

CALIFORNIA COASTAL COMMISSION

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Filed: April 20, 2005
Hearing Opened: June 8, 2005
Staff: Carrie A. Bluth
Staff Report: June 30, 2005
Hearing Date: July 14, 2005
Commission Action:

STAFF REPORT: APPEALDE NOVO HEARING

APPEAL NO.: **A-1-MEN-05-020**

APPLICANT: **Dennis Hollingsworth**

LOCAL GOVERNMENT: **County of Mendocino**

DECISION: **Approval with Conditions**

PROJECT LOCATION: **27801 North Highway One, Approximately 3 miles north of Cleone, on the east side of Hwy One, approximately ¼ mile north of Camp Ten Mile Rd. and Hwy One intersection, in Mendocino County (APN 069-010-31).**

PROJECT DESCRIPTION: **After-the-fact authorization for the construction and subsequent remodel of a 2,646-square-foot detached garage/shop structure, with a maximum height of 20 feet above finished grade, and the permanent removal of unpermitted fill previously placed adjacent to an environmentally sensitive habitat area, accompanied by habitat restoration of the disturbed area.**

APPELLANT: **Darold Kassebaum, Jr.**

SUBSTANTIVE FILE: **1) Mendocino County CDP No. 47-04; and**
DOCUMENTS **2) County of Mendocino Local Coastal Program.**

STAFF NOTES:

1. Procedure.

On June 8th, 2005 the Coastal Commission found that the appeal of the County of Mendocino's approval raised a substantial issue with respect to the grounds on which the appeal had been filed, pursuant to Section 30625 of the Coastal Act and Section 13115 of Title 14 of the California Code of Regulations. As a result, the County's approval is no longer effective, and the Commission must consider the project *de novo*. The Commission may approve, approve with conditions (including conditions different than those imposed by the County), or deny the application. Since the proposed project is within an area for which the Commission has certified a Local Coastal Program (LCP), the applicable standard of review for the Commission to consider is whether the development is consistent with the County's certified LCP. Testimony may be taken from all interested persons at the *de novo* hearing.

2. Submittal of Additional Information by the Applicant.

For the purposes of *de novo* review by the Commission, the applicant has provided Commission staff with supplemental information consisting of: 1) a detailed site plan drawn to scale, and 2) information concerning the approximate amount of unpermitted fill proposed to be removed, and the size of the area filled, and 3) details concerning proposed plumbing and fixtures associated with the proposed garage/shop structure. The applicant has also amended his project description to: 1) permanently remove all of the unpermitted fill from the subject property; 2) expand the proposed restoration plans to include the entire area from which the fill will be removed; and 3) seek after-the-fact authorization for the construction of the detached garage/shop type structure as well as for the subsequent re-model of the structure.

The supplemental information addresses issues raised by the appeal where applicable, and provides additional information concerning the amended project proposal that was not a part of the record when the County originally acted to approve the coastal development permit

SUMMARY OF STAFF RECOMMENDATION DE NOVO:
APPROVAL WITH CONDITIONS

The staff recommends that the Commission approve with conditions the coastal development permit for the proposed project on the basis that, as conditioned by the Commission, the project is consistent with the County of Mendocino certified LCP.

Since the June 2005 hearing on the Substantial Issue determination, the applicant has amended the permit application, for purposes of the Commission's hearing *de novo* on the project, to permanently remove all of the unpermitted fill previously placed on this rural residential project site, and accordingly, to extend the proposed restoration to cover the entire disturbed area (an

approximately 2,400-sq.-ft. area). This area of disturbance is adjacent to an intermittent stream flanked by a riparian corridor located along the northern portion of this property, which is recognized as an environmentally sensitive habitat area under the certified LCP. After-the-fact Authorization is sought also, now, for the proposed construction of the garage/shop structure as well as the subsequent remodel of the structure.

Under the amended proposal, the only development proposed within 100-feet of the ESHA is that associated with habitat restoration, specifically, removing the unpermitted fill, restoring the slope to a natural grade, and revegetating the disturbed area with appropriate native plant material. The revised plans would result in the restoration of the entire area of disturbance located adjacent to the ESHA, and would buffer the proposed garage/workshop which would be located approximately 100-feet away from the stream. The fill would be transported off site to the applicant's business property, located in a commercially zoned area of Fort Bragg – outside of the Coastal Zone, and any pollutants found in the fill would be properly disposed of, per the applicant's proposal.

The staff has determined that the proposed project, as amended for purposes of the Commission's *de novo* review, to permanently remove all of the unpermitted fill from the site, restore the disturbed area, and maintain the location of the garage/workshop outside of the 100-foot ESHA buffer area would be consistent with the natural resources policies and provisions of the certified LCP requiring that new development establish buffer areas adjacent to all environmentally sensitive habitat areas to protect such areas from potential impacts associated with development. In addition, the development activity to be undertaken within 100-feet of the ESHA on-site (within the buffer area) is consistent with the standards for development within buffer areas set forth in the LCP, in that the activities will be for restoration purposes only, best management practices including erosion control and other precautionary measures will be implemented to protect the stream during grading, and the site will be re-vegetated with native habitat specific vegetation which will ultimately restore and enhance the habitat value and species diversity of the ESHA and buffer area.

Staff is recommending 7 Special Conditions to ensure the project's consistency with these and other applicable policies of the County's certified LCP. The principal recommended conditions would require the applicant to submit a final fill removal and restoration plan which sufficiently demonstrates that adequate stream protection measures will be utilized during grading activity and that the disturbed area will be restored in a manner that replaces and enhances the habitat value of the subject site, which had previously been degraded as a result of the unpermitted filling activity.

Additionally, Special Condition No. 4 prohibits the use of the garage/workshop as a second residence, and Special Condition No. 5 places design restrictions on the exterior lighting associated with the structure to ensure the proposed exterior lighting does not disturb or create any visual impacts on the wildlife potentially using the riparian habitat on site, and/or for neighbors in the surrounding community. Finally, Special Condition No. 6 requires that all terms and conditions of the permit be recorded as deed restrictions.

Staff recommends that the Commission find the project, as conditioned, is consistent with the policies contained in the County's certified LCP.

MOTION, STAFF RECOMMENDATION *DE NOVO*, AND RESOLUTION:

Motion:

I move that the Commission approve Coastal Development Permit No. A-1-MEN-05-020 pursuant to the staff recommendation.

Staff Recommendation of Approval:

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

Resolution to Approve Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development, as conditioned will be in conformity with the certified County of Mendocino LCP. Approval of the permit complies with the California Environmental Quality Act because there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

I. STANDARD CONDITIONS: See attached.

II. SPECIAL CONDITIONS:

1. Permit Expiration and Condition Compliance

Because some of the proposed development has already commenced, this coastal development permit shall be deemed issued upon the Commission's approval and will not expire. Failure to comply with the special conditions of this permit may result in the institution of an action to enforce those conditions under the provisions of Chapter 9 of the Coastal Act.

2. Fill Removal and Disposal Plans

- A. ON OR BEFORE SEPTEMBER 1ST OF 2005**, the applicant shall submit final fill removal and disposal plans to the Executive Director for review and approval.

1. The plans shall conform to the following specifications:
 - (a) All of the fill is to be removed prior to the onset of the rainy season this year (October 31st, 2005).
 - (b) Best Management Practices (BMPs) designed to control erosion and prevent silt and sediment from entering the stream during grading and revegetation activities must be installed PRIOR to beginning any grading activity and must remain in place throughout the 2005/06 rainy season (October 31st – April 15th). At a minimum a physical barrier consisting of silt fencing and/or bales of weed free rice-straw or waddles placed end to end shall be installed between the grading area and the stream, and should be placed at the edge of the intact riparian plant community.
 - (c) No fill material to be removed shall be temporarily placed or stored during grading activities where it may be subject to entering coastal waters; Any necessary stockpiles must be covered.
 - (d) All of the fill to be removed shall be transported off site, as proposed, to the applicant's commercial property, and sifted. Any pollutants (material other than clean dirt) found, shall be properly disposed of at an approved disposal facility.
 2. The plan shall include, at a minimum, the following components:
 - (a) A site plan showing all proposed locations for BMPs, stockpiling construction materials, debris, or waste during fill removal operations;
 - (b) A description of the manner by which the material will be removed from the construction site and identification of all debris disposal sites that will be used;
 - (c) A schedule for BMP installation, fill removal, grading and transport activities.
- B. The permittee shall undertake development in accordance with the approved site and fill removal and disposal plans that have been approved by the Executive Director consistent with subsection A of this condition. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved site plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. **Habitat Restoration Plan**

A. **ON OR BEFORE SEPTEMBER 1ST OF 2005**, the applicant shall submit, for the review and approval of the Executive Director, a final restoration plan for the entire area disturbed by grading activity. The plan shall be prepared by a licensed professional botanist or biologist with expertise in restoration, and shall substantially conform to the plans recommended by the consulting botanist (Susan Morrison, KPFF) contained in reports/letters dated 9/20/04, 10/12/2004 and 3/22/2005, and attachments thereto, and incorporate any additional recommended modifications based on the amended project proposal. Such recommendations are contained in Exhibit No. 6 and incorporated by reference herein. In addition, the plan shall adhere to the following specifications:

1. The plan shall demonstrate that:
 - (a) The disturbed slope shall be returned to natural grade.
 - (b) All non-native invasive plants present in the riparian habitat and buffer area shall be removed;
 - (c) The entire disturbed area will be replanted with habitat specific native vegetation. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California, shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the governments of the State of California or the United States shall be utilized within the property. Riparian vegetation is to be replanted at a minimum of a 1:1 ratio. The disturbed area shall be revegetated as soon as possible following removal of the fill, and no later than 30 days from the time fill removal has been completed. The plantings shall be temporarily irrigated until the plants are sufficiently established as to no longer need supplementation;
 - (d) Rodenticides containing any anticoagulant compounds, including, but not limited to, Bromadiolone or Diphacinone, shall not be used.
 - (e) Erosion control measures such as silt fences and/or weed-free rice straw bales or waddles installed during grading activity shall be retained throughout the initial rainy season following the re-planting (October 31st, 2005 - April 15th 2006), in order to prevent silt and sediment from entering the stream, due to the initial limited coverage expected over the restoration site.

- (f) The restoration area will be monitored and maintained as needed in order to achieve an ultimate goal of 75% survival rate for the riparian vegetation, as determined by a qualified botanist/biologist.
- 2. The plan shall include, at a minimum, the following components:
 - (a) A site plan accompanied by a plant list which together show the type, size, and location of all plant materials that will be retained or installed on the disturbed area;
 - (b) A maintenance and monitoring plan designed to maximize the potential for timely success of the habitat restoration effort, which is a requirement of this coastal development permit. The plan should include at a minimum provisions for a qualified botanist/biologist to monitor the restoration site as necessary during the first 3 years following planting. At the end of each year, the qualified botanist/biologist shall submit, by December 31st, a written report for the review and approval of the Executive Director, describing the degree of success and/or failure of the restoration effort. The restoration effort will be deemed a success and therefore considered development in conformance with this coastal development permit when a survival rate of not less than 75% of the riparian vegetation has been achieved. If the final report indicates that the planting effort has been unsuccessful, in part, or in whole, based on the approved performance standards, the applicant shall submit a revised or supplemental planting plan to compensate for those portions of the original plan which did not meet the approved performance standards. The revised planting program shall be processed as an amendment to this coastal development permit; and
 - (c) A schedule for installation of the plants.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. **Second Structure**

- A. The following restrictions shall apply with respect to the garage/workshop:
 - 1. Use of the garage/workshop as a second residence is prohibited;

2. Any rental or lease of the garage/workshop unit separate from rental of the main residential structure is prohibited;
3. The installation of kitchen and/or cooking facilities is prohibited; and
4. The garage/workshop shall be subordinate and incidental to the main building.

5. **Exterior Lighting Restrictions**

All exterior lights, including any lights attached to the outside of the garage/workshop, shall be the minimum necessary for safety and security purposes, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel or into the environmentally sensitive riparian habitat area.

6. **Deed Restriction.**

ON OR BEFORE OCTOBER 1ST, 2005, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

7. **Conditions Imposed By Local Government.**

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act.

III. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares as follows:

A. Incorporation of Substantial Issue Findings.

The Commission hereby incorporates by reference the Substantial Issue Findings contained in the Commission staff report dated May 26, 2005.

B. Project History/Background.

On March 25th, 2005 the Coastal Permit Administrator for Mendocino County approved Coastal Development Permit No. 47-04 for the subject development, with 7 Special Conditions of Approval [Exhibit No. 4].

The approved development consisted of the removal of un-permitted fill placed within 50-feet of a stream; the restoration of the disturbed area within 50-feet of the stream, and retention of fill after confirming its contents, just outside of an established 50-foot ESHA buffer area. The approval also included after-the-fact authorization for the remodel of an existing un-permitted 2,646-square-foot detached garage/shop type structure, with a maximum height of 20 feet above finished grade.

The decision of the Coastal Permit Administrator was not appealed at the local level to the County Board of Supervisors. The County then issued a Notice of Final Action, which was received by Commission staff on April 8, 2005 [Exhibit No. 4].

On April 20, 2005, the Commission received an appeal of the County of Mendocino's decision to approve the development from Mr. Darold Kassebaum, Jr. The appellant's allegations amounted to a contention that the County's approval of the project did not address issues raised by the development in a manner consistent with LCP provisions designed to protect environmentally sensitive habitat areas (ESHA) from development, by providing for the establishment of adequately sized buffers between the two. The full text of the Appeal is included as Exhibit No. 7.

On June 8th, 2005 the Commission found that a Substantial Issue had been raised with regard to the consistency of the project as approved with applicable policies of the LCP concerning the provisions of adequately wide buffers between new development and environmentally sensitive habitat areas.

The Commission continued the *de novo* portion of the appeal hearing so that the applicant could provide additional information relating to the substantial issue. The applicant has amended the project for purposes of the Commission's hearing *de novo* in two ways. First, to address the main issue raised on appeal, i.e. the retention of fill within 100-feet of the ESHA, the project has been revised to include a proposal to permanently remove all of the fill from the project site, and extend the restoration plans to cover the entire disturbed area.

Second, after-the-fact authorization is sought also, for the proposed construction of the garage/shop structure as well as the subsequent remodel of the structure. According to the County, the garage/shop structure was originally applied for as a garage, however no permit was ever issued, and the shop was built without a permit. Subsequently, the applicant undertook an internal remodel of the structure without securing a permit, and in April of 2004 the County issued a "stop-work" order in response (Notice of Violation is contained in the Appeal – Exhibit No. 7).

The County also "red-tagged" the un-permitted grading, which has taken place on the slope adjacent to the Class II stream, as close as 11 feet from the stream itself. As a result of the un-permitted grading, the stream was subject to sedimentation from erosion of the graded area during the winter of 2005. The County issued an emergency permit to allow for implementation of temporary erosion control measures, such as straw waddles and bales as recommended by the applicant's consulting botanist on the project (see Exhibit No. 5 "G" Permit and No. 6 Botanical Reports).

Other past violations on this site recorded by the County include the operation of a commercial use on the residential property and development associated with that use. This operation and related heavy machinery and equipment is in the process of being relocated to a Commercial/Industrial site within the City of Fort Bragg, and outside of the Coastal Zone.

Supplemental information addressing issues raised by the appeal where applicable, and providing additional information concerning the amended project proposal that was not a part of the record when the County originally acted to approve the coastal development permit, has been submitted to the Commission.

C. Project and Site Description.

1. Site Description

The project site is a rural residential property located approximately 3 miles north of Cleone, on the east side of Highway One, roughly ¼ mile north of the intersection of Highway One and Camp Ten Mile Road (see Exhibit Nos. 1 & 2). The property is 3.48 acres in size, and partly forested. An unnamed Class II stream runs along the northern portion of the property. The stream supports riparian vegetation, and constitutes an environmentally sensitive habitat area (ESHA). The property is developed with an existing permitted main residence, a guest cottage, and an un-permitted garage/shop type structure.

The subject property is designated in the Land Use Plan as Rural Residential (RR: 2) which indicates a minimum lot size of 2-acres, and is zoned RR: L-2. The subject property is not within a designated highly scenic area. Due to the property's location inland from the coastline, no public views are afforded to and along the ocean across the property. Visibility of the property from Highway One is predominantly obscured by trees and other vegetation.

2. Project Description

The development, as approved by the County, addressed the un-permitted grading activity which had previously occurred on this rural residential property by establishing a 50-foot buffer to protect the ESHA resources on site (stream and riparian corridor) and requiring the permanent removal of all fill from within the buffer area, accompanied by habitat restoration over the disturbed area. Development approved just outside of the buffer area included the temporary removal of the previously placed fill, and, after confirmation of fill content, the replacement of the fill in the same location. Also approved was the remodel of an existing un-permitted 2,646-square-foot detached garage/shop type structure, with a maximum height of 20 feet.

For the purposes of the Commission's *de novo* review, the project has been amended to propose the permanent removal of all unpermitted fill previously placed on the site and, accordingly, to extend the proposed restoration to cover the entire disturbed area (an approximately 2,400 sq. ft. area) [Exhibit Nos. 3 and 8]. This area of disturbance is adjacent to an intermittent stream flanked by a riparian corridor located along the northern portion of this property, which is recognized as an environmentally sensitive habitat area under the certified LCP. The fill would be transported off site to the applicant's business property located in a commercially zoned area of Fort Bragg, and any pollutants found in the fill would be properly disposed of.

