



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
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November 4, 2024

**PUBLIC HEARING NOTICE OF PENDING ACTION**  
**STANDARD COASTAL DEVELOPMENT PERMIT**

The Mendocino County Coastal Permit Administrator, at a special meeting to be held on Thursday, November 20, 2024, at 10:00 a.m. or as soon thereafter as the item may be heard, will conduct a public hearing on the below described project, that is located in the Coastal Zone. This meeting will take place at the Planning & Building Services Conference Room, located at 860 North Bush Street, Ukiah and virtual attendance will be available via Zoom. Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>. In lieu of personal attendance the public may participate digitally in meetings by sending comments to [pbscommissions@mendocinocounty.gov](mailto:pbscommissions@mendocinocounty.gov) or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.gov/departments/planning-building-services/public-hearing-bodies>.

**CASE#:** CDPM\_2024-0002

**DATE FILED:** 4/22/2024

**OWNER/APPLICANT/AGENT:** Thomas Paradise

**REQUEST:** Standard Coastal Development Permit Modification to CDP\_2016-0046 which approved the construction of a single-family residence and detached accessory structure containing a garage, workshop, greenhouse and guest cottage. Associated improvements include decking around the single-family residence and accessory structure, solar system on the accessory structure, hot tub within the exterior decking of the single-family residence, and permeable driveway. Associated utilities include construction of a septic system, propane tank, well and pump house. The application includes a proposal for Major Vegetation Removal on the parcel. The modification proposes to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse.

**ENVIRONMENTAL DETERMINATION:** Addendum to a previously adopted Mitigated Negative Declaration

**LOCATION:** In the Coastal Zone, 5.0± miles south of Fort Bragg and 0.5± miles west of the village of Caspar. The parcel is located on the southeast corner of the intersection of Pacifica Drive (CR 559) and Seadrift Avenue (CR 560), 0.3± miles west of the intersection of Pacifica Drive (CR 559) with Caspar Road (CR 569), located at 45465 Pacifica Drive, Caspar; APN 118-040-10.

**SUPERVISORIAL DISTRICT:** 4 (Gjerde)

**STAFF PLANNER:** Jessie Waldman

The Staff Report, Addendum to previously adopted Mitigated Negative Declaration, and Notice will be available 10 days before the hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.gov/departments/planning-building-services/public-hearing-bodies>.

As you are an adjacent property owner and/or interested party, you are invited to submit comments, at or prior to the hearing; all correspondence should contain reference to the above noted case number. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 W Fir Street, Fort Bragg, California, or by e-mail to [pbscommissions@mendocinocounty.gov](mailto:pbscommissions@mendocinocounty.gov) no later than November 19, 2024. Individuals wishing to address the Coastal Permit Administrator during the public hearing under Public Expression are welcome to do so via e-mail, in lieu of personal attendance, at [pbscommissions@mendocinocounty.gov](mailto:pbscommissions@mendocinocounty.gov) or via telecomment.

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

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

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

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 707-234-6650 or 707-964-5379, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Coastal Permit Administrators decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

JULIA KROG, Director of Planning and Building Services



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

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**NOVEMBER 20, 2024  
CDPM\_2024-0002**

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**SUMMARY**

**OWNER/APPLICANT/AGENT:** Thomas Paradise  
510 N Assembly Dr  
Fayetteville, AR 72701

**REQUEST:** Standard Coastal Development Permit Modification to CDP\_2016-0046 which approved the construction of a single-family residence and detached accessory structure containing a garage, workshop, greenhouse and guest cottage. Associated improvements include decking around the single-family residence and accessory structure, solar system on the accessory structure, hot tub within the exterior decking of the single-family residence, and permeable driveway. Associated utilities include construction of a septic system, propane tank, well and pump house. The application includes a proposal for Major Vegetation Removal on the parcel. The modification proposes to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse.

**LOCATION:** In the Coastal Zone, 5.0± miles south of Fort Bragg and 0.5± miles west of the village of Caspar. The parcel is located on the southeast corner of the intersection of Pacifica Drive (CR 559) and Seadrift Avenue (CR 560), 0.3± miles west of the intersection of Pacifica Drive (CR 559) with Caspar Road (CR 569), located at 45465 Pacifica Drive, Caspar; APN 118-040-10.

**TOTAL ACREAGE:** 2.0± Acres

**GENERAL PLAN:** Rural Residential, 5-acre minimum with an alternate density of 2-acre minimum, RR5(2)  
General Plan, Coastal Element Chapter 2.2

**ZONING:** Rural Residential, 5-acre minimum with an alternate density of 2-acre minimum, RR5(2)  
Mendocino County Code Title 20, Division II

**CODE REFERENCE:** Water Supply  
Mendocino County Code (MCC) Chapter 20.516

**SUPERVISORIAL DISTRICT:** 4 (Gjerde)

**ENVIRONMENTAL DETERMINATION:** Addendum to a previously adopted Mitigated Negative Declaration

**APPEALABLE:** Yes (West of 1<sup>st</sup> Public Road, Highly Scenic, ESHA)

**RECOMMENDATION:** Approve with Conditions

**STAFF PLANNER:** Jessie Waldman

## BACKGROUND

**PROJECT DESCRIPTION:** Standard Coastal Development Permit Modification, CDPM\_2024-0002, to Coastal Development Permit CDP\_2016-0046 proposes to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development.

Standard Coastal Development Permit, CDP\_2016-0046, was approved by the Mendocino County Planning and Building Services Coastal Permit Administrator (CPA), on April 30, 2020, which approved the construction of a single-family residence and detached accessory structure containing a garage, workshop, greenhouse and guest cottage. Associated improvements included decking around the single-family residence and accessory structure, solar system on the accessory structure, hot tub within the exterior decking of the single-family residence, and permeable driveway. Associated utilities included construction of a septic system, propane tank, well and pump house. The CDP\_2016-0046 permit also included a proposal for Major Vegetation Removal on the parcel.

A Biological Scoping Survey Report, prepared by Kjeldsen Biological Consulting (KBC), dated March 22, 2024, indicates the *proposed well site locations are located adjacent to the existing cleared areas on the property*, are allowed as part of the approved development of CDP\_2016-0046. Kjeldsen also specifies that *no additional tree removal would be required to access the proposed well sites. The new proposed well sites are located more than 50-feet from the identified Ephemeral Swale ESHA and are adjacent to the permitted building envelope*, and are also allowed as part of the approved development of CDP\_2016-0046. Kjeldsen concludes the *proposed locations will not result in any significant, long term adverse impacts on the function and values of the Ephemeral Swale ESHA or Pinus Contorta ssp. Contorta Forest Alliance Beach (Shore Pine) ESHA on the property*. Kjeldsen's Biological Scoping Survey is kept on file with the Mendocino County Department of Planning & Building Services.

Condition of Approval #9 of CDP\_2016-0046 required an Archaeological Survey be submitted to the Mendocino County Archaeological Commission (ARCH) for approval, after vegetation removal but *prior* to initiation of construction. An Archaeological Survey was prepared by Alex DeGeorgey of Alta Archaeological Consulting, dated September 23, 2022. The survey was accepted with recommendations for approval by the Mendocino County Archaeological Commission, on November 9, 2022. The Archaeological Commission recommended conditions which advise the applicant of the "Discovery Clause." The "Discovery Clause" prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

Due to the fact that substantial improvements, Major Vegetation Removal and Condition of Approval #9, have been made to the property in reliance of the subject Coastal Development Permit, CDP\_2016-0046, the Planning Division finds permit, CDP\_2016-0046, is vested as of November 8, 2022.

The modification proposes to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development.

**APPLICANT'S STATEMENT:** CDP Application date received June 3, 2024, stating the following:

*None other than relocation of water well drilling site(s) from western boundary to northern boundary – due to one dry well and proximity to septic.*

### **RELATED APPLICATIONS ON-SITE:**

- Parcel 12 of Caspar Point Subdivision Tract 81 (Case 2 Drawer 4 Page 70 of Mendocino County Records)
- CDP\_2016-0046 - Standard Coastal Development Permit to construct a single-family residence and detached accessory structure containing a garage, workshop, greenhouse and guest cottage. Associated improvements include decking around the single-family residence and accessory structure, solar system on the accessory structure, hot tub within the exterior decking of the single-family residence, and permeable driveway. Associated utilities include construction of a septic

system, propane tank, well and pump house. The application includes a proposal for Major Vegetation Removal on the parcel. (Approved on April 30, 2020)

- ST26898 - On-Site Septic Permit, Pending Proof of Sufficient Water
- WW5380 - On-Site Well Permit, Pending Proof of Sufficient Water
- WW5466 - On-Site Well Permit, Pending CDP issuance

**NEIGHBORING PROPERTIES:**

- **APN: 118-040-23** – CDP\_2019-0030– Standard Coastal Development Permit to construct multiple accessory structures, including an art studio with patio, storage shed, and swim spa with deck and privacy fence, on the existing developed parcel. Trenching will occur to connect the proposed accessory structures to the existing utilities, water and septic systems. (Approved on February 26, 2020)
  - CDP 78-00 - Standard Coastal Development Permit to construct a stone & concrete patio, hot tub, steps and privacy fence with a maximum height of 6 feet, on southwest side of existing residence. (Approved on December 28, 2000)
  - CDP 48-2006 – Standard Coastal Development Permit to construct a 372± sq. foot addition and a 324± sq. foot attached garage addition to an existing 3024± sq. foot Single-Family Residence, for a total structural size of 3,720 sq. feet. Also proposed is the addition of 651± sq. feet of deck and patios, solar panels, fencing, and the extension of an existing driveway. The proposed addition would have a maximum average height of 17 feet 9 inches above natural grade. (Approved on December 21, 2006)
- **APN: 118-040-22** – CDP 11-94 - Standard Coastal Development Permit to construct an approximately 480 square foot detached garage shed on an ocean front parcel containing a single-family residence. (Approved on March 24, 1994)
  - CDPM 11-94 - Standard Coastal Development Permit Amendment to CDP 11-94 for the construction of a 1,309 square foot addition to existing house. Construction of a 476 square foot addition to the existing detached garage and workshop, and an addition of a 612 square foot guest cottage/workshop, maximum building height to be 19 feet; reconfiguration of the septic system to accommodate the guest cottage. (Approved on June 23, 1999)
- **APN: 118-040-20** - CDP 100-03 – Standard Coastal Development Permit to relocate existing 1,618 square foot single-family residence, 624 square foot garage, 288 square foot greenhouse and 384 square foot art studio 50 feet minimum away from bluff edge. Remodel these structures; addition to house includes 2,212 square feet (bedrooms, baths, sunroom) for a total of 3,830 square feet of residence, maximum height to be 18 feet from average natural grade. Addition of 256 square feet to art studio and convert to 640 square foot guest cottage, addition of 312 square feet to existing 624 square foot garage for a total of 936 square feet of garage/shop, construction of a new 960 square foot garage, installation of covered walkway, patios and landscaping, lap pool, 6-foot tall fence, underground utilities and new septic system. All structures will not exceed the maximum 18 foot height restriction in a "highly scenic" area. (Approved on June 24, 2004)
  - CDPM 100-03(05) – Request to modify CDP 100-03 to demolish the single-family residence rather than relocate it, due to extensive mold, mildew and rot in the residence. Construct a new single-family residence on the site on which the original single-family residence was to be relocated, maintaining a 50' bluff setback. Eliminate the prow at the entry and front of building. Modify the internal floor plan of the residence for handicapped access. (Approved on May 9, 2005)

**SITE CHARACTERISTICS:** The project site is located in the Coastal Zone, 5± miles south of Fort Bragg and 0.5± miles west of the village of Caspar, on the southeast corner of the intersection of Pacifica Drive (CR 559) and Seadrift Avenue (CR 560). The parcel address is formerly known as 15251 Seadrift Avenue (CR 560), with a new situs address of 45465 Pacifica Drive (CR 559). The project site is surrounded by neighboring single-family residences to the north, east, west, and south. The site is mapped and

designated as a Highly Scenic Area and is located west of State Route 1. The parcel is located in an area classified with a “High Fire Hazard” severity rating. No other hazards such as flooding, tsunami, or fault hazards are associated with the project site. The habitat on the parcel consists of the native tree cover of shore pine, wax myrtle and tan oak, shrub understory consists of huckleberry and non-native introduced species and a herbaceous layer of ferns, grasses, sedges and non-native species. The site also contains a seasonal wetland swale that retains water and has wetland plants within it. The parcel is highly constrained by Environmentally Sensitive Habitat Areas.

**SURROUNDING LAND USE AND ZONING:** As listed on Table 1 below, the surrounding lands are classified and zoned Rural Residential (RR) and developed with residential uses, as shown on the *Aerial Imagery, Zoning Display and General Plan Classifications maps*.

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	Rural Residential (RR5(2))	Rural Residential (RR5(2))	2.0± Acres	Residential
<b>EAST</b>	Rural Residential (RR5(2))	Rural Residential (RR5(2))	2.0± Acres	Residential
<b>SOUTH</b>	Rural Residential (RR5(2))	Rural Residential (RR5(2))	2.0± Acres	Residential
<b>WEST</b>	Rural Residential (RR5(2))	Rural Residential (RR5(2))	2.0± Acres	Residential

**PUBLIC SERVICES:**

Access: Pacifica Drive (CR 559)  
 Fire District: Fort Bragg Rural Fire Protection District (FBRFPD)  
 Water District: On-Site Well  
 Sewer District: On-Site Septic System  
 School District: Mendocino Unified School District (MUSD)

**AGENCY COMMENTS:** On July 2, 2024, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the project. Any comment that would trigger project modification, denial, conditions of approval or required permits are discussed in full in the following sections.

<b>REFERRAL AGENCIES</b>	<b>COMMENTS</b>
Addresser	Comments
Archaeological Commission (ARCH)	Comments
Assessor	No Response
California Coastal Commission (CCC)	Comments
California Department of Fish & Wildlife (CDFW)	Comments
Cloverdale Rancheria	No Response
Mendocino County Division of Environmental Health (Fort Bragg) (DEH)	No Comment
Mendocino County Department of Transportation (MC DOT)	Comments
Northwestern Information Center (NWIC)	Comments
Planning Division (Ukiah)	No Comment
Redwood Valley Tribe	No Response
Sherwood Valley Band of Pomo Indians	Comments

**Site Visit:** On October 8, 2024, a site visit was completed, which included Planning Staff, California Coastal Commission (CCC) Staff, and California Department of Fish & Wildlife (CDFW) Staff. This is discussed further within the Habitats and Natural Resources and Transportation, Utilities and Public Services sections of this staff report.

**Addresser Comments:** On July 2, 2024, the Addresser responded that the parcel address is formerly known as 15251 Seadrift Avenue (CR 560), with a new situs address of 45465 Pacifica Drive (CR 559). This is discussed further within the Transportation, Utilities and Public Services section of this staff report.

**Archaeological Commission (ARCH) Comments:** On July 3, 2024, the Mendocino County Archaeological Commission (ARCH) responded recommending the project be scheduled for the ARCH Hearing, depending on Comments provided by Northwest Information Center (NWIC). This is discussed further within the Archaeological/Cultural Resources section of this staff report.

