

**CALIFORNIA COASTAL COMMISSION**

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original staff report

# W16a

## MEMORANDUM

**Date:** February 6, 2017

**To:** Commissioners and Interested Persons

**From:** Alison Dettmer, Deputy Director  
Bob Merrill, District Manager  
Tamara Gedik, Coastal Planner

**Subject:** Addendum to Commission Meeting for Wednesday, February 8, 2017  
North Coast District Item W16a, CDP Amendment Request No. 1-88-039 (Dan Schoenfeld, Mendocino County)

This addendum presents certain corrections to Special Condition No. 5 and the associated findings of the January 27, 2017 staff report.

Special Condition No. 5 is a future development restriction that is intended to provide additional notification to the applicant and any future purchasers of the property that future development at the subject property will require coastal development permit (CDP) authorization. The condition reflects the requirements of Sections 30610(a) and (d) of the Coastal Act and sections 13250 and 13252 of the Commission's regulations that specified improvements and repair and maintenance activities in specified locations require a CDP because they involve a risk of adverse environmental effects.

In this case, because the subject property is located within a designated highly scenic area, all future improvements to the existing single-family residence at the subject site must obtain a CDP. In addition, all repair and maintenance activities within 50 feet of the edge of a coastal bluff or an environmentally sensitive habitat area (ESHA) will require a CDP.

As drafted in the staff report, Special Condition No. 5 states that all repair and maintenance development will require CDP authorization without confining that requirement to repair and maintenance activities within 50 feet of the edge of a coastal bluff or an ESHA. Subsequent to publication of the staff report, the applicant contacted staff and pointed out that the existing house on the subject property may not actually be located within 50 feet of a coastal bluff or environmentally sensitive habitat area. Both site plans that comprise Exhibit No. 3 of the staff recommendation show the existing house as being located very close to, but not within the 50-foot geologic setback from the bluff edge and not located within 50 feet of the identified ESHA on the site. The 50-foot bluff setback is shown on the plans as a line labeled "50 G," and the ESHA locations are depicted by asterisk and star symbols. Therefore, staff is modifying Special

Condition No. 5 and the associated findings to confine the CDP requirement for future repair and maintenance activities to such activities occurring within 50 feet of the edge of a coastal bluff or an ESHA.

Currently, the existing driveway and bridge are within 50 feet of these features and thus future repair and maintenance of the driveway and bridge will require additional coastal development permit authorization. However, conditions at the site may change in the future and future repair and maintenance of the house may not always be exempt from permit requirements. Accordingly, the findings have also been modified to indicate that should further erosion cause the bluff edge to encroach within 50 feet of the house, all future repair and maintenance of the house would require additional coastal development authorization.

Changes to the findings further point out that in any particular case, even though an improvement to the house or method of repair and maintenance is not exempt from coastal development permit requirements, pursuant to Section 13250(c) and Section 13252(e) of the Commission's regulations, the Executive Director may waive the requirement of a permit where the Executive Director finds the impact of the development on coastal resources or coastal access to be insignificant.

Staff continues to recommend that the Commission approve the permit amendment request subject to the special conditions as revised.

## **I. REVISIONS TO SPECIAL CONDITION NO. 5**

The original staff report shows the recommended additions to the special conditions of Coastal Development Permit 1-88-039-A5 in **bold double-underlined** text. The further revisions to Special Condition No. 5 recommended by this addendum to the staff recommendation are shown as follows: text to be deleted is shown in ~~***bold italic double strikethrough***~~; text to be added appears in ***bold italic double-underline***:

- *Modify Special Condition 5 on page 5 and in Appendix A as follows:*

**5. Future Development Restriction. This permit amendment is only for the development described in Coastal Development Permit Amendment No. 1-88-039-A5.**

**A. Any repair and maintenance activities within 50 ft. of the edge of the coastal bluff or ESHA as well as any future ~~development~~ improvements to the single-family residence on the subject parcel ~~or~~ and any proposed changes to the permit as amended, including, but not limited to all grading and filling, ~~as well as~~ any change or intensification of use of the single family residence, and the construction of detached structures such as fences or outbuildings, and repair and maintenance development will require a further amendment to Permit No. 1-88-039. Such a permit amendment application shall be accompanied by written evidence and analysis demonstrating that the amended development will remain consistent with all applicable LCP provisions and Coastal Act public access policies, including but not limited to LCP policies requiring avoidance and minimization of geologic hazards, the**

**protection of environmentally sensitive habitat areas, and visual protection provisions applicable to highly scenic areas.**

## II. REVISIONS TO FINDINGS

Text to be deleted is shown in ~~***bold italic double strikethrough***~~; text to be added appears in ***bold italic double underline***:

- *Modify the “Amendment Description” section of Finding A on pages 12 and 13 as follows:*

### **Amendment Description**

The applicant seeks to amend CDP 1-88-039, as previously amended, to: (1) replace the 42” high galvanized chain link bridge railings, 1-1/2-inch-square steel tube railing posts, and top and bottom rails with the same type of materials, and to replace railings periodically as needed due to degradation; (2) modify the previously-approved bridge maintenance program to utilize a carbon fiber repair process on heavily-rusted portions of the bridge; and (b) implement the bridge repair and maintenance process periodically as needed; (3) post a sign stating the bridge load capacity; (4) install fire-suppression infrastructure consisting of: (a) a 2.5-inch stand pipe located near the easterly end of the bridge; (b) a 4-inch main water pipe attached to the underside of the bridge; (c) 277 feet of water pipe installed within the existing underground utility trench; and (d) a 2.5-inch main pipe located within 30-50 feet from the residence; and (5) restore unauthorized developed areas to pre-development conditions, including but not limited to: (a) removal of all road base and other fill from the gravel driveway expansion and turnout areas that were recently installed without permits; (b) restore original contours; (c) replant previously planted areas to pre-project conditions; and (d) conduct long-term mitigation monitoring.

The development proposed under the current amendment request is limited to the above. Because of the location of the subject site, any future additional development, including repair and maintenance and improvements to existing development, will require additional authorization as discussed below.

Sections 30610(a) and (d) of the Coastal Act exempt certain repair and maintenance activities and improvements to existing single family residential structures from coastal development permit requirements. Pursuant to these exemptions, once a house has been constructed, certain improvements or additions or repair and maintenance activities that the applicant might propose in the future are normally exempt from the need for a permit or permit amendment. However, Sections 30610(a) and (d) require the Commission to specify by regulation those classes of development which involve a risk of adverse environmental effects and require that a permit be obtained for such development. Pursuant to Sections 30610(a) and (d) of the Coastal Act, the Commission adopted Sections 13250 and 13252 of Title 14 of the California Code of regulations.

***Regarding the CDP requirement for improvements to single family residences,*** Section 13250 ~~***and Section 13252***~~ specifically requires a permit for ***improvements to single-family residential buildings*** ~~***or repair and maintenance activities***~~ in specified locations including ~~***in an area***~~

~~within 50 feet of the edge of a coastal bluff and/or~~ within a designated highly scenic area. The subject property is within a designated highly scenic area, ~~and the majority of the subject site is within 50 feet of the edge of a coastal bluff.~~ Therefore, pursuant to Section 13250 ~~and 13252~~ of the Commission's regulations, new [Special Condition No. 5](#) expressly requires all future ~~development improvements to the single-family residence, including repair and maintenance and improvements to existing development,~~ to obtain a coastal development permit so the Commission would have the ability to review all future development on the site to ensure that such development will not be sited or designed in a manner that would result in an adverse environmental impact.

*Regarding the CDP requirement for future repair and maintenance activities, Section 13252 specifically requires a permit for any repair and maintenance activities located in specified locations, including within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area. As the driveway bridge and other portions of the driveway are within 50 feet of the coastal bluff and an environmentally sensitive habitat area, repair and maintenance activities to the driveway will require a permit. Should erosion cause any portion of the bluff to encroach within 50 feet of the existing house, permits would also be required for any repair and maintenance to the existing house.*

*Pursuant to Section 13250(c) and Section 13252(e), in any particular case, even though an improvement to the house or method of repair and maintenance is not exempt from coastal development permit requirements, the Executive Director may waive the requirement of a permit where the Executive Director finds the impact of the development on coastal resources or coastal access to be insignificant.*



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# W16a

Filed: 12/02/16  
180<sup>th</sup> day: 5/31/17  
Staff: T. Gedik-A  
Staff Report: 1/27/17  
Hearing Date: 2/08/17

## STAFF REPORT: MATERIAL AMENDMENT

**Application No.:** 1-88-039-A5

**Applicant:** Dan Schoenfeld

**Location:** 45525 South Caspar Drive, Caspar (Mendocino County;  
APN 118-380-04)

**Proposed Amendment No. 5  
(1-88-039-A5):**

Amend permit granted for development of a single family residence to: (1) perform bridge maintenance and repairs; (2) install bridge load capacity sign and fire-suppression infrastructure; and (3) remove unauthorized driveway expansion and restore to pre-development conditions.

**Description of Originally  
Approved Project:**

Construct a single-family residence with a basement garage and store room; plus driveway; wooden bridge; and earthen berm.

**Description of Amendment No. 1  
(1-88-039-A1):**

Revise previously approved bridge from wood to steel construction. (Immaterial Amendment)

**Description of Amendment No. 2  
(1-88-039-A2):**

Enlarge residence including construction of a bedroom and bathroom wing addition. (Immaterial Amendment)

**Description of Amendment No. 3  
(1-88-039-A3):**

Modify previously approved driveway bridge to (1) change the railing design, and (2) change the bridge maintenance program to avoid the use of sand blasting by incorporating the use of a rust converter that would leave the bridge in a dark brown color. (Immaterial Amendment Never Implemented)

**Description of Amendment No. 4  
(1-88-039-A4):**

Repair and maintain the previously approved driveway bridge by (1) replacing bridge railings and removing rust; and (2) applying a carbon fiber coating to the bridge.  
**(Withdrawn)**

**Staff Recommendation:**

Approval with conditions.

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## **SUMMARY OF STAFF RECOMMENDATION**

The staff recommends that the Commission **approve with conditions**, the requested amendment to the coastal development permit originally granted for the construction of a single family residence to authorize: (1) performing driveway bridge maintenance and repairs; (2) installing bridge load capacity sign and fire-suppression infrastructure; and (3) removing unauthorized driveway expansions and turnouts and restoring the affected areas to pre-development conditions. The project is located on a marine terrace bluff top located within a designated Highly Scenic Area west of Highway One, at 45525 South Caspar Drive, in Mendocino County.

The primary issues raised by the project as proposed to be amended include the protection of coastal waters and geologic hazards. The subject blufftop parcel consists mainly of a small peninsula permeated by eleven (11) sea caves and connected to the mainland by an 85-foot-long bridge that spans a narrow isthmus between the peninsula and the mainland. The proposed restoration, repair, and maintenance work could have adverse impacts on coastal resources, in this case primarily on coastal water quality and geologic stability, if not properly undertaken with appropriate mitigation. The applicant has proposed some mitigation measures to protect coastal resources, such as avoiding the use of heavy equipment near the bluff edge and other sensitive coastal resources, re-contouring disturbed areas, and installing erosion-control “wattles” around all areas of disturbed soil.

However, more specific measures are needed to further minimize the project’s expected and potential impacts on coastal waters and marine resources. To ensure that the amended development minimizes potential impacts to water quality associated with stormwater runoff and development activities, staff is recommending new [Special Condition 8](#). Staff is also recommending new [Special Condition No. 9](#), which would require the applicant to adhere to all proposed restoration, mitigation, and monitoring plan measures. [Special Condition 6](#) would require the landowners to assume the risks of extraordinary erosion, fire, and geologic hazards of

the property and waive any claim of liability on the part of the Commission. [Special Condition 7](#) would require the applicants to record a deed restriction to impose the special conditions of the permit as covenants, conditions and restrictions on the use and enjoyment of the property to ensure that the owners and any futures purchases of the property are aware of the special conditions of the permit as amended.

Staff believes the proposed amended development as conditioned is consistent with the certified Mendocino County LCP and public access policies of the Coastal Act. The motion to adopt the staff recommendation of approval with conditions is found on [Page 4](#).

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## APPENDIX

- [Appendix A](#) – All Standard and Special Conditions Pertaining to CDP Amendment 1-88-039-A5
- [Appendix B](#) – Substantive File Documents
- [Appendix C](#) – Coastal Development Permit Regulations LCP Policies
- [Appendix D](#) – Stormwater Runoff LCP Policies
- [Appendix E](#) – Geologic & Fire Hazards LCP Policies
- [Appendix F](#) – ESHAs LCP Policies
- [Appendix G](#) – Public Access Coastal Act & LCP Policies
- [Appendix H](#) – Visual Resources LCP Policies

## **EXHIBITS**

- Exhibit 1 – Regional location maps
- Exhibit 2 – Vicinity Map/ Aerial Photo
- Exhibit 3 – Proposed Site Plans
- Exhibit 4 – Applicant’s Bridge Maintenance Specifications and Best Management Practices
- Exhibit 5 – Restoration, Mitigation & Monitoring Plans
- Exhibit 6 – Staff Report for CDP 1-88-039
- Exhibit 7 – Site Photos
- Exhibit 8 – Bridge Capacity Calculations
- Exhibit 9 – Cal Fire Authorization
- Exhibit 10 – Rare Plant Survey and Staking Report

## **I. MOTION AND RESOLUTION**

The staff recommends that the Commission adopt the following resolution:

### **Motion:**

*I move that the Commission **approve** coastal development permit amendment 1-88-039-A5 pursuant to the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **Resolution:**

*The Commission hereby approves the coastal development permit amendment and adopts the findings set forth below on grounds that the development as with the proposed amendment, as conditioned, will be in conformity with the policies of the certified Mendocino County Local Coastal Program. Approval of the permit amendment complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment.*

## II. STANDARD & SPECIAL CONDITIONS

**NOTE:** The Standard Conditions 1-7 and Special Conditions Nos. 1-4 of CDP 1-88-039 remain in full force and effect. **Special Conditions 5 through 13** are new conditions added to CDP Amendment 1-88-039-A5. New conditions and modifications to existing conditions imposed in this action on Amendment 5 are shown in the following section. New and deleted language appears as **bold double-underlined** and ~~**bold double-strike-through-text**~~ respectively.

[Appendix A](#), attached, includes all standard and special conditions that apply to this permit, as approved by the Commission in its original action and modified and/or supplemented by all subsequent amendments, including this amendment number 5.

5. **Future Development Restriction. This permit amendment is only for the development described in Coastal Development Permit Amendment No. 1-88-039-A5.**
  - A. **Any future development on the subject parcel or any proposed changes to the permit as amended, including, but not limited to all grading and filling as well as any change or intensification of use of the single family residence, construction of detached structures such as fences or outbuildings, and repair and maintenance development will require a further amendment to Permit No. 1-88-039. Such a permit amendment application shall be accompanied by written evidence and analysis demonstrating that the amended development will remain consistent with all applicable LCP provisions and Coastal Act public access policies, including but not limited to LCP policies requiring avoidance and minimization of geologic hazards, the protection of environmentally sensitive habitat areas, and visual protection provisions applicable to highly scenic areas.**
6. **Assumption of Risk, Waiver of Liability, and Indemnity Agreement. By acceptance of Coastal Development Permit Amendment No. 1-88-039-A5, the applicant acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to: fire hazards, earthquakes, erosion, landslides, bluff failure, and other geologic hazards; (ii) to assume the risks to the permittee and the property that is the subject of this amended permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.**
7. **Deed Restriction Recordation of Permit Conditions. WITHIN 90 DAYS OF COMMISSION APPROVAL OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-88-039-A5 AND PRIOR TO COMMENCEMENT OF ANY**

BRIDGE REPAIRS, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit amendment a deed restriction, in a form and content acceptable to the Executive Director: (a) indicating that, pursuant to this permit as amended, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (b) imposing the Special Conditions of this permit as amended as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit amendment. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit amendment shall continue to restrict the use and enjoyment of the subject property so long as either this permit amendment or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

8. Best Management Practices and Development Responsibilities. The permittee shall comply with all of the following:
- A. Comply with the temporary ESHA staking and flagging requirements of Special Condition No. 4.
  - B. Contractors shall be informed of the presence of all ESHA areas on the site and the importance of avoiding disturbance to ESHA areas;
  - C. Prior to removal of unpermitted road base and other fill, a licensed surveyor shall stake the 20-foot setback from the bluff edge, as proposed in the project clarifications submitted September 29, 2016.
  - D. As proposed in the project clarifications submitted September 29, 2016, use of heavy equipment onsite shall be limited to within the boundaries of the driveway authorized by CDP 1-88-039. As further specified by Special Condition No. 2b, heavy equipment shall not occur within 20 feet of the bluff edge in order to avoid landsliding.
  - E. Comply with the bridge tenting specifications and best management practices presented in: (1) the application materials received July 29, 2016; and (2) the proposals dated August 13, 2015 and August 19, 2015; and included as Exhibit 4;
  - F. All road base and other fill removal activities shall be limited to the dry season between April 15<sup>th</sup> and October 14<sup>th</sup>;
  - G. Any and all excess excavated material and/or debris resulting from development activities shall be removed from the project site WITHIN 10 DAYS OF PROJECT COMPLETION and disposed of at the Caspar Transfer Station as proposed by the permittee, or disposed at a disposal site outside the coastal zone or placed within the coastal zone pursuant to a valid coastal development permit;

- H. Weed-free straw or coir rolls (“wattles”) shall be installed prior to and maintained throughout the bridge maintenance and restoration project period to contain runoff from construction areas, trap entrained sediment and other pollutants, and prevent discharge of sediment and pollutants near coastal waters;
- I. Only temporary erosion control products (e.g., “wattles”) manufactured from 100% biodegradable (not photodegradable) materials shall be used. If temporary erosion control products that have a netting component are used, the netting shall be loose-weave natural-fiber netting. Products with plastic netting, including but not limited to polypropylene, nylon, polyethylene, and polyester shall not be used. The netting component of “wattles” used onsite for temporary sediment control shall be made of loose-weave natural-fiber (not plastic) netting;
- J. All on-site stockpiles of construction debris shall be located outside ESHA and ESHA buffers, and shall be covered and contained at all times to prevent polluted water runoff;
- K. Any disturbed areas shall be replanted or seeded immediately with herbaceous native species following restoration of original soil contours to disturbed soil areas, in a manner that conforms to the planting limitations of Special Condition No. 9;

9. Restoration, Mitigation, and Monitoring of Disturbed Soil Areas

Consistent with the measures recommended in: (a) the July 25, 2016 Restoration, Mitigation, and Monitoring Plan and revised Restoration Plan dated November 22, 2016 included as Exhibit 5; and (b) project clarifications dated September 29, 2016 and November 23, 2016, the permittee shall comply with all of the following to ensure the restoration of all unpermitted driveway expansion areas (including but not limited to Disturbed Sites (DS) #1-3 as depicted on the revised Restoration Plan dated November 22, 2016), to pre-development conditions:

- A. Weed-free straw or coir rolls (“wattles”) shall be installed around the entire perimeter of all disturbed sites prior to and maintained throughout the restoration period. Wattles shall be placed as depicted on the revised Restoration Plan dated November 22, 2016, and wattle materials shall conform to the specifications of Special Condition Nos. 8H and 8I.
- B. PRIOR TO OCTOBER 15, 2017 OR WITHIN WHATEVER ADDITIONAL TIME IS GRANTED BY THE EXECUTIVE DIRECTOR FOR GOOD CAUSE, the permittee shall restore to all areas of unauthorized driveway expansion and turnout construction to pre-development conditions, including but not limited to removal of all road base and other fill, restoration of original contours, and replanting of previously vegetated areas to pre-project conditions using species native to the site, and as specified in the July 25, 2016 Restoration, Mitigation, & Monitoring Plan included as Exhibit 5.
- C. The permittee shall remove all of the unpermitted driveway expansions and turnouts not authorized by CDP 1-88-039, including but not limited to hand

removal of all road base and other fill at Disturbed Sites (DS) #1-3 as depicted on the revised Restoration Plan dated November 22, 2016.

- D. Pursuant to Mitigation Measure 1a of the July 25, 2016 Restoration, Mitigation and Monitoring Plan, all areas of excavated materials, including but not limited to Disturbed Sites (DS) #1-3 as depicted on the revised Restoration Plan dated November 22, 2016, shall be replaced with a minimum of 8" in depth of topsoil mix, and restored to pre-existing grade and contours. Topsoil mix shall be composed of 75% sandy loam soil, and 25% compost.
- E. All areas of fill removal and soil replacement shall be re-vegetated pursuant to Mitigation Measure 1b and the landscape specifications presented in Section 3.0 of the July 25, 2016 Restoration, Mitigation and Monitoring Plan, including but not limited to the following:
- 1) All restoration areas shall be revegetated with native, non-invasive, drought tolerant vegetation as specified in Table 1, Plant List. Species known to be established within 5 miles of the project site that thrive in coastal bluff habitats will be used. The plants and seeds used will be obtained from local genetic stocks within Mendocino County as practicable. If local genetic stock is not available, native vegetation obtained from outside the local area, but from within the adjacent region of the floristic province, may be used.
  - 2) The target success rate is 90% soil coverage by plant species specified in Table 1, Plant List, once plantings are mature, as specified by mature plant heights depicted for each species listed in Table 1.
  - 3) No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist at the project site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property;
- F. Restoration areas shall be monitored for successful revegetation establishment consistent with: (a) Mitigation Measures 1d and 1e; (b) the "Mitigation Monitoring Schedule" included as Table 2 of the July 25, 2016 Restoration, Mitigation and Monitoring Plan; and (c) the terms of this permit, including but not limited to the following:
- 1) Photographs shall be taken at disturbed sites #DS1, #DS2, and #DS3. Additionally, photographs will be taken at one location on the property that represents emulation for re-vegetation and restoration. Designated photo locations will be chosen at each site to maintain consistency in monitoring, to document the site, and to record the restoration success and planting establishment over time. The location and direction of each photo will be recorded on a data sheet to inform future surveys.
  - 2) Revegetated areas shall be monitored bimonthly the first two (2) months following planting, then monthly for the following four (4) months. Monitoring shall continue quarterly for three (3) years, or until the target success rate is achieved.



- G. Plantings in restoration areas shall be maintained and replaced pursuant to Mitigation Measure 1f and the landscape specifications presented in Section 3.5 of the July 25, 2016 Restoration, Mitigation and Monitoring Plan, including but not limited to the following:
- 1) Dead or dying plants shall be replaced at a 2:1 ratio.
  - 2) Vegetation shall be replaced in-kind, pursuant to the July 25, 2016 Restoration, Mitigation and Monitoring Plan and written specifications, as they die or are substantially declining.
- H. Monitoring reports shall be submitted for the review and approval of the Executive Director consistent with: (a) Mitigation Measure 1g; (b) the "Mitigation Monitoring Schedule" included as Table 2 of the July 25, 2016 Restoration, Mitigation and Monitoring Plan; and (c) the terms of this permit, including but not limited to the following:
- 1) By December 31 of each year following planting of the vegetation in all restoration areas, the permittee shall submit to the Executive Director for review and approval a monitoring report on the success of the plantings installed for restoration. Monitoring reports shall be submitted annually until such time that restoration plantings achieve the performance standard of 90% soil coverage by restoration plant species consistent with the requirements of Special Condition 10E(2) above. The report shall at a minimum:
    - i. Document whether any of the plants that were planted pursuant to July 25, 2016 Restoration, Mitigation and Monitoring Plan and consistent with the evidence of restoration planting installation submitted pursuant to Special Condition No. 10 have died or have become decadent, rotten, or weakened by decay or disease and either have been or must be removed and replaced for any reason;
    - ii. Document with photographs (taken from standardized, repeatable photo station points at standardized zoom levels) and written analysis the progress of vegetation growth towards meeting the performance standard of 90% soil coverage by restoration plant species consistent with the requirements of Special Condition 9E(2) above, and provide recommendations on how to improve progress where necessary; and
    - iii. Include recommendations for additional mitigation if the performance standard and the requirements of the special conditions have not been met. If after the third year following installation of the restoration plantings the monitoring report indicates the restoration plantings have been unsuccessful, in part, or in whole, based on the performance standard of 90% soil coverage by restoration plant species consistent with the requirements of Special Condition 9E(2) above, the permittee shall submit a coastal development permit amendment application within 90 days of submittal of the monitoring report for a revised or supplemental restoration planting program, to

compensate for those portions of the original restoration plantings which did not meet the performance standard. The revised or supplemental restoration planting program shall be processed as an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- I. No herbicides shall be stored, mixed, or used on the subject parcel and no rodenticides containing any anticoagulant compounds, including but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall be used.
10. Evidence of Restoration Planting Installation. WITHIN 60 DAYS of installation of restoration plantings, the applicant shall submit photos to the Executive Director demonstrating that all restoration planting has been installed consistent with the landscaping specifications of the July 25, 2016 Restoration, Mitigation and Monitoring Plan and with the terms of this permit amendment.
11. Bridge Maintenance Inspection and Reporting. Consistent with the bridge inspection procedures proposed in the application materials received July 29, 2016, the permittee shall comply with the following bridge maintenance and inspection requirements to ensure the bridge remains structurally sound:
  - A. The permittee shall inspect the bridge for structural defects annually;
  - B. A licensed Civil or Structural Engineer familiar with the steel bridge construction shall inspect the bridge at a minimum of five year intervals (no later than February 28, 2022, and every five years thereafter). Should inspections identify evidence of wear, the property owner shall implement the "Bridge Repair Process and Debris Removal" proposed under this coastal development permit amendment. The engineer shall re-inspect the bridge following any necessary repair and/or maintenance measures. The permittee shall submit to the Executive Director a copy of each bridge inspection report and certification of structural integrity prepared by the licensed engineer WITHIN 30 DAYS of each bridge inspection.
12. Bridge Maintenance and Repair. The proposed removal of loose or flaking metal, application of rust converter, application of carbon fiber repair, and painting of the bridge may be performed on an as needed basis. The replacement of the 42" high bridge railings composed of galvanized chain link fencing material supported by 1-1/2-inch-square steel tube railing posts, and top and bottom rails with the same type of materials is authorized to be performed on a one-time-only basis. All bridge maintenance and repair work authorized by this permit amendment must otherwise occur in strict compliance with the proposal as set forth in the application, subject to any special conditions, including, but not limited to Special Condition 8E. Any deviation from the proposed bridge repair process as conditioned, additional future replacement of bridge railings, or other kinds of repair shall require a further coastal development permit amendment unless the Executive Director determines that no amendment or new coastal development permit is legally required.

- 13. Permit Effectiveness and Condition Compliance. This coastal development permit amendment shall be deemed effective upon the Commission's approval on February 8, 2017. Failure to comply with the special conditions of this permit may result in the institution of an action to enforce those conditions under the provisions of Chapter 9 of the Coastal Act.**

### **III. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

#### **A. BACKGROUND AND AMENDMENT DESCRIPTION**

On January 11, 1989, the Coastal Commission granted conditional approval (CDP # 1-89-039) to a previous property owner for the construction of a 900-square-foot single-family residence with a basement garage and store room on an approximately 2-acre parcel located west of Highway One in the Caspar South subdivision, at 45525 South Caspar Drive, in Mendocino County (APN 118-380-04). Additionally, CDP 1-89-039 authorized construction of a driveway, road, wooden bridge, and earthen berm to screen a portion of the approved single-family residence. The subdivision's water and sewer districts provide services to the parcel.

The parcel is located on a relatively flat blufftop lot, approximately 50 feet above sea level, on a small peninsula that juts out into the ocean. A narrow isthmus, or neck, connects the peninsula (where the house is sited) to the mainland, and eleven (11) sea caves surround the peninsula. Due to the geologic hazards associated with the site, the Commission imposed Special Condition No. 2b as part of its conditional approval of CDP 1-89-039 requiring geologic setbacks from the bluff edge and requiring that construction of the 85-foot-long, 10-foot-wide wooden bridge spanning the mainland and the peninsula shall be completed before any house construction begins. Construction of the bridge prior to the house enabled vehicles and construction equipment needed for the house construction to utilize the bridge and avoid having to traverse the narrow isthmus itself, which could have caused further erosion and destabilization of the isthmus and the surrounding bluffs.

Following issuance of two permit extensions, the previous owner applied for and was granted an amendment (CDP Amendment No. 1-89-039-A1) authorizing changing the material of the approved bridge from wood to steel. The previous owner constructed the steel bridge in 1992, thereby vesting the permit. In 1996, CDP 1-89-039 as amended was assigned to a new owner, who applied for and was granted CDP Amendment No. 1-89-039-A2 authorizing an expansion of the as-yet unconstructed residence, including construction of a bedroom and bathroom wing. In 2007, the Commission approved CDP Amendment 1-88-039-A3 authorizing changes to the bridge railing design and to the bridge maintenance that included incorporating the use of a rust converter to avoid sand blasting. A lapse in ownership following the predecessor's death resulted in neglect of the bridge maintenance program approved by CDP Amendment 1-89-039-A3, and the bridge is in need of repair.

