



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- ADMINISTRATIVE CDP**

**MAY 9, 2022
CDP_2020-0031**

SUMMARY

OWNER/APPLICANT: JOYCE SCHOWENGERDT
PO BOX 273
POINT ARENA, CA 95468

AGENT: DANIEL STONE
PO BOX 1634
FORT BRAGG, CA 95437

REQUEST: After-the-fact Coastal Development Permit to convert a garage to a single-family residence.

LOCATION: In the Coastal Zone, 2.3± miles east of the Point Arena town center, on the south side of Eureka Hill Road (CR 505) and 1.8± miles east of its junction with Riverside Drive; located at 41391 Eureka Hill Rd., Point Arena; APN: 027-241-14.

TOTAL ACREAGE: 9.69± Acres

GENERAL PLAN: Rural Residential (RR10:R)
Coastal Element Chapter 4.11

ZONING: Rural Residential District (RR:10)
Mendocino Coastal Zoning Code

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: JULIANA CHERRY

BACKGROUND

PROJECT DESCRIPTION: After-the-fact Administrative Coastal Development Permit to convert a garage to a single-family residence. Initially the property owner obtained from the North Coast Office of the California Coastal Commission a permit waiver to construct a residence; the garage associated with the residence was inspected and finalized with a non-residential occupancy. The property owner did not complete construction of the residence and, instead, converted the garage for habitable use. This application is intended to resolve violations with local codes, including MCC Chapter 20.532. The garage is located more than 200-feet from Redwoods, Bishop pines, Douglas firs, and potential Point Arena Mountain Beaver habitat.

APPLICANT'S STATEMENT: "Conversion of garage/storage to single family residence." The applicant asks the Coastal Permit Administrator to waive the Department of Transportation's request to repair the road approach (on to Eureka Hill Road or CR505).

RELATED APPLICATIONS ON-SITE:

- Previously issued and not vested, a Coastal Commission Waiver for the construction of a single-family residence.

SITE CHARACTERISTICS: This property is located in the foothills east of the City of Point Arena. While located more than 100-feet from the project site, Point Arena Creek bisects the northern portion of the parcel (See *Aerial Imagery* and *Wetlands* exhibits). The creek is classified as a “Freshwater Forested/Shrub Wetland”. Point Arena Creek is associated with the appeal jurisdiction of the California Coastal Commission as shown on the *Post LCP Certification Permit and Appeal Jurisdiction* map (See attached). Based upon the *Topographic Map* exhibit, land elevations range between 600 feet and 480 feet, where the creek forms a ravine and the garage is situated above the 600-foot contour line (See attached). Where the garage is located the land is relatively flat (See *Estimated Slope* attached). To the west and south of the parcel, the lands are classified as Forest Lands (See attached). The *LCP Land Use Map 25: Point Arena* exhibit identifies a TPZ, or timber production zone, boundary following the westerly and southern property boundaries (See attached). The *LCP Land Use Capabilities & Natural Hazards* exhibit characterizes the parcel and surrounding timberlands as moderately productive (See attached). As shown on the *LCP Habitats & Resources* exhibit, sensitive habitat areas are not anticipated (See attached). Plant and animal habitat within 200-feet of the existing garage were surveyed and no sensitive habitats were identified. Point Arena Mountain Beavers and their habitats were not found. Redwood Coast Fire Protection District boundaries include the project site and surrounding lands (See attached). Like much of Mendocino County’s south coast, the property and its surrounding lands are “Critical Water Resources Bedrock” (See attached *Ground Water Resources*). *Western soil classifications* are #158 and #174 and ‘grazing land’ is the *Farmland Classification* (See attached).

SURROUNDING LAND USE AND ZONING: Lands to the west and south are classified as Forest Lands and there is a TPZ boundary between the property and those adjoining to the west and south. Mendocino Redwood Company owns the property to the west (See attached). Surrounding land uses, zoning districts, and other information is provided in Table 1.

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential	Rural Residential	4.0± Acres	Residential
EAST	Forest Land	Timberland Production	70.6± Acres	Vacant
SOUTH	Forest Land	Timberland Production	39.5± Acres	Vacant
WEST	Rural Residential	Rural Residential	9.7± Acres	Residential

PUBLIC SERVICES:

Access: EUREKA HILL ROAD CR 505
 Fire District: REDWOOD COAST FIRE PROTECTION DISTRICT
 Water District: NONE
 Sewer District: NONE
 School District: NONE

AGENCY COMMENTS: On December 3, 2021 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project (See Table 2). Their required or related permits, if any, are listed below.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT
Planning – Ukiah		No comment
Department of Transportation	Encroachment	Comment
Environmental Health – FB	Septic, Well	Comment
Building Inspection – FB	Building	No comment
Assessor		No comment
Forestry Advisor		No comment

REFERRAL AGENCIES	RELATED PERMIT	COMMENT
Department of Forestry, CalFire Land Use		No comment
Department of Fish and Wildlife		Comment
Coastal Commission		Comment
US Fish & Wildlife Service		Comment
County Addresser		No comment
Cloverdale Rancheria		No response
Sherwood Valley Band of Pomo Indians		No response
Redwood Coast Fire District		No response

LOCAL COASTAL PROGRAM CONSISTENCY

The property is located within Mendocino County’s Local Coastal Program boundaries. Staff recommends that the proposed and recommended conditions would assure development conforms to Mendocino County’s Local Coastal Program, including Coastal Element policies for Rural Residential and satisfies Mendocino County Coastal Zoning Code regulations.

1. Land Use: The site is classified as Rural Residential (RR). “*The Rural Residential classification is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.*” Principal permitted uses include residential and associated utilities, light agriculture, and home occupations; the proposed is consistent with the land use policies of the RR classification.

Coastal Element Chapter 4.11 *Mallo Pass Creek to Iversen Road Planning Area (Irish Beach/Manchester/Point Arena)* does not include policies or goals for unincorporated lands north and inland of the City of Point Area, including those areas associated with the proposed development.

2. Zoning: The project site is located in the Rural Residential (RR) District. This district is intended to implement the goals and policies of Coastal Element Chapter 2.2. Principal permitted uses include *Single-Family Residential, Vacation Home Rental, Light Agriculture, Row and Field Crops*; and others. The proposed land use, MCC Section 20.316.010(A) *Single-Family Residential*, is a permitted use in the RR District.

The proposed development conforms to the front, rear, and side yard minimum distances, and maximum lot coverage (See attachments *Site Plan, Floor Plans, Profiles, and Elevations*). See Table 3.

SECTION	STANDARD	PROPOSED
20.376.030 Minimum Front & Rear Yards	50 feet	more than 50 feet
20.376.035 Minimum Side Yards	50 feet	50 feet or more
20.376.045 Building Height Limit	28 feet	19.75 feet
20.376.050 Maximum Lot Coverage	10 percent	0.4 percent

To facilitate the property owner's compliance with adopted conditions, Staff recommends that the conditions be attached to any building permit and become a part of on-site construction drawings (See recommended Condition #9).

3. Grading, Erosion, and Run-Off: The purpose of MCC Chapter 20.492 *Grading, Erosion, and Runoff* is:

"The approving authority shall review all permit applications for coastal developments to determine the extent of project related impacts due to grading, erosion and runoff. The approving authority shall determine the extent to which the following standards should apply to specific projects, and the extent to which additional studies and/or mitigation are required, specifically development projects within Development Limitations Combining Districts."

While the Application Questionnaire, Question #16 states that no grading or road/driveway construction is planned, the site plan and project description shows a long vehicle access easement that navigates between Eureka Hill Road and the garage, across other properties and, on the applicant's property, crosses Point Arena Creek. At this time, the applicant does not propose to improve the existing driveway or creek crossing. (Note: a Coastal Development Permit would be required for any grading or construction located near the creek or within the Appeal Jurisdiction of the California Coastal Commission.)

A condition is recommended to remind the property owner that a building permit (or an exemption from a grading permit) is required prior to any grading, including but not limited to, any excavation or filling or combination thereof involving transfer of more than two cubic yards of material and in some instances, a coastal development permit may be required, too (See recommended Condition #10). With the inclusion of the recommended Condition, the project would be consistent with MCC Chapter 20.492 *Grading, Erosion, and Run-off* and potentially:

- MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas*,
- MCC Chapter 20.500 *Hazard Areas*, and
- MCC Chapter 20.532 *Coastal Development Permit Regulations – General*.

Future repair and maintenance of the existing vehicle access easement, especially where approximate to Point Arena Creek, would need prior authorization. The property owner would want to first file a coastal development permit, or permit amendment.

4. Habitats and Natural Resources: Coastal Element Chapter 3.1 and MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* applies to all development proposed in the Coastal Zone, unless and until it can be demonstrated to the approving authority that the project will not degrade an environmentally sensitive habitat or resource area and shall be compatible with the continuance of such areas. The *LCP Habitats & Resources* map depicts the site as barren (See attached).

On March 17, 2021, PBS received a statement prepared by botanical consultant Alison Gardner. She surveyed the site and found that the creek was more than 500 feet away from the garage and that the vegetation is Redwood Forest, with redwoods co-dominant with Douglas fir and some Bishop pines. The existing structure is situated within an existing meadow of non-native grasses, which she describes in her site assessment. She states that there will be no impact from the project on the environment and that there will be no effect on any sensitive habitats, as there are none approximate to the converted garage. This assessment was included in the request for comments mailed to agencies in December 2021. Ms. Gardner's observations demonstrate, in accordance with MCC Chapter 20.496, that the project will not degrade an environmentally sensitive habitat or resource area and shall be compatible with the continuance of such areas.

The riparian area in the northerly portion of the property was too steep to thoroughly survey; but it is a presumed active habitat for Point Arena Mountain Beavers. On December 30, 2021, US Fish and Wildlife Service accepted the findings of a Point Arena Mountain Beaver survey; they did not request special conditions but did write the following comments:

“Based on a review of my initial assessment and recommendation in August 2020, a review of the parcel in GIS today, and my extensive experience conducting PAMB habitat assessments and presence-absence surveys in coniferous forest habitat, I conclude that the project as proposed is unlikely to result in the “take” of the Point Arena mountain beaver and can proceed at any time. If the work is not completed within 2 years I ask that the landowners reach out and request additional technical assistance from the USFWS. The proposed building site is approximately 500 feet from Point Arena Creek, on either side of which I would expect PAMB to occur or at least for suitable PAMB habitat to be present. The only open areas near the proposed building site with enough sunlight to grow adequate food plants for PAMB is continuously mowed and thus unsuitable for PAMB. I did not see any obvious “open” areas along Point Arena Creek in or around the parcel, but small openings may not be visible using satellite imagery. This concluded section 7 endangered species act technical assistance for this project. Please contact me if the project footprint or design changes for further technical assistance.”

Often times, applicants propose avoidance measures that are adopted as conditions of project approval. These measures identify methods to reduce potential impacts to nesting birds and bats, amphibians, Point Arena Mountain Beavers, and other wildlife or vegetation. Often the measures are seasonal dependent. The proposed separation between development and areas to potentially avoid should ensure “that environmentally sensitive habitat and other designated resource areas ... are protected for both the wildlife inhabiting them as well as the enjoyment of present and future populations.” As proposed, the project satisfies the goals and policies of Coastal Element Chapter 3.1 *Habitats and Natural Resources* and its implementation measures identified in MCC Chapter 20.496. Staff recommends Conditions describing simple avoidance measures; see recommended Conditions #11 (100-foot ESHA buffer), #12 (PAMB), #13 (Birds and Bats), and #14 (California Red-Legged Frogs).

5. Archaeological/Cultural Resources: On January 12, 2022, the Archaeological Commission determined that no survey report would be required, as one was recommended by California Historical Information Systems Northwest Information Center (CHRIS-NWIC). The Commission did recommend including a condition advising the property owners of a “Discovery Clause,” which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project (See recommended Condition #8). As conditioned, the project would be consistent with Mendocino County policies for the protection of the paleontological and archaeological resource. On December 3, 2021, local tribes were contacted and comments on the proposed were requested; no response has been received. As conditioned, the proposed project would be consistent with Coastal Element Chapter 3.5 archaeological resource policies and MCC Chapter 22.12.
6. Hazards Management: Coastal Element Chapter 3.4 and MCC Chapter 20.500 *Hazard Areas* applies to all development proposed in the Coastal Zone unless and until it is determined by the Coastal Permit Administrator that the project is not subject to threat from geologic, flood, or other hazards.

MCC Section 20.500.025 *Fire Hazard* -- The parcel is located in an area classified as “Moderate Fire Hazard” (See attachment *Fire Hazard Zones & Responsibility Areas*). Fire protection services are provided by the Redwood Coast Fire Protection District and California Department of Forestry and Fire Prevention (CalFire). The application was referred to the Redwood Coast Fire Protection District and CalFire for input; however, no response has been received from the local fire protection district. CalFire recommended conditional approval. The applicant applied for a preliminary clearance from CalFire; CalFire Permit 432-20 conditions include standards for address, driveway, defensible space and maintaining defensible space.

With the inclusion of standard conditions requiring the property owner to obtain all necessary permits from local, State, and federal agencies, the project would be consistent with MCC Chapter 20.500 *Hazard Areas* (See condition #4).

7. Visual Resources: The project site is not mapped as a Highly Scenic Area; therefore, applicability of Coastal Element Chapter 3.5 policies and MCC Chapter 20.504 *Visual Resources and Special Treatment Areas* is limited. Staff recommends Condition #15, to ensure that exterior lighting is downcast and shielded in compliance with MCC Section 20.504.035. As conditioned, the project would be consistent with Coastal Element Chapter 3.5 policies and MCC Chapter 20.504 regulations.
8. Transportation and Circulation: *State Route 1 Corridor Study Update* lists the intersection of State Route 1 and Eureka Hill Rd/Riverside Ave with a PM Peak level of service A. This intersection is near the project site. The project would contribute minimally to new sources of traffic on local and regional roadways. The cumulative effects of traffic resulting from residential land uses were considered when the Coastal Element land use designations were assigned. As proposed, the project would not affect transportation or circulation and would be provided with adequate access.

