

**CITY OF FERNDALE – HUMBOLDT COUNTY CALIFORNIA – U.S.A.
REGULAR PLANNING COMMISSION MEETING**

Location:	Ferndale City Hall	Date:	January 10, 2024
	834 Main Street	Time:	6:00 pm
	Ferndale, CA 95536	Posted:	January 4, 2024

We welcome you to the meeting. Members of the Public may be heard on any business item on this Agenda during the Planning Commission consideration of the item. The public may also directly address the Commission on any item of interest to the public that is not on the agenda during the public comment time; however, the Commission generally cannot take action on an item not on the agenda.

A person addressing the Commission will be allotted five (5) minutes unless the Chair of the Commission grants a longer period or decreases time due to a large number of speakers. While not required, we would appreciate it if you would identify yourself with your name when addressing the Commission.

This City endeavors to be ADA compliant. Should you require assistance with written information or access to the facility, or a hearing amplification, please call 786-4224 24 hours prior to the meeting.

TO SPEAK ON ANY ISSUE, BE ACKNOWLEDGED BY THE CHAIR BEFORE PROCEEDING TO THE PODIUM, STATE YOUR NAME FOR THE RECORD (optional), AND DIRECT YOUR COMMENTS ONLY TO THE COMMISSION.

- 1.0 Call meeting to order / Flag salute / Roll call – Chair Rocha, Commissioner von Frausing-Borch, Commissioner Altschuler, Commissioner Smith, and Commissioner Purvis
- 2.0 Ceremonial - None
- 3.0 Modifications to the Agenda
- 4.0 Approval of previous minutes
 - 4.1 Minutes of the December 6, 2023, Regular Meeting Page 3
- 5.0 Public Comment (This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. Items requiring action not listed on this agenda may be placed on the next regular agenda for consideration. This portion of the meeting will be approximately 30 minutes' total for all speakers, with each speaker given no more than five minutes.)
- 6.0 Public Hearing (Note: This is the time for commissioners to report any Ex Parte communications on this agenda item.)
 - 6.1 514 Shaw Avenue Use Permit (UP2312) and Substitution of Roofing Materials Page 6
- 7.0 Business (Note: This is the time for commissioners to report any Ex Parte communications on this agenda item.)
 - 7.1 Ferndale Local Road Safety Plan..... Page 48
 - 7.2 Building Permits Issued November 30, 2023 – January 3, 2024..... Page 50
- 8.0 Correspondence None
- 9.0 Commissioner Comments
- 10.0 City Planners and City Clerk's Staff Reports
- 11.0 Adjournment

**The next regular meeting of the Ferndale Planning Commission will be on
January 10, 2024.**

Section 1: CALL MEETING TO ORDER

Section 2: CEREMONIAL

Section 3: MODIFICATION TO THE AGENDA

Section 4: APPROVAL OF PREVIOUS MINUTES

CITY OF FERNDAL, HUMBOLDT COUNTY, CALIFORNIA, USA
Minutes for Planning Commission Meeting of December 6, 2023

Call to Order —Chair Jerry Rocha called the Planning Commission Meeting to order at 6:02 pm. Commissioners, Jorgen von Frausing-Borch, Josh Smith, and Stuart Altschuler were present along with City Planner Michelle Nielsen and City Clerk Kristene Hall. Commissioner Purvis was absent. Those in attendance pledged allegiance to the flag.

2.0 Ceremonial – None

3.0 Modifications to the Agenda –None

4.0 Approval of Previous Minutes – **Motion:** To approve the minutes of the August 2, 2023, Regular Planning Commission Meeting. **(Altschuler/von Frausing-Borch) Unanimous**

5.0 Public Comment– There was one public comment.

6.0 Public Hearing

6.1 514 Shaw Ave Use Permit and Substitution of Roofing Materials: City Planner Michelle Nielsen presented a proposed Use Permit for three additional housing units to be added at 514 Shaw Ave. Nielsen presented via PowerPoint the aspects of the proposed project. Nielsen explained that the proposed project qualifies for a CEQA categorical exemption and stated the issuance of the Use Permit would be consistent with the Ferndale General Plan and with the Ferndale Zoning Regulations. Nielsen also discussed the parking requirements for the new units and stated that these requirements have been met. Nielsen added that the project had already went through the Design Review Committee process and had also been referred to the various agencies for any comments and recommendations. Nielsen stated that comments from the City Engineers and Del Oro Water were included in the packet for review. These comments are included in the Conditions of Approval. Chair Rocha questioned if the Ferndale Fire Dept or Public Works had any comments. Nielsen explained that they do not have to comment if they have no issues with the project. Commissioner von Frausing-Borch questioned the impervious/pervious surfaces and drainage concerns. Commissioner Altschuler questioned in the new roofing substitution was for the new build only. Nielsen stated it was on the new portion only. Commissioner Smith also stated his concerns on drainage and where the runoff would go.

Chair Rocha opened the Public Hearing.

Four members of the public spoke against the project due to concerns on parking, safety issues, fire access and drainage.

Applicant Doug Frink also spoke on his project. Frink stated that parking was addressed and larger than the current city requirements. Frink also stated that drainage would be addressed per the City Engineer.

Chair Rocha turned the discussion back to the Council.

Commissioner Altschuler stated this project is consistent with the housing plan and stated the importance for more affordable housing and the opportunity to provide this. Commissioner von

Frausing-Borch agreed with Commissioner Altschuler. Commissioner Smith stated he was on the fence and concerned about parking. Chair Rocha stated new California requirements push for more housing and stated there are parking problems everywhere. Rocha stated the commission could make a motion to approve, table the hearing to get commissioner Purvis's input, or further discuss. Motion to continue the Public Hearing to January 10, 2024, at 6:00pm. **(Altschuler/Smith)**
Unanimous

7.0 Business

7.1 Building Permits Issued July 27, 2023 – November 29, 2023: There were questions regarding a couple greenhouse permits.

7.2 Design Review Minutes: No Comments

8.0 Correspondence: No comments

9.0 Commissioner Comments: None

10.0 City Planners and City Clerk's Staff Reports: City Planner Michelle Nielsen stated that the Land Use Element is still moving along. Nielsen stated there will be an update at the February 7, 2024, Planning Commission meeting.

11.0 Adjournment: Chair Rocha adjourned the meeting at 7:10pm

Respectfully submitted,

Kristene Hall
City Clerk

Section 5: PUBLIC COMMENT

Section 6: PUBLIC HEARING

Meeting Date:	January 10, 2024	Agenda Item Number	6.1
Agenda Item Title	Continued Public Hearing for the Doug Frink Use Permit and Substitution of Roofing Materials, Project # UP2312		
Presented By:	Michelle Nielsen, Contract City Planner		
Type of Item:	x	Action	Discussion
Action Required:		No Action	x
			Information
			Roll Call Vote

PROJECT DESCRIPTION: Request for a Use Permit for the construction of three new dwelling units, a one car garage with space for tenant storage, and appurtenant on-site improvements. The new construction will total approximately 4,861 square feet on two floors and will be approximately 25 feet in height. The new structure for the garage and apartments will be attached to the existing residence. The new downstairs unit will be ADA accessible. Also, modifications to the existing residence to accommodate a new kitchen and den addition to be located on the first floor of the existing residence, and modification of the entrance steps at the residence's Shaw Avenue facing façade in order to develop a new uncovered parking stall to be situated between the fence and the front of the residence. The proposed appurtenant improvements consist of perimeter fencing, a driveway, onsite parking areas, walkway areas, and landscaping. Also, Planning Commission approval to allow the installation of a non-reflective painted metal roof in substitution for the roofing materials listed in Section 5.05.4(e) of the Zoning Code for the new structure. All dwelling units will be rented at market rates, and will be occupied on a non-transient basis, i.e., occupied for periods of no less than 30 days or more. All drainage will be directed to Shaw Avenue. In 2022, the City authorized the demolition of 1,700 square feet of accessory structures that were in poor condition. The removed accessory structures were located behind the existing residence. The subject parcel is approximately 9,583 square feet in size (or 0.22 acres).

PROJECT LOCATION: On the south side of Shaw Avenue approximately 300 feet west of the intersection with Main Street (State Highway 211), in the downtown Ferndale area, at 504 Shaw Avenue.

ASSESSOR'S PARCEL NUMBER (APN): 030-084-018

GENERAL PLAN: The property is designated as "C-1" under Ferndale's 1986 Land Use Element of the General Plan. The primary and compatible uses of the C1 land use designation includes dwellings.

ZONING: "C1-D-Q" Neighborhood Commercial Zone with Design Control and Qualified and combining zones. The Qualified combining zone (Q) zoning allows dwellings groups for not more than four families with a use permit.

SUMMARY OF ENVIRONMENTAL REVIEW: This project has been reviewed for compliance with the California Environmental Quality Act (CEQA). The proposed project qualifies for CEQA Categorical Exemptions from the preparation of environmental documents pursuant to Class 1, Section 15301(e)(2), Class 3, Section 15303(b), and Class 32, Section 15332, of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- 1) Describe the application as a public hearing;
- 2) Request that staff present the project;
- 3) Open the public hearing and receive testimony; and
- 4) Close the public hearing and take the following actions:
 - A) Find the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301(e)(2), 15303(b), and Section 15332, of the CEQA Guidelines; and
 - B) Approve the installation of a non-reflective painted metal roof in substitution for the roofing materials listed in Section 5.05.4(e) of the Zoning Code for the new structure; and

- C) Adopt Resolution 2024-01 in Exhibit A, A Resolution of the Ferndale Planning Commission approving the Use Permit and substitution of roofing materials based on the Revised Findings of Fact in Exhibit B and subject to the Conditions of Approval in Attachments 1 and 1.A of Exhibit B.

SUGGESTED MOTION: “I move that the Planning Commission find 1) that the Frink Use Permit application is exempt from CEQA pursuant to Sections 15301(e)(2), 15303(b), and Section 15332 the CEQA Guidelines; 2) find the applicant has demonstrate good cause to allow the substitution of roofing materials for the new structure; and 3) make all required findings for approval and adopted Resolution 2024-01 approving the Use Permit and substitution of roofing materials based on the Revised Findings of Fact in Exhibit B and subject to the Conditions of Approval in Attachments 1 and 1.A of Exhibit B.

Table of Contents

Executive Summary	3
1.0 Summary of Application, Process and City Actions	3
2.0 Regulatory Context: Quasi-Judicial Decisions	4
3.0 Regulatory Context: State Housing Law	4
4.0 The Project	5
5.0 Public Comments	6
6.0 Conclusion and Recommendation	7
EXHIBIT A: RESOLUTION 2024-01	8
EXHIBIT B: REVISED FINDINGS OF FACT	11
1.0 The project as proposed Qualifies for CEQA Categorical Exemptions	11
2.0 The Issuance of the Use Permit is Consistent with the Ferndale General Plan	12
3.0 The Issuance of the Use Permit is Consistent with the Ferndale Zoning Regulations	14
3.1 Design Review Committee Action	15
3.2 Request to Substitute Roofing Materials	15
4.0 The Proposed Use Would Not Be Detrimental to the Public Health, Safety and Welfare, or Injurious to the Neighborhood.	16
5.0 Referral Agency Comments and Recommendations	16
ATTACHMENT 1 Recommended Conditions of Approval	20
ATTACHMENT 1.A City Engineer Recommended Conditions of Approval	22
ATTACHMENT 2 Public Comment Letters	23
ATTACHMENT 3 Applicant’s Information	24

Executive Summary

1.0 SUMMARY OF APPLICATION, PROCESS AND CITY ACTIONS

As described above, the applicant filed a request for a use permit for the construction of three new dwelling units, a one car garage, and appurtenant improvements on an infill lot on September 26, 2023. The new construction will total approximately 4,861 square feet on two floors and will be approximately 25 feet in height. The proposed new development will be attached to the existing residence which will be retained. The applicant is also seeking Planning Commission approval to allow substitution of roofing materials for the new development. The lot is less than 10,000 square feet in size, and is surrounded by existing commercial and residential development. All infrastructure and utilities are at the site, including drainage facilities. The site's existing zoning is Neighborhood Commercial Zone with Design Control and Qualified and combining zones (C1-D-Q). The Q combining zone specifically enumerates that development of up to 4 dwelling units is allowed with approval of a use permit.

