

MEETING DATE: February 12, 2020

PREPARED BY: S. Perkins

PRESENTED BY: S. Perkins

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Coastal Development Permit 13-19 / Design Review 2-19

OWNER: Spring Pond Properties, LLC

APPLICANT: Jennifer Bosma, Senior VP of Operations

AGENT: Amy Wynn, Wynn Coastal Planning and Biology

REQUEST: Coastal Development Permit and Design Review to remove six trees identified as hazards. This permit will also serve as the required follow-up permit for Emergency Permit 2-19 (EP 2-19).

LOCATION: 100 Cypress Street

ASSESSOR'S PARCEL NO.: 018-030-45, 018-020-01

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA pursuant to Section 15304 – which exempts minor alterations in the conditions of vegetation.

SURROUNDING LAND USES:

NORTH:	Vacant
EAST:	Main Street
SOUTH:	Vacant
WEST:	Vacant

APPEALABLE PROJECT:

- Can be appealed to City Council
- Can be appealed to Coastal Commission

PROJECT SETTING

The subject property at 100 Cypress Street is approximately 14.5 acres in size and is located on the Fort Bragg headlands adjacent to Main Street (**Attachment 1: Location Map**). The property is relatively flat with the southern portion containing a large asphalt/cement slab. The northern portion of the site is vegetated with shrubs and trees with non-native grasses between the tree stands. Many of the species are non-natives. Redwood trees are also present and planted in several rows. These trees were planted as part of Georgia Pacific's operation of the lumber mill, and are colloquially referred to as the "nursery." An east-west unimproved dirt road bisects the property, dividing the nursery trees south of the road from the natural vegetation north of the road. The area north of the road also contains Bishop pine forest (native), red alder forest (native) and blackberry brambles (non-native). This area was not part of the planted nursery. The property is fenced along its eastern border.

PROJECT BACKGROUND

The applicant approached the City with concerns about transient usage of the property, fire danger, and concerns of hazardous trees falling on Main Street. On September 18, 2019, the applicant requested an Emergency Permit to remove four trees that posed a hazard to Main Street. A biological report confirming the poor health and hazard risk of the four trees was provided, in addition to statements from the Fort Bragg Fire Department, Fort Bragg Police Department and Caltrans confirming the hazard (**Attachment 2: Agency Letters**). After the applicant submitted additional information regarding the vegetation to be removed, the City issued an Emergency Permit for the removal of four hazard trees on October 11, 2019 (**Attachment 3: Emergency Permit**). The trees were removed in early January 2020.

Emergency Permits require applicants file for a follow-up Coastal Development Permit (CDP) to fully authorize the activity within 90 days Emergency Permit issuance. On October 8, 2019, the applicant submitted an application for this follow-up CDP. This CDP would cover the four trees approved for removal under the Emergency Permit, and requests the removal of two additional trees.

PROJECT DESCRIPTION

The applicant requests a Coastal Development Permit and Design Review Permit for the removal of the previously-authorized four trees and for two additional trees. In addition to the tree removal, the applicant will undertake mowing, limbing of branches and brush removal. See also **Attachment 4: Site Map** for additional information about the project scope. The information below was provided by the applicant outlining the activities to occur on site.

1. Perform limited vegetation removal for maintenance and safety:
 - a. To maintain open areas:
 - i. Mow non-native grassland and ruderal areas.
 1. Grass clippings will be left on site.
 2. Grassy area to be mowed is level ground. The area between the grassy area and the riparian areas is vegetated with shrubs and

- groundcover, which prevent sediment from being delivered into the drainages.
- 3. Grass clippings will be tracked such that it is stabilized and does not blow in the wind.
- ii. Mow non-native shrubs.
 - 1. Ornamental shrubs and Himalayan blackberries will be mowed.
- b. Within the nursery area to maintain open understory for visibility and ladder fuel removal, and to discourage trespass camping:
 - i. Remove brush, stump sprouts and limb lower branches.
- c. Remove dead limbs that pose a hazard.
- d. Tree removal
 - i. Remove five trees identified as hazards leaning toward Main Street.
 - ii. Remove one standing dead tree.
 - 1. All five trees plus the standing dead tree are within the area vegetated by the non-native nursery trees, not within natural vegetation areas.
 - 2. Stumps will remain in place.
 - 3. For any stumps that are ground out, the holes will be filled with woodchip mulch and seeded with native seed.
- e. Vegetation removal limitations within 100 feet of Bishop pine and Grand fir communities.
 - i. No trees shall be removed within 100 feet of Bishop pine and Grand fir forest plant communities. This will preserve canopy microclimate and prevent trees from being exposed to wind from directions they were previously not.
 - ii. No standing dead trees shall be removed within 100 feet of the Bishop pine and Grand fir forests.
 - iii. Vegetation removal within 100 feet of Bishop pin and Grand fir forest shall be limited to:
 - 1. Mowing of herbaceous vegetation.
 - 2. Removal of non-native shrubs.
 - 3. Limbing up of trees only as necessary for ladder fuel removal, fire suppression and health and human safety.