After-the-fact authorization is sought also, now, for the construction, as well as subsequent remodel of an existing unpermitted 2,646-square-foot detached garage/shop type structure, with a maximum height of 20 feet above finished grade to be located north of the main residence and approximately 100 feet away from the on-site stream. The garage/workshop would have indoor plumbing, and tie into the existing on-site waste disposal system. The structure will not include a kitchen or bathing facilities [Exhibit Nos. 3 and 8].

D. Planning and Locating New Development.

1. LCP Provisions

LUP Policy 3.9-1 of the Mendocino County Land Use Plan specifies 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.

LUP Policy 3.8-1 states that Highway 1 capacity, availability of water and sewage disposal system and other know planning factors shall be considered when considering applications for development permits.

The subject property is designated in the Land Use Plan as Rural Residential (RR: 2) which indicates a minimum lot size of 2-acres, and is zoned RR: L-2.

Section 20.376.025 (B.) of the Coastal Zoning Code specifies a maximum dwelling density for the RR: L-2 district of One (1) unit per 2-acres except as provided pursuant to CZC Section 20.456.015, which allows for certain accessory uses.

CZC Section 20.458.010 expressly prohibits the creation of second residential units.

2. Discussion

The subject property is located in a rural residential neighborhood, and adjoins other similarly developed parcels. The site is currently developed with a main single-family residence and a guest cottage. The guest cottage dates from 1974, before the Coastal Act established coastal development permit requirements affecting this site, and is therefore recognized as a legal non-conforming unit. The applicant is seeking after-the-fact authorization for the construction and remodel of a detached garage/workshop. The garage/workshop is permissible as an accessory use pursuant to Section 20.456.015, which allows for accessory structures associated with a principal permitted use – a single-family residence is a principally permitted use in this RR district. In this case, a garage or shop is recognized as an accessory use associated with the existing residential use of the property, and is therefore permissible, provided it is not utilized as a secondary residence, as CZC Section 20.458.010 expressly prohibits the creation of second residential units.

The certified LCP does not allow more than one residential unit on most residential parcels in Mendocino County because of a concern that the increase in density could potentially result in cumulative adverse impacts on highway capacity, groundwater resources, and scenic values, inconsistent with LUP Policies 3.9-1 and 3.8-1. Special Condition No. 4, therefore, specifically restricts the use of the structure as a second residence in conformance with the LCP provisions cited above which effectively prohibit such a unit, and also requires that the garage/workshop be subordinate and incidental to the main building and not be rented or leased separate from the main residential structure, and that no kitchen or cooking facilities be installed. Special Condition No. 7 requires that a deed restriction be recorded informing future buyers of the property of the special conditions of the permit, including the limitation on use of the garage/workshop. Such notice to future buyers will better ensure that in the future, the development is not used as a second unit inconsistent with the requirements of the certified LCP.

The proposed development would meet the prescriptive standards for development within its rural residential zoning district in terms of height, bulk, and coverage, and demonstrated water and wastewater infrastructure. The garage/shop would be 2,646 sq. ft. in size and would not exceed 20-feet in height above average finished grade, and therefore complies with the maximum building height requirement of the Rural Residential zoning district which is 28-feet for an area east of State Highway One [Exhibit No. 3]. The proposed garage/shop structure

would also be in conformance with the 30-foot minimum setback requirements (from any property line), as the structure is located at least 150-feet away from any property line. The floor plans have been modified to reflect the applicant's proposed internal alterations to the structure – which, as previously mentioned has already been built and remodeled once. The further modifications are depicted on the floor plans and described in the applicant's letter dated 6/25/05 (Exhibits 3 and 8 respectively). The applicant is proposing indoor plumbing to accommodate a half-bath. The plumbing would tie into the existing on-site septic system. The Department of Environmental Health has reviewed the plans for this structure and indicated that the inclusion of a "convenience bath" (sink and toilet) alone (no bedrooms are included in the floor plans) in the garage/workshop does not trigger additional septic permitting requirements such as requirements for an expanded leachfield. Thus, it is expected that the proposed development will not increase waste demands such that they exceed the capacity of the existing on-site waste disposal system. Therefore, the proposed development should not create additional service needs, nor should this aspect of the development adversely impact coastal resources individually or cumulatively.

The Commission, therefore, finds that as conditioned, the proposed development is consistent with the LUP and Zoning designations for the site since the development will be located in a developed area, there will be adequate services on the site to serve the proposed development, and the project will not contribute to significant adverse cumulative impacts on highway capacity, scenic values, or other coastal resources.

E. Environmentally Sensitive Habitat Areas

1. LCP Provisions

LUP Policy 3.1-7 in applicable part states:

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

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

3.1-10 *Areas where riparian vegetation exists, such as riparian corridors, are environmentally sensitive habitat areas and development within such areas shall be limited to only those uses which are dependent on the riparian resources. All such areas shall be protected against any significant disruption of habitat values by requiring mitigation for those uses which are permitted. No structure or development, including dredging, filling, vegetation removal and grading, which could degrade the riparian area or diminish its value as a natural resource shall be permitted in the Riparian Corridor except for:*

- *Channelizations, dams, or other substantial alterations of rivers and streams as permitted in Policy 3.1-9;*
- *pipelines, utility lines and road crossings, when no less environmentally damaging alternative route is feasible;*
- *existing agricultural operations;*
- *removal of trees for disease control, public safety purposes, or for firewood for the personal use of the property owner at his or her residence. Such activities shall be subject to restrictions to protect the habitat values.*

CZC Section 20.496.020 states in applicable part:

ESHA- Development Criteria

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

(1) *Width.*

The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation with the California Department of Fish and Game, and County Planning staff, that one hundred feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width. ...Standards for determining the appropriate width of the buffer area are as follows:

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

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

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

- (i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;*
- (ii) An assessment of the short-term and long-term adaptability of various species to human disturbance;*
- (iii) An assessment of the impact and activity levels of the proposed development on the resource.*

(c) Susceptibility of Parcel to Erosion. The width of the buffer zone shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for

erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided.

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

(e) Use of Existing Cultural Features to Locate Buffer Zones. Cultural features (e.g., roads and dikes) shall be used, where feasible, to buffer habitat areas. Where feasible, development shall be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the ESHA.

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

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

- (2) Configuration. The buffer area shall be measured from the nearest outside edge of the ESHA (e.g., for a wetland from the landward edge of the wetland; for a stream from the landward edge of riparian vegetation or the top of the bluff).*
- (3) Land Division. New subdivisions or boundary line adjustments shall not be allowed which will create or provide for new parcels entirely within a buffer area.*
- (4) Permitted Development. Development permitted within the buffer area shall comply at a minimum with the following standards:*

- (a) *Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.*
- (b) *Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.*
- (c) *Development shall be sited and designed to prevent impacts which would degrade adjacent habitat areas. The determination of the best site shall include consideration of drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from natural stream channels. The term "best site" shall be defined as the site having the least impact on the maintenance of the biological and physical integrity of the buffer strip or critical habitat protection area and on the maintenance of the hydrologic capacity of these areas to pass a one hundred (100) year flood without increased damage to the coastal zone natural environment or human systems.*
- (d) *Development shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity.*
- (e) *Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.*
- (f) *Development shall minimize the following: impervious surfaces, removal of vegetation, amount of bare soil, noise, dust, artificial light, nutrient runoff, air pollution, and human intrusion into the wetland and minimize alteration of natural landforms.*
- (g) *Where riparian vegetation is lost due to development, such vegetation shall be replaced at a minimum ratio of one to one (1:1) to restore the protective values of the buffer area.*
- (h) *Aboveground structures shall allow peak surface water flows from a one hundred (100) year flood to pass with no significant impediment.*

- (i) *Hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological processes, either terrestrial or aquatic, shall be protected.*
- (j) *Priority for drainage conveyance from a development site shall be through the natural stream environment zones, if any exist, in the development area. In the drainage system design report or development plan, the capacity of natural stream environment zones to convey runoff from the completed development shall be evaluated and integrated with the drainage system whenever possible. No structure shall interrupt the flow of groundwater within a buffer strip. Foundations shall be situated with the long axis of interrupted impermeable vertical surfaces oriented parallel to the groundwater flow direction. Piers may be allowed on a case by case basis.*
- (k) *If findings are made that the effects of developing an ESHA buffer area may result in significant adverse impacts to the ESHA, mitigation measures will be required as a condition of project approval. Noise barriers, buffer areas in permanent open space, land dedication for erosion control, and wetland restoration, including off-site drainage improvements, may be required as mitigation measures for developments adjacent to environmentally sensitive habitats.*

CZC Section 20.496.035 states in applicable part:

Riparian Corridors and other Riparian Resource Areas.

- (A) *No development or activity which could degrade the riparian area or diminish its value as a natural resource shall be permitted in the riparian corridor or in any area of riparian vegetation except for the following:*
 - (1) *Channelizations, dams or other alterations of rivers and streams as permitted in Section 20.496.030(C);*
 - (2) *Pipelines, utility lines and road and trail crossings when no less environmentally damaging alternative route is feasible;*
 - (3) *Existing agricultural operations;*
 - (4) *Removal of trees for disease control, public safety purposes or personal use for firewood by property owner.*
- (B) *Requirements for development in riparian habitat areas are as follows:*
 - (1) *The development shall not significantly disrupt the habitat the habitat area and shall minimize potential development impacts*

or changes to natural stream flow such as increased runoff, sedimentation, biochemical degradation, increased stream temperatures and loss of shade created by development;

- (2) No other feasible, less environmentally sensitive alternative exists;*
- (3) Mitigation measures have been incorporated into the project to minimize adverse impacts upon the habitat;*
- (4) Where development activities caused the disruption or removal of riparian vegetation, replanting with appropriate native plants shall be required at a minimum ratio of one to one (1:1) and replaced if the survival rate is less than seventy-five (75) percent.*

2. Discussion

For the purposes of the Commission's de novo review, the project has been revised to propose the permanent removal of all unpermitted fill previously placed on the site, and accordingly to extend the proposed restoration to cover the entire disturbed area (an approximately 2,400 sq. ft. area). This area of disturbance is adjacent to an intermittent stream flanked by a riparian corridor located along the northern portion of this property, which is recognized as an environmentally sensitive habitat area under the certified LCP. The fill would be transported off site to the applicant's business property located in a commercially zoned area of Fort Bragg, outside of the Coastal Zone, and any pollutants found in the fill would be properly disposed of, per the applicant's proposal. After-the-fact authorization is sought also, now, for the construction, as well as subsequent remodel of an existing unpermitted 2,646-square-foot detached garage/shop type structure, with a maximum height of 20 feet above finished grade to be located north of the main residence and approximately 100 feet away from the on-site stream.

Amending the proposal to permanently remove all of the fill from the project site serves to negate the main issue raised on appeal regarding the adequacy of the reduced (50-foot) buffer, approved by the County, to protect the stream and riparian corridor from land filling activity previously proposed to be undertaken just outside of the 50-foot buffer area.

Under the current proposal, the applicant would remove all of the unpermitted fill and restore the entire disturbed area to natural grade, and re-vegetate the area in accordance with the restoration model prepared and recommended by the applicant's consulting botanist, Susan Morrison of KPFF, expanding the plan now to include restoring the entire disturbed area. The recommendations involve the removal of invasive species that have already encroached on the disturbed area and restoring the habitat loss by replanting the riparian corridor and buffer area with native plants [see Exhibit No. 6 Botanical Reports]. Special Condition 3 requires the submittal of a final restoration plan which sufficiently demonstrates that adequate stream

protection measures will be utilized during grading activity and that the disturbed area will be restored in a manner that replaces and enhances the habitat value of the subject site which had previously been degraded as a result of the unpermitted filling activity.

The proposal also seeks after-the-fact authorization for the construction and subsequent remodel of a detached garage/shop type of structure located north of the main residence. The structure would be located approximately 100 feet away from the stream, and is therefore in conformance with the 100-foot minimum buffer width required in the LCP. Furthermore, the garage/shop is to be located above the slope which is adjacent to the stream, at a point where the terrain levels off. This natural topographic break serves to naturally shield the ESHA and buffer area from the developed portion of the parcel, and to some extent related impacts such as direct runoff, noise and light.

As conditioned, the Commission finds that the development will result in a restored ESHA buffer zone of approximately 100-feet between the proposed garage/shop and the stream, which is consistent with LUP Policies 3.1-7 and 3.1-10 and with Coastal Zoning Code Sections 20.496.020, 20.496.035.

Permissible Development within ESHA Buffers

The proposed fill removal and restoration activities would take place within 100-feet of the on-site stream. LUP Policy 3.1-7 allows development within buffer areas for the same uses that would be permitted in the adjacent ESHA, provided: (1) the development is sited and designed to prevent impacts which would significantly degrade such areas; (2) it is compatible with the continuance of such habitat areas by maintaining their functional capacity and ability to be self-sustaining and to maintain natural species diversity; and (3) no other feasible site is available and mitigation is provided.

The proposed fill removal and restoration activities within the ESHA buffer area would meet the requirements of LUP Policy 3.1-7 and CZC Section 20.496.020 in that: (1) the grading and restoration activities as proposed involve adhering to the project botanist's recommendations which include measures such as the use of silt barriers and straw bales to control erosion and prevent sedimentation of the stream during grading and ultimately to replant the site and 2) the restoration work proposed involves returning the disturbed area to a natural grade and restoring the habitat loss by revegetating with habitat specific native plants at a minimum of a 1:1 ratio, in order to re-establish habitat values and species diversity on the disturbed site, and finally 3) because the proposed restoration work is necessary to rectify unpermitted development adjacent to ESHA, the work is site specific, and thus there are no alternative sites where this work could feasibly be accomplished.

Special Conditions 2 and 3, together, require the applicant to submit final fill removal and restoration plans prepared by a qualified professional for the review and approval of the Executive Director, which sufficiently demonstrate that adequate stream protection measures

will be utilized during grading activity and that the disturbed area will be restored in a manner that replaces and enhances the habitat value of the subject site which had previously been degraded as a result of the unpermitted filling activity. To ensure that the ESHA is not adversely impacted by the required replanting of the site, Special Condition No. 3 requires that only native and/or non-invasive plant species be planted at the site. Introduced invasive exotic plant species could spread into the ESHA and displace native wetland vegetation, thereby disrupting the value and function of the adjacent ESHA. Special Condition No. 3 also includes a prohibition on the landscaping use of rodenticides containing blood anti-coagulants that have been found to be harmful to certain sensitive wildlife species. As discussed above, Special Condition No. 7 requires recordation of a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property, which would also ensure that all future owners of the property are aware of these landscaping restrictions.

Special Condition 2 further reinforces the applicant's proposal to transport the fill off site and dispose of any pollutants (if found) at an approved disposal facility.

As conditioned, the Commission finds that the proposed grading and restoration work is, therefore, consistent with LUP Policy 3.1-7 and CZC Section 20.496.020, both of which address permissible development within ESHA buffers.

F. Visual Resources.

1. LCP Provisions

LUP Policy 3.5-1 states in applicable part:

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

2. Discussion.

The proposed development includes a 2,646-square-foot detached garage/shop structure, to be 20-feet in height above finished grade. The property is not situated within a designated highly scenic area as enumerated within the LCP or as depicted on its LUP maps. Development of the residence will not involve substantial alteration of natural landforms.

Due to its location well inland and east of Highway One, no views to and along the ocean through the project site are available to the public. Further, because of the presence of intervening major vegetation, the site is not particularly visible to motorists traveling on Highway One.

The proposed garage/shop would be similar in size and height to other structures on the property and in the surrounding neighborhood. Special Condition No. 5 places design restrictions on the exterior lighting associated with the structure in order to ensure the proposed exterior lighting does not create any visual impacts.

The Commission thus finds that the proposed development, as conditioned, is consistent with LUP Policy 3.5-1.

G. Violations.

Although development has taken place prior to submission of the subject permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit. Special Condition No. 1 ensures that this permit vests upon issuance, and that it will not expire, as some development has already commenced.

