

To: City of Fort Bragg, Sokuntia Sar, and City of Fort Bragg Planning Commission,

Date: October 28, 2020.

RE: Public Comments - Initial Study and Mitigated Negative Declaration for the Franco Subdivision project (Subdivision 1-20)

My name is Laura Spradlin. I own the property at 125 Halsey way in Fort Bragg Calif. This letter is to inform the City of Fort Bragg, Sokuntia Sar, and the Planning Commission of my strong opposition to the Franco Subdivision project due to significant adverse environmental impacts the proposed project will have. In addition, there are negative impacts to me and the community that were not studied in the Initial Study and Mitigated Negative Declaration. The City of Fort Bragg prepared the Initial Study and Mitigated Negative Declaration for the Franco Subdivision project (Subdivision 1-20)

I request that the Planning Commission not approve the Franco Subdivision proposed project during the Public Hearing currently scheduled to commence on November 12th at 6:00 o'clock or any subsequent hearing dates should this meeting be rescheduled to a later date prior to the above date.

I want to state initially that I was not duly noticed of this project as required by CEQA. Given the cavalier responses I have noted from the City of Fort Bragg when I made inquiries, I cannot avoid thinking this was an intentional omission on the part of the proponents of this proposed project. Without exception in the interactions I've noted with the City of Fort Bragg I was told that this project was going to be approved and that there wasn't anything that could be done to prevent it. This forgone conclusion would seem to be in conflict with the CEQA process and planning commission rules, regulations and guidelines.

In the Initial Study and Mitigated Negative Declaration CEQA document, on Page 3 and 4 "Environmental Factors Potentially Affected" are indicated by checked boxes in a table. There are a number of impacts that are not selected for study and these impacts will have significant impact on my property and the community. The unaddressed negative impacts that should rightly be studied are 1. Hydrology and Water Quality, 2. Noise, 3. Land Use and Planning, 4. Public Services, 5. Substantial Adverse Impact on human beings, directly and indirectly, 6. Property Values.

I believe this proposed project will have a substantial adverse impact on the entire neighborhood, and I am very concerned for myself and the others living near the proposed project that will be impacted if this proposed project is allowed to move forward.

Areas where I assert the Initial Study and Mitigated Negative Declaration are inadequate per the intent of CEQA are as follows:

- 1. Hydrology and Water Quality: There will be a significant increase of the lot coverage with impervious surfaces from the no-project condition. These impervious surfaces consist of structures, accessory structures (sheds), concrete walkways, pavement, compacted parking areas and storage of vehicles. I assert that the applicant needs to engage a registered qualified 3rd party hydrology engineer to prepare a hydrology study and report indicating his findings.**

7

The study should also determine the increased depth of sheet flow, total volume and peak velocity onto Halsey Way during all rainfall and runoff conditions typically studied under good engineering design practices in Mendocino County and required by Mendocino County regulations and the City of Fort Bragg Building Codes. The actual permeability of the so-called pervious driveway areas should be tested in situ in current parking areas by a qualified laboratory to determine the actual permeability prior to removing these areas from the calculation of additional impervious areas in the 3rd party engineering hydrology study. I assert that the permeability of the actual gravel parking areas behaves identical to concrete or asphalt in regards runoff. This needs to be tested for a legitimate calculation of the proposed project runoff impacts. These studies and any remedial work to mitigate the impacts need to become Conditions of Approval for the DIV 1-20 MND and completed prior to final building inspection and issuance of an occupancy permit.

2. **Noise:** Even though the adjoining properties will have, as the MND states, City Municipal Code Section 9.44.020 to use in any future noise complaints the fact remains that the proposed project will increase noise levels from the no-project condition and significantly impact the beneficial use of the adjoining properties. I request that a masonry sound barrier (block wall) be designed by a CA registered Civil Engineer and erected on the proposed project property adjacent to my property to help mitigate the noise impact. This block wall should extend in height to the tops of all windows of the proposed project structures and run the length of the common property line. This height requirement will apply to any future phases of the proposed project's construction. This work to mitigate the Noise impacts need to become Conditions of Approval for the DIV 1-20 MND and completed prior to final building inspection and issuance of an occupancy permit.
3. **Land Use and Planning:** The beneficial use of the properties in the proposed project area will be significantly impacted from the no-project condition. There will be increased vehicular traffic, an increase in parked cars on Halsey Way, increased activity and increase of people living and visiting the proposed project's residents. At a minimum the City should install a speed bump prior to entering the proposed project driveway, install "Resident Parking Only" signs on the length of Halsey Way and inform the Fort Bragg Police regarding enforcement of these signs. This work to mitigate the reduction of beneficial use impacts need to become Conditions of Approval for the DIV 1-20 MND and completed prior to final building inspection and issuance of an occupancy permit.
4. **Public Services:** The sewer system on Halsey Way is in an aged condition and was designed for the current number of homes. The existing sewer system should be studied by a licensed 3rd party qualified engineer to assess the adequacy of the existing sewer infrastructure to accommodate the proposed project increases in affluent. This study and report should include an analysis of the existing slope of the sewer pipes, proposed interconnection designs, as well as their new and existing pipe diameters. This study should include a 3rd party Video Investigation of the actual condition of the infrastructure. These findings should be compared with current Mendocino County and City of Fort Bragg sewer design standards. These reports should be signed by the 3rd party engineer certifying his findings and shared with the public. Any inadequacies need to be listed as conditions of approval for the MND DIV 1-20 and corrected

