



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Agenda Planning Commission

Wednesday, September 28, 2016

6:00 PM

Town Hall, 363 N.Main Street

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. APPROVAL OF MINUTES

- 1A. [16-349](#) Approve Minutes of August 24, 2016

Attachments: [Minutes of August 24, 2016](#)

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

3. PUBLIC HEARINGS

- 3A. [16-364](#) Receive Report, Conduct Public Hearing and Consider Variance 1-16 (VAR 1-16) to Reduce Front Setback Requirements to Construct Covered Entry on an Existing Single-Family Residence at 250 E. Chestnut Street

Attachments: [250 E. Chestnut St. VAR 1-16 Staff Report](#)

[Attachment 1 - Location Map](#)

[Attachment 2 - Site Plan](#)

[Attachment 3 - Elevation Drawings](#)

[Attachment 4 - Site Photos](#)

4. CONDUCT OF BUSINESS

5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

ADJOURNMENT

The adjournment time for all Planning Commission meetings is no later than 9:00 p.m. If the Commission is still in session at 9:00 p.m., the Commission may continue the meeting upon majority vote.

STATE OF CALIFORNIA)
)ss.
COUNTY OF MENDOCINO)

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on September 23, 2016.

Chantell O'Neal
Administrative Assistant-Community Development

NOTICE TO THE PUBLIC

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Community Development Department at 416 North Franklin Street, Fort Bragg, California, during normal business hours. Such documents are also available on the City's website at www.fortbragg.com subject to staff's ability to post the documents before the meeting.

ADA NOTICE AND HEARING IMPAIRED PROVISIONS:

It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.

If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.

The Council Chamber is equipped with a Wireless Stereo Headphone unit for use by the hearing impaired. The unit operates in conjunction with the Chamber's sound system. You may request the Wireless Stereo Headphone unit from the City Clerk for personal use during meetings.

This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).



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Text File

File Number: 16-349

Agenda Date: 9/28/2016

Version: 1

Status: Minutes to be Approved

In Control: Planning Commission

File Type: Minutes

Agenda Number: 1A.

Approve Minutes of August 24, 2016



City of Fort Bragg

416 N Franklin Street
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Meeting Minutes Planning Commission

Wednesday, August 24, 2016

6:00 PM

Town Hall, 363 N. Main Street

MEETING CALLED TO ORDER

Chair Pro Tem Hannon called the meeting to order at 6:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 4 - Commissioner Mark Hannon, Commissioner Stan Miklose, Vice Chair Teresa Rodriguez, and Commissioner Heidi Kraut
Absent 1 - Chair Derek Hoyle

1. APPROVAL OF MINUTES

1A. [16-341](#) Approve Minutes of August 10, 2016

A motion was made by Commissioner Kraut, seconded by Vice Chair Rodriguez, that these Minutes be approved. The motion carried by the following vote:

Aye: 3 - Commissioner Miklose, Vice Chair Rodriguez and Commissioner Kraut

Absent: 1 - Chair Hoyle

Abstain: 1 - Commissioner Hannon

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

George Rinehart spoke in favor of restoring existing EV Charging stations throughout the community.

3. PUBLIC HEARINGS

3A. [16-314](#) Receive Report, Conduct Public Hearing and Consider Coastal Development Permit 5-16 (CDP 5-16) for the removal and replacement of ten trees at 500 Casa del Noyo Drive

Associate Planner Perkins presented the report for CDP 5-16; to remove ten decaying trees and replace with like vegetation. The project proposes to replace two Cedars with Wax Mertyl trees and eight Redwood stumps will remain on site to sprout and regrow. Commissioners inquired about visual impacts, replanting requirements, an unconstructed bioswale, public access routes through the property, and the use of heavy equipment. Staff recommended approval of CDP 5-16.

Chair Pro Tem Hannon opened the public hearing at 6:18 PM.

The Applicant: Mike Abell described how the project would be undertaken, when he proposes to do it, and why the Bioswale was not built.

Chair Pro Tem Hannon closed the public hearing at 6:27 PM.

A motion was made by Commissioner Kraut, seconded by Commissioner Miklose, that Coastal Development Permit CDP 5-16 be approved subject to the following conditions.

