



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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

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

February 28, 2019

PUBLIC NOTICE OF PENDING ACTION
STANDARD COASTAL DEVELOPMENT PERMIT

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, March 28, 2019 in the Fort Bragg Public Library, 499 East Laurel Street, Fort Bragg, California, 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_2018-0013

DATE FILED: 4/25/2018

OWNER/APPLICANT: DAVID A DUFFIELD

AGENT: WYNN COASTAL PLANNING, INC.

REQUEST: Standard Coastal Development Permit to demolish an existing 3200 sq. ft. residence and foundation to make the lot vacant. All materials will be removed from the site in containers and brought to an approved disposal facility.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone, on the west side of State Route 1 (SR 1), 0.75± miles north of its intersection of Fish Rock Rd. (CR 122), located at 34200 S. Hwy. 1, Gualala (APN: 143-161-03).

STAFF PLANNER: JESSIE WALDMAN

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 Planning and Building, Services 860 N Bush Street, Ukiah, CA 95482, attention Commission Staff. 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 Jessie Waldman at the Department of Planning and Building Services, 707-964-5379, Monday through Friday.

BRENT SCHULTZ, Director of Planning and Building Services



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

**MARCH 28, 2019
CDP_2018-0013**

SUMMARY

OWNER: THE DAVID A. DUFFIELD TRUST
PO BOX 6714
INCLINE VILLAGE, NV 89450

AGENT: WYNN COASTAL PLANNING, INC.
703 NORTH MAIN STREET
FORT BRAGG, CA 95437

REQUEST: Standard Coastal Development Permit to demolish an existing 3200 sq. ft. residence and foundation to make the lot vacant. All materials will be removed from the site in containers and brought to an approved disposal facility.

LOCATION: In the Coastal Zone, on the west side of State Route 1 (SR 1), 0.75± miles north of its intersection of Fish Rock Rd. (CR 122), located at 34200 S. Hwy. 1, Gualala (APN: 143-161-03).

TOTAL ACREAGE: 2 ± Acres

GENERAL PLAN: Rural Residential, 5-acre minimum with an alternate density of 2-acre minimum, Development Limitation, RR5(2) and RR5(2)DL

ZONING: Rural Residential, 5-acre minimum with an alternate density of 2-acre minimum, Flood Plain, Development Limitation, RR5(2):FP and RR5(2):FP[DL]

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically Exempt. Pursuant to Article 19, Section 15301, Class 1, of the California Environmental Quality Act, demolition and removal of small structures such as one single family residence is categorically exempt from environmental review.

APPEALABLE: Yes

RECOMMENDATION: Approve with Conditions

STAFF PLANNER: Jessie Waldman

BACKGROUND

PROJECT DESCRIPTION: Standard Coastal Development Permit to demolish an existing 3,200 square foot residence with an attached garage and foundation to make the lot vacant. All materials will be removed from the site in containers and brought to an approved disposal facility. Existing propane tank to be removed. Existing septic system to be abandoned in place. Existing electric and telephone utilities to be turned off at the highway and capped off in a ground box with a lid. Water service from North Gualala Water Company will be retained for use by emergency services and to carry out any necessary restoration

efforts. The driveway, which serves a neighboring residence, will remain. The amount of grading is estimated to be 10 cubic yards.

On September 14, 2018, the acting Agent, Wynn Coastal Planning, modified the original request by removing the request for an alternative method of demolition of the single family residence by controlled burn.

RELATED APPLICATIONS ON-SITE:

- CC-1-91-93 Single family residence with open space (Jurisdictional authority granted to Mendocino County July 13, 2018, per California Coastal Commission (CCC))
- LCP 91-49 Single family residence
- F-919-493 Single family residence

NEIGHBORING PROPERTIES:

- APN: 143-161-19 Adjacent to the north/west – CC-1-86-166, CC-1-92-199A (Addition to SFR), LCP-92-115 (Addition to SFR), CDU_1998-0025 (Retaining Wall);
- APN: 143-161-17 Adjacent to the east – LCP-90-208

SITE CHARACTERISTICS: The project site is located on the west side of State Route 1 (SR 1), 0.75± miles north of the intersection of Fish Rock Road (CR 122) and SR 1. The bluff top lot is developed with a single family residence with attached garage and associated infrastructure. The site is situated on a relatively flat coastal plain, landscaped with grass and perimeter trees. The project site is located between Haven’s Neck Natural Area and the town of Anchor Bay, as shown on *Attachment A: Location Map* and *Attachment J: LCP Map 30 Anchor Bay*. The project site is located on a bluff top to the Pacific Ocean, with a panoramic view of Haven’s Neck Natural Area to the north west and the Pacific Ocean to the south. The project site is surrounded by neighboring single family residences, as shown on *Attachment C: Aerial Imagery*.

The existing single family residence and attached garage, proposed to be demolished, have a combined foot print of approximately 3,200 square feet. The existing propane tank would be removed. The existing septic system would be abandoned in place. The existing electric and telephone utilities would be disconnected and capped off underground at SR 1. The existing water service provided by North Gualala Water Company would remain active. A private gravel driveway, covering 8,900 square feet of the lot, will remain, as shown on *Attachment D: Revised Existing Site Map*.

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the surrounding lands are classified and zoned Rural Residential (RR) and are developed with residential uses.

| Table 1: Surrounding Land Use and Zoning | | | | |
|------------------------------------------|-------------------------------------|---------------|---------------|---------------|
| | GENERAL PLAN | ZONING | LOT SIZES | USES |
| NORTH | Rural Residential RR5(2), RR5(2):DL | RR5(2)-DL | 6.0 acres | Residential |
| EAST | Rural Residential RR5(2), RR5(2):DL | RR5(2)-DL | 2.6 acres | Residential |
| SOUTH | Pacific Ocean | Pacific Ocean | Pacific Ocean | Pacific Ocean |
| WEST | Rural Residential RR5(2), RR5(2):DL | RR5(2)-DL | 6.0 acres | Residential |

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed demolition is consistent with the goals and policies of the Local Coastal Program, General Plan, and Zoning Codes as detailed below:

Land Use: The proposed project is located within the boundaries of the Local Coastal Program (LCP) area and is shown on *Attachment J: LCP Map 30 Anchor Bay*. The parcel is classified as Rural Residential (RR5(2):FP(DL)) by the Mendocino County General Plan. The Rural Residential (RR) classification is intended to encourage local small scale food production in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, or other characteristics. The RR classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability (Coastal Element Chapter 2.2).

The proposed demolition of the single family residence is consistent as no development or demolition will occur that prevents the parcel from the future reconstruction of a single family residence or permitted use type. As proposed, the land use would be consistent with Mendocino County General Plan and Coastal Element policies.

Zoning: The project site is located within the Rural Residential zoning district and has two combining districts associated with it, as shown on *Attachment H: Zoning Display Map*. The entire project site is located within the Rural Residential (RR) zoning district. The southwestern portion of the project site is designated with a Development Limitation (DL) Combining District. The entire project site is designated within a Flood Plain (FP) Combining District, due to the project site being located on a bluff top edge to the Pacific Ocean, as shown on *Attachment P: Flood & Tsunami Hazards Areas*.

The Rural Residential (RR) District is (MCC Section 20.376.005) as follows:

...intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability.

The Development Limitation (DL) Combining Districts is (MCC Section 20.416.005) as follows:

...intended only to be used in conjunction with another land use classification on parcels or portions of parcels that according to available data have serious constraints that may prevent or seriously limit development. Such constraints include slopes over thirty (30) percent, erosion or landslide potential or other geophysical hazards.

The Floodplain Combining District (FP) is (MCC Section 20.420.005) as follows:

...intended to establish special requirements and regulations to be applied to those coastal areas of the County subject to inundation in order to prevent loss of life and property damage.

The proposed demolition of the existing permitted single family residence is considered development as defined in MCC Section 20.308.035(D) and requires a coastal development permit. The definition of development includes the following:

...construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility...

The parcel's zoning designation (RR5(2):FP[DL]) requires a 5 acre minimum parcel size which may be reduced to a 2 acre minimum with demonstration of adequate water for such a reduction. The established parcel is approximately 2 acres in size. The project, which consists of demolition of the existing single family residence, is not subject to the RR District requirements as no new construction is proposed. However, any future development on this parcel will be required to show consistency with the Zoning requirements.

Visual Resources: The parcel is not located in 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 that applies to all parcels within the Coastal Zone:

Policy 3.5-1 of the Coastal Element states:

...The scenic and visual qualities of Mendocino County coastal areas shall be considered and projected 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...

Since the proposed project consists of demolition of an existing residence and no new development is proposed, the project is found to be consistent with the above mentioned policy.

Hazards Management: The proposed project includes the demolition of the existing single family residence and associated structures. The proposed project is located on a bluff top to the Pacific Ocean and is within a "High Fire Hazard" area, as shown on *Attachment O: Fire Hazard Zones & Responsibility Areas* and *Attachment P: Flood & Tsunami Hazard Areas*.

While the parcel is located on the bluff top to the Pacific Ocean, no geotechnical investigations were prepared as no new development is proposed. The existing structure is approximately 50 feet from the bluff top edge.

While portions of the land, for example the shoreline, are subject to flooding and tsunami, the proposed area for demolition is atop a coastal bluff approximately 75 vertical feet above the shore. Flooding is unlikely to affect lands proposed for development, as shown in *Attachment P: Flood & Tsunami Hazard Areas*.

Seawalls, breakwaters, and other structures altering natural shoreline processes or retaining walls are not proposed. It is the policy of the California Coastal Commission and Mendocino County to require recordation of a deed restriction as a condition of development on blufftop parcels, prohibiting the construction of seawalls and requiring that permitted improvements be removed from the property if threatened by bluff retreat. The restriction would require that the landowner be responsible for any clean-up associated with portions of the development that might fall onto a beach or into the ocean. In accordance with a staff memorandum dated June 1, 2004, **Condition 11** is recommended by staff requiring the property owner to record a deed restriction prior to the issuance of the Coastal Development Permit.

The property is in an area of "High Fire Hazard" severity rating, as shown on *Attachment O: Fire Hazard Zones & Responsibility Areas*. Fire protection services are provided by the California Department of Forestry and Fire Protection (CalFire) and the South Coast Fire District (CSD). No State Fire Safe Regulations Application Form for the project was submitted by the Applicant to CalFire, as no new development will be occurring on the parcel. A standard condition requiring the applicant to secure all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction ensures any fire protection policy or plan would be addressed. The project was referred to CalFire and to South Coast Fire District and no comment was received from CalFire or CSD. On October 14, 2018, Gualala Municipal Advisory Council (GMAC) responded to staff request for comments on the proposed project. GMAC recommends the burn method for removal not be approved. The applicant revised the proposed project to exclude the alternative request for demolition by way of burn on September 14, 2018.

As conditioned, the proposed project would be consistent with MCC Chapter 20.500 regulations for hazard areas, including geologic hazards (faults, bluffs, tsunami, landslides, and erosion), fire and flood hazards.

Habitats and Natural Resources: Both the Coastal Element (MCCE) and the Coastal Zoning Code (MCC) address Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures.

The proposed project involves the demolition of an existing single-family residence and associated structures located within an established, rural residential area. Several habitat and biological surveys and

reports were completed for the proposed project, including a *Biological Scoping, Wetland Delineation, Botanical Report, and Sonoma Tree Vole Survey* (Wynn, April 2018), and *Addendum to Biological Scoping, Wetland Delineation, Botanical Report, and Sonoma Tree Vole Survey* (Wynn, November 2018). The report and survey found a number of ESHA's including wetlands, drainage and riparian area and special status plants and rare plant community areas. Also identified, where locations of Blasdale bentgrass, Coast Lily and Harlequin Lotus, and Bishop Pine Forest and Pacific Reed Grass Meadows. A 50 foot buffer is recommended, per the Reduced Buffer Analysis provided with the *Biological Scoping, Wetlands Delineation, Botanical Report and Sonoma Tree Vole Survey* (Wynn, 2018).

MCC Section 20.376.010 sets forth the principally permitted use types in the RR district, which include: single-family residential, vacation home rental, light agriculture, row and field crops, tree crops and passive recreation (MCC, 1991). Because approximately 90-percent of the property is covered by ESHA and the required wetland buffer zone and setbacks, it is anticipated that principally permitted uses on the site may require encroachment into the ESHA, required wetland buffer zone, and/or required setbacks, since the developable portion of the site is very limited in size.

