City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Agenda

Planning Commission

Wednesday, August 24, 2016 | **6:00 PM** | **Town Hall, 363 N.Main Street**

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. APPROVAL OF MINUTES

1A. 16-341 Approve Minutes of August 10, 2016

Attachments: PCM_08102016

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

3. PUBLIC HEARINGS

3A. 16-314 Receive Report, Conduct Public Hearing and Consider Coastal Development Permit 5-16 (CDP 5-16) for the removal and replacement of ten trees at 500 Casa del Noyo Drive

Attachments: CDP 5-16 - Noyo Harbor Inn Staff Report

Attachment 1 - Site Map

Attachment 2 - Visual Analysis

4. CONDUCT OF BUSINESS

5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

ADJOURNMENT

The adjournment time for all Planning Commission meetings is no later than 9:00 p.m. If the Commission is still in session at 9:00 p.m., the Commission may continue the meeting upon majority vote.

STATE OF CALIFORNIA)
)ss.
COUNTY OF MENDOCINO)

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on August 19, 2016.

_____
Brenda Jourdain
Administrative Assistant

NOTICE TO THE PUBLIC

Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Community Development Department at 416 North Franklin Street, Fort Bragg, California, during normal business hours. Such documents are also available on the City's website at www.fortbragg.com subject to staff's ability to post the documents before the meeting.

ADA NOTICE AND HEARING IMPAIRED PROVISIONS:

It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.

If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.

The Council Chamber is equipped with a Wireless Stereo Headphone unit for use by the hearing impaired. The unit operates in conjunction with the Chamber's sound system. You may request the Wireless Stereo Headphone unit from the City Clerk for personal use during meetings.
This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).

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Text File

File Number: 16-341

Agenda Date: 8/24/2016 **Version:** 2 **Status:** Minutes to be Approved

In Control: Planning Commission **File Type:** Minutes

Agenda Number: 1A.

Approve Minutes of August 10, 2016

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Meeting Minutes
Planning Commission

Wednesday, August 10, 2016 | **6:00 PM** | **Town Hall, 363 N.Main Street**

MEETING CALLED TO ORDER

Chair Hoyle called the meeting to order at 6:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present 4 - Chair Derek Hoyle, Commissioner Stan Miklose, Vice Chair Teresa Rodriguez, and Commissioner Heidi Kraut

Absent 1 - Commissioner Mark Hannon

1. APPROVAL OF MINUTES

1A. 16-250 Approve Minutes of June 08, 2016

A motion was made by Commissioner Miklose, seconded by Commissioner Kraut, that these Minutes be approved. The motion carried by the following vote:

Aye: 4 - Chair Hoyle, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Kraut

Absent: 1 - Commissioner Hannon

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

3. PUBLIC HEARINGS

3A. 16-316 Recieve Report and Consider Certification of the SEIR Addendum and Approval of CDP 3-16 for the implementation of: 1) the Removal Action Workplan for Operable Unit E; 2) the Cultural Resources Coordination Plan; 3) the Wetland Mitigation and Monitoring Plan; and 4) the decommissioning of various monitoring wells and pits at the Georgia-Pacific Mill Site.

Community Development Director Jones presented and summarized the remedial actions, mitigation procedures, monitoring plan, and well decommissioning proposed in the Workplan. Tom Lanphar of the Department of Toxic Substances Control (DTSC) joined staff at the dais to provide expertise and answer questions of the Commissioners as they pertained to his continued work on the Removal Action Workplan (RAW).

Chair Hoyle opened the Public Hearing at 6:27

George Rinehart- Spoke in support of expediting the clean-up and the gravel trail around the Mill Pond.

Chari Hoyle closed public hearing at 6:33 PM.

Discussion-Commissioners asked for additional details about the following;

- Clarified changes to Special Condition 2 - striking the requirement for City Council approval
- Clarified changes to Special Condition 4 - adjusting the cumulative vegetation coverage percentage requirements
- Water source for recommissioning wetlands
- Excavation process for a wetland
- Size of pits being filled and fill material(s)
- History of using a RAW for mitigation measures
- If Coastal Trail construction is a factor in the timing of this decision
- Are clean up thresholds consistent with the intended future uses
- Length of time necessary to determine if secondary studies will be necessary
- Process for decommission the wells

Following the Discussion, City Staff, DTSC Staff, and Commissioners supported using the RAW.

A motion was made by Commissioner Kraut, seconded by Commissioner Miklose, that the SEIR be certified and CDP 3-16 be approved as amended, with the modifications of Special Condition 2 and 4, subject to the following findings and conditions:

FINDINGS

1. The remediation of OUE is necessary to eliminate safety concerns stemming from past contamination on the Mill Site. The remediation will remove a condition of blight on the property;

2. The proposed project is consistent with the purpose and intent of the Timber Resources Industrial (IT), as well as all other applicable provisions of Title 17 of the Fort Bragg Municipal Code, and applicable provisions of the Fort Bragg Municipal Code in general;

3. The proposed project is in conformity with the certified Local Coastal Program (LCP);

4. 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;

5. As proposed, the development will not have any unmitigated adverse impacts to any known historical, archaeological or paleontological resource;

6. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act as provided by an SEIR Addendum (to the Fort Bragg Coastal Trail Phase II SEIR) that has been prepared for the project; and
7. The proposed development is in conformity with the public access and public recreation policies of the LCP and Chapter 3 of the California Coastal Act.

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 located between the first public road and the sea, that 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; and
10. Supplemental findings for projects located between the first public road and the sea required by Section 17.56.070 of this Development Code.

SPECIAL CONDITIONS
1. Special Condition 1: Georgia-Pacific shall record a deed restriction on the OU-E Lowlands (the area illustrated as "A OUE Lowland" in Figure 2-2 of Attachment 1) limiting use of this area to Open Space.
2. Special Condition 2: DTSC must approve the OUE RAW prior to City approval of the Grading Permit for the implementation of the OUE RAW.
3. Special Condition 3: Prior to removal or decommissioning of monitoring and injection wells, the applicant shall obtain approval from DTSC.
4. Special Condition 4: The applicant shall achieve native vegetation percent cover for the Seasonal/Seed Wetland (Wetland E-6 and Establishment Area) as follows: Year 1, 15% native plant cover; Year 2, 30% native plant cover; Year 3, 40%; Year 4 50%, and Year 5, 60% native plant cover. Additionally the applicant shall target the following invasive plants for targeted control from Wetland E-6 and the Establishment Area and insure that the total cover of these very invasive plants is less than 5% of these areas for each year of the five year monitoring period: Carpobrotus chilensis (sea fig), Carpobrotus edulis (iceplant), Foeniculum vulgare (fennel), Carduus pycnocephalus (Italian thistle), Cirsium vulgare (bull thistle), Pseudognaphalium luteoalbum (Jersey cudweed), Sonchus asper ssp. Asper (prickly sow thistle), Sonchus oleraceus (common sow thistle), Brassica nigra (black mustard), Raphanus sativus (wild radish), Myriophyllum aquaticum (parrot's feather), Cortaderia jubata (Pampas grass), Cotoneaster

