RESOLUTION NO. PC XX-2023

RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION MAKING A RECOMMENDATION TO CITY COUNCIL FOR THE APPROVAL OF THE COASTAL DEVELOPMENT PERMIT 2-22 (CDP 2-22), DESIGN REVIEW 7-22 (DR 7-22); PARCEL MERGER 1-2022 (MGR 1-22) FOR THE GROCERY OUTLET AT 825 845, 851 SOUTH FRANKLIN STREET.

WHEREAS, Best Development ("Applicant"), submitted an applicant for: Coastal Development Permit 2-22 (CDP 2-22), Design Review 7-22 (DR 7-22); Parcel Merger 1-22 (MGR 1-22) to construct a Grocery Outlet Market (retail store). The proposed project includes the demolition of an existing 16,436 SF vacant former office building and associated 53-space parking lot and wooden fencing along the property line, and the construction and operation of a 16,157 SF, one-story, retail store with a 53-space parking lot and associated improvements and infrastructure; and

WHEREAS, 825 845, 851 South Franklin Street, Fort Bragg, California (Assessor Parcel Numbers: 018-120-49, 018-120-48, 018-120-47) is in the Highway Visitor Commercial (CH) zone, 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 Fort Bragg Coastal General Plan and Coastal Land Use and Development Code (CLUDC); and

WHEREAS, the Planning Commission held a public meeting on May 10, 2023, to consider the Project, accept public testimony and consider making a recommendation to City Council; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") pursuant to Section 15074 of the CEQA Guidelines, an Environmental Impact Report (EIR) was prepared for the Coastal Development Permit, Design Review Permit and Parcel Merger to construct a Grocery Outlet Market on Assessor Parcel Numbers: 018-120-49, 018-120-48, 018-120-47; and

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 May 10, 2023 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 hereby find and recommend to the City Council 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;

3. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code (ILUDC) 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 report, dated May 10, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Fort Bragg Planning Commission makes the following recommendations regarding the required findings and determinations for Coastal Development Permit 2-22 to allow for the development and operation of the Grocery Outlet at 825 845, 851 South Franklin Street

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

   The environmental impacts of the proposed project have been analyzed through an Environmental Impact Report and all mitigation measures have been incorporated into the project through the adoption of Special Condition 18.

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

   The proposed project is a permitted use by right in the Highway Commercial zoning district.

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

   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 report, dated May 10, 2023.

4. 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 proposed project, as conditioned, would not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, per analysis incorporated herein by reference to the project staff report, dated May 10, 2023.

5. 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, as conditioned, would be adequately served by water supply, sewer supply, solid waste disposal, and roadway capacity per the analysis incorporated herein by reference to the project staff report, dated May 10, 2023 and the project EIR.

NOW, THEREFORE, BE IT Further RESOLVED that the Fort Bragg Planning Commission makes the following recommendations to City Council regarding the required findings and determinations for the Design Review Permit 2-22 for this project:

1. Complies with the purpose and requirements of this Section (Design Review in the CLUDC).

   The proposed project, as conditioned, would meet the purpose of design review per the analysis incorporated herein by reference to the project staff report, dated May 10, 2023 and the project EIR.

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

   The proposed project, as conditioned, provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community per the analysis incorporated herein by reference to the project staff report, dated May 10, 2023.

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, provides attractive and desirable site layout and design per the analysis incorporated herein by reference to the project staff report, dated May 10, 2023.

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

   The proposed project, as conditioned, provides efficient and safe public access, circulation, and parking per the analysis incorporated herein by reference to the project staff report, dated May 10, 2023.

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

   The proposed project, as conditioned, provides appropriate open space and landscaping, including the use of water efficient landscaping, and

parking per the analysis incorporated herein by reference to the project staff report, dated May 10, 2023.

6. Is consistent with the Coastal General Plan, and applicable specific plan, and the certified Local Coastal Program.

   The proposed project, as conditioned, is consistent with the Coastal General Plan and the certified Local Coastal Program per the analysis incorporated herein by reference to the project staff report, dated May 10, 2023.

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

   The proposed project, as conditioned, is consistent with the City's Design Guidelines per the analysis incorporated herein by reference to the project staff report, dated May 10, 2023.

NOW, THEREFORE, BE IT Further RESOLVED that the Fort Bragg Planning Commission makes the following recommendations to City Council regarding the required findings and determinations regarding the Sign Review Permit 2-22 for this project per the analysis incorporated herein by reference to the project staff report, dated May 10, 2023:

1. The proposed signs do not exceed the standards of Sections 17.38.070 (Zoning District Sign Standards) and 17.38.080 (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 Subsection 17.38.060.F (Design criteria for signs).

