

The Planning Commission of the City of Fort Bragg met in regular session on the above date at 6:00 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 Don Snyder, Vice Chair Georgia Lucas, Commissioners Meg Courtney and Mark Hannon.
Absent: None.
Staff Present: Linda Ruffing, Community Development Director; Jason Dose, Planner II; and Nancy Philips, Administrative Secretary.

APPROVAL OF MINUTES

Moved by Courtney, seconded by Hannon, to approve the February 23, 2005 minutes as written.

VOTE: Ayes: Commissioners Courtney, Hannon, and Chair Snyder.

Abstain: Commissioner Lucas, who was not present at said meeting.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

PUBLIC HEARINGS (CONTINUED)

DIV 4-04; Paul & Barbara Clark (owner/applicant); David E. Paoli (agent); 111 Ness Avenue;

- 1. APN 008-302-27; Minor subdivision to split a 12,550 (+/-) sq. ft. parcel into two parcels of 6,105 sq. ft. and 6,445 sq. ft.**

The Agenda Item Summary Report prepared for this item was reviewed with the Planning Commission by Director Ruffing. She noted that this matter was continued from the Commission's February 9, 2005 agenda.

Discussion:

Responding to a question from the Commission, Ruffing stated that the Land Use & Development Code establishes a 20' minimum length for a driveway.

Chair Snyder opened the continued public hearing at 6:12 p.m.

Public comment on this agenda item was received from:

1. Paul Clark, applicant, held up a flag and stated that he does not think the lot is shaped like a flag. He stated that the only solution if this subdivision is not approved would be to remove a bedroom on the existing house. He stated that he does not intend to sell the property, but would retain it as a rental. He doubts he would be able to build a 1200 sq. ft. house on the proposed lot because of lot coverage limits. He stated that the cost may prohibit building a garage. He asked the Commission not to impose a deed restriction on the size of a house, as the restriction would run with the life of the property. He stated that he wants to build "affordable" housing.
2. Bruce Johnson, neighbor, said that he is concerned about drainage issues and parking on Ness Avenue as well as the aesthetics of the houses being so close together with the proposed lot configuration.

Chair Snyder closed the public hearing at 6:18 p.m.

Discussion: The following items were noted during the discussion of this issue:

- A. Responding to a question from the Commission, staff indicated that the buildable area of the rear parcel, as shown on the plans is about 1800 sq. ft. The City is working on drainage

improvements on Ness Avenue and those improvements will be performed regardless of the outcome of this subdivision.

- B. Lucas noted that the lot could be divided into two city lots with normal configurations. She felt that approval of this subdivision would set a precedent for flag lots that she would not like to see. She also believes that it is not appropriate for housing affordability to be brought into the discussion, as there are no guarantees that the units would be affordable.
- C. Courtney added that, if the bedroom were removed on the existing house, the proposed flag lot configuration would be unnecessary. She also mentioned that the resulting one-bedroom house would be more affordable than the existing two bedroom house.
- D. Snyder stated that he believes that imposing a size restriction of 1,200 sq. ft. for a new house would scale down the project so it would not be out of place in the neighborhood.

Motion by Lucas, seconded by Courtney, to deny DIV 4-04.

**VOTE: Ayes: Lucas and Courtney.
Noes: Hannon and Chair Snyder.**

MOTION FAILED.

Ruffing informed the Commission that the split vote means that the application is denied. Clark requested that the Commission reconsider their action and approve the division with two 50' wide lots as the configuration. Ruffing stated that a revised tentative map would be required prior to the Commission being able to render a decision on a new parcel configuration.

PUBLIC HEARINGS

- 2. **CDP 2-05; Richard & Wendy Loomis (owner/applicant); Origin Construction (agent); 527 West Street (APN 008-051-04); Coastal Development Permit to authorize a 625 sq. ft. second story addition to a single family home.**

Ruffing stated that the agent has informed staff that they are modifying the design and they have asked that the hearing be continued.

Motion by Courtney, seconded by Lucas, to continue public hearing to April 13, 2005.

VOTE: Ayes: Lucas, Courtney, Hannon, and Snyder.

