

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, Mark Hannon, and Kathleen Johnson.
Absent: Chair Don Snyder
Staff Present: Linda Ruffing, Community Development Director; Chris Carterette, Planner; and Nancy Philips, Administrative Secretary.

APPROVAL OF MINUTES

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

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

Absent: Chair Snyder.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

PUBLIC HEARINGS

1. **GPA 2-04, ZON 1-04, & DIV 3-04; City of Fort Bragg (lead agency); Habitat for Humanity of the Mendocino Coast (owner/applicant);1536/1538 Oak Street (APN 020-510-60); Make recommendation to City Council regarding Mitigated Negative Declaration, General Plan Amendment and Rezone to change the land use and zoning designations from Low Density Residential (RL) to Very High Density Residential (RVH), and Minor Subdivision to split the existing 6,000 sq. ft. parcel into two parcels, each of which contains an existing residence.**

Director Ruffing introduced Chris Carterette as a Planner who recently joined the City staff, having previously worked for the County Planning Department in Fort Bragg. The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Director Ruffing. Responding to a question from the Commission, Director Ruffing added that developers pay for the City's costs processing their permits. Courtney noted that mistakes had been made in the prior handling of this application and inquired whether lessons had been learned.

Vice Chair Lucas opened the public hearing at 6:17 p.m.

1. Chuck Greenberg, representative for the applicant, stated that the process was a painful, lengthy experience that will not be repeated. He said that he started helping Habitat by volunteering to finish trim on these houses. He later discovered that one of the stipulations for Habitat homes is that title of properties be transferred to the families. It took four years and three administrations to come to the resolution presented tonight. The proposal protects the City and clearly defines what can be done. Nothing visible will change on the ground, but title will be transferred to the families who have lived there 13 years. He thanked the City for finding a remedy so that they can transfer title on this project.

Vice Chair Lucas closed the public hearing at 6:23 p.m.

Discussion: Courtney stated that she was concerned about establishing a precedent because of this project. Lucas agreed. Director Ruffing responded that, after much investigation, this was the best solution identified.

Moved by Johnson, seconded by Hannon, to adopt Resolution No. PC 02-2005, recommending that the City Council adopt the Mitigated Negative Declaration and approve the General Plan Amendment (GPA 2-04), Zoning Amendment (ZON 1-04) and Minor Subdivision (DIV 03-04) as applied for by Habitat for Humanity and subject to the standard and special conditions cited in the resolution.

**VOTE: Ayes: Commissioners Courtney, Hannon, Johnson, and Vice Chair Lucas.
Absent: Chair Snyder.**

2. USP 8-00/04/05 & DR 17-00/04/05; Mendocino Coast Recreation and Park District (owner/applicant); 300 South Lincoln Street (APN 008-280-62); Addendum to Mitigated Negative Declaration, Use Permit Amendment, and Design Review Amendment to authorize the placement of portable modular buildings in conjunction with the previously-approved Aquatic Center project.

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Director Ruffing. Courtney inquired whether a condition could be worded to require lighting that saves energy. Director Ruffing responded that Special Condition #2 could be modified to include a phrase about using energy efficient technology for the lighting.

Vice Chair Lucas opened the public hearing at 6:38 p.m.

1. Paul Douglas, architect, stated that District Board Members were not present at tonight's meeting because they have a board meeting in Mendocino. The bid they received for construction of the Aquatic Center was too high, so the District decided to break down the construction into phases. They have begun site improvements and are doing finished grading today. Hydroseeding should be done in the next couple of days. The building pad is ready for construction, and the next phase is the natatorium. They spent time, effort, and money to ensure that the modulares do not look like the schoolyard portables. They increased the slope of the roof to match the natatorium and siding will be painted to match. If all goes well, the next priority is to get lockers and showers into the next phase so the natatorium is usable. They intend to carry out the obligation to get the design finished and in place when the project is started. It will be difficult to meet the special condition about impervious surfaces due to the wording about timing. They will make an effort to make lighting as energy efficient as possible. Solar lighting is built into the design of the project. The solar panels will have to come later as funding is available from perhaps a State grant or PG&E. In response to a question from Lucas, Douglas added that the modulares would be built together with a continuous roof to make it look like one building and part of the natatorium.
2. Gene Mertle, neighboring property owner, said that he is for the swimming pool but against modulares. There were other modulares on the property that were supposed to be temporary but were there for 25 years. They are temporary forever. No modular looks good after a while. He told the District to build it while they raise the money, now construction costs have gone up, and they do not have enough to pay for it. He suggested that the applicant submit an artist's conception of the project so the Commission could see what it would look like. Mertle questioned why money would be spent on landscaping an area that is going to be paved later.
3. Girard Morrison, project manager for the Mendocino Coast Park & Recreation District, noted that the modulares were commercial in nature, not residential. There is a difference in quality of construction. They are pre-manufactured shells and finished on site using standard construction techniques. The original storm drain design was for an area that was to be a parking lot. Now an acre of land is going to be landscaped instead of having a hard surface. The next phase is designed to pick up rainwater and drainage from the roofs of structures. Currently the site is drained so the water will enter the existing drainage system. Off-site storm drainage will be impacted until rain leaders from the roofs are connected at which time a lot more drainage will occur. It may eventually be a parking lot ten years down the road.

