

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 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 Scott Deitz, Becky Ellis, Milt Kuhl, and Georgia Lucas.

Staff Present: Marie Jones, Community Development Director; Chris Carterette, Planner; and Nancy Philips, Administrative Secretary.

### **APPROVAL OF MINUTES**

Moved by Ellis, seconded by Deitz, to approve the November 18, 2009, regular meeting minutes as written.

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

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

None.

### **PUBLIC HEARINGS**

1. **CDP 2-09, USP 7-09, & DR 2-09; 3/13/2009; Ray Hino, CEO (Applicant); Mendocino Coast District Hospital (Owner); 700 River Drive (APN 018-090-15); Adoption of negative declaration and approval of Coastal Development Permit, Use Permit, and Design Review to authorize the construction of an approximately 8,000 square foot, single-story, diagnostic imaging facility and new connecting hallway on the east side of the Hospital property. Existing parking areas will be reconfigured, additional parking will be constructed, the east alley (between Cypress Street and Kemppe Way) will be repaved and a drainage swale will be constructed along the south eastern portion of the alley. The project is located in the Coastal Zone.**

Planner Carterette reviewed the staff report for this item, noting that today he was informed that the applicant would like to revise the Stormwater Management Plan for the project. For this reason staff recommends adding Special Condition #4: "Prior to issuance of the Coastal Development/Use/Design Review permits, the applicant shall submit a revised Storm Water Management Plan to the Community Development Director and the Public Works Director for review and approval. Such plan shall be in compliance with all City regulations governing storm water management in the Coastal Zone."

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

1. Ray Hino, applicant, said that the new facility will greatly upgrade the capability of diagnostic imaging services at the Hospital.
2. Gus Killion, Plant Maintenance Manager, informed the Commission that the Hospital is running plan review concurrently with the planning process and expects to submit a building permit shortly.

**Chair Hannon closed the public hearing at 6:16 p.m.**

Discussion: The Commission congratulated the Hospital on its progress.

**Moved by Lucas, seconded by Kuhl, to adopt the Initial Study and Negative Declaration and approve Coastal Development Permit 2-09 (CDP 2-09), Use Permit 7-09 (USP 7-09), and Design Review 2-09 (DR 2-09) 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 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;**
- 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. For the purposes of environmental determination a Negative Declaration has been prepared, filed with the State Clearinghouse and made available for public review pursuant to the California Environmental Quality Act (CEQA).**

#### **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.**

#### **DESIGN REVIEW FINDINGS**

- 1. The project complies with the purpose and requirements of CLUDC Section 17.71.050 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.**

#### **USE PERMIT FINDINGS**

- 1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Coastal Land Use and Development Code and the Municipal Code;**
- 2. The proposed use acts to support primary uses in the Office Commercial (CO) Zoning District, or clients or visitors of permitted uses.**

#### **SPECIAL CONDITIONS**

- 1. Prior to building permit issuance applicant shall provide plans for a minimum of bicycle parking space in compliance with City standards and that space shall be constructed prior to occupancy or final inspection, whichever comes first.**
- 2. A sign permit application shall be submitted to the Community Development Department for review and approval prior to installing any new sign(s) associated with the project.**
- 3. Prior to occupancy of the project or final inspection, whichever occurs first, the applicant shall provide Community Development Department staff with plans for the locations and visual screening of all mechanical equipment proposed to be constructed as part of the project, including but not limited to: standpipes, backflow preventers, generators and propane fuel tanks.**
- 4. Prior to issuance of the Coastal Development Permit/Use/Design Review permits, the applicant shall submit a revised Storm Water Management Plan to the Community Development Director and the Public Works Director for review and approval. Such plan shall be in compliance with all City regulations governing storm water management in the Coastal Zone.**

#### **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 25 feet of the discovery; 2) notify the Fort Bragg Community Development Department within 24 hours of the discovery; and 3) retain a professional archaeologist to determine appropriate action in consultation with stakeholders such as Native American groups that have ties to the area.
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).

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

2. CDP 3-09, USP 2-09, & DR 3-09; 3/31/2009; T-Mobile West Corporation (applicant); Pacific Gas & Electric (property owner); 310 Walnut Street (APN 018-080-70); Adoption of negative declaration and approval of Coastal Development Permit, Use Permit, and Design Review to authorize the installation of a 60-foot tall steel monopole and mount three separate directional panel antennas and one microwave dish at an effective height of 57.54 feet above ground. Ground base equipment cabinets are proposed to be mounted on a 10 ft X 20 ft concrete slab adjacent to a new battery backup power system. Coverage of approximately 300 square feet within the PG&E maintenance yard is proposed for the project. The project is located in the Coastal Zone. (Continued from 11/18/2009 meeting.)

The Agenda Item Summary Report prepared for this item was reviewed with the Commission by Community Development Director Jones. Responding to a question from the Commission, Jones clarified that the applicant could develop a plan to install fencing up to six feet or landscaping suitable to the climate to screen the site. New development can be required to address the existing visual impact on the neighborhood.

Discussion:

- The gate to the site is usually open during the day so there is no way to protect the views from the north unless an attractive gate is installed and kept closed.
- Shrubs can contribute to the atmosphere of the neighborhood.
- Tall trees may interfere with a cell tower's function.

