

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

APPROVAL OF MINUTES

Linkhart proposed several changes to the draft minutes. It was agreed that staff will amend minutes and bring back to Commission.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

PUBLIC HEARING

- 1. DR 5-07 & CDP 4-07; Larry and Susanne Dockins (applicants/owners); 547 North Main Street (APN 008-054-06); Design Review and Coastal Development Permit to allow a 183 SF addition to an existing building located at 547 North Main Street. The proposed addition would allow for a new restaurant with sixteen (16) seats for dining and a total building area of 914 SF. The new restaurant would require a minimum of four (4) parking spaces.**

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Planner O'Rourke. O'Rourke referred to a letter from the adjacent property owner to the north who opposes the project. Based on the letter, O'Rourke did not think that they would be interested in entering into a shared parking agreement. If the applicant is unable to negotiate a shared parking agreement with the adjacent property owner to the west, County Health Services, restaurant operations would be limited to eight seats and take out service. Parking requirements are based on the square footage of the dining area only, not the entire building.

Discussion: Linkhart noted that it could be difficult for patrons to exit the parking lot without backing up onto Main Street. If the applicant is unsuccessful in securing a parking agreement with the adjacent property owner, it would be hard to enforce having eight seats before 5:00 and 16 seats after.

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

- Larry Dockins, applicant/owner, reported that he has been in constant contact with Tim Garrison, Mendocino County General Services, and County Supervisor Kendall Smith about a shared parking agreement for the restaurant. Garrison did not see any problem in acquiring the extra parking spaces as long as Dockins came up with a suitable contract. There would not be many seats because the building is small, but he anticipated that he would get walking traffic from motels and the Skunk Train. He offered to post signage at the restaurant to indicate where additional off-site parking is located. If he does not obtain the parking agreement with the Mendocino County general Services he would be restricted to eight seats at all times.

Discussion:

- A. Director Jones noted that the property is quite near the Central Business District (CBD). If it were located in the CBD they could pay an in-lieu fee instead of directly providing the parking on site. It

is not an impacted parking site, but the Land Use & Development Code requires four spaces, and they need two more than the site currently accommodates.

Chair Hannon closed the public hearing at 6:47 p.m.

Moved by Lucas, seconded by Cox, to approve DR 5-07 and CDP 4-07 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. Exempt from CEQA pursuant to Section 15301(e)(1). Class 1(e)(1) consists of an addition of 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less.**

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 Chapter 18.61.064. This action is not appealable to the California Coastal Commission pursuant to Chapter 18.61.063.**
- 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 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. 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.

SPECIAL CONDITIONS

1. Prior to final building inspection, a shared parking agreement with the adjacent property to the north (APN: 008-054-05) shall be completed and recorded by the office of the County Recorder. If no parking agreement is recorded the property shall be limited to a maximum of eight (8) dining seats unless Condition #5 is satisfied.
2. A detailed plan showing how the existing parking area and driveway access will comply with ADA requirements shall be reviewed and approved by the City Engineer or designee. All ADA requirements shall be installed prior to final building inspection.
3. Prior to final building inspection, the existing parking lot shall be re-striped to meet ADA requirements per Condition #2 and shall be re-striped so that both properties (APNs: 008-054-05 and 06) have a minimum of two parking spaces per parcel.
4. The dining area seating shall be limited to a maximum number of eight (8) seats from the time the restaurant opens till 5 p.m. as the site will have access to only two parking spaces during these hours. After 5 p.m., the dining area seating shall be limited to a maximum number of sixteen (16) seats as the site will have access to four parking spaces during these hours. Take-out service can be provided during all regular operating hours.
5. If the property owner is able to secure a parking agreement with the Mendocino County Public Health Office parcel to the west (APN: 008-054-12), then the restaurant can operate without any time restrictions though the following shall apply:
 - a. There shall be two parking spaces that are reserved for the restaurant and those two parking spaces shall be marked "reserved for restaurant" on the pavement;
 - b. A direct connection from the two reserved parking spaces to the restaurant shall be provided;
 - c. A legal, binding parking agreement shall be drafted and completed between the property owners and shall specify the requirements and timing of the lease. A copy shall be provided to the City;
 - d. If the parking agreement expires or becomes voided, the restaurant shall be limited to take-out only and a maximum number of eight (8) dining seats from the time the restaurant opens till 5 p.m. with a maximum number of sixteen (16) dining seats from 5 p.m. to close.

