



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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November 18, 2021

PUBLIC HEARING NOTICE OF PENDING ACTION
STANDARD COASTAL DEVELOPMENT PERMIT

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, December 9, 2021, at 11:00 a.m. or as soon thereafter as the item may be heard, will conduct a public hearing on the below described project that is located in the Coastal Zone. This meeting will be conducted virtually and not available for in person public participation in an effort to slow the spread of COVID-19 and pursuant to the recommendation of the Mendocino County Health Officer and the California Department of Industrial Relations. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org or orally via Telecomment, and is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>

CASE#: CDP_2021-0012

DATE FILED: 2/25/2021

OWNER/APPLICANT: CALIFORNIA DEPARTMENT OF TRANSPORTATION

AGENT: STEVEN BLAIR

REQUEST: Standard Coastal Development Permit request to construct 4 foot shoulders and improve drainage on State Route 1 between Post Miles 65.13 and 65.49.

ENVIRONMENTAL DETERMINATION: The Lead Agency, California Department of Transportation, has prepared a Mitigated Negative Declaration (SCH#2020090238) for the above project. The County, as a Responsible Agency, has reviewed the project to determine the adequacy of the environmental document.

LOCATION: In the Coastal Zone and Cleone, along State Route 1 between its intersections with Nameless Lane (private) and Sashandre Lane (private); located between State Route 1 PM 65.13 and PM 65.49.

SUPERVISORIAL DISTRICT: 4

STAFF PLANNER: SAM VANDY VANDEWATER

The staff report, and notice, will be available 21 days before the hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>

As an interested party, you are invited to submit comments, at or prior to the hearing; all correspondence should contain reference to the above noted case number. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 W Fir Street, Fort Bragg, California, or by e-mail to pbscommissions@mendocinocounty.org no later than December 8, 2021. Individuals wishing to address the Coastal Permit Administrator during the public hearing under Public Expression are welcome to do so via e-mail, in lieu of personal attendance, at pbscommissions@mendocinocounty.org.

To submit public comments via Telecomment, a request form must be received the morning of the meeting. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>.

All public comment will be made available to the Coastal Permit Administrator, staff, and the general public as they are received and processed by the Clerk, and can be viewed as attachments under its respective case number listed at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the

Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Coastal Permit Administrator at or prior to, the public hearing.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

IGNACIO GONZALEZ, Interim Director of Planning and Building Services



SUMMARY

OWNER/APPLICANT: CALIFORNIA DEPARTMENT OF
TRANSPORTATION
1656 UNION ST
EUREKA, CA 95501

AGENT: STEVEN BLAIR
1656 UNION ST
EUREKA, CA 95501

REQUEST: Standard Coastal Development Permit to construct 4 foot
shoulders and improve drainage on State Route 1
between Post Miles 65.13 and 65.49.

LOCATION: In the Coastal Zone and Cleone, along State Route 1
between its intersections with Mill Creek Drive (CR 425)
and Sashandre Lane (private); located between State
Route 1 PM 65.13 and PM 65.49.

TOTAL ACREAGE: 0.36 mile portion of State Route 1

GENERAL PLAN: Right-of-way

ZONING: Right-of-way

SUPERVISORIAL DISTRICT: 4 (Gjerde)

ENVIRONMENTAL DETERMINATION: The Lead Agency, CA Department of Transportation, has
prepared a Mitigated Negative Declaration
(SCH#2020090238) for the above project. The County, as
a Responsible Agency, has reviewed the project to
determine the adequacy of the environmental document.

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: SAM VANDY VANDEWATER

BACKGROUND

PROJECT DESCRIPTION: Standard Coastal Development Permit to construct up to 4-foot shoulders along
portions of State Route 1, between Post Miles 65.13 and 65.49, and improve drainage under the certain
roadways/access, where necessary. The proposed project was submitted in response to a higher than
statewide average number of vehicular collisions and thus intends to improve safety along State Route 1.
As part of the widening, replacement of drainage systems is also proposed to remove antiquated and
inefficient infrastructure. A full project description is provided as Attachment A to this report.

