

DECISION DATE:	December 15, 2021
PREPARED BY:	K. Locke
PRESENTED BY:	K. Locke
DECISION BY:	Planning Commission

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Use Permit 4-21 (UP 4-21) & Sign Permit 13-21 (SP 13-21)

APPLICANT: Manish Bhatt

OWNER: Same as applicant

REQUEST: Use permit to operate a formula business and install a new sign.

LOCATION: 250 South Main Street

ASSESSOR'S PARCEL NO.: 008-172-02

LOT SIZE: 37,500 SF

ZONING: Commercial General (CG)

ENVIRONMENTAL DETERMINATION: The project is exempt from CEQA per Categorical Exemption 15301(a) for existing facilities.

SURROUNDING LAND USES:

NORTH:	Ocean Breeze Lodge
EAST:	Vacant Parcel
SOUTH:	AmeriGas Propane
WEST:	Mendocino Coast Chamber of Commerce

APPEALABLE PROJECT: Can be appealed to City Council

BACKGROUND & PROJECT DESCRIPTION

The Ebb Tide Lodge is a 32-unit motel which has been operating since the 1960's. The hotel is located at the northeast corner of the intersection of Highway 1 and Maple Street at 250 S Main (**Figure 1 – Location Map**). The property is zoned as General Commercial (GC). The hotel was recently sold and the applicant is applying for a use permit to operate a formula hotel chain and a sign permit.



Figure 1 – Location map

Prior to the submittal of the use permit, the Baymont Inn (applicant) applied for Design Review 7-21 and Sign Permit 13-21. The proposal included a new color scheme, a gazebo, and a new sign. The proposal would also transition the Ebb Tide Lodge into the Baymont Inn & Suites. The Baymont is a midscale hotel/motel chain independently operated under franchise agreements. As of 2018, there are roughly 500 Baymont Inn locations across the United States.

At the time of this submittal, the City had a formula business moratorium, preventing approval of applications for a formula business until spring 2022. When reviewing the entitlements, it was determined that the proposal would be considered a formula business, so the sign permit was withdrawn until the formula business use permit could be heard. A formula business based on Section 18.100.020(F) of the Inland Land Use and Development Code (ILUDC) is defined as a commercial establishment with ten or more locations along with two other standardized features such as an array of merchandise/menu, décor, uniforms, façade, color scheme, or exterior signage.

This moratorium prevented the transition to the Baymont Inn and installation of new signage, but the non-formulaic aspects such as color scheme, pergola, and numerous interior improvements were permitted through administrative Design Review (DR 7-21) under the agreement that the hotel would maintain operations under Ebb Tide until all appropriate land use entitlements were obtained. The staff report and permit associated with DR 7-21 are included as Attachment 3 & 4 in concurrence with the Regulations of Formula Business identified under 18.46.030.B. As of

November 8, 2021 the City Council repealed the moratorium, allowing the formula business use permit and sign permit to proceed.

Signs

The Ebb Tide Lodge has two existing signs on the property, one free standing and one wall sign on the southern elevation. See the figures below for existing signage:

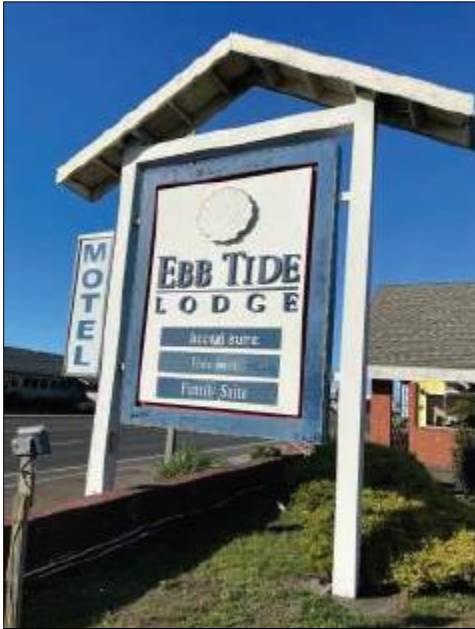


Figure 2 – Freestanding Sign



Figure 3 – Wall Sign

The applicant is proposing to remove the wall sign and modify the existing cabinet to include Baymont Inn branding. The cabinet would be a double-sided polycarbonate face with an opaque background mounted on the existing sign frame. The cabinet would have an LED illuminated logo and lettering while the background would remain opaque. The proposed signage is shown on figure three and four below.

