



HEARING BODY: Planning Commission
MEETING DATE: July 27, 2022
PREPARED BY: H. Gurewitz
PRESENTED BY: H. Gurewitz

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Use Permit 3-22 (UP 3-22)

OWNER: Petersen and Sons LLC (current)/ Tall Man Brewing Inc. (Pending)

APPLICANT: Terrence Patrick Broderick

AGENT: N/A

PROJECT: Establish a Brewery/Restaurant in an existing building

LOCATION: 362 N. Franklin St.

APN: 008-154-01

LOT SIZE: 0.18 acre

ZONING: Central Business District (CBD)

ENVIRONMENTAL DETERMINATION: The proposed project is exempt from CEQA under CEQA Guidelines 15301 Existing Facilities

SURROUNDING LAND USES:
NORTH: City Hall and Gym
EAST: Public Parking Lot and Footlighters Building
SOUTH: Retail stores
WEST: Retail stores

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

PROJECT DESCRIPTION

The proposed project would establish a brewery/restaurant at 362 N. Franklin St. in an existing 7,084 square foot building. The building would be used as follows:

Activity	Square Footage
Restaurant and Bar	3,194 sq ft
Brewery/production area	2,187 sq ft
Staff offices/lab	291 sq ft
Food Preparation Area	128 sq ft
Walk-In Cooler	593 sq ft
Hallways/circulation and restrooms	691 sq ft
Total	7,084 sq ft

Beer will be produced and sold for consumption onsite only and would not be packaged for sale offsite. The project applicant anticipates an annual production of 500-700 barrels of beer annually, using 46,500 - 65,100 gallons of water per year for brewing beer. There would be approximately 96 seats in the bar/restaurant portion of the brewery.

Limited food service would include a hot dog/sausage/veggie dog rotisserie and potentially pre-made pizza which arrives frozen and is reheated in a small counter-top oven provided by the manufacturer. Food preparation may also include “pop up” food service by outside food vendors.

The proposed operating hours would be Monday through Friday 4:00-8:00 pm, Saturday 12:00-9:00pm, and Sunday 12:00-8:00 pm during the winter and 12:00 pm – 9:00 pm daily in the summer months.

Staffing throughout the year would likely range from eight (8) full time employees in the slower months to 12 employees in the high season. The applicant projects a maximum of 100 patrons at one time during peak hours during peak season. Operations would include live music and the retail sale of merchandise such as T-shirts, hoodies, hats, etc.

The proposed project would change the exterior by repainting the building, adding cosmetic wood paneling below the windows on the façade, adding new signage, and adding benches and planters on the sidewalk however these are all minor and incidental and will be reviewed administratively when the design is final. Additionally, there will be a refrigeration unit, a stack for the brew kettle, and a brew house fan mounted on the roof of the building, but not visible from public right of way.

View of the Building in 1908:



View of the Building in 1942 (post fire):



View of Building at Present:



Proposed Signage:



Note: Sign plans are preliminary and a complete sign permit application in compliance with ILUDC Chapter 18.36 will be required prior to sign permit approval. Preliminary design is still being revised and will be reviewed administratively as it will be limited to cosmetic work.

GENERAL PLAN CONSISTENCY

The proposed project is a brewery/restaurant which is proposed for 362 N. Franklin St. The General Plan designation for this parcel is Central Business District (CBD). CBD applies to the core of the downtown, which is the civic, cultural, and commercial center of the

community. Uses and site development patterns in the Central Business District are typically pedestrian-oriented. This designation is intended to accommodate government and professional offices, retail stores, theaters, and other similar uses. A brewery/restaurant is consistent with the retail/commercial aspect of this district.

Land Use Element

The proposed project is consistent with both the land use designation of the General Plan and with the goals, policies, and programs in the Land Use Element. In particular, the proposed project is consistent with Land Use Policy LU-3.6 Re-Use of Existing Buildings: Encourage the adaptive re-use and more complete utilization of buildings in the Central Business District and other commercial districts.

