

RESOLUTION NO. PC -2021

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION APPROVING THE DESIGN REVIEW APPLICATION 5-21 FOR A MURAL AT 221 E. REDWOOD AVE

WHEREAS, the Alleyway Art Project (“Applicant”), submitted an application for Design Review for a mural; and

WHEREAS, the project is located at 221 E. Redwood Ave in Fort Bragg, CA (APN: 008-154-28) in the Central Business District (CBD) zoning district; and

WHEREAS, the Project is subject to the Fort Bragg Inland General Plan and Inland Land Use and Development Code (ILUDC) and the Citywide Design Guidelines; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 22, 2021, to consider the Project and take public testimony; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) pursuant to Section 15301 the project is exempt as an existing facility with negligible expansion of use; and

WHEREAS, the public hearing included evidence establishing that the project, complies with all applicable criteria identified in Subsection (F) of Section 18.71.050 of the Inland Land Use Development Code including:

1. Complies with the purpose and requirements of Section 18.71.050(A);
2. Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
3. Is consistent with the Inland General Plan;
4. Complies and is consistent with the City's Design Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the City of Fort Bragg Planning Commission, finds as follows:

1. The proposed project complies with the purpose and requirements of this Section, that “*Design Review is intended to ensure that the design of a proposed project assists in maintaining and enhancing the small-town, coastal, historic, and rural character of the community. The City of Fort Bragg has been a center for art on the Mendocino Coast for many years with no less than three art galleries,*” because the provision of public art furthers the cultural character and enhances and maintains the artistic image of the community.
2. The proposed mural is attractive and provides an attractive and desirable site layout and design that will enhance the exterior appearance of the building.

3. The proposed project is consistent with the Inland General Plan, specifically Community Design Policies CD-2.5 and CD-7.1 and Land Use Goal LU-3.
4. The proposed project complies and is consistent with the City's Design Guidelines because it will provide an aesthetic and artistic feature on a wall facing the public right of way.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Fort Bragg does hereby make the findings contained in this Resolution and approves Design Review 5-21 (DR 5-21) subject to the following conditions of approval:

A. Standard Conditions

1. This action shall become final on the 11th working day following the decision unless an appeal to the City Council is filed pursuant to Chapter 17.92.030. This action is appealable to the California Coastal Commission pursuant to Chapter 17.92.040.
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.
3. 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 required permit applications shall be consistent with this approval.
4. 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.
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 is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. This Design Review approval shall lapse and become null and void 24 months from the date of approval unless before the passing of 24 months an extension is requested and obtained.
9. The Standard and Special Conditions of Approval shall be incorporated and printed in the Construction Plans submitted at time of a building permit application.

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 22nd day of September 2021, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:**

Jeremy Logan, Chair

ATTEST:

Sarah Peters, Administrative Assistant