

## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

W 16b



Filed: November 27, 1996  
49th Day: January 15, 1997  
180th Day: May 26, 1997  
Staff: Jo Ginsberg  
Staff Report: January 17, 1997  
Hearing Date: February 5, 1997  
Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 1-90-322-A

APPLICANT: ROBERT AND NANCY GRAHAM

AGENT: Dennis Heyden

PROJECT LOCATION: 1650 Cameron Road, approximately four miles north of Elk, Mendocino County, APN 126-090-13, 126-100-09, 126-110-08, 126-120-03.

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a 7,122-sq.-ft. single-family residence, septic system, water tanks, and access road.

DESCRIPTION OF AMENDMENT: Construct as a detached addition to the existing residence a 1,200-square-foot entertainment room and home theater with a bathroom and wet bar.

SUBSTANTIVE FILE DOCUMENTS: Mendocino County LCP.

1. PROCEDURAL AND BACKGROUND NOTE: Section 13166 of the California Code of Regulations 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.

**1-90-322-A**

**ROBERT AND NANCY GRAHAM**

Page Two

Coastal Permit No. 1-90-322 (Graham) was approved by the Commission on January 11, 1991 with a special condition requiring recordation of a deed restriction stating that (1) the eastern wing of the residence shall be without kitchen or cooking facilities and not to be separately rented, let, or leased; and (2) that the subject permit is only for the development described in the coastal permit and that any future additions or other development will require an amendment to the permit or an additional coastal permit from the Coastal Commission or successor agency. This condition was attached to ensure that the residence, which has two large, separate wings, was not used as two units, inconsistent with the County's LCP.

The deed restriction was recorded, and the permit was issued on February 27, 1991. The project has since been constructed.

This amendment request is for construction of a detached 1,200-square-foot entertainment room and home theater with a bathroom and wet bar. The Executive Director recommends that a similar special condition requiring a deed restriction prohibiting the entertainment room from being used as a residential unit be attached to the permit amendment. As conditioned, this amendment will be consistent with the Commission's previous action on the original permit to limit development on the property to one residential unit, consistent with the County's certified LCP. Therefore, the Executive Director found that the amendment request would not result in a lessening or avoidance of the intent of the approved permit, and the Executive Director accepted the amendment request for processing.

2. STANDARD OF REVIEW: The Coastal Commission effectively certified Mendocino County's LCP in October of 1992. Therefore, the LCP, not the Coastal Act, is the standard of review for this amended project.

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STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions:

The Commission hereby approves the amendment to the coastal development permit, subject to the conditions below, for the proposed development on the grounds that the development as amended is consistent with the requirements of Chapter 3 of the California Coastal Act of 1976, is consistent with the provisions of the Mendocino Local Coastal Program, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

1-90-322-A

ROBERT AND NANCY GRAHAM

Page Three

II. Standard Conditions: See attached.

III. Special Conditions:

Special Condition 1 of the original permit remains in effect. The following two new special conditions are added.

1. Deed Restriction.

PRIOR TO ISSUANCE of the coastal development permit amendment, permittee shall submit for review and approval of the Executive Director and shall subsequently record, a deed restriction stating that the entertainment room/home theater shall be without kitchen or cooking facilities and not to be separately rented, let, or leased, whether compensation be direct or indirect. Any change in the use of the structure shall require a separate coastal permit or amendment to coastal development permit no. 1-90-322-A.

This deed restriction shall be recorded with the deed to the parcel APN 126-090-13, 126-100-09, 126-110-08, 126-120-03 as a covenant running with the land and shall bind all successors and assignees of the permittee.

2. Lighting Plan.

PRIOR TO ISSUANCE of the coastal development permit amendment, permittee shall submit for review and approval of the Executive Director a lighting plan for the proposed structure demonstrating that all exterior lighting is the minimum necessary for the safe ingress and egress of the structure, and that all exterior lights are shielded and have a directional cast downward.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Project and Site Description:

The original project approved by the Commission in 1991 was for the construction of a 7,122-square-foot single-family residence with an attached garage, septic system, water tanks, and access road on a 32.4-acre parcel located east of Highway One on Cameron Road, approximately four miles north of the town of Elk. The residence and the associated development has been constructed. The proposed amendment request is for construction of a detached 1,200-square-foot entertainment room and home theater with a bathroom and wet bar as an addition to the existing house.

The subject parcel is designated in the Mendocino County Land Use Plan as Rural Residential-5/Rural Residential-5: Development Limitations

(RR-5/RR-5:DL), meaning that there may be one parcel for every five acres. The western portion of the parcel, which is quite steep, is located in a Development Limitations (DL) zone, meaning that slopes of over 30 percent, bluff erosion, or landslides may prevent or limit development. The existing residence and the proposed new structure are located outside the DL zone on a naturally occurring finger of land between two drainage ravines, one of which contains a creek that runs along the southern boundary of the subject parcel. The creek is a riparian area that is considered to be environmentally sensitive habitat.

2. Locating and Planning New Development/Second Structure:

Policy 3.9-1 of the Land Use Plan states that new development shall be located within or near existing developed areas able to accommodate it or 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 Mendocino County LUP designates the subject site as Rural Residential-5/ Rural Residential-5: Development Limitations, meaning that there may be one parcel for every five acres and that the parcel is designated for residential use. Section 20.376.025(C) of the County Zoning Code allows one unit per five acres for parcels designated Rural Residential-5. Section 20.458.010 of the Zoning Code specifically prohibits the creation and/or construction of a second residential unit except in some very specific instances (e.g., farm employee housing, farm labor housing, family care units), because of a concern with the adequacy of water and sewer services and the impact of second units on traffic flow.

