



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: JULY 11, 2024
TO: COASTAL PERMIT ADMINISTRATOR
FROM: SANDY ARELLANO, STAFF PLANNER
SUBJECT: CDPM_2024-0001 REVISED STAFF REPORT & REVISIONS AND ADDITIONS TO CONDITIONS OF APPROVAL AND PERMIT

During the project's final review, staff identified conditions of approval / staff report paragraphs that should be revised due to conflicts with State Law and consistency with CEQA requirements and County regulatory ordinances.

The following revisions and additions were made to the project's Staff Report and Coastal Development Permit.

Under California Coastal Commission comments on page 4, Staff added the following:

- On July 10, 2024, the Commission added an additional recommendation to execute and record a deed restriction memorializing an open space deed restriction be imposed (Condition #12) prior to permit issuance.

Staff added Local Coastal Program Consistency item number 9, page 7, to the Staff Report:

9. Groundwater Resources: The project site is located within a mapped "Critical Water Area", existing well locations are indicated on the plot plan with measured distances from the septic system leach fields. The Applicants have specified on the plot plan well site locations at more than 100 feet from any septic system or leach field. The sites are also more than 100 feet from the wetland on the property.

During the Department of Environmental Health's Land Use Divisions' (DEH's) preliminary review for comment, Proof of Water for the proposed ADU addition, as well as a Septic Permit for the proposed four-bedroom Single Family Residence was requested.

Owner provided a Water Quantity Report (Attachment Z) prepared on May 17, 2024 by Hurvitz Environmental Services (HES). The requested tests and procedures were performed detecting the existing well's depth at approximately 125 feet below grade and the initial water level measured at 7 feet below the top-of well casing. A 260 Minute Well Yield Test (4 hours and 20 minutes) at a stabilized drawdown of 8.25 feet with a sustained yield of 6.9 gmp. The Well Yield Test lasted for 260 minutes (4 hours and 20 minutes) and the stabilized drawdown was 8.25 feet with a sustained yield of 6.9 gpm. The specific capacity was calculated to be 0.84 gpm/foot of drawdown (i.e., 6.9 gpm / 8.25 feet). A total of 1,799 gallons were pumped from the well during the 260-minute test. HES also collected well recovery data following completion of the 260-minute well test. Within 10-minutes of turning off the well pump the water levels had recovered to 90% of the static level, and a 100% water level recovery was

recorded after 75 minutes. DEH received and accepted the *Proof of Water* report on June 5, 2024, also shared with the California Coastal Commission.

On July 10, 2024, DEH staff verified approved septic system permit ST27349 finalized September 2023 to meet the capacity of the proposed four-bedroom SFR and two bedroom ADU (Attachment AA).

The current site plan (Attachment E) for this CDP indicates that the existing septic system meets property line setbacks as well as setbacks from existing well. Condition 17 is recommended by staff requiring the necessary permits from the Department of Environmental Health and allow hook up to any temporary or permanent structure or use of the septic system.

Staff revised Findings 1-6 as indicated below in red:

1. Pursuant with MCC Section 20.532.095(A)(1), the proposal to modify CDP_2016-0049 by the addition of a 4,192 sf Single Family Residence, 1,115 sf Accessory Dwelling Unit, Ground Mount Solar area and a Hoop House and temporary trailer during construction, is in conformity with the certified Local Coastal Program. The proposed projects are principally permitted uses and accessory uses to principally permitted uses within the Rural Residential land use classification and consistent with the intent of the RR and PD Classification and 100 foot setbacks to all Environmentally Sensitive Habitats are met; and
2. Pursuant with MCC Section 20.532.095(A)(2), the development is provided with adequate utilities, access roads, drainage and other necessary facilities. The site will be served by an on-site well and septic disposal system in adherence to Standard Conditions 5 and 17 which state: This permit shall be subject to the securing of all necessary permits for the proposed development from County, State, and Federal agencies having jurisdiction. The Applicant shall secure all required building permits for the proposed development of the appurtenant structures, and associated utilities as required by both the Building Inspection Division of the Department of Planning and Building Services and the Department of Environment Health.; and
3. Pursuant with MCC Section 20.532.095(A)(3), Coastal Residential Use Types and accessory uses are principally permitted in the Rural Residential zoning district. As proposed, the development will meet all development requirements cited in MCC Section 20.376, including yard setbacks, development density and maximum lot coverage, and MCC Section 20.676, Planned Unit Development Combining District (PD). The proposed development of a 4,192 sf Single Family Residence, 1,115 sf Accessory Dwelling Unit, Ground Mount Solar area and a Hoop House are principally permitted uses within the Rural Residential district and are consistent with the intent of the district; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. The proposed projects are determined to be categorically exempt pursuant to Section 15303(a) and (e) for the Single Family Residence, Second Dwelling Unit (ADU), Ground Mount Solar, and Hoop House. All proposed development will maintain a minimum of 100 foot setback from the identified ESHA and Seasonal Wetland on site and not impose a significant adverse impact on the environment (Condition #12).
5. Pursuant with MCC Section 20.532.095(A)(5), the development will not have any adverse impacts on any known archaeological or paleontological resource. A standard condition #8 advises the applicant of the County's "Discovery Clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities. An archaeological project survey prepared by Wolf Creek Archeology was accepted during Mendocino County Archaeological Commission on March 13, 2024. The commission accepted the archeological report and recommended the project adhere to the provision of the "Discovery Clause", and to limit earth moving or equipment staging in and around possibly historic feature sites. As conditioned,

construction of a SFR, ADU and ground mount solar would be consistent with Mendocino County policies for the protection of the paleontological and archaeological resources, including Coastal Element Policy 3.5-10.

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 existing residential development. ~~The property will be using other public services, including but not limited to, solid waste and public roadway capacity, which have been considered and are adequate to serve the proposed development. Solid waste service is available as curbside pick-up via Redwood Solid Waste Solutions. The proposed development would not adversely affect demands on public services; and~~

Staff revised Conditions of Approval 1 and 12 as follows :

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 Code. ~~GDP_2023-0014 shall expire and become null and void at the expiration of two years after the effective date, except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.~~ The permit shall become effective after the ten (10) 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 use of the property in reliance on such permit has been initiated prior to its expiration.
12. The Applicant shall maintain a 100 foot buffer from all identified on-site ESHA ~~and wetlands of the proposed project~~. This includes all staging and storage of construction materials and equipment.

