amend DR 17-07/09:

1. Each family now has their trash picked up independently by Waste Management which keeps the site cleaner and is much easier for them than the common bins originally proposed in the back. Additionally, these bins will cost more and since no one family owns them, keeping trash properly sorted and the area clean will be an ongoing problem. See #3 below for proposed use of this space.
2. Most of the originally proposed common planting areas have been done by the individual families and are established and maintained by them for years, making the planting plan irrelevant as well as the sprinkler system to service them. We propose to finish out the project, with small trees for show in the front, and stop there, deleting the sprinkler service and planting plan. The families in the front units can water them until they are established.
3. The proposed mail area has already been waived in favor of mailboxes and approved by USPS. There is therefore no need for the planting area around it or the area across from it or the crosswalk linking these two planting areas which no one now will use to cross the lot for their mail. The same logic applies to the stamped pattern linking them in the parking lot.

What there is a pressing need for is the extra room for parking as most families have adult and often married children at home and therefore three cars. Using the trash area plus the space freed by the walkway planting will give us seven (7) more on site spaces. This will relieve pressure on street parking as well.

4. Marie Jones has already informed me that the pole lighting cannot be waived, but I want to call to your attention that the lights by the trash and mail areas will now serve no purpose if variances 1 and 3 are granted except to shine in the sleeping areas of several units. It would be a courtesy to at least eliminate those two.

This report will review the request above and its compliance with City land use policies and the approved DR 17-07/09.

CONSISTENCY WITH PLANNING POLICIES

Each of the numerated requests above will be individually addressed below.

1. Each family now has their trash picked up independently by Waste Management which keeps the site cleaner and is much easier for them than the common bins originally proposed in the back. Additionally, these bins will cost more and since no one family owns them, keeping trash property sorted and the area clean will be an ongoing problem. See #3 below for proposed use of this space.

None of the approval conditions of DR 17-07/09 specifically requires common trash bins; however, the ILUDC includes specific regulations related to Solid Waste and Recyclable Materials as follows:

18.30.110 - Solid Waste/Recyclable Materials Storage

A. Purpose. This Section provides standards which recognize the City's support for and compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Sections [42900](#) through [42911](#)).

B. Applicability. These requirements apply to new multifamily residential and nonresidential development, or changes to existing multifamily residential or nonresidential development that increase gross floor area by 25% or more.

C. Extent of storage area required. Solid waste and recyclables storage areas shall be provided in the number, dimensions, types, and locations required by the Department or review authority. Additional storage areas may be required, as deemed necessary by the Director.

D. Enclosure requirements. Storage areas shall be fully enclosed by a 6-foot-high decorative masonry wall or other solid enclosure that is architecturally compatible with adjacent structures. Gates shall be solid and continuously maintained in working order. A concrete apron shall be installed. Landscaping shall be provided to soften and screen the enclosure in compliance with Chapter [18.34](#) (Landscaping Standards). See Figure 3-6.

As noted in 18.30.110(C), the Planning Commission (as the review authority) may approve a modification in design of the waste storage facility. The applicant and

project owners note that each family currently manages their own trash with individual waste receptacles from Waste Management, and this seems to work well. Each family pays for and manages their personal waste. Staff understands the applicant's position and as the current system appears to operate effectively, staff has no objection to allow a modification of the design through the issuance of a new Special Condition, as noted below:

New Special Condition 13: The applicant may handle waste collection through either individual trash cans or a shared dumpster as illustrated on the project plans. However, the property owners and/or residents shall not leave their waste management cans in areas that are visible from the street, except during trash pick-up days.

If the Planning Commission approves of the new special condition, the applicants would be granted their request to maintain independent trash collection.

2. Most of the originally proposed common planting areas have been done by the individual families and are established and maintained by them for years, making the planting plan irrelevant as well as the sprinkler system to service them. We propose to finish out the project, with small trees for show in the front, and stop there, deleting the sprinkler service and planting plan. The families in the front units can water them until they are established.

