



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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June 1, 2022

PUBLIC HEARING NOTICE OF PENDING ACTION
STANDARD COASTAL DEVELOPMENT PERMIT

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, June 23, 2022, at 10:00 a.m. or as soon thereafter as the item may be heard, will conduct a public hearing on the below described project that is located in the Coastal Zone. This meeting will be conducted virtually and not available for in person public participation in an effort to slow the spread of COVID-19 and pursuant to the recommendation of the Mendocino County Health Officer and the California Department of Industrial Relations. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org or via telecomment. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>. The meeting is available for viewing on the Mendocino County YouTube page at, <https://www.youtube.com/MendocinoCountyVideo>

CASE#: CDP_2020-0023

DATE FILED: 8/24/2020

OWNER: DAVID SEBIO

APPLICANT: LORI ZHANG

AGENT: HOWARD CURTIS, ARCHITECT

REQUEST: Coastal Development Permit request to complete construction of a single-family residence and ancillary uses, within 50 feet of a surveyed Bishop Pine Forest ESHA and where previous authorization lapsed without vesting.

ENVIRONMENTAL DETERMINATION: Categorical Exemption

LOCATION: In the Coastal Zone, 5.9± miles south of the town of Point Arena and 0.2± miles east of State Route 1; located at 30735 S Hwy 1, Gualala; APN: 142-052-07.

SUPERVISORIAL DISTRICT: 5

STAFF PLANNER: JULIANA CHERRY

The staff report, and notice, will be available 10 days before the hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>

As you are an adjacent property owner and/or interested party, you are invited to submit comments, at or prior to the hearing; all correspondence should contain reference to the above noted case number. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 W Fir Street, Fort Bragg, California, or by e-mail to pbscommissions@mendocinocounty.org no later than June 22, 2022. Individuals wishing to address the Coastal Permit Administrator during the public hearing under Public Expression are welcome to do so via e-mail at pbscommissions@mendocinocounty.org, or telecomment, in lieu of personal attendance.

All public comment will be made available to the Coastal Permit Administrator, staff, and the general public as they are received and processed by the Clerk, and can be viewed as attachments under its respective case number listed at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Coastal Permit Administrator at or prior to, the public hearing.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 707-234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

JULIA KROG, Director of Planning and Building Services



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- STANDARD CDP**

**JUNE 23, 2022
CDP_2020-0023**

SUMMARY

OWNER: DAVID SEBIO
2016 MAIN ST #2510
HOUSTON, TX 77002

APPLICANT: LORI ZHANG
7255 LAMAR LOOP
CASTRO VALLEY, CA 94552

AGENT: HOWARD CURTIS
PO BOX 101
MANCHESTER, CA 95459

REQUEST: Coastal Development Permit to complete construction of a single-family residence and ancillary uses, within 50 feet of a surveyed Bishop Pine Forest ESHA and where previous authorization lapsed without vesting.

LOCATION: In the Coastal Zone, 5.9± miles south of the town of Point Arena and 0.2± miles east of State Route 1; located at 30735 S Hwy 1, Gualala; APN: 142-052-07.

TOTAL ACREAGE: 1.38± acres

GENERAL PLAN: Remote Residential (RMR20:R)
Coastal Element Chapter 4.12

ZONING: Remote Residential District (RMR:20)
Mendocino County Coastal Zoning Code

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: JULIANA CHERRY

BACKGROUND

PROJECT DESCRIPTION: Coastal Development Permit request to complete construction of a single-family residence and ancillary uses, within 50 feet of a surveyed environmentally sensitive habitat area, or ESHA, and where previous authorization for the residence lapsed without vesting. (The partially constructed residence and completed pump house were previously authorized under Coastal Commission Waiver 1-86-156w). The property owner wishes to complete construction of the residence and its ancillary uses, including installing septic and leach fields. The leach fields would be located in a sensitive coastal resource area and the lines would be placed between pine trees. The applicant does not anticipate removing trees when the leach lines are installed.

In addition to completing construction of the two-story residence and pump house, the scope of the proposed project includes locating the following development less than 50-feet from ESHA, see *Site Plan*:

- 180-square-foot storage building
- 36-square-foot shed
- Septic tank and leach lines
- Trellis
- Driveway and encroachment for a road approach to State Route 1
- Gate crossing the driveway
- 6-foot tall fence following westerly portion of driveway
- (A future carport is not a part)

For the project to be consistent with development criteria, the maximum height of a fence in the front yard is limited to 42-inches. Staff recommends modifying the scope of the project to include approval for roof-mounted solar, as this could satisfy energy efficiency requirements and it is unlikely that ground mounted solar could be approved at this site. Staff recommends phasing of development and requiring installation of a water storage tank. As the carport is not a part of the application request, in the future the property owner may apply for a coastal development permit (or amendment to CDP_2020-0023); at this time, staff cannot recommend approval for a future building that would be located less than fifty feet from ESHA.

Local Permit Jurisdiction. Mendocino County's local coastal program jurisdiction is deferred on lands with pygmy vegetation. As mapping identifies pygmy vegetation at the project site, staff requested a pygmy vegetation survey to determine permit jurisdiction. On November 9, 2020, Spade Natural Resources Consulting (SNRC) wrote "Regarding pygmy vegetation, I write to inform you [that] I visited the site on Friday November 6, 2020, and observed that the vegetation type on the property is not pygmy forest, but is dominated instead by Bishop pine." This confirmed a lack of pygmy vegetation on site and assured local permit authority.

Administrative Coastal Development Permit request. At the time of application filing, Planning Staff assigned a CDPA base fee and charged the appropriate violation rate. The request for an Administrative Permit was appropriate, as the *LCP Habitat and Natural Resource* maps do not associate sensitive coastal resources with the site. In accordance with MCC Section 20.532.015(A)(5) and as the proposal includes installing leach field lines in a coastal resource area, the project is appealable to the Coastal Commission. The request shall not be processed as an Administrative Permit. A Standard Coastal Development Permit shall be secured.

The applicant is proposing to complete construction of a residence within the building footprint previously authorized by a waiver issued by Coastal Commission staff; at that time, Bishop pine forests were not ranked by California Department of Fish & Wildlife as a rare habitat. On August 24, 2020, the applicant filed an Administrative Coastal Development Permit application. Following SNRC statement that the site is dominated by Bishop pine and on February 18, 2021, PBS staff suggested the applicant consider the juxtaposition of the development to sensitive coastal resources; for example, revise the site plan to locate all development 100-feet or more from ESHA. On August 3, 2021, the application was revised and additional information filed, including:

- Correspondence from Carl Rittiman & Associates dated July 23, 2021.
- Botanical survey and biological Scoping Survey Report for 30735 S Highway 1 prepared by Spade Natural Resources Consulting and dated July 23, 2021.

While the site review showed that the leach field and tank installation can occur without removal of Bishop pines, the on-site sewage disposal system would be partially located within a sensitive coastal resource area. "The identified leach field areas (primary and replacement) are in the only feasible area based on the required setbacks from the water well and existing soil cuts (Rittiman)." In addition the building footprint would be located within the ESHA buffer, as there is no other feasible location for development and the building footprint was previously authorized under a Coastal Commission issued permit waiver.

APPLICANT'S STATEMENT: "This is un-finished residential building structure, 2+ stories. This structure was built on the foundation footprint of a previous permitted dome building, which was also un-finished and the structure was torn down due to water damage. (This dome structure was granted a Coastal Permit Waiver of permit requirement (1-86-156w, October 8, 1986). Mendocino County issued building permits for the dome project (#FB90-490; 9190634; & 86-776, issued 9-9-1986). These permits have expired. A septic

permit ST06469; EH38956 was recently renewed. The applicant/owner desires to take out a Class K residential owner building permit to complete the unfinished structure. PG&E electric is connected the residence. A well and pump house exist. A septic system is designed and approved and has a current permit. All access driveways and parking areas exist. No additional grading will be required. The owner will repair and modify as necessary the existing structure to meet the current building codes, and the codes and requirements of the Class K permit.”

RELATED APPLICATIONS ON-SITE:

- Coastal Permit Waiver 1-86-156w
- Environmental Health ST06469 and EH38956
- Building FB90-490; 9190634; & 86-776

SITE CHARACTERISTICS: The project site is located east of State Route 1 and between Walker Gulch and Morison Gulch (See *Location Map* and *Aerial Imagery*, attached). Site access is from an access road (or shared easement) having direct access to State Route 1 (See *Site Plan*). The *Topographic Map* shows the property near the 200-foot contour line and north of Morison Gulch (See attached). While mapping does show a rare plant habitat west of State Route 1, mapping does not associate the property with rare habitats or natural hazards (See attached). Yet, field survey work has identified a *Bishop Pine-Monterey Pine Forest and Woodland Alliance* within the project area (see below for detailed discussion). Associated with Morison Gulch is the Coastal Commission Appeal Jurisdiction, the project site is north of the appeal jurisdiction boundary (See attached). The property and surrounding area is ranked as a “High Fire Hazard” area (See attached). The area is classified as a “Critical Water Area” and there is an existing well on site (See attached). While the building site is relatively flat, lands slope downwards to Morison Gulch. The Farmland classification is R, or Rural Residential & Rural Commercial; adjacent lands to the south are classified as Forest Lands.

SURROUNDING LAND USE AND ZONING: While the project site and lands to the north, east and west are classified as Remote Residential, lands to the south are Forest Lands (See Table 1). These southerly lands may have agricultural uses associated with timber harvesting (See attached *General Plan Classification, Zoning Display Map, and Important Farmland*).

| | GENERAL PLAN | ZONING DISTRICT | LOT SIZES | USES |
|--------------|---------------------|------------------------|------------------|-------------|
| NORTH | Remote Residential | Remote Residential | 27± acres | Residential |
| EAST | Remote Residential | Remote Residential | 27± acres | Residential |
| SOUTH | Forest Lands | Timber Production | 27± acres | Residential |
| WEST | Remote Residential | Remote Residential | 40 ± acres | Residential |

PUBLIC SERVICES:

Access: STATE ROUTE 1
 Fire District: SOUTH COAST FIRE PROTECTION DISTRICT
 Water District: NONE
 Sewer District: NONE

AGENCY COMMENTS: On December 3, 2021, a request for comments was sent to the following responsible or trustee agencies with jurisdiction over the project. Their required or related permits, if any, are listed below. A summary of the comments received are provided below and any comment that would trigger a project modification or denial are discussed in the following section.

| REFERRAL AGENCIES | RELATED PERMIT | COMMENT | REPORT |
|------------------------------|-----------------------|----------------|---------------|
| Planning Division | | Comment | |
| Department of Transportation | | No comment | Section 9 |

| Table 2: Agency Comments | | | |
|--------------------------------------|-----------------------|-------------|-----------|
| REFERRAL AGENCIES | RELATED PERMIT | COMMENT | REPORT |
| Environmental Health Fort Bragg | ST06469 | Comment | |
| Building Division Bragg | Building | Comment | |
| Assessor | | No comment | |
| Forestry Advisor | | No response | Section 8 |
| North Gualala Water District | | No response | Section 5 |
| Addresser | | No comment | |
| Air Quality Management | | No response | |
| Gualala MAC | | Comment | Section 1 |
| Archaeological Commission | | Comment | Section 5 |
| South Coast Fire Protection District | | No response | Section 6 |
| Sonoma State University | | Comment | Section 5 |
| Native Plant Society | | No response | |
| CalTrans | Encroachment Permit | Comment | Section 9 |
| CalFire | Preliminary Clearance | Comment | Section 6 |
| Calif. Dpt. of Fish & Wildlife | | Comment | Section 4 |
| Calif. Coastal Commission | | No response | |
| RWQCB | | No response | |
| State Clearinghouse | | No response | |
| US Fish & Wildlife Service | PAMB | Comment | Section 4 |
| Cloverdale Rancheria | | No response | |
| Redwood Valley Rancheria | | No response | Section 5 |
| Sherwood Valley Band of Pomo Indians | | No response | Section 5 |

LOCAL COASTAL PROGRAM CONSISTENCY

The property is located within Mendocino County's Local Coastal Program boundaries and the *Iverson Road to Sonoma County Line Planning Area* (See Coastal Element Chapter 4.12). As proposed the project is not consistent with Coastal Element Chapter 3.1 policies and MCC Chapter 20.496 which encourages development to be located 100-feet or more from sensitive habitat areas. As there is no feasible alternative development site, all of the development is located either less than fifty-feet from a sensitive coastal resource or within an environmentally sensitive habitat area, or ESHA.

Inclusion of recommended conditions would assure that the proposed development conforms to Mendocino County's Local Coastal Program, including Coastal Element policies for Remote Residential classified lands and satisfy Mendocino County Coastal Zoning Code regulations. The proposal includes locating the septic system within ESHA and this is not consistent with local regulations.

- 1. LAND USE:** The site is classified as Remote Residential (RMR). *"The Remote Residential classification is intended to be applied to lands having constraints for commercial agriculture, timber production or grazing, which are well suited for small scale farming and low density agricultural/residential uses by the absence of such limitations as inadequate access, unacceptable hazard exposure or incompatibility with adjoining resource land uses. The classification is also applied to some areas which might not otherwise qualify except for the fact that the land has been divided and substantial development has occurred."* Principal permitted uses include residential and associated utilities, light agriculture, and home occupations. The proposed is consistent with the land use policies of the RMR classification.