The proposed development is for a detached 1,200-square-foot addition to an existing 7,122-sq.-ft. single-family residence. The residence consists of a western wing, which contains two bedrooms, a living room, two and a half bathrooms, an entertainment room, a kitchen/dining room, and a music room. A hallway connects this wing with the eastern wing of the house, which includes a garage, greenhouse, darkroom, recreation room, two bedrooms, and a bathroom (see Exhibit No. 5). Although the wings are connected, it is conceivable that the eastern wing could be used as a second residential unit, based on the design of the structure.

To ensure that the eastern wing of the proposed residence will not be used at any time as a second residential unit, Special Condition No. 1(a) was attached to the original coastal permit, requiring recordation of a deed restriction stating that the eastern wing shall be without kitchen or cooking facilities, and shall not be separately rented, let, or leased.

Since the proposed new addition is 1,200 square feet in size, is detached from the main structure, and is equipped with a bathroom and running water, the addition also has the potential to be used, either now or sometime in the future, as a separate residential unit. To ensure that the new structure will not be used at any time as an additional residential unit, Special Condition No. 1 is attached to this coastal permit amendment, requiring recordation of a deed restriction stating that the additional structure shall be without kitchen or cooking facilities, and shall not be separately rented, let, or leased.

An existing well and septic system serve the existing development. The proposed addition will include a bathroom and wet bar. The Mendocino County Department of Environmental Health has indicated that the existing well and septic system are adequate to serve the proposed new addition.

The Commission finds, therefore, that the proposed development, as conditioned, is consistent with LUP Policy 3.9-1 and with Zoning Code Section 20.376.025(C), because Special Condition No. 1 of this permit amendment will ensure that there will be only one residential unit on the parcel, and because there are adequate services on the site to serve the proposed new development.

3. Visual Resources:

LUP Policy 3.5-15 states that no lights shall be installed so that they distract motorists and that lights shall be shielded so that they do not shine or glare beyond the limits of the parcel wherever possible.

Zoning Code Section 20.504.035 states that where possible all lights, whether installed for security, safety or landscape design purposes, shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed.

To ensure consistency with the LCP, the Commission attaches Special Condition No. 2 to this permit amendment, requiring submittal of a lighting plan that demonstrates that all exterior lighting is the minimum necessary for the safe ingress and egress of the structure, and that all exterior lights are shielded and have a directional cast downward. This condition was recommended by the Mendocino County Planning Department in their LCP Consistency Review approval.

The Commission finds, therefore, that as conditioned the proposed project is consistent with LUP Policy 3.5-5 and Zoning Code Section 20.504.035.

4. Geologic Hazards:

Policies 3.4-1 and 3.4-2 of the Land Use Plan require submission of a geologic site investigation when a proposed project is located in an area of known or

potential geologic hazards in order to determine if the project will result in creation of such a geologic hazard. Zoning Code Section 20.500.020(B)(1) states that 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 (75 years).

The western portion of the subject parcel is located within an area designated Development Limitations (DL), due to the steepness of the slope. However, the proposed development is located well outside of the DL zone, on a relatively flat portion of the parcel. Therefore, no geologic site investigation for the proposed entertainment room was required, as there is no potential for the proposed addition to create a geologic hazard or contribute to bluff erosion or cliff retreat.

The Commission attached to the original coastal permit a special condition requiring recordation of a deed restriction regarding future development. This condition (Special Condition No. 1(b) of Coastal Permit 1-90-322), which remains in effect, requires that any future development, including additions or other structures that might otherwise be exempt from coastal permits under the administrative regulations, will be reviewed by the Commission so that the Commission can ensure that the development will be located where it will not create a geologic hazard. As the proposed addition will not be located where it will create a geologic hazard or contribute to bluff erosion or cliff retreat, and as the Commission will be able to review any future additions to the project for consistency with the LCP, the Commission finds that the proposed project is consistent with Policies 3.4-1 and 3.4-2 of the LUP and with Zoning Code Section 20.500.020(B)(1).

5. Environmentally Sensitive Habitat Area:

Policy 3.1-7 of the LUP provides for the protection of environmentally sensitive habitat areas via the establishment of buffer areas adjacent to such habitat. The width of the buffer area shall be a minimum of 100 feet, generally. Zoning Code Section 20.496.020(A) reiterates and elaborates on this policy. Two drainage ravines cross the subject property, one containing a creek that runs along the southern boundary of the subject parcel. The proposed development is located nearly 200 feet north of the creek, and more than 200 feet south of the northern drainage ravine. Thus, the proposed development is sited outside of any needed buffer area around the creek, and will not have any adverse impacts on the sensitive habitat.

The Commission attached to the original permit a special condition requiring recordation of a deed restriction regarding future development (Special Condition No. 1(b) of Coastal Permit 1-90-322). This condition requires that any future development on the subject parcel, including additions or other development that might otherwise be exempt from coastal permits under the

1-90-322-A

ROBERT AND NANCY GRAHAM

Page Seven

Commission's administrative regulations, will be reviewed by the Commission so that the Commission can ensure that the development will be located where it will not disrupt the habitat values of the sensitive area. As the proposed addition is located where it will not disrupt the habitat values of the sensitive area, and as the Commission will be able to review any future additions to the project for consistency with the LCP, the Commission finds that the proposed project is consistent with Policy 3.1-7 of the LUP and with Zoning Code Section 20.496.020(A).

6. 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 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 that the activity may have on the environment. As discussed above, the project has been mitigated to ensure that the project will not result in the creation of a second residential unit on the property that would contribute to cumulative impacts on coastal resources. The project, as conditioned, therefore will not have a significant adverse effect on the environment within the meaning of CEQA.

