

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, and Georgia Lucas.  
Absent: Commissioner Kathleen Johnson.  
Staff Present: Chris Carterette, Planner II; and Nancy Philips, Administrative Secretary.

### **APPROVAL OF MINUTES**

Moved by Lucas, seconded by Courtney, to approve the October 11, 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**

1. **CDP 5-06, USP 6-06, DR 7-06, & VAR 1-06; Michael Dawson (applicant); Gray Whale Inn, LLC (owner); Leventhal and Schlosser, Architects (agent); 615 North Main Street, Fort Bragg, CA (APN 008-047-16); Coastal Development Permit, Use Permit, and Design Review to convert existing approximately 15,500 sq. ft. Gray Whale Inn to state licensed assisted living facility. The facility would house 16 residents and include food service, 24 hour care, recreation activities, and housekeeping. Two rooms would be maintained for overnight lodging on the third floor comprising approximately 1,353 square feet of the total building floor area. The project would include the addition of an elevator and elevator shaft.**

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Planner Carterette. Responding to questions from the Commission, Carterette added that he sent the project to several agencies and did not receive any comment except from the County's Environmental Health Department who said that they were interested in the kitchen but it would be regulated by the State. Responding to a question from Commissioner Cox, Carterette added that wording for Use Permit Finding #2 is from the State-certified Local Coastal Program. The right to operate an assisted living facility is considered a significant property right and can be conditionally permitted.

#### **Discussion:**

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

1. Michael Dawson, applicant, stated that he has an expert partner who runs a 120-unit facility in the Bay Area and will serve as a consultant for management and operations of the facility. The Grey Whale would be classified by the State as an assisted living facility that would accommodate a continuing level of needs up to a point that a resident would require a skilled nursing facility. He has run this bed and breakfast (B&B) for the last five years with his parents who want to phase out of it. An assisted living facility would benefit the community in a number of ways: residents' guests would be referred to nearby B&Bs; the building's use would be compatible with other businesses; contractors would be hired to convert the building; a good-sized staff would be hired; and residents would go to restaurants weekly and patronize other businesses. His goal is for facility residents to enjoy a B&B atmosphere with good food. Local artists would display their work. It will become a

cozy community or family group experience. The private residence now used by the owners will be converted and added to the dining room. Responding to questions from Commissioner Cox, Dawson replied that the carport will remain. Parking will meet Americans with Disabilities Act (ADA) requirements. The original ramp will be converted to comfortable stairs with shallow risers, low treads, and landings in the middle of flights. The State mandates that 16 residents require one caregiver 24 hours a day. One caregiver will be awake and on duty at night. They will adhere to the State's level of standards for the safety of residents.

2. Mike Leventhal, architect/agent, said that this type of building has stringent requirements from State, Federal, and local agencies and will comply with all regulations. The building will be sprinkled with a one-hour fire wall and fire alarms. In some ways the facility will be state-of-the-art though it is 100 years old. The interior design and floor plan has yet to be designed. They are going through the exterior and parking planning and design process first. Every room will have a bathroom with new fixtures. Hallway widths and access will conform to State regulations. They will not remove structural walls if they can help it. The building is quite beautiful inside, and they do not want to convert it to a sheetrock palace. They might have to strip original material, fireproof behind it, and reinstall. The building will be brought up to the State Fire and Building Codes. Non-ambulatory residents will live on the first floor. People with walkers may live on the second floor. Elevators can be put on a separate electric circuit, but in general, you do not want to put people in an elevator in an emergency. If you look at facilities across California, some are four to six stories high with non-ambulatory residents on the second floor. It is up to the owner. Assisted living means that some assistance is involved, but not nursing. Some facilities also accommodate the next level of assistance or hospice. A mechanical engineer will determine the heating system to be used. Responding to concerns from Commissioner Courtney, Leventhal replied that dual pane windows would be installed. Solar or renewable energy has not been considered yet, but could be used.
3. Fran Tucker, administrator for the Lodge at the Woods, stated that the Woods has been operating for ten years and would be a friendly competitor. More assisted living units are needed. It is a challenge to attract residents because of the cost, but the need and population are growing. Care is not paid for by Medical or Medicare, and it is very expensive. She endorsed Leventhal & Schlosser as architects who really know what they are doing. The State has varying degrees of requirements based on the number of residents, 16 being the least. Tucker suggested that Dawson consider that all residents may be non-ambulatory to allow for those with increasing physical problems. When people move to these facilities they often use a cane or walker, have macular degeneration, hearing loss, dementia, Alzheimer's, or even Parkinson's disease. They may not need full nursing but the amount of assistance needed may be more than the State anticipated. Another thing to consider is designing a secure perimeter for people with dementia or Alzheimer's to be safe outside. Parking should be provided for residents, employees, delivery vehicles, and the public.
4. Olivia Braga remarked that she is a lifelong Fort Bragg resident who was born in the building when it was a hospital. She stated that she supports the project because she knows a lot of lonely elderly people in Fort Bragg who regularly see only the person who delivers Meals on Wheels. Many can no longer drive and need assistance to get around. She recently visited the Grey Whale and was impressed with it. It would be a wonderful place for people to live and chat with others, read a magazine, or watch television. Residents could walk in the sunshine to the store and not have to go far.
5. Horace Mann, activist for seniors, said that he was here to endorse the project. There are currently 4 ½ million seniors in California and the number is growing by leaps and bounds.
6. Rosemarie Nelson stated that she works with seniors and the disabled and thinks that it is a worthwhile project. Dawson is an excellent chef and residents will be well fed.

