



# City of Fort Bragg

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## Meeting Minutes Planning Commission

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Wednesday, August 23, 2017

6:00 PM

Town Hall, 363 N.Main Street

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### MEETING CALLED TO ORDER

Vice Chair Hannon opened the meeting at 6:00 PM.

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

### 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. [17-437](#) Approve Minutes of August 9, 2017

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

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

**Absent:** 1 - Chair Rodriguez

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

### 3. CONDUCT OF BUSINESS

3A. [17-436](#) Receive Report and Consider Certification of the Addendum to Mitigated Negative Declaration for Georgia Pacific Mill Site Demolition Project and Approval of Coastal Development Permit 11-12/17 for the Demolition of Dry Shed 4 Based on the Findings and Subject to Special and Standard Conditions

On June 28, 2017 the Planning Commission held a public hearing regarding the demolition of Dry Shed 4. At that meeting the Planning Commissioner directed Staff to write a report focused on findings for denial of CDP 11-12/17 for the demolition of Dry Shed 4, and to bring the matter back to the Planning Commission for a decision. Director Jones presented this revised report, which concluded that findings for denial could not be made at this time, however if City Council were to designate Dry Shed 4 as a Historical Landmark District, then findings for denial would be possible.

Public Comment was received from the following:

Rex Gressett - spoke in favor of preserving Dry Shed #4 and supports reuse.

Anne Marie Weibel - concerned about lead based paint and holes, but supports it being deemed a historic resource.

Ann Rennacker - spoke in favor of preserving Dry Shed 4 and supports reuse.

Dave Turner - spoke in favor of preserving Dry Shed 4 and bringing matter to City Council for discussion.

George Reinhart - spoke in favor of preserving Dry Shed 4 and encouraged community participation in Mill Site Planning.

Gabriel Quinn Maroney - spoke in a favor of preserving Dry Shed 4.

Dave Massengal - with Georgia Pacific, asked for Coastal Development Permit 11/12-17 to demolish Dry Shed 4 to be approved.

Commissioners asked staff to clarify issues of liability should the building cause damage to person/property and the process involved in obtaining an "emergency" demolition permit.

Commissioners also inquired about ramifications of allowing the City Council to weigh in on the subject and the timeline for designating the building as a historic landmark. After a brief discussion, a vote was taken to adopt a resolution to City Council recommending that the Dry Shed 4 be designated as a Historic Landmark District. No action on the permit was taken.

**A motion was made by Commissioner Swithenbank, seconded by Commissioner Hannon, that these Planning Staff Report be recommended to City Council to designate Dry Shed #4 as a Historical Landmark. The motion carried by the following vote:**

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

**Absent:** 1 - Chair Rodriguez

#### **4. PUBLIC HEARINGS**

**4A. [17-392](#)** Receive Report, Hold Public Hearing, and Consider Adoption of a Resolution Recommending City Council 1) Adopt Amendments to the Fort Bragg Coastal General Plan; 2) Coastal Zoning Map; and 3) Certify Negative Declaration for the Property at 100 East Ocean View Drive (LCP 1-17)

Associate Planner Perkins presented a staff report regarding the rezoning of a split-zoned parcel located at 100 E Ocean View Drive to Highway Visitor Commercial zoning(CH). The report identified that the project is consistent with the General Coastal Plan. This A Negative Declaration was completed for the project per CEQA and the analysis determined that the proposed amendment will not have a significant impact on the environment.

**Commissioner Hannon opened the Public Hearing at 7:23PM**

**Public Comment was received from the following:**

Sean Hogan - applicant discussed the predicament of this property with split zoning, which makes the entire parcel challenging and asked the Planning Commission to approve the single designation of CH zoning.

Anne Marie Weibel - spoke against rezoning to CH stating an abundance of empty commercial spaces and not enough residential.

Anne Rennaker - agrees this is bad zoning and these two parcels should be merged into one, but doesn't believe this parcel is appropriate for commercial zoning.

Julidine Baker - spoke against this parcel being zoned commercial due to a need for housing.

**Commissioner Hannon closed the Public Hearing at 7:36PM**

After a brief discussion, Commissioners made a motion to adopt the resolution recommending that City Council adopt the amendments to the City's LCP and certify the Negative Declaration based on the findings in the resolution and analysis of staff report.

