

The Planning Commission of the City of Fort Bragg met in regular session on the above date at 6:00 p.m., in the Fort Bragg Town Hall, 363 N. Main Street, Fort Bragg, and the following items were discussed in the order presented.

## **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

Present: Chair Don Snyder, Commissioners Meg Courtney, and Mark Hannon.  
Absent: Vice Chair Georgia Lucas.  
Staff Present: Linda Ruffing, Community Development Director; Jason Dose, Planner III; and Nancy Philips, Administrative Secretary.

### **APPROVAL OF MINUTES**

Moved by Courtney, seconded by Hannon, to approve the June 22, 2005, minutes as written.

VOTE: Ayes: Commissioners Snyder, Courtney, and Hannon  
Absent: Commissioner Lucas

### **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

None.

### **PUBLIC HEARINGS**

1. **LLA 2-03 and VAR 2-03; Gyanne and Scott Alexander (applicants); Merchants Finance Corporation (owner); Ed McKinley (agent); 1405 Cedar Street; APN 020-470-20/21; Lot Line Adjustment to transfer 15' by 222' from parcel 2 (APN 020-470-20) to parcel 1 (APN 020-470-21). The remaining 15' of parcel 2 would be dedicated to the City of Fort Bragg for street improvements on Rasmussen Lane. Variance is requested to reduce the street side (west) setback from the required minimum of 10' to a minimum of 5' to provide a larger building envelope on the parcel. The building envelope is established due to the presence of wetlands and a rare plant on a majority of the property. (NOTE: Staff recommends that this item be continued to the September 14, 2005 agenda.)**

Director Ruffing informed the Commission that additional information was received after the public hearing was scheduled and that additional time is needed to adequately respond to the information. Staff recommends that the public hearing be continued.

Discussion:

**Chair Snyder opened the public hearing at 6:15 p.m.**

Public comment on this agenda item was received from:

1. Bill Van Doren, neighbor, stated that, although the mitigated negative declaration is a comprehensive document that contains important information, the property owners on Rasmussen Lane have concerns that are not addressed. He left a petition and letters signed by property owners on Rasmussen Lane. Van Doren asked the Commission to take the letters and petition into account when they make a decision on this project.

Moved by Hannon, seconded by Courtney, to continue LLA 2-03 and VAR 2-03 to September 14, 2005.

VOTE: Ayes: Commissioners Snyder, Courtney, and Hannon.  
Absent: Commissioner Lucas

- USP 9-05; Norman Walker (owner); Mendocino Transit Authority (applicant); 190 East Spruce Street (008-004-18); Use Permit to authorize the use of the existing facilities at the site (formerly utilized as an automobile body shop) as a transit bus storage facility. The project includes a minor remodel of the existing office interior.**

The Agenda Item Summary Report prepared for this item was reviewed with the Planning Commission by Planner Dose.

Discussion:

**Chair Snyder opened the public hearing at 6:26 p.m.; seeing no one wishing to speak, the public hearing was closed at 6:27 p.m.**

Discussion: Courtney noted that Special Condition 1 should specify that the climbing vines be a variety that is not prone to freezing.

**Moved by Courtney, seconded by Hannon, to approve USP 9-05 based on the following findings and conditions.**

## FINDINGS

1. The proposed project is consistent with the purpose and intent of the Heavy Industrial (IH) zoning district, as well as all other provisions of Title 18 of the Fort Bragg Municipal Code.
2. The proposed use is specifically enumerated as a conditionally permitted use in the IH zoning district.
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future uses in the vicinity.
4. The site is physically suitable terms of design, location, shape, size, and operating characteristics and provides for ample access for emergency vehicles.
5. The provision of 14 on-site parking spaces is adequate based on the specific use information provided by the applicant regarding the proposed use.
6. For the purposes of the environmental determination, the requested addition is considered exempt from further environmental review pursuant to section 15301 of the CEQA Guidelines – Class 1 – Existing Facilities.

## SPECIAL CONDITIONS

1. The applicant shall install and maintain planters along the street frontages with climbing non-freezable vines to help screen the facility and provide an aesthetically pleasing frontage.

## STANDARD CONDITIONS

1. This action shall become final on the 11<sup>th</sup> working day following the decision unless an appeal to the City Council is filed pursuant to Land Use & Development Code Chapter 18.92 (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 Land Use & Development Code (LUDC).
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 required permit applications shall be consistent with this approval.
5. The applicant shall secure all required building permits for the proposed project as required by the 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. 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.

