

## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
710 E STREET • SUITE 200  
EUREKA, CA 95501-1865  
VOICE (707) 445-7833  
FACSIMILE (707) 445-7877



# Th7b

Date Filed: March 24, 2011  
49th Day: May 12, 2011  
180<sup>th</sup> Day: October 17, 2011  
Staff: Tamara L. Gedik  
Staff Report: April 22, 2011  
Hearing Date: May 12, 2011  
Commission Action:

## **STAFF REPORT: PERMIT AMENDMENT**

APPLICATION NO.: **1-87-213-A2**

APPLICANT: Brian James and Shariq Yosufzai

PROJECT LOCATION: A 34,000-square-foot parcel located within the Point of View Subdivision in the Town of Mendocino between Palette Drive and Lansing Street, and bordered to the north by Slaughterhouse Gulch, at 10925 Palette Drive, Mendocino County (APN 119-060-10).

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a 2,129-square-foot single-family dwelling, with a 60-square-foot concrete slab surrounded by a 5-foot-high fence.

DESCRIPTION OF AMENDMENT REQUEST: Modify permit granted for construction of an existing residence by (1) adding 1,263 square feet to the existing residence and 184 square feet to the attached garage, for a total of 2,798 square feet of living area and 665 square feet of garage with a maximum average height above natural grade of 18 feet; (2) installing 532 square feet of concrete utility pad and enclosure, patio, landing and stairs; (3) removing a 109-square-foot sunroom; (4) adding a 500-gallon underground propane tank; and (5) removing 642 square feet of a concrete utility pad, patio and wood deck.

LAND USE DESIGNATION: Suburban Residential, 20,000 Square-Foot Minimum (SR-20,000)

ZONING DESIGNATION: Mendocino Suburban Residential (MSR)

LOCAL APPROVALS RECEIVED: None Required (CEQA Exempt 1E)

SUBSTANTIVE FILE DOCUMENTS: Mendocino County LCP; CDP File Nos. 1-87-213 and 1-87-213-A1; Mendocino Community Services District Water Use Standards; December 2010 Reduced Buffer Analysis

---

**SUMMARY OF STAFF RECOMMENDATION:**

The staff recommends that the Commission approve with conditions, the requested amendment to the coastal development permit originally granted for the construction of a single-family residence on a parcel adjacent to Slaughterhouse Gulch and within the Point of View Subdivision in the Town of Mendocino.

The original permit approved in December, 1987 (CDP No. 1-87-213, Wiseman) authorized the construction of a 2,129 square-foot single family dwelling and a 60-square-foot concrete slab surrounded by a 5-foot-high fence. The permit was approved with one special condition intended to assure protection of environmentally sensitive habitat areas, by requiring the applicant to submit revised plans indicating the location and extent of the riparian area on the property and a riparian buffer and recording a deed restriction requiring that any development within the riparian area and buffer shall require approval by the Commission. After identifying the location of the riparian area and a 50-foot buffer, the applicant applied for an immaterial amendment to delete the special condition of the original permit because the applicant demonstrated that the approved project was located “well beyond” (approximately 100 feet from) the riparian area (Slaughterhouse Gulch), as indicated on the site plan (Exhibit 4) submitted with the permit amendment request. Special Condition No. 1 was subsequently deleted via Immaterial Amendment No. 1-87-213-A1 issued by the Executive Director on February 3, 1988.

The current applicants purchased the property in 2007 and propose to remodel and expand the current house. The current amendment request seeks to modify the permit by (1) adding 1,263 square feet to the existing residence and 184 square feet to the attached garage, for a total of 2,798 square feet of living area and 665 square feet of garage with a maximum average height above natural grade of 18 feet; (2) installing 532 square feet of concrete utility pad and enclosure, patio, landing and stairs; (3) removing a 109-square-foot sunroom; (4) adding a 500-gallon underground propane tank; and (5) removing 642 square feet of a concrete utility pad, patio and wood deck. The proposed amendment would site a portion of the residential addition within 80 feet of the riparian edge of Slaughterhouse Gulch, which is an Environmentally Sensitive Habitat Area (ESHA).

The primary issues raised by the project as proposed to be amended include the protection of visual resources, ESHA (Slaughterhouse Gulch riparian area) and provision of adequate utilities (water supply).

Since approval of the original permit in 1987, the development standards applicable to the site have changed. The Mendocino County Local Coastal Program (LCP) was certified in October of 1992, and the Mendocino Town segment of the County's LCP was certified in 1996. Therefore, the Mendocino County LCP became the new standard of review for coastal development permit applications.

By imposing a special condition requiring the recordation of an open space deed restriction over the riparian area and a 50-foot buffer, and by requiring mitigation measures as special conditions to protect sensitive resources, the development as amended and conditioned would be consistent with LCP policies requiring the protection of environmentally sensitive habitat areas. Therefore, with inclusion of seven special conditions, staff believes the project as amended would be consistent with the Mendocino LCP.

Special Condition No. 1 requires the applicants to record a deed restriction for the amended development imposing all the special conditions imposed by the subject amendment as conditions, covenants, and restrictions against the property. Inclusion of this recommended special condition ensures that both the applicants and future purchases of the property would continue to be informed of all of the coastal development permit requirements that pertain to the property and of the prohibitions on development within the open space area established by Special Condition No. 2. Special Condition No. 2 requires that no development occur within an open space area that includes the environmentally sensitive riparian habitat area along Slaughterhouse Gulch in the northeast corner of the subject parcel and a 50-foot buffer area surrounding the riparian ESHA. Limited exceptions for certain development activities including repair and maintenance, habitat restoration, vegetation clearing for fire safety, and the removal of debris and structures would be allowed if the permittees obtain a further coastal development permit amendment.

Special Condition No. 3 requires best management practices to be implemented on site prior to and during construction activities, including placement of temporary exclusion fencing along the ESHA buffer prior to construction; limiting grading activities to the dry season (April 15 through October 14); disposal of excavated material(s) outside the coastal zone; placement of sediment-control devices along the ESHA buffer if any construction activity occurs during the wet season (October 16 through April 14); and containment of construction materials outside ESHA and ESHA buffers.

Special Condition No. 4 requires actions to mitigate for reduced ESHA buffers and to protect the ESHA from significant degradation that could result from the additional development. Mitigation measures include but are not limited to placement of temporary construction fencing along the ESHA buffer edge during construction activities; removal of invasive plants along the ESHA edge and replanting with locally native coastal scrub and riparian species; prohibiting use of invasive species on the site; and prohibiting use of rodenticides on the site.

Staff also recommends the Commission impose water conservation restrictions because the

additional development will result in a potential increase of water usage beyond the average daily allotment, according to the Water Use Standards of the Mendocino Community Services District. Therefore, Special Condition No. 5 requires the installation of water saving devices including but not limited to low-flow faucets, water closets, and water conserving appliances to ensure consistency with Mendocino County LCP policies including but not limited to Mendocino County Coastal Zoning Code (CZC) 20.532.095(A)(2) as required by Mendocino Town Zoning Code (TZC) 20.692.025.

Lastly, to ensure that lighting will not shine or glare beyond the limits of the parcel wherever possible, the Commission attaches Special Condition No. 6, which requires that exterior lights be shielded and positioned in a manner that will not allow glare beyond the limits of the parcel. This requirement will also help ensure that the proposed residence in this location will be visually compatible with the character of the surrounding area.

As conditioned, staff believes that the amended development is consistent with the policies of the certified Mendocino County LCP. Therefore, as conditioned, staff recommends that the Commission find that the development as conditioned is consistent with the certified Mendocino County LCP.

**The motion to adopt the staff recommendation of approval with conditions is found on page 7.**

---

**STAFF NOTES:**

**1. Procedural Note**

Section 13166 of the California Code of Regulations states that the Executive Director shall reject an amendment request if: (a) it 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 produced before the permit was granted.

The Executive Director has determined that the proposed amendment would not lessen or avoid the intent of the conditionally approved permit. On December 8, 1987, Coastal Permit No. 1-87-213 (Lee and Perry Wiseman) was approved by the Commission for the construction of a 2,129 square-foot single family dwelling and a 60-square-foot concrete slab surrounded by a 5-foot-high fence. The permit was approved with one special condition intended to assure the protection of environmentally sensitive habitat areas, by requiring the applicant to submit revised plans indicating the location and extent of the riparian area on the property and a riparian buffer and recording a deed restriction requiring that any development within the riparian area and buffer shall require approval by the Commission. After identifying the location of the riparian area and a 50-foot buffer, the applicant applied for an immaterial amendment to delete the special condition of the original permit because the applicant demonstrated that the approved project was located “well beyond” (approximately 100 feet from) the riparian area (Slaughterhouse Gulch), as indicated on the site plan (Exhibit 4) submitted with the permit amendment request.

Special Condition No. 1 was subsequently deleted via Immaterial Amendment No. 1-87-213-A1 issued by the Executive Director on February 3, 1988

The current amendment request seeks to modify the permit granted for an existing residence by (1) adding 1,263 square feet to the existing residence and 184 square feet to the attached garage, for a total of 2,798 square feet of living area and 665 square feet of garage with a maximum average height above natural grade of 18 feet; (2) installing 532 square feet of concrete utility pad and enclosure, patio, landing and stairs; (3) removing a 109-square-foot sunroom; (4) adding a 500-gallon underground propane tank; and (5) removing 642 square feet of a concrete utility pad, patio and wood deck. The proposed amendment would site a portion of the residential addition within 80 feet of the riparian edge of Slaughterhouse Gulch, which is designated as an environmentally sensitive habitat area.

Additional developments in the form of landscaping and patio hardscaping have occurred immediately adjacent to, and within 38 feet of the riparian edge, respectively. These additional developments were exempt from coastal development permit requirements pursuant to the development exemptions of the Mendocino County certified LCP, as limited by the Coastal Commission's administrative regulations, and as discussed further below.

By imposing a special condition requiring the recordation of an open space deed restriction over the riparian area and a 50-foot buffer, and by requiring mitigation measures as special conditions to protect sensitive resources, the development as amended and conditioned would be consistent with the Commission's intent in approving the original permit to protect environmentally sensitive habitat areas.

Special Condition No. 1 requires the applicants to record a deed restriction for the amended development imposing all the special conditions imposed by the subject amendment as conditions, covenants, and restrictions against the property. Inclusion of this recommended special condition ensures that both the applicants and future purchases of the property would continue to be informed of all of the coastal development permit requirements that pertain to the property and of the prohibitions on development within the open space area established by Special Condition No. 2. Special Condition No. 2 requires that no development occur within an open space area that includes the environmentally sensitive riparian habitat area along Slaughterhouse Gulch in the northeast corner of the subject parcel and a 50-foot buffer area surrounding the riparian ESHA. Limited exceptions for certain development activities including repair and maintenance, habitat restoration, vegetation clearing for fire safety, and the removal of debris and structures would be allowed if the permittees obtain a further coastal development permit amendment.

Special Condition Nos. 3 and 4 require actions to mitigate for reduced ESHA buffers and to protect the ESHA from significant degradation that could result from the additional development. Special Condition No. 3 requires best management practices to be implemented on site prior to and during construction activities, including placement of temporary exclusion fencing along the ESHA buffer prior to construction; limiting grading activities to the dry season (April 15 through October 14); disposal of excavated material(s) outside the coastal zone; placement of sediment-control devices along the ESHA buffer if any construction activity occurs during the wet season (October 16 through April 14); and containment of construction materials

outside ESHA and ESHA buffers.

Special Condition No. 5 requires additional ESHA protection mitigation measures, including but not limited to, placement of temporary construction fencing along the ESHA buffer edge during construction activities; removal of invasive plants along the ESHA edge and replanting with locally native coastal scrub and riparian species; prohibiting use of invasive species on the site; and prohibiting use of rodenticides on the site.

Therefore, the Executive Director found that the proposed amendment as conditioned, would not conflict with the intent of Coastal Development Permit No. 1-87-213 as previously amended because the amended development as conditioned would continue to protect the environmentally sensitive habitat area adjacent to the development. As this amendment request as conditioned, would not result in a lessening or avoidance of the intent of the originally approved permit, the Executive Director accepted the amendment request for processing.

## **2. Standard of Review**

The Coastal Commission effectively certified the Mendocino Town segment of the County's LCP in 1996. Pursuant to Section 30604 of the Coastal Act, after effective acceptance of a certified LCP, the standard of review for all coastal permits and permit amendments for development not located between the first public road paralleling the sea and the sea, such as the proposed amended development, is the certified LCP. The Mendocino Town Plan was amended into the County's certified Land Use Plan (LUP), contained in Chapter 4.13 of the LUP. The Mendocino Town Plan provides specific goals and policies governing development in the Mendocino Town area that supplement the other policies of the County's certified Land Use Plan. Division III Title 20 (Town Zoning Code) is the principal component of the certified Implementation Plan for the Town. Division III Title 20 supplements the policies of Division II (Coastal Zoning Code), pursuant to Town Zoning Code (TZC) Section 20.604.010(A). TZC Section 20.692.025 requires that development proposed in the Town of Mendocino must also comply with certain specific provisions of the coastal zoning code (Mendocino County Zoning Code, Title 20, Division II) applicable to the balance of the County's coastal zone. TZC Section 20.604.035(A) states that where conflict occurs between the regulations of Division III and any other regulations within the County, the policies of Division III shall control.

## **3. Scope**

This staff report addresses only the coastal resource issues affected by the proposed permit amendment, provides recommended special conditions to reduce and mitigate significant impacts to coastal resources caused by the development as amended in order to achieve consistency with the certified LCP, and provides findings for conditional approval of the amended development. All other analyses, findings, and conditions related to the originally permitted development, except as specifically affected by the current permit amendment request and addressed herein, remain as stated within the original permit approval adopted by the Commission on December 8, 1987, as modified by Permit Amendment No. 1-81-213-A1. The original permit approval and the first permit amendment are attached to this staff report as Exhibit No. 8.

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

The staff recommends that the Commission adopt the following resolution:

**Motion:**

I move that the Commission approve Coastal Development Permit Amendment No. 1-87-213-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 amendment 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 THE PERMIT AMENDMENT:**

The Commission hereby approves the coastal development permit amendment and adopts the findings set forth below on grounds that the development as amended and subject to conditions will be in conformity with the policies of the certified Mendocino County Local Coastal Program. 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 amended development on the environment.

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

**III. SPECIAL CONDITIONS:**

**Note:** The original permit (CDP No. 1-87-213) contained one special condition, which was later deleted via Immaterial Amendment No. 1-87-213-A1. Special Condition Nos. 1-6 are additional new special conditions attached to CDP Amendment No. 1-87-213-A2. The new conditions are listed below. For comparison, the text of the original permit condition is included in Exhibit No. 8.

**1. Deed Restriction**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit for the review and approval of the Executive Director, documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to

restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

**2. Open Space Restrictions**

- A. No development, as defined in Section 30106 of the Coastal Act, shall occur in the open space area generally depicted on Exhibit No. 10, which includes all designated areas of the subject parcel within the riparian ESHA and a 50-foot ESHA buffer adjacent to the riparian ESHA, except for:
- 1) Removal of non-native vegetation; installation of erosion control measures pursuant to Special Condition No. 3D; erection of temporary protective fencing pursuant to Special Condition No. 3A; and
  - 2) The following development, if approved by the Coastal Commission as an amendment to this coastal development permit: (a) repair and maintenance development without expansion of the landscaping and hardscaping, improvements existing as of the date of Commission approval of Coastal Development Permit Amendment No. 1-87-213-A2; (b) vegetation clearance if required by the California Department of Forestry and Fire Protection (CDF) to meet fire safety standards; (c) planting of native vegetation to improve the habitat value; and (d) removal of debris and unauthorized structures.
- B. **PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOTICE OF INTENT TO ISSUE COASTAL DEVELOPMENT PERMIT NO. 1-87-213-A2**, 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. 10 attached to this staff report.

**3. Best Management Practices and Construction Responsibilities**

The permittee shall comply with the following construction-related requirements:

- A. **PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES**, a qualified biologist shall place a construction barrier along the entire length of the 50-foot riparian buffer line on the subject property to prevent workers and equipment from entering the sensitive habitat buffer area along Slaughterhouse Gulch during construction. The construction barrier shall consist of temporary construction fencing or netting and shall be maintained throughout the course of construction activities. No construction related activities, including but not limited to grading, staging or stockpiling of materials, or other ground disturbance shall be allowed to encroach into the areas protected by the construction barrier;
- B. All grading activity shall be limited to the dry season between April 15<sup>th</sup> and October 14<sup>th</sup>.



- C. Any and all excess excavated material resulting from construction activities shall be removed and disposed of at a disposal site outside the coastal zone or placed within the coastal zone pursuant to a valid coastal development permit;
- D. Weed-free straw bales, coir rolls (“wattles”), or silt fencing structures shall be installed along the riparian buffer edge if construction will occur during the wet weather period, defined as October 15 through April 14; and
- E. All on-site stockpiles of construction debris shall be contained and located outside ESHA and ESHA buffers at all times to prevent polluted water runoff.

