

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET, SUITE 200
EUREKA, CA 95501
(707) 445-7833



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ADMINISTRATIVE PERMIT

Page: 1 of 6

Date: March 21, 2003

Permit Application: 1-03-010

APPLICANT(S):

Mendocino Land Trust, Attn: Louisa Morris
California Department of Parks & Recreation, Mendocino District

PROJECT DESCRIPTION:

Demolish and remove all debris from two abandoned residences at Caspar Beach, including the shack house and round tank house and related utilities, two outbuildings, and all fences. Abandon on-site two buried septic tanks and four known wells, and restore the site to an undeveloped condition.

PROJECT LOCATION:

14500 & 14510 Point Cabrillo Drive, Caspar Beach, Caspar (Mendocino County)
(APN(s) 118-120-30)

EXECUTIVE DIRECTOR'S
DETERMINATION:

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE: April 9, 2003

PHONE: (805) 963-0744

TIME: Meeting begins at 9:00 a.m.

PLACE: Radisson Santa Barbara, 1111 East Cabrillo Blvd, Santa Barbara, CA

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER M. DOUGLAS
Executive Director

Robert S. Menzies
ROBERT S. MENZIES FOR
By: RANDALL STEMLER
Coastal Program Analyst



CALIFORNIA COASTAL COMMISSION

STANDARD CONDITIONS:

1. Notice of Receipt and 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 is not commenced, the permit will expire two years from the date this permit is reported to the Commission. 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit.

Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description

1. Site

The project setting is in close proximity to several environmentally sensitive habitat areas (ESHA), as shown in Exhibit Nos. 2, 3 and 4. ESHA resources include Doyle Creek, located within 84 feet of the project site; sand dune habitat immediately adjacent to and within the project site; and to coastal waters of the

Pacific Ocean. The mean high tide line is approximately 200 feet to the west. Two abandoned residential structures dating back to the 1950s and mid-to-late 1960s dominate the project site. The site is in an area designated as highly scenic. The project site is located on property currently owned by Mendocino Land Trust, Inc., a California non-profit corporation. The Mendocino Land Trust acquired the property from the Caspar Cattle Company on September 1, 1999 with financial assistance from the State Coastal Conservancy for the purpose of removing the abandoned houses and other structures, restoring the site to an undeveloped condition, and ultimately conveying the property to the California Department of Parks and Recreation for addition to the Caspar Beach State Park. Continued use of the beach by the public is ensured. The existing development on the site consists of four above-ground structures: 1) a round, 27-foot diameter, approximately 30-foot tall, wooden "tank" house, 2) a 670-square-foot "shack" house, 3) a 24-square-foot pump-house/shed, and 4) a 50-square-foot shed. All structures are in fair to poor condition. Each of the two houses have electrical wiring, water and propane piping, and septic tanks. An Environmental Site Assessment was performed under contract with the California State Coastal Conservancy by Dannatt and Associates. Their report, dated 2/19/99 stated that there was: "[N]o evidence of dumping or other chemical or hazardous material usage on the subject site. There was no indication of oil spills impacting the shoreline. No known hazardous materials sites are located nearby which may have the potential to impact the subject site. There were no records indicating environmental issues at the site." A botanical survey was conducted during June 1999 by Teresa Sholars, and found no rare or sensitive species in the project site area.

2. Project

All four existing structures, decks, fences, and ornamental landscaping would be demolished and all debris would be completely removed from the site. The two septic tanks and four water wells would be abandoned on-site as described below, and as permitted by the Mendocino Department of Environmental Health. Three shallow "ring" wells and one drilled well would be opened up to remove all pumps and plumbing, and all rings and casing within the upper 3-5 feet would be removed. The wells would then be filled with sandy soil native to the site. The two septic tanks would be pumped dry, and then treated with lime. The tops of the tanks would be knocked in with a backhoe, and then the tanks would be filled with sandy soil native to the site. The septic tanks and wells would be filled with sand to preclude creating a hazardous condition should the tops ever be uncovered. The leach lines for the septic tanks would be abandoned on site because their removal would disrupt the adjacent sand dunes and therefore would not be the least environmentally damaging alternative. Hand tools (McLeods, rakes, and pitchforks) would be used to groom the finished project site to aerate the sandy soil and help alleviate some of the compaction caused by the existing development. Further restoration of the site, such as revegetation with native

plants, would be left to the California Department of Parks and Recreation after the property is transferred to the state.

B. Protection of ESHA, Water Quality, and Marine Resources

Section 30231 of the Coastal Act requires that the biological productivity and quality of coastal waters be maintained and where feasible restored.

Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas be protected from significant disruption of habitat values, and that only uses dependent on those resources be allowed within those areas. Additionally, Section 30240 requires development in areas adjacent to environmentally sensitive habitat areas, and parks and recreation areas, to be designed to prevent impacts, which would significantly degrade those areas, and must be compatible with the continuance of those habitat and recreation areas.

As previously described, ESHA resources exist in and around the immediate vicinity of the project site. The tidal waters of the ocean are located approximately 200 feet to the west of the project site. Doyle Creek, approximately 84 feet from the project site, marks the southern boundary of Caspar Beach and once supported healthy runs of coho salmon and steelhead. Coastal sand dune ESHA exists throughout the Caspar Beach area, and as identified in Exhibit 3, is located in and around the project area. In fact, the septic system leach fields of the abandoned houses run underneath sand dune ESHA, and the septic tanks and wells are within dune habitat. The actual ground area of the residential structures to be demolished and removed doesn't occupy ESHA because any habitat that may have previously existed in those specific locations has long since been displaced. The project vicinity does not contain rare or sensitive plant or animal species based on botanical and wildlife surveys.