~~ESHA and ESHA buffers shall be restricted as open space with permanent symbolic fencing between development and the outer edge of ESHA buffers as a visual reminder of areas that should be left in a natural, open space condition. This condition shall apply and be considered on final building plans; provisions for installing, prior to occupancy, low-stature, wildlife-friendly fencing, natural demarcation barriers and or alternatives to fencing or combinations of fencing and alternative that may provide for a more natural, visually appealing development – such as the use of a combination of boulders or other natural materials, vegetation plantings, and different types/styles of low-stature, permeable fencing to, in combination, provided the visual reminder of restricted areas to avoid and to protect the resources of the wetlands and ESHA along the 100 foot ESHA buffers prior to building permit issuance.~~

~~The execution and deed restriction memorializing permit conditions and the restrictions on the use and enjoyment of the property that run with the land and bind all successors and assigns shall be recorded prior to building permit issuance.~~

Staff added Conditions of Approval 17, 21 and 22:

17. Applicant shall secure all required building permits for the proposed development of the appurtenant structures, and associated utilities as required by both the Department of Planning and Building Services and the Department of Environment Health.
21. Pursuant to Mendocino County Code Section 20.458.020, prior to obtaining a building permit for an Accessory Dwelling Unit, a deed restriction, in a form and content approved by the County, shall be

recorded with the County Recorder's office, which shall include the prohibition on the use of any dwelling on the property for transient habitation. The deed restriction shall run with the land, and be binding upon any future owners, heirs, or assigns.

22. Prior to finalization of the building permit for the residential construction associated with CDPM_2024-0001, the temporary trailer and any remaining construction material and equipment shall be removed from the property and verified by a building inspector or planning staff.

Attachments:

Revised Staff Report

Revised Coastal Development Permit



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT FOR STANDARD
CDP MODIFICATION**

**JULY 11, 2024
CDPM_2024-0001**

REVISED AS PER MEMO DATED: JULY 10, 2024

PROJECT PLANNER CONTACT

Sandy Arellano
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Ukiah, CA 95482
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PROJECT SUMMARY

OWNER/APPLICANT: Aum Ishvi Benzvi
PO Box 1033
Mendocino CA 95460

REQUEST: Coastal Development Permit Modification to CDP_2016-0049 which approved a paved driveway encroachment off of Point Cabrillo Drive; a sliding gate; repair and replace picket fence and wire fence; drill a well; supply power; and installation of a new septic system. Modification proposes the addition of a 4,192 sf Single Family Residence, 1,115 sf Accessory Dwelling Unit, Ground Mount Solar area and a Hoop House. Applicant also proposes a temporary trailer during construction.

LOCATION: 3.0± miles north of Mendocino, on the west side of Hwy 1, 1.0± mile north from the intersection of Point Cabrillo Drive (CR 564) and Brest Rd., located at 13551 Point Cabrillo Dr. Mendocino; APN: 118-160-35.

TOTAL ACREAGE: 17± Acres

GENERAL PLAN: Rural Residential- 10 Acre Minimum/Planned Development (10 Acre Planned Development)

ZONING: Rural Residential- 10 Acre Minimum/Planned Development (10 Acre Planned Development)

CODE REFERENCE: Residential Mendocino County Code (MCC) Section 20.376.010

SUPERVISORIAL DISTRICT: 4 (Gjerde)

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Section 15303 (a), one single-family residence, or a second dwelling unit in a residential zone.

APPEALABLE: Yes, mapped Highly Scenic Area

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Sandy Arellano

PROJECT DESCRIPTION: Standard Coastal Development Permit Modification to CDP_2016-0049 which approved a paved driveway encroachment off Point Cabrillo Drive; a sliding gate; repair and replace picket fence and wire fence; drill a well; supply power; and installation of a new septic system. Modification proposes the addition of a 4,192 sf Single Family Residence, 1,115 sf Accessory Dwelling Unit, Ground Mount Solar area and Hoop House. Applicant also proposes temporary trailer during construction.

APPLICANT'S STATEMENT: "Construct a single family residence and ADU. Construct a solar area and hoop house. Owner will put a temporary trailer on-site tied into existing septic and power during the course of construction."

RELATED APPLICATIONS:

On-Site

- CDP_2020-0009 Septic System, Well and Water Tanks and Driveway
- PR2020-00012 Septic ST22355 and Water Well Permit WW23908
- PR2022-0066 Septic System Expansion ST2734 finalized 9/27/2023
- B_2023-0018 Boundary Line Adjustment (APNs: 118-160-38 and 118-160-30)
- B_2021-0028 Boundary Line Adjustment (APNs: 118-160-06 and 118-160-35)
- B_20-90 Boundary Line Adjustment (APNs: 118-160-07 and 118-160-08)

Neighboring Property

- B_104-85 Boundary Line Adjustment (APNs: 118-160-07 and 118-160-08)
- CDMS_10-02 Coastal Development Minor Subdivision
- CDMS_8-03 Coastal Development Minor Subdivision
- CDU_30-04 Phase II of the Point Cabrillo Light Station Restoration Project
- CDP_2014-0037 Standard Coastal Development Permit for Guest Cottage

SITE CHARACTERISTICS: The 17± acre parcel is relatively flat land containing animal fencing around the site's property boundaries. The project site is currently undeveloped and used for horses, cattle, and gardening. The site is located within a mapped Highly Scenic Area and is located west of Highway 1. The site is not located between the first public road and the sea. There is existing shoreline access on the western boundary of the site along Point Cabrillo Drive as shown on LCP Land Use Map 15 *Caspar*.

The project site is located within a "Critical Water Area" and a mapped high fire hazard area. The site does not contain important farmland and is classified as grazing land with a small portion of rural residential and rural commercial on the northwestern portion of the site. The site is primarily described as barren habitat with non-prime agricultural land and is underlain by beach deposits and stream alluvium and terraces (Zone 3), which is subject to intermediate shaking.

