

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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RECORD PACKET COPY

RSM

**W 16a**

Filed:	August 30, 1999
180 th Day:	February 25, 2000
Date of Extension Request:	December 20, 1999
Length of Extension:	90 days
Final Date for Commission action:	March 19, 2000
Staff:	Eric Oppenheimer
Staff Report:	February 2, 2000
Hearing Date:	February 16, 2000
Commission Action:	

STAFF REPORT: PERMIT AMMENDMENTAPPLICATION NO: **1-88-029-A**APPLICANT: **SUSAN GALLIANO**AGENT: **CALVIN GALLIANO**PROJECT LOCATION: 25900 Ward Avenue, Cleone Acres Subdivision, Fort Bragg,
Mendocino County, APN No. 69-141-51DESCRIPTION OF PROJECT ORIGINALLY APPROVED: Construction of a 3,000±
square-foot, two-story single-family residence, with an attached garage, driveway, well,
and septic system on a 1.21-acre parcel.DESCRIPTION OF AMENDMENT: Modify approved single-family residence
development plan by changing orientation and
design of the house within previously approved
location to conform to the building site, and
reducing the footprint of the residence from
approximately 3,000 square feet to
approximately 2,275 square feet. Installation of a
buried 1,200-gallon water tank, and water pump.SUBSTANTIVE FILE DOCUMENTS: Mendocino County LCP, Administrative Permit
No. 1-88-29 (Hartzell)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendment with conditions. The proposed amendment proposes to modify the permit granted for a single-family residence by changing the orientation of the approved unbuilt residence, reducing the size of the structure, and adding a buried 1,200-gallon water tank and water pump to the previously approved development. The site is located on a largely undeveloped 1.2-acre parcel in the Cleone Acres subdivision. The principal issue raised by the amendment is whether the proposed modifications to the orientation of the house would provide adequate protection of environmentally sensitive habitat. The originally approved residence was sited, designed, and conditioned to provide protection to onsite wetlands. This result was achieved by conditioning the development to be located outside and away from wetland areas. However, the development was originally permitted on a sand dune area not recognized as an environmentally sensitive habitat area.

The applicant is now requesting to reduce the size of the approved structure, and as a result, the total amount of disturbance to the sand dune area would be reduced when compared to the originally approved development. As proposed, the residence would also maintain a greater than 50-foot-wide wetland buffer required pursuant to the environmentally sensitive habitat area policies contained in the certified LCP. To ensure that the amended development does not diminish the value of the wetland area, staff recommends a special condition requiring the recordation of deed restriction which would require the applicant and their successors to obtain a coastal development permit for all future development that might otherwise be exempt from permitting. This requirement will provide the Commission with the opportunity to review all future proposed development and ensure that environmentally sensitive habitat areas are protected. In addition, staff is recommending a condition that requires that temporary solid barrier (fence) be installed between the wetland and all construction areas to prevent construction-related impacts to the wetland.

A preliminary archaeological survey was prepared for the subject parcel in April of 1999. This initial survey indicated the possibility of onsite archaeological resources and recommended that a subsurface survey be conducted to further evaluate the site. A subsurface archaeological survey was prepared for the development in June of 1999, and concluded that no surface or subsurface archeological deposits or sites are present on the subject parcel and that the proposed development would not impact any cultural resources. Nonetheless, staff recommends a special condition that requires the applicant to suspend construction if archeological resources are discovered during construction and record a deed restriction stating that all future development will be conducted in accordance with the existing archeological reports and future supplemental reports prepared for the development. Additionally, the special condition states that if archeological resources are encountered during construction, the applicants must submit a supplemental archeological plan before restarting construction.

As conditioned, staff believes that the proposed development with the proposed amendment is fully consistent with the policies of the LCP and with the coastal access policies of the Coastal Act.

STAFF NOTES

1. PROCEDURE AND BACKGROUND: Section 13166 of the California Code of Regulations states that the Executive Director shall reject an amendment request if it lessens or avoids the intent of the approved permit unless the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and procured before the permit was granted.

Administrative Permit No. 1-88-029 (Hartzell) was approved by the Commission on February 24, 1988 with three special conditions intended to ensure that an adequate water supply existed for the development and to ensure that the development would not impact environmentally sensitive habitat areas or archaeological resources. Special Condition No. 1 required the applicant to submit an approved well permit from the Mendocino County Department of Environmental Health, prior to construction of the approved development. Special Condition No. 2 required that prior to the commencement of ground disturbance, the applicant would submit a site plan verifying that the structure would not impact wetland areas. Special Condition No. 3 required submittal of an archaeological evaluation and monitoring plan. Special Condition No. 3 also required recordation of a deed restriction stating that for purposes of protecting archeological resources, development could only be undertaken according to the provisions in the approved archeological report.

On March 16, 1988, a copy of a well permit issued by the Mendocino County Department of Environmental Health was submitted, complying with the requirements of Special Condition No. 1. On March 29, 1988, the Commission issued Permit No. 1-88-029 for the approved development. On January 16, 1990, Commission staff verified that the permit had been vested because a well had been drilled to serve the approved residence within two-years of the Commission's initial approval of the development. The permit was later assigned from the original applicant, Lisa Hartzell, to the current property owner and applicant, Susan Galliano.

The applicant requests this amendment to allow for a realignment of the authorized but never built house to better conform to the natural contour of the subject 1.21-acre site. If approved, the footprint of the revised house would be reduced from approximately 3,000 square feet to about 2,275 square feet. The amendment request also includes the installation of a buried 1,200-gallon water tank and water pump to serve the house and meet California Dept. of Forestry and Fire Protection safety standards.

A botanical survey conducted in April of 1999, delineated all onsite wetlands and determined that site did not contain any rare or endangered plant species. The amended project would not involve any additional wetland disturbance, the original permit authorized the installation of a waterline leading from the existing well within the

wetland to the proposed house, which continues to be needed. In addition, an archaeological survey prepared for the project in June of 1999, concluded that no surface or subsurface archeological deposits or sites are present on the subject parcel and the proposed development would not impact any cultural resources.

Therefore, the Executive Director, found that the proposed amendment will not conflict with the intent of the conditions attached to Coastal Permit No. 1-88-029 as wetland and archeological resources would continue to be protected to the same degree under the proposed amendment. Since this amendment request would not result in a lessening or avoidance of the intent of the approved permit, the Executive Director accepted the amendment request for processing.

2. STANDARD OF REVIEW: The original permit was approved as conforming to the policies of chapter 3 of the Coastal Act. The Coastal Commission effectively certified Mendocino County's LCP in October of 1992. Pursuant to Section 30604 of the Coastal Act, after effective certification of a certified LCP, the standard of review for all coastal permits and permit amendments for developments located between the first public road and the sea is the certified LCP and the public access policies of the Coastal Act.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends the Commission adopt the following resolution:

Motion:

I move that the Commission approve the proposed amendment to Coastal Development Permit No. 1-88-029-A pursuant to the staff recommendation.

Staff Recommendation of Approval:

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

Resolution to Approve Permit Amendment:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there

are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. **STANDARD CONDITIONS:** See Attachment A

III. **SPECIAL CONDITIONS:**

Special Condition No. 1 of the original permit has been fulfilled and remains in effect. Special Condition No. 1 and Special Condition No. 2 below, replace Special Conditions No. 2 and No. 3 of the original permit, respectively.

