

AGENCY:	Planning Commission
MEETING DATE:	June 13, 2018
PREPARED BY:	S. Perkins
PRESENTED BY:	S. Perkins

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Coastal Development Permit 5-18 (CDP 5-18)

OWNER/APPLICANT: City of Fort Bragg

REQUEST: Coastal Development Permit to place approximately 12,000 cubic yards of clean soil associated with construction of the Wastewater Treatment Facility around the project site. Soils would not exceed a height of 25 feet, and would be spread within eighteen months of CDP approval. After final grading, all disturbed soil would be hydro-seeded.

LOCATION: 321 and 331 Jere Melo Street, Fort Bragg

APN: 008-020-14 and 018-430-15

ZONING: Timber Resources Industrial

LOT SIZE: 3.1 acres and 11.6 acres, respectively

ENVIRONMENTAL DETERMINATION: Project is Categorically Exempt from CEQA, Section 15304(a), minor alterations to land.

SURROUNDING LAND USES:

NORTH:	Coastal Trail / Mill Site
EAST:	Mill Site
SOUTH:	Mill Site
WEST:	Coastal Trail, Wastewater Treatment Facility

APPEALABLE PROJECT: ☒ **Can be appealed to City Council**

☒ **Can be appealed to California Coastal Commission**

PROJECT HISTORY

Constructed in 1970, the City of Fort Bragg's Wastewater Treatment Facility (WWTF) is an aging facility. Over the facility's 40-year life span, the operation has undergone various expansions and upgrades; however, most equipment has now reached a 25- to 30-year service life. The long-term ability of several of the unit processes to achieve treatment objectives has become problematic. This summer, the City will begin renovating and upgrading the facility to current technology and standards utilizing an activated sludge treatment process.

The City obtained Planning Commission approval of a Coastal Development Permit (CDP 2-16) and Design Review Permit (DR 2-16) for the WWTF renovation and upgrade in October, 2016. The CDP and DR permits the installation of an activated sludge treatment system. The proposed upgrades also include construction of a dewatering building, new sludge holding area, splitter box and pump station, and conversion of the existing primary and secondary clarifiers to emergency/surge storage basins. New and renovated interior site access-ways and modified catchment basins will require grading and asphalt paving.

PROJECT DESCRIPTION

Construction of the updated WWTF will require grading. The on-site grading (on the WWTF parcel) is permitted as part of approved CDP 2-16; however, the applicant will require stockpiling of additional soils outside the project site which was not covered by the previous permit. The applicant requests a Coastal Development Permit to place clean soils in locations outside the boundaries of the Wastewater Treatment Facility (WWTF) during the renovation of the facility (see **Attachment 1** for a depiction of these locations). The soil to be placed at the various locations will amount to approximately 12,000 cubic yards, and stockpiles will not exceed 25 feet in height. Throughout the project, stockpiled soils will be reused as necessary back on the project site. Not all soil will be reused, and the applicant proposes to spread the remaining soils within 18 months of approval of this CDP. A portion of the remaining soil will assist with revegetating the site perimeter to screen the WWTF from the Coastal Trail, as well as the Noyo Center property. The remaining soil will soften the undesirable industrial hardscape portion of the surrounding property. Each location will be sculpted to look natural and to be a visual improvement to the area. After final grading, any disturbed soil will be hydro-seeded. All stockpile locations have been previously disturbed, and in many cases are largely graveled (see **Attachment 2** for location photos).

Key Issues. While this staff report touches on various policy considerations, the key issues involved in the review of this permit are stormwater management and soil quality.

CONSISTENCY WITH PLANNING POLICIES

Land Use. Land use in the City of Fort Bragg's Coastal Zone is regulated by the Coastal General Plan and Title 17 of the Fort Bragg Municipal Code referred to as the Coastal Land Use and Development Code (CLUDC). The proposed project is consistent with both documents as discussed below.

General Plan Consistency. The parcel is located within the Timber Resources Industrial Land Use Classification as described in the Fort Bragg Coastal General Plan. The proposed stockpiling and grading on these parcels is consistent with the General Plan Land Use designation.

Coastal Land Use and Development Code. The property is zoned Timber Resources Industrial in the Coastal Land Use and Development Code (CLUDC) which is applied to areas appropriate for timber resource and forest products related to manufacturing, including a variety of related industrial uses. The proposed placement of soils is not considered a land use, and will not prevent future development that would be consistent with the zoning district on the subject parcels, nor does it conflict with the intent of the district.

Zoning District Development Standards. The proposed placement of soils would not place any physical structure on the ground, and therefore is not subject to setbacks, height limits, residential density, lot coverage, etc.

Drainage and Stormwater Management. Stormwater regulations for grading projects of this size (more than one acre) are regulated primarily through the state—specifically the Water Quality Control Board (WQCB). As part of the permitting for the WWTF renovation, the applicant obtained a Construction General Permit (CGP) and Stormwater Pollution Prevention Plan (SWPPP) for the project (WWP-00010). The SWPPP prescribes best management practices during WWTF construction to manage stormwater and limit impacts of erosion.