On October 14, 2018, Gualala Municipal Advisory Council (GMAC) responded to staff request for comments on the proposed project. GMAC recommended the removal of invasive, non-native plants, such as the Cortaderia species, specifically Cortaderia jubata (Jubata Grass) and Cortaderia selloana (Pampas Grass) be removed. Per the *Biological Scoping, Wetlands Delineation, Botanical Report and Sonoma Tree Vole Survey* (Wynn, 2018), neither plant species were observed on-site, thus no removal is required.

The proposed project minimizes development, as the existing residence will be demolished and utilities capped. Additionally, as provided in the *Biological Scoping, Wetlands Delineation, Botanical Report and Sonoma Tree Vole Survey* and *Addendum to Biological Scoping, Wetlands Delineation, Botanical Report and Sonoma Tree Vole Survey* (Wynn, April 2018 and November 2018, respectively), the wetland area has the potential to provide habitat for sensitive or special status species, including the California red-legged frog. Additionally, the reports note that, as proposed, the project maintains an appropriate buffer from the wetland. Disturbance would be required to demolish the existing single family residence and would occur along the existing driveway and parking area. With adherence to construction best management practices (BMPs) and the recommended Conditions, the proposed project would not have an adverse impact on any sensitive resources at the site.

To prevent impact to ESHA's, **Condition 9** is recommended by staff requiring that Best Management Plans Practices as described in Section 7 *Impacts and Mitigations* of the *Biological Scoping, Wetlands Delineation, Botanical Report and Sonoma Tree Vole Survey* (Wynn, 2018) are followed to prevent disturbance to all ESHA's, within 10 feet of the proposed project.

In 1991, the California Coastal Commission issued a Coastal Development Permit (1-91-93), as shown in *Attachment U: CC-1-91-93*, for the construction of the single family residence and associated structures, which resulted in the recordation of an open space deed restriction, limiting future impact to areas outside of the designated open space area. The deed restriction was irrevocable and runs with the land and this project will not impact the open space deed restriction that will remain in effect on the property in perpetuity. Future development of the site will need to be in conformance with the recorded deed restriction.

Archaeological/Cultural Resources: For projects such as the removal of a structure originally permitted under an issued development permit, Mendocino County Department of Planning and Building Services (PBS) procedure is to not refer these types of projects to either the California Historic Resource Information Center (CHRIS) or the Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005 and again in 2014 and it was determined to be an appropriate guidance document for what projects would require archaeological review.

The project was referred to three local tribes for review and comment, including the Sherwood Valley Rancheria, Redwood Valley Rancheria, and the Cloverdale Rancheria. As of this date, no response has been received from the three local tribes.

Staff notes that **Condition 8** advises the property owners of a “Discovery Clause,” which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project. As conditioned, Staff recommends the project as consistent with Mendocino County policies for the protection of the paleontological and archaeological resource.

Groundwater Resources: The project site is located within a mapped Critical Water Resources Bedrock Area, as shown on *Attachment Q: Ground Water Resources*. The project application was referred to the Mendocino County (MC) Department of Environmental Health on September 7, 2018 for input; MC Department of Environmental Health recommends approval for the demolition of the existing single family residence with the condition for the destruction of the septic tank. **Condition 13** is recommended by Staff to obtain septic removal permits with MC Department of Environmental Health. As conditioned, Staff finds the project to be consistent with Mendocino County policies for transportation, utilities and public services protection and would be consistent with MCC Chapter 20.516 regulations.

Grading, Erosion, and Run-Off: The project would require minimal grading with no disruption to existing drainage or vegetation. As the majority of the proposed project would be concentrated within the footprint of existing developed and/or landscaped portions of the site, the impacts to potentially sensitive habitats and species within the vicinity would be minimized. The current development occupies a footprint of approximately 3,200 square feet. The existing gravel driveway occupies a footprint of approximately 8,950 square feet, which will remain. Staff finds the proposed project is consistent with Mendocino County policies for grading, erosion and run-off and Chapter 20.492 regulations.

Transportation/Circulation: The project will not contribute new sources of traffic on local and regional roadways. Staff finds the project will not impact transportation or circulation and will be provided with adequate access. The project application was referred to Caltrans and Department of Transportation (DOT) for input and DOT responded with “no comment”. As of this date, no response has been received from Caltrans. Staff finds the project to be consistent with Mendocino County policies for transportation, utilities and public services protection and would be consistent with Chapter 20.516 regulations.

Public Access: The site is not designated as a potential public access trail location. As shown on *Attachment J: LCP Map 30 Anchor Bay*, existing public access to the shore is located approximately 1.2 miles south at Anchor Bay Campgrounds, at the mouth of Fish Rock Gulch. There will be no impacts to public access. Staff finds the project to be consistent with Mendocino County policies for Coastal Access Regulations and Open Space Easements and will be consistent with Chapter 20.528 regulations.

ENVIRONMENTAL DETERMINATION: The Project meets the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Article 19, Section 15301, Class 1, of the California Environmental Quality Act, demolition and removal of small structures such as one single family residence is categorically exempt from environmental review.

PROJECT FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed demolition of a residence and adopts the following findings and conditions.

FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed demolition is in conformity with the certified Local Coastal Program. Demolition of the single family residence as defined by MCC Section 20.308.035(D) is allowed with an approved Standard Coastal Development Permit; and
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed demolition would be provided with adequate utilities, access roads, drainage, and other necessary facilities. The site has been served by the North Gualala Water District and this connection will be retained for emergency services and restoration efforts as proposed under the project; and
3. Pursuant with MCC Section 20.532.095(A)(3), the proposed demolition is consistent with the purpose

and intent of the Rural Residential zoning district, as well as all other provisions of Division II of Title 20 of the Mendocino County Code, and preserves the integrity of the Rural Residential zoning district. With compliance with the conditions of approval, the proposed demolition of the single-family residence, appurtenant structures, and associated utilities would satisfy all development requirements for the district; and

4. Pursuant with MCC Section 20.532.095(A)(4), the proposed demolition, if completed 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 is determined to be Categorically Exempt from further environmental review; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed demolition would not have any adverse impact on any known archaeological or paleontological resources, and Condition 8 is in place when archaeological sites or artifacts are discovered; and
6. Pursuant with MCC Section 20.532.095(A)(6), other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the site. The site is currently developed with a single family residence and the proposed demolition would not affect demands on public services; and
7. Pursuant with MCC Section 20.532.095(B), the proposed demolition would not diminish public access to Mendocino County coastal areas and conforms to the goals and policies of the Coastal Element of the General Plan. The project site is located between the first public road and the sea; and is not designated as a potential public access point.
8. Pursuant to MCC Section 20.532.100(A)(1) No development shall be allowed in an ESHA unless the resource as identified will not be significantly degraded by the proposed development, there is no feasible less environmentally damaging alternative, and all feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted. As conditioned, the proposed development will not significantly degrade the resource as identified.

CONDITIONS OF APPROVAL:

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 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.
2. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The Applicants shall secure all required building permits for the proposed demolition as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.

- c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner shall cease and desist from all further excavation and disturbances within 100 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. In accordance with MCC Section 20.496.020(A)(1)(B), the width of the buffer zone shall be based on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by development; therefore, the property owner shall protect environmentally sensitive habitat areas, including wetlands, California red-legged frogs, Foothill yellow legged frogs, and Pacific giant salamanders, special status plants, and rare plant communities, by the following measures:
 - a. Impacts to Bishop Pine Forest shall be minimized. Demolition shall be located as close to the road and limited to un-vegetated areas to the extent feasible, and removal of vegetation and grading shall be minimized.
 - b. In order to provide for the protection of special status birds, vegetation removal and initiation of demolition shall be done in the non-breeding season between September and January. If this cannot be accomplished pre-construction breeding bird surveys shall be conducted within 14 days of the onset of construction.
 - c. In order to provide for the protection of special status bats, vegetation removal and initiation of demolition shall be done between September 1 and October 31. If this cannot be accomplished pre-construction bat surveys shall be conducted prior to initiation of construction or vegetation removal.
 - d. Invasive jubata grass and iceplant shall be removed from the property by hand to the greatest extent practical.
 - e. Landscaping shall not include any invasive plants and shall ideally consist of native plants compatible with the Bishop Pine Forest.
 - f. Demolition shall avoid over-shading of the Pacific Reed Grass.
 - g. Prior to demolition, a qualified biologist will survey the building site and existing access route footprint to determine if special status frogs are present. If special status frogs are observed, no work will be initiated until the biologist has determined that the frog has left the impact area of its own accord and is in no danger.
 - h. An exclusion fence will be erected around all project-related activity areas. Fencing will be designed to exclude frogs from the relevant areas and could double as erosion control fencing.
 - i. Demolition personnel will be given a biological awareness program that covers the potential presence of special-status frogs, basic identification of the species pair, the legal ramifications for any take of any special-status frogs, and the need to stop work and immediately contact a qualified biologist if observations occur during any phase of construction.

- j. Ground disturbance will occur only during the dry season, approximately April 15 through October 15.
 - k. If a rain event occurs during the demolition period, all activities shall cease for 48 hours after the rain stops. Prior to resuming demolition activities, trained demolition crews shall examine the site for the presence of special status frogs. If no frogs are observed, normal demolition activities may resume.
10. In accordance with MCC Sections 20.496.025(A) and 20.496.035(A), demolition or activities adjacent to wetland vegetation, wetlands, streams and riparian habitats shall maintain a 100-foot or greater buffer. To protect environmentally sensitive habitat areas, such as wetlands, riparian corridors, streams, and environmentally sensitive habitat situated near the access road immediately prior to, during, and immediately following demolition -related activities, the property owner shall:
- a. Erect high-visibility fencing with a sediment curtain at the footing to ensure that vehicles and heavy equipment do not incidentally enter the wetland; ensure that equipment and materials are not incidentally, nor intentionally, laid down in the wetland; and ensure that sediment does not migrate into the wetland.
 - b. Conduct all work during the dry season, generally regarded as April 15 through October 31, but dependent upon in season weather conditions, to ensure that wet, loosened sediment does not migrate into the wetland.
 - c. Within the vehicle access easement, which is a disturbed area adjacent to an ESHA, one time trenching and backfilling to underground overhead utilities is permitted. When the ground is disturbed, a biologist shall be on-site and make recommendations to ensure the protection of the ESHA from trenching and backfilling. Areas trenched shall be backfilled and restored with seed, gravel paving, or at the biologist's recommendation to protect the ESHA.
11. Prior to the issuance of the Coastal Development Permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:
- a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards; and
 - b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project; and
 - c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant; and
 - d. The landowner shall not construct any bluff or shoreline protective devices to protect the subject structures or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future; and
 - e. The landowner shall remove structures on the parcel, including septic infrastructure, when bluff retreat reaches the point where the structures are threatened. In the event that portions of the subject structures or other improvements associated with the subject structures fall to the beach or ocean before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal; and
 - f. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.

12. Prior to demolition, a rope or tape off buffer fence shall be installed for the duration of the demolition period around all project-related activity areas, specifically at the open space areas over the portions of the property identified in *Attachment F: Proposed Site Plan and Restoration Plan*.
13. Prior to the finalization of the demolition building permit, the Applicants shall secure all required permits for the demolition of the existing septic tank as required by Mendocino County Department of Environmental Health.

Staff Report prepared by:

2-25-2019

DATE



JESSIE WALDMAN
PLANNER I

Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

- | | |
|---------------------------------------------|---------------------------------------------|
| A. Location Map | L. Appealable Areas |
| B. Aerial Imagery | M. Adjacent Parcels |
| C. Topographical Map | N. Fire Hazard Zones & Responsibility Areas |
| D. Revised Existing Site Plan | O. Flood & Tsunami Hazard Areas |
| E. Revised Demo, BMP & Erosion Control Plan | P. Coastal Groundwater Resources |
| F. Revised Restoration Plan | Q. Local Soils |
| G. Zoning Display Map | R. Important Farmland |
| H. General Plan Classifications | S. Water Districts |
| I. LCP Map 30: Anchor Bay | T. CC-1-91-93 (3 pages) |
| J. LCP Habitats & Resources | |
| K. LCP Land Capabilities & Natural Hazards | |

SUMMARY OF REFERRAL AGENCIES COMMENTS:

| | |
|-------------------------------------------|-------------|
| Assessors | No Response |
| Building Inspection (Ukiah & FB) | Comments |
| California Coastal Commission | Comments |
| Caltrans | No Response |
| Cloverdale Rancheria | No Response |
| California Department of Fish & Wildlife | Comments |
| CalFire | No Comment |
| Department of Transportation | No Comment |
| Environmental Health (Ukiah & FB) | Comments |
| North Gualala Water District | No Response |
| Gualala Municipal Advisory Council (GMAC) | Comments |
| Planning (Ukiah) | No Comment |
| Redwood Valley Rancheria | No Comment |
| Sherwood Valley Rancheria | No Response |
| South Coast Fire District | No Response |
| US Fish & Wildlife | No Response |

REFERENCES:

(MCC, 1991) Mendocino County Department of Planning and Building Services. October 1991. Mendocino County Zoning Code Coastal Zoning Code, Title 20 – Division II of the Mendocino County Code.

