

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



F10a

**A-1-MEN-01-051-A2
(TAN)**

FEBRUARY 11, 2022

APPENDICES

Appendix A – Substantive File Documents

Appendix B – Relevant LCP Policies and Standards

Appendix C – All CDP Conditions That Apply to the Subject Site

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

Commission CDP Application Files:

- Proposed Application:
 - A-1-MEN-01-051-A2 (Tan)
- Background Files:
 - A-1-MEN-01-051 (Meredith SFR)
 - A-1-MEN-01-051-E1 & -E2
 - A-1-MEN-01-051-A1 (Tan design changes)
 - A-1-MEN-01-051-A1-E1 through -E7
 - 1-89-028 (E.F.S. Associates)
 - 1-89-028-A1 (immaterial)
 - 1-89-028-A2 (withdrawn)
 - 1-89-028-A3 (withdrawn)
 - 1-89-028-A4 (Meredith building envelope change)

CNPS. 2021. A Manual of California Vegetation, Online Edition.
<http://www.cnps.org/cnps/vegetation/>; searched on 31 December, 2021. California Native Plant Society, Sacramento, CA.

Mendocino County certified Local Coastal Program

APPENDIX B

RELEVANT POLICIES AND STANDARDS FROM THE MENDOCINO COUNTY LCP

(Organized by Coastal Resource Policy Issue)

Visual Resources Policies and Standards

(emphasis added)

Section 30251 of the Coastal Act is incorporated into the certified LCP as Land Use Plan (LUP) policy 3.5-1 and states in applicable part the following:

...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.

LUP policy 3.5-3 states in applicable part:

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...

LUP policy 3.5-4 states in applicable part:

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... Nothing in this policy shall preclude the development of a legally existing parcel.

LUP policy 3.5-15 states:

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.

Coastal Zoning Code (CZC) Chapter 20.504 (Visual Resource and Special Treatment Areas) sec. 20.504.015 (Highly Scenic Areas) mirrors many of the policies cited above and states in applicable part:

- (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 inclusions 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.

(2) In highly scenic areas west of Highway 1 as identified on the Coastal Element land use plan maps, new development shall be limited 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.

(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; and (d) design development to be in scale with rural character of the area.

ESHA Policies and Standards

(emphasis added)

LUP policy 3.1-7 states in applicable part:

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

Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent environmentally sensitive habitat area and must comply at a minimum with each of the following standards:

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

LUP policy 3.1-10 states in applicable part:

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.”

Section 20.496.010 of the Coastal Zoning Code (CZC) states in applicable part:

The purpose of this Chapter is to ensure that environmentally sensitive habitat and other designated resource areas listed on Pages 39, 40 and 41 of the Coastal Element dated November 5, 1985, which constitute significant public resources are protected for both the wildlife inhabiting them as well as the enjoyment of present and future populations.

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.”

CZC sec. 20.496.015 (ESHA – Development Application Procedures) states in applicable part:

- (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
- (1) The development is proposed to be located on a parcel or proximate to a parcel identified on the land use plan map with a rare and/or endangered species symbol;
 - (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.

Development proposals in ESHA’s including but not limited to those shown on the coastal land use maps, or which have the potential to impact an ESHA, shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of the sensitive resource, to document potential negative impacts, and to recommend appropriate mitigation measures. The biological survey shall be submitted for the review and approval of the Coastal Permit Administrator prior to a determination that the project application is complete. The biological survey shall be prepared as described in Section 20.532.060, ‘Environmental Sensitive Habitat Area – Supplemental Application Procedures.’

CZC sec. 20.496.020 (ESHA Development Criteria) states in applicable part:

- (A) **Buffer areas.** A buffer shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from future developments and shall be compatible with the continuance of such habitat areas.
- (1) **Width.** The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation with the California Department of Fish and Game, and County Planning staff, that one hundred feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed

development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width....