The City has subsequently amended its approved SWPPP through the WQCB to include the stockpile locations proposed for this CDP. By including the soil stockpile areas in the SWPPP, the City will be required to implement the same Best Management Practices (BMPs) for the stockpile locations as for the WWTF renovation. To ensure continued compliance with the approved SWPPP, staff recommends the Planning Commission require **Special Condition 1**, as part of an approved CDP for stockpiling soils outside the project site.

Special Condition 1: The applicant shall implement Best Management Practices in accordance with the Construction General Permit and Stormwater Pollution Prevention Plan associated with the Wastewater Treatment Facility renovation (WWP-00010).

Additionally, in order to ensure the project's compliance with the City's Stormwater management requirements, Public Works reviewed the project and recommends the inclusion of the following approval conditions:

Special Condition 2: Appropriate notifications of spills, dust or sediment release, or release of potentially hazardous materials shall be made immediately in accordance with the approved SWPPP for the Wastewater Treatment Facility.

The approved SWPPP includes measures for ongoing downstream stormwater testing to ensure effectiveness of the BMPs. **Special Condition 3** would apply to the testing and reporting required for the WWTF to the soil stockpiles, as well.

Special Condition 3: Construction reports and site inspections shall be conducted in accordance with the approved SWPPP for the Wastewater Treatment Facility.

Finally, to ensure that the stockpiled soil is stabilized at the completion of the project, staff recommends **Special Condition 4**.

Special Condition 4: All stockpiled soil shall be stabilized prior to submittal of a Notice of Termination with the Water Quality Control Board for the associated Construction General Permit.

Compliance with the recommended conditions of approval would ensure the project is consistent with the City and State requirements for stormwater management.

Hazardous Materials. The project would expose soils presently at the WWTF and relocate them beyond the property. In order to ensure that the soils are free of contaminants, staff reviewed and analyzed existing information related to previous soil testing, as well as the results of ongoing outfall testing of WWTF on-site stormwater.

In 2007 and 2008, the soils surrounding the WWTF were tested as part of the Remedial Investigation for Operable Unit A associated with the Coastal Trail project. **Attachment 1** shows the location of the borings where soils samples were tested. The soil samples were tested for numerous contaminants, including concentrations of arsenic, B(a)P TEQ, TPH (both diesel and motor oil) and dioxin/furan. For each of the six boring locations, contaminants were either not detected or were found below screening values (background levels).

When permitting the WWTF renovation, the City worked with the Mendocino County Department of Environmental Health to obtain an approved work plan that included consideration of soil contamination. In an email in August, 2015, Environmental Health Director David Jensen stated that since “none of the soil samples taken from the areas directly adjacent to the Wastewater Treatment Plant property were found to contain contaminants of concern above regulatory action limits,” that no further on-site testing would be warranted.

Additionally, the City tests the effluent of two western WWTF outfalls two to four times per year for pH, turbidity, and oil/grease. These outfalls expel stormwater that falls onto the WWTF property and seeps into the on-site soils. For the past three reporting year, samples collected at the WWTF outfalls have remained in compliance with the numeric action levels for oils and grease established by the Industrial General Permit.

In summary, none of the six borings surrounding the WWTF property were found to contain contaminants of concern in the soil, and ongoing testing of WWTF stormwater similarly fails to register the presence of contaminants or pollutants present in the soils. As a result, the soils to be relocated from the WWTF to the locations depicted in **Attachment 1** would not be contaminated.

Coastal Development Permit Analysis

Cultural Resources. CLUDC section 17.50.030 requires that an archaeological report be prepared for any project located on the former Georgia-Pacific Mill Site. A number of archaeological reports have been prepared for the area because it is a site of archaeological resources, including:

- Data Collection Plan for the Fort Bragg Coastal Trail Project in the City of Fort Bragg, Thad VanBueren, 2014
- Historic Property Treatment Plan for the Fort Bragg Coastal Trail Project in the City of Fort Bragg, Thad VanBueren, 2011
- Combined Historic Property Survey report and Finding of Effect for the Fort Bragg Coastal Trail Project in the City of Fort Bragg, Thad VanBueren, January 2011
- Historic Resources Evaluation Report for the Fort Bragg Coastal Trail Project in the City of Fort Bragg, Thad VanBueren, 2011

The existing archaeological reports show no cultural resources associated with the areas proposed for soil stockpiling and grading. However, staff recommends the inclusion of **Special Condition 5** to ensure full compliance with the CLUDC Section 17.50.030.

Special Condition 5: 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 50 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 actions in consultation with stakeholders.

Public Access. The project is in an area considered to be “west of the first public road,” requiring analysis of the project’s potential impact to public access to coastal resources. The existing Coastal Trail winds through the project site, and would not be impacted by the stockpiling and eventual grading of soils. Therefore, this project will not negatively impact public access.