Mendocino County Department of Planning & Building Services. County of Mendocino Coastal Zone. LCP Map 30 – Anchor Bay [map]. 1985. Accessed December 26, 2018, at:
<https://www.mendocinocounty.org/government/planning-building-services/county-maps/coastal-zone-local-coastal-program-lcp-maps>.

Mendocino County Department of Planning & Building Services. June 2011. Fire Hazard Zones & Responsibility Areas [map]. Accessed December 26, 2018, at:
<https://www.mendocinocounty.org/government/planning-building-services/county-maps>.

Mendocino County Department of Planning & Building Services. March 2015. Coastal Ground Water Resources [map]. Accessed December 26, 2018, at:
http://www.co.mendocino.ca.us/planning/pdf/12x36_Coastal_Groundwater_Areas.pdf

Wynn Coastal Planning. 2018. Biological Scoping, Wetland Delineation, Botanical Report, and Sonoma Tree Vole Survey, for 34200 South Highway One (APN 143-161-03-00), Gualala, CA, Mendocino County. April 17, 2018.

Wynn Coastal Planning. 2018. Addendum to Biological Scoping, Wetland Delineation, Botanical Report, and Sonoma Tree Vole Survey, for 34200 South Highway One (APN 143-161-03-00), Gualala, CA, Mendocino County. November 21, 2018.

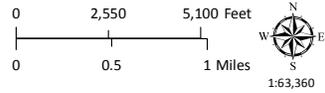


SUBJECT PARCEL/S



CASE: CDP 2018-0013
 OWNER: DUFFIELD, David
 APN: 143-161-03
 APLCT: David Duffield Trust
 AGENT: Amy Wynn
 ADDRESS: 34200 S. Hwy. 1, Gualala

- Major Towns & Places
- Highways
- California Counties
- Major Roads
- Major Rivers



Sonoma County

LOCATION MAP

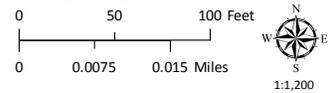
ATTACHMENT A

**THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES**



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

CASE: CDP 2018-0013
OWNER: DUFFIELD, David
APN: 143-161-03
APLCT: David Duffield Trust
AGENT: Amy Wynn
ADDRESS: 34200 S. Hwy. 1, Gualala

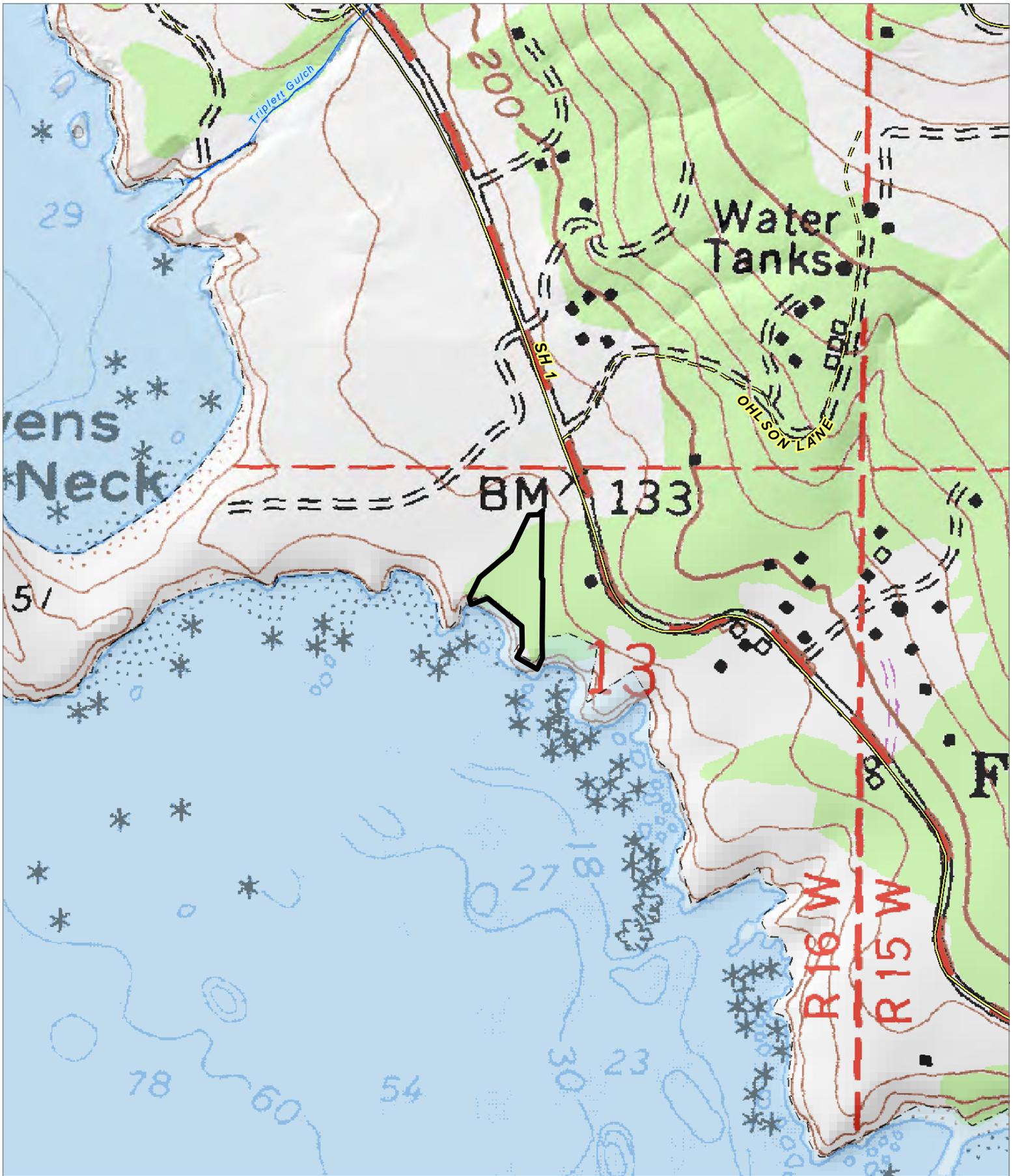


Public Roads

AERIAL IMAGERY

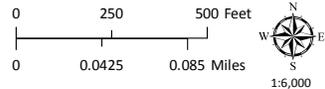
THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

ATTACHMENT B



CASE: CDP 2018-0013
 OWNER: DUFFIELD, David
 APN: 143-161-03
 APLCT: David Duffield Trust
 AGENT: Amy Wynn
 ADDRESS: 34200 S. Hwy. 1, Gualala

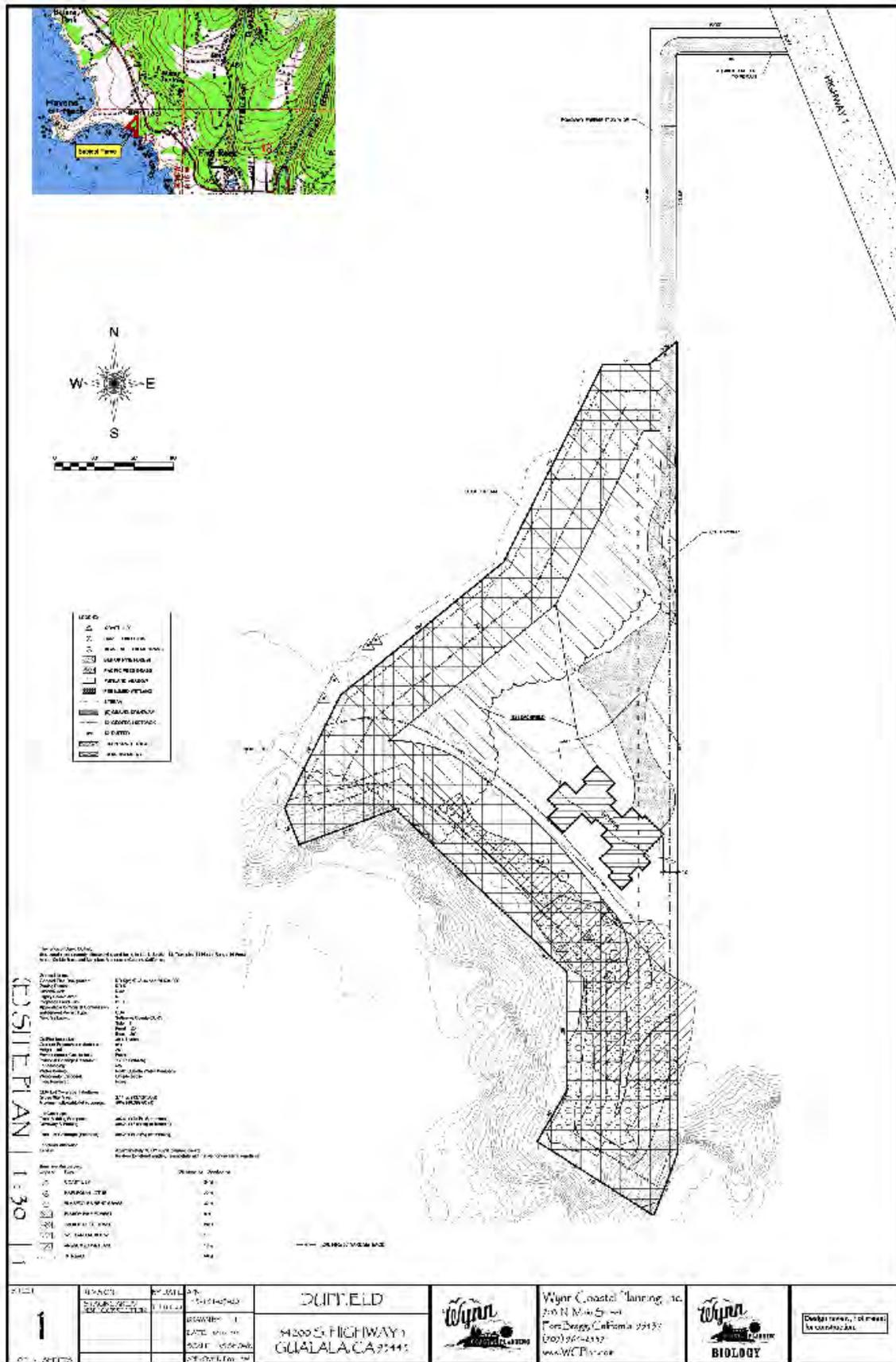
-  Named Rivers
-  Public Roads
-  Private Roads



TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

ATTACHMENT C

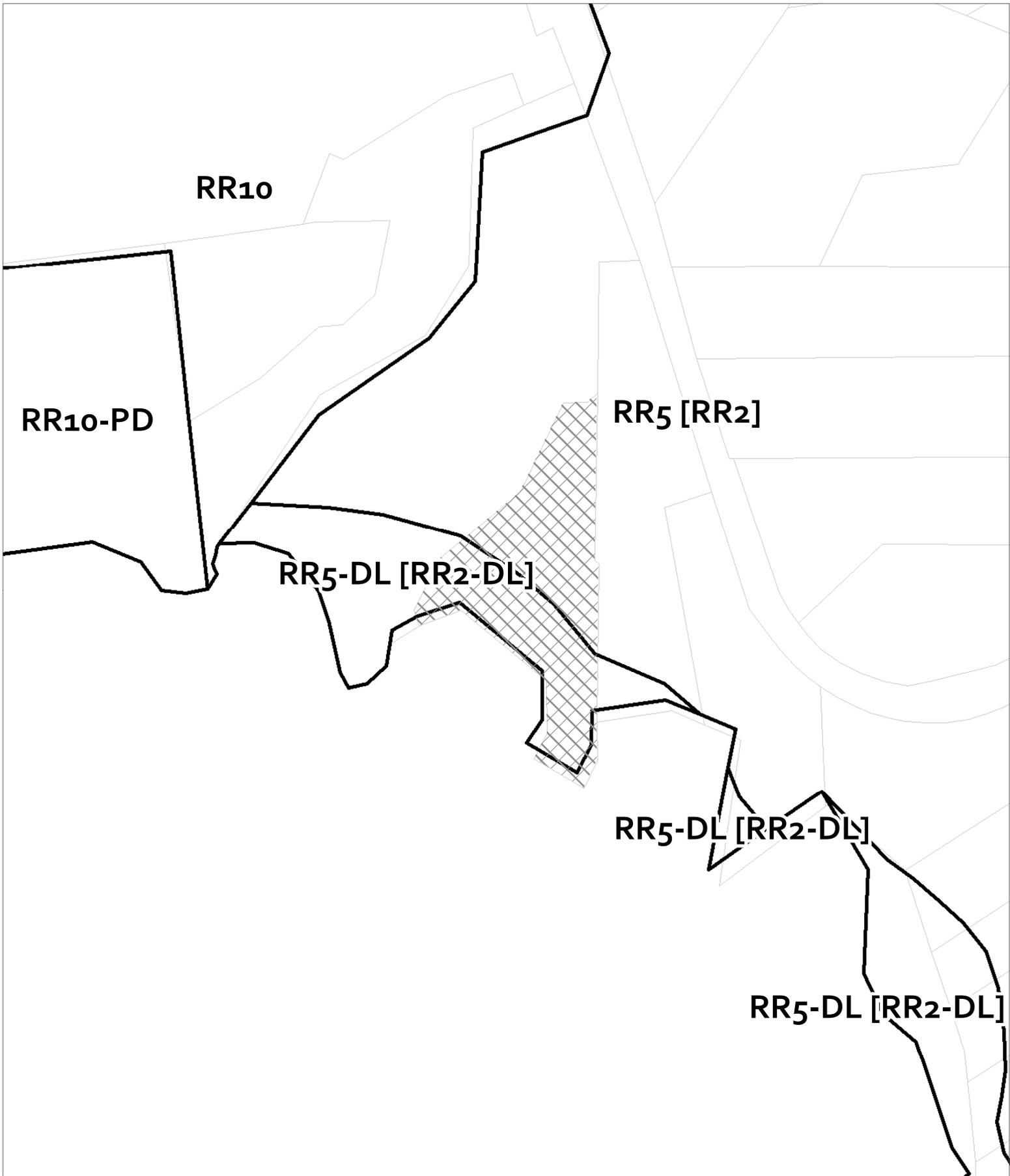


CASE: CDP 2018-0013
 OWNER: DUFFIELD, David
 APN: 143-161-03
 APLCT: David Duffield Trust
 AGENT: Amy Wynn
 ADDRESS: 34200 S. Hwy. 1, Gualala

NO SCALE

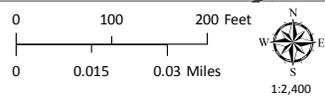
REVISED SITE PLAN
 ATTACHMENT D

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
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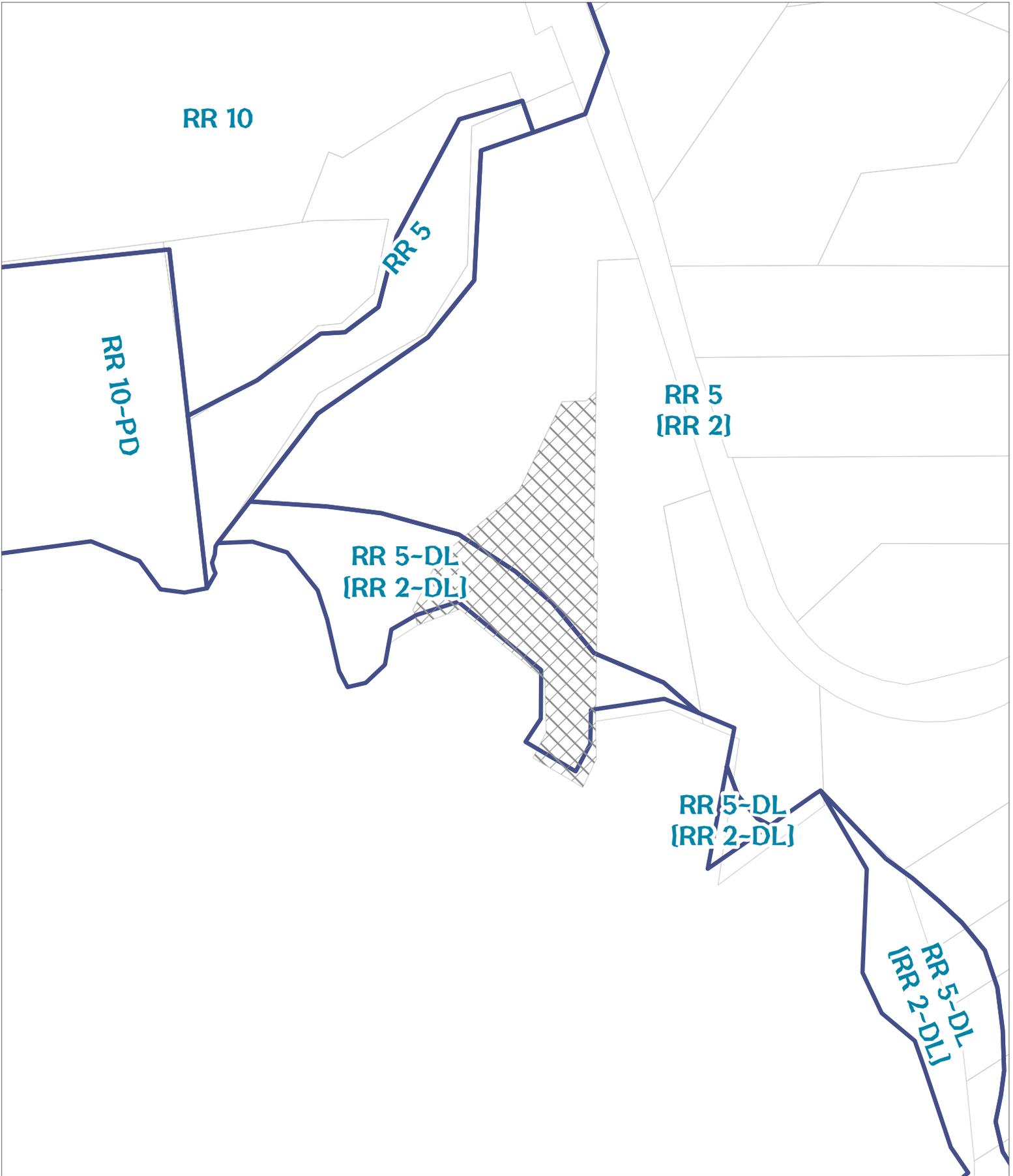
CASE: CDP 2018-0013
 OWNER: DUFFIELD, David
 APN: 143-161-03
 APLCT: David Duffield Trust
 AGENT: Amy Wynn
 ADDRESS: 34200 S. Hwy. 1, Gualala

 Zoning Districts



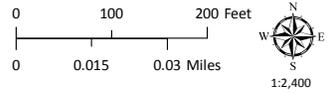
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 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

ZONING DISPLAY MAP
 ATTACHMENT F



CASE: CDP 2018-0013
 OWNER: DUFFIELD, David
 APN: 143-161-03
 APLCT: David Duffield Trust
 AGENT: Amy Wynn
 ADDRESS: 34200 S. Hwy. 1, Gualala

 General Plan Classes

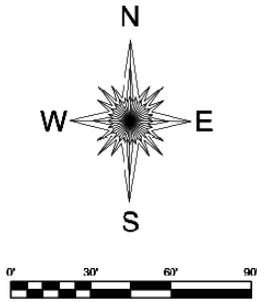


GENERAL PLAN CLASSIFICATIONS

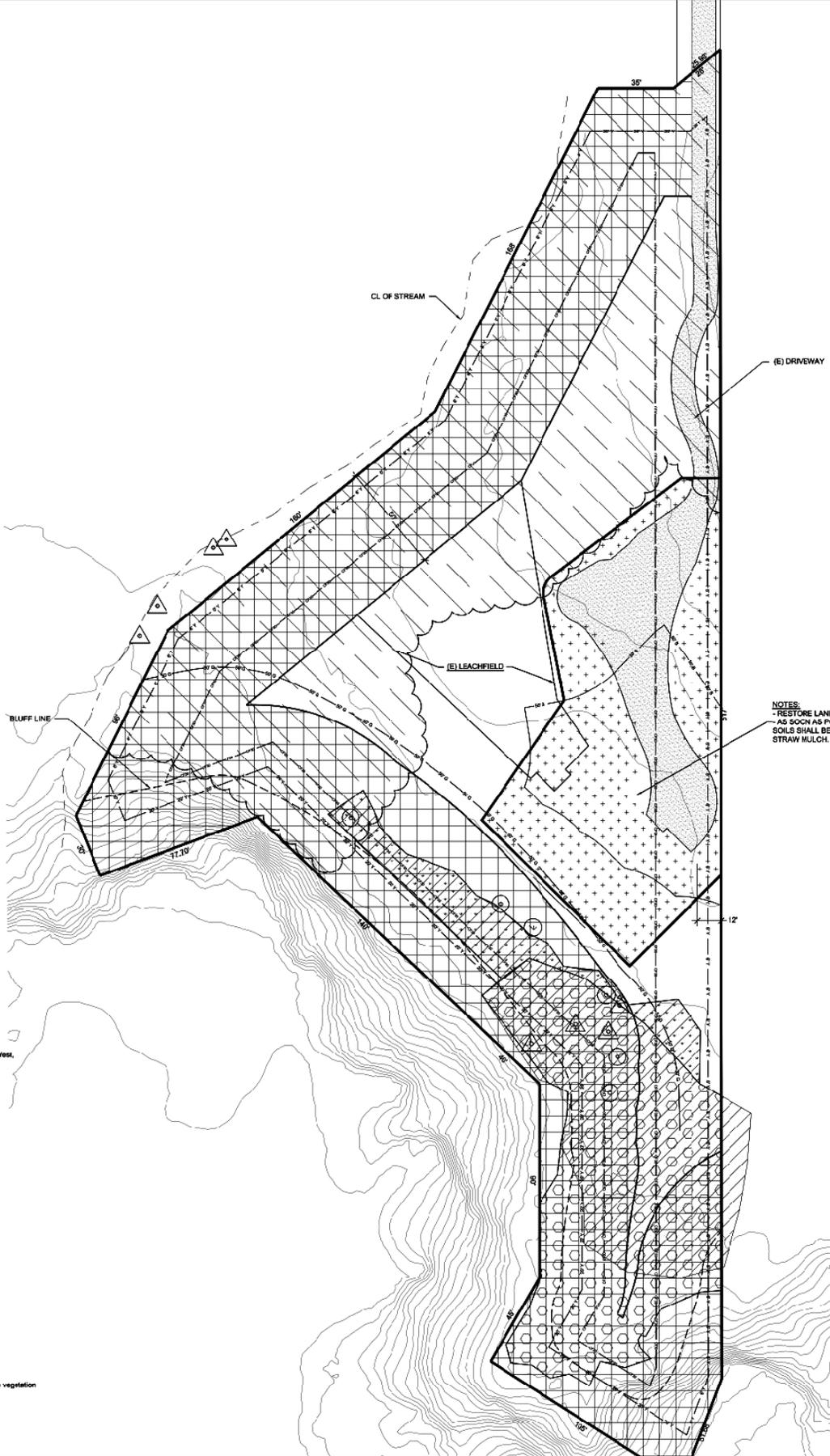
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 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

ATTACHMENT G

(P) SITE PLAN & RESTORATION PLAN 1:1



| LEGEND | |
|--------|-----------------------|
| | COAST LILY |
| | HARLEQUIN LOTUS |
| | BLASEDALES BENT GRASS |
| | BISHOP PINE FOREST |
| | PACIFIC REED GRASS |
| | WETLAND MEADOW |
| | PRESUMED WETLAND |
| | STREAM |
| | (E) GRAVEL DRIVEWAY |
| | 50' GEOTECH SETBACK |
| | 50' BUFFER |
| | OPEN SPACE AREA |
| | STAGING AREAS |



NOTES:
 - RESTORE LANDFORM TO PI
 - AS SOON AS POSSIBLE APT
 SOILS SHALL BE STABILIZED
 STRAW MULCH.

