

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 Scott Deitz, Becky Ellis, and Milt Kuhl.
Absent: Commissioner Georgia Lucas.
Staff Present: Marie Jones, Community Development Director; Chris Carterette, Planner; and Nancy Philips, Administrative Secretary.

APPROVAL OF MINUTES

Moved by Kuhl, seconded by Deitz, to approve the February 11, 2009, minutes as written.

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

PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

PUBLIC HEARINGS

1. **CDP 10-08 & DIV 2-08; August 11, 2008; Deborah Ramsey Casey & Michael J. Casey (owner/applicants); Amy Wynn (agent); 400 Ocean View Drive; APN 018-440-59; Coastal Development Permit and Minor Subdivision to create four parcels of the following areas: 1) 9,456 square feet, 2) 8,925 square feet, 3) 10,950 square feet, and 4) 10,950 square feet. Improvements would include construction of cul de sac and sidewalks, and installation of utilities. The property is in the Coastal Zone. Continued from the January 28, 2009 Planning Commission meeting.**

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Director Jones. Responding to a question from the Commission, Jones replied that when you up-zone a property you give it more value. If the City were to initiate rezoning the property to a lower density, it would take away some of the value of the properties which could present a legal and financial risk to the City in that it could be considered a "taking". The former zoning allowed for a maximum of six units per acre, as it would have allowed for three primary and three secondary units. The five parcels were rezoned at the request of the property owners. A commissioner asked if the covenants, codes and restrictions (CC&Rs) could impose a condition to restrict development to a total of six units. Staff responded that a special condition could be added to restrict development to six units through the CC&Rs, however these are enforced by fellow property owners not the City. A Commissioner noted that a special condition should be added requiring the applicant to request a modification to the Master Traffic Resolution to allow enforcement of no parking signs, and that permeable pavement or concrete could be required by the Commission.

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

- A. Amy Wynn, agent, reiterated that the City would provide water and sewer service for the project. The majority of subdivisions up and down the coast are on community water systems. This project is well thought out and would not create a ghetto. Smaller subdivisions in the City have resulted in parcels assessed at \$150,000 to \$800,000. Some amenities such as sidewalks and a fire hydrant will benefit the neighborhood.
- B. Forrest Francis, engineer with Welty & Associates, reported that swales will be designed to

standards for a ten-year storm. Runoff from the driveways will also be infiltrated into the ground. The new credit union on Main Street has porous concrete that was expensive, looks bad, and does not put all the drainage back into the ground. There are force mains all over the City, and Public Works would examine them all after an earthquake.

- C. Geisce Ly, Dean of College of the Redwoods, stated that he supports the project. Housing and living wages will attract students to the College. The College will soon be creating a facilities master plan and is in discussions with owners of two properties north of the campus about perhaps developing them.
- D. Syd Wollert, neighboring resident, asked whether roadway capacity was considered. Build out of this property is not consistent with the prevailing standard in the neighborhood. Neighboring property owners have an investment in acquiring their parcels and developing their wells and septic.
- E. Claudelle Zack, neighboring resident, said that she did not receive notices of changes in the Todd's Point area until 2004-2005 when rezoning the Carlson property was proposed. Traffic has increased since Pomo Bluffs Park was opened. By rezoning these parcels you have increased their value but devalued neighbors' properties. Todd's Point is a wonderful gateway to Fort Bragg, and the City needs to consider that image when approving development.
- F. Larry Zanutto, neighboring resident, stated that he was concerned about traffic, sewage leaks, and groundwater. The City's former hydrologist said that Todd's Point has no water table. Property values would decline if the water became polluted.
- G. Barbara Lee, neighboring resident, insisted that the size of the sidewalk and street is an anomaly and does not belong there. If she were buying a house she would pass this by because you do not know what kind of housing will be there or the types of residents they attract.
- H. Betty Steckmeyer, Sherwood Road resident, said that this may be upgrading this property but would be downgrading the rest of the subdivision. Sherwood Road has faced challenges with big family homes that resulted from subdivisions. We have to keep something unique in Fort Bragg.
- A. Amy Wynn noted that the prevailing standard on Todd's Point has varied over the years from open space to farmland to one acre parcels. If someone purchased their property and did not know that these five parcels were annexed to the City in the 1980's and rezoned in the 1990's then she cannot help that. When one makes a major investment the onus is on the buyer to find out. This project has been carefully designed to impact the Todd's Point aquifer as little as possible. Development on these parcels requires a coastal development permit. This is not the case with the majority of Todd's Point parcels in the County. There could be a run-down manufactured home in the County. That is not true of these parcels in the City, and the public will be able to comment on them before anything is built. Before the rezone there could have been three houses and three second units, totaling six. This development is for six units. The City does not allow vacation rentals. There is one advertised on Todd's Point that accommodates up to 16 people. Todd's Point residents may want to consider establishing a community water system.
- I. Abbie Colbert added that the rezoning was publicly noticed over and over. If the neighbors do not like the zoning for this land they have the option to get together to purchase these parcels and request lower zoning for them.
- J. William Young said that one issue to look at is the changing character of Todd's Point. The road is very narrow and is getting increased traffic because of Pomo Bluffs Park.

