

MEETING DATE: June 27, 2018

PREPARED BY: M. Jones

PRESENTED BY: M. Jones

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Coastal Development Permit Amendment (CDP 10-10/14/14/18), Design Review Amendment (DR 11-10/14/14/18)

APPLICANTS/OWNERS: City of Fort Bragg (Applicant)
Georgia-Pacific (Owner)

REQUEST: Coastal Development Permit & Design Review Permit for Phase III of the Fort Bragg Coastal Restoration and Trail Project. The proposed project would consist of the installation of approximately 600 linear feet of a 12 foot wide asphalt trail that connects the Fort Bragg Coastal Trail project to downtown Fort Bragg via Alder Street and associated signage and property line fencing. The project would include use of a pre-existing gravel covered parking lot of approximately 60 spaces, which is located between Alder and Oak Street west of Chief Cereli Drive.

LOCATION: **90 West Redwood.** The property is in the Coastal Zone.

ASSESSOR'S PARCEL NO.: 008-020-15-00 (149 acres); and
008-161-08-00 (4 acres)

ZONING: Timber Resources Industrial (IT)

ENVIRONMENTAL DETERMINATION: A Final Subsequent EIR has been prepared.

SURROUNDING LAND USES: NORTH: Timber Resources Industrial (IT)
EAST: Central Business District (CDB)
SOUTH: Timber Resources Industrial (IT)
WEST: Timber Resources Industrial (IT)

APPEALABLE PROJECT: ☒ Can be appealed to California Coastal Commission as project is west of the westernmost public road and within 300 feet of a wetland.

PROJECT BACKGROUND

Since 2006, the City of Fort Bragg has been working to make the public acquisition, restoration, and development of a coastal park on a 93-acre site along the 3½ acres of coastline on the former Georgia-Pacific Mill Site a reality (see Attachment 1 for the Site Map). Many steps have been taken to move this project forward, including:

- The City has engaged the public at multiple points throughout this process. Since 2006, the City has held over 30 public meetings to obtain public input for the planning, design and environmental review of the Fort Bragg Coastal Restoration and Trail Project (project).
- In early 2010, the City purchased a portion of the site with \$4,145,000 in State Coastal Conservancy funding to provide coastal access. Georgia-Pacific also donated a portion of the site to the City.
- In 2011, the City Council certified an Environmental Impact Report (EIR) for the project and the Planning Commission approved Coastal Development Permit (CDP 10-10), Design Review (DR 11-10), and Variance (VAR 2-11) for the construction of the project.
- Beginning in 2012, as part of federal environmental review (NEPA) process, the City met with Sherwood Valley Band of Pomo (SVBP) to redesign portions of the project to address Tribal concerns.
- In late 2013, staff prepared a Draft Subsequent EIR to analyze the proposed changes to the project. The Draft Subsequent EIR was the subject of a public hearing before City Council on January 13, 2014.
- In 2013 the City acquired the four acre Johnson Property (adjacent to the South Parkland parcel) with Coastal Conservancy funding for public access.
- In 2015, the City authorized the construction of Phase II of the Coastal Trail, which connected the north and south elements of the Phase I project, and the project was constructed in 2017.

PERMIT HISTORY

Coastal Development Permit (CDP 10-10), Design Review (DR 11-10), and Variance (VAR 2-11) were granted on August 24, 2011 to complete: 1) 20+ acres of habitat restoration; 2) construction of 4.5 miles of coastal trail, two parking lots with access road, storm drain improvements, three restrooms, benches, beach access stairs; and 3) installation of interpretive signage, resource protection fencing, site safety signage and welcome signage.

Coastal Development Permit (CDP 3-11) was granted on September 14, 2011 to complete habitat restoration of approximately five acres of coastal habitat on Glass Beach Headlands, including the restoration and closure of five miles of volunteer trails and establishment of a two foot wide, 1,400 foot long official dirt trail. Restoration activities would include hand and mechanical removal of non-native plants, planting and propagation of native plants and restoration of eroded coastal bluffs and perched dunes. The restoration

portion of CDP 3-11 has been constructed. State Parks has indicated that they will not build the two foot wide 1,400 foot long official dirt trail.

Coastal Development Permit Amendment (CDP 10-10/14), Design Review Amendment (DR 11-10/14), and Variance Amendment (VAR 2-10/14) were approved in January of 2014. These amendments authorized changes to the project design to protect cultural resources and relocate the parking lot from Noyo Point Road to the end of the runway.