On December 3, 2021, the project was referred to the Department of Transportation (MCDOT). On December 17, MCDOT responded by requesting two conditions for consideration:

- A. A Private Road Approach shall be constructed onto Eureka Hill Road (CR505), in accordance with Mendocino County Road and Development Standards No. A51B, or as modified by applicant and approved by Department of Transportation staff during field review, to be paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.
- B. Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County rights-of-way.

While the applicant submitted a revised site plan demonstrating the extent of work associated with a private road approach, they request that the Coastal Permit Administrator consider waiving MCDOT recommended conditions. MCDOT has preliminarily accepted the design as satisfying their recommendations to improve the road approach onto Eureka Hill Rd (CR 505) and Planning staff believes that the potential work would be located 100 feet or more for sensitive habitat areas. The requested conditions are included with staff's recommendations (See recommended Conditions #16 and #17).

9. Groundwater Resources: One of the purposes of MCC Chapter 20.516 *Transportation, Utilities, and Public Services* is "... that development occurs in areas where public services are available..." New development shall be approved subject to the availability of necessary public services and consistent with MCC Sections 20.516.015(A) *Septage and Leach Field* and (B) *Water Supply*. On December 3, 2021, the proposal was referred to agencies for comment, including the Mendocino County Division of Environmental Health (DEH) and the California Coastal Commission (Commission).

MCC Section 20.516.015(A) *Septage and Leach Field*. The proposed project includes installation of an on-site septic tank with connection to a leach field. On December 17, 2021, Division of Environmental Health staff responded that there is a septic permit 1966-F for a two-bedroom residence. As a two-bedroom residence is proposed; the project would not exceed the capacity of the existing septic system. On January 17, 2022, Coastal Commission responded with the following:

"The onsite sewage disposal system was approved by the Mendocino Department of Environmental Health (DEH) in 1988. We recommend that County staff verify prior to acting on the CDP application that the proposed sewage disposal system design conforms to current standards to make the necessary findings that the proposed use will be served by an adequate onsite sewage system capable of treating wastewater consistent with County and Regional Water Board standards."

MCC Section 20.516.015(B) *Water Supply*. The property and surrounding lands are mapped as "Critical Water Resources Bedrock" (See attachment *Ground Water Resources*). On January 17, 2021, comments were received from Coastal Commission staff. Planning staff provided clarifications and all correspondence was shared with the applicant. One of concerns raised by Commission staff was compliance with MCC Section 20.516.015(B)(1):

“According to the application materials, the well was drilled in 1988 and the well test was conducted at the time of its completion. Since the well test was conducted over 30 years ago, and there have been extensive droughts and potential changes to groundwater availability during that time frame, we recommend that County staff request the applicant have an updated well test conducted prior to acting on the CDP application to ensure there is sufficient water for the proposed single-family residence.”

As the applicant currently resides on the property and states that their well has yet to run dry, they believe demonstration of the proof of water supply is not warranted and on December 2, 2021 provided a copy of the well driller's report. Dale Theiss of Fisch Brothers Drilling reported on August 8, 1988 that the well discharged 15 gallons per minute after two hours of testing; while this does not satisfy the guidelines for a proof of water test, this two-hour test was completed during a dry summer month. The well is 160 feet deep with a 5-inch diameter. The well seal depth is 20 feet and it is sealed with grout. After well completion, the standing water level was 50-feet.

It could be appropriate to phase development, which is not unlike other residential proposals in the coastal zone or Critical Water Resource areas. (The initial phase would include a proof of water test in accordance with MCC Sec. 20.516.015. After the Coastal Permit Administrator accepts the test results, the property owner could then obtain a well permit and complete conversion of the garage into a residence.) To facilitate access to ground water (and if the initial proposed well location does not satisfy the requirements of Chapter 20.516), staff recommends allowing the property owner, with the approval of CDP_2020-0031, to test up to three alternative well sites. All well sites and ground water testing sites shall be located a minimum 100 feet from the edge of any sensitive coastal resource or ESHA; noting, the proposed well location is more than 100-feet from ESHA.

To better understand the site's potential hydrology and geology, staff reviewed soils classifications, topographic maps, the *1982 Mendocino County Coastal Ground Water Study* and its description of the Point Arena Subunit hydrology, which includes the Gualala Formation. The project site is likely underlain by bedrock of the Anchor Bay member of the Gualala Formation. Point Arena Creek provides surface water flow on the property. The Coastal Ground Water Study findings include Table 6, which states 34% of the wells located in the Gualala Formation yield 10 gpm or more; and the Study states most wells located in the Gualala Formation produce between 3 and 12 gpm (1982, page 79). Near the faulted zone, there is greater porosity and permeability (1982, page 81). Porosity and permeability are characteristics associated with access to ground water. The findings of Table 6 are similar to the August 1988 reported well discharge rate.

The recommendation to phase development should result in a project that satisfies Coastal Element policies regarding development in areas where services are available and consistent with the provisions of MCC Chapter 20.516(B) (See recommended Conditions #18).

Water Conservation Measures: In response to Board of Supervisors Ordinance No. 4493, staff recommends adding the *Mendocino County Coastal Ground Water Study* water conservation measures as conditions, where appropriate (See recommended Conditions #19, #20, #21, and #22). For example, the project would implement the study's conservation measure 1, as all new residential development is required to incorporate proven water conservation technology in the construction of the project (e.g. low-flush toilets, control inserts on showers, single-control faucets, and similar). For example, the project would implement conservation measure 5 by preserving natural drainage areas, which the study found aids in ground water recharge. With the inclusion of these conditions and findings, staff recommends the project satisfies Ordinance No. 4493 objectives to consider the project's anticipated water use and impose conditions of approval to appropriately limit and phase the expansion of water use.

As proposed, the project would be consistent with the implementation measures, as listed in Chapter MCC Section 20.516.015, that require new development to be approved subject to the availability of necessary public services and consistent with provisions for septic and leach fields, and water supply.

10. Public Access: The site is not designated as a potential public access trail location. As shown on LCP Map 25 *Point Arena*, existing public access to the coast follows the shoreline (See attached). MCC Chapter 20.528 *Coastal Access Regulations and Open Space Easements* standards for minimum access are established west of the project site, at the shore. As proposed, the project would satisfy the requirements of MCC Chapter 20.528 that implements the goals and policies of *Coastal Element Chapter 3.6 Shoreline Access and Trail/Bikeway System*.

ENVIRONMENTAL DETERMINATION

The Secretary for Resources has found that certain classes of projects have been determined not to have a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents, and the Project was determined to meet the categorical exemption criteria for new construction of a residence, or a Class 3 Categorical Exemption from the California Environmental Quality Act (CEQA) under 15303.

PROJECT FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code, Staff recommends that the Coastal Permit Administrator approve the conversion of the garage to a residence by authorizing a Coastal Development Permit and adopting the following recommended findings and conditions.

FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed residential development, which entails converting an existing garage to a residential occupancy, conforms with the adopted goals and policies of the certified Local Coastal Program, as one dwelling unit is a principally permitted use in lands classified as Rural Residential; and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The property owner has documented that the land has access to an adequate water supply, access roads, and other necessary facilities; and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed Single-Family Residence is consistent with the purpose and intent of the Rural Residential District; and the project is consistent with other provisions of Division II of Title 20 of the Mendocino County Code, including building height, setback from property boundary, and lot coverage; and
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed residential development and accessory structures, if constructed in compliance with the conditions of approval, would not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed development would not have any adverse impact on any known archaeological or paleontological resources; on December 8, 2021 the Archaeological Commission waived the requirement for a survey report; and Condition #8 is in place when archaeological sites or artifacts are discovered; and
6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the site; and Mendocino County Department of Transportation requests the private road approach onto County Road 505 (Eureka Hill Road) be improved to meet County standards; and
7. Pursuant with MCC Section 20.532.100(A)(1), the proposed development conforms to MCC Chapter 20.496 Environmentally Sensitive Habitat and Other Resource Areas regulations as it locates development 200 feet or more from the edge of potential environmentally sensitive habitat areas, including Point Arena Mountain Beaver habitat.

CONDITIONS:

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 expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The Applicants shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. Conditions approving CDP_2020-0031 shall be attached to any building permit application. Conditions approving CDP_2020-0031 and US Fish and Wildlife Service 'Draft Point Arena Mountain Beaver Standard Protection Measures for Point Arena Mountain Beaver' shall be a part of on-site construction drawings.
10. In accordance with **MCC Chapter 20.492**, a building permit (or grading permit exemption) shall be required for any grading, including but not limited to, any excavation or filling or combination thereof involving transfer of more than two (2) cubic yards of material. Grading activities, including the maintaining driveway and parking areas, and any work associated with an Encroachment Permit, shall comply with MCC Chapters 20.492, 20.496, and 20.532 regulations.

11. In accordance with **MCC Section 20.496.020(A)(1)**, development shall maintain a 100-foot buffer from Environmentally Sensitive Habitat Areas, meaning any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could easily be disturbed or degraded by human activities or developments. In Mendocino County, environmentally sensitive habitat areas include, but are not limited to: wetlands, Redwoods, Bishop Pines, Douglas Firs, riparian areas, areas of pygmy vegetation that contain species of rare or endangered plants, and habitats of rare and endangered plants and animals, including Point Arena Mountain Beaver habitat.
12. Pursuant with **MCC Section 20.496.020(A)(1)(b)**, the Point Arena Mountain Beaver is sensitive to disturbance and the width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. The property owner shall implement the following practices and shall carry out development and residential use in compliance with US Fish and Wildlife Service 'Draft Point Arena Mountain Beaver Standard Protection Measures for Point Arena Mountain Beaver':
 - a. During construction, no equipment which results in severe ground vibration, such as but not limited to pile driving and blasting, shall be utilized at any time.
 - b. During residential use of the property, no use of rodenticides shall occur within 400 feet of riparian areas, for example, Point Arena Creek.
 - c. If dogs or cats are kept as pets, they should not be allowed access to riparian areas.
 - d. Garbage should be properly contained in wildlife proof enclosures on the property and should be removed from the property to a permitted disposal location on a weekly basis.
 - e. Contractors shall be provided with a copy of the US Fish and Wildlife Service 'Draft Point Arena Mountain Beaver Standard Protection Measures for Point Arena Mountain Beaver' and shall carry out project development in compliance within the intent therein.
13. Pursuant with **MCC Section 20.496.020(A)(1)(b)**, Special Status Birds and Bats are sensitive to disturbance and the width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. The property owner shall implement the following avoidance measures and practices:
 - a. Birds: The clearing of vegetation and the initiation of construction can be done during the non-breeding season between September and January. If these activities cannot be completed in 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, 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 should monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.
 - b. Bats: Pre-construction bat surveys do not need to be performed if work or vegetation removal is conducted between September 1 and October 31, after young have matured and prior to the bat hibernation period. Between November 1 and August 31, pre-construction surveys shall determine the presence or absence of bat roost sites in a given area. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to removal or demolition for evidence of bat use (guano accumulation, or acoustic or visual detections). If evidence of bat use is found, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied. If bats are found, a minimum 50-foot buffer should be implemented around the roost tree. Removal of roost trees should occur in September and October, or after the bats have left the roost.

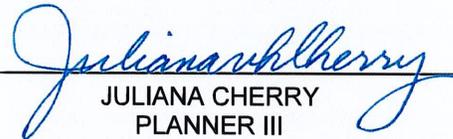
14. Pursuant with **MCC Section 20.496.020(A)(1)(b)**, California Red-Legged Frogs are sensitive to disturbance and the width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. The property owner shall implement the following avoidance measures and practices:
 - a. Contractors shall be trained by a qualified biologist in the identification of the California red-legged frog (*Rana draytonii*).
 - b. A survey for California red-legged frog shall occur within two weeks prior to ground disturbing activities or construction.
 - c. Construction crews will 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.
 - d. If a California red-legged frog is detected, construction crews shall stop all ground disturbing activities and contact the US Fish and Wildlife Service or a qualified biologist prior to re-initiating work.
 - e. If a rain event occurs during the construction period, all ground disturbing construction-related activities will cease for a period of 48 hours after the rain stops.
 - f. Prior to resuming ground disturbing construction activities, trained construction crew member(s) will examine the site for the presence of frogs. If no special status frogs are found, construction activities may resume.
15. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of the Director or their designee. In compliance with MCC Section 20.504.035, exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel.
16. A Private Road Approach shall be constructed onto Eureka Hill Road (CR505), in accordance with Mendocino County Road and Development Standards No. A51B, or as modified by applicant and approved by Department of Transportation staff during field review, to be paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.
17. Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County rights-of-way.
18. In accordance with the *1982 Mendocino County Coastal Ground Water Study* recommended water conservation measures, the project will incorporate proven water conservation technology in the construction of the project, including, but not limited to, low-flush toilets, flow-control inserts on showers (or similar), single-control faucets, water efficient dishwashers and clothes washers, and hot-water pipe insulation. The property owner may apply for a Coastal Development Permit to install grey-water recycling.
19. In accordance with the *1982 Mendocino County Coastal Ground Water Study* recommended water conservation measures, the property owner will install and maintain water efficient irrigation systems that minimize runoff and evaporation, and maximize the water intended to reach plant roots. Drip irrigation, soil moisture sensors and automatic irrigation systems are methods of improving irrigation efficiency.