6. 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.
7. Prior to issuance of building permits, exterior light fixture specifications shall be submitted to the Community Development Director or designee for approval.
8. Prior to final building inspection, the property owner shall get all the appropriate approvals and permits from Mendocino County Environmental Health to operate a restaurant.

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

2. **CDP 5-07; REC Solar – Greg McPheeters (applicant/agent); Bill Patton, Group II Commercial Real Estate (property owner); 171 Boatyard Drive (APN 018-160-37 & 38); Coastal Development Permit to install a 25 KW flush mounted solar array on the south facing front roof of the Harvest Market building in the Boatyard Shopping Center**

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

Discussion:

Chair Hannon opened the public hearing at 6:49 p.m.

1. Tim Bosma, representing Harvest Market owner Tom Honer, stated that it is a good idea to install solar panels, and this is the right time to do it.

Chair Hannon closed the public hearing at 6:50 p.m.

Moved by Linkhart, seconded by Lucas, to approve CDP 5-07 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, associated Land Use Plan, and applicable regulations of the Fort Bragg Municipal Code.
2. The proposed project is consistent with the purpose and intent of the Community Commercial (C3) zoning district.
3. Harvest Market is an existing use and no change of use is proposed.
4. The proposed project is consistent with the City's General Plan for the development of alternative energy sources.
5. The design, location, size, and operating characteristics of the activity are compatible with the existing and future uses in the vicinity.
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 would have no effect on existing or proposed public access to the shoreline or rivers.
8. For the purposes of the environmental determination, the requested modifications are considered minor new construction to an existing facility and are exempt from environmental review pursuant to CEQA Guidelines Section 15301 – Class 1 – Existing Facilities.

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 the certified Local Coastal Program (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.

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

3. DR 8-07; Two Rivers Chocolates, Inc. (applicant); American Financial Realty Trust (property owner); Richard & Julie Keaton (agents); 232 North Main Street; APN 008-164-35; Design Review application to allow for the construction of a new entrance on the western side of the existing Bank of America building. Proposal includes a new entrance, awnings, signage, a pedestrian walkway across the existing parking area, and reconfigured landscaping areas.

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

Chair Hannon opened the public hearing at 7:00 p.m.

1. Todd Newberger, architect, stated that they are proposing a fluorescent down-light mounted high in the awning that would shine a subtle light on the ground below. There would not be any exterior light directed on the sign which would require a higher level of structural integrity. The marquee is an opaque burgundy color, and the copy is buff color that is likely to glow lightly. The awning would not stand out or be obtrusive in any way. He submitted a fabric sample of the awning material to the Commission and added that it is consistent with colors found elsewhere downtown. Bank of America wants to ensure that the walkway is visible to motorists. Newberger proposed white striping that meets requirements of the Americans with Disabilities Act (ADA), and to infill the interior areas between the striping with a color that matches the awning. Responding to comments from the Commission, Newberger proposed delineating a 5' walkway from an existing break in the landscaping to the southern entrance of the bank in the same manner.

Discussion: Director Jones noted that the color of fabric sample #8603 differed from the color of the printed sample submitted and that the reddish hue looked much better than the original rendition which was somewhat pinkish. She expressed concern that the red/white markings on the asphalt may have a candy cane effect. Staff would be satisfied with striping the existing asphalt instead of a stamped or brick surface.

Chair Hannon closed the public hearing at 7:34 p.m.

Moved by Linkhart, seconded by Cox, to approve DR 8-07 based on the following findings and subject to the conditions cited below:

FINDINGS

1. The project complies with the purpose and requirements of Section 18.71.050 (Design Review)
2. The project provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
3. The project provides attractive and desirable site layout and design, including building arrangement, exterior appearance and setbacks, drainage, fences and walls, grading, landscaping, lighting, signs, etc.;
4. The project provides efficient and safe public access, circulation, and parking;
5. The project is consistent with the General Plan
6. The project complies and is consistent with the City's Design Guidelines.
7. The proposed project is consistent with the purpose and intent of the Central Business District (CBD) zoning district, as well as all other provisions of Title 18 of the Fort Bragg Municipal Code;
8. The project will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
9. For the purposes of the environmental determination, the requested modifications are considered existing facilities and are exempt from further environmental review under the California Environmental Quality Act.

