

CALIFORNIA COASTAL COMMISSION

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

MAILING ADDRESS:
P. O. BOX 4908
EUREKA, CA 95502-4908

RECORD PACKET COPY

**W17a**

Filed: May 24, 2005
Hearing Opened: June 8, 2005
Staff: Ruby Pap
Staff Report: October 28, 2005
Hearing Date: November 16, 2005
Commission Action:

STAFF REPORT: APPEAL**DE NOVO HEARING**

APPEAL NO.: **A-1-MEN-05-023**

APPLICANT: **Frederick Everts, Charles Higgins, & Leela Gill**

LOCAL GOVERNMENT: **County of Mendocino**

DECISION: **Approval with Conditions**

PROJECT LOCATION: **38520 Pacific Drive, Gualala, Mendocino County
(APN 145-163-06).**

PROJECT DESCRIPTION: **Construction of a 2,517-square-foot, 27-foot-high single-family residence with proposed connection to existing utilities, installation of a propane tank, and the temporary occupancy of a travel trailer during construction.**

APPELLANT: **Susan Dawes**

SUBSTANTIVE FILE:
DOCUMENTS **1) Mendocino County CDP No. 52-04, and
2) County of Mendocino Local Coastal Program.**

STAFF NOTES:

1. Procedure

On June 8th, 2005 the Coastal Commission found that the appeal of the County of Mendocino's approval raised a substantial issue with respect to the grounds on which the appeal had been filed, pursuant to Section 30625 of the Coastal Act and Section 13115 of Title 14 of the California Code of Regulations. As a result, the County's approval is no longer effective, and the Commission must consider the project *de novo*. The Commission may approve, approve with conditions (including conditions different than those imposed by the County), or deny the application. Because the proposed development is between the first road and the sea, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program and with the public access and public recreation policies of the Coastal Act. Testimony may be taken from all interested persons at the *de novo* hearing.

2. Submittal of Additional Information by the Applicant

For the purposes of *de novo* review by the Commission, the applicant has provided Commission staff with a revised project description, consisting of: 1) a revised site plan dated 10/12/05 that incorporates a revised driveway design, which places one of the designated parking spaces outside the twenty-foot front yard setback as required by the Mendocino County LCP, and slightly revises the proposed residence's position on the lot, shifting it approximately twelve-feet to the east. The supplemental information addresses issues raised by the appeal where applicable, and provides additional information concerning the amended project proposal that was not a part of the record when the County originally acted to approve the coastal development permit.

3. Submittal of Local Record by Mendocino County

The County of Mendocino did not have the opportunity, prior to the mailing of the Commission Substantial Issue staff report on May 26, 2005, to copy the local record of the project and forward it on to the Commission as required pursuant to Section 13112 of the Commission's regulations. The County has since provided the local record to Commission staff, for purposes of *de novo* review by the Commission. The local record contains additional details and primary information concerning the approved development, such as geotechnical and geologic reports.

SUMMARY OF STAFF RECOMMENDATION DE NOVO:
APPROVAL WITH CONDITIONS

The staff recommends that the Commission approve with conditions the coastal development permit for the proposed project on the basis that, as conditioned by the Commission, the project is consistent with the County of Mendocino certified LCP and the public access policies of the Coastal Act.

The application proposes to construct a 2,517-square-foot, 27-foot-high single-family residence with proposed connection to existing utilities, installation of a propane tank, and the temporary occupancy of a travel trailer during construction. The proposed residence would be located on Pacific Drive, in the village of Gualala, in Mendocino County.

Since the June 2005 hearing on the Substantial Issue determination, the applicant has amended the permit application, for purposes of the Commission's hearing *de novo*. Under the amended proposal, to address the main issue raised on appeal, the off-street parking area was extended to the southwest thereby moving one of the designated parking spaces outside the twenty-foot front yard setback. Second, upon making more accurate measurements, the applicant has slightly revised the proposed residence's position on the lot, spinning it slightly clockwise, shifting it approximately twelve-feet to the east, and shaving off a portion of the back deck, in order to meet all required front, rear, and side-yard setbacks. Staff recommends that the Commission find that the amended design is consistent with the LCP provisions regarding off-street parking and setbacks in the suburban residential zoning district.

In addition, staff recommends that the Commission impose several conditions relating to geotechnical recommendations, the submittal of erosion, sedimentation, and runoff control plans, and the use of the temporary trailer during construction.

The vicinity of the subject parcel was once an old lumber mill site. For many years sawdust, wood material, junk and scraped mud from the mill was pushed over the side of the hill south of the subject parcel. This material is unconsolidated and prone to the absorption of water, and the area to the south has experienced landsliding. As described above, some of the old mill debris is located in the mid-portion of the proposed building area. This fill and the upper roughly two to three feet of the natural topsoil that mantles the site is soft and weak, and may be subject to vertical settlement and lateral creep. Therefore, to assure structural stability and integrity and minimize risk to life and property, consistent with the LCP geologic hazards policies, the Geotechnical Engineer for the proposed project recommends a foundation system comprised of drilled, reinforced, cast-in-place concrete piers with reinforced concrete grade beams spanning across the piers to deal with the weak substrate. Therefore, staff recommends that the Commission impose Special Condition No. 1, which requires that the project incorporate all the recommendations of the geotechnical engineer, and requires that prior to issuance of the coastal development permit, a licensed professional review and approve the final design, construction, foundation, and drainage and erosion and runoff control plans and certifies that each of those plans is consistent with all of the recommendations specified in the above-referenced geotechnical reports.

Staff also recommends that the Commission impose Special Condition No. 2, which requires that prior to issuance of the coastal development permit, the applicant submit an erosion and runoff control plan, to ensure that surface drainage and construction activities does not cause increased erosion, sedimentation, and polluted runoff on and off the parcel and cause the site to become geologically unstable, inconsistent with LCP erosion, sediment, and runoff control standards.

The application also proposes the use of a temporary trailer on the premises for the duration of the construction of the facility. The LCP allows this temporary activity to occur for the period of time required to complete construction, but not to exceed two years unless the permission is renewed. The LCP also requires that all permitted development be provided with adequate utilities, including sewage disposal and water supply. Therefore, to ensure compliance with the temporary trailer LCP provisions, staff recommends that the Commission impose Special Condition No. 4 which requires that use of the trailer be limited to two years, the trailer to be connected to community water and sewage disposal utilities, and that the applicant obtain all the necessary permits for this connection prior to issuance of the CDP.

The development would be served by an existing road, but would require an encroachment permit from the County Department of Transportation to encroach the driveway onto Pacific Drive. Therefore, staff recommends the imposition of Special Condition No. 3 to ensure that this permit is obtained.

Lastly, staff recommends that the Commission find that the project as proposed is consistent with the provisions of the LCP regarding the protection of visual resources, locating and planning new development, and the public access policies of the Coastal Act. More specifically, the project is not located in an LCP designated highly scenic area and will not impact public views to the ocean, because it is located in a built – out subdivision, there are several intervening parcels between it and the ocean, and its height is well below the maximum height requirement of 35 feet. Secondly, the development is located in an existing community, would be served by existing community water and sewage disposal services. The proposal would not impact any existing public accessways to the coast.

As conditioned, Staff recommends that the Commission find the project is consistent with the policies contained in and the standards of the County's certified LCP and the public access and recreation policies of the Coastal Act.

The motion to adopt the staff recommendation of approval with conditions is found on pages 4 - 5.

MOTION, STAFF RECOMMENDATION DE NOVO, AND RESOLUTION:

Motion:

I move that the Commission approve Coastal Development Permit No. A-1-MEN-05-023 pursuant to the staff recommendation.

Staff Recommendation of Approval:

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

Resolution to Approve Permit:

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

I. STANDARD CONDITIONS: See attached.

II. SPECIAL CONDITIONS:

1. Conformance of the Design and Construction Plans to the Geotechnical Investigation Report

All final design and construction plans, including foundations, grading and drainage and erosion and runoff control plans, shall be consistent with the recommendations contained in the Geotechnical Engineering Investigation report dated March 31, 2005 prepared by Michelucci & Associates, Inc.

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, evidence that a licensed professional (Certified Engineering Geologist or Geotechnical Engineer) has reviewed and approved all final design, construction, foundation, and drainage and erosion and runoff control plans and has certified that each of those plans is consistent with all of the recommendations specified in the above-referenced geotechnical reports approved by the California Coastal Commission for the project site, including but not limited to the recommendation that the foundation system be comprised of drilled, reinforced cast-in-place piers drawing support from native soils beneath the fill on the site with reinforced concrete grade beams spanning across the piers.

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

2. Drainage and Erosion and Runoff Control Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval, an Erosion, Sedimentation and Runoff Control Plan prepared by a licensed civil engineer that specifically details the drainage, erosion, sedimentation, and runoff control improvements to be implemented for the subject development and demonstrates that the project shall not impact site stability, shall not contribute to increased erosion on or off the parcel, ensures that the old mill site fill debris is stabilized, and conforms to the general drainage recommendations of the Geotechnical Engineering Investigation, dated March 31, 2005, prepared by Michelucci and Associates, Inc. At minimum, the plan shall provide for the following:

- (i) Existing vegetation shall be maintained on the construction site to the maximum extent feasible. Trees shall be protected from damage by proper grading techniques;
- (ii) Areas of disturbed soil shall be reseeded and covered with native non-invasive vegetation as soon as possible after disturbance; mulches may be used to cover ground areas temporarily;
- (iii) A physical barrier consisting of silt fencing and/or bales of straw placed end-to-end shall be installed downslope of any construction areas. The bales shall be composed of weed-free rice straw, and shall be maintained in place throughout the construction;
- (iv) All on-site construction debris stockpiles shall be covered and contained at all times;
- (v) A schedule for the installation and maintenance of the required best management practices that will ensure installation and maintenance during construction and for the completed development, and a statement designating who shall be responsible for the long-term management of the devices;
- (vi) Runoff from impervious surfaces including the residence and garage roof, and driveway shall be collected and conveyed to a drainage sump designed for infiltration in a non-erosive manner. Where gutters and downspouts are used, splash block velocity reducers shall be incorporated, to prevent scour and erosion at the outlet;
- (vii) Subsurface drainage devices shall be provided in areas having a high water table and to intercept seepage that would adversely affect slope stability, building foundations, or create undesirable wetness;

(viii) The washing-out of concrete delivery vehicles, disposal of solid waste, or release of any hazardous materials on the parcel shall be prohibited, and any accidental spill of such materials shall be promptly cleaned up and restored;

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

3. **Encroachment Permit**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, evidence of an approved encroachment permit or exemption from the Mendocino County Department of Transportation. The encroachment permit shall evidence the ability of the applicants to develop a driveway entrance to the parcel along Pacific Drive as conditioned herein.