Coastal Element Chapter 4.12 *Iverson Road to Sonoma County Line Planning Area* includes policy 4.12-1, as follows:

New residential and visitor accommodation development within the Anchor Bay-Gualala Planning Area shall be dependent upon approval by the County Health Department for septic waste disposal systems installed in accordance with Regional Water Quality Control Board Basin Standards.

Installation of individual septic disposal systems shall be carefully monitored by the County Health Department and the Regional Water Quality Control Board to determine the cumulative impact upon coastal resources of all development within the Anchor Bay-Gualala area.

On December 3, 2021 comments were requested from the Division of Environmental Health (see Report Section 9 below for analysis) and the Gualala Municipal Advisory County (GMAC). On December 8, 2021, the County was given notice that members of GMAC would complete a site visit. On February 3, 2022, GMAC members recommended approval of the proposed project. Below, report section **9. TRANSPORTATION, UTILITIES AND PUBLIC SERVICES** describes approval from the County Health Department for septic waste disposal systems and how the proposed project is consistent with Coastal Element Policy 4.12-1 and MCC Chapter 20.516 regulations.

2. **ZONING:** The project site is located in the Remote Residential (RMR) District. This district is intended to implement the goals and policies of Coastal Element Chapter 2.2. Principal permitted uses include *Single-Family Residential, Vacation Home Rental*, and others. The proposed land use, MCC Section 20.316.010(A) *Single-Family Residential*, is a permitted use in the RMR District. Other permitted activities in the RMR District include: *Coastal Open Space Use Types* and *Coastal Agricultural Use Types*; within the sensitive coastal resource areas, these passive land uses are recommended.

The proposed development conforms to the front, rear, and side yard minimum distances, and maximum lot coverage (See attachments *Site Plan, Floor Plans, Profiles, and Elevations*). See Table 3 for comparison of Remote Residential District development standards and the proposed project.

| SECTION | STANDARD | PROPOSED |
|---------------------------------------|------------|-------------------|
| 20.380.030 Minimum Front & Rear Yards | 50 feet | more than 50 feet |
| 20.380.035 Minimum Side Yards | 50 feet | 50 feet or more |
| 20.380.045 Building Height Limit | 28 feet | 26 feet |
| 20.380.050 Maximum Lot Coverage | 20 percent | 0.4 percent |

To facilitate the property owner’s compliance with adopted conditions, Staff recommends that the conditions be attached to any building permit and become a part of on-site construction drawings (See recommended **Condition #9**).

In accordance with MCC Section 20.444.015(E), the proposed fence in the front yard shall be limited to a maximum height of 42-inches (and not the proposed 6-feet). As proposed, the gate shall be limited to 42-inches in height (See recommended **Condition #10**).

Staff recommends proactive approval of residential roof-mounted solar panels, as many property owners are installing solar. Given site constraints (described below), it is unlikely staff would support a ground mounted solar array at this location.

As conditioned, the project satisfies Coastal Element Chapter 2.2 policies and MCC Chapter 20.380 land use and development standards.

3. **GRADING, EROSION, AND RUN-OFF:** The purpose of MCC Chapter 20.492 *Grading, Erosion, and Runoff* is:

“The approving authority shall review all permit applications for coastal developments to determine the extent of project related impacts due to grading, erosion and runoff. The approving authority shall determine the extent to which the following standards should apply to specific projects, and the extent to which additional studies and/or mitigation are required, specifically development projects within Development Limitations Combining Districts.”

While the Application Questionnaire Question #16 states that no grading or road/driveway construction is planned, the site plan and project description describes grading for the driveway and installing a

sewage disposal system on site. Most of the proposed areas intended to be graded are located 50-feet or less from a *Bishop Pine-Monterey Pine Forest and Woodland Alliance ESHA*, as it appears that areas of the forest were cleared to accommodate the development authorized under the Coastal Commission issued waiver. Portions of the grading may have been completed following the Coastal Commission issued permit waiver; but as the waiver lapsed, review of this application includes determining the extent of project related impacts due to grading, erosion, and runoff.

A condition is recommended to remind the property owner that a building permit (or an exemption from a grading permit) is required prior to any grading, including but not limited to, any excavation or filling or combination thereof involving transfer of more than two cubic yards of material and in some instances, a coastal development permit may be required, too (See recommended **Condition #11**). With the inclusion of the recommended Condition, the project would be consistent with MCC Chapter 20.492 *Grading, Erosion, and Run-off*. Future repair and maintenance of the driveway, septic, or leach fields will need prior authorization; the property owner would want to first file a coastal development permit application or permit amendment (See recommended **Condition #12**).

4. HABITATS AND NATURAL RESOURCES: Coastal Element Chapter 3.1 and MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* applies to all development proposed in the Coastal Zone, unless and until it can be demonstrated to the approving authority that the project will not degrade an environmentally sensitive habitat or resource area and shall be compatible with the continuance of such areas. The *LCP Habitats & Resources* map depicts the site as barren (See attached). In November 2020, PBS received a statement prepared by SNRC stating that the site is dominated by Bishop pine. On August 3, 2020, a botanical survey and biological scoping survey report for 30735 S Hwy 1 was filed. The report, prepared by Spade Natural Resources Consulting, includes:

- Figure 5 Vegetation Alliance Map, page 18
- Figure 6 Vegetation Alliance Map with proposed new development, page 19
- Subsection 5.1 Avoidance Measures and Next Steps, beginning on page 17
- Appendix D Reduced Buffer Analysis

The woodland surrounding the cleared areas is dominated by Bishop pine, with tanoak and Douglas fir present in the overstory, black huckleberry, and hairy manzanita dominant in the shrub layer, and bracken prominent in the herbaceous layer. The cleared area and building envelope is entirely within 50-feet of this sensitive vegetation alliance (SNRC, p. 10). As shown on Figure 6 and described in the report, development would be located in a clearing and less than 50 feet from *Bishop Pine-Monterey Pine Forest and Woodland Alliance ESHA*. The applicant requests reducing the ESHA buffer width from 100 feet to 50 feet, which is frequently approved for similar habitat types. Figure 6 demonstrates that the ESHA buffer surrounds the property and the width of the buffer would have no effect as the perimeter of the buffer is off-site. Therefore, staff recommends requiring the applicant to memorialize the extent of *Bishop Pine-Monterey Pine Forest and Woodland Alliance ESHA* and establishing the minimum buffer required by MCC Section 20.496.020(A)(1) or 100 feet (See recommended **Conditions #12 and #13**).

The botanical and biological scoping survey report offers avoidance measures and suggests requesting comments from responsible agencies; for example:

- US Fish and Wildlife affirmed that a follow-up Lotis Blue Butterfly survey is not needed
- Seasonal avoidance of special status birds and bats (See **condition #15**)
- Avoidance measures specific to California Red Legged Frog (See **condition #16**)
- Avoidance measures to protect obscure bumblebees (See **condition #17**)
- Bishop pine forest restoration and avoidance measures (See **condition #18**)

On December 20, 2021, three comments were received from staff at California Department of Fish & Wildlife (CDFW). Their concerns have been addressed by the project design and proposed avoidance measures. The comments received are:

- a) "CDFW find the ESHA buffer reduction appropriate as the new development will occur on a preexisting footprint that already exists within the standard 100-foot ESHA buffer. However,

CDFW has the following comments and recommendations regarding the project.”

- b) *“Fire Clearance. The project will be located in an area which could be vulnerable to fire hazard. If any vegetation is proposed for removal for fuel reduction/fire safety, the county should consider how this would affect an ESHA delineation/buffer reduction approval.”*
- c) *“Mitigation and avoidance measures. CDFW agrees with the referral Biological report's mitigation and avoidance measures. CDFW recommends the County require these proposed measures.”*

The three suggested avoidance measures are recommended for inclusion with the conditions of project approval (See recommended **Conditions #15, #16 #17, and #18**). As no additional trees are proposed to be removed, a Sonoma Tree Vole survey was not required. If trees are to be removed, the property owner shall complete said survey and apply for a Coastal Development Permit, which is required when work is located less than 100-feet from ESHA (See recommended **Conditions #13 and #14**).

On April 21, 2022, Coastal Commission staff wrote *“The proposed development is inconsistent with the County's LCP”* and emailed the following preliminary comments in response to the December 2021 project referral:

IF adequate services are demonstrated and IF after evaluating a takings claim the County concludes that it must approve a residential use of the site to avoid a takings, AFTER the alternatives analysis, we recommend adding additional conditions to protect site ESHA, including:

- a) *Require recordation of a map showing the locations of ESHA and ESHA;*
- b) *Specify mandatory buffer widths to protect the remaining ESHA on the site that won't be degraded by the direct removal of/encroachment into Bishop Pine Forest and other identified ESHA for the proposed residential development;*
- c) *Restrict allowed uses within ESHA and ESHA buffers and specify those future uses that may be allowed within ESHA and ESHA buffers (either under this permit and/or subject to future permit modifications);*
- d) *Require the terms and conditions of the CDP, including recorded open space/deed restricted areas, to be recorded against the property so that they run with the land and bind all successors in interest;*
- e) *Add a feasible mitigation measure to further protect forest ESHA requiring the erection of a mitigation fence (e.g., low split rail fence or other symbolic fencing) between the approved development footprint and the remaining forest ESHA and ESHA buffers on the property to remind owners of restrictions on the use and enjoyment of the property outside of the approved building footprint (e.g., no gardens, landscaping, patios, vegetation removal, etc.).*

Staff recommends **Condition #12**: it aligns with Commission staff comments; it reflects the intent of the proposal to protect on-site ESHA; and would limit activities within the ESHA and its buffers. Noting that the ESHA consists of mature trees, Commission staff suggested symbolic fencing would not likely achieve the desired effect. Staff's recommendation is to support the protection of the on-site ESHA as proposed by the applicant, supported by CDFW, and described in the botanical survey report. As proposed, the residence would be constructed in the least impacting location and grading for the primary leach field would be located within the *Bishop Pine-Monterey Pine Forest and Woodland ESHA*, as this is the only feasible location. The leach lines could be installed between the trees and removal of existing trees is not proposed. As proposed, the project will not degrade an environmentally sensitive habitat or resource area and would be compatible with the continuance of such areas.

The recommended conditions include avoidance measures, habitat restoration procedures and establishes the extent of the 2021 surveyed environmentally sensitive habitat area. These

recommendations are intended to ensure that the proposed project will not degrade an environmentally sensitive habitat or resource areas and that development shall be compatible with the continuance of such areas. Future development, including repair, maintenance, additions, should be required to obtain either a new Coastal Development Permit or an amendment to CDP 2020-0023 (See recommended **Condition #19**).

5. **ARCHAEOLOGICAL/CULTURAL RESOURCES:** On January 12, 2022, the Archaeological Commission requested a cultural survey report, even though one was not recommended by California Historical Information Systems Northwest Information Center (CHRIS-NWIC). On March 9, 2022, the Archaeological Commission accepted the recommendations and findings of a cultural survey report. In addition, they recommended including a condition advising the property owners of a "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project (See recommended **Condition #8**). As conditioned, the project would be consistent with Mendocino County policies for the protection of the paleontological and archaeological resource. On December 3, 2021, local tribes were contacted and comments on the proposed were requested; no response has been received. As conditioned, the proposed project would be consistent with Coastal Element Chapter 3.5 archaeological resource policies and MCC Chapter 22.12.
6. **HAZARDS MANAGEMENT:** Coastal Element Chapter 3.4 and MCC Chapter 20.500 *Hazard Areas* applies to all development proposed in the Coastal Zone unless and until it is determined by the Coastal Permit Administrator that the project is not subject to threat from geologic, flood, or other hazards. Mapping does not associate geologic or flood hazards with the property.

- *Fire Hazard and MCC Section 20.500.025:*

The parcel is located in an area classified as "Moderate Fire Hazard" (See attachment *Fire Hazard Zones & Responsibility Areas*). Fire protection services are provided by the South Coast Fire Protection District and California Department of Forestry and Fire Prevention (CalFire). The application was referred to the South Coast Fire Protection District and CalFire for input; however, no response has been received from the local fire protection district. CalFire recommended conditional approval. The applicant applied for a preliminary clearance from CalFire; CalFire Permit 345-20 conditions include standards for address, driveway, defensible space and maintaining defensible space.

With the inclusion of a condition requiring the property owner to obtain all necessary permits from local, State, and federal agencies, the project would be consistent with MCC Chapter 20.500 *Hazard Areas* (See **condition #4**).

7. **VISUAL RESOURCES:** The project site is not mapped as a Highly Scenic Area; therefore, applicability of Coastal Element Chapter 3.5 policies and MCC Chapter 20.504 *Visual Resources and Special Treatment Areas* is limited. Staff recommends **Condition #20**, to ensure that exterior lighting is downcast and shielded in compliance with MCC Section 20.504.035. As conditioned, the project would be consistent with Coastal Element Chapter 3.5 policies and MCC Chapter 20.504 regulations.
8. **FORESTRY AND SOILS RESOURCES:** Coastal Element Chapter 3.3 and MCC Chapter 20.510 *Timber Resources* applies to lands adjacent to FL Districts and other timber resource areas within the County of Mendocino's Coastal Zone. The purpose is to ensure that the long-term productivity of timber soils and timberlands shall be protected and maintained in timber production to assure the protection of the area's principal economic base.

