



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Agenda Planning Commission

Wednesday, December 14, 2016

6:00 PM

Town Hall, 363 N.Main Street

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. APPROVAL OF MINUTES

- 1A. [16-437](#) Approve Minutes of October 12, 2016

Attachments: [Minutes of October 12, 2016](#)

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

3. PUBLIC HEARINGS

- 3A. [16-467](#) Receive Report, conduct a Public Hearing and consider approval of a Coastal Development Permit (CDP 6-16) and Use Permit (UP 6-16) to install a four stall parking lot, landscaping and fencing for reuse of a vacant former residential structure as an office and a former garage as a residential unit (to create a horizontally mixed-use project).

Attachments: [627 N Main St. CDP 6-16 UP 6-16 Staff Report](#)

[Attachment 1 - Site Location Map](#)

[Attachment 2 - Project Plans](#)

[Attachment 3 - Site Photos](#)

- 3B.** [16-482](#) Receive Report, Hold Public Hearing and Adopt Resolution Recommending City Council Adopt Amendments to Articles 2, 4 and 10 of the Inland Land Use and Development Code to Establish, Define and Regulate Cannabis Manufacturing and Certify the Negative Declaration

Attachments: [Amendment 1-16 Cannabis Manufacturing Staff Report](#)

[Attachment 1 - Location Map](#)

[Attachment 2 - ILUDC Article 2 Revisions](#)

[Attachment 3 - ILUDC Article 4 Revisions](#)

[Attachment 4 - ILUDC Article 10 Revisions](#)

[Attachment 5 - Fort Bragg Municipal Code Chapter 9.33](#)

[Attachment 6 - Mitigated Negative Declaration](#)

[Attachment 7 - Resolution to Council](#)

- 3C.** [16-483](#) Receive Report, conduct a Public Hearing and consider approval of a Coastal Development Permit (CDP 7-16) and Use Permit (UP 7-16) for the reuse of two existing agricultural buildings (an old dairy barn and an old milk house) into a horizontally mixed-use development consisting of an artisan shop and residential unit. The artisan shop will include a gallery space, an ADA compliant bathroom, a machine room, and a bench room for artists and crafts people to make art sold at the on-site gallery and of-site.

Attachments: [369 Cypress St. CDP 7-16 and UP 7-16 Staff Report](#)

[Attachment 1 - Site Location Map](#)

[Attachment 2 - Site & Project Plans](#)

[Attachment 3 - Site Photos](#)

- 3D.** [16-488](#) Receive Report, Conduct a Public Hearing and Consider Approval of Design Review 5-16 (DR 5-16) for the Expansion of the Retail Use at the Existing Speedex Service Station.

Attachments: [863 N Main St. DR 5-16 Speedex Staff Report](#)

[Attachment 1 - Location Map](#)

[Attachment 2 - Plans and Elevations](#)

4. CONDUCT OF BUSINESS

It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.

If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.

The Council Chamber is equipped with a Wireless Stereo Headphone unit for use by the hearing impaired. The unit operates in conjunction with the Chamber's sound system. You may request the Wireless Stereo Headphone unit from the City Clerk for personal use during meetings.

This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).



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Text File

File Number: 16-437

Agenda Date: 12/14/2016

Version: 2

Status: Minutes to be Approved

In Control: Planning Commission

File Type: Minutes

Agenda Number: 1A.

Approve Minutes of October 12, 2016



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Meeting Minutes Planning Commission

Wednesday, October 12, 2016

6:00 PM

Town Hall, 363 N.Main Street

MEETING CALLED TO ORDER

Chair Hoyle called the meeting to order at 6:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 5 - Chair Derek Hoyle, Commissioner Mark Hannon, Commissioner Stan Miklose, Vice Chair Teresa Rodriguez, and Commissioner Heidi Kraut

1. APPROVAL OF MINUTES

1A. [16-402](#) Approve Minutes of September 28, 2016

A motion was made by Commissioner Kraut, seconded by Vice Chair Rodriguez, that these Minutes be approved. The motion carried by the following vote:

Aye: 5 - Chair Hoyle, Commissioner Hannon, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Kraut

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

3. PUBLIC HEARINGS

3A. [16-412](#) Receive Report, Conduct Public Hearing, and Consider Approval of a Mitigated Negative Declaration and Coastal Development Permit 2-16 (CDP 2-16) and Design Review Permit 2-16 (DR 2-16) for an update to the Wastewater Treatment Facility at 101 West Cypress Street.

Associate Planner Perkins presented the staff report for the Coastal Development Permit 2-16 and Design Review DR 2-16 for updates to the Wastewater Treatment Facility at 101 West Cypress St. Perkins briefly reviewed the Mitigated Negative Declaration submitted for this project, the project plans, and the visual analysis of the proposed project.

During the discussion Commissioner Kraut inquired about current and projected flow capacities for the Wastewater Treatment Facility as they relate to the proposed 1million gallon per day processing capacity.

Chair Hoyle opened Public Hearing at 6:16 PM.

The applicant, Assistant Public Works Director Smith, explained current dry weather flows are around 500,000 gallons per day. The proposed project will not increase the capacity of the plant which is one million gallons per day. The one million gallon capacity will support the population growth through 2040. If future population and flows exceed the 20 year projection, expansion of the plant is possible.

Commissioner Hoyle commented on the importance of mitigating light pollution thus recommends the lighting plan be developed accordingly.

Chair Hoyle closed the Public Hearing at 6:17 PM.

A motion was made by Commissioner Kraut, seconded by Commissioner Hannon, that the Mitigated Negative Declaration, Coastal Development Permit CDP 2-16, and Design Review DR 2-16 be approved subject to the following findings and conditions.

COASTAL DEVELOPMENT PERMIT FINDINGS

Findings Required for all CDPs (17.71.045(I)(2))

- 1. The proposed development as described in the application and accompanying materials, as modified by the conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources;**
- 2. As the project is located between the first public road and the sea, the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);**
- 3. Feasible mitigation measures have been incorporated to substantially lessen any significant adverse effects of the development on the environment;**
- 4. The proposed use is consistent with the purposes of the zone in which the site is located;**
- 5. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;**
- 6. 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; and**
- 7. 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.**

Supplemental Hazard Findings (17.71.045(I)(2)(h))

- 8. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site or other reasons;**
- 9. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards due to required project modifications, landscaping or other conditions; and**
- 10. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.**

Supplemental Public Access Findings (17.56.070(C))

- 11. Public access would be inappropriate because it would be inconsistent with public safety and adequate public access exists within 500 feet of the site.**

Supplemental Visual Resource Findings (17.50.070(D))

- 12. The proposed project minimizes the alteration of natural land forms;**
- 13. The proposed project is visually compatible with the character of the surrounding area;**

14. The proposed project is sited and designed to protect views to and along the ocean and scenic coastal areas; and
15. The proposed project restores and enhances visual degraded areas, where feasible.

DESIGN REVIEW FINDINGS

Findings required for all Design Review Permits (17.71.050(E))

1. The project complies with the purpose and requirements of Section 17.71.050;
2. The project complies with the purpose and requirements of this Section;
3. The project provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
4. The project provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
5. The project provides efficient and safe public access, circulation, and parking;
6. The project provides appropriate open space and landscaping, including the use of water efficient landscaping;
7. The project is consistent with the General Plan, any applicable specific plan, and the certified Local Coastal Program; and
8. The project complies and is consistent with the City's Design Guidelines.

SPECIAL CONDITIONS

Special Condition 1: All development activity shall comply with the following requirements:

- a) If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner contacted. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains will contact the Community Development Director so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.
- b) If during construction activities any archaeological artifacts or features are encountered, construction activities shall cease within a 50 foot radius of the find. Work within this buffer shall temporarily cease until the Community Development Director, in consultation with the Sherwood Valley TPO, make a determination on (1) whether the find is an archaeological artifact; (2) whether the find is located within an intact context (i.e. not within disturbed fill soils), (3) whether the find is an isolated item, (4) whether the find is part of a larger previously unknown archaeological site, and (5) the best course of action to avoid or minimize impacts to the resources as applicable.

Special Condition 2: If construction activities outside of the facility fence and along the bluff occur during the pelagic cormorant nesting season (February 1–August 31), particularly capping and/or removing the stormwater outfall drains, a qualified biologist will monitor the cormorants during construction to ensure they are not disturbed by the project activities. If the monitor notices behavioral changes in the birds, construction activities will cease. Only when there is no visible sign of disturbance will activities resume. It is anticipated that construction activities will not disturb the colony because only the northern point where the birds congregate is visible from the stormwater outfall location. The biologist will also look for nests of black oystercatcher and tufted puffin and perform the same avoidance measures as the pelagic cormorants.

Special Condition 3: Surveys for marine mammals shall be coordinated with the cormorant surveys for work outside the facility fence and shall follow the same avoidance measures as for the pelagic cormorants.

Special Condition 4: To protect Ten Mile shoulderband snails potentially occurring in the vegetation, a qualified biologist will survey all areas, if any, where iceplant may be proposed for removal. No earlier than 1 week before iceplant removal, the biologist will look for shoulderband snails by peeling back small iceplant patches approximately every 10 ft. If shoulderband snails are found they will be removed to similar habitat on the coastal bluff. During vegetation removal, if it occurs, the biologist or a person trained in the identification of shoulderband snails will be present to detect any shoulderband snails. If they are present they will be located to similar habitat on the coastal bluff.

Special Condition 5: If any construction activities occur outside the fence and require vegetation removal, a biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction if activities occur between February 1–August 31. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist should monitor the nest site during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

Special Condition 6: To avoid any potential impacts to red-legged frogs in the sludge lagoon, prior to construction, project contractors will be trained by a qualified biologist in the identification of the California red-legged frog. Construction crews will begin each day with a visual search around all stacked or stored materials near the ponds to detect the presence of frogs. If a special status frog is detected, construction crews will contact California Department of Fish and Wildlife (CDFW) or a qualified biologist to relocate any frogs prior to re-initiating work. If no special status frogs are found, construction activities may resume.

Special Condition 7: The existing Monterey cypress trees along the northeast property line shall not be removed. Should any of the Monterey cypress trees be substantially damaged or die during the lifetime of the WWTF, they shall be replaced on a one-to-one basis with another Monterey cypress or a tree that would achieve a similar height and screening effect, as determined by the Community Development Director.

Special Condition 8: Prior to approval of a building permit in reliance on this Coastal Development Permit, the applicant shall submit a landscape plan for the installation of screening vegetation along the property's southern border. The landscape plan shall include the planting of at least 20 native, drought tolerant trees (for example: shore pine), and include considerations for their successful growth in the heavily compacted soil, to the satisfaction of the Community Development Director. The vegetation shall be planted within one year of the updated facility's operation.

Special Condition 9: Prior to issuance of a building permit in reliance on this Coastal Development Permit, the applicant shall submit a lighting plan consistent with the outdoor lighting policies of CLUDC 17.30.070, subject to review by the Community Development Department.

Special Condition 10: The project shall comply with the following mitigation measures included in the circulated Mitigated Negative Declaration:

Mitigation Measure BR1: The project biologist shall conduct additional surveys at least 100 feet from proposed development when Blasdale's bent grass and

coastal bluff scrub is identifiable. If either Blasdale's bent grass or coastal bluff scrub are identified within 100 feet of proposed development, the City shall complete habitat restoration, per a habitat restoration plan prepared by the project biologist for the removal of non-native, invasive iceplant, and transplanting of any rare plants into restored bluff habitat. Removal of iceplant and/or reseeding of rare plants, as prescribed by the project biologist and outlined in a habitat restoration plan, shall be complete to the satisfaction of the biologist prior to final inspection of the Wastewater Treatment Plant.

Mitigation Measure BR2: A biologist shall perform preconstruction surveys for the Ten Mile shoulderband snail and nesting birds, spanning an area at least 100 feet beyond the limits of proposed development. If shoulderband snail or nesting birds are determined to be present, construction shall be stopped until such time that the project biologist in partnership with the California Department of Fish and Wildlife determine appropriate mitigation to eliminate or limit project impacts to the special-status species to a less than significant level.

Mitigation Measure BR3: A Coastal Development Permit shall be approved prior to the initiation of development to ensure that the project would not conflict with any local policies or ordinances protecting biological resources.

Mitigation Measure GS1: Site work and construction associated with the proposed project shall conform to the recommendations outlined in the HDR Geotechnical Investigation Report: Fort Bragg Wastewater Treatment Plant Upgrade Project, which is included as Attachment # of the MND.

Mitigation Measure HM1: The Stormwater Pollution and Prevention Plan (SWPPP) required as a standard condition of approval for the required Coastal Development Permit, shall prescribe hazardous-materials handling procedures for reducing the potential for a spill during construction and shall include an emergency response program to ensure quick and safe cleanup of accidental spills. The plan shall identify areas where refueling and vehicle maintenance activities and storage of hazardous materials, if any, shall be permitted.

Mitigation Measure HM2: Emergency spill supplies and equipment shall be kept adjacent to all areas of work and in staging areas, and shall be clearly marked. Detailed information for responding to accidental spills and for handling any resulting hazardous materials shall be provided in the project's Hazardous Materials Management Plan, as required by the Mendocino County Department of Environmental Health.

Mitigation Measure WQ1: The City shall prepare a project Stormwater Pollution Prevention Plan (SWPPP) to include the application of BMPs minimizing the discharge of pollutants during construction. The City of Fort Bragg shall prepare a SWPPP before approving a grading permit for the site.

STANDARD CONDITIONS

1. This action shall become final on the 11th working day following the Coastal Commission's receipt of the Notice of Final Action unless an appeal to the Coastal Commission is filed pursuant to Chapter 17.61.063 and 17.92.040. This action is appealable to the California Coastal Commission pursuant to Chapter 17.92.040.
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.
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 required permit applications shall be consistent with this approval.
4. 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.
5. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
6. This Coastal Development Permit approval shall lapse and become null and void 24 months from the date of approval unless before the passing of 24 months, construction has commenced and is diligently pursued towards completion or an extension is requested and obtained.

The motion carried by the following vote:

Aye: 5 - Chair Hoyle, Commissioner Hannon, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Kraut

3B. [16-413](#) Recieve Report and Consider Approval of Coastal Development Permit 4-16 (CDP 4-16) to Relocate a Revised City of Fort Bragg Welcome Sign.

Community Development Director Jones presented the staff report for the Coastal Development Permit 4-16 to replace and relocate the City’s new Welcome Sign. Jones reviewed the table summarizing the requirements from the land use code showing how the new sign is significantly more conforming than the previous sign being replaced as a part of this project.

Chair Hoyle opened the public hearing at 6:24 PM.

Applicant John Smith, Assistant Director of Public Works spoke in favor of the new sign.

Chair Hoyle closed the public hearing at 6:25 PM.

Commissioner Miklose spoke in opposition to the sign's design.

A motion was made by Commissioner Kraut, seconded by Chair Hoyle, that Coastal Development Permit CDP 4-16 be approved subject to the following findings and conditions.

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, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code;
- 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; and
- 4. For the purposes of the environmental determination, the project has been determined to be exempt from CEQA per CEQA section 15311(a) for the replacement of minor structures, such as signs.

SIGN PERMIT FINDINGS

- 1. The new proposed sign is significantly more conforming in height and/or area than the existing sign; and
- 2. By approving the new sign, the exception will eliminate the existing nonconforming sign.

COASTAL DEVELOPMENT PERMIT FINDINGS

- 1. The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg’s certified Local Coastal Program and will not adversely affect coastal resources;
- 2. The project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);
- 3. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;
- 4. The proposed use is consistent with the purposes of the zone in which the site is located;
- 5. The proposed development is in conformance with the City of Fort Bragg’s Coastal General Plan;
- 6. 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; and
- 7. 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.
- 8. The resource as identified will not be significantly degraded by the proposed development;
- 9. There is no feasible less environmentally damaging alternative;
- 10. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted; and

STANDARD CONDITIONS

- 1. This action shall become final on the 11th working day following the decision unless an appeal to the City Council is filed pursuant to Chapter 17.92.030. This action is appealable to the California Coastal Commission pursuant to Chapter 17.92.040.
- 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.

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 required permit applications shall be consistent with this approval.

4. 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.

5. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

6. This Coastal Development Permit approval shall lapse and become null and void 24 months from the date of approval unless before the passing of 24 months, a Final Map examined and approved by the City Engineer is approved by the City Council and recorded or an extension is requested and obtained.

The motion carried by the following vote:

Aye: 4 - Chair Hoyle, Commissioner Hannon, Vice Chair Rodriguez and Commissioner Kraut

No: 1 - Commissioner Miklose

4. CONDUCT OF BUSINESS

None.

5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

Director Jones announced the City will be closing the Glass Beach stairs October 13, 2016. The staircase is being redesigned and Planning Commission will hold a hearing for the Coastal Development Permit before reopening the stairs in the spring or summer of 2017.

ADJOURNMENT

Chair Hoyle Adjourned the meeting at 6:28 PM.

DEREK HOYLE, Chair

Chantell O'Neal, Administrative Assistant

IMAGED (_____)



City of Fort Bragg

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Text File

File Number: 16-467

Agenda Date: 12/14/2016

Version: 1

Status: Public Hearing

In Control: Planning Commission

File Type: Planning Staff
Report

Agenda Number: 3A.

Receive Report, conduct a Public Hearing and consider approval of a Coastal Development Permit (CDP 6-16) and Use Permit (UP 6-16) to install a four stall parking lot, landscaping and fencing for reuse of a vacant former residential structure as an office and a former garage as a residential unit (to create a horizontally mixed-use project).

MEETING DATE: December 14, 2016

PREPARED BY: Marie Jones

PRESENTED BY: Marie Jones

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Coastal Development Permit (CDP 6-16), Use Permit (UP 6-16),
Application Date October 7, 2016

OWNER/APPLICANT: Laurent and Peggy Cote

AGENT: None

REQUEST: Receive report, conduct a Public Hearing and consider approval of a Coastal Development Permit (CDP 6-16) and Use Permit (UP 6-16) to install a four stall parking lot, landscaping and fencing for reuse of a vacant former residential structure as an office and a former garage as a residential unit (to create a horizontally mixed-use project).

LOCATION: 627 N Main Street, Fort Bragg

APN: 008-047-17

ZONING: Highway and Visitor Serving Commercial (CH); Coastal Zone

ENVIRONMENTAL DETERMINATION: Categorically exempt per CEQA Section 15303 e for the new construction of minor structures, such as parking.

SURROUNDING LAND USES:
NORTH: Vacant Restaurant – Visitor Serving Commercial
EAST: Bed and Breakfast – Visitor Serving Commercial
SOUTH: Bed and Breakfast – Visitor Serving Commercial
WEST: Residential – Low Density residential

APPEALABLE PROJECT: **Can be appealed to City Council**
 Can be appealed to California Coastal Commission

PREVIOUS PERMITS

- CDP 08-90 – Coastal Development permit to operate a message therapy service and wellness classes

PROJECT BACKGROUND

This property has been the subject of code enforcement actions for the past ten years. This dilapidated building has been cited multiple times for code violations related to disrepair, broken windows, high weeds, and other violations. The property was acquired by the current property owners in the summer of 2016 and the Community Development Director dismissed the violations and fines for three months so long as the property owner submitted a building permit or planning permit to begin repair. The applicant submitted a building permit to deconstruct a portion of the garage, reroof the building, and install a 200 amp electrical panel. The code enforcement fines were dismissed at that point. However the building remains in disrepair and future code enforcement actions may be undertaken by the City if the property owner fails to continue addressing code violations at the property and repair the building.

PROJECT DESCRIPTION

The applicant is seeking to install and surface a four stall parking lot, driveway and approach; install landscaping, fencing, and a commercial sign for reuse of a currently vacant former residential/commercial structure as an office; and reuse of the former garage as a residential unit that is part of a mixed-use project.

CONSISTENCY WITH PLANNING POLICIES

Land Use.

The residential component of a mixed-use project and the parking lots in association with a mixed use project are permitted in the Highway Visitor Commercial (CH) district with a Use Permit. The applicant is proposing to provide parking for a mixed-use project that consists of an office use to be located in the first and second floor of the building fronting Main Street, and a residential unit in the building fronting the alley.

Mixed Use Project Requirements

The table below includes the requirements for Mixed-use projects and a description of how the project complies with the requirements.

Table 3: Mixed Use Requirements and Project Compliance

Mixed Use Requirements 17.42.100	Project Compliance
<p>A. Design Requirements. A mixed use project shall be designed to achieve the following objectives.</p> <ol style="list-style-type: none">1. The design shall provide for internal compatibility between the residential and non-residential uses on the site.2. Potential glare, noise, odors, traffic, and other potential nuisance conditions for residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site.3. The design shall take into consideration existing and potential future uses on adjacent properties and shall include specific design features to minimize potential impacts.4. The design shall ensure that the residential units are of a residential character, and that appropriate privacy between residential units and other uses on the site is provided.	<p>The residential and office uses would be located in two separate and existing buildings with separate entrances, and so the project will comply with all of the design requirements.</p>

<p>5. Site planning and building design shall provide for convenient pedestrian access from the public street into the nonresidential portions of the project, through such means as courtyards, plazas, walkways, and street furniture.</p> <p>6. Site planning and building design shall be compatible with and enhance the adjacent and surrounding residential neighborhood in terms of building design, color, exterior materials, landscaping, lighting, roof styles, scale, and signage.</p>	
<p>B. Mix of uses. A mixed use project may combine residential uses with any other use allowed in the applicable zoning district where allowed by Article 2 (Zoning Districts and Allowable Land Uses); provided, that where a mixed use project is proposed with a use that is required to have Minor Use Permit or Use Permit approval in the applicable zoning district, the entire mixed use project shall be subject to that permit requirement.</p>	<p>Office use is a permitted use within the CH zoning district.</p>
<p>C. Maximum density. The residential component of a mixed use project shall comply with the density requirements of the applicable General Plan designation and zoning district.</p>	<p>The CH zoning district allows 24 units per acre. The project includes one unit and complies with this regulation.</p>
<p>D. Site layout and project design standards. Each proposed mixed use project shall comply with the property development standards of the applicable zoning district and the following requirements.</p> <ol style="list-style-type: none"> 1. Location of units. Residential units shall not occupy ground floor street frontage on the primary street frontage. Residential units are allowed on the first floor of alleys and secondary street frontages. The ground floor street frontage space within a mixed use building shall be reserved for commercial uses, except for a lobby or other feature providing access to the residential units. 2. Parking. In order to encourage the development of residential uses in existing and new commercial areas, the use of shared parking provisions shall be incorporated into mixed use projects in compliance with Section 18.36.080 (Reduction of Parking Requirements). 3. Loading areas. Commercial loading areas shall be located away from residential units and shall be screened from view from the residential portion of the project to the maximum extent feasible. 4. Refuse and recycling areas. Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses. 	<ol style="list-style-type: none"> 1. The proposed project would include one detached residential unit located at the back of the property. The ground floor street frontage would house an office. 2. The parking will be shared between the uses as detailed below. 3. No loading area is required. 4. The site plan does not include the location of refuse and recycling areas. Special Condition 1 is included to address this.
<p>E. Performance standards.</p> <ol style="list-style-type: none"> 1. Lighting. Lighting for commercial uses shall be appropriately shielded to limit impacts on the residential units. 2. Noise. Each residential unit shall be designed and constructed to minimize nonresidential project noise levels, in compliance with the City's Noise Ordinance. Night-time commercial uses shall minimize noise levels, in compliance with the City's Noise Ordinance. 	<ol style="list-style-type: none"> 1. The project application does not include any proposed lighting. 2. Noise will not be a problem between office and residential uses.

Special Condition 1: Prior to approval of the grading permit the applicant shall resubmit the site plan, for approval by the Community Development Director, illustrating the location of the refuse bin and recycling area in an area that is convenient to both the residential unit and the Artisan Shop.

Parking Space Requirements. The Coastal Land Use and Development Code (CLUDC) discourages more parking than the amount required for the proposed uses. As shown in Table 1 below, the maximum amount of parking allowable on the parcel would be 6 spaces. However, in mixed-use projects, uses that have different times of occupancy can share spaces (see 17.36.080A) with approval of a Use Permit (please see use permit analysis below). As residential parking spaces are primarily used between the hours of 5:00 PM and 8:00 AM and office parking spaces will be used primarily between the hours of 8:00 AM and 5:00 PM, shared parking is appropriate for this mixed use project. The project application illustrates 4 spaces and no additional parking spaces are required.

Table 1: Project Parking Requirements

<i>Use</i>	<i>Requirement</i>	<i>Proposed Project</i>	<i>Total Spaces</i>
Office	1 space/300 SF	1,176	4 spaces
Residential	2 spaces/unit	1 unit	2 spaces
		Total	6 spaces

Disabled Parking - Section 17.36.050 CLUDC outlines requirements for numbers of disabled parking spaces, indicating that one parking space is required within a parking lot with less than 26 spaces. One ADA parking space is proposed.

Bicycle Parking - Section 17.36.060 indicates that bicycle spaces equal to 5% of vehicle spaces are required. No bicycle parking is required.

