

MEETING DATE: July 11, 2018

PREPARED BY: S. McCormick

PRESENTED BY: S. McCormick

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Use Permit 1-17 (UP 1-17)

OWNER/APPLICANT: Silver Canul

REQUEST: Use Permit to convert the upstairs residential portion of mixed use building into *Lodging – Bed & Breakfast Inn*.

LOCATION: 418 N Main Street, Fort Bragg

ASSESSOR'S PARCEL NO.: 008-056-05

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA pursuant to Section 15303 – conversion of existing structures to new uses.

SURROUNDING LAND USES:

NORTH:	Meeting Facility (Cinder's Productions)
EAST:	Residential Unit
SOUTH:	Retail (Roundman's)
WEST:	Retail (Depot Mall)

APPEALABLE PROJECT: ☒ Can be appealed to City Council

RECOMMENDED ACTION:

Hold a hearing, close the hearing, deliberate and approve Use Permit 2-18 (UP 2-18) subject to the required approval findings and subject to standard conditions sited below.

PROJECT BACKGROUND AND DESCRIPTION

The property at 418 N Main Street (**Attachment 1 – Location Map**) has historically operated as a mixed use building with a restaurant on the ground floor and single residence upstairs. The business, 'The Restaurant' operated a restaurant on the ground floor for over thirty years and the restaurateurs resided in the upstairs residential dwelling unit. Mayan Fusion Restaurant was opened in 2017 by the restaurateur/owner/applicant who is proposing to convert the upper residential unit into a Bed & Breakfast Inn.

The layout of the residential unit contains four (4) bedrooms, two (2) bathrooms, two (2) living rooms, an office and a kitchen (**Attachment 2 – Floor Plan**). The proposed Bed & Breakfast Inn would have two (2) bedrooms available to rent nightly and meal/beverage service shall be provided. The proposed project will not require an interior remodel or exterior development.

ANALYSIS

Compliance with General Plan

General Plan Policies designate the Central Business District for small scale, pedestrian friendly, mixed use development and the preservation of historic structures. The proposed project would preserve an existing structure and provide pedestrian oriented businesses in a mixed use project. The adaptive re-use and more complete utilization of buildings in the Central Business District is also encouraged. Findings can be made that the proposed use is consistent with the General Plan.

Compliance with ILUDC

The Inland Land Use and Development Code (ILUDC) requires a Use Permit to allow *Lodging – Bed & Breakfast* in the Central Business District (CBD) zoning district. In order to approve a use permit in the Central Business District the proposed project must be consistent with the policies below:

Policy	Project Consistency
18.22.030(C)(3) Central Business District	
The use compliments the local, regional and tourist-serving retail, office, and services functions of the CBD.	Consistent
Pedestrian oriented uses on the street-fronting portion of the building.	Consistent

Additionally, *Lodging – Bed & Breakfast* is defined as “a residential structure with 1 or more bedrooms rented for overnight lodging with an on-site manager, where meals may be provided subject to applicable Environmental Health Department regulations”. The applicant proposes to live in the unit, rent out two bedroom suites with separate bathrooms and provide breakfast to overnight guests, which is consistent with the requirements of the Bed & Breakfast definition.

Section 18.42.050 outlines standards and specific requirements for Bed and Breakfast Inns. The following analysis lists the application’s consistency with these requirements:

Policy	Project Consistency
18.42.50 (A) Limitations on services provided.	
Services shall be limited to the rental of bedrooms or suites.	Consistent
Meal/Beverage service shall be provided for registered guests only.	Consistent
Separate/additional kitchens for guests are not allowed.	Consistent

The subject building is a historic structure operating as a mixed use project in the CBD zoning district. There are no proposed modifications to the existing building and the building complies with site planning and design standards as shown in the table below:

Development Standard	CBD Zoning District Requirement	Proposed Project	Compliance
Front Setback	None allowed – Building facades shall abut the back of the public sidewalk	None	Yes
Side (south) Interior Setback	None Required	None	Yes
Side (north) Interior Setback	None Required	None	Yes
Rear Setback	5ft adjacent to an alley; none required elsewhere	+/- 70 feet	Yes
Site Coverage	No limitation	N/A - None Required	Yes
Height Limit	35 feet and 3 stories	Existing building is two stories (+/- 30 feet)	Yes

Parking

The Inland Land Use and Development Code (ILUDC) Section 18.36.080(C) regulates parking in the Central Business District. *Lodging- Bed & Breakfast Inn* is required to provide one parking space for each unit, plus one space for the owner or manager, which for this project would require a total of 3 spaces. *Restaurants* in the CBD are required to provide one parking space for every 8 seats. Mayan Fusion has 72 seats and therefore requires 9 parking spaces. The entire mixed use project requires 12 parking spaces and the proposed project site provides 12 parking spaces in the rear of the property.

Signage

Sign standards are regulated by ILUDC Chapter 18.38 in order to appropriately limit the placement, size, and number of signs allowed, and to provide material and design standards. The proposed business is allotted 25 square feet of signage for the new use. The applicant is seeking to place 6.25 square feet of signage on the upper portion of the entrance door, which is compliant with the sign regulations. The sign design is also pleasing and consistent with other signage downtown.



The proposed Bed & Breakfast Inn business will need to comply with other agencies regulations, and as part of the business license, the applicant will need to get approval from Fort Bragg Fire Department and the Mendocino County Health Department for food/beverage service.

PLANNING COMMISSION ACTION

1. Hold a hearing, close the hearing, deliberate and approve Use Permit 2-18 (UP 2-18) subject to the required approval findings and subject to standard conditions cited below.

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. Deny the Use Permit.

RECOMMENDATION

Staff recommends approval of Use Permit 2-18 based on the following findings and subject to the standard conditions below:

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, any applicable specific plan, and the Local Coastal Program;
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 (Central Business District Land Uses and Permit Requirements).

CENTRAL BUSINESS DISTRICT USE PERMIT FINDINGS

1. The use compliments the local, regional and tourist-serving retail, office, and services functions of the CBD. Secondary uses may be allowed where primary uses are precluded because of environmental concerns or other site specific problems.
2. Pedestrian oriented uses on the street-fronting portion of the building.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to ILUDC Chapter 18.92 - Appeals.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the ILUDC.

3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - (a) That such permit was obtained or extended by fraud.
 - (b) That one or more of the conditions upon which such permit was granted have been violated.
 - (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
 - (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
8. Unless a condition of approval or other provision of the Coastal Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with ILUDC Subsection 18.76.070 (B).

ATTACHMENTS

1. Location Map
2. Floor Plan