



City of Fort Bragg

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Meeting Minutes Planning Commission

Wednesday, March 8, 2017

6:00 PM

Town Hall, 363 N.Main Street

MEETING CALLED TO ORDER

Commissioner Rodriguez called meeting to order at 6:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 5 - Commissioner Stan Miklose, Vice Chair Teresa Rodriguez, Commissioner Curtis Buchler, Commissioner Nancy Swithenbank, and Commissioner Mark Hannon

1. APPROVAL OF MINUTES

Present 5 - Commissioner Stan Miklose, Vice Chair Teresa Rodriguez, Commissioner Curtis Buchler, Commissioner Nancy Swithenbank, and Commissioner Mark Hannon

1A. [17-133](#) Approve Minutes of February 22, 2017

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

Aye: 5 - Commissioner Miklose, Vice Chair Rodriguez, Commissioner Buchler, Commissioner Swithenbank and Commissioner Hannon

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None

3. PUBLIC HEARINGS

3A. [17-136](#) Receive Report, Conduct Public Hearing, and Consider: 1) Adopting the MND for the Glass Beach Stairs Replacement Project; and 2) Approval of a Coastal Development Permit (CDP 1-17) and Design Review Permit (DR 1-17) for the Glass Beach Stairs Replacement Project.

Director Jones presented the MND for Glass Beach Stairs, CDP 1-17 and DR 1-17; to replace the stairs at Glass Beach with a concrete stair set on four sets of pilings with a concrete bulwark at the western terminus. The original cable stairs were constructed in 2014 and repaired due to erosion at the base of the stairs in 2015 to address damage caused by high visitor use and winter storms. In fall 2016, the City removed the stairs permanently and hired Lee Welty Associates to redesign the stairs so they could better accommodate the high level of use and survive the brutal winter environment. Commissioners inquired about the visual impact, details about construction, public access during construction and timeline of

project. Staff recommended approval of CDP 1-17 and DR 1-17.

A motion was made by Vice Chair Rodriguez, seconded by Commissioner Hannon, that the MND Glass Beach Stairs Replacement Project, and CDP-1 and DR 1-17 be approved with 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, 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.

DESIGN REVIEW FINDINGS

1. The project complies with the purpose and requirements of CLUDC Section 17/18.71.050 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.

SPECIAL CONDITIONS

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

Mitigation Measure 1: During construction, permanent and temporary impacts to ESHA natural communities shall be avoided/minimized to the extent feasible. The ESHA natural communities which have the potential to be disturbed by the project shall be shown on site plans. Areas in which grading or other disturbance is to occur shall be defined on-site by readily identifiable barriers that will protect the surrounding native habitat areas. Construction equipment and other vehicles shall be prevented from entering ESHA natural communities through the use of exclusion zones or other barriers.

Mitigation Measure 2: The City shall restore disturbed areas of NCBS located within 100 feet of the project site through the removal of invasive Himalayan Blackberry, Ivy and Ice Plant. Further the applicant shall extend the NCRS strand by planting willow stakes underneath the Glass Beach stairs as feasible.

Mitigation Measure 3: During and following construction, drainage control methods shall be incorporated into the project in a manner that minimizes erosion, sedimentation, and the discharge of harmful substances into aquatic habitats during and after construction.

Mitigation Measure 4: During construction, any disturbance within jurisdictional wetlands or other waters will take place between June 15 and October 31 in any given year, when the surface water is likely to be dry or at seasonal minimum. Deviations from this work window are not permitted by the City's Certified LCP.

Mitigation Measure 5: Timing of construction: All ground-disturbing activities and concrete paving operations shall occur during dry weather only. Construction of the stairs on the beach shall be limited to periods of low tide and low wave action to minimize the potential for discharge of materials into the ocean.

Mitigation Measure 6: To minimize wildlife entanglement and plastic debris pollution, temporary rolled erosion and sediment control products (such as fiber rolls and silt fencing) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) shall not be used. Acceptable alternatives include erosion and sediment control products without netting, products made with loose-weave natural fiber netting, and unreinforced silt fences

Mitigation Measure 7: Staging and storage of construction equipment and materials (including debris) shall not take place on the beach. Staging and storage of construction equipment and materials shall occur at least 50 feet from coastal waters, drainage courses, and storm drain inlets

Mitigation Measure 8: All on-site stockpiles of soil and construction debris shall be contained at all times and shall be covered during storm events to minimize discharge of sediment and other pollutants

Mitigation Measure 9: Any construction debris resulting from construction activities shall be removed immediately upon completion of component construction, and shall be disposed of at a disposal site outside the coastal zone or within the coastal zone pursuant to a valid coastal development permit

Mitigation Measure 10: BMPs for concrete paving protection shall be employed to prevent concrete slurry and paving rinseate from sheet-flowing into coastal waters. No concrete shall be poured below mean high water.

