

COASTAL PERMIT APPROVAL CHECKLIST
CDP_2014-0036
July 23, 2015

PROJECT TITLE: CDP_2014-0036

PROJECT LOCATION: 5600, 5915 and 5931 South Highway 1
Elk, California 95432

**LEAD AGENCY NAME,
ADDRESS AND CONTACT PERSON:** Scott Perkins
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GENERAL PLAN DESIGNATION: Mendocino County General Plan – Coastal Element
RV (Rural Village) and RR (Rural Residential)

ZONING DISTRICT Mendocino County Code – Division II
RV (Rural Village) and RR (Rural Residential)

DESCRIPTION OF PROJECT: A Standard Coastal Development Permit for the installation of a septic force line beginning at the eastern boundary of 5600 South Highway 1 (Harbor House Property, APN 127-170-08) to transfer effluent approximately 1,500 linear feet within the Caltrans Highway 1 right-of-way to an offsite leach field located at 5915 South Highway 1 (Li Foo Property, APN 127-210-03) via a dedicated easement on 5931 South Highway 1 (Jackson Rancheria Property, APN 127-182-16). Development includes the installation of a pumping tank and leachfield.

SITE DESCRIPTION AND SETTING: The proposed project will span a large portion of the Town of Elk. The proposed force line begins on the north end of town at the boundary of 5600 South Highway 1, a blufftop parcel with an existing Visitor Accommodation Service (Harbor House Property). The development is proposed to remedy a failing septic system on the Harbor House Property. The existing septic system is failing, with effluent presently discharging over the bluff face. The new system will travel approximately 1,500 feet within the Highway 1 right-of-way through Elk, and turn east at 5931 South Highway 1 through a dedicated easement on an approximately 0.21 acre vacant parcel (Jackson Rancheria Property). The installation of the septic line in the Highway 1 right-of-way will occur completely within the footprint of the roadway, at depths between five and ten feet. The system will continue east onto 5915 South Highway 1 (Li Foo Property) to a pump tank, which will direct flows to a proposed leachfield. The pump and leachfield are proposed on an approximately 19.86 acre vacant parcel that slopes upward to the east.

DETERMINATION: The proposed project satisfies all required findings for approval of a Coastal Development Permit, pursuant to Sections 20.532.095 and 20.532.100 of the Mendocino County 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
(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:				
(1) The proposed development is in conformity with the certified local coastal program.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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
(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"/>
(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) 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:				
(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 type="checkbox"/>	<input checked="" 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 bluffs; 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 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 Village

The project is proposed within the Highway 1 right-of-way and on the Jackson Rancheria property, which are classified as Rural Village (RV) by the Coastal Element of the Mendocino County General Plan, and on the Li Foo Property, which has a Rural Residential (RR) land use classification.

The development will not affect dwelling density, and will not establish or alter the land use within the Highway 1 right-of-way or on the Li Foo Property. The proposed septic will replace an existing system

servicing existing uses on the Harbor House Property. The proposed development is consistent with the existing land use classifications.

Hazards

Mendocino County Coastal Element Chapter 3.4, titled Hazards Management, addresses seismic, geologic and natural forces within the Coastal Zone.

Seismic Activity. The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone.¹ The San Andreas fault is located approximately four (4) miles to the west of the project and is the nearest active fault. This project does not conflict with any state or local seismic hazard policy or plan.

Bluffs and Bluff Erosion. The development is proposed as close as 200 feet from the edge of a coastal bluff. Section 20.500.20(B) of the MCC outlines siting and land use restrictions relative to ocean bluffs, requiring new structures to be set back a sufficient distance from the edge of the bluff to ensure their safety from bluff erosion and bluff retreat during their economic life span (seventy-five years). The distance of development from the bluff edge is such that no conditions are required for compliance with County bluff hazard policies.

Flooding. There are no mapped 100-year flood zones near the proposed development, and no conditions are necessary to ensure consistency with flood policy.²

Fire. The project is located in an area characterized by both high and moderate fire hazard severity ratings.³ The underground project will have no impact on fire hazards.