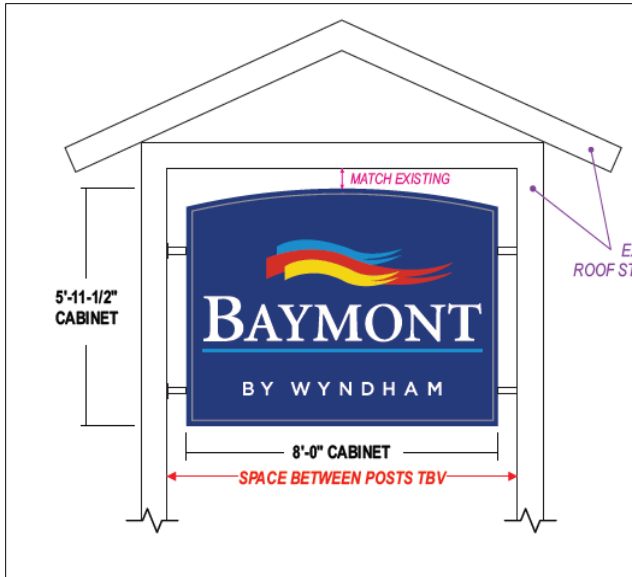


Figure 3 – Proposed Sign



Figure 4 – Simulated Night View

Full-proposed signage may be found in **Attachment 2**.

USE PERMIT ANALYSIS & FINDINGS

- 1. The proposed use is consistent with the General Plan and any applicable specific plan;**
 The proposed hotel does not conflict with any applicable General Plan goal, policy, or program and is not related to any specific plan. The use is consistent with the General Plan with Use Permit approval.
- 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 ILUDC classifies and regulates the uses of land and structures within City limits. The proposed project is considered *Lodging – Hotel or Motel*, which is an allowable land use with Use Permit approval in the General Commercial zoning district. The General Commercial zone is intended to support a wide range of service-related uses; which hospitality is a part of. With use permit approval, the applicant shall comply with this finding.
- 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 Ebb Tide Lodge has operated as a hotel for the past 60 years in this location. The applicants are not proposing any expansions of use and would maintain similar operations as a hotel. Hotels are found throughout the General Commercial zone and are expected in that zone. As the hotel is already built out and has operated/will continue to operate in a similar manner, the use will remain compatible with existing and future land uses.
- 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.

The site is already built out and no changes are proposed which would substantially affect design, location, shape, size, operating characteristics, access of emergency vehicles, and related public services. Due to existing operating characteristics, the proposed project would not endanger the interests listed above.

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

Table 2-6 identifies that a Use Permit is required for formula businesses in this district. See formula business and sign findings analysis below for specific compliance with those requirements.

18.22.030 C.4. also requires the review authority first make the appropriate zoning district finding that a project/use in the CG (General Commercial) district;

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

The proposed use is for a hotel, which generally requires a large amount of storage in order to provide adequate services to customers. Items in storage for hotels include:

- Disposable hotel amenities such as shampoo, toothbrushes, and cups.
- Textiles such as sheets, blankets, and covers for bedding.
- Hotel furniture and replacement furniture.
- Hotel room supplies such as small appliances to hair dryers.
- Housekeeping supplies
- Breakfast and buffet supplies.

The combination of supplies necessary to run a hotel allows the proposed use to comply with this finding.

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

The existing hotel contains 32 rooms which can generally support one to four guests per room. The applicant is not proposing to expand the hotel. Assuming at peak usage there are four guests per room, there is a maximum of 128 customers on site at any given time. The site is 37,500 SF which means there is theoretically one customer per 292 SF at peak usage and one customer per 1,171 SF at its lowest usage. The CG (General Commercial) zoning district is applied to areas of the City that are appropriate for less compact and intensive commercial uses than those accommodated within the CBD zone. Most stores in the CBD generally range from 1000-3000 SF. Generally, these stores can support 25-50 customers, which means in lower usage hours in a 3000SF store, there would be one customer per 120 SF. This usage is over double the usage rate of the hotel in off hours, therefore the use is not heavily dependent on customer traffic per square foot.

