

ATTACHMENT A: COASTAL PERMIT APPROVAL CHECKLIST
CDP_2013-0007
SEPTEMBER 24, 2015

PROJECT TITLE: CDP_2013-0007

PROJECT LOCATION: 15100 IRISH BEACH DRIVE
MANCHESTER, CA 95459

**LEAD AGENCY NAME,
ADDRESS AND CONTACT PERSON:** Julia Acker
Mendocino County, Planning and Building Services
120 West Fir Street
Fort Bragg, California 95437

GENERAL PLAN DESIGNATION: Rural Residential, five-acre minimum, with an alternate density of Suburban Residential, with a Planned Development combining district (RR5(SR)[PD])

ZONING DISTRICT Rural Residential, five-acre minimum, with an alternate density of Suburban Residential, with a Planned Development combining district (RR5(SR)[PD])

DESCRIPTION OF PROJECT: The project request is for after-the-fact approval for Major Vegetation Removal on a bluff-top parcel and installation of a total of four (4) signs along the perimeter of the newly-designated Point Arena Mountain Beaver preserve (as required by Agreement with U.S. Fish and Wildlife Service, dated March 30, 2015), signs to be approximately twelve (12) inches wide by six (6) inches high, mounted on posts approximately two (2) to three (3) feet tall. Associated development includes installation of drought-tolerant landscaping adjacent to the Preserve, compatible with the species found in the Preserve.

SITE DESCRIPTION AND SETTING: The 1.09 acre subject parcel is situated in the community of Irish Beach, approximately 3.5 miles north of the town of Manchester. The blufftop parcel is surrounded by residential development and vacation home rentals on the north, south, and east sides and to the west is the Pacific Ocean. The subject parcel is currently vacant.

DETERMINATION: The proposed project **conditionally satisfies all required findings for approval of a Coastal Development Permit**, pursuant to Section 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
(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 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 type="checkbox"/>	<input checked="" 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"/>

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(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 checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion of Findings

➤ **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 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 Local Coastal Program addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal blufftops; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The Local Coastal Program serves as an element of the General Plan and includes Division II of Title 20 of the Mendocino County Code (MCC), and its policies must be consistent with the goals of the California Coastal Act.

Various aspects of the Local Coastal Program are specifically addressed by separate Required and Supplemental Findings for Coastal Development Permits, including utilities, transportation, zoning, CEQA, archaeological resources, public services, coastal access, and resource protection. The following is a discussion of elements of the Local Coastal Program not specifically addressed elsewhere in this checklist.

General Plan Land Use – Suburban Residential

The subject parcel is classified as Rural Residential, five-acre minimum, with an alternate density of Suburban Residential, with a Planned Development combining district by the Coastal Element of the Mendocino County General Plan. The Suburban Residential district applies to the subject parcel due to the size of the parcel, and the parcel’s location within the service boundaries of the Irish Beach Water District. The Suburban Residential district is intended “to be applied on lands adjacent to existing developed communities on the urban side of the Urban/Rural boundary, or to lands which are appropriate to accommodate future residential growth. Land within the Suburban Residential classification should have moderate to light constraints for residential development, should be served by the publicly-maintained road network, and should be located within utility service areas or the logical extensions thereof.” The principally permitted use designated for the Suburban Residential land use classification is “one dwelling unit per existing parcel and associated utilities, light agriculture and home occupations” (Chapter 2 of the Mendocino County General Plan Coastal Element).

The site is currently vacant. The current property owner also owns the parcel directly north of the subject parcel, which is developed with a single-family residence and is operated as a vacation home rental. In a letter dated April 29, 2013, Carl Rittiman & Associates (a Qualified Site Evaluator) stated that in their opinion the subject parcel would not be suitable for residential development due to groundwater conditions that would not allow the installation of a County approved sewage disposal system. The use of this parcel as a Point Arena Mountain Beaver Preserve and proposed landscaping does not conflict with the intent of the Suburban Residential classification of the Coastal Element of the Mendocino County General Plan.

Hazards

Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management 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 a half (0.5) mile to the southwest of the project site and is the nearest active fault. The site, like the rest of Mendocino County, is subject to strong ground shaking. Figure 3-12 of the Mendocino County General Plan indicates that the subject parcel is not located in a known area of soil liquefaction.

Landslides: The subject property is located west of the highway and slopes gently toward the bluff edge. There are no translational/rotational or debris slides mapped on the subject parcel.²

Erosion: The proposed structure is located in a relatively flat coastal terrace area and minimal grading activities are proposed. Grading consists of the removal and then replacement of soil to install the proposed landscaping plan and posts for the required signage.