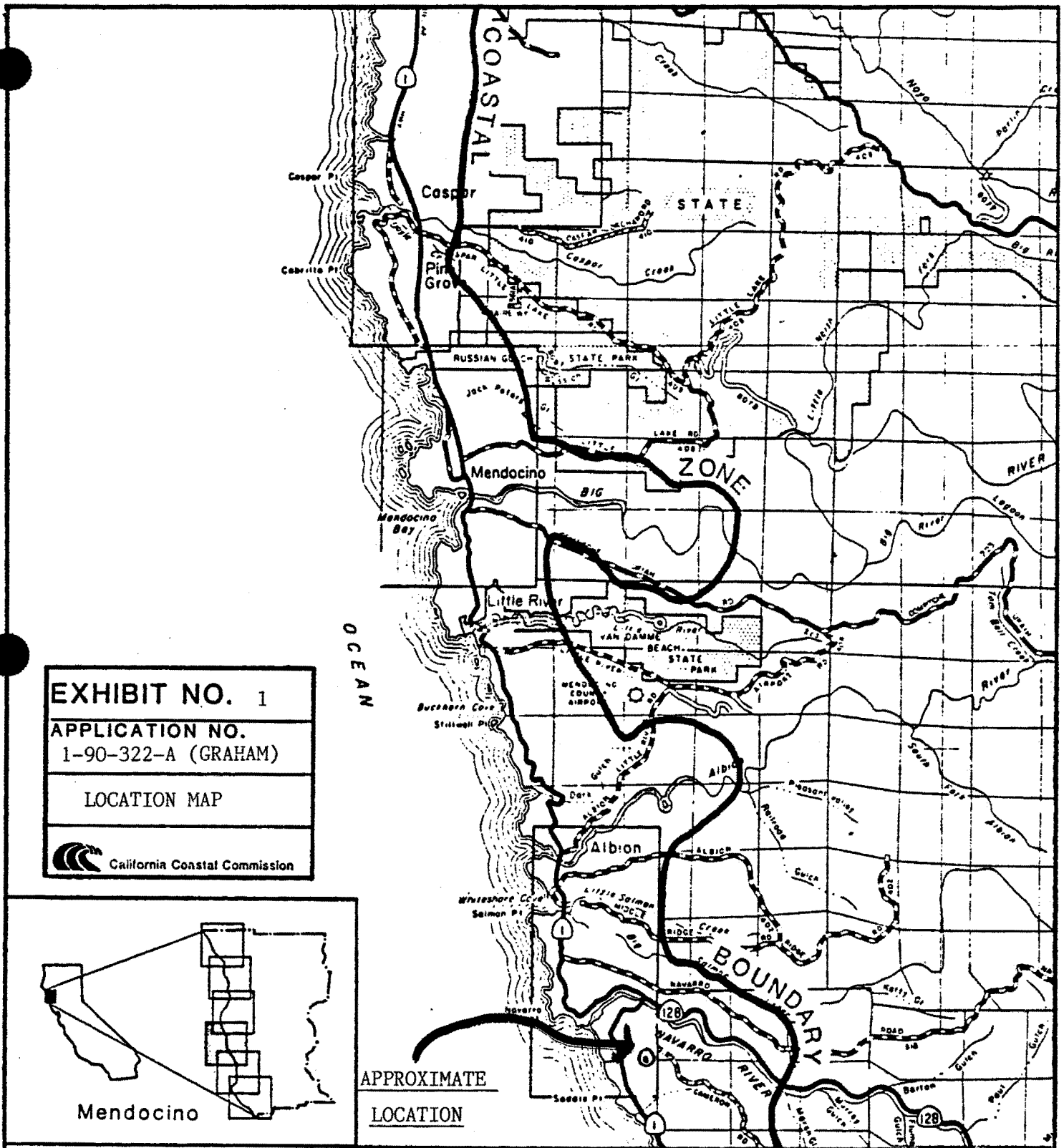
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## ATTACHMENT A

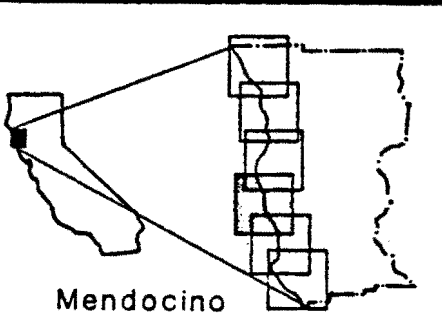
### Standard Conditions

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.