pannosus (silver-leaf cotoneaster) and Rubus armeniacus (Himalayan blackberry)
5. Special Condition 5: The applicant shall implement, concurrently with the OUE RAW, the wetland restoration, creation and monitoring work tasks in the Operable Unit E Mitigation and Monitoring Plan and the SEIR Addendum.
6. Special Condition 6: Implement the requirements of the water board, which include:
1. If riparian trees are planted to replace removed trees greater that 4" diameter at breast height (dbh), than 85% of individual replacement trees must survive through the end of the 5 year monitoring period.
2. Conduct the final wetland re-delineation at the end of the spring growing season for optimal vegetation identification and to document optimal vegetative cover.
7. Special Condition 7: The applicant shall implement the Cultural Resources Coordination Plan and the Cultural Resources Mitigation Measures of the SEIR Addendum concurrently with the RAW.
8. Special Condition 8: The applicant shall obtain permission from the City Engineer to continue work into the rainy season and the applicant shall comply with the stormwater management mitigation measure from the SEIR Addendum.
9. Special Condition 9: Particles generated in the remediation process will be minimized via dust suppression control. The applicant shall comply with the air quality mitigation measures required in the SEIR Addendum.
10. Special Condition 10: All mitigation measures of the SEIR Addendum and the Mitigation and Monitoring Plan shall be implemented with the OUE RAW.

STANDARD CONDITIONS
1. This action shall become final on the 11th working day following the Coastal Commission's receipt of the Notice of Final Action unless an appeal to the Coastal Commission is filed pursuant to Chapter 17.61.063 and 17.92.040. This action is appealable to the California Coastal Commission pursuant to Chapter 17.92.040.
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.
3. 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.
4. 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.
5. 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.
6. This Coastal Development Permit approval shall lapse and become null and

void 24 months from the date of approval unless before the passing of 24 months, construction has commenced and is diligently pursued towards completion or an extension is requested and obtained.

The motion carried by the following vote:

Aye: 4 - Chair Hoyle, Commissioner Miklose, Vice Chair Rodriguez and Commissioner Kraut

Absent: 1 - Commissioner Hannon

4. CONDUCT OF BUSINESS

None.

5. MATTERS FROM CHAIR/COMMISSIONERS/STAFF

Community Development Director Jones announced the upcoming Scoping Session for the Hare Creek Center on September 19, 2016 at 6 PM in Town Hall. Jones polled the Commissioners to determine if a quorum would be present at the scoping session.

ADJOURNMENT

Chair Hoyle adjourned the meeting at 6:45 PM.

_____
DEREK HOYLE, Chair

_____
Chantell O'Neal, Administrative Assistant

IMAGED (_____)

City of Fort Bragg

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Text File

File Number: 16-314

Agenda Date: 8/24/2016 **Version:** 1 **Status:** Public Hearing

In Control: Planning Commission **File Type:** Planning Staff Report

Agenda Number: 3A.

Receive Report, Conduct Public Hearing and Consider Coastal Development Permit 5-16 (CDP 5-16) for the removal and replacement of ten trees at 500 Casa del Noyo Drive

MEETING DATE:	**August 24, 2016**
PREPARED BY:	**S. Perkins**
PRESENTED BY:	**S. Perkins**

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.:	Coastal Development Permit (CDP 6-15)
OWNER:	Joseph Marino, County Properties, LLC
APPLICANT/AGENT:	Mike Abell, Abell Builders
REQUEST:	Coastal Development Permit to remove eight (8) redwood trees and two (2) cedar trees that are in a state of decline, and replace in kind.
LOCATION:	500 Casa del Noyo Drive
ASSESSOR'S PARCEL NO.:	018-140-56
APPEALABLE PROJECT:	☒ Can be appealed to City Council ☒ Can be appealed to the Coastal Commission
ZONING:	Harbor District (HD) and Open Space (OS)
ENVIRONMENTAL DETERMINATION:	This project is exempt from CEQA per Statutory Exemption §15304(b) Minor Alterations to Land, which exempts new gardening or landscaping.
SURROUNDING LAND USES:	North: Residential South: Noyo River / Docks East: Noyo River / Docks West: Retail / Harbor Industries

HISTORY AND ASSOCIATED PERMITS

According to the Geologic and Soils Investigation prepared by David Paoli, P.E., in 1989, the Noyo River Lodge was built in 1868 and survived the 1906 earthquake without notable damage. The following permits apply to the property:

U 62-76: Use Permit allowing the establishment of a restaurant, bar and gift shop at the existing inn. The application indicates the "Casa Del Noyo" had previously been operating as a visitor accommodation for twenty-five years.

CDP 12-83/USP 12-83: Coastal Development and Use Permit for a twelve unit detached addition to the existing inn. This permit was approved but never constructed. The staff report

noted that a restaurant/bar with 830 square feet of dining area and 360 square feet of bar area existed at the time of permit approval.

CDP 11-89: Coastal Development Permit approving the demolition of an unused/vacant 1,200 square foot shed.

CDP 26-89/USP 16-89/SA 9-89: Coastal Development and Use Permit approving two detached buildings: the first includes a reception area, laundry and a handicapped lodging unit, the second contains five lodging units. These buildings were constructed. The staff report indicates the existing use before approval included a seven unit lodge, restaurant and cocktail lounge, all located in the historic two-story building.

CDP 7-92: Coastal Development Permit approving an attached 234 square foot addition to an existing structure (the five unit detached structure approved in 1989) as a laundry room.

CDP 11-08/UP 9-08: Coastal Development and Use Permit legalizing two unpermitted lodging units, including one unit reconfigured from a manager's quarters within the older northeast wing of the Lodge at Noyo River, and one unit within a former reception area of a newer building (reception area associated with CDP 26-89/USP 16-89). According to this CDP, there were fifteen units permitted prior to the legalization of the two unpermitted units: nine units in the original inn, and five units plus a manager's unit in the newer detached buildings. The two units approved by this application bring the number of approved units to seventeen. The commercial kitchen/restaurant/bar was eliminated through this permit, and water and sewer capacity fees for the commercial kitchen/restaurant/bar were applied by the City, at the applicant's request, to serve the two new inn units.