4. **Occupancy of Temporary Trailer During Construction**

The temporary occupancy of a trailer coach while constructing the residence authorized by this coastal development permit shall be subject to the following conditions:

- A. **PRIOR TO INSTALLATION OF THE TRAILER COACH**, the applicant shall submit for the Executive Director's review and approval, evidence of approvals for connection to services and installation of the trailer coach from the North Gualala Water Company and the Gualala Community Services District, and the Mendocino County Planning and Building Division or evidence that no such approvals are required from these agencies;
- B. The term of temporary occupancy of the trailer coach authorized herein is valid for the period of time required to complete the construction of the dwelling, for a period of time not exceeding two years from the effective date of issuance of CDP No. A-1-MEN-05-023. Any extension of time beyond this expiration date shall require a permit amendment.
- C. All utility connections to the trailer coach shall be disconnected and the trailer shall be removed prior to the final building inspection of the completed single family residence, or occupancy of the new dwelling, whichever occurs first.

5. **Future Development Restriction**

This permit is only for the development described in Coastal Development Permit No. A-1-MEN-05-023. Pursuant to Title 14 California Code of Regulations section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. A-1-MEN-05-023. 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 CDP Permit No. A-1-MEN-05-023 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government

6. **Exterior Lighting**

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

7. **Landscaping Restrictions**

The permittee shall comply with the following landscaping-related requirements:

- A. Only native and/or non-invasive plant species shall be planted. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California, shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the governments of the State of California or the United States shall be utilized within the bounds of the property; and
- B. The use of rodenticides containing any anticoagulant compounds, including but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall not be used.

8. **Deed Restriction**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or

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

9. **Conditions Imposed By Local Government**

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

III. **FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares as follows:

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

The Commission hereby incorporates by reference the Substantial Issue Findings contained in the Commission staff report dated May 26, 2005.

B. **Project History/Background**

On April 28, 2005, the Mendocino County Coastal Permit Administrator approved a Coastal Development Permit with four special conditions for the subject development.

The approved development consisted of the construction of a 2,517-square-foot, 27-foot-high single-family residence with proposed connection to existing utilities, installation of a propane tank, and the temporary occupancy of a travel trailer during construction.

The decision of the Coastal Permit Administrator was not appealed at the local level to the Board of Supervisors. The County then issued a Notice of Final Action, which was received by Commission staff on May 11, 2005.

On May 24, 2005, the Commission received an appeal of the County of Mendocino's decision to approve the development from Susan Dawes. The appellant contended that there was an inconsistency of the County approval with the provisions of Coastal Zoning Code (CZC) Chapter 20.472 regarding off-street parking. In particular, the appellant contended that the project as approved was inconsistent with the requirements of CZC Section 20.472.010(H) that allows only one of the two required off-street parking spaces to be located within the 20-foot front yard setback that applies to this suburban residential lot. The approved project did not include a garage. As approved the off street parking area to be provided for the single-family residence would have been located in an uncovered parking area entirely within the required front yard setback area. The appellant contended that the failure to comply with the requirements of CZC Section 20.472.010(H) that limit the number of vehicles in the front yard setback to one would

result in a car lot being established for cars and SUV's that would front directly onto the public street, which is not satisfactory or appropriate and is unprecedented within the neighborhood.

On June 7th, 2005 the Commission received a comment letter from the Gualala Municipal Advisory Council (GMAC)¹ stating additional concerns about the approved project (exhibit 8). These included (1) potential project impacts to a public view corridor; (2) disruption of the continuance of the California Coastal Trail; and (3) geologic disruptions from improper or unevaluated drainage. These allegations were not included in an appeal, but were framed as additional concerns to be presented to the Commission.

On June 8th, 2005 the Commission found that the appeal raised a Substantial Issue with regard to the consistency of the project as approved with applicable policies of the LCP concerning off-street parking on suburban residential lots.

The Commission continued the *de novo* portion of the appeal hearing so that the applicant could provide additional information relating to the substantial issue, to give the County adequate time to provide the local record to Commission staff, and to provide time for Commission staff to investigate the concerns raised by the GMAC.

The applicant has amended the project for purposes of the Commission's hearing *de novo* in two ways. First, to address the main issue raised on appeal, the off-street parking area was extended to the southwest thereby moving one of the designated parking spaces outside the twenty-foot front yard setback. Second, upon making more accurate measurements, the applicant has slightly revised the proposed residence's position on the lot, spinning it slightly clockwise, shifting it approximately twelve-feet to the east, and shaving off a portion of the back deck, in order to meet all required front, rear, and side-yard setbacks.

Mendocino County has provided a full copy of the local record to Commission staff, which includes geotechnical and geologic reports. In addition, staff has visited the site and investigated the additional visual and public access concerns brought up by the GMAC.

C. Project and Site Description

1. Site Description

The project site is located at 38520 Pacific Drive, approximately 113 feet south of Westward Ho Drive, in the unincorporated community of Gualala on the southern Mendocino coast. The subject approximately 12,460-square-foot parcel is located west of Highway One, within an existing residential neighborhood. The lot slopes moderately toward the southwest, however the site is not a bluff top lot, as several intervening parcels exist between the subject property and the

¹ Gualala Municipal Advisory Council (GMAC) is an advisory body designated by the Mendocino Board of Supervisors that initiates long-range planning efforts and reviews new development applications for the Gualala area, with particular emphasis on commercial developments and proposed new development within highly scenic areas.

ocean bluff. The site is vegetated primarily with ruderal grasses and shrubs. A stand of cypress trees borders the northwestern side of the parcel.

A lumber mill formerly existed on the subject site and the surrounding area. Debris fill from the mill's operation was placed in the drainage basin, mostly downslope of the subject site. During the mid-1990s landslide events occurred in this area. Some of the old mill debris has been found on the subject site, in the mid-portion of the proposed building area. This fill extends to a depth of nine feet below portions of the proposed building area.

2. Project Description

The proposed development would consist of construction of a 2,517-square-foot, 27-foot-high single-family residence. The two-story four-bedroom house would be constructed with front and back decks, and would include exterior wall-mounted lighting that is shielded and cast downward. The development does not include a garage. However, the development would include the establishment of an off-street parking area. A revised site plan submitted to the Commission incorporates two off-street parking areas, one located within and one located outside the 20-foot front yard setback, and extending 40 feet from the northern property line.

The residence would be connected to community utilities, and the approved project includes installation of a sewage tank, with a connecting line to the municipal sewer system, and a propane tank. The approved project also includes authorization for the temporary occupancy of a travel trailer during construction. It would be located on the western side of the lot, adjacent to the cypress trees.

The proposed residence, according to the revised site plan and site description, would be located on the southwest portion of the lot, incorporating a 12-foot side yard setback from the southeastern property boundary, a 72-foot side yard setback from the northwestern property boundary, and 20-foot front and rear – yard setbacks.

D. Planning and Locating New Development and Temporary Use of Travel Trailers

1. LCP Provisions

LUP Policy 3.9-1 states in applicable part:

An intent of the Land Use Plan is to apply the requirement of Section 30250(a) of the Act that new development be in or in close proximity to existing areas able to accommodate it...all development proposals shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources... 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 proposed development is consistent with all applicable policies of this Coastal Element and is in compliance with existing codes and health standards. Determination of service capacity shall be made prior to the issuance of a coastal development permit.

LUP Policy 3.8-1 states in applicable part:

Highway 1 capacity, availability of water and sewage disposal system and other known planning factors shall be considered when considering applications for development permits.

CZC Section 20.532.095 states in applicable part:

(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish that:

- (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 zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district; and*
- (4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.*
- (5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.*
- (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.*

Gualala Town Plan Policy G3.10-2 states:

Either a hook-up to the North Gualala Water Company or an adequate on-site water system, as approved by the Division of Environmental Health, shall be available to serve any new development.

Gualala Town Plan Policy G3.10-3 states:

Either a hook-up to the Gualala Community Services District or an adequate on-site sewage system, as approved by the Division of Environmental Health, shall be available to serve any new development.

CZC Section 20.460.035 states in applicable part:

The temporary use of a trailer coach for the following purposes may be permitted upon issuance of a Coastal Development Administrative Permit (Chapter 20.532):

...

(C) Occupancy While Constructing a Dwelling. *The installation, use and occupancy of a trailer coach as a temporary dwelling by the owner of a lot or contiguous lot on which a dwelling is under construction or for which a building permit has been issued. Such administrative permit may be issued for the period required to complete construction of the facility, but not to exceed two (2) years unless renewed.*

2. Discussion:

(a) Proposed Residence

LUP Policy 3.9-1 of the Mendocino County Land Use Plan states that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized. The proposed residence would be constructed within an existing suburban residential area. The subject parcel is a legal lot and the proposed single-family residence is consistent with the Suburban Residential zoning for the site. The proposed height would be 27-feet-high, consistent with the height standards for the zoning district, which are 35 feet maximum. Setbacks would be met, as the requirement of 20 feet for the front and rear yards and 6 feet for the side yards is met. Front and rear setbacks are proposed to be 20 feet each, and the side yard setbacks are 72 feet and 12 feet on the NW and SE sides respectively. Corridor preservation setbacks are also exceeded. Pacific Drive requires a 25-foot setback from the centerline of the road, as a local road. It is 51 feet to the centerline of Pacific Drive from the closest portion of the proposed residence and over 35 feet to the proposed propane tank.

LUP Policy 3.8-1, CZC Section 20.532.095, and Gualala Town Plan Policy G3.10-2 indicate that Highway 1 capacity, availability of water and sewage disposal systems and other known planning factors shall be considered when considering applications for development permits. The proposed development is located in an area mapped as "Critical Water Resources" in the 1982 Mendocino County Coastal Groundwater Study. However, the North Gualala Water Company (NGWC) and the Gualala Community Services District (GCSD) for sewage and wastewater disposal would serve the proposed development. The Mendocino Department of Environmental Health does not have permit oversight over these systems, and deferred approval in this case to the respective service districts. The GCSD and NGWC indicated in separate letters to the County planning staff on 4/8/2003 that service would be available to the parcel.

Use of the site as a single-family residence is envisioned under the certified LCP. The cumulative impacts on traffic capacity of development approved pursuant to the certified LCP on

lots recognized in the certified LCP were addressed at the time the LCP was certified. However, the Mendocino Department of Transportation requires that the applicant obtain an encroachment permit for the proposed new driveway encroachment on to Pacific Drive to serve the proposed development. Therefore, the Commission imposes Special Condition No. 3 to ensure compliance with the Department of Transportation's requirements. Only as conditioned can the Commission find that the proposed residence is consistent with LUP Policies 3.9-1, 3.8-1, and CZC Section 20.532.095(A)(2).

