

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

APPROVAL OF MINUTES

Moved by Lucas, seconded by Ellis, to approve the December 13, 2006, minutes as written.

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

PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

CONDUCT OF BUSINESS

1. A. 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 4-05 & CDP 11-05; submitted August 24, 2005; Vincent A. Benedetti (applicant); Vincent A. Benedetti Et. Al. (owners); 440 South Street; APN 018-220-02; Minor Subdivision and Coastal Development Permit to authorize the division of an 11.41 acre parcel into four parcels of approximately 7.13 acres, 0.14 acres, 0.14 acres, and a remainder parcel of 4.0 acres.

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Planner O'Rourke. O'Rourke explained that staff reports have a new format with more options for the Commission's action. The Benedetti property is in the California Coastal Commission's retained jurisdiction, so the applicant must also apply directly to them for approval.

Chair Hannon opened the public hearing at 6:12 p.m.

1. Vince Benedetti, owner/applicant, stated that he agreed with staff's recommendations and found them to be acceptable. He expressed concern about the project bouncing from the Coastal Conservancy to the City and back and asked Commissioners to approve the property lines so that they conform with whatever is acceptable to the Coastal Commission. The property has a fast and substantial slope. He met with the Coastal Commission and said that they would prefer the lots to be configured without right angles due to the slope. He will work with the new owners of the Rossi property to deed the roadway between their properties to the City.

Chair Hannon closed the public hearing at 6:20 p.m.

Discussion: Hannon suggested striking Special Condition #3 so that the lot lines would be configured without right angles, and conform to Coastal Commission requirements.

Moved by Lucas, seconded by Ellis, to adopt the Negative Declaration prepared for the

subdivision and approve DIV 4-05 and CDP 11-05 based on the following findings and subject to the conditions cited below:

FINDINGS

1. The proposed project is in conformity with the Very High Density Residential (RVH) and Harbor District (HD) Land Use designations as described in the Land Use Element of the Fort Bragg General Plan.
2. The proposal is consistent with the purpose and intent of the Garden Apartment Condominium (GAC) and the Residential One Family (R-1) zoning districts as well as other provisions of Title 18 of the Fort Bragg Municipal Code.
3. The proposed project is in conformity with the certified Local Coastal Program including the policies of the LCP Manual and applicable regulations of the Fort Bragg Municipal Code.
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, conflicts in land use, impacts on coastal resources or water quality, as demonstrated in the accompanying Initial Study and Negative Declaration, which was circulated for public review pursuant to the statutory time periods prescribed by the California Environmental Quality Act (CEQA).
5. This project is located within the Coastal Commission's retained jurisdiction and will require separate review and approval by the California Coastal Commission.
6. The site can be adequately served by all required utilities and public services.
7. A portion of the project site is located in a Special Review Area as indicated on Map LC-2 of the City's General Plan. As indicated by the Plant Survey, no Threatened and Endangered Plants as found on the California Department of Fish and Game website were found on this portion of the site and the majority of the site in the Special Review Area is not proposed to be developed, and therefore would not have an effect on environmentally sensitive habitat areas in the site vicinity.
8. The site is physically suitable for the proposed minor subdivision, the design of the subdivision will not cause serious public health or safety problems; and the subdivision will not conflict with any easements acquired by the public at large for access through, or use of, the property within the proposed minor subdivision.
9. The proposed subdivision is consistent with the applicable provisions of both the Title 18 and the Subdivision Map Act.
10. All future development will be subject to the requirement to obtain a coastal development permit and design review approvals as applicable at which time project-specific impacts will be evaluated and site development requirements established.
11. The information and analysis in the Negative Declaration demonstrates that the proposed project will not have a significant adverse effect on the environment, specifically pertaining to the following areas:
 - a. It does not have the potential to degrade the quality of the environment.
 - b. It will not achieve short-term, to the disadvantage of the long-term, environmental goals.
 - c. It will have no impacts which are individually limited, but cumulatively considerable.
12. The Negative Declaration has been completed in compliance with CEQA and the CEQA Guidelines.
13. The Negative Declaration reflects the City's independent judgment and analysis of the potential environmental effects associated with the project.

SPECIAL CONDITIONS

1. The property owner shall submit a separate application to the California Coastal

Commission for their review and approval of the subdivision upon completion of the City's process and this Tentative Map shall not be effective until approved by the California Coastal Commission.