CDP 8-11/USP 5-11/DR 9-11: Coastal Development, Use and Design Review Permits approving exterior renovations including installation of new roofing, additional windows, new shingle siding, decks, external stairs, external false façade, landscaping, ADA compliant parking and sidewalk entrance to the lodge and barn, repaving of all parking and access roads, removal of a number of trees along the access road and replacement with huckleberry bushes, and installation of a new stormwater bioswale. The approved project also included a Use Permit to re-establish a restaurant and bar at the Noyo Harbor Inn. At this time the applicant paid the water and sewer capacity charges to reopen the restaurant and bar and paid the one-time Drainage Fee, which had not yet been paid for this parcel.

CDP 8-11/12, USP 5-11/12, DR 9-11/12, COA 1-12: Coastal Development, Use and Design Review Permit amendment approving an increase in the dining room area for the visitor serving inn/restaurant and associated required changes per Environmental Health, including storage and restroom changes. Approximately 241 square feet of area, within the approved deck footprint, was approved as interior space to accommodate a lobby expansion, and 356 square feet of new storage space was approved under the second story deck. Three additional parking spaces were required for the dining room expansion. A new outside dumpster enclosure was approved. The number of inn units decreased from sixteen to fourteen to accommodate the dining room/bar expansion. Associated work included approximately twenty-three minor exterior alterations to the historic inn, including windows and other alterations.

CDP 8-11/12/13, UP 5-11/12/13, DR 9-11/12/13, COA 1-13): Coastal Development, Use and Design Review Permit amendment approving renovations and additions to the existing historic inn and restaurant, including an increase from fourteen to fifteen inn rooms, and a twenty-four square foot increase (from 1171 to 1195 square feet) of the dining room/bar area. Associated

improvements include interior and exterior alterations, revised parking and circulation design, an increase of parking from thirty-three to forty-two spaces, new detached dumpster/generator enclosure, new trash can enclosure with utility cart parking and electric vehicle charging station, new retaining walls, replacement of the failed sewer line, relocation of the public access trail, extensive tree removal (23+ trees) to accommodate construction of a bioswale (which was never built), and new landscaping. Temporary closure of the public accessway for a period of approximately sixty days was granted to accommodate construction. Permission to accommodate accessory events as an accessory use was also approved.

CDP 8-11/12/13/14: Coastal Development Permit amendment approving a revision to Special Condition 9 for the ESHA buffer for the Noyo Harbor Inn project. This project includes renovations and additions to the existing historic inn and restaurant.

CDP 5-15: Coastal Development Permit approving an expansion of the landscaping plans for the Noyo Harbor Inn, including installation of approximately 3,500 square feet of grass-pave (500 square feet of newly requested grass-pave and replacement of already approved pavers with grass-pave for the remaining 3,000 square feet), a fountain, planter boxes, seat walls and associated improvements.

APPEALABLE PROJECT:

☒ **Can be appealed to City Council**
☒ **Can be appealed to California Coastal Commission – the project is located within 300 feet of the Mean High Tide Line of the sea within the harbor.**

PROJECT DESCRIPTION

The applicant requests a Coastal Development Permit for the removal and replacement of ten (10) existing trees—eight (8) redwoods and two (2) cedars—that are windblown and declining. The applicant submitted a report from Sean Barrett, a certified arborist, stating the following:

> *The vigor of the 10 trees—of both species assessed--are in serious decline due to removal of a row of large cypress by the county that acted as a buffer to strong prevailing winds and salt spray off the ocean. These trees are now fully exposed to the elements of this coastal site. Recent drought years have most likely contributed to the demise of tree vigor. Construction and landscaping in this area may have impacted outer root systems. Almost all of the canopy from lower to upper middle of trees has died back, leaving many dead branches which will continue to shed and be a nuisance and a hazard for targets in and around drip line of trees. Occupancy rate for targets below are constant due to the outdoor sitting area and paths where guests of the lodge will be. The cedars will pose a larger hazard due to co-=dominate arrangement of trunks with included bark that weakens attachments at base, and above. The redwoods may live in a state of low vigor for years and probably never will return to a more healthy status. These trees will almost always appear to be struggling for life.*
>
> *I believe these trees will continue to decline without the possibility of returning to a state of healthy vigor. It is my opinion that these trees, if not remove d, will be a safety [hazard] as long as they stand. I recommend removal and replaced with trees that will have the ability to acclimate to new site conditions.*

Please note that the applicant removed the buffer of trees as part of CDP 8-11/12/13 in order to establish a bioswale that was never installed. In the passage above, the arborist incorrectly attributes the tree removal to the County. The applicant wishes to remove the damaged trees to abate a hazard, as recommended by the arborist. The applicant proposes to replace the trees in kind. In kind replacement is proposed to consist of allowing existing sprouts at the base of each

Redwood tree to grow into a new tree and to replace the two Cypress trees with two Wax Mertyl trees.

LAND USE

The project site is a split-zoned property and is located in both the Harbor District (HD) and Open Space (OS) zoning districts. It also lies entirely within the California Coastal Zone. According to the Coastal Land Use and Development Code (CLUDC), lodging facilities are allowable with a Use Permit (allowed only a parcel with no harbor basin water frontage, and/or with its buildable area over twenty-five feet above the mean high tide line), and restaurants are allowed within the Harbor District with a Minor Use Permit. The existing historic inn and the most westerly portion of the existing roadway appear to be located partially within the Open Space zoning district (**Figure 1**); however, the historic inn and roadway predate our Local Coastal Program (LCP) and current zoning code requirements. The proposed vegetation removal would occur within the existing development footprint and would not expand the existing land uses.

Figure 1. Zoning and Aerial

CULTURAL RESOURCES

The proposed development includes minor ground disturbing activities. Two studies were conducted for archaeological resource impacts during review of previous development permits: Joe Odegard, Preservation Architect, conducted an analysis of the proposed exterior changes of the inn for consistency with the Secretary of the Interior's Standards for Historic Buildings, and Thad Van Bueren, Registered Professional Archaeologist, conducted an archaeological survey of areas where ground disturbance is proposed.

The previously-approved exterior changes to the historic building were found to be compatible with the Secretary of Interior standards by Joe Odegard, and this project proposed no alterations to the existing structures.