In summary, the proposed residence, as conditioned, would meet the prescriptive standards for development within its suburban residential zoning district in terms of height, bulk, and coverage, and demonstrated adequacy of water and wastewater infrastructure and transportation infrastructure. The project site is not located in an area where archaeological and/or cultural resources are likely to occur. Therefore, the proposed development is consistent with the LUP and Coastal Zoning Code designations for the site, would be constructed within an existing developed suburban residential area, and would not adversely impact transportation or public service infrastructure capacities consistent with applicable provisions of LUP Policies 3.9-1 and 3.8-1 and CZC Section 20.532.095 and Gualala Town Plan Policies G3.10-2 and G3.10-3.

(b) Proposed Temporary Trailer

The application also proposes the use of a temporary trailer on the premises for the duration of the construction of the facility (see exhibit 3). The LCP allows this temporary activity to occur for the period of time required to complete construction, but not to exceed two years unless the permission is renewed. CZC Section 20.532.095(A)(2) and Gualala Town Plan Policies G3.10-2 and G3.10-3 require that all permitted development be provided with adequate utilities, including sewage disposal and water supply. Therefore, the Commission imposes Special Condition No. 4 to ensure compliance with the temporary trailer LCP provisions and which requires the trailer to be connected to the Gualala community water and sewage service districts, and that the applicant obtain all the necessary permits for this connection prior to issuance of the CDP. Only as conditioned can the Commission find that the proposed use of the temporary trailer is consistent with CZC Section 20.460.035(A)(2) and 20.460.035 and Gualala Town Plan Policies G3.10-2 and G3.10-3.

(c) Conclusion

Therefore, the Commission finds that as conditioned, the proposed development is consistent with LUP Policies 3.9-1 and 3.8-1, Gualala Town Plan Policies G3.10-2 and G3.10-3, and CZC Sections 20.460.035 and 20.532.095

E. Off-Street Parking

1. LCP Provisions

Mendocino County Coastal Zoning Code (CZC) Chapter 20.472—Off-street Parking—in applicable part states:

The purpose of this Chapter is to require off-street parking spaces for all land uses in sufficient numbers to accommodate vehicles which will be congregated at a given location to minimize on-street parking, increase traffic and pedestrian safety and promote the general welfare.

CZC Section 20.472.010

- (A) *Accessible off-street parking areas shall be provided and maintained as set forth in this Chapter to provide minimum parking and maneuvering room for motor vehicles and for pedestrian safety based on the anticipated occupancy of a given building, structure or area of land or water...*

...

- (C) *In any SR, RV, or RR Residential District, no motor vehicle over three-quarter (3/4) ton, boat, or recreational vehicle shall be stored or parked in any front yard setback nor any side or rear yard setback facing a street for a continuous period exceeding seventy-two hours.*

...

- (H) *One of the required parking spaces for any parcel may be located in the front or side yard setback area.*

...

- (J) *All required parking spaces shall be at least nine (9) by twenty (20) feet, unless otherwise provided for under this section.*

CZC Section 20.472.015 Residential

- (A) *Single-family detached dwelling or mobile home: two (2) parking spaces.*

2. Discussion

The subject property is zoned suburban residential, which means that it must incorporate two parking spaces, only one of which can be located within the 20-foot required front yard setback area. The development as approved by the County includes the establishment of an off-street parking area, which would be located entirely within the 20-foot front yard setback from Pacific Drive, inconsistent with the off-street parking provisions in the LCP, described above. Since the Commission found that a substantial issue exists with the project's conformance with the LCP, the applicants submitted a revised site plan to the Commission, which incorporates two off-street parking spaces, one located within, and the other located outside the 20-foot front yard setback consistent with the CZC Section 20.472.010. This parking area extends 40 feet from the northern

property line. Both spaces would be the minimum size required by Chapter 20.472 (9' x 20') (see exhibit 3).

The Commission, therefore, finds that the proposed development is consistent with the off-street parking provisions of the LCP and the suburban residential zoning designation, since the proposed off-site parking area provides only one parking space within the front-yard setback area.

F. Geologic Hazards

1. LCP Provisions

Mendocino County LUP Policy 3.4-1 States:

The County shall review all applications for Coastal Development permits to determine threats from and impacts on geologic hazards arising from seismic events, tsunami runoff, landslides, beach erosion, expansive soils and subsidence and shall require appropriate mitigation measures to minimize such threats. In areas of known or potential geologic hazards, such as shoreline and bluff top lots and areas delineated on the hazards maps the County shall require a geologic investigation and report, prior to development, to be prepared by a licensed engineering geologist or registered civil engineer with expertise in soils analysis to determine if mitigation measures could stabilize the site. Where mitigation measures are determined to be necessary, by the geologist, or registered civil engineer the County shall require that the foundation construction and earthwork be supervised and certified by a licensed engineering geologist, or a registered civil engineer with soil analysis expertise to ensure that the mitigation measures are properly incorporated into the development.

CZC Section 20.500.010 states and Gualala Town Plan Policy G3.8-4 states in applicable part:

(A) New Development Shall:

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

CZC Section 20.500.020(D) states:

- (1) New development shall avoid, where feasible, existing and prehistoric landslides. Development in areas where landslides cannot be avoided shall also provide for stabilization measures such as retaining walls,*

drainage improvements and the like. These measures shall only be allowed following a full environmental, geologic and engineering review pursuant to Chapter 20.532 and upon a finding that no feasible, less environmentally damaging alternative is available.

2. Discussion:

The Mendocino County LCP hazards policies require that all development minimize risk to life and property in areas of high geologic hazard, assure structural integrity and stability, and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding areas; and that new development avoid landslides, faults, and other hazard areas. They also require that where mitigation measures are recommended as a result of a geotechnical investigation, that the foundation and earthwork be supervised by a licensed engineering geologist or a registered civil engineer. The LCP also has policies that set forth standards for grading, and erosion, sedimentation, and runoff control.

The vicinity of the subject parcel was once an old lumber mill site. According to a geologic report for the subject development conducted by Thomas E. Cochrane, for many years sawdust, wood material, junk and scraped mud from the mill was pushed over the side of the hill south of the subject parcel. This material is extremely unconsolidated and prone to the absorption of water, and the area to the south has experienced landsliding.

Two slide events affected the subdivision where the subject parcel is located but were primarily confined to the street below and to the south, known as Coral Court. The subject property itself was not affected. The major slide occurred on March 14, 1995 after a winter of heavy rainfall. The slide measured 165 feet from head scarp to toe and was 80 to 100 feet in width. The slide involved four lots, but flowed down across the Coral Court cul de sac carrying away the Adshade (Lot 3) garage and RV, filling the Trunnell (Lot 17) residence garage to the roof with landslide debris and spilling into the ravine on the Trunnell property and finally dumping into the Pacific Ocean (see exhibit 6). A second slide event occurred in December/January 1996-1997. Materials washed and slid from behind and south of the Pierpont house (Lot 18) filling the Coral Court cul de sac and directing the drainage into the Trunnell garage (Lot 17). This material was primarily Coastal Marine Terrace loosely consolidated sands and soil containing very little mill debris.

Several houses within the subdivision have encountered the old mill debris and varying amounts of the fill has been removed during construction. In 1976, the California Division of Mines and Geology prepared a report that covered the area, including the coast from Schooner Gulch to Gualala (DMG Open File Report 76-3, Geologic Factors in Coastal Zone Planning: Schooner Gulch to Gualala River, Mendocino County, California). The map of this report indicates the subdivision area is a slide area. However, there is no evidence that any major sliding occurred at this location prior to 1995, and Cochrane believes this determination could have been a mistake because it was based on an old aerial photograph, which showed the mill debris as a distinct plume, which could have been mistaken as a landslide.

According to Cochrane, the subject site (shown as lot 6 on Pacific Drive on exhibit 6) is well out of the immediate danger from future landsliding. A great deal of the old mill debris has been removed from the slide area, with the exception of the debris left in the ravine on the Trunnell property to the south, and the underlying Marine Terrace deposits and Anchor Bay Member are less susceptible to sliding (Cochrane 2002). Further, a March 31, 2005 geotechnical engineering report by Michelucci and Associates, Inc. for the subject development, finds that the building site is suitable for the proposed development, and that vertical settlement and lateral creep resulting from residual mill debris on the site can be mitigated by a foundation system comprised of drilled, reinforced, cast-in-place concrete piers with reinforced concrete grade beams spanning across the piers is utilized. The Michelucci report does not find that the subject site is subject to landsliding (Caldwell 2005). Therefore, the Commission finds that the proposed development avoids landslides and is consistent with CZC Section 20.500.020(D).

As described above, some of the old mill debris is located in the mid-portion of the proposed building area. This fill and the upper roughly two to three feet of the natural topsoil that mantles the site is soft weak, and may be subject to vertical settlement and lateral creep. Therefore, to assure structural stability and integrity and minimize risk to life and property, consistent with CZC Section 20.500.010 and LUP Policy 3.4-1, Michelucci and Associates recommends that the foundation be designed to resist loading that may be imposed on them by movement of the fill and weak topsoil layers.

The geotechnical engineering report prepared by Mechelucci and Associates (see exhibit 7) recommends several specific geotechnical engineering design criteria to provide stability of the proposed development. These include detailed recommendations for an appropriate building foundation, as well as grading and site preparation, slab-on-grade construction, surface drainage, pavements, utility trench backfill construction, and plan review. A foundation system comprised of drilled, reinforced, cast-in-place concrete piers drawing support from native soils beneath the fill on the site with reinforced concrete grade beams spanning across the piers is recommended to deal with the weak substrate up to nine-feet below the proposed residence. Tie beams should be used in an upslope/downslope direction, at a maximum spacing of 20 feet on center, to help spread possible soil creep loading between all of the foundation piers. The drilled piers should have a minimum diameter of 18 inches and should be designed to gain support for vertical and lateral loads below the fill and upper weak topsoil layer that mantles the site. The piers should be designed to resist possible lateral loading of 55 pounds per cubic foot, due to creep of existing weak fill and topsoil, acting over three times the projected area of the pier, extending from the finished ground surface to a depth of five feet. Foundation tie beams should be constructed in an upslope/downslope direction at a maximum spacing of 20 feet. They should be designed to spread possible soil creep and loading equally between all the foundation's piers. No isolated interior or exterior foundation elements should be used, and deck pier supports should be tied back and connected together with grade beams to provide resistance to soil creep loading. Resistance to lateral loads could be generated on that portion of the pier that extends into supporting soil. Reinforced concrete grade beams should be designed to span across the tops of the piers and carry the building loads to the piers, without relying on the soil between the piers for support. Lastly, the foundation should also be designed for seismic loading conditions as set forth in the applicable Uniform Building Code (Caldwell 2005).

