



# City of Fort Bragg

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## Meeting Minutes Planning Commission

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Wednesday, June 24, 2015

6:00 PM

Town Hall, 363 N.Main Street

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### MEETING CALLED TO ORDER

Chair Hoyle Called the meeting to order at 6:01 PM.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present** 5 - Chair Derek Hoyle, Commissioner Mark Hannon, Commissioner Stan Miklose, Vice Chair Teresa Rodriguez, and Commissioner Heidi Kraut

### 1. APPROVAL OF MINUTES

[15-222](#) Approve Minutes of June 10, 2015

A motion was made by Commissioner Hannon, seconded by Vice Chair Rodriguez, that the Minutes be approved. The motion carried by the following vote:

**Aye:** 5 - Chair Hoyle, Commissioner Hannon, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Kraut

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

None.

### 3. PUBLIC HEARINGS

**3A.** [15-216](#) Receive Report, Conduct Public Hearing, and Consider Approval of Coastal Development Permit 2-15 (CDP 2-15), Design Review 2-15 (DR 2-15), and Use Permit 1-15 (USP 1-15) for Modifications to an Existing Unmanned Telecommunications Facility at 310 Walnut Street

Associate Planner O'Rourke summarized the staff report on the US Cellular antenna project at 310 Walnut Street, explaining that a Use Permit is required for a telecommunication facility. He gave background on his review of the radio frequency (RF) emissions study and FCC standards. The project has no changes to fencing or lighting and no ground disturbance. There is no public access to the site; no water or sewer services; no cultural resources impacted. The applicant proposes to affix antennas to an existing tower and there is no anticipated impact to neighboring properties.

Discussion: Commissioner Kraut asked if these antennas will fulfill the community's needs for some time or if additional poles will be needed at this site. O'Rourke stated that these modifications will upgrade US Cellular to 4G ability.

**Chair Hoyle opened the public hearing at 6:12 PM.**

Nicole Goi of Falk and Foster, agent for applicant US Cellular, said that currently there is only capability for text and voice, but this 4G data network upgrade will open data up so smart phones can use streaming data. Responding to a question from Commissioner Rodriguez regarding future replacements and updates, Goi stated that there is more technology coming, but she does not know when or if it will come to Fort Bragg and what height the antenna might be.

**Chair Hoyle closed the public hearing at 6:14 PM.**

A motion was made by Commissioner Kraut, seconded by Vice Chair Rodriguez, that Coastal Development Permit 2-15, Use Permit 1-15, and Design Review Permit 2-15 be approved, subject to the following findings and conditions:

**GENERAL FINDINGS**

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code in general;
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;
4. The project complies with Specific Use Regulations established for the project; and
5. For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under section 15301(b) Existing Facilities for Utility Services.

**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. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;
4. The proposed use is consistent with the purposes of the zone in which the site is located;
5. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
6. 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;

7. 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;
8. 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;
9. 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;
10. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity;
11. The resource as identified will not be significantly degraded by the proposed development;
12. There is no feasible less environmentally damaging alternative;
13. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted;
14. The Project is consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development;
15. The project minimizes energy consumption and vehicle miles traveled;
16. The project will not impact special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses;
17. The approval of a Coastal Development Permit for a communication facility shall require that the review authority find that the communication facility complies with Section 17.71.045 (Coastal Development Permit) and that the communication facility complies with all requirements of this Chapter applicable to coastal development permits identified in Section 17.44.030 (Applicability);
18. The proposed communication facility shall comply with Sections 17.71.045 and Section 17.44.030 only to the extent necessary to find the development consistent with the policies of the certified LCP and consistent with the limitations imposed by Federal law; and
19. Any decision to deny a permit for a communication facility shall be in writing and shall be supported by substantial evidence and shall specifically identify the reasons for the decision and the evidence that led to the decision.

