



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT FOR ADMINISTRATIVE CDP**

**JULY 20, 2021
CDP_2019-0022**

SUMMARY

OWNER/APPLICANT/AGENT: NICKOLAI STEZ
PO BOX 1448
FORESTVILLE, CA 95436

REQUEST: Administrative Coastal Development Permit to develop a vacant parcel by constructing a single family residence, including a workshop, guest cottage, greenhouse, 8,000 gallon water tank and pump house. The request includes the construction of a well, septic system and gravel driveway, and connections to utilities.

LOCATION: In the Coastal Zone, 3.5± miles north east of Anchor Bay town center, 3.0± miles east of the intersection of State Highway 1 (SH 1) and Iversen Road (CR 503), 0.4± miles south of Iversen Rd., on the east side of a private gravel road, located at 44035 Iversen Rd., Gualala (APN: 142-190-27).

TOTAL ACREAGE: 1.9± Acres

GENERAL PLAN: Rural Residential (RR10:R)
General Plan, Coastal Element Chapter 4.12

ZONING: Rural Residential (RR10)
Mendocino Coastal Zone Code

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: JESSIE WALDMAN

BACKGROUND

PROJECT DESCRIPTION: Administrative Coastal Development Permit to construct a single family residence with covered entry and concrete patio, workshop, guest cottage, greenhouse, 8,000 gallon water tank and 120 sq. ft. pump house. Including the establishment of a gravel driveway, well, septic system and connections to utilities.

APPLICANT'S STATEMENT: *"New single family dwelling, guest House, workshop building, green house, new septic system and water storage Tank. Expand driveway (existing) and extend power line."*

RELATED APPLICATIONS:

On-Site:

- Map Case 2, Drawer 40, Page 52 of Mendocino County Records

- CE_1999-0019 Test Well
- CDP_73-2006 Single Family Residence, never vested, expired
- CDPM-73-2006(2010) Never vested, expired
- Well Permit Test Well, 12660F
- Septic system Permit ST23538, pending

Adjacent Parcels:

- APN: 142-200-05 CE_2005-0055 - Test Well
CDP_56-2006
- APN: 142-190-26 CalVo Single Family Residence
CC- 30-83- Certificate of Compliance
- APN: 142-190-14 CCC 1-92-086-A1 – Single Family Residence
LCP_33-92 – Single Family Residence
AP_1992-0012 - Temporary Occupancy during Construction
- APN: 142-190-13 LCP_81-81 – Single Family Residence
CE_1998-0065 - Replacement Well

SITE CHARACTERISTICS: The subject parcel is 1.9± acres in size and located on the southeast side of a private gravel road, 0.25± miles south of its intersection with Iversen Road (CR 503), as shown on the *Location Map*. Ariel photographs indicate the parcel is lined with wooded forests and open meadows. The subject site is surrounded by parcels that are approximately 10 acres in size, with the exception of the contiguous parcels to the north and east, being approximately 3 acres and 5 acres, respectively.

A test well, WW12330F, consistent with Categorical Exclusion Permit, CE 19-99, was issued and completed. A septic permit, ST23538, has been approved but not issued to support three bedrooms. A Coastal Development Permit, CDP 73-06, and an amendment, CDPM 73-2006(2010), for a single family residence was issued. During the life of the afore-mentioned development permits, portions of the parcel have been cleared for preparation of the construction of buildings and the installation of the septic system and well.

A *Biological Scoping Survey* was conducted in March 2020 by Spade Natural Resources Consulting (SNRC, 2020). The report found one special status plant, thin-lobed horkelia (*Horkelia tenuiloba*) and one watch list species, glory brush (*Ceanothus gloriosus* ssp. *Exaltatus*). The 2020 report recommended a follow up survey be conducted during early bloom window. The proposed project will be located within the previously cleared areas of the parcel as well as within portions of the Redwood Forest area and the Manzanita Chaparral areas, described in the SNRC 2020 report. A follow up analysis was conducted by NSRC, in April 2021, where the early bloom survey determined early blue violet (*Viola adunca*), marsh microseris (*Microseris paludosa*) and Monterey clover (*Trifolium trichocalyx*) are not present within 100 feet of the proposed development. SNRC did make multiple recommendations for avoidance, which is discussed within the Habitats and Natural Resources section of this staff report.

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the surrounding lands are classified and zoned Rural Residential (RR), where the adjacent parcels are developed with residential uses, as shown on the *Aerial Imagery (Vicinity)* and *Aerial Imagery* maps. The proposed single family residence, accessory structures and ancillary development is consistent with the surrounding land uses and development.

