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STAFF REPORT: MATERIAL AMENDMENT

Application No.:	1-90-176-A1
Applicant:	Ken and Deborah Holmer
Location:	14231 and 14211 Point Cabrillo Drive, Mendocino County (APNs 118-120-28 and 118-140-47)
Description of Previously Approved Project:	Construct a 3,196-square-foot single-family residence with garage, and install a well and septic system.
Proposed Amendment:	Construct a 5,061-square-foot addition that includes living space, temporary family care unit, workshop, and garage to existing residence; replace/improve existing septic and water infrastructure; remove four trees; and other ancillary developments.
Staff Recommendation:	Approval with conditions.

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 to authorize: (1) a residential addition (that includes a conditioned temporary family care unit and unconditioned workshop, garage, and living space); (2) replacement of existing, aged septic infrastructure; (3) improvements to existing water supply infrastructure; (4) removal of four potentially hazardous trees; and (5) other ancillary developments on a marine terrace

bluff top located within a designated Highly Scenic Area west of Highway One and east of Point Cabrillo Drive, at 14231 and 14211 Point Cabrillo Drive, in Mendocino County.

The primary issues raised by the project as proposed to be amended include the protection of environmentally sensitive habitat areas (ESHAs) and visual resources. The existing residence and septic system occur within 50 feet of recently-identified wetland seep, riparian, and Grand Fir/Sitka Spruce forested ESHAs. The proposed additions to the existing residence will occur outside of the minimum 50-foot buffers required by the Mendocino County certified LCP. The proposed siting of the replacement septic leachfield on the adjacent parcel to the south (purchased by the applicants in November 1997) will ensure the leach field will be developed more than 100 feet from any ESHA or ESHA setbacks. Replacements to the existing septic tank and pumping chamber will occur within the same location as the existing infrastructure, thereby enabling connection to existing hookups and minimizing temporary ground disturbance. These replacement facilities will be buried and will encroach no closer to any ESHA than the existing facilities.

Regarding visual resources, Commission staff has assessed views of the development from Caspar State Beach, which is located below the bluff top terrace parcel and west of Point Cabrillo Drive. Commission staff believes that as conditioned, the use of dark earthtone building colors, non-glare materials, and shielded, downcast lighting as well as the use of native trees in select locations that enhance existing vegetation that partially screens the existing development from view, ensure the development as amended remains subordinate to the character of its setting and protects views along the ocean and scenic coastal areas as required by the certified Mendocino County LCP. (**Special Condition No. 4**).

The motion to adopt the staff recommendation of approval with conditions is found on [Page 4](#).

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APPENDIX

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EXHIBITS

Exhibit 1 – Regional location maps

Exhibit 2 – Vicinity Map/ Aerial Photo

Exhibit 3 – Proposed Site Plans

Exhibit 4 – Proposed Floor Plans and Elevations

Exhibit 5 – Proposed Materials

Exhibit 6 – Visual Simulations and Viewsheds of Proposed Development

Exhibit 7 – Site Photos

Exhibit 8 – Erosion Control, Drainage, and Grading Plans

Exhibit 9 – Excerpts of Biological reports

Exhibit 10–Visual Screening Tree Planting Locations

Exhibit 11–Staff report for CDP No. 1-90-176

Exhibit 12– Septic Leachfield Infrastructure Area Subject to Special Condition No. 3

I. MOTION AND RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

*I move that the Commission **approve** coastal development permit amendment 1-90-176-A1 pursuant to the staff recommendation.*

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

Resolution:

The Commission hereby approves the coastal development permit amendment and adopts the findings set forth below on grounds that the development as with the proposed amendment, as conditioned, will be in conformity with the policies of the certified Mendocino County Local Coastal Program. Approval of the permit amendment 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

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment:** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration:** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable amount 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 or the Commission.
4. **Assignment:** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land:** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

Note: The original permit (CDP No. 1-90-176) contains one (1) special condition. Special Condition No. 1 is modified and reimposed as Special Condition No. 1 of CDP Amendment No. 1-90-176-A1. (New Special Condition 1 language appears as **bold double-underlined** text.) Special Conditions 2-13 are additional new special conditions. The new conditions are listed below. For comparison, the text of the original permit condition is included in Exhibit No. 10 on pages 2 of the Exhibit. New conditions 2-13 are listed below.

1. **Future Development Restriction.** **This permit amendment is only for the development described in Coastal Development Permit Amendment No. 1-90-176-A1.** Any future development on the subject parcel, including all grading and filling as well as any construction of detached structures such as fences, outbuildings, etc., will require an amendment to Permit No. 1-90-176-**A1** or will require an additional coastal development permit from the California Coastal Commission or from its successor agency. **Such a permit amendment application shall be accompanied by written evidence and analysis demonstrating that the amended development will remain consistent with all applicable LCP provisions, including but not limited to LCP policies requiring the protection of environmentally sensitive habitat areas and visual protection provisions applicable to highly scenic areas.**
2. **Deed Restriction.** PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-90-176-A1, the applicants shall submit for the review and approval of the Executive Director, documentation demonstrating that the applicants have executed and recorded against both parcels 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.
3. **Use of Septic Leachfield By Single Family Residence.** The “septic leachfield parcel” shall be defined as: existing Assessor’s Parcel No. (APN) 118-140-47, generally depicted on **Page 1 of Exhibit 12**, which will contain septic leachfield infrastructure that supports the single family residence located on APN 118-120-28, generally depicted on **Page 1 of Exhibit 12**.

- A. The septic leachfield infrastructure to be developed on 118-140-47, generally depicted on **Page 1 of Exhibit 12**, shall serve the single family residence located on APN 118-120-28, generally depicted on **Page 1 of Exhibit 12**. The owners of APN 118-120-28 will retain all rights to construct, install, excavate, dig, build, maintain, operate, remove and reinstall all septic leachfield infrastructure located within the portion of APN 118-140-47 designated for such infrastructure and generally depicted on **Page 2 of Exhibit 12**, including the septic lines, pipes and related equipment and apparatus that will serve APN 118-120-28.
 - B. The septic leachfield infrastructure located on 118-140-47 and generally depicted on **Page 2 of Exhibit 12** shall not be used for any other uses without an amendment to this CDP approved by the Commission.
 - C. **PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOTICE OF INTENT TO ISSUE COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-90-176-A1 and PRIOR TO EXECUTING THE RECORDATION REQUIREMENTS OF SPECIAL CONDITION 2**, 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 metes and bounds legal description and graphic depiction prepared by a licensed surveyor of the portions of the subject properties affected by this condition, including: (1) the entirety of existing APNs 118-120-28 and 118-140-47 as generally depicted on **Page 1 of Exhibit 12**; and (2) the portion of existing APN 118-140-47 that will contain the septic leachfield infrastructure, and generally depicted on **Page 2 of Exhibit 12** attached to this staff report.
4. **Design Restrictions.**
- A. All exterior siding and roofing of the proposed structures shall be composed only of the colors proposed in this coastal development permit or darker earth-tone colors. The current owner or any future owner shall not repaint or stain the house or other approved structures with products that will lighten the color of the house or other approved structures without an amendment to this permit. In addition, to minimize glare no reflective glass, exterior finishings, or roofing materials are authorized by this permit.
 - B. All exterior lights, including any lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress and egress of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel.
5. **Landscaping Plan.** PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-90-176-A1, the permittee shall submit for the review and written approval of the Executive Director a final landscaping plan.
- A. The landscaping plan shall be full size and to scale, and shall demonstrate that:

- (1) Unless required to abate a nuisance consistent with local government nuisance abatement requirements and Coastal Act Section 30005(b), no limbing or pruning of the Grand Fir, Sitka Spruce, or Northern Bishop Pine ESHA trees, or of any visually screening trees planted pursuant to the approved landscaping plan (except for pruning dead material and limbs growing toward the approved structures from the screening vegetation planted 30 feet from the approved structures as required to meet CalFire requirements) shall occur unless a permit amendment is obtained prior to the commencement of limbing and pruning;
- (2) Screening vegetation plantings shall include at least ten (10) evergreen, locally-native trees consisting of Grand Fir, Sitka Spruce, and/or other native evergreen tree species occurring onsite; and shall be: a) evenly distributed, b) spaced at minimum 10 feet apart on center, and c) planted in a natural, non-linear configuration extending for at least 80 feet along and landward of the crown of the northerly bluff edge in the locations as generally depicted on **Exhibit 10**;
- (3) Screening vegetation plantings around the water tank as proposed by the applicant and as depicted on Page 3 of Exhibit 4 shall achieve a minimum height of 4 feet and shall be planted along the northern and western perimeter of the pump house and water tank as depicted in **Exhibit 4**;
- (4) All screening vegetation to be planted shall be a minimum of three feet high when planted and must reach a mature height of at least 4 feet for shrubs and 20 feet for trees;
- (5) All proposed plantings shall be evergreen drought-tolerant native vegetation obtained from local genetic stocks within Mendocino County. If documentation is provided to the Executive Director that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside the local area, but from within the adjacent region of the floristic province, may be used;
- (6) No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist at the site of the proposed development. 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;
- (7) A schedule shall be provided for the installation of the landscaping demonstrating that screening vegetation and native plantings within ESHA buffers shall be planted within 60 days of the first fall/early winter period following issuance of this coastal development permit;
- (8) All screening vegetation planted pursuant to the landscaping plan shall be maintained in good condition throughout the life of the project to ensure continued compliance with the approved final landscape plan. If any of the plants to be planted according to the plan die, become decadent, rotten, or weakened by decay or disease, or are removed for any reason, they shall be replaced on a one-to-one or greater ratio for the life of the project no later than May 1st of the next spring season in-kind or with another native species common to the coastal Mendocino County area that will grow to a similar or greater height;

- (9) Rodenticides containing any anticoagulant compounds, including but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall not be used; and
 - (10) No landscaping irrigation system with potable water shall be installed unless it is delivered by drip or microspray systems.
- B. The landscaping plan shall be prepared by a qualified professional with expertise in the field of landscaping, such as a landscape architect and shall include, at a minimum, the following components:
 - (1). A final landscape site plan showing the species, size, and location of all plant materials that will be retained and newly planted on the developed site, any proposed irrigation system, delineation of the approved development, and all other landscape features such as, but not limited to, topography of the developed site, horticultural plantings, decorative rock features, pathways, and berms and/or raised beds;
 - (2). The plan shall further include a screening vegetation maintenance program (e.g., pruning, fertilizing, watering, etc.) for newly planted screening vegetation and a replacement program on a one-to-one or greater ratio for the life of the project;
 - (3). The plan shall specify the type and mature heights of all screening vegetation to be planted;
 - (4). A schedule shall be provided for the installation of the landscaping; and
 - (5). Landscaping plan notes that include, but are not limited to, the requirements of subsection (A) above, and declaring that: "Rodenticides containing any anticoagulant compounds, including but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall not be used."
- C. The permittees shall undertake development in accordance with the approved final landscaping plan. Any proposed changes to the approved revised plan shall be reported to the Executive Director. No changes to the approved revised plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

6. Family Care Unit.

- A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-90-176-A1 and annually by July 10 of each year thereafter, the applicant/permittee shall submit evidence, for the review and approval of the Executive Director, certifying compliance with Mendocino County CZC Section 20.460.040 that the use of the Family Care Unit is to provide housing for either: (a) not more than two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who requires daily supervision and care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.
- B. Should the use or necessity of the temporary family care unit cease, the owner shall notify the Executive Director and all cooking and/or kitchen facilities must be

removed from the family care unit within 60 days of termination of the family care use.

7. **Temporary-Protective Fencing.** PRIOR TO COMMENCEMENT OF GRADING OR OTHER CONSTRUCTION ACTIVITIES, a qualified biologist shall place a construction barrier in the following locations: (1) along the edge of the 50-foot wetland ESHA buffer; (2) along the entire length of the wetland and Grand fir/Sitka Forest ESHA boundary adjacent to the septic tank and pumping chamber infrastructure; and (3) along the entire length of the protective buffer established around identified environmentally sensitive habitat areas as depicted on Page 2 of **Exhibit No. 3** of the staff recommendation. 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 maneuvering or parking of equipment, grading, staging or stockpiling of materials, or other ground disturbance shall be allowed to encroach into the areas protected by the construction barrier. The temporary fencing shall remain in place for the duration of construction and may be removed upon the final building inspection for the residence.
8. **Best Management Practices and Construction Responsibilities.** The permittee shall comply with the following construction-related requirements:
 - A. Comply with the erosion control and drainage plan dated June 2015 and included as **Exhibit 8**;
 - B. Comply with all terms and conditions of CDP 1-90-176-A1 including, but not limited to, the temporary exclusion/construction fencing requirements of **Special Condition No. 7**;
 - C. Contractors shall be informed of the presence of all ESHA areas on the site and the importance of avoiding disturbance to ESHA areas;
 - D. All grading activity shall be limited to the dry season between April 15th and October 14th;
 - E. Any and all excess excavated material and/or debris resulting from construction activities shall be removed from the project site WITHIN 10 DAYS OF PROJECT COMPLETION and disposed of at a disposal site outside the coastal zone or placed within the coastal zone pursuant to a valid coastal development permit;
 - F. Weed-free straw bales, coir rolls (“wattles”), and/or silt fencing structures shall be installed prior to and maintained throughout the construction period to contain runoff from construction areas, trap entrained sediment and other pollutants, and prevent discharge of sediment and pollutants near wetland areas and downslope toward Doyle Creek and the unnamed creek west of the existing house;
 - G. If a temporary erosion control product (such as mulch control netting, erosion control blanket, or mat) is used to stabilize soils until vegetation is established, only products manufactured from 100% biodegradable (not photodegradable) materials shall be used. If temporary erosion control products that have a netting component are used, the netting shall be loose-weave natural-fiber netting. Products with plastic netting, including but not limited to polypropylene, nylon, polyethylene, and

polyester shall not be used. If fiber rolls (wattles) are used for wetland protection and/or temporary sediment control, the netting component of these products shall be made of loose-weave natural-fiber (not plastic) netting;

- H. All on-site stockpiles of construction debris shall be located outside ESHA and ESHA buffers, and shall be covered and contained at all times to prevent polluted water runoff;
- I. On-site native vegetation shall be maintained to the maximum extent possible during construction activities; and
- J. Any disturbed areas shall be replanted or seeded immediately with herbaceous native species following completion of construction of the residential structures and ancillary developments, in a manner that conforms to the planting limitations of **Special Condition Nos. 5(A)(5) and 5(A)(6)**;

9. **Protection of Sensitive Habitats**

Consistent with the mitigation measures recommended in the September 22, 2014 biological addendum, the permittee shall comply with the following requirements to ensure the protection of sensitive habitat areas:

- A. Comply with the temporary exclusion/construction fencing requirements of **Special Condition No. 7**.
- B. **Tree Removal Restrictions.** Authorized tree removal is prohibited during the bird breeding/nesting season period of February 1 through August 31.
- C. To avoid impacts to special status birds or bats during the breeding season, any construction activities that occur between February 1 and August 31 (birds) or between November 1 and August 31 (bats) and that involve substantial ground disturbance (including but not limited to grading, foundation pier installation, and septic tank installation) shall require preconstruction breeding bird surveys within 14 days of the onset of construction. If active breeding bird nests are observed:
 - 1) No ground disturbance activities shall occur within a minimum 100-foot exclusion zone of the nest;
 - 2) The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest;
 - 3) A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.
- D. A pre-construction survey for the presence of Northern red-legged frog will be conducted by a qualified biologist immediately prior to the beginning of ground disturbing construction.
- E. Prior to construction, project contractors shall be trained by a qualified biologist in the identification of the Northern red-legged frog. Construction crews shall begin each day with a visual search around all stacked or stored materials, as well as, along any silt fences to detect Northern red-legged frogs. If a Northern red-legged frog is detected, the CA Department of Fish and Wildlife shall be contacted prior to

re-initiating work, and shall not recommence work until authorization is provided by CA Department of Fish and Wildlife.

- F. If a rain event occurs during the construction period, ground disturbing construction-related activities shall cease for a period of 48 hours after the rain stops. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of Northern red-legged frogs. If no Northern red-legged frogs are found, ground disturbing construction activities may resume. If a Northern red-legged frog is detected, the CA Department of Fish and Wildlife shall be contacted prior to re-initiating work, and work shall not recommence until authorization is provided by CA Department of Fish and Wildlife. Construction activities that have little chance to impact Northern red-legged frogs, such as framing and other work within the footprint of the residential addition or existing residential structure, need not be stopped due to a rain event.
- G. Invasive plants, including but not limited to English ivy (*Hedera helix*), cotoneaster (*Cotoneaster spp.*), crocosmia (*Crocasmia Xcrocosmiiflora*), and periwinkle (*Vinca major*), shall be removed by hand and/or with the use of hand tools from the following areas: a) the wetland seep depicted in **Exhibit 9**, b) accessible (relatively flat) portions of the Grand Fir/ Sitka Spruce forested areas, and c) areas of temporary disturbance within and surrounding septic tank, pumping chamber, and force line installation as depicted on **Page 2 of Exhibit 3**.
- H. Areas of invasive plant removal should be replanted immediately with locally native species consistent with the Landscaping Plan provisions prepared pursuant to **Special Condition 5**;
- I. No clearing or removal of trees or native vegetation shall occur, other than authorized clearing of trees or vegetation as described in **Special Condition 5(A)(1)** and the four (4) trees authorized for removal under this permit as depicted in **Exhibit 3**.
- J. Wood chips that have been spread or stockpiled within the project site, ESHA habitat, or ESHA buffers shall be removed and disposed of offsite to the local Waste Management Authority to avoid the spread of potential tree disease pathogens such as *Phaolis schweinitzii* butt rot fungus that may be present;
- K. The placement of “green waste” materials (including but not limited to food scraps, lawn clippings, wood chips, compost, landscaping trimmings or other yard scraps) shall be prohibited within ESHA and ESHA buffers as depicted on **Exhibit 3**;
- L. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist at the project 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;
- M. No herbicides shall be stored, mixed, or used on the subject parcel and no rodenticides containing any anticoagulant compounds, including but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall be used.

10. Maintenance of Visual Screening Plantings.

- A. All plantings installed for visual screening on the parcel shall be maintained in good condition throughout the life of the project. If any of the plants to be planted die, become decadent, rotten, or weakened by decay or disease and must be removed for any reason, they shall be replaced in approximately the same location at a 1:1 ratio, no later than May 1st of the next spring season, and replaced in-kind or with another native species common to the coastal Mendocino County area that will grow to a similar or greater height. All proposed plantings shall be obtained from local genetic stocks within Mendocino County. If documentation is provided to the Executive Director that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside the local area, but from within the adjacent region of the floristic province, may be used.
- B. Unless required to abate a nuisance consistent with local government nuisance abatement requirements and Coastal Act Section 30005(b), no limbing or pruning of the Grand Fir, Sitka Spruce, or Northern Bishop Pine ESHA trees, or of any visually screening trees planted pursuant to the approved landscaping plan (except for pruning dead material and limbs growing toward the approved structures from the screening vegetation planted 30 feet from the approved structures as required to meet CalFire requirements) shall occur unless a permit amendment is obtained prior to the commencement of limbing and pruning;

11. Evidence of Vegetative Screening Installation. Within 60 days of installation of screening vegetation, the applicant shall submit photos to the Executive Director demonstrating that all screening vegetation has been planted consistent with the approved landscaping plan and with the terms of this permit.

12. Area of Archaeological Significance.

- A. If an area of cultural deposits is discovered during the course of the project all construction shall cease and shall not recommence except as provided in subsection (B) hereof; and a qualified cultural resource specialist shall analyze the significance of the find.
- B. A permittee seeking to recommence construction following discovery of the cultural deposits shall consult with the Potter Valley Tribe and submit a supplementary archaeological plan for the review and approval of the Executive Director.
 - (i) If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, construction may recommence after this determination is made by the Executive Director.
 - (ii) If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not *de minimis*, construction may not recommence until after an amendment to this permit is approved by the Commission.

13. **Evidence of Well Deconstruction.** The water well depicted as “Well Site 1” on **Exhibit 3** shall be destroyed in a manner consistent with the requirements of Mendocino County Department of Environmental Health (DEH). The applicant shall submit within one year of issuance of CDP # 1-90-176-A1 evidence from DEH that the original well has been deconstructed pursuant to DEH standards.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. BACKGROUND AND PROJECT DESCRIPTION

On September 11, 1990, the Coastal Commission granted authorization (CDP # 1-90-176) to the previous property owner for the construction of a single-family residence, well, and septic system on a 5.4-acre parcel located at 14231 Point Cabrillo Drive near Caspar, in Mendocino County (former APN 118-120-25; current APN 118-120-28). Specifically, CDP 1-90-176 authorized construction of a 27 ½ - foot-tall, two-story, 3,196-square-foot (including garage), 3-bedroom, 2½-bath house with 640 square feet of decks and stairs.

The project applicants purchased the subject residential parcel in March 1996. The applicants subsequently purchased the adjacent undeveloped 6.19-acre parcel to the south (APN 118-140-47) in November 1997. The applicants propose to amend CDP # 1-90-176 to include the following developments:

House Addition

The applicant proposes to construct a 5,061-square-foot house addition that includes: (1) 3,270 square feet of living space (which includes 998 square feet of Family Care Unit and conversion of 130 square feet of existing decking to enclosed space); (2) a 1,270 square-foot garage; (3) a 441-square-foot workshop; and (4) 80 square feet of decking and stairs.

Infrastructure Maintenance and Improvements

The applicant also proposes the following changes to infrastructure that supports the existing residence: (1) decommission an existing shallow well (“Well Site 1”); (2) deconstruct an existing pump house and above-ground water storage tank; (3) install a new pump house, partially-buried water storage tank, and associated infrastructure in a new location easterly of existing infrastructure; (4) replace the existing above-ground propane tank with a buried propane tank in another location; (5) connect the pump and water tank to a newer, existing, and previously authorized high-producing well (Well #2); (6) install a fire hydrant; (7) install a septic replacement field on applicant’s vacant southerly parcel (APN 118-140-47); (8) replace the existing septic tank and pumping chamber on APN 118-120-28, and install a new septic tight line (force line) from the existing septic tank and associated infrastructure to the new replacement field; and (9) connect the expanded residential development to existing utilities.

Ancillary Developments

Additionally, the applicant proposes the following ancillary developments: (1) remove four potentially hazardous Sitka spruce trees; (2) add garage aprons to connect the proposed garage

and existing driveway; and (3) relocate existing landscaping boulders into proposed landscape feature between the house addition and the relocated water tank infrastructure.