Public Facilities Element

There are several applicable policies in the public facilities element, including Policy PF-1.1 *Review new development proposals to ensure that the development can be served with adequate potable water; wastewater collection, treatment, and disposal; storm drainage; fire and emergency medical response; police protection; transportation; schools; and solid waste collection and disposal*, Policy PF-1.2 *All new development proposals shall be reviewed and conditioned to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses*, and Public Facilities Policy PF-2.1 *Require that new development pay its share of capital improvements and the cost of public services to maintain adequate levels of service*.

The City's Public Works Department, Police Department, and Fire Department reviewed the proposed project. Infrastructure, transportation, fire, and police comments are discussed in the context of the appropriate general plan element analyses below.

Water and Wastewater

The proposed project was reviewed by Public Works to assess the potential impacts of the project on the City's Water and Wastewater System. The projected water use associated with this business is equivalent to approximately two (2) single-family homes and a sewer equivalent of three (3) homes when strictly evaluated by volume. There is sufficient capacity in the City's water distribution system and sewer collection system to support the project. The applicant proposes to utilize protocol to divert brewing waste stream from the drains, collect tank cleaning detergents and re-use rinse water, limiting water consumption and reducing over-all water use.

There is sufficient capacity in the City's water distribution system and sewer collection system to support the project. Public Works identified a number of conditions and requirements that are needed to ensure that the proposed project does not create a burden on the City's water/sewer system. These include:

- The applicant shall work with the City of Fort Bragg Public Works Department to establish a Wastewater Discharge Agreement in accordance with Municipal Code Chapter 14.16.

- Limit total beer production to 1,000 barrels of beer annually. In the event that Brewery expands their operations beyond the 1,000-barrel brewing system, the applicants shall submit a new use permit application to the Community Development Department for modification to the facility's barrel production limitation.
- Project construction shall meet or exceed minimum requirements listed in 14.06.080 of the Fort Bragg Municipal Code for installation of best available technologies for water savings and sewage treatment methods.
- If the business plan is modified, to include a kitchen for full service food preparation, capacity fees shall be re-calculated at that time to include the increased impact to the water system and sewer effluent.

In order to capture the requirements of the Public Works department, the following condition has been established:

CONDITION #1: The proposed project shall comply with all requirements and conditions established in the July 7, 2022 Memo from Public Works to Community Development. (See ATTACHMENT 2)

Public Facilities Policy PF-2.1 requires that new development pay its share of capital improvements and the cost of public services to maintain adequate levels of service. The capacity fees for this project estimated by the Public Works Department are \$30,240. However, in accordance with Resolution 4564-2022 and ID Resolution 467-2022 these fees are waived for new or expanding businesses in the Central Business District consistent with both long term and current district revitalization plans.

Conservation, Open Space, Energy, and Parks Element

There are no goals, policies, or programs in this element to which this project is specifically consistent or in conflict with.

Circulation Element

The proposed project would be located at 362 N. Franklin and will re-use an existing building. While the business may increase the number of visitors to downtown, most are expected to be visiting other downtown businesses and offices at the same time. Given the size of the proposed project in the context of the existing conditions in the CBD, it is not expected that the proposed project would result in high traffic volumes that would affect level of service, and thus a traffic study was not required for this project.

The proposed business would have a pedestrian entrance on Franklin St. in accordance with Circulation Policy C-5.2. Additionally, the benches and planters will add to the pedestrian-oriented corridor. However, to ensure that the planters/benches do not inhibit circulation, the following condition was added:

CONDITION #8: The applicant shall file a street furniture encroachment permit application for any proposed sidewalk furniture or flower pots to be placed in the public right of way.

The placement of furniture shall leave a minimum of a four (4) foot wide path of travel between the tree and trash can on the west side of the sidewalk and the placement of any furniture/flower pots on the east side of the sidewalk. Nothing should be placed on the sidewalk directly across from the trashcan or existing street tree.

