



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- STANDARD CDP**

**DECEMBER 18, 2024
CDP_2024-0034**

PROJECT PLANNER CONTACT

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PROJECT SUMMARY

OWNER/APPLICANT: Dunya Alwan
1550 5th Ave.
Oakland, CA 94606

REQUEST: Standard Coastal Development Permit to remove a travel trailer, outdoor shower, gravel driveway surfacing, two storage containers, two fire pits, and address vegetation removal and grading followed by parcel restoration as outlined.

LOCATION: In the Coastal Zone, 4.15± miles northwest of Gualala Town center, lying on the west side of State Route 1 (SR 1). 0.3± miles north of its intersection with Fish Rock Road (CR 122), located at 34620 South Hwy 1, Gualala; APN: 144-011-19.

TOTAL ACREAGE: 1.8± Acres

GENERAL PLAN: Rural Residential (RR5(2):R*)
General Plan (Chapter 2 – Coastal Element)

ZONING: Rural Residential (RR-5[RR-2])
Mendocino County Code Title 20, Division II

APPEALABLE Yes

SUPERVISORIAL DISTRICT: District 5 (Williams)

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

RECOMMENDATION: Approve with Conditions

PROJECT BACKGROUND & INFORMATION

PROJECT DESCRIPTION: The project is addressing California Coastal Commission (CCC), California Northcoast Regional Water Quality Control Board (RWQCB), and Mendocino County Code Enforcement Division violations for unauthorized development and proposes removal of a wheeled travel trailer, an outdoor shower, gravel road, fire pits, and two storage containers. Upon successful removal, and sign-off by the Mendocino County Department of Planning and Building Services, California Department of Fish and Wildlife (CDFW), CCC, and RWQCB, a restoration plan for the project site, including identification of wetlands and sensitive habitats, shall be required. Several activities would occur in accordance with an approved wetland delineation and remediation plan including revegetation.

SITE CHARACTERISTICS: The 1.8± acre subject parcel is located approximately four (4) miles northwest of the town of Gualala. Access is via an established unpaved driveway easement through the neighboring parcel to the north. Except for the access easement, the site was undeveloped prior to placement of the trailer, gravel road, and storage containers. It is located west of State Highway 1. The bluff top parcel features Pacific reedgrass, redwood trees, Bishop Pine and associated understory, special status vegetation, as well as wetlands. Two streams are located on the property. The subject parcel may serve as a habitat area for special status wildlife species including obscure bumblebee, California red-legged frog, pacific tailed frog, California giant Salamander, red-bellied newt, Sonoma tree vole, and Townsends big-eared bat. The unauthorized development impacts approximately 1,080 square feet of the subject parcel. Except for a steep bluff at the ocean side, the parcel is relatively flat.

Public Services:

Access: State Route 1 (SR 1)
 Water District: North Gualala Water District
 Sewer District: None
 Fire District: South Coast Fire Protection District

RELATED APPLICATIONS: The following applications have occurred on the subject parcel or on the surrounding properties and are relevant to the proposed project. All projects listed below have already been approved, unless otherwise stated.

- **Coastal Development Permit CDP_2021-0052** Standard Coastal Development Permit to develop a vacant parcel with: 1,300 square-foot single-family residence (SFR), 165-square-foot deck, 493-square-foot accessory building/workshop, 1,200 gallon concrete pump chamber, 1,200 gallon concrete septic tank, water supply from North Gualala Water Company, 200 square-foot driveway extension, possible standby electric service and/or propane tank, and vegetation removal. Project Status: On Hold

AGENCY COMMENTS: On August 28, 2024 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their submitted recommended conditions are discussed in this staff report and contained in Conditions of Approval. A summary of the submitted agency comments are listed below.

TABLE 1: Referral Agency Responses	
REFERRAL AGENCIES	COMMENT
Planning Division – Fort Bragg	Comments
Caltrans	No Response
Division of Environmental Health (DEH)	No Response
Building Division – Fort Bragg	No Response
Forestry Advisor	No Response
Air Quality Management District	No Response
CAL FIRE	No Response
California Department of Fish & Wildlife (CDFW)	Comments
California Coastal Commission	Comments
South Coast Fire District	No Response

Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response
Native Plant Society	No Response
Gualala Municipal Advisory Committee	Comments

On April 13, 2022, CDP_2021-0052 was heard by the Mendocino County Archaeological Commission. The archaeological survey, prepared by William Cull on 2/28/2022, was accepted. The commission noted no cultural site were observed and that the Discovery Clause shall be adhered to.

