

MEETING DATE: January 8, 2020

PREPARED BY: S. McCormick

PRESENTED BY: S. McCormick

## AGENDA ITEM SUMMARY REPORT

**APPLICATION NO.:** Use Permit 4-19 (UP 4-19)

**OWNER:** International Church Foursquare Gospel

**APPLICANT:** Lyndia Pyeatt

**REQUEST:** Use Permit to establish an Artisan Shop in Very High Density Residential (RVH) zoning district.

**LOCATION:** 126 N McPherson Street, Fort Bragg

**ASSESSOR'S PARCEL NO.:** 008-191-05

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt from CEQA pursuant to Section 15301 – which exempts minor interior and exterior modifications.

**SURROUNDING LAND USES:**

NORTH:	Residential
EAST:	Residential
SOUTH:	Residential
WEST:	Residential

**APPEALABLE PROJECT:**  Can be appealed to City Council

## PROJECT BACKGROUND AND DESCRIPTION

The subject property at 126 N McPherson Street (**Attachment 1 – Project Location**) has a large structure stretching from N McPherson Street to the rear alley. This structure has served the community as a church and contains two large assembly areas, kitchen, three restrooms, and a couple smaller office spaces. As shown in the image below, nearly the entire 6,000 SF parcel is covered by the structure and there is no on-site parking.



Currently the site is utilized by The River Foursquare Church. The applicant recently acquired the property and is requesting to open an artisan shop, making and selling wood furniture and home decor (**Attachment 2 – Examples of Handcrafted Items**). There would also be an accessory retail component that includes a variety of flooring, carpets and rugs (custom hand binding on site). The City’s Land Use and Development Code (ILUDC) requires a Use Permit for the land use, *Artisan Shop*, in Very High Density Residential (RVH) zoning district. The *Accessory Retail* component is permitted by right in RVH zoning district

The proposed project includes the following components:

Use	Approximate Square Footage
Artisan Shop	
Showroom	1,735

Bench Room	115
Machine Room	295
Office	119
Backstock	1,393
Restrooms (3)	190
<b>Accessory Retail</b>	
Showroom	no more than 25% or 435 SF
Backstock	no more than 25% or 348 SF

The proposed project intends to utilize the existing floor plan and the building would require minimal remodeling; no external development is proposed (**Attachment 3 – Floor Plan**).

## **ARTISAN SHOP USE PERMIT**

The ILUDC defines the land use, Artisan Shop as, “a retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, where the store includes an area for the crafting of items being sold”. Artisan Shops require Use Permits in Very High Residential (RVH) zoning districts.

RVH is the zoning designation of areas appropriate for high density multifamily housing, and is located near commercial zoning districts and public services. A limited number of neighborhood-serving commercial uses are allowed in RVH zoning with Use Permit approval, such as, neighborhood markets, artisan shops, restaurants, cafes, and a variety of medical and professional services. The Use Permit process provides a process for reviewing these commercial activities to determine whether a proposed commercial use is appropriate for a specific site.

In order to approve a Use Permit, the Planning Commission must first find all of the following:

### ILUDC 18.71.070(F)

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).

The analysis below is provided to assist the Planning Commission in determining whether the proposed project is appropriate for the subject site by providing evidence to support the findings above.

- 1. The proposed use is consistent with the General Plan and any applicable specific plan;**  
The proposed use is consistent with the General Plan because it would not adversely affect the primarily residential character of the neighborhood. In fact, the existing structure is non-residential, so the proposed use would not be displacing residential units. Additionally, although not directly applicable, the General Plan contains policy to discourage demolitions and encourage adaptive re-use in order to preserve existing buildings both from point of view of sustainable practices and for visual character. These policies are provided for the Central Business District, but worth consideration because they provide a sense of the community's vision of preservation and reuse.
  - Policy LU-6.1 Preserve Neighborhoods: Preserve and enhance the character of the City's existing residential neighborhoods;
  - Policy CD-2.1 Adaptive Reuse: Facilitate the adaptive reuse of existing older buildings in the Central Business District;
  - Policy S-1.1 Building Reuse: Where existing buildings in the Plan Area are structurally sound and reuse is economically feasible, reuse of buildings in whole or part is preferred.
  
