

RESOLUTION NO. 25-_____

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS MODIFYING THE DECISION OF THE COASTAL PERMIT ADMINISTRATOR TO APPROVE COASTAL DEVELOPMENT PERMIT APPLICATION CDP_2024- 0040 FOR THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS), AND MAKING FINDINGS TO MODIFY SAID APPLICATION

WHEREAS, the applicant, Caltrans, filed an application with the Mendocino County Department of Planning and Building Services to implement the Gualala Downtown Streetscape Enhancement Project; located on State Route 1 between Post Miles 0.6 and 1.0, Gualala (the "Project"); General Plan Gualala Village Mixed Use (GVMU); Zoning GVMU; Supervisorial District 5; and

WHEREAS, Section 15051 of California Environmental Quality Act (CEQA) Guidelines provides criteria for identifying the Lead Agency where two or more public agencies will be involved with a project. If the project is carried out by a public agency, that agency shall be the Lead Agency even if the project would be located within the jurisdiction of another public agency. Considering this, Caltrans is the Lead Agency with the primary responsibility for carrying out the proposed project. Mendocino County shall act as the Responsible Agency, a public agency other than the Lead Agency with the responsibility for approving the proposed project; and

WHEREAS, in accordance with Section 15064(f) of CEQA Guidelines and as Lead Agency, Caltrans prepared an Initial Study (IS) and Negative Declaration (ND) (SCH #2019079020) for the proposed project. The IS/ND was circulated on July 8, 2019. The Notice of Determination (NOD) was filed on December 19, 2023. Based on the available project information and the environmental analysis presented in the IS/ND, there is no substantial evidence that the proposed project would have a significant effect on the environment; and

WHEREAS, CEQA Guidelines Section 15096(f) requires that a Responsible Agency consider the environmental effects of the project as shown in the Negative Declaration prior to reaching a decision on the project. The Board of Supervisors have considered the effects of the project discussed in the Negative Declaration and agrees with the determinations therein; and

WHEREAS, in accordance with applicable provisions of law, the Coastal Permit Administrator (CPA) held a noticed public hearing on June 26, 2025, at which time the CPA heard and received all relevant testimony and evidence presented orally or in writing regarding the Project; and

WHEREAS, at the CPA meeting on June 26, 2025, all interested persons were given an opportunity to be heard regarding the Project and the CPA continued the matter to the July 10, 2025 meeting; and

WHEREAS, the CPA approved the Project at the July 10, 2025, meeting; and

WHEREAS, Stephen F. Johnson, on behalf of Bower Limited Partnership, filed an appeal of the CPA's decision on July 17, 2025 in accordance with Mendocino County Coastal Zoning Code section 20.544.015; and

WHEREAS, the Board of Supervisors upon receipt of the timely appeal, did schedule a noticed public hearing to consider the appeal; and

WHEREAS, said public hearing was duly held on the 4th day of November 2025, pursuant to proper notice and all evidence was received and the same fully considered; and

WHEREAS, the applicant Caltrans has requested the following revisions to the Project description: to (1) exclude eight (8) foot wide strips of right-of-way on both sides of the highway, (2) relocate the

northbound Radar Speed Feedback Sign (RSFS) from Post Mile 0.3 to 0.62, and (3) exclude the installation of No Parking Signs; and

WHEREAS, the Board of Supervisors has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Board of Supervisors regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors, based on the evidence in the record before it, makes the following findings:

1.—The Board of Supervisors hereby modifies the Project description as stated on page CPA-2 of the Staff Report dated June 26, 2025 to (1) exclude eight (8) foot wide strips of right-of-way on both sides of the highway, (2) relocate the northbound Radar Speed Feedback Sign (RSFS) from Post Mile 0.3 to 0.62, and (3) exclude the installation of No Parking Signs, finding, based on the discussion in the second supplemental memorandum accompanying this resolution, that such modifications are consistent with the LCP and no additional findings are required to be made.

