

SUPPLEMENTAL INFORMATION #1

For Zoning Administrator Agenda of: August 15, 2019

<input checked="" type="checkbox"/>	Consent Agenda Item	}
<input type="checkbox"/>	Continued Hearing Item	}
<input type="checkbox"/>	Public Hearing Item	}
<input type="checkbox"/>	Department Report	}
<input type="checkbox"/>	Old Business	}

Re: **Asara Tree Removal Coastal Development Permit and Special Permit**
Application Number 15623
Record Number: PLN-15623-CDP-SP
Assessor's Parcel Number (APN) 517-251-031 and 032
369 and 379 Roundhouse Creek Road, Big Lagoon area

Attached for the Zoning Administrator's record and review are the following supplementary information item(s):

1. Revised staff report attachment 2. Additional evidence that support the findings for approval has been included. Additions are indicated in **bold underline**.
2. Email from applicant dated 8/12/2019 providing anecdotal evidence regarding the potential fire hazard of the trees proposed for removal.

1. General Plan Consistency. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the North Coast Area Plan (NCAP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence which Supports Making the General Plan Conformance Finding
Land Use §5.20 (NCAP)	Residential Estates – minimum parcel size of one acre (RE(1)). Single family residences are a principal use. Density: 0-2 units/acre.	No impact to density. The proposed project is for fire hazard tree removal within <u>30 to</u> 150 feet of legally permitted habitable structures. No residential development is proposed.
Housing §3.24 (NCAP)	Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.	No impact to housing. The project is for fire hazard tree removal on a street stub that was dedicated to the public with the Big Lagoon Park Subdivision.
Hazards §3.26 (NCAP)	Per §3.26.A: developments permitted in the hazard areas shall be sited and designed to assure stability and structural integrity...while minimizing alteration of natural land forms.	Geology: The project site is located in a geologic area designated as having moderate instability. Fire: The site has a moderate fire hazard rating and the applicant has provided anecdotal evidence in the attached email. Flood: is within an area of minimal flooding according to FIRM Map # 060060 0300B. All referral agencies have recommended approval of the proposed project.
Biological Resource §3.40 (NCAP)	Protect designated sensitive and critical resource habitats.	No impact. Based on County resource maps, there are no known sensitive habitats or species on or within the subject parcels <u>which are fully developed with residences and appurtenant landscaping and structures</u> . The nearest mapped blue line stream is approximately 650 feet to the south upland and from of the center line of the street stub where the project site is located. The trees are no The <u>Coastal Commission</u> and California Department of Fish and Wildlife did not identify any issues with regard to sensitive species.

Cultural Resources §3.29 (NCAP)	Protect cultural, archeological and paleontological resources.	The project was referred to the Yurok Tribe, who did not respond, and to the NWIC, who recommended consulting with the Yurok Tribe for potentially further study. The project has been conditioned with the inadvertent discovery protocol.
Visual Resources §3.42 (NCAP)	Protect and conserve scenic and visual qualities of coastal areas.	No impact. The subject parcel is not located within a designated coastal scenic area. The development would not be visible from the road nor would it block any part of the view <u>from the public right of way. Tree removal will not provide an expanded view from the second floor of 379 Roundhouse Creek Road because there are several tall bushes and fully-grown trees located nearby, further north across the street. These trees and shrubs continue to block any direct view of the ocean. Additionally, the clump of 7 trees proposed for removal are located outside of (northeast) of the line of site to the ocean from the second floor. The attached email also provides information from the applicant declaring that the proposed tree removal is not to increase the viewshed.</u> Based on the above, staff believes that the proposal would be consistent with the visual resource protection requirements of the North Coast Area Plan.

2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms to all applicable standards and requirements of these regulations. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Code (HCC) Coastal Zoning Regulations.