**A motion was made by Commissioner Swithenbank, seconded by Commissioner Miklose, that these Planning Staff Report be approved. The motion carried by the following vote:**

**Aye:** 5 - Commissioner Miklose, Chair Rodriguez, Commissioner Bruchler, Commissioner Swithenbank and Vice Chair Hannon

- 4B. [17-427](#)** Receive Report, Open Public Hearing, Accept Public Comment and Adopt the Resolution of the Fort Bragg Planning Commission Making Findings Based on the Evidence Presented to Modify Existing Use Permit 9-03 (USP 9-03) to Include Additional and Revised Conditions to Address Nuisance Conditions and Ongoing Violations of Special and Standard Conditions of the Use Permit

The Planning Commission's legal representative, Attorney Robert Epstein, announced that City Staff and Mendocino Coast Hospitality Center had reached an agreement regarding Special Conditions in Use Permit Modification USP 9-03/17 for the Hospitality House located at 237 N McPherson Street. Epstein declared that both the City and Hospitality House would forego delivering individual reports and instead the meeting would focus on discussion of the agreed upon Special Conditions, which are as follows:

1. The total number of overnight guests at the emergency shelter shall not exceed 24. An increase in the number of overnight guests is not permitted unless a Minor Use Permit or Use Permit Amendment is applied for and obtained. If this provision is violated, operator shall pay a code violation fee, as determined by the City's Fee Schedule for each occurrence of violation.
2. The emergency shelter operator shall permit periodic inspections by City staff, which may be conducted without prior notification, to ensure that the limitation on the number of overnight guests is not exceeded.
3. Hospitality House shall serve all food on premises. Food shall not be prepared or served "to go" for clients to carry off-site.
4. Hospitality House shall provide at least two 50-gallon trash receptacles on site for clients to dispose of personal trash. Trash cans shall be emptied on a regular basis to ensure sufficient trash capacity.
5. Hospitality House shall provide a restroom facility for non-guest clients starting one hour before the breakfast meal program each day. (5b)
6. Hospitality House shall provide a location on Hospitality House premises for clients to gather and wait for the meal program to open. The gathering area shall be available to clients starting one hour before food service each day. The gathering area shall be monitored by Hospitality House staff.
7. Hospitality House shall monitor client behavior on and adjacent to the Hospitality House premises and shall report illegal behavior to the Police Department and cooperate with the Police Department to address client behavior that disturbs the peace. "Adjacent to" means the sidewalk directly in front of the Hospitality House property and the alley directly behind the

Hospitality House property. (7b)

8. Hospitality House shall establish rules of conduct for clients, aimed at curtailing behaviors that are unlawful and/or disturb the peace. Clients who violate the rules of conduct shall be denied service by Hospitality House in accordance with policies approved by the MCHC Board of Directors. The Hospitality House shall establish a "ban list" which identifies individuals who are temporarily and/or permanently banned from the Hospitality House property. The "ban list" shall be shared with the Police Department and the Police Department may recommend the addition of individuals who have been cited and/or arrested for illegal acts occurring in locations other than the Hospitality House premises. Depending upon the severity and frequency of repetition of the crime(s) committed, the Hospitality House shall abide by the "ban list." Closed loop surveillance cameras shall be installed in the interior and exterior public spaces of the Hospitality House. With regard to sharing video footage with the Police Department, MHCH and Hospitality House will comply with their obligations to their clients under state and federal privacy laws, including but not limited to HIPAA.

9. The Hospitality House rules of conduct shall prohibit drug use and drinking on Hospitality House property. Clients that violate these rules of conduct shall not be served meals and/or provided with a room for the evening. (9b)

10. The Hospitality House shall post signs on the front and back property entrances that prohibit drug use, drinking, intoxication and loitering. The signs shall also provide a phone number.

11. The Extreme Weather Shelter shall not be operated from the Hospitality House.

12. The Hospitality House shall be managed by a competent person who has both the requisite 20 hours of training and experience to successfully manage an emergency shelter. (12b)

13. The Hospitality House manager shall be responsible for oversight of all activities on the premises and shall work to minimize the negative impacts of the facility and its clients on the surrounding neighborhood.

14. The Hospitality House shall have a trained person on-site at all times when clients are present. (14a)

15. The Hospitality House Management shall cooperate with the Police Department and Police Officers when they respond to complaints and calls for service at the Hospitality House, or when undertaking investigations at the Hospitality House.

16. The Hospitality House shall not expand the hours of meal service. Meal service shall be limited to 20,000 meals per year (2017 use rate).

17. Other homeless services currently offered at the facility shall not be intensified or expanded, with the exception of shower and laundry. (17a)

18. The Hospitality House shall not offer new services that attract additional clients to the facility at other times of day or otherwise intensify the utilization of the facility, including but not limited to: counseling, educational services, mental health services, mail service, computer access, food pantry, etc.

