

**DALL & ASSOCIATES**

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Mendocino County

OCT 22 2020

FOR COASTAL PERMIT ADMINISTRATOR HEARING OCTOBER 22, 2020

Planning & Building Services

TO: County of Mendocino Coastal Permit Administrator  
Mr. Brent Schultz, Director – Department Planning & Building Services  
Ms. Julia Acker Krog, Chief Planner  
Ms. Juliana Cherry, Staff Planner

FROM: Stephanie Dall, Dall & Associates, for  
Greg and Sandra Moore, Owners/Applicants  
37900 Old Coast Highway  
Gualala, California 95445

RE: CDP 2020-0010 (Follow-Up to Emergency Permit 2019-0002)  
STAFF RECOMMENDATION CONCURRENCE

Recognizing the staffing constraints and myriad difficulties associated with carrying out Department duties during the ongoing pandemic, this firm and applicants Greg and Sandra Moore thank you for the opportunity to have CDP 2020-0010 come before the Coastal Permit Administrator for approval in order to complete the process set in motion by the issuance of an emergency permit in the coastal zone in December 2019.

Staff Planner Cherry has been most generous with her time in explaining the staff recommendations and conditions of approval as they apply to the Moore site and this application. Because the Moore property has a complicated permit history, with overlapping Coastal Commission and County jurisdictional responsibilities, this additional memorandum is intended to augment the application file itself with relevant documents already in other County files but perhaps not in this one, and to memorialize information exchanged with Ms. Cherry that may be relevant for future reference.

File Augmentation

When the application initially came before GMAC last Spring, it was discovered that not all documents in the County’s files that are relevant to CDP 2020-0010 and its predecessor emergency permit EM 2019-0002 were posted to the County site when referrals went out in March 2020; and although the posting was subsequently augmented, those dealing with prior County authorizations may have remained absent. To avoid future confusion, I am attaching here the following:

- June 10, 2019: PBS letter authorizing off-site disposal of two trees uprooted during mid-May storms (one page plus attachment). The County’s June 10, 2020 letter concluded a lengthy consideration of whether the disposition of uprooted trees near the Moore garage was in the Coastal Commission’s jurisdiction or the County’s for purposes of determining whether a permit would be required. Coastal Commission staff decided that the County had jurisdiction, and this letter verifies the County determination that no permit was needed to dispose of the uprooted trunks and debris.

- December 18, 2019: Mendocino County Emergency Permit EM 2019-0002 (two pages). The County's emergency permit approval specified how the remedial tree removal that subsequently occurred in December 2019 was to be carried out, incorporating from the application's project description the conditions previously placed by the Coastal Commission on Moore site tree removal, and additional constraints previously discussed with County staff; and the tree removal carried out pursuant to EM 2019-0002 followed all of these protocols. Because these EM 2019-0002 protocols are not spelled out in the conditions for approval of CDP 2020-0010, we ask that they be incorporated here, along with the emergency permit's incorporation in the CDP 2020-0010 file, as further verification of LCP and permit compliance: Under the supervision of a restoration manager, the work was conducted using no heavy equipment all vehicles, equipment, personnel, and debris were contained within the Moore driveway alignment, away from the restoration area; no chipping of trees or debris was conducted on site; and all debris was removed from the site immediately upon completion of the work.

#### Condition Compliance Clarifications

Although the work that is the subject of CDP 2020-0010 is already completed pursuant to an emergency permit, the conditions reflect the standard prospective language that typically applies to work yet to be done. Therefore, the following comments verify how these conditions were taken into account at the time the work was completed, and with respect to condition 12, its applicability and terms for prospective compliance, per discussions with Staff Planner Cherry.

- Condition 9 Emergency Work Compliance. Although tree removal occurred outside of sensitive habitat, the removal protocols that were deployed (described above) either replicated or tailored BMPs to site-specific conditions to assure their protection.
- Conditions 10 and 11 Emergency Work Compliance. While bird foraging is common in the vicinity, no nesting has been reported on the Moore property, and experts consider it unlikely that bats would habituate or choose to hibernate in wind conditions found at such close proximity to the ocean. The emergency work was completed in mid-December, outside of the bird nesting season but during the potential bat hibernation season. The Moore site has been inspected by two licensed arborists who reported no bird or bat nests, guano deposits, or other signs of birds' or bats' regular roosting or nesting on the site, or specifically in the area of the tree removal. Since 2012, experienced ecologists and resource/restoration managers, who have been on the Moore site one or more times a month, and in the period preceding the emergency tree removal, as frequently as twice a week, have reported no bird nesting or bat presence in proximity to the emergency work; and the restoration manager on site throughout the December 2019 tree removal has confirmed that no nests or bats were observed before the work commenced, or after.
- Condition 12 Compliance. Although Coastal Commission staff confirmed for County staff that the permitted emergency tree removal "development" was outside the Moore ESHA and buffer, County staff has determined that the proximity of the two northwesterly Monterey cypresses to ESHA buffer on the neighbor's parcel to the north has triggered the 1:1 replacement requirement for the removed trees. Prior to receipt of the CDP 2020-0010, neither the applicant nor I was aware of any ESHA on the adjacent property, *or* that the County construed buffers from one property to apply to neighboring parcels, hence no tree replacement was previously contemplated. Unfortunately, because Coastal Commission limitations on new vegetation species within the Moore site's own ESHA and buffer preclude planting of new trees, compliance with the precise wording of Condition 12 is not possible; and suitability of site conditions for long-term tree survival is in question as a result of the high rate of death. In view of the situation, Staff Planner Cherry has indicated that compliance with, and satisfaction of, Condition 12 can be achieved by