The project applicant purchased the subject residential parcel in September 2011, and commenced construction of the approved single family residence in 2013. The bridge remains in

a state of disrepair: the bridge maintenance program approved by CDP Amendment No. 1-88-039-A3 was never implemented and the bridge is currently in need of more extensive repair and maintenance work (see photos in **Exhibit 7** and inspection reports in **Exhibit 8**). In June 2015, the applicant submitted CDP Amendment Application No. 1-88-039-A4 requesting authorization to further modify the previously-approved bridge repair and maintenance program to address the more extensive areas of rust that have developed on the bridge.

In December 2015, the applicant informed Commission staff of new grading, clearing, and fill activities associated with driveway expansions and turnarounds that the applicant undertook to address fire safety recommendations of Cal Fire (California Department of Fire and Forestry Protection) staff. Commission staff informed the applicant that the new development was not authorized by, and conflicts with, the terms of CDP 1-89-039 as amended, and recommended immediate cessation of all unauthorized development. Commission staff has worked with the applicant and his agent to remedy the situation. In July 2016, the applicant withdrew CDP Amendment Application No. 1-89-039-A4 and submitted CDP Amendment Application No. 1-89-039-A5 to address proposed bridge maintenance and repairs, address Cal Fire safety requirements, and remove the unauthorized expansions of the driveway and the turnouts. As discussed below, Cal Fire is no longer requiring the driveway expansions and turnouts but is requiring the installation of a fire safety water line and hydrants.

### **Amendment Description**

The applicant seeks to amend CDP 1-88-039, as previously amended, to: (1) replace the 42" high galvanized chain link bridge railings, 1-1/2-inch-square steel tube railing posts, and top and bottom rails with the same type of materials, and to replace railings periodically as needed due to degradation; (2) modify the previously-approved bridge maintenance program to utilize a carbon fiber repair process on heavily-rusted portions of the bridge; and (b) implement the bridge repair and maintenance process periodically as needed; (3) post a sign stating the bridge load capacity; (4) install fire-suppression infrastructure consisting of: (a) a 2.5-inch stand pipe located near the easterly end of the bridge; (b) a 4-inch main water pipe attached to the underside of the bridge; (c) 277 feet of water pipe installed within the existing underground utility trench; and (d) a 2.5-inch main pipe located within 30-50 feet from the residence; and (5) restore unauthorized developed areas to pre-development conditions, including but not limited to: (a) removal of all road base and other fill from the gravel driveway expansion and turnout areas that were recently installed without permits; (b) restore original contours; (c) replant previously planted areas to pre-project conditions; and (d) conduct long-term mitigation monitoring.

The development proposed under the current amendment request is limited to the above. Because of the location of the subject site, any future additional development, including repair and maintenance and improvements to existing development, will require additional authorization as discussed below.

Sections 30610(a) and (d) of the Coastal Act exempt certain repair and maintenance activities and improvements to existing single family residential structures from coastal development permit requirements. Pursuant to these exemptions, once a house has been constructed, certain improvements or additions or repair and maintenance activities that the applicant might propose in the future are normally exempt from the need for a permit or permit amendment.

However, Sections 30610(a) and (d) require the Commission to specify by regulation those classes of development which involve a risk of adverse environmental effects and require that a permit be obtained for such development. Pursuant to Sections 30610(a) and (d) of the Coastal Act, the Commission adopted Sections 13250 and 13252 of Title 14 of the California Code of regulations. Section 13250 and Section 13252 specifically require a permit for improvements or repair and maintenance activities in specified locations including in an area within 50 feet of the edge of a coastal bluff and/or within a designated highly scenic area. The subject property is within a designated highly scenic area, and the majority of the subject site is within 50 feet of the edge of a coastal bluff. Therefore, pursuant to Section 13250 and 13252 of the Commission's regulations, new [Special Condition No. 5](#) expressly requires all future development, including repair and maintenance and improvements to existing development, to obtain a coastal development permit so the Commission would have the ability to review all future development on the site to ensure that such development will not be sited or designed in a manner that would result in an adverse environmental impact.

## **B. JURISDICTION AND STANDARD OF REVIEW**

The original project was approved prior to certification of the Mendocino County Local Coastal Program (LCP). Therefore, the standard of review for the original permit application was the Coastal Act. The Coastal Commission effectively certified the County of Mendocino's LCP in 1992. The project site is located between the first public road and the sea. Pursuant to Section 30604 of the Coastal Act, after effective acceptance of a certified LCP, the standard of review for all coastal permits and permit amendments for developments located between the first public road and the sea is the certified LCP and the public access policies of the Coastal Act. Therefore, new development at the site is now subject to the Mendocino County LCP and the Coastal access and recreation policies of the Coastal Act. In its consideration of the coastal development permit amendment request, the Commission must evaluate the consistency of the development with the certified Mendocino County LCP and the public access policies of the Coastal Act.

## **C. SCOPE**

This staff report addresses only the coastal resource issues affected by the proposed permit amendment, provides recommended special conditions to reduce and mitigate significant impacts to coastal resources caused by the development as amended in order to achieve consistency with the LCP, and provides findings for conditional approval of the amended development. All other analyses, findings, and conditions related to the originally permitted development as previously amended, except as specifically affected by the current permit amendment request and addressed herein, remain as stated within the original permit approval adopted by the Commission on January 11, 1989 (**Exhibit No. 6**) and in the three immaterial permit amendments previously approved by the Commission.

## **D. PERMIT AUTHORITY FOR REPAIR & MAINTENANCE DEVELOPMENT**

Section 30610(d) of the Coastal Act generally exempts from coastal development permitting requirements the repair or maintenance of structures that do not result in an addition to, or enlargement or expansion of, the structure being repaired or maintained. Section 13252 of Title 14 of the California Code of regulations, further implements Section 30610(d), and requires a permit for certain extraordinary methods of repair and maintenance of existing structures enumerated in the regulation that involve a risk of substantial adverse environmental impact.

Section 13252 of the Commission administrative regulations (14 CCR 13000 *et seq.*) provides, in relevant part, the following:

(a) *For purposes of Public Resources Code section 30610(d), the following extraordinary methods of repair and maintenance shall require a coastal development permit because they involve a risk of substantial adverse environmental impact:...*

(3) *Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:*

(A) *The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials;*

(B) *The presence, whether temporary or permanent, of mechanized equipment or construction materials.*

*All repair and maintenance activities governed by the above provisions shall be subject to the permit regulations promulgated pursuant to the Coastal Act, including but not limited to the regulations governing administrative and emergency permits. The provisions of this section shall not be applicable to methods of repair and maintenance undertaken by the ports listed in Public Resources Code section 30700 unless so provided elsewhere in these regulations. ... [Emphasis added.]*

(b) *Unless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance under section 30610(d) but instead constitutes a replacement structure requiring a coastal development permit.*

The applicant has proposed to install all fire suppression infrastructure within the footprint of the existing driveway, and to replace the bridge railings with the same type and sized material as exists currently. The applicant has stated that “We have estimated that with complete replacement of the railings and replacing seriously compromised areas above and below the bridge deck with carbon fiber, we will likely affect around 30% of the entire bridge.”<sup>1</sup> Therefore, the proposed amended bridge repair and maintenance work on the existing bridge and installation of fire suppression infrastructure qualifies as a repair and maintenance project because the work as proposed (a) does not involve an addition to or enlargement of the object of the repair and maintenance activities, and (b) does not involve replacement of 50% or more of the object of the repair and maintenance activities.

Although the proposed development qualifies as a repair and maintenance project, Section 13252 of the regulations requires a CDP for extraordinary methods of repair and maintenance as enumerated in the regulation above. The proposed work involves the placement of construction materials and removal and placement of solid materials within 50 feet of the edge of a coastal

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<sup>1</sup> Correspondence sent via electronic mail from Dan Schoenfeld to Tamara Gedik October 29, 2015.

bluff and within 50 feet of rare plant ESHA. Therefore, the proposed project requires a CDP amendment under Sections 13252(a)(3) of the Commission regulations.

In considering a permit application for a repair or maintenance project pursuant to the above-cited authority, the Commission reviews whether the proposed *method* of repair or maintenance is consistent with the policies of the Mendocino County certified LCP and with the public access policies of the Coastal Act. The Commission's evaluation of such repair and maintenance projects does not extend to an evaluation of the conformity of the existing development with the policies of the certified LCP and with the public access policies of the Coastal Act.

The repair and maintenance work could have adverse impacts on coastal resources, in this case primarily on coastal water quality and geologic stability, if not properly undertaken with appropriate mitigation. While the applicant has proposed some mitigation measures to protect coastal resources, more specific measures are needed to further minimize the project's expected and potential impacts on coastal waters and marine resources. The conditions required to meet these standards are discussed in the following findings relevant to avoidance of fill in coastal waters and protection of marine resources and ESHAs.

## **E. WATER QUALITY & STORMWATER RUNOFF**

The proposed repair and maintenance project involves soil disturbance in those areas where fire suppression lines will be installed in the existing utility trench underneath the approved driveway. Additionally, bridge repair and maintenance activities will include hand-removal of loose, flaking, rusted metal from the approved existing bridge, followed by application of a previously-approved rust converter ("Quest Restore"), and application of a carbon fiber treatment where necessary. Furthermore, removal and restoration of unauthorized driveway expansion and turnouts will involve the movement of soil, road base, and other fill, which could increase sedimentation delivery to open coastal waters located 50 feet downslope of the project site. Storm water runoff from these project developments can adversely affect the biological productivity of coastal waters by degrading water quality.

As discussed above, the subject site is located on a relatively flat marine terrace that gently slopes downward towards the bluff surrounding the peninsula where the residence and driveways are sited. The existing metal bridge spans a narrow isthmus joining the peninsula to the mainland above steep slopes that descend to the shoreline and coastal waters below. Runoff originating from the development site that is allowed to drain off the site could contain entrained sediment and other pollutants that would contribute to degradation of the quality of coastal waters, including downstream marine waters.

LUP Policy 3.1-25 requires the protection of the biological productivity of coastal waters. Mendocino County Coastal Zoning Code (CZC) Chapter 20.492 sets forth several grading, erosion control, and sedimentation standards to minimize erosion and sedimentation of environmentally sensitive areas and off-site areas. Specifically, CZC Section 20.492.010(G) requires in part that erosion and sediment control measures shall be installed as soon as possible following the disturbance of the soils. Sections 20.492.015 and 20.492.020(B) require that the maximum amount of vegetation existing on the development site shall be maintained to prevent sedimentation of off-site areas, and where vegetation is necessarily removed during construction, native vegetation shall be replanted afterwards to help control sedimentation. Furthermore, CZC

Section 20.492.025 requires that provisions shall be made to infiltrate and/or safely conduct surface water to prevent runoff from damaging cut and fill slopes.

The applicant has proposed the use of coir “wattles” around all areas of proposed soil disturbance, with specifications included as part of a submitted restoration, mitigation, and monitoring plan (**Exhibit 5**). To avoid destabilizing the bluff and adversely affecting other sensitive coastal resources, the applicant has proposed to remove all areas of unauthorized driveway road base and other fill, as well as the proposed re-contouring with replacement topsoil mix, by utilizing hand labor with shovels and wheel barrows from trucks located on the approved driveway. As part of the submitted restoration, mitigation, and monitoring plan, the applicant has further proposed replanting all disturbed soil areas outside the approved driveway footprint following removal of road base and replacement with topsoil.

The applicant has additionally proposed best management practices (BMPs) during bridge maintenance and repairs to prevent loose metal and other debris from the repair work from entering coastal waters that include but are not limited to: (1) securing a tent completely around the bridge; (2) lining the interior and sides of the tent with plastic; (3) hand-removal (rather than sandblasting) loose metal from the bridge; (4) regularly vacuuming debris from within the tent, and (5) multiple daily inspections (**Exhibit 4**).

To ensure that the project implements the measures proposed and minimizes potential impacts to water quality associated with stormwater runoff and development activities, the Commission attaches new [Special Condition 8](#). This condition requires that various development-related responsibilities are adhered to during the course of the proposed restoration, repair, and maintenance work, including those described above and in the application materials submitted with CDP application 1-88-039-A5. [Special Condition 8](#) additionally requires in part that: (1) Weed-free straw bales and/or coir rolls (“wattles”) shall be installed prior to and maintained throughout the construction period; (2) all road base and other fill removal activities shall be limited to the dry season between April 15<sup>th</sup> and October 14; (3) excess excavated material and/or debris shall be removed from the project site and disposed of at the Caspar Transfer station as proposed by the applicant, or disposed of at a disposal site outside the coastal zone; (4) on-site stockpiles of construction debris shall be covered and contained at all times to prevent polluted water runoff; and (5) any disturbed areas be replanted with native plants obtained from local stock immediately following project completion. [Special Condition No. 9](#) requires the applicant to adhere to all proposed restoration, mitigation, and monitoring plan measures, including but not limited to hand-removal of all road base and other fill, restoration of original contours, and replanting of previously vegetated areas to pre-project conditions using species native to the site. In addition, **Special Condition No. 10** requires the applicant to submit photographic evidence to the Commission within 60 days of planting vegetation in restoration areas.

Thus, as conditioned, the Commission finds that the proposed method of repair and maintenance is consistent with the provisions of LUP Policy 3.1-25 requiring that the biological productivity of coastal waters be sustained. The Commission further finds that the proposed amended development as conditioned to require these measures to control sedimentation from storm water runoff from the site during restoration activities is consistent with CZC Chapter 20.492 because erosion and sedimentation will be controlled and minimized.



## F. GEOLOGIC & FIRE HAZARDS

As described above, the proposed amendment includes repair and maintenance work on the existing 10-foot-wide bridge and installation of fire suppression infrastructure, in addition to removal and restoration of unauthorized driveway expansions, all within 50 feet of the edge of coastal bluffs. The subject parcel is also surrounded by eleven (11) sea caves, and a thin isthmus connects the peninsula where the house is situated to the mainland. The previously-approved 85-foot-long, 10-foot-wide metal bridge serves as the only means of ingress and egress between the mainland and the house on the peninsula. Due to the geologic hazards associated with the site, the Commission imposed Special Condition No. 2b as part of its conditional approval of CDP 1-89-039 requiring in part the establishment of setbacks from geologic hazards, including maintaining: (a) a 50-foot setback of all development from the edge of the bluff; (b) a 35-foot setbacks from all the sea caves; and (c) that all construction equipment and building materials stay at least 20 feet from the bluff in order to avoid landsliding. Additionally, the Mendocino County Fire Hazard Severity Zone Map<sup>2</sup> depicts the subject parcel as located within a Very High Fire Hazard Severity Zone.

Mendocino County Land Use Plan (LUP) Policy 3.4-9 requires that any development landward of the blufftop setback shall be constructed so as to ensure that surface and subsurface drainage does not contribute to the erosion of the bluff face or to the instability of the bluff itself. Mendocino County certified LCP provisions, including but not limited to Coastal Zoning Code Section 20.500.010, additionally require that new development (1) minimize risks to life and property in areas of high geologic and fire hazard, and (2) assure stability and structural integrity, and neither create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural land forms along bluffs and cliffs. LUP Policy 3.14-13 and CZC Section 20.500.025 require that all new development shall meet the requirements for fire protection and fire prevention as recommended by responsible fire agencies, and where feasible, development shall be avoided in areas of extreme fire hazard.

The bridge and the single family residence it serves were originally approved January 11, 1989, prior to enactment of current fire safety standards. While Cal Fire has granted final clearance to the applicant through a “grandfathering” exemption of PRC §4290, Cal Fire maintains concern about the egress and ingress limitations to the site. Cal Fire (“California Department of Fire Protection and Forestry”) staff have expressed concerns to the applicant that the existing bridge and driveway do not satisfy current minimum roadway standards required by state Fire Safe Regulations (Public Resources Code Section 4290), including Cal Fire’s minimum roadway width (including bridge width) and turnout requirements. To ensure that the residence can be protected in the event of a fire even though the bridge is too narrow to accommodate fire trucks, Cal Fire has recommended installation of a fire suppression hydrant system to improve firefighter and civilian safety (**Exhibit 9**). The new hydrant system will provide fire fighters with adequate water to fight a fire at the residence. However, Cal Fire has also informed the applicant that: “Though we are making an accommodation to allow you to finalize the project it still needs to be disclosed to any future owner that fire suppression and other emergency operations may be

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<sup>2</sup> California Department of Forestry and Fire Protection. Official “Map of Fire Hazard Severity Zones in the State Responsibility Area of California.” Accessed online at [http://frap.fire.ca.gov/webdata/maps/mendocino/fhszs\\_map.23.pdf](http://frap.fire.ca.gov/webdata/maps/mendocino/fhszs_map.23.pdf)

more difficult due to the access issues created by the narrow bridge crossing.<sup>3</sup>

As a result of the many site constraints, including but not limited to the geologic hazards described above, any proposal to expand or replace the existing bridge, rather than repair and maintain it, would raise significant new issues regarding consistency of the proposed use with the policies of the certified LCP. The applicant has previously indicated to Commission staff that the bridge retrofits would be too costly to implement, and therefore the applicant is not pursuing any bridge enlargement, expansion, or replacement at this time. As noted above, when considering a permit application for a repair or maintenance project pursuant to the above-cited authority, the Commission reviews whether the proposed *method* of repair or maintenance is consistent with the policies of the Mendocino County certified LCP and with the public access policies of the Coastal Act. The Commission's evaluation of such repair and maintenance projects does not extend to an evaluation of the conformity of the existing development with the policies of the certified LCP and with the public access policies of the Coastal Act.

To address fire safety concerns, the applicant proposes to install a fire suppression system within the footprint of the existing bridge (adjacent to other utility lines attached to the side of the bridge deck) and within the utility trench underneath the approved driveway. The fire suppression system will include a 2.5-inch-diameter "hydrant"/stand pipe on the mainland side of the bridge and another within a range of 30-50 feet from the home, enabling fire personnel to connect fire-fighting equipment in the event of a fire on the peninsula.

The applicant proposes to perform certain repairs of the existing bridge on an as needed basis that consist of (a) the replacement of the 42" high bridge railings composed of galvanized chain link fencing material supported by 1-1/2-inch-square steel tube railing posts, and top and bottom rails with the same type of materials, (b) hand-removal of loose, flaking, rusted metal from the approved existing bridge, (c) application of the rust converter known as "Quest Restore"), (d) application of a carbon fiber repair process on heavily-rusted portions of the bridge, and (e) painting the bridge. The rusting and weathering of metal structures in the coastal environment is a constant factor. The periodic removal of flaking metal and treatment of the bridge by applying rust converter, carbon fiber patches, and paint needs to be routinely performed to address the constant and predictable effects of rusting and weathering. The need for the replacement of bridge railings or other parts of the bridge is much less frequent, less predictable, and could be required for a variety of reasons other than just normal wear and tear, such as damage from being struck by vehicles using the bridge or from structural failures of the bridge caused by erosion of the bluffs to which the abutments of the bridge are attached. The nature of the kinds of repairs that would be needed to respond to these different circumstances could vary widely, especially if structural failures also damage the bridge deck and supporting structures. The extent of the work that would need to be done and the impacts of those repairs could vary widely. To ensure that the Commission has the opportunity to review the appropriateness of whatever replacement work may be proposed and its consistency with the policies of the certified LCP including the geologic and fire hazard policies and the public access policies of the Coastal Act based on the circumstances and site conditions existing at the time of review, **Special Condition 12** limits the proposed replacement of the bridge railings to a one time only occurrence. After all of the

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<sup>3</sup> June 13, 2016. Correspondence via electronic mail from Ryan Smith, Fire Captain Specialist (Cal Fire) to Dan Schoenfeld re: 45525 South Caspar Drive.

railings have been replaced once as authorized herein, the permittee would need to apply for additional authorization to perform additional railing replacement in the future.

As discussed above, the applicant has proposed best management practices (BMPs) during bridge and driveway maintenance and repairs that include but are not limited to installing “wattles” around all areas of disturbed soil. The Commission also attaches new [Special Condition 8](#). As described above, [Special Condition 8](#) additionally requires in part that: (1) Weed-free straw bales and/or coir rolls (“wattles”) shall be installed prior to and maintained throughout the construction period; (2) all road base and other fill removal activities shall be limited to the dry season between April 15<sup>th</sup> and October 14; and (3) any disturbed areas be replanted with native plants obtained from local stock immediately following project completion.

The applicant also proposes to remove all of the unauthorized driveway expansions and turnouts, including removal of all unauthorized road base and other fill. To avoid the use of heavy equipment near the bluff edge which could contribute to destabilization of the bluff, the applicant has proposed to remove all areas of unauthorized driveway road base and other fill, as well as the proposed re-contouring with replacement topsoil mix, by utilizing hand labor with shovels and wheel barrows from trucks located on the approved driveway. The applicant has included a Restoration, Mitigation and Monitoring Plan (**Exhibit 5**) to minimize erosion from areas disturbed during construction. The plan outlines the methods that will be undertaken to restore disturbed areas to pre-development conditions, including re-contouring site topography, and replanting all areas of disturbed soil with locally native species. The Commission has attached [Special Condition No. 9](#) requiring the applicant to adhere to all proposed restoration, mitigation, and monitoring plan measures.

As described above, the subject blufftop parcel is highly constrained by, among other things, the presence of eleven (11) sea caves surrounding the peninsula, and an 85-foot-long bridge that spans a thin isthmus to the mainland. Although the project has been evaluated and designed in a manner to minimize the risk of geologic and fire hazards, and although the Commission is requiring with [Special Condition Nos. 8 and 9](#) that the applicant adhere to all recommended specifications to minimize potential geologic hazards, some risk of fire and of geologic hazard still remains. Given that the risk cannot be eliminated, the Commission finds that due to the inherently hazardous nature of this lot and the fact that no geology report can conclude with certainty that a geologic hazard does not exist, it is necessary to attach [Special Condition No. 6](#), whereby the applicant acknowledges in part, by acceptance of this permit amendment, that the site may be subject to hazards from fire, landslide, erosion, subsidence, and earth movement. Given that the applicant has chosen to implement the project despite the fire and geologic risks, the applicant must assume the risks. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit amendment for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand hazards. In addition, [Special Condition No. 7](#) requires the applicants to record a deed restriction to impose the special conditions of the permit amendment as covenants, conditions and restrictions on the use and enjoyment of the property. This special condition is required, in part, to ensure that the development is consistent with the Mendocino County certified LCP and to provide notice of potential hazards of the property and help eliminate false expectations on the part of potential buyers of the property, lending institutions, and insurance agencies that the

property is safe for an indefinite period of time and for further development indefinitely into the future, and will ensure that future owners of the property will be informed of the Commission's immunity from liability, and the indemnity afforded the Commission.

### **Conclusion**

The Commission thus finds that the proposed methods of bridge and driveway repairs and maintenance, and the amended development to remove and restore unauthorized driveway expansions and turnout areas, as conditioned, are consistent with the policies of the LCP regarding geologic and fire hazards, including LUP Policies 3.4-9 and 3.4-13, and CZC Sections 20.500.010(A), 20.500.015, 20.500.020, and 20.500.025 because such amended development as conditioned (1) minimizes risks to life and property in areas of high geologic and fire hazard, (2) assures stability and structural integrity, and neither creates nor contributes significantly to erosion, geologic instability, or destruction of the site, and (3) incorporates fire suppression infrastructure to address fire safety recommendations of Cal Fire.

### **G. ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA)**

The project site contains known occurrences of the rare and endangered plant species known as Mendocino coast paintbrush (*Castilleja mendocinensis*<sup>4</sup>). A botanical survey prepared for CDP 1-88-039 originally identified six locations, most of which were located on the steeply sloping bluffs of the northern property edge, and one (Site 3) that was located on the flat top of the property and therefore in need of protection from development. To protect this environmentally sensitive habitat area, the Commission imposed Special Condition 3 as part of its conditional approval of CDP 1-88-039, requiring the recordation of an open space deed restriction at Site 3 and within 40 feet of Site 3, and requiring that any development or uses within 40 feet of this delineated area shall require approval of the Commission. The Commission additionally imposed Special Condition 4 requiring that:

PRIOR TO CONSTRUCTION, or any other development activity on the project site, each population of *Castilleja latifolia* ssp. *mendocinensis* shall be staked and flagged and the 40-foot buffer zone will be delineated by stakes and yellow or orange tape by a professional botanist. The applicant shall be responsible to inform all workers to leave the area so delineated undisturbed. The stakes and ribbons shall be removed following site development.

The applicant retained the services of a biologist who surveyed the project area in May 2016 for current and previously-mapped occurrences of Mendocino coast paintbrush. The consulting biologist has flagged and staked the accessible plant occurrences, and has submitted documentation of the survey results (**Exhibit 10**) that states in part the following:

*The occurrences of Castilleja mendocinensis observed in May of 2016 were all located on the steeply sloping bluffs along the northern property edge (Exhibit 3). The locations observed in May 2016 did not match up exactly with the locations identified in Exhibit 7 of the[ Staff Report [for CDP 1-88-039] (Exhibit 4). It is my professional opinion these discrepancies are most likely due to the natural succession of the habitat. For example, in the case of "Site 3" (Exhibit 5), there is no evidence of significant human disturbance within the buffer on the map. However, dwarfed Salal (Gaultheria shallon), bracken fern (Pteridium aquilinum), and*

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<sup>4</sup> Formerly recognized as *Castilleja latifolia* ssp. *mendocinensis*

*California blackberry (Rubis ursinus) were found at the Site 3 location and likely outcompeted the Castillja mendocinensis population described in 1988.*

According to the biologist's mapped results (page 3 of **Exhibit 10**) and the proposed site plan included as **Exhibit 3**, fire suppression maintenance work within the existing approved driveway footprint will occur approximately 45 feet from a mapped occurrence of Mendocino coast paintbrush ("Site # 5" on **Exhibit 3**). Additionally, removal and restoration of unauthorized driveway expansion areas and turnouts will occur within approximately 52 feet of Site #5.

### **Method of Maintenance Work**

LUP Policy 3.1-7 and CZC Section 20.496.020 require a 100-foot buffer to be established adjacent to ESHA but allow for the buffer width to be reduced from 100 feet to a minimum of 50 feet when a 100-foot buffer is not necessary to protect the resources of the habitat area from possible significant disruption caused by the proposed development. Although a portion of the proposed driveway maintenance work will occur within 50 feet of ESHA, the proposed repair and maintenance work within the approved driveway will not expand or enlarge the existing driveway. As discussed above, the applicant proposes to repair and maintain the driveway bridge and the driveway itself as part of the amended development. As stated above, in considering a permit application for a repair or maintenance project, the Commission reviews whether the proposed *method* of repair or maintenance is consistent with the policies of the Mendocino County certified LCP and with the public access policies of the Coastal Act. The Commission's evaluation of such repair and maintenance projects does not extend to an evaluation of the conformity of the existing development with the policies of the certified LCP and with the public access policies of the Coastal Act.

To ensure protection of ESHAs and to comply with the requirements of Special Condition 4 of the original permit, the project biologist has staked all accessible locations of Mendocino coast paintbrush. The applicant has proposed best management practices (incorporated as part of [Special Condition 8](#)) that include the installation of "wattles" around all disturbed soil areas, and which will prevent sediment runoff from entering ESHAs. To further ensure that the method of bridge and driveway repair and maintenance activities maximizes the protection of all ESHAs, the Commission adds [Special Condition 8B](#) requiring that contractors shall be informed of the presence of all ESHA areas onsite, and the importance of avoiding disturbance to ESHA areas. [Special Condition 8J](#) species that all on-site stockpiles of construction debris shall be located outside of ESHA and ESHA buffers.

### **Removal of Unauthorized Development**

The applicant also proposes to remove all of the unauthorized driveway expansions and turnouts, including removal of all unauthorized road base and other fill. As described above, a portion of the removal and restoration activity will occur within approximately 52 feet of Mendocino coast paintbrush ("Site # 5" on **Exhibit 3**).

As ESHA, rare species habitats are subject to the ESHA buffer width requirements of LUP Policy 3.1-7 and CZC Section 20.496.020 discussed above. The driveway turnout removal work would occur within 100 feet of the ESHA. LUP Policy 3.1-7 and CZC Section 20.496.020 (A)(1) allow for development to be permitted within a buffer area if the development is for a use that is the same as those uses permitted in the adjacent environmentally sensitive habitat area, and if the



development complies with specified standards as described in subsections (1)-(3) of LUP Policy 3.1-7 and 4(a)-(k) of Section 20.496.020. CZC Section 20.532.100(A)(1)(a) requires that allowable uses within ESHA and ESHA buffers will not significantly degrade the ESHA.

