



City of Fort Bragg

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Meeting Minutes Planning Commission

Wednesday, September 28, 2016

6:00 PM

Town Hall, 363 N.Main 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 Heidi Kraut

1. APPROVAL OF MINUTES

1A. Approve Minutes of August 24, 2016

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

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

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

3. PUBLIC HEARINGS

3A. Receive Report, Conduct Public Hearing and Consider Variance 1-16 (VAR 1-16) to Reduce Front Setback Requirements to Construct Covered Entry on an Existing Single-Family Residence at 250 E. Chestnut Street

Associate Planner Perkins presented the Variance report to permit the construction of a covered entryway in the front setback, 8 feet from the property line, on an existing non-conforming single family residence where 20 feet is required and 12 feet currently exists. During the discussion Commissioners noted another possible entryway option would be through the garage. However, they generally favored the proposed front door placement as the most appropriate solution.

Chair Hoyle opened the Public Hearing at: 6:08 PM.

No comments received.

Chair Hoyle closed the Public Hearing at 6:08 PM.

A motion was made by Commissioner Kraut, seconded by Commissioner Miklose, that this Variance (VAR 1-16) 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 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 vehicles (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. For the purposes of the environmental determination, this project is exempt from CEQA under Section 15303—conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure—in accordance with the California Environmental Quality Act (CEQA).

VARIANCE FINDINGS FOR APPROVAL

1. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of the Inland Land Use and Development Code (ILUDC) deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district.
2. The approval of the Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district.
3. The Variance is consistent with the General Plan and any applicable specific plan.

SPECIAL CONDITIONS

1. Prior to occupancy the applicant shall remove the entrance to the home located on the eastern side of the house.

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 Inland Land Use & Development Code (ILUDC) Chapter 17.92 - 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).

The motion carried by the following vote:

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

4. CONDUCT OF BUSINESS

None.

5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

Community Development Director Jones announced the agenda for the upcoming Planning Commission of October 12, 2016, includes two Coastal Developments Permits; 1. Welcome Sign Replacement and 2. Waste Water Treatment Facility Upgrades.

Associate Planner Perkins expressed his appreciation to the applicant for mitigating the previous existing nuisance conditions from the property.

ADJOURNMENT

Chair Hoyle adjourned the meeting at 6:10 PM.

DEREK HOYLE, Chair

Chantell O'Neal, Administrative Assistant

IMAGED (_____)