



---

**COASTAL PERMIT ADMINISTRATOR  
STAFF REPORT**

---

**CDP\_2017-0030  
JANUARY 11, 2017**

---

**SUMMARY**

**OWNER/APPLICANT:** MICHAEL UBELL  
37800 OLD COAST HIGHWAY  
GUALALA, CA 95445

**REQUEST:** A Standard Coastal Development Permit request to remove 4 Monterey Cypress trees which are dead or dying, and 16 trees previously removed via approved Emergency Permit. The previously approved emergency permit EM\_2017-0003, allowed for the immediate removal of 16 trees in close proximity to existing structures. A biological review concluded all trees for removal were dead or dying.

**DATE DEEMED COMPLETE:** September 27, 2017

**LOCATION:** 1.0± mile north of Gualala and west of Hwy 1, located at 37800 Old Coast Highway, Gualala (APN: 145-121-02).

**TOTAL ACREAGE:** 0.9 acres

**GENERAL PLAN:** Coastal Element, Mendocino County General Plan  
Rural Residential, 5 acre minimum parcel size (alternative density: 1 acre minimum) (RR5[RR1])

**ZONING:** Division II, Title 20, Mendocino County Code  
Rural Residential, 5 acre minimum parcel size (alternative density: 1 acre minimum) (RR5[RR1])

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt, pursuant to Section 15304, Class 4(b) of the California Environmental Quality Act.

**APPEALABLE:** Yes. Mapped Appeal Jurisdiction (bluff top parcel).

**RECOMMENDATION:** Approve with Conditions

**STAFF PLANNER:** Debra Bieber

**BACKGROUND**

**PROJECT DESCRIPTION:** A Coastal Development Permit requesting to remove 4 Monterey Cypress trees which are dead or dying. A previously approved emergency permit (EM\_2017-0003) allowed for the immediate removal of 16 trees in close proximity to existing structures, including the single family residence and garage. The emergency permit process requires a follow up CDP. The tree removal constitutes major vegetation removal per Mendocino County Code 20.308.080.

**APPLICANTS' STATEMENT:** "A line of Monterey Cypress trees planted in the 1970s are dead and/or dying. The trees are starting to fall endangering our house, the neighboring house and our garage, as well as the power lines that run through them. The attached report by a qualified arborist concludes that these trees should be removed. Two trees recently fell, damaging our deck and roof. EM\_2017-0003 was approved and issued in response to the situation."

**RELATED APPLICATIONS ON-SITE:** BF 2007-094 garage removal; BF 9041, BL 198-09 VHR, F3203, F5011, Wind generator; PA81-67, PA 78-80, and C2 02 P68.

- **In Vicinity:** BF 0676 SFR Addition; 7921 garage (adjacent parcel to south)

**SITE CHARACTERISTICS:** The 0.9 acre site is located approximately 292 feet (0.05 miles) west of Highway 1 and approximately one mile north of the community of Gualala. The property is located at 37800 Old Coast Highway (APN 145-121-02) and is a bluff top parcel. The parcel is currently developed with an existing single family residence, located approximately 65 feet from bluff edge. Existing development on the parcel would remain unchanged under the project including a garage/workshop, a play structure, fencing, and a driveway. The site is located within the service boundaries of the North Gualala Water Company (NGWC), which provides potable water to the site, and is served by on-site septic system.

The project site is located on a southwesterly sloping ridge, immediately above the Pacific Ocean. Elevations at the project site range from approximately 79 feet above mean sea level (AMSL) at the site’s northeastern boundary to approximately 40 feet AMSL at the site’s southwestern boundary. The row of mature dead and dying Monterey Cypress trees to be removed is located in the northeastern-most portion of the parcel. The site is not located within a mapped Highly Scenic Area.<sup>1</sup>

Two Environmentally Sensitive Habitat Areas (ESHA) have been identified on the site, including coastal silk tassel scrub provisional alliance and rare plant Coastal bluff morning glory (*Calystegia purpurata* ssp. *saxicola*).<sup>2</sup> The site consists of urban and built-up land<sup>3</sup> and the entire site is designated as barren upland habitat, with rocky intertidal area immediately southwest of the site<sup>4</sup>. Additionally, the entire site contains non-prime agricultural land.<sup>5</sup> The site is located within a “Critical Water Area” and a moderate fire hazard area.<sup>6, 7</sup> The southwestern portion of the property is subject to potential flooding.<sup>8</sup> The site is subject to coastal erosion; however, the site is designated as “present development non-critical.”<sup>9</sup> Mapping does not associate the following with the subject site: faults, landslides, or tsunami hazard.<sup>10</sup>

**SURROUNDING LAND USE AND ZONING:** As listed in Table 1 below, the site and surrounding lands to the north, south, and east are designated Rural Residential (RR5), while immediately west of the site is the Pacific Ocean. The parcels immediately to the north, south, and east are currently developed with single family residences and appurtenant structures, while immediately west of the site is the Pacific Ocean. The proposed project is compatible with surrounding land uses and development.

Table 1. Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	RR5[RR1]	RR5[RR1]	>1 acre	Residential
EAST	RR5[RR1]	RR5[RR1]	>1 acre	Residential
SOUTH	RR5[RR1]	RR5[RR1]	>1 acre	Residential
WEST	Ocean	Ocean	Ocean	Ocean

**LOCAL COASTAL PROGRAM CONSISTENCY:** The proposed project is consistent with the goals and

<sup>1</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Land Use Map 31: Gualala* [map].

<sup>2</sup> Wynn Coastal Planning. August 17, 2017. *Botanical and Wildlife Recommendations – Mendocino County Application CDP #2017-0030 (Ubell – Tree Removal)*.

<sup>3</sup> Mendocino County Department of Planning & Building Services. 1991. *Important Farmland* [map].

<sup>4</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Habitats & Resources* [map].

<sup>5</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Land Capabilities & Natural Hazards* [map].

<sup>6</sup> Mendocino County Department of Planning & Building Services. 1991. *Ground Water Resources* [map].

<sup>7</sup> Mendocino County Department of Planning & Building Services. 1991. *Fire Hazard Zones & Responsibility Areas* [map].

<sup>8</sup> Mendocino County Department of Planning & Building Services. July 18, 2017. *FEMA Flood Zone* [map].

<sup>9</sup> Mendocino County Department of Planning & Building Services. 1991 *LCP Land Capabilities & Natural Hazards* [map].

<sup>10</sup> *ibid.*

policies of the Local Coastal Program as detailed below.

Land Use: The parcel is classified as Rural Residential with a 5 acre minimum parcel size that may be reduced to 1 acre (RR5[RR1]) by the Mendocino County General Plan. The Rural Residential classification 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, microclimate, 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 request to remove dead and dying Monterey Cypress trees from the site would support the residential use of the site and is consistent with the Rural Residential Land Use classification.

Zoning: The project site is located within a Rural Residential District, which 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 removal of dead and dying Monterey Cypress trees would support the residential use of the site, and the existing single family residence and appurtenant structures is a principally permitted use within the Rural Residential District, pursuant to Mendocino County Coastal Zoning Code Chapter 20.376 RR -- *Rural Residential District*.

No changes to any existing development at the site are proposed under the project. The existing development at the site complies with the minimum front, rear, and side yard requirements for the RR District for a parcel of this size, which are 20 feet front and rear yard and 6 feet side yard. The maximum building height allowed in the RR District is 28 feet above the natural grade for non-Highly Scenic Areas, such as the site. The height of the existing single family residence and garage/workshop meet the maximum building height permitted in the RR District. Additionally, existing development at the site complies with the accessory use requirements, which specific that accessory uses, such as the garage/workshop, are appropriate, incidental, and subordinate to the principally permitted single family residential use.

Habitats and Natural Resources: The entire site is characterized by barren upland habitat.<sup>11</sup> A *Tree Condition Report for 37800 Old Coast Hwy (145-121-02)* (Tree Condition Report) was prepared by Matt Greene Forestry & Biological Consulting on March 10, 2017 (Greene, 2017), in which the trees located on the site were evaluated. Per the Tree Condition Report, the site contains a mix of Monterey Cypress (*Cupressus macrocarpa*) and Bishop pine (*Pinus muricata*) trees, with shrubs, grasses, and forbes. A total of 21 trees of concern (either dead or dying) were observed on the site, with 3 relatively healthy trees located in the southern corner of the site. The trees of concern were primarily Monterey Cypress, a non-native tree and one Bishop Pine that was determined to be dead. All trees identified as dead or in decline and dying were recommended for removal due to potential fire hazard. Since the trees to be removed are located in the Coastal Zone, it is recommended that trees be planted on a 1:1 bases to replace those removed in order to minimize health and hazard risks. A list of native trees was provided in the Tree Condition Report; however, wax myrtle (*Myricaertifera*) was recommended for its fast growth but shorter stature.<sup>12</sup>

A *Botanical and Wildlife Recommendations* report (Biological Report) was prepared by Wynn Coastal Planning on August 17, 2017. As noted in the Biological Report, 24 Monterey Cypress trees were previously planted on the site in a row along the southern property boundary. The removal of sixteen (16) dead and dying trees within close proximity to existing development, structures, and power lines was previously approved under an emergency permit (EM\_2017-0003); and included in this CDP. Four remaining dead and dying trees, furthest from existing structures, are also proposed for removal under the requested CDP. A field survey was conducted on August 10, 2017, to evaluate potential impacts from previous tree removal and to make recommendations for the least impacting alternatives for removing the four remaining trees requested for removal. The report concluded that the "tree removal activity already performed under the Emergency CDP has had a less-than-significant impact on sensitive habitat areas. Further tree removal and cleanup activities should follow the recommended measures in order to ensure protection of the habitat areas." Two Environmentally Sensitive Habitat Areas (ESHAs) were observed on

<sup>11</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Habitats & Resources* [map].