H. California Environmental Quality Act (CEQA).

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

The Commission incorporates its findings on conformity with LCP policies at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed herein, in the findings addressing the consistency of the proposed project with the certified LCP, the proposed project has been conditioned to be found consistent with the County of Mendocino LCP. Mitigation measures which will minimize all adverse environmental impacts have been made requirements of project approval. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the

environment. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

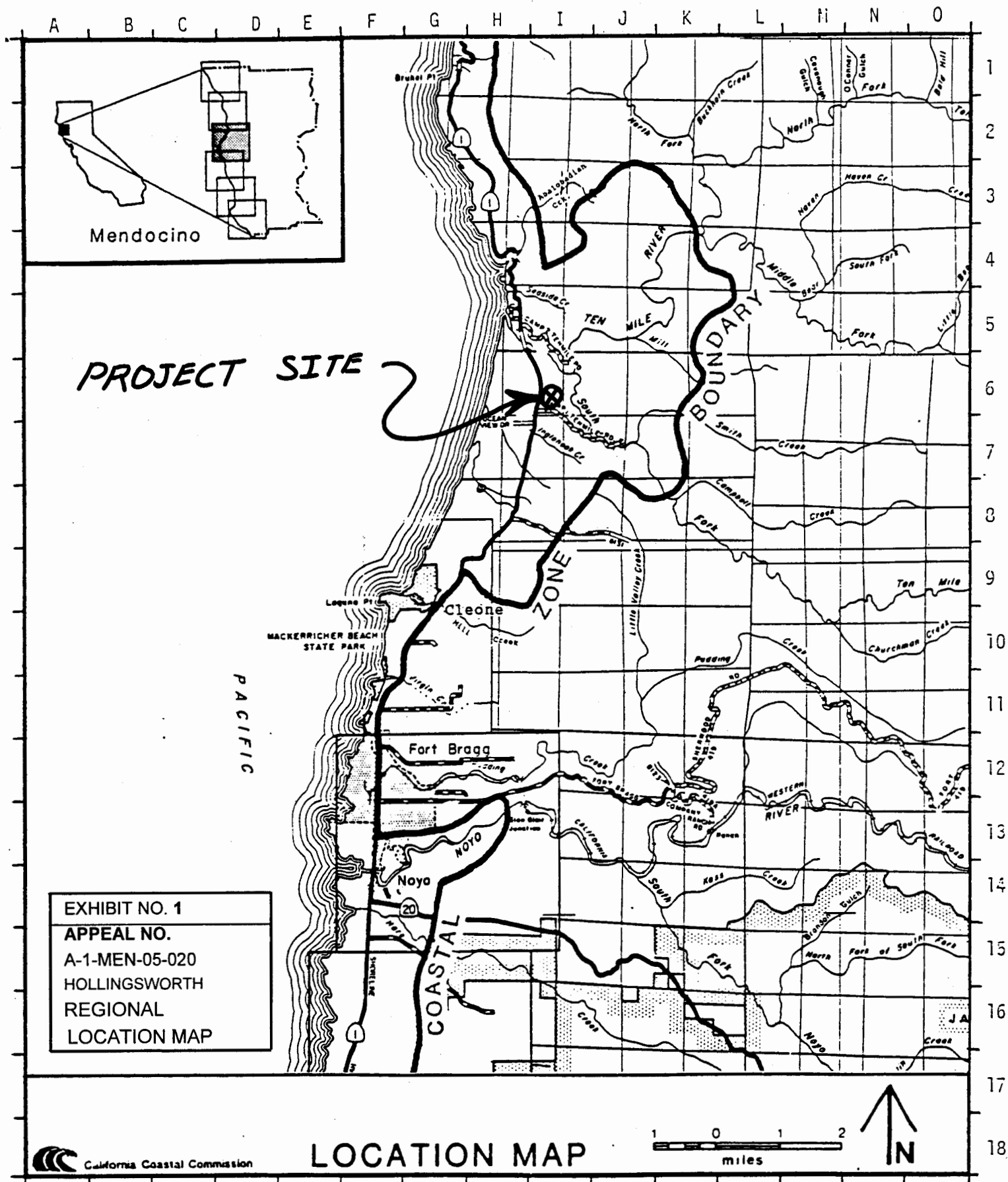
IV. EXHIBITS:

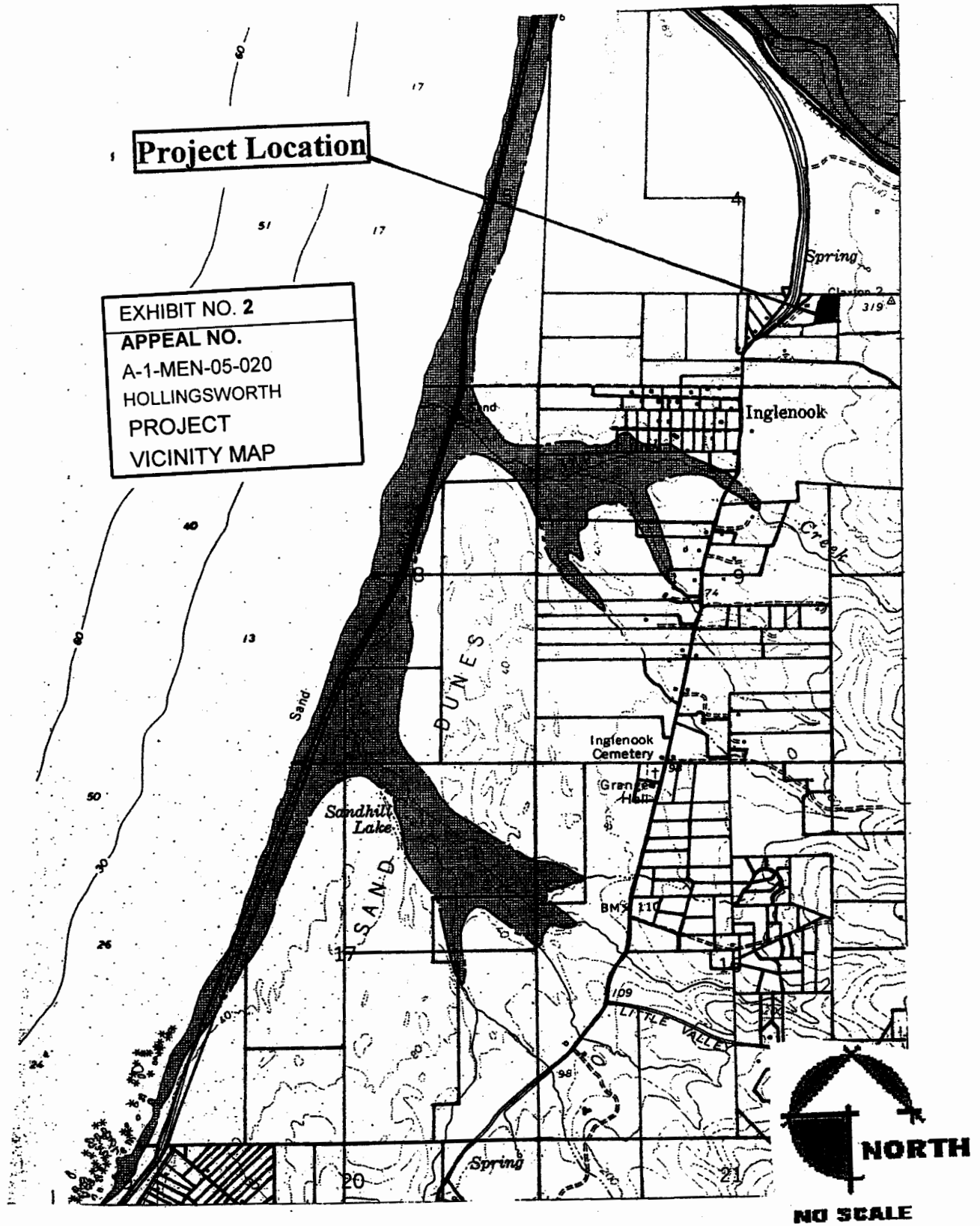
1. Regional Location Map
2. Vicinity Map
3. Revised Site Plan, Garage/Shop Elevations, and Revised Floor Plan
4. Notice of Final Local Action/County Staff Report and Supplements
5. Emergency Permit (Mendocino County)
6. Botanical Reports (9/20/04, 10/12/2004 and 3/22/2005 - Susan Morrison, KPFF)
7. Appeal, filed 4/20/05 by Darold Kassebaum
8. Amended Project Proposal Letters (5/31/05 and 6/25/05 (2), Dennis Hollingsworth)

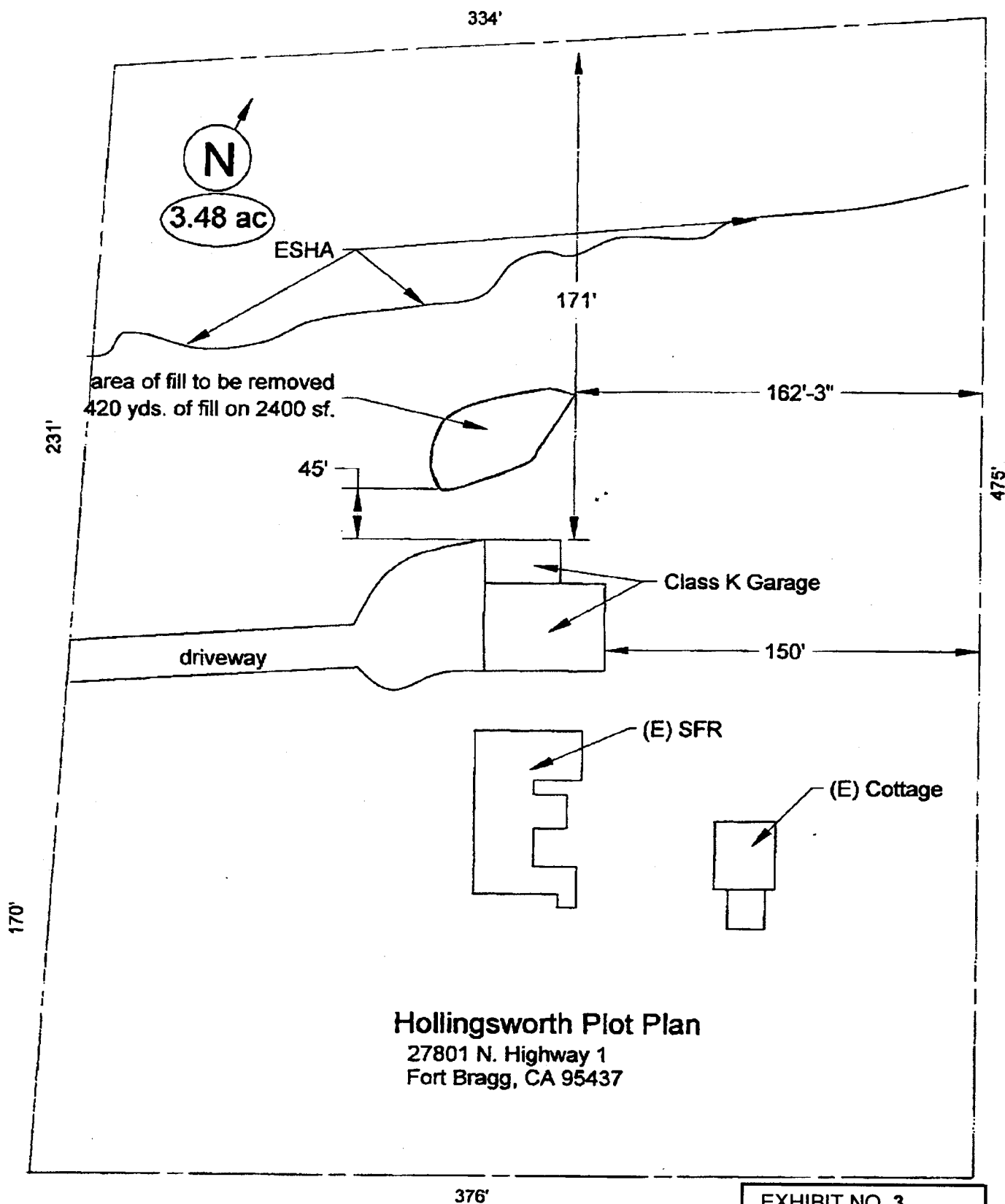
ATTACHMENT A:

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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.
3. 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.
4. 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.





**Hollingsworth Plot Plan**

27801 N. Highway 1
Fort Bragg, CA 95437

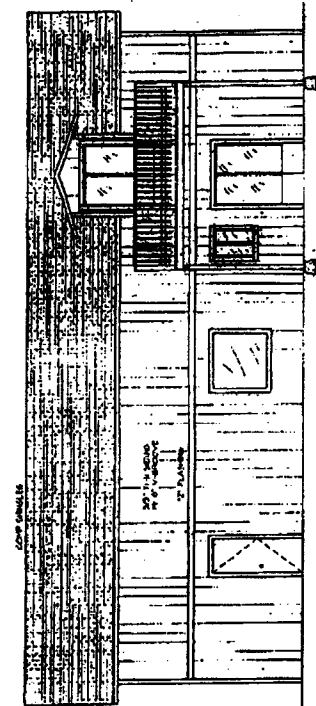
EXHIBIT NO. 3**APPEAL NO.**

A-1-MEN-05-020

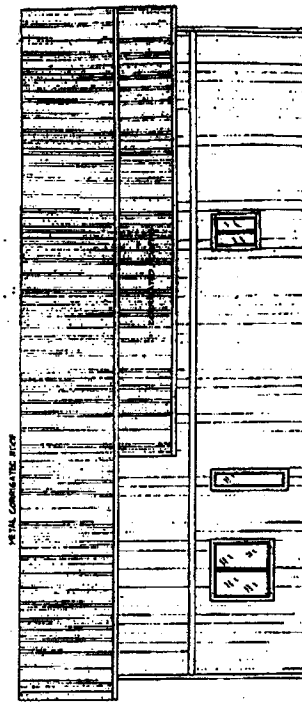
DE NOVO

Site/Structure Plans

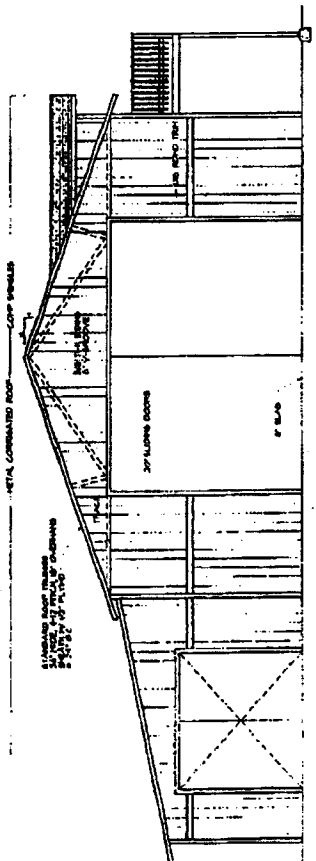
(Page 1 of 3)



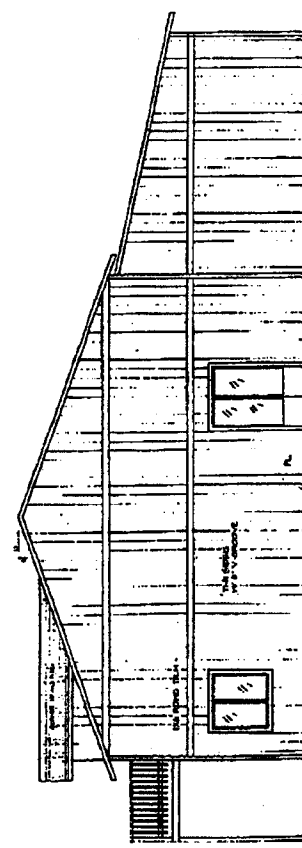
SOUTH ELEVATION
SCALE 1/4" = 1'-0"



SOUTH ELEVATION
SCALE 1/4" = 1'-0"



WEST ELEVATION
SCALE 1/4" = 1'-0"



EAST ELEVATION
SCALE 1/4" = 1'-0"

EXHIBIT NO. 3

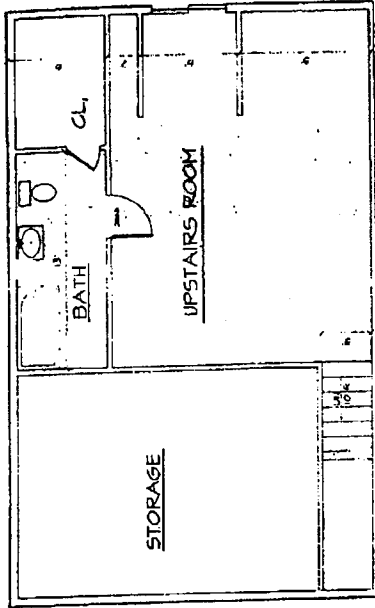
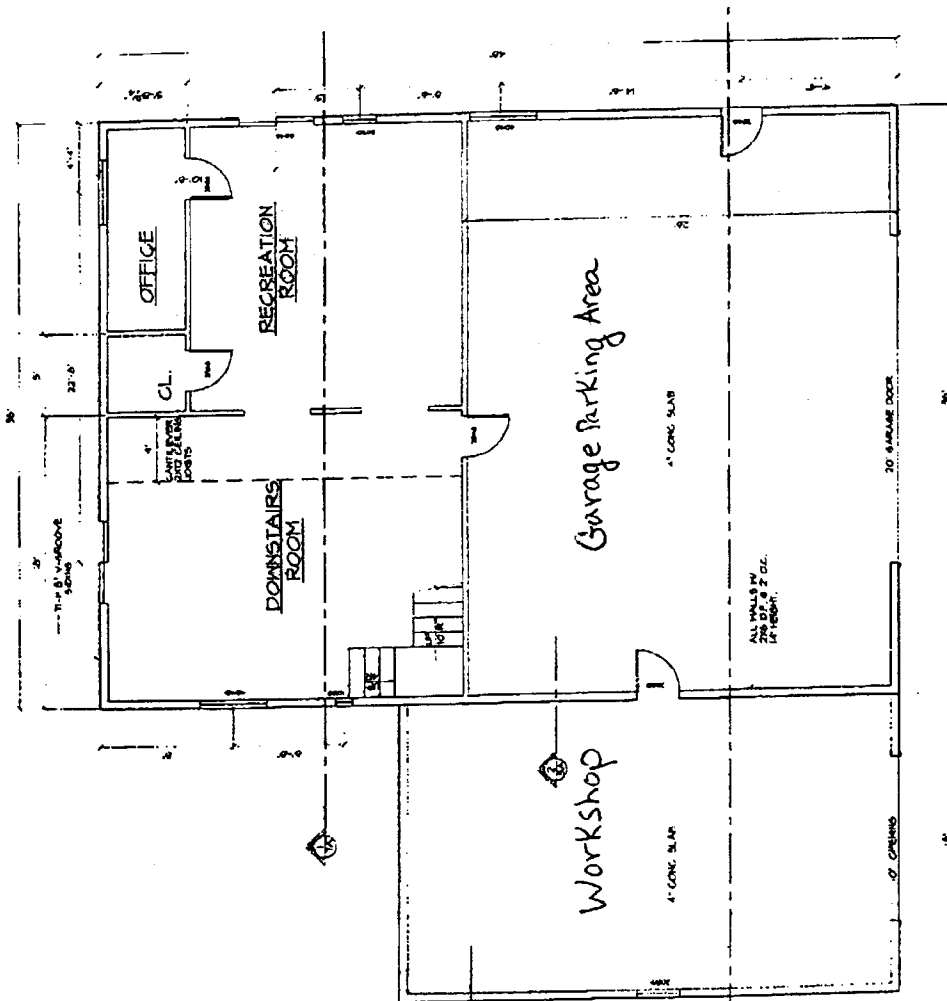
APPEAL NO.