CDFW concurred with the recommendation of a restoration plan that identifies restoration areas and includes monitoring and reporting criteria with performance measures, including a planting palette for each restoration area.

CCC noted all unpermitted materials would need to be removed from the project site, including all gravel, and concurs with the recommendation of a restoration plan.

PROJECT ANALYSIS

LOCAL COASTAL PROGRAM CONSISTENCY:

Land Use and Planning Areas: The site is located within the Rural Residential (RR) classification as described in Chapter 2 of the Coastal Element:

The Rural Residential classification is intended encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area, and residences should be located as to create minimal impact on agricultural viability.

Principal Permitted Uses include residential and associated utilities, light agriculture, home occupations.

Conditional Uses include cottage industries, conservation and development of natural resources, public facilities and utilities determined to be necessary on Rural Residential lands, and recreation / education.

The project proposes removal of unauthorized development and restoration of the parcel, which does not conflict with the intent of the RR classification.

Zoning: The project is located within the Rural Residential (RR) zoning district, as described in Mendocino County Code (MCC) Section 20.376.005:

This district is intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability.

Removal of the unauthorized development would not impact the intent of the zoning district.

Grading, Erosion, and Runoff: In accordance with MCC Section 16.30.030(C), “any property owner anywhere in the County proposing a project with soil disturbance of less than one acre, must demonstrate compliance with the California Green Building Standards Code pertaining to site development stormwater runoff control, and Best Management Practices as listed in 16.30.070(B).” Therefore, the proposed project would be subject to this requirement.

Examples of Best Management Practices (BMPs) from Section 16.30.070(B) include, but are not limited to, scheduling construction activity, preservation of natural features, vegetation and soil, erosion control to protect slopes, building materials stockpile management, etc.

The project is located within a riparian area. As such, removal will not only be required to adhere to standard Best Management Practices (BMPs) as outlined in MCC Section 16.30.070(B), additional mitigation measures are recommended in order to comply with MCC Section 20.492. Conditions of approval memorializing these BMPs are included.

The project site is within one hundred (100) feet of a stream or wetland. Additional BMPs have been added to comply with Section 20.492.

Environmentally Sensitive Habitat and Other Resource Areas: Per Coastal Element Policies 3.1-2, 3.1-7, and MCC Sections 20.496.015 and 20.488.010, a Biological Survey and Wildlife Scoping Survey Report, dated February 25, 2021, and subsequent October 6, 2021 and November 2023 updates, were prepared by Spade Natural Resources Consulting and submitted with the application for CDP_2021-0052. It should be noted that these surveys and updates were submitted to Mendocino County Planning and Building Services as part of the previous application to construct a single-family home. They are referenced here because they were used to craft conditions of approval for this project (CDP_2024-0034 – Removal of unpermitted development). According to the report, a 2006 study found Bishop Pine Forest, glory mat (*Ceanothus gloriosus*) and special status coast lily (*Lilium maritimum*) on or nearby the subject property, as well as two seasonal drainages. Endangered Behren's silverspot butterfly larval food plant early blue violet (*viola adunca*) were found nearby.

The 2021 report notes that the subject parcel may serve as a habitat area for special status wildlife species including obscure bumblebee, California red-legged frog, pacific tailed frog, California giant salamander, red-bellied newt, North American porcupine, Sonoma tree vole, Townsends big-eared and other special status bats, and special status and nesting birds.

Special status plants observed on or within 100 feet of the subject property include coast lily (*Lilium maritimum*) and Mendocino paintbrush (*Castilleja mendocinensis*). Special status vegetation alliance present include Bishop Pine Forest, Coastal Silk Tassel Scrub, and Non-Native Grassland (*Holcus lanatus* – Sweet Vernal Grass Herbaceous Semi-Natural Stands). The Bishop pine dominate the overstory throughout the property, with coast redwood (*Sequoia sempervirens*), beach pine (*Pinus contorta ssp. contorta*), tanoak (*Notholithocarpus densiflorus*), and Monterey cypress (*Hesperocyparis macrocarps*) also found in the overstory. The understory in general is dominated by Pacific reedgrass (*Calamagrostis nutkaensis*), coffeeberry (*Frangula californica*), and huckleberry (*Vaccinium ovatum*), with hairy manzanita (*Arctostaphylos columbiana*), silk tassel (*Garrya elliptica*), wax myrtle (*Morella californica*), poison oak (*Toxicodendron diversilobum*), bracken (*Pteridium aquilinum*), California blackberry (*Rubus ursinus*), angelica (*Angelica hendersonii*), and salal (*Gaultheria shallon*) also characterizing the understory. Some patches of the forest are dead and dying while others contain an understory that is sparsely vegetated and is littered with a layer of pine needle duff. Other patches are more open and are dominated by non-native grasses. It is recommended that the applicant first use this established driveway to remove the trailer, storage containers, and other development prior to removing the gravel driveway.