Chair Hannon closed the public hearing at 7:15 p.m.

Discussion:

- Kuhl said that he felt the project was premature, but Commissioners have to look at what is in

the rules and not what they feel personally.

- Deitz stated that he reviewed the oath he took last month as a new Commissioner. Those duties, as described in City policy, are to review applications for consistency with the goals and policies of the Coastal General Plan and Municipal Code. He has gone through both and found nothing to allow him to deny the project. He did not know if he would have voted for the rezoning, but this is what we have, and we must go with the zoning the way it is now. This proposal could be the best thing we have going. An alternative may be a 12 unit rental facility on each parcel. CC&Rs could limit development so that only two parcels could have guest units. He encouraged the public to come back, if this is approved, when there is an application to build there.
- Ellis noted that this has been a difficult decision but that she was pleased with the change to restrict development to four houses and two granny houses. Condominiums would not fit into the site at all. There are plans in place for a water reservoir in 2010, but the economy is in dire straights. One house per acre may be appropriate, but we have to go by the City's code.
- Staff noted that two addition special conditions should be added to the special conditions section of the report as identified below:
 - Applicant shall request modification of the City's Master Traffic Resolution to request enforcement of no parking signs on Snug Harbor Drive prior to submittal of the parcel map.
 - The Director shall review and approve the CC&Rs prior to submittal of the parcel map.

Moved by Deitz, seconded by Hannon, to approve CDP 10-08 & DIV 2-08 based on the following findings and subject to the conditions cited below:

GENERAL FINDINGS

1. **The proposed project is consistent with the purpose and intent of the Medium Density Residential Zoning District, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code, and the Fort Bragg Municipal Code;**
2. **The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;**
3. **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; and**
4. **For the purposes of the environmental determination, the project is considered exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) the project has been found to be exempt from further environmental review pursuant to the CEQA Guidelines Section 15315 – Class 15 – Minor Divisions of Land.**

COASTAL DEVELOPMENT PERMIT FINDINGS

1. **The proposed development as described in the application and accompanying materials, as modified by any conditions of approval, is in conformity with the City of Fort Bragg's certified Local Coastal Program and will not adversely affect coastal resources;**
2. **The project is in conformity with the public access and recreation policies of Chapter 3 of**

- the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code);
3. The proposed use is consistent with the purposes of the zone in which the site is located;
 4. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
 5. The proposed location of the use and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity;
 6. Services, including but not limited to, water supply, sewage disposal, solid waste, and public roadway capacity have been considered and are adequate to serve the proposed development;
 7. The project, as proposed, will neither be subject to nor increase instability of the site or structural integrity from geologic, flood, or fire hazards due to project design, location on the site, or other reasons;
 8. The project, as conditioned, will not have significant adverse impacts on site stability or structural integrity from geologic, flood, or fire hazards due to required project modifications, landscaping, or other conditions; and
 9. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

SUBDIVISION FINDINGS

1. The project is consistent with Chapter 17.80 (Subdivisions) of the Coastal Land Use and Development Code; and
2. The project is consistent with the Subdivision Map Act.

