

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 445-7833
FACSIMILE (707) 445-7877



F15a

DATE: March 27, 2009

TO: Coastal Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Robert Merrill, North Coast District Manager

SUBJECT: **Appeal No. A-1-MEN-09-012 (Cusenza, CDP-9-2007), 46790**
Iverson Lane, Four Miles South of Point Arena, Mendocino County.
Filed March 12, 2009.

Recommendation: Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which appeal A-1-MEN-09-012 was filed. **Staff recommends a YES vote on the following motion & resolution:**

***Motion & Resolution.** I move that the Commission determine and resolve that: Appeal Number A-1-MEN-09-012 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Coastal Act Section 30603 regarding consistency with the certified Local Coastal Program and/or the public access policies of the Coastal Act.*

Passage of this motion and resolution will result in a finding of no substantial issue and adoption of the following findings. The local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Findings: On February 26, 2009, the Mendocino County Coastal Permit Administrator approved the development of a new 2,673-sq.-ft. single-story single-family residence involving the installation of a manufactured home on a concrete wall foundation, construction of an attached 2,550-sq.-ft. deck and a 576-sq.-ft. detached garage, installation of a septic system, well, water storage tank, propane tank, driveway, and connection to utilities within the Iverson Lane residential subdivision along the east side of Highway One, four miles south of Point Arena (see Exhibits 1-7). Pursuant to Coastal Act Section 30603, this approval is appealable to the Commission because the approved development is located within 100 feet of a wetland.

Appellant Martin Kitzel (see Exhibit 8) claims this approval is inconsistent with LUP policy 3.5-1 which requires that permitted development be sited and designed to protect views to and along the oceans and to be visually compatible with the character of the surrounding areas as (1) the approved development was neither sited nor designed to protect views to and along the ocean, and (2) the project would be more prominent than neighboring homes because the development would be built at a higher base elevation than the other structures in the subdivision, would require clear cutting of trees on the property, and would be impractical to screen with landscaping trees of sufficient height. The appellant also claims the approved development would exceed the 28-foot height limit established by Zoning Code Section 20.376.045 as seen from Highway One, downhill from the development site. Finally, the appellant claims the County reviewed the project with a lack of diligence as evidenced by the County's failure to require a topographical survey and other information that would be helpful in evaluating the impacts of the development.

Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determines that no substantial issue exists with respect to the grounds on which the appeal has been filed.¹ Commission staff has analyzed the County's Final Local Action Notice for the development (Exhibit 9), appellant's claims (Exhibit 8), and the relevant requirements of the LCP (Attachment A). The appeal raises no substantial issue with respect to the LCP for the following reasons.

First, the approved development does not block significant public views to and along the ocean as (a) the project site is on the inland side of Highway One and inland of the nearby shoreline bluff-top public access area. and (b) views of the ocean from lightly traveled Iverson Lane, inland of the project site, would be only minimally affected.

Second, the appeal does not raise a substantial issue of conformity of the approved development and its compatibility with the surrounding area as the approved development is not within a designated highly scenic area but is within an existing rural residential subdivision with homes of a range of sizes, architectural styles, and colors. Although the development site is on a slope on a lot adjacent to Highway One and will be plainly visible from the highway and an access area across the road, other houses within the subdivision surround the site and are also plainly visible as well (see Exhibit 4). Special Condition No. 2 of the County's approval requires that a revegetation and landscaping plan be submitted for County review that among other things is required to visually buffer the approved structures. As other homes are clearly visible from the

¹ The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues, or those of regional or statewide significance.

highway, landscaping that only partially screens the development would be sufficient to ensure compatibility with the character of the surrounding area.

Third, the maximum average height of 25 feet above natural grade conforms with the 28-foot height limit in the Rural Residential zoning district. The zoning code defines building height as the “vertical distance from the average ground level of the building to the highest point of the roof ridge or parapet wall.” [emphasis added]. Thus, for houses that are built on a slope such as the approved house, the maximum height of the structure as viewed from the downhill side may actually exceed 28 feet so long as the height from the average ground level of the structure does not exceed 28 feet.

Finally, the contention regarding the alleged lack of diligence of the County in seeking additional information during its review of the project raises a procedural issue, rather than a substantial or substantive inconsistency of the approved project with the certified LCP. As discussed above, the substantive visual and height issues raised in the appeal do not raise a substantial issue of conformance with the LCP.

The County has provided factual and legal support for its decision (Exhibit 9). As summarized above, the extent and scope of the approved development is relatively small. There are no significant coastal resources affected by the decision, and no adverse precedent will be set for future interpretations of the LCP.

For the reasons stated above, the Commission finds that Appeal Number A-1-MEN-09-012 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the approved development with the certified Local Coastal Program and/or the public access policies of the Coastal Act.

ATTACHMENT A

LCP POLICIES AND STANDARDS

I. Visual Resource Protection Policies (Applicable to Non-Highly Scenic Areas)

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. [emphasis added]

LUP Policy 3.5-15 states:

Installation of satellite receiving dishes shall require a coastal permit. In highly scenic areas, dishes shall be located so as to minimize visual impacts. Security lighting and floodlighting for occasional and/or emergency use shall be permitted in all areas. Minor additions to existing nightlighting for safety purposes shall be exempt from a coastal permit. In any event no lights shall be installed so that they distract motorists and they shall be shielded so that they do not shine or glare beyond the limits of the parcel wherever possible. [emphasis added]

CZC Section 20.504.035, *Exterior Lighting Regulations*, states as follows:

(A) Essential criteria for the development of night lighting for any purpose shall take into consideration the impact of light intrusion upon the sparsely developed region of the highly scenic coastal zone.

(1) No light or light standard shall be erected in a manner that exceeds either the height limit designated in this Division for the zoning district in which the light is located or the height of the closest building on the subject property whichever is the lesser.

(2) Where possible, all lights, whether installed for security, safety or landscape design purposes, shall be shielded or 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.

(3) Security lighting and flood lighting for occasional and/or emergency use shall be permitted in all areas.

(4) Minor additions to existing night lighting for safety purposes shall be exempt from a coastal development permit.

(5) No lights shall be installed so that they distract motorists. (Ord. No. 3785 (part), adopted 1991) . [emphasis added]

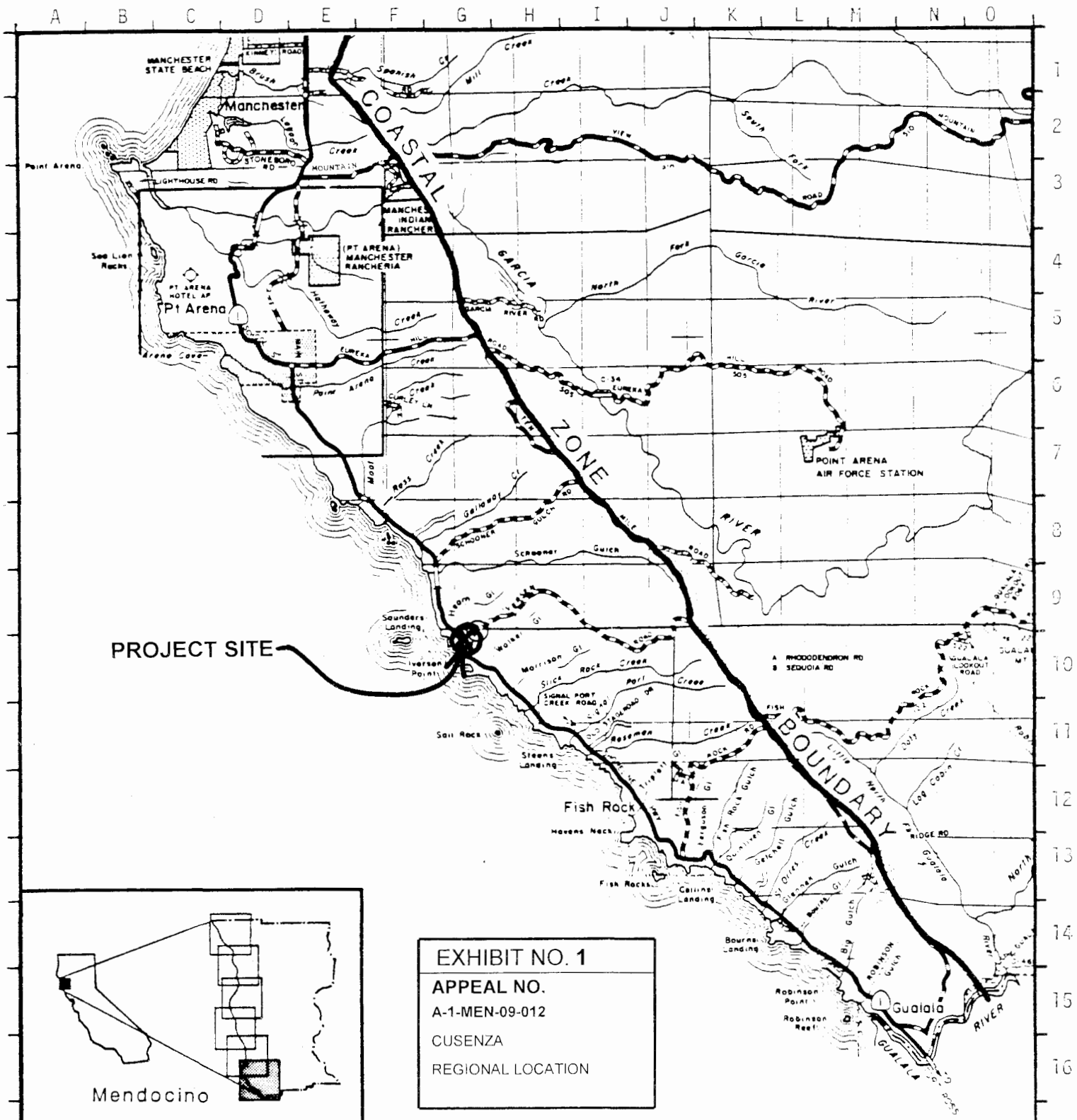
2. Height Standards for Rural Residential Zone

Sec. 20.376.045 Building Height Limit for RR Districts.

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 (See [Section 20.504.015\(C\)\(2\)](#)). (Ord. No. 3785 (part), adopted 1991)

Sec. 20.308.025 Definitions (B).

(L) "Building, Height Of" means the vertical distance from the average ground level of the building to the highest point of the roof ridge or parapet wall. (Ord. No. 3785 (part), adopted 1991)