**California Coastal Commission (CCC) Comments:** On October 16, 2024, the California Coastal Commission responded with recommendations stating *“Commission staff recommends the county prioritize the least environmentally damaging order of operations while continuing to pursue this permit. We recommend delaying any further improvements of the site (including any encroachment improvements DOT may have conditioned for the project, any drainage, or other infrastructural requirements onsite) until such time as the development capabilities have been demonstrated.*

*Proving an adequate water supply should be the priority of this permit. Lack of adequate services would preclude the subsequent development.*

*The Commission supports CDFW’s recommendations for a mitigation plan for a developed or undeveloped site. We recommend the County solicit further recommendations from CDFW for habitat restoration goals and final success criteria. We recommend that the final approved plan shall require that if restoration efforts are not successful additional alternative measures will be required. We also recommend if water is not discovered on site that a full restoration of the site should be undertaken for the temporal loss of the habitat.”* This is discussed further within the Habitats and Natural Resources section of this staff report.

**California Department of Fish and Wildlife (CDFW) Comments:** On October 16, 2024, the California Department of Fish and Wildlife (CDFW) responded recommending that *“assessing a project’s potential impacts.*

1. *The previous CDP authorized the removal of native vegetation communities for the test well drilling. A revegetation plan should be submitted and reviewed by CDFW if the property is developed or if the house development does not occur.*
  - a. *The revegetation plan shall include locally native tree, shrub, and herbaceous species that comprise the surrounding Sensitive Natural Community and shall propose success criteria or performance standards and monitoring and reporting measures. If the test wells are successful and property is developed, landscaping shall consist of predominantly locally native tree, shrub, and herbaceous species that comprise the surround Sensitive Natural Community.*
  - b. *The chips, which are several inches deep on the cleared area, should be removed to allow for natural regeneration of the native species.*
  - c. *Non-native and invasive species should be targeted for removal for no less than five years after the property is developed or it is determined that it will not be developed.”*

This is discussed further within the Habitats and Natural Resources section of this staff report.

**Mendocino County Department of Transportation (MC DOT) Comments:** On July 8, 2024, Mendocino County Department of Transportation (MC DOT) responded recommending that *“Prior to drilling the test wells, the applicant shall obtain an encroachment permit from the Mendocino County Department of Transportations and construct a field entrance from a County Road onto the property to provide access for the drilling equipment.”* On October 16, 2024, MC DOT responded with revisions to their original recommendation with *“Prior to drilling the test wells, the applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation to allow a temporary construction entrance from a County Road onto the property to provide access for the drilling equipment. Once the drilling equipment leaves the site, the ditch along the road shall be restored to existing conditions.* This is discussed further within the Habitats and Natural Resources and Transportation, Utilities and Public Services sections of this staff report.

**Northwestern Information Center (NWIC):** On July 15, 2024, Northwest Information Center (NWIC) responded with *"This office has no record of any previous cultural resource field survey for the proposed project area conducted by a professional archaeologist or architectural historian. The proposed project area has the possibility of containing unrecorded archaeological sites due to the proximity of known archaeological sites located in similar environments as the proposed project area. Given this sensitivity and lack of prior survey of the proposed project area, we therefore recommend that a qualified archaeologist conduct further archival and field study of the project area to identify cultural resources."* This is discussed further within the Archaeological/Cultural Resources section of this staff report.

**Sherwood Valley Band of Pomo Indians Comments:** On July 3, 2024, Sherwood Valley Band of Pomo Indians responded with *concerns about the excavating for the wells, stating they may request on-site tribally selected monitor during excavation due to the area having cultural resources.* This is discussed further within the Archaeological/Cultural Resources section of this staff report.

### LOCAL COASTAL PROGRAM CONSISTENCY:

The proposed demolition is consistent with the goals and policies of the Local Coastal Program (LCP), General Plan and Zoning Code as detailed below:

**Land Use:** The proposed project is located within the boundaries of the Local Coastal Program (LCP) area, as shown on the *LCP Land Use Map 15: Caspar Map*. The project site is classified as Rural Residential, 5-acre minimum with an alternate density of 2-acre minimum, RR5(2) by the Mendocino County General Plan, as shown on the *General Plan Classifications* map. The Coastal Element Chapter 2.2 Rural Residential (RR) intends 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 Use: Residential and associated utilities, light agriculture, home occupation."*

Jug Handle Creek to Russian Gulch Planning Area: There are two (2) existing public accesses to the shore within 0.5 miles of the subject parcel, the *Jughandle Creek Shoreline Access*, approximately 0.5 miles north, and the *Caspar Doyle Creek Shoreline Access*, approximately 0.5 miles south, as shown on the *LCP Land Use Map 15: Caspar map*. The nearest existing public access is the *Caspar Road Alternative Coastal Trail*, located on Caspar Road (CR 569). The *Caspar Road Alternative Coastal Trail* is described as a trail running parallel along Caspar Road (CR 569), then unimproved trail along headlands to beach. The wells would require a very small portion of the lot, thus preserving the potential for agricultural use on the remaining area. Wells would likely support future development on the lot. Future development may require a subsequent Coastal Development Permit, in which case the future development would also be reviewed for consistency with the RR classification.

Without additional conditions, the proposed development to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development is consistent with principally permitted uses, such as *associated utilities*, within the Mendocino County Coastal Element Rural Residential Land Use classifications and Mendocino County Coastal Element Chapter 2.2 and Chapter 4.6.

**Zoning:** The project site is located within the coastal Rural Residential (RR) zoning district, as shown on the *Zoning Display Map*. The RR district, per MCC Section 20.376.005, 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."*

MCC Chapter 20.376 lists types of principally permitted uses within the Rural Residential (RR) district, such as a single-family residence. MCC Chapter 20.456 lists the types of accessory uses permitted in all



zoning districts which allow a single-family residence. MCC Chapter 20.532 lists the types of development which are subject to coastal development permit regulations, whether the proposed development be removal, construction or repair and maintenance.

The proposed project is consistent with the intent of the RR zoning district in that it would involve a minimal area of ground disturbance and the remaining land would be available for possible agricultural use. The test wells are considered an accessory use permitted by MCC Section 20.456.015(O) and allowable prior to construction of a dwelling because they are *necessarily and customarily associated with, and are appropriate, incidental, and subordinate to a principal permitted use*. **Conditions 4 and 5** are recommended to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction to ensure any groundwater protection policy or plan will be addressed.

With added conditions, the proposed development to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development is consistent with MCC Chapter 20.376, Chapter 20.456 and 20.532.

**Visual Resources:** The site is mapped within a Highly Scenic Area, as shown in the *Highly Scenic & Tree Removal Areas Map*, and the proposed development is subject to Visual Resources and Special Treatment Areas Coastal Element Policy 3.5-1 and MCC Chapter 20.504. The proposed development to drill three (3) test wells will be at subsurface levels and the seven (7) foot tall pumphouse will not be greater than 18 feet in height and is therefore compliant with height limitations for highly scenic areas. The application proposes light gray siding with dark gray trim and a dark green metal roof. Staff finds the proposed color palette appropriate for the area in that it will blend in hue and brightness with the surroundings. Staff finds the development appropriate for the site as there is existing tree cover throughout the parcel such that it will not detract from coastal views in the area and the proposed project has been revised numerous times resulting in a more condensed footprint of the overall development. The condensed footprint allows for greater ESHA protection and overall results in less tree removal on the parcel. The proposed development does not propose visual impacts towards the ocean.

Without added conditions, the proposed development to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development will not increase view obstruction from nearby public areas and will be visually compatible with the character of surrounding areas and is consistent with the Local Coastal Program Policies 3.5-1 and the development standards of MCC Chapter 20.504 regulations related to parcels to be developed within Highly Scenic Areas.

**Grading, Erosion, and Run-Off:** The subject site and location for the proposed project to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development is relatively flat, as shown on the *Topographic Map* and *Site Plan* maps. As shown on the *Estimated Slope* map, estimated slopes on the parcel range between 0 and 10 degrees. No grading will occur at the time of drilling for the test wells. **Conditions 4 and 5** are recommended for the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction. This ensures any grading, erosion and runoff protection and hazard area policies or plans will be addressed. **Condition 19** is recommended to ensure Best Management Practices (BMP's) will be implemented at the time of construction and protection measures, recommended for the adjacent ESHA, are adhered to. Grading activities, including establishing and maintaining the proposed driveway and parking areas, shall comply with MCC Chapters 20.492 and 20.500 regulations.

With added conditions, the proposed project to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development is consistent with the Local Coastal Program Chapter 3.4 related to grading, erosion and runoff protection and hazard area and MCC Section 18.70.027 and MCC Chapters 20.492 and 20.500 regulations.

**Hazards Management:** Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone. The project site is located within the boundaries of the Local Coastal Program (LCP) area, as shown on the *LCP Land Use Map 15: Caspar* map. The bulk of the parcel is mapped “*Non-prime Agricultural Land*” and “*Beach Deposits and Stream Alluvium and Terraces (Zone 3) – Intermediate Shaking*”, as shown on the *LCP Land Capabilities and Natural Hazards Map*. The site is mapped as a “High Fire Hazard” area and is located within a State Responsibility Area and the Fort Bragg Rural Fire Protection District (FBRPD), as shown on the *Fire Hazard Zones and Responsibility Areas Map*. The proposed project includes three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development.

The project application was referred to the FBFPD for input; FBFPD did not respond. **Conditions 4 and 5** are recommended for the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction. With the inclusion of the standard and recommended conditions, Staff finds the project to be consistent with Mendocino County policies for fire protection

With added conditions, the proposed development is consistent with the Local Coastal Program policies related to Chapter 3.4 and MCC Chapter 20.500 regulations for hazard areas, including geologic hazards (faults, bluffs, tsunamis, landslides, and erosion), fire and flood hazards.

**Habitats and Natural Resources:** Both the LCP Coastal Element Chapter 3.1 policies and MCC Chapter 20.496 address protections granted to Environmentally Sensitive Habitat Areas (ESHA), determination of the extent of sensitive resources, documentation of potential negative impacts, and recommendations for appropriate mitigation and avoidance measures. The project site is located within the boundaries of the Local Coastal Program (LCP) area, as shown on the *LCP Land Use Map 15: Caspar* map. The *LCP Habitats and Resources Map* does not show any sensitive resources being located on the subject parcel and is mapped as “*Barren*”.

A Biological Scoping Survey Report, prepared by Kjeldsen Biological Consulting (KBC), dated March 22, 2024, indicates the *proposed well site locations are located adjacent to the existing cleared areas on the property*, were allowed as part of the approved development of CDP\_2016-0046. Kjeldsen also specifies that *no additional tree removal would be required to access the proposed well sites. The new proposed well sites are located more than 50-feet from the identified Ephemeral Swale ESHA and are adjacent to the permitted building envelope*, allowed as part of the approved development of CDP\_2016-0046. Kjeldsen concludes the *proposed locations will not result in any significant, long term adverse impacts on the function and values of the Ephemeral Swale ESHA or Pinus contorta ssp. contorta Forest Alliance Beach (Shore Pine) ESHA on the property*. Kjeldsen’s Biological Scoping Survey is kept on file with the Mendocino County Department of Planning & Building Services.

The proposed project includes three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for allowed development as permitted with Coastal Development Permit, CDP\_2016-0046.

Several studies were prepared for the CDP\_2016-0046 in order to identify sensitive resources on the parcel and also to provide recommendations to prevent potential impacts to documented sensitive resources as a result of the project. Kjeldsen Biological Consulting (KBC) prepared a Coastal Act Compliance Report (July, 2016), which was then revised in August 2018 (received by Planning and Building Services staff in October 2018), and a supplemental letter dated May 28, 2019 which provided clarifications in response to comments received from the California Department of Fish and Wildlife and includes a proposed revegetation plan for the property.

KBC determined that the “property appears to be a fallow field that was fenced at one time and has reverted to a woodland. Tree cover on the site appears to be of a single age class. The shrubs include naturalized species such as: English Holly, English Ivy, Barberry, French Broom, Fuchsia and Cotoneaster.” KBC also determined that the primary plant community present on the parcel is Shore (Beach) Pine Forest (*Pinus contorta ssp. contorta* Forest Alliance). No other sensitive plant communities and plant species were observed on the parcel. The habitat on the parcel consists of the native tree cover

of shore pine noted above, wax myrtle and tan oak, shrub understory consists of huckleberry and non-native introduced species and a herbaceous layer of ferns, grasses, sedges and non-native species. The site also contains a seasonal wetland swale that retains water and has wetland plants within it. The swale runs from the northwest edge of the property and traverses the eastern portion of the site and appears to primarily convey surface runoff from adjoining properties. The swale connects to a roadside ditch. KBC did not observe any riparian vegetation within the property.

Both the Shore Pine Forest and the wetland swale are considered Environmentally Sensitive Habitat Areas (ESHA), as defined in MCC Section 20.308.040(G). The wetland swale is considered a Coastal Act Wetland and was determined to not be federally protected wetlands. KBC did not observe any special status wildlife while on the property. Primary wildlife species that are of concern on the site include the Foothill Yellow-legged Frog (*Rana boylei*), the Northern Red-legged Frog (*Rana aurora*), and the California Red-legged Frog (*Rana draytonii*). The California Department of Fish and Wildlife generally disagreed with the statements made by KBC in their May 28, 2019 supplemental letter but felt that the proposed buffer to the wetland swale identified on the parcel is adequate to minimize any potential impact to *Rana* species with the potential to occur on the parcel. With regards to nesting birds, it was noted that the wetland swale on the property and the eastern portion of the parcel will remain in its natural state and will continue to provide potential nesting habitat on the property and function as a wildlife corridor. The California Department of Fish and Wildlife agreed with these statements and found them adequate to ensure that impacts to nesting birds are minimized and a wildlife corridor maintained.

Kjeldsen Biological Consulting (KBC) prepared a supplemental letter, dated March 22, 2024, which provided clarifications regarding the proposed well site locations, determining that vegetation removal had been completed, as part of the CDP\_2016-0046 permit, and no additional removal would be required to access the proposed well sites. KBC also concluded that the proposed well sites will be located more than 50-feet from the identified Ephemeral Swale ESHA and adjacent to the permitted building envelope, as part of the CDP\_2016-0046 permit. To conclude, KBC determined the proposed well locations will not result in any significant, long terms adverse impacts on the functions of the Ephemeral Swale ESHA or *Pinus contorta* ssp. *contorta* Forest Alliance Beach (Shore Pine) ESHA on the property.

Mendocino County Code requires that a sufficient buffer be established around all identified ESHA. A Buffer Zone Analysis was included as Section C.7 in the report from KBC and recommends a minimum 50 foot buffer area between the wetland swale and the proposed development. There is no location on the parcel where development would not occur within 50 feet of the identified Shore pine forest. Due to the presence of ESHA on the site, the previously noted Coastal Act Compliance Report was prepared for the project describing the sensitivity of the resources present and showing the least impacting location for the proposed development.

Alternative projects to the proposed development were considered including agricultural and passive recreational opportunities and conditional uses in the district such as day care facilities and religious facilities. Staff has determined these various options to be infeasible either due to their potential for greater impact to identified resources and/or the economic feasibility of the alternatives. The subject parcel was purchased with the understanding that residential use is a principally permitted use for this parcel and expectations were set due to nearby development being residential in nature.

Alternative locations for the proposed residence were also considered including different house designs that included a more sprawling footprint. Originally the applicant has proposed a building envelope that would impact the seasonal wetland drainage swale as well as the Shore pine forest. The applicant agreed to relocate the building envelope to provide a minimum 50 foot buffer to the seasonal wetland drainage; however, any development on the parcel has the potential to impact the Shore pine forest ESHA. KBC determined that the least impacting location is on the west side of the Study Area (identified in their report), based upon the presence of the on-site ESHA.

