



# City of Fort Bragg

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## Meeting Minutes Planning Commission

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Wednesday, December 13, 2017

6:00 PM

Town Hall, 363 N.Main Street

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### MEETING CALLED TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present** 5 - Commissioner Stan Miklose, Chair Teresa Rodriguez, Commissioner Curtis Bruchler, Commissioner Nancy Swithenbank, and Vice Chair Mark Hannon

### **1. APPROVAL OF MINUTES**

1A. [17-642](#) Approve Minutes of November 11, 2017

A motion was made by Commissioner Bruchler, seconded by Commissioner Swithenbank, that the Minutes from November 11, 2017 be approved.

### **2. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

None.

### **3. PUBLIC HEARINGS**

3A. [17-639](#) Receive Report, Hold Public Hearing, and Consider Minor Use Permit 5-17 to Construct an Accessory Dwelling Unit Above an Existing Garage at 208 Park Street

Commissioner Bruchler recused himself from meeting due to relationship with applicant.

Associate Planner Perkins summarized the process of a Minor Use Permit (MUP) and the five findings the Planning Commission must find in order to approve MUP 5-17. Commissioner asked clarifying questions with regards to design of proposed accessory dwelling unit (ADU), the appellant's letter, and details of the Inland Land Use and Development Code (ILUDC).

**Chair Rodriguez opened the Public Hearing at 6:29 PM**

#### **Public Comment:**

Dana Jess, applicant - stated desire to be a good neighbor and take concerns of neighborhood into design and decision making process of proposed second unit.

Dorothy Jess, applicant - spoke about character of neighborhood, importance to neighbors to increase property values, and asked that MUP 5-17 be approved.

**Chair Rodriguez closed the Public Hearing at 6:37 PM**

Without further deliberation, Vice-Chair Hannon made a motion, seconded by Commissioner Miklose, to adopt Resolution PC 5-2017 approving MUP 5-17 subject to the required and supplemental approval findings and subject to standard conditions and Special Condition 1.

**A motion was made by Vice Chair Hannon, seconded by Commissioner Miklose, to adopt Resolution PC 5-2017 approving MUP 5-17 subject to the required and supplemental approval findings and subject to standard conditions and Special Condition 1.**

**A. General Findings**

1. The foregoing recitals are true and correct and made a part of this Resolution;
2. The documents and other material constituting the record for these proceedings are located at the Community Development Department;
3. 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;
4. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
5. 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;
6. The project complies with Specific Use Regulations established for the project; and
7. 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.

**B. Minor Use Permit Findings**

1. The Project is consistent with the Inland Land Use and Development Code;
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, as conditioned;
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; and

5. The proposed use complies with any findings required by Section 18.22.030 (Commercial District Land Uses and Permit Requirements).

**C. Supplemental Findings**

1. The proposed second-story ADU will have similar or identical impacts with regard to traffic, density and noise as a single-story by-right ADU;
2. The height of the proposed ADU is consistent with the height of other buildings in the neighborhood; and
3. The approval of a second-story ADU is conditioned such that impacts to the privacy of neighbors are mitigated by removing and/or relocating windows on the ADU.

**A. 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 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).

**B. Special Conditions**

**1. An application for a Building Permit to construct the second-story ADU shall not include windows or balconies on the northern or southern elevations.**

**The motion carried by the following vote:**

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

**Recuse:** 1 - Commissioner Bruchler

**4. CONDUCT OF BUSINESS**

None.

**5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF**

Staff reminded Commissioners the next regularly scheduled meeting on December 27, 2017 will be CANCELLED and Planning Commission will reconvene on Wednesday, January 10, 2018.

**ADJOURNMENT**

**Chair Rodriguez adjourned the meeting at 6:44 PM**

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TERESA RODRIGUEZ, Chair

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Sarah Million McCormick, Planning Technician

IMAGED (\_\_\_\_\_)