2.1. Pursuant to MCC Section 20.532.095(A)(1), the proposed project to implement the Gualala Downtown Streetscape Enhancement Project is in conformity with the certified local coastal program. As discussed throughout the associate staff report, the proposed development is consistent with the applicable regulations and policies contained in the Mendocino County Coastal Zoning Code, Coastal Element of the General Plan, and Gualala Town Plan, which together comprise the Local Coastal Program; and

3.2. Pursuant to MCC Section 20.532.095(A)(2), the proposed development to implement the Gualala Downtown Streetscape Enhancement Project will be provided with adequate utilities, access roads, drainage, and other necessary facilities. The proposed development would not increase demand for water supply, septic capacity, gas, electricity, or other utilities because it would not create new land use. The widened highway would be provided with adequate drainage through the replacement and installation of new concrete pipe culverts, drainage inlets, a bioswale, erosion control features, and riprap; and

4.3. Pursuant to MCC Section 20.532.095(A)(3), the proposed development to implement the Gualala Downtown Streetscape Enhancement Project 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. The proposed development would further the intent of the GVMU district. The proposed sidewalks, crosswalks, and flashing beacons would improve pedestrian connectivity within the shopping district. The radar feedback signs, median islands, and left turn lanes would also improve pedestrian safety by reducing potential traffic conflicts. By extension, the improved pedestrian facilities would improve public access to the Gualala Bluff Trail; and

5.4. Pursuant to MCC Section 20.532.095(A)(4), the proposed development to implement the Gualala Downtown Streetscape Enhancement Project will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. Caltrans is the Lead Agency with the primary responsibility for carrying out the proposed project. Mendocino County shall act as the Responsible Agency, a public agency other than the Lead Agency with the responsibility for approving the proposed project. In accordance with Section 15064(f) of CEQA Guidelines and as Lead Agency, Caltrans prepared an Initial Study (IS) and Negative Declaration (ND) (SCH #2019079020) for the proposed project. Based on the available project information and the environmental analysis presented in the IS/ND, there is no substantial evidence that the proposed project would have a significant effect on the environment. CEQA Guidelines Section 15096(f) requires that a Responsible Agency consider the environmental effects of the project as shown in the Negative Declaration prior to reaching a decision on the project. Mendocino County has considered the effects of the project discussed in the Negative Declaration and agrees with the determinations therein; and

6.5. Pursuant to MCC Section 20.532.095(A)(5), the proposed development to implement the Gualala Downtown Streetscape Enhancement Project will not have any adverse impacts on any known

archaeological or paleontological resource. Mendocino County Code Chapter 22.12 and Coastal Element Policy 3.5-10 regulate archaeological and cultural resources in the Coastal Zone. Policy 3.5- 10 requires that the County review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources. Caltrans provided a Cultural Resource Compliance Memorandum that was prepared for the proposed development. A pedestrian survey of the project area was conducted in 2018. No cultural materials or historic properties were observed. the Caltrans Cultural Resource Database, project files, Historic Bridge Inventory, topographic maps, highway photo logs, and highway as-built plans were also examined. A review of resources listed on the National Register of Historic Places, California Historical Landmarks, California Points of Historical Interest, and Register of Historical Resources was also conducted. Caltrans consulted with the Manchester Band of Pomo Indians. The tribe had no knowledge of cultural sites in the project area, but proximity to the coast and nearby gathering areas were acknowledged. The memo concludes that the project does not have the potential to affect any archaeological sites or other cultural resources due to the scope of work proposed and given that all ground disturbing activities would occur outside of possibly sensitive areas. However, the memo notes that disposal, staging, and borrow sites had not been fully identified in the project description or project plans when the cultural resource evaluation was conducted. The memo notes that if disposal, staging, and borrow sites are identified outside the study limits, either Caltrans Professionally Qualified Staff or a contractor-provided cultural resource specialist that meets the Secretary of the Interior's Professional Qualification Standards must approve of the site. A condition of approval has been adopted requiring that if disposal, staging, or borrow sites are to be located outside of the previously studied area, Caltrans shall provide Planning & Building Services with evidence that a qualified professional has cleared the site. The CDP application was referred to the Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians. No response was received from the tribes. If carried out in accordance with the recommended conditions of approval, the proposed development would not adversely affect cultural resources; and

