

## **RESOLUTION NO. 4223-2020**

### **RESOLUTION OF THE FORT BRAGG CITY COUNCIL UPHOLDING THE FORT BRAGG PLANNING COMMISSION DETERMINATION TO DENY COASTAL DEVELOPMENT PERMIT, DESIGN REVIEW AND SUBDIVISION FOR A PROPOSED RETAIL STORE AT 1151 S. MAIN STREET (APN 018-440-58)**

**WHEREAS**, the applicant, AutoZone Parts, Inc., requested approval to subdivide an existing parcel into two lots and construct a 7,500 SF retail store with associated infrastructure and frontage improvements located off an unnamed frontage road with the address 1151 S. Main Street; and

**WHEREAS**, the application includes a Coastal Development Permit, Design Review and Subdivision to review compliance with development standards in the Highway Visitor Zoning District in the City's Coastal Zone and compliance with the City's Local Coastal Program; and

**WHEREAS**, the Planning Commission held two public hearings that were properly noticed in all respects on September 25, 2019 and October 23, 2019 at 6:00 PM in Town Hall located at 363 N. Main Street; and

**WHEREAS**, the Planning Commission did hear and use independent judgement to consider all evidence presented; and

**WHEREAS**, the Planning Commission adopted resolution PC08-2019, to deny Coastal Development Permit 9-18 (CDP 9-18), Design Review 3-18 (DR 3-18) and Subdivision 1-18 (DIV 1-18) as stated in EXHIBIT A; and

**WHEREAS**, the Coastal Land Use and Development Code Chapter 17.92 establishes procedures for the appeal and review of determinations of the Planning Commission to be considered by City Council; and

**WHEREAS**, Mitch Bramlitt, the applicant representing AutoZone Parts, Inc., timely filed an appeal of the Planning Commission's determination with the City Clerk on November 4, 2019; and

**WHEREAS**, the primary issues raised in the appeal included: 1) the applicant was not given an opportunity to be heard; 2) the Planning Commission made a policy decision based on selective and conclusory considerations; 3) General Plan Policy LU-4.1 is not applicable to the proposed project; and 4) the project is consistent with the City's Local Coastal Program, specifically supporting General Plan Policy LU-3.1; and

**WHEREAS**, the City Council held a public hearing on said appeal that was properly noticed in all respects on January 13, 2020 at 6:00 PM in Town Hall located at 363 N. Main Street; and

**WHEREAS**, at said public hearing a staff report was presented and the applicant and the public offered testimony to be considered by City Council; and

**WHEREAS**, projects that are denied are exempt from environmental review pursuant to Section 15061(b)(4) of the California Environmental Quality Act;

**NOW, THEREFORE, BE IT RESOLVED** based on all the evidence presented, that the City Council of Fort Bragg does hereby uphold the Planning Commission's decision to deny Coastal Development Permit 9-18 (CDP 9-18), Design Review 3-18 (DR 3-18) and Subdivision 1-18 (DIV 1-18) as stated in EXHIBIT A: Planning Commission Resolution PC08-2019.

The above and foregoing Resolution was introduced by Councilmember Peters, seconded by Councilmember Morsell-Haye, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 27<sup>th</sup> day of January, 2020, by the following vote:

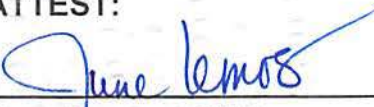
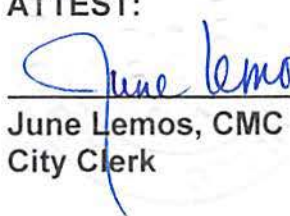
**AYES:** Councilmembers Albin-Smith, Morsell-Haye, Peters and Mayor Pro Tem Norvell.  
**NOES:** None.  
**ABSENT:** Mayor Lee.  
**ABSTAIN:** None.  
**RECUSED:** None.



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**BERNIE NORVELL**  
Mayor Pro Tem

**ATTEST:**



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June Lemos, CMC  
City Clerk

**RESOLUTION NO. PC08-2019**

**RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION REGARDING DENIAL OF PROPOSED AUTOZONE PROJECT TO SUBDIVIDE HIGHWAY VISITOR COMMERCIAL DISTRICT PARCEL INTO TWO LOTS AND CONSTRUCT A 7,500 SF RETAIL STORE WITH ASSOCIATED INFRASTRUCTURE AND FRONTAGE IMPROVEMENTS LOCATED AT 1151 S MAIN STREET (APN 018-440-58)**