The lands of David Duffield, was certain real property situated, lying and being in Lot 1, Section 13, Township 11 North, Range 16 West, Mount Diablo Base and Meridian, Mendocino County, California.

| | | |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------|---------------------------|
| General Notes: | RR-5(2) R (Also see 20.504.020) | |
| General Plan Designation: | RR-5 | |
| Zoning District: | Rural | |
| Urban/Rural: | N | |
| Highly Scenic Area: | SFR | |
| Proposed Land Use: | Y | |
| Applicable to Coastal Commission: | CDP | |
| Entitlement Permit Type: | Setbacks County/CCR's | |
| Yard Setbacks: | Side = 8' | |
| | Front = 20' | |
| | Rear = 20' | |
| Off-Setbacks: | 30' all sides | |
| Outdoor Preservation Setback: | n/a | |
| Height Limit: | 28' | |
| Environmental Constraints: | State | |
| Potential Geologic Hazards: | Y (50' Setback) | |
| Landscaping: | n/a | |
| Water Source: | North Gualala Water Company | |
| Wastewater Disposal: | On-site septic | |
| Tree Removal: | None | |
| CDP Lot Coverage Tabulation: | | |
| Gross Site Area: | 2.11 ac (92,127.20sf) | |
| Maximum allowable lot coverage: | 50% (46,063.60 sf) | |
| Lot Coverage: | 3024 sf (To Be Removed) | |
| Total Building Footprint: | 8962 sf (Existing to Remain) | |
| Driveway & Parking: | | |
| Total Lot Coverage (Footprint): | 8962 sf (9.73%) (Remaining) | |
| Landform Alteration: | | |
| Outfill: | Approximately 10 CY outfill balance on-site Restore to natural grade & re-vegetate with native non-invasive vegetation | |
| Sensitive Resources: | | |
| Legend: | Type | Distance from Development |
| | COAST LILY | 24' ± |
| | HARLEQUIN LOTUS | 22' ± |

MENDOCINO COUNTY PLANNING DEPARTMENT - 4/7/2019

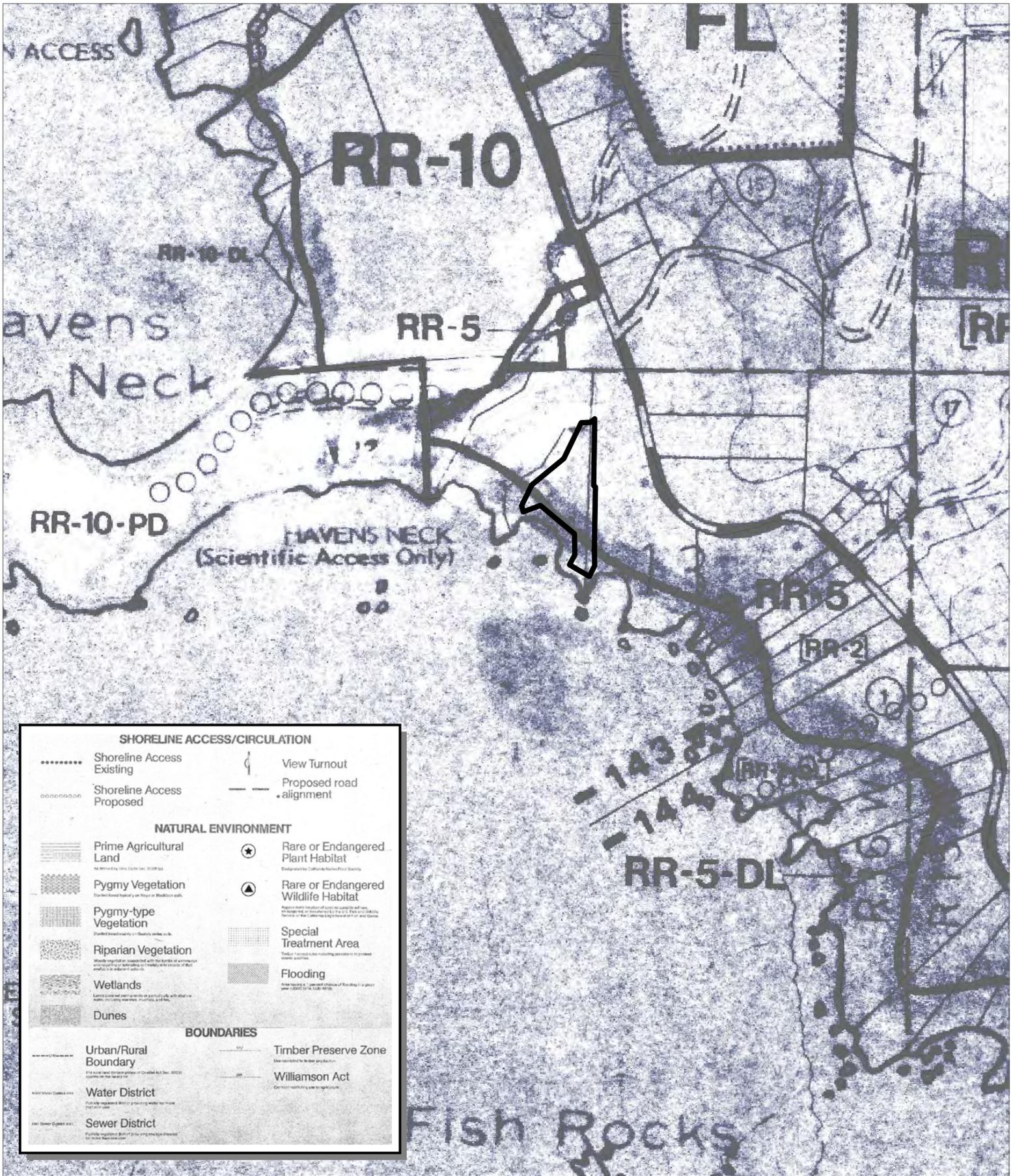
CASE: CDP 2018-0013
 OWNER: DUFFIELD, David
 APN: 143-161-03
 APLCT: David Duffield Trust
 AGENT: Amy Wynn
 ADDRESS: 34200 S. Hwy. 1, Gualala

NO SCALE

REVISED SITE & RESTORATION PLAN

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
 DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

ATTACHMENT H



SHORELINE ACCESS/CIRCULATION

- Shoreline Access Existing
- Shoreline Access Proposed
- View Turnout
- Proposed road alignment

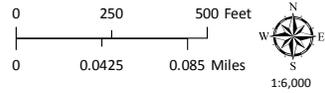
NATURAL ENVIRONMENT

- Prime Agricultural Land
As defined by Gov. Code Sec. 51028.03
- Pygmy Vegetation
Disturbed forest habitat of oak trees or Blackfoot oak.
- Pygmy-type Vegetation
Disturbed forest habitat of Blackfoot oak oak.
- Riparian Vegetation
Wetland vegetation associated with the banks of streams, rivers, or other water bodies.
- Wetlands
Land covered with water or periodically with shallow water including marshes, mudflats, and bays.
- Dunes
- Rare or Endangered Plant Habitat
Designated by California Native Plant Society.
- Rare or Endangered Wildlife Habitat
Appropriate location of critical habitat will vary. Designated by California Native Plant Society or the California Department of Fish and Game.
- Special Treatment Area
Water quality sensitive areas to protect water quality.
- Flooding
Area subject to flooding of 100-year flood or greater.

BOUNDARIES

- Urban/Rural Boundary
The Rural-Urban Boundary of the California Statewide Planning Act (1969).
- Water District
Publicly regulated district or governing authority for water.
- Sewer District
Publicly regulated district or governing authority for sewer.
- Timber Preserve Zone
Use restricted to timber production.
- Williamson Act
Contract restricting use to agriculture.

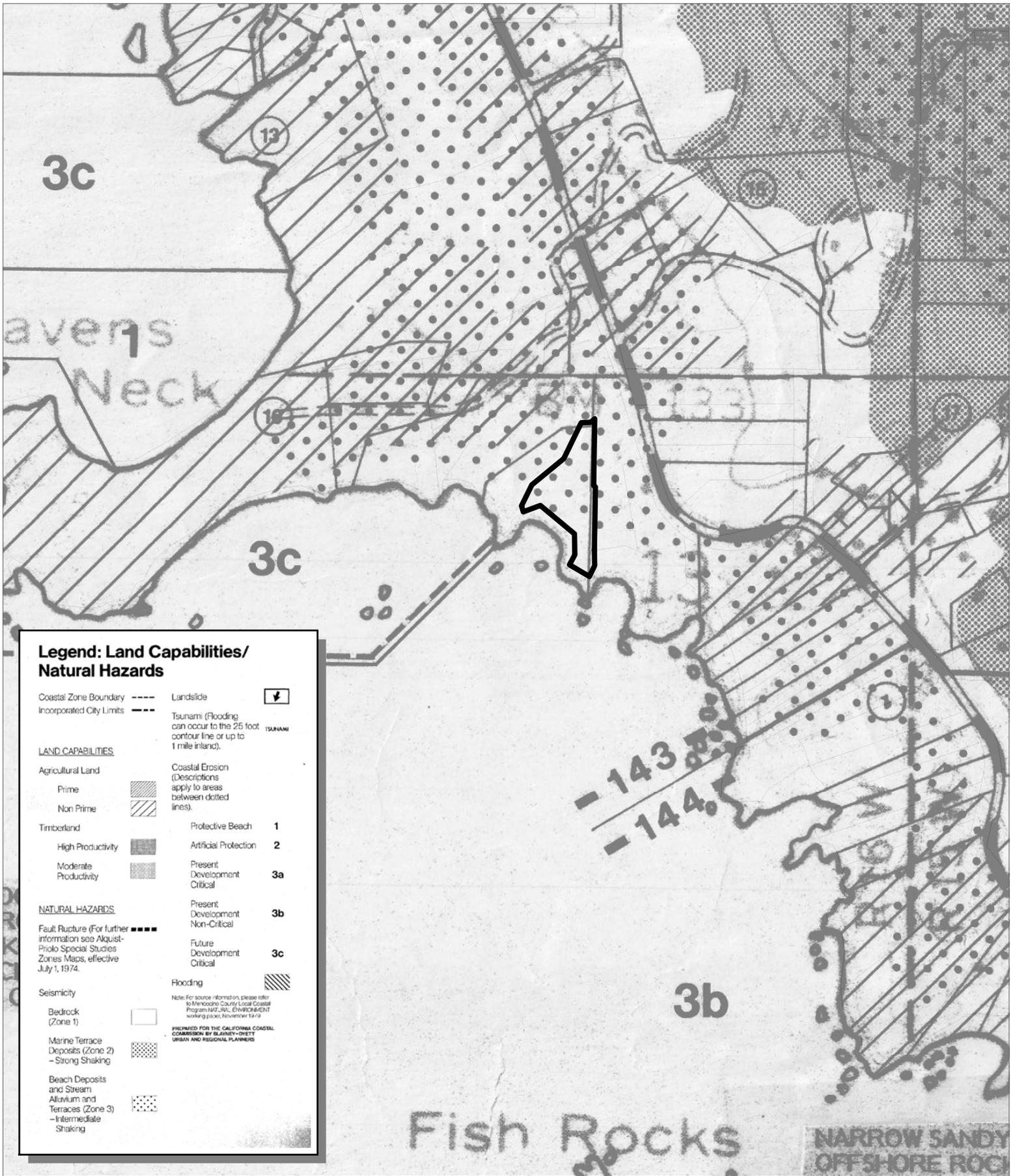
CASE: CDP 2018-0013
 OWNER: DUFFIELD, David
 APN: 143-161-03
 APLCT: David Duffield Trust
 AGENT: Amy Wynn
 ADDRESS: 34200 S. Hwy. 1, Gualala