Flooding: There is a mapped "V zone" floodplain on the subject parcel, which signifies an area of special flood hazard extending offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. While there is a mapped floodplain on the property, all proposed improvements will be placed outside the mapped floodplain (see the FEMA Flood Zone Map included) .

Fire: The project is located in an area that has a high fire hazard severity rating. The proposed project is exempt from California Department of Forestry and Fire Protection (CalFire) Fire Safe Clearance requirements. The proposed project was referred to CalFire who had no comments for the proposed project.

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 MCC Chapter 20.504.

The project is not located in an area that is designated Highly Scenic by the Local Coastal Program. Consequently, the project is not subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas. The site is located within a designated Tree Removal Area, where tree thinning or removal shall be required as a condition of approval in areas where concentrations of trees unreasonably obstruct views to and along the ocean and scenic coastal areas. The subject parcel is not an appropriate site to require tree thinning or removal, due to the lack of trees on the parcel and the designation of a Point Arena Mountain Beaver Preserve, where no vegetation may be removed or altered in accordance with the U.S. Fish and Wildlife Service Settlement Agreement and Declaration of Restrictions (Mendocino County Official Records Document #2015-05222).

Natural Resources

Protection of natural resources is addressed in Chapter 3.1 of the Mendocino County Coastal Element and implemented by MCC Chapter 20.496.

The purpose of this permit is to abate the Major Vegetation Removal violation from 2013, which consisted of the clearance and subsequent burning of vegetation on the subject parcel. Adjacent properties had known occurrences of the Federally Listed Endangered Species, the Point Arena Mountain Beaver (PAMB) on them and therefore the concern arose that the clearing of vegetation may have impacted the PAMB habitat, in violation of the Endangered Species Act. The owner was requested to contract a PAMB survey for the parcel to determine whether or not the species may have been impacted.

Galea Wildlife Consulting conducted two separate Point Arena Mountain Beaver (PAMB) surveys of the parcel. The first survey was completed on May 1, 2013 and the second survey was completed on June 17, 2013. The

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

² *Geology and Geomorphic Features Related to Landsliding* [map]. 1984. Fort Bragg 7.5' Quadrangle, Department of Conservation, Division of Mines and Geology.

survey in May 2013 documented that the flat area on top of the bluff did not contain any PAMB burrows; however, inactive burrows were observed approximately twenty (20) feet downslope. The Biologist concluded that the "burrows were of sufficient size and located in prime PAMB habitat, they should be considered evidence of PAMB presence on the bluff slope" (Galea Wildlife Consulting, May 2013). It was noted that material had been dumped over the bluff edge into the prime PAMB habitat. The determination that the site contained PAMB habitat in the area of vegetation removal and burning resulted in a violation of the Endangered Species Act for the unauthorized take of habitat.

The survey of June 2013 was conducted to delineate PAMB habitat on three adjacent parcels (including the subject parcel - lot 16, as it is referred to in the survey) to help determine the extent of the PAMB habitat and to provide appropriate remediation measures to protect the habitat in the future. The survey stated:

*On lot 16 PAMB habitat was located 45 feet down slope off the bluff edge along the far south property line. A dense stand of common teasel (*Dipsacus follosum* L) grew on the slope from the top of bluff to this delineation point. Teasel is an invasive plant species which can temporarily outcompete native vegetation after clearing, and this was the likely reason PAMB habitat did not reach top of slope. From this delineation point along the south line of lot 16, PAMB habitat decreased in distance from top of bluff until it was at top of bluff approximately ½ way across lot 16 (Figure 1). (Galea Wildlife Consulting, June 2013)*

Figure 1, as referenced in the above excerpt from the study, is included in this document - PAMB Habitat Designation. Please note that the subject property is referred to as Lot 16 in the map.

The Settlement Agreement, included as **Attachment C- Settlement Agreement**, was reached after consultation with John Hunter of U.S. Fish and Wildlife Service (USFWS) and Galea Wildlife Consulting. The survey from June 2013 was reviewed and accepted by USFWS. Per the Agreement, the owner is required to protect the PAMB habitat on the property as an Endangered Species Preserve through the Declaration of Restrictions (recorded in the Mendocino County Official Records on April 21, 2015 as Document #2015-05222), as well as by installing and maintaining four (4) signs, one along each perimeter of the Preserve, as shown on the attached Landscaping & Site Plan. Landscaping is proposed around the exterior of the Preserve and is to consist of drought-tolerant landscaping that is compatible with species found in the PAMB habitat. **Condition 9** is recommended requiring that the signs be installed no more than sixty (60) days after issuance of this Coastal Development Permit, consistent with the Settlement Agreement and Declaration of Restrictions.

