

MEETING DATE: September 23, 2009

PREPARED BY: Marie Jones

PRESENTED BY: Marie Jones

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Design Review 5-09

APPLICANT/OWNER: Mendocino Coast Recreation and Park District

REQUEST: Adopt Mitigated Negative Declaration and Federal Environmental Assessment and approve Design Review permit to construct 10,800 square foot, in-ground, concrete skate park including bowl, stairs, curbs, rails, and ramps with construction and installation of site amenities: a five foot tubular steel fence, signage at the project entrance on Willow Street, bicycle racks, benches, drinking fountain, landscaping and irrigation, posting of skate park rules and tubular steel perimeter fencing.

LOCATION: 300 South Lincoln Street

ASSESSOR'S PARCEL NO: 008-280-62

ZONING: Public Facilities (PF)

ENVIRONMENTAL DETERMINATION: A Mitigated Negative Declaration has been prepared and circulated for this project.

SURROUNDING LAND USES:

NORTH: Residential – single family dwellings

EAST: Residential – single family dwellings

SOUTH: Public facilities - Redwood School, Shelter Cove Community Day School, Fort Bragg Unified School District Offices

WEST: Residential – single family dwellings

PROJECT LOCATION

The 6.4 acre C.V Starr Community Center site is located at the southeast corner of Lincoln Street and Willow Street and is owned by the Mendocino Coast Recreation and Park District (MCRPD). The C.V. Starr Community Recreation Center consists of the Harry and Sigrid Spath Aquatic Center, support building (locker rooms, MCRPD administrative offices, multipurpose rooms), and dog park, which occupies the northwest corner of the property. A gymnasium and additional parking are proposed for the future.

BACKGROUND

In October 2001, the Fort Bragg Planning Commission approved a Use Permit for a community recreation center, aquatic center, gymnasium, and site work in accordance with the MCRPD's master plan for the site. Since then, four amendments have been granted as follows:

- 1) In 2004, an amendment for minor architectural modifications to the Aquatic Center building was approved.
- 2) In 2005, an amendment for modular support facilities was approved. This project was abandoned after funding to construct the permanent support facilities was secured.
- 3) In 2007, an amendment for the development of a 33,000 square foot temporary dog park was approved. The approval of the 2007 dog park amendment culminated from Mendocino County Dog Owners Group's (MCDOG) year long effort to find a location. The dog park was built by volunteer effort with significant donations of materials.
- 4) In 2008, an amendment for the following was approved by the Planning Commission:
 - reconfiguration of the 33,000 SF dog park to a 20,000 SF dog park;
 - reconfiguration of parking areas,
 - reduction in required parking;
 - relocation of east driveway on Willow Street.
 - amendment to the Use Permit to identify proposed locations for 10,800+/- sq. ft. skate park and small public restroom.

The City of Fort Bragg, MCRPD and interested community members have been looking for a location for a skate park for many years. In 2007, the City, MCRPD, and School District prepared a comprehensive analysis of over 18 publicly-owned sites to find a location for the skate park. This initial list of 18 sites was narrowed down and the Aquatic Center site was overwhelmingly selected after considerable public input, two community workshops and two meetings of the Recreation District Board of Directors in December 2008 and January 2009. On February 11, 2009, the Planning Commission approved the Use Permit amendment to allow the Skate Park at the C.V Starr Community Center site.

PROJECT DESCRIPTION

The proposed project consists of the construction of 10,800 square foot, in-ground, concrete skate park including bowl, stairs, curbs, rails, and ramps with construction and installation of site amenities: a five foot tubular steel fence, signage at the project entrance on Willow Street, bicycle racks, benches, drinking fountain, landscaping and irrigation, posting of Skate Park rules and tubular steel perimeter fencing.

Land Use. A skate park is a permitted land use in the Public Facilities Zoning District. The project site is located within the Public Facilities and Services (PF) Zoning District. Table 2-14 in Chapter 18.28 of the Land Use and Development Code (LUDC) specifically enumerates a park as a permitted use in the PF Zoning District. While not specifically enumerated, the Director has interpreted the LUDC to include skate parks as an appropriate land use for the

Public Facilities and Services Zoning District per the LUDC. This use was authorized by the Planning Commission in February of 2009.