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

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

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

- (b) **Sensitivity of Species to Disturbance.** The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination shall be based on the following after consultation with the Department of Fish and Game or others with similar expertise:
- (i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;
 - (ii) An assessment of the short-term and long-term adaptability of various species to human disturbance;
 - (iii) An assessment of the impact and activity levels of the proposed development on the resource.
- (c) **Susceptibility of Parcel to Erosion.** The width of the buffer zone shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for erosion. A sufficient buffer to allow for the interception of

any additional material eroded as a result of the proposed development should be provided.

- (d) **Use of Natural Topographic Features to Locate Development.** Hills and bluffs adjacent to ESHA's shall be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from ESHA's. Similarly, bluff faces should not be developed, but shall be included in the buffer zone.
 - (e) **Use of Existing Cultural Features to Locate Buffer Zones.** Cultural features (e.g., roads and dikes) shall be used, where feasible, to buffer habitat areas. Where feasible, development shall be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the ESHA.
 - (f) **Lot Configuration and Location of Existing Development.** Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection. Where development is proposed in an area that is largely undeveloped, the widest and most protective buffer zone feasible shall be required.
 - (g) **Type and Scale of Development Proposed.** The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.
- (2) **Configuration.** The buffer area shall be measured from the nearest outside edge of the ESHA (e.g., for a wetland from the landward edge of the wetland; for a stream from the landward edge of riparian vegetation or the top of the bluff).
 - (3) **Land Division.** New Subdivisions or boundary line adjustments shall not be allowed which will create or provide for new parcels entirely within a buffer area.

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

CZC sec. 20.496.035 (Riparian Corridors and other Riparian Resource Areas) states in applicable part:

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

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

Hazards Policies and Standards **(emphasis added)**

LUP policy 3.4-1 [and similar standards in CZC sec. 20.500.015] require the following:

The County shall review all applications for Coastal Development permits to determine threats from and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, expansive soils and subsidence and shall require appropriate mitigation measures to minimize such threats. In areas of known or potential geologic hazards, such as shoreline and bluff top lots and areas delineated on the hazards maps the County shall require a geologic investigation and report, prior to development, to be prepared by a licensed engineering geologist or registered civil engineer with expertise in soils analysis to determine if mitigation measures could stabilize the site. Where mitigation measures are determined to be necessary, by the geologist, or registered civil engineer the County shall require that the foundation construction and earthwork be supervised and certified by a licensed engineering geologist, or a registered civil engineer with soil analysis expertise to ensure that the mitigation measures are properly incorporated into the development.

LUP policy 3.4-7 [and similar standards in CZC sec. 20.500.020(B)] require the following:

The County shall require that new structures be set back a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans (75 years). Setbacks shall be of sufficient distance to eliminate the need for shoreline protective works. Adequate setback distances will be determined from information derived from the required geologic investigation and from the following setback formula:

Setback (meters) = Structure life (years) x Retreat rate (meters/year)

The retreat rate shall be determined from historical observation (e.g., aerial photographs) and/or from a complete geotechnical investigation...

CZC sec. 20.500.010 states that development shall:

- (1) Minimize risk to life and property in areas of high geologic, flood and fire hazard;
- (2) Assure structural integrity and stability; and
- (3) Neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding areas, nor in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs

Archaeological Resources Policies and Standards (emphasis added)

LUP policy 3.5-10 states in applicable part:

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 sec. 20.532.095 states in applicable part:

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

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

(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

ALL CDP CONDITIONS THAT APPLY TO THE SUBJECT SITE PURSUANT TO CDP Nos. A-1-MEN-01-051 (AS AMENDED) AND 1-89-028 (AS AMENDED)

Following is a list of all standard and special conditions that apply to the subject property, including development on site approved by the Commission in its original action as modified and/or supplemented by all subsequent amendments, including this amendment A-1-MEN-01-051-A2. This appendix also includes conditions attached to the CDP for the Belinda Point Subdivision (CDP 1-89-028, approved by the Commission on June 13, 1989 and subsequently amended under 1-89-028-A1 on July 14, 1989 and under 1-89-028-A4 on March 5, 2003).