Commissioners asked clarifying questions of City Staff, Attorney Epstein, Fort Bragg Police Officer Thomas O'Neal and Hospitality House Attorney, Pamela Cohen regarding the proposed "ban list," surveillance and security, the difference between beds and overnight guests, how drunk and disorderly clients are dealt with, how interns are trained, the number of violations recorded, how many business owners have written in opposition to the Hospitality House, expectation of clients throughout the day, current and projected operating budget and similar questions before opening Public Hearing.

**Commissioner Hannon opened the public hearing at 9:12 PM.**

Public Comment was received from the following:

Sue Gibson - spoke in favor of the meal program.

Jim Hooper - pleased to see complaints addressed and supports proposed modifications.

Jody Johnston - stated HUD and county requirements have been met by this agency and supports special conditions.

Jackie Bazor (letter read) - regarding harassment encountered by homeless in and around the Hospitality Center.

Mara Thomas, with Art Explorers - Stated that Art Explorers clientele have had no issues regarding Hospitality House located ½ block away.

Sage Wolf, with Redwood Community Services - Supportive of dialogue and cooperation between the City and Hospitality House.

Rex Gressett - spoke against Hospitality Center/House and requested the permit be revoked.

Jim Moorehead - supports Hospitality House and use permit modification as written.

Robert Schlosser - architect involved with Hospitality House and spoke in support of Hospitality House.

Susan Holly - spoke of importance to help homeless in Fort Bragg, on the coast and in the county. Richard Johnson - property owner in close proximity of Hospitality House asserted the nuisance conditions are real issues that need to be addressed.

Carol White - urged Planning Commissioners to adopt the resolution as written.

Anne Marie Cesario (letter read) - Spoke against Hospitality House and asked for permit at the current site to be revoked, allowing one year to find a different location.

Bill Baker - neighbor of Hospitality House and volunteer cook believes there should not be a limit on number of meals served.

Tim Schrader with Redwood Community Services - spoke in support of Hospitality House and approves the use permit modification as written.

Q B Anthony - spoke from the stand point of an unhoused person and complexities of homeless issues.

Marissa Colombi - supports Hospitality House to scale back and become a small family

Dawn Ferrara - expressed that Hospitality House is in an inappropriate location and has poor management.

Lynelle Johnson - stated that Hospitality Center is the only organization offering homeless services on the coast, acknowledged need for improvement and better communication with neighbors, and announced there is a new full-time manager, Lara Anderson.

Jim Brett - described two additional special conditions to consider: 1) random drug testing of employees 2) only serve meals to clients living at Hospitality House.

Eric Dwyer - stated that a bathroom should be available throughout the day and children should not be included in count of overnight guests.

Lara Anderson - voiced that community concerns are real and made a commitment to the community, staff and clients to successfully manage Hospitality House. Shelia Tracy - spoke in support of Lara Anderson's ability to manage Hospitality House and requested City address the current lack of housing.

Ronald Britt - acknowledged the difficulty of decision and appreciates the Commissioners effort and consideration.

Ann Rennacker - Believes access to necessities like shower, toilet and food should be offered without restrictions on amount permitted.

Sergio Serrano - supports the community to provide necessities to those in need.

John Morris - spoke against the special condition regarding a "ban list" and wants to support Hospitality House to continue to do their work.

Lisa Synder - encouraged that decisive language and negative stereotypes regarding homeless change and conversation centers around people.

**Commissioner Hannon closed the public hearing at 10:25 PM.**

Discussion continued between Planning Commission, Staff and legal representatives Epstein and Cohen. Commissioner Miklose expressed interest in allowing Hospitality House to offer increased use of laundry and shower facilities and Commissioner Swithenbank expressed concerns with adopting a resolution that Commissioners were not given adequate time to review in advance of the meeting.

Swithenbank made a motion for a continuance based on this fact, which was seconded by Commissioner Bruchler, but opposed by majority. Meeting continued with a motion by Commissioner Hannon, seconded by Commissioner Miklose, to adopt the Resolution of the Fort Bragg Planning Commission as agreed upon between the City and Hospitality House with the additional condition that increased laundry facilities be permitted to Special Condition #17. The motion was carried by a unanimous vote. However, confusion among Commissioners as to what motion was being presented led the Commissioner Hannon to restate the motion, seconded by Miklose.