**VOTE:** Ayes: Commissioners Snyder, Courtney, and Hannon.  
Absent: Commissioner Lucas

3. CDP 3-05; Georgia Pacific Corporation (owner/applicant); 90 West Redwood Avenue; Coastal Development Permit to authorize (a) removal of building foundations and, if necessary, additional investigation and interim remedial measures (IRMs) at the following areas: Compressor House, Former Sawmill #1, Powerhouse and associated buildings, Fuel Barn, Chipper Building, Water Treatment Plant, Powerhouse Fuel Storage Building, Sewage Pumping Station, Dewatering Slabs, Water Supply Switch Building, Former Mobile Equipment Shop and associated subsurface structures; (b) removal of debris from Glass Beaches #1 through #3; and (c) Removal of geophysical anomalies identified in September 3, 2004 report titled "Geophysical Investigation of Parcels 3 and 10 of the Former Georgia Pacific Sawmill site" which is on file at the City of Fort Bragg Community Development Department.

The Agenda Item Summary Report prepared for this item was reviewed with the Planning Commission by Director Ruffing.

Discussion: Director Ruffing, responding to a question from the Commission, suggested that Special Condition 31 be reworded to more clearly state the timeframe in which site excavation and grading activities may take place.

**Chair Snyder opened the public hearing at 7:05 p.m.**

Public comment on this agenda item was received from:

1. Michael Acton of Acton-Mickelson Environmental, consultant for Georgia-Pacific (GP), stated that AME will be conducting the site assessment activities. Instrumentation and tools are used to look at a parcel of land and determine whether geophysical anomalies exist. These are abnormalities in terms of buried debris, types of soils, underground pipes. All work performed by AME is under the supervision of a licensed engineer or geologist. Typically, public agencies will have a representative on site during milestone tasks. Responding to questions from the public, Acton stated that they will be able to determine whether contaminated soils are present and in what quantities when the foundations are removed. He noted that here are standards for

waste and that depending on the characterization of the materials, they will determine which locations waste materials will be sent to for disposal. The site assessment is structured to look at areas with the greatest likelihood of contamination based on prior operations. For example, they would look for hydrocarbons in the vehicle fuel area. Where there are drains or cracks in the floors and foundations, they would keynote and remove foundations then go back and test for contaminants based on the past uses in the area. If lab analysis determines there is minimal contamination, they will do a mini clean-up so they do not have to go back at a later date. After the site assessment is complete, a remedial action plan (RAP) will be prepared for the entire site and sent to the Water Board for review and approval. The IRMs will be included in the RAP and, where necessary, additional remedial activities proposed. Once the risk assessment is completed, if the standards established for clean-up are greater than those used for the IRMs, then additional remediation work will be completed.

2. Loie Rosenkrantz, inquired whether the City has hired a toxicologist to advise them on the mill pond and other parcels that will be under the City's jurisdiction. What State agency is looking at the soil? The Water Board's oversight is based on water quality. No one is addressing potential contaminants to the ocean. Will there be a tissue sampling of sea life? Who will be there with the City Engineer and Water Board? She stated that she is curious as to the number of acres tested. Have all nineteen points raised in a letter from the Water Board been addressed? There needs to be a thorough examination of the site. Transite pipes ran 8 ½ to 10 ½ miles. A half mile of the pipe, which is half asbestos and half cement, has crumbled. How would the public be notified if additional remediation measures are needed?
3. Mary Walsh read aloud a letter from the Sierra Club and inquired whether the permit is contingent on the Water Board approving the work plan.
4. Carey Knecht asked what would happen if rare plants could not be put back due to the presence of soil contamination. How would the protection of rare and endangered species be mitigated? Who designates whether concrete is hazardous or non-hazardous? She is concerned about erosion in the Glass Beach area. Endangered birds nest in the bluffs. Has the workplan addressed how the marine sanctuary at MacKerricher would be affected?

**Chair Snyder closed the public hearing at 8:04 p.m.**

Discussion: The following items were noted during discussion of this issue:

- A. Ruffing noted that the permit is contingent on the Water Board approving the work plan. This is not a remedial action plan for the site. It is part of an assessment activity to determine the extent and location of contaminants. This work will further the body of data on the site. After this assessment work is done, GP will prepare a RAP addressing how work will be completed throughout the site. The City has no plans to hire a toxicologist. Toxicologists get involved in the process of risk assessment and clean-up standards. The Redevelopment Agency recently decided to hire an environmental consultant to advise the City relative to site remediation activity. An expert should be on board in October who would advise the City on the RAP. The permit this evening is about site assessment, not the standards of clean-up. The RAP will be reviewed by toxicologists at the Office of Environmental Health Hazard Assessment and, through that process, the standards for clean-up will be established. She noted that the City does not have the authority to require ocean bottom studies and tissue sampling. To-date, the Water Board has not requested that sampling be done in the ocean. If there were evidence that there was contamination they could request that it be done. Craig Hunt, the Water Board representative, will provide comments on the workplan and materials he has received from GP's consultants and the public. GP is required to respond to his letters. Fish and Game would require remediation in other areas if a rare plant could not be replanted in contaminated soil. As the project proceeds, there will be a need for continued vigilance to ensure there are no impacts to water quality or marine life. The coastal permit is required for the disturbances caused by the