In order to approve the request to remove the requirement for a planting plan and sprinkler system, the Planning Commission would have to modify approved Special Condition 7 which states: *Prior to issuance of the building permit, the applicant shall submit a separate sheet depicting the landscaping plan, including irrigation details. Prior to final inspection of the project, the landscaping and irrigation system shall be installed.*

The Community Development Director has visited the site and found that it is insufficiently landscaped at the present time. Additionally, since this special condition was created, City regulations have changed to discourage the installation of irrigation sprinkler systems. As a result, staff concurs with the elimination of the irrigation requirement in the Special Condition. Rather than submit a formal landscaping plan with irrigation details, staff recommends the following revision to Special Condition 7 below:

Revised Special Condition 7: ~~Prior to issuance of the building permit, the applicant shall submit a separate sheet depicting the landscaping plan, including irrigation details.~~ Prior to final inspection of the project, the landscaping and irrigation system shall be installed meeting the requirements of ILUDC Section 18.34, as determined by the Director.

3. The proposed mail area has already been waived in favor of mailboxes and approved by USPS. There is therefore no need for the planting area around it or the area across from it or

the crosswalk linking these two planting areas which no one now will use to cross the lot for their mail. The same logic applies to the stamped pattern linking them in the parking lot.

What there is a pressing need for is the extra room for parking as most families have adult and often married children at home and therefore three cars. Using the trash area plus the space freed by the walkway planting will give us seven (7) more on site spaces. This will relieve pressure on street parking as well.

In order to approve the removal of the mail area and planting area around it, as well as the crosswalk linking the areas, the Planning Commission would have to modify Special Condition 12b and 12c. These approved conditions are listed below:

Approved Special Condition 12: Prior to the issuance of the building permit, the applicant shall provide plan detail providing for the inclusion of the following design features:

- a. Add stamped concrete or colored stamped asphalt driveway (first 12 feet from back of walk); and*
- b. Add an architecturally consistent arch or rain cover over mailboxes and a trash receptacle and low-wattage lighting near bench and mailboxes; and*
- c. Eliminate 1 parking space (#6) and replace with landscaped (including walking path) island across parking lot from mailbox area.*

Section 1.65 Landscaping and Site Amenities for Multi-family Residential Design states on page 1-33 of the Citywide Design Guidelines states, that:

“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 trash receptacle should be located adjacent to the mailboxes. Incorporation of design features, such as a built frame consistent with the development’s architectural style, is encouraged.”

The Design Guidelines further indicate that the word “*should*” means that a guideline is intended to be applied as stated or through an alternative measure that achieves the same objective.” The applicant proposes to use the existing mailboxes that each resident has added along the front property line. This alternative measure achieves some of the objectives of the policy in that the mailboxes are located in a highly visible, heavy use area which is convenient and promotes safety. The bench and built frame components of the guideline are “strongly encouraged,” meaning that they are non-mandatory. Staff is comfortable with the elimination of Special Condition 12b.

Removal of approved Special Condition 12c would add additional parking spaces to the project. The applicant also proposes to utilize the area where the trash enclosure was previously required as parking, as well as the area where the common mailboxes were required. The applicant proposes to increase total parking by seven spaces, from 18 to 25. The ILUDC allows a maximum of 2.25 parking spaces per residential unit. With eight residential units the maximum permissible parking spaces would be

18 spaces. Therefore, staff finds that the applicant's request to increase the number of parking spaces would result in a project that does not conform to the City's zoning ordinance, and recommends that this request cannot be approved without a variance.

Staff recommends that flexibility be retained to use the mailbox area for mailboxes and/or that it be landscaped, revising approved Special Condition 12c as revised Special Condition 12b below.

Revised Special Condition 12b: The parking lot "island" illustrated in the site plan as a location for mailboxes may be dedicated either as a centralized mailbox area and/or be planted with landscaping.