Coastal Development Permits are required for any development in the Coastal Zone that does not qualify for a specific exemption. The Coastal Act and the Coastal Land Use and Development Code (CLUDC) define development as follows (emphasis added):

On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the subdivision map act (commencing with Government Code Section 66410), and any other division of land except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access

*thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and **the removal or harvesting of major vegetation other than for agricultural purposes**, kelp harvesting, and timber operations in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg Nejedly Forest Practice Act of 1973 (commencing with Public Resources Code Section 4511).*

Since the proposed project involves the removal of six mature trees located between Main Street and the ocean and is nearby sensitive habitat areas, the project meets the City's historical interpretation of major vegetation removal, constitutes development under the Coastal Act, and requires a Coastal Development Permit.

The other project components—mowing of non-native grassland, mowing of non-native shrubs, removal of stump sprouts, and limbing of branches—do not meet the City's historical interpretation of "major vegetation removal." The City has allowed property owners to maintain vegetation on their property through mowing, limbing and brush removal without requiring a Coastal Development Permit. For example, property owners along and above the Noyo River have managed their properties in such a manner without CDP authorization. Similarly, the City maintains the Coastal Trail property by mowing and removing non-native brush without obtaining a CDP. It would be inconsistent with past practice to require a CDP for these activities as part of the subject application. As a result, only the removal of trees is subject to this application.

GENERAL PLAN CONSISTENCY

Staff identified the following Coastal General Plan policies that apply to this project:

Policy OS-1.14: Vegetation Removal in ESHA. Prohibit vegetation removal in Environmentally Sensitive Habitat Areas and buffer areas except for:

- a) Vegetation removal authorized through coastal development permit approval to accommodate permissible development,
- b) Removal of trees for disease control,
- c) Vegetation removal for public safety purposes to abate a nuisance consistent with Coastal Act Section 30005, or
- d) Removal of firewood for the personal use of the property owner at his or her residence to the extent that such removal does not constitute development pursuant to Coastal Act Section 30106.

Such activities shall be subject to restrictions to protect sensitive habitat values.

The project proposes limited vegetation management in the ESHA buffer. These activities do not meet the definition of "development" and is not subject to this permit; however, vegetation removal is allowable for the removal of diseased trees and for public safety purposes. The applicant proposes to remove vegetation to reduce fire fuel, prevent hazards to Main Street, and discourage trespass. The project is consistent with Policy OS-1.14.

Policy CD-1.1: Visual Resources: Permitted development shall be designed and sited to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance scenic views in visually degraded areas.

Program CD-1.1.1: Require Design Review of new development or significant expansion to existing development located in areas designated "Potential Scenic Views Toward the Ocean or the Noyo River" on Map CD-1: Scenic Views in the Coastal Zone.

As discussed in greater detail below, the project will have negligible impacts on views to and along the ocean. The removal of hazardous trees and removal of fire fuel may ultimately protect the existing tree stand. The site's native vegetation, notably Bishop pine and Grand fir, will remain intact. The application includes a request for a Design Review Permit, which is analyzed in greater detail below. The proposed project is consistent with Policy CD-1.1.

Policy CD-1.2: The forested area north of the Georgia-Pacific nursery and south of Maple Street shall be maintained as a sensitive natural habitat and scenic resource, and it shall not be developed.

The proposed project would remove trees within the former Georgia Pacific nursery. The area north of the nursery would be subject to limited vegetation management, such as mowing, non-native brush removal and limbing to reduce fire fuels. These activities would help maintain the sensitive habitat and protect it from threats. The proposed project is consistent with Policy CD-1.2.