The property contains two seasonal streams. Special care is required to remove all development within the streams and surrounding areas, as outlined in the conditions of approval numbers.

The property also contains some habitat for obscure bumble in the non-native grasslands. Additionally, streams on the property may be habitat for California red-legged frog, California giant salamander, Red-bellied newt, and Pacific tailed frog (*Ascaphus truei*). Conditions of approval are included and outline avoidance measures to be taken should occupied habitat be encountered for these species.

The project site may also be home to special status and nesting birds protected under the Migratory Bird Treaty Act, and to Townsends big eared bat and other special status bats. Conditions of approval address avoidance measures. Additionally, both the North American porcupine (*Erethizon dorsatum*) and Sonoma Tree Vole (*Arborimus pomio*) have the potential to be on-site, though habitat quality is moderate for both.

The entirety of the proposed project lies either within ESHA or within the standard one hundred (100) foot buffer prescribed by MCC Section 20.496.020. Section 20.496.015(D) notes that development proposals in ESHA shall only be approved if all members of the site inspection team agree to the boundaries of the sensitive resource area and that findings are made by the approving authority that the resource will not be significantly degraded by the development as set forth in Section 20.532.100(A)(1). Unauthorized development of a gravel driveway has residue entering seasonal creeks on site. Mitigation measures and conditions of approval regarding timing of removal and methods, are recommended. Staff recommends Condition of Approval Number 26, which requires the applicant schedule a site visit with staff from Mendocino County, the CA Coastal Commission, CDFW, and the Water Board post removal to access proper removal of development, and Condition of Approval Number 27, which requires the applicant submit a remediation and monitoring plan once development has been property removed. Said remediation and monitoring plan shall be reviewed and approved by Mendocino County Planning & Building Services, the CA Coastal Commission, CDFW, and the Water Board.

Hazards Areas: Per Coastal Element Policies 3.4-3, 3.4-5, and MCC Section 20.500.020 the site is not within a fault zone, is not proposing development which requires calculation for retreat rate to the bluff edge, is not in a tsunami inundation area, is not within the boundary of an existing or prehistoric landslide, and is unlikely to result in significant erosion with implementation of BMPs. Per MCC Section 20.500.025 and Coastal Element Policy 3.4-13, the project will not include development of a fuel source. Per MCC Section 20.500.030, the site is not within a flood hazard zone.

Visual Resources and Special Treatment Areas: Per Coastal Element Policies 3.5-1, -3, 10, and MCC Chapter 20.504, the site is not within a mapped Highly Scenic Area, is not within a designated Special Community, is not within a Special Treatment Area, and does not involve any proposed lighting.

Transportation, Utilities, and Public Services: Per Coastal Element Policies 3.8 – Transportation, Utilities, and Public Services, and MCC 20.156, the project is not one that would require any water supply or sewer capacity. The project does not propose a subdivision or development that requires a corridor preservation setback.

Archaeological and Cultural Resources: Per Coastal Element Policy 3.5-10 and Mendocino County Code Section 22.12, an archaeological survey report and historic resource evaluation was submitted for the Coastal Development Permit CDP_2021-0015. That survey was heard by the Mendocino County Archaeological Commission. The archaeological survey, prepared by William Cull on 2/28/2022, was accepted. The commission noted no cultural sites were observed and that the Discovery Clause shall be adhered to. Condition of approval number 8 requires the Discovery Clause for this project.

Public Access: Per Coastal Element Policies 3.6-9, 3.6-28, and MCC Section 20.528.010, the site does not have either existing or proposed shoreline access. The project would be consistent with Chapter 20.528 *Coastal Access Regulations and Open Space Easements* and Coastal Element Policy 4.11-19.