With the lack of a common mail area, staff is comfortable removing the requirement for a stamped crosswalk from the final project; however, staff recommends approved Special Condition 12a remain as part of the application, requiring the applicant to provide stamped concrete or asphalt at the driveway entrance.

The exterior lighting proposed by the applicant consists of bollard or post-type down lighting in the common areas and shielded light fixtures for the individual units and yards. Approved Special Condition 5 required that prior to issuance of the building permits, the developer shall submit a lighting plan to the Community Development Director for review and approval.

Section 18.42.120 of the ILUDC requires that all multifamily projects include outdoor lighting as follows:

F. Outdoor lighting. Outdoor lighting shall be installed and maintained along all vehicular access ways and major walkways, in compliance with § [18.30.070](#) (Outdoor Lighting). The lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. Lighting of at least 1 foot candle shall also be installed and maintained within all covered and enclosed parking areas and shall be screened to minimize glare onto public sidewalks. Lighting fixtures/lamps shall be the most energy efficient available. All proposed lighting shall be shown on the required landscape plan.

In order for the project to comply with the ILUDC, the applicant must submit an outdoor lighting plan and install outdoor lighting as required by approved Special Condition 5. Staff recommends that approved Special Condition 5 be retained for the project.

ENVIRONMENTAL DETERMINATION

Pursuant to Categorical Exemption 15332 (In-Fill Projects), the project is considered exempt from further environmental review under the California Environmental Quality Act (CEQA).

RECOMMENDED PLANNING COMMISSION ACTION

1. Hold a hearing on the Design Review Amendment 17-07/09/18, deliberate, and approve DR 17-07/09/18 subject to the required findings and subject to the standard and special conditions, as amended.

ALTERNATIVE PLANNING COMMISSION ACTIONS

1. Hold a hearing on the Design Review Amendment 17-07/09/18, deliberate, and approve DR 17-07/09/18 subject to the required findings and subject to the standard and further revised special conditions as directed by Planning Commission.
2. Hold a hearing on the Design Review Amendment 17-07/09/18, deliberate, and direct staff to develop findings for denial of DR Amendment 17-07/09/18.

RECOMMENDATION

Hold a hearing on the Design Review Amendment 17-07/09/18, deliberate, and approve DR 17-07/09/18 subject to the required findings and subject to the standard and special conditions.

GENERAL FINDINGS

1. The proposed project is consistent with the purpose and intent of the Very High Density Residential (RVH) zoning district, as well as all other provisions of the General Plan, Land Use and Development Code and the Fort Bragg Municipal Code in general;
2. The project is consistent with Chapter 18.80 (Subdivisions) of the Land Use and Development Code;
3. The project is consistent with the Subdivision Map Act;
4. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
5. 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;
6. The project complies with Specific Use Regulations established for multi-family projects pursuant to LUDC Section 18.42.120;
7. The project will provide affordable, for-sale housing for eight low income households;

8. Setbacks are provided on the site in compliance with LUDC Zoning Standards for the Very High Density Residential Zoning District and with incentives as provided in Section 18.31.030 (C)(1)(a) for qualified affordable housing; and
9. The requested reduction in the front yard setback will not be injurious to the public health or welfare, and
10. For the purposes of the environmental determination, the project is considered exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) the project has been found to be exempt from further environmental review pursuant to the CEQA Guidelines Section 15332 – Class 32 – In-Fill Development Projects.

DESIGN REVIEW FINDINGS

1. Complies with the purpose and requirements of this Section;
2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
3. 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. Provides efficient and safe public access, circulation, and parking;
5. Provides appropriate open space and landscaping, including the use of water efficient landscaping;
6. Is consistent with the General Plan, any applicable specific plan, and the certified Local Coastal Program if located in the Coastal Zone; and
7. Complies and is consistent with the City's Design Guidelines.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to Land Use and Development Code Chapter 18.92 - 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 Land Use and Development Code.
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. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details, and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.
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.