#### USE PERMIT FINDINGS

1. The proposed use is consistent with the Coastal General Plan, any applicable specific plan, and the Local Coastal Program;
2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
4. 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;

5. The expansion of the number of antennas on the existing monopole is compatible with neighboring uses and would not adversely impact neighboring properties;
6. The proposed use complies with any findings required by Section 17.44.040 Permit Requirements for Telecommunications Facilities;
7. The communication facility complies with all applicable requirements of Section 17.44 in the CLUDC; and
8. The communication facility will not adversely impact the character and aesthetics of any public right-of-way.

#### **DESIGN REVIEW FINDINGS**

1. Complies with the purpose and requirements of this Section;
2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
3. 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. Provides efficient and safe public access, circulation, and parking;
5. Provides appropriate open space and landscaping, including the use of water efficient landscaping;
6. Consistent with the General Plan, any applicable specific plan, and the certified Local Coastal Program; and
7. Complies with and is consistent with the City's Design Guidelines.

#### **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 CLUDC Chapter 17.92 - 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 CLUDC.
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 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.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
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. 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.
8. 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 CLUDC Subsection 17.76.070 (B).

The motion carried by the following vote:

**Aye:** 5 - Chair Hoyle, Commissioner Hannon, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Kraut

**3B. [15-217](#)** Receive Report, Conduct Public Hearing, and Consider Approval of Coastal Development Permit 4-15 (CDP 4-15), Design Review 3-15 (DR 3-15), and Use Permit 2-15 (USP 2-15) for Modifications to an Existing Unmanned Telecommunications Facility at 310 Walnut Street

Associate Planner O'Rourke reported to the Planning Commissioners that the T-Mobile project was similar to the previous project for US Cellular. This project meets setback and height requirements and has no impact to cultural resources or sensitive habitats.

**Chair Hoyle opened the public hearing at 6:18 PM. Seeing no one wishing to speak, he immediately closed the public hearing.**

A motion was made by Commissioner Miklose, seconded by Commissioner Kraut, that Coastal Development Permit 4-15, Use Permit 2-15, and Design Review Permit 3-15 be approved based on the following findings and conditions:

**GENERAL FINDINGS**

- 1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code in general;
- 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;
- 4. The project complies with Specific Use Regulations established for the project; and
- 5. For the purposes of the California Environmental Quality Act (CEQA), this

project was found to be exempt under section 15301(b) Existing Facilities for Utility Services.

#### **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. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment;
4. The proposed use is consistent with the purposes of the zone in which the site is located;
5. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan;
6. 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;
7. 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;
8. 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;
9. 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;
10. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity;
11. The resource as identified will not be significantly degraded by the proposed development;
12. There is no feasible less environmentally damaging alternative;
13. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted;
14. The Project is consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development;
15. The project minimizes energy consumption and vehicle miles traveled;
16. The project will not impact special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses;
17. The approval of a Coastal Development Permit for a communication facility shall require that the review authority find that the communication facility complies with Section 17.71.045 (Coastal Development Permit) and that the communication facility complies with all requirements of this Chapter applicable to coastal development permits identified in Section 17.44.030 (Applicability);
18. The proposed communication facility shall comply with Sections 17.71.045 and Section 17.44.030 only to the extent necessary to find the development consistent with the policies of the certified LCP and consistent with the limitations imposed by Federal law; and
19. Any decision to deny a permit for a communication facility shall be in writing

and shall be supported by substantial evidence and shall specifically identify the reasons for the decision and the evidence that led to the decision.

#### **USE PERMIT FINDINGS**

1. The proposed use is consistent with the Coastal General Plan, any applicable specific plan, and the Local Coastal Program;
2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
4. 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;
5. The expansion of the number of antennas on the existing monopole is compatible with neighboring uses and would not adversely impact neighboring properties;
6. The proposed use complies with any findings required by Section 17.44.040 Permit Requirements for Telecommunications Facilities;
7. The communication facility complies with all applicable requirements of Section 17.44 in the CLUDC; and
8. The communication facility will not adversely impact the character and aesthetics of any public right-of-way.

