

The Planning Commission of the City of Fort Bragg met in regular session on the above date at 6:03 p.m., in the Fort Bragg Town Hall, 363 N. Main Street, Fort Bragg, and the following items were discussed in the order presented.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Chair Mark Hannon, Commissioners Scott Deitz, Becky Ellis, and Milt Kuhl.
Absent: Commissioner Georgia Lucas.
Staff Present: Marie Jones, Community Development Director; Virginia O'Rourke, Planner; and Nancy Philips, Administrative Secretary.

APPROVAL OF MINUTES

Moved by Kuhl, seconded by Ellis, to approve the May 13, 2009, minutes as written.

VOTE: Ayes: Commissioners Deitz, Ellis, Kuhl, and Chair Hannon.
Absent: Commissioner Lucas.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

PUBLIC HEARINGS

1. **RA 1-07/09, DIV 3-0/09, & DR 17-07/09; Habitat for Humanity (applicant/owner); Chuck Greenberg (agent); 446/450 South McPherson Street; APNs: 018-051-20/21; Amendment to existing approved application for Reversion to Acreage, Major Subdivision, and Design Review. Request to modify underlying tentative map from nine parcels (eight plus common parcel) to eight parcels, where common parcel is eliminated and a cross easement among all the eight parcels takes its place. No changes are proposed for approved site and building design.**

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Community Development Director Jones who noted that she was presenting the report in lieu of Planner Carterette as he was on vacation. Two attachments to the staff report were mislabeled, the site map and tentative map. The primary differences in this amendment and the original submittal are changing the number of lots from nine to eight, converting shared open space to private ownership, and eliminating Special Condition 15. The open space designated in the original application was rather small and configured in an awkward shape. The applicant was concerned that the open space would not be used and would fall into disrepair. There are no parks within a mile of the site, but there is a wide range of recreation nearby. Jones showed the Commission the site map from the original application which indicated the open space area was about 200 square feet. Requirements for Special Condition #15 have already been met so there is no need to include them in the permit amendment. The ninth lot was the parking and circulation area which would now be distributed over the remaining eight lots with cross easements to the shared parking space.

Chair Hannon opened the public hearing at 6:20 p.m.

- A. Chuck Greenberg, representing Habitat, said that the State Office of Real Estate required that homeowner association own the common parcel which in this case is the parking area. This would have meant that homeowners would have had to pay about \$200 a month into an impound account to cover parking area maintenance, meeting and accounting expenses, etc. By eliminating the ninth parcel and dividing the parking lot parcel among the eight remaining lots homeowner costs for the impound account were reduced to about \$20 a month. Each lot would

have deeded easements allowing the other property owners access to the parking area. At Habitat's Maple Street project, families did not use the open space area. Habitat considered expanding the common area on McPherson, but the code requires a consolidated trash bin that would result in the space not being functional. Habitat hopes to build one duplex a year at this site, but realistically it may take five to six years to complete at a cost of roughly \$100,000 per duplex.

Discussion:

- Commissioner Deitz noted that the closest park was not within a convenient walking distance and that a number of children would live at this site. He was not a Commissioner when the project was first approved but would like future projects to include open space to give kids somewhere to play.

Chair Hannon closed the public hearing at 6:34 p.m.

Moved by Deitz, seconded by Ellis, to approve RA 1-07/09, DIV 3-0/09, & DR 17-07/09 based on the following findings and subject to the conditions cited below:

GENERAL FINDINGS

1. **The proposed project is consistent with the purpose and intent of the Very High Density Residential (RVH) zoning district, as well as all other provisions of the General Plan, Land Use and Development Code and the Fort Bragg Municipal Code in general;**
2. **The project is consistent with Chapter 18.80 (Subdivisions) of the Land Use and Development Code;**
3. **The project is consistent with the Subdivision Map Act;**
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 multi-family projects pursuant to LUDC Section 18.42.120;**
7. **The project will provide affordable, for-sale housing for eight low income households;**
8. **Setbacks are provided on the site in compliance with LUDC Zoning Standards for the Very High Density Residential Zoning District and with incentives as provided in Section 18.31.030 (C)(1)(a) for qualified affordable housing; and**
9. **The requested reduction in the front yard setback will not be injurious to the public health or welfare, and**
10. **For the purposes of the environmental determination, the project is considered exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) the project has been found to be exempt from further environmental review pursuant to the CEQA Guidelines Section 15332 – Class 32 – In-Fill Development Projects.**

REVERSION TO ACREAGE FINDINGS

1. **Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and**

There are no dedications or offers to dedicate associated with this project.

