



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Meeting Agenda Planning Commission

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Wednesday, March 23, 2016

6:00 PM

Town Hall, 363 N.Main Street

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### MEETING CALLED TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### 1. APPROVAL OF MINUTES

[16-047](#) Approve Minutes of February 10, 2016

**Attachments:** [Minutes of February 10, 2016](#)

### 2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

### 3. PUBLIC HEARINGS

[16-082](#) Receive Report, Conduct Public Hearing, and Consider Approval of Use Permit UP 4-16; Use Permit for a Large Family Day Care Home at 183 S. Lincoln Street

**Attachments:** [Jara MUP 1-16 \(UP 4-16\) Staff Report](#)

[Attachment 1 - Location Map](#)

[Attachment 2 - Site Plan](#)

[Attachment 3 - Proximity Map](#)

[Attachment 4 - Neighborhood Correspondence](#)

### 4. CONDUCT OF BUSINESS

### 5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

### ADJOURNMENT

*The adjournment time for all Planning Commission meetings is no later than 9:00 p.m. If the Commission is still in session at 9:00 p.m., the Commission may continue the meeting upon majority vote.*





# City of Fort Bragg

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Phone: (707) 961-2823  
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## Text File

File Number: 15-173

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**Agenda Date:** 6/23/2015

**Version:** 1

**Status:** Minutes to be Approved

**In Control:** Community Development Committee

**File Type:** Committee Minutes

**Agenda Number:** 1A.

Approve Minutes of April 28, 2015



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Meeting Minutes Community Development Committee

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Tuesday, April 28, 2015

3:00 PM

City Hall Conference Room  
416 N. Franklin Street

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### MEETING CALLED TO ORDER

Committee Member Deitz called the meeting to order at 3:00 PM.

### ROLL CALL

Present: 2 - Scott Deitz and Michael Cimolino

### 1. APPROVAL OF MINUTES

[15-059](#)

Approval of Minutes of January 27, 2015

A motion was made by Councilmember Deitz, seconded by Councilmember Cimolino, that the Committee Minutes be approved for council review. The motion carried by a unanimous vote.

### 2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

2A. [15-142](#)

Presentation to the Community Development Committee by Lori-Rachel Stone

Lori-Rachel Stone made a presentation to the Committee requesting that the City Council promote more art and dance programs in Fort Bragg. Her suggestions for increasing the arts in Fort Bragg included community based art programs, grant funding opportunities for the arts, public arts in the schools, a fine art museum, dance festivals, outdoor theater and live/work opportunities in the Central Business District to entice artists to live here.

### 3. CONDUCT OF BUSINESS

3A. [15-129](#)

Receive Report and Provide a Recommendation to City Council Regarding Proposed Changes to the Municipal Code to Address Operational Issues at the Fort Bragg Coastal Trail

Community Development Director Jones recapped her staff report and asked the Committee Members to provide a recommendation to City Council regarding changes to the Municipal Code that would address several operational issues with regard to the Fort Bragg Coastal Trail. The issues include trespassing onto the replanted areas, rappelling over cliffs, removal of glass from Glass Beach, digging on the site and use of fireworks in the park. Jones said that all the glass on Glass Beach is over 50 years old and therefore considered a cultural and historical resource. Both Committee Members were in favor of amending subparagraph O to completely prohibit removal of glass from Glass Beach instead of limiting the removal to one small bagful. Committee Member Cimolino suggested changing subparagraph Q to add no scavenging.

Staff was directed to make changes to subparagraph O to prohibit removal of

**beach glass and subparagraph Q to include no scavenging, and to bring the proposed changes forward to City Council with a recommendation for adoption.**

**3B. [15-135](#) Fencing on Georgia-Pacific Mill Site**

Lori-Rachel Stone stated that the fences on Georgia-Pacific property are an eyesore, occlude ocean views, and negatively impact tourism. She thinks the City should ask G-P to remove the fences. Committee Member Cimolino said the fences have been there for over 75 years, protecting wildlife from vehicular traffic. Jones stated that the fences are considered legal, nonconforming, pre-existing fences, and with remediation of site contamination occurring, the Department of Toxic Substances Control would not allow the fences to be removed. Committee Member Deitz noted that it makes sense to leave the fences there now to keep people out and wildlife in.

**3C. [15-133](#) Coastal Trail Update**

**Due to lack of time, this matter was continued to a future Community Development Committee meeting.**

**3D. [15-136](#) Receive Report and Provide Direction to Staff Regarding Mobile Vending**

Associate Planner O'Rourke summarized his staff report and requested direction from Committee Members regarding recommendations for modification of a City Ordinance governing mobile vending permits. Community Development Director Jones suggested inviting local business owners to a meeting to receive their input before taking the matter to City Council for discussion.