**WHEREAS**, the applicant, AutoZone Parts, Inc., is requesting approval to subdivide an existing parcel into two lots and construct a 7,500 SF retail store with associated infrastructure and frontage improvements located off an unnamed frontage road with the address 1151 S Main Street; and

**WHEREAS**, the application includes a Coastal Development Permit, Design Review and Subdivision to review compliance with development standards in the Highway Visitor Zoning District in the City's Coastal Zone and compliance with the City's Local Coastal Program; and

**WHEREAS**, a Mitigated Negative Declaration has been prepared and was circulated for the required public review period from June 27, 2019 to July 27, 2019; and

**WHEREAS**, the Mitigated Negative Declaration was amended to address visual resource concerns to include a visual easement to be recorded as part of the minor subdivision process and recirculated for the required public review period from September 5, 2019 to September 30, 2019; and

**WHEREAS**, the Planning Commission held a public hearing on said application that was properly noticed in all respects on September 25, 2019 at 6:00 PM in Town Hall located at 363 N Main Street; and

**WHEREAS**, at said public hearing a staff report dated September 25, 2019 was presented without recommendation for approval or denial; and

**WHEREAS**, at which time the Planning Commission did hear and use independent judgment, to considered the evidence presented, and directed staff to provide findings for denial; and

**WHEREAS**, the continued public hearing, which was properly noticed in all respects as required by law was held on October 23, 2019 at 6:00 PM in Town Hall located at 363 N Main Street; and

**WHEREAS**, at said public hearing the opportunity for further testimony was offered and considered by the Planning Commission; and

**WHEREAS**, projects that are denied are exempt from environmental review pursuant to Section 15061(b)(4) of the California Environmental Quality Act; and

**NOW THEREFORE BE IT RESOLVED** that the foregoing recitals are true and correct and made a part of this resolution.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Fort Bragg does hereby deny Coastal Development Permit 9-18, Design Review Permit 3-18, and

Subdivision 1-18 for the proposed project by AutoZone Parts, Inc. based upon the following findings:

**Coastal Development Permit Findings for Denial – CLUDC 17.71.045(I)(2):**

All decisions on Coastal Development Permits shall be accompanied by written findings per Coastal Land Use and Development Code Section 17.71.050(I). The proposed project is not in conformity with the City of Fort Bragg's certified Local Coastal Program because the project does not comply with several Coastal General Plan policies, including, but not limited to:

**Policy LU-4.1 Formula Businesses and Big Box Retail: Regulate the establishment of formula businesses and big box retail to ensure that their location, scale, and appearance do not detract from the economic vitality of established commercial businesses and are consistent with the small town, rural character of Fort Bragg.**

The location, scale and appearance of the proposed project would detract from the economic vitality of existing commercial businesses and is not consistent with the small town, rural character of Fort Bragg because: 1) the proposed building is relatively square and 26 feet in height, which is tall for the proposed single-story retail use and creates an inappropriate massing and scale to the structure; 2) the proposed design does not reflect the small town character of Fort Bragg because it is missing important architectural form and detail; there is a lack of consistent design features on all elevations, and windows do not relate to scale and proportions of structure; 3) there is substantial evidence that the local economy cannot support a third auto parts retail store because when a third auto parts retail store opened, O'Reilly's Auto Parts, an existing auto parts retail store, Acme Automotive Parts, closed.

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**Policy CD-1.1: Visual Resources: Permitted development shall be designed and sited to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance scenic views in visually degraded areas.**

**Policy CD-1.4: New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent.**

**Policy CD-2.5 Scenic Views and Resource Areas: Ensure that development does not adversely impact scenic views and resources as seen from a road and other public rights-of-way.**

The above policies ensure development is sited and designed to protect visual resources. The proposed project does not comply with these policies because the Planning Commission considers the existing trees on the site to be an important visual resource and as sited, the project would have the maximum impact on this coastal resource because the project includes the removal of six mature coniferous trees. Moreover, the following General Plan Policies protect existing vegetation:

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**Policy CD-1.11: New development shall minimize removal of natural vegetation. Existing native trees and plants shall be preserved on the site to the maximum extent feasible.**

**Policy OS-5.1 Native Species: Preserve native plant and animal species and their habitat.**

**Policy OS-5.2: To the maximum extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve existing healthy trees and native vegetation on the site.**

The proposed project does not comply with the above policies because the proposed project, as sited and designed, includes the removal of native and healthy trees existing on the site: one Shore Pine and one Bishop Pine, both of which are native trees to the Mendocino coast and four healthy Monterey Pine, all of which should be preserved to the maximum extent feasible.

