



City of Fort Bragg

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Meeting Minutes Planning Commission

Wednesday, June 10, 2020

6:00 PM

Town Hall, 363 N.Main Street

MEETING CALLED TO ORDER

ROLL CALL

Chair Logan called the meeting to order at 6:00

Present 5 - Commissioner Stan Miklose, Vice Chair Jay Andreis, Commissioner Michelle Roberts, Chair Jeremy Logan, and Commissioner Nancy Rogers

PLEASE TAKE NOTICE

1. APPROVAL OF MINUTES

1A. [20-769](#)

Approval of Planning Commission Minutes of May 27, 2020

A motion was made by Commissioner Miklose, seconded by Commissioner Roberts, that the May 27, 2020 Minutes be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Miklose, Vice Chair Andreis, Commissioner Roberts, Chair Logan and Commissioner Rogers

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

3. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None.

4. PUBLIC HEARINGS

4A. [20-758](#)

Receive Report, Conduct Public Hearing and Consider Design Review Permit and Minor Use Permit to 1) reconstruct a mortuary that was destroyed by fire; 2) expand a non-conforming land use (mortuary); and 3) request a reduction in off-street parking requirements at 445 East Fir Street (APN 008-086-069)

Senior Planner Perkins presented the prepared report to the Planning Commission.

Chair Logan opened the public hearing at 6:19 PM.

Discussion:

Commissioners asked clarifying questions regarding parking, landscape and color. The applicant addressed all of the Commissioners concerns. The Commission agreed that if the applicant wishes to go back to the original color the applicant may do so.

No public Comments.

Chair Logan Closed the public hearing at 6:57 PM.

This Design Review Permit was approved as follows:

GENERAL FINDINGS

- 1.The proposed project is consistent with the purpose and intent of the Low Density Residential district, as well as all other provisions of the General Plan, Inland Land Use and Development Code (ILUDC) and Fort Bragg Municipal Code in general;
- 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;
- 4.The project complies with the Specific Use Regulations found in ILUDC Section 17.42.057 for Cannabis Retail land uses; and
- 5.For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under Section 15302—replacement or reconstruction of a commercial structure with a new structure of substantially the same size, purpose and capacity.

MINOR USE PERMIT FINDINGS

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

Pursuant to ILUDC Sections 18.36.040(C)(3), 18.36.040(C)(2) and 18.36.080(B), the Planning Commission modifies the off-street parking requirements and makes the following supplemental Minor Use Permit findings:

5. The land use has historically functioned on the property with less than 10% of the required parking (2 spaces were provided when 21 were required) without evidence of a negative impact on the surrounding neighborhood;
6. An additional three spaces, as would be required for the expansion without a waiver or reduction, would not reasonably affect the parking impacts in the neighborhood when services are held;
7. Rehabilitation of the former mortuary land use and structure make providing additional spaces unreasonable due to the replacement structure's location, parcel size, and existence of established landscaping and pedestrian improvements located on the parcel, pursuant to ILUDC Section 18.36.040(C)(3);
8. The maximum amount of parking which is feasible is provided on site;
9. The exception will not result in potentially unsafe conditions for vehicles or pedestrians; and
10. The project is located in an area of abundant on-street parking.

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.
- e. 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).

SPECIAL CONDITIONS

- 1. If ADA-required access upgrades are required, such as the installation of a ramp, these facilities shall not be constructed on the south-facing façade of the structure without an amendment to this Design Review Permit.
- 2. The colors permitted for the replacement structure shall either be substantially consistent with those submitted in the application package and analyzed in the staff report, or substantially consistent with the color scheme of the previous mortuary.

Aye: 5 - Commissioner Miklose, Vice Chair Andreis, Commissioner Roberts, Chair Logan and Commissioner Rogers

5. CONDUCT OF BUSINESS

None.

6. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

Staff reports that there are projects lining up in the future.
Commissioner Rogers expressed her support of projects being done by local contractors when possible.

ADJOURNMENT

Chair Logan adjourned the meeting at 7:01 PM.