1. Future Development Deed Restriction.

- A. This permit is only for the development described in coastal development permit No. 1-88-029-A. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(a) shall not apply to the parcel. Accordingly, any future improvements to the single family house authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. 1-88-029-A from the Commission or from the applicable certified local government.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Area of Archaeological Significance

- A. The applicant shall comply with all recommendations and mitigation measures contained in the Archaeological Plan prepared for the project by Thad Van Bueren, dated April 10, 1999 and the Supplemental Archaeological Plan prepared by North Coast Resource Management, dated June 21, 1999.
- B. If an area of cultural deposits is discovered during the course of the project:
 - (i) All construction shall cease and shall not recommence except as provided in subsection (c) hereof; and

- (ii) Within 90 days after the date of discovery of such deposits, the applicant shall provide evidence to the Executive Director of an execution and recordation of a deed restriction, in a form and content acceptable to the Executive Director, stating that, in order to protect archaeological resources, development can only be undertaken consistent with the provisions of the approved Archaeological Plan prepared by Thad Van Bueren, dated April 10, 1999, the Supplemental Archaeological Plan prepared by North Coast Resource Management, dated June 21, 1999, and any other Supplementary Archaeological Plan thereto approved by the Executive Director.

The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit approved by the Coastal Commission.

- C. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a supplementary archaeological plan for review and approval of the Executive Director.

- (i) If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after the Executive Director receives evidence of recordation of the deed restriction required above.
- (ii) If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission and the Executive Director receives evidence of recordation of the deed restriction required above.

3. Design Restrictions:

All exterior siding and visible exterior components of the structures authorized pursuant to Coastal Development Permit Amendment 1-88-029-A shall be of natural or natural-appearing materials of dark earthtone colors or lighter earthtone colors that blend in with the surrounding sand dunes, only, and the roof of any structure shall also be of dark earthtone color or lighter earthtone colors that blend in with the surrounding sand dunes and shall be of natural-appearing material. In addition, all exterior materials, including the roofing materials and windows, shall be non-reflective to minimize glare. Finally, all exterior lights, including lights attached to the outside of any structures, shall be low-wattage, non-reflective and have a directional cast downward.

4. Temporary wetland protection fencing

The applicant shall comply with all of the recommendations and mitigation measures contained in the November 17, 1999 correspondence from Mary Rhyne, the applicant's botanist. Prior to the commencement of any construction activities, the applicant shall install a solid barrier (fence) between construction areas and wetland area. The barrier shall be capable of preventing workers, building materials, waste material, and disturbed sand from entering the wetland area. The barrier shall remain in place until construction activities are complete and the site has been stabilized.

IV. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares as follows:

1. Project and Site Description:

The original project approved by the Commission included the construction of a single-family residence with a 3000-square-foot footprint, a driveway, a well and a septic system on a 1.2-acre parcel located at 25900 Ward Avenue within the Cleone Acres subdivision. The subject parcel consists entirely of environmentally sensitive habitat area, as do many of the parcels within the Cleone Acres subdivision. A low lying wetland area occupies the western portion of the subject parcel and sparsely vegetated sand dunes occupy the remainder of eastern portion of the site. Prior to the issuance of the original coastal development permit in 1988, a portion of the sand dune area was graded during the initial development of the subdivision. Additionally, the approved well was drilled in the wetland area within two years of the issuance of the original coastal development permit, and consequently the permit was vested. However, no other development has occurred on the parcel.

The proposed amendment seeks to allow (1) a modification to the orientation of the approved unbuilt single-family residence, (2) a change in the approved house design, (3) a reduction in the size of the approved house, and (4) the installation of a water pump and buried 1,200-gallon water tank. The originally approved residence, if constructed, would have approximately 3,278 square feet of living space within a 3,000-square-foot footprint. The revised house design would reduce the size of the residence to provide about 2,000 square feet of living space within a 2,275-square-foot footprint. The proposed modifications to the orientation of the house are intended to allow the house to better conform to the existing site topography, and the proposed change in the house size and design is requested to meet the needs of the current property owners. The installation of the water pump and water tank is requested to meet CA Dept. of Forestry and Fire Protection safety standards.

The development is not located within a designated highly scenic area and the administrative permit issued for the approved development permitted a structure with a maximum height of 28 feet. The proposed amended residence would have an average

height of 28 feet, which conforms to the building height limits contained in the certified LCP for Rural Residential Districts.

2. Environmentally Sensitive Habitat Areas:

Section 30240 of the Coastal Act has been specifically incorporated into the certified LCP, as have many other policies of the Coastal Act. Section 30240 provides, in applicable part, that environmentally sensitive habitat areas shall be protected against significant disruption of habitat values and that development adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts that would significantly degrade such areas.

LUP Section 3.1 states in relevant part that:

In Mendocino County, environmentally sensitive habitat areas include: anadromous fish streams, sand dunes, rookeries and marine mammal haulout areas, wetlands, riparian area, pygmy vegetation containing species of rare or endangered plants, and habitats of rare and endangered plants and animals.

LUP Policy 3.1-2 states in applicable part:

Development proposals in environmentally sensitive habitat areas such as wetlands, riparian zones on streams or sensitive plant or wildlife habitats (all exclusive of buffer zones) including, but not limited to those shown on the Land Use Maps, shall be subject to special review to determine the current extent of the sensitive resource. Where representatives of the County Planning Department, the California Department of Fish and Game, the California Coastal Commission, and the applicant are uncertain about the extent of sensitive habitat on any parcel such disagreements shall be investigated by an on-site inspection by the landowner and/or agents, County Planning Department staff member, a representative of California Department of Fish and Game, a representative of the California Coastal Commission. The on-site inspection shall be coordinated by the County Planning Department and will take place within 3 weeks, weather and site conditions permitting, of the receipt of a written request from the landowner/agent for clarification of sensitive habitat areas.

If all of the members of this group agree that the boundaries of the resource in question should be adjusted following the site inspection, such development should be approved only if specific findings are made which are based upon substantial evidence that the resource as identified will not be significantly degraded by the proposed development. If such findings cannot be made, the development shall be denied. Criteria used for determining the extent of wetlands and other wet environmentally sensitive habitat areas are found in Appendix 8 and shall be used when determining the extent of wetlands.

LUP Policy 3.1-7 states in applicable part:

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

LUP Policy 3.1-15 states that:

Dunes shall be preserved and protected as Environmentally sensitive habitats for scientific, educational and passive recreational uses. Vehicle traffic shall be prohibited. Where public access through dunes is permitted, well-defined footpaths or other means of directing use and minimizing adverse impacts shall be developed and used.

New development on dune parcels shall be located in the least environmental damaging location and shall minimize the removal of natural vegetation and alteration of natural landforms. No new parcels shall be created entirely within sand dune habitat. One housing unit shall be authorized on every legal parcel existing on the date of adoption of this plan, provided that adequate access, water, and sewage disposal capacity exists and that the proposed development is consistent with all other applicable policies of this Coastal Element and meets all applicable health standards.

Section 20.496.040 of the Mendocino County Zoning Code states that:

(A) Development and activities permitted in dunes shall be limited to the following:

- (1) Scientific, educational and passive recreational uses.*
- (2) One single-family dwelling where adequate access, water and sewage disposal capacity exist consistent with applicable Coastal Element policies and development standards of this division.*
- (3) Removal of sand, construction of fences or walls to impede sand movement and planting of vegetation for dune stabilization where necessary to protect existing structures. These projects shall be subject to provisions regarding*

sand extraction and shall be processed under conditional use permit procedures.

(4) Footpaths to direct use and minimize adverse impacts where public access is permitted.

(B) Requirements for development in dune areas are as follows:

(1) Motorized or non-motorized vehicle traffic is prohibited.

(2) New development on dune parcels shall be located in the least environmentally damaging location and shall minimize the removal of natural vegetation and alteration of natural landforms.

(3) No new parcels shall be created entirely in dune habitats.

(4) All sand removal shall be subject to a Coastal Development Use Permit but shall not be allowed on vegetated dunes. (Ord. No. 3785 (part), adopted 1991).

Zoning Code Section 20.532.100 (A)(1) states that:

No development shall be allowed in an ESHA unless the following findings are made:

(a) The resource as identified will not be significantly degraded by the proposed development.

(b) There is no feasible less environmentally damaging alternative.

(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.

