

RESOLUTION NO. PC -2022

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION FOR APPROVAL OF COASTAL DEVELOPMENT PERMIT 10-22, USE PERMIT 5-22, AND DESIGN REVIEW 15-22 FOR MIXED-USE DEVELOPMENT AT 840 S. FRANKLIN STREET

WHEREAS, David Duncan (“Applicant”), submitted an applicant for a Coastal Development Permit (CDP 10-22), a Use Permit (UP 4-22) and Design Review (DR 15-22) to construct a mixed use development at 840 South Franklin Street; and

WHEREAS, 840 South Franklin Street, Fort Bragg, California (Assessor Parcel Number: 018-210-34) is in the General Commercial Zoning District in the Coastal Zone and no changes to the site’s current zoning designation are proposed under the Project; and

WHEREAS, the Project is subject to the City of Fort Bragg’s Local Coastal Program; and

WHEREAS, the Planning Commission held a duly noticed public hearing on November 9, 2022, to consider the Project and accept public testimony; and

WHEREAS, the California Environmental Quality Act (CEQA), together with State guidelines and City environmental regulations, require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the City determined that the project is Categorical Exempt under CEQA Guidelines 15303; and

WHEREAS, findings required for the approval of the project are outlined in the City’s Coastal Land Use and Development Code (CLDC).

NOW, THEREFORE, BE IT RESOLVED that the City of Fort Bragg Planning Commission, based on the entirety of the record before it, which includes without limitation, CEQA, Public Resources Code §21000, et seq. and the CEQA Guidelines, 14 California Code of Regulations §15000, et seq.; the Fort Bragg Coastal General Plan; the Fort Bragg Coastal Land Use and Development Code; the Project applications; all site plans, and all reports and public testimony submitted as part of the Planning Commission meeting of November 9, 2022 and Planning Commission deliberations; and any other evidence (within the meaning of Public Resources Code §21080(e) and §21082.2), the Planning Commission of the City of Fort Bragg does hereby make the following findings and determinations for the approval of Coastal Development Permit 10-22:

1. *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 because, as described and conditioned in the staff report dated November 9, 2022, the proposed project is located at an infill site, within the allowable intensity*

and density of use, is consistent with the Coastal General Plan, and conforms to the Coastal Land Use Code.

2. *Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment* because the conditions on the project as described in the staff report dated November 9, 2022 require measures to reduce temporary dust, noise, and stormwater impacts from construction and require landscaping and lighting requirements that will lessen potential impacts of the project.
3. *The proposed use is consistent with the purposes of the zone in which the site is located* because the residential component of a mixed-use project is allowable with Use Permit approval, and the commercial business/service component is permitted by right.
4. *The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan* because the proposed project would be located within General Commercial Zoning in which typical land uses include offices and for which residential uses are permitted above the ground floor or on the ground floor at the rear of buildings at a maximum density of up to 24 units per acre. As conditioned and described in the staff report dated November 9, 2022, the project is consistent with Coastal General Plan Policies LU-10.2, LU-10.4, PF-1.2, PF 2.1, H-2.2, H-2.7, H-1.7, C-10.5, C-11.2, CD-1.9, CD-6.1, CD-6.2, CD-2.7, OS-1.8, N-1.2, N-1.4, OS-1.8, OS-3.1, OS9.2, OS-14.2, OS-14.1, OS-14.4, SF-3.4, SF-6.1, C-1.3, C-2.8, and C-9.2. The project does not conflict with any general plan policies.
5. *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* because the commercial portion of the structure will front Franklin Street (commercial zoning) and the residential units will be accessed from Myrtle Street (residential zoning). These uses are compatible with the surrounding neighborhood.
6. *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* because the proposed project has been reviewed by the Department of Public Works and determined that the project is a small development and that existing services are adequate.

