

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE

710 E STREET • SUITE 200

EUREKA, CA 95501-1865

VOICE (707) 445-7833

FACSIMILE (707) 445-7877

MAILING ADDRESS:

P. O. BOX 4908

EUREKA, CA 95502-4908



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Staff:	Tiffany S. Tauber
Staff Report:	April 21, 2006
Hearing Date:	May 12, 2006
Commission Action:	

**STAFF REPORT: PERMIT AMENDMENT**

APPLICATION NO.:	<b>1-91-06-A2</b>
APPLICANT:	<b>Dan V. Giovanni</b>
APPLICANT'S AGENT:	Michael E. Abell
PROJECT LOCATION:	33131 Church School Lane, Fort Bragg, Mendocino County (APN 069-231-37)
DESCRIPTION OF PROJECT ORIGINALLY APPROVED:	Construction of a 3,400-square-foot, two- story, single-family residence with attached garage, well/pump-house, septic system, and driveway.
DESCRIPTION OF AMENDMENT NO. 1:	Redesign residence such that footprint deviates from approved plans, but residence remains in the same location on the parcel, and the square footage and height does not increase.

**DESCRIPTION OF PROPOSED**

**AMENDMENT NO. 2:**

Modify the design of the approved residence to (a) simplify the exterior and roofline, (b) lower the overall building height by 1'6", (c) reconfigure the floor plan and relocate the garage within the same footprint, (d) change the exterior colors to incorporate muted dark earth tones, and (e) reduce the floor area to 3,258 square feet.

**GENERAL PLAN DESIGNATION:**

Rural Residential – 5-acre minimum (Rural Residential – 2 acre minimum): Floodplain (RR-5 [RR-2]: FP)

**SUBSTANTIVE FILE DOCUMENTS:**

CDP No. 1-91-06; CDP Immaterial Amendment No. 1-91-06-A; Mendocino County LCP

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**SUMMARY OF STAFF RECOMMENDATION:**

The staff recommends that the Commission approve with conditions the requested amendment to the coastal development permit. The Commission originally approved Coastal Development Permit No. 1-91-06 (Johnston) for the construction of a 3,400-square-foot, two-story, 28-foot-high, single-family residence with attached garage, well/pump-house, septic system and driveway. In 1995, the Executive Director granted an immaterial amendment (1-91-06-A), which authorized the redesign of the residence within the same location on the parcel. The parcel has since been sold to the current applicant who is proposing to further modify the design of the approved residence to (a) simplify the exterior and roofline, (b) lower the overall building height by 1'6", (c) reconfigure the floor plan and relocate the garage within the same footprint, (d) change the exterior colors to incorporate muted dark, earth tones, and (e) reduce the floor area to 3,258-square feet. The proposed amendment would locate the newly designed residence entirely within the development footprint originally approved by the Commission.

The project site is located just north of Fort Bragg, on the west side of Highway One, off of Church School Lane. Immediately west of the subject parcel is a portion of the ten-mile-long abandoned Georgia-Pacific haul road that is currently owned by the Department of Parks and Recreation and now provides public access to the adjacent MacKerricher State Park beach frontage. The subject parcel contains three environmentally sensitive habitat areas (ESHA) including (1) Virgin Creek and its associated riparian area located along the southern boundary of the parcel, (2) an unnamed stream and its associated riparian area that traverses the site from north to south and drains into Virgin Creek, and (3) an area of active sand dunes located in the

southwest corner of the site. A portion of a recorded archaeological site is located within the sand dune area.

Staff recommends that the Commission impose eight (8) special conditions for the amendment request, several that are similar to those imposed for the original permit and several new conditions, to ensure that the re-designed residence is consistent with the environmentally sensitive habitat area, water quality, visual resource, and cultural resource protection policies of the Mendocino County LCP.

Staff recommends that the Commission impose Special Condition No. 1 to protect environmentally sensitive riparian and sand dune habitat on the site. This condition would restrict the use of all of the ESHA, including the riparian habitat and sand dune area, as well as a 50-foot buffer area around the ESHA as open space within which no development may take place. The applicant has submitted an updated biological report and buffer width analysis that substantiates the proposed buffer width as being adequate to protect the ESHA.

To further ensure the protection of the ESHA and water quality, Staff also recommends Special Condition No. 2 which requires the applicant to submit an erosion and runoff control plan for review and approval of the Executive Director prior to the issuance of the coastal development permit demonstrating that the runoff from the site is collected and directed away from the ESHA in a non-erosive manner into pervious areas on the site so as to achieve infiltration to the maximum extent practicable and that erosion control measures are in place during and following construction. The applicant is not proposing any landscaping as part of the proposed project. However, to ensure that the ESHA is not adversely impacted by any future landscaping of the site, Staff recommends Special Condition No. 3 that requires only native and/or non-invasive plant species be planted at the site. In addition, Special Condition No. 4 requires the temporary placement and maintenance of a construction barrier along the entire length of the 50-foot buffer line to protect the riparian vegetation and streams during construction. As conditioned, the environmentally sensitive areas would be protected from any significant disruption of habitat values and water quality would be maintained.

To ensure the protection of visual resources, Staff recommends that the Commission impose Special Condition No. 5, which would require that all exterior lighting be low-voltage and directionally cast downward to minimize the project's impacts on visual resources and require that the residence be comprised of dark, earth tone colors and non-reflective materials. The proposed amended residential structure would be reduced in size and mass and would be located entirely within the development footprint previously approved by the Commission. While the development would be visible from the haul road, which provides public access to MacKerricher State Park and the beach, the development would not block views to the ocean and, with the proposed dark earth tone colors, the development is compatible with its surroundings, including the other two-

story single-family residences that are also visible from the haul road. As conditioned, the amended residence would be consistent with the visual resource policies of the LCP.

Additionally, due to the fact that there are known archaeological resources in the adjacent sand dune area, Staff recommends the Commission impose Special Condition No. 6 to protect potential archaeological resources on the building site. Similar to the original condition imposed by the Commission for the originally approved project, this condition would require that all construction cease should any additional archaeological resources be discovered during construction, and that an archaeologist must then inspect the property and recommend appropriate mitigation measures, and a permit amendment applied for to implement this mitigation plan.

Future development of accessory structures or other improvements to the single family residence such as storage sheds, yard improvements, pathways, or grading for landscaping improvements, could potentially adversely affect the adjacent ESHA and/or archaeological resources. Many of these kinds of improvements to single family homes are normally exempt from the need to obtain a coastal development permit under Section 30610(a) of the Coastal Act. To ensure that any future development on the subject property that is not proposed under the current application would not adversely affect the ESHA or archaeological resources on the site, Staff recommends that the Commission attach Special Condition No. 7 requiring that any future development on the subject property would require a coastal development permit or permit amendment. This requirement would enable the Commission to review such development and ensure that the development would be located and designed in a manner that would not adversely affect coastal resources.

Lastly, Staff recommends that the Commission impose Special Condition No. 8, which requires the applicant to record and execute a new deed restriction that would replace the deed restriction recorded pursuant to the requirements of the original permit to impose the special conditions of this permit amendment as covenants, conditions and restrictions on the use and enjoyment of the property to assure that future owners of the property are aware of the CDP requirements applicable to all future development.

Staff recommends that the Commission find that the proposed amended development, as conditioned, is consistent with the policies of the Mendocino County LCP regarding new development, ESHA, water quality, visual resources, and archaeological resources and the LCP and Coastal Act policies regarding public access.

**The Motion to adopt the staff recommendation can be found on page 8.**

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**STAFF NOTES:**

1. Procedure and Background:

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

Coastal Development Permit No. 1-91-06 (Johnston) was approved for the construction of a 3,400-square-foot, two-story, 28-foot-high single-family residence with attached garage, well/pump-house, septic system and driveway.

The Commission granted this permit on August 14, 1991 with four special conditions: (1) requiring the applicant to execute and record a deed restriction establishing a 50-foot buffer area from (a) the portion of Virgin Creek located on the subject parcel, (b) the riparian vegetation adjacent to the unnamed stream, and (c) the active sand dune habitat, and requiring that no alteration of landforms, removal of vegetation, or erection of structures shall occur within those areas designated for protection, and that any future development or additions to the subject development shall be subject to a coastal development permit amendment or a separate coastal development permit; (2) requiring that if any archaeological resources are discovered on the project site during construction, all work that could damage or destroy these resources be suspended and the applicant have an archaeologist inspect the site and determine appropriate mitigation measures, and that the applicant apply to the Commission for a permit amendment to authorize this mitigation plan; (3) requiring that a construction barrier be erected along the entire length of the 50-foot riparian buffer to prevent workers and equipment from entering sensitive habitat areas along the two streams during construction; and (4) requiring that all exterior lights be low-voltage, non-reflective, and be directionally cast downward so that they will not shine or glare beyond the limits of the parcel (See Exhibit No. 6).

On March 16, 1995 the Executive Director granted an immaterial amendment (1-91-06-A) to the above-described CDP. This immaterial amendment authorized the redesign of the residence such that the footprint would deviate from approved plans, but the size would not increase and the residence would be in the same location on the parcel (See Exhibit No. 6). No new special conditions were imposed with Permit Amendment No. 1-91-06-A1.

The current amendment request seeks to modify the design of the approved house to (a) simplify the exterior and roofline, (b) lower the overall building height by 1'6", (c) reconfigure the floor plan and relocate the garage within the same footprint, (d) change the exterior colors to incorporate muted dark earth tones, and (e) reduce the floor area to

3,258-square feet. The proposed amendment would locate the newly designed residence entirely within the development footprint originally approved by the Commission.

Upon receipt of the amendment request, the Executive Director accepted the amendment request for filing on the basis that with conditions, the proposed modifications to the project could be made consistent with the policies of the certified LCP and the public access and recreation policies of the Coastal Act, and would not lessen or avoid the intent of the Commission's prior action on the original permit (CDP No. 1-91-06) and the first permit amendment (Exhibit No. 7).

With the inclusion of Special Condition Nos. 1, 2, 3, and 4, the proposed amendment would be consistent with the environmentally sensitive habitat areas (ESHA) policies of the LCP. Special Condition No. 1 would restrict use of all of the ESHA, including the riparian habitat and sand dune area, as well as a 50-foot buffer from the outer edge of (a) the riparian vegetation adjacent to Virgin Creek, (b) the riparian vegetation adjacent to the unnamed stream, and (c) the active sand dune habitat, and require that no alteration of landforms, removal of vegetation, or erection of structures occur within those areas. Special Condition No. 2 requires the applicant to submit an erosion and runoff control plan for review and approval of the Executive Director prior to the issuance of the coastal development permit demonstrating that the runoff from the site is collected and directed away from the ESHA in a non-erosive manner into pervious areas on the site so as to achieve infiltration to the maximum extent practicable and that erosion and sediment control measures are implemented. Special Condition No. 3 requires that only native and/or non-invasive plant species are planted at the site. Special Condition No. 4 would require the installation and maintenance of a construction barrier along the length of the riparian buffer lines to prevent workers and equipment from entering the streams. As conditioned, the project would (a) protect the same areas that were required to be protected as ESHA and restricted from development under the Commission's original approval, (b) include additional measures to protect the ESHA from runoff and invasive species, and (c) be consistent with the ESHA protection policies of the LCP.

The proposed amended design of the house would not adversely affect visual resources and would be consistent with the visual resource protection policies of the LCP, as the redesigned residence would be located entirely within the previously approved development footprint, the exterior colors would be muted, dark earth tones, and the residence would be compatible with the character of the surrounding area. Staff recommends Special Condition No. 5, which would require (A) that all exterior lights be low-voltage, non-reflective, and directionally cast downward so that they will not shine or glare beyond the limits of the parcel and requires, and (B) that the current owner or any future owner shall not repaint or stain the house or other approved structures with products that will lighten the color of the house or other approved structures without an amendment to this permit and that all exterior materials, including roofs and windows, be non-reflective to minimize glare. As conditioned, the project would (a) be somewhat smaller and have less impact on visual resources than the house design originally

approved by the Commission, (b) include additional measures to protect visual resources, and (c) be consistent with the visual resource protection policies of the LCP.

The proposed amended development would have no greater impact on public access to the coast than the originally approved project, as the house with its revised design would still be located within the same footprint as the originally approved house. As conditioned, the project would be consistent with the public access policies of the certified LCP and the Coastal Act.

With the inclusion of Special Condition No. 6, which would require that if any archaeological resources are discovered on the project site during construction, all work that could damage or destroy these resources be suspended and the applicant have a qualified archaeologist inspect the site and determine appropriate mitigation measures and that the applicant apply to the Commission for a permit amendment to authorize this mitigation plan, the proposed amendment would be consistent with the archeological resource policies of the certified LCP.

With the inclusion of Special Condition No. 7 requiring that any future development on the subject property, including accessory structures or other improvements to the single family residence normally exempt from the need to obtain a coastal development permit under Section 30601(a) of the Coastal Act, require a coastal development permit or permit amendment, the Commission would be able to review such development and ensure that the development would be located and designed in a manner that would not adversely affect the adjacent environmentally sensitive habitat areas or archaeological resources.

Finally, with the inclusion of Special Condition No. 8, which would require the applicant to record and execute a new deed restriction that would replace the deed restriction recorded pursuant to the requirements of the original permit to impose the special conditions of this permit amendment as covenants, conditions and restrictions on the use and enjoyment of the property, future purchasers of the property would be informed of all of the coastal development permit requirements that pertain to the property.

Therefore, for the reasons discussed above, the Executive Director has determined that the proposed amendment, as conditioned, would not lessen the intent of the Commission's prior action on the original permit. Since this amendment request would not result in a lessening or avoidance of the intent of the originally approved permit, the Executive Director has accepted the amendment for processing.

## **2. Standard of Review**

The original permit was approved by the Commission in 1991, prior to certification of the Mendocino County LCP. The standard of review for the project at that time was the Chapter 3 policies of the Coastal Act. The Coastal Commission effectively certified

Mendocino County's LCP in October of 1992. Pursuant to Section 30604 of the Coastal Act, after effective certification of an LCP, the standard of review for all coastal permits and permit amendments for developments located between the first public road and the sea is the certified LCP and the public access policies of the Coastal Act.

3. Commission Action Necessary

The Commission must act on the application at the May 12, 2006 meeting to meet the requirements of the Permit Streamlining Act unless the applicant extends the deadline for Commission action.

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**I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:**

**Motion:**

I move that the Commission approve Coastal Development Permit Amendment No. 1-91-06-A2 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 policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.

**II. STANDARD CONDITIONS:** (See attached Appendix A)



**III. SPECIAL CONDITIONS:**

**1. Open Space Restriction**

A. No development, as defined in Section 30106 of the Coastal Act shall occur (1) within the area to the south and west of the line labeled "Edge of Riparian Area" on Exhibit No. 3 attached to this staff report, or (2) within 50 feet to the north and east of the line labeled "Edge of Riparian Area" on Exhibit No. 3 and as described and depicted in an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for:

1. planting of native vegetation and the restoration of environmentally sensitive habitat if approved by the Coastal Commission as an amendment to this coastal development permit.

