



CITY OF FORT BRAGG

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COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: JUNE 22, 2016
TO: PUBLIC WORKS & FACILITIES COMMITTEE
FROM: TOM Z. VARGA, PUBLIC WORKS DIRECTOR
AGENDA ITEM TITLE: Receive Report and Discuss Special Events and Other Public Uses of Coastal Trail Property

ISSUE:

An earlier proposal for a commercial operation of guided Segway tours on the Coastal Trail triggered a discussion of uses and activities on the Coastal Trail. Such uses or activities cover a broad range of possibilities, including: guided tours, food vendors, filming, Paul Bunyan Days, kite flying competitions, weddings, various tournaments, or other special events. A policy of what special events or similar public activities that will be permitted within the Noyo Headlands Park is needed.

BACKGROUND:

At its meeting of March 28, 2016, the City Council considered the use of Electric Personal Assistive Mobility Devices (EPAMDs) on the Fort Bragg Coastal Trail within the Noyo Headlands Park. At the conclusion of its discussion, Council directed that the larger question of commercial and other uses of the Coastal Trail, (and by extension, the rest of the park), be reviewed by the Public Works and Facilities Committee. The Committee considered the matter at its meeting of April 27, 2016. Staff was directed to do additional research and return with proposed guidelines. The proposed guided Segway tours illustrated the question as to the appropriateness of commercial use of the Coastal Trail. Should such use be allowed? If so, what regulations would be appropriate?

Such a policy would not only apply to the Coastal Trail, but should also consider Glass Beach and the other public spaces in the vicinity of south trail. Initial direction from the Committee indicated that importance of the passive nature of recreation on the Coastal Trail and surrounding Noyo Headlands Park.

Presently, the City allows the reservation and setting aside of public spaces for special events in Bainbridge Park, the Guest House, and street rights of way for events ranging from birthday parties in the park to the Farmer's Market in Franklin Street. These are conditioned and permitted through an Encroachment Permit without any additional paperwork.

At the April meeting, the Committee provided several specific comments regarding the Coastal Trail. Commercial or profit-making ventures would generally not be permitted. Any activity that requires a park user to get a business license will not be allowed. Weddings can be permitted, but receptions afterward were not desirable. Chairs or other significant equipment should not be allowed. A limit on the number of parking spaces to be used by participants of a special event should be limited. The southern parking lot, (excluding the runway), has 64 parking spaces. The northern parking lot has 69 parking spaces. No amplified sound will be allowed. A fee or deposit will need to be charged to recover the City's expenses.

The use of the trail and surrounding park, (including Glass Beach), for filming can be permitted as long as it does not interfere with public use of the area.

A key restriction to uses comes from the deed by which the City acquired much of the Noyo Headlands Park, including the Coastal Trail. The relevant portion of the deed is,

"For the purposes of public access, passive recreation and natural resource, open space and scenic protection, as permitted by the bond act and the terms of the special deposit fund; and no use of the real property inconsistent with these purposes is permitted. As used in the paragraph, 'passive recreation' means those recreational activities typically associated with coastal open space that generally are non-structured and require minimal or no developed facilities or improvements to land. Such activities include walking, biking, jogging, hiking, dog walking, bird watching, tide-pooling, beach combing, informal sports activities such as Frisbee or ball throwing and kite-flying, nature viewing, picnicking, and public events that avoid impact to significant cultural and natural resources. Some improvements and ancillary facilities necessary to support visitor access to the coastal open space are permitted in connection with passive recreation uses, including, but not limited to, parking lots interpretive signage, visitor kiosks, trail and stairway improvements, benches and restrooms. Passive recreational activities do not include activities such as: playgrounds, community gardens, ball-fields, and skate parks. The uses enumerated in this paragraph as being included in or excluded from 'passive recreation' are by way of example only, and are not an exhaustive list of permitted or unpermitted uses, but may be used to illustrate the types of uses and facilities contemplated as being consistent with 'passive recreation.'"

