



PLANNING COMMISSION STAFF REPORT

TO: Planning Commission **DATE:** June 25, 2025

DEPARTMENT: Community Development

PREPARED BY: Marie Jones Consulting

PRESENTER: Marie Jones

AGENDA TITLE: Receive a Report, Hold a Public Hearing, and Consider Adopting a Resolution Approving a Coastal Development Permit 3-25 (CDP 3-25) for a Proposed culvert replacement at 190 Riverview (APN 018-310-21-00). Statutorily exempt from CEQA pursuant to §15302c (replacement or reconstruction of existing structures and facilities) and §15304a (minor trenching and backfilling where the surface is restored).

APPLICATION NO.: Coastal Development Permit 3-25 (CDP 3-25), Application submittal February 26, 2025.

APPLICANT: City of Fort Bragg

PROPERTY OWNER: William DeBruyn

REQUEST: Coastal Development Permit to replace approximately 60 feet of a City storm drain culvert, installation of a manhole, and associated habitat restoration in a season creek.

LOCATION: 190 Riverview Drive

APN: 018-310-21-00 (0.480 acres)

ZONING: Low Density Residential (RL)/ Coastal Zone

ENVIRONMENTAL DETERMINATION: Statutorily exempt from CEQA pursuant to §15302c (replacement or reconstruction of existing structures and facilities) and §15304a (minor trenching and backfilling where the surface is restored).

SURROUNDING LAND USES: NORTH: Single Family Residential
EAST: Single Family Residential
SOUTH: Noyo River and GP Haul Road
WEST: Single Family Residential

APPEALABLE PROJECT: Appealable to California Coastal Commission.

RECOMMENDED ACTION

Adopt a Resolution Approving a Coastal Development Permit 3-25 (CDP 3-25) for a Proposed Culvert Replacement at 190 Riverview (APN 018-310-21-00).

PROJECT DESCRIPTION

Coastal Development Permit to replace approximately 60 feet of a City storm drain culvert, installation of a manhole, and associated habitat restoration in an unnamed seasonal creek. The project also includes installation of 36 SF of RSP (Rock Slope Protection) which will be installed at the culvert outfall to act as an energy dissipater to reduce the scouring power of stormwater into the unnamed stream (see Attachment 1).

CONSISTENCY WITH PLANNING POLICIES

Land Use & Zoning Standards.

Setbacks. The proposed project is exempt from setback requirements as the culvert replacement will occur below ground except for the last two feet of the culvert that end within the resulting creek bed that is created through the runoff from the proposed project.

Use. Stormwater infrastructure is a permissible use in all zoning districts.

Coastal General Plan.

The project, as conditioned, is consistent with the following Coastal General Plan Policies.

Policy OS-1.3: Development in ESHA Wetlands: Diking, Filling, and Dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following uses:

- a. New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- b. Maintaining existing or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- c. New or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

- d. Incidental public service purposes, including but not limited to burying cables and pipes or inspection of piers and maintenance of existing intake and outfall pipelines.
- e. Restoration purposes.
- f. Nature study, aquaculture, or similar resource dependent activities.

The project has been conditioned to ensure that all potential adverse environmental effects are minimized. Additionally, as all of the water for the un-named stream originates in the culvert, removal of the culvert outside of the wetland would dewater and potentially destroy the wetland and riparian area.

Policy OS-1.7 Development in areas adjacent to Environmentally Sensitive Habitat Areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

As conditioned the project will not have any significant habitat or environmental impacts on the unnamed stream.