Community Design Element

The proposed project will re-use an existing building that was used for retail (first a market then Sears) for over 100 years. A brewery/restaurant would be consistent with Policy CD-2.1 Facilitate the adaptive reuse of existing older buildings in the Central Business District. Further, as the business will not provide onsite parking it will encourage pedestrian movement and activity in the Central Business District in accordance with Policy CD-2.2.

The re-use of this building will also provide eight (8) year round jobs and four (4) additional seasonal jobs, which will support the economic diversity and vitality of downtown businesses. There is an existing brewery and taproom in downtown, however, the proposed menu and style of business is different enough from existing businesses in the downtown area that it will create diversity.

Safety Element

In accordance with Policy SF-4.1 the proposed project was reviewed by the City of Fort Bragg Fire Protection Authority and comments were provided (see ATTACHMENT 3). In order to ensure that the proposed project reduces the probability of fire, the following condition has been established:

CONDITION #2: The proposed project shall comply with the requirements and conditions established by the Fort Bragg Fire Protection Authority in the June 7, 2022 Plan Review.

Additionally, in the event that the business will store, transport, or treat hazardous substances that could be released into the environment, the following condition has been established in accordance with Program SF-7.1.3:

CONDITION #3: The Fire Protection Authority shall be notified of all hazardous substances that are transported, stored, treated, or could be released accidentally into the environment.

In accordance with Policy SF-5.1, the proposed project was reviewed by the City of Fort Bragg Police Department, who did not provide any comments or express concerns.

Noise Element

The proposed project is located in the Central Business District. In accordance with Policy N-1.5, for new non-transportation noise generators, Table N-5 describes the maximum noise level at the nearest residential property line:

**TABLE N-5
NOISE LEVEL PERFORMANCE STANDARDS FOR NEW PROJECTS AFFECTED BY OR INCLUDING
NON-TRANSPORTATION NOISE SOURCES**

Noise Level Descriptor	Daytime (7 A.M. to 10 P.M.)	Nighttime (10 P.M. to 7 A.M.)
Hourly Leq dB	55	45
Maximum level, dB	75	65

Note: These noise levels apply to the residential property line nearest the project. Each of the noise levels shall be lowered by five dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g., caretaker dwellings).

With the exception of the roof mounted refrigeration unit and brew house fan, all noise generating equipment would be contained within the brewery. In accordance with the ILUDC, screening will be required for the roof-mounted equipment. The nearest residence is across the alley and 50 feet from property line to property line. With screening, it is unlikely that the refrigeration unit would increase noise at a detectable level in accordance with Policy N-1.6.

However, to ensure that roof mounted equipment does not generate high levels of noise; the following condition has been established:

CONDITION #4: All roof mounted equipment shall use the best available technology to limit noise output. Roof mounted equipment shall be screened in compliance with ILUDC §18.30.050(F)(2).

The proposed project would host live music in the restaurant and should not have any impacts on residential properties. However, to ensure that the proposed business does not result in excess noise and to ensure compliance with Policy N-1.6, the following condition is established:

CONDITION #5: If amplified music is played it shall not exceed 75 decibels from the sidewalk in the front of the building. Amplified music shall not be played after 10:00 pm. Doors and windows shall remain closed while amplified music is being played.

CONDITION #11: Operating hours of the business shall be limited to 10:00 am to 11:00 pm. A new use permit application shall be submitted if the applicant wishes to extend beyond these hours.

Sustainability Element

The proposed project includes water and wastewater reduction protocol as noted in the projects application (see ATTACHMENT 1). Additionally, the restaurant service will be limited to food that will not require a significant amount of water such as pretzels, hot dogs, and frozen pizza. This is in accordance with Policy S-3.1 to minimize the use of water in new and existing development. The proposed project includes plans for recycling and composting of waste materials, which would be consistent with Policy S-4.1 and Policy S-4.2.

Based on the above analysis, the proposed project would comply with the City of Fort Bragg Inland General Plan.

