

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

## AGENDA ITEM SUMMARY REPORT

**APPLICATION NO.:** CDP 7-21, DR 10-21, MUP 1-22

**OWNER:** David Cimolino

**APPLICANT:** David Cimolino, Fort Bragg Transmission

**AGENT:** N/A

**PROJECT:** Construct 2,750 Square Foot metal building with three additional automotive repair bays at existing site with associated parking.

**LOCATION:** 701 S. Franklin St.

**APN:** 018-040-26

**LOT SIZE:** 0.4 acres

**ZONING:** Coastal zone – General Commercial

**ENVIRONMENTAL DETERMINATION:** Exempt under CEQA Guidelines 15332 Class 32 Infill exemption and 15061(b)(3) Common Sense Exemption (see detail and Memo)

**SURROUNDING LAND USES:**  
NORTH: Commercial building with offices  
EAST: City of Fort Bragg Police Department  
SOUTH: Vacant Commercial General lot  
WEST: Taco Bell and Red Rhino Gas Station

**APPEALABLE PROJECT:**  **Can be appealed to City Council**  
 **Can be appealed to California Coastal Commission**

### PROJECT DESCRIPTION

Fort Bragg Transmission is proposing to construct a 29.9 ft. high 2,750 square foot metal building to house three (3) new service bays to expand existing services. The business currently has an 1,800 square foot building on site that houses two (2) service bays. The business currently advertises the following:

- A L L Diagnostic Trouble Codes
- Accessories and Optional Equipment
- Battery
- Body and Frame
- Brakes and Traction Control
- Diesel
- Drivability
- Electrical
- Emissions
- Engine, Cooling & Exhaust
- Fleet Service
- Heating & Air Conditioning
- Interior/Exterior
- Instrument Panel, Gages and Warning Indicators
- Lighting and Horns
- Oil
- Restraints and Safety Systems
- Shuttle Service
- Starting and Changing
- Steering and Suspension
- Tires and Wheels
- Transmission and Drivetrain
- Tune-Ups & Preventative Services
- Under the Hood
- Windows, Glass, and Door Locks
- Wiper and Washer Systems

The proposed structure will be a metal building painted to match the color of the existing building on site. The plan calls for two security lights each on the north, west, and south side of the building. The project includes the development of an additional six (6) parking spaces. The required amount of parking in the code is 21 spaces. The applicant is requesting a minor use permit to reduce the parking requirement to 17 spaces. It also includes four rain barrels at the southwest corner of the new structure and a 110 square foot rain garden at the northeast corner of the site.