Policy OS-1.10: Permitted Uses within ESHA Buffers. Development within an Environmentally Sensitive Habitat Area buffer shall be limited to the following uses:

- a. Wetland Buffer.
 - i. Uses allowed within the adjacent Wetland ESHA pursuant to Policy OS-1.3.
 - ii. Nature trails and interpretive signage designed to provide information about the value and protection of the resources
 - iii. Invasive plant eradication projects if they are designed to protect and enhance habitat values.
- b. Riparian Buffer.
 - i. Uses allowed within the adjacent River and Stream ESHA pursuant to Policy OS1.5.
 - ii. Uses allowed within the adjacent ESHA pursuant to Policy OS-1.6.
 - iii. Buried pipelines and utility lines.
 - iv. Bridges.
 - v. Drainage and flood control facilities.
- c. Other types of ESHA Buffer.
 - i. Uses allowed within the adjacent ESHA pursuant to Policy OS-1.6.
 - ii. Buried pipelines and utility lines.
 - iii. Bridges.
 - iv. Drainage and flood control facilities.

The proposed project site does not include ESHA plants or animals. Please see discussion above under Policy OS1.3.

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.

This project will result in minimal vegetation removal and the replacement of non-native plants with native plants. The project complies with this policy under criteria a.

Program OS-1.15.1: Consult with the Department of Fish and Game, California Coastal Commission, and U.S. Army Corps of Engineers, as applicable, on the review of dredging, filling and diking plans in, or adjacent to wetlands or estuaries to establish mitigating measures.

The City has applied for a Lake and Stream Alteration (LSA) from the Department of Fish and Game for this project. The project application was referred to both the Coastal Commission and CDFW for comments and their comments and concerns were incorporated into this staff report and special conditions. CDFW staff participated in a site visit and reviewed the biological study and staff report for this permit and is satisfied that the special conditions which have been required through this permit will protect and or mitigate all potential negative impacts on biological resources from the project implementation.

Policy OS-2.1 Riparian Habitat: Prevent development from destroying riparian habitat to the maximum feasible extent. Preserve, enhance, and restore existing riparian habitat in new development unless the preservation will prevent the establishment of all permitted uses on the property.

The project includes 36 sf of impact to riparian habitat. The project also includes extensive restoration of the unnamed stream through the removal of non-native invasives and implementation of a 5-year invasive plant removal and monitoring plan.

Policy OS-3.1 Soil Erosion: Minimize soil erosion to prevent loss of productive soils, prevent landslides, and maintain infiltration capacity and soil structure.

The project includes special conditions to minimize soil erosion.

Policy OS-5.2: To the maximum extent feasible and balanced with permitted use, require that site planning, construction, and maintenance of development preserve existing healthy trees and native vegetation on the site.

No trees will be removed as part of this project. The project will result in the removal of two native plants and both will be replanted throughout the site as part of the restoration program for the site.

Policy OS-14.3: Minimize Disturbance of Natural Vegetation. Construction shall minimize the disturbance of natural vegetation (including significant trees, native vegetation, and root structures), which are important for preventing erosion and sedimentation.

See response to Policy OS-5.2 above.

Policy OS-14.4: Stabilize Soil Promptly. Development shall implement soil stabilization BMPs (including, but not limited to, re-vegetation) on graded or disturbed areas as soon as feasible.

As conditioned the project complies with this policy.

Policy OS-14.5: Grading During Rainy Season. Grading is prohibited during the rainy season (from November 1 to March 30), except in response to emergencies, unless the review authority determines that soil conditions at the project site are suitable, and adequate erosion and sedimentation control measures will be in place during all grading operations.

As conditioned the project complies with this policy.

COASTAL RESOURCES

This section includes an analysis of cultural resources and ESHA for the Coastal Development Permit.

Cultural Resources

The proposed project area consists of a developed private graveled driveway and driveway verge as well as the initiation of an unnamed stream that includes bed and bank and some native vegetation located within a small redwood glade.

- Excavations would include removal of the existing 60-foot-long deteriorated culvert and associated sinkhole.
- The existing sinkhole would be expanded to accommodate a manhole access.
- A small portion of the existing unnamed seasonal stream would also be impacted by the excavation associated with the culvert removal.