CONSISTENCY WITH LAND USE CODE

Purpose

The proposed project location would be in the Central Business District (CBD). The purpose of the CBD in the ILUDC is identified as *the downtown, which is the civic, cultural, and commercial center of the City. The CBD zone is intended to accommodate retail stores, government and professional offices, theaters, and other similar and related uses in the context of pedestrian-oriented development.*

Zoning and Land Use

The proposed use would be a brewery/restaurant, which is allowable with a Use Permit in the Central Business District and consistent with commercial activity. The proposed business would have a pedestrian facing storefront on Franklin St. and no added parking. The concept of the brewery/restaurant, as well as being an allowable use may provide a location for entertainment and gathering.

Site Planning and Design

Screening

The proposed project includes roof-mounted equipment, which requires screening. Thus, the following condition has been established:

CONDITION #4: All roof-mounted equipment shall use the best available technology to limit noise output. Roof mounted equipment shall be screened in compliance with ILUDC §18.30.050(F)(2).

Performance Standards

As the project includes the use of a propane tank on site, the following condition is established to ensure that the project complies with 18.30.090C Combustibles and explosives:

CONDITION #6: The use, handling, storage, and transportation of combustibles and explosives shall comply with Title 24 of the California Code of Regulations.

Further, because the project is a brewery and will have liquid waste, the Public Works Memo lists several requirements for potential illicit discharge planning and reporting. **Special Condition #1** ensures that the project complies with 18.30.090H.

The applicant anticipates live music on site, which would provide entertainment, but could cause excess noise. Thus, to ensure that the project complies with 18.30.090I Noise, the following condition has been established:

CONDITION #5: If amplified music is played it shall not exceed 75 decibels from the sidewalk in the front of the building and may not be played after 10:00 pm. Doors and windows shall remain closed while amplified music is playing.

Odors are subjective. Smells that are pleasant to some are noxious to others. While it is not anticipated that the proposed business will create odors or fumes that are obnoxious as noted in 18.30.090J, should there be future complaints regarding odors, they will be addressed by code enforcement and no special conditions are necessary.

Solid Waste/Recyclable Materials/Compost

The proposed project is located on a fully built site. There is no room on the lot to put an outdoor enclosure for solid waste storage in compliance with 18.30.110D. In order to comply with this code section, the following condition was established:

Condition #7: Waste will be stored in fully enclosed containers on-site and placed in the alley no more than 14 hours prior to planned waste collection. Placement of containers for collection shall not impede vehicle traffic in the alley or parking spaces on the opposite side of the alley.

Landscaping

No landscaping is proposed as part of the project as the entirety of the lot is covered by the structure. However, the applicant is proposing street furniture and window boxes (see Attachment 1). To ensure that the proposed project complies with the ILUDC, the following **Special Condition #8** discussed above was established.

Parking & Loading

The Table 3-8 in §18.36.080 of the ILUDC has specific standards for parking in the Central Business District. It requires one (1) parking space for every 400 square feet of dining area and one (1) parking space for every 1,000 square feet of production. Additionally, the code requires one (1) parking space for every 600 square feet of office. Based on the code requirements, the project would require 12 off-street parking spaces.

However, the proposed project would be located in an existing building on a site that is fully developed. There is no physical space to add parking lot without tearing down the existing building. The ILUDC 18.36.080(C)(3) allows the approval authority to waive the parking requirements if the owner of the subject property pays a parking in-lieu fee to the City. Staff recommends the waiver of the parking requirement as the project site is located within 500 feet of three public parking lots with a total of 83 off-street parking

spaces (not including ADA and EV parking). Two of these lots (City Hall and Footlighters) are primarily used by City staff parking during the day and residents at night. On-street parking on Franklin St. and Laurel St. would also be used by patrons of the business. The applicant projects that peak hours for the business will occur on weekends and towards the end of the business day when City Hall is closed which may provide sufficient parking capacity for the business. Additionally, no parking in-lieu fee is due for parking waivers in the Central Business District, as this has been waived through resolution annually since 2012.

While project would likely increase demand for parking, there should be sufficient capacity in the public parking lots and on street parking to accommodate the increase in demand.