B. ENVIRONMENTAL SETTING

The project site occurs on an uplifted marine terrace bluff top west of Highway One, but east of Point Cabrillo Drive, which is the first public road inland of the ocean. Point Cabrillo Drive connects to Highway One both north and south of the subject site, providing designated public access to the shoreline (as depicted on Mendocino County Land Use Map 15) at Caspar State Beach west of the lower portion of Point Cabrillo Drive before it climbs upslope towards the subject parcel. Additional access along the coast is provided east of Point Cabrillo Drive and adjacent to Caspar Beach RV Park and Campground through a public loop trail owned and maintained by Mendocino Land Trust.

The subject property is situated upslope and south of Caspar State Beach and the privately-owned Caspar Beach RV Park and Campground, and east of the Caspar South Subdivision (**Exhibits 1 and 2**). Doyle Creek runs along a portion of the northeastern border of both parcels, and flows through a steep ravine located several hundred feet downslope of the existing residence.

The subject property is within an area designated as Highly Scenic within the Mendocino County certified LCP. Portions of the site are also designated on Mendocino County Land Use Map 15 as occurring within a Special Treatment Area, which contains provisions limiting timber harvest plan activity to protect the scenic qualities of the area.

The developed residential parcel consists of several vegetative community types, including: riparian areas, a freshwater wetland seep, Grand Fir/Sitka Spruce Forest, Bishop Pine/Grand Fir/Sitka Spruce mixed coniferous forest, and nonnative grasslands. As described further in **Finding E** below, many of the habitats occurring on the developed parcel are recognized as environmentally sensitive habitat areas (ESHAs). The applicant's adjacent undeveloped property to the south where the new leach field to serve the developed residential parcel will be installed, consists of forested area in to the east and nonnative grasslands that are not identified as ESHA to the west. According to the applicant's biological report, the grasslands had been under cultivation some time prior to 1909. The gently sloping grassland area occupies approximately half of the 6.19-acre parcel and fronts on Point Cabrillo Drive to the west. Use of a small portion of the grasslands as a leachfield to serve the developed residential parcel would leave a substantial area of non-ESHA grasslands on the southerly parcel available for possible future development.

The application submitted for the original CDP 1-90-176 identified the presence of Doyle Creek several hundred feet away from the location of proposed residential developments; however, no other biological resources were identified at the site in association with CDP 1-90-176. In its findings for approval of CDP 1-90-176, the Commission stated in part the following:

Because the creek is located a substantial distance from the proposed development, and is, in fact, located in a ravine, the applicant was not required to submit a botanical survey nor is an open space easement required to protect the riparian habitat of Doyle Creek. However, should the applicant wish any future

development in the area of the creek, a botanical survey may be required to determine the extent of any sensitive habitat and to determine if an open space easement is necessary to protect the creek. The Commission therefore attaches Special Condition No. 1, which ensures that any future development will require Commission review so that it will be located where it will not have any adverse impacts on any sensitive habitat areas. As conditioned, therefore, the proposed development is consistent with Coastal Act Sections 30240 and 30231.

The previous property owner (Darwin Ward) owned additional adjacent parcels to the north of the residence approved under CDP 1-90-176 (“residential parcel”). Subsequent to the approval of CDP 1-90-176, Mr. Ward proposed an adjustment of boundary lines between the subject residential parcel and his adjacent parcels to the north (former APNs 118-120-14 and -03, respectively). In association with the CDP approved for the boundary line adjustment (CDP 1-92-37), the consulting biologist identified the presence of an additional watercourse and riparian area located in the western portion of the subject residential parcel. This portion of the original subject residential parcel was transferred to an adjoining parcel as part of the boundary line adjustment approved by the Commission under CDP 1-92-37.

In July 2013, Mendocino County approved Coastal Development Boundary Line Adjustment CDB 1-2013 approving another adjustment of the boundary line between the subject residential parcel and the same adjoining parcel (former APN 118-120-03; current APN 118-120-27). The County approval adjusted the boundary between the two developed parcels in a manner that locates the boundary along the centerline of the creek within the riparian area, resulting in the transfer of approximately 0.45 acre to the subject residential parcel, expanding the acreage of the subject residential parcel to a total of approximately 5.47 acres.

C. JURISDICTION AND STANDARD OF REVIEW

The original project was approved prior to certification of the Mendocino County Local Coastal Program (LCP). Therefore, the standard of review for the original permit application was the Coastal Act. The Coastal Commission effectively certified the County of Mendocino’s LCP in 1992. Since the proposed project is within an area for which the Commission has certified a Local Coastal Program and not between the first public road and the sea, the applicable standard of review for the Commission to consider is whether the development is consistent with Mendocino County’s certified Local Coastal Program (LCP).

D. PLANNING AND LOCATING NEW DEVELOPMENT

LUP Policy 3.9-1 of the Mendocino County Land Use Plan states its intent to apply the requirement of Coastal Act Section 30250(a). To this end, LUP Policy 3.9-1 requires 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 availability of water and sewage disposal, and other known planning factors shall be considered when considering applications for development. Moreover, CZC Section 20.532.095(A)(2) requires, in applicable part, that the granting of any coastal

development permit shall be supported by findings which establish that the approved development will be provided with adequate utilities.

Land Use

The subject property is located within an existing residential neighborhood and is designated in the Coastal Land Use Plan and zoned in the Coastal Zoning Ordinance as Rural Residential – 5-acre minimum parcel size, with an alternate zoning and land use designation of Rural Residential – 1-acre minimum (RR-5/[RR-1]). The existing single family residence is a form of land use consistent with the Rural Residential land use designation and zoning district.

According to Section 20.376 of the Coastal Zoning Code (CZC), the maximum lot coverage¹ for parcels between two and five acres in the RR zoning district is 15 percent. Using this standard, the maximum lot coverage of the parcel with the existing residence, at 5.4 acres, is 35,283 square feet. The total lot coverage for all development on the site, including but not limited to the existing 3,196-square-foot residence, 4,981 square feet of additions (including garage, workshop, and family care unit spaces), approximately 5,400-square-foot driveway, pumphouse, water tank, and decking is approximately 15,200 square feet (6% lot coverage).

Services

The project site is located in an area mapped as Critical Water Resources (CWR). The approved CDP 1-90-176 included authorization for the installation of a well at the site (DEH Well Permit #7295, approved September 1990). According to a December 1, 2014 submittal provided by the applicant's agent, the previously-approved well² produces 2.1 gallons of water per minute, which has been approved by Mendocino County Department of Environmental Health (DEH) as adequate to serve the existing development. The subject residential parcel additionally includes a shallow well described as "Well Site 1," which is proposed to be deconstructed in association with the subject CDP amendment application. As part of its local agency review, Mendocino County Planning Department has indicated that deconstruction of the well will require authorization from DEH. Therefore, as a condition of approval of CDP 1-90-176-A1, **Special Condition No. 13** requires the applicant to submit evidence from DEH demonstrating that deconstruction of Well Site 1 occurs as proposed and pursuant to DEH requirements.

The existing residential development approved under CDP 1-90-176 was constructed between 1991 and 1993. As part of the subject CDP amendment application, the applicant proposes to install a replacement (a.k.a. "secondary") leachfield system in association with the existing single family residence. According to conversations with DEH staff, septic leachfields typically function for a duration of approximately 20 years before system failure requiring rerouting the septic to a secondary leachfield system. DEH has determined that the current septic system is adequately sized to support the proposed additions to the existing single family residence. At over 23 years of age however, the current septic "primary" leachfield has exceeded its projected 20-year lifespan and will therefore likely require replacement with a secondary leachfield in the near future, regardless of whether any improvements or additions occur to the existing residence.

¹ As defined by CZC Section 20.308.075(L)(12), "'lot coverage' means the percentage of gross lot area covered by all buildings and structures on a lot, including decks, and porches, whether covered or uncovered, and all other projections except eaves."

² The well approved by CDP 1-90-176 is described interchangeably in the applicant's submittals as "Well Site 2" and "Well A."

Replacement of the secondary system will involve the following components: a) placement of underground leach lines to serve as the leachfield; b) replacement of the existing underground septic tank and 1,200-gallon pumping chamber; and c) installation of a 2-inch polyvinyl chloride (PVC) “force line” connecting from the new septic tank to the new leach field.

As described further in **Finding E** below, the existing primary leachfield serving the existing residence is situated partially within riparian ESHA, and partially within 50-foot buffers of riparian, wetland, and Grand Fir/Sitka Spruce Forest ESHAs. In response to Commission staff’s request for analysis of alternative replacement leachfield sites that avoid ESHA and ESHA buffers, the applicant’s agent has identified and proposed a suitable replacement leach field site that exists on the parcel adjacent and south of the existing residential parcel, which the applicant purchased subsequent to their acquisition of the subject parcel. As discussed further below, while the secondary leachfield can be sited outside of minimum ESHA buffers, the current septic tank and pumping chamber that the leach field would connect to exist within ESHA buffers and must be maintained to serve the existing development, regardless of whether the residential development is expanded beyond its existing footprint. In a letter dated November 21 2014, Mendocino County DEH indicated its approval of the alternate replacement septic leach field location.

To ensure that the replacement leach field to be constructed on the southerly parcel (APN 118-140-47) will always be available to serve the residence located on APN 118-120-28, the Commission includes **Special Condition No. 3**, which specifies that the owners of APN 118-120-28 shall retain all rights to construct, install, excavate, dig, build, maintain, operate, remove and reinstall septic lines, pipes and related equipment and apparatus within the portion of APN 118-140-47 designated for the replacement leachfield that serves APN 118-120-28 as depicted on **Exhibit 12**. Additionally, **Special Condition No. 2** 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 purchasers of either of the subject parcels will continue to be informed of all of the coastal development permit requirements that pertain to the subject parcels including the requirements that the portion of APN 118-140-47 authorized for the replacement leachfield to serve the residential development authorized on APN 118-120-28 must be reserved for that use and not otherwise developed. Therefore, as conditioned, the amended development provides adequate septic capacity to serve both the existing residential development and those improvements authorized by CDP 1-90-176 as amended. As conditioned, the Commission finds that the amended development is consistent with the policies of the Mendocino County certified LCP requiring demonstration of adequate services, including but not limited to LUP Policies 3.8-1, 3.9-1, and CZC Section 20.532.095(A)(2).

Family Care Unit

As part of the amendment to CDP 1-90-176, the applicants propose to establish a 998-square-foot family care unit living space within the proposed expansion of the existing single family residence. The applicant’s agent has included as part of the amendment application a letter dated November 6, 2012 from Dr. Morris Taub, medical doctor of internal medicine and gastroenterology, stating that the medical conditions of the applicant’s parent would necessitate family assistance with daily duties in the near future. The Mendocino County Coastal Zoning Code (CZC) allows single-family residential development as a principal permitted use in the RR

zoning district but does not allow for more than one residential unit per parcel in this location, except as provided pursuant to CZC Section 20.456.015 (Accessory Uses), Section 20.460.035 (Use of a Trailer Coach) and Section 20.460.040 (Family Care Unit). Mendocino County CZC Section 20.460.040 recognizes a Family Care Unit as:

The temporary use of a building, structure or trailer coach, not to exceed one thousand (1,000) square feet in size, will be allowed, upon issuance of a Coastal Development Standard Permit, to provide housing for (a) not more than two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who requires daily supervision and care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence subject to the following provisions:

Pursuant to CZC Section 20.460.040, authorization of the use of any structure as a Family Care Unit is contingent in part on the following:

(A) Standard Permit. The temporary unit shall be allowed only after securing a Coastal Development Standard Permit.(B) Statement. Prior to the granting of the permit and yearly renewal: A statement must be submitted by the owner of the property and signed under penalty of perjury that the use of the "family care unit" is to provide housing for (a) not more than two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who requires daily supervision and care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.

(C) Termination. Should the use or necessity of the temporary family care unit cease, it must be removed from the premises or converted to an accessory structure as provided in Chapter 20.456. Should the occupants of the family care unit or the main residence move to another off-site residence, the permit for the family care unit shall become null and void.

Therefore, **Special Condition No. 6** requires the applicants to submit annual evidence of their compliance with Section 20.460.040. Furthermore, **Special Condition No. 6** requires the applicants to notify the Executive Director within 60 days of termination of the family care use and subsequently remove all cooking and/or kitchen facilities from the family care unit. The Commission finds that as conditioned, the amended development permit is consistent with the Family Care Unit policies of the Mendocino County certified LCP, including but not limited to CZC Section 20.460.040.

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 3.9-1 and 3.8-1 because (1) the development is located within an existing developed area, (2) there are adequate services on the site to serve the amended development, and (3) as discussed throughout the staff report, the amended development will not contribute to adverse cumulative impacts on coastal resources.

E. ENVIRONMENTALLY SENSITIVE HABITAT AREAS (ESHA)

The northern and eastern sides of the subject parcel contain both Grand Fir/Sitka Spruce Forest and Bishop Pine/Grand Fir/Sitka Spruce mixed coniferous forest ESHAs. Mendocino County has increasingly recognized these habitat types to be ESHA in numerous previous actions on coastal development permits for development³. Similarly, the Commission has also considered Sitka Spruce, Grand Fir and Northern Bishop Pine forest as ESHA in previous actions.⁴ Besides constituting forest ESHA, these habitats on the subject property also support sensitive wildlife species. In a November 9, 2012 biological report, the consulting biologist describes that birds of prey (e.g., Cooper's hawk, sharp-shinned hawk, and osprey) could hunt and nest in habitat types that are present on the property, and that Sitka spruce trees on site could support roosting habitat for species that include but are not limited to Vaux's swift, purple martin, and several bat species. The northern sides of the subject parcel also contains riparian and wetland ESHA.

The consulting biologist additionally notes that: "the project site occurs within the historical range of the Northern red-legged frog. Aquatic and riparian habitat that could be used for breeding is present on the parcel adjacent to the site. Red-legged frogs disperse into upland habitat during the non-breeding season and could be present on portions of the parcel at that time." Northern red-legged frog (*Rana aurora aurora*) is an amphibian listed as a "Species of Special Concern" by the California Department of Fish and Wildlife. Unlike California red-legged frogs (*Rana aurora draytonii*) in other areas of the state, Northern red-legged frog is not listed as threatened or endangered in the north coast.

Mendocino County Land Use Plan (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. 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 Wildlife (CDFW) 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. Commission staff met with CDFW staff, County Planning staff, and the applicant's agents at the project site on September 17, 2013 to evaluate proposed developments in relation to ESHAs occurring on site, and agreed that with the implementation of proposed mitigation measures and in consideration of the factors discussed further below, a 100-foot buffer was unnecessary at the subject site to protect wetland seep and forested ESHA areas.

House Addition

The development of the house addition will encroach within 100 feet (but not closer than 50 feet) of the freshwater wetland seep and coniferous forest ESHAs. LUP Policy 3.1-7 and CZC Section 20.496.020 allow for a buffer width to be reduced from 100 feet to a minimum of 50 feet when a 100-foot buffer is not necessary to protect the resources of the habitat area from possible

³ CDP 10-2008 (County staff report dated November 22, 2010); CDP 4-2009/CDV 1-2009 (County staff report dated August 27, 2009); and CDP 22-2009 (County staff report dated December 21, 2009); CDP 20-2012 (County staff report dated June 10, 2014; CDP 2012-0031 (County staff report dated April 21, 2015)

⁴ CDP Extension Request 1-83-158-E25 (denied January 12, 2012); LCP Amendment application HUM-MAJ-409 (denied April 13, 2011); CDP A-1-MEN-09-034 (Approved December 14, 2012)

significant disruption caused by the proposed development based on certain standards. These standards, which are contained within CZC Section 20.496.020(A)(1)(a) through (g) are evaluated below to substantiate the adequacy of the reduced buffer width as proposed:

- (a) **Biological significance of adjacent lands:** Lands adjacent to a habitat area vary in the degree to which they are functionally related to the habitat area. While a portion of the existing residential development (house and decking) is situated less than 50 feet from the recently-identified wetland seep and Grand Fir/Sitka Spruce forest ESHAs, the proposed additions to the house will be sited at least 50 feet from all ESHAs. In a biological report dated November 9, 2012, the consulting biologist describes the area adjacent to the wetland and forested ESHAs as consisting primarily of nonnative grassland (**Exhibit 9**). As part of an addendum dated September 22, 2014, the consulting biologist states that: “The wetland contains a mixture of invasive and common native species of plants. There is no functional relationship between the wetland area and the non-native grassland between it and proposed components of the project. There is no significant functional relationship between the special status forested areas and the non-native grassland between the forest and proposed components of the project.” The grand fir, Sitka Spruce, and mixed coniferous forest habitats are not functionally dependent on the adjacent grassland areas and habitats for their continuance, and the proposed buffer with its narrower 50- to 80-foot width in certain discrete areas is adequate from the standpoint of maintaining the functional relationship between the wetland and forested ESHAs and the surrounding grasslands.
- (b) **Sensitivity of the species/habitat to disturbance:** The principal factors that could disturb the habitat include placement of fill or green waste, grading, mowing over saplings, compaction of soils, and invasion by exotic plants. Additionally, ground-disturbing construction activities could impact northern red-legged frogs that could occupy the site if not observed prior to groundwork. Breeding birds could be affected by vegetation clearing or initiation of construction within 100 feet of nest sites during the breeding season (February through August), and roosting bat habitat could be affected by construction or vegetation removal when bats are hibernating or rearing young (November 1 through August 31). Effective measures for protecting the wetland seep and forested habitats from these disturbances include the use of exclusionary fencing and temporary erosion control products during construction, restricting the placement of green waste on the property, and removing nonnative invasive species that encroach onto the property. Additionally, pre-construction surveys for Northern red-legged frogs and consultation with CA DFW for positive sightings can ensure avoidance of disturbance to Northern red-legged frogs. If substantial ground disturbance (e.g., grading, foundation pier installation, and septic tank installation) cannot be initiated during the non-breeding and bat-roosting periods, a qualified biologist shall conduct pre-construction surveys and shall establish additional buffers and monitor for positive sightings within 100 feet of construction activities. These mitigation measures which are required to be implemented by special conditions of the permit as discussed below can be accommodated on the project site and within the proposed buffer area. Thus, the

buffer width will be adequate to protect the wetland seep and forested ESHAs from disturbance.

- (c) **Susceptibility of the parcel to erosion:** Section 20.496.020(A)(c) states that the width of the buffer zone shall be based in part on the degree the development will change the potential for erosion and that a sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided. The adjacent lands surrounding the wetland seep and forested ESHAs are relatively-flat at the existing house site, and the surrounding gently-sloping areas are vegetated with grasses that can filter and intercept sediment in runoff passing through the area. Additionally, the applicants have submitted an erosion control and drainage plan (**Exhibit 8**) that outlines best management practices for maintaining existing vegetation and controlling sediment at the site during construction. If best management erosion control practices are used as proposed to protect the wetland seep and forested areas during construction, then the proposed development is not expected to significantly change the potential for erosion in the vicinity of the wetland seep and forested ESHAs. Thus, as conditioned as described below to provide erosion control measures, the proposed project and its proposed 50- to 80-foot reduced buffers will be adequate to protect the wetland seep and forested ESHAs from erosion and sedimentation impacts that could occur during construction of the addition to the existing house.
- (d-e). **Use of natural topographic or existing cultural features to locate the buffer area:** Hills, roads, dikes, and other natural and cultural features can be used where available to buffer ESHA from the impacts of development. The wetland seep and forested ESHAs are located north and east of the existing residence, which is situated on a relatively flat portion of a terrace upslope of the wetland and forested areas. The forested areas along the northeast and eastern parcel boundary extend downslope into the ravine that leads to Doyle Creek. No topographic or existing cultural features will further separate the development from ESHA buffers. However, the existing residential development affects the consideration of an appropriate buffer width. The proposal clusters new development adjacent to existing development, but outside of both minimum ESHA buffers and public viewsheds. As a result, the proposed house addition effectively utilizes the best portion of the project site between the existing residence and related infrastructure (water tank, pumphouse, propane tank, driveway), thereby buffering the ESHA for a distance of 50 to 80 feet from the impacts of the development.
- (f) **Lot configuration and the location of existing development:** The September 22, 2014 biological supplement states: “The deck of the existing residence is 21 feet from the wetland at its nearest point. A 50 foot buffer will offer greater protection than afforded by existing development. Planting of native vegetation within the ESHA buffers in order to provide additional protection has been included in the mitigation measures.” The development site has been proposed based on both the location of existing residential development and related infrastructure (water tank, pumphouse, propane tank, driveway) and site constraints (location of ESHAs, site topography, minimum property line setback requirements) on the property. The proposed

residential improvements as sited will provide the widest buffer zone feasible while clustering new development adjacent to existing developed areas.

- (g) **Type and scale of development proposed:** The September 22, 2014 biological supplement states the following: “The proposed development is a residential addition of roughly 5000sf. A 50 foot buffer should provide sufficient protection to the wetland and special status forest habitat present as long as best management practices and the recommended mitigation measures are followed.” The existing single-family residence and proposed residential additions that include new garage, workshop, and family care unit uses are principally permitted in the Rural Residential zoning district (as discussed in **Finding D** above). As described above, the total lot coverage for all development on the site, including but not limited to the existing 3,196-square-foot residence, 4,981 square feet of additions (including garage, workshop, and family care unit spaces), approximately 5,400-square-foot driveway, pumphouse, water tank, and decking is approximately 15,200 square feet (6% lot coverage), whereas the zoning district allows up to 15% lot coverage. The clustered design of the additions to the existing residence and infrastructure improvements ensures a minimum buffer setback between 50 and 80 feet from the wetland seep and forested ESHAs.

Of the several factors discussed above, the Commission finds that those most significant to the determination of buffer width adequacy are (a) the low biological significance of the lands adjacent to the ESHA, (b) the ability to avoid habitat disturbance with a reduced buffer of 50 to 80 feet provided mitigation measures are implemented, and (c) the low susceptibility of the area around the wetland seep and forested ESHAs to erosion. The fact that the development site near the wetland seep and forested ESHAs is vegetated throughout the relatively flat building envelope and gently sloping adjacent areas ensures that erosion and sedimentation from construction and from the completed development are less likely to affect the ESHA than erosion and sedimentation would if the adjacent development had a steeper slope with greater potential for erosion.

