



# City of Fort Bragg

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## Meeting Minutes Planning Commission

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Wednesday, June 13, 2018

6:00 PM

Town Hall, 363 N.Main Street

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### MEETING CALLED TO ORDER

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

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present** 4 - Commissioner Stan Miklose, Chair Teresa Rodriguez, Commissioner Curtis Bruchler, and Vice Chair Mark Hannon  
**Absent** 1 - Commissioner Nancy Swithenbank

### 1. APPROVAL OF MINUTES

1A. [18-232](#) Approve Minutes of May 9, 2018

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

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

**Absent:** 1 - Commissioner Swithenbank

1B. [18-233](#) Approve Minutes of May 23, 2018

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

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

**Absent:** 1 - Commissioner Swithenbank

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

None.

### 3. PUBLIC HEARINGS

3A. [18-201](#) Receive Report, Conduct a Public Hearing and Consider Use Permit 1-18 (USP 1-18) to Convert Vacant Storefront in Central Business District to Bar/Tavern Land Use

Assistant Planner McCormick presented the report for Use Permit 1-18. Commissioners asked clarifying questions regarding the special conditions. Community Development Director Jones explained the various options to the Commissioners.

**Chair Rodriguez opened the Public Hearing at 6:23 PM.**

- \* Andrea Luna- Opposed
- \* Bill Casalegno- Opposed
- \* Arleta Casalegno - Opposed
- \* Fred Andrews- In Favor
- \* Jenny Shattuck- In Favor
- \* Valerie Thornton - (Applicant) In Favor
- \* Billy Cecil- In Favor
- \* Lynn Black- In Favor
- \* Kyle Arnold- In Favor
- \* Aleena Armas- In Favor
- \* Ted Rabowitsh- Opposed
- \* Julia Parker- In Favor
- \* Eddie Martinez- In Favor
- \* Kirk Norton- Opposed
- \* Denise Kreienhop- In Favor
- \* Jamie Rezner- Opposed
- \* Caitlyn Hoagan- In Favor
- \* Veronica McIntyre- Opposed
- \* Steve Bazor- In Favor
- \* Ronda McCormick- Opposed
- \* Laura Shrouder- In Favor
- \* Jenny Oneal- Undecided, concerned for residents in the Central Business District
- \* Jacob Patterson- In Favor
- \* Aleena Armas- In Favor, states overflow parking can use her parking at Blaque Door

**Chair Rodriguez closed the Public Hearing at 6:58 PM.**

A motion was made by Vice Chair Hannon, seconded by Commissioner Miklose, that Use Permit 1-18 (USP 1-18) be approved with standard and special conditions solely modifying special condition 3. **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 CLUDC 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 CLUDC.
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 CLUDC Subsection 17.76.070 (B).

#### **SPECIAL CONDITIONS**

1. Prior to opening for business, the interior remodel will be complete. A building permit will be required to convert the retail (M occupancy) to an Assembly occupancy (A-2). This plan must be prepared, stamped and approved by a CA licensed design professional such as an Architect or Engineer. It is highly recommended that a CAS (Certified Access Specialist) be consulted for the Accessibility features required in the 2016 CBC chapter 11B, and incorporated into the overall complete plan. If the valuation of building permits meets or exceeds \$75,000 over a three-year period, the installation of sprinkling system is required per Fort Bragg Municipal Code Section 15.06.030.

2. Prior to installing a sign, a completed sign permit application shall be submitted to the Community Development Director for review and approval.

3. The project shall comply with the City's noise ordinance which requires "after 10:00pm no noise shall be created, cause to be created or maintained which cause annoyance or discomfort to a reasonable person of normal sensitivities, consistent with the noise requirements of Municipal Code Section 9.44" and documented by the Fort Bragg Police Department.

4. No amplified music is permitted in the outdoor patio, the outdoor patio shall be closed after 10:00pm, and the door to the outdoor patio shall remain closed (not locked) during all business hours.

5. The proposed Bar/Tavern business will prohibit patrons from loitering on Franklin Street on weekend days - Saturday and Sunday while the toy store is open – and during times when live music is performed. A sign shall be posted on the storefront that:

- informs patrons that loitering in front of bar and neighboring businesses is prohibited;
- informs patrons that smoking in front of bar and neighboring businesses is prohibited per FBMC Section 6.18.050; and
- in the case of unresponsive patrons and/or disorderly conduct, the bar manager is required to contact and cooperate with law enforcement to address the problem.