On September 26, 2023, the project was referred to the following city departments and local responsible agencies: California Department of Fish and Wildlife (DFW), Del Oro Water Company, Ferndale City Engineer, Ferndale Fire Department, Ferndale Public Works, Ferndale Sewer Operator, Ferndale Building Inspector, and PG&E. As of December 6, 2023, DFW, Del Oro Water Company, the City Engineer, and PG&E provided comments on the project. Commenting agencies recommended approval or conditional approval of the project. No commenting agency indicated that the project, as proposed or with incorporation of their recommendations, to be inconsistent with existing and applicable standards.

The proposed project underwent review by the Ferndale Design Review Committee due to its location in the Design Control combining zone consistent with the Historical and Cultural Resources Element Policy 4.2 of the Ferndale General Plan. On November 16, 2023, the Ferndale Design Review Committee held a duly noticed public hearing for the design of the project. The Design Review Committee conditionally approved the design of the three new dwelling units, the garage, other onsite appurtenant improvements, and the exterior modifications to the existing residence with agreement to use 8" Nominal Cedar horizontal siding to replace the existing siding. The Design Review Committee's approval becomes effective upon Planning Commission approval of the use permit and substitution of roofing materials. The Design Review Committee did not identify or find the project to be inconsistent with existing and applicable standards.

On December 6, 2023, the Ferndale Planning Commission held a duly noticed public hearing to consider the use permit and the roofing materials substitution request. The Planning Commission heard public testimony expressing concerns for the project not providing sufficient onsite parking, that future tenants may park on the public street which may in turn potentially affect the availability of parking on the public street, adequacy of space for on-site vehicle maneuvering, and fire hazard concern related to access to the dwelling units proposed to be located behind the existing residence. The Planning Commission continued the public hearing to January 10, 2024.

On December 18, 2023, the proposal was re-referred to the Ferndale Volunteer Fire Department and Ferndale Building Inspector. In his review of the proposal, on December 19, the Building Inspector found the project as proposed does not raise any issues for conformance with the building code requirements with the condition of approval that the applicant apply for and secure a building permit. On December 28, the Ferndale Volunteer Fire Department commented that the project as proposed requires all units, new and existing, to meet fire codes for R-2 occupancies. This includes a requirement that all units be sprinklered including the existing unit. Also, all units will be subject to annual state-mandated fire safety inspections. The Fire Department's comments are incorporated into the project's conditions of approval (see section 5.0 of Exhibit B below).

2.0 REGULATORY CONTEXT: QUASI-JUDICIAL DECISIONS

A planning commission's action on a use permit is quasi-judicial, and approval of a use permit does not a change of zone. A quasi-judicial action is when the facts of a particular situation are applied to the existing standards. Quasi-judicial decisions must be based on the existing relevant standards and cannot be made on non-existent standards. A quasi-judicial decision process is distinct from the legislative decision process. A legislative process is one in which policy is created by a legislative body, i.e., the City Council. Legislative actions include the adoption and amendment of municipal codes, general plans, zoning codes, etc. Policy and standards cannot be created through a quasi-judicial action.

For quasi-judicial actions, statute requires the locality's designated hearing body to hear and decide applications for use permits. The Planning Commission is designated as the hearing body to consider use permit applications for the City of Ferndale. The Ferndale Zoning Code and statute require a public hearing be held for a use permit application, and that the public hearing be noticed. The purpose of the public hearing is for the planning commission to hear and consider the opinions of the project proponent and nearby property owners and occupants prior to making their decision to either approve or deny the conditional use permit. As a quasi-judicial act, the approval of a use permit requires the planning commission to adopt written findings to support their action.

Written "findings of fact" are required in order to support the decision of the planning commission to approve or disapprove a use permit application. The planning commission's findings must be relevant to the adopted and relevant criteria in the Ferndale Zoning Code and State law. Findings must be supported by substantial evidence in light of the whole record. Substantial evidence means that there is sufficient, relevant and credible evidence upon which the planning commission to base its decision. The findings must demonstrate the analytical route between the evidence and the action, and expose the planning commission's analysis and evidence.

3.0 REGULATORY CONTEXT: STATE HOUSING LAW

The Housing Accountability Act (HAA), Government Code section 65589.5 et seq., establishes limitations to a local government's ability to deny, reduce the density of, or make infeasible housing development projects. The HAA was first enacted in 1982 by the California Legislature, and has been amended several times since 2017. While the City's actions on use permits (and other discretionary applications, e.g., design review and subdivisions) for housing projects are quasi-judicial, those actions must also be in compliance with the HAA. One key provision of HAA is that housing development projects are subject to the general requirement that it be reviewed by the Planning Commission under "objective general plan, zoning, and subdivision standards and criteria, including design standards, in effect at the time the application was deemed complete."¹ This means that housing development projects are to be analyzed for compliance with existing general plan, zoning and subdivision standards that are objective.

For housing development projects that comply with relevant and existing objective general plan, zoning, and subdivision standards and criteria, a local agency may disapprove a housing development project or impose a condition that the housing development project be developed at a lower density in very limited circumstances. The local agency must base its decision upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

¹ Objective means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.

The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density, ... and

There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

For housing development projects, State law defines “specific adverse impact” as “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete” (Section 65589.5(j)(1)(A) of the California Government Code). To ascertain whether a project may have an impact, there must be objective written public health or safety standards, policies, or conditions. If a condition or standard is not objective then it does not constitute a specific adverse impact.

Moreover, the State regularly exercises its legal authority to review cities’ and counties’ actions on housing development projects for compliance with State housing law (specifically HAA), and to ensure localities’ actions are consistent with their adopted Housing Elements.

4.0 THE PROJECT

Because the Frink proposal requires a use permit along with an approval for a roofing materials substitution, it is a quasi-judicial action. Additionally, because the Frink project involves more than one housing unit it constitutes a “housing development project” pursuant to the HAA (Gov. Code, Section 65589.5(h)(2)). As a housing development project, it is subject to the general requirement that it be reviewed by the Planning Commission under “objective general plan, zoning, and subdivision standards and criteria, including design standards, in effect at the time the application was deemed complete.”² The project does not involve a subdivision or lot line adjustment; therefore, standards and criteria regulating subdivisions are not relevant to the Frink proposal.

The December 6, 2023 Planning Commission’s findings of fact (see Exhibit B) analyzes how the Frink housing project is consistent and complies with relevant and existing objective general plan and zoning standards and criteria, and that all the required findings to approve the use permit with conditions can be made.³ The following is a roadmap of Exhibit B:

- The project complies with the California Environmental Quality Act (CEQA) or is exempt from CEQA.
 - Section 1.0 documents how the project as proposed is eligible for three CEQA categorical exemptions.
- The project is consistent with Ferndale’s adopted General Plan and Zoning regulations
 - Table 1 in Section 2.0 evaluates how the project as proposed and conditioned complies with existing relevant standards and criteria of the Ferndale General Plan in the Housing Element.
 - Table 2 in Section 3.0 analyzes how the project as proposed and conditioned complies with existing relevant standards and criteria of the Ferndale Zoning Code.
 - Section 3.1 summarizes the Design Review Committee’s review and action. Section 3.2 analyzes the applicant’s request to substitute roofing materials.

² Objective means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.

³ Clarifying revisions have been made to Exhibit B. Deletions are shown with ~~striketrough~~ and additions with underline.

- The proposed use will not be detrimental to the public health, safety, and welfare or injurious to the neighborhood.
 - Section 4.0 analyzes how the project will not be detrimental to public health, safety and welfare or injurious to the neighborhood.
- Section 5.0 summarizes that all reviewing agencies have recommended approval, conditional approval, or did not have comments. The written comments of the Ferndale Building Inspector, the Ferndale Volunteer Fire Department, and Del Oro Water Company are reproduced in section 5.0.

5.0 PUBLIC COMMENTS

On December 6, 2023, the Planning Commission held a public hearing on the Frink housing development project. The City received several comment letters (see Attachment 2). Below are the common themes of concern expressed by members of the public identified by staff, and responses to those concerns.

1. Comment: The project does not provide sufficient onsite parking. Future tenants may park on the public street which may in turn potentially affect the availability of parking on the public street.

Response: Section 7.16 of the Ferndale Zoning Ordinance specifies the parking requirements for multifamily developments, which is one parking space per dwelling unit. Each parking space must measure at least 8 feet by 16 feet, and have 10 feet of vertical clearance. The project as proposed meets the existing standards because the project will result in four dwelling units (3 new and 1 existing) and the project proposes to develop four parking spaces. Three parking spaces will be uncovered, and one space will be located inside a garage. The applicant's site plan (Attachment 3) shows that each of the four parking spaces meet the size and clearance requirements specified in the Zoning Ordinance.

Moreover, the site is not located in area where stopping or parking is prohibited pursuant to § 5.07.3 of the Ferndale Traffic Ordinance (a separate ordinance from the Zoning Ordinance):

The City Traffic Engineer shall appropriately have signed or marked the following places and when so signed or marked no person shall stop, leave standing or park a vehicle in any of said places:

- a. At any place within ten (10) feet of an intersection in any business district.
- b. At any place within ten (10) feet of any boulevard stop sign.
- c. At any place where the City Traffic Engineer determines that it is temporarily necessary in order to eliminate unusual traffic hazards.

The project complies with existing and relevant standards for parking.

2. Comment: The applicant should provide more on-site parking spaces, e.g., two spaces per unit, for a total of eight spaces.

Response: As reviewed above under 1, the project complies with the existing and relevant standards for parking. This suggestion would impose a requirement that exceeds the existing parking requirements of the Ferndale Zoning Code, and is inconsistent with the requirements of the Zoning Ordinance. Furthermore, to accommodate more parking, the applicant would likely need to reduce the number of dwelling units, resulting in a reduction of the project's density. As discussed above, the City can only impose this type of requirement in very limited circumstances, and there must be evidence of a quantified, direct, and unavoidable impact based on existing written objective public health or safety standards. There is no evidence indicating that the potential of future tenants parking on a public street would result in significant, quantifiable, direct, and unavoidable public health and safety impacts based on an existing written objective public health or safety

standards, policies, or conditions. Therefore, City staff does not recommend the imposition of a such a requirement.

3. Comment: There is inadequate space for on-site vehicle maneuvering.

Response: Section 5.06 of the Ferndale Traffic Ordinance requires all drivers who are emerging from buildings, alleys and driveways to stop their vehicle immediately prior to driving onto a sidewalk or into the sidewalk areas extending across the alleyway, it does not prohibit vehicles emerging from private driveways from backing onto a public street, however. Neither the Zoning and Traffic Codes specify a maximum driveway length.

The City's existing regulations do not further dictate the maneuvering of vehicles on private property. The project as proposed is consistent with existing and relevant standards.

4. Comment: Concerns about fire hazards related to the additional dwelling units and that the units will be located behind the existing residence.

Response: On December 18, 2023, the proposal was re-referred to the Ferndale Volunteer Fire Department. On December 28, the Ferndale Volunteer Fire Department commented that the project as proposed requires all units, new and existing, to meet fire codes for R-2 occupancies. This includes a requirement that all units be sprinklered including the existing unit. Also, all units will be subject to annual state-mandated fire safety inspections. The Fire Department's comments are incorporated into the project's conditions of approval (see Attachment 1). The Ferndale Volunteer Fire Department did not identify that the project as conditioned to be inconsistent with existing and relevant standards.

Additionally, the applicant is requesting Planning Commission approval to allow the use of painted non-reflective metal roof, which further improve the structures fire resistance. Staff supports this material substitution because of the benefits for the structure and tenants. Staff believes the applicant has shown good cause for the roofing material substitution, and recommends the Planning Commission approve the applicant's substitution of materials request.

6.0 CONCLUSION AND RECOMMENDATION

The Frink housing development project as proposed and conditioned complies with relevant, objective general plan and zoning standards and criteria, including design review regulations. State law specifically does not allow compliant housing projects to be denied or reduced in size (either directly or indirectly) unless there is a preponderance of evidence there is a significant health and safety impact. Furthermore, that impact has to be quantifiable, direct, and unavoidable, and based on existing objective and written public health or safety standards, policies, or conditions. There has been no information provided to date to lead staff to conclude the project could result in significant health or safety impacts. Therefore, it is recommended that the Planning Commission approve the project in line with the resolution in Exhibit A subject to the terms and conditions in Attachment 1 and Attachment 1.A of Exhibit B.