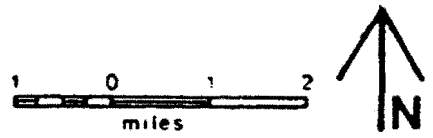


**EXHIBIT NO. 1**  
**APPLICATION NO.**  
 1-90-322-A (GRAHAM)  
**LOCATION MAP**  
 California Coastal Commission



APPROXIMATE  
LOCATION

**LOCATION MAP**



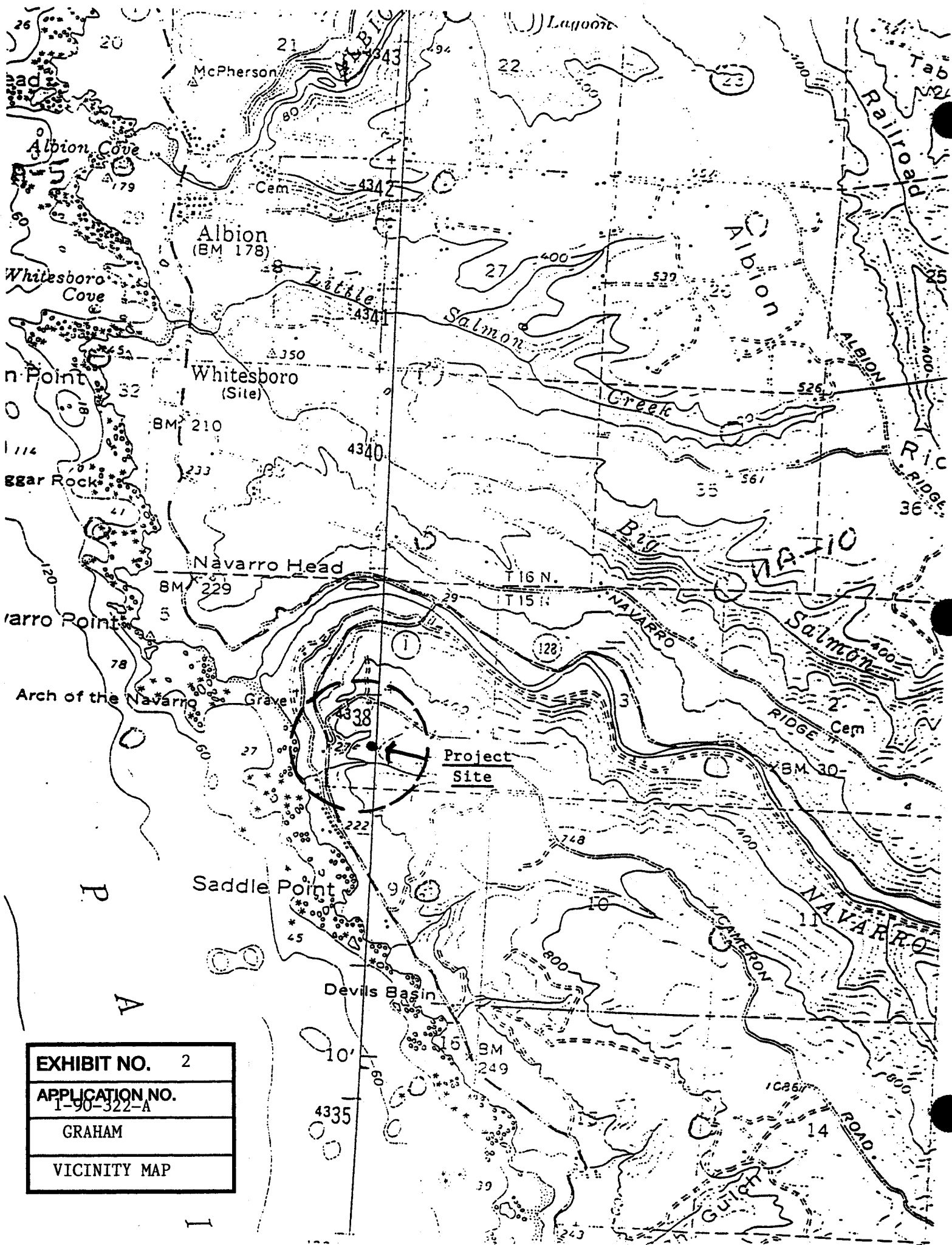
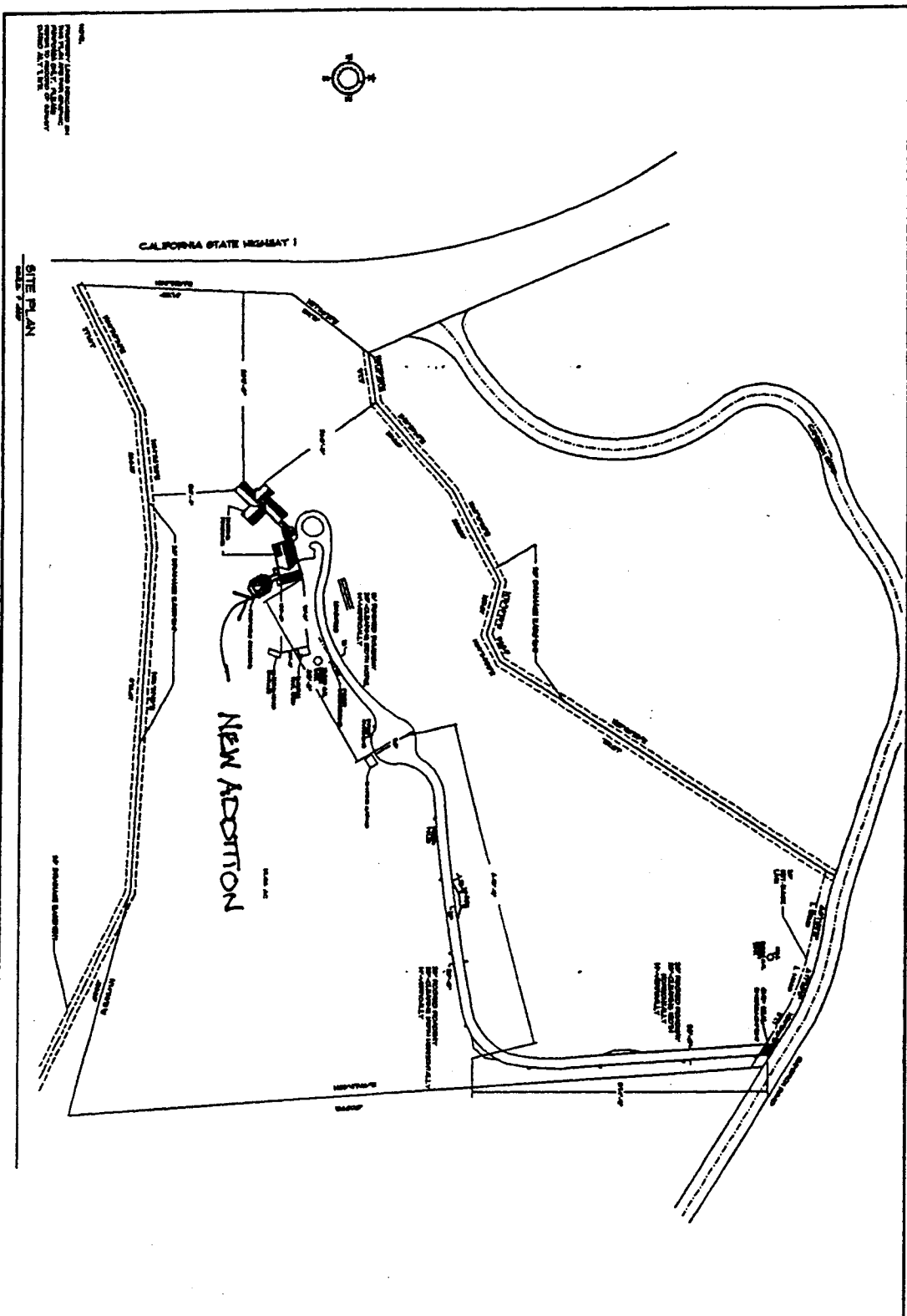
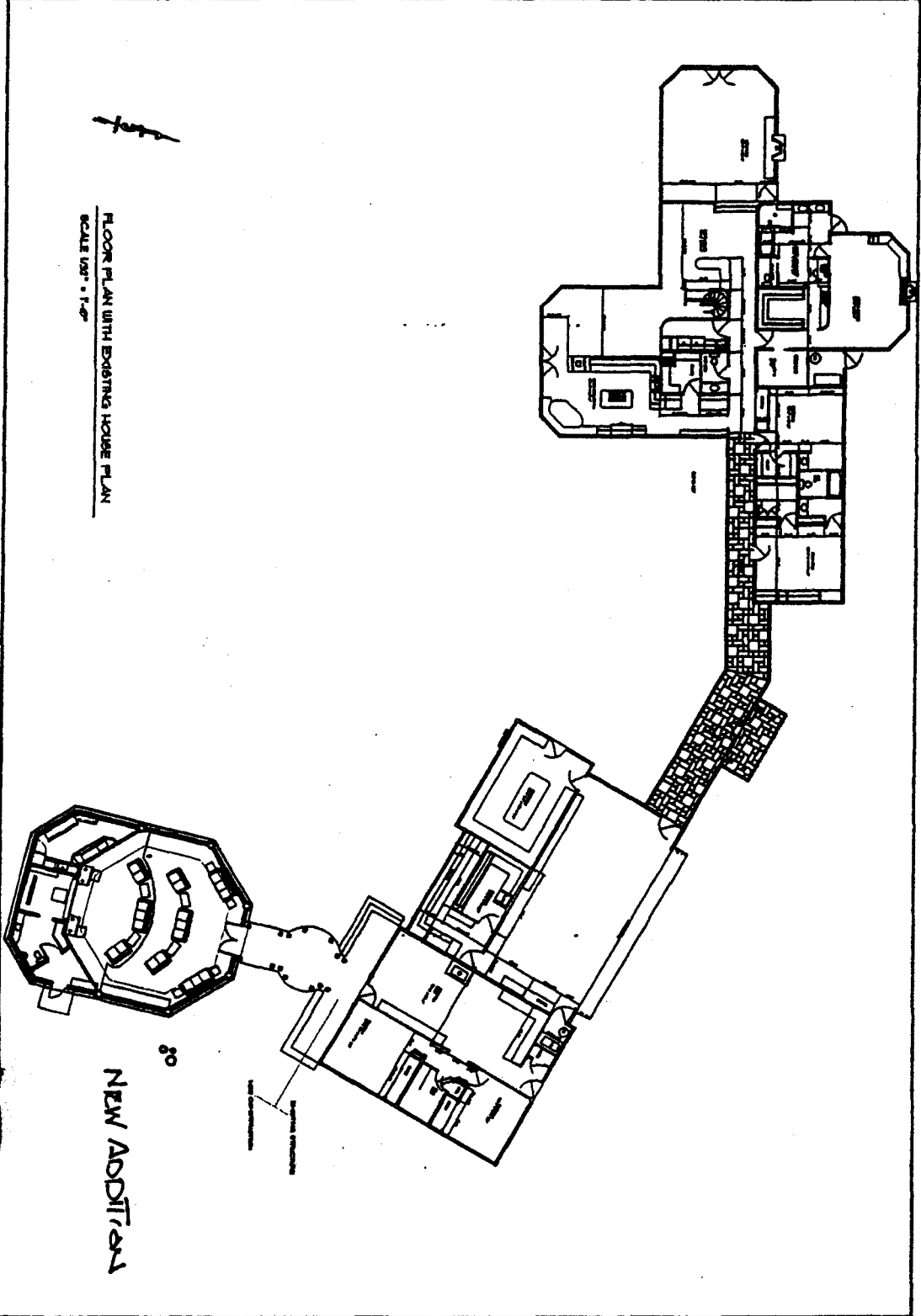