Discussion: The following was noted during discussion of this item:

- Staff expressed concern about the potential for trash littering the Coastal Trail and recommended a designated seating area with a requirement that people eat there and not take trash out on the trail.
- Committee Member Deitz suggested designated areas for mobile vending to provide more control of garbage and recycling.
- Associate Planner O'Rourke recommended having vendors bring their own recycle and garbage cans.
- Community Development Director Jones said the south end of the runway on the southern portion of the Coastal Trail could accommodate picnic tables, has a much bigger parking area, and trucks could park on the runway itself.
- Committee Member Deitz said mobile vending is a good idea for school and special events.
- The Committee discussed limiting vending to food and flowers only.
- There was a concern that mobile vending trucks could cause competition for local restaurants, and discussion was held about obtaining permission from restaurants within 200 feet of mobile vending locations.

Public comment on this agenda item was received from: Mary Flores, Susan Winding, Scott Menzies, Larry Knowles, and Derek Hoyle. Items noted by members of the public included:

- The operating hours of the vendors might not conflict with restaurants, as many of them open after restaurants have closed.
- Concern about the potential effects of new regulations on the ability to refill empty store fronts.
- Revising regulations to lower barriers to diversifying markets that reflect local flavor would be good for business.
- Current mobile vending restrictions do not allow people to diversify and specialize.

- The new ordinance should take advantage of the "clustering" effect of vendors to draw in more people.
- More consideration should be given to defining the designated parking areas of vending vehicles.
- The ordinance should allow vendors to operate for ten hours at a time to cover two mealtimes (lunch/dinner).
- The ordinance should allow food carts as well as food trucks to operate from 10am to 10pm (or later).
- Consider vending on private property vs. public property.

**Committee consensus was to reissue the staff report based on input from this meeting and the January 27, 2015 meeting and invite local business owners, restaurants and interested parties to a Community Development Committee meeting at Town Hall. Based on that input, the Community Development Committee may suggest bringing the matter forward to City Council for consideration.**

**3E. [15-138](#)**

Receive Report and Provide Feedback to Staff Regarding City Surrounded by a Park Planning Project

**Due to lack of time, this matter was continued to a future Community Development Committee meeting.**

**4. MATTERS FROM COMMITTEE / STAFF**

**ADJOURNMENT**

**Committee Member Deitz adjourned the meeting at 4:32 PM.**



# City of Fort Bragg

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## Text File

File Number: 15-234

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**Agenda Date:** 6/23/2015

**Version:** 1

**Status:** Minutes to be Approved

**In Control:** Community Development Committee

**File Type:** Committee Minutes

**Agenda Number:** 1B.

Approve Minutes of May 26, 2015



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Meeting Minutes Community Development Committee

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Tuesday, May 26, 2015

3:00 PM

City Hall Conference Room, 416 N. Franklin Street

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### MEETING CALLED TO ORDER

Committee Member Cimolino called the meeting to order at 3:00 PM.

### ROLL CALL

**Present:** 1 - Michael Cimolino

**Absent:** 1 - Scott Deitz

### 1. APPROVAL OF MINUTES

[15-173](#)

Approval of Minutes of April 28, 2015

The approval of these minutes was deferred to the next meeting of the Community Development Committee due to the absence of Committee Member Deitz.

### 2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

### 3. CONDUCT OF BUSINESS

#### 3A. [15-175](#) Receive Report and Provide Direction to Staff Regarding Mobile Vending

Community Development Director Jones provided background on the mobile vending issue, adding that this is the third meeting of the Community Development Committee (CDC) regarding this subject.

Associate Planner O'Rourke presented a staff report, indicating that the current ordinance regarding mobile vending is somewhat restrictive so only a few people have applied for peddler's permits. He summarized the issues regarding time constraints, distance requirements from restaurants, designated vending zones, vending near schools or private property, public health and safety regulations and the clustering of vendors in one location.

Public Comment on this agenda item was received from: B.B. Grace, Tina Rose, Joseph Shaw, Pilar Grey, Jim Britt, Mary Flores, Paul Boddy, Petra Schulte, Pamela Anderson, Jerry Denevi, Larry Knowles, Johnny Adams, and Ronald Britt. Items of note included:

- Vendors might compete with various Fort Bragg booster clubs for concession income at school sporting events. Suggestions for restrictions on proximity to schools were discussed, ranging from 500 to 1500 feet.
- Trash from food wrappers and containers could be problematic, especially on or near the Coastal

Trail.