1. Development Within ESHA

As discussed above, the proposed work to abandon the septic tanks and wells buried below sand dune habitat would be performed within ESHA. This work as described previously, would not introduce any new uses, and so, is consistent with the provisions of Section 30240(a) of the Coastal Act allowing only uses dependent on ESHA to be located in ESHA. An alternatives analysis was performed in order to arrive at the least environmentally damaging alternative to propose for the demolition and restoration of the site. One of the alternatives considered was the complete removal of the septic tanks, leach lines, and well casings. The level of disruption to the ESHA dune habitat was deemed to not be the least environmentally damaging due to the extensive size of the excavation that would result from digging in sandy substrate. Such excavation would damage dune vegetation and possibly alter dune form and the dynamics of the dune system. Another alternative considered would be to abandon the tanks and wells on site but fill them with cement. This was deemed inappropriate in this location, because if the tanks or wells ever were exposed through natural erosion of the

dune area, it would be desirable to remove the tanks and wells to eliminate their visual impact. The tanks and wells would be significantly more difficult to remove if they were filled with concrete. The proposed alternative was deemed to be the least environmentally damaging. As proposed, the three shallow "ring" wells and one drilled well would be opened up to remove all pumps and plumbing, and all rings and casing within the upper 3-5 feet would be removed. The wells would then be filled with sandy soil native to the site. The two septic tanks would be pumped dry, and then be treated with lime. The tops of the tanks would be knocked in with a backhoe, and then the tanks would be filled with sandy soil native to the site. The septic tanks and wells would be filled with sand to preclude creating a hazardous condition should the tops ever be uncovered. The leach lines for the septic tanks would be abandoned on site. The proposal would not result in a significant disruption of dune habitat values as the necessary excavation would be relatively small, and when covered back over with native sand materials, the excavated areas would be readily recolonized by species from the surrounding dune habitat. In addition, the dune habitat above the leach field would not be disturbed at all.

However, the proposal could cause significant disruption of dune habitat should the natural dune system erode and expose the septic system and well casings. If exposed, the tanks, septic lines, and well casings would be displacing surface dune habitat area and would visually degrade the habitat area. The alternatives analysis deemed the likelihood of these elements of the septic and well system becoming exposed as very slight, given that the seaward dunes have been stabilized by dune grasses and the houses have stood for a number of decades without experiencing such erosion. However, as dune systems are dynamic and wave erosion can be episodic and catastrophic, it cannot be concluded with certainty that elements of the septic and well system would not be exposed. Therefore, the Executive Director attaches Special Condition No. 2, which requires that if any of the abandoned portions of the septic systems or water wells ever become exposed, the exposed structure(s) shall be removed from the site within 60 days of discovery of the exposure and disposed of in a lawful manner. As conditioned, the Executive Director finds that the proposed development within the dune habitat is the least environmentally damaging alternative and would protect the dune habitat from significant disruption of habitat values consistent with the requirements of Section 30240(a) of the Coastal Act.

2. Development Adjacent to ESHA

As discussed above, the proposed demolition and removal of the two houses and other above ground structures would not occur within ESHA areas. However, removal of the above ground, abandoned, structures may actually expand sand dune habitat ESHA by allowing for the ESHA habitat to expand into areas previously occupied by the structures. The proposed project could have an adverse affect on adjacent ESHA resources unless all portions of the existing buildings and materials are properly disposed of to prevent debris from polluting

adjacent sand dune ESHA, Doyle Creek ESHA, or coastal waters where the debris would adversely affect water quality. To ensure consistency with the provisions of Section 30240(b) of the Coastal Act requiring that impacts be prevented that would significantly degrade ESHA habitat and parks and recreation areas, the Executive Director attaches Special Condition No. 1 to require that all portions of the existing above ground buildings and associated residential development be removed from the site and recycled or disposed of in a lawful manner either outside the coastal zone or hauled to the Mendocino County Caspar Transfer Station, on Road 409 east of Caspar, or to another approved disposal site.

Therefore, the Executive Director finds that the proposed project as conditioned will not degrade or significantly disrupt habitat values of the ESHA in and around the project site and will maintain the biological productivity and quality of coastal waters consistent with the requirements of Coastal Act Section 30240 and 30231.

C. Public Access

Section 30212 of the Coastal Act 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. In applying Section 30211 and 30212, the Commission is also 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. Public access to the beach will be enhanced by removal of the existing structures and completion of the proposed project. As described above, the intention of the project is to demolish and completely remove existing aboveground abandoned residential structures in preparation for turning the property over to the California Department of Parks and Recreation for addition to Caspar Beach State Park, after which time it would be managed for public access and recreational use. The parking spots that currently exist at the site are often used by beach goers, and would remain available for public use after project completion.

Thus, the proposed project would enhance public access and recreational use of Caspar Beach and does not have any adverse effect on public access. Therefore, the Executive Director finds that the project as proposed is consistent with the requirements of Coastal Act Sections 30210, 30211, and 30212.