Table 1: Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential (RR10)	Rural Residential (RR10)	3± Acres	Residential
EAST	Rural Residential (RR10)	Rural Residential (RR10)	5± Acres	Residential
SOUTH	Rural Residential (RR10)	Rural Residential (RR10)	10± Acres	Residential
WEST	Rural Residential (RR10)	Rural Residential (RR10)	10± Acres	Residential

PUBLIC SERVICES:

Access: Iversen Road to Private Road
Fire District: South Coast Fire Protection District
Water District: NONE
Sewer District: NONE

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed development of a single family residence with covered entry and concrete patio, workshop, guest cottage, greenhouse, 8,000 gallon water tank and 120 square feet pump house, including the establishment of a gravel driveway, well, septic system and connections to utilities, is consistent with the goals and policies of the Local Coastal Program, General Plan and Zoning Code as detailed below:

Land Use: The project site is located within the boundaries of the Local Coastal Program (LCP) area and is shown on the *LCP Land Use Map 30: Anchor Bay* map. The subject parcel is classified as Rural Residential (RR) by the Mendocino County General Plan, as shown on the *General Plan Classifications* map. The Coastal Element Chapter 2.2 Rural Residential classification states:

... is intended to 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.

The proposed project, which involves developing a vacant parcel by constructing a single family residence, appurtenant structures and utilities, is consistent with principally permitted uses and ancillary development with the Rural Residential Land Use classifications, per Mendocino County Coastal Element Chapter 2.2.

Zoning: The project site is located within a Rural Residential (RR) district, as shown on the *Zoning Display Map*. The RR district, per Mendocino County Code (MCC) Section 20.376.005, states:

... 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.

The proposed project, which includes construction of a single family residence, guest cottage, multiple accessory structures and associated utilities, where a single family residence is a principally permitted use within the RR district, pursuant to MCC Chapter 20.376. Accessory uses are permissible within the RR District, per MCC Chapter 20.456.

The proposed developments will be located at the north eastern portion of the subject parcel, as shown on the *Revised Site Plan*. The parcel's zoning designation RR10 requires a 10 acre minimum parcel size. The subject parcel is 1.9± acres in size and is considered to be legal non-conformation with respects to lot size requirements. The RR zoning district allows for a setback exception for parcels less than five (5) acres in size, such as the subject parcel. The proposed project will comply with the minimum property setback exception requirements for the RR District for the parcel size, which are 20 feet for each front, side and rear yard. A corridor preservation setback of 25 feet applies along the private dirt road, resulting in a front yard setback of either 45 feet or 20 feet from the property line, whichever is greater. As currently proposed, the single family residence and accessory structures will be located outside the 20 foot minimum yard setbacks and will be consistent with the corridor preservation setbacks.

The maximum building height allowed in the RR District is 28 feet above the natural grade for non-Highly Scenic Areas, such as the project site. As currently proposed, the proposed development will be a maximum height of 21 feet, as shown on the multiple *Elevations* maps. The proposed development will establish an overall lot coverage of 3.4 percent, which is consistent with the maximum 20 percent allowable lot coverage. A minimum of two off-street parking spaces are required for the residential unit, where three are proposed; the site has adequate capacity for the required parking.

Guest cottages are compatible with the RR district and designated as permitted accessory uses, per MCC Chapter 20.456, which states the following:

“Subject to the restrictions and limitations of this Chapter, including the granting of a Coastal Development Permit, where applicable, the following accessory buildings and uses shall be permitted in all zoning districts which allow a single family residence (pertinent part):

(G) Accessory Living Unit. Not more than one accessory living unit for each legal parcel.”

An “Accessory Living Unit” as defined in MCC Section 20.308.020 is as follows (pertinent part):

“...a detached bedroom as defined in Section 20.308.035(B) or a guest cottage as defined in Section 20.308.050(I).”

A “Guest Cottage” is defined, per MCC Section 20.308.050(I), which states:

“...a detached building (not exceeding six hundred forty (640) square feet of gross floor area), of permanent construction, without kitchen, clearly subordinate and incidental to the primary dwelling on the same lot, and intended for use without compensation by guests of the occupants of the primary dwelling.”

The proposed guest cottage is 634 square feet, with an attached 196 square foot deck. **Condition 10** is recommended to ensure the guest cottage will not have a kitchen or cooking facilities, will be clearly subordinate and incidental to the primary dwelling, and will not be separately rented, let, or leased whether compensation be direct or indirect.

