

RESOLUTION NO. ____-2020

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL
UPHOLDING THE FORT BRAGG PLANNING COMMISSION
DETERMINATION TO DENY COASTAL DEVELOPMENT PERMIT,
DESIGN REVIEW AND SUBDIVISION FOR A PROPOSED RETAIL STORE
AT 1151 S. MAIN STREET (APN 018-440-58)**

WHEREAS, the applicant, AutoZone Parts, Inc., requested approval to subdivide an existing parcel into two lots and construct a 7,500 SF retail store with associated infrastructure and frontage improvements located off an unnamed frontage road with the address 1151 S. Main Street; and

WHEREAS, the application includes a Coastal Development Permit, Design Review and Subdivision to review compliance with development standards in the Highway Visitor Zoning District in the City's Coastal Zone and compliance with the City's Local Coastal Program; and

WHEREAS, the Planning Commission held two public hearings that were properly noticed in all respects on September 25, 2019 and October 23, 2019 at 6:00 PM in Town Hall located at 363 N. Main Street; and

WHEREAS, the Planning Commission did hear and use independent judgement to consider all evidence presented; and

WHEREAS, the Planning Commission adopted resolution PC08-2019, to deny Coastal Development Permit 9-18 (CDP 9-18), Design Review 3-18 (DR 3-18) and Subdivision 1-18 (DIV 1-18) as stated in EXHIBIT A; and

WHEREAS, the Coastal Land Use and Development Code Chapter 17.92 establishes procedures for the appeal and review of determinations of the Planning Commission to be considered by City Council; and

WHEREAS, Mitch Bramlitt, the applicant representing AutoZone Parts, Inc., timely filed an appeal of the Planning Commission's determination with the City Clerk on November 4, 2019; and

WHEREAS, the primary issues raised in the appeal included: 1) the applicant was not given an opportunity to be heard; 2) the Planning Commission made a policy decision based on selective and conclusory considerations; 3) General Plan Policy LU-4.1 is not applicable to the proposed project; and 4) the project is consistent with the City's Local Coastal Program, specifically supporting General Plan Policy LU-3.1; and

WHEREAS, the City Council held a public hearing on said appeal that was properly noticed in all respects on January 13, 2020 at 6:00 PM in Town Hall located at 363 N. Main Street; and

WHEREAS, at said public hearing a staff report was presented and the applicant and the public offered testimony to be considered by City Council; and

WHEREAS, projects that are denied are exempt from environmental review pursuant to Section 15061(b)(4) of the California Environmental Quality Act;

NOW, THEREFORE, BE IT RESOLVED based on all the evidence presented, that the City Council of Fort Bragg does hereby uphold the Planning Commission's decision to deny Coastal Development Permit 9-18 (CDP 9-18), Design Review 3-18 (DR 3-18) and Subdivision 1-18 (DIV 1-18) as stated in EXHIBIT A: Planning Commission Resolution PC08-2019.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 27th day of January, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

WILLIAM V. LEE
Mayor

ATTEST:

June Lemos, CMC
City Clerk