A-1-MEN-05-020

DE NOVO

Site/Structure Plans

(Page 2 of 3)



UPSTAIRS ROOM PLAN
SCALE 1/8" = 1'-0"

GARAGE PLAN
SCALE 1/8" = 1'-0"

EXHIBIT NO. 3

APPEAL NO.

A-1-MEN-05-020

DE NOVO

Site/Structure Plans

(Page 3 of 3)

ELEVATIONS



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
790 SOUTH FRANKLIN • FORT BRAGG • CALIFORNIA • 95437

RAYMOND HALL, DIRECTOR
Telephone 707-964-5379
FAX 707-961-2427
pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

RECEIVED

MAY 11 2005

CALIFORNIA
COASTAL COMMISSION

April 5, 2005

NOTICE OF FINAL ACTION

Action has been completed by the County of Mendocino on the below described project located within the Coastal Zone.

CASE#: CDP #47-04
OWNER: Dennis Hollingsworth
REQUEST: Legalize graded and filled area on project site that is within 100' of an ESHA. Legalize garage/shop/storage structure.
LOCATION: Approximately 3 miles N of Cleone, on the E side of Highway One, approximately ¼ mile N of the intersection of Highway One and Camp Ten Mile Road (CR#427), at 27801 N Highway One, APN 069-010-31.
PROJECT COORDINATOR: Paula Deeter

HEARING DATE: March 25, 2005

APPROVING AUTHORITY: Coastal Permit Administrator

ACTION: Approved with Conditions.

See staff report for the findings and conditions in support of this decision.

The project was not appealed at the local level.

The project is appealable to the Coastal Commission pursuant to Public Resources Code, Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.

EXHIBIT NO. 4
APPEAL NO.
A-1-MEN-05-020
HOLLINGSWORTH
NOTICE OF FINAL ACTION and
COUNTY STAFF REPORT
(Page 1 of 19)



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

501 LOW GAP ROAD • ROOM 1440 • UKIAH • CALIFORNIA • 95482

RAYMOND HALL, DIRECTOR

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www.co.mendocino.ca.us/planning

March 25, 2005

DENNIS HOLLINGSWORTH
27801 NORTH HIGHWAY 1
FORT BRAGG, CA 95437

Dear Mr. Hollingsworth:

I approved Coastal Development Permit #CDP 47-2004 with the standard conditions found in the original Staff Report and the Special Conditions which I have attached.

During today's meeting I also stated that I would review the legal status of the dwelling located east of the primary residence. Correspondence and notes in the Coastal Development Permit file indicate that Code Enforcement personnel had previously concluded that this structure was a legal non-conforming dwelling. After reviewing the Assessor's records I concur with their conclusion. An entry on September 20, 1960 mentions a second house on the property.

Sincerely,

Raymond Hall
Director

CC: CDP# 47-2004 file

2 of 19

COASTAL DEVELOPMENT PERMIT #CDP 47-2004

STANDARD CONDITIONS:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. The permit is subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one (1) or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which such permit was granted have been violated.
 - c. The use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or is a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within

the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

SPECIAL CONDITIONS:

1. Prior to the issuance of the Coastal Development Permit, the applicant shall submit an engineered grading plan and a grading permit application for the fill to be removed as well as for the fill that is to remain. All fill located within fifty (50) feet of the ESHA shall be permanently removed. The fill located outside of the 50 feet ESHA buffer shall be removed, brought down to original/natural grade and then after conformation of the content of the fill, may be put back on the disturbed area. No grading shall be allowed prior to (1) issuance of the Coastal Development Permit (CDP) and the grading permit and (2) and April 15. Grading must be complete, and erosion control measures in place, no later than October 15, 2005.
2. Prior to the issuance of the Coastal Development Permit, the landowner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator which shall provide that:
 - a) The landowner understands that the site may be subject to erosion hazards and the landowner assumes the risk from such hazards;
 - b) The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorney's fees and costs of any suit) arising out of the design, construction, operation, maintenance existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project;
 - c) The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
 - d) The landowner shall follow the recommendations of the engineer and the botanist and shall contact the Planning Department immediately if any proposed changes to the requirements are recommended, whether by the engineer or the botanist. This shall be in effect for the life of the project.
 - e) No structures shall be placed on the filled area, whether of temporary or permanent nature.

- f) The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
3. Prior to the issuance of the Building Permit, the applicant shall submit exterior lighting details for the approval of the Coastal Permit Administrator. All exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded in compliance with Sec. 20.504.035 of the Zoning Code.
4. All recommendations within the letters/reports from Kpff dated October 12, 2004 and March 22, 2005 (protection of buffer areas and mitigation measures) shall be observed. No fill is to be removed without twenty-four hour notice to Kpff. Kpff must be on site when natural grade is discovered. All non-native species (Scotch Broom, etc.) noted by the botanist shall be removed by hand in order to allow native vegetation plantings to recover and prosper. Any proposed modifications to these recommendations shall be approved by the Department of Fish and Game and the Coastal Permit Administrator prior to enacting/implementing such changes. Prior to the violation case being closed, staff from Planning and Building Services, as well as Kpff, shall determine, in writing, that the removal and relocation of fill and revegetation plan is successful.
5. Prior to issuance of the Coastal Development Permit, the applicant shall submit to the Planning and Building Service Department, a Replanting and Maintenance Schedule, at a minimum of a 2:1 replacement of destroyed riparian vegetation. The Replanting and Maintenance Schedule shall be prepared by a qualified botanist who shall estimate the amount of riparian vegetation destroyed by prior grading activities at the site. One year after replanting the qualified botanist shall prepare a written report, to be submitted to Planning and Building Services, describing the degree of success or failure of the replanting. This condition shall be considered met when the qualified botanist concludes, in writing, that at least 50 percent of the replantings required in the Replanting and Maintenance Schedule have survived one year and that there is no reason to believe that they will not continue to survive.
6. Due to the original grading within the ESHA buffer and the removal of that fill as a condition of this entitlement, Coastal Development Permit #CDP 47-2004 is considered a Standard Coastal Permit. As such additional fees in the amount of \$2,100 shall be paid to Planning and Building Services by the applicant prior to issuance of the CDP. Planning and Building Services staff has authority to revise this amount if it is determined to be inaccurate.
7. Within 60 days of issuance of this Coastal Development Permit or July 1, 2005, whichever occurs first, the applicant shall submit any building plans and applications necessary to legalize additions or conversions that have occurred to the primary dwelling on the property.

INTEROFFICE MEMORANDUM

TO: CDP FILE 47-04
FROM: PAULA DEETER, PROJECT COORDINATOR
SUBJECT: ADDITIONS AND REVISIONS TO STAFF REPORT
DATE: 3/25/2005

The original staff report for CDP 47-04 called for legalization of the fill as close as eleven feet to the Class 2 stream on the parcel. This revision to that CDP will discuss the proposed 50-foot buffer, rather than an eleven-foot buffer. A discussion with the applicant indicated that he was willing to relocate the fill to an area that could meet the criteria for development closer to an ESHA than 100 feet. All of the other criteria (deed restriction for no future construction on the fill area; wet weather monitoring and all engineering recommendations) would remain the same.

An email dated March 7, 2004, from Liam Davis, biologist for DFG, states:

The 50-foot setback is appropriate from the Class II stream.

An updated report from KPFF includes recommendations from Mr. Eric Jahelka, Professional Engineer and from Ms. Susan Morrison, botanist and lab technician. A portion of the report states:

On March 21, 2005 we visited the Hollingsworth property to determine whether erosion control recommendations requested in our letter of October 12, 2004 had been implemented properly...the following was noted:

- Loose spoils within the ESHA had been removed.
- Straw mulch had been spread over the affected portions of the site excavation.
- Prescribed straw bale and wattle erosion protection had not been installed per KPFF recommendations.
- Four to five locations of the excavation had eroded moderately and transported fines into the ESHA.
- Locations of mild to moderate erosion had been protected with fresh applications of straw mulch.

Based on these observations, we believe that our recommendations were not fully implemented as prescribed resulting in mild to moderate erosion of the fill material. Specifically, the most westerly portion of the fill has eroded to the point that sediment has reached the stream. Straw mulch has been placed over the entire filled area and an attempt has been made to plant grass. Overland flow is apparent in several places and along the entire toe of the sloped fill, creating runoff of sediment. The vegetation disturbance has created an opening for the invasive Scotch broom.

KPFF recommends both immediate and long term remediation to this site. The implementation of straw bales with straw wattles along overland flow on the areas where there is active erosion should occur immediately. The placement of the wattles is critical in preventing further transportation of sediment to the stream. As per our letter dated October 12, 2004, the fill should be removed in order to return the slope to natural grade. Flagging will be placed by KPFF along the remaining riparian corridor and the heavy equipment should not encroach into this area. The removal shall take place from the top of the fill with no equipment encroaching along the bottom of the fill. The fill shall be removed to the area of red flagging, placed the farthest from the stream. KPFF shall be consulted 24 hours before the removal of the fill is to begin. KPFF must be on site when the natural grade has been discovered and will make any appropriate recommendations at that juncture. Removal of fill should not occur until after April 15th or when the County deems appropriate. However, the fill removal should take place as soon as possible so as to protect further damage to the ESHA which may occur during the early stages of Spring/Summer. All debris within the buffer of the ESHA shall be removed from the buffer area. Any unearthed debris shall be inspected and the appropriate disposal of the material shall be determined by the nature of the pollutant contained within.

The site shall be planted upon the completion of fill removal and is subject to final inspection by KPFF and the County of Mendocino. The vegetation list is included in Attachment A, and should be adhered to as mitigation for the destruction of an unknown amount of riparian habitat. The uncovering of natural grade shall determine the extent of vegetation to be replanted. An updated revegetation plan shall be submitted once the natural grade has been determined.

In the Mendocino County Coastal Zoning Code, Section 20.496.020 addresses development adjacent to an Environmentally Sensitive Habitat Area (ESHA):

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

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

- (a) Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.*
- (b) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel*
- (c) Development shall be sited and designed to prevent impacts which would degrade adjacent habitat areas. The determination of the best site shall include consideration of drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from natural stream channels. The term "best site" shall be defined as the site having the least impact on the maintenance of the biological and physical integrity of the buffer strip or critical habitat protection area and on the maintenance of the hydrologic capacity of these areas to pass*

a one hundred (100) year flood event without increased damage to the coastal zone natural environment or human systems.

- (d) Development shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity.*
- (e) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ration of 1:1, which are lost as a result of development under this solution.*
- (k) If findings are made that the effects of developing an ESHA buffer may result in significant adverse impacts to the ESHA, mitigation measures will be required as a condition of project approval. Noise barriers, buffer areas in permanent open space, land dedication for erosion control, and wetland restoration, including off-site drainage improvements, may be required as mitigation measures for developments adjacent to environmentally sensitive habitats.*

Staff believes that the intent of the Coastal Zoning Code, specifically the portion that pertains to development within 100 feet of an ESHA, would be better served by observing a 50-foot buffer. By maintaining a larger setback from the Class II stream, the functional capacity of the stream is much more protected from erosion and silt infiltration. It has been proven that there is an alternative location for the relocation of a portion of the fill, away from the stream, which also could be considered the "best site", given the fact that the removal and replacement of the fill will be strictly monitored by KPFF's engineering and botanical firm.

By requesting that any non-native species be removed and to encourage replanting native species, this will have an advantageous effect on the riparian recovery. Due to the unknown amount of riparian vegetation that has been removed, the applicant will be required (in a Special Condition) to revegetate the area that the professional botanist recommends, on at least a 1:1 ratio, for a goal of "no net-loss" of riparian vegetation.

Staff concurs with the recommendations made by KPFF, and would recommend that a Special Condition reflect these. Staff suggests that a rewrite of Special Condition #4 be written as follows:

All recommendations made by Susan Morrison, botanist, and Eric Jahelka, Professional Engineer, (protection of buffer areas and mitigation measures) shall be observed. No fill is to be removed without 24 hours prior notification to KPFF. KPFF must be on site when natural grade is discovered. All non-native species (Scotch Broom, etc.) noted by the botanist shall be removed by hand in order to allow native vegetation plantings to recover and prosper. Any proposed modifications to these recommendations shall be approved by the Department of Fish and Game and the Coastal Permit Administrator prior to enacting such changes. Prior to the violation case being closed, staff from Planning and Building, as well as KPFF shall determine that the relocation of the fill and revegetation plan is successful.

MEMORANDUM

TO: RAY HALL, DIRECTOR
FROM: PAULA DEETER, PROJECT COORDINATOR
SUBJECT: ADDENDUM TO STAFF REPORT
DATE: 2/22/2005

- After several discussions with Code Enforcement, staff, the Building Division and the engineering firm, the applicant decided that this method (engineering and deed restriction) made the most sense and implemented this into his application request.
- The Building Division insisted that, in order to keep the fill where it is, it must be removed to original grade, any inappropriate material removed to an approved disposal site, and replaced, supervised by the engineer. The material would not encroach closer to the ESHA that it already does.
- I have apparently put the grading cart in front of the CDP horse. I would change the language to reflect the difference in timing for the two permits.
- Special Condition #2 is a modified "no sea wall" deed restriction language that we would have the property owner record on his deed. I am attaching a copy of Rick's "Marlowe" (CDP 78-02) project condition that reflects this. The fill will NOT be compacted; therefore the deed restriction for the "no future structures on this site" requirement. Additionally, the deed restriction would act as a "red flag" for any potential future buyers and would have the benefit of being readily noted by a buyer or agent.
- Staff feels comfortable with the eleven foot buffer, although it does encroach further toward the ESHA than the "not less than 50 feet" noted in Section 20.496.020. It is consistent with Section 20.496.020 of the Coastal Zoning Code as "permitted development" This project does not require the findings of Section 20.532.100 (as the development does not occur within an ESHA). We have approved projects that have development within 50 feet of an ESHA without making the findings (see Rick's CDP 14-03 Seymour).

Marlowe:

3. Prior to the issuance of the Coastal Development Permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator which shall provide that:
 - a) The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards;
 - b) The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and

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employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project;

- c) The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
- d) The landowner shall not construct any bluff or shoreline protective devices to protect the subject single-family residence, garage, septic system, or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future;
- e) The landowner shall remove the house and its foundation when bluff retreat reaches the point where the structure is threatened. In the event that portions of the house, garage, foundations, leach field, septic tank, or other improvements associated with the residence fall to the beach before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal;
- f) The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.

OWNER: Dennis Hollingworth
27801 N Hwy One
Fort Bragg, CA 95437

REQUEST: Legalize graded and filled area on project site that is within 100' of an ESHA. Legalize garage/shop/storage structure.

LOCATION: In the Coastal Zone, approximately 3 miles N of Cleone, on the E side of Highway One, approximately ¼ mile N of the intersection of Highway One and Camp Ten Mile Road (CR#427), at 27801 N Highway One, APN 069-010-31.

APPEALABLE AREA: Yes, development within 100' of an ESHA

PERMIT TYPE: Standard

TOTAL ACREAGE: 3.48 acres

ZONING: RR:L-2

GENERAL PLAN: RR:2

EXISTING USES: Residential

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Categorically exempt, Class 3(E) and Class 4(c)

RECEIVED

APR 20 2005

CALIFORNIA
COASTAL COMMISSION

OTHER RELATED APPLICATIONS: BF 2004-1102 storage building; ZC 01-05, violation file (operating a contractor sales and service business on a parcel not zoned for such use; operation of a junk yard; unpermitted storage of non-operating vehicles; unpermitted storage of large trailers, trucks, tractors, backhoe, front end loader and bulldozer on a parcel not zoned for such storage; unpermitted grading; conversion of an attached garage into living quarters w/o benefit of building permit; construction and alteration of a detached garage/shop to potential living quarters.); Emergency Permit #EM 04-04 for immediate erosion control measures.

PROJECT DESCRIPTION: The applicant proposes to legalize the remodeling of a 2,646 square foot detached garage/shop/storage structure that was remodeled without permits. The maximum height is 20 feet from average finished grade. Additionally, fill was placed on site within 100' of an ESHA and a red-tag (stop work order) was issued. The fill will be engineered, a deed restriction placed on the site of the fill, and legalized.

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

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The garage/workshop is compatible with the Rural Residential zoning district and is designated as a permitted accessory use. The grading is accessory to the structures on site.

The garage/workshop complies with the maximum building height requirement of the Rural Residential zoning district, which is 28 feet in an area east of State Highway One. The structure will not exceed 20 feet from average finished grade.

Setbacks are met, as the structure is located at least 150 feet from any property line. The minimum setback required is 30 feet from any property line.

The existing residence dates from 1955-1960 and the secondary residential unit dates from 1974, according to a discussion with the Mendocino County Assessor's office. The zoning for the property as of 1974 was FC (Forest Conservation) and the second single-family residence is recognized as a legal, non-conforming residence.

