

AGENCY:	Planning Commission
MEETING DATE:	May 25, 2022
PREPARED BY:	H. Gurewitz
PRESENTED BY:	H. Gurewitz

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Use Permit 1-22 (UP 1-22)

PROPERTY OWNER: Bill Champion

APPLICANT: Mahkayla Miller

AGENT: N/A

PROJECT: Wine Bar and Wine Retail Store

LOCATION: 142 East Laurel Street

APN: 008-152-10

ZONING: Central Business District

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to Section 15303 – Conversion of existing structures to new uses.

SURROUNDING LAND USES:
NORTH: Retail, Central Business District
EAST: Retail, Central Business District
SOUTH: Parking Retail, Central Business District
WEST: Restaurant, Central Business District

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

PROJECT DESCRIPTION

The proposed project is a wine bar/tasting room with retail wine sales at 142 E. Laurel St. The existing building has several retail store fronts and an office. The proposed location was most recently used as home goods/gift store.

The applicant is proposing to operate seven days a week from 12:00 PM to 6:00 PM and estimates a maximum of 15 people at a time during peak hours. The project DOES NOT include live or amplified music, outdoor seating, or any exterior modifications. The applicant currently has a pending application for a liquor license with the California Alcohol and Beverage Control (ABC). Approval of the ABC license will be required before the owner can operate and a condition of the permit if approved. In addition to the Use

Permit and the ABC license, the applicant is required to get approval from Mendocino County Environmental Health, a sign permit, and a building permit.
(see **Attachment #1** Application)

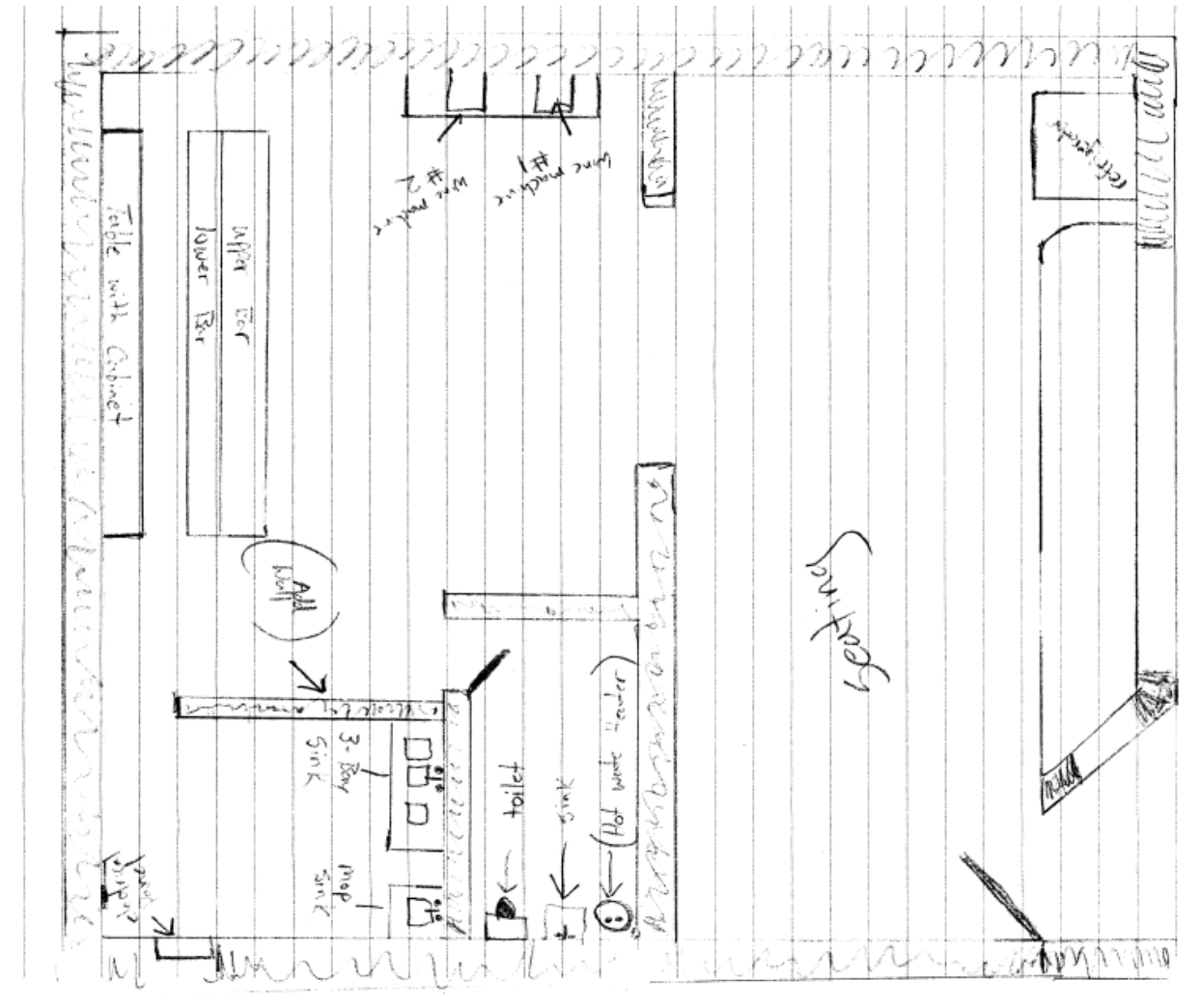
Site Location:



Storefront:



Proposed Floor Plan:



CONSISTENCY WITH GENERAL PLAN

The proposed project is consistent with the following General Plan policies and programs: Land Use Policies LU-3.1 and 3.6, Public Facilities Policy PF-1.1, Public Facilities Program PF-1.2.1, Public Facilities Policy PF-2.1, Circulation Policy C-3.3, Community Design Policy CD-2.5, Noise Policy N-1.2, Safety Policy SF-5.1, Sustainability Policy S-1.1, Safety Program SF-7.1.3, and Sustainability Policy S-4.1.

One condition is necessary for the project to be consistent with **Sustainability Policy S-3.1 Reduce Water Use**: Minimize the use of potable water in new and existing development and **Public Facilities Program PF-2.2.5 Continue to encourage water conservation techniques and water conserving fixtures** in all new development projects.

In order to meet the above policy and program, Condition #1 has been established which is as follows:

Condition #1: Any new sinks, toilets, or plumbing fixtures must be low-flow or have other water conservation measures to minimize the use of the City's potable water.

The proposed project does not conflict with any of the City's General Plan Goals, Policies, or Programs. See **Attachment #2** for the detailed project Analysis.

CONSISTENCY WITH INLAND LAND USE AND DEVELOPMENT CODE

The proposed project is a wine bar and wine store at 142 E. Laurel St. Because the proposed project will serve alcohol on site, the project has been classified as a bar/tavern which is defined in Article 10 as follows: *A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May include dancing as an incidental use, if authorized by the Use Permit approval for the facility. Does not include adult entertainment businesses, which are separately defined.*

It is worth noting that the project is not proposing dancing or adult entertainment and thus fits the above definition of a Bar/Tavern. Additionally, while the proposed project will operate from 12:00 pm-6:00 pm which is more typical of retail store hours, the applicant may stay open later in the future. A bar/tavern requires a Use Permit in the Central Business District.

The proposed project would be located in the Central Business District (CBD). The CBD is *the core of 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.*

The proposed project is a wine bar/wine store that will offer onsite consumption of wine and sell bottles of wine. It would be located in a building next to other restaurants, retail stores, and offices. The proposed project could be an attraction for both visitors and locals and encourage downtown pedestrian activity. Bars require a use permit because they have the potential to create excess noise and public safety issues. The proposed project has been reviewed by the City of Fort Bragg Police Department and it has been determined that the project, as proposed would not create a public safety issue. (see **Attachment #3**) Due to the number of liquor licenses in Fort Bragg, the business owner was required to apply for a letter of Convenience from the City for the Alcohol and Beverage Control.

The proposed project will not result in construction or exterior changes to the existing building and thus there are no site development standards applicable to the project. Additionally, the proposed use of bar/tavern does not have any specific use regulations or standards in Article 4 of the ILUDC.

Additionally, the proposed project will not create new landscaping or add additional exterior lighting.

Parking and Loading

ILUDC 18.36.080 Table 3-8 Parking Requirements requires a bar, cocktail lounge, night club, or tavern to have a minimum of 1 space for each 8 seats or 1 space for every 400 square feet of floor area, whichever would yield more spaces. There are 15 seats proposed and the total square footage of the entire bar/shop is 650 Square Feet. Under either calculation, the use would require two parking spaces. However, ILUDC 18.36.080(C)(3) allows for the discretionary approval of a parking in-lieu fee:

a. In lieu of providing the off-street parking spaces required by this Subsection, these requirements may be satisfied by the payment to the City of an in-lieu parking fee established by the Council and identified in the City’s Fee Schedule for both the use of existing structures and for new structures for each required off-street parking space which is not provided.

b. Parking in-lieu fees may be authorized in the CBD Special Parking Combining Zone for changes of use or projects for which provision of sufficient parking on site is not possible. Parking in-lieu fees are discouraged for changes of use or new development that can accommodate required parking on site. The funds shall be deposited with the City in a special fund and shall be used and expended for the purpose of acquiring and developing off-street parking facilities located insofar as reasonable in the general vicinity of the structures for which in-lieu payments were made as well as for meeting parking needs through strategies to reduce parking demand or to improve access to parking.

Because this is an existing building in the CBD Special Parking Combining Zone, and there is no location to add parking, staff recommend approving the parking in-lieu fee for the project. It is noteworthy that City Council has placed a moratorium on collecting the fees for this year.

The applicant has not yet designed their sign. They are required to obtain a sign permit prior to installing signage which will be required to meet the criteria in ILUDC Chapter 18.38.

According to ILUDC 18.71.060(F), in order to approve a Use Permit, the following findings must be made:

Finding Required	Project
1. The proposed use is consistent with the General Plan and any applicable specific plan;	The proposed project has been reviewed for consistency with the City’s General Plan and the project can be found to be in compliance with the City’s Inland General Plan as conditioned and noted in the attached analysis.