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 Coastal General Plan, Coastal Land Use and Development Code (CLUDC) 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.
5. For the purposes of the environmental determination, this project is exempt from the California Environmental Quality Act (CEQA), pursuant to §15304(b) Minor Alterations to Land, which exempts new gardening or landscaping.

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. If the project is located between the first public road and the sea, that 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; and

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. Supplemental Visual Resource Findings (17.50.070(D)):
 - a. The proposed project minimizes the alteration of natural landforms;
 - b. The proposed project is visually compatible with the character of the surrounding area;
 - c. The proposed project is sited and designed to protect views to and along the ocean and scenic coastal areas; and
 - d. Restores and enhances visual quality in visually degraded areas, where feasible.

SPECIAL CONDITIONS

1. All development activity within the City shall comply with the following requirements.
 - a. When, in the course of digging, grading, or any other activity in advance of construction of an approved development project, evidence of archaeological, paleontological, or other potentially significant historic resources is discovered, all work which could potentially damage or destroy the resources shall cease immediately.
 - b. The Director shall be notified immediately of the discovery and engage an archaeologist to determine if the discovery is significant and the correct course of action to avoid, minimize and/or mitigate damage to the resource
 - c. The Director shall notify the State Historic Preservation Officer and federally-recognized Native American tribes who have expressed an interest in the project of the discovery.
 - d. All work which could potentially damage or destroy the resources shall be halted until appropriate avoidance, minimization, and/or mitigation measures can be developed and implemented.
2. Removal of existing trees should occur after August 31 and before February 1 to avoid impacts to nesting birds. If trees must be removed outside of this date range, surveys for nesting birds should be conducted within two weeks prior to tree removal (see Condition 3).
3. Trees may be removed between February 1 and August 31 provided that the applicant has a qualified biologist survey the proposed work area to verify the absence of nesting birds. The results of this survey shall be conveyed to the Community Development Department prior to falling of trees between February 1 and August 31. If nesting birds are observed, the applicant shall consult with CDFW and the Community Development Department before proceeding.
4. The appropriate planting window is generally after the first seasonal rains have saturated soils beyond the first several inches. If revegetation will occur outside of this season, trees should be watered as needed until seasonal rains begin in order to facilitate establishment. Any damaged or dead trees should be replaced, at minimum, on an annual basis.
5. Tree removal shall occur at a time when the property is closed to the public.
6. The applicant shall replace any trees that die within a ten year timeframe and replace them with new native coastal trees with a growth habit of at least 20 feet high, or as approved by the Director of Community Development.

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.

The motion carried by the following vote:

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

Absent: 1 - Chair Hoyle

4. CONDUCT OF BUSINESS

None.

5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

None.

ADJOURNMENT

Chair Pro Tem Hannon adjourned the meeting at 6:28 PM.

Mark Hannon, Chair Pro Tem

Chantell O'Neal, Administrative Assistant

IMAGED (_____)



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Text File

File Number: 16-364

Agenda Date: 9/28/2016

Version: 1

Status: Public Hearing

In Control: Planning Commission

File Type: Planning Staff
Report

Agenda Number: 3A.

Receive Report, Conduct Public Hearing and Consider Variance 1-16 (VAR 1-16) to Reduce Front Setback Requirements to Construct Covered Entry on an Existing Single-Family Residence at 250 E. Chestnut Street

MEETING DATE: September 28, 2016

PREPARED BY: S. Perkins

PRESENTED BY: S. Perkins

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Variance 1-16 (VAR 1-16)

OWNER/APPLICANT: Archie Glen Jones

REQUEST: Variance request to reduce front setback requirements to construct covered entry on an existing single-family residence at 250 E. Chestnut Street.

LOCATION: 250 E Chestnut Street, Fort Bragg, CA 95437

ASSESSOR'S PARCEL NO.: 018-060-42

**ENVIRONMENTAL
DETERMINATION:**

Categorically Exempt from CEQA pursuant to Section 15303 – construction of accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

**SURROUNDING
LAND USES:**

NORTH: Residential (multi-family)
EAST: Commercial (office)
SOUTH: Residential (multi-family)
WEST: Commercial (auto sales)

APPEALABLE PROJECT: Can be appealed to City Council

PROJECT BACKGROUND

The property at 250 East Chestnut Street has been the subject of multiple Code Enforcement efforts dating back to 2012. Complaints illustrate that the home has been uninhabited for several years and has fallen into disrepair. Specifically, overgrown vegetation has created a nuisance and fire hazard, shingles have blown onto neighboring properties, and homeless individuals have periodically taken shelter in the abandoned residence. Frequently changing property ownership has impeded Code Enforcement over the past several years.