**Site Location Map**



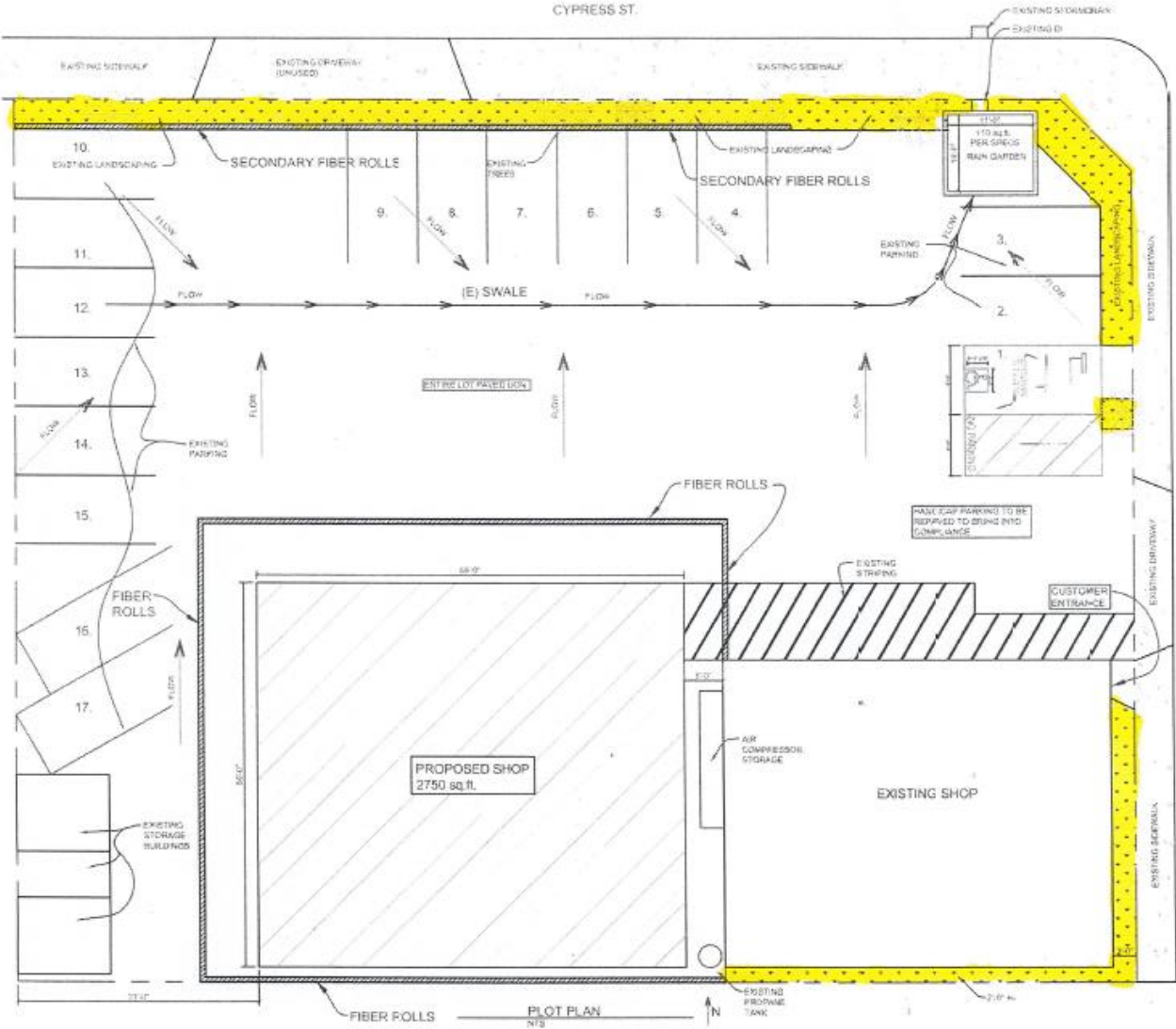
**Aerial Site view**



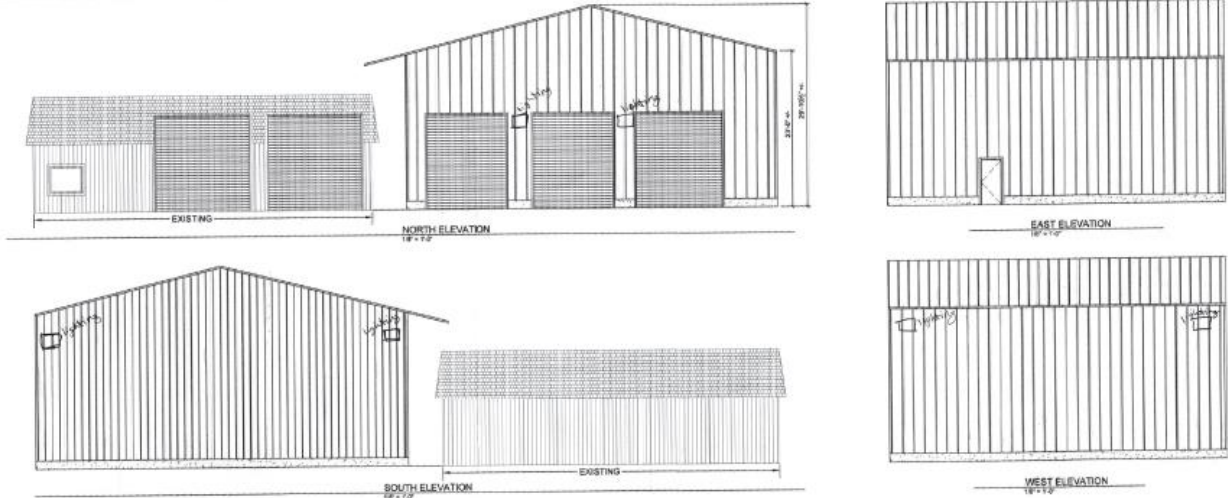
**Street Views**



# Proposed Site Plan (with construction phase stormwater)



## Proposed Elevations



The proposed use will be an expansion of the existing business which currently stores approximately 100-200 gallons of transmission fluid on site. The hazardous material is disposed of by Chico Drain Oil who picks it up. As required, the business is inspected annually and has an existing evacuation plan on file with the Fort Bragg Fire Department.

## CONSISTENCY WITH COASTAL GENERAL PLAN

The site, 701 S. Franklin St. has a General Plan Designation of Commercial General. As described in the City's Coastal General Plan (CGP), *the General Commercial designation is intended for a less compact and intensive type of development than found in the Central Business District. Typical land uses in this designation depend more on vehicular than pedestrian access and include automotive and service-related outlets, retail sales, home improvement, paint or carpeting sales, offices, apparel stores, and food stores. Shopping centers are allowed with approval of a conditional use permit.* The proposed use is in conformance with the CGP land use designation.

The proposed project was also reviewed for consistency with the City's Coastal General Plan (CGP). (See ATTACHMENT 2 for detailed project analysis.) The project was found to be in compliance with the following applicable CGP Goals, Policies, and Programs:

- **Land Use Element:** Policy LU-3.4
- **Public Facilities Element:** Goal PF-1, Policy PF-1.1, Policy PF-1.2
- **Open Space Element:** Goals OS-1, OS-7, OS 10, OS-14, Policies OS-4.3, OS-6.1, OS-9.1, OS-10.1, OS-10.2, OS-10.3, OS-11.3, OS-11.4, OS-11.5, OS-14.1, OS-14.3, and Programs OS-7.2.8 and OS 8.1.2
- **Circulation Element:** Policy C-2.6 and Program C-1.2.1
- **Community Design Element:** Goals CD-2, CD-6, and Policy CD 6.1

- **Safety Element:** Policies SF-3.5, SF-5.1, SF-8.1, Programs SF-2.1.1, SF-5.1.1, SF 5.2.2, SF-8.1.1, and SF-8.1.3