In addition to LUP Policy 3.1-7 and other LUP policies governing the protection of ESHA, Coastal Act Section 30240 is listed and referred to in the narrative for the section of the Land Use Plan containing the other LUP policies governing the protection of ESHA. In addition to the policies described above governing the protection of ESHAs against significant disruption of habitat values, CZC 20.532.100(A)(1) states that no development shall be allowed within an ESHA unless (a) the resource will not be significantly degraded by the proposed development, (b) there is no feasible less environmentally damaging alternative, and (c) all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

The proposed removal of unauthorized driveway expansions and turnouts within 100 feet of ESHA, and restoration to pre-project conditions are allowable uses consistent with the ESHA protection policies of the certified LCP because restoration is a permissible use within ESHA and ESHA buffers.

The project as proposed additionally includes a number of mitigation measures that will ensure nearby ESHAs are protected from risk of resource degradation. First, the driveway and turnout removal work will maintain at least a 52-foot setback from all ESHA. Second, to avoid the use of heavy equipment near the bluff edge and other sensitive coastal resources, the applicant has proposed to remove all areas of unauthorized driveway road base and other fill, as well as the proposed re-contouring with replacement topsoil mix, by utilizing hand labor with shovels and wheel barrows from trucks located on the approved driveway. Third, the applicant has included a Restoration, Mitigation and Monitoring Plan (**Exhibit 5**) that outlines the methods that will be undertaken to restore disturbed areas to pre-development conditions, including re-contouring site topography, and replanting all areas of disturbed soil with locally native species. The Commission has attached [Special Condition No. 9](#) requiring the applicant to adhere to all proposed restoration, mitigation, and monitoring plan measures. As described above, the applicant has also proposed best management practices (incorporated as part of [Special Condition 8](#)) that include the installation of “wattles” around all disturbed soil areas, and which will prevent sediment runoff from entering ESHAs.

To help in the establishment of vegetation, rodenticides are sometimes used to prevent rats, moles, voles, gophers, and other similar small animals from eating the newly planted saplings. Certain rodenticides, particularly those utilizing blood anticoagulant compounds such as brodifacoum, bromadiolone and diphacinone, have been found to pose significant primary and secondary risks to non-target wildlife present in urban and urban/wildland areas. As the target species are preyed upon by raptors or other environmentally sensitive predators and scavengers, these compounds can bio-accumulate in the animals that have consumed the rodents to concentrations toxic to the ingesting non-target species. Therefore, to minimize potential significant adverse impact of rodenticide use to other environmentally sensitive wildlife species, the applicant has proposed, and the Commission has included as [Special Condition No. 9I](#), a prohibition against the use of any rodenticides on the property.

With the mitigation measures discussed above, which are designed to further minimize any potential impacts to nearby ESHAs, the amended development as conditioned is consistent with

the ESHA protection policies of the Mendocino County certified LCP, including but not limited to LUP Policy 3.1-7 and CZC Sections 20.496.020 and 20.532.100(A)(1)(a).

## **H. PUBLIC ACCESS**

The subject property is located west of Highway One, and also west of South Caspar Drive, the nearest public roadway to the shoreline. The property is also located six lots to the south of one portion of Caspar Headlands State Reserve, which consists of several public access trails to bluff-top overlooks interspersed between four blufftop lots. Evidence exists of some informal trails continuing from the blufftop overlooks within Caspar Headlands State Reserve down the steep bluff faces to shoreline, where abalone fishing is popular. At the subject site, a 10-foot-wide dedicated accessway extends (1) along the southern property boundary from South Caspar Drive to the eastern abutment of the bridge at the beginning of the peninsula and (2) from the eastern abutment of the bridge down the bluff to the mean high tide line<sup>5</sup> (**Exhibit 3**). The dedicated vertical accessway extends precariously down the steep bluff face to the shoreline. The Commission required as Special Condition 1 of the original permit, the dedication of the vertical accessway to mitigate for impacts to existing public access that would occur by construction of the bridge. Although Mendocino Land Trust accepted the easement in 2009, the access has not yet been improved or formally opened to the public.

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212, and 30214, the Commission also is limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

The proposed development will have no impact on beach access because bridge and driveway repairs will occur outside of the unimproved dedicated vertical accessway leading to the shoreline. The dedicated accessway is located adjacent to and outside of the area subject to proposed bridge and driveway maintenance and repairs and removal and restoration of unauthorized driveway expansion and turnouts. In addition, the proposed development under 1-88-039-A5 does not constitute new development for which public access is required for purposes of Section 30212. Coastal Act Section 30212(b)(5) excludes from new development repair and

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<sup>5</sup> On January 23, 1992, an Irrevocable Offer to Dedicate Easement for Vertical Access and Declaration of Restrictions was recorded for the subject property (Instrument 001436, Book 1961 page 639, Mendocino County Recorder's Office). On August 14, 2003, American Land Conservancy (ALC), a private non-profit corporation, accepted the OTD recorded as Instrument 001435. A certificate of acceptance was recorded on September 30, 2003 (Instrument 2003-25964, Mendocino County Official Records). Once accepted, the OTD became a public access easement. ALC assigned this easement to Mendocino Land Trust in 2009 (Instrument 2009-08202, recorded June 5, 2009, Mendocino County Recorder's Office).

maintenance activities that will not have an adverse impact on lateral beach access such as the proposed bridge and driveway repairs and maintenance.

Therefore, the Commission finds that the amended development does not have any significant adverse effect on public access, and that the amended development as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214 and the public access policies of the County's certified LCP.

## **I. VISUAL RESOURCES**

The subject site is located within a designated Highly Scenic Area, and is visible from public blufftop headlands trails located at Caspar Headlands State Reserve to the north, and Point Cabrillo Lighthouse State Park approximately one mile to the south. The visual resources protection policies of the LCP (**Appendix H**) require, among other things, that new development: (a) be sited and designed to protect views to and along the ocean and scenic coastal areas, (b) minimize the alteration of natural land forms, and (c) be visually compatible with the character of surrounding areas. In addition, development in highly scenic areas must be subordinate to the character of the natural setting.

The bridge is currently in a state of disrepair, consisting of rusted bridge railings and decking (**Exhibit 7**). As part of the bridge maintenance proposed by the applicant, a rust converter previously approved under CDP Amendment 1-88-039-A3 will be applied to the entire bridge. The rust converter appears black once applied. Application of the rust converter will reduce the unsightliness of the currently rusty bridge, and the black color will help blend the bridge into its surroundings. A small bridge load capacity sign will also be installed at the entrance of the bridge. The sign will be dark brown in color with white lettering, 18 inches wide by 21 inches tall, and will be situated adjacent to existing bridge on a 4x4 post, 6 feet tall. The dark brown color of the sign and its siting adjacent to the bridge will help blend the sign into its surroundings. Thus, the bridge maintenance work will result in a darkened bridge color and low-profile sign that will visually subordinate the bridge to its setting.

The applicant also proposes to remove and restore all areas of unauthorized driveway and turnout expansion to predevelopment conditions. The applicant has included a Restoration, Mitigation and Monitoring Plan (**Exhibit 5**) that outlines the methods that will be undertaken to restore disturbed areas to pre-development conditions, including re-contouring site topography, and replanting all areas of disturbed soil with locally native species. The Commission has attached **Special Condition No. 9** requiring the applicant to adhere to all proposed restoration, mitigation, and monitoring plan measures. As conditioned, the removal and restoration of unauthorized driveway improvements will make this development visually compatible with the character of the surrounding area and subordinate to its setting.

The Commission finds that as conditioned, the amended development will be visually compatible with and subordinate to the character of its setting consistent with LUP Policies 3.5-1 and 3.5-3 and CZC Section 20.504.020(D), and that the visual impacts of the amended development at the site have been minimized consistent with LUP Policy 3.5-4 and CZC Section 20.504.015.



## **J. ALLEGED VIOLATION**

As discussed above, unpermitted driveway expansion and turnout development occurred on the site in 2015. The subject permit amendment request seeks authorization in part for removing the unauthorized development and restoring altered areas to their pre-development condition.

Although certain development has allegedly taken place at the project site inconsistent with the special condition requirements of the approved coastal development permit (CDP 1-88-039 as amended), and without the benefit of a coastal development permit amendment, consideration of the application by the Commission has been based solely upon the amended development's conformance with the Mendocino County certified Local Coastal Program and with the public access policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit or permit amendment.

**Special Condition 13** notifies the Permittee that failure to comply with the special conditions of this permit may result in the institution of an action to enforce those conditions under the provisions of Chapter 9 of the Coastal Act.

## **K. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act and Local Coastal Program consistency at this point as if set forth in full. The findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed herein, the proposed amended development has been conditioned to be found consistent with the policies of the certified Mendocino County Local Coastal Program. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been made requirements of project approval. As conditioned, there are no other feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts that the activity may have on the environment. Therefore, the Commission finds that the proposed amended development, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.



## **Appendix A**

### **All Standard and Special Conditions Pertaining to CDP Amendment 1-88-039-A5**

The Standard Conditions 1-7 and Special Conditions Nos. 1-4 of CDP 1-88-039 remain in full force and effect. **Special Conditions 5 through 13** are new conditions added to CDP Amendment 1-88-039-A5. New conditions and modifications to existing conditions imposed in this action on Amendment 5 are shown in the following section. Within Appendix A, new language appears as **bold double-underlined**. This will result in one set of adopted special conditions.

#### **STANDARD CONDITIONS:**

##### **1. Notice of Receipt & Acknowledgement**

The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

##### **2. Expiration.**

If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

##### **3. Compliance.**

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

##### **4. Interpretation**

Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

##### **5. Inspections.**

The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

##### **6. Assignment**

The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

**7. Terms & Conditions Run with the Land**

These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**SPECIAL CONDITIONS:**

**1. Vertical Access:**

PRIOR TO THE ISSUANCE of the Coastal Development Permit, the landowner shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for public pedestrian access to the shoreline. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to the acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. Such easement shall be 10 feet wide and shall extend along the southern edge of the road that leads from South Caspar Drive west to the peninsula, and shall also extend from the eastern abutment of the bridge down the bluff to the mean high tide line, as illustrated in Exhibit 10. The recorded document shall include legal description of both the applicant's entire parcel and the easement area. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect said interest. The offer shall run with the land in favor of the People of the State of California binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

**2. Geologic Hazards:**

**a. Assumption of Risk.**

PRIOR TO THE ISSUANCE of the Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary geologic hazard, and the (b) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed.

**b. Engineering and Landscaping Recommendations.**

The applicant is required to follow all recommendations regarding construction of the proposed development as set forth in the geologic reports that accompanies the coastal permit application 1-88-39, and in the correspondence from the applicant's engineer, Mr. David Paoli. These include but are not limited to the recommended 50-foot setback of all development from the edge of the bluff; the 35-foot setback from any of the sea caves; the recommendation that all construction equipment and building materials stay at least 20 feet from the bluff in order to avoid landsliding; the recommendation that construction of the bridge be completed before any house construction begins; the recommendation that runoff from the roof of the house be collected in gutters and directed to a shallow leach bed for filtration directly into the soil, rather than toward the bluff edge, etc.

The applicant is also required to follow all recommendations outlined in the landscape plan included with the permit application as to type of plant species and planting techniques, for the purpose of reducing the possibility of soil erosion.

If, subsequent to issuance of this permit, the applicant finds that any deviation from the approved engineering or landscape plans is necessary, the applicant is required to submit to the Commission an application for an amendment request. Any deviations from the approved plans and recommendations must be submitted with the amendment request.

### **3. Environmentally Sensitive Habitat Area:**

PRIOR TO THE ISSUANCE of the Coastal Development Permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, over the portion of the parcel identified on the attached map labeled Exhibit B as being habitat for the plant species Castilleja latifolia ssp. mendocinensis (Mendocino coast paintbrush), which has been designated by the California Native Plant Society as being rare and endangered. Any development or uses within 40 feet of this delineated area, noted on the map labeled Exhibit 8 as a buffer zone, shall require approval of the Commission.

The deed restriction shall be recorded free of prior liens and encumbrances except tax liens, shall be irrevocable, running from the date of recordation and shall run with the land binding the landowner, his/her heirs, assigns and successors in interest to the subject property.

### **4. Environmentally Sensitive Habitat Protection:**

PRIOR TO CONSTRUCTION, or any other development activity on the project site, each population of Castilleja latifolia ssp. mendocinensis shall be staked and flagged and the 40-foot buffer zone will be delineated by stakes and yellow or orange tape by a professional botanist. The applicant shall be responsible to inform all workers to leave the area so delineated undisturbed. The stakes and ribbons shall be removed following site development.

### **5. Future Development Restriction. This permit amendment is only for the development described in Coastal Development Permit Amendment No. 1-88-039-A5.**

- A. Any future development on the subject parcel or any proposed changes to the permit as amended, including, but not limited to all grading and filling as well as any change or intensification of use of the single family residence, construction of detached structures such as fences or outbuildings, and repair and maintenance development will require a further amendment to Permit No. 1-88-039. Such a permit amendment application shall be accompanied by written evidence and analysis demonstrating that the amended development will remain consistent with all applicable LCP provisions and Coastal Act public access policies, including but not limited to LCP policies requiring avoidance and minimization of geologic hazards, the protection of environmentally sensitive habitat areas, and visual protection provisions applicable to highly scenic areas.**

6. Assumption of Risk, Waiver of Liability, and Indemnity Agreement. By acceptance of Coastal Development Permit Amendment No. 1-88-039-A5, the applicant acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to: fire hazards, earthquakes, erosion, landslides, bluff failure, and other geologic hazards; (ii) to assume the risks to the permittee and the property that is the subject of this amended permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
7. Deed Restriction Recordation of Permit Conditions. WITHIN 90 DAYS OF COMMISSION APPROVAL OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-88-039-A5 AND PRIOR TO COMMENCEMENT OF ANY BRIDGE REPAIRS, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit amendment a deed restriction, in a form and content acceptable to the Executive Director: (a) indicating that, pursuant to this permit as amended, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (b) imposing the Special Conditions of this permit as amended as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit amendment. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit amendment shall continue to restrict the use and enjoyment of the subject property so long as either this permit amendment or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.
8. Best Management Practices and Development Responsibilities. The permittee shall comply with all of the following:
  - A. Comply with the temporary ESHA staking and flagging requirements of Special Condition No. 4.
  - B. Contractors shall be informed of the presence of all ESHA areas on the site and the importance of avoiding disturbance to ESHA areas;
  - C. Prior to removal of unpermitted road base and other fill, a licensed surveyor shall stake the 20-foot setback from the bluff edge, as proposed in the project clarifications submitted September 29, 2016.
  - D. As proposed in the project clarifications submitted September 29, 2016, use of heavy equipment onsite shall be limited to within the boundaries of the driveway

- authorized by CDP 1-88-039. As further specified by Special Condition No. 2b, heavy equipment shall not occur within 20 feet of the bluff edge in order to avoid landsliding.
- E. Comply with the bridge tenting specifications and best management practices presented in: (1) the application materials received July 29, 2016; and (2) the proposals dated August 13, 2015 and August 19, 2015; and included as Exhibit 4;
  - F. All road base and other fill removal activities shall be limited to the dry season between April 15<sup>th</sup> and October 14<sup>th</sup>;
  - G. Any and all excess excavated material and/or debris resulting from development activities shall be removed from the project site WITHIN 10 DAYS OF PROJECT COMPLETION and disposed of at the Caspar Transfer Station as proposed by the permittee, or disposed at a disposal site outside the coastal zone or placed within the coastal zone pursuant to a valid coastal development permit;
  - H. Weed-free straw or coir rolls (“wattles”) shall be installed prior to and maintained throughout the bridge maintenance and restoration project period to contain runoff from construction areas, trap entrained sediment and other pollutants, and prevent discharge of sediment and pollutants near coastal waters;
  - I. Only temporary erosion control products (e.g., “wattles”) manufactured from 100% biodegradable (not photodegradable) materials shall be used. If temporary erosion control products that have a netting component are used, the netting shall be loose-weave natural-fiber netting. Products with plastic netting, including but not limited to polypropylene, nylon, polyethylene, and polyester shall not be used. The netting component of “wattles” used onsite for temporary sediment control shall be made of loose-weave natural-fiber (not plastic) netting;
  - J. All on-site stockpiles of construction debris shall be located outside ESHA and ESHA buffers, and shall be covered and contained at all times to prevent polluted water runoff;
  - K. Any disturbed areas shall be replanted or seeded immediately with herbaceous native species following restoration of original soil contours to disturbed soil areas, in a manner that conforms to the planting limitations of Special Condition No. 9;
9. Restoration, Mitigation, and Monitoring of Disturbed Soil Areas
- Consistent with the measures recommended in: (a) the July 25, 2016 Restoration, Mitigation, and Monitoring Plan and revised Restoration Plan dated November 22, 2016 included as Exhibit 5; and (b) project clarifications dated September 29, 2016 and November 23, 2016, the permittee shall comply with all of the following to ensure the restoration of all unpermitted driveway expansion areas (including but not limited to Disturbed Sites (DS) #1-3 as depicted on the revised Restoration Plan dated November 22, 2016), to pre-development conditions:

- A. Weed-free straw or coir rolls (“wattles”) shall be installed around the entire perimeter of all disturbed sites prior to and maintained throughout the restoration period. Wattles shall be placed as depicted on the revised Restoration Plan dated November 22, 2016, and wattle materials shall conform to the specifications of Special Condition Nos. 8H and 8I.
- B. PRIOR TO OCTOBER 15, 2017 OR WITHIN WHATEVER ADDITIONAL TIME IS GRANTED BY THE EXECUTIVE DIRECTOR FOR GOOD CAUSE, the permittee shall restore to all areas of unauthorized driveway expansion and turnout construction to pre-development conditions, including but not limited to removal of all road base and other fill, restoration of original contours, and replanting of previously vegetated areas to pre-project conditions using species native to the site, and as specified in the July 25, 2016 Restoration, Mitigation, & Monitoring Plan included as Exhibit 5.
- C. The permittee shall remove all of the unpermitted driveway expansions and turnouts not authorized by CDP 1-88-039, including but not limited to hand removal of all road base and other fill at Disturbed Sites (DS) #1-3 as depicted on the revised Restoration Plan dated November 22, 2016.
- D. Pursuant to Mitigation Measure 1a of the July 25, 2016 Restoration, Mitigation and Monitoring Plan, all areas of excavated materials, including but not limited to Disturbed Sites (DS) #1-3 as depicted on the revised Restoration Plan dated November 22, 2016, shall be replaced with a minimum of 8” in depth of topsoil mix, and restored to pre-existing grade and contours. Topsoil mix shall be composed of 75% sandy loam soil, and 25% compost.
- E. All areas of fill removal and soil replacement shall be re-vegetated pursuant to Mitigation Measure 1b and the landscape specifications presented in Section 3.0 of the July 25, 2016 Restoration, Mitigation and Monitoring Plan, including but not limited to the following:
  - 1) All restoration areas shall be revegetated with native, non-invasive, drought tolerant vegetation as specified in Table 1, Plant List. Species known to be established within 5 miles of the project site that thrive in coastal bluff habitats will be used. The plants and seeds used will be obtained from local genetic stocks within Mendocino County as practicable. If local genetic stock is not available, native vegetation obtained from outside the local area, but from within the adjacent region of the floristic province, may be used.
  - 2) The target success rate is 90% soil coverage by plant species specified in Table 1, Plant List, once plantings are mature, as specified by mature plant heights depicted for each species listed in Table 1.
  - 3) No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist at the project site. No plant species listed as a ‘noxious weed’ by the State of



California or the U.S. Federal Government shall be utilized within the property;

F. Restoration areas shall be monitored for successful revegetation establishment consistent with: (a) Mitigation Measures 1d and 1e; (b) the “Mitigation Monitoring Schedule” included as Table 2 of the July 25, 2016 Restoration, Mitigation and Monitoring Plan; and (c) the terms of this permit, including but not limited to the following:

- 1) Photographs shall be taken at disturbed sites #DS1, #DS2, and #DS3. Additionally, photographs will be taken at one location on the property that represents emulation for re-vegetation and restoration. Designated photo locations will be chosen at each site to maintain consistency in monitoring, to document the site, and to record the restoration success and planting establishment over time. The location and direction of each photo will be recorded on a data sheet to inform future surveys.
- 2) Revegetated areas shall be monitored bimonthly the first two (2) months following planting, then monthly for the following four (4) months. Monitoring shall continue quarterly for three (3) years, or until the target success rate is achieved.

G. Plantings in restoration areas shall be maintained and replaced pursuant to Mitigation Measure 1f and the landscape specifications presented in Section 3.5 of the July 25, 2016 Restoration, Mitigation and Monitoring Plan, including but not limited to the following:

- 1) Dead or dying plants shall be replaced at a 2:1 ratio.
- 2) Vegetation shall be replaced in-kind, pursuant to the July 25, 2016 Restoration, Mitigation and Monitoring Plan and written specifications, as they die or are substantially declining.

H. Monitoring reports shall be submitted for the review and approval of the Executive Director consistent with: (a) Mitigation Measure 1g; (b) the “Mitigation Monitoring Schedule” included as Table 2 of the July 25, 2016 Restoration, Mitigation and Monitoring Plan; and (c) the terms of this permit, including but not limited to the following:

- 1) By December 31 of each year following planting of the vegetation in all restoration areas, the permittee shall submit to the Executive Director for review and approval a monitoring report on the success of the plantings installed for restoration. Monitoring reports shall be submitted annually until such time that restoration plantings achieve the performance standard of 90% soil coverage by restoration plant species consistent with the requirements of Special Condition 10E(2) above. The report shall at a minimum:
  - i. Document whether any of the plants that were planted pursuant to July 25, 2016 Restoration, Mitigation and Monitoring Plan and consistent with the evidence of restoration planting installation submitted pursuant to Special Condition No. 10 have died or have

become decadent, rotten, or weakened by decay or disease and either have been or must be removed and replaced for any reason;

- ii. Document with photographs (taken from standardized, repeatable photo station points at standardized zoom levels) and written analysis the progress of vegetation growth towards meeting the performance standard of 90% soil coverage by restoration plant species consistent with the requirements of Special Condition 9E(2) above, and provide recommendations on how to improve progress where necessary; and
- iii. Include recommendations for additional mitigation if the performance standard and the requirements of the special conditions have not been met. If after the third year following installation of the restoration plantings the monitoring report indicates the restoration plantings have been unsuccessful, in part, or in whole, based on the performance standard of 90% soil coverage by restoration plant species consistent with the requirements of Special Condition 9E(2) above, the permittee shall submit a coastal development permit amendment application within 90 days of submittal of the monitoring report for a revised or supplemental restoration planting program, to compensate for those portions of the original restoration plantings which did not meet the performance standard. The revised or supplemental restoration planting program shall be processed as an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- I. No herbicides shall be stored, mixed, or used on the subject parcel and no rodenticides containing any anticoagulant compounds, including but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall be used.

10. Evidence of Restoration Planting Installation. WITHIN 60 DAYS of installation of restoration plantings, the applicant shall submit photos to the Executive Director demonstrating that all restoration planting has been installed consistent with the landscaping specifications of the July 25, 2016 Restoration, Mitigation and Monitoring Plan and with the terms of this permit amendment.

11. Bridge Maintenance Inspection and Reporting. Consistent with the bridge inspection procedures proposed in the application materials received July 29, 2016, the permittee shall comply with the following bridge maintenance and inspection requirements to ensure the bridge remains structurally sound:

- A. The permittee shall inspect the bridge for structural defects annually;
- B. A licensed Civil or Structural Engineer familiar with the steel bridge construction shall inspect the bridge at a minimum of five year intervals (no later than February 28, 2022, and every five years thereafter). Should inspections identify evidence of wear, the property owner shall implement the "Bridge Repair Process and Debris Removal" proposed under this coastal development permit amendment. The engineer shall re-inspect the bridge

following any necessary repair and/or maintenance measures. The permittee shall submit to the Executive Director a copy of each bridge inspection report and certification of structural integrity prepared by the licensed engineer WITHIN 30 DAYS of each bridge inspection.

12. Bridge Maintenance and Repair. The proposed removal of loose or flaking metal, application of rust converter, application of carbon fiber repair, and painting of the bridge may be performed on an as needed basis. The replacement of the 42" high bridge railings composed of galvanized chain link fencing material supported by 1-1/2-inch-square steel tube railing posts, and top and bottom rails with the same type of materials is authorized to be performed on a one-time-only basis. All bridge maintenance and repair work authorized by this permit amendment must otherwise occur in strict compliance with the proposal as set forth in the application, subject to any special conditions, including, but not limited to Special Condition 8E. Any deviation from the proposed bridge repair process as conditioned, additional future replacement of bridge railings, or other kinds of repair shall require a further coastal development permit amendment unless the Executive Director determines that no amendment or new coastal development permit is legally required.
13. Permit Effectiveness and Condition Compliance. This coastal development permit amendment shall be deemed effective upon the Commission's approval on February 8, 2017. Failure to comply with the special conditions of this permit may result in the institution of an action to enforce those conditions under the provisions of Chapter 9 of the Coastal Act.



