

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA
 45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 (415) 904-5260



Tu 14b

Filed:	September 29, 1995
49th Day:	November 17, 1995
180th Day:	March 27, 1996
Staff:	Jo Ginsberg
Staff Report:	November 3, 1995
Hearing Date:	November 14, 1995
Commission Action:	

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: **1-94-22-A**

APPLICANT: **BONNIE VEBLER**

PROJECT LOCATION: 44252 Little Lake Road, Town of Mendocino, Mendocino County, APN 119-040-31.

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: (1) Division of a 5.46-acre parcel into two parcels of 3.34 and 2.11 acres; (2) widening slightly portions of the existing access roadway on the subject parcel to 18 feet; and (3) construction of a 1,450-square-foot, one-story single-family residence on proposed Parcel 2.

DESCRIPTION OF AMENDMENT: Improve an existing 2,400-foot-long access road located between Little Lake Road and the subject property by widening to 18 feet and rocking.

SUBSTANTIVE FILE DOCUMENTS: Mendocino Town Plan.

1. PROCEDURAL AND BACKGROUND NOTE: Pursuant to Section 13166 of the California Code of Regulations, the Executive Director has determined that this amendment is material and therefore is bringing it to the Commission for its review. If the applicants or objector so request, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Code Reg. 13166.

BONNIE VEBLEN

1-94-22-A

Page Two

Section 13166 of the Regulations also states that the Executive Director shall reject an amendment request if it lessens or avoids the intent of the approved permit unless the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and produced before the permit was granted.

Coastal Permit No. 1-94-22 was approved by the Commission on July 12, 1994 with three special conditions. Special Condition No. 1 required recordation of an open space deed restriction over (1) the creek that runs through the property, its associated riparian habitat, and a riparian buffer area, and (2) a 50-foot buffer area around the specimens of Campanula californica (swamp harebell), excluding the existing barn on Parcel 1. Special Condition No. 2 required submittal of an erosion control and revegetation plan for the area on the site to be disturbed by the road widening. Special Condition No. 3 required that the road widening take place only during the dry season (May through October) to prevent bank erosion and sedimentation of the creek.

In addition to the road widening on the subject parcel approved pursuant to Coastal Permit No. 1-94-22, the applicant performed additional road improvements on the 2,400-foot-long access road extending between Little Lake Road and her property boundary without benefit of a coastal development permit. This permit amendment request seeks to authorize the road improvements performed without a permit. These road improvements will be performed outside of the ESHA areas protected by the original permit, and will not have significant adverse impacts on other ESHA areas. Since this amendment request would therefore not result in a lessening or avoidance of the intent of the approved permit, the Executive Director accepted the amendment request for processing.

2. STANDARD OF REVIEW: The Mendocino Town Plan and the Town Segment Implementation Program have been certified by the Commission. However, the Implementation Program certification has not yet become effective, and the Commission thus retains permit jurisdiction over the Town. Therefore, the standard of review for the amendment request is the Coastal Act. However, in finding below that the amendment request would not prejudice the preparation of an LCP consistent with Chapter 3 of the Coastal Act, the amendment request was also reviewed for consistency with the LCP approved by the Commission but not yet effectively certified.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with conditions because, as conditioned, the proposed development with the proposed amendment is consistent with Chapter 3

BONNIE VEBLEN

1-94-22-A

Page Three

of the Coastal Act and will not result in any significant adverse impacts to coastal resources. To restore and protect environmentally sensitive riparian habitat on the subject property, the permit is conditioned to require the applicant to carry out a number of soil erosion and sedimentation mitigation measures, including riparian revegetation of disturbed areas and cleaning of culverts, as well as adhering to a monitoring schedule and submitting monitoring reports to ensure successful restoration.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions:

The Commission hereby approves the proposed amendment to the coastal development permit, subject to the conditions below, on the grounds that the proposed development with the proposed amendment is consistent with the requirements of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of Mendocino County to prepare a Local Coastal Program conforming to the provisions 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.

II. Standard Conditions: See attached.

III. Special Conditions:

1. Mitigation Measures:

Within six months of approval of this coastal permit amendment, the applicant shall carry out the following soil erosion and sedimentation mitigation measures, as described more fully in the letter to Commission staff dated 19 August 1994 (see Exhibit No. 5) and the Mitigation Plan dated 12 May 1995 (see Exhibit No. 6) prepared by the botanist, Alison Gardner:

- (1) Lining the small new drainage ditch with crushed rock;
- (2) cleaning out loose soil near the end of the culverts and mulching the area;
- (3) planting fast-growing rhizomatous native plants, including Equisetum and Stachys, in the area of culvert "E" at the rate of one plant per square foot;
- (4) digging out the shallow pool at the outflow of culvert "E" and constructing a simple brush weir at the pool's outlet.

2. Mitigation Monitoring Reports:

Monitoring reports prepared by a qualified botanist shall be submitted for the review and approval of the Executive Director according to the following schedule:

- (1) May 31, 1996. A Monitoring Report that details the extent to which the new plants are sprouting and reports whether all measures required in Special Condition No. 1 have been completed.
- (2) May 31, 1997. A Monitoring Report that details the extent of coverage and density of growth of the new plants within the required replanting area in the vicinity of culvert "E." The report shall also detail the extent to which the replanting site is colonized by other plants. If the required plant species do not cover the entire mitigation site, or if the density of growth of the required plants is not at least 80% of the density of growth of such plants growing within comparable undisturbed areas in the immediate vicinity, the monitoring report shall include a corrective action plan that prescribes remedial measures to achieve the aforementioned criteria. The corrective action plan shall also prescribe a new monitoring program to ensure successful revegetation. Upon approval of the corrective action plan, the permittee shall apply to the Commission for any necessary amendment and shall immediately implement the plan.

IV. Findings and Declarations.

The Commission finds and declares the following:

1. Project Description and Background.

Coastal Permit No. 1-94-22, which was approved by the Commission in July of 1994, authorized (1) division of a 5.46-acre parcel into two parcels of 3.34 and 2.11 acres; (2) widening slightly portions of the existing access roadway within the two resulting parcels to 18 feet; and (3) construction of a 1,450-square-foot, one-story single-family residence on proposed Parcel 2. The permit was issued in September of 1994 and work began, vesting the permit.