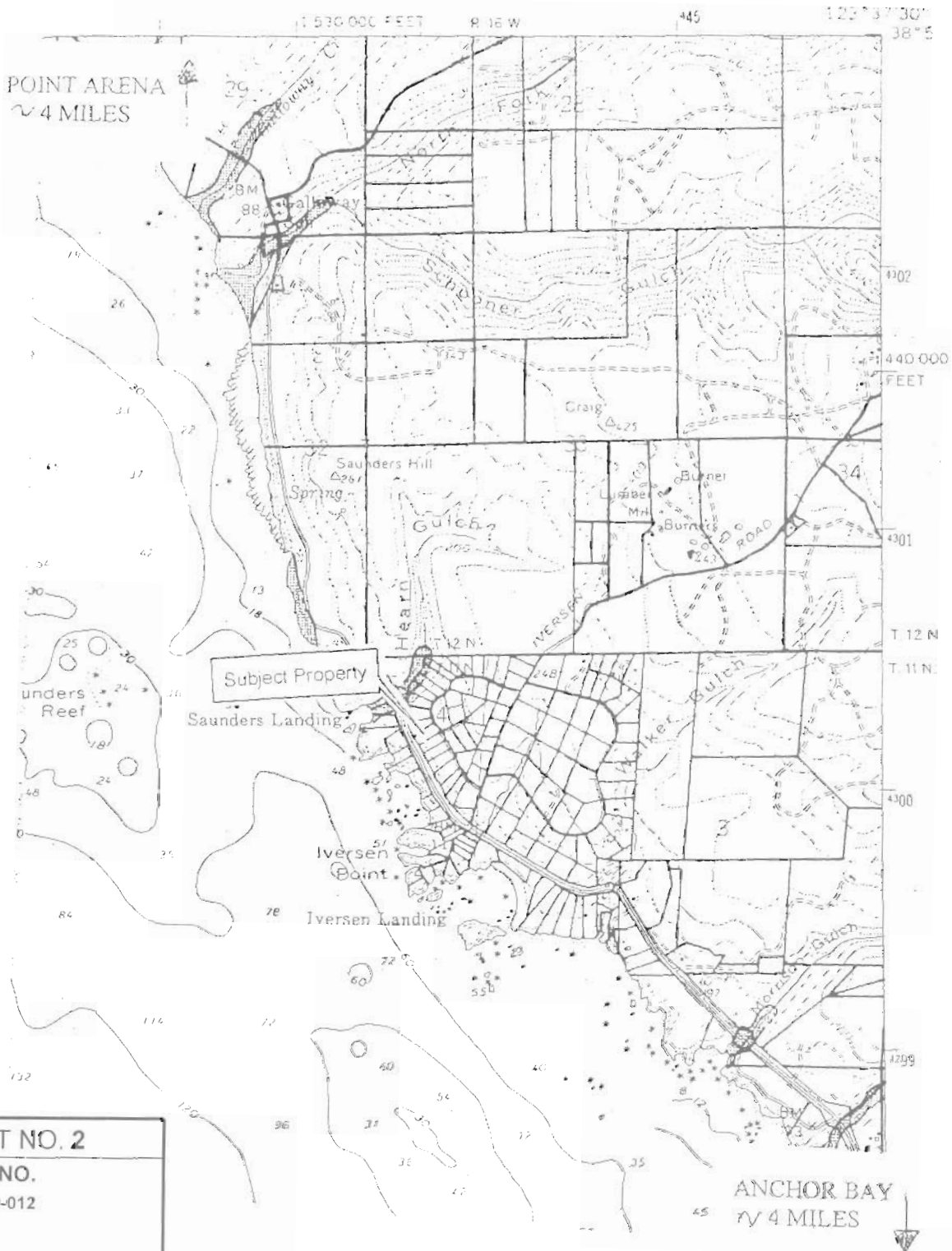


EXHIBIT NO. 2
APPEAL NO.
A-1-MEN-09-012
CUSENZA
VICINITY MAP

LOCATION MAP

No Scale





EXHIBIT NO. 3
APPEAL NO.
A-1-MEN-09-012
CUSENZA
LOCATION MAP

LOCATION MAP 2
ORTHO PHOTO - August 2008

100 50 0 100 15



SUBJECT PROPERTY
(APPROX.)



2005 AERIAL PHOTOGRAPH
CALIFORNIA COASTAL
RECORDS PROJECT

EXHIBIT NO. 4

APPEAL NO.

A-1-MEN-09-012

CUSENZA

AERIAL PHOTO OF PARCEL

RECEIVED
FEB 04 2009
HEMDO ENV HEALTH EB



This is a high
ground water area
Tanks must be absolutely
water tight

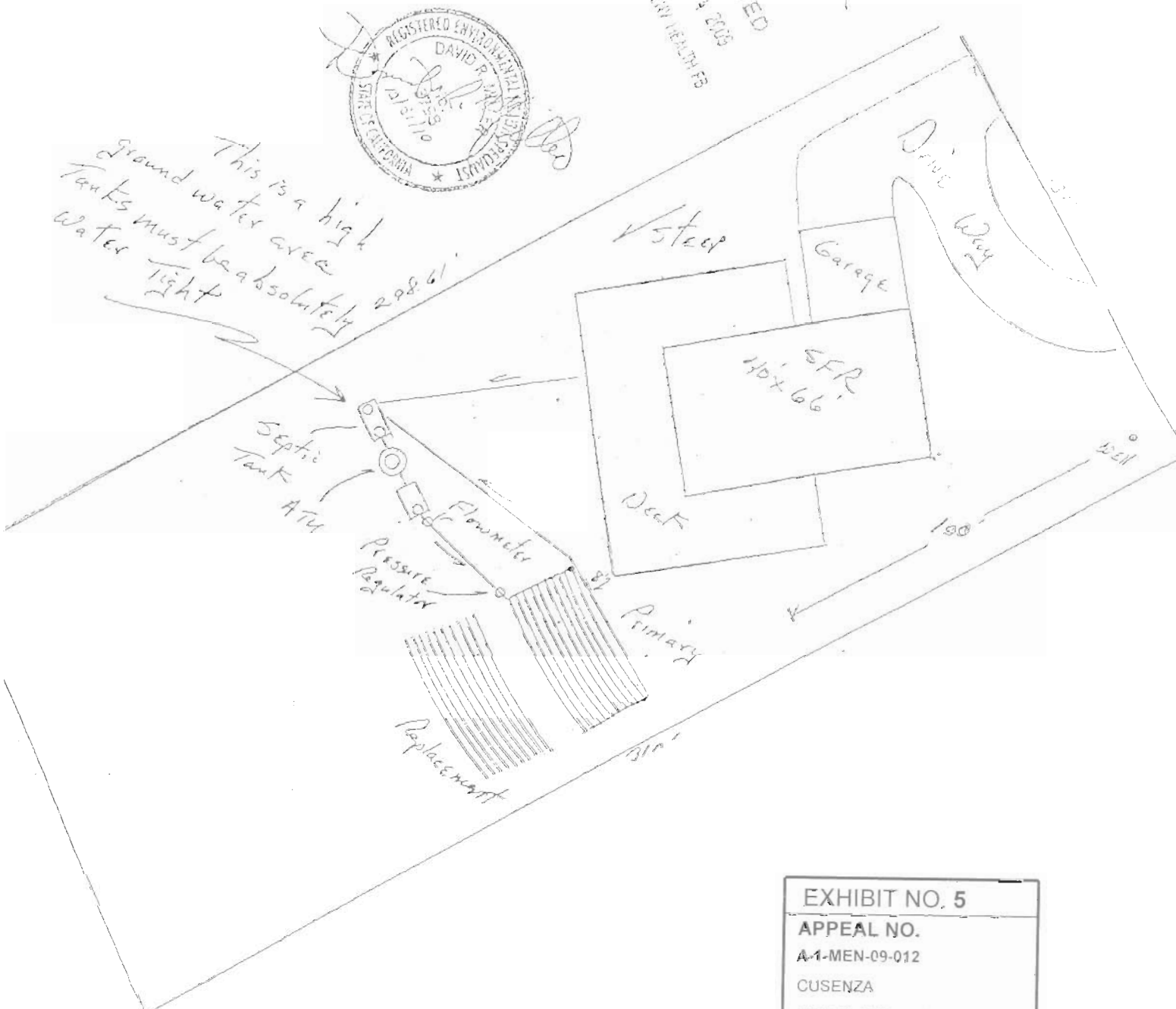
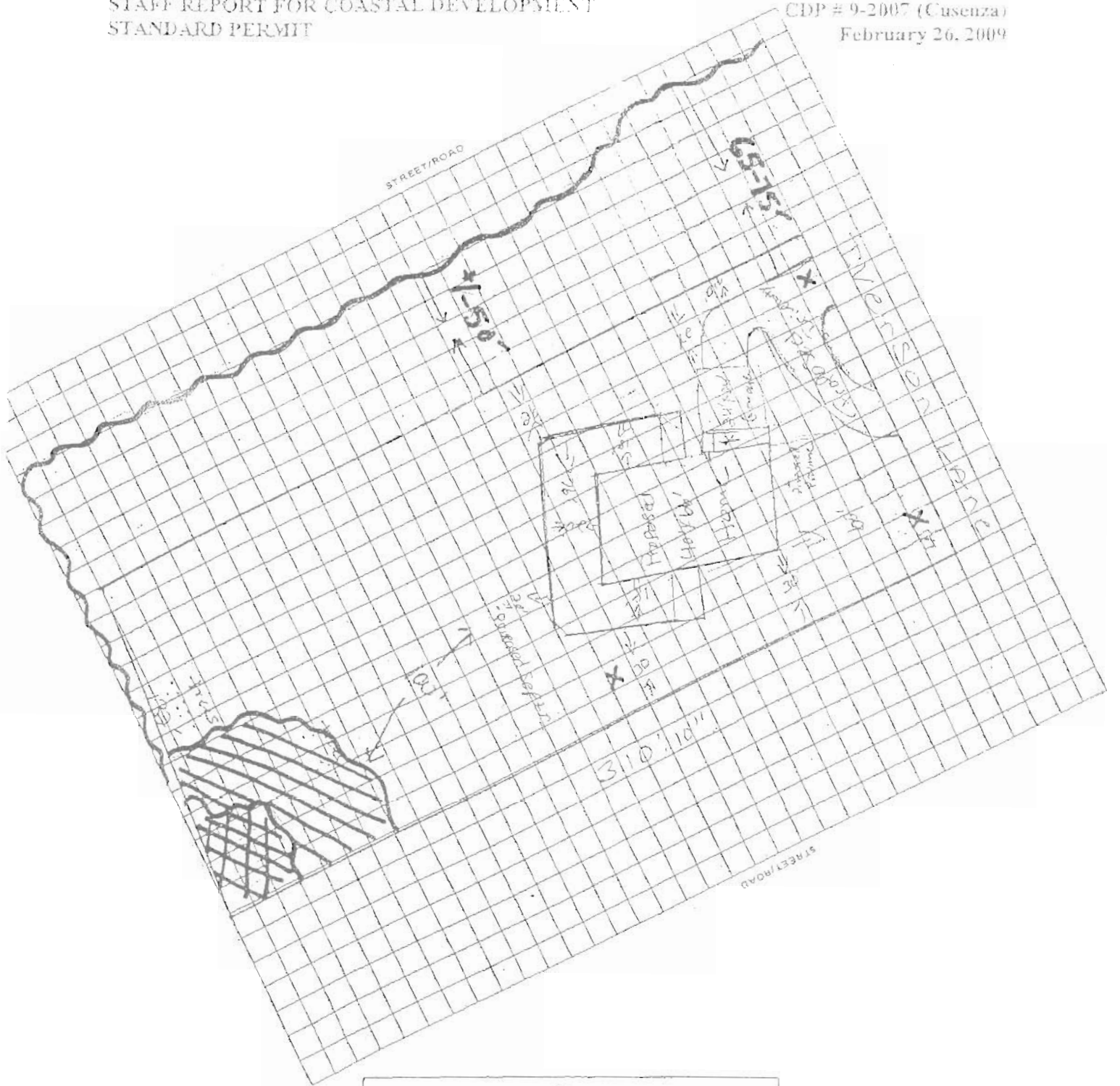


EXHIBIT NO. 5
APPEAL NO.
A-1-MEN-09-012
CUSENZA
SITE PLANS (1 of 2)