foundation removal and IRMs. Issues about the adequacy of the site assessment activity are not under the Planning Commission's purview. She noted that work under the coastal permit would require a grading permit and site work would be inspected by the City's Public Works and Engineering staff. Asbestos materials operators would remove the transite pipe under strict procedures depending on the pipes' condition. There is an ongoing process with the Water Board in terms of site assessment work. All documentation is available on their website. The permitting action requires public hearings, and the Water Board has noticing requirements as well.

B. The Commission noted that GP hired a firm that is bound by professional standards. A licensed hazardous material operator makes the determination where to take materials.

**Moved by Hannon, seconded by Courtney, to approve CDP 3-05 based on the following findings and conditions.**

### **FINDINGS**

- 1. The proposed project is consistent with the Heavy Industrial and Timber Resource Industrial land use and zoning classifications. The foundation removal and interim remedial measures project would not change the use or intensity of use of the property.**
- 2. The project, as conditioned, would have no impact on coastal resources or wildlife habitat values. Mitigation measures are incorporated into the proposed foundation removal and IRM activities to protect wetland resources and sensitive plant habitat.**
- 3. The project, as conditioned, would not adversely affect coastal views or aesthetic resources in the coastal zone. The removal of foundations would not affect coastal views. Excavation and grading activities will include recontouring and revegetation of disturbed soils.**
- 4. The project would have no effect on any existing or potential prescriptive public access to the coast and would not result in increased demands for public access facilities.**
- 5. Conditions have been incorporated into the project to mitigate the potential for release of hazardous materials exposed by the foundation removal project and to ensure the proper handling, storage and disposal of hazardous materials. Many of the conditions are incorporated into the Work Plan and Addendum #1. Others were identified during the environmental review process and are incorporated into the special conditions of approval of the coastal development permit.**
- 6. The project, as conditioned, will not adversely affect cultural resources.**

### **SPECIAL CONDITIONS**

- 1. Excavations made for foundation removal, removal of geophysical anomalies, or IRMs will be graded and /or backfilled with clean imported soil to mitigate physical hazards and to prevent ponding of water during rainfall. Backfill materials will be obtained from a local borrow source. (Work Plan, Appendix D)**
- 2. Excavations at the beach areas near the top of the bluffs will extend down to naturally occurring soils or existing bedrock in an effort to restore the areas to conditions prior to debris placement or as close as practical to this state. (Work Plan, Appendix D)**
- 3. Following completion of the remedial activities, all areas that are excavated or otherwise left with exposed soils shall be revegetated with native plant species in accordance with Fort Bragg Land Use & Development Code (LUDC) Section 18.62.070. Prior to issuance of grading permits for the demolition/excavation work, G-P shall submit a revegetation plan for the review and approval of the City Engineer and Community Development Director. G-P shall**

provide irrigation, maintenance and replacement of revegetated areas, as needed, to ensure the long-term viability of the plants.

4. A permit from the Mendocino County Air Quality Management District for excavating and stockpiling materials will be obtained prior to foundation removal and excavation activities. (Work Plan, Section 7)
5. G-P will provide written notice to the MCAQMD of the intention to remove foundations and excavate a minimum of five days prior to initiation of field activities. The notice of excavation will include: Names and addresses of person performing and responsible for the work; site location; scheduled starting date of the excavation; quantity of soil to be excavated; estimated average organic content of the excavated soil; procedures to be employed to meet MCAQMD requirements. (Work Plan, Appendix D)
6. If asbestos materials are unearthed during site excavation, the contractor shall comply with OSHA requirements for asbestos handling, and the MCAQMD shall be notified per NESHAP requirements.
7. All work on the site shall comply with MCAQMD rules related to the permitting of portable diesel engines.
8. The requirements of existing air quality regulations will be implemented during foundation removal, excavation, and IRMs so that potential emissions of dust and contaminants from building materials and soil do not present a significant impact to human health or the environment. The Excavation and Soil Management Plan includes procedures to facilitate compliance with applicable regulations. (Work Plan, Section 7, Appendix D)
9. Stockpiled soil and concrete may be wetted with water, if necessary, to suppress dust generation. In addition, stockpiled soil will be covered with plastic to suppress dust generation. (Work Plan, Appendix B).
10. Parking areas, staging areas, and traffic pathways on the site shall be cleaned, as necessary, to control dust emissions. Adjacent public streets shall also be cleaned, if necessary, when soil materials from the site are visible. (Work Plan, Appendix D)
11. Excavation activities will be suspended when winds (instantaneous gusts) exceed 25 miles per hour. (Work Plan, Appendix D)
12. Appendix D of the Work Plan establishes the following Best Management Practices to control, reduce or prevent discharge of pollutants from excavation and soil and concrete debris handling activities:
  - a. Material or products will be stored in manufacturer's original containers.
  - b. Where possible storage will be under roof.
  - c. Storage areas will be neat and orderly to facilitate inspection.
  - d. Check all equipment for leaks and repair leaking equipment promptly.
  - e. Perform major maintenance, repairs, and washing of equipment away from the excavation site.
  - f. Designate a completely contained area away from storm drains for refueling and/or maintenance work that must be performed at the site.
  - g. Clean up all spills and leaks using dry methods (absorbent materials/rags).
  - h. Dry sweep dirt from paved surfaces for general clean-up.
  - i. Train employees in using these BMPs.