In addition to improving the portion of the access road on her property, the applicant widened and began rocking that portion of the access road (2,400 feet long) that is not on her property, but connects her property to Little Lake Road and over which she holds an easement in common with several neighbors. This work was done without benefit of a coastal permit. To authorize this unpermitted work, the applicant is now seeking a coastal permit

1-94-22-A

BONNIE VEBLEN

Page Five

amendment to widen and rock that portion of the access road connecting her property with Little Lake Road.

The subject property is located east of Highway One off Little Lake Road in the Town of Mendocino. The property currently contains a single-family residence, barn, and well on Parcel 1 that were authorized by Coastal Permit No. 1-90-134W. Parcel 2 is vacant except for an existing well, but a single-family residence has been approved on this parcel. The portion of the access roadway to be improved under the proposed amendment extends from Little Lake Road 2,400 feet to the two parcels, and crosses some riparian areas via culverts (see Exhibits No. 4 and 5). These riparian areas constitute environmentally sensitive habitat areas. Only the first several hundred feet of the roadway is visible from Little Lake Road; the rest of the road is not visible from any other public vantage point.

The subject property is not located within Mendocino's Historical District.

2. New Development:

Section 30250(a) of the Coastal Act states that new development 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. In addition, Section 30231 of the Coastal Act requires protection of groundwater supplies.

The subject property is located within the developed portion of the Town of Mendocino. The proposed development includes improving an existing access road and requires no new services. The proposed project is consistent with Coastal Act Sections 30250(a) and 30231 to the extent that the project is located within a developed area able to accommodate it.

3. Environmentally Sensitive Habitat Areas and Protection of Biological Productivity:

Coastal Act Section 30240 states that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, that only uses dependent on those resources shall be allowed within those areas, and that development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts that would significantly degrade such areas. Coastal Act Section 30231 states that the biological productivity and the quality of streams shall be maintained through, among other means, maintaining natural vegetation buffer areas that protect riparian habitats.

1-94-22-A

BONNIE VEBLEN

Page Six

The 2,400-foot-long access road that connects Little Lake Road to the subject property crosses several small streams supporting riparian habitat that are culverted. The applicant proposes to improve this existing access road (see Exhibits No. 4 and 5) to bring it up to County and CDF standards. Some widening and placement of rock on the access road have already taken place without a permit. The improvements done without a permit to the access road disturbed two areas of riparian habitat, at culverts "B" and "E", where the road crosses the streams and the roadbed was widened (see Exhibits 4, 5, 6, and 7). The roadwork yet to be done--additional placement of rock--will not affect any sensitive habitat.

At culvert "B," the roadway bank was widened outward, resulting in the coverage of approximately 13 square feet of riparian habitat along the bank, with fill less than one foot thick. The botanist has indicated that when she monitored the bank at culvert "B" in May of 1995, a dense growth of Equisetum arvense and Rubus spectabilis had sprung up with the rains to cover the disturbed bank, restoring the habitat values of the riparian area and stabilizing the bank in the process. The botanist has determined that no further mitigation is necessary at this site.

At culvert "E," the roadway bank was also widened, resulting in the coverage of about 225 square feet of the former bank and surrounding area (riparian habitat) with fill varying from about three feet thick at the top to about six inches thick at the bottom. The botanist has indicated that the upper portions of the bank were planted with about 100 Equisetum arvense on March 13, 1995.

The botanist has indicated that the disturbed riparian area at culvert "E" has already largely revegetated. At culvert "E," about 35 square feet of the 200-square-foot disturbed area has naturally revegetated in Equisetum arvense and about 80 square feet have revegetated in Urtica dioica ssp. gracilis, Rubus parviflorus, R. ursinus, Stachys chamissonis, and Equisetum arvense, currently leaving about 85 square feet that have revegetated in non-riparian species (grasses) and which will need to be revegetated with riparian species. In addition to recommending revegetating the area around culvert "E," the botanist recommends certain other measures at various points along the improved roadway to minimize soil erosion and sedimentation such as lining a new drainage ditch with crushed rock, mulching soil around the culverts, and constructing a brush weir at the outlet of a shallow pool at the end of one culvert. The botanist believes that if such measures are implemented, full habitat values will be restored and maintained within the ESHA.

Section 30240 of the Coastal Act states that only uses dependent on ESHA resources shall be allowed in environmentally sensitive habitat areas. The proposed project consists only of improving an already existing road to meet

1-94-22-A

BONNIE VEBLEN

Page Seven

certain safety standards required by the California Department of Forestry (CDF) and the County of Mendocino. Thus, no new use is proposed within the sensitive habitat area, merely an upgrade of an existing use. In addition, so long as the mitigation measures recommended by the botanist are implemented, the project will not significantly degrade the ESHA and will not result in a significant disruption of habitat values.

To ensure the restoration and protection of the riparian area, the Commission attaches Special Condition No. 1 to this permit, requiring that the applicant carry out the various soil erosion and sedimentation mitigation measures recommended by the biologist to address and minimize damage and disturbance caused by the road widening, such as replanting the disturbed riparian areas with native riparian vegetation. In addition, the Commission attaches Special Condition No. 2, requiring submittal of monitoring reports to ensure successful implementation of mitigation measures.

The Commission thus finds that the proposed development, as conditioned, is consistent with Coastal Act Policies 30240 and 30231 as (1) the project will not significantly degrade the creek and associated environmentally sensitive habitat on the site; (2) the proposed project does not introduce a new use within the ESHA; and (3) habitat values will be fully restored and protected from any significant adverse impacts of development.

4. Mendocino Town Plan:

Although Mendocino County has a certified Local Coastal Program, the Town of Mendocino segment has only an effectively certified LUP (Mendocino Town Plan). Since the Town's Zoning Ordinance has not yet been effectively certified, the Commission retains permit jurisdiction.

Since the Town Plan does not have separate policies regarding environmentally sensitive habitat areas (ESHA's), the ESHA policies of the County's Land Use Plan apply to the parcel. Policy 3.1-7 of the Mendocino County LUP provides for the protection of environmentally sensitive habitat areas, and requires that a buffer area be established adjacent to all ESHA's to protect the ESHA from significant degradation resulting from future developments.

The proposed development affects two small areas of riparian habitat. Special Condition No. 1 requires mitigation measures to restore and protect the affected habitat areas. Special Condition No. 2 requires submittal of Monitoring Reports to ensure successful implementation of mitigation measures. Since sensitive habitat will be protected, the proposed development, as conditioned, is consistent with Policy 3.1-7 of the LUP.

1-94-22-A

BONNIE VEBLEN

Page Eight

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 consistent with Chapter 3 of the Coastal Act.