20. In accordance with the 1982 Mendocino County Coastal Ground Water Study recommended water conservation measures, the project will either keep rainwater on site in a retention basin to aid in ground water recharge, or where this is not feasible, the project shall be designed to reduce, retard, and disperse runoff. This may be accomplished by mulched and or terraced slopes to reduce erosion and retain rainfall, porous drain swales and paving materials for infiltration, out-sloped roads to spread runoff evenly down slope, and landscaping with suitable water-conserving erosion control plants that will protect the soil, facilitate infiltration of rainwater, and reduce runoff.
21. In accordance with the 1982 Mendocino County Coastal Ground Water Study recommended water conservation measures and to encourage ground water recharge, the project will preserve existing natural drainage areas and encourage the incorporation of natural drainage systems in the development of the site.

Staff Report prepared by:

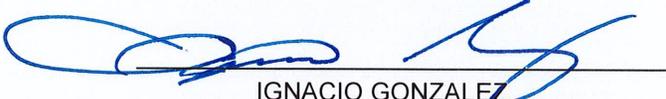
May 6, 2022

DATE


JULIANA CHERRY
PLANNER III

5-11-2022

DATE


IGNACIO GONZALEZ
COASTAL PERMIT ADMINISTRATOR

Appeal Period: 10 Days
Appeal Fee: \$2,620.00

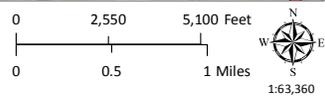
ATTACHMENTS:

- | | |
|-------------------------------------|----------------------------------------------|
| A. Location Map | J. LCP Land Capabilities & Natural Resources |
| B. Topographical Map | K. Coastal Commission Appeal Jurisdiction |
| C. Aerial Map | L. Adjacent Properties |
| D. Topographic Site Plan | M. Fire Hazards Map |
| E. Site Plan | N. Ground Water Resource Area |
| F. Zoning Map | O. Wetlands |
| G. General Plan Classifications | P. Soils Map |
| H. LCP Land Use Map | Q. Slope Map |
| I. LCP Habitats & Natural Resources | R. Important Farmland |



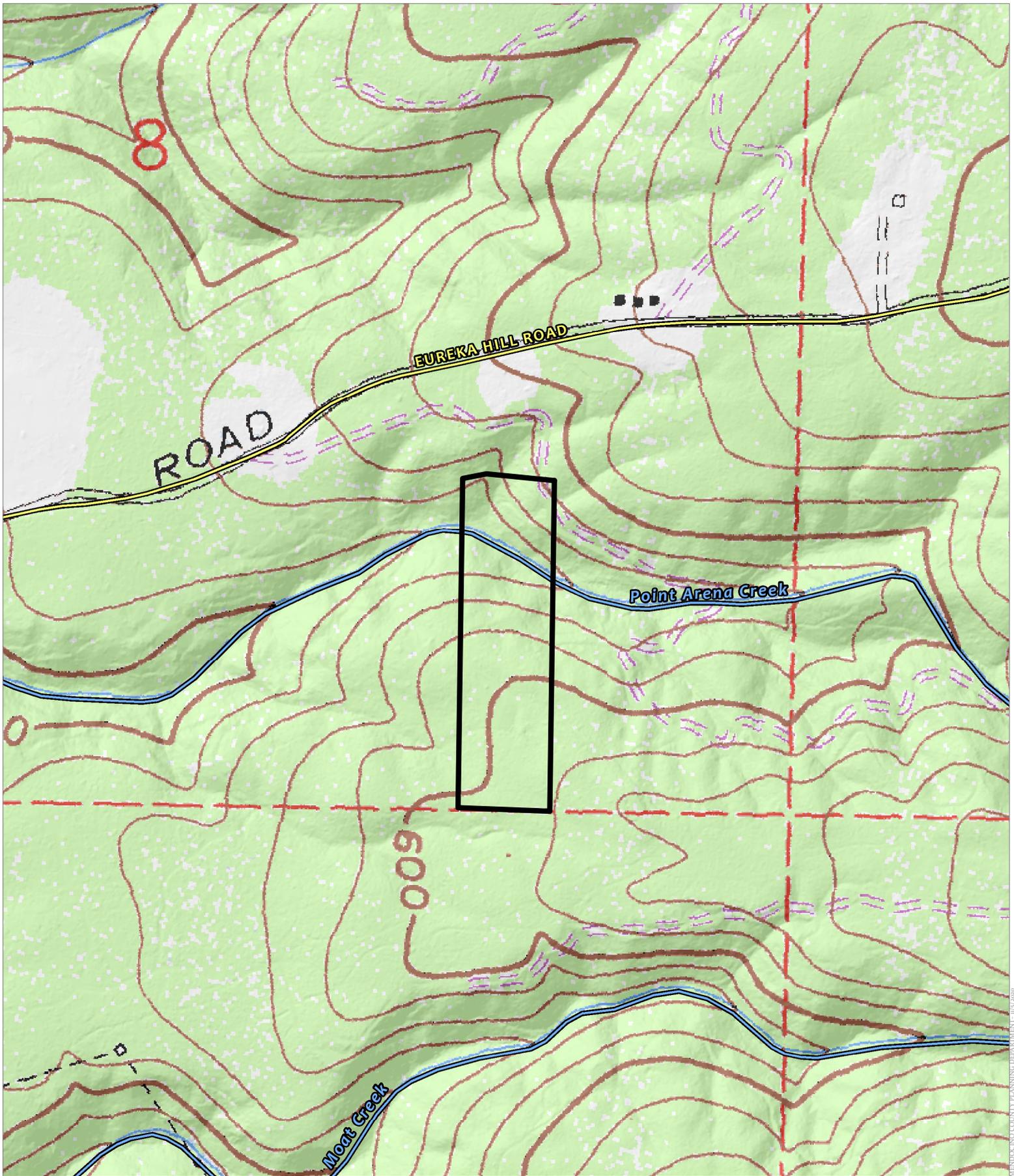
CASE: CDP 2020-0031
 OWNER: SCHOWENGERDT, Joyce
 APN: 027-241-14
 APLCT: Joyce Schowengerdt
 AGENT: Daniel Stone
 ADDRESS: 41391 Eureka Hill Road, Point Arena

-  Major Towns & Places
-  City Limits
-  Coastal Zone Boundary

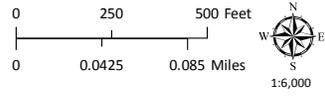


LOCATION MAP

MENDOCINO COUNTY PLANNING DEPARTMENT - 10/27/2020



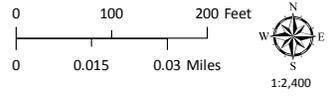
CASE: CDP 2020-0031
OWNER: SCHOWENGERDT, Joyce
APN: 027-241-14
APLCT: Joyce Schowengerdt
AGENT: Daniel Stone
ADDRESS: 41391 Eureka Hill Road, Point Arena



TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

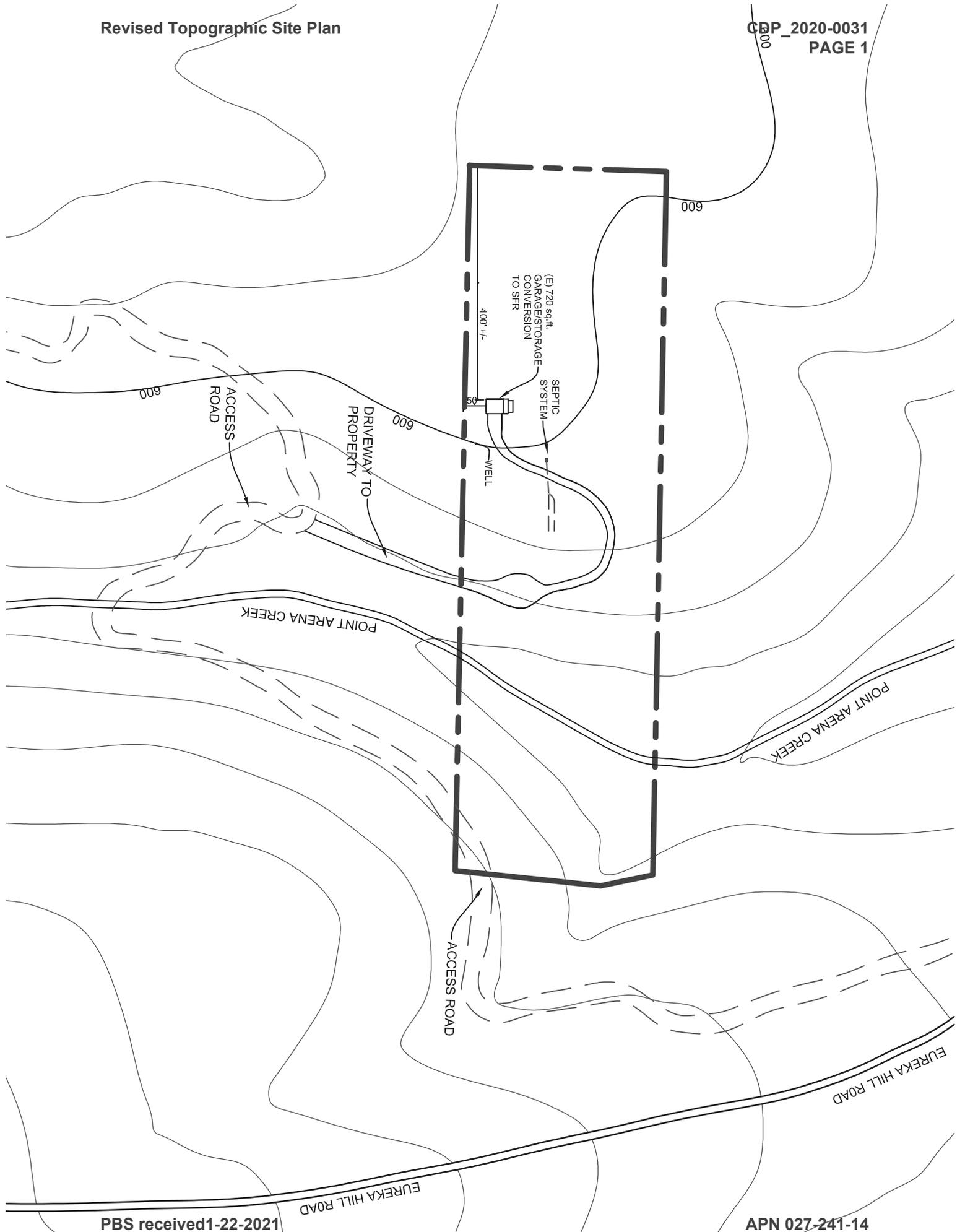


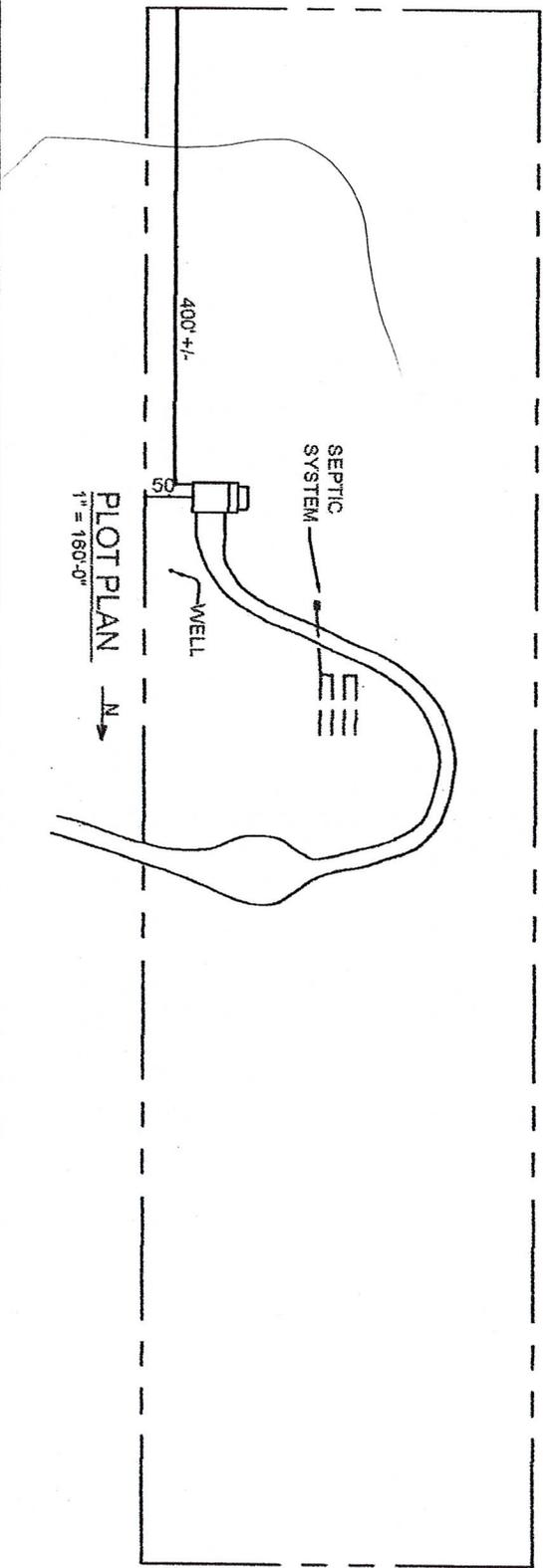
CASE: CDP 2020-0031
OWNER: SCHOWENGERDT, Joyce
APN: 027-241-14
APLCT: Joyce Schowengerdt
AGENT: Daniel Stone
ADDRESS: 41391 Eureka Hill Road, Point Arena