The site contains a seasonal freshwater emergent wetland, an Environmentally Sensitive Habitat Area (ESHA) which traverses the site, spanning from the site's eastern boundary to the site's northwestern boundary. (No development is proposed within 100 feet of the ESHA). There are clusters of trees interspersed throughout the site, with additional trees located along the site's eastern boundary.

An unrecognized culvert was noted on the northwest area under a dirt driveway through the identified seasonal stream and riparian area crossing to the north of the parcel. The applicant provided a written statement indicating the culvert had been in place for many years (decades) and pre-existing before the purchase of the parcel. Regional Water Quality Control Board (RWQCB) staff considered the proposed project and determined it would not create, modify or divert discharge or waste material to the pre-existing channel. therefore, no RWQCB permitting is required.

Mapping does not associate the following with the subject site: faults, landslides, erosion, flood, or tsunami hazard.

SURROUNDING LAND USE AND ZONING: As listed in Table 1 below, the site and surrounding lands to the north, south, and east are designated Rural Residential (RR10), with lands to the west designated Rural Residential (RR5). The parcels immediately to the north and west are primarily developed with single family residences and associated accessory structures, while the parcels immediately south and east are vacant. There are large areas of pasture land both north and south of the subject parcel on the east side of Point Cabrillo Drive. The proposed project is compatible with surrounding land uses and development.

Table 1.	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential 10 Acres-Planned Development	Rural Residential 10 Acres-Planned Development	2.1± ,17.30± Acres	Residential/ Vacant
EAST	Rural Residential 10 Acres-Planned Development	Rural Residential 10 Acres-Planned Development	13.30±, 14±, 1.5± Acres	Vacant
SOUTH	Rural Residential 10 Acres-Planned Development	Rural Residential 10 Acres-Planned Development	10± Acres	Vacant
WEST	Rural Residential 5 Acres-Planned Development	Rural Residential 5 Acres-Planned Development	15.44±, 1±, 8± Acres	Residential/ Vacant

PUBLIC SERVICES:

Access: Point Cabrillo Drive (CR 564)
 Fire District: Mendocino Fire Protection District
 Water District: NONE
 Sewer District: NONE
 School District: Mendocino Unified

AGENCY COMMENTS: On January 30, 2024 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project, Table 2. Any comment that would trigger a project modification are discussed in full in the following section.

Table 2. REFERRAL AGENCIES	COMMENT
Department of Transportation	No Comment
Assessor's Office	No Comment
Environmental Health-FB/Ukiah	Comments
Building Services-FBPBS	No Comment
Air Quality Management District	No Comment
California Coastal Commission	Comments
Caltrans	No Response
CAL FIRE- Land Use	No Response
Sherwood Valley Band of Pomo Indians	No Response
Redwood Valley Rancheria	No Response
Cloverdale Rancheria	No Response
Mendocino Fire District	No Response
Mendocino Unified School District	No Response

Sonoma State University-NWIC	Comments
Archaeological Commission	Comments
Regional Water Quality Control	Comments
Dept. of Fish & Wildlife	Comments

North Coast Regional Water Quality Control Board: If the applicant does not conduct any activities within the 100 ft buffer, a 401 or waste discharge permit is not required. Additionally, “avoidance of any impacts directly to the wetlands and establishing and adhering to and avoiding activities you have proposed within the 100 ft buffer to ensure no indirect impacts to the wetlands occur, would not require a permit from our agency.”

Environmental Health: Existing Septic ST 22533 (2BR ADU) needs proof of water. SFR needs 4BR septic.

Sonoma State University comments: “Recommend that a qualified archaeologist conduct further archival and field study of the project area to identify cultural resources”. Applicant provided a Cultural Resource Evaluation Report dated January 27, 2024, where the Registered Professional Archaeologist recommended that the proposed project be approved as planned with conditions.

Archaeological Commission: Archaeological project survey prepared by Wolf Creek Archeology was accepted during the March 13, 2024 hearing and conditioned to "limited earth moving or equipment staging in and around the possibility historic features identified on the archaeological report. Also, add discovery clause Sec. 22.12.100”.

CDFW: Recommended: 1) Plant only locally native species property wide (with exclusion of vegetable crops grown within the hoop house). 2) Target removal of invasive species for a period of five (5) years property wide. 3) CDFW concurs with the Coastal Commission’s recommendation to restrict the ESHA and ESHA buffers as open space and install symbolic fencing between development and the outer edge of ESHA buffers.

California Coastal Commission comments: We recommend the CDP include conditions restricting identified ESHA and ESHA buffers to open space and if appropriate requirements to install symbolic fencing of some sort between development and the outer edge of ESHA buffers as a visual reminder of areas that should be left in a natural, open space condition.

On July 10, 2024, the Commission added an additional recommendation to execute and record a deed restriction memorializing an open space deed restriction be imposed (Condition #12) prior to permit issuance.

LOCAL COASTAL PROGRAM CONSISTENCY

As conditioned, the Standard Coastal Development Permit Modification for the addition of a 4,192 sf Single Family Residence, 1,115 sf Accessory Dwelling Unit, Ground Mount Solar area, a Hoop House, and a temporary trailer during construction is consistent with the goals and policies as detailed below:

1. **LAND USE:** The project site is classified as Rural Residential (RR) in Mendocino County Coastal Element Chapter 2.2. The intent of the classification is

“to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability. Principal Permitted Uses include residential and associated utilities, light agriculture, and home occupations. Conditional uses include Cottage industry; conservation and development of natural resources; public facilities and utilities determined to be necessary on Rural Residential lands; recreation-education.”

The project permits the addition of a 4,192 sf Single Family Residence, 1,115 sf Accessory Dwelling Unit, Ground Mount Solar area, a Hoop House, and a temporary trailer during construction. Principally permitted uses within the RR classification include one dwelling unit per parcel with associate utilities, and accessory dwelling units. The proposed development is a principally permitted use and is consistent with the RR land use classification.

- ZONING:** The project site is located within a Planned Unit Development Combining District of Rural Residential, as shown on the *GP Display Map*. As such, permitted uses are the same as the classification with which it is being combined (RR). The intent of the Rural Residential zoning classification is:

“...intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability.”