<sup>12</sup> Matt Greene Forestry & Biological Consulting. March 10, 2017. *Tree Condition Report for 37800 Old Coast Hwy (145-121-02)*.

the site during the field survey, including coastal silk tassel scrub provisional alliance and rare plant Coastal bluff morning glory (*Calystegia purpurata* ssp. *saxicola*).<sup>13</sup> Review of the California Natural Diversity Database (version 3/2017) indicates that known occurrences of Coastal bluff morning glory have occurred on and adjacent to the subject site; additionally, there are known occurrences of two additional sensitive plant and two wildlife species in the vicinity of the site, including: thin lobed horkelia (*Horkelia tenuiloba*), supple daisy (*Erigeron supplex*), monarch butterfly-California overwintering population (*Danaus plexippus* pop. 1), and the Townsend's big-eared bat (*Corynorhinus townsendii*).<sup>14</sup>

Since ESHAs have been identified on the project site, the project would typically be required to implement a 100 foot buffer from each identified ESHA pursuant to MCC Section 20.496.050(A)(1), unless it can be demonstrated that 100 feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development, but shall not be less than 50 feet in distance. Staff has determined that the buffer requirements are not applicable for this project due to the temporary nature of the project. The population of morning glory observed on the site is concentrated on the west side of the existing residence, and is located more than 100 feet from the proposed staging area and four remaining trees proposed for removal. The northeastern corner of the property, where the four remaining trees proposed for removal are located, is bound by a gravel driveway to the northwest, the neighbor's driveway to the southeast, and Old Coast Highway to the northeast. Directly southwest of the four trees is a wood pile and bare open ground, which extends all the way to the garage. This area has been utilized for staging cut wood and is the proposed least damaging area to stage the remaining wood and wood chip pile. As of the date of the Biological Report, several trees approved and slated for removal under EM\_2017-0003 still remain on site, and are located approximately 20 to 100 feet from the coastal bluff morning glory. In order to reduce potential impacts on the identified rare plant population, Wynn Coastal Planning recommends that construction fencing be set up to delineate this rare plant population so that remaining wood cutting activities and temporary wood storage is kept off and away from the morning glory population<sup>15</sup>, and the project has been conditioned as such.

During the field observation, no special-status birds, bats, nests, or roosts were observed; however, since there is the potential for special-status birds or bats to be located on the site, several protective measures were recommended by the project biologist to minimize potential impacts on sensitive habitats and species within the vicinity, including utilizing protective fencing (Condition 10) and the timing of tree removal activities (Condition 13, 14 and 15).<sup>16</sup> Furthermore, conditions recommended by the California Coastal Commission dated June 20, 2017, to keep all mechanized equipment on the existing driveway and all work within the boundaries of the property, have also been included (Conditions 11 and 12). As conditioned, Staff finds the project would not significantly impact sensitive habitats or resources.

Visual Resource and Special Treatment Areas: The subject parcel is not located within a mapped Highly Scenic Area, as depicted on the LCP Land Use Map 31 *Gualala* and is not subject to the development criteria of MCC Section 20.504.015(C). Staff finds the proposed project would not have significant visual impacts.

Hazards Management: The parcel is located in an area classified with a "Moderate Fire Hazard" severity rating.<sup>17</sup> Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the South Coast Fire Protection District. The project application was referred to CalFire and the South Coast Fire Protection District for input; however, no responses were received from either agency. A standard condition 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 would be addressed. With the inclusion of the standard condition, Staff finds the project to be consistent with Mendocino County policies for fire protection.

<sup>13</sup> Wynn Coastal Planning. August 17, 2017. *Botanical and Wildlife Recommendations – Mendocino County Application CDP #2017-0030 (Ubell – Tree Removal)*.

<sup>14</sup> Mendocino County Department of Planning & Building Services. No Date. *Natural Diversity Database* [map].

<sup>15</sup> Wynn Coastal Planning. August 17, 2017. *Botanical and Wildlife Recommendations – Mendocino County Application CDP #2017-0030 (Ubell – Tree Removal)*.

<sup>16</sup> Wynn Coastal Planning. August 17, 2017. *Botanical and Wildlife Recommendations – Mendocino County Application CDP #2017-0030 (Ubell – Tree Removal)*.

<sup>17</sup> Mendocino County Department of Planning & Building Services. 1991. *Fire Hazard Zones & Responsibility Areas* [map].

There are no known faults in close proximity to the proposed development.

Grading, Erosion, and Run-Off: No grading is proposed under the project; however, tree and stump removal would disturb the soil. Since the trees to be removed are located in the Coastal Zone, it is recommended in the Tree Condition Report that native trees be planted at a 1:1 ratio to replace those that are being removed for health and hazard risks, such as the subject trees. Additionally, the project would be required to implement BMPs to prevent erosion and run-off during project construction and revegetate any bare soils as soon as feasible after the tree removal is complete. As conditioned, Staff finds the project would not result in significant erosion or run-off impacts.

Archaeological/Cultural Resources: For small projects such as the removal of dead or dying trees, Mendocino County Department of Planning and Building Services procedure is to not refer these types of projects to either California Historic Resource Information Center (CHRIS) or the Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005 and again in 2014 and it was determined to be an appropriate guidance document for what projects would require archaeological review.

The project was referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. A response was received from the Redwood Valley Little River Band of Pomo Indians, dated September 21, 2017, in which the tribal chairperson noted that the project site is not within the immediate cultural territory of the Redwood Valley Little River Band of Pomo Indians. However, the area does include Tan Oak and other traditional food sources that should be protected.

Staff notes that a Standard Condition advises the Applicant of the "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. With the inclusion of the standard condition of approval advising the Applicant about discovery of archaeological resources, Staff finds the project to be consistent with Mendocino County policies for protection of paleontological and archaeological resource.

Groundwater Resources: The project site is located within a mapped Critical Water Area.<sup>18</sup> Since the parcel is located within the service boundaries of the North Gualala Water Company (NGWC), NGWC provides potable water to the site. As no new development is proposed at the site under the project, Staff finds the proposed project would not adversely affect groundwater 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. Since the site is currently developed with an existing single family residence and no new development is proposed on the site, the proposed project would not generate additional traffic beyond what presently exists.

A minimum of two parking spaces are required for the existing single family residence per MCC Section 20.472.015. Between the garage and driveway at least two parking spaces are currently provided on the site, which is sufficient to meet this requirement. Staff finds the project site would be consistent with transportation and circulation requirements.

Public Access: The project site is located west of Highway 1 and is not designated as a potential public access trail location, since steep slopes make the site unsuitable for public access. As shown on LCP Map 31 *Gualala*, there is proposed public access to the shore located northwest of the site.<sup>19</sup> Existing development at the site is not currently visible from Highway 1 and the proposed removal of dead or dying Monterey Cypress trees would also not be visible. The site includes existing vegetation along its northern boundary that partially obscures views of the existing development.

**ENVIRONMENTAL DETERMINATION:** The Secretary for Resources has found that certain classes or projects have been determined not to have a significant effect on the environment and are therefore

<sup>18</sup> Mendocino County Department of Planning & Building Services. 1991. *Ground Water Resources* [map].

<sup>19</sup> Mendocino County Department of Planning & Building Services. 1991. *LCP Land Use Map 31: Gualala* [map].

exempt from the requirement for the preparation of environmental documents. The Project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Section 15304 Class 4(b), new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.

**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, and adopts the following findings and conditions.

**FINDINGS:**

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed project is in conformity with the certified Local Coastal Program. The existing single family residence is a principally permitted use within the Rural Residential land use classification and the request to remove dead and dying Monterey Cypress trees from the site would support and allow for the continued residential use of the site and is consistent with the intent of the RR Classification; and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed project would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The site has been served for many years, and would continue to be served by the North Gualala Water Company (NGWC) for potable water and septic system and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed project 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; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed removal of dead and dying Monterey Cypress trees from the site, if completed in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act, as tree removal is categorically exempt pursuant to Section 15304(b); and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed project would not have any adverse impact on any known archaeological or paleontological resources, as there are no known resources within the vicinity of the site and Standard Condition 8 is in place when archaeological sites or artifacts are discovered; 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. The site is currently developed with an existing single family residence and the removal of dead and dying Monterey Cypress trees on the site would not affect demands on public services; and
7. Pursuant with MCC Section 20.532.095(B), the proposed project would not diminish public access to Mendocino County coastal areas and conforms to the goals and policies of the Coastal Element of the General Plan. The project site is located between the first public road and the sea and is not designated as a potential public access point; and

**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 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 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 Applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
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. Standard Best Management Practices (BMPs), such as straw bales, coir rolls, and/or silt fencing structures shall be employed to assure minimization of erosion resulting from tree removal and to avoid runoff into sensitive habitat areas. Construction fencing shall be utilized to protect sensitive habitat areas. 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 tree removal activities project shall be revegetated with native vegetation and/or native seed mixes for soil stabilization.
10. Prior to removing the remaining trees near the garage and house and closest to the morning glory population, a protective fence shall be installed to identify the boundaries of the rare plant population and encourage tree removal activities to occur completely outside of the plant population area.
11. All mechanized equipment needed for the tree removal operation shall be operated from the existing driveway on the property. No vehicles shall encroach beyond the driveway towards the trees to be removed. All staging of equipment and removed tree parts shall be limited to the existing driveway. No chipping of cut tree parts shall be performed on adjacent properties.
12. Tree rounds and wood chips shall be staged for all remaining trees in the proposed staging area between the garage and Old Coast Highway on the south side of the driveway. The staging and disposal areas shall be marked with cones or flags so tree removal crews are clear where the least impacting areas to stage wood and dispose of wood chips are located.
13. Tree removal activities shall occur during the months of August, September, and October to avoid bird and bat breeding seasons. If tree removal activities are to occur outside the months of August,

September, and October, bird and bat surveys shall be performed by a trained biologist 14 days prior to tree removal. If active breeding bird and/or bat nests are observed, no ground disturbance activities shall occur within a minimum 100 foot exclusion zone. The exclusion zone(s) shall remain in place around the active nest(s) until all young are no longer dependent upon the nest(s). A biologist shall monitor the nest site(s) weekly during the breeding season to ensure the buffer is sufficient to protect the nest(s) from potential disturbances.

14. If tree removal is to occur during the breeding season for nesting birds (February to August), a survey is recommended prior to removal to ensure that no migratory birds have moved into the area within 100 feet of tree removal activities. No surveys are recommended if activity occurs in the non-breeding season.
15. Bat surveys do not need to be performed if work is conducted between September 1 and October 31, after young have matured and prior to the bat hibernation period. However, if it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-activity surveys should be performed by a qualified biologist within 14 days prior to the onset of tree removal.