Policy CD-1.11: New development shall minimize removal of natural vegetation. Existing native trees and plants shall be preserved on the site to the maximum extent feasible.

Of the six trees that will ultimately be removed, only one is native. Four of the others are non-native Monterey pines, and one of the others is unidentifiable because it is dead and without needles or cones for identification. The vegetation removal will ultimately maintain and protect the remaining native trees and plants by reducing fire risk and damage from trespass. The proposed project is consistent with Policy CD-1.11.

Policy SF-5.1 Minimize Fire Risk in New Development: Review all development proposals for fire risk and require mitigation measures to reduce the probability of fire.

Program SF-5.1.1: Continue to consult the Fort Bragg Fire Protection Authority in the review of development proposals to identify the projected demand for fire protection services and implement measures to maintain adequate fire protection services. Mitigation measures may include levying fire protection impact fees for capital facilities, if warranted.

The proposed project would reduce fire fuel by removing dead vegetation, managing undergrowth and limbing trees. The Fort Bragg Fire Department reviewed the application and submitted a letter to City staff supporting the project (**Attachment 2: Agency Letters**). The following statements are included in their letter:

- “CalFire suggests limbing the trees up a minimum of 6 feet from the ground, thereby deterring the fire from ‘climbing the ladder’ to the upper tree limbs.”
- “...the density of the brush that filled the underside of these trees...is all considered fuel to a fire. If thinned out, the fire threat to these trees would diminish.”
- “[The dead/dying trees] pose threats from fire to the possible devastation should they fall and either destroy other trees on the way down or interfere with traffic flow on Main Street.”
- “By thinning out the dead/dying trees, limbing up the larger trees and clearing some of the under-laying vegetation the fire threat would be minimalized.”

After consultation with the Fort Bragg Fire Department, it is evident that the project would reduce the fire risk and probability of fire, consistent with Policy SF-5.1.

City staff recommends the Planning Commission find the project consistent with the applicable Coastal General Plan policies.

COASTAL DEVELOPMENT PERMIT ANALYSIS

Per the discussion above, the removal of six trees meets the Coastal Act and CLUDC definition of development and a CDP is required to authorize their removal. The following reviews the project’s compliance with the various requirements and review criteria for CDP issuance.

Biological Resources

Coastal Development Permit applications on sites that include or are adjacent to Environmentally Sensitive Habitat Areas (ESHA) require compliance with CLUDC Section 17.50.050, which provides requirements for the protection and enhancement of ESHAs. To ensure compliance with this code section, the applicant submitted a *Biological Scoping and Botanical Survey Report* for the project site. After identifying two additional trees that require removal, the applicant provided a memo from the project biologist supplementing the original report (**Attachment 5: Biological Reports**).

The reports provide an inventory of the resources present on the site and identifies a presumed wetland in the northern third of the site. The reports also identify Bishop pine forest and Grand fir forest in the northern half of the site. The presumed wetland, Bishop pine forest and Grand fir forest constitute ESHA, and the standards of Section 17.50.050 apply for their protection. The biological reports also identify a raptor nest that requires protection per 17.50.050.

The CLUDC requires that development adjacent to ESHA provide a buffer area to serve as transitional habitat and provide sufficient area to protect the ESHA from significant degradation. The CLUDC requires that the buffer area be a minimum of 100 feet. The biological report shows

the location of the six trees to be removed, as well as 100-foot buffers surrounding the ESHA. All six trees are beyond the buffer area, consistent with the CLUDC requirement that 100-foot buffers be required separating development from ESHA.

The project description identifies limited activities that would occur within the 100-foot ESHA buffer. While these activities are proposed within the 100-foot buffer, they are not proposed within the mapped boundaries of the ESHA. These activities are:

1. Mowing of herbaceous vegetation;
2. Removal of non-native shrubs; and
3. Limbing up of trees only as necessary for ladder fuel removal, fire suppression, and health and human safety.

The activities proposed within 100-feet of the ESHA do not constitute removal of major vegetation; therefore, the activities do not meet the definition of development per the Coastal Act and CLUDC, and a Coastal Development Permit is not required for these activities.

The biological reports also recommend mitigation measures to ensure that the vegetation removal minimizes impacts to the ESHA. Staff recommends these mitigation measures be conditions of approval for the Coastal Development Permit.

