



CITY OF FORT BRAGG

Incorporated August 5, 1889

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NOTICE OF FINAL ACTION

ON COASTAL DEVELOPMENT PERMIT, DESIGN REVIEW PERMIT, USE PERMIT, AND SIGN PERMIT

On September 9, 2024, final action was taken by the City on the following Permits:

PERMIT TYPE & NO.: Coastal Development Permit 8-24 (CDP 8-24); Design Review 3-24 (DR 3-24); Use Permit 7-24 (UP 7-24); Sign Permit 12-24 (SP 12-24)

APPLICANT/OWNER: Noyo Center for Marine Science/Sheila Siemens

LOCATION: 331 Jere Melo St, Fort Bragg, CA

APNS: 018-430-15-00

DESCRIPTION: Design Review 3-24 (DR 3-24), Use Permit 7-24 (UP 7-24), Coastal Development Permit 4-24 (CDP 4-24), and Sign Permit 12-24 (SP 12-24) to Construct a 2,400-Square-Foot Warehouse/Workshop, and Associated Access Road, Sewer and Water Lines, and Parking at 331 Jere Melo Road.

DATE OF ACTION: September 9, 2024

ACTION BY: City Council

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

THIS PROJECT IS: X Appealable to the California Coastal Commission; only after local appeals are exhausted (as explained in Coastal Land Use and Development Code (CLUDC) Section 17.92.040 B), and within ten (10) working days of Coastal Commission receipt of the Notice of Final Action, and by persons described in CLUDC 17.92.040 A.1. Failure by a person to request a public hearing on this action may result in the loss of a person's ability to appeal the action to the California Coastal Commission.

DocuSigned by:

John Smith

John Smith, Acting Director
Community Development Department

9/13/2024

Date

PERMIT FINDINGS

CEQA FINDINGS

Pursuant to the California Environmental Quality Act (CEQA) the project is exempt from CEQA per Categorical Exemption, Section 15303 Class C (3) – New Small Commercial Structures of less than 2,500 SF including on-premise signs.

GENERAL FINDINGS

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 in general.

COASTAL DEVELOPMENT PERMIT FINDINGS

1. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.
2. The proposed use is consistent with the purposes of the zone in which the site is located.
3. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan.
4. 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.
5. 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.
6. Supplemental findings for projects located within Environmentally Sensitive Habitat Areas:
 - a. The coastal tufted hairgrass meadow is not an ESHA and will not be significantly degraded by the proposed development; and
 - b. There is no feasible less environmentally damaging alternative; and
 - c. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.
7. There are no individual and cumulative burdens imposed on public access and recreation opportunities by the proposed project.
8. There is no necessity for requiring public access conditions for the project to be consistent with the public access provisions of the Coastal Act.

DESIGN REVIEW PERMIT FINDINGS

1. Complies with the purpose and requirements of this Section (Design Review in the CLUDC)
2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community.

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.
4. Provides efficient and safe public access, circulation, and parking.
5. Provides appropriate open space and landscaping, including the use of water efficient landscaping.
6. Is consistent with the Coastal General Plan, and applicable specific plan, and the certified Local Coastal Program.
7. Complies and is consistent with the City's Design Guidelines.

USE PERMIT FINDINGS

1. As conditioned, the proposed use is consistent with the General Plan, any applicable specific plan, and the Local Coastal Program.
2. As conditioned, 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).

SIGN PERMIT FINDINGS

1. The applicant's proposed signage meets the size limitations of the CLUDC, and, as conditioned, the Monument Sign shall be limited to 42 inches in height, and the sign permit copy for the Monument Sign shall be reviewed by the Community Development Director.
2. The proposed sign conforms with location requirements. The proposed sign complies with the Citywide Design Guideline sign standards.
3. The sign colors will match those of the Crow's Nest and increase cohesion between the two buildings, and the sense that one is at a place.
4. The proposed sign would not be internally illuminated.
5. The monument sign complies with the other requirements of the Design Guidelines
6. As conditioned, the proposed La-bone-atory, landscaping and signage are consistent with the City's Design Guidelines

SPECIAL CONDITIONS

1. LCP Amendment Approval. The Coastal Development Permit for this project shall be issued only after final certification of an LCP Amendment by the Coastal Commission