- 3. **DR 3-05 & CDP 6-05; Mendocino Coast Health Care District (owner/applicant); Gus Killian (agent); 700 River Drive (APN 018-090-15); Design Review and Coastal Development Permit amendments to modify a previously-approved permit for construction of a 4,500 sq. ft. materials handling building.**

The Agenda Item Summary Report prepared for this item was reviewed with the Planning Commission by Planner Dose.

Discussion:

Chair Snyder opened the public hearing at 6:42 p.m.

Public comment on this agenda item was received from:

- 1. Gus Killion, agent, stated that he was the original representative of the project. In 2000, the MCHCD asked voters to approve a bond to construct this building. As the project went to bid, they discovered that the cost would be well above the amount anticipated. To maintain the program promised to voters, the MCHCD reduced the construction costs by removing the aesthetic enhancements to the structure. He noted that it was a regrettable oversight that they did not follow proper protocols in revising their plans. Killion acknowledged that the MCHCD is willing to comply with most of the conditions recommended by staff, but he asked that the Commission not impose the requirement to install lattice with climbing vines. The lattice trim would make it difficult to provide the constant inspection and upkeep necessary for a metal building on the coast. They are anxious to occupy the building, which may be completed by as early as the second week in April. Killion did not know if they would have a landscaping plan

ready by then and asked that it not be made a condition prior to occupancy. The landscaping on hospital grounds demonstrates their willingness to provide a beautiful campus.

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

Discussion: The following items were noted during discussion of this issue:

- A. Commissioners agreed that it is economically infeasible for the building to be constructed as originally approved. There is no problem waiving the lattice requirement. The landscaping plan deadline would be a major roadblock for a minor item.
- B. Staff noted that temporary occupancy can be granted when circumstances warrant it. The City can require a bond to ensure that the landscaping work is completed.

Moved by Lucas, seconded by Courtney, to approve DR 3-05 & CDP 6-05 based on the following findings and conditions.

FINDINGS

1. The proposed project is consistent with the CO zoning district, in that, the use is specifically enumerated as an allowed use.
2. Relative to the California Environmental Quality Act the project is considered "New Construction or Conversion of Small Structures" and is exempt from further environmental review pursuant to Section 15303 of the CEQA Guidelines – New Construction or Conversion of Small Structures.
3. The project is consistent with the City's approved Local Coastal Plan.
4. The project, as conditioned, would be consistent with the intent and purpose of the City of Fort Bragg Design Guidelines.

SPECIAL CONDITIONS

1. Install the attic vent on the east gable of the structure as approved in the original permit. The vent could be an ornamental detail which is applied to the structure. The design and style specifications of the vent shall be submitted to the Community Development Director for review and approval prior to installation.
2. Add trim "cross-members" (similar to the trim provided on the corners of the 'as built' building) on the east and west facades of the structure approximately 1-2 feet below the eave ends.
3. Submit a landscaping plan for the new landscape/planter box located along the east and north sides of the structure. The plan shall provide small trees or large shrubs spaced a maximum of 10' on center and groundcover interspersed throughout. The landscaping plan shall be submitted to the Community Development Director for review and approval prior to installation and all landscaping shall be installed prior to final occupancy.
4. The applicant shall submit five sets of "as built" construction drawings which also reflect the conditions required through this permit amendment to the Community Development Department.
5. All elements of the initial project approved through SA 16-01 and CDP 4-01 shall remain in effect unless specifically modified through this permit amendment.

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 Title 18 of the Fort Bragg Municipal 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 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 and Fire Departments.
 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 application is not under the appeal authority of the California Coastal Commission.
- VOTE: Ayes: Commissioners Lucas, Courtney, Hannon, and Chair Snyder.**

4. **DR 2-05 & CDP 5-05; Mendocino Coast Health Care District (owner/applicant); Gus Killian (agent); 700 River Drive (APN 018-090-14/15); Design Review and Coastal Development Permit amendments to modify a previously-approved permit for construction of a 13,242 sq. ft. outpatient services building.**

The Agenda Item Summary Report prepared for this item was reviewed with the Planning Commission by Planner Dose.

Discussion:

Chair Snyder opened the public hearing at 7:07 p.m.