SPECIAL CONDITIONS

1. Debris Disposal

Any and all materials and debris resulting from the demolition and environmental restoration activities shall be removed from the site, and either recycled or disposed of in

a lawful manner outside of the coastal zone or at an approved disposal site. No materials, debris, or waste shall be placed or stored where it may enter coastal waters.

2. Removal of Abandoned Portions of Septic Systems or Wells Upon Exposure

If any of the abandoned portions of the septic systems or water wells ever become exposed, the exposed structure shall be removed from the site within 60 days of discovery of its exposure and disposed of in a lawful manner as required above.

3. Permit Amendment

The permittee shall conduct the project in accordance with the proposal as set forth in the application for permit, as conditioned. No changes to the approved project shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

ACKNOWLEDGEMENT OF PERMIT RECEIPT / ACCEPTANCE OF CONTENTS:

I / We acknowledge that I / we received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

P Q R S T U V W X Y Z

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

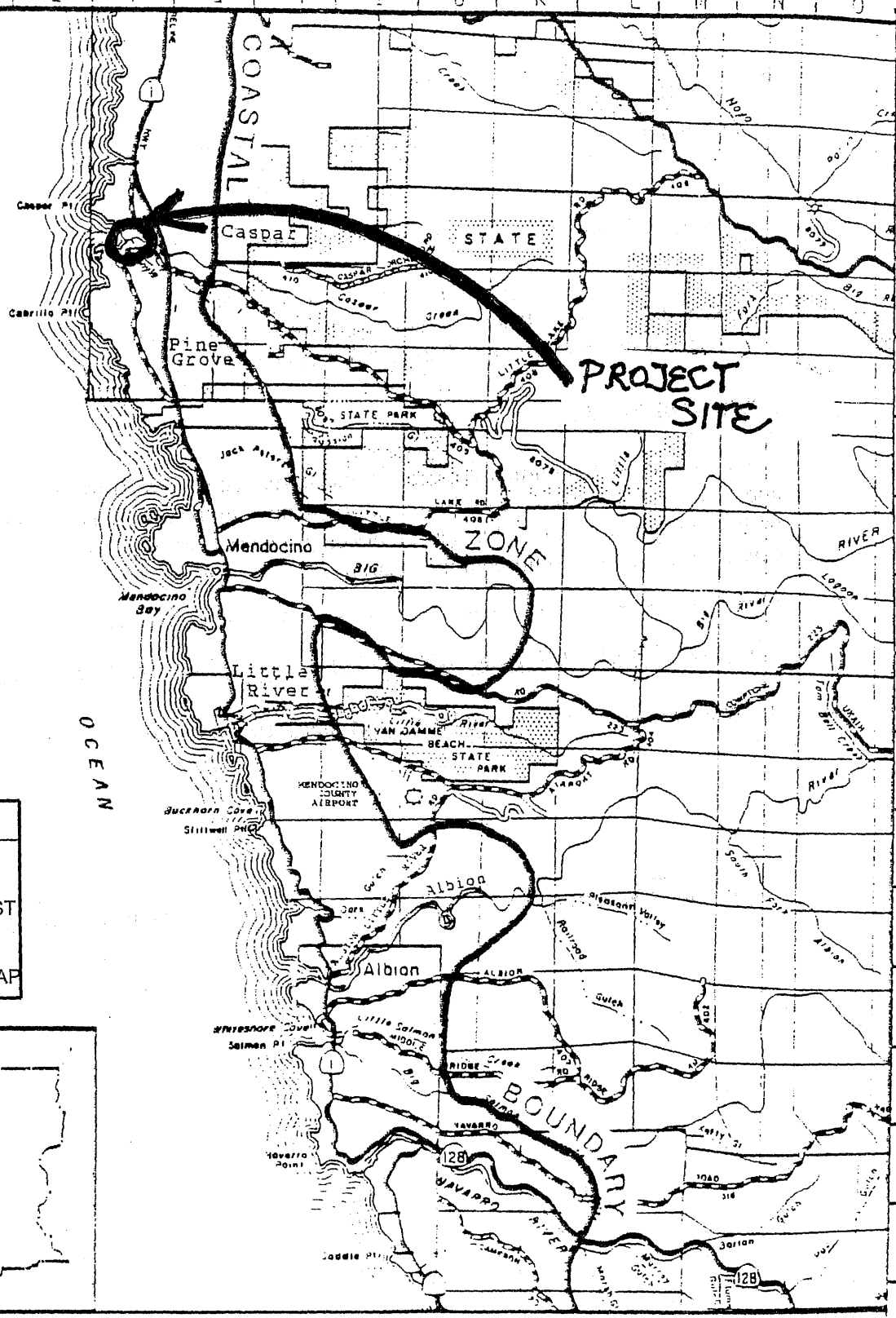
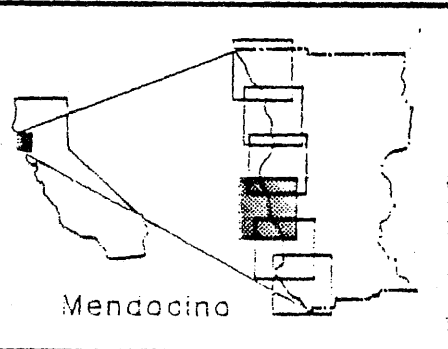