The project site is located north of lands classified as Forest Lands, a type of timber resource area. Pursuant to MCC Section 20.510.020, development adjacent to lands designated as FL is subject to Section 20.524.010(B)(1)(e) or Section 20.524.020(B)(5) and the following:

(A) Development Adjacent to Parcels Designated FL or TP. (1) No new dwellings in a residential area shall be located closer than two hundred (200) feet from a parcel designated as FL or TP unless there is no other feasible building site on the parcel. (2) New parcels created adjacent to parcels designated as FL or TP shall be a minimum of ten (10) acres, however, parcels

designated Clustering Development Combining District (CL) or Planned Unit Development Combining District (PD) may be developed at a density specified by the base zone provided that any dwelling is not closer than two hundred (200) feet from the property line of the parcel designated as FL or TP or at the furthest feasible point from said property line.

(nb. MCC Chapter 20.524 regulates land subdivision and division of land is not proposed.)

The project site is situated north of Morison Gulch; lands classified Forest Lands (FL) are south of same. While development is proposed less than 200 feet from a parcel designated as FL, the siting of the dwelling is in the least impacting location. There is no other feasible building site on the parcel. As previously described, the residence was granted a waiver that lapsed after construction commenced. The applicant requests to complete construction of the residence in the location previously approved and where an existing building foundation is in place.

The parcel is less than ten acres, it is 1.38± acres.

As proposed, the project would be located in the least impacting area of the parcel and Morison Gulch is a topographic feature separating the property from FL classified lands to the south. As proposed, the project is consistent with the goals and policies of Coastal Element Chapter 3.3 and MCC Chapter 20.

- 9. TRANSPORTATION, UTILITIES AND PUBLIC SERVICES:** Coastal Element Chapter 3.8 and MCC Chapter 20.516 *Transportation, Utilities and Public Services* applies to all new development and in particular development which requires the expansion or extension of public works or private facilities. New development shall be approved subject to the availability of necessary public services and consistent with MCC Section 20.516.015.

- *MCC Section 20.516.015(A) Septage and Leach Field:*

The proposed project includes installation of an on-site septic tank with connection to a leach field. On December 30, 2021, Division of Environmental Health staff responded, "CDP shows 2 beds, ST06469 approved, not issued, for 2 beds".

On July 23, 2021, Carl Rittiman & Associates confirmed that the leach field and tank installations can occur without the removal of Bishop Pine trees. The tanks can be situated between the trees and no tree removal is anticipated. The leach field area (primary and replacement) are in the only feasible location; they are placed in areas identified in 1996 and appropriately distant from the water well and existing soil cuts. The leach field installation will avoid all trees. See also recommended Condition #14, which confirms tree removal is not a part of this application.

- *MCC Section 20.516.015(B) Water Supply:*

The property and surrounding lands are mapped as "Critical Water Areas" (See attachment *Ground Water Resources*). Under the Commission issued waiver, the property owner installed a 245-foot deep well in 1986. While it does not satisfy the guidelines for a Proof of Water Test, Fisch Brothers Water Well Drillers Report dated March 17, 1986, describes a discharge rate of three gallons per minute following a two-hour well test. The well seal depth is 20 feet and it is sealed with grout. The standing water level was 21 feet. Mendocino County Division of Environmental Health issued a valid Water Well Permit on March 3, 1986 (Permit No. 8780). In accordance with the 1982 coastal ground water study recommendations (page 16), testing a deep well is not seasonally dependent; a Proof of Water Test may be completed at any time. Since 1986, the well has consistently provided water.

On December 3, 2021, PBS requested comments. On April 21, 2022, preliminary comments from Coastal Commission staff were received. Commission staff recommends completing a Proof of Water test prior to issuance of a coastal development permit:

According to the application materials, the well was drilled in 1986 related to the original permit, however, it is unclear whether a well test was conducted in the past or present. There have been extensive droughts and potential changes to groundwater availability over the past 36 years. The County's LCP requires that the approving authority consider whether an adequate onsite water source to serve proposed development is available before approving a CDP. We recommend that County staff request the applicant have an updated well test conducted prior to acting on the CDP application to ensure there is sufficient water for the proposed single-family residence.

To better understand the site's potential hydrology and geology, staff reviewed soils classifications, topographic maps, the Well Driller's Report, the 1982 *Mendocino County Coastal Ground Water Study* and its description of the Point Arena Subunit hydrology, which includes Marine Terraces described as yielding between 2 and 75 gallons per minute (See Table 6 "Summary of Well Data"). The well log describes the soil from drilling the well as 5 feet top soil, followed by: 5 feet to 15 feet clay; 15 feet to 55 feet weathered sandstone; 55 feet to 235 feet of sandstone; and 235 feet to 245 feet of shale. This is consistent with exhibits and studies reviewed by staff. The application demonstrates that the existing well was authorized for residential use prior to the Division of Environmental Health issuing Permit No. 8780 and it demonstrates an adequate water supply for the continued residential use of the site.

Water Conservation Measures: In response to Board of Supervisors Ordinance No. 4493, staff recommends adding the *Mendocino County Coastal Ground Water Study* water conservation measures as conditions, where appropriate (See recommended **Conditions #21, #22, #23, and #24**). For example, the project would implement the study's conservation measure 1, as all new residential development is required to incorporate proven water conservation technology in the construction of the project (e.g. low-flush toilets, control inserts on showers, single-control faucets, and similar). For example, the project would implement conservation measure 5 by preserving natural drainage areas, which the study found aids in ground water recharge. With the inclusion of these conditions and findings, staff recommends the project satisfies Ordinance No. 4493 objectives to consider the project's anticipated water use and impose conditions of approval to appropriately limit and phase the expansion of water use.

- *MCC Section 20.516.015(C) Transportation Systems:*

As proposed, the project is consistent with local regulations relating to transportation and noting that Section 20.516.015(C)(2) applies, as follows: A corridor preservation setback, in addition to a required front yard setback prescribed by zoning districts, shall apply to all parcels that abut a publicly maintained street, road or highway pursuant to Section 20.444.020 of this Division. On December 17, Mendocino County Department of Transportation responded that they had no comments at this time.

On December 31, 2021, comments were received from California Department of Transportation, or CalTrans. Their comments include, "Based on the information available at the time of our review, it appears access to the applicant's parcel is via a private road approach (driveway) on State Route (SR) 1 at approximate post mile (PM) 9.13. The applicant does not appear to be the driveway encroachment owner and therefore must cross multiple parcels to access the project site. The driveway appears to serve at least four separate parcels, including the applicant's parcel. The parcel's access to the State highway does not meet Caltrans standards for a multi-residential driveway. Some of the deficiencies noted include, but are not limited to, unpaved approach, insufficient throat width, drainage issues, and potentially insufficient intersection sight distance."

At their request, **Condition #25** would require the property owner to obtain an approved Caltrans Encroachment Permit and improve the driveway to meet Caltrans standards for a multi-family driveway.

As conditioned to provide a road approach on to State Route 1, the project would be consistent with the implementation measures, as listed in Chapter MCC Section 20.516.015, that require new development to be approved subject to the availability of necessary public services and consistent with

provisions for septic and leach fields, and water supply.

10. **PUBLIC ACCESS:** The site is not designated as a potential public access trail location. As shown on LCP Map 25 *Point Arena*, existing public access to the coast follows the shoreline (See attached). MCC Chapter 20.528 *Coastal Access Regulations and Open Space Easements* standards for minimum access are established west of the project site, at the shore. As proposed, the project would satisfy the requirements of MCC Chapter 20.528 that implements the goals and policies of *Coastal Element Chapter 3.6 Shoreline Access and Trail/Bikeway System*.
11. **ENVIRONMENTAL DETERMINATION:** The Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project was determined to meet the categorical exemption criteria for new construction of a small structure, or a Class 3 Categorical Exemption from the California Environmental Quality Act (CEQA) under 15303.

PROJECT FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code, Staff recommends authorizing a Coastal Development Permit for a two-story residence and pump house; water storage tank; a road approach, driveway, 3.5-foot tall fence and gate; residential roof-mounted solar array; 180-square-foot storage building; removal of an unpermitted 36-square-foot shed located less than fifty-feet from ESHA; and installing within a sensitive coastal resource area an unpaved walking path, septic tank, pump chamber, and leach lines. No trees shall be removed. (A future carport is not a part of the proposed project.) Staff recommends adopting the following findings and conditions:

FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed residential development, which entails completing construction of a residence previously authorized by a coastal permit waiver, conforms with the adopted goals and policies of the certified Local Coastal Program, as one dwelling unit is a principally permitted use in lands classified as Remote Residential; and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The property owner has documented that the land has access to an adequate water supply, access roads, and other necessary facilities; and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed Single-Family Residence is consistent with the purpose and intent of the Remote Residential District; and the project is consistent with other provisions of Division II of Title 20 of the Mendocino County Code, including building height, setback from property boundary, and lot coverage; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed residential development and accessory structures, if constructed in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and the Project was determined to meet the categorical exemption criteria for new construction of a small structure, or a Class 3 Categorical Exemption from the California Environmental Quality Act (CEQA) under 15303; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development would not have any adverse impact on any known archaeological or paleontological resources; on March 9, 2022 the Archaeological Commission accepted a survey report and suggested adherence to the Discovery Clause, that is Condition #8 establishing procedures for when archaeological sites or artifacts are discovered; and
6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the site; and an California Department of Transportation encroachment permit for the driveway approach is required; and

7. Pursuant with MCC Section 20.532.100(A)(1), the proposed development conforms to MCC Chapter 20.496 Environmentally Sensitive Habitat and Other Resource Areas regulations as it locates development in a clearing and proposes avoidance and restoration measures intended to protect environmentally sensitive habitat areas, including *Bishop Pine-Monterey Pine Forest and Woodland Alliance ESHA*; and
8. Pursuant with MCC Section 20.532.100(A)(2), the proposed residential development does not conflict with the future use of adjacent Forest Lands, located to the south of Morrison Gulch. Between the residence and the southerly property line is a survey Bishop Pine-Monterey Pine Forest and Woodland Alliance habitat and Morrison Gulch.

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Coastal Zoning Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two (2) years after the effective date except where construction or use of the property in reliance on such permit have been initiated prior to its expiration.
2. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The Applicants shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the

archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

9. Conditions approving CDP_2020-0023 shall be attached to any building permit application.
10. In accordance with **MCC Section 20.444.015(E)**, fences (and hedges) in front yards and any rear or side yards having street frontage, may not exceed three and one-half (3.5) feet. In the 50-foot front yard, the proposed gate and fence shall be limited to a maximum height of 42-inches.
11. In accordance with **MCC Chapter 20.492**, a building permit (or grading permit exemption) shall be required for any grading, including but not limited to, any excavation or filling or combination thereof involving transfer of more than two (2) cubic yards of material. Grading activities, including the maintaining driveway and parking areas, installing or maintaining on-site sewage disposal systems (septic tank, leach fields, others), and any work associated with an Encroachment Permit, shall comply with MCC Chapters 20.492, 20.496, and 20.532 regulations.
12. In accordance with **MCC Section 20.496.020(A)(1)**, development shall maintain a 100-foot buffer from *Bishop Pine-Monterey Pine Forest and Woodland ESHA* and other environmentally sensitive habitat areas or ESHA.
 - a. The property owner shall memorialize the extent of environmentally sensitive habitat areas by recording a deed restriction that is reviewed and accepted by the Coastal Permit Administrator, or their designee. (Included with the deed restriction shall be a black and white exhibit, the basis of which is Figure 6 from the *Botanical Survey and Biological Scoping Survey Report for 30735 S Hwy 1* prepared by Spade Natural Resources Consulting and dated July 23, 2021.)
 - b. Within the cleared areas shown on Figure 6, the property owner may plant regionally native vegetation and *Row and Field Crops* and *Tree Crops* (See MCC Section 20.380.015) as these are permitted land uses.
 - c. Within the environmentally sensitive habitat areas and ESHA buffer, land uses shall be limited to *Open Space Use Types*, as allowed pursuant to MCC Chapter 20.380.
13. In accordance with **MCC Section 20.496.020(A)(4)** and as no other feasible site is available, the following structures will be allowed as shown on the Site Plan:
 - a. Two-story residence with patio;
 - b. 100-square-foot pump house;
 - c. 180-square-foot storage building;
 - d. Road approach, driveway, 3.5-foot tall fence and 3.5-foot tall driveway gate;
 - e. Septic tank, pump chamber, leach lines, and walking path;
 - f. Residential roof-mounted solar array;
 - g. One water storage tank;
 - h. Permitted *Coastal Open Space Use Types*; and
 - i. Permitted *Coastal Agricultural Use Types*, e.g. Light Agriculture, Row and Field Crops, and Tree Crops.
14. CDP_2020-0023 does not authorize the removal of any trees.
 - a. The property owner shall apply for a Coastal Development Permit or permit amendment prior to removing vegetation within the *Bishop Pine-Monterey Pine Forest and Woodland ESHA*.