EXHIBIT A:
RESOLUTION 2024-01

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FERNDALE APPROVING THE USE PERMIT APPLICATION AND SUSTITUTION OF MATERIALS FOR THE CONSTRUCTION OF THREE NEW DWELLING UNITS AND APPURTENANT ONSITE IMPROVEMENTS, AND SUBSTITUTION OF MATERIALS AT 514 SHAW AVENUE SUBJECT TO CONDITIONS.

WHEREAS, on September 26, 2023 an application was submitted for the property located at and commonly known as 514 Shaw Avenue in the City of Ferndale, County of Humboldt, State of California. The application sought approval of Use Permit application and approval to allow substitution of roofing materials for the new development (hereafter “the Project”); and

WHEREAS, the Project constitutes as housing development pursuant to Section 65589.5, subdivision (h)(2), of the California Government Code; therefore, the Project and the City’s actions are subject to the provisions of the Housing Accountability Act (California Government 65589.5 et seq.); and

WHEREAS, on December 6, 2023, the Planning Commission conducted a public hearing on the matter, which hearing was duly and properly noticed, with said notice published in the Ferndale Enterprise, a newspaper of general circulation within the City of Ferndale, and mailing notices to owners of property within 300 feet of the project site at least ten days prior to the public hearing; and

WHEREAS, after taking public testimony and hearing evidence from City staff and the applicant, the Planning Commission continued the item date certain to the Planning Commission meeting of January 10, 2024; and

WHEREAS, a public hearing was held by the Planning Commission on January 10, 2024, for consideration of the Use Permit application and approval to allow substitution of roofing materials for the Project; and

WHEREAS, after taking public testimony and hearing evidence from City staff and the applicant, the Planning Commission considered documentary evidence including, but not limited to, a staff report and site plans, oral testimony from the applicant and others; and

WHEREAS, pursuant to and in accordance with the provisions of the State of California Guidelines for Implementation of the California Environmental Quality Act (Title 14 of the California Code of Regulations, hereafter “CEQA Guidelines”), the City is the lead agency for the preparation and consideration of environmental documents for the proposed project; and

WHEREAS, the Planning Commission finds the proposed Project is categorically exempt from the CEQA Guidelines pursuant to Class 1, Section 15301(e)(2), Class 3, Section 15303(b), and Class 32, Section 15332, of the CEQA Guidelines. Pursuant to Section 15300.2(c) of the CEQA Guidelines, there are no unusual circumstances in respect to the proposed project for which staff would anticipate a significant effect on the environment and, therefore, the proposed project would be categorically exempt from the provisions of CEQA; and

WHEREAS, following the conclusion of the public discussion and thorough deliberation of the subject matter, the Planning Commission determined by a vote of _____ to _____, that Use Permit Application Number UP2312 for the Project should be approved subject to the conditions as set forth herein below:

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF FERNDALE, DOES HEREBY RESOLVE, AS FOLLOWS:

Section 1. Based upon the evidence presented, the Planning Commission hereby finds and determines as follows:

1. Each fact set forth in the recitals above is true and correct.
2. Each fact set forth in the staff report for Agenda Item Number 6.1, Meeting Date, January 10, 2024, from Planning staff, presented to the Planning Commission on said date, is true and correct.

Section 2. Pursuant to the foregoing recitations, the following findings are made:

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

1. City staff has determined that the Project qualifies for CEQA categorical exemptions from the preparation of environmental documents pursuant to Class 1, Section 15301(e)(2), Class 3, Section 15303(b), and Class 32, Section 15332, of the CEQA Guidelines as documented in Exhibit B, section 1.0; and
2. Neither the subject parcel nor the existing dwelling are located in Ferndale's designated Historic District, therefore, Section 15300.2(f) Exceptions does not apply, as the project will not cause a substantial adverse change in the significance of a historical resource; and
3. Pursuant to Section 15300.2(c) of the CEQA Guidelines, there are no unusual circumstances in respect to the Project for which staff would anticipate a significant effect on the environment and, therefore, the proposed Project would be categorically exempt from the provisions of CEQA; and
4. The Planning Commission has reviewed staff's determination that the Project qualifies CEQA categorical exemptions and, based on its own independent judgment, concurs in the staff's determination of exemption; and
5. The application for the Project has been processed in accordance with the California Environmental Quality Act.

USE PERMIT and SUBSTITUTION OF ROOFING MATERIALS:

1. The Project applied for at the location set forth in the application is properly one authorized by a use permit pursuant to the Ferndale Zoning Ordinance as described in Exhibit B, section 3.0, Table 2 below; and
2. The Project is consistent with the General Plan as described in Exhibit B, section 2.0, Table 1 below; and
3. The site is adequate in size and shape to accommodate the yards, fences, parking spaces, landscaping, and other development standards prescribed in the Ferndale Zoning Ordinance as described in Exhibit B, section 3.0, Table 2 below for the Project; and
4. The Project will not be detrimental to the public health, safety and welfare, or injurious to the neighborhood as described in Exhibit B, section 4.0 below; and
5. The Project will not have specific adverse impact on the public health or safety pursuant to subdivision (j)(1) of Section 65589.5 of the California Government Code; and
6. Good cause exists to allow the applicant's requested substitution of roofing materials for the Project as described in Exhibit B, section 3.2 below; and
7. The Project has been processed in accordance with the provisions of Article 10 of the Ferndale Zoning Ordinance.

Section 3. Pursuant to the foregoing recitations and findings, the Planning Commission approves Use Permit Application Number UP2312 and substitution of roofing materials subject to the terms and conditions in Exhibit B, Attachment 1 and Attachment 1.A, and hereby incorporated by reference.

Section 4. This decision of the Planning Commission shall become effective and final 10 days after the date of action unless an appeal is filed within that in accordance with Article 11 of the Ferndale Zoning Ordinance.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Ferndale, State of California this 10th day of January, 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Attest:

Jerry Rocha, Chair

Kristene Hall, City Clerk

EXHIBIT B:
REVISED FINDINGS OF FACT

514 Shaw Avenue, APN 030-084-018
Frink Use Permit for Three New Dwelling Units and Substitution of Materials
City of Ferndale Planning Commission, ~~December 6~~January 10, 2024

NOTE: Deletions are shown with strikethrough and additions with underline.

The following findings are required for approving the Use Permit. Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 THE PROJECT AS PROPOSED QUALIFIES FOR CEQA CATEGORICAL EXEMPTIONS

Because the Use Permit for the project is a discretionary action of the City, this project is subject to environmental review in accordance with the California Environmental Quality Act (CEQA). The City of Ferndale, as Lead Agency, has determined the project as proposed qualifies for CEQA Categorical Exemptions from the preparation of environmental documents pursuant to Class 1, Section 15301(e)(2), Class 3, Section 15303(b), and Class 32, Section 15332, of the CEQA Guidelines. Below is a summary of each exemption and how the proposed project is eligible for the exemption.

Class 1: Consists of the operation, repair, maintenance, permitting, leasing, or minor alteration of existing private structures, facilities, or topographical features. Examples include additions to existing structures provided that the addition will not result in an increase of more than 10,000 square feet if (A) the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and (B) the area in which the project is located is not environmentally sensitive.

Rationale: The project involves alterations to an existing residential structure. To the existing residence, the applicant proposes two additions. One addition will add approximately 288 square feet to the existing residence for a new kitchen and den on the first floor, and the entrance steps will be modified to accommodate an uncovered parking space. The second addition will be for the construction of three dwelling units, and a one car garage with tenant storage that will be attached and located behind the existing residence. The second addition will be two stories, total approximately 4,861 square foot and will be 25 feet in height. These changes are within the scope of Class 1 exemptions as they constitute minor modifications that will add approximately 5,200 square feet to the existing residence. Moreover, the project site is located in an urban area with full access to public services and facilities and is not in an environmentally sensitive zone.

Class 3: Consists of construction and location of limited numbers of new, small facilities or structures. Examples include a duplex or similar multi-family residential structure, totaling no more than four dwelling units.

Rationale: The proposed construction under the Frink Use Permit includes the addition of three new dwelling units, which aligns with the Class 3 exemption criteria. This development represents a limited increase in residential capacity, with the total number of units not exceeding four. The scale of the construction is modest and fits within the parameters of small, new residential developments contemplated under Class 3 exemptions.

Class 32: Projects characterized as in-fill development, where the project is consistent the general plan designation and all general plan policies, and zoning designations and regulations; the project occurs within city limits on a project site of no more than five acres and substantially surrounded by urban uses; the site has no value as habitat for endangered, rare or threatened species; Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.

Rationale: The Frink Use Permit project qualifies under Class 32 as it represents in-fill development within the city limits, on a site less than five acres and surrounded by existing urban uses. The development is consistent with the general plan and zoning regulations, and the site does not possess characteristics valuable to endangered, rare, or threatened species. Moreover, the project is not anticipated to result in significant adverse impacts on traffic, noise, air quality, or water quality, and can be adequately served by existing utilities and public services.

CDFW Review: City staff consulted with the California Department of Fish and Wildlife (DFW), including conducting a field inspection on October 11, 2023. DFW did not find the area in which the project is located to be environmentally sensitive. DFW recommended project modifications for the use of California native landscaping materials and replacing some nonpermeable materials (e.g., asphalt, in parking areas) with permeable materials. By electronic mail, the applicant is willing incorporate the project modifications as suggested by DFW. Furthermore, use of native plantings will eliminate the potential of the City and community having to remove invasive plants as part of annual stream maintenance activities as provided by the LSA 1600-2015-0146-R1-HUM.

Historic District: Neither the subject parcel or existing dwelling are located in Ferndale's Historic District, therefore, Section 15300.2(f) Exceptions does not apply, as the project will not cause a substantial adverse change in the significance of a historical resource.

2.0 THE ISSUANCE OF THE USE PERMIT IS CONSISTENT WITH THE FERNDALE GENERAL PLAN.

Table 1 below provides a review and analysis of the project by staff, including input from affected agencies, for conformance with the adopted Ferndale General Plan. Table 1 and evidence in the record demonstrates the project as proposed and conditioned conforms and is consistent with the adopted Ferndale General Plan.