Mitigation measures have been identified by the project biologist to prevent and/or minimize potential impacts from the proposed development to identified ESHA. Mitigation measures, including restoration measures and proposed buffer areas were suggested in the Coastal Act Compliance Report and supplemental letter, which included a proposed revegetation plan.

On October 8, 2024, Planning Staff conducted a site visit with both California Coastal Commission (CCC) and California Department of Fish and Wildlife (CDFW) Staff. CCC provided comments with concerns about the need to establish a driveway and construct a pump shed, if proof of adequate water is not established. CDFW responded with further landscaping recommendations with regards to whether the property is developed or not. Planning Staff conferred with MC DOT staff regarding CCC and CDFW comments. On October 16, 2024, MC DOT responded with revisions to their original recommendation to ensure the applicant obtain an encroachment permit from the Mendocino County Department of Transportation for a temporary construction entrance from Pacifica Drive (CR 559) and restoring the ditch to existing conditions. These measures are recommended as **Conditions 14, 18, 19 and 20** to address the impacts to ESHA and to ensure the proposed project is the least damaging alternative.

The proposed project is not consistent with all LCP policies relating to ESHA, despite the identification of the least environmentally damaging alternative, the lack of feasible alternatives on site, the proposed mitigation measures to offset project impacts, and siting development to minimize impervious surfaces and minimize vegetation removal. As stated above, Section 20.496.020(A)(1) reads in part, "the buffer area shall be measured from the outside edge of Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width." The project is inconsistent with this LCP policy; however, no alternative exists on the parcel that could be found to be consistent with this LCP policy. Prohibiting development within fifty (50) feet of an ESHA would deprive the owner of all economic use of the property. Consequently, Staff evaluated if denial of the project would result in an unconstitutional taking of private property for public use, which is addressed in further detail in the staff report and attachments.

In summary, the proposed project cannot be found consistent with LCP policies relating to ESHA; however, the proposed project is the least damaging alternative and the proposed mitigation measures required by **Conditions 14, 18, 19, and 20** will address the impacts to ESHA. These measures will mitigate the impact of the proposed development and restore and enhance ESHA located on the parcel.

**Groundwater Resources:** The site is designated as a Critical Water Resource Area, as shown on the *Ground Water Resources* map. The project was referred to the Mendocino County Division of Environmental Health (DEH). DEH issued an on-site well permit (WW5380) where proof of adequate water was not established. DEH approved an on-site septic permit (ST26898) which has not been issued, pending proof of adequate water for future development, such as a single-family residence. The on-site well permit, (WW5466), is pending issuance of this coastal development permit. The results of the on-site well permit, WW5466, will determine proof of adequate water for future development, such as a single-family residence. **Conditions 4 and 5** are recommended to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction to ensure any groundwater protection policy or plan will be addressed.

Without added conditions, the proposed project to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development is consistent with the Local Coastal Program Policies 3.8-1 and 3.9-1, MCC Chapter 20.516 and Section 20.532.095(A)(2) and DEH regulations related to groundwater resources.

**Transportation, Utilities and Public Services:** Coastal Element Policies 3.5-9, 3.8-1 and 3.8-2, as well as MCC Section 20.516.015 regulations, require availability of water and sewage disposal system and other known planning factors, including access, be considered when reviewing applications for development permits. The project would not contribute a significant amount of new traffic on local and regional roadways. Solid waste service is available either as curbside pick-up or at the Caspar Transfer Station (several miles away). The proposed demolition was referred to Mendocino County Division of Environmental Health (DEH) and Department of Transportation (MC DOT), where DEH provided no comment. DEH issued an on-site well permit (WW5380) where proof of adequate water for future development was not obtained. DEH approve an on-site septic permit (ST26898) has not been issued, pending proof of adequate water for future development. The on-site well permit (WW5466) has not been issued, pending the issuance of this coastal development permit to establish proof of adequate water for future development, such as a single-family residence.

On July 8, 2024, MC DOT provided a response recommending that *“prior to drilling the test wells, the applicant shall obtain an encroachment permit from the Mendocino County Department of Transportations and construct a field entrance from a County Road onto the property to provide access for the drilling equipment.”* On October 8, 2024, Planning Staff conducted a site visit with both California Coastal Commission (CCC) and California Department of Fish and Wildlife (CDFW) Staff, where CCC had concerns about the need to establish a driveway and construct a pump shed, if proof of adequate water is not established. Planning Staff conferred with MC DOT staff regarding CCC comments. On October 16, 2024, MC DOT responded with revisions to their original recommendation with *“Prior to drilling the test wells, the applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation to allow a temporary construction entrance from a County Road onto the property to provide access for the drilling equipment. Once the drilling equipment leaves the site, the ditch along the road shall be restored to existing conditions.”*

**Conditions 4 and 5** are recommended to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction to ensure any groundwater protection policy or plan will be addressed. **Conditions 10, 11 and 20** are recommended to ensure adequate access is established to the parcel.

With added conditions, the proposed project to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development is consistent with the Local Coastal Program Policies 3.8-1 and 3.9-1 and MCC Sections 20.516.015(B), 20.516.015(A) and 20.532.095(A)(2) related to transportation, utilities, and public services protection.

**Public Access:** The site is located on the northeast corner of the intersection of Pacifica Drive (CR 559) and Seadrift Avenue (CR 560). The project site is not designated as a potential public access point on the certified LCP maps. There are two (2) existing public accesses to the shore within 0.5 miles of the subject parcel; the *Jughandle Creek Shoreline Access*, approximately 730 feet north, and the *Caspar Doyle Creek Shoreline Access*, approximately 0.5 miles south, as shown on the *LCP Land Use Map 15: Caspar map*.

Without additional conditions, the proposed project to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development is consistent with Mendocino County policies for Coastal Shoreline Access Element Chapters 3.6 and Chapter 4.6 (Jug Handle Creek to Russian Gulch Planning Area) and is consistent with MCC Chapter 20.528 regulations.

**Archaeological/Cultural Resources:** In accordance with Coastal Element Policy 3.5-10 and MCC Chapter 22.12, the proposed project was referred to the Northwest Information Center (NWIC) and the Archaeological Commission (ARCH). On July 3, 2024, the Mendocino County Archaeological Commission (ARCH) responded recommending the project be scheduled for the ARCH Hearing, depending on Comments provided by Northwest Information Center (NWIC). On July 15, 2024, Northwest Information Center (NWIC) responded with *“This office has no record of any previous cultural resource field survey for the proposed project area conducted by a professional archaeologist or architectural historian. The proposed project area has the possibility of containing unrecorded archaeological sites due to the proximity of known archaeological sites located in similar environments as the proposed project area. Given this sensitivity and lack of prior survey of the proposed project area, we therefore recommend that a qualified archaeologist conduct further archival and field study of the project area to identify cultural resources.”*

The project was referred to three local tribes for review and comment, including the Sherwood Valley Rancheria, Redwood Valley Rancheria, and the Cloverdale Rancheria. As of drafting this staff report, no response has been received from Redwood Valley and Cloverdale Rancheria local tribes. On July 3, 2024, Sherwood Valley Band of Pomo Indians responded with *concerns about the excavating for the wells*, stating they *may request on-site tribally selected monitor during excavation due to the area having cultural resources.*

**Condition 8** is recommended, which advises the applicant of the “Discovery Clause.” The “Discovery Clause” prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. **Condition 9** of CDP\_2016-0046 required an Archaeological Survey be submitted to the Mendocino County Archaeological Commission (ARCH) for approval, after vegetation removal but prior to initiation of construction. An Archaeological Survey was prepared by Alex DeGeorgey of Alta Archaeological Consulting, dated September 23, 2022. The survey was accepted with recommendations for approval by the Mendocino County Archaeological Commission, on November 9, 2022. The Archaeological Commission recommended conditions which advises the applicant of the “Discovery Clause.” The “Discovery Clause” prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

With added conditions, the proposed project to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development is consistent with is consistent with Coastal Element Policy 3.5-10 and MCC Chapter 22.12 for the protection of the paleontological and archaeological resources.

**Takings Analysis:** Despite the identification of the least environmentally damaging alternative, the proposed project is not consistent with Section 20.496.020 (A)(1), which reads in part, “the buffer area shall be measured from the outside edge of Environmentally Sensitive Habitat Areas and shall not be less than fifty feet in width.” The proposed project is sited less than fifty feet from ESHA boundaries.

Section 30010 of the California Coastal Act addresses regulatory takings and states the following:

*The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefore. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.*

In this case, prohibiting development within fifty feet of an ESHA would deprive the owner of all economic use of the property. There are no alternative development options where the project can be at least fifty feet from ESHA, as the entire site is Shore Pine Forest or its associated buffer.

Some factors are examined by courts to determine if a regulatory taking has occurred involve the presence of reasonable investment-backed expectations, the degree to which a regulation may interfere with those reasonable investment-backed expectations, and whether or not a regulation deprives an owner of all economic use of the property. Staff believes there was a reasonable investment backed expectation that the scale of the residential development proposed is consistent with similar properties in the vicinity. Attached to this staff report is the response from the Applicant related to the Takings Analysis question and includes an outline of the cost the applicant has incurred since purchasing the site in 2016, in an effort to develop the property. The purchase price of \$160,000 for approximately two acres of vacant land is a substantial investment. Considering the property is zoned for residential development as a principally permitted use, and residential development exists on adjacent properties, a reasonable person would have believed that the property could have been developed with a single-family residence.

The applicant has spent approximately \$200,000 to purchase the property, design the residence, prepare surveys and studies, and complete permits necessary for future development of the site. The largest expenditures were related to land costs (e.g. purchase of land).

In order to assess if the applicant’s expectation to build an approximately 2,400 square foot single-family residence, with 1,400 square feet of decking, and with 860 square foot attached garage/workshop and overhead 625 square foot guest cottage on approximately two acres was similar to comparable single-family homes in the area. The proposed development is roughly equal to the square footage of development in the area over all years reviewed. The analysis of the comparable development is included in the Takings Analysis, as shown in the Takings Analysis map.

MCC Section 20.368.010 states the principally permitted use types in the RR district include: single-family residential, vacation home rental, light agriculture, row and field crops, tree crops and passive recreation. Due to the prevalence of ESHA on the parcel, all principally permitted uses except for passive recreation would require encroachment into a fifty foot ESHA buffer. The allowed agricultural uses would require substantial site disturbance and clearing and are not a viable way to use the property. Passive recreation use would be the only option that would be less impactful than the construction of a single-family residence and possibly the only option that would not require any activities meeting the definition of development under the Coastal Act. Passive recreation uses do not afford the property owner an economically viable use.

The property was purchased with an investment-backed expectation that construction of a single-family residence would be permitted. Alternatives to the proposed development, including different development projects and alternative locations, were considered and analyzed by a qualified professional, as required by MCC Sections 20.496.020(A)(4)(b) and 20.532.060(E). The proposed project is considered the most feasible, least environmentally damaging alternative that avoids sensitive plant ESHA and related ESHA buffer requirements while still satisfying the investment backed expectation of the owner. Mitigation Measures were recommended in the Report of Compliance and are recommended as **Condition 14** to ensure the project does not have an adverse impact on the sensitive resources at the site.

### **ENVIRONMENTAL DETERMINATION**

The Coastal Permit Administrator finds that the environmental impacts identified for the proposed project to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development can be adequately mitigated through the conditions of approval or features of the project design so that no significant adverse environmental impacts will result from this project; therefore, a Mitigated Negative Declaration is adopted.

### **PROJECT FINDINGS AND CONDITIONS:**

Staff recommends, pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, that the Coastal Permit Administrator approve the proposed project to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development and adopts the following findings and conditions.

#### **FINDINGS:**

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development is a principally permitted use and is consistent with principally permitted uses, such *associated utilities*, within the Mendocino County Coastal Element Rural Residential Land Use classifications and Mendocino County Coastal Element Chapter 2.2 and Chapter 4.6; and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development will be provided with adequate utilities, access roads, drainage and other necessary facilities. The site is accessed via Pacifica Drive (CR 559). Adherence to Best Management Practices would ensure that well drilling would not create adverse conditions, including storm water pollution, erosion, and sedimentation. The project is not expected to make use of other utilities; and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed development to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development is consistent with the purpose and intent of the Rural Residential (RR) zoning district, as well as all other provisions of Division II of Title 20 of the Mendocino County Code, and Accessory Use Regulations, as well as all

other provisions of Division II of Title 20 of the Mendocino County Code and preserves the integrity of the RR zoning district. The proposed project would involve a minimal area of ground disturbance, and the remaining land would be available for possible agricultural use. The test wells are considered an accessory use permitted by MCC Section 20.456.015(O) and allowable prior to construction of a dwelling because they are *necessarily and customarily associated with, and are appropriate, incidental, and subordinate to a principal permitted use*. Installation of the wells would not significantly impact agricultural viability of the lot, and conforms to all other applicable regulations for the Rural Residential zoning district, including setbacks, height limit, and lot coverage; and

4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future 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. An Initial Study and adoption of a Mitigated Negative Declaration have been completed as part of CDP\_2016-0046, where an Addendum to Final Initial Study/Mitigated Negative Declaration has been prepared. **Conditions 14 and 15** are recommended to ensure compliance with the California Environmental Quality Act requirements for a Mitigated Negative Declaration. Condition 15 was completed on May 08, 2020, Record # 2020-E0026; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development would not have any adverse impact on any known archaeological or paleontological resources if constructed in compliance with the conditions of approval. As there are known resources within the vicinity of the site, **conditions 8 and 9** are recommended to ensure protection if archaeological sites or artifacts are discovered. An Archaeological Survey was prepared by Alex DeGeorgey of Alta Archaeological Consulting, dated September 23, 2022. The survey was accepted with recommendations for approval by the Mendocino County Archaeological Commission, on November 9, 2022. The Archaeological Commission recommended conditions which advise the applicant of the "Discovery Clause." The "Discovery Clause" prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project; and
6. Pursuant to 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 proposed development. Solid waste service is available either as curbside pick-up or at the Caspar Transfer Station (several miles away). The proposed test wells are not expected to generate any solid waste. Therefore, existing solid waste facilities would be adequate to serve the project. The project is not expected to contribute to traffic volumes because the intensity of land use will not change; and
7. Pursuant with MCC Section 20.532.095(B), the proposed development to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future 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.
8. Pursuant to MCC Section 20.532.100(A)(1), no development shall be allowed in an ESHA unless the resource as identified will not be significantly degraded by the proposed development, there is no feasible less environmentally damaging alternative, and all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted. Alternatives to the proposed development were considered. Adjacent properties in the vicinity were reviewed to determine that the size and scale of development is in conformance with adjacent properties. Mitigation measures have been recommended to reduce any potential impacts from the proposed project. As conditioned, the proposed development will not significantly degrade the resource as identified.



**CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by “\*\*”) revisions and/or additions are red and underlined and omissions are ~~red and struck-through~~:**

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 Code. 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. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The Applicants shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. After vegetation removal, but prior to initiation of construction, an Archaeological Survey shall be submitted to the Mendocino County Archaeological Commission for approval. An Archaeological Survey was prepared by Alex DeGeorgey of Alta Archaeological Consulting, dated September 23, 2022. The survey was accepted with recommendations for approval by the Mendocino County Archaeological Commission, on November 9, 2022. The Archaeological Commission recommended conditions which advise the applicant of the “Discovery Clause.” The “Discovery Clause” prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

10. A standard residential driveway approach shall be constructed at the connection to Pacifica Drive (CR 559) to a minimum width of ten (10) feet, with improved approach extending fifteen (15) feet from the edge of the County Road, paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.
11. Any proposed work within County rights-of-way requires obtaining an encroachment permit from the Mendocino County Department of Transportation.
12. Proposed driveway location shall result in a change of address to Pacifica Drive (CR 559). Situs address is 45465 Pacifica Drive, Caspar, CA; APN 118-040-10.
13. Prior to issuance of any building or septic permit in reliance of this Coastal Development Permit, the applicants shall execute and record a deed restriction stating that the guest cottage shall not contain facilities, either permanent or temporary and portable, for the cooking or preparation of food, and shall not be used as an independent dwelling unit until such a time as appropriate permits are obtained. Recorded on August 15, 2023, Record # 2023-06466.
14. \*\* All recommended Mitigation Measures proposed in the Coastal Act Compliance Report (updated August 2018) by Kjeldsen Biological Consulting, and information contained in the May 28, 2019 letter to County Staff, are required to provide for the protection of identified environmentally sensitive habitat areas. Mitigations are as follows:
  - a. Targeted removal of only those species that are within the footprint of the proposed structures. Erect and maintain high-visibility construction fencing delineating the boundary between selected vegetation removal/ground-disturbance and non-removal areas throughout the construction period.
  - b. Prior to any ground disturbing or tree clearing, construction fence shall be installed to prevent any intrusion into the 50 ft. buffer zone along the Seasonal Wetland Swale ESHA on the east side of the property. Construction fencing shall remain for the duration of the project construction and shall be installed along the 50 ft. buffer zone to prevent any intrusion into the Wetland Swale ESHA.
  - c. Prior to any ground disturbing or tree clearing, construction fencing should be installed outside of the building envelope to protect the Shore Pine ESHA.
  - d. Where feasible, utilize the proposed footprint/proposed development area for staging and all construction materials.
  - e. Construction worker parking shall be within the fenced construction area or off site.
  - f. Standard erosion best management practices shall be implemented such as straw waddles, silt fencing, etc. to prevent sediment migration. Where feasible, conduct work during the dry season to reduce sediment migration. Reseed and/or replant with fast-growing native herbaceous species to reinforce areas of loosened or exposed soil.
  - g. Replacement planting of Shore Pine shall occur at a one to one ratio on portions of the property on the east side of the parcel. Replacement plantings shall provide for a new generation of Shore Pines replacing the existing age class that is showing evidence of decline and dead trees.
  - h. Retain the existing vegetation outside of the footprint in a natural state preserving a portion of the Shore Pine ESHA.
  - i. During construction, materials, including but not limited to lumber, concrete, finish wares, hand tools, power tools, generators, vehicles, heavy equipment, shall be staged within the proposed driveway. Spill prevention devices shall be utilized for all toxic liquids including but not limited to gasoline, diesel, motor oil, solvents, paints, and herbicides.

- j. The Revegetation Plan submitted with the May 28, 2019 Letter to County Staff and agreed to by the California Department of Fish and Wildlife shall be adhered to, as shown on the *Kjeldsen Coastal Act Compliance Response, 2019 map.*
- k. Tree removal shall be limited to that shown in the exhibit submitted with the May 28, 2019 Letter to County Staff and agreed to by the California Department of Fish and Wildlife, as shown on the *Kjeldsen Coastal Act Compliance Response, 2019 map.*
15. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2456.75 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 appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has “no effect” on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition. Recorded on May 08, 2020, Record # 2020-E0026.**
16. Landscaping on the parcel shall not include invasive plants and any landscaping on the parcel shall consist of native, regionally appropriate, plants compatible with the adjacent plant communities.
17. Prior to issuance of any building or septic permit in reliance of this Coastal Development Permit, the applicant shall record and execute a deed restriction against the property, in form and content acceptable to the Coastal Permit Administrator, that imposes the conditions of the permit as covenants, conditions and restrictions on use and enjoyment of the property. This deed restriction could be combined with the deed restriction required by Condition 13. Recorded on August 15, 2023, Record # 2023-06466.
18. Prior to issuance of this Coastal Development Permit, the applicant shall provide a revegetation plan to Mendocino County Planning and Building Service found acceptable by California Department of Fish and Wildlife (CDFW) whether or not development occurs on the property:
  - a. The revegetation plan shall include locally native tree, shrub, and herbaceous species that comprise the surrounding Sensitive Natural Community and shall propose success criteria or performance standards and monitoring and reporting measures. If the test wells are successful and property is developed, landscaping shall consist of predominantly locally native tree, shrub, and herbaceous species that comprise the surround Sensitive Natural Community.
  - b. The chips, which are several inches deep on the cleared area, should be removed to allow for natural regeneration of the native species.
  - c. Non-native and invasive species should be targeted for removal for no less than five years after the property is developed or it is determined that it will not be developed.
19. Standard Best Management Practices (BMPs) shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Any soil stockpiles shall be covered or otherwise stabilized to prevent dust impacts. Any bare soil created by the construction phase of the project shall be revegetated with native vegetation and/or native seed mixes for soil stabilization. Construction activities within 500 feet of residential uses shall be limited to the hours of 7:00 a.m. and 7:00 p.m. weekdays, using quiet models of air compressors and other stationary noise sources where technology exists, use of mufflers on all internal combustion engine-driven equipment, and locating

staging areas as far away as possible from noise-sensitive land use areas.

20. Prior to further development, including the proposed seven (7) foot tall fifty (50) square foot pumphouse, the applicant shall provide a proof of adequate water has been established to Mendocino County Planning and Building Service.
21. Prior to issuance of any well permits in reliance of this Coastal Development Permit, the applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation to allow a temporary construction entrance from a County Road onto the property to provide access for the drilling equipment. Once the drilling equipment leaves the site, the ditch along the road shall be restored to existing conditions.
22. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4(e) of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$50.00 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 appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

11/01/2024

DATE

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

**ATTACHMENTS:**

- |   |   |
|---|---|
| A. Location Map                             | Q. Landslide  |
| B. Aerial Map (Vicinity)                    | R. Slope Map  |
| C. Aerial Map                               | S. Soils Map  |
| D. Topographical Map                        | T. Parks  |
| E. Site Plan                                | U. CDP_2016-0046 Permit, FF&COA & SR<br>(On Line Only)              |
| F. Zoning Display Map                       | V. Takings Analysis, December 2017<br>(On Line Only)                |
| G. General Plan Classifications             | W. Kjeldsen Coastal Act Compliance, 2016<br>(On Line Only)          |
| H. LCP Land Use Map 15: Caspar              | X. Kjeldsen Coastal Act Compliance Revision,<br>2018 (On Line Only) |
| I. LCP Land Capabilities & Natural Hazards  | Y. Kjeldsen Coastal Act Compliance<br>Response, 2019 (On Line Only) |
| J. LCP Habitats & Resources                 | Z. Kjeldsen Coastal Act Update 2024.pdf<br>(On Line Only)           |
| K. Appealable Areas                         |   |
| L. Adjacent Parcels                         |   |
| M. Fire Hazard Zones & Responsibility Areas |   |
| N. Wetlands                                 |   |
| O. Ground Water Resource Area               |   |
| P. Scenic                                   |   |

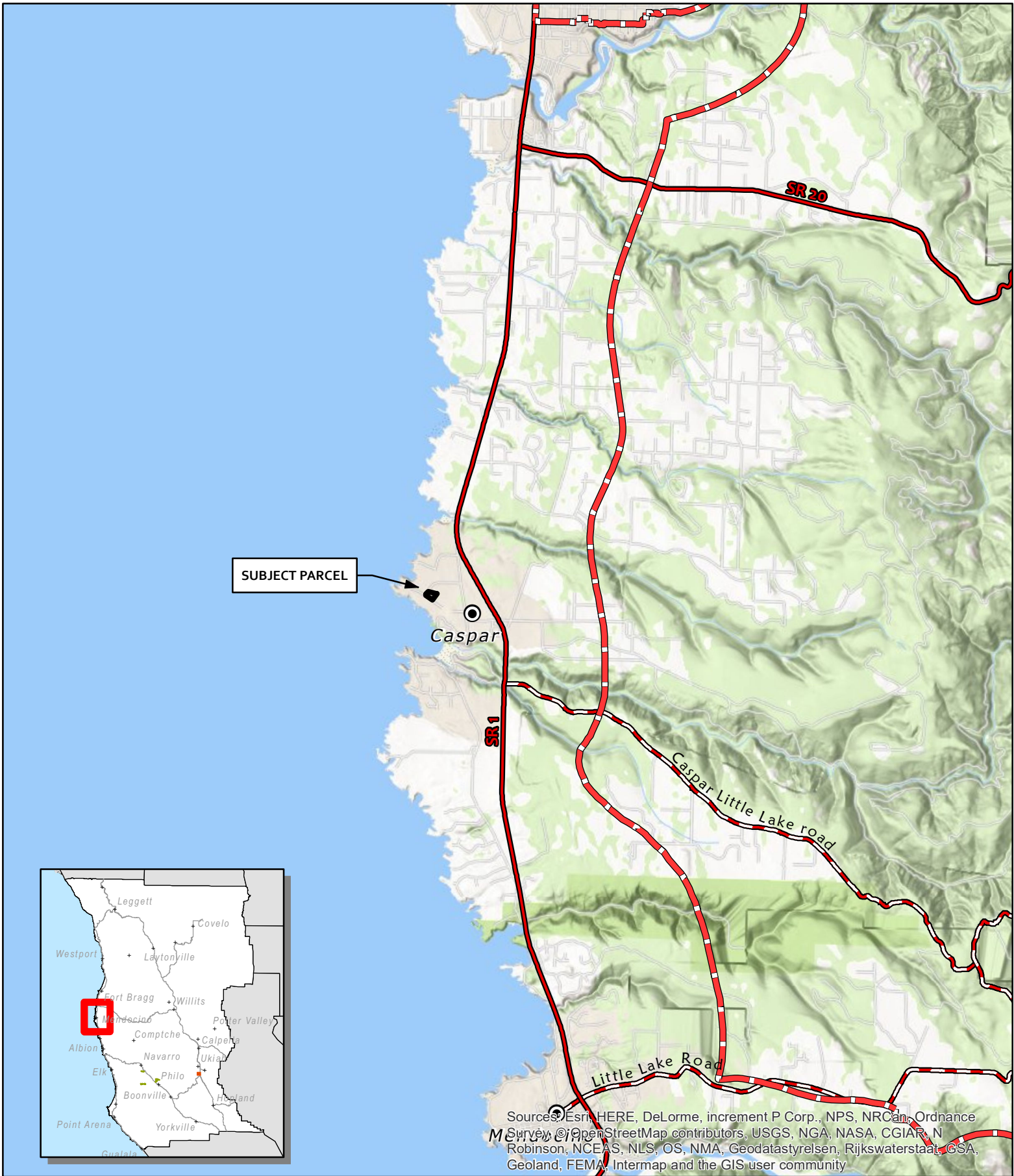
**Addendum to Initial Study available online at:**

<https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator> along with Attachments U through Z.

**Takings Analysis (submitted by Applicant January 2, 2018)**



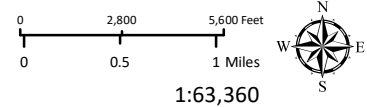
JESSIE WALDMAN  
PLANNER II



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**CASE: CDPM 2024-0002**  
**OWNER: PARADISE, Thomas**  
**APN: 118-040-10**  
**APLCT: Thomas Paradise**  
**AGENT:**  
**ADDRESS: 45465 Pacifica Dr., Caspar**

- Major Towns & Places
- ▬ Major Roads
- ▬ Coastal Zone Boundary
- ▬ Highways



1:63,360




LOCATION

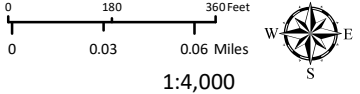
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-  Public Roads
-  Private Roads
-  Driveways/Unnamed Roads



1:4,000



AERIAL IMAGERY

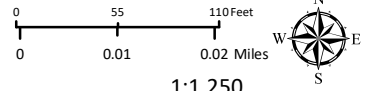
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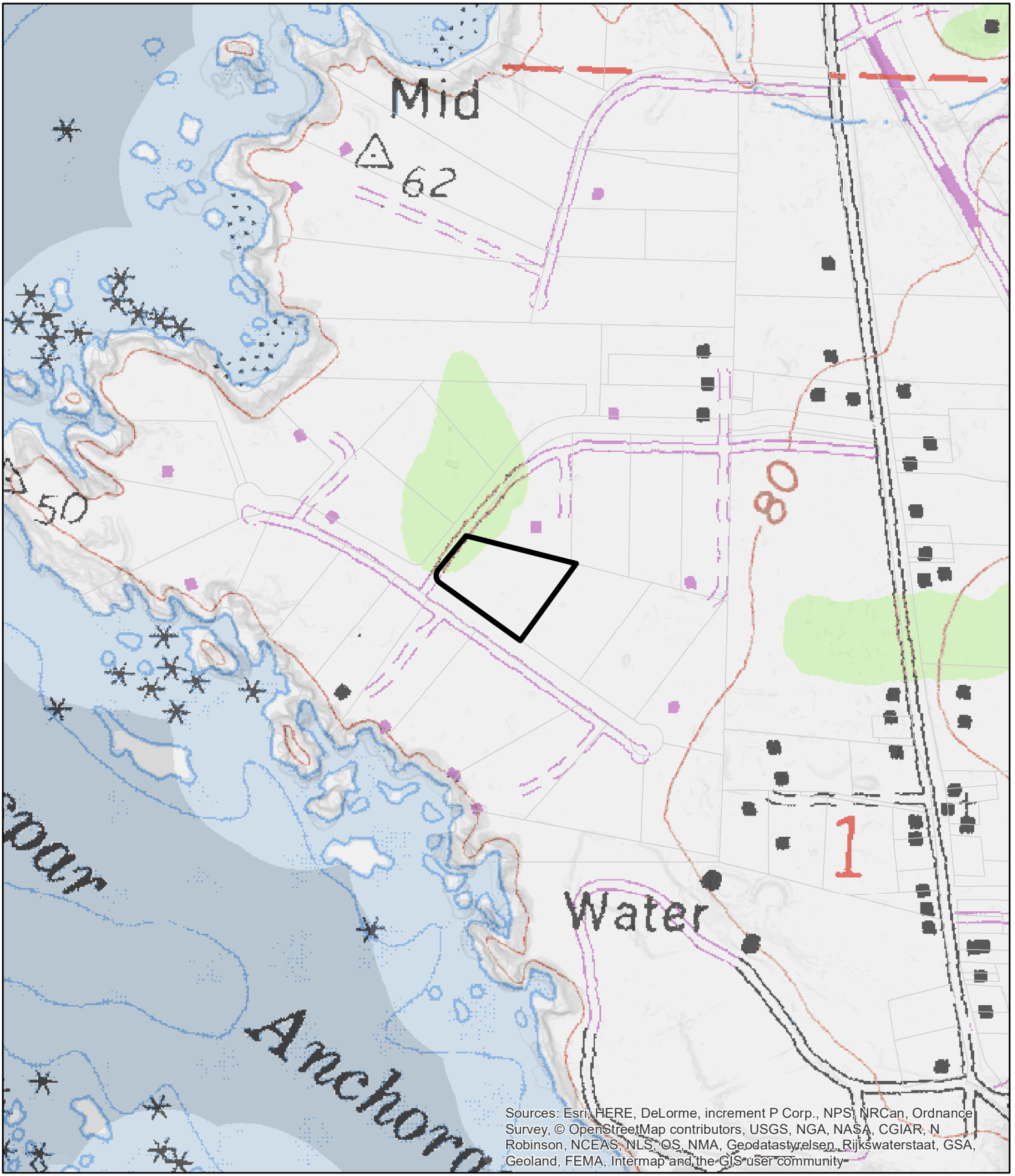
 Public Roads  
 Driveways/Unnamed Roads