5. Alleged Violation:

The access road between Little Lake Road and the subject parcel was widened and partially rocked without benefit of a coastal development permit. Although unauthorized development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

6. California Environmental Quality Act (CEQA).

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

The proposed revised project has been conditioned in order to be found consistent with the policies of the Coastal Act. All adverse impacts will be minimized by mitigation measures designed to ensure the restoration and protection of riparian habitat values, including a requirement that disturbed riparian areas be replanted with native riparian vegetation and monitored to ensure restoration success.

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

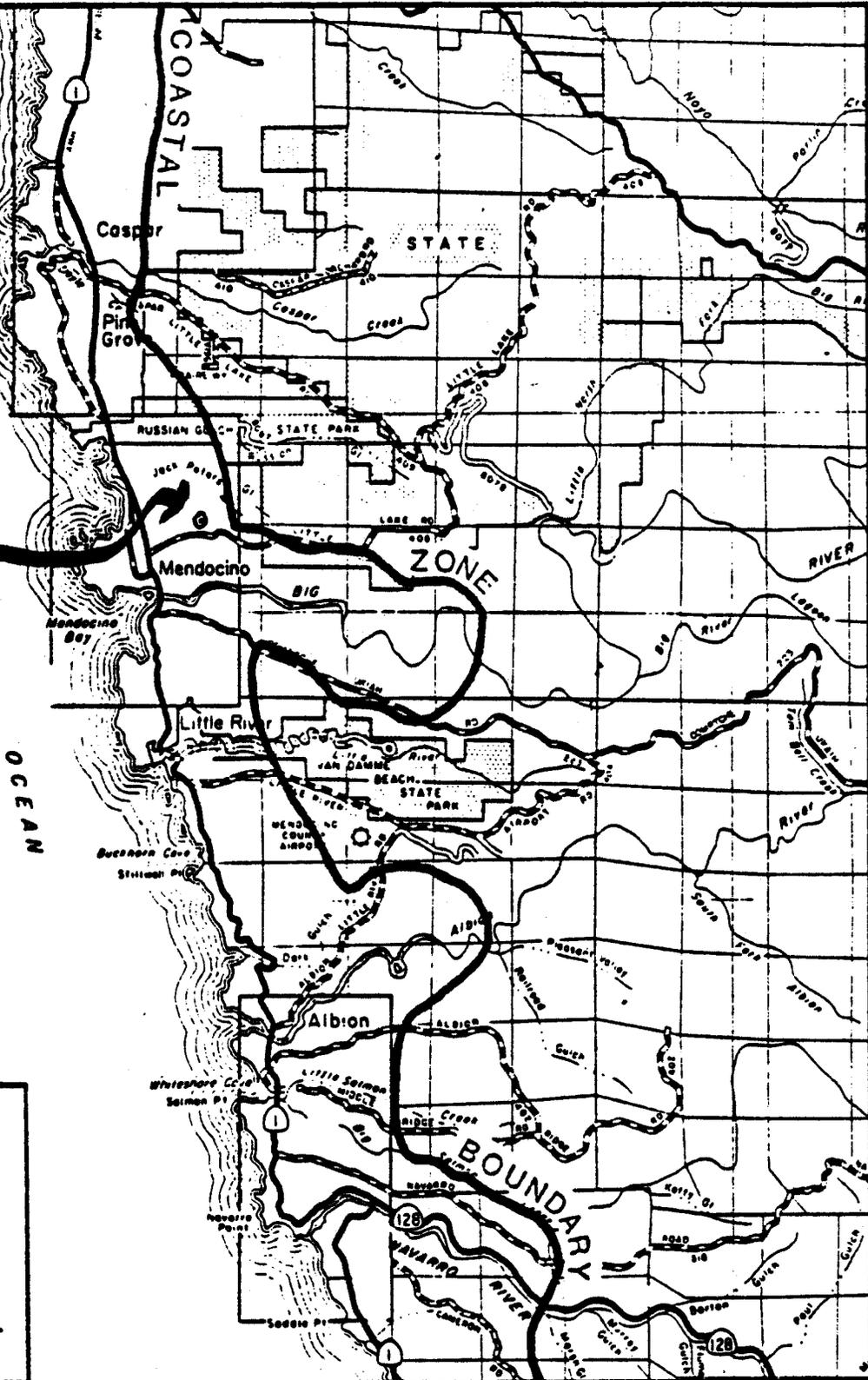
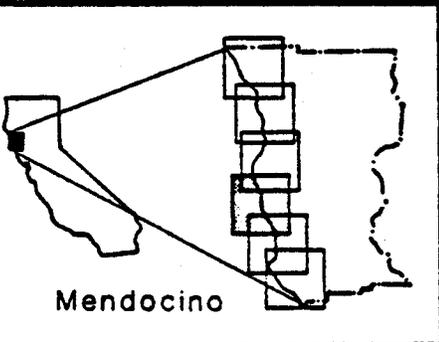
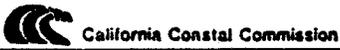
ATTACHMENT A

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.