**4. Protection of Riparian Sensitive Habitat**

The permittee shall comply with the following requirements to protect and mitigate potential impacts to sensitive riparian habitat:

- A. Runoff from the roof addition and other impervious surfaces added to the amended development by Permit Amendment No. 1-87-213-A2 shall be collected and directed away from the riparian environmentally sensitive habitat area (ESHA) shown on Exhibit No. 10 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. Comply with the temporary exclusion/construction fencing requirements of Special Condition No. 3(A);
- C. Invasive plants, including but not limited to French broom (*Genista monspessulana*), scotch broom (*Cytisus scoparius*), periwinkle (*Vinca major*), English ivy (*Hedera helix*) cotoneaster (*Cotoneaster sp.*), and cape ivy (*Delairea odorata*<sup>1</sup>) shall be removed by hand and/or with the use of hand tools, from all areas immediately adjacent to the riparian ESHA and within the ESHA buffer contained within the open space area required by Special Condition No. 2;
- D. Long-term site maintenance shall include hand-pulling invasive plants from the area where invasive plant removal is required by Special Condition 4(C) above;
- E. Areas of invasive plant removal should be replanted immediately with locally native coastal scrub and/or riparian species such as coyote brush (*Baccharis pilularis*), wax myrtle (*Morella californica*), shore pine (*Pinus contorta ssp. contorta*) sword fern (*Polystichum munitum*), and coffeeberry (*Frangula californica*<sup>2</sup>);
- F. Initial removal of invasive plants and replanting of exposed areas shall occur no later than within 90 days of completion of exterior residential construction

---

<sup>1</sup> Also known as German ivy (*Senecio mikanioides*); current taxonomic treatment recognizes *Delairea odorata* as current name.

<sup>2</sup> Also known as *Rhamnus californica*; current taxonomic treatment recognizes *Frangula californica* as current name.

activities (e.g., foundation, drainage, retaining walls, framing, roofing, siding, etc.);

- G. 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. 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; and
- H. Rodenticides containing any anticoagulant compounds, including but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall not be used on the property at any time.

**5. Water Resources**

- A. Water-saving devices including but not limited to flow restrictors, low flow faucets, waterclosets, and water conserving appliances shall be utilized for all fittings in the development authorized by Permit Amendment No. 1-87-213-A2. Faucets and shower heads shall be fitted for the life of the project with water saving devices that restrict flow to a maximum of three gallons per minute.
- B. All subsequent landscaping on the site shall be limited to drought tolerant vegetation consistent with Special Condition 4(G), and irrigation limited to a drip system.

**6. Design Restrictions**

- A. All exterior lights, including any lights attached to the outside of the building additions and other development authorized by Permit Amendment No. 1-87-213-A2, 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.

**IV. FINDINGS AND DECLARATIONS FOR APPROVAL**

The Commission hereby finds and declares:

**1. Site Description**

The subject site is a 34,000-square-foot parcel located within the Point of View Subdivision in the unincorporated Town of Mendocino between Palette Drive and Lansing Street, and bordered to the north by Slaughterhouse Gulch, at 10925 Palette Drive, Mendocino County (APN 119-060-10). The subdivision is located atop a low marine terrace, and Lansing Street, the first public road paralleling the sea, borders the subdivision downslope and to the west. The Pacific Ocean shoreline is accessible from many points west of Lansing Street including Agate Beach to the northwest. The subject parcel is located within 300 feet from the inland extent of Agate Beach.

Palette Drive borders the parcel to the south, and additional residential development occurs to the east.

The subject site is excluded from the “highly scenic” designation in the certified Mendocino County LCP. The subject site is also excluded from the Mendocino Historical Preservation District, pursuant to Mendocino Town Zoning Code (TZC) Section 20.760.010(B).

The site is zoned “MSR” (Mendocino Suburban Residential), which is a designation specifically assigned to the Point of View Estates subdivision, pursuant to Mendocino TZC Section 20.648.005. Single family residence is a principally-permitted use as indicated by TZC Section 20.648.010(A). The land use designation is Suburban Residential, 20,000 Square-Foot Minimum (SR-20,000).

The site is currently developed with a single-story, 2-bedroom, 2-bath, 2,129-square-foot single family dwelling unit and a 481-square-foot garage, with maximum height of 15 feet, that was authorized by coastal development permit No. 1-87-213. Accessory structures on the site currently include a 109-square-foot sunroom; 2,475-square-foot flagstone patio and walkway; and 365-square-foot wood deck. The current exterior materials include redwood channel rustic lap siding, painted yellowish-tan with white trim, and a composite shingle roof with copper gutters.

The site is extensively landscaped both in the front and backyard areas (Exhibit 5). Landscaping consists predominately of nonnative species, with the exception of some native landscaping in the backyard along the western property edge and interspersed with nonnative plantings. Much of the landscaping appears designed for low-water needs in terms of species composition that includes rosemary, lavender, proteas, lamb’s-ear (*Stachys byzantina*), and various grasses. Numerous plantings of pampas grass occur on the parcel; however, the applicant’s agent has indicated these are a non-invasive, sterile cultivar selected by the landscaper and known as *Cortaderia selloana* "gold band." Landscaping in the form of lawn and plantings extends up to the riparian edge of Slaughterhouse Gulch, where remnant native coastal scrub and riparian plantings occur. Native species adjacent to the gulch include coyote brush (*Baccharis pilularis*), wax myrtle (*Morella californica*<sup>3</sup>), shore pine (*Pinus contorta* ssp. *contorta*), coffeeberry (*Frangula californica*<sup>4</sup>), sword fern (*Polystichum munitum*), and willows (*Salix* spp.).

Numerous invasive species are prevalent along the riparian edge, where disturbance to the native vegetation has facilitated encroachment of these more gregarious species. Nonnative and invasive species along the riparian edge include periwinkle (*Vinca major*), French broom (*Genista monspessulana*), scotch broom (*Cytisus scoparius*), English ivy (*Hedera helix*), Himalayan blackberry (*Rubus armeniacus*<sup>3</sup>), cotoneaster (*Cotoneaster* sp.), everlasting pea (*Lathyrus latifolius*), and cape ivy (*Delairea odorata*<sup>5</sup>).

---

<sup>3</sup> Current name per Jepson online interchange (2010)

<sup>4</sup> Also known as *Rhamnus californica*; current taxonomic treatment recognizes *Frangula californica* as current name.

<sup>5</sup> Also known as German ivy (*Senecio mikanioides*); current taxonomic treatment recognizes *Delairea odorata* as current name.

**2. Originally Approved Project and Prior Amendment**

The original permit application was approved by the Commission on December 8, 1987, and the permit was issued in February 1988. The approved permit authorized the construction of a 2,129 square-foot single family dwelling and a 60-square-foot concrete slab surrounded by a 5-foot-high fence.

The original permit was approved with one special condition intended to assure protection of environmentally sensitive habitat areas. At the time of permit approval, the extent of the riparian area on the property had not been mapped. Special Condition No. 1 required the applicant to submit, prior to transmittal of the coastal development permit revised plans indicating the location and extent of the riparian area on the property and a riparian buffer and to record a deed restriction requiring that any development within the riparian area and buffer shall require approval by the Commission. After identifying the location of the riparian area and a 50-foot buffer, the applicant applied for an immaterial amendment to delete the special condition of the original permit because the applicant demonstrated that the approved project was located “well beyond” (approximately 100 feet from) the riparian area (Slaughterhouse Gulch), as indicated on the site plan (Exhibit 4) submitted with the permit amendment request. Special Condition No. 1 was subsequently deleted via Immaterial Amendment No. 1-87-213-A1 issued by the Executive Director on February 3, 1988.

**3. Exempt Additional Development Following Permit Approval**

Summary of LCP Policies

**Mendocino TzC Section 20.720.020** states in applicable part the following (emphasis added):

*The following developments shall be exempt from the Chapter, but shall be subject to Chapter 20.760 [Historical Preservation District]:*

...

*(C) Improvements to single family residences, except as otherwise specified in Subchapter 6, Title 14, California Code of Regulations and any amendments thereafter;*

...

**Section 13250 of the Coastal Commission’s Regulations** (Chapter 6, Subchapter 6, Title 14 CCR), as incorporated by reference in Mendocino TzC Section 20.720.020(C) states in applicable part the following (emphasis added):

*(a) For purposes of Public Resources Code Section 30610(a) [developments authorized without a permit] where there is an existing single-family residential building, the following shall be considered a part of that structure:*

*(1) All fixtures and other structures directly attached to a residence;*

*(2) Structures on the property normally associated with a single-family residence, such as garages, swimming pools, fences, and storage sheds; but not including guest houses or self-contained residential units; and*

*(3) Landscaping on the lot.*

*(b) Pursuant to Public Resources Code Section 30610(a), the following classes of development require a coastal development permit because they involve a risk of adverse environmental effects:*

*(1) Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas;*

*(2) Any significant alteration of land forms including removal or placement of vegetation, on a beach, wetland, or sand, or within 50 feet of the edge of a coastal bluff, or in environmentally sensitive habitat areas;*

*(3) The expansion or construction of water wells or septic systems;*

*(4) On property not included in subsection (b)(1) above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated by the commission or regional commission, improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure or an additional improvement of 10 percent or less where an improvement to the structure had previously been undertaken pursuant to Public Resources Code Section 30610(a), increase in height by more than 10 percent of an existing structure and/or any significant non-attached structure such as garages, fences, shoreline protective works or docks.*

*(5) In areas which the commission or a regional commission has previously declared by resolution after public hearing to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system.*

*(6) Any improvement to a single-family residence where the development permit issued for the original structure by the commission, regional commission, or local government indicated that any future improvements would require a development permit.*

In addition to the development authorized under the original permit, the Mendocino County Department of Planning and Building Services has issued several building permits for various developments at the subject parcel that are exempt from coastal development permits since the original permit was issued by the Coastal Commission. According to Mendocino County staff, these exempt developments include the following:

1. Permit FB 92900338 was issued October 6, 1992 for a 105-square-foot sunroom addition. The County planning signed off on the permit with a note saying "no CDP per 13250 CCR."

2. Building Permit BF 2007-0318 was issued May 25, 2007 to repair and remodel the existing single family residence with interior changes and to replace windows with the same sized windows only. A note from the Mendocino City Community Services District attached to the building permit states the District gave clearance to an outdoor kitchen; however the outdoor kitchen is not included as a part of the description in the building permit application that was signed by County planning staff.
3. BF 2008-0028 was issued to swap out a 200 amp service panel. County planning staff was not involved in this approval. The permit expired in 2009.
4. BF 2008-0089 was issued February 12, 2008 to add propane service to the residence. County planning staff was not involved in this approval. The permit has not been finalized out and has likely expired.

Additional developments in the form of landscaping and patio hardscaping have occurred immediately adjacent to, and within 38 feet of the riparian edge, respectively. A 2,475 square-foot patio with outdoor kitchen was constructed adjacent to the residence, and two flagstone-and-concrete seating areas (approximately 690 square feet and 240 square feet) were constructed north of the patio and residence (a portion of the larger seating area is within 38 feet of the riparian area). Lastly, a fence along a portion of the eastern parcel boundary near the house was also developed after the original permit approval. The current applicants purchased the property in 2007. The applicant's agent indicates these improvements have occurred within the past 5 years, which appears consistent with development visible from Coastal Records Project Photo Nos. 200503421 (taken October 4, 2005) and 200903101 (taken September 27, 2009). Refer to images in Exhibit 3.

Section 30610(a) of the Coastal Act and Section 20.720.020(C) of the Town Zoning Code specifically exempt certain improvements to existing single family residential structures from coastal development permit requirements. Pursuant to this exemption, once a house has been constructed, certain additions, accessory buildings and other improvements to the residence that the applicant might propose in the future are normally exempt from the need for a permit or permit amendment.

To avoid impacts to coastal resources from the development of otherwise exempt improvements to existing homes, Section 30610(a) requires the Commission to specify by regulation those classes of such 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 20.720.020 of the Town Zoning Code Section 13250(b)(6) states that improvements to single family residences are exempt except as otherwise specified in the Commission's regulations, which include Section 13250.

The improvements noted above for which the County granted building permits and the additional landscaping and hardscaping improvements to the single family residence appear to be exempt from coastal development permit requirements pursuant to Section 30610(a) of the Coastal Act and Section 20.720.020(C) of the Town Zoning Code. None of the development identified by Section 13250 of Title 14 of the California Code of regulations as improvements to single family

residences that involve a risk of adverse environmental effects and which therefore require a permit applies to the development noted above that occurred at the site. The class of development identified in Section 13250 as involving a risk of adverse environmental effect that most closely relates to the improvements performed at the site is that described in portions of Section 13250(b)(4), which includes development within 300 feet of the inland extent of any beach where the cumulative improvements would result in an increase of 10 percent or more of the internal floor area of an existing structure or involve significant non-attached structures. The parcel is located within 300 feet of the inland extent of Agate Beach. However, the sunroom improvement to the structure and the other improvements do not exceed 10% of the internal floor area of the originally-approved coastal development permit, and do not cumulatively constitute “significant non-attached structures.” Therefore, the developments described above meet the exemption criteria of Coastal Act Section 30610(a) and TZC 20.720.020(C) as limited by Section 13250 of the Commission’s regulations.

**4. Permit Amendment Description**

The proposed amendment request seeks approval to modify the permit by (1) adding 1,263 square feet to the existing residence and 184 square feet to the attached garage, for a total of 2,798 square feet of living area and 665 square feet of garage with a maximum average height above natural grade of 18 feet; (2) installing 532 square feet of concrete utility pad and enclosure, patio, landing and stairs; (3) removing a 109-square-foot sunroom; (4) adding a 500-gallon underground propane tank; and (5) removing 642 square feet of a concrete utility pad, patio and wood deck (see Exhibit 4). The proposed amendment would site a portion of the residential addition within 80 feet of the riparian edge of Slaughterhouse Gulch, which is designated as ESHA.

The applicants propose the use of downcast exterior lighting using wall-mounted luminaries with partial uplighting, and recessed fluorescent lighting. Proposed exterior materials include redwood channel rustic lap siding, painted tan with white trim; copper gutters to match existing; composition shingle roof to match existing; stainless steel chimney cap; red door; and redwood fencing. As stated previously, the proposed development is located within the Point of View Estates subdivision, which is exempt from the provisions of the Mendocino Historical Preservation District pursuant to TZC Section 20.760.010(B).

**5. Standard of Review**

The Coastal Commission effectively certified the Mendocino Town segment of the County’s LCP in 1996. Pursuant to Section 30604 of the Coastal Act, after effective acceptance of a certified LCP, the standard of review for all coastal permits and permit amendments for development not located between the first public road paralleling the sea and the sea, such as the proposed amended development, is the certified LCP. The Mendocino Town Plan was amended into the County’s certified Land Use Plan (LUP), contained in Chapter 4.13 of the LUP. The Mendocino Town Plan provides specific goals and policies governing development in the Mendocino Town area that supplement the other policies of the County’s certified Land Use Plan. Division III Title 20 (Town Zoning Code) is the principal component of the certified Implementation Plan for the Town. Division III Title 20 supplements the policies of Division II

(Coastal Zoning Code), pursuant to Town Zoning Code (TZC) Section 20.604.010(A). TZC Section 20.692.025 requires that development proposed in the Town of Mendocino must also comply with certain specific provisions of the coastal zoning code (Mendocino County Zoning Code, Title 20, Division II) applicable to the balance of the County's coastal zone. TZC Section 20.604.035(A) states that where conflict occurs between the regulations of Division III and any other regulations within the County, the policies of Division III shall control.

## **6. Planning and Locating New Development**

### Summary of LCP Provisions

**LUP Policy 3.8-1** states in applicable part that (emphasis added):

*Highway 1 capacity, availability of water and sewage disposal, and other known planning factors shall be considered when considering applications for development.*

**LUP Policy 3.9-1** states (emphasis added):

*An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it, taking into consideration a variety of incomes, lifestyles, and location preferences. Consideration in allocating residential sites has been given to:*

- *each community's desired amount and rate of growth.*
- *providing maximum variety of housing opportunity by including large and small sites, rural and village settings, and shoreline and inland locations.*

*In addition to the considerations pertaining to the allocation of residential sites listed above, all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources.*

*One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists and proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Determination of service capacity shall be made prior to the issuance of a coastal development permit.*

**Mendocino Town LUP Policy 4.13-22** states the following (emphasis added):

*All new development shall be contingent upon proof of an adequate water supply during dry summer months which will accommodate the proposed development and will not deplete the ground water table of contiguous or surrounding uses. The findings of the Coastal Ground Water Study of June 1982 shall be incorporated in the Mendocino Town Plan.*



**Mendocino Town Zoning Code (TZC) Section 20.692.025** states (emphasis added):

*All development proposed in the Town of Mendocino also shall comply with the provisions of Chapter 20.420 (Coastal Flood Plain Combining Districts), Chapter 20.488 (Coastal Development General Review Criteria), Chapter 20.492 (Grading, Erosion and Runoff), Chapter 20.496 (Environmentally Sensitive Habitat and Other Resource Areas), Chapter 20.500 (Hazard Areas), Section 20.532.060 (Environmentally Sensitive Habitat Area--Supplemental Application Procedures), Section 20.532.065 (Wetland Restoration Plan Procedures), Section 20.532.070 (Geologic Hazards--Evaluation and Supplemental Application Information), Section 20.532.075 (Supplemental Information Related to Application for Natural Gas Pipeline), Section 20.532.080 (Supplemental Information Related to Onshore Oil and Gas Development), Section 20.532.085 (Supplemental Information Related to Coastal Access Requirements), Section 20.532.090 (Supplemental Application Information for Sand Removal, Mining and Gravel Extraction), Section 20.532.095 (Required Findings for all Coastal Development Permits) and Section 20.532.100 (Supplemental Findings) of Chapter 20.532 (Coastal Development Permit Regulations--General) and Section 20.504.025(B) of Division II of this Title.*

*(Ord. No. 3915 (part), adopted 1995.)*

**Mendocino Coastal Zoning Code (CZC) Section 20.532.095** states in applicable part:

*(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish that:*

- (1) The proposed development is in conformity with the certified local coastal program; and*
- (2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and*
- (3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district; and*

...