Coastal Development Permit Amendment (CDP 10-10/14/14), Design Review Amendment (DR 11-10/14/14), and Variance Amendment (VAR 2-10/1414) were approved in January of 2015. These amendments authorized the construction of Phase II of the Coastal Trail.

PROJECT DESCRIPTION

The project is located on the Mendocino Coast within the City of Fort Bragg. The proposed project would consist of the installation of approximately 600 linear feet of a 12 foot wide asphalt trail that connects the Fort Bragg Coastal Trail project to downtown Fort Bragg via Alder Street and associated signage and property line fencing. The proposed project is illustrated in Figure 1.



Figure 1: Phase III Coastal Trail Alignments

Vehicular Access

Vehicular access to Phase III of the Coastal Trail project will be limited to parking in an existing gravel parking lot located at the western terminus of Alder Street. No improvements are proposed for the parking lot. The existing parking lot will likely accommodate about 60 cars.

Fencing

Property line fencing will be located on both sides of the trail alignment. The property line fencing will include a set of gates for the use of GP's security to traverse the trail alignment to get from one side of GP's property to the other and for future access by any GP contractors or consultants.

CONSISTENCY WITH THE ZONING CODE

Land Use

The proposed use of a park with a multi-use trail and associated support facilities is a permitted use in the Timber Resources Industrial Zone (IT) and lies within the Coastal Zone (CZ). The proposed development activities of nature preserve, parks and trails are permitted uses within the IT Zone.

Zoning Standards

Due to the type of project many of the zoning standards are not applicable to the proposed project. However, setbacks, height limits and fencing requirements are applicable.

Standard	Standard	Proposed Condition	Compliance
Setback front	15 feet from front property line.	Portion of the proposed trail located on the eastern edge of the four acre parcel (008-020-15-00) will be located within setbacks.	Yes, trails are permitted within the setback
Setback & Rear	10 feet abutting IT	The proposed trail will be located within the side setbacks.	Yes, trails are permitted within the setback
Fencing	5 feet - open	5 feet - open	Yes

Landscaping

The project will not include landscaping. There are no landscaping standards (17.34.060) that apply to parks. The project includes limited restoration of native vegetation along the sides of the trail in areas which are not currently paved.

Outdoor Lighting

The project will not include outdoor lighting.

Parking

The Coastal General Plan includes the following policy:

Policy LU-5.7. Adequate parking should be provided to serve coastal access and recreation uses to the extent feasible. Existing parking areas serving recreational uses shall not be displaced unless a comparable replacement area is provided.

Phase I of the Coastal Trail project provides 110 parking spaces in two lots. Phase II of the Coastal Trail did not include parking improvements. Phase III of the project will utilize an existing under-utilized gravel parking lot located between Alder and Oak Streets along the western edge of Chief Celery Drive. The existing gravel parking lot provides space to park 60 vehicles as illustrated in Figure 2.



Existing Parking Lot



Parking Lot space illustration

At this time the City is not seeking to improve the Alder Street parking lot. The City has entered into a renewable annual License Agreement for use of the parking lot, and as the City does not own the parking lot, significant City funded improvements to the Alder Street parking lot could be considered a gift of public funds to the property owner and should be avoided.

The Coastal LUDC does not include parking requirements for passive recreation areas. The City must ensure that sufficient parking is provided for the facility. The City's two parking lots function adequately to serve existing demand. The South Trail Parking Lot has 66 parking spaces and typically is half full. The North Trail parking lot (64 parking spaces) is heavily utilized and filled by 10:00 or 11:00am due to the many visitors to Glass Beach. The Alder Street parking lot, with 60 spaces should adequately serve demand in this area, as many people will walk or bike to the facility from town. Additionally the visual qualities of this entrance are not as scenic as those from the other two entrances and so it is likely to have a lower rate of utilization.

Fire and Life Safety. Fire safety is not a concern for this project as the site includes no new buildings and the site has no tree coverage. Life safety is also not a concern for this project as it is located well inland of bluffs and water features. Staff has worked with the Fire Department to ensure that the property line fence will have gates at appropriate locations to allow for a rapid response to emergency calls for rescue assistance from the coastal trail, bluffs, and ocean accessed by Phase II and Phase I of the project. Additionally, the project includes a variety of safety signs as discussed below.