APPROXIMATE
LOCATION

EXHIBIT NO. 1
APPLICATION NO.
1-94-22-A (Veblen)
Location Map



LOCATION MAP



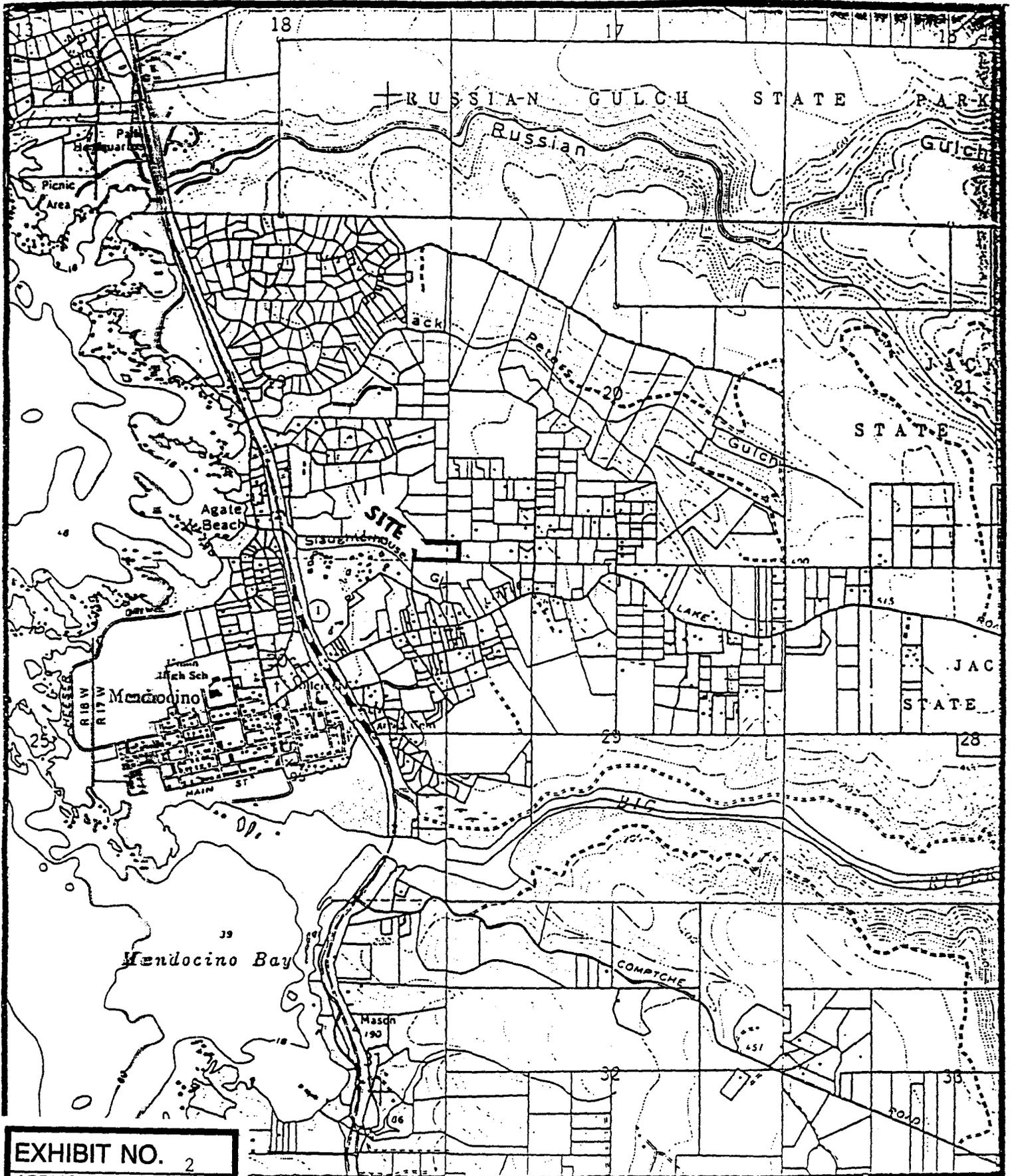
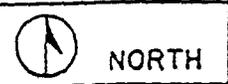


EXHIBIT NO. 2
APPLICATION NO.
 1-94-22-A (Veblen)
 Vicinity Map
 California Coastal Commission

OWNER:
 CHANCELLOR, Bonnie Veblen

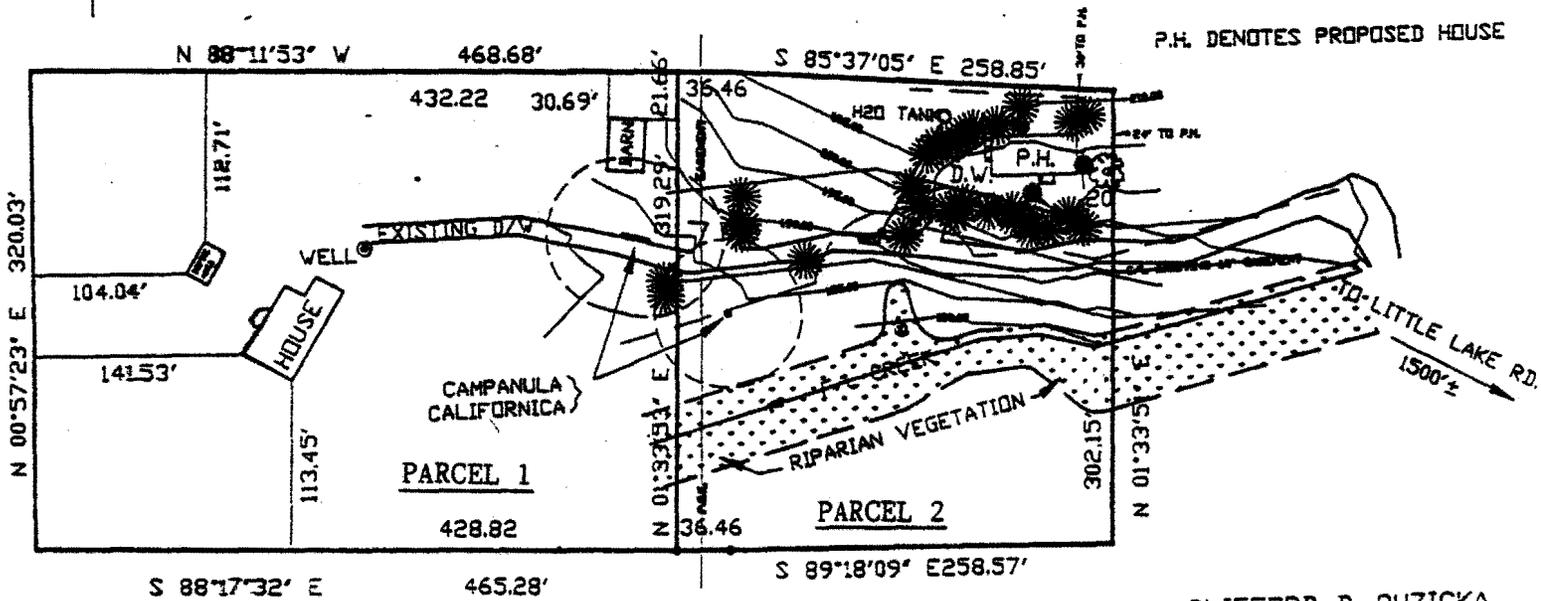
AGENT:

SCALE:
 1" = 2000'



PLOT PLAN / SITE MAP

SHOWING PROPOSED LOT SPLIT, 60' EASEMENT, HOUSE LOCATION, DRIVEWAY LOCATION, AND EXISTING SETBACKS, IMPROVEMENTS, RIPARIAN ZONE, THEIR RESPECTIVE SETBACKS, AND UTILITY EASEMENTS. ON A PORTION OF SECTIONS 19 +20, T.17 N. R.17 W. M.D.M. APN # 119-040-3L, MS 26-93. MENDOCINO CO. CALIF.