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

Discussion:

LUP Policy 3.9-1 of the Mendocino County Land Use Plan states that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to channel development toward

more urbanized areas where services are provided and potential impacts to resources are minimized.

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

Town Zoning Code Section 20.532.095 states in part that approval of a coastal development permit shall be supported by findings which establish that the proposed development is consistent with the purposes and intend of the zoning district applied to the property, the proposed development will be provided with adequate utilities, and other public services are adequate to serve the proposed development.

#### LUP and Zoning Designations

As noted previously, the site is zoned “MSR” (Mendocino Suburban Residential), which is a designation specifically assigned to the Point of View Estates subdivision, pursuant to Mendocino TZC Section 20.648.005. Single family residence is a principally-permitted use as indicated by TZC Section 20.648.010(A). The land use designation is Suburban Residential, 20,000 Square-Foot Minimum (SR-20,000), as described in the Mendocino Town Plan LUP Chapter 4.13. The subject site is excluded from the “highly scenic” designation in the certified Mendocino County LCP. The subject site is also excluded from the Mendocino Historical Preservation District, pursuant to Mendocino Town Zoning Code (TZC) Section 20.760.010(B).

The proposed additions to the existing single family residence will have a maximum average height of 18 feet above natural grade. The height of the additions is consistent with the 28-foot height limit established for the Mendocino Suburban Residential (MSR) zoning district, and consistent with other houses in the surrounding area that include both single- and two-story houses. In addition, at a total size of 3,463 square feet (that includes a 665-square-foot garage), the proposed addition to the existing residence is consistent with the size and bulk of other surrounding residential development and will not be out of scale with its surroundings. Other similarly-sized homes occur throughout the subdivision. The project maintains all County setback requirements on this developed parcel, and is therefore consistent with the MSR zoning district standard of Mendocino TZC Chapter 20.648.

#### Water Supply

The amended development involves adding 1,263 square feet to the existing residence and 184 square feet to the attached garage, for a total of 2,798 square feet of living area and 665 square feet of garage. These additions will increase the floor plan from two bedrooms and two bathrooms, to three bedrooms, and three bathrooms. According to the Water Use Standards for establishing water demand (Exhibit 7) that were developed by the Mendocino City Community Services District (MCCSD), the average residential water use of a one- or two- bedroom house is 200 gallons per day, plus 60 gallons per day for each additional bedroom. The Point of View Mutual Water Company provides water services to the Point of View Estates subdivision residents. The water company grants each lot a water allotment of 200 gallons per day based upon monthly water readings, regardless of the size of the house or the number of bedrooms. In correspondence to the applicant’s agent, both the MCCSD and the Water Company indicate that

actual water usage by residents varies greatly from house to house and season to season, and depends on whether the house is a primary or intermittent residence, among other factors. The Commission must evaluate the adequacy of services, including water, to serve the development as amended. The Commission assumes full-time occupancy. In addition, while the heavily-landscaped site incorporates many drought-tolerant plants, the extensive landscaping will likely require some watering. Other three bedroom homes with yards exist within the subdivision and these homes have been sustained by the 200-gallon per lot allotment of the water company. Thus the three bedroom home resulting from the amended development at the subject site should be served with sufficient water to maintain the home. However, based on the MCCSD Water Use Standards, the average daily use of a three-bedroom development as proposed exceeds the average daily water allotment of the Point of View Mutual Water Company. Therefore, the Commission attaches Special Condition No. 5, which requires the installation of water saving devices including but not limited to low-flow faucets, water closets, and water conserving appliances to better ensure the 200-gallon allotment of water will be sufficient to serve the amended development. As conditioned, the amended development will be consistent with Mendocino County LCP policies including but not limited to Mendocino County Coastal Zoning Code (CZC) 20.532.095(A)(2) as required by Mendocino Town Zoning Code (TZC) 20.692.025.

#### Septic Capacity

As noted above, the amended development involves adding a third bedroom and bathroom, which are labeled on the floor plans (Exhibit 4) as “guest bedroom addition.” In written correspondence to the applicant’s agent, MCCSD indicates that the District has sewer capacity available for the increase in bedrooms. MCCSD further indicates there may or may not be additional fees associated with the increase in septic capacity, depending upon whether the residential expansion is treated as an enlargement of the existing residence, or whether it meets the provisions of a guest cottage whereby the person or persons are guest(s) of the regular occupants of the primary residence. As MCCSD has adequate septic capacity to accommodate the increased use whether the bedroom addition is considered a guest bedroom addition or an enlargement of the existing residence, the Commission finds the project consistent with the Mendocino County LCP policies including but not limited to LUP Policy 3.8-1, Mendocino TZC Section 20.692.025, and Mendocino CZC Section 20.532.095.

#### Highway One Capacity

Development of the site as a single-family residence is envisioned under the certified LCP. The cumulative impacts on traffic capacity of development approved pursuant to the certified LCP on lots meeting minimum parcel size standards established for the property under the certified LCP were addressed at the time the LCP was certified. The proposed project involves remodeling an existing two-bedroom residence to result in a larger and reconfigured three-bedroom residence. No additional residential unit is proposed. Thus, there would be no net increase in residential density on the property from the proposed development that would result in significant adverse individual or cumulative impacts on the traffic capacity of Highway One. Therefore, as conditioned, the proposed development is located in an area able to accommodate the proposed development, consistent with the applicable provisions of LUP Policy 3.9-1.

Conclusion

As discussed below, the amended development has been conditioned to include mitigation measures, which will minimize all adverse environmental impacts. Therefore, the Commission finds that as conditioned, the amended development is consistent with LUP Policies 3.8-1, 3.9-1, and with Town Zoning Code Section 20.532.095, as the amended development is consistent with the requirements of the MSR zoning district, will be located in a developed area with adequate services, and the project will not result in significant adverse individual or cumulative impacts on highway capacity, environmentally sensitive habitat, geologic hazards, scenic values, or other coastal resources.

**7. Visual Resources**

Summary of LCP Policies

LUP Policy 4.13-13 States:

*In addition to any design review related to protection of the character of the town, all development shall conform to Section 30251 of the Coastal Act, and any specifically designated scenic and view areas as adopted on the map. Provisions of open space and siting of structures to retain public views shall be considered as part of all new development proposals. (Emphasis added).*

Section 30251 of the Coastal Act has been specifically incorporated into **LUP Policy 4.13-13** of the Mendocino LCP and states in part (emphasis added):

*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.*

Land Use Plan (LUP) Policy 3.5-1 states, in applicable part, as follows:

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

**LUP Policy 3.5-15** states in applicable part (emphasis added):

*Installation of satellite receiving dishes shall require a coastal permit. In highly scenic areas, dishes shall be located so as to minimize visual impacts. Security lighting and floodlighting for occasional and/or emergency use shall be permitted in all areas. Minor additions to existing nightlighting for safety purposes shall be exempt from a coastal permit. In any event no lights*

shall be installed so that they distract motorists and they shall be shielded so that they do not shine or glare beyond the limits of the parcel wherever possible.

**Mendocino CZC Section 20.504.020** states in applicable part the following (emphasis added):

(A) The Town of Mendocino is the only recognized special community in the Coastal Element. Division III of Title 20 provides specific criteria for development in the Town of Mendocino.

...

(C) *Development Criteria.*

(1) *The scale of new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood.*

(2) New development shall be sited such that public coastal views are protected.

...

(4) *Building materials and exterior colors shall be compatible with those of existing structures.*

(D) *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...*

Project Consistency with Applicable LCP Provisions:

The visual resources protection policies of the LCP require, among other things, that new development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas. Regarding visual compatibility with the character of the surrounding area, Mendocino County coastal zoning code (CZC) Section 20.504.020(C) specifically requires that the building height and bulk of new development be within the scope and character of existing development in the surrounding neighborhood and that building materials and exterior colors shall be compatible with those of existing structures.

As noted previously, the subject site is excluded from the “highly scenic” designation in the certified Mendocino County LCP. However, the Town of Mendocino is a recognized special community as indicated by CZC Section 20.504.020. The parcel and existing development is slightly visible from below along Lansing Street, which is a public road located east of the ocean. Other homes of similar size as the subject parcel are also visible looking upward from Lansing Street, east of the ocean. Due to the location of the parcel on the east side of Lansing Street and within a private subdivision, the subject development does not obstruct public views to the ocean. Correspondence was received by telephone and by mail (Exhibit 6) from a neighbor concerned that the proposed new development would obstruct their views of the ocean. While the Coastal Act and visual resource policies of the Mendocino County LCP explicitly protect

public views of the coast, there are no provisions protecting private viewsheds. Therefore, since the development as proposed does not interfere with public views of the coast, the Commission finds that the proposed amendment request to modify the permit granted is consistent with LUP Policies 3.5-1, 3.5-15, and 4.13-13, and CZC Section 20.504.020(C) insofar as the amended development will not adversely affect coastal views in public vantage points.

The proposed additions to the existing single family residence will have a maximum average height of 18 feet above natural grade. The height of the additions is consistent with the 28-foot height limit established for the Mendocino Suburban Residential (MSR) zoning district, and consistent with other houses in the surrounding area that include both single- and two-story houses. In addition, at a total size of 3,463 square feet (that includes a 665-square-foot garage), the proposed addition to the existing residence is consistent with the size and bulk of other surrounding residential development and will not be out of scale with its surroundings. Other similarly-sized homes occur throughout the subdivision.

Proposed exterior materials include redwood channel rustic lap siding, painted tan with white trim; copper gutters; composition shingle roof to match existing; stainless steel chimney cap; red door; and redwood fencing. As stated previously, the proposed development is located within the Point of View Estates subdivision, which is exempt from the provisions of the Mendocino Historical Preservation District pursuant to TZC Section 20.760.010(B). These proposed materials and exterior colors are within the scope and character of existing development, and are compatible with the surrounding structures. Therefore, the Commission finds that the proposed colors and materials of the roof, siding and trim are compatible with those of existing structures, and that the structure is consistent with the character of existing development within the surrounding neighborhood.

The applicants propose the use of downcast exterior lighting using wall-mounted luminaries with partial uplighting, and recessed fluorescent lighting. To ensure that lighting will not shine or glare beyond the limits of the parcel wherever possible, the Commission attaches Special Condition No. 6, which requires that exterior lights be shielded and positioned in a manner that will not allow glare beyond the limits of the parcel, consistent with LUP Policy 3.5-15. This requirement will also help ensure that the proposed residence in this location will be visually compatible with the character of the surrounding area, consistent with LUP Policies 3.5-1 and 4.13-13 as well as Coastal Act Section 30251.

Finally, the proposed development minimizes grading and the alteration of natural landforms. The relatively small amount of grading is limited to preparation of the building footprint for the residential addition and re-contouring soil to slope away from the building for a distance of 4 feet. Thus, the development as conditioned will minimize the alteration of natural landforms consistent with LUP Policies 3.5-1 and 4.13-13 as well as Coastal Act Section 30251.

Therefore, the Commission finds that as conditioned, the proposed project is consistent with LUP Policies 3.5-1, 3.5-15, and 4.13-13 and CZC Section 20.504.020, as the development will (1) not adversely affect coastal views from public vantage points; (2) be visually compatible with the character of surrounding areas as the height and bulk of the new residence will be within the scope and character of the existing residences in the neighborhood and the building materials and colors will be compatible with those of existing structures; (3) ensure that exterior lighting is

minimized and installed so as not to shine or glare beyond the limits of the parcel; and (4) minimize alteration of natural landforms.

## 8. Protection of Environmentally Sensitive Habitat Areas (ESHA)

### Summary of LCP Policies

Environmentally Sensitive Habitat Areas (ESHA) are defined in **Section 3.1** of the Mendocino County Land Use Plan (LUP) as follows:

*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 (CZC) Section 20.496.010** “*Environmentally Sensitive Habitat and other Resource Areas—Purpose*” states the following (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.*

**Mendocino County Land Use Plan (LUP) Policy 3.1-2** states the following (emphasis added):

*Development proposals in environmentally sensitive habitat areas such as wetlands, riparian zones on streams or sensitive plant or wildlife habitats (all exclusive of buffer zones) including, but not limited to those shown on the Land Use Maps, shall be subject to special review to determine the current extent of the sensitive resource. Where representatives of the County Planning Department, the California Department of Fish and Game, the California Coastal Commission, and the applicant are uncertain about the extent of sensitive habitat on any parcel such disagreements shall be investigated by an on-site inspection by the landowner and/or agents, County Planning Department staff member, a representative of California Department of Fish and Game, a representative of the California Coastal Commission. The on-site inspection shall be coordinated by the County Planning Department and will take place within 3 weeks, weather and site conditions permitting, of the receipt of a written request from the landowner/agent for clarification of sensitive habitat areas.*

*If all of the members of this group agree that the boundaries of the resource in question should be adjusted following the site inspection, such development should be approved only if specific findings are made which are based upon substantial evidence that the resource as identified will not be significantly degraded by the proposed development. If such findings cannot be made, the development shall be denied. Criteria used for determining the extent of wetlands and other wet environmentally sensitive habitat areas are found in Appendix 8 and shall be used when determining the extent of wetlands.*

**LUP Policy 3.1-7** in applicable part states:

*A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from significant degradation resulting from future*

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

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

**LUP Policy 3.1-10** states:

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

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

**Mendocino Town Zoning Code (TZC) Section 20.692.025** states (emphasis added):

All development proposed in the Town of Mendocino also shall comply with the provisions of Chapter 20.420 (Coastal Flood Plain Combining Districts), Chapter 20.488 (Coastal Development General Review Criteria), Chapter 20.492 (Grading, Erosion and Runoff), Chapter 20.496 (Environmentally Sensitive Habitat and Other Resource Areas),



*Chapter 20.500 (Hazard Areas), Section 20.532.060 (Environmentally Sensitive Habitat Area--Supplemental Application Procedures), Section 20.532.065 (Wetland Restoration Plan Procedures), Section 20.532.070 (Geologic Hazards--Evaluation and Supplemental Application Information), Section 20.532.075 (Supplemental Information Related to Application for Natural Gas Pipeline), Section 20.532.080 (Supplemental Information Related to Onshore Oil and Gas Development), Section 20.532.085 (Supplemental Information Related to Coastal Access Requirements), Section 20.532.090 (Supplemental Application Information for Sand Removal, Mining and Gravel Extraction), Section 20.532.095 (Required Findings for all Coastal Development Permits) and Section 20.532.100 (Supplemental Findings) of Chapter 20.532 (Coastal Development Permit Regulations--General) and Section 20.504.025(B) of Division II of this Title.*

*(Ord. No. 3915 (part), adopted 1995.)*

**CZC Section 20.496.015** states, in applicable part, the following (emphasis added):

**(A) Determining Extent of ESHA.** *The Coastal Permit Administrator shall review, with the assistance of land use maps, all permit applications for coastal developments to determine whether the project has the potential to impact an ESHA. A project has the potential to impact an ESHA if:*

...

*(2) The development is proposed to be located within an ESHA, according to an on-site investigation, or documented resource information; ...*

*(3) The development is proposed to be located within one hundred (100) feet of an environmentally sensitive habitat and/or has potential to negatively impact the long-term maintenance of the habitat, as determined through the project review.*

...

**(D) Development Approval.** *Such development shall only be approved if the following occurs:*

*(1) All members of the site inspection team agree to the boundaries of the sensitive resource area; and*

*(2) Findings are made by the approving authority that the resource will not be significantly degraded by the development as set forth in Section 20.532.100(A)(1).*

**(E) Denial of Development.** *If findings cannot be made pursuant to Section 20.532.100(A)(1), the development shall be denied.*

**CZC Section 20.532.100** states, in applicable part, the following (emphasis added):

*In addition to required findings, the approving authority may approve or conditionally approve an application for a permit or variance within the Coastal Zone only if the following findings, as applicable, are made:*

**(A) Resource Protection Impact Findings.**

**(1) Development in Environmentally Sensitive Habitat Areas.** *No development shall be allowed in an ESHA unless the following findings are made:*

- (a) The resource as identified will not be significantly degraded by the proposed development.
- (b) There is no feasible less environmentally damaging alternative.
- (c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

...