Further, Section 17.36.090 and 17.36.100 of the CLUDC regulates parking as illustrated in Table 2:

Table 2: Development Standards for Proposed Parking Lot

Development Standards	Requirements	Proposal
Parking Space Dimensions	90 degree angle parking should have a minimum space width of 9 feet and a minimum space depth of 18 feet.	The proposed parking lot complies with these requirements.
Driveway width and depth	The minimum driveway width for 90 degree angle parking is 22 feet.	The proposed parking lot driveway width is 22.5 and complies with this requirement.
Side and rear yard landscaping strip - 8 feet minimum	Section 17.34.050C4b requires a planted landscaping strip of at least 8 feet of depth between adjoining property lines and the parking lot. However the requirement for the landscaping strip may also be "satisfied by a setback or buffer area that is otherwise required." The side setback in the CH is 10 feet at the alley and a zero side yard setback.	The proposed project complies with 17.36.090C4b, as it provides 4 feet of landscaping buffer between the parking lot and the side property line. No landscaping is required adjacent to the alley because the parking lot does not extend to the alley.

The proposed plan also complies with surfacing, striping and wheel stop requirements. No new lighting is proposed for the project and none is required.

Landscaping

The project plans do not include a landscaping plan. The CLUDC requires that landscaping be drought tolerant and at least 50% native plantings. Therefore staff recommends **Special Condition 2** to ensure that this requirement is met.

Special Condition 2: Prior to final of any building or grading permit associated with this site, the applicant shall install drought tolerant landscaping, which is composed of at least 50% native plants.

Stormwater Management

The project design includes a curb-less parking lot that will allow stormwater runoff to sheet flow into the planting strips at the edge of the property line which will allow for minimal infiltration of stormwater. Public works has reviewed the percolation tests that the applicant submitted for the project and determined that the project appears to percolate well. However prior to approval of a Grading Permit for the project Public Works staff request that infiltration calculations be completed by a licensed engineer for the project. There is no storm drain adjacent to the property, so the applicant must ensure that all stormwater is infiltrated on site. Special Condition 3 has been added to meet this requirement.

Special Condition 3: Prior to the approval of the Grading Permit the applicant shall submit an engineer's analysis that demonstrates that the development will be designed so that the post-development stormwater runoff does not exceed the pre-development runoff.

The proposed parking lot will result in a net increase in stormwater runoff resulting from the addition of new impermeable surfaces. The project will be required to pay drainage fees as part of the grading permit process. **Special Condition 4** has been added to ensure that drainage fees are paid.

Special Condition 4: The applicant shall pay drainage fees prior to submission of the Grading Permit.

USE PERMIT ANALYSIS

The CLUDC requires the applicant to obtain a Use Permit in order to: 1) share parking spaces between uses and 2) occupy and construct the residential portion of this proposed mixed-use project. In order for the Planning Commission to approve a Use Permit, the following findings must be made [CLUDC Section 17.71.060(F)].

- F. Findings and decision. An application for a Use Permit or Minor Use Permit may be approved subject to conditions, or disapproved by the review authority. The review authority shall approve a Use Permit or Minor Use Permit only after first finding all of the following:
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 17.22.030 (Commercial District Land Uses and Permit Requirements).

Staff has analyzed the project below in relation to each of the required findings.

1. *The proposed use is consistent with the General Plan, any applicable specific plan, and the Local Coastal Program;*

The Coastal General Plan defines the Highway Visitor Commercial zoning district intent as follows:

This land use designation applies to land uses serving residents and visitors on sites which are located along Highway One and arterials at the entry points to the community. Typical uses allowed in this designation include motels and other lodging enterprises, restaurants, and retail outlets. Residential uses are permitted above the ground floor or on the ground floor at the rear of buildings at a maximum density of up to 24 units per acre with a conditional use permit.

The applicants are proposing to operate a new mixed use project within existing buildings with office uses located in the front building and a residential use located in the back building consistent with the intent of the CH zoning district. Additionally, the provision of a shared parking facility is clearly consistent with Highway Visitor Commercial zoning.

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;*

Residential uses as a component of a mixed-use project are permitted land uses within the CH zoning district with a Use Permit consistent with Section 17.42.100. This section requires: 1) internal compatibility between the residential and commercial uses; 2) insurance of a residential character for the residential uses; 3) compatibility of design with the surrounding neighborhood in terms of building design, color, landscaping, lighting, scale, etc.; 4) location of residential units on the alley or upstairs; 5) sharing of parking; and 6) minimization of non-residential noise on residential units. The proposed project complies with all requirements of 17.42.100 and the Planning Commission can make 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 proposed project will be located in existing buildings within the CH zoning district. Existing land uses within the vicinity include: bed and breakfasts, inns, residential uses, and restaurants. The proposed office use and residential use would be consistent with the operating characteristics of the area. The Planning Commission can make this finding.

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 physically suitable for an office use and a residential unit that is part of a mixed use project.

5. The proposed use complies with any findings required by Section 17.22.030 (Commercial District Land Uses and Permit Requirements).

For the CH zoning district, Section 17.22.030 requires the following additional findings:

CH (Highway Visitor Commercial) district.

- a. Secondary uses oriented to local clientele may be permitted where the primary use of a site is oriented to or serves visitor, regional, or transient traffic;
- b. Secondary uses may be allowed where primary uses are precluded because of environmental concerns or other site specific problems; and
- c. The use is generally vehicular-oriented unless part of a larger visitor-oriented complex.

The applicant proposes to redevelop this vacant and dilapidated building into office space. It does not have a specific tenant selected at this time. All office uses except for "Office – Processing" are permitted in the CH zone without a use permit. Upon completion of the project any future commercial tenant will require a business license, and a zoning check for that tenant will be completed at that time.

SIGN PERMIT

The applicant proposes to place a sign within the front setback of the site. Signs of 6 feet in height or less are permitted within the setback. The proposed signage would be 6 feet in height and 5 feet in width and would include 12.5 feet of signage on both faces of the sign for a total of 25 SF. The CLUDC provides for a minimum of 25 SF per tenant on a site. Once a tenant is selected for this location the copy of the sign will require a sign permit.

Environmental Determination. The project is Categorically Exempt from the California Environmental Quality Act (CEQA), meeting Section 15303 e for the new construction of minor structures, such as parking.

PLANNING COMMISSION ACTION

1. Hold a hearing, close the hearing, deliberate, and make a decision regarding the permits at this Planning Commission meeting.

ALTERNATIVE ACTION

2. 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.
3. 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.

RECOMMENDATION

Staff recommends approval of **Coastal Development Permit (CDP 6-16)** and **Use Permit (UP 6-16)** for the project based on the following findings and subject to the conditions cited 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 Coastal General Plan, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code;
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; and
4. For the purposes of environmental determination, the project is exempt from CEQA, pursuant to the California Environmental Quality Act (CEQA) 15301.

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 17.22.030 (Commercial District Land Uses and Permit Requirements).

COASTAL DEVELOPMENT PERMIT FINDINGS

1. The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources;
2. The project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);
3. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;
4. The proposed use is consistent with the purposes of the zone in which the site is located;
5. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
6. 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;
7. 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;
8. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site, or other reasons;
9. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards due to required project modifications, landscaping, or other conditions;
10. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity;
11. The resource as identified will not be significantly degraded by the proposed development;
12. There is no feasible less environmentally damaging alternative; and
13. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

SPECIAL CONDITIONS

1. Prior to approval of the grading permit the applicant shall resubmit the site plan, for approval by the Community Development Director, illustrating the location of the refuse bin and recycling area in an area that is convenient to both the residential unit and the Artisan Shop.
2. Prior to final of any building or grading permit associated with this site, the applicant shall install drought tolerant landscaping, which is composed of at least 50% native plants.
3. Prior to the approval of the Grading Permit the applicant shall submit an engineer's analysis that demonstrates that the development will be designed so that the post-development stormwater runoff does not exceed the pre-development runoff.
4. The applicant shall pay drainage fees prior to submission of the Grading Permit.

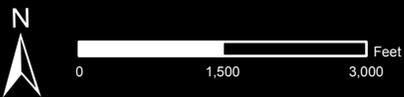
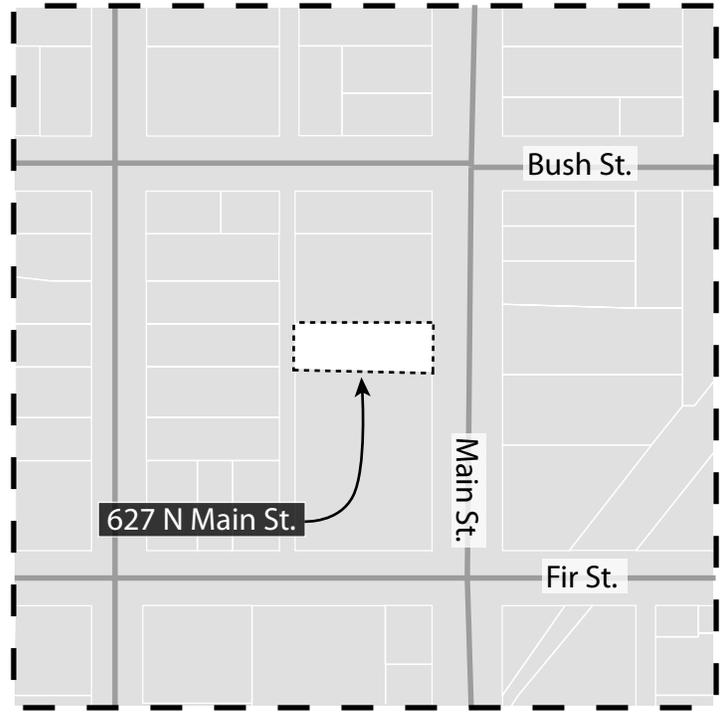
STANDARD CONDITIONS

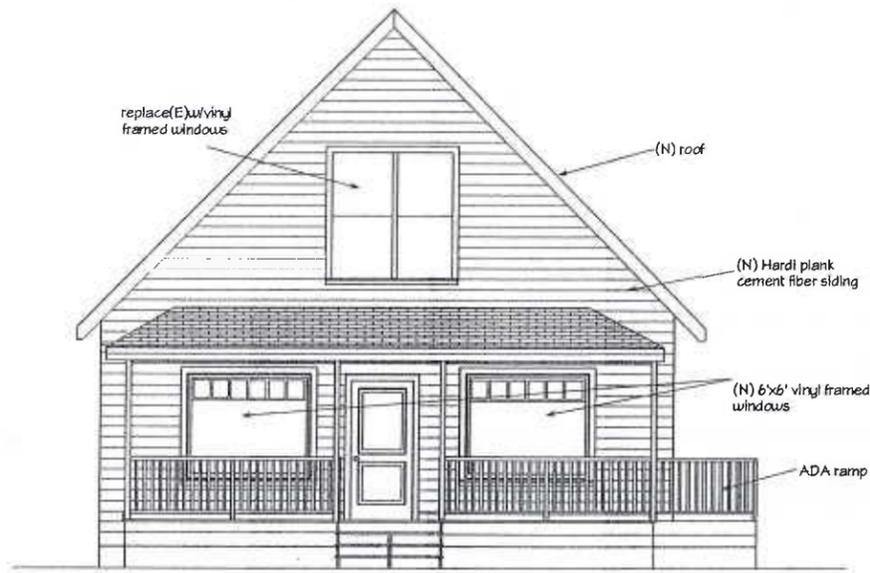
1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to CLUDC Chapter 17.92 - Appeals.

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 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 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 17.76.070B.

ATTACHMENTS

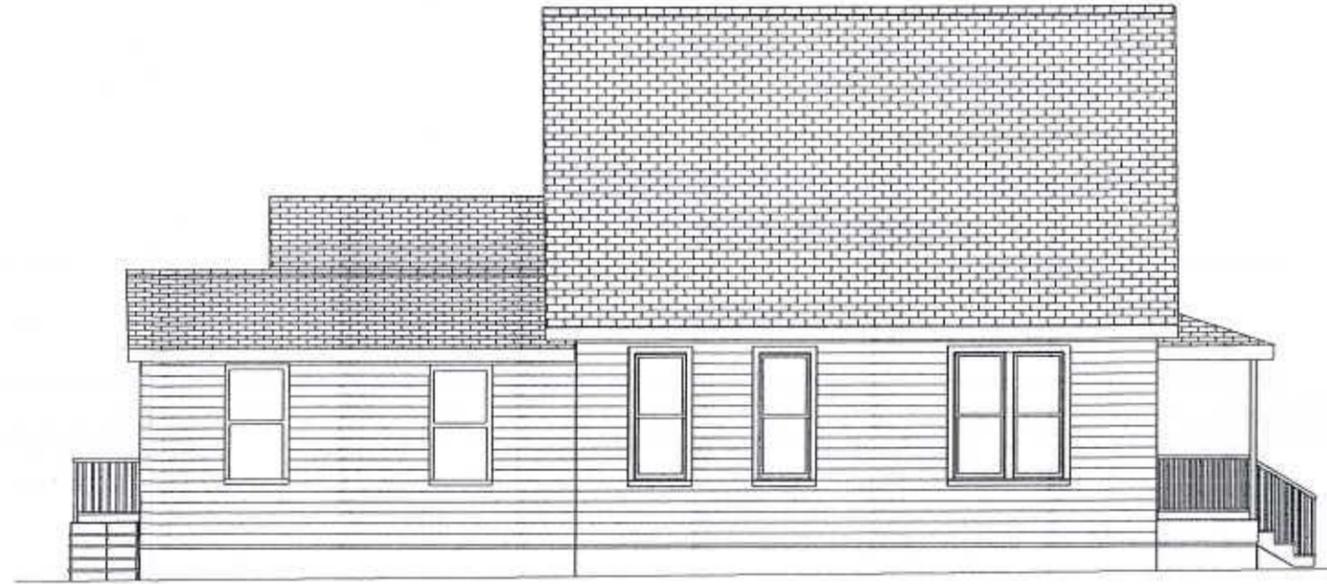
1. Site Location Map
2. Project Plans
3. Site Photos





East Elevation

1/8"=1'



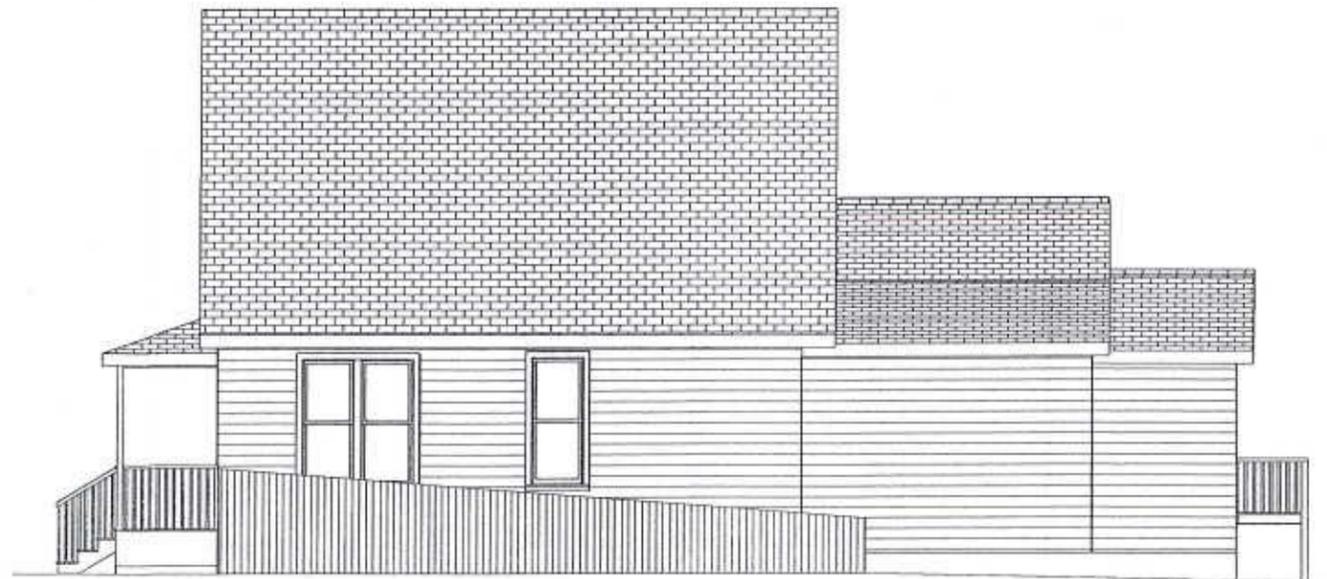
South Elevation

1/8"=1'



West Elevation

1/8"=1'



North Elevation

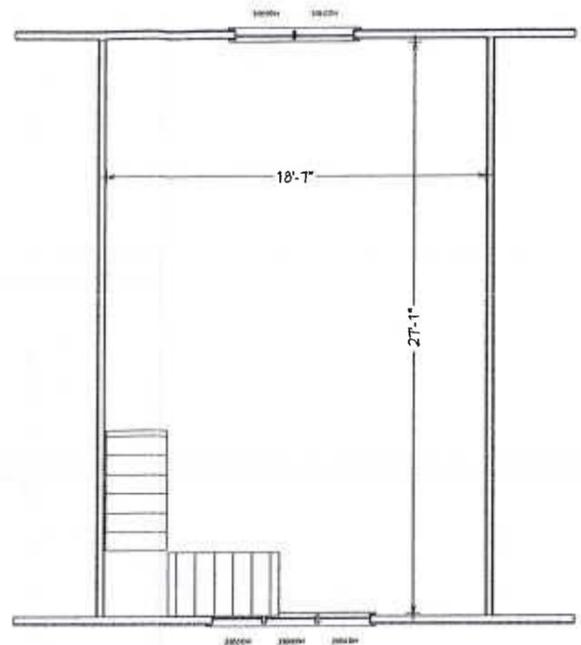
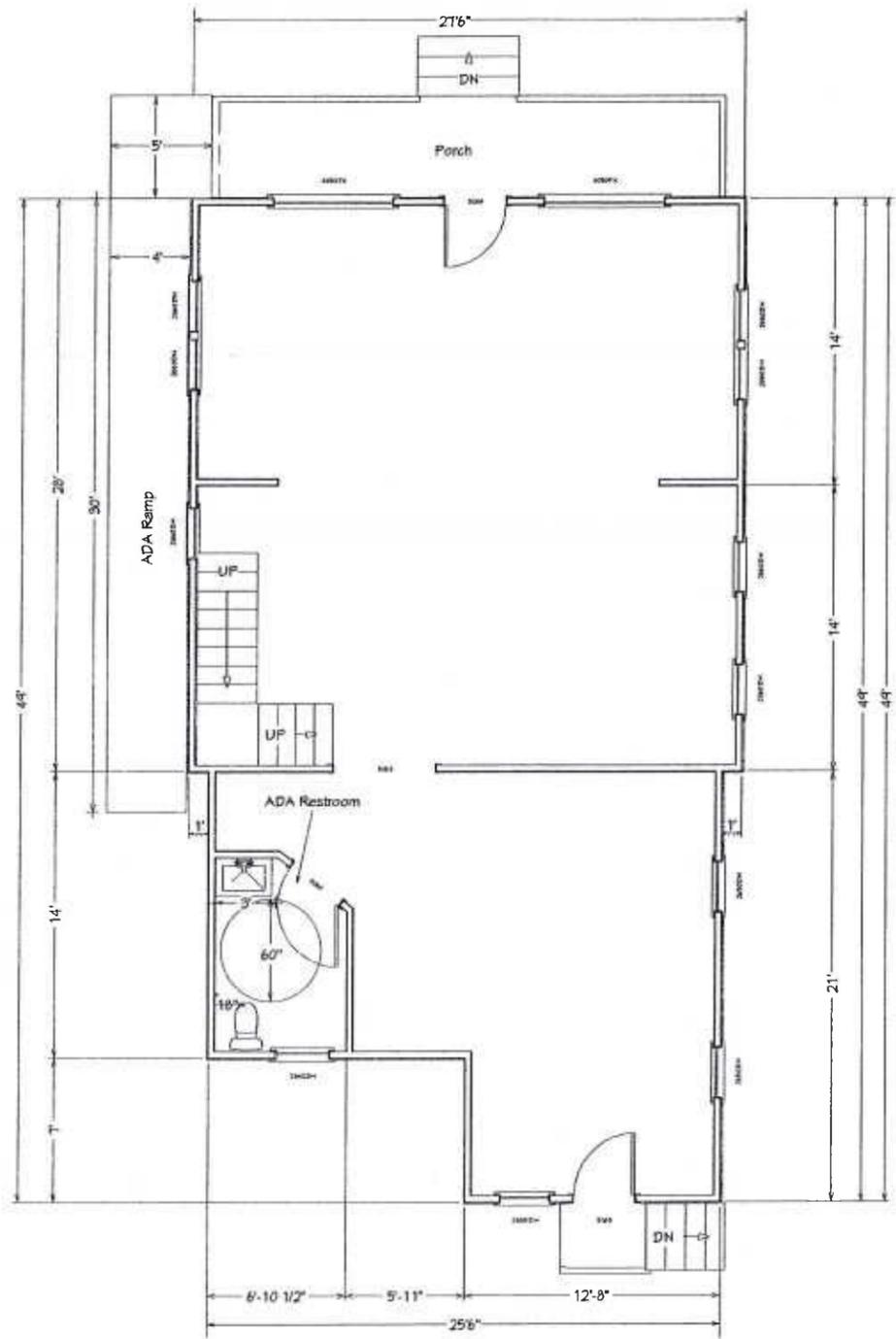
1/8"=1'

Revisions

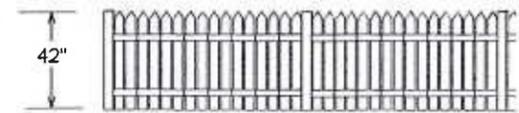
No.	Date	By	Description
1	10/20/16	A Harris	

Larry Cote
 627 N Main St.
 Fort Bragg, CA 95437
 APN 008-047-17

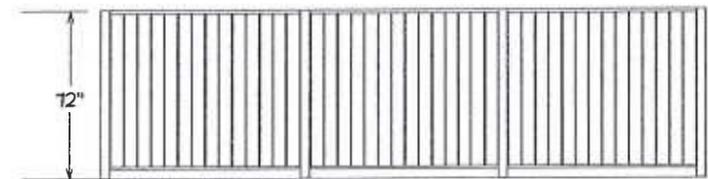
Exterior Elevations



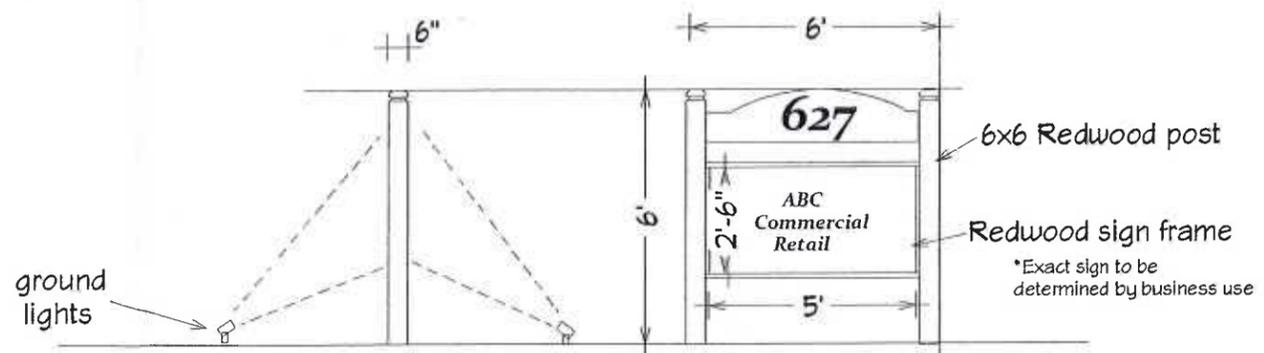
Typ. Down cast/
shielded Exterior light
fixture



Front picket fence



Side solid fence



Sign Details



Revisions

No.	Date	By	Description
1	10/5/2018	A. Hanney	

Larry Cote
627 N Main St.
Fort Bragg, CA 95437
APN 008-047-17

1st Floor Plan
2nd Floor Plan
Fence Details
Sign Details

A3

627 Main Street - CDP 6-16, UP 6-16

Site Photos



View from Highway 1



View of Porch



View of back



View of back



View of Garage (old and remodeled)





CITY OF FORT BRAGG

416 N. FRANKLIN, FORT BRAGG, CA 95437
PHONE 707/961-2823 FAX 707/961-2802

MEMO

MEETING DATE: December 13, 2016
TO: Planning Commission
FROM: Marie Jones
AGENDA ITEM TITLE: 627 N Main Street, Stormwater Management Concerns

An adjacent property owner came into the Community Development Department on December 13, 2016 to express concerns about stormwater that currently flows off of the existing garage at 627 N Main Street and results in flooding of neighboring properties. Staff was not aware that this site may contribute to an existing condition of flooding in and along the alley and adjacent properties. Based on comments received, staff is concerned that Special Condition 3 may not be sufficient to address existing flooding from the project site. Staff recommends that the applicant revise the parking lot design as follows: either 1) construct the parking lot with permeable pavement or pavers or 2) reduce the width of the driveway to 12 feet to accommodate an additional bioswales between the driveway and the garage (future residential unit) to infiltrate stormwater from the roof and the driveway and eliminate the pavement located directly south of the existing house (future office).

Staff recommends a revised Special Condition 3 to address this additional concern.

Special Condition 3: Prior to approval of the Grading Permit the applicant shall submit an engineer's analysis that demonstrates that all stormwater runoff from all new and existing site development be infiltrated on site in an 85th percentile storm. Further staff recommends that the engineer consider the following modifications in design to achieve this goal:

- 1) Construct the parking lot with permeable pavement or pavers; or
- 2) Reduce the width of the driveway to 12 feet to accommodate an additional bioswales between the driveway and the garage (future residential unit) to infiltrate stormwater from the garage roof and the driveway; and eliminate the pavement located directly south of the existing house (future office).



