



City of Fort Bragg

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Meeting Minutes Planning Commission

Wednesday, March 23, 2016

6:00 PM

Town Hall, 363 N.Main Street

MEETING CALLED TO ORDER

Chair Hoyle called the meeting to order at 6:01 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Absent 1 - Commissioner Stan Miklose

1. APPROVAL OF MINUTES

[16-047](#) Approve Minutes of February 10, 2016

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

Aye: 4 - Chair Hoyle, Commissioner Hannon, Vice Chair Rodriguez and Commissioner Kraut

Absent: 1 - Commissioner Miklose

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None

3. PUBLIC HEARINGS

[16-082](#) Receive Report, Conduct Public Hearing, and Consider Approval of Use Permit UP 4-16; Use Permit for a Large Family Day Care Home at 183 S. Lincoln Street

Associate Planner Perkins presented the staff report for a Large Family Daycare Use Permit located at 183 S Lincoln Street, this property is zoned low density residential (RL). Perkins explained that the applicant currently operates a small daycare facility which allows up to eight children, this large daycare license would increase the daycare home capacity to care for up to 14 Children. A Minor Use Permit for a Large Family Daycare is approved administratively by the department director; a formal request for a hearing was submitted to the Community Development Department which triggered this Minor Use Permit to become a Use Permit. Perkins explained that this situs conforms to all state criteria for Large Family Daycare homes (proximity to other daycare homes, adequate parking, outdoor recreation height, noise generation, building and fire codes, and state licensing requirements).

Chair Hoyle opened the public hearing at 6:09 PM.

1. Applicant Maria Jara explained she has been operating a daycare facility for 14 years. Jara currently cares for the children of three families with three children each; Jara is requesting a permit for a Large Daycare Facility in order to provide care to all nine children. Jara expressed the need for the larger facility to support increased capacity during school breaks and the summer months. Jara operates the facility from 7 AM to 5PM. Jara explained that she previously held a large license.

2. Bob Hubik spoke in opposition of the Large Family Daycare home citing noise as his primary concern and requesting information for recourse in the event of excessive noise.

Chair Hoyle closed the public hearing at 6:21 PM

Discussion: Commissioner Kraut asked the applicant about bus aged children, the addition of a staff member, and the location of Jara's previous Large License Daycare home. Commissioner Rodriguez inquired about the addition of new playground equipment. Chair Hoyle recommended the applicant remove the stack of fire wood from the front yard. Commissioner Kraut asked what the recourse would be in the event of a noise violation. Perkins recommended Code Enforcement as the first step toward enforcing noise ordinances during the day.

A motion was made by Commissioner Kraut, seconded by Vice Chair Rodriguez, that Use Permit 4-16 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;
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) 15301(l)(3) demolition and removal of existing facilities exemption and 15302(b) replacement of structures.

SPECIAL CONDITIONS

1. The property owner shall notify the Community Development Department prior to installing any outdoor recreation equipment over eight feet in height. At such time, the applicant shall submit for Community Development Department staff review a plot plan illustrating the equipment's distance from property lines to verify its consistency with ILUDC Section 18.42.060(C)(3). The Large Family Day Care Home shall operate only between the hours of 7:00 a.m. and 7:00 p.m.
2. Prior to issuance of a Use Permit for a Large Family Day Care Home, the applicant shall provide the Community Development Department with documentation verifying compliance with all State of California licensing requirements for a Large Family Day Care Home, including fire safety clearance by the local fire authority (Fort Bragg Fire Department).
3. At no time shall children attending the Large Family Day Care Home be off the property (183 S. Lincoln Street) without the full supervision of a caregiver, with the exception that children traveling to and from public transportation may proceed unaccompanied.

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 18.76.070(B).

The motion carried by the following vote:

Aye: 4 - Chair Hoyle, Commissioner Hannon, Vice Chair Rodriguez and Commissioner Kraut

Absent: 1 - Commissioner Miklose

4. CONDUCT OF BUSINESS

None

5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

None

ADJOURNMENT

Chair Hoyle adjourned the meeting at 6:23 PM.

DEREK HOYLE, Chair

Chantell O'Neal, Administrative Assistant

IMAGED (_____)