



City of Fort Bragg

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Meeting Minutes Planning Commission

Wednesday, April 26, 2017

6:00 PM

Town Hall, 363 N.Main Street

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 4 - Vice Chair Teresa Rodriguez, Commissioner Curtis Bruchler, Commissioner Nancy Swithenbank, and Commissioner Mark Hannon
Absent 1 - Commissioner Stan Miklose

1. APPROVAL OF MINUTES

1A. [17-233](#) Approve Minutes of March 22, 2017

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

Aye: 4 - Vice Chair Rodriguez, Commissioner Bruchler, Commissioner Swithenbank and Commissioner Hannon

Absent: 1 - Commissioner Miklose

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

3. PUBLIC HEARINGS

3A. [17-209](#) Receive Report, Hold Public Hearing and Adopt Resolution Recommending City Council Adopt Amendments to Title 18 of the Municipal Code (the Inland Land Use and Development Code) and Certify the ILUDC Negative Declaration

Associate Planner Perkins gave brief background of current Inland Land Use and Development Code (ILUDC) update, stating the purpose of regular updates is to ensure the ILUDC conforms to California State Law, to address specific policy direction of Community and Council, and to clarify any errors or inconsistencies.

Perkins addressed unanswered questions brought up by Commissioners at last meeting, and then went through each chapter to define major changes and to answer questions. Significant time was spent discussing the following Articles and Topics:

- Article 2: Regarding current and proposed changes to zoning of Emergency Shelters, permitting residences in Commercial zones, Vacation Rentals, and creating an independent Brewery and Restaurant.
- Article 3: Regarding landscape standards, specifically the removal of a minimum standard

of trees in parking areas.

- Article 4: Major changes involved in Accessory Retail and Business Uses, allowing Home Occupations in Commercial Zoning, Accessory Dwelling Units, and Vacation Rentals.
- Article 7: Increased discretion for Administrative Review.
- Article 10: Many of the changes involving the definitions in this article are incidental and clean-up. Major change involves definition of Brewery/Restaurant. Swithenbank requested

Perkins responded to questions brought forth by Commissioner Swithenbank regarding regulatory fees in regards to Cannabis Manufacturing, changes to permit Emergency's Shelters in the Office Commercial District and questions regarding removing minimum number of trees in parking lots.

Swithenbank made a motion to add a "WHEREAS, the Planning Commission considered whether or not Emergency Shelters should be allowed as a permitted use in the Office Commercial district but did not come to a conclusion, the Planning Commission does recommend that City Council deliberate and further consider this proposed change to the ILUDC."

Public Comment:

Pamela Morris - Spoke against Vacation Rentals in the Central Business District. Letters drafted by Morris given to Planning Commissioners on March 22, 2017 and April 26, 2017. See Agendas for details.

A motion was made by Commissioner Hannon, seconded by Commissioner Swithenbank, that these Planning Staff Report be approved as amended. The motion carried by the following vote:

Aye: 4 - Vice Chair Rodriguez, Commissioner Bruchler, Commissioner Swithenbank and Commissioner Hannon

Absent: 1 - Commissioner Miklose

4. CONDUCT OF BUSINESS

- 4A. [17-152](#)** General Discussion about General Plan and Land Use and Development Code Regulations and CEQA.

Director Jones recommended moving Item 4A. General Discussion about General Plan, Land Use and Development Code Regulations and CEQA to future meeting with a smaller agenda and more time to discuss the topic. Commissioners concurred and item will be moved to next meeting.

A motion was made by Vice Chair Rodriguez, seconded by Commissioner Hannon, that this Planning Staff Report be continued. The motion carried by a unanimous vote.

- 4B. [17-230](#)** Receive Report and Consider Design Review Permit DR 2-17 for the Removal Of Existing Redwood Siding, Installation of Hardiplank Lap Siding and Exterior Painting of an Existing Building

Planning Technician McCormick presented staff report regarding a Design Review Permit to remove wood siding and installation of HardiPlank siding with new paint and new windows at property located at 325 E Redwood Avenue. McCormick presented the historical timeline of the building, distinguishing the important architectural elements as they pertain to the Citywide Design Guidelines and offered four special condition recommendations.

Commissioners asked questions regarding the proposed project and Staff recommendations, then moved to approve the project with the following Special Conditions:

1. The existing cornice detail along the roofline must be retained. If replacement is necessary, the cornice detail must be replaced in-kind, per the approval of the Community Development Director.
2. The Harrison Street Façade and the Redwood Avenue Façade shall be sided with the same building materials and painted to match.
3. Applicant must select an earth tone or historic color, per the approval of the Community Development Director.

A motion was made by Commissioner Bruchler, seconded by Commissioner Hannon, that these Planning Staff Report be approved subject to the following findings:

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;
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; and
4. For the purposes of environmental determination, the project is exempt from CEQA, pursuant to the California Environmental Quality Act (CEQA) per Statutory Exemption §15301 Existing Facilities, which exempts minor interior and exterior alterations.

DESIGN REVIEW FINDINGS

1. Subject to Special Conditions, the project complies with the purpose and requirements of ILUDC Section 18.71.050 Design Review;
2. The project provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
3. Subject to Special Conditions, the project 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. The project provides efficient and safe public access, circulation, and parking;
5. The project provides appropriate open space and landscaping, including the use of water efficient landscaping;
6. The project is consistent with the Inland General Plan, any applicable specific plan, and the ILUDC; and
7. Subject to Special Conditions, the project complies and is consistent with the Citywide Design Guidelines.

SPECIAL CONDITIONS

1. The existing cornice detail along the roofline must be retained. If replacement is necessary, the cornice detail must be replaced in-kind, per the approval of the Community Development Director.
2. The Harrison Street Façade and the Redwood Avenue Façade shall be sided with the same building materials and repainted to match.
3. Applicant must select an earth tone or historic color, per the approval of the Community Development Director.

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 installation, maintenance, operation, and removal of the existing storage tanks and structures as well as the installation, maintenance, and operation of the new storage tank from all agencies having jurisdiction over fuel storage tanks, including without limitation the Fort Bragg Fire District. This permit shall also be subject to full compliance with all city, county, state, and federal regulations regarding the installation, maintenance, operation, and removal of fuel storage tanks. 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.

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 17.76.070(B).

The motion carried by the following vote:

Aye: 4 - Vice Chair Rodriguez, Commissioner Bruchler, Commissioner Swithenbank and Commissioner Hannon

Absent: 1 - Commissioner Miklose

5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

ADJOURNMENT

Chair Rodriguez adjourned the meeting at 7:58 p.m.

TERESA RODRIGUEZ, Chair

Sarah Million McCormick, Planning Technician

IMAGED (_____)