Staff Report Prepared By:

---

Date

---

Debra Bieber  
Planner III

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

**ATTACHMENTS:**

- A. Location Map
- B. Topographic Map
- C. Aerial Imagery
- D. Site Plan
- E. General Plan Classifications Map
- F. LCP Habitats & Resources Map
- G. LCP Land Capabilities & Natural Hazards Map
- H. LCP Land Use Map 31: Gualala
- I. Adjacent Parcels Map
- J. Fire Hazard Zones & Responsibility Areas Map
- K. FEMA Flood Zone Map
- L. Ground Water Resources Map
- M. Local Soils Map
- N. Important Farmland Map
- O. Natural Diversity Database Map
- P. Appealable Areas Map
- Q. Misc. Map

**SUMMARY OF REFERRAL AGENCY COMMENTS:**

Planning (Ukiah)	Comments
Department of Transportation	No Response
Environmental Health (FB)	No Response
Assessor	No Response
Forestry Advisor	No Response
Sherwood Valley Band of Pomo Indians	No Response
State Clearinghouse	No Response
CalFire	No Response
Department of Fish & Game	No Response
Coastal Commission	No Comments



Redwood Valley Rancheria	No Response
Cloverdale Rancheria	No Response
Gualala MAC	No Response
North Gualala Water District	No Response
South Coast Fire Protection District	No Response
Coast Life Support Services	No Response

**REFERENCES:**

Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

Chapter 2 Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-Coastal Element*. 1985. Ukiah, CA.

Matt Greene Forestry & Biological Consulting. *Tree Condition Report for 37800 Old Coast Hwy (145-121-02)*. March 10, 2017.

Mendocino County, Planning and Building Services, Planning Division. *Division II – Mendocino County Coastal Zoning Code*. 1991. Ukiah, CA.

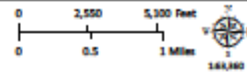
Wynn Coastal Planning. *Botanical and Wildlife Recommendations – Mendocino County Application CDP #2017-0030 (Ubell – Tree Removal)*. August 17, 2017.

ATTACHMENT A



CASE: CDP 2017-0030  
 OWNER: UBELL, Michael  
 APN: 145-121-02  
 APLC: Michael Ubell  
 AGENT:  
 ADDRESS: 37800 Old Coast Highway, Gualala

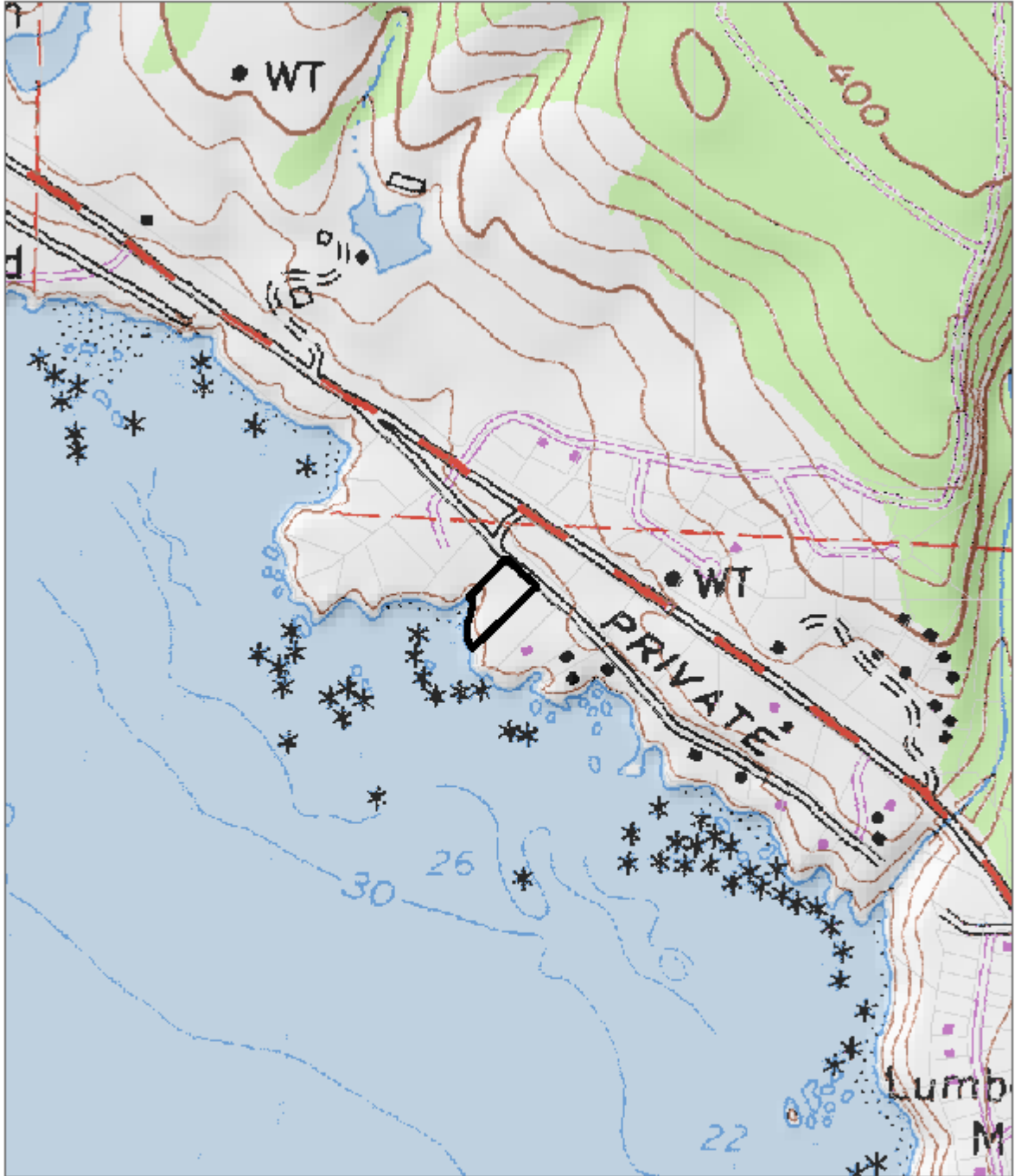
- |—|—| Coastal Zone Boundary
- |—|—| Major Rivers
- |—|—| Major Roads
- Major Towns & Places
- |—|—| Named Rivers
- California Counties
- |—|—| Highways



LOCATION MAP

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

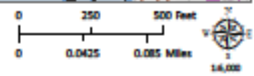
ATTACHMENT B



CASE: CDP 2017-0030  
OWNER: UBELL, Michael  
APN: 145-121-02  
APLCT: Michael Ubell  
AGENT:

ADDRESS: 37800 Old Coast Highway, Gualala

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**



TOPOGRAPHIC MAP  
CONTOUR INTERVAL IS 40 FEET

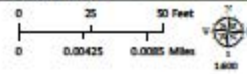
ATTACHMENT C



Map Data: DigitalGlobe, GeoEye, Earthstar (Earthstar), CNR, AerialDB, GeoEye, USDA, USGS, AeroGRID, IGN, and the USAF Herndon map

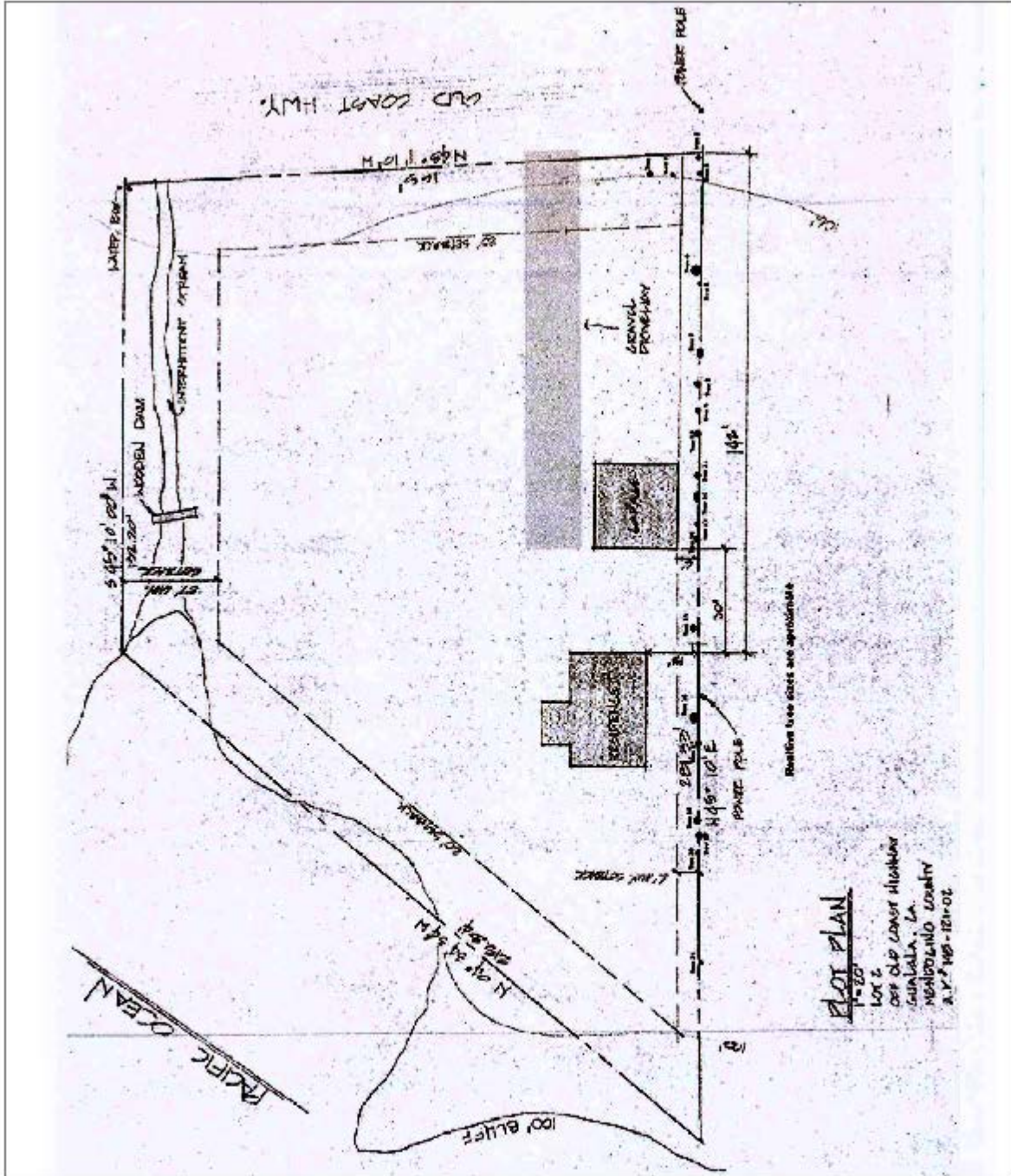
CASE: CDP 2017-0030  
OWNER: UBELL, Michael  
APN: 145-121-02  
APLC: Michael Ubell  
AGENT:

ADDRESS: 37800 Old Coast Highway, Gualala  Public Roads



AERIAL IMAGERY

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.**  
**DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**



CASE: CDP 2017-0030  
OWNER: UBELL, Michael  
APN: 145-121-02  
APLCT: Michael Ubell  
AGENT:

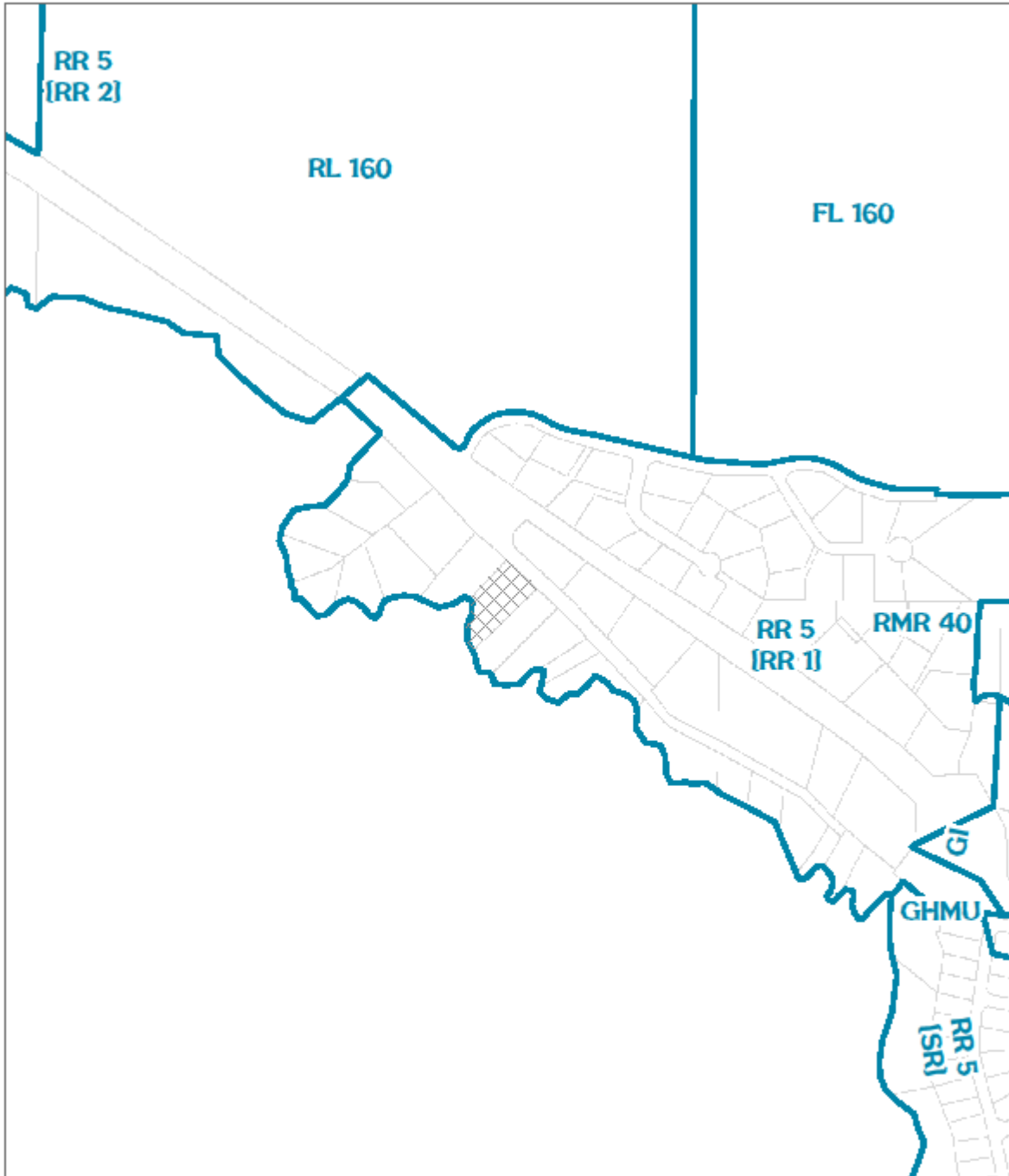
ADDRESS: 37800 Old Coast Highway, Gualala

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

NO SCALE


SITE PLAN

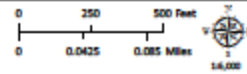
ATTACHMENT E



CASE: CDP 2017-0030  
OWNER: UBELL, Michael  
APN: 145-121-02  
APLCT: Michael Ubell  
AGENT:

ADDRESS: 37800 Old Coast Highway, Gualala

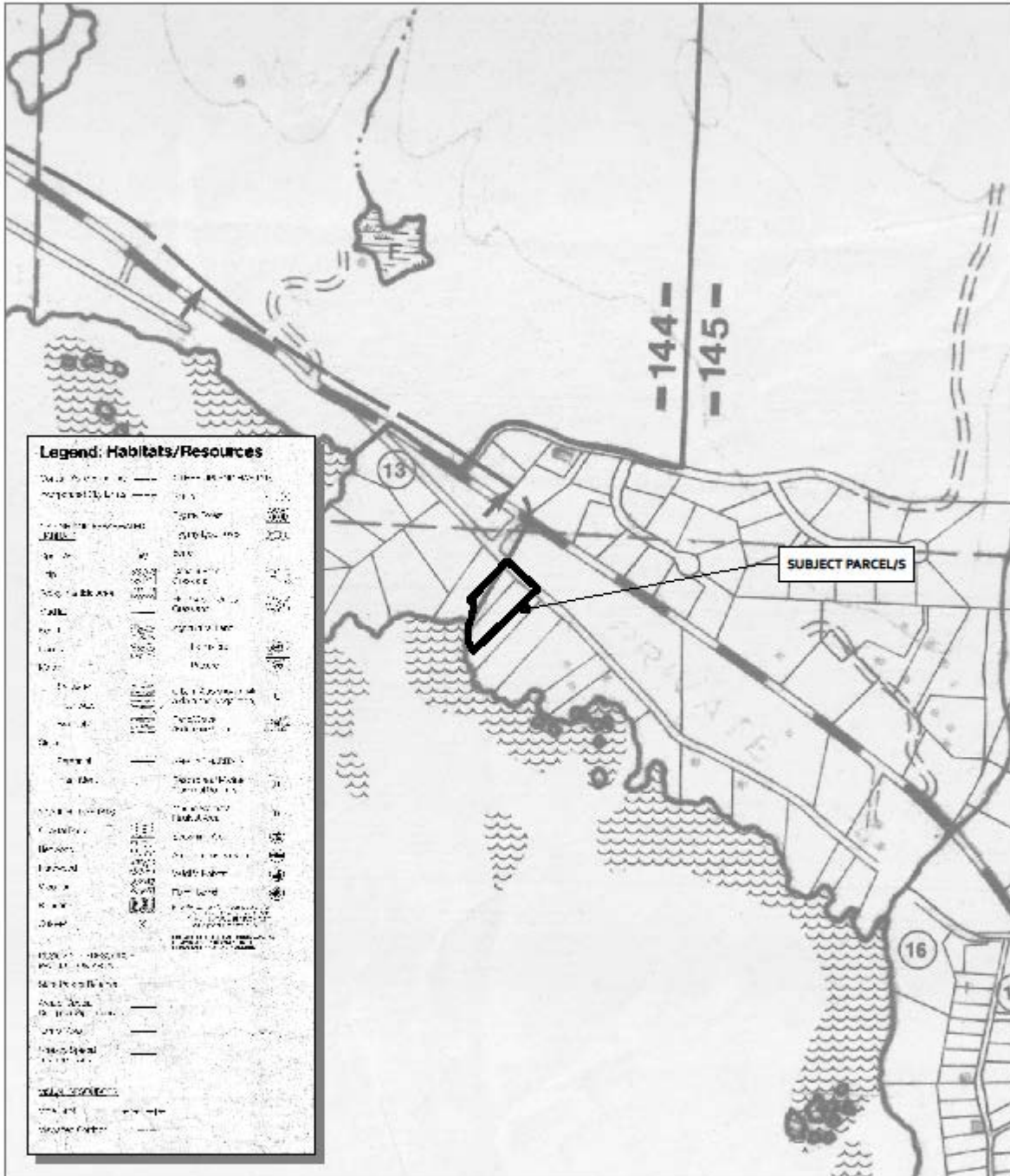
 General Plan Classes



GENERAL PLAN CLASSIFICATIONS

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

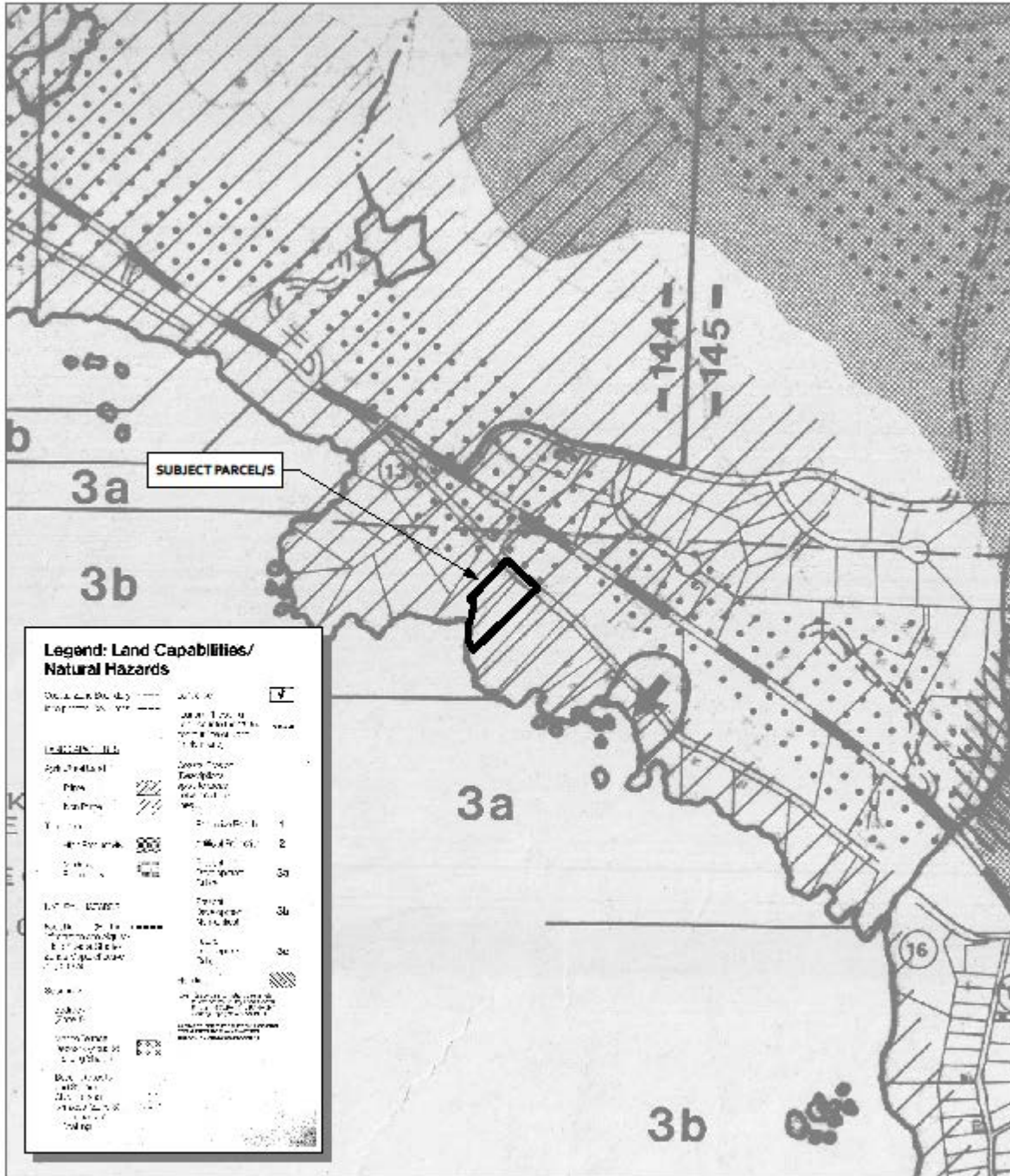
ATTACHMENT F



CASE: CDP 2017-0030  
OWNER: UBELL, Michael  
APN: 145-121-02  
APLCT: Michael Ubell  
AGENT:

ADDRESS: 37800 Old Coast Highway, Gualala  
**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

LCP HABITATS & RESOURCES

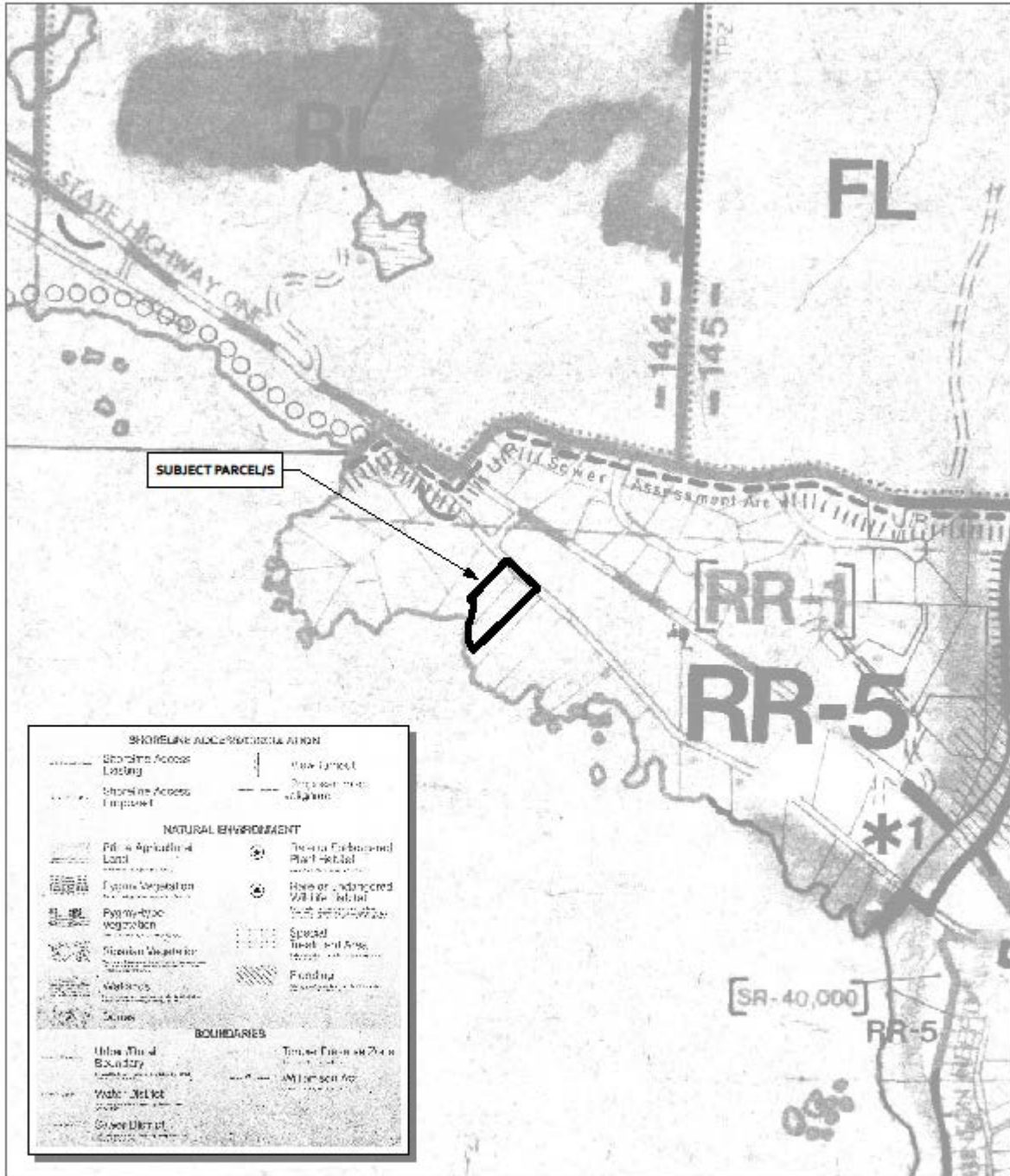


CASE: CDP 2017-0030  
 OWNER: UBELL, Michael  
 APN: 145-121-02  
 APLCT: Michael Ubell  
 AGENT:

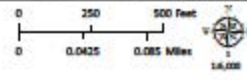
ADDRESS: 37800 Old Coast Highway, Gualala  
**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.**  
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

LCP LAND CAPABILITIES & NATURAL HAZARDS





CASE: CDP 2017-0030  
 OWNER: UBELL, Michael  
 APN: 145-121-02  
 APLCT: Michael Ubell  
 AGENT:



LCP LAND USE MAP 31: GUALALA

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

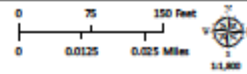
ATTACHMENT I



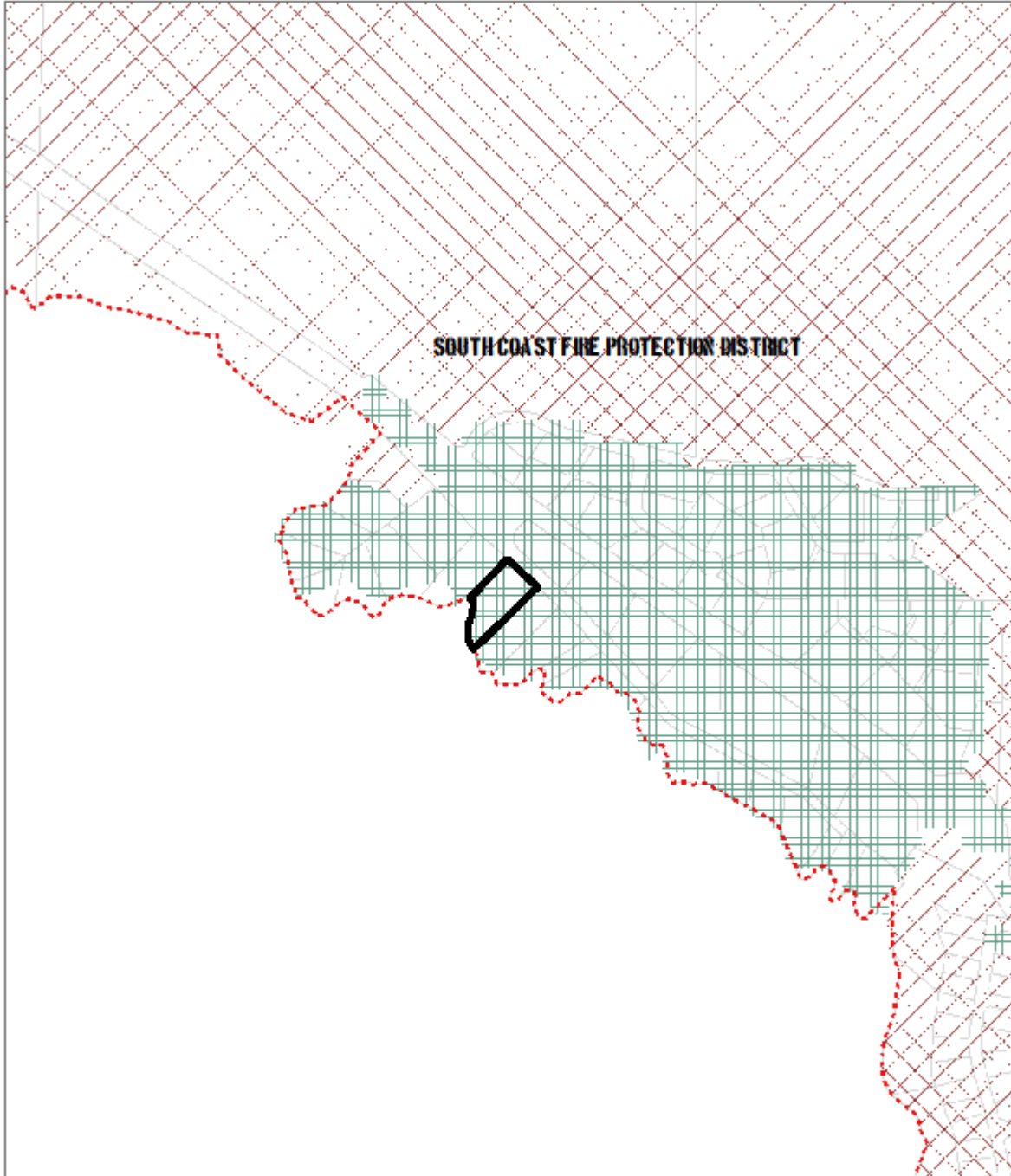
CASE: CDP 2017-0030  
OWNER: UBELL, Michael  
APN: 145-121-02  
APLCT: Michael Libell  
AGENT:

ADDRESS: 37800 Old Coast Highway, Gualala

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**



ADJACENT PARCELS

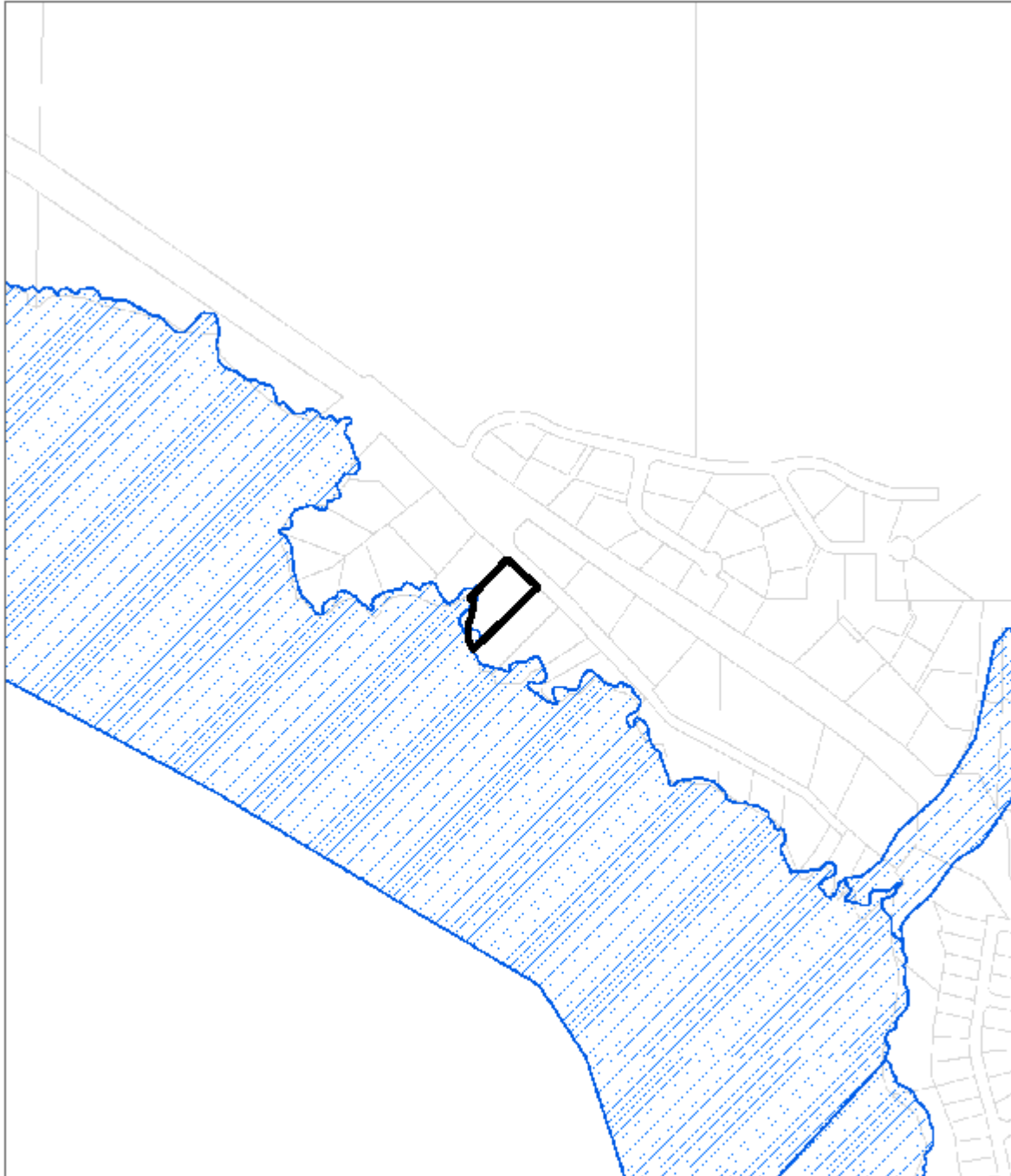


<p>CASE: CDP 2017-0030 OWNER: UBELL, Michael APN: 145-121-02 APLCT: Michael Ubell AGENT:</p>	<p> County Fire Districts  High Fire Hazard  Moderate Fire Hazard</p>	<p>0 250 500 Feet 0 0.0425 0.085 Miles 14,000</p>	<p></p>
--	--	---	--

**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
STATE RESPONSIBILITY AREA

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

ATTACHMENT K

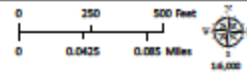


CASE: CDP 2017-0030  
OWNER: UBELL, Michael  
APN: 145-121-02  
APLCT: Michael Ubell  
AGENT:

ADDRESS: 37800 Old Coast Highway, Gualala



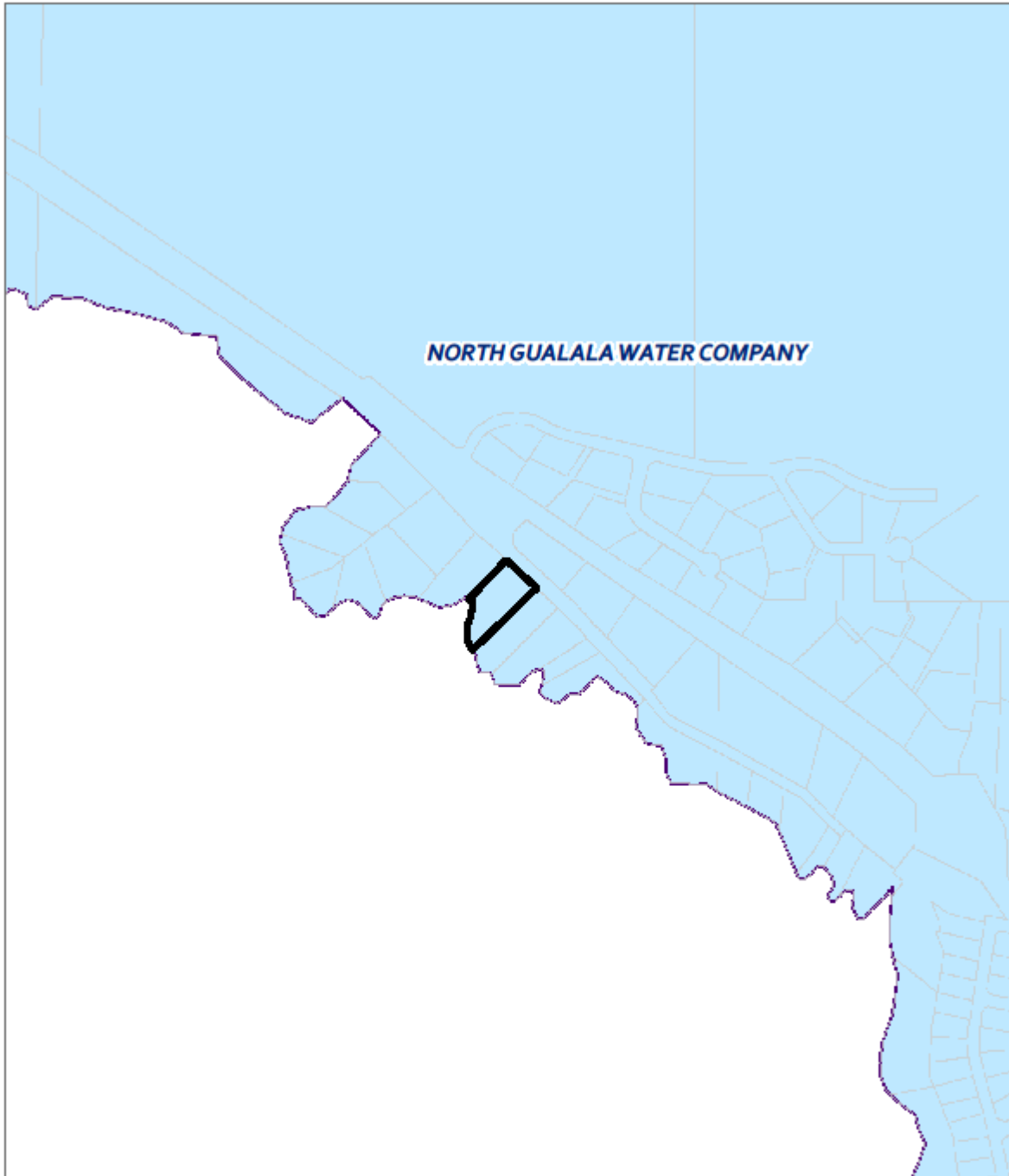
Flood Zone



FEMA FLOOD ZONE  
NFP MAPS, JULY 18th, 2017


**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

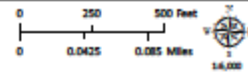
ATTACHMENT L



CASE: CDP 2017-0030  
OWNER: UBELL, Michael  
APN: 145-121-02  
APLCT: Michael Ubell  
AGENT:

