

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, Commissioners Burley Cox, Becky Ellis, and Georgia Lucas.  
Absent: Commissioner.  
Staff Present: Marie Jones, Community Development Director; Sean O'Rourke, Planner; Chris Carterette, Planner; and Nancy Philips, Administrative Secretary.

### **APPROVAL OF MINUTES**

Moved by Lucas, seconded by Cox, to approve the October 25, 2006, minutes as written.

VOTE: Ayes: Commissioners Cox, Lucas, and Chair Hannon.  
Abstain: Commissioner Ellis, who was not present at said meeting.

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

None.

### **PUBLIC HEARINGS**

1. **DIV 3-06; submitted 8/29/06; John Malsom (applicant/owner); David E. Paoli (agent); 145 East Fir Street (APN 008-048-14); Minor Subdivision of 19,530 square foot parcel into three parcels of 7,752 square feet, 5,160 square feet and 6,618 square feet.**

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

**Chair Hannon opened the public hearing at 6:05 p.m.**

1. David Paoli, agent, thanked staff for working with him on the plans to the point that staff could recommend approval.

**Chair Hannon closed the public hearing at 6:06 p.m.**

Discussion: Planner O'Rourke responded to a question by Lucas by stating that any new structure would have to meet setbacks. A purchaser could contact the railroad to determine if any special setbacks apply due to the proximity to the train tracks.

**Moved by Cox, seconded by Ellis, to approve DIV 3-06 based on the following findings and subject to the conditions cited below:**

### **FINDINGS**

1. The proposed project is in conformity with the General Commercial (CG) 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 CG zoning district.
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. 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 General Commercial (CG) Land Use designation as described in the Land Use Element of the Fort Bragg General Plan including setbacks and parking requirements.
2. The proposed parcels meet the minimum lot area and minimum parcel frontage for lot width.
3. The exception allows the applicant to utilize an existing business and single-family dwelling which complies with all development standards and provides for the creation of an in-fill lot.
4. 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.
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 subdivision, the applicant shall install a driveway apron, driveway, and two off-street parking spaces on Parcel 2 in compliance with City standards.
2. Prior to recordation of the subdivision, the existing garage which straddles the proposed property line shall be demolished.
3. Prior to recordation of the subdivision, the applicant shall install street frontage improvements including: curb, gutter, 8-foot sidewalk, driveway apron, and conform paving along Fir Street 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.
4. Prior to approval of building permits for new development on Parcel 3, 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.
5. Per the Fire Department's requirements, the fuel tank shall maintain a minimum of 7'6" from all property lines.

### **STANDARD CONDITIONS**

1. This action shall become final on the 11<sup>th</sup> 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 Cox, Ellis, Lucas, and Chair Hannon.

2. CDP 8-06, & DR 10-06; submitted 9/28/06; Conoco-Phillips, Inc., c/o SECOR International, Inc. (applicant); Mae H. Goldberg Estate, c/o Joan Amron (owner); Adrian Perez (agent); 225 N. Main Street (APN 008-151-16); Use Permit, Coastal Development Permit, and Design Review to authorize the installation of a 20' x 12' remediation compound and drilling of 25 remediation wells at the existing 76 service station. The compound will be a concrete at-grade slab surrounded by an 8' tall chain link fence.

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

Discussion: Lucas inquired how long the remediation would take, whether the level of contamination was typical of service stations, and how the contamination was discovered. Cox noted that the monitoring well was uphill from some of the remediation wells and expressed concern that contaminants from the service station would infiltrate the water table.

**Chair Hannon opened the public hearing at 6:14 p.m.**

2. Sean Coyle, SECOR project manager, said that he anticipated the remediation would take three to five years. In the late 90's many stations changed their underground storage tanks to fiberglass to meet new environmental requirements. Today all service stations have leak detectors and sensors to let them know if there are any contamination problems. The Regional Water Quality Control Board (RWQCB) requires regular reports on toxin levels. When contamination is discovered stations can call in someone to monitor and investigate. SECOR is a private company regulated by the State who assesses risks, determines the flow of the groundwater, and proposes corrective action plans when remediation is needed. RWQCB must approve the corrective action plan before it is implemented. He went on to explain how the remediation system uses ozone to oxidize contaminants from groundwater and soil. SECOR will also ensure that all exhaust complies with Air Quality Management standards.
3. Adrian Perez, agent, explained that many gas stations use monitoring wells. Their client needed a corrective action plan to bring down the levels of concentration of contaminants. SECOR has done this in other cities in Northern California and this level of contamination is typical for gas stations.

**Chair Hannon closed the public hearing at 6:32 p.m.**

Discussion: Planner Carterette noted that Air Quality Management already granted a permit for this remediation.

**Moved by Lucas, seconded by Cox, to approve CDP 8-06 and DR 10-06 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 Central Business District Zone (CBD), 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, while not specifically an allowed use in the CBD zoning district in the Coastal Zone, is a necessary and beneficial use;**
- 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 project, while located west of the first public road, will not limit the public's access to coastal resources as it is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act;**
- 8. The proposed development will not have any adverse impacts to any known archaeological or paleontological resource; and**
- 9. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.**

### **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. This Coastal Development Permit approval shall lapse and become null and void two (2) years from the date of approval unless prior to the expiration of two (2) years, a building permit is issued and construction is commenced and diligently pursued towards completion or an extension is requested and obtained pursuant to applicable regulations.

