

RESOLUTION NO. *PC* -2022

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION FOR APPROVAL OF DESIGN REVIEW 14-22 FOR A BREWERY/RESTAURANT AT 362 N FRANKLIN ST.

WHEREAS, there was filed with this Commission a verified application on the forms prescribed by the Commission requesting approval of Design Review under the provisions of Chapter 18 Article 7 of the Inland Land Use Development Code to approve the following design:

Paint building, add signage, and install sidewalk furniture at 362 N. Franklin St.

On that certain property described as follows:

Assessor's Parcel No. 008-154-01, as shown on the Fort Bragg Parcel Map and addressed as 362 N. Franklin Street.

WHEREAS, the Planning Commission upon giving the required notice did, on the 17th day of August, 2022, conduct duly noticed public hearing as prescribed by law to consider said application; and

WHEREAS, the public hearing included evidence establishing the following:

1. The applicant is requesting approval of Design Review to allow for the painting of the building, signage, and installation of sidewalk furniture at 362 N. Franklin St.
2. Findings necessary for approval of design review are as follows:
 - (a) Complies with the purpose and requirements of ILUDC Section 18.71.050;
 - (b) Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
 - (c) Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
 - (d) Provides efficient and safe public access, circulation, and parking;
 - (e) Provides appropriate open space and landscaping, including the use of water efficient landscaping;
 - (f) Is consistent with the General Plan, any applicable specific plan; and
 - (g) Complies and is consistent with the City's Design Guidelines.

3. Pursuant to Section 15301 of the California Environmental Quality Act (CEQA), the proposed project is Categorical Exempt as a Class 1 Existing Facility.

NOW, THEREFORE, BE IT RESOLVED that the Fort Bragg Planning Commission makes the following findings and determinations for this Design Review 14-22 to allow for the exterior modifications at 362 N. Franklin St.:

1. The proposed project, as conditioned complies with the purpose and requirements of ILUDC Section and will maintain and enhance the small-town, coastal, historic, and rural character of the community per the analysis incorporated herein by reference to the project staff report, dated August 17, 2022;
2. The proposed colors, signage, and sidewalk furniture are scale appropriate to and compatible with the site surroundings in the Central Business District and the community per the analysis incorporated herein by reference to the project staff report, dated August 17, 2022;
3. The proposed design provides attractive and desirable site layout and design per the analysis incorporated herein by reference to the project staff report, dated August 17, 2022;
4. The proposed design provides efficient and safe public access per the analysis incorporated herein by reference to the project staff report, dated August 17, 2022;
5. The proposed design provides appropriate landscaping in the form of sidewalk planters which are appropriate because the site is already fully built out;
6. The proposed design is consistent with the General Plan per the analysis incorporated herein by reference to the project staff report, dated August 17, 2022; and
7. The proposed design complies and is consistent with the City's Design Guidelines per the analysis incorporated herein by reference to the project staff report, dated August 17, 2022.

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby approve Design Review 14-22 to allow the exterior modifications at 362 N. Franklin St. subject to the following conditions:

Standard Conditions

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to ILUDC Chapter 18.92 - 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 ILUDC.
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.
8. 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).

9. The Standard and Special Conditions of Approval shall be incorporated and printed in the Construction Plans submitted at the time of building permit application.
10. 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. Applicant shall submit an application for a street furniture permit and comply with all the general provisions thereof.
2. The shape of the proposed projecting corner sign shall be changed so as not to be shaped like an arrow.
3. Upon completion of design for the mural on the Laurel St. side of the building, an application for design review shall be submitted.

NOW, THEREFORE, BE IT FURTHER RESOLVED that pursuant to all the evidence presented, both oral and documentary, and further based on the findings and conditions, Design Review 14-22 is approved subject to the provisions of the City of Fort Bragg Municipal Code Title 18 Inland Land Use Development Code.

I HEREBY CERTIFY, that the foregoing Resolution was adopted by the Planning Commission of the City of Fort Bragg, at a regular meeting held on the 17th day of August, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

DATE: August 17, 2022

Jeremy Logan
Planning Commission, Chair

ATTEST:

Sarah Peters, Administrative Assistant