Dr. Mark Johnsson, the Commission's staff geologist, has reviewed the applicant's geotechnical reports. Dr. Johnsson concurs with the recommendations of the geotechnical reports and believes it is particularly important for the stability of the site that drilled piers be used that draw support from native soils beneath the fill previously placed on the site.

To ensure structural stability and integrity and minimize risk to life and property, and to ensure that the recommendations of the Geotechnical Engineering Report are adequately implemented, the Commission imposes Special Condition No. 1, which requires that the development be conducted in accordance with all the recommendations set forth in this report.

As conditioned, the proposed development will not contribute significantly to the creation of any geologic hazards and will not have adverse impacts on slope stability or cause erosion. However, the Commission notes that future minor incidental development normally associated with single family residences such as additions to the residence, construction of outbuildings, decks and patios, or installation of additional landscaped areas could be sited and designed in a manner that could compromise geologic stability leading to significant adverse impacts to the site and surrounding area. Many of these kinds of development are normally exempt from the need to obtain a coastal development permit under Section 30610(a) of the Coastal Act. Thus, the Commission would not normally be able to review such development to ensure that geologic hazards are avoided.

The Commission further notes that Section 30610(a) of the Coastal Act and Chapter 20.532 of the County's Coastal Zoning Code exempt certain additions to existing single family residential structures from coastal development permit requirements. Pursuant to this exemption, once a house has been constructed, certain additions and accessory buildings that the applicant might propose in the future are normally exempt from the need for a permit or permit amendment.

To avoid such impacts to coastal resources from the development of otherwise exempt additions to existing homes, Section 30610(a) requires the Commission to specify by regulation those classes of development that involve a risk of adverse environmental effects and require that a permit be obtained for such improvements. Pursuant to Section 30610(a) of the Coastal Act, the Commission adopted Section 13250 of Title 14 of the California Code of regulations. Section 13250(b)(6) specifically authorizes the Commission to require a permit for additions to existing single-family residences that could involve a risk of adverse environmental effect by indicating in the development permit issued for the original structure that any future improvements would require a development permit. As noted above, siting and development of certain additions or improvements to the approved residence could involve a risk of initiating significant adverse geologic hazards. Therefore, in accordance with provisions of Section 13250(b)(6) of Title 14 of the California Code of Regulations, the Commission attaches Special Condition No. 5, which requires a coastal development permit or a permit amendment for all additions and improvements to the residence on the subject parcel that might otherwise be exempt from coastal permit requirements. This condition will allow future development to be reviewed by the Commission to ensure that future improvements will not be sited or designed in a manner that would result in significant adverse geologic consequences. As discussed above, Special

Condition No. 8 also requires that the applicant record and execute a deed restriction approved by the Executive Director against the property that imposes the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. Special Condition No. 8 will also help assure that future owners are aware of these CDP requirements applicable to all future development.

The Commission thus finds that the proposed development, as conditioned, is consistent with the policies of the certified LCP regarding geologic hazards, including LUP Policies 3.4-1, 3.4-7, 3.4-12, and Coastal Zoning Code Sections 20.500.010, 20.015.015, and 20.500.020, since the development as conditioned will not contribute significantly to the creation of any geologic hazards, will not have adverse impacts on the stability of the coastal bluff or on erosion, will not require the construction of shoreline protective works, and the Commission will be able to review any future additions to ensure that development will not be located where it might result in the creation of a geologic hazard.

G. Drainage, Erosion, and Runoff Control

1. LCP Provisions

CZC Section 20.492.010 Grading Standards:

(A) Grading shall not significantly disrupt natural drainage patterns and shall not significantly increase volumes of surface runoff unless adequate measures are taken to provide for the increase in surface runoff.

(B) Development shall be planned to fit the topography, soils, geology, hydrology, and other conditions existing on the site so that grading is kept to an absolute minimum.

(C) Essential grading shall complement the natural land forms. At the intersection of a manufactured cut or fill slope and a natural slope, a gradual transition or rounding of contours shall be provided.

(D) The cut face of earth excavations and fills shall not be steeper than the safe angle of repose for materials encountered. Where consistent with the recommendations of a soils engineer or engineering geologist, a variety of slope ratios shall be applied to any cut or fill slope in excess of two hundred (200) feet in length or ten (10) feet in height. For individually developed lots, a variety of slope ratios shall be applied to all cut or fill slopes when a building pad area exceeds four thousand five hundred (4,500) square feet, or when the total graded area of the lot exceeds nine thousand (9,000) square feet. The steepest permissible slope ratio shall be two to one (2:1), corresponding to a fifty (50) percent slope.

(E) The permanently exposed faces of earth cuts and fills shall be stabilized and revegetated, or otherwise protected from erosion.

(F) Adjoining property shall be protected from excavation and filling operations and potential soil erosion.

(G) The area of soil to be disturbed at any one time and the duration of its exposure shall be limited. Erosion and sediment control measures shall be installed as soon as possible following the disturbance of the soils. Construction equipment shall be limited to the actual area to be disturbed according to the approved development plans. (Ord. No. 3785 (part), adopted 1991)

CZC Section 20.492.015 Erosion Standards states in applicable part:

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

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

(C) Areas of disturbed soil shall be reseeded and covered with vegetation as soon as possible after disturbance, but no less than one hundred (100) percent coverage in ninety (90) days after seeding; mulches may be used to cover ground areas temporarily. In environmentally sensitive habitat areas, the revegetation shall be achieved with native vegetation. In buffer areas adjacent to environmentally sensitive habitats, non-native vegetation may be used provided that it is non-invasive and would not adversely affect the environmentally sensitive habitat area.

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

(G) Erosion control devices shall be installed in coordination with clearing, grubbing, and grading of downstream construction; the plan shall describe the location and timing for the installation of such devices and shall describe the parties responsible for repair and maintenance of such devices. (Ord. No. 3785 (part), adopted 1991)

CZC Section 20.492.020 Sedimentation Standards states:

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

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

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

(D) Design of sedimentation control devices shall be coordinated with runoff control structure to provide the most protection.

(E) The grading plan when required shall set forth a schedule for the construction and maintenance of any structure to be developed under this section, and shall include a statement designating who shall be responsible for the long-term management of the devices.

CZC Section 20.492.025 Runoff Standards states in applicable part:

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

(C) The acceptability of alternative methods of storm water retention shall be based on appropriate engineering studies. Control methods to regulate the rate of storm water discharge that may be acceptable include retention of water on level surfaces, the use of grass areas, underground storage, and oversized storm drains with restricted outlets or energy dissipators.

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

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

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

(J) Where coastal development projects within the Gualala Town Plan planning area have the potential to degrade water quality, the approving authority shall require all relevant best management practices to control polluted runoff, as appropriate...

2. Discussion

Unplanned and inappropriate surface drainage/stormwater runoff systems, and erosion control systems could cause increase erosion, sedimentation, and polluted runoff on and off the parcel and cause the site to become unstable, inconsistent with LCP erosion, sediment, and runoff control standards. Uncontrolled runoff could also threaten the structural integrity of the old mill debris, from the pooling of water and moisture under the building, in crawl spaces under the building, on pavements, or gravel layers beneath floor slabs.

The Michelucci and Associates Geotechnical Engineering Investigation states that no grading is anticipated in the proposed building footprint area, however some minor grading may be undertaken on the upper, northeastern portion of the lot for the proposed driveway. The applicant

did not submit as part of the application thorough surface drainage plan, erosion and sedimentation control plan, or a runoff plan. General recommendations for surface drainage were provided by the geotechnical engineer, including that that water not be allowed to pond at the top of slopes or to flow over the face of slopes, that all roof rain gutter downspouts be connected to non-perforated pipes that lead to suitable storm drainage facilities, and that low areas on the site be provided with catch basins that lead by non-perforated pipes to suitable drainage facilities. The geotechnical engineering report further recommends that the details of the surface drainage be designed by a civil engineer, and in conformance with the general recommendations described above. Because the plans detailed above have not yet been submitted, the Commission imposes Special Condition No. 2, which requires that prior to issuance of the coastal development permit, the applicant submit for executive director review and approval, a Drainage and Erosion and Runoff Control Plan prepared by a licensed civil engineer that specifically details improvements required to assure that the project does not decrease site stability increase erosion, sedimentation, or polluted runoff on or off the parcel, and assures that the old mill site fill debris is stabilized. Only as conditioned can the Commission find that the proposed development is consistent with CZC Sections 20.492.015, 20.492.020, and 20.492.025.

Therefore, the Commission finds that the proposed development as conditioned is consistent with CZC Sections 20.492.015, 20.492.020, and 20.492.025.

H. Visual Resources

1. LCP Provisions

LUP Policy 3.5-1 states in applicable part:

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

CZC Section 20.504.020 Special Communities and Neighborhoods states:

(A) The Town of Mendocino is the only recognized special community in the Coastal Element. Division III of Title 20 provides specific criteria for new development in Mendocino.

(B) The communities and service centers, designated as CRV or CFV, of Westport, Caspar, Albion, Elk and Manchester, and the additional areas of Little River, Anchor Bay and Gualala, as described below, shall have special protection as set forth in Section 20.504.020(C): (emphasis added)

...

(3) Gualala: The Sonoma County Line on the south to Big Gulch on the north including all commercial and industrially zoned parcels on the east side of Highway 1 and all parcels west of Highway 1.

(C) Development Criteria.

(1) The scale of new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood.

(2) New development shall be sited such that public coastal views are protected.

(3) The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture.

(4) Building materials and exterior colors shall be compatible with those of existing structures.

(D) 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. (Ord. No. 3785 (part), adopted 1991)

CZC Sec. 20.504.035 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.

(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.

2. Discussion.

The proposed development includes a 2,517-square-foot detached garage/shop structure, to be 27-feet in height above finished grade. The property is not situated within a designated highly scenic area as enumerated within the LCP or as depicted on its LUP maps.