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**Policy LU-5.2: Ensure that there are adequate sites for visitor-serving land uses by:**

- a) Maintaining existing areas designated for Highway-Visitor Commercial uses;
- b) Maintaining the Highway Visitor Commercial land use designation as one allowing primarily recreational and visitor-serving uses; and
- c) Reserving adequate infrastructure capacity to accommodate existing, authorized, and probable visitor serving uses.

**Policy LU-5.6: The use of private lands suitable for visitor-serving and commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.**

The subject site is located in the Coastal Zone and is designated Highway Visitor Commercial. The proposed auto parts retail store is general retail, not enhancing public opportunities for coastal recreation nor considered a coastal priority land use, and as such, it is an inappropriate use of this parcel and not consistent with the above policies.

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**Policy CD-2.1 Design Review: All development that has the potential to affect visual resources shall be subject to Design Review, unless otherwise exempt from Design Review pursuant to Coastal Land Use & Development Code Section 18.71.050. Design Review approval requirements shall not replace, supersede or otherwise modify the independent requirement for a coastal development permit approved pursuant to the applicable policies and standards of the certified LCP. Ensure that development is constructed in a manner consistent with the Citywide Design Guidelines.**

The proposed project is subject to Design Review to ensure development is constructed in a manner consistent with the Citywide Design Guidelines. These guidelines are intended to support positive design characteristics and the Planning Commission determined that the proposed project does not comply with several aspects of CLUDC 17.71.050(E) Project Review Criteria, as analyzed below:

**Design Review Project Review Criteria – CLUDC 17.71.050(E):**

**Provides architectural design, building massing and scale is not appropriate and compatible with the site surrounding and the community.**

The architectural massing and scale of the proposed structure is incompatible with the community because the architectural design of the building is a relative box shape with a height of 26 feet, looming massive for a single story retail store and inappropriate for the site. The

preferred architectural design, building massing and scale should reflect the historical elements of the City's historical commercial core, the Central Business District.

**Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping lighting, signs, etc.**

As discussed above in the Coastal Development Permit findings for denial, the siting of the proposed project is undesirable because the project is sited where development would have the maximum impact on existing trees, with the removal of six mature conifers, which the Planning Commission considers a coastal visual resource. The Planning Commission considers the exterior appearance of the building unattractive because the relatively box-like shape and height of the proposed structure creates an imposing massing and scale that the Planning Commission does not consider desirable. In addition, the building lacks architectural detail resembling the historical commercial architecture of the Central Business District, which is reflective of Fort Bragg's community character, and thereby, the proposed design has an overall unattractive exterior appearance. Furthermore, many of the building materials, such as stucco, are not appropriate for coastal climate and will likely age poorly, which would create an unattractive appearance.

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

The proposed project, as sited and designed, is not consistent with the City's Local Coastal Program, as analyzed above in the Coastal Development Permit Findings for Denial, as well as insufficient review criteria to approve Design Review Permit discussed herein.

**Complies and is consistent with the Citywide Design Guidelines.**

The proposed project does not comply with the Citywide Design Guidelines because: 1) the proposed project does not include sufficient pedestrian areas that encourage pedestrian utilization because the proposed design lacks benches, seating areas or public art and there is an insufficient level of wind and rain protection for pedestrians; 2) the siting of the proposed project is undesirable because the project is sited where development would have the maximum impact on existing trees, which the Planning Commission considers a visual and coastal resource, as well as impede on existing blue water views which is also a visual and coastal resource; 3) the architectural form and detail of the proposed design lacks style, form, size and roofline that compose the historical commercial architecture of the Central Business District and to which the Citywide Design Guidelines references as desirable; therefore the proposed design has an overall unattractive exterior appearance; 4) the parking lot does not include raised walkways or decorative paving for pedestrians, which is desired to separate pedestrians from vehicular circulation and safety; 5) the design lacks appealing site elements because the proposed design does not include amenities such as raised planters, pots, decorative paving and is generally unattractive.

**The above and foregoing Resolution was introduced by Planning Commissioner Logan, seconded by Planning Commissioner Roberts, was approved and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 23rd day of October 2019, by the following vote:**

**AYES: Logan, Miklose, Roberts, and Chair Rogers**

**NOES: None.**

**ABSENT: Andreis**  
**ABSTAIN: None.**  
**RECUSE: None**

  
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**Nancy Rogers**  
**Planning Commission Chair**

**ATTEST:**  
  
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**Joanna Gonzalez**  
**Administrative Assistant**