7-6. 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 implement the Gualala Downtown Streetscape Enhancement Project. The proposed development would not create a new permanent source of solid waste. Some solid waste may be generated temporarily during construction, but this is expected to be disposed of properly at local transfer stations. The proposed development would improve public roadway capacity primarily through the addition of the two-way left turn lane that would remove left-turning vehicles from through lanes, reducing the risk of collisions; and

8-7. Pursuant to MCC Section 20.532.095(B)(1), the proposed development to implement the Gualala Downtown Streetscape Enhancement 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. MCC Chapter 20.528 establishes regulations for coastal access and open space easements. Section 20.528.010 and Coastal Element Policies 3.6-9 and 3.6-28 establish Minimum Access Locations where an offer to dedicate an easement for public access shall be required as a condition of CDP approval unless public access has otherwise been secured. According to County LCP maps, a lateral shoreline access easement is proposed along the bluff edge west of the project area. The proposed lateral access would be an extension of the existing Gualala Bluff Trail. The property on which the extended public access easement(s) would be located, known as the Mill Bend Preserve, was acquired by the Redwood Coast Land Conservancy (RCLC) in 2021. Under a grant from the State Coastal Conservancy, RCLC developed the 2022 Mill Bend Preserve Conservation Plan, which includes a proposal to extend the California Coastal Trail from the end of the Gualala Bluff Trail to the Gualala River Estuary. Because a land trust has already acquired the property on which public access would be located, Caltrans' right-of-way does not extend to the bluff edge, and because the right-of-way itself is publicly accessible, it is not necessary to require an offer to dedicate as a condition of this permit; and

9-8. Pursuant to MCC Section 20.532.100(A)(1)(a), the proposed development to implement the Gualala Downtown Streetscape Enhancement Project would occur within wetland and riparian

ESHA. The total impact to the wetland ESHA would be 0.0024 acres. 0.0136 acres of temporary impacts and 0.0005 acres of permanent impacts would occur to the riparian ESHA. These resources would not be significantly degraded by the proposed development because Caltrans would (1) obtain the necessary Section 404/401 permits from the Regional Water Quality Control Board and Section 1602 consultation with the California Department of Fish and Wildlife, (2) replant native riparian vegetation at a ratio of 1:1, (3) purchase mitigation credits at the Mendocino Mitigation Bank at a 3:1 ratio to account for temporal impacts to the ESHAs, and (4) if riparian plantings are not successful, measures are in place to provide further mitigation as necessary; and

~~40.9.~~ Pursuant to MCC Section 20.532.100(A)(1)(b), there is no feasible less environmentally damaging alternative for the proposed development that would occur within the wetland and riparian ESHAs. The drainage channel must be recontoured to achieve the main goals of the project, including providing adequate stormwater runoff facilities. Alternative locations or orientations of the channel would result in greater impacts or the elimination of essential project elements, such as sidewalks; and

~~41.10.~~ 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. Caltrans would (1) obtain the necessary Section 404/401 permits from the Regional Water Quality Control Board and Section 1602 consultation with the California Department of Fish and Wildlife, (2) replant native riparian vegetation at a ratio of 1:1, (3) purchase mitigation credits at the Mendocino Mitigation Bank at a 3:1 ratio to account for temporal impacts to the ESHAs, and (4) if riparian plantings are not successful, measures are in place to provide further mitigation as necessary. Caltrans would also implement Best Management Practices (BMPs) to reduce impacts. Mitigation measures and proposed BMPs have been adopted as conditions of approval.