2. All owners of an interest in the real property within the subdivision have consented to the reversion.
Habitat for Humanity of the Mendocino Coast, Inc. has consented to and applied for the application for this project.

DESIGN REVIEW FINDINGS

1. Complies with the purpose and requirements of this Section;
Staff has review the project and finds it consistent,
2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
The project is designed, massed and scaled in a manner appropriate to and compatible with the site surroundings and community.
3. Provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;;
The elements enumerated in the above finding are attractive and desirable.
4. Provides efficient and safe public access, circulation, and parking;
The project will provide efficient and safe public access, circulation and parking.
5. Provides appropriate open space and landscaping, including the use of water efficient landscaping;
The project provides substantial private open space beyond that required by the LUDC and landscaping that will be efficiently irrigated.
6. Is consistent with the General Plan, any applicable specific plan, and the certified Local Coastal Program if located in the Coastal Zone; and
The project has been found to be consistent with the General Plan.
7. Complies and is consistent with the City's Design Guidelines.
The project complies with and is consistent with the City's Design Guidelines

SPECIAL CONDITIONS

1. The applicant shall record with the Mendocino County Recorder the reversion to acreage in the form of a parcel map. The map recordation shall be performed prior to the submittal to the City of the Final Map for review.
2. The applicant shall submit a Final Map for review and approval to the City Engineer and Public Works Director for presentation to the City Council for review and approval. Upon approval by the City Council, the Final Map shall be recorded within twenty-four (24) months from the date of approval of the tentative map by the office of the County Recorder. Failure to do so will result in the expiration of the approved tentative map.
3. Prior to recordation of the Final Map, the applicant shall submit the Final Map to the City Engineer to ensure that the Final Map refers to all documents deemed necessary by the City Engineer to properly document locations of sewer, water, and drainage infrastructure, and private easements.
4. Prior to approval of the Final Map, the applicant shall submit a Declaration of Covenants, Conditions, and Restrictions (CC & R's), including a set of bylaws for the governing homeowners group, for the review and approval by staff in order to ensure conformance with the Inclusionary Housing Ordinance. When the Final Map is approved and recorded, the CC & R's shall be recorded by the office of the County Recorder against all parcels included in the subdivision.

5. Prior to issuance of the building permits, the developer shall submit a lighting plan to the Community Development Director for review and approval.
6. Prior to issuance of the building permit, the applicant shall submit a separate sheet depicting the landscaping plan, including irrigation details. Prior to final inspection of the project, the landscaping and irrigation system shall be installed.
7. Prior to approval of the Final Map, a comprehensive grading and drainage plan is required to be submitted to the City Engineer for review and approval. Drainage from proposed improvements must be directed off the property to the public right-of-way. Any drainage directed towards the street must be directed through sidewalk under-drains and not over the sidewalk surface. Plans for drainage improvements are required to be prepared by a licensed Civil Engineer. All improvements proposed in the public right of way shall be installed prior to approval of the Final Map.
8. Prior to approval of the Final Map, sidewalk pavement condition shall be evaluated and improved in accordance with requirements established by the City Engineer. Sidewalk pavement in poor condition shall be improved along the property frontage with McPherson Street as deemed necessary by the City Engineer prior to approval of the Final Map.
9. Prior to approval of the Final Map, the applicant shall install all improvements required by the Public Works Department to the satisfaction of the City Engineer, as follows:
 - a. All parking and sidewalk improvements shall be installed consistent with project phasing;
 - b. All utilities, water, sewer and drainage infrastructure shall be completed; and
 - c. Runoff from the property shall not be discharged across the sidewalk. Runoff from property shall be discharged into the public right of way.
10. Trellises on storage sheds facing street shall be incorporated into the project and landscaping plans prior to issuance of the building permits.