#### **DESIGN REVIEW FINDINGS**

1. Complies with the purpose and requirements of this Section;
2. Provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
3. 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. Provides efficient and safe public access, circulation, and parking;
5. Provides appropriate open space and landscaping, including the use of water efficient landscaping;
6. Consistent with the General Plan, any applicable specific plan, and the certified Local Coastal Program; and
7. Complies with and is consistent with the City's Design Guidelines.

#### **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 CLUDC Chapter 17.92 - 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 CLUDC.
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 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.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
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. 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.
8. 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 CLUDC Subsection 17.76.070 (B).

The motion carried by the following vote:

**Aye:** 5 - Chair Hoyle, Commissioner Hannon, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Kraut

**3C. [15-218](#)** Receive Report, Conduct Public Hearing, and Provide Direction to Staff Regarding the Chestnut Street Improvement Project

The Chestnut Street corridor improvements project was introduced by Associate Planner O'Rourke, who noted that part of the eligibility for categorical exemption from CEQA is to hold a public hearing. Public Works Director Varga summarized the proposed layout and improvements of the project, giving the details of changes to the sidewalks, parking, traffic calming features, and ADA compliance. Varga said the City will work together with the schools regarding bus circulation and access. He stated there will be no round-about at the intersection of Franklin and Chestnut Streets; Chestnut Street will remain a two-way street. The project will range from Franklin Street to Ebbing Way. The City has an agreement with PG&E to relocate some utility poles at their expense. Varga said community outreach for this project has been essential and several workshops have been held on the project as well as committee meetings, school board meetings, City Council meetings and this Planning Commission meeting. The City is in the process of contracting with KASL Consulting Engineers to prepare the final design and construction plans for a contract

amount of \$78,000. He added that he anticipates the construction will be done during a summer break to avoid interrupting school sessions, but it may have to start earlier.

Discussion: In response to a question regarding parking on Chestnut Street, Varga stated that parking surveys have been performed and surprisingly few cars are parked on Chestnut Street from Franklin up to the high school. Curb height and path surface materials were discussed. Commissioner Kraut inquired about deadlines as far as expenditure of grant funds was concerned. Varga responded that an ATP grant is funding a portion of the design work and the design must be done by the end of this year. The construction portion can be done within three years. Lighting, bicycle traffic, the moving of utility poles, and ADA compliance were discussed by Councilmembers and staff.

**Chair Hoyle opened the public hearing at 6:41 PM.**

Terrance Vaughn voiced concerns about the project, especially for bicyclists, claiming the bikeway designation deviates widely from accepted designs. He submitted a two-page letter and asked that the Commissioners read and consider his comments.

David Maki suggested rumble strips between the vehicle lane and the bicycle lane to keep traffic separated. He also said there should be an education component to the plan that would educate students about riding bicycles on these streets. Maki said all the lighting is on the south side of Chestnut Street, which might be problematic for bicyclists at night. He encouraged the City to install curb cuts on the south side of Chestnut, as there are many places along the length of the street where handicapped people cannot get on and off the sidewalk. He also recommended a stop sign be installed at Chestnut and Corry, saying that people tend to drive too fast there.

Verne Dahl expressed concern over a blind spot on the alley behind Grove Street.

Steve Salo circulated a photograph showing there is little room to get in and out of the alley near Grove Street. His biggest concern is that people who have alley parking cannot get out onto Chestnut Street. He added that he thought parking should be eliminated on Chestnut.

Chris Zaida requested that a stop sign be installed at Corry and Chestnut Streets. He is concerned about the bulb-outs at Whipple and Chestnut Streets, saying that will limit visibility for cars pulling out from Whipple onto Chestnut.

**Chair Hoyle closed the public hearing at 6:54 PM.**

Further discussion: Commissioner Kraut asked if a stop sign is proposed for Corry Street. Varga said there is no reason that a stop sign couldn't be installed at that location, but he cannot arbitrarily promise it until it comes time to finalize the designs. Kraut asked if bicyclists can still ride on the street once the multi-use trail is open. Varga said cyclists are not required to use the trail and any bikers who are confident and skillful enough to ride on the street will do that, while the younger and less experienced riders will take advantage of the trail. Commissioner Hannon inquired about public involvement in the planning process. Director Varga said the planning process is finished and the project is now in the design phase. He noted that he has taken extensive notes throughout the last year and a half and is thankful for the people's willingness to help with the conceptual study. Varga noted that the project's shortcomings have been clearly identified and will be dealt with during the design and construction phases.