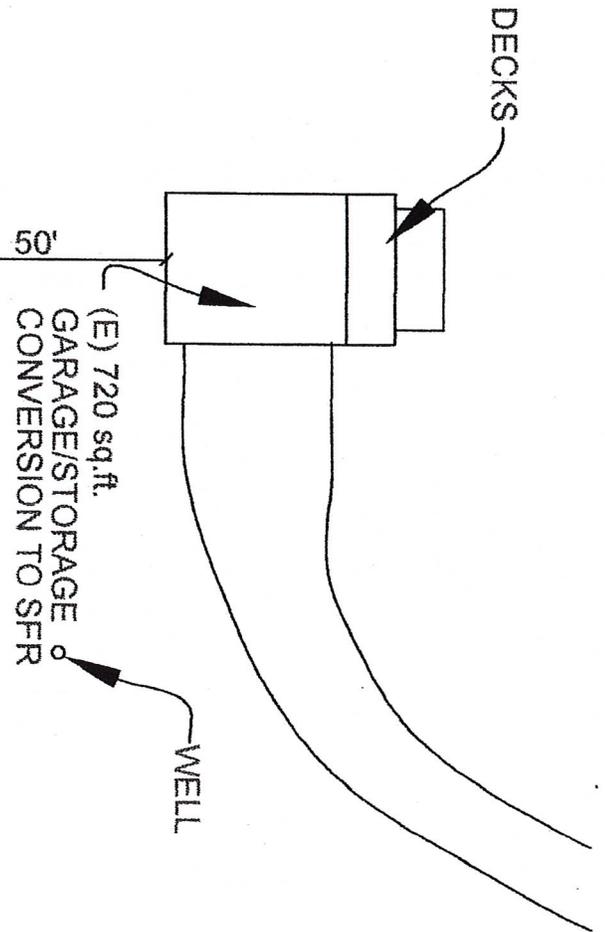
AERIAL IMAGERY

MENDOCINO COUNTY PLANNING DEPARTMENT - 10/2/2020





PARTIAL PLOT PLAN
NTS
N



SHEET #
A-0

DATE	11-3-20
SCALE	AS NOTED
JOB #	1126-20
DRAWN BY	DLW

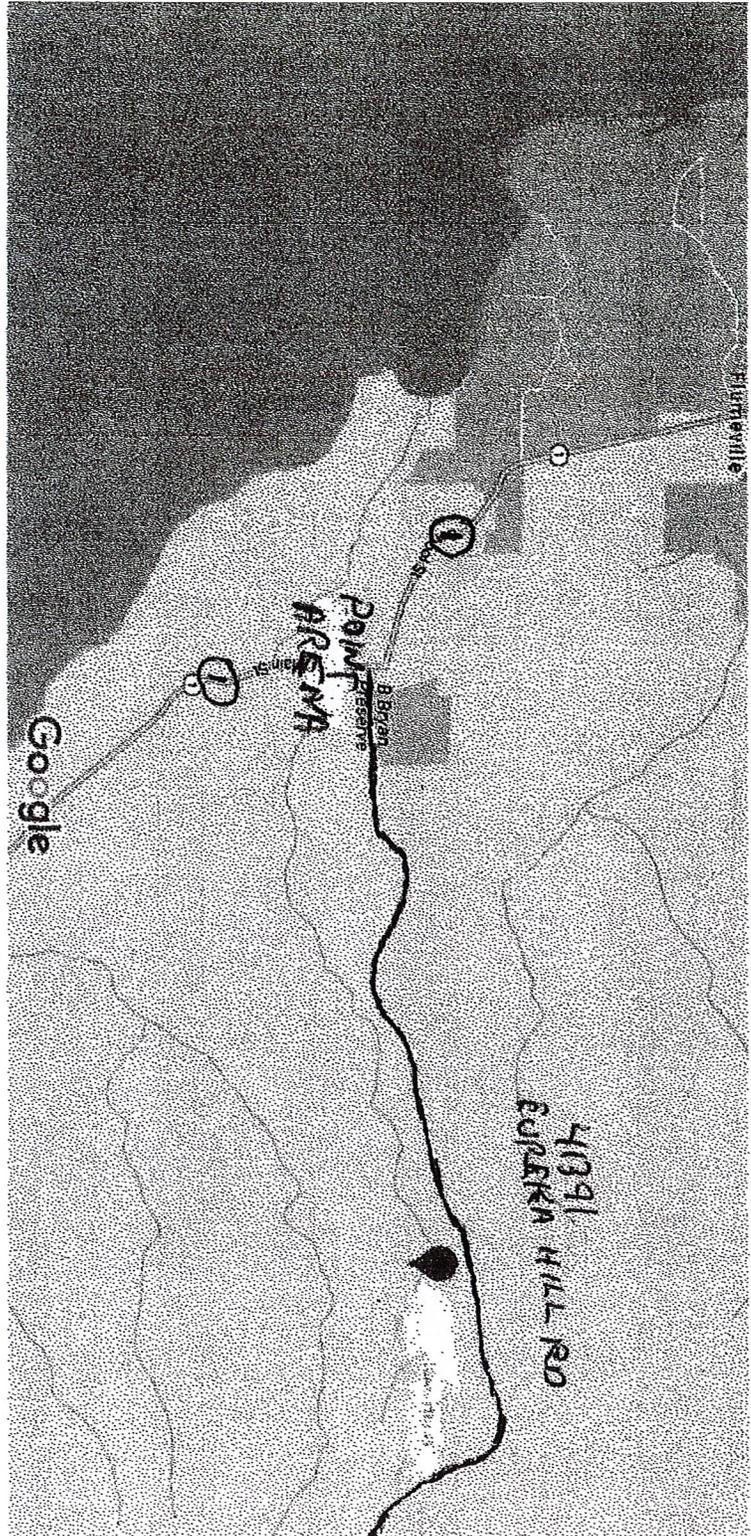
12-4-2020

PLOT PLAN FOR: APN: 027-241-14

SCHOWENGERDT RESIDENCE
41391 EUREKA HILL RD.
POINT ARENA, CA 95468

PLOT PLAN

3-D'S DESIGN
P.O. BOX 1634 FORT BRAGG, CA
APN 027-241-14
(CELL) 707-734-3600



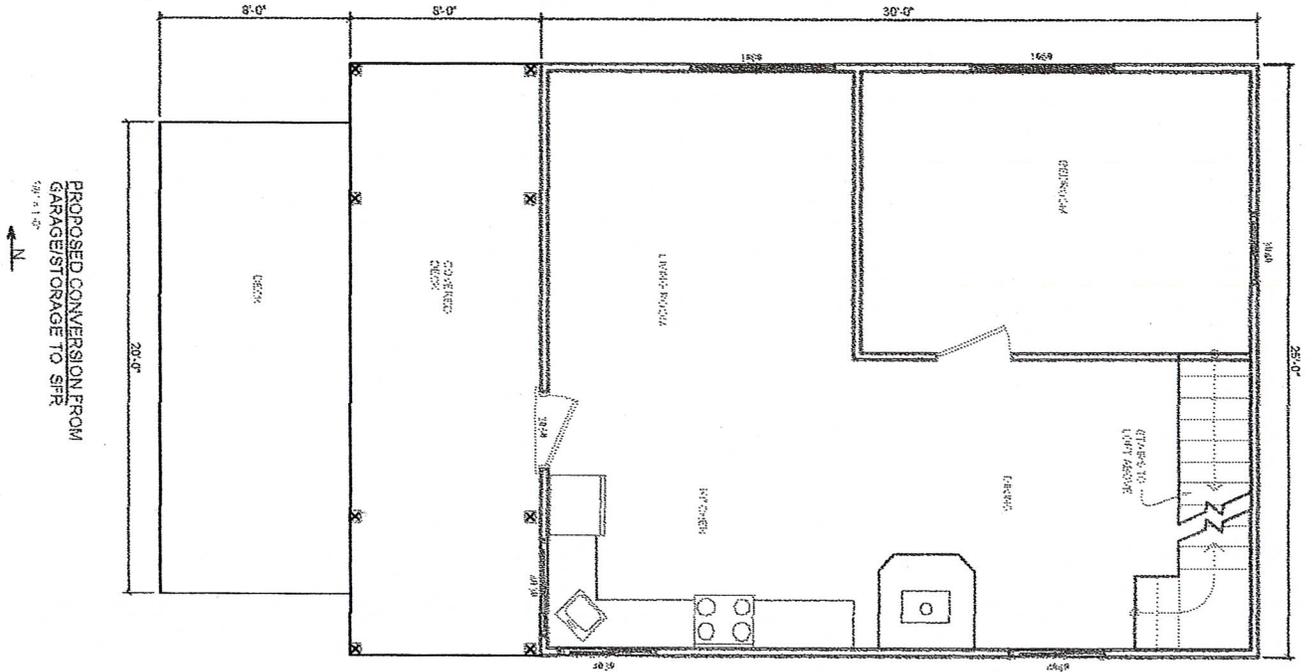
A-0.1
SHEET #

DATE	11-3-20
SCALE	AS NOTED
JOB #	1126-20
DRIVER received	12-4-2020

LOCATION MAP FOR:	APN: 027-241-14
SCHOWENGERDT RESIDENCE 41391 EUREKA HILL RD. POINT ARENA, CA 95468	

LOCATION MAP

3-D'S DESIGN
P.O. BOX 1634 FORT BRAGG, CA
APN 027-241-14
(CELL) 707-734-3600



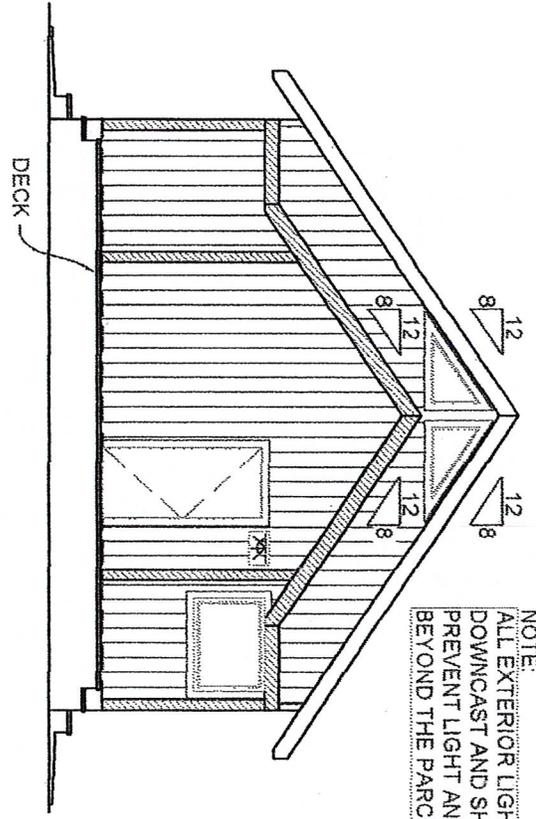
A-1
SHEET #

DATE	11-3-20
SCALE	AS NOTED
JOB #	1126-20
DRWING	RECEIVED 11-4-2020

ART/STORAGE (ACCESSORY BUILDING) FOR:	APN: 027-241-14
SCHOWENGERDT RESIDENCE	
41391 EUREKA HILL RD.	
POINT ARENA, CA 95468	

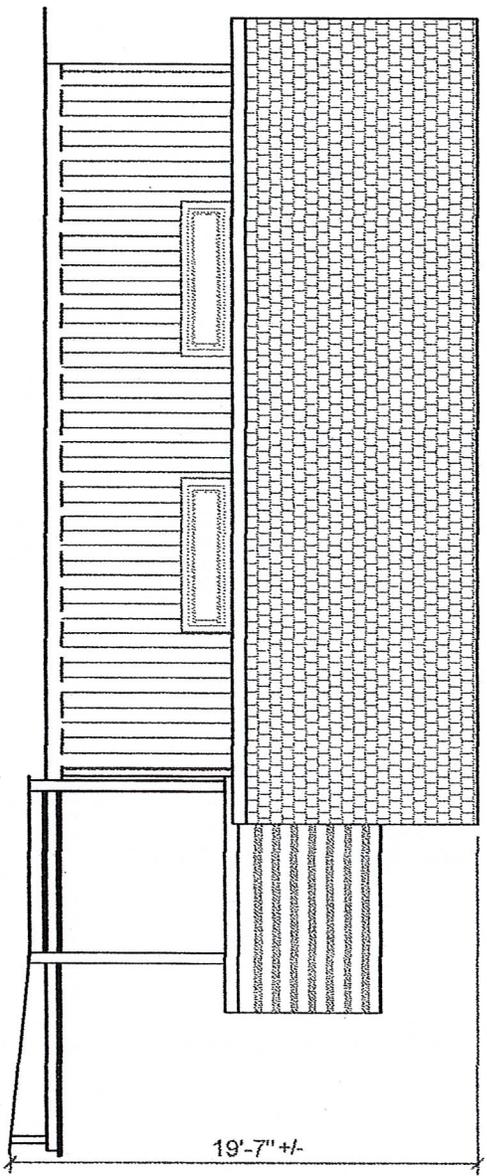
FLOOR PLAN

3-D'S DESIGN
P.O. BOX 1634 FORT BRAGG, CA
APN 027-241-14 8428
(CELL) 707-734-3600



NOTE:
ALL EXTERIOR LIGHTING SHALL BE
DOWNCAST AND SHIELDED TO
PREVENT LIGHT AND GLARE
BEYOND THE PARCEL BOUNDARIES.