SPECIAL CONDITIONS

1. The articulated walkway across the parking lot depicted in the plans shall not have colored infill. A 5' wide articulated walkway not shown in the plans shall be delineated in the same manner and located between the existing break in landscaping near the southwestern corner of the parking lot and the southwestern corner of the bank's walkway. The method of striping shall be indicated on the building permit plans and is subject to approval by the City Engineer.
2. If, upon installation of the awning, the illumination of the lettering results in a "glowing"

awning, the applicant shall be required to replace the awning or refrain from illuminating the letters.

3. Prior to the issuance of a building permit for the installation of the new entry doors, the applicant shall pay in lieu parking fees for the proposed loss of two on-site parking spaces. The in-lieu parking fees shall be of the amount that is required at the time of the issuance of the building permit.
4. Prior to issuance of the Design Review Permit, applicant shall submit for approval by the City Engineer or designee a drainage plan that addresses the new walkway and indicates the method by which storm water runoff will be directed into the existing storm drain system such that no storm water runoff would leave the property other than directly into city's storm drain system or the public right of way.

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 Land Use & Development Code (LUDC) Chapter 18.92.
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.
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 in compliance with Section 18.71 of the LUDC shall lapse and become void twelve months from the date of approval unless before the expiration of twelve months, a building permit is issued and construction has commenced and diligently pursued towards completion or an extension is requested and obtained in accordance with LUDC 18.71.050 (H)(3).

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

4. **CDP 8-07 & DR 9-07; Fort Bragg Municipal Improvement District (applicant/owner); Dave Goble, Public Works Director (agent); 101 West Cypress Street, (APN 008-020-07); Coastal Development Permit and Design Review Application to authorize construction of headworks screen equipment (within below grade concrete structure of approximately 960 SF) and associated infrastructure in order to improve function of municipal waste water treatment plant and comply with North Coast Water Quality Control Board orders.**

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

Chair Hannon opened the public hearing at 7:42 p.m.

- A. Nancy Atkinson, Associate City Engineer, explained that, as wastewater comes into the plant, the headworks screen would separate large material or rags and not go into the pumps. Diverted materials will be disposed of in a dumpster.

Chair Hannon closed the public hearing at 7:49 p.m.

Discussion:

- B. Carterette clarified, following a question by the Commission, that landscaping would be required in the vicinity of the project, not along the entire fence.

Moved by Cox, seconded by Lucas, to approve CDP 8-07 and DR 9-07 based on the following findings and subject to the conditions cited below:

FINDINGS

9. **The proposed project is in conformity with the certified Local Coastal Program and applicable regulations of the Fort Bragg Municipal Code;**
10. **The proposed project is consistent with the purpose and intent of the Heavy Industrial District Zone (IH), 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;**
11. **The proposed use is an allowed use in the IH zoning district in the Coastal Zone;**
12. **The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;**
13. **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;**
14. **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;**
15. **The proposed development will not have any adverse impacts to any known archaeological or paleontological resource;**
16. **The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and**
17. **The proposed development is in conformity with the public access and public recreation policies of the LCP and Chapter 3 of the California Coastal Act.**

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 the issuance of the building permit, a landscape plan shall be submitted for approval by the Community Development Director or designee. That plan shall specify the species proposed, number and locations of planting of each species, and method of irrigation. The plantings shall be staked and screened to protect them from the harsh coastal environment until well established and the landscaping shall be maintained and replaced in perpetuity as long as the use continues at this site.

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 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.

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

CONDUCT OF BUSINESS

5. Matters from Chair/Commission/Staff

A. Jones announced that the City Council and Commission will have a joint meeting on June 13, 6:00 p.m., for a Municipal Services Review workshop.

ADJOURNMENT

Chair Hannon adjourned the meeting at 7:50 p.m.

Mark Hannon, Chair

ATTEST:

**Nancy Philips
Administrative Secretary**

INDEXED: _____ (____)

IMAGED: _____ (____)