SITE CHARACTERISTICS: The proposed project is located along and adjacent to State Route 1 between
Mill Creek Drive (CR 425) and Sashandre Lane (private), and between post mile markers 65.13 and 65.49.
The current width of the subject portion of State Route 1 ranges from 22 to 26 feet with 11 to 12 foot vehicle
lanes and 0 to 1 foot shoulders. The 0.36 mile portion of State Route 1 is adjacent to residential and
commercial land uses and features a flat topography. Several environmentally sensitive habitat areas
(ESHAs), including Wax Myrtle and Bishop Pine alliances, and wetlands are directly adjacent to the project
corridor. There are no utilities associated with the project, but a number of access driveways will be
upgraded to allow for improved drainage.

PUBLIC SERVICES:

Access: State Route 1 (SR 1)
Water/Sewer District: None
Fire District: California Department of Forestry & Fire Prevention
Fort Bragg Rural Fire Protection District

SURROUNDING LAND USE AND ZONING:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential (RR:5 [RR:2]) Rural Village (RV)	Rural Residential (RR:5 [RR:2]) Rural Village (RV)	Varies	Residential
EAST	Rural Residential (RR:1) Commercial (C)	Rural Residential (RR:1) Limited Commercial (C1)	Varies	Residential
SOUTH	Rural Residential (RR:1) Commercial (C)	Rural Residential (RR:1) Limited Commercial (C1)	Varies	Residential Commercial
WEST	Rural Residential (RR:5 [RR:2]) Rural Village (RV)	Rural Residential (RR:5 [RR:2]) Rural Village (RV)	Varies	Residential

AGENCY COMMENTS: On September 10, 2021, 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.

REFERRAL AGENCIES	COMMENT
Planning Division (Fort Bragg)	No Comment
Department of Transportation	No Comment
Environmental Health (Fort Bragg)	No Response
Building Inspection (Fort Bragg)	No Response
Assessor	No Response
Forestry Advisor	No Comment
Air Quality Management District	Comment
Archaeological Commission	No Response
California Highway Patrol	No Response
CalTrans	No Response
California Department of Fish & Wildlife	No Response
Coastal Commission	Comment
Regional Water Quality Control Board	No Response
California Department of Parks & Recreation	No Response
State Clearinghouse	No Response
US Fish & Wildlife Services	No Response
Fort Bragg Rural Fire Protection District	No Comment
Cloverdale Rancheria	No Response
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response

LOCAL COASTAL PROGRAM CONSISTENCY: The proposed project is consistent with the goals and policies of the Local Coastal Program as detailed below.

1. **Land Use:** The proposed project is adjacent a number of parcels within a variety of Land Use Designations, including Rural Residential (one acre minimum (RR:1) and five acre minimum with a possible two acre minimum (RR:5 [RR:2])), Rural Village (RV), and Commercial (C). However, the entirety of the project is located in the CalTrans right-of way and CalTrans has indicated that the project is necessary to ensure safety of drivers and public welfare. Chapter 3.8 of the Coastal Element (*Transportation, Utilities, and Public Services*) notes the importance of State Route 1 and the necessity

of maintaining infrastructure of said highway for the benefit of local residents and visitors alike. Staff finds the proposed project to be supported by land use policies of the General Plan Coastal Element and does not conflict with any Land Use Designation to which the project is adjacent.

2. Zoning: The proposed project is adjacent a number of parcels within a variety of Land Use Designations, including Rural Residential (one acre minimum (RR:1) and five acre minimum with a possible two acre minimum (RR:5 [RR:2])), Rural Village (RV), and Limited Commercial (C1). Similar to the Land Use discussion above, the project occurs entirely within a CalTrans right-of-way and is not subject to zoning district requirements, but the project does not conflict with the Mendocino County Code. Staff finds the project complies with all zoning districts requirements of Division II of Title 20 of the Mendocino County Code (MCC) to which the project is adjacent.
3. Visual Resources and Special Treatment Areas: The proposed project is not adjacent to any parcels that are designated as "Highly Scenic"; therefore, the project would not conflict with any policies relating to highly scenic visual resources. The proposed project does not entail any work at night and would thus not create any light impacts, but **Condition 8** has been included should night work need to occur. Staff finds the proposed project is consistent with the policies of Coastal Element Chapter 3.5 and the requirements of MCC Chapter 20.504.
4. Hazard Management: The proposed project entails the widening of the State Route 1 shoulder to provide better safety to the vehicular travelers that frequent this section of the highway. The section of State Route 1 along which the proposed project is to occur includes a range of fire hazard severity ratings from "Moderate" to "Very High". Fire protection services are provided by the California Department of Forestry and Fire Prevention (CalFire) and the Fort Bragg Rural Fire Protection District (FBRPD). The project application was referred to CalFire and the FBRPD for input; neither agency expressed concerns for the proposed project.