These sites have been heavily impacted by past disturbance (to install the private driveway). This project was referred to Sherwood Valley Band of Pomo who requested the following special conditions:

Special Condition 1: If cultural resources are encountered during construction, work on-site shall be temporarily halted within 50 feet and marked off of the discovered materials, and workers shall avoid altering the materials and their context until a qualified professional archaeologist and tribal monitor has evaluated the situation and provided appropriate recommendations. Project personnel shall not collect or move cultural resources. No social media posting.

Special Condition 2: If human remains or burial materials are discovered during project construction, work within 50 feet of the discovery location, and within any nearby area reasonably suspected to overlie human remains, will cease (Public Resources Code, Section 7050.5). The Mendocino County coroner will be contacted. If the coroner determines that the remains are of Native American

origin, it is necessary to comply with state laws regarding the disposition of Native American remains (Public Resources Code, Section 5097).

Environmentally Sensitive Habitat Areas.

The Study Area includes the following land cover types: developed driveway, redwood grove, and stream. These communities are described below.

- Developed: These areas consist of single-family residences and associated infrastructure and yards. Also, paved and gravel driveways.
- Redwood Grove: Redwood grove is remnant stand of redwood forest that remains following development of the parcels. The grove is semi-contiguous with native forest in the vicinity. Redwood is dominant in the tree canopy. Trees are second or third growth, as indicated by the fairy ring habit of the trees. The understory vegetation is sparse due to heavy needle duff. Understory species include English Ivy (*Hedera helix*), Himalayan blackberry (*Rubus armeniacus*), sword fern (*Polystichum munitum*), veldt grass (*Ehrharta calycina*), redwood sorrel (*Oxalis oregana*), and crocosmia (*Crocasmia xrocosmiiflora*). The tree canopy is continuous and the duff layer is thick.
- Stream: The stream is not mapped as a blue-line stream on the USGS Fort Bragg 7.5-minute topographic quad (USGS 2018⁴) or in CARI or NWI database. The stream is at the bottom of a relatively steep ravine and enters a culvert at the bottom of the slope at the Georgia-Pacific Haul Road. The Top of Bank (TOB) is 4 to 8 feet wide. At the culvert outfall, the stream forms in a continuous channel with no topographic drops. Approximately 100 feet from the culvert, the stream becomes a series of falls and pools, with pool depth no more than 1 foot deep. The channel is of cobble and bedrock. Vegetation is absent from the channel. At the time of the site visit, water was flowing quickly within the stream from the culvert. Scattered riparian species are located along the banks of the stream, including red elderberry (*Sambucus racemosa*) and lady fern (*Athyrium filix-femina*), however no stand of riparian vegetation is present. The plants are sparse and do not form continuous canopy or structure. The stream is unlikely to support anadromous fish species due to the topographic constraints.

While the Study Area is mapped as Mendocino Pygmy Cypress Forest in CNDDDB (CDFW 2025³), the Study Area does not include Mendocino Cypress Forest or Mendocino cypress (*Hesperocyparis pygmaea*).

According to the Biological Assessment prepared by WRA “no special-status plants or wildlife were observed during the February site assessment. Based on existing conditions, no special-status plants are determined to have the potential to occur in the Study Area.”

Based on existing conditions, one special-status wildlife is determined to have the potential to occur in the Study Area: foothill yellow-legged frog (*Rana boylei*, SSC). Work is presumed to be conducted during the dry season while the stream channel is dry. As such, FYLF is unlikely to be present and impacts are unlikely to occur.

The proposed project is to replace a failing culvert that runs under Riverview Drive. The

outfall is at the top of the stream. The project proposes to place rip-rap at the new culvert outfall. The project may cause temporary loss of riparian plants, short term-release of contaminants (i.e., soil), increased turbidity, increased bank erosion during construction, and/or disruption of nesting birds. Work is presumed to be conducted during the dry season while the stream channel is dry. As such, FYLF is unlikely to be present and impacts are unlikely to occur.

The Biological Report recommended that the following Special Conditions be incorporated into the project to avoid and/or reduce potential impacts to sensitive biological resources.

