



**SUMMARY**

**OWNER/APPLICANT:** CHARTER THOMAS E & PATRICIA A  
PO BOX 83  
ARBUCKLE, CA 95912

**AGENT:** WYNN COASTAL PLANNING  
703 N MAIN STREET  
FORT BRAGG, CA 95437

**REQUEST:** A Coastal Development Standard Permit request for a 347-square-foot addition to an existing 1,764-square-foot residence; conversion of an existing 489-square-foot non-residential structure (studio) to a guest cottage and the addition of a 368-square-foot porch to the guest cottage; construction of a 768-square-foot garage; construction of a 400-linear-foot 42-inch tall fence; a replacement leach field; 95-square-foot addition to an existing 97-square-foot pump house; and installation of a second above-ground water-storage tank.

**DATE DEEMED COMPLETE:** April 6, 2016

**LOCATION:** Located at 31450 Bay View Avenue approximately 800-feet west of its intersection with Pacific Drive. APN 018-450-11.

**TOTAL ACREAGE:** 1.58-acres

**GENERAL PLAN:** Rural Residential, 5-acre min. lot size RR5(1):U

**ZONING:** Rural Residential, 5-acre min. lot size RR:5[RR1]

**SUPERVISORIAL DISTRICT:** 4

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**RECOMMENDATION:** Approve with conditions and Mitigated Negative Declaration

**STAFF PLANNER:** Juliana Cherry

**BACKGROUND**

**PROJECT DESCRIPTION:** The project site falls within the appeal jurisdiction of the California Coastal Commission. The 1.58-acre site is located adjacent to the western terminus of Bay View Avenue and existing development is 21-feet landward of coastal bluffs. Existing development includes a 1,784-square-foot home, 489-square-foot studio with 94-square-foot porch, 97-square-foot pump house and 32-square-foot water storage tank, 440-linear feet of fencing, 5,000-square-foot driveway that surrounds a large canopy tree. There are recommended 50-foot and 100-foot ESHA buffers for coastal bluff scrub, coastal terrace prairie, Blasdael's bentgrass, and short leaved evax.

The proposed site improvements are additions to the existing residence, addition to the existing storage and pump house structures, addition to the existing studio/guest house, construction of a slab-on-grade garage, and installation of a replacement leach field area. Mitigation measures are recommended to reduce the effect of significant impacts to special status plants, drainage, and seismic stability.

**APPLICANT’S STATEMENT:** “The proposed project requests a Coastal Development Permit for the following: (1) the addition of 347 sf to an existing 1,764 sf single-family residence, maximum average height of 28’ above natural grade; (2) conversion of an existing 489 sf studio into a 489 sf guest cottage with new 368 sf protected sun porch, maximum average height of 15’ above natural grade; (3) construction of a new 768 sf garage maximum average height of 17’ above natural grade; (4) the installation of a 42”-high, 400’-long redwood-post fence, with stainless-steel wire-mesh, to protect residents and guests from going over the bluff and protect on site ESHA, (5) installation of leach field replacement area, and (6) addition of 95 sf storage shed to an existing 97 sf pump house, maximum average height of 15’ above natural grade; and (7) installation of a 3,000-gallon water tank.”

**RELATED ON-SITE APPLICATIONS:**

- BF (1981) 7771 Building Permit to enclose an existing sunroom
- BF 2006-0022 Building Permit for exterior repairs
- BF 2005-0822 Building Permit for gas line and fireplace
- BF (1977) 2584 Building Permit for interior alteration
- BF 1987-813 Building Permit to install a gas line and space heater
- BF 2013-0727 Building Permit to install conduit from panel to electric gate

**SITE CHARACTERISTICS:** The project site is located at the western terminus of Bay View Drive. The site is 1.58-acres of Rural Residential designated land situated south of Todd’s Point subdivision and Noyo Bay. The site faces west towards the Pacific Ocean. The property has been previously developed with a house, accessory structures, and fencing. A large canopy tree is growing within the driveway area and establishes a roundabout in front of the house. Westerly portions of the site include special status plants. A 100-foot and a 50-foot ESHA buffer have been delineated.

**SURROUNDING LAND USE AND ZONING:** The project site is located in a Rural Residential District, where the principal permitted use is Single-Family Residential. The proposal is to continue this land use. The surrounding area consists of similar development and land use designations.

|              | <b>GENERAL PLAN</b> | <b>ZONING</b> | <b>LOT SIZES</b> | <b>USES</b>   |
|--------------|---------------------|---------------|------------------|---------------|
| <b>NORTH</b> | RR5(1)              | RR:5[RR1]     | 1.5              | Residential   |
| <b>EAST</b>  | RR5(1)              | RR:5[RR1]     | 1.5              | Residential   |
| <b>SOUTH</b> | RR5(1)              | RR:5[RR1]     | 1.5              | Residential   |
| <b>WEST</b>  | Pacific Ocean       | Pacific Ocean | --               | Pacific Ocean |

**PUBLIC SERVICES:**

Coastal Access: Pacific Drive  
 Fire District: Fort Bragg Rural Fire District  
 School District: Fort Bragg

Coastal Access follows Pacific Drive, which is located east of the project site. Both the Fort Bragg Rural Fire District and Fort Bragg School District replied to staff’s request from comments. They each replied that they had no comments at this time.

**AGENCY COMMENTS:** On April 21, 2016, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial is discussed in full as key issues in the following section.

| REFERRAL AGENCIES                 | RELATED PERMIT | COMMENT     | DATE      |
|-----------------------------------|----------------|-------------|-----------|
| Army Corps of Engineers           |                | No response |           |
| Assessor                          |                | No response |           |
| Building Inspection - Fort Bragg  |                | No comment  | 4-28-2016 |
| CalFire                           |                | No response |           |
| Coastal Commission                |                | No response |           |
| Department of Fish & Game         |                | Comment     | 6-20-2016 |
| Environmental Health - Fort Bragg |                | Comment     | 5-24-2016 |
| Fort Bragg Rural Fire District    |                | No comment  | 4-28-2016 |
| Fort Bragg School District        |                | No comment  | 4-26-2016 |
| Planning Ukiah                    |                | No comment  | 4-25-2016 |
| State Clearinghouse               |                | No response |           |
| US Fish & Wildlife Service        |                | No response |           |

**KEY ISSUES**

**1. General Plan and Zoning Consistency:**

The proposed land use is consistent with the general plan, zoning, and Local Coastal Program (LCP). The existing single-family residential land use and the proposed site improvements, including accessory structures and guest cottage, conform to the intent of *Coastal Element Section 2.2 Rural Residential Land Use Classifications*, because Single-Family Residential land uses are principally permitted in the RR Districts. The project also satisfies development standards of MCC Chapter 20.500 *Hazard Areas* and Chapter 20.20.496 *Environmentally sensitive habitat and other resource areas*.

**2. Mendocino County Local Coastal Program:**

The proposed project is located within the boundaries of the Local Coastal Program (LCP) area and is shown on LCP Map 14 *Beaver*. Although the project location is nested away from and south of Todd's Point, it is included in the Hare Creek Planning Area. East of and near to the project site, coastal access routes follow Pacific Drive north to Todd's Point.

The project site includes existing development and the property owner proposes site improvements, some of which would affect special status plants. Lands include coastal terrace prairie, beach and rocky bluff, and northern coastal bluff scrub. A Coastal Act Compliance Report delineates 50-foot and 100-foot buffers from sensitive habitats and recommends mitigation measures. These are identified in Section 3. Environmental Protection.

The addition to the single-family residence is proposed to be setback 25-feet landward of the bluff edge, which meets the recommendations of the geotechnical analysis.

**3. Environmental Protection:**

An initial study was prepared. Biological resources and geology/soils would be impacted by the proposed project. Mitigation measures are recommended to reduce the significance of their effect. Adoption of a Mitigated Negative Declaration is recommended.

The following mitigation measures are recommended to prevent impacts to ESHA, their 100-and 50-foot ESHA buffers, and to prevent impacts from post-Project conditions.

Potential Impact 1: Project activities have the potential to indirectly impact natural community ESHA of coastal terrace prairie, beach and rocky bluff and northern coastal bluff scrub. The following measures shall be deployed to ensure that indirect impacts to ESHA do not result from the project.

**Mitigation Measure 1:** Natural community ESHA and associated 100- and 50-foot buffers within the Project Area shall be flagged and shown on all site plans with high visibility flagging to ensure avoidance and to demarcate buffer zones to construction personnel.

**Mitigation Measure 2:** Temporary sediment prevention measures through standard BMPs shall be deployed within all buffer areas and associated ESHA. These measures may include the installation of silt fencing and/or weed-free hay bales.

**Mitigation Measure 3:** Keep disturbed areas (areas of grading and related activities) to the minimum necessary for demolition or construction.

**Mitigation Measure 4:** Ground disturbance work shall be conducted during the dry season, typically between May 1 and October 15.

**Mitigation Measure 5:** Temporary vegetation impacts will be mitigated through restoration activities including revegetation with locally sourced native species, which occur in the communities on site and invasive species (ice plant) removal within the vicinity of ESHA.

**Mitigation Measure 6:** During construction, materials, including but not limited to lumber, concrete, finish wares, hand tools, power tools, generators, vehicles, heavy equipment, etc., will be stored as far away as possible from onsite ESHAs, such as the existing driveway, which are clearly designated by high-visibility construction fencing or other signage. Spill prevention devices shall be utilized and kept on site for all toxic liquids including but not limited to gasoline, diesel, motor oil, solvents, paints, and herbicides.

Potential Impact 2: The Project will not result in direct impacts to special-status plant species. However, the following measures are to be deployed to ensure that indirect impacts to special status plants do not occur.

**Mitigation Measure 7:** High visibility flagging or exclusion fencing shall be placed around special-status plant species for avoidance during Project activities. The construction avoidance fencing shall be inspected by a qualified biologist and checked weekly, for the duration of construction, to ensure that the fencing remains installed properly.

**Mitigation Measure 8:** Contractors will be trained to identify Blasdale's bentgrass, short-leaved evax, and Mendocino paintbrush on site and to be aware of environmental laws, guidelines, and policies to ensure adequate knowledge and avoidance of this plant.

Potential Impact 3: Ground disturbance and vegetation removal have the potential to indirectly impact breeding birds during the nesting season, including special-status bird species. Impacts to breeding birds are prohibited by the Migratory Bird Treaty Act (MBTA). The following measures shall be deployed to ensure that impacts to breeding birds do not result from Project activities.

**Mitigation Measure 9:** The bird-breeding season typically extends from February 1 to August 31. Ideally, vegetation removal shall be performed in the non-breeding season between September 1 and January 31. In the event that these activities cannot be conducted during the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, type of habitat, and level of disturbance and will be determined by a qualified biologist. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest weekly while it is in use to ensure the buffer is sufficient to protect the nest site from disturbances.

Project details and the Coastal Act Compliance Report were distributed to the California Coastal Commission North Coast Office, the Department of Fish and Game, and US Fish and Wildlife. Comments were received from the Department of Fish and Game on June 20, 2016; where Ms. Liebenberg commented, "I recommend that the mitigation measures detailed in the Compliance Report are included as enforceable conditions for the approval of CDP 2016-0010."

A Geotechnical Investigation and Coastal Bluff Stability Analysis was prepared.<sup>1</sup> Specific surface drainage, building setbacks and foundation, and utility trench recommendations are described in the report.<sup>2</sup> Recommended mitigation measures to lessen the effect of surface drainage follow:

**Mitigation Measure 10:** The ground surface around the structures' perimeters shall be sloped away, or other design measures shall be implemented, to provide positive surface water drainage away from perimeter foundation areas.

**Mitigation Measure 11:** Surface drainage shall be planned to prevent ponding and enable water to drain away from foundations, slabs-on-grade, edges of pavements, and tops of slopes, and toward suitable collection or discharge facilities.

**Mitigation Measure 12:** Roof drainage systems shall be planned to direct rainwater away from building foundations.

**Mitigation Measure 13:** A positive surface drainage of at least five percent shall be established within ten feet of all building foundations in unpaved areas. Elsewhere, a positive surface drainage of at least two percent shall be established to allow for rapid removal of surface water.

**Mitigation Measure 14:** Concentrated runoff shall not be discharged onto bare ground or slopes, or toward any bluff edge.

**Mitigation Measure 15:** Runoff that is collected and controlled shall be dispersed by sheet flow, where feasible. Because onsite soils generally have moderate potential for erosion, approved temporary and permanent erosion control measures shall be implemented to limit erosion and comply with applicable Mendocino County regulations.

**Recommended Condition:** Mitigation Measures 10 through 14 shall be incorporated into any grading, erosion, and sediment control plan approved by Planning and Building Services prior to issuance of a Building Permit.

### **RECOMMENDATION**

By resolution, adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and grant Coastal Development Standard Permit for the Project, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

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DATE

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JULIANA CHERRY  
PLANNER III

Appeal Period: 10 Days  
Appeal Fee: \$1100.00

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<sup>1</sup> SHN Consulting Engineers & Geologists, Inc. Geotechnical Investigation and Coastal Bluff Stability Analysis. Willits, CA. January 2015.

<sup>2</sup> *ibid.* pages 9-12.

**ATTACHMENTS:**

- A. Adjacent Owner Map
- B. Appealable areas
- C. Classified Wetlands
- D. FEMA Flood Zone
- E. Fire Hazards Map
- F. General Plan Classifications
- G. Groundwater Resources
- H. LCP Habitats & Resources
- I. LCP Land Capabilities & Hazards
- J. LCP Land Use Map 13: Beaver
- K. Local Soils
- L. Location Map
- M. Site Plans and Elevations
- N. Stormwater Permitting Areas
- O. Topographical Map
- P. Water Districts
- Q. Wildland-Urban Interface Areas
- R. Zoning Display Map

**COASTAL CHECKLIST**

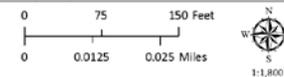
**Mitigated Negative Declaration and Initial Study available online at:**