2. No single-family dwellings shall be constructed on any of the portion of the property zoned Garden Apartment Condominium (GAC) until the City's Local Coastal Program (LCP) is certified by the Coastal Commission, and the parcels are re-classified High Density Residential (RH) which allows for single-family dwellings.
3. Per the Mendocino County Air Quality Management District, any development that installs a fireplace or woodstove must be EPA certified and installed in a manner to ensure proper operation.
4. Per the Mendocino County Air Quality Management District, all grading activities on-site must comply with District Regulation 1 Rule 1-430 regarding fugitive dust emissions.
5. Prior to recordation of the subdivision, the applicant shall install street frontage improvements including: curb, gutter, sidewalk, street trees, and conform paving along South 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.
6. Prior to issuance of building permits for development of any parcels, the owner will be required to submit a comprehensive grading and drainage plan for the site, subject to the review and approval of the City Engineer. The plan is required to be drawn by, and bear the seal, of a licensed Civil Engineer and to illustrate the method by which storm water runoff will be conveyed from the site to a public way.
7. Per Fish and Game's letter dated September 27, 2005, this project may result in changes to fish and wildlife resources as described in the California Code of Regulations, Title 14, Section 753.5(d)(1)(A)-(G), and therefore a de minimis determination is not appropriate and an environmental filing fee as required under Fish and Game Code Section 711.4(d) shall be paid to the Mendocino County Clerk. This filing fee shall be paid within thirty days of approval by the California Coastal Commission.
8. In the event of an accidental discovery or recognition of prehistoric or historic archaeological deposits within an area subject to development activity, there shall be no further excavation or disturbance of the site. In addition, there shall be no further excavation or disturbance of any nearby area reasonably suspected to overlie similar resources and a professional archaeologist shall be consulted immediately. A professional paleontologist shall also be consulted if mineralized remains of animals or plants or other artifacts such as footprints are discovered. Further, if human remains are discovered, the Mendocino County Coroner must be contacted in order to determine if an investigation of the cause of death is required. If the County Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission within 24 hours.
9. The property owner shall submit documentation to the City of the California Coastal Commission's decision on this Tentative Map.

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 Title 18 Chapter 18.78 (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 Title 18 as certified in the Local Coastal Program.
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. Upon approval by the California Coastal Commission, this Tentative Map will be valid for 24 months, except as otherwise may be allowed by the Subdivision Map Act. At the end of 24 months, the approval shall expire and become void unless an extension of time has been granted pursuant to Section 17.20.350(B) of Title 17.

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

CONDUCT OF BUSINESS: CONTINUED

3. B. Receive Presentation from City Attorney Regarding the Brown Act and Conflicts of Interest

This agenda item was deferred to the January 24 Planning Commission meeting when the City Attorney will be present.

C. Receive Presentation Regarding Annual General Plan Status Report

Director Jones summarized the written report she provided the Planning Commission noting that the City has a housing rehab loan program in place for low and very low income citizens.

D. Recommend Nominees for 2006 Mayor's Well Done Award

The Commission reviewed the list of suggested award recipients prepared by staff and agreed to nominate all listed. They also added V'Canto for its interior improvements. Director Jones asked the Commission to advise staff if they had any additional nominations.

E. Matters from Chair/Commission/Staff

- Director Jones announced three upcoming community workshops. The first will be held January 11, to identify sites for a solid waste transfer station. On January 17, a construction and demolition ordinance workshop will be held. There will be a joint City Council/Planning Commission workshop January 24, to discuss inclusionary housing.

- Director Jones welcomed Commissioner Ellis. Planner O'Rourke invited Ellis to share her background information with the public and Commission. Ellis responded by saying that she is a retired librarian who worked in academic and public libraries for 40 years. She works at the Botanical Gardens, is a member of Soroptomists, and stated that she is honored to serve on the Commission.
- Commissioner Lucas inquired whether a Commissioner's personal opinion should affect their vote on a project or if the Commission is limited to determining if a project meets code. What types of questions are appropriate? Director Jones encouraged Commissioners to ask questions and assured them that staff will advise them if the question is inappropriate. Commissioners' questions clarify points for everyone's benefit.

ADJOURNMENT

Chair Hannon adjourned the meeting at 6:45 p.m.

Mark Hannon, Chair

ATTEST:

**Nancy Philips
Administrative Secretary**

INDEXED: _____(____)

IMAGED: _____(____)