## **Appendix B**

### **Substantive File Documents**

Application file for Coastal Development Permit (CDP) Amendment Application No. 1-88-039-A4

Application file for CDP Amendment Application No. 1-88-039-A5

California Coastal Act

CDP File No. 1-88-039 (Ross)

CDP File No. 1-88-039-E (Ross)

CDP File No. 1-88-039-E2 (Ross)

CDP File No. 1-88-039-A1 (Ross)

CDP File No. 1-88-039-A2 (Norris)

CDP File No. 1-88-039-A3 (Ross/ Roth Wickett Corporation)

Mendocino County Local Coastal Program



## **Appendix C**

### **Coastal Development Permit Regulations LCP Policies**

Coastal Zoning Code (CZC) Section 20.532 20.532.005 “Purpose” states:

*The purpose of this chapter is to establish the procedures and requirements for obtaining a Coastal Development Permit to implement the Coastal Element of the General Plan in accordance with the California Coastal Act of 1976 (Division 20 of the Public Resources Code).*

CZC Section 20.532.010 “Applicability” states:

*Any person, partnership, corporation, state or local agency or special district proposing to undertake any development as defined in Section 20.308.035(D) shall obtain a coastal development permit in accordance with the provisions of this Chapter, in addition to any other permit or discretionary approval required by any local agency or special district or any State or Federal agency as authorized by law or ordinance. If a coastal development permit is required pursuant to this section, no building permit, water well permit, septic permit, business license, grading permit, transient occupancy registration certificate, encroachment permit, occupancy permit or other entitlement for use shall be issued prior to the issuance of a coastal development permit.*

CZC Section 20.532.020 “Exemptions” states in part:

*The following developments shall be exempt from this Chapter:*

- (A) Repair and maintenance activities which do not result in an addition to or enlargement or expansion of the object of such activities, except as otherwise specified in Subchapter 7, Title 14, California Administrative Code and any amendments thereafter adopted;*
- (B) Activities of public utilities as specified in the Repair, Maintenance and Utility Hookup Exclusion adopted by the Coastal Commission on September 5, 1978;*
- (C) Improvements to single family residences except as otherwise specified in Subchapter 6, Title 14, California Administrative Code and any amendments thereafter;*
- (D) Improvements to any structure other than single family residence or a public works facility, except as otherwise specified in Subchapter 7.5, Title 14, California Administrative Code and any amendments thereafter.*
- (E) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform with Section 20.480.020, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk, of the destroyed structure by more than ten percent (10%) and shall be sited in the same location on the affected property as the destroyed structure.*





## **Appendix D**

### **Mendocino County LCP Policies Regarding Stormwater Runoff**

LUP Policy 3.1-25 states:

*The Mendocino Coast is an area containing many types of marine resources of statewide significance. Marine resources shall be maintained, enhanced and, where feasible, restored; areas and species of special biologic or economic significance shall be given special protection; and the biologic productivity of coastal waters shall be sustained.*

CZC Section 20.492.010 sets grading standards and states:

- (A) *Grading shall not significantly disrupt natural drainage patterns and shall not significantly increase volumes of surface runoff unless adequate measures are taken to provide for the increase in surface runoff.*
- (B) *Development shall be planned to fit the topography, soils, geology, hydrology, and other conditions existing on the site so that grading is kept to an absolute minimum.*
- (C) *Essential grading shall complement the natural land forms. At the intersection of a manufactured cut or fill slope and a natural slope, a gradual transition or rounding of contours shall be provided.*
- (D) *The cut face of earth excavations and fills shall not be steeper than the safe angle of repose for materials encountered. Where consistent with the recommendations of a soils engineer or engineering geologist, a variety of slope ratios shall be applied to any cut or fill slope in excess of two hundred, (200) feet in length or ten (10) feet in height. For individually developed lots, a variety of slope ratios shall be applied to all cut or fill slopes when a building pad area exceeds four thousand five hundred (4,500) square feet, or when the total graded area of the lot exceeds nine thousand (9,000) square feet. The steepest permissible slope ratio shall be two to one (2:1), corresponding to a fifty (50) percent slope.*
- (E) *The permanently exposed faces of earth cuts and fills shall be stabilized and revegetated, or otherwise protected from erosion.*
- (F) *Adjoining property shall be protected from excavation and filling operations and potential soil erosion.*
- (G) *The area of soil to be disturbed at any one time and the duration of its exposure shall be limited. Erosion and sediment control measures shall be installed as soon as possible following the disturbance of the soils. Construction equipment shall be limited to the actual area to be disturbed according to the approved development plans. [Emphases added]*

CZC Section 20.492.015 sets erosion control standards and states in part:

- (A) The erosion rate shall not exceed the natural or existing level before development.*
- (B) Existing vegetation shall be maintained on the construction site to the maximum extent feasible. Trees shall be protected from damage by proper grading techniques.*
- (C) Areas of disturbed soil shall be reseeded and covered with vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding; mulches may be used to cover ground areas temporarily. In environmentally sensitive habitat areas, the revegetation shall be achieved with native vegetation...*
- (D) Mechanical or vegetative techniques to control erosion may be used where possible or necessary providing that they are fully discussed in the approved development plan.*
- (E) To control erosion, development shall not be allowed on slopes over thirty (30) percent unless adequate evidence from a registered civil engineer or recognized authority is given that no increase in erosion will occur... [Emphases added]*

CZC Section 20.492.020 sets sedimentation standards and states in part:

- A. Sediment basins (e.g., debris basins, desilting basins, or silt traps) shall be installed in conjunction with initial grading operations and maintained through the development/construction process to remove sediment from runoff wastes that may drain from land undergoing development to environmentally sensitive areas.*
- B. To prevent sedimentation of off-site areas, vegetation shall be maintained to the maximum extent possible on the development site. Where necessarily removed during construction, native vegetation shall be replanted to help control sedimentation.*
- C. Temporary mechanical means of controlling sedimentation, such as hay baling or temporary berms around the site, may be used as part of an overall grading plan, subject to the approval of the Coastal Permit Administrator.*
- D. Design of sedimentation control devices shall be coordinated with runoff control structure to provide the most protection. [Emphasis added.]*

CZC Section 20.492.025 sets runoff standards and states in applicable part:

- (A) Water flows in excess of natural flows resulting from project development shall be mitigated...*
- (C) The acceptability of alternative methods of storm water retention shall be based on appropriate engineering studies. Control methods to regulate the rate of storm water discharge that may be acceptable include retention of water on level surfaces, the use of grass areas, underground storage, and oversized storm drains with restricted outlets or energy dissipators [sic].*
- (D) Retention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In other situations, planted trees and*

*vegetation such as shrubs and permanent ground cover shall be maintained by the owner.*

*(E) Provisions shall be made to infiltrate and/or safely conduct surface water to storm drains or suitable watercourses and to prevent surface runoff from damaging faces of cut and fill slopes... [Emphasis added]*



## Appendix E

### Mendocino County LCP Policies Regarding Geologic & Fire Hazards

LUP Policy 3.4-1 states:

*The County shall review all applications for Coastal Development permits to determine threats from and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, expansive soils and subsidence and shall require appropriate mitigation measures to minimize such threats. In areas of known or potential geologic hazards, such as shoreline and bluff top lots and areas delineated on the hazards maps the County shall require a geologic investigation and report, prior to development, to be prepared by a licensed engineering geologist or registered civil engineer with expertise in soils analysis to determine if mitigation measures could stabilize the site. Where mitigation measures are determined to be necessary, by the geologist, or registered civil engineer the County shall require that the foundation construction and earthwork be supervised and certified by a licensed engineering geologist, or a registered civil engineer with soil analysis expertise to ensure that the mitigation measures are properly incorporated into the development.*

LUP Policy 3.4-7 states:

*The County shall require that new structures be set back a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans (75 years). Setbacks shall be of sufficient distance to eliminate the need for shoreline protective works. Adequate setback distances will be determined from information derived from the required geologic investigation and from the following setback formula:*

$$\text{Setback (meters)} = \text{Structure life (years)} \times \text{Retreat rate (meters/year)}$$

*The retreat rate shall be determined from historical observation (e.g., aerial photographs) and/or from a complete geotechnical investigation.*

*All grading specifications and techniques will follow the recommendations cited in the Uniform Building Code or the engineering geologists report.*

LUP Policy 3.4-8 states:

*Property owners should maintain drought-tolerant vegetation within the required blufftop setback. The County shall permit grading necessary to establish proper drainage or to install landscaping and minor improvements in the blufftop setback.*

LUP Policy 3.4-9 states:

*Any development landward of the blufftop setback shall be constructed so as to ensure that surface and subsurface drainage does not contribute to the erosion of the bluff face or to the instability of the bluff itself.*

LUP Policy 3.4-10 states the following (emphasis added):

*No development shall be permitted on the bluff face because of the fragility of this environment and the potential for resultant increase in bluff and beach erosion due to poorly-sited development. However, where they would substantially further the public welfare, developments such as staircase accessways to beaches or pipelines to serve coastal-dependent industry may be allowed as conditional uses, following a full environmental, geologic and engineering review and upon the determinations that no feasible less environmentally damaging alternative is available and that feasible mitigation measures have been provided to minimize all adverse environmental effects.*

LUP Policy 3.4-12 states the following (emphasis added):

*Seawalls, breakwaters, revetments, groins, harbor channels and other structures altering natural shoreline processes or retaining walls shall not be permitted unless judged necessary for the protection of existing development or public beaches or coastal dependent uses. Allowed developments shall be processed as conditional uses, following full environmental geologic and engineering review. This review shall include site-specific information pertaining to seasonal storms, tidal surges, tsunami runups, littoral drift, sand accretion and beach and bluff face erosion. In each case, a determination shall be made that no feasible less environmentally damaging alternative is available and that the structure has been designed to eliminate or mitigate adverse impacts upon local shoreline sand supply and to minimize other adverse environmental effects. The design and construction of allowed protective structures shall respect natural landforms, shall provide for lateral beach access, and shall minimize visual impacts through all available means.*

Mendocino County Coastal Zoning Code (CZC) Section 20.500.010 states the following (emphasis added):

*(A) The purpose of this section is to insure that development in Mendocino County's Coastal Zone shall:*

- (1) Minimize risk to life and property in areas of high geologic, flood and fire hazard;*
- (2) Assure structural integrity and stability; and*
- (3) Neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding areas, nor in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (Ord. No. 3785 (part), adopted 1991)*

Section 20.500.015 of the Coastal Zoning Code states:

**(A) Determination of Hazard Areas.**

*(1) Preliminary Investigation. The Coastal Permit Administrator shall review all applications for Coastal Development Permits to determine threats from and impacts on geologic hazards.*

*(2) Geologic Investigation and Report. In areas of known or potential geologic hazards such as shoreline and blufftop lots and areas delineated on the hazard maps, a geologic investigation and report, prior to development approval, shall be required. The report shall be prepared by a licensed engineering geologist or registered civil engineer pursuant to the site investigation requirements in Chapter 20.532.*

**(B) Mitigation Required.** *Where mitigation measures are determined to be necessary, the foundation, construction and earthwork shall be supervised and certified by a licensed engineering geologist or a registered civil engineer with soil analysis expertise who shall certify that the required mitigation measures are incorporated into the development. (Ord. No. 3785 (part), adopted 1991)*

Sec. 20.500.020, “Geologic Hazards - Siting and Land Use Restrictions,” states in applicable part (emphasis added):

**(A) Faults.**

*(1) Residential, commercial and industrial structures shall be sited a minimum of fifty (50) feet from a potentially, currently or historically active fault. Greater setbacks shall be required if warranted by geologic conditions.*

*(2) Water, sewer, electrical and other transmission and distribution lines which cross fault lines shall be subject to additional standards for safety including emergency shutoff valves, liners, trenches and the like. Specific safety measures shall be prescribed by a licensed engineering geologist or a registered civil engineer.*

**(B) Bluffs.**

*(1) New structures shall be setback a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans (seventy-five (75) years). New development shall be setback from the edge of bluffs a distance determined from information derived from the required geologic investigation and the setback formula as follows:*

$$\text{Setback (meters)} = \text{structure life (75 years)} \times \text{retreat rate (meters/year)}$$

*Note: The retreat rate shall be determined from historical observation (aerial photos) and/or from a complete geotechnical investigation.*

- (2) Drought tolerant vegetation shall be required within the blufftop setback.*
- (3) Construction landward of the setback shall not contribute to erosion of the bluff face or to instability of the bluff.*

***(D) Landslides.***

*(1) New development shall avoid, where feasible, existing and prehistoric landslides. Development in areas where landslides cannot be avoided shall also provide for stabilization measures such as retaining walls, drainage improvements and the like. These measures shall only be allowed following a full environmental, geologic and engineering review pursuant to Chapter 20.532 and upon a finding that no feasible, less environmentally damaging alternative is available.*

***(E) Erosion.***

*(1) Seawalls, breakwaters, revetments, groins, harbor channels and other structures altering natural shoreline processes or retaining walls shall not be permitted unless judged necessary for the protection of existing development, public beaches or coastal dependent uses. Environmental geologic and engineering review shall include site-specific information pertaining to seasonal storms, tidal surges, tsunami runups, littoral drift, sand accretion and beach and bluff face erosion. In each case, a determination shall be made that no feasible less environmentally damaging alternative is available and that the structure has been designed to eliminate or mitigate adverse impacts upon local shoreline sand supply and to minimize other significant adverse environmental effects.*

LUP Policy 3.4-13 states the following (emphasis added):

*All new development shall meet the requirements for fire protection and prevention as recommended by responsible fire agencies.*

Section 20.500.025 of the Coastal Zoning Code states:

*(A) Fire hazard areas shall be identified using the California Department of Forestry's Fire Hazard Severity Classification System which classifies hazards into three categories: moderate, high or extreme hazard.*

*(B) Land Use Restrictions.*

*(1) All new development shall be sited taking into consideration the fire hazard severity of the site, the type of development and the risk added by the development to the fire hazard risk. Where feasible, areas of extreme high risk should be avoided for development except agricultural and open space uses.*



## **Appendix F**

### **Mendocino County LCP Policies Regarding Environmentally Sensitive Habitat Areas**

#### **I. Environmentally Sensitive Habitat Area Protection LCP Policies**

Coastal Act Section 30240 states, incorporated by reference in the LUP:

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

Environmentally Sensitive Habitat Areas (ESHA) are defined on page 38 of the Mendocino County LUP as:

*Any areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

**Coastal Zoning Code Section 20.496.010** “Environmentally Sensitive Habitat and other Resource Areas—Purpose” states (**emphasis added**):

*...Environmentally Sensitive Habitat Areas (ESHA's) include: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation which contain species of rare or endangered plants and habitats of rare and endangered plants and animals.*

**LUP Policy 3.1-2** states:

*Development proposals in environmentally sensitive habitat areas such as wetlands, riparian zones on streams or sensitive plant or wildlife habitats (all exclusive of buffer zones) including, but not limited to those shown on the Land Use Maps, shall be subject to special review to determine the current extent of the sensitive resource. Where representatives of the County Planning Department, the California Department of Fish and Game, the California Coastal Commission, and the applicant are uncertain about the extent of sensitive habitat on any parcel such disagreements shall be investigated by an on-site inspection by the landowner and/or agents, County Planning Department staff member, a representative of California Department of Fish and Game, a representative of the California Coastal Commission. The on-site inspection shall be coordinated by the County Planning Department and will take place within 3 weeks, weather and site*

*conditions permitting, of the receipt of a written request from the landowner/agent for clarification of sensitive habitat areas.*

*If all of the members of this group agree that the boundaries of the resource in question should be adjusted following the site inspection, such development should be approved only if specific findings are made which are based upon substantial evidence that the resource as identified will not be significantly degraded by the proposed development. If such findings cannot be made, the development shall be denied. Criteria used for determining the extent of wetlands and other wet environmentally sensitive habitat areas are found in Appendix 8 and shall be used when determining the extent of wetlands.*

**LUP Policy 3.1-7 states:**

*A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from significant degradation resulting from future developments. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area and the adjacent upland transitional habitat function of the buffer from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and shall not be less than 50 feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent environmentally sensitive habitat area and must comply at a minimum with each of the following standards:*

- (2) It shall be sited and designed to prevent impacts which would significantly degrade such areas;*
- (3) It shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity; and*
- (4) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.*  
*[emphasis added]*

**LUP Policy 3.1-18 states the following (emphasis added):**

*Public access to sensitive wildlife habitats such as rookeries or haulout areas shall be regulated, to insure that public access will not significantly adversely affect the sensitive resources being protected.*

*Development within buffer areas recommended by the California Department of Fish and Game to protect rare or endangered wildlife species and their nesting or breeding areas*

shall meet guidelines and management practices established by the Department of Fish and Game, and must be consistent with other applicable policies of this plan.

CZC Section 20.496.015 states, in applicable part, the following (emphasis added):

**(A) Determining Extent of ESHA.** *The Coastal Permit Administrator shall review, with the assistance of land use maps, all permit applications for coastal developments to determine whether the project has the potential to impact an ESHA. A project has the potential to impact an ESHA if:*

...

*(2) The development is proposed to be located within an ESHA, according to an on-site investigation, or documented resource information; ...*

*(3) The development is proposed to be located within one hundred (100) feet of an environmentally sensitive habitat and/or has potential to negatively impact the long-term maintenance of the habitat, as determined through the project review.*

...

**(D) Development Approval.** *Such development shall only be approved if the following occurs:*

*(1) All members of the site inspection team agree to the boundaries of the sensitive resource area; and*

*(2) Findings are made by the approving authority that the resource will not be significantly degraded by the development as set forth in Section 20.532.100(A)(1).*

**(E) Denial of Development.** *If findings cannot be made pursuant to Section 20.532.100(A)(1), the development shall be denied.*

**Coastal Zoning Code Section 20.496.020** “Environmentally Sensitive Habitat and other Resource Areas—Development Criteria” states:

**(A) Buffer Areas.** *A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from future developments and shall be compatible with the continuance of such habitat areas.*

**(1) Width.** *The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent Environmentally Sensitive Habitat Area.*

Standards for determining the appropriate width of the buffer area are as follows:

**(a) Biological Significance of Adjacent Lands.** Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting).

Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the wetland, stream, or riparian habitat that is adjacent to the proposed development.

**(b) Sensitivity of Species to Disturbance.** The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Game or others with similar expertise:

(i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;

(ii) An assessment of the short-term and long-term adaptability of various species to human disturbance;

(iii) An assessment of the impact and activity levels of the proposed development on the resource.

**(c) Susceptibility of Parcel to Erosion.** The width of the buffer zone shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided.

**(d) Use of Natural Topographic Features to Locate Development.** Hills and bluffs adjacent to ESHA's shall be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from ESHA's. Similarly, bluff faces should not be developed, but shall be included in the buffer zone.

**(e) Use of Existing Cultural Features to Locate Buffer Zones.** Cultural features (e.g., roads and dikes) shall be used, where feasible, to buffer habitat areas. Where

*feasible, development shall be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the ESHA.*

***(f) Lot Configuration and Location of Existing Development.*** *Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection. Where development is proposed in an area that is largely undeveloped, the widest and most protective buffer zone feasible shall be required.*

***(g) Type and Scale of Development Proposed.*** *The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area...*

***(2) Configuration.*** *The buffer area shall be measured from the nearest outside edge of the ESHA (e.g., for a wetland from the landward edge of the wetland; for a stream from the landward edge of riparian vegetation or the top of the bluff).*

***(3) Land Division.*** *New subdivisions or boundary line adjustments shall not be allowed which will create or provide for new parcels entirely within a buffer area.*

***(4) Permitted Development.*** *Development permitted within the buffer area shall comply at a minimum with the following standards:*

***(a)*** *Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.*

***(b)*** *Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.*

***(c)*** *Development shall be sited and designed to prevent impacts which would degrade adjacent habitat areas. The determination of the best site shall include consideration of drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from natural stream channels. The term "best site" shall be defined as the site having the least impact on the maintenance of the biological and physical integrity of the buffer strip or critical habitat protection area and on the maintenance of the hydrologic capacity of these areas to pass a one hundred (100) year flood without increased damage to the coastal zone natural environment or human systems.*

*(d) Development shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity.*

*(e) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.*

*(f) Development shall minimize the following: impervious surfaces, removal of vegetation, amount of bare soil, noise, dust, artificial light, nutrient runoff, air pollution, and human intrusion into the wetland and minimize alteration of natural landforms. [emphasis added]*

...

**Section 20.532.100** of the Mendocino County Coastal Zoning Code states:

*In addition to required findings, the approving authority may approve or conditionally approve an application for a permit or variance within the Coastal Zone only if the following findings, as applicable, are made:*

*(A) Resource Protection Impact Findings.*

*(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:*

*(a) The resource as identified will not be significantly degraded by the proposed development.*

*(b) There is no feasible less environmentally damaging alternative.*

*(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted (emphases added).*

## **Appendix G**

### **Coastal Act and Mendocino County LCP Policies Regarding Public Access**

**Coastal Act Section 30001.5** states in part the following:

*The legislature further finds and declares that the basic goals of the state for the coastal zone are to: . . .*

*(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.*

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions.

**Coastal Act Section 30210** states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

**Coastal Act Section 30211** states:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

**Coastal Act Section 30212** states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section [30610](#).

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section [30610](#), that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by [Sections 66478.1 to 66478.14](#), inclusive, of the Government Code and by [Section 4 of Article X of the California Constitution](#).

**LUP Policy 3.6-28** states the following:

*New development on parcels containing the accessways identified on the land use maps shall include an irrevocable offer to dedicate an easement, as required by other policies in this Chapter, for public use. Such offers shall run for a period of 21 years and shall be to grant and convey to the people of the State of California an easement for access over and across the offeror's property.*

**Coastal Act Section 30214** states:

*(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

*(1) Topographic and geologic site characteristics.*

*(2) The capacity of the site to sustain use and at what level of intensity.*

*(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*

*(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

*(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to [Section 4 of Article X of the California Constitution](#). Nothing in this section*



or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under [Section 4 of Article X of the California Constitution](#).

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

(Amended by: Ch. 919, Stats. 1979; Ch. 285, Stats. 1991.)

**LUP Policy 3.6-25** states:

Public access policies shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

- *topographic and geologic site characteristics;*
- *capacity of the site to sustain use and at what level of intensity;*
- *fragility of natural resource areas and proximity to residential uses;*
- *need to provide for management of the access;*
- *balance between the rights of individual property owners and the public's constitutional rights of access.*

**LUP Policy 3.6-8** states:

*Easements for lateral shoreline accessways shall extend landward 25 feet from mean high tide or to the toe of the bluff or the first line of terrestrial vegetation if the width of the beach is greater than 25 feet. Lateral blufftop accessway easements shall be at least 25 feet in width. However, the passageway within the easement area may be reduced to the minimum necessary to avoid: (1) adverse impacts on habitat values identified in the plan; or (2) encroachment closer than 20 feet from an existing residence; or (3) hazardous topographic conditions. Bluff retreat (erosion) shall be considered and provided for the life of the development when planning lateral accessways.*

**CZC Section 20.528.015** “Minimum Access Standards” states in part the following:

*(A) **Width.** Easements for lateral shoreline accessways shall extend landward twenty-five (25) feet from mean high tide or to the toe of the bluff or the first line of terrestrial vegetation if the width of the beach is greater than twenty-five (25) feet. All access easements required to be offered for public use shall be a minimum of twenty-five (25) feet wide with the following exceptions:*

- (1)Where the passageway would adversely impact identified habitat values;*
- (2)Where it would encroach within twenty (20) feet or less from an existing residence;*
- (3)Where there are identified hazardous topographic conditions; or*
- (4)Along Highway 1 where accessway(s) will be fifteen (15) feet wide pursuant to Section 20.528.010.*

...

*(E) **Safety.** All accessways shall be designed and constructed to safety standards adequate for their intended use. Barriers shall be constructed by the managing agency where necessary. Parking areas to adequately serve public access shall be considered in the permit review process. Bluff retreat/erosion shall be considered and provided for the life of the development when planning lateral accessways.*

## Appendix H

### Mendocino County LCP Policies Regarding Visual Resources

Section 30251 of the Coastal Act has been specifically incorporated into **LUP Policy 3.5-1** of the Mendocino LCP and states in part (emphasis added):

...

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

**Policy 3.5-3** of the certified LUP states as follows, in applicable part (emphasis added):

*The visual resource areas listed below are those which have been identified on the land use maps and shall be designated as "highly scenic areas," within which new development shall be subordinate to the character of its setting. Any development permitted in these areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.*

...

- *Portions of the coastal zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusions of certain areas east of Highway 1.*

*In addition to other visual policy requirements, new development west of Highway One in designated "highly scenic areas" is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Variances from this standard may be allowed for planned unit development that provides clustering and other forms of meaningful visual mitigation. New development should be subordinate to natural setting and minimize reflective surfaces. All proposed divisions of land and boundary line adjustments within "highly scenic areas" will be analyzed for consistency of potential future development with visual resource policies and shall not be allowed if development of resulting parcel(s) could not be consistent with visual policies.*

**CZC Section 20.504.020** states, in applicable part, as follows (emphasis added):

...

*(D) The scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal*

areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.  
(Ord. No. 3785 (part), adopted 1991)

**Section 20.504.015** (“Highly Scenic Areas”) of the certified Coastal Zoning Code (CZC) states as follows, in applicable part (emphasis added):

(A) The visual resource areas listed below are those which have been designated highly scenic and in which development shall be subordinate to the character of its setting:

...

(2) Portions of the Coastal Zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusion of certain areas east of Highway 1...

(C) Development Criteria.

(1) Any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.

...

(3) New development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings.

...

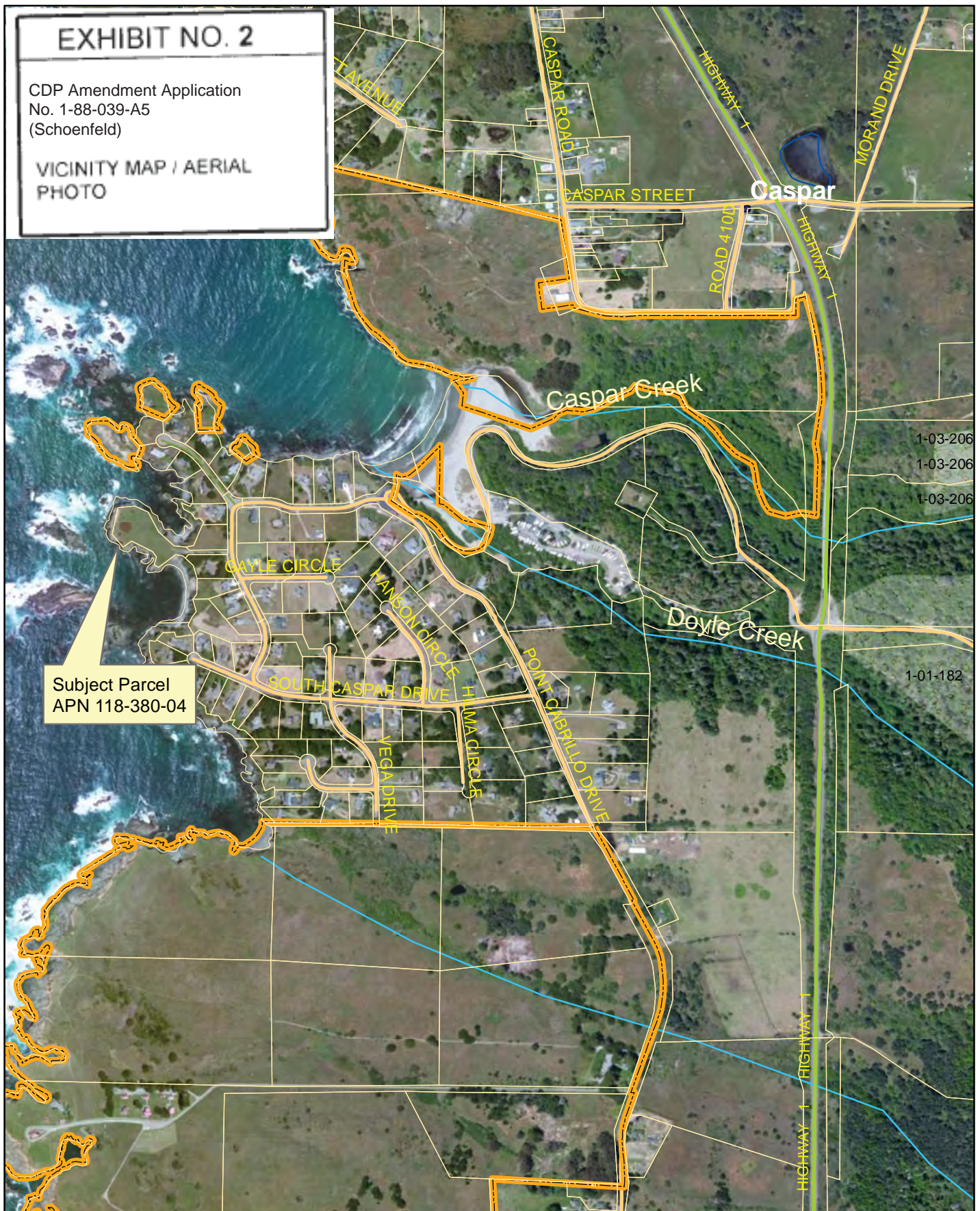




## EXHIBIT NO. 2

CDP Amendment Application  
No. 1-88-039-A5  
(Schoenfeld)

VICINITY MAP / AERIAL  
PHOTO



1:10,000

640 320 0

640 Feet



=CA State Parks Property

(1 of 2)

Date: 1/23/2017





Subject Parcel  
(boundary lines are  
approximate)

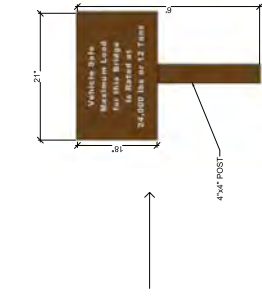
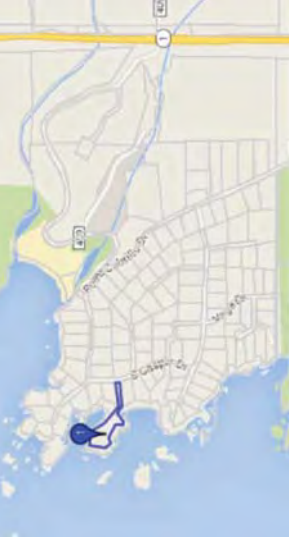
[illegible]

SHOENFELD  
45525 S. Caspar Drive  
Mendocino, CA 95460



Wynn Coastal Planning  
703 N. Main Street  
Fort Bragg, California 95437  
(707) 964-2337  
www.WCPlan.com

Based on maps by:  
Lind & Associates  
Paul E. Engineering  
Gordon McBride, Biologist  
Paul Tag, Architect

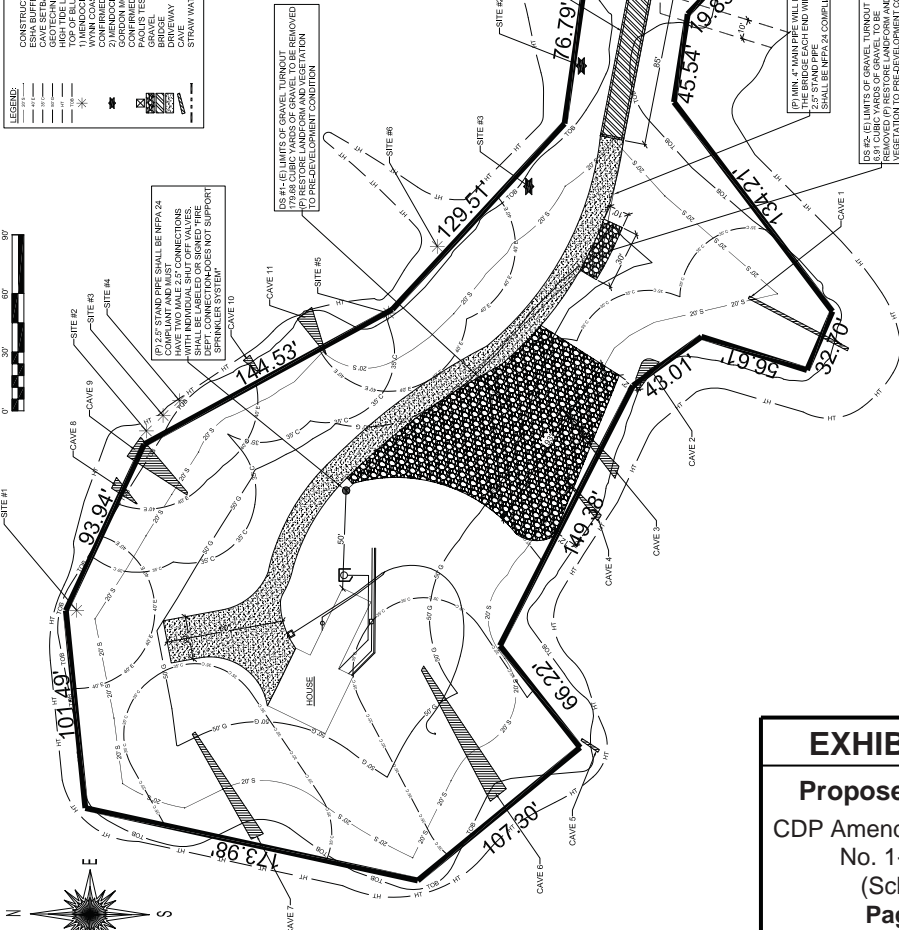
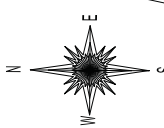
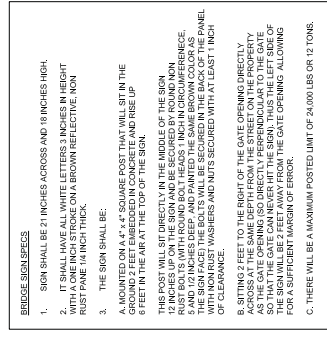


(P) BRIDGE SIGN  
N.T.S.