FORMULA BUSINESS ANALYSIS & FINDINGS

1. The commercial establishment will add to, rather than detract from, the overall economic and cultural vitality of the City;

While the City's primary economy has shifted towards tourism, the City's mission remains to be a friendly city with a small town character and a strong sense of community that values its roots in the fishing and timber industries. This shift means providing a wide variety of lodging options is important to attracting tourists to see what Fort Bragg has to offer. Hotels in the City should be safe, clean, and close to activities to add to the economic vitality of the City. Over the past year, the Ebb Tide Lodge has had numerous code enforcement violations and illicit activities on the premises. In addition, based on site visits conducted by code enforcement, the fire department, and the Mendocino County Building Department, much of the building was in a state of disrepair. Much of which was visible from Main Street. The hotel lacked many of the desirable traits tourists seek when browsing lodging options for vacation.

The applicant has already made and plans to make numerous permitted upgrades to the site. Upgrades include renovating rooms, installing water efficient landscaping, repainting to blend with the surrounding area, and providing onsite amenities such as a common area. The combination of these upgrades will allow the Baymont Inn to contribute to the economic vitality of the City. A comparison of the rooms is shown on figure five and six below.



Figure 5 – Ebb Tide Lodge



Figure 6 – Baymont Renovated Room

Cultural vitality is the practice of supporting arts and culture within the community. For a hotel, cultural vitality may prove to be a difficult element to incorporate, as most communities do not view a hotel as needing to incorporate or supporting of the arts as part of their development plan. What makes Fort Bragg a vibrant community are the amenities in town and along the coast. In order to participate in supporting arts and culture, hotels should direct tourists to the sites that make Fort Bragg special. The Baymont intends to do this through directional signage as shown on figure seven. These custom-made signs will be placed in rooms and will have a QR code that will provide directions to local destinations. The Baymont has these signs for the Central Business District, Noyo Harbor, Pacific Star Winery, and Point Cabrillo Lighthouse.



Figure 7 – Directional Signage

2. The commercial establishment will not result in an over-concentration of formula business establishments in its immediate vicinity or in the City as a whole;

The nearest hotel business that falls under the definition of a formula business is the Motel 6 at 400 S. Main Street. The Motel 6 is located roughly 500ft from the proposed Baymont Inn. No other formulaic hotel is located within 2500ft.

In terms of comparable size (square footage, amount of rooms, etc.) there are 19 hotels/motels including the Ebb Tide Lodge operating in the City. Out of the 19, 14 are non-formulaic while five are formulaic. Should the Ebb Tide Lodge transition to the Baymont Inn, there would be six formulaic hotels operating in the City, or 31% of all hotels of comparable size. This ratio does not include bed and breakfasts.

Based on the lack of formulaic lodging in the immediate vicinity, and the majority of hotels remaining non-formulaic, the proposed Baymont would meet this finding.

3. The commercial establishment will complement existing businesses;

Per Element 2 of the Inland General Plan, “Fort Bragg serves as the regional service center for the Mendocino coast and many support services needed for recreation and tourist-oriented businesses on the coast are located here”. As many businesses here are geared towards tourism, local business and lodging options are reliant on each other to bring tourists to the Mendocino Coast. These tourists can generate sales for nearby local retail and service businesses. The Baymont’s central location, proximity to other businesses, services, and attractions would allow the tourism industry to support existing businesses. Therefore, complying with this finding.

4. The commercial establishment will promote diversity and variety to assure a balanced mix of commercial uses to serve both resident and visitor populations;

The General Commercial zone is intended to support a variety of commercial uses. The General Commercial zone already has a healthy mix of services such as grocery stores, restaurants, cinemas, and lodging. The Baymont Inn is renovating an existing hotel so it will not change the diversity or variety in the area/zone. As mentioned previously, the CG zone is intended to support hotels, which in turn supports visitor populations. As well, there is a reasonable balance of formula hotels vs. non formula hotels as shown in finding two, allowing for compliance with this finding.

As a hotel, lodging may be associated with service resident populations by providing lodging for visiting family members of residents. By ensuring visitor serving accommodations available in the City include a wide array of both unique and familiar lodging options, visiting family members of residents, have variety available to suit their preferences and make they’re stay comfortable.