As mentioned above, the subject parcel is comprised entirely of environmentally sensitive habitat area consisting of a combination of wetland and sand dune areas. A botanical survey performed by Mary Rhyne on June 8, 1999 determined that the subject site does not contain any rare or endangered plants. The originally approved project completely avoided the wetland area, except for the installation of the water supply well and necessary utility lines to connect the well to the house.

The house originally approved on the site pursuant to Coastal Development Permit No. 1-88-029 is located entirely within sand dunes. The applicant possesses a coastal permit to build a house in this location which could be exercised if the applicant does not accept the amendment. The applicant is requesting to change the orientation of the house and modify the house design, however, the applicant is not requesting to change the general location of the residence from where it was approved in the original permit. Therefore,

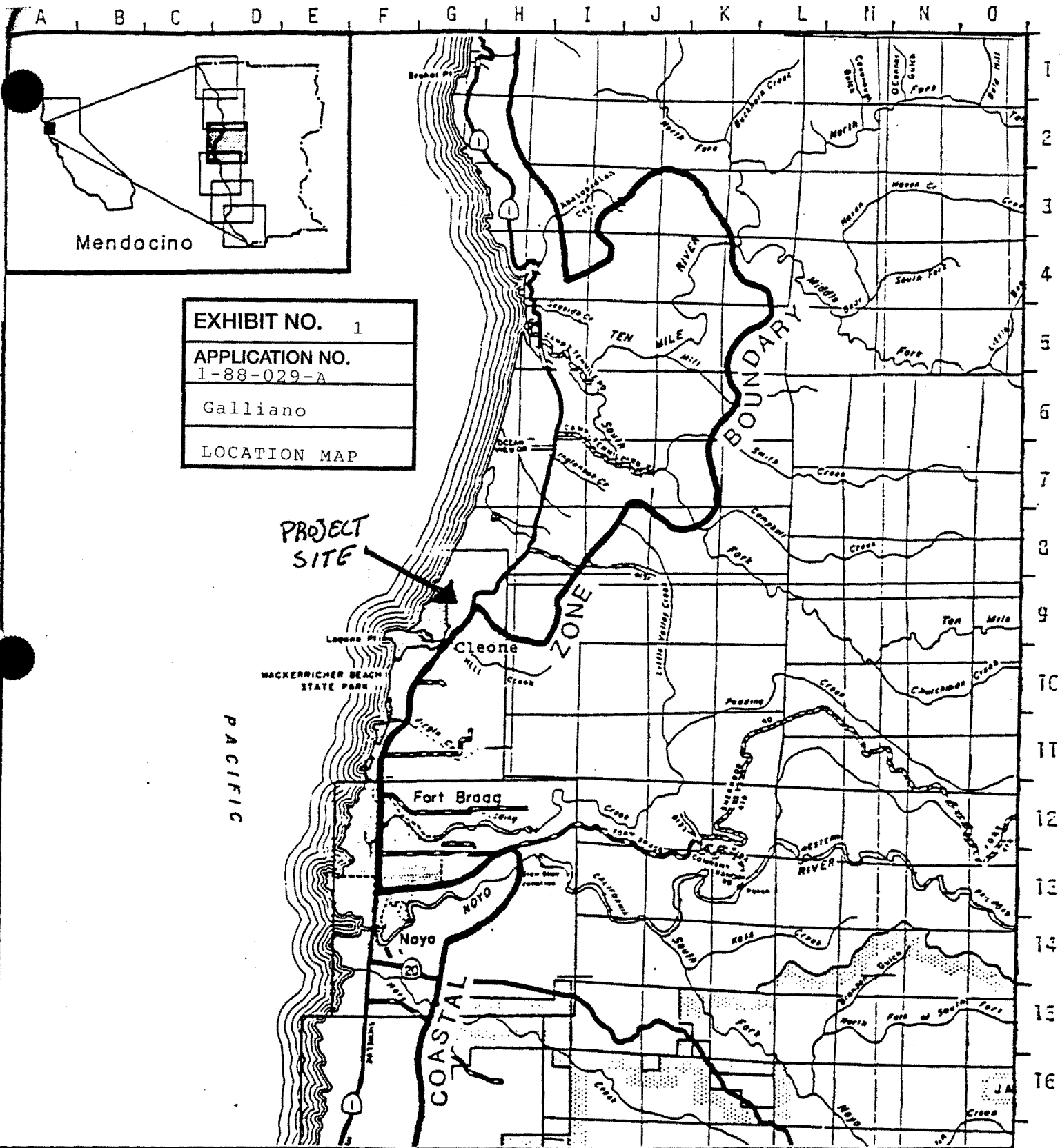


EXHIBIT NO.	1
APPLICATION NO.	1-88-029-A
	Galliano
LOCATION MAP	

PROJECT SITE

PACIFIC

COASTAL



LOCATION MAP

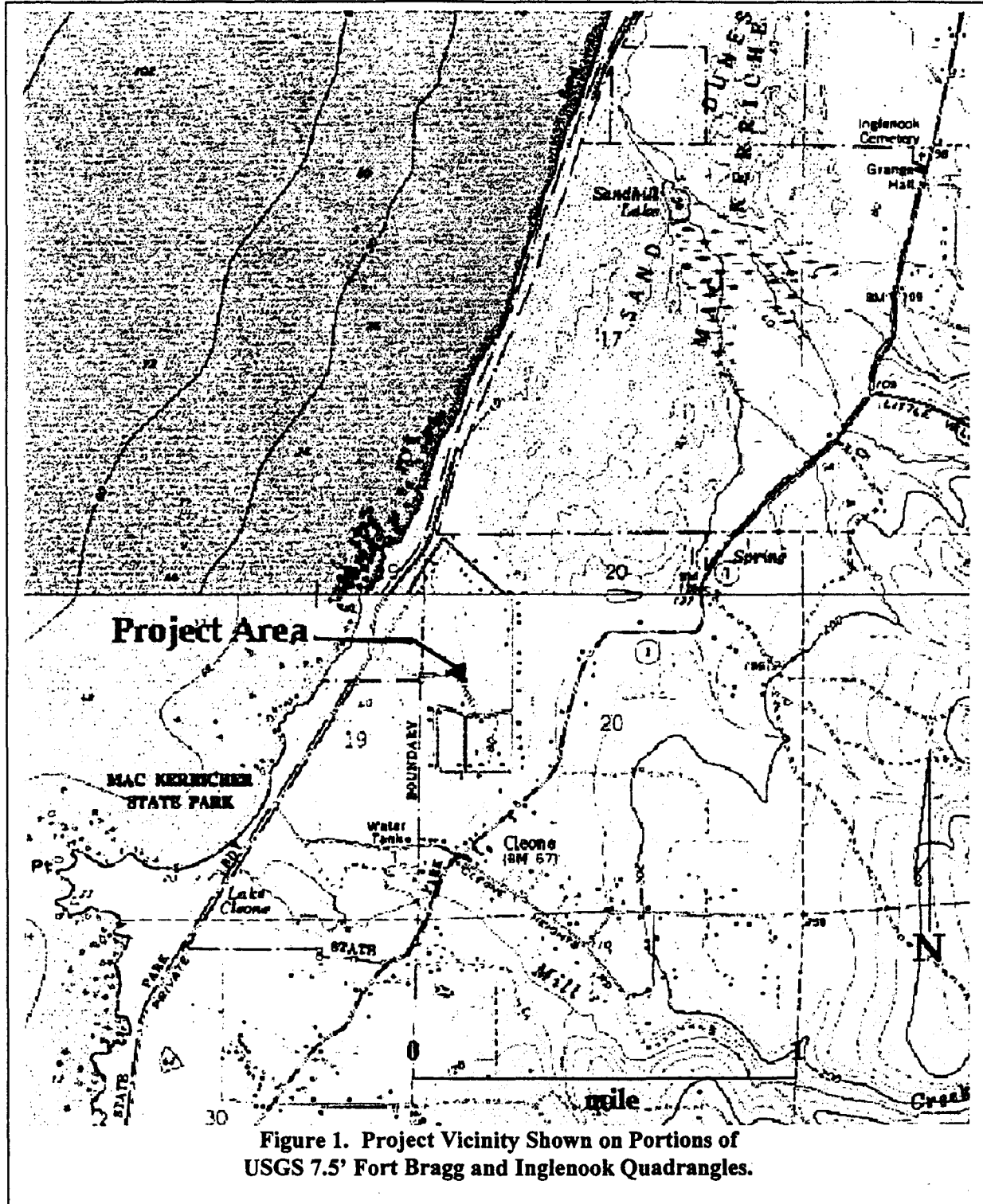


EXHIBIT NO. 2

APPLICATION NO.
1-88-029-A

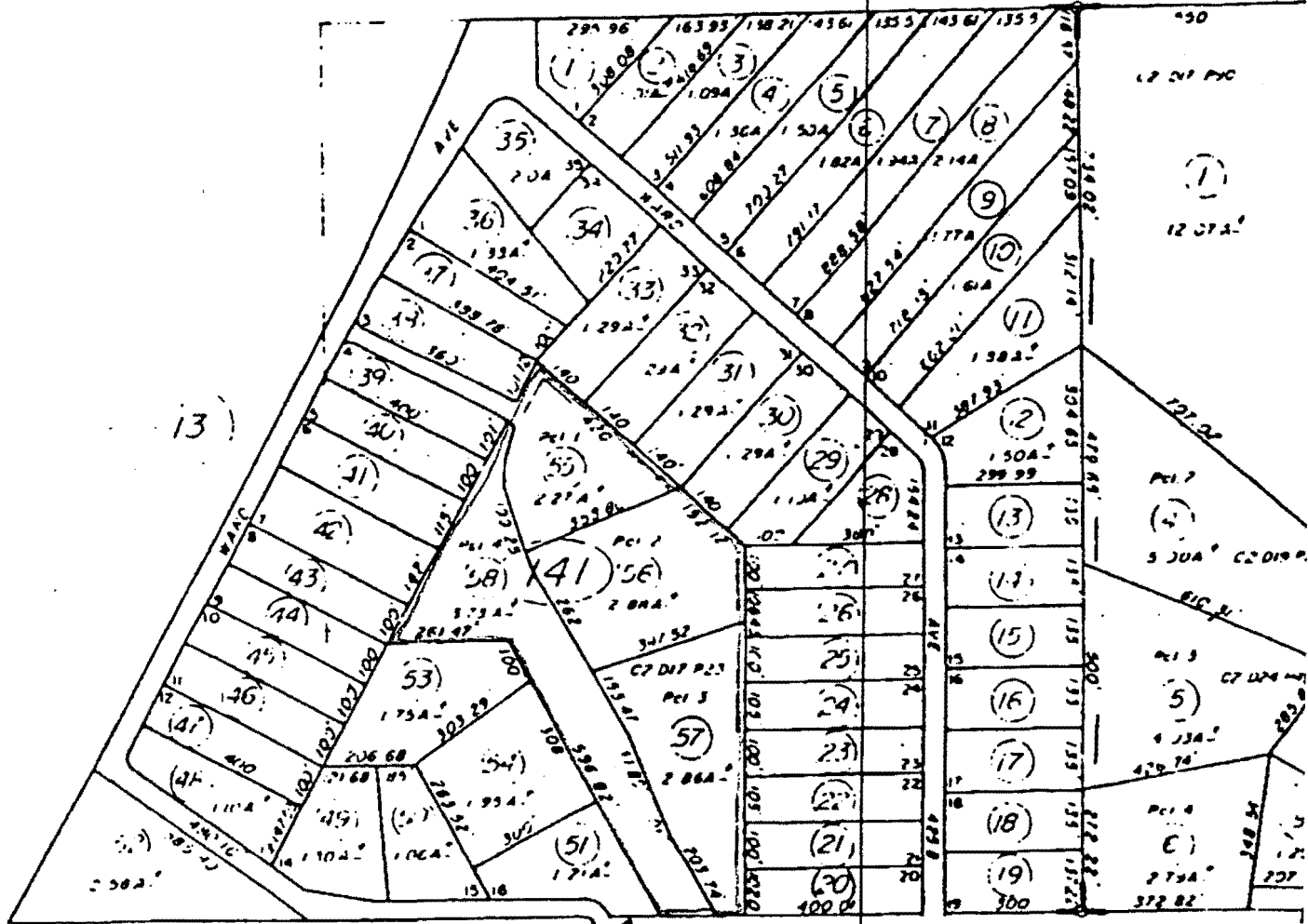
Galliano

VICINITY MAP

AD Nos. 64-141-53
56
57
58

Clean Acres, Units 3
 Pcl Map C2 D17 P23
 " " C2 D19 P28,
 " " C2 D24 P19
 " " C2 D26 P21
 " " C2 L27 P43, 44
 " " C2 D-8 P24

R-1-A B S-A B



PROJECT SITE

R-1-A B S-A B

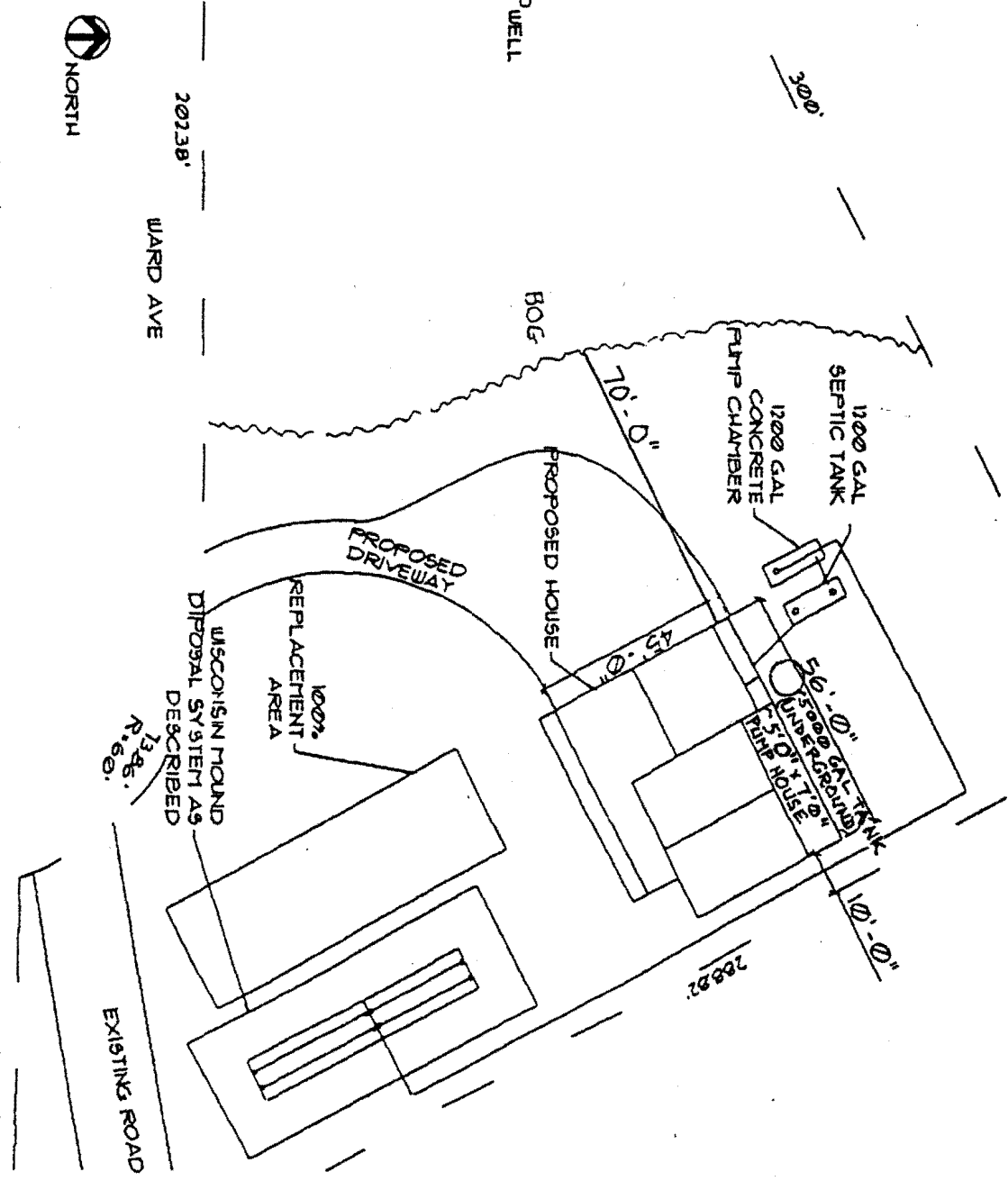
EXHIBIT NO.	3
APPLICATION NO.	1-88-029-A
Galliano	
PARCEL MAP	