In spring of 2016, the applicant (Archie Glen Jones) purchased the property. The new owner has been in regular contact with the Community Development Department to discuss rehabilitating the residence. In August, the applicant cleared the overgrown vegetation and secured building permits to reroof the structure. As part of the rehabilitation, the applicant seeks to construct a front entrance to the home, which requires a variance to setback standards. The

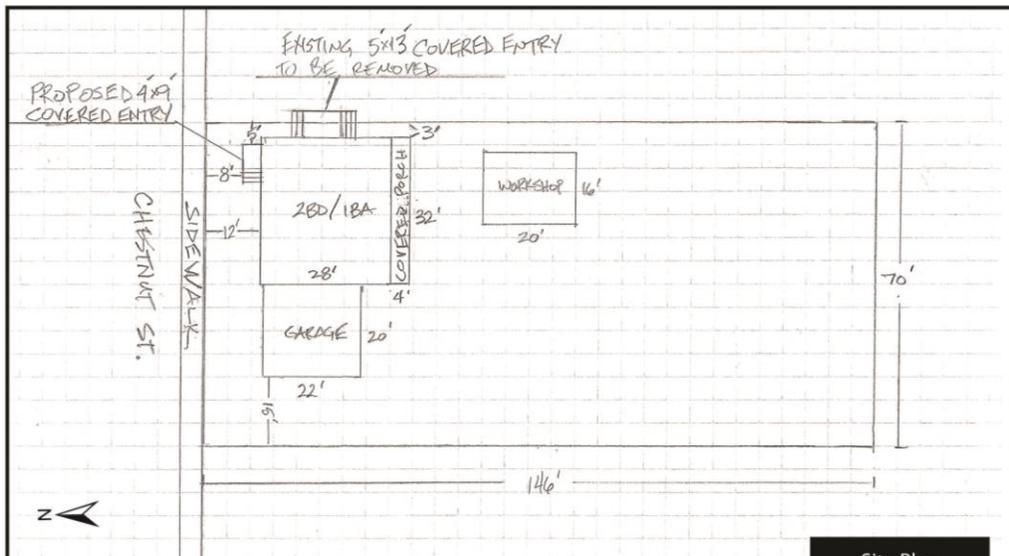
current porch provides access to the home from the side yard and encroaches onto the neighbor's property.

PROJECT ANALYSIS

The applicant is requesting a Variance to reduce the front setback from 20 feet (as Inland Land Use and Development Code Section 18.21.050 requires) to eight feet for the construction of a front entryway. The existing single-family residence is non-conforming, and sits 12 feet from the property line. Previous occupants of the residence entered the dwelling from the east elevation via the adjacent property. This existing entryway encroaches over the property line and would be removed in conjunction with the new entryway on the north. The applicant has no legally deeded access through the adjacent property, making continued access infeasible.



Aerial



Site Plan

The applicant provided the following information in support of the request for the Variance:

1. *The current entry is more than two feet over the property line;*
2. *The current entry would be severely impacted by a proposed privacy fence;*
3. *The owner of the adjoining property will not agree to an easement;*
4. *The adjoining property is a business with high traffic flow, which creates safety and liability issues for both properties;*
5. *The location of the current entry makes it difficult to find; and*
6. *Once the Chestnut Street widening is complete, on-street parking will no longer be available, so that all parking will be either in the garage or west of the garage, making the current entry the furthest point from on-site parking.*

VARIANCE

In order to approve this Variance, the Planning Commission must make the following findings, pursuant to ILUDC Section 18.71.070(F)(1):

- a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Development Code deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district;

The configuration of the existing development on the parcel creates a special circumstance, such that the strict application of the front setback requirement deprives the property of a standard front entryway. Since the existing residence is 12 feet from the front property line (where 20 feet is required), and the elevation of the first floor is above grade, any new front entryway would conflict with setback requirements. Strict application of the front setback requirement would require the applicant to continue accessing the residence via the adjacent property, where no legally deeded access is provided.

