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8 Attorneys for Defendant
9 MENDOCINO RAILWAY

FILED

SEP 13 2022

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA

10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF MENDOCINO**

12 CITY OF FORT BRAGG, a California
13 municipal corporation

14 Plaintiff,

15 v.

16 MENDOCINO RAILWAY and DOES 1-10,
17 inclusive,

18 Defendants.

Case No.: 21CV00850

[Assigned to the Hon. Clayton Brennan]

**OBJECTION TO JUDGE PRESIDING
OVER TRIAL AND ALL OTHER
PROCEEDINGS CONCERNING THIS
ACTION [C.C.P. § 170.3(C)];
DECLARATION OF PAUL BEARD II IN
SUPPORT OF OBJECTION**

Complaint Filed: October 28, 2021
Trial Date: June 21, 2023

19 TO THE CLERK OF THIS COURT AND TO ALL PARTIES TO THIS ACTION:

20 Pursuant to Code of Civil Procedure section 170.3(c), Defendant MENDOCINO RAILWAY
21 HEREBY OBJECTS to the Honorable Clayton Brennan's presiding at the trial of this action or in any
22 further proceedings concerning this action.

23 Said objection is based on the facts and upon the grounds set forth in the attached sworn
24 declaration of Paul Beard II.

25 DATED: September 12, 2022

/s/ Paul Beard II

26 _____
27 Attorneys for Defendant MENDOCINO RAILWAY

DECLARATION

I, Paul Beard II, declare as follows:

1. I am the attorney of record for Defendant MENDOCINO RAILWAY (“the Railroad”) in this action.

2. The Railroad objects to Judge Clayton Brennan’s presiding over the trial or any other proceeding in this action on the ground that “[a] person aware of the facts [described below] might reasonably entertain a doubt that [he] would be able to be impartial.” Civ. Proc. Code § 170.1(a)(6)(A)(iii). The test under section 170.1(a)(6)(A)(iii) is objective: “The situation must be viewed through the eyes of the ... average person on the street” as of the time the motion is brought. [*United Farm Workers of America v. Sup.Ct. (Maggio, Inc.)* (1985) 170 Cal.App.3d 97, 104]. “The word ‘might’ in the statute was intended to indicate that disqualification should follow if the reasonable man, were he to know all the circumstances, would harbor doubts about the judge's impartiality.” [*Maggio, Inc.*, 170 Cal.App.3d at 104].

3. I have personal knowledge of the following facts supporting the attached Objection to Judge Brennan’s presiding over the trial or any other proceeding in this action:

a. On September 8, 2022, the California Coastal Commission moved to intervene in this action. The Commission’s motion is set for an October 6, 2022, hearing before Judge Brennan. The Commission seeks to intervene in order to establish its land-use permit authority over the Railroad’s operations. The Commission demands that the Railroad submit to its authority over any division of Railroad land, and over work performed by the Railroad on its rail line, rail facilities, and rail equipment. The Railroad strongly disputes the Commission’s purported authority to delay, stop, undo, or otherwise pre-clear any railroad-related work, on the grounds that the Railroad is a federally recognized railroad subject to the exclusive jurisdiction of the Surface Transportation Board.

b. As explained below, Judge Brennan is being called upon to rule in favor of an entity (the Coastal Commission) that has ongoing influence over and a final say regarding

1 whether a residential project on his property should be approved.

2 c. Judge Brennan owns coastal land located at 29020 N. Hwy. 1, Fort Bragg, in the
3 County of Mendocino (APN 015-350-05) (“the Property”). The Property is located in
4 an area that makes any application to develop the land subject, ultimately, to review
5 and approval by the California Coastal Commission.

6 d. At the September 1, 2022, case management conference (“CMC”), Judge Brennan
7 disclosed that he recently had business before the Coastal Commission. Based on my
8 independent research of publicly available documents, it appears Judge Brennan was
9 referring to the Property. In 2021, Judge Brennan obtained the Coastal Commission’s
10 approval to reconfigure the building envelope on one of his parcels, increasing its size
11 from 5,000 square feet to approximately 33,000 square feet.