EXHIBIT NO. 1
APPLICATION NO.
 1-03-010
 MENDOCINO LAND TRUST
 & MENDOCINO DIST.
 STATE PARKS
 REGIONAL LOCATION MAP



TOWN OF CASPAR

4N

PROJECT SITE

CASPAR BLUFFS

CASPAR CREEK

PARCEL 8715

PT. CABRILLO ROAD

CASPAR CEMETERY

HOUSES

PARCEL 8716

CASPAR BEACH

RY PARK

DOYLE CREEK

HOUSE

HOUSE

HOUSE

PARCEL 8717

MORSE HOUSE

PT. CABRILLO ROAD

HIGHWAY 1

ROAD

HOUSES

UNDEVELOPED AND RESIDENTIAL

FREITAS PROPERTY

BARN

EXHIBIT NO. 2

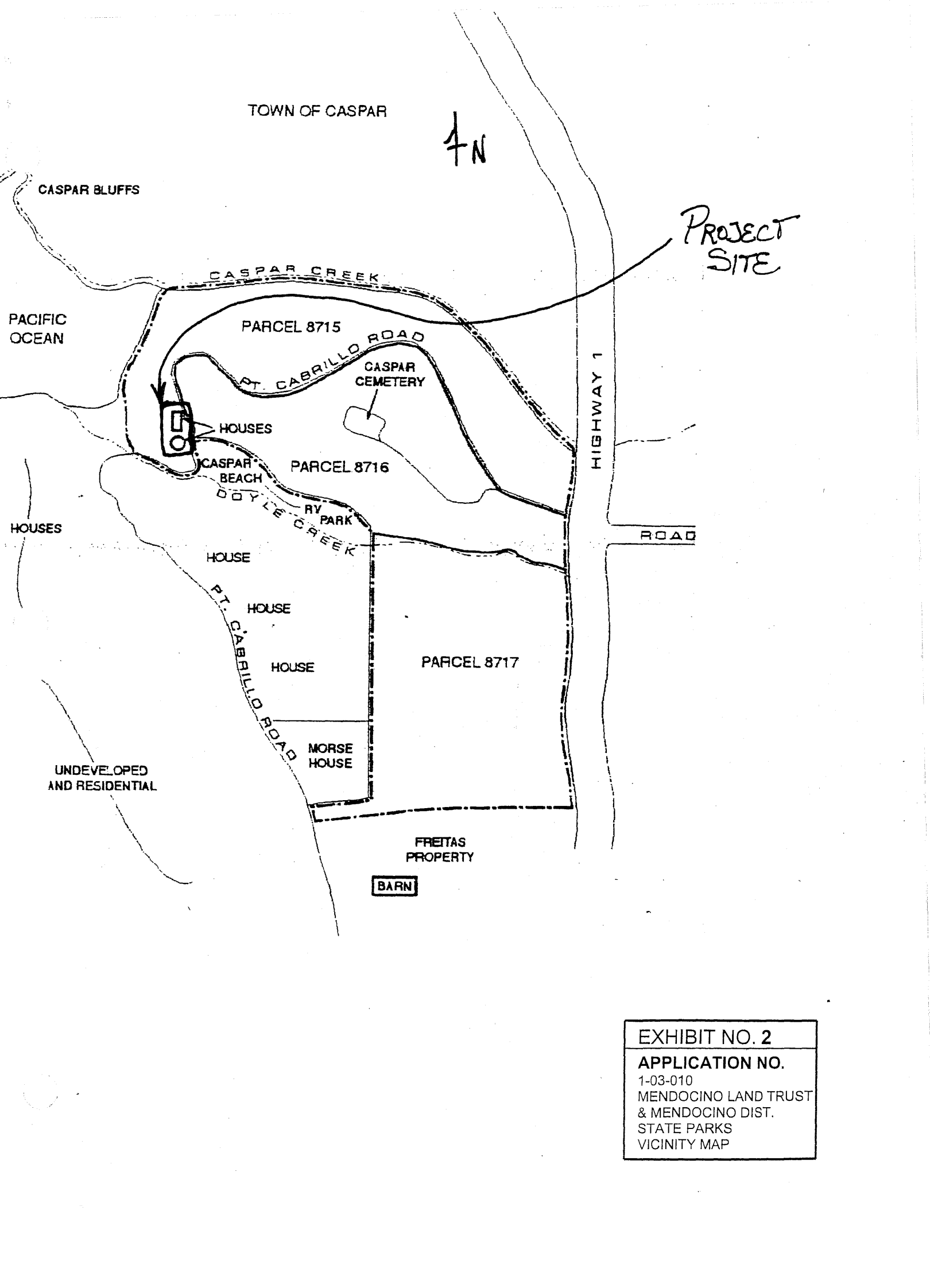
APPLICATION NO.

1-03-010

MENDOCINO LAND TRUST & MENDOCINO DIST.