EXHIBIT NO.	2
APPLICATION NO.	1-90-322-A
GRAHAM	
VICINITY MAP	



	A NEW ENTERTAINMENT ROOM FOR <b>ROBERT AND NANCY GRAHAM</b> CAMERON RD. ELIC CALIFORNIA	<b>PAUL DOUGLAS, Architect</b> P.O. Box 595 Mendocino, CA 957-5729
	[REVISIONS TABLE]	
	[DATE: ] [SCALE: ]	

<b>EXHIBIT NO. 3</b>
<b>APPLICATION NO. 1-90-322-A</b>
<b>GRAHAM</b>
<b>SITE PLAN</b>



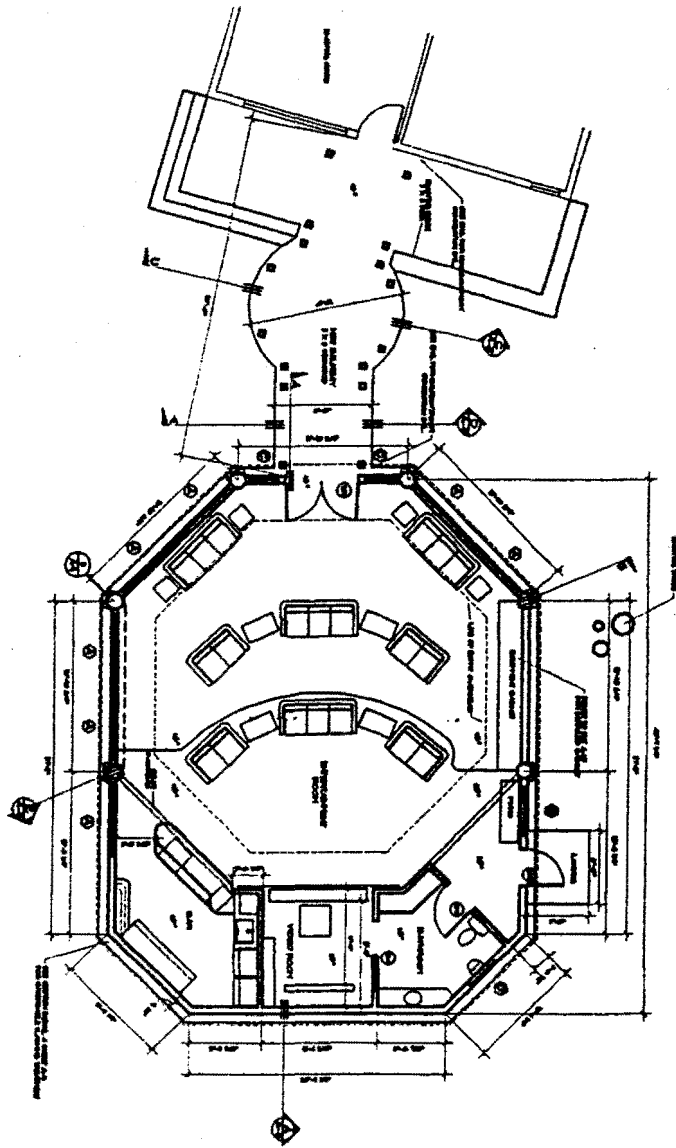
FLOOR PLAN WITH EXISTING HOUSE PLAN  
 SCALE 1/8" = 1'-0"

NEW ADDITION

	A NEW ENTERTAINMENT ROOM FOR	P. A. DOUGLAS, Architect	
	<b>ROBERT AND NANCY GRAHAM</b>	P.O. Box 1918 Menlo Park, CA	
	CAMERON RD. ELK, CALIFORNIA	957-3700	

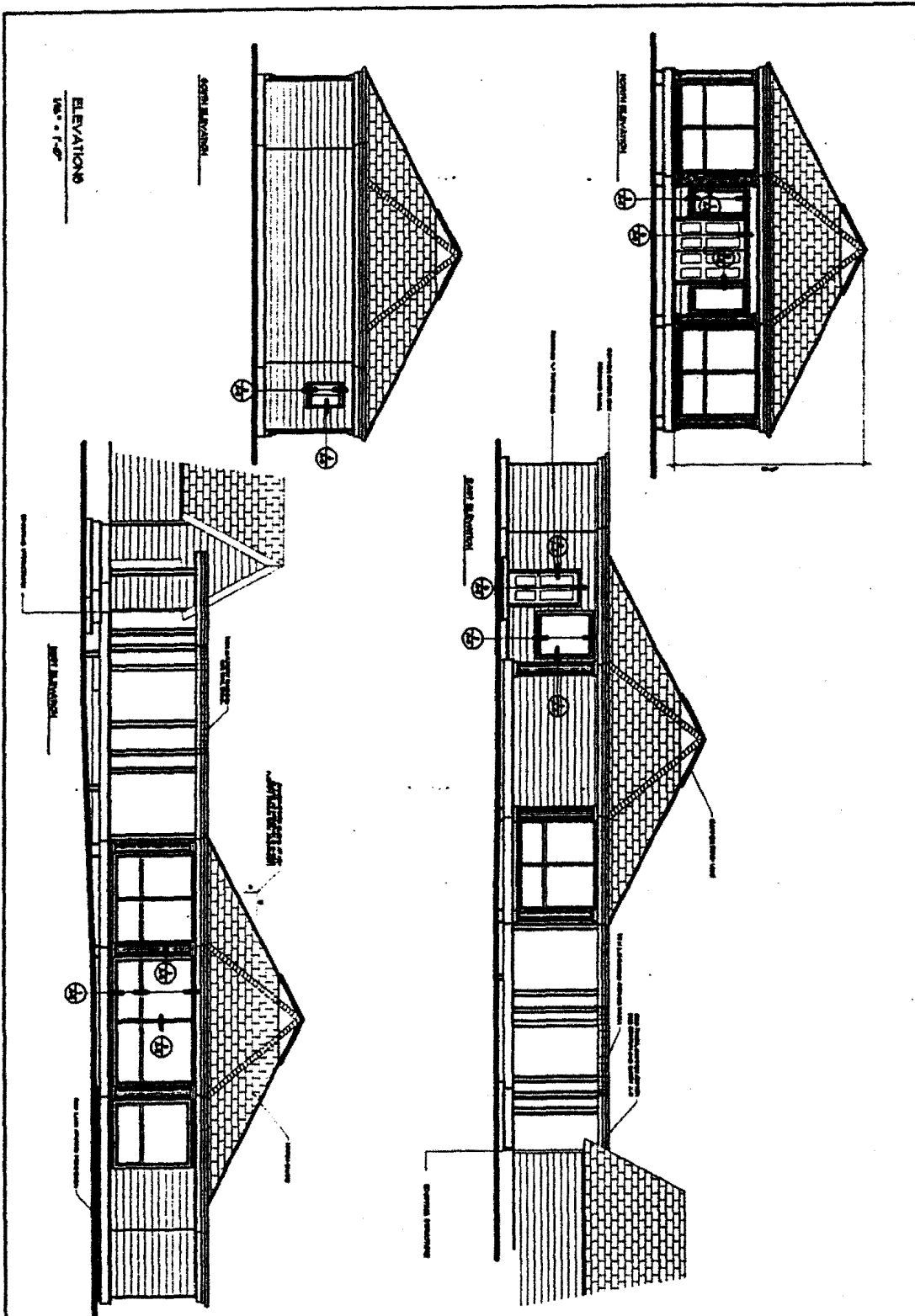
**EXHIBIT NO.** 4  
**APPLICATION NO.**  
 1-90-322-A (GRAHAM)  
 Floor Plan with  
 Existing House Plan