Document submitted at 12-14-16
meeting added to packet after distribution



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-482

Agenda Date: 12/14/2016

Version: 1

Status: Public Hearing

In Control: Planning Commission

File Type: Planning Staff
Report

Agenda Number: 3B.

Receive Report, Hold Public Hearing and Adopt Resolution Recommending City Council Adopt Amendments to Articles 2, 4 and 10 of the Inland Land Use and Development Code to Establish, Define and Regulate Cannabis Manufacturing and Certify the Negative Declaration



AGENCY:	Planning Commission
MEETING DATE:	December 14, 2016
DEPARTMENT:	CDD
PRESENTED BY:	S. Perkins

AGENDA ITEM SUMMARY REPORT

TITLE:

RECEIVE REPORT, HOLD PUBLIC HEARING AND ADOPT RESOLUTION RECOMMENDING CITY COUNCIL ADOPT AMENDMENTS TO ARTICLES 2, 4, AND 10 OF THE INLAND LAND USE AND DEVELOPMENT CODE (ILUDC) TO ESTABLISH, DEFINE, AND REGULATE CANNABIS MANUFACTURING AND CERTIFY THE ILUDC NEGATIVE DECLARATION.

ISSUE:

The State of California has adopted the Medical Marijuana Regulation and Safety Act (MMRSA) and is instituting a new regulatory and licensing system to regulate the cultivation, transportation, third party certification, manufacture, and distribution of Medical Marijuana. The Act is comprised of State legislative bills AB 243, AB 266 and SB 643. While the State is still drafting regulations to implement the Act and will not issue licenses under the Act until January 2018, many communities have developed local regulations regarding the various components of the Medical Marijuana supply chain. Additionally, with the recent passage of Proposition 64 Californians may legally possess up to an ounce of marijuana and may legally cultivate up to six plants. It will take the State up to a year to develop the regulations that will be applied to those who grow, transport, test and sell cannabis.

The Fort Bragg City Council has already developed, introduced and adopted Chapter 9.33 of the Municipal Code (**Attachment 5**) regulating Cannabis Manufacturing in advance of State permitting, with the ordinance scheduled to become effective December 14, 2016. However in order for this new Muni Code ordinance to take effect, a number of changes must be made to the Inland Land Use and Development Code. The following is a review of Council's discussion relating to cannabis manufacturing:

Public Safety Committee (December 9, 2015): Received detailed report on MMRSA.

Public Safety Committee (April 13, 2016): Recommended that the City a) retain its current cultivation and dispensary ordinances as they stand; b) take a "wait-and-see" approach to developing new regulations for cannabis transport and delivery as the State crafts legislation; and c) develop recommendations for modifying the Municipal Code and the Inland Land Use and Development Code (ILUDC) so that City Council can deliberate on whether and how to permit cannabis manufacturing in Fort Bragg.

City Council (May 9, 2016): Directed staff to craft a draft ordinance and revise the ILUDC to address cannabis manufacturing within City Limits.

Public Safety Committee (June 29, 2016): Reviewed a spectrum of policy options for the regulation of cannabis manufacturing, and provided recommendations to City Council for the development of a cannabis manufacturing ordinance and amendment to the ILUDC allowing cannabis manufacturing while offsetting negative impacts the use could present to the community.

City Council (July 25, 2016): Reviewed Public Safety Committee recommendations and directed staff to draft an ordinance and amend the ILUDC regulating future cannabis manufacturing uses.

City Council (September 12, 2016): Reviewed a draft cannabis manufacturing ordinance (*Chapter 9.33 Cannabis Manufacturing*), and provided direction to staff regarding revisions to the draft ordinance.

City Council (October 24, 2016): Introduced *Chapter 9.33 Cannabis Manufacturing* for adoption.

City Council (November 14, 2016): Adopted *Chapter 9.33 Cannabis Manufacturing* for inclusion in the Municipal Code.

As previously mentioned, in addition to the adoption of Chapter 9.33, the Inland Land Use and Development Code (ILUDC) must be updated to allow cannabis manufacturing in the Heavy Industrial and Light Industrial zoning districts with an approved Use Permit. In order for Council to consider proposed changes to the ILUDC, the changes must first come to the Planning Commission for review and a recommendation via adoption of a resolution.

While the City Council is presently contemplating numerous revisions to the ILUDC, including the amendments necessary to establish, define and regulate cannabis manufacturing in conjunction with the adoption of Chapter 9.33, the numerous revisions included in the full ILUDC update will likely take a few more months to discuss and finalize.

Consequently, RootOne Botanicals, a local business eager to establish a cannabis manufacturing operation in the City of Fort Bragg, has initiated an application and paid the processing fee to complete the ILUDC changes pertaining to cannabis manufacturing. Processing these ILUDC changes separately may allow RootOne Botanicals to apply for a permit more quickly to establish a cannabis manufacturing business.

The proposed ILUDC Amendment would establish, regulate and define cannabis manufacturing by modifying Article 2 (Zoning Districts & Allowable Land Uses), Article 4 (Standards for Specific Land Uses), and Article 10 (Definitions) in the following manner:

Table 1 (Proposed Changes)	
ILUDC Section	Proposed Change(s)
Article 2 Section 18.24 Table 2-10	Add new land use "Manufacturing/processing – Cannabis" to land use table, and allow in IL and IH districts with a Use Permit. Reference new Specific Use Regulations in Section 18.42.055. See Attachment 2 (Article 2 Revisions).
Article 4 Section 18.42.055	Add new Specific Use Regulations for Cannabis Manufacturing land uses, including limitations on location, operating standards and approval findings. See Attachment 3 (Article 4 Revisions).
Article 10 Section 18.100.020(C)	Add new definitions for "Cannabis" and "Cannabis Manufacturing." See Attachment 4 (Article 10 Revisions).

ANALYSIS:

ILUDC Chapter 18.94 covers the process for amending the code, including findings required for approval of amendments. The following analysis reviews the proposed amendment's consistency with these findings.

18.94.060(B)(1)(a) The proposed amendment is consistent with the General Plan and any applicable specific plan.

Industrial Land Use Designations

The proposed ILUDC amendments would modify the Land Use Tables of Article 2 to permit cannabis manufacturing uses in the Light Industrial (IL) and Heavy Industrial (IH) areas. The following excerpts from the General Plan define the purpose of the two industrial land use designations:

Heavy Industrial. *This designation is intended for a range of heavy industrial uses including manufacturing, assembly and processing, and the storage and distribution of raw materials, aggregate plants, and related heavy industrial uses which are generally compatible with and require locations removed from residential and visitor serving uses.*

Light Industrial. *This designation is intended for a variety of commercial, manufacturing, wholesale and distribution, and industrial uses which do not generate a significant amount of on-site customer traffic or high levels of noise, dust, odors, or other potential off-site nuisance characteristics. Manufacturing uses are permitted provided they occur within an enclosed structure. Other uses permitted in this designation include offices ancillary to permitted uses, agricultural product sales and services, construction yards and automobile repair shops.*

Cannabis manufacturing is a process where cannabis is transformed into a product (such as food, medicine, oil, clothing, textile, etc.), and also involves the production, preparation, propagation or compounding of cannabis or cannabis products. By definition, the proposed use fits the intent and purpose of the two industrial land use designations.

There are important distinctions between the two industrial land use designations, notably the potential for conflict with surrounding uses. The proposed ILUDC amendments require that cannabis manufacturing uses be allowed only with an approved Use Permit. Through the Use Permit review and approval process, the Planning Commission would analyze cannabis manufacturing uses individually for suitability on a particular property, and consistency with the General Plan. Amending the ILUDC to allow the establishment of cannabis manufacturing uses in industrial districts with an approved Use Permit is consistent with the industrial land use designations of the General Plan.

Economic Development Strategy

General Plan Program CD-2.3.2 references the *Fort Bragg Economic Development Strategy 2014*, which is aimed at guiding economic development activities in Fort Bragg through 2019. It identifies priorities including jobs, tourism, arts and quality of life.

“Priority 1” of the *Economic Development Strategy* concerns the attraction of new businesses that bring quality jobs to the City of Fort Bragg and proposes actions to proactively recruit new businesses. City Council’s recent addition of Chapter 9.33 regulating cannabis manufacturing anticipates the State’s upcoming implementation of MMRSA, which allows the City to issue permits and licenses for cannabis manufacturing prior to State licensing. Additionally, RootOne Botanicals presented to City Council the potential to establish a cannabis manufacturing business in the City limits, should a regulatory framework be put into place. RootOne Botanicals anticipates their business bringing as many as twenty jobs to the City when fully operational. Amending the ILUDC to complement Chapter 9.33 by establishing, regulating and defining cannabis manufacturing in the City’s industrial zoning districts would proactively recruit new business, consistent with the top priority of the *Economic Development Strategy*.

Staff recommends the Planning Commission find that the proposed amendment is consistent with the General Plan and any applicable specific plan, as ILUDC Section 19.84.060(B)(1)(a) requires.

18.94.060(B)(1)(b) The proposed amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

The proposed amendments to Article 4, in connection with the Council's adoption of Chapter 9.33 of the Municipal Code, are included to prevent or mitigate impacts to the public interest, health, safety, convenience and welfare of the City. The following provisions are included in either/or Chapter 9.33 or within the proposed amendments to Article 4.

Security

All applications for cannabis manufacturing permits must first be filed with the Chief of Police (Chapter 9.33.040(A)). The Police Department would review applications to ensure that a security plan is in place that maintains the safety of employees and visitors from criminal activity, including theft and unauthorized entry.

The Police Department would also maintain a current register of the names of all persons employed by a cannabis manufacturing facility (proposed Section 18.42.050(B)(4)), and would investigate if those managing or supervising the use have been convicted of crimes (Chapter 9.33.040(B)(7)). Additionally, the proposed amendments to Article 4 requires cannabis manufacturing uses to provide adequate security on the premises, including lighting and alarms, for the safety of employees and visitors (proposed Section 18.42.055(B)(3)).

Location

The proposed amendments to Article 4 include a provision by which the Planning Commission can analyze the location of a proposed cannabis manufacturing use and determine its compatibility with nearby uses. During review of a Use Permit application, the Planning Commission would be required to find that any proposed cannabis manufacturing use is compatible with the existing and future land uses in the vicinity, and, specifically, with any church, park, day care, hospital, non-profit organization or residential use within 200 feet of the cannabis manufacturing use (proposed Section 18.42.050(C)(1)). Reviewing a proposed cannabis manufacturing use's compatibility with nearby sensitive uses allows the Planning Commission to mitigate the project and offset potential neighborhood impacts (such as requiring security fencing, limiting hours of product delivery, etc.), or deny the project if detrimental impacts are unavoidable. Furthermore, no cannabis manufacturing use may be located within 600 feet of any school, as required by State law (proposed Section 18.42.050(C)(2)).

Operating Characteristics

The proposed ILUDC amendment also considers off-site effects of cannabis manufacturing uses, requiring that no obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site (proposed Section 18.42.050(B)(5)). This requirement is consistent with citywide standards of odor nuisance.

Additionally, cannabis manufacturing uses may not conduct or engage in the retail sale of any product, good or service (proposed Section 18.42.055(B)(1)). This requirement seeks to limit or eliminate customer trips to and from the facility, strengthening security.

Council's adoption of Chapter 9.33 regulating cannabis manufacturing uses includes numerous additional operational standards. Applicants must describe how the business will comply with applicable State regulations, detail product safety and quality assurances, outline record keeping and product recall procedures, and explain many other aspects of the use's operation.

Staff recommends the Planning Commission can find that the proposed ILUDC amendment, in connection with Council's adoption of Chapter 9.33, would not be detrimental to the City's public interest, health, safety, convenience or welfare, as Section 18.94.060(B)(1)(b) requires. Furthermore, individual Use Permit applications for cannabis manufacturing uses would be subject to analysis and mitigation so that community impacts are less than significant.

18.94.060(B)(2) The proposed amendment is internally consistent with other applicable provisions of this Development Code.

The stated purposes of the Heavy Industrial (IH) and Light Industrial (IL) zoning districts mirror the definitions of the IH and IL land use designations in the General Plan. As discussed above, the proposed amendments to Article 2 would permit cannabis manufacturing uses in the IL and IH zoning districts with an approved Use Permit, and cannabis manufacturing is consistent with these districts.

ILUDC Section 18.71.060 states that Use Permits provide "a process for reviewing uses and activities that may be appropriate in the applicable zoning district, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site." Cannabis manufacturing uses can vary and have the potential to have detrimental impacts to individual sites or surrounding areas. The proposed modifications to Article 2 would require a Use Permit for the establishment of cannabis manufacturing uses in the industrial zoning districts, allowing the Planning Commission to review projects individually for consistency and compatibility with surrounding land uses. Requiring a Use Permit for cannabis manufacturing is consistent with the purpose of Use Permits, as specified in the ILUDC.

Staff recommends the Planning Commission can find that the proposed ILUDC amendment is internally consistent with other applicable provisions of the ILUDC, as Section 18.94.060(B)(2) requires.

ENVIRONMENTAL REVIEW:

The California Environmental Quality Act (CEQA) requires analysis of agency approvals for projects. Under CEQA, adoption of substantial changes to a zoning ordinance constitutes a project, and staff has completed the required CEQA review. .

Approval of the amendment would make possible the establishment of cannabis manufacturing uses with Use Permit approval and subject to the new regulations. Staff prepared a Negative Declaration for the project and determined that the proposed amendment could not have a significant effect on the environment. The Negative Declaration is included as **Attachment 6**.

The Planning Commission will not adopt the Negative Declaration, as the adoption of a resolution in support of the proposed changes does not constitute a project under CEQA. The Negative Declaration will be adopted by City Council, if they adopt the proposed changes to the ILUDC.

PLANNING COMMISSION ACTION:

Hold a hearing, close the hearing, deliberate and adopt the resolution (**Attachment 7**) to City Council recommending approval of the ILUDC amendment.

ALTERNATIVE ACTIONS:

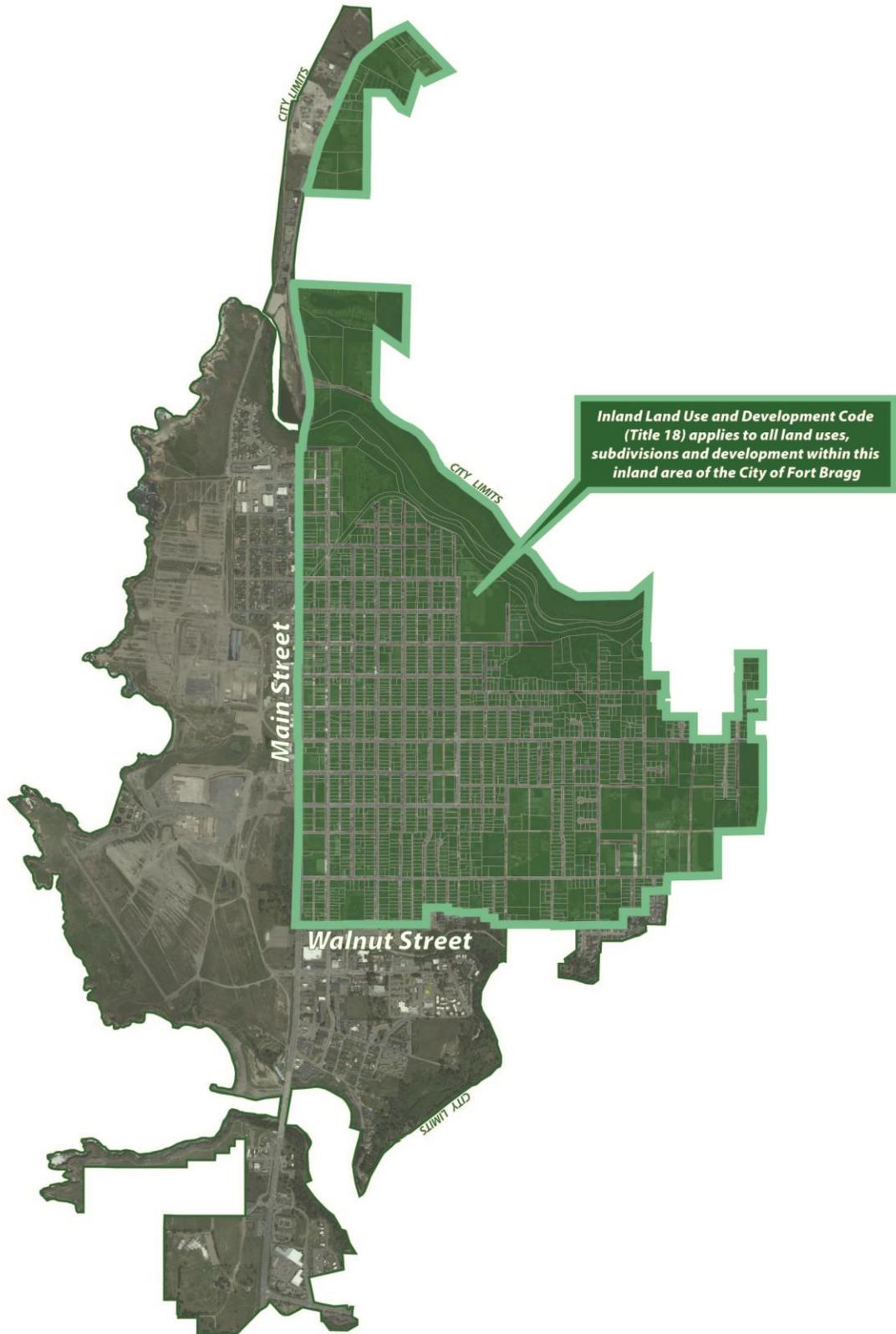
Hold a hearing, deliberate and provide staff with additional direction regarding proposed modifications to the ILUDC.

RECOMMENDATION:

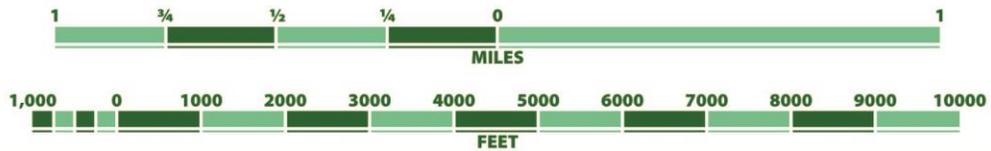
Staff recommends the Planning Commission adopt a resolution recommending that City Council adopt the attached amendments to the City's ILUDC and certify the Negative Declaration based on the findings in the resolution and the analysis of this staff report.

ATTACHMENTS:

1. Location Map
2. ILUDC Article 2 Revisions
3. ILUDC Article 4 Revisions
4. ILUDC Article 10 Revisions
5. Fort Bragg Municipal Code Chapter 9.33
6. Negative Declaration
7. Resolution to Council



SCALE 1: 24 000



CHAPTER 18.24 - INDUSTRIAL ZONING DISTRICTS

Sections:

- 18.24.010 - Purpose
- 18.24.020 - Purposes of Industrial Zoning Districts
- 18.24.030 - Industrial District Land Uses and Permit Requirements
- 18.24.040 - Industrial District Subdivision Standards
- 18.24.050 - Industrial District Site Planning and Building Standards

18.24.010 - Purpose

This Chapter lists the land uses that may be allowed within the industrial zoning districts established by Section 18.14.020 (Zoning Map and Zoning Districts), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

18.24.020 - Purposes of Industrial Zoning Districts

The purposes of the individual industrial zoning districts and the manner in which they are applied are as follows.

- A. **IL (Light Industrial) zoning district.** The IL zoning district is applied to areas of the City that are appropriate for a variety of commercial, manufacturing, wholesale and distribution, and industrial uses that do not generate significant customer traffic or high levels of noise, dust, odors, or other potential off-site nuisance characteristics. Allowable manufacturing uses and activities must be entirely within enclosed structures. The maximum floor area ratio (FAR) is 0.40. The IL zoning district implements and is consistent with the IL land use designation of the General Plan.
- B. **IH (Heavy Industrial) zoning district.** The IH zoning district is applied to areas of the City that are appropriate for a range of heavy industrial including manufacturing, assembly and processing, the storage and distribution of raw materials, aggregate plants, and related industrial uses that are generally compatible with and require locations removed from residential and visitor serving uses. The maximum floor area ratio (FAR) is 0.40. The IH zoning district implements and is consistent with the IH land use designation of the General Plan.

18.24.030 - Industrial District Land Uses and Permit Requirements

- A. **General permit requirements.** Table 2-10 identifies the uses of land allowed by this Development Code in each industrial zoning district, and the planning permit required to establish each use, in compliance with Section 18.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. **Requirements for certain specific land uses.** Where the last column in Table 2-10 ("Specific Use Regulations") includes a section number, the referenced section may affect whether the use requires a Zoning Clearance, Minor Use Permit, or Use Permit, and/or may establish other requirements and standards applicable to the use.

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts	P	Permitted Use, Zoning Clearance required		
	MUP	Minor Use Permit required (see Section 18.71.060)		
	UP	Use Permit required (see Section 18.71.060)		
S	Permit requirement set by Specific Use Regulations			
—	Use not allowed			
LAND USE (1)	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations	
	IL	IH		
AGRICULTURAL, RESOURCE & OPEN SPACE USES				
Crop production, horticulture, orchard, vineyard	P	P		
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING				
Agricultural product processing	—	P		
Artisan/craft product manufacturing	P(2)	—		
Boat and ship construction, repair, maintenance	—	P		
Construction contractor	P(2)	P(2)		
Fish processing	P(2)	P		
Laboratory - Medical, analytical, research & development	P(2)	P		
Laundry, dry cleaning plant	P	P		
Lumber and wood product manufacturing	UP	UP		
Manufacturing/processing - Cannabis	UP	UP	18.42.055	
Manufacturing/processing - Heavy	—	UP		
Manufacturing/processing - Light	P(2)	P		
Manufacturing/processing - Medium intensity	—	P(2)		
Media production	P	P		
Petroleum product storage and distribution	UP	P		
Printing and publishing	P	P		
Recycling - Heavy processing	UP	UP	18.42.150	
Recycling - Large collection facility	UP	UP	18.42.150	
Recycling - Light processing	UP	UP	18.42.150	
Recycling - Reverse vending machine	P	P	18.42.150	
Recycling - Scrap and dismantling yards	—	UP		
Recycling - Small collection facility	P	P	18.42.150	
Storage - Cold storage facility, ice plant	—	UP		
Storage - Outdoor	UP	UP	18.42.140	
Storage - Personal storage facility (mini-storage)	P	P		
Storage - Warehousing	P(2)	P		
Wholesaling and distribution	P(2)	P		

Key to Zoning District Symbols

IL	Light Industrial
IH	Heavy Industrial

Notes:

- (1) See Article 10 for land use definitions.
- (2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.
- (3) See Section 18.24.030.C for additional permit requirements.

LAND USE (1)	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
	IL	IH	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES			
Adult entertainment business	S	S	18.40
Commercial recreation facility - Indoor	UP	—	
Commercial recreation facility - Outdoor	UP	UP	
Emergency Transitional Shelter	UP		
Fishing pier	—	—	
Health/fitness facility	UP	—	
Library, museum	—		
Meeting facility, public or private	UP	—	
School - Specialized education/training	UP	UP	
Social Service Organization	UP		
Sports and entertainment assembly	UP	UP	
RESIDENTIAL USES			
Caretaker quarters	—	MUP	
Live/work unit	UP	—	18.42.090

Key to Zoning District Symbols

IL	Light Industrial
IH	Heavy Industrial

Notes:

- (1) See Article 10 for land use definitions.
- (2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.
- (3) See Section 18.24.030.C for additional permit requirements.

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts	P Permitted Use, Zoning Clearance required MUP Minor Use Permit required (see Section 18.71.060) UP Use Permit required (see Section 18.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed					
	<table border="1"> <thead> <tr> <th rowspan="2">LAND USE (1)</th> <th colspan="2">PERMIT REQUIRED BY DISTRICT</th> <th rowspan="2">Specific Use Regulations</th> </tr> <tr> <th>IL</th> <th>IH</th> </tr> </thead> </table>	LAND USE (1)	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations	IL
LAND USE (1)	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations			
	IL	IH				

RETAIL TRADE

LAND USE (1)	IL	IH	Specific Use Regulations
Accessory retail or services	MUP	MUP	18.42.020
Bar/tavern	—	—	
Boat and ship sales	—	—	
Building and landscape materials sales - Indoor	P	P	
Building and landscape materials sales - Outdoor	UP	P	18.42.130
Construction and heavy equipment sales and rental	UP	P	18.42.130
Convenience store	—	—	
Farm supply and feed store	P(2)	P	
Fuel dealer (propane for home and farm use, etc.)	P	—	
Marine hardware and supplies sales	—	—	
Mobile home or RV sales	UP	UP	
Restaurant, café, coffee shop	—	—	
Retail sales accessory to wholesaling	MUP	MUP	
Service station	UP	UP	18.42.180

SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL

LAND USE (1)	IL	IH	Specific Use Regulations
ATM	—	—	
Business support service	P	—	
Office - Accessory	P	P	
Office - Processing and corporate	P	P	

Key to Zoning District Symbols

IL	Light Industrial
IH	Heavy Industrial

Notes:

- (1) See Article 10 for land use definitions.
- (2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.
- (3) See Section 18.24.030.C for additional permit requirements.