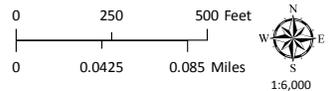
LCP MAP 30: ANCHOR BAY

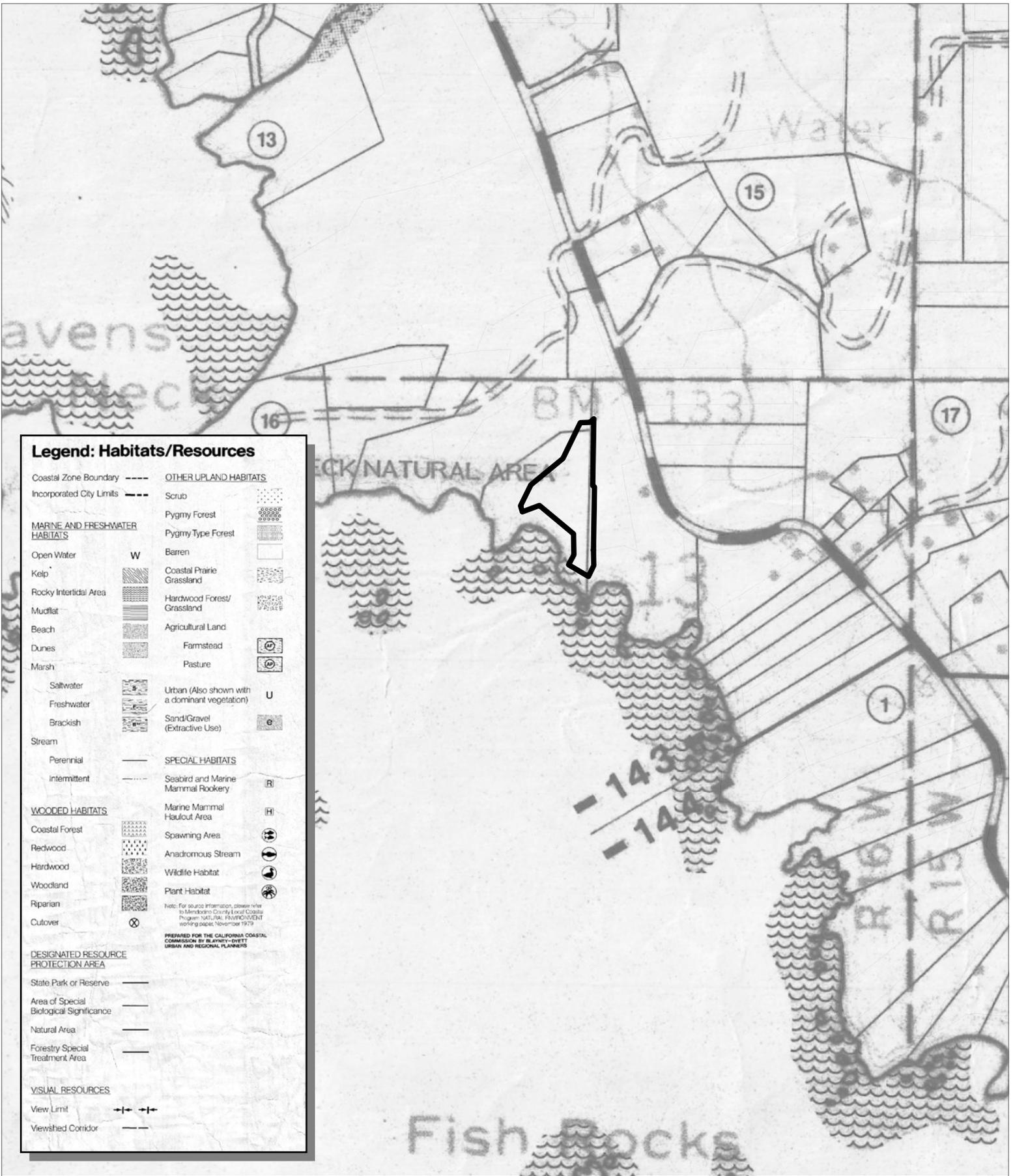
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ATTACHMENT I

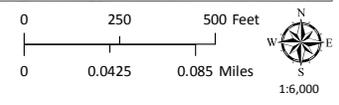


CASE: CDP 2018-0013
 OWNER: DUFFIELD, David
 APN: 143-161-03
 APLCT: David Duffield Trust
 AGENT: Amy Wynn
 ADDRESS: 34200 S. Hwy. 1, Gualala





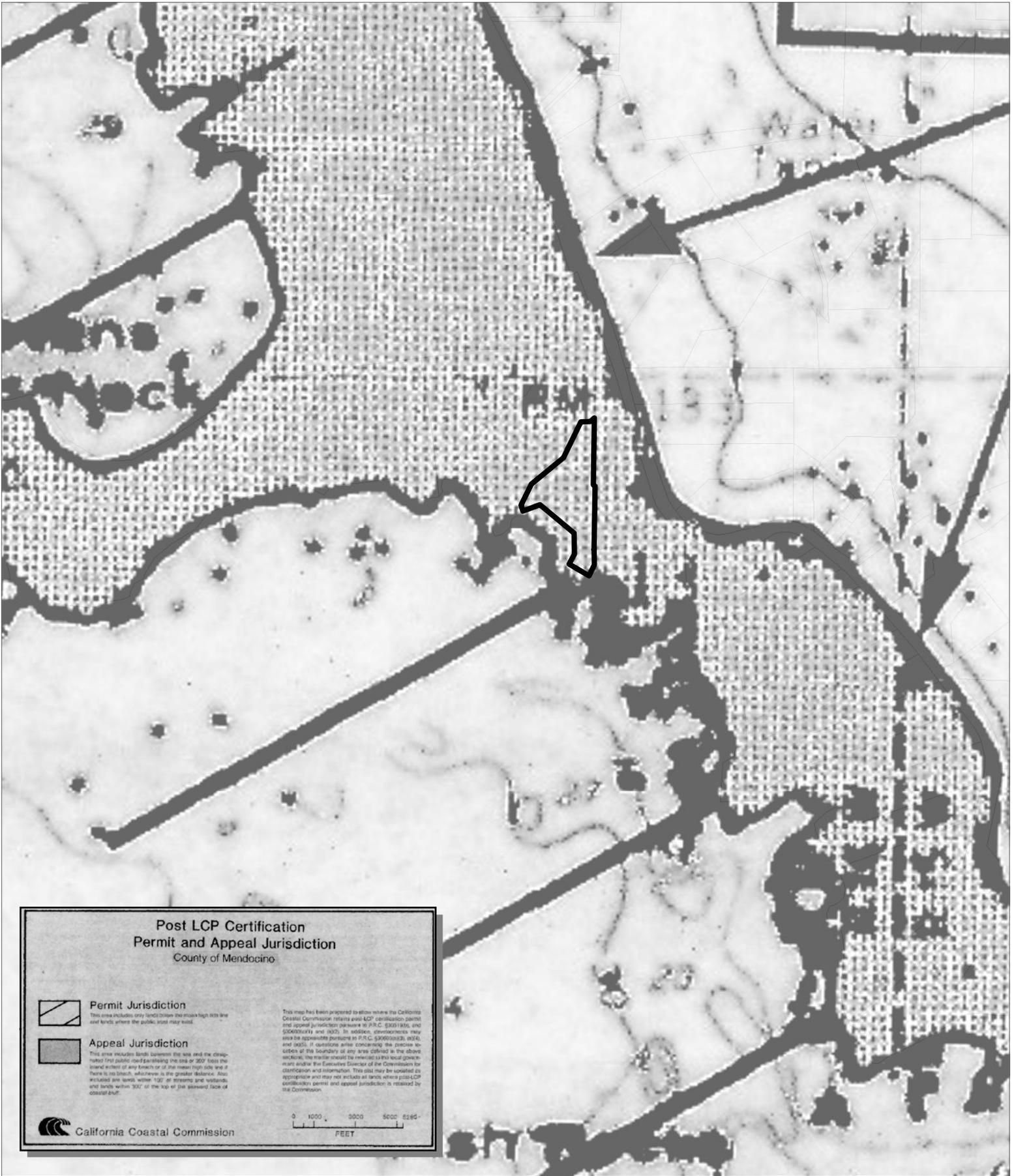
CASE: CDP 2018-0013
 OWNER: DUFFIELD, David
 APN: 143-161-03
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 AGENT: Amy Wynn
 ADDRESS: 34200 S. Hwy. 1, Gualala



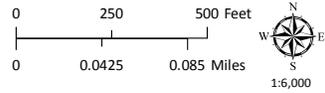
LCP HABITATS & RESOURCES

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ATTACHMENT K



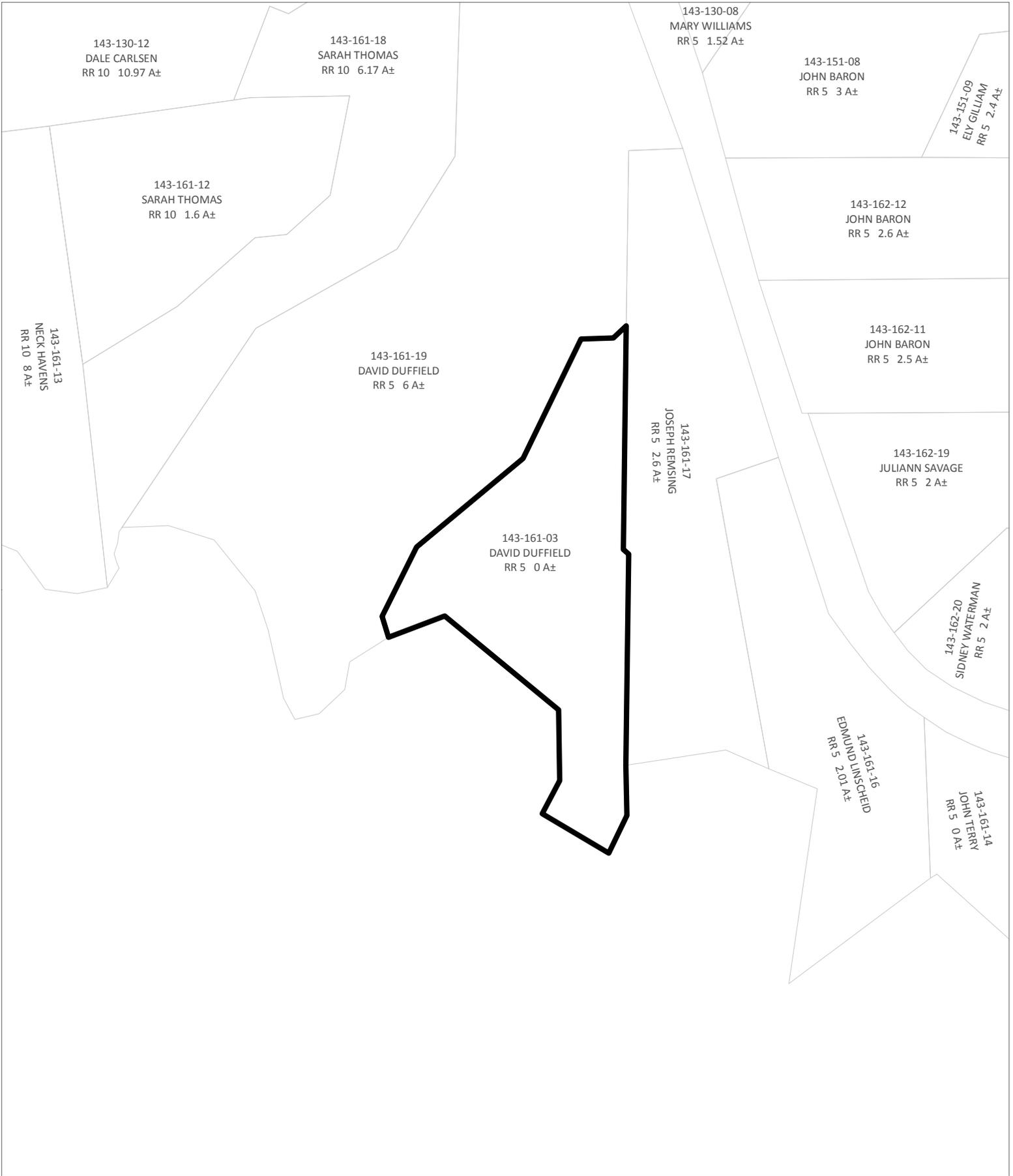
CASE: CDP 2018-0013
 OWNER: DUFFIELD, David
 APN: 143-161-03
 APLCT: David Duffield Trust
 AGENT: Amy Wynn
 ADDRESS: 34200 S. Hwy. 1, Gualala



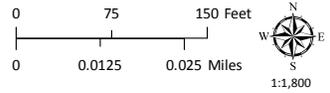
APPEALABLE AREAS

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ATTACHMENT L



CASE: CDP 2018-0013
 OWNER: DUFFIELD, David
 APN: 143-161-03
 APLCT: David Duffield Trust
 AGENT: Amy Wynn
 ADDRESS: 34200 S. Hwy. 1, Gualala