7. Red Burke read aloud his letter opposing the project based on his concerns about fire safety in a very old wooden structure. Bedridden residents on the second floor may not survive a fire or earthquake.

**Chair Hannon closed the public hearing at 7:05 p.m.**

Discussion:

8. Commissioner Lucas noted that this building was probably sturdily built and that regulatory processes would ensure that it meets fire safety standards. A lot of people who live there may be more ambulatory than one may think and just do not want to take care of a house anymore.

**Moved by Courtney, seconded by Lucas, to approve CDP 5-06, USP 6-06, DR 7-06, & VAR 1-06 based on the following findings and subject to the conditions cited below:**

### **FINDINGS**

1. The proposed project is in conformity with the certified Local Coastal Program and applicable regulations of the Fort Bragg Municipal Code;
2. The proposed project is consistent with the purpose and intent of the Highway Visitor Commercial District Zone (HVC), as well as all other applicable provisions of Title 18 of the Fort Bragg Municipal Code, and applicable provisions of the Fort Bragg Municipal Code in general;
3. The proposed use is an allowed use in the HVC zoning district in the Coastal Zone;
4. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
5. The project is consistent with the applicable Design Review criteria as set forth in Section 18.71.050 (E) of the Land Use and Development Code;
6. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located;
7. The proposed development will not have any adverse impacts to any known archaeological or paleontological resource; and
8. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

### **FINDINGS FOR USE PERMIT**

1. The proposed use is consistent with the intent and purpose of the zoning district in which the property is located;
2. Approval is necessary to protect a substantial property right of the applicant;
3. Approval will permit a use which will be compatible with other uses in the area, and which will not be detrimental to other uses, rights or properties in the area; and,
4. In the Coastal Zone, the proposed use is one of the specifically enumerated uses permitted with a use permit in the zoning district specified.

### **FINDINGS FOR VARIANCE**

1. Because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of Chapters 18.04 through 18.82 deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
2. The variance granted shall be subject to such conditions as will assure that the adjustments to such conditions thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated; and,
3. A variance shall not be granted for a parcel of property which authorizes a use or activity which is otherwise not expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permit.

### **STANDARD CONDITIONS**

1. This action shall become final on the 11<sup>th</sup> working day following the decision unless an appeal to the City Council is filed pursuant to Chapter 18.61.063. This action is appealable to the California Coastal Commission pursuant to Chapter 18.61.065.
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 certified LCP.
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 shall lapse and become null and void one (1) year from the date of approval unless prior to the expiration of one (1) year, a building permit is issued and construction is commenced and diligently pursued towards completion or an extension is requested and obtained in accordance with LUDC Section 18.71.050.

9. Pursuant to 18.76.100 of the LCP, this Use Permit approval shall lapse and become null and void one (1) year from the date of approval unless prior to the expiration of one (1) year, substantial evidence of the use in progress exists. The action of the Planning Commission shall become final ten days from the date thereof, unless an appeal has been filed during the ten-day period.

### SPECIAL CONDITIONS

1. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools; stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.
2. Prior to final building inspection or occupancy of the structure, whichever comes first, exterior light fixture specifications shall be submitted to the Community Development Director or designee for approval.

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

### CONDUCT OF BUSINESS

2. **Matters from Chair/Commission/Staff**
  - A. Planner Carterette announced that on Saturday, December 2, a Planning Commissioner seminar will be held at Sonoma State University. Carterette attended last year with Commissioners Courtney and Johnson.
  - B. Planner Carterette informed the Commission that no items were ready for public hearing and recommended the November 8 meeting be cancelled. Pursuant to Planning Commission bylaws there is no regular meeting scheduled the fourth Wednesdays of November or December. **The Commission agreed to cancel the November 8 regular meeting.**

### ADJOURNMENT

Chair Hannon adjourned the meeting at 7:20 p.m.

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Mark Hannon, Chair

ATTEST:

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Nancy Philips  
Administrative Secretary

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