Section 20.496.020 of the CZC states, in applicable part, the following (emphasis added):

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

(1) **Width.** The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation with the California Department of Fish and Game, and County Planning staff, that one hundred feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width. 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...
- ...
- (b) Sensitivity of Species to Disturbance...
- ...
- (c) Susceptibility of 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...
- ...
- (g) Type and Scale of Development Proposed...
- ...

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

- (a) Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.
- (b) Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.
- (c) Development shall be sited and designed to prevent impacts which would degrade adjacent habitat areas. The determination of the best site shall include

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

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

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

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

*(g) Where riparian vegetation is lost due to development, such vegetation shall be replaced at a minimum ratio of one to one (1:1) to restore the protective values of the buffer area.*

*(h) Aboveground structures shall allow peak surface water flows from a one hundred (100) year flood to pass with no significant impediment.*

*(i) Hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological processes, either terrestrial or aquatic, shall be protected.*

*(j) Priority for drainage conveyance from a development site shall be through the natural stream environment zones, if any exist, in the development area. In the drainage system design report or development plan, the capacity of natural stream environment zones to convey runoff from the completed development shall be evaluated and integrated with the drainage system whenever possible. No structure shall interrupt the flow of groundwater within a buffer strip. Foundations shall be situated with the long axis of interrupted impermeable vertical surfaces oriented parallel to the groundwater flow direction. Piers may be allowed on a case by case basis.*

*(k) If findings are made that the effects of developing an ESHA buffer area may result in significant adverse impacts to the ESHA, mitigation measures will be required as a condition of project approval. Noise barriers, buffer areas in permanent open space, land dedication for erosion control, and wetland restoration, including off-site drainage improvements, may be required as mitigation measures for developments adjacent to environmentally sensitive habitats.*

The subject site is a 34,000-square-foot parcel located within the Point of View Subdivision in the unincorporated Town of Mendocino between Palette Drive and Lansing Street, and bordered to the north by Slaughterhouse Gulch. As noted previously, the original permit for a single family residence was approved with one special condition intended to assure protection of environmentally sensitive habitat areas, by requiring the applicant to submit revised plans indicating the location and extent of the riparian area of the property and a riparian buffer and recording a deed restriction requiring that any development within the riparian area and buffer shall require Commission approval. After identifying the location of the riparian area and a 50-foot buffer, the applicant applied for an immaterial amendment to delete the special condition of the original permit because the applicant indicated the approved project was located “well beyond” (approximately 100 feet from) the riparian area (Slaughterhouse Gulch), as indicated on the site plan (Exhibit 4) submitted with the permit amendment request. Special Condition No. 1 was subsequently deleted via Immaterial Amendment No. 1-87-213-A1 issued by the Executive Director on February 3, 1988.

As cited above, LUP Policy 3.1-7 and CZC Section 20.496 contain specific requirements for the establishment of a buffer area between development and an adjacent ESHA to protect ESHA from disturbances associated with proposed development. CZC Section 20.496.020 requires that buffers be established to protect the environmentally sensitive habitat from degradation resulting from future developments and be compatible with the continuance of such habitat areas. The width of the buffer area is required to be a minimum of 100 feet, unless an applicant can demonstrate, after consultation with the California Department of Fish and Game and County Planning staff, that 100 feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area is required to be measured from the outside edge of the ESHA and shall not be less than 50 feet in width. Development permitted within a buffer area is required to be generally the same as those uses permitted in the adjacent environmentally sensitive habitat area and must comply within the standards set forth in CZC Section 20.496.020(A)(4)(a)-(k). LUP Policy 3.1-10 requires that riparian ESHA be protected against any significant disruption of habitat values.

The proposed amendment would site a portion of the residential addition within 80 feet of the riparian edge of Slaughterhouse Gulch, which is designated as an environmentally sensitive habitat area. Additional developments in the form of landscaping and patio hardscaping have occurred immediately adjacent to, and within 38 feet of the riparian edge, respectively. However, as described above, these developments were exempt from coastal development permit requirements and were thus not evaluated for consistency with the ESHA protection policies of the certified LCP.

The applicant’s agent submitted a reduced buffer analysis for the subject parcel dated December 23, 2010, and prepared by Spade Natural Resources Consulting. The analysis provides recommendations that a 50-foot reduced buffer should be sufficient to protect the willow riparian ESHA, and recommends removal of invasive cotoneaster and Scotch broom at the transitional area between the landscaped and natural areas. Commission staff contacted staff at the California Department of Fish and Game on April 12, 2011 and verified their concurrence with the reduced buffer.

As noted previously, numerous invasive species are prevalent along the riparian edge, where disturbance to the native vegetation has facilitated encroachment of these more gregarious species. Nonnative and invasive species along the riparian edge include periwinkle (*Vinca major*), French broom (*Genista monspessulana*), scotch broom (*Cytisus scoparius*), English ivy (*Hedera helix*), Himalayan blackberry (*Rubus armeniacus*), cotoneaster (*Cotoneaster sp.*), everlasting pea (*Lathyrus latifolius*), and cape ivy (*Delairea odorata*). The Commission finds that the riparian ESHA could be adversely affected if the non-native, invasive plant species continue to spread, or if additional non-native species were introduced in landscaping at the site. Introduced invasive exotic plant species displace native riparian vegetation thereby disrupting the values and functions of the ESHAs. The seeds of exotic invasive plants could also be spread to nearby ESHA by wind dispersal or by birds and other wildlife. Therefore, Special Condition No. 4 requires actions to mitigate for reduced ESHA buffers and to protect the ESHA from significant degradation that could result from the additional development. Mitigation measures include but are not limited to placement of temporary construction fencing along the ESHA buffer edge during construction activities; removal of invasive plants along the ESHA edge and replanting with locally native coastal scrub and riparian species; and requiring long-term maintenance and removal of invasive species along the riparian edge.

The applicant is not currently proposing to plant any exotic invasive plants as part of the proposed project amendment. To ensure that the riparian ESHA is not significantly degraded by any future landscaping that would contain invasive exotic species, the Commission attaches Special Condition No. 4(G) that requires only native and/or non-invasive plant species be planted at the site. In addition, the Commission attaches Special Condition No. 2 that designates the 50-foot ESHA buffer as an open space area and prohibits all development in the open space area except for removal of non-native vegetation, the planting of native vegetation and the installation of erosion control measures and temporary protective fencing as required by other conditions, and if approved by further amendment of the permit, (a) repair and maintenance development without expansion of the landscaping and hardscaping, improvements existing as of the date of Commission approval of Coastal Development Permit Amendment No. 1-87-213-A2, (b) required vegetation clearance for fire safety, (c) planting of native vegetation to improve habitat values, and (d) removal of debris and unauthorized structures.

Special Condition No. 1 requires the applicants to record a deed restriction for the amended development imposing all the special conditions imposed by the subject amendment as conditions, covenants, and restrictions against the property. Inclusion of this recommended special condition ensures that both the applicants and future purchases of the property would continue to be informed of all of the coastal development permit requirements that pertain to the property and of the prohibitions on development within the open space area established by Special Condition No. 2.

In addition, the Commission notes that certain rodenticides, particularly those utilizing blood anticoagulant compounds such as brodifacoum, bromadiolone and diphacinone, have been found to poses significant primary and secondary risks to non-target wildlife present in urban and urban/wildland interface areas. As these target species are preyed upon by raptors or other environmentally sensitive predators and scavengers, the pest control compounds can bio-accumulate in the animals that have consumed the rodents to concentrations toxic to the

ingesting non-target species. To avoid this potential cumulative impact to environmentally sensitive wildlife species, Special Condition No. 4 contains a prohibition on the use of such anticoagulant-based rodenticides.

With the mitigation measures discussed above, which are designed to minimize any potential impacts to the adjacent environmentally sensitive habitat area, the amended development as conditioned will not significantly degrade adjacent ESHA and will be compatible with the continuance of the habitat area. Therefore, the Commission finds that the amended development as conditioned is consistent with the ESHA protection policies of the LCP.

**9. California Environmental Quality Act (CEQA)**

Mendocino County is the lead agency for purposes of CEQA review. Mendocino Town LUP Policy 4.13-27 states the following:

*Because Mendocino is a registered historic district, categorical exemptions within the California Environmental Quality Act shall not apply unless it can be clearly demonstrated that there is no potential for adverse impact. The County shall amend the County's California Environmental Quality Act (CEQA) Guidelines to provide specificity for the Town of Mendocino.*

The County determined that the proposed project is categorically exempt (Class 1, Item e) from CEQA requirements.

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The Commission incorporates its findings on LCP and Coastal Act consistency 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 above, the development as amended has been conditioned to be found consistent with the policies of 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 permit amendment special conditions. 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 development as amended and conditioned to mitigate the identified impacts, 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. Coastal Records Project Images from 2005 and 2009
4. Proposed Amended Project Plans
5. Site Photos
6. Correspondence Following Amendment Application Submittal
7. Water and Septic Capacity Information
8. Original CDP Staff Report 1-87-213 and Immaterial Amendment 1-87-213-A1
9. Immaterial amendment request and site plan received January 8, 1988
10. Area Subject to Open Space Restrictions Pursuant to Special Condition No. 2

**APPENDIX A**

**STANDARD CONDITIONS:**

**1. Notice of Receipt & Acknowledgement**

The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

**2. Expiration**

If development 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 of interpretation of any condition will be resolved by the Executive Director of the Commission.

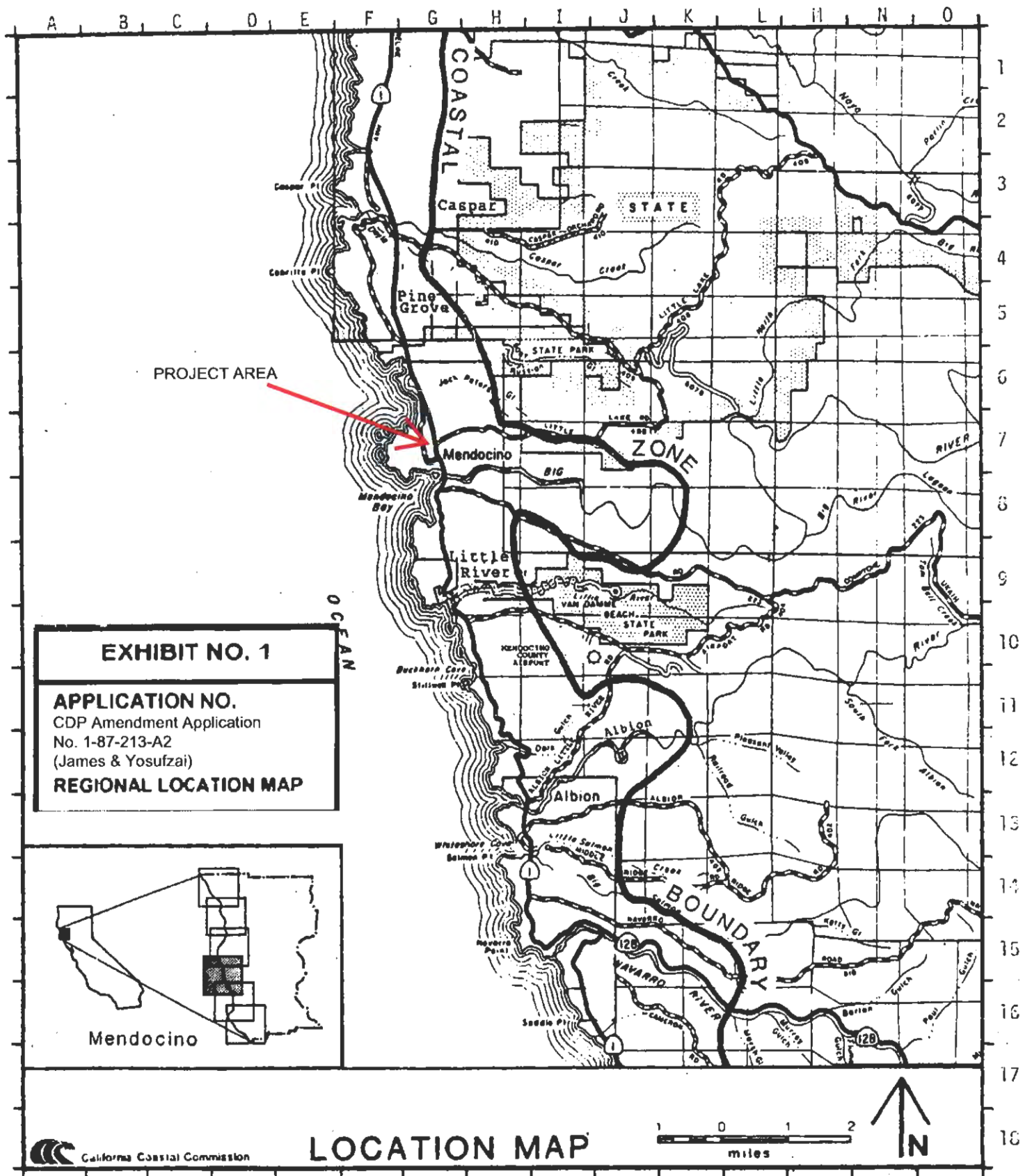
**4. Assignment**

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 & Conditions Run with the Land**

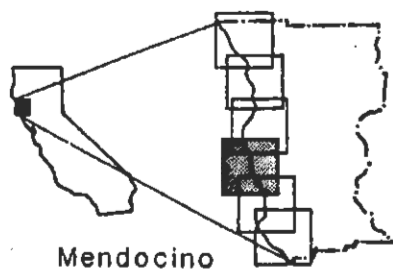
These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.





**EXHIBIT NO. 1**

**APPLICATION NO.**  
 CDP Amendment Application  
 No. 1-87-213-A2  
 (James & Yosufzai)  
**REGIONAL LOCATION MAP**



# EXHIBIT NO. 2

CDP AMENDMENT NO.  
1-87-213-A2  
(JAMES & YOSUFZAI)

VICINITY MAP | AERIAL  
PHOTO







**EXHIBIT NO. 3**  
 CDP AMENDMENT NO.  
 1-87-213-A2  
 (JAMES & YOSUFZAI)  
 COASTAL RECORDS  
 AERIAL IMAGERY

2005 Aerial Imagery of APN 119-060-10  
 Image source: California Coastal Records Project, Image 200503421  
 Copyright (C) 2002-2010 Kenneth & Gabrielle Adelman,  
 California Coastal Records Project, www.Californiacoastline.org





**EXHIBIT NO. 3**  
CDP AMENDMENT NO.  
1-87-213-A2  
(JAMES & YOSUFZAI)  
COASTAL RECORDS  
AERIAL IMAGERY

2092

2009 Aerial Imagery of APN 119-060-10  
Image source: California Coastal Records Project, Image 200903101  
Copyright (C) 2002-2010 Kenneth & Gabrielle Adelman,  
California Coastal Records Project, [www.Californiacoastline.org](http://www.Californiacoastline.org)

# REMODEL & ADDITION TO A SINGLE FAMILY RESIDENCE FOR: BRIAN JAMES AND SHARIQ YOSUFZAI

10925 PALETTE DRIVE  
MENDOCINO, California 95460

SYMBOLS		VICINITY MAP
	SECTION NUMBER	
	NOTE NUMBER	
	SECTION NUMBER	
	ROOM NUMBER	
	DOOR NUMBER	
	WINDOW/BLIND GLASS DOOR / PULL UP / PULL DOWN	
	CONCRETE	
	INSULATION	
	FINISH-LAYER	
	FINISH	
	ELEVATION NUMBER	
	REFERENCE POINT	
	UTILITY NEW	
	UTILITY BLOCK	
	PLUMBING FIXTURE	
	APPLIANCE	
	2x4 WALL	
	2x6 WALL	
	2x8 WALL	
	VERTICAL REINFORCEMENT	
	REBAR	