prior to the issuance of the Building Permit, start of construction of the proposed project or issuance of a occupancy permit.

5. **Substantial Adverse Impact on human beings, directly and indirectly:** The beneficial use of the properties adjacent to the proposed project will be significantly impacted by the loss of privacy in the adjacent residences and yard areas of the properties. The proposed project's plot plan indicates new and relocated structures be placed adjacent to the property lines and will constitute a significant impact to privacy of the adjacent properties. I request that a masonry privacy wall (block wall) be designed by a CA registered Civil Engineer and erected on the proposed project property adjacent to my property to help mitigate the privacy impacts. This block wall should extend in height to the tops of the proposed project structures windows and run the length of the common property line. The increased traffic and human activity will cause a significant impact on the surrounding area compared to the no-project condition. I request that "No Loitering" signs be placed in the common areas of the proposed project and inform the Fort Bragg Police regarding enforcement of these signs. This work to mitigate the privacy impacts need to become Conditions of Approval for the DIV 1-20 MND and completed prior to final building inspection and issuance of an occupancy permit.
6. **Property Values:** The proposed project will have significant negative impacts on the property values of the existing properties in the surrounding area. The character of the quiet dead-end street will be significantly impacted by the additional residences of the proposed project. The characteristics of the no-project neighborhood will be altered with the proposed project if approved. I request that a property value impact study be prepared by a qualified 3rd party licensed real estate broker and the findings be signed by the 3rd party broker and shared with the public. If the property value study shows a reduction of property values on any metric, cash value, desirability of the neighborhood, etc., then the proposed project should not be approved. This Study to evaluate Property Value impacts needs to become Conditions of Approval for the DIV 1-20 MND and completed prior to issuance of an building permit.

Per the CEQA Guidelines all of the above comments will need to be adequately addressed, appropriate detailed engineering and real estate studies completed and published and CEQA compliant responses published by the City of Fort Bragg all prior to any hearing before the Planning Commission where a vote on the proposed project could occur.

In addition to the City adequately addressing all the outlined comments above, and due to the erosion of good-faith dealings caused by me not being duly notice of the proposed project and the numerous omissions in the Initial Study and Mitigated Negative Declaration I assert that the Initial Study and Mitigated Negative Declaration be reviewed by a qualified independent 3rd party licensed professional reviewer and a report written, signed and shared with the public prior to any Planning Commission Hearing where a vote on the proposed project may be conducted.

Lastly, I will be exploring needed actions regarding appealing the Planning Commission decision should they approve the proposed project, to be heard by the Mendocino County Board of Supervisors.

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Regards,

Laura Spradlin

The following property owners support the points in this letter.

Cecilia Cox 1000 Alder St Ft. Bragg, Calif.
Phone 764-2543

Michael Heek 999 Alder St Fort Bragg, Calif.
702 404 4069

Wendalyn Rae Bird 200 McKinley St Fort Bragg 964-1166

Tom Heitmeyer 201 McKinley St Ft. Bragg 964-5209

Frank Heitmeyer 201 McKinley St, Ft. Bragg 964-8209

Donna Norvell 111 McKinley St Fort Bragg 964-4330

Karen A Cox 119 Oak Terrace Ct.

Jesse Cox 1020 Cedar St.

Benny Mosh 1010 E. ALDER ST

Michael Stutzman 115 Oak Terrace Ct

Sharon Foxworthy 115 Oak Terrace Ct

Melody Bodal 707-962-0577

915 E. Oak St Fort Bragg, CA 95437

Mona & Ryan Whitaker 707-813-1297
1020 E. Alder St. Fort Bragg, CA 95437

Royce Whitaker 707-357-2747
1020 E. Alder St. Fort Bragg, CA 95437

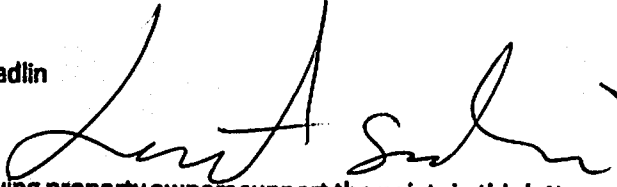
Michael Spradlin 707-357-8365
125 Halsey Way. Fort Bragg, CA

Cathleen Jordan 561-814-1429
125 Halsey Way. Fort Bragg CA

Lastly, I will be exploring needed actions regarding appealing the Planning Commission decision should they approve the proposed project, to be heard by the Mendocino County Board of Supervisors.