12 e. At the CMC, Judge Brennan also disclosed that he currently has a permit application
13 for a substantial project pending before Mendocino County’s Department of Planning
14 and Building Services (“DPBS”)—a project over which the Coastal Commission
15 retains final-approval authority.

16 i. Based on my independent research of publicly available documents, it appears
17 that Judge Brennan was referring to Coastal Development Permit (“CDP”)
18 application No. 2021-0046. A true and correct copy of DPBS’s referral of the
19 project to other agencies for their review and comment, including the Coastal
20 Commission, is attached hereto as Exhibit 1.¹

21 ii. The CDP application seeks approval to construct, on the Property, a single-
22 family residence, guest cottage, music studio, garage/workshop, and utility
23 structure/water tower. The application also seeks approval to convert an
24 existing single-family residents to an accessory dwelling unit; connect to
25 existing septic including a new septic tank; install a replacement septic field,
26 water tanks and a connection to utilities; and construct a driveway with

27 ¹ I obtained a true and correct copy of the referral from the County’s official website, at
28 <https://bit.ly/3QCXQna>.

1 retaining wall. The application also seeks “follow up” to a permit to drill three
 2 test wells and convert one test well to a production well. Exh. 1, p. 1.

3 iii. On or about July 12, 2022, the County’s DPBS published a request for
 4 comments on Judge Brennan’s CDP application. DPBS will use those
 5 comments in “staff analysis,” and the comments will be “forwarded to the
 6 appropriate public hearing.” To the Railroad’s knowledge, the period for
 7 comment on Judge Brennan’s CDP application closed on July 26, 2022, and
 8 the application has yet to be set for a public hearing before a County permit
 9 body. Exh. 1, p. 1. The CDP application is pending.

10 f. Significantly, the Coastal Commission is involved both as a commenter and ultimate
 11 decisionmaker on Judge Brennan’s project. While the County has a preliminary say
 12 on Judge Brennan’s project, the Coastal Commission has the *final* say. That is
 13 because the Property is located within the Coastal Commission’s appeal jurisdiction.
 14 Exh. 1, p. 3 (noting that the project is within “Coastal Commission Appealable
 15 Area”). Under the Coastal Act and County law, the County’s decision on Judge
 16 Brennan’s CDP application is appealable to the Coastal Commission by him, any
 17 member of the public, *or any two Coastal Commissioners*. Pub. Res. Code §§ 30603,
 18 30625; Mendocino County Code § 20.544.020.

19 g. To obtain final approval of the project, Judge Brennan must work to satisfy, not just
 20 the County, but the Coastal Commission as well. This entails, not just working with
 21 the Commission to avoid an appeal of his project, but—should such an appeal be
 22 lodged—also persuading a majority of Coastal Commissioners to approve the project.
 23 Pub. Res. Code § 30315.1. Thus, for the foreseeable future, Judge Brennan must gain
 24 the support of the very entity that now seeks legal relief from him, both to intervene
 25 in this case and to rule in its favor on the merits.

26 h. “[T]he average person on the street” “might reasonably entertain a doubt that [Judge
 27 Brennan] would be able to be impartial” given that the fate of his residential project
 28

1 lies ultimately in the hands of the Railroad's opponent in this case, the California
2 Coastal Commission. Civ. Proc. Code § 170.1(a)(6)(A)(iii); *see also Maggio, Inc.*,
3 170 Cal.App.3d 97, 104.

4 4. Following his disclosure on September 1, Judge Brennan concluded he did not believe he
5 was disqualified from hearing the matter. At the time of the disclosure, the Coastal Commission had not
6 yet appeared in the matter, rendering any determination on the need to recuse premature.

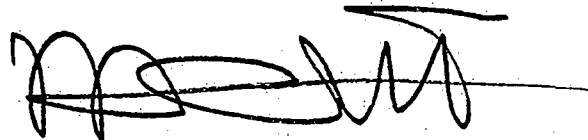
7 5. I first discovered the facts giving rise to a potential objection both on September 1 (during
8 the CMC) and in the days following the CMC, when my research established the nature and extent of
9 Judge Brennan's ongoing business before the County and the Coastal Commission.

