

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 Mark Hannon, Vice Chair Meg Courtney, Commissioners Burley Cox, Georgia Lucas, and Kathleen Johnson (arrived at 6:53 p.m.)  
Absent: None.  
Staff Present: Jason Dose, Community Development Director; Chris Carterette, Planner II; and Nancy Philips, Administrative Secretary.

### **APPROVAL OF MINUTES**

Moved by Courtney, seconded by Cox, to approve the April 26, 2006, minutes as written.

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

Absent: Commissioner Johnson.

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

None.

### **PUBLIC HEARINGS**

Director Dose noted that there was no one present to represent the applicants for the first public hearing. The Commission changed the order of the agenda to allow the applicants more time to arrive.

1. **DIV 2-06; Laurel Street Associates, LLC (owner/applicant); Richard Angley (agent); 840 East Laurel Street (APN 008-250-40); Minor subdivision to authorize the creation of two parcels from an existing 15,871 square foot parcel. The division would create a 6,000 square foot parcel containing the existing residential structure and a 7,471 square feet "flag" lot parcel with a 20' wide "flag pole" access strip.**

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Planner Carterette. He added that the property owner only wants to pave the first 20' of the driveway, which meets City standards. Director Dose noted that the intent of the condition limiting Parcel 2 to one unit and one story was to address neighborhood compatibility concerns. Limiting Parcel 2 to one story would address the relatively close proximity of residences. A minor use permit would allow for public notice while giving the City the ability to ensure a project is compatible with the neighborhood and has appropriate window placement. There is no limit of one story or one house on Parcel 1 because of its size, access, and the fact that there are no residences in the immediate proximity. Director Dose, responding to a question from Lucas, stated that flag lots are allowed provided that there is 20' wide access and a minimum 6,000 square foot size with the flag portion netted out. The Code allows two parcels to be accessed off of one flag. The minimum width is 12' for a driveway with the first 20' paved.

**Chair Hannon opened the public hearing at 6:21 p.m.**

1. Richard Angley said that he is one of the owners and has already submitted plans for a foundation under the existing house with a 16' wide driveway. They are not putting a second story on the existing house but want to add 200 square feet to the rear. The addition would make the house slightly over 1,400 square feet. Once they put in the required parking it would be almost to the 40% limit for lot coverage. They plan one single-story house on each parcel.
2. Marta Weber stated that her family owns three lots adjacent to this subdivision and speaks on their behalf as well as some other neighbors. There is a discrepancy in the documents on the website

and the notice that was mailed to neighbors. One says there would be two parcels 6,000 and 9,871 square feet each. The other says 6,000 and 7,871 square feet. She said that she wants to be certain that compliance with conditions would be enforced. Prohibit development of a second unit and require a minor use permit if 18' high or not one story. The minimum parcel depth is 100' according to the Code, but the proposed lot would be 80' deep. Infilling should not be excessive in this neighborhood. She asked the difference in this flag lot and one that was recently denied for Ness Avenue. The proposed plan is close to the line of an adjoining property. In the summer months a taller building might block the light.

**Chair Hannon closed the public hearing at 6:36 p.m.**

Discussion:

1. Director Dose, responding to Weber's comments, stated that the Code requires the access strip be netted out to determine lot area on a flag lot. For building purposes, the lot is 7,871, but the Assessor would consider it to be 9,871 square feet. The Ness property did not meet minimum lot size once the flag was netted out. Dose repeated that there are no conditions to prevent a second unit or two-story addition being built on Parcel 1, but it would have to meet code requirements including height, setback, parking, and lot coverage. A property owner would need to apply for a map amendment to have a deed restriction removed.
2. Lucas stated that she drove by the property and observed that Fern Street is pretty overbuilt. Each property has small lots with two houses - some right on the property line, presumably before there were setbacks. That said, there is wide egress, and all these cottages are set up to be far back from the street. It would be a problem for the back parcel to ever have a second unit. We could impose deed restrictions on both parcels, but there are too many deed restrictions already. Restrictions should be on Parcel 2 only.
3. Courtney agreed that there are excessive deed restrictions. Infill is great but seems excessive in this neighborhood. She said that she is more comfortable imposing the deed restriction suggested on Parcel 2 so development meets the height and character of the rest of the neighborhood.
4. Hannon said that the Commission has the purview to add a deed restriction on Parcel 1 but that he is satisfied that there will be only one house there for a while. There are sufficient conditions limiting what can happen on the front lot right now.

**Commissioner Johnson arrived at 6:53 p.m.**

**Moved by Lucas, seconded by Courtney, to approve DIV 2-06 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 project has been found to be exempt from further environmental review pursuant to CEQA Guidelines Section 15332 (Class 32): In-Fill Development Projects.
4. The proposed development occurs within city limits on a project site of no more than five acres and is substantially surrounded by urban uses.
5. The project site has no value as habitat for endangered, rare, or threatened species.
6. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
7. The site can be adequately served by all required utilities and public services.

