

## **RESOLUTION NO. PC XX-2024**

### **RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION APPROVING COASTAL DEVELOPMENT PERMIT 1-24 (CDP 1-24); USE PERMIT 1-24 (UP 1-24); DESIGN REVIEW 1-24 (DR 1-24); FOR A MULTI-FAMILY DEVELOPMENT LOCATED AT 620 SOUTH FRANKLIN STREET**

**WHEREAS**, South Harrison Street Development, LLC (“Applicant”), submitted an applicant for: Coastal Development Permit 1-24 (CDP 1-23); Use Permit 1-24 (UP 1-24); Design Review 1-24 (DR 1-24); to construct a multi-family development located at 620 South Franklin Street.

**WHEREAS**, the proposed project includes the following: 1) Construction of two buildings totaling 2,029 SF with three 117 CF storage units, 2) Installation of a 1,906 SF parking area; 3) Installation of 2,054 SF of new landscaped area; and

**WHEREAS**, 620 South Franklin Street, Fort Bragg, California (Assessor Parcel Number: 018-030-22) is within the Commercial General (CG) zoning district of the City’s, 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 duly noticed public hearing on April 24, 2024, to consider the Project, accept public testimony, and make required findings for approval; and

**WHEREAS**, pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Section 15332 of the CEQA Guidelines the project is exempt from CEQA as infill development; 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 April 24, 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 24, 2024*:

#### **A. General Findings**

1. The foregoing recitals are true and correct and made a part of this Resolution; and
2. The documents and other material constituting the record for these proceedings are located at the Community Development Department; and
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 FURTHER RESOLVED** that the Fort Bragg Planning Commission makes the following required findings and determinations for Coastal Development Permit 1-24 to allow for the new multi-family development at 620 South Franklin Street *per analysis incorporated herein by reference to the project staff report, dated April 24, 2024:*

1. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment; and
2. The proposed use is consistent with the purposes of the zone in which the site is located; and
3. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan; and
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; and
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 1-24, *per the project analysis incorporated herein by reference to the project staff report, dated April 24, 2024:*

1. Complies with the purpose and requirements of this Section (Design Review in the CLUDC); and
2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community; and
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.; and
4. Provides efficient and safe public access, circulation, and parking; and
5. Provides appropriate open space and landscaping, including the use of water efficient landscaping; and
6. Is consistent with the Coastal General Plan, and applicable specific plan, and the certified Local Coastal Program; and
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 Use Permit 1-24, *per the project analysis incorporated herein by reference to the project staff report, dated April 24, 2024:*

1. The proposed use is consistent with the General Plan and any applicable specific plan; and
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; and
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and
4. 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
5. The proposed use complies with any findings required by § 17.22.030 (Commercial District Land Uses and Permit Requirements); and  
The use is generally oriented to clients arriving by auto rather than pedestrians; generally requires larger display and/or storage areas; and is not dependent on heavy customer traffic per square foot; and
6. The proposed use complies with the Specific Land Use Standards for Multi-Family Development in Section 17.42.120.

**BE IT FURTHER RESOLVED** that the Fort Bragg Planning Commission does hereby approve Coastal Development Permit 1-24 (CDP 1-23); Use Permit 1-24 (UP 1-24); Design Review 1-24 (DR 1-24); to construct a multi-family development at 620 South Franklin Street subject to the following standard and special conditions:

#### **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 CLUDC Chapter 17.92 - 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 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.

## **SPECIAL CONDITIONS**

1. Prior to issuance of a building permit, the applicant shall submit landscaping and lighting plans for review and approval by the Community Development Director. The landscaping plan shall include drought tolerant, native plants and gravel pathways to minimize water use and maximize open space for the residents. The landscaping and lighting plan shall comply with the CLUDC Sections 17.34, 17.30.070. The landscaping plan shall include location of mailboxes and seating areas for approval by the Community Development Director.
2. A grading Permit – is required for any earthwork/grading within the coastal zone in compliance with the Coastal Land Use and Development Code (17.60.030). All work shall be done in compliance with all federal, state and local laws, including the approved plans and conducted in compliance with all conditions required by the City of Fort Bragg Municipal Code (FBMC) Grading Ordinance; Coastal Land Use and Development Code Chapter 17.60 - Grading Permit Requirements and Procedures, Coastal Land Use Code Chapter 17.64 – Storm Water Runoff Pollution Control, the storm water runoff control checklist, and the conditions provided at the time of building permit approval.
3. Storm water runoff shall be minimized by incorporation of Low Impact Development (LID) strategies that minimize impermeable areas, maximize permeable areas, and that slow, spread, and sink runoff so as to recharge groundwater and minimize runoff. Runoff that is expected shall be collected at vegetative swales or bio retention facilities and overflow finally conveyed by a storm drain system approved by the City Engineer. Additionally, the following must be done:

- a. If construction is to be conducted between October and April (the rainy season) approval from the Public Works Department and additional construction BMP's will be required.
  - b. It is not permitted for construction debris and soil to be placed in the City right-of-way. All construction debris/soil shall be properly disposed of.
  - c. Applicant to adhere to the storm water measures outlined in the 6-page Storm Water Control Plan that was provided by the applicant.
  - d. Applicant to ensure that there is no increase in runoff to adjacent properties or to the Public Right of Way.
  - e. Site plan as submitted indicates nearly 5,000 SF of impervious surface is proposed. Should the site exceed 5,000 SF in impervious surface, it will fall under the "regulated project" category per the Mendocino County Low Impact Development Standards Manual Version 2.2 and will require additional storm water measures. Please see Engineering Technician if questions. Applicant can view document here:  
<https://www.mendocinocounty.org/home/showpublisheddocument/43360/637583284035530000>
4. Circulation, Access, & Frontage requirements are as follows:
    - a. Although sidewalk is present on S. Franklin Street frontage, existing driveway cut shall be abandoned and replaced with standard sidewalk per City Standard 205.
    - b. Please submit the plans for frontage improvements to the Public Works Department for approval with the building permit application submittal.
    - c. Frontage improvements shall be completed prior to final of the building permit.
    - d. An Encroachment Permit is required for any activity occurring in the public right of way, including sidewalk installation or other frontage improvements, placement of dumpster, ladders, construction vehicles not parked in conformance with parking codes, etc. Encroachment permit application shall be submitted a minimum of two weeks in advance to allow time for processing.
  5. The trash and recycling bin enclosure will have the same exterior treatments as the two proposed buildings.
  6. Once construction is scheduled, the applicant shall contact the City to request the referral for a Cultural Monitor. This shall be done at least three weeks prior to commencing ground disturbing activities.

**BE IT FURTHER RESOLVED** that pursuant to all the evidence presented, both oral and documentary, and further based on the findings and conditions, Coastal Development Permit 1-24, Use Permit 1-24, and Design Review 1-24 are approved subject to the provisions of the City of Fort Bragg Local Coastal Program, and that this Resolution shall become effective immediately upon its passage and adoption.

**The above and foregoing Resolution was introduced by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 24<sup>th</sup> day of April 2024, by the following vote:**

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

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**Scott Dietz, Chair**

**ATTEST:**

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**Maria Flynn  
Administrative Assistant**