Although no archaeological resources were discovered during archaeologist Van Bueren's survey, there is a potential for concealed sub-surface archaeological resources on the site and measures are recommended by the archaeologist including monitoring during ground disturbance, and procedures that should be followed if archaeological resources are discovered during ground disturbing activities. However, the recommended mitigation states in part, "activities that may cause minor superficial (shallow) ground disturbance do not need to be monitored by an archaeologist. Those minor disturbances include, but are not necessarily limited to…tree falling." Since the project is limited to the removal of ten trees and planting of two replacement trees, the mitigation measure recommended by the archaeologist is not required.

During review of previous active permits on the property, the Sherwood Valley Band of Pomo Indians was consulted regarding the project and have requested that a tribal monitor be present during ground disturbing activities. As a result, the consulting archaeologist recommended a tribal monitor for the following ground disturbing activities: "cutting grades for new roadways, parking areas, footpaths, and landscaping terraces; and any trenching for foundations for retaining walls in the central landscaped area of the parcel and additional utility lines (if required)." Since the proposed tree removal and replacement does not include any development listed above, no tribal monitor is required.

Staff recommends **Condition 1**, consistent with CLUDC Section 17.50.030(E), in the event that archaeological, paleontological, or other potentially significant historic resources are discovered during tree removal.

> **Condition 1**: All development activity within the City shall comply with the following requirements.
>
> 1. When, in the course of digging, grading, or any other activity in advance of construction of an approved development project, evidence of archaeological, paleontological, or other potentially significant historic resources is discovered, all work which could potentially damage or destroy the resources shall cease immediately.
> 2. The Director shall be notified immediately of the discovery and engage an archaeologist to determine if the discovery is significant and the correct course of action to avoid, minimize and/or mitigate damage to the resource
> 3. The Director shall notify the State Historic Preservation Officer and federally-recognized Native American tribes who have expressed an interest in the project of the discovery.

4. All work which could potentially damage or destroy the resources shall be halted until appropriate avoidance, minimization, and/or mitigation measures can be developed and implemented.

ENVIRONMENTALLY SENSITIVE HABITAT AREAS

The proposed parcel is located in a mapped Environmentally Sensitive Habitat Area (ESHA) as shown on Map OS-1 from the Coastal General Plan (**Figure 2**). The ESHA designation is in association with the proximity to the Noyo River. The Noyo River provides habitat for Federally Endangered Coho salmon, Federally Threatened Northern California steelhead, Federally Threatened California coastal Chinook salmon and Federally Endangered tidewater goby. The Noyo River was listed as impaired by the EPA in 1998.

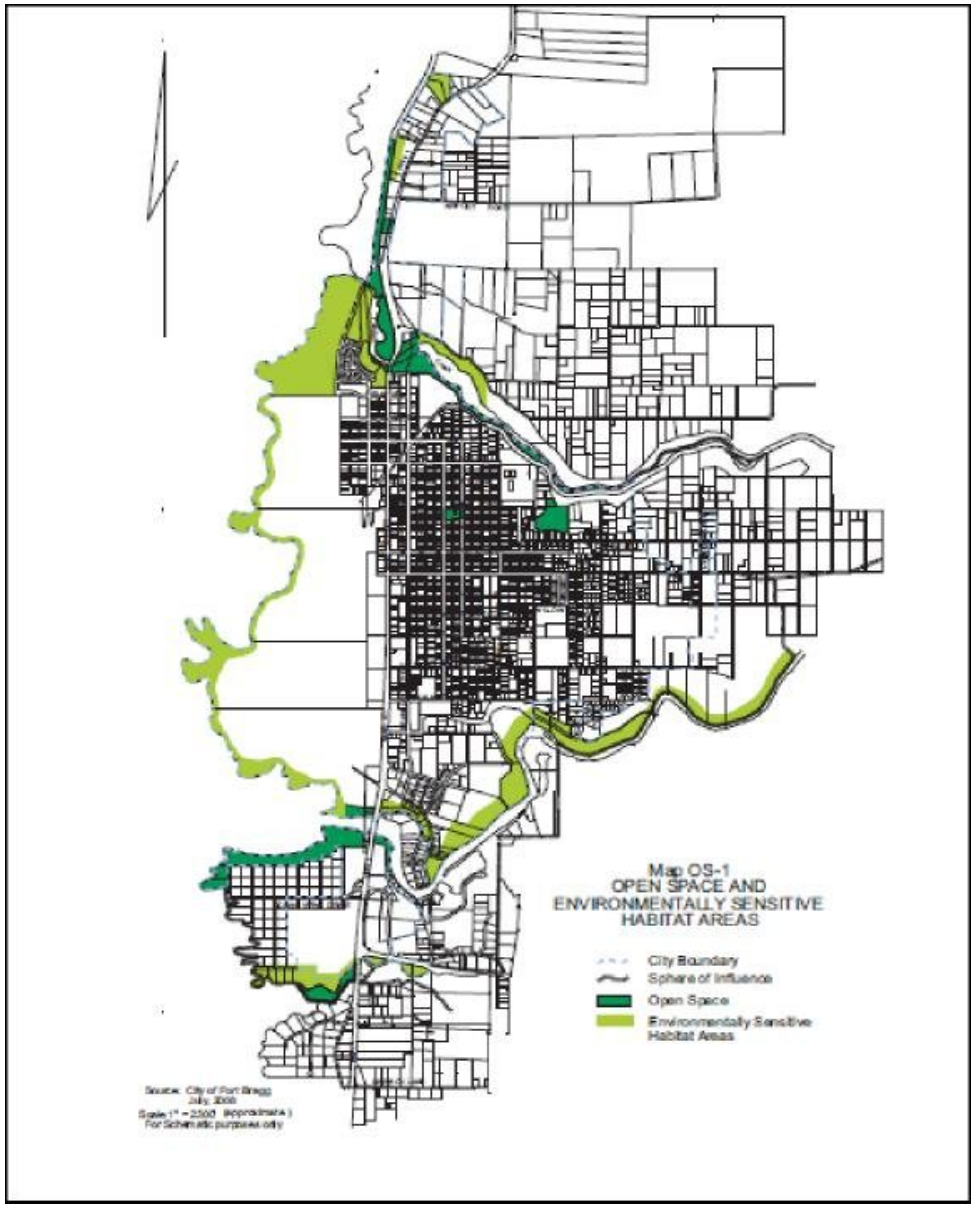


Figure 2. Coastal Land Use and Development Code, Map OS-1

The applicant proposes to remove ten trees upslope of the Noyo River. The applicant has provided studies to determine the extent of biological resources in the project area in conjunction with previously-approved permits, and measures are recommended to assure that the project will not result in detrimental impacts to biological resources in the project area. A Biological Scoping Survey by SHN Consulting Engineers and Geologists, Inc. dated October 25, 2013 was submitted and is located in the project file. Addendum 1 to Biological Scoping Survey, by SHN Consulting Engineers and Geologists, Inc., dated March 3, 2014, was submitted and is also located in the project file. Additionally, the proposed project was reviewed by the California Department of Fish and Wildlife (CDFW), and measures are outlined in the June 30, 2016 email by Angela Leibenberg of CDFW (located in the project file) for the protection of fish and wildlife species under the California Environmental Quality Act.

