



City of Fort Bragg

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Meeting Minutes Planning Commission

Monday, October 29, 2018

8:00 PM

Town Hall, 363 N.Main Street

Special Planning Commission Meeting

MEETING CALLED TO ORDER

Chair Rodriguez called the meeting to order at 8:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 5 - Commissioner Stan Miklose, Commissioner Stan Miklose, Chair Teresa Rodriguez, Commissioner Curtis Bruchler, and Vice Chair Mark Hannon
Absent 1 - Commissioner Nancy Rogers

1. APPROVAL OF MINUTES

1A. [18-388](#) Approval of September 12, 2018 Minutes

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

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

Absent: 1 - Commissioner Rogers

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

3. PUBLIC HEARINGS

3A. [18-443](#) Coastal Development Permit (CDP 1-17/18) to replace previously removed cable stair access to the Glass Beach of Noyo Headlands Park with a new set of stairs located approximately 50 feet to the north.

Chair Rodriguez noted that this public hearing was continued from October 24, 2018.

Chair Rodriguez re-opened the public hearing at 8:02 PM.

Community Development Director Jones presented the staff report on this agenda item and responded to questions from Commissioners on slope, materials, handrails, stair placement, timing and cost.

Public Comment was received from:

- Eric Dwyer encouraged the Commission to approve the Coastal Development Permit, the Council to proceed with the least expensive stair project, and to get it finished this year.

- Chair Rodriguez read a public comment from Jacob Patterson into the record complaining about a lack of findings.

Discussion: Marie Jones noted that the findings were stated on page 9 of the staff report.

Chair Rodriguez closed the public hearing at 8:23 PM.

A motion was made by Commissioner Miklose, seconded by Commissioner Bruchler, that CDP 1-17/18 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.
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.

SPECIAL CONDITIONS

1. The project will comply with all relevant mitigation measures identified in the SEIR and the MND for this project

2. Prior to issuance of the grading permit the applicant 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: 4 - Commissioner Miklose, Chair Rodriguez, Commissioner Bruchler and Vice Chair Hannon

Absent: 1 - Commissioner Rogers

4. CONDUCT OF BUSINESS

5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

Commissioner Miklose asked questions of staff regarding the paint scheme for the gas station on North Main and Elm Streets and whether it was in compliance with the Permit issued by the Commission. He requested that Community Development Director Jones follow up with the owner of the station on the vegetation required by the Permit. Jones reported that last week's Second Unit Workshop was well attended, with over 140 people. The video of the workshop is on the City's website and YouTube.

ADJOURNMENT

Chair Rodriguez adjourned the meeting at 8:27 PM.

TERESA RODRIGUEZ, Chair

June Lemos, CMC, City Clerk

IMAGED (_____)