**B. PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS PERMIT**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described above and shown on Exhibit No. 3 attached to this staff report.

**2. Erosion and Runoff Control Plan**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director, for review and written approval, an erosion and runoff control plan demonstrating the following:

- (1) Straw bales shall be installed to contain runoff from construction areas;
- (2) On-site vegetation shall be maintained to the maximum extent possible during construction;
- (3) Any disturbed areas shall be replanted or seeded with native vegetation following project completion;
- (4) All on-site stockpiles of construction debris shall be covered and contained to prevent polluted water runoff; and
- (5) Runoff from the roof and other impervious surfaces of the development shall be collected and directed away from the riparian and sand dune environmentally sensitive habitat areas (ESHA) as shown on Exhibit No. 7 in a non-erosive manner into pervious areas of the site (i.e. undeveloped areas, landscaped areas) to achieve infiltration to the maximum extent practicable.

- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**3. Construction Barrier**

A construction barrier consisting of temporary construction fencing or netting shall be erected and maintained along the entire length of the 50-foot riparian buffer line to prevent workers and equipment from entering the sensitive habitat area along the two streams during construction.

**4. Landscaping Restriction**

No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or by the State of California shall be employed or allowed to naturalize or persist at the site of the proposed demolition. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.

**5. Design Restrictions**

- A. All exterior lights, including any lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress and egress of the structures, 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; and
- B. All exterior siding, trim, fascia, and roofing of the proposed structure shall be composed of the colors proposed in the application or darker earth tone colors only. The current owner or any future owner shall not repaint or stain the house or other approved structures with products that will lighten the color of the house or other approved structures without an amendment to this permit. In addition, all exterior materials, including roofs and windows, shall be non-reflective to minimize glare.

**6. Area of Archaeological Significance**

- A. The applicant shall comply with all recommendations and mitigation measures contained in the Archaeology Plan prepared for the project by Jay M. Flaherty, Archaeological Services, dated November 9, 1988.
- B. If an area of cultural deposits is discovered during the course of the project:

- (i) All construction shall cease and shall not recommence except as provided in subsection C hereof; and
  - (ii) Within 90 days after the date of discovery of such deposits, the applicant shall provide evidence to the Executive Director of execution and recordation of 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 (hereinafter referred to as the “Standard and Special Conditions”); and (2) imposing all Standard and 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 applicant’s entire parcel or parcels. It 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.
- C. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a supplementary archaeological plan for the review and approval of the Executive Director. In order to protect archaeological resources, any further development may only be undertaken consistent with the provisions of the supplementary archaeological plan.
  - (i) If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan’s recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after the Executive Director receives evidence of recordation of the deed restriction required above.
  - (ii) If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission and the Executive Director receives evidence of recordation of the deed restriction required above.

**7. Future Development Restriction**

This permit is only for the development described in coastal development permit No. 1-91-06-A2. Pursuant to Title 14 California Code of Regulations section

13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the development governed by coastal development permit No. 1-91-06-A2. Accordingly, any future improvements to the single family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 1-91-06-A2 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

8. **Deed Restriction**

**PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT (1-91-06-A2)**, the applicant shall submit to the Executive Director for review and approval, documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit amendment a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, as amended, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit, as amended, as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit amendment. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit, as amended, 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. **This deed restriction shall supercede and replace the deed restriction(s) recorded pursuant to Special Condition No. 1 of 4 of Coastal Development Permit No. 1-91-06 approved on August 14, 1991, which deed restriction(s) is recorded as Instrument No. 23992 in the official records of Mendocino County.**

IV. **FINDINGS AND DECLARATIONS FOR APPROVAL**

The Commission hereby finds and declares:

1. **Site Description**

The project site is located just north of Fort Bragg, on the west side of Highway One, off of Church School Lane, a private drive that serves several residences and a school in this rural neighborhood. Immediately west of the subject parcel is a portion of the ten-mile-long abandoned Georgia-Pacific haul road that is now owned by the Department of Parks

and Recreation and provides public access to the adjacent MacKerricher State Park beach frontage. The proposed development would not be visible from Highway One, but would be visible from both the haul road and from the state beach. The site is not within a designated highly scenic area.

The subject parcel contains three areas of environmentally sensitive habitat including (1) Virgin Creek and its associated riparian vegetation located along the southern boundary of the parcel, (2) an unnamed stream and its associated riparian vegetation that traverses the site from north to south and drains into Virgin Creek, and (3) an area of active sand dunes located in the southwest corner of the site. A portion of a recorded archaeological site is located on the parcel in a location more than 100 feet away from the proposed development. (See Exhibit No. 3.)

The subject parcel is designated in the County's Land Use Plan as Rural Residential-5 [Rural Residential-2]: Floodplain (RR-5 [RR-2]:FP), meaning that there may be one parcel for every five acres, or one parcel for every two acres with proof of water, and that the lot may be subject to inundation by a 100-year flood. The subject parcel, which is approximately 4.7 acres in size, is a legal conforming lot.

## **2. Project Amendment Description**

The originally approved project included construction of a 3,400-square-foot, 28-foot-high, two-story, single-family residence with an attached garage, driveway, well/pumphouse, and septic system. This permit was amended immaterially in 1995 to redesign the residence such that the footprint deviated from approved plans, but square footage and height did not increase, and the residence remained in the same location on the parcel. Portions of the approved development have commenced, including the construction of the gravel driveway, septic system, and well. Therefore, the permit is considered vested.

The current amendment request proposes to (a) modify the design of the approved house to simplify the exterior and roofline including reducing the pitch and eliminating the large, exposed gable ends, (b) lower the overall building height by 1'6", (c) reconfigure the floor plan and relocate the garage within the same footprint, (d) change the exterior colors to incorporate muted dark earth tones, and (e) reduce the floor area to 3,258-square feet. The proposed amendment would locate the newly designed residence entirely within the development footprint originally approved by the Commission. Exterior surfaces, including roofing materials, siding, windows, doors, gutters, and trim details would incorporate dark, earth tone colors, including "balsam sage" roofing, "woodland brown" decks, "cabot moss" siding, fascia, and trim, "brownstone" windows and doors, and copper gutters and downspouts.

### 3. Environmentally Sensitive Habitat Areas (ESHA)

#### LCP Policies

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

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

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

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

LUP Policy 3.1-7 states:

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

- 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.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(2) Configuration.** *The buffer area shall be measured from the nearest outside edge of the ESHA (e.g., for a wetland from the landward edge*



*of the wetland; for a stream from the landward edge of riparian vegetation or the top of the bluff).*

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

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

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

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

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

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

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

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

*(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 wherever 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. (Ord. No. 3785 (part), adopted 1991)*

Discussion:

The proposed amended development consists of a single-family residence and attached garage located within the same development footprint previously approved by the Commission. As noted previously and discussed in the Commission's findings for the originally approved residence, environmentally sensitive habitat on the parcel includes (1) Virgin Creek and its associated riparian vegetation, which borders the parcel on the south, (2) a small unnamed stream and its associated riparian vegetation that traverses the parcel from north to south and drains into Virgin Creek, and (3) an active sand dune area in the southwest corner of the parcel. Without adequate buffer areas, development in or adjacent to these areas could adversely affect the riparian and dune habitats by causing erosion, impacting water quality, and/or destroying vegetation. When the Commission acted on the original permit application in 1991, the standard of review for the project was the Chapter 3 policies of the Coastal Act. The Coastal Act policies regarding buffers to environmentally sensitive habitat areas (ESHA), such as the riparian areas and the sand dunes on the subject site, state that development adjacent to ESHA shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat areas. These Coastal Act policies do not specify a particular buffer width requirement, although in practice, 100-foot buffers are

commonly applied. In authorizing the original permit, the Commission required a 50-foot buffer be maintained adjacent to the ESHA. Subsequent to the Commission's action on the original permit, the Commission effectively certified Mendocino County's LCP in October of 1992. Pursuant to Section 30604 of the Coastal Act, after effective certification of an LCP, the standard of review for all coastal permits and permit amendments for developments located between the first public road and the sea is the certified LCP (and the public access policies of the Coastal Act). Therefore, the Commission must apply the ESHA policies of the LCP to the proposed amendment.

As noted above, Coastal Zoning Code Section 20.496.010 states that environmentally sensitive habitat areas (ESHA) include sand dunes and riparian areas. Therefore, these habitat areas are subject to the ESHA buffer requirements of LUP Policy 3.1-7 and Coastal Zoning Code Section 20.496.020. According to these policies, a buffer area of a minimum of 100 feet shall be established adjacent to all ESHAs, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game (DFG), 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 policies state that in that event, the buffer shall not be less than 50 feet in width. Coastal Zoning Code Section 20.496.020 states that the standards for determining the appropriate width of the buffer area are the seven standards of subsections (a) through (g) of subsection (A)(1) of that section, including (a) the biological significance of adjacent lands, (b) sensitivity of species to disturbance, (c) susceptibility of the parcel to erosion, (d) use of natural topographic features to locate development, (e) use of existing cultural features to locate buffer zones, (f) lot configuration and location of existing development, and (g) the type and scale of the development proposed.

#### Sand Dune Habitat

As the amended residence would be located within the same development footprint as originally approved by the Commission, the proposed amended development would not encroach any closer to the sand dune habitat than the originally approved residence. The sand dune area is located in the southwest portion of the site, approximately 150 feet from the proposed development. Therefore, the proposed amended development is consistent with the buffer width provisions of LUP Policy 3.1-7 and Coastal Zoning Code Section 20.496.020 to the extent that the development would be located more than 100 feet from the sand dune ESHA. To further ensure the protection of the sand dunes from significant degradation resulting from future developments, and ensure the continuance of the dune habitat as required by LUP Policy 3.1-7 and Coastal Zoning Code Section 20.496.020, the Commission attaches Special Condition No. 1 which requires the area to be restricted as open space and prohibits development from occurring within the sand dune ESHA.

Riparian Habitat

The applicant's biologist provided an updated biological evaluation that substantiates that a 50-foot buffer is adequate to protect the riparian ESHA based on the seven standards contained within Coastal Zoning Code Section 20.496.020(A)(1)(a) through (g) of the MCCZC as discussed below.

Regarding the biological significance of adjacent lands, the applicant's biologist indicates that the biological significance of the adjacent land is low, as the area closest to the building envelope along the creek's cut bank is comprised predominately of invasive exotic plant species with minimal riparian species. According to the report, the dominant plant species associated with this particular area are coyote brush (*Baccharis pilularis*), periwinkle (*Vinca major*), jubata grass (*Cortaderia jubata*), and scotch broom (*Cystisus scoparius*). These species are typically associated with upland plant species and are highly resistant to disturbance. The biologist notes that the periwinkle is dominating the native coyote brush and may be preventing a more complex successional riparian area from developing. The biologist further notes that Sword fern (*Polystichum munitum*) is growing intermittently within the coyote brush and the periwinkle and is the main reason for the ESHA delineation along the edge of this vegetation. Closer to the stream edge, the riparian vegetation is comprised of Juncus (*Juncus effuses*), Douglas iris (*Iris douglasiana*), English ivy (*Hedera helix*), and blackberry bramble. The biologist notes that the more developed riparian areas are located further from the proposed building site to the east where a cluster of alders are well-established along the streambank, and toward the west where a dense willow thicket is located. Regarding the sensitivity of riparian species to disturbance, the biologist notes that the native coyote brush that comprises the majority of the native vegetation along the riparian corridor closest to the building site is relatively insensitive to development and is more likely to be affected by the invasive exotics than the proposed development. The biologist also notes that the native riparian plant species that exist will be outside of the influence of the house shadow created by the sun's path, as the riparian area is to the south and west of the proposed development site.

Regarding the susceptibility of the parcel to erosion, the applicant's biologist notes that as the parcel has an insignificant slope and the soil type present has only "slight to moderate" erosion potential, the site would not be particularly susceptible to erosion. Additionally, the proposed building site has been previously cleared and the gravel driveway installed and thus, any additional grading would be minimal.

Regarding the use of natural or cultural features to locate the buffer area, the biologist indicates that there are no hills or bluffs, or other cultural features (e.g., roads, dikes, etc.) at the site that would affect the consideration of an appropriate buffer area.

Lastly, regarding the lot configuration, location of existing development, and the type and scale of the development proposed, the biological analysis notes that the same buffer

width previously approved by the Commission would be established under the proposed amended development and that the building footprint would be smaller and therefore, have less impact than the previously approved design. As a result of the lot configuration and the location of the riparian and sand dune ESHA at the site, it would not be possible to locate the development 100 feet from the ESHA. The type and scale of the development proposed is consistent with that of the surrounding residential development.

Of the several factors raised by the applicant's biologist as reasons why a reduced 50-foot buffer would be adequate, the Commission finds that the most significant are those regarding (1) the lack of biological significance of the lands adjacent to the ESHA, and (2) the low susceptibility of the parcel to erosion. The biological report demonstrates that the area adjacent to the habitat is dominated by invasive exotic species. These areas covered by invasive exotic species are not as likely as areas covered by native vegetation would to be used by wildlife that inhabits the adjacent riparian ESHA for breeding, nesting, feeding, resting or for other activities that have important functional relationships to the species use of the ESHA area itself. Therefore, there is less need for a wide buffer to help sustain the species that inhabit the ESHA. In addition, the fact that the development site is relatively flat indicates that erosion and sedimentation from construction and in the future from the completed development are less likely to affect the riparian ESHA than erosion and sedimentation would if the building site had a steeper slope with greater potential for erosion, particularly with implementation of the additional erosion and sedimentation controls required by Special Condition No. 2 described below. While the building site is essentially flat, it is located at a higher vertical elevation than Virgin Creek, which is located at the base of a steeply sloping bank. The steep bank adjacent to the creek creates a natural topographic feature that in itself provides a physical buffer between the building site and the aquatic habitat, thereby further minimizing the potential for disturbance to wildlife utilizing the creek and the native riparian vegetation that is found closer to the water. Therefore, there is less need for a wide buffer to help protect the riparian ESHA from erosion and sedimentation and to protect the plant and wildlife species that utilize and inhabit the creek.

The Commission also notes that the type and scale of development proposed is of a nature that it would have comparatively less impact on the ESHA than the impacts that would be associated with a more intensive use. The proposed three-bedroom single-family residence is not excessively large and is situated on a 4.7-acre parcel. The site is also located in an area with 2-5-acre minimum parcel sizes. This relatively low intensity of use of the property and the surrounding area generates a relatively low level of disturbance that would not require as large a buffer as more intensive development would. Therefore, the Commission finds that primarily based on the buffer width criteria of subsections (a), (c), (d) and (g) of Coastal Zoning Code Section 20.496.020 regarding the biological significance of adjacent lands, the susceptibility of the parcel to erosion, natural topographic features, and the type and scale of the development proposed, respectively, the proposed 50-foot buffer width in conjunction with implementation of Special Condition Nos. 2 and 3 requiring certain erosion and sedimentation controls and

prohibitions on the planting of additional invasive exotic species as described below is adequate to protect the riparian habitat at the project site from possible significant disruption caused by the proposed development.