documenting either (1) the planting of two replacement seedlings in the location of the two northwesterly cypresses that were removed, or (2) the emergence of two “volunteer” native seedlings within the Moore ESHA buffer, which can be accomplished at the earliest practicable time that the restoration specialist deems seasonal conditions to be conducive to maximum survivability.

Conclusion

Thank you to the County staff for your past assistance in processing EM 2019-0002, and in advance for approving the follow-up standard CDP 2020-0010 before you on October 22. I will be available to answer questions.

Best regards,

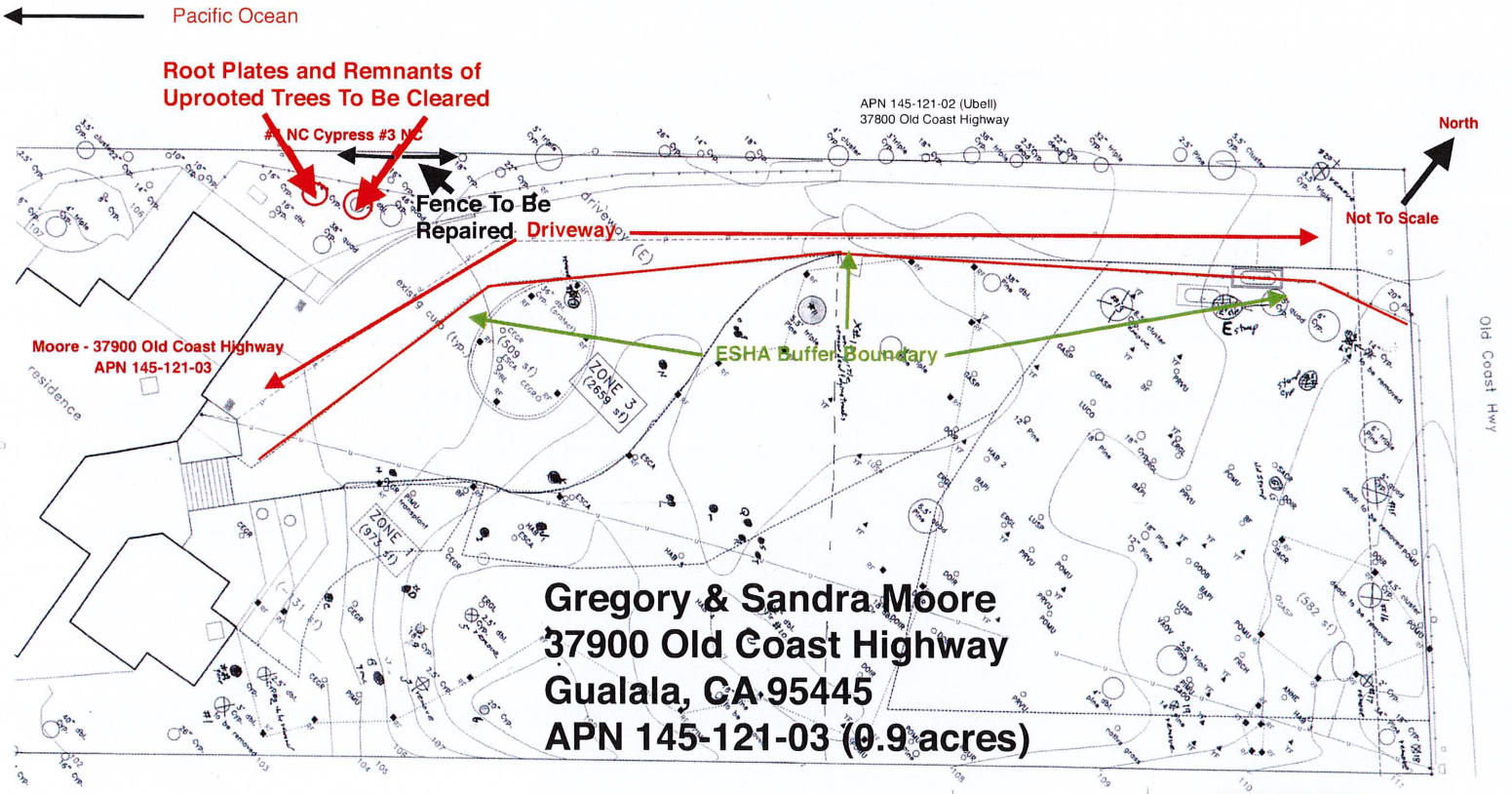
*Stephanie Dall*

Stephanie Dall, Dall & Associates  
For Greg and Sandra Moore

Attachments

Cc: Greg and Sandra Moore  
Norbert Dall

# Moore Storm Damage Clearing & Repair



**Gregory & Sandra Moore**  
**37900 Old Coast Highway**  
**Gualala, CA 95445**  
**APN 145-121-03 (0.9 acres)**

**Dall & Associates**  
930 Florin Road,  
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(916)392-0283



COUNTY OF MENDOCINO  
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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COASTAL DEVELOPMENT PERMIT  
AUTHORIZATION FOR EMERGENCY WORK  
CASE FILE EM #2019-0002

**OWNER/APPLICANT:** Greg and Sandra Moore  
C/O Cable Moore, Inc.  
4700 Coliseum Way  
Oakland, CA 94601

**AGENT:** Dall & Associates  
Stephanie "Stevie" Dall  
930 Florin Road, Suite 200  
Sacramento, CA 95831

**SITE ADDRESS/APN:** 37900 Old Coast Highway (APN 145-121-03)

**NATURE OF EMERGENCY:** According to the arborist hired for the applicant/owner, horticulturally occurring trees (both Monterey cypress and pines) have experienced a rapid demise along the shoreline north of Gualala due primarily to age and unsuitable soil and growing conditions. The trees proposed for removal are non-native Monterey Cypress and are showing increased root plate tilt and have been deemed to have imminent danger of failure/uprooting. They are located in areas that pose risk to residential structures, utility structures, and workers that continue to work on restoration efforts south of the driveway.

**CAUSE OF EMERGENCY:** See "Nature of Emergency" above.

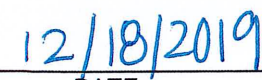