SITE PLAN SEPTIC

No Scale





Key

- X = areas of dog violet (*Viola adunca*)
- /// = grassland dominated with tufted hairgrass (*Deschampsia cespitosa*)
- ### = tufted hairgrass supporting supple daisy (*Erigeron supplex*)
- ~~~~ = Edge of riparian habitat

Site plan provided by: Tom's Mobile Specialties
Botanical Delineation prepared
by Playalina Nelson, Botanist

SITE PLAN

No Scale



2 of 2



EXHIBIT NO. 6
APPEAL NO.
A-1-MEN-09-012
CUSENZA
HOUSE FLOOR PLAN

FLOOR PLAN
No Scale



46790 Iversen Lane

AP No. 142-010-46

APP. No. CDP 9-2007

Cumtula

Frank Cosenza

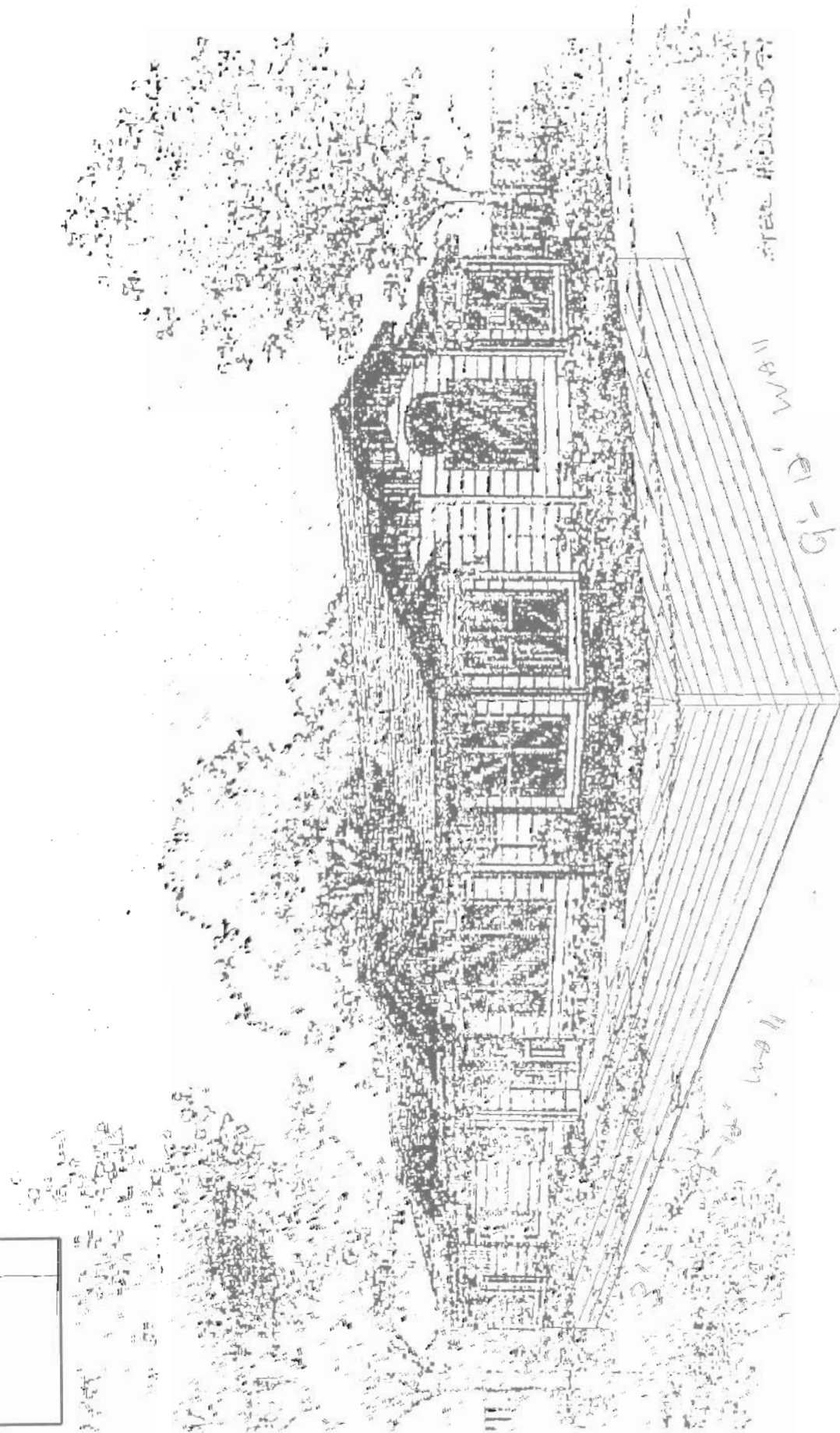
EXHIBIT NO. 7

APPEAL NO.

A-1-MEN-09-012

CUSENZA

HOUSE ELEVATION



Concrete wall

11' 11/16" WOOD

9'-12" WOOD

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
 710 E STREET, SUITE 200
 EUREKA, CA 95501
 VOICE (707) 445-7833 FAX (707) 445-7877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

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

SECTION I. Appellant(s)

Name: Martin Kitzel

Mailing Address: 307 Ross Drive,

City: Mill Valley

Zip Code: 94941

Phone: 415-383-2322

SECTION II. Decision Being Appealed

1. Name of local/port government:

Mendocino County Planning

2. Brief description of development being appealed:

Installation of a 2,630 square foot house and a 576 square foot detached garage .

3. Development's location (street address, assessor's parcel no., cross street, etc.):

46790 Iverson Lane, APN 142-010-46-05, 10 miles north of Gualala, cross street is Iverson Road.

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

RECEIVED

MAR 12 2009

CALIFORNIA
 COASTAL COMMISSION

EXHIBIT NO. 8

APPEAL NO.

A-1-MEN-09-012

CUSENZA

APPEAL (1 of 17)

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-09-012

DATE FILED: 3/12/09

DISTRICT: North Coast

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

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

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: 2/26/09

7. Local government's file number (if any): CDP 9-2007

SECTION 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:

Frank P. Cusenza
3800 Simmons
Turlock, CA 95380

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) Gualala Munciple Advisory Council
P.O. Box 67,
Gualala, CA 95445

(2) Penny England
Tom's Mobile Specialty
6366 Lincoln Boulevard
Oroville, CA 95966

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE 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.
- 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.)
- This 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.

The appeal process is there for individuals and organizations to help function as the eyes and ears of the Coastal Commission. Reviewing the validity of an appeal shall not be subject to influence by property owners and county agencies who may have been misled into missteps in the development review process.

The proposed development does not conform with the following:

Policy 3.5-1 of the Mendocino County Coastal Element:

"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 the surrounding areas"

AND

Zoning Code Sec. 20.376.045 Twenty-Eight (28) foot building height limits for RR districts

County review of the application and the subsequent information generated for this development lacks the diligence typically applied to such a development application. The resulting informational voids call for a review by the Coastal Commission.

1. County did not require a topographical survey of the property which would have illuminated the true height of the structure and adjoining deck as seen from Highway One and the Hearn Gulch public access area owned and maintained by Redwood Coast Land Conservancy.
2. Had story poles been requested by the county, as brought to light in the GMAC meeting minutes, both the public's ability to be properly notified regarding the impact of the development and the county's ability to confirm compliance with Policy 3.5-1 of the coastal element would have followed established norms.
3. Staff Report states "the applicant proposes a residence with a size and height consistent with surrounding structures" but stops short of asserting it to be true. The proposed development has a higher base elevation than the other structures in the subdivision and would require clear cutting the ridge/bluff top parcel, therefore it would be more prominent than its neighbors and the surrounding land forms and not consistent with surrounding structures.
4. The proposed development is designed for a flat building site, and the subject parcel is

steep. This would have been clear to the county had proper elevations with the house sited had been provided with the application.

5. The intent of the height restriction is to minimize visual impact. The application and Staff Report states the installation of a 9' to 12' foundation wall will be necessary, but does not address the height of the deck from grade. Supporting posts for the deck will be anywhere from 15 to 20 feet, coupled with the overall height of the structure, it will exceed the 28' as seen from Highway One and Hearn Gulch.

6. Clearing of trees for deck and septic system will only contribute to the overall impact on view shed. This cannot be corrected by conditions requiring a landscape plan because of the inherent incongruities between a house designed for a flat site and steep building site. No one would plant 25' tall trees.

7. The LUP does not consider the subject parcel to be in a highly scenic area, however, nearby properties on both sides of the highway have been considered highly scenic. (Examples: A-1-MEN-07-003 & CDU 16-2005) The change in land use at Hearn Gulch public access area has yet to be considered in the context of a minor amendment to the ongoing LUP amendment process. For this reason alone, involvement of the coastal commission is warranted.

8. County Planning relied on field study data generated by consultants hired by the applicant, in an obvious conflict of interest.

The proposed development was neither sited nor designed to protect views along the ocean. There has been a lack of diligence on part of County staff including a lack of topographical survey and informational quality control to site plan and elevations. The result is levels of inexactitude with respect to environmental and view shed control in an area that should be deemed highly scenic but has not yet been afforded that level of consideration.

Attached, please find all correspondence sent to county planning addressing concerns with the proposed development including but not limited to the issues stated above. The relevant minutes from the GMAC meeting is included as well. I am not opposed to the development of the site, simply the manner in which it is proposed and the lack of diligence on the part of the county. A development plan that considered the site topography, design subordinate to it's surroundings, at the toe of the slope would be more suitable. Please contact me for specifics if more information is required. Thank you.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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

Signature on File

Signature of Appellant(s) or Authorized Agent

Date:

3.2.09

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:

Marty

From: Linda and Marty Kitzel [kitzelfamily@comcast.net]
Sent: Sunday, March 01, 2009 5:09 PM
To: Martin Kitzel
Subject: Fw: Message from GMAC web site
Attachments: _AVG certification_.txt

print 2 copies, make another copy of the appeal.

----- Original Message -----

From: [nancy wagner](#)
To: [Linda and Marty Kitzel](#)
Sent: Thursday, May 08, 2008 8:01 AM
Subject: Re: Message from GMAC web site

Thank you Marty,
Quite an impressive letter. You have my support.
Nancy
On May 7, 2008, at 9:33 PM, Linda and Marty Kitzel wrote:

Dear Janet, Fred and Nancy,

Below is the letter Marty wrote to GMAC and its entire counsel for tomorrow night's meeting.

We do not have Doris's email (if someone could forward us her email, we would greatly appreciate it so we can all be online together), but we would appreciate you forwarding a copy to Doris so she can have it with her at the meeting, also. We hope this helps and please do let us know what else we can do to help. Marty checks the GMAC and County of Mendocino Planning and Building website for all upcoming scheduled meetings. For whatever reason, GMAC did not have it listed anywhere that this particular application was up for review.

So, thank you Fred, for letting us know so we can aide in anyway. As you all know, we went through this process recently and quite aware of the hurtles and requirements of the Coastal Commission, etc.

Again, please do not hesitate to contact us for anything. We are grateful we are all neighbors.

Warm Regards,

Linda

----- Original Message -----

From: [Linda and Marty Kitzel](#)
To: [velinau@GualalaMAC.com](#) ; [marym@GualalaMAC.com](#)
Cc: [jeffw@GualalaMAC.com](#) ; [billm@GualalaMAC.com](#) ; [seang@GualalaMAC.com](#) ; [robertj@GualalaMAC.com](#) ; [hallk@GualalaMAC.com](#) ; [patrickl@GualalaMAC.com](#) ; [rone@GualalaMAC.com](#)
Sent: Wednesday, May 07, 2008 9:15 PM
Subject: Message from GMAC web site

Ms. Underwood,

Please consider this emailed letter as a formal expression of concern for the proposed development of 46790 Iverson Lane. I have cc'ed Mary Mober and the rest of the board on this correspondence intending to comply with the Brown Act rules regarding correspondence and ensure the information is shared. I am unable to attend the meeting due to a business commitment.

My wife and I own the house next door to the proposed development, so our concern is well founded and well intended. I have known about the CDP application for this property for a long time and I regularly check to see if and when it appears any agenda with county agencies. I was

only made aware of this development being added to the GMAC agenda via my neighbor, Fred McElroy. Previous minutes from GMAC have not indicated that any member of the council has conducted a site walk.

I have prioritized my concerns below:

1. Have all other necessary reports been conducted:

- a. Encroachment permit off of Iverson Lane from Cal Trans that requires a Point Arena Mountain Beaver survey,
- b. Botanical Survey, (Flora)
- c. Biological Survey (Fauna) The pine stand on the property is known owl habitat,
- d. Archeological Survey

If not, how can GMAC make an informed decision and expect informed public comment.

If so, the information has not been made available by the county to the public and therefore the public's ability to engage GMAC in an informed transparent manner is compromised. If the facts aren't known, how can they be discussed by all concerned.

2. A known / recorded(CDP #102-03) ESHA habitat exists our undeveloped acre which requires a 100 foot set back for ANY development including land clearing and grading per the LCP (Local Coastal Plan). The adjacent lot and the lot in question is known to have supple daisy and purple stem checker bloom. This was documented by Trillium Botanical Services in 2004. See GMAC minutes from May 6th, 2004. Any compromise on the 100 foot set back will still result in a higher rate of erosion in the ESHA.

3. Has the necessary field work been conducted to ensure the health department will allow a septic system for a home of this size?

4. The location of the well in proximity to the riparian habitat and septic is also subject to set backs per the LCP.

5. A prefabricated home is not in keeping with the rest of the area which has larger, custom site-built homes.

6. The clear cutting of the pine knob will cause the home to be extremely prominent from the road even though it may be one story and from the recently established public access site across the street (RCLC site). Altering sight lines in what the LCP considers a "highly scenic area" is not allowed and must be mitigated in every possible way according to Rick Miller, Senior Planner.

7. None of my neighbors approve of the proposed development. I would hope GMAC would reflect the desire of the community.

At this time I am not asking GMAC to outright reject this application, but I would ask that GMAC defer any decision on this matter until full public disclosure of reports and documents are made available and proper notification for the public takes place as required.

Thank you for your time in reviewing this letter.

Sincerely,

Martin and Linda Kitzel
46770 Iverson Lane

