RESOLUTION NO. PC -2024

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION APPROVING USE PERMIT 2-23 (UP 2-23), DESIGN REVIEW 3-23 (UP 3-23), VARIANCE (VAR 2-24), SIGN PERMIT 8-23 (SP 8-23) FOR A MIXED-USE PROJECT AT 228 N. MAIN ST.

WHEREAS, Christine Poos ("Applicant"), submitted Use Permit 2-23, Design Review 3-23, and Sign Permit 8-23 applications requesting to convert an existing commercial building to the following mix of uses: Restaurant with arcade, General Retail, and four Multi-Family Dwelling Units; and

WHEREAS, 228 N. Main St., Fort Bragg, California (Assessor Parcel Numbers: 018-153-28) is in the Central Business District (CBD), Inland Zone and no changes to the site's current zoning designation are proposed; and

WHEREAS, the Project is subject to the Fort Bragg Inland General Plan and Inland Land Use and Development Code (ILUDC); and

WHEREAS, the Project is exempt from CEQA under 15301 Class 1 Existing Facilities; and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 14, 2024, to consider the Project and accept public testimony and provided the following direction to staff:

1. Make the following changes and additions to the site plan:
   - Include bicycle parking for at least four bicycles.
   - Include thermoplastic striping for pedestrian "cross walk" from Main Street across the parking lot to the front of the building.
   - Illustrate the removal of the cyclone fencing and its possible replacement with redwood fencing or nothing, as desired by the applicant.
   - Illustrate an exit only arrow from the parking lot exit onto Alder street.
2. Resubmit the building elevations with additional decorative details, some suggestions included:
   - Use a three-color paint scheme, as the commissioners expressed interest in painting the parapet a different color, repainting on a band on the building in a different color, painting around the window alcoves and/or painting newly installed window trim. The Commission expressed interest in seeing details or an exterior painting plan that would give the building more definition and articulation. MJC suggested that the applicant consider painting the two-story structure a different color than the restaurant side, so that the building has two distinct masses.
   - Consider adding window trim or some other architectural detail to the exterior.
3. Prepare a Variance analysis for the project to determine if the site/project would meet the requirements for a variance. The variance would be to eliminate the requirement for a loading zone and associated masonry wall. Commissioners noted that other businesses of similar size in downtown do not have loading zones and that the geometry of the loading zone area would make truck access and use difficult.
4. Eliminate the special condition for soundproof windows.

WHEREAS, the Planning Commission continued the public hearing to March 13, 2024, to allow the applicant to resubmit the site plan and elevations and the consultant to revise the staff report and complete a variance analysis:

WHEREAS, the Planning Commission held a duly noticed public hearing on March 13, 2024, to consider the Project and accept public testimony and provided the following direction to staff:

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 Inland General Plan; the Fort Bragg Inland Land Use and Development Code; the Project applications; all site plans, the Staff Report and all reports and public testimony submitted as part of the Planning Commission meeting of February 14, 2024 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 adopt the following findings and determinations.

Approval of Use Permit 2-23 to allow the operation of the Mixed-Use Building at 228 N. Main St, Fort Bragg, based on the following findings and determinations from ILUDC 18.71.060(F) Use Permit:

1. The proposed use is consistent with the General Plan and any applicable specific plan; and
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; and
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity; and
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; and
5. The proposed use complies with any findings required by § 18.22.030 (Commercial District Land Uses and Permit Requirements); and

   The use complements the local, regional and tourist-serving retail, office and services functions of the CBD, and will not detract from this basic purpose of the CBD. Uses proposed for the intense pedestrian-oriented retail shopping areas of the CBD, which include the 100 blocks of East and West Laurel Street, the 300 block of North Franklin Street*, and the 100 and 200 blocks of Redwood Avenue,

shall be limited to pedestrian-oriented uses on the street-fronting portion of the building.

6. The proposed use complies with the Specific Land Use Standards for Mixed Use Development in Section 18.42.100.

Approval of Design Review 3-23 to allow minor exterior changes to the building at 228 N. Main St, Fort Bragg, based on the following findings and determinations from ILUDC 18.71.050(F) - Design Review:

1. Complies with the purpose and requirements of this Section; and
2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community; and
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.; and
4. Provides efficient and safe public access, circulation, and parking; and
5. Provides appropriate open space and landscaping, including the use of water efficient landscaping; and
6. Is consistent with the General Plan, any applicable specific plan; and
7. Complies and is consistent with the City's Design Guidelines.