10 6. It was not until September 8, 2022, that the Coastal Commission filed its Motion to
11 Intervene in this matter. Before that date, the Railroad did not know whether or when the Coastal
12 Commission would seek to become a party to this case. An objection to Judge Brennan's presiding over
13 this matter would have been premature prior to the Coastal Commission's September 8 filing.

14 7. Given the foregoing facts, this declaration and attached Objection are presented at the
15 earliest practicable opportunity after discovery of the facts stated herein constituting the grounds for
16 disqualification of Judge Brennan.

17 I declare under penalty of perjury under the laws of the State of California that the foregoing is
18 true and correct.

19 DATED: September 12, 2022



20 _____
Attorneys for Defendant MENDOCINO RAILWAY

EXHIBIT 1



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
 120 WEST FIR STREET · FT. BRAGG · CALIFORNIA · 95437

JULIA KROG, DIRECTOR
 TELEPHONE: 707-234-6650
 FAX: 707-463-5709
 FB PHONE: 707-964-5379
 FB FAX: 707-961-2427
 pbs@mendocinocounty.org
 www.mendocinocounty.org/pbs

July 12, 2022

Planning – Ukiah
 Department of Transportation
 Environmental Health - Fort Bragg
 Building Inspection - Fort Bragg
 Assessor
 Archaeological Commission
 Sonoma State University

Caltrans
 Department of Forestry/ CalFire
 -Land Use
 California Department of Fish and Wildlife
 California Coastal Commission
 Department of Parks & Recreation District

Department of Parks & Recreation Northern Srv. Ctr.
 US Department of Fish & Wildlife Service
 Cloverdale Rancheria
 Redwood Valley Rancheria
 Sherwood Valley Band of Pomo Indians
 Fort Bragg Rural Fire District

CASE#: CDP_2021-0046

DATE FILED: 9/21/2021

OWNER/APPLICANT: CLAY BRENNAN

AGENT: WYNN COASTAL PLANNING & BIOLOGY, INC, TARA JACKSON

REQUEST: Standard Coastal Development Permit to construct a single-family residence, guest cottage, music studio, garage/workshop, utility structure/water tower and convert the existing single-family residence to an accessory dwelling unit. Within the request is the connection to existing septic including new septic tank, installation of replacement septic field, water tanks and the connection to utilities and driveway with retaining wall. Also, follow up to Emergency Permit, EM_2021-0003, to drill three (3) test wells and convert one (1) test well to a production well, depending on location approved by California Coastal Commission Coastal Development Permit #1-90-113-A2.

LOCATION: In the Coastal Zone, 8.0± miles north of City of Fort Bragg, 0.25± miles south of the Ocean Meadows Subdivision, on the west side of State Route 1 (SR 1), immediately across west of 2 Ten Mile Road (CR 428); located at 29020 N Hwy 1, Fort Bragg; (APN: 015-350-05).

SUPERVISORIAL DISTRICT: 4

STAFF PLANNER: JESSIE WALDMAN

RESPONSE DUE DATE: July 26, 2022

PROJECT INFORMATION CAN BE FOUND AT:

www.mendocinocounty.org

Select "Government" from the drop-down; then locate Planning and Building Services/Public Agency Referrals.

Mendocino County Planning & Building Services is soliciting your input, which will be used in staff analysis and forwarded to the appropriate public hearing. You are invited to comment on any aspect of the proposed project(s). Please convey any requirements or conditions your agency requires for project compliance to the project coordinator at the above address, or submit your comments by email to pbs@mendocinocounty.org. Please note the case number and name of the project coordinator with all correspondence to this department.

We have reviewed the above application and recommend the following (please check one):

- No comment at this time.
- Recommend conditional approval (attached).
- Applicant to submit additional information (attach items needed, or contact the applicant directly, copying Planning and Building Services in any correspondence you may have with the applicant)
- Recommend denial (Attach reasons for recommending denial).
- Recommend preparation of an Environmental Impact Report (attach reasons why an EIR should be required).
- Other comments (attach as necessary).