Per Mendocino County Code (MCC) Section 20.384.010, principally permitted uses for the Rural Residential district include Single-Family Residential, and Accessory Dwelling Units. The use of the parcel for a SFR is consistent with the permitted uses of the Rural Residential district.

The project is consistent with all required setbacks of 50 feet for front, rear and side yards, and is also consistent with building height (18 feet maximum for highly scenic) and lot coverage (10% maximum for parcels over 5 acres). The project is also consistent with MCC Sections 20.376.060 (Maximum Lot Depth) and 20.376.055 (Minimum Lot Width).

- GRADING, EROSION, AND RUNOFF AND MCC CHAPTER 20.492:** The proposed development will be located in areas which are relatively flat. Grading will be required to accommodate the proposed development. As proposed, grading will occur at the time of construction. If the amount of grading requires a permit from the Building Division, the Coastal Permit Administrator, or their designee, shall review and approve the grading permit to determine its consistency with MCC Chapters 20.492 and 20.500 regulations. Grading activities, including maintaining driveway and parking areas and any work associated with an Encroachment Permit shall comply with MCC Chapters 20.492 and 20.500 regulations.
- HABITATS AND NATURAL RESOURCES, AND MCC CHAPTER 20.496:** Both the LCP and Mendocino County Code (MCC) address protections for Environmentally Sensitive Habitat Areas (ESHA). MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

An Environmentally Sensitive Habitat Area survey report, dated September 15, 2023, was prepared for the project site by Spade Natural Resources Consulting. An Environmentally Sensitive Habitat Area (ESHA) was identified on the project site -a freshwater emergent wetland- which traverses the site, spanning from the site's eastern boundary to the site's northwestern boundary. There are clusters of trees interspersed throughout the site, with additional trees located along the site's eastern boundary. As proposed on the final site plan, all site improvements are proposed to occur and more than 100 feet from the on-site wetland ESHA.

As recommended by State Agencies; Coastal Commission, Department of Fish and Wildlife, and the North Coast Regional Water Quality Control Board, measures are to be taken to avoid impacts to these important resources, such as symbolic fencing between development and the outer edge of ESHA buffers as visual reminders of areas that should be left in a natural, open space condition.

Owner provided a written statement and updated site plan consenting the implementation of buffer areas by installing silt fencing to indicate avoidance of the buffer area of all construction activities for the duration of the project in accordance with standard operating procedures.

With added conditions, the proposed project will not significantly impact sensitive habitats or resources and is consistent with the Local Coastal Program policies related to Chapter 3.1 and MCC Chapter 20.496 regulations.

5. **HAZARDS MANAGEMENT AND MCC CHAPTER 20.500:** The purpose of MCC Chapter 20.500 *Hazards* is to ensure that development in Mendocino County's Coastal Zone:

(1) minimizes risk to life and property in areas of high geologic, flood and fire hazard; (2) assures structural integrity and stability; and (3) neither creates nor contributes significantly to erosion, geologic instability or destruction of the site or surrounding areas, nor in any way requires the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Mapping does not associate the following with the subject site: FEMA 100 year Flood Zone, Tsunami Inundation, bluff and bluff erosion hazards, landslides, erosion hazards, or Alquist-Priolo Earthquake Fault Zone. The proposed project is located well over 100 feet from any bluff edge.

The project site is mapped as a "High Fire Hazard" location. On January 30, 2024, the application was referred to Mendocino Fire Protection District for comment. No response was received.

6. **VISUAL RESOURCES AND MCC CHAPTER 20.504:** The project site is mapped as a "Highly Scenic Area" (See attachment *Highly Scenic*) and is visible from Highway 1. Pursuant to MCC Section 20.504.010 the purpose of *Visual Resource and Special Treatment Areas* is to:

"... insure that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas."

The construction of an SFR, an ADU and installation of Ground Mount Solar would have a visual impact. The proposed project does not exceed the 18 foot height limit for development in a Highly Scenic Area. Conditions of approval #2, #10 and #11 require that the applicant construct in a manner that is visually compatible with the surrounding area and structures.

As conditioned, the construction of an SFR, ADU, and installation of Ground Mount Solar would be consistent with the development standards of Chapter 20.504, and the proposed development would support Coastal Element Policy 3.5-5.

7. **ARCHAEOLOGICAL/CULTURAL RESOURCES:** The project was referred to the Northwest Information Center (NWIC) at Sonoma State. Comments from NWIC indicated the proposed project area has the possibility of containing unrecorded archaeological sites. As such, the Applicant provided a Cultural Resource Evaluation Report dated January 27, 2024, where the Registered Professional Archaeologist recommended that the proposed project be approved as planned with conditions. The project was brought before the Mendocino County Archaeological Commission on March 13, 2024. The commission accepted the archeological report and recommended the project adhere to the provision of the "Discovery Clause", and to limit earth moving or equipment staging in and around possibly historic feature sites. Staff notes that a Standard Condition advises the property owners of a "Discovery Clause," which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. As conditioned, construction of a SFR, ADU and ground mount solar would be consistent with Mendocino County policies for the protection of the paleontological and archaeological resources, including Coastal Element Policy 3.5-10.

The project was also referred to three local tribes for review and comment, including the Cloverdale Rancheria, Sherwood Valley Band of Pomo Indians, and the Redwood Valley Little River Band of Pomo Indians. No responses were received.

8. TRANSPORTATION AND CIRCULATION, AND MCC CHAPTER 20.516: The proposed single family home and accessory structures for residential use will not contribute significantly to new sources of traffic on local and regional roadways. The project does not propose additional work adjacent to County rights-of-way. The project was referred to the Mendocino County Department of Transportation. No comments of concern were received. As proposed, the construction of a SFR, an ADU and Ground Mount Solar would be consistent with Chapter 20.516 *Transportation, Utilities and Public Services* and support Coastal Element Policy 3.8-1.

9. Groundwater Resources: The project site is located within a mapped "Critical Water Area", existing well locations are indicated on the plot plan with measured distances from the septic system leach fields. The Applicants have specified on the plot plan well site locations at more than 100 feet from any septic system or leach field. The sites are also more than 100 feet from the wetland on the property.

During the Department of Environmental Health's Land Use Divisions' (DEH's) preliminary review for comment, Proof of Water for the proposed ADU addition, as well as a Septic Permit for the proposed four-bedroom Single Family Residence was requested.