Table 1
Consistency with the General Plan

General Plan Policy	Rationale
Land Use, Policy 2010(1): To phase residential development so that it is adequately supported by City and community services.	The project is consistent with Policy 2010(1): because PG&E, Del Oro Water Company, and the City Engineer have advised there is adequate service to serve the development and have recommended conditional approval of the project. The project as proposed and conditioned is consistent with Policy 2010(1) of the General Plan.
Land Use, Policy 2510(2): To provide for residential development which will not interfere with the preservation and maintenance of agriculturally zoned lands.	The project is consistent with Policy 2510(2): because t The subject parcel nor those in the vicinity are not planned or zoned for agricultural production. The project will add three new rental housing units to the City's inventory on an existing infill parcel <u>in an area with existing residential and commercial development. Due to the project's zoning and location, as described above, it will not interfere with preservation and maintenance of agriculturally zoned lands.</u>
Land Use, Policy 2520(1): The infilling and completion of residential neighborhoods should be encouraged to	The project is consistent with Policy 2520(1): because t The project is infill development because it is located on an existing lot where a majority of the adjoining parcels are developed, existing infrastructure is present, and the

General Plan Policy	Rationale
achieve the efficient use of public services	development is consistent with the planned land use of the property.
Land Use, Policy 2620 Neighborhood Commercial (C-1)	The project is consistent with Policy 2620: Primary and Compatible Uses of the C-1 land use designation are the same as the permitted uses of land enumerated in Section 5.07 of the Ferndale Zoning Ordinance. The primary and compatible uses of the C1 zone include “dwellings”. The project's design and scope, for three new dwelling units, a one-car garage with tenant storage, appurtenant improvements for onsite parking, perimeter fencing, and landscaping, are consistent with the General Plan's objectives.
Density Range (Residential use): Density of the C-1 land use designation shall not exceed the permitted density of the Residential Multiple-Family designation, 0 to 21 dwelling units per acre	The project is consistent with the density of C-1 land use designation: The density of the C-1 land use designation yields a maximum density of 2,074.29 square feet (SF) per dwelling unit. The subject parcel is 0.19 acres per the Humboldt County Assessor, and according to the Humboldt County GIS, the site is 0.22 acres in size. Applying the 2,074.29 SF per dwelling unit to the Assessor's site size of 0.19 acres results in a density of 3.98 dwelling units. Consistent with State Density Bonus Law, Gov't Code § 65915(q), it is appropriate to round up to the next whole number when fractional units result, yielding a maximum density of 4 dwelling units on the subject parcel, <u>which is consistent with the C-1 land use designation</u> . The applicant's proposal does not seek to develop the site below the planned density.
Unique Resources Policy 2560(1): The Francis Creek privately owned riparian corridor shall be maintained or improved to permit free flow and prevent flooding, and to maintain its use as natural habitat where appropriate.	The project is consistent with Policy 2560(1): While the subject parcel does not abut Francis Creek, it is in close proximity. Where new planting materials are proposed, the applicant is agreeable to installing native landscaping materials. Installation of native plantings will positively contribute to maintaining Francis Creek as a free-flowing stream and as natural habitat.
Housing Element Program 14: Support local residential energy conservation efforts and provide weatherization and energy conservation techniques	The project is consistent with Housing Element Program 14: The applicant is requesting approval of the substitution of materials: to allow the installation of a non-reflective painted metal roof rather than the materials itemized in § 5.05.4(e) of the Ferndale zoning regulations. Installing a metal roof will assist with solar panel installation which will improve the development's energy efficiency and supports <u>local residential</u> energy conservation.
Housing Element Program 15: Monitor residential capacity (no net loss) and Design Review process.	The project is consistent with Housing Element Program 15: <u>because</u> t The project will add three new dwelling units to the City's housing stock, along with rehabilitate an existing dwelling. The units be market rate, and will be available on a non-transient basis, i.e., rented for periods of more than 30 days.
Historical & Cultural Resources Element Policy 4.1: Support and encourage new construction that is compatible in scale and character with nearby	The project is consistent with Policy 4.1: Neither the subject parcel or existing dwelling are located in Ferndale's Historic District. In the unlikely event that human remains or cultural resources are encountered during ground distributing construction activities, informational note #3 in Attachment 1 outlines the actions that are to be followed by a developer in order to meet state and federal protection requirements. <u>Because of the project's location and the information</u>

General Plan Policy	Rationale
cultural resources and historic districts	<u>note, the project is consistent with nearby cultural resources and historic districts.</u>
Historical & Cultural Resources Element Policy 4.2: Effectively utilize the City's Design Review process when permitting projects in the Design control combining zone	Historical & Cultural Resources Element Policy 4.2: <u>because, a</u> As discussed below, the Design Review Committee conditionally approved the project on November 16, 2023. As discussed further below, the application includes a request for Planning Commission approval to allow the installation of a non-reflective and painted metal roof in substitution to the roofing materials itemized in the zoning regulations.

3.0 THE ISSUANCE OF THE USE PERMIT IS CONSISTENT WITH THE FERNDAL ZONING REGULATIONS.

Table 2 below analyzes the proposed project conformance with the applicable Ferndale Zoning Ordinance regulations (FZO), including input from affected agencies. Table 2 and evidence in the record demonstrates the project as proposed and conditioned is consistent with the applicable Ferndale zoning regulations.

Table 2
Consistency with the Zoning Regulations

Category	Standard	Rationale	Conforms?
Pursuant § 6.01 <u>FZO</u> , the uses enumerated in § 6.06 supersede those in principal zone (C1) because the Combining Zones modify the regulations of the principal zone with which they are combined.	Qualified (Q) Combining Zone, § 6.06.2.b enumerates "Dwelling groups and multiple dwellings for not more than 4 families" as use permitted with a Use Permit.	The proposed development, consisting of three new dwelling units on a lot with one existing single family residence falls under the uses allowed in the Qualified Combining Zone of the <u>"C1-D-Q"</u> zoning. This zoning permits dwelling groups and multiple dwellings for not more than four families, which the project adheres to, hence complying with the specific conditions of the Use Permit.	YES
§ 5.07 FZO			
(1) Minimum lot area size	Minimum 2,000 square feet (C1-D-Q Zoning)	According to the Humboldt County Assessor, the site is 0.19 acres in size; and according to the Humboldt County GIS, the site is 0.22 acres in size.	YES
(2) Yards:			
Front (min.)	20 feet when a lot's frontage is in a block which is partially in an "R" Zone, the front yard shall be the same as that required in such "R" Zone."	Existing residence is setback about 18 feet, and is legal nonconforming with respect to setbacks. The applicant is not proposing additions to this portion of the residence.	YES

Category	Standard	Rationale	Conforms?
Side (min.)	<u>Easterly property line</u> : 0 feet on the that abuts commercially zoned parcels; <u>Westerly property line</u> : 20 feet. Because this property line abuts an R zone, the setback shall be the same as that required in such "R" Zone."	Easterly property line: 6 ft. Westerly property line: 20 ft.	YES
Rear (min.)	15 ft.	~20.3 ft: between the proposed structure to the rear property line	YES
(3) Height (max.)	Not to exceed 35 feet	25 ft proposed	YES
§ 7.16 FZO Parking and Loading Facilities			
(4) Driveways (min.)	10 ft. <u>wide unobstructed</u> vehicular access lane <u>shall be maintained</u>	16 ft. at narrowest points	YES
(5) Parking for the entire site (min.)	One parking space per dwelling unit. <u>Each parking space must be 8 feet x 16 feet, with 7 feet vertical clearance</u>	4 spaces for 4 dwelling units <u>Northernmost space: 11 ft. x 20 ft.</u> <u>Garage to be approx. 18 ft. x 21 ft.</u> <u>Southernmost spaces (combined): approx. 20 ft. x 22.5 ft.</u> <u>Site plan indicates all spaces will have 7 feet vertical clearance.</u>	YES
§ 7.22 FZO (9) Signs	Criteria for approval of a sign permit specify that it shall not be approved unless the sign complies with all applicable requirements of the City of Ferndale 2013-02 Sign Ordinance	No signs are proposed	YES

3.1 DESIGN REVIEW COMMITTEE ACTION

The proposed project underwent review by the Design Review Committee due to its location in the Design control combining zone consistent with the Historical and Cultural Resources Element Policy 4.2 of the Ferndale General Plan. On November 16, 2023, the Committee conditionally approved the design of the three new dwelling units, the garage, other onsite appurtenant improvements, and the exterior modifications to the existing residence with agreement to use 8" Nominal Cedar horizontal siding to replace the existing siding. The Committee's review and approval included consideration of the exterior paint palette which included the proposed metal roof for the new structure. The Design Review Committee's approval becomes effective upon Planning Commission approval for the proposed substitution of roofing materials.

3.2 REQUEST TO SUBSTITUTE ROOFING MATERIALS

The Planning Commission may allow a multiple-family dwelling to be constructed or placed within the City of Ferndale with alternative development standards substituted for those set forth in § 5.05.4, or to exempt such a dwelling from the strict application of such development standards, upon showing of good cause. Section 5.05.4.e itemizes the roofing materials allowed without an request for substitution as follows:

- i. Interlocking roof tiles.
- ii. Composition shingles.

- iii. Wood.
- iv. Wood asbestos cement or slate shingles.

The applicant proposes to install a non-reflective painted metal roof. According to the applicant, the proposed metal roofing will meet and exceed all building and fire codes. It will add substantial fire-resistance to the structure. Use of this material will also facilitate the secure and leak-proof mounting of rooftop solar panels. The applicant's choice to use metal roofing will result in enhanced fire safety for the structure, tenants, and adjoining properties. Additionally, the applicant indicates the use of metal roofing will assist with solar panel installation which will improve the development's energy efficiency, while having better leak resistance. Staff supports this material substitution because of the benefits for the structure and tenants. Staff believes the applicant has shown good cause for the roofing material substitution, and recommends the Planning Commission approve the applicant's substitution of materials request.

4.0 THE PROPOSED USE WOULD NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE, OR INJURIOUS TO THE NEIGHBORHOOD.

The proposed residential development at 514 Shaw Avenue is not expected to be detrimental to public health, safety, or welfare, nor injurious to the neighborhood. This assessment is based on the fact that the project is proposed on an infill lot that is planned and zoned for additional residential development. The lot is already developed with a single family residence, and access to a city street and essential infrastructure are already present and are available. The project complies with the CEQA Guidelines and there will be no impact to the environment. All commenting agencies have recommended approval or conditional approval as presented in section 5.0. This review and referral responses affirm that the development is appropriately scaled and serviced for the neighborhood. The project conforms with the City's adopted General Plan, including implementation of the Housing Element. Moreover, the proposed use is specifically enumerated in the C1-D-Q zone.

5.0 REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Table 3
Referral Agency Comments and Recommendations

Referral Agency	Response	Recommendation	Attached	On File
Calif. Dept. of Fish and Wildlife	X	Conditional Approval		X
Del Oro Water Co. – Local	X	Conditional Approval	X	
Ferndale City Engineer	X	Conditional Approval	X – see Attachment 1.A	
Ferndale Volunteer Fire Department	<u>X</u>	<u>Conditional Approval</u>	<u>X</u>	
Ferndale Public Works				
Ferndale Sewer Operator				
Ferndale Bldg. Inspector	<u>X</u>	<u>Conditional Approval</u>	<u>X</u>	
PG&E	X	No Impact-Approval		X

Summary: Water service provider, Del Oro, confirmed the feasibility of providing water service to the new units. Pacific Gas and Electric Company (PG&E) stated that the proposed development does not interfere with their existing facilities or easement rights, while reserving the right for future reviews and emphasizing coordination with their Service Planning department for any gas or electrical service needs. PG&E advises contacting Underground Service Alert (USA) before any excavation to ensure the identification and marking of all underground utilities. Additionally, PG&E provided standard construction guidelines that shall be adhered to, which are included in the attachments to this report.

Ferndale Building Inspector, received 12.19.23



Michelle Nielsen <michellen@planwestpartners.com>

Re-referral of Frink Use Permit application

4 messages

Michelle Nielsen <michellen@planwestpartners.com>

Mon, Dec 18, 2023 at 12:44 PM

To: Arnie Kemp <kempinspection@sbcglobal.net>

Cc: "Kristene (Kris) Hall" <cityclerk@ci.ferndale.ca.us>

Hi Arnie. I appreciate you taking time to speak with me today. Attached please find application materials for the Frink Use Permit located at 514 Shaw Ave., Ferndale, for your review and any input/comments you may have. If more convenient, you may provide any comments you may have about the project by replying to this email.

If you have any questions or concerns, calling me on my cell, 707-498-0379, is the best way to reach me. Happy holidays, Michelle

--

Michelle Nielsen

Contract City Planner

City of Ferndale

michellen@planwestpartners.com

Planwest Partners Inc.

707-825-8260

3 attachments**Frink UP2312 Routing Sheet Record 12.18.23 bldg.pdf**
156K**Frink UP2312 Referral 9.26.23.pdf**
151K**Frink REVISED plan set 11.28.23.pdf**
4148K

Michelle Nielsen <michellen@planwestpartners.com>

Tue, Dec 19, 2023 at 1:39 PM

To: Arnie Kemp <kempinspection@sbcglobal.net>

Cc: "Kristene (Kris) Hall" <cityclerk@ci.ferndale.ca.us>

Good afternoon Arnie. This email is to memorialize our phone conversation today, 12/19/23 at 1:20 PM, about the reference project. You have reviewed the application materials that were transmitted to you yesterday. Based on your review, the project as proposed does not raise any issues for conformance with the building code requirements with the condition of approval that the applicant apply for and secure a building permit. Further, you would be happy to answer planning commissioner questions.