REVIEWED BY:

Signature _____ Department _____ Date _____

OWNER/APPLICANT: CLAY BRENNAN

AGENT: WYNN COASTAL PLANNING & BIOLOGY, INC, TARA JACKSON

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APN: 015-350-50

PARCEL SIZE: 3.65 ± Acres

GENERAL PLAN: Rural Residential & Planned Development Combing District (RR10PD)

ZONING: Rural Residential & Planned Development Combing District (RR10PD)

EXISTING USES: Residential

DISTRICT: 4 (Gjerde)

RELATED CASES: EM_2021-0003 (Test Well); CCC-1-90-113-A2 (Building Envelope)

| | <u>ADJACENT GENERAL PLAN</u> | <u>ADJACENT ZONING</u> | <u>ADJACENT LOT SIZES</u> | <u>ADJACENT USES</u> |
|---------------|--|--|---------------------------|----------------------|
| NORTH: | Rural Residential & Planned Development (RR10PD) | Rural Residential & Planned Development (RR10PD) | 5.5± Acres | Residential |
| EAST: | Rural Residential & Planned Development (RR10PD) | Rural Residential & Planned Development (RR10PD) | 2.0± Acres | Residential |
| SOUTH: | Open Space (OS) | Open Space (OS) | 25.0± Acres | State Park |
| WEST: | Rural Residential & Planned Development (RR10PD) | Rural Residential & Planned Development (RR10PD) | 17.0± Acres | State Park |

REFERRAL AGENCIES

LOCAL

- Archaeological Commission
- Assessor's Office
- Building Division (FB)
- Department of Transportation (DOT)
- Environmental Health (EH)(FB)
- Fort Bragg Rural Fire District
- Planning Division (UKIAH)

- Sonoma State University

STATE

- CALFIRE (Land Use)
- California Coastal Commission
- California Dept. of Fish & Wildlife
- CALTRANS
- Department of Parks & Recreation – District

- Department of Parks & Recreation – Northern Srv. Ctr.

FEDERAL

- US Department of Fish & Wildlife

TRIBAL

- Cloverdale Rancheria
- Redwood Valley Rancheria
- Sherwood Valley Band of Pomo Indians

ADDITIONAL INFORMATION:

▪ **STUDIES COMPLETED:**

- CDP-2021-0046 Brennan CCC Permit & Jurisdiction
- CDP-2021-0046 Brennan Photos 2022 0524
- CDP-2021-0046 Brennan Bio Update 2022 0307
- CDP-2021-0046 Brennan Bio
- CDP-2021-0046 Brennan Geo
- CDP-2021-0046 Brennan Proof of Water

STAFF PLANNER: JESSIE WALDMAN

DATE: 7/7/2022

ENVIRONMENTAL DATA

1. MAC:

GIS
NO

2. FIRE HAZARD SEVERITY ZONE:

CALFIRE FRAP maps/GIS
Moderate Fire Hazard

3. FIRE RESPONSIBILITY AREA:

CALFIRE FRAP maps/GIS
CalFire (State Responsible Agency)
Fort Bragg Rural Fire Protection District (FBVFD) (Local Responsible Agency)

4. FARMLAND CLASSIFICATION:

GIS
Rural Residential & Rural Commercial (R)

5. FLOOD ZONE CLASSIFICATION:

FEMA Flood Insurance Rate Maps (FIRM)
NO

6. COASTAL GROUNDWATER RESOURCE AREA:

Coastal Groundwater Study/GIS
Critical Water Resources

7. SOIL CLASSIFICATION:

Menardino County Soils Study Eastern/Western Part
101—Abalabadiah-Bruhel-Vizcaino