Regards,

Laura Spradlin



The following property owners support the points in this letter.

Pauline Jimagno 116 HAISELY

Lynn & Brian Neary 116 Halsely

Don Romelli 933 Aiden

City of Fort Bragg
416 N. Franklin Street
Fort Bragg, CA 95437

Re: Negative Declaration Adoption, Minor Subdivision 1-20

To whom it may concern,

I live at 112 McKinley Street in Fort Bragg, directly adjacent to Halsey Way. I write to express concern over a proposed development at the end of Halsey Way called Minor Subdivision 1-20. My concerns are as follows:

1. In my estimation, Traffic on Halsey Way is already substantial, and the addition of three new residences will increase added vehicle trips on a daily basis. I recognize that the proposed development will only add two additional dwellings, but the dwelling currently located at 130 Halsey Way has not been occupied for many years effectively leading to three new residences. Considering that five houses already occupy Halsey Way, this increase has the potential to increase traffic by 60% or more depending on dwelling occupancy.
2. Parking will likely be an issue as each of the three dwellings will only be provided two parking spaces, all three dwellings will share a single driveway, and none of the dwellings will include a garage. Further, given the way the dwellings are proposed to be situated, there will be no on-street parking. As a result, extra vehicles and guests will be parking on Halsey Way (which already supports considerable on-street parking) or on McKinley Street.
3. The lack of dwelling driveways or garages will likely exacerbate the parking problem as the occupant may choose to park boats or campers in the available parking spaces long-term, and choose to park cars on Halsey Way and McKinley Street.
4. There is a daycare on McKinley Street that was approved in 2016. The daycare has increased the amount of traffic on McKinley Street significantly as cars come twice per day to drop and pick up children. I am not sure as to whether the daycare is operating currently, but suspect that it will resume full operation following the Covid-19 pandemic.
5. Fort Bragg Unified School District also uses McKinley Street as a bus route. I believe to avoid traffic on Oak/N. Harold Street during busy school traffic time. The community also uses McKinley Street as an optional street during the school year to avoid traffic on Oak Street/N. Harold Street. The expansion of homes on Halsey Way will add to the traffic and increase vehicle trips.

Prior to consent, I would like to see the City of Roseville conduct a proper traffic study. Any traffic study must consider the effects of Covid-19 pandemic including reduced travel.

Pam and Tom West

Sar, Sokuntia

From: Jim Caito <jkcaito@mcn.org>
Sent: Thursday, October 22, 2020 5:09 PM
To: Sar, Sokuntia
Subject: Minor subdivision 1-20

To whom it may concern :

I am a resident on Oak Terrace Ct. my husband and I are strongly against this project. While it only slightly impacts us it will impact our neighbors greatly. We know the housing market in our town is slim but crowding 3 houses on 1 lot is too much. We have been contacted by many people who live on or by the 130 Halsey Way project who are concerned about parking, traffic & loss of privacy due to overcrowding. It is a big lot 2 parcels is probably doable. We are a small town we need to preserve our neighbor hoods.

Thank you,
Karen Caito

Tom and Diane Heitmeyer

201 McKinley Street

Fort Bragg, CA 95437

November 6, 2020

Attn: City of Fort Bragg, Fort Bragg Planning Commission and Sokuntia Sar

Re: The Franco Subdivision project on Halsey Way, Fort Bragg

We own property directly "T-boned" to Halsey Way and are aware of, and strongly object to the addition of two units and the moving of the original house at the end of that dead end street. My understanding from established neighbors is that water pressure there is extremely low. Were there to be a fire, would there be sufficient flow to fight it? Has that been tested? Is there even enough turn around area for a fire truck?

Will the lot be paved, or are we to have to deal with a river of mud flowing down Halsey Way directly into our front yard? Our street was already torn up (and never repaved) to accommodate the CV Starr's discharge, resulting in a hump in the street that forces water to flow into our driveway and garage during heavy rainfall.

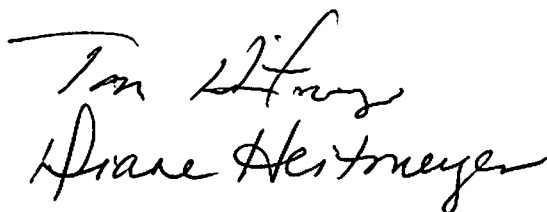
Additionally, how many vehicles are you expecting will now be parking on Halsey Way in front of our neighbor's houses, forcing them to park elsewhere?