To ensure that the proposed 50-foot buffer is established, and to ensure the protection of the riparian habitat from significant degradation resulting from the development, and ensure the continuance of the riparian habitat as required by LUP Policy 3.1-7 and Coastal Zoning Code Section 20.496.020, the Commission attaches Special Condition No. 1, which requires the riparian area to be restricted as open space and prohibits development from occurring within the area of Virgin Creek and the unnamed stream, and a 50-foot buffer area as measured from the “Edge of Riparian Area” designated on the attached Exhibit No. 3. Additionally, as required by the original approval, Special Condition No. 4 requires the temporary placement of a construction barrier along the entire length of the 50-foot buffer line to protect the riparian vegetation and streams during construction from encroachment and intrusion by equipment, vehicles, and materials.

Even with the established buffer areas, the ESHA could be adversely affected by the proposed development from site runoff that could impact the water quality of the creek and stream. The subject site is comprised of sandy substrate and does not contain any developed impervious surfaces. Thus, the majority of stormwater at the site currently infiltrates prior to leaving the site as surface runoff. However, the increase in impervious surface area from the development would decrease the infiltrative function and capacity of the existing permeable land on site. The reduction of permeable surface area leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Further, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides and pesticides; and bacteria and pathogens from animal waste. The discharge of these pollutants to coastal waters can cause cumulative adverse impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters and reduce optimum populations of marine organisms.

The established open space and buffer areas will remain undeveloped areas of high infiltration capability that will minimize the amount of runoff potentially reaching the ESHA. However, to further ensure that drainage structures are not directed to the ESHA and to ensure the protection of the quality and biological productivity of the ESHA and

coastal waters by minimizing the volume of stormwater runoff that could potentially drain to the ESHA, the Commission attaches Special Condition No. 2. The condition requires the applicant to submit an erosion and runoff control plan for the review and approval of the Executive Director prior to the issuance of the coastal development permit. The condition requires the drainage plan to demonstrate that the runoff from the site is collected and directed away from the ESHA in a non-erosive manner into pervious areas on the site to achieve infiltration to the maximum extent practicable and requires implementation of erosion control measures as discussed further in the water quality finding below.

Furthermore, although a large portion of the area adjacent to the proposed building site is comprised of existing non-native invasive plant species, the riparian and dune ESHA could be adversely affected by the development if additional non-native, invasive plant species were introduced from landscaping at the site. Introduced invasive exotic plant species could spread into the ESHA and displace native riparian and dune vegetation, thereby disrupting the value and function of the adjacent ESHA. The applicant is not proposing any landscaping as part of the proposed project. However, to ensure that the ESHA is not adversely impacted by any future landscaping of the site, the Commission attaches Special Condition No. 3 that requires only native and/or non-invasive plant species be planted at the site.

To avoid impacts to coastal resources, such as ESHA, from the development of otherwise exempt additions to existing homes, Section 30610(a) requires the Commission to specify by regulation those classes of development that involve a risk of adverse environmental effects and require that a permit be obtained for such improvements. Pursuant to Section 30610(a) of the Coastal Act, the Commission adopted Section 13250 of Title 14 of the California Code of regulations. Section 13250(b)(6) specifically authorizes the Commission to require a permit for additions to existing single-family residences that could involve a risk of adverse environmental effect by indicating in the development permit issued for the original structure that any future improvements would require a development permit. Siting and development of certain additions or improvements to the approved residence could involve impacts to ESHAs. Therefore, in accordance with provisions of Section 13250(b)(6) of Title 14 of the California Code of Regulations, the Commission attaches Special Condition No. 7, which requires a coastal development permit or a permit amendment for all additions and improvements to the residence on the subject parcel that might otherwise be exempt from coastal permit requirements. This condition will allow future development to be reviewed by the Commission to ensure that future improvements will not be sited or designed in a manner that would result in significant adverse impacts to ESHA.

Additionally, Special Condition No. 8 also requires that the applicant record and execute a deed restriction approved by the Executive Director against the property that imposes the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. For the originally approved residence, the Commission attached a special condition requiring that the property owners/applicants record and

execute a similar deed restriction against the property. This special condition was required, in part, to ensure that any future buyers of the property will be aware of the CDP requirements applicable to all future development. The applicants for the originally approved development recorded a deed restriction (Instrument No. 23992 in the official records of Mendocino County) on their property and submitted this to the Commission, satisfying Special Condition No. 1 of the original permit. However, the current amended proposal, as conditioned, includes new special conditions pertaining to the amended residential design. Therefore, Special Condition No. 8 would require the applicants to record a new deed restriction for the amended project to impose the special conditions of the permit amendment, including the restriction of the ESHA areas and ESHA buffers as open space.

With the mitigation measures discussed above, which are designed to minimize any potential impacts to the adjacent environmentally sensitive habitat areas, the project as conditioned will not significantly degrade adjacent ESHA and will be compatible with the continuance of the sand dune and riparian habitat areas.

Therefore, the Commission finds that the proposed permit amendment, as conditioned, is consistent with the provisions of LUP Policies 3.1-7 and Coastal Zoning Ordinance Section 20.496.020 concerning establishment of buffers between future development on a parcel and existing ESHA because the proposed amendment would (1) be located more than 100 feet from the sand dune habitat, and (2) establish riparian buffer widths based on the standards set forth in Coastal Zoning Ordinance Section 20.496.020(A)(1)(a) through (g) for reducing the minimum buffer below 100 feet.

#### **4. Water Quality**

##### **Summary of LCP Provisions**

LUP Policy 3.1-25 states:

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

Coastal Zoning Code Section 20.492.020(B) incorporates sedimentation standards and states in part:

*“(B) To prevent sedimentation of off-site areas, vegetation shall be maintained to the maximum extent possible on the development site. Where necessarily removed during construction, native vegetation shall be replanted to help control sedimentation.*



- (C) *Temporary mechanical means of controlling sedimentation, such as hay baling or temporary berms around the site may be used as part of an overall grading plan, subject to the approval of the Coastal Permit Administrator.”*

Discussion

Storm water runoff from new residential development can adversely affect the biological productivity of coastal waters by degrading water quality. LUP Policy 3.1-25 requires the protection of the biological productivity of coastal waters and Section 20.492.020 of the Mendocino County Coastal Zoning Code sets forth sedimentation standards to minimize sedimentation of environmentally sensitive areas and off-site areas. Specifically, Section 20.492.020(B) requires that the maximum amount of vegetation existing on the development site shall be maintained to prevent sedimentation of off-site areas, and where vegetation is necessarily removed during construction, native vegetation shall be replanted afterwards to help control sedimentation.

As discussed in the ESHA finding above, even with the established buffer areas, water quality of the adjacent creek and stream could be adversely affected by the proposed development from site runoff. The subject site is relatively flat, is comprised of sandy substrate, and does not contain any developed impervious surfaces. Thus, the majority of stormwater at the site currently infiltrates prior to leaving the site as surface runoff. However, the increase in impervious surface area from the development would decrease the infiltrative function and capacity of the existing permeable land on site. The reduction of permeable surface area leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. As discussed previously, pollutants commonly associated with residential use are commonly entrained in stormwater runoff.

To ensure the protection of the quality and biological productivity of Virgin Creek and the unnamed stream, and to minimize erosion and sedimentation impacts from the construction of the residence, the Commission attaches Special Condition No. 2. The condition requires the applicant to submit an erosion and runoff control plan for review and approval of the Executive Director prior to the issuance of the coastal development permit. The plan is required to demonstrate that (1) straw bales be installed to contain runoff from construction areas, (2) on-site vegetation be maintained to the maximum extent possible during construction, (3) any disturbed areas be replanted or seeded with native vegetation following project completion, (4) all on-site stockpiles of construction debris be covered and contained to prevent polluted water runoff, and (5) runoff from the roof and other impervious surfaces of the development be collected and directed away from the ESHA and into pervious areas on the site for infiltration.

The Commission finds that as conditioned, the proposed amended development is consistent with Section 20.492.020 because erosion and sedimentation will be controlled

and minimized. Furthermore, the Commission finds that the proposed amended development as conditioned is consistent with the provisions of LUP Policy 3.1-25 requiring that the biological productivity of coastal waters be sustained because storm water runoff from the proposed development would be directed away from Virgin Creek and the unnamed stream.

## **5. Visual Resources**

### Summary of LCP Policies

Section 30251 of the Coastal Act has been specifically incorporated into LUP Policy 3.5-1 of the Mendocino LCP and states in 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.*

### Discussion

Policy 3.5-1 of the County's LUP provides for the protection of the scenic and visual qualities of the coast, requiring permitted development to be sited and designed to protect views to and along the ocean and to be visually compatible with the character of surrounding areas.

The proposed amended development consists of a single-family residence on a lot located west of Highway One. Immediately west of the subject parcel is the abandoned Georgia-Pacific haul road now owned and managed by the Department of Parks and Recreation as a public accessway that forms an approximately ten-mile-long portion of the California Coastal Trail. Immediately west of the haul road is the beachfront portion of MacKerricher State Park. The area west of the haul road is designated as "highly scenic" in the Mendocino County LCP, but the subject site itself is not designated highly scenic. The proposed development would not be visible from Highway One, but would be visible from the haul road and from the public beach.

The proposed amended residence would be located entirely within the same development footprint previously approved by the Commission. As proposed to be amended, the overall size and height of the structure would be reduced and the exterior design and roofline would be simplified by reducing the pitch and eliminating the gable ends from the previous design. The applicant proposes to use dark, earth tone colors for the exterior surfaces, including "balsam sage" roofing, "woodland brown" decks, "cabot moss" siding, fascia, and trim, "brownstone" windows and doors, and copper gutters and downspouts.

As discussed in the Commission's findings of approval for the original permit, the proposed amended residence would be located approximately 350 feet from the western boundary of the parcel and would therefore not front directly on the haul road. Although the proposed amended development would not block any public views to the ocean from the east, it would be visible from the haul road and the state beach in the same manner that the originally approved residence would have been. A site visit has confirmed that there are several existing two-story residences located on adjacent parcels that are also visible from the haul road. Therefore, the development of a house in this location would be visually compatible with surrounding development.

To further reduce any adverse impacts to visual resources, the Commission attaches Special Condition No. 5(A) requiring that all exterior lighting of the residence be low-voltage non-reflective, and have a directional cast downward so that it will not shine or glare beyond the limits of the parcel. To ensure that the amended development would be subordinate to the natural setting and minimize reflective surfaces, Special Condition No. 5(B) requires that all exterior siding, trim, fascia, and roofing of the proposed structure be composed of the colors proposed in the application or darker earth tone colors only and all exterior materials, including roofs and windows, be comprised of non-reflective materials.

Construction of the proposed amended residence would not involve significant grading or alteration of topographic features consistent with the provisions of LUP 3.5-1 that require that permitted development minimize the alteration of natural landforms.

Furthermore, Special Condition No. 7, as described above, requires that all future development on the subject parcel, including development that might otherwise be exempt from permit requirements under the California Administrative Regulations, shall require a coastal development permit. Thus, the Commission would be able to review all future development proposals to ensure that no development will be permitted that might have significant adverse impacts on visual resources. Moreover, Special Condition No. 8, requiring that the applicants execute a deed restriction imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property would also help assure that future owners are aware of these CDP requirements applicable to all future development.

Therefore, the Commission finds that as conditioned, the proposed amendment is consistent with LUP Policy 3.5-1, as the amended development would (1) be sited and designed to protect coastal views from public areas, (2) be visually compatible with the character of surrounding areas, and (3) minimize alteration of natural landforms.

## **6. Archaeological Resources**

### **LUP Policies:**

LUP Policy 3.5-10 states:

*The County shall review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources. Prior to approval of any proposed development within an area of known or probable archaeological or paleontological significance, a limited field survey by a qualified professional shall be required at the applicant's expense to determine the extent of the resource. Results of the field survey shall be transmitted to the State Historical Preservation Officer and Cultural Resource Facility at Sonoma State University for comment. The County shall review all coastal development permits to ensure that proposed projects incorporate reasonable mitigation measures so the development will not adversely affect existing archaeological/paleontological resources. Development in these areas are subject to any additional requirements of the Mendocino County Archaeological Ordinance.*

Mendocino LUP Policy 3.5-10 requires reasonable mitigation measures to prevent development from adversely affecting existing archaeological resources. The subject parcel contains a portion of a recorded archaeological site. The archaeological survey and supplement conducted for the originally approved project indicate that shell debris was found in the area, and also indicates that the boundaries of the debris, due to the thickness of the vegetation, is not precisely determined.

The location of the originally approved development was determined to be outside of the known archaeological site and the proposed amended development would be located entirely within the previously approved development footprint. However, since there is evidence that archaeological resources exist on the subject parcel, the Commission imposes Special Condition No. 6 to this permit amendment. Special Condition No. 6 requires that all construction cease should any additional archaeological resources be discovered during construction, and that an archaeologist must then inspect the property and recommend appropriate mitigation measures. Should the qualified archaeologist determine that mitigation measures are necessary, the applicant is required to apply to the Commission for an amendment to Permit No. 1-91-06-A2 requesting that the permit be amended to include the mitigation plan proposed by the qualified archaeologist.

In addition, the sand dune area that contains the shell mound would be protected via Special Condition No. 1, which requires establishment of a 50-foot buffer around the sand dune habitat. Furthermore, Special Condition No. 7, as described above, requires that all future development on the subject parcel, including development that might otherwise be exempt from permit requirements under the California Administrative Regulations, shall require a coastal development permit. Thus, the Commission would be able to review all future development proposals to ensure that no development will be permitted that might have significant adverse impacts on any archaeological resources on

the subject parcel. Moreover, Special Condition No. 8, requiring that the applicants execute a deed restriction imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property would also help assure that future owners are aware of these CDP requirements applicable to all future development.

Therefore, the Commission finds that the proposed amended development, as conditioned, is consistent with LUP Section 3.5-10, as the development will incorporate reasonable mitigation measures so the development will not adversely affect existing archaeological resources.

## **7. Locating New Development**

### **Summary of LCP Provisions**

Policy 3.9-1 of the Mendocino County LUP states that new development shall be located in or in close proximity to existing areas able to accommodate it, and shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources. Policy 3.8-1 of the LUP requires consideration of Highway One capacity and availability of water and sewage disposal when considering applications for coastal development permits. The intent of the policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

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

Zoning Code Section 20.376.025 provides for one dwelling unit per residentially designated parcel.

### **Discussion**

The subject property is designated in the Mendocino County LUP and Coastal Zoning Code as Rural Residential, 5-acres. The proposed amendment involves the construction of a single-family residence located in an area planned for single-family residential use. Therefore, the proposed single-family residence is consistent with the LUP and zoning designation for the site.

Development of the site as a single-family residence is envisioned under the certified LCP. The significant cumulative adverse impacts on traffic capacity of Highway One from development approved pursuant to the certified LCP were addressed at the time the LCP was certified. Therefore, as conditioned, the proposed single-family residence is located in an area able to accommodate traffic generated by the proposed development

and would not result in adverse impacts to the traffic capacity of Highway One consistent with the applicable provisions of LUP Policy 3.8-1.