Thus, the areas where the buffer will be reduced to between 50 feet and 80 feet to accommodate expansion of the existing residence will remain effective for protecting the wetland seep and forested habitats from disturbance similar to a wider spatial buffer with implementation of additional on-site protective measures. These additional on-site mitigation measures include the following: (a) preconstruction surveys for Northern red-legged frogs and avoidance if present, and adherence to seasonal construction and tree removal limitations as required by **Special Condition Nos. 9C-9F**; (b) implementation of proposed erosion and sedimentation control measures and Best Management Practices (described further in **Finding G** below) and as required by **Special Condition No. 8**; (c) installation of a physical barrier consisting of silt fencing and/or coir “wattles” as required by **Special Condition Nos. 8G** and **8H**; and (d) adherence to the landscaping restrictions required by **Special Condition Nos. 5** and **9L**.

The drainage plan submitted by the applicant (**Exhibit 8**) proposes to infiltrate and dissipate runoff from rooftops in a non-erosive manner using drain rock and vegetation at all roof downspouts. **Special Condition No. 7** requires that a qualified biologist shall place a construction barrier along the entire length of the protective buffer established around the

wetland seep and other environmentally sensitive habitat areas as depicted on Page 2 of **Exhibit No. 3**.

To augment the effectiveness of the reduced ESHA buffer, the September 2014 Biological Supplement recommends the planting of native vegetation within ESHA buffers and removal of invasive species from the area to the extent feasible. To further protect wetland seep and forested ESHAs, invasive landscaping plants should not occur on the project site. **Special Condition Nos. 5(A)(6)** and **9L** accordingly prohibit the use of any plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California on the property.

To help in the establishment of vegetation, rodenticides are sometimes used to prevent rats, moles, voles, gophers, and other similar small animals from eating the newly planted saplings. Certain rodenticides, particularly those utilizing blood anticoagulant compounds such as brodifacoum, bromadiolone and diphacinone, have been found to pose significant primary and secondary risks to non-target wildlife present in urban and urban/wildland areas. As the target species are preyed upon by raptors or other environmentally sensitive predators and scavengers, these compounds can bio-accumulate in the animals that have consumed the rodents to concentrations toxic to the ingesting non-target species. Therefore, to minimize potential significant adverse impact of rodenticide use to other environmentally sensitive wildlife species, the Commission has included as **Special Condition No. 9M** a prohibition against the use of any rodenticides on the property.

Thus, reducing the ESHA buffer to 50 feet only in limited areas will not adversely affect the ecological functionality of the adjacent wetland seep or forested areas. With the mitigation measures discussed above, which are designed to further minimize any potential impacts to the nearby wetland seep and Grand Fir/Sitka Spruce Forest and Bishop Pine/Grand Fir/Sitka Spruce mixed coniferous forest ESHAs, the amended development as conditioned is consistent with the buffer width criteria of CZC Section 20.496.020(A) and will be adequate to protect the wetland seep and forested ESHAs from disturbance.

Septic Maintenance

As described above in **Finding D**, the current septic “primary” leachfield has exceeded its projected 20-year lifespan and will therefore require replacement with a secondary leachfield in the near future, regardless of whether any improvements or additions occur to the existing residence. Replacement of the secondary system will involve the following components: a) placement of underground leach lines to serve as the leachfield on APN 118-140-47, the owners parcel adjoining the parcel where the house is located (APN 118-120-28); b) replacement in-place of the existing underground 1,200-gallon septic tank and 1,200-gallon pumping chamber; and c) installation of a 2-inch polyvinyl chloride (PVC) “force line” connecting from the new septic tank to the new leach field. The underground infrastructure of the existing septic system⁵ serving the existing residence all occurs within 50 feet of the following ESHA feature: a) riparian ESHA buffer to the west, b) a freshwater wetland to the east; and c) Grand Fir/Sitka Spruce Forest north and east of the septic system. Additionally, a portion of the existing house and decks also occurs within 50 feet of the recently-identified wetland, riparian, and Grand

⁵ Existing septic system consists of the following components: primary leachfield, 1,200-gallon concrete pump chamber, and septic tank.

Fir/Sitka Spruce Forest ESHAs as measured from the dripline edge of all features. As described above, the area adjacent to the wetland, riparian, and forested ESHAs where the septic tank, pumping chamber, and force line will be installed consists primarily of nonnative grassland (**Exhibit 9**).

Coastal Act Section 30233 (which is incorporated by reference into the Mendocino County LUP) allows certain limited developments within wetlands, such as “Incidental public service purposes which temporarily impact the resource including but not limited to burying cables and pipes, or inspection of piers, and maintenance of existing intake and outfall lines,” provided in part that there is no feasible, less-environmentally-damaging alternative, and provided that all mitigation measures capable of minimizing adverse environmental impacts have been implemented. The policies of the Mendocino County certified LCP, including but not limited to LUP Policies 3.1-4, 3.1-10, and 3.1-13, and Coastal Zoning Code Sections 20.496.025 and 20.496.035 similarly limit any developments which could degrade riparian areas or diminish their value as a natural resource to uses such as pipelines, utility lines and road and trail crossings only when no less environmentally damaging alternative route is feasible. Mendocino County CZC Section CZC Section 20.496.035(B) further requires in part that for those developments allowed within riparian habitat areas (emphasis added):

- (1) The development shall not significantly disrupt the habitat area and shall minimize potential development impacts or changes to natural stream flow such as increased runoff, sedimentation, biochemical degradation, increased stream temperatures and loss of shade created by development;
- (2) No other feasible, less environmentally sensitive alternative exists;
- (3) Mitigation measures have been incorporated into the project to minimize adverse impacts upon the habitat;
- (4) Where development activities caused the disruption or removal of riparian vegetation, replanting with appropriate native plants shall be required at a minimum ratio of one to one (1:1) and replaced if the survival rate is less than seventy-five (75) percent.

The LCP policies identify specific uses permitted in wetland and riparian ESHA (including but not limited to incidental public services) and by extension, within wetland and riparian ESHA buffers, but do not specifically identify what uses are allowed within rare forest community ESHAs, and by extension, within the rare forest community buffers. Although local governments are responsible for drafting the precise content of their LCPs, the Coastal Act requires that LCPs must, at a minimum, conform to and not conflict with the resource management standards and policies of the Coastal Act. Coastal Act Section 30240(a) states that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. In addition to LUP Policy 3.1-7 and other LUP policies governing the protection of ESHA, Section 30240 is listed and referred to in the narrative for the section of the Land Use Plan containing the other LUP policies governing the protection of ESHA. In addition to the policies described above governing the protection of ESHAs against significant disruption of habitat values, CZC 20.532.100(A)(1) states that no development shall be allowed within an ESHA unless (a) the resource will not be significantly degraded by the proposed development, (b) there is no feasible less environmentally

damaging alternative, and (c) all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

According to information provided by the applicant's agent in their December 1, 2014 submittal, the installation of a replacement leachfield would require disruption of 220 lineal feet of two-foot wide trench with 1.5 feet of gravel beneath the leaching pipe, and would provide 1,100 square feet of infiltrative surface area. At the time of approval of the original permit in 1990, a future replacement leach field site was identified within the 50-foot ESHA buffers described above. Since approval of CDP 1-90-176 in 1990, ownership and configuration of the subject and surrounding parcels have changed. In addition to owning the subject property, the applicants separately purchased the adjacent property to the south. Based upon these current conditions, the applicant has identified and proposed a feasible, less-environmentally-damaging alternative site located outside of all ESHA and ESHA buffers where a replacement leachfield system can be installed to serve both existing development and the proposed residential addition. The proposed siting of the replacement leachfield outside of ESHA and ESHA buffers on the adjacent southerly parcel avoids significant disruption of habitat values and ensures that riparian and wetland resources will not be significantly degraded by the disruption of more than 1,100 square feet of "infiltrative surface area" necessary for the installation of the secondary leachfield.

The new septic tank, pumping chamber, and force line replace comparable components of the existing septic system within the area adjoining the ESHA, and thus do not introduce a new use in this area. The replacement of the underground septic tank and pumping chamber that serves the existing development would not be installed any closer to ESHAs than the existing infrastructure, but must be sited in the same location as the existing infrastructure in order to reconnect the utility lines to the existing house. Portions of the existing house already exist within 50 feet of the adjoining ESHA, precluding the opportunity to establish and maintain a minimum 50-foot buffer between all development and the adjoining ESHA in this area of the site. The replacement septic tank, the replacement pumping chamber, and the force line would all be buried underground, with only access hatches to the septic tank and pumping chamber exposed near the surface of the ground. Incorporation of on-site mitigation measures as conditioned will ensure that the temporary disturbance to soils within the non-native grassland adjacent to ESHAs will not degrade or diminish the value of the adjacent wetland seep, riparian area, and forested ESHAs. **Special Condition No. 7** requires that a qualified biologist shall install protective exclusionary fencing adjacent to the septic tank and pumping chamber infrastructure. To minimize the risk of sediment entering adjacent ESHAs, **Special Condition Nos. 8G and 8H** require the installation of a physical barrier consisting of silt fencing and/or coir "wattles" which shall be maintained throughout the construction period. Additionally, **Special Condition No. 8K** requires that disturbed areas shall be replanted or seeded with herbaceous native species immediately following completion of construction activities.

As conditioned, the replacement of: a) the aged underground septic tank and pumping chamber within the same location as the current infrastructure, and b) the siting of the replacement leach field outside of ESHA and ESHA buffers avoids significant degradation of habitat values and is the least environmentally damaging, feasible alternative. Mitigation measures have been included as conditions of approval, including but not limited to **Special Condition Nos. 7** ("Temporary Protective Fencing"), **8** ("Best Management Practices and Construction Responsibilities"), and **9** ("Protection of Sensitive Habitats"). Therefore, as conditioned, the amended development conforms to and does not conflict with the resource management

standards and policies of the Coastal Act and the certified LCP, including but not limited to Coastal Act Sections 30233 and 30240(a); LUP Policies 3.1-4, 3.1-7, 3.1-10, 3.1-13; and CZC Sections 20.496.025 and 20.496.035.

F. VISUAL RESOURCES

The visual resources protection policies of the LCP ([Appendix D](#)) require, among other things, that new development: (a) be sited and designed to protect views to and along the ocean and scenic coastal areas, (b) minimize the alteration of natural land forms, and (c) be visually compatible with the character of surrounding areas. In addition, development in highly scenic areas must be subordinate to the character of the natural setting. Furthermore, the height of development in highly scenic areas is limited to 18 feet unless the development would not affect public views to the ocean or be out of character with surrounding development. Finally, exterior lighting must be minimized and installed so as not to shine or glare beyond the limits of the parcel.

Protection of Views to and Along the Ocean

As described in [Finding B](#) above, the project site is located within a designated Highly Scenic Area on a terraced parcel upslope of Caspar State Beach west of Highway One, but inland of the first public road, Point Cabrillo Drive. LUP Policies 3.5-1 and 3.5-3 and CZC Section 20.504.020(D) require permitted development to be sited and designed to protect views to and along the ocean and scenic coastal areas from public areas including highways and roads. The principal public vantage point for viewing the coast in the immediate project vicinity is from Point Cabrillo Drive as it meanders west and downslope from Highway One to Caspar State Beach before climbing upward toward the Caspar Estates Subdivision and the nearby project site. As the subject site is located east of Point Cabrillo Drive, neither the existing development nor the proposed house addition will block views to the ocean. In addition, the development is sited far enough west of Highway One and in a location that does not block views from the highway along the coast. Therefore, the Commission finds that the development as amended will be sited and designed to protect views to and along the ocean and scenic coastal areas.

Minimizing Alteration of Natural Landforms

LUP Policy 3.5-1 and CZC Section 20.504.020 require in part that new development in highly scenic areas minimize the alteration of natural landforms. According to the submitted grading plan ([Exhibit 8](#)), the applicant anticipates approximately 6 inches of cut topsoil material will occur for preparation of the foundation that will support the residential addition. Site preparation and grading will result in the generation of 159 cubic yards total cut material, of which 99 cubic yards will be used onsite, and the remaining 60 yards will be exported to an authorized disposal facility located outside the coastal zone. An additional 85 cubic yards of fill will be imported to the site. The resulting house addition will fit within the surrounding gently-sloping topography. Thus, the Commission finds that the amended development as conditioned will minimize the alteration of natural landforms consistent with LUP Policy 3.5-1.

Visual Compatibility With Character of Surrounding Area and Subordination to Setting

LUP Policy 3.5-1 and 3.5-3 and CZC Section 20.504.020(D) require permitted development to be visually compatible with the character of the surrounding areas and development in highly scenic areas to be subordinate to the character of its setting.

In its approval of the original coastal development permit that authorized the single-family residence, the Commission found that while the development of the two-story residence: “as it is located landward of Point Cabrillo Drive, will not impede any public views *of* the coast, it will be partially visible *from* the State Beach and from Point Cabrillo Drive below; however, the house will be partially screened by existing trees.” The applicant has submitted a visual simulation of the proposed development following erection of story poles at the site (**Exhibit 6**). The visual simulation evidences that the proposed house addition will also be mostly screened by existing trees.

Commission staff evaluated the viewshed from Caspar State Beach and from the proposed development site following the erection of story poles. As viewed from Caspar State Beach and the lower portion of Point Cabrillo Drive, an existing large red water tank and pumphouse are visible through a grassy clearing between a gap in the tree line west of Doyle Creek and east of the existing residence (**Exhibits 6, 7, and 10**). The current project proposal includes deconstructing the existing red water tank and pumphouse and replacing the water tank within the same view corridor with a new, partially-buried tank. The new pumphouse that will replace the existing pumphouse will be clad with dark stone (**Exhibit 5**). In addition, 4-foot-tall native vegetation will be installed around the north and west sides of the infrastructure to further screen it from view. The combination of partially burying the replacement water tank, cladding the replacement pump house with dark stone, and the proposed vegetative screening will make the new improvements much less noticeable than the existing facilities at this location and make this development visually compatible with the character of the surrounding area and subordinate to its setting.

To facilitate further screening of the proposed development and ensure that trees will continue to screen the development after existing trees become decadent, diseased, or die, **Special Condition No. 5(A)(2)** requires the planting of additional screening vegetation in the form of native evergreen trees landward of the bluff edge to augment the sparser, existing tree and shrub vegetation located along the terrace bluff edge. **Special Condition No. 5** requires the applicants to submit a final landscaping plan showing the species, size, and location of all plant materials that will be retained and newly planted on the developed site, and further requires that all proposed plantings shall be obtained from local genetic stocks within Mendocino County. As viewed from Caspar State Beach, currently approximately 13-15 mature trees partially shield the portion of the property where the existing house is sited and where the proposed addition would be constructed (**Exhibit 10**). Planting a minimum of ten evergreen trees in the location generally depicted in **Exhibit 10** will ensure that the overall continuous tree canopy that currently shields the development from view at key public vantage points is maintained. Therefore, **Special Condition No. 5(A)(2)** requires that screening vegetation include at least ten (10) evergreen, locally-native trees consisting of Grand Fir, Sitka Spruce, and/or other native evergreen tree species occurring onsite; and shall be planted in a natural, non-linear configuration extending for at least 80 feet along and landward of the crown of the northerly bluff edge.

To ensure that screening vegetation is planted expeditiously, **Special Condition No. 5(A)(7)** requires submittal of a landscaping schedule that demonstrates that all screening vegetation shall be planted within 60 days of the first fall/early winter period following issuance of this coastal development permit.

Special Condition No. 4A requires that the applicants finish the exterior of the buildings with the colors and materials proposed or darker earth-tone colors only. The existing residence and water tank infrastructure are currently painted a medium red color (Page 2 of **Exhibit 5**). The applicants propose to remove the existing red paint and stain the exposed wood brown to match the stain on the proposed addition (“Superdeck” brand Duckback Canyon; **Exhibit 5**). The applicants also propose using: composition shingles in a gray color similar to the existing roofing materials (“Elk Sea Watch Gray”); bronze anodized aluminum trim on the addition; and downcast, shielded lighting (**Exhibit 5**).

The Commission finds that the dark colors of the roof, siding and trim, combined with the foreground of trees will help blend the residence into its surroundings as seen from public vantage points rather than cause the residence to stand out. However, the Commission finds that if the applicant or future owner(s) of the property choose to change the materials or colors of the residence to brighter, non-earth-tone colors or materials, the development may no longer be visually compatible with or subordinate to the character of the surrounding area and may become increasingly visible from public vantage points. **Special Condition No. 4A** prohibits the current owner or any future owner from modifying the colors or materials of the house or other approved structures with products that will lighten the color of the house or other approved structures without a permit amendment. In addition, all exterior materials, including roofs and windows, are required to be non-reflective to minimize glare.

Additionally, **Special Condition No. 4B** requires that exterior lights be shielded and positioned in a manner that will not allow glare beyond the limits of the parcel. These requirements will help ensure that the proposed residence in this location will be visually subordinate to the character of the surrounding area.

The Commission has determined that the particular development as amended and as conditioned will be subordinate to the character of its setting. Future additions or changes to the development could have significant adverse visual impacts and could result in a modified development that is not subordinate to the character of its setting as required by the LCP policies. Section 30610(a) of the Coastal Act and Chapter 20.532 of the County’s Coastal Zoning Code exempt certain additions to existing single family residential structures from coastal development permit requirements. Pursuant to this exemption, once a house has been constructed, certain additions and accessory buildings that the applicant might propose in the future are normally exempt from the need for a permit or permit amendment.

However, Section 30610(a) requires the Commission to specify by regulation those classes of development which involve a risk of adverse environmental effects and require that a permit be obtained for such improvements. Pursuant to Section 30610(a) of the Coastal Act, the Commission adopted Section 13250 of Title 14 of the California Code of regulations. Section 13250 specifically authorizes the Commission to require a permit for additions to existing single-family residences that could involve a risk of adverse environmental effect. Section 13250(b)(1) indicates that improvements to a single-family structure in an area within 50 feet of the edge of a coastal bluff, in an environmentally sensitive habitat area, and/or within a designated highly scenic area involve a risk of adverse environmental effect and therefore are not exempt. The subject property is within a designated highly scenic area. Therefore, any future improvements to the residence will require additional coastal development permit authorization.

Special Condition No. 1 expressly requires all future improvements and changes to the approved development obtain a coastal development permit amendment to ensure that future improvements are sited and designed in a manner that protect coastal views from public vantage points and remains subordinate to the character of its setting. As discussed above, **Special Condition No. 2** also requires that the applicant record and execute a deed restriction approved by the Executive Director against the property that imposes the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. **Special Condition No. 2** will also help assure that future owners are aware of these CDP requirements applicable to all future development.

The Commission finds that as conditioned, the amended development will be visually compatible with and subordinate to the character of its setting consistent with LUP Policies 3.5-1 and 3.5-3 and CZC Section 20.504.020(D), and that the visual impacts of the amended development at the site have been minimized consistent with LUP Policy 3.5-4 and CZC Section 20.504.015.

Height Limitations in Highly Scenic Area.

As described above, the existing two-story residence is largely screened by a mix of deciduous and evergreen trees, including red alder, grand fir, and sitka spruce. Views of the existing residence through the trees are also partially diffused by the dark-clad red exterior and grey roofing materials of the existing home. The existing two-story residence approved by CDP 1-90-176 is 27-½ feet tall. Mendocino County CZC Section 20.376 limits the height of structures in the RR district to Twenty-eight (28) feet above natural grade for non-Highly Scenic Areas and for Highly Scenic Areas east of Highway One, and limits building heights within designated Highly Scenic Areas west of Highway One to Eighteen (18) feet above natural grade unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Although the proposed addition to the single family residence exceeds the 18-foot height limitation for Highly Scenic Areas west of Highway One, the proposed addition would match the height of the existing residence and would not affect public views to the ocean.

As conditioned, the Commission finds that 27-1/2- foot height of the amended development will not affect public views to the ocean or be out of character with surrounding structures and is therefore consistent with height limitations of CZC Section 20.376 for development in highly scenic areas west of Highway One.

Minimizing Exterior Lighting.

LUP Policy 3.5-15 and CZC Section 20.504.035 require, in part, that lights shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed. Special Condition No. 4B requires that exterior lights be shielded and positioned in a manner that will not allow glare beyond the limits of the subject parcel. Therefore, as conditioned, the Commission finds that the amended development is consistent with LUP Policy 3.5-15 and CZC Section 20. 504.035

In conclusion, the Commission finds that as conditioned, the siting and design of the proposed development as amended is consistent with the visual resource protection policies of the Mendocino County certified LCP, including but not limited to LUP Policies 3.5-1, 3.5-3, 3.5-4, 3.5-5, 3.5-8, and 3.5-15, and Coastal Zoning Code Sections 20.504.010 and 20.504.015 as the development will (1) be visually compatible and subordinate to the character of its setting, (2)

minimize the visual impacts of development at the site, (3) not adversely affect coastal views from public vantage points, (4) minimize alteration of natural landforms, and (5) ensure that exterior lighting is minimized and installed so as not to shine or glare beyond the limits of the parcel.

G. STORMWATER RUNOFF

Storm water runoff from new residential development can adversely affect the biological productivity of coastal waters by degrading water quality. LUP Policy 3.1-25 requires the protection of the biological productivity of coastal waters. Mendocino County Coastal Zoning Code (CZC) Sections 20.492.015 and 20.492.020 set forth erosion control and sedimentation standards to minimize erosion and sedimentation of environmentally sensitive areas and off-site areas. Specifically, Sections 20.492.015 and 20.492.020(B) require that the maximum amount of vegetation existing on the development site shall be maintained to prevent sedimentation of off-site areas, and where vegetation is necessarily removed during construction, native vegetation shall be replanted afterwards to help control sedimentation. Furthermore, CZC Section 20.492.025 requires that provisions shall be made to infiltrate and/or safely conduct surface water to prevent runoff from damaging cut and fill slopes.

As discussed above, the subject site is located on a marine terrace that gently slopes downward towards the bluff that forms the northern parcel boundary, and northeast towards a ravine containing Doyle Creek. Runoff originating from the development site that is allowed to drain off the site could contain entrained sediment and other pollutants that would contribute to degradation of the quality of coastal waters, including Doyle Creek and downstream marine waters. Sedimentation impacts from runoff would be of the greatest concern during and immediately after construction associated with grading and fill activities for the construction of the residential additions and infrastructure. The applicant has proposed the use of silt fencing and coir “wattles” with specifications included as part of a submitted erosion control plan.

Therefore, the Commission includes best management practices outlined in **Special Condition No. 8** which require in part that during construction: (1) Weed-free straw bales, coir rolls (“wattles”), and/or silt fencing structures shall be installed prior to and maintained throughout the construction period; (2) best management practices shall be effective at controlling sediment and surface runoff during the rainy season; (3) excess excavated material and/or debris shall be removed from the project site and disposed of at a disposal site outside the coastal zone; (4) on-site stockpiles of construction debris shall be covered and contained at all times to prevent polluted water runoff; and (5) any disturbed areas shall be replanted with native plants obtained from local stock immediately following project completion.