**A motion was made by Commissioner Hannon, seconded by Commissioner Miklose, to adopt the Resolution of the Fort Bragg Planning Commission as agreed upon between the City of Fort Bragg and Hospitality House subject to the following conditions:**

**STANDARD CONDITIONS**

**The Standard Conditions of USP 9-03 shall be deleted and replaced with the following 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 and Development Code (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 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.**

**The Special Conditions of USP 9-03 shall be deleted and replaced with the following Special Conditions:**

- 1. The total number of overnight guests at the emergency shelter shall not exceed 24. An increase in the number of overnight guests is not permitted unless**

a Minor use Permit or Use Permit Amendment is applied for and obtained. If this provision is violated, operator shall pay a code violation fee, as determined by the City's Fee Schedule for each occurrence of violation.

2. The emergency shelter operator shall permit periodic inspections by City staff, which may be conducted without prior notification, to ensure that the limitation on the number of overnight guests is not exceeded.

3. Hospitality House shall serve all food on premises. Food shall not be prepared or served "to go" for clients to carry off-site.

4. Hospitality House shall provide at least two 50-gallon trash receptacles on site for clients to dispose of personal trash. Trash cans shall be emptied on a regular basis to ensure sufficient trash capacity.

5. Hospitality House shall provide a restroom facility for non-guest clients starting one hour before the breakfast meal program each day.

6. Hospitality House shall provide a location on Hospitality House premises for clients to gather and wait for the meal program to open. The gathering area shall be available to clients starting one hour before food service each day. The gathering area shall be monitored by Hospitality House staff.

7. Hospitality House shall monitor client behavior on and adjacent to the Hospitality House premises and shall report illegal behavior to the Police Department and cooperate with the Police Department to address client behavior that disturbs the peace. "Adjacent to" means the sidewalk directly in front of the Hospitality House property and the alley directly behind the Hospitality House property.

8. Hospitality House shall establish rules of conduct for clients, aimed at curtailing behaviors that are unlawful and/or disturb the peace. Clients who violate the rules of conduct shall be denied service by Hospitality House in accordance with policies approved by the MCHC Board of Directors. The Hospitality House shall establish a "ban list" which identifies individuals who are temporarily and/or permanently banned from the Hospitality House property. The "ban list" shall be shared with the Police Department and the Police Department may recommend the addition of individuals who have been cited and/or arrested for illegal acts occurring in locations other than the Hospitality House premises. The Hospitality House shall abide by the "ban list." Closed loop surveillance cameras shall be installed in the interior and exterior public spaces of the Hospitality House. With regard to sharing video footage with the Police Department, MHCH and Hospitality House will comply with their obligations to their clients under state and federal privacy laws, including but not limited to HIPAA.

9. The Hospitality House rules of conduct shall prohibit drug use and drinking on Hospitality House property. Clients that violate these rules of conduct shall not be served meals and/or provided with a room for the evening.

10. The Hospitality House shall post signs on the front and back property entrances that prohibit drug use, drinking, intoxication and loitering. The signs shall also provide a phone number to reach a member of the Hospitality House staff during Hospitality House operating hours from 4:00 pm to 9:00 am.

11. The Extreme Weather Shelter shall not be operated from the Hospitality House.

12. The Hospitality House shall be managed by a competent person who has both the requisite training (at least 20 hours) and experience to successfully manage an emergency shelter.

13. The Hospitality House manager shall be responsible for oversight of all activities on the premises and shall work to minimize the negative impacts of the facility and its clients on the surrounding neighborhood.

14. The Hospitality House shall have a trained person on-site at all times when

clients are present.

15. The Hospitality House Management shall cooperate with the Police Department and Police Officers when they respond to complaints and calls for service at the Hospitality House, or when undertaking investigations at the Hospitality House.

16. The Hospitality House shall not expand the hours of meal service. Meal service shall be limited to 20,000 meals per year (2017 use rate).

17. Other homeless services currently offered at the facility shall not be intensified or expanded, with the exception of showers and laundry.

18. The Hospitality House shall not offer new services that attract additional clients to the facility at other times of day or otherwise intensify the utilization of the facility, including but not limited to: counseling, educational services, mental health services, mail service, computer access, food pantry, etc.

The motion carried by the following vote:

**Aye:** 3 - Commissioner Miklose, Chair Rodriguez and Vice Chair Hannon

**No:** 2 - Commissioner Bruchler and Commissioner Swithenbank

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

Director Jones announced two upcoming full day Mill Site Re-Use Workshops to happen at the C.V Starr Center on Saturday, September 16, 2017 and at Town Hall on Thursday, September 21, 2017. These workshops are open to all to drop-in ask questions and give input.

## **ADJOURNMENT**

Commissioner Hannon adjourned the meeting at 11:22 PM.

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MARK HANNON, Vice Chair

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Sarah Million McCormick, Planning Technician

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

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MARK HANNON, Vice Chair

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Sarah Million McCormick, Planning Technician



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