(B. Side)
 Slop to road (at well) = 20'
 Slop to creek = 24'
 Slop to road = 66'

CLIFFORD D. RUZICKA
 CIVIL ENGINEERS
 301 INDUSTRIAL AVE. P.O. BOX 1228
 LAKEPORT, CA. 96453 - 707-263-615
 943069

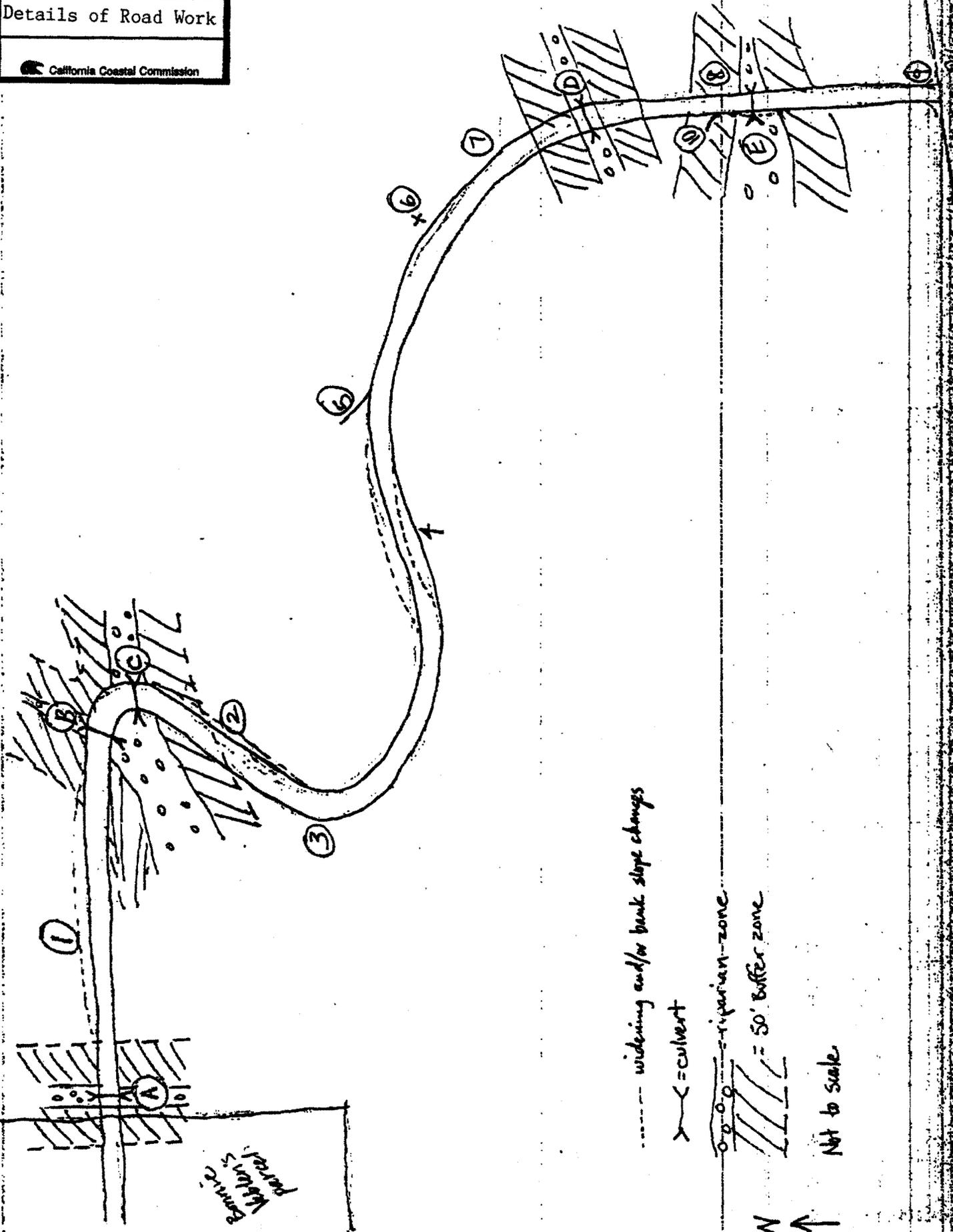
EXHIBIT NO. 3
APPLICATION NO. 1-94-22-A (Veblen)
Originally Approved Project
California Coastal Commission

EXHIBIT NO. 5

APPLICATION NO.
1-94-22-A (Veblen)

Details of Road Work

California Coastal Commission



--- widening and/or bank slope changes

—<— culvert

== riparian zone

/// = 50' buffer zone

Not to scale

N ↑

Emmie Wilson's parcel

Jo Ginsberg, planner
Calif. Coastal Commission
S. F., Calif.

EXHIBIT NO. 6
APPLICATION NO. 1-94-22-A (Veblen)
Botanist's Letter
California Coastal Commission

Re: Coastal Development Permit # 1-94-22 (Veblen)

Oct. 19, 1994

Dear Jo,

CALIFORNIA
COASTAL COMMISSION

It is unfortunate that (I believe due to misunderstandings) the entire access road was not included in the initial botanical mapping and evaluation. Bonnie has had no prior experience with lot splits, and believed that the map was needed only for the parcel to be created.

Overview:

I have looked at the road in question. The rough work (grading & widening) has been completed, and Bonnie is in the process of mulching the loose banks and rocking the road. She said (and so it appeared to me) that for most of its distance, the roadbed was already 18 - 22' wide, but that in many places the brush (mainly Scotch Broom, Himalayan Blackberries and Pampas Grass) had grown over the edges of the road, considerably narrowing the usable portion. Most of the work that she did consisted of removing the brush from the edges of the roadbed, and cleaning the ditches. In a few areas, she widened the roadbed itself.

I have included 2 maps: one from the original subdivision in the 1970's, which I used for the fieldwork, and a hand-drawn one based on this map, which I hope will be easier to read. They both show the same area. Numbers designate areas of the road and its banks. Letters designate culverts.