The project includes a new roll-up door in the back of the building that would open to the alley for deliveries. In order to ensure that deliveries and commercial traffic do not disrupt the traffic flow on Franklin St. staff recommend a condition to limit where deliveries will be allowed:

CONDITION #9: All trucks and deliveries shall use the rear of the building. Commercial vehicles serving the business shall not park on Franklin St. or Laurel St. between the hours of 8:00 am and 8:00 pm daily.

Signs

The applicant has submitted concept sign plans but has not submitted a complete sign permit application which would include lighting, dimensions and materials. The planning commission may wish to make recommendations to the applicant regarding the concepts provided however, any signage will require a sign permit and shall comply with Chapter 18.38 of the ILUDC and the Citywide Design Guidelines prior to approval. A sign that is substantially out of character with the CBD shall require approval from the Planning Commission.

CONDITION #10: A complete sign permit application shall be submitted and reviewed by Community Development Department staff.

Specific Land Use Standards

There are no specific land use standards for a brewery/restaurant.

USE PERMIT REQUIRED FINDINGS

Per Chapter 18.71.060(F) and 18.22.030(C)(3) the approval of a Use Permit requires that the following findings be made:

- *The proposed use is consistent with the General Plan and any applicable specific plan;*

- *The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;*
- *The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;*
- *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities 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;*
- *The use complements the local, regional and tourist-serving retail, office and services functions of the CBD, and will not detract from this basic purpose of the CBD. Uses proposed for the intense pedestrian-oriented retail shopping areas of the CBD, which include the 100 blocks of East and West Laurel Street, the 300 block of North Franklin Street*, and the 100 and 200 blocks of Redwood Avenue, shall be limited to pedestrian-oriented uses on the street-fronting portion of the building.*

With Special Conditions 1-11 incorporated, the project is consistent with the above findings. Per the above analysis and conditions, the required findings can be made to approve the Use Permit application.

ENVIRONMENTAL DETERMINATION

In accordance with the California Environmental Quality Act (CEQA), the proposed project underwent a preliminary review in compliance with CEQA Guidelines 15060 and review for exemption under 15061. It was determined that the proposed project is exempt from CEQA as a Class 1 Existing Facilities project. The proposed project is in an existing building and while there is a change of use, it has been determined that the proposed use will not significantly change the intensity of use in terms of water, utilities, or traffic. Thus, because there is no change in intensity of use, the project is eligible for a CEQA exemption under CEQA Guidelines 15301 Existing Facilities.

Section 15300.2 provides exceptions to CEQA exemptions. In compliance with the guidelines, staff reviewed the project to determine if there were any exceptions to the exemption:

- There is no indication that there would be successive projects of the same type and/or in the same place that would create significant cumulative impacts over time;
- There is no reasonable possibility that the activity will have a significant impact on the environment due to unusual circumstances;

- The project is not located on a scenic highway;
- The site is not a hazardous waste site on Envirostar nor Geotracker; and
- The proposed project would not cause substantial adverse change in the significance of a historical resource. In consultation with the City's CEQA consultant, it was determined that the painting and cosmetic paneling proposed are not considered architectural changes that would be considered significant as buildings are regularly repainted over time and the cosmetic paneling is limited to cosmetic changes. Thus, the historic listing does not affect the projects eligibility for a Class 1 exemption.

Thus, the proposed project is exempt under CEQA Guidelines 15301.

RECOMMENDED PLANNING COMMISSION ACTION

Adopt a resolution approving Use Permit 3-22 for a Brewery/Restaurant at 362 N. Franklin St. with the 11 special conditions established in this report.

ALTERNATIVE PLANNING COMMISSION ACTIONS

- Add or remove conditions and adopt a resolution approving Use Permit 3-22 for a Brewery/Restaurant at 362 N. Franklin; or
- Continue the hearing to a later date and provide direction to staff; or
- Adopt a resolution denying Use Permit 3-22 for a Brewery/Restaurant at 362 N. Franklin.

ATTACHMENTS

1. Application(s) and Project Plans
2. Public Works Conditions Memo
3. Fort Bragg Fire Protection Authority Plan Review
4. Environmental Health Response
5. DRAFT Approval Resolution