Owner provided a Water Quantity Report (Attachment Z) prepared on May 17, 2024 by Hurvitz Environmental Services (HES). The requested tests and procedures were performed detecting the existing well's depth at approximately 125 feet below grade and the initial water level measured at 7 feet below the top-of well casing. A 260 Minute Well Yield Test (4 hours and 20 minutes) at a stabilized drawdown of 8.25 feet with a sustained yield of 6.9 gmp. The Well Yield Test lasted for 260 minutes (4 hours and 20 minutes) and the stabilized drawdown was 8.25 feet with a sustained yield of 6.9 gpm. The specific capacity was calculated to be 0.84 gpm/foot of drawdown (i.e., 6.9 gpm / 8.25 feet). A total of 1,799 gallons were pumped from the well during the 260-minute test. HES also collected well recovery data following completion of the 260-minute well test. Within 10-minutes of turning off the well pump the water levels had recovered to 90% of the static level, and a 100% water level recovery was recorded after 75 minutes. DEH received and accepted the *Proof of Water* report on June 5, 2024, also shared with the California Coastal Commission.

On July 10, 2024, DEH staff verified approved septic system permit ST27349 finalized September 2023 to meet the capacity of the proposed four-bedroom SFR and two bedroom ADU (Attachment AA).

The current site plan (Attachment E) for this CDP indicates that the existing septic system meets property line setbacks as well as setbacks from existing well. Condition 17 is recommended by staff requiring the necessary permits from the Department of Environmental Health and allow hook up to any temporary or permanent structure or use of the septic system.

ENVIRONMENTAL REVIEW: The Secretary for Resources has found that certain classes or 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. The Project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Class 3, Section 15303(a), (d), and (e).

PROJECT FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, staff recommends the Coastal Permit Administrator approve the proposed project subject to the following findings and conditions:

FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), the proposal to modify CDP_2016-0049 by the addition of a 4,192 sf Single Family Residence, 1,115 sf Accessory Dwelling Unit, Ground Mount Solar area and a Hoop House and temporary trailer during construction, is in conformity with the certified Local Coastal Program. The proposed projects are principally permitted uses and accessory uses to principally permitted uses within the Rural Residential land use classification and consistent with the intent of the RR and PD Classification and 100 foot setbacks to all Environmentally Sensitive Habitats are met; and
2. Pursuant with MCC Section 20.532.095(A)(2), the development is provided with adequate utilities, access roads, drainage and other necessary facilities. The site will be served by an on-site well and septic disposal system in adherence to Standard Conditions 5 and 17 which state: This permit shall be subject to the securing of all necessary permits for the proposed development from County, State, and Federal agencies having jurisdiction. The Applicant shall secure all required building permits for the proposed development of the appurtenant structures, and associated utilities as required by both the Building Inspection Division of the Department of Planning and Building Services and the Department of Environment Health.; and
3. Pursuant with MCC Section 20.532.095(A)(3), Coastal Residential Use Types and accessory uses are principally permitted in the Rural Residential zoning district. As proposed, the development will meet all development requirements cited in MCC Section 20.376, including yard setbacks, development density and maximum lot coverage, and MCC Section 20.676, Planned Unit Development Combining District (PD). The proposed development of a 4,192 sf Single Family Residence, 1,115 sf Accessory Dwelling Unit, Ground Mount Solar area and a Hoop House are principally permitted uses within the Rural Residential district and are consistent with the intent of the district; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. The proposed projects are determined to be categorically exempt pursuant to Section 15303(a) and (e) for the Single Family Residence, Second Dwelling Unit (ADU), Ground Mount Solar, and Hoop House. All proposed development will maintain a minimum of 100 foot setback from the identified ESHA and Seasonal Wetland on site and not impose a significant adverse impact on the environment (Condition #12).
5. Pursuant with MCC Section 20.532.095(A)(5), the development will not have any adverse impacts on any known archaeological or paleontological resource. A standard condition #8 advises the applicant of the County's "Discovery Clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities. An archaeological project survey prepared by Wolf Creek Archeology was accepted during Mendocino County Archaeological Commission on March 13, 2024. The commission accepted the archeological report and recommended the project adhere to the provision of the "Discovery Clause", and to limit earth moving or equipment staging in and around possibly historic feature sites. As conditioned, construction of a SFR, ADU and ground mount solar would be consistent with Mendocino County policies for the protection of the paleontological and archaeological resources, including Coastal Element Policy 3.5-10.
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 existing residential development. The property will be using other public services, including but not limited to, solid waste and public roadway capacity, which have been considered and are adequate to serve the proposed development. Solid waste service is available as curbside pick-up via Redwood Solid Waste Solutions. The proposed development would not adversely affect demands on public services; and

7. Pursuant with MCC Section 20.532.095(B), the proposed development would not diminish public access to Mendocino County coastal areas and conforms to the goals and policies of the Coastal Element of the General Plan. The project site is located between the first public road and the sea; and is not designated as a potential public access point.

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 Code. ~~CDP_2023-0014 shall expire and become null and void at the expiration of two years after the effective date, except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.~~ The permit shall become effective after the ten (10) 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 use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code (MCC).
3. 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.
4. 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.
5. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
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. The provision of this section shall apply in addition to the provision of Section 22.12.100 of this Chapter should discoveries of Human Remains or portion of be discovered.

9. The Applicants shall secure an Air Quality Permit as required by the Air Quality Management District for the proposed project if grading work of 1 acre or 1 mile or greater is required.
10. To ensure the project utilizes the correct building materials, the project's proposed color palette and roofing material were submitted to the County for approval consisting of Redwood Horiz siding with plaster walls and Asphalt Roofing Shingle. Colors shall be of a neutral tone to maintain the blend in hue and brightness with their surroundings.
11. Any permitted exterior lighting shall be minimized, downcast, and shielded to protect the nighttime sky from lighting impacts in this rural area.
12. The Applicant shall maintain a 100 foot buffer from all identified on-site ESHA ~~and wetlands of the proposed project~~. This includes all staging and storage of construction materials and equipment.

