



City of Fort Bragg

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Meeting Minutes Planning Commission

Wednesday, July 8, 2015

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. [15-250](#) Approve Minutes of June 24, 2015

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

Aye: 4 - Chair Hoyle, Commissioner Hannon, Commissioner Miklose and Commissioner Kraut

Absent: 1 - Vice Chair Rodriguez

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

3. PUBLIC HEARINGS

3A. [15-233](#) Receive Report, Conduct Public Hearing, and Consider Approval of Coastal Development Permit 5-15 (CDP 5-15); Coastal Development Permit to Construct a New Single Family Dwelling with Detached Garage at 110 Snug Harbor Place

Community Development Director Jones summarized the staff report regarding this project to build a single family residence of 1,185 square feet and detached garage, saying that it is consistent with the Coastal General Plan and the Coastal Land Use and Development Code. Jones noted a correction to the staff report at page 5; removal of solid waste by self-haul is not permitted.

Regarding the landscaping requirements of Special Condition 3, Commissioner Kraut asked if these conditions run with the land if the property is sold. She wanted to know what enforcement measures would be taken if a new owner planted a tree that was not drought tolerant as called for in Special Condition 3. Jones responded that the conditions are not recorded on the deed.

Vice Chair Rodriguez arrived at 6:07 PM.

Commissioner Miklose inquired if the garage would be converted to a second unit and whether or not it would be rented. Jones referred the commissioner to the applicant for the answers to those questions.

Chair Hoyle opened the public hearing at 6:08 PM.

Applicant Tom Varga, speaking on his own behalf as a resident of Fort Bragg and not the Director of Public Works of the City of Fort Bragg, stated that the single family dwelling will be his and his wife's primary residence. In response to a question from Commissioner Kraut regarding a second unit on the property, Varga said that the parcel is large enough that a second unit could be added at the back of the property and that the garage will be sturdy enough to have a second unit built over the top of it. The garage itself will not be converted, as it will contain the two required parking spaces for the residence.

Chair Hoyle closed the public hearing at 6:10 PM.

A motion was made by Chair Hoyle, seconded by Commissioner Kraut, that Coastal Development Permit 5-15 (CDP 5-15) be approved, subject to the following findings and conditions:

GENERAL FINDINGS

1. The proposed project is consistent with the purpose and intent of the Medium Density Residential Zoning District, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code, 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 the environmental determination, the project has been found to be exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303(a), one single family residence in a residential zone.

COASTAL DEVELOPMENT PERMIT FINDINGS

1. The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources;
2. The project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);
3. The proposed use is consistent with the purposes of the zone in which the site is located;

4. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
5. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity;
6. Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development;
7. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site, or other reasons;
8. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards due to required project modifications, landscaping, or other conditions;
9. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity; and
10. The resource as identified will not be significantly degraded by the proposed development.

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 Coastal Land Use and Development Code 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 Coastal Land Use and Development Code.
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. 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.
7. 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 CLUDC Subsection 17.76.070(B).

SPECIAL CONDITIONS

1. Consistent with the Declaration of Covenants, Conditions, and Restrictions (CCR's) recorded for the subdivision, the property owner shall construct a second single family dwelling unit on the parcel in the future. This dwelling unit shall comply with all requirements of the City's Coastal General Plan, Coastal Land Use and Development Code, and the recorded CCR's.
2. The onsite storm water management system shall maintain post-development peak runoff rate and average volume at levels that are similar to pre-development levels. This includes the construction of an infiltration swale consistent with the requirements of the approved subdivision, designed by a licensed civil engineer, and taking into account the specific project and the maximum permissible lot coverage for the development. All storm water management and erosion control shall comply with the requirements Title 17 of the City of Fort Bragg Coastal Land Use and Development Code.
3. All plantings shall consist of drought tolerant plant species native to northern California coastal habitats and shall be obtained from local genetic stocks. The installation of any irrigation systems shall utilize water efficient drip or microspray irrigation systems. Lawns shall not be installed.
4. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: a) cease and desist from all further excavation and disturbances within 25 feet of the discovery; b) notify the Fort Bragg Community Development Department within 24 hours of the discovery; and c) retain a professional archaeologist to determine appropriate actions in consultation with stakeholders.
5. All exterior lighting shall utilize energy-efficient fixtures that shall be shielded or recessed and directed downward and away from adjoining properties ensuring that the light source is not visible from off the site.

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

The agenda was re-ordered to accommodate a member of the public who had to drive to Eureka after the meeting.

4B. [15-253](#) Receive Report and Provide a Recommendation to City Council Regarding the Regulation of Vacation Rentals in Fort Bragg

Community Development Director Jones gave a report on short term vacation rentals. Jones enumerated the pros and cons concerning vacation rentals as described in the staff report and gave implementation time frames for revisions to relevant ordinances. She said that in 2003, City Council passed a resolution outlawing vacation rentals in the City of Fort Bragg. The Coastal Land Use and Development Code does not explicitly prohibit vacation rentals, but the Inland Land Use and Development Code adopted in 2013 does explicitly prohibit vacation rentals. Jones mentioned the possibility that the City Council could decide to revise the 2003 resolution to allow vacation rentals in the Coastal Zone, which would allow implementation to occur faster than the Local Coastal Plan amendment process noted in the staff report. Jones cautioned that this idea has not been discussed with the City Attorney yet, but it is an alternative approach that may allow vacation rentals in the Coastal Zone sooner.

Discussion: The following was noted during discussion of this item:

- In response to a question from Commissioner Kraut, Jones said that Use Permits remain with the property if ownership changes. A Vacation Rental permit holder could theoretically retain the permit

if he or she moved to a different property, but that person would still have to get a Use Permit at the new location.