We were never notified formally of any intent to have this new housing complex begin. Are neighbors not entitled to know about a significant disruption to their traffic flow? Their noise levels? This has always been a quiet neighborhood. I can only imagine how this will impact our property values.

We have no idea if this is already a foregone conclusion, we just feel strongly that this is not in the best interest of anyone on either Halsey Way or McKinley Street.

Sincerely,

Tom and Diane Heitmeyer

Handwritten signatures of Tom and Diane Heitmeyer. The signature for Tom is written above the signature for Diane. Both are in cursive script.

1962-1963 : 30000 : 1000000

Sokuntia Sar
Sr. Planner
City of Ft. Bragg, Ca
416 N. Franklin St.

Re: Project 130 Halsey Wy., Ft. Bragg ca—APN 005-264-17

Hello Sokuntia,

On behalf of the Tamagno family, we are voicing our concerns on the above mentioned project. The Tamagno's reside at 116 Halsey Way, 3 houses away from proposed project. The Tamagnos have lived on this street for 70 years. It has been a great neighborhood to raise a family, it has been a quiet, low traffic street with a nice mixture of similar homes of same general era. Of course we would like to see things remain the same but realize development is inevitable. Our concern is that the way it is proposed will degrade the street, lower property values and disrupt the feel of the neighborhood. We feel when a project is proposed it should be designed to blend in and enhance the existing neighborhood. This project does not do that and we request the City and planning department re-look at the impacts that will be felt. We think you will see that the impacts are more negative than positive. Below are our concerns and possible solutions.

Concern #1:

-Lack of onsite parking. Each unit has a 2-car driveway but there is no other 'onsite' curb, or garage parking. Additionally, Matson residence will lose their street parking as result of proposed driveway entry. According to drain management drawing (attached) there will be the existing house plus 2 - 2000sf homes. No one will want to buy a 2000sf house jammed into that lot w/ no parking. So most likely the developer is intending on making these rentals. A 2000sf rental will most likely have more than 2 drivers which means more than 2 cars per unit not counting additional roommates, family members, visitors, and deliveries(amazon) etc. Where will they park? Answer—in front of all of our houses! It will be much noisier and congested. Presently, Halsey St. is a great place for kids to ride their bikes, play catch in the street, watch cats etc. roam about safely. The street has good site lines, changing these conditions is not a benefit or upgrade to neighborhood. It creates stress and resentment, and negatively changes character of the street.

Possible Solution

-Proposed 3 parcel lot is acceptable according to building code, but in this instance a 2 parcel lot is better for all parties (except developer). It would allow for more onsite parking and could provide a turn-around area for delivery trucks. Existing neighbors won't be so adversely affected and shows 'good-will' on part of City and developer to make the project as least impactful as possible and to create a win win for all.

Concern#2

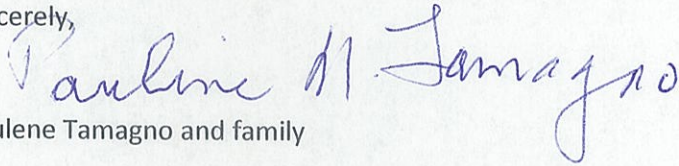
- Drainage- Concerns that the new build out will adversely affect discharge of rain water onto Halsey curb/ gutters may impact Tamagno residence. When Tamagnos built their house the road was different. They later raised the street grade which makes Tamagno residence sit lower and creates a challenge getting rain water out to the street. Will that effort be more so if there is more run off from that development? Especially, with all the square footage being dwelling and hardscape .

-Water Pressure- There has never been good water pressure. Will this buildout impact the pressure even more-so?

Possible Solution-If the City could assure that neither of these will be affected that would be great. Maybe the City could perform before and after tests on existing water pressures and rain discharge. If they found there was negative impacts they will assure repair on their cost and not ours.

Please , we hope you consider our concerns especially regarding parking. Help keep our street the way its' always been. Approve a project that doesn't burden our infrastructure, parking, and help develop a look that blends with the neighborhood. It needs to be able to maintain itself and not negatively impact existing neighbors. Now is the time. Once 3 parcel approved, its over! Thank-you.