- j. **Avoid creating excess dust when breaking concrete. Prevent dust from entering waterways.**
  - k. **Protect storm drains using earth dikes, straw bales, sand bags, absorbent socks, or other controls to divert or trap and filter runoff.**
  - l. **Shovel or vacuum saw-cut slurry and remove from the site.**
  - m. **Remove contaminated broken pavement from the site promptly. Do not allow rainfall or runoff to contact contaminated broken concrete.**
  - n. **Schedule excavation work for dry weather periods when possible.**
  - o. **Avoid over-application by water trucks for dust control.**
  - p. **Cover stockpiles and other construction materials with heavy duty plastic. Protect from rainfall and prevent runoff with temporary roofs or heavy duty plastic and berms. (Work Plan; Appendix D)**
13. **Prior to issuance of a grading permit for the activities identified in the Work Plan, the applicant shall submit a Dust Prevention and Control Plan for the review and approval of the City Engineer in accordance with LUDC Section 18.62.02.**
  14. **A fence will be constructed to protect the Log Pond from erosion and siltation if it is less than 50 feet from the Powerhouse or any other location where subsurface disturbance is to occur. (Work Plan, Section 4)**
  15. **A temporary fence will be erected around the two industrial processing ponds located west and southwest of the Fuel Barn to prevent the encroachment of heavy equipment into the environmentally sensitive habitat areas. No equipment, materials or stockpiles shall be located within 50 feet of the ponds.**
  16. **To the maximum extent feasible, foundation removal and IRM activities in the vicinity of the Fuel Barn and Powerhouse structures shall be staged from the north side of the structures. No materials may be stockpiled on the berm/roadway that is located between these structures and the Mill Pond and no materials may be stockpiled within 50' of the two industrial processing ponds located west and southwest of the Fuel Barn.**
  17. **All stockpiles areas, including hazardous waste storage areas and non-hazardous soil, debris and concrete storage areas shall be clearly delineated on the grading plan and shall be located a minimum of 50' from delineated wetlands and other Environmentally Sensitive Habitat Areas. Any change in the location of storage areas after issuance of the grading permit shall require approval by the City Engineer.**
  18. **Prior to initiation of demolition and excavation activities in the vicinity of the Boiler Fuel Building foundation, the applicant shall have the boundary of the wetland staked by a qualified wetlands biologist. If the demolition/excavation activities will occur within 50' of the wetland, the boundary shall be fenced with temporary construction fencing. The operation of construction equipment and storage of materials and equipment shall be prohibited within the wetland area.**
  19. **Prior to initiation of any activities involving site disturbance in the areas where the botanical survey indicated that rare plant species may be located, the applicant shall submit a "mitigation and monitoring report" for the protection of rare plants to the Department of Fish & Game for review and approval. The report shall be developed in consultation with DFG staff. Prior to initiation of said activities, the applicant shall submit to the Community Development Department, a copy of the final report and written verification from DFG indicating their concurrence.**