ADDRESS: 37800 Old Coast Highway, Gualala

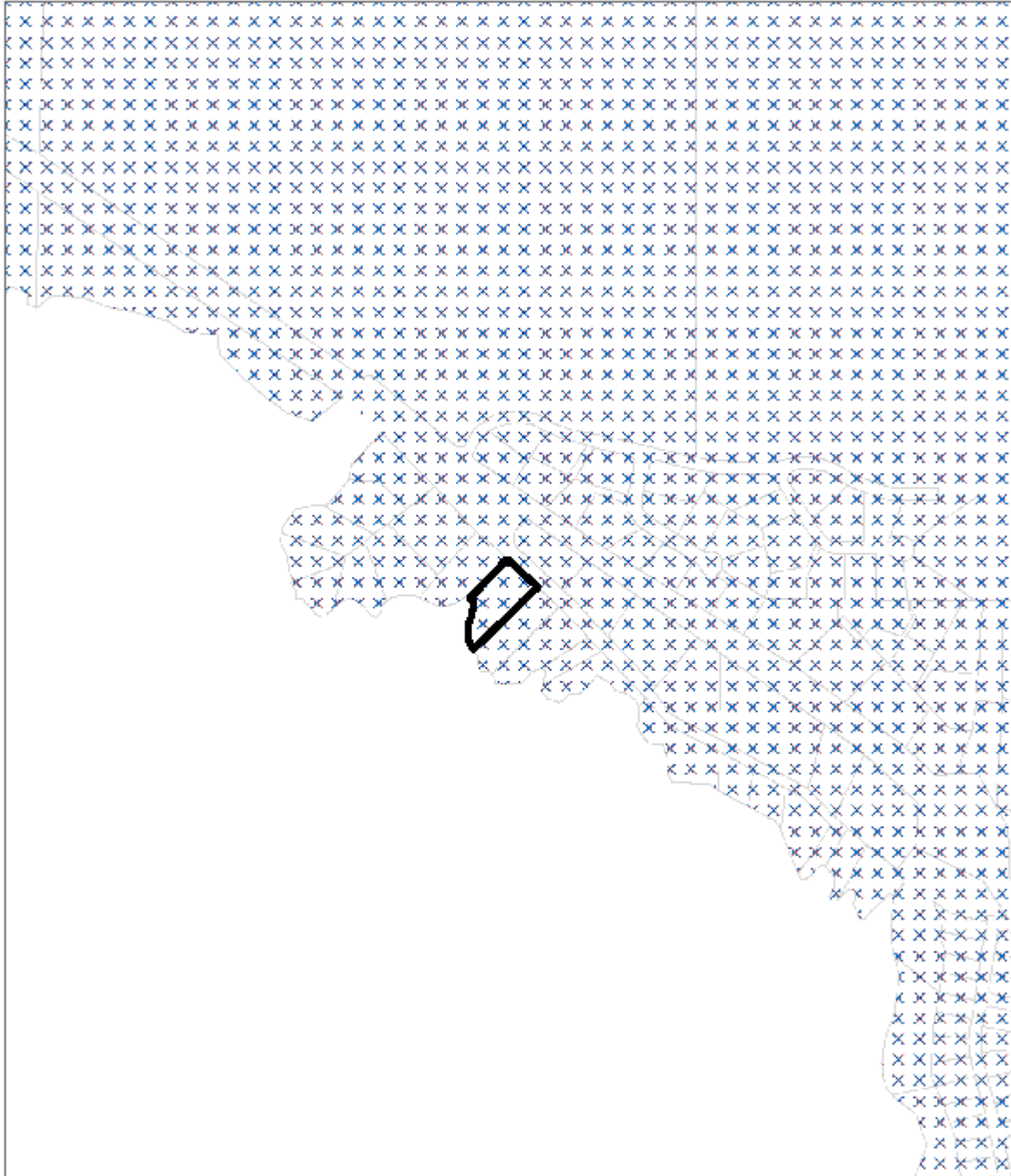
 County Water Districts



WATER DISTRICTS

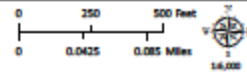
**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

ATTACHMENT M



CASE: CDP 2017-0030  
OWNER: UBELL, Michael  
APN: 145-121-02  
APLCT: Michael Ubell  
AGENT:

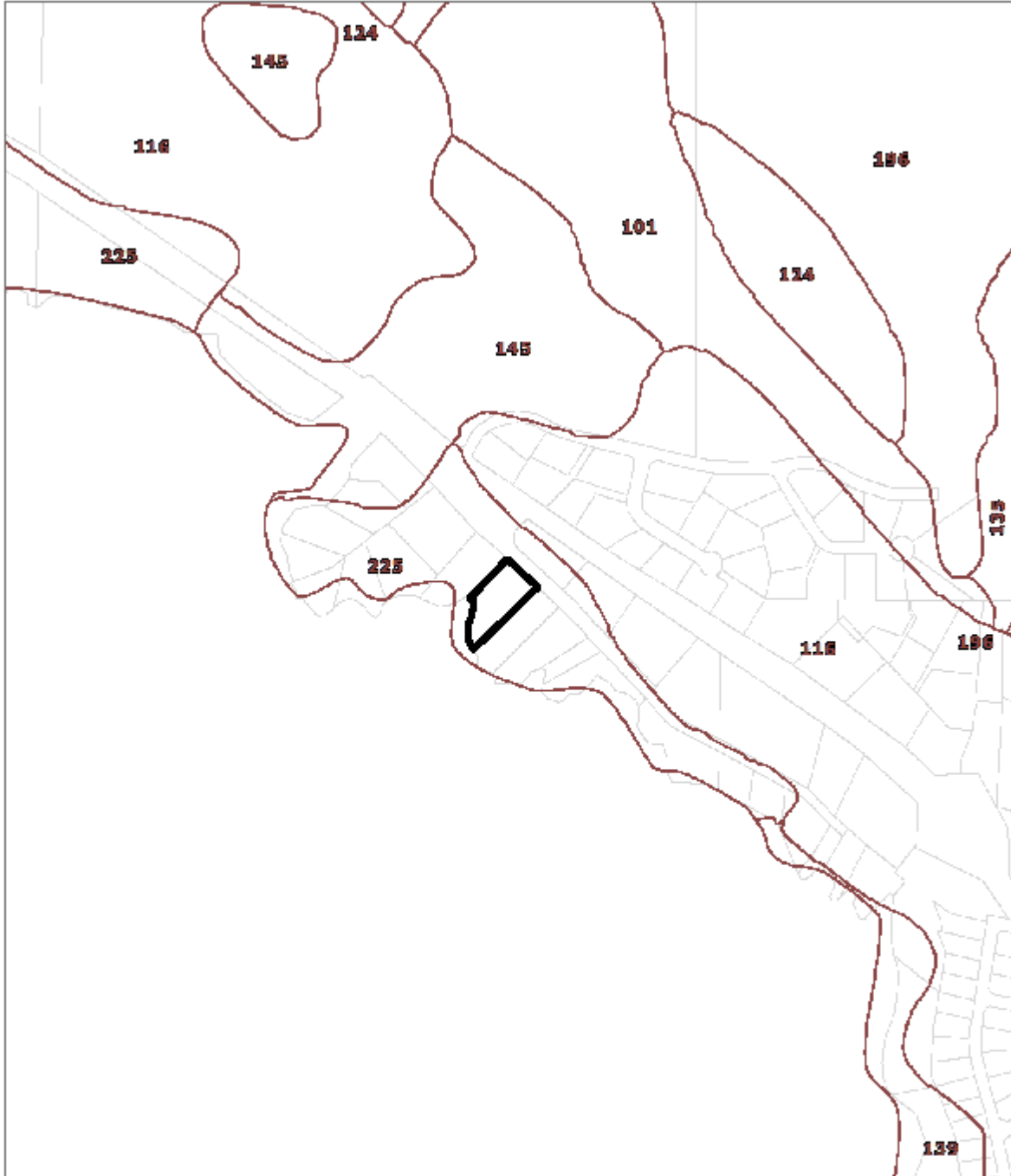
ADDRESS: 37800 Old Coast Highway, Gualala < X > Critical Water Areas




GROUND WATER RESOURCES

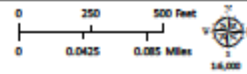
**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

ATTACHMENT N



CASE: CDP 2017-0030  
OWNER: UBELL, Michael  
APN: 145-121-02  
APLCT: Michael Ubell  
AGENT:

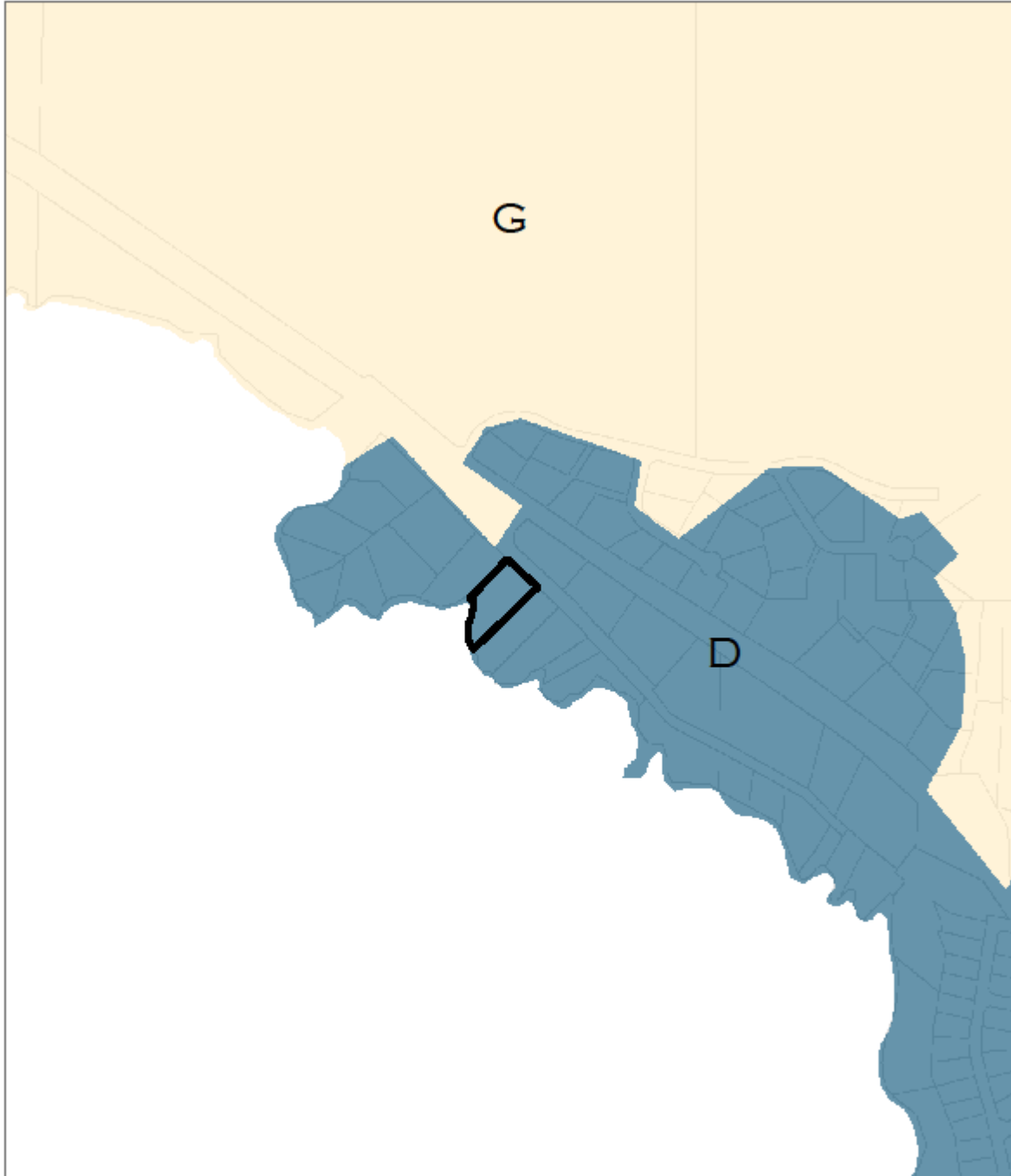
ADDRESS: 37800 Old Coast Highway, Gualala  Western Soil Classes