Mitigation Measure 11: Use of heavy equipment: Heavy equipment shall only be operated from upland areas to minimize the generation of suspended sediment and potential water quality impacts. Fuels, lubricants, and solvents shall not be allowed to enter coastal waters or wetlands. All equipment used during construction shall be free of oil and fuel leaks at all times. Any fueling, equipment maintenance, concrete washout, and washing of construction equipment shall occur at least 100 feet away from coastal waters. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site. Any accidental spill shall be rapidly contained and cleaned up.

Mitigation Measure 12: Beach areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand impacted shall be filtered as necessary to remove all construction debris from the beach.

Mitigation Measure 13: If any native shoulderband snails are observed during ground disturbance activities in suitable habitat, such snails shall be relocated to suitable habitat outside of the area of disturbance to avoid/minimize injury or mortality.

Mitigation Measure 14: Prior to construction, nest surveys for double-crested cormorant and oyster catchers shall be conducted by a qualified biologist prior to construction. Prior to and during construction, if active double-crested cormorant nests are observed, a minimum 200-ft (61-m) buffer/exclusion zone delineated by highly visible flagging/stakes shall be established by a qualified biologist around each active nest until all young have fledged; a 100-ft (30.5-m) exclusion zone is required for active black oystercatcher nests.

Mitigation Measure 15: Prior to and during construction, if project activities cannot feasibly avoid the typical nesting bird season (from March 15 to July 31 for most bird species), weekly bird surveys of the project areas that will be under

construction shall be conducted by a qualified biologist with experience in conducting breeding bird surveys, beginning 30 days prior to the disturbance of suitable nesting habitat. If a protected native bird nest is found, clearance/construction will not occur within an appropriate buffer/exclusion zone (determined by a qualified biologist) delineated by highly visible flagging/stakes until August 1, or until any active nests are vacated.

Mitigation Measure 16: Prior to construction, a qualified biologist shall conduct surveys to identify potential marine mammal haul-out sites in the vicinity of the BSA. Binoculars or a spotting scope shall be used for surveying potential haul-out locations, with implementation of exclusion zones as appropriate by a qualified biologist. If project activities will occur within designated exclusion zones, the qualified biologist shall survey potentially affected beach areas for presence of marine mammals. The surveys shall occur the day before work activities are scheduled to commence, with both a morning and afternoon count. If a marine mammal is found to be hauled out within a defined exclusion zone, project construction shall not occur within that exclusion zone until the marine mammal has departed. The condition of any marine mammal observed shall be noted. Marine Mammal Center personnel shall be contacted if the animal appears to be injured or in distress.

Mitigation Measure 17: If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner contacted. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains will contact the project archaeologist so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.

Mitigation Measure 18: The City shall require Native American monitoring of all construction activities that will result in grading or movement of native soils.

Mitigation Measure 19: The City shall install Tsunami warning signage at the top of the beach stairs, which instructs people where to go in the event of an earthquake.

Mitigation Measure 20: The City shall install safety signage that warns trail users to stay off the beach and the stairs during times of high surf action.

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.

3. All concrete will include integral color in a tone that matches the bluff face. The City will plant willow along the length of the stair to reduce the visual impacts from the beach.

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: 5 - Commissioner Miklose, Vice Chair Rodriguez, Commissioner Buchler, Commissioner Swithenbank and Commissioner Hannon

4. CONDUCT OF BUSINESS

5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

Commissioner Miklose requested time for general information session at next Regular Planning Commission Meeting on Wednesday, March 22, 2017 in order to ask general questions about the Mill Site and water issues.

Director Jones invited Commissioners to participate in a walking tour to explore daylighting creeks on Mill Site. Tours offered Monday, March 20, 2017 at 4:00 PM and 5:00 PM, and Tuesday, March 21, 2017 at 9:00 AM and 10:00 AM. Jones also informed Commissioners about Special Joint Meeting about Maple/Alder Creek Daylighting Project.

ADJOURNMENT

Commissioner Rodriguez adjourned the meeting at 6:33 PM