- Mobile vending could provide a place for people to eat after restaurants close but while the bars are still open.
- Suggestion was made to offer a reduced permit fee as an incentive to vendors who offer healthy food options.
- Food items should have at least a 60% compliance with USDA dietary guidelines.
- "Clustering" or locating all mobile vendors in one location.
- Restricting vendors from operating near restaurants.
- Limiting permits to six for the first year.
- Including time restrictions on permits, requiring the business to be up and running in six months or the permit is lost. This limitation would be to prevent one person from buying up all the permits but not using them.
- Year-round permits are preferred over seasonal permits.

**This matter will be brought forward to the City Council without recommendation from the Community Development Committee.**

#### **4. MATTERS FROM COMMITTEE / STAFF**

None.

#### **ADJOURNMENT**

**Committee Member Cimolino adjourned the meeting at 4:42 PM.**



# City of Fort Bragg

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## Text File

File Number: 15-235

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**Agenda Date:** 6/23/2015

**Version:** 1

**Status:** Business

**In Control:** Community Development Committee

**File Type:** Staff Report

**Agenda Number:** 3A.

Receive Report and Provide Direction to Staff Regarding Vacation Rentals



**CITY OF FORT BRAGG**

416 N. FRANKLIN, FORT BRAGG, CA 95437  
PHONE 707/961-2823 FAX 707/961-2802

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**COUNCIL COMMITTEE ITEM SUMMARY REPORT**

**MEETING DATE:** June 23, 2015  
**TO:** Community Development Committee  
**FROM:** Marie Jones, Community Development Director  
**AGENDA ITEM TITLE:** Receive Report and Provide Direction to Staff Regarding Vacation Rentals

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**ISSUE:**

Airbnb<sup>1</sup> is a “new-economy” company that uses the Web to advertise short term rentals for a variety of property owners, including: 1) people who live in their home and rent out a room or a couch; 2) people who rent out their personal vacation home; and 3) people who rent out a multitude of homes or rooms either that they own or as a service for other homeowners. The site has become extremely popular and successful and is changing the conversation about how and if residential units should be allowed to be rented to short term stays.

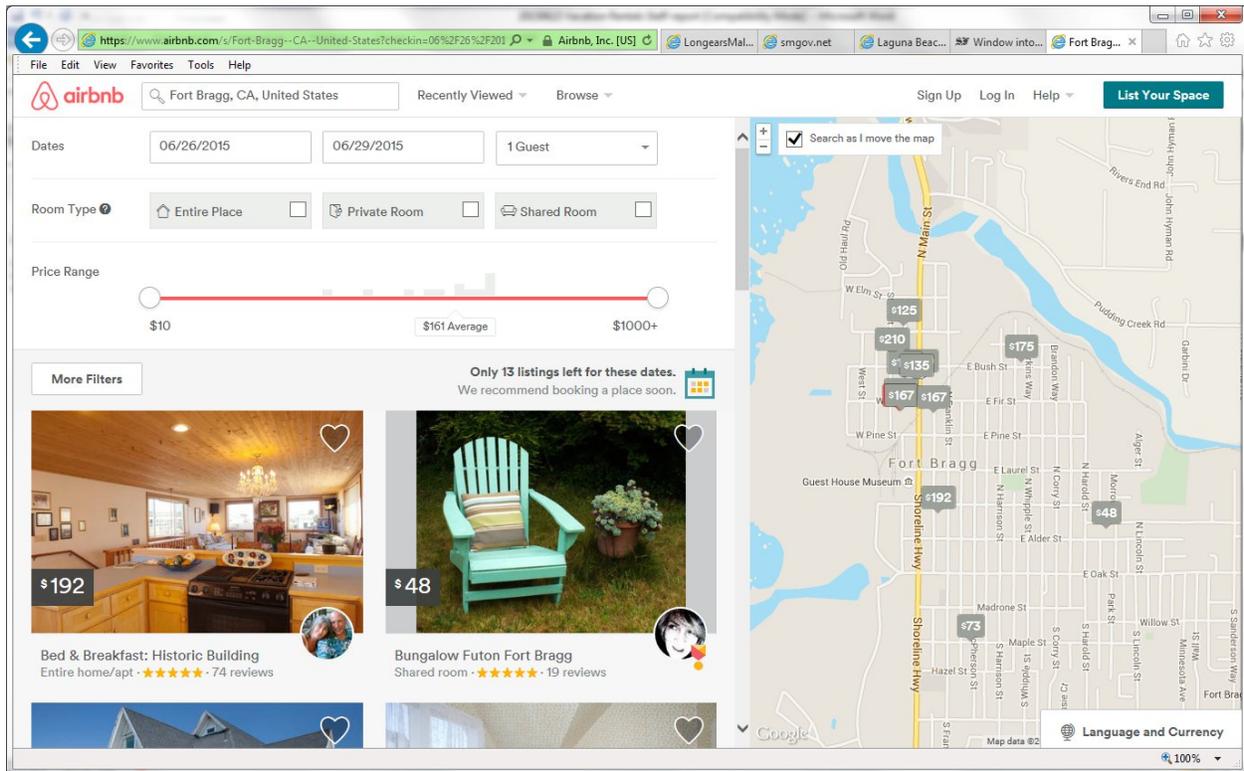
Vacation rentals and home-sharing are the two forms of short-term rentals. Both involve the rental of residential dwelling units for periods of 30 days or less, typically in residential neighborhoods. Home-sharing involves the primary resident living in the house and actively hosting their guests during the visit. Vacation rentals, on the other hand, are unhosted, which makes their negative impacts on the community more acute. Airbnb includes ads for both types of short-term rentals as well as rentals for traditional and legal bed and breakfasts and Inns.