### **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 issuance of the Coastal Development Permit, the applicant shall submit a landscape plan for review and approval by the Director of Community Development or designee. The landscape plan shall indicate the planting and irrigation of a dense hedge that will form a visual enhancement and further screen the remediation compound from view of the public using Main Street. The hedge shall be maintained in a healthy and vigorous condition for the life of the project.

**VOTE: Ayes: Commissioners Cox, Ellis, Lucas, and Chair Hannon.**

3. **CDP 9-06 & DR 11-06; submitted 10/12/06; Fort Bragg Fire Protection District (applicant); City of Fort Bragg (owner); Steve Orsi, Fire Chief (agent); 32270 Hwy 20 (APN 018-391-07); Coastal Development Permit and Design Review application to authorize demolition and removal of an approximately 2,100 square foot portion of Fire Station 20.**

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

**Chair Hannon opened the public hearing at 6:40 p.m.**

4. Steve Orsi, Fire Chief, said that basically they are trying to get rid of an older building that is falling apart. They do not currently have the funding to replace it, but are looking for a grant. It is an old wood building with a slab floor and no sheetrock, but it will be checked for asbestos by a professional.

**Chair Hannon closed the public hearing at 6:42 p.m.**

**Moved by Cox, seconded by Ellis, to approve CDP 9-06 and DR 11-06 based on the following findings and subject to the conditions cited below:**

### **FINDINGS**

1. The proposed project is consistent with the Public Facility Civic District land use and zoning classifications. The demolition project would not change the use or intensity of the use of the property.
2. The project, as conditioned, would have no impact on coastal resources or wildlife habitat values. The project involves demolition and removal of an existing structure. Ground disturbance will be minimal and all demolition materials will be removed from the site.
3. The project would not adversely affect coastal views or aesthetic resources in the coastal zone as the project is over a mile from the coast.
4. The project would have no effect on any existing or potential prescriptive public access to the coast and would not result in increased demands for public access facilities.
5. Conditions have been incorporated into the project to mitigate the potential for release of hazardous materials (lead based paint or asbestos containing materials) contained in the structures by ensuring that they are removed and disposed of in accordance with all applicable laws.
6. The project has been found to be exempt from further environmental review pursuant to CEQA Guidelines Section 15301(I)(3) (Class 1): Demolition and removal of individual small structures including: a store, motel, office, and similar commercial structure if designed for an occupant load of 30 persons or less.

### **SPECIAL CONDITIONS**

1. Prior to issuance of a demolition permit for the structure, the applicant shall submit proof of asbestos inspection to the Mendocino County Air Quality Management District and properly notify the District prior to removal of any asbestos containing material and payment of any required fees, if applicable.
2. The applicant shall comply with the following conditions as required by the Department of Public Health, Division of Environmental Health:
  - (a) During demolition, locate all sewer lines that are connected to the building.
  - (b) With the use of an electronic probe or other device, determine whether the sewer line(s) is connected to a septic tank.

- (c) If a sewer line is connected to a septic tank that serves only the demolished building and, if there is no clearly defined future use for that tank (e.g., a replacement building), then the tank must be destroyed in accordance with Division of Environmental Health requirements.
  - (d) If that septic tank serves any other currently occupied structure (e.g., the unattached house shown on the plot plan), then the septic should be clearly mapped and marked, but may remain in place.
3. Any dust particles generated in the demolition process will be minimized via dust suppression control.
  4. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds shall be halted until a qualified archaeologist has evaluated the situation.
  5. Prior to impact by demolition activities, any identified lead-containing and asbestos-containing materials must be removed or handled in accordance with industry standards and the rules and regulations of the U.S. Environmental Protection Agency, Federal and State OSHA regulations, and Air Quality Management District permit requirements. All removal and clean-up activities must be conducted by a certified and trained contractor(s) in accordance with the required permits.
  6. All demolition debris shall be transported by an approved waste hauler to an appropriate waste disposal or recycling facility.

### **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 not appealable to the California Coastal Commission.
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 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.
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 demolition is commenced and diligently pursued towards completion or an extension is requested.

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

### **CONDUCT OF BUSINESS**

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

- A. Director Jones reported that the Commission that Community Development Department staff analyzed this year's building permits and found that processing times are considerably shorter than many in the community may think. In 2006, the Department processed 98 building permits. Upon submittal of a complete application, the average processing time for 36 minor permits (for re-roofing projects, fences, etc.) was one day. On average, permits for 54 remodels and additions were processed in 10 days. The eight building permits for new construction projects took an average of 14 days to process.
- B. Director Jones announced that the December 27 Planning Commission meeting will be canceled and announced the following meetings: December 18, 7:00 p.m., City Council Water workshop, Town Hall; the January 10, Planning Commission meeting will include a presentation from the City Attorney on Conflicts of Interest and the Brown Act; 2006 Mayor's Well Done Award Nominations; January 11 & February 22, 6:00 p.m., Large Commercial Solid Waste Transfer Siting Study Workshops, Town Hall; January 17, 3:00 p.m., construction & demolition ordinance workshop, Community Development Committee, Town Hall; and on January 24, a joint workshop between Planning Commission, City Council, and the Redevelopment Agency on inclusionary housing.
- C. Planner O'Rourke notified the Commission that the White Property application had been withdrawn due to water issues.

### **ADJOURNMENT**

Chair Hannon adjourned the meeting at 6:48 p.m.

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Mark Hannon, Chair

ATTEST:

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Nancy Philips  
Administrative Secretary

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

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