BE IT FURTHER RESOLVED that the Fort Bragg Planning Commission does hereby recommend that the City Council approve Coastal Development Permit 2-22 (CDP 2-22), Design Review Permit 7-22 (DR 7-22) and Parcel Merger 1-22 (MGR 1-22) to construct a Grocery Outlet Market (retail store) subject to the following standard and

special conditions:

SPECIAL CONDITIONS

Special Condition 1: The applicant shall resubmit the landscaping and parking plans for Community Development Director approval. The revised parking and landscaping plan shall:

a) Delete the two parking spaces on the southwest corner of the parking lot and replace this area with landscaping.

b) Eliminate the excess RV parking space, and to the degree feasible replace a portion of it with landscaping.

c) Contain drought tolerant native species;

d) Replace the Monterey Cypress Trees with locally native tree species.

e) Comply with the California Model Water Efficient Landscape Ordinance (MWELO).

Special Condition 2: The applicant shall construct new sidewalk along parcel boundaries with South Street, S. Franklin Street, and N. Harbor Drive frontages, as required by City standards prior to final of the Building Permit.

Special Condition 3: Prior to final of the Building Permit, a "Fair-Share Deferment" agreement shall be entered into by the applicant with Caltrans to fund future traffic improvements as required by cumulative development. The agreement shall be in the form published by Caltrans in the Local Development Intergovernmental Review Program – Traffic Mitigation Agreements. Furthermore, the amount of fair share payment has been determined to be $144,900 based on the traffic study and the Caltrans cost estimate. The "Fair-Share Deferment" agreement shall be executed and $144,900 in funds shall be deposited with TRAMS a fund program of Caltrans prior to issuance of the building permit. The check shall be submitted per the procedure outlined in the document entitled Local Development Intergovernmental Review Program – Traffic Mitigation Agreements.

Special Condition 4: The applicant shall obtain an encroachment permit from Caltrans and the City of Fort Bragg and install signage, stripe and paint to create a right-hand turn only lane at the western approach of North Harbor Drive to the intersection of North Harbor Drive and S. Main St.

Special Condition 5: Prior to issuance of the grading permit, the applicant shall submit for approval by the Public Works Director, the stormwater calculations for the stormwater plan, including a Water Quality Management Plan and including how the proposed structural treatments minimize construction impacts to water quality, maximize infiltration of runoff, and reduce parking lot runoff pollution.

Special Condition 6: Prior to issuance of the Building Permit the applicant shall provide an analysis that documents the sufficiency of existing stormwater infrastructure or provide an engineer reviewed design of a new proposed drainage conveyance system for approval by the Public Works Director. If upgrades to infrastructure are required, this shall be completed by the developer and dedicated to the City.

Special Condition 7: The applicant shall install offsite drainage improvements as needed to ensure that stormwater flows from the project will be effectively transported to the

nearest drainage facilities, located on Main Street/Highway 1. This may include surface transportation facilities such as gutters, where absent, or subsurface transportation via pipe if there is insufficient surface capacity.

Special Condition 8: A Maintenance and Operations agreement for ongoing maintenance of the bioretention features installed with this project shall be submitted to the City for review and approval and shall be recorded with the County Recorder's office to ensure that the bioretention features are maintained and remain effective. Recordation of the Maintenance Agreement shall be completed prior to Certificate of Occupancy.

Special Condition 9: An engineered grading plan shall be provided, per Municipal Code Section 17.60.030, and a separate grading permit will be required for the site work. The final grading plan can be submitted at the time of Building Permit application.

Special Condition 10: Prior to issuance of the Building Permit the applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the State Water Board to obtain a Construction General Permit. A Runoff Mitigation Plan (RMP) is required by the City to demonstrate the project meets the requirements established by local, state and federal regulations. The City's RMP requirement can be fulfilled by a SWPPP instead. If using a SWPPP to fulfill the RMP, a draft version shall be submitted to the City to ensure the project is in compliance prior to filing for a Notice of Intent (NOI) with the state.

Special Condition 11: All work shall be done in compliance with all conditions required by the City of Fort Bragg Grading Ordinance; Land Use Code Chapter 17.60-17.64 – Grading and Stormwater Runoff Requirements and Procedures. If construction is to be conducted between October and April (the rainy season) approval from the Public Works Department and additional construction BMP's will be required.

Special Condition 12: Markers or stenciling shall be required for all storm drain inlets constructed or modified by development, to discourage dumping and other illicit discharges into the storm drain system.