The Biological Scoping Survey and Addendum indicate that the project area was surveyed for plant and wildlife species of concern, as well as wetlands and riparian areas. Special status habitats found in or near the project area include the Noyo River, which serves as a habitat area for protected fish species, and the adjacent riparian area, which is protected as an ESHA. The tree removal would not take place in the ESHA or ESHA buffer.

The project area contains potential habitat for the state protected purple martin (CDFW Species of Special Concern) and nesting birds protected by the Migratory Bird Treaty Act. The project area also contains potential habitat for special status bats, including the hoary bat (*Lasiurus cinereus*). CDFW recommended the following approval conditions to reduce impacts to biological resources and ensure the success of the replacement vegetation:

> **Condition 2**: Removal of existing trees should occur after August 31 and before February 1 to avoid impacts to nesting birds. If trees must be removed outside of this date range, surveys for nesting birds should be conducted within two weeks prior to tree removal (see **Condition 3**).
>
> **Condition 3**: Trees may be removed between February 1 and August 31 provided that the applicant has a qualified biologist survey the proposed work area to verify the absence of nesting birds. The results of this survey shall be conveyed to the Community Development Department prior to falling of trees between February 1 and August 31. If nesting birds are observed, the applicant shall consult with CDFW and the Community Development Department before proceeding.
>
> **Condition 4**: The appropriate planting window is generally after the first seasonal rains have saturated soils beyond the first several inches. If revegetation will occur outside of this season, trees should be watered as needed until seasonal rains begin in order to facilitate establishment. Any damaged or dead trees should be replaced, at minimum, on an annual basis.

HAZARDS

The project is not expected to result in the use or release of hazardous materials. The project includes removal of hazardous trees and replacement with trees in kind that will acclimate to the new site conditions. **Condition 5** requires that tree removal shall occur at a time when the property is closed to the public.

> **Condition 5**: Tree removal shall occur at a time when the property is closed to the public.

Map 59P of the Flood Insurance Study (June 2, 2011) shows the 100 year flood zone at 15 to 17 feet above sea level in the project vicinity. The proposed vegetation removal is beyond the 17 foot elevation. The project is not located in a tsunami inundation zone according to California Emergency Management Agency maps, and no further mitigation is required.

VISUAL RESOURCES

The proposed development is located just outside an area mapped as having "potential scenic views toward the ocean or the Noyo River" per Map CD-1 of the Coastal General Plan (**Figure 3**).

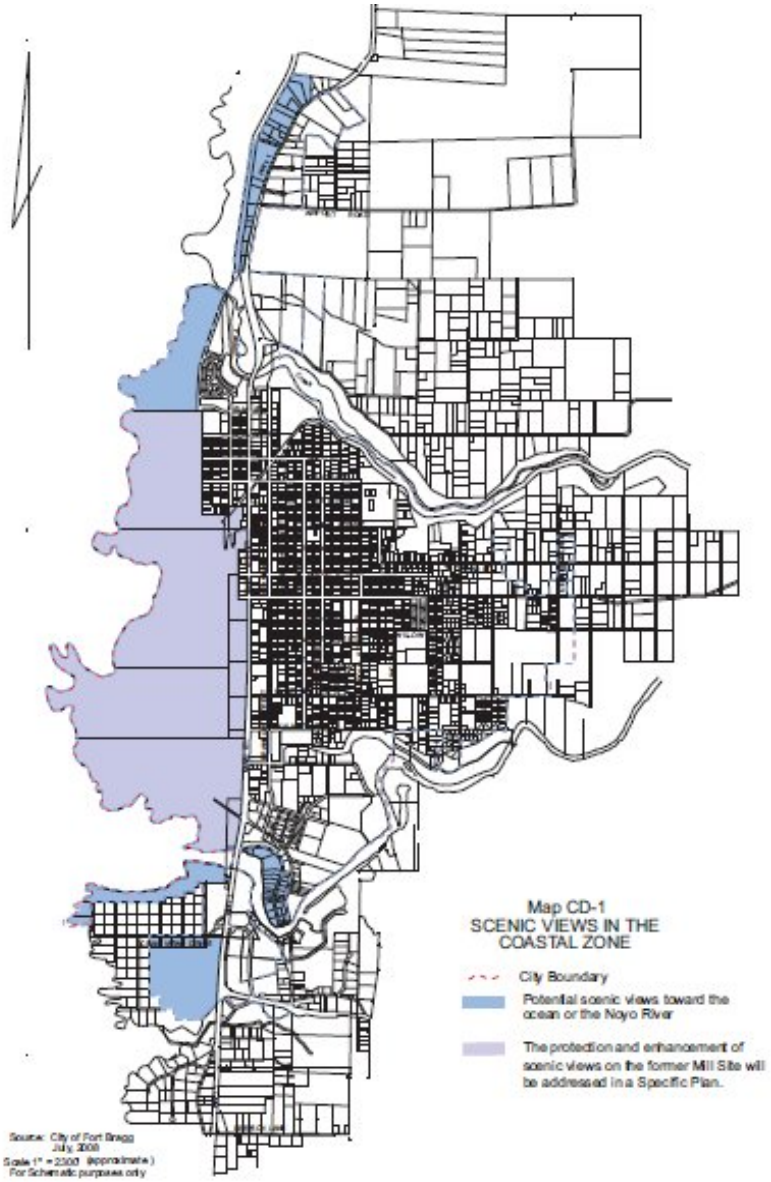


Figure 3. Coastal Land Use and Development Code, Map CD-1

Since the subject parcel is outside the mapped scenic area, CLUDC Section 17.50.070(C) requiring a visual analysis does not apply; however, the project is located in an "area within viewing distance from the bluff," triggering the applicability of two CLUDC visual resource code sections: Section 17.50.070(D) includes four required approval findings and 17.50.070(E) includes four development standards. **Attachment 2: Visual Simulations** is included to aid in reviewing the project. The following discussion addresses these findings and standards:

17.50.070(D)(1) [The proposed project] minimizes the alteration of natural land forms;

The proposed removal of ten trees will not alter natural land forms. Minimal grading may be required following the tree removal to return the land to its original form. Staff recommends the Planning Commission make this finding.