All the Commission's previously adopted special conditions, and any changes in the project description proposed by the applicant and approved by the Commission in this or previous actions, continue to apply in their most recently approved form unless explicitly changed in this action. New conditions and modifications to existing conditions imposed in this action on Amendment No. A-1-MEN-01-051-A2 are shown below.

Thus, Appendix C provides an aggregate list of all currently applicable adopted special conditions for the property.

CONDITIONS OF CDP A-1-MEN-01-051, AS AMENDED THROUGH -A2

CDP A-1-MEN-01-051 was approved by the Commission on February 6, 2003 with five standard conditions and 10 special conditions. The approval authorized the construction of a 6,966-square-foot, two-story residence with an 886-square-foot attached garage located in a 10,000-square-foot building envelope located no closer than 50 feet from the edge of the coastal bluff. On November 15, 2006, the Commission approved CDP Amendment No. A-1-MEN-01-051-A1. With its approval of the permit amendment, the Commission deleted the original 10 special conditions and added nine new special conditions.

Under this permit amendment request (CDP Amendment No. A-1-MEN-01-051-A2), the applicant proposes to (1) modify the size and design of the approved house resulting in a 3,273-square-foot, two-story, 26-foot-high residence with a 594-square-foot attached garage and 934 square feet of front and rear patio areas to be located entirely within the previously approved building envelope, (2) realign and shorten the approved access driveway, and (3) install native plant landscaping in an area restricted as open space under CDP No. 1-89-028-A4. The Commission reimposes Special Conditions 1-3 and 6, 7, and 9 without changes, modifies Special Conditions 4, 5, and 8 as shown below, and adds new Special Conditions 10-13 as shown below:

Standard Conditions of CDP A-1-MEN-01-051 as amended through -A2:

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

Special Conditions of CDP A-1-MEN-01-051 as amended through -A2:

1. Design Restrictions
 - A. All exterior siding of the approved structures on the site shall be composed of natural or natural appearing materials, and all siding and roofing of the approved structures shall be composed of materials of the colors proposed in the application or darker earth tone colors only. The current owner or any future owner shall not repaint or stain the house or other approved structures with products that will lighten the color of the house or structures as approved. In addition, all exterior materials, including roofs and windows, shall be non-reflective to minimize glare; and
 - B. All exterior lights, including any lights attached to the outside of the approved buildings or located along walkways, 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.
2. Maintenance of Trees for Visual Screening of Development

As trees die or are removed for any other purpose, all existing trees growing within the Area of Native Vegetation Open Space Deed Restriction required by Special Condition No. 7 of the Coastal Development Permit Amendment No. 1-89-028-A4 that are removed, except for any trees growing within the portion of the open space area identified as a private View Corridor by Special Condition No. 7 of Coastal Development Permit Amendment No. 1-89-028-A4, shall be replaced in-kind with native tree species throughout the life of the approved residential development, and in the same locations as they are currently growing.

3. Revised Site Plan for Utility Shed

- A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. A-1-MEN-01-051-A1, the applicant shall submit to the Executive Director for review and approval, a revised site plan for the proposed utility shed indicating that (1) it will be constructed within the approved building envelope identified by Special Condition No. 9 of Coastal Development Permit Amendment No. 1-89-028-A4, (2) it will be constructed northeast of the building envelope and along the driveway, consistent with the requirements of Special Condition No. 9 of Coastal Development Permit Amendment No. 1-89-028-A4, or (3) it will be eliminated.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. No Future Bluff or Shoreline Protective Devices

- A. By acceptance of this permit, **as amended by CDP Amendment No. A-1-MEN-01-051-A2**, the applicant agrees, on behalf of themselves and all successors and assigns, that no bluff or shoreline protective devices shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. A-1-MEN-01-051-A1, **as amended by CDP Amendment No. A-1-MEN-01-051-A2**, including, but not limited to, the residence, foundations, garage, driveway, or appurtenant residential development in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, ground subsidence or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235 or under Mendocino County LUP Policy No. 3.4-12 and Mendocino County Coastal Zoning Ordinance No. 20.500.020 (E)(1).