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts	P	Permitted Use, Zoning Clearance required	
	MUP	Minor Use Permit required (see Section 18.71.060)	
	UP	Use Permit required (see Section 18.71.060)	
	S	Permit requirement set by Specific Use Regulations	
	—	Use not allowed	
LAND USE (1)	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
	IL	IH	

SERVICES - GENERAL

Accessory retail or services	MUP	MUP	18.42.020
Equipment rental	P(2)	P(2)	
Kennel, animal boarding	UP	UP	
Lodging - Hotel or motel	—	—	
Maintenance service - Client site services	P(2)	P	
Medical Marijuana Dispensary	UP	UP	FBMC 9.30 (Ord. 851 §1, 2005)
Public safety facility	P	P	
Repair service - Equipment, large appliances, etc.	P(2)	P	
Vehicle services - Major repair/body work	UP	UP	
Vehicle services - Minor maintenance/repair	P	P	
Veterinary clinic, animal hospital	P	P	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

Ambulance, taxi, or limousine dispatch facility	P(2)	P	
Boat launching facility	—	—	
Broadcasting studio	P	—	
Freight terminal	P(2)	P	
Harbor and marina facilities	—	—	
Parking facility, public or commercial	—	—	
Pipeline or transmission line	S	S	18.42.145
Telecommunications facility	S	S	18.44
Transit station or terminal	UP	UP	
Utility facility	P	P	
Vehicle storage	UP	UP	

Key to Zoning District Symbols

IL	Light Industrial
IH	Heavy Industrial

Notes:

(1) See Article 10 for land use definitions.

18.42.050 - Bed and Breakfast Inns (B&Bs)

This Section establishes standards for the development and operation of Bed and Breakfast Inns (B&B), where allowed by Article 2 (Zoning Districts and Allowable Land Uses). The intent of these provisions is to ensure the compatibility between the B&B and nearby residential uses.

- A. **Limitation on number within the RL zoning district.** No bed and breakfast inn shall be allowed within the RL zoning district, except those which existed in the RL zone as of December 2, 2002. These existing B&Bs may be expanded as allowed by Use Permit approval.
- B. **Exterior appearance.** The exterior appearance of an existing structure housing an existing B&B in the RL zoning district shall not be altered from its residential character except for allowed signs, and any structural modifications necessary to comply with California Code of Regulations Title 24. An addition to an existing B&B in the RL zoning district shall require Design Review in compliance with Section 18.71.050, to ensure that the structure is designed consistent with the residential character of the surrounding neighborhood.
- C. **Limitation on services provided.** Service shall be limited to the rental of bedrooms or suites; and meal/beverage service shall be provided for registered guests only. Separate/additional kitchens for guests are not allowed. Additional services and special events may be allowed only as specifically provided by the Use Permit approval for the facility, where the review authority determines that the type and frequency of the approved services and events will not adversely affect the residential character of the neighborhood, or allow for a use more intensive than typically associated with a B&B within the City.
- D. **Off-street parking.** Off-street parking shall be provided at a ratio of one space for each guest room, plus two spaces for the on-site owner/manager of the B&B. Parking shall not be located in the required front and side setbacks; and any night lighting for the parking area shall be limited to the minimum number of fixtures and illumination levels necessary for safety, and shall comply with Section 18.30.070 (Outdoor Lighting).
- E. **Signs.** See Chapter 18.38.

18.42.055 – Cannabis Manufacturing

This Section establishes standards for cannabis manufacturing, where allowed by Article 2 (Zoning Districts and Allowable Land Uses). These standards apply in addition to other provisions of the Municipal Code, including but not limited to Chapter 9.33 (Cannabis Manufacturing).

- A. **Limitation on Location.** The design, location, size and operating characteristics of the cannabis manufacturing use shall be compatible with the existing and future land uses in the vicinity, and, specifically, with any church, park, day care, hospital, non-profit organization or residential use within 200 feet of the cannabis manufacturing use. Further, the cannabis manufacturing use shall not be located within six-hundred feet of any school.
- B. **Operating Standards.** Cannabis manufacturing uses shall comply with all of the following operating standards:
 - 1. **Limitations on Use.** A cannabis manufacturing use shall comply with the following limitations:
 - a) Cannabis manufacturing uses shall not conduct or engage in the retail sale of any product, good or service. Only wholesale activities are permitted.
 - b) Accessory retail and/or distribution uses other than wholesale sales shall not be permitted in conjunction with the cannabis manufacturing use.
 - c) No cannabis shall be grown or cultivated on the property of the cannabis manufacturing use.

d) No cannabis or cannabis product shall be smoked, ingested, or otherwise consumed on the property.

2. **Notice to Entrants.** A cannabis manufacturing use building entrance shall be clearly and legibly posted with a notice indicating that persons under the age of twenty-one (21) are precluded from entering the premises unless they are in the presence of their parent or legal guardian. The building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming cannabis on the property is prohibited.
3. **Security.** A cannabis manufacturing use shall provide adequate security on the premises, including lighting and alarms, for the safety of employees and visitors and to minimize the potential for criminal activity, including theft and unauthorized entry.
4. **Employee Register.** A cannabis manufacturing use shall maintain a current register of the names of all employees currently employed by the use, and shall provide the Chief of Police with the name, phone number, and email of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the cannabis manufacturing use. The register and contact information shall be current and up-to-date at all times.
5. **Off-Site Effects.** No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.
6. **State Law.** A cannabis manufacturing use shall meet all State law requirements for cannabis manufacturing, including all State law operating criteria.
7. **Compliance with the Cannabis Manufacturing Ordinance.** As a condition of approval, the applicant shall comply with all the requirements of the Municipal Code, including but not limited to Chapter 9.33 (Cannabis Manufacturing). Such compliance will be confirmed in writing by the Police Chief prior to issuance of a business license for the facility.

C. Required Findings. In order to approve a Use Permit for a cannabis manufacturing use, the Planning Commission must make the following findings:

1. The cannabis manufacturing use is compatible with the existing and future land uses in the vicinity, and, specifically, with any church, park, day care, hospital, non-profit organization or residential use within two-hundred (200) feet of the cannabis manufacturing use; and
2. The cannabis manufacturing use will not be located within six-hundred (600) feet of any school.

18.42.060 - Child Day Care Facilities

- A. **Applicability.** Where allowed by Article 2 (Zoning Districts and Allowable Land Uses) child day care facilities shall comply with the standards of this Section. These standards apply in addition to the other provisions of this Development Code and requirements imposed by the California Department of Social Services (DSS). DSS Licensing is required for all facilities.
- B. **Definitions.** Definitions of the child day care facilities regulated by this Section are in Article 10 (Glossary) under "Day Care."
- C. **Standards for large family day care homes.** As required by State law, a Minor Use Permit for a large family day care home shall be approved if it complies with the following standards.
 1. **Location requirements.** In order to avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no

Definitions

C. Definitions, "C."

Cabinet Shop. See "Furniture and Fixtures Manufacturing, Cabinet Shops."

California Environmental Quality Act (CEQA). State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

California Public Utilities Commission (CPUC). The governmental agency which regulates the terms and conditions of public utilities in the State.

Cannabis. [Shall have the same definition as defined by State Law.](#)

Cannabis Manufacturing. [A process where cannabis is transformed into a product \(such as food, medicine, oil, clothing, textile, etc.\), and the production, preparation, propagation, or compounding of cannabis or cannabis products, directly or indirectly.](#)

Caretaker Quarters. A permanent residence that is secondary or accessory to the primary use of the property, and used for housing a caretaker employed on the site of any non-residential use where needed for security purposes or to provide 24-hour care or monitoring of people, plants, animals, equipment, or other conditions on the site.

Carriage House. See "Second Unit or Carriage House."

Catering Service. A business that prepares food for consumption on the premises of a client.

Change of Use. The replacement of an existing use on a lot or parcel, or any portion thereof, by a new use, or a change in the nature of an existing use; but does not include a change of ownership, tenancy, or management associated with a use for which the previous nature of the use will remain substantially unchanged.

Child Day Care Center or Facility. A child day care facility other than a family day care home, including but not limited to infant centers, pre-schools, extended day care facilities, and school age child care centers.

City. The City of Fort Bragg, State of California, referred to in this Inland Land Use and Development Code as the "City." For the purposes of this Land Use Code, "City" includes the Fort Bragg City Council, Planning Commission, advisory agencies, appeals boards, agents, employees, and officers of the City of Fort Bragg.

City Council. The Fort Bragg City Council, referred to in this Inland Land Use and Development Code as "City Council" and the "Council."

Clean Water Act. The Federal Water Pollution Control Act (3-3 U.S.C. §1251 et seq.), and any amendments to the Act.

CHAPTER 9.33: CANNABIS MANUFACTURING

Section

9.33.010	Purpose and intent
9.33.020	Definitions
9.33.030	Permit required
9.33.040	Applications
9.33.050	Time limit for filing application for permit
9.33.060	Term of permits and renewals
9.33.070	Fees
9.33.080	Investigation and action on application
9.33.090	Grounds for rejection of cannabis manufacturing use permit application
9.33.100	Appeal from Chief of Police decision to reject application
9.33.110	Processing of cannabis manufacturing use permit
9.33.120	Operating requirements
9.33.130	Minors
9.33.140	Display of permit
9.33.150	Registration of new employees
9.33.160	Transfer of permits
9.33.170	Suspension and revocation — notice
9.33.180	Suspension and revocation — grounds
9.33.190	Suspension and revocation — appeals
9.33.200	Suspension or revocation without hearing
9.33.210	Separate offense for each day
9.33.220	Public nuisance
9.33.230	Criminal penalties
9.33.240	Civil injunction
9.33.250	Administrative remedies
9.33.270	Severability

§ 9.33.010 PURPOSE AND INTENT.

It is the purpose and intent of this ordinance to regulate Cannabis Manufacturing in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City.

§ 9.33.020 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words or phrases not specifically defined in this code shall have the meaning ascribed to them as defined in the following sources: Compassionate Use Act of 1996 (California Health and Safety Code Section 11362.5); Medical Marijuana Program Act (California Health and Safety Code Section 11362.7 through 11362.83); and Medical Marijuana Regulation and Safety Act of 2015 (enacted by Assembly Bill (AB) 243, AB 266 and Senate Bill 643).

APPLICANT. A person who is required to file an application for a permit under this chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a cannabis manufacturing use.

CHIEF OF POLICE. The Chief of Police of the City of Fort Bragg or the authorized representatives thereof.

CHURCH. A structure or leased portion of a structure which is used primarily for religious worship and related religious activities.

CONTROLLED SUBSTANCES. A drug, substance, or immediate precursor which is listed in any schedule in Cal. Health and Safety Code §§ 11054, 11055, 11056, 11057, or 11058.

DRUG PARAPHERNALIA. Shall have the same definition as Cal. Health and Safety Code § 11364.5, and as may be amended.

CANNABIS. Shall have the same definition as defined by State law.

CANNABIS MANUFACTURING. A process where cannabis is transformed into a product (such as food, medicine, oil, clothing, textile, etc.), and the production, preparation, propagation, or compounding of cannabis or cannabis products, directly or indirectly.

PERMITTEE. The person to whom a cannabis manufacturing permit is issued.

PERSON WITH AN IDENTIFICATION CARD. Shall have the same definition as Cal. Health and Safety Code § 11362.7, and as may be amended.

PRIMARY CAREGIVER. Shall have the same definition as Cal. Health and Safety Code §§ 11362.5 and 11362.7, and as may be amended.

QUALIFIED PATIENT. Shall have the same definition as Cal. Health and Safety Code §§ 11362.5 and 11362.7, and as may be amended.

SCHOOL. An institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any child or day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

§ 9.33.030 PERMIT REQUIRED.

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City the operation of a cannabis manufacturing use unless the person first obtains and continues to maintain in full force and effect a cannabis manufacturing permit from the City as herein required.

§ 9.33.040 APPLICATIONS.

A. All applications for cannabis manufacturing permits shall be filed with the Chief of Police. The application shall be made under penalty of perjury.

B. Any application for a cannabis manufacturing permit shall include the following information:

1. The full name, present address, and telephone number of the applicant;
 2. The address to which notice of action on the application and all other notices are to be mailed;
 3. Previous addresses for the past five years immediately prior to the present address of the applicant;
 4. Written proof that the applicant is over 21 years of age;
 5. Photographs for identification purposes (photographs shall be taken by the Police Department);
 6. The cannabis business history of the applicant, including whether the person, in previously operating in any city, county, or state under permit, has had a permit revoked or suspended and, if so, the reason therefor;
 7. The name or names of the person or persons having the management or supervision of applicant's business;
 8. Whether the person or persons having the management or supervision of applicant's business have been convicted of a crime(s), the nature of the offense(s), and the sentence(s) received therefor;
 9. The names of all employees, independent contractors, and other persons who will work at the cannabis manufacturing use;
-

10. A security plan ensuring the safety of employees and visitors from criminal activity, including theft and unauthorized entry;

11. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the cannabis manufacturing use and the purpose and security of each room or area of operation;

12. A diagram illustrating the use and coverage of security cameras, security lighting, and necessary access restrictions;

13. Security measures ensuring the safety of employees and visitors from criminal activity, including theft and unauthorized entry;

14. Detailed operating procedures, which shall include the following:

a. Proposed hours of operation;

b. How the business will comply with applicable State regulations;

c. Product safety and quality assurances;

d. Record keeping procedures;

e. Product recall procedures;

f. A solid waste disposal plan, with certification that waste transport entities and disposal facilities have agreed to haul and receive solid waste produced by the cannabis manufacturing use.

g. Product supply chain information (cultivation, testing, transportation, packaging and labeling);

h. An odor prevention plan, illustrating how the use will be consistent with §17.30.080(J) and/or §18.30.080(J). The odor prevention plan may include an odor absorbing ventilation and exhaust system or other measures to ensure the use does not produce odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public; and

i. Other information as required by the Chief of Police as necessary to ensure the project's compliance with local, state and federal regulations.

14. Authorization for the City, its agents and employees to seek verification of the information contained within the application; and

15. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.

C. If the applicant has completed the application improperly, or if the application is incomplete, the Chief of Police shall, within ten (10) days of receipt of the original application, notify the applicant of the fact and, on request of the applicant, grant the applicant an extension of time of ten (10) days or more to submit a complete application.

D. The fact that an applicant possesses other types of state or City permits or licenses does not necessarily exempt the applicant from the requirement of obtaining a cannabis manufacturing permit.

§ 9.33.050 TIME LIMIT FOR FILING APPLICATION FOR PERMIT.

All persons who possess an outstanding business license heretofore issued for cannabis manufacturing must apply for and obtain a cannabis manufacturing permit within 90 days of the effective date of this ordinance. Continued operation of a cannabis manufacturing use without a permit more than 90 days after the effective date of this ordinance shall constitute a violation of this chapter.

§ 9.33.060 TERM OF PERMITS AND RENEWALS.

Cannabis manufacturing permits issued under this chapter shall expire one year following their issuance. Cannabis manufacturing permits may be renewed by the Chief of Police for additional one-year periods upon application by the permittee, unless the permit is suspended or revoked subject to § 9.33.180. Applications for renewal shall be made at least 45 days before the expiration date of the permit and shall be accompanied by the nonrefundable fee referenced in § 9.33.070.

When made less than 45 days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on as provided herein for action upon applications for permits. The Chief of Police may deny an application for renewal based on any of the grounds referenced in §§ 9.33.090 and 9.33.180. An applicant aggrieved by the Chief of Police's decision to deny a renewal of a cannabis manufacturing permit may appeal pursuant to § 9.33.100.

§ 9.33.070 FEES.

Every application for a cannabis manufacturing permit or renewal shall be accompanied by a nonrefundable fee, as established by resolution adopted by the City Council from time to time. This application or renewal fee is in addition to fingerprinting, photographing, and background check costs and shall be in addition to any other permit fee imposed by this code or other governmental agencies. Fingerprinting, photographing, and background check fees will be as established by resolution adopted by the City Council from time to time.

§ 9.33.080 INVESTIGATION AND ACTION ON APPLICATION.

After the making and filing of the application for the cannabis manufacturing permit and the payment of the fees, the Chief of Police shall conduct a background check of the applicant and all employees and conduct an investigation of the application. After the background checks and investigation are complete, the Chief of Police shall either formally accept or reject the application in accordance with the provisions of this chapter.

§ 9.33.090 GROUNDS FOR REJECTION OF CANNABIS MANUFACTURING PERMIT APPLICATION.

The grounds for rejection of a cannabis manufacturing permit application shall be one or more of the following:

A. The business or conduct of the business at a particular location is prohibited by any local or state law, statute, rule, or regulation;

B. The applicant has violated any local or state law, statute, rule, or regulation respecting a cannabis business;

C. The applicant has knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit;

D. The applicant, his or her agent or employees, or any person who is exercising managerial authority on behalf of the applicant has been convicted of a felony, or of a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution, or similar activities related to controlled substances, with the exception of marijuana related offenses for which the conviction occurred prior to passage of Proposition 215. A conviction within the meaning of this section means a guilty plea or verdict or a conviction following a plea of nolo contendere;

E. The applicant has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices;

F. The applicant is under 21 years of age;

G. The cannabis manufacturing use does not comply with Title 18 (Land Use and Development Code); and/or

H. The required application or renewal fees have not been paid.

(Ord. 850, passed 6-13-2005)

§ 9.33.100 APPEAL FROM CHIEF OF POLICE DECISION TO REJECT APPLICATION.

The Chief of Police shall cause a written notice of his or her decision to reject a cannabis manufacturing permit application to be mailed to the applicant by certified U.S. mail, postage prepaid, return receipt requested, to the address provided by the applicant for sending of notices. An applicant aggrieved by the Chief of Police's decision to reject an application may appeal the decision in

accordance with the procedures described in Chapter 1.08. If an appeal is not taken within such time, the Chief of Police's decision shall be final.
(Ord. 900, § 11, passed 12-12-2011)

§ 9.33.110 PROCESSING OF CANNABIS MANUFACTURING PERMIT.

If an application is not rejected by the Chief of Police, it shall be forwarded to the Community Development Department for processing using the same permit process and requirements for a Use Permit as defined in Title 17 (Coastal Land Use and Development Code) and Title 18 (Land Use and Development Code).

§ 9.33.120 OPERATING REQUIREMENTS.

A cannabis manufacturing use shall meet the following operating requirements for the duration of the use.

A. The design, location, size and operating characteristics of the cannabis manufacturing use shall comply with the findings and conditions of the Use Permit.

B. A cannabis manufacturing use shall maintain a current register of the names of all employees currently employed by the use.

C. The building entrance to a cannabis manufacturing use shall be clearly and legibly posted with a notice indicating that persons under the age of 21 are precluded from entering the premises unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or legal guardian.

D. No cannabis or cannabis product shall be smoked, ingested, or otherwise consumed on the project site. The term "project site" includes the actual building, as well as any accessory structures, parking areas, or other immediate surroundings. The building entrance to a cannabis manufacturing use shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming marijuana on the premises or in the vicinity of the cannabis manufacturing use is prohibited.

E. No marijuana shall be grown or cultivated on the premises of the cannabis manufacturing use.

F. No cannabis manufacturing use shall hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of the cannabis manufacturing use.

G. No cannabis manufacturing use shall conduct or engage in the commercial sale of any product, goods or service. The term "commercial sale" does not include the provision of cannabis on terms and conditions consistent with this chapter and applicable law.

H. No accessory uses shall be permitted in conjunction with a cannabis manufacturing use.

I. No cannabis manufacturing use shall sell or display any drug paraphernalia or any implement that may be used to administer cannabis.

J. A cannabis manufacturing use shall provide adequate security on the premises, including lighting and alarms, to ensure the safety of employees and visitors from criminal activity, including theft and unauthorized entry.

K. A cannabis manufacturing use shall provide the Chief of Police with the name, phone number, and email of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the cannabis manufacturing use.

L. A cannabis manufacturing use shall meet all the operating criteria for the manufacturing of cannabis as is required pursuant to state law.

§ 9.33.130 MINORS.

A. It shall be unlawful for any permittee, operator, or other person in charge of any cannabis manufacturing use to employ any person who is not at least 21 years of age.

B. Persons under the age of 21 shall not be allowed on the premises of a cannabis manufacturing

use unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or legal guardian.

§ 9.33.140 DISPLAY OF PERMIT.

Every cannabis manufacturing use shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for cannabis manufacturing in a conspicuous place so that the same may be readily seen by all persons entering the cannabis manufacturing use.

§ 9.33.150 REGISTRATION OF NEW EMPLOYEES.

A. As a further condition of approval of every cannabis manufacturing permit issued pursuant to this chapter, every owner or operator shall register every employee with the Police Department within five business days of the commencement of the employee's period of employment at the cannabis manufacturing use, in order to provide necessary information to conduct background checks.

B. Each employee shall be required to provide two recent color passport-quality photographs and, at the discretion of the Chief of Police, shall allow himself or herself to be fingerprinted by the Police Department for purposes of identification.

C. Failure to register each new employee within five days of the commencement of employment or to maintain a current register of the names of all employees shall be deemed a violation of the conditions of the permit and may be considered grounds for suspension or revocation of the permit.

§ 9.33.160 TRANSFER OF PERMITS.

A. A permittee shall not operate a cannabis manufacturing use under the authority of a cannabis manufacturing permit at any place other than the address of the cannabis manufacturing use stated in the application for the permit.

B. A permittee shall not transfer ownership or control of a cannabis manufacturing use or transfer a cannabis manufacturing permit to another person unless and until the transferee obtains an amendment to the permit from the Chief of Police stating that the transferee is now the permittee. The amendment may be obtained only if the transferee files an application with the Chief of Police in accordance with § 9.33.040, accompanies the application with a transfer fee in an amount set by resolution of the City Council, and the Chief of Police determines in accordance with § 9.33.090 that the transferee would be entitled to the issuance of an original permit.

C. No permit may be transferred when the Chief of Police has notified the permittee that the permit has been or may be suspended or revoked.

D. Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void, and the permit shall be deemed revoked.

§ 9.33.170 SUSPENSION AND REVOCATION — NOTICE.

A. Any permit issued under the terms of this chapter may be suspended or revoked by the Chief of Police when it appears to him or her that the permittee has committed any one or more of the acts or omissions constituting the grounds for suspension or revocation under this chapter.

B. No permit shall be revoked or suspended by virtue of this section until a hearing has been held by the Chief of Police. Written notice of the time and place of the hearing shall be served upon the person to whom the permit was granted at least five days prior to the date set for the hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Notice may be given either by personal delivery to the permittee or by depositing it in the U.S. mail in a sealed envelope, postage prepaid, addressed to the permittee at the address provided by the permittee for sending of notices.

§ 9.33.180 SUSPENSION AND REVOCATION — GROUNDS.

It shall be a ground for suspension or revocation of a permit if any permittee or person, his or her

agent, or employee:

A. Does any act which violates any of the grounds set forth in § 9.33.090, which sets forth the grounds for rejection of an application for a permit for the cannabis manufacturing use;

B. Violates any other provision of this chapter or any local or state law, statute, rule, or regulation relating to his or her permitted activity;

C. Conducts the permitted business in a manner contrary to the peace, health, or safety of the public;

D. Fails to take reasonable measures to control the establishment's patrons' conduct resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the premises, traffic-control problems, or creation of a public or private nuisance, or obstruction of the business operation of another business;

E. Violates any provision of Title 15 of this code; or

F. Violates or fails to comply with the terms and conditions of the Use Permit.

§ 9.33.190 SUSPENSION AND REVOCATION — APPEALS.

Any permittee aggrieved by the decision of the Chief of Police in suspending or revoking a permit may, within 10 calendar days, appeal the decision in accordance with the procedures described in Chapter 1.08. If a decision of the Chief of Police to suspend or revoke a permit is not appealed within ten (10) calendar days, the decision of the Chief of Police shall be final.

§ 9.33.200 SUSPENSION OR REVOCATION WITHOUT HEARING.

If any person holding a permit or acting under the authority of the permit under this article is convicted of a misdemeanor in any court for the violation of any law which relates to his or her permit, the Chief of Police shall revoke the permit forthwith without any further action thereof, other than giving notice of revocation to the permittee. If a permit is summarily revoked pursuant to the provisions of this section, a permittee may, within ten (10) calendar days, appeal the revocation in accordance with the procedures described in Chapter 1.08. During the pendency of the appeal, the permit shall be deemed suspended. If the appeal is not taken within ten (10) days, the decision of the Chief of Police shall be final.

§ 9.33.210 SEPARATE OFFENSE FOR EACH DAY.

Any person that violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.

§ 9.33.220 PUBLIC NUISANCE.

Any use or condition caused or permitted to exist in violation of any of the provisions of this chapter shall be and is hereby declared a public nuisance and may be abated by the City pursuant to Chapter 6.12 of the Fort Bragg Municipal Code.

§ 9.33.230 CRIMINAL PENALTIES.

Any person who violates, causes, or permits another person to violate any provision of this chapter commits a misdemeanor.

§ 9.33.240 CIVIL INJUNCTION.

The violation of any provision of this chapter shall be and is hereby declared to be a public nuisance and contrary to the public interest and shall, at the discretion of City, create a cause of action for injunctive relief.

§ 9.33.250 ADMINISTRATIVE REMEDIES.

In addition to the civil remedies and criminal penalties set forth above, any person that violates the

provisions of this chapter may be subject to administrative remedies, as set forth by City ordinance.