17.50.070(D)(2) [The proposed project] is visually compatible with the character of the surrounding area;

The present condition of the parcel is not representative of the planned future condition. The previous development permits approved for the parcel require intensive revegetation as conditions of approval.

Once the vegetation reaches maturity, components of the inn will be visible from public places, but the parking lot should be largely screened by the vegetation. Since the surrounding area is characterized by a mixture of development and natural areas, the intermittent views of the inn through the replacement vegetation will be visually compatible with the existing conditions.

17.50.070(D)(3) [The proposed project] is sited and designed to protect views to and along the ocean and scenic coastal areas; and

The project includes a proposal to revegetate the site at a one-to-one ratio, with leaving the eight redwood stumps to re-sprout and planting two Wax Mertles to replace the cedars. In time, the replacement trees will restore the visual quality of the site. Previous permits approved for this property required extensive revegetation. The revegetation proposed as part of this application will complement the screening required by other permits, and will together increase the visual quality of the site.

17.50.070(D)(4) [The proposed project] restores and enhances visual quality in visually degraded areas, where feasible

The existing vegetation proposed for removal is "in serious decline due to removal of a row of large cypress by the [applicant] that acted as a buffer to strong prevailing winds." As can be seen in **Attachment 2**, the trees the applicant proposes to remove are of poor quality in comparison to the surrounding vegetation. Removal of these trees and their replacement with new trees "that will have the ability to acclimate to new site conditions" will restore and enhance the visual quality of the site (Barrett). The removal of the row of cypress trees by the applicant has resulted in a more windy location, which will result in a lower and more compact growth habitat by the redwood sprouts as they grow. However the tree sprouts will take at least ten to 15 years to reach a level of maturity where they will be visible above the roofline of the inn. Thus visual quality will be slowly restored with time. Additionally, it is possible that the trees will not successfully regrow in the area due to root damage, wind and sun. Thus Special Condition 6 has been added.

Special Condition 6: The applicant shall replace any trees that die within a ten year timeframe and replace them with new native coastal trees with a growth habit of at least 20 feet high, or as approved by the Director of Community Development.

17.50.070(E)(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 feasible extent.

The CLUDC includes "the removal or harvesting of major vegetation other than for agricultural purposes" as part of the definition of "development." While the proposed project qualifies as development, there are no alternatives for siting or designing the project to minimize adverse impacts. The trees are proposed to be removed where they are located, and will be replaced in kind. Impacts on scenic areas are minimized to the maximum feasible extent.

17.50.070(E)(2) Fences, walls, and landscaping shall minimize blockage of views of scenic areas from roads, parks, beaches, and other public viewing areas.

The project proposes no new fences or walls, and the proposed new landscaping will replicate the existing vegetation, but with the ability for the new growth to acclimate to the site conditions. Views of scenic areas from roads, parks, beaches and other public viewing areas will be without the existing dying vegetation, and will be replaced by healthy trees in kind.

17.50.070(E)(3) Development shall minimize removal of natural vegetation. Existing native trees and plants shall be preserved on the site to the maximum extent feasible.

The proposed tree removal is a result of previous vegetation removal on the site by the applicant. The arborist writes that the existing trees "are in serious decline due to removal of a row of large cypress by the {applicant] that acted as a buffer to strong prevailing winds and salt spray," and "recent drought years have most likely contributed to the demise of tree vigor. Construction and landscaping in this area may have impacted outer root systems."

The project arborist writes, "dead branches…will continue to shed and be a nuisance and a hazard for targets in and around the drip line of trees," and "it is my opinion that these trees, if not removed, will be a safety [hazard] as long as they stand."

Since the CLUDC requires that existing native trees and plants be preserved, the applicant proposes to replace the trees by allowing the redwood stumps to resprout and by planting replacement wax myrtles for the Cypress. Provided the revegetation occurs in compliance with CDFW's recommended approval conditions, the new vegetation will grow and replace the existing native trees over a ten to 15 year period.

17.50.070(E)(4) Exterior lighting…shall be minimized, restricted to low intensity fixtures and shielded so that no light shines beyond the boundaries of the property.

There is no lighting proposed with the project.

RECOMMENDATION

Staff recommends the Planning Commission approve Coastal Development Permit CDP 5-16 based on the following Findings and subject to the Special and Standard Conditions cited below:

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 Coastal 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. The project complies with Specific Use Regulations established for the project.
5. For the purposes of the environmental determination, this project is exempt from the California Environmental Quality Act (CEQA), pursuant to §15304(b) Minor Alterations to Land, which exempts new gardening or landscaping.

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. If the project is located between the first public road and the sea, that 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;
8. Supplemental Visual Resource Findings (17.50.070(D)):
    a. The proposed project minimizes the alteration of natural landforms;
    b. The proposed project is visually compatible with the character of the surrounding area;
    c. The proposed project is sited and designed to protect views to and along the ocean and scenic coastal areas; and
    d. Restores and enhances visual quality in visually degraded areas, where feasible.

SPECIAL CONDITIONS

1. All development activity within the City shall comply with the following requirements.
    a. When, in the course of digging, grading, or any other activity in advance of construction of an approved development project, evidence of archaeological, paleontological, or other potentially significant historic resources is discovered,

all work which could potentially damage or destroy the resources shall cease immediately.

b. The Director shall be notified immediately of the discovery and engage an archaeologist to determine if the discovery is significant and the correct course of action to avoid, minimize and/or mitigate damage to the resource

c. The Director shall notify the State Historic Preservation Officer and federally-recognized Native American tribes who have expressed an interest in the project of the discovery.

d. All work which could potentially damage or destroy the resources shall be halted until appropriate avoidance, minimization, and/or mitigation measures can be developed and implemented.

2. Removal of existing trees should occur after August 31 and before February 1 to avoid impacts to nesting birds. If trees must be removed outside of this date range, surveys for nesting birds should be conducted within two weeks prior to tree removal (see **Condition 3**).
3. Trees may be removed between February 1 and August 31 provided that the applicant has a qualified biologist survey the proposed work area to verify the absence of nesting birds. The results of this survey shall be conveyed to the Community Development Department prior to falling of trees between February 1 and August 31. If nesting birds are observed, the applicant shall consult with CDFW and the Community Development Department before proceeding.
4. The appropriate planting window is generally after the first seasonal rains have saturated soils beyond the first several inches. If revegetation will occur outside of this season, trees should be watered as needed until seasonal rains begin in order to facilitate establishment. Any damaged or dead trees should be replaced, at minimum, on an annual basis.
5. Tree removal shall occur at a time when the property is closed to the public.
6. The applicant shall replace any trees that die within a ten year timeframe and replace them with new native coastal trees with a growth habit of at least 20 feet high, or as approved by the Director of Community Development.