The proposed amended development would be served by an existing on site well and septic system that was installed pursuant to the original permit (CDP No. 1-91-06, Johnston) and pursuant to permits issued by the Mendocino County Department of Environmental Health.

As discussed above, the proposed development has been conditioned to include mitigation measures, which will minimize all significant adverse environmental impacts. Therefore, the Commission finds that as conditioned, the proposed development with the proposed amendment is consistent with LUP Policies 3.9-1, 3.8-1, and with Zoning Code Sections 20.376.025, because there will be only one residential unit on the parcel, there would be adequate services on the site to serve the proposed development, and the project would not contribute to adverse cumulative impacts on highway capacity, scenic values, environmentally sensitive habitat areas, water quality, archaeological resources, or other coastal resources.

## **8. Public Access and Recreation**

Projects located between the first public road and the sea and within the coastal development permit jurisdiction of a local government are subject to the coastal access policies of both the Coastal Act and the LCP. Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

In its application of the above policies, the Commission is limited by the need to show that any denial of a permit application based on this section, or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

As described above, the subject parcel is located west of Highway One and is between the sea and the first public road. As discussed in the Commission's findings of approval for the original project, although the subject property is located just across the haul road from a public beach, there is no evidence of any public historic use of the property such as trails or paths across the lot. The proposed amended development would locate the re-

designed residence entirely within the development footprint originally approved by the Commission. Therefore, the proposed amended development would not affect existing public access in a manner that would warrant requiring new public access. In addition, the certified LUP does not designate the property for future public access, but, rather, designates future vertical access to be provided across a site several parcels to the north. Furthermore, the proposed amended project would not create any new demand for public access or otherwise create any additional burdens on public access. There is existing lateral access along the now publicly-owned Georgia-Pacific haul road, which provides access to the adjacent beachfront portion of MacKerricher State Park and forms an approximately ten-mile-long segment of the California Coastal Trail.

Therefore, the Commission finds that the proposed amended development does not have any significant adverse impact on existing or potential public access, and that the project as proposed, which does not include provision of public access, is consistent with the requirements of the Coastal Act Sections 30210, 30211, and 30212 and the public access policies of the County's certified LCP.

## **9. California Environmental Quality Act**

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

The Commission incorporates its findings on conformity with Coastal Act 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 Mendocino County LCP and the public access and recreation policies of the Coastal Act, the proposed project has been conditioned to be found consistent with the certified Mendocino County LCP and the public access and recreation policies of the Coastal Act. Mitigation measures, which will minimize all adverse environmental impacts have been required. 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.

**Exhibits:**

1. Regional Location Map
2. Vicinity Map
3. Site Map
4. Elevations
5. Excerpts of Biological Report
6. CDP 1-91-06 Staff Report
7. CDP 1-91-06-A1 Immaterial Amendment



**ATTACHMENT A**

Standard Conditions:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

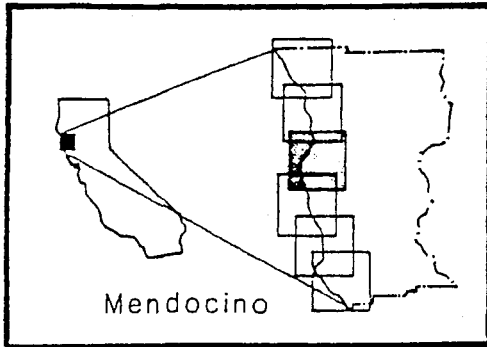
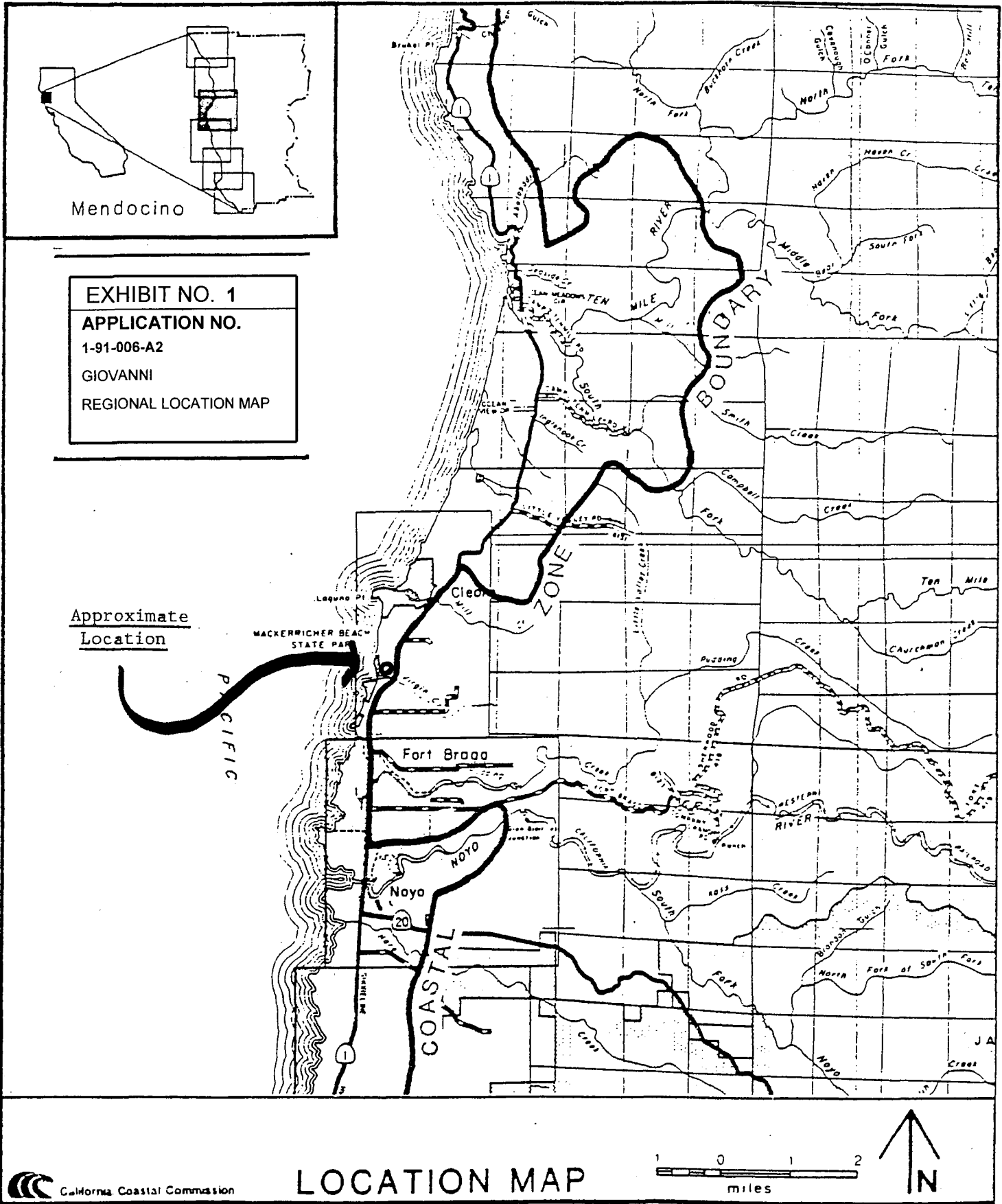


EXHIBIT NO. 1  
APPLICATION NO.  
1-91-006-A2  
GIOVANNI  
REGIONAL LOCATION MAP



# FORT BRAGG - MENDOCINO STREET INDEX

Acorn Dr. ....	E-3	Pine St. ....	A-3
Airport Rd. ....	C-2-3	Pine St. E. ....	N-2
Albion St. ....	N-2	Pine St. W. ....	N-2
Alder Ave. ....	E-2	Pine Tree Ln. ....	F-3
Alderwood ....	M-2	Pinewood ....	M-2
Alger St. ....	O-2	Point Cabrillo Dr. ....	M-2
Amethyst Dr. ....	I-3		
Andrea Wy. ....	G-3	Polaris Cir. ....	K-1
Azzura St. ....	E-2	Pomo ....	L-1
Baccock Ln. ....	F-2	Porterfield Ln. ....	F-G-3
Bald Hill Rd. ....	G-D-3	Post Ave. ....	B-3
Barbours Ln. ....	G-1	Powers Ln. ....	H-2
Basin St. ....	F-2	Private Rd. ....	E-2-3
Basin View Dr. ....	F-2	Pudding Creek Rd. ....	D-2-3
Bay View Ave. ....	F-1		
Beonar Ln. ....	B-2	Rasmussen Ln. ....	E-2
Bennett Ln. ....	G-2	Redwood Ave. ....	E-2
Benson Ln. ....	F-3	Redwood Springs Rd. ....	H-3
Big River Rd. N. ....	N-2	Rhoda Ln. ....	G-2
Big River Rd. S. ....	N-D-2	River Drive ....	E-2
Boyle Ln. ....	G-1	River End Dr. ....	D-2
Brandon Wy. ....	D-2	Riverview Dr. ....	E-2
Briest Rd. ....	L-1	Robin Rd. ....	H-4
Brookfield Dr. ....	H-1	Ruelle St. ....	N-2
Burrows Ranch Rd. ....	C-2	Russian Gulch ....	
		Heights Dr. ....	L-1-2
Bush St. ....	D-1-2	Sanderson Wy. ....	E-2
Butterwillow Ln. ....	H-1	Sandy Ln. ....	F-2
Cahlo St. ....	N-2	School St. ....	N-2
California Wy. ....	E-3	Seadrift Ave. ....	J-1
Calpeia St. ....	N-2	Seale Ln. ....	G-3
Camille Dr. ....	F-3	Seaside Cir. ....	F-2
Canyon Drive ....	H-3	Shady Ln. ....	B-3
Carlson St. ....	N-2	Shoreline Hwy. ....	A-3-D-2
Casa Del Noyo Dr. ....	F-2	Shoreview Ln. ....	G-1
Caspar Little Lake ....	K-2-L-4	Simpson Ln. ....	G-2-H-4
Caspar Orchard Rd. ....	J-1-K-4	South St. ....	F-2
Caspar Rd. ....	J-1	Spring St. ....	E-2
Caspar Rd. E. ....	J-2	Spruce St. ....	D-1-2
Caspar St. ....	J-1	Stewart St. ....	D-1
Cedar St. ....	E-2-3	Summers Ln. ....	F-4
Cedarwood ....	M-2	Surfwood Dr. ....	N-3
Chastnut Ave. ....	E-3	Symes Ln. ....	F-2
Church School Ln. ....	B-2	Taubold Ct. ....	E-3
Clark St. ....	N-2	Tax-moni Dr. ....	G-3
Cliff Wy. ....	F-1	Tibbins Ln. ....	N-3
Colling Ln. ....	F-1	Tranquility Ln. ....	L-1-2
Comptche Ukiah Rd. ....	D-2-4	Tragomig Dr. ....	G-1
		Trillium Ln. ....	F-G-2
Corry St. ....	D-2	Tucker Ln. ....	B-2
Corry St. S. ....	E-2	Turner Rd. ....	I-3
Covato St. ....	N-2	Ukiah St. ....	N-2
Crestwood Dr. ....	N-2	Vega Dr. ....	K-1
Cummings St. ....	M-3	Verde ....	L-1
Cypress Ave. ....	E-2	Veronica Ln. ....	G-3
Cypress Dr. ....	L-1	Westwood Dr. ....	B-1
Cypress Ln. ....	N-2	Wheat St. ....	N-3
Cypress Rd. ....	F-G-1	Whipple St. ....	D-E-2
Dana St. ....	E-2	Wildwood Ln. ....	M-3
Del Mar Dr. ....	F-1	William St. ....	N-2
Dennison Ln. ....	E-3	Willits St. ....	N-2
Dorothy Dr. ....	F-2	Willow St. ....	E-2
Dorris Rd. ....	F-2	Winding Wy. ....	F-3
Drifts Reel Dr. ....	L-1	Winifred St. ....	D-2
Drifts Reel Rd. ....	L-1	Woodland Dr. ....	I-1
Driftwood ....	M-2	Woodside Wy. ....	I-1
Du Bois Ln. ....	E-2	Woodstock Rd. ....	M-2
Dusky Ln. ....	A-3	Woodward St. ....	F-N-2
Egway Ln. ....	F-G-3		
Egway Wy. ....	F-3		
Eddy St. ....	E-2		
Ellison Wy. ....	G-2		
Elm St. ....	D-1-2		
Emerald Dr. ....	I-3		
Evergreen St. ....	N-2		
Fern Ave. ....	D-2		
Fern Creek Rd. ....	L-1-2		
Fern Dr. ....	L-1-2		
Fernwood ....	M-2		
Fit Ave. ....	D-1-2		
Fit Dr. ....	H-1		
Florence St. ....	E-2		
Forest St. ....	N-3		
Forest St. ....	N-3		
Forest Rd. ....	B-3		
Forest Rd. 400 ....	F-G-4		
Forest Rd. 450G-H-3			
Grater Ln. ....	D-3		
Fort Bragg Sherwood Rd. ....	D-4-E-3		
Fort Bragg Willis ....	H-4		
Franklin Rd. ....	F-2-G-4		
Franklin St. ....	D-F-2		
Jerome Dr. ....	D-2		
Jerry Ln. ....	N-3		
Jayle Cir. ....	J-1		
Jedghe's Ln. ....	G-2		
Jibney Dr. ....	F-2		
Jordan Ln. ....	F-3		
Jranny's Ln. ....	F-3		
Jravel Pit Rd. ....	F-G-4		
Jeantree Cir. ....	K-1		
Jeantree Dr. ....	B-3		
Jingle Ave. ....	N-2		
Jove St. ....	E-2		
Jutler Ln. ....	M-N-3		
Jolley Wy. ....	E-2		
Jonson Cir. ....	K-1		
Jonson Rd. ....	F-3		
eppy Ln. ....	B-2		
erbor Ave. ....	F-1		
erbor Dr. N. ....	F-2		
erbor Dr. S. ....	F-2		
are Creek Rd. ....	F-1		
are Creek Ln. ....	G-2		
aroid St. ....	D-E-2		
erison St. ....	D-E-2		
alai Ave. ....	E-2		
ast St. ....	F-2		

MacKERRICHER

PARK

SUBJECT PARCEL

CHAMBER OF COMMERCE

FORT BRAGG

(See Inset at Right)