Marty

From: Linda and Marty Kitzel [kitzelfamily@comcast.net]
Sent: Wednesday, February 25, 2009 7:53 PM
To: Frank Lynch; Teresa Spade
Cc: jmcelroy@mcn.org; velinau@GualalaMAC.com; seang@GualalaMAC.com; robertj@GualalaMAC.com; patrickl@GualalaMAC.com; jeffw@GualalaMAC.com; billm@GualalaMAC.com; ecker.inspections.inc@gmail.com; Richard Miller; Angie Hamilton
Subject: Re: Staff Report on Cusenza, CDP 9-2007
Attachments: _AVG certification_.txt

Teresa,

Thank you for including Frank Lynch on these correspondences.

I have nothing against modular homes, having worked for leaders in the green building community in the Bay Area, I know full well the benefit to the environment with the modular approach.

The main issue here is not that I'm a snob, it's that the application and staff report lacks the level of diligence to allow anyone at the county level, including the Coastal Permit Administrator, to conduct a proper review and make a fully informed decision. Subsequently, it does not allow for careful site review by building inspectors or planners during development. Where is the level of control and oversight?

Our community, here, is depending on you and County planning to set the bar with a degree of rigor and an established level of exactitude when it comes to information and analysis of new construction.

Thank you again for your time in correspondence.

Sincerely,

Martin Kitzel
46770 Iverson Lane

----- Original Message -----

From: Teresa Spade
To: Frank Lynch ; Linda and Marty Kitzel
Cc: Angie Hamilton ; Richard Miller ; ecker.inspections.inc@gmail.com ; billm@GualalaMAC.com ; jeffw@GualalaMAC.com ; patrickl@GualalaMAC.com ; robertj@GualalaMAC.com ; seang@GualalaMAC.com ; velinau@GualalaMAC.com ; jmcelroy@mcn.org
Sent: Tuesday, February 24, 2009 9:43 AM
Subject: Re: Staff Report on Cusenza, CDP 9-2007

Hi Marty,

Thank you again for your comments. I will include these in the project file as well, and as you can see, they are being sent to Frank Lynch, the Coastal Permit Administrator.

I apologise for any offense I have caused. Please be aware that I truly do appreciate public comments - both from a personal level (its hard to look important if nobody is watching) and from a wider view - additional perspectives on a project offer better opportunity for appropriate planning. Regarding the subject project, my opinion differs from yours, as I have managed to convey in my own tactless way. Sorry again for that.

I am not sure what led you to believe that I was in any way criticizing Rick Miller's work, but please be assured that I too have the utmost respect for him and know he carefully considered your development. The buffer distance is actually recommended by the biologist, and the differences in distances are a function of site conditions and potential impacts. I outlined the differences between your buffer and the subject buffer not to suggest that yours was inappropriate, but to suggest that the subject buffer was sufficient.

I have read many reports from various biologists, and have found Playalina Nelson's work superior to most. Knowing that she is a capable wetland delineator, I also know that if there was a wetland or potential for seasonal wetland, she would have recommended further studies or at least mentioned it. It is my belief that ground conditions have changed, and there is no longer sufficient evidence to indicate wetland presence.

I included the potential violation information because the coastal records image shows development in the buffer. Failure to notice this and respond would be counter to the Coastal Act intent, and I take that part of my job very seriously.

Finally, it seems that we have been skirting around the main issue here, which is that your neighbors wish to install a modular home. The proposed residence was considered visually in terms of height, colors, etc. There is nothing in our visual resources code which discriminates against modular homes, and I would suggest that to do so would be unfair.

Tess

Teresa Spade
Planner II
Planning and Building Services
790 South Franklin St., Fort Bragg, CA
(707)964-5379
(707)961-2427 (Fax)
spadet@co.mendocino.ca.us

>>> "Linda and Marty Kitzel" <kitzelfamily@comcast.net> 02/19/09 22:58 >>>
Teresa,

Thank you for including my letter, however I must clarify and rebut some the assertions in your letter. At your request, I submitted my comments/critique of what the shortcomings of this particular plan echo the sentiments in the GMAC minutes. It is by no means a critique of staffs ability to review and process the application. I know the planning department is probably facing the same staffing and budget issues of every county these days and I am aware of how complicated the applications can be.

That said, comparative statements about my house are not appropriate for the following reasons:

1. Each permit application is considered on it's own merits, and not the subjective successes or shortcomings of adjacent developments, per Rick Miller.
2. My house is not higher than 28'.
3. My house is set into a gently sloping hillside, against other houses as seen from Highway One where as the development in question is at the top of a hill/bluff, and will be set, and seen, from a much higher elevation/visual sightline.
4. My house did not require clear cutting a site as the proposed plan does.
5. I had KPFF conduct a wetland delineation report for my property, and although the botanist of record may be certified to conduct wetland delineation reports, no such report was done for the subject property.
6. Regarding the origin of the ESHA mentioned in your memo to Frank Lynch, the ESHA exists and there is riparian habitat there, regardless of it's origin. When Iverson Road was put in, there was a cut a fill in this location as evidenced by the swale on the lot across from this area to the east. The installation of the road, and the related storm run off, only facilitated what was already there. How the wetland was not observed by staff and DFG may be a function of the very dry years we have been experiencing and is directly down slope from the subject property.

Rick Miller made the 50' determination for our setback as the available building envelope for the site was so small. For you to suggest the Rick Miller did not do his utmost to ensure that all criteria were strictly followed is inappropriate. Rick Miller worked closely with us and KPFF to determine the optimal location for the house on the site, the depth of his participation in the process showed a high level of commitment and professionalism. I have nothing but respect for him. What value is there spending time re-reviewing what Rick Miller stood behind 4 years ago?

As you pointed out in your report, staff cannot designate what is considered a highly scenic area, so I am suggesting to Frank Lynch that it be considered for this status, not just as it applies to this development, but in perpetuity as moved and approved by the GMAC. Please see the specific comments on pages 3 and 4 of the minutes from the GMAC meeting dated May 8, 2008:

As you can see, I am adding my voice to what has already been stated and noted from this meeting by the council members, not just the public. I wanted to offer specific constructive remarks about the proposed development, which the public is asked to participate in through this process. It would appear you do not want public comment to the extent where you are willing to ignore GMAC's recommendations and threaten me with code enforcement regarding a silt fence which was installed and subsequently removed 3 years ago. I will happily provide you receipts from my general contractor for the silt fence installation as well as observation reports from KPFF. In addition, I have photo documentation showing the silt fence in place with berms and straw waddle. The project was inspected and approved by the building department inspector that could see the silt fence on plan and on site throughout the entire construction of my home.

If you don't want my opinion, or the opinion shared by GMAC board members and my neighbors, just say so. If we have no real say in the matter anyway, why this lame edifice of sincerity?

If you find *my* motives suspect, all that can offered is that this house is not appropriate for this lot. A site built house, conforming and respectful of the natural land forms, setting, the intent of the LCP is by far more appropriate to this location.

Respectfully Submitted,

Martin Kitzel

----- Original Message -----

From: [Teresa Spade](#)
To: [Frank Lynch](#)
Cc: [Angie Hamilton](#) ; kitzelfamily@comcast.net
Sent: Thursday, February 19, 2009 2:54 PM
Subject: Staff Report on Cusenza, CDP 9-2007

Hi Frank,

Marty Kitzel submitted concerns regarding the Cusenza CDP application 9-2007 to be heard at the Feb. 26, 2009 CPA hearing, attached. I have also attached a staff response to his letter.

Tess

Teresa Spade
Planner II
Planning and Building Services
790 South Franklin St., Fort Bragg, CA
(707)964-5379
(707)961-2427 (Fax)
spadet@co.mendocino.ca.us

Teresa,

Thank you for your time in correspondence. Although staff has concluded it's review of this application, and has essentially signed off on this development, I hope this correspondence can be considered part of the record and be offered to Frank Lynch for his review prior to the hearing. I have reviewed the application and the staff report and I will confine my remarks to only matters which pertain to planning, and not building.

I have been working in the construction trade for most of my adult life and have been through the process of applying for a CDP and participated in proceedings with the Coastal Commission. I am familiar with the codes, processes and guidelines set out by the governing bodies in this case.

First and foremost, the plans lacks detail. No proper elevation of the structure was submitted to allow staff to determine the height of the structure and the inherent shortcomings of the plan. The structure is noted as being below the 28' height restriction, however, it does not take into account the height of the foundation walls necessary on the west elevation where the steep hill falls away quickly, which will result in a building height closer to 33' or 37' as seen from Highway One or the adjacent recreation area across the road at Hearn Gulch. I know this because I measured it for myself. This is contrary to both the letter and the intent of Sec.20. 376. 045 of the LCP. Had a proper site survey with topographic information been submitted with the plan this would have been obvious to anyone conducting a review of the application.

Secondly, without a proper topographical survey or site plan, establishing the location of set backs from both the road and the adjacent ESHA can only be indicated and scaled to the plan. The reduced buffer of 65 to 75 feet is from the **edge** of the ESHA. The edge of the ESHA in this location has been previously established, reviewed, vetted and accepted by the county as part of the Staff report from my property. If you refer to your records, you will see the edge of the ESHA is in fact very close to property boundary, certainly much less than as described in the application. I know this because I measured it for myself.

Thirdly, although this area may not be considered by staff to be highly scenic, it should be considered as such due to the recent acquisition and improvements to the Hearn Gulch recreation and coastal access area across the street. These changes, coupled with the undeveloped nature of the area, make it a good candidate for protection afforded under a highly scenic areas conditions. Notably, the project will result in a clear cut of a ridgeline as seen from Highway One, and the project will not be subordinate to the landscape as outlined in item c the development criteria of Sec. 20.504.015.

Lastly, in the archeological field work conducted on the adjacent parcel and submitted with my application, several chert flakes were found consistent with stone napping practices of indigenous people. The property two parcel to the north reported finding arrow heads, yet no field study was recommended for this site. It is the unspoken practice of even the most respected builders in the area to ignore archeological resources like mitten piles and arrow heads, leaving only this process to ensure review and conservation.