**Staff was directed to address neighborhood concerns regarding the Chestnut Street corridor improvement project.**

- 3D. [15-205](#)** Receive Report, Conduct Public Hearing, and Consider: 1) Certifying the MND for the Fort Bragg Coastal Trail Phase I - Cypress Street Access (revisions), Dog Park (addition), Visitor Center (reuse), Improvements (paving, fencing, gates, signs) and Parking Lot (expansion) Project; and 2) Approval of a Coastal Development Permit Amendment (CDP 10-10/14/14), Design Review Amendment (DR 11-10/14/14), and Use Permit (USP 11-14) for the Fort Bragg Coastal Trail Project

Community Development Director Jones reviewed the Coastal Development Permit amendment for the Coastal Trail, naming all five items in the project that are being added or changed. She explained that parking needs to be expanded at Elm Street due to the popularity of the Coastal Trail and fencing is required because people are trespassing onto Georgia-Pacific property. In exchange for the Cypress Street property, the City agreed to install a mesh fence along the trail that borders Georgia-Pacific property. Jones noted that because of an environmentally sensitive habitat area (ESHA), mitigation measures are needed to introduce a buffer that will reduce the size of the dog park by about a third. Jones related that due to budget constraints, the Cypress Street access from Highway 1 to the runway will probably be paved instead of multi-use trail. There will be a multi-use trail that empties out onto Noyo Point Road for use by cyclists and pedestrians.

Discussion: Commissioners and staff discussed moving the visitor center, a volunteer docent program to staff the visitor center, migrating ESHA, and costs of maintenance of the park. Jones said \$40,000 of Coastal Trail funding will be used to move the visitor center and that a docent program is certainly a possibility, adding that Noyo Center Director Sheila Semans plans to have an interpretive program there. Regarding plant migration once the dog park has been opened, Jones said that avoiding ESHA is an issue for new development, but once a development is established, it is less of an issue per the code. There will be significant costs associated with maintaining the 94 acres of parkland and City Council is considering a bed tax to cover park maintenance. Regarding the dog park, it is unclear how this area will stand up to dog use and some reseeding may be required.

**Chair Hoyle opened the public hearing at 7:16 PM.**

A member of the public wanted to know the square footage of the visitor center. Jones responded that it is 460 square feet.

**Chair Hoyle closed the public hearing at 7:16 PM.**

**A motion was made by Commissioner Kraut, seconded by Chair Hoyle, to certify the Mitigated Negative Declaration for the Fort Bragg Coastal Trail Phase I - Cypress Street Access (revisions), Dog Park (addition), Visitor Center (reuse), Improvements (paving, fencing, gates, signs) and Parking Lot (expansion) project. The motion carried by the following vote:**

**Aye:** 5 - Chair Hoyle, Commissioner Hannon, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Kraut

**A motion was made by Chair Hoyle, seconded by Vice Chair Rodriguez, to approve Coastal Development Permit Amendment (CDP 10-10/14/14), Design Review Amendment (DR 11-10/14/14), and Use Permit (USP 11-14) for the Fort Bragg Coastal Trail Project, subject to the following findings and conditions:**

**GENERAL FINDINGS**

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the Coastal General Plan, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code in general.
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.
4. The project complies with Specific Use Regulations established for the project.
5. For the purposes of the environmental determination, a Mitigated Negative Declaration was prepared and certified for the project in accordance with the Environmental Quality Act (CEQA). The City Council also adopted a resolution to certify the Subsequent EIR for the larger project, from which the MND was tiered.