Adequacy of water supply, sewage disposal, solid waste, and public roadway capacity. The placement of soils resulting from the WWTF renovation would not require any water supply, sewage disposal, solid waste or other public roadway capacity.

Geologic, Flood, and Fire Hazard. The proposed stockpile locations are no closer than 150 feet from the bluff edge, but most of the locations are more than 250 feet from the bluff edge. Any hazards associated with earthquakes will be addressed by the building permitting process under the authority of the California Building Code.

According to Mendocino County CalFire/Fire and Resources Assistance Program mapping, the project is located in an area of “moderate” fire hazard severity and therefore, no special measures are required beyond those of the grading permit process and compliance with any of the Fire Marshal’s requirements.

According to Department of Homeland Security, Federal Emergency Management Agency (FEMA) FIRM community panel 060184 0005 C, revised June 16, 1992, the project site is located in a Zone X area determined to be outside the 500-year flood plains associated with the Noyo River and Pacific Ocean. As such, no flooding concerns are raised relative to the project.

Environmentally Sensitive Habitat Areas. As part of permitting and environmental review of the Coastal Trail project, the areas proposed for soil stockpiling and eventual grading have been studied for special-status plant species and natural communities. Reports by WRA dated October, 2014 and August, 2010 depict the proposed locations as either “developed” or “introduced perennial grassland” (see **Attachment 3** for maps of the study areas and **Attachment 2** for photos of the existing conditions). Neither classification meets the criteria of Environmentally Sensitive Habitat Areas, as defined by the Coastal Act and the CLUDC.

The placement of these soils in locations that are currently hardscapes would soften the aesthetics for passersby on the Coastal Trail, and help restore the area to a more natural setting. Environmentally Sensitive Habitat Areas would not be affected by this project.

However two of the stockpile sites (North and East of the WWTF) are located adjacent to Coastal Act and Army Corp wetlands, therefor special condition 6 is recommended to reduce the potential to impacts to these ESHA.

Special Condition 6: The soils placed to the North and East of the WWTF shall be graded and contoured immediately upon placement and shall be hydro seeded with a native seed mix, tachified and fertilized (based on soil chemistry) by October 30th as approved by the Community Development Director.

Visual Resources

The proposed project has the potential to impact Visual resources as the 25 foot piles of soil could be unsightly to the heavily visited and used Coastal Trail. In order to reduce impacts to visual resources, Special Condition 7 is recommended.

Special Condition 7: All soils placed within 200 feet of the multi-use trail shall be graded and contoured upon placement and shall be hydro-seeded with a native seed mix, with tachifier and fertilizer (based on soil chemistry), by October 30th as approved by the Community Development Director.

Environmental Determination. The project is Categorically Exempt from the California Environmental Quality Act (CEQA) Section 15304(a), minor alterations to land.

PLANNING COMMISSION ACTION

1. Hold a hearing on the Coastal Development Permit, close the hearing, deliberate, and approve CDP 5-18 subject to the required approval findings and subject to standard and special conditions.
2. Hold a hearing on the Coastal Development Permit, close the hearing, deliberate, and request staff return with findings to deny CDP 5-18.
3. Continue the hearing for future deliberation.

RECOMMENDATION

Staff recommends approval of Coastal Development Permit 5-18 (CDP 5-18) for the project 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 Timber Resources Industrial 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 has been found to be exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15303(a), one single family residence in a residential zone.

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;
9. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity; and
10. The resource as identified will not be significantly degraded by the proposed development.

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 Coastal Land Use and Development Code Chapter 17.92 - Appeals.
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. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details, and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.
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. 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.
7. 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).

SPECIAL CONDITIONS

1. The applicant shall implement Best Management Practices in accordance with the Construction General Permit and Stormwater Pollution Prevention Plan associated with the Wastewater Treatment Facility renovation (WWP-00010).
2. Appropriate notifications of spills, dust or sediment release, or release of potentially hazardous materials shall be made immediately in accordance with the approved SWPPP for the Wastewater Treatment Facility.
3. Construction reports and site inspections shall be conducted in accordance with the approved SWPPP for the Wastewater Treatment Facility.
4. All stockpiled soil shall be stabilized prior to submittal of a Notice of Termination with the Water Quality Control Board for the associated Construction General Permit.
5. 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 50 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 actions in consultation with stakeholders.
6. The soils placed to the North and East of the WWTF shall be graded and contoured immediately upon placement and shall be hydro seeded with a native seed mix, tachified and fertilized (based on soil chemistry) by October 30th as approved by the Community Development Director.
7. All soils placed within 200 feet of the multi-use trail shall be graded and contoured upon placement and shall be hydro-seeded with a native seed mix, with tachifier and fertilizer (based on soil chemistry), by October 30th as approved by the Community Development Director.

ATTACHMENTS

1. Site Location Map
2. Stockpile Location Photos
3. Biological Survey Maps