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Staff: Randall Stemler
Staff Report: November 4, 2004
Hearing Date: November 19, 2004
Commission Action:

STAFF REPORT: APPEALDE NOVO HEARING

APPEAL NO.: **A-1-MEN-03-055**

APPLICANTS: **Brian & Della Zita**

LOCAL GOVERNMENT: County of Mendocino

DECISION: Approval with Conditions

PROJECT LOCATION: 38017 Old Coast Highway, 1½ miles north of Gualala, Mendocino County (APN 143-122-11).

PROJECT DESCRIPTION: Construct a 2,225-square-foot, two-story, single-family residence with a maximum average height of 27 feet 5 inches above finished grade. Construct a two-story detached structure consisting of a 730-square-foot garage/storage space on the first floor and a 630-square-foot guest cottage above for a total of 1,360 square feet and a maximum average height of 25 feet four inches above finished grade. Provide decks on the south side of the house and garage/guest cottage, replace dilapidated wooden fence along the north boundary of the property, and place a propane tank and pad. Services would be provided by the Gualala Community Services District for sewage disposal, and the North Gualala Water Company for domestic water.

APPELLANT: Friends of Schooner Gulch

- SUBSTANTIVE FILE:
DOCUMENTS
- 1) Mendocino County CDB No. 70-94;
 - 2) Mendocino County Coastal Development Minor Subdivision No. 22-95; and
 - 3) Mendocino County Local Coastal Program;

STAFF NOTES:

1. Procedure

On December 11, 2003, the Coastal Commission found that the appeal of the County of Mendocino's approval raised a substantial issue with respect to the grounds on which the appeal had been filed, pursuant to Section 30625 of the Coastal Act and Section 13115 of Title 14 of the California Code of Regulations. As a result, the County's approval is no longer effective, and the Commission must consider the project *de novo*. The Commission may approve, approve with conditions (including conditions different than those imposed by the County), or deny the application. Because the proposed development is between the first road and the sea, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified a Local Coastal Program (LCP) and with the public access and public recreation policies of the Coastal Act. Testimony may be taken from all interested persons at the *de novo* hearing.

2. Submittal of Additional Information by the Applicants

For the purposes of *de novo* review by the Commission, the applicants have provided Commission staff with supplemental information consisting of: 1) a site alternatives analysis; 2) a geotechnical investigation; 3) an updated botanical study; and 4) land dedication information. The supplemental information addresses issues raised by the appeal and provides additional information that was not a part of the record when the County originally acted to approve the coastal development permit. The applicants have also revised the project description for purposes of the Commission's *de novo* review by changing the project plans to: 1) move the residence and garage/guest cottage approximately 40 feet toward the northwest of the property to site the structures in a location that would avoid the rare plant buffer, 2) replace a dilapidated fence existing along the north boundary of the property, and 3) place a propane tank with a cement pad foundation.

SUMMARY OF STAFF RECOMMENDATION DE NOVO:
APPROVAL WITH CONDITIONS

The staff recommends that the Commission approve with conditions the coastal development permit for the proposed project. Staff believes that, as conditioned, the development as amended for purposes of the Commission's *de novo* hearing is consistent with the County of Mendocino Local Coastal Program (LCP) and the public access policies of the Coastal Act.

At the Substantial Issue hearing in December 2003, the Commission found that the appeal of the County of Mendocino's conditional approval of a coastal development permit for the subject development raised a substantial issue with respect to the grounds on which the appeal had been

filed. The Commission continued the project and directed staff to further analyze the project's potential impacts to rare plant habitat. Since the December 2003 hearing on the Substantial Issue determination, the applicants have provided considerable additional information on the effects of the project on coastal resources.

Further assessments of the rare plant habitat on the parcel, necessary grading, and drainage implications at three alternative building sites have been presented. Moreover, based upon the recent findings of the rare plant, grading, and drainage investigations, the applicants have revised the permit application, for purposes of the Commission's *de novo* hearing on the project to relocate the garage/guest cottage and residential structures on another portion of the parcel that would avoid the rare plant environmentally sensitive habitat area (ESHA) recommended 50-foot buffers, and at the same time minimize the removal of tree cover.

Staff is recommending a number of special conditions to ensure the project's consistency with all other applicable policies of the County's certified LCP.

Special Condition No. 1 requires that all terms and conditions of the permit be recorded as deed restrictions.

Special Condition No. 2 requires the applicants to submit for the approval of the Executive Director, evidence that a licensed professional (Certified Engineering Geologist or Geotechnical Engineer) has reviewed and approved all final design, foundation, construction, and drainage plans for consistency with the recommendations of the geologic report proposed for the project.

Special Condition No. 3 requires the applicants to submit for the approval of the Executive Director, revised drainage, erosion, and runoff control plans requiring the applicants to: (1) maintain existing vegetation at the site to the maximum extent possible; (2) replant or reseed with non-invasive native vegetation any disturbed areas on the site; (3) cover and contain at all times all on-site debris stockpiles; and (4) provide that runoff from the roof, driveway and other impervious surfaces from the completed development be collected and directed into existing rock-lined swales with settling basins to provide the opportunity for entrained sediment to be deposited and for runoff to infiltrate to the maximum extent practicable in a non-erosive manner prior to being conveyed off-site.

Special Condition No. 4 requires a permit for all future improvements to the approved development that might normally be exempt from permitting requirements.

Special Condition No. 5 requires 4- to 5-foot tall, secure, high visibility fencing be installed for ESHA protection.

Special Condition No. 6 sets standards for the exterior lighting to ensure that all exterior lighting attached to the outside of the buildings be the minimum necessary for safe ingress and egress of the structures, be low wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel.

Special Condition No. 7 requires that only native and/or non-invasive plant species be planted with any landscaping performed at the site.

Special Condition No. 8 states that this action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act.

Staff recommends that the Commission find that as conditioned the project is consistent with the certified Local Coastal Program and the public access and recreation policies of the Coastal Act.

MOTION, STAFF RECOMMENDATION DE NOVO, AND RESOLUTION:

Motion:

I move that the Commission approve Coastal Development Permit No. A-1-MEN-03-055 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development, as conditioned will be in conformity with the certified County of Mendocino LCP and the public access and recreation policies of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

I. **STANDARD CONDITIONS:** See attached.

II. **SPECIAL CONDITIONS:**

1. **Deed Restriction.**

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-MEN-03-055, the applicants shall submit to the Executive Director for review and approval, documentation demonstrating that the applicants have executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed

restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

2. Conformance of the Design and Construction Plans of the Geotechnical Investigation Report

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with the recommendations contained in the Geotechnical Investigation report dated April 7, 2004 prepared by PJC & Associates, Inc. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the Executive Director's review and approval, evidence that a licensed professional (Certified Engineering Geologist or Geotechnical Engineer) has reviewed and approved all final design, construction, and drainage plans and has certified that each of those plans is consistent with all of the recommendations specified in the above-referenced geotechnical reports approved by the California Coastal Commission for the project site.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Final Drainage, Erosion and Runoff Control Plan

- A. **PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-MEN-03-055**, the applicants shall submit a Final Drainage, Erosion and Runoff Control Plan for review and approval of the Executive Director. The Final Drainage, Erosion and Runoff Control Plan shall incorporate design elements and/or Best Management Practices (BMPs) which will serve to protect water quality and minimize erosion and sedimentation impacts from stormwater runoff leaving the developed site, and to capture sediment and other pollutants contained in stormwater runoff from the development, by facilitating on-site infiltration and trapping of sediment generated from construction. The final drainage and runoff control plans shall at a minimum include the following provisions:
 - 1. Vegetation at the site shall be maintained to the maximum extent possible.
 - 2. Any disturbed areas shall be replanted or seeded with non-invasive native vegetation derived from local seed stock immediately following project completion.
 - 3. All on-site debris stockpiles shall be covered and contained at all times.

4. Runoff from the roof, driveway and other impervious surfaces from the completed development shall be collected and directed into rock-lined swales with settling basins to provide the opportunity for entrained sediment to be deposited and for runoff to infiltrate to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site.

B. The permittee shall undertake development in accordance with the approved Final Erosion and Runoff Control plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. **Future Development Restriction**

This permit is only for the development described in Coastal Development Permit No. A-1-MEN-03-055. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by coastal development permit No. A-1-MEN-03-055. Accordingly, any future improvements to the single-family development authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. A-1-MEN-03-055 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

5. **Construction Fencing for ESHA Protection**

Secure fences composed of 4- to 5-foot-tall, high visibility fencing shall be erected to demark the boundary of the two coastal bluff morning-glory rare plant ESHAs located on the subject property. The fences shall be erected prior to commencement of construction activities, and shall be maintained in good working order until all development authorized by the permit is completed. The fence in the vicinity of the rare plant ESHA located along the southeast property boundary shall be placed approximately 40 feet from the rare plant population. The fence in the vicinity of the rare plant ESHA located along the northwest property boundary shall be placed along the northwest side of the existing paved driveway. All construction personnel shall be fully familiarized with the terms and conditions required related to the rare plant ESHA populations located on the subject property, and shall take all precautions to protect the rare plant ESHA.

6. **Exterior Lighting**

All exterior lights, including any lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress and egress of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel.

7. **Landscaping Plan**

Only native and/or non-invasive plant species shall be planted at the site. No invasive exotic plant species shall be planted with any landscaping of the site.

8. **Conditions Imposed By Local Government**

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act.

IV. **FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares as follows:

A. **Incorporation of Substantial Issue Findings.**

The Commission hereby incorporates by reference the Substantial Issue Findings contained in the Commission staff report dated November 21, 2003.

B. **Project History / Background.**

On December 11, 2003, the Commission found that the appeal of the County of Mendocino's approval raised a substantial issue with regard to the consistency of the project as approved and the applicable policies of the LCP concerning protection of rare plant ESHA and the adequacy of protective buffers between new development and ESHA habitat.

The Commission continued the *de novo* portion of the appeal hearing so that the applicants could provide additional information relating to the substantial issue. Supplemental botanical assessments of the rare plant habitat on the project site, a geological investigation, and an analysis of alternative building sites on the parcel were subsequently provided to the Commission. A drainage plan was also supplied that proposes to capture storm runoff from impervious surfaces of the development, including roofs and the driveway, and run the water to a natural drainage nearby.

From the results of these studies, field visits and consultations, on August 30, 2004, the applicants revised the project description for purposes of the Commission's *de novo* review to relocate the house and garage further to the north from the County-approved location to one that would avoid the rare plant ESHA on the parcel.

C. **Project and Site Description.**

The project site is on an approximately 1.6-acre parcel situated between Highway One and Old Coast Highway about 1½ miles north of Gualala, at 38017 Old Coast Highway, Mendocino County (Exhibit Nos. 1 and 2). Although this site is within 300 feet of the bluff edge, it is not a bluff edge property as it is separated from the bluff by a dedicated accessway along the old

railroad right-of-way, Old Coast Highway, and portions of an intervening parcel located on the coastal bluff. Access to the subject site is from Old Coast Highway up a steep, existing, paved driveway that also provides access to the neighboring property to the east. The residential development site is located on a relatively flat (10%), to moderately sloped (26%), portion of the otherwise steeply-sloped parcel primarily vegetated with a dense Bishop pine forest. There are no known faults in close proximity to the approved development. Highway One is located to the northeast of the subject parcel in an approximately 25-foot-deep through-cut that parallels the property. The property is not in a location designated as highly scenic, and the house site would not be readily visible from Highway One due to the topography and dense forest vegetation. The house would be partially visible looking northeast from Old Coast Highway that runs between the property and the coast.

Under the certified LCP, the Land Use Plan classification for the subject property is Rural Residential RR-5 intended to encourage local small-scale food production (farming) in areas which are not well suited for large scale commercial agriculture. Principal permitted uses include residential and associated utilities, light agriculture, and home occupation. Conditional uses include cottage industry, conservation and development of natural resources, public facilities and utilities determined to be necessary on Rural Residential lands, and recreation-education. An RR-5 classification allows one dwelling per legally created parcel, or one dwelling unit per 5 acres as designated on the Land Use Maps. The CZC Section 20.376.025(C) designates the Rural Residential 5-acre minimum as allowing one unit per five acres except as provided pursuant to Section 20.456.015 (Accessory Uses), Section 20.460.035 (Use of a Trailer Coach) and Section 20.460.040 (Family Care Unit).

The development as approved by the County authorized construction of a 27-foot, 5-inch-high, 2,225-square-foot, two-story, single-family residence, and a 25-foot, 4-inch-high, two-story detached structure that would be constructed on the north side of the residence, consisting of a 730-square-foot garage/storage space on the first floor, and a 630-square-foot guest cottage above that for a total of 1,360 square feet. Decks would be built on the south side of the garage/guest cottage and main residence. Sewage disposal and domestic water services would be provided by the Gualala Community Services District and the North Gualala Water Company. The existing paved driveway would be extended with gravel surfacing and a concrete apron connecting to the garage.

For the purposes of the Commission's *de novo* review, the project was subsequently revised by the applicants to relocate the new residence and garage/guest cottage approximately 40 feet northwest from the building site approved by the County to provide for establishment of a 50-foot buffer to minimize impacts to rare plant habitat (Exhibit No. 3). The revised project also includes replacement of a dilapidated fence existing along the north boundary of the property (See Grading Plan, Cross Section at Highway One, Exhibit No. 3). The new fence would be constructed of wood, as is the currently existing fence, but would have a natural redwood color unlike the white color of the existing fence. The new replacement fence would be built 5½ feet high, which would be 1½ feet taller than the existing fence, and would be designed and constructed to be non-view obstructing. Finally, the revised project includes the placement of a propane tank with a cement pad foundation.

D. Planning and Locating New Development.

LCP Provisions

LUP Policy 3.9-1 of the Mendocino County Land Use Plan states that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

LUP Policy 3.8-1 states that Highway 1 capacity, availability of water and sewage disposal systems, and other known planning factors shall be considered when considering applications for development permits.

The subject property is designated in the Land Use Plan and on the Coastal Zoning Map as Rural Residential – 5-acre Minimum Lot Area (RR-5). Coastal Zoning Code Chapter 20.376 establishes the prescriptive standards for development within the Rural Residential (RR) zoning district. Single-family residences are a principally permitted use in the RR zoning district. Setbacks for the subject parcel are twenty feet to the front, rear, and side yards, pursuant to CZC Section 20.376.030. CZC Section 20.308.075(10) defines “lot area” as the total area within the boundary lines of the lot, exclusive of easements for lots zoned RR (among other zoning classifications). CZC Section 20.376.065 sets a maximum of 20% structural coverage on RR lots of less than two acres in size.

CZC Section 20.444.015 states in applicable part that fences in rear or side yards having street frontage where vehicle access is maintained may not exceed three and one-half (3½) feet. This height limitation shall apply to view obstructing fences. Non-view-obscuring fences shall not be subject to the above fence height restrictions.

Discussion

The proposed residence would be constructed within an existing developed residential area. The proposed single-family residential use is consistent with the Rural Residential zoning for the site. The subject parcel, created before adoption of the County’s coastal zoning regulations, is a legal parcel of approximately 1.6-acres in size. The total lot area including easements is approximately 67,830 square feet. An extensive area on the property consists of dedicated easements for the existing paved driveway and rocked CDF fire truck turn-around that serves the neighboring property to the east of approximately 18,996 square feet, and a utility easement of approximately 1,320 square feet located in the southern corner of the property that cuts across the parcel east to west. The total lot area remaining after subtracting the easements pursuant to CZC Section 20.308.075(10) is approximately 47,514 square feet. The applicants propose to construct a residence that would occupy a footprint of approximately 1,975 square feet and a detached garage/guest cottage that would occupy a footprint of approximately 730 square feet. In addition, construction of decks, sidewalks, and a porch would add an additional 1,010 square

feet of structural improvement coverage on the lot. Finally, placement of 730 square feet of concrete driveway apron, and provision of a 43-square-foot LPG tank pad would bring the total coverage for structural improvements on the lot to 4,448 square feet. Structural improvements totaling 4,448 square feet on a lot with an area of 47,514 square feet represents a total lot coverage of approximately 9%. The proposed building height, as measured from the average ground elevation would be 27 feet, 5 inches. The proposed residence's location, lot coverage and building height are consistent with the standards for the zoning district.

The project site is located within the water and sewage service area of the North Gualala Water Company and Gualala Community Services District respectively, which have capacity remaining to serve additional users and continue to accept applications for new connections to the water system and sewage disposal system. Therefore, the proposed development is consistent with the LUP and Zoning designations for the site and would be constructed within an existing developed area consistent with applicable provisions of LUP Policy 3.9-1.

Replacement of a dilapidated 4-foot-high wooden fence that runs along the north boundary of the subject parcel with a new wood fence built 5½ feet high would be consistent with CZC Section 20.444.015 regulating the height of yard fences. The proposed fence replacement would run along the rear yard of the property that has street frontage since it would parallel Highway One. However, no vehicle access is maintained from Highway One, so the restriction limiting the fence height to 3½ feet does not apply. Additionally, the location of the fence does not afford views of the ocean from Highway One, as the highway is confined to a through-cut approximately 25 feet lower than the fence line (See Grading Plan, Cross Section at Highway One, Exhibit No. 3). Therefore, the replacement fence would be considered non-view-obscuring within the meaning of CZC Section 20.444.015 and would not be subject to height restrictions.

Use of the site as a single-family residence is envisioned under the certified LCP. The cumulative impacts on traffic capacity of development approved pursuant to the certified LCP on lots recognized in the certified LCP were addressed at the time the LCP was certified. Further, the proposed development would meet the prescriptive standards for development within its rural residential zoning district in terms of height, bulk, and coverage, demonstrated water and wastewater infrastructure, and fence height restrictions. As discussed below, the proposed development has been conditioned to include mitigation measures, which will minimize all adverse environmental impacts. Therefore, the proposed development is consistent with the LUP and Coastal Zoning Code designations for the site, would be constructed within an existing developed rural residential area, and would not adversely impact transportation or public service infrastructure capacities consistent with applicable provisions of LUP Policies 3.9-1 and 3.8-1, respectively.

E. Stormwater Runoff.

LCP Provisions

LUP Policy 3.1-25 states:

The Mendocino Coast is an area containing many types of marine resources of statewide significance. Marine resources shall be maintained, enhanced and, where feasible, restored; areas and species of special biologic or economic significance shall be given special protection; and the biologic productivity of coastal waters shall be sustained.

CZC Section 20.492.015 sets erosion control standards and states in part:

(A) The erosion rate shall not exceed the natural or existing level before development.

(B) Existing vegetation shall be maintained on the construction site to the maximum extent feasible. Trees shall be protected from damage by proper grading techniques.

(C) Areas of disturbed soil shall be reseeded and covered with vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding; mulches may be used to cover ground areas temporarily. In environmentally sensitive habitat areas, the revegetation shall be achieved with native vegetation...

(D) Mechanical or vegetative techniques to control erosion may be used where possible or necessary providing that they are fully discussed in the approved development plan.

(E) To control erosion, development shall not be allowed on slopes over thirty (30) percent unless adequate evidence from a registered civil engineer or recognized authority is given that no increase in erosion will occur... [emphases added]

CZC Section 20.492.020 sets sedimentation standards and states in part:

A. Sediment basins (e.g., debris basins, desilting basins, or silt traps) shall be installed in conjunction with initial grading operations and maintained through the development/construction process to remove sediment from runoff wastes that may drain from land undergoing development to environmentally sensitive areas.

B. To prevent sedimentation of off-site areas, vegetation shall be maintained to the maximum extent possible on the development site. Where necessarily removed during construction, native vegetation shall be replanted to help control sedimentation.

C. Temporary mechanical means of controlling sedimentation, such as hay baling or temporary berms around the site, may be used as part of an overall grading plan, subject to the approval of the Coastal Permit Administrator.

D. Design of sedimentation control devices shall be coordinated with runoff control structure to provide the most protection. [emphasis added.]

CZC Section 20.492.025 sets runoff standards and states in applicable part:

(A) Water flows in excess of natural flows resulting from project development shall be mitigated...

...

(D) Retention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In other situations, planted trees and vegetation such as shrubs and permanent ground cover shall be maintained by the owner.

(E) Provisions shall be made to infiltrate and/or safely conduct surface water to storm drains or suitable watercourses and to prevent surface runoff from damaging faces of cut and fill slopes... [emphasis added]

...

(G) Subsurface drainage devices shall be provided in areas having a high water table and to intercept seepage that would adversely affect slope stability, building foundations, or create undesirable wetness.

Discussion

Storm water runoff from new residential development can adversely affect the biological productivity of coastal waters by degrading water quality. LUP Policy 3.1-25 requires the protection of the biological productivity of coastal waters. Sections 20.492.015 and 20.492.020 of the Mendocino County Coastal Zoning Code set forth erosion control and sedimentation standards to minimize erosion and sedimentation of environmentally sensitive areas and off-site areas. Specifically, CZC Sections 20.492.015 and 20.492.020(B) require that the maximum amount of vegetation existing on the development site shall be maintained to prevent sedimentation of off-site areas, and where vegetation is necessarily removed during construction, native vegetation shall be replanted afterwards to help control sedimentation. CZC Section 20.492.025 requires that provisions be made to use natural topography to safely conduct surface water to storm drains or suitable watercourses. Additionally, CZC Section 20.492.025 states that subsurface drainage devices shall be provided in areas having a high water table to intercept seepage that would adversely affect slope stability, building foundations, or create undesirable wetness.

As discussed above, the subject parcel is located on a remnant coastal terrace on property that has been planned and zoned for low-density rural residential development. The residence and garage/guest cottage would be constructed west and slightly down slope of the terrace top on a west-sloping hillside with estimated gradients of 20 to 30 percent. No creeks or drainage swales pass through or near the building site, but an ephemeral creek is located on the adjoining property to the northwest. The property is predominantly forested with a layer of duff and pine needles, and there is no evidence of significant erosion on the site. However, development of the roofs, driveway, sidewalks and other elements of the project would increase the amount of impervious surfaces, resulting in increased storm water runoff originating from the site. Runoff originating from the development site that is allowed to drain off the site could contain entrained

sediment and other pollutants that would contribute to degradation of the quality of coastal waters, including downstream marine waters.

The existing paved driveway contains an existing rock lined swale along the entire inboard side that drains excess water from the driveway and hill slope toward the ephemeral drainage located approximately 30 to 35 feet northwest of the property line. Two 12-inch culverts exist approximately 100 feet apart directing water toward the natural ephemeral creek. The rock-lined swale is overbuilt in that it could handle much more runoff than currently exists at the property site, with no indication that the property generates any sediment load. The applicants propose to install a storm water drainage facility that would collect roof water from three downspouts located at the garage/guest cottage and six downspouts located at the residence. The water would be collected in a system of 4-inch solid pipe routed to 6-inch solid pipe that would run by natural topography to an existing rock-lined retainage basin where infiltration could occur prior to being routed under the existing paved driveway toward the natural drainage by the lower existing twelve-inch corrugated metal pipe. The storm water would have an opportunity to settle any solids out between the interstitial spaces of the rock-lined swale, as well as infiltrate into the soil to the maximum extent practicable in the rock-lined swale itself prior to being directed off of the property. Eventually, the storm water excess would be directed to the ephemeral drainage. A 24-foot-long precast trench drain would also be installed to capture any drainage at the low point of the cement apron serving the driveway. This water would be directed to the same storm water drainage system.

The applicants also propose to construct a subsurface drainage facility to drain water away from the foundation of the residence. This subsurface drainage device would intercept seepage that could adversely affect the house foundation and direct it to an area for infiltration down slope of the residence consistent with CZC Section 20.492.025, which requires that subsurface drainage devices be provided to intercept seepage that would adversely affect foundations. The outfall for the subsurface drainage pipe would be a rock-lined basin located approximately 30 feet down slope of the house that would provide for safe infiltration of the seepage water back into the soil. The sub-drain facility would only drain seepage water from around the house foundation and would be entirely separate from, and would run a volume of water much less than, the storm water runoff drainage system.

Consistent with CZC Section 20.492.025(E), the Commission imposes Special Condition No. 3 to require that the applicants protect water quality and minimize erosion and sedimentation impacts from the proposed construction of the residence by collecting water from impervious surfaces such as the roofs and driveway, and routing it by way of a storm drain to areas designed for settlement and infiltration prior to directing it off of the property to a natural watercourse. Additionally, because sedimentation impacts from runoff would be of the greatest concern during and immediately after construction, Special Condition No. 3 also requires that the applicants submit for the review and approval of the Executive Director revised site plans that include erosion and runoff control measures that require: (1) on-site vegetation be maintained to the maximum extent possible during construction; (2) any disturbed areas be replanted with noninvasive native plants obtained from local seed stock immediately following project completion; (3) all on-site debris stockpiles be covered and contained at all time; and 4) runoff from the roof, driveway and other impervious surfaces from the completed development be

collected and directed into rock-lined swales with settling basins to provide the opportunity for entrained sediment to be deposited and for runoff to infiltrate to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site.

The Commission finds that as conditioned, the proposed development is consistent with CZC Sections 20.492.015 and 20.492.020 because erosion and sedimentation will be controlled and minimized by (1) maintaining on-site vegetation to the maximum extent possible; (2) replanting or seeding any disturbed areas with native vegetation following project completion; and (3) covering and containing all on-site debris stockpiles at all times. Furthermore, the Commission finds that the proposed development as conditioned to require these measures to control sedimentation from storm water runoff from the site is consistent with the provisions of LUP Policy 3.1-25 requiring that the biological productivity of coastal waters be sustained. Moreover, the Commission finds that the proposed development is consistent with CZC Section 20.492.025(E) because, as conditioned, runoff from the roofs and driveway will be directed to areas for infiltration to the maximum extent practicable, prior to being directed to a natural watercourse.

F. Environmentally Sensitive Habitat Areas

LCP Provisions

LUP Policy 3.1-7 in applicable part states:

A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from significant degradation resulting from future developments. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and shall not be less than 50 feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent environmentally sensitive habitat area and must comply at a minimum with each of the following standards:

- 1. It shall be sited and designed to prevent impacts which would significantly degrade such areas;*
- 2. It shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity; and*
- 3. Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on*

the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution [emphasis added].

LUP Policy 3.1-24 states:

Any development within designated resource areas, if not specifically addressed by other policies, shall be carefully reviewed and established in accord with conditions which could allow some development under mitigating conditions but would assure the continued protection of the resource. [emphasis added]

LUP Policy 3.1-29 states:

The California Department of Fish and Game, the California Native Plant Society, and the U.S. Fish and Wildlife Service shall be requested to maintain and augment mapped inventory of all rare, endangered, threatened and protected plant and wildlife habitats on the Mendocino Coast based on up-to-date survey information. Symbols indicating rare or endangered plants and wildlife are placed on the Land Use Maps to generally locate listed species and will be pinpointed as necessary to prevent degradation prior to issuing any development permit. Furthermore, the Department of Fish and Game is requested to work with the county during the planning and permit process to evaluate the significance of mapped sites as they apply to individual development applications. [emphasis added]

Section 20.308.040(F) of the Mendocino County Coastal Zoning Code (CZC) defines the term “environmentally sensitive habitat area” as follows:

‘Environmentally Sensitive Habitat Area’ means 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: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation that contain species of rare or endangered plants, and habitats of rare and endangered plants and animals. [emphasis added]

CZC Section 20.496.010 states in applicable part:

Environmentally Sensitive Habitat Areas (ESHA’s) include: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation which contain species of rare or endangered plants and habitats of rare and endangered plants and animals.” [emphasis added]

Section 20.496.020 of the Coastal Zoning Code in applicable part states:

ESHA- Development Criteria

(A) *Buffer areas. A buffer shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient*

area to protect the environmentally sensitive habitat from degradation resulting from future developments and shall be compatible with the continuance of such habitat areas.

(1) Width.

The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation with the California Department of Fish and Game, and County Planning staff, that one hundred feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width [emphasis added]...Standards for determining the appropriate width of the buffer area are as follows:

(a) Biological Significance of Adjacent Lands.

Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. Functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance depends upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding, or resting).

Where a significant functional relationship exists, the land supporting this relationship shall also be considered to be part of the ESHA, and the buffer zone shall be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer shall be measured from the edge of the wetland, stream, or riparian habitat that is adjacent to the proposed development.

(b) Sensitivity of Species to Disturbance.

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. Such a determination shall be based on the following after consultation with the Department of Fish and Game or others with similar expertise:

- (i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species;*
- (ii) An assessment of the short-term and long-term adaptability of various species to human disturbance;*

(iii) An assessment of the impact and activity levels of the proposed development on the resource.

(c) Susceptibility of Parcel to Erosion.

The width of the buffer zone shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided.

(d) Use of Natural Topographic Features to Locate Development.

Hills and bluffs adjacent to ESHA's shall be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from ESHA's. Similarly, bluff faces should not be developed, but shall be included in the buffer zone.

(e) Use of Existing Cultural Features to Locate Buffer Zones.

Cultural features (e.g., roads and dikes) shall be used, where feasible, to buffer habitat areas. Where feasible, development shall be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the ESHA.

(f) Lot Configuration and Location of Existing Development.

Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection. Where development is proposed in an area that is largely undeveloped, the widest and most protective buffer zone feasible shall be required.

(g) Type and Scale of Development Proposed.

The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.

(2) *Configuration.*

...

(3) *Land Division.*

...

(4) *Permitted Development.*

Development permitted within the buffer area shall comply at a minimum with the following standards:

(a) *Development shall be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity, their ability to be self-sustaining and maintain natural species diversity.*

(b) *Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.*

(c) *Development shall be sited and designed to prevent impacts which would degrade adjacent habitat areas. The determination of the best site shall include consideration of drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from natural stream channels. The term "best site" shall be defined as the site having the least impact on the maintenance of the biological and physical integrity of the buffer strip or critical habitat protection area and on the maintenance of the hydrologic capacity of these areas to pass a one hundred (100) year flood without increased damage to the coastal zone natural environment or human systems.*

(d) *Development shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity.*

(e) *Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.*

(f) *Development shall minimize the following: impervious surfaces, removal of vegetation, amount of bare soil, noise, dust, artificial light, nutrient runoff, air pollution, and human intrusion into the wetland and minimize alteration of natural landforms.*

(g) *Where riparian vegetation is lost due to development, such vegetation shall be replaced at a minimum ratio of one to one (1:1) to restore the protective values of the buffer area.*

- (h) *Aboveground structures shall allow peak surface water flows from a one hundred (100) year flood to pass with no significant impediment.*
- (i) *Hydraulic capacity, subsurface flow patterns, biological diversity, and/or biological or hydrological process, either terrestrial or aquatic, shall be protected.*
- (j) *Priority for drainage conveyance from a development site shall be through the natural stream environment zones, if any exist, in the development area. In the drainage system design report or development plan, the capacity of natural stream environment zones to convey runoff from the completed development shall be evaluated and integrated with the drainage system wherever possible. No structure shall interrupt the flow of groundwater within a buffer strip. Foundations shall be situated with the long axis of interrupted impermeable vertical surfaces oriented parallel to the groundwater flow direction. Piers may be allowed on a case by case basis.*
- (k) *If findings are made that the effects of developing an ESHA buffer area may result in significant adverse impacts to the ESHA, mitigation measures will be required as a condition of project approval. Noise barriers, buffer areas in permanent open space, land dedication for erosion control, and wetland restoration, including off-site drainage improvements, may be required as mitigation measures for developments adjacent to environmentally sensitive habitats.*

Discussion

Located on a remnant coastal marine terrace situated between the Old Coast Highway and Highway One, the subject property is predominantly occupied by a closed-cone coniferous forest plant community primarily vegetated with Bishop pine, and in more open areas of the property, vegetated with species of the coastal scrub plant community. Rare plant environmentally sensitive habitat area (ESHA) has been identified on the property by Jon Thompson, the applicants' botanist, as described in his botanical report dated July 24, 2004 (Exhibit No. 7). Two discreet populations of coastal bluff morning glory (*Calystegia purpurata* ssp. *saxicola*) were located during six surveys conducted between April 15, 2004 and July 19, 2004. This species is a protected plant listed on the California Native Plant Society's 1B list of rare or endangered species, and constitutes rare plant ESHA. List 1B plants are defined as rare plant species vulnerable under present circumstances or to have a high potential for becoming so because of limited or vulnerable habitat, low numbers of individuals per population (even though they may be wide ranging), or limited numbers of populations. All plants appearing on the CNPS List 1B meet the definitions within the Native Plant Protection Act and the California Endangered Species Act as species eligible for state listing as a rare, threatened, or endangered plant. Pursuant to the California Environmental Quality Act guidelines, it is mandated that the effects of a development project on the species be fully considered during project environmental review. Given this listing's significance as a threshold for determining the relative significance of potentially adverse impacts on biological resources and for setting requirements for

formulating related mitigation and monitoring programs, the coastal bluff morning glory and the area in which it is growing meet the LCP's definition of an ESHA as they are both: (1) "*an 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 (2) "*which could easily be disturbed or degraded by human activities or developments.*" In addition, the Mendocino County LCP specifically identifies rare and endangered plants as ESHA. CNPS List 4 is effectively a "watch list," comprising those rare plants, which are of limited distribution or are infrequent throughout a broader area in California, and their vulnerability or susceptibility to threat appears relatively low at this time. These plants cannot be considered "rare" from a statewide perspective and therefore are not eligible for CESA candidacy as a "threatened" or "endangered" species.

Establishment of ESHA Buffer Width

As set forth above, the Mendocino County certified LCP policies require protection of rare plant ESHA from impacts associated with new development. LUP Policy 3.1-7 states in applicable part, that a buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide sufficient area to protect the ESHA from significant degradation resulting from future developments. LUP Policy 3.1-7 and Coastal Zoning Code Section 20.496.020 state that the width of a buffer shall be a minimum of 100 feet unless an applicant can demonstrate, after consultation with the Department of Fish and Game that one hundred feet is not necessary to protect the habitat resources, in which case the buffer can be reduced from 100 feet to not less than 50 feet. Coastal Zoning Code (CZC) Section 20.496.020 provides the criteria by which buffers are to be established to protect ESHA resources. LUP Policy 3.1-7 and CZC Section 20.496.020 also set standards that must be met to permit development within the buffer area.

As noted above, CZC Section 20.496.020(A)(1)(a) through (g) sets forth specific standards to be considered when determining the width of a buffer. These standards include: (a) an assessment of the biological significance of adjacent lands and the degree to which they are functionally related to ESHA resources, (b) the sensitivity of species to disturbance such that the most sensitive species of plants will not be disturbed significantly by the permitted development, (c) the susceptibility of the parcel to erosion determined from an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel, (d) the use of natural topographic features to locate development so that hills and bluffs adjacent to ESHA's can be used to buffer habitat areas, (e) the use of existing cultural features such as roads and dikes to buffer habitat areas, (f) the lot configuration and location of existing development such that buildings are a uniform distance from the habitat area, and provision for additional mitigation if the distance is less than 100 feet, and (g) the type and scale of development proposed as a determining factor for the size of the buffer zone necessary to protect the ESHA.

The botanical report dated July 24, 2004, produced by Jon Thompson and provided for the Commission's *de novo* review of the proposed project, presents the biological evaluation necessary to substantiate that less than 100-foot buffers are adequate to protect the rare plant ESHA located on the property. As described below, the report analyses the seven criteria set forth in CZC Section 20.496.020(A)(1)(a) through (g) for determining the width of a buffer. The California Department of Fish and Game was consulted and has agreed that reductions of the

ESHA buffers below the minimum standard of 100 feet would still protect the rare plant populations located on the subject property (Exhibit No. 8).

(1) Biological Significance of Adjacent Lands

To assess the biological significance of lands adjacent to the two populations of coastal bluff morning-glory identified growing on the applicants' parcel, Mr. Thompson surveyed the surrounding terrain and located many stems of coastal bluff morning-glory growing in more open, sunnier area on developed and undeveloped land in the vicinity, including the neighbor's garden immediately southeast of the subject property, directly across Old Highway One from the subject property, and at the southwest corner of the intersection of Old Coast Highway and Highway One. None of these locations are in any jeopardy of being adversely impacted by the proposed development. Additionally, the proposed development would not occur in an area considered optimum habitat for the coastal bluff morning-glory, since Bishop pine forest occupies the proposed development site, and is not a plant community in which the coastal bluff morning-glory thrives. The majority of the recommended buffer consists of relatively low potential as habitat for this protected subspecies, and therefore should serve well as a buffer for the rare plant ESHA located growing on the property. For these foregoing reasons, Mr. Thompson believes that the biological relationship of the adjoining terrain is not significant, and the habitat requirements of the rare plant species are consistent with a reduced buffer.