- b. Prior to removal of any trees, a Sonoma Tree Vole survey shall be completed and accepted by the Coastal Permit Administrator. Pursuant with **MCC Section 20.496.020(A)(1)(b)**, the Sonoma Tree Vole is sensitive to disturbance and the width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of animals will not be disturbed significantly by the permitted development.
15. Pursuant with **MCC Section 20.496.020(A)(1)(b)**, Special Status Birds and Bats are sensitive to disturbance and the width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of animals will not be disturbed significantly by the permitted development. The property owner shall implement the following avoidance measures and practices:
 - a. Birds: The clearing of vegetation and the initiation of construction can be done during the non-breeding season between September and January. If these activities cannot be completed 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.
 - b. Bats: 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. Between November 1 and August 31, pre-construction surveys shall determine the presence or absence of bat roost sites in a given area. 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.
16. Pursuant with **MCC Section 20.496.020(A)(1)(b)**, California Red-Legged Frogs are sensitive to disturbance and the width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of animals will not be disturbed significantly by the permitted development. The property owner shall implement the following avoidance measures and practices:
 - a. Contractors shall be trained by a qualified biologist in the identification of the California red-legged frog (*Rana draytonii*).
 - b. A survey for California red-legged frog shall occur within two weeks prior to ground disturbing activities or construction.
 - c. 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 the presence of frogs.
 - d. If a California red-legged frog is detected, construction crews shall stop all ground disturbing activities and contact the US Fish and Wildlife Service or a qualified biologist prior to re-initiating work.
 - e. If a rain event occurs during the construction period, all ground disturbing construction-related activities will cease for a period of 48 hours after the rain stops.
 - f. Prior to resuming ground disturbing construction activities, trained construction crew member(s) will examine the site for the presence of frogs. If no special status frogs are found, construction activities may resume.

17. Pursuant with **MCC Section 20.496.020(A)(1)(b)**, Obscure Bumblebees are sensitive to disturbance and the width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of animals will not be disturbed significantly by the permitted development. The property owner shall implement the following avoidance measures and practices:
- a. The use of pesticides and herbicides shall be avoided to the extent reasonably possible during construction of the project and residential use of the property.
 - b. Ground disturbance during construction shall be limited to only what is necessary, retaining food plants for Obscure Bumblebee to the extent feasible. Food plants found onsite utilized by Obscure Bumblebee include ceanothus (*Ceanothus* sp.), thistle (*Cirsium* sp.), lupine (*Lupinus* sp.), rhododendron (*Rhododendron* sp.), blackberry (*Rubus* sp.), clover (*Trifolium* sp.), and huckleberry (*Vaccinium* sp.).
 - c. To mitigate for any habitat loss due to construction, additional food plants should be planted on the site.
18. Pursuant with **MCC Section 20.496.020(A)(1)(b)**, Bishop Pine-Monterey Pine Forest and Woodland habitats are sensitive to disturbance. The property owner shall implement the following avoidance and restoration measures:
- a. When grading occurs, where the topsoil is removed, it shall be stockpiled in the non-native grassland and replaced on top of the disturbed area after installation.
 - b. Equipment and staging shall occur in the grassland as far from the pine forest as possible on the site.
 - c. Equipment shall be washed prior to entering the site to avoid the possibility of contaminating the area with invasive seeds.
 - d. Any fuels or lubricants used for the equipment shall be stored in a location that ensure that spills would not seep into the soil, and any refueling or maintenance shall occur away from the forested area.
 - e. Only small equipment shall be used, such as a "Ditch Witch" or compact tractor as appropriate to avoid impacts to the forest to the greatest extent possible.
 - f. Ground disturbing impacts shall occur outside of the rainy season, and should be limited to that which is necessary for the project.
 - g. Stabilization measures shall not include the use of non-native seed or types of straw that could result in contamination of the soil with non-native species. Bare soil is best for the promotion of new pine seedlings.
 - h. If pine seedlings are not desired in some locations because of the potential for damage to the system, weed free straw shall be placed to stabilize the soil, and native species should be allowed to restore the area over time.
 - i. If Bishop pine or other native trees in the pine forest are killed or die during construction activities, they shall be replaced at a ratio of at least 1:1. Replacement can occur by planting or natural recruitment and should occur within one year of loss.
19. Future development, beyond that approved by the subject Coastal Development Permit, may not be exempted from the requirement of obtaining a new Coastal Development Permit, even when development meets the exemption requirements of MCC Section 20.532.020. Future development, including proposed development located within ESHA buffers or ESHA resource areas, requires a coastal development permit or permit amendment.

20. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of the Director or their designee. In compliance with **MCC Section 20.504.035**, exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel.
21. In accordance with the *1982 Mendocino County Coastal Ground Water Study* recommended water conservation measures, the project will incorporate proven water conservation technology in the construction of the project, including, but not limited to, low-flush toilets, flow-control inserts on showers (or similar), single-control faucets, water efficient dishwashers and clothes washers, and hot-water pipe insulation. The property owner may apply for a Coastal Development Permit to install grey-water recycling.
22. In accordance with the *1982 Mendocino County Coastal Ground Water Study* recommended water conservation measures, the property owner will install and maintain water efficient irrigation systems that minimize runoff and evaporation, and maximize the water intended to reach plant roots. Drip irrigation, soil moisture sensors and automatic irrigation systems are methods of improving irrigation efficiency.
23. In accordance with the *1982 Mendocino County Coastal Ground Water Study* recommended water conservation measures, the project will either keep rainwater on site in a retention basin to aid in ground water recharge, or where this is not feasible, the project shall be designed to reduce, retard, and disperse runoff. This may be accomplished by mulched and or terraced slopes to reduce erosion and retain rainfall, porous drain swales and paving materials for infiltration, out-sloped roads to spread runoff evenly down slope, and landscaping with suitable water-conserving erosion control plants that will protect the soil, facilitate infiltration of rainwater, and reduce runoff.
24. In accordance with the *1982 Mendocino County Coastal Ground Water Study* recommended water conservation measures and to encourage ground water recharge, the project will preserve existing natural drainage areas and encourage the incorporation of natural drainage systems in the development of the site.
25. The property owner shall obtain an approved Caltrans Encroachment Permit to improve the driveway to meet Caltrans standards for a multi-family driveway and road approach within State Route 1 rights-of-way.

Staff Report prepared by:

May 10, 2022

DATE


JULIANA CHERRY
PLANNER III

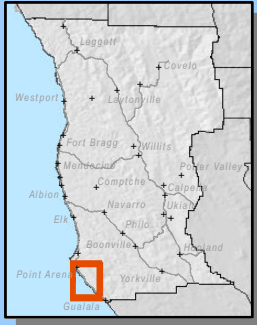
Appeal Period: 10 Days
Appeal Fee: \$2,620.00

ATTACHMENTS:






- | | |
|--|---|
| A. Location Map | J. LCP Habitats & Natural Resources |
| B. Topographical Map | K. Coastal Commission Appeal Jurisdiction |
| C. Aerial Map | L. Adjacent Properties |
| D. Topographic Site Plan | M. Fire Hazards Map |
| E. Site Plan | N. Wildland-Urban Interface Zone |
| F. Zoning Map | O. Ground Water Resource Area |
| G. General Plan Classifications | P. Soils Map |
| H. LCP Land Use Map | Q. Slope Map |
| I. LCP Land Capabilities & Natural Resources | R. Important Farmland |

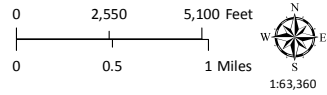


SUBJECT PARCEL/S



CASE: CDP 2020-0023
 OWNER: ZHANG, Lori
 APN: 142-052-07
 APLCT: Lori Zhang
 AGENT: Howard Curtis
 ADDRESS: 30735 S. Highway 1, Gualala

-  Major Towns & Places
-  City Limits
-  Major Rivers
-  Highways
-  Major Roads






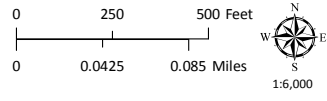
LOCATION MAP

MENDOCINO COUNTY PLANNING DEPARTMENT - 8/20/2020



CASE: CDP 2020-0023
OWNER: ZHANG, Lori
APN: 142-052-07
APLCT: Lori Zhang
AGENT: Howard Curtis
ADDRESS: 30735 S. Highway 1, Gualala

-  Named Rivers
-  Public Roads
-  Driveways/Unnamed Roads

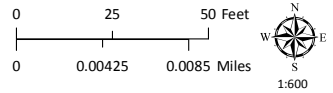


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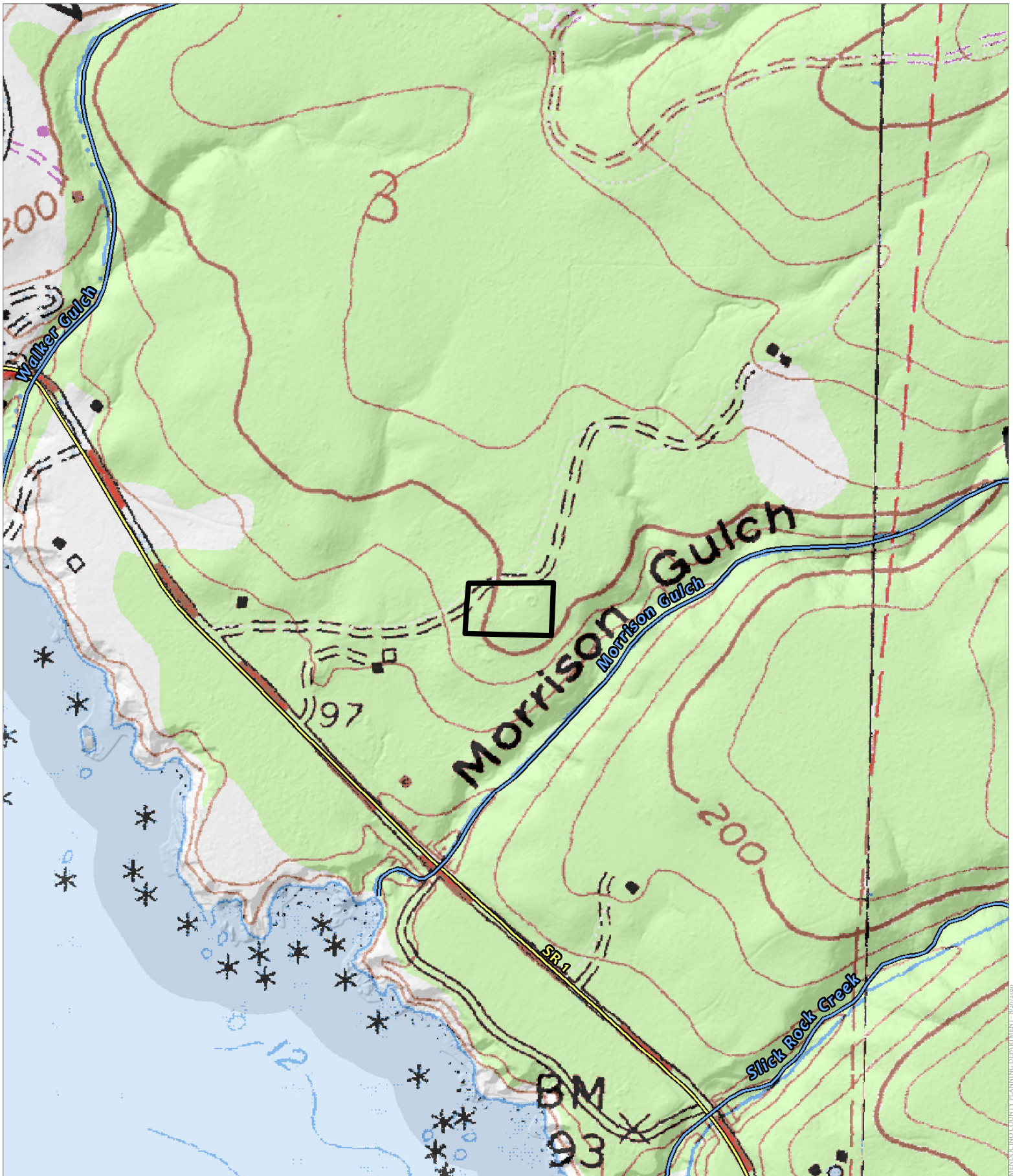


CASE: CDP 2020-0023
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----- Driveways/Unnamed Roads

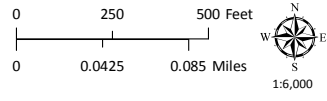


AERIAL IMAGERY



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-  Named Rivers
-  Public Roads
-  Driveways/Unnamed Roads