As currently proposed, the project will conform to development standards of MCC Chapters 20.376, 20.456, 20.472 and 20.532 of Division II of Title 20 of MCC.

Visual Resources: The site is not mapped as a Highly Scenic Area, therefore, the proposed development is subject to only to the Policy 3.5-1 of the Coastal Element, which states:

“The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas...”

The proposed residence would not be visible from State Route 1, or any park, beach or recreation areas and would not be out of character with surrounding development. With an average building height of 16 feet 10 inches, the residence complies with the 28 foot height limitation.

Condition 11 is recommended to require an exterior finish schedule for proposed materials and colors which will be visually compatible with the character of the surrounding area consistent with Mendocino

County Coastal Element Policies 3.5-1 and Chapter 20.488.015(C) of the Mendocino County Code (MCC).

Condition 12 is recommended to require exterior lighting to be kept to the minimum necessary for safety and security purposes, be downcast, shielded and positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with Mendocino County Coastal Element Policies 3.5-1 and MCC Section 20.504.035.

With added conditions, the proposed project will not increase view obstruction from nearby public areas and is visually compatible with the character of surrounding areas and will be consistent with Mendocino County Coastal Element Policies 3.5-1 and MCC Chapters 20.488 and 20.504 regulations for parcels to be developed along the ocean and scenic coastal areas.

Hazards Management: The property is in an area of “High Fire Hazard” severity rating, as shown on the *Fire Hazard Zones & Responsibility Areas* map. Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the South Coast Fire Protection District. The proposed project was referred to both fire protection agencies where no response has been received as of this date.

State Fire Safe Regulations Application Form, CalFire File Number 327-19 was issued for the project. CalFire responded with comments for parcels zoned as Timberland, any proposed timber operations, or removal of commercial tree species. These recommendations are not applicable due the Rural Residential zoning designation of the subject parcel. **Conditions 4 and 5** are recommended requiring the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction ensures any fire protection policy or plan will be addressed. With the inclusion of these conditions, the proposal would be consistent with Mendocino County policies for fire protection.

As conditioned, the proposed project will be consistent with MCC Chapter 20.500 regulations for hazard areas, including geologic hazards (faults, bluffs, tsunamis, landslides, and erosion), fire and flood hazards.

Habitats and Natural Resources: Both the Mendocino County Coastal Element and Mendocino County Code (MCC) address Environmentally Sensitive Habitat Areas (ESHA). MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures. The site is designated as both Barren and Pygmy Forest Vegetation, as shown on the *LCP Habitats & Resources* map.

As previously mentioned, Spade Natural Resources Consulting (SNRC) conducted a *Biological Scoping Survey* (SNRC, 2020) and a follow up survey (SNRC, 2021). SNRC 's survey recommends avoidance measures for the potential impact to Special Status Birds, Bats and Amphibians, Erosion and Native Landscaping and Invasive Plants. All development maintains a greater than 100 foot buffer to identified ESHA. The proposed project was referred to California Coastal Commission (CCC) and California Department of Fish and Wildlife (CDFW), where no response has been received as of this date.

To prevent impact to ESHA's, **Condition 14 through Condition 19** are recommended by Staff, requiring that Best Management Practices as described in Section 6 Recommended Avoidance Measures of the *Biological Scoping Survey* (SNRC, 2020) be followed to prevent disturbance to all ESHA's during construction of the proposed project.

With added conditions, the proposed project is consistent with MCC Chapter 20.496 regulations for Environmentally Sensitive Habitat Areas (ESHA).

Grading, Erosion, and Run-Off: The area of the proposed single family residence, accessory structures and ancillary development is gently sloped towards the southwest, as shown on the *Topographic Map*. As proposed, grading will occur at the time of construction of the proposed single family residence, accessory structures, and the connection to utilities, including a driveway, water, sewer and electricity. Grading will be required to accommodate the proposed development. Best Management Practices shall be implemented

during construction to prevent delivery of sediment over the bluff edge. **Conditions 4 and 5** requiring the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction; this ensures any grading, erosion and runoff protection and hazard area policies or plans will be addressed.

The proposed project is consistent with MCC Chapter 20.492 regulations for Grading, Erosion and Runoff Standards.

