



City of Fort Bragg

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Meeting Minutes Planning Commission

Wednesday, August 9, 2017

6:00 PM

Town Hall, 363 N. Main Street

MEETING CALLED TO ORDER

Commissioner Hannon called the meeting to order at 6:01 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 4 - Commissioner Stan Miklose, Commissioner Curtis Bruchler, Commissioner Nancy Swithenbank, and Commissioner Mark Hannon

Absent 1 - Chair Teresa Rodriguez

1. APPROVAL OF MINUTES

1A. [17-421](#) Approve Minutes of July 26, 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 - Commissioner Miklose, Commissioner Bruchler, Commissioner Swithenbank and Commissioner Hannon

Absent: 1 - Chair Rodriguez

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

3. PUBLIC HEARINGS

3A. [17-409](#) Receive Report, Hold Public Hearing, and Consider Approval of Minor Use Permit 1-17 (MUP 1-17) Converting Two Residential Units to Vacation Rental Units at 400 N Main Street

Associate Planner Perkins presented the report for Minor Use Permit 1-17 (MUP 1-17) to allow two vacation rentals at 400 N Main Street. The applicant's proposal is consistent with the Inland Land Use and Development Code regarding Vacation Rentals. Commissioners asked questions of Staff and the Applicant regarding on-site management and parking. Staff recommended approval of MUP 1-17 including Special and Standard Conditions.

Commissioner Hannon opened the Public Hearing at 6:14 PM

Commissioner Hannon closed the Public Hearing at 6:16 PM

A motion was made by Commissioner Swithenbank and seconded by Commissioner Miklose to approve MUP 1-17 based on the findings and subject to the Special and Standard Conditions, below:

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. The project complies with Specific Use Regulations established for the project; and
5. For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under Section 15303 – conversion of existing structures to new uses.

USE PERMIT FINDINGS

1. The proposed use is consistent with the General Plan and any applicable specific plan;
2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
4. 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.
5. The proposed use complies with any findings required by Section 18.22.030 (Commercial District Land Uses and Permit Requirements).

SPECIAL CONDITIONS

1. Both proposed Vacation Rental Units contain one bedroom. Based on ILUDC Section 18.42.190(D)(2)(c), the maximum permitted overnight occupancy for each Vacation Rental Unit is three (3) persons, not including children under age 12. Any advertisement for the use of the Vacation Rental Units shall include the maximum permitted overnight occupancy in a clear manner such that potential

guests are aware of the limitation. Use of the Vacation Rental Units inconsistent with this Special Condition is a violation of this permit.

2. Both proposed Vacation Rental Units contain one bedroom. Based on ILUDC Section 17.42.190(D)(2)(d), the maximum number of vehicles for guests of each Vacation Rental Unit is one (1) vehicle. Any advertisement for the use of the Vacation Rental Units shall include the maximum permitted number of vehicles for guests in a clear manner such that potential guests are aware of the limitation. Use of the Vacation Rental Units inconsistent with this Special Condition is a violation of this permit.

3. Any advertisement for the use of the Vacation Rental Units shall include the applicant's business license number and Minor Use Permit number MUP 1-2017 in a clear manner.

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 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 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 ILUDC Subsection 18.76.070 (B).

The motion was carried by the following vote:

Aye: 4 - Commissioner Miklose, Commissioner Bruchler, Commissioner Swithenbank and Commissioner Hannon

Absent: 1 - Chair Rodriguez

4. CONDUCT OF BUSINESS

None.

5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

Community Development Director Jones announced the next regularly scheduled meeting of Planning Commission on Wednesday, August 23 will include three Public Hearings: 1) continuance of Coastal Development Permit 11-12/17 to demolish Dry Shed #4; 2) amendment to Coastal General Program LCP 1-17; and 3) Use Permit Modifications for Hospitality House USP 9-03/17. There being numerous Items on agenda, the Agenda Packet will be published earlier than usual on Monday, August 14, 2017.

ADJOURNMENT

MARK HANNON, Vice-Chair

Sarah Million McCormick
Community Development

IMAGED (_____)

Commissioner Hannon adjourned the meeting at 6:19 PM