~~42.11.~~ The Board of Supervisors hereby determines to modify the approval of the project to include a new condition of approval number 29 requiring the installation of landscaping as part of the project in accordance with the following parameters:

- a. Landscaping that is consistent with Caltrans' Highway Design Manual (HDM) and which excludes trees.
- b. Landscaping designed to ensure that regular vegetation maintenance does not require lane closure.
- c. The County would not be responsible for vegetation through an initial maintenance period. During this time, Caltrans and not the County would not be responsible for providing water and/or fertilizer necessary to sustain healthy plant growth, the pruning of shrubs and plantings to control extraneous growth, the replacement of unhealthy or dead plantings, or to maintain, replace, repair, or remove from service any components of the landscaping system that has become unsafe or unsightly.
- d. The County and Caltrans shall enter into a landscape maintenance agreement, substantially in the form attached to the conditions of approval attached hereto as Exhibit A as Attachment 1.
- e. Landscaping that is located in the same areas depicted in attachment T.
- f. Landscaping that conforms to the plant species listed in attachment T, which include plant species that are native to the Gualala area or are well adapted non-native, non-invasive plants and which are low-lying shrubs, herbaceous plants, and grasses. This will ensure that landscaping is consistent with Gualala Town Plan Policies G3.4-25, G3.4-27, and G3.4-30.

- g. Landscaping shall be pruned and maintained such that sight lines at intersections and curb cuts are not blocked.

13.12. The Board of Supervisors hereby finds and determines that the addition of condition of approval number 29 regarding landscaping would be consistent with the Coastal Element of the General Plan, the Gualala Town Plan and the Coastal Zoning code for the reasons stated in Section (F)(7) of the supplemental memorandum accompanying this resolution.

14.13. If landscaping is installed in accordance with the parameters above, it would not result in any new, avoidable significant effects on the environment. Existing mitigation measures would continue to reduce previously identified environmental effects to less than significance and new mitigation measures would not be required upon installation of landscaping. Therefore, recirculation of the Negative Declaration prior to adoption by the Board of Supervisors is not required in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15073.5. Pursuant to subsection (b)(1) of Section 15073.5, the addition of landscaping would not create a new, significant effect. Pursuant to subsection (c)(3) of Section 15073.5, the installation of landscaping would involve the addition of a condition of approval that is not required by CEQA, does not create a new significant environmental effect, and is not necessary to mitigate an avoidable significant effect. Landscaping would not result in any new significant environmental effects for the following reasons:

- a. The location of landscaping is not within a scenic vista or a state scenic highway. The installation of landscaping would improve the visual quality of the downtown area by providing locally native and non-invasive ground-level plants and shrubs along sidewalks. The low-lying plants would not block views of the coast. The installation of landscaping would not create any new source of light.
- b. The landscaping would not displace any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The landscaping would not be located on agriculturally zoned land or on land within a Williamson Act contract. The landscaping would not displace any forest land or timberland.
- c. The installation of landscaping would have no impact on air quality because it would not result in changes to traffic volume, fleet mix, speed, location of existing facilities, or any other factor that would cause an increase in emissions.
- d. The landscaping would not be installed within any listed, sensitive, or special-status species habitat, riparian habitat, or wetlands. The landscaping would not interfere with the movement of native wildlife and would not be located within the boundaries of a Habitat Conservation Plan or Natural Community Conservation Plan.
- e. The landscaping would be installed in an area previously surveyed for cultural resources and which found no cultural resources.
- f. The installation of landscaping would have no effect on energy consumption and may improve energy consumption by encouraging the use of non-motorized transportation by providing aesthetically pleasing walkways.
- g. The landscaping would not be installed in an earthquake fault zone, landslide hazard area, unstable soil. The landscaping would not impact any paleontological resources or unique geologic features.
- h. The installation of landscaping would not have any negative impact on greenhouse gas emissions and would help mitigate greenhouse gas emissions by sequestering carbon dioxide from the atmosphere through photosynthesis.