The essential elements of the restriction emphasize the "passive recreational" nature of park usage. During review of the use of Electric Personal Assistive Mobility Devices (EPAMDs), the Coastal Conservancy interpreted "passive recreation" to exclude EPAMDs and implied all mechanical devices except those used by the disabled, emergency personnel and maintenance personnel should generally not be allowed. Some improvements and ancillary facilities to support visitor access to the site are acceptable. Otherwise, the implication is that permanent or short-term improvements are to be discouraged.

Staff reviewed the guidelines for use of park areas of several regional natural recreational areas. The Mendocino Land Trust has specific guidelines for its Mendocino Bay Overlook facility. Informal policies from the California Department of Parks and Recreation applying to Jug Handle and Russian Gulch State Parks were also reviewed.

Attached is a draft, "Usage Guidelines for the Noyo Headlands Park (Including the Coastal Trail) – **Attachment A**. The guidelines can be used as an enhancement detailing important elements above and beyond the use of a plain Encroachment Permit. These guidelines incorporate previous Committee input, the deed restrictions, and guidelines used by similar regional recreational facilities. The Committee is requested to review and consider the entire document. However, certain provisions have been highlighted for special attention. As noted in

the guidelines, requirements are created and implemented through an Encroachment Permit – **Attachment B** (Encroachment Permit Application)

The stringent restrictions on what can be brought in and non-interference with other recreational uses brings up the question of whether it is desirable to allow events that reserve and exclude the public for short periods of time in specific and special set-aside areas. If something of this nature is allowed, locations for these set-asides should be suggested for Council consideration. Given the deed restrictions, any set-aside areas should be located outside of the land purchased with Coastal Conservancy funds. This would include the southern half of the runway, the dog park area, the Cypress Avenue entrance road, and the future acquisition of the central trail area. A sketch of these areas is included with the report – **Attachment C**. Please note that all of the northern portion of the Coastal Trail was purchased with Coastal Conservancy funds. The future central portion of the Coastal Trail is expected to be a dedication from Georgia Pacific.

The potential value of area(s) for activities and special events that are not compatible with the deed restrictions was touched on during the June 13, 2016 City Council meeting during public input and Council discussion held regarding the Transient Occupancy Tax. Events held at the Coastal Trail are an opportunity to promote and market the community. Such events, (e.g. concerts, film festivals, art/craft fairs, food/wine/beer events, etc.), tend to be more commercial in nature. They also tend not to be fit the State's interpretation of passive recreation.

Some possible uses may also require review by the Coastal Commission and the issuance of a Coastal Development Permit (CDP). Generally, a CDP is needed when an event or activity interferes with typical passive recreation or charges an admission for a non-public event. The requirements developed for special events can be specified on an Encroachment Permit. If appropriate, a Limited Term permit (LTP) can be used instead.

Existing Park regulations are contained in Chapter 9.68 of the Fort Bragg Municipal Code. These provisions do not cover the issues involving special events in City parks Implementation of the guidance for special events can be made part of the Municipal Code or made an extension of existing City policies for special events at parks and rights of way as implemented through the Encroachment Permit process.

RECOMMENDATIONS:

Review and consider the issues concerning commercial use of the Coastal Trail. Recommendations should be developed that can be forwarded to the full Council for their consideration and action.

In light of the City's existing policies and procedures for special events being managed via the Encroachment Permit process, staff recommends continuing using the tools and adding the guidelines for special events that are proposed for the Noyo Headlands Park, (including the Coastal Trail).

The Committee's assistance and guidance is requested in directing staff on what goals are to be achieved in drafting any policies or Ordinances that will implement the Council's decisions.

ATTACHMENTS:

- A. Usage Guidelines for the Noyo Headlands Park (Including the Coastal Trail)
- B. Encroachment Permit application and insurance requirements
- C. Sketch of South Coastal Trail and Areas Covered by Coastal Conservancy Deed Restrictions.