

The Planning Commission of the City of Fort Bragg met in regular session on the above date at 6:03 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, David Linkhart, and Georgia Lucas

Staff Present: Marie Jones, Community Development Director; Chris Carterette, Planner; Sean O'Rourke, Planner; and Nancy Philips, Administrative Secretary

APPROVAL OF MINUTES

Moved by Lucas, seconded by Linkhart, to approve the May 9 and May 23 minutes as written.

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

(*Abstain: Commissioner Cox abstained from voting on the May 9 minutes as he was not present. Commissioner Ellis abstained from voting on the May 23 minutes as she was not present.

PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

PUBLIC HEARINGS

1. **DR 6-07; April 19, 2007; Mendo Lake Credit Union (applicant); Robert Colombi (owner); Mark Moritz, Architect (agent); 100 North Main Street (APN 008-162-08). Design Review to allow a new single-story wood-framed office building of approximately 3,150 square feet to serve as a branch credit union. An off-street parking lot with landscaping and fourteen parking spaces is proposed to be located behind the structure.**

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Planner O'Rourke. Director Jones noted that impervious materials include pavers that water can infiltrate, turf stone, etc. and that many such products are available locally.

Chair Hannon opened the public hearing at 6:13 p.m.

1. Jan Bell, CEO of Mendo Lake Credit Union, stated that they are a non-profit organization with approximately 400 members on the Coast. This is the first opportunity they have had to use green building methods from the ground up. They are a certified community development credit union due to four initiatives: financing for mobile homes, affordable housing improvement loans, and free business and personal checking accounts. The Fort Bragg branch would be their third in Mendocino and Lake Counties. Responding to a question from the Commission, Bell replied that, for security reasons, members and children would be accompanied to restrooms which will not be located in the public lobby. Other branches use a combination of Plexiglas and awnings to keep ATM customers shielded from the weather and safe.
2. Mark Moritz, agent, said that the Credit Union budgeted upward slightly to make this a sustainable project that could be LEED certified. There are certain mandatory requirements to being LEED certified, and points are awarded based on verified performance. The building will have radiant flooring, solar panels, a bio-diesel generator, and a place to shower and change for employees who bike to work. They will use renewable resources and local products and services where possible. Responding to a question from the Commission, Moritz replied that he will have his contractor look at using Redwood instead of Cedar as it is a material available more locally; however, they have a

fiduciary responsibility to the members when considering modifications to the plans. There may even be able to make enough points to earn the silver rating which could qualify them for State rebates. The ATM location may shift a little, and they will take into consideration expanding the awning. LEED requires a smoking area a minimum 25' from the building. There is 82 square feet set aside as a recycle area, and they will try to share it with the lunch area. They cannot build across the northern lot line onto the adjacent property. Rather than have a blank wall, it is articulated with faux windows and awnings and set back a little to put in false window frames with a solid sheet of opaque glass behind them and canvas over the wall. This way it looks cohesive with the rest of the building.

Chair Hannon closed the public hearing at 6:52 p.m.

Discussion: Commissioner Cox expressed concern about blocked visibility from the alley. He stated that, while he liked the tree, visibility is already poor, and the tree may further block the view. The Commission discussed options for improving traffic and pedestrian visibility, including: a sign warning motorists to watch for pedestrians and auto traffic, prohibiting parking on the spaces immediately east and west of the alley, moving the tree, and installation of a convex mirror.

Moved by Hannon, seconded by Lucas, to approve DR 6-07 based on the following findings and subject to the conditions cited below:

FINDINGS

1. The project provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
2. The project is consistent with the Fort Bragg General Plan;
3. The project complies with and is consistent with the City's Design Guidelines;
4. The proposed project is in conformity with the Land Use and Development Code (LUDC) and applicable regulations of the Fort Bragg Municipal Code;
5. The proposed project is consistent with the purpose and intent of the Central Business District;
6. The proposed use is an allowed use in the CBD zoning district;
7. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
8. 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;
9. 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;
10. The proposed development will not have any adverse impacts to any known archaeological or paleontological resource;
11. The project will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
12. The proposed development is exempt from CEQA pursuant to Section 15332 – In-Fill Development Projects.