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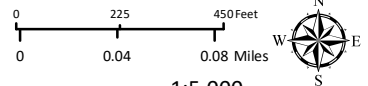
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 Assessors Parcels



1:5,000

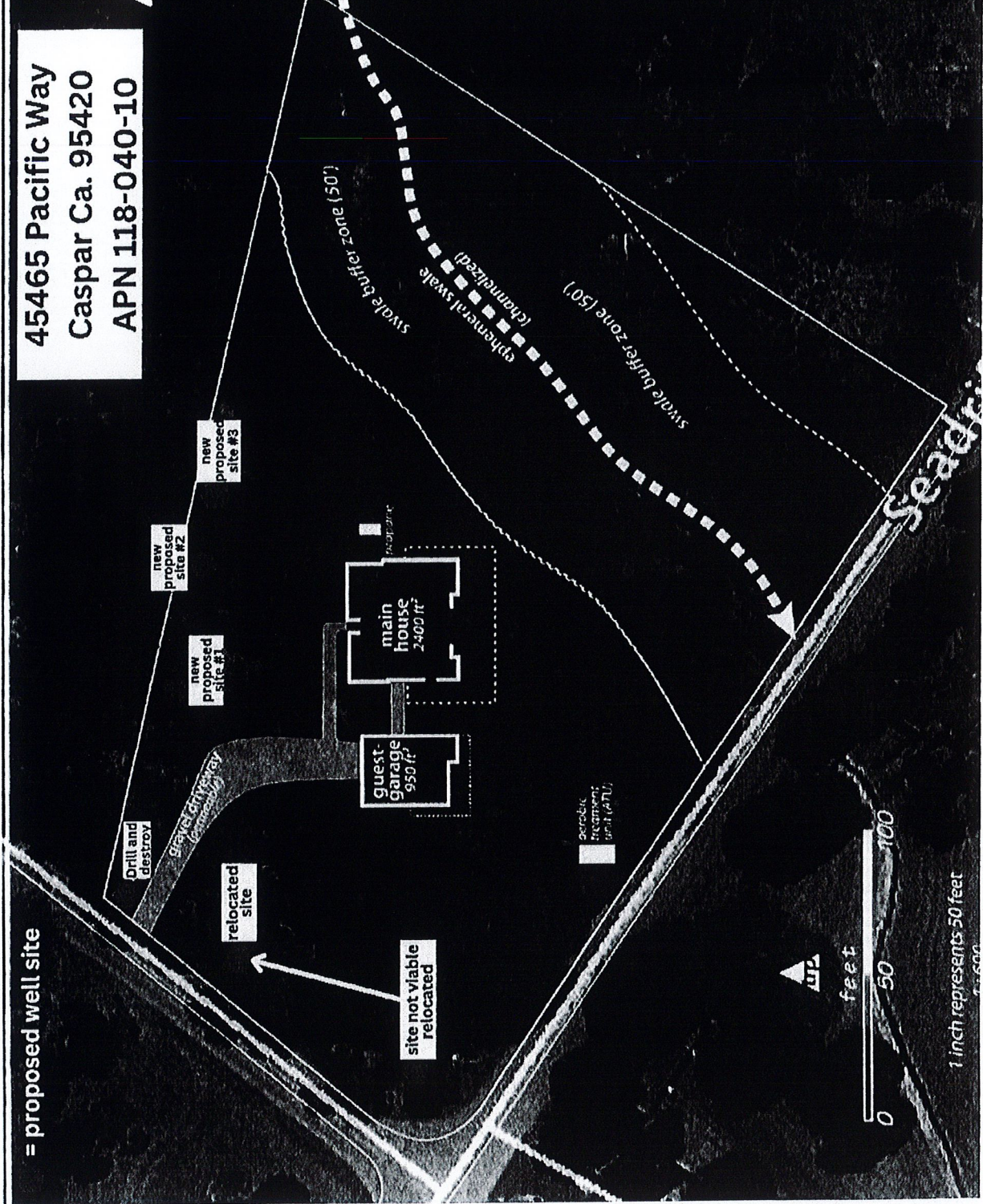
**TOPOGRAPHIC MAP**  
 CONTOUR INTERVAL IS 40 FEET

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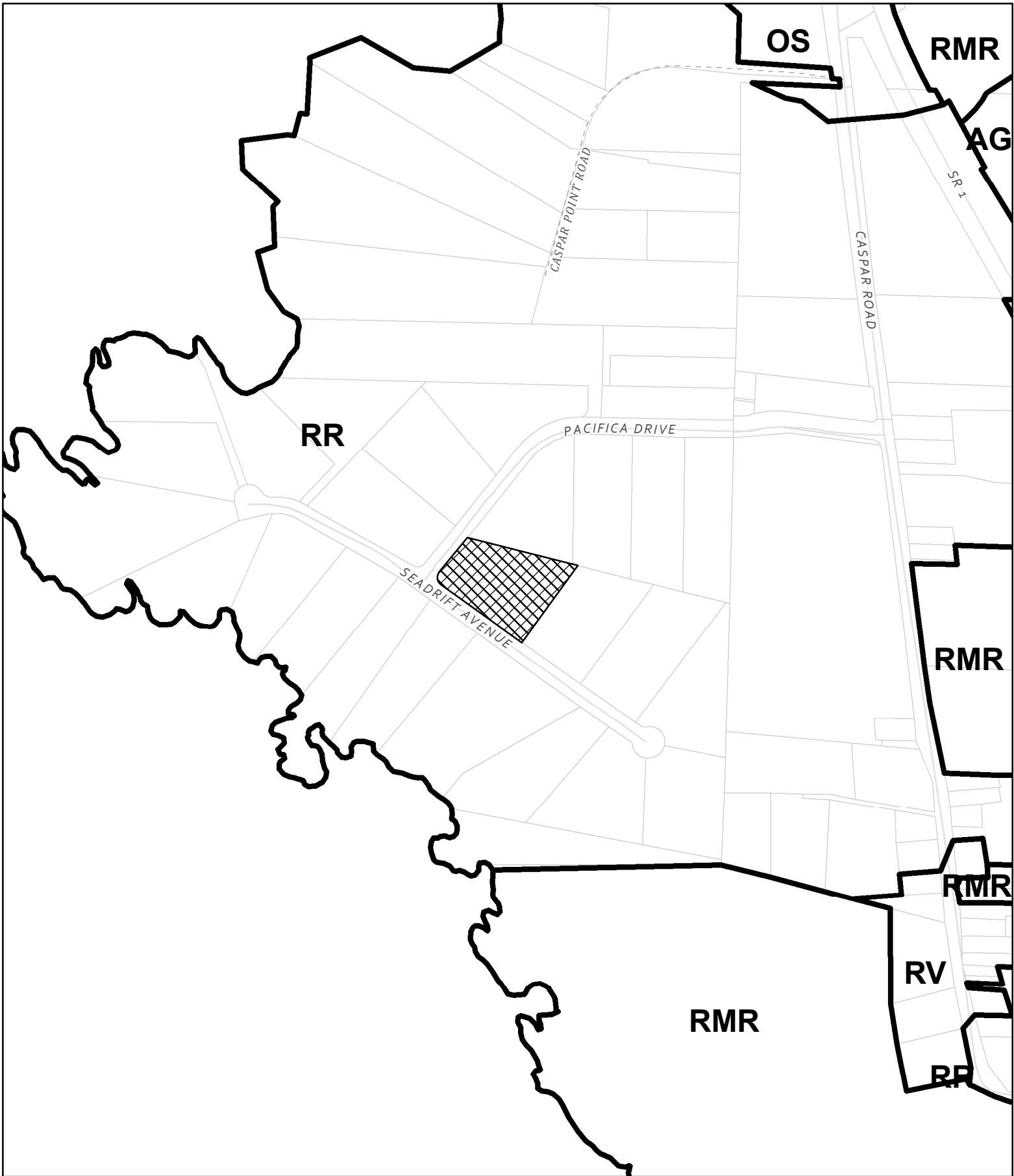








45465 Pacific Way  
 Caspar Ca. 95420  
 APN 118-040-10

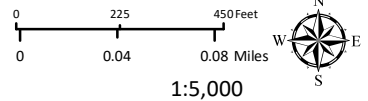


= proposed well site



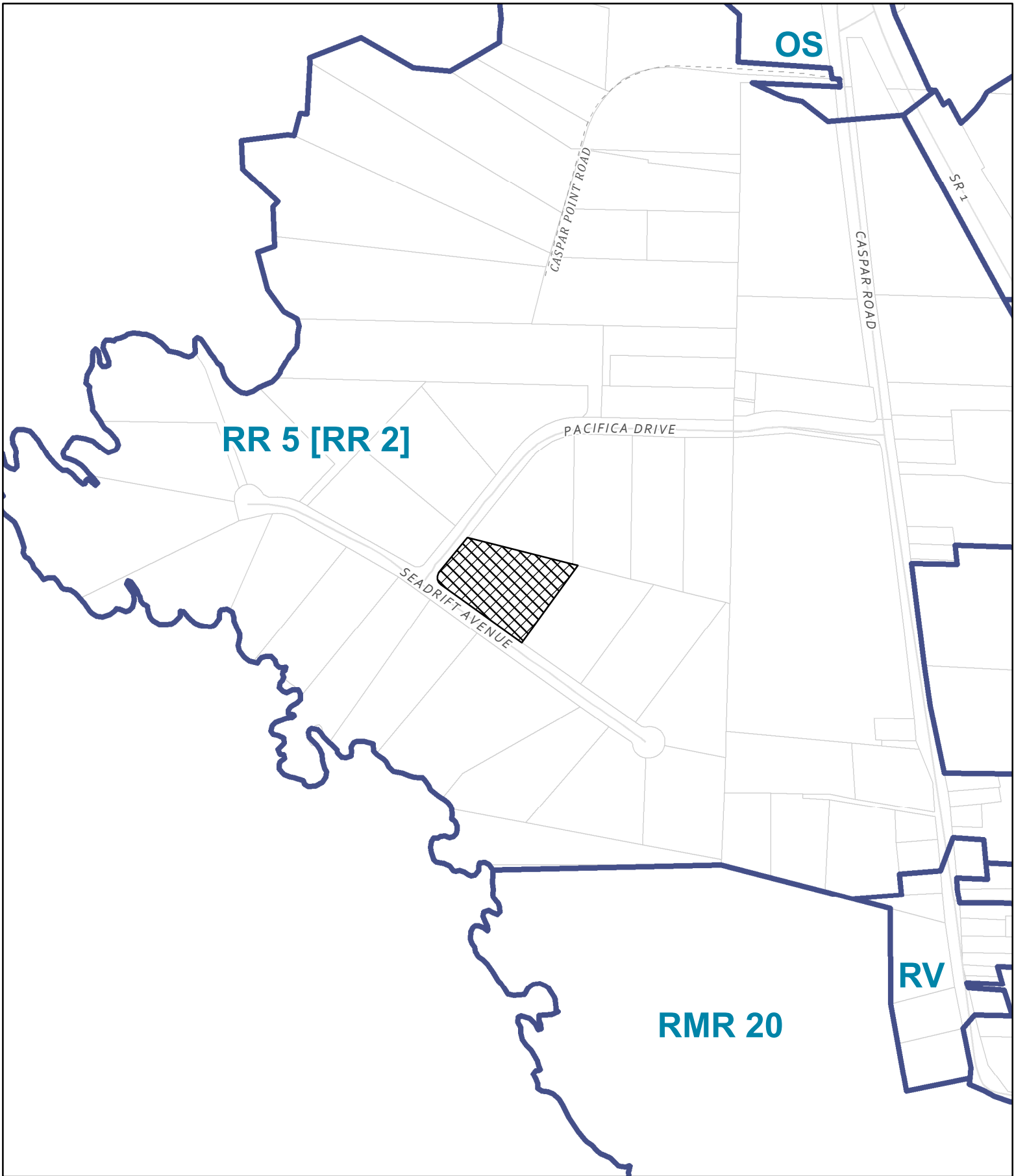
**CASE:** CDPM 2024-0002  
**OWNER:** PARADISE, Thomas  
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-  Zoning Districts
-  Assessors Parcels
-  Public Roads
-  Private Roads






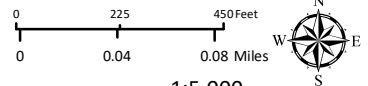
ZONING

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**AGENT:**  
**ADDRESS:** 45465 Pacifica Dr., Caspar

-  Public Roads
-  Private Roads
-  Assessors Parcels



1:5,000  
**GENERAL PLAN**

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RMR-20

FICA

RR-5

RV

RM

**SHORELINE ACCESS/CIRCULATION**

..... Shoreline Access Existing  
 ooooooo Shoreline Access Proposed

View Turnout  
 Proposed road alignment

**NATURAL ENVIRONMENT**

Prime Agricultural Land  
As defined by Gov. Code Sec. 51084.5

Pygmy Vegetation  
Shaded brown typically on slope or black oak oak

Pygmy-type Vegetation  
Shaded forest canopy on Gulella or oak oak

Riparian Vegetation  
Moist vegetation along water courses or wetlands and adjacent or extending 300 feet from riparian habitat or water courses

Wetlands  
Land regularly or periodically saturated with water under normal conditions. Includes, but is not limited to, swamps, bays, and sloughs

Dunes

Rare or Endangered Plant Habitat  
Designated California Native Plant Society

Rare or Endangered Wildlife Habitat  
Appropriate section of riparian environment that includes riparian habitat as defined by the California Department of Fish and Game

Special Treatment Area  
Forest lands with existing streams to protect riparian habitat

Flooding  
Areas that are periodically overflowing in a year with 100-year flood return period

**BOUNDARIES**

Urban/Rural Boundary  
The boundary between the Urban and Rural zones as defined by the California Statewide Planning Act of 1969


Water District  
Publicly regulated utility providing water supply to customers

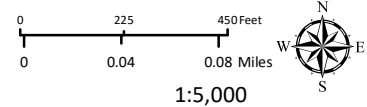
Sewer District  
Publicly regulated utility providing sewage disposal to customers