- i. The installation of landscaping would not involve the use or disposal of hazardous materials in excess of legal limits. By the standard terms of a Landscape Maintenance Agreement, landscaping must be maintained in accordance with Caltrans' Maintenance Manual, which in turn requires that maintenance occur in conformance with applicable laws regarding the use of pesticides and herbicides.
- j. The installation of landscaping would improve water quality and decrease stormwater runoff impacts through infiltration and filtration. The landscaping would not be installed in a flood hazard, tsunami, or seiche zone.
- k. The landscaping would not physically divide an established community and would directly implement several policies of the Gualala Town Plan.
- l. The landscaping would not result in the loss of any known mineral resources.
- m. The installation of landscaping may create temporary and intermittent noise during planting and maintenance, but nothing beyond that already addressed within the Negative Declaration. The landscaping would not create any permanent noise source.
- n. The installation of landscaping would not displace any housing or induce population growth.
- o. The installation of landscaping would not require the provision of new or altered governmental facilities for fire protection, police protection, schools, or parks.
- p. The installation of landscaping would not increase the use of existing parks or require the construction or expansion of recreational facilities.
- q. The installation of landscaping would directly implement policies within the Gualala Town Plan related to roadway, bicycle, and pedestrian facilities. Landscaping would further encourage the use of non-motorized transportation, thereby reducing Vehicle Miles Traveled. Landscaping would not require any hazardous geometric design features and would not block any emergency access.
- r. The installation of landscaping would occur in an area that has been previously surveyed for Tribal Cultural Resources, and in which no Tribal Cultural Resources were found.
- s. The installation of landscaping would not require the relocation or construction of utilities systems beyond those already contemplated by the Negative Declaration and outlined in the project description. Landscaping would not generate wastewater or solid waste. Adequate water supply would be available to irrigate the landscaping with water trucks. Landscaping plants would be chosen to be drought-tolerant and adapted to the local climate.
- t. Installation of landscaping would not significantly exacerbate wildfire risk because it would be located outside of a Very High Fire Hazard Severity Zone.

45-14. In the event that the County and Caltrans fail to execute an LMA, Caltrans has agreed to spread a native seed mix over the previously proposed landscaping areas. The native seed mix would be comprised of locally native grasses, shrubs, and herbaceous plants. The removal of landscaping from the proposed development, and its replacement with the spreading of a native seed mix, does not conflict with the policies of the Gualala Town Plan. Policy G3.4-22 requires that developments provide as much landscaped area as *feasible*. Installation of landscaping, other than as part of any erosion control measures and the spreading of a native seed mix over the previously proposed landscaping areas, is infeasible at this time due to financial uncertainty and liability concerns of Mendocino County related to the responsibility of undertaking maintenance of the

landscaping. Policies G3.4-26 through G3.4-29 do not require that landscaping be installed. Rather, they establish requirements for any landscaping that is part of a project. The spreading of a native seed mix instead of the installation of full landscaping remains consistent with these policies because the native seed mix would provide an aesthetic complement to pedestrian walkways, would remain in a "cluster" design, would not involve the removal of trees, and would not block sight lines due to them being low-lying grasses, shrubs, and herbaceous plants. Policy G3.4-30 states that "Highway 1 medians and embankments should be landscaped with ground level shrubs and herbaceous plants." The use of the word "should" indicates that this policy is a recommendation rather than a requirement. Regardless, spreading a native seed mix would partially implement this policy by installing ground level shrubs and herbaceous plants along the highway embankments. Policy G3.6-2 refers to an area that is outside the scope of this project. Policy G3.6-3 requires that "street landscaping and pedestrian walkways shall be provided within the corridor preservation setback". However, Policy G3.6-3 also states that "*consideration of a reduced half-width would be dependent upon a review of constraints associated with topography, drainages, and existing development.*" In some areas of the proposed project, the desired half-width has been reduced due to the potential substantial cost of acquiring new right-of-way and conflicts with existing structures. Policy G3.6-4 requires that twelve (12) feet of landscaping shall be included within an eighty (80) foot right-of-way on both sides of Highway 1 within the GVMU district and Policy G3.6-16 states that "*landscaping shall be provided along all pedestrian walkways*". These policies do not specify which entity would be responsible for the installation of landscaping and do not specify a time limit in which full implementation must be achieved. Further, Policy G3.6-4 allows for exceptions to the strict application of the streetscape cross-section standards with prior approval of the Caltrans District Director where existing development, site topography, or physical constraints mandate a greater or lesser right-of-way width. The lesser right-of-way width has been approved by Caltrans in their Design Standard Decision Document (attachment O). Policies G3.9-1 through G3.9-3 recommend that in-lieu fees, special taxes, or assessment districts be established to fund public improvements, but these funding mechanisms are recommendations and not prerequisites to any development. Though landscaping has been removed from the proposed development and replaced with the spreading of a native seed mix, its future installation will not be precluded by the proposed development. The plants that become established due to the spreading of the native seed mix could be removed and replaced with the originally desired landscaping in the future. The inability to implement all relevant policies of the Gualala Town Plan due to practical and funding constraints should not prevent the implementation of policies that are achievable. If a native seed mix is spread over the previously proposed landscaping areas, it would not result in any new, avoidable significant effects on the environment for the same reasons stated above in finding number thirteen (13).