EXHIBIT NO. 4
APPLICATION NO. 1-88-029-A
Galliano
SITE PLANT

GALLIANO RESIDENCE

AP# 069-191-51
 25900 WARD AVE.
 FORT BRAGG, CA 95437

SITE PLAN
 1" = 40'-0"
 AMENDED 12/1/99



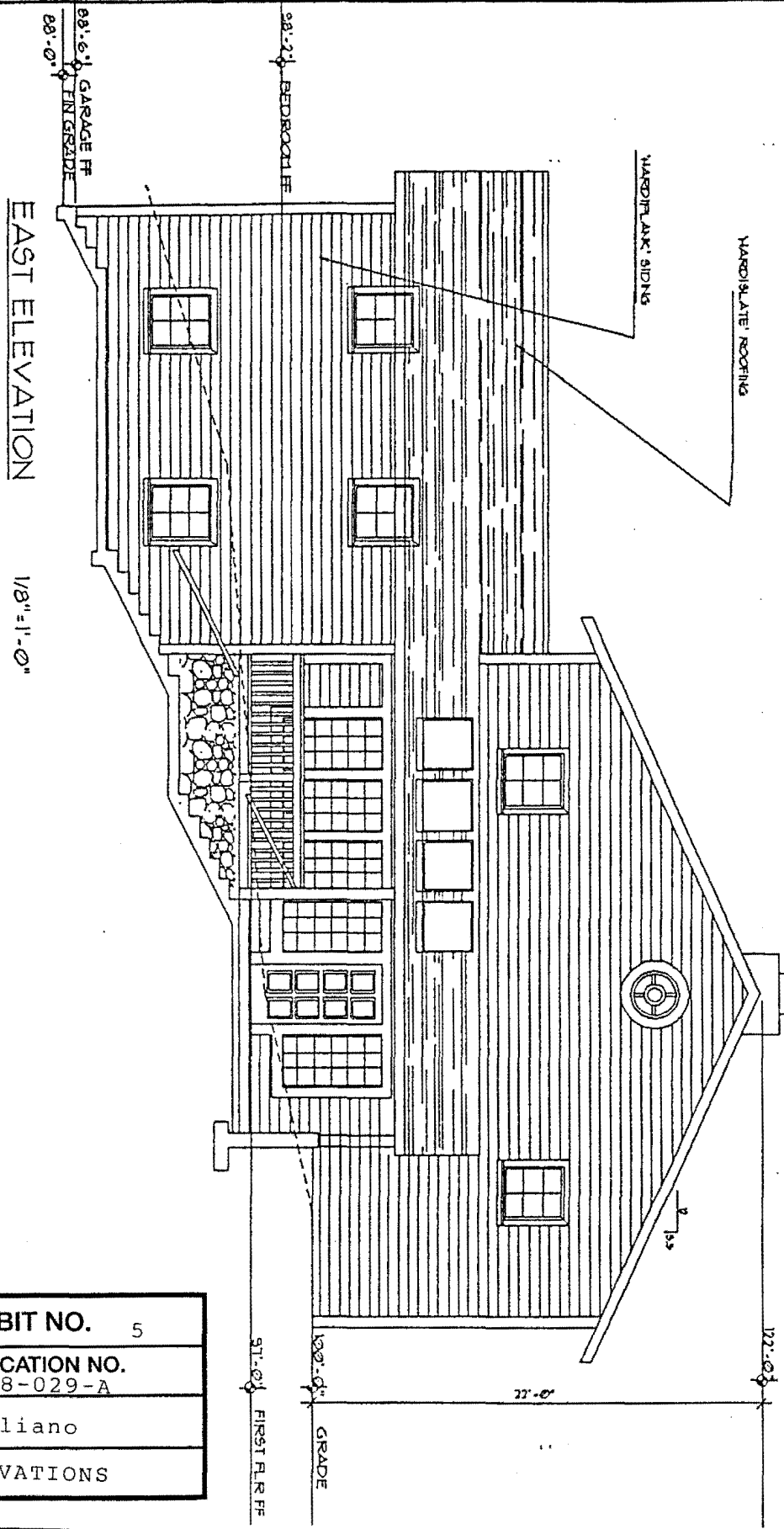
DEBRA LENNOX
 PO BOX 337
 COMPTCHE, CA

DBL ART & DESIGN

(707)937-1153
 FAX 937-0732
 dblenox@mcn.org

GALLIANO RESIDENCE

AP# 069-191-51
 25900 Ward Ave.
 FORT BRAGG, CA 95437



EAST ELEVATION

1/8" = 1'-0"