**Chair Hannon opened the public hearing at 6:30 p.m.**

1. Allen Potter, representing the applicant, stated that the special condition requiring them to paint the pole light gray is acceptable to them, but he recommended that it be painted brown instead to look

more like a telephone pole than a steel tower. The applicant noted that the photo simulation of the site demonstrates that the tower would still be seen over a fence. Fencing material around the equipment would more effectively screen the base of the tower. The permit for the first cell tower for the site did not require substantial screening. Installation of fencing or landscaping along Walnut Street is substantial. The Telecommunications Act prohibits discrimination and requires that carriers be treated equally.

2. John Kennedy, PG&E, distributed photos of a six foot redwood fence around a concrete pad and a cinderblock wall to screen equipment at other PG&E yards. Kennedy stated that, for security reasons, PG&E does not want a fence that obscures the site. PG&E yards are subject to theft because copper and vehicles are stored there. The gate is left open because there are a lot of vehicles going in and out during the day; it is locked at night. They have tried landscaping in the past but then the landscaping dies and PG&E is left trying to chase the carriers who installed them or deal with plant maintenance themselves. A fence or shelter around the equipment deadens noise. PG&E has a policy to enclose cell sites with redwood fence because of grounding issues. Kennedy said that the PG&E yards he has seen all have cyclone fences. Other yards may have cameras but not security personnel. The Public Utilities Commission has oversight on screening the site but that may not apply to areas leased to carriers.

**Chair Hannon closed the public hearing at 7:13 p.m.**

Discussion:

- Greenery would soften the effect of the existing fence.
- Solid fencing to block the site would be expensive and prohibit law enforcement from being able to see the property at night. A dense hedge would also prohibit viewing.
- Landscaping requires maintenance, but there are low maintenance plants appropriate for this area.
- Deeper analysis should be made once the applicant submits a screening plan.
- The property along Walnut Street should be screened, not just the new equipment, but not at any cost.
- The applicant should submit a plan to screen the site that meets the need for security and is not too expensive or difficult to maintain.
- The first cell tower was approved before the current Local Coastal Program (LCP) was adopted in 2008, and rules have changed. This project must conform to the LCP certified by the California Coastal Commission.

The Commission directed staff to revise Special Condition # 5, and to work with the applicant to come up with a screening plan that: 1) reduces the negative visual impacts of the site on its neighbors; 2) allows some visual access to the site for security; and 3) will not result in long term maintenance issues.

**Moved by Deitz, seconded by Ellis, to adopt the Negative Declaration and approve Coastal Development Permit 3-09, Use Permit 2-09, and Design Review Permit 3-09 based on the findings and subject to the conditions cited below:**

**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 environmental determination, a Negative Declaration was prepared pursuant to the California Environmental Quality Act (CEQA). The document concludes that the proposed project will not have a significant effect on the environment.

#### **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.
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.

#### **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 the Coastal Land Use & Development Code (CLUDC) 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 proposed use complies with any findings required by CLUDC Section 17.44.040 Permit Requirements for Telecommunications Facilities.
  - The communication facility complies with all applicable requirements of Section 17.44 in the CLUDC; and
  - The communication facility will not adversely impact the character and aesthetics of any public right-of way.

#### **DESIGN REVIEW FINDINGS**

1. The project complies with the purpose and requirements of CLUDC Section 17.71.050 Design Review;
2. As conditioned the project provides design, height, and screening appropriate to and compatible with the site surroundings;
3. As conditioned, the project provides desirable site layout, including setbacks, color, landscaping, and lighting;
4. As conditioned, the project provides appropriate landscaping, including the use of water efficient landscaping to screen the project from the public view; and
5. The project is consistent with the Coastal General Plan and the certified Local Coastal Program.

#### **SPECIAL CONDITIONS**

1. Applicant shall allow other carriers and users to co-locate on the T-Mobile tower in the future, if physically and technically feasible.
2. Prior to issuance of a building permit the applicant shall submit a new site plan that clearly shows that the tower and associated equipment are located a minimum of 90 feet from all property boundaries.
3. The maximum height of a facility including the monopole and all foundations shall not exceed 60 feet.
4. Applicant shall paint the monopole, antenna equipment, and equipment cabinets a light gray color in order to blend the structure into the skyline as much as possible.
5. Applicant shall submit a landscaping plan or fencing plan for approval by the Community Development Director that provides attractive visual screening. The landscaping and/or fencing shall be installed prior to the final on the building permit.

### **STANDARD CONDITIONS**

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

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

### **CONDUCT OF BUSINESS**

3. **Receive Report and Make Recommendation to Mayor of Nominations for 2009 Mayor's Well Done Awards**

Planner Carterette referred to a list of nominees for the Mayor's Well Done Awards put together by staff and asked the Commission to submit any additional nominees to staff by February 1<sup>st</sup>.

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

Community Development Director Jones informed the Commission that the City is now the owner of 92 acres on the former Mill Site that includes the Coastal Trail. Part of the acquisition is the cemetery, 30 acres near the former runway, and two pieces that encircle the Mill Pond. Walking tours of the Mill Site Trail will take place February 12 and 13, and a Design Workshop followed by an Open House on the 13<sup>th</sup>. Director Jones encouraged Commissioners to attend. The City is seeking Prop 84 funds that might fund the entire trail. Hopefully the North Coastal Trail will be open to the public by 2012.

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

**ADJOURNMENT**

Chair Hannon adjourned the meeting at 7:18 p.m.

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**Mark Hannon, Chair**

ATTEST:

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**Nancy Philips  
Administrative Secretary**

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

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