5. The commercial establishment has been designed to preserve and enhance the City’s small town character;

Small town character is generally defined through a variety of factors but there is no singular standard to look for. It may be the preservation of existing use and buildings, infilling existing urban centers, preservation of history through art and civic centers, conservation of the natural scenic landscape, and creating a cohesive sense of place. Because the remoteness of Fort Bragg is one of its greatest assets, assuring a range of traveler accommodations exist visitors of all walks of life can experience the one-of-a-kind character Fort Bragg has to offer. The Ebb Tide Lodge generally detracted from instead of reflecting the vision for preserving and enhancing the City’s reputation. As mentioned previously, the hotel has been in a state of

disrepair and has had illicit activity on site. In comparing online ratings, the Ebb Tide is the worst hotel in Fort Bragg by guests on many travel sites. The hotel was generally not a place where the public and tourists looked for “small town character”.

The Baymont Inn would be maintaining and continuing the longstanding use of a hotel in place of the Ebb Tide Lodge. The exterior changes that have been done are minimal and meant to blend with the character of the area. The interior changes do not remove “character” indicative of Fort Bragg as the Ebb Tide lacked said character. The Ebb Tide Lodge’s architectural style falls into “mid-century modern” which is not typical of the historic Victorian architectural style of the City. In order for the City to rely on its reputation as an emerging destination, to sustain and grow its tourism industry, and to draw visitors to experience Fort Bragg, developers should be encouraged to revitalize dilapidated structures in a way that preserve and enhance the commercial character of town.

6. The commercial establishment’s exterior design limits “formula” architectural, sign and other components;

The applicants are not proposing any changes to the architecture and the proposed sign is the only exterior formulaic feature. The applicant has remained flexible with the sign to limit formulaic features while still being able to maintain brand recognition. The sign has changed through staff review from a white illuminated cabinet pole sign to a dark blue, opaque with illuminated lettering sign mounted on the existing sign frame. These revisions have allowed the sign to blend with the site and surrounding area.

In terms of other components such as décor, hotel rooms generally all have a similar room layout. When viewing the décor of the renovated rooms as shown on figure 6, it is difficult to find “formula” elements. There are no specific features in the room that differentiate it as a formulaic hotel compared to other hotels in the City. Due to the minimal additions of formulaic features, the applicants will comply with this finding.

7. The commercial establishment’s exterior design integrates existing community architectural design features.

The proposed formula business does not intend to make any exterior changes to the structure beyond the previously approved paint color. As mentioned in finding six, the new sign will incorporate some of the design features of the original sign. In maintaining the structure of the sign, the applicants would comply with this finding.

SIGN PERMIT ANALYSIS & FINDINGS

1. The proposed signs do not exceed the standards of §§ 18.38.070 (Zoning District Sign Standards) and 18.38.080 (Standards for Specific Sign Types), and are of the minimum size and height necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site;

See the chart below for ILUDC section 18.38.070 and 18.38.080 comparison:

Requirement Type	Requirement	Proposed	Compliant? (Y/N)
Sign Type	Freestanding	Freestanding	Y

Sign Height	14ft	18ft 10"	N (Y with special condition #1 below)
Sign Area	100 Sq. Ft.	95.4 Sq. Ft.	Y

The existing Ebb Tide Lodge sign is a nonconforming sign due to its height. As the applicants are changing the sign, they will need to bring it into conformance per ILUDC section 18.38.090. Staff are proposing the following special condition to bring the sign into conformance:

Special Condition #1: Prior to submittal of building permits, the applicant shall revise their sign plan to show the proposed bracket and roof cover at the top of the sign to be 14' in height.

2. That the placement of the sign on the site is appropriate for the height and area of a freestanding or projecting sign;

With special condition #1 listed above, the sign shall comply with this finding.

3. That a flush or projecting sign relates to the architectural design of the structure. Signs that cover windows, or that spill over natural boundaries, and/or cover architectural features shall be discouraged;

This finding is not applicable.

4. The proposed signs do not unreasonably block the sight lines of existing signs on adjacent properties;

There are no signs of adjacent properties located near the existing/proposed sign. Therefore, it will not block site lines of signs on adjacent properties.

5. The placement and size of the sign will not impair pedestrian or vehicular safety;

The exiting sign location will not change and is located out of the public right of way and sightlines. Therefore, it will not impair pedestrian and vehicular safety.