The site of the proposed project is not associated with tsunamis, floods, landslides, faults, or other geologic hazards, nor is the project location adjacent to any bluff top geology; thus, there are no impacts anticipated from these natural hazards. Staff finds the proposed project is consistent with Coastal Element Chapter 3.4 and requirements of MCC Chapter 20.500.

5. Habitats and Natural Resources: According to the LCP Habitats and Natural Resources Map (Attachment P) the subject portion of the State Route 1 is adjacent to lands considered to be coastal prairie grassland and coastal forest. The LCP Biological Resources Map (Attachment Q) indicates that the subject portion of State Route 1 is located between two natural areas, as well as nearby rare plant identifiers. Potentially rare plant and animal species that may occur within the project area, according to the California Natural Diversity Database (CNDDDB), include ten mile shoulderband snail, perennial goldfields, coastal triquetrella, and northern red-legged frog.

The applicants submitted an Environmentally Sensitive Habitat Area (ESHA) Assessment ("Assessment") with the project application which was conducted to determine the presence of ESHA and other biological resources. The Assessment resulted in the identification of several ESHAs, including wetlands, associated riparian habitat, and a number of Sensitive Natural Communities (SNCs). The two major SNCs that were identified in the Assessment include a Wax Myrtle Shrubland Alliance, which exhibits sitka spruce, coast pine, coyote brush, coastal silk tassel, ocean spray, gooseberry, California blackberry, California manroot, and evergreen huckleberry; and a Bishop Pine Forest Alliance, which exhibits Monterey cypress, Bolander pine, grand fir, coast redwood, Monterey pine, Pacific madrone, and Gowen cypress. Impacts to the Bishop Pine Alliance are not considered to be significant, though the 100-foot ESHA buffer required by MCC Section 20.469.020(A) is not able to be met; all mitigation measures to limit impacts to said resource have been adopted and the project is proposed in the most feasible location. An onsite revegetation plan was submitted with the project application and the solicitation of which has been included as a Condition of Approval to the project. Proposed mitigation measures for impacts to the Wax Myrtle Shrubland Alliance are included as part of those for wetland impacts due to shared ESHA boundaries.

The proposed project will entail impacts to wetland resources as identified in the Assessment. It should be noted that Coastal Element policy 3.1-4 and MCC Section 20.496.025(A)(7) allows for development

within wetlands for incidental public service projects, but further defines the parameters in MCC Section 20.496.025(B)(3) when involving the filling of wetlands, which is a component of the proposed project. Wetland resources located within or near the proposed project area include coastal wetlands, 3-parameter wetlands, and "other" wetlands that are associated with drainage infrastructure (culverts) adjacent along State Route 1 and total roughly 0.067 acres, or 2,900 square feet. Portions of the proposed development, including both the widening of State Route 1 shoulders and the associated improvements to drainage infrastructure, will occur in wetland ESHA, as well as within and outside the ESHA buffer, thus the project must adhere to the standards of Coastal Element policy 3.1-7 and MCC Section 20.496.020(A)(4). With regards to MCC Section 20.496.020(A)(4) and its subsequent provisions, the proposed development will be conducted in the least impactful location feasible for the intent of the project. The Assessment further examined the proposed project relative to the two required findings outlined in MCC Section 20.496.025(B)(2) which found that there is no feasible, less environmentally damaging alternative and that mitigation measures will be adopted to account for any impacts to biological resources being affected within the ESHA buffer.

MCC Section 20.496.025(B)(3) sets forth the mitigation requirements for development which include the filling of wetlands, such as with components of the proposed project. Specifically, the first provision (20.496.025(B)(3)(a)) provides for off-site restoration of a wetland resource of similar or greater biological productivity. The applicant intends on conducting off-site mitigation through either the use of a mitigation bank and credit system, or through off-site mitigations measures for wetland impact on two parcels located near Saunders Reef (La Boube parcels; APNs 142-010-53 and -54). The latter mitigation will only be utilized if the mitigation bank is not established and ready for use prior to the initiation of project development, as required by MCC Section 20.496.025(B)(3)(a).