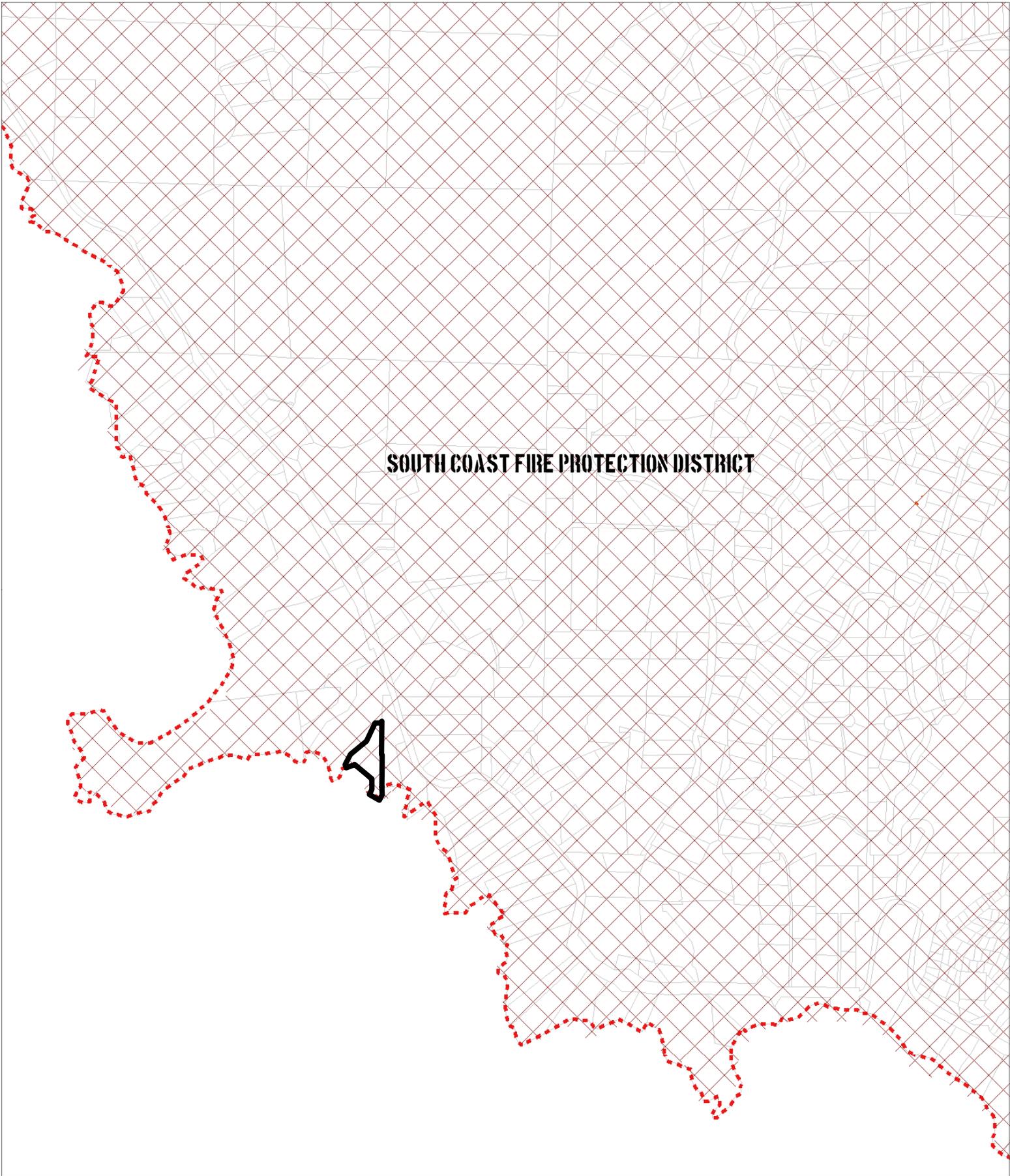


ADJACENT PARCELS

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ATTACHMENT M

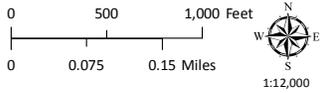


SOUTH COAST FIRE PROTECTION DISTRICT



CASE: CDP 2018-0013
 OWNER: DUFFIELD, David
 APN: 143-161-03
 APLCT: David Duffield Trust
 AGENT: Amy Wynn
 ADDRESS: 34200 S. Hwy. 1, Gualala

-  County Fire Districts
-  High Fire Hazard



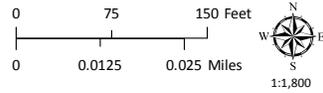
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

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ATTACHMENT N



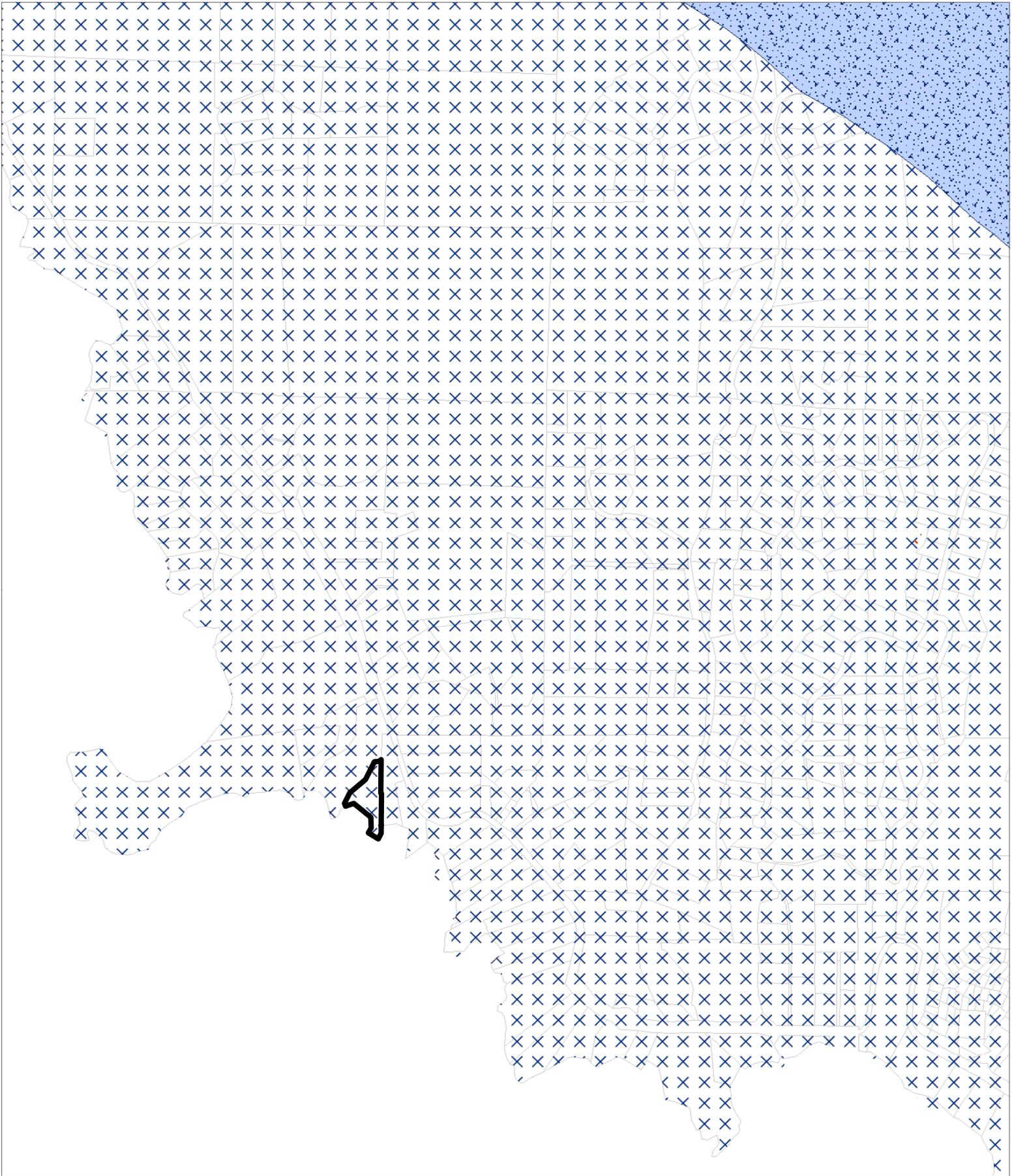
CASE: CDP 2018-0013
OWNER: DUFFIELD, David
APN: 143-161-03
APLCT: David Duffield Trust
AGENT: Amy Wynn
ADDRESS: 34200 S. Hwy. 1, Gualala



FLOOD & TSUNAMI HAZARD AREAS

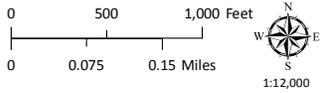
ATTACHMENT O

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CASE: CDP 2018-0013
 OWNER: DUFFIELD, David
 APN: 143-161-03
 APLCT: David Duffield Trust
 AGENT: Amy Wynn
 ADDRESS: 34200 S. Hwy. 1, Gualala

-  Critical Water Areas
-  Critical Water Resources Bedrock

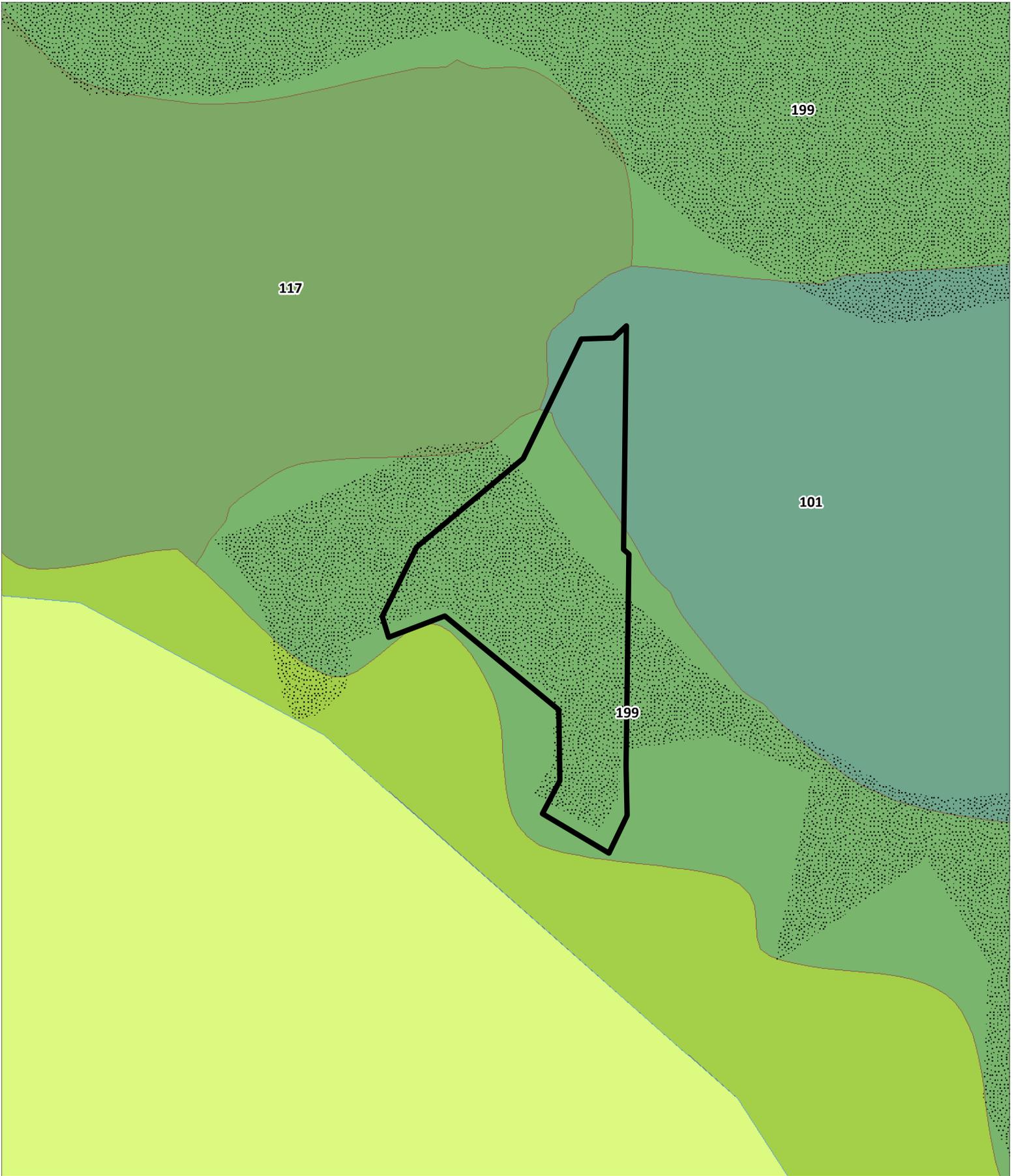


GROUND WATER RESOURCES

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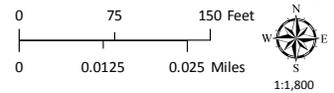
DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