NOYO

FORT BRAGG

NOYO

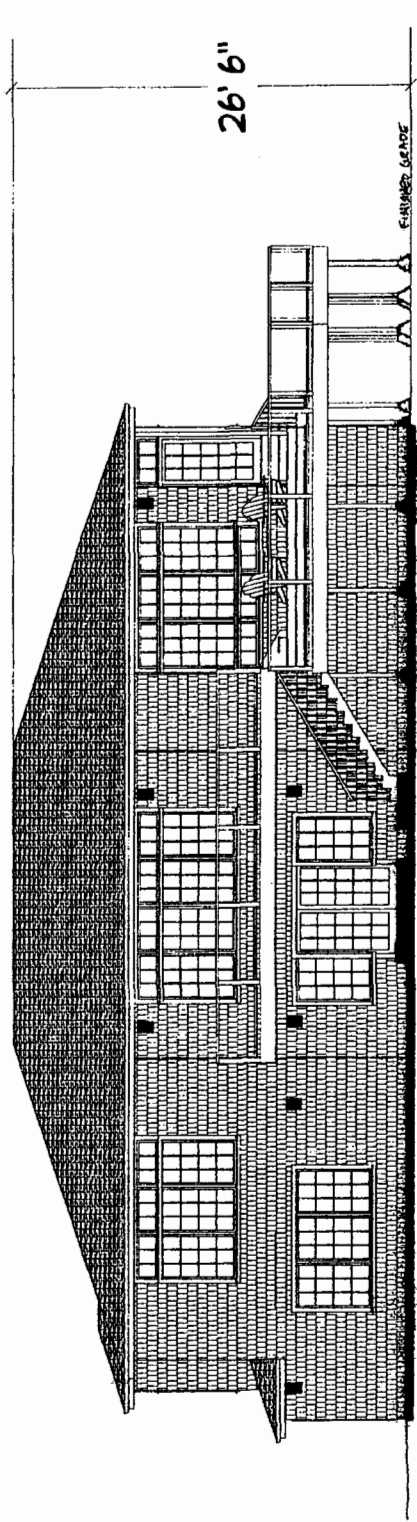
Copied from:  
Map of the  
Mendocino Coast  
published by  
Fort Bragg-Mendo.  
Chamber of Commerce



Dan V. Giovanni  
 38150 Church School Lane Fort Bragg California 95437  
 CDP 1-91-06  
 APN# 064-231-37

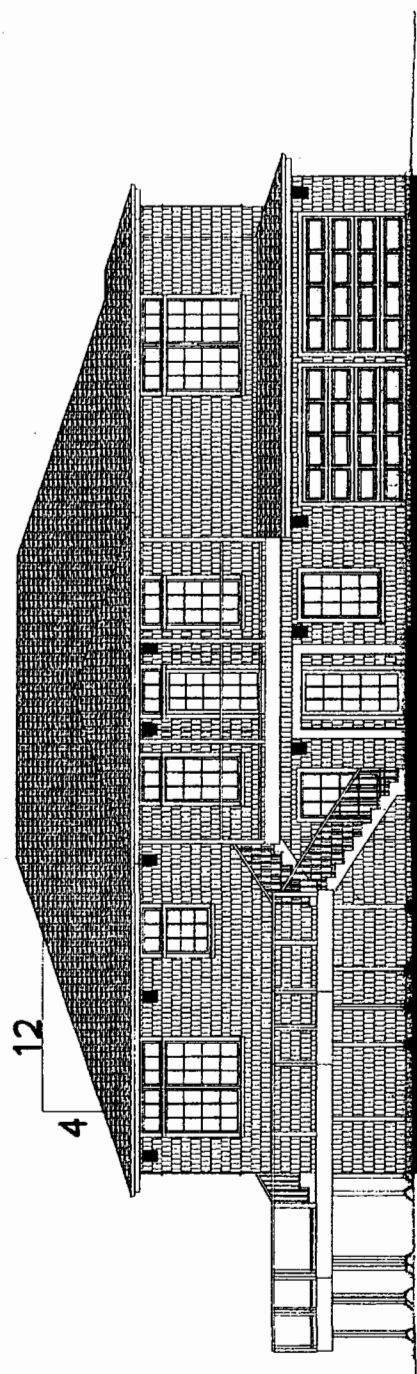
Elevations  
 Scale 1/4"=1'

Michael E. Abell  
 DBA Abell Builders  
 42025 Airport Road  
 Little River Ca. 95456



WEST

Indicates Downcast Light ■



EAST

EXHIBIT NO. 4  
 APPLICATION NO.  
 1-91-006-A2  
 GIOVANNI  
 ELEVATIONS (1 of 2)



Table 1. Construction within a buffer zone

Sec. 20.496.020 ESHA -- Development Criteria.	
<p>(1) <b>Width.</b> The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent Environmentally Sensitive Habitat Area.</p> <p>Standards for determining the appropriate width of the buffer area are as follows:</p>	<p>All involved reviewing agencies previously agreed to the placement of a larger house than currently proposed. The newly proposed residence is smaller than the currently approved house. The building footprint will be smaller, and thus the impact should be less. This is not a proposed subdivision and therefore there will not create a parcel that is entirely an ESHA.</p>
<p>(a) <b>Biological Significance of Adjacent Lands.</b> 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.</p>	<p>The buffer is measured from the edge of the riparian habitat only. No significant functional relationship exists between the plants within the ESHA and the plants of the surrounding area, rather, the riparian plants are dependent on Virgin Creek and the water flow associated with the river and ocean tides. The proposed building lies to the north of the riparian area and shall be no closer than 50'.</p>

**EXHIBIT NO. 5**

**APPLICATION NO.**

1-91-006-A2

GIOVANNI

EXCERPTS OF BIOLOGICAL  
REPORT (1 of 6)

<p><b>(b) Sensitivity of Species to Disturbance.</b> 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:</p>	<p>The riparian area closest to the proposed house is composed of a predominance of invasive exotics. periwinkle (<i>vinca major</i>) jubata grass (<i>Cortaderia jubata</i>) and scotch broom (<i>Cystisus scoparius</i>). The native coyote brush is relatively insensitive to development and is more likely to be affected by the invasive exotics than the proposed house location.</p>
<p>(i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;</p>	<p>Bird and wildlife analysis is beyond the scope of a Botanical report.</p>
<p>(ii) An assessment of the short-term and long-term adaptability of various species to human disturbance;</p>	<p>The plant species present are most likely well adapted to low level human disturbance. The majority of the native plants present are woody shrubs adapted to the harshness of an oceanside environment, and should not be affected as some herbaceous species would be. The plants are low lying in response to the wind and are well established. The area where the house is proposed seems to be the "best" area for a house in relation to sunlight influence. The riparian plants will be outside of the influence of the house shadow created by the sun's path.</p>
<p>(iii) An assessment of the impact and activity levels of the proposed development on the resource.</p>	<p>During construction and increase in traffic and noise is expected. Temporary fencing should be placed approximately 5' from the edge of the riparian area to the south and also to the conservation easement to the west of the building envelop. No traffic should cross into the riparian/conservation area. No material shall be stored on or around the fencing at any time.</p>
<p><b>c) Susceptibility of Parcel to Erosion.</b> 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.</p>	<p>The parcel has insignificant slope and should not be susceptible to erosion the soil type present at the site has "slight to moderate" erosion potential. The area of the proposed house is presently cleared and grading work on the site will be minimal.</p>



<p><b>(d) Use of Natural Topographic Features to Locate Development.</b> 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.</p>	<p>There are no hills or bluffs on the project site.</p>
<p><b>(e) Use of Existing Cultural Features to Locate Buffer Zones.</b> 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.</p>	<p>The use of an existing cultural feature is not being used to locate the buffer zones, however the proposed building footprint is in a previously cleared area that has a population of jubata grass, the use of the current building envelop will minimize impact to the remaining native habitat.</p>
<p><b>f) Lot Configuration and Location of Existing Development.</b> 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.</p>	<p>The same distance allowed for the previous residence would be applied to the current proposal. The building footprint would be smaller and therefore create less impact than what is previously approved.</p> <p>Instead of planting native material, the invasive species listed above should be removed by hand on a semi annual basis, allowing for the natural recovery of the habitat present on this parcel.</p>
<p><b>(g) Type and Scale of Development Proposed.</b> 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.</p>	<p>The type and scale of the proposed development is smaller than what is previously approved. A smaller footprint will provide a greater buffer area between the proposed development and the ESHA.</p>
<p><b>(2) Configuration.</b> 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).</p>	<p>The buffer was measured from the upland side of the riparian vegetation.</p>
<p><b>3) Land Division.</b> New subdivisions or boundary line adjustments shall not be allowed which will create or provide for new parcels entirely within a buffer area.</p>	<p>No subdivision is being proposed</p>

<p><b>(4) Permitted Development.</b> Development permitted within the buffer area shall comply at a minimum with the following standards:</p> <p>(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.</p>	<p>The proposed development will not impact the functional capacity of the riparian plant species. No disruption of water flow from current levels or sunlight access will occur. The drainage associated with the new residence should be carefully designed to be directed to the north of the riparian area.</p> <p>The proposed development should not affect the well established plant community at this site. There is no other feasible alternative on this site for a building envelope. The proposed envelop is the furthest possible point from the ESHA.</p>
<p>(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.</p>	<p>The selected building envelop is the least environmentally damaging alternative on this parcel. The building envelop has been previously cleared, and is placed in an area that is the furthest possible point from the riparian corridor. The access to the site is existing, and no new roads are proposed. The suggested mitigation of directing drainage in the opposite direction should negate any erosion from house drainage. The proposed house footprint will be placed on top of the cleared area, which is currently filled with invasive exotics. The placement of the house should not cause a decrease in the hydrological capacity of the 100 year flood zone. With the removal of invasive exotics, the capacity should be increased.</p>
<p>(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.</p>	<p>The development is placed in an area as to not affect the functional capacity of the riparian corridor. The landowners have agreed to remove the invasive plants which should maintain the natural species diversity.</p>
<p>(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.</p>	<p>There is no other feasible alternative on the site. No planting is suggested, as the remaining native plants should re-establish the area currently occupied by the periwinkle. No riparian plants will be removed during construction activities. The area will be fenced off during construction in order to prevent trucks or construction debris from being placed on top of the riparian plants.</p>
<p>(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.</p>	<p>The impervious surfaces proposed are the least amount as required by the County; the driveway will not be paved. No native vegetation will be removed from the ESHA. Dust is not expected to be a factor for this construction.</p>

(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.	No riparian or wetland vegetation will be lost due to development or construction of development.
(h) Aboveground structures shall allow peak surface water flows from a one hundred (100) year flood to pass with no significant impediment.	The project envelop proposed is smaller than the currently approved house. The proposed changes would decrease the size of the house, therefore decrease the impediment of water flow of a 100 year flood.
(i) Hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological processes, either terrestrial or aquatic, shall be protected.	If drainage is built properly the construction will not significantly increase runoff to the ESHA or interfere with the hydrological process.
(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 wherever 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.	The site does not require a drainage plan. The county does not currently permit grey water systems. Excess water could be collected in cisterns and used for irrigation purposes. The runoff from the house shall be minimal and any negative effect should be mitigated by directing the runoff from the house away from Virgin Creek and its associated riparian corridor.
(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. (Ord. No. 3785 (part), adopted 1991)	Mitigation measures are suggested above for the development within the 100-foot buffer.

**Table 2. Off-season Floristic Survey.**

Vegetation Level	Common Name	Scientific Name
Ground cover	Radish	<i>Raphanus sativa</i>
	Sweet vernal grass	<i>Anthoxanthum odoratum</i>
	Velvet Grass	<i>Holcus lanatus</i>
	Barley	<i>Hordeum vulgare</i>
	Broom	<i>Cystisus scoparius</i>
	Clover	<i>Trifolium repens</i> T. variegatum, T. dubium
	Grass	<i>Poa annua</i>
	Sword fern	<i>Pteridium aquilinum</i>
	Bracken fern	<i>Polystichum munitum</i>
	Twinberry	<i>Lonicera involucrata</i>
	Silk tassel	<i>Garrya elliptica</i>
	Quaking grass	<i>Briza maxima</i> , B. minor
	Bull thistle	<i>Cirsium vulgare</i>
	Blue blossom	<i>Ceanothus thyrsiflorus</i>
	California blackberry	<i>Rubus ursinus</i>
	Douglas iris	<i>Iris douglasiana</i>
	bedstraw	<i>Galium trifolium</i>
	Willow	<i>Salix</i> sp.
	Soft rush	<i>Juncus effusus</i>
	Periwinkle	<i>Vinca major</i>
	Self heal	<i>Prunella vulgaris</i>
	Pineapple Weed	<i>Chamomilla suaveolens</i>
	Plantain	<i>Plantago lanceolata</i>
	Jubata grass	<i>Cortaderia jubata</i>
	Eucalyptus	<i>Eucalyptus globulus</i>
	Pearly everlasting	<i>Anaphalis margaritacea</i>
	Shore pine	<i>Pinus contorta</i> var. contorta
	Monterey cypress	<i>Pinus radiata</i>
	Wax-myrtle	<i>Myrica californica</i>
	English ivy	<i>Hedera helix</i>

## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

W 196



Filed: July 24, 1991  
49th Day: September 11, 1991  
180th Day: January 20, 1992  
Staff: Jo Ginsberg  
Staff Report: August 2, 1991  
Hearing Date: August 14, 1991  
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 1-91-06  
APPLICANT: ANITA JOHNSTON  
AGENT: Andrew Johnston  
PROJECT LOCATION: 33130 Church School Lane, north of Fort Bragg, Mendocino County, APN 069-231-37.

PROJECT DESCRIPTION: Construction of a two-story, single-family residence with attached garage, well/pumphouse, septic system, and driveway.

Lot area: 4.7+ acres  
Building coverage: 3,400 square feet  
Plan designation: Rural Residential-5 [Rural Residential-2]:  
Floodplain (RR-5 [RR-2]:FP)  
Project density: 1 du/4.7 acres  
Ht abv fin grade: 28 feet

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

SUBSTANTIVE FILE DOCUMENTS: Mendocino County Land Use Plan; Archaeological Survey and Supplement for CA-MEN-413.

**EXHIBIT NO. 6****APPLICATION NO.**

1-91-006-A2

GIOVANNI

CDP 1-91-06 STAFF REPORT  
(1 of 15)STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions:

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government

having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached.

III. Special Conditions:

1. Deed Restriction.

PRIOR TO THE ISSUANCE of the Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, stating the following:

a. that there shall be created a buffer area on the subject parcel over the portions of the property identified on the attached Map Exhibit No. 7 as a buffer zone. The buffer zone shall consist of the following areas:

1. the portion of Virgin Creek located on the subject parcel and a 50-foot riparian buffer area measured from the edge of the outer bank of the Virgin Creek floodplain;
2. the unnamed stream that traverses the subject parcel and a 50-foot riparian buffer area measured from the edge of the willow thicket surrounding the unnamed stream; and
3. the sand dunes located on the subject parcel and a 50-foot sand dune buffer area measured from the edge of the active dunes.

This deed restriction prohibits any alteration of landforms, removal of vegetation, or the erection of structures of any type within the areas designated for protection.

b. that the subject permit is only for the development described in the coastal development permit No. 1-91-06; and that any future additions or other development as defined in Public Resources Code section 30106 will require an amendment to Permit No. 1-91-06 or will require an additional coastal development permit from the California Coastal Commission or from its successor agency.