8. 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.
9. 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**

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 width 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 be neither materially detrimental to the public welfare nor 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 subdivision, the applicant shall either relocate the existing residence or remove a portion of the structure to meet the minimum side yard setback required in the RL zone.
2. As part of the recordation of the parcel map, a deed restriction shall be recorded for the flag lot (parcel 2) which limits the development potential of the parcel to one residential unit (i.e. no secondary units will be allowed) and which limits development to a single story and 18 feet in height. Language for the proposed deed restriction shall be provided to the Community Development Director and Public Works Director for review and approval. A copy of the recorded document shall be provided to the City upon completion.
3. As part of the recordation of the parcel map, a shared access easement shall be recorded on the deeds for the parcels. The language for the easement shall be submitted to the Community Development Director and Public Works Director for review and approval prior to recordation. The easement shall reference allowed access and maintenance responsibilities between the two parcels. A copy of the recorded document shall be provided to the City upon completion.
4. Prior to recordation of the subdivision, the applicant shall install a driveway apron, driveway and two off-street parking spaces on proposed parcel 1 in compliance with City standards.
5. Prior to recordation of the subdivision, the shed which straddles the proposed property line shall be moved or demolished to conform to required setbacks.
6. Prior to recordation of the subdivision, the applicant shall install street frontage improvements (curb, gutter, sidewalk, driveway apron, and conform paving) in compliance with City standards. The frontage improvements shall meet current ADA standards and be inspected by the City Engineer. An encroachment permit is required to be secured prior to commencement of construction within the City right-of-way.

7. Prior to approval of building permits for new development on parcel 2, the applicant shall prepare a comprehensive grading and drainage plan, 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 other destination approved by the City Engineer. The plan shall be provided to the City Engineer for review and approval.

### 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:
  - (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 Courtney, Cox, Johnson, Lucas, and Chair Hannon  
Absent: None

2. DIV 1-06; Brian & Jennifer Galletti (owner/applicants); Rob Borcich (agent); 535 South Sanderson Way (APN 018-281-20); Minor subdivision to authorize the creation of two parcels from an existing 21,274 square foot parcel. Proposed parcel 1 would contain all existing structures on the site and encompass 11,709 square feet, and proposed parcel 2 would be 9,565 square feet.

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Planner Carterette who added that staff recommends that Special Condition #3 be modified to be less restrictive.

Discussion: Lucas noted that there is a lot of concrete covering the property now and asked if it met lot coverage requirements. Director Dose responded that the applicant proposes removing concrete that provides access and reorient the garage door to allow more front yard to be planted. The pavement on the south would be removed.

**Chair Hannon opened the public hearing at 7:08 p.m.**

5. Rob Borcich, agent, said that Sanderson Way is 35' curb to curb. He agrees with the rewording

of Special Condition #3 to address the runoff issue.

**Chair Hannon closed the public hearing at 7:10 p.m.**

**Discussion:** Dose clarified, following a question by Lucas, that the Pyorres used to own this parcel and used the driveway to access their parcel behind it. There is no easement to the rear property according to the title report. Hannon stated that there is a potential for confusion about the tree species. The tree identified as a Douglas fir is a grand fir, and the redwood bush may be removed.

**Moved by Courtney, seconded by Johnson, to approve DIV 1-06 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 (LUDC) relative to the creation of new parcels within the RL zoning district 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 – In-Fill Development Projects.
4. The proposed development occurs within City limits on a project site of no more than five acres and is substantially surrounded by urban uses.
5. The project site has no value as habitat for endangered, rare, or threatened species.
6. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
7. The project site can be adequately served by all required utilities and public services.
8. As conditioned, the project would not adversely impact the storm water runoff characteristics of the site or surrounding properties.

### **SPECIAL CONDITIONS**

1. Prior to approval of a building permit for Parcel 2, the applicant shall prepare a comprehensive grading and drainage plan, 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 subdivision, the applicant shall install a new driveway access to the existing residence. The new access shall meet ADA requirements for all slopes. An encroachment permit is required to be obtained for the work within City right-of-way.
3. All site run-off shall be infiltrated on-site or properly conveyed off-site to the satisfaction of the City Engineer.
4. The existing willow tree and Douglas fir tree located on the southeastern portion of the property shall not be removed. If the existing redwood tree needs to be removed in order to accommodate the new driveway access to the existing garage, it shall be replaced with a new tree on the property.
5. All paving for the existing driveway and access shall be removed and the existing trees shall be protected during removal and during construction of any structures by the following:
  - (a) Construct barricades made of wood or wire fencing around trees to establish a tree protection zone. Extend barricades as far out as the branch spread of the trees. If disturbance within this area is unavoidable, the tree barricade should be located a minimum of one foot from the tree for each one inch diameter of tree trunk (for example,

ten feet from a tree ten inches in diameter). Place heavy equipment, supplies, ditches, and underground utility lines outside the tree protection zone. If an underground line must go near a tree, require the contractor to tunnel or auger underneath major roots without cutting them.

- (b) Include a tree protection clause in the construction contract forbidding grading, filling, ditching, equipment parking, or material storage within the tree protection zone.
- (c) Designate one corridor for site access, preferably where the driveway or parking area will be located. Limit construction equipment access, material storage, fuel tanks, chemical or cement rinsing, vehicle parking and site-office locations to non-tree areas. Keep construction equipment away from the trunk or tree protection zone of trees to be saved. Do not allow trash or debris to be burned beneath trees.

### **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:
  - (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 Courtney, Cox, Johnson, Lucas, and Chair Hannon  
Absent: None

### **CONDUCT OF BUSINESS**

3. Matters from Chair/Commission/Staff

**ADJOURNMENT**

Chair Hannon adjourned the meeting at 7:14 p.m.

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**Mark Hannon, Chair**

**ATTEST:**

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**Nancy Philips  
Administrative Secretary**

**INDEXED: \_\_\_\_\_(\_\_\_\_)**

**IMAGED: \_\_\_\_\_(\_\_\_\_)**