WEST ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"

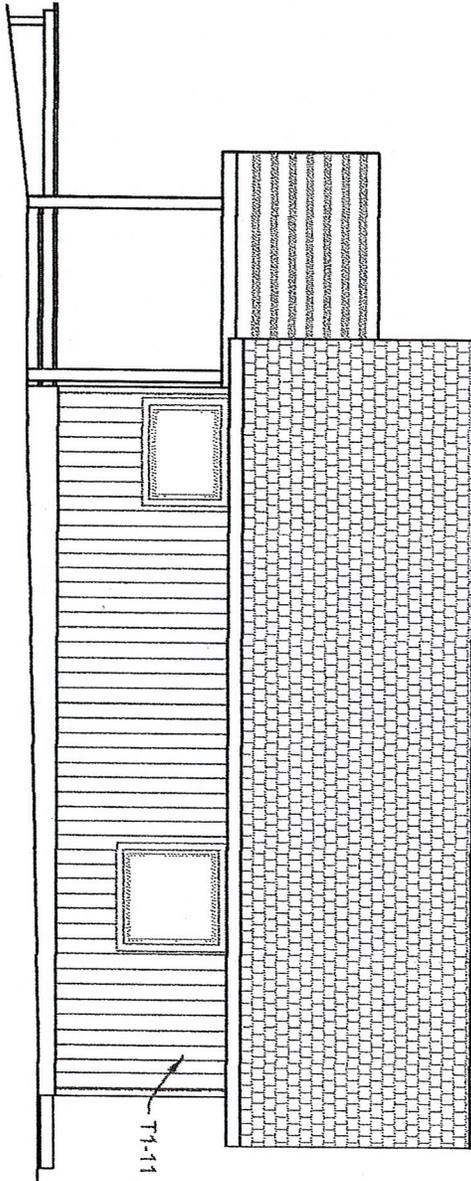
19'-7" +/-

SHEET # A-1.1	DATE	11-3-20
	SCALE	AS NOTED
	JOB #	1126-20
	DESIGNED BY	APR 24 2020
	DATE RECEIVED	APR 24 2020

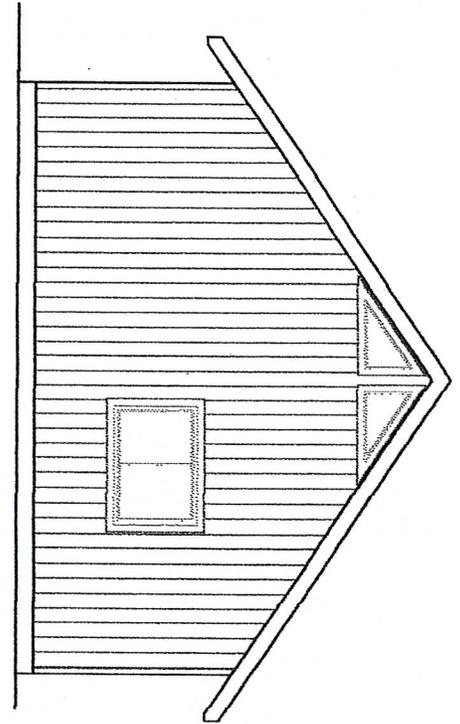
GARAGE/STORAGE	APN: 027-241-14
CONVERSION TO SFR FOR:	
SCHOWENGERDT RESIDENCE	
41391 EUREKA HILL RD.	
POINT ARENA, CA. 95468	

ELEVATIONS

3-D'S DESIGN
P.O. BOX 1634 FORT BRAGG, CA
707) 364-6426
APN 027-241-14
(CELL) 707-734-3600



SOUTH ELEVATION
1/8" = 1'-0"



EAST ELEVATION
1/8" = 1'-0"

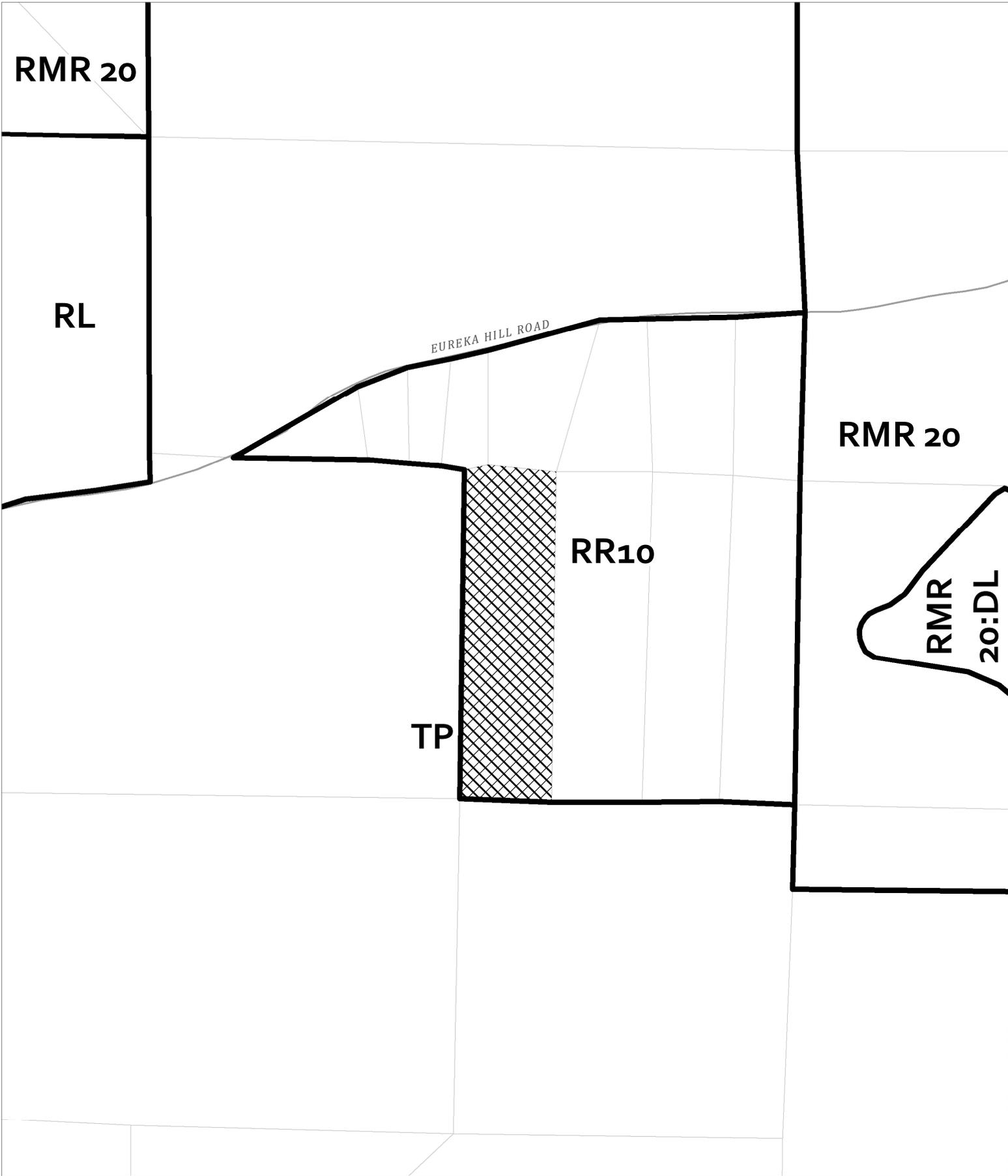
SHEET #
A-12

DATE	11-3-20
SCALE	AS NOTED
JOB #	1126-20
DRWG BY	DR
DATE RECEIVED	12-4-2020

GARAGE/STORAGE	APN: 027-241-14
CONVERSION TO SFR FOR:	
SCHOWENGERDT RESIDENCE	
41391 EUREKA HILL RD.	
POINT ARENA, CA 95468	

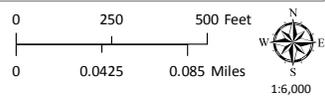
ELEVATIONS

3-D'S DESIGN
P.O. BOX 1634 FORT BRAGG, CA
95504-1634
APN 027-241-14
(CELL) 707-734-3600



CASE: CDP 2020-0031
 OWNER: SCHOWENGERDT, Joyce
 APN: 027-241-14
 APLCT: Joyce Schowengerdt
 AGENT: Daniel Stone
 ADDRESS: 41391 Eureka Hill Road, Point Arena

 Zoning Districts
 Public Roads



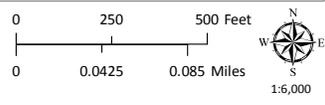
MENDOCINO COUNTY PLANNING DEPARTMENT - 11/17/2020

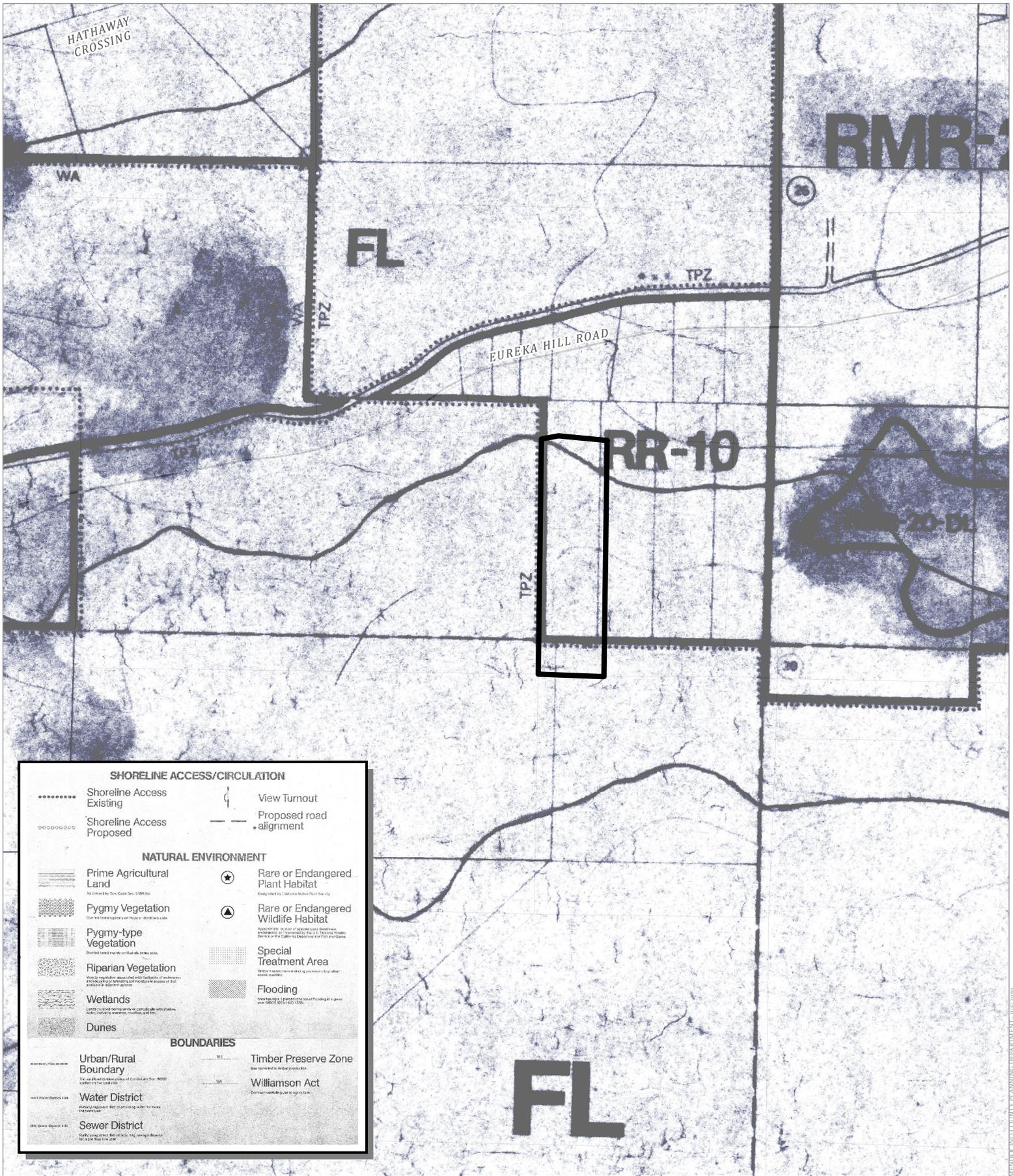
ZONING DISPLAY MAP



CASE: CDP 2020-0031
 OWNER: SCHOWENGERDT, Joyce
 APN: 027-241-14
 APLCT: Joyce Schowengerdt
 AGENT: Daniel Stone
 ADDRESS: 41391 Eureka Hill Road, Point Arena