**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. Feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.
4. The proposed use is consistent with the purposes of the zone in which the site is located.
5. The proposed development is in conformance with the City of Fort Bragg's Coastal General Plan.
6. 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.
7. 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.
8. 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.
9. 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.
10. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.

11. The resource as identified will not be significantly degraded by the proposed development.
12. There is no feasible less environmentally damaging alternative; and
13. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

#### **CONDITIONAL USE PERMIT FINDINGS**

1. No feasible, less environmentally damaging, alternative is available; and
2. Feasible mitigation measures have been provided to minimize all adverse environmental impacts.

#### **DESIGN REVIEW FINDINGS**

1. The project complies with the purpose and requirements of CLUDC Section 17/18.71.050 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 provides appropriate open space and landscaping, including the use of water efficient landscaping;
6. The project is consistent with the Coastal General Plan, any applicable specific plan, and the certified Local Coastal Program; and
7. The project complies and is consistent with the City's Design Guidelines.

#### **SPECIAL CONDITIONS**

1. The project will comply with all relevant mitigation measures identified in the SEIR and the MND for this project, including:  
AR/mm-3: One week prior to initiating any native soils disturbance within an ESA, the archaeologist will: 1) perform a field review of completed installation of ESA protections (permanent and/or temporary plastic fencing, chalk marks, staking as feasible); and 2) provide a site tour, project overview and required training (e.g. safety) for Native American Monitors that will work on the project. The archaeologist will be notified when native ground disturbing activities will begin and will inspect the construction area as necessary during excavation work to ensure that the ESAs are not violated. Inspections shall occur at least weekly, with daily checks preferred in areas of known cultural resources, with reports provided to relevant agencies. Archaeologist will notify the City of Fort Bragg and the State Historic Preservation Officer within 48 hours of any ESA violation or unanticipated discovery to determine how it will be addressed. Consultation with Native Americans shall also be included.  
AR/mm-4: The project will implement the "Post Review Discovery Plan if cultural materials are discovered during construction.  
AR/mm-5: If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner contacted. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains will contact the project archaeologist so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.

**AR/mm-6:** The City shall require Native American monitoring of all construction activities that will result in grading or movement of native soils in cultural resource areas as identified in the Data Collection Plan and in areas not previously cleared for cultural resources where native soils will be disturbed. **Mitigation Measure 1:** The applicant shall reduce the size of the proposed dog park to eliminate potential impacts to Rye Grass ESHA and establish a 50 foot buffer between the Rye Grass ESHA and the boundary fence of the dog park.

2. Prior to issuance of the grading permit the applicant shall submit a dust prevention and control plan and shall identify best management practices for sedimentation and erosion control for approval by the Community Development Director.

#### **STANDARD CONDITIONS**

1. This action shall become final on the 11th day following the decision unless an appeal to the Coastal Commission is filed pursuant to Coastal Land Use & Development Code (CLUDC) Chapter 17.92 - 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 CLUDC.
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 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.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
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. 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.
8. 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 CLUDC Subsection 17/18.76.070 (B).

The motion carried by the following vote:

**Aye:** 5 - Chair Hoyle, Commissioner Hannon, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Kraut

**4. CONDUCT OF BUSINESS**

**4A. [15-231](#) Receive Quarterly Report Regarding Community Development Department Activities**

Jones updated the Commission on the current activities, programs, and projects being undertaken by the Community Development Department. She asked if the Commissioners would like to hear about ordinances and make recommendations before they are brought to the City Council. It was generally agreed by all Planning Commissioners that staff should bring proposed ordinances to the Planning Commission prior to being put on a City Council agenda.

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

Chair Hoyle thanked outgoing Commissioner Sage Statham for his service to the City and welcomed new Planning Commissioner Heidi Kraut.

Director Jones announced that Associate Planner O'Rourke is leaving the City to work in the private sector.

**ADJOURNMENT**

**Chair Hoyle adjourned the meeting at 7:31 PM.**

\_\_\_\_\_  
DEREK HOYLE, Chair

\_\_\_\_\_  
June Lemos, Administrative Assistant

IMAGED (\_\_\_\_\_)