Special Condition 1: No additional surveys are required if vegetation removal occurs in the non-breeding season (September to January). If development is to occur during the breeding season (February to August), a pre-construction survey is required within 14 days of the onset of construction to ensure that no nesting birds will be disturbed during the effort.

Special Condition 2: If active special status bird nests are observed, no activities with potential to impact the birds or their nesting efforts shall occur within a 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 shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance.

Special Condition 3: Vegetation removal shall occur during daylight hours to limit disturbing noise and minimize artificial lights.

Special Condition 4: If vegetation removal occurs during the bird breeding season, (February to August) a preconstruction survey shall occur within a maximum of 14 days prior to the start of activities with the potential to impact nesting raptors. Areas within ¼ mile of the vegetation removal activities shall be surveyed, directly if accessible or viewed from accessible areas when in inaccessible areas.

Special Condition 5: An unoccupied nest large enough for raptors was found within the study area. If active raptor nests are present within ¼ mile of the project area, then

CDFW shall be consulted to determine an appropriate buffer distance. No activities with potential to impact the raptors or their nesting efforts shall occur within the exclusion zone determined. 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 shall monitor the nest site weekly while vegetation removal activities are occurring during breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance. If it is necessary to conduct vegetation removal or construction activities within ¼ mile of an active raptor nest, and if deemed appropriate by CDFW, a biological monitor shall make observations during activities to ensure that the raptors' behavior is not affected. The biological monitor shall have the authority to suspend any activities negatively impacting the active nest.

Special Condition 6: Vegetation removal will ideally occur between September 1st and October 31, after young bats have matured and prior to the bat hibernation period. If it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-construction surveys shall be performed by a qualified biologist 14 days prior to the onset of development activities. If active bat roosts are observed, no vegetation removal or other activities with potential to disturb bats 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 roost until all young are no longer dependent upon the roost.

Special Condition 7: No vegetation removal shall occur within 100ft of the wetland and/or riparian habitat.

Special Condition 8: Within two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the frogs and salamanders that occur along the Mendocino County coast. Workers shall be trained to differentiate between special status and common species and instructed on actions and communications required to be conducted in the event that a special status amphibians are observed during construction.

Special Condition 9: During ground disturbing activities, construction crews shall begin each day with a visual search around the staging and impact area to detect the presence of amphibians.

Special Condition 10: During debris removal, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to amphibians.

Special Condition 11: If a rain event occurs during the ground disturbance period, all ground disturbing activities shall cease for a period of 48 hours, starting after the rain stops.

Prior to resuming project activities, trained construction crew member(s) shall examine the site for the presence of special status amphibians. If no special status amphibians are found during inspections, project activities may resume.

If a special status amphibian is detected, crews shall stop all ground disturbing work and will contact the California Department of Fish and Wildlife (CDFW) or a qualified biologist. Clearance from CDFW shall be needed prior to reinitiating work. CDFW shall be consulted and shall be in agreement with protective measures needed for any potential special status amphibians.

Special Condition 12: All materials and equipment shall be staged in upland areas greater than 100 feet from all ESHAs. Equipment shall be staged on existing asphalts or concrete pads whenever feasible.

Special Condition 13: No trees shall be removed within 100ft of the Bishop pine and Grand fir forest plant communities. This will preserve canopy microclimate and prevent trees being exposed to wind from directions they were previously not. No standing dead trees shall be removed within 100ft of the Bishop pine and grand fir forests. Vegetation removal within 100ft of the Bishop pine and grand fir forest shall be limited to mowing of herbaceous vegetation, the removal of non-native shrubs, and limbing up of trees only as necessary for ladder fuel removal, fire suppression, and health and human safety.

Four trees were removed under Emergency Permit EP 2-19 in early January. Due to the time of year they were removed, no additional bird surveys were required; however, the timing of the tree removal triggered the requirement for a bat survey. On December 31, 2019, the applicant's biologist submitted the results of a bat survey prior to initiating development. Bat surveys were conducted by visually inspecting the trunk of each tree and the ground beneath them for guano during daylight hours and by making observations at dusk to see if any bats emerged from the tree trunks or foliage. Ultrasonic auditory recordings were made with a Wildlife Acoustics Echo Meter Touch 2 unit and software. Recordings were made from approximately sunset to one hour after sunset. Three detections of hoary bat (*Lasiurus cinereus*) individuals were made during the November 15 survey and two detections of the same species were made on December 30. Hoary bats are the most widespread North American bats and are not a species of concern. They generally roost in the foliage of large or medium sized trees. No special status bats were detected. The biologist concluded that the vegetation removal would not result in a negative impact to special status bats.

