

The Planning Commission of the City of Fort Bragg met in regular session on the above date at 6:10 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 Mark Hannon and Kathleen Johnson
Absent: Commissioner Meg Courtney
Staff Present: Linda Ruffing, City Manager; Chris Carterette, Planner; Sean O'Rourke, Planner; and Nancy Philips, Administrative Secretary

APPROVAL OF MINUTES

Moved by Hannon, seconded by Lucas, to approve the December 14, 2005, minutes as written.

VOTE: Ayes: Commissioners Hannon, Johnson, Lucas, and Chair Snyder.
Abstain: Chair Snyder, who was not present at said meeting.
Absent: Commissioner Courtney.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

CONDUCT OF BUSINESS

1. Election of Officers

The Commission agreed to defer the election of officers to the next regular meeting when all members are anticipated to be present.

PUBLIC HEARINGS

2. **DIV 5-05; Burley & Sherri Cox (owner/applicant); Richard A. Seale (agent); 20 Swing Tree Lane (020-510-62); Minor Subdivision to authorize the subdivision of a 14,867 square foot parcel into two parcels of 7,433.5 sq. ft. each. Access to the parcels would be provided via a 30' wide "private roadway and public utility" easement (Swing Tree Lane) and Acorn Drive, a 27' wide private roadway. The application includes a request for an exception to subdivision standards to authorize the use of a private road for access.**

City Manager Ruffing introduced Sean O'Rourke as the City's newest Planner. O'Rourke started with the City in January and most recently comes from Chico, where he worked for a private planning firm. The Commission welcomed O'Rourke. The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Planner Carterette. Carterette referred to a memo dated February 8, 2006, in which he recommended a modification to the wording of Special Condition #1.

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

1. Burley Cox, owner/applicant, stated that the tentative map is inaccurate. The parcels are to be divided into two equal parcels of 7,400 square feet.

Discussion:

Chair Snyder closed the public hearing at 6:22 p.m.

Discussion:

Moved by Hannon, seconded by Lucas, to approve DIV 5-05 and based on the following findings and subject to the conditions cited below:

FINDINGS

1. The proposed project is in conformity with the Low Density Residential (RL) Land Use designation as described in the Land Use Element of the Fort Bragg General Plan;
2. The proposed parcel configuration meets the standards found in the LUDC relative to the creation of new parcels within the RL zoning district except as noted and with findings indicated below;
3. 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 – Infill Development;
4. The proposed project will be creating infill residential lots which complies with Policy H-27 of the General Plan encouraging infill lots in order to utilize existing infrastructure;
5. Subsequent use and development of the proposed parcels will be required to meet all the use and development standards for the Low Density Residential (RL) Land Use designation as described in the Land Use Element of the Fort Bragg General Plan and the LUDC including setbacks and parking requirements;
6. The project site can be adequately served by all required utilities and public services; and
7. As conditioned, the project would not adversely impact the storm water runoff characteristics of the site or surrounding properties.

SPECIAL FINDINGS FOR EXCEPTIONS TO SUBDIVISION STANDARDS, SECTION 18.80.090

1. Exceptional conditions (the proposed parcels' frontage on an existing private road and the inability to create from the parent parcel's dimensions, two parcels of the ideal 3:1 depth to width ratio) exist regarding the applicant's subdivision proposal;
2. These exceptional circumstances are not due to any action of the subdivider subsequent to the enactment of this Article;
3. The exception is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and zoning district and which would otherwise be denied to the proposed subdivision;
4. Granting the exception will not be materially detrimental to public welfare nor injurious to the property or improvements in the vicinity and zoning district in which the property is located; and
5. The proposed project will not affect the consistency of the proposed subdivision with the General Plan or with any other applicable specific plan.

SPECIAL CONDITIONS

1. Prior to recordation of the parcel map for the project, the applicant shall prepare a comprehensive grading and drainage plan for the entire site, prepared by and bearing the seal of a licensed Civil Engineer, which illustrates the methods by which storm water will be conveyed from the site to the City's storm drain system or infiltrated on-site to the satisfaction of the City Engineer.
2. Prior to recordation of the parcel map for the project, the applicant shall install one fire hydrant, the location and specifications for which are deemed satisfactory by the City Fire Marshall at the time of installation.

3. Prior to issuance of a building permit for new construction on either of the proposed parcels, the owner shall install a 20-foot deep paved apron off of Oak Street on Acorn Lane in compliance with City standards and to the satisfaction of the City Engineer.

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 & 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 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 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.

VOTE: Ayes: Commissioners Hannon, Johnson, Lucas, and Chair Snyder
Abstain: Commissioner Johnson declared that she had a potential financial interest on property within 500' of this site and recused herself from voting.
Absent: Commissioner Courtney

3. DIV 3-05; Stuart Beck (owner/applicant); 407 South Whipple Street (018-052-17); Minor Subdivision of a 14,000 square foot parcel into two parcels of 7,280 square feet and 6,720 square feet, respectively. The application includes a request for an exception to subdivision standards to authorize the creation of a 48' wide lot. The existing residence would be moved approximately 23' north of its existing location to accommodate the lot split.

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Planner O'Rourke.

Chair Snyder opened the public hearing at 6:25 p.m.

2. Stuart Beck, owner/applicant, said that in September he got a building permit to move the house. The renovated house is a big improvement to the neighborhood. The house is 45' wide, and he requests a 48' width for the southern lot so setbacks could be met on the northern lot. He declared

that he was shocked that a drainage and grading plan would be required prior to recordation.