LOCAL SOILS

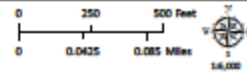
**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

ATTACHMENT O



CASE: CDP 2017-0030  
OWNER: UBELL, Michael  
APN: 145-121-02  
APLCT: Michael Ubell  
AGENT:  
ADDRESS: 37800 Old Coast Highway, Gualala

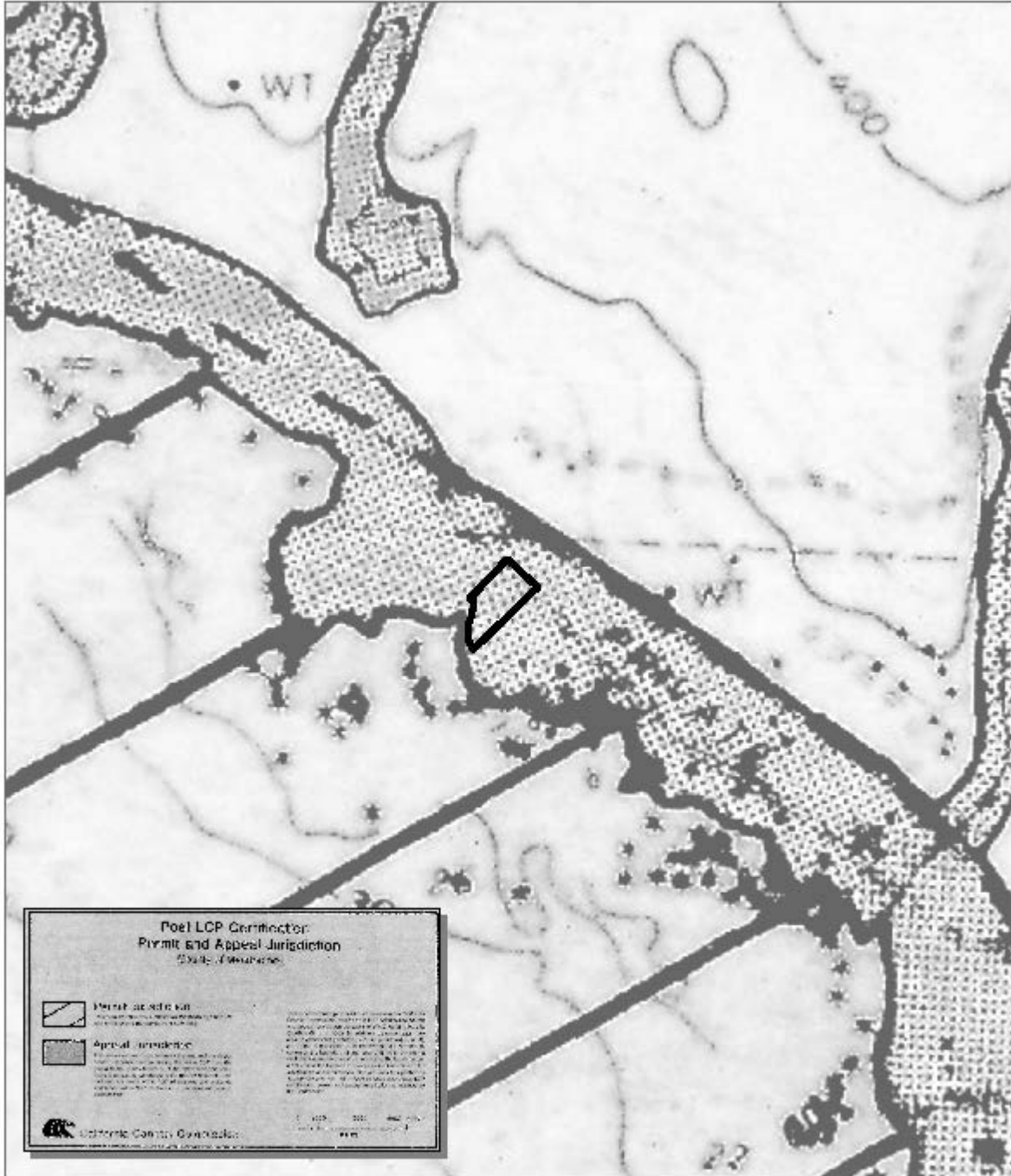
Urban & Built-Up Land (D)  
Grazing Land (G)



IMPORTANT FARMLAND

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**

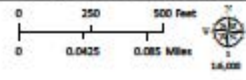




CASE: CDP 2017-0030  
OWNER: UBELL, Michael  
APN: 145-123-02  
APLCT: Michael Ubell  
AGENT:

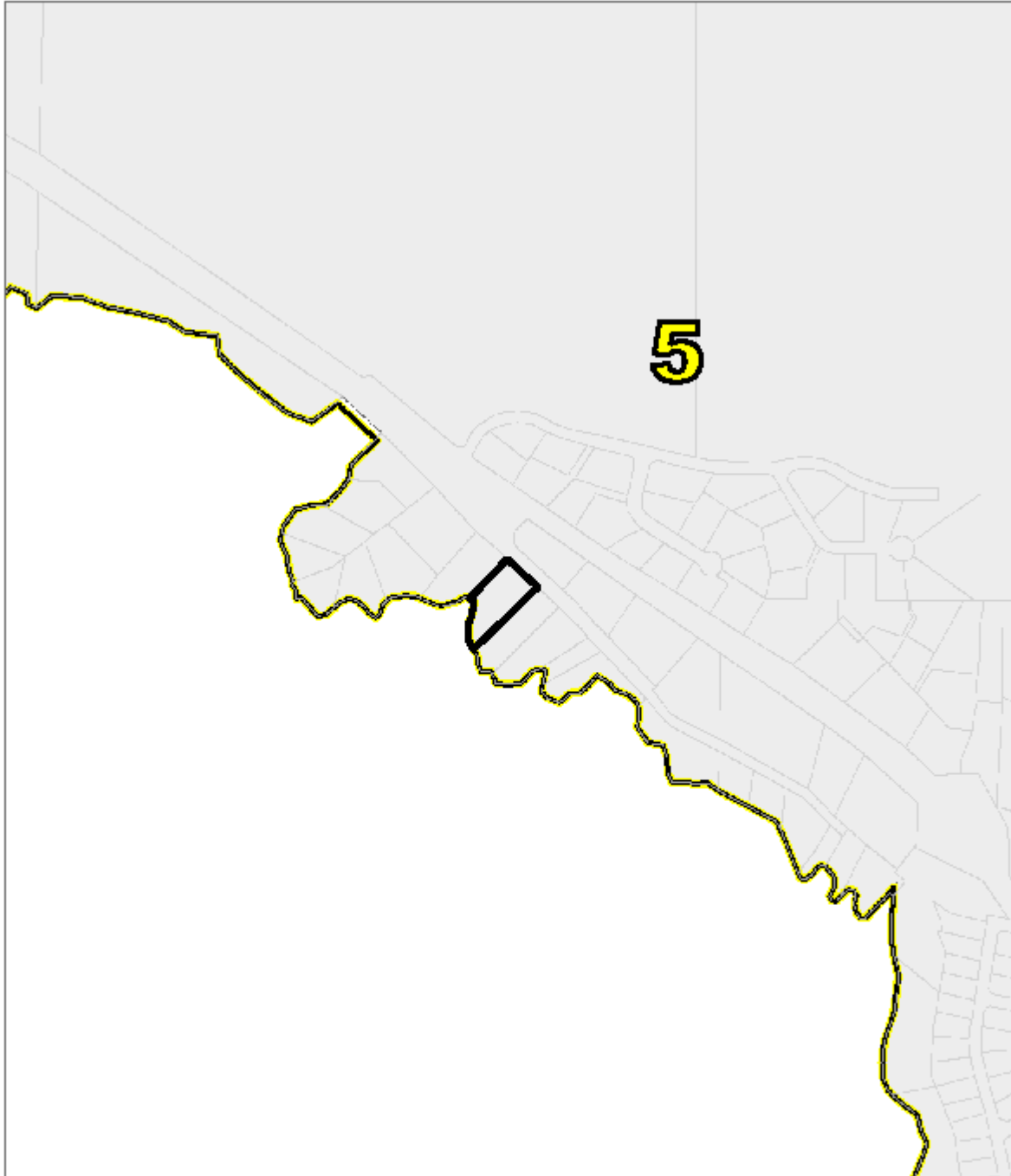
ADDRESS: 37800 Old Coast Highway, Gualala

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**





APPEALABLE AREAS

ATTACHMENT Q



CASE: CDP 2017-0030  
OWNER: UBELL, Michael  
APN: 145-121-02  
APLC: Michael Ubell  
AGENT:

ADDRESS: 37800 Old Coast Highway, Gualala

 Supervisorial Districts 2010  
 Gualala MAC



MISC

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.  
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**