- authorizing the redesignation and rezone of APN # 018-430-15 (Noyo Center parcel) from Timber Resources Industrial to Public Facilities or Parks and Recreation and/or makes other changes to the certified LCP which allows a Science Center as a permitted use (with or without a Use Permit) on the proposed parcel.
2. The Applicant shall replace one of the regular parking spaces with an EV parking space on the site plan submitted with the building permit application.
 3. Prior to issuance of a building permit the Applicant shall resubmit the site plan with a landscaping plan that includes the following required features:
 - a. An eight-foot landscaping strip between the building and the parking lot and a 5-foot-wide strip of landscaping surrounding the project site which is at least 42 inches in height at maturity.
 - b. All landscaping shall be from local native plant or seed stock.
 - c. At least three shore pines shall be planted on the lee side (east) of the building, two shall be planted on the south side of the building; and two shall be planted on the north side of the building. Each shore pine shall be protected either by earthen berms or other measures as necessary to ensure their successful adaptation to the high wind environment on the project site. The tree plantings shall be monitored for five years and any trees that do not survive shall be replaced during this five-year period.
 - d. The backflow device shall be screened from view by native shrubs and vegetation.
 - e. All landscaping and irrigation shall comply with the requirements of the State of California Model Water Efficient Landscape Ordinance (MWEL0).
 4. The Applicant shall submit a revised fence design to the which complies with the requirements of 17.31050 and 17.42.140. The alternative fence design shall be reviewed and approved by the Director of Community Development prior to issuance of the building permit.
 5. Utility Connections.
 - a. The Applicant is responsible for installing all required offsite improvements for sewer and water connections. In addition, the Applicant shall restore any portion of the coastal trail and Jere Melo Drive that are disturbed for the installation of new utilities. If the installation of underground utilities requires the Applicant to disrupt access on the Coastal Trail, the Applicant shall install: details of when coastal access will be temporarily disrupted shall install temporary A-frame signage that: 1) notifies users at least two weeks in advance of the planned detour and construction; and 2) warning and detour signage and protective fencing during utility installation. The Applicant shall keep the trail open as much as possible by placing a steal panel over the utility ditch. Every effort will be made to reduce impacts to public access to as short a time as possible in coordinate with the Public Works Department. Public access shall not be disrupted for more than five business days in total.
 - b. The location of utility connections within Jere Melo Road shall be coordinated with public works staff and shown on the site plan submitted with the building permit application.
 - c. Public Works anticipates that the Applicant shall connect to the Sewer and Water lines located near the entrance to the Wastewater Treatment Facility or at the connections near the Wastewater treatment lab or the public bathroom on the

- trail. The Applicant may need to install a force main to connect to one of these connections.
- d. A Public Utility (or similar) Easement shall be recorded for the private utility lines within the public right of way.
 - e. Because the WWTF water line is limited in capacity, any future development by the Applicant (or others) in the area will require installation of a new water main at their cost with corresponding public utility easement and City dedication. At the time of water main install, the existing water connection for the La-Bone-Atory project will need to be removed, and a new connection to the new water main will be required.
 - f. An approved backflow device is required for all water connections. Please contact Heath Daniels at 707-813-8031 for more information.
 - g. Applicant shall pay connection fees (which vary depending on desired connection and meter sizes) based on the cost to the City to make the connections. The Applicant shall specify what size of connections will be needed for this project, including any fire connection for sprinklering purposes. Please notify the Public Works Department as soon as possible once the desired connection size(s) has/have been determined.
 - h. The Applicant shall contact Underground Service Alert (USA), Dial 811 or 1-800-227-2600, at least 48hrs prior to construction.
6. Encroachment Permit. The Applicant shall apply for an encroachment permit for any activity occurring in the public right of way during construction. This includes the installation of sewer and water lines, placement of dumpster, construction vehicles not parked in conformance with parking codes, and installation of any frontage improvements. Please submit the relevant encroachment permit application 2 weeks prior to anticipated construction date(s) to allow adequate time for processing.
 7. Impact Fees. The Applicant shall pay all required Impact Fees prior to final of the Building Permit, which are estimated as follows: (actual fees to be calculated at time of building permit submittal based on final proposed use):
 - a. Water – 2,240 SF increase in garage/workshop space is \$1,983.86.
 - b. Sewer – 2,240 SF increase in garage/workshop space is \$1,537.73.
 - c. Drainage – 11,064 SF increase in impervious surface is \$8,187.36
 - d. Police Facilities – 2,240 SF of Industrial Space is \$1,752.04
 - e. Fire Facilities – 2,240 SF of Industrial Space is \$413.26
 8. The Applicant shall contact Sherwood Valley Band of Pomo three weeks prior to the start of excavation to schedule a tribal monitor. The Tribal Monitor will remain on site during excavation until they determine that disturbance of cultural resources is unlikely.
 9. If archaeological remains are discovered during project construction, the following actions shall be taken; 1) the construction contractor shall cease and desist from any further excavation or disturbance of the soil within 25 feet of the discovery; 2) the project manager shall notify the Fort Bragg Community Development Department within 24 hours of the discovery; and 3) the City shall notify the Sherwood Valley Band of Pomo Cultural Resources Officer and retain a professional archaeologist to determine appropriate actions in consultation with stakeholders including the Coastal Commission.
 10. The Applicant shall install a small plaque on the La-bone-atory near the building