The proposed residence would be located west of the highway. The principal vantage point near the site for views to and along the ocean is Pacific Drive, the street along which the subject property is located. The proposed house would block a small portion of the blue water view from Pacific Drive, but the impact would be insignificant because the public would continue to enjoy views of the ocean through other portions of the site, over the top of the proposed house, and through adjoining properties in this residential subdivision. Due to its location on the portion of the lot that is down-slope from Pacific Drive, the height of the proposed residence would not be imposing on the viewshed to the ocean, and the height would be well below the required 35-foot height limitation for the suburban residential zoning district. The residence would be located within an existing built-out subdivision, with several intervening parcels between it and the ocean, and would be within the scope and character of existing development in the surrounding neighborhood as there are other residences nearby of similar size and height. In addition, all lighting is proposed to be shielded and downcast to minimize impacts to nighttime views, consistent with LCP exterior lighting regulations. To insure that the lighting that is installed is shielded and downcast as proposed, the Commission attaches Special Condition No. 6, which requires that the lighting be installed in this manner. The proposed temporary travel trailer would be situated along the stand of cypress trees on the western border of the property. These trees provide a visual backdrop for the trailer, and this side of the property is not within any visual corridor as the view toward the ocean is to the south.

Therefore, the Commission thus finds that the proposed development, as conditioned, is consistent with LUP Policy 3.5-1, CZC Section 20.504.020, and CZC Sec. 20.504.035.

I. Protection of Environmentally Sensitive Habitat Areas (ESHA)

1. LCP Provisions

CZC Sec. 20.496.010 states in applicable part:

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

CZC Sec. 20.496.015 states in applicable part:

(A) Determining Extent of ESHA. The Coastal Permit Administrator shall review, with the assistance of land use maps, all permit applications for coastal developments to determine whether the project has the potential to impact an ESHA. A project has the potential to impact an ESHA if:

(1) The development is proposed to be located on a parcel or proximate to a parcel identified on the land use plan map with a rare and/or endangered species symbol;

(2) The development is proposed to be located within an ESHA, according to an on-site investigation, or documented resource information;

(3) The development is proposed to be located within one hundred (100) feet of an environmentally sensitive habitat and/or has potential to negatively impact the long-term maintenance of the habitat, as determined through the project review.

Development proposals in ESHA's including but not limited to those shown on the coastal land use maps, or which have the potential to impact an ESHA, shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of the sensitive resource, to document potential negative impacts, and to recommend appropriate mitigation measures...

2. Discussion.

The subject property does not contain any known environmentally sensitive habitat. However, the Coastal bluffs on the Gualala Coast are known to contain rare plant species such as Mendocino coast paintbrush and coastal bluff morning glory, and open grassland habitats on this portion of the coast contain potential habitat for the federally endangered Behren's Silverspot Butterfly, including *Viola adunca*.

The Commission finds that ESHA located near the site could be adversely affected if non-native, invasive plant species were introduced in landscaping at the site. Introduced invasive exotic plant species could physically spread into ESHA and displace native and/or rare vegetation thereby disrupting the values and functions of the ESHAs. The seeds of exotic invasive plants could also be spread to nearby ESHA by wind dispersal or by birds and other wildlife. The applicant is not proposing any landscaping as part of the proposed project. However, to ensure that ESHA near the site is not significantly degraded by any future landscaping that would

contain invasive exotic species, the Commission attaches Special Condition No. 7 that requires only native and/or non-invasive plant species be planted at the site.

In addition, the Commission notes that certain rodenticides, particularly those utilizing blood anticoagulant compounds such as brodifacoum, bromadiolone and diphacinone, have been found to pose significant primary and secondary risks to non-target wildlife present in urban and urban/wildland interface areas. As raptors or other environmentally sensitive predators and scavengers prey upon these target species, the pest control compounds can bio-accumulate in the animals that have consumed the rodents to concentrations toxic to the ingesting non-target species. To avoid this potential cumulative impact to environmentally sensitive wildlife species, Special Condition No. 7 contains a prohibition on the use of such anticoagulant-based rodenticides.

With the mitigation measures discussed above, which are designed to minimize any potential impacts to the adjacent environmentally sensitive habitat area, the project as conditioned will not significantly degrade adjacent ESHA and will be compatible with the continuance of the habitat area. Therefore, the Commission finds that the project as conditioned is consistent with CZC 20.496.015.

J. Public Access

Section 30210 of the Coastal Act requires that maximum public access be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. In applying Sections 30210, 30211 and 30212, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

The subject parcel is located in an existing built out subdivision, on the west side of Pacific Drive, approximately 113 feet south of its intersection with Westward Ho, in Gualala. Although the proposed development is west of Highway One, the subject property is not a bluff top parcel, and several intervening parcels occur between the subject property and the bluff at Robinson Point. There are no designated public access points on the LUP maps that are on the subject site. Nearby, there are designated public access points at Bourns Landing, located north of the village, the Gualala Bluff Trail south of the subject property at the south end of the village, as well as prescriptive vertical access points at the Surf Motel and the Breakers Inn. There is no evidence of prescriptive rights through the subject parcel, and the property would be an unlikely location to access the coast because there are several intervening developed homes and private backyards between the property and the ocean. In addition, no portion of the property has been dedicated or required to be reserved for lateral access along the coast. Furthermore, development of the proposed single-family residence would not significantly increase the demand for public access.

Because the proposed development would not affect existing access to the shoreline, or significantly increase the demand for access to the shoreline, the development would have no significant adverse impact on public access. Therefore, the Commission finds that the proposed development does not have any significant adverse impact on public access, and that the proposed development without new public access is consistent with the coastal access requirements of Coastal Act Sections 30210, 30211, and 30212.

H. California Environmental Quality Act (CEQA)

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

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

EXHIBITS:

1. Regional Location Map
2. Project Vicinity Map
3. Project Site Plan
4. Floor Plans
5. Elevations
6. Parcel map of areas affected by landslides
7. Geotechnical Engineering Investigation
8. Correspondence
9. Notice of Final Action
10. Appeal

References:

Cochrane, Thomas E. 2002. *Geologic Report, 38520 Pacific Drive, Gualala, CA 95445, Mendocino County, California*. Prepared for Charles Higgins and Frederick Everts by Thomas E. Cochrane. CA Reg. Geol. #6124. August 25, 2002.

Caldwell, Daniel. 2005. *Geotechnical Engineering Investigation: Proposed Single Family Residence, 38520 Pacific Drive, Gualala, CA*. Prepared for Charles Higgins by Michelucci and Associates, Inc. March 31, 2005

ATTACHMENT A:

STANDARD CONDITIONS

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

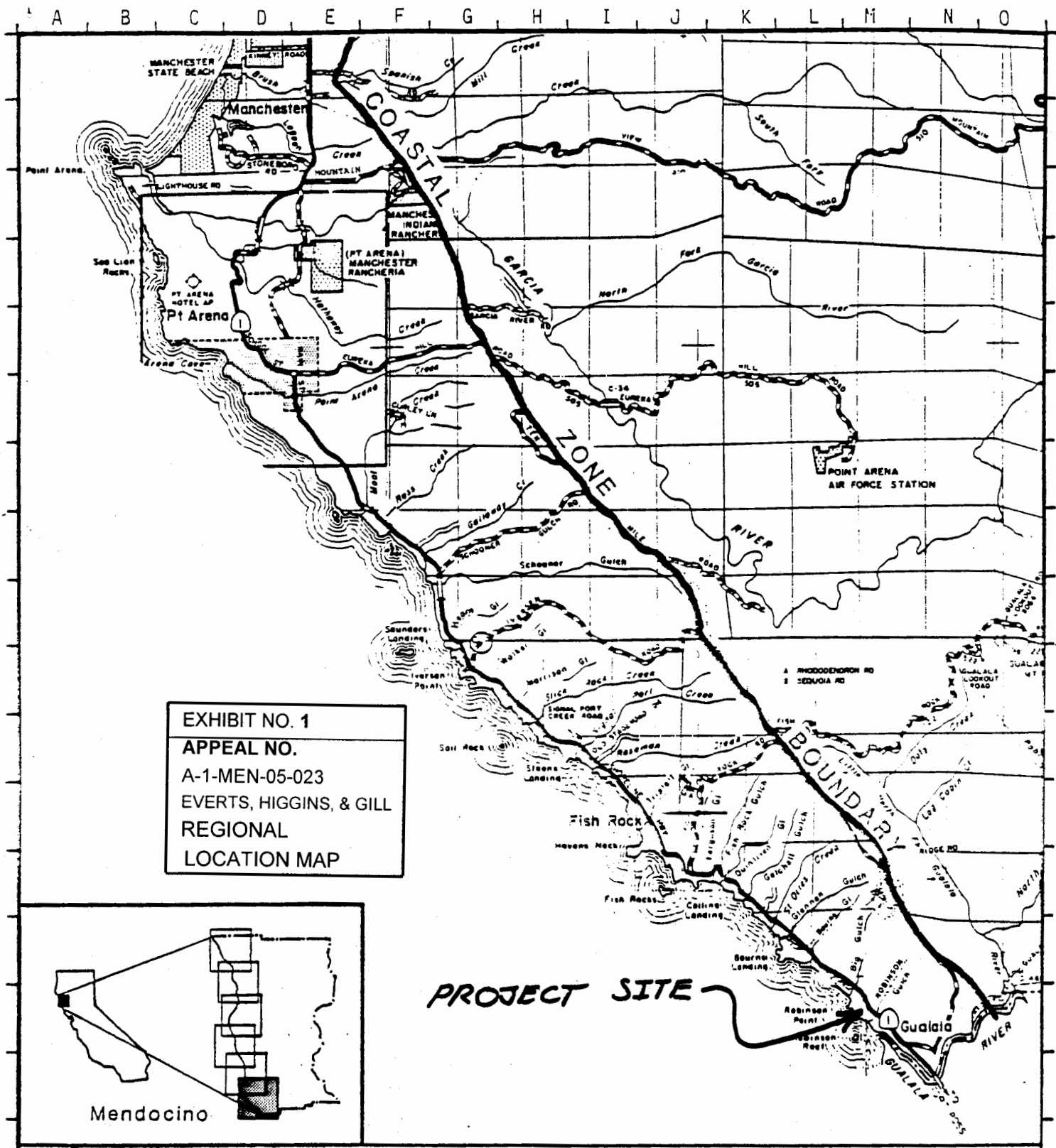
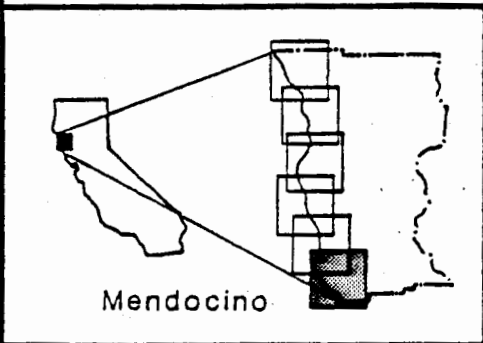
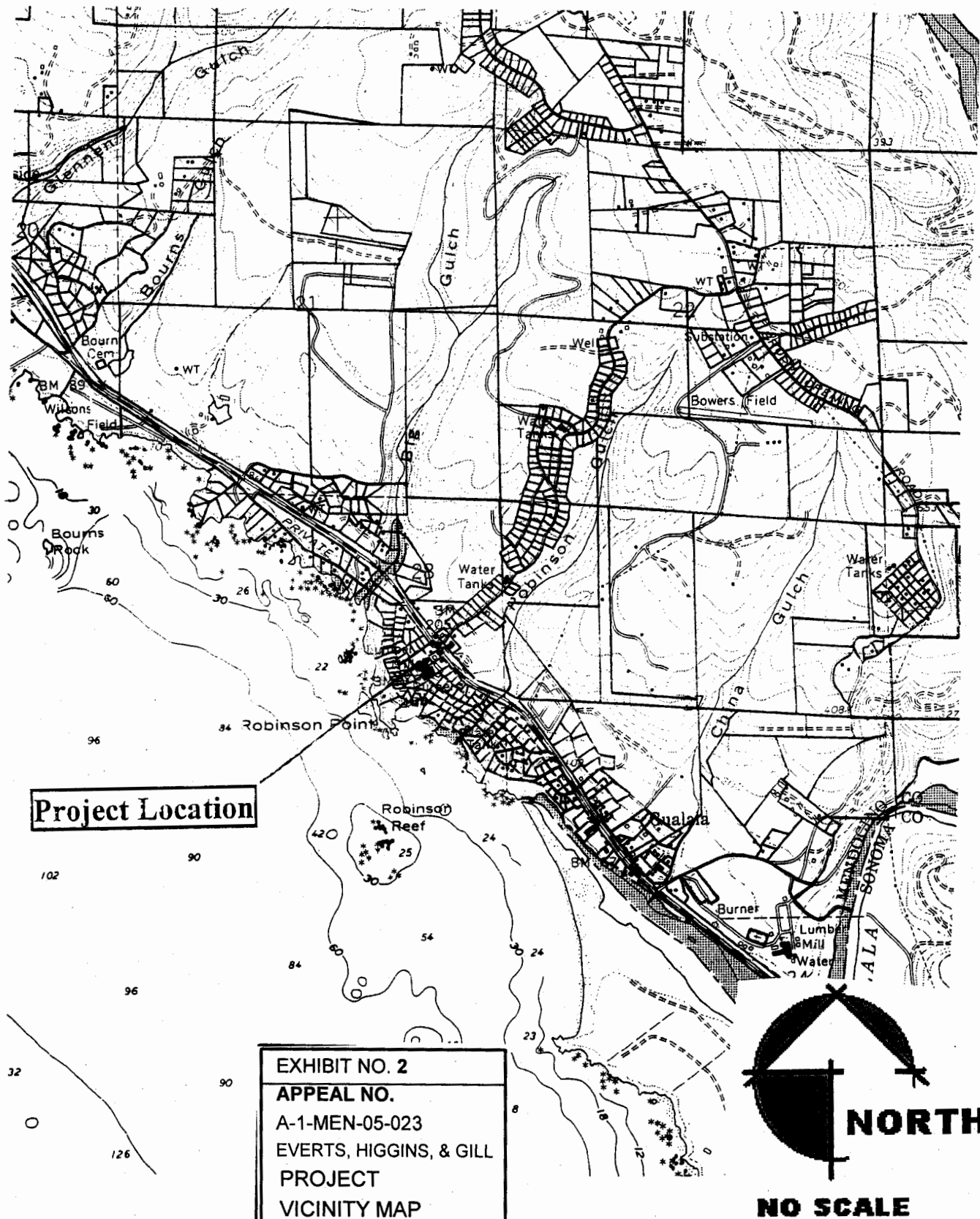