Zoning Section	Summary of Applicable Requirement	Evidence that Supports the Zoning Finding
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§313-6.1 (HCC) Residential Single Family	Single family residential is a principally permitted use.	The potential impacts will be negligible to no more than minimal because the conditions of approval are in place to protect the environment while allowing the applicant to remove trees located in the same spot where the PG&E electricity line is located. <u>The tree removal could be considered accessory to the existing residential uses because the CalFire Structure Protection Exemption allows for selective tree removal for the purpose of protecting homes from fire and windthrow or falling trees.</u> — is a way to protect the and within 150 feet of the two legally permitted residences on both sides of the project site, thus reducing the chances for property damage from windthrow.
Minimum Parcel size and Lot Width	N/A	No impact.
Maximum Density	2 Dwelling Units/Lot	No impact.
Minimum Yard Setbacks	Front: Twenty feet (20') Rear: Ten feet (10') Interior side: Five feet (5')	No impact. Structures are not being erected.
Maximum Ground Coverage	Thirty-five percent (35%)	Not applicable.
§313-109.1 Parking	Four (4) off-street parking spaces are required for the proposed residential development.	Not applicable.
Maximum Structure Height	35 feet (35')	Not applicable.

Combining Zones

§313-39.1 X: No Further Subdivision Allowed	When the X designator is used, the minimum lot size shall not be listed in the table format.	No subdivision is proposed.
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<p>§313-39.1 D: Design Review</p> <p>5.1 Consistency with the applicable elements of the General Plan.</p> <p>5.2 Protection of Natural Landforms</p> <p>5.3 Exterior Lighting</p> <p>5.4 Landscaping</p> <p>5.5 Underground Utilities</p> <p>5.6 Setbacks</p> <p>5.7 Off-Premise Signs</p>	<p>5.1 The project is consistent and compatible with the visual resource element of the General Plan. The project shall be compatible with existing development in the immediate neighborhood.</p> <p>5.2 To minimize alterations due to cutting, grading filling and clearing, except to comply with fire hazard regulations.</p> <p>5.3 All new outdoor lighting shall be compatible with the existing setting and directed within the property boundaries.</p> <p>5.4 Screening or softening the visual impact of new structures through landscaping; preferably with native vegetation.</p> <p>5.5 Where feasible, new utilities shall be underground or sited unobtrusively if aboveground.</p> <p>5.6 Setbacks from roads and property lines are appropriate to protect the scenic and visual qualities of the site and area.</p> <p>5.7 Off-premise signs shall be designed attractively and, in a style compatible with the neighborhood setting.</p>	<p>5.1 The proposal does not involve the construction of structures.</p> <p>5.2 Grading is not required to remove the seven (7) trees. <u>Stumps will be left in place.</u></p> <p>5.3 There is no new lighting proposed to be part of this project.</p> <p>5.4 Seven (7) trees are proposed to be removed but there are no new structures proposed.</p> <p>5.5 No new utilities are proposed to be part of this project.</p> <p>5.6 No new structures are proposed and setbacks do not apply.</p> <p>5.7 No off-premise signs are proposed as part of this project.</p>
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4. Public Health, Safety and Welfare, and 7. Environmental Impact: The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4	Proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.	All responding referral agencies have approved the proposed development or have not provided any comments. No detrimental effects to public health, safety and welfare were identified. The proposed development is not expected be detrimental to property values in the vicinity nor pose any kind of public health hazard.
CEQA Guidelines	Categorically exempt from State environmental review.	Class 1, Section 15301(h) Existing Facilities and Class 4, Section 153604 (i) Minor Alterations to Land. Per the submitted evidence and agency responses, none of the exceptions to

		the Categorical Exemption per Section 15300.2 of the State CEQA Guidelines apply to this project.
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- 5 Residential Density Target:** The following table identifies the evidence which supports finding that the proposed project will not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid point of the density range specified in the plan designation), except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.	The proposed project is for the removal of seven (7) trees from a public right of way stub within the Big Lagoon Subdivision. The subject area is not a building lot and was not included in the 2014 Housing Inventory. The purpose of the project is to protect the two adjacent residences from wildfire and/or windfall. The project will not increase or decrease the County's available housing inventory. Therefore, the project has been determined to be consistent with the County's housing element.