The shop structure was originally applied for as a garage; however no permit was ever issued and the structure was built without a permit. A complaint was received regarding the illegal internal remodel of the structure without benefit of permits, and the project was issued a "stop-work" order. The applicant has been informed of the County's regulations that a third residence is not permitted, no bathing facilities are to be installed, and this structure is for non-residential use only. Plans have been submitted that indicate this, so no special condition is listed in the CDP; however it will be conditioned on the building permit that will legalize the structure. Additionally, the building permit will be conditioned that no commercial use shall occur at this structure. Once this Coastal Development Permit is issued, the building permit shall be issued for this structure.

The previous commercial use that was ongoing at this residentially zoned site has been relocated to a properly zoned Commercial/Industrial site on Airport Road, where the equipment and heavy machinery have been relocated. Jim McCleary, Code Enforcement Officer, verified this with staff during a site visit and inspection of documents for the rental of the site.

Public Access

The project site is located east of Highway 1 and public access to the shoreline is not an issue.

Hazards

The site is located in a State Responsibility Area and potential hazards associated with fire protection on the subject property are addressed by CDF. A preliminary fire clearance form was submitted by the applicant, CDF #578-04, which addresses addressing and driveway standards, as well as defensible space and the maintenance thereof.

As the slope of the property where the fill is located is steep, staff requested commentary from an engineering firm. Ms. Susan Morrison (of KPFF Engineering) noted:

...The slope of the fill area varies between 30-40%.

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Due to the fact that the contents of the fill is unknown to the County, it was determined by Code Enforcement and the Senior Building Inspector that the fill shall be uncovered, brought down to original grade and replaced under the supervision of a licensed civil engineer. During this process, any material found to be unsuitable for replacement shall be removed and relocated to an approved disposal site.

Special Condition #1 is recommended to ensure that **prior to the issuance of the Coastal Development Permit** the fill will be engineered by a licensed civil engineer and a grading permit shall be issued by the Building Division. The report shall be submitted to the Planning and Building Services Department for their review and approval.

During a discussion between staff, the Senior Building Inspector and the Code Enforcement Officer, it was determined that a deed restriction should be required to prevent further development on the site where the fill is located.

Special Condition #2 is recommended to ensure that **prior to the issuance of the Coastal Development Permit**, a deed restriction for the location of the fill will be recorded on the property title.

Visual Resources

Policy 3.5-1 of the County of Mendocino Coastal Element applies to all development within the Coastal Zone. It states:

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

The project site is not located within a designated "highly scenic area" and is not visible from any public viewing area.

Sec. 20.504.035 Exterior Lighting Regulations states:

"(A) Essential criteria for the development of night lighting for any purpose shall take into consideration the impact of light intrusion upon the sparsely developed region of the highly scenic coastal zone.

(2) 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."

The project would comply with the exterior lighting regulations of Section 20.504.035 of the Zoning Code, which requires exterior lighting to be downcast and shielded, as Special Condition #3 is recommended to ensure compliance.

Natural Resources

In the Mendocino County Coastal Zoning Code, Section 20.496.020 addresses development adjacent to an Environmentally Sensitive Habitat Area (ESHA):

- (A) *Buffer Areas.* A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from future developments and shall be compatible with the continuance of such habitat areas.
- (4) *Permitted Development.* Development permitted within the buffer area shall comply at a minimum with the following standards:
- (a) *Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.*
 - (b) *Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel*
 - (c) *Development shall be sited and designed to prevent impacts which would degrade adjacent habitat areas. The determination of the best site shall include consideration of drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from natural stream channels. The term "best site" shall be defined as the site having the least impact on the maintenance of the biological and physical integrity of the buffer strip or critical habitat protection area and on the maintenance of the hydrologic capacity of these areas to pass a one hundred (100) year flood event without increased damage to the coastal zone natural environment or human systems.*
 - (d) *Development shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity.*
 - (e) *Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ration of 1:1, which are lost as a result of development under this solution.*
 - (k) *If findings are made that the effects of developing an ESHA buffer may result in significant adverse impacts to the ESHA, mitigation measures will be required as a condition of project approval. Noise barriers, buffer areas in permanent open space, land dedication for erosion control, and wetland restoration, including off-site drainage improvements, may be required as mitigation measures for developments adjacent to environmentally sensitive habitats.*

Discussion

As the fill is placed within eleven feet of an unnamed Class 2 stream, a botanical survey and wetland delineation were requested. The residences, septic system, well, and associated improvements do not occur within 100 feet of the upland extent of vegetation associated with any wetland.

**STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT**

February 24, 2005
CPA-5

Susan Morrison, from KPFF Consulting submitted a report, received September 20, 2004, that states, in part:

KPFF visited the site in August of 2004 for the purpose of determining the extent of non-permitted site grading in relation to a stream located on the North portion of the property. The scope of our work included producing an updated site plan outlining the area that had been graded, as well as recommending mitigation dependant on riparian vegetation disturbance.

The site included a residence and a workshop. An area to the East of the structures had been cleared of vegetation and leveled by the use of heavy equipment. The fill encroached as close as eleven feet from the stream and disturbed a significant portion of the riparian vegetation making it unclear as to where the riparian and upland vegetation integrated. The soil at the site is of high silt/clay content and is highly erosive. The slope of the fill area varies between 30-40%.

KPFF supports the County's recommendation of engineering the slope and placing a deed restriction on the site where the fill has been placed, in addition to the restoration of the riparian habitat. The purpose of the mitigation recommendations is to restore the vegetation along the South side of the stream. A revegetation list is included as Appendix A. Silt barriers need to be placed at the toe of the disturbance.

Additionally, KPFF recommended placement of straw wattles with steel stakes to secure the bales into firm soil. Also, straw would be placed in between the wattles, creating a silt barrier and to slow the erosion process. Sediment loss into the stream would be mitigated by the requirement of this barrier. KPFF recommends that monitoring should occur throughout the 2005 wet season to ensure that the plantings are surviving and that the silt barriers are adequate in preventing the stream from being filled in.

Listed in the revegetation plan is native vegetation such as Wax Myrtle, Red Alder, California Huckleberry, Coyote Brush, Thimbleberry and Sword Fern.

During the processing of the Emergency Permit, erosion control measures were met (Susan Morrison consulted on this matter) and protective layers of straw were placed to avoid erosion problems while the Coastal Development Permit was being processed. Staff visited the site several times with Code Enforcement and determined that the requirements set forth by the botanist had been implemented.

Liam Davis, a biologist from the California Department of Fish and Game was consulted on this matter. The site was visited by staff and Mr. Davis, and staff received a verbal response from DFG on the matter.

On site, Mr. Davis concurred with staff that the deed restriction and the engineering, as well as the revegetation with native plantings, erosion control measures and wet weather monitoring would be sufficient in protecting this resource.

Staff finds that the above noted mitigation measures listed above shall adequately protect the resource and the ESHA findings can be made.

Special Condition #4 is recommended to ensure compliance with DFG and County requirements.

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Archaeological/Cultural Resources

The project site is not located in an area where archaeological and/or cultural resources are likely to occur. The applicant is advised by Standard Condition #8 of the County's "discovery clause" which establishes procedures to follow should archaeological materials be unearthed during project construction.

Groundwater Resources

The project is located within an area mapped as "Sufficient Water Resources".

A response received from a referral sent to the Division of Environmental Health states:

No Comment.

The proposed development would be served by an existing on-site water source and an existing septic system and would not adversely affect groundwater resources.

Transportation/Circulation

The project site is presently developed and the proposed project would not increase the intensity of use at the site. No impacts to Highway 1, local roads and circulation systems would occur.

Zoning Requirements

The project, as conditioned, complies with all of the zoning requirements of Division II of Title 20 of the Mendocino County Code.

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project, and adopts the following findings and conditions.

FINDINGS:

1. The proposed development is in conformity with the certified Local Coastal Program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and

6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

STANDARD CONDITIONS:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. The permit is subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one (1) or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which such permit was granted have been violated.
 - c. The use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or is a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

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7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

SPECIAL CONDITIONS:

1. **Prior to the issuance of the Coastal Development Permit**, an engineered plan for the fill shall be submitted for the review and approval of the Mendocino County Planning and Building Services.
2. **Prior to the issuance of the Coastal Development Permit**, the landowner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator which shall provide that:
 - a) The landowner understands that the site may be subject to erosion hazards and the landowner assumes the risk from such hazards;
 - b) The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorney's fees and costs of any suit) arising out of the design, construction, operation, maintenance existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project;
 - c) The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
 - d) The landowner shall follow the recommendations of the engineer and the botanist and shall contact the Planning Department immediately if any proposed changes to the requirements are recommended, whether by the engineer or the botanist. This shall be in effect for the life of the project.
 - e) No structures shall be placed on the filled area, whether of temporary or permanent nature.
 - f) The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
3. **Prior to the issuance of the Building Permit**, the applicant shall submit exterior lighting

details for the approval of the Coastal Permit Administrator. All exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded in compliance with Sec. 20.504.035 of the Zoning Code.

4. All recommendations made by Susan Morrison, botanist, KPFF Engineering, protection of buffer areas and mitigation measures shall be observed. Any proposed modifications to these recommendations shall be approved by the Department of Fish and Game and the Coastal Permit Administrator prior to enacting such changes.

Staff Report Prepared By:

2-14-05
Date

Paula Deeter
Paula Deeter
Planning Technician II

Attachments: Exhibit A: Location Map
Exhibit B: Site Plan
Exhibit C: Floor Plan
Exhibit D: Elevations

Appeal Period: Ten calendar days for the Mendocino County Board of Supervisors, followed by ten working days for the California Coastal Commission following the Commission's receipt of the Notice of Final Action from the County.

Appeal Fee: \$715 (For an appeal to the Mendocino County Board of Supervisors.)



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

790 SOUTH FRANKLIN • FORT BRAGG • CALIFORNIA • 95437

RAYMOND HALL, DIRECTOR

Telephone 707-964-5379

FAX 707-961-2427

pbs@co.mendocino.ca.us

www.co.mendocino.ca.us/planning

**COASTAL DEVELOPMENT PERMIT
AUTHORIZATION FOR EMERGENCY WORK**

CASE FILE #EM 04-04

APPLICANT: Dennis Hollingsworth

SITE ADDRESS: 27801 N Hwy One, Fort Bragg

ASSESSOR'S PARCEL NUMBER: 069-010-31

NATURE OF EMERGENCY: Unauthorized grading work is in immediate need of erosion control measures and vegetation restoration to protect the site during the winter rainy season. Steep (30-40% slope) exposed slopes on the subject parcel in close proximity to a Class 3 watercourse is in immediate jeopardy of causing sediment erosion problems.

CAUSE OF EMERGENCY: Placement of fill was undertaken without the required coastal development permit (CDP) or a building/grading permit. The site is located in a sensitive area adjacent and uphill from a Class 3 watercourse.

REMEDIAL ACTION:

1. Submit grading permit within ten days to the Building Department.
2. Implement remedial action within timeline established in botanical report prepared by KPFF and received by County staff on September 20, 2004. An addendum to the report was received October 14, 2004, and recommends moving the slope back to natural grade. The heavy equipment used for fill removal should not encroach on the remaining riparian vegetation. This timeline would necessitate the work be completed by the end of October 2004. The applicant shall be required to obtain an inspection to verify that the plantings have occurred.

3. Per the recommendations of KPFF and County Planning, monitoring report #1 shall be submitted no later than December 31, 2004. Monitoring report #2 shall be submitted no later than March 31, 2005. Any deficiencies in either report shall be addressed and corrected within 30 days of staff review.

EXHIBIT NO. 5

APPEAL NO.

A-1-MEN-05-020

HOLLINGSWORTH

EMERGENCY

PERMIT (Page 1 of 2)

CIRCUMSTANCES TO JUSTIFY EMERGENCY: Contamination or silt infiltration of a nearby stream and/or failure of the slope could result this winter if the work is not done now. A standard Coastal Development Permit (CDP 47-04) is on file; however, staff considers it highly unlikely that the CDP will be issued within the time prescribed by the botanist in order to prevent adverse effects to the site.

This is a temporary measure to remedy the immediate situation and in no way ensures that further studies or removal of fill will not be required at a later date.

The proposed work would be consistent with the certified Local Coastal Program. The work authorized by this emergency permit shall be completed within thirty (30) days from issuance.

This emergency permit is effective immediately and shall become null and void at the end of sixty (60) days.

RECOMMENDED BY:

PAULA DEETER, PLANNING TECHNICIAN II

DATE

APPROVED BY:

RAYMOND HALL, DIRECTOR

DATE

Jun 29 05 12:47p

Carrie A. Bluth

805-687-5883

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CA COASTAL COMMISSIO

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Mar 22 05 01:32p

KPFF Fort Bragg

(707) 982-8308

P. 2



March 22, 2006

Paula Deeter
Planning and Building
760 South Franklin St
Fort Bragg Ca 95437

Re: Parcel at 27801 N. Highway One Ap. # 069-010-31 for CDP 47-04.

Dear Paula,

On March 21, 2005 we visited the Hollingsworth property to determine whether erosion control recommendations requested in our letter of October 12, 2004 had been implemented properly. Present on the site at the time of the visit were Eric Jahelka, PE (KPFF), Susan Morrison, Botanist (KPFF), Paula Deeter (Mendocino County Planning and Building), Denis Hollingsworth (property owner) and a fifth individual named "Bill" (relationship to project, unknown). Those present walked the site and collectively assessed the existing conditions. The following was noted:

- Loose spoils within the ESHA had been removed.
- Straw mulch had been spread over the affected portions of the site excavation.
- Prescribed straw bail and wattle erosion protection had not been installed per KPFF recommendations.
- Four to five locations of the excavation had eroded moderately and transported fines into the ESHA.
- Locations of mild to moderate erosion had been protected with fresh applications of straw mulch.

Based on these observations, we believe that our recommendations were not fully implemented as prescribed resulting in mild to moderate erosion of the fill material. Specifically, the most westerly portion of the fill has eroded to the point that sediment has reached the stream. Straw mulch has been placed over the entire filled area and an attempt has been made to plant grass. Overland flow is apparent in several places and

3244 N. HIGHWAY 1, FORT BRAGG, CA 95437 (707) 982-8308 Fax (707) 262-9308

Seattle Tacoma Portland Ft. Bragg San Francisco Oakland Sacramento Los Angeles Irvine San Diego Phoenix St. Louis

EXHIBIT NO. 6

APPEAL NO.

A-1-MEN-05-020

DE NOVO

BOTANICAL REPORTS

(Page 1 of 8)

Jun 29 05 12:47p

Carrie A. Bluth

805-687-5883

P. 6

05/11/2005 15:43
05/11/2005 11:06

7074457877
7079612427

CA COASTAL COMMISSIO
PBS FORT BRAGG

PAGE 04
PAGE 03/11

Mar 22 05 01:32p

KPFF Fort Bragg

(707)962-9308

p.3



Consulting Engineers

along the entire toe of the sloped fill, creating runoff of sediment. The vegetation disturbance has created an opening for the invasive scotch broom (*Cystisus scoparius*).

Kpff recommends both immediate and long term remediation to this site. The implementation of straw balls with straw waddles along overland flow on the areas where there is active erosion should occur immediately. The placement of the waddles is critical in preventing further transportation of sediment from to the stream. As per our letter dated October 12, 2004 (see Attachment A), the fill should be removed in order to return the slope to natural grade. Flagging will be placed by KPFF along the remaining riparian corridor and the heavy equipment should not encroach into this area. The removal shall take place from the top of the fill with no equipment encroaching along the bottom of the fill. The fill shall be removed to the area of red flagging, placed the farthest from the stream. Kpff shall be consulted 24 hours before the removal of fill is to begin. Kpff must be on site when the natural grade has been discovered and will make any appropriate recommendations at that juncture. Removal of fill should not occur until after April 15th or when the County deems appropriate. However, the fill removal should take place as soon as possible so as to protect further damage to the ESHA which may occur during the early stages of Spring/Summer. All debris within the buffer of the ESHA shall be removed from the buffer area. Any unearthed debris shall be inspected and the appropriate disposal of the material shall be determined by the nature of the pollutant contained within.

The site shall be planted upon the completion of fill removal and is subject to final inspection by Kpff and the County of Mendocino. The vegetation list is included in Attachment A, and should be adhered to as mitigation for the destruction of an unknown amount of riparian habitat. The uncovering of natural grade shall determine the extent of vegetation to be replanted. An updated re vegetation plan shall be submitted once the natural grade has been determined.

Sincerely,

Susan A Morrison
Staff Botanist/Lab Tech

3050 Livingston St. Suite 200, CA 94931 Tel: (707) 962-9307 Fax: (707) 962-9308

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2 of 8

Table 1. Plants appropriate for revegetation

Overstory	Common Name	Scientific Name	Number of Plants
	Wax -myrtle		3
	Red alder	<i>Alnus rubra</i>	3
Midlevel	Coffee berry	<i>Rhamnus californica</i>	6
	California huckleberry	<i>Vaccinium ovatum</i>	6
	Coyote brush	<i>Baccharis pilularis</i>	6
Groundcover	Thimbleberry	<i>Rubus parviflorus</i>	10
	Hairy honeysuckle	<i>Lonicera hispidula</i> var. <i>vacillans</i>	10
	Sword fern	<i>Polystichum munitum</i>	10
	Witche's teeth	<i>Lotus formosissimus</i>	6

3 of 8

SAA

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OCT 14 2004

PLANNING & BUILDING SERV
FORT BRAGG CA

Consulting Engineers

October 12, 2004

Paula Deeter
Planning and Building
760 South Franklin St
Fort Bragg Ca 95437

Re: Parcel at 27801 N. Highway One A.P. # 069-010-31 for CDP 47-04. Addendum to prior Mitigation Measures outlined by Kpff.