EXHIBIT NO.	5
APPLICATION NO.	1-88-029-A
Galliano	
ELEVATIONS	

DEBRA LENNOX
 PO BOX 337
 COMPTCHE, CA

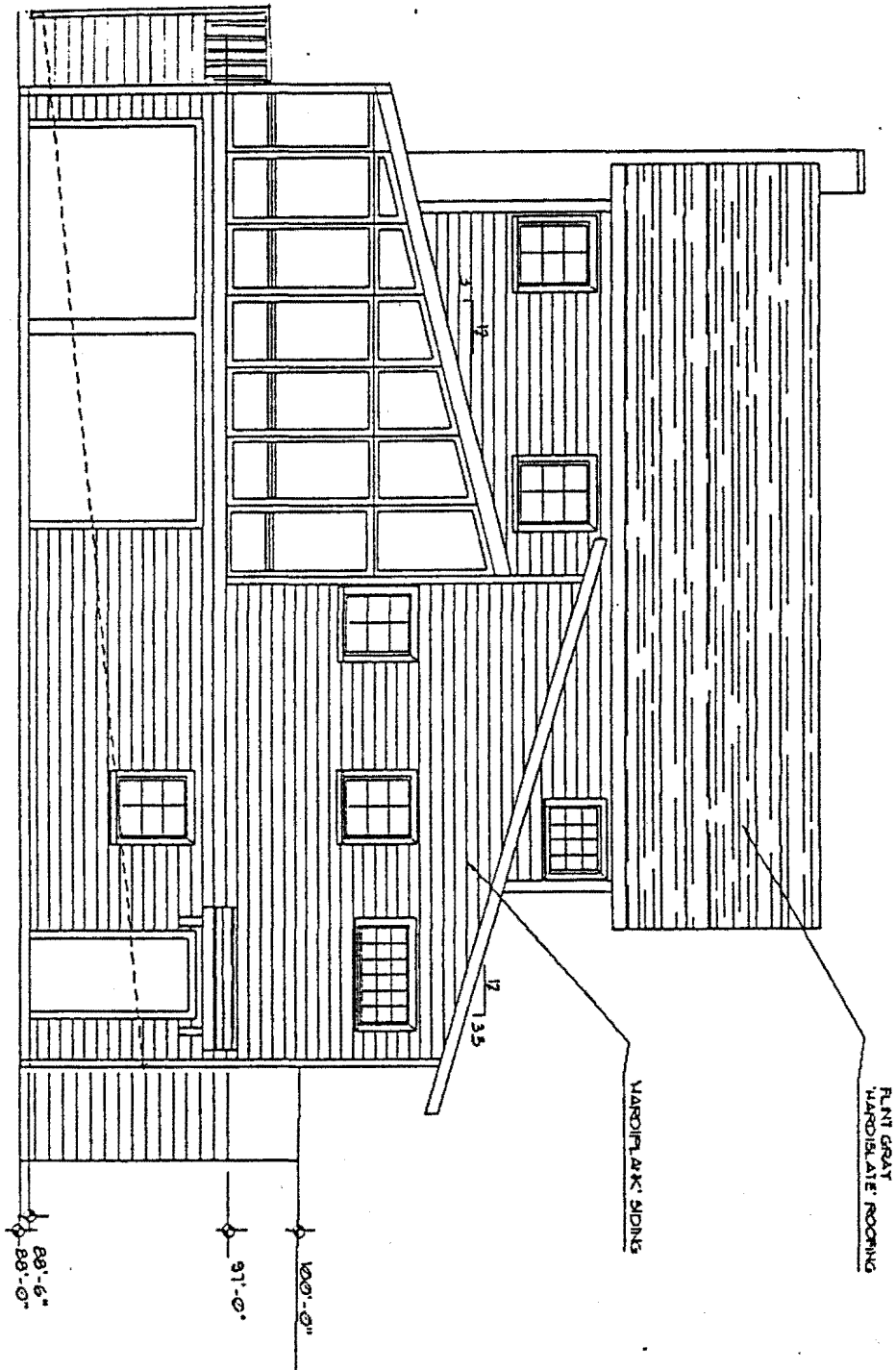
DBL ART & DESIGN

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 dblenox@mcn.org

GALLIANO RESIDENCE

AP# 069-191-51
25900 Ward Ave.
FORT BRAGG, CA 95437

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



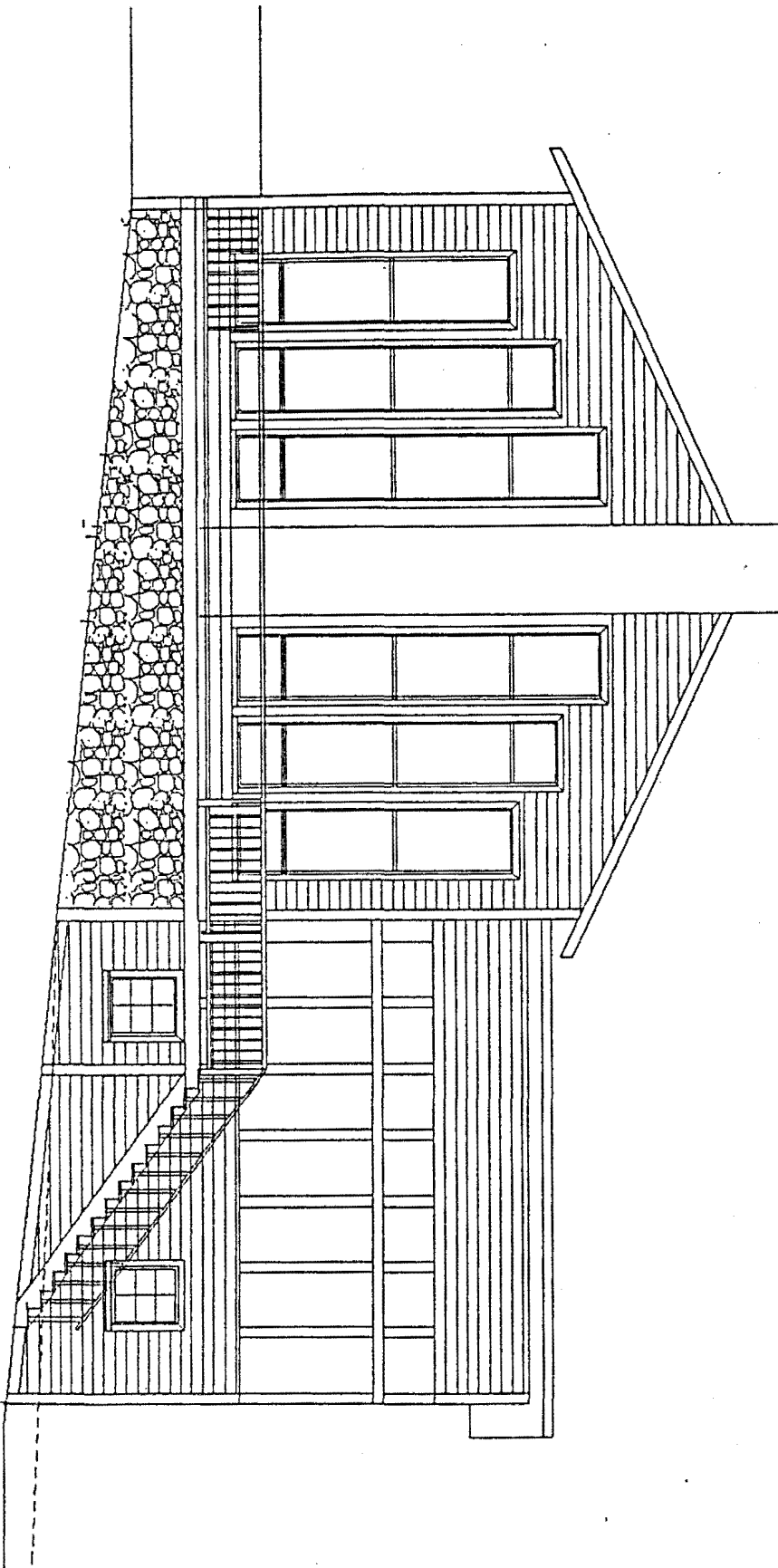
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GALLIANO RESIDENCE

AP# 069-191-51
25900 Ward Ave.
FORT BRAGG, CA 95431



WEST ELEVATION

1/8" = 1'-0"