- b. The approval of the Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and

Staff recommends one Condition of Approval to ensure that the adjustment does not constitute granting of a special privilege. The recommended condition would require demolition of the existing non-conforming entrance in conjunction with the development of the proposed non-conforming entrance.

Special Condition 1. Prior to occupancy the applicant shall remove the entrance to the home located on the eastern side of the house.

The project as proposed will not grant special privileges. The proposed residential use would be consistent with the proximate parcels along Chestnut Street, where front entryways are common. Granting the Variance would permit the applicant to utilize the property in a manner consistent with the properties in the vicinity and within the Very High Density Residential zoning district.

- c. The Variance is consistent with the General Plan and any applicable specific plan.

This finding can be made as the General Plan specifically encourages the development of residential units within the residential zoning districts. The Inland General Plan and the Zoning Map designates the parcel as Very High Density Residential, where single-family dwellings are a permitted use. Granting the proposed Variance would allow the existing structure to continue its permitted residential use.

Staff recommends that all findings can be made to grant a Variance reducing front setback requirement from 20 feet to eight feet.

PLANNING COMMISSION ACTION

1. Approve a Variance to the ILUDC front setback requirements reducing front setback requirement from 20 feet to eight feet.

ALTERNATIVE ACTIONS

1. Approve the Variance with a revised requirement; and/or
2. Deny the Variance.

RECOMMENDATION

Staff recommends approval of Variance 1-16 based on the following findings and conditions:

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 vehicles (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. For the purposes of the environmental determination, this project is exempt from CEQA under Section 15303—conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure—in accordance with the California Environmental Quality Act (CEQA).

VARIANCE FINDINGS FOR APPROVAL

1. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of the Inland Land Use

and Development Code (ILUDC) deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district.

2. The approval of the Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district.
3. The Variance is consistent with the General Plan and any applicable specific plan.