Please let me know if I should clarify anything from our conversation. Thank you for your help, Michelle

[Quoted text hidden]

Arnold Kemp <kempinspection@sbcglobal.net>

Tue, Dec 19, 2023 at 1:45 PM

To: Michelle Nielsen <michellen@planwestpartners.com>

Cc: "Kristene (Kris) Hall" <cityclerk@ci.ferndale.ca.us>

Ferndale Volunteer Fire Department, received 12.28.23

In 2022, the City authorized the demolition of 1,700 square feet of accessory structures that were in poor condition.

RESPONSE: (Please attach additional sheets as necessary):


The Ferndale Fire Protection District and the Ferndale Volunteer Fire Department have reviewed the project referral and have the following comments.

Since the 3 new apartments will be attached to the existing single family home, this will become in essence, a fourplex. The existing home, in becoming part of the fourplex will be subject to conforming to existing fire codes for R-2 occupancies.

This includes extending the sprinkler system required for the addition into the existing house. A Fire Department Connection (FDC) should be provided so that it is accessible from Shaw Avenue.

With the additional units, the house would go from an R-3 occupancy, to an R-2 occupancy, and all four units would be subject to annual state-mandated fire safety inspections.

☐ NO COMMENT


Name/Signature


Date

Del Oro Water Company 10.10.23
comments, page 1

CITY OF FERNDALE		PROJECT REFERRAL	
Planning Department, P.O. Box 1095, Ferndale, CA 95536 (707) 786-4224			
The project described below has been submitted to the City of Ferndale's Planning Department. Please review the attached materials and respond with any comments, conditions, or recommendations.			
APPLICATION ACCEPTED FOR FILING:	SEPTEMBER 26, 2023		
DATE DISTRIBUTED:	SEPTEMBER 26, 2023	PLEASE RETURN BY:	OCTOBER 13, 2023
TENTATIVE DECISION DATE:	TO BE DETERMINED		
LEAD AGENCY/CONTACT: Michelle Nielsen, Contract Planner at michelleni@planwestpartners.com If you need additional time to respond, please contact Michelle by October 13th.			
PROJECT TITLE	Trink Use Permit, UP2312		
PROJECT APPLICANT:	Doug Frink		
PROJECT LOCATION:	APN 030-084-018, 514 Shaw Ave., Ferndale CA 95521		
ZONING & GENERAL PLAN DESIGNATION	Under the City of Ferndale adopted General Plan, the site is designated Neighborhood Commercial (C-1), and it is zoned Neighborhood Commercial with Design Control and Qualified combining zones (C1-D-Q).		
PROJECT DESCRIPTION			
A Use Permit application to construct three new dwelling units, a one car garage with storage spaces, and onsite parking, driveway, and walkway areas on the subject parcel. The subject parcel is already developed with a 1-1/2 story detached single family dwelling unit that will be retain and modified as described below. The new construction will total approximately 4,861 square feet on two floors. The height of the new construction will be approximately 23 feet. The new construction is described as follows:			
Ground floor dwelling unit: 3 bedroom, 2 bath	1,680 sq. ft.		
Two second floor units that are both 2 bedroom, 1 bath	Unit 3: 863 sq. ft. Unit 4: 888 sq. ft.		
A 1-car garage with storage. It will sit between, and be attached, to the existing structure and the new construction. There will be three separate storage units constructed on the northside of the garage to provide storage for tenants.	511 sq. ft.		
All units are to be market rate and occupied on a non-transient basis, i.e., occupied for periods of no less than 30 days or more.			
Design Review of the three new dwelling units and appurtenant improvements, and the new perimeter fencing that has already been constructed. Exterior materials proposed to be used for the new construction are vertical board-n-batten siding and metal roofing. Also Design Review of the exterior modifications to the existing residence. The applicant proposes a new kitchen and den addition, 288 square feet in size, to be located on the first floor of the existing residence. The applicant proposes to modify the entrance steps at the residence's Shaw Avenue facing façade in order to develop a new uncovered parking stall.			

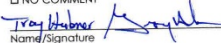
Del Oro Water Company 10.10.23
comments, page 2

In 2022, the City authorized the demolition of 1,700 square feet of accessory structures that were in poor condition.

RESPONSE: (Please attach additional sheets as necessary):

Water Service can be provided to new units with the addition of three new water services of appropriate size.

☐ NO COMMENT


Name/Signature

10/10/23
Date

ATTACHMENT 1

Recommended Conditions of Approval

APPROVAL OF THE USE PERMIT AND SUBSTITUTION OF MATERIALS IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE CONSTRUCTION OF THE PROJECT MAY BEGIN:

1. The applicant shall apply for and secure an approved building permit(s).
2. The applicant shall be responsible to pay all applicable fees, deposits or charges associated with processing and finalizing the Use Permit, and/or otherwise owed to the City of Ferndale. All applicable or other required fees shall be paid to the satisfaction of the City of Ferndale before the Permit and uses allowed are considered final and approved.
3. All proposed work shall be in conformance with the approved permit application and with the information and analysis contained in the associated staff report and conditions of approval on file with the City. Should the work deviate from that as allowed by this approval, then the applicant may be required to first receive Design Review Committee approval for such changes.
4. The applicant shall satisfy all of the requirements of the October 19, 2023 City Engineer Memo (Attachment 1.A).
5. The applicant shall provide three new water services of appropriate size to the development to the satisfaction of the Del Oro Water Company.
- ~~5-6.~~ The applicant shall comply with the fire code requirements for R-2 occupancies and the requirements of the Ferndale Volunteer Fire Department.

On-Going Requirements to Be Satisfied for the Life of the Project

1. Exterior lighting shall be directed downward and shielded so as not to illuminate adjacent residences or properties.
2. Should the applicant or any other future owner of the subject property not conform to the requirements of these conditions, then said non-conformance shall constitute a violation of this Design Review Use Permit and shall become null and void until either all the issues have been addressed to the satisfaction of the City, or the permit is revoked.
3. Invasive non-native plants, such as black bamboo, English ivy (this is not an exhaustive list), shall not be used for landscaping.

Information Notes

1. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies, including annual mandatory fire safety inspections.
2. All proposed and/or change of use, conversion including to transient habitation, i.e., rented, leased, or other forms of compensation for periods of less than 30 days, future development, improvements, and construction authorized hereunder shall be in conformance with all applicable City ordinances, regulations and codes, including but not limited to Zoning Ordinance 02-02, including the Design Review requirements, the Uniform Building Code, any Fire Codes and/or Public Health & Safety Code, applicable to the nature and type of proposed use and/or construction. A City building permit is required for any construction associated with the proposed project with the burden on the applicant to comply.

3. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.

ATTACHMENT 1.A

City Engineer Recommended Conditions of Approval



Attachment 1.A

CITY ENGINEER MEMO

Date: October 19, 2023
Project: Frink Use Permit UP2312
To: Michelle Nielsen, Planwest Partners, Contract City Planner
Prepared By: Brian K Ontiveros, PE, Contract City Engineer
RE: Engineering Comments

This is a review of the plans submitted by the applicant drawn by Atkins Drafting with a date of 9/1/23. These items can be completed as conditions of approval.

1. Provide accessible driveway entrance or demonstrate that existing driveway drop is accessible.
2. Is the project proposing to use the existing sewer lateral or a completely new lateral. Please clarify. Specify sewer lateral size. Specify sewer lateral slope.
3. A new sewer cleanout shall be placed in the sidewalk/driveway if not already present.
4. Applicant shall determine if the existing water meter and service lateral size is sufficient for the multi-family addition. Coordinate with Del Oro Water.
5. The project shall comply with Drainage Ordinance 2.103(b) to the maximum extent possible. *Site development shall be accomplished wherever possible in a manner that will maximize percolation and infiltration of precipitation into the ground and will minimize direct surface runoff into adjoining streets, water courses, or properties.*
6. Provide a drainage plan with the following items addressed:
 - a. Show all proposed drainage features.
 - b. Show site contours at 1' intervals showing the direction of drainage flow.
 - c. Demonstrate how the 18" gravel catch basins will function by providing a detail.
 - d. Drainage from the lot shall ultimately discharge to the public way. The applicant shall demonstrate how this will be accomplished without impacting or creating a drainage problem for the adjacent parcels. i.e., will there be a concrete curb along the edge of the AC driveway?
 - e. Concentrated drainage shall not flow across the sidewalk/driveway.

ATTACHMENT 2

Public Comment Letters



Michelle Nielsen <michellen@planwestpartners.com>

FW: 514 Shaw Project

2 me age

Kris Hall <cityclerk@ci.ferndale.ca.us>
To: Michelle Nielsen <michellen@planwestpartners.com>

Wed, Dec 6, 2023 at 2:56 PM

Kristene Hall
City Clerk
City of Ferndale

834 Main Street . Ferndale, CA 95536
PO Bo 1095 Ferndale, CA 95536

707-786-4224
cityclerk@ci.ferndale.ca.us <https://ci.ferndale.ca.us>

Original Message
From: Carl Neeley <[REDACTED]>
Sent: Wednesday, December 6, 2023 1:16 PM
To: Kris Hall <cityclerk@ci.ferndale.ca.us>
Subject: 514 Shaw Project

Ferndale Planning Commission

RE: 514 Shaw Street project

I am submitting a concern about potential parking issues associated with the project on 574 Shaw. I see there are 4 spaces provided on site to meet ordinance requirements. However, realistically it is 8-10 vehicles requiring street parking in an already congested area.

There also appears to be insufficient space for two vehicles to maneuver in and out of the rear parking spaces. This may require coordination between tenants to utilize this space.

Also it appears there may be insufficient space for a vehicle to turn around in the rear parking area to drive out to street. If so the vehicle will have to back out over a 100ft. The tenant may deem to be too inconvenient and not utilize the space for parking.

[REDACTED] Shaw Resident [REDACTED]



Michelle Nielsen <michellen@planwestpartners.com>

FW: Public Hearing 12/6

2 me age

Kris Hall <cityclerk@ci.ferndale.ca.us>
To: Michelle Nielsen <michellen@planwestpartners.com>

Tue, Dec 5, 2023 at 11:38 AM

Kristene Hall

City Clerk
City of Ferndale



834 Main Street • Ferndale, CA 95536
PO Box 1095 • Ferndale, CA 95536

707-786-4224
cityclerk@ci.ferndale.ca.us
<https://ci.ferndale.ca.us>

From Brenda [REDACTED]
Sent: Friday, December 1, 2023 8:29 AM
To: Kris Hall <cityclerk@ci.ferndale.ca.us>
Subject: Public Hearing 12/6

Greetings~

I just rec'd the notice stating there has been a request to put three dwelling units and a one garage at 514 Shaw Ave.

Please note that I am vehemently opposed to this. In my mind, I see a potential for three couples (six people) to reside at this address. Providing these are productive members of society, I see another potential to house six vehicles - at this one property?!?

That block is already oversaturated w/ parking problems. Between Pizza Co, Red Front, the Museum, Frontier, Tuyas (staff enters from the back), and the existing residents, there is way too much vehicle traffic! We simply do not have the ability to accommodate six more parked vehicles in that location!!!

Now, if they can provide two parking spaces per dwelling unit BEHIND the original house, I'd be ok with that.

ATTACHMENT 3

Applicant's Information

Applicant's Site Plan, Floor Plans, Elevations, Proposed Exterior Color Palette, and Application.

Doug & Patti Frink
P.O. Box # 1072
Ferndale, Ca. 95536
707-498-1402

2 January, 2024

Ferndale Planning Commissioners, c/o Kristene Hall, City Clerk
534 Main Street
Ferndale, California 95536

Re: Background for the Project at # 514 Shaw Avenue, Ferndale.

Dear Commissioners;

We are the owners of the parcel at # 514 Shaw Avenue located just West of downtown Ferndale, across Shaw from the Ferndale Museum to the North. To the South, the property is bounded by greenbelt owned by the Hadley Trust. On the West is a fine older residence with an ADU, possibly being improved as a Bed & Breakfast. The East side of the parcel lies against an alleyway used by Frontier Telecom, P.G.&E., and vehicles associated with the Hadley parcel. For more than a year, we've worked to improve the property, and plan it's redevelopment with your City staff. Prior to our 2022 purchase of the parcel, we held a comprehensive "Pre-Development Conference" with Ferndale's City Manager, Planners, Department Heads, and Staff, to make certain it was well-suited for multi-family use. Our project concept was praised by those at the meeting, as one step toward bringing more housing options to Ferndale.