BE IT FURTHER RESOLVED that the Board of Supervisors have considered the effects of the project discussed in the Negative Declaration and agrees with the determinations therein, including that the modifications to the Project description approved herein do not require any modifications to or recirculation of the Negative Declaration for the reasons stated in the second supplemental memorandum accompanying this resolution; and

BE IT FURTHER RESOLVED that the Board of Supervisors hereby modifies the approval decision by the CPA as provided for herein -and adopts the conditions of approval contained in Exhibit A; and

BE IT FURTHER RESOLVED that the Board of Supervisors hereby authorizes the Chief Executive Officer to execute, on behalf of the County, a landscape maintenance agreement with Caltrans, which shall be in substantially the same form as that attached to the conditions of approval contained in Exhibit A as attachment 1.

BE IT FURTHER RESOLVED that the Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitutes the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 501 Low Gap Road, Room 1010, Ukiah, CA 95482.

This foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this _____ day of _____, 2025 by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, THE Chair declared said Resolution adopted and SO ORDERED.

ATTEST: DARCIE ANTLE
Clerk of the Board

JOHN HASCHAK, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
CHARLOTTE E. SCOTT,
County Counsel

BY: DARCIE ANTLE
Clerk of the Board

Deputy _____

EXHIBIT A

CONDITIONS OF APPROVAL

CDP_2024-0040 – CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

APPROVED PROJECT DESCRIPTION: Coastal Development Permit for Caltrans to implement the Gualala Downtown Streetscape Enhancement Project.

CONDITIONS OF APPROVAL:

1. This 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. If cultural materials are discovered during construction, all earthmoving activity within and around the immediate discovery area shall be diverted until a qualified archaeologist can assess the nature and significance of the find in consultation with the State Historic Preservation Officer. If human remains are

discovered, State Health and Safety Code § 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner contacted. Pursuant to CA Public Resources Code (PRC) § 5097.98, if the remains are thought to be Native American, the coroner shall notify the Native American Heritage Commission (NAHC) who would then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains would contact the Environmental Senior and Professionally Qualified Staff so they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC § 5097.98 would be followed as applicable.