(2) Sensitivity of Species to Disturbance

In evaluating the adequacy of the proposed 50-foot rare plant ESHA buffer, Mr. Thompson assessed the sensitivity of coastal bluff morning-glory to disturbance. He states that the coastal bluff morning-glory is known to grow where the soil has been disturbed and where there has been an increase in exposure to sun. He also notes that the coastal bluff morning-glory has often been observed to grow in areas regularly maintained by CalTrans such as the location mentioned above at the corner of Old Coast Highway and Highway One, as well as areas regularly grazed by sheep and goats, and in other areas regularly mowed throughout the growing season. Only the proposed single-family residence would be located within 100 feet of any coastal bluff morning-glory populations on the property. The detached garage/guest cottage would be located more than 100 feet from any ESHA. Activities that would occur within this residence are similar to the existing residential homes in this neighborhood. This use would not result in any significant change in land use practices nor would there be any significant change in use patterns for the neighborhood. Mr. Thompson concluded that in relation to potential significant adverse impacts resulting from increased activity levels or adjacent ground disturbance, the proposed 50-foot rare plant ESHA buffer would be adequate to protect the populations of coastal bluff morning-glory on the property.

3) Susceptibility of Parcel to Erosion

Mr. Thompson considered the susceptibility of the subject parcel to erosion in determining that a 50-foot buffer would be sufficient to protect the rare plant ESHA located on the property from impacts resulting from the proposed development. The proposed house and

garage/guest cottage would be developed down slope from the populations of coastal bluff morning-glory located on the property. If erosion were to occur from construction activities, the existing driveway and associated drainage would be sufficient to protect the coastal bluff morning-glory and its habitat on the subject parcel. Therefore, Mr. Thompson believes that significant adverse impacts to the rare plant ESHA located on the property from erosion resulting from the proposed development is very unlikely.

4) Use of Natural Topographic Features to Locate Development

Mr. Thompson evaluated natural topographic features located on the property in recommending the 50-foot rare plant ESHA buffer, and noted that the proposed development would be located down slope of the coastal bluff morning-glory populations located on the property. Hence, the natural topography would cause storm water runoff from the proposed development to flow away from the coastal bluff morning-glory populations. Therefore, the 50-foot buffer proposed for protecting the coastal bluff morning-glory populations located on the property conforms to natural topographic features of the property, and would use natural topographic features in a way that would avoid significant adverse impacts to the rare plant ESHA from the proposed development.

5) Use of Existing Cultural Features to Locate Buffer Zones

In evaluating the adequacy of the buffer width, Mr. Thompson considered whether any existing cultural features within the proposed 50-foot buffer could be utilized to protect the rare plant ESHA and thus support use of the proposed 50-foot buffer width. The subject property is located between Highway One and Old Coast Highway. An existing paved driveway traverses the subject property and provides access to the neighboring property to the southeast. There are no other roads located within or adjacent to the applicants' approximately 1.6-acre parcel. The proposed development would occur adjacent to neighboring structures that exist on parcels to the southeast and across Old Coast Highway to the west. There are no other cultural features that occur on or near the subject property, which could be used to better ensure protection for the rare plant ESHA.

6) Lot Configuration and Location of Existing Development.

Mr. Thompson evaluated the width of the proposed buffer in relation to the subject parcel configuration and to the proximity of existing development in the vicinity. As discussed above, the proposed development would be in-fill within an existing residential development. Because the area on the parcel suitable for the proposed development is constrained by existing paved driveway to the north and northwest, steep forested slope to the southwest, and the presence of rare plant ESHA, the lot configuration and the location of existing development on the parcel is significant. The east edge of the house would be 50 feet from the coastal bluff morning-glory population located along the southeastern boundary of the subject property. Mr. Thompson believes that the proposed 50-foot buffer would be adequate to protect the populations of coastal bluff morning-glory on the property in relation to the configuration of the parcel, to all existing development located on the parcel, and to the

proposed development, and would not result in significant adverse impacts to the rare plant ESHA.

7) Type and Scale of Development

Mr. Thompson considered the nature of the rare plant ESHA resources involved, the fact that adjacent properties have been developed, and the type of development in the vicinity in order to arrive at the recommended 50-foot buffer. As discussed previously, the development would be limited to a single-family residence and a garage/guest cottage. Other lots in the residential area are developed with homes, including driveways, garages, and lawns. For the applicants' parcel, the intensity of use is limited and within the character of the existing residential community. The coastal bluff morning-glory populations on the subject property and protective buffer-width effectively limit development in the eastern portion of the subject property where the slope is a moderate 10%. The actual area footprint proposed for the house and garage/guest cottage on the approximately 1.6-acre parcel is a modest 2,705 square feet, and together with the decks, sidewalks, porch, driveway apron, and LPG tank pad would represent only about 9% lot-coverage. The remaining portions of the parcel would remain undeveloped. In considering the type and scale of development proposed, Mr. Thompson determined that a 50-foot buffer would be adequate to protect the populations of coastal bluff morning-glory located on the property.

The foregoing analysis of the proposed buffer width in relation to the seven standards contained within Coastal Zoning Code Section 20.496.020(A)(1)(a) through (g) provide a basis for determining whether the buffer proposed by Mr. Thompson would be adequate to protect the identified populations of coastal bluff morning-glory on the property. The particular facts of this site and the proposed development suggest that some of the standards should be weighed more in the evaluation of buffer width than other standards. For instance, the fact that a sensitive plant survey conducted on the subject property identified no listed or sensitive plants other than the coastal bluff morning-glory, and the fact that no other ESHA exists on the property, weighs more heavily than does the fact that no cultural features could be identified to better ensure protection of the rare plant ESHA.

Those factors that support the establishment of a 50-foot buffer as adequate to protect the rare plant ESHA include (1) the lack of other listed or sensitive plants on the property, (2) the lack of other ESHA including riparian or wetland ESHA, (3) the fact that Bishop pine forest, which occupies the majority of the property, and the portion of the property where construction of the single-family development is proposed, is not considered optimum habitat for coastal bluff morning-glory to live, (4) the fact that coastal bluff morning-glory often occupies areas where disruption occurs, including mowing and soil disturbance, (5) the fact that the parcel is well vegetated with no anticipated erosion, and (6) the fact that the proposed development is down slope of the located populations of coastal bluff morning-glory and not subject to significant adverse impacts from the proposed development if erosion should occur.

One factor that does not weigh as heavily in considering the adequacy of this particular recommended 50-foot buffer includes the presence of cultural features. No cultural features could be used to better ensure protection of the delineated wetland.

To conform to the need to provide an adequate ESHA buffer, the applicants have revised the project description to relocate the proposed development. The proposed residence would be of modest size, located near existing development, with a lot coverage of only about 9%. When considering the totality of all the factors as discussed above, the Commission finds that the applicants' evaluation of the width of the delineated wetland buffer as provided by Mr. Thompson sufficiently demonstrates that no significant adverse impacts will result from the 50-foot recommended rare plant ESHA buffer width.

As mentioned above, staff of the California Department of Fish and Game (DFG) has reviewed Mr. Thompson's botanical report including his rare plant surveys and buffer width analysis, and determined that the recommended 50-foot buffer would be an acceptable ESHA buffer for this particular project (Exhibit No. 8). They state in their letter: "*DFG has determined that if the mitigation measures outlined in the Botanical study and this letter are implemented, impacts to coastal bluff morning-glory will be adequately mitigated and the 100-foot buffer triggered by the presence of this species can be reduced to allow construction of the project as proposed.*"

Based on the foregoing, and as conditioned, the Commission finds that the proposed development is consistent with LUP Policy 3.1-7, and CZC Section 20.496.020, which require that the width of a buffer shall be a minimum of 100 feet unless an applicant can demonstrate, after consultation with the Department of Fish and Game that one hundred feet is not necessary to protect the habitat resources.

Mr. Thompson's determination that the narrower buffers would be adequate to protect the ESHA is based in part on his recommendation that a physical construction barrier, such as a secure fence composed of 4 to 5-foot-tall, high visibility, boundary fencing, be erected prior to construction to protect the buffer area and coastal bluff morning-glory populations. The fencing should remain until all construction as proposed is complete. To ensure that such a barrier is installed to protect the ESHA on the site from the impacts of construction of the proposed development, the Commission attaches Special Condition No. 5. The special condition requires that prior to commencement of construction, a physical barrier consisting of high visibility fencing be securely installed providing at least 40 feet between the populations of coastal bluff morning and any construction activity. The special condition also requires that construction personnel be fully familiarized with the terms and conditions required related to the rare plant ESHA populations located on the subject property, and take all precautions to protect the rare plant ESHA.

Permissible Work Within ESHA Buffers

Certain elements of the project are proposed to be developed within ESHA buffers. As mentioned above, the proposed storm water drainage system would include an outfall pipeline that would direct storm water runoff from the development toward the existing rocked retainage basin, existing corrugated metal pipe under the paved driveway, and the existing swale that leads to the natural ephemeral drainage located on the neighbor's property about 30 to 35 feet northwest of the property line. This proposed storm drain pipeline is located partially within both a 100-foot riparian ESHA buffer for the ephemeral creek located on the neighboring

property to the northwest established in 1996 during the subdivision establishing the subject property, and the 50-foot rare plant ESHA buffer proposed as a part of the current residential development application. Approximately 20 feet of the terminal end of the proposed storm drainage pipeline would be placed within the existing 100-foot riparian ESHA.

LUP Section 3.1-10 and CZC Section 20.496.035 expressly allow “pipelines” to be placed within an ESHA buffer if no less environmentally damaging alternative route is feasible. As explained above, the proposed placement of the storm drainage pipeline would be consistent with CZC Section 20.492.025 (D) and (E) where “*drainage structures shall, where possible, use natural topography...*” and provisions shall be made to “*infiltrate and/or safely conduct surface water to storm drains or suitable watercourses...*” There is no safer more feasible alternative to the proposed drainage outfall. The riparian ESHA would still be protected because the proposed drainage pipe outfall would occur on the northwest (furthest away from the ESHA) side of the existing paved driveway, and because the proposed drainage pipe outfall would deliver water to an existing retention basin well removed from the riparian ESHA itself. The proposed drainage pipeline outfall would be sited and designed to prevent impacts, which would degrade the riparian ESHA. The proposed drainage pipeline outfall would be compatible with the continuance of the riparian habitat area, its functional capacity, and its ability to be self-sustaining and maintain natural species diversity, and the proposed drainage pipeline outfall would be located in the most feasible site on the parcel. For these reasons the pipeline meets the tests of LUP Policy 3.1-7 to allow development within a buffer.

Additionally, the same issue of allowing development within a buffer arises when considering whether the storm water drainage pipe outfall could be placed within the 50-foot buffer recommended for protecting the population of coastal bluff morning-glory located along the northwest boundary of the subject property. LUP Policy 3.1-7 requires that developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent environmentally sensitive habitat area and must comply at a minimum with each of the following standards: (1) it shall be sited and designed to prevent impacts which would significantly degrade such areas; (2) it shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity; and (3) structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. CZC Section 20.496.020(A)(4)(a-k) states that development permitted within the buffer area shall comply with certain minimum standards. Some principal standards are that: 1) development be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity of the ESHA and the ability of the ESHA to be self-sustaining and maintain natural species diversity; 2) structures be allowed within the buffer only if there is no other feasible site available on the parcel; 3) development be sited and designed to prevent impacts that would degrade adjacent habitat; 4) consideration of drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from the natural stream channel must be taken into account; 5) the term “best site” shall be defined as the site having the least impact on maintenance of the biological and physical integrity of the buffer and on the maintenance of the hydrologic capacity to pass a one hundred (100) year flood without increased damage to the coastal zone or human systems; 6) hydraulic capacity, subsurface flow patterns, and biological diversity shall be protected; and 7) priority for drainage

conveyance from a development site shall be through a natural stream to convey runoff from the completed development.

The proposed drainage pipeline outfall conforms to each and every one of the above standards. The proposed development would be compatible with the continuance of the adjacent habitat area by maintaining the functional capacity of the rare plant ESHA and the ability of the ESHA to be self-sustaining and maintain natural species diversity because the proposed drainage pipeline outfall would be located on the far side of the existing paved driveway and well away from the populations of rare plant species. There would be no negative interaction between the proposed drainage pipeline outfall and the populations of rare plant species. No other feasible location exists on the property for the placement of the drainage pipeline outfall, and the pipeline would be placed in a manner that would not lead to any significant adverse environmental impacts that could conceivably degrade adjacent ESHA habitat. Full consideration of the drainage, access, soil type, vegetation, hydrological characteristics, elevation, topography, and distance from the natural stream channel have been taken into account without any adverse impacts resulting from the placement of the proposed drainage pipeline outfall in the rare plant ESHA buffer. A one hundred (100) year storm would pass without any negative impact to the rare plant ESHA from the placement of the proposed drainage pipeline outfall in the ESHA buffer. Finally, the hydraulic capacity, subsurface flow patterns, and biological diversity would be protected primarily by conveying runoff drainage from the proposed development through the drainage pipeline outfall to a natural stream. For all of the above reasons, placement of the proposed drainage pipeline outfall within the rare plant ESHA 50-foot buffer and within the 100-foot riparian ESHA buffer would be consistent with LUP Policy 3.1-7, and CZC Sections 20.496.010, 20.496.020 and 20.496.035 for development within ESHA buffers.

Landscaping of the residential development is proposed. To ensure that no invasive exotic vegetation is planted at the site that could spread into the ESHAs and adversely impact the protected plant habitats, the Commission imposes Special Condition No.7. The condition requires that applicants plant no invasive exotic plants within the landscaping of the site.

As conditioned to (1) establish adequate buffers to protect the rare plant ESHAs, and (2) prohibit invasive exotic species from being planted as part of the landscaping, the Commission finds that the project will protect the ESHA on the property consistent with LUP Policies 3.1-7 and with Coastal Zoning Code Sections 20.496.010, 20.496.020, and 20.496.035.

G. Geologic Hazards

LCP Provisions

LUP Policy 3.4-1 in applicable part states:

The County shall review all applications for Coastal Development permits to determine threats from and impacts on geologic hazards arising from seismic events, tsunami run-up, landslides, beach erosion, expansive soils and subsidence and shall require appropriate mitigation measures to minimize such threats. ...

Coastal Zoning Code Section 20.500.005 states with regard to the scope of applicability of the County's hazards chapter:

This Chapter shall apply to all development proposed in the Coastal Zone unless and until it is determined by the County Coastal Permit Administrator that the project is not subject to threats from geologic, fire, flood or other hazards. [Emphasis added.]

Zoning Code Section 20.500.010 states that development in Mendocino County's Coastal Zone shall:

- (1) *Minimize risk to life and property in areas of high geologic, flood and fire hazard;*
- (2) *Assure structural integrity and stability; and*
- (3) *Neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding areas, nor in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs [emphasis added].*

Coastal Zoning Code Section 20.500.015 states, in applicable part:

(A) Determination of Hazard Areas.

- (1) *Preliminary Investigation. The Coastal Permit Administrator shall review all applications for Coastal Development Permits to determine threats from and impacts on geologic hazards.*
- (2) *Geologic Investigation and Report. In areas of known or potential geologic hazards such as shoreline and bluff top lots and areas delineated on the hazards maps, a geologic investigation and report, prior to development approval, shall be required. The report shall be prepared by a licensed engineering geologist or registered civil engineer pursuant to the site investigation requirements in Chapter 20.532. [Emphasis added.]*

CZC Section 20.532.070 (A)(3)(b) states in applicable part:

All development plans shall undergo a preliminary evaluation of landsliding potential.

Discussion

LUP Policy 3.4-1 requires review of all applications for Coastal Development permits to determine threats from and impacts on geologic hazards arising from, among other things, seismic events, landslides, expansive soils and subsidence, and requires appropriate mitigation measures to minimize such threats. CZC Section 20.500.010 requires development to minimize risk to life and property in areas of high geologic, flood and fire hazard; assure structural

integrity and stability; and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding areas. CZC Section 20.532.070(A)(3)(b) requires that all development plans undergo a preliminary evaluation of land sliding potential.

During the substantial issue portion of the appeal, the Commission found that no substantial issue was raised with the conformity of the County-approved project regarding geologic hazards. However, the Commission also found that depending on the results of the botanical survey to be prepared for the Commission's review of the proposed project *de novo*, it would be possible that the requested botanical survey and evaluation of adequate buffer widths might indicate that the development site should be moved onto a steeper slope of the subject property to protect ESHA resources. Such a move would raise concerns regarding the proposed project's conformance with the LCP's geologic hazard policies. In fact, the botanical survey and ESHA buffer recommendations as submitted for the Commission's *de novo* review, and as described above do indicate that the site of the residential development needs to be moved to the northwest onto steeper ground. The applicants have revised the project description to move the house as recommended and as requested by the Commission, the applicants have provided a geotechnical investigation that assesses the geologic safety of the new proposed project site, and makes recommendations for foundation types and drainage system design.

The geologic consulting firm, PJC & Associates, Inc. (PJC), submitted their geologic report dated April 7, 2004, signed and stamped by Patrick J. Conway, a registered Geotechnical Engineer (Exhibit No. 6). The geotechnical investigation involved a surface reconnaissance and subsurface sampling of three test pits excavated to depths between 6 and 7 feet deep. Soils and bedrock samples were taken for laboratory analysis. Recommendations were provided regarding site preparation and earthwork, type of foundations, lateral soil pressures, settlement, slab-on-grade construction, and surface and subsurface drainage control. PJC concluded that based on the results of their investigation the project is feasible from a geotechnical standpoint, provided the recommendations contained in the report are followed.

The Commission's staff geologist, Dr. Mark Johnsson, visited the site on October 2nd, 2003, and saw no indication of any potential drainage problems or slope instabilities associated with the subject property. Dr. Johnsson also reviewed the April 7, 2004, PJC geological report and is satisfied that all geologic concerns regarding the proposed residential development on the subject site have been adequately addressed. Based on his site visit, and review of the professional geologic evaluation performed by PJC on behalf of the applicants, Dr. Johnsson concludes that "this is not a problematic site."

However, if recommendations provided by PJC were not incorporated into the design of the residential development and carried out through construction, adverse environmental impacts could result. To ensure that the applicants adhere to the recommendations suggested in their consultant's geologic report, and that development does not contribute significantly to geologic hazards, the Commission attaches Special Condition No. 2. The special condition requires all final design and construction plans, including foundations, grading and drainage plans to be consistent with the recommendations contained in the geologic report dated April 7, 2004 prepared by PJC. As conditioned, the development will include the measures determined by the geologic investigation to be necessary consistent with LUP Policy 3.4-1.

The Commission thus finds that the proposed development, as conditioned, is consistent with the policies of the certified LCP regarding geologic hazards, including LUP Policies 3.4-1, and CZC Sections 20.500.005, 20.500.010, 20.500.015, and 20.532.070, since the development as conditioned will not contribute significantly to the creation of any geologic hazards, will not have adverse impacts on the stability of the coastal bluff or on erosion, and the Commission will be able to review any future additions to ensure that development will not be located where it might result in the creation of a geologic hazard. Only as conditioned is the proposed development consistent with the LCP policies on geologic hazards.

H. Visual Resources.

LCP Provisions

LUP Policy 3.5-1 states in applicable part:

The scenic and visual qualities of Mendocino county coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.

LUP Policy 3.5-5 states:

Providing that trees will not block coastal views from public areas such as roads, parks and trails, tree planting to screen buildings shall be encouraged. In specific areas, identified and adopted on the land use plan maps, trees currently blocking views to and along the coast shall be required to be removed or thinned as a condition of new development in those specific areas. New development shall not allow trees to block ocean views.

In circumstances in which concentrations of trees unreasonably obstruct views of the ocean, tree thinning or removal shall be made a condition of permit approval. In the enforcement of this requirement, it shall be recognized that trees often enhance views of the ocean area, commonly serve a valuable purpose in screening structures, and in the control of erosion and the undesirable growth of underbrush. [emphasis added]

Coastal Zoning Ordinance Section 20.376.045 provides the building height limit for Rural Residential (RR) zoning districts stating, in applicable part:

Twenty-eight (28) feet above natural grade for non-Highly Scenic Areas and for Highly Scenic Areas east of Highway One. Eighteen (18) feet above natural grade for Highly Scenic Areas west of Highway One unless an increase in height would not affect public

views to the ocean or be out of character with surrounding structures. Thirty-five (35) feet above natural grade for uninhabited accessory structures not in an area designated as a Highly Scenic Area...

CZC Section 20.504.010 states:

The purpose of this section is to insure that the permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas.

Discussion.

The approximately 1.6-acre subject parcel is located in a residential area approximately 1 mile northwest of the unincorporated town of Gualala. The property is situated between Highway One and Old Coast Highway on moderately sloping terrain predominantly forested by Bishop pine forest. The property is not located within a designated highly scenic area.

Highway One runs parallel to the subject property along the north boundary of the parcel, and is significantly lower than the property because it is contained within an approximately 25-foot deep through-cut. No views of the ocean are available across the subject parcel from Highway One. Public views of the proposed residential development from Highway One would be very minimal (if any) due to the topography of the site and the fact that the property is thickly forested. Views of the property are available looking north/northeast from Old Coast Highway. The house and garage/guest cottage would be partially visible from this view through the Bishop pine forest. Even though some of the trees would be removed to build the structures, many would be retained on the property.

The proposed project as revised for the Commission's *de novo* review, involves the construction of a 27-foot, 5-inch-high, 2,225-square-foot, two-story, single-family residence, and a 25-foot, 4-inch-high, two-story detached structure that would be constructed on the north side of the residence, consisting of a 730-square-foot garage/storage space on the first floor, and a 630-square-foot guest cottage above that for a total of 1,360 square feet. The proposed structures would be constructed with brown "Hardiplank" lap siding with white "Harditrim" and dark green composition shingle roofing. A dilapidated, 4-foot-high, wooden fence along the rear yard boundary to the north would be replaced with a new 5½-foot-high wooden fence in the same location. The existing fence is painted white. The replacement fence would have a natural redwood color.

The above-listed visual resource protection policies contained in the Mendocino County certified LCP set forth basic criteria that development at the site must meet to be approved. LUP Policy 3.5-1 and CZC Section 20.504.010 require that development be sited and designed to protect views to and along the ocean and scenic coastal areas. These two provisions of the LCP also require that alteration of natural landforms be minimized, and that the permitted development be visually compatible with the character of surrounding areas.

The neighboring property to the southeast is currently developed with a 1,856-square-foot, partial two-story, single-family residence at an average height of 26.5 feet above finished grade. A detached garage/storage structure built to height of 27 feet above finished grade is within 50 feet of the common boundary separating this neighboring property from the subject property. Commission staff has visited the project site and confirms that there is variation in height, size, colors, and materials of the houses in the project vicinity, and that a number of the existing houses, not just the immediately adjacent house, are two-story and have detached structures similar to the proposed residential development.

Additionally, the proposed residential development is designed and sited in the best location on the parcel to minimize visual impacts while at the same time protect ESHA resources. The house and garage design utilizes a compact footprint that avoids building frontage along Old Coast Highway. The proposed design would reduce the perceived horizontal mass of the house as viewed upward from Old Coast Highway, and would use a terraced building elevation that matches the adjacent slope of the hillside, thereby reducing the perceived vertical height of the residence as viewed from Old Coast Highway. Additionally, clustering the structures near the existing development of the adjacent neighbor to the southwest would provide minimum disruption to the existing northwest forested and sloped landscape as viewed from Old Coast Highway.

The dilapidated wooden fence would be replaced with a new wooden fence in the same location. The existing fence is painted white, but the new fence would have a natural redwood color that would better blend with the forested setting. The existing fence runs along the rear yard north boundary of the parcel parallel to, but about 25 feet above, Highway One, which in this location is confined to a through-cut limiting any views of the ocean or along the shoreline (See Grading Plan, Cross Section at Highway One, Exhibit No. 3). Because of the presence of dense vegetation, the topographic setting, and the fact that the existing white colored fence would be changed to a natural redwood color, the proposed replacement of the fence would be consistent with the visual resource protection provisions of the LCP.

The painting scheme of the proposed development would use earth tone colors, browns and dark greens, to be visually compatible with the character of the forested setting and to match the character of neighboring structures by blending with the natural landscape as viewed from Old Coast Highway. For the above reasons, the proposed development would be visually consistent with the height and scale of the surrounding residential neighborhood and would comply with LUP Policy 3.5-1 and CZC Section 20.504.010 requiring permitted development to be visually compatible with the character of surrounding areas.

Also, as described above, the proposed development would not stand between public views and the ocean consistent with the requirements of LUP Policy 3.5-1 and CZC Section 20.504.010 that permitted development be sited and designed to protect views to the ocean. Because of the topography of the site, and the fact that the property is predominantly forested, views to and along the ocean and scenic coastal areas would be protected.

A minor amount of grading would be required to site the structures on a steeper portion of the property as necessary to protect the rare plant ESHA. However, the amount of grading required to reposition the house and garage/guest cottage to accommodate the protection of the rare plant populations and provide adequate buffers is minimal consistent with the requirement to minimize the alteration of land forms as required by LUP Policy 3.5-1 and CZC Section 20.504.010.

Exterior lighting would be installed as part of the proposed development. If the exterior lights were installed in a manner allowing unshielded light to shine from the property, the development would no longer be compatible with other residential development in the vicinity designed to protect visual resources, and would be inconsistent with CZC Sections 20.504.010 and 20.504.035, which require the protection of views to and along the ocean and scenic coastal areas and that exterior lighting be shielded or positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed. Accordingly, Special Condition No. 6 is imposed to require exterior lighting to have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel. To ensure that any future buyers of the property will be aware of the limitations of Special Condition No. 6, to maintain a certain kind and array of exterior lighting fixtures, the Commission imposes Special Condition No. 1. This condition requires that the applicants execute and record a deed restriction approved by the Executive Director against the property that imposes the special conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the property.

Therefore, for all of the above reasons, the Commission finds that the proposed development as conditioned will protect public views to and along the ocean and scenic coastal areas, be compatible with the character of the surrounding area, and will minimize alteration of land forms consistent with the visual resource protection provisions of the certified LCP, including LUP Policies 3.5-1 and CZC Section 20.504.010.

I. Public Access

Projects located between the first public road and the sea and within the coastal development permit jurisdiction of a local government are subject to the coastal access policies of both the Coastal Act and the LCP. Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

LCP Provisions

The Mendocino County LUP includes a number of policies regarding standards for providing and maintaining public access. Policy 3.6-9 states that offers to dedicate an easement shall be required in connection with new development for all areas designated on the land use plan maps. Policy 3.6-27 states that development shall not interfere with the public's right of access to the sea either acquired by the public at large, by court decree, or where evidence of historic public use indicates the potential existence of prescriptive rights of public access. Policy 3.6-28 states that new development on parcels containing the accessways identified on the land use maps shall include an irrevocable offer to dedicate an easement.

Discussion

In its application of the above policies, the Commission is limited by the need to show that any denial of a permit application based on this section, or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

The approximately 1.6-acre subject parcel is located southwest of Highway One, and northeast of Old Coast Highway, which is not a through road. A public access finding must be made because the subject property is located between the first through road and the sea. Although this site is within 300 feet of the bluff edge, it is not a bluff edge property as it is separated from the bluff by a dedicated accessway along the old railroad right-of-way that runs along the southeast boundary of the property as a separate parcel, Old Coast Highway, and portions of an intervening parcel. Access to the subject site is northeast from Old Coast Highway up a steep, existing, paved driveway that also provides access to the neighboring property to the east.

The certified LUP does not designate the subject property for location of a potential coastal access trail. The nearest location currently providing public access to the coast is the Gualala Bluff Top Access located approximately 1 mile southeast of the applicants' property providing vertical and lateral public access near the center of the town of Gualala. Also, LUP Map No. 31 identifies proposed public access along the coast about ¼-mile northwest of the subject property where the Old Coast Highway intersects with Highway One. The proposed residential project does not adversely affect any public access use. Any future development and use of the adjoining railroad right-of-way as a public trail would not be adversely affected in any significant way by residential development on the subject property. Some trees would be removed on the applicants' property to accommodate the proposed development, but others would remain on the forested hillslope above the old railroad right-of-way providing some screening of the proposed residential development. The proposed project would not interfere with any possible public prescriptive rights. In addition, the proposed project would not otherwise adversely affect any existing public access. The proposed residential development would not increase the demand for new public access.

Therefore, the Commission finds that the proposed development does not have any significant adverse effect on public access, and that the project as proposed without new public access is

consistent with the requirements of Coastal Act Sections 30210, 30211, and 30212 and the public access policies of the County's certified LCP.

J. California Environmental Quality Act (CEQA).

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission incorporates its findings on conformity with LCP policies at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed herein, in the findings addressing the consistency of the proposed project with the certified LCP, the proposed project has been conditioned to be found consistent with the County of Mendocino LCP. Mitigation measures which will minimize all adverse environmental impacts have been made requirements of project approval. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

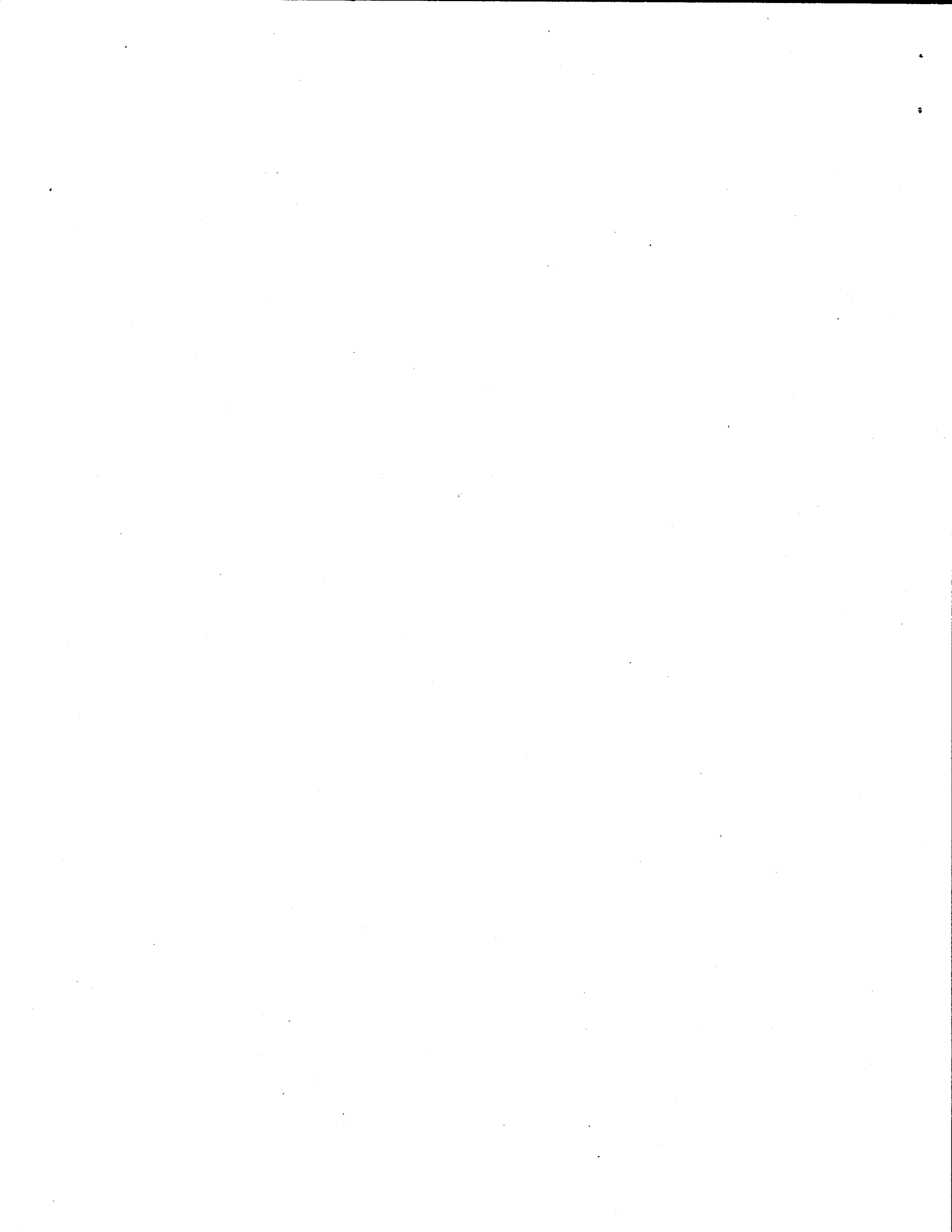
V. EXHIBITS:

1. Regional Location Map
2. Vicinity Location Maps
3. Project Plans
4. Notice of Final Local Action
5. Appeal
6. Geotechnical Investigation (PJC & Associates)
7. Botanical Study (Jon Thompson)
8. Department of Fish and Game Letter
9. Alternatives Analysis

ATTACHMENT A:

STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



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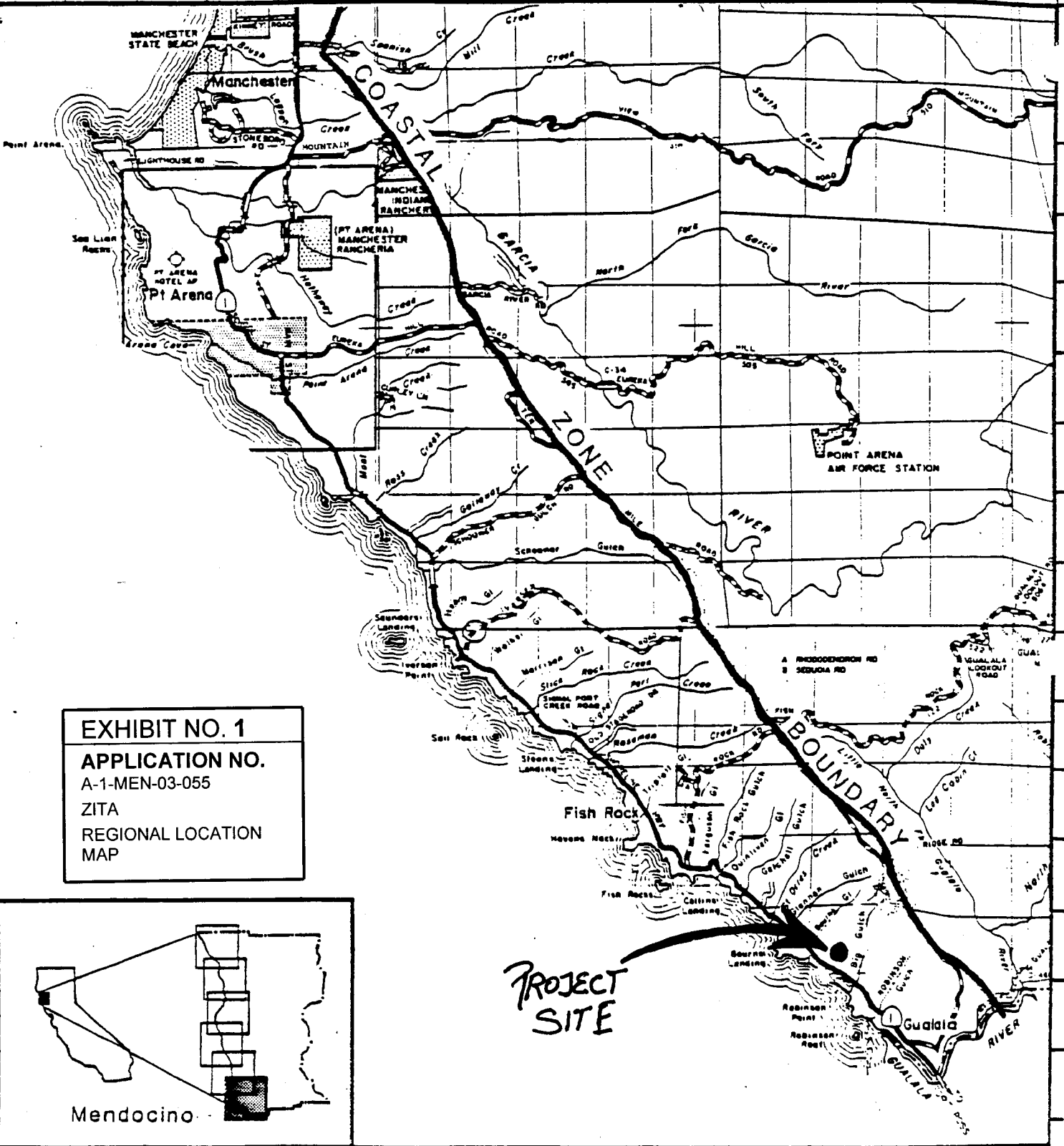
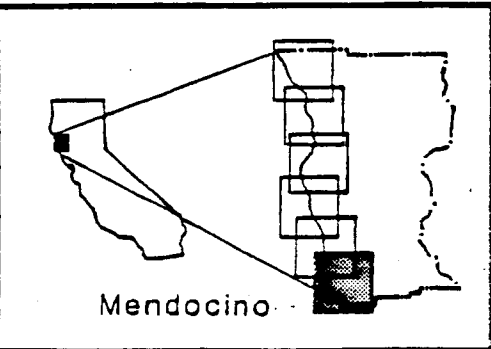