On the property, 1700 sq. ft. of poorly-built, rat-infested additions & sheds have since been demolished from the center / rear of the lot. New foundations for the remaining original structure and new property-line fences are complete, and landscaping will continue through the project. Along with the salvageable part of the original home, many old plantings have been saved, and we've made a real effort to tie-in details of new construction with the older architecture. Plans include four residential units (3 new construction, with 1 rehabbed unit facing the street) which total 4861 sq. ft. of housing on two floors, along with parking, storage, & mechanical spaces. The footprint of the building will total 3265 square feet, and the ground-floor unit will be ADA accessible for handicapped residents (Ferndale has few homes to support such individuals). An extensive solar-electric array will be included in & on the building.

Three months ago, our plans were approved (w / specific wood-siding, metal roof materials, and exterior colors) by Ferndale's Design Review Committee. In early December, your Commission met to review the project, and to grant a Use Permit, allowing it to move forward in the "Neighborhood- Commercial" zone. There is widespread support for our plans from your Planners & Staff, and you were advised that the project meets all city requirements. A few in the audience voiced concern over parking near the project, though their comments were much more focused on overflow parking from Main Street businesses & events, than on any real lack of residential parking in the neighborhood. Others had questions about drainage on the parcel. Though two Commissioners expressed strong support for the project as designed, the two others present were unsure that they would support the planned redevelopment. Discussion of the Use Permit was boosted forward to a January meeting, when a full Commission will consider our plans.

-page two-

Since that December meeting, we've received many calls supporting the project, most notably from the homeowners / neighbors just to the West of the project, who'd been "represented" by others at the meeting as firmly opposing our plan. They assured me that "no-one had any authority to speak for them", and that they aren't opposed to the project. The Frontier Telecom manager who'd spoken of parking concerns on their adjacent lot, stopped me after the meeting and admitted that his real problems were related to staff & vendors from Main Street businesses habitually using Frontier parking. We've been assured by all the Planners that our project provides required parking spaces, by City Staff that all drainage & construction concerns will be addressed in the Building Permit review process, and by many in the community that they support this effort to provide additional housing in Ferndale.

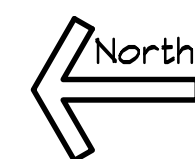
At the behest of our design advisors, we've since mocked-up dimensioned spaces right on the lot, and drove into / out of these corresponding slots, to make certain that parked cars could maneuver in the allotted space.... turning space & back up room are more than adequate. We've observed over these past weeks, daytime and evening parking on all the streets in the neighborhood, finding that the only time there was a lack of parking along / near Shaw Avenue was during weekend & pre-Christmas shopping events, and during the annual Tree Lighting & Tractor Parade. There is consistent curbside parking space available along Third Street, just across Shaw from our project. Ferndale is fortunate to be a very walkable community, and our location near Downtown makes great sense in that regard. There are occasional parking problems around this central Main Street District, like those in many small towns. However, it is not reasonable that one small project should be waylaid in an attempt to cure those shortcomings.

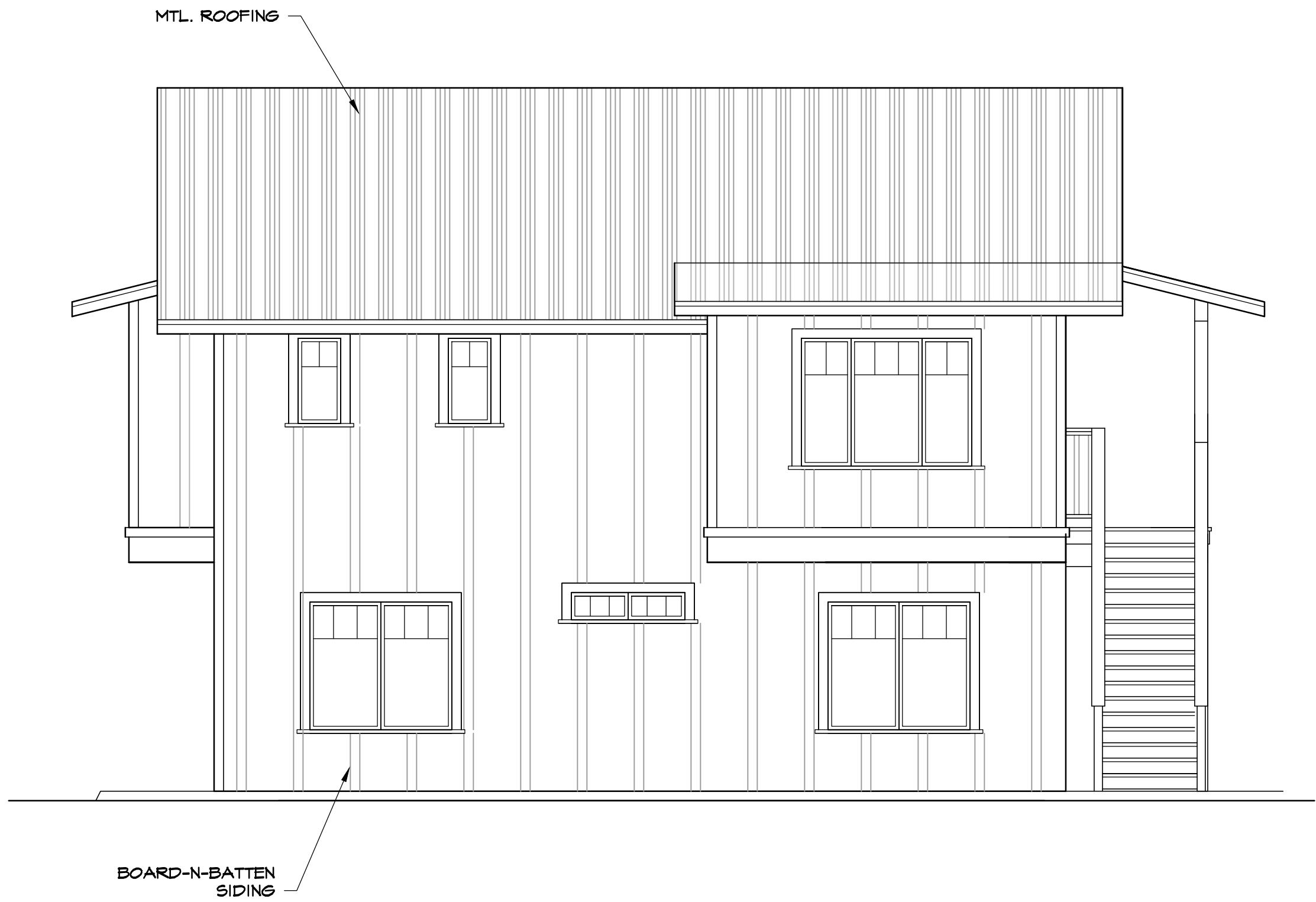
It is our understanding of the Zoning & Permit process, that your Commission is encouraged / required by California law to approve projects which aim to expand Ferndale's housing stock, as long as these projects meet regular City requirements. Your staff and your planners agree that our plans meet those guidelines, and we look forward to further discussion of our project with the full Commission. Building costs, and the costs to fund such endeavors continue to escalate with each passing week, and we're understandably anxious to move the building ahead. We live a short block from the parcel, and are very committed to the project, the neighborhood, and the community of Ferndale. Please feel free to contact us at any time, regarding special concerns you might have.

Sincerely,

 
Doug & Patti Frink

cc: Ferndale City Manager, Jay Parrish
" Building Official, Arnie Kemp
" Engineer, Brian Ontiveros
" Planner, Michelle Nielsen
Jennifer Jones & John Miller, next door on Shaw.



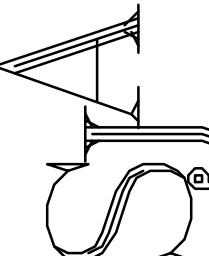


SOUTH ELEVATION
1/4"=1'-0"



WEST ELEVATION
1/4"=1'-0"

REVISIONS	BY
10/15/23	SJA



Atkins Drafting ~ Sarah J. Atkins
PO BOX 6572 EUREKA, CA 95502
PH. (707) 633-8372 RJSatkins@sjadrafting.net

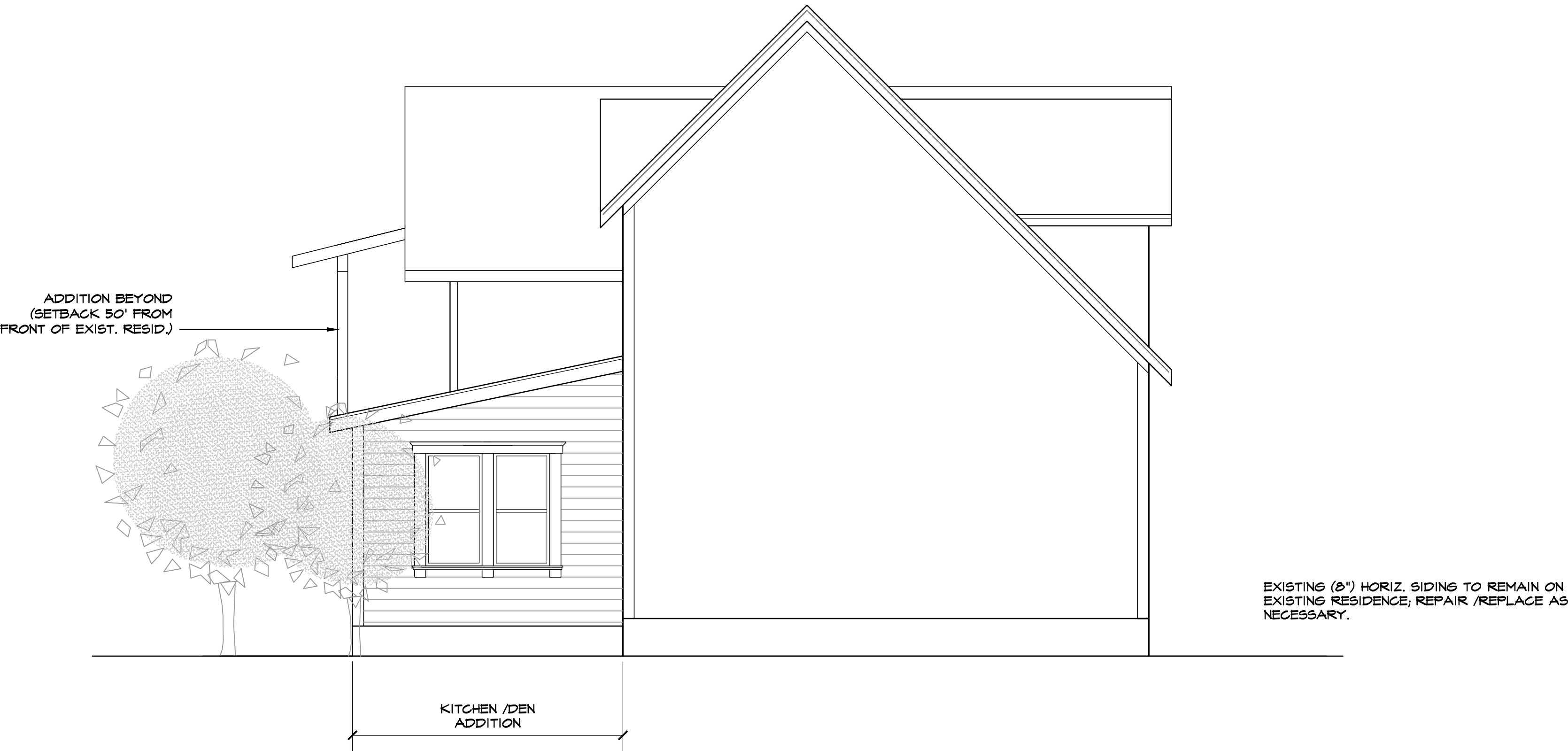
PROPOSED RESIDENTIAL UNITS

514 SHAW AVE. FERNDALE, CA SPN 031-084-018

SOUTH & WEST ELEVATIONS

FOR: DOUG & PATRICIA FRINK PH. (707) 498-1402

Date	SEPT. 01, '23
Scale	AS NOTED
Design	SJA
Drawn	SJA
Job	
Sheet	



NORTH ELEVATION

1/4"=1'-0"