<http://www.co.mendocino.ca.us/planning/meetings.htm>

**RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):**

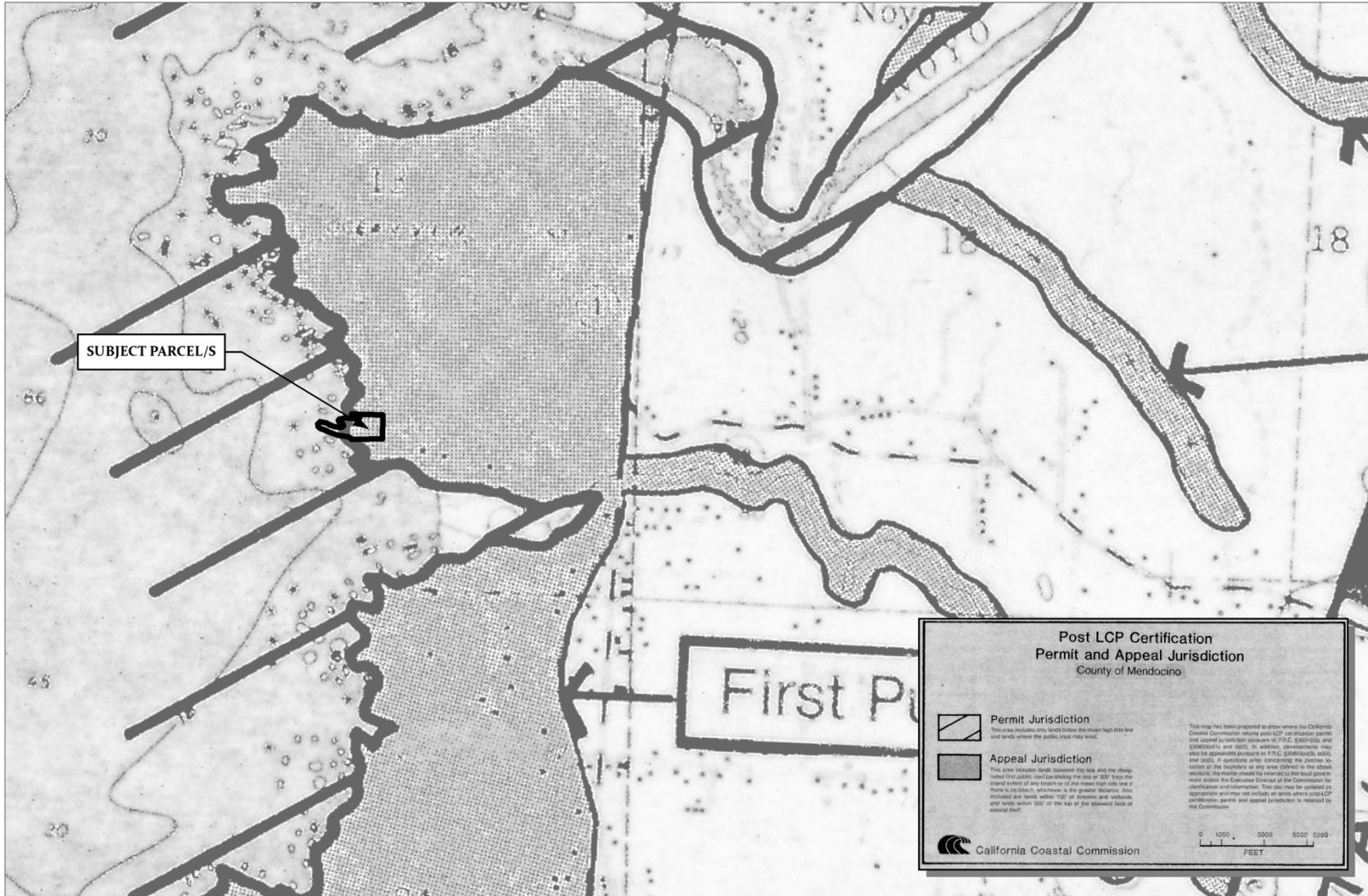


CASE: CDP 2016-0010  
 OWNER: CHARTER, Thomas & Patricia  
 APN: 018-450-11  
 APLCT: Thomas Charter  
 AGENT: Thomas Charter  
 ADDRESS: 31450 Bay View Ave., FB

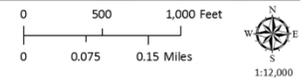


ADJACENT PARCELS

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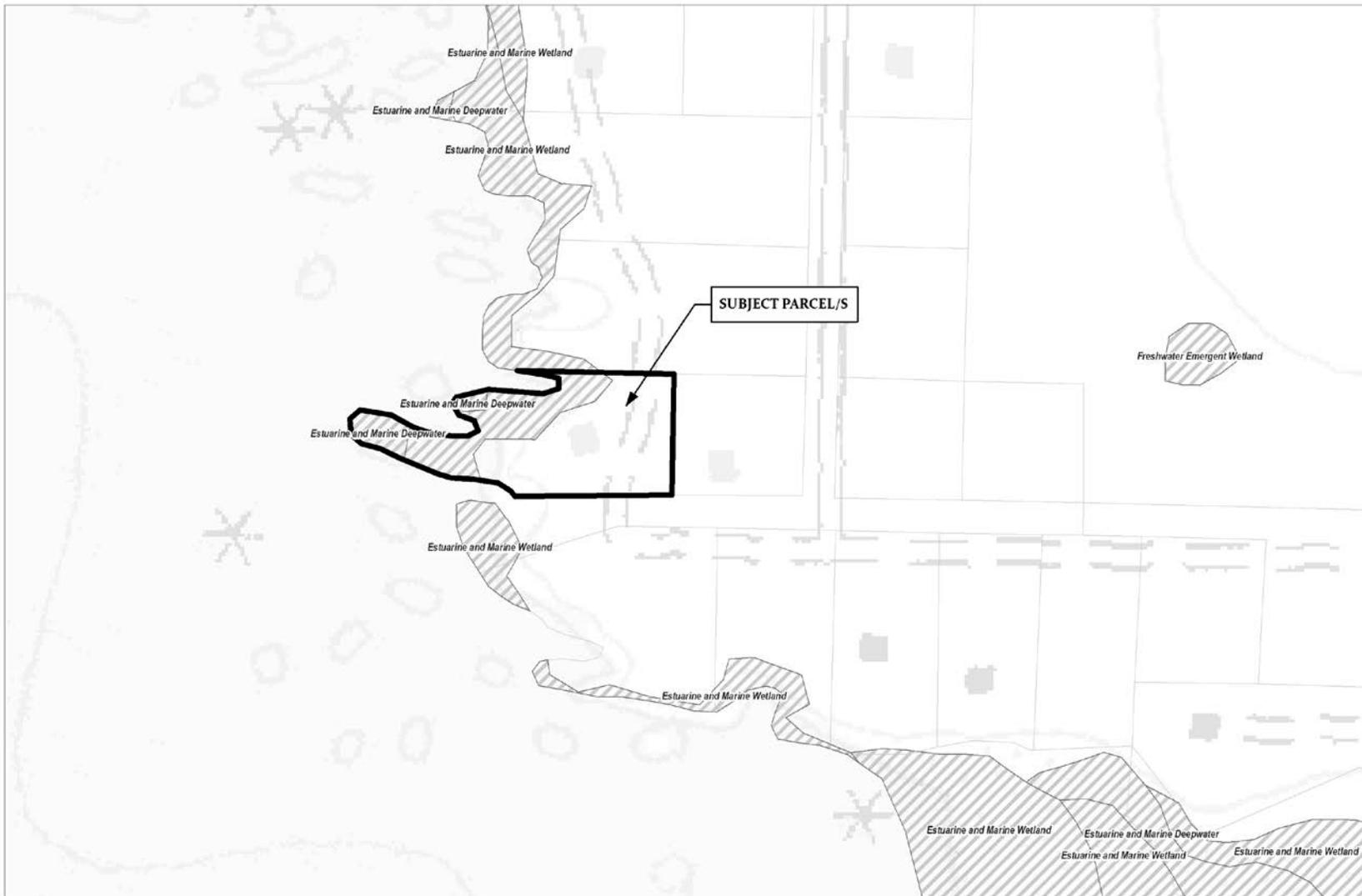


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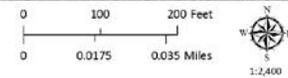
APPEALABLE AREAS

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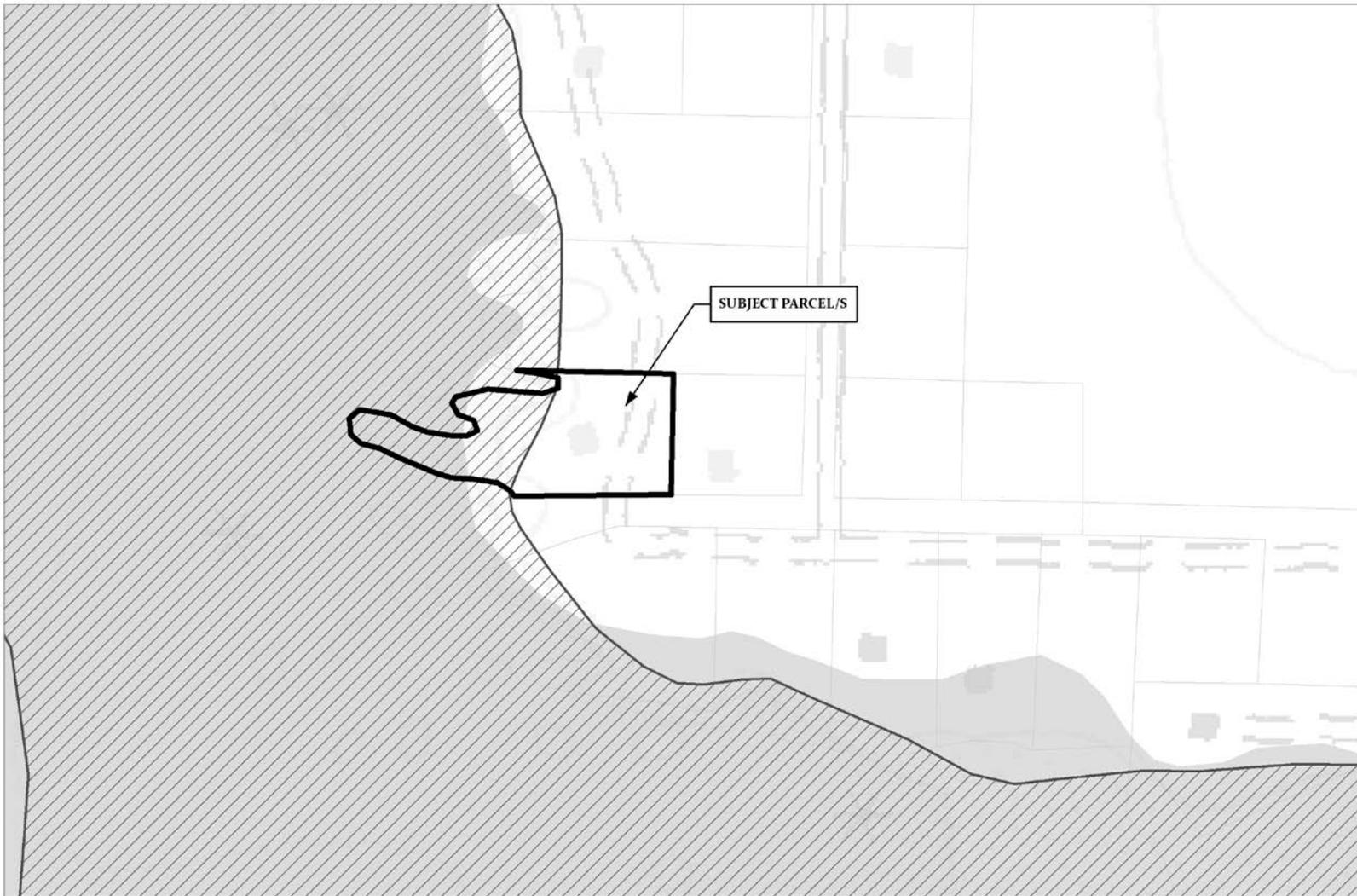
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 Wetlands



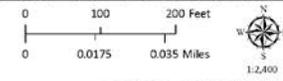
CLASSIFIED WETLANDS

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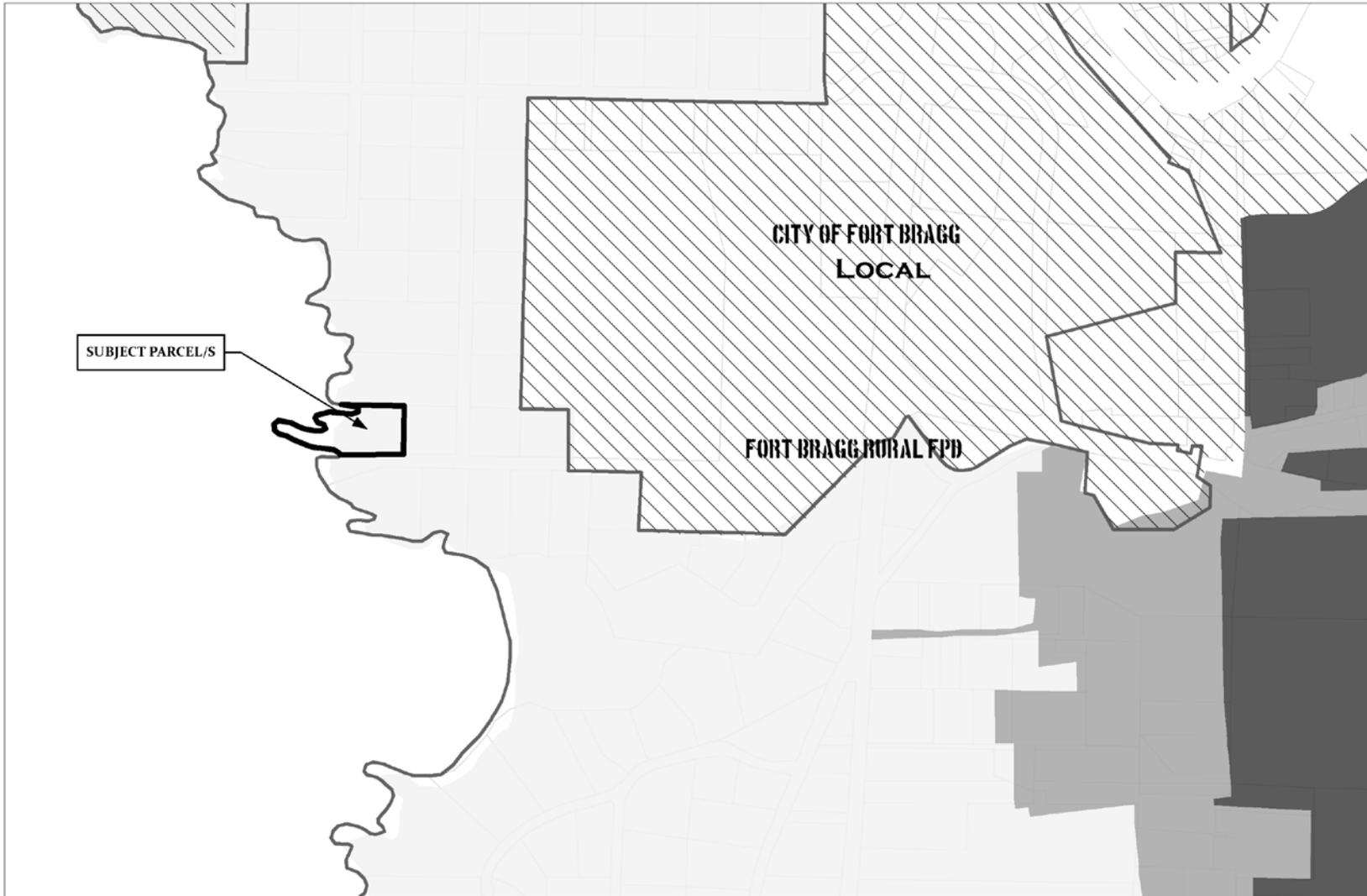
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 Flood Zone  
 Tsunami Inundation Zones



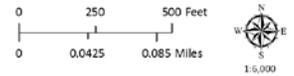
FEMA FLOOD ZONE  
NFIP MAPS, JUNE 2nd, 2011