Groundwater Resources: The site is designated on the Mendocino County Coastal Groundwater Study Map as a Critical Water Resource Bedrock Area, as shown on the *Ground Water Resources* map. A test well, WW12330F, consistent with Categorical Exclusion Permit CE 19-99, was issued and completed. A septic permit, ST23538, has been approved but not issued, to support three bedrooms. The proposed development includes 3 bedrooms, the installation of the septic system and the conversion of the permitted test well into a production well. The project was referred to the Mendocino County Division of Environmental Health (DEH) to review impacts to water and septic, where DEH responded with recommendations requiring the aforementioned septic permit be finalized prior to final of associated building permits for the proposed development. **Conditions 4, 5, and 13** are recommended requiring the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction ensures any groundwater and DEH regulations will be addressed.

With added conditions, the proposed project will be consistent with the Local Coastal Program policies related to groundwater resources and DEH regulations.

Archaeological/Cultural Resources: The proposed development was referred to Mendocino County Archaeological Commission (ARCH) and Northwest Information Center at Sonoma State University (SSU). SSU recommended a cultural resources survey be conducted. An Archaeological Survey Report, prepared by Alex DeGeorgey, of Alta Archaeological Consulting, dated December 5, 2020, was prepared, where the report states "*No potentially significant cultural resources have been identified*". The report was presented to ARCH, on January 13, 2021, where the Commission accepted the report and added recommendations including adhering the recommendations within the report and a discovery clause as part of the conditions of project approval.

Staff notes that **Condition 8** advises the property owners of a "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction activities associated with the project. **Condition 9** is recommended to ensure a qualified professional archaeologist should be contacted to evaluate the situation, per the Archaeological Survey recommendations prepared by Alex DeGeorgey, of Alta Archaeological Consulting, dated December 5, 2020.

The project was referred to three local tribes for review and comment, including the Sherwood Valley Rancheria, Redwood Valley Rancheria, and the Cloverdale Rancheria. As of this date, no response has been received.

With added conditions, Staff recommends the project is consistent with Mendocino County policies for the protection of the paleontological and archaeological resources.

Transportation/Circulation: The project would not contribute new sources of traffic on local and regional roadways. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned. Access to the site is provided by a private road from Iverson Road (CRT 503). The Mendocino County Department of Transportation had no comments on the proposed project.

Without added conditions, the project is consistent with MCC Chapter 20.516 regulations and policies for transportation, circulation, utilities, and public services protection.

ENVIRONMENTAL DETERMINATION: The project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Article 19, Section 15303, Class 3(a) and Class

3(e), new construction, including a single family residence, a guest cottage and accessory structures and ancillary development.

PROJECT FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project to construct a single family residence, a guest cottage and accessory structures and ancillary development and adopts the following findings and conditions.

FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed project to establish a single family residence, a guest cottage, accessory structures and ancillary development is in conformity with the certified Local Coastal Program. The proposed developments are principally and accessory permitted uses within the Rural Residential land use classification and are consistent with the intent of the Rural Residential Classification; and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development of a single family residence, a guest cottage, accessory structures and ancillary development would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The site will be served. The subject parcel is served by a private gravel road accessed by Iverson Road (CR 503). On-site driveway improvements are proposed under the project. The establishment of a County approved well and septic system on-site septic system is to be installed; and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed development of a single family residence, a guest cottage, accessory structures and ancillary development is consistent with the purpose and intent of the Rural Residential Zoning District, as well as all other provisions of Division II of Title 20 of the Mendocino County Code, and preserves the integrity of the Rural Residential Zoning District by allowing principally permitted uses and accessory development to the principally permitted uses in the Rural Residential Zoning District; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development, 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. Construction of a single family residence, a guest cottage, accessory structures and ancillary developments are categorically exempt pursuant to Article 19, Section 15303, Class 3(a) and Class 3(e), and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development of a single family residence, a guest cottage, accessory structures and ancillary developments will not have any adverse impact on any known archaeological or paleontological resources. **Condition 8** advises the applicant of the County's "discovery clause" which establishes procedures to follow in the event that archaeological or cultural materials are discovered during site preparation or construction activities; and
6. Pursuant with 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. Construction of a single family residence, a guest cottage, accessory structures and ancillary developments are not anticipated to significantly affect demands on public services. The subject parcel and proposed development will be served by an on-site production well and an on-site septic system.