Dear Paula,

As per our conversation on October 1st, 2004 Kpff feels that a combination of mitigation measures is appropriate at this site. It is our opinion that the previously submitted revegetation plan should ultimately be enforced. In addition to revegetation mitigation, we recommend moving the slope back to natural grade. The heavy equipment used for fill removal should not encroach on the remaining riparian vegetation.

While the loss of riparian vegetation can not be replaced we feel that the best mitigation is a combination of restoring riparian vegetation as previously outlined and returning the slope to native grade in order to mitigate the damage to the stream.

Sincerely,

A handwritten signature in cursive script that reads 'Susan Morrison'.

Susan Morrison
KPFF Staff Botanist

4 of 8

Paula Deeter
Planning and Building
760 South Franklin St
Fort Bragg Ca 95437

Re: Parcel at 27801 N. Highway One Ap. # 069-010-31 for CDP 47-04.

1. Project and Area Description:

Kpff visited the site in August of 2004 for the purpose of determining the extent of none permitted site grading in relation to a stream located on the North portion of property. The scope of the work included producing an updated site plan outlining the area that had been graded, as well as recommending mitigation dependant on riparian vegetation disturbance.

The sight included a residence and a workshop. An area to the East of the structures had been cleared of vegetation and leveled by the use of heavy equipment. The fill encroached as close as eleven feet from the stream and disturbed a significant portion of the riparian vegetation making it unclear as to where the riparian and upland vegetation integrated. The soil at the sight is of high silt/clay content and is highly erosive. The slope of the fill area varies between 30-40%.

2. Mitigation recommendations:

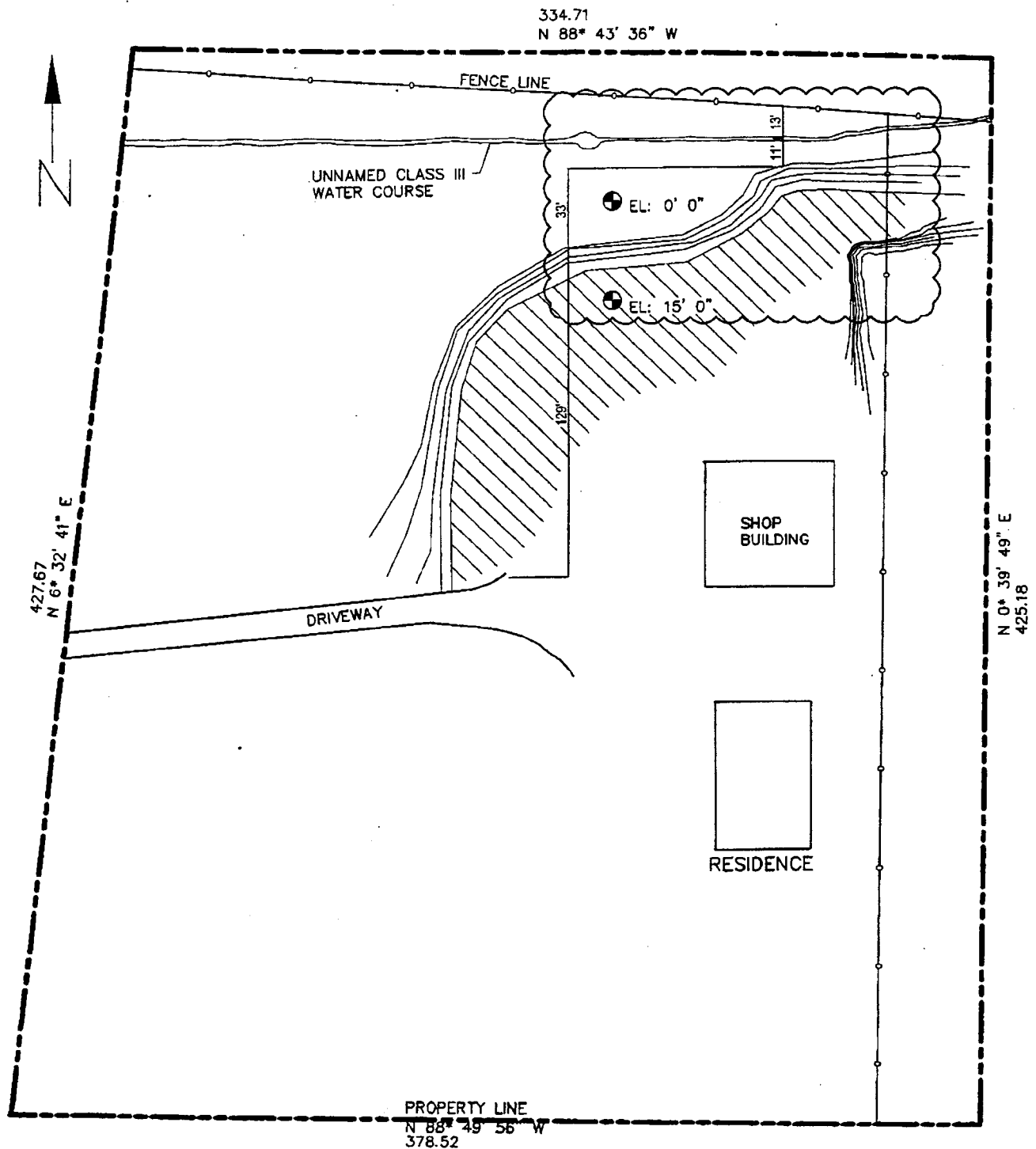
The purpose of the Kpff's mitigation recommendations is to restore the vegetation along the south side of the stream. A revegetation list is included as Appendix A. Silt barriers need to be placed at the toe of disturbance. Kpff recommends that 12" straw wattles be used along the entire length of the bottom of the graded area. Five feet above the waddles, place (2)-3' steel stakes at 2.0' on center through straw bales into firm soil. The straw bales shall be placed so that the ends touch, creating a primary silt barrier and slowing the velocity of the water runoff. During the month of September or early October the sloped area should be planted with native vegetation listed in the Appendix. Straw should be placed in between the plants creating total coverage of the sloped area that could loose sediment into the stream. Kpff believes that if left to the natural revegetation process, the stream would receive a significant amount of sediment and possibly be forced into underground flow. Kpff recommends that monitoring should occur throughout the 2004/2005 wet season to ensure that the plantings are surviving, and that the silt barriers are adequate in preventing the stream from being filled in.

5 of 8

SM

Table 1. Plants appropriate for revegetation

Overstory	Common Name	Scientific Name	Number of Plants
	Wax myrtle		3
	Red alder	Alnus rubra	3
Midlevel	California huckleberry	Vaccinium ovatum	6
	Coyote brush	Baccharis pilularis	4
	Thimbleberry	Rubus parviflorus	6
Ground cover	Sword fern	Polystichum munitum	6



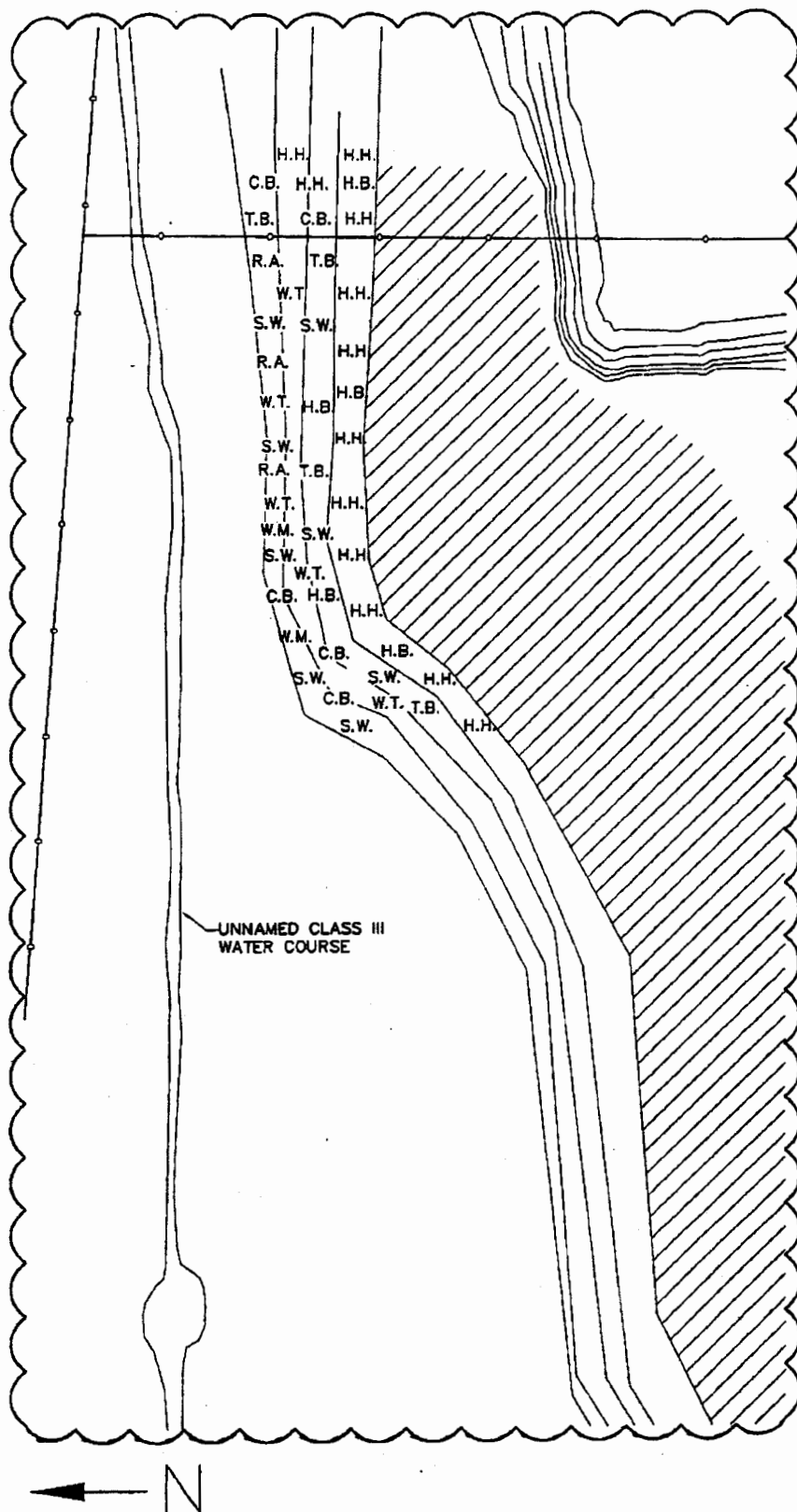
7-48

kpff
Consulting Engineers

SITE PLAN HOLLINGSWORTH

SCALE:
N.T.S

SHA



8 of 8

S.W. = SWORD FERN
C.B. = COYOTE BUSH
R.A. = RED ALDER
H.B. = HUCKLEBERRY
W.M. = WAX MYRTLE
T.B. = THIMBLEBERRY
H.H. = HAIRY HONEYSUCKLE
W.T. = WITCHE'S TEETH

k p f f
Consulting Engineers

SITE PLAN
HOLLINGSWORTH

SCALE:
N.T.S.

SA

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

710 E STREET, SUITE 200

EUREKA, CA 95501

VOICE (707) 445-7833 FAX (707) 445-7877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****Please Review Attached Appeal Information Sheet Prior To Completing This Form.****SECTION I. Appellant(s)**

Name: Darold Kassebaum, Jr.

Mailing Address: 27791 N. Hwy 1

City: Fort Bragg

Zip Code: 95437

Phone: 707/964-0686

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Mendocino Department of Planning and Building

2. Brief description of development being appealed:

Legalize graded and filled area on project site that is within 100' of an ESHA.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

27801 N. Hwy 1, Assessors Parcel No. 069-010-31

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
- ☒ Approval with special conditions:
- ☐ Denial

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APR 20 2005

CALIFORNIA
COASTAL COMMISSION

EXHIBIT NO. 7

APPEAL NO.

A-1-MEN-05-020

HOLLINGSWORTH

APPEAL

(Page 1 of 23)

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- ☒ Planning Director/Zoning Administrator
- ☐ City Council/Board of Supervisors
- ☐ Planning Commission
- ☐ Other

6. Date of local government's decision: March 25, 2005

7. Local government's file number (if any): CDP 47-04

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Dennis Hollingsworth
27801 N. Hwy 1
Fort Bragg, CA 95437

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

2 of 23

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

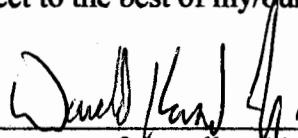
- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

This property owner was cited with an Official Notice Of Violation April 27, 2004 for 7 code violations by the code enforcement officer in Ukiah, Jim McCleary. There are many violations Jim McCleary did not address. One of the many reasons I am appealing the decision by Ray Hall concerns a hole the property owner dug with a backhoe near a class 2 un-named stream. The property owner filled the hole with semi-truck differentials, steel, debris, hazardous material, and miscellaneous junk and covered it over. Jim McCleary and Ray Hall refuse to address this issue. Jim McCleary ^{has} video taped evidence of the property owner digging the hole and placing the material in it to support this allegation. In the continued hearing March 25, 2005 Ray Hall said that he had never seen a case this bad in all of his years with Mendocino County. A view of Complaint Case File #ZC-01-05 will show you just how bad this situation is. I have been told by a local county official in Planning and Building that we should sell our home and move. There were at least 6- 55-gallon drums of used motor oil stored just a few feet from the class 2 un-named stream. There were at least 2- 250-500 gallon oil/fuel storage tanks dumped near the class 2 un-named stream. This property owner runs a commercial business [Northgate Equipment Company] from this RR-2 zoned property. There were no soils test done to determine the extent of the pollution which is continuing into this class 2 un-named stream which flows by at least 4 water wells and out to the ocean. My next course of appeal was to the County Board of Supervisors. This appeal would have cost me \$715. This is why I am appealing the decision to the Coastal Commission. My wife and I moved to Fort Bragg to enjoy the ocean and the environment. Please don't allow this property owner to destroy our precious natural resources. Patti Campbell told us that this is a precedent setting case in Mendocino County. Ms. Campbell came to our home and was uphauled at what she saw at this property. ^{case} Many photos and video tape ^{are} available for your inspection. Please contact me by phone at 707/217-6709 if you require anything further.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: April 10, 2005

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 47-04
February 24, 2005
CPA-1

OWNER: Dennis Hollingworth
27801 N Hwy One
Fort Bragg, CA 95437

REQUEST: Legalize graded and filled area on project site that is within 100' of an ESHA. Legalize garage/shop/storage structure.

LOCATION: In the Coastal Zone, approximately 3 miles N of Cleone, on the E side of Highway One, approximately ¼ mile N of the intersection of Highway One and Camp Ten Mile Road (CR#427), at 27801 N Highway One, APN 069-010-31.

APPEALABLE AREA: Yes, development within 100' of an ESHA

PERMIT TYPE: Standard

TOTAL ACREAGE: 3.48 acres

ZONING: RR:L-2

GENERAL PLAN: RR:2

EXISTING USES: Residential

SUPERVISORIAL DISTRICT: 4

ENVIRONMENTAL DETERMINATION: Categorically exempt, Class 3(E) and Class 4(c)

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CALIFORNIA
COASTAL COMMISSION

OTHER RELATED APPLICATIONS: BF 2004-1102 storage building; ZC 01-05, violation file (operating a contractor sales and service business on a parcel not zoned for such use; operation of a junk yard; unpermitted storage of non-operating vehicles; unpermitted storage of large trailers, trucks, tractors, backhoe, front end loader and bulldozer on a parcel not zoned for such storage; unpermitted grading; conversion of an attached garage into living quarters w/o benefit of building permit; construction and alteration of a detached garage/shop to potential living quarters.); Emergency Permit #EM 04-04 for immediate erosion control measures.

PROJECT DESCRIPTION: The applicant proposes to legalize the remodeling of a 2,646 square foot detached garage/shop/storage structure that was remodeled without permits. The maximum height is 20 feet from average finished grade. Additionally, fill was placed on site within 100' of an ESHA and a red-tag (stop work order) was issued. The fill will be engineered, a deed restriction placed on the site of the fill, and legalized.

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

5 of 23

Land Use

The garage/workshop is compatible with the Rural Residential zoning district and is designated as a permitted accessory use. The grading is accessory to the structures on site.

The garage/workshop complies with the maximum building height requirement of the Rural Residential zoning district, which is 28 feet in an area east of State Highway One. The structure will not exceed 20 feet from average finished grade.

Setbacks are met, as the structure is located at least 150 feet from any property line. The minimum setback required is 30 feet from any property line.

The existing residence dates from 1955-1960 and the secondary residential unit dates from 1974, according to a discussion with the Mendocino County Assessor's office. The zoning for the property as of 1974 was FC (Forest Conservation) and the second single-family residence is recognized as a legal, non-conforming residence.

The shop structure was originally applied for as a garage; however no permit was ever issued and the structure was built without a permit. A complaint was received regarding the illegal internal remodel of the structure without benefit of permits, and the project was issued a "stop-work" order. The applicant has been informed of the County's regulations that a third residence is not permitted, no bathing facilities are to be installed, and this structure is for non-residential use only. Plans have been submitted that indicate this, so no special condition is listed in the CDP; however it will be conditioned on the building permit that will legalize the structure. Additionally, the building permit will be conditioned that no commercial use shall occur at this structure. Once this Coastal Development Permit is issued, the building permit shall be issued for this structure.

