

CITY OF FORT BRAGG
COMMUNITY DEVELOPMENT DEPARTMENT
416 North Franklin Street
Fort Bragg, CA 95437
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decision date: October 11, 2019

- City appeal period ended
- Coastal Commission appeal period ended
- prior-to-issuance conditions met

EMERGENCY PERMIT

APPLICATION NO: Emergency Permit 2-19

OWNER/APPLICANT: Spring Pond Property

PROJECT DESCRIPTION: Emergency Permit to remove four trees that pose a hazard to Main Street

LOCATION: APN 018-020-01, 100 West Cypress Street


ZONING: IT – Timber Resources Industrial

PERMIT EFFECTIVE DATE: October 18, 2019

PERMIT EXPIRATION DATE: Three months after the permit effective date

CONDITIONS OF APPROVAL: See attached findings and conditions

Community Development Department Statement: I hereby certify that all conditions which must be met prior to issuance of this permit have been met and that this permit is deemed by the City of Fort Bragg Community Development Department to be a valid permit subject to all conditions of approval.



City Manager

10-11-2019
Date

Owner's Statement: I am the owner of the property subject to this permit (or his/her authorized agent) and I hereby certify that I have reviewed the conditions of approval and will establish and continue the use of the subject property in compliance with the specified conditions and applicable sections of the Fort Bragg Municipal Code. I further grant permission for City staff to enter upon the premises for which the permit is issued to verify compliance with the required conditions.

Owner

Date

Notice: This permit must be signed and returned to the Community Development Department.

Attachment: Findings and Conditions

FINDINGS

1. An emergency exists that requires action more quickly than allowed by City procedures customarily required for the processing of appropriate development permits, specifically: the structure is in danger of collapsing and is adjacent to public right-of-way.
2. Public comment has been considered regarding the emergency and the proposed actions. A Notice of Pending Action was posted on site, in the kiosks at City Hall and on the City's website. No public comment was received.
3. Demolition of subject structure is consistent with the nature of the emergency, and a follow-up Coastal Development Permit will be filed in compliance with the certified Local Coastal Program.
4. The proposed removal of the four trees identified in Attachment 1 is the minimum action necessary to address the emergency and, to the maximum extent feasible, is the least environmentally damaging temporary alternative for addressing the emergency.
5. As proposed, the project will not have any adverse impacts to any known historical, archaeological, or paleontological resource;
6. The proposed project will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
7. The proposed project will not be located within 100 feet of Environmentally Sensitive Habitat Areas, per the Preliminary ESHA Map included in Attachment 1.

STANDARD CONDITIONS

1. 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.
2. 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.
3. 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.
4. 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.

SPECIAL CONDITIONS

2. The work accomplished under this Emergency Permit is considered temporary until authorized by a follow-up regular Coastal Development Permit and issuance of this emergency permit shall not constitute an entitlement to the erection or demolition of permanent development or structures, or for major vegetation removal;
3. Within 90 days of issuance of this emergency permit, a regular Coastal Development Permit application shall be submitted to the City of Fort Bragg.

4. If a regular Coastal Development Permit authorizing the vegetation removal is denied, then the vegetation removal that was authorized in the emergency permit must be mitigated to the satisfaction of the City of Fort Bragg and California Department of Fish and Wildlife.
5. Encroachment Permit: A Caltrans encroachment permit will be required for any activity occurring in the public right of way, specifically within Main Street (State Route 1).
6. This Emergency Permit authorizes the removal of the four trees identified as HT01, HT02, HT03 and HT04 in the August 6, 2019 report authored by Asa Spade, Senior Biologist (Attachment 1). Removal of vegetation shall be accomplished with the minimum impact possible to other vegetation on the property. Damage or removal of vegetation not associated with this permit may be a violation of the Municipal Code, and may be enforced pursuant to the procedures outlined within the Municipal Code.
7. Contact **Underground Service Alert (USA), Dial 811 or 1-800-227-2600**, at least 48hrs prior to vegetation removal.