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

2. Archaeological Resources.

An archaeological site is located on the subject parcel, within a portion of the sand dune area. If any additional archaeological resources are discovered on the project site during construction authorized by this permit, all work that could damage or destroy these resources shall be suspended. The applicant shall then have a qualified archaeologist inspect the project site, determine the nature and significance of the archaeological materials, and, if he or she deems it necessary, develop appropriate mitigation measures using standards of the State Historic Preservation Office.

Should the qualified archaeologist determine that mitigation measures are necessary, the applicant shall apply to the Commission for an amendment to Permit 1-91-06 requesting that the permit be amended to include the mitigation plan proposed by the qualified archaeologist. The plan shall provide for monitoring, evaluation, protection, and mitigation of archaeological resources on the project site. Should the archaeologist determine that no mitigation measures are necessary, work on the project site may be resumed.

3. Construction Barrier.

A construction barrier consisting of temporary construction fencing or netting shall be erected along the entire length of the 50-foot riparian buffer line to prevent workers and equipment from entering the sensitive habitat area along the two streams during construction.

4. Design Restrictions.

All exterior lights, including any lights attached to the outside of the house, shall be low-voltage, non-reflective, and have a directional cast downward so that it will not shine or glare beyond the limits of the parcel.

IV. Findings and Declarations:

The Commission finds and declares the following:

1. Project Description:

The proposed project includes construction of a two-story, single-family residence with an attached garage, driveway, well/pumphouse, and septic system on a parcel located west of Highway One. Immediately west of the subject parcel is the abandoned Georgia-Pacific haul road that provides vehicular access to the adjacent MacKerricher State Park beach frontage. The proposed development will be visible from both the haul road and from the state beach. The subject parcel is bounded by Virgin Creek on the south; an unnamed stream also traverses the site from north to south and drains into Virgin Creek. In addition, there are active sand dunes located in the southwest corner of the lot. A portion of a recorded archaeological site (CA-MEN-413) is located within the sand dune area.

The subject parcel is designated in the County's Land Use Plan as Rural Residential-5 [Rural Residential-2]: Floodplain (RR-5 [RR-2]:FP), meaning that there may be one parcel for every five acres, or one parcel for every two acres with proof of water, and that the lot may be subject to inundation by a 100-year flood. The subject parcel, which is approximately four acres in size, is a legal conforming lot.

2. Locating and Planning New Development:

Section 30250(a) of the Coastal Act states that new development shall be located within or near existing developed areas able to accommodate it. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

The Mendocino County Department of Environmental Health has issued well and septic permits for the subject parcel. The proposed project, therefore, is consistent with Coastal Act Section 30250(a) because it is located in an area where services can be provided.

3. Environmentally Sensitive Habitat Area:

Coastal Act Section 30240 states that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values. Section 30231 states that the quality of coastal streams shall be maintained, that natural vegetation buffer areas that protect riparian habitats should be maintained, and that alteration of natural streams shall be minimized.

The proposed development consists of a single-family residence and attached garage on a 4.7-acre parcel. Environmentally sensitive habitat on the parcel includes Virgin Creek, which borders the parcel on the south; a small unnamed stream that traverses the parcel from north to south and drains into Virgin Creek; and an active sand dune area in the southwest corner of the parcel. According to the botanist who surveyed the property, the rare and endangered plant species Phacelia insularis var. continentis may occur within the sand dune portion of the parcel.

To protect the riparian habitat along the streams, and to protect the sand dune area, which may contain the rare and endangered Phacelia, the Commission attaches Special Condition No. 1(a), requiring establishment of a 50-foot buffer area around the riparian habitat and sand dune area in which no development may take place. In addition, Special Condition No. 3 requires temporary erection of a construction barrier along the entire length of the 50-foot buffer line to protect the riparian vegetation during construction. Since all environmentally sensitive habitat areas on the subject parcel will be protected via the permanent establishment of a buffer area and the temporary erection of a debris barrier, the proposed project, as conditioned, is consistent with Coastal Act Sections 30240 and 30231.



4. Archaeological Resources:

Section 30244 of the Coastal Act states that where development would adversely affect archaeological resources, reasonable mitigation measures shall be required.

The subject parcel contains a portion (Area C) of a recorded archaeological site (CA-MEN-413); the other two portions, Areas A and B, are located on an adjacent parcel on the south side of Virgin Creek. The archaeological survey and supplement indicate that shell debris was found in Area C of the archaeological site, and also indicates that the boundaries of the debris, due to the thickness of the vegetation, is not precisely determined. Furthermore, a burial was found in a shell mound located in Area A, on an adjacent parcel.

Since there is evidence that archaeological resources exist both on the subject parcel and on an adjacent parcel, and the boundary of the archaeological site on the subject parcel has not been precisely determined, the Commission attaches Special Condition No. 2 to this permit. Special Condition No. 2 requires that all construction shall cease should any additional archaeological resources be discovered during construction, and that an archaeologist must then inspect the property and recommend appropriate mitigation measures.

In addition, the sand dune area that contains the shell mound is protected via Special Condition No. 1(a)(3), which requires establishment of a 50-foot buffer zone around the sand dune. Furthermore, Special Condition No. 1(b) requires recordation of a deed restriction stating that all future development on the subject parcel, including development that might otherwise be exempt from permit requirements under the California Administrative Regulations, shall require a coastal development permit. The Commission, thus, will be able to review all future development proposals to ensure that no development will be permitted that might have significant adverse impacts on any archaeological resources on the subject parcel.

Therefore, the Commission finds the proposed development, as conditioned, to be consistent with Coastal Act Section 30244.

5. Visual Resources:

Coastal Act Section 30251 requires that the scenic and visual qualities of coastal areas shall be protected, and that permitted development shall be sited and designed to protect views to and along the ocean, and to be visually compatible with the character of surrounding areas.

Section 30240(b) states that development in areas adjacent to parks and recreation areas shall be sited and designed to prevent impacts that would significantly degrade such areas.

The proposed development consists of a single-family residence on a lot west of Highway One. Immediately west of the subject parcel is the abandoned Georgia-Pacific haul road, and immediately west of the haul road is the beachfront portion of MacKerricher State Park. The proposed development will not be visible from Highway One, but will be visible from the haul road and from the public beach.

The proposed residence, which is 28 feet in height, is located approximately 350 feet from the western boundary of the parcel, and so will not front directly on the haul road. Furthermore, the proposed development will not block any public views of the ocean. Additionally, a site visit has confirmed that there are several existing two-story residences located on adjacent parcels that are also visible from the haul road, so the proposed development will be compatible with the existing development. Finally, Special Condition No. 4 requires that all exterior lighting of the residence shall be low-voltage, non-reflective, and have a directional cast downward so that it will not shine or glare beyond the limits of the parcel, thereby reducing adverse impacts to visual resources. The Commission therefore finds the proposed development, as conditioned, to be consistent with Coastal Act Sections 30251 and 30240(b), as the residence is sited where it will not have any significant adverse impacts on coastal views.

6. Public Access:

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, except where adequate access exists nearby, or where the provision of public access would be inconsistent with public safety. The subject property is located west of Highway One, and is between the first public road and the sea.

The Commission finds that although the subject property is located just across the haul road from a public beach, there is no evidence of any public historic use of the property such as trails or paths across the lot. Therefore, the proposed development will not affect existing public access in a manner that would warrant requiring new public access. In addition, The certified LUP does not designate the property for future public access, but, rather, designates future vertical access to be provided across a site several parcels to the north. There is existing lateral access along the abandoned Georgia-Pacific haul road, which provides access to the adjacent beachfront portion of MacKerricher State Park. Therefore, the Commission finds the proposed project, which does not include provision of public access, to be consistent with Coastal Act Policies 30210, 30211, and 30212.

7. Mendocino County LUP/Prejudice to LCP:

Policy 3.1-7 of the LUP provides for the protection of environmentally sensitive habitat areas. Two streams and a sand dune area are located on the subject parcel. In addition, the botanical survey that was submitted by the applicant has determined that there is a possibility that a rare and endangered plant species, Phacelia insularis var. continentis, may occur in the sand dune area of the subject parcel. Since the Commission attaches to this permit Special Condition No. 1(a), which establishes buffer areas around the environmentally sensitive habitat areas, and Special Condition No. 3, which requires temporary erection of a debris barrier to protect the riparian habitat during construction, the proposed project, as conditioned, is consistent with Policy 3.1-7, as all sensitive habitat will be protected.

Policy 3.5-10 of the LUP requires field surveys to be performed on parcels located in areas of known or probable archaeological significance, and provides for mitigation of impacts to archaeological resources. The subject parcel has been surveyed, and the archaeological site that is located on the parcel is protected by a buffer area via Special Condition No. 1(a)(3). In addition, Special Condition No. 2 has been attached to this permit, requiring that all construction on the subject parcel shall cease if additional archaeological resources are discovered, and also requiring mitigation if necessary. Therefore, the proposed project, as conditioned, is consistent with Policy 3.5-10 of the LUP.

Policy 3.5-1 of the LUP requires that permitted development be sited to protect views to and along the ocean. The proposed residence, which will be visible from the public beach, is situated approximately 350 feet east of the haul road and will therefore not have a significant adverse impact on visual resources. In addition, Special Condition No. 4 requires that all exterior lighting be subdued to minimize impacts. The proposed development, therefore, is consistent with LUP Policy 3.5-1.

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

8. CEQA:

The project, as conditioned, does not have a significant adverse effect on the environment, within the meaning of CEQA, as the project is located in an area able to accommodate it, and will not have any significant adverse impacts on visual resources, public access, archaeological resources, or any environmentally sensitive habitat areas.