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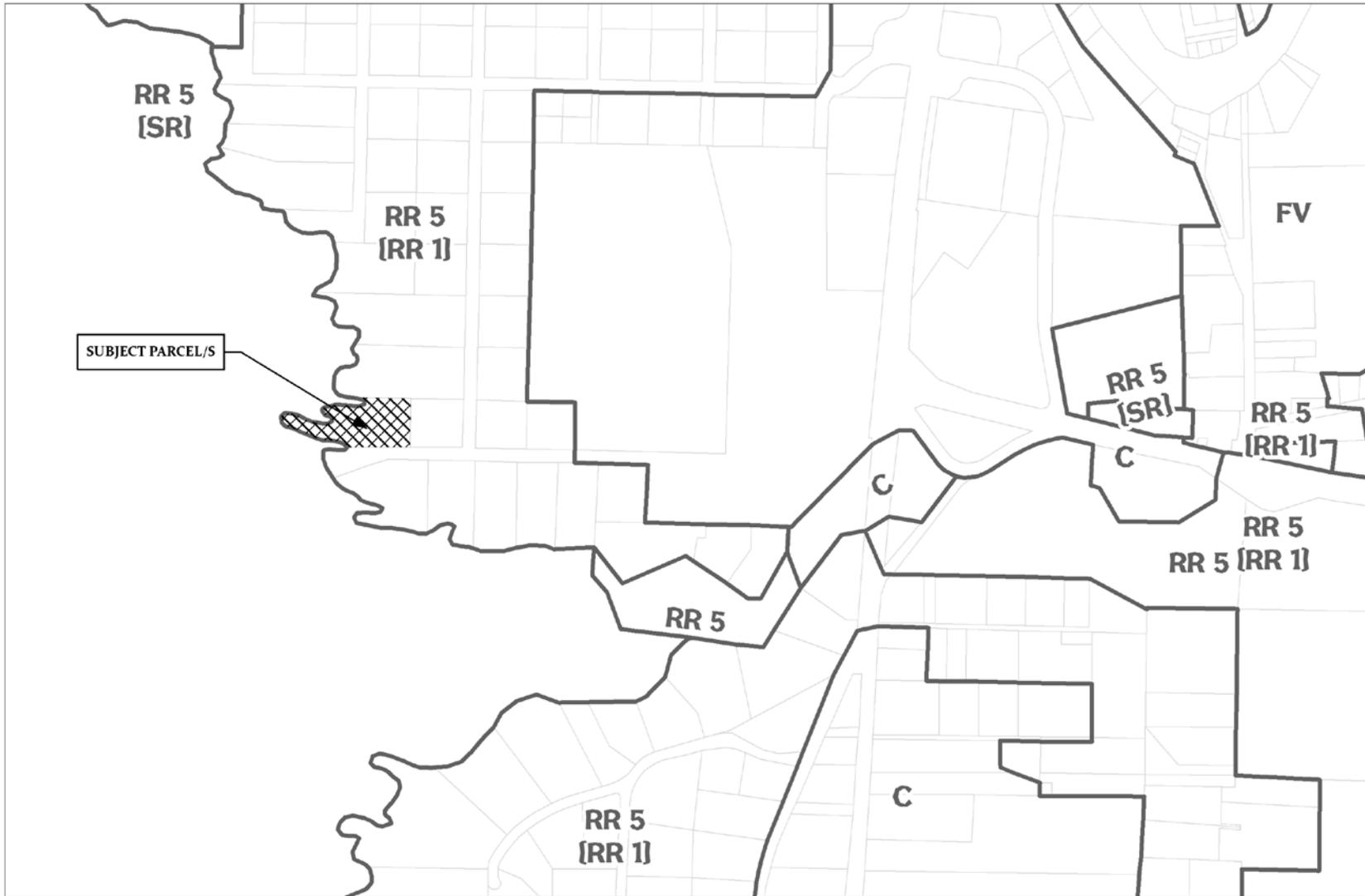
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-  County Fire Districts
-  Moderate Fire Hazard
-  Very High Fire Hazard
-  High Fire Hazard

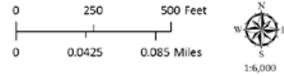


FIRE HAZARD ZONES & RESPONSIBILITY AREAS  
STATE RESPONSIBILITY AREA

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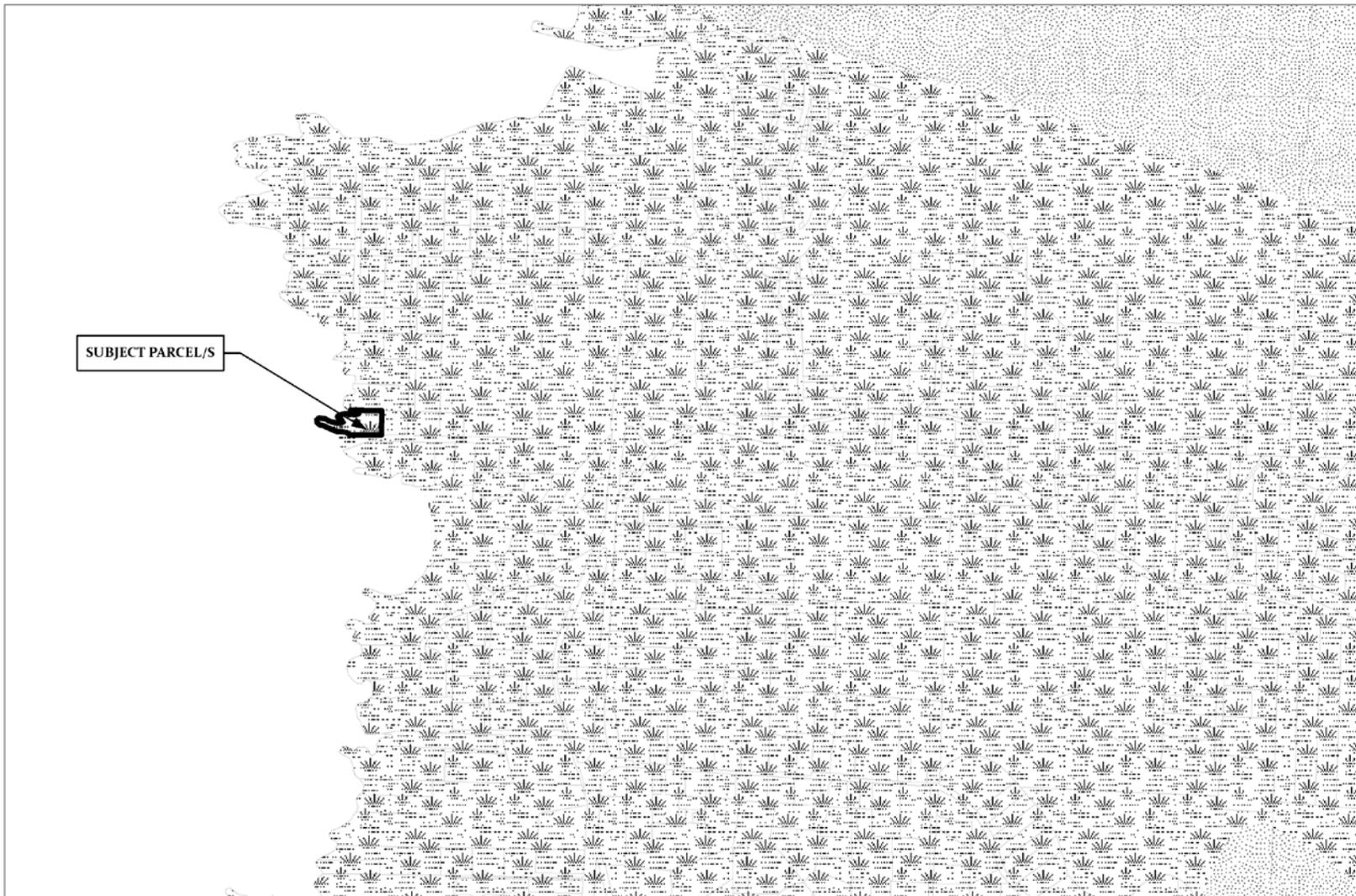


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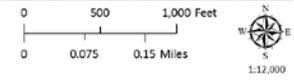
GENERAL PLAN CLASSIFICATIONS

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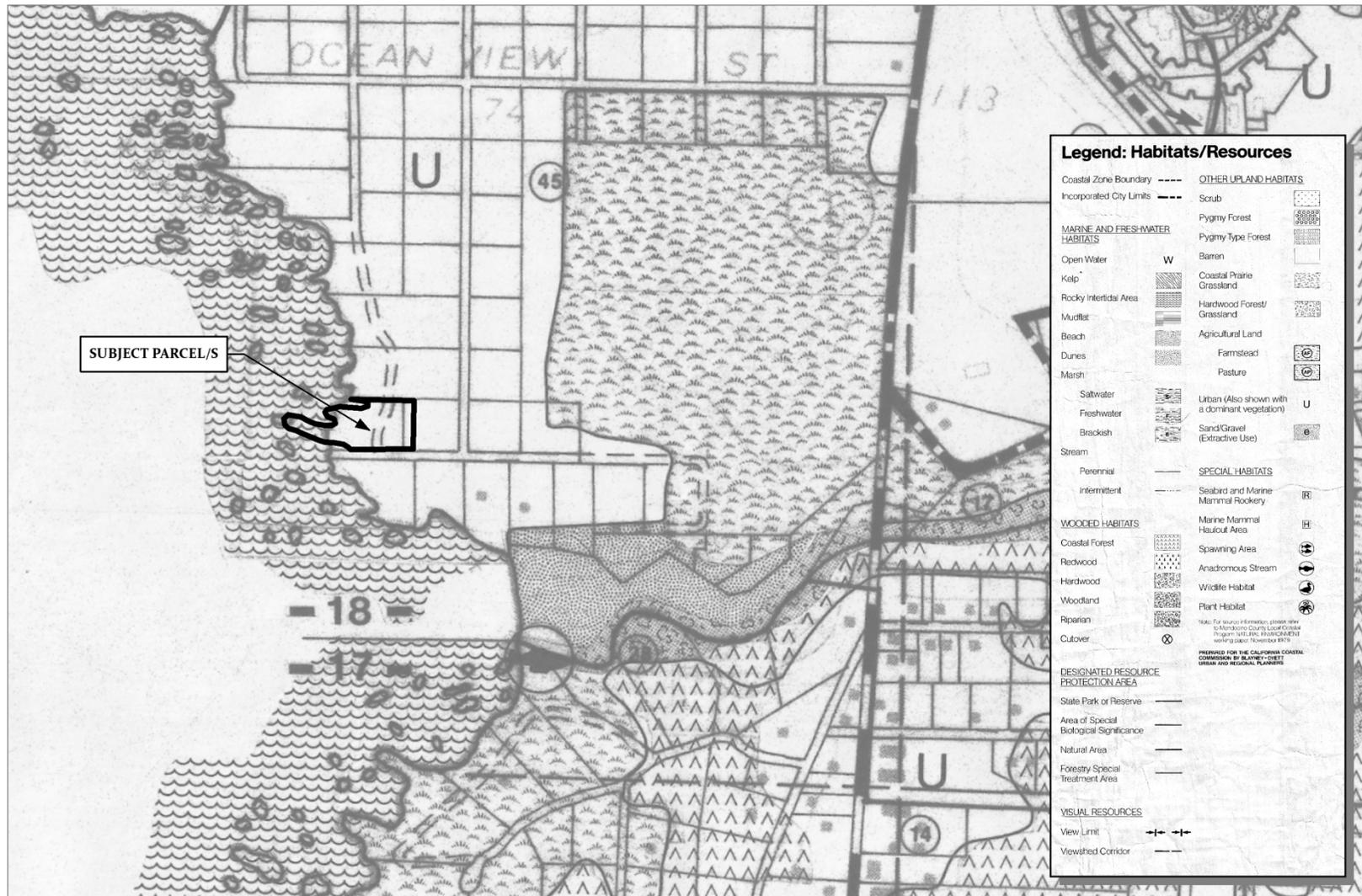
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 Sufficient Water Resources  
 Marginal Water Resources

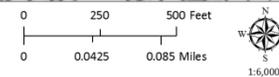


GROUND WATER RESOURCES

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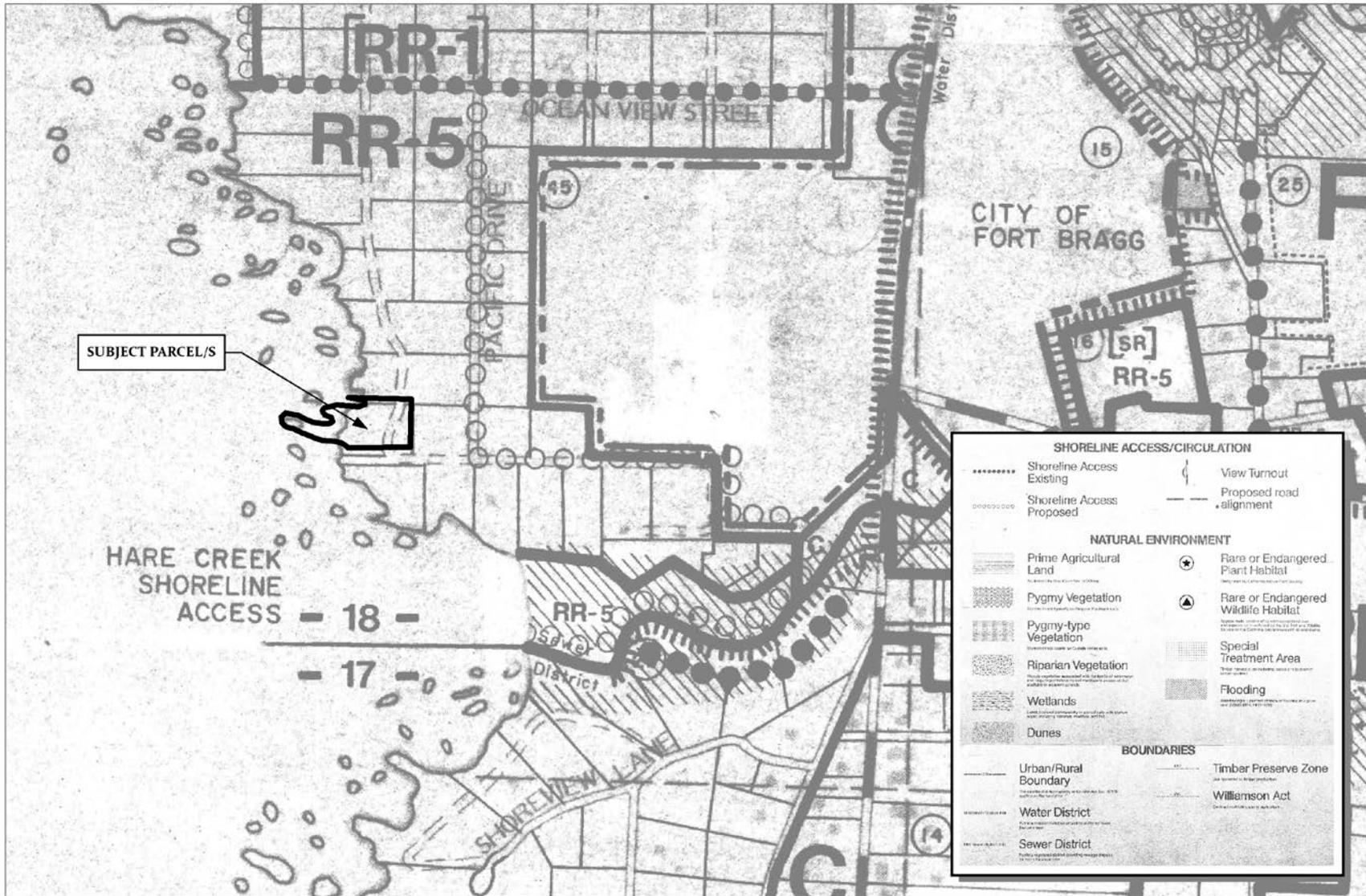
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LCP HABITATS & RESOURCES