Specific improvements:

- 1) Brush removed from road edges and north bank. North bank re-contoured to an approximate 30 degree slope. Roadbed may have been widened slightly during this process. Road slopes slightly here as it descends to the creek.
- 2) Bank on the south-east side (away from the creek) has been cut back 2' to widen the roadbed. Road slopes as it climbs from creek to ridgetop.
- 3) Pampas grass removed from outside corner.
- 4) Roadbed was moved about 10' to the north in this section, on the request of the property owner. Road is quite flat in this section. Erosion should be minimal.
- 5) Diversion ditch allows runoff water to drain into grassy area with slight slope to the north.
- 6) 1 young pine about 5' from roadside, either *Pinus contorta* ssp. *bolanderi* (Bolander Pine, CNPS list 1B) or *Pinus contorta* ssp. *contorta* (Shore Pine--possibly planted on site). Distinguishing feature (cones) not present. Tree should not be endangered by present project, but I will notify Bonnie of its presence, just to make sure.
- 7) Ditch was cleared of brush and debris.
- 8) Brush removed from road edge and bank. Road widened by the culvert (see E).
- 9) Access road widened where it joins Little Lake Rd.
- 10) Drainage into dense brush, from runoff diverted past loose fill (see E). Drainage ditch should be lined with crushed rock to minimize erosion.

Effects on stream crossings:

A) Streambed dry, riparian zone ca. 10' wide. A little loose fill by the south end of the culvert should be mulched with straw.

B) Streambed moist, no flow. Riparian zone on north side of road ca. 10' wide, on south side runs together with culvert C to form riparian zone ca. 50' wide. Problem area: loose soil comes too close to the end of the culvert, and should be cleaned out a little with a shovel, mulched, and planted with fast-growing rhizomatous riparian natives such as *Equisetum arvense*, and/or *Stachys chamissonis*.

C) Very low flow of water, riparian zone on east side of road ca. 20' wide. There is a minimal amount of loose soil on west bank which has already been mulched. No further mitigation needed.

D) Very low flow of water, riparian zone ca. 10' wide. No raw bank was created here; no expected impact.

E) Creek bed moist, no flow. Riparian zone ca. 10' wide on east side of road, ca. 25' wide on west side of road. Problem area: road was widened here by adding fill to the west side. A berm was created at the edge, to prevent water from running down the loose face. Road runoff will run down to a drainage ditch (10) which will direct the water around the end of the fill area and into dense brush, where it should disperse and slowly find its way to the creek. The loose bank face has been mulched with straw, but should be planted with fast-growing rhizomatous natives such as *Equisetum arvense* and *Stachys chamissonis* at 2' intervals.

Conclusions:

I feel that the majority of the work that was done will have minimal or no impact on the riparian zones and their buffer zones. I believe the only problem areas are with culverts B and E. Culvert B problems can be easily remedied by my above recommendations. Culvert E has a larger amount of loose fill, and success in stabilizing it is high, but also dependent on amount and timing of rainfall. There is a shallow pool at the outflow of the culvert, which has been silted in by previous years of flow. The possibility of adversely impacting the stream could be further reduced by digging out this pool, and by the construction of a simple brush weir at the pool's outlet, to help trap as much silt as possible.

Sincerely,

Alison Gardner

Alison Gardner,
Botanical Consultant
(707) 937-3903
P.O. Box 1174
Mendocino, CA 95460

FAX c/o Moon River Nursery: (707) 937-1340

EXHIBIT NO. 6

APPLICATION NO.
1-94-22-A (Veblen)

Botanist's Letter

Revegetation Plan

for: Bonnie Veblen
Box 623
Mendocino, CA 95460
C.D.P. Application # 1-94-22-A

COA

EXHIBIT NO. 7
APPLICATION NO. 1-94-22-A (Veblen)
Revegetation Plan
 California Coastal Commission

Prepared by: Alison Gardner
Box 1174
Mendocino, CA 95460

May 12, 1995

Disturbed Habitat:

The only portions of the road widening that disturbed riparian habitat were at culverts "B" and "E" (see map). (At the other culverts, the road bed was already 18' wide.)

At culvert "B", the slope of the bank was changed, covering approximately 9 sq. ft. of riparian habitat with fill less than 1 ft. thick. The culvert was cleaned out in the fall, and the bank was mulched with straw. When I monitored this bank on May 5, 1995, I found that a dense growth of *Equisetum arvense* and *Rubus spectabilis* sprung up with the rains, and have stabilized the bank. No further mitigation is necessary, as the riparian vegetation is quickly re-establishing itself.

At culvert "E", the slope of the bank was also changed, covering about 200 sq. ft. (measured with the slope, not horizontally) of the former bank (riparian habitat) with fill varying from about 3' thick at the top to about 6" thick at the bottom. The bank was mulched with local grass hay last fall, and the upper portions of the bank were planted with about 100 *Equisetum arvense* on March 13, 1995. When I monitored this bank on May 5th, I found that the bottom portion of this bank is revegetating naturally (see illustration) with *Urtica dioica* ssp. *gracilis*, *Rubus parviflorus*, *Stachys chamissonis*, *Rubus ursinus*, and *Equisetum arvense*. The upper and middle portions of the slope have revegetated with primarily annual non-native grasses: *Vulpia bromoides*, *Avena barbata*, *Bromus diandrus*, *B. hordeaceus*, and the perennial *Anthoxanthum odoratum*. The upper portion of the bank is also revegetating in *Equisetum arvense*; the ones planted in March are being supplemented by natural revegetation. Because of the natural revegetation, I could not tell the percent of survival of the *Equisetum* planted in March.

Because of the small area of riparian habitat disturbed, the shallowness of the bulk of the fill and the invasive nature of the natural vegetation in this area, I feel that the bank will naturally revegetate more quickly from the established root systems already in the soil than it would from newly planted starts, however since you require mitigation measures, here is a proposal for replanting:

Of the 200 sq. ft. disturbed, about 35 sq. ft. have naturally revegetated in *Equisetum arvense* and about 80 sq. ft. have revegetated in *Urtica dioica* ssp. *gracilis*, *Rubus parviflorus*, *R. ursinus*, *Stachys chamissonis* and *Equisetum*

arvense, currently leaving about 85 sq. ft. that have revegetated in non-riparian species (grasses).