Since the applicant proposes to remove two additional trees, the proposed special conditions would remain in effect and apply to future vegetation removal. Provided the applicant adheres to these special conditions, the project would be consistent with the City's CLUDC policies regulating biological resources and ESHA.

Archaeological and Cultural Resources

The application does not include an archaeological analysis. Since ground disturbing activities will be generally limited, the City did not require the applicant to submit an archaeological report. The Sherwood Valley Band of Pomo (SVBP) has been given opportunity to review the application. The SVBP were referred a copy of the application for their review with a response date deadline of October 25, 2019 and City staff followed up with an email on October 31, 2019 and phone call on November 4, 2019. The SVBP did not request further analysis.

Since SVBP does not require further analysis of the project and the ground-disturbing activities will be limited, no further archaeological analysis is required. The following special condition would require an archaeological analysis should the scope of the project expand to include a greater degree of excavation.

Special Condition 14: Should ground-disturbing activities be required beyond what is necessary for tree removal and understory vegetation management and beyond the scope in the Project Description, the applicant shall consult with the Community Development Department to review the change in scope and refer the change in scope to the Sherwood Valley Band of Pomo to determine if further archaeological analysis is required.

Compliance with Special Condition 14 and Standard Condition 6 will ensure the project meets the CLUDC requirements for protecting archaeological and cultural resources.

Visual Resources

The proposed project would remove vegetation between Main Street and the ocean, and would have the potential to impact scenic views to and along the coast. CLUDC Section 17.50.070 provides the policy framework for determining if the vegetation removal would have adverse impacts to visual resources.

Coastal Development Permit approval for development west of Main Street requires that the review authority make the following specific findings. These findings are analyzed below.

Required Finding	Analysis
1. Minimize the alteration of natural landforms.	The vegetation removal would not affect natural land forms. Staff recommends that the Planning Commission can make this finding.
2. Is visually compatible with the character of the surrounding area.	The removal of six trees would have a negligible impact on the character of the surrounding area. The predominance of trees on the property, including native Bishop pine forest and Grand fir forest, would remain and would maintain the existing character of the surrounding area. Vegetation management in the area to remove trees in poor condition and undergrowth could reduce the risk of fire, thereby preserving the ongoing health of the existing forest. Staff recommends that the Planning Commission can make this finding.
3. Is sited and designed to protect views to and along the ocean and scenic coastal areas.	The project would have a negligible impact on views to and along the ocean and scenic coastal areas, as the majority of existing vegetation would remain. The removal of trees in poor condition and undergrowth could reduce the risk of fire, thereby protecting the existing view in the area. Staff recommends that the Planning Commission can make this finding.

<p>4. Restores and enhances visual quality in visually degraded areas, where feasible.</p>	<p>The removal of trees in poor condition could reduce the risk of fire, thereby protecting the visual quality of the area. Undergrowth removal will help prevent trespass and littering in order to restore an area that currently experiences impacts from periodic transient habitation. Staff recommends that the Planning Commission can make this finding.</p>
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In addition to the visual resource findings above, Section 17.50.070 also includes development standards for projects west of Main Street. These standards and an analysis of the project's consistency is below.

Development Standard	Analysis
<p>1. Development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum extent feasible.</p>	<p>The removal of six trees would have a negligible impact on views from Main Street. The existing native Bishop pine and Grand fir forests would remain. The proposed vegetation management may protect the existing vegetation from trespass and fire, preserving the existing views.</p>
<p>2. Fences, walls and landscaping shall minimize blockage of views of scenic areas from roads, parks, beaches, and other public viewing areas.</p>	<p>The project does not propose any fences or walls. The vegetation management proposed could reduce the amount of trees blocking views from Main Street to the ocean; however, it is not anticipated that the project would open up any new views through the existing forest.</p>
<p>3. Development shall minimize removal of natural vegetation. Existing native trees and plants shall be preserved on the site to the maximum extent feasible.</p>	<p>The project proposes to remove four Monterey pines, one Bishop pine and one tree that is identified only as a "dead limbless pine." The biologist could not identify the dead tree since there are no remaining cones or needles. The four Monterey pines are non-native. The other two trees are identified for removal due to threats they pose to public safety (potential to fall on Main Street). The removal of the six trees will help reduce fire risk, and discourage trespass that could damage the existing vegetation. This project could help preserve the existing Bishop pine and Grand fir forests on the property.</p>
<p>4. Exterior lighting shall be minimized, restricted to low intensity fixtures and shielded so that no light shines beyond the boundaries of the property.</p>	<p>No lighting is proposed with this project. The special conditions listed above also limit tree removal activities to daylight hours, mitigating the need for construction lights at night.</p>