**REMEDIAL ACTION:** Remove one (1) hazardous Monterey cypress on the northeast corner of property at driveway intersection, remove two (2) hazardous Monterey cypress trees standing further west between the Moore's garage and northern property line; and remove one (1) stump remaining from a failed and hazardous Bishop pine that was downed by PG&E in August 2019.

All work will be done under the supervision of a restoration manager. Equipment will be limited to a pickup, ladder, saw, and rope (no heavy equipment). All activity will be limited to the northerly driveway alignment to the maximum extent possible. No vehicles, equipment, tree removal debris, or workers will encroach beyond the southern driveway alignment into the restricted restoration area at any time. No chipping of cut tree parts shall be performed on the property; and all debris shall be removed from the site, and disposed of lawfully.

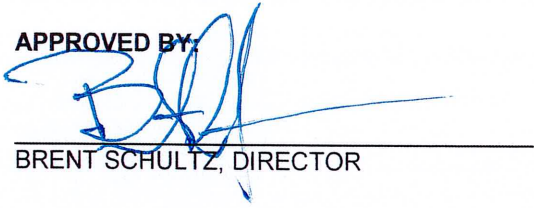
**CIRCUMSTANCES TO JUSTIFY EMERGENCY:** Failure to allow removal prior to the winter storm season poses a risk to residential structures, utility structures, and workers that continue to work on restoration efforts south of the driveway. This emergency permit is effective immediately and shall become null and void at the end of sixty (60) days. Prior to expiration of this Emergency Permit, the applicant shall submit a standard Coastal Development Permit application for the work authorized by this permit.

**RECOMMENDED BY:**

  
\_\_\_\_\_  
JULIA ACKER, CHIEF PLANNER

  
\_\_\_\_\_  
DATE

APPROVED BY:



\_\_\_\_\_

BRENT SCHULTZ, DIRECTOR

12-18-2019

DATE



COUNTY OF MENDOCINO  
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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June 10, 2019

Stevie Dall  
930 Florin Rd Suite 200  
Sacramento, CA 95831

**Subject:** Remove 2 uprooted Tree Roots  
**Site Address:** 37900 Old Coast Highway Gualala, CA 95445  
**APN:** 145-121-03

Dear Stevie,

The Planning Division has reviewed and approved your request to "Clear 2 damaged uprooted tree root plates, trunk & debris" at the property address above. This request does not constitute as Major vegetation, Removal or Harvesting. Future tree removal activities at the parcel may be subject to a Coastal Development Permit. Should you have any questions, please feel free to contact this office.

Sincerely,

Tia Sar  
Planner I

Encl.: Site Plan