9. Conditions approving this Coastal Development Permit shall be attached to or printed on any building permit application and shall be a part of on-site construction drawings.
10. The project shall incorporate pollution prevention and design measures consistent with the 2016 Caltrans Storm Water Management Plan. This plan complies with the requirements of the Caltrans Statewide NPDES Permit (Order 2022-0033-DWQ). The project design should include one or more of the following:
 - a. Vegetated surfaces would feature native plants, and revegetation would use the seed mixture, mulch, tackifier, and fertilizer recommended in the Erosion Control Plan prepared for the project.
 - b. Where possible, stormwater would be directed in such a way as to sheet flow across vegetated slopes, thus providing filtration of any potential pollutants.
11. Prior to the commencement of construction, the contractor shall be required to place temporary high visibility fencing (THVF) along the boundaries of all riparian, wetland, or other environmentally sensitive areas adjacent to the project footprint. No work shall occur within fenced areas.
12. To protect migratory and nongame birds (occupied nests and eggs), if possible, vegetation removal shall be limited to the period outside of the bird breeding season (removal would occur between September 16 and January 31). If vegetation removal is required during the breeding season, a nesting bird survey shall be conducted by a qualified biologist within five days prior to vegetation removal. If an active nest is located, the biologist shall coordinate with CDFW to establish appropriate species-specific buffer(s) and any monitoring requirements. The buffer shall be delineated around each active nest and construction activities would be excluded from these areas until birds have fledged, or the nest is determined to be unoccupied. The biologist shall also report the results of the survey and the establishment of any buffers and monitoring requirements to Planning & Building Services.
13. Partially constructed and unoccupied nests within the construction area shall be removed and disposed of on a regular basis throughout the breeding season (February 15th to September 1st) to prevent their occupation. Nest removal shall be repeated weekly under guidance of a qualified biologist to ensure nests are inactive prior to removal.
14. Pre-construction surveys for active raptor nests within one-fourth mile of the project area shall be conducted by a qualified biologist within 15 days prior to the initiation of construction activities. Areas to be surveyed shall be limited to those areas subject to increased disturbance because of construction activities (i.e., areas where existing traffic or human activity is greater than or equal to construction-related disturbance need not be surveyed). If any active raptor nests are identified, appropriate conservation measures (as determined by a qualified biologist) shall be implemented. These measures may include, but are not limited to, establishing a construction-free buffer zone around the active nest site, biological monitoring of the active nest site, and delaying construction activities near the active nest site until the young have fledged. Any measures recommended by the biologist shall be reported to Planning & Building Services.
15. After all construction materials are removed, the project area shall be restored to a natural setting by grading, placing erosion control, and replanting. Caltrans shall implement a program of invasive weed control in all areas of soil disturbance caused by construction to improve habitat for native species in and adjacent to disturbed soil areas within the project limit.
16. All emergency response agencies in the project area shall be notified of the project construction schedule and would have access to SR 1 throughout the construction period.

17. Caltrans shall coordinate with the utility providers before relocation of any utilities to ensure potentially affected utility customers would be notified of potential service disruptions before relocations.
18. Pedestrian and bicycle access shall be maintained during construction.
19. The contractor shall be required to reduce any access delays to driveways or public roadways within or near the work zones.
20. A Traffic Management Plan (TMP) shall be developed for the project. Prior to the commencement of construction, the TMP shall be submitted to Planning & Building Services. The TMP should conform to Caltrans Transportation Management Plan Guidelines.
21. Alterations to the existing contours of any temporary construction staging areas created by the contractor shall be graded to previous conditions and revegetated with appropriate native plants.
22. Per Caltrans requirements, the contractor(s) shall prepare a project specific Lead Compliance Plan (CCR Title 8, § 1532.1, the "Lead in Construction" standard) to reduce worker exposure to lead-impacted soil. The plan would include protocols for environmental and personnel monitoring, requirements for personal protective equipment, and other health and safety protocols and procedures for the handling of lead-impacted soil. The Lead Compliance Plan shall be submitted to Planning & Building Services.
23. Prior to the commencement of construction, the permittee shall submit to Planning & Building Services copies of Section 404/401 permits obtained from the Regional Water Quality Control Board and U.S. Army Corps of Engineers and the Section 1602 Lake and Streambed Alteration Agreement obtained from the California Department of Fish and Wildlife. If monitoring reports are required to be submitted to those agencies as conditions of those permits, the permittee shall also submit such monitoring reports to Planning & Building Services at the same interval specified within those permits.
24. The permittee shall replant native riparian vegetation at a 1:1 ratio in accordance with the submitted Planting Plan. The establishment period of riparian plants would extend between approximately 12-24 months. Plants shall be watered and weeded to promote healthy growth. At the end of the establishment period, the permittee shall report on the success of the riparian plantings to Planning & Building Services. A survival rate of seventy-five percent (75%) shall be required. If the survival rate is less than 75%, the permittee shall replant native riparian vegetation.
25. The permittee shall purchase credits at the Mendocino Mitigation Bank to offset the temporal loss of habitat (0.0141 acre), as well as permanent loss of the stream channel (0.0024 acre). Mitigation bank credits shall be purchased at a 3:1 ratio to further offset impacts. If the mitigation credits are not available in time for construction on this project, or if, after plant establishment is complete, the riparian plantings are not successful, then the permittee shall propose a plan to evaluate onsite success and submit an amendment to the mitigation plan to Planning & Building Services and increase the Mendocino Mitigation Bank mitigation package if necessary.
26. If disposal, staging, and borrow sites (DSBs) are identified within Caltrans right-of-way (R/W), outside the previously studied limits, either Caltrans Professionally Qualified Staff (PQS) or a contractor-provided cultural resource specialist who meets the Secretary of the Interior's Professional Qualification Standards shall clear the site. Documentation shall be provided to Caltrans PQS staff for approval. Caltrans approval shall also be submitted to Planning & Building Services. Any DSBs proposed outside of Caltrans R/W shall also be cleared for cultural resources. Per *Design Information Bulletin Number 85, Guidance for the Consideration of Material Disposal, Staging, and Borrow Sites, Original signed by Mark Leja, Division Chief, Division of Design, May 15, 2007 and Section 7-103 Protection of Environmental Resources, in Chapter 7 of the August 2006 Caltrans Construction Manual*, for DSBs outside of Caltrans R/W, the contractor shall provide to Caltrans environmental documentation prepared by appropriately qualified environmental specialists. Caltrans shall submit such documentation to Planning & Building Services.
27. In accordance with Gualala Municipal Advisory Council recommendations, the permittee shall:
 - a. *Maintain pedestrian access through the village at all times, to the extent feasible.*

