

MEETING DATE: April 23, 2014

PREPARED BY: Teresa Spade

PRESENTED BY: Teresa Spade

## AGENDA ITEM SUMMARY REPORT

**APPLICATION NO.:** Design Review 1-14; 3-10-2014

**OWNER/APPLICANT:** North Coast Brewing Company

**AGENT:** Bobby Bednar

**REQUEST:** Enclose an existing patio on the north side of the restaurant building. The enclosure would be approximately ten to eleven feet in height and designed and painted to match the existing building.

**LOCATION:** 444 North Main Street

**APN:** 008-056-16

**ZONING:** Central Business District

**ENVIRONMENTAL DETERMINATION:** Project is Categorically Exempt from CEQA, Class 1(a),(e) for existing structures.

**SURROUNDING LAND USES:**

NORTH: Self-Serve Car Wash – Highway Visitor Commercial (CH)

EAST: Real Estate Office, Residence, Project Sanctuary – Central Business District (CBD)

SOUTH: Historic Masonic Building- Retail – Central Business District (CBD)

WEST: North Coast Brewing Company Brewery – Central Business District (CBD)

**APPEALABLE PROJECT:**  **Can be appealed to City Council**

**Can be appealed to California Coastal Commission**

## PAST APPLICATIONS

SA 5-87. Site and architectural review to allow conversion of offices to a brewpub and restaurant.

CDP 13-93/SCR 3-93. Coastal Development Permit and Scenic Corridor Review to allow construction of a 13,151 SF beer manufacturing and retail sales building.

SCR/SA 14-01. Scenic Corridor and Site Architectural Review Permit to allow expansion of an existing restaurant, new trash enclosures, relocation of a propane tank, reconfiguration of a parking lot.

SCR/SA 14-02. Amendment to SCR/SA 14-01 to authorize modification in approved siding material.

## PROJECT DESCRIPTION

The applicant would like to enclose an existing patio area to provide additional enclosed restaurant seating. The proposed change would add 320 square feet of indoor seating area to the restaurant. The applicant has proposed exterior molding and siding detail that will match the existing structure's details. The new enclosed serving area will be within the confines of the existing fenced garden area.

## CONSISTENCY WITH PLANNING POLICIES

**Land Use.** Restaurants are principally permitted in the Central Business District.

**Zoning Standards.** The proposed project complies with all required zoning standards for the Central Business District (CBD). The existing building is legally conforming in size and location, and the proposed enclosure meets setback and height requirements.

**Parking.** The enclosed patio would add seating to the restaurant. In 1997, the surrounding garden area was enclosed and developed, and this included outdoor seating in the area that would be enclosed by the proposed enclosed patio. At that time, the applicant indicated that such seating would only be used at times when the dining room would not be utilized. In 2001, an expansion of 1,442 sf was approved for the facility; the expansion was to result in the elimination of the subject outdoor seating.

There are currently 142 indoor seats between the dining area, bar, and expansion area. A total of one parking space is required per every eight seats, so 18 parking spaces are required for existing seating. Five spaces are reserved for the brewery across the street, bringing the total number of required parking spaces to 23. There are currently 27 parking spaces present, allowing for the additional 20 seats proposed in the patio enclosure.

Disabled Parking - Section 18.36.050 of the Inland Land Use and Development Code (ILUDC) outlines requirements for numbers of disabled parking spaces, indicating that one parking space is required within a parking lot with less than 26 spaces. One ADA parking space is present.

Bicycle Parking – ILUDC Section 18.36.060 requires that bicycle spaces equal to 5% of vehicle spaces are installed. Thus for this project one bicycle parking space is required. Special Condition 1 is included to require the installation of bicycle parking.

**Special Condition 1:** The applicant shall install one bicycle rack, which will accommodate at least one parked bicycle, prior to final of the building permit.

**Cultural Resources.** The existing patio is paved and the pavement will not be removed. Ground disturbance will be limited to new footings within an area previously disturbed when the patio was constructed. Standard Condition Number 6 is included, which requires that ground disturbing activities immediately cease should resources be discovered, and appropriate steps be taken to assure cultural resources are protected.

**Public Access.** The project is not in an area used by the public to access coastal resources and therefore will not interfere with public access to coastal resources.

**Adequacy of water supply, sewage disposal, solid waste, and public roadway capacity.** The project will result in approval of additional seating, which will increase water use, sewage disposal, solid waste, and traffic on public roadways.

Increases in traffic are expected to be insignificant and do not warrant a traffic study. Solid waste disposal is accommodated on site by the existing dumpsters, which are expected to be sufficient to address the additional solid waste disposal needs expected as a result of the addition.