## ATTACHMENT A

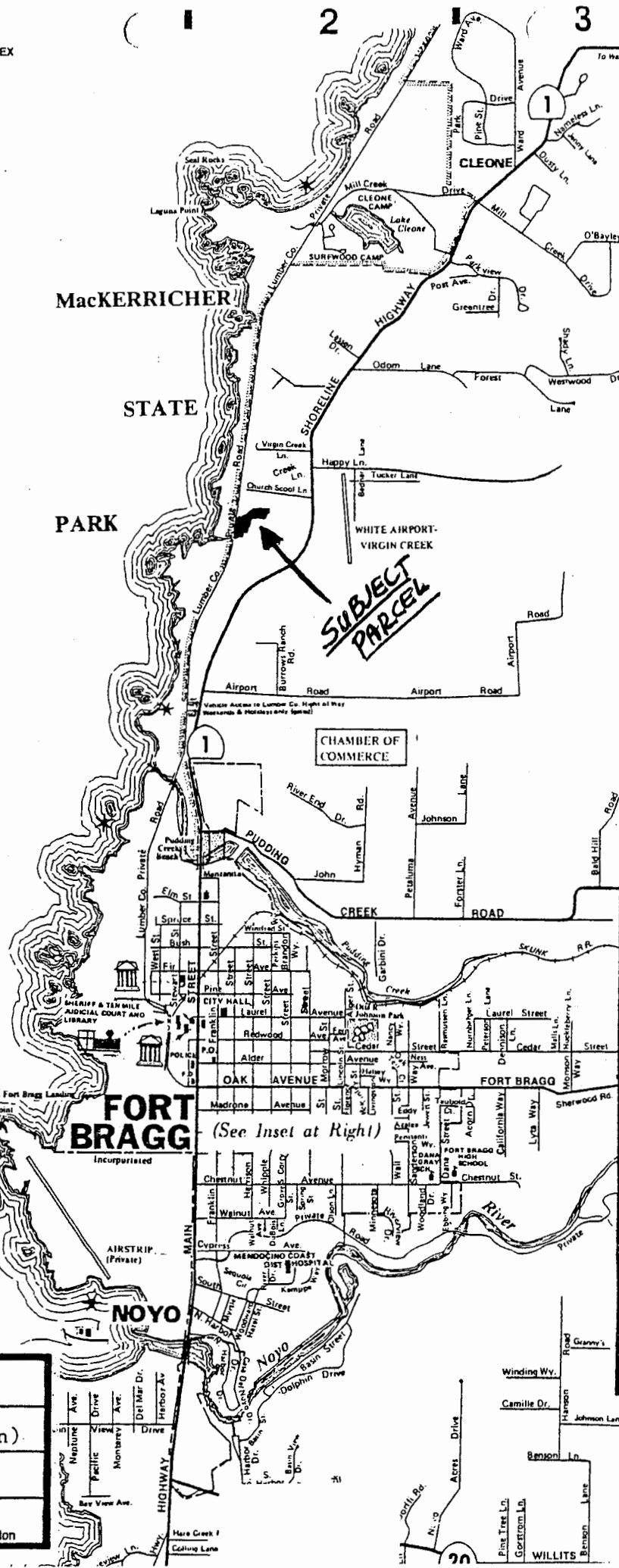
### Standard Conditions

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



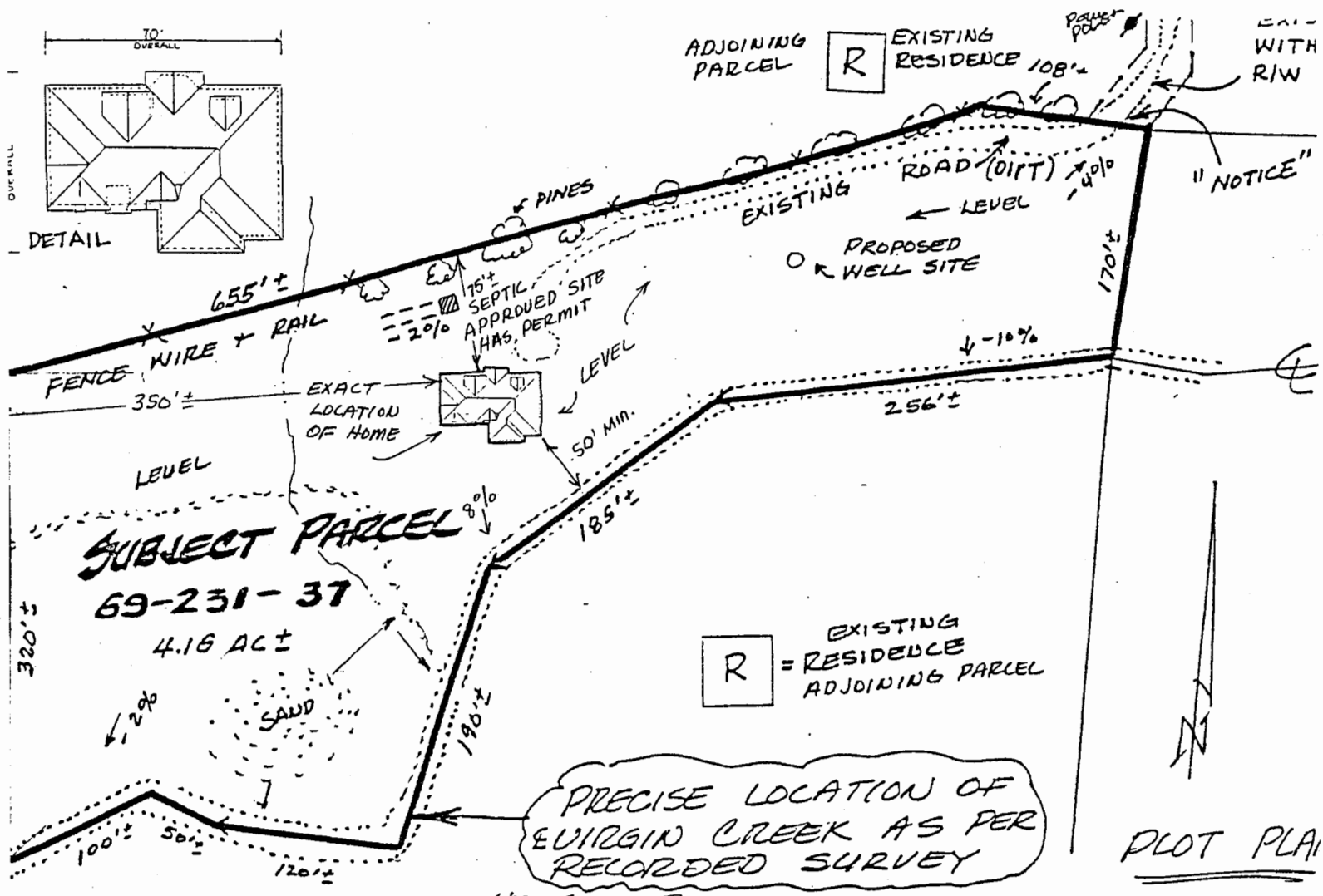
# FORT BRAGG - MENDOCINO STREET INDEX

- |                                      |                                |
|--------------------------------------|--------------------------------|
| Acorn Dr. .... E-3                   | Pine St. .... A-3              |
| Airport Rd. .... C-2-3               | Pine St. E. .... N-2           |
| Albion St. .... N-2                  | Pine St. W. .... N-2           |
| Alder Ave. .... E-2                  | Pine Tree Ln. .... F-3         |
| Alderwood .... M-2                   | Pinewood .... J-2              |
| Alger St. .... D-2                   | Point Caballero Dr. .... M-2   |
| Amethyst Dr. .... I-3                | Point Caballero Dr. .... J-1-2 |
| Andrea Wy. .... G-3                  | Polaris Cir. .... K-1          |
| Azalea St. .... E-2                  | Pomo .... L-1                  |
| Babcock Ln. .... F-2                 | Porterfield Ln. .... F-3       |
| Bald Hill Rd. .... C-3               | Post Ave. .... B-3             |
| Barton Ln. .... G-1                  | Powers Ln. .... H-2            |
| Basin St. .... F-2                   | Private Rd. .... E-2-3         |
| Basin View Dr. .... F-2              | Pudding Creek Rd. .... D-2-3   |
| Bay View Ave. .... F-1               | Rasmussen Ln. .... E-2         |
| Bednar Ln. .... B-2                  | Redwood Ave. .... E-2          |
| Bennett Ln. .... G-2                 | Redwood Springs Rd. .... G-3   |
| Benson Ln. .... F-3                  | Rhoda Ln. .... G-2             |
| Big River Rd. .... N-2               | River Drive .... E-2           |
| Big River Rd., S. N-2                | River End Dr. .... D-2         |
| Blair St. .... N-2                   | Riverview Dr. .... E-2         |
| Boyle Ln. .... G-1                   | Rubin Rd. .... H-4             |
| Brandon Wy. .... D-2                 | Runde St. .... N-2             |
| Brass Rd. .... L-1                   | Russian Gulch .... N-2         |
| Brookfield Dr. .... H-1              | Shady Ln. .... B-3             |
| Burrows Ranch Rd. .... C-2           | Shoreline Hwy. .... A-3-2      |
| Bush St. .... D-1-2                  | Shoreview Ln. .... G-1         |
| Buttonwillow Ln. .... H-1            | Simpson Ln. .... G-2-H-4       |
| Cahoon St. .... N-2                  | South Caspar Dr. .... J-K-1    |
| California Wy. .... E-3              | South St. .... F-2             |
| Calipella St. .... N-2               | Spring St. .... E-2            |
| Camille Dr. .... F-3                 | Spruce St. .... D-1-2          |
| Canyon Drive .... H-3                | Stewart St. .... D-1           |
| Carlson St. .... N-2                 | Summers Ln. .... F-4           |
| Casa Del Noyo Dr. .... F-2           | Sunlight Dr. .... M-2          |
| Caspar Little Lake Rd. .... K-2-L-4  | Sunlight Dr. .... M-2          |
| Caspar Orchard Rd. .... J-K-1        | Sunlight Dr. .... M-2          |
| Caspar Rd. .... J-1-K-4              | Sunlight Dr. .... M-2          |
| Caspar Rd. E. .... J-2               | Sunlight Dr. .... M-2          |
| Caspar St. .... J-1                  | Sunlight Dr. .... M-2          |
| Cedar St. .... E-2-3                 | Sunlight Dr. .... M-2          |
| Cedarwood .... M-2                   | Sunlight Dr. .... M-2          |
| Chestnut Ave. .... E-2               | Sunlight Dr. .... M-2          |
| Chestnut St. .... E-3                | Sunlight Dr. .... M-2          |
| Church School Ln. .... B-2           | Sunlight Dr. .... M-2          |
| Clark St. .... N-2                   | Sunlight Dr. .... M-2          |
| Cliff Wy. .... F-1                   | Sunlight Dr. .... M-2          |
| Colling Ln. .... F-1                 | Sunlight Dr. .... M-2          |
| Comstock Ukiah Rd. .... O-24         | Sunlight Dr. .... M-2          |
| Corry St. .... D-2                   | Sunlight Dr. .... M-2          |
| Corry St. S. .... E-2                | Sunlight Dr. .... M-2          |
| Covey St. .... N-2                   | Sunlight Dr. .... M-2          |
| Crestwood Dr. .... N-2               | Sunlight Dr. .... M-2          |
| Cummings St. .... M-3                | Sunlight Dr. .... M-2          |
| Cypress Ave. .... E-2                | Sunlight Dr. .... M-2          |
| Cypress Dr. .... L-1                 | Sunlight Dr. .... M-2          |
| Cypress Ln. .... J-2                 | Sunlight Dr. .... M-2          |
| Cypress Rd. .... F-G-1               | Sunlight Dr. .... M-2          |
| Dana St. .... E-2                    | Sunlight Dr. .... M-2          |
| Del Mar Dr. .... F-1                 | Sunlight Dr. .... M-2          |
| Dennison Ln. .... E-3                | Sunlight Dr. .... M-2          |
| Douglas Dr. .... D-1                 | Sunlight Dr. .... M-2          |
| Dorrit Rd. .... F-2                  | Sunlight Dr. .... M-2          |
| Dorrits Real Dr. .... L-1            | Sunlight Dr. .... M-2          |
| Dorrits Real Rd. .... L-1            | Sunlight Dr. .... M-2          |
| Drillwood .... M-2                   | Sunlight Dr. .... M-2          |
| Du Bois Ln. .... E-2                 | Sunlight Dr. .... M-2          |
| Dually Ln. .... A-3                  | Sunlight Dr. .... M-2          |
| Dwyer St. .... E-3                   | Sunlight Dr. .... M-2          |
| Ebbing Wy. .... E-3                  | Sunlight Dr. .... M-2          |
| Eddy St. .... E-2                    | Sunlight Dr. .... M-2          |
| Ellison Wy. .... G-2                 | Sunlight Dr. .... M-2          |
| Elm St. .... D-12                    | Sunlight Dr. .... M-2          |
| Emerald Dr. .... I-3                 | Sunlight Dr. .... M-2          |
| Evergreen St. .... N-2               | Sunlight Dr. .... M-2          |
| Fair Ave. .... D-2                   | Sunlight Dr. .... M-2          |
| Farm Creek Rd. .... J-2              | Sunlight Dr. .... M-2          |
| Fern Dr. .... L-1-2                  | Sunlight Dr. .... M-2          |
| Fernwood .... M-2                    | Sunlight Dr. .... M-2          |
| Fir Ave. .... D-12                   | Sunlight Dr. .... M-2          |
| Fir Dr. .... H-1                     | Sunlight Dr. .... M-2          |
| Florence St. .... E-2                | Sunlight Dr. .... M-2          |
| Ford St. .... N-2                    | Sunlight Dr. .... M-2          |
| Forest Ln. .... B-3                  | Sunlight Dr. .... M-2          |
| Forest Rd 400 .... F-G-4             | Sunlight Dr. .... M-2          |
| Forest Rd 450 G-H-3                  | Sunlight Dr. .... M-2          |
| Forester Ln. .... D-3                | Sunlight Dr. .... M-2          |
| Fort Bragg Shoshone Rd. .... D-4-E-3 | Sunlight Dr. .... M-2          |
| Fort Bragg Willis Rd. .... F-2-G-4   | Sunlight Dr. .... M-2          |
| Franklin Rd. .... H-4                | Sunlight Dr. .... M-2          |
| Franklin St. .... D-F-2              | Sunlight Dr. .... M-2          |
| Garmon Dr. .... D-2                  | Sunlight Dr. .... M-2          |
| Gary Ln. .... N-3                    | Sunlight Dr. .... M-2          |
| Gayle Cir. .... G-2                  | Sunlight Dr. .... M-2          |
| George's Ln. .... G-2                | Sunlight Dr. .... M-2          |
| Gibney Ln. .... I-1-2                | Sunlight Dr. .... M-2          |
| Gorham Ln. .... F-3                  | Sunlight Dr. .... M-2          |
| Granny's Ln. .... F-3                | Sunlight Dr. .... M-2          |
| Gravel Pit Rd. .... F-G-4            | Sunlight Dr. .... M-2          |
| Greening Cir. .... K-1               | Sunlight Dr. .... M-2          |
| Groveside Dr. .... B-3               | Sunlight Dr. .... M-2          |
| Grindie Ave. .... N-2                | Sunlight Dr. .... M-2          |
| Grove St. .... E-2                   | Sunlight Dr. .... M-2          |
| Gurley Ln. .... M-N-3                | Sunlight Dr. .... M-2          |
| Halsey Wy. .... E-2                  | Sunlight Dr. .... M-2          |
| Hanson Cir. .... K-1                 | Sunlight Dr. .... M-2          |
| Hanson Rd. .... F-3                  | Sunlight Dr. .... M-2          |
| Happy Ln. .... B-2                   | Sunlight Dr. .... M-2          |
| Harbor Ave. .... F-1                 | Sunlight Dr. .... M-2          |
| Harbor Dr. N. .... F-2               | Sunlight Dr. .... M-2          |
| Harbor Dr. S. .... F-2               | Sunlight Dr. .... M-2          |
| Hera Creek Rd. .... F-1              | Sunlight Dr. .... M-2          |
| Hera Creek Ln. .... G-2              | Sunlight Dr. .... M-2          |
| Harold St. .... D-2                  | Sunlight Dr. .... M-2          |
| Harrison St. .... D-2                | Sunlight Dr. .... M-2          |
| Hazel Ave. .... E-2                  | Sunlight Dr. .... M-2          |
| Hazel St. .... F-2                   | Sunlight Dr. .... M-2          |



**EXHIBIT NO. 2**  
**APPLICATION NO.**  
**1-91-06 (Johnston)**  
**Vicinity Map**  
 California Coastal Commission

*copied from:*  
 Map of the  
 Mendocino Coast  
 published by  
 Fort Bragg-Mendo. Co.  
 Chamber of Commerce



ANITA JOHNSTON (OWNER) NOTES:  
 ANDREW JOHNSTON (AGENT)  
 22700 No. Hwy. 1  
 FORT BRAGG, CA. 95437  
 707-961-3610 DAYS

R = EXISTING RESIDENCE  
 POWER + PHONE UNDERGROUND TO SI  
 SCALE: 1" = 100' REDUCED  
 AS OF DEC. 11, 1990

EXHIBIT NO. 3

APPLICATION NO.  
 1-91-06 (Johnston)

Site Plan

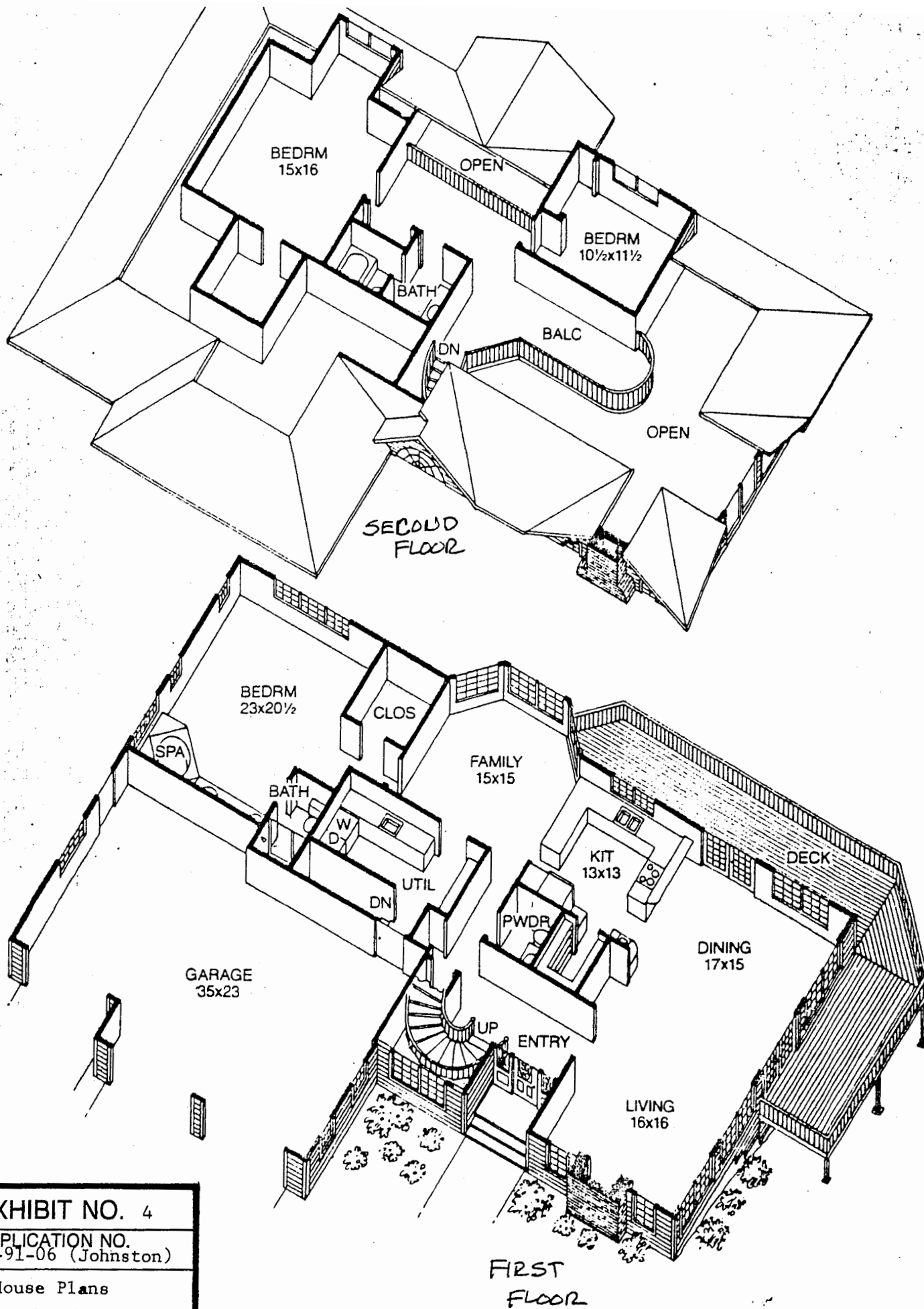


EXHIBIT NO. 4

APPLICATION NO.  
1-91-06 (Johnston)