- **Noise Element:** Goal N-1 and Policy N-1.2

The proposed project, as submitted does not meet the following CGP policies and thus requires two (2) special conditions be established for consistency:

Policy	Proposed Project	Condition
<p><b>Open Space Element Policy OS-11.8</b> Landscape with Native Plant Species. The City shall encourage development to use drought-resistant native plant species for landscaping, to reduce the need for irrigation and landscaping chemicals (e.g., pesticides and fertilizers).</p>	<p>The proposed project includes the installation of a 110 square foot rain garden that will retain stormwater on site. For consistency with this goal, the project needs to be conditioned.</p>	<p><b>Condition #1: The applicant shall plant any new landscaping, bioretention facilities, or rain gardens with drought tolerant native species of plants.</b></p>
<p><b>Community Design Element Policy CD-1.9:</b> Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity fixtures, and shielded so that no light shines beyond the boundary of the property.</p>	<p>The proposed project includes two lights on the south, north, and west sides of the buildings but exact fixtures are not yet determined. In order to be consistent with this policy, a condition is required.</p>	<p><b>Condition #2: Any new lighting on the site shall be restricted to low intensity fixtures and shielded so that no light shines beyond the boundary of the property.</b></p>
<p><b>Community Design Element Policy CD-2.7 Landscaping:</b> Encourage attractive native and drought-tolerant landscaping in residential and commercial developments.</p>	<p>The proposed project includes the installation of a 110 square foot rain garden that will retain stormwater on site. For consistency with this goal, the project needs to be conditioned.</p>	<p>Addressed by Condition #1.</p>

The proposed project has been reviewed for consistency with the City’s CGP and does not conflict with anything in the Plan, and as conditioned is consistent with all applicable goals, policies, and programs.