The Commission finds that as conditioned, the amended development is consistent with CZC Sections 20.492.015 and 20.492.020 because erosion and sedimentation will be controlled and minimized by (1) maintaining on-site vegetation to the maximum extent possible; (2) replanting or seeding any disturbed areas with native vegetation following project completion; (3) using silt-fencing and/or coir “wattles” to control runoff during construction, and (4) directing runoff from the completed development in a manner that would provide for dissipation and infiltration into the ground. Furthermore, the Commission finds that the amended development as conditioned to require these measures to control sedimentation from storm water runoff from the site is consistent with the provisions of LUP Policy 3.1-25 requiring that the biological productivity of coastal waters be sustained.

H. ARCHAEOLOGICAL RESOURCES

LUP Policy 3.5-10 requires the County to review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources. LUP Policy 3.5-10 further requires that (1) prior to approval of any proposed development within an area of known or probable archaeological or paleontological significance, a field survey must be prepared by a qualified professional to determine the extent of the resource, (2) results of the field survey be transmitted to the State Historical Preservation Officer and Cultural Resource Facility at Sonoma State University for comment, and (3) proposed projects incorporate reasonable mitigation measures so the development will not adversely affect existing archaeological/paleontological resources. Coastal Zoning Code Section 20.532.095 sets forth findings required for all coastal development permits and includes, in part, that the proposed development will not have any adverse impacts on any known archaeological or paleontological resource.

According to the Archaeological Survey report dated December 6, 2013 and prepared for the project by Registered Professional Archaeologist Thad Van Bueren, the coastal area around the project site was part of the traditional territory of the Northern Pomo indigenous peoples. Their territory extended from the west shore of Clear Lake to the Pacific Ocean, encompassing coastal lands from Cleone south to the vicinity of the Navarro River. The archaeological report describes non-indigenous settlement of the surrounding area as initiated in the 1840s in connection with Mexican land grants, at which time some effort was made to harvest and mill coastal redwoods. The report indicates that “the town of Caspar was established around the time a lumber mill was developed at the mouth of Caspar Creek just north of the project in 1861 (Palmer 1880:433).”

More than a dozen prior archaeological surveys have been conducted within a 1.0- mile radius of the subject parcel. The report indicates that while nearby surveys encompass about 50% of the lands within a 1.0-mile radius and have resulted in the recordation of several dozen archaeological sites, no archaeological sites are known to exist within the project survey area. The archaeological report indicates the following:

The coastal bluffs south of Caspar Creek on the west side of Point Cabrillo Drive have been completely surveyed in an intensive manner as far south as the Point Cabrillo Light Station property. A total of 21 sites... have been recorded as a result of that work, including 15 prehistoric resources and 6 historic era sites. The prehistoric sites are predominantly small shell middens. This implies significant prehistoric sensitivity in the project area. The sites are not confined to the coastal bluffs, but also occur at locations on the broad coastal terrace.

The field survey of the subject parcel included transects spaced no more than 10 meters apart, and resulted in the identification of one “ephemeral surface scatter of historic artifacts...[including] a half dozen ceramic and glass fragments likely associated with the occupation of the neighboring parcel...” The site, which occurs substantially outside of any proposed development areas, has been recorded as Holmer Site #1. Mr. Van Bueren states that “It should be entirely feasible to construct the project with no impacts to Holmer Site #1 because the resource is far removed from the construction zone.” Mr. Van Bueren notes that findings are based on surface inspection and limited shallow probing only, and recommends that in the unlikely event archaeological remains come to light during construction activities, that all work should be halted until a professional archaeologist can examine the finds.

To ensure protection of any cultural resources that may be discovered at the site during construction of the proposed project, and to implement the recommendation of the archaeologist, the Commission attaches **Special Condition No. 13**. This condition requires that if an area of cultural deposits is discovered during the course of the project, all construction must cease, and a qualified cultural resource specialist must analyze the significance of the find. To recommence construction following discovery of cultural deposits, the applicant is required to consult with the Potter Valley Tribe and then prepare and submit a supplementary archaeological plan for the review and approval of the Executive Director to determine whether the changes are *de minimis* in nature and scope, or whether an amendment to this permit is required.

Therefore, the Commission finds that the amended development, as conditioned, is consistent with LUP Policy 3.5-10 and Coastal Zoning Code Section 20.532.095 as the development will not adversely impact archaeological and paleontological resources.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

The Commission incorporates its findings on Coastal Act and Local Coastal Program consistency at this point as if set forth in full. The findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed herein, the proposed amended development has been conditioned to be found consistent with the policies of the certified Mendocino County Local Coastal Program. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been made requirements of project approval. As conditioned, there are no other feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts that the activity may have on the environment. Therefore, the Commission finds that the proposed amended development, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A

Substantive File Documents

Application file for Coastal Development Permit (CDP) Application No. 1-90-176-A1

Application file for Coastal Development Permit (CDP) Application No. 1-90-176-A2

California Coastal Act

CDP File No. 1-90-176 (Ward)

CDP File No. 1-92-37 (Ward)

CDP File No. 1-90-37-A1 (Ward)

Jensen, David. November 21, 2014. "Coastal Commission CDP 1-90-176-A2, 14231 Point Cabrillo Drive, Mendocino (Holmer). Letter from Mendocino County Department of Environmental Health staff to Tamara Gedik, Commission staff, approving proof-of-water test and replacement septic design at subject address.

Mendocino County Coastal Development Boundary Line Adjustment CDB 1-2013 (Holmer), available online at: http://www.co.mendocino.ca.us/planning/pdf/current/boards/CDB%201-2013%20Staff%20Report_Holmer-Pember.pdf

Mendocino County Local Coastal Program

Spade Natural Resources Consulting. November 9, 2012. "Biological Scoping Survey, Botanical Survey, ESHA and Wetland Delineation Report, and Reduced Buffer Analysis for 14231 Point Cabrillo Dr. (APN 118-120-28)." Prepared by Asa Spade, Fort Bragg, CA.

-----, September 22, 2014. "Survey of New Septic Location and Reduced Buffer Analysis Update." Addendum letter prepared for Amy Wynn, Wynn Coastal Planning, by Asa Spade.

Van Buren, Thad. December 6, 2013. Archaeological Survey of the Holmer Property in Mendocino County, California. Prepared for Ken and Debbie Holmer by Thad Van Buren, Registered Professional Archaeologist, Westport, CA.

Appendix B

Mendocino County LCP Policies Regarding Planning and Locating New Development

Mendocino County Land Use Plan (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 County Coastal Zoning Code (CZC) Section 20.376.020 “Minimum Lot Area for RR Districts” states in part:

(A) RR: Forty thousand (40,000) square feet...(C) RR:L-5: Five (5) acres.

CZC Section Sec. 20.376.025 “Maximum Dwelling Density for RR Districts” states in part:

(A) RR: One (1) unit per forty thousand (40,000) square feet except as provided pursuant to Section 20.456.015 (Accessory Uses), Section 20.460.035 (Use of a Trailer Coach) and Section 20.460.040 (Family Care Unit).

CZC Section 20.376.030 “Minimum Front and Rear Yards for RR Districts” specifies the following setback requirements:

(A) RR; RR:L-2: Twenty (20) feet each.

(B) RR:L-5: Thirty (30) feet each.

(C) RR:L-10: Fifty (50) feet each. (Ord. No. 3785 (part), adopted 1991)

CZC Section 20.376.035 “Minimum Side Yards for RR Districts” specifies the following setback requirements:

(A) RR; RR:L-2: Six (6) feet each.

(B) RR:L-5: Thirty (30) feet each.

(C) RR:L-10: Fifty (50) feet each. (Ord. No. 3785 (part), adopted 1991)

CZC Section 20.376.040 “Setback Exception” states the following:

Any nonconforming parcel which is less than five (5) acres and which is zoned RR:L-5 or RR:L-10 shall observe a minimum front, side and rear yard of twenty (20) feet. (Ord. No. 3785 (part), adopted 1991)

CZC Section 20.376.045 “Building Height Limit for RR Districts.”

Twenty-eight (28) feet above natural grade for non-Highly Scenic Areas and for Highly Scenic Areas east of Highway One. Eighteen (18) feet above natural grade for Highly Scenic Areas west of Highway One unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Thirty-five (35) feet above natural grade for uninhabited accessory structures not in an area designated as a Highly Scenic Area (See Section 20.504.015(C)(2)). (Ord. No. 3785 (part), adopted 1991)

CZC Section 20.376.065 Maximum Lot Coverage for RL Districts.

Twenty (20) percent for parcels less than two (2) acres in size. Fifteen (15) percent for parcels from two (2) acres to five (5) acres in size. Ten (10) percent for parcels over five (5) acres in size. (Ord. No. 3785 (part), adopted 1991)

CZC Section 20.456.015 “Residential and Agricultural Use Types” specifies the accessory buildings and uses permissible in the district, as follows (emphasis added)

Subject to the restrictions and limitations of this Chapter, including the granting of a Coastal Development Permit, where applicable, the following accessory buildings and uses shall be permitted in all zoning districts which allow a single-family residence:

(A) Private Garages.

(B) Children's playhouse, patios, porches, gazebos, etc.

(C) Windmills.

(D) Shops (non-business purposes).

(E) Barns.

(F) Private swimming pools and hot tubs (not subject to setback requirements in the side or rear yards of any district).

(G) Accessory Living Unit. Not more than one accessory living unit for each legal parcel.

...

(J) Travel Trailer or Camper. The maintaining of one (1) travel trailer or camper in dead storage where it is not used for occupancy or business purposes. All stored travel trailers or campers in excess of one (1) shall be stored out of sight from a public right-of-way. The connection, for any continuous period exceeding forty-eight (48) hours, of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper shall be prima facie evidence that it is being used for habitation or business purposes.

...

(O) Other Necessary and Customary Uses. Accessory non-residential uses and nonresidential structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to a principal permitted use, as determined by the Director of Planning and Building Services. (Ord. No. 3785 (part), adopted 1991)

CZC Section 20.308.020 defines “Accessory Living Unit” as follows:

...a detached bedroom as defined in Section 20.308.035(B) or a guest cottage as defined in Section 20.308.050(I).

CZC Section 20.308.050(I) defines “Guest Cottage” as follows:

...a detached building (not exceeding six hundred forty (640) square feet of gross floor area), of permanent construction, without kitchen, clearly subordinate and incidental to the primary dwelling on the same lot, and intended for use without compensation by guests of the occupants of the primary dwelling.

CZC Section 20.460.040 outlines temporary use regulations associated with a Family Care Unit as follows:

The temporary use of a building, structure or trailer coach, not to exceed one thousand (1,000) square feet in size, will be allowed, upon issuance of a Coastal Development Standard Permit, to provide housing for (a) not more than two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who requires daily supervision and care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence subject to the following provisions:

(A) Standard Permit. The temporary unit shall be allowed only after securing a Coastal Development Standard Permit.

(B) Statement. Prior to the granting of the permit and yearly renewal:

(1) A statement must be submitted by the owner of the property and signed under penalty of perjury that the use of the "family care unit" is to provide housing for (a) not more than two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who requires daily supervision and care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.

(C) Termination. Should the use or necessity of the temporary family care unit cease, it must be removed from the premises or converted to an accessory structure as provided in Chapter 20.456. Should the occupants of the family care unit or the main residence move to another off-site residence, the permit for the family care unit shall become null and void. (Ord. No. 3785 (part), adopted 1991)

Land Use Plan (LUP) Policy 3.8-1 states, in applicable part, as follows (**Emphasis added**):

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

On the rural side of the Urban/Rural boundary, consideration shall be given to Land Use Classifications, 50% buildout, average parcel size, availability of water and solid and septage disposal adequacy and other Coastal Act requirements and Coastal Element policies.

Coastal Zoning Code (CZC) Section 20.532.095 “Required Findings for All Coastal Development Permits” states:

- (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*
 - (4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.*
 - (5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.*
 - (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.*

Appendix C

Mendocino County LCP Policies Regarding Environmentally Sensitive Habitat Areas

I. Environmentally Sensitive Habitat Area Protection LCP Policies

Coastal Act Section 30240 states, incorporated by reference in the LUP:

(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.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

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

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

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

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

LUP Policy 3.1-2 states:

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 states:

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

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

LUP Policy 3.1-18 states the following (emphasis added):

Public access to sensitive wildlife habitats such as rookeries or haulout areas shall be regulated, to insure that public access will not significantly adversely affect the sensitive resources being protected.

Development within buffer areas recommended by the California Department of Fish and Game to protect rare or endangered wildlife species and their nesting or breeding areas

shall meet guidelines and management practices established by the Department of Fish and Game, and must be consistent with other applicable policies of this plan.

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.*

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

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

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

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

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

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

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

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

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

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

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

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

(e) Use of Existing Cultural Features to Locate Buffer Zones. Cultural features (e.g., roads and dikes) shall be used, where feasible, to buffer habitat areas. Where

feasible, development shall be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the ESHA.

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

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

(2) Configuration. *The buffer area shall be measured from the nearest outside edge of the ESHA (e.g., for a wetland from the landward edge of the wetland; for a stream from the landward edge of riparian vegetation or the top of the bluff).*

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

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

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

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

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

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

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

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

...

Section 20.532.100 of the Mendocino County Coastal Zoning Code states:

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 (emphases added).

II. Riparian ESHA LCP Policies

Mendocino County 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 County CZC Section 20.496.035 “Riparian Corridors and other Riparian Resource Areas” states:

(A) No development or activity which could degrade the riparian area or diminish its value as a natural resource shall be permitted in the riparian corridor or in any area of riparian vegetation except for the following:

- (1) Channelizations, dams or other alterations of rivers and streams as permitted in Section 20.496.030(C);
- (2) Pipelines, utility lines and road and trail crossings when no less environmentally damaging alternative route is feasible;
- (3) Existing agricultural operations;
- (4) Removal of trees for disease control, public safety purposes or personal use for firewood by property owner.

(B) Requirements for development in riparian habitat areas are as follows:

- (5) The development shall not significantly disrupt the habitat area and shall minimize potential development impacts or changes to natural stream flow such as increased runoff, sedimentation, biochemical degradation, increased stream temperatures and loss of shade created by development;
- (6) No other feasible, less environmentally sensitive alternative exists;
- (7) Mitigation measures have been incorporated into the project to minimize adverse impacts upon the habitat;
- (8) Where development activities caused the disruption or removal of riparian vegetation, replanting with appropriate native plants shall be required at a minimum ratio of one to one (1:1) and replaced if the survival rate is less than seventy-five (75) percent.

III. Wetlands ESHA LCP Policies

Mendocino County LUP Policy 3.1-4 states:

As required by the Coastal Act, development within wetland areas shall be limited to:

1. Port facility construction or expansion, Section 30233(a)(1).
2. Energy facility construction or expansion, Section 30233(a)(1).
3. Coastal-dependent industrial facilities such as commercial fishing facilities, construction or expansion, Section 30233(a)(1).
4. Maintenance or restoration of dredged depths or previously dredged depths in: navigational channels, turning basins, vessel berthing and mooring areas, and associated with boat launching ramps.
5. In wetland areas, only entrance channels for new or expanded boating facilities may be constructed, except that in a degraded wetland, other boating facilities may be permitted

under special circumstances, Section 30233(a)(3). New or expanded boating facilities may be permitted in estuaries, Section 30233(a)(4).

6. *Incidental public services purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
7. *Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
8. *Nature study purposes and salmon restoration projects.*
9. *Aquaculture, or similar resource dependent activities excluding ocean ranching. (See Glossary)*

In any of the above instances, the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes, shall be permitted in accordance with all other applicable provisions of this plan. Such requirements shall include a finding that there is no feasible less environmentally damaging alternative and shall include mitigation measures required to minimize adverse environmental effects, in accordance with Sections 30233 and 30607, and other provisions of the Coastal Act.

Mendocino County LUP Policy 3.1-13 states in applicable part:

- *All diking, dredging, and filling activities shall comply with the provisions of Sections 30233 and 30607.1 of the Coastal Act...*

Coastal Act Section 30233 states, incorporated by reference into the LUP:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.*
- (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*

- (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (7) Restoration purposes.*
- (8) Nature study, aquaculture, or similar resource dependent activities.*
- (b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.*
- (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.*

Section 20.496.025 of the Mendocino County Coastal Zoning Code, states, in part, that:

(A) Development or activities within wetland and estuary areas shall be limited to the following:

- (1) Port facility expansion or construction.*
- (2) Energy facility expansion or construction.*
- (3) Coastal-dependent industrial facilities, such as commercial fishing facilities, expansion or construction.*
- (4) Maintenance or restoration of dredged depths or previously dredged depths in navigation channels, turning basins, vessel berthing and mooring areas, and associated boat launching ramps.*
- (5) In wetland areas, only entrance channels for new or expanded boating facilities may be constructed, except that, in a degraded wetland, other boating facilities may be permitted under special circumstances.*
- (6) New or expanded boating facilities may be permitted in estuaries.*
- (7) Incidental public service purposes which temporarily impact the resource including but not limited to burying cables and pipes, or inspection of piers, and maintenance of existing intake and outfall lines.*
- (8) Restoration projects which are allowable pursuant to Section 30233(a)(7) of the Coastal Act are publicly or privately financed projects in which restoration is the sole purpose of the project...*
- (9) Mineral extraction, including sand for restoring beaches, except in ESHA's.*
- (10) Nature study purposes and salmon restoration projects.*

(11) Aquaculture, or similar resource dependent activities excluding ocean ranching.

(B) Requirements for permitted development in wetlands and estuaries.

(1) Any proposed development that is a permitted development in wetlands and estuaries must meet the following statutory requirements, and supplemental findings pursuant to [Section 20.532.100](#):

(a) There is no feasible, less environmentally damaging alternative;

(b) Where there is no feasible, less environmentally damaging alternative, mitigation measures have been provided to minimize adverse environmental effects...

Appendix D

Mendocino County LCP Policies Regarding Visual Resources

Section 30251 of the Coastal Act has been specifically incorporated into **LUP Policy 3.5-1** 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. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.

Policy 3.5-3 of the certified LUP states as follows, in applicable part (emphasis added):

The visual resource areas listed below are those which have been identified on the land use maps and shall be designated as "highly scenic areas," within which new development shall be subordinate to the character of its setting. Any development permitted in these areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.

...

- *Portions of the coastal zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusions of certain areas east of Highway 1.*

In addition to other visual policy requirements, new development west of Highway One in designated "highly scenic areas" is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Variances from this standard may be allowed for planned unit development that provides clustering and other forms of meaningful visual mitigation. New development should be subordinate to natural setting and minimize reflective surfaces. All proposed divisions of land and boundary line adjustments within "highly scenic areas" will be analyzed for consistency of potential future development with visual resource policies and shall not be allowed if development of resulting parcel(s) could not be consistent with visual policies.

CZC Section 20.504.020 states, in applicable part, as follows (emphasis added):

...

(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. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting. (Ord. No. 3785 (part), adopted 1991)

LUP Policy 3.5-4 states the following (emphasis added):

Buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below rather than on a ridge, or in or near the edge of a wooded area. Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists.

...

Minimize visual impacts of development on terraces by (1) avoiding development in large open areas if alternative site exists; (2) minimize the number of structures and cluster them near existing vegetation, natural landforms or artificial berms; (3) provide bluff setbacks for development adjacent to or near public areas along the shoreline; (4) design development to be in scale with rural character of the area...

LUP Policy 3.5-5 states as follows, in applicable part (emphasis added):

Providing that trees will not block coastal views from public areas such as roads, parks and trails, tree planting to screen buildings shall be encouraged. In specific areas, identified and adopted on the land use plan maps, trees currently blocking views to and along the coast shall be required to be removed or thinned as a condition of new development in those specific areas. New development shall not allow trees to block ocean views.

...

LUP Policy 3.5-8 states as follows (**emphasis added**):

Power transmission lines shall be located along established corridors. Elsewhere transmission lines shall be located to minimize visual prominence. Where overhead transmission lines cannot be located along established corridors, and are visually intrusive within a "highly scenic area", the lines shall be placed underground west of Highway One and below ridgelines east of Highway One if technically feasible. Certain lines shall, over time, be relocated or placed underground in accord with PUC regulations (see Big River Planning Area Policy 4.7-3 and Policy 3.11-9). Distribution lines shall be underground in new subdivisions.

Section 20.504.015 ("Highly Scenic Areas") of the certified Coastal Zoning Code (CZC) states as follows, in applicable part (emphasis added):

(A) The visual resource areas listed below are those which have been designated highly scenic and in which development shall be subordinate to the character of its setting:

...

(2) Portions of the Coastal Zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusion of certain areas east of Highway 1...

(C) Development Criteria.

(1) Any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.

...

(3) New development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings.

...

(5) Buildings and building groups that must be sited in highly scenic areas shall be sited:

- (a) Near the toe of a slope;*
- (b) Below rather than on a ridge; and*
- (c) In or near a wooded area.*

...

(7) Minimize visual impacts of development on terraces by the following criteria:

- (a) Avoiding development, other than farm buildings, in large open areas if alternative site exists;*
- (b) Minimize the number of structures and cluster them near existing vegetation, natural landforms or artificial berms;*
- (c) Provide bluff setbacks for development adjacent to or near public areas along the shoreline;*
- (d) Design development to be in scale with rural character of the area.*

...

(10) Tree planting to screen buildings shall be encouraged, however, new development shall not allow trees to interfere with coastal/ocean views from public areas...

(12) Power distribution lines shall be placed underground in designated "highly scenic areas" west of Highway 1 and in new subdivisions. East of Highway 1, power lines shall be placed below ridgelines if technically feasible.

(13) Access roads and driveways shall be sited such that they cause minimum visual disturbance and shall not directly access Highway 1 where an alternate configuration is feasible. (Ord. No. 3785 (part), adopted 1991).

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.

CZC Section 20.504.035 (“Exterior Lighting Restrictions”) states as follows, in applicable part (emphasis added):

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

(1) No light or light standard shall be erected in a manner that exceeds either the height limit designated in this Division for the zoning district in which the light is located or the height of the closest building on the subject property whichever is the lesser.

(2) Where possible, all lights, whether installed for security, safety or landscape design purposes, shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed.

(3) Security lighting and flood lighting for occasional and/or emergency use shall be permitted in all areas.

(4) Minor additions to existing night lighting for safety purposes shall be exempt from a coastal development permit.

(5) No lights shall be installed so that they distract motorists.

Appendix E

Mendocino County LCP Policies Regarding Stormwater Runoff

LUP Policy 3.1-25 states:

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

CZC Section 20.492.015 sets erosion control standards and states in part:

(A) The erosion rate shall not exceed the natural or existing level before development.

