



MEMORANDUM

DATE: DECEMBER 22, 2022
TO: COASTAL PERMIT ADMINISTRATOR
FROM: PLANNER JULIANA CHERRY
SUBJECT: CDP 2021-002 CARSON RECOMMENDED CONDITIONS NO. 1, 11, AND 13

BACKGROUND: Earlier this month, staff met with the applicant and their agent to review the CPA Staff Report for CDP_2022-0002. Some misstatements made in the report that could cause subsequent confusion. The applicant filed a corrected site plan on December 16, 2022 (Replacing Staff Report Attachment E).

CLARIFICATIONS: The following additional information corrects Staff Report Sections 2, 4, and 7. Staff recommends revising Conditions #1, #11, and #13 (See attached for suggested changes).

2. ZONING. As shown on the Site Plan, the existing residence is 1,505 square feet. After completing the additions, the total size of the renovated residence will be 1,553-square-feet. Prior to final occupancy of the renovated residence, a Building Inspection of the Guest Cottage will confirm conversion of the temporary dwelling to a Guest Cottage. For example, inside the Guest Cottage cabinets, counters, appliances, plumbing and electrical outlets in-service of the temporary kitchen would be capped or removed prior to final inspection of the renovated residence. See pages CPA-2 and CPA-5, Attachment E, and **Condition #11 as revised**.

4. HABITATS & NATURAL RESOURCES. The Revised Site Plan (Staff Report Attachment E) incorrectly identified the location of the existing propane tank. As it is feasible for both a relocated propane tank and new generator to be located outside of the ESHA buffer, staff suggests modifying recommended Condition #13 by adding 13.d. See page CPA-6, memorandum **Attachment B**, and **Condition #13 as revised**.

Planning Commission Resolution No. 2021-0009, which is attached to the staff report, does *not* include conditions requiring overhead distribution or transmissions to be buried (see pages CPA-5 and CPA-11). Undergrounding overhead power distribution lines will be required when the existing lines or poles are moved. See pages CPA-5, CPA-11, and Condition #18.

7. ARCHAEOLOGICAL RESOURCES. To correct a statement in the staff report, on June 28, 2022, the Sherwood Band of Pomo Indians responded to the April project referral and requested to be informed about the progress of application CDP_2021-0002. Staff notified the tribe of today's hearing.

RECOMMENDATION: As published, the last sentence of recommended **Condition #1** is repeated in the beginning of recommended Condition #2. See Memorandum Attachment A for suggested revisions to the conditions published in the staff report, including revisions to Conditions #1, #11, and #13.

ATTACHMENTS:

- A. Recommended Findings and Modified Conditions
- B. Updated Staff Report Attachment E: Revised Site Plan December 2022

PROJECT FINDINGS AND REVISED CONDITIONS

December 22, 2022

Memorandum Attachment A describes the recommended action, findings, and conditions, including revisions to Conditions #1, #11, and #13. Noting ~~stricken text~~ indicates deletions; underlined text are additions.

Pursuant with the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code, staff recommends the Coastal Permit Administrator approve CDP_2021-0002, an application to complete minor residential additions, install roof-mounted solar arrays, install composition roof shingles; and a request to install outside of ESHA and ESHA buffers, a generator with noise dampening features (e.g. cabinet enclosure), construct decks, construct a guest cottage (and temporarily occupy the guest cottage during renovation of the existing residence), temporary use of the residence for construction support, install a replacement leach field area, construct a shed and underground overhead utilities; and complete the mitigation and avoidance measures described in Section 7 of the December 30, 2020 Biological Scoping and Botanical Survey Report. The property is in the Coastal Zone, 0.5± mile west of the intersection of Caspar Road (CR 410B) and State Route 1 (SR 1), lying on the west side of Caspar Point Rd (private); located at 45380 Caspar Point Road, Caspar (APN: 118-010-27).