Four conditions have been recommended for the proposed project with regards to Habitats and Natural Resources. **Condition 9** requires that any and all mitigations proposed within the Initial Study / Mitigated Negative Declaration shall be considered as Conditions of Approval for the proposed project. **Condition 10** requires the applicant to mitigate wetland impacts using either (A) a mitigation bank if established by the date of which development is initiated, as required by the aforementioned provision; or (B) off-site wetland mitigation at La Boube parcels should Option A not be applicable. **Condition 11** which requires adherence to the submitted Onsite Revegetation Plan to provide for mitigation measures that can be completed at the project location, attached to this report as Exhibit B. Lastly, **Condition 12** requires the applicant to comply with all standards established in MCC Section 20.496.020(A)(4). Staff finds the proposed project, as conditioned, would be consistent with the policies of Coastal Element Chapter 3.1 and the requirements of MCC Chapter 20.496.

6. Archaeological/Cultural Resources: An Archaeological Survey was not submitted with the application for the project, but the project was referred to the Northwest Information Center (NWIC) Sonoma State University for review and comment. While the NWIC recommended a study be conducted, they also indicated a low potential for archaeological or cultural resources, and the intent of the proposed development on this section of State Route 1 is to improve safety for vehicular travel. Additionally, MCC Section 22.12.050 requires that projects get reviewed by the Mendocino County Archaeological Commission (MCAC) when the County is the lead agency; as CalTrans is the lead agency for the proposed project, the requirements of the aforementioned section do not apply. Furthermore, CalTrans, as part of their Initial Study / Mitigated Negative Declaration, conducted a literature review, Native American consultations, and field surveys to determine project effects on any potential resources and determined no impacts would occur. However, two conditions have been included to ensure the project does not have impacts on archaeological or cultural resources and have been frequently adopted by the MCAC for similar projects. **Condition 13** is the standard discovery clause that requires all work cease upon the discovery of any archaeological resources or human remains. **Condition 14** requires that an archaeological monitor be present for all ground disturbing aspects of the project.

The project also 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. As of the writing of this report, no response has been received from any of the three tribal agencies. Staff finds the proposed project would be consistent with the policies of Coastal Element Chapter 3.5 and the requirements of MCC Chapter 22.12.

7. Grading, Erosion, and Run-Off: Grading and site preparation would be required under the project, since the proposed project entails shoulder construction and drainage improvements within the CalTrans right-of-way of State Route 1. The staging area is located within the CalTrans right-of-way and all project materials are required to be removed at the conclusion of project activities. The terrain on which the project components are proposed is relatively flat and thus erosion is not considered a major concern. CalTrans has recommended Best Management Practices be utilized during grading activities to reduce any potential erosion and run-off impacts that may occur; these have been included as Condition of Approval. Staff finds the project would not result in significant erosion or run-off impacts. **Condition 15** requires the use of best management practices for the duration of the proposed project. Additionally, **Condition 16** further requires all standards for grading, erosion, sedimentation, and run-off, as set forth in MCC Chapter 20.492, be applied. Staff finds the proposed project would be consistent with the policies of Coastal Element Chapter 3.4 and, if adherent to Condition 16, the requirements of Chapter 20.294.
8. Groundwater Resources: The project site is located within mapped "Marginal Water Resources Bedrock" and "Dune" areas. The proposed project entails the widening of the State Route 1 shoulders; any necessary water resources would be hauled to the project site. Since no new structures or development that would require groundwater resources are proposed; additional water studies are not required per MCC Section 20.516.015(B). Staff finds the project would not impact groundwater supplies and is consistent with the policies of the Coastal Element Chapter 3.8 and requirements of MCC Chapter 20.516.
9. Transportation/Circulation: The proposed project to widen the shoulders along a portion of State Route 1 supports Coastal Element policy 3.8-7, which states,

"Caltrans shall, in cooperation with the County, set priorities based on safety requirements and existing highway congestion for improving the capacity of impacted segments of Highway 1. Measures to be studied should include minor realignments, width and shoulder improvements, passing lanes, view turnouts and parking areas, and intersection improvements."

The intent of the proposed project is to improve a main transportation and circulation route for the Coastal Zone, State Route 1, by widening the shoulders along certain portions between Post Miles 65.13 and 65.49. A study conducted by CalTrans concluded that this section of State Route 1 required shoulder widening to reduce the occurrence of vehicle collisions and improve safety.