20. Following completion of the remedial activities, all areas that are excavated or otherwise left with exposed soils shall be revegetated with native plant species in accordance with Fort Bragg Land Use & Development Code (LUDC) Section 18.62.070. Prior to issuance of grading permits for the demolition/excavation work, G-P shall submit a revegetation plan for the review and approval of the City Engineer and Community Development Director. G-P shall provide irrigation, maintenance and replacement of revegetated areas, as needed, to ensure the long-term viability of the plants.
21. Prior to approval of the grading permit, a qualified botanist shall perform a survey of the project area for the following species that were not in flower at the time of the initial investigation: *Campanula californica*; *Erigeron supplex*; *Carex viridula* var. *viridula*; *Carex comosa*; *Carex arcta*; *Carix livida*
22. The locations of the rare plant species shall be flagged by a qualified botanist prior to issuance of the grading permit for the work. These locations shall be specified on the grading plan(s) for the work. Work shall only be permitted to occur within 100' of the outer perimeter of the rare plant populations, if such work is necessary to perform the required environmental remediation activities on the property.
23. No storage of equipment or stockpiling of materials shall be permitted within 100' of the outer perimeter of the rare plant populations.
24. If hazardous waste removal is necessary within the rare plant sites and/or the 100' buffer zones, the following measures are required:
  - a. The locations of rare species and work areas will be flagged by a qualified botanist and GP's environmental consultant, respectively. Following flagging, a determination will be made by the environmental consultant and the qualified botanist as to whether the proposed work can be conducted without impact to the rare species.
  - b. If rare species impact cannot be avoided, the botanist will make a determination as to whether the species will be removed for transplantation after work activities are completed.
  - c. If possible, work will be conducted after seed set at locations where rare species are identified.
  - d. The botanist will make a determination at each work location as to whether removal of the surface soil (containing the seed bank) for stockpiling is warranted. If warranted, and contingent upon analytical test results for the presence of chemicals of potential concern, stockpiled soil containing the seed bank will be placed at the location (laterally and vertically) from which it was removed following completion of work activities. The botanist will make recommendations to increase the likelihood for survival of transplanted rare species.
  - e. Following completion of remediation activities and revegetation, the botanist shall prepare a follow-up report that identifies all measures taken to protect rare plant species in each location and that evaluates the success of the mitigations in protecting and/or re-establishing the rare plant populations. The report shall be submitted to the Fort Bragg Community Development Department.
25. Within five (5) days of issuance of a Notice of Final Action by the City and prior to the filing of a Notice of Determination, the applicant shall submit the required environmental filing fee per Fish and Game Code Section 711.4(d) to the Mendocino County Clerk.
26. All areas where subsurface disturbances will occur will be documented, monitored, and tested in general accordance with the Site Specific Treatment Plan for Cultural Resources prepared by TRC (2003). (Work Plan, Section 5)
27. Subsurface disturbance in areas considered to have moderate or high potential for prehistoric or historic resources will be monitored by an archaeologist and Native American

**representative. The following locations are identified as having moderate or high potential for prehistoric or historic resources (Work Plan, Section 5):**

<b>Location</b>	<b>Potential for Prehistoric Resources</b>	<b>Potential for Historic Resources</b>
Former Sawmill #1	Moderate	High
Powerhouse	Moderate	High
Former Mobile Equipment Shop		High
Glass Beach #1	High	
Glass Beach #2	High	High
Glass Beach #3		Moderate
Parcel 3- Geophysical Anomalies		Moderate/High
Parcel 10- Geophysical Anomalies	Moderate/High	

28. In the event prehistoric archaeological resources (marked by shellfish remains, flaked and ground stone tools, fire affected rock, human bone, or other related materials) are unearthed during site excavation and grading activities, all work in the vicinity of the site shall cease immediately, the Community Development Department shall be notified, and the proper disposition of resources shall be accomplished as required by LUDC Section 18.50.030(D).
29. Prior to issuance of a grading permit for the foundation removal, debris removal or excavation activities, the applicant shall submit for the review of the City Engineer copies of all required permits and approvals from the RWQCB and other responsible agencies.
30. Prior to initiation of foundation removal, debris removal or excavation activities, the applicant shall submit a grading permit application for the review and approval of the City Engineer. The grading plan shall comply with the Grading Permit Requirements established in LUDC Chapter 18.60 and shall be consistent with the Grading, Erosion, and Sediment Control Standards established in LUDC Chapter 18.62.
31. In accordance with LUDC Section 18.62.050, site excavation and grading activities shall not be permitted during the period from November 1 through March 30 unless the City Engineer determines that soil conditions at the site are suitable, and adequate and effective erosion and sediment control measures will be in place during all grading operations. Should grading be permitted during the rainy season, the smallest practicable area of erodible land shall be exposed at any one time during grading operations and the time of exposure shall be minimized.
32. The Excavation and Soil Management Plan (Work Plan, Appendix D) describes the protocol and procedures to be followed to protect human health and the environment during foundation removal and excavation activities.
33. Heavy equipment will be utilized to remove and stockpile concrete building foundations, soil and debris. Soil will be handled in general accordance with the Excavation and Soil Management Plan. Material suspected to be impacted with COPCs (Constituents of Potential Concern) will be stockpiled separate from non-impacted material. (Work Plan, Section 7, Appendix D)