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 Land Use and Development Code 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 Land Use and Development Code.
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.

VOTE: Ayes: Commissioners Deitz, Ellis, Kuhl, and Chair Hannon.
Absent: Commissioner Lucas.

2. CDP 4-09; Joe P. Moura (applicant/owner); 400 South Street; APN: 018-210-28; Coastal Development Permit to authorize the development of an irrigation well to supplement current well water and City water for on-site landscaping irrigation. The approximately 130,610 sq ft parcel is developed with a senior housing apartment complex and common landscaped areas. The site is in the Coastal Zone.

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Planner O'Rourke who noted that the staff report cited the wrong California Environmental Quality Act exemption, which should be 15303 instead of 15194. The City has received complaints regarding water overflowing onto sidewalks at this site, and Mr. Moura is aware of the complaints. Responding to a question from the Commission, Community Development Director Jones produced the section of the Municipal Code that allows irrigation wells within City limits but prohibits wells for domestic consumption.

Chair Hannon opened the public hearing at 6:40 p.m.

- A. Joe Moura, applicant/owner, said that he installed a meter on his existing irrigation well to monitor monthly usage and determined that a new well would pay for itself within seven years. Since then the well output has decreased somewhat, and the meter no longer works. The City installed a secondary meter because he was not getting enough water. He uses City water in dry months. His staff has taken steps to reduce water usage such as switching from spray to drip sprinklers, however the sprinklers are sometimes blocked by debris which leads to runoff. He would like to replace landscaping and has consulted with professionals to identify shrubs that use less water and that seniors are less prone to trip over. He would like the new well to be located near the existing one as it would be less costly, but it depends on where they find water.

Chair Hannon closed the public hearing at 6:50 p.m.

Moved by Ellis, seconded by Kuhl, to approve CDP 4-09 based on the following findings and subject to the conditions cited below:

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. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;

4. The proposed use is consistent with the purposes of the zone in which the site is located;
5. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
6. 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;
7. 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;
8. 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;
9. 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;
10. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity;
11. The resource as identified will not be significantly degraded by the proposed development;
12. There is no feasible less environmentally damaging alternative;
13. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted; and
14. For purposes of the environmental determination, the project is considered exempt from further environmental review pursuant to Section 15194 of the California Environmental Quality Act (CEQA).

SPECIAL CONDITIONS

1. The applicant shall submit a site plan, indicating the final location of the well to be sited within the required setbacks, for approval by the Community Development Director prior to submission of the well permit application.
2. Per the Mendocino County Division of Environmental Health (DEH), the applicant must hire a licensed well driller to submit an acceptable well permit application to DEH.
3. The irrigation well must comply with the City of Fort Bragg backflow prevention requirements, which include the following:
 - a. A City of Fort Bragg Public Works site evaluation to ensure existing backflow prevention assemblies are installed as close to the point of service as practical.
 - b. After the proper point of protection is verified, all three existing double checks must be replaced with reduced pressure principle backflow prevention assemblies (RPs). Refer to the attached list of approved assemblies and design specifications for proper installation.
 - c. After installation, all assemblies must be tested by a CA-NV American Water Works Association (AWWA) certified tester using calibrated equipment. See the attached for specific requirements. Only the original City of Fort Bragg Test Report, also attached, will be accepted.

STANDARD CONDITIONS

1. This action shall become final on the 11th working day following the decision unless an appeal to the City Council is filed pursuant to Chapter 17.92.030. This action is appealable to the California Coastal Commission pursuant to Chapter 17.92.040.
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 certified LCP.
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 required permit applications shall be consistent with this approval.
5. The applicant shall secure all required building permits for the proposed project as required by the 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. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. This Coastal Development Permit approval shall lapse and become null and void two (2) years from the date of approval unless prior to the expiration of two (2) years, construction is commenced and diligently pursued towards completion or an extension is requested and obtained in accordance with CLUDC Section 17.76.070.

