

RESOLUTION NO. PC -2022

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION FOR THE APPROVAL OF COASTAL DEVELOPMENT PERMIT 7-21 (CDP 7-21), DESIGN REVIEW 10-21 (DR 10-21) FOR THE CONSTRUCTION OF A 2,750 SQUARE FOOT METAL BUILDING AT 701 S. FRANKLIN ST., AND MINOR USE PERMIT 1-22 (MUP 1-22) TO REDUCE THE PARKING REQUIREMENT

WHEREAS, Fort Bragg Transmission and Auto Repair submitted a complete application for a Coastal Development Permit on December 10, 2021; and

WHEREAS, the Project is located at 701 S. Franklin St. in the General Commercial Zoning District; and

WHEREAS, Vehicle services (major repair/bodywork) is a conditionally allowable use within a General Commercial Zoning District; and

WHEREAS, 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; 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 May 25, 2022 and June 22, 2022, to consider the Project and take public testimony; and

WHEREAS, pursuant to California Environmental Quality Act ("CEQA"), 14 California Code of Regulations §15332 – Infill Exemption and 15061(b) Common Sense Exemption, the project is categorically exempt; and

NOW THEREFORE BE IT RESOLVED, that based on the entirety of the record before it, which includes without limitation, the CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15301, et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; the Project application; all site plans, and all reports, and public testimony submitted as part of the Planning Commission's meeting of May 25, 2022 and June 22, 2022, Planning Commission deliberations; and any other evidence, the Planning Commission of the City of Fort Bragg hereby finds as follows:

A. General Findings

1. The foregoing recitals are true and correct and made a part of this Resolution;
2. The documents and other material constituting the record for these proceedings are located at the Community Development Department;

B. Coastal Development Permit Findings

1. The existing development and the proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity

with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources;

As conditioned, the project conforms with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources per analysis incorporated herein by reference to the project staff reports, dated June 22, 2022.

2. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);

The project is not between the sea and the first public road.

3. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;

The proposed project will not have impacts on the environment, so no mitigation measures have been proposed. As noted in the staff CEQA Exemption Memo, there were no conditions requiring mitigation and thus complies with this finding.

4. The proposed use is consistent with the purposes of the zone in which the site is located;

The proposed project is in the General Commercial Zone, the purpose of which is less compact and intensive commercial uses than those accommodated within the Central Business District 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.). The proposed use, Vehicle Services (Minor Repairs), is a permitted use. Thus, the proposed project is consistent with the purpose of the zone in which it is located.

5. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;

As conditioned, the project conforms with the City of Fort Bragg's Coastal General Plan per analysis incorporated herein by reference to the project staff reports, dated June 22, 2022.

6. 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;

The existing site has been used for Vehicle Services (major repair/bodywork) since 1981 when it was permitted by the City with a building permit. The addition of the 2,750 square foot building to expand existing activities will not alter the conditions of the site in a way that would 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 per the analysis incorporated herein by reference to the project staff reports dated June 22, 2022.

7. 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.

The proposed project was reviewed by the City of Fort Bragg Public Works and Planning Department. The proposed project will have negligible increases on energy, water, and

sewer usage, thus the proposed expansion can be served by existing public services per the analysis incorporated herein by reference to the project staff report dated June 22, 2022.

C. Design Review

1. Complies with the purpose and requirements of this Section.

The proposed structure has undergone design review and found to be substantially in conformance with the requirements of the Coastal Land Use Development Code per the analysis incorporated herein by reference to the project staff reports dated June 22, 2022.

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

The proposed structure is a 2,750 square foot metal building that will be constructed west of the existing building on site. The new structure is similar to the architectural style of a metal building on the opposite corner and the color of the building will match the existing building on site. The existing neighborhood has a mix of modern commercial buildings and thus, the proposed structure is compatible with the site surroundings and the community.

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 proposed project as conditioned and with the approval of Minor Use Permit MUP 1-22 to reduce the parking requirement has a site layout and design that is attractive and desirable for the proposed use per the analysis incorporated herein by reference to the project staff reports dated June 22, 2022.

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

The construction of the new building will continue to provide efficient and safe public access, circulation, and parking per the analysis incorporated herein by reference to the project staff reports dated June 22, 2022.

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

The existing site is paved with perimeter landscaping consisting of small trees. The proposed project will add a rain garden and thus, as conditioned, the project provides appropriate open space and landscaping per the analysis incorporated herein by reference to the project staff reports dated June 22, 2022.

6. Is consistent with the Coastal General Plan, any applicable specific plan, and the certified Local Coastal Program if located in the Coastal Zone.

As conditioned and with the approval of Minor Use Permit MUP 1-22, the project is consistent with the Coastal General Plan and the Local Coastal Program per the analysis incorporated herein by reference to the project staff reports dated June 22, 2022.

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

Per the analysis incorporated herein by reference to the project staff reports dated June 22, 2022, the proposed project complies and is consistent with the City's Design Guidelines.

D. Minor Use Permit Findings

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code in general;

The proposed project, as conditioned, would be consistent with the relevant policies of the Coastal General Plan and applicable provisions of the Coastal Land Use Development Code (CLUDC) and Fort Bragg Municipal Code in general, per analysis incorporated herein by reference to the project staff reports and attachments, dated June 22, 2022.

2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;

The reduction in parking spaces from 21 to 17 will sufficiently accommodate the expansion of use on the site and is compatible with the existing and future uses that substantially surrounds the site per analysis incorporated herein by reference to the project staff reports and attachments, dated June 22, 2022.

3. 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;

The project site has an existing driveway and the proposed area to accommodate on-site movement and parking spaces is sufficient. The size, shape, and location of parking spaces are as such, that the project 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.

4. The proposed use complies with any findings required by Section 17.22.030 (Commercial District Land Uses and Permit Requirements) as noted under (C)(5) General Commercial District.

- a. The use is generally oriented to clients arriving by auto rather than pedestrians;

The proposed building will be for automobile services and is more oriented for people arriving by cars to have them serviced.

- b. The uses generally require larger display and/or storage areas; and

The proposed building will have three new bays for working on automobiles and is larger than the existing building.

- c. The use is not dependent on heavy customer traffic per square foot.

The proposed project is to cover areas of the site already being used for operations and is currently not dependent on heavy customer traffic per square foot and does not anticipate an increase in customer traffic as a result of the project.

Thus, per analysis incorporated herein by reference to the project staff reports and attachments, dated June 22, 2022, the proposed project complies with the required findings in Section 17.22.030.

E. Environmental Determination

1. For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under Section 15332 – Infill Development per the staff memo dated February 15, 2022.

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 Coastal Development Permit 7-21 (CDP 7-21), Design Review 10-21 (DR 10-21) and Minor Use Permit 1-22 (MUP 1-22) for the Project subject to the following conditions of approval:

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 CLUDC Chapter 17.92 – Appeals;
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. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details, and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.
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. 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;
6. 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.
7. 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).
 8. The Standard and Special Conditions of Approval shall be incorporated and printed in the Construction Plans submitted at the time of building permit application.
 9. 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. The applicant shall plant any new landscaping, bioretention facilities, or rain gardens with drought tolerant native species of plants.
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.
3. Wheel stops shall be placed in each parking space adjacent to a property line, fence, or landscaping, and shall be placed to allow 2 feet of vehicle overhang.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its passage and adoption.

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 June 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jeremy Logan, Chair

ATTEST:

Sarah Peters, Administrative Assistant