8. PYGMY VEGETATION OR PYGMY CAPABLE SOIL:

LCP maps, Pygmy Soils Maps: GIS
NO

9. WILLIAMSON ACT CONTRACT:

GIS/Mendocino County Assessor's Office
NO

10. TIMBER PRODUCTION ZONE:

GIS
NO

11. WETLANDS CLASSIFICATION:

GIS
YES; Freshwater Emergent Wetland

12. EARTHQUAKE FAULT ZONE:

Earthquake Fault Zone Maps: GIS
NO

13. AIRPORT LAND USE PLANNING AREA:

Airport Land Use Plan: GIS
NO

14. SUPERFUND/BROWNFIELD/HAZMAT SITE:

GIS: General Plan 3-11
NO

15. NATURAL DIVERSITY DATABASE:

CA Dept. of Fish & Wildlife Rarefind Database/GIS
YES

16. STATE FOREST/PARK/RECREATION AREA ADJACENT:

GIS: General Plan 3-10
YES; MACKERRICKER STATE PARK

17. LANDSLIDE HAZARD:

Hazards and Landslides Map: GIS: Policy RM 61: General Plan 4-14
NO

18. WATER EFFICIENT LANDSCAPE REQUIRED:

Policy RA-7: General Plan 4-34
NO

19. WILD AND SCENIC RIVER:

www.dfg.ca.gov/fsc/only/: GIS
YES; TEN MILE RIVER

20. SPECIFIC PLAN/SPECIAL PLAN AREA:

Various Adopted Specific Plan Areas: GIS
NO

21. STATE CLEARINGHOUSE REQUIRED:

Policy
YES

22. OAK WOODLAND AREA:

USDA
NO

23. HARBOR DISTRICT:

Sec. 20.512
NO

FOR PROJECTS WITHIN THE COASTAL ZONE ONLY

24. LCP LAND USE CLASSIFICATION:

LCP Land Use maps: GIS
LCP LAND USE MAP 9: TEN MILE

25. LCP LAND CAPABILITIES & NATURAL HAZARDS:

LCP Land Capabilities maps/GIS: 20.500
NON-PRIME AGRICULTURAL LAND; BEACH DEPOSITS AND STREAM ALLUVIUM AND TERRACES (ZONE 3) - IMMEDIATE SHAKING

26. LCP HABITATS & RESOURCES:

LCP Habitat maps/GIS: 20.436
BEACH; COASTAL PRAIRIE GRASSLAND

27. COASTAL COMMISSION APPEALABLE AREA:

Post LCP Certification Permit and Appeal Jurisdiction maps/GIS: 20.511
YES; MAP 29: INGLENOOK; WEST OF 1ST PUBLIC ROAD

28. CDP EXCLUSION ZONE:

CDP Exclusion Zone maps/GIS
NO

29. HIGHLY SCENIC AREA:

Highly Scenic & Tree Removal Area Maps/GIS: Secs. 20.504.015, 20.504.020
HIGHLY SCENIC (CONDITIONALLY)

30. BIOLOGICAL RESOURCES & NATURAL AREAS:

Biological Resources & Natural Area Map: GIS: General Plan 4-9
YES

31. BLUFFTOP GEOLOGY:

GIS: 20.500.020
YES; RIVER BANK

COUNTY OF MENDOCINO
DEPT OF PLANNING AND BUILDING SERVICES
 120 WEST FIR STREET
 FORT BRAGG, CA 95437
 Telephone: 707-964-5379
 FAX: 707-961-2427
 pbs@co.mendocino.ca.us
 www.co.mendocino.ca.us/planning



| | |
|-------------|---------------------------|
| Case No. | CDP-2021-0046 |
| CDF No(s) | . |
| Date Filed | 9-21-2021 / REV 5-24-2022 |
| Fee | 3,134 ⁰⁰ |
| Receipt No. | PRJ-045229 |
| Received by | @WALDMANJ |
| | Office Use Only |

COASTAL ZONE APPLICATION FORM

APPLICANT

Name Clay Brennan
 Mailing Address P.O. Box 218
 City Fort Bragg State CA Zip Code 95437 Phone (707) 272-1782

PROPERTY OWNER

Name Same
 Mailing Address _____
 City _____ State _____ Zip Code _____ Phone _____

AGENT

Name Amy Wynn, Wynn Coastal Planning & Biology
 Mailing Address 703 North Main Street
 City Fort Bragg State CA Zip Code 95437 Phone (707) 964-2537

PARCEL SIZE

3.65 Square feet
 Acres

STREET ADDRESS OF PROJECT

29020 North Hwy 1, Fort Bragg, CA 95437

ASSESSOR'S PARCEL NUMBER(S)

015-350-50-00

I certify that the information submitted with this application is true and accurate.