The project complies with the CLUDC policies regulating visual resources, and staff recommends the Planning Commission can make the visual resource approval findings in Section 17.50.070.

DESIGN REVIEW

CLUDC Section 17.71.050 requires a Design Review Permit for projects involving the removal of natural ground cover, trees or vegetation when associated with a development project. Since the removal of major vegetation constitutes development per the Coastal Act and the CLUDC, a Design Review Permit is required for this project.

Many of the considerations surrounding the visual impacts of this project are discussed above under the Visual Resource section of the Coastal Development Permit analysis. The following table analyzes the project’s consistency with the Project Review Criteria for Design Review Permits found in CLUDC Section 17.71.050 E.

Project Review Criteria	Analysis
1. The project complies with the purpose and requirements of this Section.	If the Planning Commission finds the project in conformance with the following review criteria, then the project would comply with the purpose and requirements of Section 17.71.050.
2. The project provides architectural design, building massing, and scale appropriate to and compatible with the site surroundings and the community.	The project does not propose architectural design or massing; therefore, this is not applicable to the project.
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.	The project does not include buildings or other structures; therefore, this is not applicable to the project.
4. The project provides efficient and safe public access, circulation and parking.	No public access, circulation or parking is proposed or required for this project; therefore, this is not applicable to the project.
5. The project provides appropriate open space and landscaping, including the use of water efficient landscaping.	The entire site is undeveloped and the project involves the removal of mostly non-native vegetation; therefore, this is not applicable to the project.

6. The project is consistent with the General Plan, any applicable specific plan, and the certified Local Coastal Program.	Adherence to the special conditions above would ensure the project is consistent with the General Plan, any applicable specific plan, and the certified Local Coastal Program.
7. The project complies with the City's Design Guidelines.	Staff reviewed the Citywide Design Guidelines for policies applicable to this project. Since the site is zoned Timber Resources Industrial, the Industrial Design Guidelines chapter applies. However, the policies of this section apply to new construction projects and are not applicable to this project.

This project does not trigger many of the Design Review requirements since no structures are proposed for construction or renovation. In fact, the Visual Resource analysis for the Coastal Development Permit are more fitting for a vegetation removal project than the Design Review policies. Although few of the Design Review policies are applicable to this project, it is still consistent with these requirements where feasible.

ENVIRONMENTAL DETERMINATION

This project is exempt from CEQA per Statutory Exemption 15304, which exempts minor alterations in the conditions of vegetation.

RECOMMENDED PLANNING COMMISSION ACTION

Staff recommends the Planning Commission:

1. Receive the staff report.
2. Ask clarifying questions of the staff report.
3. Open a public hearing and receive public comment.
4. Ask further clarifying questions as necessary.
5. Close the public hearing.
6. Deliberate and approve Coastal Development Permit 8-19 and Design Review Permit 2-19, subject to the findings and special conditions in the staff report.

ALTERNATIVE ACTIONS

1. Revise or supplement the findings and special conditions in the staff report, and approve Coastal Development Permit 8-19 and Design Review Permit 2-19.
2. Continue the public hearing to a date certain and direct staff to develop findings for denial of Coastal Development Permit 8-19 and/or Design Review Permit 2-19.

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 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. For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under Section 15304, which exempts minor alterations in the conditions of vegetation.

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;

VISUAL RESOURCE FINDINGS

The following findings of approval are required for projects in scenic areas listed in CLUDC Section 17.50.070(B). This project is located west of Main Street.

1. The project minimizes the alteration of natural landforms;
2. The project is visually compatible with the character of the surrounding area;
3. The project is sited and designed to protect views to and along the ocean and scenic coastal areas; and
4. The project restores and enhances visual quality in visually degraded areas, where feasible.