STANDARD CONDITIONS

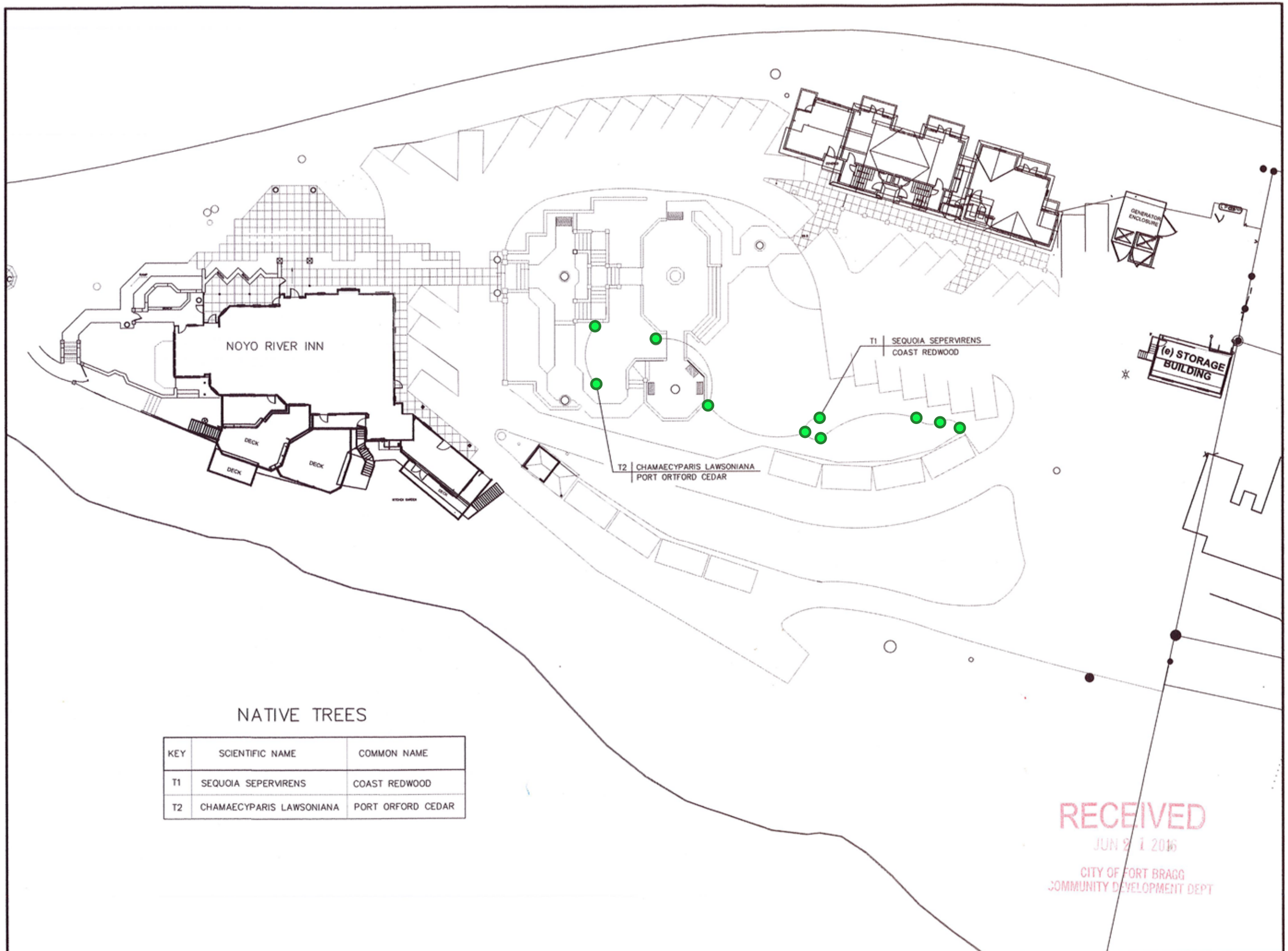
1. This action shall become final on the 11th working day following the decision unless an appeal to the City Council is filed pursuant to Chapter 17.92.030. This action is appealable to the California Coastal Commission pursuant to Chapter 17.92.040.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the certified LCP.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State and Federal agencies having jurisdiction. All plans submitted with required permit applications shall be consistent with this approval.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Department.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
   a. That such permit was obtained or extended by fraud.
   b. That one or more of the conditions upon which such permit was granted have been violated.

c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as to be a nuisance.
d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.

7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. This Coastal Development Permit approval shall lapse and become null and void two (2) years from the date of approval unless prior to the expiration of two (2) years, construction is commenced and diligently pursued towards completion or an extension is requested and obtained in accordance with CLUDC Section 17.76.070.