The county has been ill served by the missing, poor, and incomplete information on this application. I will raise these issues at the public meeting, and if the Coastal Permit Administrator does not consider the points I raised, and ask for the property owner to make remedy on the application with proper site map to confirm set backs and building height restrictions, I will appeal the application to the Coastal Commission who will no doubt be concerned about visual resources and environmental protection.

I regret that a more thoughtful development of the site could not be proposed. One that would be more harmonious with the hill top site and not a structure designed for level sites.

Thank you again for your time reviewing this letter.

Respectfully Submitted,

Martin Kitzel
46770 Iverson Lane, Gualala

Mendocino County Dept. of Planning & Building Services
Coastal Planning Division
790 South Franklin Street
Fort Bragg, CA 95437
707 964-5379 (tel) • 707 961-2427 (fax)

MEMORANDUM

TO: Frank Lynch, Coastal Permit Administrator
FROM: Teresa Spade, Planner II
DATE: February 19, 2009
SUBJECT: CDP 9-2007 Cusenza Staff Report response to comments from Kitzel

In response to comments/concerns submitted by Marty Kitzel, I offer the following:

Mr. Kitzel states concerns regarding the proposed height of the proposed structures. The proposed maximum height includes the foundation – this is a one-story modular home that features “9 foot ceilings throughout.” The home is being placed on a moderately sloping portion of the property. The proposed attached deck will be located over steeper slope, however the visual impacts of the deck will not be significant as the deck will be closer to the ground. Additional elevations have been requested in response to Mr. Kitzel’s concerns and should be available for review prior to the hearing.

Mr. Kitzel states concerns that the proposed development as shown does not actually observe a 75 to 85 foot buffer to the riparian ESHA. Mr. Kitzel notes that the ESHA is shown much closer to the applicant’s subject parcel boundary in association with the CDP that approved his residence on the parcel to the north – CDP 102-03. For the subject project, the location of the ESHA and edge of the buffer was established by Playalina Nelson in conjunction with her biological survey. The ESHA buffer was measured from the edge of the riparian area. DFG and planning staff visited the site and confirmed the distance. Staff reviewed the documentation relative to the drainage associated with CDP 102-03, attached. The 2004 report by KPFF noted a developing wetland in association with the drainage, which they conclude is likely due to road runoff. The wetland feature was not observed by Playalina Nelson, who is a certified wetland delineator, when she surveyed the property in 2008. The wetland was also not observed by planning or DFG staff. Staff finds that the 2008 survey report by Playalina Nelson most accurately depicts the current state of the resources near the proposed development, and that the buffer distance has in fact been measured accurately. Staff notes that Mr. Kitzel’s development observes a 50 foot buffer to the resource area (his development is north of the resource area) as it existed in 2004, and that the proposed project would observe a 75 to 85 foot buffer to the same resource area (the proposed development is south of the resource area) as it exists today¹.

Mr. Kitzel suggests that the development should be viewed as one would consider development in a highly scenic area due to the recent acquisition of the Hearn Gulch coastal access across the highway. Despite this recent acquisition, the property is not in a designated highly scenic area, but is located in a developed subdivision where two-story residences and bright/contrasting exterior materials are common

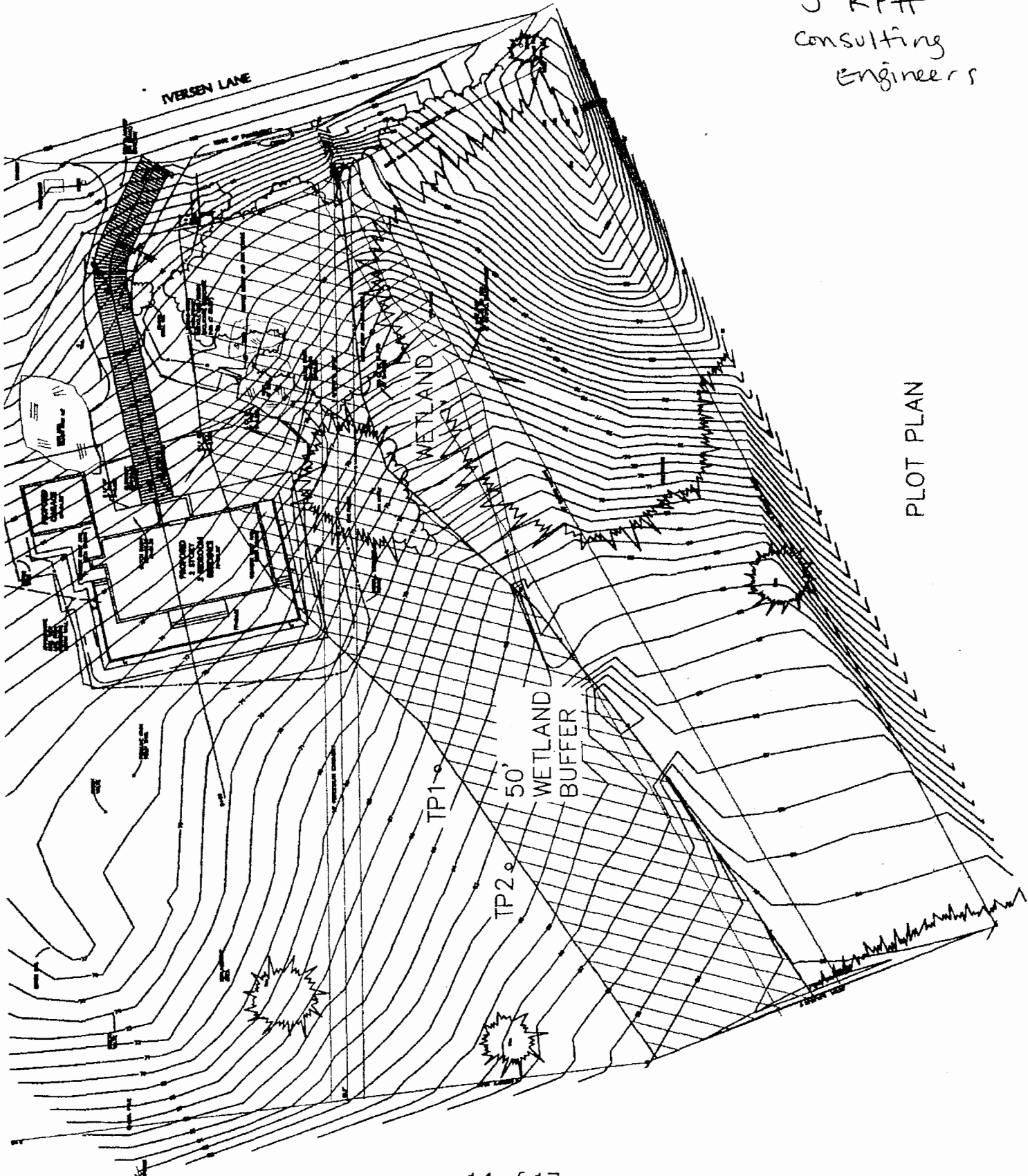
¹ Staff notes that the [Coastal Records Project image](#) does not show the required silt fencing that Mr. Kitzel was to erect and maintain along the 50 foot buffer line during construction activities to protect the resource area. The image shows evidence of equipment storage and ground disturbance within the buffer area. Staff is referring the project to code enforcement because of evidence of ESHA violations and to assure follow-up protection of visual and natural resources.

(please note the Coastal Records Project image). Mr. Kitzel's residence, seen as the new structure directly to the north of the project site in the image) was approved as a two-story structure, which according to the elevations, exceeds 28 feet in height on the west side. His structure is also located on a moderate slope, and likely impacts the ridgeline as much as the subject structure would.

Mr. Kitzel expressed concern regarding potential archaeological resources on the parcel. The County Archaeological Commission voted 3-0 that no survey was warranted for this parcel. In reviewing Mr. Kitzel's CDP file, it appears to staff that Mr. Kitzel submitted an archaeological survey report with his application. The report by Thad VanBuren, which was accepted by the Archaeological Commission, indicated that no protective measures were necessary for the limited resources on Mr. Kitzel's property.

CDP 102-0, Aug 26, 2004 wet and delineation
for 142-010-44 & 45

by KPFF
consulting
engineers



PLOT PLAN



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

Agency Referral Response Form

06-08-2008 (rev. 6/29/08)

1. Referral Agency & Project Coordinator / Contact Person & Mailing Address:

Attention: Paula Deeter, Project Coordinator

Department of Planning and Building Services
790 South Franklin Street
Fort Bragg, CA 95437

The following item was referred to GMAC for consideration:

2. Name of Applicant: Frank P. Cusenza

3. Type of Permit Application and Number (e.g. CDP,CDMS): CDP 9-2007

4. Receipt Date of Referral: 21 March 2008 **5. GMAC Hearing Date:** 8 May 2008

6. Vote on Motion (# of): 5 Aye 0 Nay 0 Abstain

7. Description of Project:

Location: 46790 Iversen Lane (APN: 142-010-46-05). Request: Install a 2,630 sf manufactured home on a perimeter foundation (maximum height to be 25' from grade) and a 576 sf detached garage. Install septic system and well with holding tank. Install propane tank, driveway and connect to utilities.

8. Motion (Comments / Notes):

It was moved by Council Member Lehner, seconded by Council Member Gaynor-Rousseau and unanimously carried that the project be recommended for approval, provided:

1. a primary and secondary leach line be added to the plans.
2. the area be recognized as "highly scenic," that the house will be very visible from Highway one, and that an intensive landscaping plan was needed to insure the house is not as visible as it might be without special landscaping.
3. a biological impact report be done and, if not completed already, a botanical report also be done.
4. the County take into consideration the known high winds and salt corrosion in the area and reconsider the plans from this prospective.



GMAC:	2008.06.29
Sean	13:15:34 -
Gaynor-	08'00'
Rousseau	I am
	approving this
	document
	Gualala, CA

cil, no matter the number of faults found or lack of information provided.

Council Member Gaynor-Rousseau preferred presenting the County a list of concerns and let them take it from there He took issue with the landscaping plan and proposed plants.

It was moved by Council Member Kelley, seconded by Council Member Juengling, and unanimously carried that the project be denied and a list of concerns mentioned be sent to the County. Council Member Gaynor-Rousseau will write the letter to the County.

10. CDMS #6-2008 (Kingsley/Dolphin) Location: 45851 & 45781 Iversen Road (APNs 027-501-43 & 142-040-22) Coastal Development Minor Subdivision of a 105 ± acre parcel to create three (3) parcels containing 25 ± acres, 28 ± acres, and 52± acres (Council Members Juengling & Watts).

Co-owner Janice Dolphin was in attendance and answered GMAC's questions. Council Member Juengling walked the property and reported all testing was done, each parcel had its own water well, and the roads needed work to bring them into code compliance for emergency vehicle access.

Council Co-chair Watts was concerned access to all adjoining parcels not be blocked, leaving them "landlocked" and owners unable to enter or exit. Ms. Dolphin assured the Council this was not the case. Council Co-chair Watts was also concerned that all new water lines crossing into the newly-designated lots be recorded with the County and that all easements included utility easement. Ms. Dolphin noted the properties had their own wells and all easements included a 40' utility clause.

It was moved by Council Member Juengling, seconded by Council Member Kelley, and unanimously carried that the project be approved as presented provided all adjoining parcels and the three parcels involved have easement and utility access. Council Co-chair Watts will write the letter to the County.

11. CDP #9-2007 (Cusenza) Location: 46790 Iversen Lane (APN 142-010-46-05) Install a 2,630 square foot manufactured home on a perimeter foundation (maximum average height to be 25' from grade) and a 576 square foot detached garage. Install septic system and well with holding tank. Install propane tank, driveway and connect to utilities (Council Members Eckert & Lehner).

Owner Frank Cusenza was present to answer GMAC's questions. Council Members Eckert, Lehner, and Watts walked the site. Penny England and Patrick Pitts presented photos of the triple-wide, single-story mobile home to be erected on the site. It will be tied down to a concrete foundation, will be built using stronger ties and be as strong as any conventionally built home because of the weather anticipated on the property. MCPBD chose the hardy-board siding colors and all lighting is downcast. John Bower recommended stainless steel or copper Z-nails to better hold the hardy board and shingling and withstand the salt-air corrosion.

Joan O'Connell read her letter to Paula Deeter stating: 1) the CDP was incomplete and inaccurate; 2) no story poles had been erected to indicate the footprint of the proposed home; 3) there was no septic plan or perk report; 4) the riparian area needs a set back and none has been given; 5) the Point Arena Mountain Beaver is known to inhabit the area and the stand of pines on the property is an owl nesting area, but no biological report was done to confirm or deny these habitats and/or inhabitants, and; 6) the coastal morning glory grows in the area but no botanical report has been done. She didn't feel a modular home was a good idea on a parcel that regularly received 70 - 90 MPH winds. She noted the home next door is always being repaired after a storm and she felt this home would be no exception.

Fred McElroy expressed the same concerns. Ms. England stated County Planner Paula Deeter didn't require a botanical or a biological report on the project. A botanical report was done but not biological or archaeological reports. Council Member Watts noted arrowheads had been found on that property when the road was cut.

Council Member Gaynor-Rousseau noted many of the concerns stated above weren't in GMAC's purview. He urged Mr. Cusenza to check with the County regarding the new septic codes just implemented.

Council Member Lehner felt the home would be too visible from highway one and cited the house located on the corner of Highway One and Iversen Road as an example. MCPBD is still dealing the eyesore and the people who caused it. He didn't want that to be repeated. He also had concerns about the septic system.

Council Co-chair Watts felt public safety was involved, especially with the known winds and weather in the area. Rapid deterioration from salt air causes corrosion that could drastically affect the home in the future. No botanical, biological, or archaeological reports were a concern for him; and no plan for a well, leach, or back-up leach fields were indicated in the CDP.

It was moved by Council Member Lehner, seconded by Council Member Gaynor-Rousseau and unanimously carried that the project be approved provided:

1. a primary and secondary leach line be added to the plans.
2. the area be recognized as "highly scenic," that the house will be very visible from Highway one, and that an intensive landscaping plan was needed to insure the house is not as visible as it might be without special landscaping.
3. a biological impact report be done and, if not completed already, a botanical report also be done.