The proposed project also supports Coastal Element policy 3.8-7, which states,

"It shall be a goal of the Transportation Section to achieve, where possible and consistent with other objectives of The Coastal Act and plan policies for Highway 1, a road bed with a vehicle lane width of 16 feet including the shoulder to achieve a 32 foot paved roadway (12-foot vehicle lane and 4-foot paved shoulder). The minimum objective shall be a 14-foot vehicle lane width (10-foot vehicle lane and 4-foot paved shoulder). New widening projects shall be allocated, first to safety and improved capacity needs and secondly to paved shoulders."

The current width of subject portion of State Route 1 ranges from 22 to 26 feet with 0 to 1 foot shoulders; lane width ranges between 11 and 12 feet. While the lane width is currently consistent, the proposed shoulder widening would be up to four 4 feet along certain sections of the road which would provide more conformity with the minimum objective. As previously stated, the intent of the project is mainly to improve the safety of State Route 1 and reduce the higher than statewide average number of vehicular collisions.

Since the proposed development will require work be conducted in the State Route 1 right-of-way, some temporary traffic control measures to manage vehicular travel through this section will be adopted and minor delays may occur; pedestrians, cyclists, and others would be allowed through during project activities. Measures include utilization of one-way traffic flow and the adoption of a Transportation Management Plan. The project was referred to the Mendocino County Department of Transportation which responded with "No Comment." Staff finds the proposed project would not impact transportation

or circulation and is consistent with the policies of Coastal Element Chapter 3.8 and requirements of MCC Chapter 20.516.

ENVIRONMENTAL DETERMINATION: An Initial Study for the proposed project was completed in accordance with the California Environmental Quality Act (CEQA) by the California Department of Transportation (CalTrans). There is the potential that biological resources could be potentially impacted by the proposed project, but these issues were considered mitigatable through a Mitigated Negative Declaration. It is noted in the Initial Study that the proposed project could result in some impacts due to proximity of construction activities to the ESHA and wetland communities found adjacent to the highway, however, several mitigating conditions have been included to address these concerns. Responsible Agencies had an opportunity to comment on the Initial Study / Mitigated Negative Declaration between September 14, 2020 and October 16, 2020.

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 adopts the Mitigated Negative Declaration (SCH#2020090238), 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 proposed shoulder construction and improved drainage are within the CalTrans right-of-way and is thus not subject to a Land Use Designation as set forth in the Coastal Element of the Mendocino County General Plan. The proposed development is adjacent to lands within the Rural Residential Coastal Element Land Use Designation, as defined in the Mendocino County General Plan, and would not impact or conflict with the intent of said designation; 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 proposed project permits shoulder improvement work performed in a CalTrans right-of-way and does not require the development of any new utilities or other facilities. The proposed project will also improve drainage under State Route 1, and therefore, improve safety to users of the highway; and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed project is consistent with the purpose and intent of Division II of Title 20 of the Mendocino County Code, as well as all other provisions of Division II, and preserves the integrity of the Mendocino County Local Coastal Program. The proposed project entails work within the CalTrans right-of-way and thus is not subject to zoning district requirements; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed project, if constructed 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. An Initial Study was completed by the California Department of Transportation and a Mitigated Negative Declaration was submitted to the State Clearinghouse. Several Conditions of Approval are recommended to ensure compliance with the CEQA requirements for a Mitigated Negative Declaration; 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. Conditions have been included to ensure archaeological sites or artifacts are protected during the ground disturbing phases of the propose project; 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 project. A staging area will be utilized for project materials and waste, which will be hauled away at various times during the project. Additionally, the proposed project is occurring along State Route 1, which will experience a reduction in roadway capacity due to lane closures, but impacts

are considered temporary and insignificant; and

7. Pursuant with MCC Section 20.532.100(A)(1) No development shall be allowed in an ESHA unless the resource as identified will not be significantly degraded by the proposed development, there is no feasible less environmentally damaging alternative, and all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted. Alternatives to the proposed development were considered. Mitigation measures have been recommended to reduce any potential impacts from the proposed project including both on- and off-site mitigation measures. Filling of wetlands is a component of the proposed project and off-site mitigation opportunities, as required by MCC 20.496.025(B)(3)(a), have been identified and adopted as a condition to the project. As conditioned, the proposed development will not significantly degrade the wetland resources.

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 Applicants 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 work at night is conducted, lighting shall be kept to the minimum necessary for safety and

construction purposes and shall be shielded from shining towards adjacent residences.

