



# City of Fort Bragg

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## Meeting Minutes Planning Commission

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Wednesday, October 12, 2016

6:00 PM

Town Hall, 363 N.Main Street

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### MEETING CALLED TO ORDER

Chair Hoyle called the meeting to order at 6:00 PM.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present** 5 - Chair Derek Hoyle, Commissioner Mark Hannon, Commissioner Stan Miklose, Vice Chair Teresa Rodriguez, and Commissioner Heidi Kraut

### 1. APPROVAL OF MINUTES

**1A.** [16-402](#) Approve Minutes of September 28, 2016

**A motion was made by Commissioner Kraut, seconded by Vice Chair Rodriguez, that these Minutes be approved. The motion carried by the following vote:**

**Aye:** 5 - Chair Hoyle, Commissioner Hannon, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Kraut

### 2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

### 3. PUBLIC HEARINGS

**3A.** [16-412](#) Receive Report, Conduct Public Hearing, and Consider Approval of a Mitigated Negative Declaration and Coastal Development Permit 2-16 (CDP 2-16) and Design Review Permit 2-16 (DR 2-16) for an update to the Wastewater Treatment Facility at 101 West Cypress Street.

Associate Planner Perkins presented the staff report for the Coastal Development Permit 2-16 and Design Review DR 2-16 for updates to the Wastewater Treatment Facility at 101 West Cypress St. Perkins briefly reviewed the Mitigated Negative Declaration submitted for this project, the project plans, and the visual analysis of the proposed project.

During the discussion Commissioner Kraut inquired about current and projected flow capacities for the Wastewater Treatment Facility as they relate to the proposed 1million gallon per day processing capacity.

**Chair Hoyle opened Public Hearing at 6:16 PM.**

The applicant, Assistant Public Works Director Smith, explained current dry weather flows are around 500,000 gallons per day. The proposed project will not increase the capacity of the plant which is one million gallons per day. The one million gallon capacity will support the population growth through 2040. If future population and flows exceed the 20 year projection, expansion of the plant is possible.

Commissioner Hoyle commented on the importance of mitigating light pollution thus recommends the lighting plan be developed accordingly.

**Chair Hoyle closed the Public Hearing at 6:17 PM.**

**A motion was made by Commissioner Kraut, seconded by Commissioner Hannon, that the Mitigated Negative Declaration, Coastal Development Permit CDP 2-16, and Design Review DR 2-16 be approved subject to the following findings and conditions.**

**COASTAL DEVELOPMENT PERMIT FINDINGS**

**Findings Required for all CDPs (17.71.045(I)(2))**

- 1. The proposed development as described in the application and accompanying materials, as modified by the 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. As the project is located between the first public road and the sea, 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 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; and**
- 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.**

**Supplemental Hazard Findings (17.71.045(I)(2)(h))**

- 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; and**
- 10. There are no alternatives to development that would avoid or substantially lessen impacts on site stability or structural integrity.**

**Supplemental Public Access Findings (17.56.070(C))**

- 11. Public access would be inappropriate because it would be inconsistent with public safety and adequate public access exists within 500 feet of the site.**

**Supplemental Visual Resource Findings (17.50.070(D))**

- 12. The proposed project minimizes the alteration of natural land forms;**
- 13. The proposed project is visually compatible with the character of the surrounding area;**

14. The proposed project is sited and designed to protect views to and along the ocean and scenic coastal areas; and
15. The proposed project restores and enhances visual degraded areas, where feasible.

#### DESIGN REVIEW FINDINGS

Findings required for all Design Review Permits (17.71.050(E))

1. The project complies with the purpose and requirements of Section 17.71.050;
2. The project complies with the purpose and requirements of this Section;
3. The project provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community;
4. 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.;
5. The project provides efficient and safe public access, circulation, and parking;
6. The project provides appropriate open space and landscaping, including the use of water efficient landscaping;
7. The project is consistent with the General Plan, any applicable specific plan, and the certified Local Coastal Program; and
8. The project complies and is consistent with the City's Design Guidelines.

#### SPECIAL CONDITIONS

Special Condition 1: All development activity shall comply with the following requirements:

- a) 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 Community Development Director 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.
- b) If during construction activities any archaeological artifacts or features are encountered, construction activities shall cease within a 50 foot radius of the find. Work within this buffer shall temporarily cease until the Community Development Director, in consultation with the Sherwood Valley TPO, make a determination on (1) whether the find is an archaeological artifact; (2) whether the find is located within an intact context (i.e. not within disturbed fill soils), (3) whether the find is an isolated item, (4) whether the find is part of a larger previously unknown archaeological site, and (5) the best course of action to avoid or minimize impacts to the resources as applicable.