RECOMMENDED FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), Coastal Residential Land Use Types are principally permitted in the Rural Residential classification; the single-family residential development satisfies the goals and policies of the certified Mendocino coastal program, including policies identified in Coastal Element Chapters 3.4 (Hazards) to avoid bluff retreat; Chapter 3.3 (Visual Resources) to restore and enhance visual quality in visually degraded areas by undergrounding overhead utilities; and Chapter 4.6 (Jug Handle Creek to Russian Gulch Planning Area); and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed residence would have access to on-site septic, leach fields, water well and on-site water storage, PG&E service, and enjoys access to adequate utilities, and access roads, including County Road 410B known as Caspar Road, and other necessary facilities; and
3. Pursuant with MCC Section 20.532.095(A)(3), Coastal Residential Land Uses and accessory buildings, e.g., a detached guest cottage, detached shed, (noise dampened, enclosed) generator, water storage tank), are principally permitted uses in the Rural Residential District; and the proposed project is consistent with the purpose and intent of MCC Chapter 20.376 Rural Residential District; and
4. Pursuant with MCC Section 20.532.095(A)(4), the project will not have any significant adverse impacts on the environment and the project would not substantially alter natural landforms along bluffs; and as proposed, the habitat enhancement measures would restore the protective values of the environmentally sensitive habitat buffers; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed would not have any adverse impact on any known archaeological or paleontological resources, as Standard Condition 8 is in place when archaeological sites or artifacts are discovered, and the Archaeological Commission accepted the cultural report on December 9, 2020; and
6. Pursuant with MCC Section 20.532.095(A)(6), other public services are in place to serve the existing coastal Residential Land Uses, including on-site solid waste, County Road 410B and State Route 1 capacity, and these services are adequate; and
7. Pursuant to MCC Section 20.532.095(B)(1), the proposed development conforms to public access and

public recreation policies of Coastal Element Chapter 3.6 of Mendocino County General Plan; shoreline access is available within walking distance of the residence, Jug Handle State Reserve, Caspar Headlands State Beach, and other local trails; and

8. Pursuant to MCC Section 20.532.100(A)(1), the application includes protection of on-site sensitive habitat areas by avoiding development within protected areas and their buffers, and on-site planting of regionally native vegetation; and

REVISED RECOMMENDED CONDITIONS:

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 years after the effective date except where construction and or use of the property in reliance on such permit has been initiated prior to its expiration. ~~To remain valid, progress toward completion of the project must be continuous.~~
2. To remain valid, progress towards completion of the project must be continuous. The property owner(s) has 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 property owner(s) 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 one hundred (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. Any Building Permit request shall include all conditions of approval of Coastal Development Permit CDP_2021-0002. Conditions shall be attached to or printed on the plans submitted.
10. In accordance with **MCC Section 20.308.050(I)**, "Guest Cottage" means a detached building (not exceeding six hundred forty square feet of gross floor area), of permanent construction, without kitchen, clearly subordinate and incidental to the primary dwelling on the same lot and intended for use without compensation by guests of the occupants of the primary dwelling.
11. In accordance with **MCC Section 20.460.025(B)**, the property owner may occupy the Guest Cottage as a temporary dwelling during the construction and renovation of the existing 1,505 square-foot residence. Occupancy of the temporary dwelling is limited to two years, unless an application to extend the expiration date is submitted in accordance with MCC Section 20.536.030 *Renewal*. Prior to final inspection of the renovated residence, a Building Inspection will confirm conversion of the temporary dwelling to a Guest Cottage. ~~Cabinets, counters, appliances, plumbing and electrical outlets in service of the temporary dwelling shall be removed prior to occupancy of the renovated residence and guest cottage.~~
12. In accordance with **MCC Chapter 20.492** and **MCC Section 20.500.020(E)(3)**, all grading specifications and techniques will follow MCC Chapter 20.492 requirements, and the recommendations cited in the Uniform Building Code or the geotechnical engineer's report (for example, Brunsing Associates, Inc. Geotechnical Investigation Carson Residence and Guest Unit 45380 Caspar Point Road, Caspar, California. January 8, 2016).
13. In accordance with **MCC Section 20.496.020(A)**, the *Tuft Hair Grass Meadow ESHA* shall be protected. An established 100-foot-wide buffer area protects the environmentally sensitive habitat (or ESHA) from degradation resulting from developments. Future uses in the ESHA and its buffer shall be compatible with the continuance of the *Tuft Hair Grass Meadow ESHA*. The request to reduce the buffer width is denied.
 - a. As there is no feasible alternative location, the following existing and new structures may be located within the established ESHA buffer: renovated single-family residence; 1,200 gallon septic tank; existing leach field; existing propane tank; replacement composition roofing and new roof-mounted solar panels; new expanded entry deck east of the residence; and limited trenching.
 - b. The generator, 4 by 8 foot cement pad, (and generator noise-dampening cabinet) shall be installed outside of the ESHA and its buffer.
 - c. Future development, including repair, maintenance, and improvements to any structure, located within Environmentally Sensitive Habitat Area (ESHA) buffers, or ESHA resource areas, shall require a coastal development permit or permit amendment. Development may be exempt from the requirements of MCC Chapter 20.532, provided it meets the exemption criteria and is located outside of ESHA buffers and ESHA resource areas.
 - d. The existing propane tank may remain in place. If the tank is moved, or a new tank is installed, then it shall be relocated outside of the ESHA and its buffer.
14. The property owner shall implement the mitigation and avoidance measures described in Section 7 of the *Biological Scoping & Botanical Survey Report for 45380 Caspar Point Road, Caspar, CA 95420* prepared by Wynn Coastal Planning & Biology and dated June 12, 2019, including:
 - a. Seasonal and nest avoidance of birds described in Section 7.1.
 - b. Pre-construction surveys for bats and limiting construction activities during daylight hours, as described in Section 7.2 and intended to protect bats.