EAST ELEVATION

1/4"=1'-0"

REVISIONS	BY
10/15/23	SJA
11/27/23	SJA

Atkins Drafting ~ Sarah J. Atkins

20150X6572 95502
PH. (707) 633-8372 RJSatkins@sbcdraft.net

SJA

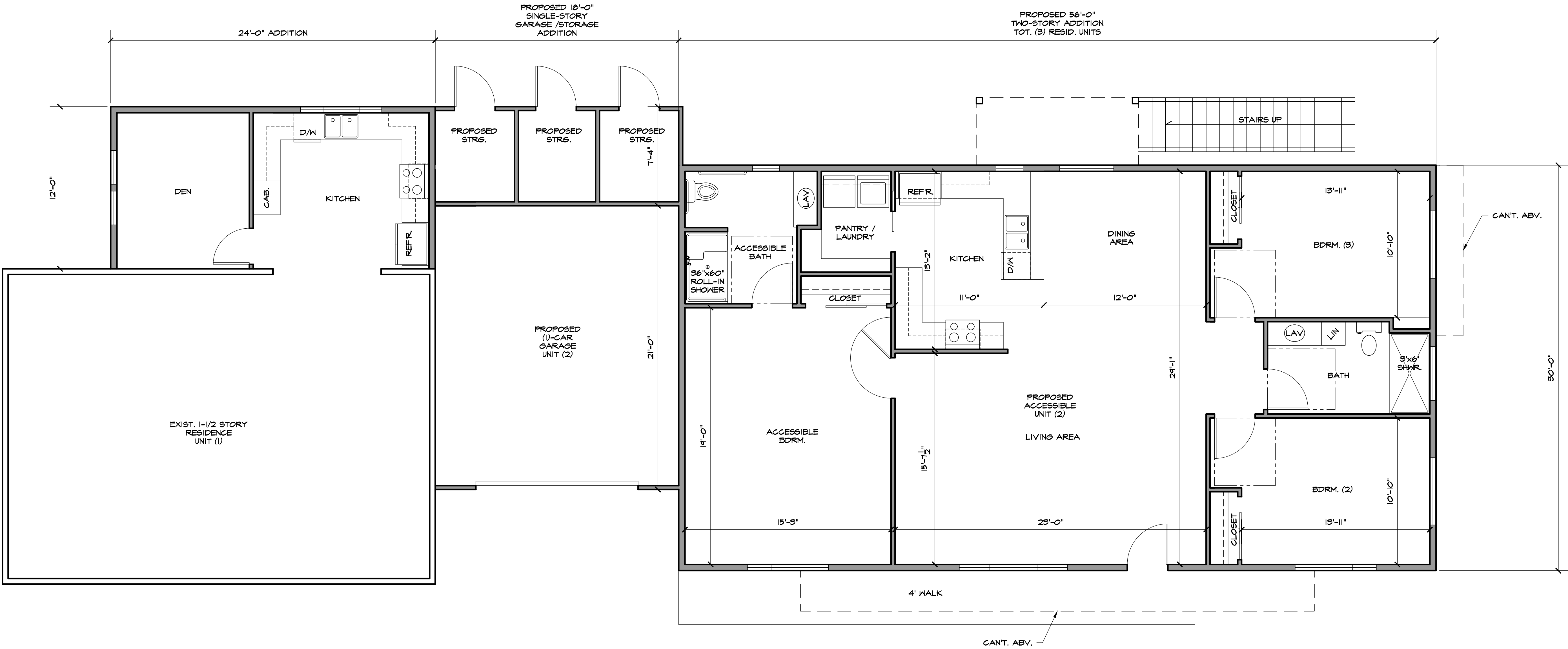
PROPOSED RESIDENTIAL UNITS

514 SHAW AVE. FERNDALE, CA SPN 031-084-018

NORTH & EAST ELEVATIONS

FOR: DOUG & PATRICIA FRINK PH. (707) 498-1402

Date	SEPT. 01, '23
Scale	AS NOTED
Design	SJA
Drawn	SJA
Job	
Sheet	



GROUND LEVEL FLOOR PLAN
1/4"=1'-0"

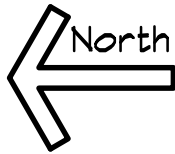
North

REVISIONS		BY
10/15/23		SJA
Atkins Drafting ~ Sarah J. Atkins 901 BOX 6572 EUREKA, CA 95502 PH. (707) 633-8372 RJSatkins@sbcglobal.net		
PROPOSED RESIDENTIAL UNITS 514 SHAW AVE. FERNDALE, CA SPN 031-084-018 FIRST FLOOR PLAN FOR: DOUG & PATRICIA FRINK PH. (707) 498-1402		
Date SEPT. 01, '23		
Scale	AS NOTED	
Design	SJA	
Drawn	SJA	
Job		
Sheet	4	



SECOND FLOOR PLAN

1/4"=1'-0"



REVISIONS	BY
10/15/23	SJA

Atkins Drafting ~ Sarah J. Atkins
PO BOX 6572 EUREKA, CA 95502
PH. (707) 635-8372 RJSatkins@sbcglobal.net

PROPOSED RESIDENTIAL UNITS
514 SHAW AVE. FERNDALE, CA
SPN 031-084-018

SECOND FLOOR PLAN
FOR: DOUG & PATRICIA FRINK
PH. (707) 498-1402

Date	SEPT. 01, '23
Scale	AS NOTED
Design	SJA
Drawn	SJA
Job	
Sheet	5

Project #: UP2312CITY OF FERNDALE
PLANNING DEPARTMENT

STANDARD APPLICATION FORM

Please provide the following information as it applies to your application. For questions, call 786-4224.

1. Type of Application

Date: 9.25.23

<input type="checkbox"/>	Bed & Breakfast Inn	<input type="checkbox"/>	Minor Subdivision (4 parcels or less)
<input type="checkbox"/>	Exception to Development Standards	<input type="checkbox"/>	Second Dwelling Unit
<input type="checkbox"/>	Historic District Design Review	<input type="checkbox"/>	Street Vacate
<input type="checkbox"/>	Home Occupation Permit	<input checked="" type="checkbox"/>	Use Permit
<input type="checkbox"/>	Lot Line Adjustment	<input type="checkbox"/>	Use Permit – Design Review
<input type="checkbox"/>	Merger	<input type="checkbox"/>	Variance
<input type="checkbox"/>	Major Subdivision (5 parcels or more)	<input type="checkbox"/>	Zoning & General Plan Amendment

2. Name of Property Owner: Dan Frank Phone: 702.495.1402
 Address: 110. Box 1222 Ferndale 95534

3. Name of Applicant (if different): Same.
 Address: _____ Phone: _____

4. Property Location: #514 Shaw Ave Ferndale
 Accessor Parcel Number(s): 031-054-018
 Description: Four Residential Units
 Lot Area: 1- 9510 sq

5. Present Use of Property: Old Residence
 Present Zoning: Neighborhood - Commercial

6. Description of Proposed Project: Const. of new (and reinfo) residential units w/ parking, landscaping, parking.

Filing Fee: A filing fee of \$ 710 has been paid as part of the application. (Refer to Resolution 00-21 for fees and charges for review and processing of development permits.) I hereby certify that to the best of my knowledge the information in this application and all attached exhibits is full, complete and correct, and I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for denying the application, or suspending or revoking a permit issued on the basis of these of subsequent representations, or for the seeking of such other and further relief as may seem proper to the City.

D. Frank
 Signature of Applicant or Agent

25 Sept, 2023
 Date

Authorization of Agent: I hereby authorize _____ to act as my representative
 and bind me in all matters concerning this application. (Form 100208)

FOR STAFF USE ONLY					
09/26/2023					
Full Ap Rec'd	KH	Sent to DR	Returned	Ap notified	Project Final

City of Ferndale
P.O. Box 1095; Ferndale, CA 95536

707.786.4224 – phone
707.786.9314 – fax

CITY OF FERNDAL
Environmental Information Form

Date Filed 25 Sept, 2023
(To be completed by Applicant)

GENERAL INFORMATION

1. Name and address of developer or project sponsor: Doug & Ann Frank Trust
#491 "A" ST, FERNDAL 95536
2. Address of project: #514 SAND AVE, FERNDAL
Assessor's Block and Lot Number: 031-084-018
3. Name, address, and phone number of person to be contacted concerning this project: 207-498-1402
Doug Frank P.O. Box #1075 FERNDAL
4. Indicate number of the permit application for the project to which this form pertains: N/A
5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies: PERMITS IN
PLACE FOR NEW TOWNHOMES, DEMO. EXISTING
6. Existing zoning district: Neighborhoods - Commercial
7. Proposed use of site (project for which this form is filed): RESIDENTIAL / APART. TOWNHOMES

PROJECT DESCRIPTION

8. Site Size: 60' x 146' +/- (9510 #)
9. Square footage: FOOTPRINT, 3265 #
10. Number of floors of construction: Two
11. Number of off-street parking spaces provided: Four
12. Attach plans. ☒
13. Proposed scheduling (time line): Begin 12/23, Finish 8/24
14. Associated project: NO
15. Anticipated incremental development: NO
16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected. 4 UNITS
1458#, 1660#, 865#, 588#
17. If commercial, indicate the type, whether neighborhood-, city- or regionally-oriented, square footage of sales area, and loading facilities: N/A
18. If industrial, indicate type, estimated employment per shift, and loading facilities: N/A
19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project: N/A

City of Ferndale
P.O. Box 1095; Ferndale, CA 95536

707.786.4224 – phone
707.786.9314 – fax

20. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required.

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

Yes	No	
	<input checked="" type="checkbox"/>	21. Change in existing features of any bays, tidelands, beaches, lakes or hills, or substantial alteration of ground contours.
	<input checked="" type="checkbox"/>	22. Change in scenic views or vistas from existing residential areas or public lands or roads.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	23. Change in pattern, scale or character of general area of project.
	<input checked="" type="checkbox"/>	24. Significant amounts of solid waste or litter.
	<input checked="" type="checkbox"/>	25. Change in dust, ash, smoke, fumes or odors in vicinity.
	<input checked="" type="checkbox"/>	26. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns
	<input checked="" type="checkbox"/>	27. Substantial change in existing noise or vibration levels in the vicinity.
	<input checked="" type="checkbox"/>	28. Site on filled land or on slope of 10 percent or more.
	<input checked="" type="checkbox"/>	29. Use of disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.
	<input checked="" type="checkbox"/>	30. Substantial change in demand for municipal services (police, fire, water, sewage, etc.)
<input checked="" type="checkbox"/>		31. Substantially increased fossil fuel consumption (electricity, oil, natural gas, propane, etc.)
	<input checked="" type="checkbox"/>	32. Relationship to a larger project or series of projects.

ENVIRONMENTAL SETTING:

33. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or Polaroid photos will be accepted.
34. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.); intensity of land use (one-family, apartment houses, shops, department stores, etc.); and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted.

CERTIFICATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date 25 Sept, 2023 Signature D. Fink

For

Doug & Patti Frink
P.O. Box # 1072
Ferndale, Ca. 95536
707-498-1402

25 September, 2023

City of Ferndale
c/o Ms. Kristene Hall, City Clerk
534 Main Street, P.O. Box # 1095
Ferndale, California 95536

Re: Background information for the Project
at # 514 Shaw Avenue, Ferndale.

Dear Kris;

As you are aware, I have been working on plans and preparations for a residential multi-family project at # 514 Shaw Avenue, in Ferndale for well over a year. The attached application materials are submitted to support our conditional-use permit for the project.

We purchased the project / property in 2021, and during the COVID shut-down, we went through a remote Pre-Application Meeting, and several more consultations with City Staff and the contract planners of PlanWest. The submittal before you incorporates the recommendations and opinions that we gained from those meetings.