The previous commercial use that was ongoing at this residentially zoned site has been relocated to a properly zoned Commercial/Industrial site on Airport Road, where the equipment and heavy machinery have been relocated. Jim McCleary, Code Enforcement Officer, verified this with staff during a site visit and inspection of documents for the rental of the site.

Public Access

The project site is located east of Highway 1 and public access to the shoreline is not an issue.

Hazards

The site is located in a State Responsibility Area and potential hazards associated with fire protection on the subject property are addressed by CDF. A preliminary fire clearance form was submitted by the applicant, CDF #578-04, which addresses addressing and driveway standards, as well as defensible space and the maintenance thereof.

As the slope of the property where the fill is located is steep, staff requested commentary from an engineering firm. Ms. Susan Morrison (of KPFF Engineering) noted:

...The slope of the fill area varies between 30-40%.

Due to the fact that the contents of the fill is unknown to the County, it was determined by Code Enforcement and the Senior Building Inspector that the fill shall be uncovered, brought down to original grade and replaced under the supervision of a licensed civil engineer. During this process, any material found to be unsuitable for replacement shall be removed and relocated to an approved disposal site.

Special Condition #1 is recommended to ensure that **prior to the issuance of the Coastal Development Permit** the fill will be engineered by a licensed civil engineer and a grading permit shall be issued by the Building Division. The report shall be submitted to the Planning and Building Services Department for their review and approval.

During a discussion between staff, the Senior Building Inspector and the Code Enforcement Officer, it was determined that a deed restriction should be required to prevent further development on the site where the fill is located.

Special Condition #2 is recommended to ensure that **prior to the issuance of the Coastal Development Permit**, a deed restriction for the location of the fill will be recorded on the property title.

Visual Resources

Policy 3.5-1 of the County of Mendocino Coastal Element applies to all development within the Coastal Zone. It states:

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

The project site is not located within a designated "highly scenic area" and is not visible from any public viewing area.

Sec. 20.504.035 Exterior Lighting Regulations states:

"(A) Essential criteria for the development of night lighting for any purpose shall take into consideration the impact of light intrusion upon the sparsely developed region of the highly scenic coastal zone.

(2) 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."

The project would comply with the exterior lighting regulations of Section 20.504.035 of the Zoning Code, which requires exterior lighting to be downcast and shielded, as Special Condition #3 is recommended to ensure compliance.

Natural Resources

In the Mendocino County Coastal Zoning Code, Section 20.496.020 addresses development adjacent to an Environmentally Sensitive Habitat Area (ESHA):

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

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

- (a) *Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.*
- (b) *Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel*
- (c) *Development shall be sited and designed to prevent impacts which would degrade adjacent habitat areas. The determination of the best site shall include consideration of drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from natural stream channels. The term "best site" shall be defined as the site having the least impact on the maintenance of the biological and physical integrity of the buffer strip or critical habitat protection area and on the maintenance of the hydrologic capacity of these areas to pass a one hundred (100) year flood event without increased damage to the coastal zone natural environment or human systems.*
- (d) *Development shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity.*
- (e) *Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ration of 1:1, which are lost as a result of development under this solution.*
- (k) *If findings are made that the effects of developing an ESHA buffer may result in significant adverse impacts to the ESHA, mitigation measures will be required as a condition of project approval. Noise barriers, buffer areas in permanent open space, land dedication for erosion control, and wetland restoration, including off-site drainage improvements, may be required as mitigation measures for developments adjacent to environmentally sensitive habitats.*

Discussion

As the fill is placed within eleven feet of an unnamed Class 2 stream, a botanical survey and wetland delineation were requested. The residences, septic system, well, and associated improvements do not occur within 100 feet of the upland extent of vegetation associated with any wetland.

8 of 23

Susan Morrison, from KPFF Consulting submitted a report, received September 20, 2004, that states, in part:

KPFF visited the site in August of 2004 for the purpose of determining the extent of non-permitted site grading in relation to a stream located on the North portion of the property. The scope of our work included producing an updated site plan outlining the area that had been graded, as well as recommending mitigation dependant on riparian vegetation disturbance.

The site included a residence and a workshop. An area to the East of the structures had been cleared of vegetation and leveled by the use of heavy equipment. The fill encroached as close as eleven feet from the stream and disturbed a significant portion of the riparian vegetation making it unclear as to where the riparian and upland vegetation integrated. The soil at the site is of high silt/clay content and is highly erosive. The slope of the fill area varies between 30-40%.

KPFF supports the County's recommendation of engineering the slope and placing a deed restriction on the site where the fill has been placed, in addition to the restoration of the riparian habitat. The purpose of the mitigation recommendations is to restore the vegetation along the South side of the stream. A revegetation list is included as Appendix A. Silt barriers need to be placed at the toe of the disturbance.

Additionally, KPFF recommended placement of straw wattles with steel stakes to secure the bales into firm soil. Also, straw would be placed in between the wattles, creating a silt barrier and to slow the erosion process. Sediment loss into the stream would be mitigated by the requirement of this barrier. KPFF recommends that monitoring should occur throughout the 2005 wet season to ensure that the plantings are surviving and that the silt barriers are adequate in preventing the stream from being filled in.

Listed in the revegetation plan is native vegetation such as Wax Myrtle, Red Alder, California Huckleberry, Coyote Brush, Thimbleberry and Sword Fern.

During the processing of the Emergency Permit, erosion control measures were met (Susan Morrison consulted on this matter) and protective layers of straw were placed to avoid erosion problems while the Coastal Development Permit was being processed. Staff visited the site several times with Code Enforcement and determined that the requirements set forth by the botanist had been implemented.

Liam Davis, a biologist from the California Department of Fish and Game was consulted on this matter. The site was visited by staff and Mr. Davis, and staff received a verbal response from DFG on the matter.

On site, Mr. Davis concurred with staff that the deed restriction and the engineering, as well as the revegetation with native plantings, erosion control measures and wet weather monitoring would be sufficient in protecting this resource.

Staff finds that the above noted mitigation measures listed above shall adequately protect the resource and the ESHA findings can be made.

Special Condition #4 is recommended to ensure compliance with DFG and County requirements.

Archaeological/Cultural Resources

The project site is not located in an area where archaeological and/or cultural resources are likely to occur. The applicant is advised by Standard Condition #8 of the County's "discovery clause" which establishes procedures to follow should archaeological materials be unearthed during project construction.

Groundwater Resources

The project is located within an area mapped as "Sufficient Water Resources".

A response received from a referral sent to the Division of Environmental Health states:

No Comment.

The proposed development would be served by an existing on-site water source and an existing septic system and would not adversely affect groundwater resources.

Transportation/Circulation

The project site is presently developed and the proposed project would not increase the intensity of use at the site. No impacts to Highway 1, local roads and circulation systems would occur.

Zoning Requirements

The project, as conditioned, complies with all of the zoning requirements of Division II of Title 20 of the Mendocino County Code.

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project, and adopts the following findings and conditions.

FINDINGS:

1. The proposed development is in conformity with the certified Local Coastal Program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and

6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

STANDARD CONDITIONS:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. The permit is subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one (1) or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which such permit was granted have been violated.
 - c. The use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or is a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

SPECIAL CONDITIONS:

1. **Prior to the issuance of the Coastal Development Permit**, an engineered plan for the fill shall be submitted for the review and approval of the Mendocino County Planning and Building Services.
2. **Prior to the issuance of the Coastal Development Permit**, the landowner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator which shall provide that:
 - a) The landowner understands that the site may be subject to erosion hazards and the landowner assumes the risk from such hazards;
 - b) The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorney's fees and costs of any suit) arising out of the design, construction, operation, maintenance existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project;
 - c) The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
 - d) The landowner shall follow the recommendations of the engineer and the botanist and shall contact the Planning Department immediately if any proposed changes to the requirements are recommended, whether by the engineer or the botanist. This shall be in effect for the life of the project.
 - e) No structures shall be placed on the filled area, whether of temporary or permanent nature.
 - f) The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
3. **Prior to the issuance of the Building Permit**, the applicant shall submit exterior lighting

STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 47-04
February 24, 2005
CPA-9

details for the approval of the Coastal Permit Administrator. All exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded in compliance with Sec. 20.504.035 of the Zoning Code.

4. All recommendations made by Susan Morrison, botanist, KPFF Engineering, protection of buffer areas and mitigation measures shall be observed. Any proposed modifications to these recommendations shall be approved by the Department of Fish and Game and the Coastal Permit Administrator prior to enacting such changes.

Staff Report Prepared By:

2-14-05

Date

Paula Deeter

Paula Deeter

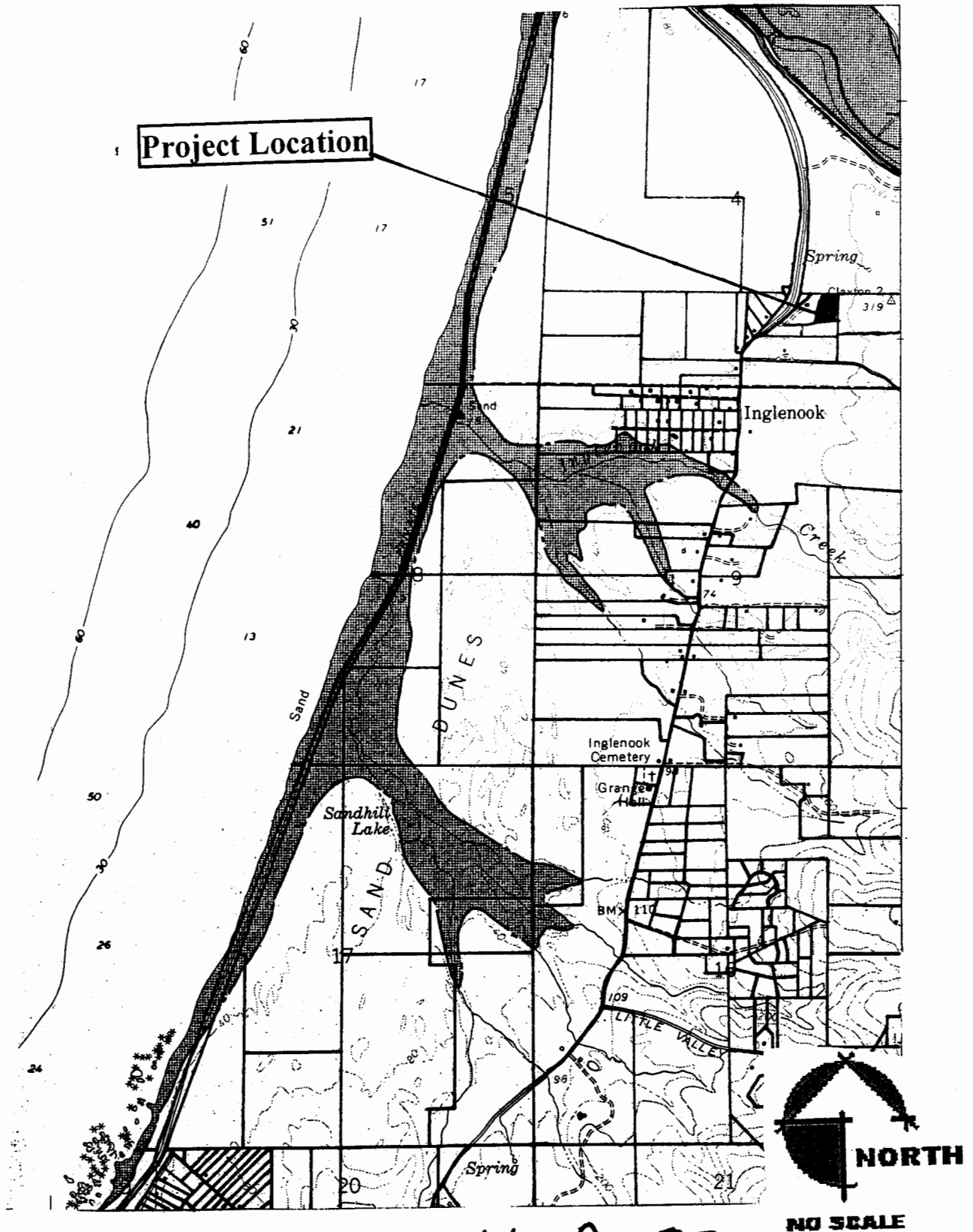
Planning Technician II

Attachments: Exhibit A: Location Map
Exhibit B: Site Plan
Exhibit C: Floor Plan
Exhibit D: Elevations

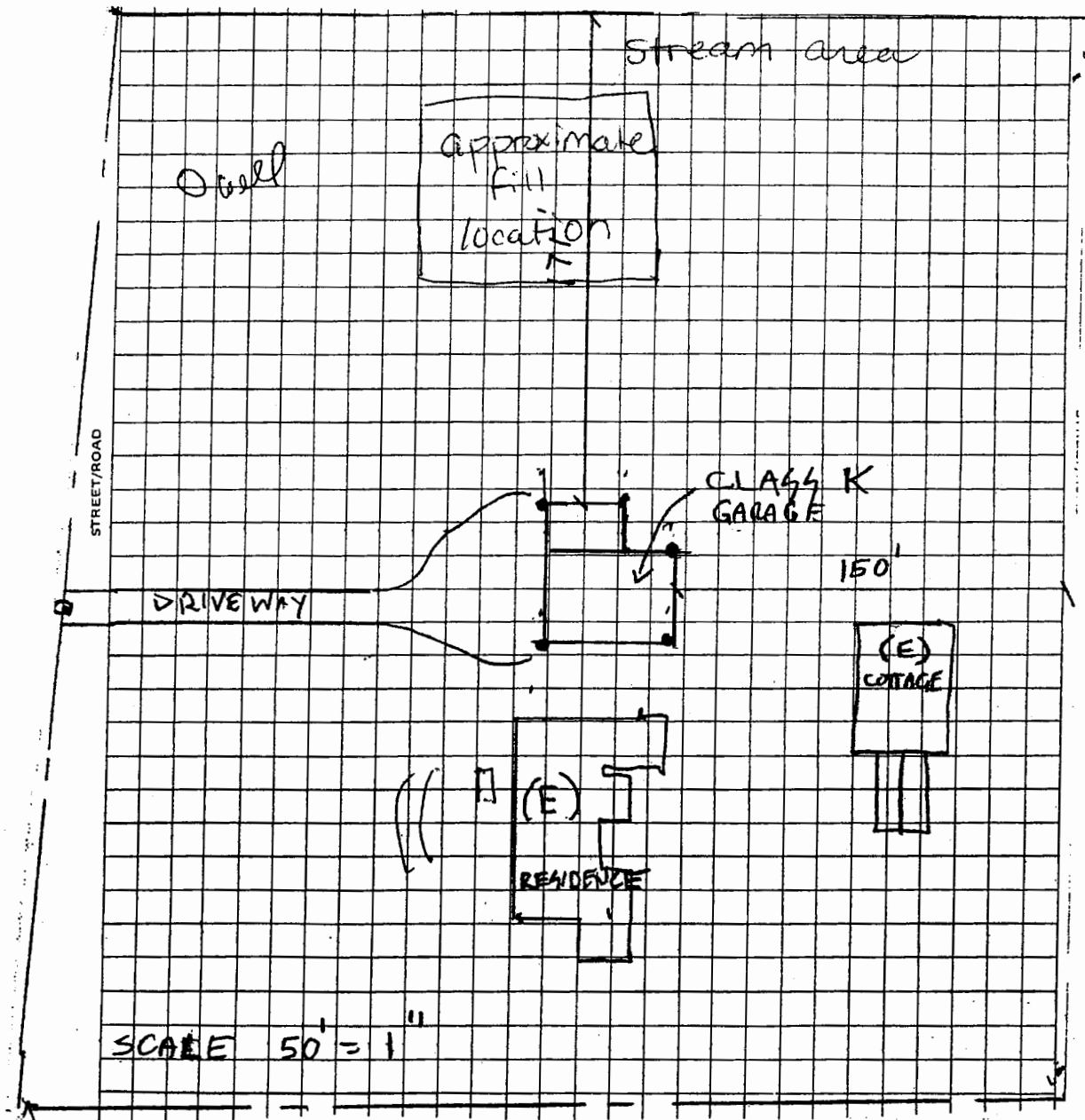
Appeal Period: Ten calendar days for the Mendocino County Board of Supervisors, followed by ten working days for the California Coastal Commission following the Commission's receipt of the Notice of Final Action from the County.

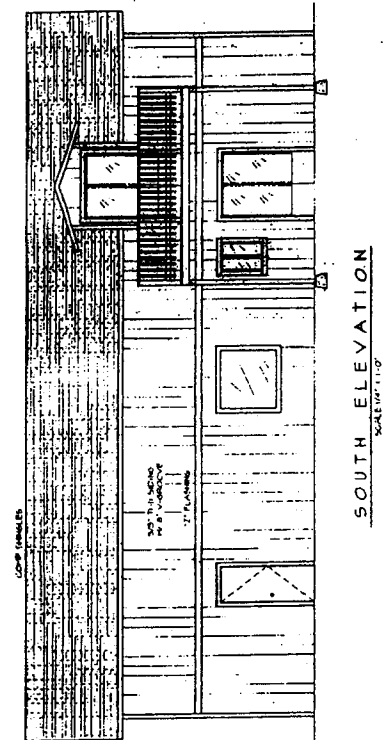
Appeal Fee: \$715 (For an appeal to the Mendocino County Board of Supervisors.)