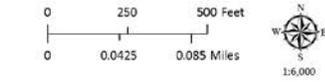
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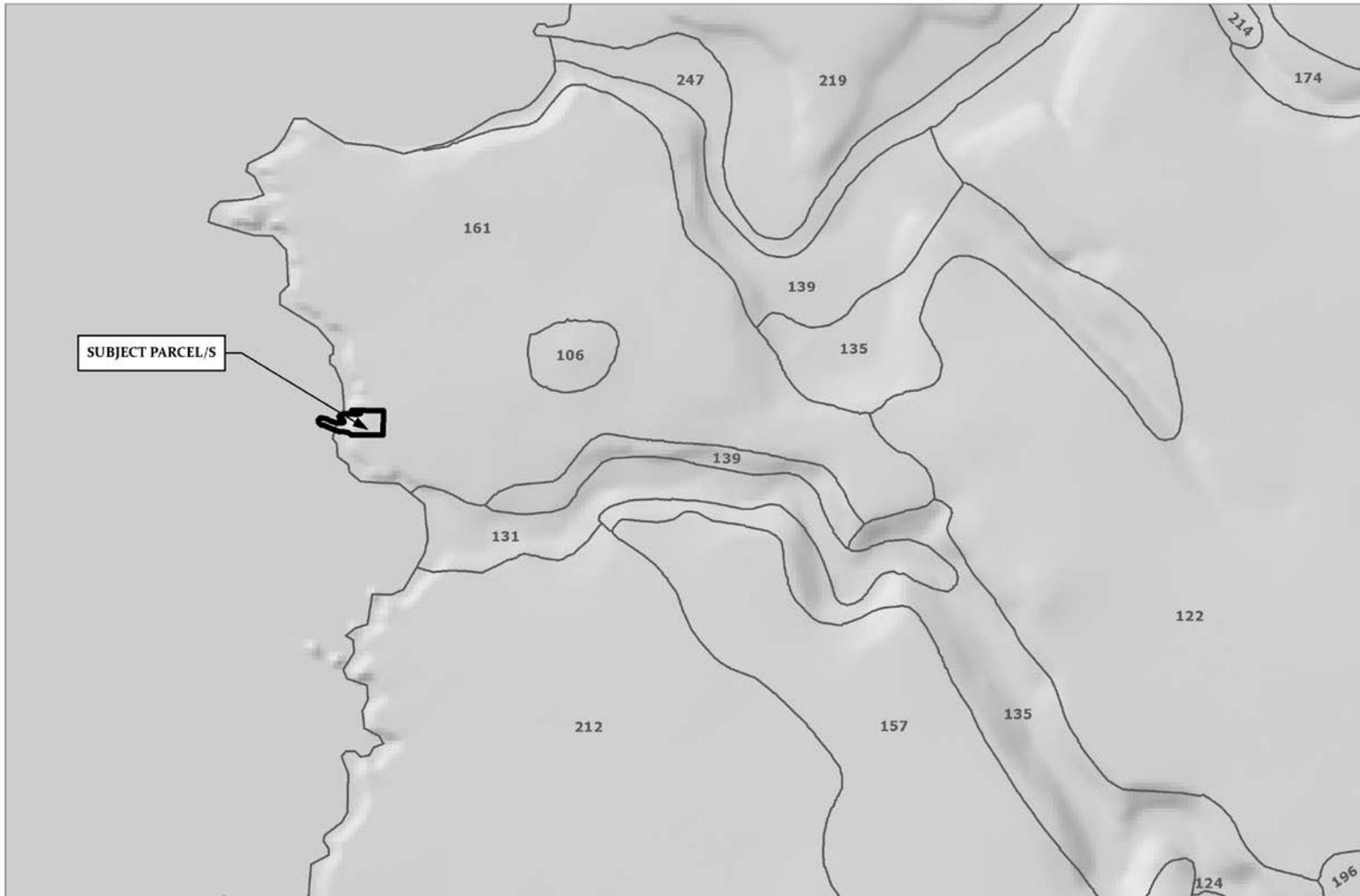


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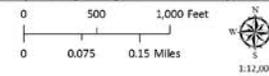


LCP LAND USE MAP 14: BEAVER



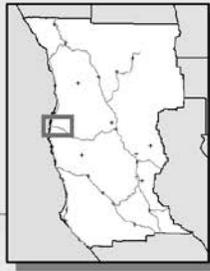
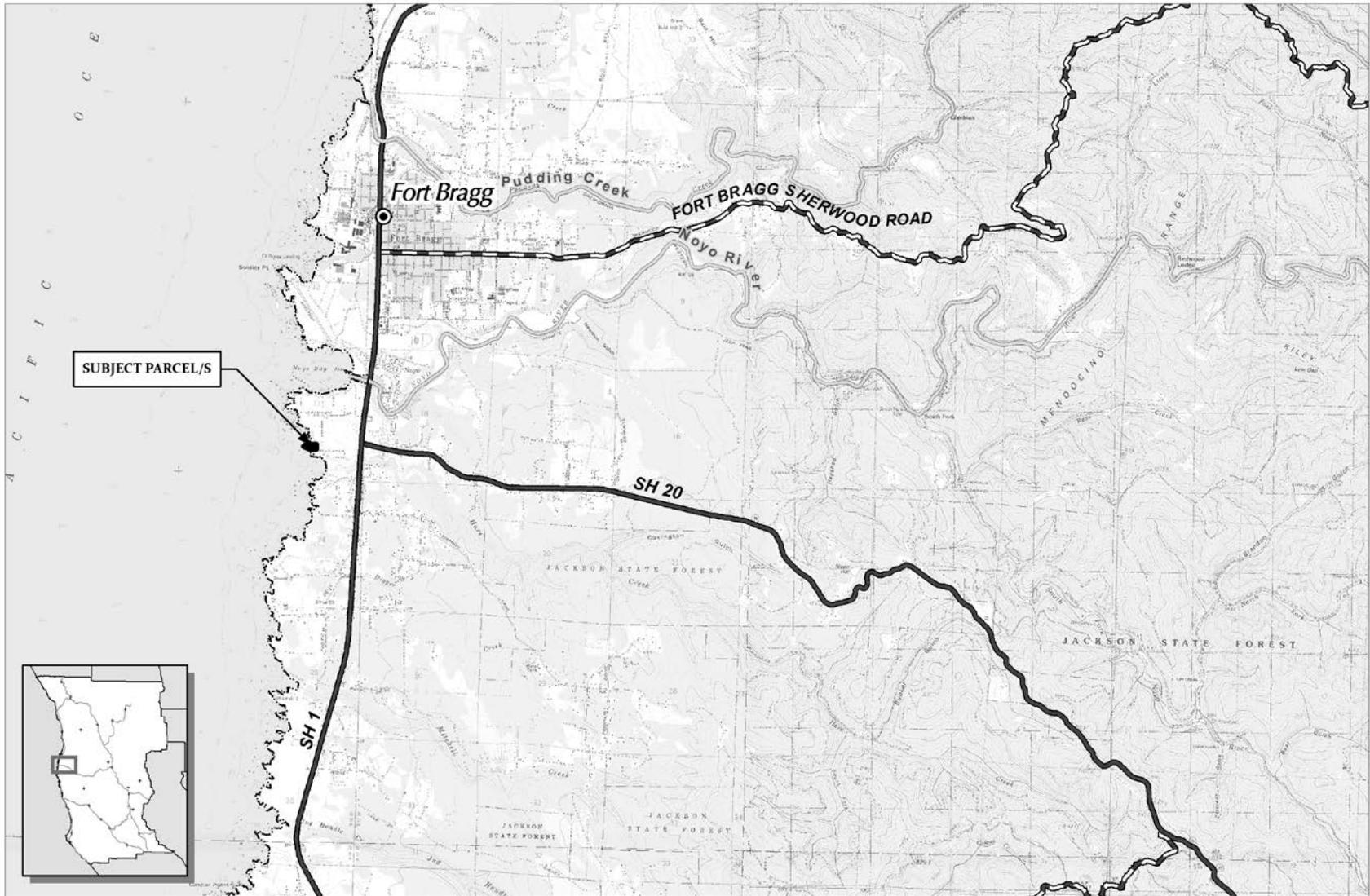
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 Western Soils



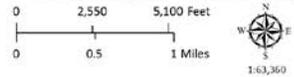
LOCAL SOILS

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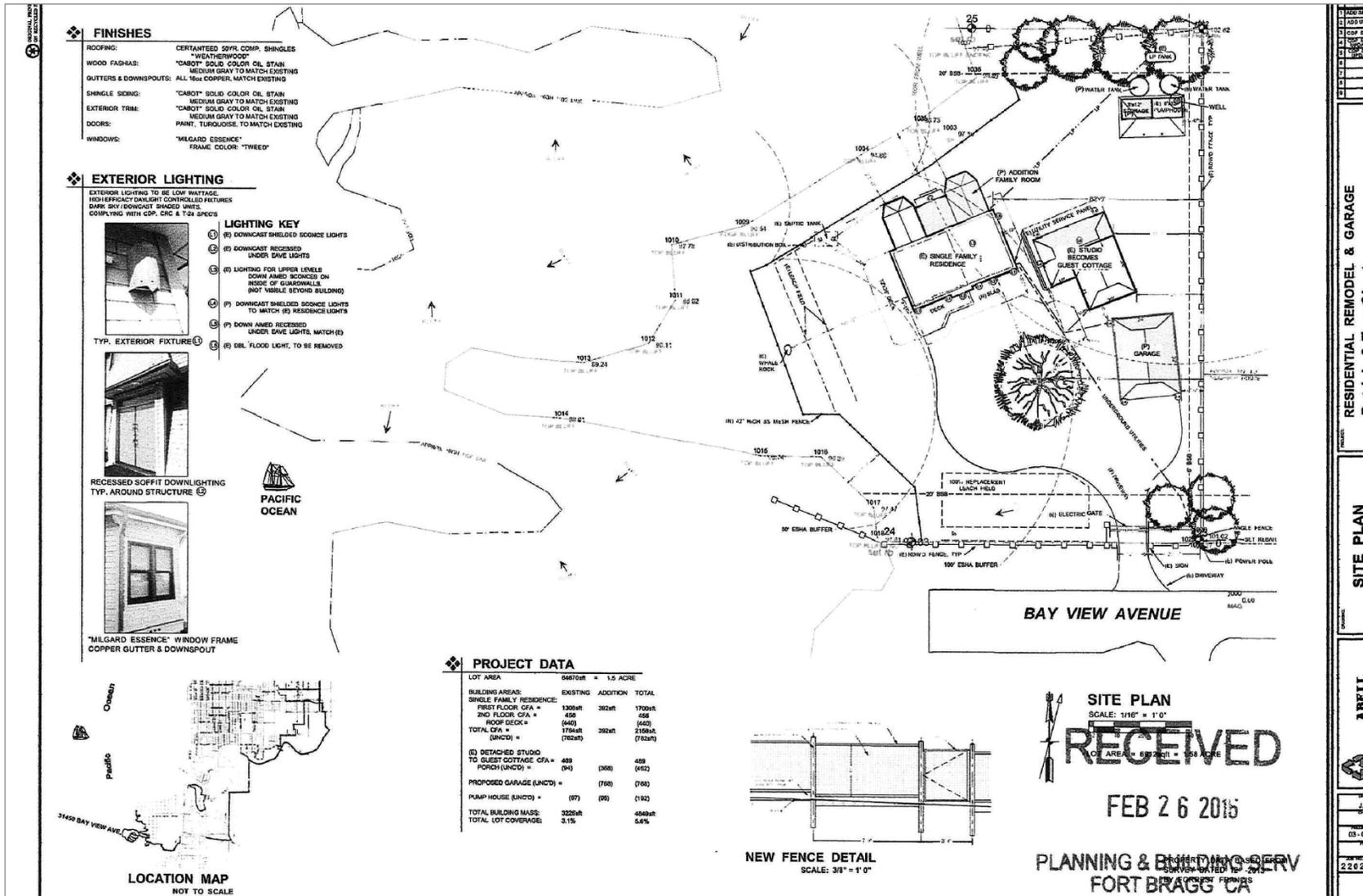
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- Major Towns & Places
- Major Roads
- Major Rivers
- Highways



LOCATION MAP

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RESIDENTIAL REMODEL & GARAGE  
Patricia & Tom Charter

SITE PLAN

ABELL

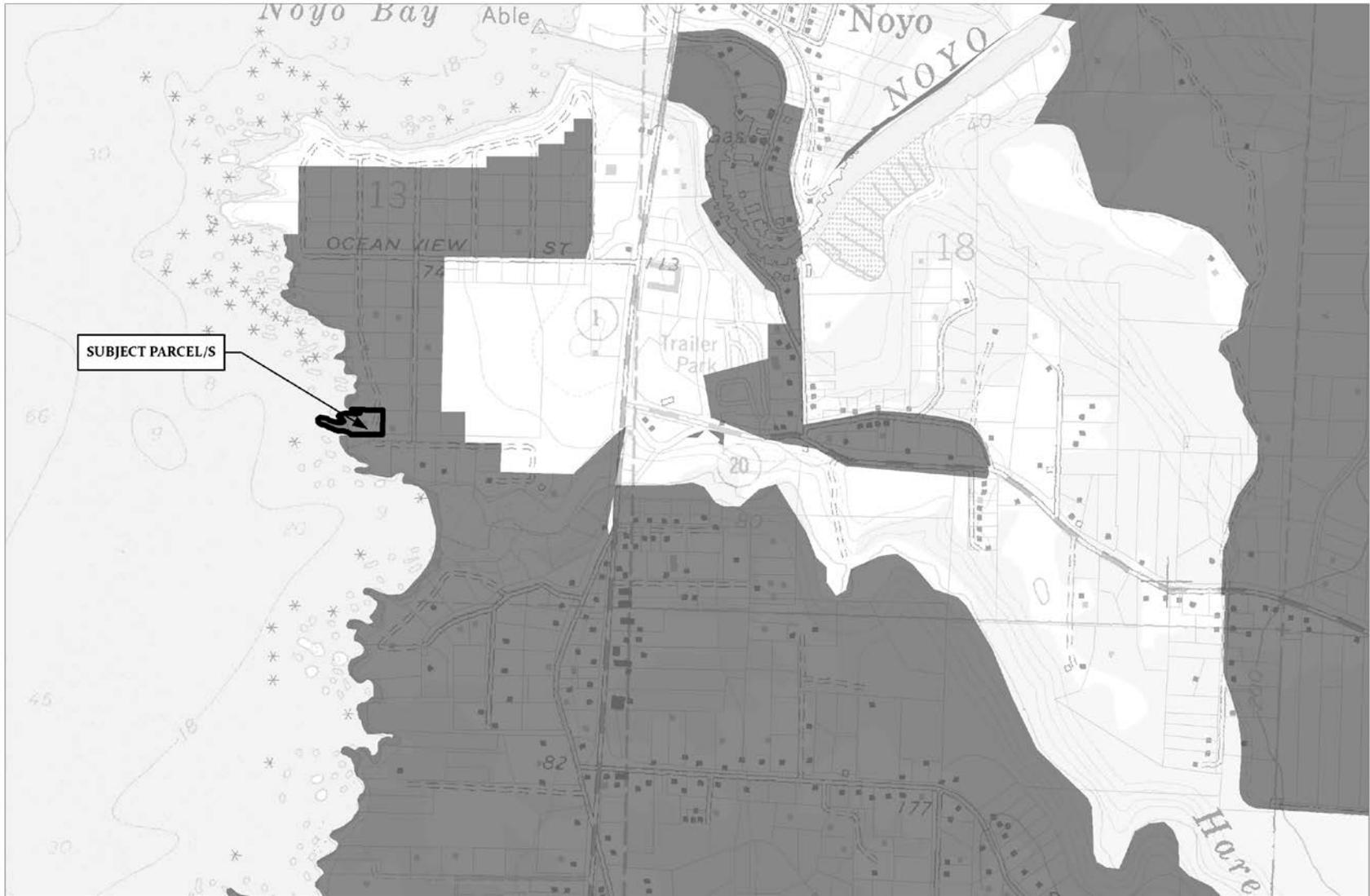
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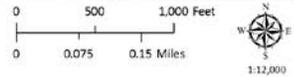
NO SCALE

SITE PLAN



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Fort Bragg Stormwater Areas

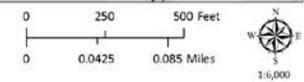


STORMWATER PERMITTING AREAS

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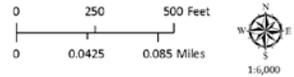
TOPOGRAPHIC MAP  
CONTOUR INTERVAL IS 40 FEET