ENVIRONMENTAL DETERMINATION: An Initial Study for the proposed project was completed by staff in accordance with the California Environmental Quality Act (CEQA). Based on this initial evaluation, it was found that the Project would not produce any significant environmental impacts with mitigation incorporated. As such, a Mitigated Negative Declaration was prepared. It is noted in the Initial Study that the proposed project could result in some environmental impacts, but these were considered less-than-significant with mitigation incorporated.

PROJECT FINDINGS & CONDITIONS OF APPROVAL

Staff recommends, pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, that the Coastal Permit Administrator approve the proposed project, adopt a Mitigated Negative Declaration, and adopt the following findings and conditions.

FINDINGS:

1. Pursuant to MCC Section 20.532.095(A)(1), the proposed project to remove a travel trailer, outdoor shower, gravel driveway surfacing, two storage containers, two fire pits, and address vegetation removal and grading followed by parcel restoration is in conformity with the certified local coastal program. As described in this staff report, the project is consistent with the intent of the Rural Residential land use classification and zoning district, would incorporate mitigation measures to reduce degradation to the ESHA, is not within a hazard area or Highly Scenic Area, is served by adequate utilities, would not impact cultural resources, and does not warrant the provision of any new public access easements; and
2. Pursuant to MCC Section 20.532.095(A)(2), the proposed development to remove a travel trailer, outdoor shower, gravel driveway surfacing, two storage containers, two fire pits, and address vegetation removal and grading followed by parcel restoration will be provided with adequate utilities, access roads, drainage, and other necessary facilities. Water supply and sewage capacity are not required for the project because it does not involve the construction of any new dwellings which require water and/or plumbing. The existing driveway easement accessed from State Route 1 is sufficient to serve the project because the density and intensity of use would not change. BMPs implanted during work would ensure that proper drainage is available. After work has been complete, disturbed soil would be restored and revegetated per the restoration plan required by Condition of Approval Number 27; and
3. Pursuant to MCC Section 20.532.095(A)(3), the proposed development to remove a travel trailer, outdoor shower, gravel driveway surfacing, two storage containers, two fire pits, and address vegetation removal and grading followed by parcel restoration is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserve the integrity of the zoning district; and
4. Pursuant to MCC Section 20.532.095(A)(4), the proposed development to remove a travel trailer, outdoor shower, gravel driveway surfacing, two storage containers, two fire pits, and address vegetation removal and grading followed by parcel restoration, if completed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. A mitigated negative declaration has been prepared. Adoption and implementation of the mitigation measures would ensure that impacts are less than significant. Per Condition of Approval Number 27 the applicant is required to submit a remediation plan acceptable to local and state agencies; and
5. Pursuant to MCC Section 20.532.095(A)(5), the proposed development to remove a travel trailer, outdoor shower, gravel driveway surfacing, two storage containers, two fire pits, and address vegetation removal and grading followed by parcel restoration will not have any adverse impacts on any known archaeological or paleontological resource. An archaeological survey report and historic resource evaluation was prepared for the project. An archaeological survey, prepared by William Cull on 2/28/2022, was accepted by the Mendocino County Archaeological Commission, noting no cultural sites were observed and that the Discovery Clause shall be adhered to; and
6. Pursuant to MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development to remove a travel trailer, outdoor shower, gravel driveway surfacing, two storage containers, two fire pits, and address vegetation removal and grading followed by parcel restoration. Solid waste and public roadway capacity would not be impacted because the project would not create any new dwellings or otherwise increase population density; and
7. Pursuant to MCC Section 20.532.095(B)(1), the project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan. With the inclusion of conditions of approval numbers 26 and 27 which requires the applicant remediate the subject parcel, this finding can be made; and

8. Pursuant to MCC Section 20.532.100(A)(1)(a), the ESHA identified onsite will not be significantly degraded by the proposed development because removal of unauthorized development and remediation would allow for revegetation and expansion of the forest. Removal of development would result in temporary impacts where vegetation would be restored, and mitigation measures would be implemented to minimize impacts.
9. Pursuant to MCC Section 20.532.100(A)(1)(b), there is no feasible less environmentally damaging alternative because removal of unauthorized development followed by remediation would allow for revegetation and expansion of the ESHA.
10. Pursuant to MCC Section 20.532.100(A)(1)(c), all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted, including flagging existing foot paths and unpermitted roadways, restricting construction vehicle operation within flagged areas to limit vegetation disturbance, implementation of noise reduction measures for sensitive species, misting and watering to control dust during removal, limiting activities to daylight hours, implementation of BMPs for erosion and sediment control, a bat mitigation plan, targeted removal of invasive species, environmental training for construction workers, and biological monitoring.

CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by “*)”:**

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and/or use of the property in reliance on such permit has been initiated prior to its expiration. Such permit vesting shall include approved permits associated with this project (i.e. building permits, septic permits, well permits, etc.) and physical construction in reliance of such permits, or a business license demonstrating establishment of a use proposed under this project.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
4. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
5. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or 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 such conditions.

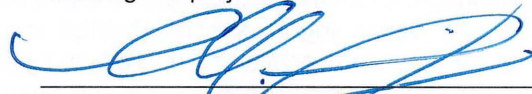
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. Conditions approving removal of unauthorized development shall be attached to or printed on any permit applications required by Mendocino County.
10. Per Mendocino County Code Section 16.30.070(B), the permittee shall implement Best Management Practices (BMPs) to prevent the discharge of debris, contaminants, or waste from the site, or from tools and equipment. Best Management Practices as appropriate shall include, but not be limited to, the following:
 - a. Scheduling activities.
 - b. Preservation of natural features, vegetation, and soil.
 - c. Drainage swales or lined ditches to control stormwater flow.
 - d. Mulching or hydroseeding to stabilize disturbed soils.
 - e. Erosion control to protect slopes.
 - f. Protection of storm drain inlets (gravel bags or catch basin inserts).
 - g. Perimeter sediment control (perimeter silt fence, fiber rolls).
 - h. Stabilized construction exits.
 - i. Wind erosion control.
 - j. Other soil loss BMP acceptable to the enforcing agency.
 - k. Material handling and waste management.
 - l. Building materials stockpile management.
 - m. Management of washout areas (concrete, paints, stucco, etc.) as appropriate.
 - n. Control of vehicle/equipment fueling to contractor's staging area.
 - o. Vehicle and equipment cleaning performed off site.
 - p. Spill prevention and control of fuel and hazardous materials.
 - q. Other housekeeping BMP acceptable to the enforcing agency.
11. ** BIO-1: Removal of the trailer and all development west of the storage containers shall occur first. Vehicles used for removal shall be no larger than a standard pickup truck and shall utilize the existing unpermitted gravel road. No demolition of development shall occur onsite.
12. ** BIO-2: Once all development on the western portion of the project site is removed, the storage containers shall be removed using the lightest vehicles possible. Heavy machinery, or tracked vehicles which utilize treads or track plates, are discouraged.
13. ** BIO-3: Once all development (trailer, storage containers, etc...) has been removed, removal of the gravel roadway may commence. No heavy machinery, such as tractors, backhoe excavators, or similar tracked vehicles shall be allowed where gravel has been transported south of the unpermitted driveway.

14. A map of the proposed access shall be submitted to Mendocino County Department of Planning and Building Services for approval prior to commencement of any work.
15. ** BIO-4: All work must cease during a rain event and may continue no sooner than eight (8) days after a rain event has stopped, if ground is dry and able to support equipment without creating ruts.
16. ** BIO-5: No vegetation shall be removed to accommodate the removal of development.
17. ** BIO-6: To limit impacts to surrounding vegetation, the following avoidance and minimization measures shall be implemented:
 - a. All vehicles shall utilize only existing foot paths or unpermitted roadways. Existing foot paths and unpermitted roadways shall be flagged or have temporary construction fencing installed to mark their limits, and all vehicles shall operate only within these designated areas.
 - b. Maximize the preservation of existing vegetation by marking the project area boundaries and any protected areas.
 - c. Workers shall be instructed to stay within project boundaries as indicated by fencing and prohibit access of heavy equipment, vehicular traffic outside of the designated, delineated work area, access roads, and staging area(s) as indicated by temporary construction fencing or flagging. All workers shall receive environmental training and understand the importance of staying within the project boundaries.
 - d. A qualified biologist shall be present during activities to monitor and confirm species are not present and/or to relocate them out of the work area including amphibian species of special concern.
18. ** BIO-7: If operations occur during the nesting bird season (February 15th to August 15th), a nesting bird survey shall take place 14 days prior to work beginning. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist should monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.
19. ** BIO-8: In order to prevent impact to bats, removal of all development shall occur during daylight hours to limit noise and artificial light. If it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-work surveys shall be conducted. Pre-work bat surveys involve surveying trees, rock outcrops, and buildings subject to removal or demolition for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, a minimum 50 foot buffer should be implemented around the roost tree.
20. ** BIO-9: The following measures shall be implemented to prevent impacts to amphibians:
 - a. A qualified biologist shall conduct pre-construction surveys for amphibians immediately before disturbance.
 - b. A qualified biologist, who is onsite to monitor species during construction activities, shall relocate individuals found within the project footprint to suitable, nearby habitats.
 - c. Sediment and erosion control measures shall be implemented to prevent runoff and sedimentation into areas where these species may reside or breed.
 - d. If a rain event occurs during the construction period, all ground disturbing construction-related activities will cease for a period of eight (8) days after the rain stops. Prior to resuming ground disturbing construction activities, trained construction crew member(s) will examine the site for the presence of frogs. If no special status frogs are found, construction activities may resume.