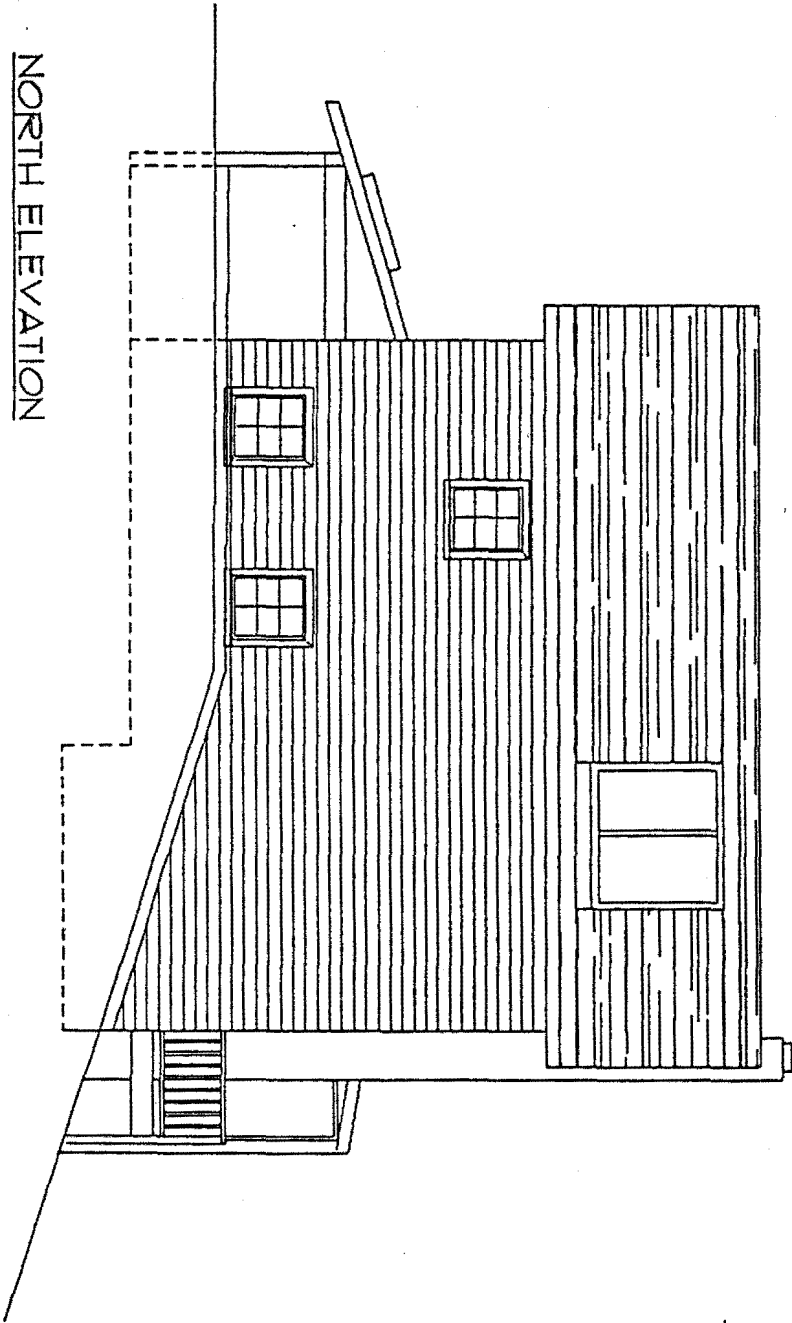
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GALLIANO RESIDENCE

AP# 069-191-51
25900 Ward Ave.
FORT BRAGG, CA 95437



NORTH ELEVATION

DEBRA LENNOX
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COMPTCHE, CA

DBL ART & DESIGN

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dblennox@mcn.org

November 17, 1999

Planner Alec Oppenheimer
 California Coastal Commission
 P.O. Box 4908
 Eureka, CA 95502

AP# 069-141-51

Dear Mr. Oppenheimer:


I have conducted two botanical surveys for Mr. C. Galliano whose parcel is located at 25900 Ward Ave., Ft. Bragg. At the time of those surveys in April and June of this year Mr. Galliano's building plans indicated that the house would be located 50 ft. from the nearest border of wetlands found on his parcel. Since that time he has revised his plans so that the house will be 70 ft. from the wetlands.

I understand that the Coastal Commission may have some concerns regarding the fact that the house would be 70 ft. rather than 100 ft. from the wetlands. I believe the 70 ft. distance would be adequate providing that a temporary strong barrier like a solid fence be installed at a 50 ft. distance uphill of the wetlands border. This barrier should be installed before any clearing or construction takes place. The object of the barrier would be to keep construction workers, building materials and waste and disturbed sands from sliding downhill onto the wetlands.

It is difficult to tell whether the dunes are encroaching upon the wetlands or if the Wiregrass of the wetlands is slowly moving uphill.

If further discussion would help I would be glad to take part. I can be reached at 707-884-3043.

Sincerely,



Mary Rhyne, Botanical Surveyor
 42227 Roseman Creek Rd.
 Gualala, CA 95445

EXHIBIT NO. 6

APPLICATION NO.
1-88-029-A

Galliano

BOTANICAL SURVEY
CORRESPONDENCE

Mendocino County Planning and Building Services
790 South Franklin
Fort Bragg, California

June 8, 1999

AP# 069-141-51

Dear Sirs:

This is a follow-up botanical survey report for Mr. C Galliano whose parcel is located at 25900 Ward Ave., Ft. Bragg. An earlier survey was made in April with the report dated April 17, 1999.

This report is to confirm the absence of any rare or endangered plants on Mr. Galliano's parcel. Neither Erysimum menziesii nor Chorizanthe nowellii are growing on his parcel although blooming plants of the Chorizanthe were in evidence on neighboring parcels.

Sincerely,

Mary Rhyne

Mary Rhyne, Botanical Surveyor
42227 Roseman Creek, Gualala, CA

Mendocino County Planning and Building Services
790 South Franklin
Fort Bragg, California

April 17, 1999

AP# 069 141 51

Dear Sirs:

Mr. C. Galliano has asked me to conduct a botanical survey on his parcel located at 25900 Ward Ave., Fort Bragg. The Planning Dept. had concerns regarding the extent of wetlands and the possible presence of rare and endangered plants.

I conducted a botanical survey April 16th and have these findings to report: Wetlands occupy ~~occupy~~ a little less than half of this parcel. The dominant plant is a common sedge Carex obnupta. The margin of the wetland varies from 50 to 60 ft distant from the nearest portion of the house site. Please see accompanying diagram.

The larger portion of this parcel consists of high dunes. The flora was characteristic of dunes but did not include the rare and endangered species Menzies Wallflower Erysimum menziesii and Chorizanthe howellii - Howell's Spineflower. The wallflower was blooming on nearby parcels on this date but the spineflower was not in evidence on any of its recorded locations. Positive evidence would probably not be certain before June. Because I had conducted two botanical surveys on adjoining properties in July 1992 and 1993 in which I had searched nearby properties as well as Mr. Galliano's parcel for these two rare plants, I feel confident that the Galliano parcel does not have either of these two rare plants.