Public comment on this agenda item was received from:

1. Gus Killion, agent, said that, similar to the material handling building, the MCHCD found themselves 40-50% over their estimated budget on this project. It is important for the District to provide the community with the building that voters approved. The western and southern doors are recessed to protect people from bad weather, so they dropped plans for the western and southern canopies. If the Commission requires the canopies to be installed, the \$40,000 to \$50,000 cost would have to come from budgets for future remodel projects. Installing them now

might look like a retrofit that does not fit the structure. They would have to demolish part of the building to install it. It would be a diversion of funds from patient care, and their goal is to provide as much patient care as possible. He has no objection to the other conditions but would like to have latitude in tree placement due to lighting. He acknowledged that they have created a "box" and are in favor of putting a parapet around the building to match the lobby entrance.

Chair Snyder closed the public hearing at 7:17 p.m.

Discussion: The following items were noted during discussion of this issue:

- A. The Commission agreed that while the three previously-approved canopies would improve the aesthetics of the building, it would be costly. One canopy over the main entrance, along with landscaping, would be a suitable trade-off.

Moved by Courtney, seconded by Hannon, to approve DR 3-05 and CDP 6-05 based on the following findings and conditions.

FINDINGS

1. The proposed project is consistent with the CO zoning district, in that, the use is specifically enumerated as an allowed use.
2. Relative to the California Environmental Quality Act the project is considered "New Construction or Conversion of Small Structures" and is exempt from further environmental review pursuant to Section 15303 of the CEQA Guidelines – New Construction or Conversion of Small Structures.
3. The project is consistent with the City's approved Local Coastal Plan.
4. The project, as conditioned, would be consistent with the intent and purpose of the City of Fort Bragg Design Guidelines.

SPECIAL CONDITIONS

1. Trees and shrubs shall be provided along the western façade of the structure in place of turf between the parking lot sidewalk and the façade of the structure. The trees shall be placed a maximum of 20' on center and interspersed with shrubs and groundcover to achieve a dense understory/overstory when grown to maturity.
2. At least four additional trees and a large amount of shrubs and groundcover in place of turf in the area to the northeast of the structure.
3. At least two additional trees shall be added to the midsection of the landscaped area in the parking lot to the northwest of the structure.
4. At least two additional trees shall be provided in the landscaped area to the south of the structure in between the rerouted River Drive and the façade.
5. The applicant shall submit a revised landscaping plan for, the review and approval of the Community Development Director, which reflects the previously approved landscaping in addition to the additional landscaping required pursuant to this permit amendment.
6. A minimum 24" wide band of raised seam metal siding shall be added along the parapet of the entire structure to match the raised seam metal banding on the doorway canopies.
7. The applicant shall submit five sets of "as built" construction drawings which also reflect the conditions required through this permit amendment to the Community Development Department for review and approval.
8. All elements of the initial project approved through SA 12-02 and CDP 5-02 shall remain in effect unless specifically modified through this permit amendment.

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 Title 18 of the Fort Bragg Municipal 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 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 and Fire Departments.
 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 application is not under the appeal authority of the California Coastal Commission.
- VOTE: Ayes: Commissioners Lucas, Courtney, Hannon, and Chair Snyder.**
Meeting recessed at 7:25 p.m., and reconvened at 7:35 p.m.

- CDP 4-05; State of California, Dept. of Parks and Recreation (owner/applicant); Michael Romo, Project Manager (agent); Pudding Creek Trestle, APN 008-010-22/16; Coastal Development Permit to authorize work to rehabilitate the Pudding Creek Trestle. Work includes replacement of the north and south bridge abutments and installation of decking and safety railings to accommodate pedestrian and bicycle access on the trestle.**

The Agenda Item Summary Report prepared for this item was reviewed with the Planning Commission by Director Ruffing.

Discussion: Responding to a question from the Commission, Ruffing stated that there are no plans at this time for increased parking.

Chair Snyder opened the public hearing at 7:50 p.m.