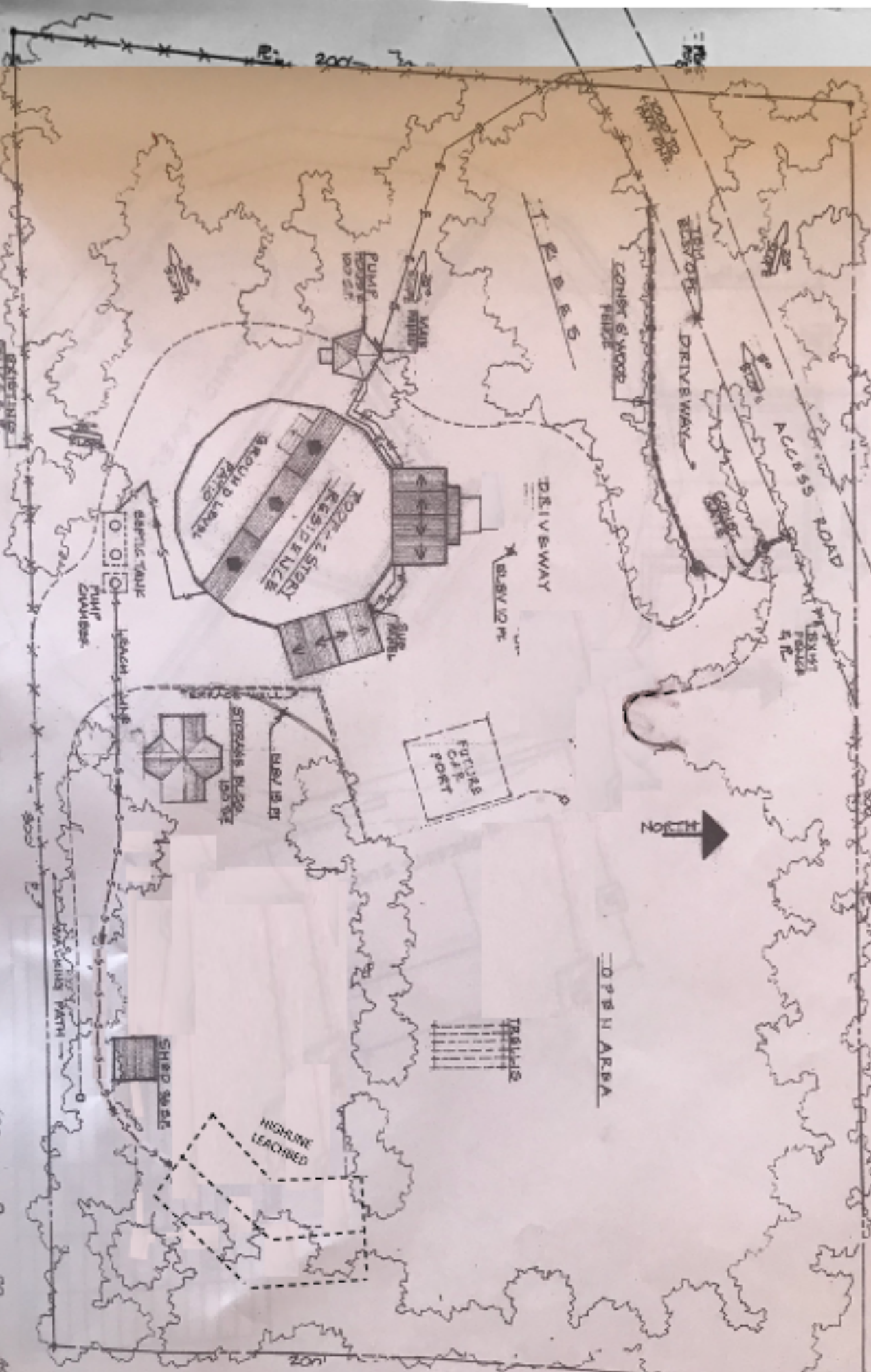
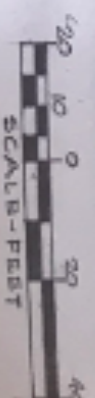


TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET

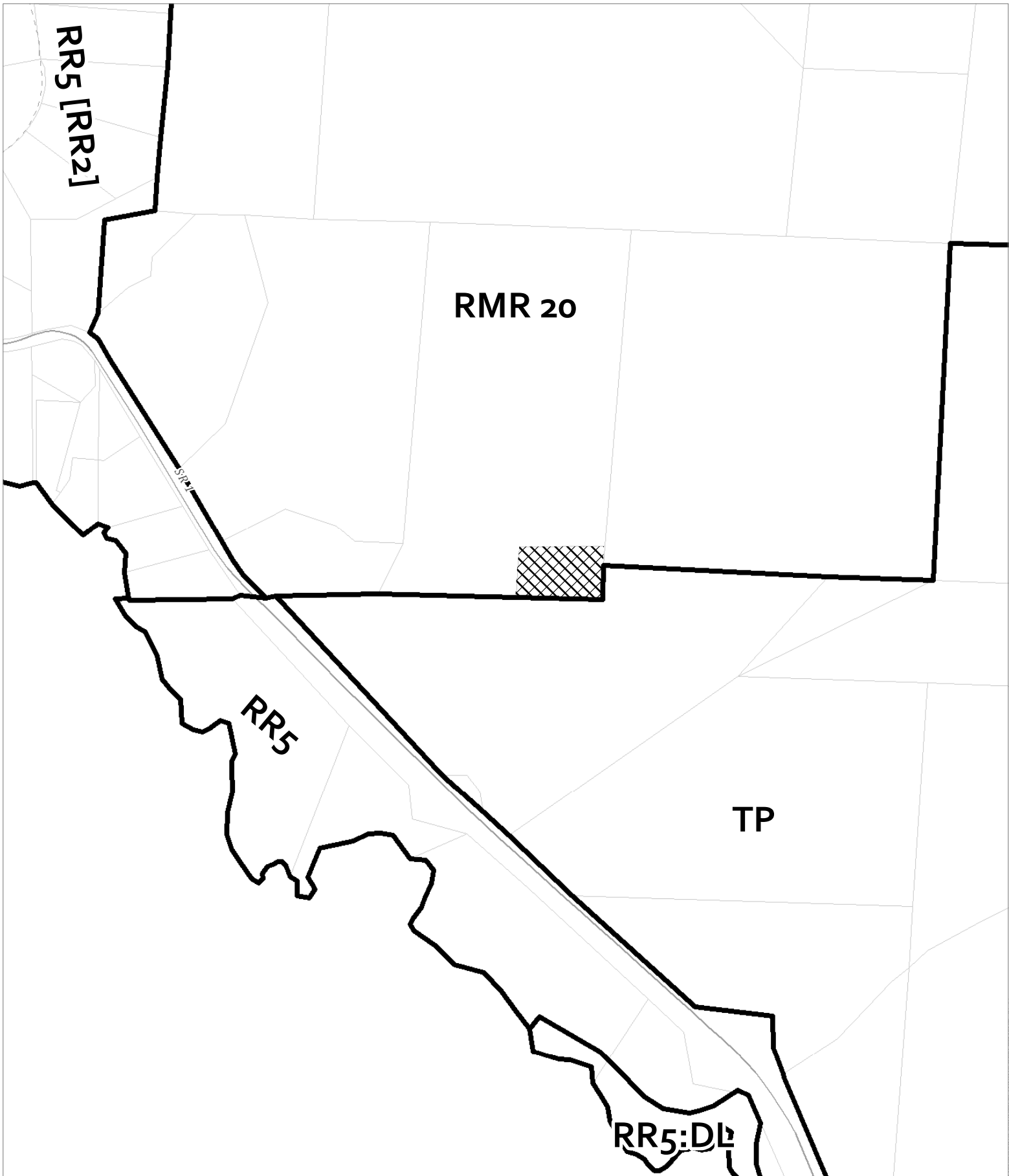
MENDOCINO COUNTY PLANNING DEPARTMENT © 2020

(updated with modified septic system design)




SITE PLAN

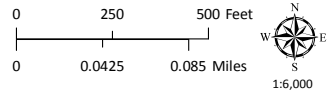


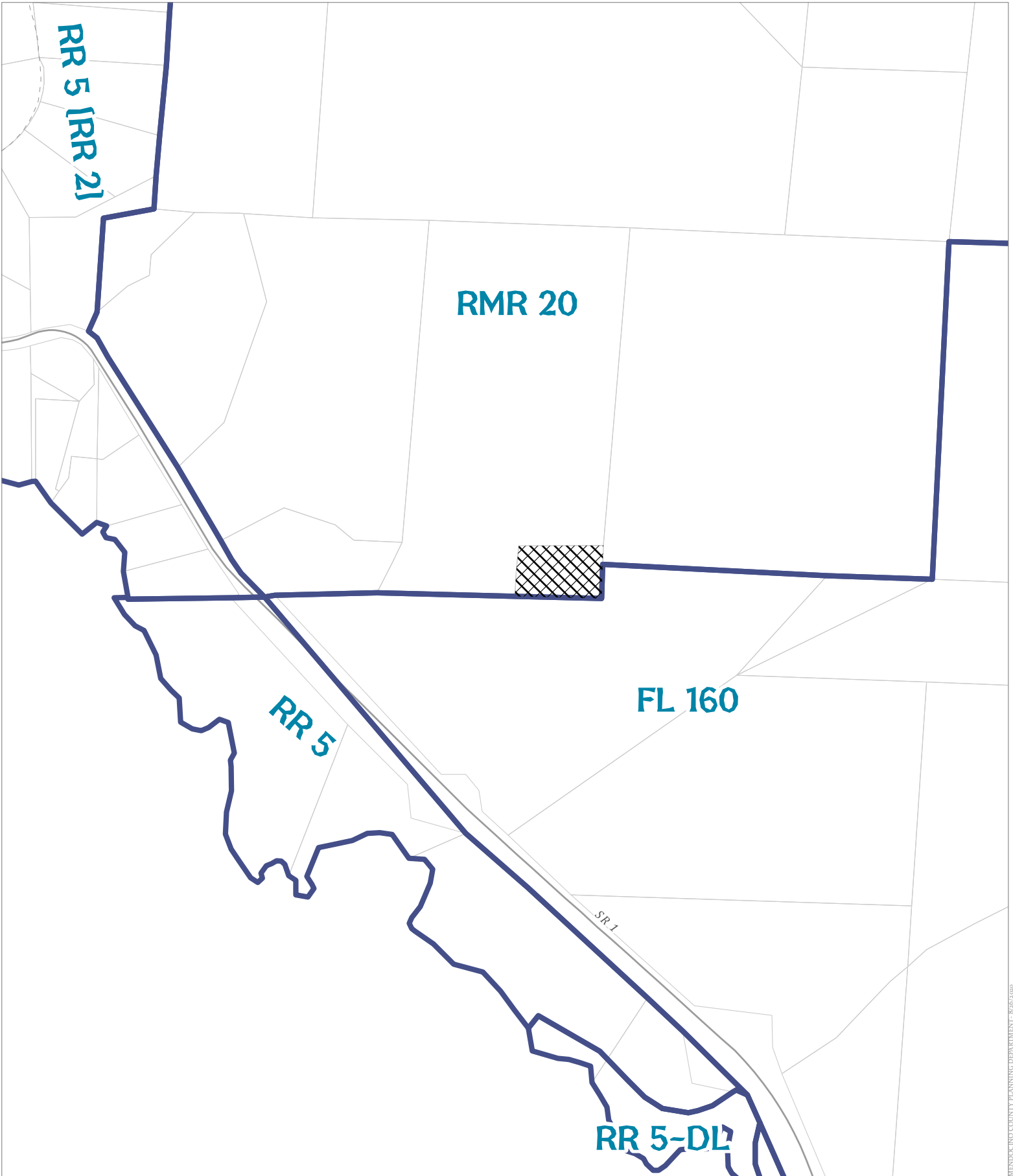
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| <h1>2</h1> | <p>SEBIO RANCH RESIDENCE CDP 30735 S. HIGHWAY ONE, GUALALA, CA 95445 APN 142-052-07</p> | <p>HOWARD E. CURTIS ARCHITECT</p> <p><small>P.O. Box 473, Guafala, Ca. 95445 - hcurtis@earthlink.net - 707.462.1901 © 2009</small></p> |
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
CASE: **CDP 2020-0023**
 OWNER: **ZHANG, Lori**
 APN: **142-052-07**
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 AGENT: **Howard Curtis**
 ADDRESS: **30735 S. Highway 1, Gualala**

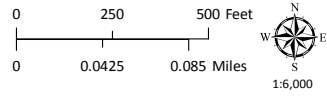
-  Zoning Districts
-  Public Roads
-  Assessors Parcels





CASE: CDP 2020-0023
 OWNER: ZHANG, Lori
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 APLCT: Lori Zhang
 AGENT: Howard Curtis
 ADDRESS: 30735 S. Highway 1, Gualala

-  General Plan Classes
-  Public Roads
-  Assessor's Parcels



GENERAL PLAN CLASSIFICATIONS

MENDOCINO COUNTY PLANNING DEPARTMENT - 8/26/2020



SHORELINE ACCESS/CIRCULATION

- Shoreline Access Existing
- Shoreline Access Proposed
- View Turnout
- Proposed road alignment

NATURAL ENVIRONMENT

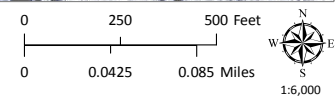
- Prime Agricultural Land
- Pygmy Vegetation
- Pygmy-type Vegetation
- Riparian Vegetation
- Wetlands
- Dunes
- Rare or Endangered Plant Habitat
- Rare or Endangered Wildlife Habitat
- Special Treatment Area
- Flooding