Condition 9: Within sixty (60) days after the date of issuance of this Coastal Development Permit, the applicant shall install the required four (4) signs, per the Declaration of Restrictions (Mendocino County Official Records Document #2015-05222) along the perimeter of the Point Arena Mountain Beaver Preserve, as shown on the attached Landscaping & Site Plan.

Condition 10 is recommended to require all specifications stated in the landscape plan as conditions of approval and further that deviation from the proposed landscape plan shall require consultation and possibly modification of this coastal development permit.

Condition 10: Landscape specifications as outlined in the Landscaping Plan originally dated January 23, 2015 and revised to include Point Arena Mountain Beaver habitat information on May 6, 2015, shall be required as conditions of approval and further that deviation from the proposed landscape plan shall require consultation and possibly modification of this Coastal Development Permit. Required landscape specifications are as follows:

A. General Conditions:

1. All work shall be performed in a professional manner and be of the highest quality standards.
2. No work shall occur within the protected Point Arena Mountain Beaver (PAMB) habitat.
3. Rodenticides containing any anticoagulant compounds, including but not limited to, brodifacoum, bromadiolone, or diphacinone, shall not be used.

4. All proposed plantings to be native vegetation, drought- and spray-tolerant, locally native to Mendocino County and obtained from local genetic stocks within Mendocino County. If native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside the local area, but from within the adjacent region of the floristic province, may be used.
5. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist at the site of the proposed revegetation. No plant species listed as a 'noxious weed' by the State of California or U.S. Federal Government shall be utilized within the property.

B. Soil Preparation:

1. Hand-remove poison oak from level portion of site, outside of the PAMB protected area.
2. No additional topsoil needs to be imported to the site. Backfill plant holes with existing soil.

C. Planting:

1. The enclosed Landscape Plan shows the species, size, and location of all plant materials that are to be newly planted on the site.
2. Plant holes shall be twice the diameter and depth of the root ball.
3. When planted, crown of plant shall be 1-2" above grade. Prepare a water basin by forming a soil ring at least 3" high and wide around the outer edge of the new plant hole. Water plants in container thoroughly prior to planting and directly after to eliminate air pockets and reduce plant stress.
4. All plants shall receive 3' minimum of ¾" walk on fir bark mulch or equal. Existing vegetation in a 3' radius from tree crown shall be removed and mulch applied.
5. Plants shall be kept moist for two weeks following planting and then watered well, once per week until rainy season begins.

D. Irrigation:

1. Planting shall occur late fall/early winter to take advantage of winter rainy season.
2. Augment winter rains, if needed, with temporary installation of drip irrigation tape laid on top of ground surface until plants are well established. Connect drip irrigation tape to hose bib located on adjacent parcel (also owned by Camille Seghesio), 15050 Irish Beach Drive, APN 132-040-08.

E. Maintenance and replacement:

1. Provide a monthly maintenance check on vegetation and irrigation conditions to ensure success of the planting and irrigation system.
2. Trees shall be replaced in-kind, per the landscape plan and written specifications, as they die or are substantially declining.

With the Settlement Agreement in place, and recordation of the Declaration of Restrictions, the project is found consistent with the natural resource policies contained in the Coastal Element of the Mendocino County General Plan and MCC Chapter 20.496.

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

Consistent (without conditions of approval)

Utilities: The proposed landscaping will utilize winter rains to help establish native vegetation consisting of drought-tolerant species, limiting the need for extensive irrigation. The Landscape Plan states that plants shall be kept moist for two weeks following planting and then watered well, once per week until rainy season begins. As necessary, the landscaping may require the temporary installation of irrigation tape, laid on top of the ground surface, from the hose bib located on 15050 Irish Beach Drive (APN 132-040-08), under the same ownership and directly adjacent to the subject property. Water is provided to the adjacent parcel by the Irish Beach Water District, who had no comment for the proposed project. No other utilities shall be required for the project.

The project was referred to the Mendocino County Division of Environmental Health (DEH) to review impacts to water and septic. DEH responded that they have no comment on the proposed project.

Access Roads: The parcel is currently accessed off Irish Beach Drive, with no driveway in place as no development currently exists on the parcel and no additional access is proposed. Mendocino Department of Transportation reviewed the application and did not state concerns relating to access. No conditions are necessary to ensure the development is provided with adequate access roads.