ABBREVIATIONS		DRAWING INDEX
A2	ANCHOR BOLT	ARCHITECTURAL
A3	ANCHOR BOLT	AS TILE AND
B1	BATH	AS TILE PLUMBING PLUMB
B2	BATH	AS TILE PLUMB
B3	BATH	AS TILE PLUMB
C1	CARPET	AS TILE PLUMB
C2	CARPET	AS TILE PLUMB
C3	CARPET	AS TILE PLUMB
C4	CARPET	AS TILE PLUMB
C5	CARPET	AS TILE PLUMB
C6	CARPET	AS TILE PLUMB
C7	CARPET	AS TILE PLUMB
C8	CARPET	AS TILE PLUMB
C9	CARPET	AS TILE PLUMB
C10	CARPET	AS TILE PLUMB
C11	CARPET	AS TILE PLUMB
C12	CARPET	AS TILE PLUMB
C13	CARPET	AS TILE PLUMB
C14	CARPET	AS TILE PLUMB
C15	CARPET	AS TILE PLUMB
C16	CARPET	AS TILE PLUMB
C17	CARPET	AS TILE PLUMB
C18	CARPET	AS TILE PLUMB
C19	CARPET	AS TILE PLUMB
C20	CARPET	AS TILE PLUMB
C21	CARPET	AS TILE PLUMB
C22	CARPET	AS TILE PLUMB
C23	CARPET	AS TILE PLUMB
C24	CARPET	AS TILE PLUMB
C25	CARPET	AS TILE PLUMB
C26	CARPET	AS TILE PLUMB
C27	CARPET	AS TILE PLUMB
C28	CARPET	AS TILE PLUMB
C29	CARPET	AS TILE PLUMB
C30	CARPET	AS TILE PLUMB
C31	CARPET	AS TILE PLUMB
C32	CARPET	AS TILE PLUMB
C33	CARPET	AS TILE PLUMB
C34	CARPET	AS TILE PLUMB
C35	CARPET	AS TILE PLUMB
C36	CARPET	AS TILE PLUMB
C37	CARPET	AS TILE PLUMB
C38	CARPET	AS TILE PLUMB
C39	CARPET	AS TILE PLUMB
C40	CARPET	AS TILE PLUMB
C41	CARPET	AS TILE PLUMB
C42	CARPET	AS TILE PLUMB
C43	CARPET	AS TILE PLUMB
C44	CARPET	AS TILE PLUMB
C45	CARPET	AS TILE PLUMB
C46	CARPET	AS TILE PLUMB
C47	CARPET	AS TILE PLUMB
C48	CARPET	AS TILE PLUMB
C49	CARPET	AS TILE PLUMB
C50	CARPET	AS TILE PLUMB
C51	CARPET	AS TILE PLUMB
C52	CARPET	AS TILE PLUMB
C53	CARPET	AS TILE PLUMB
C54	CARPET	AS TILE PLUMB
C55	CARPET	AS TILE PLUMB
C56	CARPET	AS TILE PLUMB
C57	CARPET	AS TILE PLUMB
C58	CARPET	AS TILE PLUMB
C59	CARPET	AS TILE PLUMB
C60	CARPET	AS TILE PLUMB
C61	CARPET	AS TILE PLUMB
C62	CARPET	AS TILE PLUMB
C63	CARPET	AS TILE PLUMB
C64	CARPET	AS TILE PLUMB
C65	CARPET	AS TILE PLUMB
C66	CARPET	AS TILE PLUMB
C67	CARPET	AS TILE PLUMB
C68	CARPET	AS TILE PLUMB
C69	CARPET	AS TILE PLUMB
C70	CARPET	AS TILE PLUMB
C71	CARPET	AS TILE PLUMB
C72	CARPET	AS TILE PLUMB
C73	CARPET	AS TILE PLUMB
C74	CARPET	AS TILE PLUMB
C75	CARPET	AS TILE PLUMB
C76	CARPET	AS TILE PLUMB
C77	CARPET	AS TILE PLUMB
C78	CARPET	AS TILE PLUMB
C79	CARPET	AS TILE PLUMB
C80	CARPET	AS TILE PLUMB
C81	CARPET	AS TILE PLUMB
C82	CARPET	AS TILE PLUMB
C83	CARPET	AS TILE PLUMB
C84	CARPET	AS TILE PLUMB
C85	CARPET	AS TILE PLUMB
C86	CARPET	AS TILE PLUMB
C87	CARPET	AS TILE PLUMB
C88	CARPET	AS TILE PLUMB
C89	CARPET	AS TILE PLUMB
C90	CARPET	AS TILE PLUMB
C91	CARPET	AS TILE PLUMB
C92	CARPET	AS TILE PLUMB
C93	CARPET	AS TILE PLUMB
C94	CARPET	AS TILE PLUMB
C95	CARPET	AS TILE PLUMB
C96	CARPET	AS TILE PLUMB
C97	CARPET	AS TILE PLUMB
C98	CARPET	AS TILE PLUMB
C99	CARPET	AS TILE PLUMB
C100	CARPET	AS TILE PLUMB

CODE ANALYSIS	
PROJECT:	REMODEL & ADDITION TO A SINGLE FAMILY RESIDENCE
ADDRESS:	10925 PALETTE DRIVE, MENDOCINO, CALIFORNIA 95460
ARCHITECT:	BRIAN JAMES AND SHARIQ YOSUFZAI
DATE:	10/20/2010
SCALE:	AS SHOWN
DESIGNER:	BRIAN JAMES AND SHARIQ YOSUFZAI
DATE:	10/20/2010
CONTRACTOR:	CONTRACTOR
DATE:	10/20/2010
ENGINEER:	ENGINEER
DATE:	10/20/2010
PERMITS:	PERMITS
DATE:	10/20/2010
REVISIONS:	REVISIONS
DATE:	10/20/2010

EXHIBIT NO. 4  
APPLICATION NO.  
1-87-213-A2  
JAMES & YOSUFZAI  
PROPOSED AMENDED SITE  
PLANS (1 of 7)

LEVENTHAL, BOGOSBERG, HERGENROTHER ARCHITECTS  
1000 UNIVERSITY AVENUE, SUITE 1000  
SAN FRANCISCO, CALIFORNIA 94103  
TEL: 415.774.4400 FAX: 415.774.4401  
WWW.LBA-ARCHITECTS.COM

TITLE SHEET

REMODEL AND ADDITION TO A SINGLE FAMILY RESIDENCE FOR  
BRIAN JAMES AND SHARIQ YOSUFZAI  
10925 PALETTE DRIVE  
MENDOCINO, CALIFORNIA 95460

DATE	10/20/2010
BY	JANUARY 8, 2008
BY	
BY	
BY	
BY	
BY	
BY	
BY	
BY	
BY	

A1.1



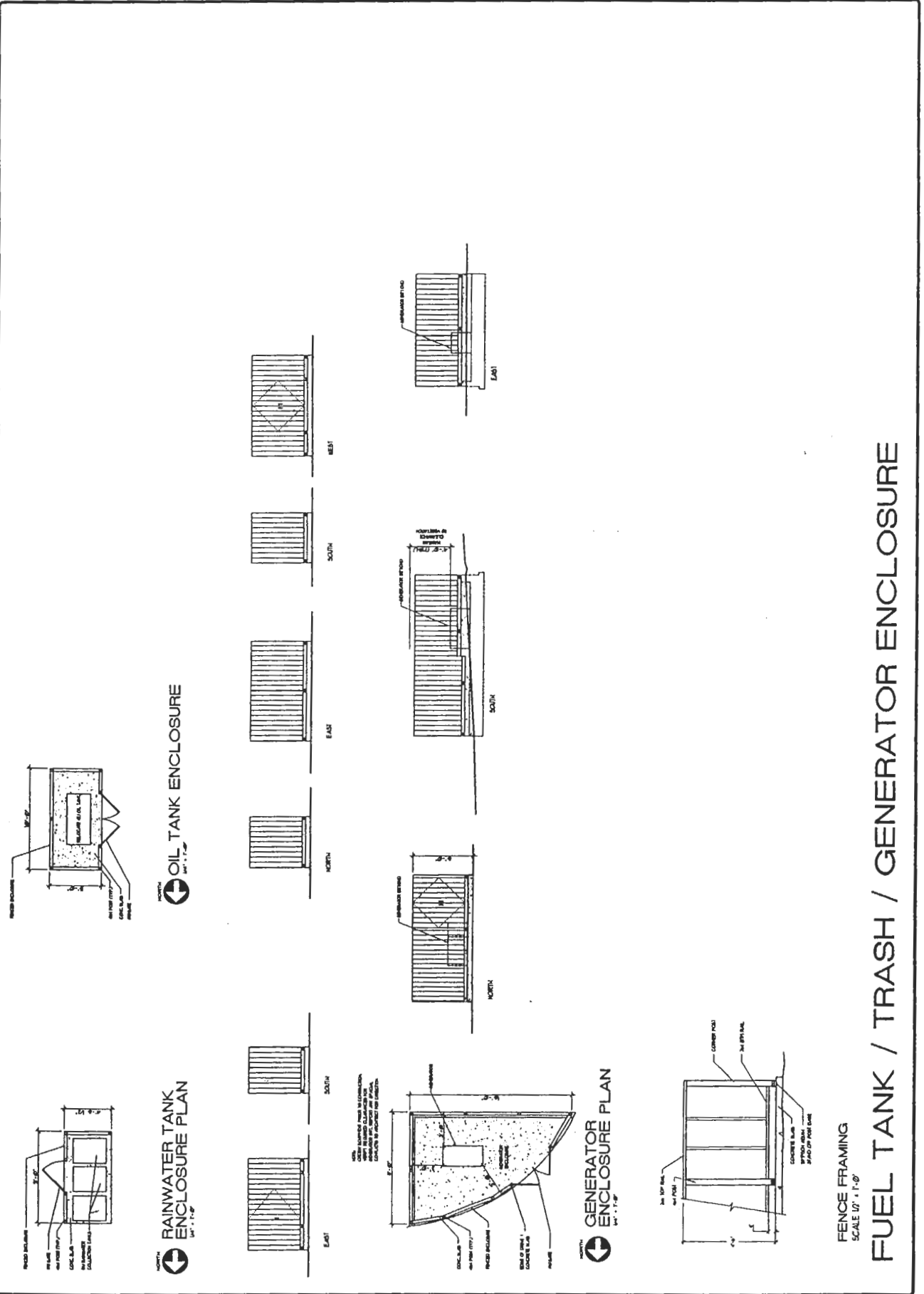
LEIBFELDT ARCHITECTS, INC. ARCHITECTS  
 10000 Wilshire Blvd., Suite 1000, Los Angeles, CA 90024  
 Phone: (310) 206-1000 Fax: (310) 206-1001  
 www.leibfelddesign.com

SITE DETAILS

BRAN & SHARP  
**JAMES YOSUFZAI**  
 ARCHITECT AND DESIGNER  
 10925 FALETTE DRIVE  
 MENLO PARK, CALIFORNIA 94025

DATE	1/11/07
BY	JY
PROJECT	ENCLOSURE
SHEET	A1.3
NO.	1

**A1.3**



FUEL TANK / TRASH / GENERATOR ENCLOSURE

FENCE FRAMING  
 SCALE 1/2" = 1'-0"

3017



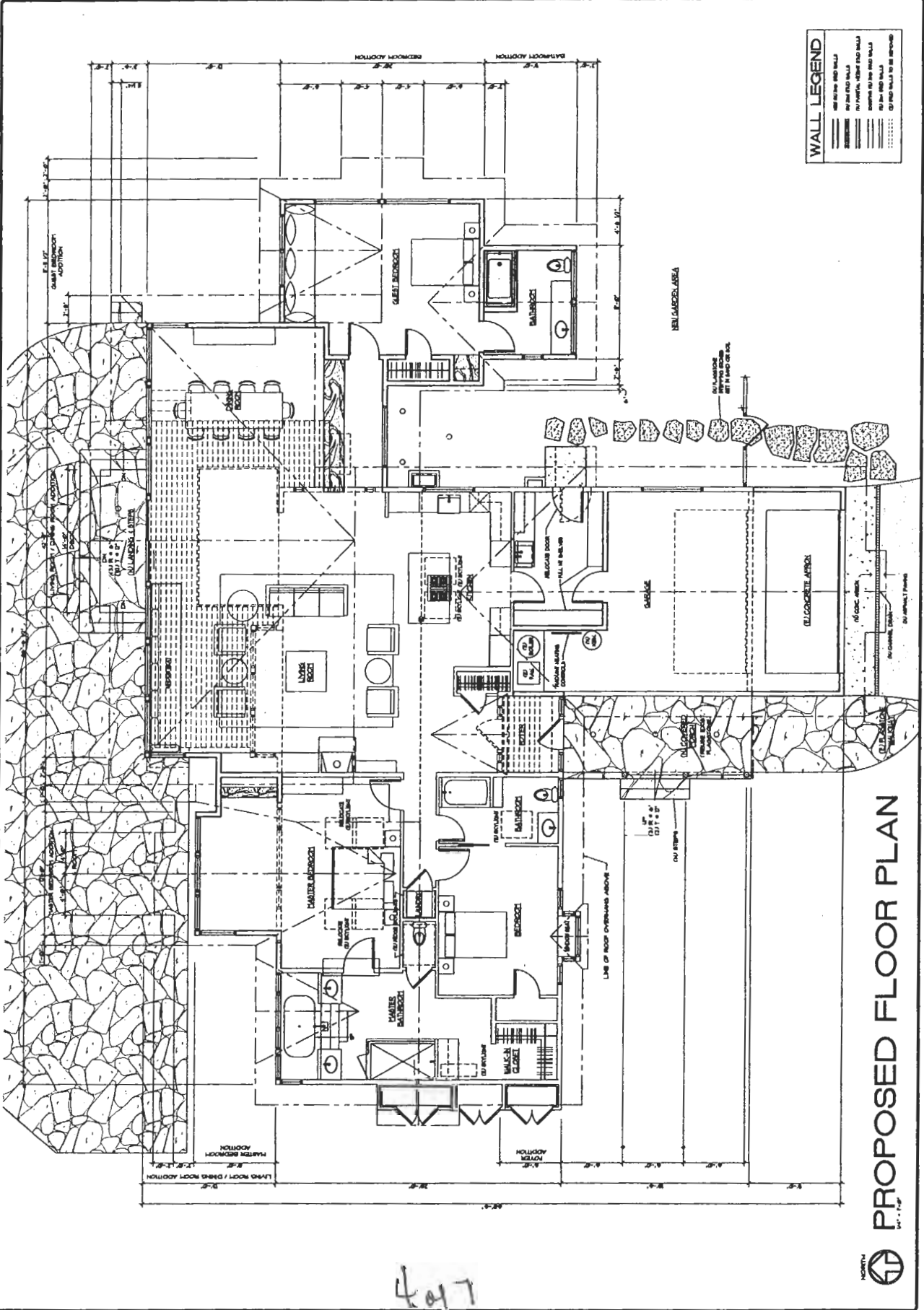
LEVANTAL, SCHLOSSER, NEUBERGER ARCHITECTS  
 10000 N. CENTRAL EXPRESSWAY, SUITE 100, DALLAS, TEXAS 75243  
 PHONE: (214) 343-1111 FAX: (214) 343-1112  
 WWW: WWW.LEVANTAL.COM

PROPOSED  
 FLOOR PLAN

REMODEL AND ADDITION TO A SINGLE FAMILY RESIDENCE FOR  
**JAMES & SHARON YOSUFZAI**  
 10925 PALLETTE DRIVE  
 MENOCINGO, CALIFORNIA 95460

DATE	DESCRIPTION

**A2.1**



407



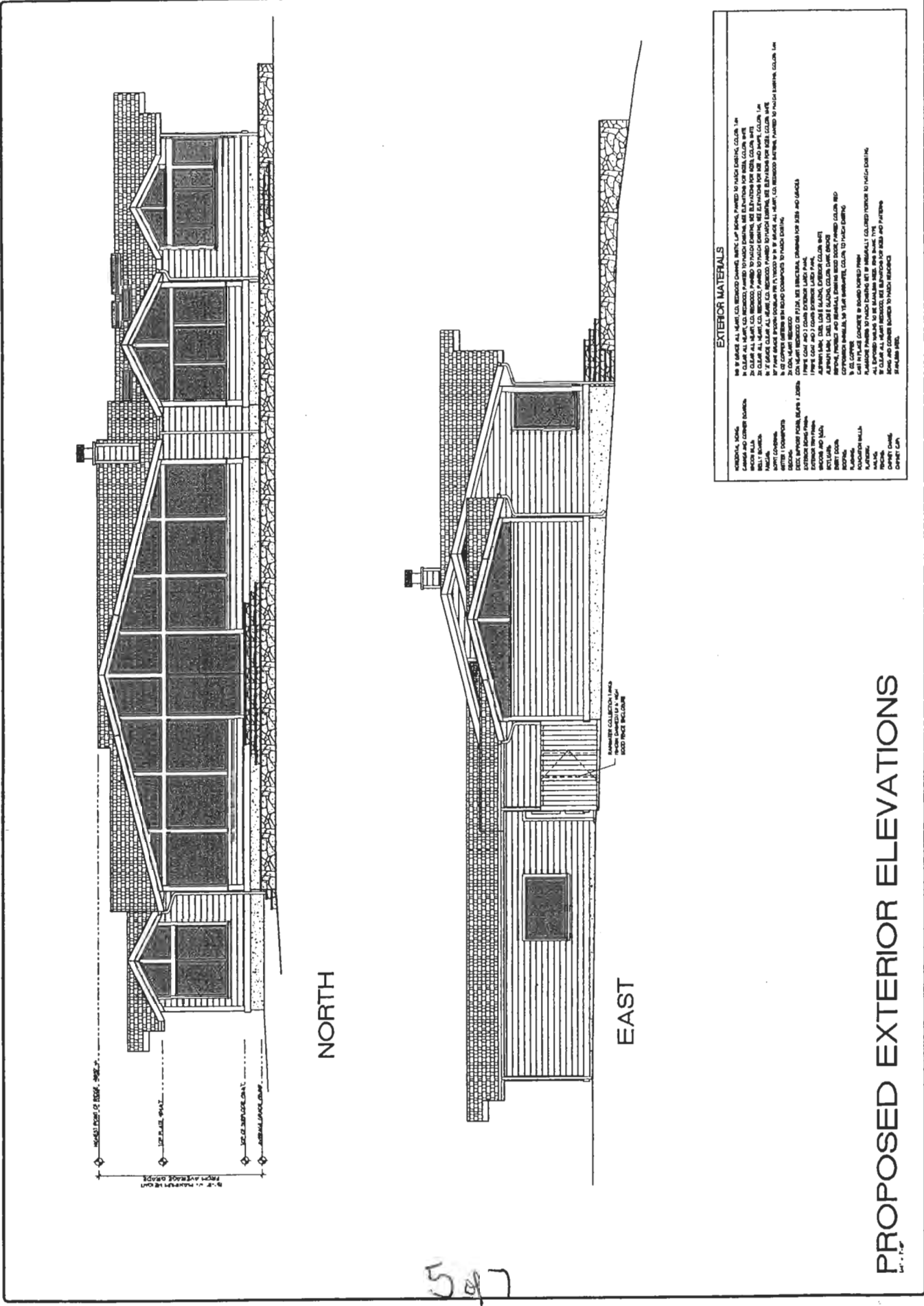
LEBKHMH SCHLESER, INCORPORATED  
 ARCHITECTS  
 10825 PALLETTE DRIVE  
 MENOCINGO, CALIFORNIA 95460  
 PHONE (916) 332-1111  
 FAX (916) 332-1112