- B. By acceptance of this permit, the applicant further agrees, on behalf of themselves and all successors and assigns, that the landowner shall remove the development authorized by this permit, **as amended by CDP Amendment No. A-1-MEN-01-051-A2**, including the residence, garage, foundations, and driveway, and other appurtenant residential development if any government agency has ordered that the structures are not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach or other tidelands before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.
- C. In the event the edge of the bluff recedes to within 10 feet of the principal residence but no government agency has ordered that the structures not be occupied, a geotechnical investigation shall be prepared by a licensed geologist or civil engineer with coastal experience retained by the applicant, that addresses whether any portions of the residence are threatened by wave, erosion, storm conditions, or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the principal residence without shore or bluff protection, including but not limited to removal or relocation of portions of the residence. The report shall be submitted to the Executive Director and the appropriate local government official. If the geotechnical report concludes that the residence or any portion of the residence is unsafe for occupancy, the permittee shall, within 90 days of submitting the report, apply for a coastal development permit amendment to remedy the hazard which shall include removal of the threatened portion of the structure.

5. **Assumption of Risk, Waiver of Liability and Indemnity Agreement**

By acceptance of this permit, **as amended by CDP Amendment No. A-1-MEN-01-051-A2**, the applicant acknowledges and agrees: (i) that the site may be subject to hazards from landslide, bluff retreat, erosion, subsidence, and earth movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

6. **Erosion and Sedimentation Control**

- A. PRIOR TO THE COMMENCEMENT OF ANY APPROVED DEVELOPMENT ON THE PARCEL, the permittee shall install a physical barrier consisting of bales of straw placed end to end between any construction and (1) the edge of the area subject to the Mendocino coast paintbrush open space deed restriction required pursuant to Special Condition No. 8 of Coastal Development Permit Amendment No. 1-89-028-A4, and (2) the edge of the area subject to the riparian open space deed restriction required pursuant to Special Condition No. 1 of Coastal Development Permit No. 1-89-028. The bales shall be composed of weed-free rice straw, and shall be maintained in place throughout the construction period.
 - B. On-site vegetation shall be maintained to the maximum extent possible during construction and any disturbed areas shall be replanted with native vegetation following project completion.
 - C. All on-site debris stockpiles shall be covered and contained at all times.
7. Landscaping Restrictions
- A. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or by the State of California shall be employed or allowed to naturalize or persist at the site of the proposed demolition. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.
 - B. Rodenticides containing any anticoagulant compounds, including but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall not be used.
8. ~~Conformance of the Design and Construction Plans to the Geotechnical Report~~ Approval of Final Plans for Development Authorized by CDP Amendment No. A-1-MEN-01-051-A2
- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with (i) the Design Restrictions of Special Condition 1, and (ii) with the recommendations contained in the geotechnical report dated June 28, 2001 prepared by BACE Geotechnical Consultants, except as updated by the Brunsing Associates Inc. supplemental geotechnical recommendations for the site dated November 13, 2020 and August 24, 2021. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. A-1-MEN-01-051-A4~~2~~, the applicant shall submit, for the Executive Director's review and approval, evidence that (i) a licensed architect has reviewed and approved all final design and lighting plans for exterior materials and lighting and has certified that each of those plans is consistent with the limitations and restrictions of Special Condition 1; and (ii) a licensed

professional (Certified Engineering Geologist or Geotechnical Engineer) has reviewed and approved all final design, construction, and drainage plans and has certified that each of those plans is consistent with all of the recommendations specified in the above-referenced geotechnical report approved by the California Coastal Commission for the project site.

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

9. Deed Restriction

PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. A-1-MEN-01-051-A1, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the above restrictions on development. The deed restriction shall include a legal description of the applicants' entire parcel. The deed restriction shall run with the land binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit. This deed restriction shall supersede and replace the deed restriction recorded pursuant to Special Condition No. 4 and Special Condition No. 5 of Coastal Development Permit No. A-1-MEN-01-051 approved on February 6, 2003, which deed restriction is recorded as Instrument No. 2006-04729 in the official records of Mendocino County.

10. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT (A-1-MEN-01-051-A2), the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit amendment a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, as amended, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit, as amended, as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit amendment. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit, as amended, shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or

any part, modification, or amendment thereof, remains in existence on or with respect to the subject property. This deed restriction shall supersede and replace the deed restriction recorded pursuant to Special Condition 9 of Coastal Development Permit No. A-1-MEN-01-051-A1, approved on November 15, 2006, which deed restriction is recorded as Instrument No. 2007-16285 in the official records of Mendocino County, and the deed restriction recorded pursuant to Special Condition No. 4 and Special Condition No. 5 of Coastal Development Permit No. A-1-MEN-01-051 approved on February 6, 2003, which deed restriction is recorded as Instrument No. 2006-04729 in the official records of Mendocino County.

11. Future Development Restriction

This permit is only for the development described in Coastal Development Permit Application No. A-1-MEN-01-051, as amended through Amendment No. A-1-MEN-01-051-A2. The following future development restrictions apply: (a) pursuant to Title 14 California Code of Regulations (CCR) section 13250(b)(6), the exemptions otherwise provided in Public Resources Code (PRC) §30610(a) shall not apply to the development governed by the CDP A-1-MEN-01-051, as amended. Accordingly, any future improvements to the structures authorized by this permit shall require an amendment to CDP A-1-MEN-01-051 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government; and (b) an amendment to CDP A-1-MEN-01-051 from the Commission or an additional CDP from the Commission or from the applicable certified local government shall be required for any repair or maintenance identified as requiring a permit in PRC §30610(d) and Title 14 CCR §13252(a)-(b).

12. Protection of Archaeological Resources. If an area of cultural deposits is discovered during the course of the project, all construction shall cease and shall not recommence until a qualified cultural resource specialist analyzes the significance of the find and prepares a supplementary archaeological plan for the review and approval of the Executive Director, and either: (A) 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, or (B) the Executive Director reviews the Supplementary Archaeological Plan, determines that the changes proposed therein are not de minimis, and the permittee has thereafter obtained an amendment to CDP A-1-MEN-01-051.

13. Building Envelope Delineation Plan

A. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT AMENDMENT (A-1-MEN-01-051-A2), the applicant shall submit to the Executive Director, for review and written approval, a plan for

installing low-stature fencing or other demarcation barrier (e.g., split-rail or similar fencing, driftwood logs, small boulders, etc.) to delineate the approved, surveyed building envelope on the property and portions of the approved realigned driveway from adjacent pine forest and riparian ESHA and ESHA buffer. The purpose of the fencing/demarcation is to provide a visible “barrier” along the perimeter of the authorized development areas to clearly establish a visible boundary between areas where authorized development and activities associated with residential development are permitted on the site and adjacent ESHA and ESHA buffers outside of the authorized development areas.

1). The plan shall demonstrate that

- (a) The fencing or other demarcation/barrier shall be low stature (approx. 4 feet or less) and made of natural, earth-toned, non-reflective materials;
- (b) The fencing or other demarcation/barriers shall be established along, at a minimum, the northern, western, and southern perimeters of the surveyed building and between portions of the realigned driveway and adjacent ESHA buffer as shown on Exhibit No. 9 to the staff report for CDP Amendment No. A-1-MEN-01-051-A2; and
- (c) Temporary construction fencing or similar temporary barriers shall be installed in the required areas prior to commencement of construction to minimize the potential for construction encroachment into adjacent ESHA/ESHA buffers. The permanent fencing/demarcation barriers shall be installed prior to occupancy of the residence.

2). The plan shall include, at a minimum, the following components:

- (a) A revised site plan showing the location of the fence/barrier relative to surveyed building envelope as surveyed by licensed land surveyor Forrest Francis in July 2021;
- (b) A detailed illustration/typical plan showing the fence/barrier design and height;
- (d) A schedule for installation of the fence/barriers; and
- (e) A plan for maintaining the fencing/barriers over the life of the project to ensure that they will have the intended benefit of protecting the environmentally sensitive

forest habitat adjacent to the authorized development areas.