6. Supplemental Findings for Development Inside the Coastal Zone:

Code Section	Summary of Applicable Requirements	Evidence that Supports the Required Finding
§312-38.1 Coastal Geologic Hazard	Development on bluffs and cliffs (including related storm runoff, foot traffic, site preparation, construction activity, irrigation, wastewater disposal and other activities and facilities accompanying such development) will not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding areas; and Alteration of cliffs and bluff	No impact. The proposed tree removal is approximately 500 feet east of the nearest bluff.

	tops, faces, or bases by excavation or other means will be minimized. Cliff retaining walls shall be allowed only to stabilize slopes.	
39.3.1 Coastal Scenic Areas	The project is sited and designed to be subordinate to the character of the setting.	No impact. <u>The location of tree removal is not located within a protected viewshed.</u> The proposed tree removal is located within a street stub that was dedicated to the public as part of the Big Lagoon Subdivision. If the street stub is ever opened to provide access to the property adjacent to the east, this would require removal of the seven (7) trees. The tall stand of trees located on the property adjacent to the east will provide adequate vegetative cover so that aesthetics of this neighborhood is preserved. The tree removal will not have any impact on coastal views from autos passing by on State Highway 101 located over 500 feet to the east.
§312-39.5.1 Coastal View Areas	To the maximum extent feasible, the project is sited so as not to interfere with public views to and along the ocean from public roads and recreation areas.	No impact. There is a thick stand of redwood and spruce trees in between the project area and the State Highway 101 which is located over 500 feet due east of the project area. <u>Tree removal will not provide an expanded view from the second floor of 379 Roundhouse Creek Road because there are several tall bushes and fully-grown trees located nearby, further north across the street. These trees and shrubs continue to block any direct view of the ocean. Additionally, the clump of 7 trees proposed for removal are located outside of (northeast) of the line of site to the ocean from the second floor. The attached email also provides information from the applicant declaring that the proposed</u>

		<u>tree removal is not to increase the viewshed.</u>
§312-39.9.1 Coastal Natural Landforms	Alterations to natural landforms will be minimized	The topography in the project area is flat, and there is no grading or fill required as part of the tree removal. Stumps will be left in place.
§312-39.13 Coastal Vegetation Removal, Major	§312-39.13.2 Within Coastal Scenic Areas. The visual effects of the vegetation removal will be subordinate to the character of its setting.	No impact. The subdivision is not located within a mapped Coastal Scenic Area, the proposed tree removal is located within a street stub that was dedicated to the public as part of the Big Lagoon Subdivision. If the street stub is ever opened to provide access to the property adjacent to the east, this would require removal of the seven (7) trees. The tall stand of trees located on the property adjacent to the east will provide adequate vegetative cover so that aesthetics of this neighborhood is preserved. <u>Within the last 3 years, PG&E had marked these trees for removal and did not follow-up with the actual removal.</u>

Shortridge, Tricia

Subject: FW: Tree Removal Proposed for Big Lagoon

From: Illijana Asara <illijana@suddenlink.net>
Sent: Monday, August 12, 2019 8:32 AM
To: Shortridge, Tricia <TShortridge@co.humboldt.ca.us>
Subject: Re: Tree Removal Proposed for Big Lagoon

Good morning,

Thanks for continuing to follow up on this permit with such care.

In answer to your question, we need all eight trees removed. They all represent the same risk.

The one you mentioned is near a "water spigot" not a spring. I see that my written words are not clear on my map.

However, it turns out that I counted stems, not trees. One tree has two stems, so "7 trees" is actually more accurate.

Here are some other thoughts:

-Wind is a risk in two ways with these trees. The obvious risk is that a tree can be uprooted and toppled onto one of our houses. When all the trees came down in Patricks Point a number of years ago, we had winds in the range of 60 miles an hour. Patricks Point State Park was changed forever in the Agate Beach Campground because the Sitka Spruces' shallow root systems there were uprooted and the trees fell.

The second risk is that a tree snaps at some point up the stem, falls across the power line, and starts a fire. A number of years ago, a Sitka Spruce (15 inches or so in diameter) snapped in the forest on the east side of us at a point about 20 feet up the trunk, and fell across the power line. As a result, a live wire was arcing electricity 60 feet in the air for several hours. We called PG&E and 911. CalFire showed up quickly and watched with us from a distance until PG&E could cut the power so that it was safe for CalFire to address the fire. The only thing that kept us from having a serious fire was that it was winter and it was pouring rain. Despite the rain, the plants below the wire were thoroughly singed. While most winds happen in the winter, there is not way to predict how damp/wet the forest floor will be when the winds happen, and there is a real risk of fire here because of the abundant duff built up on the forest floor.

-This project does not affect anyone's view. View was not a consideration in this project.

-PG&E had marked these trees for removal, so their analysis suggested that they represent a long term risk.