PROPOSED EXTERIOR  
 ELEVATIONS

BRAND & SHARF YOSUFZAI  
 ARCHITECTS  
 10825 PALLETTE DRIVE  
 MENOCINGO, CALIFORNIA 95460

DATE: JANUARY 18, 2017  
 PROJECT: RESIDENCE  
 SHEET: 101

A3.1



**EXTERIOR MATERIALS**

- ROOFING: ALL ROOFING MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- CLADDING: ALL CLADDING MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- BRICK: ALL BRICK MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- STONE: ALL STONE MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- CONCRETE: ALL CONCRETE MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- PAINT: ALL PAINT MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- GLASS: ALL GLASS MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- WOOD: ALL WOOD MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- STEEL: ALL STEEL MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- ALUMINUM: ALL ALUMINUM MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- COPPER: ALL COPPER MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- ZINC: ALL ZINC MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- LEAD: ALL LEAD MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- GOLD: ALL GOLD MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- SILVER: ALL SILVER MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- PLATINUM: ALL PLATINUM MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- IRIDIUM: ALL IRIDIUM MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- OSMIUM: ALL OSMIUM MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- RUTHENIUM: ALL RUTHENIUM MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- RHODIUM: ALL RHODIUM MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- REYNOLDS: ALL REYNOLDS MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- SELENIUM: ALL SELENIUM MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- TANTALUM: ALL TANTALUM MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- TUNGSTEN: ALL TUNGSTEN MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- URANIUM: ALL URANIUM MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- Vanadium: ALL VANADIUM MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- WOLFRAM: ALL WOLFRAM MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- XENON: ALL XENON MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- Ytterbium: ALL YTBRIUM MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.
- Zirconium: ALL ZIRCONIUM MATERIALS TO MATCH EXISTING, COLOR TO MATCH EXISTING.

NORTH

EAST

PROPOSED EXTERIOR ELEVATIONS

5/27

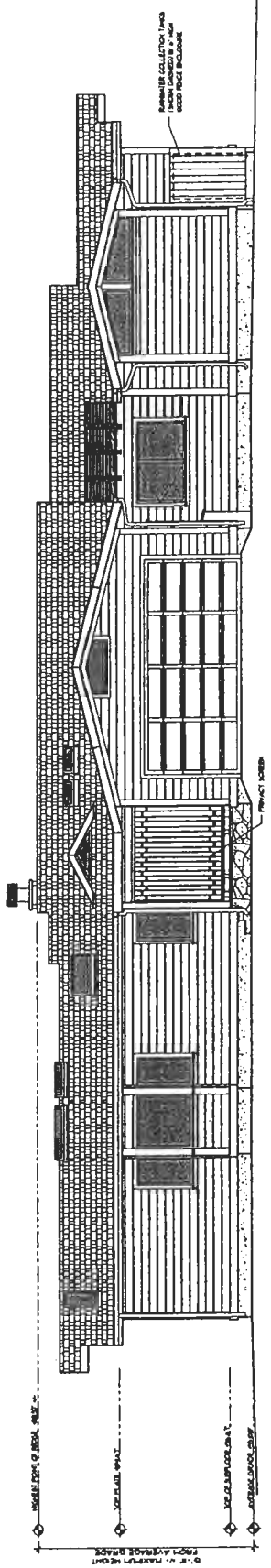
LEVENTHAL SCHLOSSER NEWMAN ARCHITECTS  
 10925 PALETTE DRIVE, SUITE 200  
 MENLO PARK, CALIFORNIA 94025  
 TEL: (650) 321-1000 FAX: (650) 321-1001  
 WWW.LEVENTHALSCHLOSSERNEWMAN.COM

PROPOSED EXTERIOR ELEVATIONS

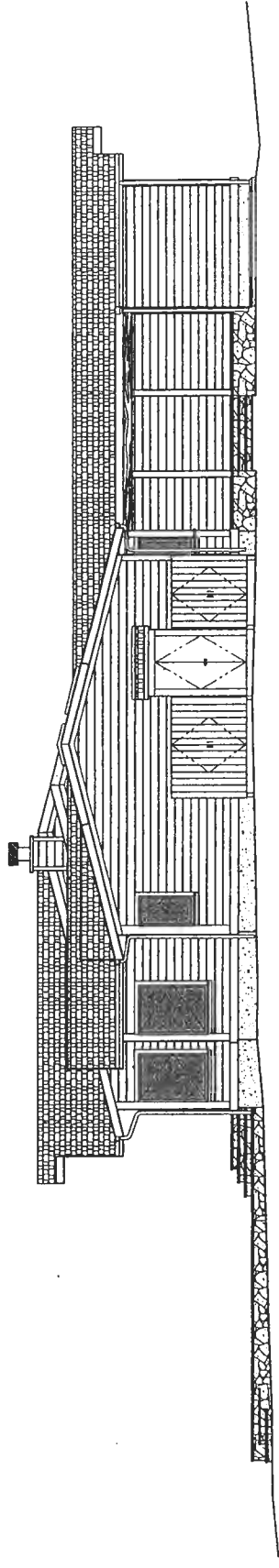
REMODEL AND ADDITION TO A SINGLE FAMILY RESIDENCE FOR  
 Brian & Sharig YOSUFZAI  
 10925 PALETTE DRIVE, SUITE 200  
 MENLO PARK, CALIFORNIA 94025

DATE: 11/11/11
SCALE: 1/8" = 1'-0"
PROJECT: 111111
SHEET: 111111
DATE: 11/11/11
SCALE: 1/8" = 1'-0"
PROJECT: 111111
SHEET: 111111

A3.2



SOUTH



WEST

PROPOSED EXTERIOR ELEVATIONS

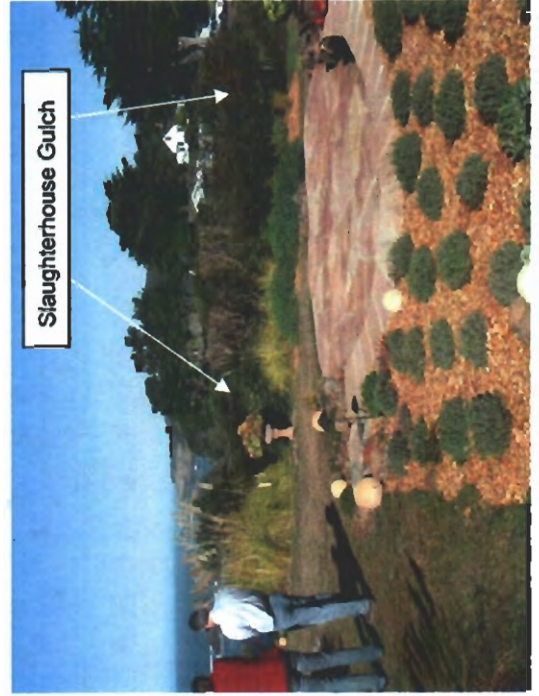
627



Views of Front of Existing House



Views of Rear of Existing House



**EXHIBIT NO. 5**

CDP AMENDMENT NO.

1-87-213-A2

(JAMES & YOSUFZAI)

**SITE PHOTOS**

December 9, 2010  
Mendocino, CA

California Coastal Commission  
North Coast District Office  
710 E STREET  
EUREKA, CA 95501

RECEIVED

DEC 13 2010

CALIFORNIA  
COASTAL COMMISSION

Gentlemen:

I am concerned about the possible loss of some ocean view from our home at 10890 Palette Drive in the Point of View subdivision in Mendocino, CA. An addition to the east side of the home at 10925 Palette Drive will have a raised roofline which will reduce our view of the ocean. I have not been able to reach the owners, Mr. Sharif Yagotzi by telephone or email to discuss my concern. His home is used but occasionally and it appears to be a vacation home.

I request that the roofline of the new addition not be raised above that of the home's current roofline.

Please discuss my concern when considering the application for an addition at 10925 Palette Dr.


Thank you,

[Signature on File]

10890 Palette Dr. P.O. Box 973  
Mendocino CA, 95460-0973  
(707) 937-3688

EXHIBIT NO. 6
APPLICATION NO. 1-87-213-A2 JAMES & YOSUFZAI CORRESPONDENCE FOLLOWING AMENDMENT APPLICATION SUBMITTAL

copy to  
Ms TAMARA GEDIC at Commission office

From: Mendocino CSD <jodim@mcn.org>  
Subject: **POV response**  
Date: November 24, 2010 3:18:05 PM PST  
To: Amy Wynn <amywynncdp@mac.com>  
Reply-To: jodim@mcn.org  
 1 Attachment, 150 KB

Hello Blair/Amy:

Sorry I didn't respond to you yesterday. In response to your questions regarding water usage in the Point of view Subdivision, we can offer the following information: The MCCSD has authority to manage groundwater within the District boundaries. At this time, POV Water Company is regulating their own water allotments within the subdivision.

The District's Water Use Standards used for establishing water demand are attached. A one - two bedroom residence is 200 gallons per day, plus 60 gallons per day for each additional bedroom. (Page 23 of Groundwater Extraction Permit Ordinance No. 07-1)

Generally, the average residential water use is less than the allotment's issued by the District.

We hope this answered your concerns.

If you have further questions, please don't hesitate to contact our office.

Sincerely,  
Jodi Mitchell



07-1 GWEP ....doc (150 KB)

<b>EXHIBIT NO. 7</b>
<b>APPLICATION NO.</b> 1-87-213-A2
<b>JAMES &amp; YOSUFZAI</b>
<b>WATER AND SEPTIC CAPACITY INFORMATION</b> (1 of 9)



## Appendix C

### Water Use Standard

**Gallons/Day    Units**

#### Residential:

##### Single Family Residence-

- |  |            |              |
|--|------------|--------------|
| 1) 1-2 Bedrooms                                  | 200 gal/ d | per unit     |
| 2) Each additional bedroom, attached or detached | 60 gal/ d  | each bedroom |

##### Additional Residence

- |  |            |             |
|--|------------|-------------|
| 1) Additional residence w/ 1 or 2 bedrooms | 200 gal/ d | per unit    |
| 2) Each additional bedroom                 | 60 gal/ d  | per bedroom |

##### Guest Cottage

100 gal/ d    per unit

#### Commercial Visitor Accommodations:

##### Bed and Breakfast, Hotel, Motel, Inn

- |                                |            |             |
|--------------------------------|------------|-------------|
| 1) Dwelling unit, w/ kitchen   | 160 gal/ d | per bedroom |
| 2) Sleeping unit, w/o kitchen, | 120 gal/ d | per bedroom |
| 3) With on-site Laundry        | 40 gal/ d  | per bedroom |

##### Vacation Home Rental

- |                            |            |             |
|----------------------------|------------|-------------|
| 1) 1-2 bedrooms            | 200 gal/ d | per unit    |
| 2) Each additional bedroom | 60 gal/ d  | per bedroom |

##### Single Unit Rental

- |                            |            |             |
|----------------------------|------------|-------------|
| 1) 1-2 bedrooms, w/ kit.   | 200 gal/ d | per unit    |
| 2) 1-2 bedroom, w/o kit.   | 140 gal/d  | per unit    |
| 3) Each additional bedroom | 60 gal/d   | per bedroom |

#### Commercial Business:

##### Cottage Industry/ Home Occupation

- |                                  |                           |                  |
|----------------------------------|---------------------------|------------------|
| 1) Residence w/ 1-2 bedrooms     | 200 gal/ d                | per unit         |
| 2) Each additional bedroom       | 60 gal/d                  | per bedroom      |
| 3) Business portion of residence | .15 gal/d/ft <sup>2</sup> | business portion |

##### Retail Store/ Gallery/ Office

- |                         |                           |              |
|-------------------------|---------------------------|--------------|
| 1) Retail store/Gallery | .15 gal/d/ft <sup>2</sup> | Display Area |
| 2) Office               | .15 gal/d/ft <sup>2</sup> | Work Area    |

##### Food and Beverage Establishments

- |  |                             |             |
|--|-----------------------------|-------------|
| 1) Full Service w/ bar                     | 3.4 gal/d/ft <sup>2</sup>   | dining area |
| 2) Full Service w/o bar                    | 2.9 gal/d/ft <sup>2</sup>   | dining area |
| 3) No Service, w/ seating, no dish washing | 2.1 gal/d/ft <sup>2</sup>   | dining area |
| 4) No On-Premise Consumption               | 2.1 gal/ d/ ft <sup>2</sup> | work area   |

*Point of View Mutual Water Company  
P.O. Box 573  
Mendocino, CA 95460*

Amy Wynn  
Coastal Development Permits  
730 North Main Street  
Fort Bragg, CA 95437

Attention: Blair Foster

Subject: James/Yousfzai Residence – Water Usage

The Point of View Mutual Water Company's rules on water use in this subdivision do not differentiate as to the size of the property, the size of the house, or the extent of remodeling or additions. Each lot is entitled to the same amount of water regardless of the size or nature of the home construction. (i.e. an average of 200 gallons per day based on monthly meter readings). Therefore, the water allotment for the James/Yousfzai residence remains the same before and after the modifications.

The actual water usage by residents in this subdivision varies greatly from house to house and season to season. Some houses are only occupied intermittently and their use may be as little as zero in a month. Others regularly use 150-175 gallons per day. There is no typical residence or family. All that the Water Company's rules cover is the average daily use on a monthly basis.

I believe that the typical allowance for single family homes in the town of Mendocino is 200 gallons per day.

Please feel free to contact me if you have any further questions.

Sincerely,



Chet Anderson

Secretary to the Board of Directors  
Technical Advisor



**MENDOCINO CITY COMMUNITY SERVICES DISTRICT**  
P. O. Box 1029  
Mendocino, CA 95460  
Business Office (707) 937-5790 Treatment Plant (707) 937-5751  
Fax (707) 937-3837

To: Amy Wynn, Land Use Consultant  
Fax No. 964-2537

From: Jodi Mitchell  
Fax No: 937-3837

Date: August 26, 2010

RE: Addition to residence in Point of View Estates

Hi Amy:

We received your message.

At this time, the District is not regulating groundwater extraction within the three existing sub-divisions in Mendocino - Point of View Estates, Big River Vista, and Hills Ranch.

Definitions:

**Detached Bedroom** shall mean a separate incidental structure containing one (1) room only without a kitchen or sanitation facilities, designed for and intended to be used as a sleeping or living facility for family members to be used in conjunction with a main structure which includes kitchen and sanitation facilities. A detached bedroom shall be located no farther than one hundred fifty (150) feet from the main structure, and shall not exceed five hundred (500) sq. feet of floor area.

**Guest Cottage** shall mean a living space without provisions for cooking, with provisions for sleeping, and sanitation, and where the person or persons are guest(s) of the regular occupants of the primary residence. Living space shall be restricted to 640 sq. ft.

If the project involved a Guest Cottage, there would be an additional one time sewer Right of Use Fee (connection), and an additional monthly fee. We would require a floor plan.

4 of 9

The Right of Use for a single family residence (1 ESD) is \$8,730.

A Guest Cottage = .5 ESD or \$4,365.00.

There would be an increase in the monthly:

Monthly Sewer Fee .5 ESD @ \$42.36 = 21.18

Chg. For GWM 15.13% of the sewer fee or \$3.20

Please give us a call if you want to discuss this issue.