34. After soil sampling, the borings will be backfilled with neat cement in accordance with Mendocino County Environmental Health Department and RWQCB requirements. (Work Plan, Appendix B)
35. Excavations made for foundation removal, removal of geophysical anomalies, or IRMs will be graded and /or backfilled with clean imported soil to mitigate physical hazards and to prevent ponding of water during rainfall. Backfill materials will be obtained from a local borrow source. (Work Plan, Appendix D)
36. Excavations at the beach areas near the top of the bluffs will extend down to naturally occurring soils or existing bedrock in an effort to restore the areas to conditions prior to debris placement or as close as practical to this state. (Work Plan, Appendix D)
37. Debris removal operations at the three glass beaches shall be observed by a qualified soils engineer or geologist to ensure that erosion-susceptible soils and loosened rocks are removed from areas exposed to wave action.
38. Appendix D of the Work Plan establishes the following Best Management Practices to control, reduce or prevent discharge of pollutants from excavation and soil and concrete debris handling activities:
  - a. Material or products will be stored in manufacturer's original containers.
  - b. Where possible storage will be under roof.
  - c. Storage areas will be neat and orderly to facilitate inspection.
  - d. Check all equipment for leaks and repair leaking equipment promptly.
  - e. Perform major maintenance, repairs, and washing of equipment away from the excavation site.
  - f. Designate a completely contained area away from storm drains for refueling and/or maintenance work that must be performed at the site.
  - g. Clean up all spills and leaks using dry methods (absorbent materials/rags).
  - h. Dry sweep dirt from paved surfaces for general clean-up.
  - i. Train employees in using these BMPs.
  - j. Avoid creating excess dust when breaking concrete. Prevent dust from entering waterways.
  - k. Protect storm drains using earth dikes, straw bales, sand bags, absorbent socks, or other controls to divert or trap and filter runoff.
  - l. Shovel or vacuum saw-cut slurry and remove from the site.
  - m. Remove contaminated broken pavement from the site promptly. Do not allow rainfall or runoff to contact contaminated broken concrete.
  - n. Schedule excavation work for dry weather periods when possible.
  - o. Avoid over-application by water trucks for dust control.
  - p. Cover stockpiles and other construction materials with heavy duty plastic. Protect from rainfall and prevent runoff with temporary roofs or heavy duty plastic and berms. (Work Plan; Appendix D)
39. All work involving structures with asbestos and lead containing paint will be performed in general accordance with local, state, and federal rules and regulations. A certified and trained contractor will be utilized to secure the necessary permits and conduct the required abatement activities. While most of the work involving these materials is associated with aboveground structure removal which is not part of the Work Plan, there is potential for contact with subsurface water pipes wrapped with asbestos containing material during subsurface disturbance activities. (Work Plan, Section 6)
40. Underground Service Alert will be contacted prior to initiation of field activities. In addition, an independent underground utility locating service will be contracted to conduct a reconnaissance at each area to undergo foundation removal or excavation. All field activities

will be conducted in general accordance with the Site Health and Safety Plan. (Work Plan, Section 7, Appendix B)

41. Heavy equipment will be utilized to remove and stockpile concrete building foundations, soil and debris. Soil will be handled in general accordance with the Excavation and Soil Management Plan. Material suspected to be impacted with COPCs (Constituents of Potential Concern) will be stockpiled separate from non-impacted material. (Work Plan, Section 7, Appendix D)
42. The best management practices outlined in the Site Stormwater Pollution Prevention Plan will be employed as they pertain to foundation removal, excavation, and IRMs to facilitate compliance with the National Pollutant Discharge Elimination System General Permit No. CAS000002 Waste Discharge Requirements for Stormwater Discharges Associated with Construction. (Work Plan, Section 7)
43. Stockpiles of concrete without stains or evidence of hazardous waste will be transported offsite to a recycling or non-hazardous waste disposal facility. Results of laboratory analysis of concrete samples collected during foundation demolition will be utilized to evaluate disposal options of concrete stockpiles that visually exhibited COPC impacts (i.e., staining). Waste transportation and disposal, including identification of haulers, disposal facilities, routes, and record keeping procedures are summarized in the Transportation Plan. (Work Plan, Section 7, Appendix E)
44. Soils and fluids that are produced and/or used during the installation of sampling of borings and monitoring wells, and that are known or suspected to contain potentially hazardous materials, will be contained during the above operations. These substances will be retained onsite in appropriate containers (i.e., drums, bins, tanks) until chemical testing has been completed to determine the proper means of off-site disposal. Handling and disposal of substances known or suspected to contain potentially hazardous materials will comply with the applicable regulations of the Cal-EPA, the California Dept. of Water Resources, and any other applicable regulations. (Work Plan, Appendix A)
45. Ground water encountered in excavations during foundation removal or IRMs will be containerized onsite pending chemical testing for disposal characterization. Water will initially be pumped into drums or temporary holding tanks. Dewatering of excavations is not anticipated to be necessary as efforts will focus on removing environmentally impacted soil and concrete above the water table only. (Work Plan, Appendix A)
46. Non-hazardous soil will be transported to a Class III landfill (either Waste Management, Inc., Redwood Landfill in Novato, or Portrero Hills Landfill in Suisun City). Concrete debris classified as non-hazardous will be crushed and reused on site or transported to Norcal Rock in Willits. Hazardous soil will be transported to a Class I landfill (Waste Management Inc., Kettleman Hills Landfill in Kettleman City). Wastewater from dust control measures (if any), wheel washing (if necessary), and trench dewatering (if necessary) activities may contain non-hazardous or hazardous concentrations of chemicals of concern. Non-hazardous wastewater will be transported to a properly licensed disposal facility. Hazardous wastewater will be transported to Evergreen Environmental Services in Newark for recycling. (Work Plan, Appendix A; Appendix E)
47. A Site Health and Safety Plan has been prepared as part of the Work Plan (Work Plan, Appendix B). This plan provides an assessment of chemical and physical hazards associated with the foundation removal and IRM project. It provides detailed Health and Safety Requirements, including protocols for personnel training and medical clearances, health and safety briefings, health and safety documentation, chemical hazard mitigation, physical hazard mitigation, and emergency information.