Timber Preserve Zone  
State-designated timber production zone

Williamson Act  
Contract farming with agriculture

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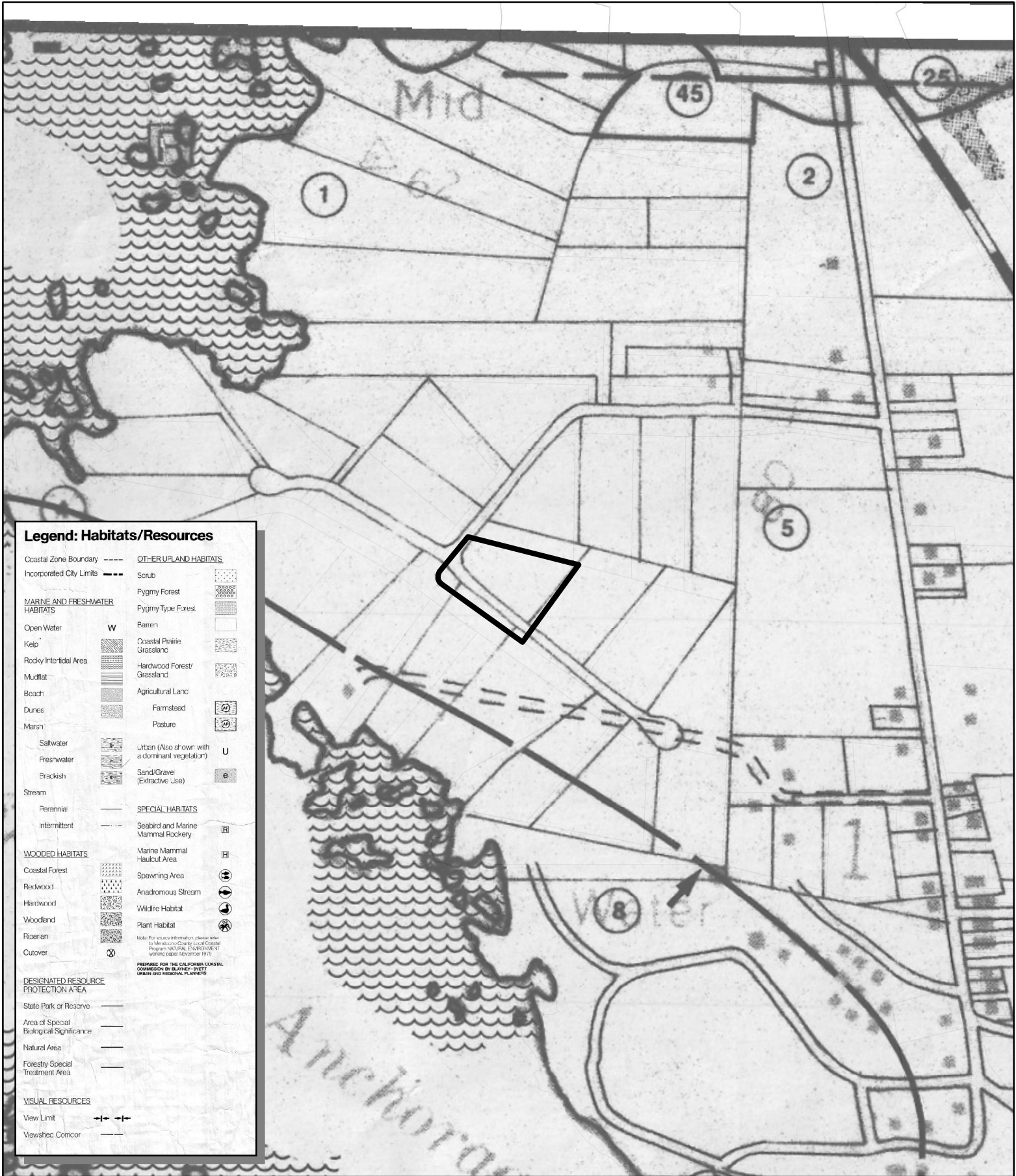
 Assessors Parcels



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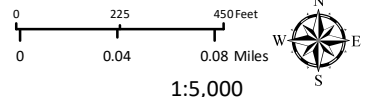
LCP LAND USE MAP 15: CASPAR

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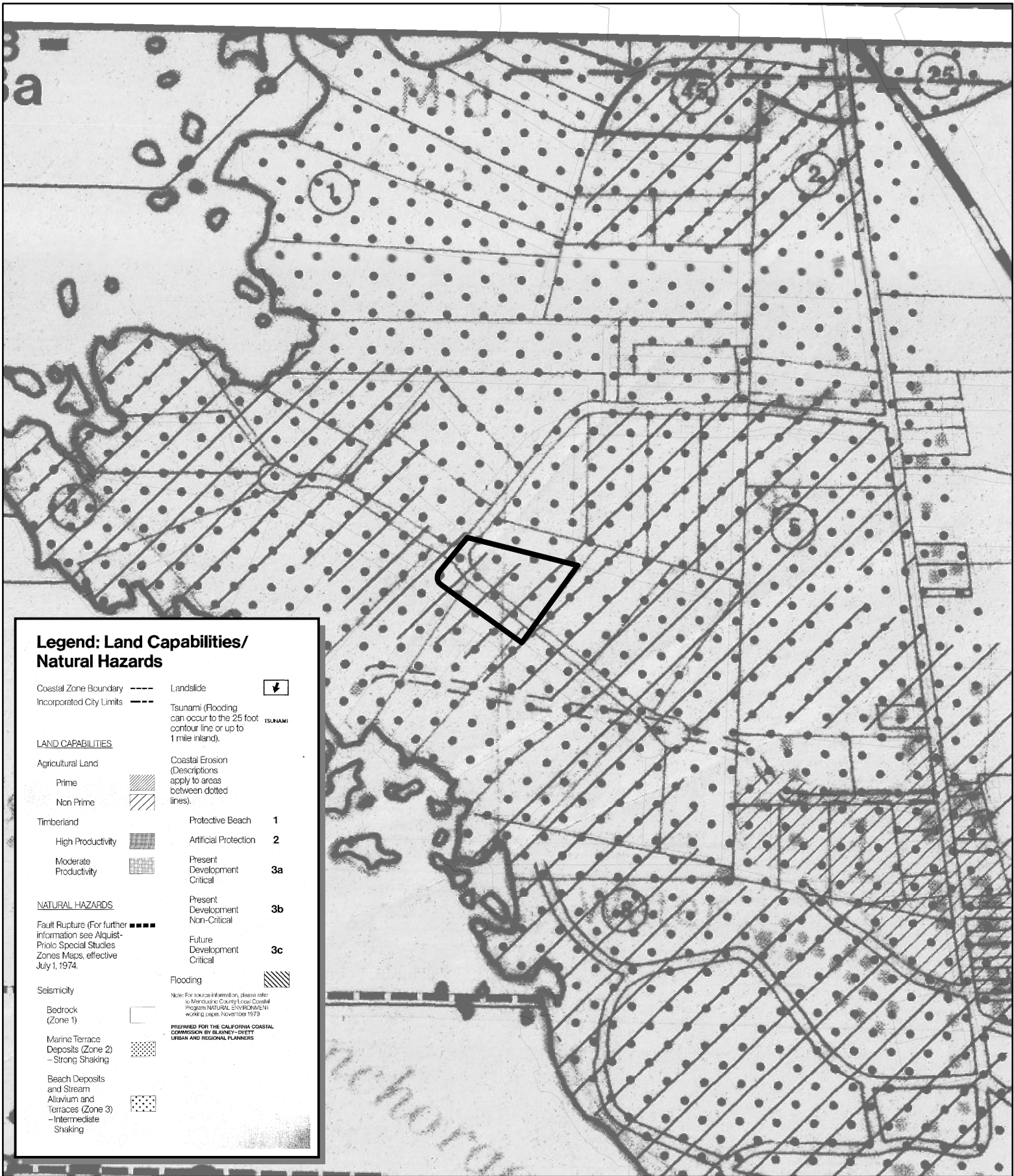
**CASE: CDPM 2024-0002**  
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**AGENT:**  
**ADDRESS: 45466 Pacifica Dr., Caspar**

Assessors Parcels



LCP HABITATS & RESOURCES

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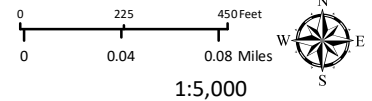
LCP LAND CAPABILITIES & NATURAL RESOURCES

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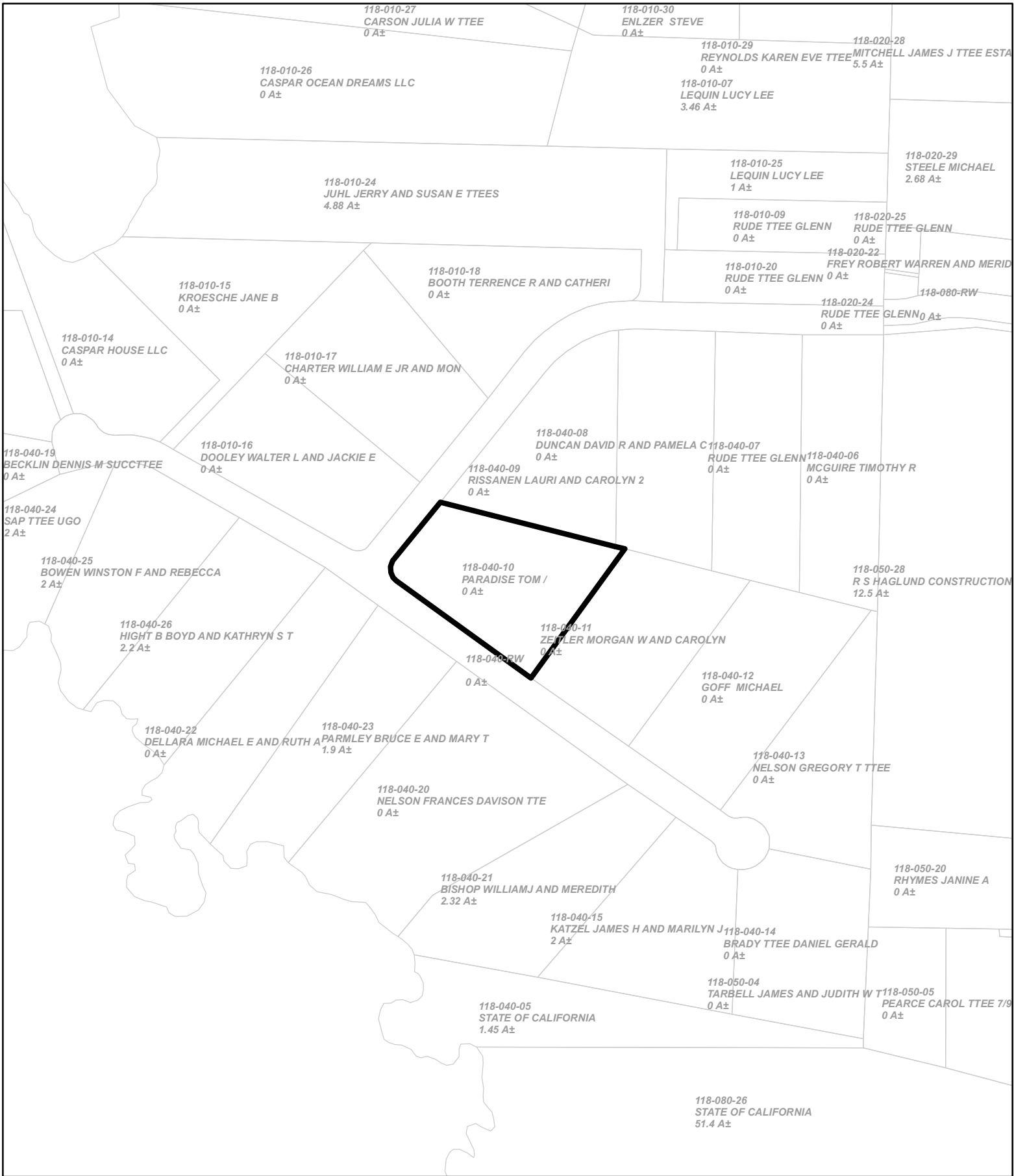
**CASE: CDPM 2024-0002**  
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**AGENT:**  
**ADDRESS: 45465 Pacifica Dr., Caspar**

— Public Roads  
 - - - - Private Roads  
 □ Assessors Parcels



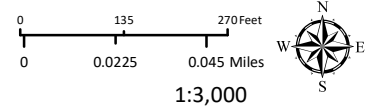
**POST LCP CERTIFICATION & APPEAL JURISDICTION**

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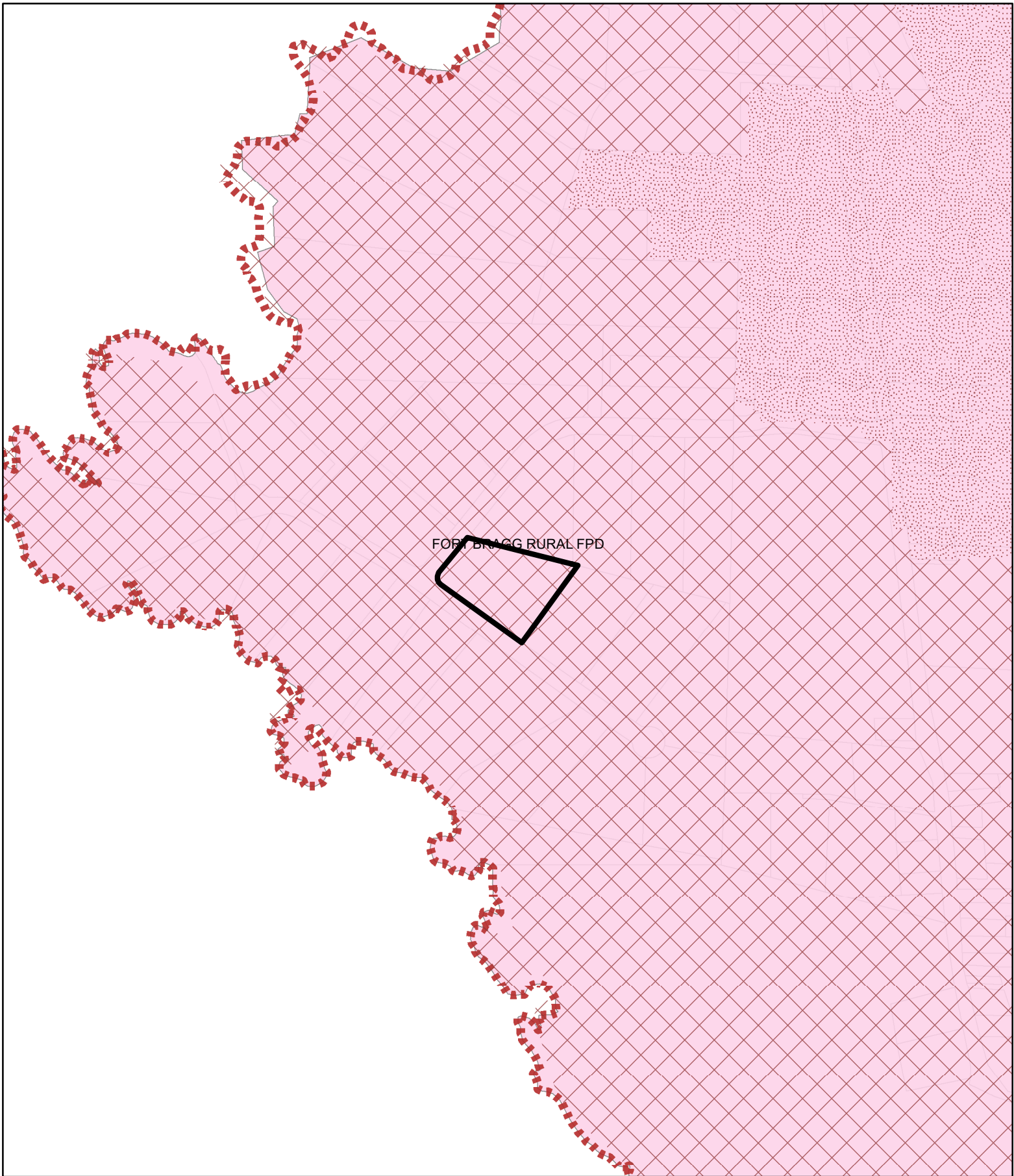
Assessors Parcels