Water and sewer capacity fees will apply to this project. Special Condition 2 is recommended to require payment of capacity fees prior to issuance of the building permit:

**Special Condition 2:** Prior to issuance of the building permit, water and sewer capacity fees required for the 320 square foot dining room addition shall be paid by the applicant.

**Geologic, Flood, and Fire Hazard.** Proposed development is located on a flat, developed lot. The project would not result in or be subject to erosion hazards.

The proposed development is not located in an area subject to tsunami inundation according to maps provided by the California Department of Conservation.

According to Federal Emergency Management Agency (FEMA) flood insurance maps, the project site is located outside the 500-year flood plains associated with Pudding Creek and the Noyo River. No flooding concerns are raised relative to the project.

Any hazards associated with earthquakes will be addressed by the building permit process under the authority of the California Building Code.

The project was referred to the Fort Bragg Fire Department for comments. The Fire Marshall indicated that an automatic fire sprinkler system is required. This requirement will be included as a part of the building permit process.

**Air Quality.** The project includes demolition of commercial structures and is subject to Air Quality notification requirements for asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) requirements. Notification is required as a part of the building permit process.

**Design Review.** The project includes commercial structures and therefore requires Design Review per Section 18.71.050 of the ILUDC. The existing façade and patio are illustrated in Figures 4 and 5. The proposed enclosed dining room to replace the patio is illustrated in Figure 6. The proposed project meets all of the following Design Review criteria.

**Project Review Criteria.** The review authority shall evaluate each application to ensure that the project:

**1. Complies with the purpose and requirements of this Section.**

As conditioned, the project complies with Design Review project review criteria.

**2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community.**

The proposed addition would be designed to match the existing exterior materials and colors, and the massing and scale are appropriate for the site and the surrounding development.

**3. Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.**

The addition would occur in the footprint of the existing patio and would therefore increase the articulation and visual interest of the existing building. The layout and design is appropriate for the site and the existing building. The garden area would be retained and is already well-landscaped and fenced, and no new signs are proposed. New exterior lighting would be limited to lighting required outside the doors for egress.

**4. Provides efficient and safe public access, circulation, and parking.**

A new exterior doorway would accommodate access to the exterior of the building from the addition, into the garden. Parking and circulation would not be changed. The addition of a bicycle rack to accommodate bicycle parking will increase safe public access to the building for cyclists.

**5. Provides appropriate open space and landscaping, including the use of water efficient landscaping.**

The existing landscaped garden would be retained and appears to be composed primarily of drought tolerant native plants.

**6. Is consistent with the General Plan.**

The project is consistent with the General Plan as it is an expansion of a visitor serving use in the Central Business District.

**7. Complies and is consistent with the City's Design Guidelines.**

The enclosure would be open to the dining room and would feature expansive windows and glass doors.

The architectural form and composition for roofs and rooflines is discussed in the City's Design Guidelines on page 2-9. Accordingly, the design of roofs and rooflines should provide visual interest from the streets below and should complement the overall façade composition. The existing roof for the main part of the building is flat with a wood shingled sloped façade roof around the edges. Some windows and doorways facing the street are also adorned with shingled overhangs. The proposed addition would have a flat roof with no shingled adornment. The new roof features modillions under the eaves that tie the addition in with the flat roofed portico to the front of the structure. A little slope to the roof would add some interest. Special Condition 3 is recommended to assure the proposed glass doors and windows are non-reflective:

**Special Condition 3:** Building plans submitted for building permit approval shall specify non-reflective glass for the new windows and doors.

**Environmental Determination.** The project is Categorically Exempt from the California Environmental Quality Act (CEQA), meeting the Class 1 (California Code of Regulations, Title 14, Chapter 3, §15301) exemption for existing structures.

## **PLANNING COMMISSION ACTION**

1. Hold a hearing on the *Design Review*, close the hearing, deliberate, and make a decision regarding the permits at this Planning Commission meeting.

## **ALTERNATIVE ACTION**

2. Hold a hearing, close the hearing, deliberate without a decision, and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.
3. Hold the hearing, and continue the hearing to a date certain if there is insufficient time to obtain all input from all interested parties. At the date certain the Commission may then deliberate and make a decision.

## **RECOMMENDATION**

Staff recommends approval of **Design Review 1-14 (DR 1-14)** for the project based on the following findings and subject to the conditions cited below:

### **GENERAL FINDINGS**

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Inland Land Use and Development Code (ILUDC) and the Fort Bragg Municipal Code;
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located; and
4. For the purposes of environmental determination, the project is exempt from CEQA, pursuant to the California Environmental Quality Act (CEQA) 15301.