Special Condition 2: If construction activities outside of the facility fence and along the bluff occur during the pelagic cormorant nesting season (February 1–August 31), particularly capping and/or removing the stormwater outfall drains, a qualified biologist will monitor the cormorants during construction to ensure they are not disturbed by the project activities. If the monitor notices behavioral changes in the birds, construction activities will cease. Only when there is no visible sign of disturbance will activities resume. It is anticipated that construction activities will not disturb the colony because only the northern point where the birds congregate is visible from the stormwater outfall location. The biologist will also look for nests of black oystercatcher and tufted puffin and perform the same avoidance measures as the pelagic cormorants.

**Special Condition 3:** Surveys for marine mammals shall be coordinated with the cormorant surveys for work outside the facility fence and shall follow the same avoidance measures as for the pelagic cormorants.

**Special Condition 4:** To protect Ten Mile shoulderband snails potentially occurring in the vegetation, a qualified biologist will survey all areas, if any, where iceplant may be proposed for removal. No earlier than 1 week before iceplant removal, the biologist will look for shoulderband snails by peeling back small iceplant patches approximately every 10 ft. If shoulderband snails are found they will be removed to similar habitat on the coastal bluff. During vegetation removal, if it occurs, the biologist or a person trained in the identification of shoulderband snails will be present to detect any shoulderband snails. If they are present they will be located to similar habitat on the coastal bluff.

**Special Condition 5:** If any construction activities occur outside the fence and require vegetation removal, a biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction if activities occur between February 1–August 31. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist should monitor the nest site during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

**Special Condition 6:** To avoid any potential impacts to red-legged frogs in the sludge lagoon, prior to construction, project contractors will be trained by a qualified biologist in the identification of the California red-legged frog.

Construction crews will begin each day with a visual search around all stacked or stored materials near the ponds to detect the presence of frogs. If a special status frog is detected, construction crews will contact California Department of Fish and Wildlife (CDFW) or a qualified biologist to relocate any frogs prior to re-initiating work. If no special status frogs are found, construction activities may resume.

**Special Condition 7:** The existing Monterey cypress trees along the northeast property line shall not be removed. Should any of the Monterey cypress trees be substantially damaged or die during the lifetime of the WWTF, they shall be replaced on a one-to-one basis with another Monterey cypress or a tree that would achieve a similar height and screening effect, as determined by the Community Development Director.

**Special Condition 8:** Prior to approval of a building permit in reliance on this Coastal Development Permit, the applicant shall submit a landscape plan for the installation of screening vegetation along the property's southern border. The landscape plan shall include the planting of at least 20 native, drought tolerant trees (for example: shore pine), and include considerations for their successful growth in the heavily compacted soil, to the satisfaction of the Community Development Director. The vegetation shall be planted within one year of the updated facility's operation.

**Special Condition 9:** Prior to issuance of a building permit in reliance on this Coastal Development Permit, the applicant shall submit a lighting plan consistent with the outdoor lighting policies of CLUDC 17.30.070, subject to review by the Community Development Department.

**Special Condition 10:** The project shall comply with the following mitigation measures included in the circulated Mitigated Negative Declaration:

**Mitigation Measure BR1:** The project biologist shall conduct additional surveys at least 100 feet from proposed development when Blasdale's bent grass and

coastal bluff scrub is identifiable. If either Blasdale's bent grass or coastal bluff scrub are identified within 100 feet of proposed development, the City shall complete habitat restoration, per a habitat restoration plan prepared by the project biologist for the removal of non-native, invasive iceplant, and transplanting of any rare plants into restored bluff habitat. Removal of iceplant and/or reseeding of rare plants, as prescribed by the project biologist and outlined in a habitat restoration plan, shall be complete to the satisfaction of the biologist prior to final inspection of the Wastewater Treatment Plant.

**Mitigation Measure BR2:** A biologist shall perform preconstruction surveys for the Ten Mile shoulderband snail and nesting birds, spanning an area at least 100 feet beyond the limits of proposed development. If shoulderband snail or nesting birds are determined to be present, construction shall be stopped until such time that the project biologist in partnership with the California Department of Fish and Wildlife determine appropriate mitigation to eliminate or limit project impacts to the special-status species to a less than significant level.

**Mitigation Measure BR3:** A Coastal Development Permit shall be approved prior to the initiation of development to ensure that the project would not conflict with any local policies or ordinances protecting biological resources.