Trash & Recycled Materials Enclosure. The project will not include trash cans as there is a trash can be installed at the Welcome Plaza. This trash container is designed so that material cannot blow out of it.

COASTAL DEVELOPMENT PERMIT ANALYSIS

The Coastal General Plan also includes the following policy with regard to cultural resources:

Policy OS-4.1. Preserve Archaeological Resources. New development shall be located and/or designed to avoid archaeological and paleontological resources where feasible, and where new development would adversely affect archaeological or paleontological resources, reasonable mitigation measures shall be required.

The project has been designed to avoid cultural resources as it is located in an area without any known cultural resources.

CULTURAL RESOURCES (17.50.030)

Coastal LUDC section 17.50.030 requires that an archaeological report be prepared for any projects located on the former Georgia-Pacific Mill Site. A number of archaeological reports have been prepared for the overall Coastal Trail project 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

A Data Collection Plan is not required for this project as the project is located in a site without any known cultural resources. However mitigation measures were identified in the SEIR Addendum for this project that, if implemented, will ensure that impacts to cultural resources will be less than significant. Additionally, MM 2.7 below has been slightly reworded from the SEIR to be more restrictive at the request of the Sherwood Valley Band of Pomo.

Mitigation Measure 2.5: The tribal monitors will be notified at least three weeks in advance of ground disturbing construction activities within ESA to ensure they will be available to monitor/review installation of ESA protection fencing.

Mitigation Measure 2.6: One week prior to initiating any native soils disturbance in non-fill areas, SVR and Native American Monitors will be notified.

Mitigation Measure 2.7: Native American monitors will be required where ground disturbing activities occur.

Mitigation Measure 2.8: The Community Development Director will notify the State Historic Preservation Officer within 48 hours of any ESA violation or unanticipated discovery to determine how it will be addressed. Consultation with Native Americans shall also be included.

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ENVIRONMENTALLY SENSITIVE HABITAT AREAS (17.50.050)

The project includes no Environmentally Sensitive Habitat Areas (ESHA) adjacent to the trail alignment. A number of biological reports were prepared for the project as required under Coastal LUDC Section 17.50.050(B).

HAZARDS AND SHORELINE/BLUFF TOP DEVELOPMENT (17.54)

The proposed project does not include any development within the bluff retreat setback.

SHORELINE ACCESS (17.56)

In the Coastal Zone, the LCP requires that the City evaluate potential impacts of new development to public access to the coast. The project will improve public access by providing 600 linear feet of multi-use trail to connect 6.4 miles of multiuse trails accessible to the downtown. The construction project would not interfere with public access to coastal and shoreline resources during construction as no access in the proposed trail location are currently allowed through this portion of the Mill Site.

GRADING & EROSION CONTROL (17.62)

The Coastal LUDC requires the preparation of a dust prevention and control plan, identification of best management practices for the prevention of erosion and sedimentation during construction prior to approval of a grading permit. **Special Condition 2** has been added to ensure that these documents are submitted to the Department of Public Works and approved prior to issuance of the grading permit.

Special Condition 2: Prior to issuance of the grading permit the applicant shall submit a dust prevention and control plan and shall identify best management practices for sedimentation and erosion control for approval by the Community Development Director.

STORMWATER MANAGEMENT (17.64)

Much of the site is currently surfaced with pavement or packed gravel. Stormwater currently sheet flows over impervious surfaces and to the mill pond. The proposed multi-use trail would be located parallel to the flow of water in areas of impervious surfaces and therefore will likely not be impacted by severe storm events.

The Coastal LUDC requires preparation of a Stormwater Runoff Mitigation Plan prior to approval of the grading permit. **Special Condition 3** has been added to ensure that this plan is prepared.

Special Condition 3: Prior to issuance of the grading permit the applicant shall submit a Stormwater Runoff Mitigation Plan for approval by the Community Development Director.

Adequacy of water supply, sewage disposal, solid waste, and public roadway capacity. The project does not include new facilities that would impact water supply, sewage disposal or roadway capacity. The project will produce minimal solid waste as most of the asphalt will be reground and re-used on site, while most of the gravel will remain in place.

DESIGN REVIEW AND VISUAL ANALYSIS

Design Review is intended to ensure that the design of proposed development and new land uses assists in maintaining and enhancing the small-town, coastal, historic, and rural character of the community.