ATTACHMENTS

1. Site Map
2. Visual Analysis



NATIVE TREES

KEY	SCIENTIFIC NAME	COMMON NAME
T1	SEQUOIA SEPERVIRENS	COAST REDWOOD
T2	CHAMAECYPARIS LAWSONIANA	PORT ORFORD CEDAR

RECEIVED
JUN 2 1 2016
CITY OF FORT BRAGG
COMMUNITY DEVELOPMENT DEPT

INTEGRATED DESIGNS

GARDEN DESIGN
BUILDING DESIGN
CONSULTATION

31101 MIDDLE RIDGE
ALBION CA. 95410

(707) 937-4964

NOYO HARBOR INN

500 CASA DEL NOYO DRIVE
FORT BRAGG
CALIFORNIA 95437

CLIENT

LOCATIONS OF PROPOSED NATIVE TREES (10) TO BE REMOVED

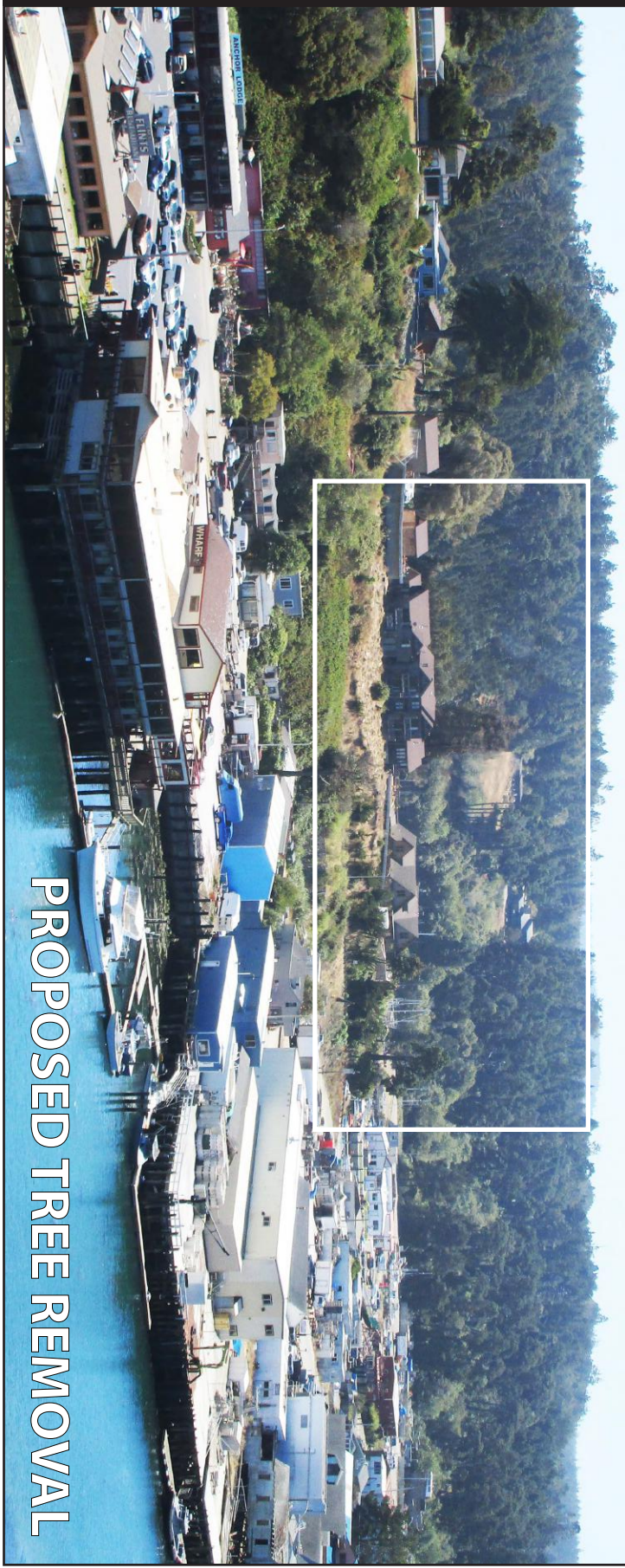
TITLE

DATE	BY	DESCRIPTION
6/14/16	LJ	REVISIONS

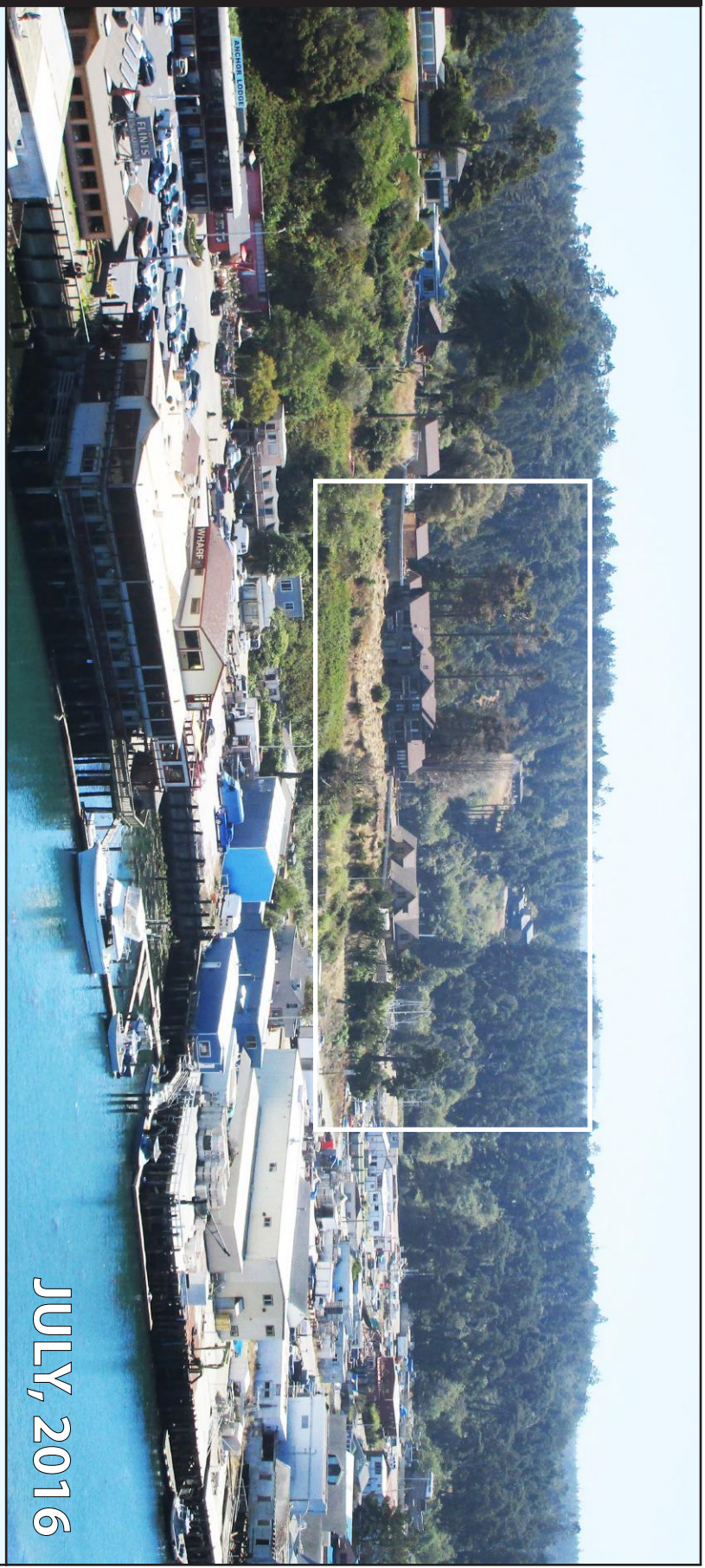
GR — DRAWN BY
6/13/16 — DATE

SHEET — OF

NOYO HARBOR INN
CDP 5-16
VIEW FROM LT. CHARLES L LARSON MEMORIAL BRIDGE



PROPOSED TREE REMOVAL



JULY, 2016