Approval of Variance 2-24 to allow the applicant an exception from the Loading zone requirements, based on the following findings and determinations from ILUDC 18.71.070(F) - Variance:

1. General findings. The review authority may approve a Variance or Administrative Variance only after first making all of the following findings:
    a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Development Code deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district;
    b. The approval of the Variance or Administrative Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and
    c. The Variance or Administrative Variance is consistent with the General Plan and any applicable specific plan.

Approval of Sign Permit 8-23 to install three signs at 228 N. Main St, Fort Bragg, based on the following findings and determinations from ILUDC 18.38.030(D) - Sign Permit Findings for Approval:

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; and

2. That the placement of the sign on the site is appropriate for the height and area of a freestanding or projecting sign; and
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; and
4. The proposed signs do not unreasonably block the sight lines of existing signs on adjacent properties; and
5. The placement and size of the sign will not impair pedestrian or vehicular safety; and
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.

The Mixed-Use Project is also subject to the following general findings and determinations, based on analysis and testimony presented at the February 14, 2024 hearing, incorporated herein:

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

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby approve Use Permit 2-23, Design Review 3-23, and Sign Permit 8-23 to operate a mixed-use building that includes a restaurant with arcade, general retail, and four multi-family dwelling units in an existing building at 228 N. Main St., Fort Bragg, subject to the following conditions:

SPECIAL CONDITIONS:

1. Prior to final of the building permit, the applicant shall install at least two additional trees between the sidewalk and the parking lot in the landscaping strip along the Alder Street frontage between the entry driveway and the western corner of the parcel. The applicant shall also install at least two trees between the monument sign and the existing trees on the sidewalk fronting Main Street. Tree species shall be as specified in the landscaping plan. The installed backflow device shall be screened from view by shrubs and vegetation from the plant list in the Landscaping Plan.
2. Stormwater Management best practices shall be utilized during construction including the following:
    a. If construction is conducted between October and April (the rainy season) approval from the Public Works Department and additional construction BMP's will be required.

b. It is not permitted for construction debris and soil to be placed in the City right-of-way. All construction debris/soil shall be properly disposed of.
c. Applicant to adhere to the storm water measures outlined in the Storm Water Control Plan that was provided by the applicant.
d. Applicant to ensure that there is no increase in runoff to adjacent properties or to the Public Right of Way.

3. Prior to final of the Building Permit, the Applicant shall install a thermoplastic safety crosswalk between the North entrance of the building and the public sidewalk, and a concrete sidewalk connection between the south ADA crosswalk and the sidewalk to provide safe ADA access from the sidewalk.
4. The applicant shall install trash enclosures around both refuse collection areas. The enclosures shall be of redwood fencing, stucco or similar treatment as approved by the Director of Community Development prior to final of the Building Permit.
5. Prior to the final of the Building Permit, the applicant shall provide specifications for the installed exterior lighting, which shall be night-sky compliant, downward facing and shielded so that light does not enter the apartment windows or cast outside the limits of the property.
6. The applicant shall use the alley to load and unload supplies and equipment for the mixed-use project. The applicant shall not load or unload supplies or equipment from Main Street or Alder Street.
7. In accordance with ILUDC §18.38.070 et seq, when an additional signage is added for other businesses at the property, one of the Bear's Pizza signs shall be removed.
8. The applicant shall submit a revised sign design for approval by the Community Development Director which includes: 1) architectural elements on the sides and top to frame the monument sign pane, such as columns, pilaster, cornices, and similar details to provide design interest; 2) if the proposed signs will be internally illuminated only the sign copy may be illuminated; and 3) a lighting plan for the signs if they are not internally illuminated.

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 25 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 ILUDC Subsection 18.76.070(B).

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 14th day of February 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

_____

Scott Deitz, Chair

ATTEST:

_____

Maria Flynn, Administrative Assistant
Community Development Department