## CONSISTENCY WITH COASTAL LAND USE AND DEVELOPMENT CODE

The proposed project is located in the Coastal Commercial General Zoning District. CLUDC §17.22.020(D) describes the General Commercial Zoning district as *applied to areas of the City that are appropriate for less compact and intensive commercial uses than those accommodated within the Central Business Zone. Allowable land uses are typically more auto-oriented than pedestrian oriented, and may include automotive and service-related uses, a wide range of retail stores, including those selling large products (appliances, home furnishings, building materials, etc.)*

CLUDC §17.22.030 (C)(4) requires that, in addition to the general findings for a minor use permit, that projects in the Commercial General Zoning District also make the following findings:

- a. The use is generally oriented to clients arriving by auto rather than pedestrians;
- b. The uses generally require larger display and/or storage areas; and
- c. The use is not dependent on heavy customer traffic per square foot.

The proposed use is an expansion of the existing use which is defined in the code as Vehicle Services (major repair/bodywork) is a conditionally allowable use with a use permit in Commercial General. Major Repair/Bodywork is defined in Article 10 as establishments *including towing, collision repair, engine repair (such as brake jobs, transmission work, etc.), other body work, painting services, and tire recapping.*

The existing business advertises a number of automotive services noted in the project description. These services are all consistent with the definition of major repair/bodywork which is conditionally allowable and consistent with the Commercial General Zoning District. In the case of 701 S. Franklin, the project was approved with a building permit in 1981. There are no records indicating that a use permit or coastal development permit was required by the City. According to CLUDC §17.90.080(C), *Development that occurred after March 1, 1972, the effective date of the Coastal Zone Conservation Act, if applicable, that was not authorized by a required coastal development permit or otherwise authorized under the Coastal Act, is not lawfully established or lawfully authorized development. No improvements, repair, modification or additions to such existing development may be approved, unless the City also approves a coastal development permit that authorizes the existing development. The coastal development permit shall only be approved if the existing and proposed development, with any applicable conditions of approval, is consistent with all the policies and standards of the LCP.* Therefore, the approval of this CDP will be a coastal development permit for the new structure and the existing development on site.

Further, CLUDC §17.90.080(A) states that *a use lawfully existing without the approval of a Use Permit or Minor Use Permit that would be required by this Development Code shall be deemed conforming only to the extent of its previous lawful use (e.g., maintaining the same site area boundaries, hours of operation, etc.).* Because the proposed structure will be operated during the same hours as the existing structure and will not exceed the boundaries of the area on site that is currently used for the operation of the business, nor

result in a change to the use, this project meets the criteria in 17.90.080(A) and does not require a use permit.

CLUDC §17.22.050 Commercial Zoning District Site Planning and Building Standards Table 2-9 provides the required setbacks and building standards for the proposed project:

Development Feature	CG Requirement	Proposed Project
Front Setback	None Required	Consistent - No front setback on existing building
Side Interior	None Required	Consistent – 2 ft. setback from interior
Side Street	None Required	Consistent - ~50 ft.
Rear	None Required	Consistent - ~30 ft.
FAR	0.40	Consistent – 0.27 Total Site: 17,000 sq. ft. Total Buildings: existing 1,884 sq. ft. + new 2,750 sq. ft. = 4,634 sq. ft.
Maximum Floor Area	50,000 sq. ft.	Consistent - Total floor area will be 4,634 sq. ft.
Maximum Site Coverage	No limit	Consistent – existing site coverage is 100%. A 110 sq. ft. rain garden will reduce lot coverage
Maximum Height	35 ft.	Consistent – 29.9 ft,
Fencing	N/A	No fencing proposed
Landscaping	Native and drought tolerant species encouraged	Condition required
Parking	Vehicle services: 4 spaces/bay Office: 1 space/300 square feet	Total Spaces Required: 21 Proposed :17 spaces The proposed number of spaces is in compliance with the code with concurrent approval of Minor Use Permit MUP 1-22 per §17.36.080(B) which allows for a parking reduction with approval of a minor use permit.
Signage	N/A	Existing signage was approved in 2020, no proposed change in signage.

