

**STAFF REPORT FOR STANDARD COASTAL DEVELOPMENT PERMIT**

**CDP\_2013-0007  
SEPTEMBER 24, 2015  
CPA - 1**

**OWNER/APPLICANT:** CAMILLE SEGHESSIO  
ZECCHINO LLC  
1083 VINE STREET, SUITE 242  
HEALDSBURG, CA 95448

**REQUEST:** Standard Coastal Development Permit for after-the-fact approval for Major Vegetation Removal on a bluff-top parcel; installation of a total of four (4) Point Arena Mountain Beaver Preserve signs; and installation of drought-tolerant landscaping.

**LOCATION:** In the Coastal Zone, 3.5± miles north of the town of Manchester, on the west side of Irish Beach Drive (CR 539), 800± feet north of its intersection with Highway 1, located at 15100 Irish Beach Drive; APN 132-040-09.

**APPEALABLE:** Yes- west of first public road, blufftop parcel

**PERMIT TYPE:** Standard Coastal Development Permit

**TOTAL ACREAGE:** 1.09 Acres

**GENERAL PLAN/COASTAL PLAN:** Rural Residential, five-acre minimum, Planned Development (RR5[PD]) with an alternate designation of Suburban Residential, Planned Development (SR[PD])

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

**EXISTING USES:** Vacant

**ADJACENT ZONING:** North: RR5(SR)[PD]  
East: RR5(SR)[PD]  
South: RR5(SR)[PD]  
West: Pacific Ocean

**SURROUNDING LAND USES:** North: Single Family Residential/Vacation Home Rental  
East: Single Family Residential  
South: Single Family Residential/Vacation Home Rental  
West: Pacific Ocean

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**PROJECT DETERMINATION:** Approve with Conditions

**PROJECT DESCRIPTION:** 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.

**OTHER RELATED APPLICATIONS:**

- ZC 2013-0004 Violation case on subject parcel for Major Vegetation Removal within known Point Arena Mountain Beaver Habitat (a Federally Listed Endangered Species), in violation of the Endangered Species Act. A Settlement Agreement was reached with U.S. Fish and Wildlife Service in April 2015 and the subject permit seeks to legalize the unpermitted Major Vegetation Removal, provide remediation of the site, and provide for protection of the habitat in perpetuity through a designated Point Arena Mountain Beaver habitat preserve.
- CDP 2010-0025 (for APN 132-040-08 directly south of the subject parcel and under same ownership) permitted installation of a curtain drain and repair of the failing septic system on the blufftop lot.

**SUMMARY OF REFERRAL AGENCY COMMENTS:**

Planning – Ukiah	No comment
Mendocino Department of Transportation	No comment
Environmental Health – Fort Bragg	No comment
Building Inspection – Fort Bragg	No comment
Assessor	No response
Sonoma State University	Stated they have no previous cultural studies on file, but the proposed project area has a low possibility of containing unrecorded archaeological sites. Therefore, no further study of archaeological resources is recommended.
CalFire	No comment
Irish Beach Water District	No response
Redwood Coast Fire Protection District	No response
Department of Fish and Wildlife	No comments other than recommend the use of native plants in the landscape plan, as required by USFWS.
U.S. Fish and Wildlife Service	Settlement agreement (reference number: AFWO-13B0029-15TA0038). Stated no further comments beyond the settlement agreement.
Coastal Commission	No response
Sierra Club	No response

**KEY ISSUES:** Coastal Development Permit applications are subject to the findings enumerated in Section 20.532.095 and Section 20.532.100 of the Mendocino County Code (MCC). APPENDIX A of this report individually addresses each of the Required Findings for all Coastal Development Permits and any Supplemental Findings applicable to this project. The issues listed below are drawn from APPENDIX A and have been determined to be “key issues” because they either require special conditions for the findings to be made, or they address matters of particular concern by referral agencies.

### Land Use

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 classification and zoning 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 and MCC Chapter 20.384).

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 or with the intent of the Suburban Residential zoning district.