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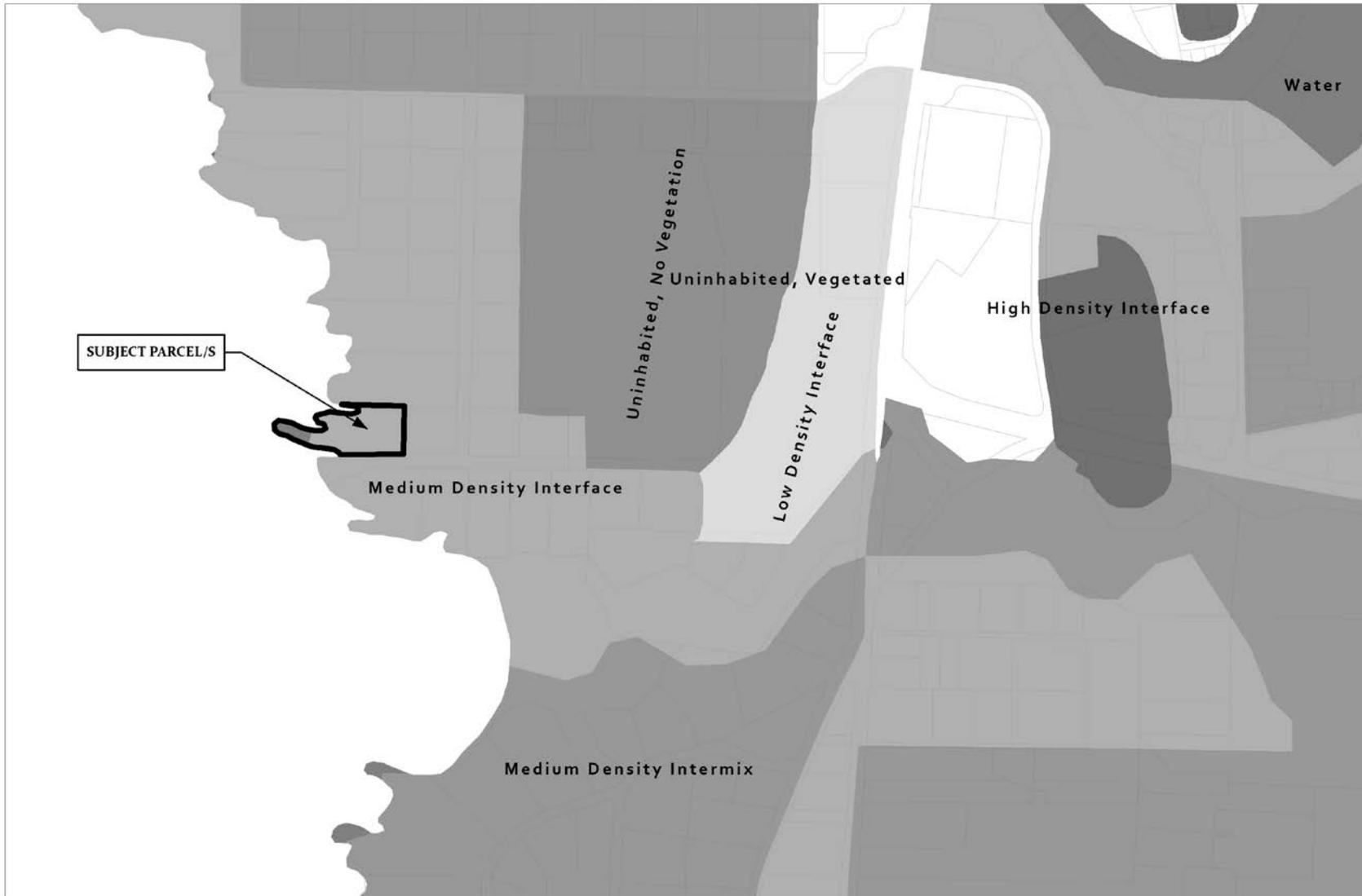
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 County Water Districts



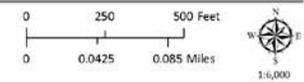
WATER DISTRICTS

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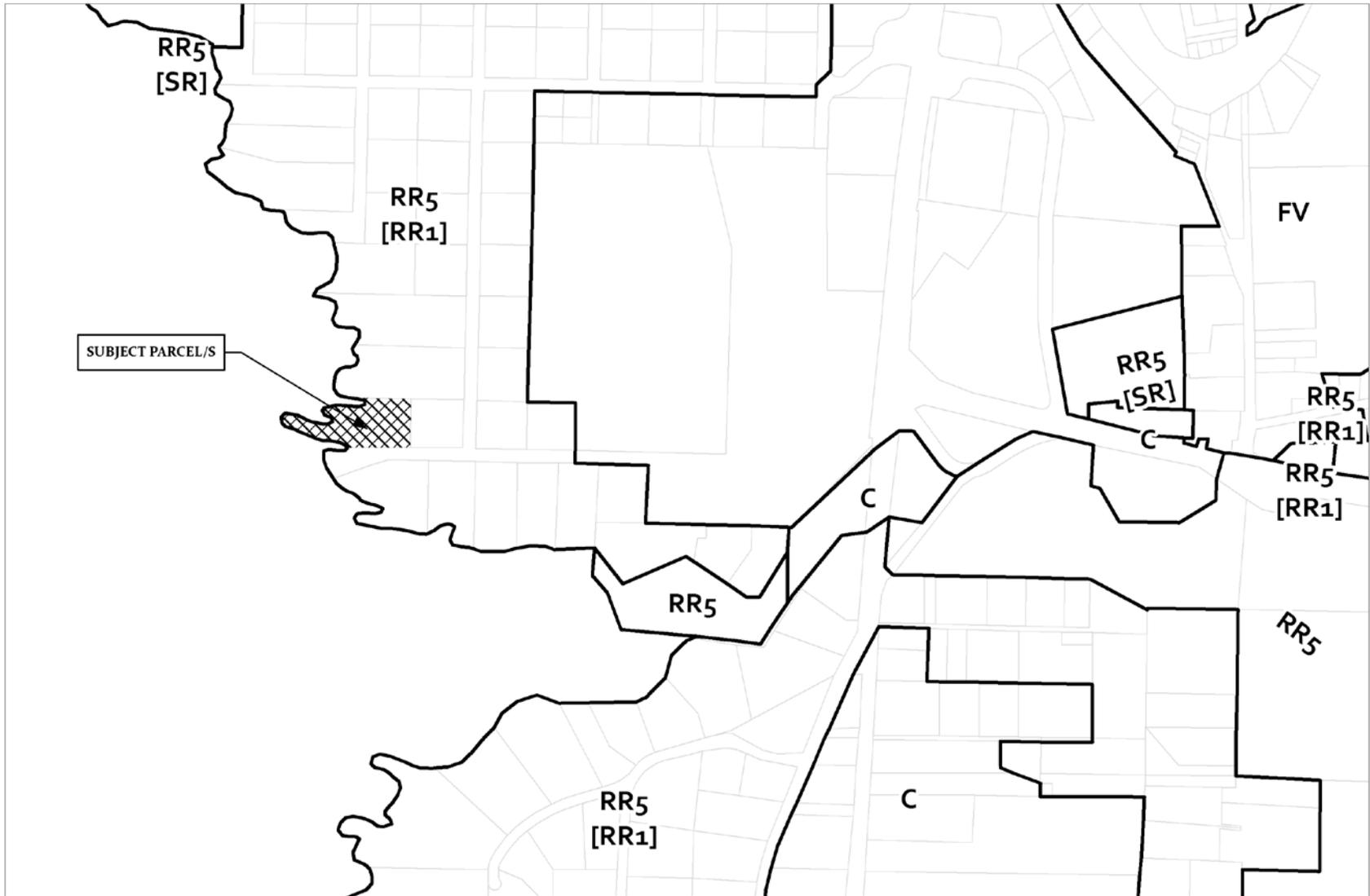
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APLCT: Thomas Charter  
AGENT: Thomas Charter  
ADDRESS: 31450 Bay View Ave., FB

Water



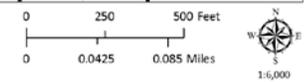
WILDLAND-URBAN INTERFACE AREAS

Map produced by the Mendocino County Planning & Building Services, March, 2016  
All spatial data is approximate. Map provided without warranty of any kind.



CASE: CDP 2016-0010  
OWNER: CHARTER, Thomas & Patricia  
APN: 018-450-11  
APLCT: Thomas Charter  
AGENT: Thomas Charter  
ADDRESS: 31450 Bay View Ave., FB

 Zoning Master



ZONING DISPLAY MAP

Map produced by the Mendocino County Planning & Building Services, March, 2016  
All spatial data is approximate. Map provided without warranty of any kind.

**COASTAL PERMIT APPROVAL CHECKLIST  
SEPTEMBER 22, 2016**

**PROJECT TITLE:** CDP\_2016-0010

**PROJECT LOCATION:** 31450 Bay View Avenue  
Fort Bragg, California 95437  
APN: 018-450-11

**LEAD AGENCY NAME,  
ADDRESS AND CONTACT PERSON:** Juliana Cherry  
Mendocino County  
Planning and Building Services  
120 West Fir Street  
Fort Bragg, California 95437  
707-964-5379

**GENERAL PLAN DESIGNATION:** Mendocino County General Plan – Coastal Element  
Rural Residential, 5-acre min. lot sizes RR-5(1):U

**ZONING DISTRICT** Mendocino County Coastal Zoning Code – Division II  
Rural Residential, 5-acre min. lot sizes RR-5

**DESCRIPTION OF PROJECT:** A Coastal Development Standard Permit request for a 347-square-foot addition to an existing 1,764-square-foot residence; conversion of an existing 489-square-foot non-residential structure (studio) to a guest cottage and the addition of a 368-square-foot porch to the guest cottage; construction of a 768-square-foot garage; construction of a 400-linear-foot 42-inch tall fence; a replacement leach field; 95-square-foot addition to an existing 97-square-foot pump house; and installation of a second above-ground water-storage tank.

**SITE DESCRIPTION AND SETTING:** The 1.58-acre site is located on Bay View Avenue approximately 800-feet west of its intersection with Pacific Drive. The project address is 31450 Bay View Avenue, Fort Bragg (APN 018-450-11). Existing development is 21-feet landward of coastal bluffs.

The lot is developed with an existing 1,784-square-foot home, 489-square-foot studio with 94-square-foot porch, 97-square-foot pump house and 32-square-foot water storage tank, 440-linear feet of fencing, and a 5,000-square-foot driveway that surrounds a large canopy tree. There are 50-foot and 100-foot ESHA buffers for coastal bluff scrub, coastal terrace prairie, Blasdael's bentgrass, and short leaved evax.

Local Coastal Plan Map 14 *Beaver* shows public access to the shore west of the subject site (a public access route is mapped along Pacific Drive). The project site falls within the appeal jurisdiction of the California Coastal Commission. Mapping associates the following with the subject site: sufficient ground water resources; moderate fire hazard zone; western soils number 161; Fort Bragg Stormwater Permitting Area; classified wetlands (Estuarine and Marine Deepwater); Medium Density within Wildland-Urban Interface Areas; and portions of the land are mapped within the FEMA flood zone.

**DETERMINATION:** The proposed project can satisfy all required findings for approval of a Coastal Development Permit, pursuant to Sections 20.532.095 and 20.532.100 of the Mendocino County Coastal Zoning Code, as individually enumerated in this Coastal Permit Approval Checklist.

| 20.532.095 Required Findings for All Coastal Development Permits   | Inconsistent             | Consistent (With Conditions of Approval) | Consistent (Without Conditions of Approval) | Not Applicable           |
|--|--------------------------|--|---|--------------------------|
| <b>(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:</b> |                          |  |   |                          |
| (1) The proposed development is in conformity with the certified local coastal program.  | <input type="checkbox"/> | <input checked="" type="checkbox"/>      | <input type="checkbox"/>                    | <input type="checkbox"/> |
| (2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.                                      | <input type="checkbox"/> | <input checked="" type="checkbox"/>      | <input type="checkbox"/>                    | <input type="checkbox"/> |

| 20.532.095 Required Findings for All Coastal Development Permits   | Inconsistent             | Consistent (With Conditions of Approval) | Consistent (Without Conditions of Approval) | Not Applicable           |
|--|--------------------------|--|---|--------------------------|
| (3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district. | <input type="checkbox"/> | <input type="checkbox"/>                 | <input checked="" type="checkbox"/>         | <input type="checkbox"/> |
| (4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.  | <input type="checkbox"/> | <input checked="" type="checkbox"/>      | <input type="checkbox"/>                    | <input type="checkbox"/> |
| (5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.  | <input type="checkbox"/> | <input checked="" type="checkbox"/>      | <input type="checkbox"/>                    | <input type="checkbox"/> |
| (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.  | <input type="checkbox"/> | <input type="checkbox"/>                 | <input checked="" type="checkbox"/>         | <input type="checkbox"/> |
| <b>(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:</b>  |                          |  |   |                          |
| (1) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.                              | <input type="checkbox"/> | <input type="checkbox"/>                 | <input checked="" type="checkbox"/>         | <input type="checkbox"/> |

➤ **20.532.095(A)(1) The proposed development is in conformity with the certified local coastal program.**

*Consistent (with conditions of approval)*

The Local Coastal Program (LCP) sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The LCP addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal bluff tops; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The LCP serves as an element of the General Plan and includes the Mendocino County Coastal Zoning Code (MCC), and its policies must be consistent with the goals of the California Coastal Act.

Various aspects of the LCP are specifically addressed by separate *Required and Supplemental Findings* for Coastal Development Permits, including utilities, transportation, zoning, California Environmental Quality Act (CEQA) consistency, archaeological resources, public services, coastal access, and resource protection. The following is a discussion of elements of the LCP *not* specifically addressed elsewhere in this checklist.

**General Plan Land Use – Rural Residential**

The subject parcel is classified as Rural Residential (RR) by the Coastal Element of the Mendocino County General Plan, which is intended “to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture...[and] is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.” The principally permitted use designated for the RR land use classification is “residential and associated utilities, light agriculture, [and] home occupation.” The minimum parcel size for the RR land use classification is variable, as designated on the Land Use Map.<sup>1</sup> LCP Map 14 (*Beaver*) designates the minimum parcel size requirement as five acres.<sup>2</sup>

<sup>1</sup> Chapter 2.2. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino-General Plan*. 1991. Ukiah, CA.

<sup>2</sup> *Beaver* [map]. 1985. County of Mendocino Coastal Zone, Number 14 of 31. County of Mendocino Planning and Building.

The existing parcel density is conforming; pursuant to Section 20.376.025(D) the allowable density is one dwelling unit per five acres. The lot is developed with an existing 1,784-square-foot home, 489-square-foot studio with 94-square-foot porch, 97-square-foot pump house and 32-square-foot water storage tank, 440-linear feet of fencing, and a 5,000-square-foot driveway that surrounds a large canopy tree.

The proposed 392-square-foot residential addition; 768-square-foot garage; 820-square-foot patio; 95-square-foot addition to the pump house; 64-square-foot addition to the water storage tank; 400-linear feet of new fencing; installation of a replacement leach field area; and 398-square-foot accessory-structure (studio) addition and conversion to a guest house are consistent with the RR classification of the Coastal Element of the Mendocino County General Plan and Mendocino County Code (MCC) Chapters 20.376 *Rural Residential District*, 20.456 *Accessory Use Regulations*, 20.500 *Hazard Areas*, 20.528 *Coastal Access Regulations and Open Space Easements*, and Section 20.532.095 *Required Findings for all Coastal Development Permits*.

### Hazards

Mendocino County Coastal Element Chapter 3.4, titled Hazards Management, addresses seismic, geologic and natural forces within the Coastal Zone. MCC Chapter 20.500 *Hazard Areas* include geologic hazards, such as MCC 20.500.020(A) Faults, (B) Bluffs, (C) Tsunami, (D) Landslides, and (E) Erosion. Mapping associates the following hazards with the subject site: moderate fire hazard zone; classified wetlands (Estuarine and Marine Deepwater); and portions of the land are mapped within the FEMA flood zone.