48. The Excavation and Soil Management Plan (Work Plan, Appendix D) describes the protocol and procedures to be followed to protect human health and the environment during foundation removal and excavation activities.
49. Soil stockpiles will be placed on top of and covered with heavy duty plastic sheeting. Wherever possible, broken concrete and excavated soil will be stockpiled on areas with improved asphalt or concrete surface. Potentially hazardous waste will be stored in a Potentially Hazardous Waste Storage Area that will be specifically selected for each investigation area. When not covered, soil stockpile surfaces will be kept visibly moist by water spray, as necessary. (Work Plan, Appendix D; Appendix E)
50. The Work Plan includes a Transportation Plan (Work Plan, Appendix E) that describes the protocol and procedures to be followed to protect human health and the environment during transportation activities to remove waste concrete demolition debris, soil and wastewater from the site.
51. Prior to excavation, soil will be characterized (hazardous or non-hazardous) by analysis of in-situ soil samples for disposal acceptance by appropriately licensed landfills. Samples of containerized wastewater will be analyzed for characterization and disposal acceptance by properly licensed wastewater disposal facilities. (Work Plan; Appendix E)
52. Wastewater resulting from excavation, well development, and sampling activities will be stored in double-containment polyethylene tanks. (Work Plan; Appendix E)
53. Prior to initiation of foundation removal, debris removal or excavation activities, the applicant shall submit a grading permit application for the review and approval of the City Engineer. The grading plan shall comply with the Grading Permit Requirements established in LUDC Chapter 18.60 and shall be consistent with the Grading, Erosion, and Sediment Control Standards established in LUDC Chapter 18.62. The grading permit shall indicate the location of all existing storm drain facilities in the vicinity of the proposed work and clearly identify measures to prevent the conveyance of sediments or contaminated runoff into these facilities. Of particular concern is the culvert that extends from the Fuel Barn area to the beach at Soldier Bay.
54. Heavy equipment will be utilized to remove and stockpile concrete building foundations, soil and debris. Soil will be handled in general accordance with the Excavation and Soil Management Plan. Material suspected to be impacted with COPCs (Constituents of Potential Concern) will be stockpiled separate from non-impacted material. (Work Plan, Section 7)
55. The best management practices outlined in the Site Stormwater Pollution Prevention Plan will be employed as they pertain to foundation removal, excavation, and IRMs to facilitate compliance with the National Pollutant Discharge Elimination System General Permit No. CAS000002 Waste Discharge Requirements for Stormwater Discharges Associated with Construction. (Work Plan, Section 7)
56. Ground water encountered in excavations during foundation removal or IRMs will be containerized onsite pending chemical testing for disposal characterization. Water will initially be pumped into drums or temporary holding tanks. Dewatering of excavations is not anticipated to be necessary as efforts will focus on removing environmentally impacted soil and concrete above the water table only. (Work Plan, Appendix A)
57. Appendix D of the Work Plan establishes the following Best Management Practices to control, reduce or prevent discharge of pollutants from excavation and soil and concrete debris handling activities:
  - a. Material or products will be stored in manufacturer's original containers.
  - b. Where possible storage will be under roof.
  - c. Storage areas will be neat and orderly to facilitate inspection.
  - d. Check all equipment for leaks and repair leaking equipment promptly.

