

## RESOLUTION NO. *PC -2021*

### RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION FOR APPROVAL/DISAPPROVAL OF USE PERMIT 1-21 FOR CHANGE OF USE FROM COMMERCIAL TO RESIDENTIAL AT 594 S. FRANKLIN STREET

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

Convert the existing structure from commercial to residential use.

On that certain property described as follows:

Assessor's Parcel No. 018-020-34-00, as shown on the Fort Bragg Parcel Map and addressed as 594 S. Franklin Street.

**WHEREAS**, the Planning Commission upon giving the required notice did, on the 10<sup>th</sup> day of March, 2020, 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 a Use Permit to allow a change of use from commercial to single-family residential for the structure located at 594 S. Franklin St.
2. Findings necessary for approval of a use permit are as follows:
  1. The proposed use is consistent with the General Plan and any applicable specific plan;
  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;
  3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
  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.

5. The proposed use complies with any findings required by § 18.22.030 (Commercial District Land Uses and Permit Requirements).
  
3. Pursuant to Section 15303 of the California Environmental Quality Act (CEQA), the proposed project is Categorical Exempt (Class 3, Conversion of Small Facilities) in that it consists of a minor change of use and no alterations to the existing structure.

**NOW, THEREFORE, BE IT RESOLVED** that the Fort Bragg Planning Commission makes the following findings and determinations for this Use Permit 1-21 to allow the change of use from Commercial Office to Single-Family Residential:

1. *The proposed use is consistent with the General Plan and any applicable specific plan;*

The structure located at 594 S. Franklin St. is consistent with the City's General Plan Policy LU-6.1 because it will preserve the character of one of City's existing residential neighborhoods. Additionally, it meets the 2019 Housing Element Goal H-1.78 to create workforce housing because it is a small single-family residence. It meets Goal H-2, "to expand affordable housing opportunities...for elderly and the disabled" because this house has a ramp and ADA bathroom. It also meets Goal H-5 because it will help conserve and improve the existing housing supply in Fort Bragg by re-using an existing single-family home in a commercial zone.

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:*

The structure located at 594 S. Franklin St. is consistent with Title 18, Chapter 2 of the Inland Land Use Development Code, Section 18.22.030 Table 2-6 which allows for a single residential unit with a Use Permit only for existing structures that have the appearance of a single residential dwelling unit, per the Citywide Design Guidelines.

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

The properties immediately to the north, south, and west are residential properties. The site to the east is a rural high-density development. The existing structure has an architectural design that matches the other residential structures in the vicinity.

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.*

This project is already a single residential structure and will not have any changes to the design, location, shape, or size. The change in use is consistent with uses on the surrounding properties and 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.

5. *The proposed use complies with any findings required by § 18.22.030 (Commercial District Land Uses and Permit Requirements).*

The proposed project is listed as an allowable use with a Use Permit in the Inland Land Use Development Code Section 18.22.030 Table 2-6 and the existing structure is consistent with the Citywide Design Guidelines for a residential dwelling unit. Therefore, the project complies with the findings required by Section 18.22.030 of the Inland Land Use Development Code.

**BE IT FURTHER RESOLVED** that the Fort Bragg Planning Commission does hereby approve the change of use from commercial to residential at 594 S. Franklin St. subject to the following 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 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 ILUDC Subsection 18.76.070 (B).

**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, Use Permit 1-21 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 10th day of March, 2021, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**RECUSED:**

DATE: March 10, 2021

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Jeremy Logan  
Planning Commission, Chair

ATTEST:

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Joanna Gonzalez, Administrative  
Assistant