Article 4: Specific Land Use Standards - There are no applicable specific land use standards for this project.

Article 5: Resource Management – The site does not contain any land or marine resources that are protected, no creeks or riparian resources, it is not located on a shoreline or bluff, and there are no wetlands on site.



Article 6: Site Development – The proposed project was reviewed by the City’s Engineering team and the proposed modification to impervious surfaces and stormwater plans were approved.

**COASTAL RESOURCES**

Natural Resources	An inventory of biological resources for the site was provided and indicated that there were no biological resources on site. It is a paved infill site.
Marine Resources	This project will have no impact on the ocean or ocean resources and is located approximately 1,300 ft. from the nearest coastal bluff and almost 1,500 ft. from the shore with other development and Highway 1 in between.
Scenic Resources	The proposed project is located on an infill site in between an existing building and a gas station/Taco Bell. It is east of Highway 1 and will not have an impact on scenic resources.
Cultural/Historic Resources	The existing site is paved and it is not located in a special review area. Therefore, no archaeological report was required. However, as required for all projects, the following standard condition applies: <i>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.</i>
Recreational Resources	The site is located in the General Commercial area and is currently used for vehicle services. There are no recreational facilities within the vicinity of the building that could be impacted.

## DESIGN REVIEW

Staff reviewed the proposed project design for compliance with the CLUDC and the Design Guidelines for Auto Repair Services per the 2004 City of Fort Bragg Design Guidelines (pg. 36).<sup>1</sup> See attached staff analysis document.

E. Project review criteria. The review authority shall evaluate each application to ensure that the project:

1. *Complies with the purpose and requirements of this Section;(Purpose. Design Review is intended to ensure that the design of proposed development and new land uses assists in maintaining and enhancing the small-town, coastal, historic, and rural character of the community.)*

The proposed project is an additional structure on an existing site to support an increase in business growth. The purpose of the structure is to service automotive vehicles. It is similar to an existing building on the opposite corner and will be the same color as the existing building on the site. It is at the discretion of Planning Commission to determine if the project meets the purpose of design review.

2. *Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;*

Most of the buildings in this section of South Franklin St. were built in the late 20<sup>th</sup> century with the most recent structure built in 2015 (Taco Bell). The buildings are mostly utilitarian commercial buildings whose style is intended to be more functional than decorative. The building heights and designs vary based on use, some with architectural design features and others not. The proposed structure can be found to be appropriate and compatible with the site and surrounding community. While it will be larger in massing than the existing structure on site, the siting of the building will not substantially change the visual components of the site.

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.;

The siting of the proposed structure is the most logical location given the location of the existing structures and required site improvements. If the commission is not satisfied with the proposed design it may wish to establish an additional condition to require additional vegetative screening.

4. *Provides efficient and safe public access, circulation, and parking;*

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<sup>1</sup> Per the ILUDC 18.10.040(D) A planning application that has been accepted by the Department as complete prior to the effective date of this Development Code or any amendment shall be processed in compliance with the requirements in effect when the application was accepted as complete. The application was deemed complete on December 15, 2021 before the 2022 Design Guidelines were adopted.

The City's engineering team and planning staff have reviewed the site plan and determined that the site will provide safe public access, circulation, and parking.

5. Provides appropriate open space and landscaping, including the use of water efficient landscaping;

No landscaping is planned for removal and the proposed rain garden is the only new proposed landscaping. Special Condition #1 requires drought tolerant native species which will meet the criteria for water efficient landscaping. Again, if the Commission determines that additional screening is necessary, then this Condition of approval would include drought tolerant native species as well.