EXHIBIT NO. 1
APPLICATION NO.
 A-1-MEN-03-055
 ZITA
 REGIONAL LOCATION
 MAP



PROJECT SITE



LOCATION MAP



County of Mendocino

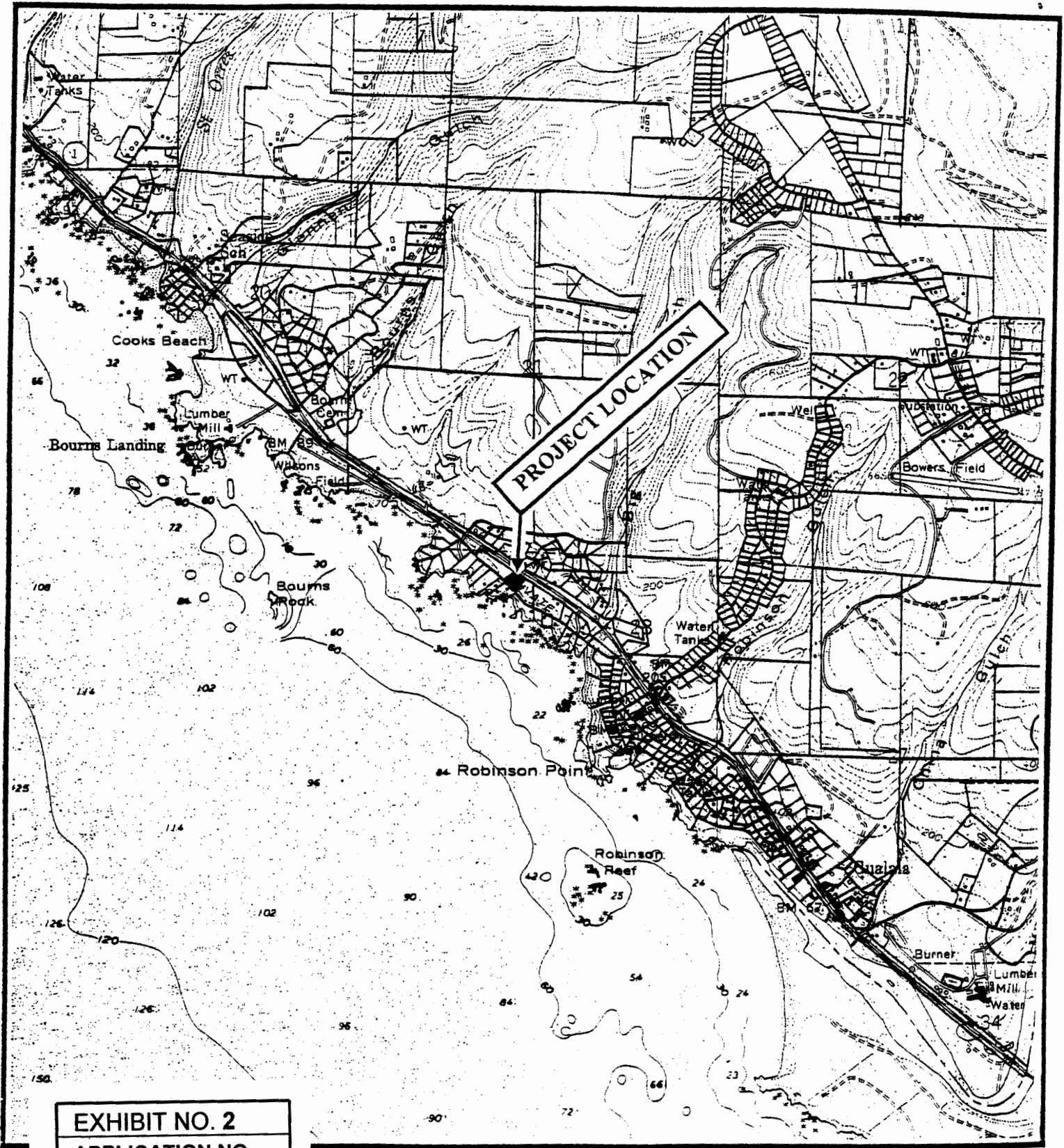
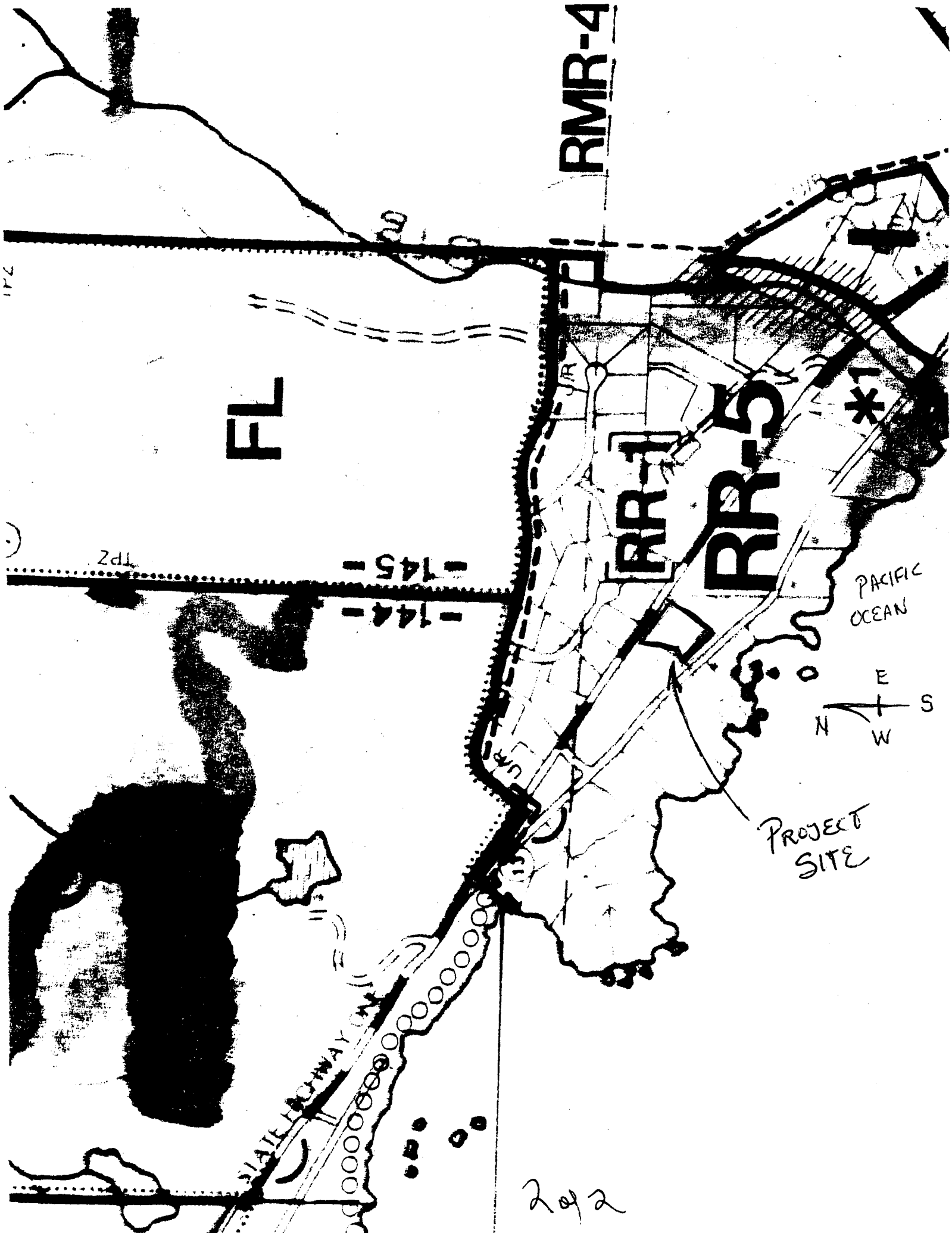


EXHIBIT NO. 2
APPLICATION NO.
 A-1-MEN-03-055
 ZITA
 VICINITY LOCATION
 MAPS (1 of 2)

BRIAN & DELLA ZITA

1 INCH = 2000 FEET





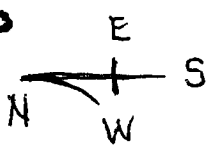
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RR-1

RR-2

PACIFIC OCEAN



PROJECT SITE

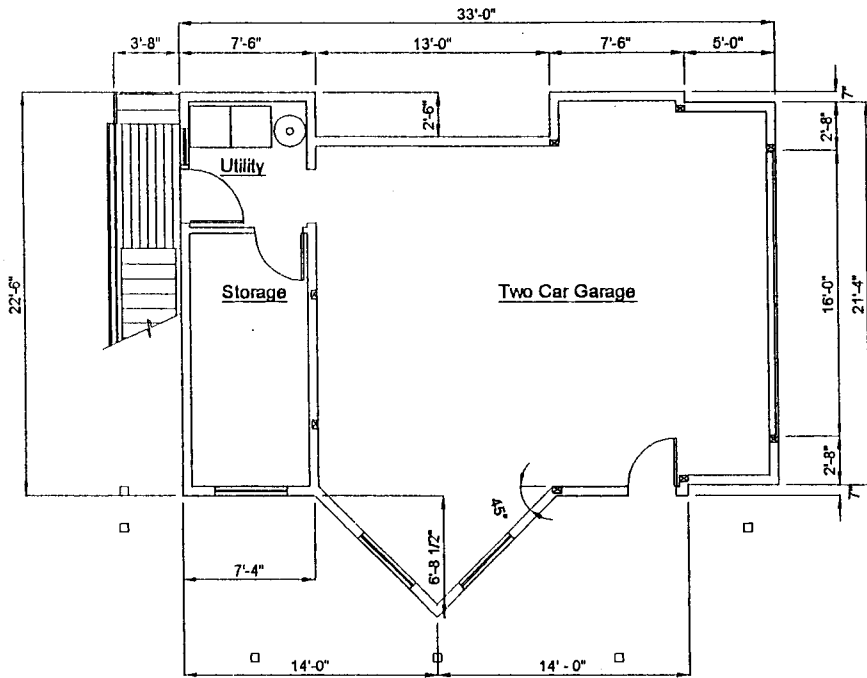
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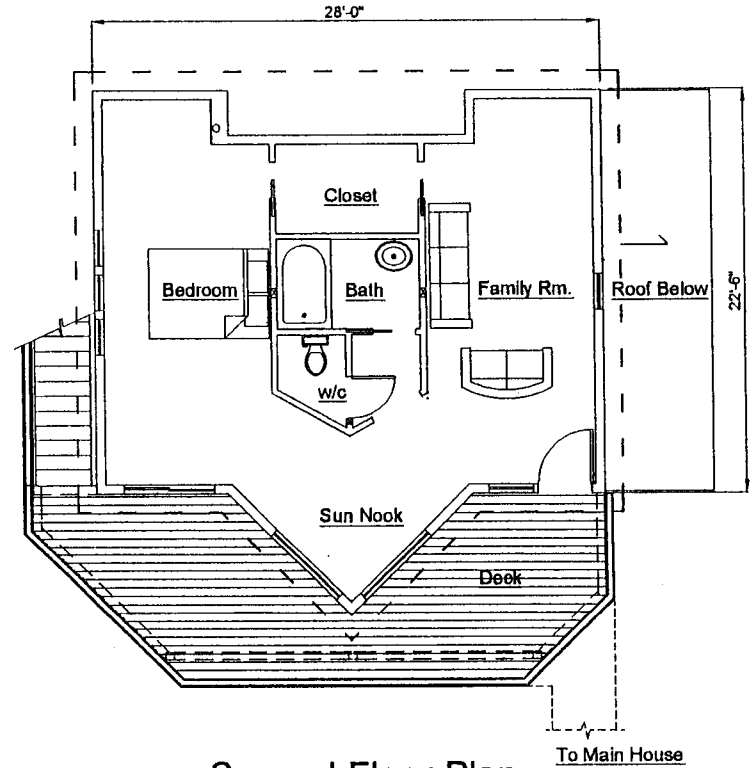
STATE HIGHWAY

2022

2910



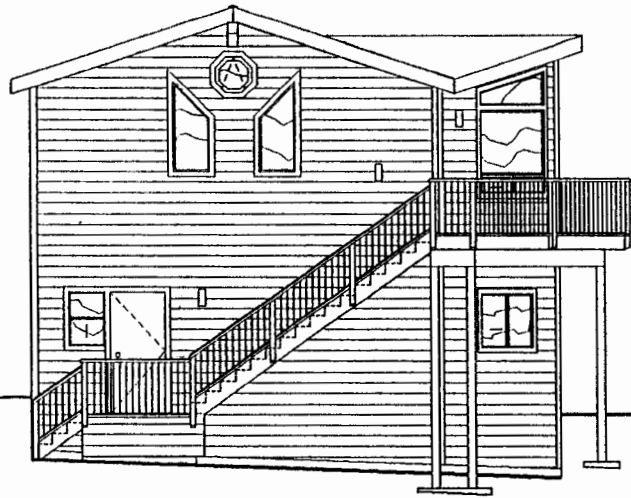
First Floor Plan



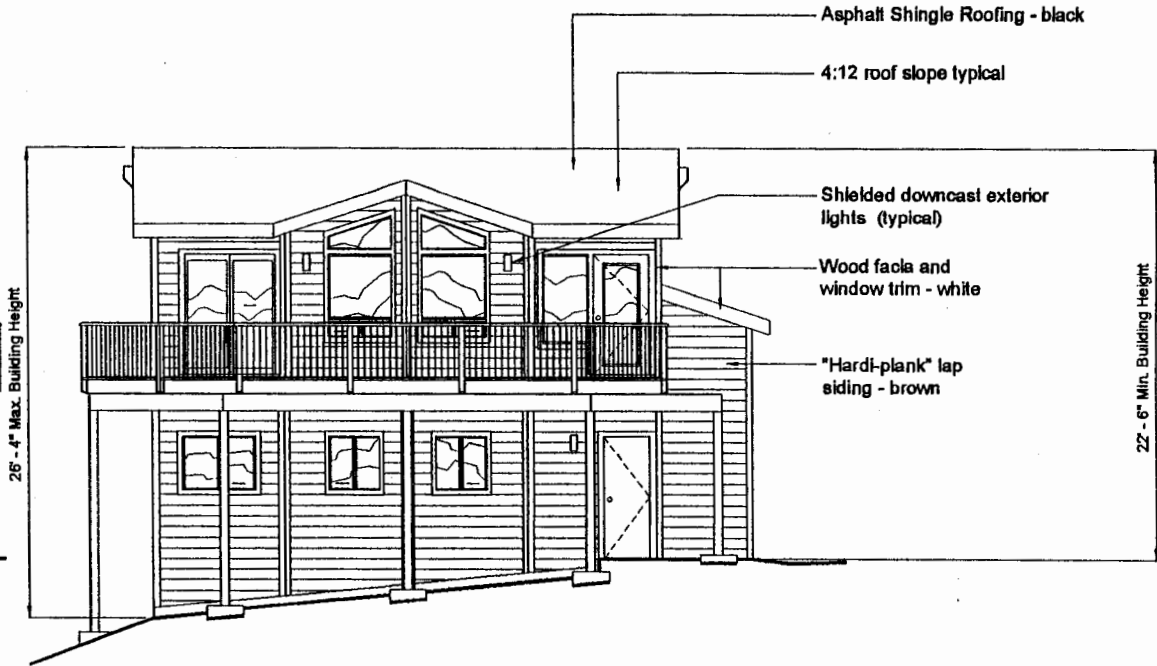
Second Floor Plan

7/6/04		Coastal commission resubmit		SI
MARK	DATE	REVISIONS	INITIAL	
Garage Floor Plan				
Scale: 3/32" = 1'-0"				
ZITA RESIDENCE 37941 Old Coast Highway Gualala, CA 95445 AP.No. 145-122-11				
RHL ARCHITECTURE • ENGINEERING • ENVIRONMENTAL SERVICES <small>1137 N. McDOWELL BLVD. PETALUMA, CA 94954 (707) 765-1600</small> <small>BRIAN F. ZITA, ARCHITECT</small>				
PHASE	REVIEW	INITIAL	DATE	DATE: 5/8/03
PRELIMINARY			3/1/03	
PLANNING			4/28/03	DR. BY: BFZ
BIDD PERMIT				APPR.:
GENERAL BID				RK #
PERMIT REV'S				SHEET
CONSTRUCTION				A-1
Do not use drawings for construction unless initiated				

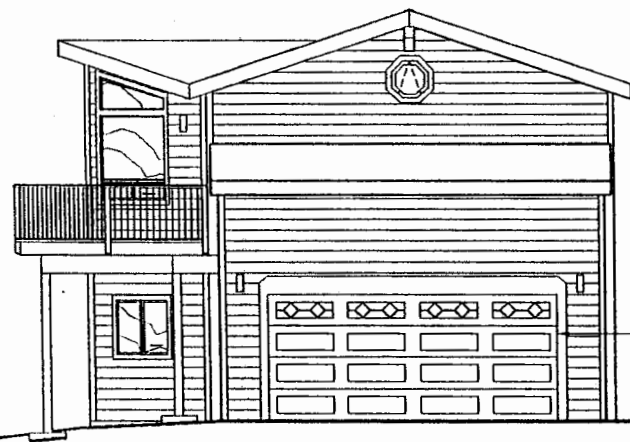
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West Elevation

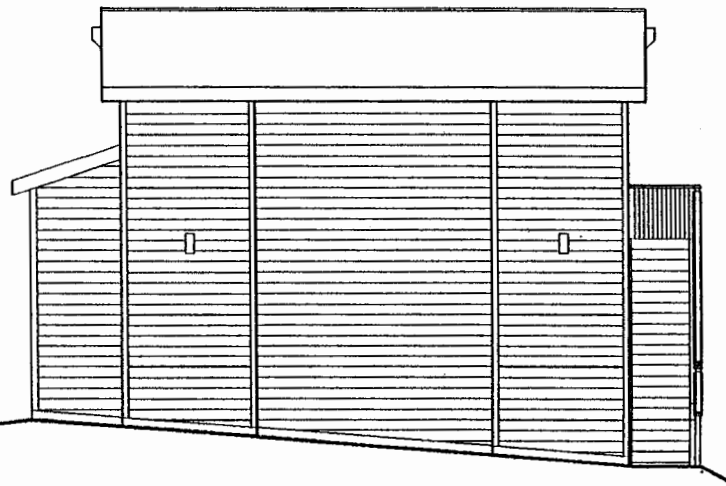


South Elevation



East Elevation

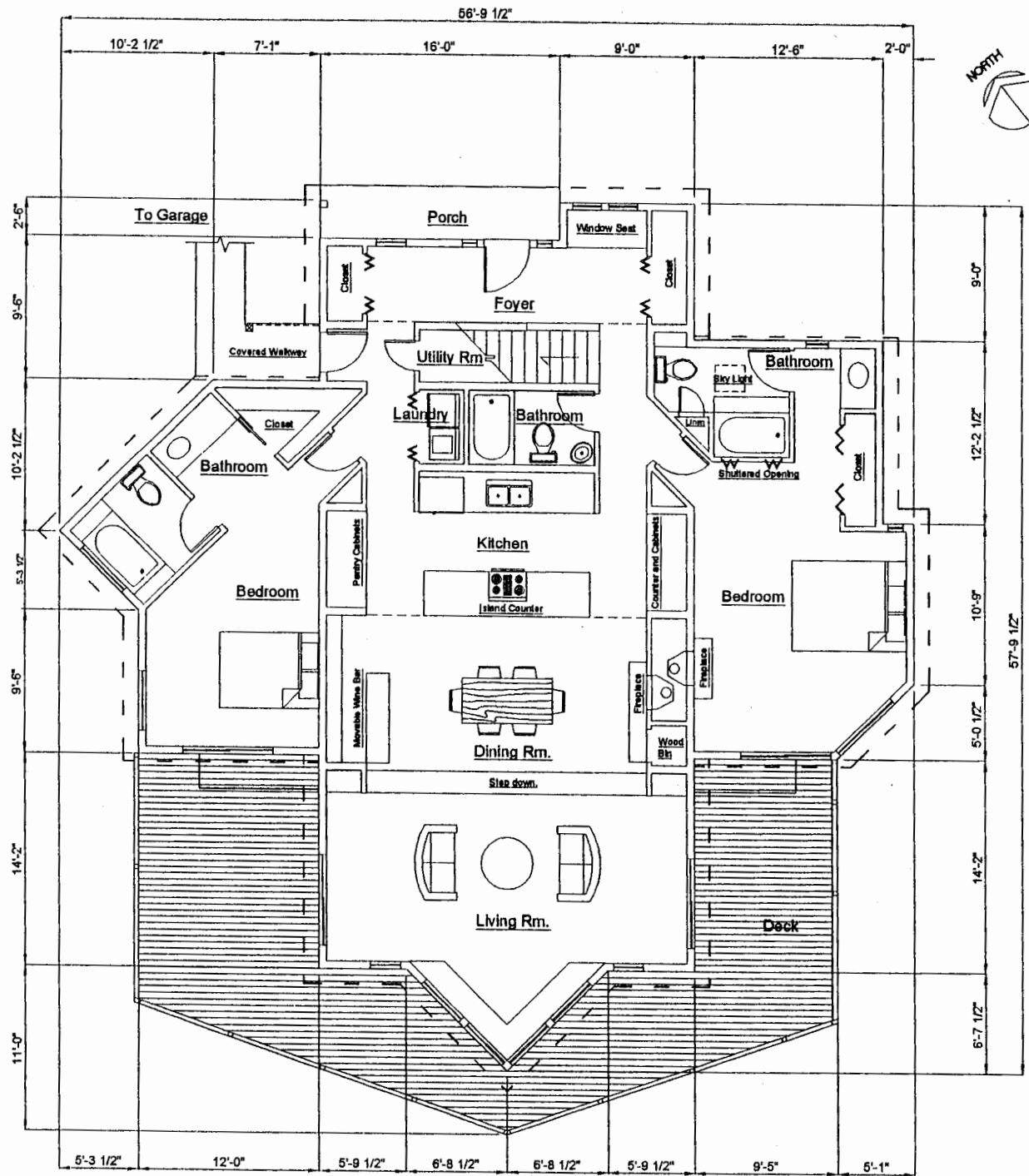
Overhead Garage Door - white



North Elevation

7/28/04 Coastal commercial residential		SE
MARK	DATE	REVISIONS
Garage Elevations		
Scale: 3/32" = 1'-0"		
ZITA RESIDENCE 37941 Old Coast Highway Guafala, CA 95445 AP.No. 145-122-11		
RHL ARCHITECTURE • ENGINEERING • ENVIRONMENTAL SERVICES 1137 N. WOODHILL BLVD. PETAHEMA, CA 94954 (707) 765-1660 BRAN F. ZITA, ARCHITECT		
PRELIMINARY	INITIAL	DATE
PLANNING		3/1/03
BIDD PERMIT		4/20/03
GENERAL BID		
PERMIT REV'S		
CONSTRUCTION		DATE: 6/20/03
Do not use drawing for construction unless initialed		DR. BY: BZF
		APPR.:
		PK. #
		SHEET
		A-2

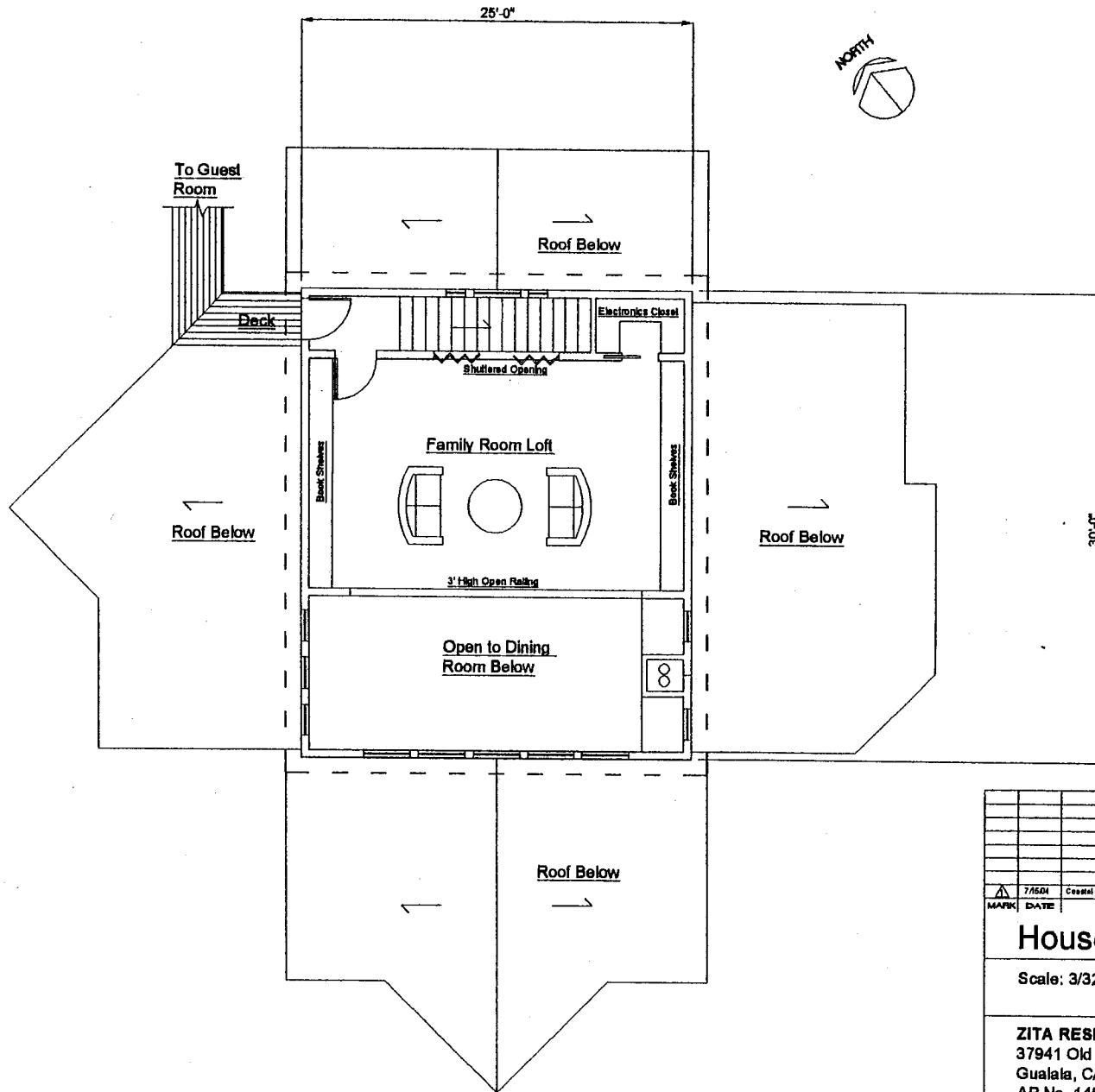
4 of 10



First Floor Plan

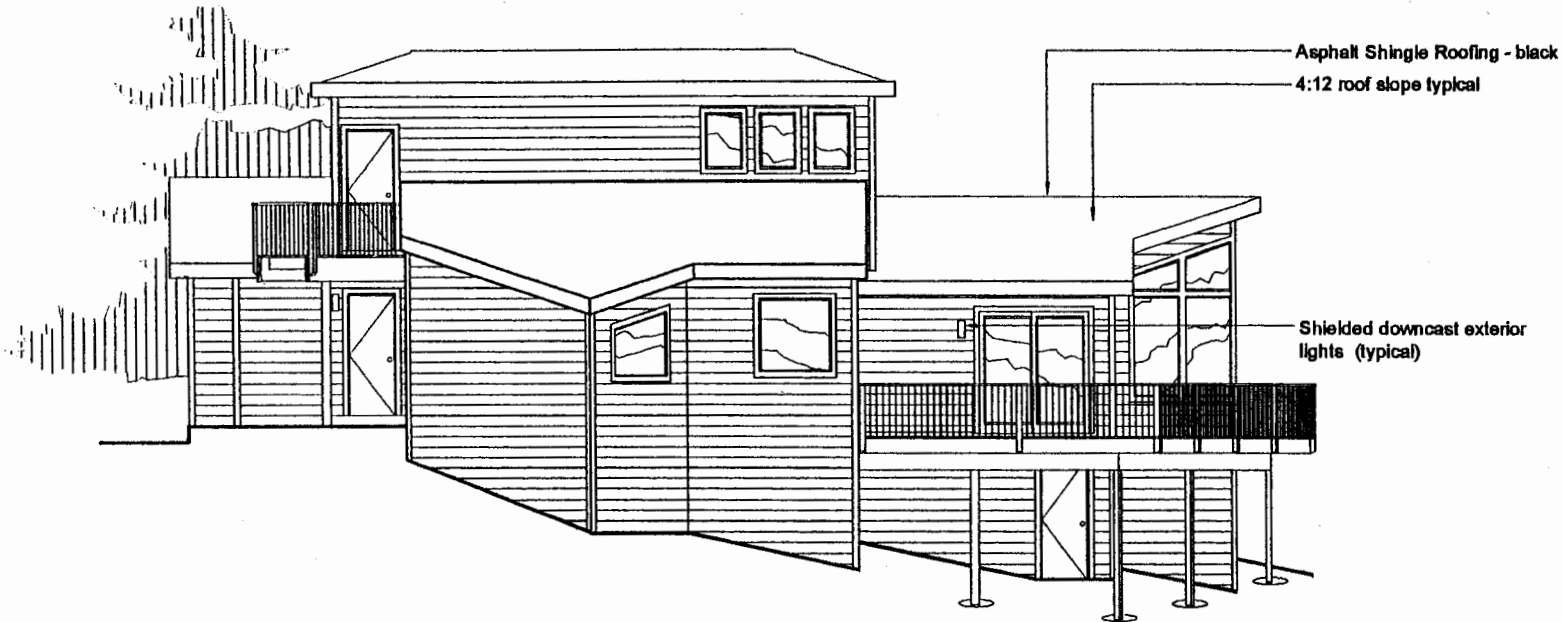
7/5/04	Client commission residential	BE
MARK DATE	REVISIONS	INITIAL
House 1st Floor Plan		
Scale: 3/32" = 1'-0"		
ZITA RESIDENCE 37941 Old Coast Highway Gualala, CA 95445 AP.No. 145-122-11		
RHL ARCHITECTURE • ENGINEERING • ENVIRONMENTAL SERVICES 1137 N. McDONELL BLVD. PETALUMA, CA 94954 (707) 785-1880 BRAD F. ZITA, ARCHITECT		
PREL. REVIEW	INITIAL	DATE
PLANNING		3/03
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PERMIT REV'S		
CONSTRUCTION		
Do not use drawings for construction unless indicated		
DATE: 6/03	DR. BY: BEZ	APPR.
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5 of 10



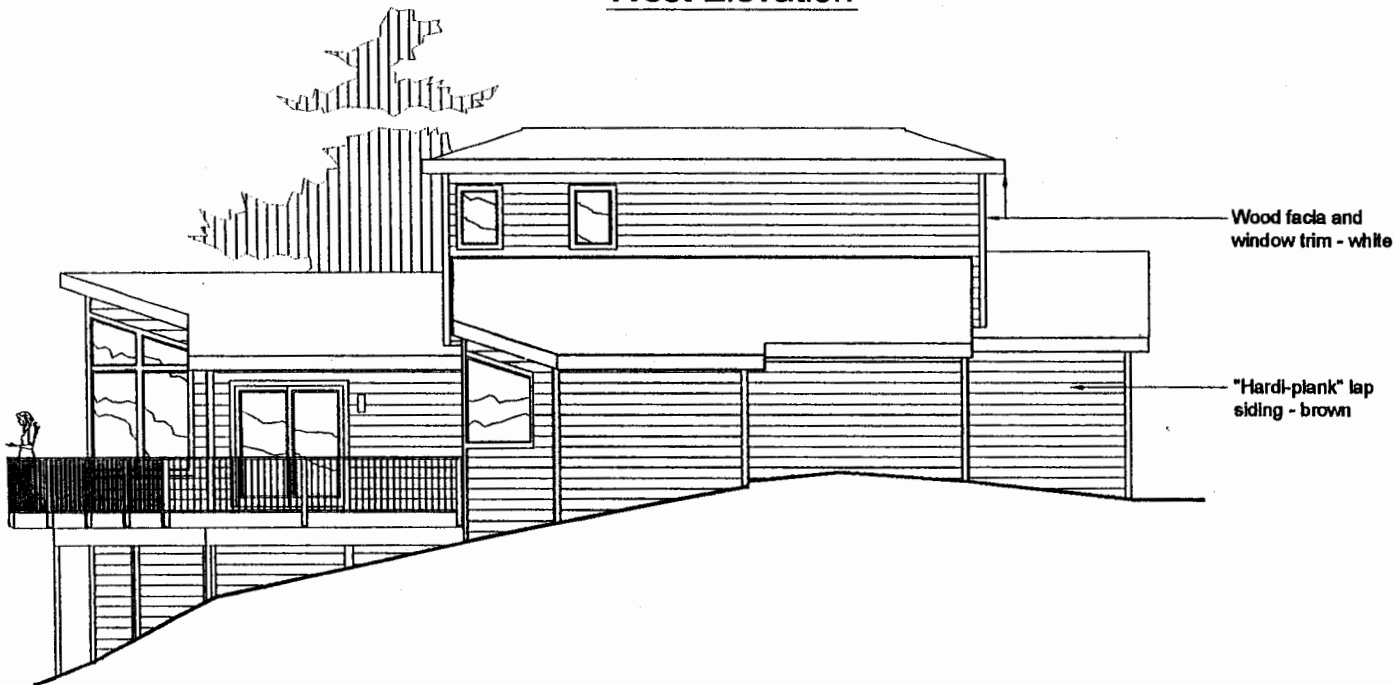
Second Floor Plan

7/15/01		Coastal commission resubmit		02
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House 2nd Floor Plan				
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ZITA RESIDENCE 37941 Old Coast Highway Gualala, CA 95445 AP.No. 145-122-11				
RHL ARCHITECTURE • ENGINEERING • ENVIRONMENTAL SERVICES <small>1137 N. McDONELL BLVD. PETALUMA, CA 94954 (707) 765-1660</small> <small>BRIAN F. BTA, ARCHITECT</small>				
PREL. PREVIEW	INITIAL	DATE	DATE: 6/12/03	
PRELIMINARY		3/1/03	DR. BY: OFZ	
PLANNING		4/29/03		
BUILD PERMIT			APP:	
GENERAL BID			PH. #	
PERMIT REV'S			SHEET	
CONSTRUCTION Do not use drawing for construction unless indicated				A-3.1



West Elevation

0182



East Elevation

7/26/01 Coastal commission residential		SE
DATE	PREVISIONS	INITIAL
House Elevations		
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ZITA RESIDENCE 37941 Old Coast Highway Gualala, CA 95445 AP.No. 145-122-11		
RHL ARCHITECTURE • ENGINEERING • ENVIRONMENTAL SERVICES <small>1137 N. McDONELL BLVD. PETALUMA, CA 94954 (707) 765-1800 BRIAN F. ZITA, ARCHITECT</small>		
PRELIMINARY	DATE: 08/03	
PLANNING	31/03	DR. SH/EFZ
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GENERAL BID		REV. #
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Highway 1

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View Angle

Proposed Garage

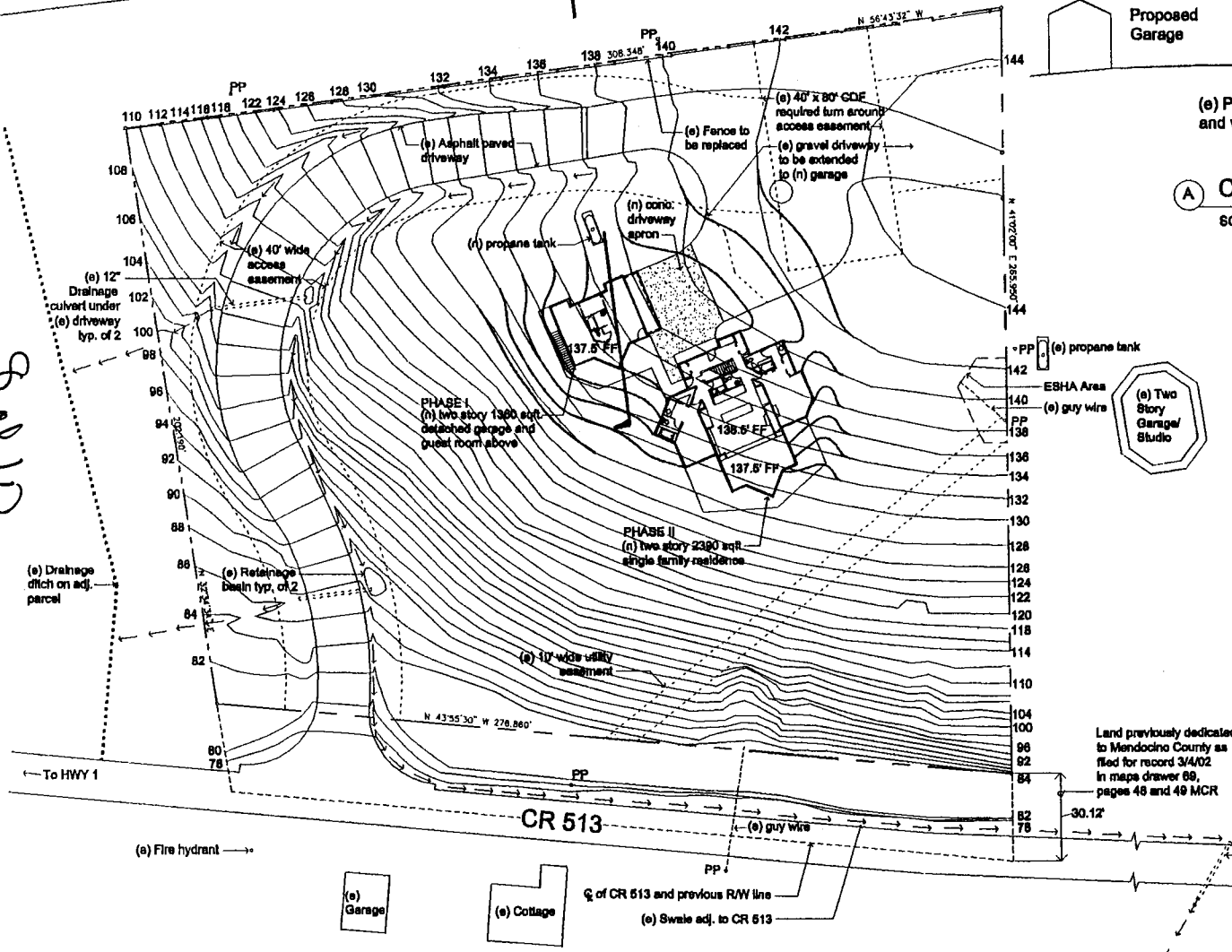
Highway 1

(e) Property line and wood fence

A Cross Section at Highway 1

SCALE: 1" = 80'-0"