§ 9.33.270 SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the ordinance. The City Council of the City hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that one (1) or more sections, subsections, sentences, clauses, or phrases may be held invalid or unconstitutional.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 4. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by Councilmember Peters at a regular meeting of the City Council of the City of Fort Bragg held on October 24, 2016, and adopted at a regular meeting of the City of Fort Bragg held on November 14, 2016, by the following vote:

AYES: Councilmember Cimolino, Deitz, Hammerstrom, Peters, and Mayor Turner.
NOES: None.
ABSENT: None.
ABSTAIN: None.
RECUSED: None.

Dave Turner,
Mayor

ATTEST:

June Lemos
City Clerk

PUBLISH: October 27, 2016 and November 23, 2016 (by summary).
EFFECTIVE DATE: December 14, 2016.



CITY OF FORT BRAGG

Incorporated August 5, 1889
416 North Franklin Street
Fort Bragg, California 95437
tel. 707.961.2823
fax. 707.961.2802
www.fortbragg.com

1. PROJECT TITLE

Inland Land Use and Development Code Amendment: Cannabis Manufacturing

2. LEAD AGENCY NAME AND ADDRESS

City of Fort Bragg
416 North Franklin Street
Fort Bragg, CA 95437
707-961-2823

3. CONTACT PERSON AND PHONE NO.

Scott Perkins
Assistant Planner
Community Development Department
707-961-2827 ext. 113

4. PROJECT LOCATION

The Inland Land Use and Development Code regulates all areas of Fort Bragg located east of Highway 1 and north of Walnut Street, that are outside the California Coastal Zone. **Figure 1 (Location Map)** illustrates the jurisdiction of the ILUDC.

5. PROJECT SPONSOR'S NAME AND ADDRESS

Jon McColley
16451 Pine Drive
Fort Bragg, CA 95437

6. GENERAL PLAN DESIGNATION

Heavy Industrial (IH) and Light Industrial (IL)

7. ZONING

Heavy Industrial (IH) and Light Industrial (IL)

8. DESCRIPTION OF PROJECT

In 2014, the City Council adopted an updated Inland Land Use and Development Code (ILUDC). The ILUDC is the City's guiding collection of land use policies and regulations that implement the General Plan's vision for Fort Bragg's future through the year 2022.

The applicant requests an ILUDC Amendment to establish, define and regulate Cannabis Manufacturing. This ILUDC Amendment would modify Article 2 (Zoning Districts & Allowable Land Uses), Article 4 (Standards for Specific Land Uses), and Article 10 (Definitions). For a comprehensive summary of the proposed changes, refer to **Table 1 (Proposed Changes)**, below:

Table 1 (Proposed Changes)	
ILUDC Section	Proposed Change(s)
Article 2 Section 18.24 Table 2-10	Add new land use “Manufacturing/processing – Cannabis” to land use table, and allow in IL and IH districts with a Use Permit. Reference new Specific Use Regulations in Section 18.42.055. See Attachment 1 (Article 2 Revisions).
Article 4 Section 18.42.055	Add new Specific Use Regulations for Cannabis Manufacturing land uses, including limitations on location, operating standards and approval findings. See Attachment 2 (Article 4 Revisions).
Article 10 Section 18.100.020(C)	Add new definitions for “Cannabis” and “Cannabis Manufacturing.” See Attachment 3 (Article 10 Revisions).

9. SURROUNDING LAND USES AND SETTING:

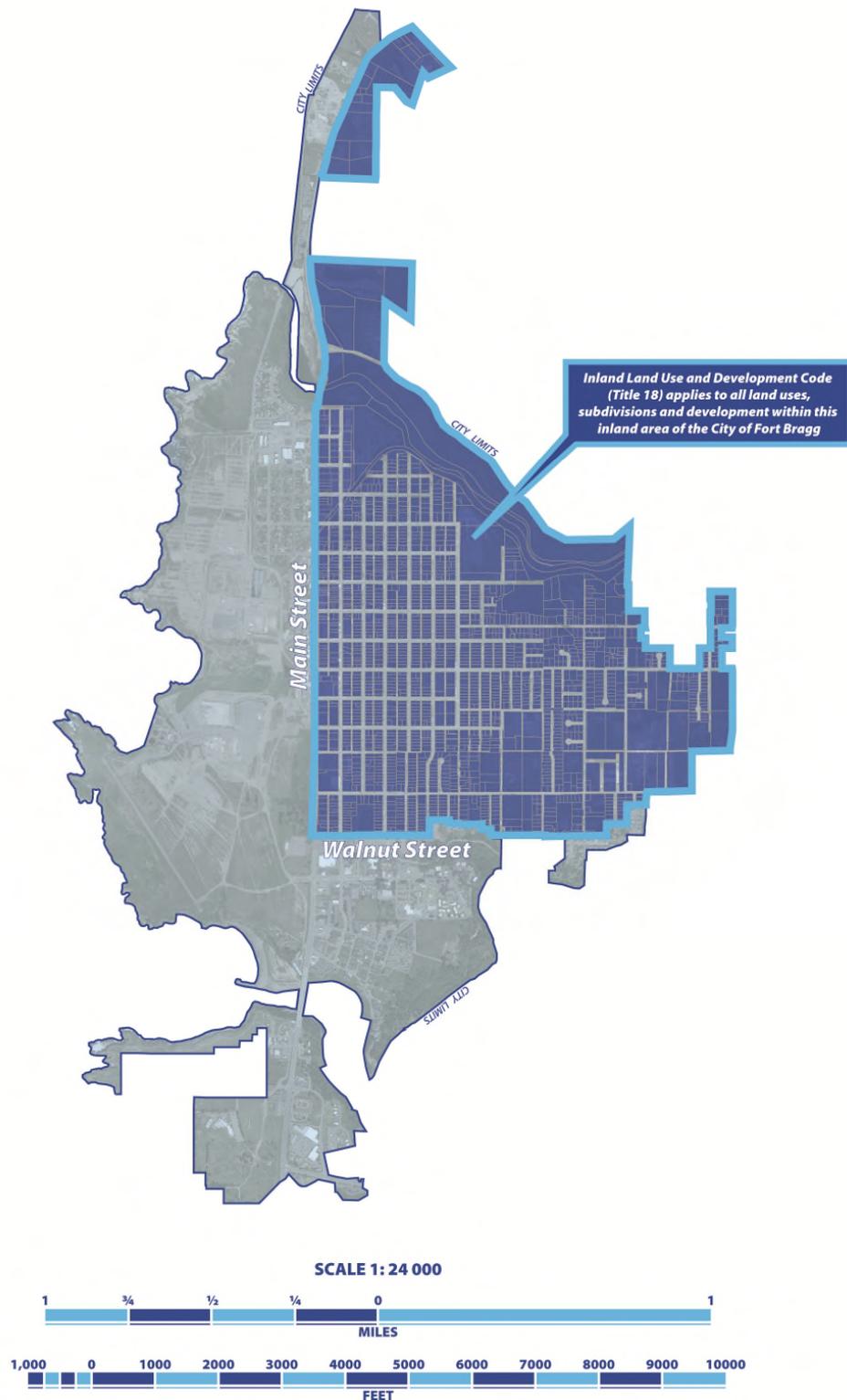
Citywide—the ILUDC regulates all areas of Fort Bragg outside the California Coastal Zone.

10. OTHER AGENCIES REQUIRING APPROVAL

The ILUDC Amendment does not require other agencies’ approval.

PROJECT LOCATION

The project is located in the portion of Fort Bragg east of Main Street and North of Walnut Street, as shown in **Figure 1 (Location Map)**. The Inland Land Use and Development Code regulates land use, subdivisions and development for nearly half the City; however, the ILUDC Amendment would only affect areas zoned Heavy Industrial (IH) and Light Industrial (IL).



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | <input type="checkbox"/> Greenhouse Gas Emissions |

DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Printed Name

I. Aesthetics

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?			✓	
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			✓	
c. Substantially degrade the existing visual character or quality of the site and its surroundings?			✓	
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	

Impacts a-d: *Impacts are less than significant*

Although some scenic resources—such as open space, trees and waterways—are present within the ILUDC plan area, the proposed changes to the ILUDC will not impact scenic vistas or scenic resources, substantially degrade the existing visual character or contribute to light or glare pollution. The ILUDC boundaries do not include areas that are part of a scenic vista, per the Coastal General Plan, nor areas near a state scenic highway, per Caltrans designation.

The newly proposed use—Cannabis Manufacturing—will require approval of a Use Permit prior to operation. Additional site-specific aesthetic impacts would be identified and mitigated through Use Permit and environmental review of individual projects.

II. Agricultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<i>Would the project:</i>				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c. Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?				✓
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				✓

Impacts a-e: *No impacts*

The plan area does not include agricultural lands or forest land, nor are there agriculturally-zoned parcels in the ILUDC plan area. The California Department of Conservation Farmland Mapping and Monitoring Program designates the majority of the plan area as “Urban and Built-Up Land.” The ILUDC amendment would not convert farmland to non-agricultural use, would not conflict with the existing zoning for forest land and would not affect any property subject to a Williamson Act contract.

III. Air Quality

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?			✓	
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			✓	
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			✓	
d. Expose sensitive receptors to substantial pollutant concentrations?			✓	
e. Create objectionable odors affecting a substantial number of people?			✓	

Impacts a-e: *Impacts are less than significant*

The ILUDC plan area is within the Mendocino County Air Quality Management District Air Basin, which relies on the Bay Area Air Quality Management District's CEQA Guidelines. All of Mendocino County is non-attainment for the State PM10 standard; however, the ILUDC amendment proposes to allow the establishment of new cannabis manufacturing uses in the industrial zoning districts with an approved Use Permit. Future cannabis manufacturing uses would be individually subject to environmental review, and any project impacts would require mitigation at that time.

IV. Biological Resources

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?			✓	
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			✓	
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			✓	
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			✓	
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			✓	
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓

Impacts a-e: *Impacts are less than significant*

The majority of the ILUDC plan area is comprised of urban development; however, small patches of open space and wetlands, and bishop cone forest remain in the Inland area.

The ILUDC contains numerous policies aimed at the preservation and protection of biological resources, and this ILUDC amendment does not seek to modify or eliminate these regulations. These existing policies would apply to future cannabis manufacturing uses. Additionally, future cannabis manufacturing uses would be individually subject to environmental review, where any project-specific impacts would require mitigation.

Impact f: *No impacts*

No preservation, protection or adopted conservation plans apply to the ILUDC plan area.

V. Cultural Resources

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			✓	
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?			✓	
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			✓	
d. Disturb any human remains, including those interred outside of formal cemeteries?			✓	

Impacts a-d: *Impacts are less than significant*

The proposed ILUDC amendment retains all of the 2014 ILUDC update regulations protecting cultural resources. The existing policies will continue to apply to new development. Additionally, future cannabis manufacturing uses would be individually subject to environmental review, where any project-specific impacts would require mitigation.

VI. Geology and Soils

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<i>Would the project:</i>				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> i. Rupture of known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? ii. Strong seismic ground shaking? iii. Seismic-related ground failure, including liquefaction? iv. Landslides? 			✓	
b. Result in substantial soil erosion or the loss of topsoil?			✓	
c. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓	
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code creating substantial risks to life or property?			✓	
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.			✓	

Impacts a-e: *Impacts are less than significant*

Article 18.60 provides adequate regulation to ensure that new development will not be located on unstable, expansive, or otherwise inadequate soils, and would not be amended by this project. The California Building Code also regulates construction to ensure that occupants are not exposed to hazards from structures. Future cannabis manufacturing uses would be individually subject to environmental review, where any project-specific impacts would require mitigation.

VII. Greenhouse Gas Emissions

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	

Impacts a-b: *Impacts are less than significant*

The City of Fort Bragg has adopted a greenhouse gas (GHG) emission reduction target of 7% by 2020, and has prepared a Climate Action Plan and Greenhouse Gas inventory. The proposed Green Building and Energy Conservation measures in the new Sustainability Element of the General Plan are intended to help achieve the City's GHG reduction goal. The proposed ILUDC amendment does not conflict with the Climate Action Plan. Additionally, future cannabis manufacturing uses would be individually subject to environmental review, where any project-specific impacts would require mitigation.

VIII. Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			✓	
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				✓

Impacts a-c: *Impacts are less than significant*

Hazardous materials could be used during construction activities in the ILUDC plan area. Additionally, commercial or industrial development may include businesses that utilize chemicals and hazardous materials, and their routine business operations may involve chemicals that are manufactured, warehouse, or transported. However, the hazards presently exist within the ILUDC plan area, and approval of the ILUDC amendment will not increase these hazards to a significant level.

Impacts d-h: *No impacts*

Potentially hazardous materials sites (pursuant to government code 65962.5) may exist in the ILUDC plan area; however, future cannabis manufacturing uses would be individually subject to environmental review, where any site-specific impacts would require mitigation.

A private airstrip exists north of the City boundary, and a helipad operates at the Mendocino Coast District Hospital. Both facilities are outside of the ILUDC plan area, and no impacts will result from the proposed amendment.

The ILUDC plan area is not located within a wildland fire hazard area. It is located in an urbanized portion of the City of Fort Bragg.

The City's Emergency Operations Plan (EOP) has been developed to provide a comprehensive emergency management program for the City. It mitigates the effects of hazards and includes measures to be taken to preserve life and minimize damage, enhance response during emergencies, provide necessary assistance, and establish a recovery system, in order to return the City to its normal state of affairs in case of an emergency. The plan defines preparations and mitigations to respond to the effects of natural disasters including wildfire, technological accidents, nuclear incidents, and other major incidents/hazards. The proposed ILUDC amendment has no impact on this plan.

IX. Hydrology and Water Quality

<i>Would the project</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?			✓	
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table (e.g. the production rate of a pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			✓	
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			✓	
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			✓	
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			✓	
f. Otherwise substantially degrade water quality?			✓	
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				✓

i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓
j. Inundation by seiche, tsunami, or mudflow?				✓

Impacts a-f: *Impacts are less than significant*

Development entitled through compliance with the ILUDC would increase stormwater flows in the plan area. However, the ILUDC includes numerous regulations that require storm infiltration, treatment and improved conveyance. Future development of cannabis manufacturing uses would be subject to these and other existing ILUDC policies that mitigate stormwater impacts. Cannabis manufacturing uses that would have the potential to cause project-specific stormwater impacts would be subject to mitigation during permit and environmental review of the individual project.

Impacts g-j: *No impacts*

The proposed amendment would regulate cannabis manufacturing uses in industrial zoning districts, and does not directly impact floodways or otherwise affect hydrological hazards.

X. Land Use and Planning

<i>Would the project</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Physically divide an established community?				✓
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓

Impacts a-c: No impacts

The proposed changes to the ILUDC do not include any physical development, and cannot divide any community. Future proposals to develop cannabis manufacturing uses, in reliance on this proposed amendment, would be reviewed for consistency with applicable plans, policies and regulations. Project-specific environmental analysis will occur during Use Permit review, and any future impacts would need mitigation.

XI. Mineral Resources

<i>Would the project</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓

Impacts a-b: *No impacts*

The ILUDC plan area does not have locally important mineral resources. Therefore, development in compliance with the ILUDC would not result in the loss of known mineral resources, nor conflict with mineral resource recovery or processing facilities.

XII. Noise

<i>Would the project</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✓	
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			✓	
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

Impacts a-d: *Impacts are less than significant*

Chapter 9.44 of the Fort Bragg Municipal code regulates noise in the City of Fort Bragg. The ILUDC amendment would have no impact on this chapter. However, future uses in compliance with the proposed ILUDC—including cannabis manufacturing uses—have the potential to create noise. Future uses would be subject to the existing regulations, and should impacts be significant, project-specific mitigation would be required to reduce impacts to an insignificant level.

Impacts e-f: *No impacts*

A private airstrip exists north of the City boundary, and a helipad operates at the Mendocino Coast District Hospital. Both facilities are outside of the ILUDC plan area, and no impacts will result from the proposed amendment.

XIII. Population and Housing

<i>Would the project</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

Impacts a-c: *No impacts*

The ILUDC plan area is largely built-out with development, with few opportunities for in-fill development. As the ILUDC amendment would not convert any existing housing, nor would it displace citizens, there are no impacts to population and housing associated with this project.

XIV. Public Services

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Fire protection?			✓	
b. Police protection?			✓	
c. Schools?			✓	
d. Parks?			✓	
e. Other public facilities?			✓	

Impacts a-e: *Impacts are less than significant*

The existing ILUDC contains numerous regulations addressing public services, which was found to have a less than significant impact on public services. The proposed ILUDC amendment preserves all existing policies relating to public services, and future development would be subject to project-specific environmental and permit review. Any potential project-specific impacts would require mitigation; however, this ILUDC amendment will have a less than significant impact on public services.

XV. Recreation

<i>Would the project</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓

Impacts a-b: *Impacts are less than significant*

The ILUDC plan area has adequate parks to serve the existing and future population. The proposed ILUDC amendment does not convert any existing park or open space area to a new use, and affects no policies requiring the development of future parks or open space areas.

XVI. Transportation/Traffic

<i>Would the project</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			✓	
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				✓
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✓	
e. Result in inadequate emergency access?			✓	
f. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				✓

Impacts a: *Impacts are less than significant*

The ILUDC amendment is consistent with the Inland General Plan policies pertaining, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle access, and transit. Future projects in compliance with the ILUDC will be subject to additional permit and environmental review, and would require mitigation for any impacts associated with specific projects.

Impacts b-c: *No impacts*

The ILUDC amendment does not conflict with the *Mendocino Council of Government Regional Transportation Plan* because the ILUDC plan area does not have regional serving roads. Additionally, development pursuant to the ILUDC would not change air traffic patterns, increase air traffic levels or result in a change in location that would result in substantial safety risks.

Impacts d-e: *Impacts are less than significant*

Most of the street infrastructure in the ILUDC area is already installed. Existing streets are generally wide and interconnect in a grid pattern to facilitate emergency vehicle access. This ILUDC amendment does not alter or affect existing circulation; however, future land uses in compliance with this code would be subject to project-specific permit and environmental review, which may require mitigation measures if impacts are found to be significant.

Impacts f: *No impacts*

The ILUDC amendment does not conflict with the Bicycle Master Plan, Inland General Plan, or any other plans.

XVII. Utilities and Service Systems

<i>Would the project</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			✓	
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			✓	
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✓	
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			✓	
g. Comply with federal, state, and local statutes and regulations related to solid waste?			✓	

Impacts a-g: Impacts are less than significant

Development consistent with this ILUDC amendment would increase sewer flows only marginally, due to the limited infill development opportunities. The City's sewer treatment plant can accommodate all additional flows from the inland area. Additionally, adoption of the ILUDC amendment will have less than significant impacts on the need for additional stormwater conveyance facilities.

Development pursuant to the Inland LUDC would increase water use and solid waste generation slightly, and would place few additional demands on existing water service capacities or storage. The Inland General Plan includes additional policies and programs to reduce water use, reduce solid waste generation, and this amendment would not affect the existing policies.

XVIII. Mandatory Findings of Significance

<i>Would the project</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			✓	
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			✓	
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			✓	

Impacts: *Impacts are less than significant*

Several plant and animal species listed as threatened by the state or federal government are known to exist in the area. Protection of sensitive communities and species are important for long-term ecological diversity and sustainability. The ILUDC includes regulations to protect and preserve valuable resource areas, and these existing policies are not affected by the proposed ILUDC amendment.

RESOLUTION NO. PC 01-2016

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FORT BRAGG
RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION
AND ADOPT THE FORT BRAGG INLAND LAND USE & DEVELOPMENT CODE**

WHEREAS, the City of Fort Bragg (“City”) adopted an Inland General Plan and certified an Environmental Impact Report Addendum (“EIR Addendum”) for the General Plan on December 2, 2012; and

WHEREAS, the City of Fort Bragg (“City”) adopted an Inland Land Use and Development Code and Negative Declaration on February 10, 2014; and

WHEREAS, the adoption of an Inland Land Use and Development is necessary to: 1) provide a regulatory framework for implementation of the Inland General Plan; 2) to implement new state planning and land use requirements; and 3) update zoning regulations in accordance with City Council policy direction; and

WHEREAS, the City Council held eight meetings in 2015 and 2016 to review, discuss and provide direction regarding changes to the Inland Land Use and Development Code to define, establish and regulate cannabis manufacturing uses in response to the State of California’s adoption of the Medical Marijuana Regulation and Safety Act, comprised of State Assembly Bill 243, Assembly Bill 266 and Senate Bill 643; and

WHEREAS, a Negative Declaration has been prepared as the CEQA document for the amendment to the Inland Land Use & Development Code, and the City filed a Notice of Completion with the State Secretary of Resources via the State Clearinghouse, and the Negative Declaration was circulated for the required thirty day public review period from October 31, 2016 to November 30, 2016; and

WHEREAS, no comments on the Negative Declaration were received during the public review period; and

WHEREAS, based on the Negative Declaration, the Planning Commission concurs with the Community Development Director’s determination that adoption of the Inland Land Use and Development Code would not have a significant effect on the environment; and

WHEREAS, the Planning Commission considered the Negative Declaration and the Inland Land Use and Development Code at a noticed public hearing on December 14, 2016, at which time all interested parties had the opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Fort Bragg does hereby find that the foregoing recitals are true and correct and made a

part of this resolution; and the Planning Commission has reviewed and considered the Negative Declaration and the Inland Land Use and Development Code and hereby recommends that the City Council adopt the Negative Declaration and the Inland Land Use and Development Code based on the following findings as required by section 18.94.060(B):

- a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
- c. The proposed amendment is internally consistent with other applicable provisions of the Development Code.

The above and foregoing Resolution was introduced by Commissioner _____, seconded by Commissioner _____, and _____ at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 14th day of December, 2016, by the following vote:

**AYES:
NOES:
ABSENT:**

**Derek Hoyle
Chair**

ATTEST:

Chantell O'Neal,
Administrative Assistant



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
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Text File

File Number: 16-483

Agenda Date: 12/14/2016

Version: 1

Status: Public Hearing

In Control: Planning Commission

File Type: Planning Staff
Report

Agenda Number: 3C.

Receive Report, conduct a Public Hearing and consider approval of a Coastal Development Permit (CDP 7-16) and Use Permit (UP 7-16) for the reuse of two existing agricultural buildings (an old dairy barn and an old milk house) into a horizontally mixed-use development consisting of an artisan shop and residential unit. The artisan shop will include a gallery space, an ADA compliant bathroom, a machine room, and a bench room for artists and crafts people to make art sold at the on-site gallery and of-site.

MEETING DATE: December 14, 2016

PREPARED BY: Marie Jones

PRESENTED BY: Marie Jones

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Coastal Development Permit (CDP 7-16), Use Permit (UP 7-16),
Application Date November 9, 2016

OWNER/APPLICANT: Jennifer Anderson and Brian Newell

REQUEST: Receive report, conduct a Public Hearing and consider approval of a Coastal Development Permit (CDP 7-16) and Use Permit (UP 7-16) for the reuse of two existing agricultural buildings (an old dairy barn and an old milk house) as a horizontally mixed use development consisting of an artisan shop and residential unit. The artisan shop will include a gallery space, an ADA compliant bathroom, a machine room, and a bench room for artists and crafts people to make art sold at the on-site gallery and off-site.

LOCATION: 369 Cypress St. Fort Bragg

APN: 018-080-79

ZONING: General Commercial (CG); Coastal Zone

ENVIRONMENTAL DETERMINATION: Categorically exempt per: 1) CEQA section 15303e for the new construction of minor structures, such as parking; and 2) per CEQA section 15303 for the conversion of small structures.

SURROUNDING LAND USES: NORTH: Residential – Very High Density Residential (RVH)
EAST: Health Club – Very High Density Residential (RVH)
SOUTH: Pharmacy – Office Commercial (C)
WEST: Office – General Commercial (CG)

APPEALABLE PROJECT: **Can be appealed to City Council**
 Cannot be appealed to California Coastal Commission

PREVIOUS PERMITS

In 2000, a Coastal Development Permit (CDP 1-00), Scenic Corridor Review Permit and Site Architectural Review Permit was approved to relocate a 46' X 36' structure from the east side of the warehouse at 369 Cypress Street to the north side of the shop/office at 349 Cypress Street. This building was subsequently relocated as shown in the aerial below:



PROJECT BACKGROUND

This subject property has been vacant and underutilized for many years. The only planning permit for this property was the permit detailed above to relocate a portion of the old cowshed/warehouse. Additionally, in 1998 a furnace was installed in the building and in 2004 the roof was re-shingled. There are no other building permits for this address. There have been no active sign permits or business licenses for this address. It is unclear if the building has been used for anything since it was retired as a cow shed.

PROJECT DESCRIPTION

The applicant is seeking to reuse/remodel two existing agricultural buildings (an old dairy barn and an old milk house) as a horizontally mixed use development consisting of a woodworking studio and residential unit. The artist studio will include a gallery space, an ADA compliant bathroom, a machine room, and a bench room for artists and crafts people to make art sold at the gallery and off-site. The project will include associated parking and landscaping.

CONSISTENCY WITH PLANNING POLICIES

Land Use.

The residential component of a mixed use project is permitted in the General Commercial (CG) zone with a Use Permit. An Artisan Shop is a permitted use within the CG zoning district.

Mixed Use Project Requirements

The table below includes the requirements for mixed use projects and a description of how the project complies with the requirements.