Zoning Standards. The Public Facilities zoning district does not have zoning standards which regulate setback, site coverage, fences, landscaping or outdoor lighting.

Parking. The LUDC does not require any parking for parks, such as a skate park and dog park.

Drainage. The C.V. Starr Community Center site drainage system has an inlet directly under the proposed location for the Skate Park which will be used for drainage of the Skate Park area as shown in Exhibit 1. The City Engineer has determined that the Skate Park must be designed according to Chapter 12.14 of the City of Fort Bragg Municipal Code and that the runoff coefficient for the proposed project shall be 0.95 for sidewalk and concrete features and 0.3% for vegetated areas. Special Condition #1 has been added to ensure that this requirement is met.

Easements. There are no known easements through the project area. There is a cold water line that runs parallel to the eastern edge of the proposed Skate Park area, and the final design must ensure that the water pipe is not located beneath the concrete structures of the Skate Park. In addition there is a Siamese coupler for fire connections directly to the west of the Skate Park. The Fire Department has indicated that they will require five feet clearance surrounding the Siamese coupler, and Special Condition #2 has been added to ensure that this concern is addressed in the project. The water line for the Siamese coupler does not traverse the proposed Skate Park site.

Consistency with General Plan Policies. The proposed project is consistent with the General Plan as it helps implement the following affirmative open space policies of the General Plan:

Policy OS-11.2 Neighborhood Parks: Acquire and develop new neighborhood parks, in concert with other local recreation agencies, to meet the needs of the existing population and consistent with growth of the City's population.

Policy OS-11.3 Recreational Facilities: Provide recreational facilities to meet the needs of all Fort Bragg citizens, especially children and teenagers.

- Program OS-11.3.1: Consider teen recreation needs when planning new or redesigned parks.
- Program OS-11.3.2: Consider building a skateboard facility in an existing or newly developed park as deemed feasible.
- Policy OS-12.1 Coordinate with Other Agencies: Coordinate with other governmental entities to procure and develop additional park and recreational facilities.
- Program OS-12.1.1: Consider establishing joint powers agreements with the Mendocino Coast Recreation and Park District (MCRPD), Fort Bragg Unified School District (FBUSD), and Mendocino County to coordinate planning and development of recreation facilities.

Policy OS-12.4 Public Participation: Actively solicit public participation in the selection, design, and facilities planning for existing and future park sites.

- Program OS-12.4.1: Utilize local volunteer efforts and fund-raising to cover the "match" costs needed to secure rehabilitation or purchase grants for public parks.

Public Restroom. The revised site plan includes the addition of a public restroom, located adjacent to the City pump building on Willow Street. The new restroom is envisioned as a unisex and handicapped accessible facility that will serve both dog park and Skate Park users.

Wetland, Creek and Riparian Protection. There are no wetland resources impacted by this proposal, nor would any creek or riparian resources be affected.

Fire and Life Safety. The Fire Marshal has reviewed the proposal and has stated that the proposed site reconfiguration is satisfactory regarding fire and life safety. The Chief of Police reviewed the proposed site plan and indicated that there are potential issues from the law enforcement point of view especially with regard to enforcement of the Skate Park rules. Special Condition #3 has been added to address the Chief's concerns.

Design Review. Design Review is intended to ensure that the design of proposed development and new land uses assists in maintaining and enhancing the small-town, coastal, historic, and rural character of the community, and that it provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community.

While public facilities and skate parks specifically are not addressed by the Citywide Design Guidelines, the proposed Skate Park is consistent with the Guideline's intent. The required findings can be made as follows:

1. The project complies with the purpose and requirements of Section 18.71.050 Design Review;
The site review was processed according to this Section, and staff has found that it complies with the section.
2. The project provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
The addition of a Skate Plaza footprint is appropriate to and compatible with the site surroundings and the community. The proposed project will not result in the construction of any new buildings. The skate features will be visible from the C.V. Starr facility; however they will not be visible from the public right of way. The project fencing will be visible from the public right of way, and the proposed five foot fencing of black coated tubular steel (similar to the fencing at Giggly Wiggly Playground) is attractive and consistent with other park facilities in the vicinity.