ESHA and ESHA buffers shall be restricted as open space with permanent symbolic fencing between development and the outer edge of ESHA buffers as a visual reminder of areas that should be left in a natural, open space condition. This condition shall apply and be considered on final building plans; provisions for installing, prior to occupancy, low-stature, wildlife-friendly fencing, natural demarcation barriers and or alternatives to fencing or combinations of fencing and alternative that may provide for a more natural, visually appealing development – such as the use of a combination of boulders or other natural materials, vegetation plantings, and different types/styles of low-stature, permeable fencing to, in combination, provided the visual reminder of restricted areas to avoid and to protect the resources of the wetlands and ESHA along the 100 foot ESHA buffers prior to building permit issuance.

The execution and deed restriction memorializing permit conditions and the restrictions on the use and enjoyment of the property that run with the land and bind all successors and assigns shall be recorded prior to building permit issuance.

13. The following avoidance measures shall be taken to protect ESHA during all development activities:
 - a. Prior to ground disturbance and issuance of building permits associated with the project approval, temporary orange construction fencing shall be placed between the area of development and the wetland ESHA, at the boundary of the 100 foot buffer area, n, and all construction and staging areas, and shall remain in working order during all ground disturbing aspects of the project until construction is finalized by Planning and Building Services. No equipment, materials storage or other encroachment will occur beyond the orange construction fence.
 - b. Within two weeks prior to demolition, debris removal, or any other vegetation removal or ground disturbance, project contractors will be trained by a qualified biologist in the identification of the Northern red-legged frog. Construction crews will begin each day with a visual search around all stacked or stored materials, as well as in and near the stream co1Tidor and any pools or present water, to detect the presence of Northern red-legged frog. If a Northern red-legged frog is detected, construction or demolition crews cease all ground disturbing activity within 100 feet, and will contact the California Department of Fish and Wildlife or a qualified biologist who will provide assistance. Ground disturbing activities within 100 feet will be allowed to proceed after clearance is given from CDFW and/or the qualified biologist.
 - c. If rain event occurs during the construction period, all construction-related activities will cease for a period of 48 hours after the rain stops. Prior to resuming construction or demolition activities, trained construction crew member(s) will examine the site for the presence of Northern red-legged frog. If no Northern red-legged frog are found, construction activities may resume.
 - d. The bird breeding season typically extends from February to August. Ideally, vegetation removal and project ground disturbing impacts be done in the non-breeding season between September

and January. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of ground disturbing impacts 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.

- e. As with birds, bat roost and hibernation sites can change from year to year, so pre-construction or demolition surveys are usually necessary to determine the presence or absence of bat roost sites in a given area. Pre-construction bat surveys do not need to be performed if ground disturbing work or vegetation removal is conducted between September 1 and October 31, after young have matured and prior to the bat hibernation period. However, if it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-construction surveys should be conducted. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to removal or demolition for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, a minimum 50-foot buffer should be implemented around the roost tree. Removal of roost trees should occur in September and October, or after the bats have left the roost. In summary, no impacts would be expected and therefore no preconstruction surveys would be required for the species above if vegetation removal (including standing dead trees) is scheduled for the months of September or October. The months of November through August would require a bird and/or bat survey dependent on the time of year.
 - f. If special status birds are determined to be nesting at the site, California Department of Fish and Wildlife will be consulted and will need to develop appropriate protection measures to assure nesting is not detrimentally impacted by development activities.
14. Any future application for additional development within the ESHA buffer would be appealable to the Commission and would need to establish, in consultation with CDFW, that a buffer of less than 100 feet is adequate to protect the resources of the ESHA from degradation.
 15. Heavy machinery, including but not limited to, excavators and skid steers shall be power washed off-site to eliminate seeds and other propagules.
 16. All landscaping shall only utilize local native species plants property wide (with exclusion of vegetable crops grown within the proposed hoop house). Removal of invasive species for a period of five (5) years should be targeted property wide.
 17. Applicant shall secure all required building permits for the proposed development of the appurtenant structures, and associated utilities as required by both the Department of Planning and Building Services and the Department of Environment Health.
 18. Standard Best Management Practices shall be employed. Ground disturbance shall be limited to the minimum necessary and disturbed soil area shall be stabilized as soon as feasible.
 19. To record the Notice of Exemption, the applicant shall pay a fee of \$50.00 for the filing of the Notice of Exemption which shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any project action.
 20. Any Building Permit request shall include all conditions of approval of CDPM_2024-0001 attached to Building Permit application. All building plans shall have "CDPM_2024-0001" printed on plans submitted.

21. Pursuant to Mendocino County Code Section 20.458.020, prior to obtaining a building permit for an Accessory Dwelling Unit, a deed restriction, in a form and content approved by the County, shall be recorded with the County Recorder's office, which shall include the prohibition on the use of any dwelling on the property for transient habitation. The deed restriction shall run with the land, and be binding upon any future owners, heirs, or assigns.
22. Prior to finalization of the building permit for the residential construction associated with CDPM_2024-0001, the temporary trailer and any remaining construction material and equipment shall be removed from the property and verified by a building inspector or planning staff.

DATE

SANDY ARELLANO
PLANNER I

Appeal Period: 10 Days
Appeal Fee: \$2,674.00

ATTACHMENTS:

- A. Location Map
- B. Aerial
- C. Aerial Vicinity
- D. Topographic Map
- E. Exhibits Application, Site Plan, ADU and SFR Plans
- F. Zoning Map
- G. General Plan Map
- H. LCP Land Use
- I. LCP Land Capabilities
- J. LCP Habitats & Resources
- K. Appeals Map
- L. Adjacent Parcels
- M. Fire Hazard Zone
- N. Wildland Urban Interface
- O. Landslide Hazards
- P. Wetlands
- Q. Coastal Groundwater Map
- R. Slope
- S. Soils
- T. Farmland
- U. School District
- V. Landslide
- W. Highly Scenic Map & Tree Removal Zones
- X. Crop Type
- Y. State Park
- Z. Water Quantity Report **(In File/On Line)**
- AA. Well & Septic Permits **(In File/On Line)**
- BB. Biological Survey **(In File/On Line)**
- CC. Biological Survey Addendum **(In File/On Line)**



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
120 WEST FIR STREET · FORT BRAGG · CALIFORNIA · 95437