SPECIAL CONDITIONS

1. Prior to occupancy the applicant shall remove the entrance to the home located on the eastern side of the house.

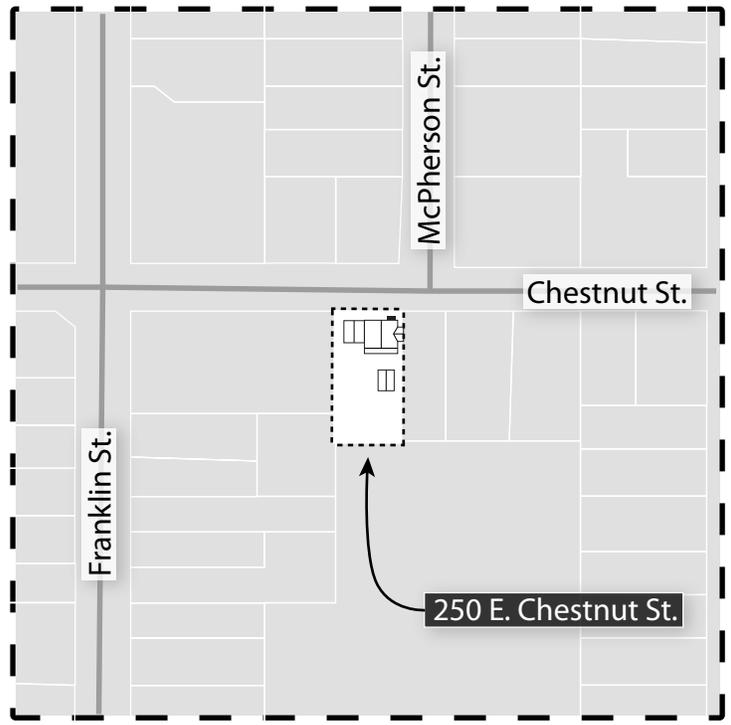
STANDARD CONDITIONS

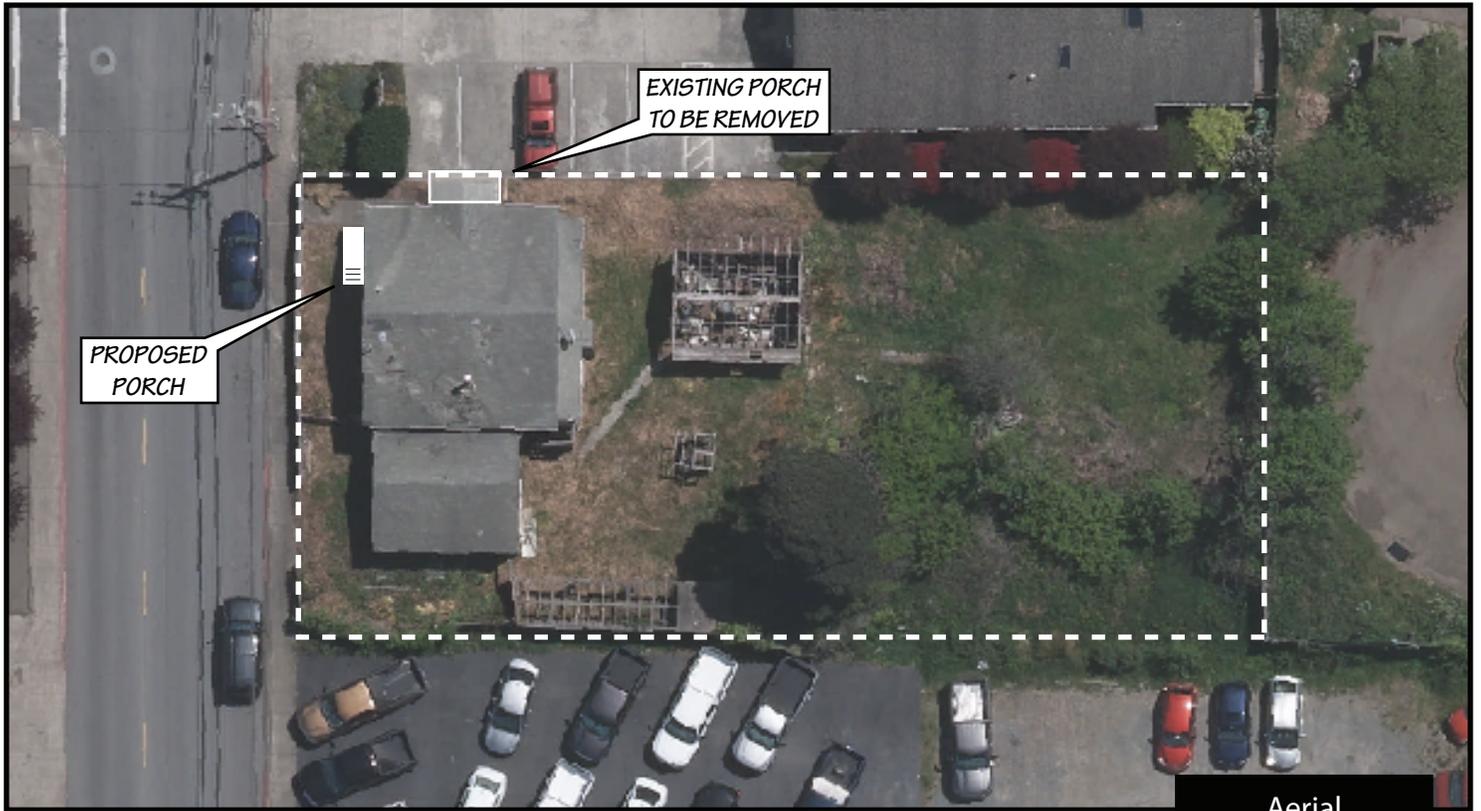
1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to Inland Land Use & Development Code (ILUDC) Chapter 17.92 - Appeals.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the 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).