21. ** BIO-10: Areas around work should be protected appropriately. Prior to removal of any development, orange construction fencing shall be erected at the edge of the unpermitted roadway and driveway. The construction fence shall be maintained in good working order until removal of all development has been completed.
22. ** BIO-11: All areas of bare soil resulting from removal of development shall be stabilized as soon as possible after disturbance and revegetated with the locally appropriate seed mix.
23. ** BIO-12: A qualified biologist shall conduct a reconnaissance survey of all areas potentially suitable for obscure bumble bee (grassland and scrub habitats) within 20 feet of proposed removal and path of travel. If activities cannot avoid the active bumble bee season (February 1 – August 31), the biologist should establish no-work buffers around active nest colonies identified during surveys. The size and configuration of the no-work buffer would be based on the best professional judgment of the biologist. At a minimum, the buffer should provide at least 20 feet of clearance around nest entrances.
24. Once removal of development has been completed, the applicant shall schedule a site visit with Mendocino County Department of Planning and Building Services to confirm removal has been completed to the satisfaction of the Department as well as responsible agencies and to determine current conditions.
25. A wetland delineation and ESHA restoration plan shall be submitted to the Mendocino County Department of Planning and Building Services in order to restore the site to pre-unpermitted development conditions. The wetland delineation and ESHA restoration plan shall include site preparation, seedling counts and identification of plant understory, monitoring and reporting criteria with performance measures, a planting palette for each restoration area, and restoration of natural contours. The plan shall be completed to the satisfaction of the Mendocino County Department of Planning and Building Services and responsible agencies prior to future work on-site.
26. ** AQ-1: Prior to removal of development the applicant shall water all exposed surfaces of active removal sufficiently to prevent airborne dust from leaving the project area.

11/18/2024

DATE



MARK CLISER
SENIOR PLANNER

Appeal Period: 10 Days
Appeal Fee: \$2,674.00

MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY AVAILABLE ONLINE AT:
<https://www.mendocinocounty.gov/departments/planning-building-services/public-hearing-bodies>

ATTACHMENTS:

- | | |
|--|--|
| A. Location | T. Farmland |
| B. Aerial Imagery (Vicinity) | U. Water District |
| C. Aerial Imagery (Detail) | V. MAC |
| D. Topographic Map | W. Landslide |
| E. Site Map 1 | X. Mendocino Cypress (Pygmy) |
| F. Topographic Site Map | Y. Botanical Survey and Wildlife Scoping
Survey Report (February 2021) ¹ (ON LINE
ONLY) |
| G. Zoning | Z. Biological Update (October 2021) (ON LINE
ONLY) |
| H. General Plan | AA. Updated Biological Report (November 2023)
(ON LINE ONLY) |
| I. LCP Land Use Map | BB. Revisions to Biological Report (April 2024)
(ON LINE ONLY) |
| J. LCP Land Capabilities & Natural Hazards | CC. Applicant submitted Remediation Proposal
(ON LINE ONLY) |
| K. LCP Habitats & Resources | DD. Applicant submitted Restoration Proposal
(ON LINE ONLY) |
| L. Appeals Map | |
| M. Adjacent | |
| N. Fire Hazard Zone | |
| O. WUI Map | |
| P. Wetlands Map | |
| Q. Coastal Groundwater | |
| R. Slope | |
| S. Soils | |

¹ Attachments Y, Z, AA, and BB were provided to Mendocino County Planning and Building Services as part of the previous application to construct a single-family home. They are included here because portions have been used to craft conditions of approval and mitigation measures for the removal of unpermitted development.