4. the County take into consideration the known high winds and salt corrosion in the area and reconsider the plans from this prospective.

Council Co-chair Watts will write the letter to the County.

A five minute break was taken between 21:12 and 21:17.

12. **OA #1-2008 (County of Mendocino)** Location: Unincorporated area of Mendocino county (project would potentially impact both the inland and coastal zone area of the County; however project tract will differ for the two areas). Request: Update zoning ordinance to be consistent with State law regarding provision for small and large day care facilities.

After some discussion, it was agreed this ordinance was to bring Mendocino County into compliance with State codes concerning day care facilities having no more than 25 students and located in private homes, so that day care operators would have only one code to which they would have to comply and not two. No action was taken.

13. **Discussion - Continue March 2008 discussion on issue(s) related to spread of noxious and/or non-native invasive plants within GMAC's sphere of influence:** Council Member Juengling reported he spoke to two people who would be happy to speak on the issue 5 June: John Thompson, a local botanist who recommended Council Member Juengling also invite Lorie Hubberd of the Native Plants Society, and a nurseryman. John Bower has two crews spraying pampas grass and scotch broom on his property; they have become very invasive. He referred all to the front-page ICO article, 25 April about CALTRANS using a high-pressure, water-blast method called hydromechanical obliteration to remove these plants from roadsides. Due to its importance to the area, he asked GMAC to keep the item on the agenda.

14. **Chair's Report and Council Matters:**

- a. **Gualala Undergrounding Report:** Council Member Juengling reported he had talked to Colleen Sullivan at the PUC; there has been no change from last month. The PUC has made a decision and will issue a "letter" stating the project will be done in two phases, the first to be the original district, the second will include the north and south ends of the new district. After some discussion, it was agreed Council Member Juengling would write a letter to the PUC asking for a copy of the "letter" for his report on 5 June.
- b. **Gualala Downtown Community Action Plan Report:** Council Member Lehner reported the grant monies have arrived and the first meeting with CALTRANS, Designers RMM, and the committee is at the Action Network Conference Room, 10 June starting 10 a. m.
- c. **GMAC's Strategic Initiative Sub-committee Report:** Council Member Lehner announced the next meeting, Wednesday, 15 May, usual time and place.
- d. **Housing Taskforce Report:** Council Member Juengling reported nothing new will happen until the MCPBD finishes designating parcels in Ukiah and along Highway 101.
- e. **Timber Harvest Plan (THP) Advisory Report:** Council Member Gaynor-Rousseau reported nothing new in this area.



010-90-012

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CALIFORNIA
COASTAL COMMISSION

March 9, 2009

NOTICE OF FINAL ACTION

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

CASE#: CDP #9-2007
OWNER: Frank P. Cusenza
AGENT: Penny England, Tom's Mobile Specialties
REQUEST: Install a new single-story single-family residence manufactured home on a foundation. Construct an attached deck and detached garage. Associated development includes on-site septic system, well, water storage tank, propane tank, driveway development, and connect to utilities.

LOCATION: In the Coastal Zone, approximately four miles south of Point Arena, on the west side of Iversen Lane (CR 432) approximately 140 feet north of its intersection with Iverson Court (CR 433) at 46790 Iversen Lane (APN 142-010-46).

PROJECT COORDINATOR: Teresa Spade

HEARING DATE: February 26, 2009

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. 9
APPEAL NO. A-1-MEN-09-012
CUSENZA
NOTICE OF FINAL LOCAL ACTION (1 of 24)

COASTAL PERMIT ADMINISTRATOR ACTION SHEET

CASE#: CDP 9-07 HEARING DATE: 2/26/09

OWNER: Cusenza

ENVIRONMENTAL CONSIDERATIONS:

- Categorically Exempt
- Negative Declaration
- EIR

FINDINGS:

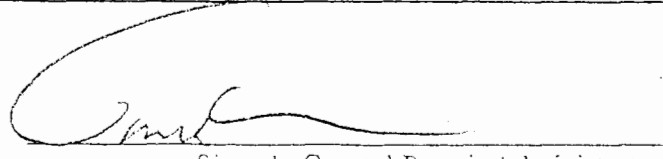
- Per staff report
- Modifications and/or additions

ACTION:

- Approved
- Denied
- Continued _____

CONDITIONS:

- Per staff report
- Modifications and/or additions



Signed: Coastal Permit Administrator

STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT

CDP# 9-2007 (Cusenza)
February 26, 2009
BOS-I

OWNER: Frank P. Cusenza
3800 W. Simmons
Turlock, CA 95380

APPLICANT/AGENT: Tom's Mobile Specialties
Penny England
6366 Lincoln Blvd.
Oroville, CA 95966

REQUEST: Install a new single-story single-family residence manufactured home on a foundation. Construct an attached deck and detached garage. Associated development includes on-site septic system, well, water storage tank, propane tank, driveway development, and connect to utilities.

LOCATION: In the Coastal Zone, approximately four miles south of Point Arena, on the west side of Iversen Lane (CR 432) approximately 140 feet north of its intersection with Iverson Court (CR 433) at 46790 Iversen Lane (APN 142-010-46).

APPEALABLE AREA: Yes – Riparian area and stream within 100'

PERMIT TYPE: Standard

TOTAL ACREAGE: 0.92 Acres

EXISTING USES: Undeveloped

GENERAL PLAN: RR-5 [RR-1]

ZONING: RR: L-1

SURROUNDING LAND USES: Residential

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA - Class

OTHER RELATED APPLICATIONS: ST 24871

CA COASTAL RECORDS PROJECT: Image 200504007

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COASTAL COMMISSION

PROJECT DESCRIPTION: The applicant proposes to install a new 2,673± sq. foot single-story single-family residence manufactured home on a concrete wall foundation. The residence would have a maximum average height of 25± feet above natural grade. The applicant would construct an attached 2,550± sq foot deck. The applicant would also construct a detached 576± sq. foot garage. Associated

development includes development of an on-site septic system, well, water storage tank, propane tank, approximately 120 linear feet of driveway development, and connect to utilities.

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

Gualala Municipal Advisory Counsel

The project was heard at the regularly scheduled Gualala Municipal Advisory Counsel (GMAC) meeting held May 8, 2008. The counsel voted unanimously (5-0) to recommend approval of the project provided that the following be noted:

1. A primary and secondary leach line be added to the plans.
2. The area be recognized as "highly scenic," that the house will be very visible from Highway One, and that an intensive landscaping plan was needed to insure the house is not as visible as it might be without special landscaping.
3. A biological impact report be done, and if not completed already a botanical report also be done.
4. The County take into consideration the known high winds and salt corrosion in the area and reconsider the plans from this perspective.

An onsite septic disposal system has been designed for the proposed residence. The proposed leach field locations are shown in Exhibit C.

The project is not located in a designated highly scenic area, and planning staff does not have the authority to designate a site as highly scenic as part of a Coastal Development Permit application. The project is in compliance with visual resource requirements of the LCP as outlined below in the visual resources section of this report.

The project has been referred to the Department of Fish and Game (DFG) and US Fish and Wildlife Service (USFWS). A botanical survey report for the project is in the application file. The USFWS has determined that the project is not likely to result in impacts to wildlife species of concern, and DFG staff visited the site with planning staff, and does not have concerns regarding the project.

Hazards such as high winds and salt corrosion are considered as part of the building permit process.

Land Use

The parcel is classified on the Coastal Plan Map as Rural Residential Five Acres Minimum with an alternate density of One Acre Minimum (RR-5 [RR-1]). The parcel is similarly zoned; RR:L-5 [RR]. The proposed single family residence and associated development are permitted uses within the Rural Residential Zoning District, and are consistent with the Rural Residential land use classification.

The required yard setbacks for a parcel in an RR zone are 20 feet from front and rear property lines, and 6 feet from side property lines. A corridor preservation setback of 25 feet applies along Iversen Lane, resulting in a front yard setback of either 45 feet from the road corridor centerline or 20 feet from the property line, whichever is greater. As shown on the Site Plan, the structures comply with setbacks required by the County Zoning Code.

The site is not within a designated highly scenic area, therefore the height limit is 28 feet above average natural grade. The proposed height of the residence complies with the height limit.

Maximum lot coverage for a lot less than 2 acres in size in an RR zone is 20%. Lot coverage is the percentage of the gross lot area covered by structures, including roads. The lot is approximately 0.92 acres, or 40,075 square feet. The Site Plan shows approximately 7,100 square feet of coverage, or 18%. The project complies with lot coverage limits.

Public Access

The project site is located east of Highway 1 and public access to the shoreline will not be affected by the project. The closest public access area is just west of the highway at Hearn Gulch.

Hazards

The property is in an area that has a "moderate" fire hazard severity rating as determined by the California Department of Forestry and Fire Prevention. The Department of Forestry has submitted recommended conditions of approval (CDF# 35-07) for address standards, driveway standards, and defensible space standards. Standard Condition Number 4 is recommended to achieve compliance with the fire safe standards recommended by the Department of Forestry.

The proposed structure would be located in a relatively flat area, and the development does not present any hazard issues relative to 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 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...

The proposed project is located on the east side of Highway One and would not impact views toward the ocean. The site is directly adjacent to the highway and the project would be visible to the public from this view area as well as from Hearn Gulch across the highway. The applicant proposes a residence with a size and height consistent with surrounding structures. Proposed exterior materials and colors are as shown in Table I.

Table 1. Proposed exterior materials and colors.

	Material	Color
Siding	Hardiboard	"Monterey Cliffs" (brown)
Trim	Wood	"Neutral Wheat" (tan)
Chimney	Tin top	Grey
Roofing	Comp Shingles	Green
Doors	Fiberglass	White
Retaining Walls	Concrete	Grey

The residences in this area are clad in light and contrasting colors, however the proposed residence will be closer to the highway and more visible to public view than most residences in the area. The proposed exterior materials and colors will be compatible with the character of the surrounding development. Some visual buffering would be beneficial to help the structures blend in with the natural environment. Retention of existing vegetation within the ESHA buffer zones as required to protect natural resources will help for this purpose. Special Condition Number Two is recommended to assure that the revegetation plan includes some visual buffering aspects.

Section 20.504.035 of the Coastal Zoning Code (Exterior Lighting Regulations) states:

(A) *Essential criteria for the development of night lighting for any purpose shall take into consideration the impact of light intrusion upon the sparsely developed region of the highly scenic coastal zone.*

(2) *Where possible, all lights, whether installed for security, safety, or landscape design purposes, shall be shielded or 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.*

(5) *No lights shall be installed so that they distract motorists.*