(B) Existing vegetation shall be maintained on the construction site to the maximum extent feasible. Trees shall be protected from damage by proper grading techniques.

(C) Areas of disturbed soil shall be reseeded and covered with vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding; mulches may be used to cover ground areas temporarily. In environmentally sensitive habitat areas, the revegetation shall be achieved with native vegetation...

(D) Mechanical or vegetative techniques to control erosion may be used where possible or necessary providing that they are fully discussed in the approved development plan.

(E) To control erosion, development shall not be allowed on slopes over thirty (30) percent unless adequate evidence from a registered civil engineer or recognized authority is given that no increase in erosion will occur... [Emphases added]

CZC Section 20.492.020 sets sedimentation standards and states in part:

A. Sediment basins (e.g., debris basins, desilting basins, or silt traps) shall be installed in conjunction with initial grading operations and maintained through the development/construction process to remove sediment from runoff wastes that may drain from land undergoing development to environmentally sensitive areas.

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

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

D. Design of sedimentation control devices shall be coordinated with runoff control structure to provide the most protection. [Emphasis added.]

CZC Section 20.492.025 sets runoff standards and states in applicable part:

(A) Water flows in excess of natural flows resulting from project development shall be mitigated...

(C) The acceptability of alternative methods of storm water retention shall be based on appropriate engineering studies. Control methods to regulate the rate of storm water discharge that may be acceptable include retention of water on level surfaces, the use of grass areas, underground storage, and oversized storm drains with restricted outlets or energy dissipators [sic].

(D) Retention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In other situations, planted trees and vegetation such as shrubs and permanent ground cover shall be maintained by the owner.

(E) Provisions shall be made to infiltrate and/or safely conduct surface water to storm drains or suitable watercourses and to prevent surface runoff from damaging faces of cut and fill slopes... [Emphasis added]

Appendix F

Mendocino County LCP Policies Regarding Archaeological Resources

Land Use Plan (LUP) Policy 3.5-10 states (emphasis added):

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

CZC Section 20.532.095 “Required Findings for All Coastal Development Permits” states in part (emphasis added):

(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*

...

(5) *The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.*

EXHIBIT NO. 2

CDP AMENDMENT NO.
1-90-176-A1
(Holmer)

VICINITY MAP / AERIAL
PHOTO



1:6,000

0 25 50 100 150 200



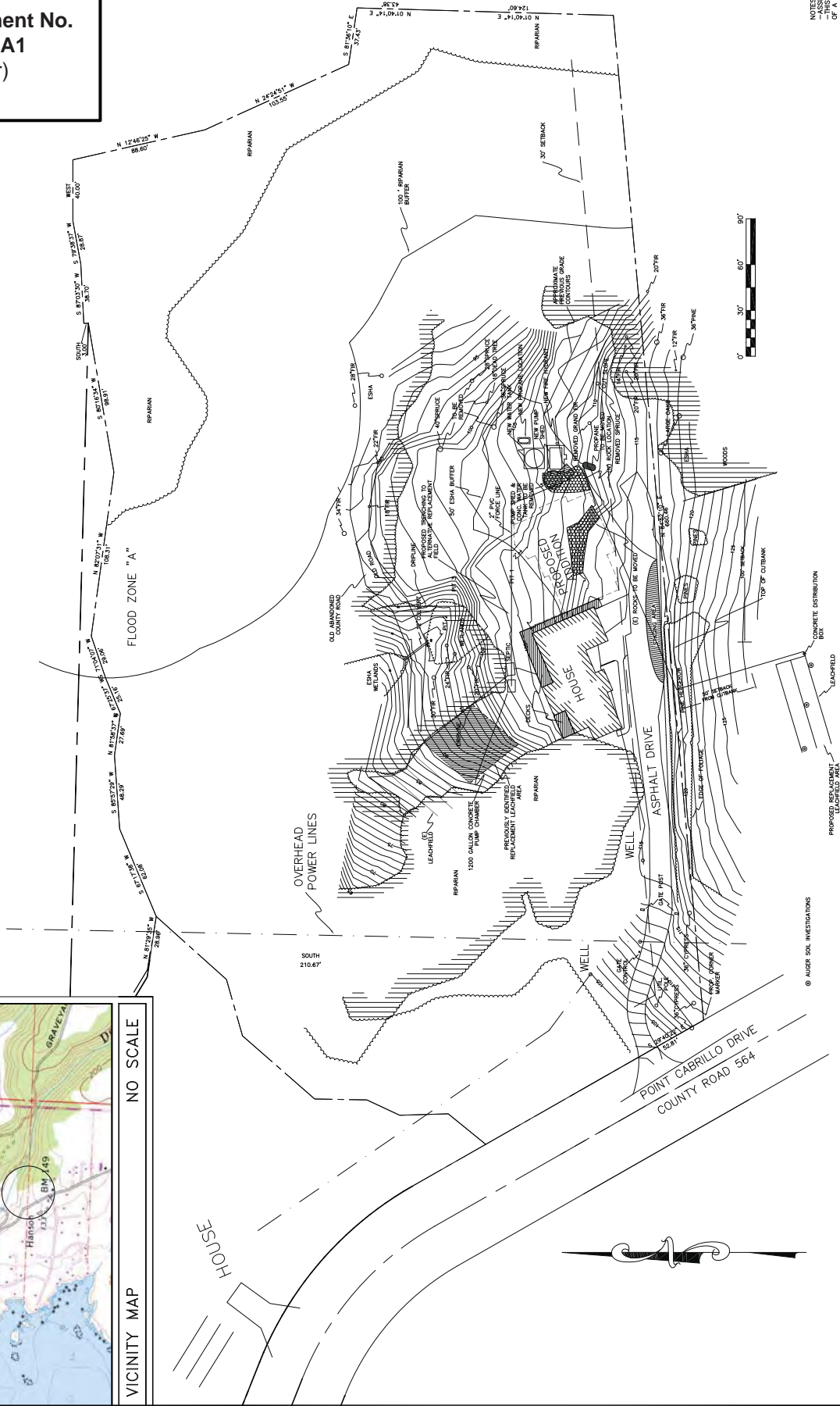
Meters

— = State Parks Property

Date: 6/19/2015



VICINITY MAP NO SCALE



© AUGER SOIL INVESTIGATIONS

PROPOSED AND EXISTING LEACHFIELD AREA
CONCRETE DISTRIBUTION BOX

NOTES:
- EXISTING ELEVATION
- THIS DOES NOT CONSIST
OF A BOUNDARY SURVEY

JOB #1226	DATE 8/12 - 8/15	SCALE AS SHOWN	APPROVED	L.S. 5121
DRAWN FNF/TH				

SITE PLAN WITH PROPOSED ADDITION
LANDS OF HOLMER
14231 PT. CABRILLO DR.
MENDOCINO, CA



Wynn Coastal Planning
703 N. Main Street
Fort Bragg, California 95437
(707) 964-2537
www.WCPlan.com

Based on a map by:
Forest Francis, Land Surveyor
Mendocino, California 95460
(707) 937-9900

EXHIBIT NO. 3

Proposed Site Plans
CDP Amendment No.
1-90-176-A1
(Holmer)
1 of 2

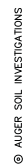


EXHIBIT NO. 4

CDP Amendment No. 1-90-176-A1 (Holmer)

Proposed Elevations and Floor Plans (1 of 3)

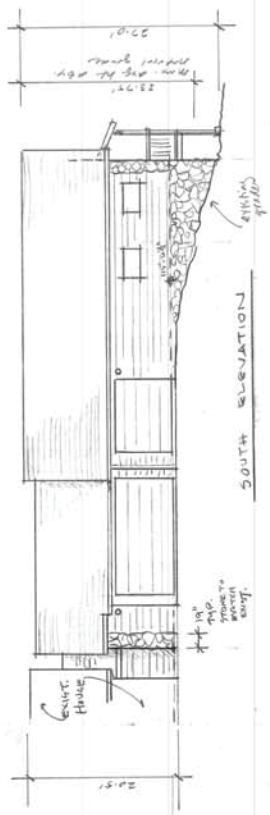
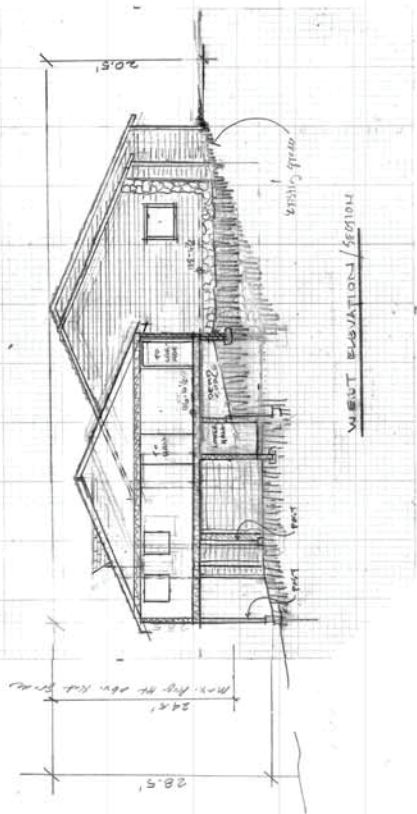
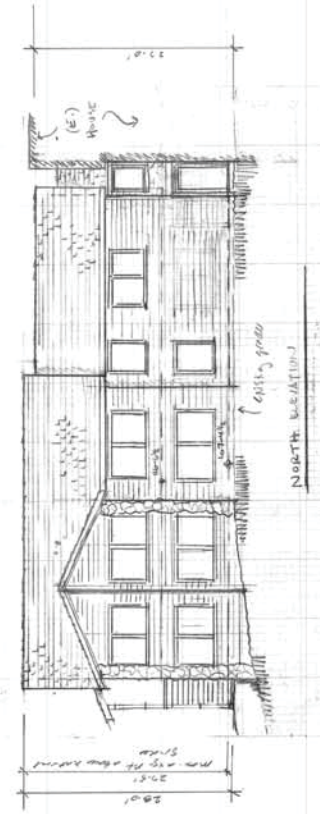
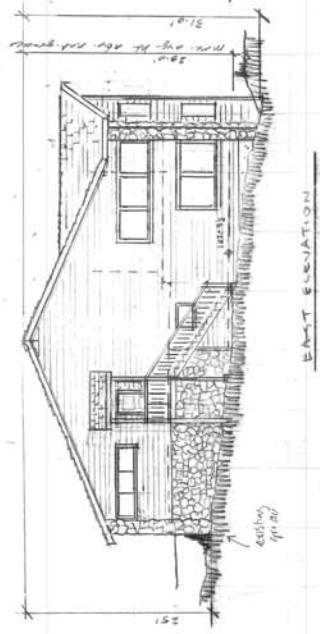
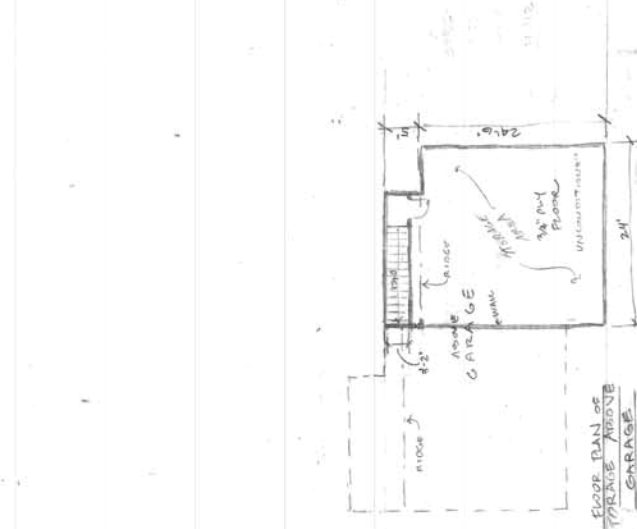
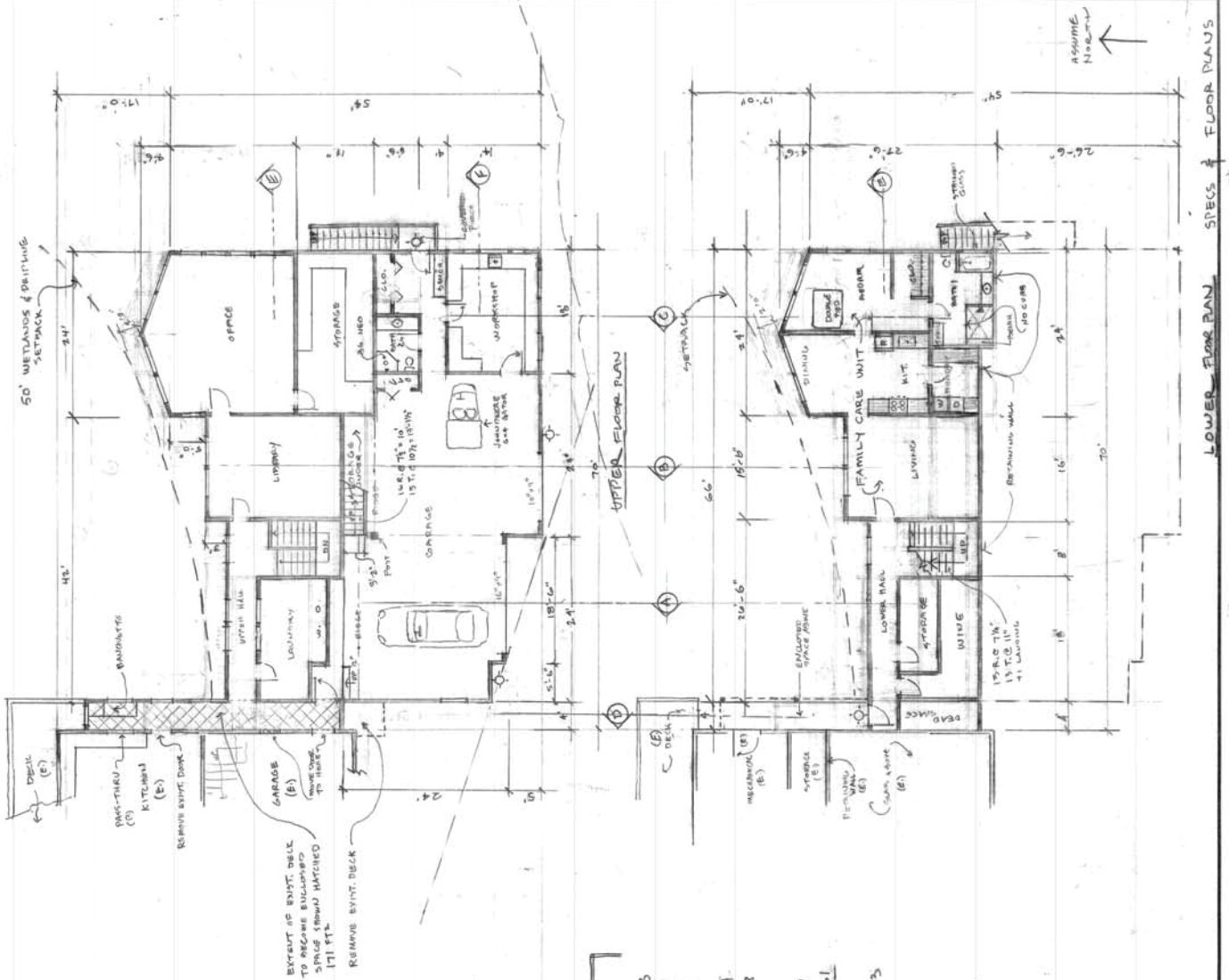


EXHIBIT NO. 4

CDP Amendment No. 1-90-176-A1 (Holmer)

Proposed Elevations and Floor Plans (1 of 3)



Material	Color
Sillings	BLACK WALNUT
Trim	BROWN STAINLESS
Roofing	MATCH STAINLESS
Windows	ALUMINUM GRAY
Window Frames	ALUMINUM GRAY
Doors	NATURAL FINISH
Garage Door	PAINTED STEEL

Picture It! Shinywood Copper
 Because of abundant 24-hour sunlight, image depicted
 may differ slightly from actual product.

Product Details for the exclusive 100% HDPE Outdoor Wall Banne

[illegible]

PROPOSED ADDITION:

UPPER FLOOR

• CONDITIONED SPACE _____ 1728

• UNCONDITIONED SPACE:

GARAGE _____ 1270
WORKSHOP AREA _____ 441

LOWER FLOOR

• CONDITIONED SPACE	377
• CONDITIONED FAMILY CARE UNIT	998

DECKS & STAIRS. ————— 80

TOTAL - 5061

Chlorophyll + Xanthophyll 9473

PROPOSED EXTERIOR LIGHT - SEE FLOOR PLAN

KICKLER 10924DC0
FOR LOCATIONS

LISTING:

CONDITIONED SPACE - 3196
GARAGE - 976

DECKS & STAIRS	640
TOTAL	4412

(2 of 3)

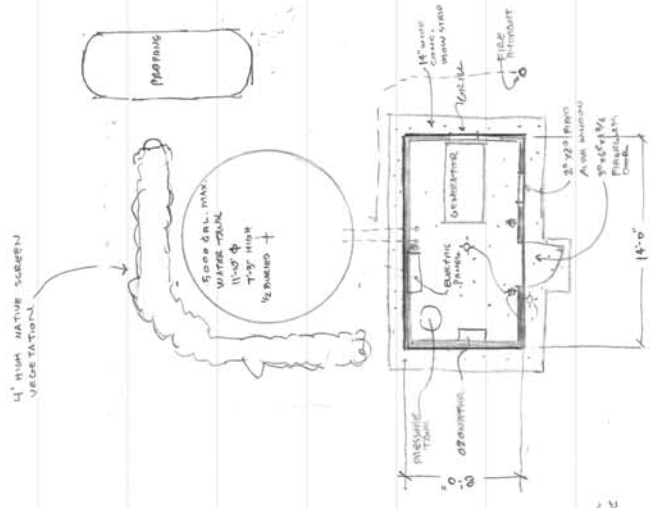
DATE	2-7-14
SCALE	1/4" = 1'
DRAWN BY	JOB #1101-1
CHECKED BY	
APPROVED BY	
REVISIONS	
BY	DATE

HP # 118-120-25

HOLMER PUMP HOUSE
14231 PT. CHARLES DR., CASPER

Rosenbath
CONSTRUCTION COMPANY, INC.
FORT BRUCE, CA 94742
TEL: 709-440-1111 FAX: 709-440-1112

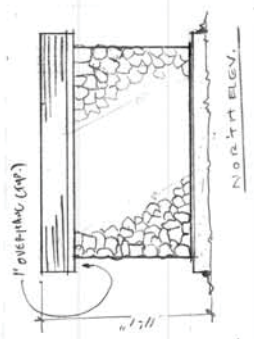
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Sheet	1



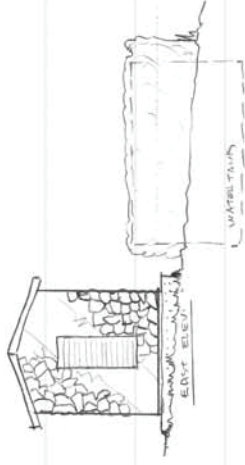
PLAN

ASSUME 2' X

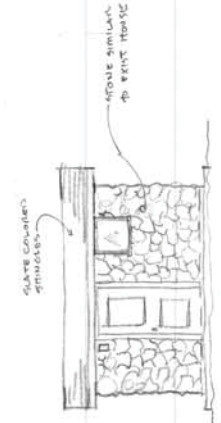
PUMP HOUSE (E)
WATER TANK



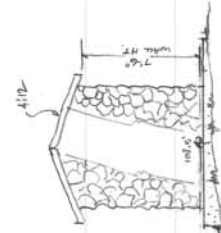
NORTH ELEV.



EAST ELEV.



SOUTH ELEV.



WEST ELEV.



