



CITY OF FORT BRAGG

Incorporated August 5, 1889

416 N. Franklin Street, Fort Bragg, CA 95437
Phone: (707) 961-2827 Fax: (707) 961-2802
www.FortBragg.com

NOTICE OF FINAL ACTION ON USE PERMIT

On May 25, 2022, final action was taken by the City on the following Minor Use Permit application:

PERMIT TYPE & NO.: UP 1-22

APPLICANT/OWNER: Mahkayla Miller / Landbank Properties

LOCATION: 142 E Laurel

APN: 008-152-10

DESCRIPTION: Use Permit (UP) for a Wine Bar

DATE OF ACTION: May 25, 2022

ACTION BY: Fort Bragg Planning Commission

ACTION TAKEN: Approved (See attached Findings and Conditions)
 Denied (See attached Findings)

THIS PROJECT IS: Appealable to the Fort Bragg City Council. Decisions of the Planning Commission shall be final unless appealed to the City Council within ten (10) days after the decision is rendered. An appeal shall be submitted in writing along with the appeal fee of \$1,000.00 to the Community Development Department, and shall specifically state the pertinent facts and the basis for the appeal. Appeals shall be limited to issues raised at the administrative public hearing, or in writing before the public hearing, or information that was not known at the time of the decision.

Heather Gurewitz
Associate Planner

5/27/2022

Date

Permit Findings

1. The proposed use is consistent with the General Plan and any applicable specific plan.

The proposed project, as conditioned is consistent with Land Use Policies LU-3.1 and 3.6, Public Facilities Policy PF-1.1, Public Facilities Program PF-1.2.1, Public Facilities Policy PF-2.1, Public Facilities Program PF2.2.5, Circulation Policy C-3.3, Community Design Policy CD-2.5, Noise Policy N-1.2, Safety Policy SF-5.1, Sustainability Policy S-1.1, Safety Program SF-7.1.3, and Sustainability Policy S-4.1 and Policy S-3.1 and does not conflict with any General Plan goals, policies, or programs per the analysis incorporated herein by reference to the project staff report, dated May 25, 2022.

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.

A bar/tavern is an allowable use with a Use Permit in the Central Business District. As allowed under discretionary approval of the parking in-lieu fee, the proposed project complies with the provisions of the Development Code and the Municipal Code per the analysis incorporated herein by reference to the project staff report, dated May 25, 2022.

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 use is a wine bar and shop that will cater to visitors and locals. Per the analysis incorporated herein by reference to the project staff report, dated May 25, 2022, the 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.

The proposed project is a wine bar/store in the downtown CBD zoning district. It will be situated with other retail businesses, restaurants, and cafes and will have similar operating hours and conditions as other retail operations in the vicinity. Thus, as conditioned and per the analysis incorporated herein by reference to the project staff report, dated May 25, 2022 the proposed site is physically suitable in terms of design, location, shape, size, operating characteristics and will not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.

5. The proposed use complies with any findings required by § 18.22.030 (Commercial District Land Uses and Permit Requirements). ILUDC §18.22.030(C)(3) CBD (Central Business District) district requires that the use complements the local, regional and tourist-serving retail, office and services functions of the CBD, and will not detract from this basic purpose of the CBD. Uses proposed for the intense pedestrian oriented retail shopping areas of the CBD, which include the 100 blocks of East and West Laurel Street, the 300 block of North Franklin Street*, and the 100 and 200 blocks of Redwood Avenue, shall be limited to pedestrian-oriented uses on the street-fronting portion of the building.

Per the analysis incorporated herein by reference to the project staff report, dated May 25, 2022, the proposed project complements the local, regional, and tourist-serving retail, office and services function of the CBD and will not detract from this basic purpose of the CBD.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the Planning Commission is filed pursuant to ILUDC Chapter 18.92 - Appeals.
2. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details, and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of

the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.

7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
8. Unless a condition of approval or other provision of the Inland Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with ILUDC Subsection 18.76.070 (B).
9. The Standard and Special Conditions of Approval shall be incorporated and printed in the Construction Plans submitted at time of building permit application.
10. Applicant shall indemnify, hold harmless and defend the City of Fort Bragg against any claim brought against the City stemming from the City's approval of this project.

SPECIAL CONDITIONS

1. Any new sinks, toilets, or plumbing fixtures must be low-flow or have other water conservation measures to minimize the use of the City's potable water
2. The proposed project shall comply with the requirements in the Fort Bragg Fire Department letter dated May 18, 2022.
3. Hours of operations shall not begin before 10:30 am and shall not operate after 10:00 pm.
4. Beverages sold on site shall be limited to wine, beer, cider, and similar beverages. The sale of distilled spirits is not allowed.
5. If amplified music is played it shall not exceed 75 decibels from the sidewalk in the front of the building and may not be played after 10:00 pm. Doors and windows shall remain closed while amplified music is playing.