SPECIAL CONDITIONS

1. The applicant shall record with the Mendocino County Recorder the reversion to acreage in the form of a parcel map. The map recordation shall be performed prior to the submittal to the City of the final map for review.
2. The applicant shall submit a Final Map for review and approval to the City Engineer and Public Works Director for presentation to the City Council for review and approval. Upon approval by the City Council, the Final Map shall be recorded within twenty-four (24) months from the date of approval of the tentative map by the office of the County Recorder prior to issuance of Building Permits for the project. Failure to do so will result in the expiration of the approved tentative map.
3. Prior to recordation of the final map, the applicant shall submit the final map to the City Engineer to ensure that the final map refers to all documents deemed necessary by the City Engineer to properly document locations of sewer, water, and drainage infrastructure, and private easements.
4. Prior to approval of the Final Map, the applicant shall submit a Declaration of Covenants, Conditions, and Restrictions (CC & R's), including a set of bylaws for the governing homeowners group, for the review and approval of the City Attorney and Community Development Director in order to ensure conformance with the Inclusionary Housing Ordinance. When the Final Map is approved and

recorded, the CC & R's shall be recorded by the office of the County Recorder against all parcels included in the subdivision.

5. Prior to issuance of the building permits, the developer shall submit a lighting plan to the Community Development Director for review and approval.
6. ~~Prior to issuance of the first building permit, a design sheet with landscaping amenities for the development of the common area shall be submitted to the Community Development Director for approval. The plan shall be implemented and completed prior to the final inspection of the last units completed in the eastern portion of the site. Note: This condition was removed in amendment DR 17-07/09.~~
7. ~~Prior to issuance of the building permit, the applicant shall submit a separate sheet depicting the landscaping plan, including irrigation details. Prior to final inspection of the project, the landscaping and irrigation system shall be installed meeting the requirements of ILUDC Section 18.34, as determined by the Director.~~
8. Prior to approval of the Final Map, a comprehensive grading and drainage plan is required to be submitted to the City Engineer for review and approval. Drainage from proposed improvements must be directed off the property to the public right-of-way. Any drainage directed towards the street must be directed through sidewalk under-drains and not over the sidewalk surface. Plans for drainage improvements are required to be prepared by a licensed Civil Engineer. All improvements proposed in the public right of way shall be installed prior to approval of the Final Map.
9. Prior to approval of the Final Map, sidewalk pavement condition shall be evaluated and improved in accordance with requirements established by the City Engineer. Sidewalk pavement in poor condition shall be improved along the property frontage with McPherson Street as deemed necessary by the City Engineer prior to approval of the Final Map.
10. Prior to approval of the Final Map, the applicant shall install all improvements required by the Public Works Department to the satisfaction of the City Engineer, as follows:
 - a. All parking and sidewalk improvements shall be installed consistent with project phasing;
 - b. All utilities, water, sewer and drainage infrastructure shall be completed; and
 - c. Runoff from the property shall not be discharged across the sidewalk. Runoff from property shall be discharged into the public right of way.
11. Trellises on storage sheds facing street shall be incorporated into the project and landscaping plans prior to issuance of the building permits.
12. Prior to the issuance of the building permit, the applicant shall provide plan detail providing for the inclusion of the following design features:
 - a. Add stamped concrete or colored stamped asphalt driveway (first 12 feet from back of walk);

- ~~b. Add an architecturally consistent arch or rain cover over mailboxes and a trash receptacle and low wattage lighting near bench and mailboxes; and~~
 - ~~c. Eliminate 1 parking space (#6) and replace with landscaped (including walking path) island across parking lot from mailbox area.~~
 - b. The parking lot "island" illustrated in the site plan as a location for mailboxes may be dedicated either as a centralized mailbox area and/or be planted with landscaping.
13. The applicant may handle waste collection through either individual trash cans or a shared dumpster as illustrated on the project plans. However, the property owners and/or residents shall not leave their waste management cans in areas that are visible from the street, except during trash pick-up days.

ATTACHMENTS

- 1. Approved Site Plan
- 2. Site Photos
- 3. 2008 Staff Report