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 project is located in an area that is designated Conditionally Highly Scenic by the LCP. Consequently, development visible from Highway 1 is subject to LCP Visual Resource policies relating to Highly Scenic Areas. No portion of the proposed development will be visible from Highway 1, except for a small control panel for the satellite pump chamber. There is no lighting proposed with the septic installation, and the project will therefore have no impact on light or glare in the area.

The control panel for the satellite pump chamber may be visible from Highway 1. This equipment will be mounted on a wooden post on the western portion of the Li Foo Property within a small box with a sloped, shingled roof. The balance of the proposed development will be underground and not visible from any public place, including Highway 1. As proposed, the control panel is designed consistent with the scale and character of nearby development, and is consistent with LCP visual resource policies.

- **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 proposed septic system will replace a damaged and failing system on the Harbor House Property to provide the existing development with adequate utilities. Currently, effluent is discharging over the bluff edge of the Harbor House property. The proposed development will bring existing septic conditions into conformity with current standards.

¹ State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

² *Mendocino County and Incorporated Areas* [map]. 2011. Flood Insurance Rate Map, Panel 1425F, Number 06045C1425F. Federal Emergency Management Agency.

³ *Fire Hazard Severity Zones in SRA* [map]. 2007. 1:150,000. Fire and Resource Assessment Program, California Department of Forestry and Fire Protection.

The application and Site Evaluation Report was referred to Mendocino County Division of Environmental Health for review. In their response dated April 23, 2015, Environmental Health indicated that the application is consistent with approved septic permit ST-25593. No conditions are required associated with the design of the proposed septic system.

Access Roads

The project will require approximately 1,500 linear feet of work within the Highway 1 right-of-way. As a precursor to development in the right-of-way, the applicants were required to secure an Encroachment Permit from Caltrans.

Following the initial project referral, Planning staff received a letter dated November 21, 2014 from Caltrans. The letter stated in part, "per Section 607.1 of the Caltrans Encroachment Permit Manual, general policy states that longitudinal encroachments are not approved. However, requests for exception to the policy can be submitted to the Division of Design for consideration." Staff discussed the situation during a phone call with Caltrans and found that this policy applies only to encroachments by private entities.

The applicant worked with Caltrans over the next several months to obtain an Encroachment Permit. Staff was provided with a copy of a letter from Caltrans to an agent for the applicant dated April 2, 2015 stating that the encroachment permit "will be approved pending submittal of an agreement between Elk Water District and the Li Foo Alliance and the Harbor House to have the Elk Water District to own, operate and maintain the portion of sewer line within the State Highway Right of Way." This agreement would exempt the project from the Caltrans prohibition on private longitudinal encroachments.

The applicant secured an agreement between Harbor House and the Elk Water District, resulting in approval of Encroachment Permit 0114-6-UL-0255, providing clearance for the work in the right-of-way. Condition 10 is recommended requiring the applicant to conform to the provisions of the of Encroachment Permit 0114-6-UL-0255 to ensure that impacts to traffic and circulation are less than significant within the meaning of CEQA.

Drainage

Erosion management is subject to Mendocino County Code Section 20.492.025, which requires that water flows in excess of natural flows resulting from the project development be mitigated, and construction related erosion is adequately managed. The applicant submitted a *Water Pollution Control Program (WPCP)* dated September 14, 2014. The WPCP identifies Best Management Practices to offset construction-related runoff, including placement of straw and redwood mulch, preservation of existing vegetation and outlet protection. The WPCP states that "soil stabilization materials and equipment will be available onsite to be utilized when measurable precipitation is forecast." Condition 11 is recommended requiring the applicant to adhere to the stormwater and erosion control methods prescribed in the WPCP, which will limit soil erosion impacts to a less than significant level.

- **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)

Use: The project is proposed to occur within the Highway 1 right-of-way and the Jackson Rancheria Property, which is zoned Rural Village (RV), and on the Li Foo Property, which is zoned Rural Residential (RR). This application proposes the development of an underground septic system to replace an existing deteriorated system. The development will not alter the existing land use of any of the parcels subject to the application.

Yards: Section 20.308.140(A) defines yards as open areas on the same site as a structure, unoccupied and unobstructed by a building, which is defined by Section 20.308.025(H) as a permanent structure having a roof. The septic system is not a building, and is not subject to the yard requirements of MCC.