-We are not making any money on this project. As the forms I submitted indicate, this project will cost the two home owners upwards of \$5,000.

-Although the exemption covers trees within 150 feet of structures, these trees are within 30 - 60 feet of structures and are so tall, that unless they chose to fall in a north/south axis, they will hit one of our houses. Our strongest winds are from the Northwest.

-We plan to revegetate the area with shorter trees and rhodedendrons.

-We understand the value of trees to the ecosystem. We are keeping a mature Sitka Spruce tree on the west side of each lot, which each represent a much lower risk of falling on a house, and are not near a power line. One of these trees is approximately 75 years old and is the single 'seed tree' that was left when the developers of this subdivision bulldozed all the rest of the Sitka Spruces over the cliff in 1962 and clear cut the whole subdivision. (It can be seen as a young tree on the photos on Californiacoastline.org.) These trees also leave the character of the view from Roundhouse Creek Road essentially intact.

I hope this information helps you update and bolster the staff report. We appreciate the work you and all the planners do, and are glad that a member of the public is out there systematically trying to protect our environment.

Best,

Illijana

From: Shortridge, Tricia
Sent: Friday, August 09, 2019 4:24 PM
To: Kraemer, Melissa@Coastal <Melissa.Kraemer@coastal.ca.gov>; 'Kimberly Tays' <kimkat067@gmail.com>
Subject: RE: Tree Removal Proposed for Big Lagoon

Hi Kim, thanks for reaching out to the Coastal Commission for this project. I recall speaking with you about another project I had back in 2017. I am happy to answer any questions you may have regarding the project itself. I can also inform you on the Zoning Administrator process. In the meantime, I've answered some of your questions below in bold.

From: Kraemer, Melissa@Coastal <Melissa.Kraemer@coastal.ca.gov>
Sent: Friday, August 09, 2019 4:08 PM
To: 'Kimberly Tays' <kimkat067@gmail.com>
Cc: Shortridge, Tricia <TShortridge@co.humboldt.ca.us>
Subject: RE: Tree Removal Proposed for Big Lagoon

Hi Kim

Nice to see you at the Commission meeting yesterday. Sorry about the outcome ☹

I followed up with Tricia Shortridge the County planner on that tree removal project by Big Lagoon. Tricia was explaining to me that the impetus for the tree removal is fire hazard since these trees are immediately around a powerline. I haven't seen a staff report yet but Tricia said she'd be happy to send it to you when available as well as answer any questions you may have. Feel free to call her directly at 268-3704.

Thanks

Melissa

From: Kimberly Tays [<mailto:kimkat067@gmail.com>]
Sent: Thursday, August 01, 2019 3:51 PM
To: Gedik, Tamara@Coastal; Kraemer, Melissa@Coastal
Subject: Re: Tree Removal Proposed for Big Lagoon

Hi Tamara,

Thank you for your reply.
PLN-2019-15623 Asara CDP

I would love to get any information that is sent to your office and will also contact the County planner to let her know I am concerned about the impacts of this tree removal in such a sensitive area.

Thank you, too, for your reference number. I will be sure to include that on any correspondence I send to your office.

I have never heard of this particular exemption or dealt with the County Zoning Administrator so was not sure how to proceed with this issue.

Again, I appreciate your information and passing my inquiry to Melissa Kraemer.

Kim Tays

On Thu, Aug 1, 2019 at 3:34 PM Gedik, Tamara@Coastal <Tamara.Gedik@coastal.ca.gov> wrote:

Hi Kim,

Thank you for your email. I actually don't work on projects in Humboldt County's delegated jurisdiction (I am the assigned lead analyst for Trinidad, Arcata, Crescent City, and Del Norte County). Melissa Kraemer is the best contact for Humboldt County projects. Based upon the information you provided below, I was able to locate information in our database indicating that our office has at least received an initial notice (our record # is 1-HUM-19-1049), but I don't see the record in our filing system so it's likely that either our admin staff or Melissa has the initial referral information. They're both currently out of the office.

We can provide you a copy of whatever staff documentation once we receive it (by way of cc'g this to Melissa and to our Office Manager Aurora, one of them should be able to assist you further with that request). However, I would also encourage you to contact the County planner directly to express your concerns and to maximize your right to participate in the local process, and they should be able to email you a copy of the report directly as well.