The project is located just West from Downtown Ferndale, directly across Shaw Avenue from the Ferndale Museum, to the North. The East side of the parcel is bounded by an alley utilized by Frontier Telecom, P.G.&E., and occasional maintenance vehicles associated with the Hadley Trust. Toward the South, the property is bounded by a greenbelt-parcel owned and maintained by the Hadley Trust. To the West, there is an older residence with a possibly unfinished ADU, which are apparently being improved, updated, and permitted to serve as a Bed & Breakfast compound.

Our plans include four residential units (3 new construction, and 1 rehabbed / new unit, near the street) which total about 4861 square feet of construction on two floors, along with some additional enclosed parking, storage, and mechanical space. The footprint of the building will total 3265 square feet. The ground-floor-unit in the newest portion of the project will be ADA accessible for older or handicapped tenants, as Ferndale has very few housing units to support such individuals. Extensive solar / electric capacity will be included in & on the building, and it is our plan to include the costs of most utilities in the base rent for each of the units. Anticipated monthly rates for the units remain uncertain, as construction costs continue to escalate with each passing month.

-page two-

After our Pre-Development consultations, we believe that all pertinent building setbacks have been adjusted to conform with PlanWest recommendations, and that access & parking requirements are satisfied. The planners had expressed a desire to keep all parking behind the structure, but confines of the parcel convinced us to locate one "screened-parking-place" at the front of the residences. There are countless examples of such parking arrangements in the Commercial areas of Ferndale, and many also exist in Residential zones.

Along with the salvageable portion of the existing home on the parcel, many original plantings were saved. We are making an effort to tie-in details of all new construction, as much as is practical, with the older architecture. Approximately 1700 square feet of very-poorly-built space was demolished and removed (toward the rear of the lot), because it was well-beyond repair. Much of the ancient redwood material from those old additions was salvaged for reuse. New foundations for the remaining portion of the old structure, and new perimeter / property-line fences have recently been completed. Planting of new landscaping has begun, and will continue through the project.

Please keep me posted regarding all clarifications or questions regarding this undertaking. As always, I appreciate your help.

All the very best,

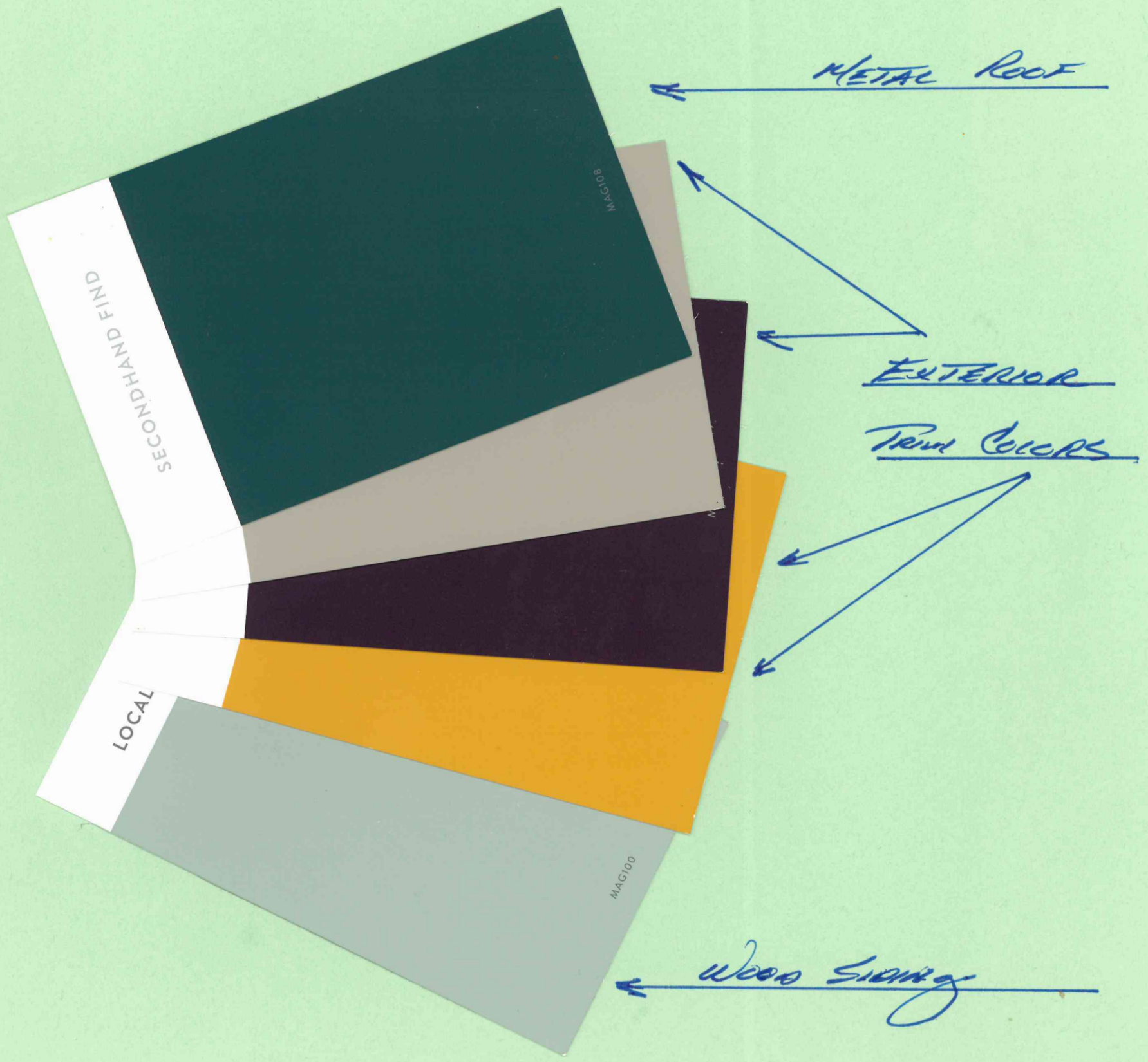


Doug Frink

#514 SHAW AVE., FERNDALE

Denny & Patti Frank, OWNERS

"PROPOSED EXTERIOR COLORS"





Michelle Nielsen <michellen@planwestpartners.com>

Use Permit UP2312, Comment letter

[REDACTED]
To: Michelle Nielsen <michellen@planwestpartners.com>

Fri, Nov 3, 2023 at 9:35 AM

Hi Michelle,

I am just now reading your email of 10/28, as I have been away, and out of my "e mail loop". I will forward your comments to Sarah Atkins right away, but will not have the specific changes you have requested back to you until early next week. Regarding several of the points you have raised, I am offering the following written comments... [1] I have discussed the landscape plantings and the use of native varieties with Katie, and a revised landscape plan which you will receive clearly shows those adjustments, made with her suggestions; [2] The single parking spot near the front of the parcel will be 10 ft. min. width, x 20 ft. in length. It could easily be surfaced with crushed rock as well, to facilitate soil percolation, and will be clearly dimensioned on the site plan revision; [3] The metal-roofing proposed will meet & exceed all building and fire codes, and it will add substantial fire-resistance to the structure. This material will also facilitate the secure and leak-proof mounting of our rooftop solar panels. [4] The new roof overhangs should be "scale able" on the elevation drawings, but in all cases, they will not be less than 16" in width. Some overhang on the existing (historic) portion of the construction are less than that, and these will likely not be modified.

I hope that this time schedule gives you ample time to facilitate the scheduled "design review" meeting in November, and I trust that COVID has past in your household. I will be in touch the first of next week. Thanks again, for all your help moving our project along in a timely manner.

All the very best, Doug Frink.

Section 7: BUSINESS

Meeting Date: January 10, 2024				Agenda Item Number:		
Agenda Item Title: Ferndale Local Road Safety Plan						
Presented By: Contract City Planner						
Type of Item:		Action	X	Discussion	X	Information
Action Required:	X	No Action		Voice Vote		Roll Call Vote

STAFF RECOMMENDATION:

That the Planning Commission receive staff report, accept public comment and provide direction.

DISCUSSION:**What is a Local Road Safety Plan and Why is it Important?**

A Local Road Safety Plan (LRSP) is a comprehensive framework essential for coordinating stakeholders for the identification, analysis and prioritization of safety improvements on local and rural roads. This plan is required for agencies aiming to secure Caltrans Highway Safety Improvement Program (HSIP) funds for transportation system improvements. LRSP's employ a systemic analysis and a proactive approach that evaluates a region or citywide roadway network based on context-driven criteria and collision data. The LRSP focuses on achieving zero fatalities and severe injuries through a Safe System approach, which includes enhancing the safety of vehicles, road users, speeds, road design and can incorporate measures to improve bike and pedestrian safety. This strategic focus helps agencies to build a holistic response to address road safety challenges, making the LRSP a critical tool for improving overall road safety.

BACKGROUND

The City of Ferndale applied for and received funding from Caltrans to develop the LRSP. The LRSP is a strategic approach to identify and address road safety issues within Ferndale that will be a "living document" that can be updated over time. It involves comprehensive analysis of traffic data, accident reports and community input to create a safer and more efficient transportation environment.

The LRSP's development was initiated to ensure the City is eligible for potential future funding opportunities to improve road safety, particularly in areas with elevated incidences of traffic incidents. The plan integrates data sources, including crash statistics, public input, road usage patterns, and demographic information to identify key areas of concern. Throughout its development, the plan is subject to review by traffic safety experts, city planners and public safety officials among others. The LRSP reflects Ferndale's dedication to adopting proactive measures for road safety, in line with state and federal guidelines. The plan also serves as a critical tool for securing future funding for road safety projects, ensuring Ferndale's streets remain safe for all users.

Current Data Analysis

The current data compiled in the LRSP includes traffic accident reports, road usage statistics, and demographic information. This data has revealed specific areas prone to accidents and traffic inefficiencies. However, to enhance the effectiveness of the LRSP, can include a more comprehensive data collection from Ferndale residents. Future data from outreach and a crowdsourcing campaign will provide deeper insights into the behaviors and patterns of road users. This expanded dataset will enable more targeted and effective safety improvements.

Funding and Eligibility for Additional Resources

The LRSP positions Ferndale to be eligible for various types of funding, particularly from sources like the Highway Safety Improvement Program (HSIP). By demonstrating a comprehensive and proactive approach to road safety, the city enhances its prospects for securing financial support for future safety projects.

Draft Mission Statement: *“Ferndale’s transportation strategy prioritizes the elimination of severe traffic injuries and fatalities, while concurrently advancing equitable, healthy and safe transportation for all.”*

Goals

1. Create a safe, livable, healthy and welcoming community by developing a roadway safety plan that targets Ferndale’s transportation and roadway safety needs.
2. Reduce fatal and injury collisions Citywide by increased maintenance, grant-funded projects and increased education and enforcement.
3. Identify cost-effective countermeasures and safety investments that can be applied systemically.
4. Reduce hit object and lane departure collisions by implementing safety countermeasures and strategies.
5. Improve multimodal transportation safety by expanding the City’s opportunities for non-motorized transportation infrastructure.
6. Improve safety around schools by increasing multimodal infrastructure, enhanced crossings, education and enforcement.
7. Reduce speeding and improper turning-related collisions through engineering, enforcement, emerging technologies and education strategies.

Proposed Next Steps

1. **Form a Stakeholder Working Group:** Assemble a group of diverse stakeholders, including city officials, the city engineer, local law enforcement, community representatives and others to oversee the LRSP’s development Q-1 or Q-2 2024.
2. **Public Outreach and Data Collection:** Conduct a robust public outreach campaign to gather additional input and data.
3. **Identifying Funding Sources:** Explore various funding sources, including federal and state grants, to support the implementation of the LRSP.
4. **Developing a Roadmap:** Create a detailed implementation roadmap outlining key milestones, responsibilities, and timelines.
5. **Continuous Update and Improvement:** Ensure the LRSP remains a living document, adapting to changing needs and incorporating new data.

Business Item 7.2- Building and Land Use Permits

<i>BUSINESS ITEM</i>		<i>November 30, 2023 – January 3, 2024</i>
<i>Building Permits</i>		
B2346	685 5 th Street	Tank Set

NOTE: Staff will bring the Building Permit Book to the Planning Commission meetings so that any of the commissioners, or public, can view any permits that have been issued.

Section 8: CORRESPONDENCE

Section 9: COMMISSIONER COMMENTS

Section 10: STAFF REPORTS

Section 11: ADJOURNMENT