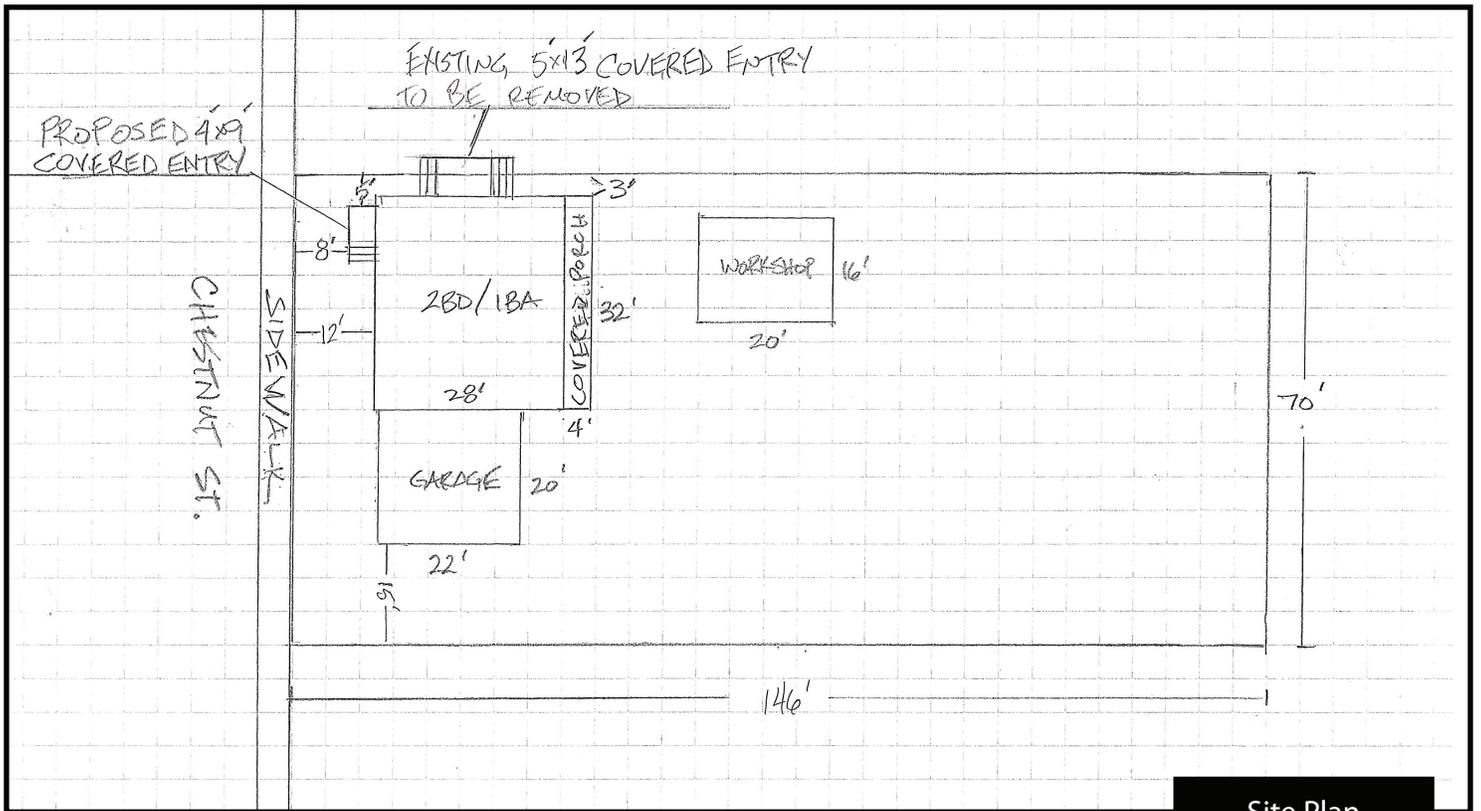
ATTACHMENTS

1. Location Map
2. Site Plan
3. Elevation Drawings
4. Site Photos