The growing season for riparian vegetation runs through the summer, and the riparian areas are likely to spread through July or August. The natural revegetation that is occurring is from stolons and rhizomes (underground roots and stems) that are from established root systems from plants that were buried by the fill, and from plants on the edges of the fill area. These root systems have much stored energy to draw from and will spread rapidly, and the new shoots will grow quickly. This new growth from old roots would quickly shade out and kill any new young starts planted for revegetation, therefore the site will be monitored in Sept. to determine whether 85 sq. ft. is still a valid area for the region that needs to be revegetated with riparian species. This 85 sq. ft. (or the area determined to need replanting) will be planted with a 50-50 combination of *Equisetum arvense* and *Stachys chamissonis* at the rate of 1 plant per square foot. The *Equisetum* will be planted in the upper portion of the area, and the *Stachys* will be planted in the lower portion of the area, in keeping with the natural vegetation pattern. The plants will be planted in the first 2 weeks of Dec., or after 6" of rain, whichever comes first. The site will be re-monitored in May and Aug. of 1996 to confirm that the new plants are surviving.

Disturbed Buffer Zones

Some portions of the road widening in areas 1 and 2 on the map were within the 50' buffer zone that you requested around the riparian areas. The widening done was the minimum required to meet county requirements, and the widening was done on the side away from the creek, to minimize sedimentation problems.

Planting and Monitoring Schedule for Culvert E

<u>Date</u>	<u>Activity</u>
Sept. '95	Monitor to determine area to be replanted
Dec. '95	Replant with <i>Equisetum</i> and <i>Stachys</i> at the rate of 1 plant per square foot
May '96	Monitor to see that new plants are sprouting
Aug. '96	Monitor to see that new plants survived the summer

EXHIBIT NO. 7
APPLICATION NO. 1-94-22-A (Veblen)
 California Coastal Commission

CALIFORNIA COASTAL COMMISSION
 NORTH COAST AREA
 45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 (415) 904-5260

Tu 136



Filed: June 21, 1994
 49th Day: August 9, 1994
 180th Day: December 18, 1994
 Staff: Jo Ginsberg
 Staff Report: July 1, 1994
 Hearing Date: July 12, 1994
 Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: **1-94-22**

APPLICANT: **BONNIE VEBLEN**

PROJECT LOCATION: 44252 Little Lake Road, Town of Mendocino, APN 119-040-31.

PROJECT DESCRIPTION: (1) Divide a 5.46-acre parcel to create two parcels of 3.34 and 2.11 acres; (2) widen slightly portions of the existing roadway off Little Lake Road to 18 feet; and (3) construct a 1,450-square-foot, one-story single-family residence on proposed Parcel 2.

Lot area: Existing: 5.46 acres
Proposed: Parcel 1 - 3.34 acres
 Parcel 2 - 2.11 acres

Building coverage: Existing (all on proposed Parcel 1):
 SFR: 2,485 sq.ft. Barn: 770 sq.ft.
 Shed: 96 sq.ft.
Proposed: (Parcel 2): SFR: 1,450 sq.ft.

Plan designation: Rural Residential-2 (RR-2)

Project density: 1 du/3.34 acres and 1 du/2.11 acres

Ht abv fin grade: Existing (Parcel 1): 25 feet
Proposed (Parcel 2): 15' 6"

LOCAL APPROVALS RECEIVED: Mendocino County LCP Consistency Review; Minor Subdivision #MS 26-93; Department of Environmental Health well approval; Mendocino City Community Services District Groundwater Extraction Permit.

SUBSTANTIVE FILE DOCUMENTS: Mendocino Town Plan; Coastal Permit No. 1-90-134W.

1-94-22

BONNIE VEBLEN

Page Two

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions:

The Commission hereby grants 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, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached.

III. Special Conditions:

1. Open Space Deed Restriction.

PRIOR TO ISSUANCE of the coastal development permit, the permittee shall submit for the review and approval of the Executive Director and shall subsequently execute and record, a deed restriction stating that an open space area shall be created on both proposed parcels that includes the following:

a. the creek that runs generally east-west through the property, its associated riparian habitat, and a riparian buffer area that extends 50 feet from the outward extent of the riparian habitat on the north side of the creek, and 50 feet from the outward extent of the riparian habitat on the south side or to the southern property boundary, whichever is less, as shown generally in Exhibit No. 7; and

b. an approximately 50-foot buffer area around the specimens of Campanula californica (swamp harebell), excluding the existing barn on proposed Parcel 1, as shown generally in Exhibit No. 7.

Within the open space area, all development activity is prohibited, including the alteration of landforms, removal of vegetation, use of heavy machinery or equipment, or the erection of structures of any type, except for (1) repair and maintenance of the existing well on proposed Parcel 2; (2) repair and maintenance of the existing roadway and any necessary widening of the roadway or creation of a turnaround as required by Mendocino County or the California Department of Forestry and Fire Protection; and (3) installation of erosion control measures and revegetation around the roadway as required by Special Condition No. 2 of this permit.

1-94-22

BONNIE VEBLEN

Page Three

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, and his/her heirs, assigns, and successors in interest to the subject property.

2. Erosion Control and Revegetation Plans.

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit for the Executive Director's review and approval erosion control and revegetation plans prepared by either a botanist or a landscape architect to control erosion from the raw bank created by the road widening and minimize sedimentation of the creek.

The plans shall provide for the placement of hay bales, mulch, or other appropriate materials as necessary on or around the raw bank to control erosion during the proposed road widening work and until the bank is sufficiently revegetated to minimize erosion over the long term. In addition, the plans shall provide for the planting of native or other plants commonly found in the area in sufficient quantities to rapidly cover the disturbed area and help retain the soil. The plans to be submitted shall include a diagram detailing the placement of the required erosion control devices, a planting plan, a plant list, and an implementation schedule.

3. Road Widening.

The widening of the roadway shall take place only during the dry season (May through October) to prevent bank erosion and sedimentation of the creek.

IV. Findings and Declarations.

The Commission finds and declares the following:

1. Project and Site Description:

The proposed development consists of (1) a land division of a 5.46-acre parcel into two lots of approximately 3.34 and 2.11 acres; (2) the slight widening of portions of the existing roadway off Little Lake Road to 18 feet; and (3) construction of a one-story, 1,450-square-foot residence on proposed Parcel 2.

The subject property is located east of Highway One off Little Lake Road in the Town of Mendocino. The property currently contains a single-family residence, barn, and well on proposed Parcel 1 that were authorized by Coastal Permit No. 1-90-134W. Proposed Parcel 2 is vacant except for an existing well. A roadway off Little Lake Road accesses the two proposed parcels. The site is not visible from Little Lake Road or any other public vantage point.

1-94-22

BONNIE VEBLEN

Page Four

A small creek traverses the southern portion of both parcels and supports riparian habitat. The botanist has indicated that there is a seasonal seep on the north side of the creek and several possible seasonal seeps near the existing roadway (see Exhibits No. 5 and 6). In addition, some specimens of the rare and endangered plant species Campanula californica (swamp harebell) have been found on both parcels.