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pbs@mendocinocounty.org
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REVISED AS PER MEMO DATED: JULY 10, 2024

July 11, 2024

COASTAL DEVELOPMENT STANDARD PERMIT

CASE#: CDPM_2024-0001

DATE FILED: 1/18/2024

OWNER/APPLICANT: ISHVI AUM

REQUEST: Coastal Development Permit Modification to CDP_2016-0049 which approved a paved driveway encroachment off of Point Cabrillo Drive; a sliding gate; repair and replace picket fence and wire fence; drill a well; supply power; and installation of a new septic system. Modification proposes the addition of a 4,192 sf Single Family Residence, 1,115 sf Accessory Dwelling Unit, Ground Mount Solar area and a Hoop House. Applicant also proposes a temporary trailer during construction.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 3.0± miles north of Mendocino, on the west side of Hwy 1, 1.0± mile north from the intersection of Point Cabrillo Drive (CR 564) and Brest Road, located at 13551 Point Cabrillo Drive. (APN: 118-160-35).13551 Point Cabrillo Drive, Mendocino

SUPERVISORIAL DISTRICT: 4 (Gjerde

STAFF PLANNER: SANDY ARELLANO

ACTION: APPROVED WITH CONDITIONS.

EFFECTIVE DATE: July 11, 2024

EXPIRATION DATE: July 11, 2026

CONDITIONS OF APPROVAL: See Final Findings and Conditions of Approval

Department of Planning and Building Services Statement: I hereby certify that all conditions which must be met prior to use or occupancy of this permit have been met and that this permit is deemed by the Department of Planning and Building Services to be a valid permit subject to all conditions of approval.

COASTAL PERMIT ADMINISTRATOR

DATE

Owner's Statement: I am the owner of the property subject to this permit (or his/her authorized agent) and I hereby certify that I have reviewed the conditions of approval and will establish and continue the use in compliance with the specified conditions and applicable sections of the Mendocino County Code. I further grant permission for County staff to enter upon the premises for which the permit is issued to verify compliance with the required conditions.

OWNER

DATE



FINAL FINDINGS AND CONDITIONS OF APPROVAL
CASE# CDPM_2024-0001 – AUM ISHVI BENZVI
JULY 11, 2024

PROJECT FINDINGS AND CONDITIONS

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 CDPM_2024-0001, Coastal Development Permit Modification to CDP_2016-0049 which approved a paved driveway encroachment off of Point Cabrillo Drive; a sliding gate; repair and replace picket fence and wire fence; drill a well; supply power; and installation of a new septic system. Modification proposes the addition of a 4,192 sf Single Family Residence, 1,115 sf Accessory Dwelling Unit, Ground Mount Solar area and a Hoop House. Applicant also proposes a temporary trailer during construction. The property is 3.0± miles north of Mendocino, on the west side of Hwy 1, 1.0± mile north from intersection of Point Cabrillo (CR 564) and Brest Rd., located at 13551 Point Cabrillo Dr. (APN: 118-160-35).13551 Point Cabrillo Drive, Mendocino

FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), the proposal to modify CDP_2016-0049 by the addition of a 4,192 sf Single Family Residence, 1,115 sf Accessory Dwelling Unit, Ground Mount Solar area and a Hoop House and temporary trailer during construction, is in conformity with the certified Local Coastal Program. The proposed projects are principally permitted uses and accessory uses to principally permitted uses within the Rural Residential land use classification and consistent with the intent of the RR and PD Classification and 100 foot setbacks to all Environmentally Sensitive Habitats are met; and
2. Pursuant with MCC Section 20.532.095(A)(2), the development is provided with adequate utilities, access roads, drainage and other necessary facilities. The site will be served by an on-site well and septic disposal system in adherence to Standard Conditions 5 and 17 which state: This permit shall be subject to the securing of all necessary permits for the proposed development from County, State, and Federal agencies having jurisdiction. The Applicant shall secure all required building permits for the proposed development of the appurtenant structures, and associated utilities as required by both the Building Inspection Division of the Department of Planning and Building Services and the Department of Environment Health.; and
3. Pursuant with MCC Section 20.532.095(A)(3), Coastal Residential Use Types and accessory uses are principally permitted in the Rural Residential zoning district. As proposed, the development will meet all development requirements cited in MCC Section 20.376, including yard setbacks, development density and maximum lot coverage, and MCC Section 20.676, Planned Unit Development Combining District (PD). The proposed development of a 4,192 sf Single Family Residence, 1,115 sf Accessory Dwelling Unit, Ground Mount Solar area and a Hoop House are principally permitted uses within the Rural Residential district and are consistent with the intent of the district; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. The proposed projects are determined to be categorically exempt pursuant to Section 15303(a) and (e) for the Single Family Residence, Second Dwelling Unit (ADU), Ground Mount Solar, and Hoop House. All proposed development will maintain a minimum of 100 foot setback from the identified ESHA and Seasonal Wetland on site and not impose a significant adverse impact on the environment (Condition #12).

5. Pursuant with MCC Section 20.532.095(A)(5), the development will not have any adverse impacts on any known archaeological or paleontological resource. A standard condition #8 advises the applicant of the County's "Discovery Clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities. **An archaeological project survey prepared by Wolf Creek Archeology was accepted during Mendocino County Archaeological Commission on March 13, 2024. The commission accepted the archeological report and recommended the project adhere to the provision of the "Discovery Clause", and to limit earth moving or equipment staging in and around possibly historic feature sites. As conditioned, construction of a SFR, ADU and ground mount solar would be consistent with Mendocino County policies for the protection of the paleontological and archaeological resources, including Coastal Element Policy 3.5-10.**
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 existing residential development. **The property will be using other public services, including but not limited to, solid waste and public roadway capacity, which have been considered and are adequate to serve the proposed development. Solid waste service is available as curbside pick-up via Redwood Solid Waste Solutions. The proposed development would not adversely affect demands on public services; and**
7. Pursuant with MCC Section 20.532.095(B), the proposed development would not diminish public access to Mendocino County coastal areas and conforms to the goals and policies of the Coastal Element of the General Plan. The project site is located between the first public road and the sea; and is not designated as a potential public access point.