Jodi Mitchell

*Point of View Mutual Water Company  
P.O. Box 573  
Mendocino, CA 95460*

Robert Schlosser  
Leventhal, Schlosser, Newberger Architects  
435 North Main Street  
Fort Bragg, CA 95437

Subject: James Yousfzai Residence Remodel and Addition

Dear Bob:

Thank you for providing me with the blueprints for the proposed modifications of the house at 10925 Palette Drive for review. I have made them available to the shareholders of the Mutual Water Company all of whom are neighbors, some in close proximity. It is the responsibility and prerogative of the individual shareholders to contact you if they have any questions or concerns. I have advised them that they should do so promptly.

As I advised you, while the CCRs for the Point of View Estates subdivision (a copy of which was provided to you) do provide for an Architectural Control Committee, there currently is no such committee since a few years ago when all members of the then-existing ACC resigned at the same time. The only way provided by the CCRS for replacing members on the ACC is for current members to make appointments so the mass resignation effectively eliminated the ACC.

The Point of View Mutual Water Company has no authority nor jurisdiction related to home construction or modification within the subdivision. Our jurisdiction is only related to supplying drinking water and maintaining the system and equipment. Each lot is entitled to the same amount of water regardless of the size or nature of the home construction. (i.e. an average of 200 gallons per day based on monthly meter readings). Therefore, the water allotment for the James Yousfzai residence remains the same before and after the modifications.

Please feel free to contact me if you have any further questions.

Sincerely,

Chet Anderson  
Secretary to the Board of Directors  
Technical Advisor

Cc: Shareholders via Email

Leaf 9

**Tamara Gedik**

---

**From:** amywynncdp@mac.com  
**Sent:** Thursday, March 24, 2011 4:50 PM  
**To:** Tamara Gedik  
**Cc:** Schlosser Bob  
**Subject:** Fwd:Yosufzai-James; POV sewer response ~ might have been missing from January submittal  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Hi Tamara,

In reviewing our submittals, I found that this item was missing from our copy of what you received on January 7th. I have to assume that it is missing from your copy as well.

This is the Mendocino City Community Service District's response to the sewer capacity for this project (there is capacity).

I know that you can't start looking at this until next week, but here it is for your records.

Cheers,  
Amy

Begin forwarded message:

**From:** Mendocino CSD <jodim@mcn.org>  
**Date:** November 29, 2010 3:09:20 PM PST  
**To:** Foster Bowery Blair <blairawcdp@me.com>  
**Subject:** Re: POV response  
**Reply-To:** jodim@mcn.org

Hello Amy,  
The District has sewer capacity available for the increase in bedrooms. The residence has established a sewer Right of Use (connection fee) for a single family residence (regardless of bedrooms). There would be no additional fees for the enlargement of an existing residence, however, a guest cottage or another type of use would require additional Sewer Right of Use.  
Jodi Mitchell

Amy wrote:

Hi Jodi,

I hope you had a lovely Thanksgiving... there is much to be grateful for!

Thanks so much for the information provided below, it is very helpful. We still are looking for some information about the sewage/septic service to satisfy Bob Merrill's query (last paragraph).

Thanks so much.

7 of 9

Best,

Blair

Hi Amy,

It was good to see you last week and thanks for making the time to accompany and Tamara and me and assist us on our various site visits of your projects, including the Yosufzai-James.

The information you submitted for that project in your email is very helpful. I note that the POV Mutual Water Company says that the applicants' water allotment is 200 gallons/day, no matter how big the house. This clearly indicates the applicants have water service. However, the other thing that we need to establish with respect to water service is whether the water service they have will be sufficient for the enlarged house. Do you have any information regarding how much water (gallons/day) has historically been used by the occupants of the house and how much that should change with the addition of the bedroom and bathroom? If that data is not available, is there standard water usage data for three bedroom homes in Mendocino County that you could obtain from either MCCSD or Mendocino County Dept. of Environmental Health or another source? That information would enable us to assess whether the 200-gallon/day allotment will be sufficient for the proposed amended development.

In addition, I forgot to ask you for verification that there is adequate sewer/septic service to service the enlarged house. Please provide information that describes how sewage/septic service is provided and that demonstrates the service will be adequate to serve the enlarged house.

Thanks for all your help!  
Bob

On Nov 24, 2010, at 3:18 PM, Mendocino CSD wrote:

Hello Blair/Amy:

Sorry I didn't respond to you yesterday. In response to your questions regarding water usage in the Point of view Subdivision, we can offer the following information: The MCCSD has authority to manage groundwater within the District boundaries. At this time, POV Water Company is regulating their own water allotments within the subdivision.

8 of 9

The District's Water Use Standards used for establishing water demand are attached. A one - two bedroom residence is 200 gallons per day, plus 60 gallons per day for each additional bedroom. (Page 23 of Groundwater Extraction Permit Ordinance No. 07-1)

Generally, the average residential water use is less than the allotment's issued by the District.

We hope this answered your concerns.

If you have further questions, please don't hesitate to contact our office.

Sincerely,  
Jodi Mitchell<07-1 GWEP ORDINANCE.doc>

Amy Wynn  
Amy Wynn Coastal Development Permits  
Permit Agent and Land Use Consultant  
703 North Main Street  
Fort Bragg, CA 95437  
ph: 707-964-2537  
fax: 707-964-2622  
cell: 707-813-8474  
[www.AmyWynnCDP.com](http://www.AmyWynnCDP.com) and on [FaceBook](#)

If you can, please help Fort Bragg's sister city, Otsuchi, recover from the devastating earthquake and tsunami. Visit [Ostuchi.org](http://Ostuchi.org) to find out how.

... getting excited about the 2011 [Mendocino Coast Fat Tire Festival](#) on Columbus Day weekend? I am!  
Ask me about it if you'd like to participate in any way (ride, volunteer, sponsor, etc).

9.29

CALIFORNIA COASTAL COMMISSION

ORTH COAST AREA

31 HOWARD STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94105  
15) 543-8555

TU-416

FILED 11/10/87  
49th DAY: 12/29/87  
180th DAY: 05/09/88  
Staff: R. Kleinsorge  
Staff Report: 11/13/87  
Hearing Date: 12/08/87  
Document No.: 2365P /



STAFF REPORT: CONSENT CALENDAR

(BM)

EXHIBIT NO. 8
APPLICATION NO. 1-87-213-A2 JAMES & YOSUFZAI ORIGINAL CDP STAFF REPORT 1-87-213 AND IMMATERIAL AMENDMENT 1-87-213-A1 (1 of 10)

PROJECT DESCRIPTION

APPLICANT: LEE & PERRY WISEMAN

PERMIT NO. 1-87-213

PROJECT LOCATION: 10925 Palette Drive, Town of Mendocino, Mendocino County, APN: 119-060-10.

PROJECT DESCRIPTION: construction of a 2,129 sq.ft. single family dwelling; a 60 sq.ft. concrete slab surrounded by a 5 ft. high fence.

LOT AREA 34,000 sq.ft. ZONING Rural Residential

BLDG. COVERAGE 2,129 sq.ft. (LCP) PLAN DESIGNATION Suburban Res.

PAVEMENT COVERAGE 1,200 sq.ft. PROJECT DENSITY 1 dwelling unit/  
34,000 sq.ft.

LANDSCAPE COVERAGE 400 sq.ft. HEIGHT ABV. FIN. GRADE 15 ft.

LOCAL APPROVALS RECEIVED: Mendocino County Encroachment Permit #5688;  
Mendocino County LCP Certification 87-157; CEQA Exempt 3A.

STAFF RECOMMENDATION

The Staff recommends that the Commission adopt the following Resolution:

Approval with Conditions (for projects between 1st public road and sea)

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.

PTT:

STANDARD CONDITIONS

See attached

Special Conditions

1. Environmentally Sensitive Habitat Areas

PRIOR TO TRANSMITTAL of the Coastal Development Permit, the applicant shall submit revised plans for the review and approval of the Executive Director, indicating the location and extent of the riparian buffer consistent with Section 3.1-7 of the Mendocino County Land Use Plan. Upon approval of the revised plans, the permittee shall record a deed restriction, in a form and content acceptable to the Executive Director, over portions of the parcel identified as the riparian buffer. Any development or uses within this delineated area shall require approval of the Commission.

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, his/her heirs, assigns, and successors in interest to the subject property. Prior to the recordation, the Executive Director must have reviewed and approved of the form and content of the documents to be recorded.

FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

1. Project Description

The applicant is proposing to construct a 2,129 sq. ft. single family dwelling and a 60 sq. ft. concrete slab surrounded by a 5 ft. high fence at 10925 Palette Drive, Mendocino, Mendocino County.

2. Development

Section 30250(a) of the Coastal Act states that:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have a significant adverse effect, either individually or cumulatively, on coastal resources.

20910



The County's certified Land Use Plan classifies the subject parcel as Suburban Residential. The minimum density is one dwelling unit per 20,000 sq. ft. The one acre parcel is in a developed subdivision with existing services. Sewer and water approvals have been received for development of a single family dwelling. The addition of a 60 sq. ft. concrete slab is for a propane storage tank and will not place additional demands on area services nor will it alter the allowable density of the subject parcel.

Thus, the Commission finds the project to be consistent with Section 30250(a) of the Coastal Act in that proposed development is located in an area with adequate services to accommodate it.

### 3. Environmentally Sensitive Habitats

Section 30240 of the Coastal Act states in part that:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

The subject property is designated on the Coastal HABITAT Resource Map as containing riparian vegetation (Slaughterhouse Gulch) on the northern border of the property (Exhibit 2). In order to protect this resource from significant disruption of habitat values, the Mendocino County Land Use Plan requires that a buffer be established in accordance with Policy 3.1-7:

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. 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 divisions 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

30910

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.

Special Condition number one requires that revised plans be submitted to the Executive Director for review and approval prior to issuance of the permit. The revised plans will show the extent of riparian vegetation on the property and the buffer established to protect those sensitive resources. Thus, as conditioned, the Commission finds the proposed project consistent with Section 30240 of the Coastal Act in that a buffer zone will be established to protect the environmentally sensitive riparian habitat found on the project site. As conditioned, the project is also consistent with the LUP.

4. CEQA

The project, as conditioned, does not have a significant effect, within the meaning of CEQA and is therefore consistent with the provisions of the California Environmental Quality Act and the California Coastal Act. Mitigation measures have been set forth to lessen possible environmental damage by requiring that a buffer zone be established to protect environmentally sensitive riparian habitat.

5. Mendocino County LUP/Prejudice to LCP

Section 30604 of the Coastal Act mandates permit issuance if the project is consistent with Chapter 3 of the Coastal Act. Approval of the project is consistent with Section 30250(a) as new development is being located in areas able to accommodate it and Section 30240 as environmentally sensitive habitat will be fully protected from disruption by the proposed buffer zone and thus will not prejudice local government's ability to implement a certifiable LCP.


## STANDARD CONDITIONS

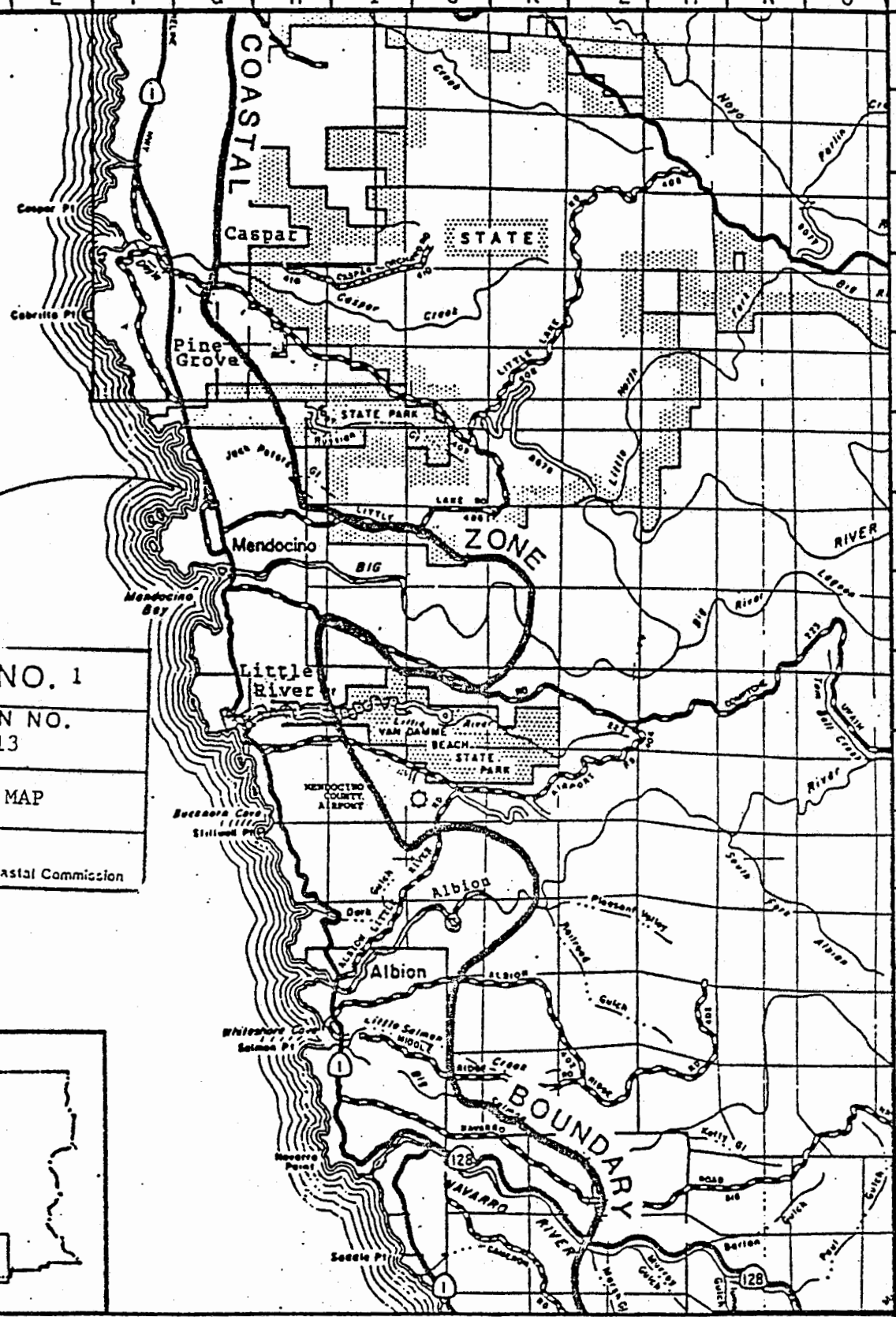
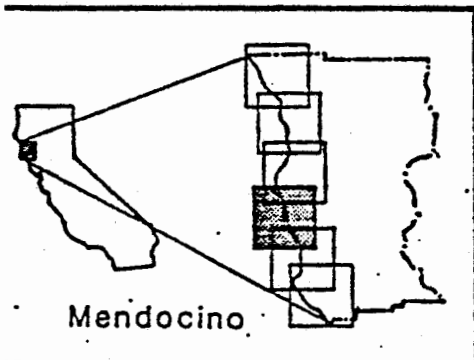
1. Notice of Receipt and Acknowledgement. The permit is not valid and construction shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If construction has commenced, the permit will expire two years from the date on which the Commission voted on the application. Construction shall be pursued in a diligent manner and completed in a reasonable 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 construction 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 or interpretation of any condition will be resolved by the Executive Director of 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.


