



City of Fort Bragg  
Community Development Department  
416 North Franklin Street  
Fort Bragg, California 95437  
707-961-2827  
www.city.fortbragg.com

Project Planner: Kevin Locke  
Decision Date: 10/25/2021

## DEVELOPMENT PERMIT

<b>Permit Type and Number:</b>	Design Review 7-21 (DR 7-21)
<b>Owner:</b>	Manish Bhatt
<b>Applicant:</b>	Same as Applicant
<b>Agent:</b>	N/A
<b>Project Description:</b>	Design review to construct a pergola and a change of paint color
<b>Address:</b>	250 S Main Street
<b>Assessor's Parcel Number:</b>	008-172-02
<b>Permit Effective Date:</b>	Ten (10) days following the Notice of Final Action from the City: November 5, 2021
<b>Permit Expiration Date:</b>	This permit shall expire and become void, except where an extension of time is approved in compliance with Municipal Code Section 18.76.070(B), if not exercised within twenty-four (24) months of approval.
<b>Conditions of Approval:</b>	See attached findings and conditions.

Some Development Permits are appealable to the Planning Commission. Contact the Community Development Department at (707) 961-2827, for information pertaining to the appeal process.

**Community Development Department Statement:** I hereby certify that all conditions which must be met prior to issuance of this permit have been met and that this permit is deemed by the City of Fort Bragg Community Development Department to be a valid permit subject to all conditions of approval.

  
Community Development Director

10/26/2021  
Date

**Owner's Statement:** I am the owner of the property subject to this permit (or his/her authorized agent) and I hereby certify that I have reviewed the conditions of approval and will establish and continue the use of the subject property in compliance with the specified conditions and applicable sections of the Fort Bragg Municipal Code. I further grant permission for City staff to enter upon the premises for which the permit is issued to verify compliance with the required conditions.

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Owner

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Date

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### **GENERAL FINDINGS**

1. The proposed project is consistent with the purpose and intent of the General Commercial (GC), as well as all other provisions of the General Plan, Inland Land Use and Development Code (ILUDC) and Fort Bragg Municipal Code in general;
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;
4. The project complies with the Specific Use Regulations found in ILUDC Section 18.71.050(F) for Design Review; and
5. For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt per Statutory Exemption 15301(a) for existing facilities involving minor interior and exterior alterations and 15303 new construction or conversion of small structures.

### **PERMIT FINDINGS**

Pursuant to ILUDC Section 18.71.050(F), The Community Development Director finds that the project:

1. Complies with the purpose and requirements of this Section;
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 General Plan, any applicable specific plan; and
7. Complies and is consistent with the City's Design Guidelines.

## STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the Planning Commission is filed pursuant to ILUDC Chapter 18.92 - Appeals.
2. 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. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details, and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. That such permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which such permit was granted have been violated.
  - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
  - e. Unless a condition of approval or other provision of the Inland 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 18.76.070 (B).
8. The Standard and Special Conditions of Approval shall be incorporated and printed in the Construction Plans submitted at time of building permit application.

9. Applicant shall indemnify, hold harmless and defend the City of Fort Bragg against any claim brought against the City stemming from the City's approval of this project.

**SPECIAL CONDITIONS**

1. Prior to operating as a formula business as defined in ILUDC section 18.100.020 under "Formula Business Regulations", approval of a use permit is required prior to installing/maintaining two or more of the following standardized features: an array of merchandise/menu, décor, uniforms, façade, color scheme, exterior signage including a trademark or service mark as signage.
- ~~2. The applicant shall apply for a water waiver with the City prior to re-painting the building.~~
3. The applicant shall apply for a building permit and receive issuance prior to construction of the gazebo.