[Signature] 5-17-2022 [Signature] 5/16/2022
 Signature of Applicant/Agent Date Signature of Owner Date

RECEIVED
 REVISIONS
 MAY 24 2022

COASTAL ZONE - SITE AND PROJECT DESCRIPTION QUESTIONNAIRE

The purpose of this questionnaire is to relate information concerning your application to the Planning and Building Services Department and other agencies who will be reviewing your project proposal. Please remember that the clearer picture that you give us of your project and the site, the easier it will be to promptly process your application. Please answer all questions. Those questions which do not pertain to your project, please indicate "Not Applicable" or "N/A".

THE PROJECT

1. Describe your project and include secondary improvements such as wells, septic systems, grading, vegetation removal, roads, etc.

Follow-up to EM #2021-0003, which authorized 1) drilling three (3) test wells, and 2) conversion of one of the test wells to a production well, following the issuance of California Coastal Commission (CCC) Coastal Development Permit (CDP) #1-90-113A2.

Construction of a 2-bedroom 2,150sf Single-Family Residence, 640sf Guest Cottage, 1,236sf Music Studio, 768sf Garage/Workshop, 262sf Utility Structure/Water Tower with associated covered porches and decks; roof-mounted solar panels; convert existing 1,163sf 2-bedroom SFR to an Accessory Dwelling Unit; connect to existing septic including installation of new septic tank, and installation of replacement septic field; water tanks, connect to utilities; driveway with retaining wall.

CCC CDP #1-90-113A2 was approved on March 12, 2021 to reconfigure and expand the existing singular 5,000sf delineated building envelope to two delineated envelopes totaling 33,843sf in size (a 12,004sf envelope and a 21,843sf envelope. CDP #1-90-113-A2 was issued and executed in February, 2022, following satisfaction of Conditions of Approval, which included recording of an Open Space Deed Restriction illustrating the approved building envelopes (MCR Document #2022-01264).

The well sites authorized by EM #2021-0003 are within the amended building envelopes in CCC CDP #1-90-113-A2.

Please see next page for additional information.

2. If the project is residential, please complete the following:

| TYPE OF UNIT | NUMBER OF STRUCTURES | SQUARE FEET PER DWELLING UNIT |
|---|----------------------|-------------------------------|
| <input checked="" type="checkbox"/> Single Family | One _____ | 2,152sf _____ |
| <input type="checkbox"/> Mobile Home | _____ | _____ |
| <input type="checkbox"/> Duplex | _____ | _____ |
| <input type="checkbox"/> Multifamily | _____ | _____ |

If Multifamily, number of dwelling units per building: _____

3. If the project is commercial, industrial, or institutional, complete the following:

n/a

Total square footage of structures: _____

Estimated employees per shift: _____

Estimated shifts per day: _____

Type of loading facilities proposed: _____

4. Will the proposed project be phased? Yes No

If Yes, explain your plans for phasing.

Project Description cont. (revised 2022.05.16)

In mid-December 2020 the applicant's hand-dug well went dry leaving the applicant dependent upon water supplementation from a neighbor until the well water became restored. Considering the historic drought conditions being experienced in Mendocino County, it is anticipated that the well will go dry again in 2021 leaving the applicant without a source of potable water. An emergency authorization for a test well was requested to mitigate the short-term impacts of the drought through water usage management in addition to preparing the site for a supplemental production well. Therefore, authorization of the test well for emergency purposes mitigated potential damage to property and essential services.

On June 13, 1990 the subject parcel was created through a Coastal Commission land division permit (1-90-113). The respective subdivision map delineated building envelopes for future development. On March 12, 2021 the Coastal Commission approved an amendment to the above subdivision permit (1-90-113-A2). The amendment approved a reconfigured and expanded building envelope. The reconfigured building envelope was determined by site constraints such as geotechnical setbacks and buffers from Environmentally Sensitive Habitat Areas (ESHA). The widths of the buffer areas were determined through coordination between Wynn Coastal Planning & Biology personnel, Coastal Commission staff, and representatives from CDFW. These building envelopes are shown on the attached site plan.

Although the CCC permit amendment had not been issued as of the issuance of the EM #2021-0003, Coastal Commission's North Coast District Supervisor Melissa Kraemer confirmed through written communication with county staff and the applicant's agent that the 3 test wells and conversion to one to a production well would fall under county jurisdiction.

5. Are there existing structures on the property? Yes No
 If yes, describe below and identify the use of each structure on the plot plan.