House Plans

California Coastal Commission

BETTER HOMES and G



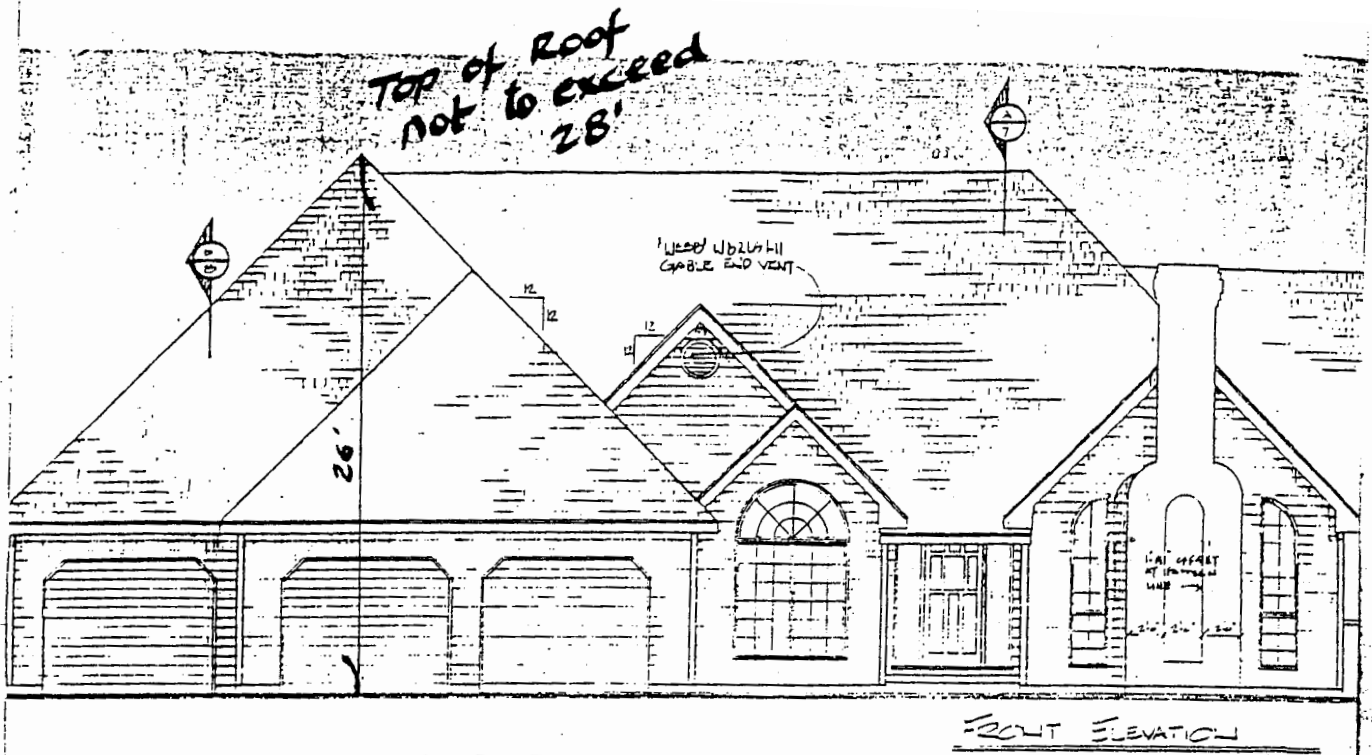
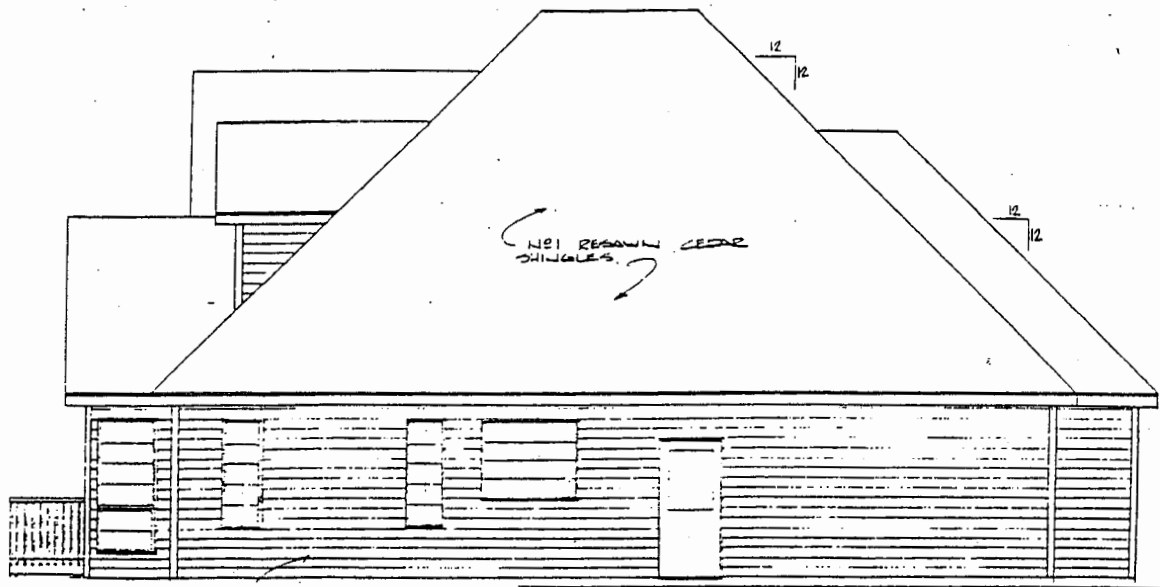


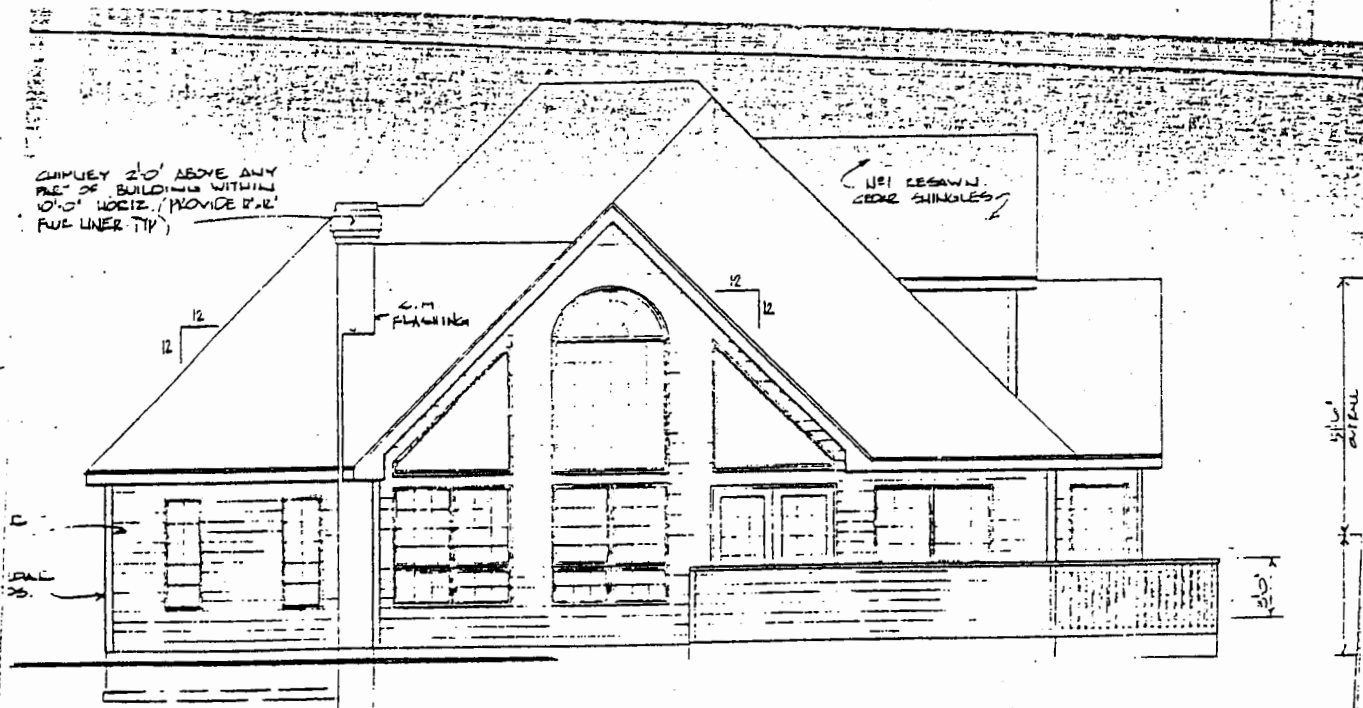
EXHIBIT NO. 5

APPLICATION NO.  
1-91-06 (Johnston)

Elevation Plans



LEFT-SIDE ELEVATION



RIGHT-SIDE ELEVATION

EXHIBIT NO. 6

APPLICATION NO.  
1-91-06 (Johnston)

Elevation Plans

STATE PARK

MCBRIDE  
INFO.

NOTE: This location  
is approx, but fits  
setbacks for buffer  
zone and riparian  
vegetation. See  
Aerial for exact  
location.

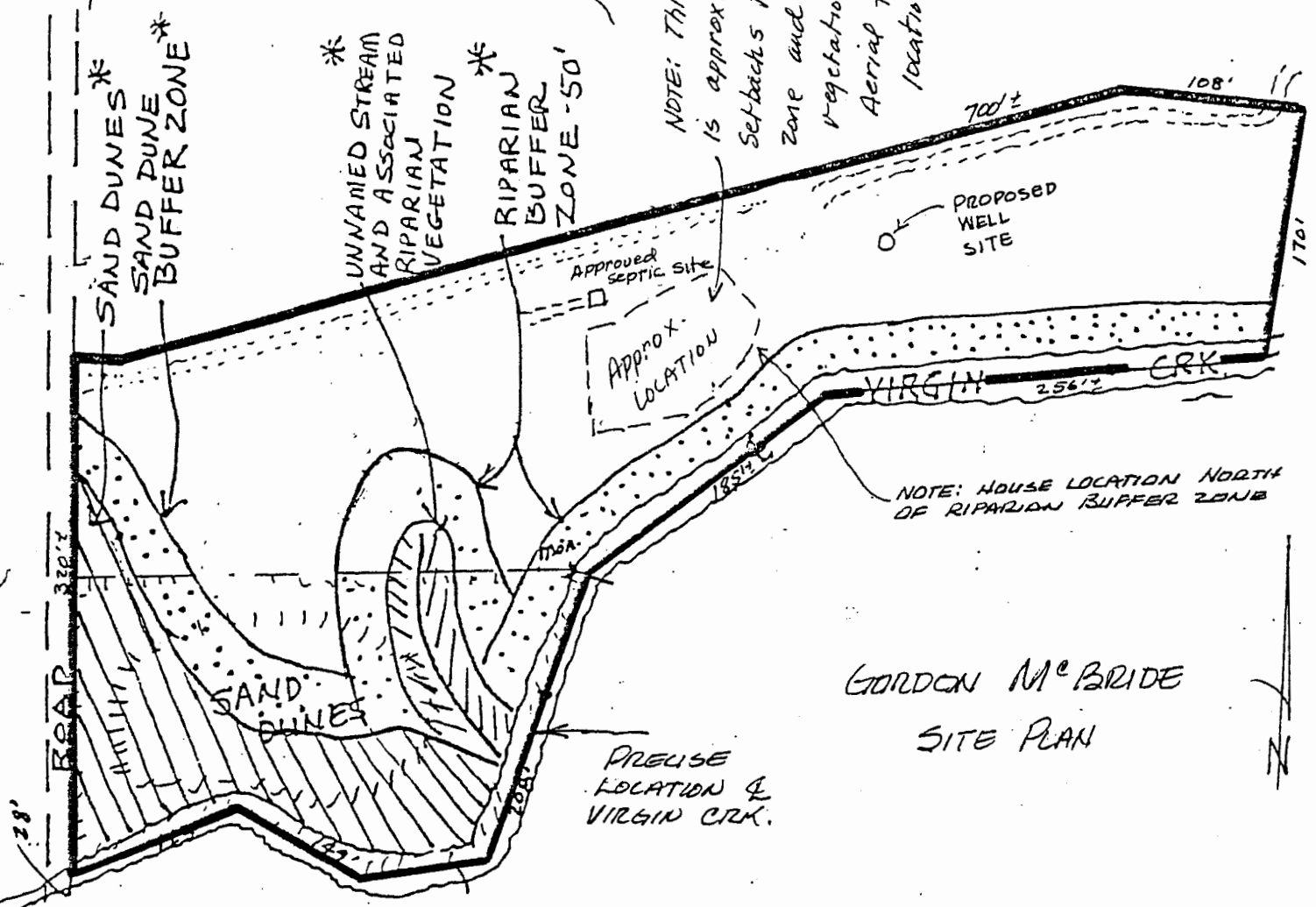


EXHIBIT NO. 7  
APPLICATION NO.  
1-91-06 (Johnston)  
Buffer Zones

## CALIFORNIA COASTAL COMMISSION

## NORTH COAST AREA

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
(415) 904-5280



RECEIVED  
MAR 27 1995

CALIFORNIA  
COASTAL COMMISSION

AMENDMENT TO PERMIT

Date: March 16, 1995

Permit Number: 1-91-06-A

Issued to: ANITA JOHNSTON

for *construction of a two-story, single-family residence with attached garage, well/pumphouse, septic system, and driveway*

at *33130 Church School Lane, north of Fort Bragg, Mendocino County, APN 069-231-37*

has been amended to include the following changes:

*Redesign residence such that footprint will deviate from approved plans; square footage and height will not increase; residence will be in the same location on the parcel.*

This amendment was determined by the Executive Director to be immaterial. was duly noticed, and no objections were received.

This amendment will become effective upon return of a signed copy of this form to the Commission Area office. Please note that the original permit conditions are still in effect.

Sincerely,

PETER M. DOUGLAS  
Executive Director

By: Jo Ginsberg  
Title: Coastal Planner

ACKNOWLEDGMENT

I have read and understand the above amendment and agree to be bound by its conditions and the remaining conditions of permit number 1-91-06-A.

Date 3/22/95

Signature

*Andrew Johnston agent  
for Anita Johnston*

mcr/  
C31.doc

EXHIBIT NO. 7

APPLICATION NO.

1-91-006-A2

GIOVANNI

CDP 1-91-06-A1 IMMATERIAL  
AMENDMENT