Table 3: Mixed Use Requirements and Project Compliance

Mixed Use Requirements 17.42.100	Project Compliance
<p>A. Design Requirements. A mixed use project shall be designed to achieve the following objectives.</p> <ol style="list-style-type: none"> 1. The design shall provide for internal compatibility between the residential and non-residential uses on the site. 2. Potential glare, noise, odors, traffic, and other potential nuisance conditions for residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site. 	<p>The residential and studio uses would be located in two separate and existing buildings with separate entrances, and so the project will comply with most of the design</p>

<ol style="list-style-type: none"> 3. The design shall take into consideration existing and potential future uses on adjacent properties and shall include specific design features to minimize potential impacts. 4. The design shall ensure that the residential units are of a residential character, and that appropriate privacy between residential units and other uses on the site is provided. 5. Site planning and building design shall provide for convenient pedestrian access from the public street into the nonresidential portions of the project, through such means as courtyards, plazas, walkways, and street furniture. 6. Site planning and building design shall be compatible with and enhance the adjacent and surrounding residential neighborhood in terms of building design, color, exterior materials, landscaping, lighting, roof styles, scale, and signage. 	<p>requirements. However, per #2, the woodworking studio could potentially impact the residential unit due to the operation of machines in the machine shop. Therefore, staff recommends Special Condition 1 below.</p>
<p>B. Mix of uses. A mixed use project may combine residential uses with any other use allowed in the applicable zoning district where allowed by Article 2 (Zoning Districts and Allowable Land Uses); provided, that where a mixed use project is proposed with a use that is required to have Minor Use Permit or Use Permit approval in the applicable zoning district, the entire mixed use project shall be subject to that permit requirement.</p>	<p>The artisan shop is a permitted use within the CG zoning district.</p>
<p>C. Maximum density. The residential component of a mixed use project shall comply with the density requirements of the applicable General Plan designation and zoning district.</p>	<p>The CG zoning district allows 24 units per acre. The project includes one unit and complies with this regulation.</p>
<p>D. Site layout and project design standards. Each proposed mixed use project shall comply with the property development standards of the applicable zoning district and the following requirements.</p> <ol style="list-style-type: none"> 1. Location of units. Residential units shall not occupy ground floor street frontage on the primary street frontage. Residential units are allowed on the first floor of alleys and secondary street frontages. The ground floor street frontage space within a mixed use building shall be reserved for commercial uses, except for a lobby or other feature providing access to the residential units. 2. Parking. In order to encourage the development of residential uses in existing and new commercial areas, the use of shared parking provisions shall be incorporated into mixed use projects in compliance with Section 18.36.080 (Reduction of Parking Requirements). 3. Loading areas. Commercial loading areas shall be located away from residential units and shall be screened from view from the residential portion of the project to the maximum extent feasible. 4. Refuse and recycling areas. Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that are convenient for both the residential and nonresidential uses. 	<ol style="list-style-type: none"> 1. The proposed project would include one detached residential unit located at the back of the property. The ground floor street frontage would house a commercial artisan shop. 2. The parking will be shared between the various uses as detailed below. 3. The loading area is located at the front of the warehouse and is not visible from the residential area. 4. The site plan does not include the location of refuse and recycling areas. Special Condition 2 is included to address this.
<p>E. Performance standards.</p> <ol style="list-style-type: none"> 1. Lighting. Lighting for commercial uses shall be appropriately shielded to limit impacts on the residential units. 2. Noise. Each residential unit shall be designed and constructed to minimize nonresidential project noise levels, in compliance with the City's Noise Ordinance. Night-time commercial uses shall minimize noise levels, in compliance with the City's Noise Ordinance. 	<ol style="list-style-type: none"> 1. The project application does not include any proposed lighting. 2. See Special Condition 1 below.

Parking Space Requirements. The Coastal Land Use and Development Code (CLUDC) discourages more parking than the amount required for the proposed uses. As shown in Table 2 below, the artisan shop will require six spaces and the residential unit will require two spaces. However, in mixed use projects, uses that have different times of occupancy should share spaces (see 17.36.080A) with approval of a Use Permit (please see Use Permit analysis below). As residential parking spaces are primarily used between the hours of 5:00 PM and 8:00 AM and artisan shop spaces will be used primarily between the hours of 8:00 AM and 5:00 PM, shared parking is appropriate for this mixed use project. The project application illustrates four spaces and two additional parking spaces are required. Special Condition 3 includes a requirement to establish two additional parking spaces.

Table 2: Project Parking Requirements

<i>Use</i>	<i>Requirement</i>	<i>Proposed Project</i>	<i>Total Spaces</i>
Artisan Shop	1 space/500 SF	3,240	6 spaces
Residential	2 spaces/unit	1 unit	2 spaces
		Total	6 spaces

Special Condition 3: Prior to approval of the occupancy permit (final inspection) for the residential unit, the applicant shall provide two additional surfaced parking spaces on the parcel. The location of the additional spaces shall be approved by the Community Development Director prior to installation.

Disabled Parking - Section 17.36.050 CLUDC outlines requirements for numbers of disabled parking spaces, indicating that one parking space is required within a parking lot with less than 26 spaces. One ADA parking space is proposed.

Bicycle Parking - Section 17.36.060 indicates that bicycle spaces equal to 5% of vehicle spaces are required. No bicycle parking is required.

Further, Section 17.36.090 and 17.36.100 of the CLUDC regulates on-site parking as illustrated in Table 2:

Table 2: Development Standards for Proposed Parking Lot

Development Standards	Requirements	Proposal
Parking Space Dimensions	90 degree angle parking should have a minimum space width of 9 feet and a minimum space depth of 18 feet.	The proposed parking lot complies with these requirements.
Driveway width and depth	The minimum driveway width for 90 degree angle parking is 22 feet.	The proposed parking lot driveway width is 23 feet and complies with this requirement.
Landscaping strip	Section 17.34.050C4c requires a planted landscaping strip of at least 8 feet of depth between a structure and a parking lot. Section 17.34.050 requires a 15 foot landscaped buffer between a commercial parking lot and the street.	The 4 existing spaces on the plan are pre-existing legal non-conforming spaces and thus do not have to comply with the landscaping requirement. However, the 2 new spaces must comply with this requirement, and Special Condition 3 will ensure that this occurs.

The proposed plan complies with surfacing and striping requirements. However, wheel stops are also required, and **Special Condition 4** has been added to address this issue.

Special Condition 4: Prior to approval of the occupancy permit (final inspection) for the Artisan Shop, the applicant shall install wheel stops in compliance with the CLUDC.

Additionally, public works has indicated that the sidewalk will need to be made ADA accessible if the driveway approach is changed in anyway. Special Condition 5 is added to address this concern.

Special Condition 5: Prior to approval of the occupancy permit, the applicant shall install an ADA accessible sidewalk along the property frontage.

No new lighting is proposed for the project and none is required.

Stormwater Management

The project design includes a curb-less parking lot and pavers that will allow stormwater runoff to infiltrate on site. The proposed parking lot will result in a net increase in stormwater runoff resulting from the addition of new impermeable surfaces. The project will be required to pay drainage fees as part of the grading permit process. **Special Condition 6** has been added to ensure that drainage fees are paid.

Special Condition 6: The applicant shall pay drainage fees prior to submission of the Grading Permit.

USE PERMIT ANALYSIS

The CLUDC requires this applicant to obtain a Use Permit in order to: 1) share parking spaces between uses and 2) occupy and construct the residential portion of this proposed mixed use project. In order for the Planning Commission to approve a Use Permit, the following findings must be made [CLUDC Section 17.71.060(F)].

- F. Findings and decision. An application for a Use Permit or Minor Use Permit may be approved subject to conditions, or disapproved by the review authority. The review authority shall approve a Use Permit or Minor Use Permit only after first finding all of the following:
 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 17.22.030 (Commercial District Land Uses and Permit Requirements).

Staff has analyzed the project in relation to each of the required findings.

1. *The proposed use is consistent with the General Plan, any applicable specific plan, and the Local Coastal Program;*

The Coastal General Plan defines the General Commercial zoning district intent as follows:

The General Commercial designation is intended for a less compact and intensive type of development than found in the Central Business District. Typical land uses in this designation depend more on vehicular than pedestrian access and include automotive and service-related outlets, retail sales, home improvement, paint or carpeting sales, offices, apparel stores, and food stores. Shopping centers are allowed with approval of a conditional use permit. Residential uses are permitted above the ground floor or on the ground floor at the rear of buildings at a maximum density of up to 24 units per acre with a conditional use permit.

The applicants are proposing to operate a new mixed use project within existing buildings with an artisan shop located in the front building and a residential use located in the back building consistent with the intent of the CG zoning district. Additionally, the provision of a shared parking facility is consistent with CG zoning and the requirements for mixed use projects.

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;*

Residential use as a component of a mixed use project is a permitted land use within the CG zoning district with a Use Permit according to Section 17.42.100. This section requires: 1) internal compatibility between the residential and commercial uses; 2) insurance of a residential character for the residential uses; 3) compatibility of design with the surrounding neighborhood in terms of building design, color, landscaping, lighting, scale, etc.; 4) location of residential units on the alley or upstairs; 5) sharing of parking; and 6) minimization of non-residential noise on residential units. As noted above the proposed project complies with all requirements of 17.42.100 and the Planning Commission can make 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 proposed project will be located in existing buildings within the CG zoning district. Existing land uses within the vicinity include: single family and multifamily residential, a health club, a pharmacy, a variety of medical and professional offices, a hospital, and an auto repair shop. The proposed artisan shop and residential mixed use project would be consistent with the operating characteristics of the area. The Planning Commission can make this finding.

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 physically suitable for the proposed uses.

5. The proposed use complies with any findings required by Section 17.22.030 (Commercial District Land Uses and Permit Requirements).

For the CG zoning district section 17.22.030 requires the following additional findings:

4. CG (General Commercial) district.
 - a. The use is generally oriented to clients arriving by auto rather than pedestrians;
 - b. The uses generally require larger display and/or storage areas; and
 - c. The use is not dependent on heavy customer traffic per square foot.

The applicant proposes to redevelop this vacant and dilapidated building into an artisan shop. This use is oriented to clients arriving by auto, especially as the shop will primarily sell very high end furniture, which generally requires large display and storage areas. As a location for high end artisanal furniture the use is not dependent on heavy customer traffic. This finding can be made.

SIGN PERMIT

The applicant has not submitted a design for the project signage. Signs of 6 feet in height or less are permitted within the setback. The applicant will need to design a sign in compliance with the City's sign permit regulations and design guidelines and the applicant will have to obtain a sign permit prior to installation of the sign.

Environmental Determination. The project is Categorically Exempt from the California Environmental Quality Act (CEQA), meeting section 15301 minor alterations to existing facilities and 15303(e) for the new construction of minor structures, such as parking.

PLANNING COMMISSION ACTION

1. Hold a hearing, close the hearing, deliberate, and make a decision regarding the permits at this Planning Commission meeting.

ALTERNATIVE ACTION

2. 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.
3. 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.

RECOMMENDATION

Staff recommends approval of **Coastal Development Permit (CDP 7-16)** and **Use Permit (UP 7-16)** for the project based on the following findings and subject to the conditions cited 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 Coastal General Plan, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code;
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; and
4. For the purposes of environmental determination, the project is exempt from CEQA, pursuant to the California Environmental Quality Act (CEQA) 15301.

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 17.22.030 (Commercial District Land Uses and Permit Requirements).

COASTAL DEVELOPMENT PERMIT FINDINGS

1. The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources;
2. The project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);
3. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;
4. The proposed use is consistent with the purposes of the zone in which the site is located;
5. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
6. 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;
7. 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;
8. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site, or other reasons;
9. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards due to required project modifications, landscaping, or other conditions;
10. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity;
11. The resource as identified will not be significantly degraded by the proposed development;
12. There is no feasible less environmentally damaging alternative; and
13. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

SPECIAL CONDITIONS

1. No power equipment (power tools, vacuum, etc.) may be operated within or outside of the studio after 9:00 PM or before 7:00 AM.
2. Prior to approval of the grading permit the applicant shall resubmit the site plan, for approval by the Community Development Director, illustrating the location of the refuse bin and recycling area in an area that is convenient to both the residential unit and the Artisan Shop.
3. Prior to approval of the occupancy permit (final inspection) for the residential unit, the applicant shall provide two additional surfaced parking spaces on the parcel. The location of the additional spaces shall be approved by the Community Development Director prior to installation.
4. Prior to approval of the occupancy permit (final inspection) for the Artisan Shop, the applicant shall install wheel stops in compliance with the CLUDC.
5. Prior to approval of the occupancy permit, the applicant shall install an ADA accessible sidewalk along the property frontage.

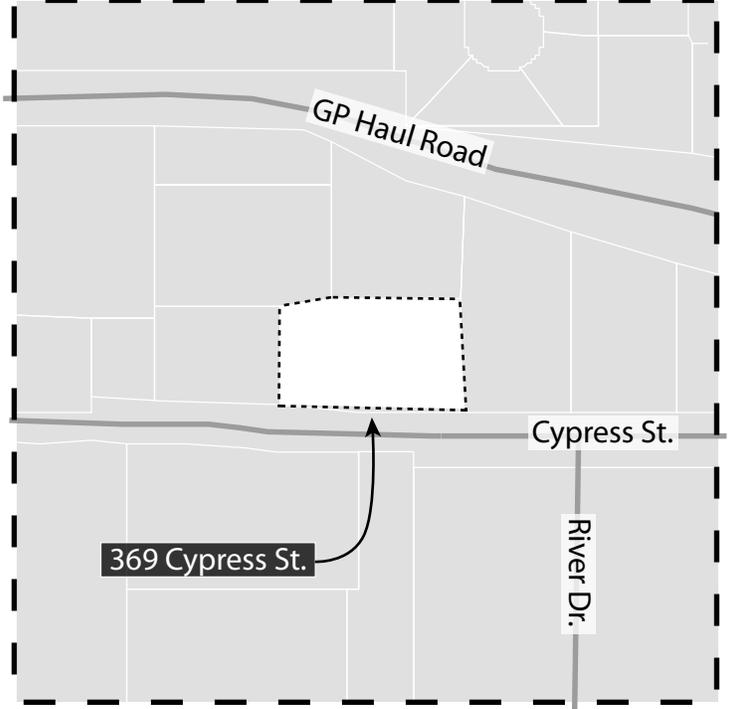
6. The applicant shall pay drainage fees prior to submission of the Grading Permit.

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 CLUDC Chapter 17.92 - 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 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 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 17.76.070B.

ATTACHMENTS

1. Site Location Map
2. Site & Project Plans
3. Site Photos



PARCEL 15,367 SQFT

NORTH



JENNIFER ANDERSON
1054 DEVONSHIRE DR.
SAN DIEGO CA
92107

619-846-6139

ANDERSON - NEWELL LIVE WORK
369 CYPRESS ST. FT. BRAGG CA 95437

BARN/MILK HOUSE RENOVATION
SITE PLAN

DATE 10.31.16

SCALE: 1" = 20'

DRAWN BY: JJA

CHECKED BY:

SHEET

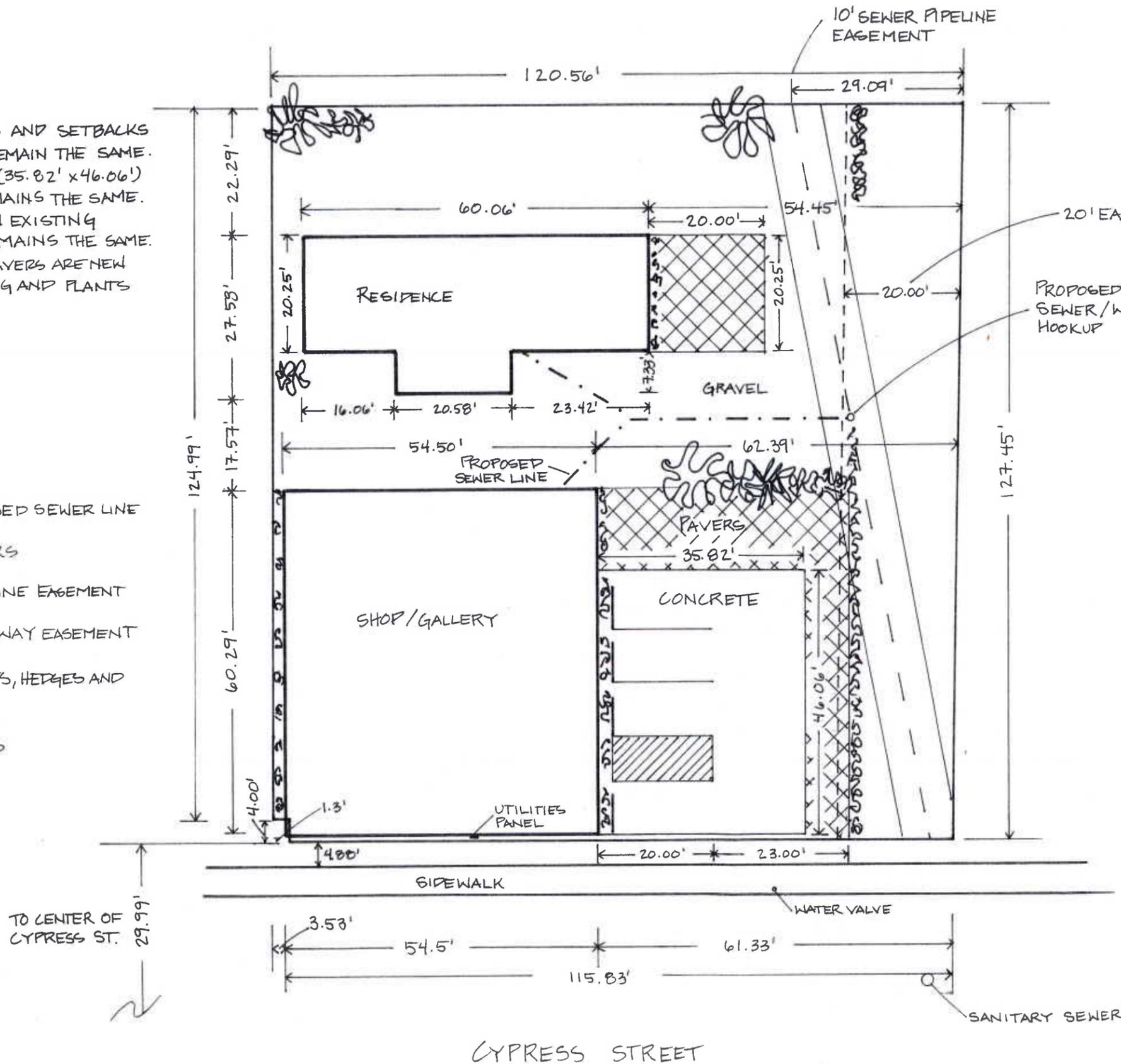
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NOTES:

1. ALL STRUCTURES AND SETBACKS ARE EXISTING & REMAIN THE SAME.
2. CONCRETE PAD (35.82' x 46.06') IS EXISTING & REMAINS THE SAME.
3. 20' GRAVEL IS AN EXISTING EASEMENT & REMAINS THE SAME.
4. ALL DRIVEWAY PAVERS ARE NEW
5. ALL LANDSCAPING AND PLANTS ARE NEW.

LEGEND:

- - - - - PROPOSED SEWER LINE
- XXXXXX PAVERS
- — — PIPELINE EASEMENT
- - - - - DRIVEWAY EASEMENT
- BUSHES, HEDGES AND SHRUBS
- TREES



- PHASING:
1. BARN RENOVATION TO ARTISAN STUDIO AND GALLERY SPACE
 2. LANDSCAPING
 3. MILK HOUSE RENOVATION TO PRIVATE RESIDENCE

RECEIVED
NOV 09 2016
CITY OF FORT BRAGG
COMMUNITY DEVELOPMENT DEPT

CYPRESS STREET

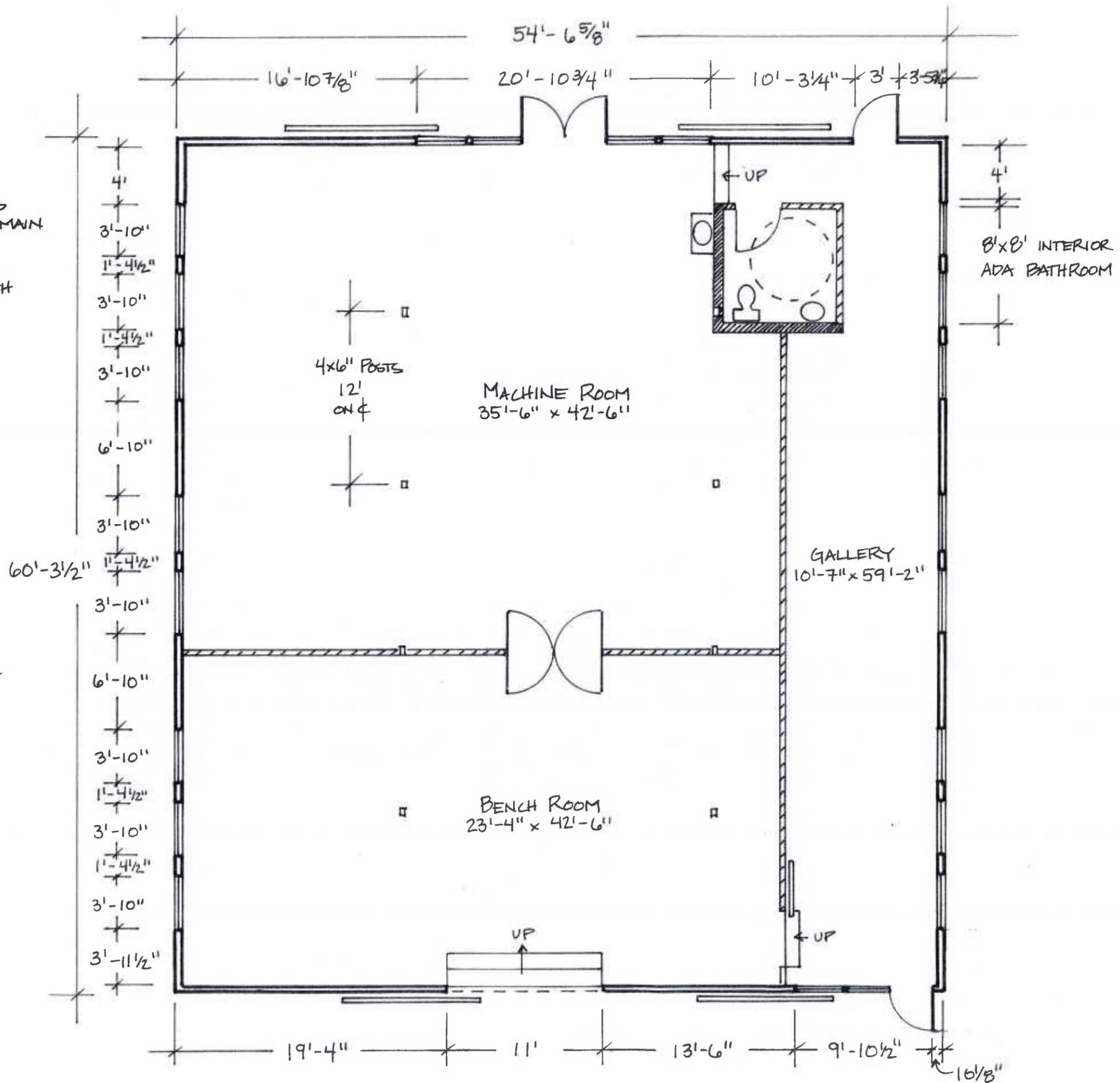
NOTES:

1. ALL EXTERIOR WALLS AND DOOR OPENING REMAIN THE SAME.
2. ALL EXTERIOR WALLS ARE 5 1/2" THICK WITH 1" SIDING.

LEGEND:

 2x4" NEW STUD WALL WITH EITHER 1/2" PLYWOOD OR DRYWALL ON EACH SIDE

 NEW 6 1/2" PLUMBING WALL



NORTH



JENNIFER ANDERSON
1054 DEVONSHIRE DR.
SAN DIEGO CA
92107

619-846-6139

ANDERSON-NEWELL LIVE WORK
369 CYPRESS ST. FT. BRAGG, CA 95437

BARN RENOVATION
FLOOR PLAN

DATE: 10-31-16

SCALE: 1/8" = 1'

DRAWN BY: JJA

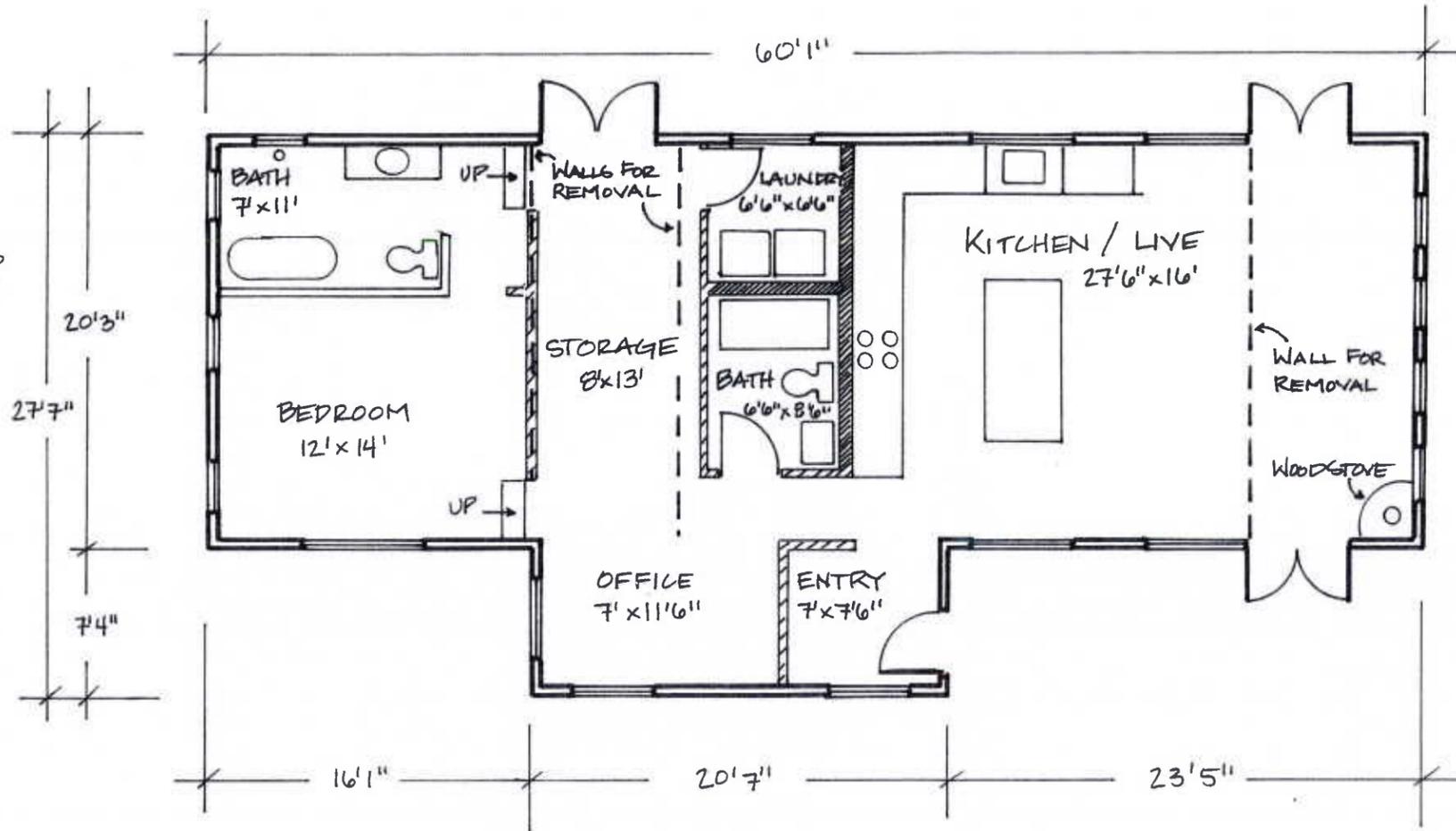
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SHEET

2

NOTES:
 1. ALL EXTERIOR WALLS
 REMAIN THE SAME

LEGEND:
 [Hatched Box] 2x4" NEW STUD
 WALL WITH 1/2" DRYWALL
 ON EACH SIDE
 [Hatched Box] NEW 6 1/2"
 PLUMBING WALL
 [Dashed Line] EXISTING
 WALL TO BE REMOVED



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 CA
 92107
 619-846-6139

ANDERSON-NEWELL LIVE WORK
 369 CYPRESS ST. FT. BRAGG, CA 95437
 MILK HOUSE RENOVATION
 FLOOR PLAN

DATE: 10-31-16
 SCALE: 1/8" = 1'
 DRAWN BY: JJA
 CHECKED BY:

SHEET

3

Attachment 3 - Site Photos



Front – looking north



East Side - looking north-west



West Side – looking north east



Back unit (right), and back of warehouse (left). Photo looking west.