<p>2. 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;</p>	<p>Per the above analysis the finding can be made that the proposed project is allowable in the CBD and that it complies with the provisions of the Development Code.</p>
<p>3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;</p>	<p>The proposed project will be bordered by a restaurant to the west, retail to the east and the north, and retail to the south. The proposed use would be a wine bar/ wine store in operation seven days/week from 12:00 pm to 6:00 pm. There is no live/amplified music planned nor outdoor seating. The business anticipates a maximum of 15 people at peak hours. They will only sell wine and possibly some beer, but no spirits are proposed. Based on these operating characteristics, this project is compatible with the existing and future land uses in the vicinity.</p>
<p>4. 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.</p>	<p>The site is located in the CBD Zoning District which is intended to be the commercial center of the City. The proposed business will cater to both visitors and locals. The hours proposed are during standard operating hours for other businesses. The project has been reviewed by police, fire, and public works and can be served by all civic services.</p> <p>The Fort Bragg Fire Department provided a letter on May 18th with requirements for fire extinguishers, exiting, housekeeping, electrical, and miscellaneous requirements to support fire safety. In order to make this finding a condition has been established:</p> <p>Special Condition #2: Applicant shall comply with all requirements listed in the Fort Bragg Fire Protection Authority Letter dated May 18, 2022. (see Attachment #4)</p> <p>Because this project is consistent with the existing uses on the street and the intention of the CBD, this project would not endanger, jeopardize, or otherwise</p>

	<p>constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property or to other uses in the vicinity and zoning district in which the property is located.</p> <p>However, to ensure that any future activity on the site does not have impacts on the surrounding neighborhood, staff have established the following Special Conditions:</p> <p>#3: Hours of operations shall not begin before 10:30 am and shall not operate after 10:00 pm.</p> <p># 4: Beverages sold on site shall be limited to wine, beer, cider, and similar beverages. The sale of distilled spirits is NOT allowed.</p> <p>#5: If amplified music is played it shall not exceed 75 decibels from the sidewalk out front of the building and may not be played after 10:00 pm.</p> <p>As conditioned, this finding can be made.</p>
<p>5. The proposed use complies with any findings required by § 18.22.030 (Commercial District Land Uses and Permit Requirements). 18.22.030(C)(3) CBD (Central Business District) district. 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.</p>	<p>The proposed project is a wine bar / wine store which would offer wine tasting and wine for sale between 12:00 pm - 6:00 pm, seven days per week. Wine may be consumed on site or purchased in the bottle. This use will complement the other retail stores on E. Laurel St. and will serve both visitors and locals. The proposed project will be an independently operated business in an existing store front location on E. Laurel St. in a street-fronting building. It will add to the mix of businesses downtown and will provide an additional activity (wine tasting) for visitors and shoppers in downtown. Thus, this project can be found to meet this finding.</p>

ENVIRONMENTAL DETERMINATION

In accordance with CEQA Guidelines 15061 it was determined that the proposed project is discretionary and constitutes a project. It was then reviewed under CEQA Guidelines 15061(b) to determine if the project was eligible for exemption. Through the initial review process, it was determined that the proposed project is categorically exempt from CEQA pursuant to **Section 15303 – New Construction or Conversion of Small Structures**. The proposed project will convert a 650 square foot retail storefront into a wine bar/ wine store in an existing structure. The proposed use will have similar hours to the previous location and alcoholic beverage consumption will mostly consist of wine tasting with the purpose of selling bottles. While this could also be considered a negligible change in use and exempt under 15301 Existing Facilities, because, in theory, a bar could have a higher level of intensity, it was determined to be exempt under 15303. In accordance with CEQA Guidelines 15300.2 The proposed project was reviewed for an exception to the exemption. It was determined that there are no applicable exceptions to the exemption and thus the proposed project is exempt as a Class 3 conversion of an existing structure.

RECOMMENDED PLANNING COMMISSION ACTION

Staff recommends adoption of a resolution approving the project with the following special condition:

Special Condition #1: Any new sinks, toilets, or plumbing fixtures must be low-flow or have other water conservation measures to minimize the use of the City's potable water.

Special Condition #2: Applicant shall comply with all requirements listed in the Fort Bragg Fire Protection Authority Letter dated May 18, 2022.

Special Condition #3: Hours of operations shall not begin before 10:30 am and shall not operate after 10:00 pm.

Special Condition #4: Beverages sold on site shall be limited to wine, beer, cider, hard and similar beverages. The sale of distilled spirits is not allowed.

Special 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 (not locked) if amplified music is playing.

ALTERNATIVE PLANNING COMMISSION ACTIONS

If Planning Commission does not believe the project is approvable as presented, the Commission may wish to consider the following options:

1. Add more conditions and approve with additional conditions.
2. Direct staff to provide additional analysis and continue the public hearing to a future date.
3. Deny project.

ATTACHMENTS:

1. Application
2. General Plan Analysis
3. Letter from Chief Naulty
4. Letter from Fort Bragg Fire Protection Authority
5. Draft Approval Resolution