

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: Vice Chair Georgia Lucas, Commissioners Meg Courtney and Mark Hannon.  
Absent: Chair Don Snyder.  
Staff Present: Jason Dose, Planner, and Nancy Philips, Administrative Secretary.

### **APPROVAL OF MINUTES**

Moved by Courtney, seconded by Hannon, to approve the March 9, 2005, minutes as written.

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

Absent: Commissioner Snyder

### **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

None.

### **PUBLIC HEARINGS (CONTINUED)**

1. **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. (Continued from March 9, 2005 meeting at request of agent.)**

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

Discussion: None.

Vice Chair Lucas opened the public hearing at 6:05 p.m.; seeing no one wishing to speak the public hearing was closed at 6:06 p.m.

Discussion: None.

Moved by Hannon, seconded by Courtney, to approve CDP 2-05 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 purpose and intent of the Low Density Residential (RL) zoning district, as well as all other provisions of Title 18 of the Fort Bragg Municipal Code.
3. The proposed use is specifically enumerated as an allowed use in the RL/CZ zoning district.
4. For the purposes of the environmental determination, the requested modifications are considered minor alterations to an existing structure. Given this, the project is considered exempt from further environmental review pursuant to CEQA Guidelines Section 15303 – Class 3 – New Construction of Conversion of Small Structures.
5. The addition to a legal non-conforming single family residence is allowable pursuant to Section 18.90.030(B)1.b of the Fort Bragg Land Use and Development Code.

6. **Parking is provided on the site in compliance with the Fort Bragg Land Use and Development Code Parking and Loading Regulations.**

### **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. **Permits or approvals not exercised within 24 months of approval shall expire and become void except where an extension of time is approved in compliance with LUDC 18.76.070 (B).**

**VOTE: Ayes: Commissioners Lucas, Courtney, and Hannon.  
Absent: Commissioner Snyder.**

### **PUBLIC HEARINGS**

2. **DR 6-05; Calvary Baptist Church (owner/applicant); 1144 Chestnut Street (APN 018-282-28) Design Review Permit to authorize the installation of a 21' tall spire on the roof of the existing structure. The peak of the spire would be 36'. The project also includes construction of a covered entrance porch on the south facade of the existing structure.**

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

Discussion:

The Commission inquired as to the spire's material. Staff responded that it would be made of fiberglass which was chosen for durability and ease of maintenance.

**Vice Chair Lucas opened the public hearing at 6:13 p.m.**

Public comment on this agenda item was received from:

1. Bob Fuller, applicant, said that the fiberglass would be formed around a frame. The church would either construct it themselves or have it made locally. He would like to plant a variety of plants, but needs to find someone knowledgeable about drought-tolerant plants.

**Vice Chair Lucas closed the public hearing at 6:15 p.m.**

A. Discussion: None.

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

## **FINDINGS**

1. The proposed project is consistent with the purpose and intent of the High Density Residential (RH) zoning district, as well as all other provisions of Title 18 of the Fort Bragg Municipal Code.
2. The proposed additions are compatible with and in scale with the existing structures at the site.
3. The requested exceedence of the maximum height in the RH zone (35 feet) is allowable pursuant to section 18.30.060(d)1 of the Land Use and Development Code.
4. The proposed use is specifically enumerated as a conditionally permitted use in the RH zoning district.
5. For the purposes of the environmental determination, the requested modifications are considered existing facilities and are exempt from further environmental review.
6. The project provides for ample on-site parking relative to the existing use.

## **SPECIAL CONDITIONS**

1. At least three trees shall be planted on the site within the turf areas fronting on Chestnut Street.

## **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 Land Use & Development Code Chapter 18.92 (Appeals).
3. 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).
4. 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.
5. 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.
6. The applicant shall secure all required building permits for the proposed project as required by the Building Department.

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. 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.
9. This Design Review 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, and Hannon.  
Absent: Commissioner Snyder

### **CONDUCT OF BUSINESS**

#### **3. Matters from Chair/Commission/Staff**

- A. Planner Dose informed the Commission that there are no public hearings scheduled for the next regular meeting and suggested that the meeting be cancelled. **Consensus to cancel the April 27, 2005 Planning Commission meeting.**
- B. Vice Chair Lucas noted that the decision of the Planning Commission denying the Ness Division application was appealed to Council and asked whether it would be appropriate to address the Council as a private citizen. Staff indicated that the question would be posed to the City Attorney and a response would be provided prior to Council's April 25, 2005 meeting. The City Attorney will discuss the Brown Act and conflicts of interest at the Commission's May 11, 2005 meeting.

### **ADJOURNMENT**

Vice Chair Lucas adjourned the meeting at 6:20 p.m.