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

CONDITIONS OF CDP 1-89-028, AS AMENDED THROUGH -A4

CDP 1-89-028 was approved by the Commission on June 13, 1989 authorizing (1) the division of a 56.7-acre parcel into five parcels of 8.6 acres, 10.6 acres, 11.1 acres, 12.5 acres, and 13.9 acres; and (2) the construction of one paved roadway and one rocked roadway, two entrance gates, and six wells. On July 14, 1989 an immaterial amendment to CDP 1-89-028 was approved (Amendment No. -A1), which dedicated an easement for vertical public access and passive recreational use to the blufftop and coves. The dedicated easement replaced special condition 5 of CDP 1-89-028. The dedicated public access easements have since been accepted by the Mendocino Land Trust and opened for public access use. On March 5, 2003, the Commission approved a material amendment to CDP 1-89-028 (Amendment No. -A4; amendments -A2 and -A3 were withdrawn prior to being acted on by the Commission). This amendment changed the existing location and configuration of the building envelope for the 10.6-acre parcel at the southern end of the subdivision at 17230 Ocean Drive to a 125-foot by 80-foot rectangle located a minimum of 50 feet from the coastal bluff edge. The Commission retained Special Conditions 1 through 6 without changes and added new Special Conditions 7, 8, 9, and 10 to the permit amendment. All standard and special conditions are shown below:

Standard Conditions of CDP 1-89-028 as amended through -A4:

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 or interpretation of any condition will be resolved by the Executive Director of the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

Special Conditions of CDP 1-89-028 as amended through -A4:

1. Open Space Easement/Deed Restriction

PRIOR TO ISSUANCE OF THE Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, over the portions of the property identified on the attached Map Exhibit No. 6 identified as sensitive habitat and includes a 50' buffer area surrounding the sensitive habitat area. The open space restriction prohibits any removal of major vegetation, or the erection of structures of any type within the area designated for open space. The deed restriction shall be recorded free of prior liens and encumbrances except tax liens, shall be irrevocable, running from the date of recordation, and shall run with the land binding the landowner, and his/her heirs, assigns, and successors in interest to the subject property.

2. Public Rights

By acceptance of Permit No. 1-89-28, the applicant agrees: (a) that the issuance of the permit and the completion of the development does not prejudice any subsequent assertion of any public rights of access to or along the shoreline, e.g., prescriptive rights or public trust; and (b) that approval by the Commission of this permit shall not be used or construed, prior to the settlement of any claims of public rights, to interfere with any rights of public access to or along the shoreline acquired through use which may exist on the property.

3. Revised Declaration of Covenants, Conditions and Restrictions

PRIOR TO THE ISSUANCE of the Coastal Development Permit, the applicant shall submit for the Executive Director review and approval a revised version of the

Covenants, Conditions and Restrictions for the proposed subdivision, prior to legal recordation of such CC&R's, that includes the following:

- a. All changes to the existing CC&R's as noted in attached Exhibit 9.
- b. An additional section to be added to the CC&R's requiring water conservation measures, including low-flow toilets, showerheads, and faucets, water-conserving appliances, drought tolerant landscaping and screening of satellite dishes.

4. Vertical Beach Access

PRIOR TO THE ISSUANCE of the Coastal Development Permit, the applicant and landowner shall execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for vertical public access and passive recreational use to the blufftop and beach. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property.

Such easement shall be located from Ocean Drive to the bluff edge and to the cove, following the northerly of the two access roads proposed as part of this development, as shown on Exhibit 4A. The easement shall be 25 feet in width, except that the easement shall include all of the sandy and rocky cove area identified on Exhibit 4A, from the base of the bluffs to the mean high tide line. The recorded document shall include legal descriptions of both the applicant's entire parcel and the easement area.