The site is part of a scenic visual corridor. However the project will largely improve the existing visual quality. The proposed improvements are generally limited to restoration, trails, minimum drainage improvements, and limited signage and habitat creation and revegetation of 7,800 SF of compacted gravel and asphalt on the site and thereby will significantly improve the visual quality of the area.

Site Furniture

The project will not include site furniture.

Fencing

The property line fencing will consist of T-posts with livestock wire which will have minimal impacts on visual resources and will be as unobtrusive as possible. The property line fencing will also include locked access gates to provide ready access to GP from one side of the Mill Site to the other. This fencing is appropriate to the project location and will reduce and minimize visual impacts while providing property security to adjacent property owners, and ease of entrance by emergency response vehicles. Additionally the proposed fencing approach matches the existing fencing for the Phase I and Phase II of the project.

Landscaping

The project includes no landscaping. Site restoration will take place over a period of two years and will include hydro-seeding with native seed and planting a limited number of small trees along the trail. The placement of trees will minimize impacts on ocean views while providing wind protection and some visual screening of the adjacent mill site property.

Restoration

Site restoration will include removal of the existing compacted gravel and asphalt and installation of a soil cap for restoration. Initially the project may have spotty success with restoration and habitat creation. The project incorporates adaptive management to improve restoration efforts over a four year timeframe. In the near term the restoration project may not look ideal from an aesthetic perspective. However, over time the project would include numerous acres of ecological restoration, which will improve the visual character of the site. The restoration project conforms with the Citywide Design Guidelines.

Environmental Determination

A Draft and Final Subsequent EIR have been prepared for the Phase II Fort Bragg Coastal Restoration and Trail Project. And SEIR Addendum has been prepared for

Phase III of the project. If the project is approved, the City must implement all mitigation measures in the SEIR Addendum and, by doing so, the project will have a less than significant impact on the environment.

PLANNING COMMISSION ACTION

1. Conduct the public hearing, close the hearing, deliberate, and consider **making a motion to:**

1) Adopt a Resolution of the Fort Bragg Planning Commission Certifying the Subsequent Environmental Impact Report Addendum for the Fort Bragg Coastal Restoration and Trail Phase III Project

2) Adopt a Resolution of the Fort Bragg Planning Commission to Approve Coastal Development Permit Amendment (CDP 10-10/14/14/18), Design Review Amendment (DR 11-10/14/14/18) for Phase III of the Fort Bragg Coastal Trail Project based on the findings and subject to the conditions cited.

ALTERNATIVE ACTION

2. Hold the public hearing, close the hearing, deliberate without a decision, and continue action to a future meeting.

3. Hold the public hearing, and continue the hearing if there is insufficient time to obtain all input from all interested parties.

RECOMMENDATION

Staff recommends approval of **Coastal Development Permit Amendment (CDP 10-10/14/14/18), and Design Review Amendment (DR 11-10/14/14/18)** for the Fort Bragg Coastal Restoration and Trail **Phase III** 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 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 Subsequent Environmental Impact Report Addendum was prepared and certified for the project in accordance with the Environmental Quality Act (CEQA). The City has passed a resolution to certify the Subsequent EIR Addendum which includes the requirement to implement the Mitigation and Monitoring Program for the project.

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 applicant shall implement all mitigation measures identified in the Subsequent Environmental Impact Report (SEIR) Addendum for this project and listed in the Final Mitigation and Monitoring Plan for the project.
2. Special Condition 2: Prior to issuance of the grading permit the applicant shall submit a dust prevention and control plan and shall identify best management practices for sedimentation and erosion control for approval by the **Community Development Director**.
3. Special Condition 3: Prior to issuance of the grading permit the applicant shall submit a Stormwater Runoff Mitigation Plan for approval by the **Community Development Director**.

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).

ATTACHMENTS

1. Site Location Map
2. Site Plan

3. Site Photos
4. Fort Bragg Coastal Restoration and Trail Project Phase III Final Subsequent Environmental Impact Report Addendum
5. Resolution of the Fort Bragg Planning Commission Certifying the Subsequent Environmental Impact Report Addendum for the Fort Bragg Coastal Restoration and Trail Phase III Project
6. Resolution of the Fort Bragg Planning Commission to Approve Coastal Development Permit Amendment (CDP 10-10/14/14/18), Design Review Amendment (DR 11-10/14/14/18) for Phase III of the Fort Bragg Coastal Trail Project