8 of 10



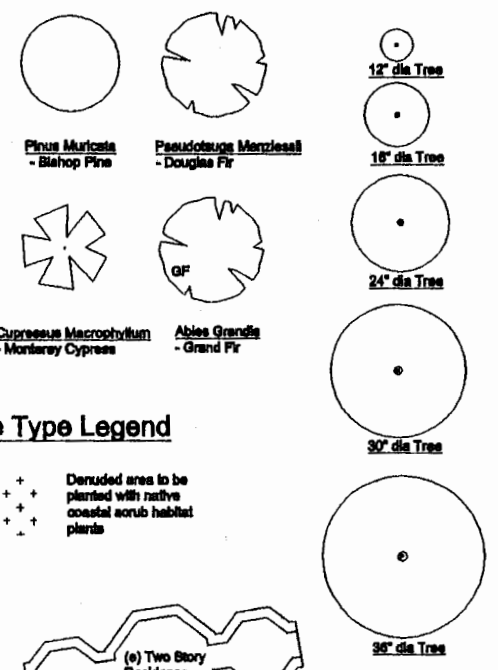
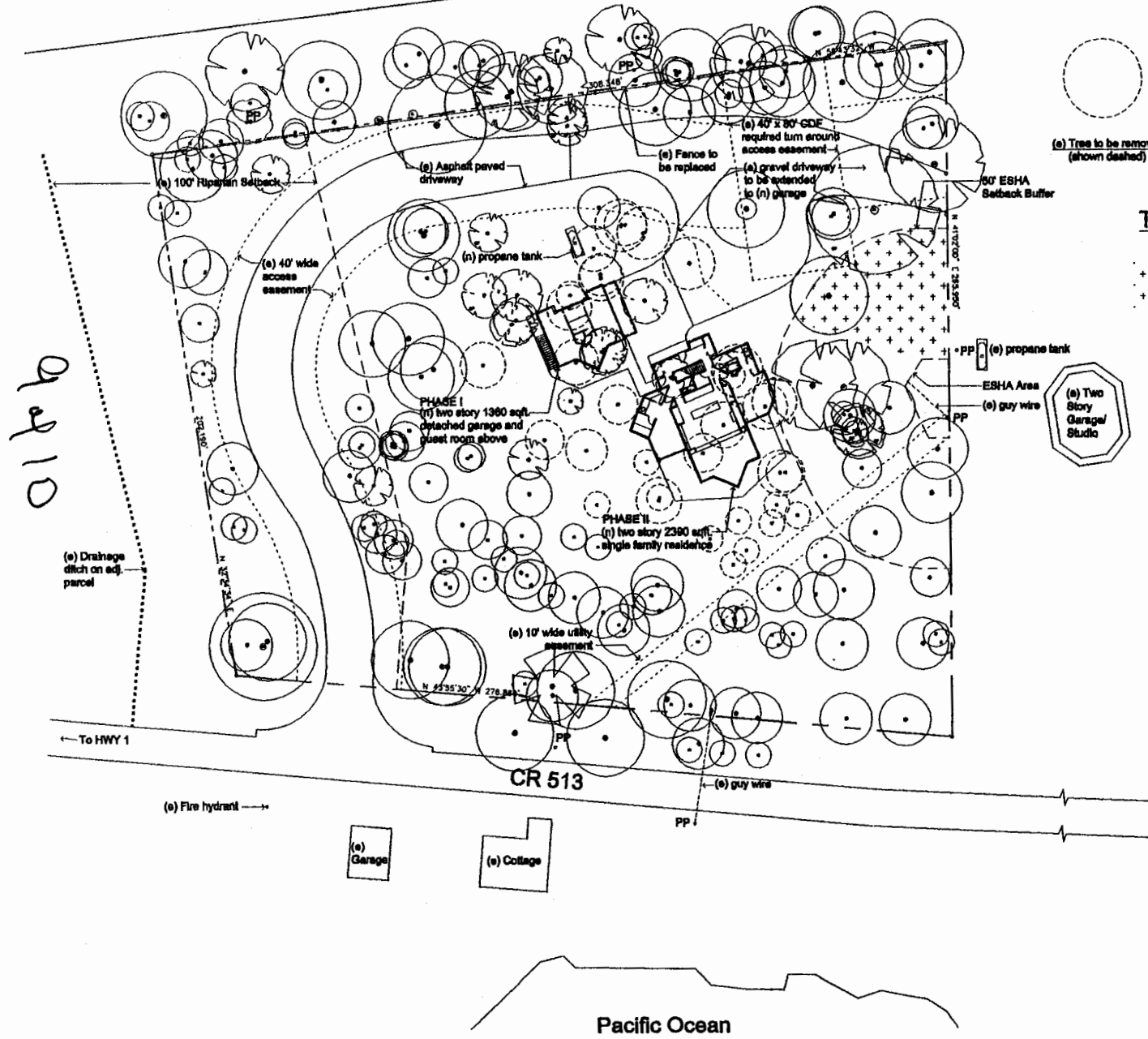
Land previously dedicated to Mendocino County as filed for record 3/4/02 in maps drawer 88, pages 48 and 49 MCR

1	7/18/04	De Nova Resubmittal to Coastal Commission	BFZ
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GRADING PLAN			
Scale: 1" = 80' - 0"			
ZITA RESIDENCE 37941 Old Coast Highway Guafala, CA 95445 AP.No. 145-122-11			
RHL ARCHITECTURE • ENGINEERING • ENVIRONMENTAL SERVICES <small>1127 N. MADRILL BLVD., PETALUMA, CA 94951 (707) 765-1666</small> <small>BRUCE F. ZITA, ARCHITECT</small>			
REV.	REVISION	INITIAL	DATE
1	PRELIMINARY		
2	PLANNING		
3	30% PERMIT		
4	GENERAL NO.		
5	PERMIT REVIEW		
CONSTRUCTION			
DO NOT USE DRAWING FOR CONSTRUCTION UNLESS INDICATED			

C-1



Highway 1



Tree Type Legend

Tree Diameter Legend

NOTE:
Tree diameters are measured 4' - 6' vertically above adj. grade.

For clarity, trees with less than a 12" diameter are not shown.

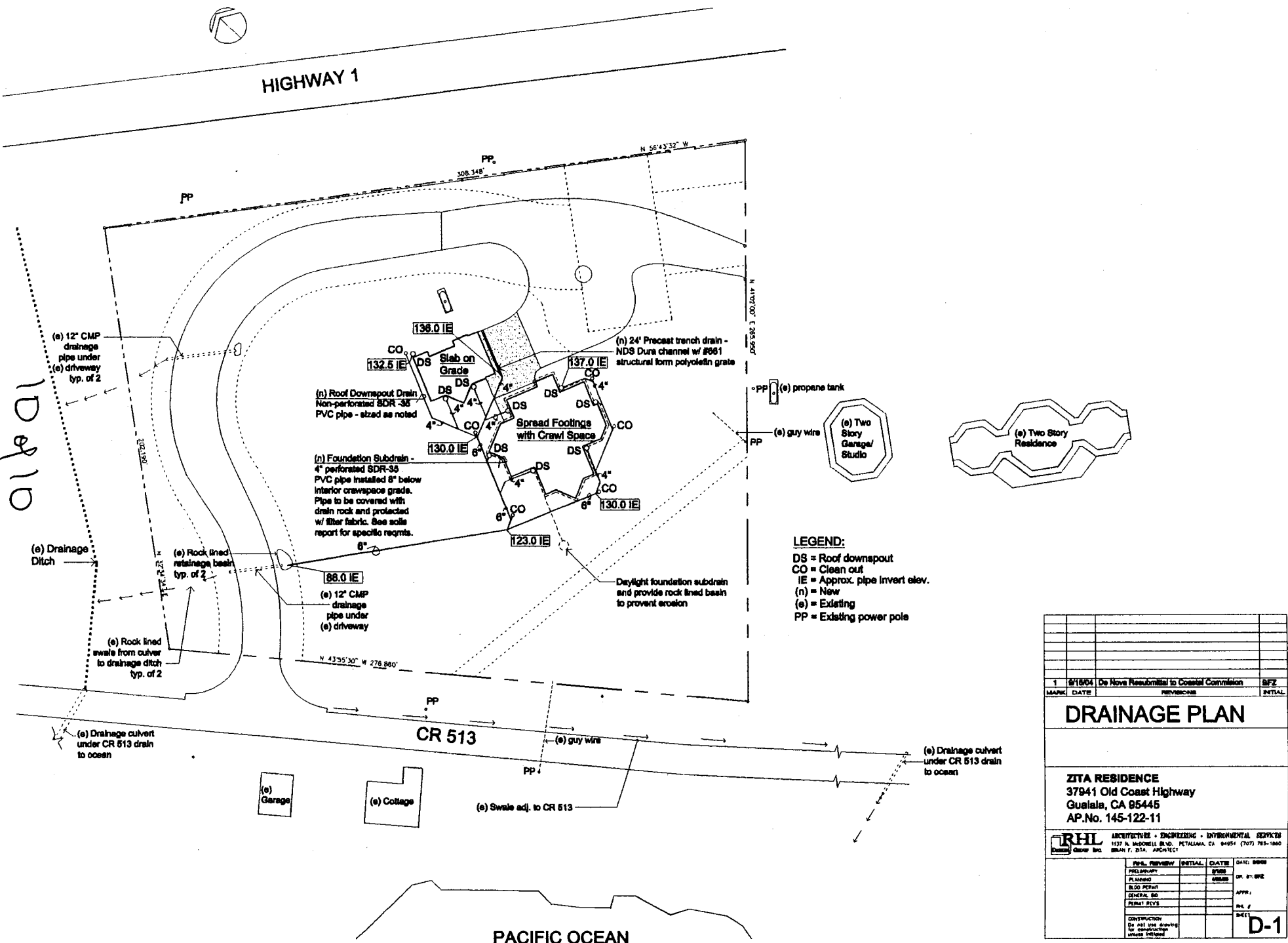
1	7/15/04	De Novo Responsibility to Coastal Commission	BFZ
DATE	REVISIONS	INITIAL	
LANDSCAPE PLAN			
Scale: 1" = 60' - 0"			
ZITA RESIDENCE 37941 Old Coast Highway Gualea, CA 95445 AP.No. 145-122-11			
ARCHITECTURE • ENGINEERING • ENVIRONMENTAL SERVICES 1127 N. MADONNELL BLVD. PUEBLO, CO 81001 (707) 785-1000 BRAN F. ZITA, ARCHITECT			
PHASE	REVISION	DATE	DATE
PLANNING			DR. 04/05/04
FIELD PERMIT			APPL.
GENERAL SD			DR. /
PERMIT SETS			DR. /
CONSTRUCTION			DR. /
Do not use drawings without RHL approval			

Note:
CR 513 dead-ends with no turn around 1300' towards the SE

LEGEND:
(n) = New
(e) = Existing
PP = Existing power pole

Pacific Ocean

HIGHWAY 1



LEGEND:
 DS = Roof downspout
 CO = Clean out
 IE = Approx. pipe invert elev.
 (n) = New
 (e) = Existing
 PP = Existing power pole

1	6/15/04	De Novo Resubmittal to Coastal Commission	BFZ
MARK	DATE	REVISIONS	INITIAL
DRAINAGE PLAN			
<p>ZITA RESIDENCE 37941 Old Coast Highway Guadalupe, CA 95445 AP.No. 145-122-11</p>			
<p>RHL ARCHITECTURE • ENGINEERING • ENVIRONMENTAL SERVICES <small>1127 N. MADWELL BLVD. PETALUMA, CA 94954 (707) 765-1800 BRIAN Y. ZITA, ARCHITECT</small></p>			
PREL. REVIEW	INITIAL	DATE	DATE: 6/8/04
DESIGN	SR	6/8/04	DR: B.Y.
BLDG PERMIT			APP:
GENERAL SD			SK: P
PERMIT REV'S			DATE:
CONSTRUCTION			D-1
Do not use drawings for construction unless approved			

10/10

PACIFIC OCEAN



-MEN-03-112

RAYMOND HALL
DIRECTOR

TELEPHONE
(707) 964-5379

COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

MAILING ADDRESS:
790 SO. FRANKLIN
FORT BRAGG, CA 95437

RECEIVED

August 4, 2003

AUG 12 2003

NOTICE OF FINAL ACTION

CALIFORNIA
COASTAL COMMISSION

Action has been completed by the County of Mendocino on the below described project located within the Coastal Zone.

CASE#: CDP #30-03
OWNER: Brian & Della Zita
REQUEST: Construct a two-story 2,225 square foot single-family residence with a maximum average height of 27'5" above finished grade. Construct a two-story detached structure consisting of a 730 square foot garage/storage space on the first floor and a 630 square foot guest cottage above for a total of 1,360 square feet and a maximum average height of 25'4" above finished grade. Connect to the Gualala Community Services District and the North Gualala Water Company for sewage disposal and domestic water. The proposed development will utilize an existing paved driveway for access off of Old Coast Highway. The existing gravel driveway is to be extended to the proposed garage.

LOCATION: Approximately 1.5 miles N of Gualala on the W side of Highway One on the E side of Old Coast Highway (CR #513) at 37941 Old Coast Highway (using 38017) (APN 145-122-11).

PROJECT COORDINATOR: James Essig

HEARING DATE: July 24, 2003

APPROVING AUTHORITY: Coastal Permit Administrator

ACTION: Approved with Conditions.

See staff report for the findings and conditions in support of this decision.

The project was not appealed at the local level.

The project is appealable to the Coastal Commission pursuant to Public Resources Code, Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.

EXHIBIT NO. 4
APPLICATION NO. A-1-MEN-03-055 ZITA NOTICE OF FINAL ACTION (1 of 17)

COASTAL PERMIT ADMINISTRATOR ACTION SHEET

CASE#: CIP 3003 HEARING DATE: 7/24/03

OWNER: _____

ENVIRONMENTAL CONSIDERATIONS:

Categorically Exempt

Negative Declaration

EIR

FINDINGS:

Per staff report

Modifications and/or additions

add specifically found project consistent
with general visual policy 3.5-1

ACTION:

Approved

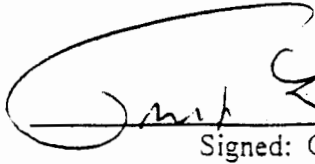
Denied

Continued _____

CONDITIONS:

Per staff report

Modifications and/or additions


Signed: Coastal Permit Administrator

20917

MENDOCINO COUNTY MEMORANDUM

TO: ATTACHMENT TO STAFF REPORT CDP 30-03

FROM: JAMES ESSIG

SUBJECT: CDP 30-03

DATE: 7/22/03

VISUAL RESOURCES

ALTHOUGH THIS PROPERTY IS ADJACENT TO HWY 1, THIS PROJECT IS NOT VISIBLE FROM HWY 1 DUE TO HEAVY VEGETATION AND TOPOGRAPHY. THE HOME IS LOCATED ON THE WEST SIDE OF THE PROPERTY, WHICH IS ELEVATED ABOVE THE HIGHWAY CORRIDOR. THE ONLY NEIGHBORING RESIDENCE, WHICH IS CURRENTLY UNDER CONSTRUCTION, IS TO BE A 1856 SQ. FT. SINGLE FAMILY RESIDENCE AND A 1228 SQ.FT. DETACHED GARAGE. BOTH STRUCTURES ARE TO HAVE GREY-GREEN SIDING WITH A DARK BROWN ROOF. FURTHER INFORMATION CONCERNING THE ADJACENT PROJECT CAN BE FOUND IN CDP#61-02.

30917



JND HALL
DIRECTOR

TELEPHONE
(707) 964-5379

COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

MAILING ADDRESS:
790 SO. FRANKLIN
FORT BRAGG, CA 95437

RECEIVED

July 11, 2003

JUL 14 2003

PUBLIC NOTICE OF PENDING ACTION
STANDARD COASTAL DEVELOPMENT PERMIT

CALIFORNIA
COASTAL COMMISSION

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held Thursday, July 24, 2003 in the Planning and Building Services Conference Room, 790 South Franklin Street, Fort Bragg, at 10:00 a.m. or as soon thereafter as the item may be heard, will hear the below described project that is located in the Coastal Zone.

CASE #: CDP #30-03
DATE FILED: 4/28/03
OWNER: Brian & Della Zita
REQUEST: Construct a two-story 2,225 square foot single-family residence with a maximum average height of 27'5" above finished grade. Construct a two-story detached structure consisting of a 730 square foot garage/storage space on the first floor and a 630 square foot guest cottage above for a total of 1,360 square feet and a maximum average height of 25'4" above finished grade. Connect to the Gualala Community Services District and the North Gualala Water Company for sewage disposal and domestic water. The proposed development will utilize an existing paved driveway for access off of Old Coast Highway. The existing gravel driveway is to be extended to the proposed garage.
LOCATION: Approximately 1.5 miles N of Gualala on the W side of Highway One on the E side of Old Coast Highway (CR #513) at 37941 Old Coast Highway (using 38017) (APN 145-122-11).
PROJECT COORDINATOR: Paula Deeter

As you are an adjacent property owner and/or interested party, you are invited to appear at the hearing, or to direct written comments to this office at the above address. If you would like to be notified of the Coastal Permit Administrator's action, please submit a written request to this office. All correspondence should contain reference to the above noted case number.

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project.

If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Coastal Permit Administrator at or prior to, the public hearing.

Additional information regarding the above noted case may be obtained by calling the Planning and Building Services Department at 964-5379, Monday through Friday.

Raymond Hall, Coastal Permit Administrator

4417

OWNER/APPLICANT: Brian and Della Zita
19 Garner Drive
Novato, CA 94947

REQUEST: Construct a two-story 2,225 sq. ft. single-family residence with a maximum average height of 27'-5" above finished grade. Construct a two-story detached structure consisting of a 730 sq. ft. garage/storage space on the first floor and a 630 sq. ft. guest cottage above for total of 1,360 sq.ft. and a maximum average height of 25'-4" above finished grade. Connect to the Gualala Community Services District and the North Gualala Water Company for sewage disposal and domestic water. The proposed development will utilize an existing paved driveway for access off of Old Coast Hwy. The existing gravel driveway is to be extended to the proposed garage.

LOCATION: Approximately 1.5 miles north of Gualala, on the west side of Highway One, on the east side of Old Coast Highway (CR# 513) at 37941 Old Coast Highway (using 38017) (APN 145-122-11).

APPEALABLE AREA: Yes (West of 1st public road)

PERMIT TYPE: Standard

TOTAL ACREAGE: 1.6 ± acres

ZONING: RR: L-5 [RR]

GENERAL PLAN: RR-5 [RR-1]

EXISTING USES: Vacant-Existing Driveway

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically exempt, Class 3 (a) & (e)

OTHER RELATED APPLICATIONS: Boundary Line Adjustment CDB# 70-94, and Coastal Development Minor Subdivision #22-95

PROJECT DESCRIPTION: The owner proposes to construct a 2,225 sq. ft. single family residence and a two-story detached structure consisting of a 730 sq. ft. garage/storage space on the first floor and a 630 sq.ft. guest cottage above for a total of 1,360 sq.ft. The proposed project is approximately 1.5 miles north of Gualala on a 1.6 ± acre parcel. The main level of the house would have two bedrooms, two bathrooms, a kitchen, dining and living room, and a deck on the south side of the structure facing Old Coast Highway. The second floor would have a family room loft and workout room. The residence would

have a maximum average height of 27'-5" above finished grade. A two-story 1,360 sq. ft. detached garage/storage structure with a maximum average height 25'4" above finished grade would be constructed on the north side of the proposed residence. The proposed accessory structure would include 730sq. ft. of garage and storage on the first floor and a 630 sq. ft. guest cottage on the second floor. The applicant would connect to Gualala Community Services District and the North Gualala Water Company for sewage disposal and domestic water. The property is currently accessed off Old Coast Highway on an existing paved driveway.

LOCAL COASTAL PROGRAM CONSISTENCY RECOMMENDATION: The proposed project is consistent with the applicable goals and policies of the Local Coastal Program as described below.

Land Use. The proposed residential development is compatible with the Rural Residential zoning district and is designated as a principal permitted use per Chapter 20.376 of MCC. The maximum building height in this location is 28 feet. The minimum side, front and rear yard setback is 30 feet. The California Department of Forestry and Fire Protection (CDF) requires a 30-foot setback from all property boundaries per fire safety clearance approval, CDF# 65-03. The project complies with the height limitation and the setback requirements as demonstrated on the site plan (Exhibit C).

The proposed guest cottage above the detached garage is not intended or authorized for any commercial use. Therefore, the requested building meets the definition of an accessory building per Section 20.308.020(F) of the Coastal Zoning Code. Section 20.448.010 (B) of the Coastal Zoning Code states the use of an accessory building or garage for purposes of conducting a home occupation shall be prohibited. Section 20.452.010 (A) of the Coastal Zoning Code states cottage industries may be permitted in the rural residential district upon issuance of a use permit and would be subject to several specific standards. Special Condition #1 is recommended to ensure the proposed structure is not used for commercial purposes or human occupancy.

The project was reviewed by the Gualala Municipal Advisory Council on May 12, 2003. The Council unanimously agreed to recommend approval of the project as submitted.

Public Access. The project site is located west of Highway 1, but is not designated as containing a potential public access trail location on the LUP maps. There is no evidence of prescriptive access on the site.

Hazards. The property is located in an area assigned a moderate fire hazard rating and has received a preliminary fire clearance from the California Department of Forestry (CDF #65-03). CDF conditions of approval include address standards, driveway standards, emergency water supply standards, and defensible space standards. CDF is requiring that the applicants provide and maintain a 2,000 gallon water tank for fire use only. Special Condition #2 is added to assure the project complies with their preliminary fire clearance (CDF #65-03).

The proposed development would be located on slopes which are less than 20% and the development does not present any issues relative to erosion and/or slope failure. There are no known faults, landslides or other geologic hazards in close proximity to the proposed development.

Visual Resources. The project site is not located within a designated "highly scenic" area, therefore, it is not subject to the policies within the Coastal Element relating to visual resources except for the following policy which applies to all parcels within the Coastal Zone:

Policy 3.5-1 States:

"...The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas..."

The project site would not be visible from Highway One or other public view areas, but would be visible from Old Coast Highway. The proposed structures would be constructed with brown "Hardiplank" lap siding with white "Harditrim" and dark green composition shingle roofing. The two-story residence would have a maximum average height of 27'-5" above finished grade. The two-story detached garage/storage and guest cottage structure would have a maximum average height of 25'-4" above finished grade. The proposed development would be visually consistent with the height and scale of the surrounding residential neighborhood and would comply with Policy 3.5-1 of the Coastal Element.

The application indicates the exterior lighting would be shielded and downcast. However, Special Condition #3 requires that the applicant submit lighting specifications to ensure compliance with exterior lighting requirements of Section 20.504.035 of the Zoning Code prior to issuance of building permits.

Natural Resources. The proposed project would have no adverse impact on natural resources. There are no environmentally sensitive habitat areas within 100 feet of the proposed development. A creek is located on the adjacent parcel to the northwest of the subject property. A 100 ft. riparian set back has been identified on the site plan, which encompasses a portion of an existing 40 ft. wide access easement and 18 ft. wide paved driveway which serves the adjacent parcel to the southeast. No new development is proposed within this riparian buffer area.

Archaeological/Cultural Resources. This project was referred to the Northwest Information Center of the California Historical Resources Inventory at Sonoma State University (SSU) for an archaeological records search. SSU responded that the site has a probability of containing archaeological resources and further investigation was recommended. The Mendocino Archaeological Commission responded that a survey was not required prior to commencement of project activities at their hearing on June 11, 2003. The applicant is advised by Standard Condition #8 of the County's "discovery clause" which establishes procedures to follow should archaeological materials be unearthed during project construction.

Groundwater Resources. The proposed development would be served by the North Gualala Water Company for a water supply and the Gualala Community Services District for sewage disposal and would not adversely affect groundwater resources.

Transportation/Circulation. The project would contribute incrementally to traffic on local and regional roadways. The cumulative effects of traffic due to development on this site were considered when the Coastal Element land use designations were assigned. No adverse impacts would occur. The Mendocino County Department of Transportation reviewed this project and found that the existing driveway approach is in good condition. However, any improvements to the existing driveway approach onto the County road, or other work within the County road right-of way, will require an encroachment permit from the Department of Transportation.

7 9 17

Zoning Requirements. The project complies with the zoning requirements for the Rural Residential (RR) District set forth in Chapter 20.376 and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code.

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, staff recommends that the Coastal Permit Administrator approve the proposed project, and adopt the following findings and conditions.

FINDINGS:

1. The proposed development is in conformity with the certified Local Coastal Program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; 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; 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; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; 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.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan.

STANDARD 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 become effective after the ten (10) 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.

8 of 17

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 is 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 is 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 the 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 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.

SPECIAL CONDITIONS:

1. The proposed garage storage space shall be for private use only. Commercial use or human habitation of the proposed garage is prohibited.

9917

- 2. Prior to occupancy or the final building inspection, whichever comes first, the applicant shall obtain a letter of compliance with CDF permit #65-03 from the California Department of Forestry and Fire Protection. A copy of the letter shall be submitted to the Department of Planning and Building Services prior to final building inspection.
- 3. Prior to issuance of the building permit, the applicant shall submit an exterior lighting plan and design details or manufacturer's specifications for all the exterior lighting fixtures. Exterior lighting shall be downcast and shielded and shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed in compliance with Sec. 20.504.035 of the Zoning Code.

Staff Report Prepared By:

_____ Date

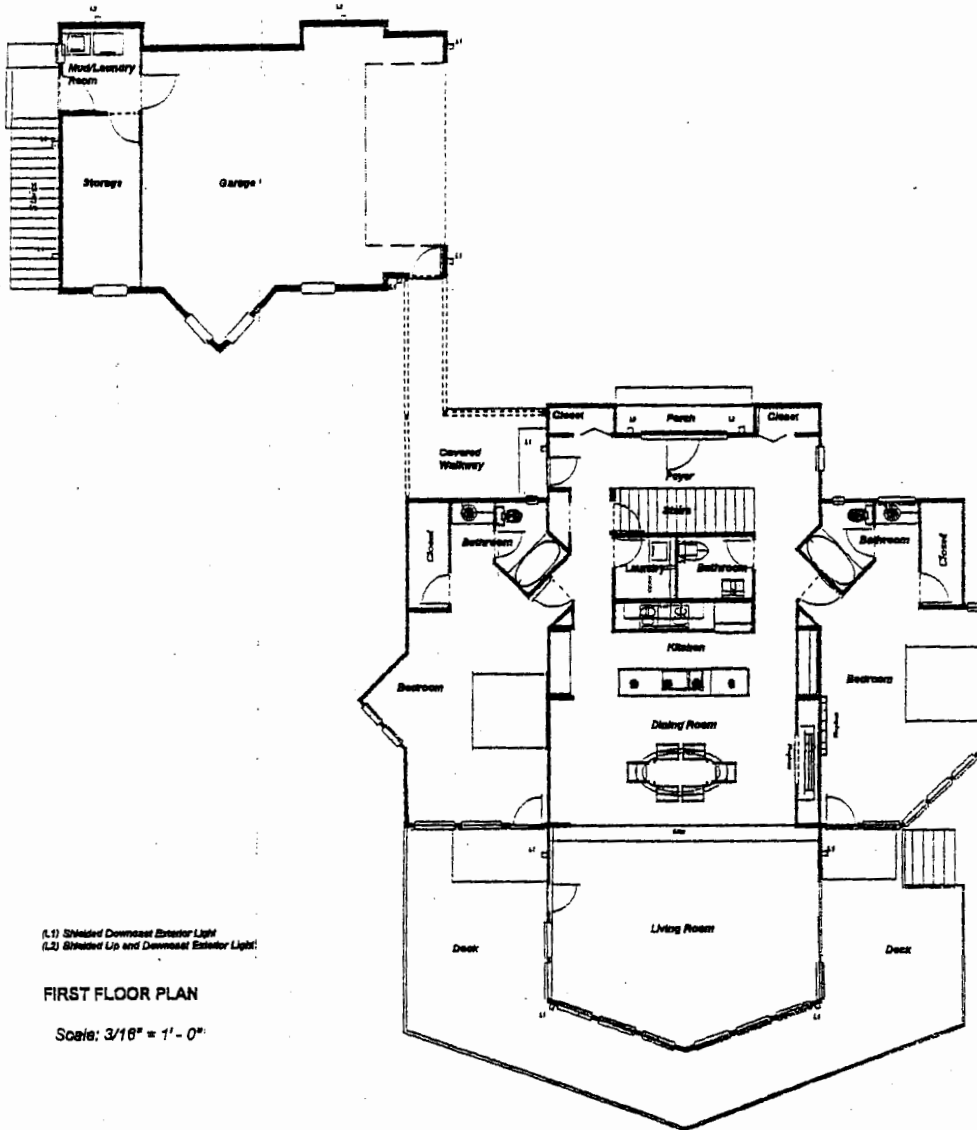
_____ James Essig
Planner I

- Attachments:
- Exhibit A Location Map
 - Exhibit B Site Plan
 - Exhibit C First Floor Plan
 - Exhibit D Second Floor Plan
 - Exhibit E Elevations
 - Exhibit F Elevations

Appeal Period: 10 calendar days for County Board of Supervisors followed by 10 working days for the Coastal Commission.

Appeal Fee: \$645 (Appeals to the County Board of Supervisors)

10 of 17



(L1) Shielded Downcast Exterior Light
 (L2) Shielded Up and Downcast Exterior Light

FIRST FLOOR PLAN

Scale: 3/16" = 1' - 0"