NOTE: AREAS DS #1-3 AND MENDOCINO COAST INDIAN PAINTBRUSH LOCATIONS HAVE BEEN VERIFIED BY WYNN COASTAL PLANNING.

\*GRAVEL PLACED WITHIN AREAS DS #1-3 WILL BE REMOVED BY HAND AND DISPOSED AT A LOCATION OUTSIDE THE COASTAL ZONE (31903 NORTH MITCHELL CREEK DRIVE, FORT BRAGG).

\*TOPOGRAPHY IS NOT SHOWN FOR CLARITY.



VE

COPIED BY CDP 1-88-39-A1

FREE IMAGE

DS #3-(E) LIMITS OF GRAVEL TURNOUT

0.40 CUBIC YARDS OF GRAVEL TO BE REMOVED

6" PATHWAY EASEMENT

ROCKED DRIVEWAY  
ID BY APPLICATION # 1-88-39

.005

APPROX. 10' WIDE  
VERTICAL PUBLIC ACCESS

DRAINAGE EASEMENT

### SCALE 2.5" CONNECTIONS

MUST BE LABELED OR SIGNED "FIRE  
PART SPRINKLER SYSTEM"

THE BRIDGE EACH END WILL BE CONNECTED TO  
...5" STAND PIPE  
SHALL BE NFPA 24 COMPLIANT

[illegible]

#2- (E) LIMITS OF GRAVEL TURNOUT  
1 CUBIC YARDS OF GRAVEL TO BE  
MOVED (P) RESTORE LANDFORM AND  
VEGETATION TO PRE-DEVELOPMENT CONDITION

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## EXHIBIT NO. 3

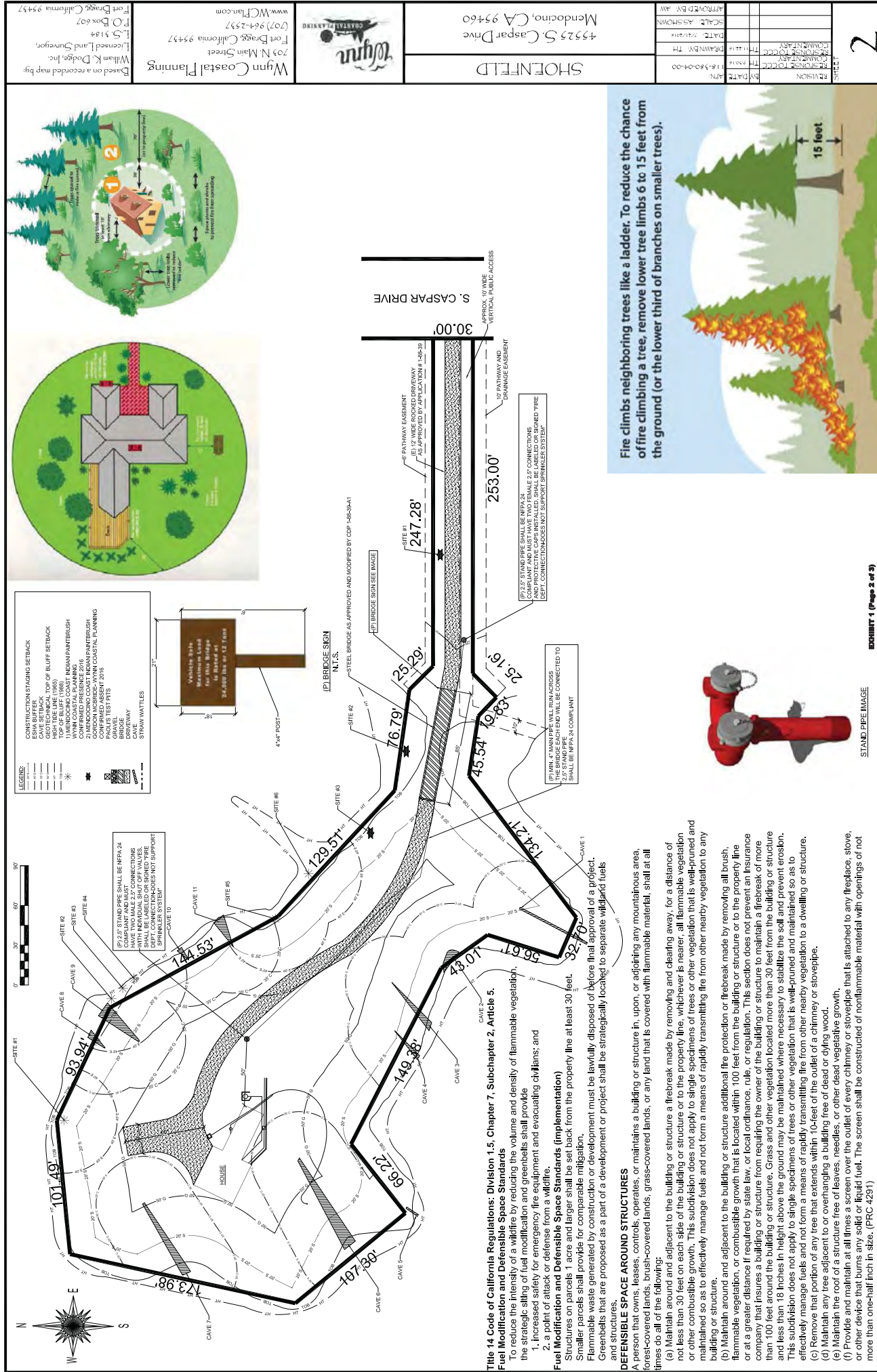
## Proposed Site Plans

CDP Amendment Application

No. 1-88-039-A5

Page 1 of 2





**EXHIBIT NO. 4**

CDP Amendment Application

No. 1-88-039-A5

(Schoenfeld)

**Proposed Bridge****Maintenance****Specifications & BMPs**

(Revised 7/9/13)

(OVER)

-2-

**DESCRIPTION OF PROPOSED AMENDMENT:****BRIDGE:**

Request modification of previously approved driveway bridge to (1) replace the 42" high railings composed of galvanized chain link fencing material supported by 1 ½" square steel tube posts and top and bottom rails with the same materials, with all hardware specified as galvanized; replace railings periodically as required due to degradation, (2) modify previously approved bridge maintenance program to include the ability to utilize a carbon fiber repair process (100% environmentally friendly, VOC-free) to repair structurally-compromised areas where the previously-approved rust converter would not suffice; and (3) post sign stating bridge load capacity per CalFire requirements.

**Bridge Repair Process** includes: a) tenting the bridge to capture potentially falling material [see details below], b) hand-removal of loose, flaking metal, c) application of Quest Restore rust converter, and d) apply carbon fiber repair by i) applying, as needed, the "High Modulus FRP Putty 100," ii) applying the "High Strength FRP Saturant 200," and iii) applying the "High Strength Carbon Fiber 500-BD." d) paint bridge (Sherwin Williams 6097- Sturdy Brown) Regarding Debris Removal: any and all debris from this repair, replacement and maintenance program will be removed from the property and taken to the Caspar Transfer Station, which handles both recycling and landfill transfer.

**The bridge will be inspected for structural defects** yearly by the property owner; the bridge will be inspected every five years by a licensed Civil or Structural Engineer familiar with this type of construction. Should inspections identify evidence of wear, the property owner shall implement the Bridge Repair Process, Debris Removal as outlined above, utilizing Best Management Practices. The bridge will inspected and recertified by said Engineer following the necessary repair/maintenance measures.

**Bridge Tenting Specifications:**

Tenting will be installed above and below the bridge prior to repair activities, completely encasing the bridge. Scaffolding will be installed below the bridge, where feasible, within the tent, to give the workers a platform on which to stand allowing them to work on the underside of the bridge. The ends of the tent will have tied flaps. Temporary metal struts will be clamped to the bridge and used to stabilize the tent in place. The temporary scaffolding will be hung with metal struts from the bottom of the bridge. The tent and scaffolding will be temporary, in place for the duration of the repair work, to be removed immediately upon completion of the bridge repair project. Over time, whenever the bridge railing needs to be replaced or repaired, and whenever the bridge itself needs to be maintained or repaired, this tenting/scaffolding process will be utilized.

**FIRE-SUPPRESSION INFRASTRUCTURE**

Request installation of fire service main comprised of: a 2.5" minimum fire hydrant/stand pipe located near the easterly side of the bridge, connected to a 4" minimum main water pipe attached to the underside of the bridge (adjacent to the existing utilities, secured in the same fashion) that terminates at a second 2.5" hydrant/stand pipe located within 30'-50' from the residence; and 277 linear feet (237' west of bridge; 40' east of bridge) of water pipe in the existing underground utility trench along the drive to accommodate water main from bridge to hydrant at residence. Cover all temporarily stockpiled soil with weighted down tarps to prevent soil delivery into coastal waters; cover bare soil with weed-free straw immediately upon backfilling of the trench; seed with native seed/vegetation according to Restoration Plan, enclosed, at the onset of the first winter rains.

**REMOVAL OF UNPERMITTED DRIVEWAY EXPANSION**

Request removal of unpermitted gravel driveway expansion and turnout areas (approximately 140 cubic yards); all gravel removed from site will be relocated at 31903 North Mitchell Creek Drive, Ft. Bragg, outside of Coastal Zone. Prior to the first winter rains after approval of the Coastal Development Permit Modification request, formerly graded areas will be restored to pre-development conditions, including but not limited to removal of all road base and other fill, restoration of original contours, and replanting of previously vegetated areas to pre-project conditions using species native to the site, according to enclosed Restoration, Mitigation & Monitoring Plan.

Best Management Practices will be utilized during all construction, repair and maintenance activities.



**Subject:** Caspar Island Bridge

**From:** marshall balfe (balfemarshall@yahoo.com)

**To:** balfemarshall@yahoo.com;

**Date:** Thursday, August 13, 2015 10:47 AM

August 12, 2015

Dan Schoenfeld

Dan,

In response to Tamara Gedik's letter dated July 3, 2015, these are my comments.

1. Evidence of Sufficient Property Interest of Applicant.

To be provided by Owner.

2. September 10, 2014 letter by Architect Marshall Balfe.

Copy attached.

3. Clarification of Project Details.

a. Tenting Specifications.

The tent will be above and below the bridge. It will totally encase the bridge. There will be scaffolding below the bridge, where possible, inside of the tent, to accommodate workers. It will allow them to work on the underside of the bridge, without dropping anything into the ocean, and provide a platform for cleaning the debris out of the bottom of the tent. The ends of the tent will have tied flaps. Temporary metal struts will be clamped to the bridge and used to stabilize the tent in place. The temporary scaffolding will be hung with metal struts from the bottom of the bridge.

The tent and scaffolding will be temporary, only to be in place long enough for the work to be done, and it will be removed immediately upon completion.

The existing natural landscaping, below and around the bridge, will not be damaged.

b. Clarification regarding Railing Maintenance or Replacement.

All of the guardrail materials will be replaced. The vertical galvanized metal posts, and the horizontal galvanized metal rails, will not be painted. The galvanized metal chain-link fencing material, used as safety infill panels, will not be painted. As a part of the ongoing maintenance program, if rust becomes problematic, appropriate posts, rails, and/or panels can be replaced. All bolts, nuts washers, clips and hardware will be galvanized.

c. Suitability and Maintenance Requirements of Enamel Paint Topcoat.

The bridge will NOT have an Enamel Paint Topcoat. The Quest Restore and Carbon Fiber process will have more than adequate strength and durability without it.

d. Utility Line Placement.

Provided by Owner.

4. Debris Disposal Plan.

Any and all debris from work on the bridge, will be taken across Highway 1, and up Caspar Little Lake Road, to the Caspar Transfer Station, on Prairie Way.

It is an approved recycling and hazardous materials disposal facility for Mendocino County. It is located within the coastal zone.

## 5. Inspection and Maintenance Plan.

To be provided by Owner and Contractor. *(see next page)*

## 6. Best Management Practices.

a. Please see Tenting Specifications in 3a.

b. In the event that a tear in the tent may occur during construction, we are further protecting the ismuth and sea against accidental spills or debris, by means of adding a removable lining to the interior sides and bottom of the tent enclosure. The lining will be 2 layers of heavy clear plastic (15 mil), each layer of which can be removed if events occur. If a layer needs to be removed, a HAZMAT container can be brought into the tent enclosure, filled, sealed, then moved to the dump site specified in this letter. The same process will occur at the end of the project. The bottom of the tent will then be vacuumed and cleaned.

c. Ongoing inspections and maintenance of the bridge into the future, will follow along with the guidelines set out by the Coastal Commission approvals of 3-30-07, or by any new standards approved by a modification of this approval by the Coastal Commission.

## 7. Stamped, addressed envelopes for interested persons.

By Owner.

## 8. Fee to be Determined after receipt of this information.

## 9. Status of Landscaping Required by Special Condition 2b of CDP I-88-039.

By Owner.

## 10. No Trespassing Signs.

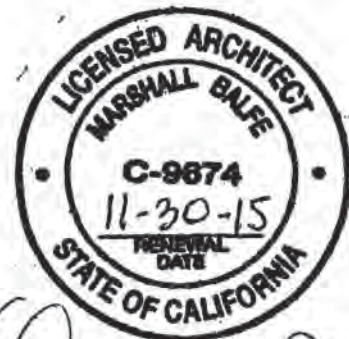
By Owner.

Respectfully,

Marshall Balfe  
Architect C-9674

415-599-6324  
balfemarshall@yahoo.com

4610 Taft Avenue  
Richmond, CA 94804



*Marshall Balfe*



Grand View Estates, LLC

Dan Schoenfeld

08-19-15

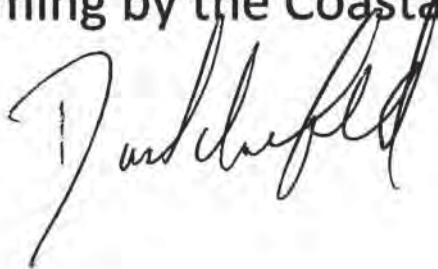
Question # 5 Comprehensive Inspection and  
Maintenance Plan for the bridge

a. During the course of the construction on the  
bridge , we will be :

1. Inspecting the inside of the tent in the  
morning at 9am , once at 1PM and once at 5  
PM to see if any debris or any kind of chemical  
residue of any kind has fallen on the plastic.  
We will have a shop vac on hand inside the  
tent to clean this up, move it to the canister  
and seal it all within the tent. This will be  
supervised by the Supervisor on site. In a  
serious spill, the 1<sup>st</sup> layer of plastic will be  
removed , put in the HAZMAT canister inside  
of the tent and replaced as indicated in the  
Best Management Practices

2. As to ongoing maintenance after the bridge is completed, we will :

- a. In the 1<sup>st</sup> week after completion of the work on the bridge, with the tent still up and plastic inside, we will check the bridge 3 times that week ( every couple of days) to see if the installation of any coatings are problematic, and remedy those items immediately. A shop vac and canister will remain in the tent until the end of that week.
- b. After that, we will follow the ongoing maintenance program prescribed by the Coastal Commission on 3/30/ 2007, or any amendments to that program that may be prescribed in the new amendment forthcoming by the Coastal Commission.



# RESTORATION, MITIGATION & MONITORING PLAN

for  
Unauthorized Driveway Improvements  
at

45525 South Caspar Drive  
Mendocino, CA 95460  
APN 118-380-04-00

Mendocino County

Property Owner:  
Grand View Estates, Dan Schoenfeld  
6 Admiral Drive, Apartment 391  
Emeryville, CA 94608



Report Prepared By:  
Bethany Baibak, Biologist  
Michaela Biaggi, Environmental Planner & Soils Scientist  
Wynn Coastal Planning

July 25, 2016

703 North Main Street, Fort Bragg CA 95437  
ph: 707-964-2537      fx: 707-964-2622  
[www.WCPlan.com](http://www.WCPlan.com)

## **1.0 PROJECT SUMMARY:**

In the process of applying for an amendment for CDP #1-88-39-A4, it has been identified that unpermitted development (construction of driveway turnouts) has occurred at 45525 South Caspar Drive, including vegetation clearing, grading, and placement of base rock. This Restoration, Mitigation and Monitoring Plan addresses how areas impacted without the benefit of a permit will be restored to ensure that impacts are reduced to a less-than-significant level.

Unauthorized developed areas will be restored to pre-development conditions, including but not limited to removal of all road base and other fill, restoration of original contours, and replanting of previously vegetated areas to pre-project conditions using species native to the site. The implementation of this Restoration Plan will begin as soon as permissible.

## **2.0 MITIGATION, RESTORATION & MONITORING MEASURES**

- **Measure 1a:** At disturbed sites #DS1, #DS2, and #DS3 (**Figure 1**) remove all road base and other fill. Replace excavated materials with a minimum of 8" in depth of topsoil mix, and restore to pre-existing grade and contour. Topsoil mix shall be composed of 75% sandy loam soil, and 25% compost. Sandy Loam soil has good drainage but low water-holding capacity. Water holding capacity will be improved by the addition of compost to the topsoil.
- **Measure 1b:** At disturbed sites #DS1, #DS2, and #DS3, re-vegetate the total impacted areas with native, non-invasive, drought tolerant vegetation. Species known to be established within 50 miles of the project site that thrive in coastal bluff habitats will be used. The plants and seeds used will be obtained from local genetic stocks within Mendocino County as practicable. If local genetic stock is not available, native vegetation obtained from outside the local area, but from within the adjacent region of the floristic province, may be used. Please see suggested species in **Table 1**, Plant List. The target success rate is 90% soil coverage by this specified vegetation, once plantings are mature.
- **Measure 1c:** At disturbed sites #DS1, #DS2, and #DS3, the final re-vegetation efforts shall be protected from wind and sheet flow runoff, by staking straw wattles along the entire outer perimeter of each disturbed site. At site #DS3 flagging should be placed at the corners to protect this site, which is vulnerable to vehicle and pedestrian traffic.
- **Measure 1d:** Restored areas shall be monitored for re-vegetation establishment. Monitoring should occur bi-monthly for two months and then monthly for the following four months. Monitoring should occur quarterly for three years, or until target success rate has been met. Target success rate being 90% soil coverage, once plantings are mature. (Note: gopher activity at this site is prevalent, therefore a 90% coverage rate is reasonable and comparable to adjacent undisturbed areas. Please see "Mitigation & Monitoring Schedule," below, for more detail.)
- **Measure 1e:** Photographs shall be taken at disturbed sites #DS1, #DS2, and #DS3. Additionally, photographs will be taken at one location on the property that represents emulation for re-vegetation and restoration. Designated photo locations will be chosen at each site to maintain consistency in monitoring, to document the site, and to record the restoration success and planting establishment over time. The location and direction of each photo will be recorded on a data sheet to inform future surveys.
- **Measure 1f:** Replace any dead and/or dying plants at a 2:1 ratio.
- **Measure 1g:** An interim report will be submitted to the Coastal Commission Staff showing proof of full implementation of this restoration plan, once every item in this plan has been installed and implemented. A final report will subsequently be submitted to Coastal Commission Staff once the target re-vegetation soil coverage has been achieved, which is 90% soil coverage.



### **3.0 LANDSCAPE SPECIFICATIONS**

#### **3.1 General Conditions:**

- a. This restoration plan includes removal of all road base and other fill, reapplication of the site's comparable topsoil, restoration of original contours, and replanting of previously vegetated areas to pre-project conditions (**Table 2**).
- b. All work shall be performed in a professional manner and be of the highest quality standards.
- c. Rodenticides containing any anticoagulant compounds, including but not limited to, bromadiolone, brodifacoum, or diphacinone, shall not be used.
- d. All proposed plantings will use native, non-invasive, drought tolerant vegetation. Species known to be established within 5 miles of the project site that thrive in coastal bluff habitats will be used. The plant and seeds used will be obtained from local genetic stocks within Mendocino County. If local genetic stock is not available, native vegetation obtained from outside the local area, but from within the adjacent region of the floristic province, may be used.
- e. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California will be employed or allowed to naturalize or persist at the site of the proposed re-vegetation. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government will be utilized at the sites.
- f. Planting will occur in the late fall/early winter, to take advantage of winter rainy season. An irrigation system is not necessary.

#### **3.2 Soil Preparation:**

- a. See **Section 2.0, Mitigation & Restoration Measure 1a**, above.

#### **3.3 Planting:**

- a. Please see **Table 1, Plant List**, for recommended species and sizes of all plant materials that are to be newly planted on the site.
- b. Plant holes shall be *twice* the diameter and depth of the root ball.
- c. When planted, crown of plant shall be 1-2" above grade. Prepare a water basin by forming a soil ring at least 3" high and wide around the outer edge of the new plant hole. Water plants in container thoroughly prior to planting and directly after to eliminate air pockets and reduce plant stress.
- d. All plants shall receive 3" minimum of 3/4" walk on fir bark mulch or equal.
- e. Plants shall be kept moist for two weeks following planting and then watered well, once per week until rainy season begins.

#### **3.4 Irrigation:**

- a. Planting is encouraged to occur late fall/early winter to take advantage of winter rainy season if the residence is not occupied full time.
- b. Augment winter rains, if needed, with temporary installation of drip irrigation tape laid on top of ground surface until plants are well established.

#### **3.5 Maintenance & Replacement:**

- a. Provide a monthly maintenance check on vegetation and irrigation conditions to ensure success of the planting and irrigation system.
- b. Vegetation shall be replaced in-kind, per the Restoration Plan and written specifications, as they die or are substantially declining.

#### **4.0 QUALIFICATION OF THE PREPARERS**

**Bethany Baibak** is a biologist for Wynn Coastal Planning. Ms. Baibak holds a Masters in Science in Biology from Humboldt State University and a Bachelors of Science in Biology from Michigan Technological University. Her diverse field experience includes botanical (NCASI – 2012; 2016-current), wildlife (Forest Service - 2010), forestry (State of Montana - 2006), wetland (Ducks Unlimited – 2005; 2016 – current), and soil (USGS - 2004, MTU - 2003) surveys. She has received additional training to identify the presence of California Red-legged Frogs (Wildlife Research Associates - April 2016), Point Arena Mount Beavers (USFWS - June 2016), and wetland delineation (Northwest Environmental Training Center - March 2016).

**Michaela Biaggi** is a soil specialist for Wynn Coastal Planning. Ms. Biaggi holds a Masters in Business Administration in Sustainable Enterprise from Dominican University, in addition to a Bachelors of Science from California Polytechnic State University San Luis Obispo, in social science with minors in soil science and environmental geography. Her specialization is water quality and erosion and sediment control, specifically in the areas of industrial and construction storm water management and pollution prevention. Michaela managed the storm water compliance programs at Vandenberg Air Force Base (2004 – 2008) and developed and implemented their storm water management and compliance programs. Michaela was also a contract storm water inspector for the Environmental Protection Agency (2005 – 2008).



Life Form	Common Name, <i>Scientific Name</i>	Habitat and Planting Conditions	Native	Height	Plant Spacing	Size
Shrub, evergreen	Coyote brush, <i>Baccharis pilularis ssp. consanguinea</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	12-48"	24-48"	Gal
Shrub, evergreen	Blue blossom, <i>Ceanothus thyrsiflorus ssp. griseus</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	12-48"	24-48"	Gal
Shrub, evergreen	California wax myrtle, <i>Morella californica</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	24-48"	24-48"	Gal
Shrub, evergreen	Salal, <i>Gaultheria shallon</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	12-48"	24-48"	Gal
Fern, evergreen	Sword fern, <i>Polystichum munitum</i>	Coastal bluff conditions, Partial or Full shade, Drought tolerant	Y	24-36"	12-24"	Gal
Fern, perennial	Brachen Fern, <i>Pteridium aquilinum</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	12-36"	12-24"	Gal
Grass, perennial	Hall's bentgrass, <i>Agrostis halli</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	6"-36"	12"	4"
Grass, perennial	California brome grass, <i>Bromus carinatus</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	6"-36"	6"	Seed
Grass, perennial	Maritime brome, <i>Bromus maritimus</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	6"-36"	6"	Seed
Grass, perennial	Pacific reedgrass, <i>Calamagrostis nutkaensis</i>	Coastal bluff Conditions, Full Sun, Prefers wetland/riparian	Y	6"-36"	6"	Seed
Grass, perennial	Blue wild rye, <i>Elymus glaucus</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	6"-36"	6"	Seed
Grass, perennial	Barley/foxtail, <i>Hordium brachyantherum</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	4-18"	6"	Seed
Grass, perennial	Kellogg bluegrass, <i>Poa kelloggii</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	6"-36"	6"	Seed
Grass, perennial	Red fescue, <i>Festuca rubra</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	6"-36"	6"	Seed
Grass, perennial	California oat grass, <i>Danthonia californica</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	6"-24"	12"	4"
Grass, perennial	California/ Tufted hair grass, <i>Deschampsia cespitosa</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	6"24"	6"	Seed
Sedge, perennial	Short-stemmed sedge, <i>Carex brevicaulis</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	6"-36"	12"	4"
Sedge, perennial	Ross's sedge, <i>Carex rossi</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	6"-36"	12"	4"
Sedge, perennial	Foothill/Slender sedge, <i>Carex tumlicola</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	6"-36"	12"	4"
Herb, perennial	Yarrow, <i>Achillea millefolium</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	4"-18"	12-24"	4"
Herb, perennial	Coast angelica, <i>Angelica hendersonii</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	12-36"	12-24"	Gal
Herb, perennial	Bluff lettuce, <i>Dudleya farinosa</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	4-12"	12-24"	4"
Herb, perennial	Seaside daisy, <i>Erigeron glaucus</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	4-18"	12-24"	4"
Herb, perennial	Coast buckwheat, <i>Eriogonum latifolium</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	4-12"	12-24"	4"
Herb, perennial	Wooly sunflower, <i>Eriophyllum lanatum</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	4-18"	12-24"	4"
Herb, perennial	Beach strawberry, <i>Fragaria chiloensis</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	1-4"	12-24"	4"
Herb, annual	Footsteps of Spring, <i>Sanicula arctopoides</i>	Coastal bluff Conditions, Full Sun, Drought tolerant	Y	1-4"	12-24"	4"

Additional species, recommended by Gary Ratway in 1988 as previously accepted by Commission Staff (edited to omit non-native ornamentals as requested by Commission Staff)						
Life Form	Common Name, <i>Scientific Name</i>	Habitat and Planting Conditions	Native	Height	Plant Spacing	Size
Shrub, evergreen	Vine hill manzanita, <i>Arctostaphalos densiflora</i>		Y	6"-5'	24"-36"	1 gal
Shrub, evergreen	<i>Hookers mazanita</i> , <i>Arctostaphlos hookeri</i>		Y	6"-3'	12"-24"	1 gal
Shrub, evergreen	Dark Star, <i>Ceanothus</i>		Y	1'-6'	24"-36"	1 gal
Shrub, evergreen	Emily Brown, <i>Ceanothus</i>		Y	1'-3'	24"-36"	1 gal
Shrub, evergreen	Skylark, <i>Ceanothus</i>		Y	1'-5'	24"-36"	1 gal
Shrub, evergreen	James Roof, <i>Garrya elliptica</i>		Y	6'-12'	24"-36"	1 gal
Groundcover, evergreen	Bearberry manzanita, <i>Arctostaphlos uva-ursi</i>		Y	3"-2'	24"-36"	1 gal
Groundcover, perennial	Carmel Ceanothus, <i>Ceanothus griseus</i>		Y	6"-4'	24"-36"	1 gal
Tree, evergreen	Shore Pine, <i>Pinus contorta</i>		Y	12'-20'	20'	5 gal

**Table 2. MITIGATION AND MONITORING SCHEDULE.** The actual schedule of tasks may vary based on the timing of project approval. The order of the tasks throughout the project should remain as close to the order in the table as practicable.