A recent study in San Francisco concluded that over 5,000 units of housing were listed on Airbnb. Seventy percent of the vacation rentals were for entire houses or apartments, only 25% were for rooms. Overall, 2/3 of listings had fewer than 10 reviews, perhaps indicating the occasional rental of these units and 2/3 of all advertisers had only one listing.

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<sup>1</sup> Although there are a variety of short-term rental websites or Hosting Platforms, Airbnb has been the primary driver in transforming the vacation rental market; particularly because of the marketplace platform it has created which provides for a decentralized supply of short-term lodging positioned to compete directly with hotels instead of only providing an alternative when hotel rooms are scarce. Airbnb provides property owners, and other investors, with an efficient means to convert residential units into short-term lodging (i.e. hotel type units).

By comparison, there are currently only four illegal Airbnb rentals in Fort Bragg. The majority of Airbnb rentals are for legal rooms in Bed and Breakfasts and Inns (see screen capture below). This is due, in part, to code enforcement efforts by the Community Development Department as a number of listings were shut down last year through code enforcement.



In various California communities vacation rentals have been outlawed, regulated or ignored. Currently the City of Fort Bragg does not permit vacation rentals and the Community Development Department engages in quarterly code enforcement activities against users of Airbnb. Our policy has been to require that advertisers on these sites post that the rental is available for 30 days or more only. However there is no way for the City to ensure that advertisers adhere to this requirement when they actually rent the unit.

## **SUMMARY:**

Scott Dietz requested that this issue be brought forward to the Community Development Department for consideration. There are pros and cons to allowing vacation rental and some of these are summarized below.

### Cons

1. Generally, short term rentals occur in residential neighborhoods and fly “under the radar” in terms of compliance with zoning regulations, business license requirements, and health and safety requirements. Generally speaking, short-term rentals in residential neighborhoods are typically illegal or severely restricted under most zoning laws. Vacation rentals are NOT allowed in any zoning district in Fort Bragg. In addition to local zoning regulations, tenant leases may restrict or prohibit the subletting of a unit.

2. Typically the owners do not pay the required Transient Occupancy Taxes (TOT) and they compete with hotels, inns and bed and breakfasts and may possibly reduce the number of hospitality related jobs. Short-term rentals are required to collect and remit TOT to the City, just as hotels do, whether or not they are operating legally with the proper business license and zoning approval. California cities are currently struggling with not only the question of whether to allow short-term rentals, but how best to ensure collection of TOT. Airbnb has argued that it was only a platform to facilitate the rental of short-term rental units and that the individuals providing the units were required to comply with local laws. However, Airbnb collects and remits TOT for rentals in San Francisco, San Jose, and Malibu, CA USA.
3. Vacation rentals in residential neighborhoods can result in excessive noise, traffic and parking that conflicts with the residential neighborhood, especially when a whole house is rented out by rowdy visitors.
4. Vacation rentals can reduce neighborhood cohesion as residents no longer have neighbors living next door.
5. Legalization of vacation rentals could remove housing from the residential market and result in less housing available for rental or for sale and thereby increase the cost of rentals and home purchases through the law of supply and demand.