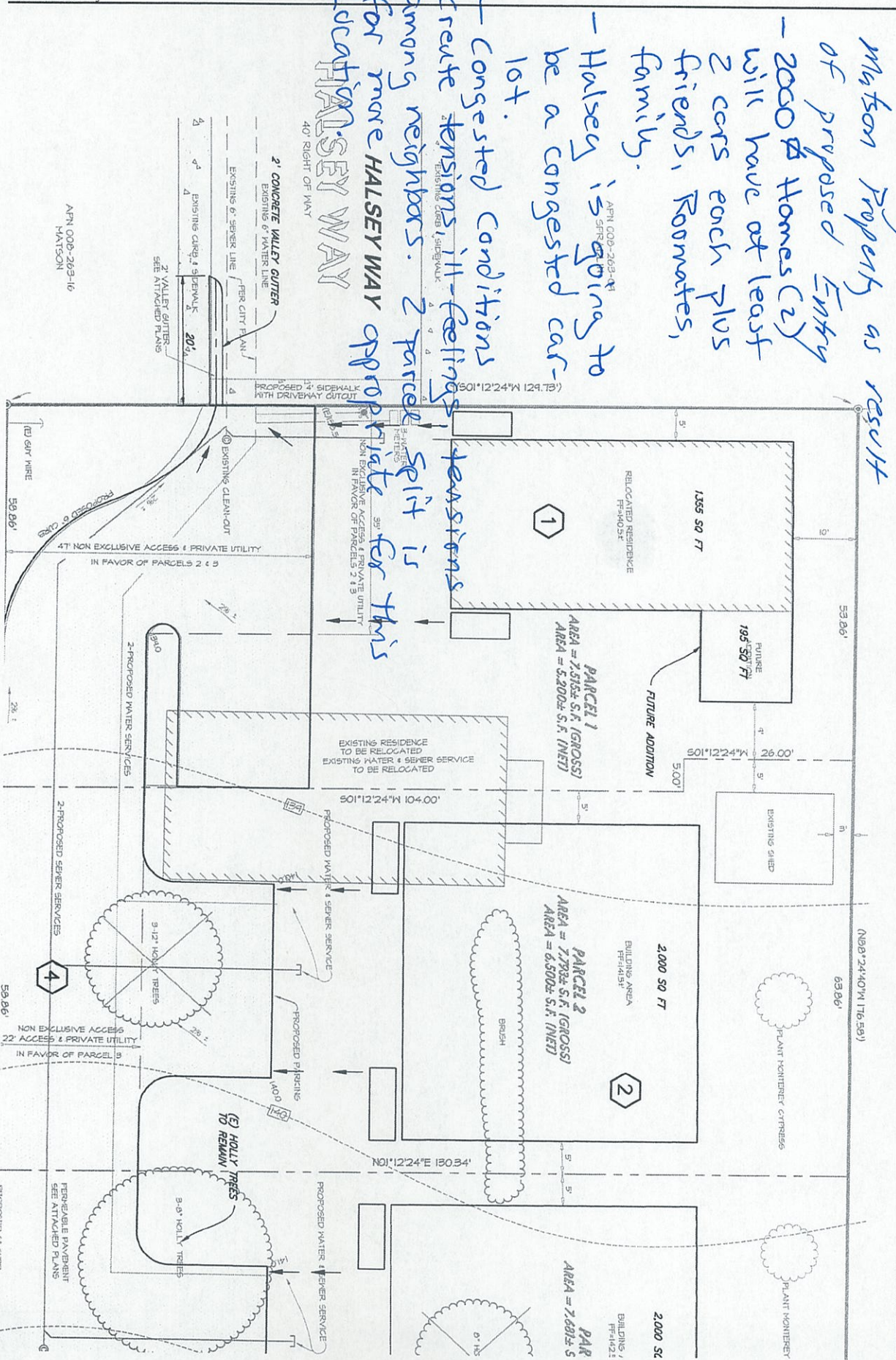
Sincerely,



Paulene Tamagno and family

- No Curbside Parking
- No Garages
- No Parking in Front of Watson Property as result of proposed Entry
- 2000 sq ft homes (2) will have at least 2 cars each plus friends, Roommates, family.
- Halsey is going to be a congested car lot.
- Congested conditions create tensions in feelings among neighbors. 2 parcel split is for more HALSEY WAY appropriate for this location.

SUMMARY OF DRAINAGE MANAGEMENT AREAS					
AREA	DESCRIPTION	SURFACE	SIZE (SQ)	IMPERVIOUS AREA	BIO-SWALE AREA
1	LOT 1 HOME	COMPOSITION ROOF	1,550	1,550	-
2	LOT 2 HOME	COMPOSITION ROOF	2,000	2,000	-
3	LOT 3 HOME	COMPOSITION ROOF	2,000	2,000	-
4	AC DRIVEWAY	PERMEABLE AC	5,340	-	-



APN 009-269-16
 WATSON

Gonzalez, Joanna

From: Megan Caron <megancaron27@gmail.com>
Sent: Thursday, November 12, 2020 9:41 AM
To: Gonzalez, Joanna
Subject: Halsey way

To whom it concerns,

I am writing this in support of the proposed project on Halsey Way. As you are all aware, our community is in desperate need of housing and this project will be a welcome addition to current housing stock. Housing for locals is rapidly being consumed by those who are buying up the inventory in order to secure their second home. Working families unable to find housing are having to leave Fort Bragg and that's not good for our community. For the sake of positive growth, please allow this project to continue.