Construction-related land disturbance will encroach into stream and associated buffer, causing temporary impacts. The following conditions would avoid impacts to the stream during and after construction.

Special Condition 3: Construction Avoidance Measures Pre-Construction

- All land disturbance activities shall occur during the dry season (June 15 through October 15) and shall be suspended during unseasonable rainfalls of greater than one-half inch over 24-hour period, all activities shall cease for 24 hours after perceptible rain ceases.
- The extent of the limit of disturbance shall be delineated and demarcated with high-visible construction fencing or flagging. All construction staff shall be made aware of the purpose of the fencing and will limit entry to the greatest extent feasible.
- All vehicles and equipment scheduled for use in construction on the site should be clean and free of mud or vegetation that could introduce plant pathogens or propagules of non-native plants. This includes equipment hauled into the site.

Special Condition 4: Construction Avoidance Measures During Construction

- Construction staff should avoid entering the stream channel to the greatest extent possible.
- No construction work should occur if water is present in channel.
- Vegetation removal shall be limited to the minimum amount necessary.
- No equipment or materials should be laid down within the construction barrier. All materials should be stored on existing hardscaped areas or, if laid down on existing vegetation, will only be laid down in those areas scheduled for excavation.

Special Condition 5: Construction Avoidance Measures Post-Construction

- The applicant shall seed (regionally appropriate natives) and mulch all graded areas upon completion of land disturbance.
- The applicant shall install wet season erosion control measures and seed areas of bare ground prior to October 15 (or the onset of the rainy season) and remove all temporary erosion control measures prior to October 15 (or the onset of the rainy season).

Special Condition 6: Wildlife Avoidance Measures Pre-Construction

- Work should be done between June 15 and October 15, when surface water will be absent.
- The applicant shall not undertake work or operate equipment within the stream where surface water is present.
- If construction, grading, and/or vegetation removal are scheduled to be initiated during the nesting bird season (February 1 through August 31), the applicant shall hire a biologist to complete a focused survey for active nests within the project area and surrounding 500-foot buffer within 7 days prior to the beginning of land disturbance or vegetation removal. If an active nest is found, a no-disturbance buffer should be implemented, appropriate for the species. No work should occur in that buffer until the nest is deemed inactive. If work lapses for more than 7 continuous days within the nesting season, an additional survey would be recommended. If construction related activities are initiated outside the nesting season, no nesting surveys are required.

Special Condition 7: Wildlife Avoidance Measures During Construction

- If any wildlife is encountered during the course of construction, all work in the immediate area should cease and wildlife should be allowed to leave the construction area unharmed.
- At the end of each workday, all trenches and holes greater than 1-foot deep should be completely covered with a material flush with the ground to prevent wildlife from entering. If trenches and holes cannot be completely covered, an escape ramp should be placed at each end to allow any wildlife that may have become entrapped in the trench to climb out. The ramp angle should be no greater than 30 degrees.

Special Condition 8: Post Construction Revegetation and Invasive Species Management

- Based on the site assessment, one red elderberry and one sword fern are likely to be removed during land disturbance. Within one year of completion of construction, the area around the stream should be planted with native species suitable for the site. Planting two red elderberries and four sword ferns in the area of land disturbance is recommended to replace native vegetation that may be impacted. The plants should be of local genetic stock¹⁰ (from Mendocino coast). If it is not feasible to get local stock, plants should be from the north coast floristic province (coastal area from Oregon state line through Marin County). Plants should be monitored for 5 years to ensure establishment.
- Land disturbance at the culvert outlet will likely encourage the growth of the invasive veldt grass, crocosmia, Himalayan blackberry, white flowered onion (*Allium triquetrum*), and English ivy. Hand removal of these species should occur annually for 5 years following installation of the culvert to allow for establishment of native plantings and

discourage re-growth. Removal should occur prior to flowering to reduce potential for seed set. No weed block/landscape fabric should be used. Removed vegetation should be taken off site and disposed of properly.