Task	Task Description	Base Year				1 <sup>st</sup> Year				2 <sup>nd</sup> Year				3 <sup>rd</sup> Year			
		SP	SU	FA	WI	SP	SU	FA	WI	SP	SU	FA	WI	SP	SU	FA	WI
1a	Remove all road base and fill, replace top soil, restore original contours		X														
1b	Replace top soil, restore original contours			X													
1c	Plant California native species			X													
1d	Install straw wattles around perimeter of disturbed areas			X													
1e	Monitor plantings: maintain records on plant vigor; determine cover ratios.			X	X	X	X	X	X	X	X	X	X	X	X	X	X
1f	Replant as necessary as adaptive management.																
1g	Inspect site and remove invasive species by hand-removal			X	X	X	X	X	X	X	X	X	X	X	X	X	X
1h	Interim reports to CCC after completion of restoration installation			X					X				X				
1i	Final report to CCC after success of restoration																X



2.0 MITIGATION, RESTORATION & MONITORING MEASURES

- Measure 1a: At disturbed sites #DS1, #DS2, and #DS3 (Figure 1) remove all road base and other fill. Replace excavated materials with a minimum of 8" in depth of topsoil mix, and restore to pre-existing grade and contour. Topsoil mix shall be composed of 75% sandy loam soil, and 25% compost. Sandy Loam soil has good drainage but low water-holding capacity. Water holding capacity will be improved by the addition of compost to the topsoil.
- Measure 1b: At disturbed sites #DS1, #DS2, and #DS3, re-vegetate the total impacted areas with native, non-invasive, drought tolerant vegetation. Species known to be established within 50 miles of the project site that thrive in coastal bluff habitats will be used. The plants and seeds used will be obtained from local genetic stocks within Mendocino County as practicable. If local genetic stock is not available, native vegetation obtained from outside the local area, but from within the adjacent region of the floristic province, may be used. Please see suggested species in Table 1, Plant List. The target success rate is 90% soil coverage by this specified vegetation, once plantings are mature.
- Measure 1c: At disturbed sites #DS1, #DS2, and #DS3, the final re-vegetation efforts shall be protected from wind and sheet flow runoff, by staking straw wattles along the entire outer perimeter of each disturbed site. At site #DS3 flagging should be placed at the corners to protect this site, which is vulnerable to vehicle and pedestrian traffic.

- Measure 1d: Restored areas shall be monitored for re-vegetation establishment. Monitoring should occur bi-monthly for two months and then monthly for the following four months. Monitoring should occur quarterly for three years, or until target success rate has been met. Target success rate being 90% soil coverage, once plantings are mature. (Note: gopher activity at this site is prevalent, therefore a 90% coverage rate is reasonable and comparable to adjacent undisturbed areas. Please see "Mitigation & Monitoring Schedule," below, for more detail.)
- Measure 1e: Photographs shall be taken at disturbed sites #DS1, #DS2, and #DS3. Additionally, photographs will be taken at one location on the property that represents emulation for re-vegetation and restoration. Designated photo locations will be chosen at each site to maintain consistency in monitoring, to document the site, and to record the restoration success and planting establishment over time. The location and direction of each photo will be recorded on a data sheet to inform future surveys.
- Measure 1f: Replace any dead and/or dying plants at a 2:1 ratio.
- Measure 1g: An interim report will be submitted to the Coastal Commission Staff showing proof of full implementation of this restoration plan, once every item in this plan has been installed and implemented. A final report will subsequently be submitted to Coastal Commission Staff once the target re-vegetation soil coverage has been achieved, which is 90% soil coverage.

3.0 LANDSCAPE SPECIFICATIONS

3.1 General Conditions:

- This restoration plan includes removal of all road base and other fill, reapplication of the site's comparable topsoil, restoration of original contours, and replanting of previously vegetated areas to pre-project conditions (Table 2).
- All work shall be performed in a professional manner and be of the highest quality standards.
- Rodenticides containing any anticoagulant compounds, including but not limited to, bromadiolone, brodifacoum, or diphacinone, shall not be used.
- All proposed plantings will use native, non-invasive, drought tolerant vegetation. Species known to be established within 5 miles of the project site that thrive in coastal bluff habitats will be used. The plant and seeds used will be obtained from local genetic stocks within Mendocino County. If local genetic stock is not available, native vegetation obtained from outside the local area, but from within the adjacent region of the floristic province, may be used.
- No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California will be employed or allowed to naturalize or persist at the site of the proposed re-vegetation. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government will be utilized at the sites.
- Planting will occur in the late fall/early winter, to take advantage of winter rainy season. An irrigation system is not necessary.

3.2 Soil Preparation:

- See Section 2.0, Mitigation & Restoration Measure 1a, above.

3.3 Planting:

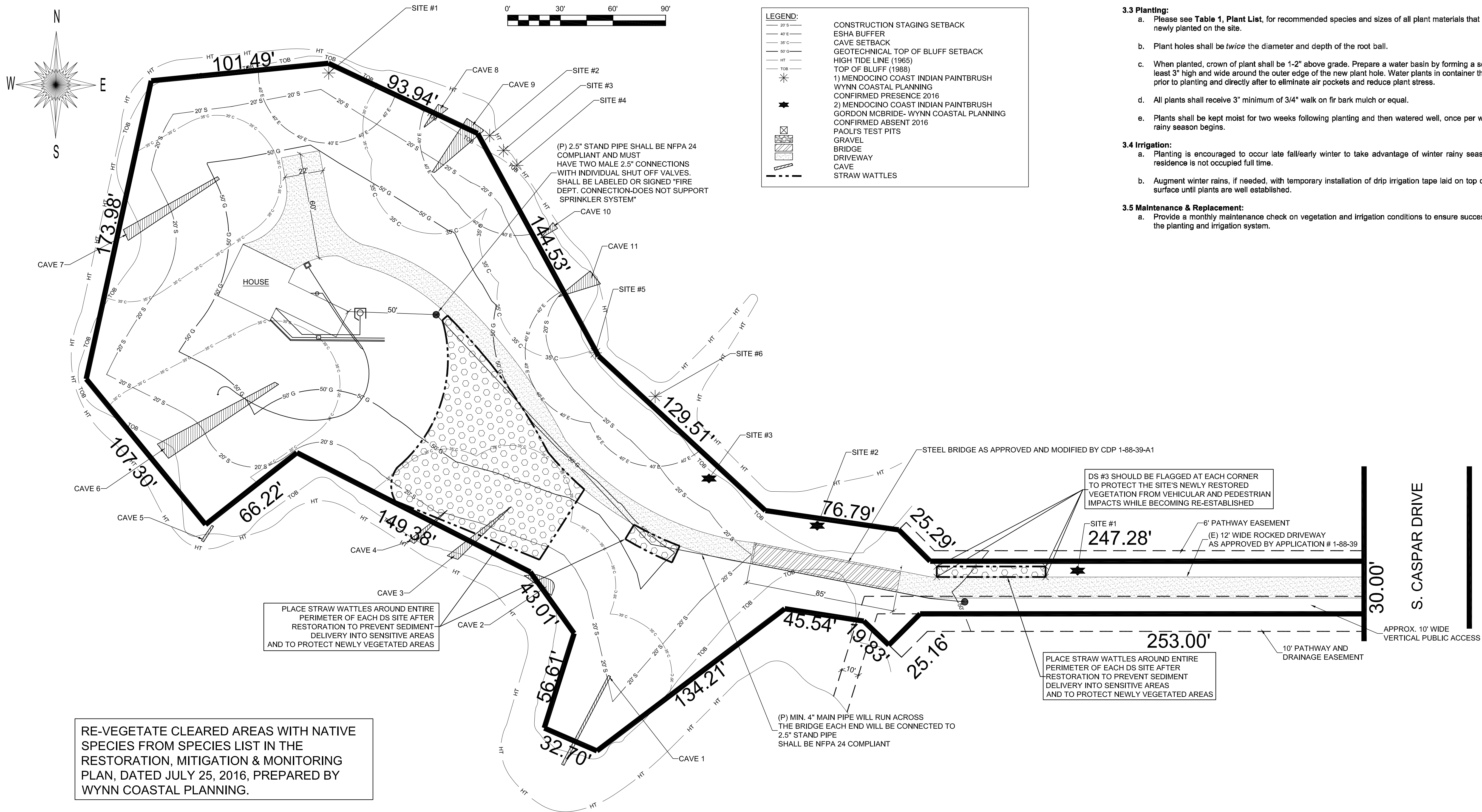
- Please see Table 1, Plant List, for recommended species and sizes of all plant materials that are to be newly planted on the site.
- Plant holes shall be twice the diameter and depth of the root ball.
- When planted, crown of plant shall be 1-2" above grade. Prepare a water basin by forming a soil ring at least 3" high and wide around the outer edge of the new plant hole. Water plants in container thoroughly prior to planting and directly after to eliminate air pockets and reduce plant stress.
- All plants shall receive 3" minimum of 3/4" walk on fir bark mulch or equal.
- Plants shall be kept moist for two weeks following planting and then watered well, once per week until rainy season begins.

3.4 Irrigation:

- Planting is encouraged to occur late fall/early winter to take advantage of winter rainy season if the residence is not occupied full time.
- Augment winter rains, if needed, with temporary installation of drip irrigation tape laid on top of ground surface until plants are well established.

3.5 Maintenance & Replacement:

- Provide a monthly maintenance check on vegetation and irrigation conditions to ensure success of the planting and irrigation system.



NOTE: AREAS DS #1-3 AND MENDOCINO COAST INDIAN PAINTBRUSH LOCATIONS HAVE BEEN VERIFIED BY WYNN COASTAL PLANNING.

\*GRAVEL PLACED WITHIN AREAS DS #1-3 WILL BE REMOVED BY HAND AND DISPOSED AT A LOCATION OUTSIDE THE COASTAL ZONE (31903 NORTH MITCHELL CREEK DRIVE, FORT BRAGG).

\*TOPOGRAPHY IS NOT SHOWN FOR CLARITY.

RE-VEGETATE CLEARED AREAS WITH NATIVE SPECIES FROM SPECIES LIST IN THE RESTORATION, MITIGATION & MONITORING PLAN, DATED JULY 25, 2016, PREPARED BY WYNN COASTAL PLANNING.

EXHIBIT 1 (Page 3 of 3)

RESTORATION PLAN

1 : 30

1

3

OF 3 SHEETS

Based on maps by:  
Lind & Associates  
Paoli Engineering  
Gordon McBride, Biologist  
Paul T. Jay, Architect

Wynn Coastal Planning  
703 N. Main Street  
Fort Bragg, California 95437  
(707) 964-2537  
www.WCPlan.com



SHOENFELD

45525 S. Caspar Drive  
Mendocino, CA 95460

AFN: 118-380-04-00  
BY DATE: 7/21/2016  
TH 9:30:16  
DRAWN BY: TH  
DATE: 7/21/2016  
SCALE: AS SHOWN  
APPROVED BY: AW

SHEET



**CALIFORNIA COASTAL COMMISSION**

NORTH COAST AREA

531 HOWARD STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94105  
(415) 543-8555

Filed: December 12, 1988  
 49th Day: January 30, 1989  
 180th Day: June 10, 1989  
 Staff: Jo Ginsberg  
 Staff Report: January 3, 1989  
 Hearing Date: January 11, 1989  
 Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 1-88-39

APPLICANT: Harold Ross

AGENT: Norm Haynie

PROJECT LOCATION: 45525 South Caspar Drive, Caspar South Subdivision,  
Mendocino, Mendocino County, APN 118-380-04.PROJECT DESCRIPTION: Construction of a 900-square-foot single-family  
residence with a basement garage and store room; driveway; road; wooden  
bridge; earth berm.

Lot area: 2+ acres  
 Building coverage: 900 sq.ft.  
 Landscape coverage: 600 sq.ft.  
 Parking spaces: 4  
 Zoning: R-R  
 Plan designation: Rural Residential-5 (Rural Residential-1)  
 [RR-5 (RR-1)]  
 Project density: 1 du/2+ acres

LOCAL APPROVALS RECEIVED: Mendocino County LCP Consistency Review; Caspar  
South Architectural Control Committee; Caspar South Water (and Sewer) District  
approval.

SUBSTANTIVE FILE DOCUMENTS: Mendocino County Land Use Plan.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**1. Approval with Conditions.**

The Commission hereby grants, subject to the conditions below, a permit for  
 the proposed development on the grounds that the development, as conditioned,  
 will be in conformity with the provisions of Chapter 3 of the California  
 Coastal Act of 1976, will not prejudice the ability of the local government  
 having jurisdiction over the area to prepare a Local Coastal Program  
 conforming to the provisions of Chapter 3 of the Coastal Act, is located  
 between the sea and first public road nearest the shoreline and is in  
 conformance with the public access and public recreation policies of Chapter 3  
 of the Coastal Act, and will not have any significant adverse impacts on the  
 environment within the meaning of the California Environmental Quality Act.

**EXHIBIT NO. 6**

CDP Amendment Application  
 No. 1-88-039-A5  
 (Schoenfeld)

Staff Report for CDP  
 1-88-039 (Ross)



II. STANDARD CONDITIONS: See attached.

III. SPECIAL CONDITIONS:

1. Vertical Access:

PRIOR TO THE ISSUANCE of the Coastal Development Permit, the landowner shall execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for public pedestrian access to the shoreline. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to the acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. Such easement shall be 10 feet wide and shall extend along the southern edge of the road that leads from South Caspar Drive west to the peninsula, and shall also extend from the eastern abutment of the bridge down the bluff to the mean high tide line, as illustrated in Exhibit 10. The recorded document shall include legal descriptions of both the applicant's entire parcel and the easement area. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect said interest. The offer shall run with the land in favor of the People of the State of California binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

2. Geologic Hazards:

a. Assumption of Risk.

PRIOR TO THE ISSUANCE of the Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary geologic hazard, and the (b) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed.

b. Engineering and Landscaping Recommendations.

The applicant is required to follow all recommendations regarding construction of the proposed development as set forth in the geologic reports that accompanies the coastal permit application 1-88-39, and in the correspondence from the applicant's engineer, Mr. David Paoli. These include but are not limited to the recommended 50-foot setback of all development from the edge of the bluff; the 35-foot setback from any of the sea caves; the recommendation that all construction equipment and building materials stay at least 20 feet from the bluff in order to avoid landsliding; the recommendation that construction of the bridge be completed before any house construction begins; the recommendation that runoff from the roof of the house be collected in gutters and directed to a shallow leach bed for filtration directly into the soil, rather than toward the bluff edge, etc.



The applicant is also required to follow all recommendations outlined in the landscape plan included with the permit application as to type of plant species and planting techniques, for the purpose of reducing the possibility of soil erosion.

If, subsequent to issuance of this permit, the applicant finds that any deviation from the approved engineering or landscape plans is necessary, the applicant is required to submit to the Commission an application for an amendment request. Any deviations from the approved plans and recommendations must be submitted with the amendment request.

### 3. Environmentally Sensitive Habitat Area:

PRIOR TO THE ISSUANCE of the Coastal Development Permit, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, over the portion of the parcel identified on the attached map labeled Exhibit 8 as being habitat for the plant species Castilleja latifolia ssp. mendocinensis (Mendocino coast paintbrush), which has been designated by the California Native Plant Society as being rare and endangered. Any development or uses within 40 feet of this delineated area, noted on the map labeled Exhibit 8 as a buffer zone, shall require approval of the Commission.

The deed restriction shall be recorded free of prior liens and encumbrances except tax liens, shall be irrevocable, running from the date of recordation, and shall run with the land binding the landowner, his/her heirs, assigns and successors in interest to the subject property.

### 4. Environmentally Sensitive Habitat Protection

PRIOR TO CONSTRUCTION, or any other development activity on the project site, each population of the plant species Castilleja latifolia ssp. mendocinensis shall be staked and flagged and the 40-foot buffer zone will be delineated by stakes and yellow or orange tape by a professional botanist. The applicant shall be responsible to inform all workers to leave the area so delineated undisturbed. The stakes and ribbons shall be removed following site development.

## IV. FINDINGS AND DECLARATIONS:

### 1. Project Description:

The applicant proposes to build a 900-square-foot single-family residence with a basement garage and store room on a 2+ acre parcel west of Highway One in the Caspar South Subdivision, approximately one mile south of Caspar. The project also includes a road, driveway, earth berm, and a wooden bridge across the neck of the peninsula on which the subject parcel lies. The subject site is located on a blufftop lot, on a small peninsula that juts out into the Pacific Ocean. The site is located atop a fairly flat marine terrace, about 50 feet above sea level. The parcel is undercut by a series of eleven sea caves. The house will be located at least 50 feet from the edge of the bluff.

The house (including the basement garage) is 24 feet in height; however, approximately four feet below the existing grade will be excavated, so the net



effect will be that the roof of the house will stand 20 feet high. A berm around approximately 55 percent of the house will be created with the excavated material. The highest part of the berm will be approximately six feet above the surface of the existing ground.

The wooden bridge will be approximately 10 feet wide, and approximately 85 feet long with a center span of about 60 feet. As determined by a licensed engineer, the bridge will be constructed on concrete caissons that are drilled through the soil mantle and 35 feet into solid bedrock.

The subject parcel is located in an area know to contain the endangered plant species Castilleja latifolia ssp. mendocinensis (Mendocino coast paintbrush). A botanical survey identified six sites on the subject property where the paintbrush occurs. Most of the specimens are on the steeply sloping bluffs of the northern property edge. Only Site 3 (See Exhibit 8) is on the flat top of the property.

The applicant's building site is located near a cormorant nesting area located on the south and southwest sides of the subject parcel (See Attachment 1). Discussion with biologists at the Point Reyes Bird Observatory indicate that the birds are probably pelagic cormorants.

Staff observed several well-worn footpaths along the bluffs of the subject parcel, and also across the path leading west from South Caspar Drive, indicating public use of the property for coastal access, probably either for ocean viewing or for diving for abalone or sea urchins. According to the applicant, since the site is still unoccupied, some of the neighbors have been using the parcel for running their dogs.

The land use classification of the subject parcel, as designated in the Mendocino County LUP, is Rural Residential-5 (Rural Residential-1) [RR-5 (RR-1)], meaning that there may be one parcel for every five acres, or one parcel for every one acre with proof of water.

## 2. Locating and Planning New Development:

### a. Development.

Section 30250(a) of the Coastal Act states in part that:

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized. The subject parcel is located within the Caspar South Subdivision, and will be served by the subdivision's water and sewer district. The proposed development is therefore consistent with Coastal Act Section 30250(a)



because it is located within a pre-existing subdivision where development is already concentrated and services are available.

b. Geologic Hazards.

Section 30253(1) and (2) of the Coastal Act state in part that:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed development consists of a 900-square-foot single-family home with a basement garage and store room; a road and driveway; earth berming, and an 85-foot-long, 10-foot-wide wooden bridge. The proposed development is situated on a 50-foot-high bluff, on a peninsula connected to the mainland by a narrow isthmus, or neck. The proposed wooden bridge will span the isthmus, for the purpose of stabilizing it. Eleven sea caves have been identified in the area of the subject site. The largest of the sea caves is located fairly near the proposed homesite, and the engineer who prepared one of the submitted geology reports has pointed out that a recent small rock fall has occurred at the location of this largest sea cave.

The applicant has provided detailed geologic reports that describe the geologic hazards relating to the proposed development, and outline a number of recommendations that will ensure the stability of the bluff and of the isthmus, including a setback of any development from the edge of the bluff, and from the edge of the sea caves. The applicant has also provided a landscape plan that incorporates the predominant use of drought-tolerant, California native species for the purpose of mitigating any problems of potential erosion, and also to have a minimal impact on water resources.

In order to minimize risks to life and property and to assure stability and structural integrity to the site and the surrounding area, the applicant is required to follow all recommendations made in the geologic reports submitted with the permit application 1-88-39, and build the proposed development to its specifications. In addition, due to the possibility of hazards due to erosion, landsliding, or earth shaking, the applicant is required to record a waiver of liability claims against the Commission should any damage to life or property occur as a result of geologic hazard. Further, the applicant is required to follow the recommendations outlined in the submitted landscape plan, and to plant the recommended species in the manner specified. Should the applicant find that it is necessary to deviate from any of the approved recommendations or plans, he is required to submit to the Commission an application for a permit amendment.



Therefore, since the applicant is required to record a waiver of liability holding the Commission blameless in event of the occurrence of a geologic hazard, and is also required to follow all recommendations set forth in the submitted geologic reports and landscape plan, the project, as conditioned, is consistent with Coastal Act Section 30253(1) and (2).

3. Public Access:

The Coastal Act contains strong policy provisions requiring public access in cases where development is likely to have an adverse impact on existing or potential coastal access opportunities. Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 states that:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. [Emphasis added]

Section 30212(a) of the Coastal Act also states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources; adequate access exists nearby; or, agriculture would be adversely affected.

The subject site is located on a blufftop lot west of Highway One, and also west of South Caspar Drive, the nearest public roadway to the shoreline, on a peninsula connected to the mainland by a narrow isthmus, or neck. The undeveloped site is located six lots to the south of one portion of Caspar State Reserve, which consists of four blufftop lots within the Caspar South Subdivision (See Exhibit 9), and has apparently been used for some time by the public in order to reach the shoreline. Staff visited the site and confirmed that there are a number of blufftop trails worn into the headland, and a trail along the neck and along the roadway leading to the neck of the peninsula. Unconfirmed reports by a neighbor allege that the public uses the subject parcel to reach the shoreline for the purpose of abalone hunting. The applicant states that divers use the subject parcel to reach the shoreline for the purpose of diving for sea urchins, which are harvested and sold illegally.

The Supreme Court ruled recently in the Nollan decision that a requirement for dedication of a public access easement is appropriate in cases where the proposed development will have a clear and demonstrable adverse impact on public access to the beach. In this case, the proposed project includes a wooden bridge that will be 85 feet long and 10 feet wide. The purpose of the



bridge is to stabilize the isthmus, or neck, of the peninsula. In order to reach the peninsula and use the blufftop access trails that exist, the public must cross the isthmus. The psychological impact to the public upon viewing the bridge will be to deter public use of the blufftop trails, which will be reachable only by crossing the bridge. In addition, the construction of the bridge will effectively prevent the public from reaching the rocky shore that lies below the isthmus, which is, according to both neighbors and the applicant himself, a spot used by divers. Therefore the proposed development interferes with historic public use of the beach. Since there is strong evidence that public prescriptive rights have been established over a portion of the subject parcel, in the form of public use of the trails, the Commission finds that the proposed development would have an adverse impact on public rights to use the coast. Further, the Commission finds that the proposed development creates a burden on public rights of access. The Commission therefore finds that the proposed development would be inconsistent with Sections 30210, 30211, and 30212(a) of the Coastal Act, unless a public access easement is provided on the subject parcel.

The applicant states that public use of the trails is hazardous, and should not be continued. It is true that the bluff is steep, and possibly hazardous. However, the proposed bridge will block existing access to the shoreline, preventing public use of an existing access trail. Therefore, although the use of the trails may present some degree of hazard to the users, it is the public's right of access to the sea, where acquired through use, as defined in Section 30211 of the Coastal Act, which must be protected in this case. The applicant also states that the resources on the subject parcel are sensitive, and must be protected against disturbance by the public. While it is also true that there are some environmentally sensitive habitat areas on the subject site, the Commission must protect the public's right of access to the sea, where acquired through use.

The Commission finds that it is not practical to require an offer of dedication of a blufftop lateral trail, because there is limited evidence of historic use of the blufftop trails. However, in order to protect the potential prescriptive rights of access to the shoreline associated with the subject site, pursuant to Section 30211 of the Coastal Act, the Commission attaches Special Condition No. 1, which requires an offer to dedicate a vertical access easement, as identified in Exhibit 10. This will allow the public to continue to reach the rocky shore, via a pre-existing access trail. The project has been conditioned to mitigate the subject development's direct impact on the existing access trail. The proposed development, as conditioned, is therefore found to be consistent with Coastal Act Sections 30210, 30211, and 30212(a), as a lateral blufftop access easement will be provided for public access to the coast.

#### 4. Environmentally Sensitive Habitat Area:

Section 30240 of the Coastal Act states that:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.



- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

A botanical survey determined that the rare and endangered plant species Castilleja latifolia ssp. mendocinensis (Mendocino coast paintbrush) occurs on the subject parcel in six locations (See Exhibits 7 and 8). According to the survey, most of the specimens were on the steeply sloping bluffs of the northern property edge. Only Site 3 is on the flat top of the property, and therefore in need of protection from the proposed development. The biologist recommended a 40-foot setback of the road from the Site 3 location of the paintbrush.

Therefore, in order to protect this environmentally sensitive habitat area from disruption, the applicant is required to record a deed restriction over the portion of the property identified in Exhibit 8 as containing the rare and endangered Mendocino coast paintbrush, and to stake and flag the plant populations and buffer during the project development to protect the sites from unintentional disruption.

According to neighbors (see Attachment 1), cormorants nest in the vicinity of the subject parcel, along the south and southwestern portions of the lot. Staff has determined that since the location of the proposed house is at least 50 feet from the edge of the bluff, and the location of the bridge is at the eastern edge of the property, the proposed developed has been located in the area likely to be least disturbing to any nesting cormorants.

The Commission finds that since the sensitive habitat of the Mendocino coast paintbrush will be protected from disruption by the proposed development via a 40-foot buffer by the site being condoned during construction, and since the proposed development will be located in the area of the subject parcel that is least likely to disturb any nesting cormorants, the proposed project is consistent with Coastal Act Section 30240.

#### 5. Visual Resources:

Section 30251 of the Coastal Act states in part that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.



The Mendocino County LUP Policy 3.5-1 states that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, and to be visually compatible with the character of surrounding areas. New development in designated "highly scenic areas" shall be subordinate to the character of its setting.

The proposed development is located in an areas designated in the Mendocino County LUP as being highly scenic, as it is visible from Caspar State Reserve to the north. The house itself is one story in height, with a basement garage and store room which are lowered about four feet into the ground. The structure will therefore be 20 feet above grade, with a pitched roof. The lowest portion of the roof will be only 11 feet in height, with the roof sloping upwards to its highest point of 20 feet; the pitch is therefore 9 feet. The house will cover only 900 square feet.

As part of the project, the applicant is proposing an earth berm that will provide a partial visual screen of the house from the public road. The berming at its highest point will be approximately six feet, so only about 14 feet of the house will protrude above the berm; of this 14 feet, about 9 feet will be the pitched roof. The berm will also be landscaped, thus providing an additional visual screen. The applicant has also provided a landscape plan that considers the impacts of views from the state reserve to the north as well as from the public roadway to the east. Plant species were selected so as not to obscure ocean views. The Commission therefore finds that the proposed project is designed to protect the visual and scenic qualities of the coast, and to be compatible with the character of the surrounding area, and is thus consistent with Coastal Act Section 30251.

6. Mendocino County LUP/Prejudice to LCP:

Section 30604 of the Coastal Act authorizes permit issuance if the project is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, is consistent with Chapter 3 policies of the Coastal Act as discussed above, and thus will not prejudice local government's ability to implement a certifiable LCP.

7. CEQA:

The project, as conditioned, does not have a significant adverse effect on the environment, within the meaning of CEQA, and is therefore consistent with the provisions of the California Environmental Quality Act and the California Coastal Act. The project has been mitigated as discussed above to ensure consistency with the Coastal Act.



ATTACHMENT A

Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



Project  
Site

EXHIBIT NO. 1

APPLICATION NO.