Regards,
Megan Caron
Fort Bragg

Sent from my iPhone

From: [Gonzalez, Joanna](#)
To: [O'Neal, Chantell](#); [Miller, Tabatha](#)
Subject: FW: Comments - Halsey Project
Date: Thursday, November 12, 2020 12:07:17 PM

Commissioners (BCC) and Staff,

Please see the comment below from Jamie Peters. I will upload them to the agenda this afternoon.

-Joanna

From: Jamie Peters <jamielp13@hotmail.com>
Sent: Thursday, November 12, 2020 12:03 PM
To: Gonzalez, Joanna <JGonzalez@fortbragg.com>
Subject: Comments - Halsey Project

Hi Joanna,

I hope you're well!

Would you please add the following comments to the packet for tonight's meeting? Thank you!!

Dear Planning Commissioners and CDD Staff:

Out of curiosity, I was reading through the Halsey Way Division Plan. I'd first like to say that I do not know the parties involved. I also hope this project is approved so that there is more housing available in Fort Bragg, which is needed.

That said, I was surprised over info in the packet, such as:

1. **That an MND was conducted in the first place.** Seems like overkill for a residential project in the middle of the city, one that doesn't buttress a park and is already surrounded by houses.
2. **That Fish and Wildlife was brought in regarding Holly Bushes.** Seriously? Does the city keep track of all holly bushes in the city? What if someone cut a holly bush on their property...is the city going to weigh in on that too?
3. **That our Pomo Band was sent a letter as well for potential cultural findings.** Did this happen for all houses built in this area? If so, then disregard the question.
4. **That the developer is required to pay for sewer and water hook-ups, etc. BEFORE their permits will be granted.** Is this usual and are *all* residential housing developments required to do the same?
5. **That a landscape plan is required prior to final approval.** Why should the city oversee landscaping for *private* residences?
6. **That developers are *required* to purchase shrubs and trees locally.** While I'm all for shopping local, I think this is overreach to require a local residential builder to purchase locally. I get this need for commercial properties where corporate HQs are not based in the area. A local person will probably shop locally in this instance.

7. **That lawns should not be installed must be agreed to before permitting.** Again, I think this is overreach. If the purpose is water conservation, then wouldn't developers/homeowners be liable for fines if they overused water?

So much of this seems either unnecessary and/or a big overreach into privacy of homeowner.

I'm wondering if every developer who wants to build housing within the city and in a residential area is or has been subject to the same hurdles. It's like we're being cost prohibitive of this particular development.

As someone who has been in opposition to formula/big box/chain stores in our community, it almost seems like it has been easier for a Dollar General to go through our process for something our community doesn't need, versus this developer who is local and trying to provide something our community desperately needs – housing.

Thank you for considering my thoughts on this topic.

Kind regards,
Jamie Peters

Sent from [Mail](#) for Windows 10

O'Neal, Chantell

From: Jacob Patterson <jacob.patterson.esq@gmail.com>
Sent: Thursday, October 8, 2020 4:02 PM
To: Sar, Sokuntia
Cc: O'Neal, Chantell; Smith, John
Subject: 130 Halsey Way IS/MND question and comments

Tia,

Do you have anything that suggests the existing holly trees provided any habitat and might support the recommended mitigation measure? I read through the IS/MND and didn't see anything. If not, did you consider using an exemption from further environmental review or preparing a negative declaration rather than an MND? Without something in the record to support the City's analysis, I have doubts that the IS/MND is necessary. That said, if the City chooses to proceed with the IS/MND, it needs to be done correctly and I did not see any analysis that suggested the City applied a threshold of significance for checklist question IV a) and the associated mitigation measure--the only item in the IS/MND that would apply to since it was the only checklist item that identified a mitigation measure and all of the other determinations appear to be reasonable, IMO. A threshold of significance is necessary in order to evaluate the projected efficacy of the proposed mitigation measure. As currently written, no such analysis is adequately presented in the IS/MND. Thus, this section of the IS/MND (pp. 11-12 of 35 in the PDF) should be revised to include adequate analysis of this issue. Alternatively, the City should abandon the likely unnecessary IS/MND and either prepare a NegDec or apply one of the applicable exemptions from further environmental review that arguably apply to this project.

Regards,

--Jacob

Gonzalez, Joanna

From: Jacob Patterson <jacob.patterson.esq@gmail.com>
Sent: Thursday, November 12, 2020 12:26 PM
To: O'Neal, Chantell; Gonzalez, Joanna; Miller, Tabatha
Subject: Re: Public Comment on Halsey Way Subdivision

I haven't seen my official public comment in the agenda packet for tonight's meeting. Please be sure it gets included. Thanks.