STATE PARKS

VICINITY MAP



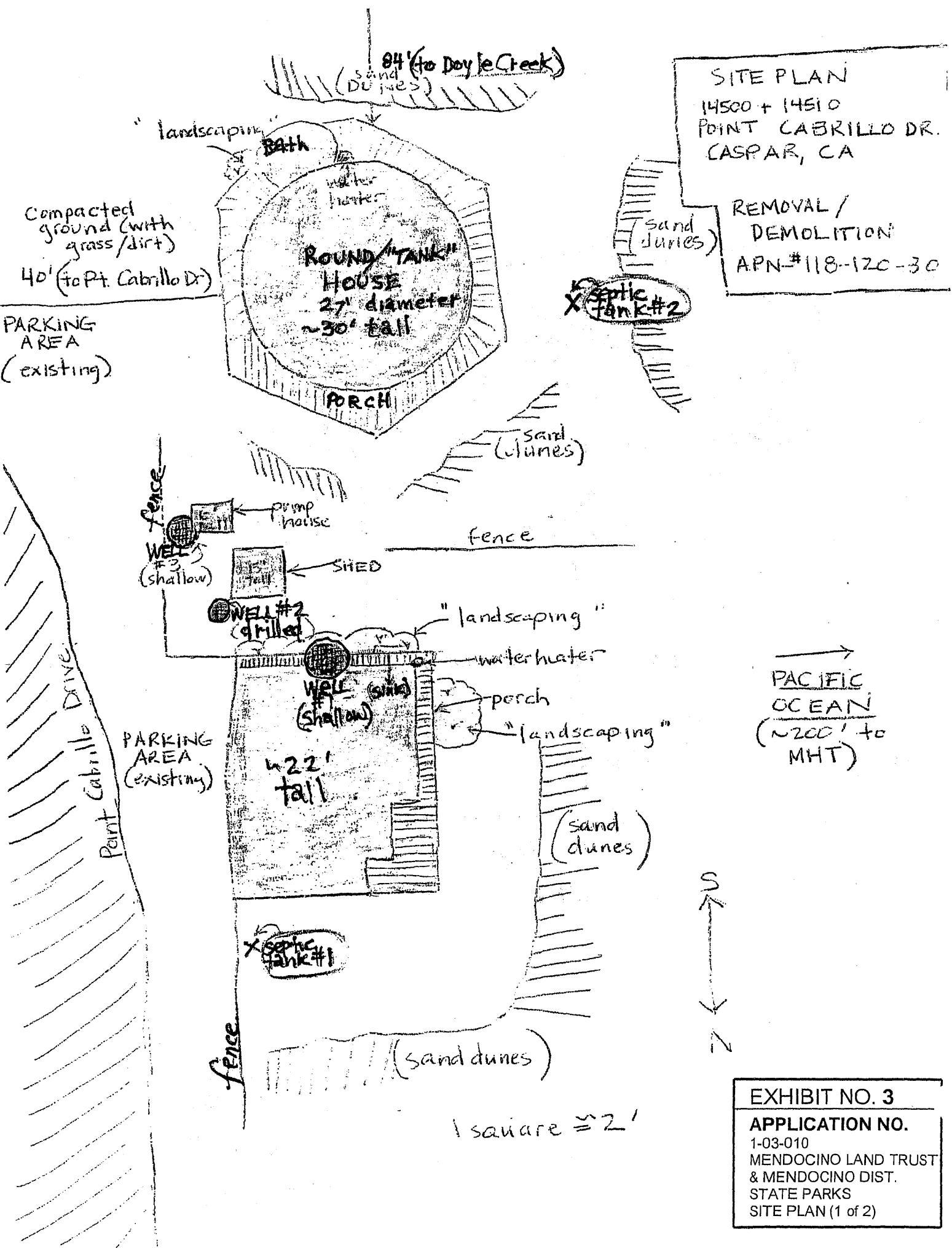
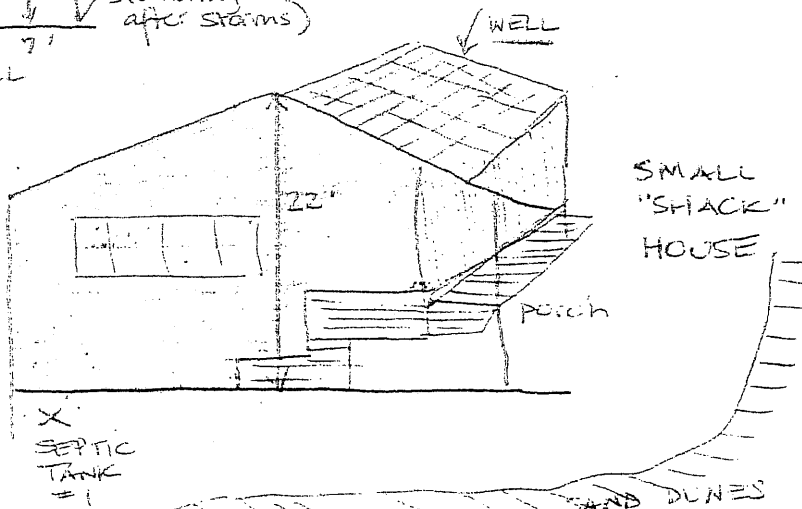
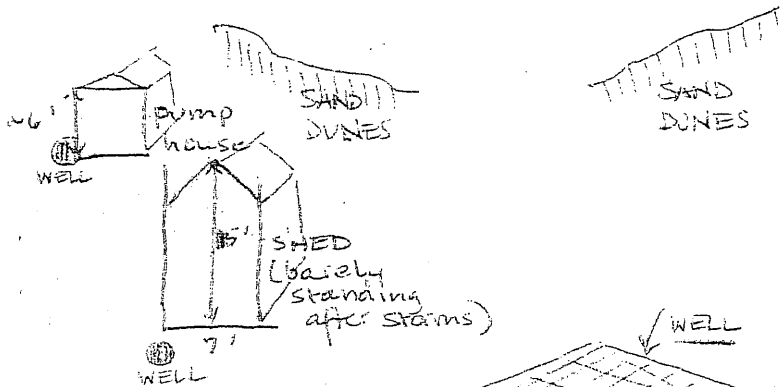
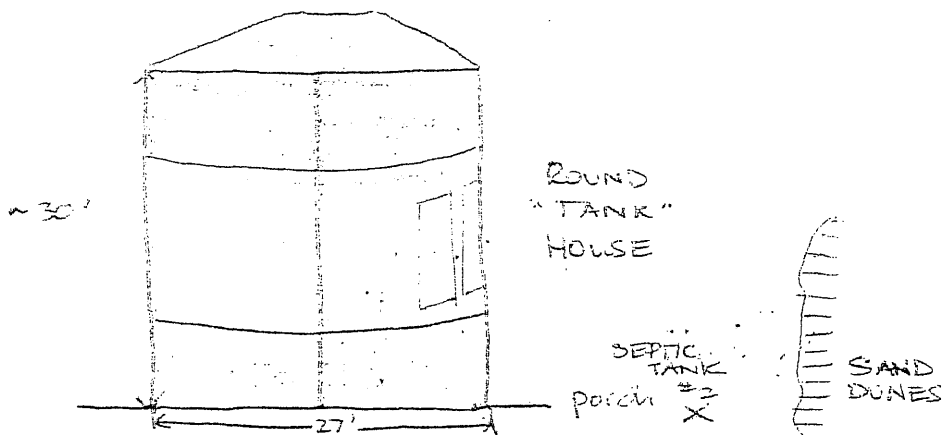