### **DESIGN REVIEW FINDINGS**

1. The project complies with the purpose and requirements of ILUDC Section 18.71.050 Design Review;
2. The project provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
3. The project provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
4. The project provides efficient and safe public access, circulation, and parking;
5. The project provides appropriate open space and landscaping, including the use of water efficient landscaping;
6. The project is consistent with the General Plan; and
7. The project complies and is consistent with the Citywide Design Guidelines.

## **SPECIAL CONDITIONS**

1. The applicant shall install one bicycle rack, which will accommodate at least one parked bicycle, prior to final of the building permit.
2. Prior to issuance of the building permit, water and sewer capacity fees required for the 320 square foot dining room addition shall be paid by the applicant.
3. Building plans submitted for building permit approval shall specify non-reflective glass for the new windows and doors.

## **STANDARD CONDITIONS**

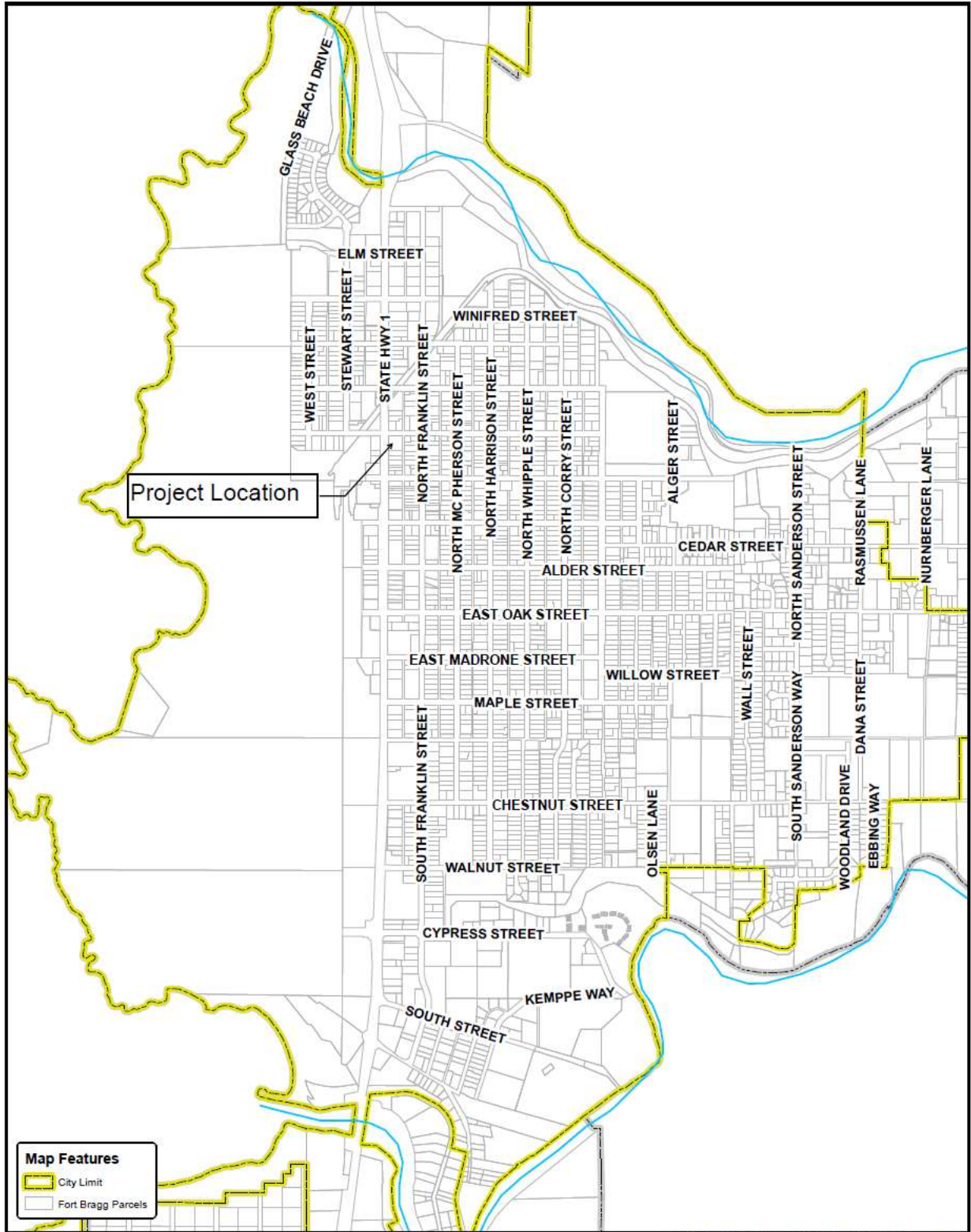
1. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal to the City Council is filed pursuant to ILUDC Chapter 18.92 - Appeals.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the ILUDC.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 25 feet of the discovery; 2) notify the Fort Bragg Community Development Department within 24 hours of the discovery; and 3) retain a professional archaeologist to determine appropriate action in consultation with stakeholders such as Native American groups that have ties to the area.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - (a) That such permit was obtained or extended by fraud.
  - (b) That one or more of the conditions upon which such permit was granted have been violated.
  - (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
  - (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
8. Unless a condition of approval or other provision of the Land Use and Development Code establishes a different time limit, any permit or approval not exercised within