CONDITIONS OF APPROVAL:

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 expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

2. 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.
3. 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.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The Applicants shall secure all required permits for the proposed development of the single family residence, carport and ancillary developments to support the single family residence as required by the Building Inspection Division of the Department of Planning and Building Services, Department of Transportation and Department of Environment Health.
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. If previously unidentified cultural resources are encountered during project implementation, avoid altering the materials and their stratigraphic context. A qualified professional archaeologist should be contacted to evaluate the situation, per the Archaeological Survey recommendations prepared by Alex DeGeorgey, of Alta Archaeological Consulting, dated December 5, 2020.
10. Prior to issuance of a building permit for the guest cottage in reliance of this Coastal Development Permit, the applicants shall execute and record a deed restriction stating that the guest cottage shall not contain facilities, either permanent or temporary and portable, for the cooking or preparation of food, shall not be used as an independent dwelling unit until such time as appropriate permits are obtained, shall be clearly incidental and subordinate to the primary dwelling on the parcel, and shall not be separately rented, let, or leased whether compensation be direct or indirect as defined by MCC Section 20.308.050(I). The property owner has the ability to convert the guest cottage for use as a second residence if regulations are adopted in the future to permit second residences within the Coastal Zone. Such a conversion shall only be allowed after securing all required permits to allow such a use.

11. Prior to issuance of a Building Permit, the property owner shall furnish exterior finish schedule consistent with Mendocino County Coastal Element Policy 3.5-4 and Mendocino County Code of Ordinances Section 20.504.015(C), for approval from the Coastal Permit Administrator or to the satisfaction of the Director of Planning and Building Services.
12. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details consistent with Mendocino County Coastal Element Policy 3.5-4 and Mendocino County Code of Ordinances Section 20.504.035, for approval from the Coastal Permit Administrator or to the satisfaction of the Director of Planning and Building Services.
13. Prior to final of a Building Permit, final approval of the aforementioned septic permit shall be completed, per Division of Environmental Health regulations.
14. In order to provide for the protection of **special status birds**, as described in Section 6 Recommended Avoidance Measures of the *Biological Scoping Survey (SNRC, 2020, 6.1.3)*, the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:
 - a. Removal of vegetation removal and initiation of construction shall be done during non-breeding season (between September and January). If development is to occur during the breeding season (February to August), a pre-construction survey is recommended with 14 days of the onset of construction to ensure that no nesting birds will be disturbed during development, and
 - b. If active special status bird nests are observed, no ground disturbance activities shall occur within a 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 disturbance, and
 - c. Construction shall occur during daylight hours to limit disturbing construction noise and minimize disturbance.
15. In order to provide for the protection of **special status bats**, as described in Section 6 Recommended Avoidance Measures of the *Biological Scoping Survey (SNRC, 2020, 6.1.3)*, the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:
 - a. Removal of vegetation removal and initiation of construction shall be done during non-roosting season (between September and October). If development is to occur during the roosting season (November to August), a pre-construction survey is recommended with 14 days of the onset of construction to ensure that no roosts will be disturbed during development, and
 - b. If evidence of bats use is observed, 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. Removal of roost trees should occur in September and October, or after bats have left the roost and the recommendations of the survey shall be adhered, and
 - c. Construction shall occur during daylight hours to limit disturbing construction noise and minimize disturbance.
16. In order to provide for the protection of **special status frogs**, as described in Section 6 Recommended Avoidance Measures of the *Biological Scoping Survey (SNRC, 2020, 6.1.4)*, the following mitigation measures are recommended to minimize impacts to presumed ESHA within the study area:

- a. Within 2 weeks prior to construction activities, construction personnel will be trained by a qualified biologist in the identification of **special status frogs** that occur along the Mendocino County Coast. Workers will be trained to differentiate between special status and common species and instructed on actions and communications required to be conducted in the event that special status amphibians are observed during construction; and
 - b. During ground disturbing activities, construction crews will begin each day with a visual search around the staging and impact area to detect the presence of amphibians; and
 - c. During construction and debris removal, any wood stockpiles should be moved carefully by hand in order to avoid accidental crushing or other damage to amphibians; and
 - d. If a rain event occurs during the construction period, all activities shall cease for 48 hours after the rain stops. Prior to resuming construction activities, trained construction crews shall examine the site for the presence of special status amphibians. If no amphibians are observed, normal construction activities may resume. If a special status amphibian is detected, construction crews will stop all ground disturbing work and will contact the California Department of Fish and Wildlife (CDFW) or a qualified biologist. Clearance from CDFW will then be in agreement with protective measures needed for any potential special status amphibians.
17. In order to provide for the protection of **Sonoma Tree Vole**, as described in Section 6 Recommended Avoidance Measures of the *Biological Scoping Survey (SNRC, 2020, 6.1.5)*, a Sonoma tree vole survey shall occur within two weeks of tree removal activities. If tree vole nests are found in trees to be removed, the California Department of Fish and Wildlife (CDFW) shall be immediately notified and steps shall be taken to protect identified tree vole nests per California Department of Fish and Wildlife (CDFW) requirements. The applicant shall comply with all recommendations of CDFW. Project commencement shall not occur until California Department of Fish and Wildlife (CDFW) gives clearance.
18. In order to provide for the protection of **erosion control**, as described in Section 6 Recommended Avoidance Measures of the *Biological Scoping Survey (SNRC, 2020, 6.1.6)*, standard Best Management Practices (BMPs) shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Any soil stockpiles shall be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be revegetated with native vegetation and/ or native seed mixes for soil stabilization.
19. In order to provide for the protection of **native flora and habitat of native fauna**, as described in Section 6 Recommended Avoidance Measures of the *Biological Scoping Survey (SNRC, 2020, 6.1.7)*, landscaping shall not include any invasive plants and shall consist of native plants to California and the project site's environment. Heavy equipment undercarriages and tires should be washed prior to entering the site in order to remove any invasive plant seeds.