- c. Measures to avoid amphibians, as described in Section 7.3.
 - d. Staging Area Plan, 100-foot buffer (not a 50-foot buffer), orange construction fencing, and employing Best Management Practices, as described in Section 7.4 to protect the *Tufted Hairgrass Meadow ESHA*.
 - e. Measures to reduce invasive plants and guide landscaping, as described in Section 7.5 are intended to limit use of heavy machinery and to encourage planting native vegetation.
15. Prior to the issuance of a building permit, the property owner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel. The deed restriction will include the following statements and exhibits:
- a. The property owner understands that the site may be subject to extraordinary geologic and erosion hazards and the property owner assumes the risk from such hazards; and
 - b. The property owner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents, and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project; and
 - c. The property owner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant; and
 - d. The property owner shall not construct any bluff or shoreline protective devices to protect structures shown on the Site Plan or other improvements in the event that these structures are subject to damage or other erosional hazards in the future; and
 - e. The property owner shall remove the structures shown on the Site Plan when bluff retreat reaches the point where the structures are threatened. In the event that portions of the structures shown on the Site Plan, or other improvements, fall to the beach or ocean before they can be removed from the blufftop, the property owner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The property owner(s) shall bear all costs associated with such removal; and
 - f. The property owner agrees to limit activities within identified environmentally sensitive habitat areas and their buffers to Coastal Open Space Use Types, such as MCC Section 20.340.015 *Passive Recreation*, and other conditionally allowed Coastal Open Space Use Types in the Rural Residential District (See MCC Chapter 20.368); and
 - g. The property owner agrees to use the guest cottage in accordance with MCC Section 20.308.050(l) and Condition No. 10 shall be included as part of the deed restriction; and
 - h. The conditions of Permit CDP_2021-0002 are imposed as covenants, conditions and restrictions on the use and enjoyment of the property; and
 - i. Attached as exhibits to the Deed Restriction shall be (i) the adopted findings and conditions approving CDP_2021-0002; and (ii) a Site Plan. The Site Plan exhibit shall identify the boundaries the *Tufted Hair Grass Meadow ESHA*, its buffer, the geotechnical bluff set back, and others, and shall be printed in black and white. The Director of Planning and Building Services, or their designee, shall review and accept the Site Plan exhibit; and
 - j. The document shall run with the land, bind all successors and assigns, and shall be recorded free of

all prior liens and encumbrances, except for tax liens.

16. In accordance with **MCC Section 20.500.020(B)** and Planning Commission Resolution No. PC_2021-0009, the minimum bluff set back is 40.25 feet.
17. In accordance with **MCC Section 20.504.015(C)**, all structures be subordinate to the natural setting, minimize reflective surfaces, and utilize building materials, including siding and roof materials, that blend in hue and brightness with their surroundings; therefore, the building materials and exterior color palette shall be as follows:
 - a. Composition roof shingles shall match the existing roof color, hue, and brightness; for example, "Weatherwood" or "Driftwood" Class A 50-year fiberglass shingles. An after-the-fact building permit to replace roof shingles is required.
 - b. To minimize sources of glare, non-reflective solar panels shall be installed. To blend roof materials with their surroundings, the composition-shingle color and solar-panel color shall be similar.
 - c. Exterior siding shall be cement board (Hardiboard, Hardiplank, or similar). Exterior base color shall be Mason's Select Woodperfect Series fiber cement coating color #6701 "Mahogany" or similar. Exterior trim shall be painted "Warm Blush" from the same manufacturer (or alternative coating with similar color, hue, and brightness to "Warm Blush," or "Mahogany," or the bronze window-frame color).
 - d. The windows shall be marine grade material with bronze-color frames (or similar color, hue, and brightness). To minimize reflective surfaces, the window frame finish shall be matte, and the window glass shall not be a source of glare or reflection.
 - e. Chimney and pipe color shall match the composition roof color. Pursuant to MCC Section 20.536.025 *Application for Permit Amendment*, the chimney pipe may be finished with brick or stone following a Director's determination that the alternative material is compatible with its surroundings.
 - f. Decks shall be redwood (without colored or pigmented stain).
18. When poles are moved or replaced and in accordance with **MCC Section 20.504.015(C)(12)**, the property owner shall underground overhead power distribution lines.
19. In accordance with **MCC Section 20.504.030**, one satellite receiving dish (less than 36-inch diameter) may be installed. Equipment color shall match the hue and brightness of the surface to which it is affixed and adjacent.
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 **MCC Section 20.516.015(A)** and prior to issuance of a building permit for the Guest Cottage, the property owner shall final On-Site Sewage System Permit Nos. ST27296 and ST27472.
22. The primary and replacement leach fields, pump chamber, and septic tank may be repaired and installed during the effective period of this permit. Deferred installation of the replacement leach field shall require a Coastal Development Permit or permit amendment.
23. 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.