The subject property is designated in the Mendocino Town Plan as Rural Residential-2 (RR-2), meaning that there may be one parcel for every two acres, and that the property is designated for residential use. The subject property is not located within Mendocino's Historical District.

2. New Development:

Section 30250(a) of the Coastal Act states that new development 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. In addition, Section 30231 of the Coastal Act requires protection of groundwater supplies.

The subject property is located within the developed portion of the Town of Mendocino. The proposed development includes division of a 5.46-acre parcel into two lots of 3.34 and 2.11 acres, and construction of a single-family residence on proposed Parcel 2. Proposed Parcel 1 contains an existing residence. The proposed parcels will obtain water from existing wells on each proposed parcel. The Mendocino City Community Services District (MCCSD) has jurisdiction over the extraction of groundwater within district boundaries and has approved a Groundwater Extraction permit for the project based on the results of a hydrological survey, subject to a 260 gallon per day restriction for proposed Parcel 2. The restriction on water use is intended to prevent depletion of the groundwater table of contiguous and surrounding properties. Sewer service will be provided by the MCCSD.

The proposed project, therefore, is consistent with Coastal Act Sections 30250(a) and 30231 to the extent that the project is located within a developed area able to accommodate it, where adequate water and sewer services exist to support the proposed parcels, and where groundwater resources will be protected from over-use.

1-94-22

BONNIE VEBLEN

Page Five

3. Environmentally Sensitive Habitat Areas and Protection of Biological Productivity:

Coastal Act Section 30240 states that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and that development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts that would significantly degrade such areas. Coastal Act Section 30231 states that the biological productivity and the quality of streams shall be maintained through, among other means, maintaining natural vegetation buffer areas that protect riparian habitats.

As noted previously, a small creek traverses the southern portion of both proposed parcels. A botanical survey determined the presence of riparian habitat, specimens of the rare and endangered plant species Campanula californica (swamp harebell), a seasonal seep on the north side of the creek, and several possible seasonal seeps near the road (see Exhibits No. 5 and 6).

To protect the environmentally sensitive habitat found on the property, the Commission attaches Special Condition No. 1, requiring recordation of a deed restriction establishing an open space area over (1) the creek, the riparian habitat, and a 50-foot riparian buffer area where possible extending from the outward extent of the riparian habitat, and (2) an approximately 50-foot buffer area around the specimens of the rare and endangered plant species Campanula californica (swamp harebell) (see Exhibit No. 7). The seasonal seeps are all located with the open space area and are thus protected. Within this open space area, no development can take place except for repair and maintenance of the existing well and roadway, any necessary roadway widening, and installation of any erosion control measures and revegetation around the roadway as required in Special Condition No. 2.

The applicant has identified a building envelope on proposed Parcel 2 where the proposed residence will be located. This building envelope is outside of the open space area that protects sensitive habitat, and so the proposed residence will have no adverse impacts on environmentally sensitive habitat.

In addition, to prevent erosion and sedimentation of the creek during the roadway widening, the Commission attaches Special Condition No. 2, requiring submittal of an erosion control and revegetation plan that provides for the installation of erosion control devices before the commencement of the roadway widening and the eventual revegetation of the raw bank created by the roadway widening, and Special Condition No. 3, requiring that the roadway widening take place during the non-rainy season (May through October).

1-94-22

BONNIE VEBLEN

Page Six

The Commission finds that the proposed development, as conditioned, is consistent with Coastal Act Policies 30240 and 30231 as the creek and associated sensitive habitat, including rare and endangered plants, will be protected from any significant adverse impacts of development, and bank erosion and sedimentation will be minimized.

4. Mendocino Town Plan:

Although Mendocino County has a certified Local Coastal Program, the Town of Mendocino segment has only a certified LUP (Mendocino Town Plan). Since the Town's Zoning Ordinance has not yet been effectively certified, the Commission retains permit jurisdiction.

As noted above, the subject parcels are located within the Town of Mendocino, and are designated Rural Residential-2 (RR-2) in the certified Town Plan, meaning that there may be one parcel for every two acres, with one dwelling unit per legally created parcel and one second dwelling unit of 900 square feet on parcels larger than 40,000 square feet. The proposed land division and residential development are thus consistent with the Town Plan designation for the subject property.

Policy 4.13-22 of the certified Mendocino Town Plan states that all new development shall be contingent upon proof of an adequate water supply during dry summer months which will accommodate the proposed development and will not deplete the ground water table of contiguous or surrounding uses.

Water will be provided by wells on the property. As noted above, the Mendocino City Community Services District (MCCSD) has jurisdiction over the extraction of groundwater within district boundaries and has approved a Groundwater Extraction permit for the project. A hydrological survey undertaken for the subject property demonstrated that there was adequate water to serve both proposed parcels without depleting the groundwater table. The proposed land division and the construction of a residence, therefore, are consistent with Policy 4.13-22 of the Town Plan.

Since the Town Plan does not have policies regarding environmentally sensitive habitat areas (ESHA's), the ESHA policies of the County's Land Use Plan apply to the parcel. Policy 3.1-7 of the Mendocino County LUP provides for the protection of environmentally sensitive habitat areas, and requires that a buffer area be established adjacent to all ESHA's to protect the ESHA from significant degradation resulting from future developments.

A small creek crosses the southern portion of both proposed parcels and supports some riparian habitat. One actual seasonal seep, and several possible seasonal seeps have also been found on the subject property. In

1-94-22

BONNIE VEBLEN

Page Seven

addition, specimens of the rare and endangered plant species Campanula californica (swamp harebell) have been found on both proposed parcels. The Commission attaches Special Condition No. 1, requiring recordation of a deed restriction establishing an open space area protecting riparian habitat and the rare and endangered plants (see Exhibit No. 7); the seasonal seeps are also located within this open space area. Since sensitive habitat will be protected, the proposed development, as conditioned, is consistent with Policy 3.1-7 of the LUP.

The Commission finds that the proposed project is consistent with the policies of the certified Mendocino Town Plan.

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.

5. CEQA:

The project, as conditioned, does not have a significant adverse effect on the environment, within the meaning of CEQA, as it is located in an area able to accommodate it, and as there will be no significant adverse impacts on environmentally sensitive habitat or other coastal resources.

7087p

ATTACHMENT NO. 1

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.