EXHIBIT NO. 1
 APPEAL NO.
 A-1-MEN-05-023
 EVERTS, HIGGINS, & GILL
 REGIONAL
 LOCATION MAP



PROJECT SITE



p.2
415 876 0224
Ted & Nhung
Oct 17 05 12:02p

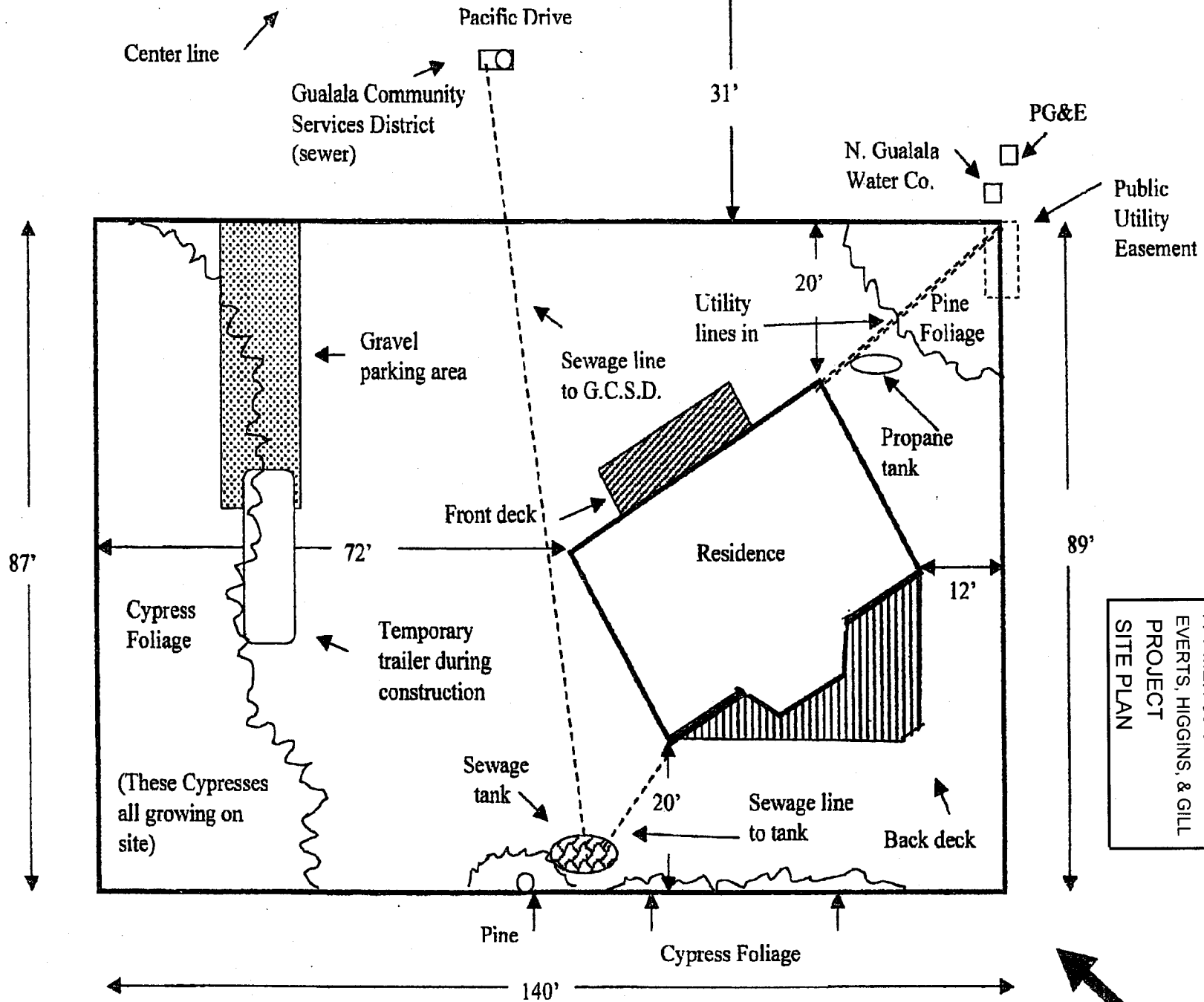
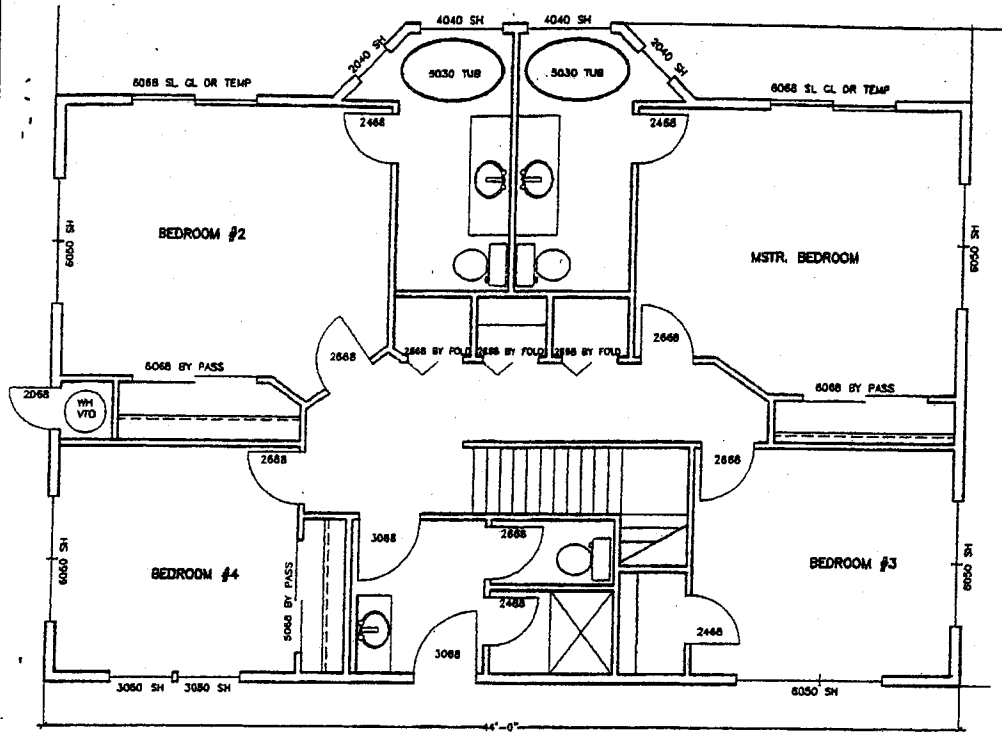