On Tue, Nov 10, 2020 at 11:58 AM Jacob Patterson <jacob.patterson.esq@gmail.com> wrote:
Planning Commission & City Staff,

I re-read my prior email about the Halsey Way Subdivision MND, which I did not intend as an official public comment, and want to submit this as an official public comment with a recommended alteration that addresses the concerns I noted--I was probably overly technical about CEQA processes. Anyway, whether the City applies a CEQA exemption from further environmental review or went through the Initial Study process, the end result can be the same, which is a determination that this project is not going to have a significant effect on the environment. In my opinion, the record supports that conclusion.

I recommend that the Planning Commission remove the mitigation measure BIO-1 in the Mitigated Negative Declaration (MND) concerning replacing the holly trees/shrubs to be removed as part of the project, which is the only mitigation measure. (Special Condition #12 would also need to be removed.) Instead, the Planning Commission should certify the CEQA document as a Negative Declaration and direct staff to make necessary edits to the draft MND removing the mitigation measure and assertion that the mitigation measure is required. It is a simple change and one that is prudent based on all the evidence in the record or, in this case, the lack of evidence in the record to support requiring this mitigation measure.

The City is not permitted to just make up conclusions or require an applicant to do something as part of their permit entitlement process without any evidence supporting the conclusion or permit requirement--going beyond what is reasonably connected to the project details can justify a Takings claim. I have reviewed the records in the project file, not just the agenda materials, and I can find absolutely nothing in the record other than unsubstantiated supposition about the possibility that the existing, non-native holly trees/shrubs could theoretically provide habitat for wildlife.

There is no bird survey, biological report, or photo of a bird in or near the holly trees on this or even nearby properties, or even statement from a witness that they observed such birds. I found no evidence of observed, documented, or even likely projected wildlife based on scientific analysis that non-native holly trees provide habitat or food to wildlife populations. On the contrary, as anyone who has holly on their property can likely attest, holly can be invasive and displace native plants because additional plants sprout from their root systems, and the numerous berries often result in new holly plants popping up all over the surrounding area. Numerous biological reports and scientific studies demonstrate that native plants are far more likely to provide habitat and food for local wildlife than non-native plants.

Please note that I recognize that my comments are also unsubstantiated by supporting evidence but my point and recommendation doesn't require supporting evidence like the staff recommendation does because it is based on the LACK of substantial evidence in the record to support the recommended mitigation measure or permit requirement.

As an aide, even if a mitigation measure was justified because habitat was actually being lost due to the project removing the existing holly, the mitigation measure would need to require the ongoing retention of the replacement plantings and future replacement of trees that do not survive to ensure it is and remains effective. The City also can't require "locally-purchased shrubs or trees" because that discriminates against non-local businesses in favor of local-businesses. The applicable regulations and policies encourage locally native plants grown from local genetic stock (ideally grown locally too), which is not the same as locally-purchased. The requirement should only be that the native plants are native to the Fort Bragg area or grown from local genetic stock but it should not discriminate based on the source of the plants.

The planting plan shows that the project proposes to use Monterey Cypress for the replacement plantings. This is odd because Monterey Cypress are not local natives even though they are native to the central coast of California. In fact, Inland General Plan "Policy OS-2.2, Prohibit Invasive Species: Condition development projects requiring discretionary approval to prohibit the planting of any species of broom, pampas grass, gorse, or other species of invasive non-native plants deemed undesirable by the City." Policy OS-2.2 includes a sub-part, "Program OS-2.2.2: Encourage the removal of non-native invasive trees where feasible, such as **Monterey Cypress**, Monterey Pine and Eucalyptus, and prohibit planting of nonnative invasive tree species in new development."

Since our own Inland General Plan, which governs this project, specifically calls out Monterey Cypress as "non-native invasive trees" that we are supposed to encourage developers or applicants to remove. In fact, this same policy and program suggest that the removal of the non-native and invasive holly is actually an environmentally-beneficial aspect of this project that makes the project more consistent with the Inland General Plan so it makes even less sense to then say we want the applicant to mitigate an environmental benefit, the removal of the invasive holly and then have the applicant do so with another non-local native tree that the City deems invasive.

The staff report cites ILUDC [Chapter] 18.34 as the basis for requiring Special Conditions #12 and 13. However, Section 18.34.020, Applicability, states "That the provisions of this Chapter apply to all land uses as follows... The approval of a Minor Use Permit, Use Permit, Minor Variance, Variance, or application for Design Review for physical alterations and/or a change in use within an existing development may include conditions of approval requiring compliance with specific landscaping and irrigation requirements of this Chapter." This list does not include Minor Subdivisions.

Section 18.71.050, Design Review, describes when Design Review is required and such projects would be subject to the Chapter 18.32 Landscaping Requirements.