EXHIBIT NO. 3
APPLICATION NO.
 1-03-010
 MENDOCINO LAND TRUST
 & MENDOCINO DIST.
 STATE PARKS
 SITE PLAN (1 of 2)

↑ DOYLE
CREEK



→
PACIFIC
OCEAN

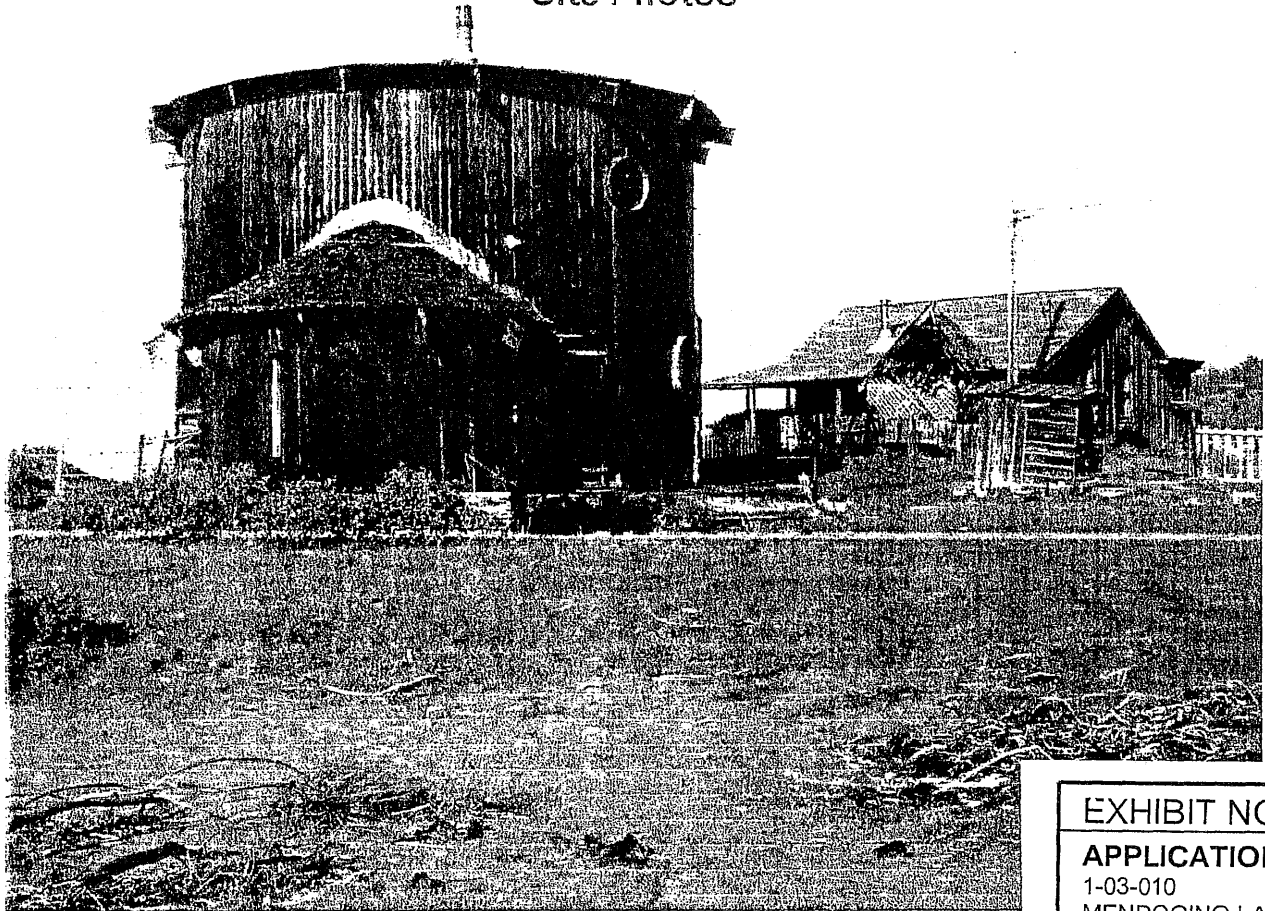
Pt. Cabrillo Drive

ELEVATIONS
 14500 + 14510 POINT CABRILLO DR.
 CASPAR CA
 APN 188-100-30

* Diagram is approximate.
 See photos for more accurate
 representation of structures
 to be removed.