entrance which includes the following language: "This is the unceded traditional territory of the coastal Pomo (indigenous) People past and present. Honoring of the land itself by stewardship has and does happen throughout the generations. This land acknowledgement encompasses us all to continue to learn how to be better stewards of the land."

11. Storm water runoff shall be minimized by incorporation of Low Impact Development (LID) strategies that minimize impermeable areas, maximize permeable areas, and that slow, spread, and sink runoff so as to recharge groundwater and minimize runoff. Runoff that is expected shall be collected at vegetative swales or bio retention facilities and overflow finally conveyed by a storm drain system approved by the City Engineer.
12. Treatment Control BMPs shall be sized and designed to retain and infiltrate runoff produced by all storms up to and including the 85th percentile (.83" in 24-hours).
13. Because this project proposes to replace >5,000 SF of impervious surface, it's defined as a "regulated project", and installation of LID features in compliance with regulations outlined in the County of Mendocino Low Impact Development Standards Manual (LID Manual) will be required. The manual is at: <https://www.mendocinocounty.org/home/showpublisheddocument/43360/637583284035530000>
14. The site plan currently shows a bioretention area, but the feature has yet to be designed. The feature must be sized based on the total area of impervious surface being created by this project. Completed design in accordance with the LID manual must be submitted at the time of building permit submittal. In order to comply with Low Impact Development requirements, the new parking lot must be sloped toward the bioretention area. The downspouts of the new workshop shall also direct stormwater to the bioretention area.
15. Applicant must follow instructions in Part C of the Lid Manual. Applicant to complete and provide to the City the appropriate Site Design Measure Sheet(s) from the Appendices of the Mendocino County LID Manual.
16. If construction is to be conducted between October and April (the rainy season) approval from the Public Works Department and additional construction BMP's will be required.
17. To eliminate storm water runoff from the access road getting into wetland SW-2 and Wetland SW-1, the Applicant shall resubmit a site plan and grading plan, for approval by the City of Fort Bragg in consultation with the Water Board, which achieves the following; 1) reposition the road on the old gravel road so that it is located as far as feasible from each wetland; 2) slope the road so that stormwater does not enter either wetlands; 3) design bioswales to infiltrate stormwater from the road on site ; 4) insure hydrologic discontinuity between the bioswales and the season wetlands. The site plan and grading plan shall be approved prior to issuance of the Building Permit. If the Applicant is unable to design a system which ensures that road runoff and fugitive dust from the road do not enter the wetland, the Applicant must obtain a 401-wetland permit from the Water Board.
18. The Applicant shall install symbolic fencing (such as the log barriers that are located throughout the Coastal Trail) at the edge of the access road on both sides that is placed the furthest extent feasible from the seasonal wetlands to prevent additional encroachment into the ESHA. Install signage that identifies the area as an

environmentally sensitive habitat area to promote education of native species and habitats

19. The Applicant shall engage in target the removal of non-native invasive species for a period of five years.
20. The Applicant shall prepare a Soil Management Plan for review and approval by DTSC prior to undertaking any grading activities on site. The Soils Management Plan shall be implemented during ground disturbing activities.
21. The Applicant shall submit a new site plan with a pedestrian access (trail or sidewalk) from Jere Melo Drive to the La-BONE-atory as part of the building permit application.
22. The Applicant shall submit revised elevations that include an awning and small "entrance" sign adjacent to the entrance door for the building as part of the Building Permit application.
23. The Monument Sign shall be limited to 42 inches in height, and the sign permit copy for the Monument Sign shall be reviewed by the Community Development Director.

.STANDARD CONDITIONS

1. This action shall become final on the 11th day following the City Council decision.
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.

CDP 4-24, DR 3-24, UP 7-24, SP 12-24
Noyo Center La-Bone-Atory

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. Staff Report for Coastal Development Permit 8-24 (CDP 8-24); Design Review 3-24 (DR 3-24); Use Permit 7-24 (UP 7-24); Sign Permit 12-24 (SP 12-24)