7-20-2021
DATE

7-20-2021
DATE

JESSIE WALDMAN
JESSIE WALDMAN
PLANNER II

IGNACIO GONZALEZ
IGNACIO GONZALEZ
INTERIM DIRECTOR

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

- | | |
|---------------------------------|---------------------------------------------------|
| A. Location Map | N. LCP Land Use Map 30: Anchor Bay |
| B. Aerial Imagery (Vicinity) | O. LCP Land Capabilities & Natural Hazards |
| C. Aerial Imagery | P. LCP Habitats & Resources |
| D. Topographic Map | Q. Appealable Areas |
| E. Revised Site Plan | R. Adjacent Parcels |
| F. SFR Floor Plan | S. Fire Hazard Zones & Responsibility Areas |
| G. SFR Elevations NW | T. Groundwater Resources |
| H. SFR Elevations SE | U. Slope |
| I. Guest House Plan | V. Soils |
| J. Workshop Plan | W. Biological Scoping Survey, dated March 6, 2020 |
| K. Greenhouse Plan | X. Biological Update, dated April 30, 2021 |
| L. Zoning Display Map | |
| M. General Plan Classifications | |

AGENCY COMMENTS: On August 6, 2020, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	COMMENT
Archaeological Commission (ARCH)	Comments
Assessor's Office	No Comment
Building Division (FB PBS)	No Comment
CalFire (Prevention)	Comments
CalFire (Resource Management)	No Response
California Coastal Commission (CCC)	No Response
California Department of Fish & Wildlife (CDFW)	No Response
Cloverdale Rancheria	No Response
Department of Transportation (DOT)	Comments
Environmental Health (DEH) (FB)	Comments
Gualala Municipal Advisory Council (GMAC)	Comments
Planning Division (Ukiah PBS)	No Comment
Redwood Valley Tribe	No Response
Sherwood Valley Band of Pomo Indians	No Response
Sonoma State University-NWIC (SSU)	Comments
South Coast Fire Protection District	No Response

REFERENCES:

(Coastal Element) Mendocino County, Planning and Building Services, Planning Division. The County of Mendocino General Plan, Coastal Element. 1985. Accessed May 21, 2021, at:
<https://www.mendocinocounty.org/government/planning-building-services/plans/coastal-element>

(MCC, 1991) Mendocino County Department of Planning and Building Services. October 1991. Mendocino County Zoning Code Coastal Zoning Code, Title 20 – Division II of the Mendocino County Code. Accessed May 21, 2021,
https://library.municode.com/ca/mendocino_county/codes/code_of_ordinances?nodeId=MECOCO_TIT20_ZOOR_DIVIIMECOCOZOCO

Mendocino County Department of Planning & Building Services. County of Mendocino Coastal Zone. LCP Map 30 – Anchor Bay [map]. 1985. Accessed May 21, 2021, at:
<https://www.mendocinocounty.org/government/planning-building-services/county-maps/coastal-zone-local-coastal-program-lcp-maps>.

Mendocino County Department of Planning & Building Services. June 2011. Fire Hazard Zones & Fire Responsibility Areas [map]. Accessed May 21, 2021, at:
https://www.mendocinocounty.org/government/planning/Fire_Hazard_Severity_Map.pdf.

Mendocino County Department of Planning & Building Services. March 2015. Coastal Ground Water Resources [map]. Accessed May 21, 2021, at:
http://www.co.mendocino.ca.us/planning/pdf/12x36_Coastal_Groundwater_Areas.pdf.