2022

41500 & 41510 Point Cabrillo Drive, Caspar, CA
Demolition and Removal Permit Application
Site Photos



1. Round "Tank" House & "Shack" House
Point Cabrillo Drive, Caspar: View looking northwest

EXHIBIT NO. 4

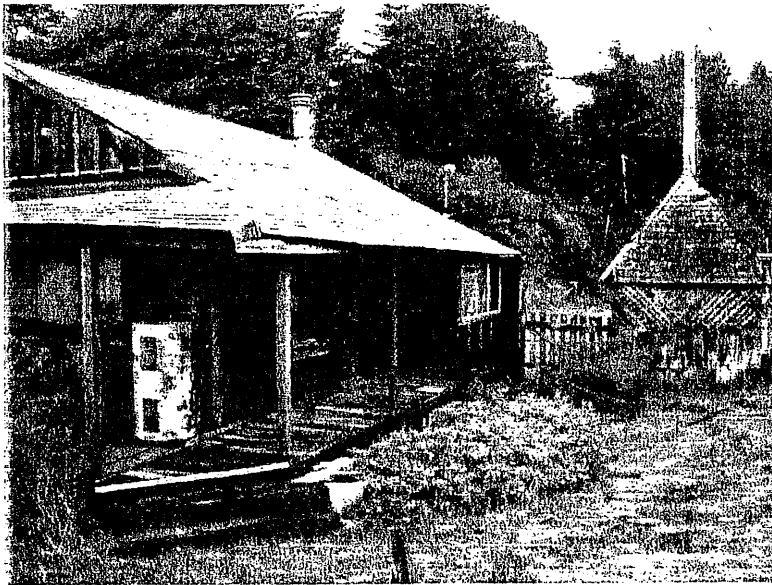
APPLICATION NO.

1-03-010

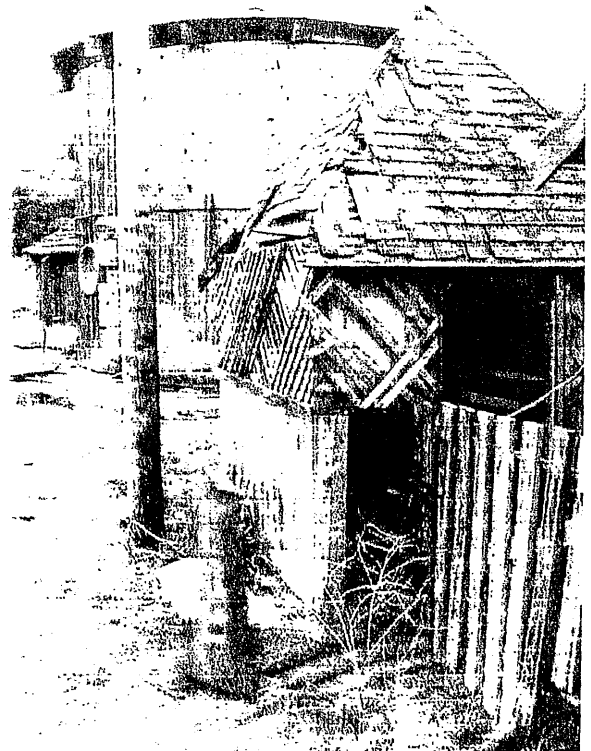
MENDOCINO LAND TRU
& MENDOCINO DIST.

STATE PARKS

PHOTOGRAPHS (1 of 3)

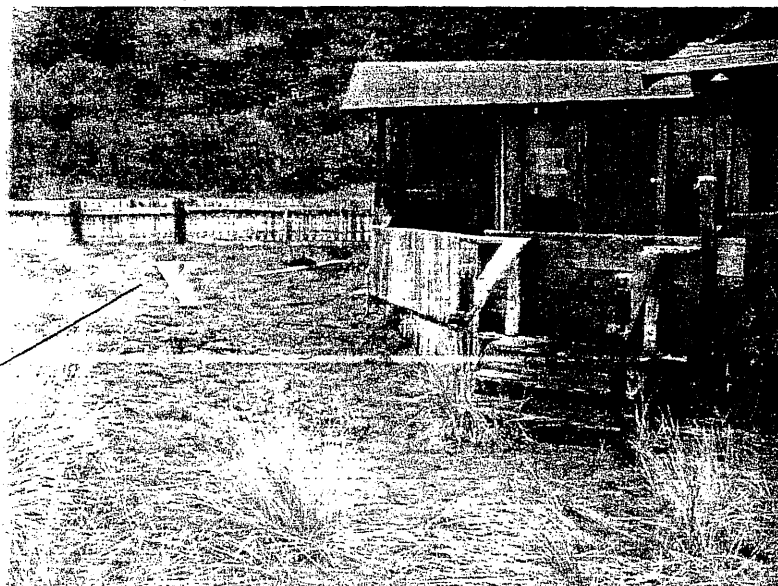


2. "Shack" House and Shed:
view looking east (toward Point Cabrillo Drive)