BOUNDARIES

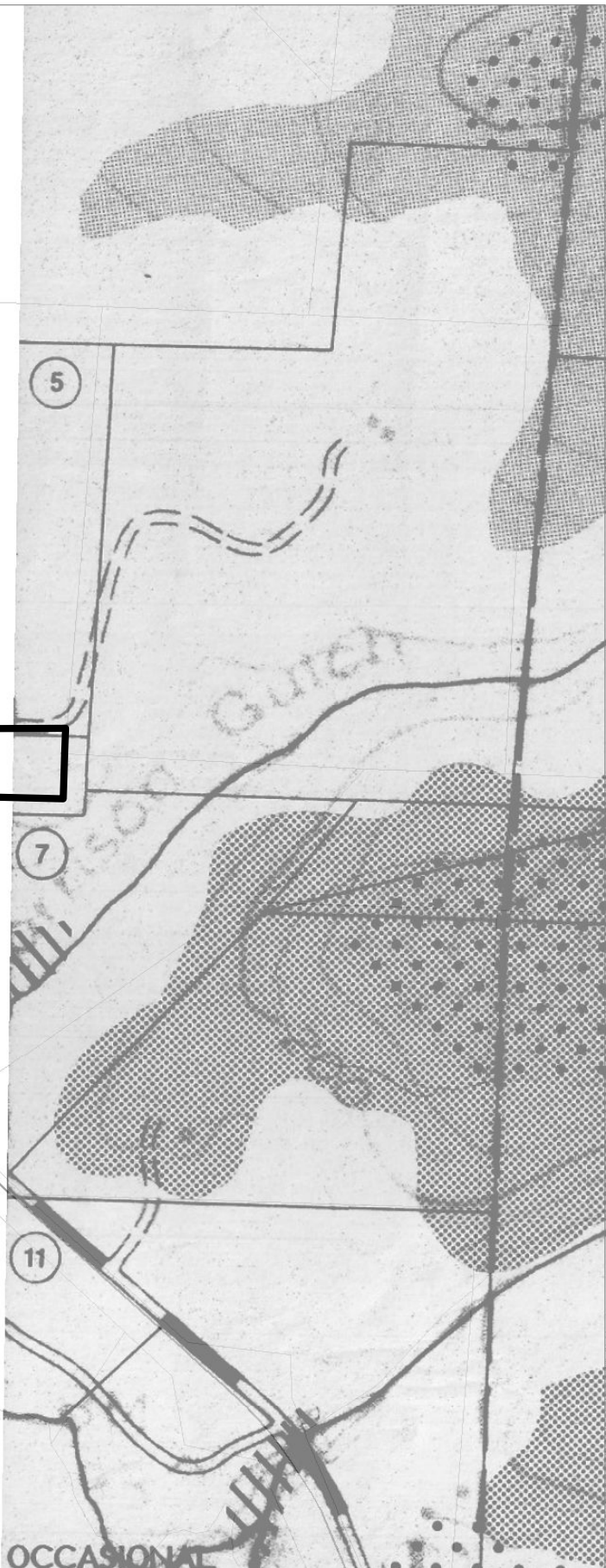
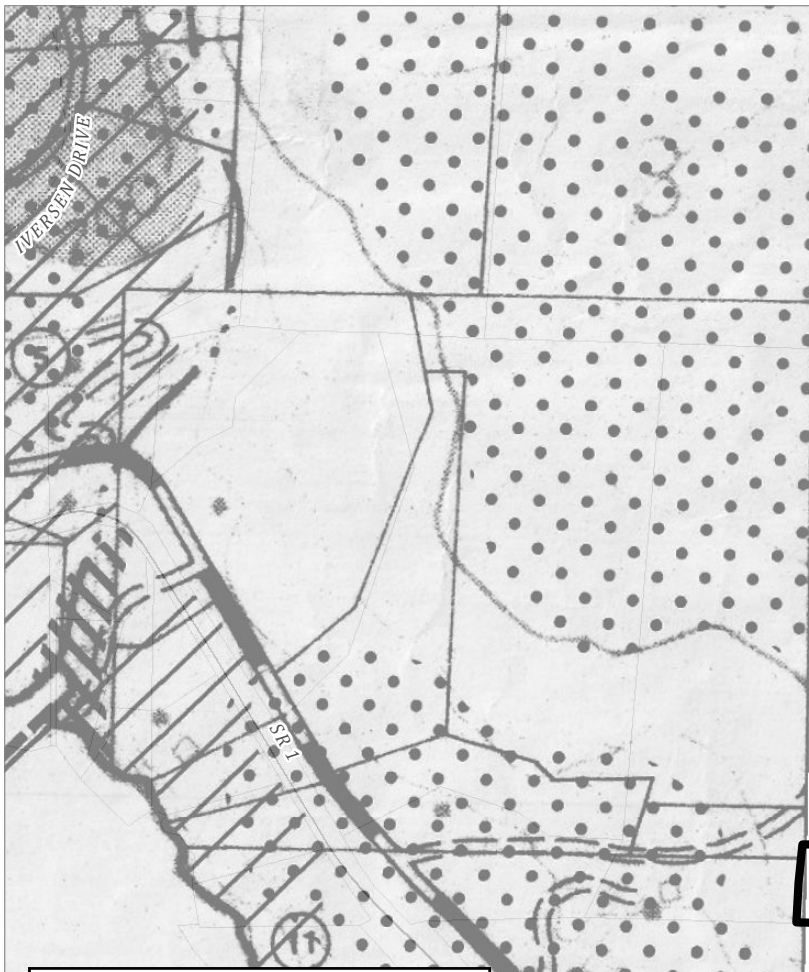
- Urban/Rural Boundary
- Water District
- Sewer District
- Timber Preserve Zone
- Williamson Act

CASE: CDP 2020-0023
 OWNER: ZHANG, Lori
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Public Roads
 Assessors Parcels



MENDOCINO COUNTY PLANNING DEPARTMENT 8/20/2020



**Legend: Land Capabilities/
Natural Hazards**

Coastal Zone Boundary ---
Incorporated City Limits ---

LAND CAPABILITIES

Agricultural Land
Prime [diagonal lines] Non Prime [cross-hatch]

Timberland
High Productivity [fine grid] Moderate Productivity [coarse grid]

NATURAL HAZARDS

Fault Rupture (For further information see Alquist-Prilo Special Studies Zones Maps, effective July 1, 1974) [thick dashed line]

Seismicity
Bedrock (Zone 1) [white box] Marine Terrace Deposits (Zone 2) - Strong Shaking [cross-hatch] Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking [dotted pattern]

Landslide [arrow pointing down]

Tsunami (Flooding can occur to the 25 foot contour line or up to 1 mile inland). [wavy dashed line]

Coastal Erosion (Descriptions apply to areas between dotted lines).
Protective Beach 1 [diagonal lines] Artificial Protection 2 [cross-hatch] Present Development Critical 3a [fine grid] Present Development Non-Critical 3b [coarse grid] Future Development Critical 3c [dotted pattern]

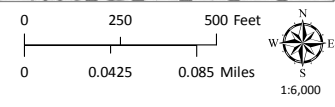
Flooding [wavy dashed line]

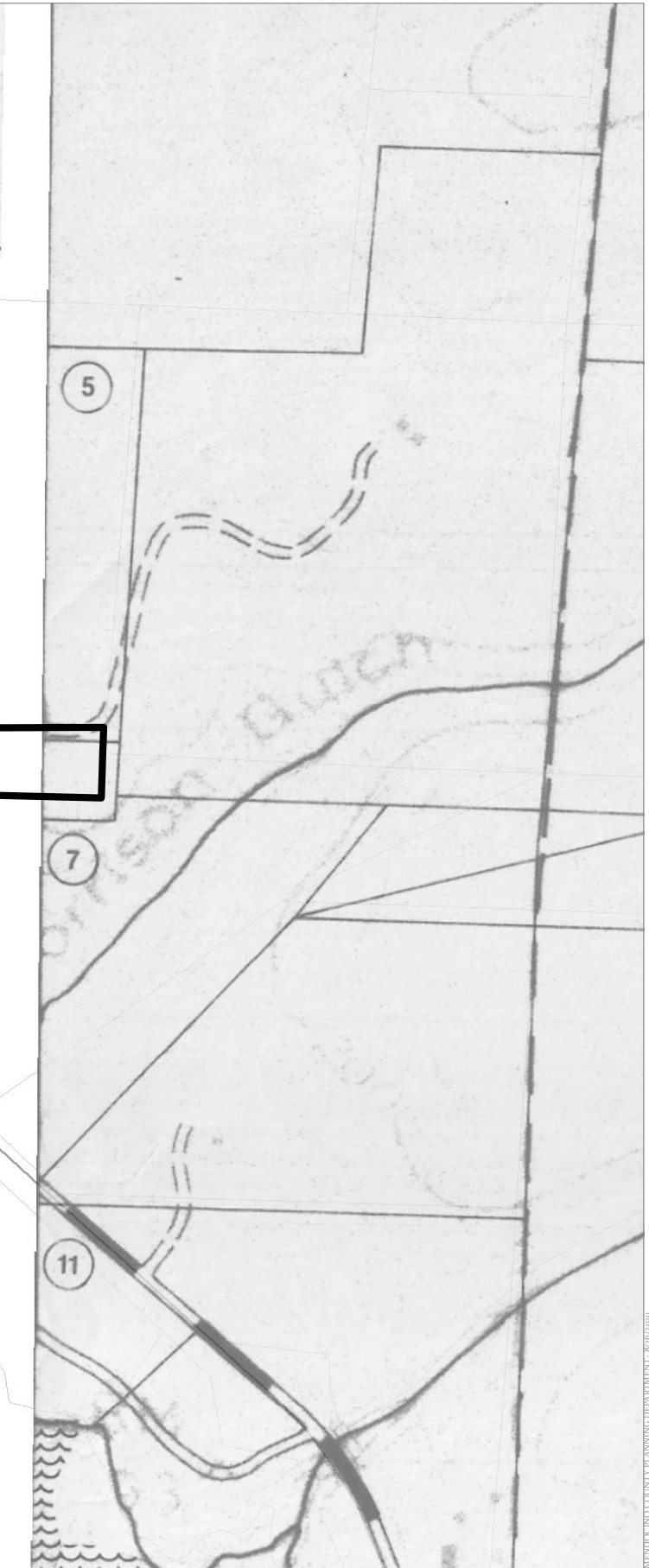
Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper, November 1979.

PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLANNEY-TWETT URBAN AND REGIONAL PLANNERS

CASE: **CDP 2020-0023**
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ADDRESS: **30735 S. Highway 1, Gualala**

Public Roads
 Assessors Parcels





Legend: Habitats/Resources

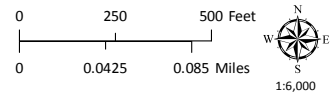
| | | | |
|--|-----------|---|-----------|
| Coastal Zone Boundary | --- | OTHER UPLAND HABITATS | |
| Incorporated City Limits | --- | Scrub | [Pattern] |
| MARINE AND FRESHWATER HABITATS | | Pygmy Forest | [Pattern] |
| Open Water | W | Pygmy Type Forest | [Pattern] |
| Kelp | [Pattern] | Barren | [Pattern] |
| Rocky Intertidal Area | [Pattern] | Coastal Prairie Grassland | [Pattern] |
| Mudflat | [Pattern] | Hardwood Forest/Grassland | [Pattern] |
| Beach | [Pattern] | Agricultural Land | [Pattern] |
| Dunes | [Pattern] | Farmstead | [Symbol] |
| Marsh | [Pattern] | Pasture | [Symbol] |
| Saltwater | [Symbol] | Urban (Also shown with a dominant vegetation) | U |
| Freshwater | [Symbol] | Sand/Gravel (Extractive Use) | e |
| Brackish | [Symbol] | | |
| Stream | | SPECIAL HABITATS | |
| Perennial | — | Seabird and Marine Mammal Rookery | [Symbol] |
| Intermittent | --- | Marine Mammal Haulout Area | [Symbol] |
| WOODED HABITATS | | Spawning Area | [Symbol] |
| Coastal Forest | [Pattern] | Anadromous Stream | [Symbol] |
| Redwood | [Pattern] | Wildlife Habitat | [Symbol] |
| Hardwood | [Pattern] | Plant Habitat | [Symbol] |
| Woodland | [Pattern] | | |
| Riparian | [Pattern] | | |
| Cutover | [Symbol] | | |
| DESIGNATED RESOURCE PROTECTION AREA | | | |
| State Park or Reserve | — | | |
| Area of Special Biological Significance | — | | |
| Natural Area | — | | |
| Forestry Special Treatment Area | — | | |
| VISUAL RESOURCES | | | |
| View Limit | --->>--- | | |
| Viewshed Corridor | --- | | |

Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper, November 1979

PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAINEY-YEITZ URBAN AND REGIONAL PLANNERS

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— Public Roads
 □ Assessors Parcels





**Post LCP Certification
Permit and Appeal Jurisdiction**
County of Mendocino

Permit Jurisdiction
This area includes only lands border the mean high tide line and lands where the public trust may exist.

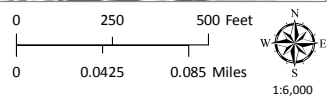
Appeal Jurisdiction
This area includes lands between the sea and the designated first public road paralleling the sea or 300' from the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 100' of streams and wetlands, and lands within 300' of the top of the seaward slope of coastal bluffs.

This map has been prepared to show where the California Coastal Commission retains post-LCP certification permit and appeal jurisdiction pursuant to P.R.C. (300193), and (300204) and (300205). In addition, developments may also be appealable pursuant to P.R.C. (300206)(3), (3004), and (3005). In questions arise concerning the precise location of the boundary of any area defined in the above sections, the matter should be referred to the local government under the Executive Director of the Commission for clarification and information. This plan may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.