Sincerely,

~Tamara L. Gedik

Coastal Program Analyst

California Coastal Commission

North Coast District Office

1385 8th Street, Ste. 130 • Arcata, CA 95521

E: Tamara.Gedik@coastal.ca.gov

P: 707.826.8950 • Fax: 707.826.8960

~To purchase a whale tail license plate or access Coastal Commission information, go to www.coastal.ca.gov

<image001.jpg>

Every Californian should conserve water. Find out how at:

<image002.jpg>

SaveOurWater.com • Drought.CA.gov

From: Kimberly Tays [<mailto:kimkat067@gmail.com>]

Sent: Thursday, August 01, 2019 2:46 PM

PLN-2019-13623 Asda CDP

ZA Supplemental Information #1

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To: Gedik, Tamara@Coastal

Subject: Tree Removal Proposed for Big Lagoon

Hi Tamara,

I am directing this email to you, as I was under the impression that you are the Coastal Commission analyst for the Big Lagoon area.

I am writing to you about a Notice of Public Hearing with the Humboldt County Zoning Administrator on Thursday, August 15, 2019, that I saw in today's Times-Standard. The hearing will consider removal of seven (7) Sitka spruce trees in the Big Lagoon Subdivision area. The project is described as: *"A Special Permit and Coastal Development permit to allow tree removal under a CalFire 150-foot structure protection exemption. Trees proposed [sic] removal involve seven (7) Sitka spruce trees ranging in size from 11 inches to 29 inches in diameter all within proximity to PG&E electrical lines and within 150 feet of two residences on two adjacent properties. The trees are located on a 50-foot wide road stub in between Lots 31 and 32 of the Big Lagoon Park Subdivision (Assessor APNs 517-251-031, 517-251-032). The street stub is not within the County maintained right-of-way and was dedicated to the public in 1962 as part of the Big Lagoon Park Subdivision. [...] The project is located in Humboldt County, in the Big Lagoon area, on the east side of Roundhouse Creek Road, approximately 1,100 feet south from the intersection of Ocean View Drive and Roundhouse Creek Road, between the properties known as 369 Roundhouse Creek Road and 379 Roundhouse Creek Road."*

I feel this is an extreme exemption (especially since the coastal areas of Humboldt County are not typically a fire prone area) that is being used to legitimize the unnecessary removal of large native trees just because they are within 150 feet of a structure. A lot of trees are within 150 feet of a structure in this area. Will they all be subject to removal for this reason alone? The main driver for the tree removal is because several have grown up around the PG&E lines.

It appears the County's staff report will not be published online and that, if I want to read, I will have to make a special trip to the Planning Division to access it. I am wondering if the Coastal Commission can access this staff report upon its release on August 9 and forward it to me, as I do not wish to go into the County's Planning Division in person. From past experiences, I seem the County's planning staff respond more favorably to Coastal Commission staff than to public members like myself. I can send you the staff report next week.

Again, I am worried that under such an exemption, trees all over the Big Lagoon area and Humboldt County's coastal zone will be subject to removal just because they are within 150 feet of a structure or PG&E lines. I wonder how such a heavy-handed "logging" approach to vegetation management will impact our communities, coastal resources, wildlife habitat, visual resources, erosion, invasive plant problems, etc. I can understand removing trees if they are diseased, dying or leaning and threatening nearby structures. However, I did not see any of those reasons mentioned as a reason for their removal and wonder, instead, if they are being cut down for money or to improve views for property owners. The proposed tree removal is not occurring during the bird nesting season and a site visit has revealed that there is no environmentally sensitive habitat. Not all the trees located in the area of the project are proposed for removal – it's selected trees that happen to have a live PG&E line running through them. Additionally, the proposed tree removal is located within a street stub off of Roundhouse Creek Road. This street stub would be opened up should the property

adjacent to the east would ever be proposed for development. The same trees proposed for removal would be removed to open up public access to that eastern property.

If you could review this public notice, I would greatly appreciate it. The planner involved is Tricia Shortridge and her number is 707-445-7541. Again, I feel that this exemption is being used for questionable reasons and would like the Coastal Commission to look into its legitimacy. Feel free to give me a call to chat about more details. My direct line is 707-268-3704. You could also come in to see me if you wish – probably a good idea to set up an appointment, however.

Have a nice weekend!

Sincerely,
Kimberly Tays
Coastal Advocate