**6. Preferred delivery shall occur on-site from rear of property, without obstructing vehicular circulation through the alley. If loading/unloading from Franklin Street, deliveries should occur in the early morning hours, when parking is available. Vehicular circulation shall not be obstructed.**

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

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

**Absent:** 1 - Commissioner Swithenbank

**3B. [18-226](#)**

Receive Report, Conduct a Public Hearing, and Consider Approval of a Coastal Development Permit (CDP 5-18) for the Temporary Placement and Eventual Grading of Soils Associated with Construction of the Wastewater Treatment Facility

Special Projects Manager Perkins presented staff report prepared for the Commissioners. Commissioner Miklose had questions regarding the source of soils, mode of transportation of soils and a time line for project to be complete. Public Works Director Varga was present to respond to questions. Director Varga explained the source is from the site of the future Waste Water Treatment Facility, the soils will be transported via large trucks and the project will be completed within 18 months of approval.

**Chair Rodriguez opened the Public Hearing at 7:30 PM.**

Jacob Patterson submitted electronic files that he would like to be considered with review and states he is concerned with the dust and possible contaminants in said soil.

**Chair Rodriguez closed the Public Hearing at 7:38 PM.**

**A motion was made by Commissioner Miklose, seconded by Commissioner Bruchler, that Coastal Development Permit 5-18 (CDP 5-18) be approved as written, subject to the following findings and conditions:**

**GENERAL FINDINGS**

- 1. The proposed project is consistent with the purpose and intent of the Timber Resources Industrial 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 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. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details, and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.
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. The applicant shall implement Best Management Practices in accordance with the Construction General Permit and Stormwater Pollution Prevention Plan associated with the Wastewater Treatment Facility renovation (WWP-00010).

2. Appropriate notifications of spills, dust or sediment release, or release of potentially hazardous materials shall be made immediately in accordance with the approved SWPPP for the Wastewater Treatment Facility.

3. Construction reports and site inspections shall be conducted in accordance with the approved SWPPP for the Wastewater Treatment Facility.

4. All stockpiled soil shall be stabilized prior to submittal of a Notice of Termination with the Water Quality Control Board for the associated Construction General Permit.

5. 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 50 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 actions in consultation with stakeholders.

6. The soils placed to the North and East of the WWTF shall be graded and contoured immediately upon placement and shall be hydro seeded with a native seed mix, tachified and fertilized (based on soil chemistry) by October 30th as approved by the Community Development Director.

7. All soils placed within 200 feet of the multi-use trail shall be graded and contoured upon placement and shall be hydro-seeded with a native seed mix, with tachifier and fertilizer (based on soil chemistry), by October 30th as approved by the Community Development Director.

The motion carried by the following vote:

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

**Absent:** 1 - Commissioner Swithenbank

## **4. CONDUCT OF BUSINESS**

### **4A. [18-206](#)**

Receive Report and Consider Adoption of Resolution Determining that the Proposed FY 2018/19 Multi-Year Capital Improvement Program and FY

2018/19 Capital Projects Budget are Consistent with the City of Fort Bragg  
Inland General Plan and Coastal General Plan

Community Development Director Jones gave the staff report on this item.

Public Comment: None.

The Commissioners briefly discussed the matter and unanimously decided to adopt the resolution.

**A motion was made by Commissioner Bruchler, seconded by Vice Chair Hannon, that this Planning Resolution be adopted. The motion carried by the following vote:**

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

**Absent:** 1 - Commissioner Swithenbank

Enactment No: RES PC04-2018

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

Assistant Planner McCormick announced he City is currently conducting an online Street Safety Survey and encouraged Commissioners to participate and share the survey. Administrative Assistant Gonzalez reminded Commissioners that they are in receipt of an email requesting a special Joint City Council & Planning Commission meeting on July 18, 2018 regarding The Mill Site Rezone Process.

## **ADJOURNMENT**

**Chair Rodriguez adjourned the meeting at 7:52 PM.**

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TERESA RODRIGUEZ, Chair

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Joanna Gonzalez, Administrative Assistant

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