ATTACHMENT P



CASE: CDP 2018-0013
 OWNER: DUFFIELD, David
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 APLCT: David Duffield Trust
 AGENT: Amy Wynn
 ADDRESS: 34200 S. Hwy. 1, Gualala

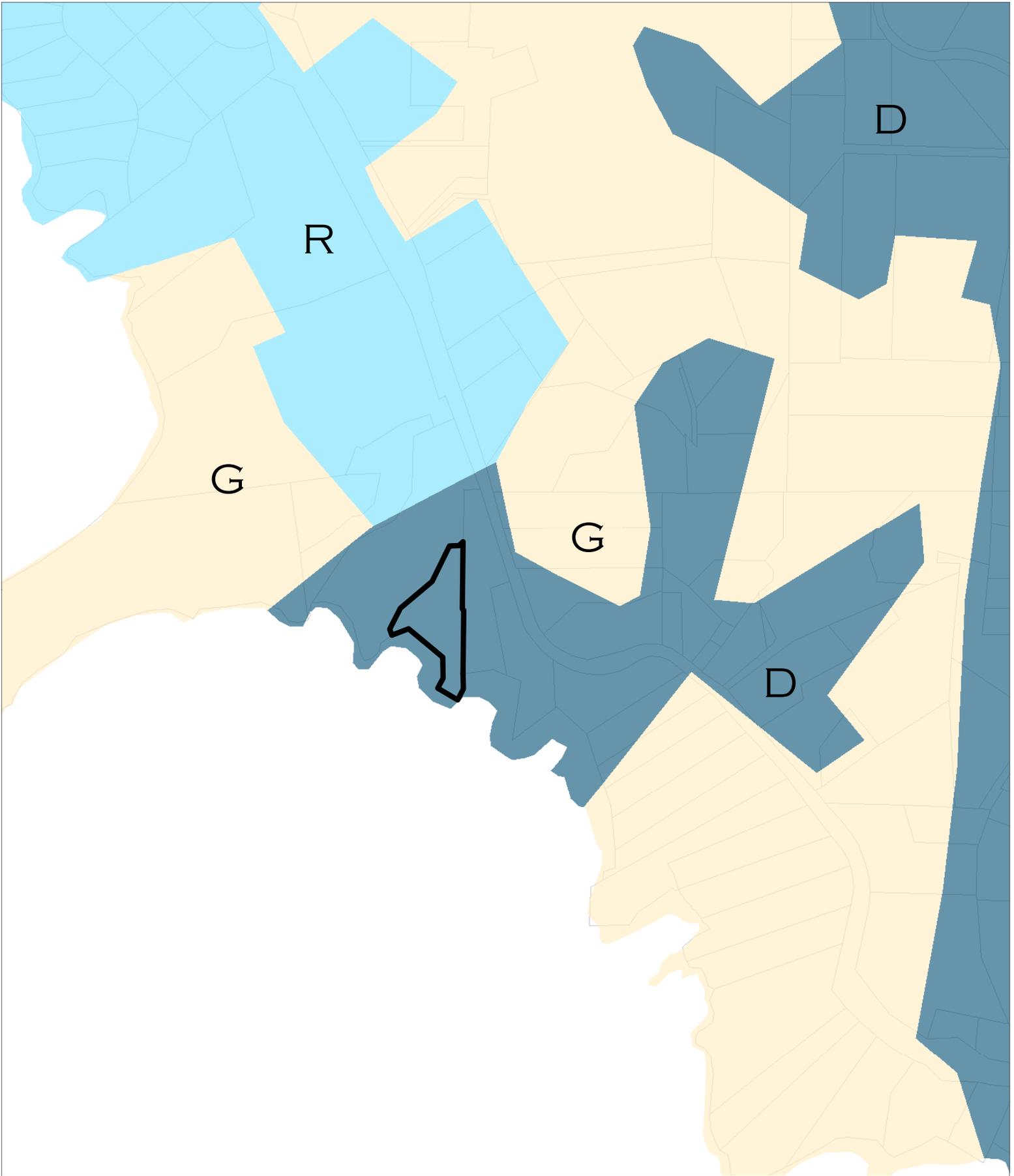
 Shinglemill-Gibney Complex
 Western Study Soil Types



LOCAL SOILS

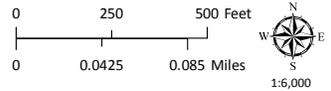
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ATTACHMENT Q



CASE: CDP 2018-0013
 OWNER: DUFFIELD, David
 APN: 143-161-03
 APLCT: David Duffield Trust
 AGENT: Amy Wynn
 ADDRESS: 34200 S. Hwy. 1, Gualala

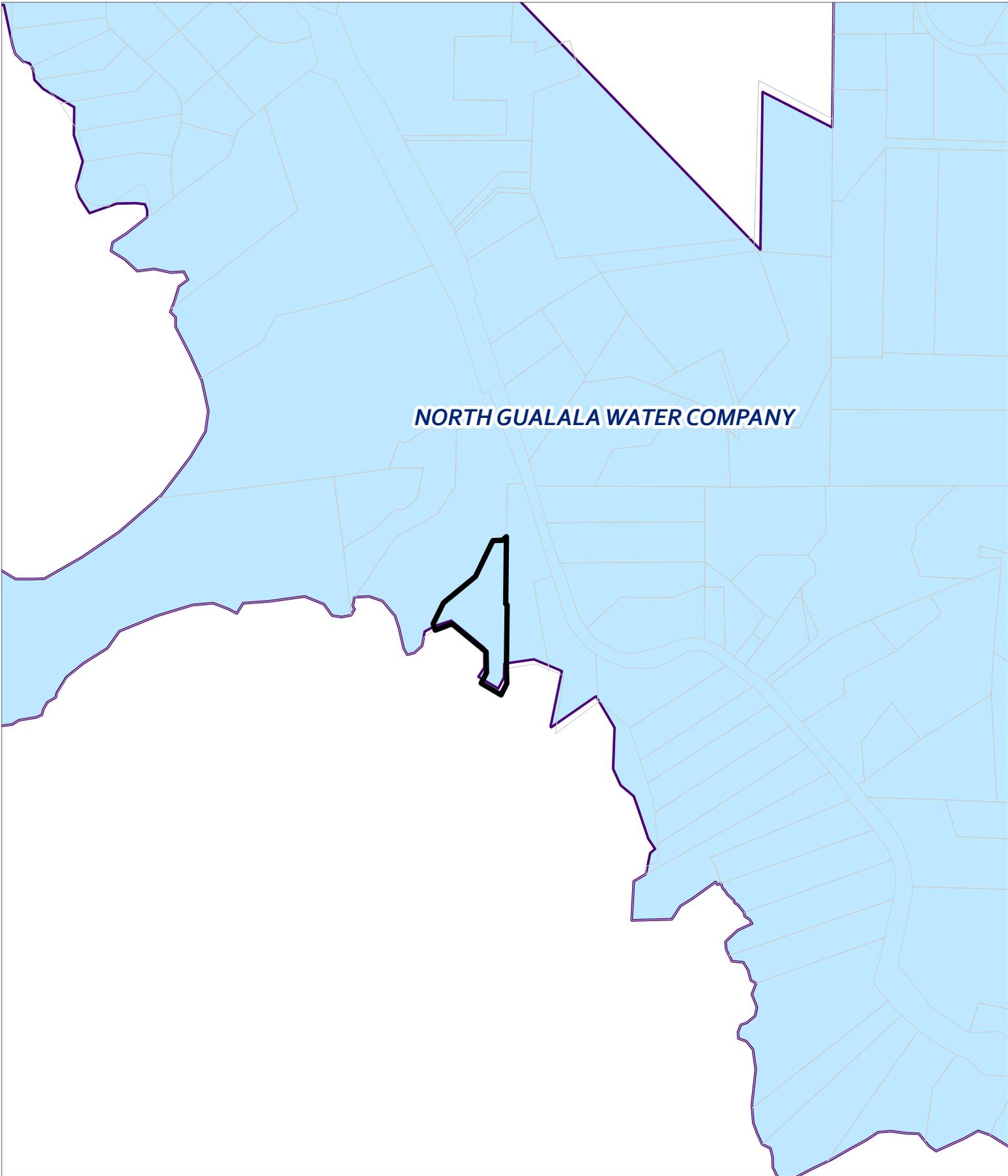
- Urban & Built-Up Land (D)
- Grazing Land (G)
- Rural Residential & Rural Commercial (R)



IMPORTANT FARMLAND

ATTACHMENT R

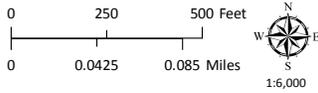
THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.
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NORTH GUALALA WATER COMPANY

CASE: CDP 2018-0013
OWNER: DUFFIELD, David
APN: 143-161-03
APLCT: David Duffield Trust
AGENT: Amy Wynn
ADDRESS: 34200 S. Hwy. 1, Gualala

 County Water Districts



WATER DISTRICTS

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.

DO NOT USE THIS MAP TO DETERMINE LEGAL PROPERTY BOUNDARIES

ATTACHMENT S

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260



Page 1 of 3
Date: Aug. 6, 1991
Permit No. 1-91-93

COASTAL DEVELOPMENT PERMIT

On July 17, 1991, the California Coastal Commission granted to

GARY SPRAGUE and MICHELLE MCHUGH

this permit subject to the attached Standard and Special conditions, for development consisting of

construction of a 29.5-foot-high, 3,200-square-foot single-family residence with attached garage and installation of a septic system, driveway, and underground utilities

more specifically described in the application file in the Commission offices.

The development is within the coastal zone in Mendocino County at 34200 South Highway One, one mile north of Anchor Bay (APN 143-161-03).

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS
Executive Director

By: *James J. Muth*
JAMES J. MUTH

Title: Coastal Planner

ACKNOWLEDGMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

7/28/91
Date

[Signature]
Signature of Permittee

A6: 4/88

COASTAL DEVELOPMENT PERMIT

Page 2 of 3
Permit No. 1-91-93

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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

SPECIAL CONDITIONS:

1. Open Space Deed Restriction.

PRIOR TO ISSUANCE of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, over the portions of the property identified in Exhibit No. 4 as an open space deed restriction. The open space deed restriction shall consist of the following areas:

- a. an environmentally sensitive habitat protection and geologic hazard setback area that extends 30 feet inland from the edge of the bluff and extends seaward from the edge of the bluff to the mean high tide line; and
- b. a riparian buffer area that extends 50 feet from the bank of an unnamed stream located along the northwest property line and excepting a 12-foot-wide area centered over the driveway.

COASTAL DEVELOPMENT PERMIT

Page 3 of 3
Permit No. 1-91-93

The deed restriction prohibits any alteration of landforms, removal of vegetation, or the erection of structures of any type within the areas designated for open space.

The deed restriction shall be recorded free of prior liens and encumbrances except tax liens, shall be irrevocable, running from the date of recordation, and shall run with the land binding the landowner, and his/her heirs, assigns, and successors in interest to the subject property.

2. Final Foundation Plans.

PRIOR TO ISSUANCE of the coastal development permit, the applicant shall submit for Executive Director review and approval a set of final foundation plans for the proposed residence. The foundation plans shall be signed and approved by an engineer and shall be consistent with the construction specifications and recommendations made in the geology report, including but not limited to, the use of drilled piers with sonatube casings, connecting concrete grade beams, and wood floor joists.

3. Temporary Rope Barrier.

Prior to the commencement of construction, the applicant shall rope or tape off for the duration of the construction period the 20-foot-wide, 150-foot-long area containing the Coast Lily, Lilium maritimum as shown in Exhibit No. 3.

4. Archaeological Resources.

If archaeological resources are discovered on the project site at any time during project construction, all work that could damage or destroy these resources shall be suspended. The applicant shall then have a qualified archaeologist inspect the project site, determine the nature and significance of the archaeological materials, and, if he or she deems it necessary, develop appropriate mitigation measures using standards of the State Historic Preservation Office.

Should the qualified archaeologist determine that mitigation measures are necessary, the applicant shall apply to the Commission for an amendment of Permit No. 1-91-93, requesting that the permit be amended to include the mitigation plan proposed by the qualified archaeologist. The plan shall provide for monitoring, evaluation, protection, and mitigation of archaeological resources on the project site. Should the archaeologist determine that no mitigation measures are necessary, work on the project site may be resumed.

5. Project Height.

The project, including its circular staircase, shall not be greater than 28 feet in height above the natural grade in accordance with the May 1, 1991 plans approved by the County Planning Office.

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