Height: The proposed development is almost completely underground, save the control panel for the for the satellite pump chamber which will be mounted on a post less than ten feet tall. The development will not exceed the height limits of the RR or RV zoning districts.

- **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.**

Consistent (with conditions of approval)

An Initial Study and Proposed Mitigated Negative Declaration has been prepared for the project (attached) drawing from supporting materials provided by the applicant and consulting agents. The said materials were used in part to identify potentially significant impacts pursuant to CEQA Guidelines Section 15063. All application materials are available for review at the Fort Bragg office of the Department of Planning and Building Services.

With the implementation of mitigation measures recommended in the Proposed Mitigated Negative Declaration, the proposed development will not have any significant adverse impacts on the environment within the meaning of CEQA.

- **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 applicant included an archaeological survey with the project application (*Archaeological Survey for a Septic Repair Project for the Harbor and Griffin Houses in Elk, CA*, prepared by Thad Van Bueren, M.A., dated October 14, 2014). The survey includes the parcels and Highway 1 right-of-way subject to this application, as well as other parcels in Elk with related concurrent applications to update individual septic systems. The survey was referred to the Mendocino County Archaeological Commission for review. In a letter dated May 13, 2015, the Archaeological Commission accepted the survey with the condition that the applicant follow the recommendations specified on page 14 of the survey.

These recommended conditions require that trenching on APN 127-181-06, 127-181-12, and 127-181-14 be monitored by a professional archaeologist, and prescribes measures to be taken should any cultural resources be identified during development. These parcels are not subject to this application; however, the relationship between this project and other current septic projects in Elk warrants the recommendation of Condition 8 and Condition 9, to ensure that any modification or amendment to this application involving the archaeologically sensitive parcels adhere to the recommendations of the survey.

While there are no culturally significant resources identified that could be impacted by this project, the recommended conditions of approval will ensure there will not be adverse impacts on any known archaeological or paleontological resource.

- **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 proposed development will not affect the generation of solid waste or its disposal on the subject parcels.

Roadway Capacity: The installation of a septic system to replace an existing system serving existing uses will have no effect on roadway capacity, which will remain adequate to serve the existing development. Circulation along Highway 1 will be affected, but is subject to the provisions of the Caltrans Encroachment Permit.

- **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 proposed development is located along Highway 1 and east of Highway 1, and will serve an existing Visitor Accommodation Service west of Highway 1 (Harbor House). The development will not negatively affect public access to the coast.

20.532.100 (A) Resource Protection Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:				
(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"/>
(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:				
(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 certified Mendocino County Local Coastal Program (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 applicant submitted biological reports prepared by Spade Natural Resources Consulting titled *Biological Scoping and Botanical Survey Report*, dated June 4, 2015, in concert with the application for the septic system. The report identifies multiple potential ESHA, as described below.

Identified ESHA (Highway 1 component): Willow riparian area, coastal morning glory, bulrush wetland, grazed rush potential wetland

Location. The biological report locates this ESHA along Highway 1 at the northern portion of the proposed project. See ESHA Site Plan attached.

Development with Impact Potential. The project proposes three temporary boring points (one within fifty feet of the potential ESHA, and two greater than fifty feet but less than one hundred feet of the ESHA) and underground direction drilling within fifty feet of ESHA.

Potential Impact. The biological report states, “detrimental impacts may occur from heavy equipment use, equipment staging or other direct construction encroachments into sensitive areas, accidental spills, invasive seed contamination during construction, or temporary or permanent placement of fill or other materials.”

Mitigation and Avoidance Measures. The following measures are based on the recommendations of the project biologist to offset potential impacts of development on these ESHA:

- a. Exclusion fencing shall be placed at the outer boundary of the identified ESHA (riparian areas, wetlands and coastal morning glory), as allowable by Caltrans, prior to initiation of construction activities. Use of heavy equipment, staging, and other project impacts shall be limited to areas outside potential ESHA, and as far from ESHA as feasible.
- b. Prior to the issuance of a Coastal Development Permit, a Spill Prevention Plan shall be designed for the project, addressing spill concerns specific to the septic force lines.
- c. Heavy equipment shall be washed prior to entering the site to remove accumulated mud that can harbor invasive plant seed. Erosion control devices shall be weed free. Any seed used to stabilize soils shall consist of non-invasive plant species only.

