



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Meeting Minutes Planning Commission

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Wednesday, February 26, 2020

6:00 PM

Town Hall, 363 N.Main Street

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### MEETING CALLED TO ORDER

Chair Logan called the meeting to order at 6:00 PM.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present** 4 - Commissioner Stan Miklose, Vice Chair Jay Andreis, Chair Jeremy Logan, and Commissioner Nancy Rogers

**Absent** 1 - Commissioner Michelle Roberts

### 1. APPROVAL OF MINUTES

#### 1A. [20-634](#)

Approval of the February 12, 2020 Minutes.

**A motion was made by Vice Chair Andreis, seconded by Commissioner Rogers, that these Minutes be approved. The motion carried by the following vote:**

**Aye:** 4 - Commissioner Miklose, Vice Chair Andreis, Chair Logan and Commissioner Rogers

**Absent:** 1 - Commissioner Roberts

### 2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

### 3. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

None.

### 4. PUBLIC HEARINGS

#### 4A. [20-632](#)

Receive Report, Conduct Public Hearing and Consider Use Permit (UP 1-20) to Establish Multifamily in Central Business District Zoning Located at 127 E Laurel Street

**Chair Logan and Vice Chair Andreis recused themselves from hearing this item, citing business conflicts of interest.**

A random means of selection was used pursuant to 2 CCR 18705(c)(3) to obtain a quorum. Chair Logan was selected to remain for the duration of this hearing, and Vice Chair Andreis left the chamber at 6:04 PM.

**Chair Logan opened the public hearing at 6:04 PM.**

Assistant Planner McCormick presented the staff report on this item and responded to questions from Commissioners.

Public Comment: None.

**Chair Logan closed the public hearing at 6:11 PM.**

Discussion: Commissioners agreed that they like the project, which brings activity to the downtown and maintains housing stock. All were in favor of keeping the special conditions.

A motion was made by Commissioner Rogers, seconded by Commissioner Miklose, that Use Permit 1-20 (UP 1-20) be approved, subject to the following findings and conditions:

**GENERAL FINDINGS**

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the Inland General Plan, Inland Land Use and Development Code (ILUDC) and the 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 Specific Use Regulations established for the project; and
5. For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under Section 15303 – conversion of existing structures to new uses.

**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 the 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 18.22.030

(Commercial District Land Uses and Permit Requirements).

#### **CENTRAL BUSINESS DISTRICT COMMERCIAL USE PERMIT FINDINGS**

1. The use compliments the local, regional and tourist serving retail, office and commercial services functions of the CBD, and will not detract from this basic purpose of the CBD.
2. Uses proposed for the intense pedestrian oriented retail shopping areas of the CDB, which include the 100 blocks of East and West Laurel Street, the 300 block of N 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.

#### **SPECIAL CONDITIONS**

1. Prior to finalization of building permit, the applicant will draft a memo to future potential residents that clearly states the objectives of the CBD and provides examples of the many events downtown and limitations of on-street parking.
2. Prior to finalization of building permit, the Fire Marshall shall inspect and approve the following:
  - (a) Interconnected smoke detectors throughout the building (1st and 2nd floor);
  - (b) Fire Sprinkler System shall bear a current 5-year certification; and
  - (c) Extinguishers shall be installed in each unit.
3. Prior to issuance of this Use Permit, the applicant shall work with Public Works to determine if an upgraded water meter is required, and relocate the water meter on to the subject parcel.

#### **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 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 ILUDC Subsection 18.76.070 (B).

The motion carried by the following vote:

**Aye:** 3 - Commissioner Miklose, Chair Logan and Commissioner Rogers

**Absent:** 1 - Commissioner Roberts

**Recuse:** 1 - Vice Chair Andreis

**5. CONDUCT OF BUSINESS**

**5A. [20-641](#)** Receive Report from Mill Site Land Use Map Ad Hoc Committee on Draft Mill Site Land Use Map

Vice Chair Andreis returned to the meeting at 6:17 PM.

Councilmember Morsell-Haye and Chair Logan presented the Mill Site Land Use Map ad hoc committee's report on this agenda item.

Public Comment was received from:

- Leslie Kashiwada of the Fort Bragg Headlands Consortium thanked the ad hoc committee for seeking their group's input, and said it was important to have the green belt follow the contour of the coast.
- Gabriel Quinn Maroney expressed appreciation for the work that was put into the map, and said a more open process that included input from others who may be considered stakeholders should have been undertaken.
- Robert Pinoli of Mendocino Railway thanked the Planning Commission and City Council for working with stakeholders, saying the meetings were very helpful.
- Amy Wynn of Coastal Planning and Biology noted that the map is a good illustration of how everybody's missions can come together.
- Jenny Shattuck spoke in support of the map.

Now that the zoning map has been presented to the Planning Commission, the ad hoc committee will next present it to the City Council.

**This Report was referred to the ad hoc committee for presentation to City Council.**

**5B. [20-633](#)** Zoning Ordinance Interpretation for Extension of Non-Conforming Use at 225 N Main Street

Chair Logan continued this matter to the meeting of March 11, 2020.

**6. MATTERS FROM CHAIR/COMMISSIONERS/STAFF**

Senior Planner Perkins reported that Community Development is working on a list of projects they are tracking and will present a status report to the Planning Commission soon.

**ADJOURNMENT**

Chair Logan adjourned the meeting at 7:04 PM.

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Jeremy Logan, Chair

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June Lemos, CMC, City Clerk

IMAGED (\_\_\_\_\_)