Single-family residence, sheds, pump house, hand-dug well, test well (approved by EM #2021-0003) septic system and driveway. Please see attached site plan for further details.

6. Will any existing structures be demolished? Yes No
 Will any existing structures be removed? Yes No

If yes to either question, describe the type of development to be demolished or removed, including the relocation site, if applicable.

7. Project Height. Maximum height of structure 18' feet.

8. Lot area (within property lines): 158,994 square feet acres

9. Lot Coverage:

| | EXISTING | NEW PROPOSED | TOTAL |
|-------------------|----------------------------|--------------------------|----------------------------|
| Building coverage | <u>3,107</u> square feet | <u>6,306</u> square feet | <u>9,413</u> square feet |
| Paved area | <u>0</u> square feet | <u>0</u> square feet | <u>0</u> square feet |
| Landscaped area | <u>0</u> square feet | <u>0</u> square feet | <u>0</u> square feet |
| Unimproved area | <u>155,887</u> square feet | _____ square feet | <u>149,581</u> square feet |

GRAND TOTAL: 158,994 square feet
 (Should equal gross area of parcel)

10. Gross floor area: 6,677 square feet (including covered parking and accessory buildings).

11. Parking will be provided as follows:

| Number of Spaces | Existing ² | Proposed ² | Total ⁴ |
|------------------------------|-----------------------|-----------------------|--------------------|
| Number of covered spaces | _____ | _____ | _____ |
| Number of uncovered spaces | <u>4</u> | _____ | _____ |
| Number of standard spaces | <u>4</u> | _____ | _____ |
| Number of handicapped spaces | _____ | _____ | _____ |

12. Utilities will be supplied to the site as follows:

A. Electricity

- Utility Company (service exists to the parcel).
 Utility Company (requires extension of services to site: _____ feet _____ miles)
 On Site generation, Specify: roof-mounted solar panels
 None

B. Gas

- Utility Company/Tank
 On Site generation, Specify: Propane Tank
 None

C. Telephone: Yes No

13. Will there be any exterior lighting? Yes No

If yes, describe below and identify the location of all exterior lighting on the plot plan and building plans.

Shielded, downcast. See attached plans for locations.

14. What will be the method of sewage disposal?

- Community sewage system, specify supplier _____
 Septic Tank
 Other, specify _____

15. What will be the domestic water source?

- Community water system, specify supplier _____
 Well
 Spring
 Other, specify _____

16. Is any grading or road construction planned? Yes No

If yes, grading and drainage plans may be required. Also, describe the terrain to be traversed (e.g., steep, moderate slope, flat, etc.).

Flat to moderately sloping.

For grading and road construction, complete the following:

- A. Amount of cut: 90 cubic yards
B. Amount of fill: 90 cubic yards
C. Maximum height of fill slope: 2 feet
D. Maximum height of cut slope: 2 feet
E. Amount of import or export: n/a cubic yards
F. Location of borrow or disposal site: _____

17. Will vegetation be removed on areas other than the building sites and roads? Yes No
 If yes, explain:

18. Does the project involve sand removal, mining or gravel extraction? Yes No
 If yes, detailed extraction, reclamation and monitoring may be required.

19. Will the proposed development convert land currently or previously used for agriculture to another use? Yes No
 If yes, how many acres will be converted? _____ acres (An agricultural economic feasibility study may be required.)

20. Will the development provide public or private recreational opportunities? Yes No
 If yes, explain:

21. Is the proposed development visible from:

A. State Highway 1 or other scenic route? Yes No
 B. Park, beach or recreation area? Yes No

22. Will the project involve the use or disposal of potentially hazardous materials such as toxic substances, flammables, or explosives? Yes No
 If yes, explain:

23. Does the development involve diking, filling, dredging or placing structures in open coastal waters, wetlands, estuaries or lakes?

A. Diking Yes No
 B. Filling Yes No
 C. Dredging Yes No
 D. Placement of structures in open coastal waters, wetlands, estuaries or lakes Yes No

Amount of material to be dredged or filled? _____ cubic yards.

Location of dredged material disposal site: _____

Has a U.S. Army Corps of Engineers permit been applied for? Yes No

If you need additional room to answer any question, attach additional sheets.