With the incorporation of these Special Conditions, all potential temporary impacts from construction-related activities to the stream and wildlife will be sufficiently minimized to have no impact on the environment.

Visual Analysis. Visual Analysis as a part of the Coastal Development Review process is required for all projects located in “Potential Scenic Views Toward the Ocean or the Noyo River,” as shown in Map CD-1 of the Coastal General Plan. As shown on the map, the subject parcel is not located in such an area, nor is the project located in an area within viewing distance from the Noyo River bluff. The project is therefore not subject to the Visual Analysis requirement.

Public Access. The project is not in an area used by the public to access coastal resources and therefore will not interfere with public access to coastal resources.

Stormwater Runoff Pollution Control. As stated in the project description, the intent of the project is to replace an existing failing culvert. A site-specific erosion and sediment control plan for the project will be prepared for the project. The plan will ensure that there is no sediment run-off into unnamed creek. The applicant plans to perform construction during the dry summer months. Nevertheless, the construction site is to be inspected before each rain or storm event to make sure all erosion and sediment control measures are in place and adequate. The site is also to be inspected after rain events to ensure the erosion measures are performed appropriately. The erosion control plan will include the measures described in the Special Condition below.

Special Condition 9: The applicant shall prepare an erosion and sediment control plan which includes the following measures:

- Prior to initiation of land disturbance, sediment migration and erosion control measures shall be deployed between the land to be disturbed and the stream to protect the stream and shall be located as close to the construction barrier as possible (i.e., as far away from the stream as possible). Such barriers may include weed-free hay bales, weed-free straw waddles, silt fencing, and/or a combination of these materials. Regular inspection of the barriers should be deployed and immediate remedies of damaged or compromised areas of the barriers. No materials containing monofilament can be used.
- Spill prevention devices should be readily available during construction and utilized for all toxic liquids/materials including but not limited to gasoline, diesel, motor oil, solvents, paints, and herbicides. These materials should be stored 100 feet or greater from the stream.
- All vehicles and equipment used on site should be well maintained and checked upon site entry for fuel, oil, and hydraulic fluid leaks or other problems that could result in spills of toxic materials.

- Drip pans and absorbent materials for equipment will be used and an adequate supply of these items will be available in the event they are needed for a spill cleanup.
- All equipment and other construction material will be staged in designated areas at least 100 feet away from the unnamed creek and covered with plastic or tarps and secured with sand/rock bags while being stored.
- Soils or other stockpiled materials will be covered with tarps or erosion control blankets secured with sand/rock bags and surrounded with a linear sediment barrier in the form of straw wattles or equivalent.
- A stabilized construction entrance/exit will be established by using gravel and/or rumble strips to minimize mud tracking.

Environmental Determination. The project is Categorically Exempt from the California Environmental Quality Act (CEQA), meeting the Public Resources Code exemptions §15302c (replacement or reconstruction, which allows for the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced, including replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity) and §15304a and f (Subsection (a) applies to grading on land with a slope of less than 10 percent and subsection (f) applies to minor trenching and backfilling where the surface is restored).

PLANNING COMMISSION ACTION

1. Hold a hearing on the *Coastal Development Permit*, close the hearing, deliberate, and make a decision regarding the permits at this Planning Commission meeting.

ALTERNATIVE ACTION

2. Hold a hearing, close the hearing, deliberate without a decision, and revisit the application at the next scheduled meeting for a decision and the addition of any new findings.
3. Hold the hearing, and continue the hearing to a date certain if there is insufficient time to obtain all input from all interested parties. At the date certain the Commission may then deliberate and make a decision.

ATTACHMENTS

1. Resolution of the Fort Bragg Planning Commission Approving a Coastal Development Permit 3-25 (CDP 3-25) for a Proposed culvert replacement at 190 Riverview (APN 018-310-21-00), Subject to the Findings and all Standard and all Special Conditions.
2. Site Location Map and Project Plans
3. Project Site Photos