Siding, Trim, Door: Redwood; Duckback Canyon from Superdeck



Shingles: Elk Composition Shingles; Sea Watch Gray



Window Trim: Aluminum clad; bronze anodized



Garage Door: Painted Steel; Benjamin Moore Honey comb



Exterior Lighting: Kichler 10924, distressed copper



Stone Façade: Eldorado Stone Mountain Ledge; Mesa Verde

Proposed Project, Materials & Colors

EXHIBIT NO. 5

**CDP Amendment No.
1-90-176-A1
(Holmer)**

**Proposed Materials
(1 of 2)**



Siding, Trim, Door: Redwood; Duckback Canyon from Superdeck



Shingles: Elk Composition Shingles; Sea Watch Gray

Photo of Existing House (painted red).
Proposed Siding Stain for Existing House and
Proposed Addition; Proposed Roofing for Addition

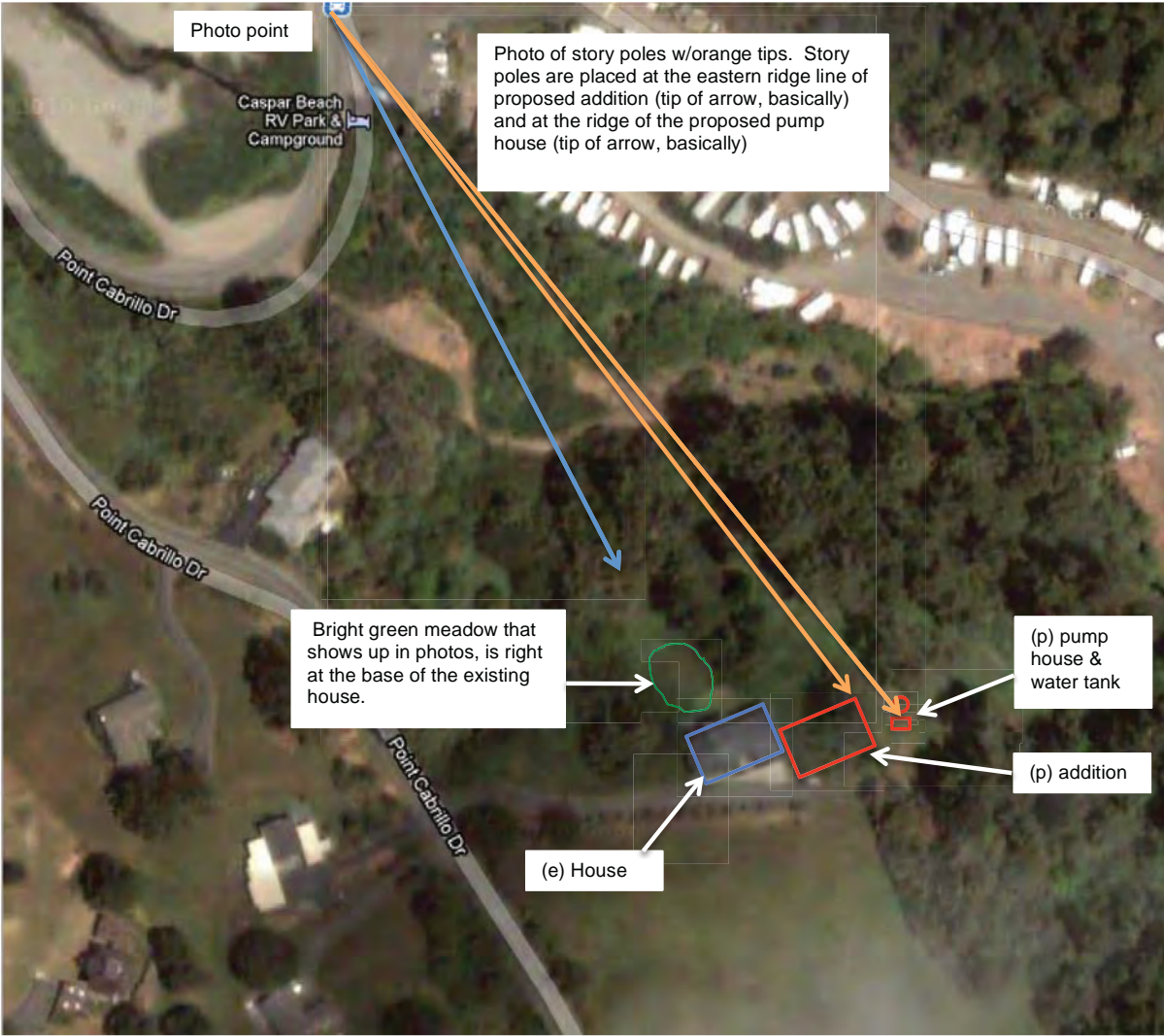
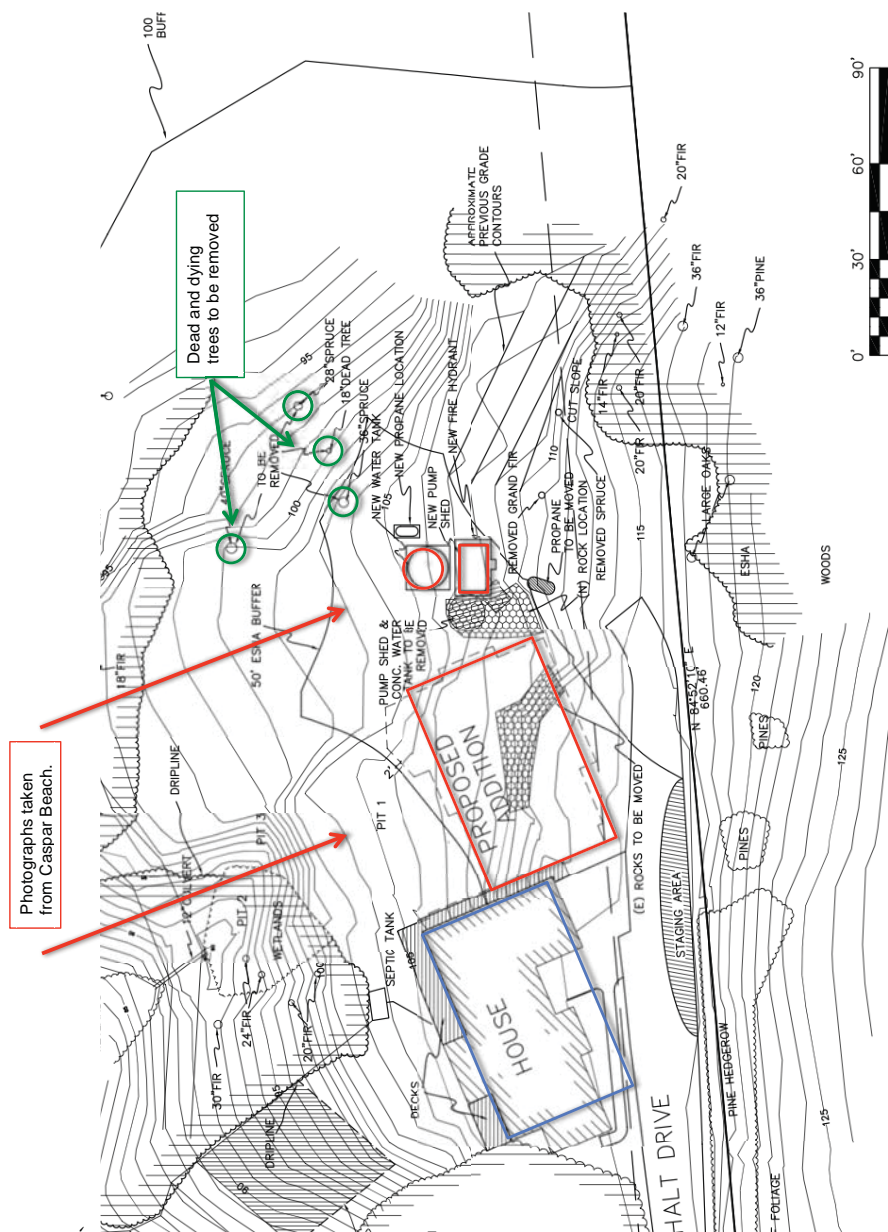


EXHIBIT NO. 6
CDP Amendment No. 1-90-176-A1 (Holmer)
Excerpts from Visual Analysis (1 of 6)

Visual Analysis, Photo Points, Project Elements
--



Visual Analysis, Photo Points, Project Elements, detail



Visual Analysis,
Story Poles

Wynn Coastal Planning

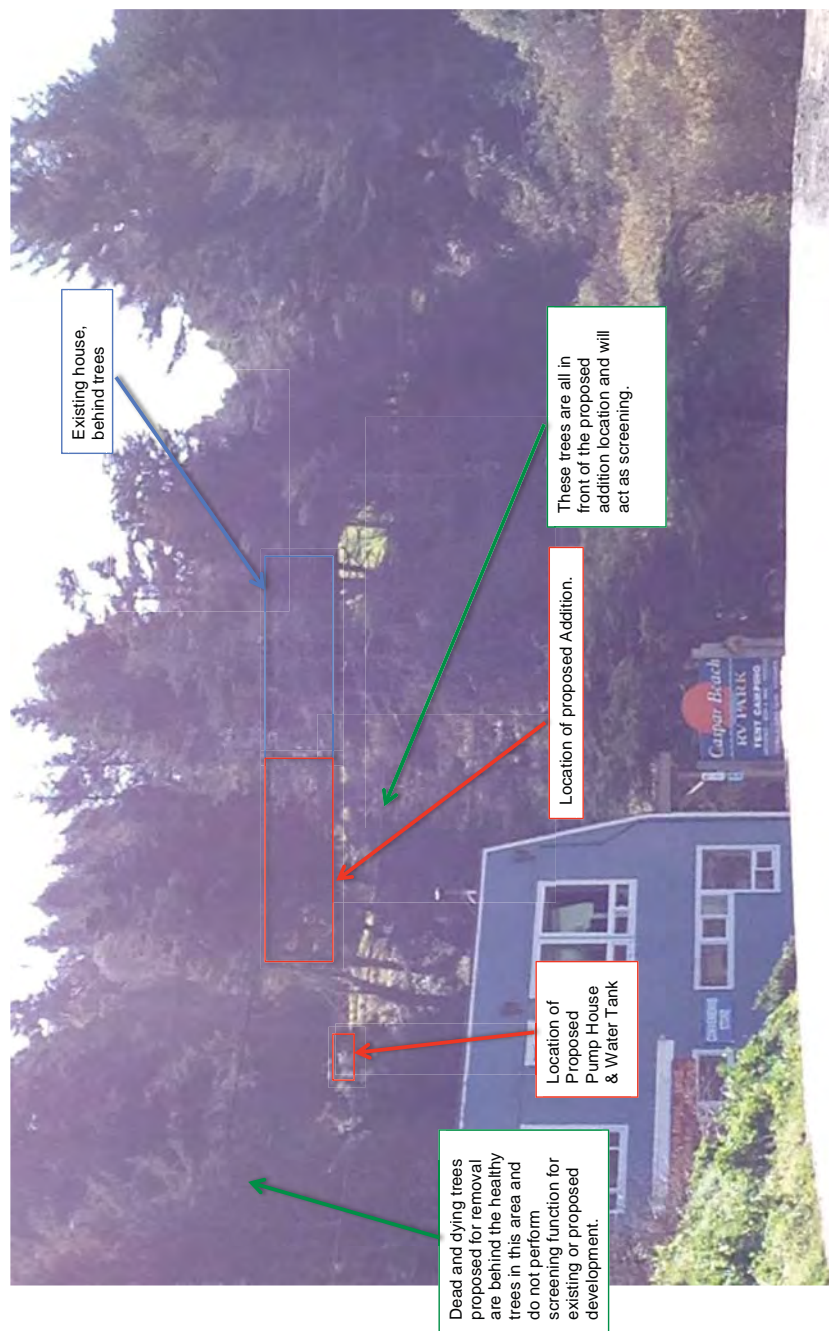


Photo of Existing Development and Story Poles, locations of proposed development



Visual Simulation of Proposed Development
behind existing screening vegetation



Visual Simulation of Proposed Development
behind existing screening vegetation

EXHIBIT NO. 7

**CDP Amendment No.
1-90-176-A1
(Holmer)**

Site Photos (1 of 2)



View looking northwest at existing development (driveway, house, propane tank, water well, pumphouse) on applicant's residential parcel

View looking northwest at existing house in relation to recently-identified wetland and forest ESHA buffer

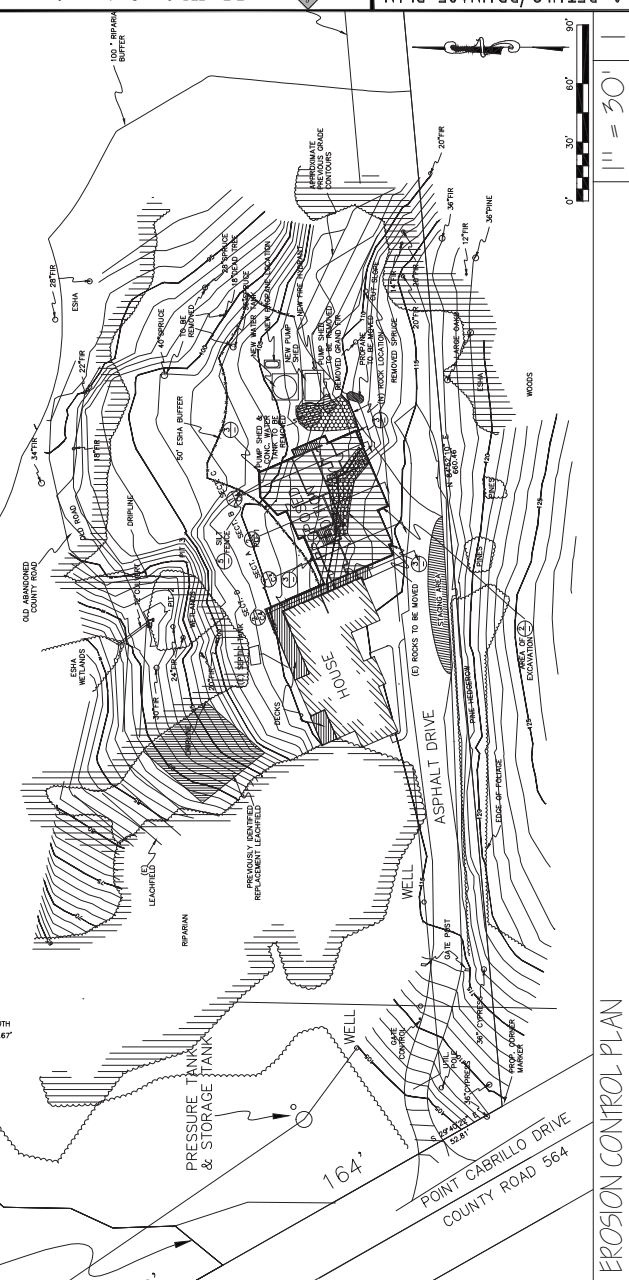


Wetland and Grand
Fir/Sitka Spruce
ESHA

50-foot ESHA
buffer



View looking southwest towards existing house from edge of recently-identified wetland and forest ESHA buffer



NOT USED	2	DOWNSPOUT DISSIPATER BMP	N.T.S.	3
NOT USED	4	FIBER ROLL ENTRENCHMENT DETAIL	N.T.S.	4
		SILT FENCE	N.T.S.	5

EROSION CONTROL BEST MANAGEMENT PRACTICES			
BEST MANAGEMENT PRACTICE	LOCATION	IMPLEMENTATION SCHEDULE	MAINTENANCE SCHEDULE
PROTECT GRAZED AREAS AND SLOPES FROM EROSION & DISTURBANCE	THROUGHOUT PROJECT SITE	CONTINUOUS UNTIL CONSTRUCTION IS COMPLETED	REPAIR EROSION AND DISTURBANCES IMMEDIATELY. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE.
GRAVEL FILTER	IN PLACE DURING WET SEASON UNTIL ROADWAYS ARE PAVED	DURING WET SEASON	INSPECT GRAZED AREAS AND SLOPES ON AT LEAST A MONTHLY BASIS TO CHECK FOR EROSION. REPAIR EROSION IMMEDIATELY. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE.
INLET FILTER BAG	IN PLACE DURING WET SEASON UNTIL ROADWAYS ARE PAVED	IN PLACE DURING WET SEASON UNTIL ROADWAYS ARE PAVED	INSPECT GRAZED AREAS AND SLOPES ON AT LEAST A MONTHLY BASIS TO CHECK FOR EROSION. REPAIR EROSION IMMEDIATELY. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE.
SILT FENCING/FIBER ROLL	3-1 SLOPES	CONTINUOUS AS NECESSARY	INSPECT GRAZED AREAS AND SLOPES ON AT LEAST A MONTHLY BASIS TO CHECK FOR EROSION. REPAIR EROSION IMMEDIATELY. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE.
HYDROSEEDING	ENTRANCED TO SITE FROM PUBLIC ROADWAYS	IN PLACE DURING WET SEASON UNTIL ROADWAYS ARE PAVED	INSPECT GRAZED AREAS AND SLOPES ON AT LEAST A MONTHLY BASIS TO CHECK FOR EROSION. REPAIR EROSION IMMEDIATELY. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE.
STABILIZED CONSTRUCTION ENTRANCE	WHEREVER NECESSARY	CONTINUOUS UNTIL CONSTRUCTION IS COMPLETED	INSPECT GRAZED AREAS AND SLOPES ON AT LEAST A MONTHLY BASIS TO CHECK FOR EROSION. REPAIR EROSION IMMEDIATELY. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE.
WIND EROSION CONTROL	DESIGNATED AREA	CONTINUOUS UNTIL CONSTRUCTION IS COMPLETED	INSPECT GRAZED AREAS AND SLOPES ON AT LEAST A MONTHLY BASIS TO CHECK FOR EROSION. REPAIR EROSION IMMEDIATELY. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE.
GOOD HOUSEKEEPING	DESIGNATED AREA	CONTINUOUS UNTIL CONSTRUCTION IS COMPLETED	INSPECT GRAZED AREAS AND SLOPES ON AT LEAST A MONTHLY BASIS TO CHECK FOR EROSION. REPAIR EROSION IMMEDIATELY. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE.
WATER STORAGE	DESIGNATED AREA	CONTINUOUS UNTIL CONSTRUCTION IS COMPLETED	INSPECT GRAZED AREAS AND SLOPES ON AT LEAST A MONTHLY BASIS TO CHECK FOR EROSION. REPAIR EROSION IMMEDIATELY. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE.
PROPER CONSTRUCTION	DESIGNATED AREA	CONTINUOUS UNTIL CONSTRUCTION IS COMPLETED	INSPECT GRAZED AREAS AND SLOPES ON AT LEAST A MONTHLY BASIS TO CHECK FOR EROSION. REPAIR EROSION IMMEDIATELY. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE.
WASTE STORAGE AND HANDLING	DESIGNATED AREA	CONTINUOUS UNTIL CONSTRUCTION IS COMPLETED	INSPECT GRAZED AREAS AND SLOPES ON AT LEAST A MONTHLY BASIS TO CHECK FOR EROSION. REPAIR EROSION IMMEDIATELY. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE.
SPILL CLEANUP INCLUDING SPILLAGE & PAINTING	DESIGNATED AREA	CONTINUOUS UNTIL CONSTRUCTION IS COMPLETED	INSPECT GRAZED AREAS AND SLOPES ON AT LEAST A MONTHLY BASIS TO CHECK FOR EROSION. REPAIR EROSION IMMEDIATELY. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE.
WATER STORAGE	DESIGNATED AREA	CONTINUOUS UNTIL CONSTRUCTION IS COMPLETED	INSPECT GRAZED AREAS AND SLOPES ON AT LEAST A MONTHLY BASIS TO CHECK FOR EROSION. REPAIR EROSION IMMEDIATELY. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE.
STREET AND STORM DRAINAGE FACILITIES	DESIGNATED AREA	CONTINUOUS UNTIL CONSTRUCTION IS COMPLETED	INSPECT GRAZED AREAS AND SLOPES ON AT LEAST A MONTHLY BASIS TO CHECK FOR EROSION. REPAIR EROSION IMMEDIATELY. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE.
WATER STORAGE	DESIGNATED AREA	CONTINUOUS UNTIL CONSTRUCTION IS COMPLETED	INSPECT GRAZED AREAS AND SLOPES ON AT LEAST A MONTHLY BASIS TO CHECK FOR EROSION. REPAIR EROSION IMMEDIATELY. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE. REPAIR AREAS WITHIN 10 DAYS OF OCCURRENCE.

EXHIBIT NO. 8

CDP Amendment No. 1-90-176-A1 (Holmer)

Erosion Control, Drainage & Grading Plan



6" CUT (TOP SOIL STRIPPING)			
TO BE EXPORTED OUT OF THE COASTAL ZONE			
TOTAL CUT			= 60 CUBIC YARDS
TOTAL COMPACTED CUT MATERIAL 99(8)			= 79 CUBIC YARDS
TOTAL FILL			= 79 CUBIC YARDS
TOTAL IMPORTED FILL MATERIAL 164 CY -79 CY			= 164 CUBIC YARDS
			= 85 CUBIC YARDS

N.T.S.	3
--------	---

EARTHWORK QUANTITIES

= 30'	2
-------	---

N.T.S.	3
--------	---

**BIOLOGICAL SCOPING SURVEY, BOTANICAL SURVEY,
ESHA AND WETLAND DELINEATION REPORT,
AND REDUCED BUFFER ANALYSIS**

FOR

14231 PT. CABRILLO DR.
(APN 118-120-28)
MENDOCINO, CALIFORNIA
MENDOCINO COUNTY



prepared by:
Spade Natural Resources Consulting
Asa B. Spade
31901 Simpson Lane
Fort Bragg, CA 95437
(707) 964-6947
asabspade@hotmail.com

November 9, 2012

EXHIBIT NO. 9

**CDP Amendment No.
1-90-176-A1
(Holmer)**

Excerpts from
Biological Reports

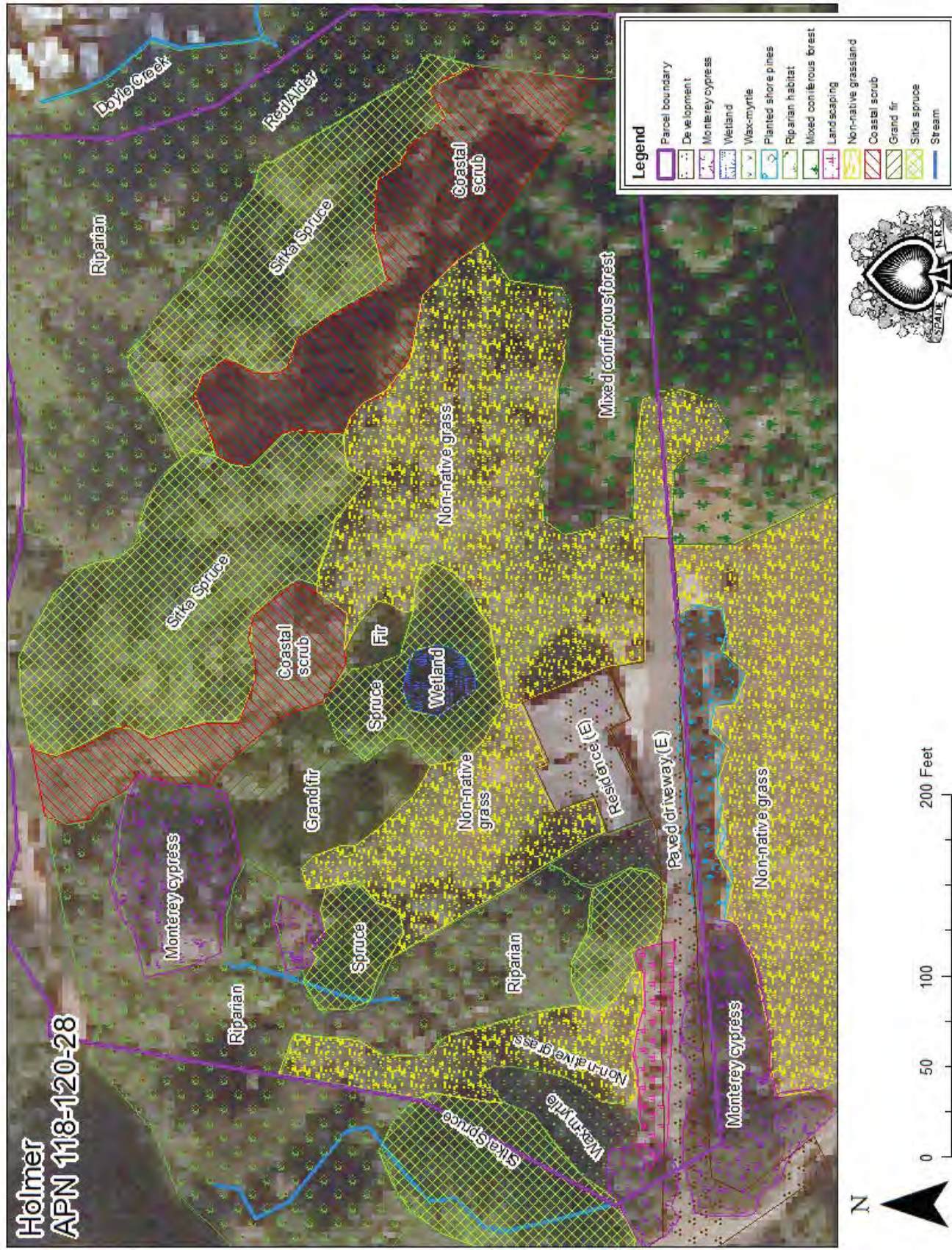


Figure 1. Project Site Plant Communities

6.0 Discussion

An analysis of the proposed projects utilizing the ESHA development criteria in the Mendocino LCP Ordinance 20.496.020(A) through (4)(k) is presented in Appendix D. Wetland and Riparian ESHAs and their respective buffers are mapped in Figure 8.

