



City of Fort Bragg

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Meeting Minutes Planning Commission

Wednesday, August 24, 2016

6:00 PM

Town Hall, 363 N. Main Street

MEETING CALLED TO ORDER

Chair Pro Tem Hannon called the meeting to order at 6:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 4 - Commissioner Mark Hannon, Commissioner Stan Miklose, Vice Chair Teresa Rodriguez, and Commissioner Heidi Kraut

Absent 1 - Chair Derek Hoyle

1. APPROVAL OF MINUTES

1A. [16-341](#) Approve Minutes of August 10, 2016

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

Aye: 3 - Commissioner Miklose, Vice Chair Rodriguez and Commissioner Kraut

Absent: 1 - Chair Hoyle

Abstain: 1 - Commissioner Hannon

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

George Rinehart spoke in favor of restoring existing EV Charging stations throughout the community.

3. PUBLIC HEARINGS

3A. [16-314](#) Receive Report, Conduct Public Hearing and Consider Coastal Development Permit 5-16 (CDP 5-16) for the removal and replacement of ten trees at 500 Casa del Noyo Drive

Associate Planner Perkins presented the report for CDP 5-16; to remove ten decaying trees and replace with like vegetation. The project proposes to replace two Cedars with Wax Mertyl trees and eight Redwood stumps will remain on site to sprout and regrow. Commissioners inquired about visual impacts, replanting requirements, an unconstructed bioswale, public access routes through the property, and the use of heavy equipment. Staff recommended approval of CDP 5-16.

Chair Pro Tem Hannon opened the public hearing at 6:18 PM.

The Applicant: Mike Abell described how the project would be undertaken, when he proposes to do it, and why the Bioswale was not built.

Chair Pro Tem Hannon closed the public hearing at 6:27 PM.

A motion was made by Commissioner Kraut, seconded by Commissioner Miklose, that Coastal Development Permit CDP 5-16 be approved subject to the following 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, this project is exempt from the California Environmental Quality Act (CEQA), pursuant to §15304(b) Minor Alterations to Land, which exempts new gardening or landscaping.

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. If the project is located between the first public road and the sea, that 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; and

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. Supplemental Visual Resource Findings (17.50.070(D)):
 - a. The proposed project minimizes the alteration of natural landforms;
 - b. The proposed project is visually compatible with the character of the surrounding area;
 - c. The proposed project is sited and designed to protect views to and along the ocean and scenic coastal areas; and
 - d. Restores and enhances visual quality in visually degraded areas, where feasible.

SPECIAL CONDITIONS

1. All development activity within the City shall comply with the following requirements.
 - a. When, in the course of digging, grading, or any other activity in advance of construction of an approved development project, evidence of archaeological, paleontological, or other potentially significant historic resources is discovered, all work which could potentially damage or destroy the resources shall cease immediately.
 - b. The Director shall be notified immediately of the discovery and engage an archaeologist to determine if the discovery is significant and the correct course of action to avoid, minimize and/or mitigate damage to the resource
 - c. The Director shall notify the State Historic Preservation Officer and federally-recognized Native American tribes who have expressed an interest in the project of the discovery.
 - d. All work which could potentially damage or destroy the resources shall be halted until appropriate avoidance, minimization, and/or mitigation measures can be developed and implemented.
2. Removal of existing trees should occur after August 31 and before February 1 to avoid impacts to nesting birds. If trees must be removed outside of this date range, surveys for nesting birds should be conducted within two weeks prior to tree removal (see Condition 3).
3. Trees may be removed between February 1 and August 31 provided that the applicant has a qualified biologist survey the proposed work area to verify the absence of nesting birds. The results of this survey shall be conveyed to the Community Development Department prior to falling of trees between February 1 and August 31. If nesting birds are observed, the applicant shall consult with CDFW and the Community Development Department before proceeding.
4. The appropriate planting window is generally after the first seasonal rains have saturated soils beyond the first several inches. If revegetation will occur outside of this season, trees should be watered as needed until seasonal rains begin in order to facilitate establishment. Any damaged or dead trees should be replaced, at minimum, on an annual basis.
5. Tree removal shall occur at a time when the property is closed to the public.
6. The applicant shall replace any trees that die within a ten year timeframe and replace them with new native coastal trees with a growth habit of at least 20 feet high, or as approved by the Director of Community Development.

STANDARD CONDITIONS

1. This action shall become final on the 11th working day following the decision unless an appeal to the City Council is filed pursuant to Chapter 17.92.030. This action is appealable to the California Coastal Commission pursuant to Chapter 17.92.040.

2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the certified LCP.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State and Federal agencies having jurisdiction. All plans submitted with required permit applications shall be consistent with this approval.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Department.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. This Coastal Development Permit approval shall lapse and become null and void two (2) years from the date of approval unless prior to the expiration of two (2) years, construction is commenced and diligently pursued towards completion or an extension is requested and obtained in accordance with CLUDC Section 17.76.070.

The motion carried by the following vote:

Aye: 4 - Commissioner Hannon, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Kraut

Absent: 1 - Chair Hoyle

4. CONDUCT OF BUSINESS

None.

5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

None.

ADJOURNMENT

Chair Pro Tem Hannon adjourned the meeting at 6:28 PM.

Mark Hannon, Chair Pro Tem

Chantell O'Neal, Administrative Assistant

IMAGED (_____)