24. 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.
25. 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.
26. 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.

Lands of Carson
 Section 1, Township 17 North,
 Range 18 West, Mount Diablo Meridian
 Mendocino County, CA

General Notes
 General Plan Designation:
 Zoning District:
 Urban/Rural:
 Highly Scenic Area:
 Proposed Land Use:

RR 5
 RR 5 (2)
 Rural
 Yes

Addition to SFR, Generator w/ Concrete Slab,
 Guest Cottage, Storage Unit

Yes
 CDP
 20' front, rear & sides
 30'

25' from centerline of Caspar Point Road

Yes
 Yes, 40.25' setback
 No

On-site well
 On-site septic
 None

4.67 ac (203,166 sf)
 15% (30,475 sf)

Lot Coverage Tabulation Gross Site Area:
 Maximum allowable lot coverage:

Lot Coverage:
 (E) Residence:
 (E) Attached Garage:
 (E) Decks:
 (P) Addition - SFR:
 (P) Boiler Closet:
 (P) Deck:
 (P) Concrete Slab:
 (P) Guest Cottage:
 (P) Deck & Ramp:
 (P) Storage Unit:
 Total Building Footprint:
 (E) Driveway & Parking:
 Total Driveway & Parking:
 Total Lot Coverage (Footprint):
 Sensitive Resources:
 Legend

1,505 sf
 650 sf
 742 sf
 31 sf
 17 sf
 152 sf
 40 sf
 623 sf
 672 sf
 100 sf
 4,532 sf
 12,071 sf
 12,071 sf
 16,603 sf (8.17%)

Distance from Development
 Type
 61'±

TUFTED HAIR GRASS MEADOW (ESHA)

Legend

(P) LOCATION FOR PROPRANE TANK
 (P) GENERATOR GENERAC MODEL G007177-0 OR EQUIV. ON 5' X 8' CONCRETE SLAB
 (E) WOOD SHED
 (P) STORAGE UNIT
 (E) WELL
 (E) WATER TANK
 (E) UTILITY POLE & GUYS
 (E) WELL
 (E) UTILITY POLE
 (E) GRAVEL DRIVEWAY (10' WIDE)
 (E) UTILITY POLE
 (E) HAMMER HEAD "T"
 (E) GARDEN
 (P) GUEST COTTAGE w/ DECK & RAMP (TEMPORARY OCCUPANCY OF THE GUEST COTTAGE AS A DWELLING FOR CONSTRUCTION SUPPORT DURING REMODEL/ADDITION OF THE SINGLE-FAMILY RESIDENCE)

AP #118-010-27

910.89'

613.14'

597.70'

929.57'

332.47'

100'

180.00'

85.00'

160.00'

5.00'

5.00'

5.00'

5.00'

