



City of Fort Bragg

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Meeting Minutes Planning Commission

Thursday, November 12, 2015

6:00 PM

Town Hall, 363 N.Main Street

Special Meeting

MEETING CALLED TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 4 - Chair Derek Hoyle, Commissioner Mark Hannon, Commissioner Stan Miklose, and Commissioner Heidi Kraut
Absent 1 - Vice Chair Teresa Rodriguez

1. APPROVAL OF MINUTES

1A. Approve Minutes of September 23, 2015

A motion was made by Commissioner Kraut, seconded by Commissioner Miklose, that these 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

1B. Approve Minutes of Special Meeting of October 14, 2015

A motion was made by Chair Hoyle, seconded by Commissioner Kraut, that these 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. Receive Report and Consider Variance 2-15 for 210 N. Harold St.

Associate Planner Perkins presented the staff report; requesting a modification of the off street parking requirements for

the property located at 210 N. Harold St. in order to change the use of the abounded non-conforming commercial structure to a conforming residential use. This property is zoned low density residential. The commercial use was legally non-conforming. When non-conforming uses are abandoned for a period of twelve months or more the rights to the non-conforming status are terminated and future use must be consistent with the zoning code. The proposed residential use requires the implementation of two off street parking spaces. The applicant has indicated that the parcel cannot adequately accommodate the two additional spaces without altering the existing structures.

Chair Hoyle asked if the tenants in the rear have access off Alder street and whether there is an easement. Perkins responded that the property has the same owner and that access in question, is what once may have been an alley but it is not clear whether or not there is an easement.

Chair Hoyle opened the public hearing at 6:07 PM

Jeanette Colombi said she tries to create off street parking whenever possible to satisfy both her tenants and the City; there is just no way to include it for this residence.

Chair Hoyle closed the public hearing at 6:08 PM

Discussion: Commissioner Miklose asked if there are any assumptions we can make about the number of cars per household and if there are any restrictions that can be made for the size of the vehicles which are parked on the street. Is there any zoning limitation on tenants who bring their large delivery truck(s) home at night, can they park on the street. Planner Perkins said the only time we could limit this is when an occupant operates a home business and the business license explicitly states what can park on the property. Even with the inclusion of a 9' by 18' parking space, a large delivery truck would not fit in the off street parking space. Any parking issues that arise would be better addressed by the Parking Attendant. Director Jones added that this particular residence in question is a small house and this will limit the parking necessary to accommodate the variance.

A motion was made by Commissioner Kraut, seconded by Commissioner Miklose, that Variance 2-15 be approved, subject to the following findings and conditions:

GENERAL FINDINGS

1. The proposed project is consistent with the purpose and intent of the 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 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. 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.

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

Absent: 1 - Vice Chair Rodriguez

4. CONDUCT OF BUSINESS

5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

Director Jones announced the Ribbon Cutting Ceremony for the South Coastal Trail is scheduled for December 1, 2015 at 12:30 PM. Gates will open at 11:00 AM. Planner Perkins gave details about the Bainbridge Park Workshop which will be at Veteran's Hall on November 17, 2015 from 4:00 to 6:00 PM. The workshop will be an opportunity to get input from the public to aid in the creation of a Master Revitalization Plan for the park.

ADJOURNMENT

Chair Hoyle adjourned the meeting at 6:12 PM.

DEREK HOYLE, Chair

Chantell O'Neal, Administrative Assistant

IMAGED (_____)