FLOOR PLAN  
1/25/95



	A NEW ENTERTAINMENT ROOM FOR <b>ROBERT AND NANCY GRAHAM</b> CARMEL, CALIFORNIA	<b>PAUL DOUGLAS, Architect</b> P.O. Box 598 Mendocino, CA 955-322
	DATE: 11/25/95	
	DRAWN BY: [Name]	

<b>EXHIBIT NO.</b>	5
<b>APPLICATION NO.</b>	1-90-322-A
GRAHAM	
FLOOR PLAN	



A NEW ENTERTAINMENT ROOM FOR  
**ROBERT AND NANCY GRAHAM**  
 CARROLL RD. - B.K. CALIFORNIA

PAUL DOUGLAS, Architect  
 P.O. Box 928 Murfreesboro, GA.  
 327-3728

**EXHIBIT NO.** 6  
**APPLICATION NO.**  
 1-90-322-A  
 GRAHAM  
 ELEVATION PLANS

**CALIFORNIA COASTAL COMMISSION**  
 NORTH COAST AREA

████████████████████  
 45 FREMONT STREET, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 (415) 904-5200

Filed: December 13, 1990  
 49th Day: January 31, 1991  
 180th Day: June 11, 1991  
 Staff: Jo Ginsberg  
 Staff Report: December 21, 1990  
 Hearing Date: January 11, 1991  
 Commission Action:



RSM

STAFF REPORT: CONSENT CALENDAR

F5d

APPLICATION NO.: 1-90-322  
 APPLICANT: Robert and Nancy Graham  
 PROJECT LOCATION: 1650 Cameron Road, north of Elk, Mendocino County,  
 APN 126-090-13, 126-100-09, 126-110-08, 126-120-03.  
 PROJECT DESCRIPTION: Construction of a 7,122-sq.-ft. single-family residence,  
 septic system, water tanks, and access road.

Lot area: 32.4 acres  
 Building coverage: 7,122 sq.ft.  
 Pavement coverage: 13,400 sq.ft.  
 Parking spaces: 4  
 Plan designation: Rural Residential-5/Rural Residential-5:  
 Development Limitations (RR-5/RR-5:DL)  
 Project density: 1 du/32.4 acres  
 Ht abv fin grade: 20 feet

LOCAL APPROVALS RECEIVED: Mendocino County LCP Consistency Review,  
 Department of Environmental Health septic  
 approval.

SUBSTANTIVE FILE DOCUMENTS: Mendocino County Land Use Plan.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development 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.

EXHIBIT NO. 7

APPLICATION NO.  
 1-90-322-A

GRAHAM

Original Staff  
 Report

II. Standard Conditions: See attached.

III. Special Conditions:

1. Deed Restriction.

PRIOR TO ISSUANCE of the coastal development permit, permittee shall submit for review and approval of the Executive Director and shall subsequently record, a deed restriction stating the following:

a. that the eastern wing of the proposed residence shall be without kitchen or cooking facilities and not to be separately rented, let, or leased, whether compensation be direct or indirect. Any change in the use of the structure shall require a separate coastal permit or amendment to coastal development permit no. 1-90-322.

b. that the subject permit is only for the development herein described in the coastal development permit no. 1-90-322 and that any future additions or other development as defined in Public Resources Code Section 30106 will require an amendment to this permit or will require an additional coastal development permit from the California Coastal Commission or from its successor agency.

This deed restriction shall be recorded with the deed to the parcel APN 126-090-13, 126-100-09, 126-110-08, 126-120-03 as a covenant running with the land and shall bind all successors and assignees of the permittee.

IV. Findings and Declarations.

1. Project Description:

The applicant proposes to construct a 7,122-sq.-ft. single-family residence with an attached garage, septic system, water tanks, and access road on a 32.4-acre parcel located east of Highway One on Cameron Road, approximately four miles north of the town of Elk.

The subject parcel is designated in the Mendocino County Land Use Plan as Rural Residential-5/Rural Residential-5: Development Limitations (RR-5/RR-5:DL), meaning that there may be one parcel for every five acres. The western portion of the parcel, which is quite steep, is located in a Development Limitations (DL) zone, meaning that slopes of over 30 percent, bluff erosion, or landslides may prevent or limit development. The proposed residence is located outside the DL zone (see Exhibit No. 3) on a naturally occurring finger of land between two drainage ravines, one of which contains a creek that runs along the southern boundary of the subject parcel.

EXHIBIT NO.	7
APPLICATION NO.	1-90-322-A
GRAHAM	
Original Staff Report	



2. Locating and Planning New Development/Second Structure:

Section 30250(a) of the Coastal Act states that new development shall be located within or near existing developed areas able to accommodate it or 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 proposed development includes a 7,122-sq.-ft. single-family residence. A well already exists on the property, and a septic system has been approved by the Mendocino County Department of Environmental Health. The parcel is therefore able to accommodate the proposed development.