- b. *Consider construction scheduling, as feasible, to minimize noise and dust impacts on outdoor activities of sensitive stakeholders, such as the Forager Preschool and Gualala Farmers Market.*
 - c. *Consider the scenic values of the Gualala Bluff Trail in design and construction of proximate stormwater management features.*
 - d. *Consider including native herbaceous and perennial flowers (e.g. California poppy) in the erosion control seed mix.*
28. If at which time future funding becomes available through special tax or fees as described in the Gualala Town Plan, and a Landscape Maintenance Agreement (LMA) with a qualified Local or State agency is in place, Caltrans will work with applicants through the encroachment permit process to integrate landscaping in the future.
29. Caltrans shall install landscaping in accordance with the following parameters:
- a. Landscaping that is consistent with Caltrans' Highway Design Manual (HDM) and which excludes trees.
 - b. Landscaping designed to ensure that regular vegetation maintenance does not require lane closure.
 - c. The County would not be responsible for vegetation through an initial maintenance period. During this time, Caltrans and not the County would not be responsible for providing water and/or fertilizer necessary to sustain healthy plant growth, the pruning of shrubs and plantings to control extraneous growth, the replacement of unhealthy or dead plantings, or to maintain, replace, repair, or remove from service any components of the landscaping system that has become unsafe or unsightly.
 - d. The County and Caltrans shall enter into an LMA, substantially in the form attached hereto as Attachment 1.
 - e. Landscaping that is located in the same areas depicted in attachment T.
 - f. Landscaping that conforms to the plant species listed in attachment T, which include plant species that are native to the Gualala area or are well adapted non-native, non-invasive plants and which are low-lying shrubs, herbaceous plants, and grasses. This will ensure that landscaping is consistent with Gualala Town Plan Policies G3.4-25, G3.4-27, and G3.4-30.
 - g. Landscaping shall be pruned and maintained such that sight lines at intersections and curb cuts are not blocked.
30. In the event that the County and Caltrans fail to execute an LMA within thirty (30) days of the date of adoption of this resolution, condition of approval 29 hereof shall be considered null and void, and Caltrans shall spread the native seed mix shown in attachment U across the landscaping areas shown in attachment T.