B C D E F G H I J K L M N O

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

site

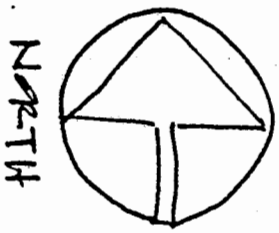
EXHIBIT NO. 1
APPLICATION NO. 1-87-213
LOCATION MAP
 California Coastal Commission



 California Coastal Commission

# LOCATION MAP





SITE PLAN  
1" = 40'-0"

slaughterhouse  
gulch

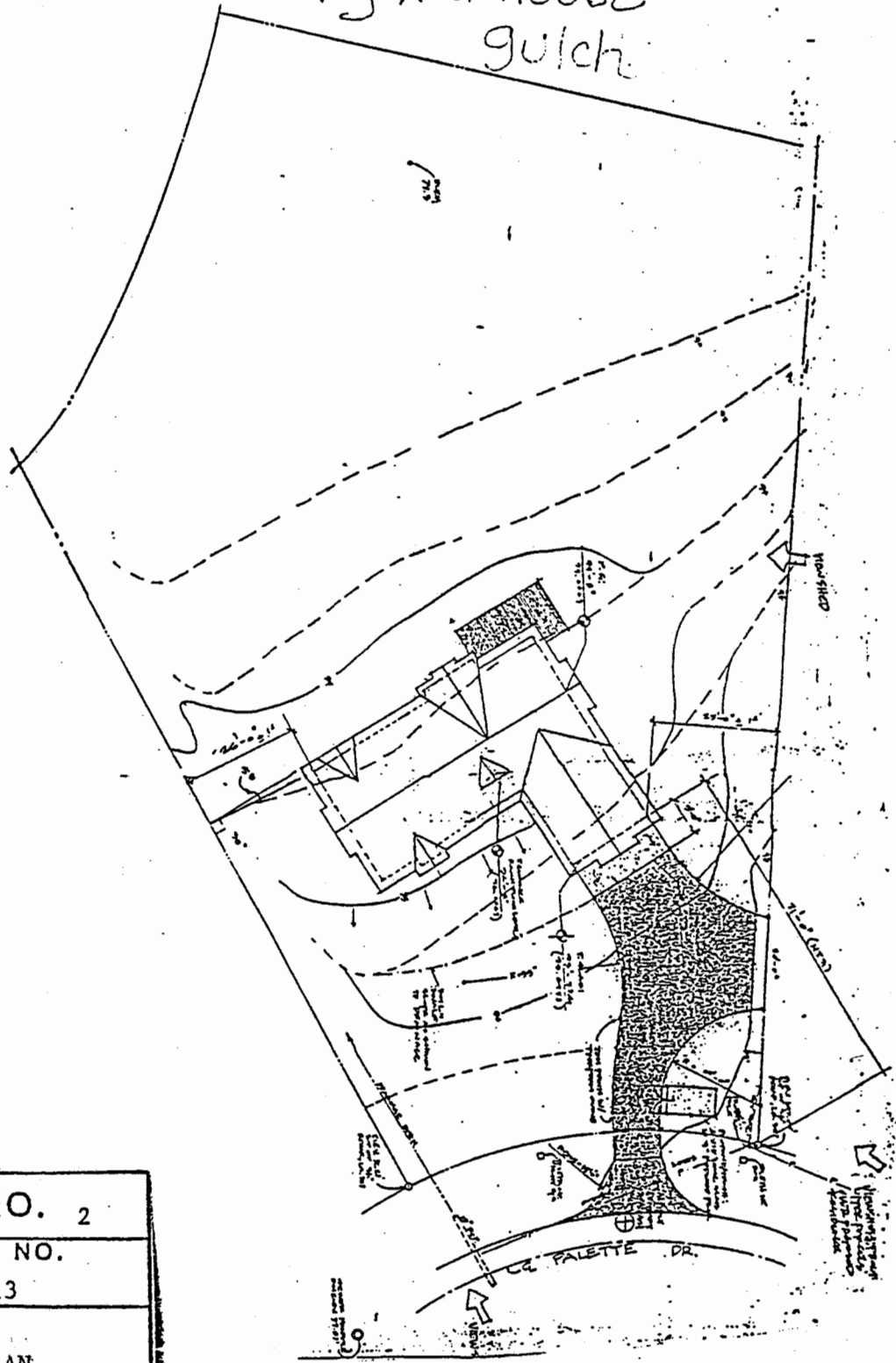



EXHIBIT NO. 2
APPLICATION NO. 1-87-213
SITE PLAN
 California Coastal Commission

70910 (

## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

631 HOWARD STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94105  
(415) 543-8555

February 1, 1988

Lee & Perry Wiseman  
10941 Palette Drive  
P.O. Box 1894  
Mendocino, CA 95460IMMATERIAL  
AMENDMENT TO PERMIT

Dear Mr. &amp; Mrs. Wiseman:

Permit Number 1-87-213 issued to Lee & Perry Wiseman  
has been amended to include the following change: Deletion of Special Condition  
#1 which is Deed Restriction

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 Central office. Please note that the expiration date (Dec. 8, 1989)  
of the permit remains unchanged and that all of the remaining conditions are  
still in effect.

PETER DOUGLAS  
Executive DirectorBy: Beverly J. SaxonTitle: North Coast Planner

I have read and understand the above amendment and agree to be bound by its  
conditions and the remaining conditions of permit number 1-87-213

Date Feb. 3, 1988

Signature

Lee Wiseman and Perry Wiseman

8210

CALIFORNIA COASTAL COM SSION

NORTH COAST AREA

131 HOWARD STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94105  
415) 543-8555



Page 1 of 2

Date: February 1, 1988

Permit Application No. 1-87-213

COASTAL DEVELOPMENT PERMIT

On December 8, 1987, the California Coastal Commission granted to

LEE & PERRY WISEMAN

this permit for the development described below, subject to the attached Standard and Special conditions.

Construction of a 2,129 sq.ft. single family dwelling; a 60 sq.ft. concrete slab surrounded by a 5 ft. high fence located at 10925 Palette Drive, Town of Mendocino, Mendocino County, APN: 119-060-10.

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS  
Executive Director

**IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE.**

by: *P. Saxon*  
Coastal Planner

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

2/3/88  
Date

*Lee Wiseman and Perry Wiseman*  
Signature of Permittee

90910

COASTAL DEVELOPMENT PERMIT

Permit Application No. Page 2 of 2  
I-87-213

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 this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. 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 or 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 project during its development, 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.

SPECIAL CONDITIONS:

Deleted. See immaterial amendment to permit.

10 of 10



California Coastal Commission  
631 Howard St., 4th Floor  
San Francisco, CA 94114  
(415) 543-8555

RECEIVED  
JAN 08 1988

AMENDMENT REQUEST FORM

1. Permit Number 1-87-213  
2. Applicant's Name LEE & PERRY WISEMAN  
Address 10941 PALETTE DRIVE / P.O. Box 1894  
MENDOCINO, CA. 95460 707-937-4485  
(area code) (Telephone No.)

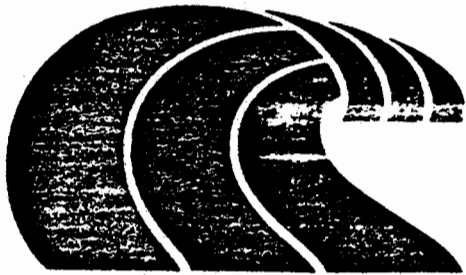
3. Project Address  
10925 PALETTE DRIVE, TOWN OF MENDOCINO  
A.P. # 119-060-10

4. Items necessary to file an Amendment Request (attach to this form):
- A. Two sets of plans stamped with Approval in Concept (if construction is involved).
  - B. Approval in Concept Form (if construction is involved).
  - C. Notification of Owners and Occupants (as in original application, updated if necessary). Stamped envelopes for each.
  - D. Estimated Cost of Amended Project \$ 0.
  - E. Filing fee of \$25.00.

5. Describe Proposed Amendment:  
DELETE SPECIAL CONDITION #1 OF PERMIT.  
BECAUSE THE PROJECT IS LOCATED WELL BEYOND  
THE REQUIRED BUFFER AREA, THE NEED FOR  
A DEED RESTRICTION IS RELEVANT TO THE PERMIT.  
(SEE ENCLOSED PLOT PLAN)

Perry A. Wiseman Jan 6, 1987  
Applicant's Signature Date

EXHIBIT NO. 9  
APPLICATION NO.  
1-87-213-A2  
JAMES & YOSUFZAI  
IMMATERIAL AMENDMENT  
REQUEST & SITE PLAN  
RECEIVED 1/8/88 (1 of 3)

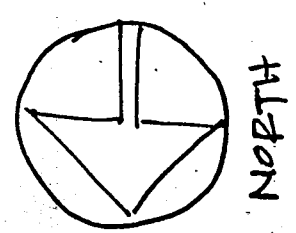
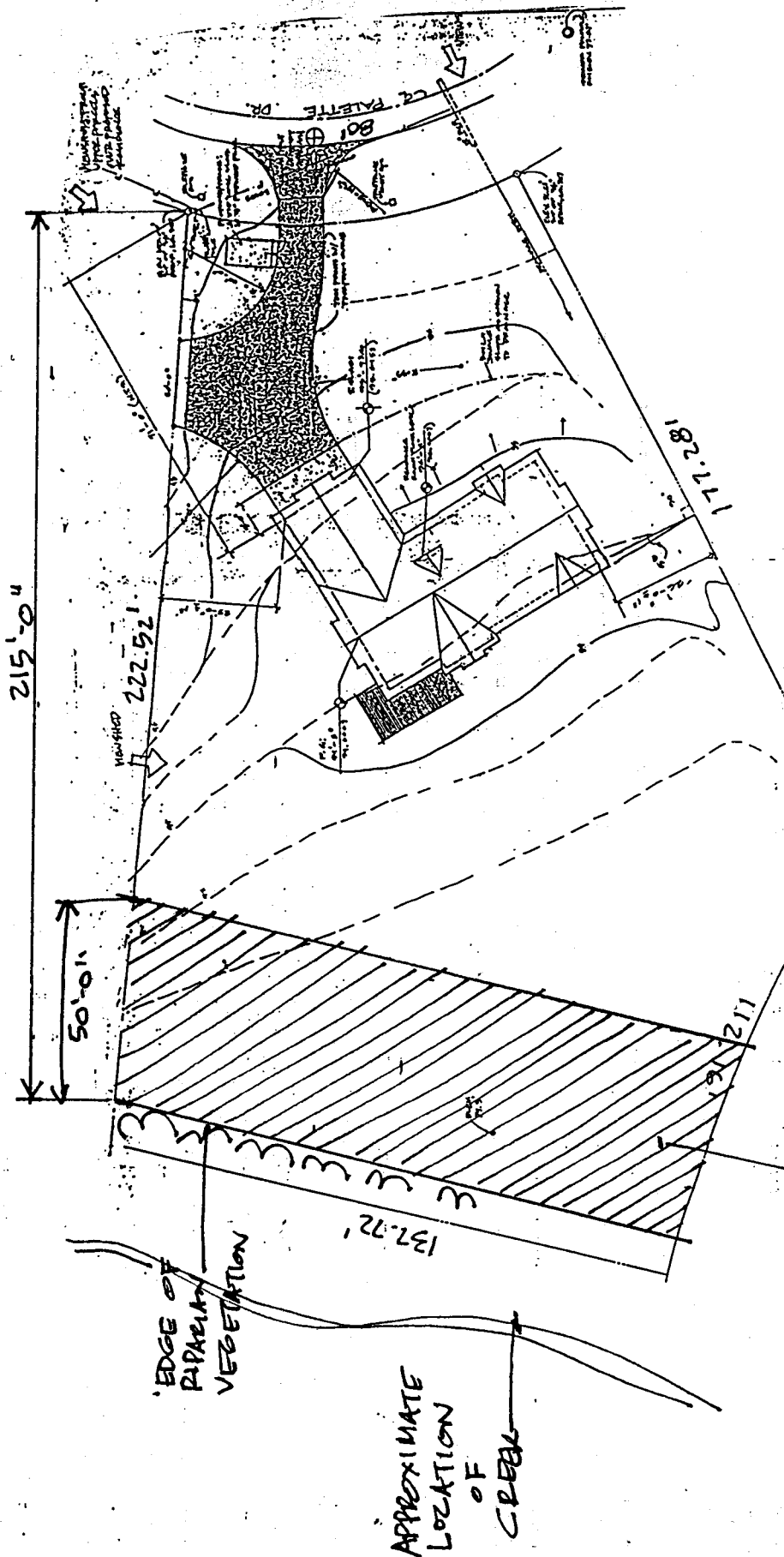


SCD: 4/12/84  
SWS

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

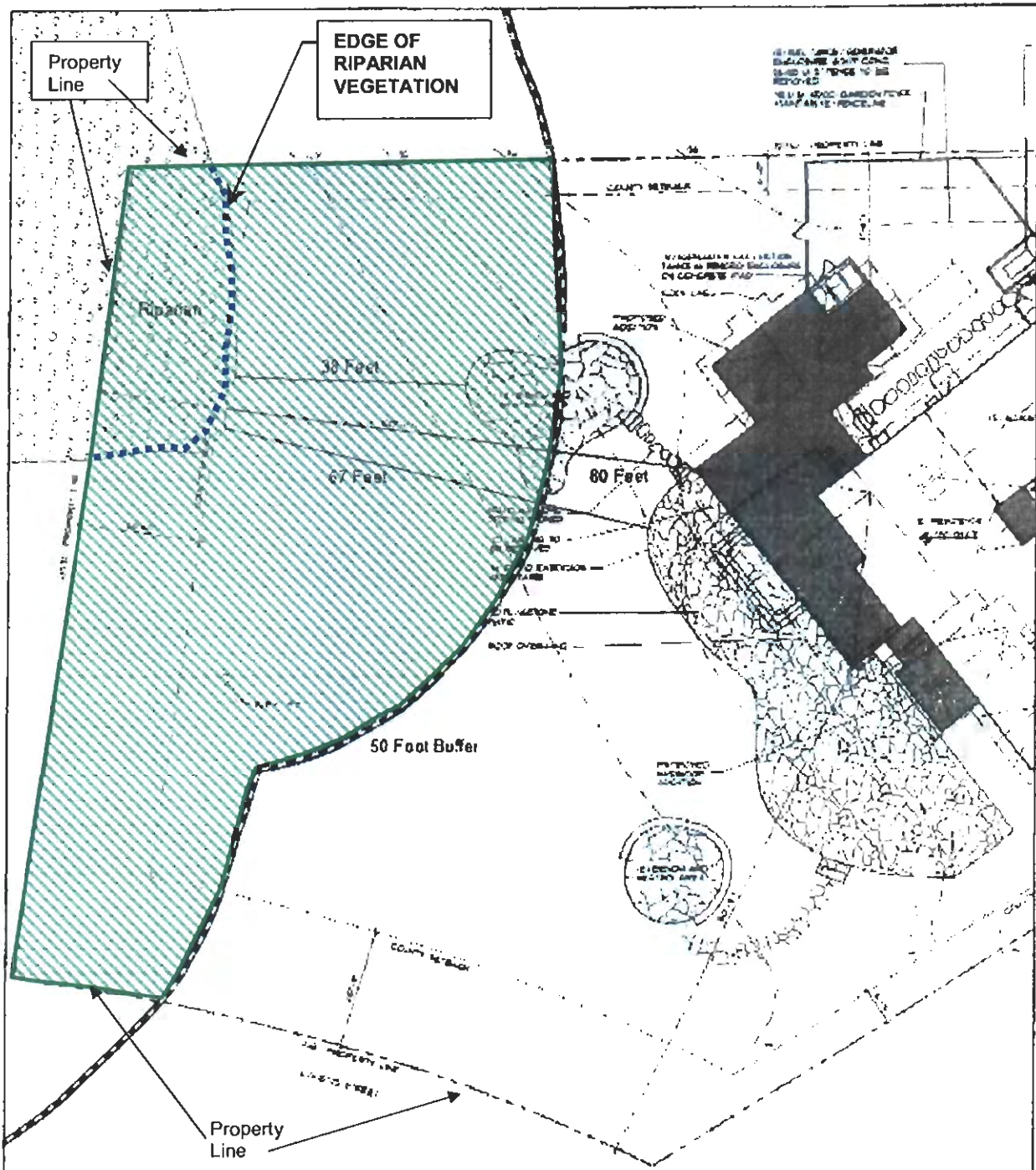
APPENDIX C - List of Property Owners and Occupants within 100 feet

<p>Thom H. &amp; Alice M. Landles          P.O. Box 141          Mendocino, Ca. 95460          119-030-15</p>	<p>Julie Eager          P.O. Box 610          Mendocino, Ca. 95460          119-060-11</p>	
<p>Sea Rock Assoc.          P.O. Box 286          Mendocino, Ca. 95460          119-030-13</p>	<p>Barbara C. Bind          P.O. Box 324          Mendocino, Ca. 95460          119-060-12</p>	
<p>Sea Rock Assoc.          P.O. Box 286          Mendocino, Ca. 95460          119-030-04</p>		
<p>Mr. &amp; Mrs. George Petrovich          417 Missouri          San Francisco, Ca. 94107          119-030-12</p>		
<p>Mr. &amp; Mrs. David Roberts          24165 Summit Woods Dr.          Los Gatos, Ca. 95030          119-030-17</p>		
<p>Donald Tucker          P.O. Box 37          Mendocino, Ca. 95460          119-060-09</p>		
<p>Elhora Evans          11480 Loma Linda Dr.          Loma Linda, Ca. 92354          119-060-08</p>		
<p>Ronald Rothacher          616 N. Bel Aire Dr.          Burbank, Ca. 91501          119-060-20</p>		
<p>Claire Ellen Lette          237 Florence Pl.          Fullerton, Ca. 92633</p>	<p>2 of 3</p>	<p>-12-</p>




SITE PLAN

1" = 40'-0"



**Figure 2. Site Map with Riparian Habitat and 50 Foot Buffer.** Location of riparian habitat transposed over the site plan. New construction will be 80 feet from the riparian habitat at its closest point.

 = Open Space Area required by Special Condition No. 2, including riparian area and riparian ESHA buffer measured 50 feet from drip line edge of riparian vegetation

 = Drip line edge of riparian vegetation

Map adapted from 12/23/10 Reduced Buffer Analysis Figure 2 prepared by Asa Spade

<b>EXHIBIT NO. 10</b>
CDP AMENDMENT NO. 1-87-213-A2 (JAMES & YOSUFZAI)
<b>OPEN SPACE AREA</b>