DESIGN REVIEW PERMIT FINDINGS

For Design Review Permits, the Planning Commission must find that the project complies with all applicable criteria identified in CLUDC Section 17.71.050(E).

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

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 CLUDC Chapter 17.92 - Appeals.
2. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details, and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. 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 17.76.070 (B).

SPECIAL CONDITIONS

1. No additional surveys are required if vegetation removal occurs in the non-breeding season (September to January). If development is to occur during the breeding season (February to August), a pre-construction survey is required within 14 days of the onset of construction to ensure that no nesting birds will be disturbed during the effort.
2. If active special status bird nests are observed, no activities with potential to impact the birds or their nesting efforts shall occur within a 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 shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance.
3. Vegetation removal shall occur during daylight hours to limit disturbing noise and minimize artificial lights.
4. If vegetation removal occurs during the bird breeding season, (February to August) a preconstruction survey shall occur within a maximum of 14 days prior to the start of activities with the potential to impact nesting raptors. Areas within ¼ mile of the vegetation removal activities shall be surveyed, directly if accessible or viewed from accessible areas when in inaccessible areas.
5. An unoccupied nest large enough for raptors was found within the study area. If active raptor nests are present within ¼ mile of the project area, then CDFW shall be consulted to determine an appropriate buffer distance. No activities with potential to impact the raptors or their nesting efforts shall occur within the exclusion zone determined. 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 shall monitor the nest site weekly while vegetation removal activities are occurring during breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbance. If it is necessary to conduct vegetation removal or construction activities within ¼ mile of an active raptor nest, and if deemed appropriate by CDFW, a biological monitor shall make observations during activities to ensure that the

raptors' behavior is not affected. The biological monitor shall have the authority to suspend any activities negatively impacting the active nest.

6. Vegetation removal will ideally occur between September 1st and October 31, after young bats have matured and prior to the bat hibernation period. If it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-construction surveys shall be performed by a qualified biologist 14 days prior to the onset of development activities. If active bat roosts are observed, no vegetation removal or other activities with potential to disturb bats 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 roost until all young are no longer dependent upon the roost.
7. No vegetation removal shall occur within 100ft of the wetland and/or riparian habitat.
8. Within two weeks prior to construction activities, project contractors shall be trained by a qualified biologist in the identification of the frogs and salamanders that occur along the Mendocino County coast. Workers shall be trained to differentiate between special status and common species and instructed on actions and communications required to be conducted in the event that a special status amphibians are observed during construction.
9. During ground disturbing activities, construction crews shall begin each day with a visual search around the staging and impact area to detect the presence of amphibians.
10. During debris removal, any wood stockpiles shall be moved carefully by hand in order to avoid accidental crushing or other damage to amphibians.
11. If a rain event occurs during the ground disturbance period, all ground disturbing activities shall cease for a period of 48 hours, starting after the rain stops. Prior to resuming project activities, trained construction crew member(s) shall examine the site for the presence of special status amphibians. If no special status amphibians are found during inspections, project activities may resume. If a special status amphibian is detected, crews shall stop all ground disturbing work and will contact the California Department of Fish and Wildlife (CDFW) or a qualified biologist. Clearance from CDFW shall be needed prior to reinitiating work. CDFW shall be consulted and shall be in agreement with protective measures needed for any potential special status amphibians.
12. All materials and equipment shall be staged in upland areas greater than 100 feet from all ESHAs. Equipment shall be staged on existing asphalts or concrete pads whenever feasible.
13. No trees shall be removed within 100ft of the Bishop pine and Grand fir forest plant communities. This will preserve canopy microclimate and prevent trees being exposed to wind from directions they were previously not. No standing dead trees shall be removed within 100ft of the Bishop pine and grand fir forests. Vegetation removal within 100ft of the Bishop pine and grand fir forest shall be limited to mowing of herbaceous vegetation, the removal of non-native shrubs, and limbing up of trees only as necessary for ladder fuel removal, fire suppression, and health and human safety.
14. Should ground-disturbing activities be required beyond what is necessary for tree removal and understory vegetation management and beyond the scope in the Project Description, the applicant shall consult with the Community Development Department to review the change in scope and refer the change in scope to the Sherwood Valley Band of Pomo to determine if further archaeological analysis is required.

ATTACHMENTS

1. Location Map
2. Agency Letters
3. Emergency Permit
4. Site Map
5. Biological Reports

NOTIFICATION