6. *Is consistent with the General Plan, any applicable specific plan, and the certified Local Coastal Program; and*

Per the above analysis, the proposed project is consistent with Coastal General Plan, complies with the Coastal Land Use and Development Code, and will have no impact on coastal resources and is thus consistent with the certified Local Coastal Program.

7. *Complies and is consistent with the City's Design Guidelines.*

The application for the proposed project was deemed complete on December 15, 2021. CLUDC §17.10.040(D)(1) says that *a planning permit application (Article 7) that has been accepted by the Department as complete prior to the effective date of this Development Code or any amendment, shall be processed in compliance with the requirements in effect when the application was accepted as complete.* Therefore, the design review for this project was completed using the 2004 Design Guidelines. Per the analysis in Attachment 2, the project can be found to be consistent with the City's Design Guidelines, however, as noted, design is subjective and it is at the discretion of the Planning Commission to determine whether a project substantially meets the guidelines. The commission may wish to add more conditions in order to make the project more consistent with the City's Design Guidelines.

## **MINOR USE PERMIT FOR PARKING**

In CLUDC §17.36.040 Table 3-7 says that Vehicle Services (major and minor repair) requires four (4) spaces for each service or wash bay plus spaces for any offices as required by the code section. A business/service office requires one (1) parking space for every 300 square feet of floor area. The existing business has two (2) service bays and 400 sq. ft. of office space. Using the rounding calculation in §17.36.040(A)(2)(b) the total number of spaces required for the existing business is nine (9) spaces. The addition of three (3) bays will require an additional 12 spaces for a total of 21 spaces. This parking requirement is excessive for the proposed project. The applicant has revised the plan to create as much parking as feasible on the site. Based on their proposed operating plan which would be to use no more than two (2) bays at a time,

the proposed parking plan should be sufficient for the site's activity. Based on the above analysis and as allowed by CLUDC §17.36.080(B), staff recommends that the Planning Commission approve a minor use permit to reduce the parking requirement from 21 spaces to 17 spaces. With the approval of the Minor Use Permit, the project would be in compliance with the Zoning Code.

## ENVIRONMENTAL DETERMINATION

Per the February 14, 2022 memo, the site meets the criteria for CEQA Guidelines Categorical Exemption 15332 Infill Exemption (see Attachment #3). Additionally, the site is an existing developed site. The surface where the building will be placed is already impervious and the construction will result in stormwater improvements. Because of the existing site design and the small size of the structure (2,750 square feet) there is no possibility that the project could have an impact on the environment and it is also eligible for the Common Sense exemption under CEQA Guidelines 15061(b)(3). Thus, the project is exempt from CEQA.

## RECOMMENDED PLANNING COMMISSION ACTION

Staff recommends that Planning Commission consider adoption of attached draft resolution approving Coastal Development Permit (CDP 7-21), Design Review (DR 10-21), and MUP (1-22) for the construction of a 2,750 square foot metal building to expand existing automotive services with 17 parking spaces.

## ALTERNATIVE PLANNING COMMISSION ACTIONS

- Approve resolution with one or both of the following additional conditions:
  - **Condition:** *Applicant shall plant at least three additional drought tolerant native shrubs along Cypress street to provide additional screening from the public right of way. The proposed plantings root systems shall be chosen as to not uplift hardscape materials or create cracks in the sidewalk or parking area.*
  - **Condition:** *Vehicles stored for repair overnight shall be parked in the repair bays first and overflow shall be stored in the western portion of the site as far from the public right of way as possible. No more than 7 (7) cars shall be stored in the parking lot at any time.*
- Provide direction to staff and continue the hearing to a later date.
- Deny project application.

## ATTACHMENTS

1. Application materials
2. Staff Analysis
3. CEQA Memo on Infill Exemption
4. Draft Approval Resolution