1-88-39 (R-15)

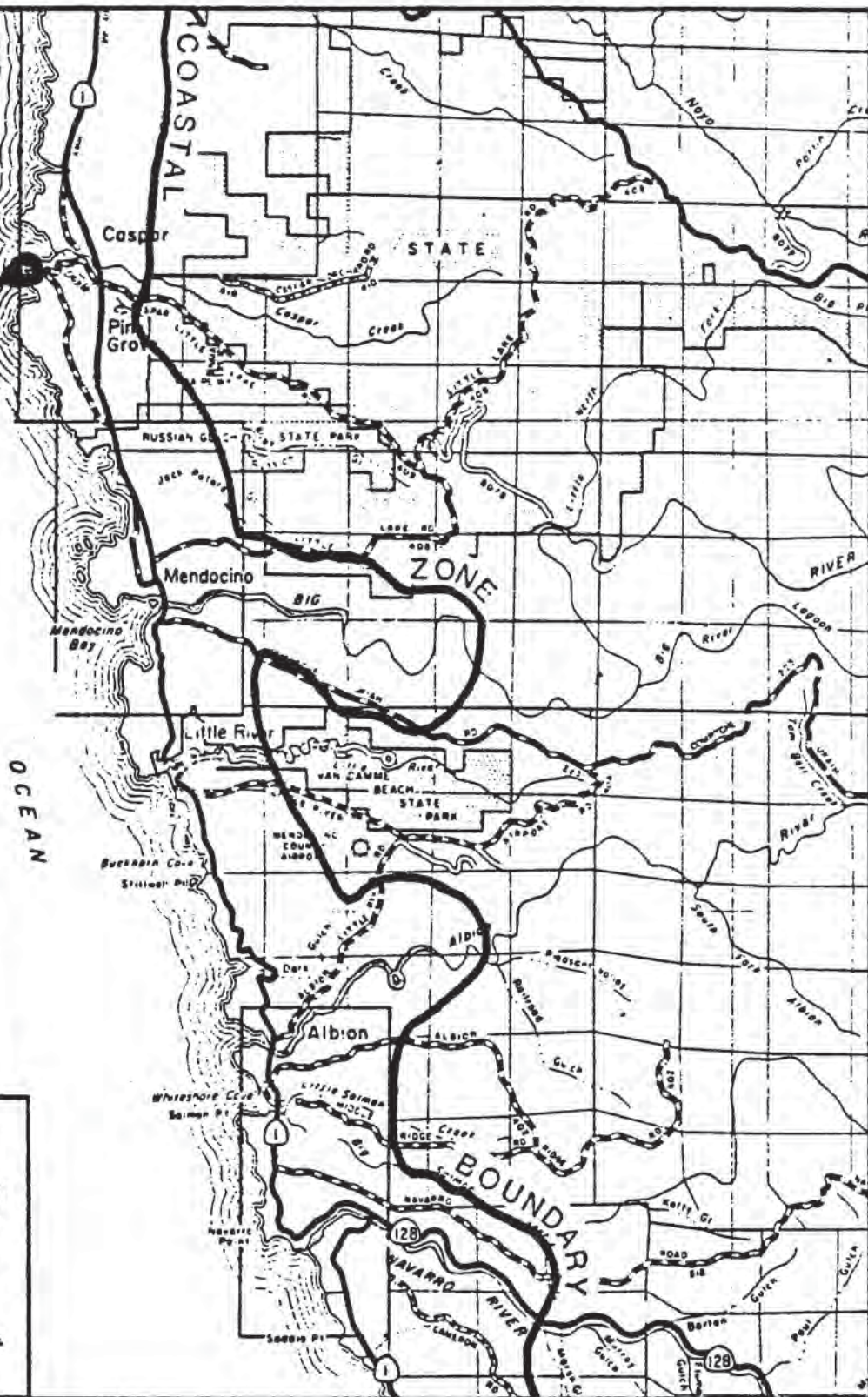
Location map



California Coastal Commission



Mendocino



California Coastal Commission

LOCATION MAP



County of Mendocino

Sheet 4 of 6

(11 of 22)



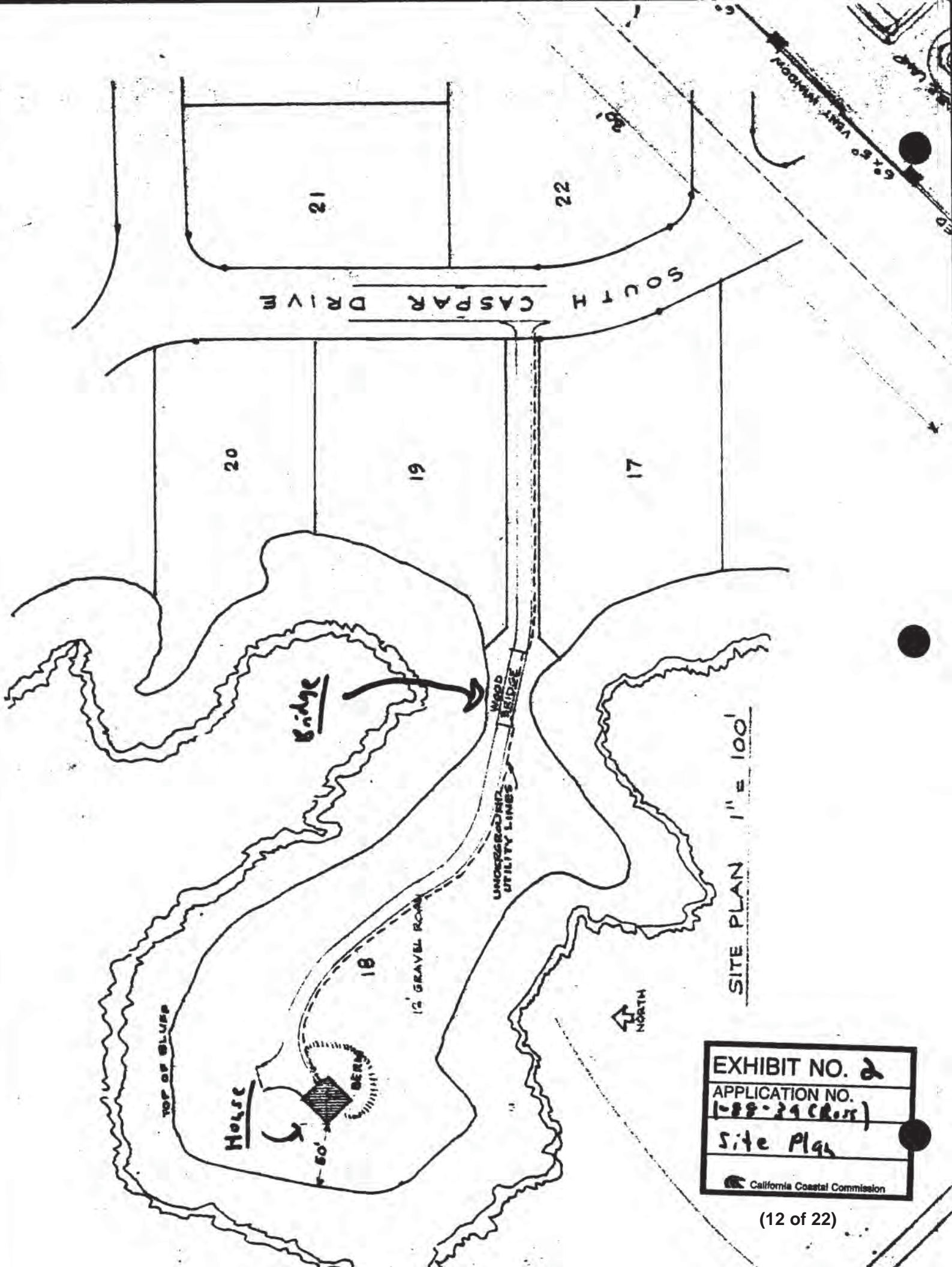
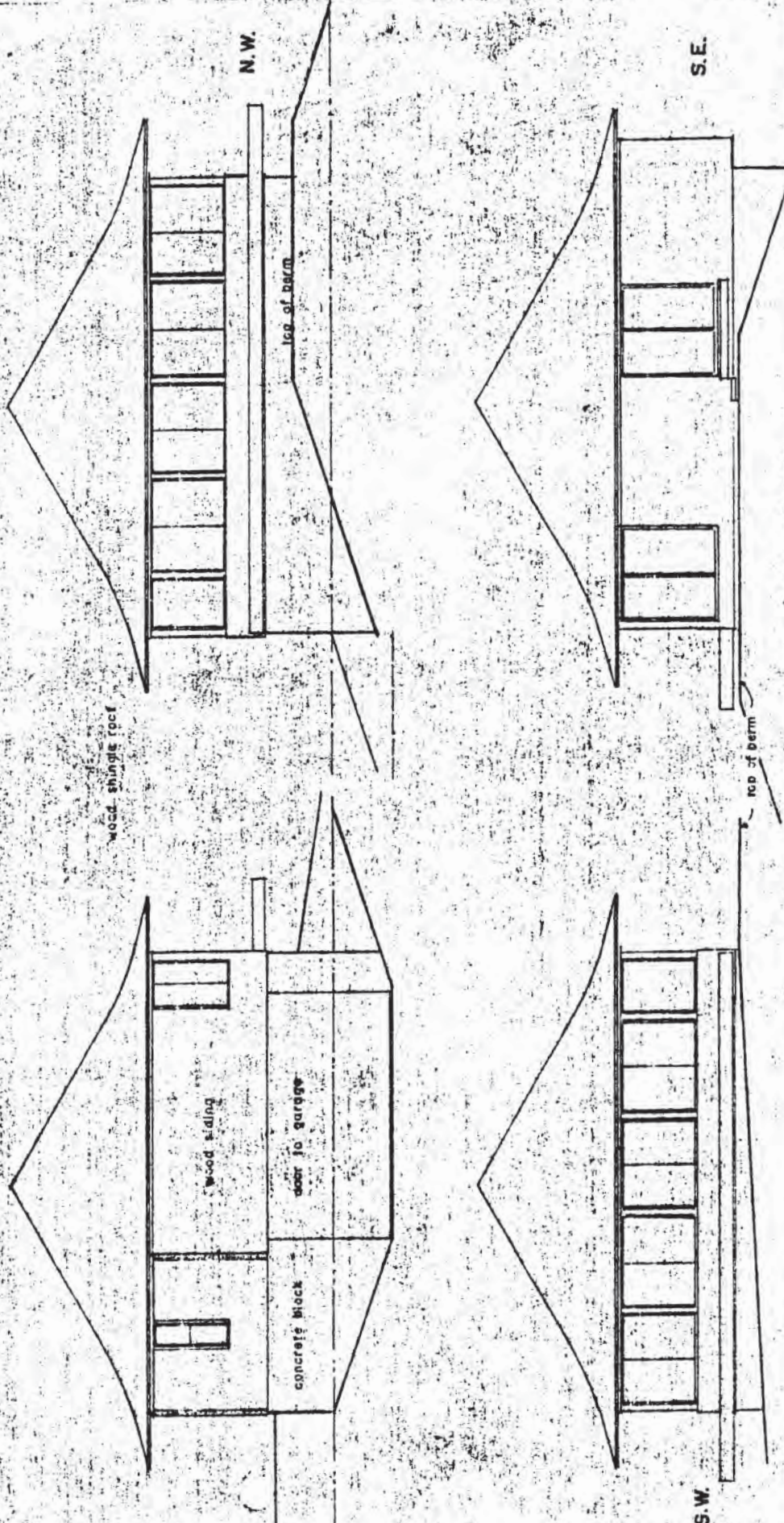


EXHIBIT NO. 2
APPLICATION NO. 1-88-29 (R.R.)
Site Plan
California Coastal Commission





3-15-88  
 Coastal appl. - 68-39

ELEVATIONS 1/8" = 1'-0"

CASPAR

EXHIBIT NO. 3
APPLICATION NO.
122-39 (Rev)
Proposed House
California Coastal Commission



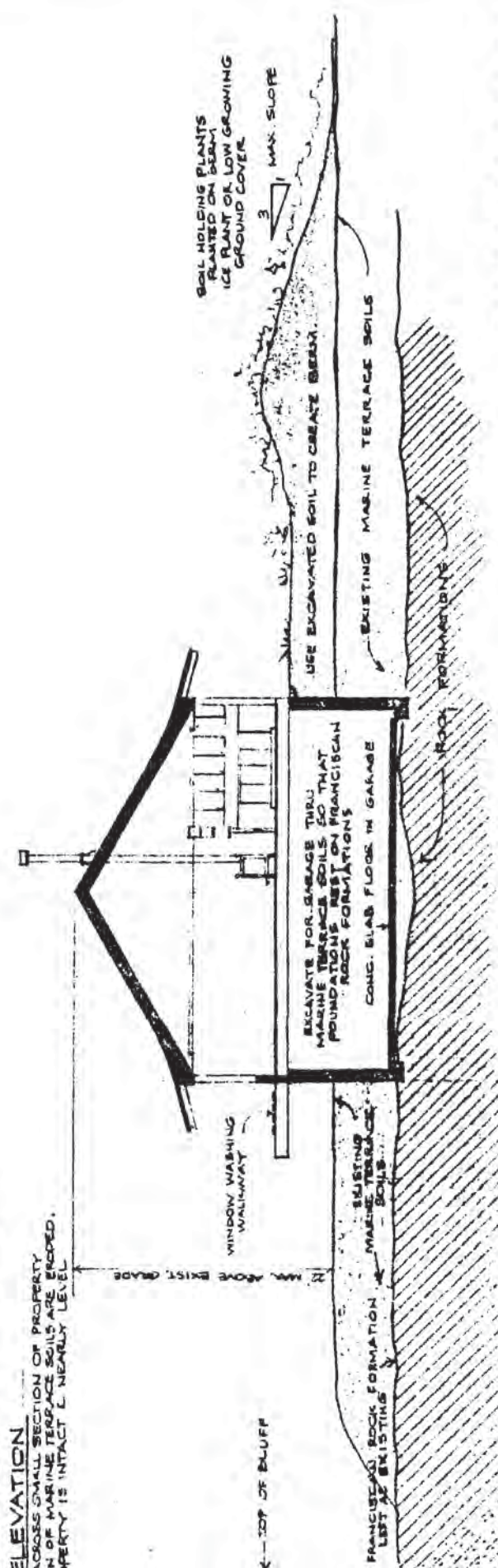
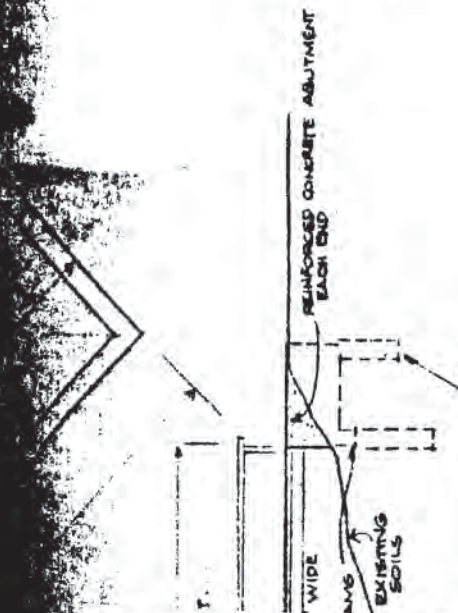
<b>EXHIBIT NO. 4</b>
<b>APPLICATION NO.</b>
<b>1-88-39 (Rice)</b>
<b>Proposed Project</b>

California Coastal Commission

CRETE CAISONS SHALL EXTEND 2' INTO FRANCISCAN ROCK  
 DETERMINED BY GEOLOGIST

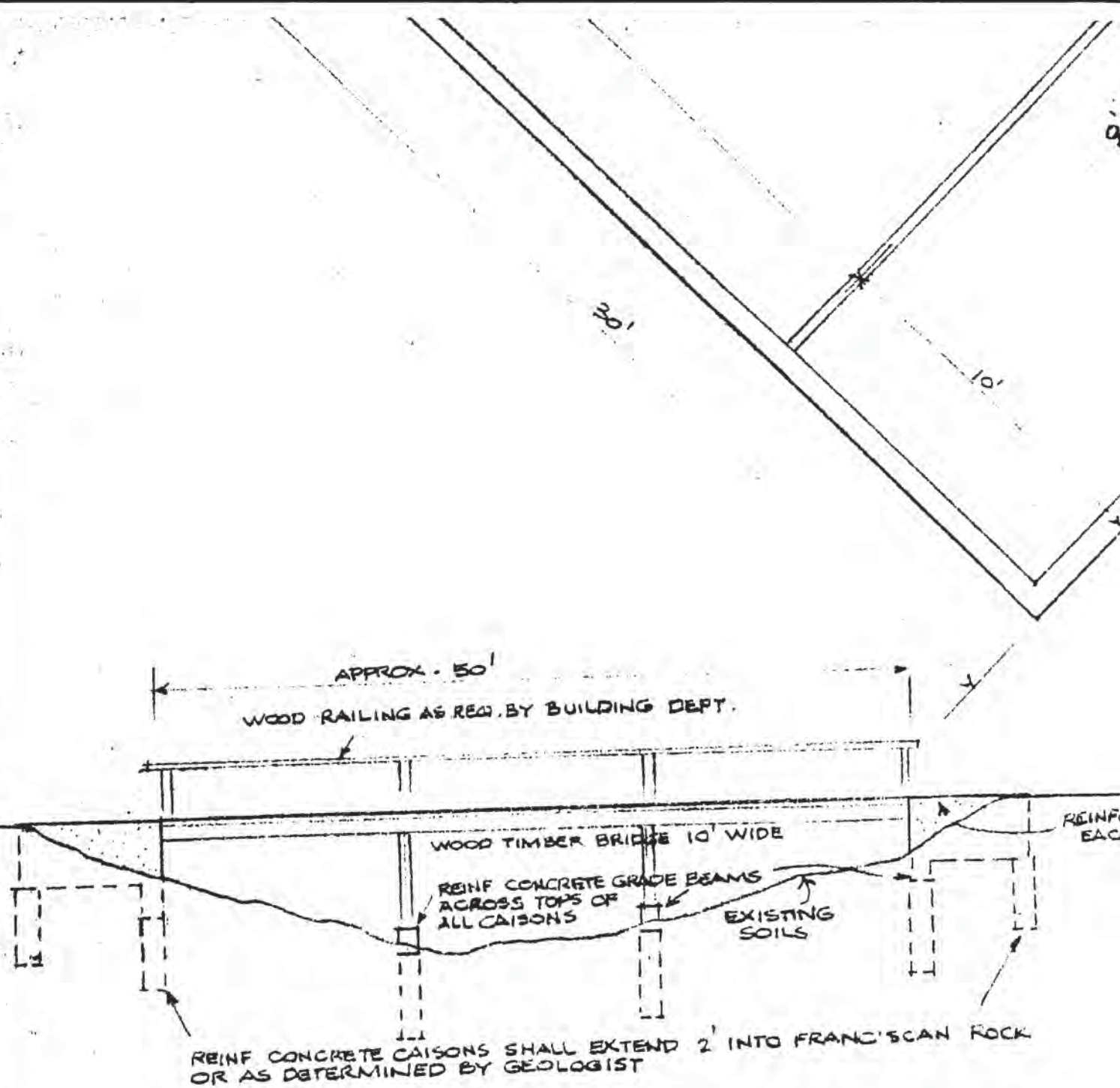
**BRIDGE ELEVATION**

THIS IS A CROSS SECTION OF PROPERTY  
 REF. A PORTION OF MARINE TERRACE SOILS ARE ERODED.  
 ELEVANCE OF PROPERTY IS INTACT & NEARLY LEVEL



RESIDENCE FOR DR. H

SECTION SCALE 1/8" = 1'-0"



### BRIDGE ELEVATION

NOTE: BRIDGE IS USED ACROSS SMALL SECTION OF PROPERTY  
WHERE A PORTION OF MARINE TERRACE SOILS ARE ERODED.  
BALANCE OF PROPERTY IS INTACT & NEARLY LEVEL

EXHIBIT NO. 5

APPLICATION NO.

1-88-39 (Rev)

Proposed Bridge



California Coastal Commission

← TOP OF BLUFF

MAX. ABOVE EXIST. GRADE

WINDOW WASHING  
WALKWAY



EXHIBIT NO. 6

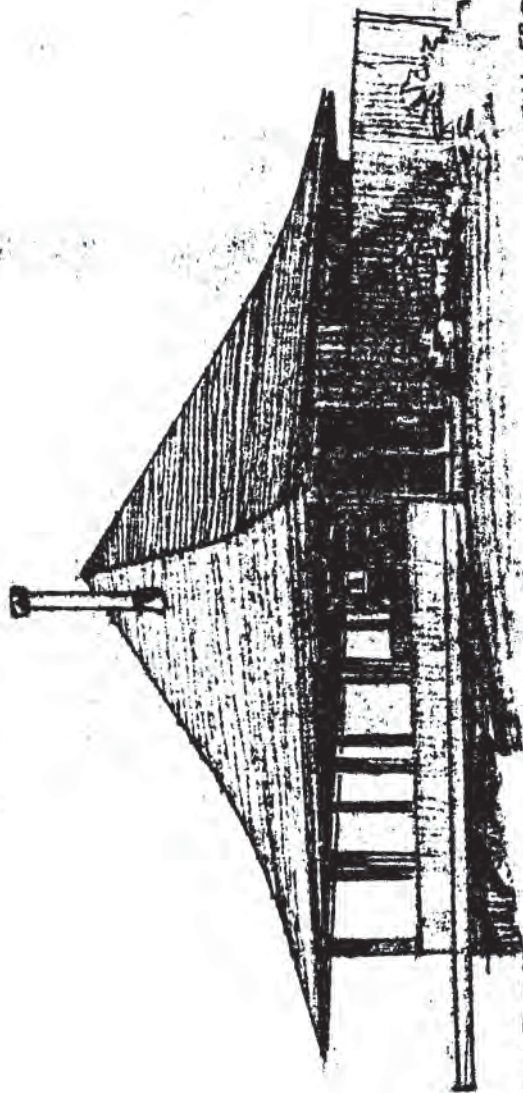
APPLICATION NO.  
(-88-39 CHERS)

Proposed House

California Coastal Commission

WOOD SHINGLE ROOFING  
WOOD SIDING  
GRAY CONCRETE BLOCK BA

VIEW FROM SOUTH EAST



PLANTS  
A BERM  
LOW GROWING  
COVER

MAX. SLOPE

CASPAR SOUTH SUBDIVISION LOT 18

CE FOR DR. HAROLD ROSS



EXHIBIT NO. 7  
APPLICATION NO.  
1-88-39 (Chrs)  
Mendocino Coast  
Paint brush  
California Coastal Commission

 California Coastal Commission

RAY ARCHITECTS STATE CERTIFICATE C2084  
707 937 0335

S O L<sup>North</sup> T H  
370 00

20  
WEBER

Site 3

118-380-05  
DR. THOS. HARKNESS

2.04 Ac.

189 '13  
AUDREY HALEY  
118-380-Q8  
22

118-380-03  
17

CHAS. McDONALD



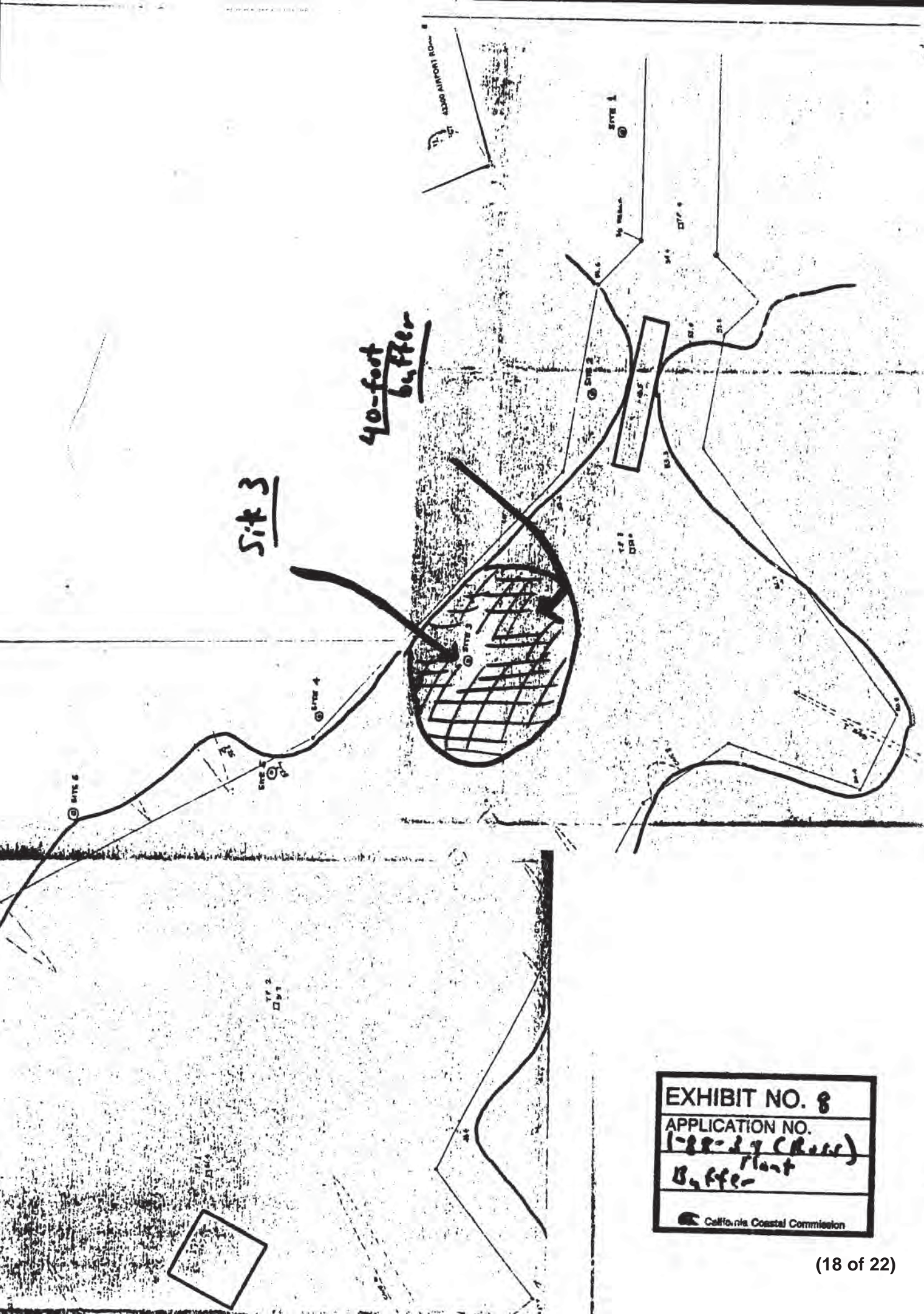



EXHIBIT NO. 8
APPLICATION NO. 1-88-27 (Rear)
Buffer
California Coastal Commission



1480  
IR/AD

EXHIBIT NO. 9
APPLICATION NO. 1-88-34 (Rev)
Subject Parcel
 California Coastal Commission

RURAL VILLAGE  
EXCLUDED FROM THE  
SCENIC AREA

Casper Headlands  
State Reserve

TREE  
REMOVAL

PMB-20

RR-2  
RR-5

CASPAR DOLE CREEK  
RELINQUISHMENTS

40

CASPAR HEADLANDS  
STATE RESERVE  
NATURAL AREA

Subject  
Parcel

RR-5

RR-1

FROM OCEAN BLUFFS TO  
POINT CABRILLO DR. IS  
EXCLUDED FROM THE  
HIGHLY SCENIC AREA



SOUTH CASPAR DRIVE

21

22

20

19

17

WOOD BRIDGE  
UNDERGROUND  
UTILITY LINES

12' GRAVEL ROAD

18

50'

TOP OF BLUFF

NORTH

SITE PLAN 1" = 100'

EXHIBIT NO. 10	
APPLICATION NO.	
1-88-39 (A11)	
Vertical Access	
Proposal	■■■■■■■■■■
California Coastal Commission	



Casper South Subdivision  
Feb. 28, 1988  
#5551 Offer Point  
Mendocino, Ca. 95464

RECEIVED

MAR 21 1988

CALIFORNIA  
COASTAL COMMISSION

To whom it may concern,

We are writing in regard to the pending Coastal Permit of Harold Ross, #5525 S. Caspar Drive Unit I, Lot 18, Mendocino.