Sincerely,

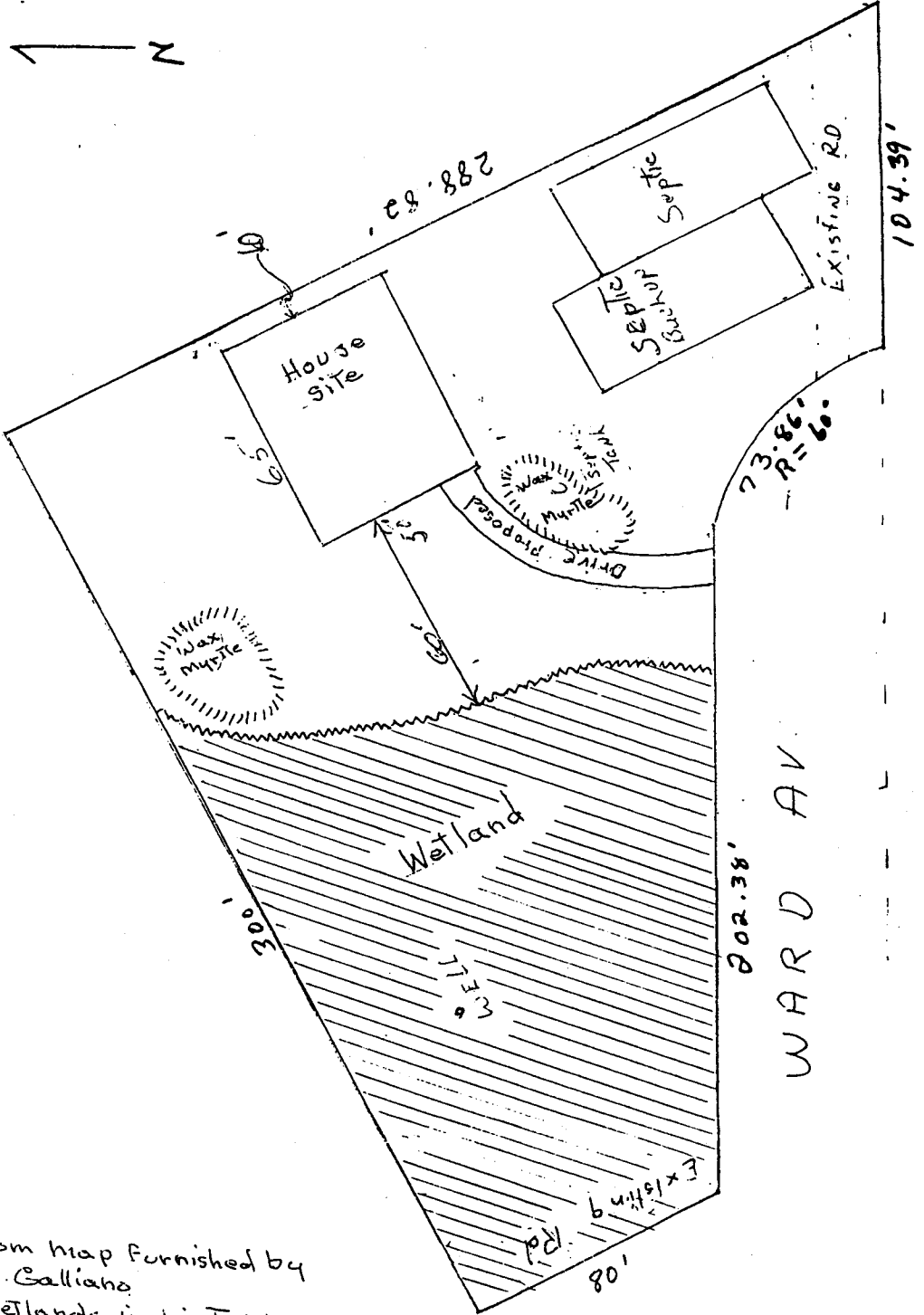
Mary Rhyne

Mary Rhyne, Botanical Surveyor
42227 Rosenan Creek, Gualala CA
95445

encl: Diagram-Map

Galliano parcel
25900 Ward Ave, FT Iragg

AP# 067-171-51



From map furnished by
Mr. Galliano
Wetlands indicated by
Mary Rhyne 4/16/99
Botanical Surveyor

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

HOWARD STREET, 4TH FLOOR
SAN FRANCISCO, CA 94105
(415) 543-8555

RECEIVED

MAR 14 1988

Page 1 of 4
Date: February 24, 1988
Permit Application No. 1-88-29CALIFORNIA
COASTAL COMMISSION
ADMINISTRATIVE PERMIT

APPLICANT: Eric & Lisa Hartzell

PROJECT DESCRIPTION: Construction of a single family residence, well and septic system.

PROJECT LOCATION: 25900 Ward Avenue, Cleone Acres Subdivision, Fort Bragg, Mendocino
County, APN: 69-141-51

EXECUTIVE DIRECTOR'S DETERMINATION:

Pursuant to PRC Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts of the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

Additional reasons for this determination, and for any special conditions, may be discussed on the reverse (Page 2).

NOTE: The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE: March 23, 1988 PLACE: Grosvenor Airport Inn
TIME: Meeting begins at 9:00 a.m. 380 South Airport Blvd.
Item 11b South San Francisco, CA 94080
TEL. NO.: (415) 873-3200

IMPORTANT - Before you may proceed development, the following must occur:

For this permit to become effective, you must sign Page 2 of the enclosed duplicate acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development.

EXHIBIT NO.	7
APPLICATION NO.	1-88-029-A
	Galliano
STAFF REPORT FOR ORIGINAL PERMIT	

PETER DOUGLAS
Executive Director

by:


Beverly J. Saxon

Coastal Planner

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

See page three.

SPECIAL CONDITIONS:

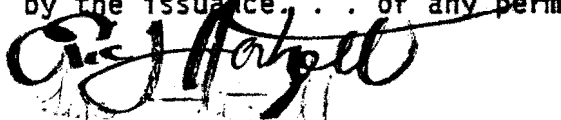
See page four.

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MAR 14 1988
CALIFORNIA
COASTAL COMMISSION

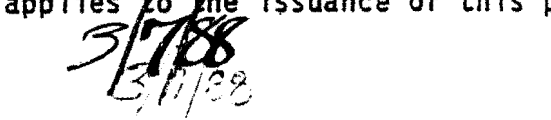
ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

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



Applicant's Signature



Date of Signing

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The applicant thus far has not obtained a County approved well permit. In order to ensure consistency with the Coastal Act, the applicant shall submit evidence of County Environmental Health review and approval prior to construction.

A portion of the Cleone Acres Subdivision near the project site has been identified as a wetland possibly containing a sensitive species, Campanula Californica. Section 30240 of the Coastal Act requires that environmentally

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

HOWARD STREET, 4TH FLOOR
SAN FRANCISCO, CA 94105
(415) 543-8555

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MAR 14 1988

Page 1 of 4
Date: February 24, 1988
Permit Application No. 1-88-29CALIFORNIA
COASTAL COMMISSION
ADMINISTRATIVE PERMIT

APPLICANT: Eric & Lisa Hartzell

PROJECT DESCRIPTION: Construction of a single family residence, well and septic system.

PROJECT LOCATION: 25900 Ward Avenue, Cleone Acres Subdivision, Fort Bragg, Mendocino
County, APN: 69-141-51

EXECUTIVE DIRECTOR'S DETERMINATION:

Pursuant to PRC Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts of the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

Additional reasons for this determination, and for any special conditions, may be discussed on the reverse (Page 2).

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PETER DOUGLAS
Executive Director

by:


Beverly J. Saxon

Coastal Planner

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

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The applicant thus far has not obtained a County approved well permit. In order to ensure consistency with the Coastal Act, the applicant shall submit evidence of County Environmental Health review and approval prior to construction.

A portion of the Cleone Acres Subdivision near the project site has been identified as a wetland possibly containing a sensitive species, Campanula Californica. Section 30240 of the Coastal Act requires that environmentally

sensitive habitat shall be protected against any significant disruption of habitat values and that development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to be compatible with continuance of such habitat areas. As conditioned, a revised site plan will be developed prior to the commencement of construction demonstrating that the proposed development will not infringe on this or any other environmentally sensitive habitat, thus ensuring conformance with Section 30240 of the Coastal Act.

It is further known that portions of the subdivision contain archaeological resources. Section 30244 of the Coastal Act requires that impacts to archaeological resources be mitigated to ensure their preservation. Permit No. 1-88-29 shall be conditioned to require a monitoring, evaluation, and mitigation plan should sensitive resources be discovered during construction. As conditioned, the project will be consistent with the Coastal Act.

SPECIAL CONDITIONS

1. Prior to construction, applicant shall submit a well permit approved by Mendocino County Environmental Health.
2. Prior to commencement of ground disturbance and/or construction, the applicant shall submit a site plan, for review and approval of the Executive Director, verifying that the structure will not impact the bog area which has been identified as a possible habitat for Campanula Californica, a sensitive species (or any other rare/endangered species that might be located). With reference to the bog area, the site plan shall clearly illustrate the boundaries of the wet area and the proximity of the structure to the area in question.
3. Prior to authorization to proceed with development, the applicant shall submit to the Executive Director for review and approval a plan providing for archaeological monitoring, evaluation and mitigation should any archaeological resources be discovered during construction. If such archaeological resources are discovered all work which could damage or destroy these resources should be temporarily suspended. A qualified archaeologist shall inspect the project site to determine the nature and significance of the archaeological materials and develop appropriate mitigation measures using standards of the State Historic Preservation Office. This revised plan shall then be approved by the State Historic Preservation Office and the Executive Director and fully implemented by the property owner.

In addition, the applicant shall record a deed restriction which shall state that for purposes of protecting archaeological resources, development can only be undertaken according to the provisions of the approved archaeological plan which provides for monitoring, evaluation and mitigation on the project site. (The plan must be recorded concurrently with the deed restriction as an exhibit).

EXHIBIT D. 8

APPLICATION NO.
1-88-29-A

RENDERING OF
ORIGINALLY APPROVED
RESIDENCE