Seismic Activity and Faults: The San Andreas fault is a northwest trending, right-lateral, strike-slip fault located offshore about six miles west of Fort Bragg, and is the closest recognized Holocene active fault to the site.<sup>3</sup> While MCC 20.500.020(A) *et seq* list specific development requirements for residential structures near faults, consulting engineers found no geomorphic evidence to suggest that active faults cross the site. Recommendations for new structures at this site include that they be designed to resist seismic ground shaking without the risk of incurring structural failure. The minimum standard for construction should be in accordance with the latest edition of the CBC and Seismic Design Category D.<sup>4</sup>

Flooding, Tsunami, and Erosion: The parcel is situated along the Mendocino County shoreline and includes 0.21-acres of beach and rocky bluffs. The westerly portion of the lot, which is not proposed for development, is mapped within the FEMA flood zone and is subject to wave rush. A Geotechnical Investigation and Coastal Bluff Stability Analysis was prepared.<sup>5</sup> Specific surface drainage, building setbacks and foundation, and utility trench recommendations are described in the report.<sup>6</sup> PBS recommends conditions of project approval include mitigation measures for flooding hazards, surface drainage:

**Mitigation Measure 11:** Surface drainage shall be planned to prevent ponding and enable water to drain away from foundations, slabs-on-grade, edges of pavements, and tops of slopes, and toward suitable collection or discharge facilities.

**Mitigation Measure 14:** Concentrated runoff shall not be discharged onto bare ground or slopes, or toward any bluff edge.

**Mitigation Measure 15:** Runoff that is collected and controlled shall be dispersed by sheet flow, where feasible. Because onsite soils generally have moderate potential for erosion, approved temporary and permanent erosion control measures shall be implemented to limit erosion and comply with applicable Mendocino County regulations.

Bluffs: MCC 20.500.020(B) lists specific development requirements for structural setbacks from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during the economic life span of the buildings. Building setback recommendations are included in the geotechnical investigation. Recommendations are (1) the foundation excavations adjacent to the descending bluff slope face should be founded in firm granular material with an embedment depth and horizontal setback distance from the slope free face sufficient to

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<sup>3</sup> SHN Consulting Engineers & Geologists, Inc. Geotechnical Investigation and Coastal Bluff Stability Analysis. Willits, CA. January 2015. Page 5.

<sup>4</sup> *ibid.* Page 9.

<sup>5</sup> *ibid.*

<sup>6</sup> *ibid.* Pages 9-12.

provide vertical and lateral support for the foundations; and (2) foundations should be setback from the tops of descending slopes in such a manner that the outer face of the footing is a minimum horizontal distance of 17 feet from the nearest descending slope break, as is currently proposed.<sup>7</sup> PBS recommends conditions of project approval include mitigation measures to reduce concentrated runoff toward any bluff edge.

**Mitigation Measure 14:** Concentrated runoff shall not be discharged onto bare ground or slopes, or toward any bluff edge.

**Fire:** The parcel is located in an area characterized by a moderate fire-hazard severity rating.<sup>8</sup> The applicant has furnished PBS with a copy of CalFire Permit 11-16, which was issued by the California Department of Forestry and Fire Protection for the subject site. This permit specifies that the property owner shall satisfy CalFire standards for address, driveway, emergency water supply, defensible space, and maintaining a defensible space. PBS recommends a standard condition of project approval in response to CalFire Permit 11-16 requirements:

**Standard Condition:** That this permit be subject to securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.

### Visual Resources

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan's Coastal Element and implemented by Chapter 20.504 of the MCC. The subject parcel is not located within a mapped Highly Scenic Area (HSA)<sup>9</sup>

- **20.532.095(A)(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.**

*Consistent (with conditions of approval)*

### Utilities

The developed site currently includes a primary residence, studio, porch, storage building, water storage tank, driveway, and fencing. The project requests approval to install a leach-field replacement area, which would be adjacent to Bay View Drive. On April 21, 2016, PBS requested comments from the Department of Environmental Health. A response was received on May 24, 2016 that the staff recommended project approval. The leach-field replacement area would be subject to an Environmental Health Permit.

### Drainage

Specific surface drainage, building setbacks and foundation, and utility trenches recommendations are described in the Geotechnical Investigation and Coastal Bluff Stability Analysis.<sup>10</sup> PBS recommends conditions of project approval include mitigation measures for surface drainage, as included in this report.

**Mitigation Measure 10:** The ground surface around the structures' perimeters shall be sloped away, or other design measures shall be implemented, to provide positive surface water drainage away from perimeter foundation areas.

**Mitigation Measure 11:** Surface drainage shall be planned to prevent ponding and enable water to drain away from foundations, slabs-on-grade, edges of pavements, and tops of slopes, and toward suitable collection or discharge facilities.

**Mitigation Measure 12:** Roof drainage systems shall be planned to direct rainwater away from building foundations.

<sup>7</sup> SHN Consulting Engineers & Geologists, Inc. Geotechnical Investigation and Coastal Bluff Stability Analysis. Willits, CA. January 2015. Page 10.

<sup>8</sup> *Fire Hazard Severity Zones in SRA* [map]. 2007. 1:150,000. Fire and Resource Assessment Program, California Department of Forestry and Fire Protection.

<sup>9</sup> Mendocino County Coastal Zoning Code, § II-20.376.045 (1991).

<sup>10</sup> SHN Consulting Engineers & Geologists, Inc. Geotechnical Investigation and Coastal Bluff Stability Analysis. Willits, CA. January 2015. Pages 9-12.

**Mitigation Measure 13:** A positive surface drainage of at least five percent shall be established within ten feet of all building foundations in unpaved areas. Elsewhere, a positive surface drainage of at least two percent shall be established to allow for rapid removal of surface water.

**Mitigation Measure 14:** Concentrated runoff shall not be discharged onto bare ground or slopes, or toward any bluff edge.

**Mitigation Measure 15:** Runoff that is collected and controlled shall be dispersed by sheet flow, where feasible. Because onsite soils generally have moderate potential for erosion, approved temporary and permanent erosion control measures shall be implemented to limit erosion and comply with applicable Mendocino County regulations.

**Recommended Condition:** Mitigation Measures 10 through 14 shall be incorporated into any grading, erosion, and sediment control plan approved by Planning and Building Services prior to issuance of a Building Permit.

### Access Roads

The parcel includes an existing driveway adjoining Bay View Drive. The proposed development is provided with adequate access roads.

- **20.532.095(A)(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.**

*Consistent (without conditions of approval)*

Intent: The subject parcel is zoned Rural Residential (RR). The intent of the RR zoning district is “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.”<sup>11</sup> The proposed 392-square-foot residential addition; 768-square-foot garage; 820-square-foot patio; 95-square-foot addition to the pump house; 64-square-foot addition to the water storage tank; 400-linear feet of new fencing; installation of a replacement leach field area; and 398-square-foot accessory-structure (studio) addition and conversion to a guest house are consistent with the RR District intent.<sup>12</sup>

Use: The existing parcel is developed with a single-family residence and accessory structures, which is a principally permitted use in Mendocino County LCP RR Districts. The proposed guest cottage is permitted as an accessory structure on sites with a primary residence.

Yards: The minimum required front, rear and side yards in the RR-5(1) zoning district are twenty, twenty, and six-feet, respectively.<sup>13</sup> The proposed site improvements meet or exceed the setback regulations. Building areas are further restricted by a 50-foot ESHA buffer and the geotechnical recommended 17-foot setback from edges of bluffs.

Height: The maximum permitted building height in the RR-5(1) zoning district is twenty-eight feet above natural grade. The existing single-family residence is twenty-eight feet tall. No change in building height to the primary residence is proposed. Fifteen feet is the maximum height proposed for the guest cottage, which will be constructed as an addition to an existing studio. Seventeen feet is the maximum height of the new garage. The height of the existing pump house is 10.75-feet; no change in height is proposed with the addition of a storage area to the pump house. The proposed accessory buildings' roof-form reflects the architectural style of the primary residence; therefore, visually uniting the discrete structures by establishing common visual details.

<sup>11</sup> Mendocino County Coastal Zoning Code, § II-20.376.005-20.380.065 (1991).

<sup>12</sup> Mendocino County Coastal Zoning Code, § II-20.376.005-20.380.065 (1991).

<sup>13</sup> Mendocino County Coastal Zoning Code, § II-20.376.040 (1991).

Lot Coverage: The maximum permitted lot coverage in the RR zoning district for parcels less than two acres in size is twenty percent. The parcel is 1.58 acres, permitting maximum lot coverage of approximately 13,765 square feet. The sum of the proposed and existing development area on the parcel is 4,849 square feet. The proposed development does not exceed the permitted lot coverage maximum for the RR zoning district.

- **20.532.095(A)(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA).**

*Consistent (with conditions of approval)*

A Coastal Act Compliance Report was prepared in January 2016 (WRA, San Rafael). The purpose of this study was to identify and map areas that are potential environmentally sensitive habitat areas (ESHA). Included in the report are the results of the ESHA delineation, an evaluation of potential impacts to ESHA due to the project elements, mitigation measures, and an analysis of ESHA buffers as required by the California Coastal Act and Mendocino County LCP. Based identified impacts to special status plant species, mitigation measures were recommended to lessen the effect of significant impacts.

A Mitigated Negative Declaration has been prepared. The following mitigation measures are recommended to prevent impacts to ESHA, their 100-and 50-foot ESHA buffers, and to prevent impacts from post-Project conditions.

Potential Impact 1: Project activities have the potential to indirectly impact natural community ESHA of coastal terrace prairie, beach and rocky bluff and northern coastal bluff scrub. The following measures shall be deployed to ensure that indirect impacts to ESHA do not result from the project.

**Mitigation Measure 1**: Natural community ESHA and associated 100- and 50-foot buffers within the Project Area shall be flagged and shown on all site plans with high visibility flagging to ensure avoidance and to demarcate buffer zones to construction personnel.

**Mitigation Measure 2**: Temporary sediment prevention measures through standard BMPs shall be deployed within all buffer areas and associated ESHA. These measures may include the installation of silt fencing and/or weed-free hay bales.

**Mitigation Measure 3**: Keep disturbed areas (areas of grading and related activities) to the minimum necessary for demolition or construction.

**Mitigation Measure 4**: Ground disturbance work shall be conducted during the dry season, typically between May 1 and October 15.

**Mitigation Measure 5**: Temporary vegetation impacts will be mitigated through restoration activities including revegetation with locally sourced native species, which occur in the communities on site and invasive species (ice plant) removal within the vicinity of ESHA.

**Mitigation Measure 6**: During construction, materials, including but not limited to lumber, concrete, finish wares, hand tools, power tools, generators, vehicles, heavy equipment, etc., will be stored as far away as possible from onsite ESHAs, such as the existing driveway, which are clearly designated by high-visibility construction fencing or other signage. Spill prevention devices shall be utilized and kept on site for all toxic liquids including but not limited to gasoline, diesel, motor oil, solvents, paints, and herbicides.

Potential Impact 2: The Project will not result in direct impacts to special-status plant species. However, the following measures are to be deployed to ensure that indirect impacts to special status plants do not occur.

**Mitigation Measure 7**: High visibility flagging or exclusion fencing shall be placed around special-status plant species for avoidance during Project activities. The construction avoidance fencing shall be inspected by a qualified biologist and checked weekly, for the duration of construction, to ensure that the fencing remains installed properly.

**Mitigation Measure 8:** Contractors will be trained to identify Blasdale's bentgrass, short-leaved evax, and Mendocino paintbrush on site and to be aware of environmental laws, guidelines, and policies to ensure adequate knowledge and avoidance of this plant.

Potential Impact 3: Ground disturbance and vegetation removal have the potential to indirectly impact breeding birds during the nesting season, including special-status bird species. Impacts to breeding birds are prohibited by the Migratory Bird Treaty Act (MBTA). The following measures shall be deployed to ensure that impacts to breeding birds do not result from Project activities.

**Mitigation Measure 9:** The bird-breeding season typically extends from February 1 to August 31. Ideally, vegetation removal shall be performed in the non-breeding season between September 1 and January 31. In the event that these activities cannot be conducted during the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, type of habitat, and level of disturbance and will be determined by a qualified biologist. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest weekly while it is in use to ensure the buffer is sufficient to protect the nest site from disturbances.

Project details and the Coastal Act Compliance Report were distributed to the California Coastal Commission North Coast Office, the Department of Fish and Game, and US Fish and Wildlife. Comments were received from the Department of Fish and Game on June 20, 2016; where Ms. Liebenberg commented, "I recommend that the mitigation measures detailed in the Compliance Report are included as enforceable conditions for the approval of CDP 2016-0010."

- **20.532.095(A)(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.**

*Consistent (with conditions of approval)*

The project site is developed. The proposed additions to existing structures, slab-on-grade construction of a garage, and installation of a replacement leach field area would have limited ground-disturbing activity. A standard condition advises the applicant of the County's "discovery clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

**Standard Condition:** If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

- **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.**

*Consistent (without conditions of approval)*

Solid Waste: The project site is located 7.5 miles north of the Caspar Transfer Station and if, the property owner chooses, they can participate in curbside pick-up of recyclables, waste, yard waste, and food and organic waste. Solid waste services are adequate.

Roadway Capacity: The State Route 1 Corridor Study Update provides traffic volume data for State Highway 1. The subject property is located on Bay View Avenue approximately 800-feet west of its intersection with Pacific Drive. The project address is 31450 Bay View Avenue, Fort Bragg (APN 018-450-11). The proposed addition to the primary residence and construction associated with the various accessory structures will generate few additional vehicle trips per day.

The nearest data breakpoint in State Route 1 Corridor Study is located at the intersection of State Highway 1 and North Harbor Drive, Fort Bragg. Intersection Level of Service is considered Level of Service C.<sup>14</sup> No change in service levels is anticipated.

- **20.532.095(B)(1) If the proposed Development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made: The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.**

*Consistent (without conditions of approval)*

The project site is located west of Highway 1, but is not designated as a potential public access trail location on LCP Map 14 *Beaver*. Coastal access is provided along Pacific Drive. There is no evidence of prescriptive access on the developed site. The project would have no effect on public access to the coast.

| <b>20.532.100 (A) Resource Protection Impact Findings</b>  | <b>Inconsistent</b>      | <b>Consistent (With Conditions of Approval)</b> | <b>Consistent (Without Conditions of Approval)</b> | <b>Not Applicable</b>               |
|--|--------------------------|---|--|-------------------------------------|
| <b>(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:</b>            |                          |   |  |                                     |
| (a) The resource as identified will not be significantly degraded by the proposed development.   | <input type="checkbox"/> | <input checked="" type="checkbox"/>             | <input type="checkbox"/>                           | <input type="checkbox"/>            |
| (b) There is no feasible less environmentally damaging alternative.  | <input type="checkbox"/> | <input checked="" type="checkbox"/>             | <input type="checkbox"/>                           | <input type="checkbox"/>            |
| (c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.   | <input type="checkbox"/> | <input checked="" type="checkbox"/>             | <input type="checkbox"/>                           | <input type="checkbox"/>            |
| <b>(2) Impact Finding For Resource Lands Designated AG, RL and FL. No permit shall be granted in these zoning districts until the following finding is made:</b> |                          |   |  |                                     |
| (a) The proposed use is compatible with the long-term protection of resource lands.  | <input type="checkbox"/> | <input type="checkbox"/>                        | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> |

- **20.532.100(A)(1), et seq No development shall be allowed in an ESHA unless the following findings are made...**

The Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

The Coastal Act Compliance Report found that no wetlands, riparian habitats, stream, river, or anadromous fish habitats are present in the project area.<sup>15</sup> Sensitive natural communities in the project area include northern coastal bluff scrub, coastal terrace prairie, and coastal beach and rocky bluff (WRA, Sections 4.4 and 5.4).

