

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, Milt Kuhl, and Georgia Lucas.

Staff Present: Marie Jones, Community Development Director, and Nancy Philips, Administrative Secretary.

### **APPROVAL OF MINUTES**

Moved by Deitz, seconded by Ellis, to approve the June 10, 2009, minutes as written.

VOTE: Ayes: Commissioners Deitz, Ellis, Kuhl, Lucas, and Chair Hannon.  
Abstain: Commissioner Lucas, who was not present at said meeting.

Moved by Ellis, seconded by Kuhl, to approve the August 12, 2009, minutes as written.

VOTE: Ayes: Commissioners Deitz, Ellis, Kuhl, Lucas, and Chair Hannon.  
Abstain: Commissioner Lucas, who was not present at said meeting.

### **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

None.

### **PUBLIC HEARINGS**

2. **CDP 9-09; August 6, 2009; State of California (owner); City of Fort Bragg (applicant); West of the Glass Beach parking lot area accessed from Glass Beach Drive (Assessor's Parcel Number 008-010-24) The project is in the Coastal Zone; Coastal Development Permit to install a port-a-potty on a concrete pad to the south and west of the pedestrian walkway gate to Glass Beach. The handicapped accessible port-a-potty will serve Glass Beach users who currently have no access to restroom facilities and consequently contribute to water quality issues at the park.**

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Community Development Director Jones who distributed photo simulation images showing where the unit would be placed. Originally the State agreed to pay for the maintenance of the units at Pudding Creek and Glass Beach parks but the recent State budget crisis prevented that from happening at this time. The City will pay for maintenance of the port-a-potties at Glass Beach and Pudding Creek until such time that the State budget improves to allow them to take over this expense.

**Chair Hannon opened the public hearing at 6:08 p.m.**

1. Ron White, neighboring property owner and retired park ranger, expressed his enthusiastic support for the project and suggested that a boulder be placed to protect the unit from vehicle damage.
2. Laura Rogers, neighbor, stated that there is a lot of trash along the fence to the south of the gate and asked whether the port-a-potty would be replaced if it were vandalized.

**Chair Hannon closed the public hearing at 6:13 p.m.**

Discussion: Following a question by Deitz, Director Jones replied that doggie bag dispensers could be required as a condition of the Coastal Development Permit for Glass Beach Headland signage. The fence to the south blocks access to the Mill Site property where the site is being remediated to remove dioxin. The port-a-potties for Glass Beach and Pudding Creek were purchased by the City for a reduced cost because they were used. We will see what happens if the unit is vandalized, but the City

recognizes a community need for the port-a-potties. Moving a boulder to protect the unit would be expensive.

**Moved by Lucas, seconded by Kuhl, to approve CDP 9-09 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 Parks and Recreation 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 15303 c.

**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.

**STANDARD CONDITIONS**

1. This action shall become final on the 11<sup>th</sup> 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. 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. 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.
7. 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.

**SPECIAL CONDITION**

1. 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.

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

1. **CDP 7-07 & DR 7-07; June 17, 2009; David Sarti (applicant/agent); Rossi's Building Materials (owner); 745/749 West Street & 260 West Spruce Street; The site is located in the Coastal Zone; APNs: 008-041-01/02 & 008-042-01; Request for permit extension for previously-approved Coastal Development Permit and Design Review to allow construction of four approximately 1,600 sq. ft. single family residences and four 2<sup>nd</sup> residential units of approximately 1,250 sq. ft. (including 500 sq. ft. garage).**

**Commissioner Deitz announced that he had a conflict of interest as he owns property within 300' of this site and left the meeting at 6:16 p.m.**

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Community Development Director Jones.

**Chair Hannon opened the public hearing at 6:18 p.m.**

1. Laura Rogers, neighboring property owner, stated that she represented neighbors who expressed displeasure when this application originally was heard by the Commission. The City's mission statement runs counter to these eight, two-story units. The neighbors would be interested in buying and maintaining the property as open space.
2. David Sarti, applicant/agent, said that, due to the economy, he has been unable to move forward with the project. He went on to say that he is sensitive to the neighbors' concerns and needs time to talk to and appease them. It is possible that this application will be in front of the Planning Commission again if they need to make changes to address neighbors' concerns.

**Chair Hannon closed the public hearing at 6:20 p.m.**

**Director Jones approved the first 12 month extension of this permit based on the finding that the condition of the economy was beyond the applicant's control and that the recession made it hard for the applicant to exercise this permit in a timely manner.**

Discussion:

**Moved by Lucas, seconded by Ellis, to approve an additional 12-month time for CDP 7-07 and DR 7-07, subject to the original findings and conditions and appealable to City Council in compliance with Chapter 17.92 CLUDC (Appeals).**

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

### **CONDUCT OF BUSINESS**

#### **3. Matters from Chair/Commission/Staff**

- A. Director Jones informed the Commission that RRM Design recently briefed the California Coastal Commission about the vision plan for the former Georgia-Pacific Mill Site to get their input early in the process before continuing far down the planning and environmental review process. Coastal Commissioners generally said that they were concerned about the high intensity of residential and commercial development, traffic impacts to Hare Creek and Highway One, and parking issues. They also want to see more land dedicated to open space and a wider wildlife corridor. The next step is for City Council and Planning Commission to meet on September 2<sup>nd</sup> before a follow-up presentation to the Coastal Commission in December. Environmental review will start in the next couple of months.
- B. Noting that the Commission had repeatedly asked about building colors for Mendocino Coast District Hospital's (MCDH) Outpatient Service Building, Director Jones reported that they are reconsidering the color scheme of their entire site. A planning application for a new diagnostic imaging building will be coming to the Commission soon, and the MCDH will work with Staff to identify a color scheme for the building and the site.

**ADJOURNMENT**

Chair Hannon adjourned the meeting at 6:33 p.m.

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**Mark Hannon, Chair**

**ATTEST:**

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**Nancy Philips  
Administrative Secretary**

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