The application indicates proposed exterior lighting fixture #31-104306-357, Front and Rear Porch Light, from Karsten Homes Valencia Light Package. The proposed lights are downcast, however the shield allows light to penetrate. Staff recommends adding Special Condition Number One because the proposed exterior lights have the potential to allow light to shine beyond the boundaries of the parcel, and a new exterior light choice is needed. The condition would allow the Planning Division to review the specific exterior light fixtures prior to issuing the building permit.

Natural Resources

The project is proposed on an undeveloped lot within the Iversen Subdivision. The site is a westerly sloping hillside dominated by introduced grasses, with a small stand of bishop pine (*Pinus muricata*). Playalina Nelson surveyed the property for potential Environmentally Sensitive Habitat Areas during the spring and summer of 2007, and her survey report, *Floristic Survey and ESHA Study, 46790 Iverson Lane, Gualala, Ca., Mendocino County APN 142-010-46, CDP 9-2007*, is located in the project file. Playalina Nelson indicates in her report that a stream and riparian area located on a neighboring parcel are approximately 75 to 85 feet away from the proposed project area. Additionally, she identified rare plants, supple daisy (*Erigeron supplex*) and tufted hairgrass (*Deschampsia cespitosa*) in the far southwest corner of the parcel, more than 100 feet from the proposed development. She additionally identified plants with potential to host rare butterflies. Consequently, a butterfly survey was conducted by Bill Maslach, and is

included as Appendix C of Playalina Nelson's report. The reports were sent to the US Fish and Wildlife Service. The US Fish and Wildlife Service responded that the project was not likely to impact wildlife species of concern.

A reduced buffer analysis, as required by Section 20.496.020 of the Mendocino County Coastal Zoning Code, was conducted by Playalina Nelson for the stream and riparian areas within 100 feet of the project site (included as Appendix A). The project would be set back approximately 75 feet from the riparian area on the adjacent property. Playalina Nelson recommends specific mitigation measures, which are recommended as conditions of approval, Special Condition Number Two. Rick Macedo of the Department of Fish and Game visited the project site with planning staff on November 12, 2008, and has recommended additional mitigations, also included as part of Special Condition Number Two.

As conditioned, the project will not result in significant impacts to natural resources of concern.

Archaeological/Cultural Resources

The project was reviewed by the Northwest Information Center of the California Historical Resources Inventory at Sonoma State University. The Information Center responded that the project area has the possibility of containing unrecorded archaeological sites and recommended a study. The application was reviewed by the Mendocino County Archaeological Commission on May 14, 2008. They determined that no survey was necessary. Standard Condition Number 8 is recommended, advising the applicant of the requirements of the County's Archaeological Ordinance (Chapter 22.12 of the Mendocino County Code) in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

Groundwater Resources

The site is located within an area designated as a Critical Water Resources area (CWR) as shown in the 1982 Coastal Groundwater Study prepared by the Department of Water Resources. Water is to be provided by an on-site well.

The application proposes a new on-site sewage disposal system. Frank Kemper of the Division of Environmental Health commented that the project can be approved by Environmental Health, providing a map which depicts the accurate locations of the septic plan. This map is included as Exhibit C. No adverse impacts to groundwater resources are anticipated.

Transportation/Circulation

The project proposes a new encroachment onto Iversen Lane (CR# 432). The application was referred to the Mendocino County Department of Transportation for comment. DoT found the plans acceptable and submitted a recommended condition of approval for encroachment improvements to be constructed within the County road right-of-way. The Department's recommended condition is included as Special Condition Number Three.

The project will contribute incrementally to traffic volumes on local and regional roadways, however such incremental increases were considered when the Local Coastal Plan land use designations were assigned to the site.

Zoning Requirements

The project complies with the zoning requirements for the Remote Residential District set forth in Chapter 20.380, 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, the Coastal Permit Administrator approves the proposed project, and adopts 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.

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 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. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.

4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

SPECIAL CONDITIONS:

1. 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 kept to the minimum necessary for safety and security purposes and shall be downcast and shielded in compliance with Section 20.504.035 of the Mendocino County Coastal Zoning Code.
2. The areas identified as Environmentally Sensitive Habitat Areas, and their assigned buffer areas, as outlined in the report *Floristic Survey and ESHA Study, 46790 Iverson Lane, Gualala, Ca., Mendocino County APN 142-010-46, CDP 9-2007* by Playalina Nelson, shall be protected from developments and disturbances for the life of the

approved structures. The following mitigations are required as a condition of approval to assure protection of natural resources:

- a. As soon as possible after disturbance, bare ground or areas of vegetation removal shall be replanted with native plant species associated with the stand of bishop pine trees and the grassland. The intent of this revegetation shall be to minimize erosion caused by bare ground, to help visually buffer the proposed structures, and to prevent the establishment of invasive plant species that may be more aggressive than native species and that may be initiated by exposed bare ground.
 - b. Prior to issuance of the Coastal Development Permit, the applicant shall submit for approval by the Coastal Permit Administrator, a revegetation plan for the recommended areas. This revegetation plan shall include a timetable of events, key objectives, and a monitoring schedule.
 - c. Landscaping on the lot shall not include any of the invasive plants commonly used in landscaping. These plants include: blue gum eucalyptus (*Eucalyptus globulus*), jubata grass or pampás grass (*Cortaderia jubata* or *Cortaderia selloana*), English ivy, Algerian ivy, or cape ivy (*Hedera helix*, *Hedera canerensis*, or *Delairea odorata*), periwinkle (*Vinca major*), cotoneaster (*Cotoneaster lacteus* or *Cotoneaster pannosus*), bridal broom, French broom, Portuguese broom, Scotch broom or Spanish broom (*Retama monosperma*, *Genista monspessulana*, *Cytisus scoparius* or *Spartium junceum*).
 - d. Prior to final inspection for the building permit, any invasive plants that have become established as a result of the project shall be removed. The planning division shall inspect the project site and ensure that the site is free of newly established invasive plant species before the final inspection is signed off.
 - e. Prior to issuance of the building permit, the applicant shall install temporary construction fencing a minimum distance of 100 feet from the tufted hairgrass location. All activity, equipment and materials associated with constructing the project shall not be located within the fenced off area. The fencing shall be maintained in place by the applicant until all construction activities have ceased. The intent of this condition is to protect the tufted hairgrass and supple daisy populations from disturbances associated with construction activities.
 - f. The buffer recommended by the biologist (minimum of 75 feet to the proposed driveway and minimum of 85 feet to the proposed residence and deck) shall be observed for the proposed development and all future developments. No buildings, leach lines, or other structures associated with this site shall be located within the 75-85 foot buffer zone without an amendment to this permit approving the structure.
 - g. To minimize potential sediment delivery to the identified stream, all soil grading, excavation, and other major ground disturbing activities shall be confined to the period June 1 to November 1.
3. Prior to commencement of construction activities for the residence, applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation and construct appropriate improvements to protect the County road during the construction

phase of the project. Prior to final occupancy, applicant shall complete, to the satisfaction of the Department of Transportation, a standard private driveway approach onto Iversen Lane (CR 432), to a minimum width of ten (10) feet, area to be improved fifteen (15) feet from the edge of the County road, to be surfaced with asphalt concrete, according to the stipulations of the encroachment permit.

Staff Report Prepared By:

Feb 16, 2009

Date

Teresa Spade

Teresa Spade
Planner II

Attachments: Exhibit A Location Map
Exhibit B Site Plan
Exhibit C Site Plan 2
Exhibit D Septic Location Map
Exhibit E Floor Plan

Appendix A Reduced Buffer Analysis

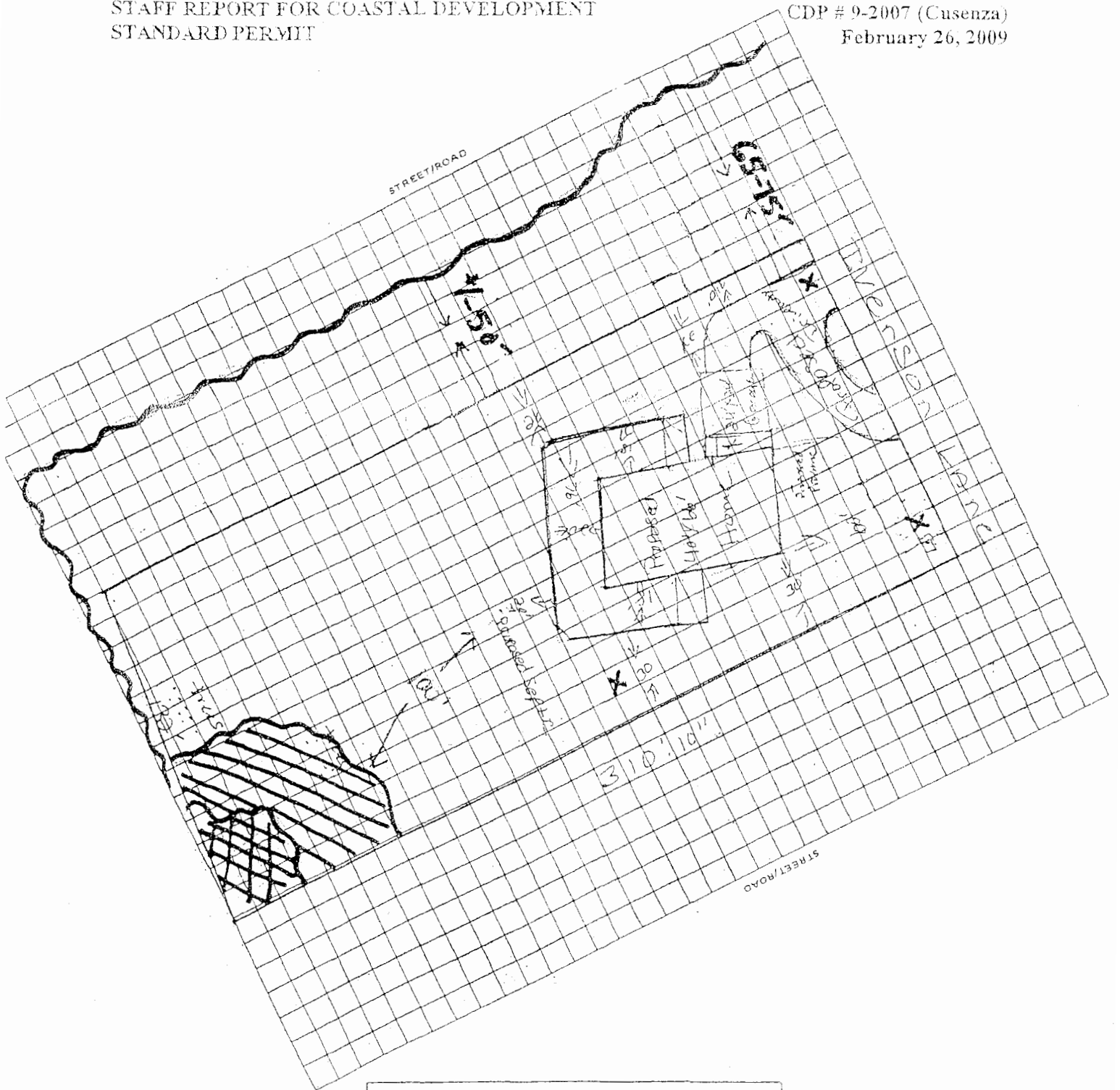
Appeal Period: Ten calendar days for the Mendocino County Board of Supervisors, followed by ten working days for the California Coastal Commission following the Commission's receipt of the Notice of Final Action from the County.

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

SUMMARY OF REFERRAL AGENCY COMMENTS:

Department of Transportation	Encroachment permit needed.
Environmental Health – Fort Bragg	DEH can clear this CDP – see site plan.
Building Inspection – Fort Bragg	No comment.
Assessor	No response.
Friends of Schooner Gulch	No response.
Coastal Commission	No response.
Point Arena City Hall	No response.
GMAC	Recommend approval with notes as outlined above.
Native Plant Society	No response.
Caltrans	Access should be from Iversen Lane, and no work will take place in the state highway right of way.
Sonoma State University	Archaeological survey recommended.
USFWS	Project not likely to result in take of Behren's silverspot butterfly.
DFG	Visited site and commented as outlined in natural resources section.





Key

X = areas of dog violet (*Viola adunca*)

/// = grassland dominated with tufted hairgrass (*Deschampsia cespitosa*)

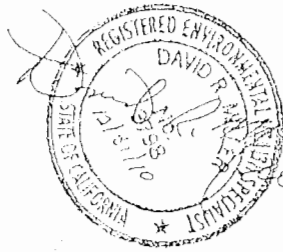
▨ = tufted hairgrass supporting supple daisy (*Erigeron supplex*)

~ = Edge of riparian habitat

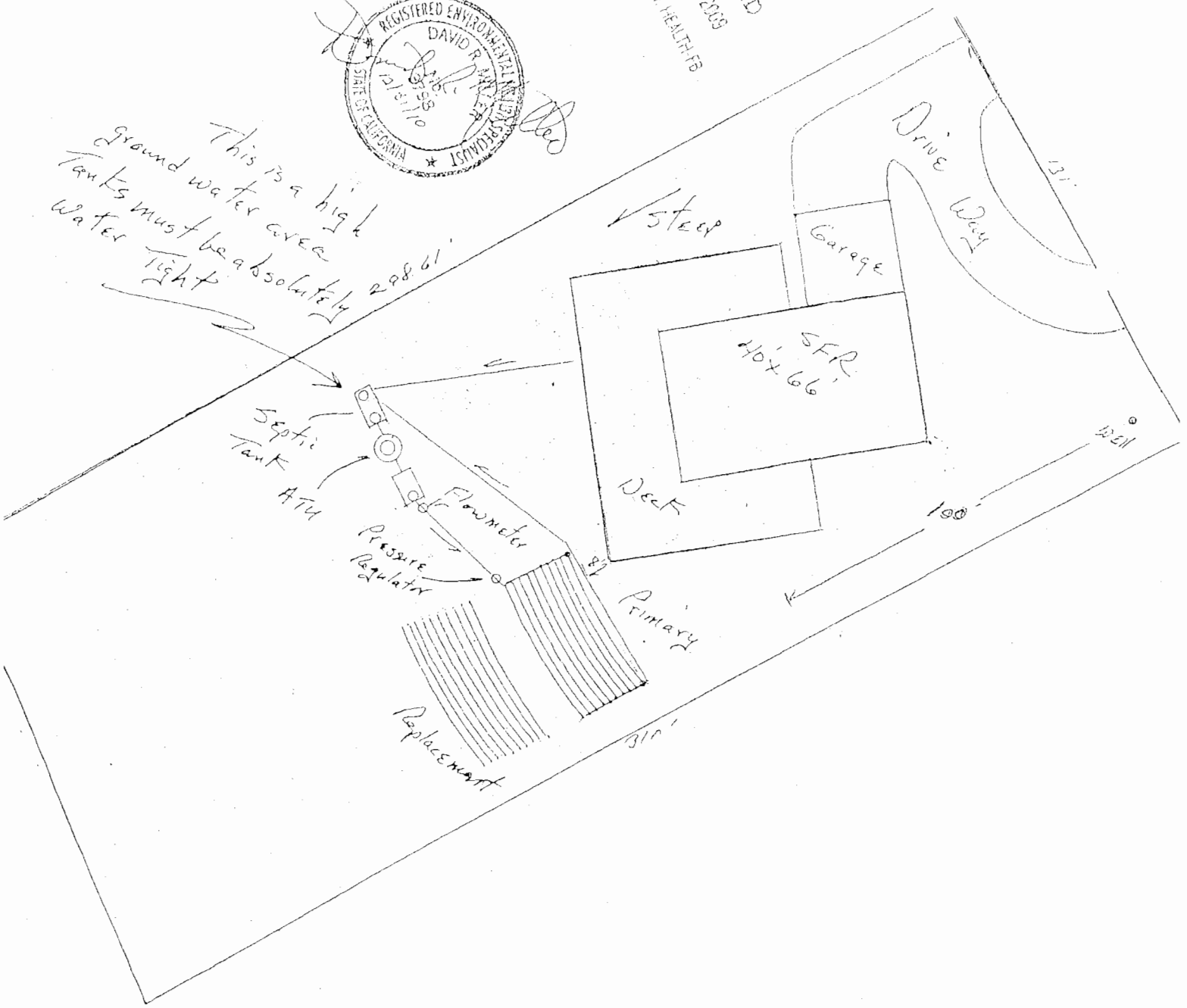
Site plan provided by: Tom's Mobile Specialties
Botanical Delineation prepared
by Playalina Nelson, Botanist



1-30
RECEIVED
FEB 04 2009
MEMO. ENV. HEALTH



This is a high
ground water area
Tanks must be absolutely
water tight



Appendix A

MENDOCINO COUNTY CODE SECTION 20.496.020

Table 2. Buffer Zone Analysis

	Section 20.496.020 Coastal Zoning Ordinance
<p><i>(A) Buffer Areas. A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for sufficient area to protect the environmentally sensitive habitat from degradation resulting from future developments and shall be compatible with the continuance of such areas.</i></p>	<p>The focus of this buffer matrix is to determine the least environmentally damaging alternative by considering <i>all</i> ecological factors involved with the proposed project, which primarily includes the following criteria:</p> <ul style="list-style-type: none"> - The development is configured to have the largest feasible buffer from the edge of the riparian habitat, the supple daisy and tufted hairgrass ESHAs. - The house is located to utilize access off of Iverson Lane and to minimize driveway area. - Development will occur on the most level portion of the hilltop. Very minimal grading will be done for the house. Only the deck will extend down the slope and will be supported by posts; therefore minimal grading will be required. - The majority of the bishop pine trees extend down the slope towards the drainage off of the property. This increases the value of the 70' to 85' riparian buffer because the trees enhance the stability of the slope, prevents erosion activity, and intercepts natural and man-made runoff before it would enter the creek and its riparian habitat. - The subject parcel is relatively small (1-acre) and is part of a highly built-out subdivision with development on all sides.