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ADJACENT PARCELS

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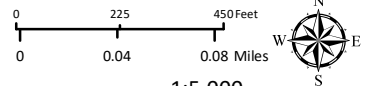




FORT BRAGG RURAL FPD

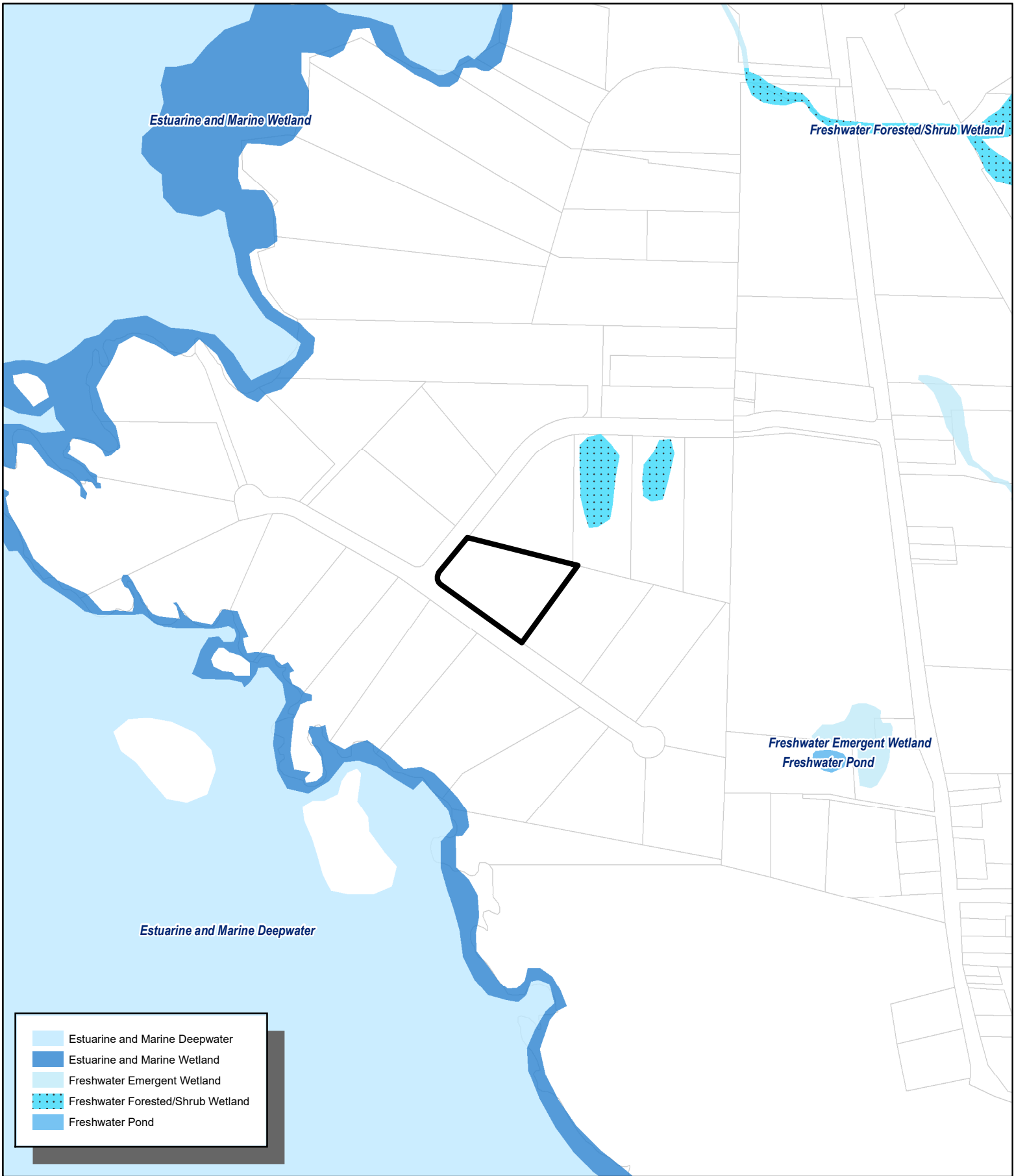
**CASE:** CDPM 2024-0002  
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**ADDRESS:** 45465 Pacifica Dr., Caspar

-  Very High Fire Hazard
-  High Fire Hazard
-  Moderate Fire Hazard
-  County Fire Districts
-  Assessors Parcels



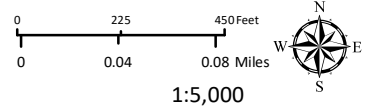
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**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
 STATE RESPONSIBILITY AREA

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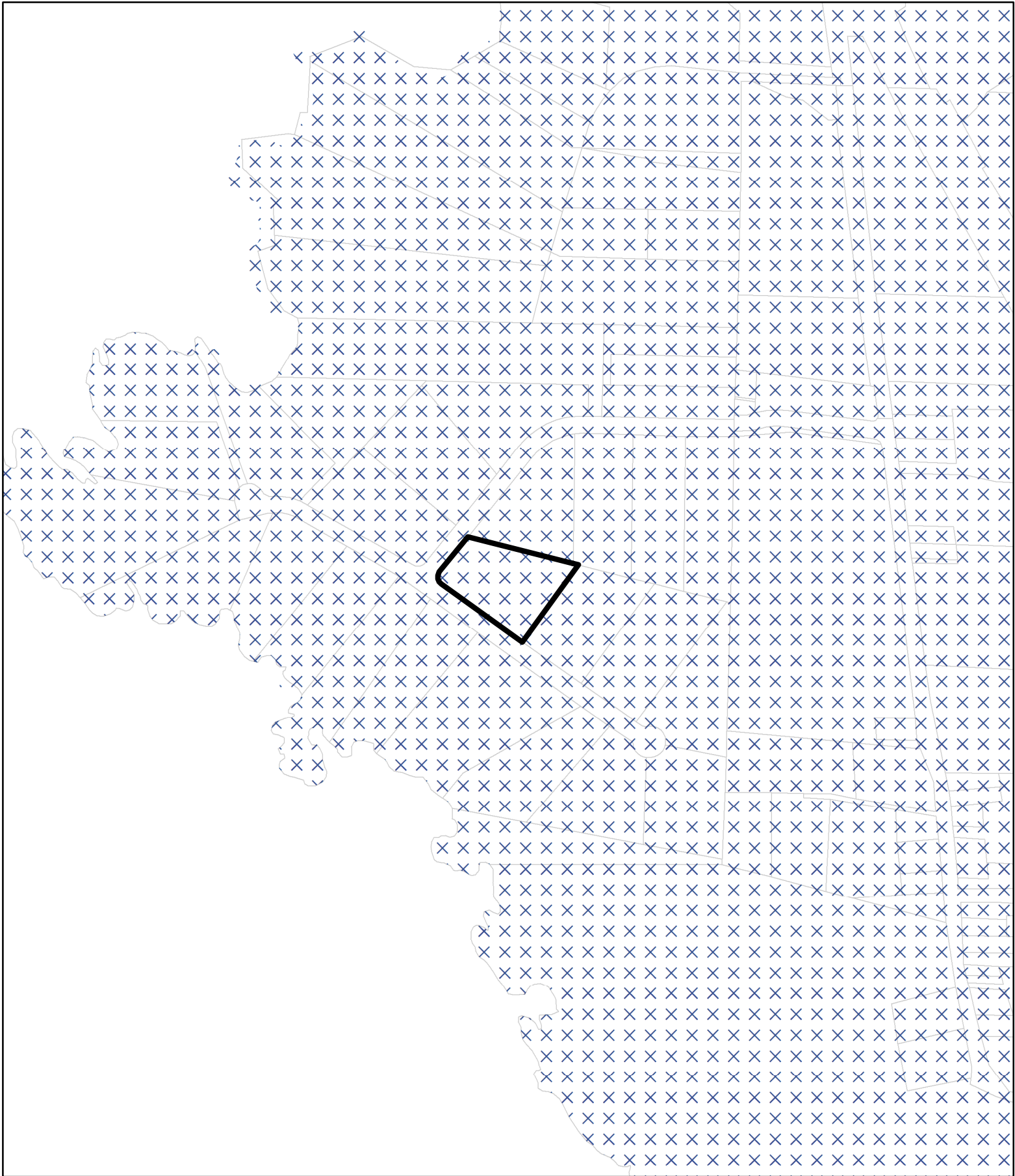
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Assessors Parcels





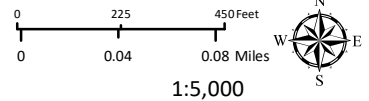
**WETLANDS**

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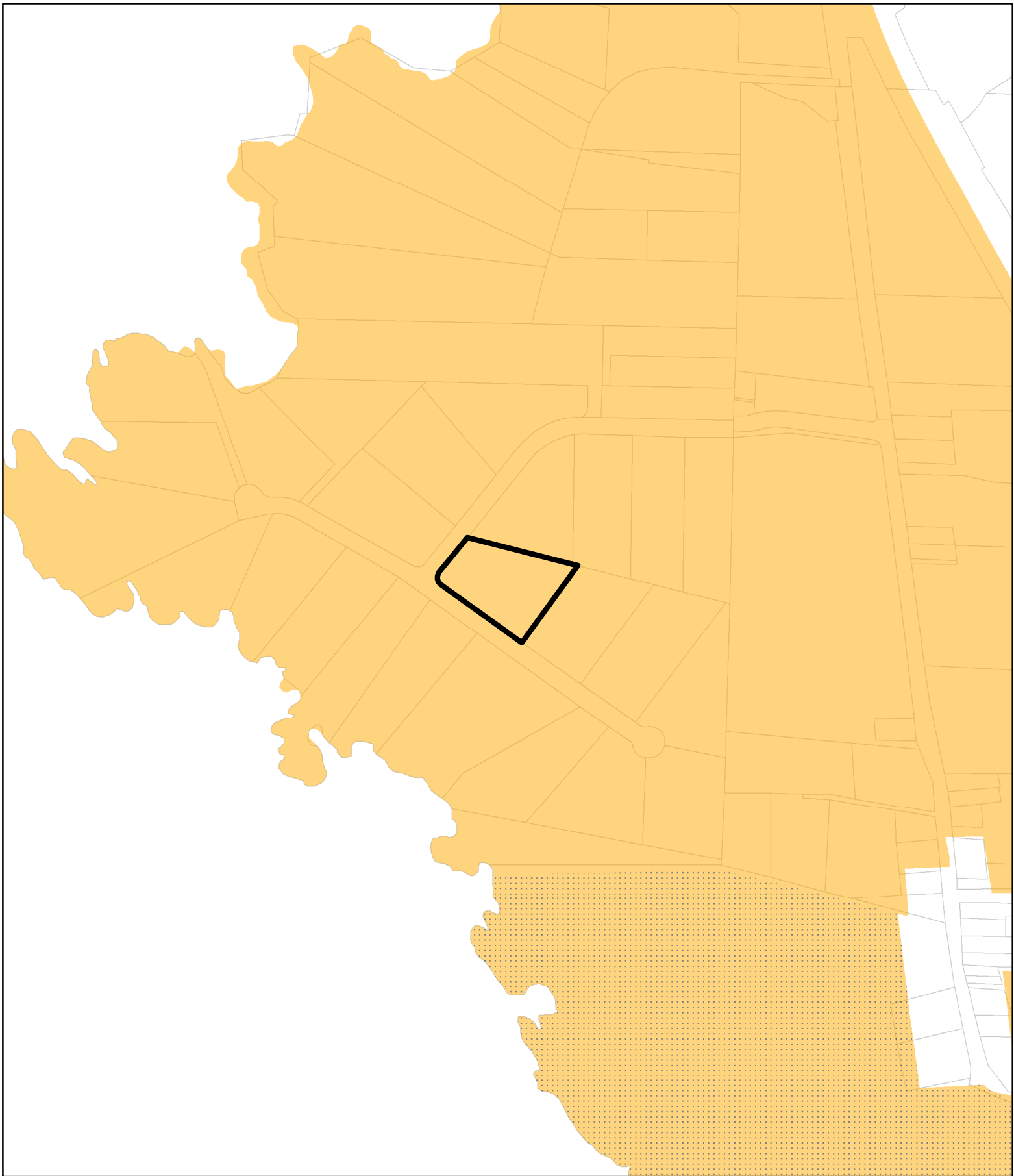
 Critical Water Resources  
 Assessors Parcels






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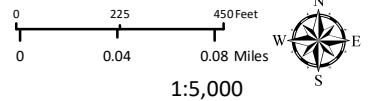
**COASTAL GROUND WATER RESOURCES**

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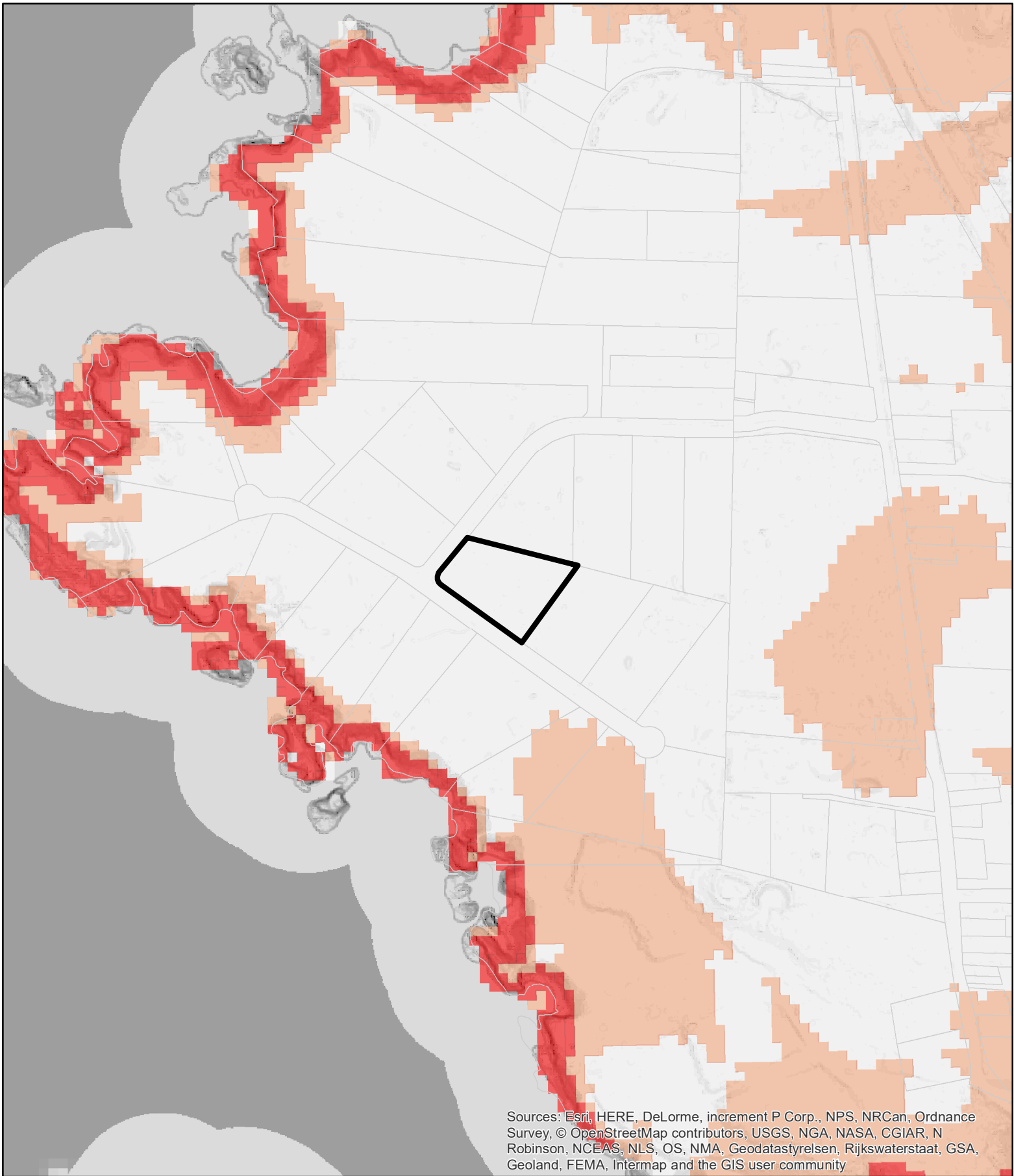
**CASE: CDPM 2024-0002**  
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-  Tree Removal Area
-  Highly Scenic Area
-  Assessors Parcels