Consistency with LCP ESHA Policies. The temporary borings proximate to these ESHA are temporary in nature. The borings will be utilized for a maximum of twenty working days, per the Water Pollution Control Program prepared by Paulson Excavating, Inc. and submitted by the applicant, and will be drilled within the footprint of the existing roadway. The ESHA near the temporary boring points are subject to regular disturbance from the use of Highway 1 by vehicles and pedestrians. The nearby ESHA is also regularly disturbed and maintained by Caltrans, including mowing on at least an annual basis, leading the project biologist to conclude that the resources are “not considered very sensitive to disturbance.”

MCC Section 20.496.005 addresses the applicability of the ESHA chapter to proposed development, stating “This Chapter shall apply to all development proposed in the Coastal Zone unless and until it can be demonstrated to the approving authority that the projects will not degrade an environmentally sensitive habitat or resource area and shall be compatible with the continuance of such areas.” Staff finds that the proposed borings will not degrade any ESHA and is compatible with the continuance of ESHA due to the temporary nature of the borings, their location within the footprint of the existing roadway, and the resources’ lack of sensitivity to existing heavy disturbance, provided the mitigation and avoidance measures recommended by the biological report are incorporated into the project design. Supplemental Finding 1 through Supplemental Finding 4 reflect this conclusion, and Condition 12 requires the applicant to follow the mitigation and avoidance measures proposed by the biologist.

Underground directional drilling and installation of a force line will also encroach within fifty feet of the ESHA identified by the biological surveys. The potential for the drilling and force line to impact ESHA is equally diminished by the location of development within the footprint of existing improvements, and the nearby resources’ lack of sensitivity to existing heavy disturbance; however, the temporary nature of the borings does not extend to the permanent installation of the force line. Staff recommends Condition 13 requiring the applicant to submit a wetland and riparian area monitoring and restoration plan prior to issuance of a Coastal Development Permit to be reviewed and accepted by Planning and Building and California Department of Fish and Wildlife. This plan shall outline methods by which a biologist will determine if the resources proximate to the drilling and force line have been negatively affected by the development. If negative impacts are determined to exist resulting from this project, the plan shall identify restoration activities to offset any identified negative impacts.

With the avoidance and mitigation measures recommended by the biologist as Condition 12 and the implementation of a monitoring and restoration plan, as well as locating the drilling and force line within the footprint of existing improvements, and due to the lack of apparent sensitivity of the nearby resources due to existing heavy disturbance, staff finds that the drilling and force line will not degrade an environmentally sensitive habitat or resource area and shall be compatible with the continuance of such areas, pursuant to MCC Section 20.496.005.

Identified ESHA (Li Foo Property component): Grazed rush potential wetlands

Location. The biological report locates this ESHA on the parcel north of the Li Foo property boundary, see ESHA Site Plan attached.

Development with Impact Potential. The project proposes the installation of an underground pump station with an aboveground control panel, trenching of a septic line and installation of a leachfield over fifty and less than one hundred feet from the ESHA.

Potential Impact. The biological report states, “detrimental impacts may occur from heavy equipment use, equipment staging or other direct construction encroachments into sensitive areas, accidental spills, invasive seed contamination during construction, or temporary or permanent placement of fill or other materials.”

Mitigation and Avoidance Measures. The following measures are based on the recommendations of the project biologist to offset potential impacts of development on these ESHA:

- a. Exclusion fencing shall be placed at least fifty feet from the identified ESHA (grazed rush) establishing a buffer area of at least fifty feet prior to initiation of construction activities. Use of heavy equipment, staging, and other project impacts shall be limited to areas outside ESHA, and as far from ESHA as feasible.
- b. Prior to issuance of the Coastal Development Permit, a Spill Prevention Plan shall be designed for the project, addressing spill concerns specific to the septic force lines.
- c. Heavy equipment shall be washed prior to entering the site to remove accumulated mud that can harbor invasive plant seed. Erosion control devices shall be weed free. Any seed used to stabilize soils shall consist of non-invasive plant species only.