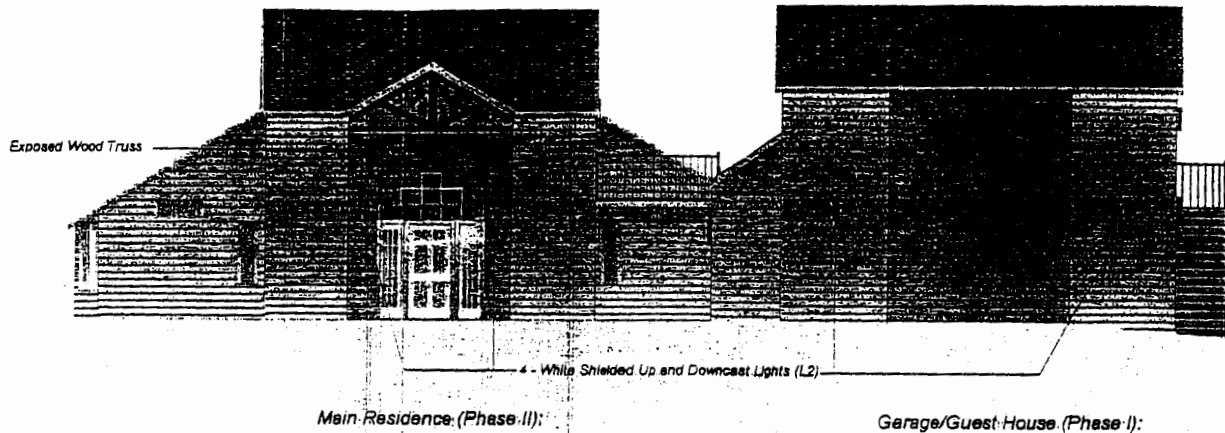
BRIAN & DELLA ZITA

FIRST FLOOR PLAN

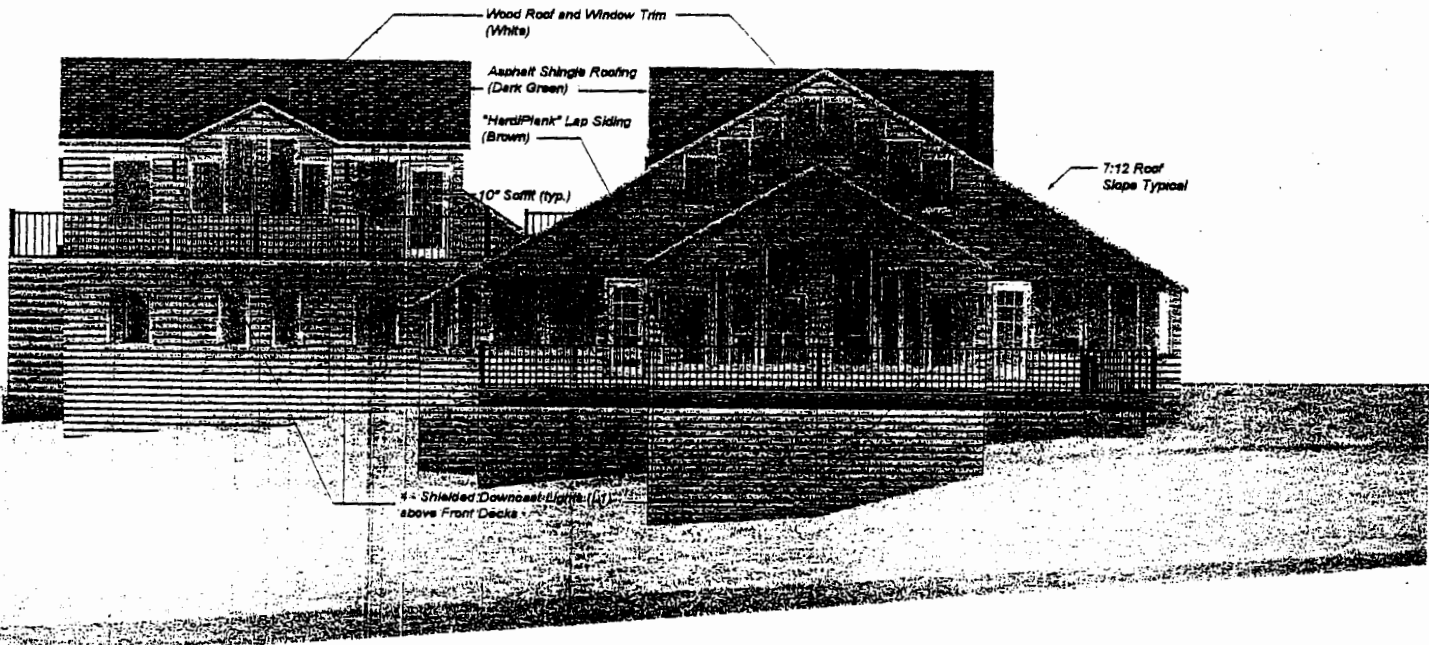
No Scale



12 of 17



North Elevation



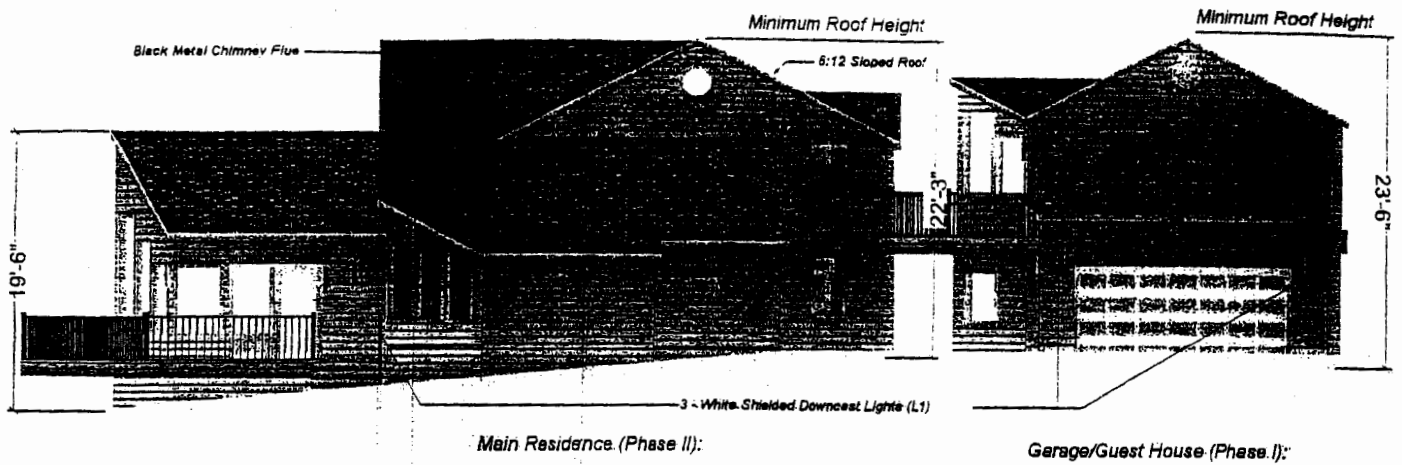
South Elevation

BRIAN & DELLA ZITA

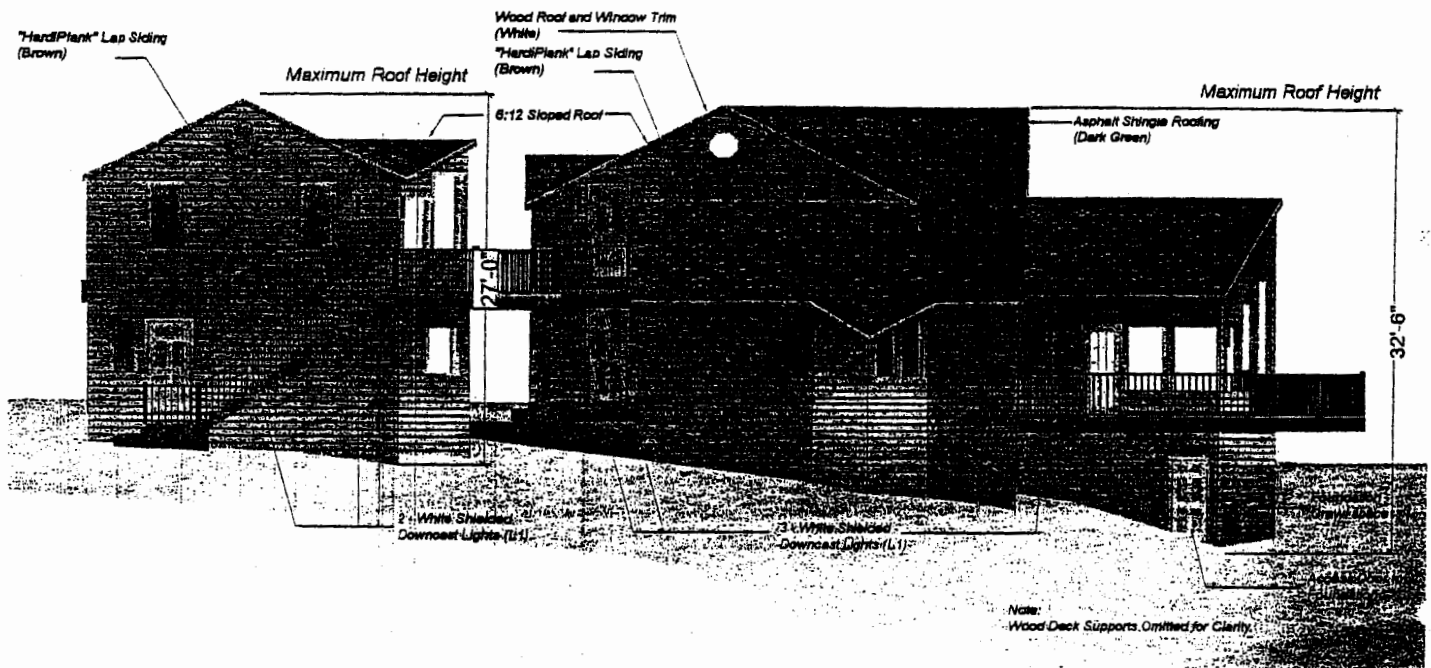
ELEVATIONS

No Scale

14 of 17



East Elevation



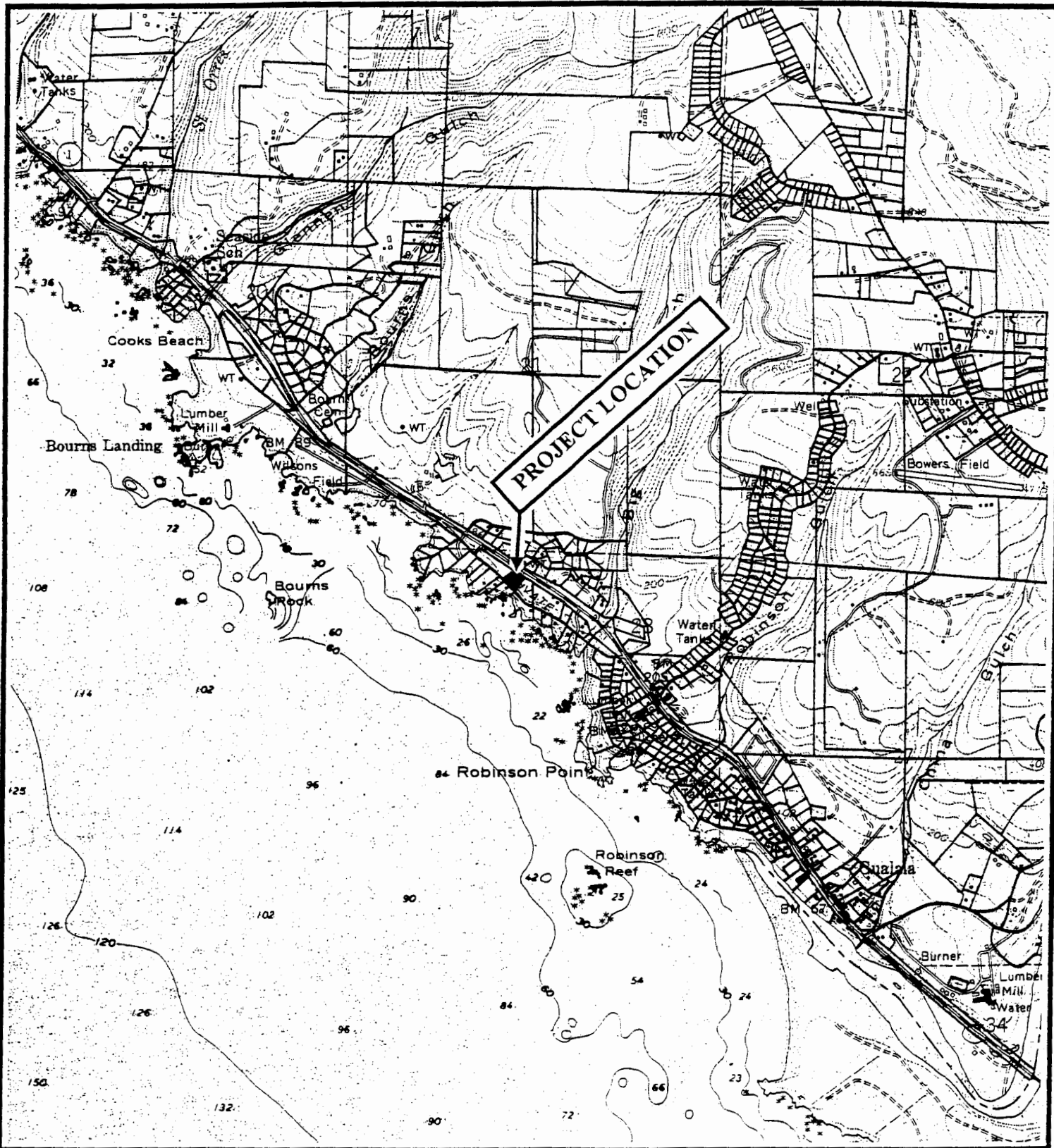
West Elevation

BRIAN & DELLA ZITA

ELEVATIONS

No Scale

15 of 17



CASE NO: CDP 30-03

EXHIBIT A

BRIAN & DELLA ZITA

LOCATION MAP

1 INCH = 2000 FEET



NORTH

16917



GUALALA MUNICIPAL ADVISORY COUNCIL
POST OFFICE BOX 67, GUALALA, CALIFORNIA 95445

RECEIVED

MAY 15 2003

PLANNING & BUILDING SERV
FORT BRAGG CA

May 13, 2003

Mr. Rick Miller
Dept. of Planning and Building
790 So. Franklin
Ft. Bragg, CA 95437


Dear Mr. Miller,

At the regularly scheduled Gualala Municipal Advisory Council meeting May 12, 2003, the council reviewed and discussed CDP #30-03 (Brian and Della Zita), construction of a two-story, 2225 square foot single-family residence with a maximum height of 27'5" above finished grade.

The Council reviewed the above-mentioned project and unanimously agreed recommend approval of the project as submitted.

Thank you for your consideration of our careful review.

Sincerely,


Britt Bailey, Chair

17 of 17

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS GOVERNOR

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE MAILING ADDRESS:
710 E STREET - SUITE 200 P. O. BOX 4900
EUREKA, CA 95501-1885 EUREKA, CA 95502-4900
VOICE (707) 445-7833
FACSIMILE (707) 445-7877

RECEIVED



AUG 25 2003

CALIFORNIA COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Friends of Seawater Gulch
P.O. Box 04
Point Arena, CA 95468 (707) 882-2001, (707) 874-3140
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

- 1. Name of local/port government: County of Mendocino
2. Brief description of development being appealed: Single family dwelling with detached garage/guest cottage
3. Development's location (street address, assessor's parcel no., cross street, etc.): Ca. 1.5 mi. N of Gualala, W side of Highway, E side of Old Coast Highway (County Road #513) at 38017 O.C.H. (APN 145-122-11)
4. Description of decision being appealed:
a. Approval; no special conditions:
b. Approval with special conditions: [check]
c. Denial:

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-1-MEN-03-055

DATE FILED: 8/25/03

DISTRICT: North Coast

H5: 4/88

EXHIBIT NO. 5
APPLICATION NO.
A-1-MEN-03-055
ZITA
APPEAL (1 of 16)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
- b. City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: July 24, 20037. Local government's file number (if any): CDP #30-03SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

BRIAN + DEBRA ZITA
19 Garner Drive
Novato, CA 94947

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Mr. + Mrs. Zita, see above address (testified)(2) Julie Nekron (testified)
P.O. Box 382
Gualala, CA 95445-0382(3) Rixanne Wehren, Mendocino Group, Sierra Club
P.O. Box 340
Albion, CA 95410(4) Supervisor David Colfax, County of Mendocino,
501 Howl Gap Road, Ukiah
Ukiah, CA 95487SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

2 of 16

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

C2C 20.496.020 - there was no botanical survey. ESHA is likely.
Gualala Town Plan, p. 306, E3.7-4: "A pedestrian + bicycle trail... shall be developed within Highway 1 and Old Coast Highway (CR #513) right-of-way and easements acquired for public access" This was not done, nor discussed at ESHA or CDP hearing. (C2C 20.52.025(A) incomplete application; not enough info for public to determine whether project complies with applicable policies. 20.308.280(B) Major Vegetation Removal. LUP 3.5-1: Veg. Clearing opened a view to ocean from Hwy 1, structures will obstruct it; County located only at neighboring project v. ^(CDP #6102) construction - there are at least 8 other structures in surrounding area not located at

See CA Coastal Records Project Image # 12086 (www.californiacoastand.org)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request. *however better and photographs will follow.* project is in center of picture

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

[Handwritten Signature]

Signature of Appellant(s) or Authorized Agent

Friends of Seawater Guild

Date Aug. 21, 2003

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

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Friends of Schooner Gulch
P. O. Box 4
Point Arena, CA 95468

August 26, 2003

Re: appeal of Zita project,
Mendocino Co. CDP #30-03

RECEIVED

AUG 26 2003

CALIFORNIA
COASTAL COMMISSION

Mr. Randall Stemler
California Coastal Commission North Coast
P.O. Box 4908, Eureka, CA 95502-4908

Dear Mr. Stemler,

These are additional reasons for Friends of Schooner Gulch appeal of this project. Some we may have stated at the county level.

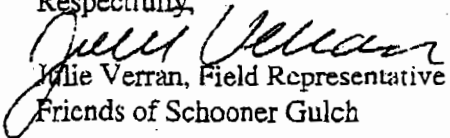
~~CZC~~ 20.544 et seq., especially 20.544.015 (C) 2 on public views, and and E (4) the county charges an appeal fee.

CZC 20.504.010 et seq. The area is designated Highly Scenic on the County LCP map, and a trail route is included along County road #513, in addition to the trail language in the Gualala Town Plan. No story poles were required by the county. The driveway to the project is visible from Highway 1 and the entire project may be visible from Highway 1 and will be visible from CR #513.

Hazard areas: Coastal Zoning Code 20.500 et seq. especially (E) for erosion CZC p.532-180 and 20.532-070, Geologic Hazards. The ocean blufftop below the Zita property has suffered cliff retreat which caused Highway 1 to be moved into a cut on the inland side of the Zita property. The Zita structures, as well as the Eckles / Shaddick structures (CDP # 61-02) under construction on the neighboring parcel, will be perched at the top of the cut bank which drops down to Highway 1. At least one member of the Gualala-Municipal Advisory Council during discussion of CDP #61-02 raised serious concerns about the possible impact of construction at the top of this cut bank on Highway 1. This was to have been included in the GMAC letter on CDP #61-02. The same concern applies to the Zita project. County Memo from James Essig dated 7/22/03 cites CDP #61-02 as the only neighboring residence, appearing to link the two projects.

CZC 20.504 et seq. especially C (2) west of highway 1 "18' above natural grade" and (C) 10 on tree planting.

Respectfully,


Julie Verran, Field Representative
Friends of Schooner Gulch

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Friends of Schooner Gulch

A Watershed Organization
 P. O. Box 4, Point Arena, California 95468
 (707) 882-2001, Fax (707) 882-2011

Executive Committee:

*Lucie Marshall
 Charles Peterson
 Peter Reimuller*

August 8, 2003

Mr. Randall Stemler
 California Coastal Commission, North Coast
 P.O. Box 4908, Eureka, CA 95502-4908

RECEIVED
 (BY FAX)
 SEP 08 2003

RE: Zita appeal, Mendocino County CDP #30-03

CALIFORNIA
 COASTAL COMMISSION

Dear Mr. Stemler,

You have already received our original appeal form. Following you will find the reasons and facts for our appeal.

The primary purpose of this appeal is to protect and enhance a section of the California Coastal Trail within the Gualala Town Plan Area. The Gualala Town Plan is part of the Coastal Element of the Mendocino County General Plan. It was adopted by the Mendocino County Board of Supervisors on January 15, 2002, and approved by the Coastal Commission on March 6, 2002. The county appears not to be using the GTP in coastal planning; we believe this is the first appeal to cite the GTP.

A secondary purpose is to carry forward our work in a series of Coastal Commission appeals based on incomplete applications accepted by the Mendocino County Coastal Permit Administrator which do not provide the public with the means to analyze the projects. This can lead to unpleasant surprises, most commonly, structures intrusively visible from Highway 1 and other public places; sometimes, projects which pose risks to life and property.

Another secondary purpose is to protect the local coastal forest ecosystem, which is rich in uncommon, endemic, and rare species of plants and small animals such as invertebrates, which is not well studied by the scientific community. It is being extirpated at an alarming annual rate.

The Sundstrom Decision speaks to the requirement for full submission of details at the time of the application, or certainly by the time of the public hearing.

We request that you please drop two of the reasons for appeal cited in our appeal form and addendum: Highly Scenic and Major Vegetation Removal. We cited Highly Scenic due to a

1.

From the Coastal Ridge to the Pacific Ocean, since 1986.

5916

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mistake in map reading for which we sincerely apologize: The subject property and neighborhood are not designated Highly Scenic. We will address visual issues under other LCP sections which we cited. The major vegetation removal that affects the subject property took place during the construction of the existing driveway about two years ago and possibly during the installation of the water line inland from the county road about five years ago. We will discuss the effect of vegetation removal under other LCP sections which we cited. It is properly part of the cumulative impacts analysis under the California Environmental Quality Act.

This project is appealable to the Coastal Commission [Coastal Zoning Code 20.544.020 (A) et seq.] (B) (1) it is within three hundred (300) feet of the inland extent of any beach or of the mean high tide line of the sea, and (2) within three hundred (300) feet of the top of the seaward face of any coastal bluff. This appeal does not require the exhaustion of all local appeals because (E) (4) The county charges an appeal fee.

The closest post mile marker on Highway 1 to the subject property is 2.04 MEN, referencing miles from the county line at the Gualala River Bridge. The project site is visible on California Coastal Records Project Image # 12086, which was taken on November 14, 2002. This is a south facing coastline. The top of the existing paved driveway is visible near the center of the image, with a wooden board fence behind it which may define the edge of the Caltrans Highway 1 right-of way. The heavily wooded subject parcel lies to the right (east) of the driveway and extends to County Road #513 which skirts the top of the ocean bluff in the lower part of the image. Since the image was posted, a major construction project and vegetation removal were undertaken on the contiguous property to the southeast under CDP #61-02.

Coastal Element G3.7-4: A pedestrian and bicycle trail which links Gualala and Anchor Bay and connects to coastal access trails shown on the Land Use Plan maps shall be developed within Highway 1 and Old Coast Highway (CR #513) rights-of-way and easements acquired for public access.

Discussion. Our representative attended both the Gualala Municipal Advisory Council hearing on CDP #30-03 and the Coastal Development Permit hearing in Fort Bragg and raised issues at both hearings, citing the trail issue at the Fort Bragg hearing. There was no discussion at either hearing of provision for the California Coastal Trail, of which the Gualala - Anchor Bay trail cited above would be a local section. A trail route along CR #513 is also shown on the LCP map.

We believe there is a reasonable nexus for requiring a trail easement as a condition to CDP #30-03 along the old Gualala Mill RR right of way which traverses the subject parcel just inland and above CR #513. Pedestrians currently leave Highway 1 rather than enter the highway cut, and traverse the Old Milano Hotel property on the former Highway 1 route which continues as CR #513, where

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they now walk in the roadway. Development on the inland side of CR #513 under CDP #61-02 is already increasing traffic and creating hazards for pedestrians, and more lots are available for development. The CR #513 traverses the bluff top too closely to allow for a trail on the ocean side.

The coastal portion of the Gualala Mill Railway was originally built as a wide gauge tramway in about 1862. Draft horses pulled carloads of timber from the mill in Gualala to the main schooner port at Bourns Landing. In about 1874 locomotives replaced the horses.

According to rail enthusiasts, it was the only RR in the United States to remain wide-gauge throughout its working life. The trains kept running through the 1920s after the mills shut down apparently as public transit to and from favorite fishing spots and viewpoints. Even after the train stopped running around 1930, people used sidecars to traverse the tracks, until the iron rails were pulled up and sold to Japan just before World War II.

Then, the RR right of way was used by pedestrians. Sections of it were taken by bluff retreat, trestles collapsed or were burned, and the coastal path had to detour inland. The section of RR along CR #513 is the longest remaining. It was damaged by installation of utility lines in recent years, but enough remains that it is realistic to recruit the interest of rail preservation groups. We believe public use over many decades has created a public right that was the basis for G3.7-4.

Inland from the Old Milano property, and extending southeast almost to Pacific Woods Road, is the Bed Rock gravel processing plant, which is undergoing intense expansion. This industrially zoned property forecloses any opportunity for a trail route on the inland side of Highway 101.

In summary, we believe a trail easement condition should be added to CDP #30-03 and any future CDPs along CR #513, and that a nexus and a public right exist.

*Mendocino County Coastal Zoning Code Sec. 20.532.025 Application and Fee. (1)
[. . .] The application shall include the following information: (A) A description of the proposed development, including maps, plans, and other relevant data of the project site and vicinity in sufficient detail to determine whether the project complies with the requirements of these regulations. Sufficient information concerning the existing use of land and water on and in the vicinity of the site of the proposed project, insofar as the applicant can reasonably ascertain for the vicinity surrounding the project site, should also be provided.*

This section is one that Friends of Schooner Gulch has worked to refine over a period of years. Time and again the community has been surprised by a conspicuous building that was not expected to be noticeable. We regularly ask that non-reflective dark earth tones be used on structures, and

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that samples of the building materials be submitted. We have been gratified by the positive response by the county, the Coastal Commission and by individual applicants to this concern in many instances. While dark earth tones are specified for CDP 30-03, no samples were available for public review at the CDP hearing. The public can only guess what the colors will look like, hence the application is incomplete. The white trim and doors are likely to increase the visibility of the structures from Highway 1, especially if the garage doors are white.

We believe that the structures will be visible from Highway 1, because the existing building on CDP # 61-02 is visible, and the buildings on CDP #30-03 will be closer to the gap in the highway cut through which the existing structure is visible. Visibility from Highway 1 should not be determined from the viewpoint of a driver of a standard vehicle but from the viewpoint of a traveler on the Mendocino Transit Authority's 14-passenger vans, from tour buses, and from the viewpoints of passengers on larger private vehicles such as SUVs and RVs. The structures will be visible from CR # 513, which has a recreational status conferred by Coastal Element G 3.7-4. See the application, question 10. We believe the correct answer to both would be "yes". Removing trees for the driveway opened views of the building site. More trees are likely to be cut during construction, to die or to be blown down in storms, increasing the visibility of the structures.

We request a condition requiring downcast outdoor lighting, dark brown trim and doors, and siding that is grayish brown in tone, rather than a brown with an orange cast. The siding specified in the application may be grayish brown, or neutral brown, but the public cannot tell.

The map provided with the application showing the position of the structures on the lot is deficient in that it does not show where Highway 1 is in relation to the lot. The public cannot tell how close the structures and driveway will be to the highway. This map may have confused county staff, since the county memo dated 7/22/03 states, "The home is located on the west side of the property, which is elevated above the highway corridor." The building site is actually on the eastern quadrant of the property. Maps submitted with applications should be clear and easy to interpret.

We are also concerned that the application is incomplete in that it is not accompanied by a drainage plan, a botanical survey, or a landscape plan, although the public requested them at both the local and the county hearings. We gather from notes on the permit review sheet that there was an environmental plan done for the whole subdivision. Nevertheless, in view of the recent loss to construction grading and tree death of much of Gualala's south-facing coastal forest, which is known to support unusual plants and animals, site-specific surveys are needed. On the issues of vegetation removal, botanical concerns and landscaping, Friends of Schooner Gulch consulted plant ecologist Peter Baye PhD.

Dr. Baye wrote on August 6, 2003:

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As we discussed, I am sending some proposed language for conditions of approval of the new home construction in the coastal conifer forest. I assume that there are no issues that would be so unmitigable and significant as to cause denial, so I'm focusing on what I view as feasible mitigation measures to minimize impacts, to be included as conditions for approval. I'll include an introductory explanation before the proposed conditions.

I interpret two plant/vegetation issues for the site we visited: conservation of forest floor herbs, mostly native orchids; and potential for significant wind-throw of Bull Pine (*Pinus contorta*) if pines lower on the slope are cut to allow for views or solar panels.

Although we observed no evidence of special status plant species or their habitats (specifically, seeps, swales, or associated species of *Veratrum fimbriatum*, *Campanula californica*, *Lilium maritimum*...or even notables like *Calystegia purpurata* ssp. *saxicola*), we did find very high densities of a clonal orchid, rattlesnake-plantain (*Goodyera oblongifolia*), and at least one forest floor herb, possibly *Clintonia andrewsiana* (lily family). These have conservation significance for several reasons: (1) increasing intensity of residential development along the Gualala-Anchor Bay coast is likely to cause significant population declines and preclude population recovery because of irreversible habitat loss and degradation; (2) orchids are weak and slow colonizers, and colonizing potential and rates are likely to decline as local source populations decline; (3) some populations may represent distinctive variations of wide-ranging species, disjunct (outlier) populations, or important extensions of known ranges.

The orchids present in the footprint of the home would be extirpated unless translocated. Orchids present outside the footprint are likely to be damaged or destroyed by soil disturbances associated with movement of construction equipment, staging areas, soil stockpile areas, temporary excavation areas (e.g. utility lines), and soil compaction.

Translocation (transplanting to suitable unoccupied habitat onsite) generally has low success rates, and is generally not recommended as a salvage measure for rare or special-status plants. However, in the absence of salvage/translocation, the chances of survival are nil. Therefore, as a last resort and alternative to certain extirpation, it would be reasonable to recommend transplantation in the optimal season, which would be late fall/early winter (dormancy during cool temperatures and moist soil, but not active late winter growth):

"Native orchids and lily family herbs within the construction footprint shall be salvaged by transplanting soil plugs at least one foot in diameter around the centers of individual plants or small colonies, between Nov 15 and December 15. These plants shall be flagged while conspicuous (flower or foliage evident in late summer/fall). Soil plugs/plants shall be translocated on site to unoccupied locations between observed colonies of the same species, under the canopy of bull

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pinus, and thoroughly watered once immediately after transplanting. Transplantation shall be implemented by qualified individuals with pertinent horticultural skills".

To protect orchid colonies outside the footprint,

"Orchid colonies shall be flagged while conspicuous (flower or foliage evident) in late summer/fall. Soil stockpile areas, equipment and material staging areas, and equipment travel routes shall avoid soil disturbance around marked colonies to the greatest extent feasible. Where temporary disturbance is unavoidable, wooden mats and geotextile fabric shall be placed over affected colonies, and removed as soon as possible after work is completed. Construction workers shall be instructed in protective procedures by qualified individuals with experience identifying affected plants."

For windthrow, the main risk I see is losing the protective buffer of trees at the toe of the slope, above the blufftop road. These have branches down to nearly ground level, and can deflect windstreams above the canopy to a significant extent. The mature Bull Pines above have no branches below the very shallow, elevated canopy; these would provide much drag if exposed directly to coastal storm winds without the existing upwind buffer of trees. A "domino" of windthrow may cause much greater loss of native, mature coastal forest trees. To address this,

"Prior to any tree removal, a qualified Registered Forestry Professional shall be retained to evaluate the threat of windthrow if trees are selectively removed from the stand. If a significant and unmitigable risk of windthrow is assessed, tree removal shall be prohibited.

If feasible and adequate mitigation for windthrow impacts of tree removal is identified (including but not limited to replanting buffer trees and allowing them to grow to effective size), it shall be implemented before tree removal."

That is the end of Dr. Baye's recommendations.

CZC Chapter 20.500 Hazard Areas et seq.: 20.500.010 (A) The purpose of this section is to insure that development in Mendocino County's Coastal Zone shall: (1) Minimize risk to life and property in areas of high geologic, flood and fire hazard; (2) Assure structural integrity and stability; and (3) Neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding areas, nor in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

We are concerned about the drainage from this development, including the driveway, which has extensive rock-work around it that appears to be intended to control drainage. This is a sensitive area and drainage should be engineered. There is an existing bluff-top home located below the steep

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subject lot that could be adversely affected by drainage from CDP #30-03.

During the Gualala Municipal Advisory Council review of adjacent CDP #61-02, council members who viewed that site raised strong concerns about drainage. One said an engineer should look at it, especially regarding the driveway. We believe a drainage plan is needed for CDP # 30-03, where the same concerns apply.

Other concerns expressed at the local hearing for CDP #61-02 included dying pine trees, monarch butterflies, and riparian. In the GMAC and CDP hearings, no such concerns were discussed; we believe they apply also to CDP #30-03. Riparian is addressed in the review sheet included with CDP 30-03 and the buffer appears to be the required 100 feet.

Coastal Element 3.5-1. [, . .] The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance.

Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The county did not do an adequate analysis of the character of the surrounding area, in terms of the size, bulk and appearance of existing homes. The county memo dated 7/22/03 states, "The only neighboring residence, which is currently under construction, is to be a 1856 square foot single family residence and a 1228 square foot detached garage." In fact, there are eight or more neighboring homes located along CR #513 within less than a quarter mile of the subject lot. The county should not count only the newest, largest structures in determining neighborhood character. We are concerned about the proliferation of second residential units on lots west of Highway 1, whether they are termed two story garages, guest houses, or guest rooms. The GTP allows second residential units on lots inland of Highway 1:

G 3.2-3. [. . .] Second Residential Units shall not be allowed on parcels located west of Highway 1 to protect against the possible conversion of such such units to vacation home rentals which may adversely affect the character of existing residential neighborhoods.

Respectfully submitted,



Julie Verran, Field Representative
Friends of Schooner Gulch

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U.S. COAST AND GEODETIC SURVEY

C.P. PATTERSON Superintendent

WALALLA RIVER TO HAVENS NECK CALIFORNIA

Surveyed by LOUIS A. SENGTELLER Assistant FREMONT MORSE Aid

January & December 1879

January & September 1880

Scale 1000

Inked and lettered in the Drawing Divⁿ by E. Molkov. (October 22^d 1884.)

Register No. 1535^a

A detail from this map sheet is submitted by Friends of Schooner Gulch
with the appeal letter for our appeal of Mendocino County CDP #30-03.
Please retain these two pages in the Permanent Public Record.

WALALLA MILL CO'S. R.R.

Boundary between Sonoma and Mendocino Counties
(Middle of River)

Bourns Landing
40 ft.

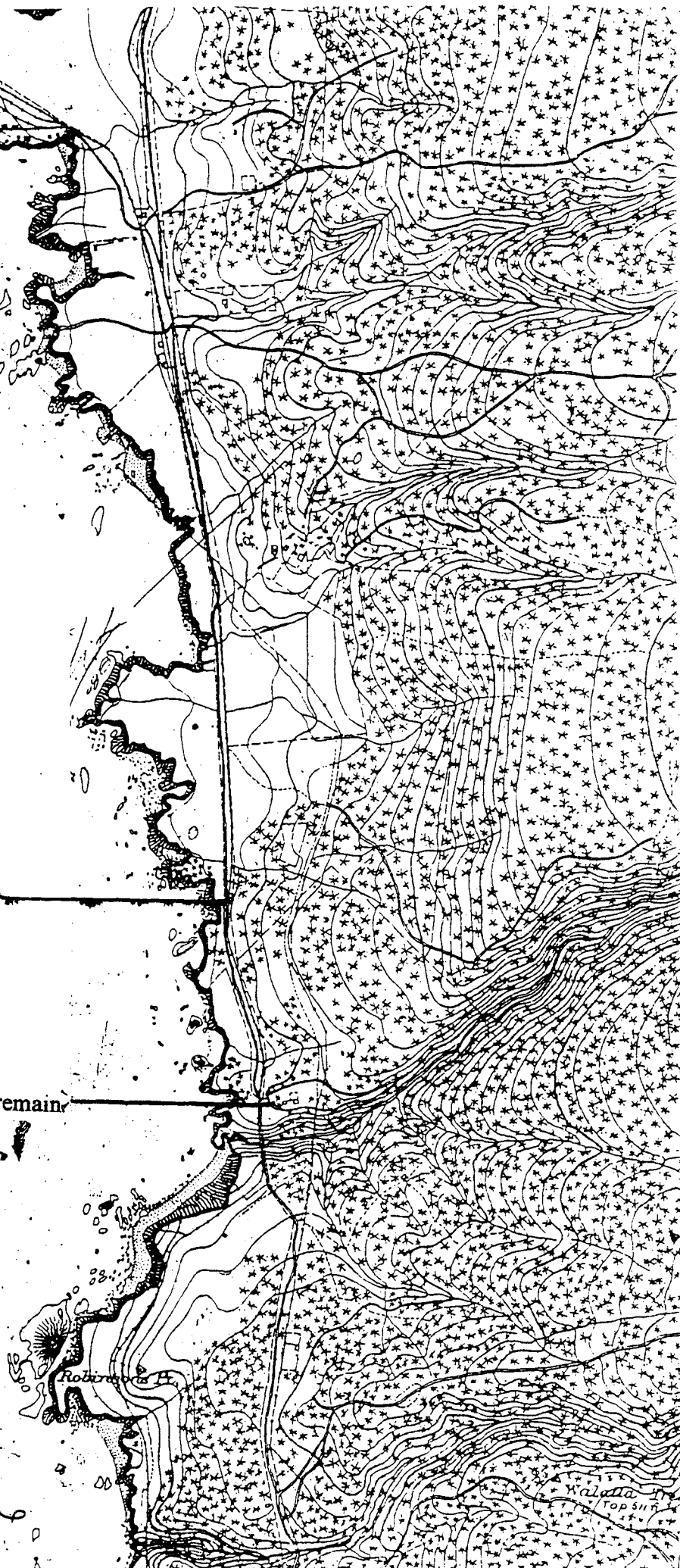
BOURNS LANDING

Bourn Rock

This detail from U. S. Coast and Geodetic Survey sheet, Register No. 1535 a, surveyed 1879 and 1880, published 1884, shows the subject property and vicinity of Mendocino County CDP #30-03. Note the forest existing at that time, the Wallalla Mill Railroad, the coast highway which generally parallels the RR, and the following details:

Subject property. Note that it was wooded then. There appears to be a small building just inland from the road and RR.

Old Milano Hotel and outbuildings. The hotel burned recently, but outbuildings which may date from this period remain.



13416

Julie Verran
 38864 Sedalia Drive
 P.O. Box 382
 Gualala, CA 95445-0382

September 25, 2003

Re: A-1-MEN-03-055

RECEIVED

Randy Stemler
 California Coastal Commission, North Coast
 P.O. Box 4908, Eureka, CA 95502-4908

SEP 26 2003

CALIFORNIA
 COASTAL COMMISSION

Dear Mr. Stemler,

Following up on two phone conversations about additional information relevant to this appeal, this letter includes such material to date. Some matters discussed here may fall under more than one LCP section.

Coastal Element G3.7-4 et seq.: pedestrian trail;
 Coastal Zoning Code Sec. 20.532.025 et seq.: Incomplete application;
 CZC 20.500 et seq.: hazard areas;
 CE 3.5-1 et seq.: visual resources;
 CE G 3.2-3: second residential units;
 CZC Sec. 20.308.080 (B) Major Vegetation Removal (as part of CEQA analysis).

There may be a trail easement associated with this property. If so, it should have been shown on the project map. Without it, the application is incomplete. Although the project is not in a Highly Scenic Area, it is within view of CR #513, designated as a trail route with 'shall' in the LCP. The CCC recently reviewed or added the 'shalls' to the Gualala Town Plan part of the Mendocino County LCP. This is the only ocean blufftop public walk in Gualala, and draws walkers from other parts of town and from the Old Milano Hotel.

There may be a trail easement through the Old Milano Hotel lots ~~to~~ from Highway 1 to CR #513. This is the route currently used by pedestrians. The holder(s) of this easement and the possible trail easement associated with the subject lot is/are unclear. Information regarding the holder of the trail easement across the subject property, if any, should have been included with the application. If the easement was recorded after the GTP became part of the LCP upon CCC approval on 3/06/02, and is on the Highway 1 side of the lot, it may not conform to the LCP, which designates CR #513.

The project is likely to be or to become visible from Highway 1, and its visibility from the trail easement is unknown, but probable. The visual resources LCP sections apply, minus those specific to Highly Scenic areas. The contiguous Eckles property is in use for a home occupation including an art gallery. This is a legal use under the CZC, which limits traffic to 10 visits per day, so it may increase traffic by ca. 20 trips on CR #513, where the public currently walks. If the trail easement is on the Highway 1 side of the proposed project, it may be on the highway cut slope, which would not conform to G3.7-4 which designated CR # 513, and which would not be feasible, since it would not conform to state trail safety standards. The project map does not show the location of Highway 1 or the actual relief of the cut slope. The map does not show the slope of the lot toward CR # 513, either. Thus the application is incomplete.

The vicinity map submitted with the application shows the subject parcel as extending through to 1 Highway 1. Another lot in the same subdivision, APN #145-122-09, is listed as having highway

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frontage in the Coastal Co-operative Broker Association listing (#4869) of its March, 2003, sale; the subject parcel probably has highway frontage, but the project map does not show it. Thus, the application is incomplete.

The large scale map used by real estate offices shows a long narrow parcel, APN # 145-122-01, between the CR #513 and the lots in the subdivision. It appears to include the old RR line and bridges. This may also be the old route of the Coast Highway. According to the Mendocino County Assessor's Office, in a phone communication (463-4313) on 9/24/03, the owner is still listed as John Seaman, the subdivider. The parcel was retired, but not merged, and the new designations are APN # 145-122-07-00 and #145-122-08-00. The trail easement may be on this parcel, but that is unclear. The parcel(s) is/are not shown on the project map and thus the application is incomplete. The driveway to the Zita and Eckles/Shaddick building sites is shown on the project map as being on an easement. Is this an easement to cross the long, narrow parcel(s) reserved by Seaman? A diagonal utility easement is also shown. The trail easement if any should have been shown also.