This project has been designed to avoid wetland resources by 50 feet or more and riparian resources by 100 feet or more. An addition to the east side of the house will have little or no impact on the wetland as long as mitigation measures are followed during construction. The deck on the north side of the residence comes within 21 feet of the wetland at its closest point. The non-native grassland growing atop at least two feet of fill material does not have any significant ecological function in relation to the wetland habitat.

6.1 Recommendations

A suitable buffer should be established around the wetland and riparian habitat. A buffer of 50 feet is recommended for the wetland. A 50 foot wetland buffer has been delineated with flagging and stakes on site. No development is proposed within 100 feet of the riparian habitat. A riparian buffer of 100 feet is more than sufficient protection for the habitat present.

Temporary fencing, such as orange plastic fencing or black silt cloth, will be placed between the area of construction and the wetland habitats during phases of construction that could affect the wetland and are within 50 feet of this habitat.

A pre-construction survey for the presence of Northern red-legged frog will be conducted by a qualified biologist immediately prior to the beginning of ground disturbing construction.

Prior to construction, project contractors will be trained by a qualified biologist in the identification of the Northern red-legged frog. Construction crews will begin each day with a visual search around all stacked or stored materials, as well as, along any silt fences to detect Northern red-legged frogs. If a Northern red-legged frog is detected, construction crews will contact the Department of Fish and Game or a qualified biologist prior to re-initiating work.

If a rain event occurs during the construction period, ground disturbing construction-related activities will cease for a period of 48 hours after the rain stops. Prior to resuming construction activities, trained construction crew member(s) will examine the site for the presence of Northern red-legged frogs. If no Northern red-legged frogs are found, ground disturbing construction activities may resume. Construction activities that have little chance to impact Northern red-legged frogs, such as framing, need not be stopped due to a rain event.

The bird breeding season typically extends from February to August. Ideally, the clearing of vegetation and the initiation of construction can be done in the non-breeding season between September and January. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist should monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

As with birds, bat roost sites can change from year to year, so pre-construction surveys are usually necessary to determine the presence or absence of bat roost sites in a given area. Pre-construction bat surveys do not need to be performed if work or vegetation removal is conducted between September 1 and October 31, after young have matured and prior to the bat hibernation period. However, if it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-construction surveys should be conducted. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to removal or demolition for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, then biologists shall conduct acoustic surveys under

appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, a minimum 50 foot buffer should be implemented around the roost tree. Removal of roost trees should occur in September and October, or after the bats have left the roost. In summary, no impacts would be expected and therefore no preconstruction surveys would be required for the species above if vegetation removal (including standing dead trees) is scheduled for the months of September or October. The months of November through August would require a bird and/or bat survey dependent on the time of year.

Landscaping within the ESHA buffers will not include any invasive plants.

Standing dead snags not creating a hazard should be left for wildlife habitat.

Any bare soil created by the construction phase of the project should be re-vegetated with native vegetation appropriate to the habitat in the surrounding area.

Asa B. Spade
Environmental Scientist
Spade Natural Resources Consulting
31901 Simpson Lane
Fort Bragg, CA 95437
phone: 707.964.6947
asabspade@hotmail.com



To: Amy Wynn, Amy Wynn Coastal Planning

Date: September 22, 2014

Re: Survey of New Septic Location & Reduced Buffer Analysis Update

Dear Ms. Wynn:

This letter addresses two changes in the environmental review of the Holmer project at 14231 Point Cabrillo Drive, Mendocino, CA.

1. New Replacement Septic Location

You have informed me that a new septic location for the Holmer project has been proposed in the open field (Figure 1) to the south, across the driveway from the existing single family residence. Because this location is on a different parcel than that for which I produced my original report, I did not describe it in my November 2012 Biological Scoping and Botanical Survey Report. Nevertheless, as this parcel belonged the Holmers and I was informed that there was a potential for project components there, I did survey the field during my 2012 visits to the site. In addition, I returned to the field on September 22, 2014, to see the location of the proposed leach fields (Figure 2). During this visit the field had been mowed but enough vegetation remained around the stakes marking the leach field location to confirm plant species present were consistent with those noted in my 2012 site visits.

The replacement septic leach field would be located 100ft from the grand fir forest that occurs to the east of the field. This location is depicted in map Figure 3.



Figure 1. Field where Septic Leach Field is Proposed. This photo is was taken in July of 2012 from within the field looking south toward the Holmer residence.



Figure 2. Proposed Leach Field Location. Looking east.

Documented occurrences

Non-Native Grassland (*Anthoxanthum odoratum* – *Agrostis stolonifera* Semi-Natural Herbaceous Stand)

The field on the parcel to the south of the parcel with the Holmers' residence on it is vegetated with regularly mowed grassland. Review of historical maps shows that this area was under cultivation some time prior to 1909. Dominant species present are sweet vernal grass (*Anthoxanthum odoratum*), creeping bentgrass (*Agrostis stolonifera*), Western bracken (*Pteridium aquilinum*), and rattlesnake grass (*Briza maxima*). Other grasses and forbs present were English plantain (*Plantago lanceolata*), rat-tail fescue (*Festuca myuros*), slender oats (*Avena barbata*), common velvet grass (*Holcus lanatus*), hairy oatgrass (*Rytidosperma penicillatum*), hairy cat's ear (*Hypochaeris radicata*), woodland strawberry (*Fragaria vesca*) and California blackberry (*Rubus ursinus*). Between the driveway serving the residence and the field where the replacement septic is proposed is a row of planted shore pine (*Pinus contorta* ssp. *contorta*) trees. Beneath these trees a few additional species are present including Douglas iris (*Iris douglasiana*), common bedstraw (*Galium aparine*), silver hairgrass (*Aira caryophyllea*), field horsetail (*Equisetum arvense*), and some seedling grand fir (*Abies grandis*) and shore pine.

No additional special status elements were identified. Mitigation measures outlined in the November 2012 Biological Scoping and Botanical Survey Report as well as those added below should be followed in this additional project area.

Holmer ESHA Reinterpretation

This interpretation was determined to be appropriate by the California Coastal Commission.

It considers all forested areas as contiguous with identified grand fir and Sitka spruce stands to be ESHA with the exception of three Sitka spruce trees occurring within a lawn understorey.

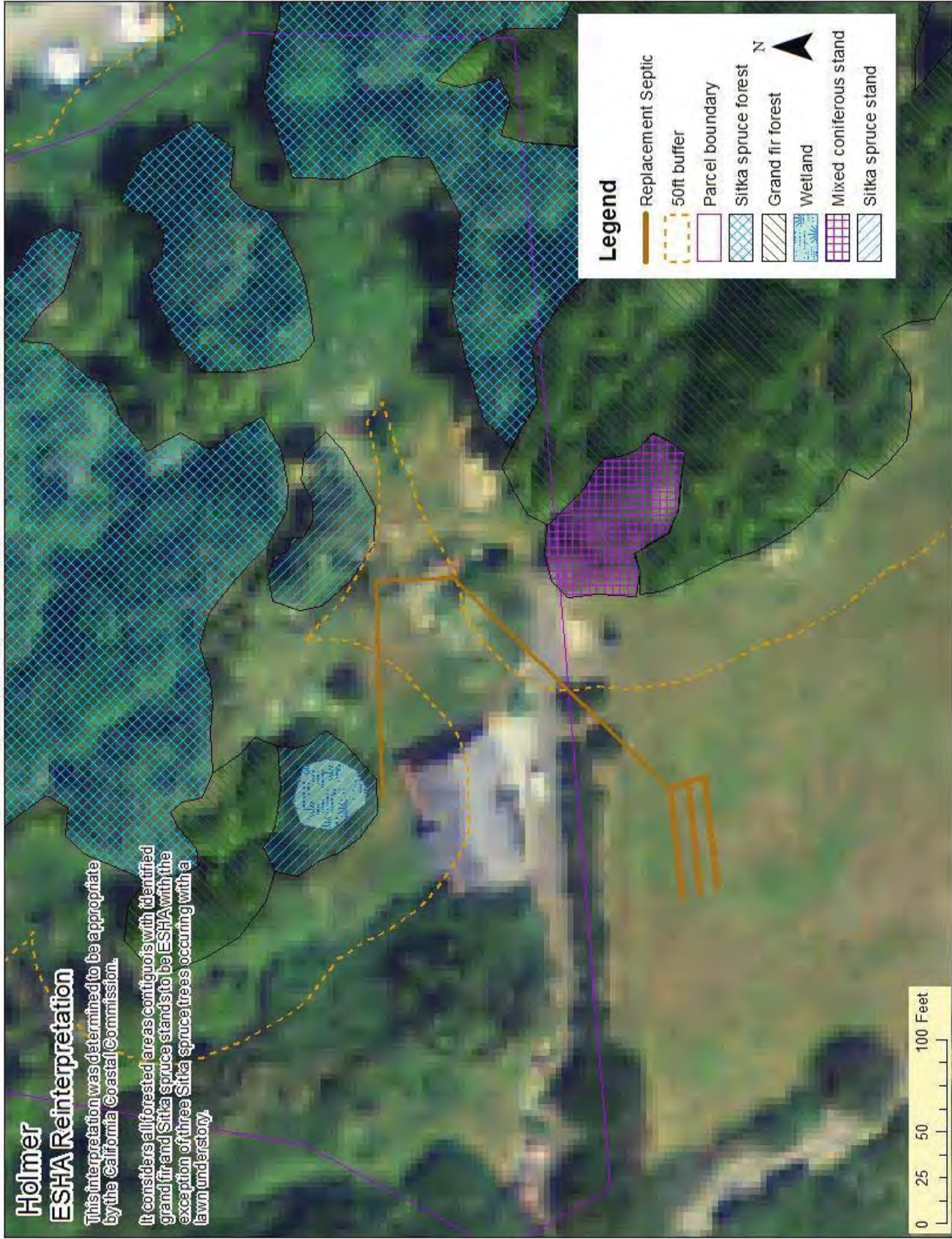


Figure 3. Map of Replacement Septic Location and 50ft Buffer from Forest ESHAs.

2. Update to Reduced Buffer Analysis

Attached to this letter is an updated Reduced Buffer Analysis for the Holmer project. This update addresses revisions to the project description, as well as the addition of Grand Fir Forest, Sitka Spruce Forest and Contiguous Mixed Coniferous Forest as ESHA. Additional mitigation measures as suggested by Coastal Commission staff in order to make a 50ft buffer acceptable are included below.

Revised Project Descriptions

Add 3270sf of living space (which includes 998sf of Family Care Unit and conversion of 130sf from existing deck to enclosed space), 1711sf of unconditioned space (which includes 1270sf of garage and 441sf of deck and stairs to existing 3,196sf Single-Family Residence with 576sf garage and 640sf of deck and stairs. Add garage aprons to connect proposed garage and existing driveway. Connect proposed development to existing utilities. Relocate existing landscaping rocks into proposed landscape feature between addition and relocated water tank infrastructure. Recognize previously designed and approved septic replacement field as vested and approved for probable future development. Approve trenching from existing septic tank to alternative proposed septic replacement field on applicant's vacant southerly parcel (APN 118-120- 25-00).

Decommission existing shallow well. Deconstruct Rebuild existing pump house, replace existing water storage tank with partially buried water storage tank, and replace existing above-ground propane tank with buried propane tank, and replace with new pump house and water tank in new location. Relocate propane tank. Connect pump and water tank to newer, existing high producing well.

Discussion

An analysis of the proposed projects utilizing the ESHA development criteria in the Mendocino LCP Ordinance 20.496.020(A) through (4)(k) is presented in Appendix A.

This project has been designed to avoid wetland resources, Sitka spruce forest, grand fir forest, and mixed coniferous forest contiguous with grand fir forest by 50 feet or more and riparian resources by 100 feet or more. An addition to the east side of the house will have little or no impact on special status wetland and forest resources present as long as mitigation measures are followed during construction.

Recommended Mitigations

- A suitable buffer should be established around the Sitka spruce forest, grand fir forest, mixed coniferous forest contiguous with the grand fir forest, wetland and riparian habitat. A buffer of 50 feet is has been agreed upon as suitable for the Sitka spruce forest, grand fir forest, mixed coniferous forest contiguous with the grand fir forest, and wetland resources. A 50 foot wetland buffer has been delineated with flagging and stakes on site. The edge of the special status forest resources present has been delineated by paint markings on the ground directly below the drip line of the trees along the entire perimeter of the forest adjacent to all proposed project elements. No development is proposed within 100 feet of the riparian habitat. A riparian buffer of 100 feet is more than sufficient protection for the habitat present.

- Invasive species, including English Ivy, shall be removed from the site to the greatest extent feasible.
- Wood chips that have been spread or stockpiled within the project site, ESHA habitat, or ESHA buffers shall be removed. Because the wood chips may contain tree disease pathogens such as *Phaolis schweinitzii* butt rot fungus, the wood chips should be disposed of in such a manner as not to spread pathogens. Waste Management offers curbside pickup of yard waste via their “green bins” or can be contacted for pick-up appointments. This manner of disposal is appropriate because composting of the woodchips should effectively eliminate fungal pathogens.
- Temporary fencing, such as orange plastic fencing or black silt cloth, will be placed between the area of construction and the wetland habitats during phases of construction that could affect the wetland and are within 50 feet of this habitat.
- The project will include installation of a low symbolic fence (e.g. split-rail) along the ESHA buffer boundary.
- Native vegetation will be planted within the ESHA buffer. Vegetation species shall be native to Mendocino County and be compatible with adjacent ESHA habitat. Vegetation species and density shall be such that it adds to the functionality and protection of the adjacent ESHA habitat.
- A pre-construction survey for the presence of Northern red-legged frog will be conducted by a qualified biologist immediately prior to the beginning of ground disturbing construction.
- Prior to construction, project contractors will be trained by a qualified biologist in the identification of the Northern red-legged frog. Construction crews will begin each day with a visual search around all stacked or stored materials, as well as, along any silt fences to detect Northern red-legged frogs. If a Northern red-legged frog is detected, construction crews will contact the Department of Fish and Game or a qualified biologist prior to re-initiating work.
- If a rain event occurs during the construction period, ground disturbing construction-related activities will cease for a period of 48 hours after the rain stops. Prior to resuming construction activities, trained construction crew member(s) will examine the site for the presence of Northern red-legged frogs. If no Northern red-legged frogs are found, ground disturbing construction activities may resume. Construction activities that have little chance to impact Northern red-legged frogs, such as framing, need not be stopped due to a rain event.
- The bird breeding season typically extends from February to August. Ideally, the clearing of vegetation and the initiation of construction can be done in the non-breeding season between September and January. If this is the case then nesting bird surveys would be unnecessary. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist should monitor

the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

- As with birds, bat roost sites can change from year to year, so pre-construction surveys are usually necessary to determine the presence or absence of bat roost sites in a given area. Pre-construction bat surveys do not need to be performed if work or vegetation removal is conducted between September 1 and October 31, after young have matured and prior to the bat hibernation period. However, if it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-construction surveys should be conducted. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to removal or demolition for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, a minimum 50 foot buffer should be implemented around the roost tree. Removal of roost trees should occur in September and October, or after the bats have left the roost. In summary, no impacts would be expected and therefore no preconstruction surveys would be required for the species above if vegetation removal (including standing dead trees) is scheduled for the months of September or October. The months of November through August would require a bird and/or bat survey dependent on the time of year.
- Landscaping within the ESHA buffers will not include any invasive plants.
- Standing dead snags not creating a hazard should be left for wildlife habitat.
- Any bare soil created by the construction phase of the project should be re-vegetated with native vegetation appropriate to the habitat in the surrounding area.

Sincerely,

A handwritten signature in blue ink, appearing to read 'ASB', with a long, sweeping horizontal line extending to the right.

Asa B. Spade

Appendix A. Reduced Buffer Analysis

Table 4. Sec. 20.496.020 ESHA -- Development Criteria.
<p>(A) Buffer Areas. A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from future developments and shall be compatible with the continuance of such habitat areas.</p>
<p>(1) Width. The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent Environmentally Sensitive Habitat Area.</p> <p>As discussed below, the width of the buffer area around wetland habitat, Sitka spruce forest, grand fir forest, and mixed coniferous forest contiguous with grand fir forest is determined to be 50 feet.</p> <p>Standards for determining the appropriate width of the buffer area are as follows:</p>
<p>(1a) Biological Significance of Adjacent Lands. <i>Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting). Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the wetland, stream, or riparian habitat that is adjacent to the proposed development.</i></p> <p>Due to the relatively low quality and seasonality of the wetland, which remains impacted by grading in the past, there is no justification to set aside a larger buffer. The wetland contains a mixture of invasive and common native species of plants. There is no functional relationship between the wetland area and the non-native grassland between it and proposed components of the project. There is no significant functional relationship between the special status forested areas and the non-native grassland between the forest and proposed components of the project. The area of mixed coniferous forest contiguous with the grand fir forest can be considered to have significant functional relationship to the grand fir forest including moderating canopy and forest interior microclimates, providing habitat for species of plants and animals also found within the grand fir forest, blocking light and noise from adjacent development, and contributing to a more secure corridor for the movement of wildlife.</p>

Table 4. Sec. 20.496.020 ESHA -- Development Criteria.	
<p>(1b) Sensitivity of Species to Disturbance. <i>The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Game or others with similar expertise:</i></p> <p><i>(1b-i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;</i></p> <p><i>(1b-ii) An assessment of the short-term and long-term adaptability of various species to human disturbance;</i></p> <p><i>(1b-iii) An assessment of the impact and activity levels of the proposed development on the resource.</i></p> <p>The wetland and forest habitats do not support any known sensitive plant or animal species of concern. Species expected within the study area vicinity are common species adapted to human disturbance. Common species of avian wildlife that are expected to utilize the habitat area are highly adaptable to low levels of human disturbance. The continued use of the existing habitat by common species is expected to continue with the proposed development. Department of Fish and Game will need to concur with this determination.</p>	
<p>(1c) Susceptibility of Parcel to Erosion. <i>The width of the buffer zone shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided.</i></p> <p>The project will address runoff and consider low impact development techniques to reduce the impacts of runoff and erosion. Mitigation included requires planting of native vegetation within the buffer zone.</p>	
<p>(1d) Use of Natural Topographic Features to Locate Development. <i>Hills and bluffs adjacent to ESHA's shall be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from ESHA's. Similarly, bluff faces should not be developed, but shall be included in the buffer zone.</i></p> <p>The development is proposed to occur on a terrace above the wetland and within the relatively flat area surrounded by the forest. There is not an alternative that would allow topographic features to protect the ESHA. No bluff faces are present.</p>	
<p>(1e) Use of Existing Cultural Features to Locate Buffer Zones. <i>Cultural features (e.g., roads and dikes) shall be used, where feasible, to buffer habitat areas. Where feasible, development shall be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the ESHA.</i></p> <p>There are no existing cultural features to utilize to protect the ESHAs.</p>	
<p>(1f) Lot Configuration and Location of Existing Development. <i>Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection. Where development is proposed in an area that is largely undeveloped, the widest and most protective buffer zone feasible shall be required.</i></p> <p>The deck of the existing residence is 21 feet from the wetland at its nearest point. A 50 foot buffer will offer greater protection than afforded by existing development. Planting of native vegetation within the ESHA buffers in order to provide additional protection has been included in the mitigation measures.</p>	

Table 4. Sec. 20.496.020 ESHA -- Development Criteria.	
<i>(1g) Type and Scale of Development Proposed.</i> The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.	
The proposed development is a residential addition of roughly 5000sf. A 50 foot buffer should provide sufficient protection to the wetland and special status forest habitat present as long as best management practices and the recommended mitigation measures are followed.	
<i>(2) Configuration.</i> The buffer area shall be measured from the nearest outside edge of the ESHA (e.g., for a wetland from the landward edge of the wetland; for a stream from the landward edge of riparian vegetation or the top of the bluff).	
The buffer was measured from the drip line of the forest canopy. The wetland habitat present is downslope of the forest canopy and therefore further from the development than the forest canopy dripline.	
<i>(3) Land Division.</i> New subdivisions or boundary line adjustments shall not be allowed which will create or provide for new parcels entirely within a buffer area.	
No new subdivisions or boundary line adjustments are proposed.	
<i>(4) Permitted Development.</i> Development permitted within the buffer area shall comply at a minimum with the following standards: No development is proposed within the buffer area.	