3. Judy Sands, neighbor, said that three years ago she and her partner bought the house across the street as a retirement home. They used to enjoy an ocean view from their front steps. They call it their beach house and invested \$50,000 in improvements. Then, a few months ago, the plywood home across the street that was on a downhill slope below their lot line was moved and now blocks their view of the ocean. Sands stated that she drove up here to let the Commission see that their decisions about the future of Fort Bragg affect real people. She added that she wished that she could have had the opportunity to comment before her quality of life was ruined.

Discussion: Planner O'Rourke explained that the drainage and grading plan was needed for the new lot. Commissioner Lucas noted that it was too bad that the house was moved before the minor subdivision application was heard by the Commission. The Commission always takes into account what neighbors say.

4. Responding to a question from Snyder, Beck stated that in order to relocate the house it was placed on beams and moved with a backhoe. Setting it up took two days, but it was moved in about 30 minutes. Moving the house to the northern end of the parcel was closer and easier due to the lay of the land and thus less expensive. He is sorry that the neighbors' view was blocked and respects their situation. If he had moved the house to the south someone would build to the north anyway.

Chair Snyder closed the public hearing at 6:38 p.m.

Discussion: City Manager Ruffing informed the Commission that Beck received approval to move the house which did not require discretionary review that would allow the neighbors an opportunity to comment. It is unfortunate that views were blocked, but the General Plan supports infill development. Sometimes there are competing objectives. The City has no policies to protect views from private homes. Snyder added that the same issue will come up when the Mill Site is developed, and views are gone. No one is entitled to a view but the last one.

Moved by Lucas, seconded by Hannon, to approve DIV 3-05 and based on the following findings and subject to the conditions cited below:

FINDINGS

1. The proposed project is in conformity with the Low Density Residential (RL) Land Use designation as described in the Land Use Element of the Fort Bragg General Plan.
2. The proposed parcel configuration meets the standards established in the Fort Bragg Land Use and Development Code relative to the creation of new parcels within the RL zoning district except as noted and with findings indicated below.
3. The requirement of two (2) on-site parking spaces on the proposed northern parcel is warranted to comply with the parking requirements for single-family residences found in the Land Use and Development Code.
4. 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 – Infill Development.
5. The project site can be adequately served by all required utilities and public services.
6. As conditioned, the project would not adversely impact the storm water runoff characteristics of the site or surrounding properties.

FINDINGS FOR EXCEPTION TO SUBDIVISION STANDARDS, SECTION 18.80.090

1. The proposed project will be required to meet all the development standards for the Low Density Residential (RL) Land Use designation as described in the Land Use Element of the Fort Bragg General Plan including setbacks and parking requirements.
2. The proposed parcel meets the minimum lot area and minimum lot depth subdivision standards.
3. The exception allows the applicant to utilize an existing structure which complies with all development standards and provides for the creation of an infill lot.
4. The proposed project will be creating an infill residential lot which complies with Policy H-27 of the General Plan encouraging infill lots in order to utilize existing infrastructure.
5. The proposed project will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which the property is located.
6. The proposed project will not affect the consistency of the proposed subdivision with the General Plan or with any other applicable specific plan.

SPECIAL CONDITIONS

1. Prior to recordation of the parcel map for the project, the applicant shall prepare a comprehensive grading and drainage plan for the entire site, prepared by and bearing the seal of a licensed Civil Engineer, which illustrates the methods by which storm water will be conveyed from the site to the City's storm drain system.
2. Prior to recordation of the parcel map for the project, the applicant shall provide a driveway and two off-street parking spaces for the existing residence on the 7,280 square foot parcel in compliance with City standards. The applicant shall also be required to install frontage improvements including: curb, gutter, and sidewalk in compliance with City standards.
3. At the time of development of the 6,720 square foot, the owner shall be required to install a driveway and off-street parking spaces for this parcel. The owner shall also be required to install frontage improvements including: curb, gutter and sidewalk in compliance with City standards.

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. **This permit shall be subject to revocation or modification upon a finding of any one or more of the following:**
 - e) **That such permit was obtained or extended by fraud.**
 - f) **That one or more of the conditions upon which such permit was granted have been violated.**
 - g) **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.**
 - h) **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 Hannon, Johnson, Lucas, and Chair Snyder
Absent: Commissioner Courtney

CONDUCT OF BUSINESS: CONTINUED

4. **Recommend Potential Nominees for “Mayor’s Well Done Awards”**
 - A. The Commission reviewed the list of suggested award recipients prepared by staff and agreed to nominate all listed. They also added façade improvements at the Depot Mall and new construction of the Dialysis Center. City Manager Ruffing asked the Commission to advise staff if they had any additional nominations.
5. **Matters from Chair/Commission/Staff**
 - B. City Manager Ruffing stated that the City is recruiting for a new Community Development Director, but in the meantime, she is covering both jobs.
 - C. City Manager Ruffing announced that the City is working on finalizing a date for a Planning Commission workshop on the White Property annexation. Approval of a contract with LSA Associates is planned for Council’s February 27 agenda. The White Property workshop is likely to be held at Commission’s regular meeting March 22. LSA tell about the services they will perform on the annexation application and the scope of the environmental review. The public will be invited to attend and comment. The meeting will be followed up by a workshop with the City Council tentatively scheduled for March 23. LSA will provide Council with comments from the public and Planning Commission. Once the contract is approved and dates are firmed the City will send out a notice about the meeting dates.

ADJOURNMENT

Chair Snyder adjourned the meeting at 6:47 p.m.