The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

5. Pedestrian Access

PRIOR TO THE ISSUANCE of the Coastal Development Permit, the applicant shall submit for the Executive Director review and approval plans indicating the location of a pedestrian access through or adjacent to the proposed entrance gate on the more northerly of the two access roads proposed as part of this development. This access shall permit public pedestrian ingress and egress to the public access easement required in Special Condition No. 4.

6. Archaeological Resources

The archaeological survey conducted on the subject site identified an archaeological site on the parcel (designated CA-MEN-1604). These resources shall be preserved for perpetuity and shall not be disturbed or altered in any way. The survey concluded that it

is possible that additional archaeological resources may exist on the site, and that these resources might become evident during construction. If archaeological resources are discovered on the project site during construction authorized by this permit, all work that could damage or destroy these resources shall be suspended. The applicant shall then have a qualified archaeologist inspect the project site, determine the nature and significance of the archaeological materials, and, if he or she deems it necessary, develop appropriate mitigation measures using standards of the State Historic Preservation Office.

Should the qualified archaeologist determine that the mitigation measures are necessary, the applicant shall apply to the Commission for an amendment to permit 1-89-28, requesting that the permit be amended to include the mitigation plan proposed by the qualified archaeologist. The plan shall provide for monitoring, evaluation, protection, and mitigation of archaeological resources on the project site. Should the archaeologist determine that no mitigation measures are necessary, work on the project site may be resumed.

7. Area of Native Vegetation Open Space Deed Restriction

- A. No development, as defined in section 30106 of the Coastal Act, including tree removal or tree limbing, shall occur in the area between the approved revised building envelope and the bluff edge identified as the Area of Native Vegetation as depicted in Exhibit 5 of the staff report prepared for Amendment No. 1-89-028-A4 except for:
1. Removal of three (3) specific trees within the Area of Native Vegetation as depicted by notations in Exhibit 5 of the staff report prepared for Amendment No. 1-89-028-A4; removal of any new trees that grow within the portion of the open space area identified as a View Corridor in Exhibit 5 of the staff report prepared for Amendment No. 1-89-028-A4; and the removal of non-native vegetation.

AND

2. The following development and activities, if granted coastal development authorization by the Coastal Commission:

Tree limbing and the removal of dead trees or other vegetation as required by fire management law for maintaining defensible space; reforestation with native species or non-invasive exotic species to replace dead or dying trees or trees removed for any other purpose, installation of berms for visual screening or landscaping, and drainage improvements.

- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-89-028-A4, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the above restrictions on development. The deed restriction shall include a legal description of the entire parcel governed by this permit and a formal legal

description and graphic depiction of the portion of the subject property affected by this condition, as generally described above and shown on Exhibit 5 attached to the staff report prepared for Amendment No. 1-89-028-A4. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

8. Mendocino Coastal Paintbrush Open Space Deed Restriction

A. No development, as defined in section 30106 of the Coastal Act, including tree removal, tree limbing, or ground disturbance, shall occur in the area currently populated with Mendocino coast paintbrush or the 60-foot buffer around the paintbrush population as identified by the Rare Plant ESHA and Buffer area as depicted in Exhibit 5 of the staff report prepared for Amendment No. 1-89-028-A4 except for:

1. Removal of non-native vegetation.

AND

2. The following development and activities, if granted coastal development permit authorization by the Coastal Commission:

Tree limbing and the removal of dead trees or other vegetation as required by fire management law for maintaining defensible space.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-89-028-A4, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the above restrictions on development. The deed restriction shall include a legal description of the entire parcel governed by this permit and a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described above and shown on Exhibit 5 attached to the staff report prepared for Amendment No. 1-89-028-A4. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

9. Future Residential Development.

A. All future development on the property shall require a coastal development permit or an amendment to Coastal Development Permit Amendment No. 1-89-028-A4. Except as specified in subsection C below, any single-family

house or other aboveground structure developed on the property in the future shall be located entirely within the building envelope approved pursuant to Coastal Development Permit Amendment No. 1-89-028-A4 and as shown on Exhibit 5. During construction of any such structures within the building envelope, a physical construction barrier (such as hay bales laid end to end) shall be provided between any proposed earth disturbance and the edge of the areas deed restricted as environmentally sensitive habitat areas (ESHA) and ESHA buffer area.