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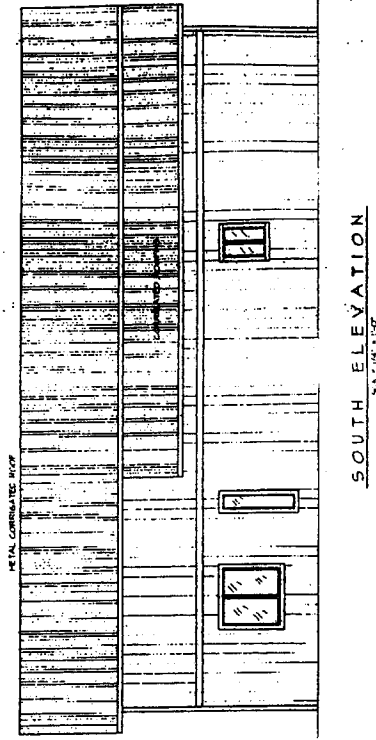


14 of 23

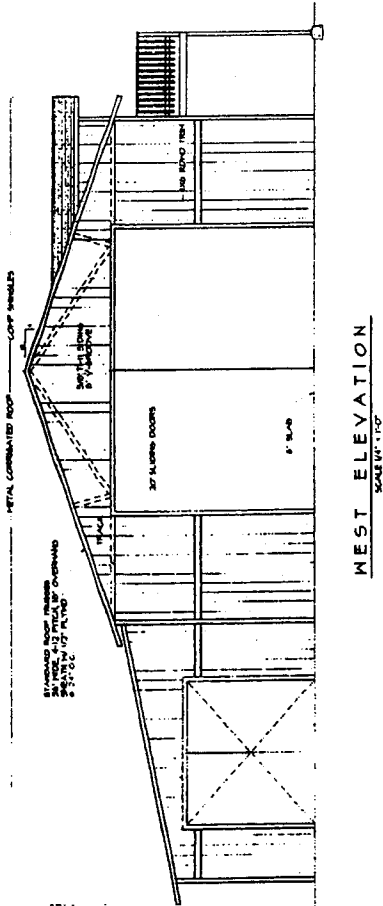




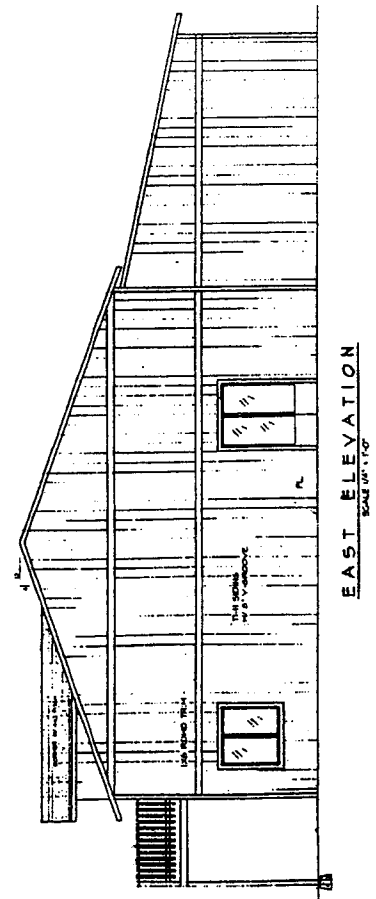
SOUTH ELEVATION
SCALE 1/4" = 1'-0"



SOUTH ELEVATION
SCALE 1/4" = 1'-0"



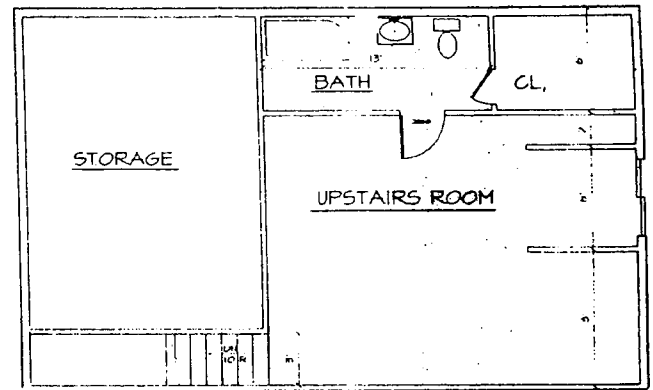
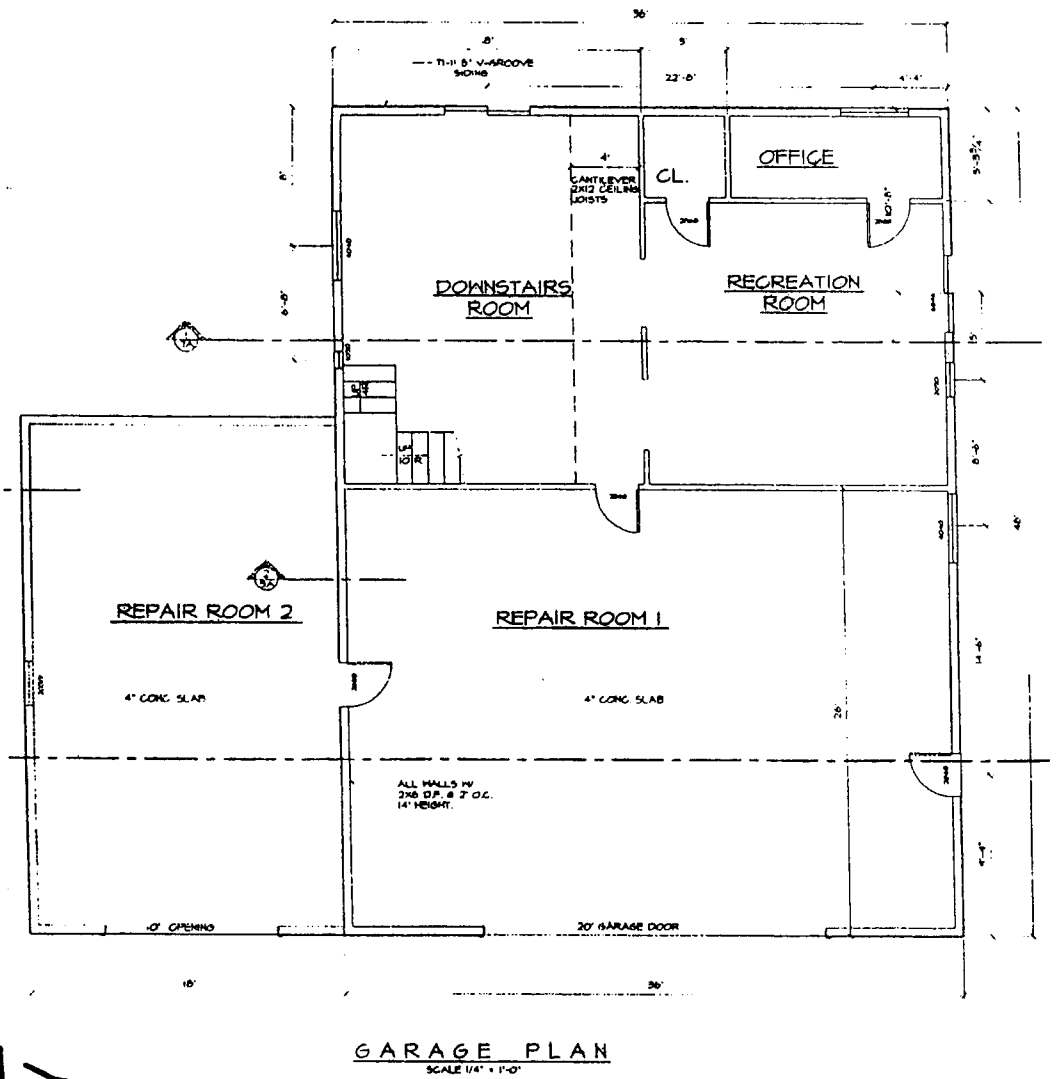
WEST ELEVATION
SCALE 1/4" = 1'-0"



EAST ELEVATION
SCALE 1/4" = 1'-0"

16 of 23

17 of 23











COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

501 LOW GAP ROAD • ROOM 1440 • UKIAH • CALIFORNIA • 95482

RAYMOND HALL, DIRECTOR

Telephone 707-463-4281

FAX 707-463-5709

pbs@co.mendocino.ca.us

www.co.mendocino.ca.us/planning

**CODE ENFORCEMENT DIVISION
OFFICIAL NOTICE OF VIOLATION**

Date : April 27, 2004

CASE# ZC-01-05

RECEIVED

Property Owner:

Dennis Hollingsworth

APR 20 2005

Assessor's Parcel Number:

069-010-31

CALIFORNIA
COASTAL COMMISSION

Site Address:

27801 N. Hwy 1, Fort Bragg, CA

The following violations of Mendocino County code has been found to exist on the referenced property:

VIOLATION :

1. **Operation of a Contractor Sales and Service business** upon a parcel zoned Rural Residential District in violation of MCC Sec. 20.376.010 Principal Permitted Uses for RR Districts, Sec. 20.324.055 Construction Sales and Services.
2. **Operation of a Junk Yard** in violation of MCC Sec. 308.065 (A) limiting parcels of more than 40,000 sq. ft., where waste, discarded or salvaged materials bought, sold, exchanged, stored, baled, cleaned, dismantled, or handled, to 400 sq. ft.
3. **The unpermitted Storage of Non-operating Vehicles** in violation of MCC Sec. 20.308.110 (31) limiting the storage on any parcel of three (3) or more vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power.
4. **The unpermitted storage** of large trailers, trucks, tractors, backhoe, front end loader and bulldozer in violation of MCC 20.164.015 (M) Accessory Parking which allows for the parking of [not more than] two (2) large vehicles or construction equipment upon private property greater than 40,000 sq. ft. but less than five (5) acres.
5. **Unpermitted grading** as defined in MCC 20.308.050 (G) which limits any excavation or filling or combination thereof involving the transfer of more than two (2) cubic yards of material.

21 of 23

6. **Conversion of an attached garage into living quarters within the primary residence without benefit of a building permit in violation of MCC Sec. 18.08.010 Construction Permits and Inspection Fees, and UBC Section 106.1 Permits Required.**
7. **Construction and alteration of a detached garage/shop in violation of MCC 20.523.010 Coastal Development Permit Regulations – Applicability, MCC Sec. 18.08.010 Construction Permits and Inspection Fees, and UBC Section 106.1 Permits Required.**

CORRECTIVE ACTION REQUIRED:

1. Cease operation of any commercial business activity at the site. Remove all construction equipment, supplies, materials and vehicles to a permitted location. Pursuant to MCC Sec. 20.308.110 (31), the parking of not more than two (2) large vehicles is permitted at any one time.
2. Remove all scrap metal, tires, vehicle parts, appliances, tanks, barrels, drums, scrap wood and construction debris to a permitted location.
3. Pursuant to MCC Sec. 20.308.110 (31) all but two non-operating vehicles must be removed to a permitted location.
4. Pursuant to MCC 20.164.015 (M) Accessory Parking, all but two large vehicles must be removed from the site to a permitted location.
5. Pursuant to MCC 20.308.050 (G), which limits any excavation or filling or combination thereof to not more than more than two (2) cubic yards of material, you are to remove all dirt, fill, and broken concrete currently stored in a large pile on the site to a permitted location after having obtained the necessary grading permits.
6. Submit engineered drawings detailing the primary residence garage conversion to living space, and obtain an "as built" building permit.
7. Pursuant to MCC 20.523.010, submit an application for issuance of a Coastal Development for construction of the unpermitted shop/garage structure. Additionally,, pursuant to MCC Sec. 18.08.010, you are directed to obtain the necessary building permits for this structure, by submitting engineered drawings depicting the "as built" nature of the building.

Corrective action for items 1 through 5 must be completed by Friday, June 18, 2004. Corrective action for items 6 and 7 must be completed by Monday, May 31, 2004.

Notice of Violation
April 27, 2004
Page 3

Your cooperation is requested so that it does not become necessary to initiate one of the following code enforcement actions:

- Issuance of a **citation** with potential fines,
- Recordation of a Notice of Violation against title to this real property.
- Case referral to the office of County Counsel for possible **legal action**.

Issued by: _____ Title Code Enforcement Officer
James McCleary

Attachments: Due Process, Code Enforcement in the County of Mendocino

23 of 23

Dennis Hollingsworth

27801 N. Highway 1
Fort Bragg, CA 95437
(707)961-0308

RECEIVED

JUN 6 2005

CALIFORNIA
COASTAL COMMISSION
5/31/05

Permit # A-1-Men-05-020
Item # W 12b

To: California Coastal Commission
North Coast District Office
P.O. Box 4908
Eureka, CA 95502-4908

To Whom It May Concern: I have just received the staff report on the coastal development permit that I have been trying to obtain for the past several months. It seems that the main issue is the fill in the area within 100 ft. of the ESHA which runs through my property. I am concerned that this issue will not be resolved in time to actually take care of the problem that has been identified on my property before the rainy season starts next fall.

After talking to Robert Merrill of the North Coast District Office and Pam Deeter of the Mendocino County Building and Planning Department, I have come up with a solution that I am hoping will take care of this problem. I am willing to remove all of the fill in question and transport it off of my property to a commercially zoned area, where I currently run my business, and properly dispose of any material not deemed appropriate as fill (if found). I propose to bring this site back to its original grade, re-vegetate as per the recommendations of these offices, and do so in a timely fashion so as to have this project complete before the winter rains start in the fall of 2005.

For me to remove all of this fill will be expensive, but I am willing to do this to bring to an end one of the many problems I have had due to the appellant, Darold Kassebaum. Mr. Kassebaum and his wife have utilized every government agency imaginable to harass me and have cost the taxpayers of Mendocino County and the State of California many, many thousands of dollars in mostly untrue complaints. These agencies include the CA Department of Fish and Game, the Fire Marshall, the Contractor's State License Board, the Mendocino County Superior Court, Mendocino County Sheriff's Department, and now your agency. Their assertions of dumped toxic waste, truck axels, and other environmentally damaging items on my property are just plain untrue. The Kassebaums timing on lodging these complaints is curious; they filed suit against me to take an easement away from me at the same time they started making all of these complaints and, I feel, are trying to harass me into giving up my easement rights to access my property through a shared roadway.

Yes, I did fill an area, with dirt and concrete chunks, within 100' of the ESHA. No, there are no toxic substances in the fill, and yes, I am willing to restore the area to its original state. Please allow the County of Mendocino to issue an emergency permit so that I can remove the fill and take care of this matter.

Sincerely

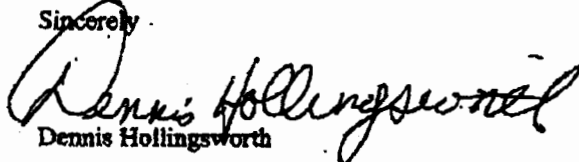

Dennis Hollingsworth

EXHIBIT NO. 8

APPEAL NO.

A-1-MEN-05-020

DE NOVO

Revised Project Description

(Page 1 of 3)

Dennis Hollingsworth

27801 N. Highway 1
Fort Bragg, CA 95437
(707)961-0308

To: California Coastal Commission
North Coast District Office
P.O. Box 4908
Eureka, CA 95502-4908

6/25/05
Permit # A-1-Men-05-020
Item # W 12b

To Whom It May Concern: I have just received the staff report on the coastal development permit that I have been trying to obtain for the past several months. It seems that the main issue is the fill in the area within 100 ft. of the ESHA which runs through my property. I am concerned that this issue will not be resolved in time to actually take care of the problem that has been identified on my property before the rainy season starts next fall.

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The fill in question is approximately 420 yards compacted on a 2400 square foot area. This is shown on the updated plot plan as are the distances from the garage and property lines. I still plan to use the re-vegetation plan proposed by KPFF in my original application as a model to restore the disturbed area which included Wax Myrtle, Red Alder, California Huckleberry, Coyote Brush, Thimbleberry and Sword Fern. I will also provide erosion controls as proposed by KPFF to mitigate any sediment movement that may occur while the newly planted vegetation is becoming established. KPFF will consult on and approve all re-vegetation plans.

Additionally, I have been asked to comment on a few issues regarding the coastal development permit on the garage. Firstly, the plumbing in the garage includes one toilet, one sink, one small water heater, and associated piping to connect the above to fresh water and the existing septic system. There will be no kitchen or associated fixtures, cabinets, nor will there be any shower or bathing facilities.

The previously submitted floor plans do represent the project description except that the words "repair room 1" be replaced with "garage parking area" and "repair room 2" be replaced with "workshop".

Sincerely


Dennis Hollingsworth

EXHIBIT NO. 8
APPEAL NO.
A-1-MEN-05-020
DE NOVO
Revised Project Description
(Page 2 of 3)

Dennis Hollingsworth

27801 N. Highway 1
Fort Bragg, CA 95437
(707)961-0308

To: California Coastal Commission
North Coast District Office
P.O. Box 4908
Eureka, CA 95502-4908

6/25/05
Permit # A-1-Men-05-020
Item # W 12b

To Whom It May Concern; This letter is in regards to amend the CDP to legalize the shop/garage and the remodel of the office space as per class K drawings.

Sincerely,


Dennis Hollingsworth

EXHIBIT NO. 8

APPEAL NO.

A-1-MEN-05-020

DE NOVO

Revised Project Description

(Page 3 of 3)