### 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 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 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 foliolosus* 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, **Attachment C**, 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 (attached), one along each perimeter of the Preserve, as shown on the Landscaping & Site Plan. Landscaping is proposed around the exterior of the Preserve and is proposed to consist of drought-tolerant landscaping that is compatible with species found in the 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 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.

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.

#### 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.

#### California Environmental Quality Act

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.

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

**ENVIRONMENTAL FINDINGS:** The Coastal Permit Administrator finds that the environmental impacts identified for the project can be adequately mitigated through the conditions of approval or features of the project design so that no significant adverse environmental impacts will result from this project; therefore, a Mitigated Negative Declaration is adopted.

**COASTAL DEVELOPMENT PERMIT FINDINGS:** Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project, based on the following findings and conditions.

1. The proposed development is in conformity with the certified Local Coastal Program. The Major Vegetation Removal that was conducted on the site was not in conformance with the Mendocino County Local Coastal Program's policies for protection of Environmentally Sensitive Habitat Areas. The subject permit remediates the violation and provides for the future protection of the documented sensitive habitats on the parcel, and further provides drought-tolerant vegetation on the parcel, as residential development has been determined to be problematic and/or challenging on the site; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities. The proposed project does not include any residential development that will require wastewater treatment or utility systems. The site proposes the installation of signage and landscaping on the parcel. Landscaping shall be native and drought tolerant, reducing the need for irrigation; and
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district. The site is zoned Suburban Residential, which is primarily for sites within developed communities, such as this parcel. The site has constraints for residential development due to the existence of sensitive habitats on the site and soil constraints. The use of the parcel as a Endangered Species Preserve and the establishment of landscaping does not conflict with the intent of the Suburban Residential zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment, within the meaning of the California Environmental Quality Act; an Initial Study has been completed and adoption of a Mitigated Negative Declaration is recommended; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource. The proposed project was reviewed by the California Historic Resource Inventory System (CHRIS) office at Sonoma State University's Northwest Information Center, the site was suggested to have a low possibility of containing unrecorded archaeological sites. With the inclusion of the Mendocino County Standard Discover Clause (Condition 8), the project is not anticipated to have an impact on any known archaeological or paleontological resources; and
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. The site is not anticipated to generate any solid waste, as it will only require short-term construction activities followed by routine maintenance of landscaping features. No access is proposed to the site and public roadway capacity was considered when the Irish Beach Subdivision was created; and
7. 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. The subject parcel is located west of the first public road; however, due to the documented constraints of the site, including but not limited to the Endangered Species Preserve along the bluff edge, the site is not conducive to public access. No evidence of prescriptive access exists on the parcel.

**CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11<sup>th</sup> 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 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. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The 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 or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the 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.
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.
10. Landscape specifications as outlined in the Landscaping Plan, attached, 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 (attached) 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  $\frac{3}{4}$ " 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.

11. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Wildlife filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$2260.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any appeal period. Any waiver of the fee shall be on a form issued by the Department of Fish and Wildlife upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

Staff Report Prepared By:

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DATE

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JULIA ACKER  
PLANNER I

JA/at  
August 20, 2015

Mitigated Negative Declaration

Appeal Period: Ten (10) calendar days for the Mendocino County Board of Supervisors, followed by ten (10) working days for the California Coastal Commission following the Commission's receipt of the Notice of Final Action from the County.

Appeal Fee: \$945 - For an appeal to the Mendocino County Board of Supervisors.

**Attachments List:**

- A- Checklist
- B- Initial Study
- C- Settlement Agreement with U.S. Fish and Wildlife Service
- D- Location Map
- E- Topographic Map
- F- 2014 NAIP Aerial Photo
- G- Landscaping & Site Plan
- H- PAMB Habitat Designation
- I- PAMB Signpost
- J- Zoning Display Map
- K- General Plan Classifications
- L- LCP Map 22: Mallo Pass Creek
- M- Adjacent Parcels
- N- Fire Hazard Zones & Responsibility Areas
- O- FEMA Flood Zone
- P- Coastal Ground Water Resource Areas
- Q- Highly Scenic & Tree Removal Areas
- R- Local Soils
- S- Important Farmland
- T- Earthquake Fault Zones