24 months of approval shall expire and become void, except where an extension of time is approved in compliance with ILUDC Subsection 18.76.070B.

**ATTACHMENTS**

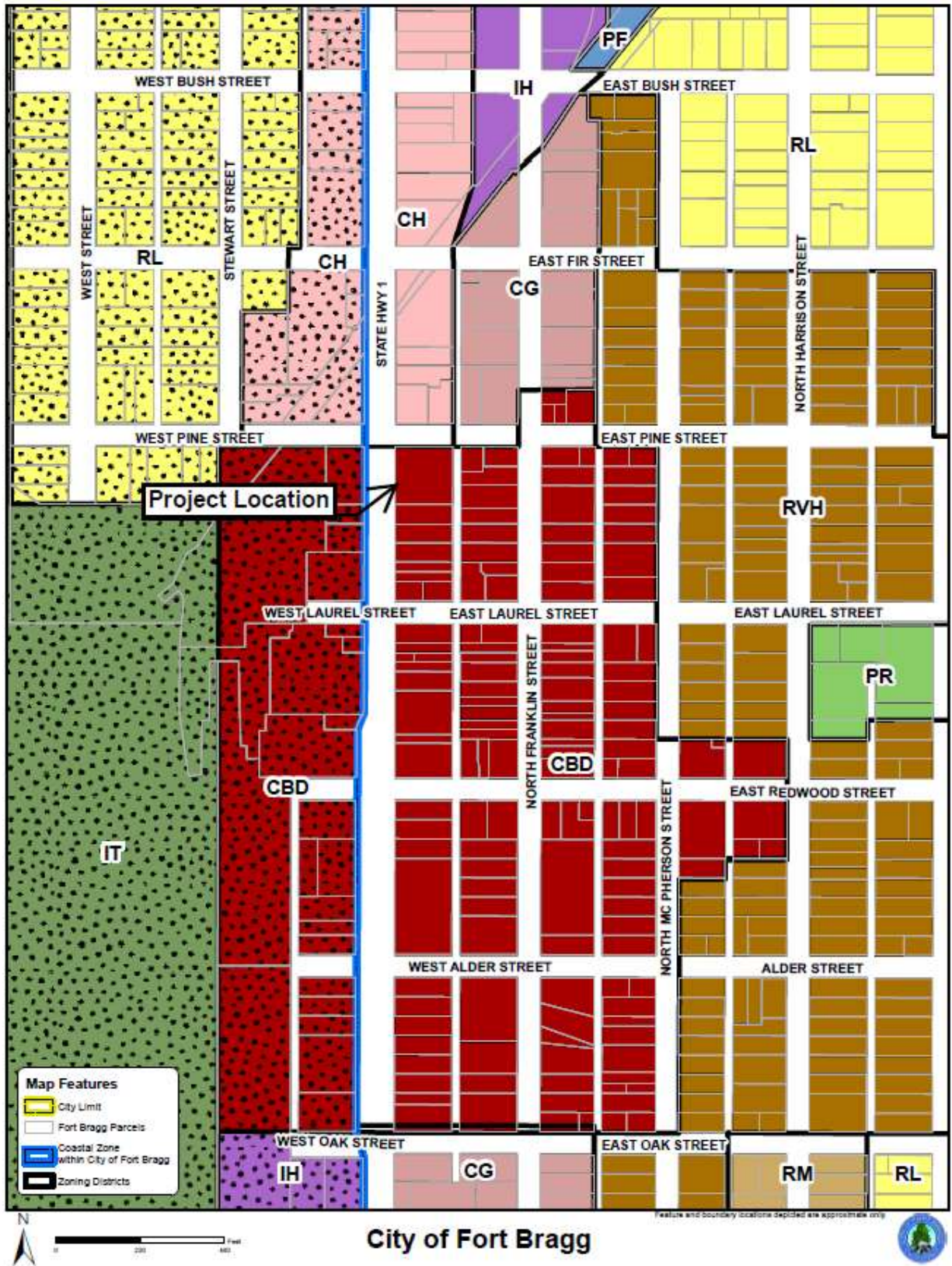
1. Site Location Map
2. Zoning Map
3. Site Plan
4. Existing Patio from Front
5. Existing Patio from Side
6. Proposed Enclosure from Front and Side