West side of back unit and warehouse – photo looking south east.



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-488

Agenda Date: 12/14/2016

Version: 1

Status: Public Hearing

In Control: Planning Commission

File Type: Planning Staff
Report

Agenda Number: 3D.

Receive Report, Conduct a Public Hearing and Consider Approval of Design Review 5-16 (DR 5-16) for the Expansion of the Retail Use at the Existing Speedex Service Station.

DECISION DATE: December 14, 2016

PREPARED BY: S. Perkins

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Design Review 5-16 (DR 5-16)

OWNER/APPLICANT: Suhail Ahmad

PROJECT: Design Review for the expansion of the retail use at the existing Speedex service station.

LOCATION: 863 North Main Street

APN: 008-034-11

LOT SIZE: ±10,000 SF

ZONING: Highway Visitor Commercial (HVC)

ENVIRONMENTAL DETERMINATION: This project is exempt from CEQA per Statutory Exemption §15303 for new construction of commercial uses not exceeding 2,500 square feet.

SURROUNDING LAND USES:
NORTH: Commercial – Restaurant (Denny’s)
EAST: Commercial – Market (Nello’s Market and Deli)
SOUTH: Commercial – Office (Century 21, etc.)
WEST: Commercial – Retail (Coast Carpets)

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

PROJECT DESCRIPTION

The project site is located at the southwest corner of the intersection of Main Street and Elm Street (**Attachment 1 – Location Map**). The applicant is requesting Design Review approval to permit the expansion of the existing retail building. The expansion would increase the size of the retail structure and does not modify the pump or canopy.



Exhibit 1: Existing Speedex Service Station—View from Main Street

LAND USE

The project site is located in the Highway Visitor Commercial district, which allows service stations with a Use Permit. Retail uses are permitted.

Although this project is in the Coastal Zone, it is exempt from requiring a Coastal Development Permit (CDP). Coastal Land Use and Development Code (CLUDC) Section 17.71.040(B)(3) states that improvements and expansions of existing nonresidential structures are exempt from coastal permitting, provided a handful of qualifications are met. This project meets the qualifications for the exemption and no CDP is required.

DESIGN REVIEW

The project involves the expansion of a commercial structure, which requires a Design Review Permit per Section 17.71.050 of the CLUDC. As conditioned below, the proposed project would meet all of the review criteria.

17.71.050(E). Project Review Criteria. The review authority shall evaluate each application to ensure that the project:

- 1. Complies with the purpose and requirements of this Section;**

The proposed design, as conditioned below, is consistent with the purpose and requirements of Design Review.

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

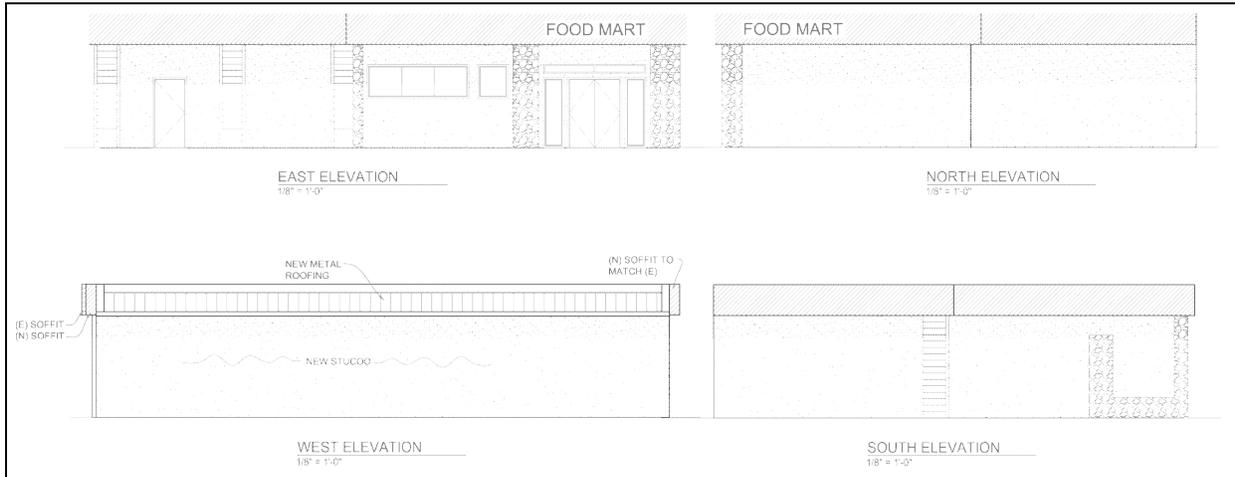


Exhibit 2: Elevations

The proposed project would expand an existing structure (**See Attachment 2 – Plans and Elevations**). The existing retail use at the service station is painted white with blue trim and a blue roof. The recently replaced sign is red, white and blue, and an approved but as yet uninstalled canopy sign will also be red white and blue.

The proposed expansion would continue the white and blue color scheme of the existing building (white walls with blue trim and blue roof). The expansion will be appropriate and compatible with the existing development on the parcel.



Exhibit 3: Elevations on photos

The surrounding land uses are commercial—Coast Carpets and offices next door with Nello’s Market and Denny’s across the streets. Coast Carpets is also painted white with blue trim and lettering. The offices to the south are buffered by a vacant lot, and are similarly designed with undifferentiated façades and one-tone paint. The expansion of the existing retail space utilizing the existing design and color scheme is compatible with the site surroundings.

In order to ensure the façade treatments match the existing design, staff recommends **Special Condition 1** requiring the expansion to be finished with white walls with blue trim and blue roof to match the existing retail building. Modifications to the existing color scheme would require approval by the Director.

Special Condition 1: Exterior walls shall be painted white with blue trim and blue roof to match the existing structure.

As noted and conditioned below, staff also recommends the installation of screening vegetation to soften and enliven the new expanse of undifferentiated walls.

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 expansion would be constructed west and south of the existing building. All proposed development meets the Highway Visitor Commercial (CH) zoning district setback requirements, as illustrated below with the applicable standards highlighted:

CH Zoning District Requirement		Proposed Development
Front	15 feet on an arterial street; or same as the front setback for an R zone on the same block; 5 feet elsewhere.	> 50 feet ✓
Side (interior)	Same as the front setback required for an R zone abutting the side property line; none required elsewhere.	14 feet ✓
Side (street)	Same as front setback (15 feet). Except for properties north of Pudding Creek and west of Main Street with more than 135 feet of frontage, see Section 17.50.070(H).	30 feet ✓
Rear	10 feet adjacent to an alley; 15 feet adjacent to a residential zone; 30 feet from the Haul Road; none required elsewhere	2.5 feet ✓

As discussed above, the exterior appearance will match the existing structure and the surrounding area. No fences, walls, lighting, signage or landscaping is proposed for the project; however, staff is recommending the Planning Commission require the applicant to provide landscaping in the vacant grassy area on the northwest corner of the property. Landscaping in this location would break up the monotonous white wall along the Elm Street frontage, and increase the visual quality of the property. Staff recommends **Special Condition 2**, which requires the applicant to provide landscaping prior to completion of the addition.

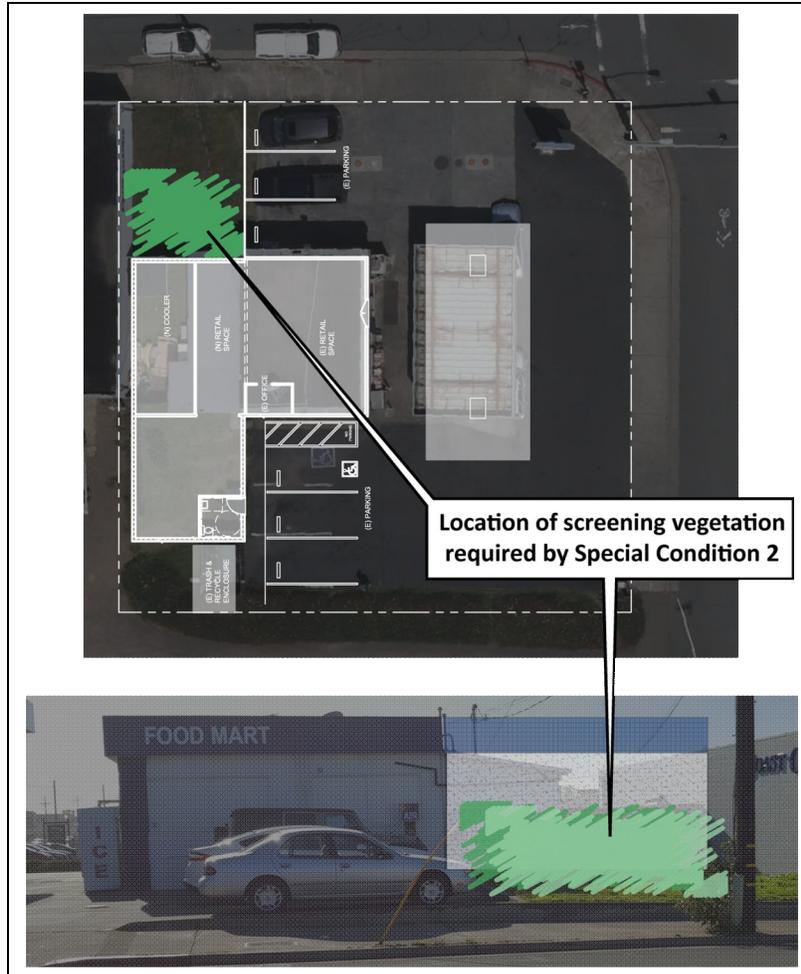


Exhibit 4: Location of required screening vegetation

Special Condition 2: Prior to final inspection of a building permit for the expansion of the existing building, the applicant shall provide landscaping in the location depicted in Exhibit 2. Landscaping shall be native and drought tolerant, and shall have a mature height of less than eight feet, as to not obstruct street views of the neighboring Coast Carpets signage. Proposed landscaping plant selections shall be reviewed and approved by the Director prior to installation.

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

The existing structure is approximately 620 square feet, and the project proposes to add approximately 1,200 square feet. Upon completion the retail area of the service station would be approximately 1,820 square feet.

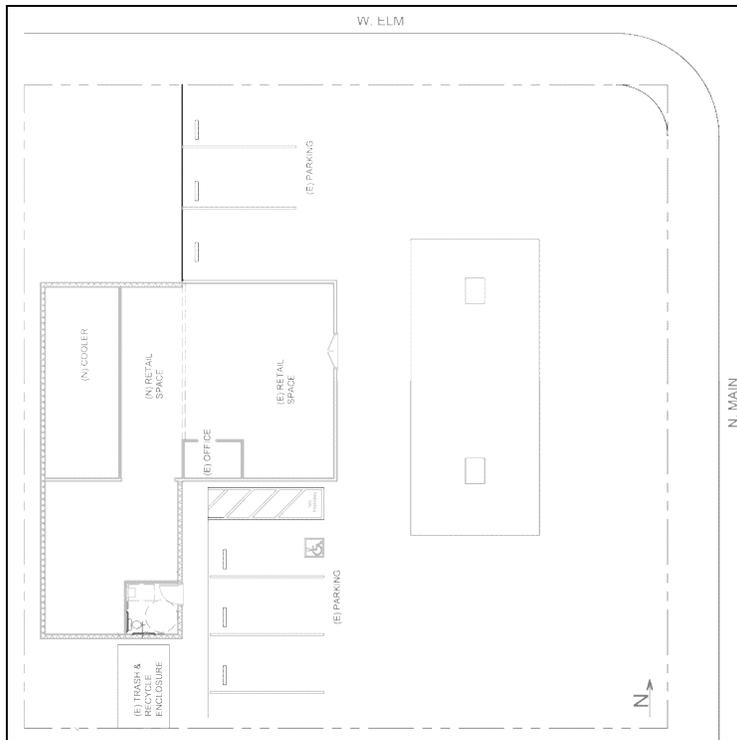


Exhibit 5: Site Plan

Table 3-7 of the CLUDC stipulates the quantity of parking spaces required for each land use. Service stations require “one space for each 300 square feet of floor area, plus three spaces for each storage bay.” For the proposed 1,820 square foot service station, six spaces are required (Section 17.36.040(A)(2)(b) instructs us to round the fraction of a parking space down). The CLUDC also requires one of these six spaces to be reserved for handicapped parking.

The submitted site plan preserves the existing six parking spaces at the service station (with one to remain for handicapped parking), consistent with CLUDC requirements. No changes to circulation are proposed.

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

This finding can be made, provided **Special Condition 2** is met.

- 6. Is consistent with the General Plan, any applicable specific plan, and the certified Local Coastal Program if located in the Coastal Zone.**

The project is consistent with the CLUDC and the Coastal General Plan policies related to commercial development and the purposes of the Highway Visitor Commercial land use designation.

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

The following excerpts of the Fort Bragg Citywide Design Guidelines apply to this project:

2.25 – Additions to existing buildings should be designed to be integrated with the existing structure. The design of a proposed addition should follow the general scale, proportion, massing and detailing of the original structure.

2.34 – Materials should be varied to provide architectural interest, however, the number of materials and colors should be limited and not exceed what is required for contrast and accent of architectural features. Exterior materials and architectural details should relate to each other in ways that are traditional and logical.

The proposed service station addition is consistent with the City's Design Guidelines in so far as the addition follows the spare utilitarian design of the existing structure.

ENVIRONMENTAL DETERMINATION

This project is exempt from CEQA per Statutory Exemption §15303 for new construction of commercial uses not exceeding 2,500 square feet.

PLANNING COMMISSION ACTION

1. Hold a hearing on Design Review 5-16 (DR 5-16), close the hearing, deliberate and approve DR 5-16 subject to all standard and special conditions.

ALTERNATIVE ACTION

2. Hold a hearing, close the hearing, deliberate without a decision, provide direction to staff and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.
3. Deny the Design Review Permit.
4. Approve the Permit with additional special conditions.

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, Coastal Land Use and Development Code (CLUDC), and the Fort Bragg Municipal Code;
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; and
4. For the purposes of environmental determination, the project is exempt from CEQA, pursuant to the California Environmental Quality Act (CEQA). This project is exempt from CEQA per Statutory Exemption §15303 for new construction of commercial uses not exceeding 2,500 square feet.

DESIGN REVIEW FINDINGS

1. The project complies with the purpose and requirements of CLUDC Section 17.71.050 Design Review;
2. The project provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
3. The project provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
4. The project provides efficient and safe public access, circulation, and parking;
5. The project provides appropriate open space and landscaping, including the use of water efficient landscaping;
6. The project is consistent with the Inland General Plan, any applicable specific plan, and the CLUDC; and
7. The project complies and is consistent with the Citywide Design Guidelines.

SPECIAL CONDITIONS

1. Exterior walls shall be painted white with blue trim and blue roof to match the existing structure.
2. Prior to final inspection of a building permit for the expansion of the existing building, the applicant shall provide landscaping in the location depicted in Exhibit 2. Landscaping shall be native and drought tolerant, and shall have a mature height of less than eight feet, as to not obstruct street views of the neighboring Coast Carpets signage. Proposed landscaping plant selections shall be reviewed and approved by the Director prior to installation.

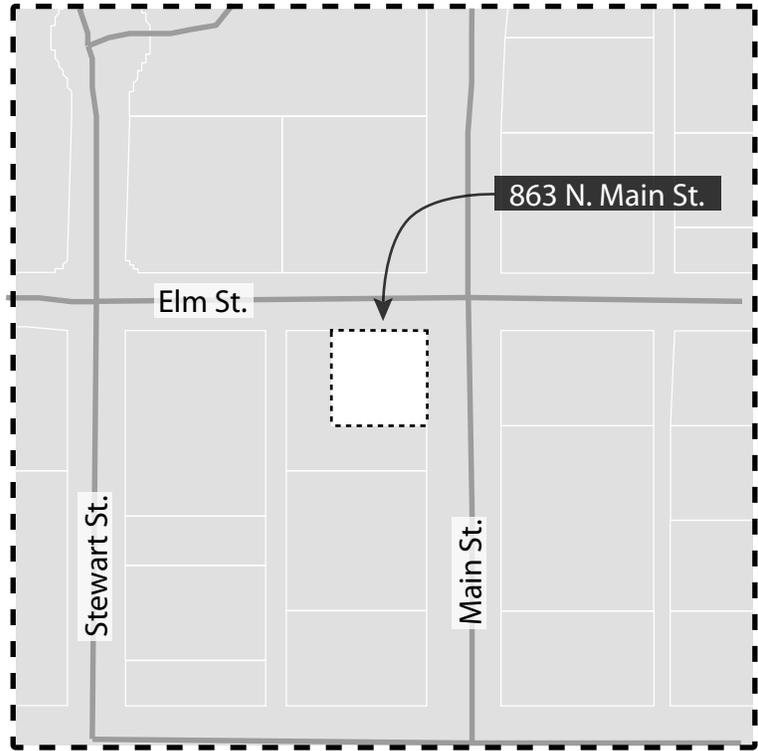
STANDARD CONDITIONS

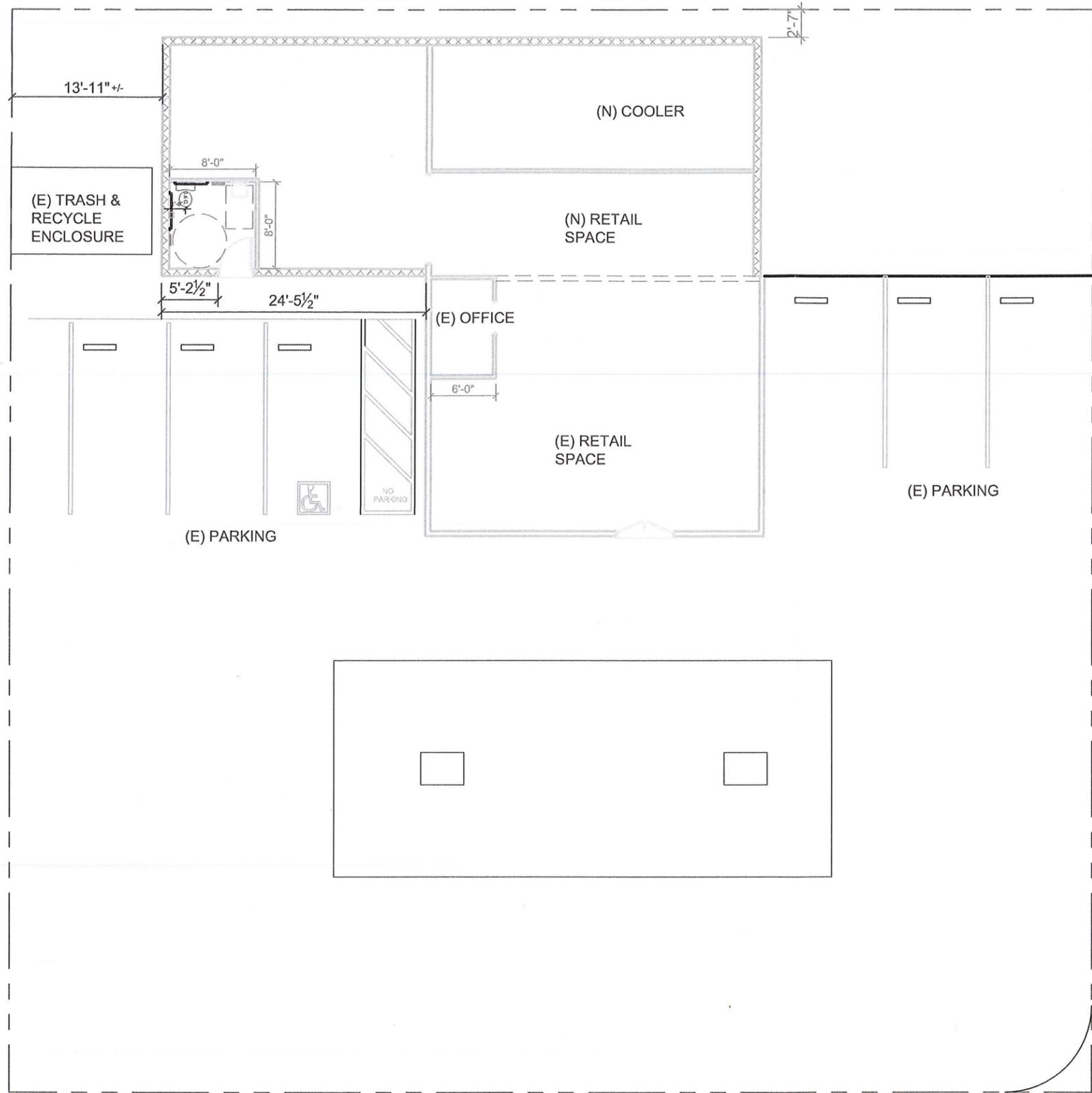
1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to CLUDC Chapter 17.92 - Appeals.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the 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 installation, maintenance, operation, and removal of the existing storage tanks and structures as well as the installation, maintenance, and operation of the new storage tank from all agencies having jurisdiction over fuel storage tanks, including without limitation the Fort Bragg Fire District. This permit shall also be subject to full compliance with all city, county, state, and federal regulations regarding the installation, maintenance, operation, and removal of fuel storage tanks. 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).