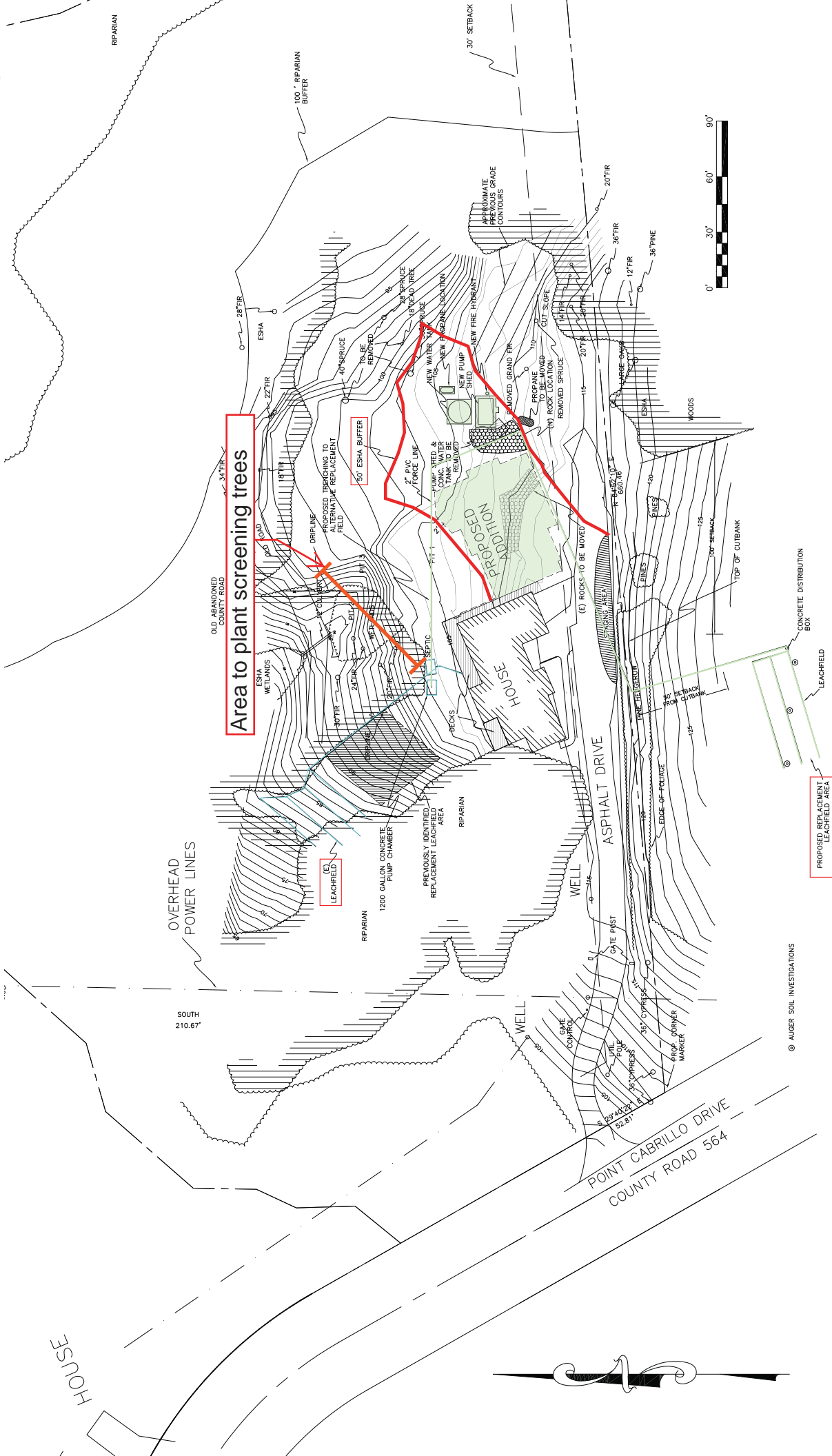


Area to plant screening trees

EXHIBIT NO. 10

**CDP Amendment No.
1-90-176-A1
(Holmer)**

**Visual Screening Tree
Planting Area (1 of 2)**



© AUGER SOIL INVESTIGATIONS

CALIFORNIA COASTAL COMMISSION

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

EXHIBIT NO. 11

CDP Amendment No.
1-90-176-A1
(Holmer)

Staff Report for CDP
1-90-176 (Ward) (1 of 10)

Filed: August 20, 1990
49th Day: October 8, 1990
180th Day: February 16, 1991
Staff: Jo Ginsberg
Staff Report: August 31, 1990
Hearing Date: September 11, 1990
Commission Action: *Aw/C 11-0, 9/11/90, MDR*

**STAFF REPORT: CONSENT CALENDAR***Tu 17c*

APPLICATION NO.: 1-90-176

APPLICANT: DARWIN WARD AGENT: Ed McKinley

PROJECT LOCATION: 14231 Point Cabrillo Drive, near Caspar, Mendocino County, APN 118-120-25.

PROJECT DESCRIPTION: Single-family residence, well, and septic system.

Lot area: 5.4 acres
Building coverage: 2842 sq.ft.
Pavement coverage: 720 sq.ft.
Landscape coverage: 500 sq.ft.
Parking spaces: 4
Plan designation: Rural Residential-5 [Rural Residential-1]
(RR-5) [RR-1])
Project density: 1 du/5.4 acres
Ht abv fin grade: 27 1/2 feet

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

SUBSTANTIVE FILE DOCUMENTS: Mendocino County Land Use Plan.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached.

III. Special Conditions:

1. Future Development:

Any future development on the subject parcel, including all grading and filling as well as any construction of detached structures such as fences, outbuildings, etc., will require an amendment to Permit No. 1-90-176 or will require an additional coastal development permit from the California Coastal Commission or from its successor agency.

IV. Findings and Declarations.

1. Project Description:

The applicant proposes to construct a two-story single-family residence with attached garage, well, and septic system in the Caspar area of Mendocino County. The proposed development is located on a bluff west of Highway One, but east of Point Cabrillo Drive, the first public road east of the ocean. The subject parcel is fairly steep in places, but the proposed building site, at the upper portion of the parcel, is relatively flat. Doyle Creek runs along a portion of the parcel's eastern border.

The subject parcel is designated in the Mendocino County LUP as Rural Residential-5 [Rural Residential-1] (RR-5 [RR-1]), meaning that there may be one parcel for every five acres, or one parcel for every one acre with proof of water.

2. Locating and Planning New Development:

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

The applicant has obtained well and septic system permit approval for the proposed project from the Mendocino County Department of Environmental Health. The proposed project, therefore, is consistent with Coastal Act Section 30250(a) because it is located where services can be provided.

3. Visual Resources:

Section 30251 of the Coastal Act states that the scenic and visual resources of the coast shall be protected and that permitted development shall be sited and designed to protect views to and along the ocean.

The proposed development consists of a single-family residence, well, and septic system on a bluff along Point Cabrillo Drive, east of the Caspar South Subdivision, and south of Caspar State Beach. While the proposed two-story

house, as it is located landward of Point Cabrillo Drive, will not impede any public views of the coast, it will be partially visible from the State Beach and from Point Cabrillo Drive below; however, the house will be partially screened by existing trees. In addition, a number of existing houses in the adjacent Caspar South Subdivision are visible from the beach, and the proposed development will be in character with the existing development.

The proposed project, therefore, is consistent with Coastal Act Section 30251, as there will be no significant adverse impact on visual resources.

4. Geologic Hazards:

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

The subject parcel is located on a bluff along Point Cabrillo Drive. Portions of the parcel are quite steep; however, the proposed house has been located on the flattest portion of the parcel, which has a slope of approximately 4-6%. A site visit has confirmed that the location proposed for the house, which is at least 120 feet from the edge of the bluff, is not hazardous and appears to be stable. In order to ensure that any future development is not located where it will result in a geologic hazard, the Commission attaches Special Condition No. 1. This condition ensures that any future development will require Commission review so that it will be located where it will not create a geologic hazard. The proposed development, therefore, is consistent with Coastal Act Section 30253, as no geologic hazard will be created.

5. Environmentally Sensitive Habitat Areas:

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

The proposed development consists of a single-family residence, well, and septic system. Doyle Creek forms a portion of the subject parcel's eastern boundary; however, the proposed development is located several hundred feet to the southwest of the creek, and will therefore have no significant adverse environmental impacts on the creek.

Because the creek is located a substantial distance from the proposed development, and is, in fact, located in a ravine, the applicant was not required to submit a botanical survey nor is an open space easement required to protect the riparian habitat of Doyle Creek. However, should the applicant wish any future development in the area of the creek, a botanical survey may be required to determine the extent of any sensitive habitat and to determine if an open space easement is necessary to protect the creek. The Commission

therefore attaches Special Condition No. 1, which ensures that any future development will require Commission review so that it will be located where it will not have any adverse impacts on any sensitive habitat areas. As conditioned, therefore, the proposed development is consistent with Coastal Act Sections 30240 and 30231.

6. Mendocino County LUP/Prejudice to LCP:

Policy 3.5-1 of the LUP states that the scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance, and that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas and to be visually compatible with the character of surrounding areas. Furthermore, the subject parcel has been identified in the Land Use Plan as being located in a designated "Special Treatment Area," which means that the scenic qualities must be protected. The proposed development is located such that it will be partially screened by trees from the public view from the beach below; in addition, it is visually compatible with the character of surrounding areas. The proposed project, therefore, is consistent with Policy 3.5-1 of the LUP.

Policy 3.4-7 of the LUP requires that new structures be set back a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat. As the proposed project is located approximately 120 feet from the edge of the bluff, the project is consistent with Policy 3.4-7 of the LUP.

Policy 3.1-7 of the LUP provides for the protection of environmentally sensitive habitat areas. The proposed development is located several hundred feet from Doyle Creek, and so will not have any adverse impacts on the creek. Furthermore, Special Condition No. 1 requires that any future development will be reviewed by the Commission to ensure that it will not be located where it will have adverse impacts on the creek. As conditioned, therefore, the proposed project is consistent with Policy 3.1-7 of the LUP.

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

7. CEQA:

The project, as conditioned, does not have a significant adverse effect on the environment, within the meaning of CEQA, as the project is located in an area able to accommodate it, will not have any adverse effects on coastal resources, is not located where it will create a geologic hazard, and will not have a significant adverse impact on visual resources.

ATTACHMENT A

Standard Conditions

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

Approximate
Location

EXHIBIT NO. 1

APPLICATION NO.
1-90-176 (ward)

Location map



Mendocino

OCEAN

LOCATION MAP

1 0 1 2
miles



County of Mendocino

Sheet 4 of 6

(6 of 10)

REVISED PLOT PLAN

Rosenthal 703 NORTH MAIN STREET
CONSTRUCTION FORT BRAGG, CA. 95437
Lic. #385389 & 707-964-1300

DARWIN WARD
PROPOSED HOUSE
14231 PT. CARRILLO DR.
CASPAR
118-120-25
7-31-90

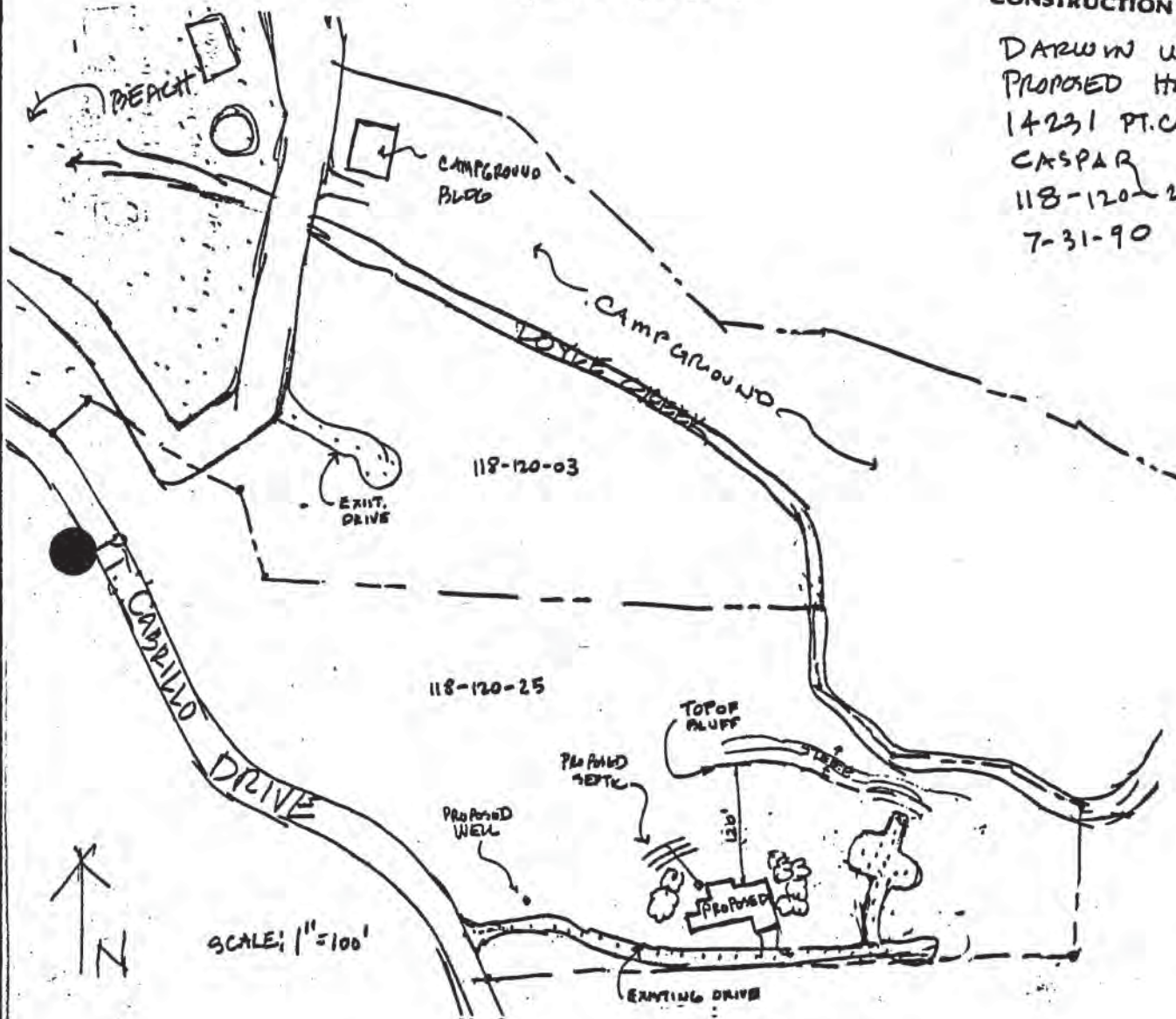
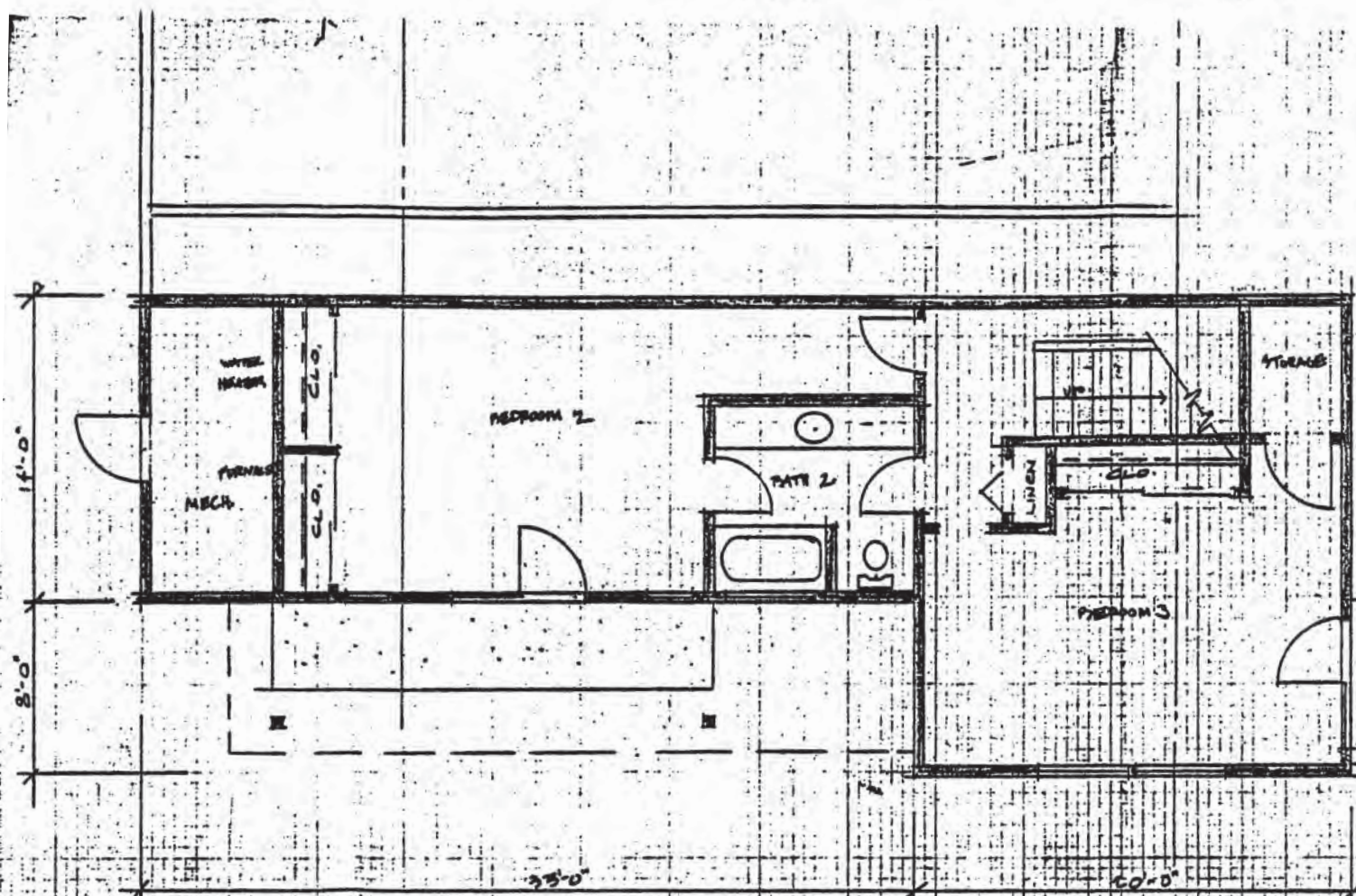


EXHIBIT NO. 2
APPLICATION NO. 1-90-176 (ward)
Site plan
California Coastal Commission



LOWER FLOOR PLAN

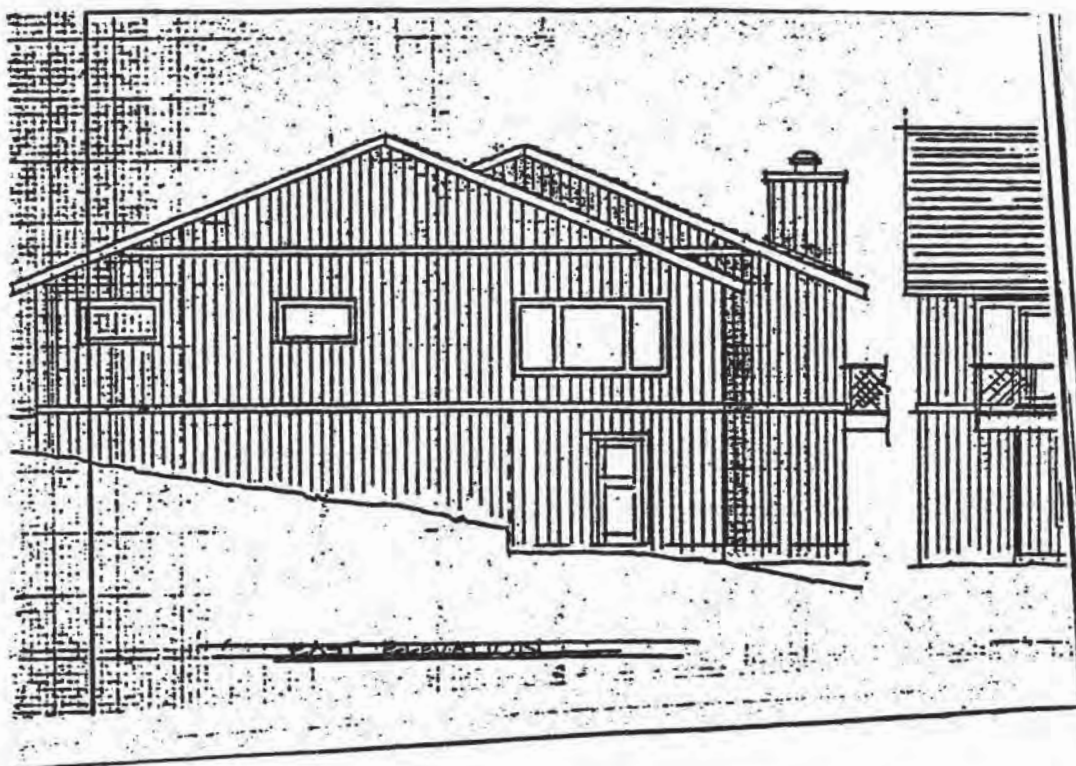
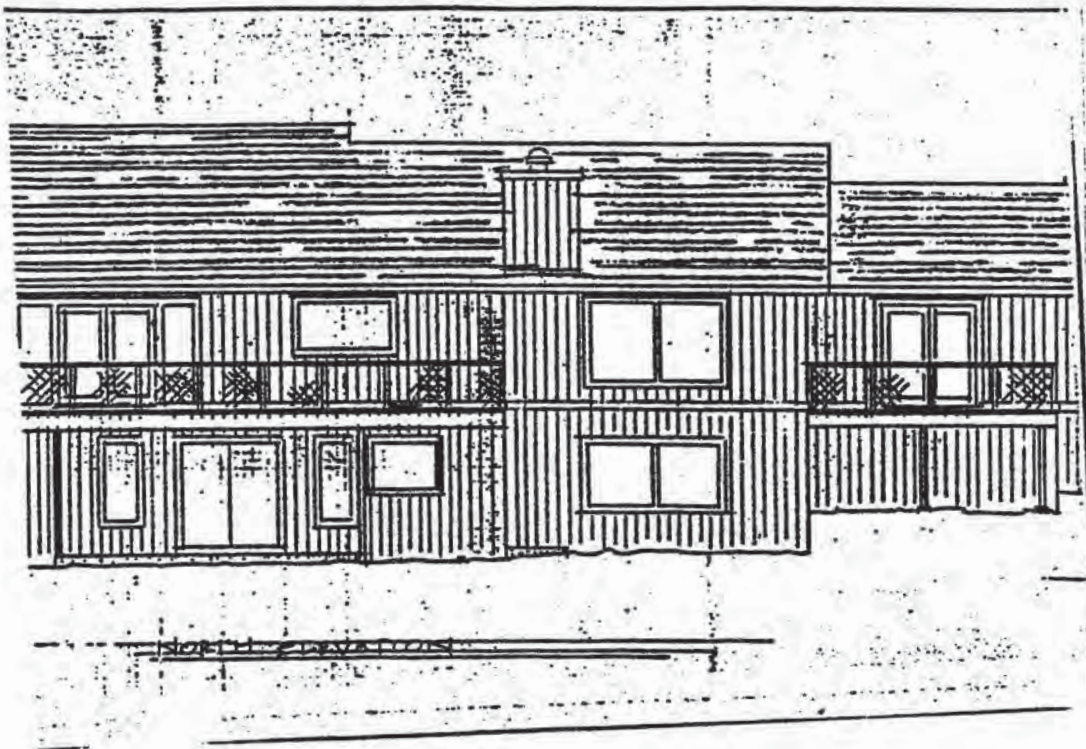


EXHIBIT NO. 5

APPLICATION NO.
1-90-176 (var)

Elevation plans



EXHIBIT NO. 12

CDP Amendment No.
1-90-176-A1
(Holmer)

Septic Leachfield Infrastructure
Area Subject to S.C. No. 3

0510203040  Meters

Date: 6/24/2015

1:2,500