- e. Perform major maintenance, repairs, and washing of equipment away from the excavation site.
  - f. Designate a completely contained area away from storm drains for refueling and/or maintenance work that must be performed at the site.
  - g. Clean up all spills and leaks using dry methods (absorbent materials/rags).
  - h. Dry sweep dirt from paved surfaces for general clean-up.
  - i. Train employees in using these BMPs.
  - j. Avoid creating excess dust when breaking concrete. Prevent dust from entering waterways.
  - k. Protect storm drains using earth dikes, straw bales, sand bags, absorbent socks, or other controls to divert or trap and filter runoff.
  - l. Shovel or vacuum saw-cut slurry and remove from the site.
  - m. Remove contaminated broken pavement from the site promptly. Do not allow rainfall or runoff to contact contaminated broken concrete.
  - n. Schedule excavation work for dry weather periods when possible.
  - o. Avoid over-application by water trucks for dust control.
  - p. Cover stockpiles and other construction materials with heavy duty plastic. Protect from rainfall and prevent runoff with temporary roofs or heavy duty plastic and berms. (Work Plan; Appendix D)
58. Wastewater resulting from excavation, well development, and sampling activities will be stored in double-containment polyethylene tanks.

## **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 FBMC Chapter 18.78. This action is appealable to the California Coastal Commission.
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 Title 18 of the Fort Bragg Municipal Code.
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 required permit applications shall be consistent with this approval.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Department.
6. This permit shall be subject to revocation or modification upon a finding of any one (1) 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. 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.

VOTE: Ayes: Commissioners Snyder, Courtney, and Hannon.  
Absent: Commissioner Lucas

The Commission took a break at 8:08 p.m. and reconvened at 8:12 p.m.

4. USP 7-05 and DR 9-05; City of Fort Bragg (owner/applicant); 31301 Cedar Street (APN 020-500-13); Use Permit and Design Review to authorize installation of an 80' communications tower in the City of Fort Bragg Corp Yard to house existing emergency services communication equipment. The tower would be installed adjacent to and directly south of the existing water tank at the site.

The Agenda Item Summary Report prepared for this item was reviewed with the Planning Commission by Planner Dose.

Discussion:

**Chair Snyder opened the public hearing at 8:18 p.m.**

Public comment on this agenda item was received from:

1. Cathy Fantulin, neighbor, asked whether the tower would be co-located with a cellular phone company.

**Chair Snyder closed the public hearing at 8:20 p.m.**

Discussion: The following items were noted during discussion of this issue:

- A. Ruffing noted that if the City were approached by a cell phone company to co-locate it would require a public hearing. At this time there are no plans to co-locate.

**Moved by Courtney, seconded by Hannon, to approve USP 7-05 and DR 9-05 based on the following findings and conditions.**

## FINDINGS

1. The proposed project is consistent with the purpose and intent of the Public Facility (PF) zoning district, as well as all other provisions of Title 18 of the Fort Bragg Municipal Code.
2. The proposed use is specifically enumerated as a conditionally permitted use in the PF zoning district.
3. The proposed location of the communication tower would be largely obscured from public view.
4. The proposed location of the communication tower is appropriate given the existing locations of other facilities, stockpile areas, and access driveways.
5. For the purposes of the environmental determination, the requested addition is considered exempt from further environmental review pursuant to section 15303 of the CEQA Guidelines – Class 3 – New Construction or Conversion of Small Structures.

## 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 Land Use & Development Code Chapter 18.92 (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 Land Use & Development Code (LUDC).
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 required permit applications shall be consistent with this approval.
5. The applicant shall secure all required building permits for the proposed project as required by the 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. 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.
8. This Design Review approval in compliance with Section 18.71 of the LUDC shall lapse and become void twelve months from the date of approval unless before the expiration of twelve months, a building permit is issued and construction has commenced and diligently pursued towards completion or an extension is requested and obtained in accordance with LUDC 18.71.050 (H)(3).

VOTE: Ayes: Commissioners Snyder, Courtney, and Hannon.  
Absent: Commissioner Lucas

## **CONDUCT OF BUSINESS**

5. **Matters from Chair/Commission/Staff**
  - A. Snyder reported that he received a call about an application. He did not return the call as it would have provided the opportunity for someone to give one side of a situation. He recommended that other Commissioners do the same should they be approached.
  - B. Director Ruffing informed the Commission that no public hearings were scheduled for the August 24 regular Planning Commission meeting and recommended that it be cancelled. **It was agreed to cancel the August 24 meeting.**
  - C. Director Ruffing reported that the Commission's decision regarding signage at the Depot Mall was appealed to Council. Council upheld the Planning Commission's decision but approved a compromise negotiated by staff and the applicant's attorney.

## **ADJOURNMENT**

Chair Snyder adjourned the meeting at 8:25 p.m.