**Mitigation Measure GS1:** Site work and construction associated with the proposed project shall conform to the recommendations outlined in the HDR Geotechnical Investigation Report: Fort Bragg Wastewater Treatment Plant Upgrade Project, which is included as Attachment # of the MND.

**Mitigation Measure HM1:** The Stormwater Pollution and Prevention Plan (SWPPP) required as a standard condition of approval for the required Coastal Development Permit, shall prescribe hazardous-materials handling procedures for reducing the potential for a spill during construction and shall include an emergency response program to ensure quick and safe cleanup of accidental spills. The plan shall identify areas where refueling and vehicle maintenance activities and storage of hazardous materials, if any, shall be permitted.

**Mitigation Measure HM2:** Emergency spill supplies and equipment shall be kept adjacent to all areas of work and in staging areas, and shall be clearly marked. Detailed information for responding to accidental spills and for handling any resulting hazardous materials shall be provided in the project's Hazardous Materials Management Plan, as required by the Mendocino County Department of Environmental Health.

**Mitigation Measure WQ1:** The City shall prepare a project Stormwater Pollution Prevention Plan (SWPPP) to include the application of BMPs minimizing the discharge of pollutants during construction. The City of Fort Bragg shall prepare a SWPPP before approving a grading permit for the site.

#### **STANDARD CONDITIONS**

1. This action shall become final on the 11th working day following the Coastal Commission's receipt of the Notice of Final Action unless an appeal to the Coastal Commission is filed pursuant to Chapter 17.61.063 and 17.92.040. This action is appealable to the California Coastal Commission pursuant to Chapter 17.92.040.
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.
3. 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 required permit applications shall be consistent with this approval.
4. 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.

5. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

6. This Coastal Development Permit approval shall lapse and become null and void 24 months from the date of approval unless before the passing of 24 months, construction has commenced and is diligently pursued towards completion or an extension is requested and obtained.

The motion carried by the following vote:

**Aye:** 5 - Chair Hoyle, Commissioner Hannon, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Kraut

**3B. [16-413](#)** Recieve Report and Consider Approval of Coastal Development Permit 4-16 (CDP 4-16) to Relocate a Revised City of Fort Bragg Welcome Sign.

Community Development Director Jones presented the staff report for the Coastal Development Permit 4-16 to replace and relocate the City's new Welcome Sign. Jones reviewed the table summarizing the requirements from the land use code showing how the new sign is significantly more conforming than the previous sign being replaced as a part of this project.

**Chair Hoyle opened the public hearing at 6:24 PM.**

Applicant John Smith, Assistant Director of Public Works spoke in favor of the new sign.

**Chair Hoyle closed the public hearing at 6:25 PM.**

Commissioner Miklose spoke in opposition to the sign's design.

A motion was made by Commissioner Kraut, seconded by Chair Hoyle, that Coastal Development Permit CDP 4-16 be approved subject to the following findings and 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 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; and
4. For the purposes of the environmental determination, the project has been determined to be exempt from CEQA per CEQA section 15311(a) for the replacement of minor structures, such as signs.

**SIGN PERMIT FINDINGS**

1. The new proposed sign is significantly more conforming in height and/or area than the existing sign; and
2. By approving the new sign, the exception will eliminate the existing nonconforming sign.

**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; and
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 resource as identified will not be significantly degraded by the proposed development;
9. There is no feasible less environmentally damaging alternative;
10. All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted; and

**STANDARD CONDITIONS**

1. This action shall become final on the 11th working day following the decision unless an appeal to the City Council is filed pursuant to Chapter 17.92.030. This action is appealable to the California Coastal Commission pursuant to Chapter 17.92.040.
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.

3. 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 required permit applications shall be consistent with this approval.

4. 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.

5. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

6. This Coastal Development Permit approval shall lapse and become null and void 24 months from the date of approval unless before the passing of 24 months, a Final Map examined and approved by the City Engineer is approved by the City Council and recorded or an extension is requested and obtained.

The motion carried by the following vote:

**Aye:** 4 - Chair Hoyle, Commissioner Hannon, Vice Chair Rodriguez and Commissioner Kraut

**No:** 1 - Commissioner Miklose

#### **4. CONDUCT OF BUSINESS**

None.

#### **5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF**

Director Jones announced the City will be closing the Glass Beach stairs October 13, 2016. The staircase is being redesigned and Planning Commission will hold a hearing for the Coastal Development Permit before reopening the stairs in the spring or summer of 2017.

#### **ADJOURNMENT**

Chair Hoyle Adjourned the meeting at 6:28 PM.



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DEREK HOYLE, Chair

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Chantell O'Neal, Administrative Assistant

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