ATTACHMENTS

1. Location Map
2. Plans and Elevations





W. ELM

N. MAIN
 SITE N
 NTS

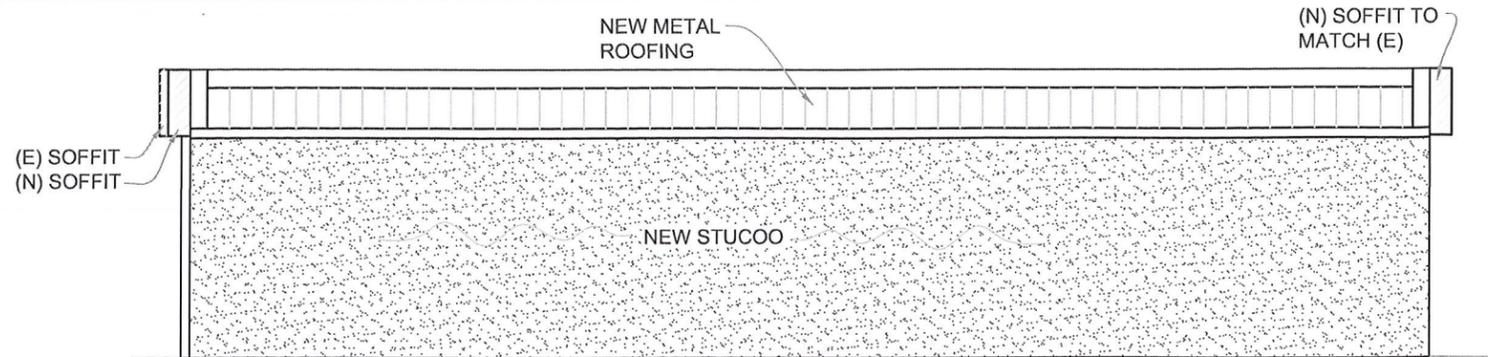
3-D'S DESIGN
 P.O. BOX 1634 FORT BRAGG, CA
 (707) 964-8428 (CELL) 707-734-3600

SITE

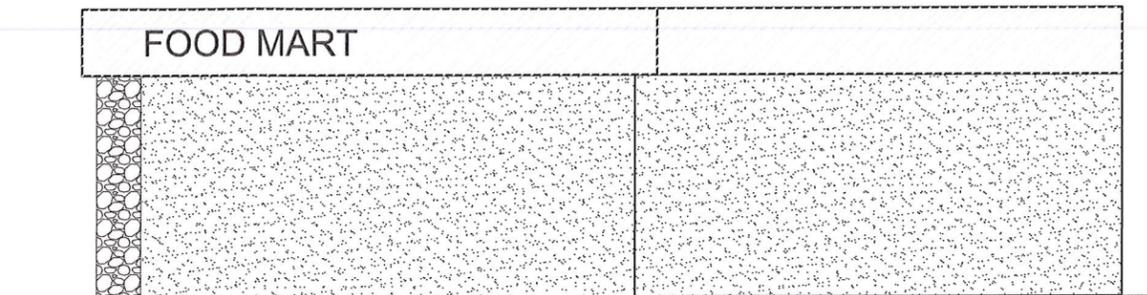
A ADDITION FOR:
 SPEEDEX GASOLINE
 31790 JOHNSON LN.
 FORT BRAGG, CA. 95437
 APN:008-034-11

SCALE: AS NOTED
 DATE: 10-31-16
 JOB #: 1022-16
 DRAWN BY: D.L.S.

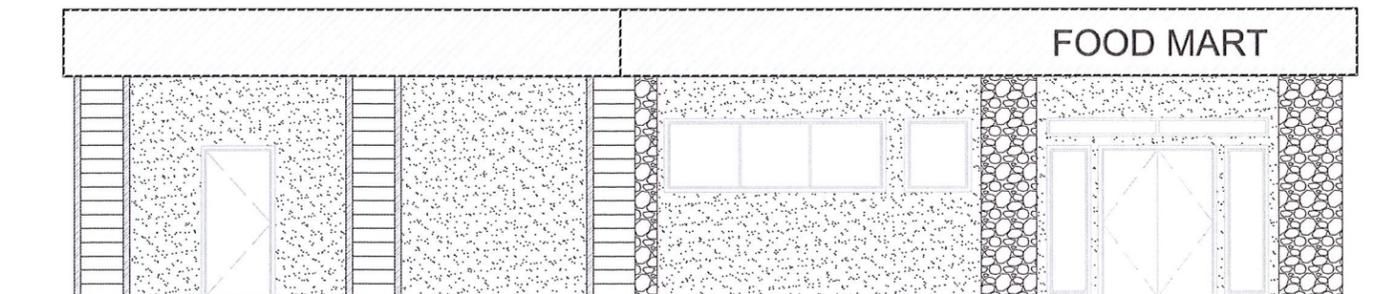
SHEET #
 A-3



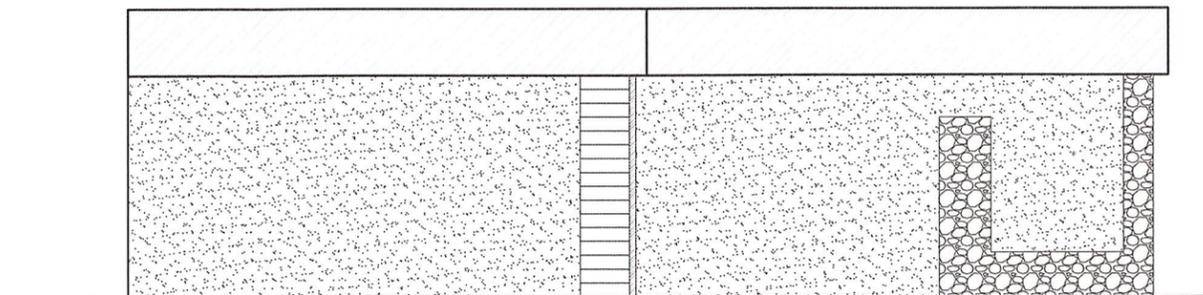
WEST ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"



EAST ELEVATION
1/8" = 1'-0"



SOUTH ELEVATION
1/8" = 1'-0"

INDEX	
ELEVATIONS	A-1
FLOOR PLANS	A-2
SITE	A-3

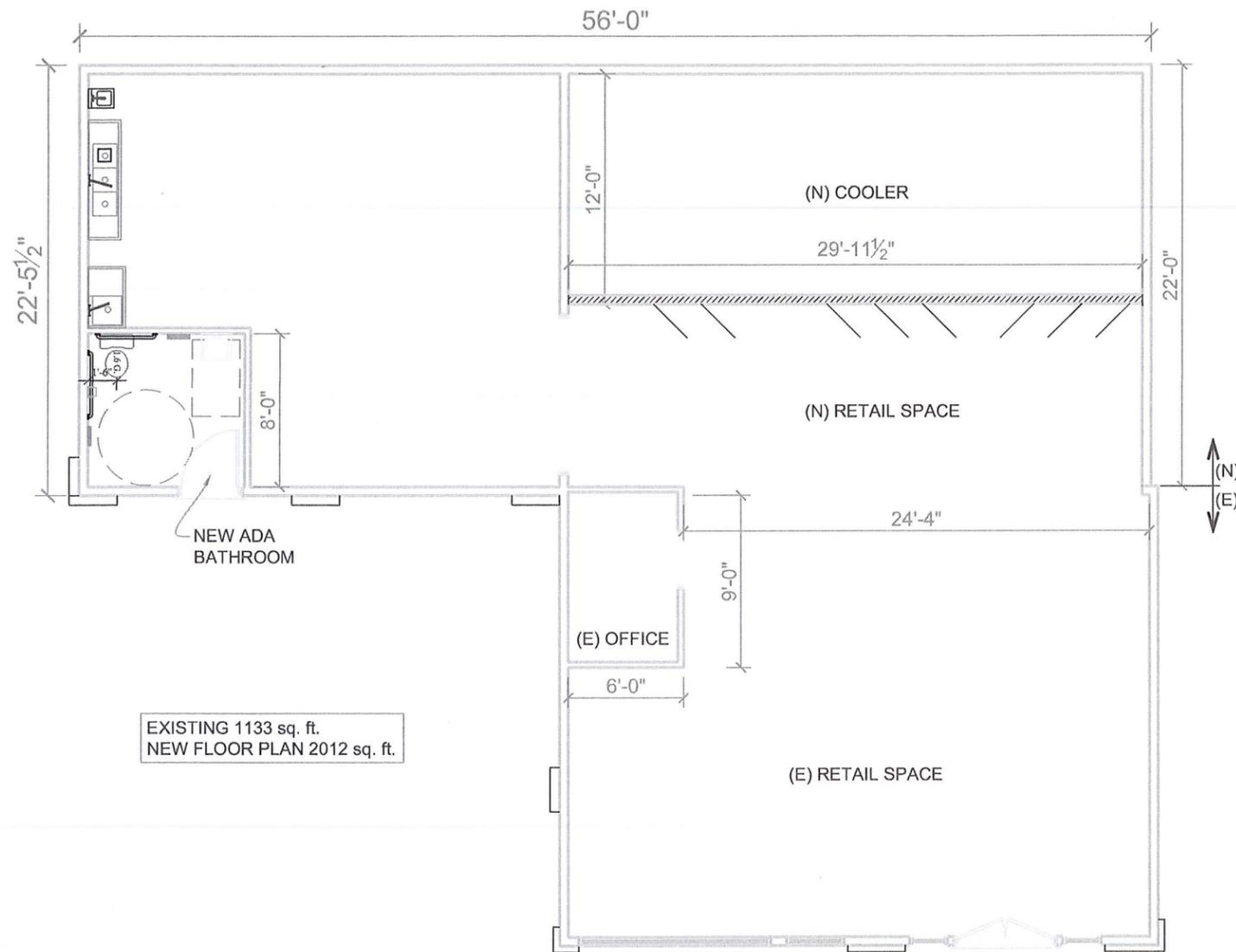
3-D'S DESIGN
P.O. BOX 1634 FORT BRAGG, CA
(707) 964-8428 (CELL) 707-734-3600

ELEVATIONS

A ADDITION FOR:
SPEEDEX GASOLINE
34790 JOHNSON LN
FORT BRAGG, CA 95437
APN: 008-034-11
863 N. MAIN

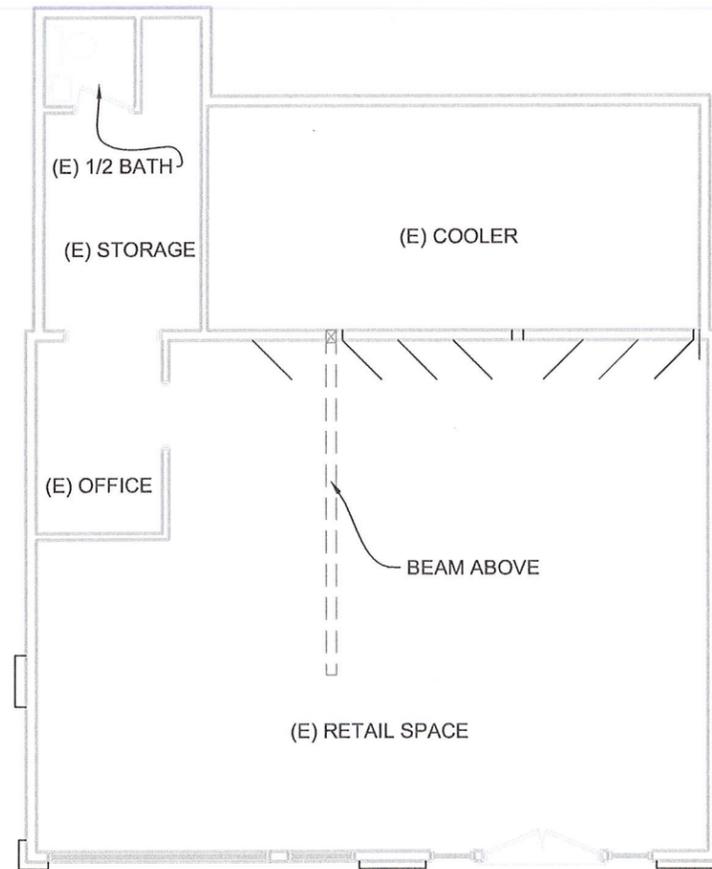
SCALE: AS NOTED
DATE: 10-31-16
JOB #: 1022-16
DRAWN BY: D.L.S.

SHEET #
A-1



NEW FLOOR PLAN

1/8" = 1'-0"



EXISTING FLOOR PLAN

1/8" = 1'-0"



EXISTING 1133 sq. ft.
NEW FLOOR PLAN 2012 sq. ft.

SCALE	AS NOTED
DATE	10-31-16
JOB #	1022-16
DRAWN BY	D.T.S.

SHEET #

A-2

A ADDITION FOR:
APN:008-034-11
SPEEDEX GASOLINE
31790 JOHNSON LN.
FORT BRAGG, CA. 95437

FLOOR PLANS- EXISTING & NEW

3-D'S DESIGN
P.O. BOX 1634 FORT BRAGG, CA
(707) 964-8428 (CELL) 707-734-3600



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 16-487

Agenda Date: 12/14/2016

Version: 1

Status: Business

In Control: Planning Commission

File Type: Staff Report

Agenda Number: 4A.

Consider Sign Permit SA 2-16 to replace a nonconforming historic sign on the east façade of 128 E Redwood Ave (The Golden West) with a new sign on the west façade of the building.

MEETING DATE: December 14, 2016

PREPARED BY: M Jones

PRESENTED BY: M Jones

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Sign Permit (SA 2-16)

APPLICANT/AGENT: Jessica Morsell-Haye

OWNER: M&M Investments

REQUEST: Consider Sign Permit SA 2-16 to replace a nonconforming historic sign on the east façade of 128 E. Redwood Ave (The Golden West) with a new sign on the west façade of the building.

LOCATION: 128 E Redwood Ave.

ASSESSOR'S PARCEL NO.: 008-153-19

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA under Section 15311 – Accessory Structures including on-premise signs.

SURROUNDING LAND USES:

NORTH:	Redwood Ave, Yellow House Saloon, Home
EAST:	Clothing Store, Welcome Inn
SOUTH:	Parking Lot, Fort Bragg Furniture Mart
WEST:	Alley, Off the Hook Restaurant.

APPEALABLE PROJECT: Can be appealed to City Council

PROJECT BACKGROUND

The Golden West Hotel/Saloon is one of the longest running businesses in Fort Bragg. Historically, both the east and west face of the building had "Golden West Hotel" painted in dark lettering just below the roof line of the structure. The paint has faded considerably with time. In 2014, the applicant acquired the building and repainted the front façade and much of the west façade. The building received a Mayor's Well Done award in 2016 for the freshly painted façade. The applicant has also invested in repairs to some of the Single Room Occupancy (SRO) housing units in the building.

PROJECT ANALYSIS

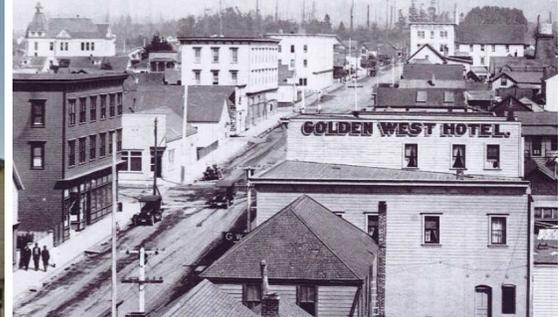
The building had a dimly visible sign on the east and west side of the third floor of the building (Figure 1). A historic photo of the building illustrates the historic sign more effectively (Figure 2). The dimly visible sign was approximately 3 feet in height by 50

feet in length on the east side of the building. The sign appears to have been painted on both sides of the building, but was painted over in 2014 as part of the repainting of the entire building.

Figure 1: Photo illustrating dim former sign



Figure 2 – Historic photo of sign



Proposed Sign Design, Height and Size.

The proposed sign would include dark black historic-style letters painted onto the west side of the third floor of the Golden West building. It would measure 3 feet in height and 50 feet in length for a total of 150 SF. The sign would be placed below the eaves and above the windows of the third story on the western face of the building. Visibility of the sign from the street would be limited. It would be partially visible from the Main Street and Redwood Avenue intersection.

Table 3-12 of the ILUDC outlines sign standards and allows a maximum sign area of 100 SF regardless of building frontage. The building has a street facing frontage of 73 feet in total for the residential use of the building and 50 feet of frontage for the saloon. According to the City's ordinance the applicant can place a maximum of 100 SF of signage for the SRO (Single Room Occupancy) housing, and 75 SF of signage for the saloon.

The Planning Commission can approve the proposed sign changes as a reduction in non-conforming status so long as the following specific findings can be made, per Section 18.38.090(B) of the Inland Land Use and Development Code.

1. The new proposed sign is significantly more conforming in height and/or area than the existing sign.
2. By approving the new sign, the exception will eliminate the existing nonconforming sign.

These findings can be made if the proposed sign will be more conforming in size at 150 SF, than the existing sign of 150 SF. This does not appear to be the case and the applicant has submitted a second option for the design, which reads "The Golden West" and is 120 SF (see Attachment 3). Option 2 would result in a reduction in the amount of signage by 30 square feet. This second option would comply with the requirement to make the sign more conforming in area, so long as the Planning Commission is comfortable describing the faint outline of the existing sign on the building as a sign. If

this approach is utilized the new sign would be considered a non-conforming sign, and if changes are made to it in the future it would have to be brought into further conformance with the sign ordinance requirements in terms of sign area.

Alternatively, the Planning Commission could approve the sign as a conforming sign for both uses, namely by assigning 100 SF of the sign “Golden West” to the residential use of the building (the SRO) and assigning 50 SF of the sign “Saloon” to the Saloon use. If this approach is utilized the sign would be considered conforming, although this approach requires a creative interpretation of the ordinance.

If the Planning Commission is not comfortable with either of the above approaches the Commission could approve a legal conforming sign for the residential use (SRO) of 100 SF by requiring just the words “Golden West” on the west façade of the building.

The applicant has also submitted a sign permit request for the addition of a neon martini glass to the top of the existing Golder West hanging sign (Attachment 4). The neon martini glass would be 3.2 SF and taken together with the existing saloon signage of 8 SF, would remain below the maximum signage of 75 SF, no matter which alternative is selected above.

PLANNING COMMISSION ACTION

1. Approval of SA 2-16 based on approval of 100 SF of the sign “Golden West” to the residential use of the building (the SRO) and approval of 50 SF of the sign “Saloon” to the Saloon use

ALTERNATIVE ACTIONS

2. Approve an exception to total area limitation requirement for the proposed Golden West Saloon sign (Sign Permit SA 2-16) allowing for a 120 SF sign (Option 2).
3. Approve Sign Permit SA 2-16 for a legal conforming sign for the residential use (SRO) of 100 SF with the words “Golden West” on the west façade of the building
4. Deny the sign permit.

RECOMMENDATION

Staff recommends approval of SA 2-16 based on approval of 100 SF of the sign “Golden West” to the residential use of the building (the SRO) and approval of 50 SF of the sign “Saloon” to the Saloon use.

These findings are only required only if alternative Action 2 is selected by the Planning Commission.

FINDINGS FOR APPROVAL

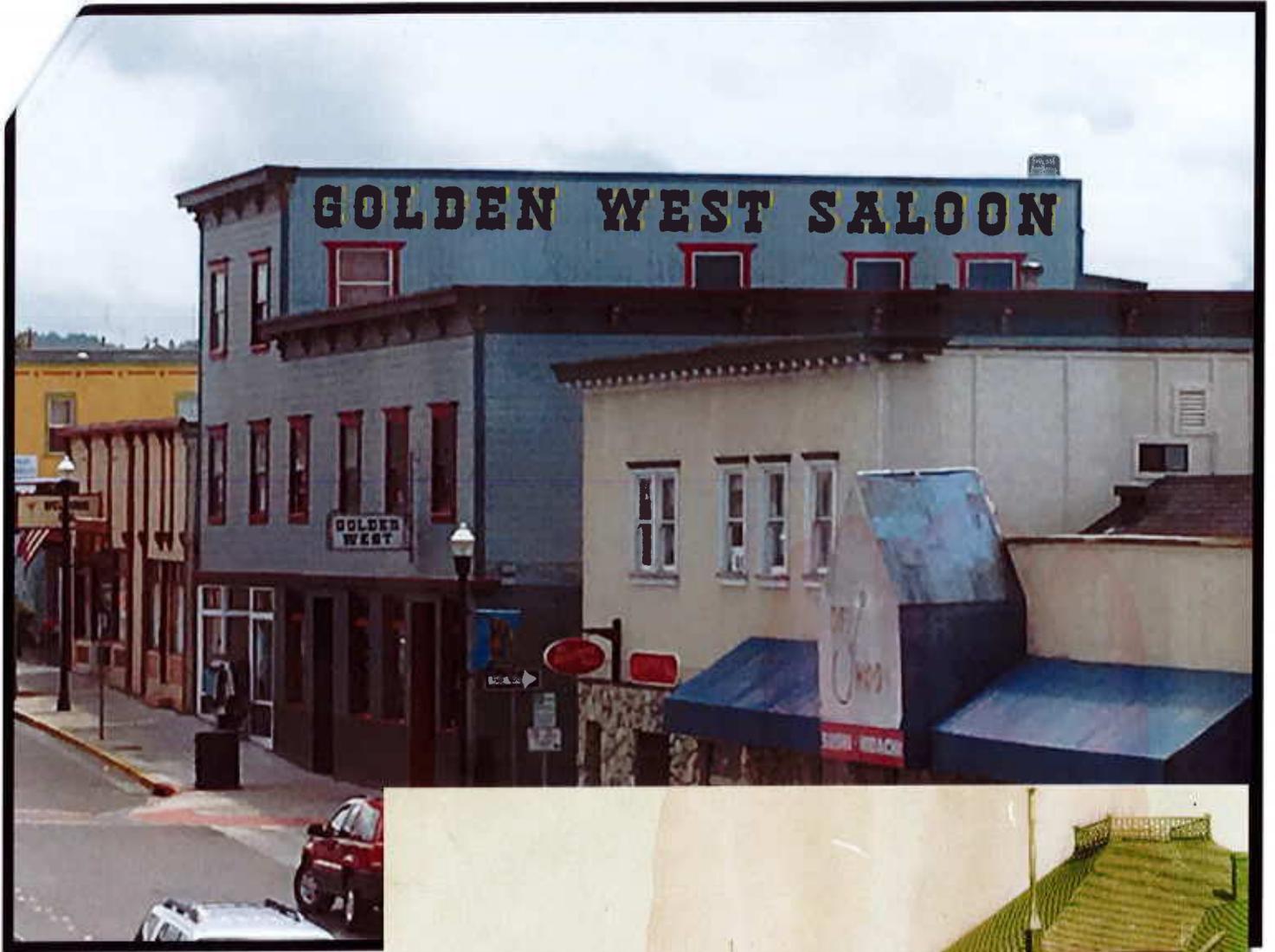
1. The new proposed sign is significantly more conforming in height than the existing sign.
2. By approving the new sign, the exception will eliminate the existing nonconforming sign.

ATTACHMENTS

1. Site Location Map
2. Sign Proposal
3. Sign Proposal Option 2
4. Neon Martini Glass Sign

Attachment 1: Project Location





Hand painted mural on the west-facing exterior of the third floor:

Restoring original facade (see vintage photo at right)

Approximate size of lettering:
3' tall x 50' in length



435 N. Main St.
Fort Bragg, Ca 95437
707.964.5050
Braggadoon.com

OPTION 2 Mural/Lettering size: approx: 40' X 3'
Illustration done in dark blue with gold drop shadow - referencing current trim colors
Barnum - Western font





* This neon cocktail glass is exact replacement of sign that used to be in this location. Decommissioned for unknown length of time

----- Forwarded message -----

From: **K V Bunker** <ftbbuin@gmail.com>

Date: Tue, Dec 13, 2016 at 4:13 PM

Subject: Re: FW: Golden West mural

To: FB-MCHS <archives@fortbragghistory.org>

Cc: "mark@northcoastbrewing.com" <mark@northcoastbrewing.com>, John & Dianne Skinner <thecypressnest@mcn.org>, "david@northcoastbrewing.com" <david@northcoastbrewing.com>, Betty Carr <bettyethel5@att.net>, Denise Stenberg <ds1923@hotmail.com>, Judith Edwards <jedwards@mcn.org>, "fbstenberg@hotmail.com" <fbstenberg@hotmail.com>, William Scott <ccswns@aol.com>, "dmaki@mcn.org" <dmaki@mcn.org>, Kiersten Hanna <kiersten@braggadoon.com>

Hello, all.

Thanks for the opportunity to take a look at the proposal. With my personal passion for 19th century architecture and signage, I'm delighted to see this proposal. I was wondering when the Golden West was being prepped for repainting whether the large signs on both the east and west walls would be returning. Looks like the west wall, only, and that's fine. If the east wall could be likewise ornamented, even better.

I had extensive work experience when employed by California State Parks at California State Railroad Museum/Old Sacramento State Historic Park, and part of my more fun duties were accurate replication of 19th century signage for various buildings on the Old Sacramento park campus. Of those, the signature "Big Four Buildings" -- the original home offices for the western half of the first Transcontinental railroad, Huntington & Hopkins Hardware Co., and the neighboring Dingley Spice & Coffee mill got much enhanced. This was accomplished in early 1999 to my specifications, along with wholly new and more historically accurate color schemes for these buildings. I am attaching a recent photo of that building group.

Why I'm raising this is to offer a recommendation for the proposed "mural" (sign) lettering. The proposal uses a generic side-shadowed lettering format, which is fine, but definitely over-used and too common these days. The historic photograph of the Golden West Hotel we supplied shows "drop-shadowed" lettering, with the shadows down and to the left, a much more authentic format for building signage of the late 19th century.

While going forward with the proposal as-is would be an improvement over big, blank gray walls, I'd prefer to see a more authentic lettering style per the historic photo.

Either way, "huzzahs!" to the owners of the GWS and others involved in brightening our town while boosting local history for everyone.

--Kevin Bunker