

RESOLUTION NO. PC -2024

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION APPROVING THE DESIGN REVIEW 3-24 (DR 3-24); VARIANCE 1-24 (VAR 1-24); COASTAL DEVELOPMENT PERMIT (CDP 3-23); SIGN PERMIT (SP 2-24) FOR A GAS STATION REMODEL AT 105 SOUTH MAIN STREET.

WHEREAS, Ghulam Ansaru (“Applicant”), submitted an applicant for: Design Review 3-24 (DR 3-24); Variance 1-24 (VAR 1-24); Coastal Development Permit (CDP 3-23); Sign Permit (SP 2-24) to remodel an existing gas station and convenience store at 105 South Main Street.

WHEREAS, the proposed project includes the following: 1) remodel of an existing 1,536 SF convenience store with an addition of 447 SF into a 1,809 SF convenience store; 2) installation of 660 SF of new landscaped area; 3) replacing and expanding an existing gas station canopy; 4) replacing gas dispensing units; and 5) replacing existing canopy signs and monument sign face located at 105 South Main Street.

WHEREAS, 105 South Main Street, Fort Bragg, California (Assessor Parcel Number: 008-161-10) is in the heavy Industrial (HI) zone, Coastal Zone and no changes to the site’s current zoning designation are proposed under the Project; and

WHEREAS, the Project is subject to the Fort Bragg Coastal General Plan and Coastal Land Use and Development Code (CLUDC); and

WHEREAS, the Planning Commission held a public meeting on March 27, 2024, to consider the Project, accept public testimony and consider making a recommendation to City Council; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Section 15303 of the CEQA Guidelines the project is exempt from CEQA as a new small commercial structure; and

NOW, THEREFORE, BE IT RESOLVED that the City of Fort Bragg Planning Commission, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; the Project applications; all site plans, and all reports and public testimony submitted as part of the Planning Commission meeting of March 27, 2024 and Planning Commission deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of Fort Bragg hereby find as follows, *per the analysis incorporated herein by reference to the project staff report, dated April 10, 2024*:

A. General Findings

1. The foregoing recitals are true and correct and made a part of this Resolution;
2. The documents and other material constituting the record for these proceedings are located at the Community Development Department;
3. The proposed project is consistent with the purpose and intent of the zoning

district, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code (ILUDC) and the Fort Bragg Municipal Code in general.

NOW, THEREFORE, BE IT RESOLVED that the Fort Bragg Planning Commission makes the following required findings and determinations for Coastal Development Permit 3-23 to allow for the gas station remodel at 105 S Main Street *per analysis incorporated herein by reference to the project staff report, dated April 10, 2024.*

1. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.
2. The proposed use is consistent with the purposes of the zone in which the site is located.
3. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan.
4. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
5. Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development.

NOW, THEREFORE, BE IT Further RESOLVED that the Fort Bragg Planning Commission makes the following required findings and determinations for the Design Review Permit 2-22, *per the project analysis incorporated herein by reference to the project staff report, dated April 10, 2024:*

1. Complies with the purpose and requirements of this Section (Design Review in the CLUDC)
2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community.
3. Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.
4. Provides efficient and safe public access, circulation, and parking.
5. Provides appropriate open space and landscaping, including the use of water efficient landscaping.
6. Is consistent with the Coastal General Plan, and applicable specific plan, and the certified Local Coastal Program.
7. Complies and is consistent with the City's Design Guidelines.

NOW, THEREFORE, BE IT Further RESOLVED that the Fort Bragg Planning Commission makes the following required findings and determinations for the Variance Permit 1-24, *per the project analysis incorporated herein by reference to the project staff report, dated April 10, 2024:*

1. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Development Code deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district;
2. The approval of the Variance or Administrative Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and
3. The Variance or Administrative Variance is consistent with the General Plan, any applicable specific plan, and the Local Coastal Program. In addition to any other findings and/or conditions regarding the granting of a Variance or an Administrative Variance, the City shall only grant a Variance or Administrative Variance if the City determines that the means of accommodating the Variance or Administrative Variance: (1) will not have an adverse effect on coastal resources, (2) will ensure adequate services will be provided to serve the proposed development, and (3) will not displace Coastal Act priority uses. If the City determines that the means for accommodating a Variance or Administrative Variance will have an adverse effect on coastal resources, will not ensure adequate services will be provided to serve the proposed development, or will displace Coastal Act priority uses, the City shall deny the Variance or Administrative Variance.