Drainage: Drainage is subject to MCC Section 20.492.025, and provides regulations mitigating the impact of stormwater runoff and erosion. As the site is relatively flat in the area of proposed landscaping, and the landscaping can act as an infiltration area, the project is found consistent with the drainage requirements of the zoning code.

- **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 Suburban Residential. The intent of the Suburban Residential zoning district is "to be applied adjacent to existing developed communities on the urban side of the urban/rural boundary, or in areas suited for future residential growth. Lands within this district should be served by public roads and adjacent to or within a public service area" (MCC Section 20.384.005). This application to allow the development of a PAMB habitat preserve, associated signage, and landscaping on the parcel. The proposed project does not conflict with the intent of the Suburban Residential zoning district.

Use: The proposed project consists of establishment of a PAMB habitat preserve, associated signage, and landscaping on the parcel. No other development is proposed on the site. The use does not conflict with the intent of the zoning district, and is similar to the Passive Recreation use, as defined in MCC Section 20.340.015, with an accessory landscaping plan. The proposed project is therefore considered a principally permitted use within the Suburban Residential zoning district.

Density: The maximum dwelling density in the Suburban Residential zoning district is one single family dwelling per twelve thousand (12,000) square-feet or one multi-family dwelling per twelve thousand (12,000) square-feet. The proposed development does not conflict with the dwelling density standards of the Suburban Residential zoning district since it proposes no dwelling units on the parcel.

Yards: The minimum required front, side, and rear yards in the Suburban Residential zoning district for a parcel of this size are twenty (20) feet from the front and rear property boundaries and six (6) feet from the side property boundaries (MCC Section 20.384.030 through Section 20.384.035). The proposed signs are the only structure proposed on the parcel and shall meet yard setback requirements. The proposed development is therefore consistent with the yard setback requirements of the Suburban Residential zoning district.

Height: The maximum permitted building height structures in the Suburban Residential zoning district is thirty-five (35) feet (MCC Section 20.384.040). The proposed signs are proposed to be two (2) to three (3) feet above

grade, less than the permitted maximum height in the Suburban Residential zoning district. The proposed landscaping will have a maximum height of approximately eight (8) feet, less than the permitted maximum height in the Suburban Residential zoning district. The proposed signage and landscaping are therefore compliant with the required height limitations for the Suburban Residential zoning district.

Lot Coverage: The maximum permitted lot coverage in the Suburban Residential zoning district is fifty (50) percent for a parcel of this size (MCC Section 20.384.045). The parcel is approximately 47,480 square feet, allowing for a maximum permitted lot coverage of approximately 23,740 square feet. Lot coverage is defined as “the percentage of gross lot area covered by all buildings and structures on a lot, including decks, and porches, whether covered or uncovered, and all other projections except eaves” (MCC Section 20.308.075 (12)). The signs are the only proposed development that will contribute to lot coverage calculations. The contribution will be minimal from the signs. The proposed development is consistent with the lot coverage requirements of the Suburban Residential 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.**

Consistent (with conditions of approval)

A draft Initial Study and Proposed Mitigated Negative Declaration has been prepared for the project drawing off of 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. The draft environmental document is attached as **Attachment B- Mitigated Negative Declaration**. 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 proposed project was referred the Sonoma State University’s Northwest Information Center for the California Historical Resources Information System (CHRIS) to determine potential impacts to archaeological and paleontological resources. CHRIS responded that while the office has no record of any previous cultural resource studies for the proposed project area, the project area has a low possibility of containing unrecorded archaeological sites. Therefore, no further study of archaeological resources is recommended.

The applicant is advised of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the “Discovery Clause.” Recommended **Condition 8** similarly advises the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project, and states:

Condition 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 resource(s) 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: No solid water shall be generated from the site, as there is no residential development proposed or existing on the site.

Roadway Capacity: The increase in traffic volume associated with the development proposed in the application will be negligible. Additionally, Mendocino Department of Transportation reviewed the application and did not state concerns relating to roadway capacity. The existing roadways and private access are adequate to serve the proposed development.

- **20.532.095(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.**

Consistent (without conditions of approval)

The proposed development is located west of Highway 1. The parcel is not designated as a potential public access trail on the certified Local Coastal Program maps. There is existing private beach access provided approximately 1,000 feet to the southwest of the subject parcel. The site is not a suitable location of public access as it is now designated as a PAMB habitat preserve and access would potentially be detrimental to the Preserve.

The proposed development is in conformity with the public access and public recreation policies of the Coastal Act and the Coastal Element of the General Plan.