3. The project provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
The reconfiguration of the Skate Park, landscaping, sidewalks, benches, and bicycle racks is attractive and desirable. The site design balances the need for clear circulation patterns, with the provision of appropriate fencing and landscaping.

4. The project provides efficient and safe public access, circulation, and parking;
The site plan has focused on providing safe public access, circulation, and parking. The City Engineer has specified that all pathways and seating will meet Federal and State requirements for ADA access and Special Condition #4 has been added to ensure compliance with this requirement.

5. The project provides appropriate open space and landscaping, including the use of water efficient landscaping;
The project's specific purpose is to provide usable open space for active recreation. The landscaping plan has not been submitted and special condition #5 has been added to address this deficiency.

6. The project is consistent with the General Plan;
The project is consistent with the General Plan, as discussed above.

7. The project complies and is consistent with the City's Design Guidelines.
The project complies and is consistent with the Citywide Design Guidelines.

Environmental Determination.

City staff has prepared an Initial Study and Mitigated Negative Declaration (MND) and Federal Environmental Assessment which was duly noticed and circulated as per California Environmental Quality Act (CEQA) requirements. The MND includes mitigation measures which when implemented will reduce the environmental impact of the project to an insignificant level.

PLANNING COMMISSION ACTION

1. Hold a public hearing, close the public hearing, deliberate, adopt the Mitigated Negative Declaration and Federal Environmental Assessment, and approve Design Review 5-09 based on the findings and subject to the conditions cited below.

ALTERNATIVE ACTION

2. Hold a public hearing, close the public hearing, deliberate without a decision, and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.

3. Hold the public hearing, and continue the public hearing to a date certain if there is insufficient time to obtain all input from all interested parties.

RECOMMENDATION

Staff recommends adoption of the Mitigated Negative Declaration and Federal Environmental Assessment and approval of Design Review 5-09 based on the following findings and subject to the conditions cited below:

GENERAL FINDINGS

1. The proposed project is consistent with the purpose and intent of the Public Facility 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 proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the LUDC 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. For the purposes of the environmental determination, a Mitigated Negative Declaration was prepared pursuant to the California Environmental Quality Act (CEQA). With the implementation of the mitigation measures the project will have no significant impacts.

DESIGN REVIEW FINDINGS

1. The project complies with the purpose and requirements of LUDC Section 18.71.050 Design Review;
2. The project provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
3. The project provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
4. The project provides efficient and safe public access, circulation, and parking;
5. The project provides appropriate open space and landscaping, including the use of water efficient landscaping;
6. The project is consistent with the General Plan, any applicable specific plan, and the certified Local Coastal Program if located in the Coastal Zone; and
7. The project complies and is consistent with the City's Design Guidelines.

SPECIAL CONDITIONS

1. The Skate Park designs for the building permit application will be prepared in accordance with the requirements of Chapter 12.14 of the City of Fort Bragg Municipal Code. The runoff coefficient for the proposed project shall be 0.95 for sidewalk and concrete features and 0.3% for vegetated areas.
2. The building permit application will include a five foot clear zone around the Siamese Coupler.
3. Prior to issuance of the building permit, the Mendocino Coast Recreation and Park District and the City of Fort Bragg will prepare and adopt a Memorandum of Understanding which outlines the rules for the Skate Park operations and maintenance.
4. Prior to issuance of the building permit, the applicant shall provide evidence to the Community Development Director that all pathways and seating meet Federal and State requirements for ADA access.
5. Prior to issuance of the building permit, the City shall submit a landscaping plan for approval to the Community Development Director that includes a mix of drought tolerant ground cover, specimen trees, shrubs and flowering vines along the Skate Park fence.

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 LUDC 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 LUDC.
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 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 LUDC Subsection 18.76.070 (B).

ATTACHMENTS

1. Site Location Map
2. Mitigated Negative Declaration
3. Federal Environmental Assessment
4. Site Photographs
5. Site Plan