- B. Other appurtenant residential improvements, which do not involve aboveground structures, may only be developed outside of the building envelope approved pursuant to Coastal Development Permit Amendment No. 1-89-028-A4 and as shown on Exhibit 5 subject to the following requirements and any additional requirements imposed in the coastal development permit granted for such development:
1. Such appurtenant residential improvements, which do not involve aboveground structures, are limited to a septic system, well, underground water storage tank, underground propane tank, underground utilities, driveway and parking areas, landscaping, drainage improvements, tree lighting and the removal of dead trees or other vegetation as required by fire management law for maintaining defensible space, reforestation with native species or non-invasive exotic species, and installation of berms for visual screening.
 2. All such development shall be consistent with all requirements of this permit, including but not limited to: (1) Special Condition No. 1 Open Space Easement/Deed Restriction; (2) Special Condition No. 7, Area of Native Vegetation Open Space Deed Restriction; and (3) Special Condition No. 8, Mendocino Coastal Paintbrush Open Space Deed Restriction.
 3. All such development shall be setback at least 39 feet from the bluff edge and shall otherwise be developed consistent with the recommendations of the geotechnical report entitled, "Geotechnical Investigation, Proposed Meredith Residence, Parcel 1, A.P. No. 017-330-10, Ocean Drive, Belinda Point Minor Subdivision, Mendocino County, California," prepared by Brunsing Associates, Inc., and dated June 28, 2001.
 4. Best management practices shall be utilized during construction of such development to prevent adverse impacts on environmentally sensitive habitat areas from polluted runoff.
 5. No invasive exotic vegetation shall be planted.
- C. An above ground utility shed to house utility generator facilities may be developed outside the building envelope only if the shed is located northeast

of the building envelope and along the driveway and subject to the following requirements and any additional requirements imposed in the coastal development permit granted for such development:

1. All such development shall be consistent with all the requirements of this permit, including but not limited to: (1) Special Condition No. 1 of the original permit, Open Space Easement/Deed Restriction; (2) Special Condition No. 7, Area of Native Vegetation Open Space Deed Restriction; and (3) Special Condition No. 8, Mendocino Coastal Paintbrush Open Space Deed Restriction;
2. All such development shall be setback at least 39 feet from the bluff edge and shall otherwise be developed consistent with the recommendations of the geotechnical report entitled, "Geotechnical Investigation, Proposed Meredith Residence, Parcel 1, A.P. No. 017-330-10, Ocean Drive, Belinda Point Minor Subdivision, Mendocino County, California," prepared by Brunsing Associates, Inc., and dated June 28, 2001.
3. Best management practices shall be utilized during construction of such development to prevent adverse impacts on environmentally sensitive habitat areas from polluted runoff.
4. No invasive exotic vegetation shall be planted.

D. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-89-028-A4, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the above restrictions on development. The deed restriction shall include a legal description of the entire parcel governed by this permit and a formal legal description and graphic depiction of the building envelope referred to by this condition, as generally described above and shown on Exhibit 5 attached to the staff report prepared for Amendment No. 1-89-028-A4. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

10. Consistent Subdivision Map Act Approvals

A. Revised Exhibit Map

PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-89-028-A4, the applicants shall submit, for the review and approval of the Executive Director, a copy of the revised exhibit map for Parcel 1 of Belinda Point Subdivision that has been reviewed and approved by the Director of the Mendocino County Department of Planning and Building Services.

The revised exhibit map shall show the approved change in building envelope, the 50- foot setback from the edge of the coastal bluff, and the approved buffer areas surrounding areas of environmentally sensitive habitat. The revised exhibit map shall be consistent with all terms and conditions of Coastal Development Permit Amendment No. 1-89-028-A4. Any proposed changes to the approved revised exhibit map shall be reported to the Executive Director. No changes to the approved revised exhibit map shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.