- 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;**  
As previously stated, the RVH zoning district allows *Artisan Shops* with Use Permit approval. There are no exterior modifications proposed to the structure. The size of the structure does not allow for on-site parking and is existing nonconforming in this respect. Please see analysis below regarding the project's compliance in terms of the nonconforming parking. As conditioned and analyzed in this staff report, the proposed use complies with the ILUDC and 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;**  
Design. No external development is proposed. There is an existing nonconforming sign relating to the church, which is required to be removed following a change in use and prior to approval of new signage.

**Special Condition 1:** Prior to installation of signage for new business, a completed sign permit application shall be submitted to the Community Development Department for review and approval. Additionally, the existing nonconforming signage will be removed within three months of change in use.

Location. The eastern side of the subject block consists of 50-foot by 120-foot parcels; with the subject parcel surrounded by residential dwellings on all sides. Across the street, on the west side of the block, the zoning designation is Central Business District, which represents the City's commercial core. Three parcels to the south, at the corner of Oak and McPherson Streets, is a neighborhood market/deli and across Oak Street from this business, a neighborhood bar.

Additionally, the previous land use in this location was similarly non-residential. The existing combination of residential, neighborhood-serving commercial and Central Business District uses provide a compatible location for the proposed artisan shop.

Size. The existing structure is +/-5,000 SF, extending from front sidewalk to rear alley. It is a large structure, ideal for the proposed use because it has sufficient room for workspace, lumber storage and gallery. More so because the accessory retail component of the proposed artisan shop is flooring, which tend to be large and bulky.

Operating Characteristics. The hours of operation for the proposed artisan shop are: Monday through Friday 11:00 AM to 4:00 PM. The business intends to have two on-site employees, the artisan and store clerk. As illustrated in the floor plan (Attachment 3), there would be two work spaces: 1) machine room with dust collection; and 2) bench room for assembly and finishing touches. Furniture pieces would be displayed and sold in the showroom. The Special Conditions below are included to ensure the operating characteristics do not create adverse offsite effects.

**Special Condition 2: Noise.** Woodworking machine room shall only operate between the hours of 8:00 AM and 8:00 PM and shall comply with the City's noise ordinance, Fort Bragg Municipal Code 9.44 (**Attachment 4 – FBMC 9.44.020**)

**Special Condition 3: Dust and Fumes.** No business activities shall create off-site dust or fumes associated with operations. Wood dust/scrap shall be removed and properly disposed of on a regular basis.

The Accessory Retail component would include flooring from the well-established local business, The Floor Store. A variety of floor samples and custom hand binding options for rugs and carpets would be sold alongside the handcrafted furniture pieces and incorporated into the overall showroom to create displays.

- 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.**

N McPherson Street and the rear alley provide sufficient access to the site for emergency vehicles. The structure is large and therefore could accommodate a high density of people. Changing the use from a public meeting space (church), to an artisan shop would lessen the density/intensity of use, which in turn could make the proposed use more suitable in terms of design, location, shape, size, operating characteristics as discussed above in 3.

In terms of access to public services and utilities, the Public Works Department has identified a City storm drain running the length of the southern property line. In addition, a public sewer line crosses the northeast corner of the parcel. The City is requesting maintenance easements for these public utilities, which are included in the following special conditions:

**Special Condition 4:** Prior to approval of business license, applicant shall dedicate a 10' wide Public Storm Drain easement along the southerly property line to allow the City to access and maintain the existing Public storm drain facilities. Any new improvements constructed within the easement may be subject to demolition, at the cost of the applicant, should access be required. The City will provide the necessary documents for signature.

**Special Condition 5:** Prior to approval of business license, applicant shall dedicate a public sewer easement over the northeast corner of the parcel to allow the City to access and maintain the existing public sewer facilities. The City will provide the necessary documents for signature.