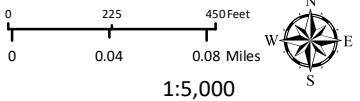
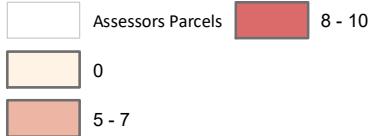
**HIGHLY SCENIC & TREE REMOVAL ZONES**

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



**LANDSLIDE HAZARDS**

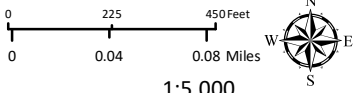
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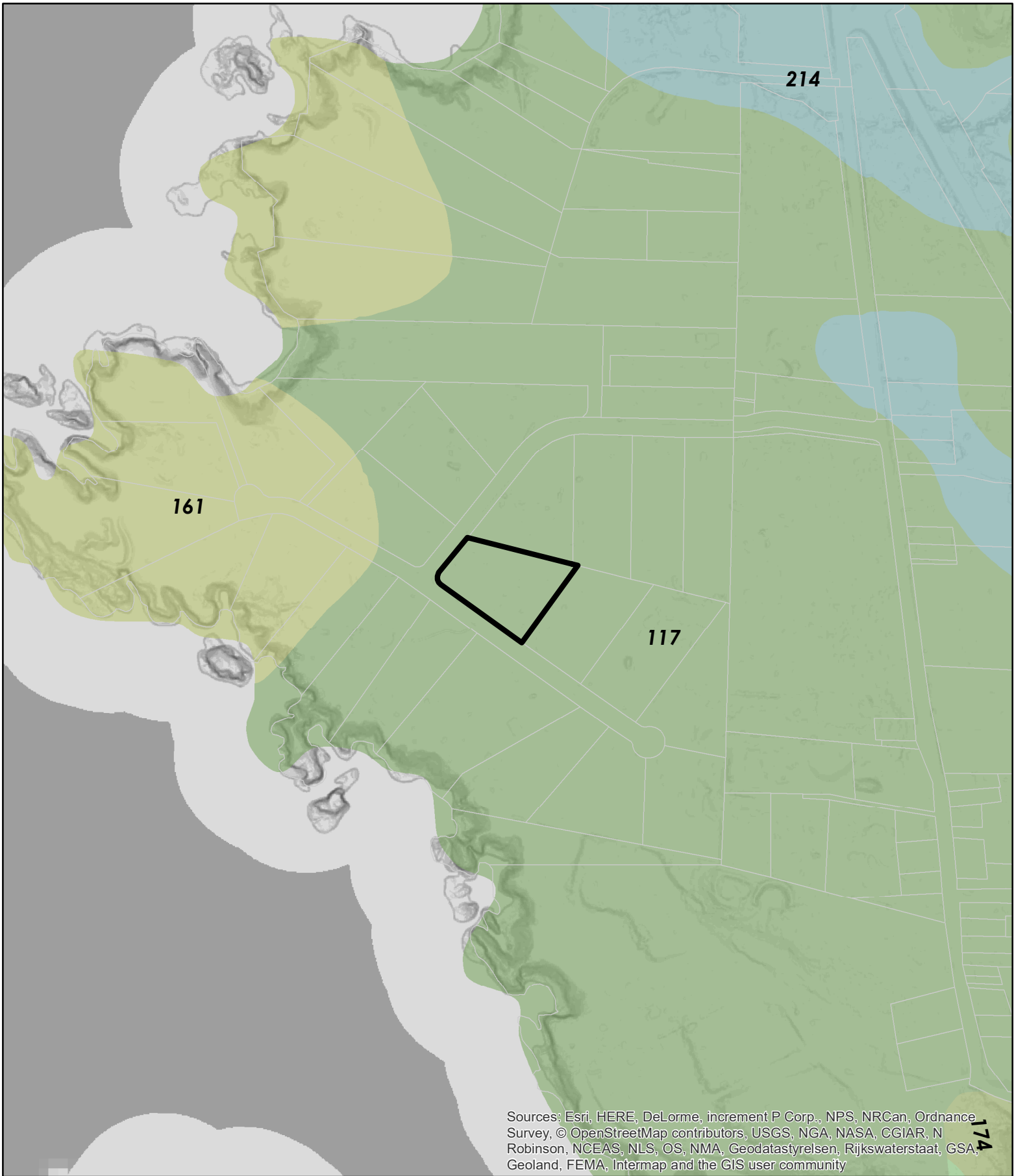
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	Assessors Parcels		20% - 30%
	0% - 10%		30% - 40%
	10% - 20%		40% - 50%




1:5,000  
**ESTIMATED SLOPE**

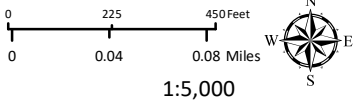
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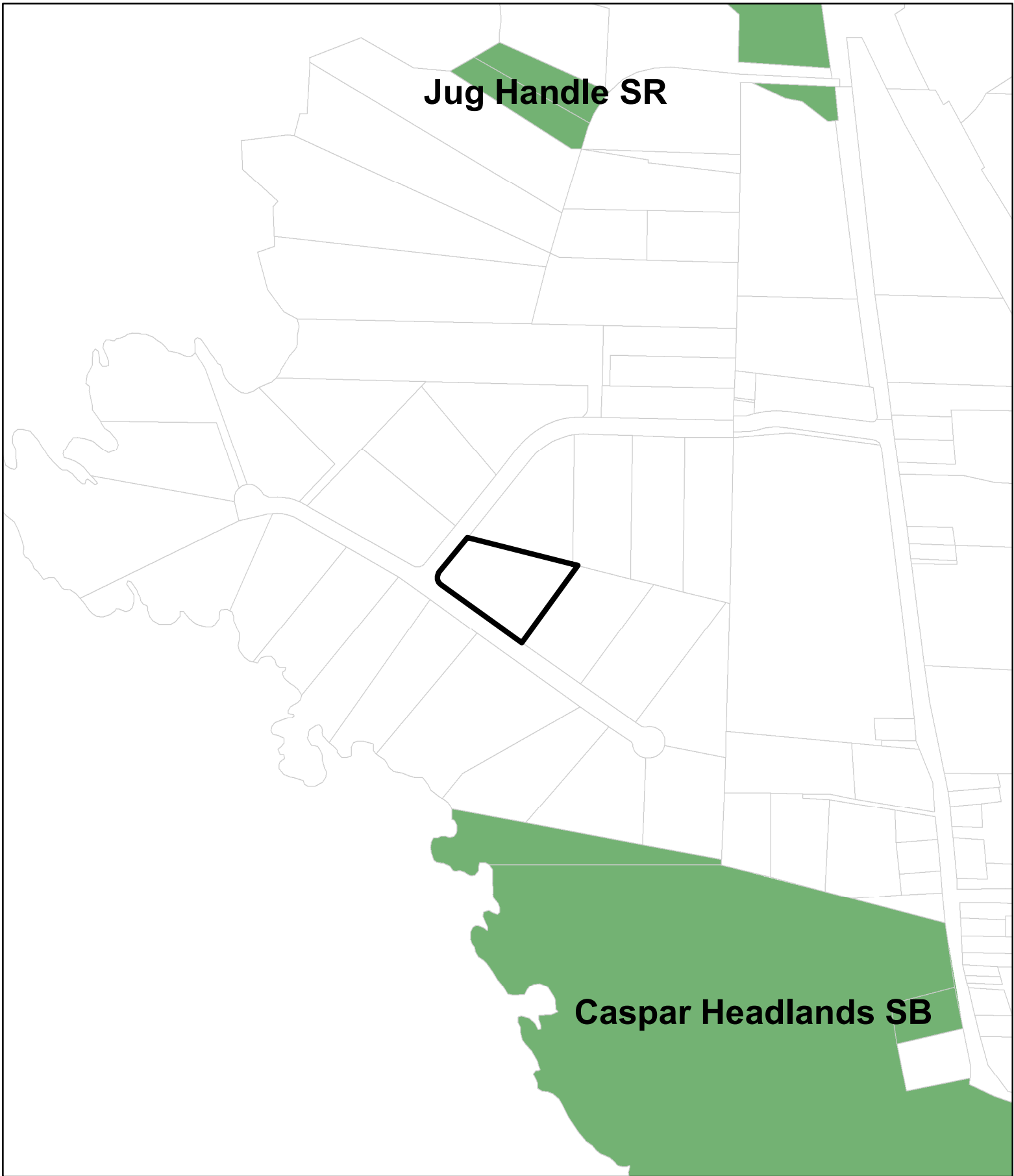
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 Assessors Parcels



**WESTERN SOIL CLASSIFICATIONS**



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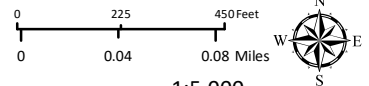


**Jug Handle SR**

**Caspar Headlands SB**

**CASE: CDPM 2024-0002**  
**OWNER: PARADISE, Thomas**  
**APN: 118-040-10**  
**APLCT: Thomas Paradise**  
**AGENT:**  
**ADDRESS: 45465 Pacifica Dr., Caspar**

 Assessors Parcels  
 State Parks



1:5,000  
**STATE PARKS**

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## ADDENDUM TO THE MITGATED NEGATIVE DECLARATION

FOR

### COASTAL DEVELOPMENT PERMIT MODIFICATION CDPM\_2024-0002 TO CDP\_2016-0046

#### **MODIFIED PROJECT DESCRIPTION AND PROJECT HISTORY:**

The Mendocino County Coastal Permit Administrator (County) adopted a Mitigated Negative Declaration (MND) for Coastal Development Permit Amendment CDPM\_2024-0002 to CDP\_2016-0046, on November 20, 2024.

Standard Coastal Development Permit, CDP\_2016-0046, was approved by the Mendocino County Planning and Building Services Coastal Permit Administrator (CPA), on April 30, 2020, which approved the construction of a single-family residence and detached accessory structure containing a garage, workshop, greenhouse and guest cottage. Associated improvements included decking around the single-family residence and accessory structure, solar system on the accessory structure, hot tub within the exterior decking of the single-family residence, and permeable driveway. Associated utilities included construction of a septic system, propane tank, well and pump house. The CDP\_2016-0046 permit also included a proposal for Major Vegetation Removal on the parcel.

The current CDPM\_2024-0002 project involves modifying the previously approved coastal development permit, CDP\_2016-0046, to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for future development to the parcel located at 45465 Pacifica Drive, Caspar, CA; APN 118-040-10.). The following changes are proposed:

- Drill three (3) test wells to ensure the result of one (1) production well; and
- Construct a seven (7) foot tall fifty (50) square foot pumphouse.

**Purpose:** Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously adopted Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent MND have occurred. Section 15162(a) states that *when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

- (1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

No new significant effects or increase of severity of effects are anticipated. The proposed coastal development permit modification does not entail substantial changes. The request is to drill three (3) test wells to ensure the result of one (1) production well with a seven (7) foot tall fifty (50) square foot pumphouse on a vacant parcel to provide proof of adequate water for allowed development, as permitted by Coastal Development Permit, CDP\_2016-0046, at the parcel located at 45465 Pacifica Drive (CR 559), formerly known as 15251 Seadrift Avenue (CR 560), Caspar, CA (APN 118-040-10). Staff has determined there to be no significant impacts.

- (2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

**CDPM\_2024-0002 TO CDP\_2016-0046 (PARADISE)  
ADDENDUM TO FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

Based on the discussion in Finding 1 above, no new significant environmental effects resulting from the proposed coastal development permit modification are anticipated. The circumstances under which the project is undertaken remain the same or less.

*(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*

- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

There has been no new information of substantial importance which was not known and could not have been known at the time the previous MND was complete. For the modified project there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete. The proposed changes do not constitute a change in the level of significance previously discussed in the original MND. As such, it is concluded that the current project will not have one or more significant effects not discussed in the previous MND. Furthermore, significant effects previously examined will not be substantially more severe than shown in the previous MND. There are no mitigation measures or alternatives previously found not to be feasible that would in fact be feasible and would substantially reduce one or more significant effects of the project. The proposed coastal development permit modification does not involve changes to, or analysis of any mitigation measures. There are no mitigation measures or alternatives identified in this analysis which are considerably different from those analyzed in the previous MND, and which would substantially reduce one or more significant effects on the environment.

No substantial changes are proposed which would require major revisions to the previously approved Mitigated Negative Declaration. None of the proposed changes to the project will increase the severity of severity of previously identified significant effects. The proposed changes will not result in a new environmental effect. No additional mitigation is required.

Where none of the conditions specified in Section 15162 are present, the lead agency must determine whether to prepare an Addendum or whether no further CEQA documentation is required (CEQA Guidelines Section 15162[b]). An Addendum is appropriate where some minor technical changes or additions to the previously certified EIR or IS/MND are necessary, but there are no new or substantially more severe significant impacts (CEQA Guidelines Section 15164, Addendum to an EIR or Negative Declaration).

**CONCLUSION:** Based on these findings it is concluded that an Addendum to the adopted Negative Declaration is appropriate to address the requirements under CEQA for the proposed ordinance changes.

**RECOMMENDATION:** In accordance with the CEQA Guidelines, the staff has determined that an Addendum to the approved IS/MND is the appropriate environmental document for the Modified Project. This Addendum reviews the changes proposed by the Modified Project and examines whether, as a result of any changes or new information, a subsequent MND may be required. This examination includes an analysis pursuant to the provisions of Section 21166 of CEQA and Section 15162 of the State CEQA Guidelines concerning their applicability to the Modified Project.