The proposed residence consists of a western wing, which contains two bedrooms, a living room, two and a half bathrooms, an entertainment room, a kitchen/dining room, and a music room. A hallway connects this wing with the eastern wing of the house, which includes a garage, greenhouse, darkroom, recreation room, two bedrooms, and a bathroom (see Exhibit No. 5). Although the wings are connected, it is conceivable that the eastern wing could be used as a second residential unit, either now or at some time in the future, based on the design of the structure.

The Mendocino County LUP designates the subject site as Rural Residential-5/ Rural Residential-5: Development Limitations, meaning that there may be one parcel for every five acres and that the parcel is designated for residential use. The Commission does not permit the construction of second residential units on a single parcel in Mendocino County, because of a concern that doubling of density could potentially result in cumulative adverse impacts on highway capacity, groundwater resources, and scenic values, inconsistent with Coastal Act Section 30250(a). In addition, the LUP makes no provisions for second residential units, and does not consider the impacts that would result from such an increase in density. The LUP policies and the Land Use Plan map designations of parcel size were determined to be consistent with the Coastal Act based on the impacts of one dwelling unit per parcel.

To ensure that the eastern wing of the proposed residence will not be used at any time as a second residential unit, Special Condition No. 1(a) is attached to this permit, requiring recordation of a deed restriction stating that the eastern wing shall be without kitchen or cooking facilities, and shall not be separately rented, let, or leased. The proposed development, as conditioned, is therefore consistent with Coastal Act Section 30250(a), because the subject parcel is able to accommodate it, and because Special Condition No. 1(a) will ensure that there will be only one residential unit on the parcel.

EXHIBIT NO. 7
APPLICATION NO. 1-90-322-A
GRAHAM
Original Staff Report

3. Geologic Hazards:

Coastal Act Section 30253 states that new development shall minimize risks to life and property in areas of high geologic hazard, and shall assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

The western portion of the subject parcel is located within an area designated Development Limitations (DL), due to the steepness of the slope. However, the proposed development is located outside of the DL zone (see Exhibit No. 3), on a relatively flat portion of the parcel situated between two drainage ravines. In addition, a site inspection was conducted by a licensed engineer, who determined that there was no evidence of any existing geologic hazard at the building site, nor was there any reason to believe that the proposed development would result in any potential hazard.

However, to ensure that any future development is not located where it could result in a geologic hazard, the Commission attaches Special Condition No. 1(b), requiring recordation of a deed restriction regarding future development. This condition requires that any future development, including additions or other structures that might otherwise be exempt from coastal permits under the administrative regulations, will be reviewed by the Commission so that the Commission can ensure that the development will be located where it will not create a geologic hazard. Therefore, as conditioned, the proposed development is consistent with Coastal Act Section 30253, as no geologic hazard will be created.

4. Environmentally Sensitive Habitat Area:

Coastal Act Section 30231 states that the biological productivity and quality of coastal streams shall be protected. Coastal Act Section 30240 states that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and that development adjacent to such sensitive habitat areas shall be sited and designed to prevent impacts that would significantly degrade such areas.

Two drainage ravines cross the subject property, one containing a creek that runs along the southern boundary of the subject parcel. The proposed development is located nearly 200 feet north of the creek, and more than 200 feet south of the northern drainage ravine. Thus, the proposed development is sited where it will not have any adverse impacts on the sensitive habitat.

However, to ensure that any future development on the subject parcel is not located where it will affect the sensitive habitat, the Commission attaches Special Condition No. 1(b), requiring recordation of a deed restriction regarding future development. This condition requires that any future development on the subject parcel will be reviewed by the Commission so that the Commission can ensure that the development will be located where it

EXHIBIT NO. 7
APPLICATION NO. 1-90-322-A
GRAHAM
Original Staff Report

will not disrupt the habitat values of the sensitive area. Therefore, as conditioned, the proposed development is consistent with Coastal Act Sections 30231 and 30240, as the sensitive habitat area will be protected.

5. Mendocino County LUP/Prejudice to LCP:

Policies 3.4-1 and 3.4-2 of the Land Use Plan require submission of a geologic site investigation when a proposed project is located in an area of known or potential geologic hazards in order to determine if the project will result in creation of such a geologic hazard. As discussed above, the proposed project is located outside the designated Development Limitations zone, and a registered engineer has performed a site investigation and has determined that a complete geotechnical survey is not necessary. However, to ensure that any future development will be reviewed so that it will not be located where it will create a geologic hazard, Special Condition No. 1(b) requires recordation of a deed restriction regarding future development. The proposed project, therefore, as conditioned, is consistent with Policies 3.4-1 and 3.4-2 of the LUP.

Policy 3.1-7 of the LUP provides for the protection of environmentally sensitive habitat areas via the establishment of buffer areas adjacent to such habitat. As discussed above, since the proposed development is located nearly 200 feet away from the only environmentally sensitive habitat area identified on the property, a creek that runs through a ravine along the southern border of the property, the Commission finds that it is not necessary to require a buffer area. However, Special Condition No. 1(b) requires recordation of a deed restriction to ensure Commission review of any future development on the subject parcel so that no future development will be located where it will have significant adverse impacts on the creek. Thus, as conditioned, the proposed development is consistent with Policy 3.1-7 of the LUP, as the stream habitat will be protected.

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.

6. 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. There will be only one residential unit on the property and therefore no increase in density with its accompanying adverse cumulative impacts on highway capacity, groundwater resources, and scenic values. In addition, potential geologic hazards will be minimized. Furthermore, the sensitive habitat area will be protected.

EXHIBIT NO. 7
APPLICATION NO. 1-90-322-A
GRAHAM
Original Staff Report

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