To minimize potential impacts associated with the proposed building remodels and upgrades, work is proposed to be concentrated within the footprint of the existing developed and/or nonnative grassland portions of the site. The eastern portion of the property was determined to be the least environmentally damaging location for the project due to the presence of non-sensitive biological communities and existing

<sup>14</sup> *State Route 1 Corridor Study Update for the County of Mendocino*. Rep. Santa Rosa: Whitlock & Weinberger Transportation, 2008. Print. URL <http://www.mendocinocog.org/pdf/SR%201%20Corridor%20Study%20Update.9-18-08.pdf>

<sup>15</sup> WRA, Sections 5.1 through 5.3.

development, including non-native grasslands, and the existing residence and associated outbuildings. A majority of the developed area occurs within the 100-foot ESHA buffer for sensitive communities documented on the site, including coastal terrace prairie, beach and rocky bluff, and northern coastal bluff scrub. In addition, a majority of the developed area occurs within 100 feet of populations of Blasdales bent grass and Mendocino paintbrush. The entire project, meaning new development, will be constructed more than 50 feet from all onsite ESHAs, with the exception of a portion of the fence. A portion of the fence will be constructed within the 50-foot buffer of all onsite ESHA and will come within 10 feet of the literal extent of a population of Blasdales bentgrass.<sup>16</sup> New development, remodels to the existing residence and garage, are located entirely within existing, developed areas that contain little ecological value. The majority of the remodeling will cover soils that are denatured and compacted. The replacement leach field will be located immediately south and west of the existing driveway within an area of non-native grassland. A fence adjacent to the existing residence will be located entirely within non-native grassland and ice plant mats. The new garage will be located outside the 100-foot buffer for onsite ESHA and situated within non-native grassland. Approximately 120 linear feet of fence line will be in the 50-foot buffer of all onsite ESHA. Permanent impacts to the buffer include the approximately 17 fence posts, which will be buried, impacting 17 square feet of area inside the 50-foot buffer. A portion of the fence will come within ten feet of a population of Blasdales bentgrass; the fence will be built, in part, to exclude this population from the fenced yard.<sup>17</sup>

Impacts to special status plants have been considered and adoption of a mitigated negative declaration is recommended. Previously identified within *Appendix A* are Mitigation Measures 1 through 9. These are specifically recommended by the consulting environmental scientist and encouraged to be adopted by California State Department of Fish and Wildlife, Fort Bragg Office.

- **20.532.100(A)(2)(a) Impact Finding for Resource Lands Designated AG, RL, and FL. No permit shall be granted in these zoning districts until the following finding is made: The proposed use is compatible with the long-term protection of resource lands.**

*Not Applicable*

The project is proposed on land designated by the General Plan and the MCC as RR. Findings relating to impacts on resource lands are not applicable to this application.

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<sup>16</sup> WRA, 7.0 ESHA Impacts Analysis. Page 18.

<sup>17</sup> WRA, 7.0 ESHA Impacts Analysis. Page 20.

**MENDOCINO COUNTY  
ENVIRONMENTAL REVIEW GUIDELINES  
INITIAL STUDY**

**DATE:** July 15, 2016

**PROJECT DESCRIPTION:** A Coastal Development Standard Permit request for a 347-square-foot addition to an existing 1,764-square-foot residence; conversion of an existing 489-square-foot non-residential structure (studio) to a guest cottage and the addition of a 368-square-foot porch to the guest cottage; construction of a 768-square-foot garage; construction of a 400-linear-foot 42-inch tall fence; a replacement leach field; 95-square-foot addition to an existing 97-square-foot pump house; and installation of a second above-ground water-storage tank. The project site is designated Rural Residential and the proposed land use is principally permitted in the RR District.

**Environmental Checklist.**

*"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).*

*Accompanying this form is a list of discussion statements for all questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of "no" responses.*

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

|                                     |                          |                          |                                    |                                     |                                    |
|-------------------------------------|--------------------------|--------------------------|------------------------------------|-------------------------------------|------------------------------------|
| <input type="checkbox"/>            | Aesthetics               | <input type="checkbox"/> | Agriculture and Forestry Resources | <input type="checkbox"/>            | Air Quality                        |
| <input checked="" type="checkbox"/> | Biological Resources     | <input type="checkbox"/> | Cultural Resources                 | <input checked="" type="checkbox"/> | Geology /Soils                     |
| <input type="checkbox"/>            | Greenhouse Gas Emissions | <input type="checkbox"/> | Hazards & Hazardous Materials      | <input type="checkbox"/>            | Hydrology / Water Quality          |
| <input type="checkbox"/>            | Land Use / Planning      | <input type="checkbox"/> | Mineral Resources                  | <input type="checkbox"/>            | Noise                              |
| <input type="checkbox"/>            | Population / Housing     | <input type="checkbox"/> | Public Services                    | <input type="checkbox"/>            | Recreation                         |
| <input type="checkbox"/>            | Transportation/Traffic   | <input type="checkbox"/> | Utilities / Service Systems        | <input checked="" type="checkbox"/> | Mandatory Findings of Significance |

**DETERMINATION:**

Based on this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that

earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

| <b><u>I. AESTHETICS.</u> Would the project:</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                    | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**The project would not affect aesthetics.** The location of the project is not designated as a Highly Scenic Area, even though it is along the shoreline. The location is not adjacent to a State Scenic Highway. The proposed development, an addition to an existing residence and a new, detached garage, would be situated further from the shoreline than the location of existing development. By local code, it is required that exterior lights be down-shielded and reduce instances of nighttime glare.

| <b><u>II. AGRICULTURE AND FORESTRY RESOURCES.</u> Would the project:</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**The project would not affect agriculture and forestry resources.** The location of the proposed project does not include agriculture or forestry resources. The site is not under a Williamson Act contract. No forestland would be converted to non-forest use.

| <b><u>III. AIR QUALITY.</u> Would the project:</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?                                    | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

|   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**The project would not affect air quality.** While there may be short-term impacts associated with construction, these types of impacts were considered when the air quality plan was adopted.

| <b><u>IV. BIOLOGICAL RESOURCES:</u></b><br><b>Would the project:</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/>              | <input checked="" type="checkbox"/>                       | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?   | <input type="checkbox"/>              | <input checked="" type="checkbox"/>                       | <input type="checkbox"/>            | <input type="checkbox"/>            |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Mitigation measures are recommended as conditions of project approval to reduce the significance of impacts to biological resources.** A Coastal Act Compliance Report was prepared in January 2016 (WRA, San Rafael, CA). The Coastal Act Compliance Report found that no wetlands, riparian habitats, stream, river, or anadromous fish habitats are present in the project area (WRA, Sections 5.1 through 5.3). Sensitive natural communities in the project area include northern coastal bluff scrub, coastal terrace prairie, and coastal beach and rocky bluff (WRA, Sections 4.4 and 5.4). To minimize potential impacts associated with the proposed building remodels and upgrades, the work is proposed to be concentrated within the footprint of the existing developed and/or nonnative grassland portions of the site. The eastern portion of the property was determined to be the least environmentally damaging location for the project due to the presence of non-sensitive biological communities and existing development, including non-native grasslands, and the existing residence and associated outbuildings. A majority of the Project Area occurs within the 100-foot ESHA buffer for sensitive communities documented on the site, including coastal terrace prairie, beach and rocky bluff, and northern coastal bluff scrub. In addition, a majority of the Project Area occurs within 100 feet of populations of Blasdales bent grass and Mendocino paintbrush. The entire project will be constructed more than 50 feet from all onsite

ESHAs, with the exception of a portion of the fence. A portion of the fence will be constructed within the 50-foot buffer of all onsite ESHA and will come within 10 feet of the literal extent of a population of Blasdales bentgrass. (WRA, 7.0 ESHA Impacts Analysis, page 18).

The remodels to the existing residence and garage are located entirely within existing developed areas that contain little ecological value. The majority of the remodeling will cover soils that have been developed for decades and therefore are denatured and compacted. The replacement leach field will be located immediately south and west of the existing driveway within non-native grassland. The fence shall surround the residence and will be located entirely within non-native grassland and ice plant mats. The new garage will be located outside the 100-foot buffer of onsite ESHA within non-native grassland. Approximately 120 linear feet of fence line will be in the 50-foot buffer of all onsite ESHA. Permanent impacts to the buffer include the approximately 17 fence posts, which will be buried, impacting 17 square feet of the 50-foot buffer. A portion of the fence will come within ten feet of a population of Blasdales bentgrass; the fence will be built, in part, to exclude this population from the fenced yard. (WRA, 7.0 ESHA Impacts Analysis, page 20).

The following mitigation measures are recommended to prevent impacts to ESHA, their 100-and 50-foot ESHA buffers, and to prevent impacts from post-Project conditions.

Potential Impact 1: Project activities have the potential to indirectly affect natural community ESHA of coastal terrace prairie, beach and rocky bluff and northern coastal bluff scrub. The following measures shall be deployed to ensure that indirect impacts to ESHA do not result from the project.

*Mitigation Measure 1:* Natural community ESHA and associated 100- and 50-foot buffers within the Project Area shall be flagged and shown on all site plans with high visibility flagging to ensure avoidance and to demarcate buffer zones to construction personnel.

*Mitigation Measure 2:* Temporary sediment prevention measures through standard BMPs shall be deployed within all buffer areas and associated ESHA. These measures may include the installation of silt fencing and/or weed-free hay bales.

*Mitigation Measure 3:* Keep disturbed areas (areas of grading and related activities) to the minimum necessary for demolition or construction.

*Mitigation Measure 4:* Ground disturbance work shall be conducted during the dry season, typically between May 1 and October 15.

*Mitigation Measure 5:* Temporary vegetation impacts will be mitigated through restoration activities including revegetation with locally sourced native species, which occur in the communities on site and invasive species (ice plant) removal within the vicinity of ESHA.

*Mitigation Measure 6:* During construction, materials, including but not limited to lumber, concrete, finish wares, hand tools, power tools, generators, vehicles, heavy equipment, etc., will be stored as far away as possible from onsite ESHAs, such as the existing driveway, which are clearly designated by high-visibility construction fencing or other signage. Spill prevention devices shall be utilized and kept on site for all toxic liquids including but not limited to gasoline, diesel, motor oil, solvents, paints, and herbicides.

Potential Impact 2: The Project will not result in direct impacts to special-status plant species. However, the following measures are to be deployed to ensure that indirect impacts to special status plants do not occur.

*Mitigation Measure 7:* High visibility flagging or exclusion fencing shall be placed around special-status plant species for avoidance during Project activities. The construction avoidance fencing shall be inspected by a qualified biologist and checked weekly, for the duration of construction, to ensure that the fencing remains installed properly.

*Mitigation Measure 8:* Contractors will be trained to identify Blasdale's bentgrass, short-leaved evax, and Mendocino paintbrush on site and to be aware of environmental laws, guidelines, and policies to ensure adequate knowledge and avoidance of this plant.

**Potential Impact 3:** Ground disturbance and vegetation removal have the potential to indirectly impact breeding birds during the nesting season, including special-status bird species. Impacts to breeding birds are prohibited by the Migratory Bird Treaty Act (MBTA). The following measures shall be deployed to ensure that impacts to breeding birds do not result from Project activities.

*Mitigation Measure 9:* The bird-breeding season typically extends from February 1 to August 31. Ideally, vegetation removal shall be performed in the non-breeding season between September 1 and January 31. In the event that these activities cannot be conducted during the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, type of habitat, and level of disturbance and will be determined by a qualified biologist. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest weekly while it is in use to ensure the buffer is sufficient to protect the nest site from disturbances.

Project details and the Coastal Act Compliance Report were distributed to the California Coastal Commission North Coast Office, the Department of Fish and Game, and US Fish and Wildlife. Comments were received from the Department of Fish and Game on June 20, 2016; where Ms. Liebenberg commented, "I recommend that the mitigation measures detailed in the Compliance Report are included as enforceable conditions for the approval of CDP 2016-0010."

| <b><u>V. CULTURAL RESOURCES.</u></b><br><b>Would the project:</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?    | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?        | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                           | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**The project would not affect cultural resources.** The existing residential structure was built less than 40-years prior and is not identified as a historic or cultural resource. There are no known cultural resources on site. A standard condition of project approval requires compliance with Mendocino County Codes, including discovery of any archaeological or paleontological resource.

The condition of project approval would read, "If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code."

| <b><u>VI. GEOLOGY AND SOILS.</u></b><br><b>Would the project:</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>         |
|--|---------------------------------------|---|-------------------------------------|--------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:   |                                       |   |                                     |                          |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) Strong seismic ground shaking?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| <b><u>VI. GEOLOGY AND SOILS.</u></b><br><b>Would the project:</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| iii) Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv) Landslides?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/>              | <input checked="" type="checkbox"/>                       | <input type="checkbox"/>            | <input type="checkbox"/>            |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**Mitigation measures are recommended as conditions of project approval to reduce the significance of impacts to geology and soils.** A geotechnical investigation and coastal bluff stability analysis was prepared in January 2015 (SHN Consulting Engineers and Geologists, Inc, Willits, CA). The report conclusions include that the developments, as proposed on plans dated May 8, 2014, are set back an adequate distance from the nearest potential slope failure surfaces. Geotechnical recommendations support the design and construction of the residential addition and detached garage. Additional recommendations address site drainage improvements and erosion control intended to reduce the potential for slope erosion following construction.

*Mitigation Measure 10:* The ground surface around the structures' perimeters shall be sloped away or other design measures shall be implemented to provide positive surface water drainage away from perimeter foundation areas.

*Mitigation Measure 11:* Surface drainage shall be planned to prevent ponding and enable water to drain away from foundations, slabs-on-grade, edges of pavements, and tops of slopes, and toward suitable collection or discharge facilities.

*Mitigation Measure 12:* Roof drainage systems shall be planned to direct rainwater away from building foundations.

*Mitigation Measure 13:* A positive surface drainage of at least five percent shall be established within ten feet of all building foundations in unpaved areas. Elsewhere, a positive surface drainage of at least two percent shall be established to allow for rapid removal of surface water.

*Mitigation Measure 14:* Concentrated runoff shall not be discharged onto bare ground or slopes, or toward any bluff edge.