<p><i>(1) Width. The width of the buffer area shall be a minimum of one hundred 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 feet is not necessary to protect the resources of that particular</i></p>	<p>The applicant is proposing to place a manufactured home on the lot with an attached garage, deck and driveway access.</p> <p>Based on this buffer analysis and review of the existing conditions of the ESHAs, the surrounding area, existing development and the proposed site plan, this is the least environmentally damaging alternative for development on the parcel.</p> <p>The proposed development is approximately 75' to 85' from the edge of the riparian habitat. This buffer matrix</p>

<p>habitat area from possible significant disruption caused by the proposed development. The buffer areas shall not be less than fifty 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 use permitted in adjacent Environmentally Sensitive Habitat Areas.</p>	<p>demonstrates that a less-than-100' buffer is sufficient to protect the riparian habitat.</p> <p>No land divisions are proposed within the buffer area.</p>
<p>(a) Biological Significance of Adjacent Lands. The degree of significance depends upon the habitat requirements of the species in the habitat area.</p>	<p>The protective value of the 75-85' buffer has a high function value and is sufficient protection for the riparian habitat. The subject parcel is part of a highly built-out subdivision where the parcels are relatively small with high habitat fragmentation. Overall habitat value within this greater area is low.</p>
<p>(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:</p>	<p>The entire extent of the ESHAs will be preserved and maintained. The buffer distances recommended are the largest feasible buffers possible on the property. The sensitivity to the rare plant ESHAs and riparian habitat have been considered.</p> <p>Common species of avian and mammalian life are highly adapted to low levels of human disturbance and are expected to continue using the habitat area.</p> <p>To reduce adverse impacts that may be caused by the establishment of invasive plants the following measures should be implemented:</p> <p><i>Mitigation measure 3a:</i> Landscaping on the subject parcel shall not include any of the invasive plants that are commonly used in landscaping. These plants include: blue gum eucalyptus (<i>Eucalyptus globules</i>), jubatagrass or pampasgrass (<i>Cortaderia jubata</i> or <i>Cortaderia selloana</i>), English ivy, Algerian ivy, or cape ivy (<i>Hedera caneriensis</i>, <i>Delairea odorata</i> or <i>Hedera helix</i>), periwinkle</p>

	<p>(<i>Vinca major</i>), cotoneaster (<i>Cotoneaster lacteus</i> or <i>Cotoneaster pannosus</i>), Bridal broom, French broom, Portuguese broom, Scotch broom or Spanish broom (<i>Retama monosperma</i>, <i>Genista monspessulana</i>, <i>Cytisus striatus</i>, <i>Cytisus scoparius</i> or <i>Spartium junceum</i>). The purpose of this is to ensure that no invasive exotic vegetation is planted on the parcel that could spread into and significantly disrupt the value of the protected ESHAs.</p> <p>Mitigation measure 3b: As recommended in <i>Mitigation measure 1a</i>, bare ground or areas of vegetation removal should be replanted with native plant species. The purpose of this revegetation is to minimize erosion caused by bare ground and to prevent the establishment of invasive plant species that may be more aggressive than native and rare species and that may be initiated by exposed bare ground.</p> <p>Mitigation measure 3c: One year after the start of development activity, a site visit should be conducted by a qualified botanist/biologist to determine if invasive plant species have become established due to development activity. A letter should be written and submitted to the County Planning Department reporting the findings of site conditions. Should invasive plant species become established, a comprehensive removal plan should be developed and implemented. This site visit and letter should be coordinated with <i>Mitigation measure 1b</i>.</p>
<p>(b)(i) Nesting, feeding, breeding, resting or other habitat requirements of both resident and migratory fish and wildlife species</p>	<p>The drainage is not expected to support migratory fish. It is possible that the property supports resident or migratory wildlife species that pass through the property.</p> <p>These species are expected to be highly adapted to low</p>

	<p>levels of human disturbance. The property is only one acre and is part of a highly built-out subdivision with fragmented habitat. The location of the proposed development will not significantly increase habitat fragmentation or lower the value of surrounding habitat features.</p>
<p><i>(b)(ii) An assessment of the short-term and long-term adaptability of various species to human disturbance</i></p>	<p>Any wildlife species using or inhabiting the property would be adapted to low levels of disturbance from the neighboring houses and Highway One. The use of the existing habitat by common species is expected to continue following completion of the proposed development. The majority of the bishop pine trees will remain, which are primarily off of the property and none of the grassland will be impacted or removed. The placement of the development will not significantly increase habitat fragmentation within the highly built-out area along Iverson Lane.</p>
<p><i>(b)(iii) An assessment of the impact and activity levels of the proposed development</i></p>	<p>There will be increased use and activity on the parcel based on the proposed development. Expected use will be comparable to adjacent and nearby lots.</p>
<p><i>(c) Susceptibility of Parcel to Erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided</i></p>	<p>The fence line that exists along the property boundary is an effective barrier that will prevent construction materials and equipment from intruding closer to the edge of the riparian habitat. Based on the protection value of the 75' to 85' foot buffer distance, and the low-impact development activity, minimal mitigation measures are recommended to reduce any potential adverse impacts to a less-than-significant level.</p> <p><i>Mitigation measure 1a:</i> Bare ground or areas of vegetation removal should be replanted with native plant species associated to the stand of bishop-pine trees and the grassland. The purpose of this revegetation is to minimize erosion caused by bare ground and to prevent the establishment of invasive plant species that may be more aggressive than native species and that may be initiated by exposed bare ground.</p> <p>Suggested plant species that may be used for revegetation and restoration within the upper Bishop pine area are:</p>

evergreen huckleberry (*Vaccinium ovatum*), and sword fern (*Polystichum munitum*). This area of revegetation is primarily in between the proposed development and the edge of fence line. Along the west side of the house bordering the proposed deck construction, recommended plant species to use are: tufted hairgrass (*Deschampsia cespitosa*), California poppy (*Eschscholzia californica*), Douglas iris (*Iris douglasiana*) and bracken fern (*Pteridium aquilinum*).

Mitigation measure 1b: To ensure the implementation and success of *Mitigation measures 1a & 3a*, a qualified botanist/biologist should develop and oversee a revegetation plan for the recommended areas. This revegetation plan should include a timetable of events, key objectives, and a monitoring schedule. It should be submitted to the Mendocino County Planning and Building Department as a condition of the Coastal Development Permit.

The proposed development is not expected to disrupt water naturally flowing onto or off of the property. The natural flow of water will not be blocked and is expected to continue flowing under the road, into the culvert and through the drainage towards the west. The proposed development would not generate a significant amount of stormwater runoff that would disrupt any natural biological or ecological functions onsite. Stormwater runoff would flow off of structures (such as the rooftops). This water is not expected to create erosion or adversely change the function of the drainage.

The existing culvert directs water into the drainage along the northern edge of the property. This drainage is influenced by stormwater runoff and natural hydrological patterns. These hydrological features will not be affected; major grading, land alteration, or vegetation removal will not occur. Hydrological features such as subsurface water flow or water flow

	<p>based on current topography, slope and current land features will not be adversely impacted. No mitigation measures are recommended to reduce impacts that may adversely affect hydrological features or patterns.</p>
<p><i>(d) Use of Natural Topographic Features to Locate Development</i></p>	<p>All considerations have been made with regards to the natural features of the site and the least environmentally damaging alternatives for development to occur. The largest feasible buffer is recommended from the edge of all ESHAs with development proposed in the most level, easily accessible location on the property.</p>
<p><i>(c) 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 roads, dikes, irrigation canals, flood control channels, etc. away from the ESHA.</i></p>	<p>The location of the proposed development is based on utilizing areas of existing development and preserving all the areas of the property that support ESHAs. Specifically, the proposed development is designed to limit the area of development by keeping development as close as feasibly possible to Iverson Lane to minimize further construction area.</p> <p>The fence line that already exists along the property boundary is an effective barrier that will prevent construction materials and equipment from extending closer to the edge of the riparian habitat.</p>
<p><i>(f) Lot Configuration and Location of Existing Development. Where an existing subdivision is present, similar buffer distances as existing may be used. However, mitigation measures shall be provided to provide additional protection.</i></p>	<p>Surrounding parcels are zoned for residential development and are expected to currently contain or in the future will contain, similar development. The highest value habitat areas and ESHAs will be protected through the overall configuration of the development and the provided mitigation measures.</p> <p>Although the supple daisy population and the area of tufted hairgrass is at least a 100' from the edge of development, minimal mitigations are recommended for precautionary purposes.</p> <p><i>Mitigation measure 4a:</i> During construction activity, a temporary construction fence to should be installed along the edge of the tufted hairgrass. This fencing should encompass the tufted hairgrass and the supple daisy ESHAs. The purpose of this fencing is to ensure that construction materials and equipment are not placed or used within this area and that all development activity stays at</p>

	least 100' from the edge of these ESHAs.
<i>(g) Type and Scale of Development Proposed. Such evaluations will be made on a case-by-case basis depending upon the resources involved and the degree to which adjacent lands have been developed and the type of development in the area.</i>	The subject parcel is within a fairly built-out subdivision. Parcels to the east, north and south are zoned for residential development and contain or are likely to contain in the future similar scaled development.
<i>(2) Configuration. The buffer area shall be measured from the nearest outside edge of the ESHA (e.g. for a wetland from the landward edge of the wetland; for a stream from the landward edge of the riparian vegetation or the top of the bluff.)</i>	The buffer distances were measured from the edge of development (as indicated on the site plan) to the outside edge of the rare plant populations, the outside edge of the native grass area and the upland edge of the riparian habitat. The riparian habitat is 50' to 75' off of the property and was delineated as best as possible from the subject parcel.
<i>(3) Land Division. New subdivisions or boundary line adjustments shall not be allowed which will create or provide for new parcels entirely within a buffer area.</i>	No land division is proposed on the subject lot.