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

The zoning designation for the proposed project is Very High Density Residential (RVH) and therefore this finding does not apply.

## **NONCONFORMING PARKING**

There is no on-site parking for this parcel and the size of the structure does not allow parking to be added. ILUDC 18.36.040(F) states:

**Nonconforming Parking.** A use or structure with nonconforming off-street parking may be physically changed or undergo a change in use in compliance with the following provisions:

**2. Nonresidential uses.**

- a) The number of existing parking spaces shall be maintained on the site and additional parking shall be provided in compliance with this Chapter for any additional floor area.
- b) If the use of the structure is changed to one that requires more parking than the previous use, only the difference between the number of parking spaces required for the previous use and those for the new use shall be added.
- c) The change shall not eliminate the only portion of the site that can be used for the required or existing parking or access.

ILUDC Table 3-7 illustrates parking requirements by land use. The land use for a church is identified as *Religious Facilities* and requires a minimum of one (1) vehicle space for every 250 SF of floor area. At +/-4,830 SF of floor area this would be twenty (20) vehicle spaces for the subject structure. The land use *Artisan Shop* is not listed in Table 3-7, however could be considered somewhere between the land use *Manufacturing* (five spaces) and *Retail Trade* (twelve spaces), for an estimated requirement of eight or nine (8-9) parking spaces for the proposed use. In summary, the proposed change in use would not intensify the need for parking and in fact would have less of an impact.

As the parking on site is: a) not being altered; b) the change in use is lessening the need for parking; and c) no exterior modifications are being considered that would eliminate the opportunity to provide on-site parking, the existing nonconforming parking complies with the City's ILUDC.

## **ENVIRONMENTAL DETERMINATION**

This project is exempt from CEQA per Statutory Exemption §15301 Existing Facilities, which exempts minor interior and exterior alterations.

## **RECOMMENDED PLANNING COMMISSION ACTION**

1. Hold a hearing, close the hearing, deliberate and approval of Use Permit 4-19 (UP 4-19) based on the findings and conditions contained within staff report.

## **ALTERNATIVE ACTIONS**

1. Hold a hearing, close the hearing, deliberate without a decision, and revisit the application at the next scheduled meeting for a decision and 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. Direct staff on findings for denial of Use Permit 4-19 to be adopted at the next regularly scheduled meeting of Planning Commission.

## **GENERAL 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; and
5. For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under Section 15303 – conversion of existing structures to new uses.

## **USE PERMIT FINDINGS**

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 Section 18.22.030 (Commercial District Land Uses and Permit Requirements).

## **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 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. 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).

### **SPECIAL CONDITIONS**

1. Prior to installation of signage for new business, a completed sign permit application shall be submitted to the Community Development Department for review and approval. Additionally, the existing nonconforming signage will be removed within three months of change in use.
2. Noise. Woodworking machine room will operate between the hours of 8:00 AM and 8:00 PM and shall comply with the City's noise ordinance, Fort Bragg Municipal Code 9.44
3. Dust and Fumes. No business activities shall create off-site dust or fumes associated with operations. Wood dust/scrap shall be removed and properly disposed of on a regular basis.
4. Prior to approval of business license, applicant shall dedicate a 10' wide Public Storm Drain easement along the southerly property line to allow the City to access and maintain the existing Public storm drain facilities. Any new improvements constructed within the easement may be subject to demolition, at the cost of the applicant, should access be required. The City will provide the necessary documents for signature.
5. Prior to approval of business license, applicant shall dedicate a public sewer easement over the northeast corner of the parcel to allow the City to access and maintain the existing public sewer facilities. The City will provide the necessary documents for signature.

### **ATTACHMENTS**

1. Project Location
2. Examples of Hand-Crafted Items
3. Floor Plans
4. FBMC 9.44.020

## **NOTIFICATION**

- Applicant, Lyndia Pyeatt
- Property Owners within 300-feet, Residents within 100-feet
- Planning Commission
- Notify Me subscriber lists: Current Planning Permits, Public Hearing Notices, Downtown Businesses