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby make the following findings for Use Permit 5-22:

1. *The proposed use is consistent with the General Plan and any applicable specific plan* because the proposed project is a mixed-use development that will include office space and residential units, and will be located on a site that is designated General Commercial (CG) zoning, for which typical land uses include offices and for which residential uses are permitted above the ground floor or on the ground floor at the rear of buildings at a maximum density of up to 24 units per acre. As conditioned and described in the staff report dated November 9, 2022, the project is

consistent with Coastal General Plan Policies LU-10.2, LU-10.4, PF-1.2, PF 2.1, H-2.2, H-2.7, H-1.7, C-10.5, C-11.2, CD-1.9, CD-6.1, CD-6.2, CD-2.7, OS-1.8, N-1.2, N-1.4, OS-1.8, OS-3.1, OS9.2, OS-14.2, OS-14.1, OS-14.4, SF-3.4, SF-6.1, C-1.3, C-2.8, and C-9.2. The project is not in conflict with any general plan policies.

2. *The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code* because the proposed project is an allowable land use in the General Commercial Zoning District in the Coastal Land Use and Development Code (CLUDC) and, as described in the staff report dated November 9, 2022, the project, as conditioned, is consistent with the provisions of the CLUDC.
3. *The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity* because the project is a 2,500 area building with 800 square feet of office space and two residential units. As described in the staff report dated November 9, 2022, the project has been designed in compliance with the City's Coastal Land Use Code and the Citywide Design Guidelines. Further, the location of the project is in the General Commercial Zoning District bordering land designated Low Density Residential Zoning - the project is designed with the commercial activity facing Franklin Street (commercial) and the residential units accessed from Myrtle Street (residential).
4. *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* because the proposed project is a 1,756 square foot mixed-use structure with less than 2,500 square feet of floor area on a 7,500 square foot site. The project includes associated site improvements providing suitable design and access for the provision of public services, and the proposed uses are low intensity within the allowable density.
5. Findings for Use Permit approval within General Commercial Zoning District, as required by 17.22.030(C)(4):
 - a. *The use is generally oriented to clients arriving by auto rather than pedestrians* because there is a parking lot at the back of the site with pathways to access the commercial entrance at the front.
 - b. *The use generally requires large display and/or storage area* because as noted on the plans the development includes both tenant storage and business storage areas.
 - c. *The use is not dependent on heavy customer traffic per square foot* because there is a single commercial use that is comprises 800 square feet of the 7,500 square foot site, and because offices do not generate heavy customer traffic compared

to retail uses.

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby make the following findings that Design Review Application 15-22:

1. *Complies with the purpose and requirements of CLUDC Section 17.71.050* because the proposed development is less than 2,500 square feet and designed to support the small-town, coastal, historic, and rural character of the community.
2. *Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community* because the structure will be a single story in the front and two stories in the back, no higher than twenty-four feet.
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.* because the commercial building will be fronting commercial activity of Franklin Street and provide a walking path, landscaping, and a low fence. Pedestrian pathways and landscaping are incorporated into the site design and parking is located in the rear of parcel, buffered by landscaping. The site plan includes three bioswales and the lighting, and location of signage is consistent with the Citywide Design Guidelines as described in the staff report dated November 9, 2022.
4. *Provides efficient and safe public access, circulation, and parking* because the parking is at the rear with sufficient pedestrian pathways between the parking area to both the residential and commercial entrances. The commercial entrance is at the front of the building on Franklin Street and accessible to pedestrians.
5. *Provides appropriate open space and landscaping, including the use of water efficient landscaping* because the plan includes more than 4,500 of pervious surfaces includes gravel paths, drought resistant landscaping, and bioswales, as well as rain cisterns. The project also provides two private yards for the apartments.
6. *Is consistent with the General Plan, any applicable specific plan, and the certified Local Coastal Program* because the project is consistent with all relevant policies of the Coastal General Plan and does not conflict with any policies in the Coastal General Plan, and because it conforms with the land use standards in the Coastal Land Use and Development Code as described in the staff report dated November 9, 2022 and as described herein.
7. *Complies and is consistent with the City's Design Guidelines* because the project design provides a comfortable pedestrian environment throughout the site; limits parking to the rear; creates a visual and physical connection between the building entry and the public realm; emphasizes the front yard landscaping; and is a mixed-use development which is highly encouraged.