9. The applicants shall adhere to any and all mitigations adopted in the Initial Study / Mitigated Negative Declaration (IS/MND) adopted for the proposed project (SCH #2020090238). Mitigation measures include those for Aesthetics, Greenhouse Gas Emissions, and Utilities & Service Systems, and in particular for Biological Resources, and including the Standard Measures and Best Management Practices beginning on Page 12 of the adopted IS/MND.
10. Biological resource mitigation measures for the project shall include one of the following:
 - a. If a mitigation bank is established prior to the commencement of project activities, the applicant shall conduct off-site mitigation at a ratio of 6:1 through the purchase of credits from said mitigation bank consistent with Mendocino County Code Section 20.496.025(B)(3)(a).
 - b. If a mitigation bank is not established prior to the commencement of project activities, the applicant shall comply conduct off-site mitigation at the La Boube parcels at Saunders Reef (APNs 042-010-53 and -54) to compensate for wetland resources impacted by the project.
11. Use and application of the submitted Onsite Revegetation Plan (Exhibit B) shall be required for any component of the proposed project where said plan is appropriate and feasible. In locations or for resources where the plan is not capable of providing mitigation, the applicant shall meet, at minimum, the standards for permitted development within an ESHA required by Condition 12.
12. The applicant shall adhere to all applicable standards as set forth by MCC Section 20.496.020(A)(4) including the replacement of vegetation at a minimum ratio of 1:1 where applicable and feasible.
13. In the event that additional archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
14. An archaeologist shall be present for all ground disturbing activities of the proposed project. The applicant shall adhere to the requirements of MCC Chapter 22.12 at any time which the archaeologist indicates archaeological resource have been discovered or may be impacted.
15. The applicant shall acknowledge in writing, by submittal of a signed letter to the Department of Planning and Buildings Services that all grading activities and site preparation, at a minimum, shall adhere to the following "Best Management Practices". **The applicant has sole responsibility to ensure compliance with this Condition and any contractors involved in the project are aware of this Condition.**
 - a. That adequate drainage controls be constructed and maintained in such a manner as to prevent contamination of surface and/or ground water, and to prevent erosion.
 - b. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.
 - c. All concentrated water flows, shall be discharged into a functioning storm drain system or into a natural drainage area well away from the top of banks.
 - d. Temporary erosion and sediment control measures shall be established and maintained until permanent protection is established.
 - e. Erosion control measures shall include, but are not limited to, seeding and mulching exposed soil on hill slopes, strategic placement of hay bales below areas subject to sheet and rill erosion, and installation of bioengineering materials where necessary. Erosion control measures shall be in place prior to October 1st.

- f. All earth-moving activities shall be conducted between May 15th and October 15th of any given calendar year unless wet weather grading protocols are approved by the Department of Planning and Building Services or other agencies having jurisdiction.
 - g. Pursuant to the California Building Code and Mendocino County Building Regulations a grading permit will be required unless exempted by the Building Official or exempt by one of the following:
 - i. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).
 - ii. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m³) on any one lot and does not obstruct a drainage.
16. The applicant shall adhere to any and all applicable standards for grading, erosion, sedimentation, and run-off as set forth in MCC Chapter 20.492.

11/18/21

SIGNATURE ON FILE

DATE

SAM "VANDY" VANDEWATER
SENIOR PLANNER

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

ATTACHMENTS:

- A. Project Description
- B. Location Map
- C. Aerial Imagery
- D. Topographical Map
- E. Site Plan
- F. Cross Section X-1
- G. Cross Section X-2
- H. Cross Section X-3
- I. Layout L-1
- J. Layout L-2
- K. Layout L-3
- L. Layout L-4
- M. Zoning Display Map
- N. General Plan Classifications
- O. LCP Land Use Map (#12 Cleone)
- P. LCP Land Capabilities & Natural Hazards
- Q. LCP Habitats & Resources
- R. LCP Biological Resources
- S. Appealable Jurisdiction
- T. Fire Hazard Zones & Responsibility Areas
- U. Wildland – Urban Interface Zones
- V. Special Flood Hazard Areas
- W. Wetlands
- X. Ground Water Resources
- Y. Highly Scenic & Tree Removal Areas
- Z. Estimated Slope
- AA. Western Soil Classes
- BB. Farmland Classifications

Exhibit A

Initial Study / Mitigated Negative Declaration available online at:

<https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>

Exhibit B

Revegetation Plan