



City of Fort Bragg

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Meeting Minutes - Draft Planning Commission

Wednesday, November 12, 2014

6:00 PM

C.V. Starr Community Center,
300 S. Lincoln Street

MEETING CALLED TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 5 - Chair Derek Hoyle, Commissioner Mark Hannon, Commissioner Stan Miklose, Vice Chair Teresa Rodriguez, and Commissioner Sage Statham

APPROVAL OF MINUTES

Approval of Minutes of October 22, 2014

Chair Hoyle wanted to clarify a statement in the minutes. Regarding the LED signs, he meant to state that it would be unlikely that Coastal Commission regulations would change before the applicant's permit came up for review again.

A motion was made by Commissioner Statham, seconded by Commissioner Miklose, that the Minutes be approved as amended. The motion carried by the following vote:

Aye: 5 - Chair Hoyle, Commissioner Hannon, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Statham

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Lloyd Sinclair, coach of the Fort Bragg varsity soccer team, spoke about ongoing issues with the playing field at the high school and lack of a place for kids to play in the off season. Community Development Director Jones said the City Council had approved a consent calendar item of \$130,000 of grant monies that will look into improving the fields and the possibility of building a gym at the C.V. Starr Community Center. She suggested that Mr. Sinclair stop by the Community Development Department at City Hall if he wanted to have a dialogue about this matter.

A. PUBLIC HEARINGS

None.

B. CONDUCT OF BUSINESS

1. Receive Report and Consider a Resolution for Denial of Use Permit 10-14 (USP 10-14) to Authorize the Operation of a Bed and Breakfast in a Residential Unit in the Back of the Union Lumber Company Store

Community Development Director Jones explained that the delay in bringing this matter back before the Planning Commission after the August 27 hearing was due to the applicant's unavailability to attend the meetings and because the applicant wanted to consider other options and alternative ways to present the project to the Planning Commission. Jones gave the history of the project, said that staff had recommended approval at the August 27 hearing, and that the Commissioners had directed her to bring back findings for denial of the use permit based on inconsistencies with the Coastal Land Use and Development Code and a number of other factors. Commissioner Miklose asked for clarification regarding the paragraph in the Resolution that concerned the California Environmental Quality Act (CEQA). Jones responded that because the resolution is for denial, there is a different CEQA exemption than the one that applied to the original use permit, as CEQA does not apply to projects which a public agency rejects or disapproves.

Applicant David Figueiredo spoke, giving his history with the area and background on the Company Store purchase. He said the building's maintenance is expensive and the vacation rental helps to defray the costs in a difficult economy. The applicant requested a refund of the planning fees based on staff's advice that he would not need to be present at the hearing and that approval was a "slam dunk."

Director Jones clarified that she did not encourage the applicants not to attend the meeting, but when they informed her they could not be present for the August 27 hearing, she told them she thought that would be fine. She also said that she told applicants that in the last eight years, there had only been five denials of applications and the Planning Commission had just approved a bed and breakfast project on Franklin Street. Jones said the applicant could request a refund of the fees and she will present it to the City Manager for a decision.

The subject of vacation rentals in Fort Bragg was discussed, along with the history of why City Council felt that vacation rentals in residential districts should not be allowed. Jones invited applicants to bring the matter up at a Community Development Committee meeting to request that City Council reconsider allowing vacation rentals in Fort Bragg. Commissioner Statham spoke about the lack of rentals available to residents of Fort Bragg and that vacation rentals make the rental situation in the City even more difficult for locals.

Terry Vaughn of Mendocino TV spoke in support of applicant's project, saying that he has a business in the Company Store and there is no issue with noise or nuisance associated with the vacation rental. He asked whether the Commission could consider a variance to allow applicants to use this portion of the Company Store as a vacation rental. Jones explained that variances are sometimes granted to allow an applicant to vary from setback and height requirements, but cannot be used to allow a use that is not permitted by the Fort Bragg Municipal Code.

Commissioner Hannon expressed his regret that he had missed the hearing of August 27, as there were some issues he wished he had better understood. He said he is opposed to adopting a resolution denying the use. The Commissioners talked about airbnb.com, "professional" renters such as doctors vs. "vacation" renters, and collection of Transient Occupancy Tax on vacation rentals.

Chair Hoyle stated that applicant had been operating the vacation rental out of the Company Store without benefit of a permit. Commissioner Rodriguez stated her reason for denying the use permit was because of the illegality of the operation.

A motion was made by Commissioner Statham, seconded by Commissioner Miklose, that this Planning Resolution be adopted. The motion carried by the following vote:

Aye: 4 - Chair Hoyle, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Statham

No: 1 - Commissioner Hannon

MATTERS FROM CHAIR/COMMISSION/STAFF

Chair Hoyle stated that the Commissioners will be discussing updates to the bylaws at the next Planning Commission meeting.

ADJOURNMENT

Chair Hoyle adjourned the meeting at 6:45 PM.