Public comment on this agenda item was received from:

1. Michael Romo, project manager, said that there have been design changes due to the State budget. The only aesthetic changes involve the abutments that were originally proposed to be faced with redwood. To reduce costs, they will simply be concrete abutments that will be

eventually covered by vegetation. All major heavy equipment will stay on paved areas to ensure that construction does not damage bluff areas on the south end. Staging area for equipment must be approved by State Parks so they have control of chemicals and fuel that must be brought onto the site. There will be monitors on site constantly. State Parks anticipates that they will start construction after Labor Day and finish by either the end of this year or the beginning of next year. He noted that one of the conditions listed in the staff report is to secure building permits, but State agencies normally do not obtain them.

2. Tom Holden said that, as Glass Beach's first resident, he has been waiting for the trestle renovation for a long time. He hopes that additional parking and a restroom will eventually be provided. He would also like to see a trash container on the south end.
3. Jay Lewis, Ten-Mile Coastal Trail Foundation, gave an oral history of the trestle. Parking on the south end of the trestle should not be a problem as that point will be the middle of the trail that will eventually go through the mill site.
4. Dave Turner, resident, stated his support for the project.

Chair Snyder closed the public hearing at 8:05 p.m.

Discussion: The following items were noted during discussion of this issue:

- A. Ruffing noted that the State agencies are not required to obtain building permits as they are regulated by the Office of the State Architect.

Moved by Courtney, seconded by Lucas, to approve CDP 4-05 based on the following findings and conditions.

FINDINGS

1. **The proposed project is in conformity with the certified Local Coastal Program including the policies of the LCP Manual and applicable regulations of the Fort Bragg Municipal Code.**
2. **The proposed project is consistent with the intent and objectives, and goals, policies, and programs, contained in the Fort Bragg General Plan.**
3. **The proposed project is consistent with the purpose and intent of the Parks and Recreation (PR) zoning district, as well as all other provisions of Title 18 of the Fort Bragg Municipal Code.**
4. **The proposed use is specifically enumerated as a conditionally permitted use in the PR zoning district.**
5. **For the purposes of the environmental determination, a Mitigated Negative Declaration has been adopted by the State of California Department of Parks and Recreation. The document was appropriately and legally distributed to all affected trustee and responsible agencies for comment and made available to the general public for comment.**
6. **The Fort Bragg Planning Commission considered the Final Mitigated Negative Declaration for the project and finds it to be in conformance with the California Environmental Quality Act.**
7. **The proposed project, including all mitigation measures adopted in the Mitigated Negative Declaration approved by the State of California Department of Parks and Recreation, would not have a significant impact on the environment.**

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 Land Use & 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 & Development Code (LUDC).
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 in compliance with Section 18.71 of the LUDC shall lapse and become void twelve months from the date of approval unless before the expiration of twelve months, a building permit is issued and construction has commenced and diligently pursued towards completion or an extension is requested and obtained in accordance with LUDC 18.71.050 (H)(3).

VOTE: Ayes: Commissioners Lucas, Courtney, Hannon, and Chair Snyder.

CONDUCT OF BUSINESS

6. DIV 1-04, Redwood Pacific Investments (owner/applicant); David E. Paoli (agent); 1200 North Main Street; APN 069-241-18; Minor subdivision to split a 2.31 acre commercial parcel into two parcels of 1.2 acres and 1.1 acres. Per motion to reconsider adopted by Planning Commission on February 23, 2005, modify Special Condition #3 as adopted by Commission on February 9, 2005.

Chair Snyder declared a proximity conflict of interest and left the meeting at 8:07 p.m. Vice Chair Lucas took over as Chair.

- A. Director Ruffing informed the Commission that, at their February 9 meeting, they added wording to a special condition for DIV 1-04: "If the parcel to the east of Parcel 2 is developed before the improvements occur, the surfacing cost will be shared with the property owner to the east." The

City Attorney has advised staff that the Commission cannot impose a condition on an adjacent property owner and staff is recommending that the condition be removed as it is unenforceable.

Moved by Hannon, seconded by Lucas, to delete the wording from the special condition.

VOTE: Ayes: Commissioners Lucas, Courtney, Hannon, and Chair Snyder.

7. Matters from Chair/Commission/Staff

- A. Ruffing told the Commission that no items were scheduled for public hearings at the next meeting and she recommended canceling the next meeting. **Consensus of the Commission was to cancel the March 23 Planning Commission meeting.**

ADJOURNMENT

Vice Chair Lucas adjourned the meeting at 8:10 p.m.