The applicant has told Friends of Schooner Gulch that he intends to apply for a less-than-three-acre conversion exemption to cut the trees on his lot. Under CEQA this intent should have been included with the application as a known future use of the land. Use of the Major Vegetation Permit process provided in the CZC would be far preferable, and would be an appropriate permit condition.

Anthony Lukacic, an official of the California Department of Forestry and Fire Protection stationed at the Forest Practice Office in Santa Rosa, and an expert on the use of exemptions from the Forest Practice Act, said in a phone interview on 9/25/03 that the less-than-three-acre exemption process is entirely ministerial. Provided the form is filled out correctly and accurately to CDF's knowledge, it is approved without inspection. New rules effective 1/01/03 require the Registered Professional Forester to discuss soil, slope, microclimate and how the site can support the proposed development. Lukacic's example is a vineyard proposed at 8,000 feet elevation. Lukacic is an expert on less-than-three-acre exemptions. He was CDF's witness for days on their ins and outs at the preliminary hearing of an environmental conspiracy criminal case against two timber brokers and an RPF developed by CDF and brought to the Mendocino County District Attorney last year. Among the examples that CDF found egregious enough to include in their case were three in or near Gualala. Use of less-than-three-acre exemptions in residential areas is highly unpopular in Mendocino County. Citizens here often complain about vegetation removal.

One reason is the damage tree removal can cause on nearby properties through wind throw. This is recognized in CZC Sec. 20.308.080 (B) (3) which lists reasons for using the Major Veg. Permit.

(d) The vegetation removal may result in significant exposure of adjacent trees to wind damage, [...] (4) Exempt from this definition would be one or more of the following:

(a) Removal of trees and other vegetation that have been reviewed and approved in conjunction with an approved development permit; [...]

The tree removal now proposed by the applicant was not reviewed during the permit process; the applicant said himself at the CDP hearing that there was no landscape plan: incompleteness. For information about wind throw damage in coastal Gualala, you may wish to consult the Eureka office of PG&E. They will have records of power outages caused by falling bull pines even if their staff has changed. Their staff arborist can outline his recommendations to help prevent wind throw.

There may be ESHA from rare plants or plants which may become rare if they lose habitat. There are no ESHA concerns in this appeal about riparian or blufftop setbacks. A botanical report for the subdivision by Mary Rhyne (884-3043) was not included in files of the Zita or the contiguous Eckles/Shaddick permits when I checked them in Fort Bragg. A copy, ideally, of the report should have accompanied the application. At least a map showing what lots are in the subdivision and where ESHA was delineated should be included with the application, yet another instance of incomplete application which hampers the public evaluation of the project.

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A new evaluation by an expert (we understand Ms. Rhyné has retired) was/is needed for each permit in the subdivision, since concern has arisen about *Calystegia purpurata* ssp. *saxicola*. CCC granted substantial issue based on the presence of this plant on the Claiborne/Schmitt parcel about a half mile NW. *Saxicola* occurs on my property located about a half mile SE, and on the edge of the bluff in downtown Gualala behind the commercial buildings. It appears to occur on and near the subject parcel and should be checked by an expert such as Jon Thompson (884-3314). Clearly, I have a personal interest in this matter: I want to see standard mitigations established for *C. p. saxicola* because it will affect the future use of my own property. For this personal reason I would like to see the Claiborne-Schmitts and the Zitas allowed to build structures on their properties with suitable conditions and mitigations.

Other rare plants may occur on the subject property. I walked through the Highway 1 cut below the subdivision on 9/1/03 and noticed and photographed two types of orchid in bloom, one with white flowers and another with green flowers. These should be identified by an expert because they may constitute rare plant ESHA. It is unclear from the maps with the application whether the cut bank is part of the subject property and the other lots in the subdivision. Recent loss of habitat in the immediate vicinity of the subject lot includes: clear cutting an access easement and paving the driveway; installation of drainage ditches lined with rocks; clearing utility easements along CR #513; Clearing for driveway turnaround, house and garage on the Eckles lot; clearing between the Eckles house and CR #513 to install a solar array; clearing understory on other parts of the subdivision and on other nearby lots to the southeast. All these permits should have been referenced in the application, which is thus incomplete. This amount of activity may add up to project piecemealing. There is other recent habitat loss within a half mile.

The garage with living quarters including a bathroom and a powder room are shown as 'phase one' on the site map; the intent may be for the owners to live there or rent it out while constructing the main house. This structure needs to be conditioned so that it cannot become an illegal second unit. The applicants may not intend such use; future owners may.

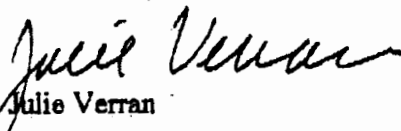
The Zita and Eckles parcels both need drainage plans to conform to CZC 20.500, especially (A) 3. The lots are not blufftop, so standard hazard and seawall conditions would not apply, but they involve considerable impermeable surfaces and actual and planned vegetation removal. The driveway drainage is a separate issue since it has its own engineered drainage but does not drain the entire steep slopes of both parcels. Drainage from them could impact CR #513 and the existing home, and "require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs" The county or the owners of the blufftop house across CR #513 from the subject parcel could be forced to construct protective devices. This may be the house that lost 80 feet of setback in a single night when the late Olive and Harold Rapp owned the property.

(884-1700)

Former GMAC Chair Britt Bailey told me on 9/20/03 that she wrote a letter in 2002 expressing GMAC's drainage concerns on the Eckles project. When I checked the Eckles file at the county planning and building office in Fort Bragg, the letter was not there. Ms. Bailey says she gave a CD with all her GMAC letters, including letters on plant mitigations and story poles as well as specific project letters, to GMAC Secretary Mary Moberg (884-3368). The same drainage concerns should apply to the Zita project. A drainage plan is needed; without it the application is incomplete.

The CCC may consider granting substantial issue to this appeal.

Respectfully submitted,



Julie Verran

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PJC & Associates, Inc.

Consulting Engineers & Geologists

April 7, 2004

Job No. 1842.01

Brian F. Zita
c/o RHL Design Group, Inc.
1137 North McDowell Blvd.
Petaluma, CA 94954

EXHIBIT NO. 6

APPLICATION NO.

A-1-MEN-03-055

ZITA

GEOTECHNICAL

INVESTIGATION (1 of 24)

Subject: Geotechnical Investigation
Proposed Residence
38017 Old Coast Highway (37941)
Gualala, California

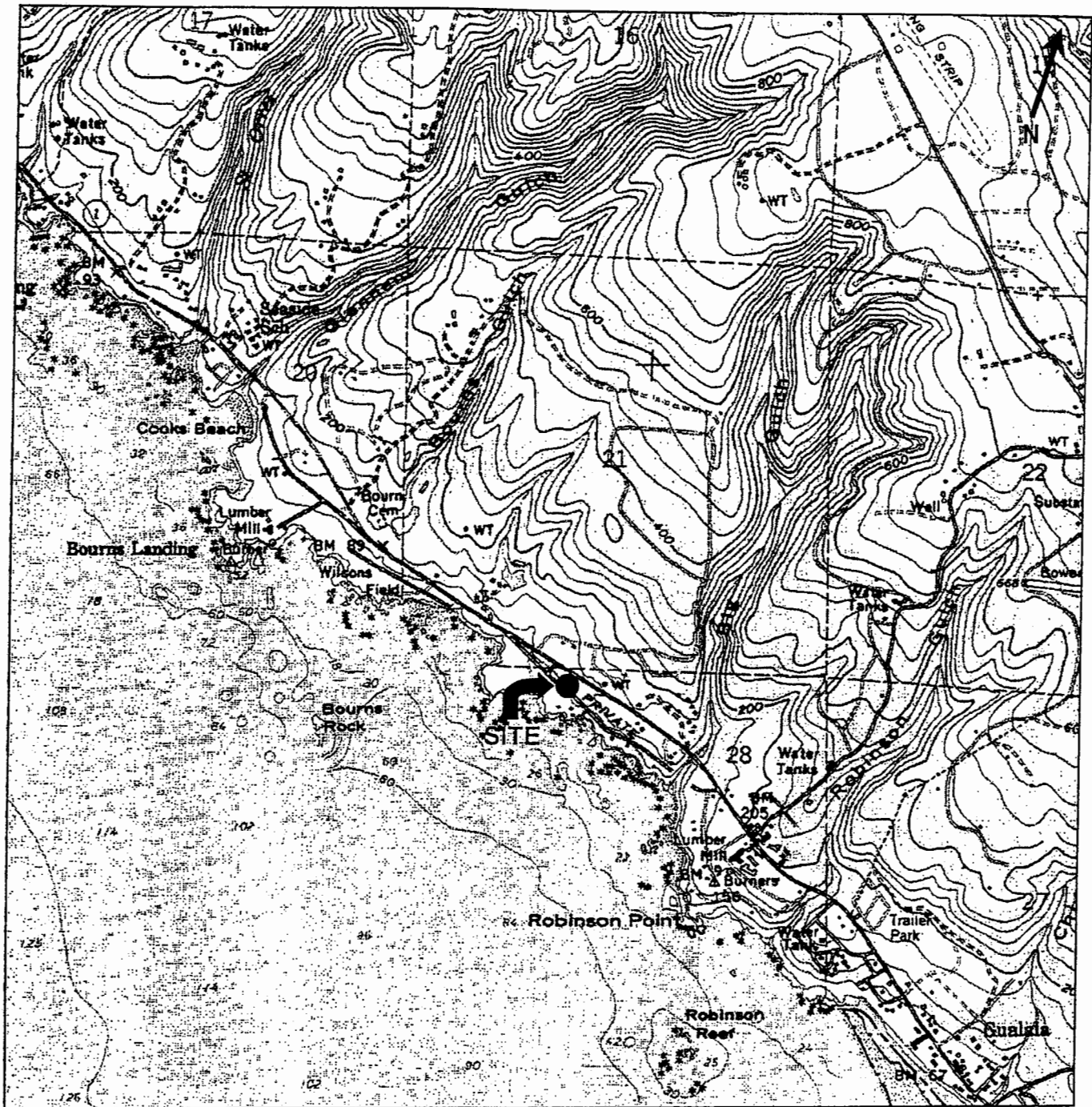
Dear Brian:

PJC & Associates, Inc. (PJC) is pleased to submit the results of our geotechnical investigation for the proposed residence to be constructed at 38017 Old Coast Highway in Gualala, California. The approximate location of the site is shown on the Site Location Map, Plate 1. Our services were completed in accordance with our agreement and your authorization to proceed with the work. This report presents our engineering opinions and recommendations regarding the geotechnical aspects of the design and construction of the proposed residence. Based on the results of this study, it is our opinion that the project site can be developed from a geotechnical engineering standpoint provided the recommendations presented herein are incorporated in the design and carried out through construction.

1. PROJECT DESCRIPTION

Project plans were not available at the time of this report. Based on information provided by you, it is our understanding that the proposed project will consist of constructing a new single-family residence with a detached two-car garage. The residence will consist of a two-story wood-frame structure with joist supported raised wood-floors. The garage will consist of a two-story, wood-frame structure with a concrete slab-on-grade floor. The residence will be accessed by the existing private driveway and serviced by underground municipal utilities.

Structural loading information was not available at this time. For our analysis, we anticipate that the structural foundation loads will be light with dead plus live continuous wall loads less than two kips per lineal foot (plf) and dead plus live isolated column loads less than 50 kips. If these assumed loading conditions vary significantly from the actual loads, we should be consulted to evaluate the actual loading conditions and, if necessary, revise the recommendations of this report.



SCALE: 1: 24,000

REFERENCE: TOPO! INTERACTIVE MAPS ON CD-ROM NAPA/BIG SUR, DATED 1999.



PJC & Associates
 Consulting Engineers & Geologists

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SITE LOCATION MAP
 PROPOSED RESIDENCE
 38017 OLD COAST HIGHWAY
 GUALALA, CALIFORNIA

PLATE

1

Proj. No: 1842.01

Date: 4/04

App'd by: PJC

Finished floor elevations or site grading and drainage plans were not available at the time of this report. We anticipate that the structures will be constructed at or near existing grade. Therefore, for our analysis, we assume that site grading will consist of minor cuts and fills to provide adequate gradients for site drainage. We do not anticipate that significant cutting or filling, or retaining walls will be required for the project.

2. SCOPE OF SERVICES

The purpose of this study was to explore the subsurface conditions at the site and develop geotechnical criteria for the design and construction of the proposed project. Specifically, the scope of our services included the following:

- a. A surface reconnaissance and subsurface exploration with a pneumatic-mounted backhoe equipped with a 36 inch bucket were performed in accessible areas to aid in the evaluation of the soil, bedrock and groundwater conditions underlying the building site. Three exploratory test pits were excavated to depths between six and seven feet to investigate the general subsurface conditions across the site. All soils and bedrock encountered during the exploration were logged by our geologist.
- b. Laboratory observation and testing were performed on representative soil and bedrock samples obtained during the course of our field investigation to assist in the evaluation of the engineering characteristics of the soils and bedrock underlying the site.
- c. Review seismological and geologic literature on the site area, discuss site geology and seismicity, and evaluate potential geologic hazards and earthquake effects (i.e., liquefaction, ground rupture, settlement, lurching and lateral spreading, slope stability, expansive soils, etc.).
- d. Engineering analyses, based on data obtained from the exploration and testing program, were performed and formed the basis of our opinions and recommendations regarding site preparation and earthwork, type of foundation(s), lateral soil pressures, settlement, slab-on-grade construction, and surface and subsurface drainage control.
- e. Preparation of this formal report summarizing our work on this project.

3. SITE CONDITIONS

- a. General. The site is located east and upslope of Old Coast Highway in a residential area of single-family homes just north of Gualala. The lot comprises 1.6 acres of land and is bounded by State Route One to the east, Old Coast Highway to the west, a single-family residence to the south, and vacant land to the north. The site is accessed from Old Coast Highway by

an existing common private driveway. At the time of our investigation, the site was vacant and covered with perennial grasses and fir trees.

- b. Topography. The site is located on a remnant ocean terrace above Old Coast Highway. According to USGS Gualala, California Quadrangle, the site is located near an elevation of 85 feet above mean sea level (MSL). The residence and garage will be constructed west and slightly downslope of the terrace top on a west-sloping hillside with estimated gradients of 20 to 30 percent. West of the building pads, the gradient steepens until it merges with Old Coast Highway.
- c. Drainage. No creeks or drainage swales pass through or near the building site. Drainage in the area appears to consist of sheet flow and surface infiltration that extends west and to the Pacific Ocean.

4. REGIONAL GEOLOGIC SETTING

The Mendocino Coast is located in the Northern California Coast Ranges Geomorphic Province, a belt of northwest trending mountain ranges and valleys extending from the Pacific Ocean east to the Great Valley physiographic province. The northwest trend reflects the predominant orientation of topographic and geologic features created in response to northwest oriented faulting and folding during the past 100 million years. The extensive folding and faulting has regionally deformed the bedrock of the Coast Ranges since deposition. This deformation has resulted in widespread fracturing, locally intense mineral alterations, and displaced bedrock units.

The Coast Ranges of Mendocino County are comprised predominantly of the Franciscan Formation as well as minor amounts of the Great Valley Sequence both of Upper Jurassic and mid to upper Cretaceous age. The Franciscan Formation is an assemblage of heterogeneous sedimentary and volcanic rocks consisting of greywacke and interbedded shale, conglomerate, minor amounts of chert, mafic volcanic rocks, limestone, greenstone, and metamorphic rocks of green schist and blue schist facies. The formation may be up to 50,000 feet thick. The coastal belt rocks of the Franciscan are dominantly greywacke, shale and conglomerate, and are lower and upper Cretaceous in age.

The Great Valley Sequence consists of about 30,000 feet of shallow shelf to submarine fan deposits of sandstone, shale, mudstone, siltstone, and minor amounts of conglomerate and limestone of late Jurassic to late Cretaceous age. These deposits were thrust over the Franciscan Formation. The miogeosynclinal Great Valley Sequence differs from the eugeosynclinal Franciscan assemblage by having: no greenstone or chert, except in the basal part; a higher proportion of mudstone and shale; more uniform and thinly bedded sandstone beds; a greater percentage of conglomerate; many more fossils; and much less structural deformity.

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Published geologic literature has mapped the subject site to be underlain by bedrock of the Great Valley Sequence. The local geologic literature has mapped the site to be underlain by the Cretaceous Anchor Bay Member (Kga), of the Gualala Formation. The Anchor Bay Member is comprised of consolidated, silicified mudstone interbedded with smaller amounts of sandstone near the coast. Overlying the Anchor Bay Member are Quaternary Marine Terrace deposits which are poorly to moderately consolidated deposits of marine silts, clays, sands and quartz rich pea gravels forming extensive flat benches which parallel the coastline. The Site Geology Map is shown on Plate 2.

5. SEISMICITY AND FAULTING

The project site is located in a region of high seismicity dominated by potential earthquakes along the active San Andreas Fault. Therefore, ground shaking should be anticipated during the lifetime of the project. The geologic literature shows that no known active faults pass through the site. The site is not located in the Alquist-Priolo Earthquake Fault Studies Zone.

The closest known active fault to the site is the San Andreas Fault. The San Andreas Fault is located approximately two miles east of the site. Table 1 outlines the nearest known active faults which may cause significant ground shaking at the site.

TABLE 1
NEAREST KNOWN ACTIVE FAULTS

<u>Fault Name</u>	<u>Approximate Distance to Site (miles)</u>	<u>Maximum Event (Moment Magnitude)</u>
San Andreas (Northern)	2	7.9

6. SUBSURFACE CONDITIONS

- a. Soils and Bedrock. The subsurface conditions at the project site were investigated by excavating three exploratory test pits (TP-1 through TP-3) near the proposed construction area to depths between six and seven feet below the existing ground surface. The approximate test pit locations are shown on the Test Pit Location Plan, Plate 2. The test pits were excavated to observe the soil, bedrock and groundwater conditions, and to collect samples of the underlying soils and bedrock for laboratory testing. The excavation and sampling procedures, laboratory procedures and descriptive test pit logs are included in Appendices A and B, respectively.

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The exploratory pits encountered surface colluvial soil deposits overlying sandstone bedrock of the Gualala Formation. The surface of the building sites is blanketed with a continuous colluvial soil deposit consisting of a fine to medium grained clayey sand. This deposit appeared moist, loose in relative density, and contained medium plastic fines and significant amounts of organics and roots. This layer generally extended to a depth of one and one-half feet below the existing ground surface. Underlying the soil deposit, the pits encountered a fine to medium grained sandstone bedrock deposit that extended to the maximum depths explored. The upper portion of the sandstone appeared soft, friable and highly weathered. Fracturing appeared very closely spaced. Below a depth of three to four feet, the sandstone became slightly to moderately hard, weak to moderately strong, and moderately weathered. Attitude measurements indicate the bedding to have four to 10 degree dip to the northwest.

- b. Groundwater. The phreatic groundwater table was not encountered within seven feet of the ground surface during our field investigation on February 12, 2004. Seepage within the pits was also not encountered. Surface seeps or springs were not observed at or near the site. However, it is conceivable that subsurface seepage and perched groundwater zones could develop during and following prolonged rainfall. However, based on the site conditions observed, we judge that such conditions, if they develop, would likely dissipate following seasonal rainfall.

7. GEOLOGIC HAZARDS AND SEISMIC CONSIDERATIONS

The project area is considered by geologists and seismologists to be seismically active. Therefore, the site and structures could be shaken intensely from a large magnitude earthquake centered on the San Andreas Fault. The seismicity of the site should be taken into account in the structural design.

The following general discussion addresses the potential geologic and earthquake hazards that often have an effect on the degree of damage to structures.

- a. Fault Rupture. Rupture of the ground surface is expected to occur along known active fault traces. No evidence of existing faults or previous ground displacement on the site due to fault movement is indicated in the geologic literature or field exploration; therefore, the likelihood of ground rupture at the site due to faulting is considered to be low. However, it cannot be entirely dismissed because of the close proximity to the San Andreas Fault, and the site is located in an active tectonic area.
- b. Ground Shaking. The North Coast has been subjected to strong ground shaking in the past by numerous large earthquakes on the active fault systems that traverse the area. It is believed that a major earthquake may occur in the region within the next several decades. It is not possible to

predict when and where earthquakes will occur. Therefore, it must be assumed that the site will be subjected to severe ground shaking during the lifetime of the project.

- c. Liquefaction. Our subsurface exploratory investigation did not encounter loose and saturated granular soil deposits. The site is underlain by a consolidated sedimentary bedrock deposit that likely extends to a great depth below the site. Therefore, we judge that the risk of soil liquefaction at the site is low.
- d. Lateral Spreading and Lurching. Lateral spreading is normally induced by vibration of near-horizontal alluvial layers adjacent to an exposed face. Lurching is an action which produces cracks or fissures parallel to streams or banks when the earthquake motion is at right angles to them. The project site does not have alluvial layers adjacent to an exposed face. The bedrock is judged not to be susceptible to lurching or lateral spreading.
- e. Expansive Soils. Based on laboratory testing and our experience, the surface soils are relatively granular and not considered to have a high shrink swell potential. The sandstone is also not considered to be expansive.
- f. Slope Stability. Landslide scarps, debris flows or earth slumps were not observed at or near the site. Geologic literature has not mapped landslides at or near the site. The site is set back a sufficient distance from the ocean, so slope instability from accelerated bluff retreat from wave action is not a concern.

Slickensided or polished bedrock surfaces were not observed in the test pits. The bedrock appears relatively intact and appeared stable. However, the surface soils are weak and likely prone to creep, erosion and shallow debris sliding.

Furthermore, significant erosion was not observed on or near the property. The cut slopes along Old Coast Highway at the western property boundary appear to have been present for many years and have performed well in terms of slope stability.

8. CONCLUSIONS AND RECOMMENDATIONS

Based upon the results of our investigation, it is our professional opinion that the project is feasible from a geotechnical standpoint, provided the recommendations contained in this report are followed. The primary geotechnical considerations are the presence of weak colluvial soils that are not suitable in their existing condition for foundation support.

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The surface colluvial soils are weak and compressible and prone to downhill creep and debris flows. This layer is not suitable for foundation support of the proposed structures. The bedrock appeared to have good strength and incompressible for the anticipated foundation loads. Furthermore, we judge that the sandstone is not prone to creep or landsliding. We judge that foundation support should be derived from the sandstone bedrock. Therefore, we judge that the structure may be supported on spread footing foundations, provided they extend into bedrock.

The surface soils are weak and compressible and prone to differential settlement under structural loads. Garage slabs-on-grade may be constructed on the soils in their existing condition if the risk of settlement and cracking is acceptable to the owner. If this risk is not acceptable, the soils should be removed and recompacted, as recommended by the geotechnical engineer in the field during construction.

The following sections provide recommendations and geotechnical criteria for design and construction of the project.

9. GRADING AND EARTHWORK

The areas to be graded should be cleared of vegetation, roots and the upper few inches of soil containing organic matter. The strippings should be removed away from the site. Excavation should then be performed to achieve final grade. We do not anticipate the placement of significant fill at the site, and we recommend that it be avoided. Subexcavation and recompaction may be required in concrete slab-on-grade areas, and should be performed according to the following recommendations.

The colluvial soils should be removed and bedrock exposed as determined by the geotechnical engineer in the field during construction. The bottom of the excavation should be scarified to a depth of eight inches, moisture conditioned to near optimum moisture content, and compacted to a minimum of 90 percent of the maximum dry density of the materials, as determined by the ASTM D-1557-91 laboratory compaction test procedure. Material consisting of native soil free of organics and rocks larger than four inches in size may be used as fill material. The fill material should be spread in eight inch thick loose lifts, moisture conditioned to within two percent of optimum moisture content, and compacted to 90 percent of the maximum dry density of the materials.

Cut and fill slopes should be no steeper than two horizontal to one vertical (2H:1V). Steeper slopes should be retained. Disturbed slopes should be planted with deep rooted groundcover to reduce and control erosion.

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10. FOUNDATIONS-SPREAD FOOTINGS

- a. Vertical Loads. The structures may be supported by spread footings founded in the sandstone bedrock. All footings should be reinforced. Spread footings founded in bedrock may be designed for a dead plus live allowable bearing pressure of 2500 psf. All footings should extend at least 12 inches into bedrock.

The allowable soil bearing pressure is a net value. The weight of the foundation and backfill over the foundation may be neglected when computing dead loads. The allowable soil bearing pressure may be increased by one-third for transient applications such as wind and seismic loads.

- b. Lateral Loads. Resistance to lateral forces may be computed using friction or passive pressure. A friction factor of 0.35 is considered appropriate between the bottom of concrete structures and the supporting bedrock. A passive pressure equivalent to that exerted by a fluid weighing 350 pounds per square foot per foot of depth (psf/ft) is recommended. Unless restrained at the surface, the top six inches should be neglected for passive resistance.

Footing concrete should be placed neat against undisturbed soil or bedrock. Footing excavations should not be allowed to dry before placing concrete. If shrinkage cracks appear in the footing excavations, the excavations should be thoroughly moistened to close all cracks prior to concrete placement.

- c. Settlement. Total settlement of individual foundations will vary depending on the width of the foundation and the actual load supported. Maximum settlements of shallow foundations designed and constructed in accordance with the preceding recommendations are estimated to be less than three-quarters of one inch. Differential settlements between similarly loaded, adjacent footings are expected to be less than one-half of one inch. The majority of the settlement is expected to occur during construction and the placement of dead loads.

11. SLABS-ON-GRADE

Slabs-on-grade will not be used for living areas, but will be used for the garage. Slabs-on-grade may be constructed on the weak soils if the risk of differential settlement and cracking is acceptable to the owner. If the risk is not acceptable, the soils should be completely removed and recompacted. Slab-on-grade subgrade should be rolled to produce a dense, uniform surface, and should be not allowed to dry.

9 of 24

Slab-on-grade should be underlain by a four-inch layer of compacted clean gravel or crushed rock. The rock will serve as a capillary break; however, moisture may accumulate in the base course. Therefore, a plastic vapor barrier of at least six mil thickness should be provided over the rock or where moisture protection is desired. To aid in curing the concrete and to protect the vapor barrier against puncture, the vapor barrier should be covered by a two-inch layer of moistened sand.

Slabs should be at least four inches thick and should be reinforced to reduce cracking. Slabs should be provided with control joints at regular intervals to induce and control cracking. The slabs should be casted and maintained separate from adjacent footings.

12. SEISMIC DESIGN

The structure should be designed to resist the effects of strong seismic ground shaking according to the criteria set forth in the 1997 edition of the UBC. The following criteria should be used in seismic design.

- a. Fault Source = San Andreas
- b. Type A = A
- c. Distance to Source = 3.5 KM
- d. Soil Profile = Sc
- e. Near Source Factors:
 - Nv = 1.80
 - Na = 1.35
- f. Seismic Coefficients
 - Cv = 1.01
 - Ca = 0.54

13. DRAINAGE

All final grades should be provided with positive gradients away from all foundations and slopes to provide rapid removal of surface water runoff to an adequate discharge point. No ponding of water should be allowed on the pad or adjacent to the foundations.

The use of continuous roof gutters is recommended to reduce the possibility of soil saturation adjacent to the buildings. Downspouts from gutters should be provided with closed conduits and discharged away from the structure.

10 of 24

We recommend that foundation subdrains be placed adjacent to the foundations to control seepage into the crawl space. Foundation drains should extend at least eight inches below interior grade space grade. The bottom of the trench should be sloped to drain by gravity. The bottom of the trench should be lined with a few inches of $\frac{3}{4}$ to $1\frac{1}{2}$ inch drain rock. A four-inch diameter perforated pipe with holes down and sloped to drain, should be placed on top of the thin layer of drain rock. The trench should then be backfilled to within six inches of the finished surface with drain rock. The upper six inches should consist of compacted soil to reduce surface water inclusion. We recommend that a drainage filter cloth such as Mirafi 140N be placed between the soil and the drain rock.

Roof downspouts and surface drains must be maintained entirely separate from subsurface foundation drains. The outlets should discharge onto erosion resistant areas.

14. LIMITATIONS

The data, information, interpretations and recommendations contained in this report are presented solely as bases and guides to the geotechnical design of the proposed residence at 38017 Old Coast Highway in Gualala, California. The conclusions and professional opinions presented herein were developed by PJC and Associates in accordance with generally accepted geotechnical engineering principles and practices. No warranty, either expressed or implied, is intended.

This report has not been prepared for use by parties other than the designers of the project. It may not contain sufficient information for the purposes of other parties or other uses. If any changes are made in the project as described in this report, the conclusions and recommendations contained herein should not be considered valid, unless the changes are reviewed by PJC, and the conclusions and recommendations are modified or approved in writing. This report and the figures contained herein are intended for design purposes only. They are not intended to act, by themselves, as construction drawings or specifications.

Soil and bedrock deposits may vary in type, strength, and many other important properties between the points of observation and exploration. Additionally, changes can occur in groundwater and soil moisture conditions due to seasonal variations, or for other reasons. Therefore, it must be recognized that we do not and cannot have complete knowledge of the subsurface conditions underlying the subject site. The criteria presented are based upon the findings at the points of exploration and upon interpretative data, including interpolation and extrapolation of information obtained at points of observation.

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15. ADDITIONAL SERVICES

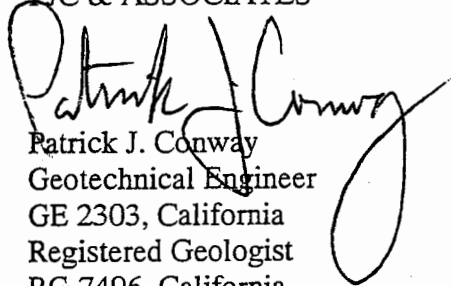
Upon completion of the grading and foundation plans, they should be reviewed by our firm to determine that the design is consistent with the recommendations of this report. Observation and testing services should also be provided by PJC to verify that the intent of the plans and specifications is carried out during construction; these services should include observing the foundation excavations and installation of the drainage facilities.

These services will be performed only if PJC is provided with sufficient notice to perform the work. PJC does not accept responsibility for items that they are not notified to observe.

It has been a pleasure working with you on this project. Please call us if you have any questions regarding the results of this investigation, or if we can be of further assistance.

Sincerely,

PJC & ASSOCIATES


Patrick J. Conway
Geotechnical Engineer
GE 2303, California
Registered Geologist
RG 7496, California



PJC: mh

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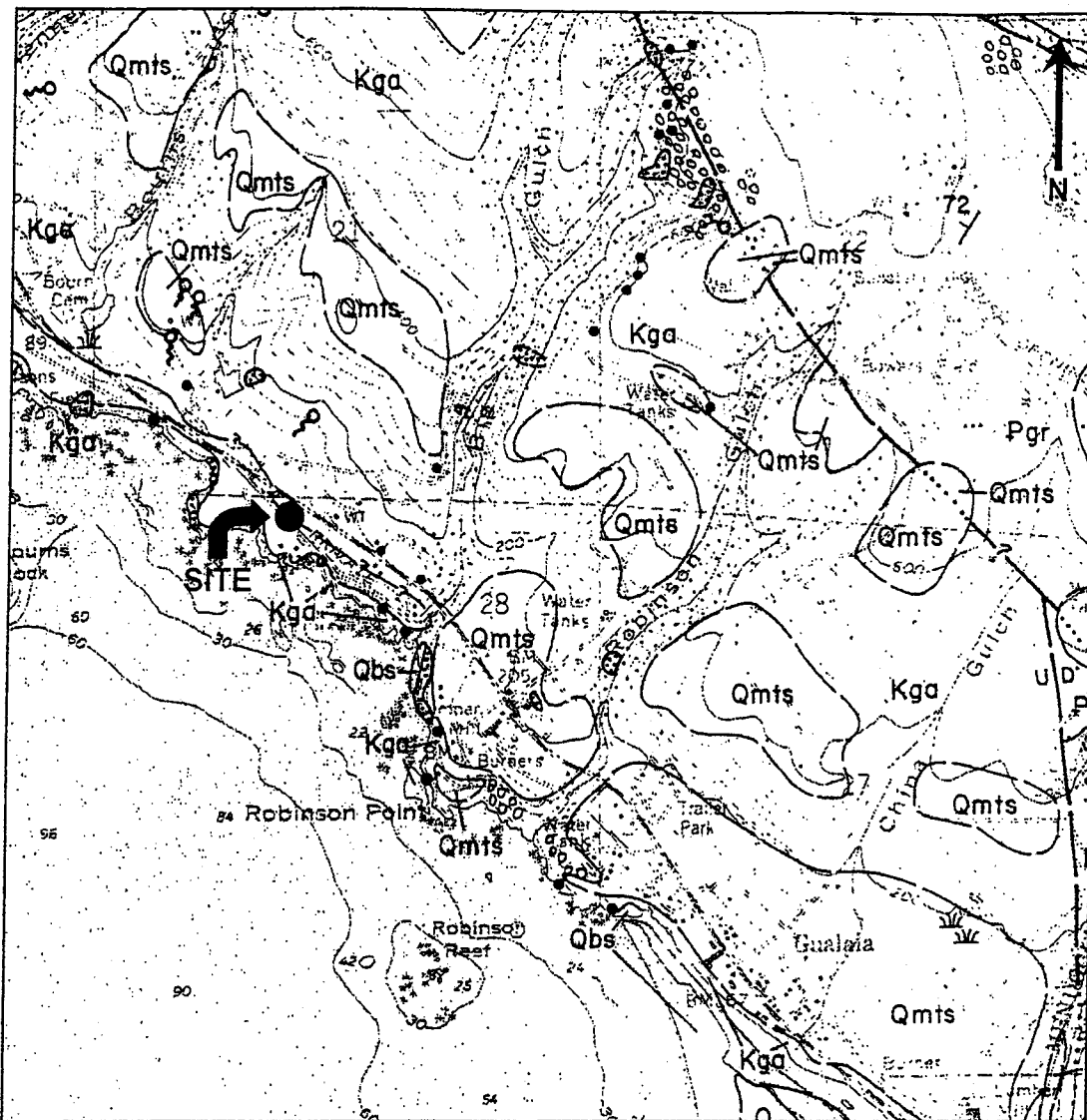
APPENDIX A**FIELD INVESTIGATION****1. INTRODUCTION**

The field program performed for this study consisted of excavating three exploratory test pits (TP-1 through TP-3) in the vicinity of the proposed construction area. The exploration was completed on February 12, 2004. The test pit locations are shown on the Test Pit Location Plan, Plate 3. Descriptive logs of the test pits are presented in this appendix as Plates 4 through 6.


2. TEST PITS

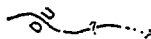
The test pits were excavated using a pneumatic-mounted backhoe with a 30 inch bucket. Bulk samples for logging and laboratory testing were collected. The test pits were logged by our geologist according to the Unified Soil Classification System, as explained in Plate 7. The bedrock was classified according to Plate 8. All samples collected were labeled and transported to PJC's office for examination and laboratory testing.

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SCALE: 1:24,000

 LITHOLOGIC CONTACT: dashed where approximately located, queried where uncertain.

 FAULT: dashed where approximately located, dotted where concealed or inferred, queried where uncertain; U on upthrown side, D on downthrown side.

 RIGHT LATERAL STRIKE-SLIP FAULT

Kga ANCHOR BAY MEMBER, GUALALA FORMATION (Cretaceous): well consolidated, silicified mudstone interbedded with smaller amounts of sandstone near the coast; inland exposures consist of consolidated, moderately hard, coarse-grained micaceous sandstone; overlain in many places by undifferentiated marine terrace sands; highly sheared and colluvial in appearance near the San Andreas fault system.

REFERENCE: GEOLOGY & GEOMORPHIC FEATURES RELATED TO LANDSLIDING GUALALA 7.5' QUADRANGLE, MENDOCINO COUNTY CALIFORNIA; COMPILED BY CLIFTON W. DAVENPORT, GEOLOGIST; DATED 1984.