EXHIBIT NO. 3
APPEAL NO.
A-1-MEN-05-023
EVERTS, HIGGINS, & GILL
PROJECT
SITE PLAN

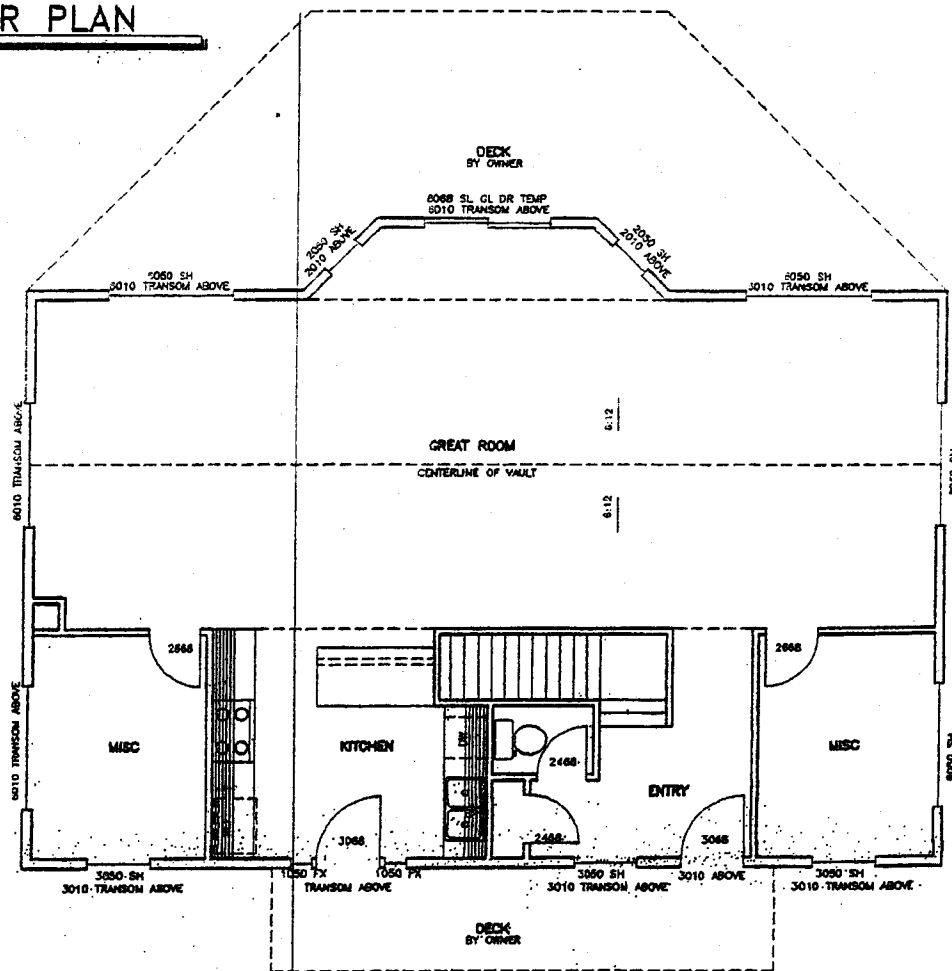
SITE PLAN - 38520 PACIFIC DRIVE

N

CDP 52-04
April 28, 2005



LOWER FLOOR PLAN



UPPER FLOOR PLAN

EXHIBIT NO. 4

APPEAL NO.

A-1-MEN-05-023

**EVERTS, HIGGINS, & GILL
FLOOR PLANS**

EXHIBIT C

FLOOR PLAN



REAR ELEVATION ~ SOUTH



FRONT ELEVATION - NORTH

EXHIBIT NO. 5

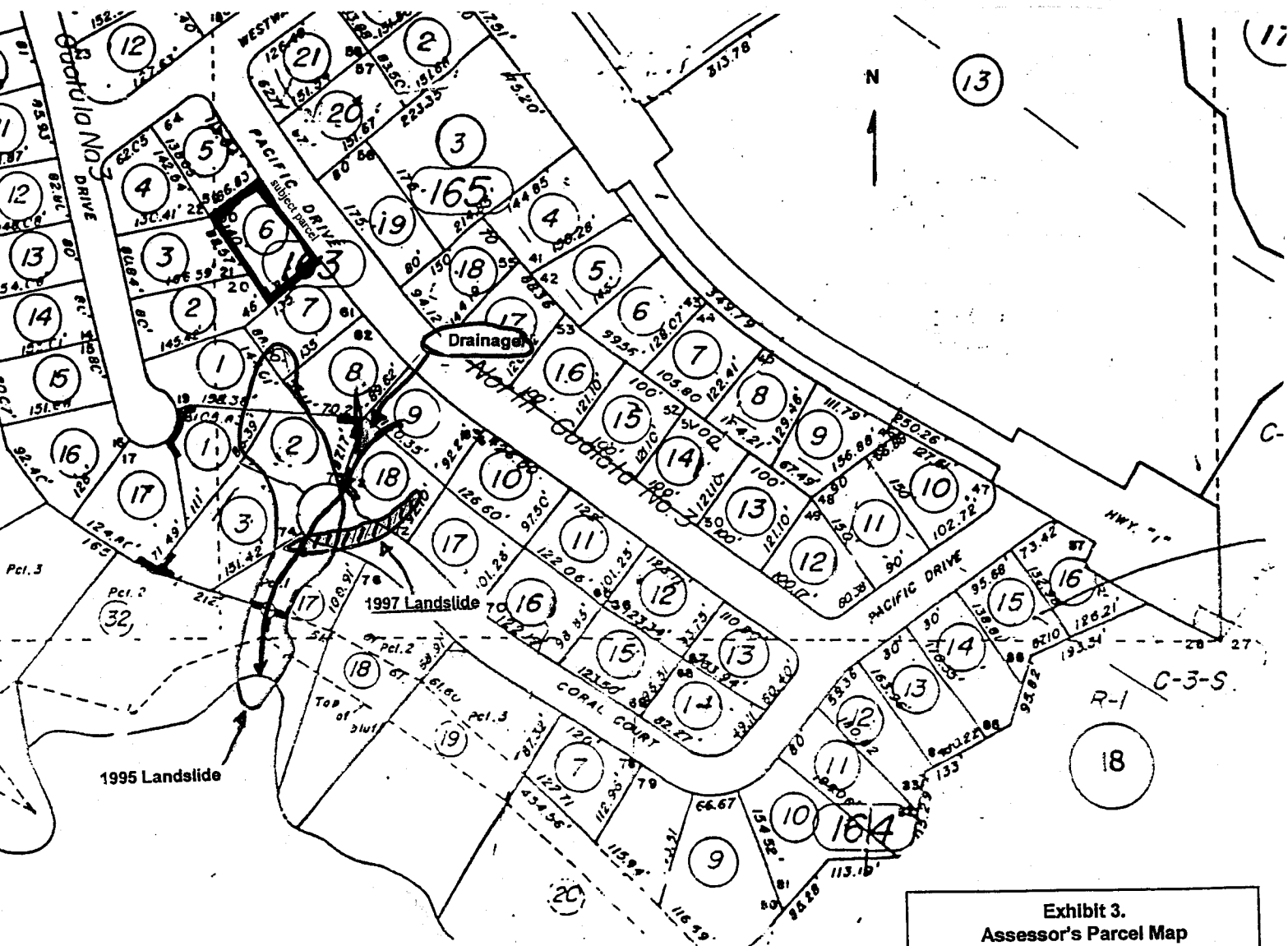
APPEAL NO.

A-1-MEN-05-023

EVERTS, HIGGINS, & GILL
ELEVATIONS

EXHIBIT D

ELEVATIONS



Pacific Ocean

EXHIBIT NO. 6
 APPEAL NO.
 A-1-MEN-05-023
 EVERTS, HIGGINS, & GILL
 AREAS AFFECTED BY
 LANDSLIDES

Exhibit 3.
 Assessor's Parcel Map
 North Gualala Subdivision 3.
 With
 Overlay of 1995 & 1997
 Landslide Areas Affected

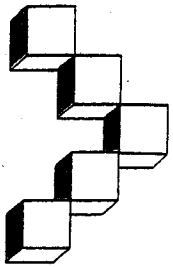
**GEOTECHNICAL ENGINEERING
INVESTIGATION
Proposed Single Family Residence
38520 Pacific Drive
Gualala, California**

Prepared for:

Mr. Charles Higgins
850 Baker Street
San Francisco, California 94115

March 31, 2005
Job No. 04-SR541

EXHIBIT NO. 7
APPEAL NO.
A-1-MEN-05-023
EVERTS, HIGGINS, & GILL
Geotechnical Engineering
Investigation (Page 1 of 34)



Michelucci & Associates, Inc.
Geotechnical Consultants

Daniel S. Caldwell, G.E.

Joseph Michelucci, G.E.

Richard Quarry

March 31, 2005
Job No. 04-SR541

Mr. Charles Higgins
850 Baker Street
San Francisco, California 94115

Re: Geotechnical Engineering Investigation
Proposed Residential Development
38520 Pacific Drive
Gualala, California

Dear Mr. Higgins:

At your request, we have conducted a geotechnical engineering investigation of the site of the proposed single family residential development at 38520 Pacific Drive in Gualala, California. The purpose of our study was to evaluate the soil, rock, and groundwater conditions beneath the site so that geotechnical engineering recommendations could be provided for the proposed development of the property.

This report is based on a site reconnaissance, research, five exploratory borings drilled at the site, and evaluation of samples collected from the borings.

We have enjoyed working with you on the project. Please call us if you have any questions regarding this report.

Very truly yours,
MICHELUCCI & ASSOCIATES, INC.

Daniel S. Caldwell

Daniel S. Caldwell
Geotechnical Engineer #2006
(expires 9/30/05)



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GEOTECHNICAL ENGINEERING INVESTIGATION

**Proposed Single Family Residence
38520 Pacific Drive
Gualala, California**

SCOPE

This report presents the results of a geotechnical engineering investigation of the site of the proposed residential development located at 38520 Pacific Drive in Gualala, California. The purpose of the investigation was to evaluate the subsurface soil, rock, and groundwater conditions so that geotechnical engineering recommendations could be made for the proposed development of the property.

This report includes recommendations for foundation design criteria, site preparation and grading, slab-on-grade construction, pavement design, surface and subsurface drainage, and other aspects of the project that are related to soil and foundation engineering.

DESCRIPTION OF PROJECT

The site of the proposed single family residential development encompasses approximately one quarter acre and is located on the southwesterly side of Pacific Drive just southeast of the intersection of Pacific Drive and Westward Ho in Gualala, California. The property is also known as Lot 6 of the North Gualala Subdivision No. 3. The site is currently undeveloped, and supports a growth of wild grasses and weeds, as well as some trees and shrubs.

The surface topography on the subject property consists of a moderate slope down toward the southwest. The average ground surface inclination in the proposed building area is roughly 3 to 4 horizontal to 1 vertical, or slightly flatter. The upper end of a swale (drainage basin) begins in the upper portion of the building area,

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becoming steeper and more pronounced in a downhill (southwesterly) direction.