VOTE: Ayes: Commissioners Deitz, Ellis, Kuhl, and Chair Hannon.
Absent: Commissioner Lucas.

3. CDP 6-09; Georgia-Pacific LLC (applicant/owner); Doug Heitmeyer (agent); 90 West Redwood Avenue; APN: 008-010-26; After-the-fact Coastal Development Permit to demolish the above-ground wooden portion of a truck loading shed on the former Georgia-Pacific Mill Site. The foundation will remain in place. This permit is required as a condition of Emergency Permit 1-09 issued March 26, 2009. The property is located in the Coastal Zone.

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Community Development Director Jones who noted that one of the conditions of the Emergency Permit was for Georgia-Pacific to apply for a Coastal Development Permit within 90 days. The Coastal Commission requires after-the-fact permits to ensure that any permit approved under emergency circumstances receives complete necessary analysis. The foundation was not removed because it posed no threat to health and safety. Also the whole site is under remediation, and contaminants are typically around the foundation.

Chair Hannon opened the public hearing at 7:00 p.m.; seeing no one wishing to speak, he immediately closed the public hearing.

Moved by Deitz, seconded by Kuhl, to approve CDP 6-09 based on the following findings and subject to the conditions cited below:

FINDINGS

1. The demolition of the storm damaged and potentially hazardous structure is necessary to remove a safety concern, blight and a negative visual impact in a visually degraded area of scenic importance;
2. The proposed project is consistent with the purpose and intent of the Timber Resources Industrial (IT), as well as all other applicable provisions of Title 17 of the Fort Bragg Municipal Code, and applicable provisions of the Fort Bragg Municipal Code in general;
3. The proposed project is in conformity with the certified Local Coastal Program (LCP);
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. As proposed, the development will not have any adverse impacts to any known historical, archaeological or paleontological resource;
6. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act as provided by a categorically Exemption from CEQA pursuant to Section 15301. Class 1(L)(4) consists of accessory structures; and
7. The proposed development is in conformity with the public access and public recreation policies of the LCP and Chapter 3 of the California Coastal Act.

SPECIAL CONDITIONS

1. Prior to the issuance of the Coastal Development Permit, proof of clearance from the Mendocino County Air Quality Management District (MCAQMD) for demolition of a structure shall be provided to the Community Development Department.

STANDARD CONDITIONS

2. This action shall become final on the 11th working day following the decision unless an appeal to the City Council is filed pursuant to Chapter 17.61.063. This action is appealable to the California Coastal Commission pursuant to Chapter 17.61.065.
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 required permit applications shall be consistent with this approval.
5. 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.
6. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
7. This Coastal Development Permit approval shall lapse and become null and void 24 months from the date of approval unless before the passing of 24 months, construction has commenced and is diligently pursued towards completion or an extension is requested and obtained.

VOTE: Ayes: Commissioners Deitz, Ellis, Kuhl, and Chair Hannon.
Absent: Commissioner Lucas.

CONDUCT OF BUSINESS

4. **Receive Oral Report Regarding Remediation and Specific Plan Activities for the Georgia-Pacific Mill Site**

Community Development Director Jones gave the staff report for this item. At a recent City Council meeting the City Council gave staff direction on the Specific Plan and their preferred approach to the planning process. Changes incorporated into the revision will come before a special joint meeting of City Council and Planning Commission on June 24th, at 6:00 p.m. There will not be a regular Planning Commission meeting that evening.

5. **Matters from Chair/Commission/Staff**

- A. Commissioner Deitz informed staff that he had received complaints from people about the moving sign at the Quality Inn/Tradewinds. Community Development Director Jones replied that staff has contacted the owner on numerous occasions and told them to remove the illegal sign but to no avail. The City will start the process to fine the owner \$100 per day until the sign is removed.
- B. Responding to a question from the Commission, Jones responded that the Hospital still had not yet submitted proposed trim colors to the City.

ADJOURNMENT

Chair Hannon adjourned the meeting at 7:05 p.m.

Mark Hannon, Chair

ATTEST:

Nancy Philips
Administrative Secretary

INDEXED: _____(____)

IMAGED: _____(____)