0 1000 3000 5000 5280
FEET

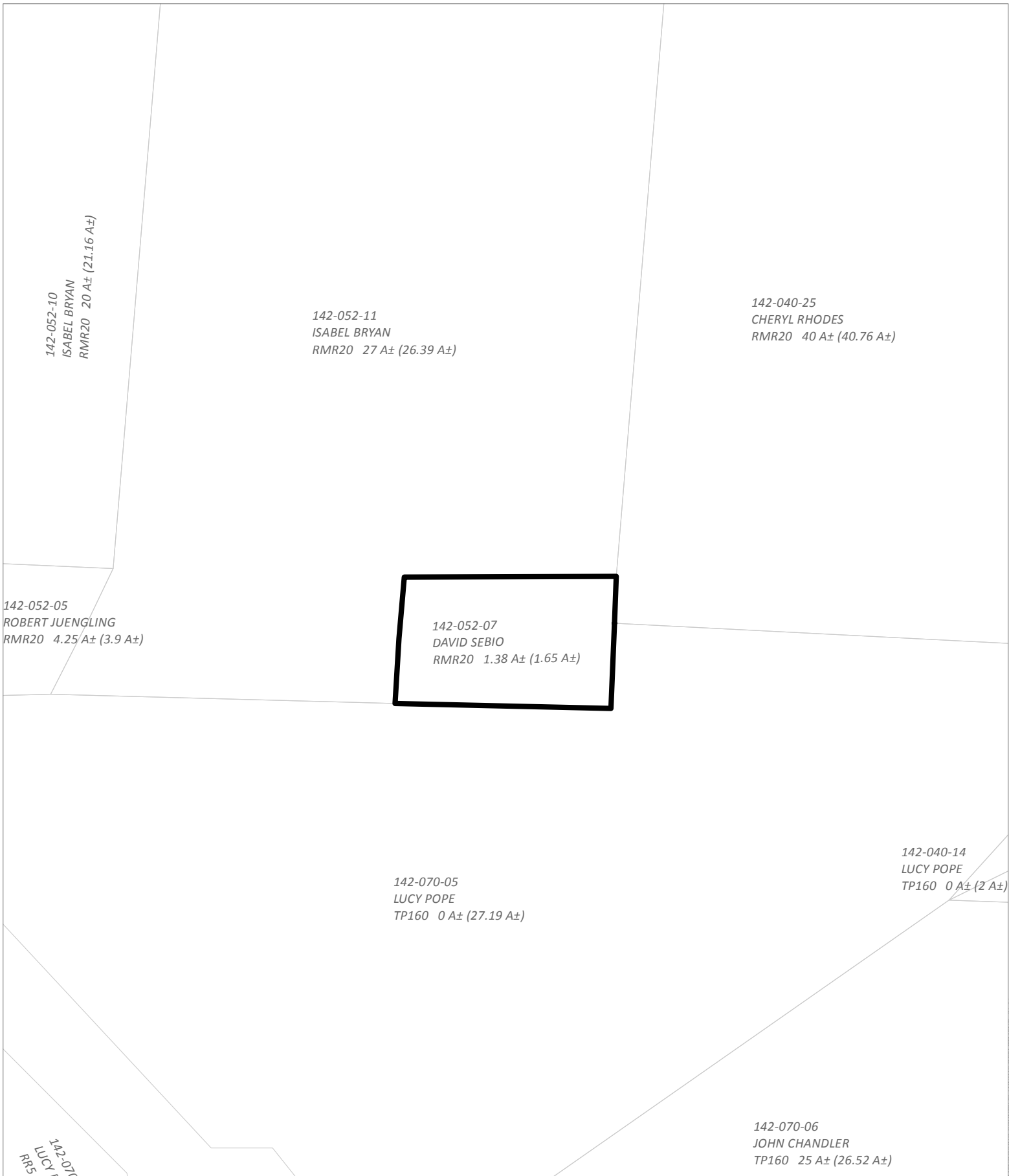
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— Public Roads
 □ Assessors Parcels




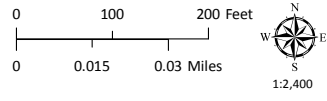
POST LCP CERTIFICATION & APPEAL JURISDICTION

MENDOCINO COUNTY PLANNING DEPARTMENT - 8/20/2020



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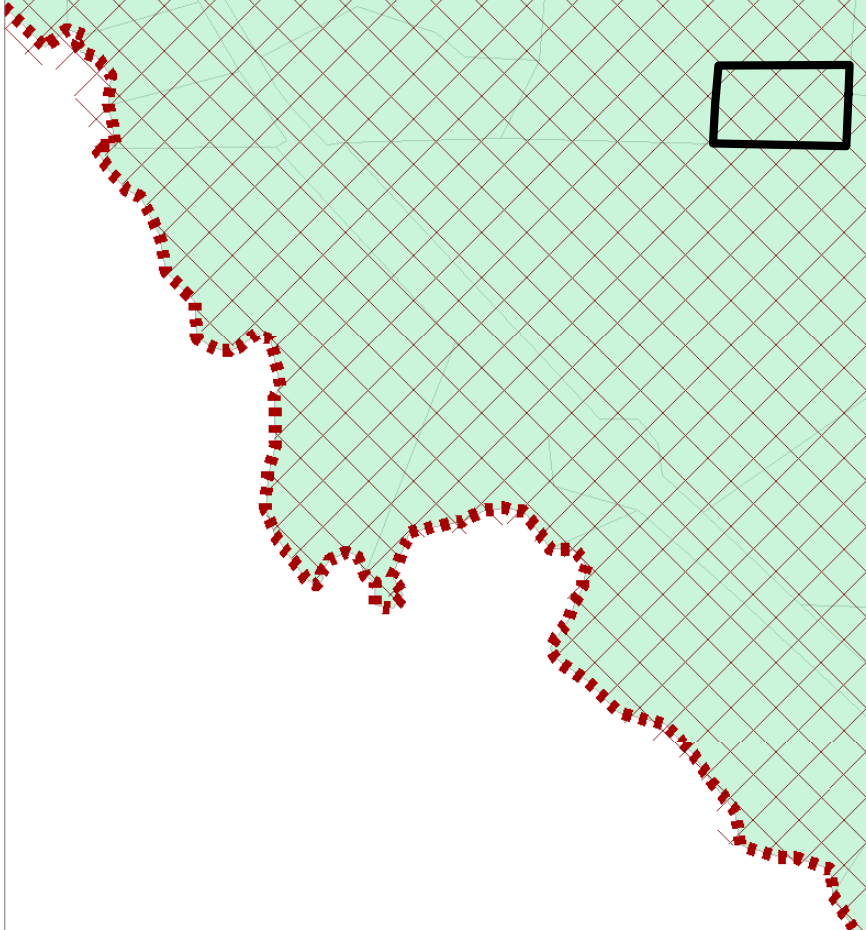
 Assessors Parcels



ADJACENT PARCELS

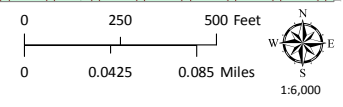
MENDOCINO COUNTY PLANNING DEPARTMENT - 8/26/2020

SOUTH COAST FIRE PROTECTION DISTRICT



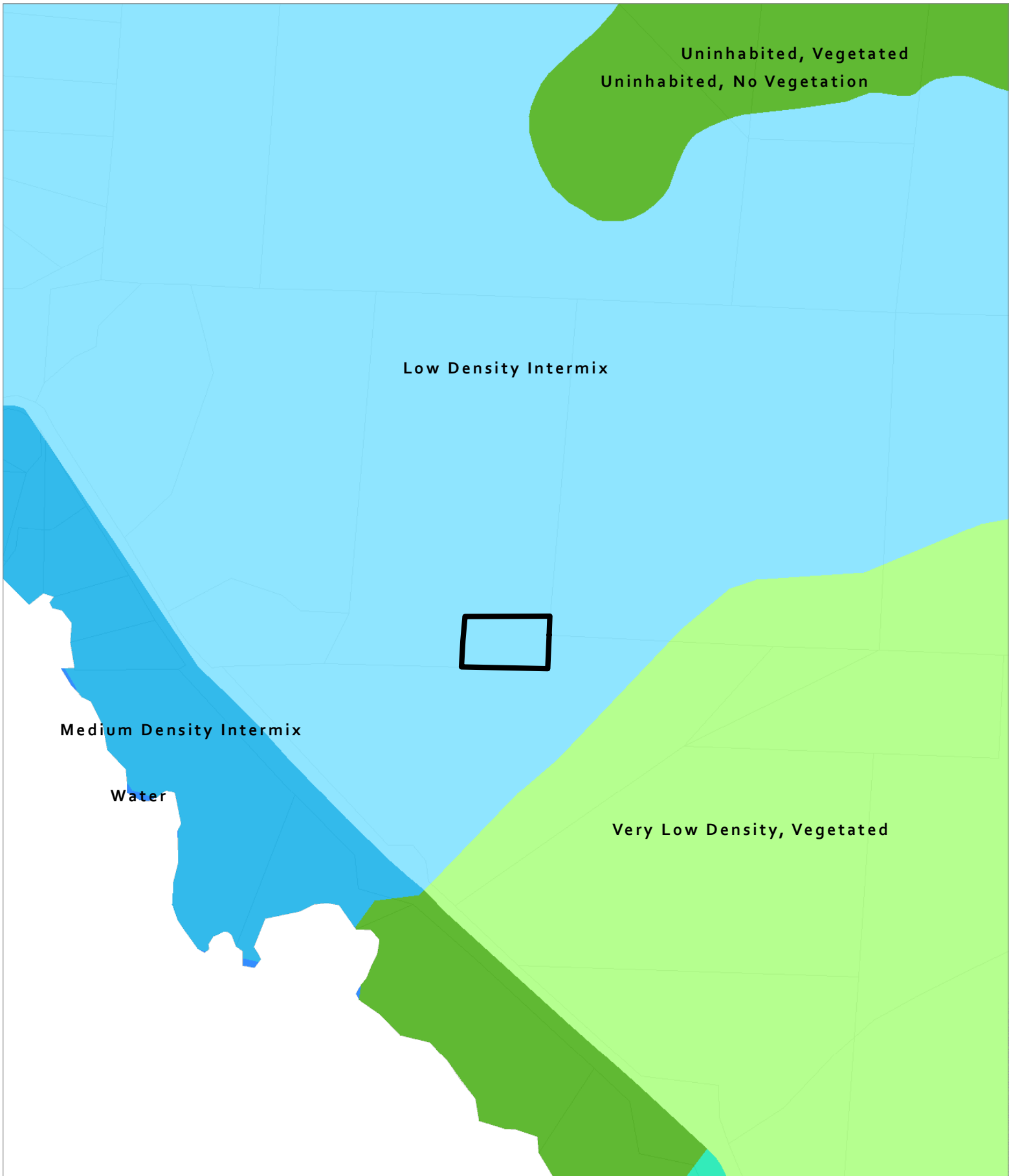
CASE: CDP 2020-0023
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-  High Fire Hazard
-  County Fire Districts
-  Assessors Parcels





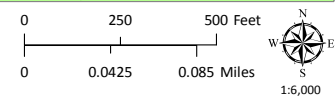
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

VENTURA COUNTY PLANNING DEPARTMENT - 8/20/2020

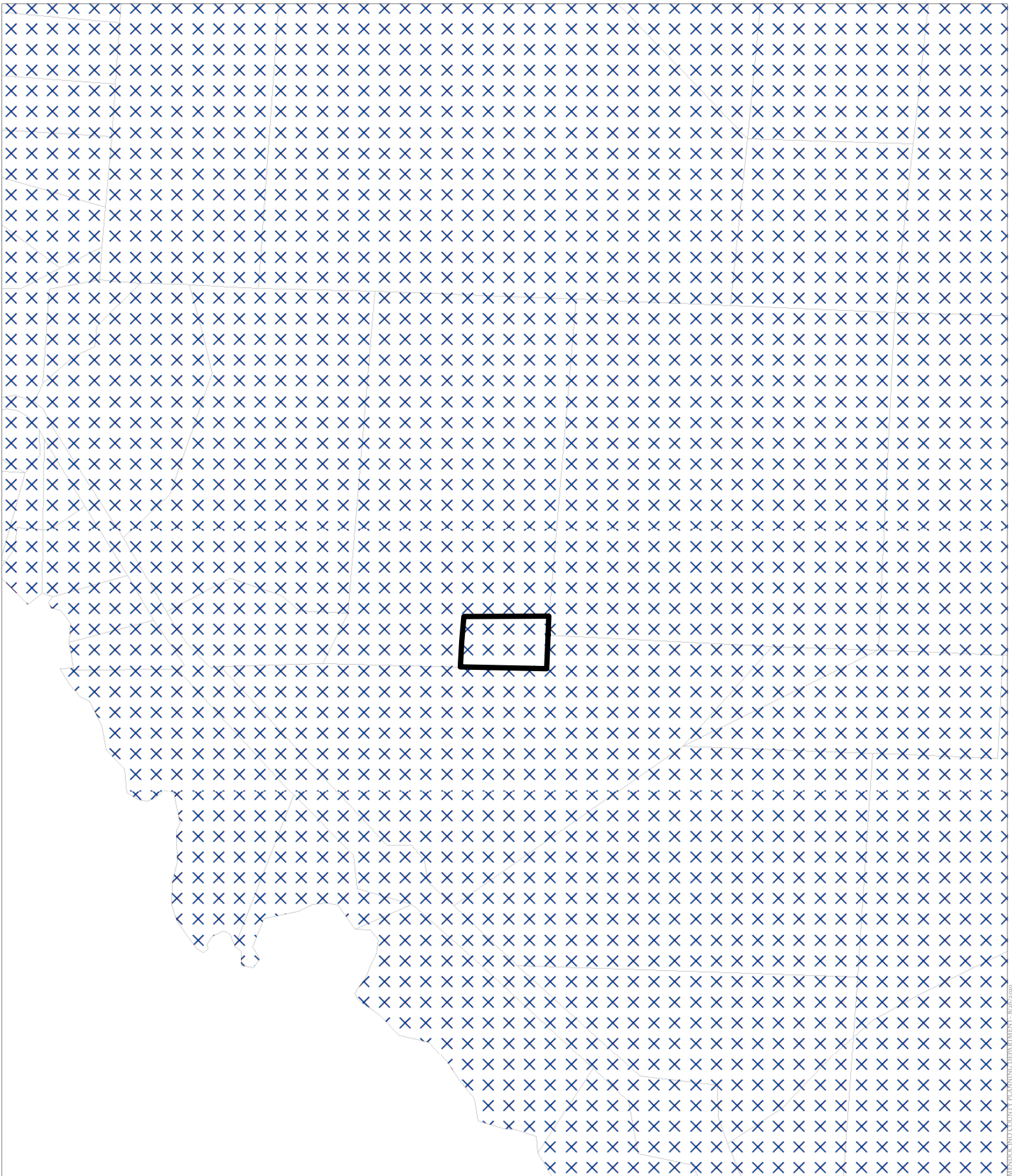


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 Water
 Assessors Parcels







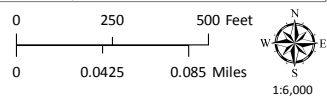
MENDOCINO COUNTY PLANNING DEPARTMENT 7/20/2020



