

The Planning Commission of the City of Fort Bragg met in regular session on the above date at 6:02 p.m., in the Fort Bragg Town Hall, 363 North Main Street, Fort Bragg, and the following items were discussed in the order presented.

## **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

Present: Chair Mark Hannon, Commissioners Burley Cox, Becky Ellis, Milt Kuhl, and Georgia Lucas.  
Absent: None.  
Staff Present: Marie Jones, Community Development Director; Chris Carterette, Planner; and Nancy Philips, Administrative Secretary.

### **APPROVAL OF MINUTES**

Moved by Cox, seconded by Kuhl, to approve the May 14, 2008, minutes as written.

VOTE: Ayes: Commissioners Cox, Ellis, Kuhl, and Chair Hannon.  
Absent: None  
Abstain: Commissioner Lucas, who was not present at said meeting.

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

None.

### **PUBLIC HEARINGS**

1. **CDP 4-08 & DR 6-08; City of Fort Bragg (applicant); City of Fort Bragg, Dominic and Juliet Affinito (owners); 1011 & 1021 South Main Street (APNs 018-440-11/61); Coastal Development Permit and Design Review to allow the Pomo Bluffs Trail Extension project which consists of coastal access, trail and amenity improvements consistent with the Pomo Bluffs Management Plan. Specific improvements include: approximately 500 lineal feet 10-foot wide, accessible, paved bicycle and pedestrian path along three easement segments, approximately 500 feet of split rail fencing along the southern boundary adjacent to the Recreational Vehicle Park, park identification, informational and rules signs, trash/recycling receptacles, dog waste mitt dispensers, two park benches and protective removable bollards along the southern boundary of easternmost segment (Segment C). Segment C will have striping painted on the existing asphalt to indicate the trail. A Negative Declaration was adopted by Planning Commission for this project which is located in the Coastal Zone.**

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Planner Carterette. Responding to a question from the Commission, Carterette added that the Park sign at the restaurant could include wording stating where parking is available for Park users. Currently guests of the neighboring recreational vehicle (RV) park can access the Park along the bluff, but the project calls for a split rail fence to run parallel to the bluff edge which could block access. Carterette suggested that an opening could be provided along the fence at a commonly used way trail to provide Park access to RV park guests. Two trash receptacles will be provided on the new portion of the trail which should be sufficient for Park users. Additional receptacles would encourage people to deposit their household trash.

Chair Hannon opened the public hearing at 6:16 p.m.; seeing no one wishing to speak, Chair Hannon closed the public hearing at 6:17 p.m.

Moved by Lucas, seconded by Cox, to approve CDP 4-08 and DR 6-08 based on the following

findings and subject to the conditions cited below:

#### FINDINGS

1. The proposed project is in conformity with the certified Local Coastal Program and applicable regulations of the Fort Bragg Municipal Code;
2. The proposed project is consistent with the purpose and intent of the Highway Visitor Commercial (HVC), as well as all other applicable provisions of Title 18 of the Fort Bragg Municipal Code, and applicable provisions of the Fort Bragg Municipal Code in general;
3. The proposed use is an allowed use in the HVC zoning district in the Coastal Zone;
4. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
5. The project is consistent with the applicable Design Review criteria as set forth in Section 18.71.050 (E) of the Land Use and Development Code;
6. 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;
7. As proposed, the development will not have any adverse impacts to any known archaeological or paleontological resource;
8. The Fort Bragg Planning Commission adopted the project Negative Declaration (State Clearinghouse #2008042064) finding that the proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
9. The proposed development is in conformity with the public access and public recreation policies of the LCP and Chapter 3 of the California Coastal Act.

#### 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 18.61.063. This action is appealable to the California Coastal Commission pursuant to Chapter 18.61.065.
2. 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.
3. 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.
4. 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.
5. 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.
  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 Coastal Development Permit approval shall lapse and become null and void 24 months from the date of approval unless before the passing of 24 months, construction has commenced and is diligently pursued towards completion or an extension is requested and obtained.
  8. This Design Review Permit approval shall lapse and become null and void 12 months from the date of approval unless before the passing of 12 months, construction has commenced and is diligently pursued towards completion or an extension is requested and obtained.

#### **SPECIAL CONDITIONS**

1. "No Parking" sign in restaurant parking lot to include wording/map that indicates the location of Pomo Bluff parking on Cliff Drive for Park visitors.
2. Fencing to include an opening for access from the RV park to the trail extension.

**VOTE:** Ayes: Commissioners Cox, Ellis, Kuhl, Lucas, and Chair Hannon.  
Absent: Commissioner.

### **CONDUCT OF BUSINESS**

#### **2. Receive Oral Report Regarding Remediation and Specific Plan Activities for the Georgia-Pacific Mill Site**

**Remediation Update.** Community Director Jones informed the Commission that the Fort Bragg Redevelopment Agency, under the Polanco Act, recently approved the interim remedial action plan (RAP) to remove PCB-contaminated soils and petroleum contaminants on the Mill Site. Dioxin will be capped on site. Two large metal structures of about 130,000 square feet will be demolished over the next six weeks which have become a hazard because of recent high winds. Their slabs will remain in place until they are tested for contaminants. The RAP for the Coastal Trail Acquisition is delayed to allow for testing of water in a sea cave on the site. Once tested, the City anticipates that the Department of Toxic Substances Control will approve the RAP. The clean up of the Coastal Trail will require a coastal development permit (CDP) which the Coastal Commission may consider as an

amendment to Georgia-Pacific's CDP. If not, it will come before the Planning Commission sometime this fall. Jones clarified that much public comment has been received for the Remedial Action Plans, and anyone interested in providing comment is welcome to provide it to DTSC or the City at anytime.

**Specific Plan Update.** The City is working with RRM Design to finalize the scope of work for the Specific Plan.

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

A. Director Jones informed the Commission that there will not be a joint meeting with Council on June 23 to hear presentations from Hi Seas and Hare Creek developers because that night is a Council meeting with a full agenda. Only three Councilmembers were available on June 25 so the joint meeting has been tentatively rescheduled to July 9. Staff is polling Councilmembers as to their availability July 9<sup>th</sup>, a regular Planning Commission night, for a presentation from the Hi Seas developer. Hare Creek has not confirmed yet whether that date will work for them.

**ADJOURNMENT**

**Chair Hannon adjourned the meeting at 6:28 p.m.**

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**Mark Hannon, Chair**

**ATTEST:**

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**Nancy Philips  
Administrative Secretary**

**INDEXED: \_\_\_\_\_(\_\_\_\_)**

**IMAGED: \_\_\_\_\_(\_\_\_\_)**