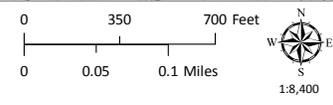
 General Plan Classes
 Public Roads



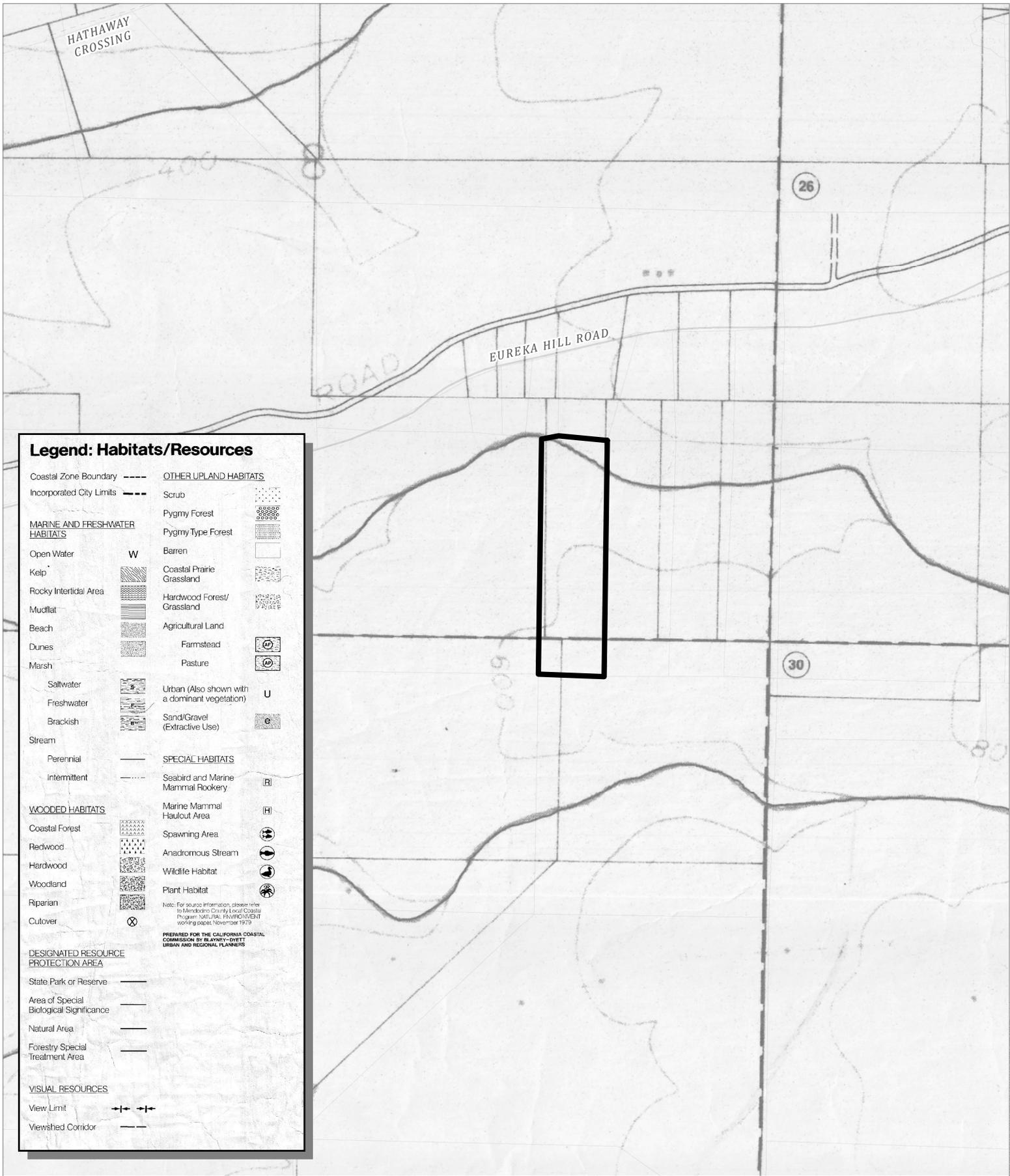


CASE: CDP 2020-0031
 OWNER: SCHOWENGERDT, Joyce
 APN: 027-241-14
 APLCT: Joyce Schowengerdt
 AGENT: Daniel Stone
 ADDRESS: 41391 Eureka Hill Road, Point Arena

Public Roads



MENDOCINO COUNTY PLANNING DEPARTMENT - 10/27/2020



Legend: Habitats/Resources

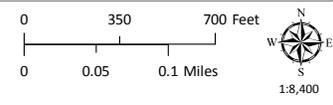
Coastal Zone Boundary	---	OTHER UPLAND HABITATS	
Incorporated City Limits	---	Scrub	[Pattern]
MARINE AND FRESHWATER HABITATS			
Open Water	W	Pygmy Forest	[Pattern]
Kelp	[Pattern]	Pygmy Type Forest	[Pattern]
Rocky Intertidal Area	[Pattern]	Barren	[Pattern]
Mudflat	[Pattern]	Coastal Prairie Grassland	[Pattern]
Beach	[Pattern]	Hardwood Forest/Grassland	[Pattern]
Dunes	[Pattern]	Agricultural Land	[Pattern]
Marsh	[Pattern]	Farmstead	[Symbol]
Saltwater	[Symbol]	Pasture	[Symbol]
Freshwater	[Symbol]	Urban (Also shown with a dominant vegetation)	U
Brackish	[Symbol]	Sand/Gravel (Extractive Use)	e
Stream			
Perennial	—	SPECIAL HABITATS	
Intermittent	---	Seabird and Marine Mammal Rookery	[Symbol]
WOODED HABITATS			
Coastal Forest	[Pattern]	Marine Mammal Haulout Area	[Symbol]
Redwood	[Pattern]	Spawning Area	[Symbol]
Hardwood	[Pattern]	Anadromous Stream	[Symbol]
Woodland	[Pattern]	Wildlife Habitat	[Symbol]
Riparian	[Pattern]	Plant Habitat	[Symbol]
Cutover	[Symbol]		
DESIGNATED RESOURCE PROTECTION AREA			
State Park or Reserve	—		
Area of Special Biological Significance	—		
Natural Area	—		
Forestry Special Treatment Area	—		
VISUAL RESOURCES			
View Limit	--->>--->>		
Viewshed Corridor	---		

Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper, November 1979

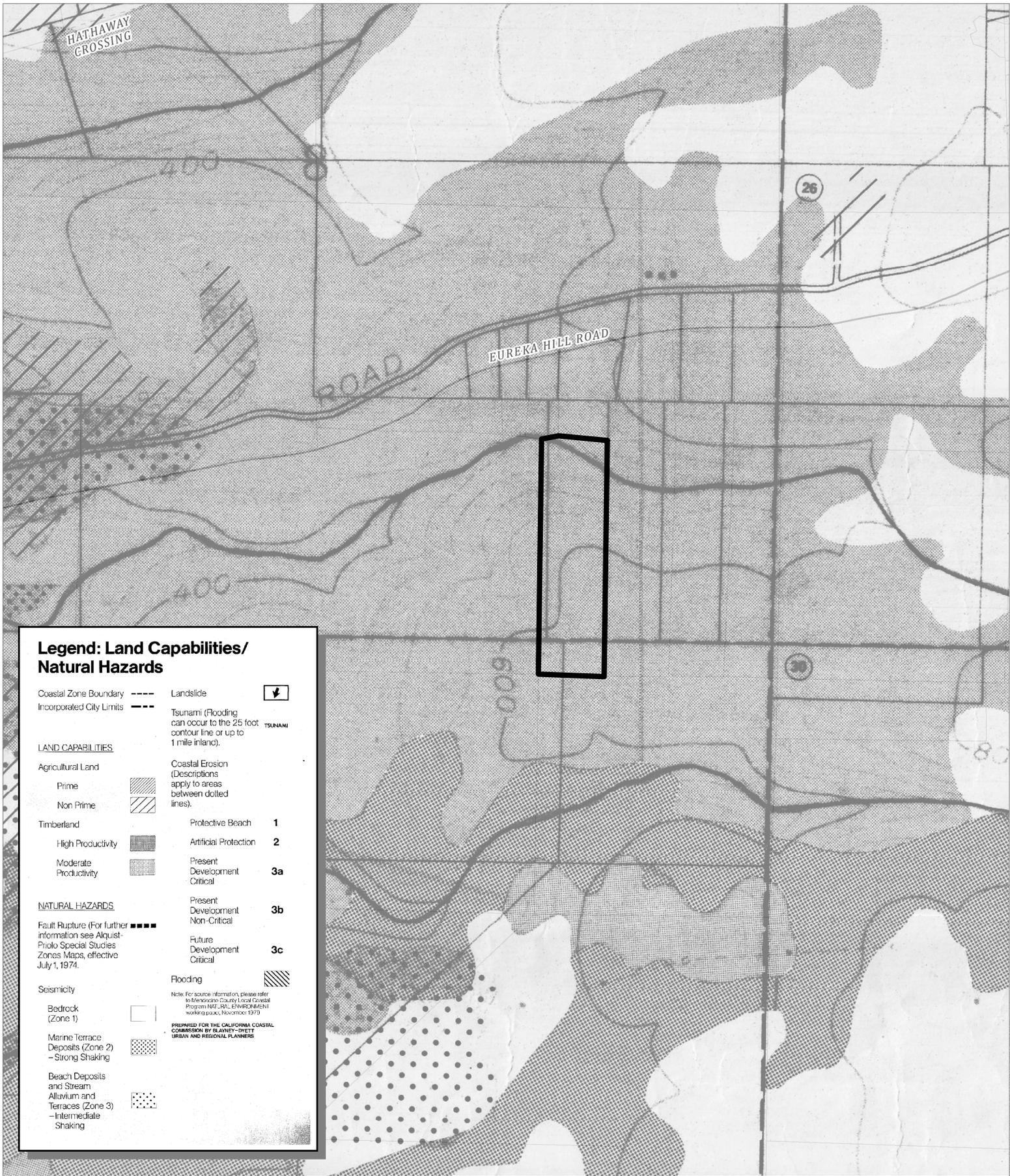
PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAINEY-BELT URBAN AND REGIONAL PLANNERS

CASE: CDP 2020-0031
 OWNER: SCHWENGERDT, Joyce
 APN: 027-241-14
 APLCT: Joyce Schwengerdt
 AGENT: Daniel Stone
 ADDRESS: 41391 Eureka Hill Road, Point Arena

— Public Roads



MENDOCINO COUNTY PLANNING DEPARTMENT - 11/27/2020

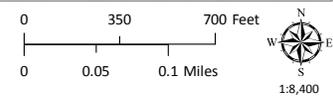


Legend: Land Capabilities/ Natural Hazards

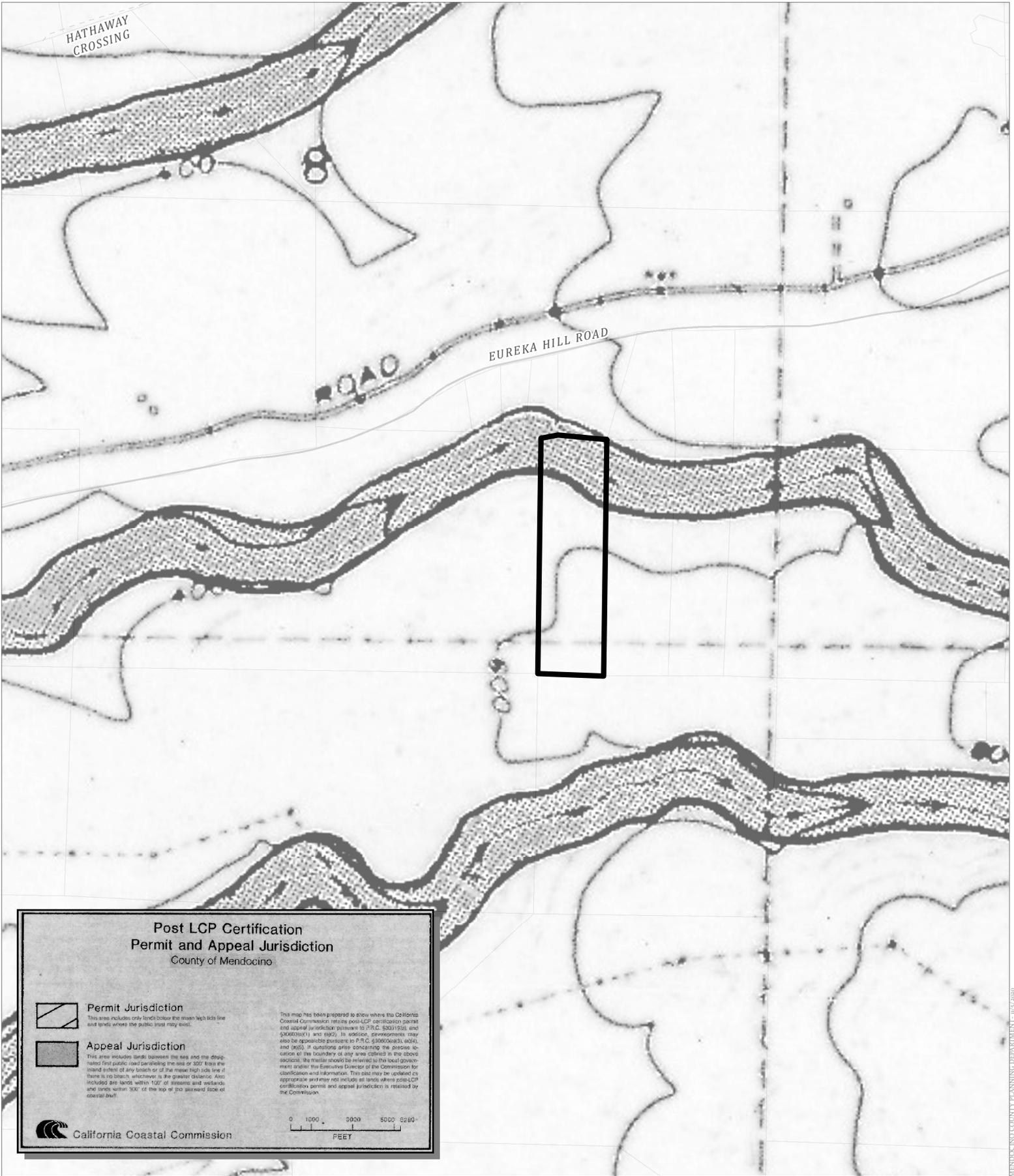
Coastal Zone Boundary	---	Landslide	
Incorporated City Limits	---	Tsunami (Flooding can occur to the 25 foot contour line or up to 1 mile inland).	TSUNAMI
LAND CAPABILITIES			
Agricultural Land		Coastal Erosion (Descriptions apply to areas between dotted lines).	
Prime		Protective Beach	1
Non Prime		Artificial Protection	2
Timberland		Present Development Critical	3a
High Productivity		Present Development Non-Critical	3b
Moderate Productivity		Future Development Critical	3c
NATURAL HAZARDS			
Fault Rupture (For further information see Alquist-Priolo Special Studies Zones Maps, effective July 1, 1974).		Flooding	
Seismicity		<small>Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper, November 1975.</small> <small>PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLANNEY-TWETT URBAN AND REGIONAL PLANNERS</small>	
Bedrock (Zone 1)			
Marine Terrace Deposits (Zone 2) - Strong Shaking			
Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking			