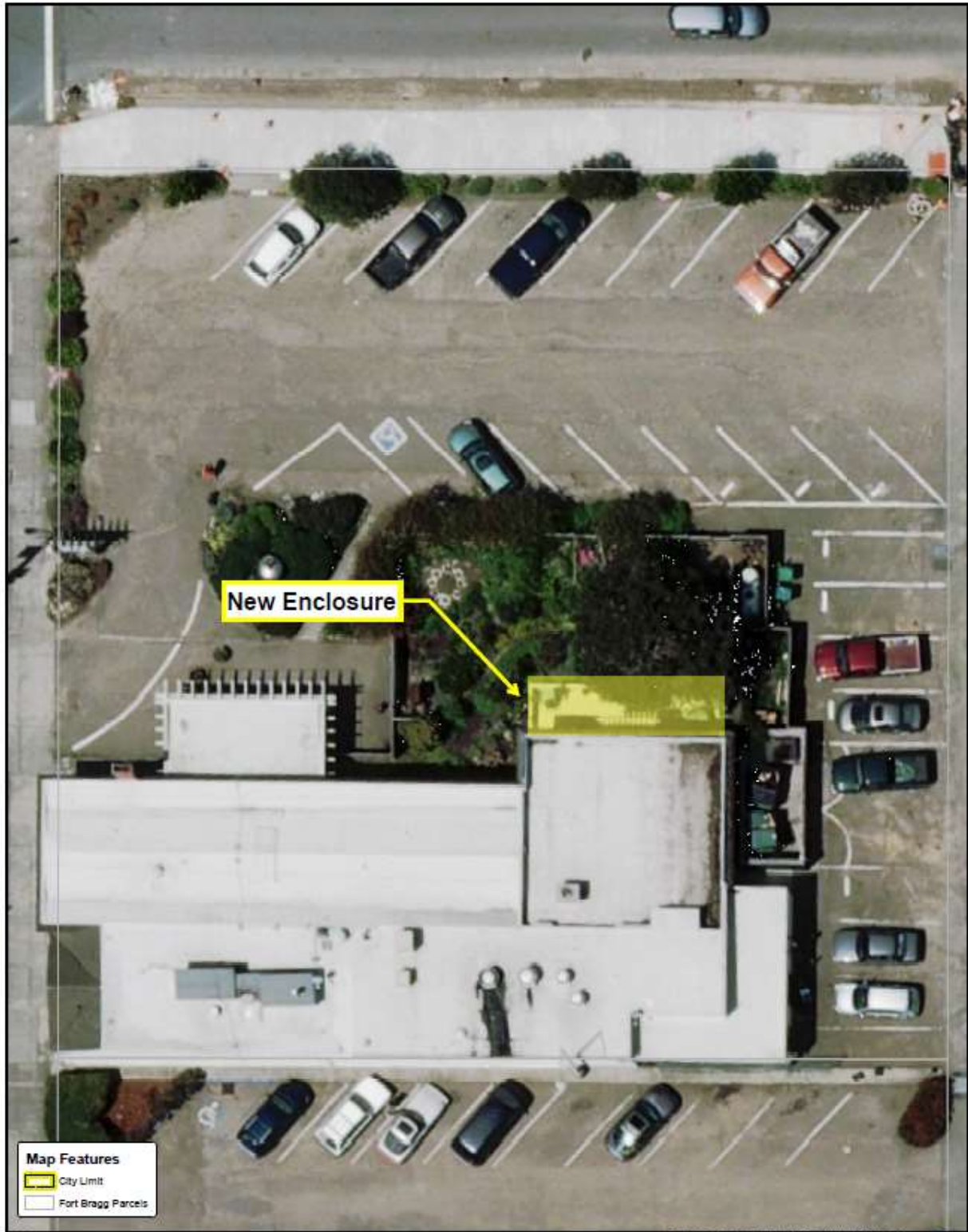


**City of Fort Bragg**

**Attachment 1: Site Location Map**



Attachment 2: Zoning Map



**Attachment 3: Site Plan**



**Attachment 4:** Existing Patio from Front



**Attachment 5:** Existing Patio from Side



**Attachment 6:** Proposed Enclosure from Front and Side