6. The design, height, location, and size of the signs are visually complementary and compatible with the scale and architectural style of the primary structures on the site, any prominent natural features on the site, and structures and prominent natural features on adjacent properties on the same street; and

The proposed sign would match existing colors on site (blue, gray, and white) and compliment the building. There are no prominent natural features on site or adjacent on the same street that the sign would conflict with or block.

7. The proposed signs are in substantial conformance with the design criteria in § 18.38.060(E) (Design criteria for signs) and the Citywide Design Guidelines for signs.

The proposed sign is in substantial conformance of the design criteria listed in 18.38.060 and the design guidelines. The proposed sign has been designed by professionals, will have a similar scale to the site, will use durable materials, uses a brief symbol and has high legibility, uses illuminated lettering rather than cabinet, is placed near the entrance of the site, has a non-reflective finish, and will remain placed perpendicular to the street.

RECOMMENDATION

Staff recommends that the Planning Commission: Open a public hearing, receive staff report, take testimony for the applicant and the public, close the public hearing and deliberate, and consider adoption of a Resolution to approve Use Permit 4-21 (UP 4-21) and Sign Permit 13-21 (SP 13-21) subject to standard and special conditions.

ALTERNATIVE ACTIONS

1. Hold a hearing, close the hearing, deliberate without a decision, and revisit the application at a date certain for a decision pending the addition of any new findings.
2. Hold the hearing, and continue the hearing to a date certain if there is insufficient time to obtain all input from all interested parties. At the date certain, the Commission may then deliberate and make a decision.
3. Deny the Application.

GENERAL & 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, Inland Land Use and Development Code (ILUDC) and the Fort Bragg Municipal Code in general;
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
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;
4. The project complies with Specific Use Regulations established for the project;
5. For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under Section 15301(a) – Existing Facilities.

FORMULA BUSINESS FINDINGS

1. The commercial establishment will add to, rather than detract from, the overall economic and cultural vitality of the City; and
2. The commercial establishment will not result in an over-concentration of formula business establishments in its immediate vicinity or in the City as a whole; and
3. The commercial establishment will complement existing businesses; and
4. The commercial establishment will promote diversity and variety to assure a balanced mix of commercial uses to serve both resident and visitor populations; and
5. The commercial establishment has been designed to preserve and enhance the City's small town character; and
6. The commercial establishment's exterior design limits "formula" architectural, sign and other components; and

7. The commercial establishment's exterior design integrates existing community architectural design features.

SIGN PERMIT FINDINGS

1. The proposed signs do not exceed the standards of §§ 18.38.070 (Zoning District Sign Standards) and 18.38.080 (Standards for Specific Sign Types), and are of the minimum size and height necessary to enable pedestrians and motorists to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site;
2. That the placement of the sign on the site is appropriate for the height and area of a freestanding or projecting sign;
3. That a flush or projecting sign relates to the architectural design of the structure. Signs that cover windows, or that spill over natural boundaries, and/or cover architectural features shall be discouraged;
4. The proposed signs do not unreasonably block the sight lines of existing signs on adjacent properties;
5. The placement and size of the sign will not impair pedestrian or vehicular safety;
6. The design, height, location, and size of the signs are visually complementary and compatible with the scale and architectural style of the primary structures on the site, any prominent natural features on the site, and structures and prominent natural features on adjacent properties on the same street; and
7. The proposed signs are in substantial conformance with the design criteria in § 18.38.060(E) (Design criteria for signs) and the Citywide Design Guidelines for signs.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the Planning Commission is filed pursuant to ILUDC Chapter 18.92 - 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. 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.
4. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
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 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).
 8. Applicant shall indemnify, hold harmless and defend the City of Fort Bragg against any claim brought against the City stemming from the City's adoption of this Resolution.
 9. The Standard and Special Conditions of Approval shall be incorporated and printed in the Construction Plans submitted at time of building permit application.

SPECIAL CONDITIONS

Special Condition #1: Prior to submittal of building permits, the applicant shall revise their sign plan to show the proposed bracket and roof cover at the top of the sign to be 14' in height.

ATTACHMENTS

1. Approval Resolution
2. Proposed Sign Plan

NOTIFICATIONS

1. Public Hearings
2. Applicant, Agent, Owner
3. Planning Commission