We have some concerns about Mr. Ross's building activities disrupting the environment and esthetics of his coastal property. I. His building site is approximately 30 to 50 feet from the nesting grounds of the Brandts Cormorants on the South and Southwest sides his lot. We are afraid that the noise level of the heavy equipment + machinery during the building of his home will disrupt the birds nesting in that area. We hope Mr. Ross can schedule his building so that it doesn't coincide with the Cormorants nesting time.

II. The Ross property is covered with a carpet of wild flowers, especially on the Northwest side. Seaside daisy, Coastal Yarrow, Checkermallow, Lupine, Mendocino City Poppy, Wild onion, Sea Pink, Indian Paint Brush, Wallflower and Baby Blue eyes are just a few of the flowers we have identified.

We were appalled when two property owners Unit I Lot 5 and Unit I Lot 6 had their lots scraped with a bulldozer of all plant life including top soil cleat to the edge of the bluff prior to building. We are hoping Mr. Ross is not planning to do the same.

III. It is our understanding that Mr. Ross is planning to surround his house + garage with six foot berms and he will landscape them with trees + shrubs. These berms will increase the area of obstruction of the view corridor from all directions on land.

Attachment 7

1-88-39 (Rev)



We hope you will take these matters into consideration before issuing a permit to Mr. Ross.

Sincerely,

Jane D. Hartinell  
45551 Otter Point Circle  
Mendocino, Ca. 95460

Rudney E. Haley  
45500 So. Canyon Dr.  
Mendocino, Ca. 95460

~~Jane D. Hartinell~~  
~~45551 Otter Point Circle~~

Laura J. Jorgensen  
45550 Otter Point Circle  
Mendocino, Ca. 95460

~~Laura J. Jorgensen~~  
~~45550 Otter Point Circle~~  
Mendocino, Ca. 95460

Attachment 1 (cont.)  
1-F8-39 (Mrs)



Photo 1. Before Unauthorized Driveway Expansion: April 19, 2014



Photo 2. April 10, 2015:



Photo 3. After Unauthorized Driveway Expansion: January 4, 2016



Photo 4. January 4, 2016

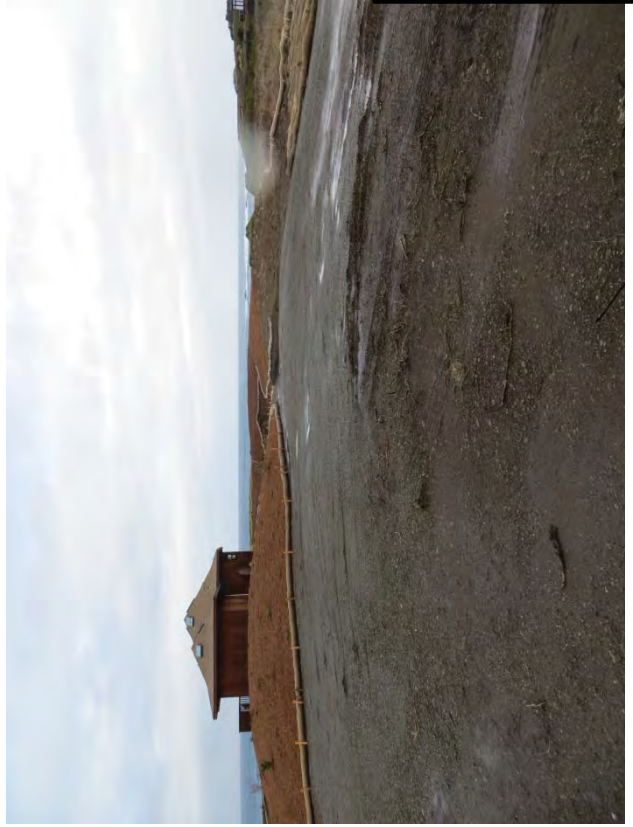




Photo 6. Close-up of bridge. January 4, 2016.



Photo 7. View of bridge and house under construction. June 1, 2015.





Photos 8-11. Close-ups of unauthorized driveway expansion and turnouts.





MARSHALL BALFE  
Architect

California No. 9674

(415) 599-6324  
balfemarshall@yahoo.com  
P.O. Box 5043  
Novato, CA 94948

**EXHIBIT NO. 8**

CDP Amendment Application  
No. 1-88-039-A5  
(Schoenfeld)

**Bridge Capacity  
Calculations**

9-1-2016

Tamara Gedik  
California Coastal Commission  
1385 8th. Street  
Ste. 130  
Arcata, CA 95521

RE: Weight Certification  
after bridge repairs.

44525 So. Caspar Dr.  
Caspar, CA 95460

Dear Tamara,

Dan Schoenfeld has requested that I provide you with a letter stating  
a weight limit for the use of the bridge following its proposed repairs.

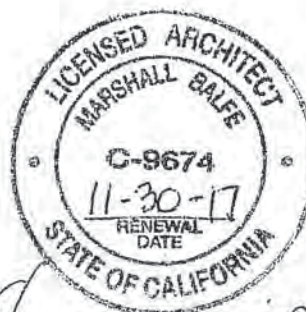
A have determined that 12 Tons, or, 24,000 pounds should be its limit.

Respectfully,

Marshall Balfe  
Architect C-9674  
Balfe Architects, Inc.

415-599-6324  
[balfemarshall@yahoo.com](mailto:balfemarshall@yahoo.com)

POB 5043  
Novato, CA 94948



*Marshall Balfe*



7-6-2016

From: Marshall Balfe, Architect

To: Dan Schoenfeld

Regarding: 45525 South Caspar Drive

ADDENDUM to " Letter dated 6-18-14 "entitled : Weight of Proposed Utility Lines on Bridge"

To certify the capacity of the newly repaired bridge to support the weight of the additional Cal Fire water line

This letter is an addendum to my letter dated 6-18-2014, addressed to Dan Schoenfeld.

That letter addressed the weight of 4 utility lines being attached to existing bridge in its existing condition.

This letter addresses the weight of an additional water line for fire-fighting requested by CAL FIRE.

The line requested would be a 4" diameter metal pipe with a dry standpipe at each end of the bridge.

This additional weight would be added to the bridge after repairs are made that will substantially improve its load carrying capabilities.

The capacity of the existing bridge is 50#per square foot. The 4 utility lines referenced in the 6-18-2014 letter weigh 46.74#/ft.

The proposed 4" water line would weigh 16.3#/ft., and less, when it is not in use.

Repairs to the bridge will add 11,824# to the bridges current capacity of 25,575#. The total would be 37,399#. Carrying capacity of the 62 foot long portion of the bridge supporting the 5 utility lines would be 4533# (1433 plus 3100), instead of the previous 3100# capacity.

Existing load: 4 lines = 46.74#/ft.

Proposed load: 1 line= 16.3#/ft.

Total load: 63.04#/ft.

Proposed carrying capacity of the newly repaired bridge area supporting the 5 utility lines will be 69.86#/ft. Therefore O.K.

Supporting documentation is attached (High strength carbon fiber specifications sheets).

See attached detail.

If there are any questions please contact me at:



415-599-6324    [balfemarshall@yahoo.com](mailto:balfemarshall@yahoo.com)

Marshall Balfe, Architect C-9674





DATE: 6-18-2014

REVISED: 7-6-2016

(E) 3" x 14" CHANNEL

(E) 3" x 14" CHANNEL

HELD VERT. PLATE TO CHANNEL & 12" EXTENSION

4" FIRE-  
FIGHTING PIPE

(E) BRIDGE  
STRUCTURE

VERT. SUPPORT PLT.

33"

2"  $\phi$  COND.  
3"  $\phi$  COND.  
3"  $\phi$  PIPE  
4"  $\phi$  PIPE  
1/2"  $\phi$  U" BOLT

1/2"  $\phi$  U" BOLT

SECTION:

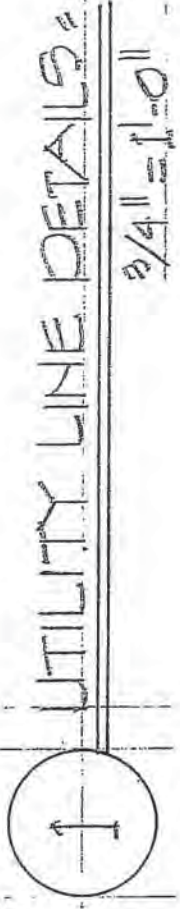
ELEVATION:

4' O.C.  
4' O.C.



MARSHALL BALFE, ARCHITECT 415-699-6324

BRIDGE AT 45525 S. CASPAR DR., CASPER, CA



1/4" = 1'-0"



6-18-2014

From: Marshall Balfe, Architect C-9674  
4610 Taft Avenue  
Richmond, CA 94804

To: Dan Schoenfeld

Regarding: Existing Bridge  
45525 South Caspar Drive  
Caspar, CA

Weight of Proposed Utility Lines on Bridge.

The bridge in its existing condition has the capacity to carry the proposed utility lines for the house.

The combined weight of the 4 utility lines will not exceed 46.74# per linear foot. In its present condition, the bridge can support 50# per linear foot, or, 3100# for its clear span of 62 feet. The weight of the 4 utility lines, applied to the right side of the bridge, facing the island, is therefore O.K.

The capacity of the existing bridge is 50# per square foot.  $8'-3" \times 62' = 511.5$  square feet = 25,575#.

The 4 utility lines are for, top to bottom, power, communication, water, and sanitary sewer.

1. The power line will be in a 3" round electrical conduit.
2. The communication line, holding phone, cable TV, and high-speed DSL, will be in a 3" round elec. conduit.
3. The water line will be a 3" round galvanized pipe.
4. The sanitary sewer line will be a 4" round galv. pipe with hub connections. The sanitary sewer line is to have a  
2% minimum slope.

The vertical galvanized utility support plates, to occur at 4 feet on center, shall be 4"x 33"x 3/8" thick, and attached to the bridge edge channel ( 3"x 14" ) with a full weld with 3/16" thick weld. The 4 utility lines will typically be attached to the support plates, centered, with 4" between them.

The galv. strap to attach the top 3 utility lines, will be a 1 1/2" wide bent flat bar to conform to the pipe sizes - pre-drilled for 1/2" round galv. machine bolts thru welded vertical support plates.

The 4th, and lowest, utility line, the sanitary sewer, will be attached with a galv. 1/2" round "U" bent anchor rod with both ends threaded for galvanized nuts and washers, bolted thru the vertical galv. support plates.

- |  |             |
|--|-------------|
| 1. 3" conduit and 200 amp power service line - | 8.16 #/ft.  |
| 2. 3" conduit and comm. lines -                | 7.88 #/ft.  |
| 3. 3" pipe and water -                         | 10.78 #/ft. |
| 4. 4" pipe and sewage -                        | 16.3 #/ft.  |

Total:	<u>46.74 #/ft.</u>
--------	--------------------

Existing Bridge Capacity -

50.00 #/ft.      Therefore, O.K.

In its present condition, the bridge has the capacity to carry the proposed utility lines.

If there are any questions, please contact me at:

415-599-6324  
balfemarshall@yahoo.com

Marshall Balfe  
Architect, C-9674





DATE: 6-18-2014

(E) 3" x 14" CHANNEL

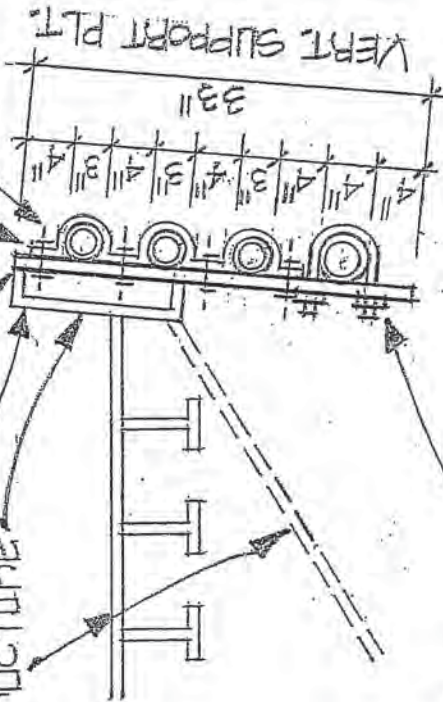
HELP VERT. PLATE TO CHANNEL

1 1/2" WIDE MOUNTING STRAP

1/2" φ M. BOLT - TYP.

(E) BRIDGE

STRUCTURE



1/2" φ U" BOLT

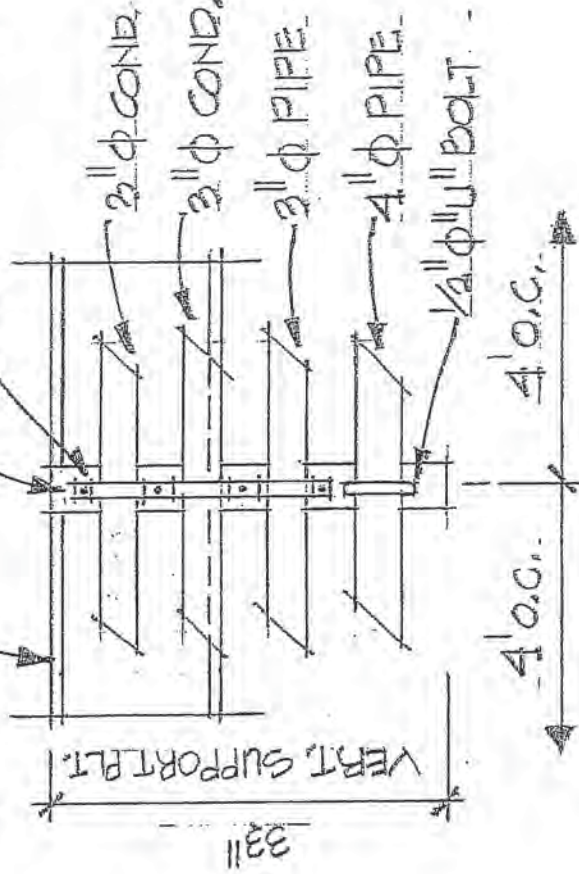
SECTION

(E) 3" x 14" CHANNEL

1 1/2" WIDE

MOUNTING STRAP

1/2" φ M. BOLT - TYP.



4' O.C. 4' O.C.

ELEVATION



MARSHALL BALFE, ARCHITECT 415-599-6324

BRIDGE AT 45525 S. CASPAR DR., CASPER, CA



UTILITY LINE DETAILS

3/4" = 1'-0"

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Mendocino Unit  
17501 North Highway 101  
Willits, CA 95490  
707-459-7414



Date: 6-23-2016

COUNTY OF MENDOCINO  
Department of Planning and Building Services  
501 Low Gap Road, Room 1440  
Ukiah, CA 95482

**SUBJECT: FINAL CLEARANCE – STATE FIRE SAFE REGULATIONS**

CDF File#	214-11
PBS Case #	
Assessors Parcel #	
Project Address	45525 S Caspar Drive
	Ft. Bragg, CA 95437
Owner	Daniel Schoenfeld
Owner Address	6 Admiral #391
	Emeryville, CA 94608
Agent	Wynn Coastal Planning Attn: Blair Foster
Agent Address	703 N. Main St (Mail to this address)
	Fort Bragg, CA 95437

**Planning and Building Services:**

CAL FIRE has received documentation of the roadway and bridge approval dated 1-11-1989. Based on the information provided being true and accurate your project meets the "grandfathering" exemption of the PRC 4290. Though we are granting you a final clearance, CAL FIRE maintains a concern about the egress & ingress of your bridge and highly advises you to continue to explore options to improve the width and condition to provide for firefighter and civilian safety. We also encourage you to move forward with a hydrant system on the property. This would improve fire suppression abilities since the island is not currently accessible to certain types of emergency equipment.

**EXHIBIT NO. 9**

CDP Amendment Application  
No. 1-88-039-A5  
(Schoenfeld)

**Cal Fire Authorization**

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT [WWW.CA.GOV](http://WWW.CA.GOV)

**DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

Mendocino Unit  
17501 North Highway 101  
Willits, CA 95490  
707-459-7414



The California Department of Forestry and Fire Protection has determined that all requirements of PRC 4290 have been met and, therefore grants "Final Clearance" to the above-referenced project.

Shawn Zimmermaker  
BATTALION CHIEF

By

A handwritten signature in blue ink, appearing to read "Ryan Smith", is positioned above the printed name.

Ryan Smith  
Fire Captain Specialist





703 North Main Street, Fort Bragg CA 95437  
ph: 707-964-2537 fx: 707-964-2622  
www.WCPlan.com

**EXHIBIT NO. 10**

CDP Amendment Application  
No. 1-88-039-A5  
(Schoenfeld)

**Rare Plant Survey &  
Staking Report**

July 15, 2016

TO: Dan Schoenfeld

RE: Rare Plant Staking per Special Condition #4 of CDP #1-88-09 as amended  
45525 South Caspar Drive  
Mendocino CA 95460  
APN 118-380-04-00

Dear Mr. Schoenfeld,

Thank you for enlisting our services to assist you with your project in Mendocino.

In accordance with Special Condition #4 of Coastal Development Permit #1-88-09 as amended and issued by the California Coastal Commission for development at 45525 South Caspar Drive (APN 118-38-0-04), I have identified, staked and flagged a buffer zone around all occurrences of Mendocino Coast Paintbrush, *Castilleja mendocinensis* (formerly *Castilleja latifolia* ssp. *mendocinensis*) found on your parcel (**Exhibits 1 & 2**).

Prior to visiting the project site, I visited a reference population for this species in Albion on May 5, 2016 and was confident that *Castilleja mendocinensis* would be identifiable if present. I visited your property on May 9, 2016 to identify and map occurrences of this plant at the site. Locations of this plant and their buffers were staked with orange and yellow flagging attached to 18-inch wooden stakes (**Exhibit 2**) on May 12, 2016, per below:

**"Special Condition #4:** Prior to Construction, or any other development activity on the project site, each population of the plant species *Castilleja latifolia* ssp. *mendocinensis* [now known as *Castilleja mendocinensis*] shall be staked and flagged and the 40-foot buffer zone will be delineated by stakes and yellow or orange tape by a professional botanist."

[annotation ours]

The occurrences of *Castilleja mendocinensis* observed in May of 2016 were all located on the steeply sloping bluffs along the northern property edge (**Exhibit 3**). The locations observed in May 2016 did not match up exactly with the locations identified in Exhibit 7 of the Staff Report (**Exhibit 4**). It is my professional opinion these discrepancies are most likely due to the natural succession of the habitat. For example, in the case of "Site 3" (**Exhibit 5**), there is no evidence of significant human disturbance within the buffer on the map. However, dwarfed Salal (*Gaultheria shallon*), bracken fern (*Pteridium aquilinum*), and California blackberry (*Rubus ursinus*) were found at the Site 3 location and likely outcompeted the *Castilleja mendocinensis* population described in 1988.

All development and construction activity should continue to take place outside of the staked buffer zone, per Special Condition #4. It is my opinion that this 40-foot buffer is sufficient to protect the rare Mendocino Coast paintbrush, *Castilleja mendocinensis* during construction.

We trust that this satisfies your needs. Please do not hesitate to contact us if you have any questions or if you require any additional biological work.

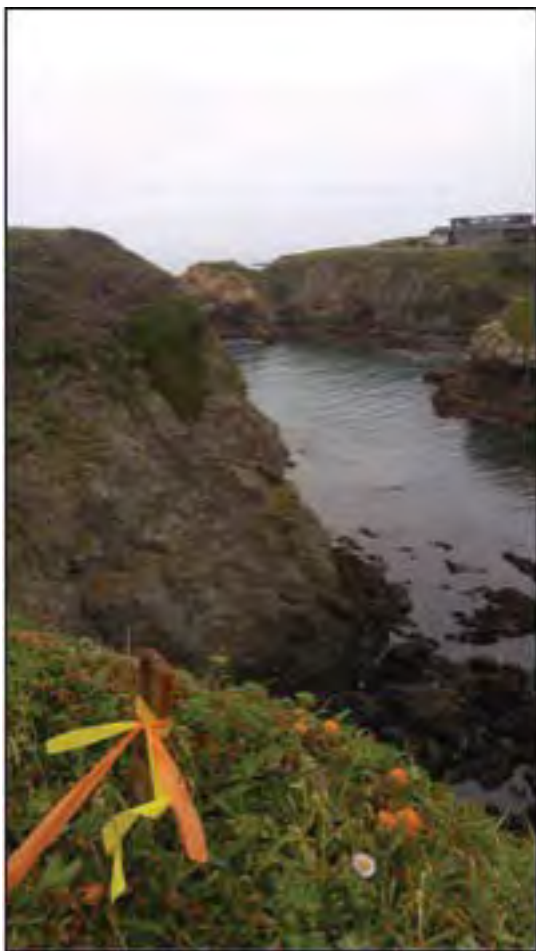
All the best,

Bethany Baibak, Biologist  
Humboldt State University, MS Biology

Encl: n/a  
CC: n/a



**Exhibit 1.** *Castilleja mendocinensis* observed on property near bluff edge, May 9, 2016.



**Exhibit 2.** Staking with yellow and orange flagging, identifying accessible occurrences of *Castilleja mendocinensis* and their 40-foot buffers.







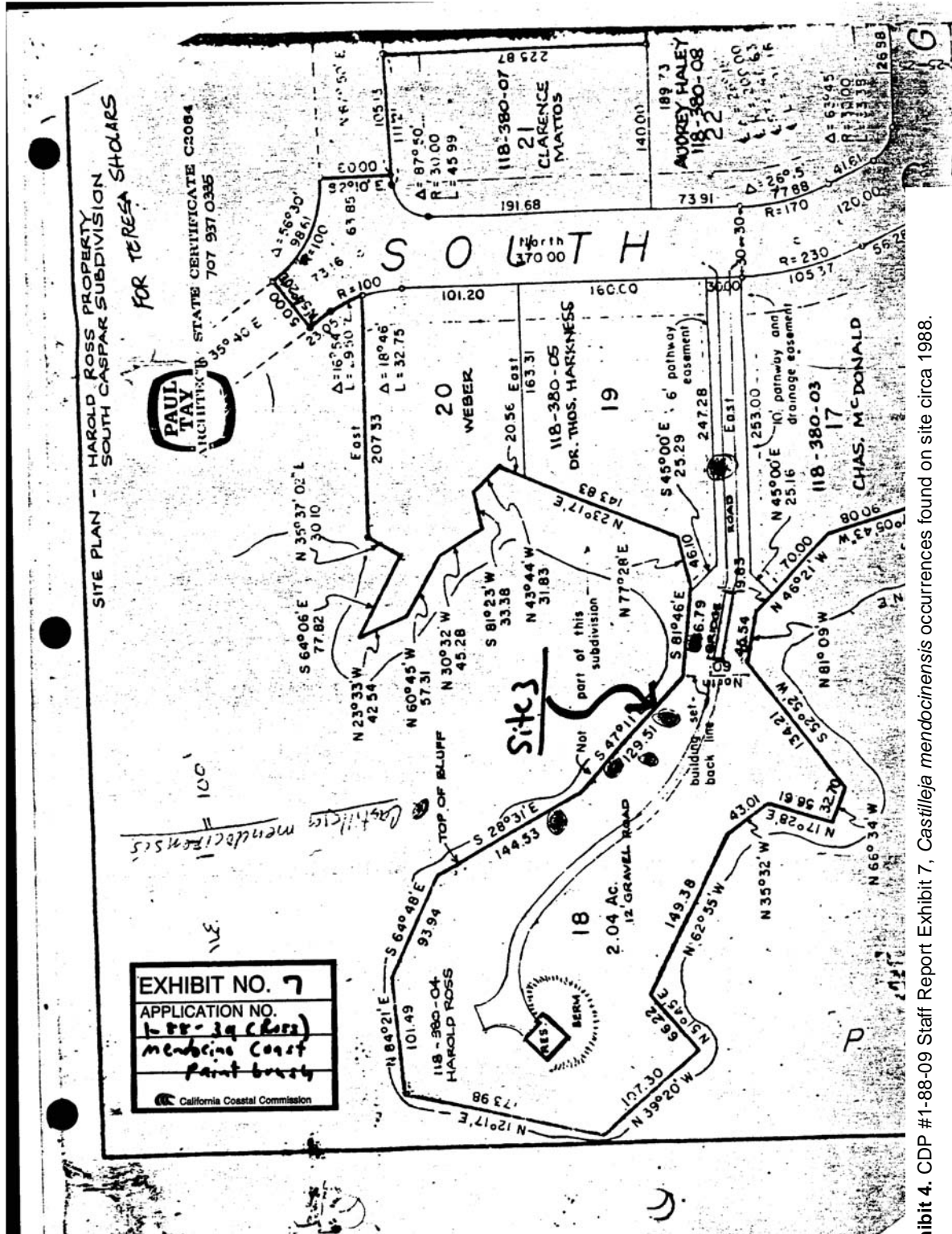


Exhibit 4. CDP #1-88-09 Staff Report Exhibit 7, *Castilleja mendocinensis* occurrences found on site circa 1988.

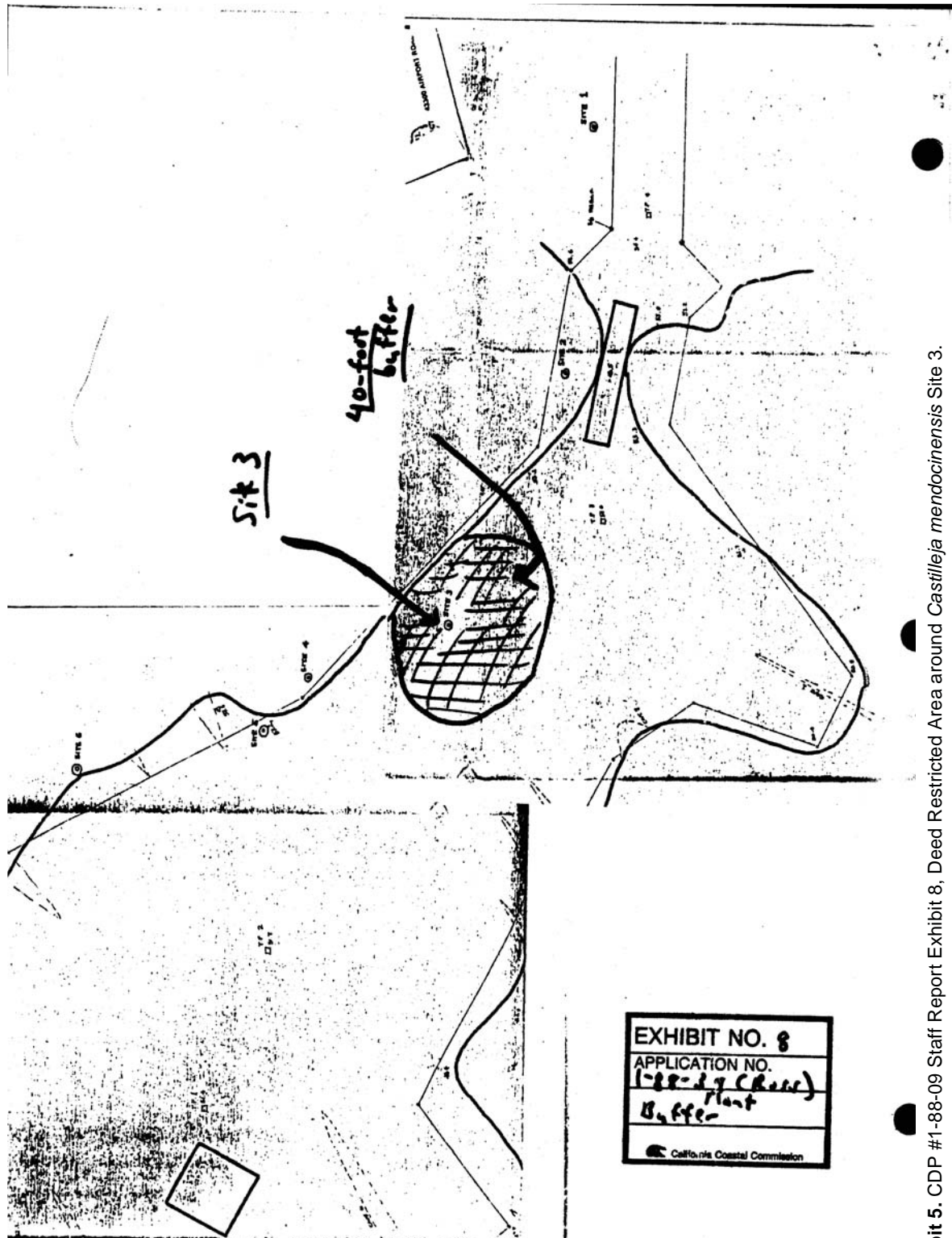


Exhibit 5. CDP #1-88-09 Staff Report Exhibit 8, Deed Restricted Area around *Castilleja mendocinensis* Site 3.