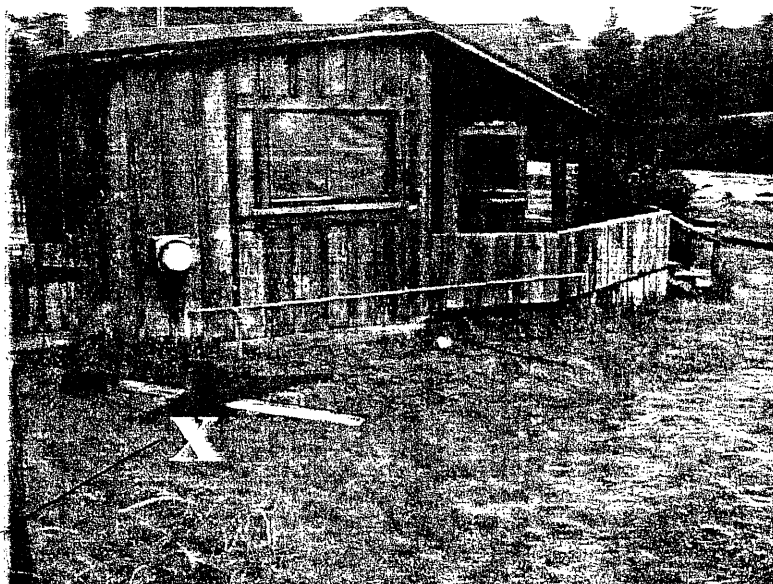


3. Shed with Round House in background

41500 & 41510 Point Cabrillo Drive, Caspar, CA
Demolition and Removal Permit Application
Site Photos



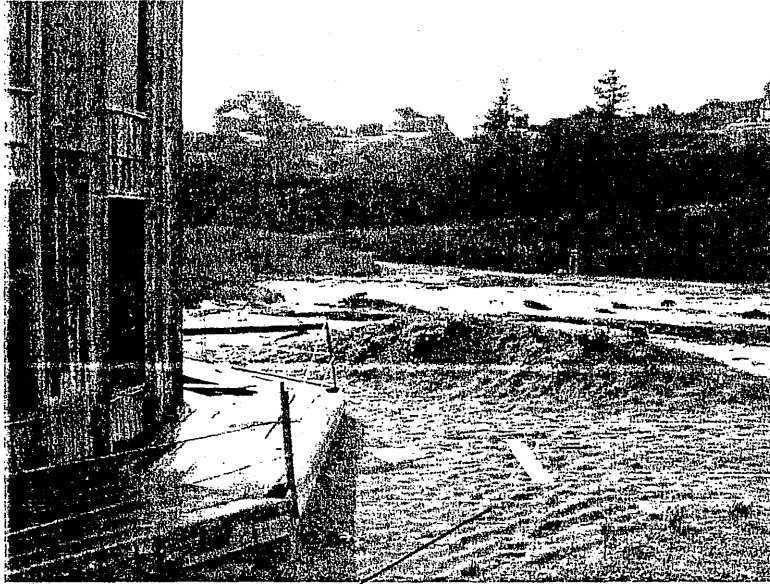
4. Approximate septic location:
"Shack" House



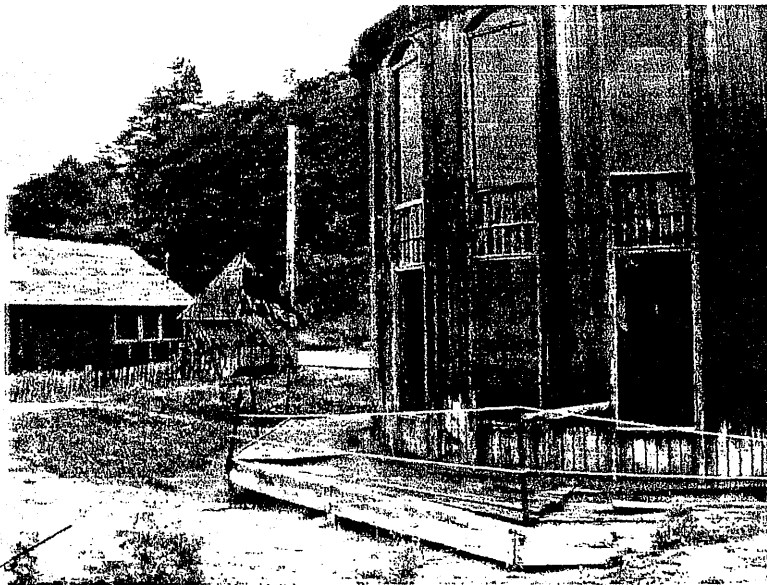
5. Approximate septic location:
"Shack" House

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41500 & 41510 Point Cabrillo Drive, Caspar, CA
Demolition and Removal Permit Application
Site Photos



6. Approximate septic location:
Round "Tank" House



7. Approximate septic location:
Round "Tank" House

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