



# CITY OF FORT BRAGG

*Incorporated August 5, 1889*

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## NOTICE OF FINAL ACTION ON USE PERMIT

On July 27, 2022, final action was taken by the City on the following Minor Use Permit application:

**PERMIT TYPE & NO.:** UP 3-22

**APPLICANT/OWNER:** Terrence Patrick Broderick / Petersen and Sons LLC/Tall Man Brewing Inc

**LOCATION:** 362 N. Franklin St.

**APN:** 008-154-01

**DESCRIPTION:** Use Permit (UP) for Brewery/Restaurant

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**DATE OF ACTION:** July 27, 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

7/28/2022

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 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 July 27, 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.*

The proposed project is allowed in the zoning district with a use permit and as conditioned, complies with the Inland Land Use and Development Code and Municipal Code per the analysis incorporated herein by reference to the project staff report, dated July 27, 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 brewery/restaurant that will cater to visitors and locals. As conditioned, and per the analysis incorporated herein by reference to the project staff report, dated July 27, 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 brewery/restaurant 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 July 27, 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 July 27, 2022, the proposed project, as conditioned, 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 City Council is filed pursuant to ILUDC Chapter 18.92 - Appeals.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the ILUDC.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not

necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.

7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - (a) That such permit was obtained or extended by fraud.
  - (b) That one or more of the conditions upon which such permit was granted have been violated.
  - (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
  - (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
8. Unless a condition of approval or other provision of the 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 the 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 Condition

1. The proposed project shall comply with all requirements and conditions established in the July 7, 2022 Memo from Public Works to Community Development.
2. The proposed project shall comply with the requirements and conditions established by the Fort Bragg Fire Protection Authority in the June 7, 2022 Plan Review.
3. The Fire Protection Authority shall be notified of all hazardous substances that are transported, stored, treated, or could be released accidentally into the environment.

4. All roof-mounted equipment shall use the best available technology to limit noise output. Roof mounted equipment shall be screened in compliance with ILUDC §18.30.050(F)(2).
5. If amplified music is played it shall not exceed 75 decibels from the sidewalk in the front of the building. Amplified music shall not be played after 10:00 pm. Doors and windows shall remain closed while amplified music is being played.
6. The use, handling, storage, and transportation of combustibles and explosives shall comply with Title 24 of the California Code of Regulations.
7. Waste will be stored in fully enclosed containers on-site and placed in the alley no more than 14 hours prior to planned waste collection. Placement of containers for collection shall not impede vehicle traffic in the alley or parking spaces on the opposite side of the alley.
8. The applicant shall file a street furniture encroachment permit application for any proposed sidewalk furniture or flower pots to be placed in the public right of way. The placement of furniture shall leave a minimum of a four (4) foot wide path of travel between the tree and trash can on the west side of the sidewalk and the placement of any furniture/flower pots on the east side of the sidewalk. Nothing should be placed on the sidewalk directly across from the trashcan or existing street tree.
9. All trucks and deliveries shall use the rear of the building. Commercial vehicles serving the business shall not park on Franklin or Laurel St. between the hours of 8:00 am and 8:00 pm daily.
10. A complete sign permit application shall be submitted and reviewed by Community Development Department staff.
11. Operating hours of the business shall be limited to 10:00 am to 11:00 pm. A new use permit application shall be submitted if the applicant wishes to extend beyond these hours.