#### Pros

1. Allowing vacation rentals with a permit would bring the activity out into the light of day and allow people to get a license, comply with the zoning code, pay all permit costs and Transient Occupancy Taxes.
2. A limited number of vacation rentals could be permitted in some commercial districts of town (HVC and CBD), in order to provide an additional revenue stream for struggling retail properties and increase the number of visitors in downtown.
3. Short-term rentals provide individuals with the ability to earn extra income to support basic cost of living expenses.
4. Short term rentals enable travelers to find less expensive alternative to hotels, stay longer and spend more money on other travel related activities, such as restaurants and retail establishments.

#### **Current Legislative Actions by other Entities**

Senate Bill No. 593 would prohibit the operator of a hosting platform from facilitating rental of residential units for transient use if this is prohibited by a City ordinance. Senate Bill 593 would allow local jurisdictions to require Hosting Platforms, including online vacation rental companies to disclose the address of vacation rental listing, number of overnight stays, and revenue from rentals, to assist with the collection of TOT. Local jurisdictions could use the information to issue tax bills. The bill allows local jurisdictions to require Hosting Platforms to collect the tax when the guest pays for the rental and remits to the taxing authority.

Some jurisdictions have proactively moved to ban or maintain bans on the activity after studying the issue, including: West Hollywood, Aliso Viejo, Sonoma County, and Saratoga. Alternatively, several cities in California have recently enacted laws to legalize short-term rentals, including

Napa, San Francisco, San Luis Obispo, Seal Beach, and Arroyo Grande, although some of these are experiencing difficulty with implementation of the new ordinances.

Possible Legislative Actions by Fort Bragg

Option 1: Legalize Vacation Rentals in Some Form	Option 2: Retain Current Zoning Code Prohibition Of Vacation Rentals.
<p>Establish a regulatory framework to legalize and regulate home-sharing and or vacation rentals unlawful including:</p> <ul style="list-style-type: none"> <li>• Allowing it in some or all zoning districts;</li> <li>• Determination of zoning requirements by district;</li> <li>• Number of days a home can be rented out per year;</li> <li>• Extend to room rentals and/or whole units;</li> <li>• Limited number of vacation rental licenses awarded;</li> <li>• Require owner to address nuisance conditions, revocation of license if nuisance conditions persist or reoccur.</li> <li>• Require hosts and Hosting Platforms to collect and remit Transient Occupancy Tax.</li> <li>• Require a business license for vacation rentals, which includes detail on all rentals and payment of TOT.</li> </ul>	<p>Continue to engage in proactive code enforcement against violators of the existing zoning ordinance.</p>

-----Original Message-----

From: Mary Cesario/Weaver [<mailto:maryinmendo@hotmail.com>]

Sent: Sunday, June 21, 2015 7:26 AM

To: Jones, Marie

Cc: Ruffing, Linda

Subject: Vacation Rentals

Dear Marie,

Ordinarily I would attend the meeting on June 23, to discuss vacation rentals in Fort Bragg, but I have cancer and am undergoing treatments that leave me too weak to attend.

I am a Realtor and for many years I managed a number of vacation homes here on the Coast for their absentee owners. They became so problematic that I quit the business. The cons in your staff report make note of many of the problems I encountered.

Neighbors complained to me that these type of rentals were ruining their neighborhoods. They never knew if the people entering the rental homes were burglars or temporary guests. They brought dogs, kept them off leash so they would enter and poop in their yards and bark at all hours of the night as the "city dogs" were not familiar with country sounds and smells.

A couple would rent a house and then invite all their friends to come visit and stay with them in the home they had rented for just two people. I would do drive-bys to check and there would be six cars and maybe two RV's parked in the yard. All the linens in the house would be used and the water usage for showers, meals and laundry increased dramatically. I started telling people they had to provide their own linens and to take them home to wash them.

Loud parties also happened quite frequently. Parents would sometimes rent the homes for their teenagers to have parties in. If the landlord lives out of town they have no idea this is going on and the neighbors become the ones who have to complain or call the police.

Absentee home owners have no one watching their homes or see what is going on in them.

They hurt the hotel and inn businesses. They avoid paying bed taxes.

These homes also hurt the long term rental market. Most people who work in Mendocino rent homes in Fort Bragg because so many of the homes in the Mendocino area are vacation rentals. This has created a shortage of nice rentals in Fort Bragg, just the type of house ripe to be a vacation rental.

These homes have no supervision. No inn owner keeping an eye on things. No one checking for health and safety regulations, things like operating smoke detectors and carbon monoxide detectors. Many of the visitors don't know how to safely build fires in stoves and fireplaces.

I ask that you consider my concerns and not allow vacation rentals or air B and B to become legal here. The cons far outweigh the pros.

Sincerely,

Mary Cesario Weaver

Former Fort Bragg Planning Commissioner

6/21/2015

961-0937