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 Code. **~~CDP_2023-0014 shall expire and become null and void at the expiration of two years after the effective date, except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.~~** The permit shall become effective after the ten (10) 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 use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code (MCC).
3. 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.
4. 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.
5. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
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. The provision of this section shall apply in addition to the provision of Section 22.12.100 of this Chapter should discoveries of Human Remains or portion of be discovered.
 9. The Applicants shall secure an Air Quality Permit as required by the Air Quality Management District for the proposed project if grading work of 1 acre or 1 mile or greater is required.
 10. To ensure the project utilizes the correct building materials, the project's proposed color palette and roofing material were submitted to the County for approval consisting of Redwood Horiz siding with plaster walls and Asphalt Roofing Shingle. Colors shall be of a neutral tone to maintain the blend in hue and brightness with their surroundings.
 11. Any permitted exterior lighting shall be minimized, downcast, and shielded to protect the nighttime sky from lighting impacts in this rural area.
 12. The Applicant shall maintain a 100 foot buffer from all identified on-site ESHA ~~and wetlands of the proposed project~~. This includes all staging and storage of construction materials and equipment.

ESHA and ESHA buffers shall be restricted as open space with permanent symbolic fencing between development and the outer edge of ESHA buffers as a visual reminder of areas that should be left in a natural, open space condition. This condition shall apply and be considered on final building plans; provisions for installing, prior to occupancy, low-stature, wildlife-friendly fencing, natural demarcation barriers and or alternatives to fencing or combinations of fencing and alternative that may provide for a more natural, visually appealing development – such as the use of a combination of boulders or other natural materials, vegetation plantings, and different types/styles of low-stature, permeable fencing to, in combination, provided the visual reminder of restricted areas to avoid and to protect the resources of the wetlands and ESHA along the 100 foot ESHA buffers prior to building permit issuance.

The execution and deed restriction memorializing permit conditions and the restrictions on the use and enjoyment of the property that run with the land and bind all successors and assigns shall be recorded prior to building permit issuance.

13. The following avoidance measures shall be taken to protect ESHA during all development activities:
 - a. Prior to ground disturbance and issuance of building permits associated with the project approval, temporary orange construction fencing shall be placed between the area of development and the wetland ESHA, at the boundary of the 100 foot buffer area, n, and all construction and staging

areas, and shall remain in working order during all ground disturbing aspects of the project until construction is finalized by Planning and Building Services. No equipment, materials storage or other encroachment will occur beyond the orange construction fence.

- b. Within two weeks prior to demolition, debris removal, or any other vegetation removal or ground disturbance, project contractors will be trained by a qualified biologist in the identification of the Northern red-legged frog. Construction crews will begin each day with a visual search around all stacked or stored materials, as well as in and near the stream co1Tidor and any pools or present water, to detect the presence of Northern red-legged frog. If a Northern red-legged frog is detected, construction or demolition crews cease all ground disturbing activity within 100 feet, and will contact the California Department of Fish and Wildlife or a qualified biologist who will provide assistance. Ground disturbing activities within 100 feet will be allowed to proceed after clearance is given from CDFW and/or the qualified biologist.
 - c. If rain event occurs during the construction period, all construction-related activities will cease for a period of 48 hours after the rain stops. Prior to resuming construction or demolition activities, trained construction crew member(s) will examine the site for the presence of Northern red-legged frog. If no Northern red-legged frog are found, construction activities may resume.
 - d. The bird breeding season typically extends from February to August. Ideally, vegetation removal and project ground disturbing impacts be done in the non-breeding season between September and January. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of ground disturbing impacts 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.
 - e. As with birds, bat roost and hibernation sites can change from year to year, so pre-construction or demolition surveys are usually necessary to determine the presence or absence of bat roost sites in a given area. Pre-construction bat surveys do not need to be performed if ground disturbing work or vegetation removal is conducted between September 1 and October 31, after young have matured and prior to the bat hibernation period. However, if it is necessary to disturb potential bat roost sites between November 1 and August 31, pre-construction surveys should be conducted. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to removal or demolition for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, a minimum 50-foot buffer should be implemented around the roost tree. Removal of roost trees should occur in September and October, or after the bats have left the roost. In summary, no impacts would be expected and therefore no preconstruction surveys would be required for the species above if vegetation removal (including standing dead trees) is scheduled for the months of September or October. The months of November through August would require a bird and/or bat survey dependent on the time of year.
 - f. If special status birds are determined to be nesting at the site, California Department of Fish and Wildlife will be consulted and will need to develop appropriate protection measures to assure nesting is not detrimentally impacted by development activities.
14. Any future application for additional development within the ESHA buffer would be appealable to the Commission and would need to establish, in consultation with CDFW, that a buffer of less than 100 feet is adequate to protect the resources of the ESHA from degradation.
15. Heavy machinery, including but not limited to, excavators and skid steers shall be power washed off-

site to eliminate seeds and other propagules.

16. All landscaping shall only utilize local native species plants property wide (with exclusion of vegetable crops grown within the proposed hoop house). Removal of invasive species for a period of five (5) years should be targeted property wide.
17. Applicant shall secure all required building permits for the proposed development of the appurtenant structures, and associated utilities as required by both the Department of Planning and Building Services and the Department of Environment Health.
18. Standard Best Management Practices shall be employed. Ground disturbance shall be limited to the minimum necessary and disturbed soil area shall be stabilized as soon as feasible.
19. To record the Notice of Exemption, the applicant shall pay a fee of \$50.00 for the filing of the Notice of Exemption which shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any project action.
20. Any Building Permit request shall include all conditions of approval of CDPM_2024-0001 attached to Building Permit application. All building plans shall have "CDPM_2024-0001" printed on plans submitted.
21. Pursuant to Mendocino County Code Section 20.458.020, prior to obtaining a building permit for an Accessory Dwelling Unit, a deed restriction, in a form and content approved by the County, shall be recorded with the County Recorder's office, which shall include the prohibition on the use of any dwelling on the property for transient habitation. The deed restriction shall run with the land, and be binding upon any future owners, heirs, or assigns.
22. Prior to finalization of the building permit for the residential construction associated with CDPM_2024-0001, the temporary trailer and any remaining construction material and equipment shall be removed from the property and verified by a building inspector or planning staff.