Special Condition 13: In order to minimize dust and keep dust from leaving the project site, a dust prevention and control plan shall be submitted for approval by the City Engineer in conjunction with the grading plan. The dust prevention and control plan shall demonstrate that the discharge of dust from the construction site will not occur, or can be controlled to an acceptable level depending on the particular site conditions and circumstances. The plan shall include the following information and provisions:

- If the importing or exporting of dirt is necessary, the plan shall include the procedures necessary to keep the public streets and private properties along the haul route free of dirt, dust, and other debris.
- 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.
- Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed.

- All earthmoving activities shall cease when sustained winds exceed 15 miles per hour.
- The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours.
- Graded areas that are not immediately paved shall be revegetated as soon as possible 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.

Special Condition 14: The applicant is required to pay its fair share of the system infrastructure and future capital improvements through the Drainage fees, Water Capacity Charges and Wastewater Capacity Charges. All associated capacity charges and fees shall be paid prior to the issuance of the first building permit.

Special Condition 15: Should the existing project require new or increased capacity water/sewer connections, fees will be required. New or increased capacity sewer connections shall include cleanouts and new or increased capacity water connection(s) shall have backflow device(s). All associated connection fees shall be paid prior to the issuance of the first building permit.

Special Condition 16: Frontage improvements are required on North Harbor Drive, and the southerly portion of South Franklin that is not improved. Public improvements shall be designed by a licensed Civil Engineer, and include pavement as needed for road widening, curb, gutter and sidewalk, per City of Fort Bragg Construction Standards. The designs for all frontage improvements shall be submitted to the City with the Building Permit application for approval by the Director of Public Works and all improvements shall be installed prior to final of the building permit.

Special Condition 17: The Applicant shall ensure adequate pressure and flow to the subject site to provide necessary commercial and fire suppression flows. The Applicant shall provide documentation that water pressures can be achieved or that they have a means (via pressure pump, tank, etc.) for enhancing their system to meet standards. Documentation shall be submitted prior to issuance of Building Permit.

Special Condition 18: The applicant shall implement all Mitigation Measures in the Final EIR and the Mitigation Monitoring and Reporting Plan for the Project as certified by City Council.

Optional Special Condition 19: The applicant shall allow two-hour parking for people wishing to access Noyo Harbor via the Harborlite Lodge stairway.

Optional Special Condition 20: The building permit application plans shall include solar panels on the roof.

Optional Special Condition 21: Two benches shall be installed in the landscaped area parallel to and adjacent to the sidewalk.

Optional Special Condition 22: The applicant shall submit a revised design that includes additional detailing in the parapets for consideration and approval by the Community Development Director.

Optional Special Condition 23: The windows on the south side of the building shall not

be obscured for more than 20% of total window area with murals or other films or coverings that limit passive solar gain.

Optional Special Condition 24: The applicant shall replace/cover all smooth surface CMU block on the east and north elevation of the building with the higher grade materials (fish scale hardipanel) which are proposed for the South and West facade of the building.

Optional Special Condition 25: The applicant shall replace/cover all CMU block on the west face of the building with hardiboard composite wood paneling.

Special Condition 26: The Building Permit plans shall illustrate parking lot lighting standards that are not taller than 16 feet in height.

Special Condition 27: Prior to approval of the Building Permit application, the applicant shall provide an elevation of the new fencing/sound wall from both the east and west perspective. Further the Community Development Director shall ensure conformance with the Design Guidelines related to fencing.

Special Condition 28: The Building Permit application shall include an exit gate by the loading dock to facilitate emergency egress out of the loading area.

Special Condition 29: The applicant shall install a Pick-up/ Drop-off Sign on Franklin Street adjacent to the Entryway. This area will include at least two spaces that are painted for 10-minute pick up and drop off.

Special Condition 30. Prior to approval of the Building Permit the applicant shall submit a revised sign plan that includes no more than 100 SF of signage, and the monument sign shall include the required site address, and substantially replicate the proposed sign design and locations, for approval by the Community Development Director.

Special Condition 31: Prior to issuance of the Building Permit, the applicant shall submit a revised sign site plan, to be approved by the Community Development Director. The revised sign plan must illustrate that the monument sign is 20 feet back from the edge of the sidewalk in every direction (due to curved sidewalk situation) and is perpendicular to the street at its placement.

Special Condition 32: Prior to issuance of the Building Permit, the applicant shall record a deed and parcel map, eliminating the lot lines between parcels 018-120-49 and 018-120-48 and 018-120-48. All property taxes due shall be paid prior to recordation, as evidenced by a preliminary title report submitted to the satisfaction of the Community Development Director.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the City Council decision.

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 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 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).

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

The above and foregoing Resolution was introduced by Commissioner _____seconded by Commissioner _____, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 10th day of May 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

Jeremy Logan, Chair

ATTEST:

Humberto Arellano, Administrative Assistant