CASE: CDP 2020-0031
 OWNER: SCHOWENGERDT, Joyce
 APN: 027-241-14
 APLCT: Joyce Schowengerdt
 AGENT: Daniel Stone
 ADDRESS: 41391 Eureka Hill Road, Point Arena

Public Roads



MENDOCINO COUNTY PLANNING DEPARTMENT - 10/27/2020

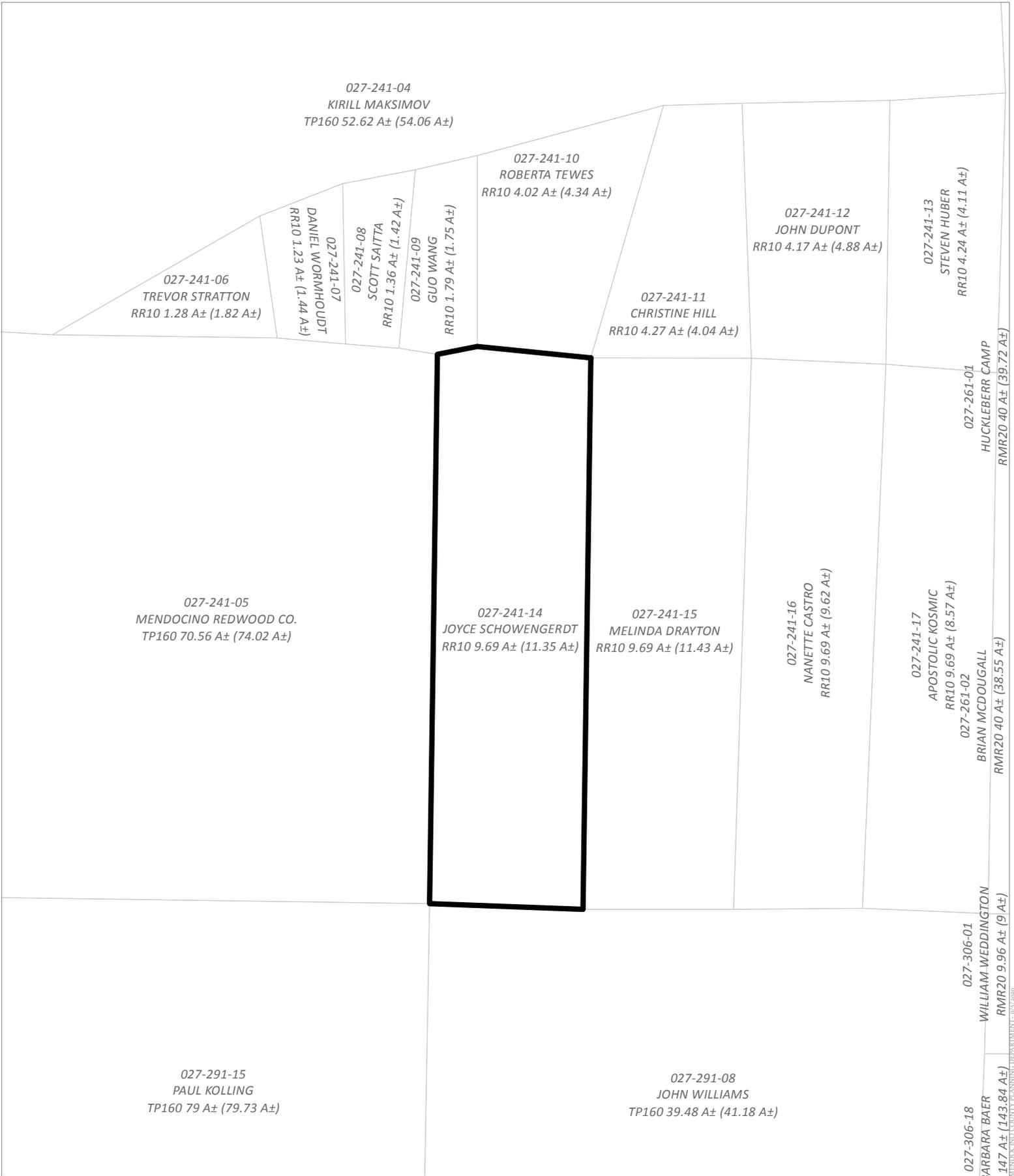


MENDOCINO COUNTY PLANNING DEPARTMENT - 11/27/2020

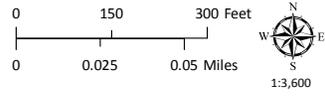
CASE: **CDP 2020-0031**
 OWNER: **SCHOWENGERDT, Joyce**
 APN: **027-241-14**
 APLCT: **Joyce Schowengerdt**
 AGENT: **Daniel Stone**
 ADDRESS: **41391 Eureka Hill Road, Point Arena**

— Public Roads

0 350 700 Feet
 0 0.05 0.1 Miles
 N
 W
 S
 E
 1:8,400
POST LCP CERTIFICATION & APPEAL JURISDICTION



CASE: CDP 2020-0031
 OWNER: SCHOWENGERDT, Joyce
 APN: 027-241-14
 APLCT: Joyce Schowengerdt
 AGENT: Daniel Stone
 ADDRESS: 41391 Eureka Hill Road, Point Arena

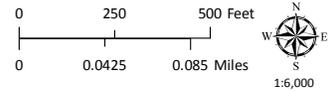


ADJACENT PARCELS

**REDWOOD COAST
FIRE PROTECTION
DISTRICT**

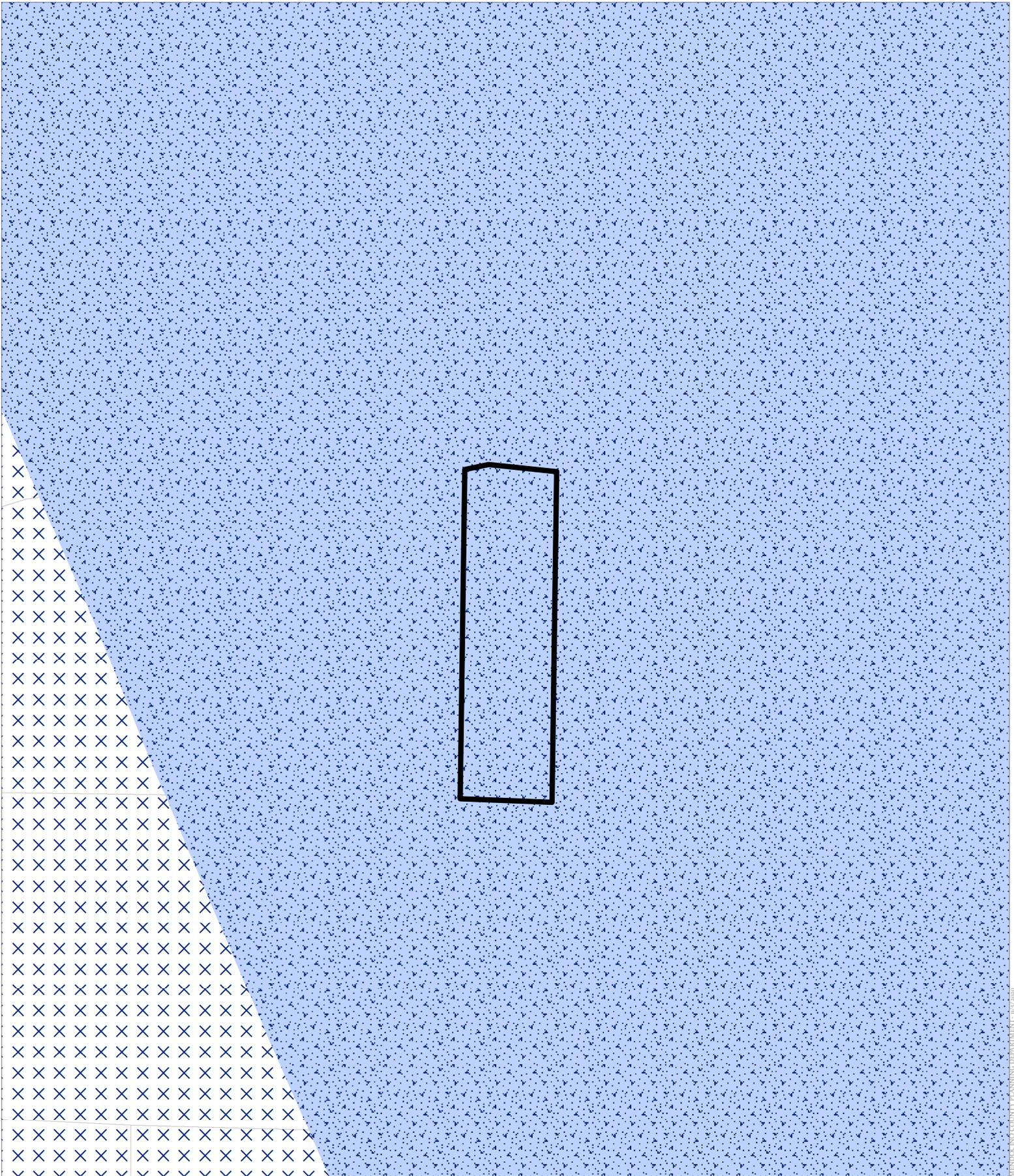
CASE: CDP 2020-0031
OWNER: SCHOWENGERDT, Joyce
APN: 027-241-14
APLCT: Joyce Schowengerdt
AGENT: Daniel Stone
ADDRESS: 41391 Eureka Hill Road, Point Arena

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



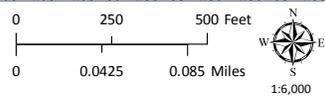
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

MENDOCINO COUNTY PLANNING DEPARTMENT - 01/27/2020



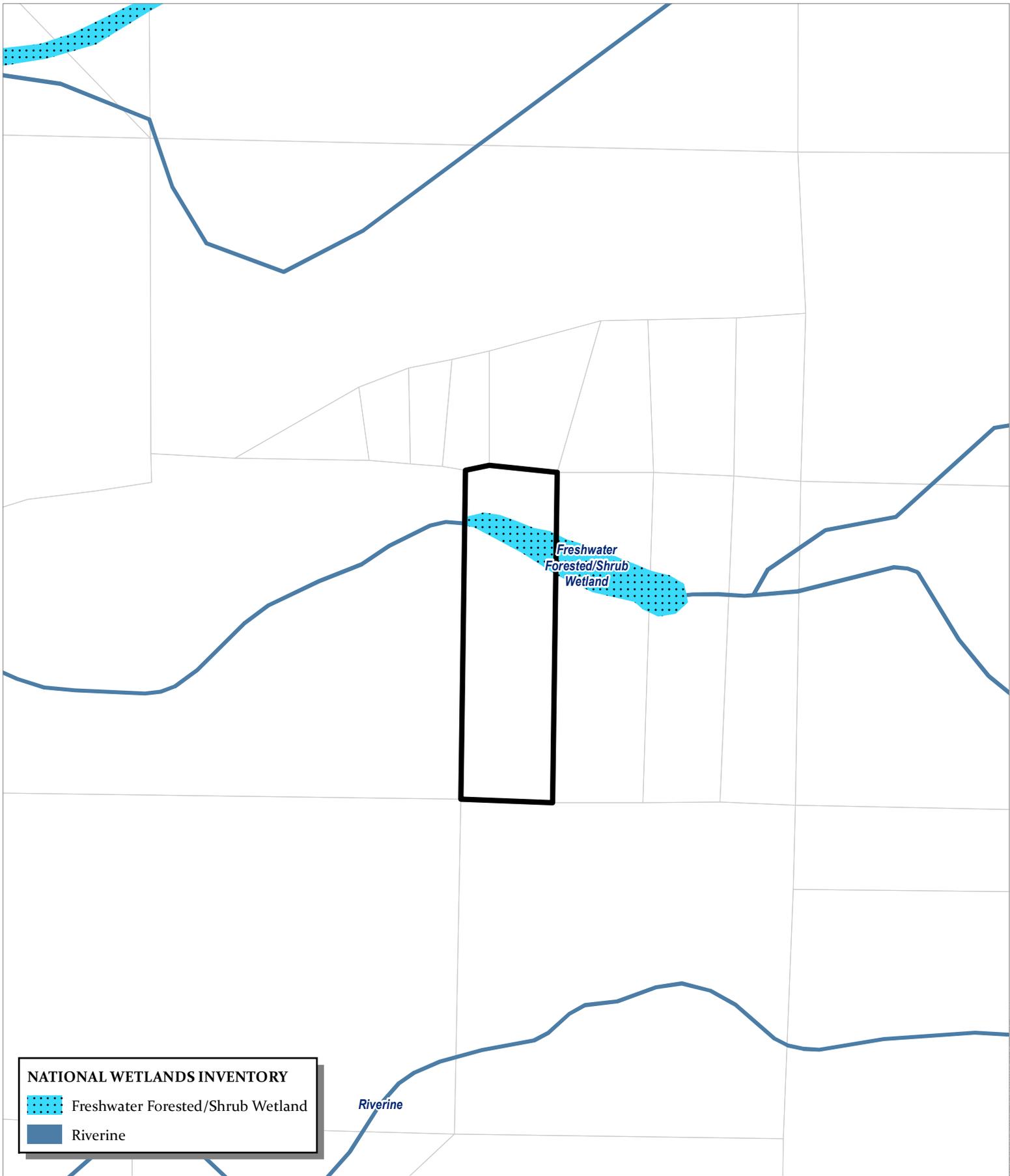
CASE: **CDP 2020-0031**
 OWNER: **SCHOWENGERDT, Joyce**
 APN: **027-241-14**
 APLCT: **Joyce Schowengerdt**
 AGENT: **Daniel Stone**
 ADDRESS: **41391 Eureka Hill Road, Point Arena**