NOW, THEREFORE, BE IT Further RESOLVED that the Fort Bragg Planning Commission makes the following findings and determinations regarding the Sign Review Permit 2-24 for this project *per the analysis incorporated herein by reference to the project staff report, dated April 10, 2024:*

1. The proposed signs do not exceed the standards of Sections 17.38.070 (Zoning District Sign Standards) and 17.38.080 (Standards for Specific Sign Types), and are of the minimum size and height necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site;
2. That the placement of the sign on the site is appropriate for the height and area of a freestanding or projecting sign;
3. That a flush or projecting sign relates to the architectural design of the structure. Signs that cover windows, or that spill over natural boundaries, and/or cover architectural features shall be discouraged;
4. The proposed signs do not unreasonably block the sight lines of existing signs on adjacent properties;
5. The placement and size of the sign will not impair pedestrian or vehicular safety;
6. The design, height, location, and size of the signs are visually complementary and compatible with the scale, and architectural style of the primary structures on the site, any prominent natural features on the site, and structures and prominent natural features on adjacent properties on the same street; and
7. The proposed signs are in substantial conformance with the design criteria in Subsection 17.38.060.F (Design criteria for signs).

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby approve Design Review 3-24 (DR 3-24); Variance 1-24 (VAR 1-24); Coastal Development Permit (CDP 3-23); Sign Permit (SP 2-24) to allow the remodel of an existing gas station subject to the following standard and special conditions:

SPECIAL CONDITIONS

1. The applicant shall install a five-foot wide landscaping strip between the convenience store and the three parking spaces on the south side of the project and a five-foot wide landscaping strip between the parking stalls north of the store and the property line, prior to final of the building permit. Special Condition 2: The applicant shall construct new sidewalk along parcel boundaries with South Street, S. Franklin Street, and N. Harbor Drive frontages, as required by City standards prior to final of the Building Permit.
2. Prior to the final approval of the building permit, the applicant shall install at least two trees in the proposed landscaping strip between the Mendo Mill warehouse and parking area on the northwest side of the project. Additionally, the applicant shall replace the Japanese Boxwood and Dietes Bicolor Fortnight Lily with a California native species. If a backflow device is required, it shall be screened from view by native shrubs and vegetation.
3. Prior to the final of the Building Permit, the applicant shall provide specifications for all exterior lighting which shall be night-sky compliant, downward facing and shielded so that light does not enter the apartment windows or cast outside the limits of the property.
4. All construction, including but not limited to; installation of concrete, overlay, site improvements, and drainage, shall be performed in conformance with Municipal Code Section 17.64 Stormwater Runoff Pollution Control. Applicant shall complete "Construction Site Storm Water Runoff Control Applicant Checklist and "Small Construction Site Storm Water Erosion and Sediment Control Plan Template" forms prior to issuance of the building permit. Applicant shall abide by all "during-construction" site measures as delineated on the forms, and no sediment will be allowed to drain or blow offsite.
5. For all future changes to the sign design, permit review shall be completed by the Director of Community Development.
6. The Monument Sign shall be limited to 10 feet in height, and the Sign Permit copy for the Monument Sign shall be reviewed by the Community Development Director.
7. When the applicant submits a sign permit for the face of the monument sign it shall include internal illumination only of the sign copy and logo.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the City Council decision.
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 CLUDC.

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 Coastal 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 CLUDC Subsection 17.76.070(B).

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

The above and foregoing Resolution was introduced by _____ seconded by _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 10th day of April, 2024, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:**

Scott Deitz, Chair

ATTEST:

**Maria Flynn, Administrative Assistant
Community Development Department**