*Mitigation Measure 15:* Runoff that is collected and controlled shall be dispersed by sheet flow, where feasible. Because onsite soils generally have moderate potential for erosion, approved temporary and permanent erosion control measures shall be implemented to limit erosion and comply with applicable Mendocino County regulations.

| <b><u>VII. GREENHOUSE GAS EMISSIONS.</u></b><br><b>Would the project:</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

|  |  |  |  |  |
|--|--|--|--|--|
| adopted for the purpose of reducing the emissions of greenhouse gases? |  |  |  |  |
|--|--|--|--|--|

**The project would not generate greenhouse gas emissions that may have a significant impact on the environment.** In an area designated for residential development and where residential development currently exists, the construction of an addition or accessory buildings would not significantly contribute to the generation of greenhouse gas emissions or conflict with an applicable plan, policy, or regulation.

| <b><u>VIII. HAZARDS AND HAZARDOUS MATERIALS.</u></b><br>Would the project:   | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact                           |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?   | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

**The project would not create a significant hazard to the public or the environment.** The transport of hazards and hazardous materials is not proposed. The project site is not included on a list of hazardous materials sites. The project is not located within an airport and land use plan or airstrip. The area is mapped as a moderate fire hazard area.

| <b><u>IX. HYDROLOGY AND WATER QUALITY.</u></b><br>Would the project:    | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact                           |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/>       | <input type="checkbox"/>                           | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

| <p align="center"><b><u>IX. HYDROLOGY AND WATER QUALITY.</u></b><br/> <b>Would the project:</b></p>  | <p align="center"><b>Potentially Significant Impact</b></p> | <p align="center"><b>Less Than Significant with Mitigation Incorporated</b></p> | <p align="center"><b>Less Than Significant Impact</b></p> | <p align="center"><b>No Impact</b></p> |
|--|---|---|---|--|
| <p>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</p> | <input type="checkbox"/>                                    | <input type="checkbox"/>  | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/>    |
| <p>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</p>  | <input type="checkbox"/>                                    | <input type="checkbox"/>  | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/>    |
| <p>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?</p>  | <input type="checkbox"/>                                    | <input type="checkbox"/>  | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/>    |
| <p>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</p>   | <input type="checkbox"/>                                    | <input type="checkbox"/>  | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/>    |
| <p>f) Otherwise substantially degrade water quality?</p>   | <input type="checkbox"/>                                    | <input type="checkbox"/>  | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/>    |
| <p>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</p>  | <input type="checkbox"/>                                    | <input type="checkbox"/>  | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/>    |
| <p>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</p>   | <input type="checkbox"/>                                    | <input type="checkbox"/>  | <input checked="" type="checkbox"/>                       | <input type="checkbox"/>               |
| <p>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</p>  | <input type="checkbox"/>                                    | <input type="checkbox"/>  | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/>    |
| <p>j) Inundation by seiche, tsunami, or mudflow?</p>   | <input type="checkbox"/>                                    | <input type="checkbox"/>  | <input checked="" type="checkbox"/>                       | <input type="checkbox"/>               |

**The project would not affect hydrology and water quality.** The proposed project was referred on April 22, 2016 to Mendocino County of Environmental Health. No water quality standards or waste discharge requirements were specified in their response. Depletion of groundwater supplies is not anticipated. While the geotechnical report recommends some grading to control sheet flows of water, the project would not substantially alter the existing drainage pattern of the site or area. The geotechnical report did recommend stormwater practices, but the project would not create runoff, which would exceed the capacity of existing or planned stormwater drainage systems. Existing development is located within a 100-year flood hazard area; the coastal bluffs are subject to wave rush (tsunami) and the geotechnical report provided suitable grading and development standards for the proposed project and site.

| <p align="center"><b><u>X. LAND USE AND PLANNING.</u></b><br/> <b>Would the project:</b></p>   | <p align="center"><b>Potentially Significant Impact</b></p> | <p align="center"><b>Less Than Significant with Mitigation Incorporated</b></p> | <p align="center"><b>Less Than Significant Impact</b></p> | <p align="center"><b>No Impact</b></p> |
|--|---|---|---|--|
| <p>a) Physically divide an established community?</p>  | <input type="checkbox"/>                                    | <input type="checkbox"/>  | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/>    |
| <p>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</p> | <input type="checkbox"/>                                    | <input type="checkbox"/>  | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/>    |

| <b><u>X. LAND USE AND PLANNING.</u></b><br><b>Would the project:</b>                              | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**The project would not affect land use and planning goals adopted by Mendocino County.** The project site is classified as Rural Residential and residential development is a principally permitted land use. The proposal is consistent with the goals and policies of the general plan and its Coastal Element. The proposed residential addition and additions to existing accessory structures would not physically divide an established community or conflict with any applicable land use plan, policy, or regulation. Specific mitigation measures are proposed for impacts to special plant communities; the project conforms to existing habitat conservation plans and natural community conservation plans.

| <b><u>XI. MINERAL RESOURCES.</u></b><br><b>Would the project:</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**The project would not affect the availability of mineral resources.** The project would not result in the loss of availability of a known or locally important mineral resource as no significant grading is proposed. Grading is proposed to create suitable contours (between two and five percent) for directing sheet flows and drainage.

| <b><u>XII. NOISE</u></b><br><b>Would the project result in:</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**The project would not generate excessive noise.** Project construction may generate short-term noise. Mendocino County General Plan limits the hours of construction and noise and the property owner is required to

comply with local requirements. Noise associated with residential activities was considered when the general plan map was adopted and the area classified for residential land use.

| <b><u>XIII. POPULATION AND HOUSING.</u></b><br><b>Would the project:</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**The project would not affect population and housing objectives adopted by Mendocino County.** The project includes an addition to an existing single-family residence. This type of development was considered when the County mapped the area for residential uses.

| <b><u>XIV. PUBLIC SERVICES.</u></b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: |                                       |   |                                     |                                     |
| Fire protection?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Police protection?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Schools?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Parks?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Other public facilities?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**The project would not affect public services.** The project site is served by the Fort Bragg School District and Fort Bragg Rural Fire District. On April 21, 2016, comments on the project were requested from both agencies. Both agencies responded that they had no comments regarding the proposed project. This type of development was considered when County’s general plan was adopted; therefore, an addition or construction of an accessory structure would have no impact on existing services provided by fire protection, police protection, schools, parks or other public facilities.

| <b><u>XV. RECREATION.</u></b><br><b>Would the project:</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?                       | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**The project would not affect recreation.** The proposed addition to an existing residence would not significantly affect existing parks or other recreational facilities. The project does not propose to construct or expand recreational facilities.

| <b><u>XVI. TRANSPORTATION/TRAFFIC.</u></b><br><b>Would the project:</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**The project would not affect transportation or traffic.** The [State Route 1 Corridor Study Update](#) provides traffic volume data for State Highway 1. The subject property is located on Bay View Avenue approximately 800-feet west of its intersection with Pacific Drive. The project address is 31450 Bay View Avenue, Fort Bragg (APN 018-450-11). The proposed addition to the primary residence and construction associated with the various accessory structures will generate few additional vehicle trips per day. The nearest data breakpoint in the study is located at the intersection of State Highway 1 and North Harbor Drive, Fort Bragg. Intersection Level of Service is considered Level of Service C. No change in service levels is anticipated.

| <b><u>XVII. UTILITIES AND SERVICE SYSTEMS.</u></b><br><b>Would the project:</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?          | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

| <b><u>XVII. UTILITIES AND SERVICE SYSTEMS.</u></b><br><b>Would the project:</b>   | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**The project would not affect utilities and service systems.** The project would continue to treat wastewater on-site (leach field). Construction of new storm water drainage facilities are proposed to reduce post-construction erosion. The location is mapped as a "sufficient water supply" area and the construction of a residential addition or accessory structures shall not significantly change water use at this site. The project site is located 7.5 miles north of the Caspar Transfer Station and if, the property owner chooses, they can participate in curbside pick-up of recyclables, waste, yard waste, and food and organic waste.

| <b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>  | <b>Potentially Significant Impact</b> | <b>Less Than Significant with Mitigation Incorporated</b> | <b>Less Than Significant Impact</b> | <b>No Impact</b>                    |
|--|---------------------------------------|---|-------------------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?   | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?  | <input type="checkbox"/>              | <input type="checkbox"/>                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

July 15, 2016  
DATE

Juliana Cherry, Planner III  
Mendocino County,  
Planning and Building Services  
120 W Fir Street, Fort Bragg, CA 95437

Resolution Number \_\_\_\_\_

County of Mendocino  
Ukiah, California  
September 22, 2016

CDP\_2016-0010 CHARTER THOMAS E & PATRICIA A

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND GRANTING A COASTAL DEVELOPMENT STANDARD PERMIT FOR A REPLACEMENT LEACH FIELD, ADDITIONS TO EXISTING RESIDENCE AND ACCESSORY STRUCTURES, GARAGE, AND FENCING.

WHEREAS, the applicant, CHARTER THOMAS E & PATRICIA A, filed an application for Coastal Development Standard Permit with the Mendocino County Department of Planning and Building Services for a 347-square-foot addition to an existing 1,764-square-foot residence; conversion of an existing 489-square-foot non-residential structure (studio) to a guest cottage and the addition of a 368-square-foot porch to the guest cottage; construction of a 768-square-foot garage; construction of a 400-linear-foot 42-inch tall fence; a replacement leach field; 95-square-foot addition to an existing 97-square-foot pump house; and installation of a second above-ground water-storage tank. The project site is located on Bay View Avenue approximately 800-feet west of its intersection with Pacific Drive. 31450 Bay View Ave. APN 018-450-11. General Plan RR5(1):U; Zoning RR:5/U; Supervisorial District 4; (the "Project"); and

WHEREAS, a MITIGATED NEGATIVE DECLARATION was prepared for the Project and noticed and made available for agency and public review on August 12, 2016 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, in accordance with applicable provisions of law, the Coastal Permit Administrator held a public hearing on, August 25, 2016, at which time the Coastal Permit Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Mitigated Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Mitigated Negative Declaration and the Project; and

WHEREAS, the Coastal Permit Administrator has had an opportunity to review this Resolution and finds that it accurately sets for the intentions of the Board of Supervisors regarding the Mitigated Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Coastal Permit Administrator makes the following findings;

1. The proposal to continue residential land uses is consistent with the purpose of the Rural Residential Land Use designation as described in the Coastal Element, Mendocino County General Plan.
2. The proposal has demonstrated adequate access to utilities, access roads, drainage. Specific mitigation measures address the effects of water runoff, potential erosion, and other hazards related to drainage.
3. The proposed addition to the single-family home and accessory structures, the construction of a new garage and installation of a leach field satisfy the intent of the Rural Residential District and satisfy the development requirements of that district and MCC Chapter 20.500 *Hazards* and Chapter 20.496 *Environmentally sensitive habitat and other resource areas*.
4. Geotechnical recommendations are included as specific project conditions of approval and would lessen the effect of surface water impacts to the land and bluff edge. In addition to these mitigation measures, others are adopted to lessen the effect of development on special status plants.

5. A standard condition advises the applicant of the County's "discovery clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.
6. Other services, including but not limited to, solid waste, public roadway capacity and proof of adequate water supply pursuant to Chapter 20.744 have been considered and are adequate to serve the proposed residential development.
7. The proposal conforms with Mendocino County Local Coastal Program; for example, established coastal access routes are east of the project site, along Pacific Drive and travel north to Todd's Point.
8. Digging seven square feet of soil to install fence-posts as a protective barrier for special status plants is an example of mitigation measures to reduce project related impacts within environmentally sensitive habitat areas.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program set forth in the Conditions of Approval. The Coastal Permit Administrator certifies that the Mitigated Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Coastal Permit Administrator.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby grants the requested Coastal Development Standard Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator designates the Secretary as the custodian of the document and other material that constitutes the record of proceedings upon which the Coastal Permit Administrator decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator action shall be final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is taken.

*I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.*

ATTEST: ADRIENNE THOMPSON  
Commission Services Supervisor

By: \_\_\_\_\_

BY: STEVE DUNNICLIFF  
Director

ANDY GUSTAVSON  
Coastal Permit Administrator

\_\_\_\_\_

\_\_\_\_\_

## EXHIBIT A

### CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM [IF MND] CDP\_2016-0010 - CHARTER September 22, 2016

A Coastal Development Standard Permit request for a 347-square-foot addition to an existing 1,764-square-foot residence; conversion of an existing 489-square-foot non-residential structure (studio) to a guest cottage and the addition of a 368-square-foot porch to the guest cottage; construction of a 768-square-foot garage; construction of a 400-linear-foot 42-inch tall fence; a replacement leach field; 95-square-foot addition to an existing 97-square-foot pump house; and installation of a second above-ground water-storage tank.

**APPROVED PROJECT DESCRIPTION:** A Coastal Development Standard Permit request for a 347-square-foot addition to an existing 1,764-square-foot residence; conversion of an existing 489-square-foot non-residential structure (studio) to a guest cottage and the addition of a 368-square-foot porch to the guest cottage; construction of a 768-square-foot garage; construction of a 400-linear-foot 42-inch tall fence; a replacement leach field; 95-square-foot addition to an existing 97-square-foot pump house; and installation of a second above-ground water-storage tank.

#### **CONDITIONS OF APPROVAL AND MITIGATION MEASURES (as indicated by an asterisk \*):**

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. To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
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. That this permit be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant 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 (1) or more of the following:
  - a. That such permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which such permit was granted have been violated.
  - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as 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 applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. Prior to the issuance of the Coastal Development Permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:
  - a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards;
  - b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project;
  - c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
  - d. The landowner shall not construct any bluff or shoreline protective devices to protect the subject structures (the Greenwood Inn, White House (Proprietor's Residence and Office), Cliff House Unit, North Sea Castle and South Sea Castle and associated decks and a boardwalk) or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future;
  - e. The landowner shall remove the subject structures when bluff retreat reaches the point where the structures are threatened. In the event that portions of the subject structures or other improvements associated with the subject structures fall to the beach or ocean before they can be removed from the bluff top, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal;
  - f. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens
10. \* Natural community ESHA and associated 100- and 50-foot buffers within the Project Area shall be flagged and shown on all site plans with high visibility flagging to ensure avoidance and to demarcate buffer zones to construction personnel.
11. \* Temporary sediment prevention measures through standard BMPs shall be deployed within all buffer areas and associated ESHA. These measures may include the installation of silt fencing and/or weed-free hay bales.
12. \* Keep disturbed areas (areas of grading and related activities) to the minimum necessary for demolition or construction.
13. \* Ground disturbance work shall be conducted during the dry season, typically between May 1 and October 15.

14. \* Temporary vegetation impacts will be mitigated through restoration activities including revegetation with locally sourced native species, which occur in the communities on site and invasive species (ice plant) removal within the vicinity of ESHA.
15. \* During construction, materials, including but not limited to lumber, concrete, finish wares, hand tools, power tools, generators, vehicles, heavy equipment, etc., will be stored as far away as possible from onsite ESHAs, such as the existing driveway, which are clearly designated by high-visibility construction fencing or other signage. Spill prevention devices shall be utilized and kept on site for all toxic liquids including but not limited to gasoline, diesel, motor oil, solvents, paints, and herbicides.
16. \* High visibility flagging or exclusion fencing shall be placed around special-status plant species for avoidance during Project activities. The construction avoidance fencing shall be inspected by a qualified biologist and checked weekly, for the duration of construction, to ensure that the fencing remains installed properly.
17. \* Contractors will be trained to identify Blasdale's bentgrass, short-leaved evax, and Mendocino paintbrush on site and to be aware of environmental laws, guidelines, and policies to ensure adequate knowledge and avoidance of this plant.
18. \* The bird-breeding season typically extends from February 1 to August 31. Ideally, vegetation removal shall be performed in the non-breeding season between September 1 and January 31. In the event that these activities cannot be conducted during the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum 100-foot exclusion zone. These exclusion zones may vary depending on species, type of habitat, and level of disturbance and will be determined by a qualified biologist. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest weekly while it is in use to ensure the buffer is sufficient to protect the nest site from disturbances.
19. \* The ground surface around the structures' perimeters shall be sloped away, or other design measures shall be implemented, to provide positive surface water drainage away from perimeter foundation areas.
20. \* Surface drainage shall be planned to prevent ponding and enable water to drain away from foundations, slabs-on-grade, edges of pavements, and tops of slopes, and toward suitable collection or discharge facilities.
21. \* Roof drainage systems shall be planned to direct rainwater away from building foundations.
22. \* A positive surface drainage of at least five percent shall be established within ten feet of all building foundations in unpaved areas. Elsewhere, a positive surface drainage of at least two percent shall be established to allow for rapid removal of surface water
23. \* Concentrated runoff shall not be discharged onto bare ground or slopes, or toward any bluff edge.
24. \* Runoff that is collected and controlled shall be dispersed by sheet flow, where feasible. Because onsite soils generally have moderate potential for erosion, approved temporary and permanent erosion control measures shall be implemented to limit erosion and comply with applicable Mendocino County regulations.
25. Mitigation Measures 10 through 14 shall be incorporated into any grading, erosion, and sediment control plan approved by Planning and Building Services prior to issuance of a Building Permit.