SPECIAL CONDITIONS

1. The applicant shall: a) agree to the recording of restrictive covenants that require that Parcel 2 and Parcel 4 each be built out with two dwelling units; b) print these restrictive covenants on the recorded subdivision map; and c) deliver the restrictive covenants to the City in recordable form with the applicant's written authorization for the City to record the covenants against the parcels after the subdivision is recorded.
2. Infiltration swales, designed by a licensed civil engineer, shall be constructed at the time of each parcel's development taking into account the specific proposed project and the maximum permissible lot coverage for each development.
3. Prior to the approval of the improvement plan, the applicant shall either record on the parcel map a 20-foot wide easement to provide alley access to the second residential units on Parcels 2 and 4, or obtain City Council approval for the creation of a public alley to serve the parcels in the existing City owned 25-foot wide right of way.
4. The applicant shall install a stop sign on Snug Harbor Drive at the intersection of Snug Harbor Drive and Ocean View Drive.
5. The applicant shall either 1) obtain acceptance of the dedication prior to recordation of the Parcel Map; or 2) include road maintenance provisions in the CC&R's for the subdivision and revise the parcel map so that the appropriate portion of the road right-of-way is owned by each parcel with cross easements.
6. The applicant shall submit an improvement and utility plan to the Public Works Director for review and approval prior to undertaking any improvements to the subdivision. All grading, roadway, sidewalk and drainage improvements described in the improvement and utility plan must be installed at the site prior to recordation of the Parcel Map for the project. An energy dissipation system shall be required eastward of where the conformed asphalt swale discharges its contents into the County right of way. A grading permit is required by the

Department of Public Works prior to any work commencing at the site.

7. All roadway and frontage improvements are subject to review and approval of the Public Works Director and City Engineer. All work within the City's right-of-way must be performed in accordance with encroachment permits from the City. All improvements either must be completed prior to approval of the Parcel Map or a bond must be submitted to ensure their completion.
8. There shall be no on-street parking permitted along the frontage of the cul-de-sac. The cul-de-sac shall be signed for no parking to the satisfaction of the Public Works Department.
9. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: a) cease and desist from all further excavation and disturbances within 25 feet of the discovery; b) notify the Fort Bragg Community Development Department within 24 hours of the discovery; and c) retain a professional archaeologist to determine appropriate actions in consultation with stakeholders.
10. A fire hydrant shall be installed at the southeastern corner of the proposed cul de sac and Ocean View Drive. The exact location of the hydrant shall be reviewed and approved by the Fort Bragg Fire Department and Public Works Department prior to installation. The fire hydrant shall be installed prior to recordation of the Parcel Map for the project.
11. Applicant shall request modification of the City's Master Traffic Resolution to request enforcement of no parking signs on Snug Harbor Drive prior to submittal of the parcel map.
12. The Director shall review and approve the CC&Rs prior to submittal of the parcel map.

STANDARD CONDITIONS

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to Coastal Land Use and Development Code Chapter 17.92 - Appeals.
13. 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 Coastal Land Use and Development Code.
2. 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.
3. 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.
4. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
5. 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.

6. Unless a condition of approval or other provision of the Coastal Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with Subsection 17.76.070 (B).
7. The approved Tentative Map is valid for 24 months after its effective date (Section 17.81.090), except as otherwise provided by Map Act Sections 66452.6, 66452.11, 66452.13, or 66463.5. At the end of 24 months, the approval shall expire and become void unless:
 - (a) A Parcel Map, and related bonds, improvement agreements, and unilateral agreement (17.82.030D) have been filed with the City Engineer in compliance with Chapter 17.82 (Parcel Maps and Final Maps); or
 - (b) An extension of time has been granted in compliance with Section 17.81.140.

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

CONDUCT OF BUSINESS

2. Matters from Chair/Commission/Staff

- A. Director Jones informed the Commission that there will be a community skate park design workshop on March 19th at Town Hall. Once the design is finalized the application will come back to Planning Commission. Senior Planner Carterette added that the workshop will show more input and lead to final design for engineering and construction of the skate park.
- B. Administrative Secretary Philips announced that there would be a regular meeting of the Planning Commission on March 11.

3. Receive Oral Report Regarding Remediation and Specific Plan Activities for the Georgia-Pacific Mill Site

Director Jones asked the Commission to keep open the dates of May 2 and May 9. One of those Saturdays will be the next Georgia-Pacific Specific Plan Workshop from 9:00 to noon. It will be held on a Saturday in the hopes of getting people who work during the week to attend. There will be Mill Site tours noon to 2:00 after the meeting. Mill Site focus groups will be interviewed April 22-23. Anyone interested in participating in a focus group should contact Philips. The Coastal Commission approved the Coastal Development Permit for the Mill Site remediation. Starting in April large trucks and earth-moving equipment will be on the property removing dioxin-laden soil.

ADJOURNMENT

Chair Hannon adjourned the meeting at 7:38 p.m.

Mark Hannon, Chair

ATTEST:

Nancy Philips
Administrative Secretary

INDEXED: _____(____)

IMAGED: _____(____)