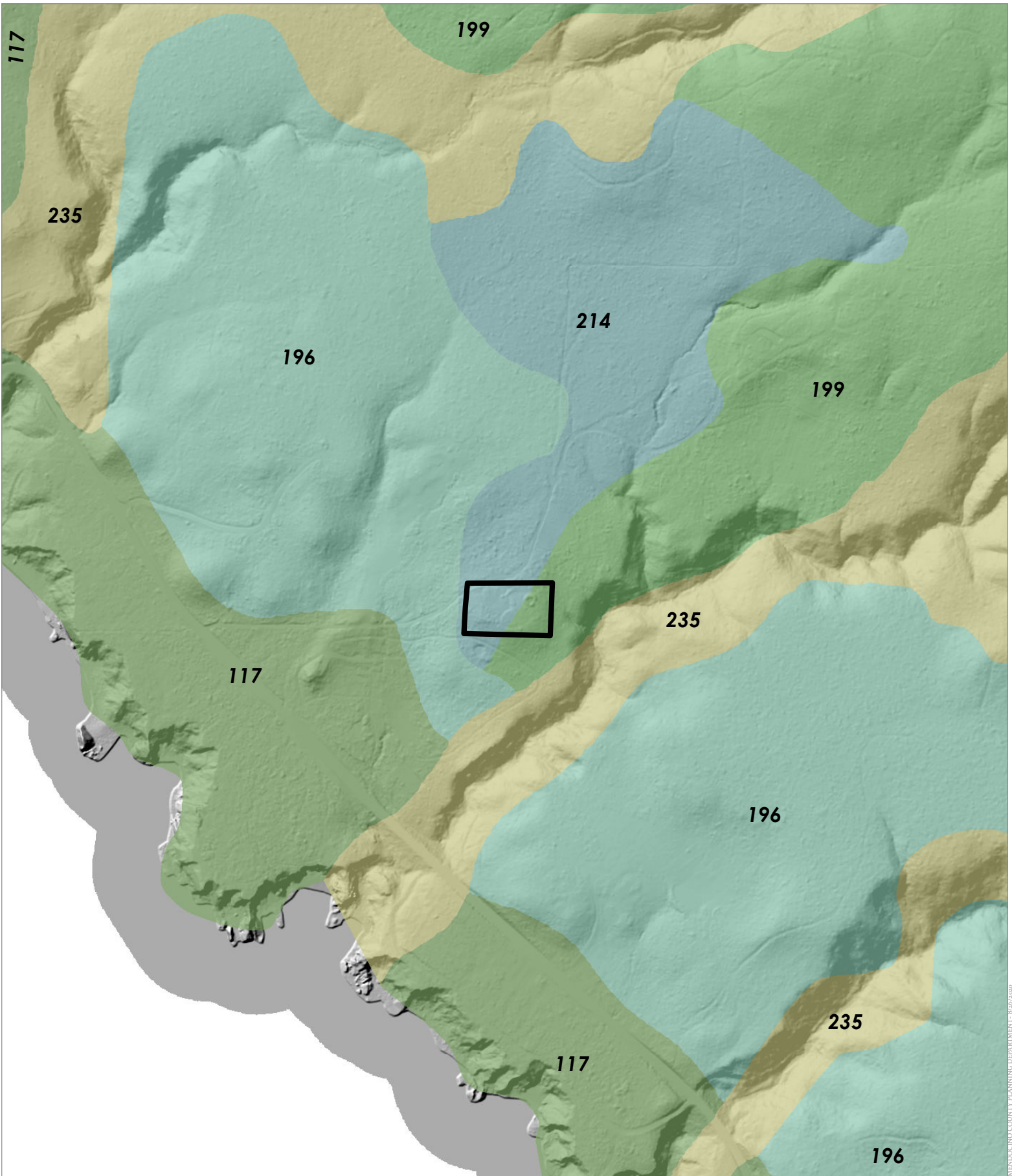
MENDOCINO COUNTY PLANNING DEPARTMENT - 8/26/2020

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  Critical Water Areas
  Assessors Parcels

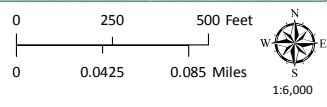


GROUND WATER RESOURCES



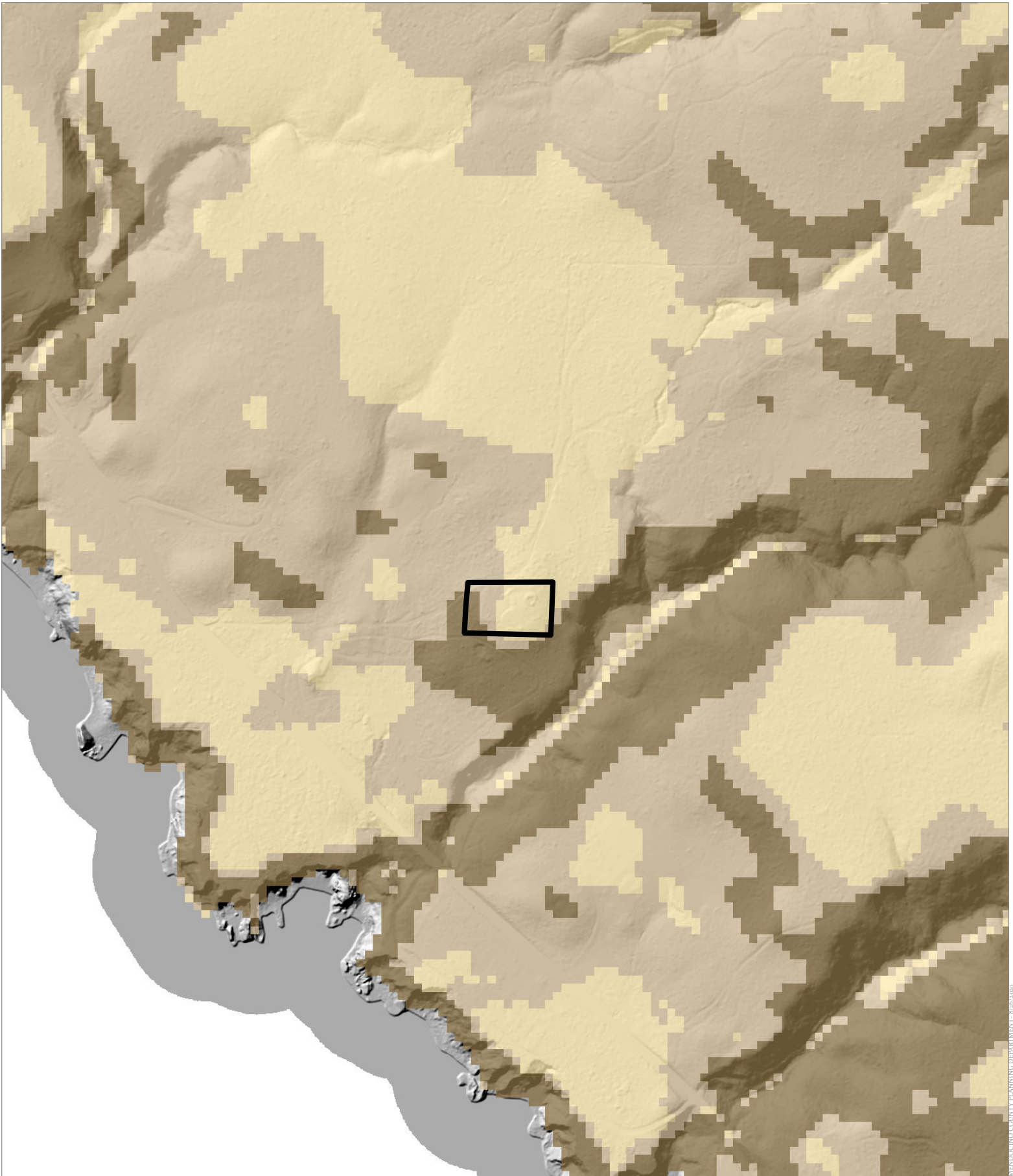
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 Shinglemill-Gibney Complex

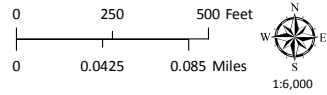
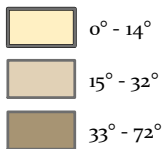


WESTERN SOIL CLASSIFICATIONS

MENDOCINO COUNTY PLANNING DEPARTMENT 7/26/2023

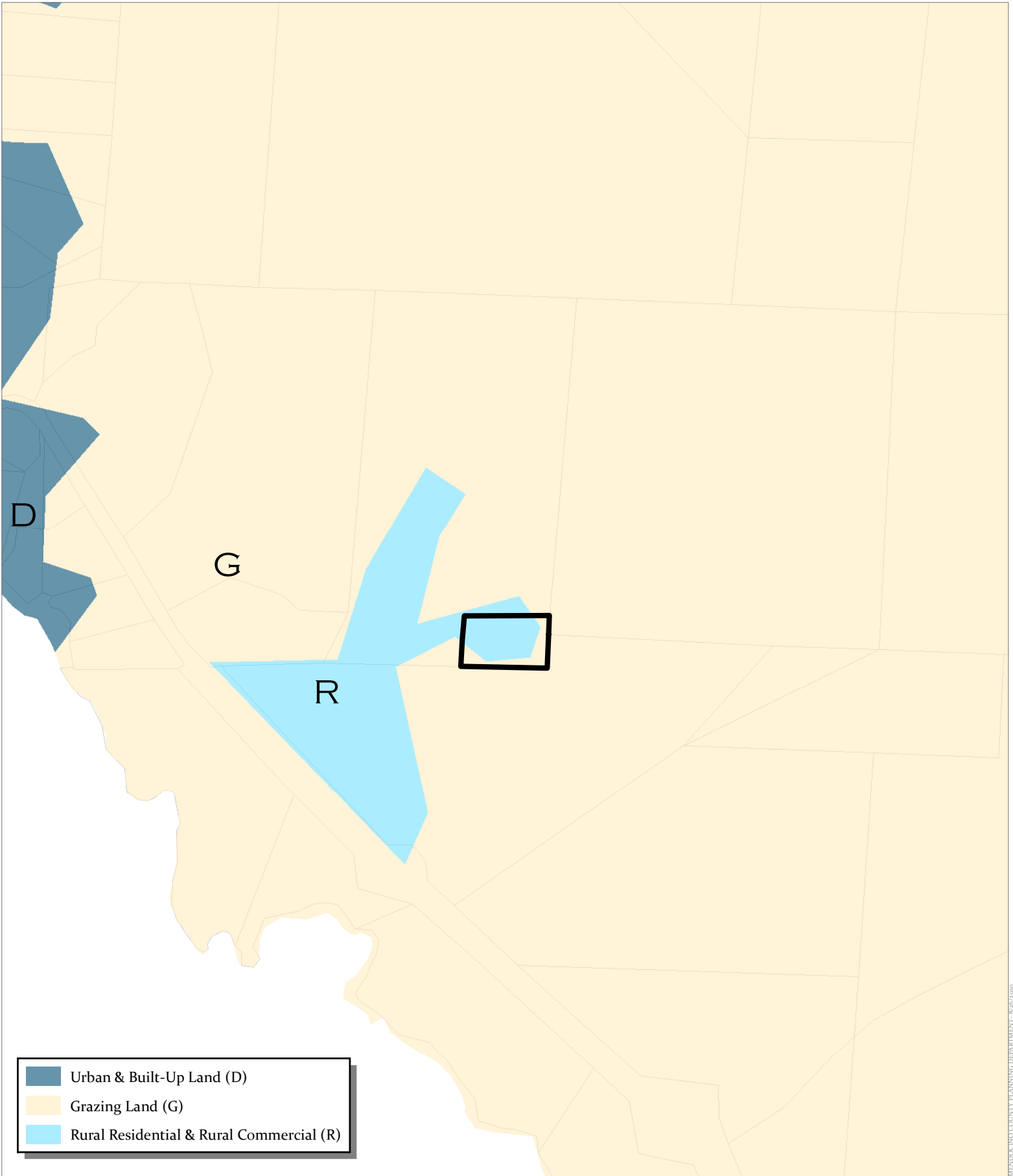





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ESTIMATED SLOPE

MENDOCINO COUNTY PLANNING DEPARTMENT - 8/20/2020



| | |
|--|--|
|  | Urban & Built-Up Land (D) |
|  | Grazing Land (G) |
|  | Rural Residential & Rural Commercial (R) |

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