- The number of permits allowed for vacation rentals was discussed, with most Commissioners agreeing that permits should be limited to 10 in the first year and then increase to 20 in the second year.
- Vice Chair Rodriguez was concerned that the presence of vacation rentals in Fort Bragg might have an impact on renters. Jones responded that there is a tight rental market in Fort Bragg right now, as not many rentals are available and rents are climbing. She noted that taking ten rental units off the market would not likely make much of an impact.
- Chair Hoyle thought applicants should not have to come before the Planning Commission for a Use Permit. A Minor Use Permit is less expensive and more expedient.

Public comment on this agenda item was received from: David Figueiredo and Adriane Nicolaisen. Comments included:

- Vacation rentals allow property owners to earn extra income.
- Home sharing allows low income property owners to make their monthly mortgage payments.

Discussion: The following was noted during continued discussion of this item:

- The Commissioners generally agreed that residential house sharing is a different issue from vacation rentals and needs to be given more thought and consideration. They requested that staff prepare a separate report discussing only home sharing at a later date.
- A majority of the Commissioners felt a Minor Use Permit rather than a Use Permit should be required for vacation rentals in the Central Business District.
- In addition to second and third floor vacation rentals, the Commissioners recommended that rear ground floor units be possible as well.
- Regulations should state that a permit will expire if the vacation rental is not used and if Transient Occupancy Tax (TOT) is not collected for more than six months.
- Permit holders would be obligated to report to the City every month stating number of rooms rented, rental rate, and total income received; 11% of the total is paid to the City as TOT. This tax is paid by the guest.

The Planning Commissioners directed staff to include the following recommendations to City Council regarding vacation rentals:

- Allow vacation rentals in the Central Business District (CBD).
- Require applicants to obtain a Minor Use Permit (MUP). Like all MUPs, vacation rental permits to transfer with property.
- Revoke MUP if three or more Code violations occur in a year.
- Allow vacation rentals on ground floor rear, second floor, and third floors in the CBD.
- Limit total number of vacation rentals in CBD to 10 units in the first year and 10 additional units in the second year.
- Permits to expire after a year of non-use.

Staff was directed to prepare a separate staff report on home sharing for a future Planning Commission meeting.

4A. [15-252](#)

Receive Report and Make Recommendation to City Council Regarding Mobile Vending Regulations

Community Development Director Jones gave a brief report on mobile vending, summarizing current regulations and itemizing recommendations from the Community Development Committee as outlined in her staff report.

Discussion: The Commissioners discussed mobile vending at length, including hours of operation, transferability of permits, adequacy of commercial kitchen capacity, curbside vending, mobile vending for employees at the hospital and other local businesses, vending space rental, vending zones, and permission from restaurants. Commissioner Kraut felt strongly that rental fees should be charged and that vending should be allowed near parks.

Public comment on this agenda item:

- Lynda Davis supports allowing food trucks because there are limited choices in Fort Bragg and mobile vendors allow more options for people with time constraints who do not have the time to sit down in a restaurant.
- Chair Hoyle read comments from Lisa Hannon into the record, stating that vendors should be far enough away from events such as the Farmers Market so that the food vendors at the event are given a fair chance to sell their foods without conflict of interest.
- Pilar Gray spoke on behalf of Fort Bragg Unified School District, advocating for a 1500-foot proximity restriction for mobile vendors from any schools in the district. Schools are nonprofit and struggle financially, so they rely on their nutrition programs for support and do not want the competition from vending trucks.

Discussion: Commissioner Kraut said mobile vendors belong in parks and visitors to the Coastal Trail would like to buy food when they are there. She does not believe having food available will increase damage to the trail or its furniture and that vendors can be required to pick up trash around their areas. She thinks having a concession amenity available in Fort Bragg will encourage more use of the parks. Kraut supports allowing trucks on private property and in parking lots at the hospital and downtown but does not want to see mobile vending on the streets. Commissioner Hannon is in favor of the CDC recommendations and supports the idea of a zone, but not in parks. He would like to limit vending to specific areas and suggests distance and permission for vendors operating near Farmers Market. Commissioner Miklose thinks bicycle rentals should be considered. Chair Hoyle thought it was unacceptable that vendors be required to obtain permission from local restaurants in order to operate. Vice Chair Rodriguez felt vending would be beneficial for Fort Bragg, especially for visitors from different cultures.

The Planning Commissioners directed staff to include the following recommendations to City Council regarding mobile vending:

- Limit number of vending permits to 6 for the first year and review after one year.
- Allow mobile vendors to operate for up to 10 hours per day.
- Allow mobile vending in parks (including the Coastal Trail) and in all commercial zoning districts.
- Allow mobile vendors to operate near restaurants without obtaining the restaurant's permission.
- Prohibit mobile vending within 1500 feet of schools.
- Prohibit mobile vending within 200 feet of special events (holders of Limited Term Permits).
- Allow mobile vending permits to be transferrable.
- Allow seating (tables and chairs) on sidewalk, depending on width, with encroachment permit.
- Require vendors to rent designated spaces on City property or at parks.
- Require vendors to pick up and dispose of trash.
- Allow food carts on sidewalks and bulbouts and next to Town Hall. City to develop standards for hand carts.

Staff was directed to investigate whether or not local commissaries have enough

capacity to serve six permits.

5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

None.

ADJOURNMENT

Chair Hoyle adjourned the meeting at 7:31 PM.

DEREK HOYLE, Chair

June Lemos, Administrative Assistant

IMAGED (_____)