PJC & Associates
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GEOLOGY & GEOMORPHIC FEATURES RELATED TO LANDSLIDING
PROPOSED RESIDENCE
38017 OLD COAST HIGHWAY
GUALALA, CALIFORNIA

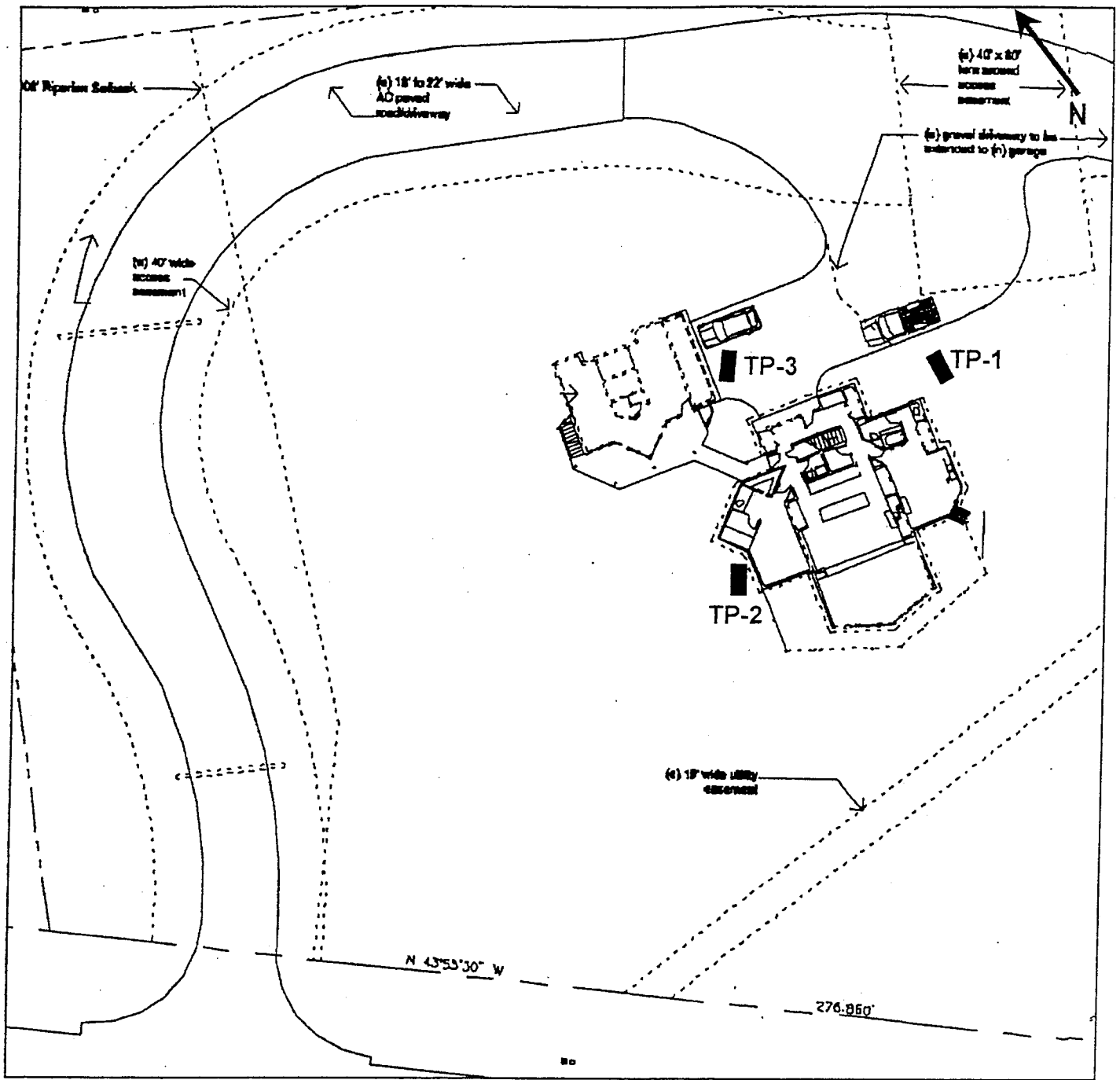
PLATE

2

Proj. No: 1842.01

Date: 4/04

App'd by: PJC



EXPLANATION

■ TEST PIT LOCATION AND DESIGNATION

NO SCALE

REFERENCE: SITE PLAN PROVIDED BY BRIAN ZITA, UNDATED.



PJC & Associates

Consulting Engineers & Geologists

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TEST PIT LOCATION PLAN
 PROPOSED RESIDENCE
 38017 OLD COAST HIGHWAY
 GUALALA, CALIFORNIA

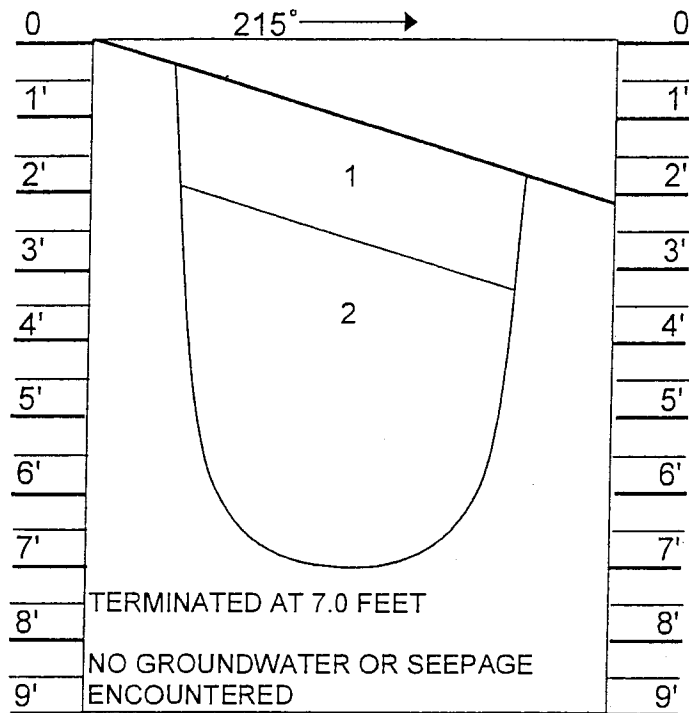
PLATE

3

Proj. No: 1842.01

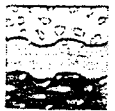
Date: 4/04

App'd by: PJC



LITHOLOGY

- 1) 0.0-1.5'; CLAYEY SAND (SC); grayish brown, moist, loose, fine grained, with roots and organics (COLLUVIUM)
- 2) 1.5-7.0'; SANDSTONE; yellowish brown with black staining, soft, friable, highly weathered, fractured to 4.0 feet less fractured below four feet (BEDROCK)



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LOG OF TEST PIT 2
 PROPOSED RESIDENCE
 38017 OLD COAST HIGHWAY
 GUALALA, CALIFORNIA

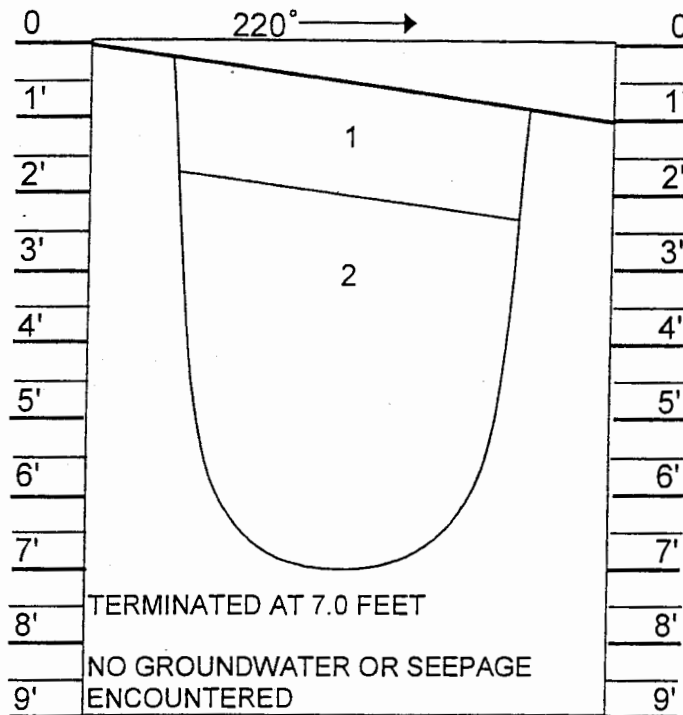
Proj. No: 1842.01

Date: 4/04

App'd by: PJC

PLATE

5



LITHOLOGY

- 1) 0.0-1.5'; CLAYEY SAND (SC); grayish brown, moist, loose, fine grained, with roots and organics (TOP SOIL)
- 2) 1.5-7.0'; SANDSTONE; yellowish brown, moderately hard, moderately strong, moderately weathered, massive (BEDROCK)



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LOG OF TEST PIT 3
 PROPOSED RESIDENCE
 38017 OLD COAST HIGHWAY
 GUALALA, CALIFORNIA

PLATE

6





Proj. No: 1842.01

Date: 4/04

App'd by: PJC

MAJOR DIVISIONS			TYPICAL NAMES	
COARSE GRAINED SOILS MORE THAN HALF IS LARGER THAN #200 SIEVE	GRAVELS MORE THAN HALF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE SIZE	CLEAN GRAVELS WITH LITTLE OR NO FINES	GW	WELL GRADED GRAVELS, GRAVEL - SAND MIXTURES
			GP	POORLY GRADED GRAVELS, GRAVEL - SAND MIXTURES
		GRAVELS WITH OVER 12% FINES	GM	SILTY GRAVELS, POORLY GRADED GRAVEL - SAND - SILT MIXTURES
			GC	CLAYEY GRAVELS, POORLY GRADED GRAVEL - SAND - CLAY MIXTURES
	SANDS MORE THAN HALF COARSE FRACTION IS LARGER THAN NO. 4 SIEVE SIZE	CLEAN SANDS WITH LITTLE OR NO FINES	SW	WELL GRADED SANDS, GRAVELLY SANDS
			SP	POORLY GRADED SANDS, GRAVELLY SANDS
		SANDS WITH OVER 12% FINES	SM	SILTY SANDS, POORLY GRADED SAND - SILT MIXTURES
			SC	CLAYEY SANDS, POORLY GRADED SAND - CLAY MIXTURES
FINE GRAINED SOILS MORE THAN HALF IS SMALLER THAN #200 SIEVE	SILTS AND CLAYS LIQUID LIMIT LESS THAN 50	ML	INORGANIC SILTS AND VERY FINE SANDS, ROCK FLOUR, SILTY OR CLAYEY FINE SANDS, OR CLAYEY SILTS WITH SLIGHT PLASTICITY	
		CL	INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS	
		OL	ORGANIC CLAYS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY	
	SILTS AND CLAYS LIQUID LIMIT GREATER THAN 50	MH	INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SANDY OR SILTY SOILS, ELASTIC SILTS	
		CH	INORGANIC CLAYS OF HIGH PLASTICITY, FAT CLAYS	
		OH	ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS	
HIGHLY ORGANIC SOILS	Pt	PEAT AND OTHER HIGHLY ORGANIC SOILS		

UNIFIED SOIL CLASSIFICATION SYSTEM

		Shear Strength, psf	
		Confining Pressure, psf	
Consol - Consolidation	Tx	320 (2600)	Unconsolidated Undrained Triaxial
LL - Liquid Limit (in %)	Tx CU	320 (2600)	Consolidated Undrained Triaxial
PL - Plastic Limit (in %)	DS	2750 (2000)	Consolidated Drained Direct Shear
PI - Plasticity Index	FVS	470	Field Vane Shear
G _s - Specific Gravity	UC	2000	Unconfined Compression
SA - Sieve Analysis	LVS	700	Laboratory Vane Shear
 "Undisturbed" Sample	SS - Shrink Swell		
 Bulk or Disturbed Sample	EXP - Expansion		
 Standard Penetration Test	P - Permeability		
 Sample Attempt with No Recovery			

Note: All strength tests on 2.5" or 2.4" diameter sample unless otherwise indicated.

KEY TO TEST DATA



PJC & Associates

Consulting Engineers & Geologists

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PROPOSED RESIDENCE
38017 OLD COAST HIGHWAY
GUALALA, CALIFORNIA

PLATE

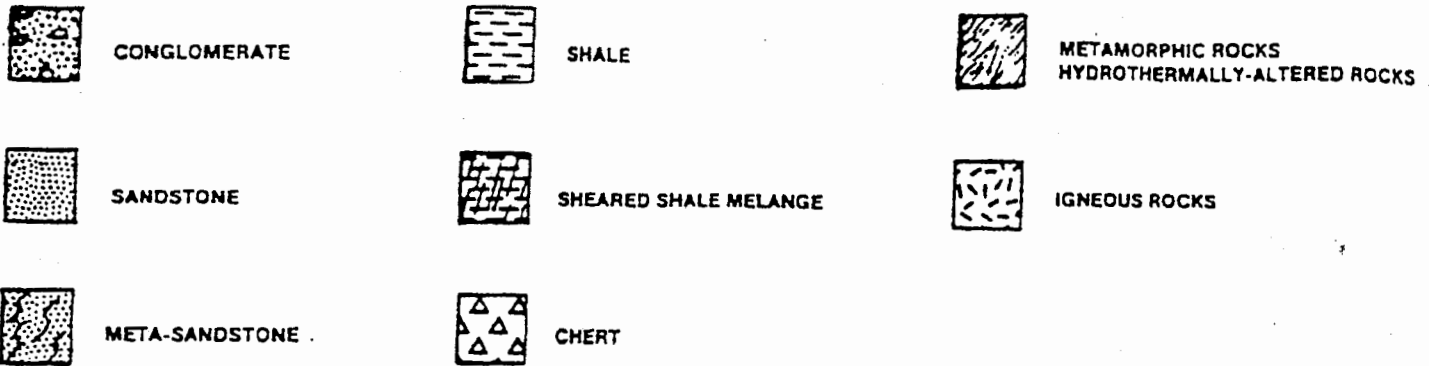
7

Proj. No: 1842.01

Date: 4/04

App'd by: PJC

ROCK TYPES



BEDDING THICKNESS

JOINT, FRACTURE, OR SHEAR SPACING

MASSIVE	Greater than 6 feet	VERY WIDELY SPACED	Greater than 6 feet
THICKLY BEDDED	2 to 6 feet	WIDELY SPACED	2 to 6 feet
MEDIUM BEDDED	8 to 24 inches	MODERATELY WIDELY SPACED	8 to 24 inches
THINLY BEDDED	2-1/2 to 8 inches	CLOSELY SPACED	2-1/2 to 8 inches
VERY THINLY BEDDED	3/4 to 2-1/2 inches	VERY CLOSELY SPACED	3/4 to 2-1/2 inches
CLOSELY LAMINATED	1/4 to 3/4 inches	EXTREMELY CLOSELY SPACED	Less than 3/4 inch
VERY CLOSELY LAMINATED	Less than 1/4 inch		

HARDNESS


- Soft - pliable - can be dug by hand
- Slightly Hard - can be gouged deeply or carved with a pocket knife
- Moderately Hard - can be readily scratched by a knife blade; scratch leaves heavy trace of dust and is readily visible after the powder has been blown away
- Hard - can be scratched with difficulty; scratch produces little powder and is often faintly visible
- Very Hard - cannot be scratched with pocket knife, leaves a metallic streak

STRENGTH

- Plastic - capable of being molded by hand
- Friable - crumbles by rubbing with fingers
- Weak - an unfractured specimen of such material will crumble under light hammer blows
- Moderately Strong - specimen will withstand a few heavy hammer blows before breaking
- Strong - specimen will withstand a few heavy ringing hammer blows and usually yields large fragments
- Very Strong - rock will resist heavy ringing hammer blows and will yield with difficulty only dust and small flying fragments.

DEGREE OF WEATHERING

- Highly Weathered - abundant fractures coated with oxides, carbonates, sulphates, mud, etc., through discoloration, rock disintegration, mineral decomposition
- Moderately Weathered - some fracture coating, moderate or localized discoloration, little to no effect on cementation, slight mineral decomposition
- Slightly Weathered - a few strained fractures, slight discoloration, little or no effect on cementation, no mineral decomposition
- Fresh - unaffected by weathering agents, no appreciable change with depth.



PJC & Associates
Consulting Engineers & Geologists

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PROPOSED RESIDENCE
38017 OLD COAST HIGHWAY
GUALALA, CALIFORNIA

PLATE
8

APPENDIX B LABORATORY INVESTIGATION

1. INTRODUCTION

This appendix includes a discussion of test procedures and results of the laboratory investigation performed by PJC for the proposed project. The investigation program was carried out by employing, in most cases, currently accepted test procedures of the American Society of Testing and Materials (ASTM).

Disturbed samples used in the laboratory investigation were obtained during the course of the field investigation as described in Appendix A of this report. Identification of each sample is by pit number, sample number and depth.

2. INDEX PROPERTIES TESTING

In the field of soil mechanics and geotechnical engineering design, it is advantageous to have a standard method of identifying soils and classifying them into categories or groups that have similar distinct engineering properties. The most commonly used method of identifying and classifying soils according to their engineering properties is the Unified Soil Classification system (USCS), as described by ASTM D-2487-83. The USCS is based on a recognition of the various types and significant distribution of soil characteristics and plasticity of materials.

The index properties tests discussed in this report include the determination of natural water content and gradation analysis testing.

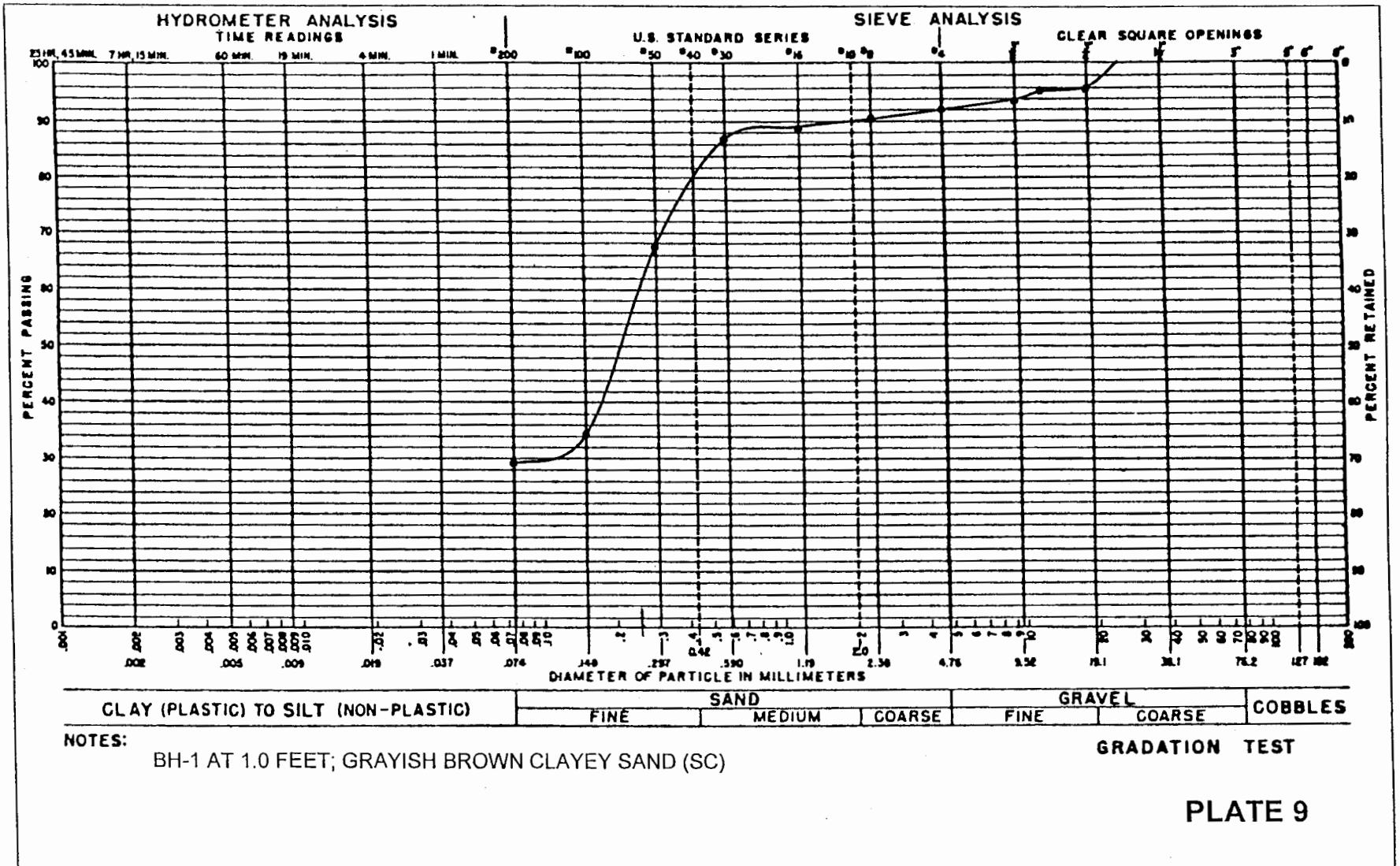
- a. Natural Water Content. Natural water content was determined on selected disturbed samples. The samples were extruded and visually classified, trimmed to obtain a smooth flat face, and accurately measured to obtain volume and wet weight. The samples were then dried, in accordance with ASTM D-2216-80, for a period of 24 hours in an oven maintained at a temperature of 100 degrees C. After drying, the weight of each sample was determined and the moisture content calculated. The water content result is summarized on the test pit logs.
- b. Sieve Analysis. The gradation characteristics of the surface soils were determined in accordance with ASTM D422-63. The samples were soaked in water until individual soil particles were separated and then washed on the No. 200 mesh sieve. That portion of the material retained

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on the No. 200 mesh sieve was oven-dried and then mechanically sieved.
The grain-size distribution test is presented on Plate 9.

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HYD-02



GRAIN-SIZE ANALYSIS
 PROPOSED RESIDENCE
 38017 OLD COAST HIGHWAY
 GUALALA, CALIFORNIA

PJC

APPENDIX C**REFERENCES**

1. "Foundations and Earth Structures" Department of the Navy Design Manual 7.2 (NAVFAC DM-7.2), dated May 1982.
2. "Soil Dynamics, Deep Stabilization, and Special Geotechnical Construction" Department of the Navy Design Manual 7.3 (NAVFAC DM-7.3), dated April 1983.
3. Geologic Map of the Santa Rosa Quadrangle, Scale: 1:250,000, compiled by D.L. Wagner and E.J. Bortugno, 1982.
4. "Soil Mechanics" Department of the Navy Design Manual 7.1 (NAVFAC DM-7.1), dated May 1982.
5. USGS Gualala California Quadrangle 7.5-Minute Topographic Map, photo-revised 1980.
6. McCarthy, David. Essential of Soil Mechanics and Foundations. 5th Edition, 1998.
7. Bowels, Joseph, Engineering Properties of Soils and Their Measurement. 4th Edition, 1992.
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9. Uniform Building Code (UBC), 1997 edition.
10. "Maps of Known Active Fault Near-Source Zones in California and Adjacent Portions of Nevada," California Department of Conservation Division of Mines and Geology, dated February 1998.
11. Geology and Geomorphic Features Related to Landsliding, Gualala 7.5-Minute Quadrangle, Mendocino County, California, DMG Open-File Report 84-48, prepared by California Department of Conservation, Division of Mines and Geology, 1984.

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Date: 7/24/2004
CDP - 30-03
(Appeal No. A-1- MEN 03-055)

To: Brian Zita
19 Garner Drive
Novato, CA 94947
(707) 765-1660

EXHIBIT NO. 7
APPLICATION NO. A-1-MEN-03-055 ZITA BOTANICAL STUDY (1 of 19)

From: Jon Thompson
P.O. Box 1554
Gualala, CA 95445
(707) 884-4847



Re: A botanical survey for Brian and Della Zita as required by the California Coastal Commission for Rare, Threatened and Endangered plants, on a 1.6 acre lot (Appeal No. A-1- MEN 03-055)

• **INTRODUCTION:**

A botanical study was conducted to identify potential Environmentally Sensitive Habitat Areas (ESHA's) as described in the Mendocino County Local Coastal Program (LCP), which implements the California Coastal Act (CCA). The study area is located at 37941 Old Coast Highway, Mendocino County, about 1 ½ miles north of Gualala.

• **PROJECT DESCRIPTION:**

Phase I - Construction of detached structure; 730-square-foot garage/storage space on the first floor and a 630- square foot guest cottage above for a total of 1,360 square ft. on an approximately 1.6-acre parcel.

Phase II - Construction of a 2,390-square foot, two story, single family residence.

• **AREA DESCRIPTION**

Plant Communities

The predominant plant community is Northern Bishop Pine Forest (a Closed Cone Coniferous Forest). Some plants that belong to Northern (Franciscan) Coastal Scrub Plant community also exist on the lot. The latter plant community appears to have been more abundant in some portions

of the lot in the past. See Appendix II (A-5) for a list of plants observed during multiple sight visits.

Soils

The soil mapping unit for the study area is 116--Bruhel-Shinglemill complex, 2 to 15 percent slopes. This map unit is on marine terraces. The vegetation is mainly bishop pine with annual and perennial grasses and herbaceous plants inhabiting the open areas. Elevation ranges from 50 to 300 ft.. The average annual precipitation is 40 to 55 inches, the average annual air temperature is about 53 degrees F, and the average frost-free period is 250 to 330 days.

Hydrology

The main hydrologic sources for the study area include direct precipitation and runoff through currently existing engineered drainage along the driveway that lead to an existing creek to the north of the study area. Other runoff from the construction areas would travel through a forested area where it would infiltrate to some degree into the soil and across County Road #513, which has it's own drainage facilities. There are no other drainage channels and no wet areas were found within the study area.

• SURVEY METHODOLOGY AND DATES:

Preliminary research for this survey was conducted using the 6th edition California Native Plant Society's (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California. This included a 9-quad search, which identifies all of the rare plants that have been located and documented in the California Department of Fish and Game's Natural Diversity Data Base within the quad that the project is located, as well as the 8 surrounding quads. Rare plants that inhabit the specific habitat found on the lot were also included in the query. Other reference materials reviewed prior to conducting field studies include Mendocino County Soil Survey, Western Part (USDA 2001) and the USGS 7.5' Gualala topographical quadrangle.

A small amount of the Coastal Bluff Scrub plant community is present between Old Coast Highway and the western property border (not within the property being surveyed). An ephemeral creek is located on the adjacent property to the north. Due to the close proximity of these plant communities to the study area, they were also included when querying the CNPS Electronic Inventory and other resources. These methods resulted in a list of the rare plants that were searched for in the study area during the actual surveys on the ground.

The site was surveyed on, April 15, May 13, June 9 & 15, and July 14 & 19 (9 hours surveying). Surveys followed CNPS Botanical Survey Guidelines and followed the protocol for plant surveys described by Nelson (1986) and CDFG (2000). The completed survey is floristic in nature; all plants on the lot were identified to the extent necessary to determine rarity and listing status. The spacing of the visits throughout the growing season ensures a high degree of completeness and accuracy. Transects were spaced approximately 15 to 20 ft. apart and spanned the lot where passable.

Field Survey Notes:

While conducting periodic field visits to the property, I observed that a RV camping trailer was moved onto the property. The trailer was positioned approximately 70 ft. from the ESHA boundary CA#1. I also noted that some trees located on the property were limbed up. I did not observe a disturbance to any

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special status plant species during field visits to the study area. The area that was limbed and the area that the trailer was placed did not appear to be optimal potential habitat for any of the targeted special status plants.

RARE PLANTS SEARCHED FOR ON THE SITE AND THEIR BLOOMING TIMES:

<u>Species</u>	<u>CNPS List</u>	<u>Blooming Period</u>
<i>Agrostis blasedalei</i>	1B	May-July
<i>Angelica lucida</i>	4	May-Sept
<i>Calamagrostis bolanderi</i>	4	Jun-Aug
<i>Calandrinia breweri</i>	4	Mar- Jun
<i>Calystegia purpurata</i> ssp. <i>saxicola</i>	1B	May-Aug
<i>Campanula californica</i>	1B	Jun-Oct
<i>Carex lyngbyei</i>	2	May-Aug
<i>Carex saliniiformes</i>	1B	Jun
<i>Castilleja afinis</i> ssp. <i>littoralis</i>	2	June
<i>Castilleja ambigua</i> ssp. <i>humboldtiensis</i>	1B	April-Aug
<i>Castilleja mendocinensis</i>	1B	Apr-Aug
<i>Ceanothus gloriosus</i> ssp. <i>gloriosus</i>	4	Mar-May
<i>Clarkia amoena</i> ssp. <i>whitneyi</i>	1B	Jun-Aug
<i>Erigeron supplex</i>	1B	May-Jul
<i>Fritillaria roderickii</i>	1B	Mar-May
<i>Gillia capitata</i> ssp. <i>chamissonis</i>	1B	May-Aug
<i>Gillia capitata</i> ssp. <i>pacifica</i>	1B	May-Aug
<i>Gillia capitata</i> ssp. <i>tomentosa</i>	1B	May-Jul
<i>Hemizonia congesta</i> ssp. <i>leucocephala</i>	3	Jul-Nov
<i>Hesperervax sparsiflora</i> var. <i>brevifolia</i>	2	Mar-Jun
<i>Horkelia marinensis</i>	1B	May-Sep
<i>Horkelia tenuiloba</i>	1B	May-July
<i>Lasthenia macrantha</i> ssp. <i>bakeri</i>	1B	Apr-Oct
<i>Lasthenia macrantha</i> ssp. <i>macrantha</i>	1B	Jan-Nov
<i>Lillium maritimum</i>	1B	May-Jul
<i>Lycopodium clavatum</i>	2	Jul-Aug
<i>Microseris paludosa</i>	1B	Apr-Jun
<i>Phacelia insularis</i> var. <i>continentis</i>	1B	Mar-May
<i>Sidalcia calycosa</i> ssp. <i>rhizomata</i>	1B	Apr-Sep
<i>Sidalcia malvaeflora</i> ssp. <i>patula</i>	1B	May?
<i>Sidalcia malvaeflora</i> ssp. <i>purpurea</i>	1B	May

The California Native Plant Society's (CNPS) Rare Plant List definitions:

- List 1A** Presumed extinct in California
- List 1B** Rare or Endangered in California and elsewhere
- List 2** Rare or Endangered in California, more common elsewhere
- List 3** Plants for which we need more information - review list
- List 4** Plants of limited distribution - watch list

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Additional Note: *Viola adunca* (dog violet) was also searched for in the study area. This species is thought to be a host for the endangered Behrens silverspot butterfly (*Speyeria zerene behrensii*).

• RESULTS AND DISCUSSION:

Rare, Endangered and Threatened Plant Species

One rare plant species, the coastal bluff morning-glory (*Calystegia purpurata* ssp. *saxicola*) was found to inhabit the lot. Samples of *Calystegia* species with variable morphological traits inhabiting the lot were sent to an expert in *Calystegia* taxon to obtain a definite identification of the plants in question. According to George Snyder author of A Flora of the Vascular Plants of the Sea Ranch, Sonoma County, California "plants are variable but appear to belong to this ssp." (In reference to *Calystegia purpurata* ssp. *saxicola*).

This plant is a CNPS list 1B (rare or endangered in California and elsewhere) and was added to the CNPS Rare and Endangered Plant List in 2001. Environmentally Sensitive Habitat Area's (ESHA's) include habitats of rare and endangered plants and animals. It is mandatory that CNPS List 1B plants are fully considered during preparation of environmental documents relating to the California Environmental Quality Act (CEQA). Additionally, the U.S. Fish & Wildlife Service considers this plant a species of local concern or conservation importance (SLC).

This subspecies belongs to a very complex and difficult genus and exhibits extreme morphological variability. *C. Purpurata* ssp. *saxicola* and *C. Purpurata* ssp. *purpurata* often intergrade; traits from both subspecies are often evident in one plant.

Two specimens that displayed a wide range of variability and that did not closely fit the currently published description of this subspecies were collected from the lot and sent to Dr. Brummitt of the Kew Botanic Gardens England for positive identification. Dr. Brummitt is an authority on the genus *Calystegia*. Even though one specimen exhibited pointed leaf apices throughout, he accepted both of the specimens as *C. purpurata* ssp. *saxicola*.

Most of the other plants suspected to be the coastal bluff morning-glory within the study area were not in bloom during all site visits. All of these plants were determined to be the coastal bluff morning-glory based on considerable experience with this subspecies' vegetative characteristics. I compared the plants that were in the vegetative state with samples from other study areas previously determined to be *Calystegia purpurata* ssp. *saxicola* by Dr. Brummitt, Frank Almeda (California Academy of Sciences, San Francisco), and Teresa Sholars (Biology instructor at College of the Redwoods in Fort Bragg and member of the CNPS Rare Plant Scientific Advisory Committee).

Gene Cooley, Department of Fish and Game Botanist is interested in assembling the information necessary to address the identification and rarity issues that have been raised about this taxon.

Clare Golec of the Department of Fish and Game who was recently out in the field to observe and collect *Calystegia* with Dr. Brummitt, stated that "Dr. Brummitt saw problems with the key (which he authored in the Jepson Manual) but did not entertain the idea that the species could be taxonomically invalid. He further reminded us that subspecies commonly are variable and often

exhibit traits of other subspecies (especially where ranges overlap) but one needs to look at the species as a whole...".

Ms. Golec added, "There certainly has been a lot of fallout on this species but the important characteristics imparted by Dr. Brummitt are the predominant leaf shape of the plant (reniform to rounded...), habit (not strongly clambering and profuse), and geographic/habitat (Manchester Beach State Park to around Point Reyes along the immediate coastal habitats)...the bractlet lobing is not a reliable characteristic."

I have personally found specimens that match the currently published description of this subspecies in Irish Beach, which is approximately 10 miles north of Manchester State Beach.

In the Jepson manual it's range is considered to be south and central North Coast and north San Francisco Bay. CalFlora Occurrence Data Base query results for this plant indicates that it has been reported to exist in Sonoma, Mendocino, Contra Costa, Marin, Lake (seems questionable) and Napa counties. Actual voucher specimens have been documented in Sonoma and Lake County.

According to the California Coastal Commission Staff Report for Appeal No. A-1-MEN-03-55 (page 27), "During a site visit with Commission Staff on October 1, 2003, A Department of Fish and Game Botanist identified specimens of what may likely be coastal bluff morning-glory plants growing within the staked-out perimeter of the approved development."

After speaking with Gene Cooley of the Department of Fish and Game and Randy Stemler of the California Coastal Commission, I understand that at least one stem of what appeared to be the coastal bluff morning-glory was observed within the perimeter of the proposed structures in the study area. Twenty or more stems were observed within CA#1, which is a brighter location in disturbed northern coastal scrub habitat.

Plants resembling the coastal bluff morning-glory were not observed inhabiting the area within the staked-out perimeter of the proposed house and garage/guesthouse during all visits to the study area. It is difficult to ascertain what became of these individuals. It is possible that seeds germinated due to past disturbance of the soil and the resulting plants did not favor the dark environment that the thick overstory of conifers created. Other possibilities include, herbivory by deer, rabbits or other animals as well as trampling by human activities.

Wetlands and Riparian Vegetation

There were no obligate wetland plant species found to inhabit the entire study area. The facultative wetland (FACW) species found within the study area include:

Calamagrostis nutkaensis (south-west corner of the lot, between the driveway and the northern property line)

Cyperis eragrostis (one plant found on north side of the driveway)

Briza minor (small amount found at edge of bishop pine forest near the existing driveway at eastern portion of the study area).

Facultative wetland plants usually occur in wetlands (estimated probability 67%-99%), but occasionally found in non-wetlands.

Facultative species (FAC) found within the study area include: *Scrophularia californica*, *Sisyrinchium bellum*, and *Chenopodium ambrosioides* – (all found on north side of the driveway)

Facultative plants are equally likely to occur in wetlands or nonwetlands (estimated probability 34%-66%)

The FACW and FAC species found within the study area do not constitute more than 50% of the dominant species in the community types in which they were found. Therefore, hydrophytic vegetation does not exist within the study area.

The drainage course located to the north on the adjacent property does not appear to have the hydrologic conditions required for the growth of riparian vegetation. I could not closely inspect the drainage because that would have entailed trespassing.

Further, on May 13, 2004, the soil was inspected to a depth of 1 foot at 3 points along the north side of the driveway (between the north property line and the driveway). The soil was very dry and not saturated at any of the points. The soil did not exhibit any traits of classic hydric soils including, mucky texture, gley color, thick organic layer, mottling, stratified layers or sulfidic odor. The seasonal drainage on the adjacent property is considered to be an ephemeral creek. A 100 foot set back from the upper bank of the drainage has been established as shown in the Botanical Site Plan (Appendix II-A). The riparian buffer area includes a portion of an existing 40 ft. access easement and 18 ft. wide driveway. No new development is proposed within this buffer.

According to the California Coastal Commission's staff report for this project, none of the contentions of the appellant (other than those raised concerning rare plant ESHA), including those with geology issues related to erosion, were considered to qualify as a substantial issue by the Commission.

On page 25 of the staff report, it is stated: "*The existing driveway on the applicant's parcel has been engineered to accommodate runoff from the site that drains along the driveway. The drainage facilities convey water to an existing creek to the north of the applicant's property. In addition, any other runoff from the approved house and garage would have to travel through a forested area where runoff would infiltrate to some degree into the soil and across County Road #513, which has its own drainage facilities, before even reaching the bluff top parcel where the neighboring home has been constructed.*"

Additional Note: The host plant for the Behrens silverspot butterfly, *Viola adunca* (dog violet) was not found to inhabit the study area.

- **LOCATIONS OF ESHA'S IN STUDY AREA:**

Coastal bluff morning-glory occurs along the south border of the lot. This area will be identified as Calystegia Area #1 (CA#1) throughout the remainder of the report and (Appendix IIA). This subspecies is also scattered throughout the garden (adjacent to CA#1) on the neighbor's lot (south of the study area).