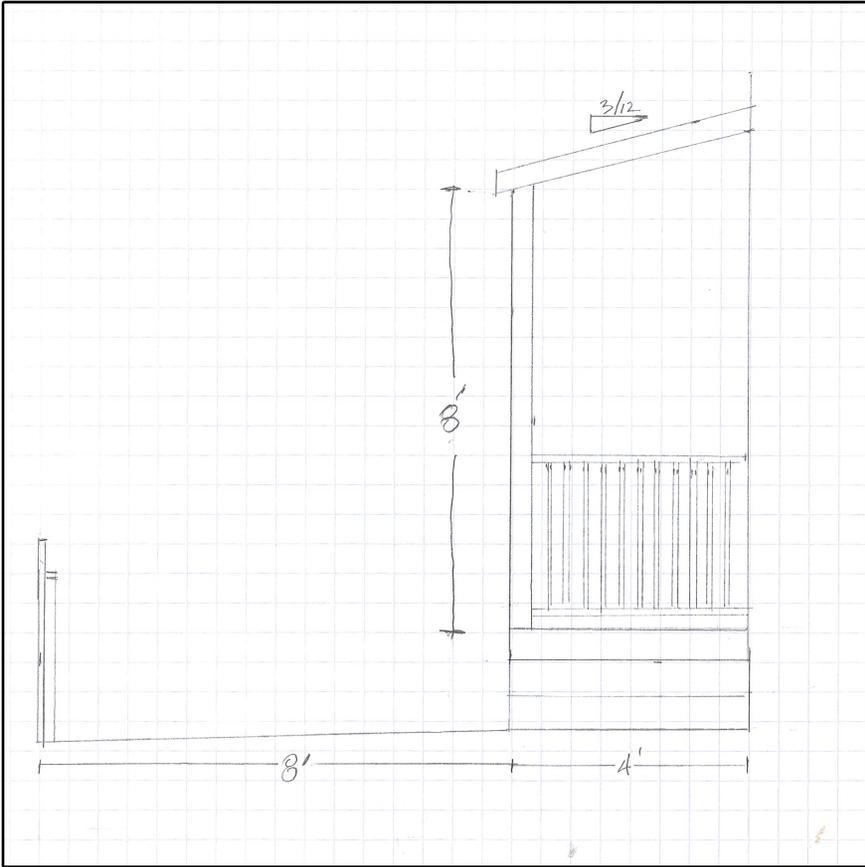


Aerial

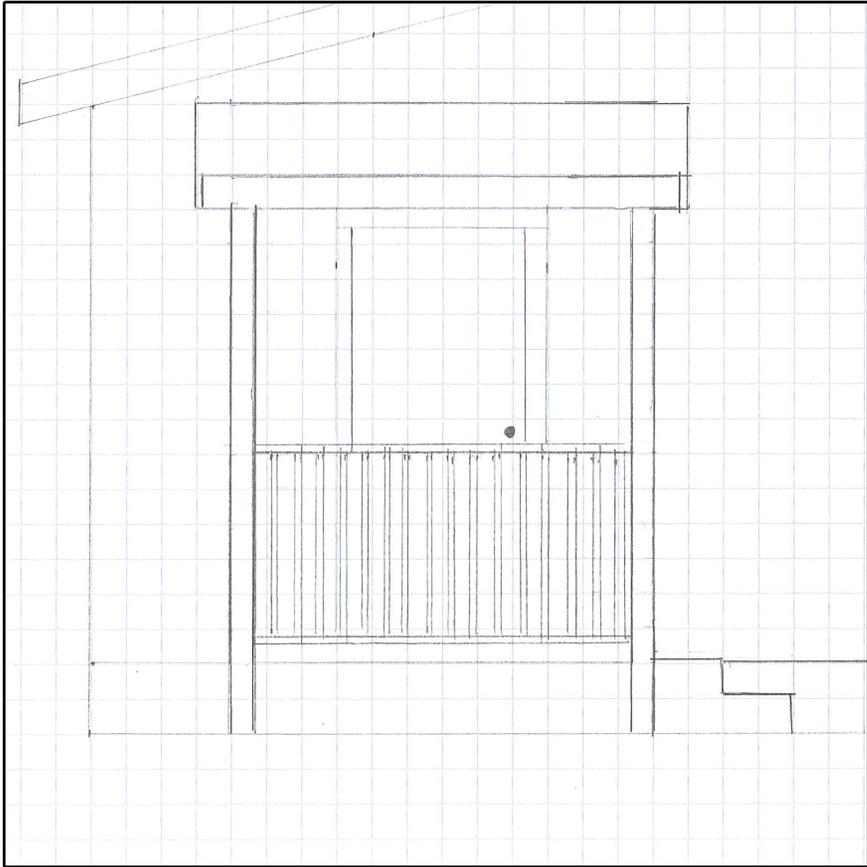


Site Plan





West Elevation



North Elevation