SPECIAL CONDITIONS

- 1. The project shall use permeable paving for the parking lot (porous pavement, concrete pavers, or other equivalent) in order to reduce storm-water runoff from the site or implement a storm water management plan that achieves LEED Credit SS 6.1.**
- 2. All two-way driveways shall have a minimum paved width of 26 feet and meet all ADA requirements. The driveway on Oak Street shall be a minimum of 100 feet from the intersection of Oak and Main Streets.**
- 3. Where the existing sidewalk meets the alley, this area will be required to meet current ADA requirements for slope and pedestrian access.**
- 4. A 2-foot clear zone for the parking lot spaces that are abutting a planter and not 18 feet in length shall be provided and shall be maintained to ensure adequate parking overhang. Only low growing vegetation shall be planted in these areas.**
- 5. Structures or landscaping over 42 inches in height shall not be allowed in a traffic safety visibility area, with the exception of trees with the canopy trimmed to a minimum of six (6) feet in height.**
- 6. The placement of any street furniture including planters in the public right-of-way shall apply for and receive an encroachment permit.**
- 7. Bicycle parking shall be provided per the City code requirements, shall be located so that bicycles do not encroach into the public right-of-way, shall include a stationary parking device to adequately secure the bicycle by both the bike frame and back tire, shall be a minimum of two feet in width and six feet in length with a minimum of seven feet of overhead clearance, and shall be conveniently located to the building entrance.**
- 8. Prior to issuance of building permits, 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.**
- 9. Prior to issuance of building permits, exterior light fixture specifications including proposed parking lot lighting shall be submitted to the Community Development Director or designee for review and approval.**
- 10. 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.**
- 11. Community Development Department staff will work with the applicant and the City Public Works Department to ensure that adequate sight visibility is provided and maintained at the intersection of Oak Street and the alley, possibly including: installation of a sign warning motorists to watch for pedestrians and auto traffic, striping the curb to the east and west of the alley, tree relocation, and/or installation of a convex mirror to improve visibility.**

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 and 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 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 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 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.

2. CDP 6-07 (April 19, 2007); Fort Bragg Municipal Improvement District (owner/applicant); Dave Goble, Director, Public Works (agent); Pudding Creek Beach (APN 008-010-15); Adopt Mitigated Negative Declaration for pending Coastal Development Permit to allow the relocation of a sewer force main. Project would include the construction of approximately 3,000 LF of 10 inch sewer force main from the Pudding Creek Lift Station to the nearest manhole on Elm Street at the intersection of Stewart Street. The current force main will be cleaned, capped and abandoned in place. The new force main would be located along the access road for MacKerricher State Park at Pudding Creek and the western shoulder of State Route 1.

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Planner Carterette who noted that a typo in the document was recently brought to his attention. He recommended that the Commission approve the mitigated negative declaration (MND) with a correction

to the Biological Resources Section (d) on page 11. Instead of checking the box for "less than significant with mitigation incorporated," the "less than significant impact" box should be checked. Many public agencies have been cooperative and have weighed in on this project. Comments received since the draft MND was prepared will be included in a mitigation monitoring plan. Besides the pending Coastal Development Permit there are a number of other permits that will be required from various public agencies that have jurisdiction.

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

3. Nancy Atkinson, Fort Bragg Municipal Improvement District Engineer, informed the Commission that the sewer force main would be 10" in diameter, which is the same as the existing line. Most of it will be a single-wall pipe, but will be double-walled where it crosses the bridge. She said that she anticipates this pressurized pipe will be installed on the side of the bridge that recently underwent seismic upgrades. Capacity is not an issue for this pipe which provides sewer service to many properties north of Pudding Creek including MacKerricher State Park.

Chair Hannon closed the public hearing at 7:17 p.m.

Discussion: Responding to a question from the Commission, Director Jones replied that the Cease and Desist order from the Water Board will assist the City in getting funding for this project.

Moved by Lucas, seconded by Ellis, to approve the mitigated negative declaration (MND) with a correction to pertaining to the Biological Resources Section (d) on page 11, the checking of the "Less than significant with mitigation incorporated" box is a typographical error. The "Less than significant impact" box will be checked in a corrected version of the MND.

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

CONDUCT OF BUSINESS

3. Matters from Chair/Commission/Staff

ADJOURNMENT

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

Mark Hannon, Chair

ATTEST:

Nancy Philips
Administrative Secretary

INDEXED: _____(____)

IMAGED: _____(____)