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More than 20 stems of the coastal bluff morning-glory were observed at CA #1 within the property boundary. This area has been disturbed by previous activities including the construction of the neighboring house as well as placement of the telephone pole and electrical pole. "Stems" refer to what may appear to be individual plants. Due to the ability of this plant to spread by underground stems, also known as rhizomes, several clumps of stems may actually be the same plant.

Another ESHA is along the north side of the existing driveway where 5 stems of coastal bluff morning-glory were found. This area will be identified as **Calystegia Area #2 (CA#2)** throughout the remainder of the report and on the Botanical Site Plan (Appendix II-A).

ALTERNATIVES to CURRENTLY PROPOSED LOCATION of STRUCTURES:

The recommended alternative is to move the house and detached garage/guest room to the west to allow for a maximum of a 50 ft. buffer and a (temporary) minimum of 40 ft. for CA#1. This recommended alternative would also provide a 50 ft. buffer for CA#2.

See RECOMMENDATIONS on page 8 of this report for details and reasoning for the buffer areas.

• **IMPACT ASSESSMENT:**

Biological significance of adjacent lands

The recommended location for development in the study area does not contain optimum habitat for the coastal bluff morning-glory. North Coast Bishop Pine is not considered a plant community in which this plant thrives. The majority of the recommended buffer consists of relatively low potential as habitat for this subspecies and therefore should serve well as a buffer for both CA#1 and CA#2.

Many stems of the coastal bluff morning-glory currently inhabit developed and undeveloped land in the vicinity, including the garden (adjacent to CA#1) on the neighbor's lot (south of study area). Stems of this subspecies are located in the vicinity directly across Old Highway One from the Zita Property. This area is not in jeopardy of being directly impacted by development. Another area this plant exists is at the south-west corner of the intersection of Old Coast Highway and Highway One.

I have inspected various locations ranging from Irish Beach in Mendocino County to The Sea Ranch and this plant has been found to be quite abundant in some areas, especially in Coastal Terrace plant and Northern (Franciscan) Coastal Scrub plant communities. Many stems of this plant also inhabit the immediate coastal area from Irish Beach Manchester area to The Sea Ranch and south to around Point Reyes.

Many stems of the coastal bluff morning-glory also currently inhabit Bourns Landing and vicinity, approximately one mile north of the study area.

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Sensitivity of species to disturbance

The coastal bluff morning-glory is known to often grow where the soil has been disturbed and/or where there has been an increase in exposure to sun.

It has been observed that the seed of this plant can be transported to more inland areas via moving of topsoil from the coastal scrub and coastal terrace plant communities to peoples yards, often times quite removed from the most common habitat for this subspecies. In irrigated garden settings, it has been observed to grow vigorously and can bloom profusely.

It is also known to often grow where the soil has been disturbed and/or where there has been an increase in exposure to sun. The coastal bluff morning glory has often been observed growing in areas that are regularly maintained by CalTrans such as at the location mentioned above (at the corner of Old Coast Highway and the Highway One).

I estimate that thousands of this subspecies currently inhabit The Sea Ranch in the above mentioned plant communities that are left in a natural state as well as areas that are regularly grazed by sheep/goats and other areas that are regularly mowed throughout the growing season.

The places that this subspecies is found within the study area have both experienced ground disturbances in the recent past.

Susceptibility of parcel and associated ESHA's to erosion

Slope - The slope from the boundary of CA#1 is mostly towards Old Coast Highway (County Road 513) and slightly towards the house and garage/guesthouse sites (17 % and greater). Therefore, if any erosion were to occur due to construction activities, it would be directed away from CA#1, towards County Road 513 or the existing driveway. The slope from the proposed driveway for the neighbor's lot to the south is slight, at 1% to 3% towards CA#1.

If erosion were to occur from construction activities, the existing driveway and associated drainage would be sufficient to protect the coastal bluff morning-glory and it's habitat in CA#2. As previously mentioned, the existing driveway has been engineered to accommodate runoff from the site that drains along the driveway. The drainage facilities should appropriately handle the runoff and would travel through a forested area where runoff would infiltrate into the soil and across County Road #513.

Soil - 116-Bruhel-Shinglemill Complex

This unit is about 50 percent Bruhel loam and 25 percent Shinglemill loam. The Bruhel and Shinglemill soils occur as areas so intricately intermingled that it was not practical to map them separately at the scale used.

The Bruhel soil is deep or very deep to weathered bedrock and is well drained. Permeability and available water capacity is moderate if the surface is left bare. The Shinglemill soil is very deep and is poorly drained. Permeability is slow and available water capacity is high. Runoff is slow or medium and the hazard of water erosion is slight or moderate if the surface is left bare.

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The recommended location of the development will be less likely to cause erosion than if it were located further west. If it were placed any further west it would be partially positioned on a steep slope and could possibly cause soil erosion that may adversely affect CA#2 as well as the creek. If any erosion were to occur from construction activities, it would be mostly directed away from CA#1.

The drainage facilities associated with the driveway should appropriately handle the runoff and minimize erosion of soil within and surrounding CA#2.

Use of Topographic Features to Locate Development

The recommended location of development will not likely adversely impact CA#1 because the structures will be positioned down slope from this ESHA.

The recommended location of the development will be less likely to cause erosion that may effect CA#2 and Creek on adjacent parcel than if it were located further west. If it were placed further west it would be partially positioned on a steep slope and could possibly cause soil erosion that may adversely affect CA#2 as well as the creek.

Use of Existing Cultural Features to Locate Buffer Zones

See discussion on driveway and associated drainage under Susceptibility of parcel and associated ESHA's to erosion (Slope).

Lot Configuration and Location of Existing Development

According to Coastal Zoning Code sec. 20.496.020, "Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection. Where development is proposed in an area that is largely undeveloped, the widest and most protective buffer zone feasible shall be required."

The lot to the south of the study area has structures located much less than 100 ft. and in some places less than 50 ft. from stems of the coastal bluff morning-glory. There are numerous other locations in the area where this plant is growing very close to houses and other buildings as well as maintained roadsides.

Type and Scale of Development Proposed

The type and scale of the proposed structures within the study area are similar to those in the immediate vicinity. The coastal bluff morning-glory has been observed growing in close vicinity (within 50 ft.) to other structures of similar type and scale.

9⁹ 19

Mendocino Zoning Code Sec. 20.496.015 ESHA (Development Application Procedures) states in part:

"A project has the potential to impact an ESHA if:

- (1) The development is proposed to be located on a parcel or proximate to a parcel identified on the land use plan map with a rare and/or endangered species symbol;*
- (2) The development is proposed to be located within an ESHA, according to an on-site investigation, or documented resource information;*
- (3) The development is proposed to be located within one hundred (100) ft. of an environmentally sensitive habitat and/or has potential to negatively impact the long-term maintenance of the habitat, as determined through the project review."*

According to Mendocino County Zoning Code, Sec. 20.496.020 ESHA (Environmentally Sensitive Habitat Area—Development Criteria):

"A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from future developments and shall be compatible with the continuance of such habitat areas"

"The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent Environmentally Sensitive Habitat Area."

Recommendations:

A maximum of a 50 ft. buffer and a (temporary) minimum of a 40 ft. buffer can be allowed for CA#1. To clarify: For phase I, a 50 ft. buffer would be established and for a phase II, a temporary 40 ft. buffer could be allowed where and when absolutely necessary to allow for construction of the single family residence. Once the residence structure is complete, a 50 ft. buffer would once again be established.

By carefully addressing the standards for determining the appropriate width of the buffer area in Coastal Zoning Code Sec.20.496.020 under Buffer Areas, I have concluded that both the 50 ft. and the temporary 40 ft. buffer will not pose a threat to the coastal bluff morning-glory or it's current actual habitat within CA#1. The same conclusion has been reached for the recommended 50 ft. buffer for CA#2. This subspecies often grows where the soil has been disturbed and/or where there has been an increase in exposure to sun. Based on my experience with this taxon, it would not be unusual if the disturbance associated with construction of all proposed structures will actually create favorable conditions for at least the germination and possibly, but not necessarily, the sustained growth of this plant.

I also recommend that the Mendocino County Department of Building and Planning Services implements a monitoring plan or other appropriate agency to ensure continued protection of the ESHA's and their respective protective measures in perpetuity.

There is a portion of the recommended buffer zone for CA#1 that has been severely denuded of almost all vegetation and has been compacted by vehicles and equipment during the construction of the neighboring house and other activities. This area should be planted with plants that inhabit the local northern (Franciscan) coastal scrub habitat. This should be done with the consultation of a professional restoration ecologist, botanist or other qualified individual. Additionally, to help minimize erosion, revegetation of disturbed areas around the construction site should be accomplished as soon as possible after construction.

A secure fence composed of a 4 to 5 foot tall high visibility boundary fencing shall be erected prior construction to protect the buffer area (as mapped and staked on the ground), habitat and individuals of the coastal bluff morning-glory of CA#1. The fencing should remain until all construction is complete.

An area of the lot that lies on the northwest side of the proposed driveway (CA#2) will be preserved in it's current state and protected from any adversely impacting disturbances to the coastal bluff morning-glory individuals and it's habitat. A secure fence (such as that recommended for CA#1) will need to be installed prior to construction along the north side of the driveway and should remain until all construction is complete to prevent impacting individual coastal bluff morning-glory plants and their habitat. This barrier may also serve to protect the creek located on the neighboring lot. The currently proposed setback intended to protect the ephemeral creek is also sufficient to protect CA#2.

If vegetation clearing or tree trimming/removal is absolutely required for fire abatement or other safety reasons, it should be conducted after the plants have fruited and set seed in the fall or winter.

• CONCLUSION

This project, with its recommended buffer area and other recommendations should not negatively impact the rare plant ESHA's identified within the study area. Nor will it adversely impact the ephemeral creek located on the adjacent parcel to the north of the study area. If the coastal bluff morning-glory and its associated habitat are protected from disturbance in perpetuity, this project will not result in a net loss of any coastal bluff morning-glory plants. The resource (coastal bluff morning-glory and actual habitat) will not be degraded by the proposed development. There is no feasible less environmentally damaging alternative.

The places that the coastal bluff morning-glory are growing within the study area are quite degraded, relatively isolated and are not high quality examples of Northern (Franciscan) Coastal Scrub plant community.

A 100-ft. riparian set back has been established on the Botanical Site Plan (Appendix II-A). No new development will occur within this riparian buffer area.

Under existing laws, a project applicant or a local lead agency such as the Mendocino County Department of Building and Planning services may have the responsibility of consulting with public regulatory agencies on matters relating to project impacts on rare species. No ground disturbance or construction will occur until the Department of Fish and Game, and the California Coastal Commission officially accept the recommended buffer areas and associated mitigation for the ESHA's addressed in this botanical report.

APPENDICES

Appendix I – Topo Map / Project Location

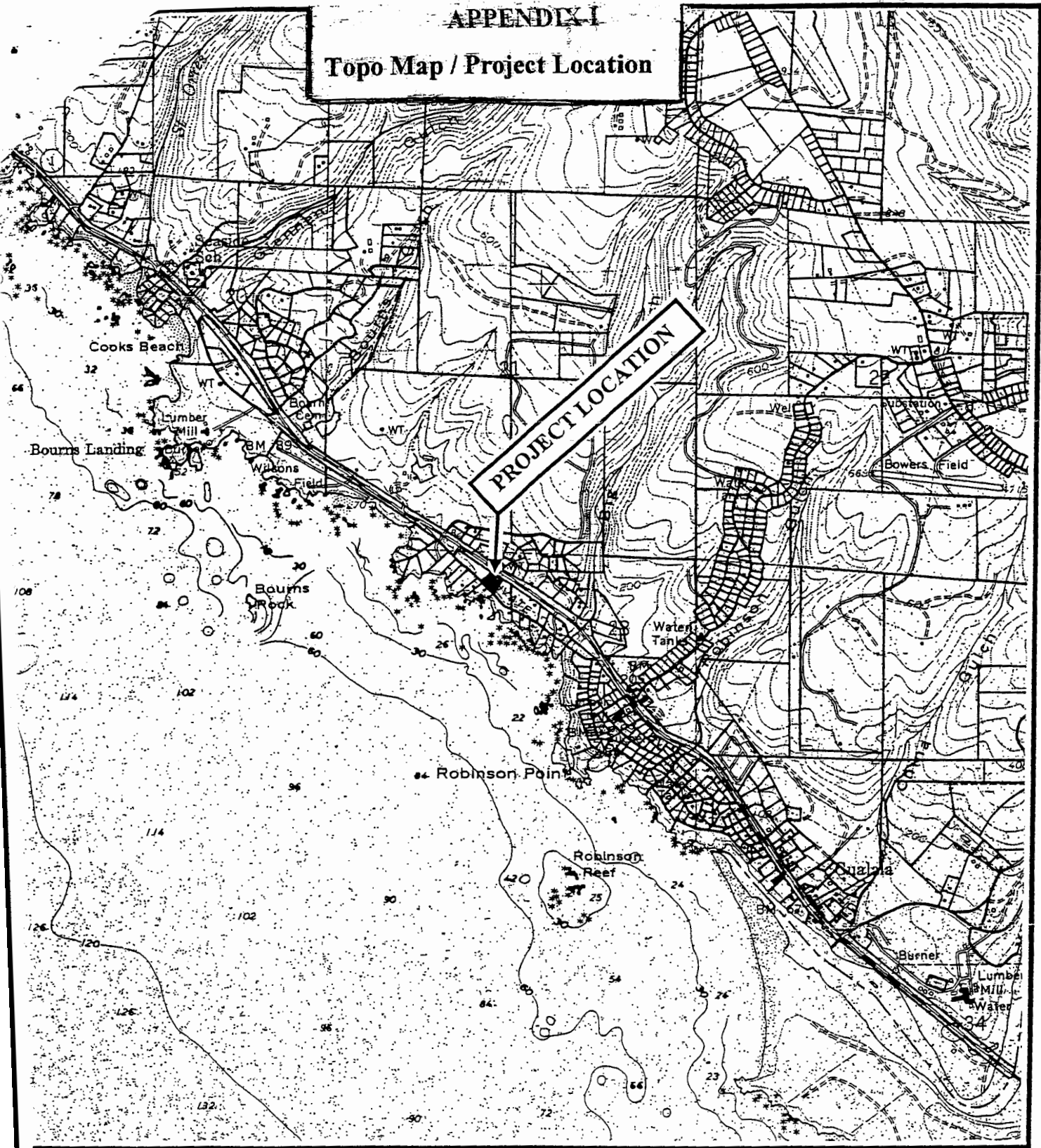
Appendix II – A. Location of ESHA's CA#1 and CA#2 Buffers
B. Photos

Appendix III - Floristic Survey

12/19

APPENDIX I

Topo Map / Project Location



PROJECT LOCATION

CASE NO: CDP 30-03

BRIAN & DELLA ZITA

LOCATION MAP

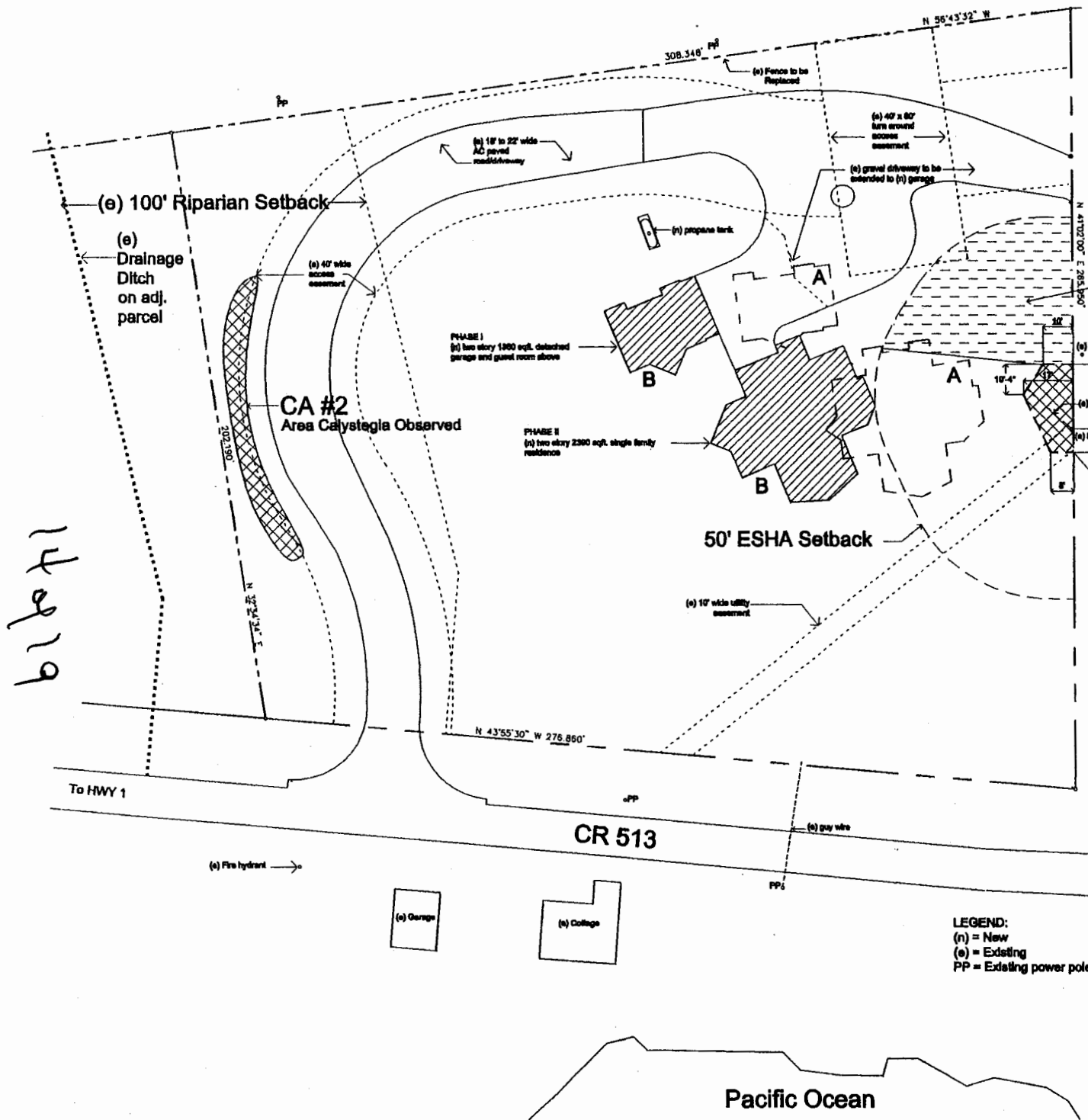
1 INCH = 2000 FEET



NORTH

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APPENDIX II-A



Area to be planted with natives

CA #1
Area Calystegia Observed

ALTERNATE HOUSE LOCATION LEGEND

A = Original Proposed Location 14' min. from ESHA
B = New Proposed Location 50' min. from ESHA

1	REVISION	Do Not Resubmit to Council Consideration	BPZ
MARK	DATE	REVISIONS	INITIAL

Botanical Site Plan

Scale: 1" = 50' - 0"

ZITA RESIDENCE
37941 Old Coast Highway
Gualala, CA 95445
AP.No. 145-122-11

RHL ARCHITECTURE • ENGINEERING • ENVIRONMENTAL SERVICES
1137 N. MOONELL BLVD. PETALUMA, CA 94954 (707) 785-1600
GRAN F. BTA, ARCHITECT

PHASE	REVISION	INITIAL	DATE	DATE	DATE
PRELIMINARY					
PLANNING					
SUDO PERMIT					
GENERAL BID					
PERMIT REV'S					
CONSTRUCTION Do not use @ until for construction unless indicated					

DATE: 8/20/08
DR. BY: BPZ
APPR.:
SHEET 1

14979

APPENDIX II-B

Photos



CALYSTEGLIA AREA # I (CA#I)



CALYSTEGLIA AREA # II (CA#II)

15 9 19

APPENDIX II-B
PHOTOS



Calystegia purpurata ssp. *saxicola*
Coastal bluff morning-glory
CA#1



Calystegia purpurata ssp. *saxicola*
Coastal bluff morning-glory
CA#2

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APPENDIX III FLORISTIC SURVEY

The following plants were observed during the surveys:

(Bold type indicates rarity. An asterisk * indicates it is an exotic; ** indicates that it is an invasive exotic)

FAC = facultative - equally likely to occur in wetlands or nonwetlands (estimated probability 34%-66%)

FACW = facultative wetland - usually occur in wetlands (estimated probability 67%-99%), but occasionally found in non-wetlands.

Overstory vegetation:

- Abies grandis* - grand fir
- Pinus muricata* - Bishop pine
- Pseudotsuga menziesii* - Douglas fir

Midlevel vegetation:

- Baccharis pilularis* - coyote bush
- Lithocarpus densiflora* - tanbark oak
- Lupinus arboreus* - lupine
- Rhamnus californica* - California coffeeberry
- Rosa gymnocarpa* - wood rose
- Vaccinium ovatum* - black huckleberry

Groundcover vegetation:

- Achillea millefolium* - yarrow
- Anaphalis margaritaceae* - pearly everlasting
- Angelica hendersonii* - Henderson's angelica
- Anthoxanthum odoratum* - sweet vernal grass
- Brasica nigra* - black mustard*
- Briza maxima* - rattlesnake grass*
- Briza minor* - little quaking grass* FACW
- Bromus diandrus* - ripgut grass *
- Bromus vulgaris* - common brome
- Calamagrostis nutkaensis* - reed grass FACW
- Calystegia purpurata* ssp. *saxicola* - coastal bluff morning-glory
- Carduus pycnocephalus**
- Cardamine* sp.
- Castilleja wightii* - Wight's Indian paintbrush
- Ceanothus griseus* var. *horizontalis* - Carmel ceanothus
- Chenopodium ambrosioides* - epazote* FAC
- Cirsium vulgare* - bull thistle*
- Coralorhiza maculata* - spotted coral root
- Cortadera jubata* - Pampas grass**
- Cotoneaster pannosa* - cotoneaster*

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Cynosurus echinatus – hedgehog dogtail*
Cyperis eragrostis – umbrella sedge FACW
Dichondra donelliana – dichondra
Epilobium ciliatum ssp. *ciliatum* – willow herb FACW
Erigeron glauca – seaside daisy
Erigeron spp. (most likely *E. karvinskianus*) *
Erechtites glomerata - Australian fire-weed*
Gallium aparine – goose grass
Gallium californicum ssp. *californicum*
Galium triflorum. - bedstraw
Gnaphalium purpureum – purple cudweed
Goodyera oblongifolia – rattlesnake orchid
Gualtheria shallon – salal
Hedera helix – English ivy **
Holcus lanatum – velvet grass*
Hypochoeris radicata – false dandelion *
Iris douglassiana – Douglass iris
Lessingia filaginifolia – beach aster
Ligusticum apiifolium – celery-leaved lovage
Linum perenne – flax *
Lolium perenne – English Ryegrass
Lonicera hispidula var. *vacillans*
Luzula camosa-wood rush
Madia madiaoides- woodland madia
Medicago praecox - medick
Mimulus aurantiacus – sticky monkeyflower
Osmorhiza chilensis-sweet cicely
Oxalis sp.
Plantago lanceolata – plantain
Polygala californica –milkwort
Polypodium californica
Plantago lanceolata – plantain*
Polystichum munitum – sword fern
Pteridium aquilinum var. *pubescens* – bracken fern
Rosa gymnocarpa – wood rose
Rubus urcinus – California blackberry
Rhus toxicodendron – poison oak
Rumex acetosella – sheep sorrel*
Sanicula crassicaulis-yellow sanicle
Satureja douglassii – yerba buena
Scrophularia californica – bee plant FAC
Sisyrinchium bellum – blue-eyed grass FAC
Solidago spathulata-coast goldenrod
Sonchus asper ssp. *asper* - sow thistle *
Sonchus oleraceus – sow thistle*
Toxicodendron diversilobum - poison oak

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Trifolium wildenovii-Tom cat clover

Trifolium hirtum - rose clover*

Vicia sativa ssp. *nigra* - vetch

Zigadenus fremontii-zigadene or star lily

State of California

Memorandum

To : Mr. Randall Stemler
California Coastal Commission
North Coast District Office
710 E Street, Suite 200
Eureka, CA 95501
Via Fax (707) 445-7877

Date: November 2, 2004

EXHIBIT NO. 8**APPLICATION NO.**

A-1-MEN-03-055

ZITA

DEPARTMENT OF FISH &
GAME LETTER (1 of 4)

From : Robert W. Floerke, Regional Manager 
Department of Fish and Game - Central Coast Region, Post Office Box 47, Yountville, California 94599

Subject : CDP #30-03 and A-1-MEN-03-055 for Zita Parcel
37941 Old Coast Highway Road 526, APN #145-122-11, Mendocino
County, Impacts to Coastal Bluff Morning-glory

Department of Fish and Game (DFG) personnel have reviewed the Botanical Study prepared by Jon Thompson, dated July 27, 2004, for the above project. On October 1, 2003, Mr. Gene Cooley, Associate Botanist with DFG, conducted a site visit with Mr. Bob Merrill, District Manager with the California Coastal Commission's North Coast Office; Mr. Randall Stemler, Coastal Planner also with the California Coastal Commission's North Coast Office; and the landowner, Mr. Brian Zita. Site constraints and potential mitigation measures were discussed at that field meeting and in additional discussions with Mr. Thompson and the landowner.

The project is the proposed construction in two phases of a single-family residence and a detached garage/guest cottage. Water and sewer services will be supplied by city hook-up. Total parcel size is 1.6 acres and the lot is located at 37941 Old Coast Highway Road, approximately 1.5 miles north of the town of Gualala, Mendocino County.

An uncommon plant taxon, coastal bluff morning-glory (*Calystegia purpurata* ssp. *saxicola*), occurs on the property. Coastal bluff morning-glory was recently recognized to be an uncommon plant with the January 2001 printing of DFG's California Natural Diversity Database (CNDDDB) Special Vascular Plants, Bryophytes, and Lichens List and the August 2001 publication of the sixth edition of the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Plants of California. Coastal bluff morning-glory is ranked by CNPS as

Mr. Randall Stemler

2

November 2, 2004

1B. It is generally recognized that plants ranked 1B can be shown to meet the criteria for official State or Federal listing as endangered, threatened, or rare. The California Environmental Quality Act (CEQA) Guidelines Section 15380 provide that taxa that can be shown to meet the criteria for listing as endangered, threatened or rare, will receive the consideration during CEQA review that they would receive if they were actually listed. According to the CNDDDB, coastal bluff morning-glory has been documented from approximately 19 occurrences in Mendocino, Sonoma, and Marin counties.

Approximately 25 to 30 plants of coastal bluff morning-glory are reported from the lot. These plants are growing in two small areas. One area, approximately 400 square feet, is within 100 feet of the proposed residence. No existing plants of coastal bluff morning-glory are expected to be directly impacted by the proposed development if mitigation measures in the Botanical Study and this letter are carried out.

DFG appreciates the botanical scoping and floristic survey methodology used, which follows DFG and CNPS survey guidelines, and the analysis within the Botanical Study. If not already done, a field survey form for the occurrence of coastal bluff morning-glory should be submitted to the CNDDDB.

Providing adequate protection and mitigation for uncommon plants and their habitat on small lots is difficult. The Botanical Study proposes a variety of measures to mitigate for impacts to coastal bluff morning-glory:

Avoidance and minimization of impacts. The project has been redesigned to avoid direct impacts and to minimize indirect impacts to coastal bluff morning-glory.

On-site protection. Two 50-foot wide buffer zones will be established around the two existing patches of coastal bluff morning-glory. During the second phase of construction, the 50-foot buffer of CA#1 will be temporarily reduced to 40 feet and then restored to 50 feet after construction. The two 50-foot buffer zones will protect all of the existing coastal bluff morning-glory and its habitat. Additionally, an area of degraded habitat within the buffer adjacent to the larger patch

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Mr. Randall Stemler

3

November 2, 2004

(CA#1) of coastal bluff morning-glory will be revegetated with native plants. Planting this area with plants that inhabit the local northern (Franciscan) coastal scrub habitat should increase available habitat for coastal bluff morning-glory.

DFG recommends that the two buffer areas be protected with a future development deed restriction. The areas should be maintained in natural vegetation. During construction, the buffer areas should be protected with high visibility boundary fencing. Contractors should be informed of the importance of preventing disturbance to these areas, and their actions should be monitored. Areas of natural habitat disturbed during construction should be stabilized with structural erosion control measures such as jute netting, coir logs, and certified weed-free straw, and revegetated with appropriate native plants propagated from local genetic stock. DFG recommends that the protection measures proposed in the Botanical Study and in this letter be adopted as conditions of project approval.

DFG has determined that if the mitigation measures outlined in the Botanical Study and this letter are implemented, impacts to coastal bluff morning-glory will be adequately mitigated and the 100-foot buffer triggered by the presence of this species can be reduced to allow construction of the project as proposed.

If you have any questions regarding this letter, please contact Mr. Cooley at (707) 944-5524; or Mr. Scott Wilson, Habitat Conservation Supervisor, at (707) 944-5584.

cc: See next page

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Mr. Randall Stemler

4

November 2, 2004

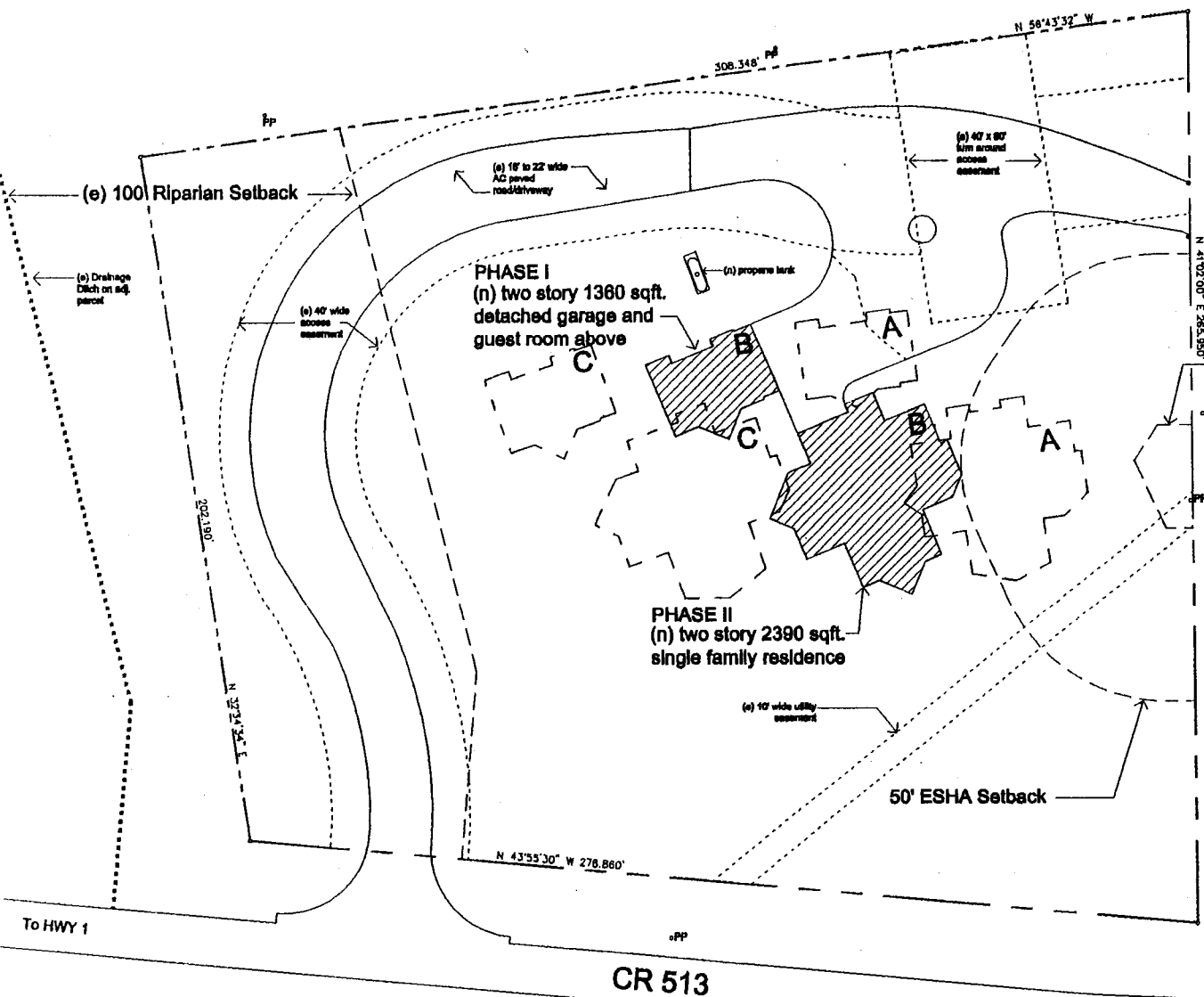
cc: Mr. Brian Zita
19 Garner Drive
Novato, CA 94947
Via Fax: (707) 765-9908

Mr. Jon Thompson
Post Office Box 1544
Gualala, CA 95445

Ms. Lori Hubbart
California Native Plant Society
Post Office Box 577
Gualala, CA 95445

Ms. Teresa Sholars
College of the Redwoods
1211 Del Mar Drive
Fort Bragg, CA 95437

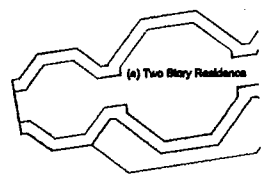
4 of 4



LEGEND:
 (n) = New
 (e) = Existing
 PP = Existing power pole



ESHA



ALTERNATE HOUSE LOCATION LEGEND

- A = Original Proposed Location 14' from ESHA
- B = New Proposed Location 50' from ESHA
- C = Alternate Location 100' from ESHA

1	07/20/04	Do Not Re-submit to Coastal Commission	BYZ
MARK	DATE	REVISIONS	INITIAL

Alternatives Analysis

Scale: 1" = 50' - 0"

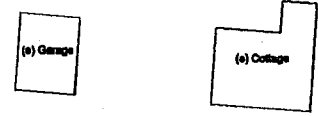
ZITA RESIDENCE
 37841 Old Coast Highway
 Gualala, CA 95445
 AP.No. 145-122-11

RHL ARCHITECTURE • ENGINEERING • ENVIRONMENTAL SERVICES
 1137 N. McDONELL BLVD. PETALUMA, CA 94954 (707) 785-1060
 BRIAN F. ZITA, ARCHITECT

PH-L REVIEW	INITIAL	DATE	DATE: 8/8/04
PRELIMINARY		8/1/04	DR. BY: BYZ
PLANNING		8/8/04	APPR:
BUILD PERMIT			PH. #
GENERAL BID			SHEET
PERMIT REV'S			1

CONSTRUCTION
 Do not use drawing
 for construction
 unless indicated

EXHIBIT NO. 9
APPLICATION NO.
 A-1-MEN-03-055
 ZITA
 ALTERNATIVES
 ANALYSIS (1 of 2)



Pacific Ocean

ALTERNATIVES ANALYSIS

Zita Residence 37941 Old Coast Hwy, Gualala CA

Comparison of Alternative Building Locations:	A Original Mendocino County Previously Approved Location	B New Proposed Location	C Alternate Location
ESHA			
Sqft of ESHA within 100' of development	385 sqft.	385 sqft.	0
Closest bldg. distance from ESHA boundary	14'	50'	100'
Closest bldg distance from centerline of existing drainage ditch (riparian) on adj. parcel	210'	165'	117'
PROJECT VISIBILITY			
Bldg. visibility from Hwy 1 (Scale: 0 = hidden to 5 = visible)	1	1	2
Bldg. visibility from CR 513 (Scale: 0 = hidden to 5 = visible)	3	3	3
Ave height garage/guest bldg.	25' - 4"	24' - 5"	26' - 1"
Ave height main residence bldg.	27' - 5"	27' - 3"	28' - 0"
Total trees 12" dia and over but less than 18" removed	28	36	38
Total trees 18" dia and over but less than 24" removed	14	5	8
Total trees 24" dia and over removed	3	0	0
Total trees 12" dia and over remaining	187	191	186
PROJECT SIZE and SCALE			
Total sqft of parcel	67830 sqft. / 1.6 acre	67830 sqft. / 1.6 acre	67830 sqft. / 1.6 acre
Footprint of garage/guest bldg.	730 sqft.	730 sqft.	730 sqft.
Footprint of main residence bldg.	1850 sqft.	1975 sqft.	1975 sqft.
Total footprint of new development including house, garage, wood decks, paved sidewalks, gravel/conc., driveway and parking extensions	6700 sqft.	5500 sqft.	6600 sqft.
% of parcel coverage associated with new development including house, garage, wood decks, paved sidewalks, gravel/conc., driveway and parking extensions	10%	8%	10%
SITE GRADING			
Natural average grade at garage/guest bldg.	10%	19%	26%
Natural average grade at main residence bldg.	19%	21%	25%
Total site grading net cut/fill (cut + fill = net)	0	0	150 Cu. Yds. required to be hauled off

2 of 2