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby approve Coastal Development Permit 10-22, Use Permit Application 5-22, and Design Review 15-22 to allow for the construction and operation of a mixed-use development including 810 square feet of commercial and two residential units at 840 N. Franklin Street. 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 CLUDC Chapter 17.92 - 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 CLUDC.
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; 2) Notify the Fort Bragg Community Development Department within 24 hours of the discovery; and 3) Retain a professional archaeologist to determine appropriate action in consultation with stakeholders such as Native American groups that have ties to the area.
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 CLUDC Subsection 18.76.070(B).

SPECIAL CONDITIONS

1. Solid Waste storage area shall be fully enclosed by a six-foot high decorative solid enclosure that is architecturally compatible with adjacent structure. Gates shall be solid and continuously maintained in working order. A concrete apron shall be installed. Landscaping shall be provided to soften and screen the enclosure.
2. Wheel stops will be used at all parking spaces and allow for two feet of vehicle overhang area within the parking space. All spaces shall be clearly outlined with four-inch wide lines painted on the parking surface.
3. Final grading and driveway plans shall be designed to meet state and federal ADA regulations including installation of curb cuts, ramps, or other required features.
4. A signage plan and a sign permit application shall be submitted prior to installation of the sign.
5. Pole lighting shall be no higher than 16 feet in height and all fixtures shall be shielded and/or recessed to reduce light bleed to adjoining parcels and to ensure the light source is not visible from off site. Light fixtures shall be in the warm color spectrum using energy efficient technology, directed downward and away from other properties and the public right of way, and shall be no brighter than necessary for safety.
6. A final landscaping plan illustrating native and drought resistant plantings, including either tall shrubs and/or trees shall be submitted for review and approval by the Community Development Director.
7. In order to prevent dust from construction, the following shall apply:
 - a. Grading shall be designed and grading activities shall be scheduled to ensure that repeat grading will not be required, and that completion of the dust-generating activity (e.g., construction, paving or planting) will occur as soon as possible.
 - b. Operations during high winds. Clearing, earth-moving, excavation operations or grading activities shall cease when the wind speed exceeds 25 miles per hour averaged over one hour.
 - c. Limiting the area of disturbance. The area disturbed by clearing, demolition, earth-moving, excavation operations or grading shall be minimized at all times.
 - d. Dust emissions shall be controlled by watering a minimum of two times each day.
 - e. Graded areas shall be revegetated as soon as possible, but within no longer than 30 days, to minimize dust and erosion. Disturbed areas of the construction site that are to remain inactive longer than three months shall be seeded and watered until grass cover is grown and maintained.
 - f. Appropriate facilities shall be constructed to contain dust within the site as required by the City Engineer.
8. Construction activities shall not take place before 7:00 AM or after 7:00 PM. Prior to commencing activities using high noise generating equipment, the applicant shall notify neighboring residential parcels within 100-feet of the property line at least 72 hours before commencing construction.

9. During construction, vehicle idling on site shall be limited to no more than five minutes, pursuant to state law. All internal combustion engine-driven equipment shall be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment. Air compressors and pneumatic equipment shall be equipped with mufflers and impact tools shall be equipped with shrouds or shields; and all unnecessary idling of internal combustion engines on-site is prohibited.
10. The applicant shall construct sidewalk and as needed install new curb and gutter per City Standard 205 along the length of the project frontage on Myrtle St. This also includes any subgrade and AC paving necessary to connect the existing pavement to the new gutter, per City Standard 215. Plans shall be submitted along with final building permit application.
11. A grading plan shall be submitted with the building permit submission. The grading plan shall ensure that land disturbance during construction is minimized and that soils are stabilized promptly.

BE IT FURTHER RESOLVED that pursuant to all the evidence presented, both oral and documentary, and further based on the findings and conditions, Coastal Development Permit 10-22, Use Permit 5-22 , and Design Review 15-22 are approved subject to the provisions of the City of Fort Bragg Local Coastal Program.

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 9th day of November 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Jeremy Logan, Chair

ATTEST:

Sarah Peters, Administrative Assistant