-  Critical Water Areas
-  Critical Water Resources Bedrock



GROUND WATER RESOURCES

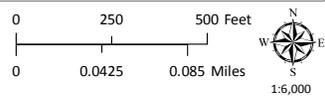
HENDEKING COUNTY PLANNING DEPARTMENT - 07/27/2020



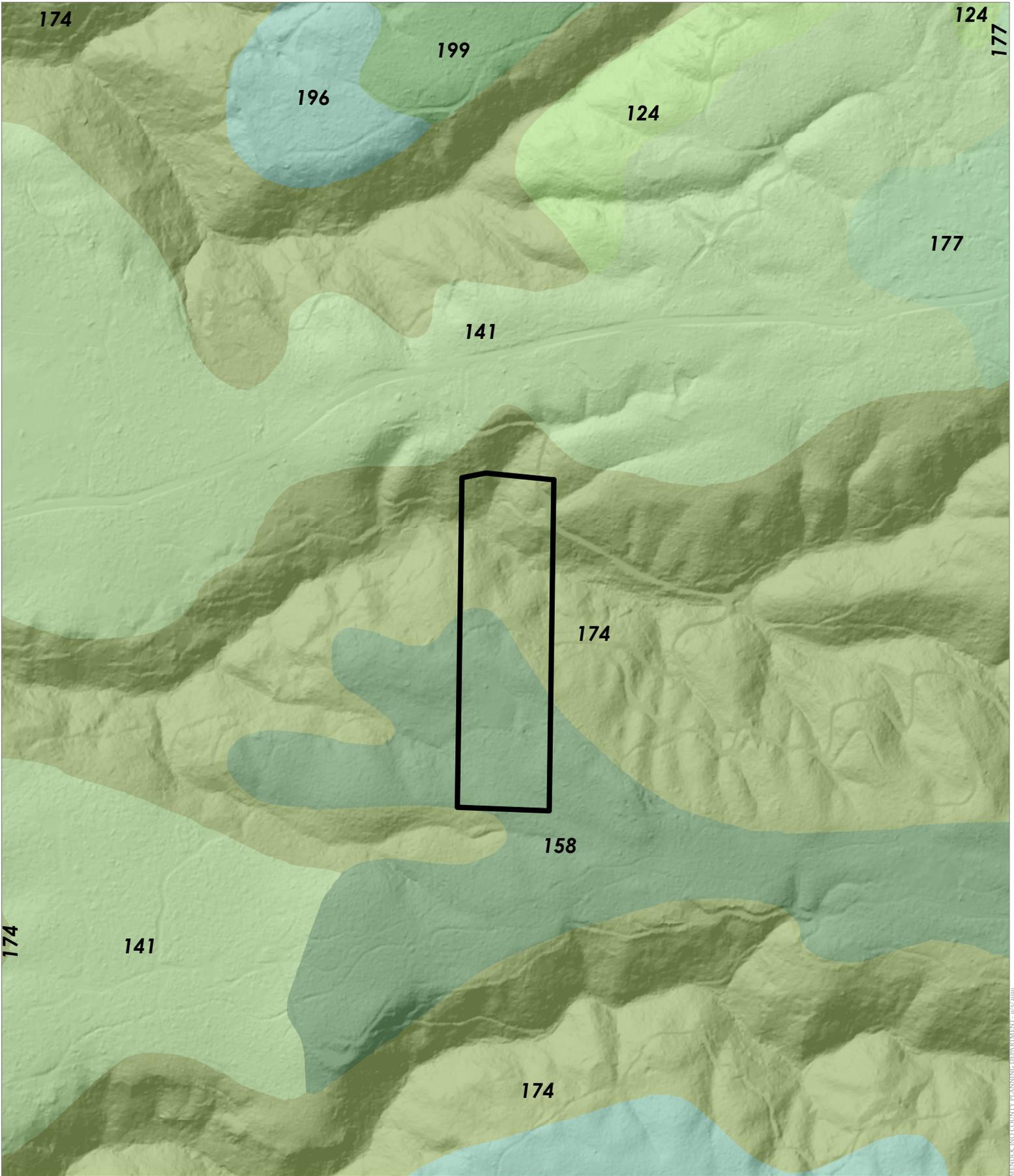
NATIONAL WETLANDS INVENTORY

-  Freshwater Forested/Shrub Wetland
-  Riverine

CASE: CDP 2020-0031
 OWNER: SCHOWENGERDT, Joyce
 APN: 027-241-14
 APLCT: Joyce Schowengerdt
 AGENT: Daniel Stone
 ADDRESS: 41391 Eureka Hill Road, Point Arena

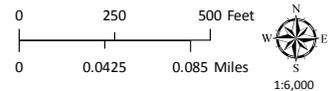


MENDOCINO COUNTY PLANNING DEPARTMENT - 11/17/2020

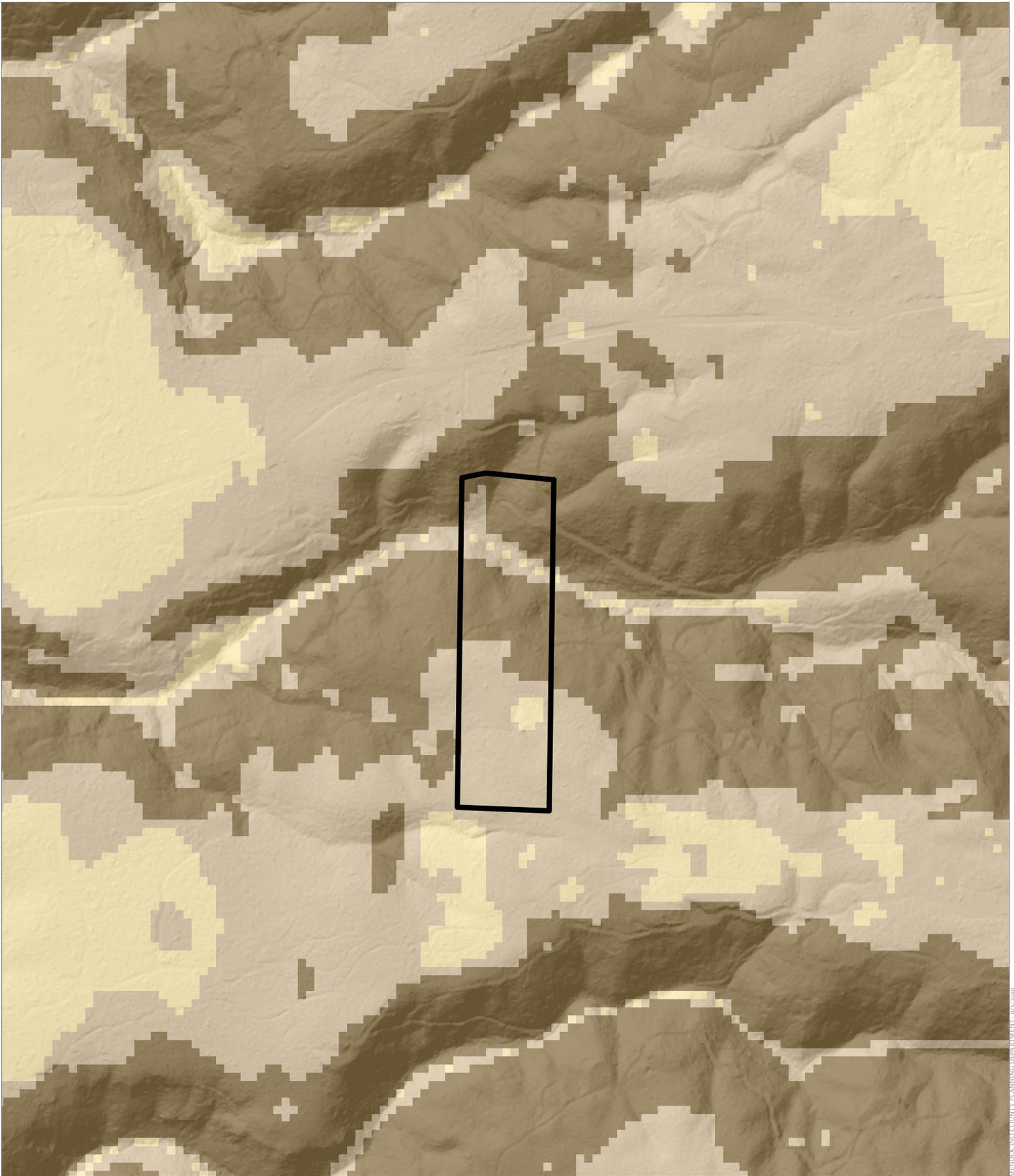


CASE: **CDP 2020-0031**
 OWNER: **SCHOWENGERDT, Joyce**
 APN: **027-241-14**
 APLCT: **Joyce Schowengerdt**
 AGENT: **Daniel Stone**
 ADDRESS: **41391 Eureka Hill Road, Point Arena**

-  Shinglemill-Gibney Complex
-  Bishop Pine

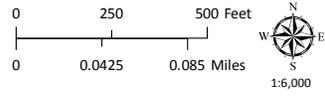
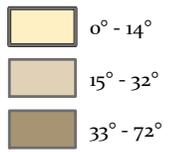


WESTERN SOIL CLASSIFICATIONS

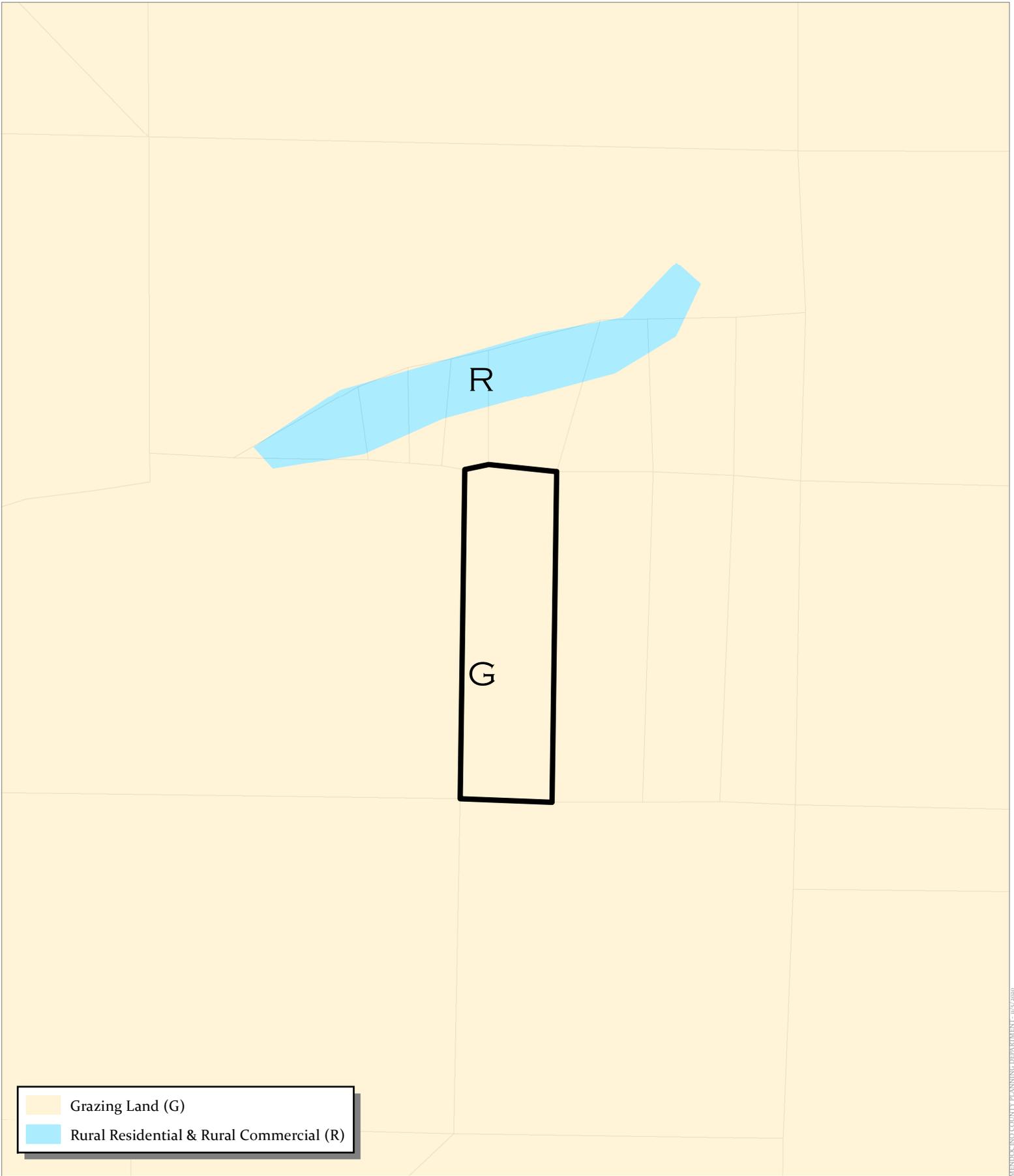


MENDOCINO COUNTY PLANNING DEPARTMENT - 10/27/2020

CASE: **CDP 2020-0031**
OWNER: **SCHOWENGERDT, Joyce**
APN: **027-241-14**
APLCT: **Joyce Schowengerdt**
AGENT: **Daniel Stone**
ADDRESS: **41391 Eureka Hill Road, Point Arena**



ESTIMATED SLOPE



CASE: CDP 2020-0031
OWNER: SCHOWENGERDT, Joyce
APN: 027-241-14
APLCT: Joyce Schowengerdt
AGENT: Daniel Stone
ADDRESS: 41391 Eureka Hill Road, Point Arena

0 250 500 Feet
0 0.0425 0.085 Miles
N
W E
S
1:6,000

FARMLAND CLASSIFICATIONS