"Section 18.71.050, B. Applicability. All new structures, any relocation, exterior addition(s), or changes of or to existing structures, and any other physical improvements shall be subject to Design Review, whether or not a Building Permit is required, *unless exempt in compliance with Subsection (B)(3)* of this Section (Improvements exempt from Design Review). Design Review shall be required in addition to all other planning permit or approval requirements of this Development Code and the Municipal Code.

...

3. Improvements Exempt from Design Review. The following improvements are exempt from Design Review:

- a. *One single-family dwelling on a single parcel*, a second unit on a single parcel, a duplex, and/or any related residential accessory structures of less than 16 feet in height;
- b. Structural improvements not visible from a public right-of-way;
- c. Installation of a fence, wall, or retaining wall;
- d. Landscaping including vegetation, irrigation systems, and low level lighting;
- e. Exterior lighting;
- f. Work determined by the Director to be minor or incidental within the intent and objectives of this Section;

and

g. Ordinary maintenance and repair of structures, landscaping, and fencing."

Article 8 of the ILUDC governs Subdivisions but it does not include a requirement for Minor Subdivisions (or even Major Subdivisions) to comply with the landscaping requirements of Chapter 18.34, which applies to subsequent or concurrent applications for development of the subdivided property requiring one of the following discretionary permits: a Minor Use Permit, Use Permit, Minor Variance, Variance, or Design Review permit, none of which are required for this project.

Other than the Minor Subdivision of the parcel into 3 separate parcels, this project only involves the relocation of one single-family dwelling on a single parcel. If this were a multi-family development or other larger residential project, a Design Review would be required and the Chapter 18.34 Landscaping Requirements would apply, but it is not such a project. Even if the future houses that will be built on the subdivided parcels were being proposed right now, they don't require Design Review because they consist of "one single-family dwelling on a single parcel, a second unit on a single parcel, a duplex, and/or any related residential accessory structures of less than 16 feet in height." The only possible justification for a Design Review by the Planning Commission would be from potential aesthetic impacts of the grading activities per Section 18.71.050, Subsection B. 1. iii) "The aesthetic impact of grading or filling of land" but staff has not described this project as involving the Design Review process nor are the Design Review Findings included in the staff report, or draft resolution.

[Note: The lack of a resolution of approval is odd although not a fatal flaw but approving entitlements via resolution is considered a best practice because it helps show the City's reasoning is justified and that the review authority is actually making the required findings. In this case, there are no written findings, only the required conclusions, so the Planning Commission will need to actually provide explanations for why you have determined you can make each finding, at least those that are not specifically addressed by analysis in the staff report.]

Based on a review of the project file for this Minor Subdivision, it appears the City has subjected this applicant to a staff-level review process that goes well beyond what is actually permitted by the City's governing documents, including the ILUDC. In my opinion, this overreach is in direct conflict with the City adopted Housing Element because it makes residential development, which we desperately need, more difficult and more expensive by requiring the applicant to pay for and submit various things that are not actually required by any legal authority even though staff is requesting them. This is not being business-friendly, housing-friendly, or customer/public-friendly. The City can and should do better and help facilitate the development of additional local housing stock rather than throwing up regulatory or procedural roadblocks that don't even have a clear basis in the ILUDC, Inland General Plan, or applicable state requirements.

Regardless, the Planning Commission should approve this Minor Subdivision so the property owners can actually enjoy the use and benefits of their property, albeit after what appear to be unreasonable delays.

Best regards,

--Jacob

Gonzalez, Joanna

From: Jenny Shattuck <jenxvann@yahoo.com>
Sent: Thursday, November 12, 2020 5:42 PM
To: Gonzalez, Joanna
Subject: Halsey Way Subdivision

Dear Commissioners .

I usually would not comment on a housing subdivision, but after reading through all the reports, it seems like this staff report goes against everything our council and city have proclaimed for years, that we are promoting housing. Forgive me if I am mistaken, but is this not to simply move a home and split the existing large parcel into 3 parcels, that would each be larger than a standard city lot?

Having landscaping requirements that require the landscape to be bought locally seems a bit overkill. What if the native landscape was not available here? What if they wanted to plant a simple apple tree? Or native strawberries? These seems like overreach and not an actual requirement for a home. Perhaps more in line with a commercial building.

I do hope this plan is approved as our housing is below 1 percent vacancy and during housing element plan meetings I believe I heard from our former community development dept. director that the city was in fact required to remove burdens to the construction of more housing. This is not high density housing, this is single family homes, which are in high demand and sorely needed. It seems that without all the requirements and hoops the applicant has had to go through they would actually have added housing stock to our community by now. I support this project and hope in the future the city and commission will see that so many hurdles to simply move or build a home are part of what has slowed, if not in many cases stopped development of much needed units.

Jenny Shattuck