Vice Chair Lucas closed the public hearing at 6:56 p.m.

Discussion: Johnson noted that she had heard about the project since the 1970's and 80's and is grateful to see something finally being done. Lucas stated that it is a very complicated, starry-eyed project that can now get started. If they use the same type of commercial modular buildings as the hospital, which have been there a long time, it will look okay. Courtney responded that she had not seen the modulars at the hospital but did not understand why the District would spend money on something temporary that would be wasted. Hannon countered that the object is to get the project up and running. It takes two steps forward and one step back, but it is still moving forward.

Moved by Johnson, seconded by Hannon, to adopt the Addendum to the Mitigated Negative Declaration, make the "de minimus" finding relative to the payment of Department of Fish and Game filing fees, and approve USP 8-00/04/05 and DR 17-00/04/05 based on the findings and conditions cited below:

FINDINGS

1. The proposed project is consistent with the purpose and intent of the Public Facilities (PF) zoning district, as well as all other provisions of Title 18 of the Fort Bragg Municipal Code.
2. The project will not have a significant adverse effect on the environment and does not require major revisions to the previously approved Mitigated Negative Declaration. An Addendum to the previously adopted Mitigated Negative Declaration (Mendocino County Clerk file number 2002-E0026) has been prepared pursuant to Section 15164 of the CEQA Guidelines.
4. The project site contains no fish and/or wildlife habitat value and is not subject to the payment of fees pursuant to section 711.2 of the California Fish and Game Code.
5. The project amendment will not cause new significant environmental effects nor will it cause a substantial increase in the severity of previously identified significant effects.
6. As conditioned, the project complies with the City's Design Review Guidelines.
7. An adequate amount of on-site parking will be provided in compliance in conformance with the LUDC.

SPECIAL CONDITIONS

1. No impervious surfaces shall be constructed or installed at the site until the City of Fort Bragg has entered into a binding contract with a firm to perform the off-site storm drainage improvements that are required to offset the project's impacts on the local storm drain system, as identified in the October 26, 2001 Planning Commission approvals.
2. All exterior lighting fixtures shall be restricted to a maximum height of 18' above grade. All fixtures shall be shielded and shall direct lighting downward. The exterior night lighting shall not be overly-bright and shall be the minimum amount necessary to ensure the security of the site.

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 LUDC 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 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 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).
9. 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 Courtney, Hannon, Johnson, and Vice Chair Lucas.
Absent: Chair Snyder.

CONDUCT OF BUSINESS

3. Matters from Chair/Commission/Staff

- A. Director Ruffing informed the Commission that the Coastal Commission conducted the first round of consideration of an appeal for a Coastal Development Permit that the City granted to Georgia-Pacific. The Coastal Commission found substantial issue and scheduled a de novo hearing for their April meeting. The Alexanders filed an appeal of the Planning Commission's decision to City Council. There is a substantial balance due on a deposit account that must be settled before a hearing before Council is scheduled.
- B. Director Ruffing announced that the City will hold a Smart Growth workshop Saturday, January 21, and encouraged the Commission and public to attend.
- C. Director Ruffing recommended that interested Commissioners attend a UC Davis seminar, "The Role of the Planning Commissioner," on February 2. Funds are budgeted for the continuing education of Commissioners.

ADJOURNMENT

Vice Chair Lucas adjourned the meeting at 7:10 p.m.