Consistency with LCP ESHA Policies. The pump station, control panel, septic line and leachfield are all proposed within one hundred feet of grazed rush potential wetlands. MCC Section 20.496.020(A)(1) requires buffer areas from ESHA of at least one hundred feet, “unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and [Wildlife] and County Planning staff, that one hundred feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development.” The MCC prescribes standards for determining the appropriate width of the buffer area.

The biological report includes a *Reduced Buffer Analysis for Harbor House off-site septic system replacement project*. The Reduced Buffer Analysis is attached. Staff finds that a buffer area of fifty feet is sufficient to protect the grazed rush potential wetland from possible significant disruption caused by the nearby development based on the conclusions of the Reduced Buffer Analysis, if the applicant adheres to the mitigation and avoidance measures proposed by the biologist. No development is proposed within the fifty foot buffer area. The mitigation and avoidance measures are recommended as Condition 14.

Potential ESHA (project-wide): California and northern red-legged frog

Location. No amphibians were documented in the survey; however, watercourses observed adjacent to the project site were determined to have a low potential to provide breeding habitat for California and northern red-legged frogs during migration.

Development with Impact Potential. Project construction activities have the potential to impact amphibian habitat.

Potential Impact. The biological report states that special status frogs may be detrimentally impacted by placement of construction materials and erosion control devices, heavy equipment use, accidental spills, or sedimentation of waterways in the project area.

Mitigation and Avoidance Measures. The following measures are based on the recommendations of the project biologist to offset potential impacts of development on these potential ESHA:

- a. Within two weeks prior to construction, surveys for California and northern red-legged frogs shall be conducted by a qualified biologist. The biologist shall provide Planning and Building Services with the results of the study.

- b. Prior to commencement of construction, project contractors shall be trained by a qualified biologist in the identification of the California and northern red-legged frog. Construction crews shall begin each day with a visual search around all stacked or stored materials, as well as along any silt fences to detect the presence of frogs. If a California or northern red-legged frog is detected, construction crews shall contact the US Fish and Wildlife Service (California red-legged frogs), California Department of Fish and Wildlife (northern red-legged frogs), and Planning and Building Services, to provide clearance prior to re-initiating work.
- c. If a rain event occurs during the construction period, all construction-related activities shall cease for a period of forty-eight hours after the rain stops. Prior to resuming construction activities, trained construction crew member(s) shall examine the site for the presence of frogs. If no California or northern red-legged frogs are found, construction activities may resume.

Consistency with LCP ESHA Policies. While no frogs were identified in the survey, the recommended mitigation and avoidance measures will limit impacts to special status amphibians, consistent with LCP ESHA policies. The recommended mitigation and avoidance measures are included as Condition 15.

Potential ESHA (project-wide): Special status birds

Location. No special status birds were documented in the survey; however, the potential for their presence during construction activities requires consideration.

Development with Impact Potential. Project construction activities have the potential to impact special status birds.

Potential Impact. Breeding birds may be impacted by the removal of vegetation and ground disturbance.

Mitigation and Avoidance Measures. The following measures are based on the recommendations of the project biologist to offset potential impacts of development on these potential ESHA:

- a. If vegetation clearing takes place during the bird breeding season (February through August), a qualified biologist shall perform preconstruction breeding bird surveys within fourteen days of the onset of construction or clearing of vegetation and report the findings to Planning and Building Services. If active breeding bird nests are observed, no ground disturbance activities shall occur within a minimum fifty foot exclusion zone. Exclusion zones may vary depending on species, habitat and level of disturbance. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. A biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

Consistency with LCP ESHA Policies. While no special status birds were identified in the survey, the recommended mitigation and avoidance measures will limit impacts to avian wildlife, consistent with LCP ESHA policies. The recommended mitigation and avoidance measures are included as Condition 16.

As a result of the recommended conditions of approval, staff finds the project consistent with LCP ESHA policies, and that the project will not have a negative impact on coastal environmental resources.