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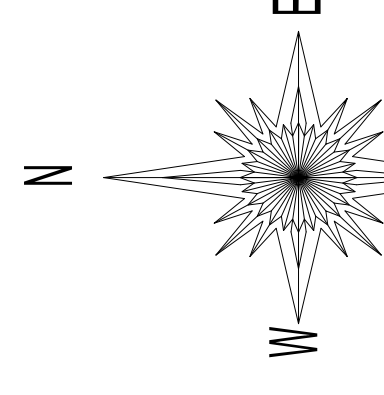
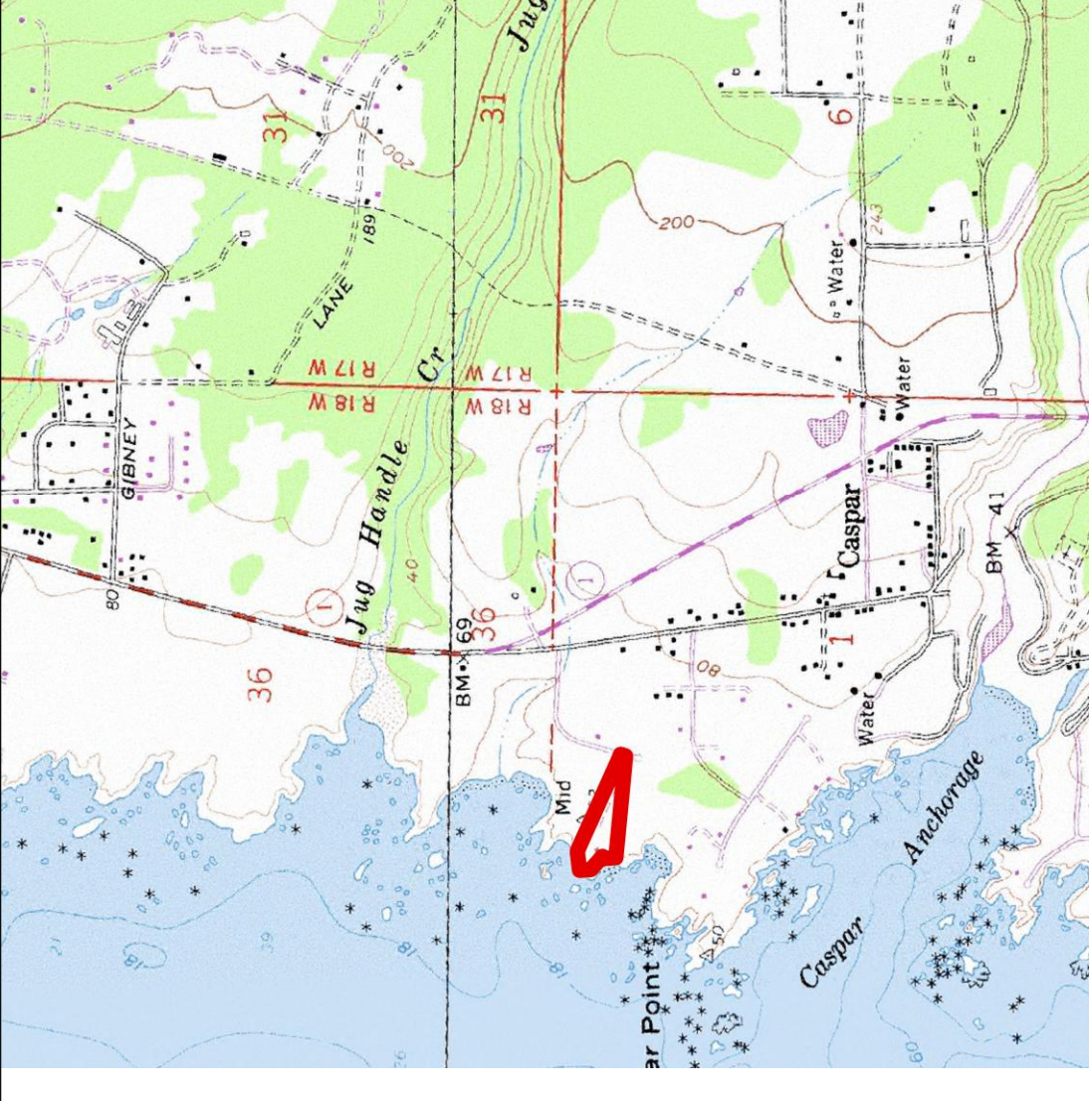
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LEGEND:

	TUFTED HAIRGRASS MEADOW (ESHA)
	(E) GRAVEL DRIVEWAY
	(E) SINGLE FAMILY RESIDENCE
	(E) DECK
	(P) ADDITION TO SFR
	(P) DECK
	50' BUFFER
	100' BUFFER
	CAL FIRE 30' YARD SETBACK
	(E) FENCE
	CORRIDOR PRESERVATION SETBACK
	YARD SETBACK
	APPROXIMATE TOP OF BLUFF
	40.25' GEOTECHNICAL SETBACK
	(P) TRENCH

EXISTING LEACHFIELD LOCATION BASED UPON
 CARL RITTIMAN & ASSOCIATES
 DISCOVERY LETTER DATED APRIL 3, 2020.



CARSON
 43380 Caspar Point Road
 Caspar, CA 95420

DATE	BY	REVISION
11-8-01-02-00	TH	1. Importing Occupancy
5-17-22	TH	2. Corrected (e) proposed location and trenching (e) location for (e) propane tank
7-1-22	TH	3. Corrected (e) proposed location and trenching (e) location for (e) propane tank
12-15-22	TH	4. Corrected (e) proposed location and trenching (e) location for (e) propane tank

APPROVED BY: AW

SCALE: AS SHOWN

DATE: 12/21/2021

DRAWN BY: TH