Existing residential development borders portions of the west, north, and south sides of the site.

The proposed development of the property is to consist of a two story, woodframe, single family residence, and associated driveway and utility improvements. We understand that the structure will have wood framed floors in the living space areas. Based on our understanding of the current development plan, no grading is anticipated in the proposed building footprint area, and no retaining walls will be required. Some minor grading may be undertaken on the upper, northeastern portion of the lot to develop a driveway and parking area.

As a part of our study, we reviewed a geologic report for the property prepared by Thomas E. Cochrane entitled, "Geologic Report, 38520 Pacific Drive, Gualala, California", and dated August 25, 2002. The referenced geologic report outlines the history of the subject site and surrounding area as a former lumber mill site. Debris fill from the former lumber mill operation was placed in the drainage basin, mostly downslope of the subject site. Some of the old mill debris is located on the subject site, in the mid-portion of the proposed building area. The referenced geologic report also summarizes landslide events that occurred in the nearby area (downslope of the subject site), involving the old mill debris fill, during the mid 1990's. The geologic report also outlines the general geology of the subject lot and surrounding area. The reader is directed to the geologic report for a more detailed description of the site geology.

FIELD INVESTIGATION AND LABORATORY TESTING

A site reconnaissance was undertaken by our geotechnical engineer to evaluate the surface topography and to map the surface soil visible on the site. Research was undertaken to review published geologic and fault data relative to the site, and to review files for other projects our firm has completed in the project area. Subsequent to the

preliminary reconnaissance work, five exploratory borings were drilled at selected locations on the site as part of the current study.

The five exploratory borings were excavated at the approximate locations shown on the site plan sketch, Figure 1. The borings were drilled with manual bucket auger drilling equipment, and were extended to depths ranging from 5 to 11 feet. As the borings were drilled, relatively undisturbed samples of the various soil layers encountered were taken using a 2 inch diameter sampler. The sampler was driven into the ground using a 15 pound weight dropped 18 inches. The resistance to penetration of the sampler is recorded on the logs of borings. The logs of the borings, Figures 2 through 6, are the result of editing of the field logs based on a closer examination of the soil in our laboratory. It should be pointed out that the soil conditions between the exploratory borings had to be estimated by interpolation, and variations of the conditions are certainly possible.

SITE AND SOIL CONDITIONS

The surface topography at the site can be characterized as moderately sloping, with a slope down toward the southwest at an average inclination of roughly 3 or 4 horizontal to 1 vertical, or slightly flatter. The surface of the site supports a growth of annual and perennial wild grasses and weeds, as well as some shrubs and trees.

Based on the five exploratory borings that were drilled at the site, the soil conditions in the proposed building area typically consist of soft to medium stiff mottled brown to red brown clayey silt and sandy silt with debris and organics (old mill fill), having a thickness of zero to as much as nine feet in the borings drilled in the proposed building area. The natural soil beneath the fill, and in areas where no fill exists, consists of medium stiff brown clayey silt to sandy silt topsoil, typically one to two feet thick, grading to medium stiff to stiff brown and red brown clayey silt to sandy silt, which in turn grades to stiff to very stiff orange brown and tan sandy silt to clayey silt (Marine Terrace Deposit).

Groundwater was encountered in some of the borings at the time of drilling. It is anticipated that groundwater levels will vary seasonally, and may be higher than reported during certain times of the year.

For a more detailed description of the soil, rock, and groundwater conditions beneath the site, refer to the boring logs, Figures 2 through 6.

SEISMICITY

1. General

The seismic activity of Mendocino County, as well as the entire North Coast region, is the result of readjustments to opposing forces along various northwest trending strands of the San Andreas Fault System between the North American and Pacific crustal plate boundary. Release of accumulated intercrustal stress is accomplished either through intermittent earthquakes or continuously reduced through aseismic creep along the wide belt of northwest striking faults, collectively known as the San Andreas Fault System.

A. Alquist-Priolo Faults

Nearby faults of the San Andreas Fault System that could potentially produce a hazardous groundshaking event, and that have been addressed by the Alquist-Priolo Special Studies Zone (APSSZ) Act of 1972 include: the San Andreas Fault.

San Andreas Fault:

The San Andreas Fault, which is located approximately 2 miles northeast of the site, has produced a maximum historical earthquake of magnitude 8.25. This fault is considered capable of producing a maximum credible earthquake of 8.5 and has an estimated recurrence interval of 100 to 1000 years (Wesson and others, 1975). The San Andreas Fault is considered responsible for the magnitude 7.1 Loma Prieta earthquake centered 10 miles north of Santa Cruz on October 17, 1989. This fault is not confined to a single trace; it consists of a

wide zone of fault planes and is approximately 750 miles in total length.

2. Primary Seismic Effects

No faults considered active in the Holocene Epoch have been previously mapped at the site. Furthermore, we found no geomorphic evidence suggestive of recent surface rupture during our site visits. Based on these criteria, we believe that there is little probability of fault rupture occurring at the surface of the proposed development.

3. Secondary Seismic Effects

In general, the soil layers beneath the site are either dense enough or contain a sufficient percentage of fine grained (clayey) soil to not be subject to liquefaction.

DISCUSSION AND CONCLUSIONS

In our opinion, the site is suitable for the proposed development. The old mill debris fill and the upper roughly two to three feet of the natural topsoil that mantles the site is soft weak, and may be subject to vertical settlement and lateral creep. Therefore, the existing fill and weak topsoil should not be counted on for foundation support. Foundations will need to be designed to resist loading that may be imposed on them by movement of the fill and weak topsoil layers.

Due to the depth of existing fill/weak topsoil in portions of the proposed building area, and the slopes in and immediately surrounding the building area, in our opinion the most suitable foundation system will be drilled, reinforced, cast-in-place concrete piers with reinforced concrete grade beams spanning across the piers. Tie beams should be used in an upslope/downslope direction, at a maximum spacing of 20 feet on center, to help spread possible soil creep loading between all of the foundation piers.

The natural surface soil at the site generally has low expansion potential. If slab-on-grade floors are to be used in living space areas, the

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subgrade soil should be evaluated during construction for expansion potential. Where expansive soil is present beneath proposed concrete floor slabs, the upper 24 inches of expansive soil should be removed and be replaced with select, nonexpansive soil fill.

Specific recommendations for geotechnical engineering design criteria are given in the following section.

RECOMMENDATIONS

1. General Grading and Site Preparation

All grading and site preparation (if any) should be done under the direct observation of our field representative and in accordance with the attached "Guide Specifications for Engineered Fills". It is the contractor's responsibility to complete the grading in accordance with the job specifications. Our representative will observe the grading and take a random number of tests each day in order to provide an opinion to the owner regarding the conformance of the grading to the specifications. When we feel that the grading does not meet the specifications, the contractor should rework the area to our satisfaction.

All engineered fill (if any) should be placed in thin lifts not exceeding 6 to 8 inches in uncompacted thickness, brought to a moisture content that will permit proper compaction, and each lift should be compacted until a minimum degree of compaction of 90% is achieved, based on ASTM Test Method D1557.

The top 6 inches of soil in pavement areas should be compacted to 95% (ASTM D1557) just prior to placement of the baserock, as discussed below under "Pavements".

Prior to placing fill, any vegetation and debris should be stripped so that the site is clean. We estimate that the typical stripping depth will be approximately 3 inches. The stripped material should not be used as engineered fill, but it may be stockpiled for later use as topsoil in nonstructural areas. We recommend that where existing fill, weak

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natural soil, or cracked, desiccated soil is present in proposed building areas or pavement areas, or any areas to receive new fill, the existing fill or weak soil should be overexcavated prior to placing new fill, or constructing other improvements. After the necessary overexcavation has been completed, the subgrade should be scarified, brought to a moisture content of 3 to 5 percent over optimum, and then it should be compacted to a minimum degree of compaction of 90% (ASTM D1557). Fill can then be placed on the prepared subgrade in lifts not exceeding 6 to 8 inches in uncompacted thickness. Each lift should be brought to a moisture content that will permit proper compaction, and then be compacted to a minimum degree of compaction of 90% (ASTM D1557).

Cut and fill slopes should be constructed no steeper than 3 horizontal to 1 vertical. All fill slopes should be overbuilt by at least two feet and should be trimmed back to expose compacted soil at the finished slope face. This is necessary because it is difficult to achieve proper compaction to the edge of a fill slope due to the lack of confinement.

If fill soil is imported to the site, the import soil should be nonexpansive, select fill having a maximum plasticity index of 12, and meeting all of the requirements for general fill given in the attached "Guide Specifications for Engineered Fill". Any import soil should also be free of organic materials or toxic contamination.

Many of the native soils at the subject site are silty, and will be susceptible to erosion, especially in freshly graded areas. Surface vegetation and other erosion control provisions should be installed on all freshly graded areas prior to the first rains.

2. Building Foundations

We recommend that the proposed residential structure be supported on a drilled, cast-in-place, reinforced concrete pier and grade beam foundation system. The drilled piers should have a minimum diameter of 18 inches and should be designed to gain support for vertical and lateral loads below the fill and upper weak topsoil layer that mantles the site. The top of lateral and vertical support should be assumed to

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begin at a minimum depth of 36 inches below the lowest adjacent finished grade, or below a point where 10 feet of horizontal confinement is achieved. Up to roughly nine feet of weak fill underlies a portion of the building area. Where nine feet of fill is present, vertical or lateral support should be counted only below a depth of nine feet. Resistance to vertical loads can be generated by skin friction acting on that portion of the peripheral area of the pier that extends below the top of supporting soil (36 inches below grade, below 10 feet of horizontal confinement, or beneath any fill and weak topsoil, whichever is deeper). A skin friction value of 600 pounds per square foot can be assumed for design. No end bearing resistance should be used in the design. We recommend that a minimum pier depth of ten feet below the lowest adjacent finished grade should be maintained. The required embedment depth of each pier should be determined based upon the building loads at a given pier location. The required embedment into supporting soil should be shown for each pier location on the plans.

Piers should be designed to resist possible lateral loading due to creep of existing weak fill and topsoil. We recommend that each pier should be designed for a lateral soil creep load of 55 pounds per cubic foot, acting over three times the projected area of the pier, extending from the finished ground surface to a depth of five feet.

We recommend that foundation tie beams should be constructed in an upslope/downslope direction at a maximum spacing of 20 feet. The tie beams should be designed to spread possible soil creep loading equally between all the foundation piers. No isolated interior or exterior foundation elements should be used. Deck pier supports should be tied back and connected together with grade beams to provide resistance to soil creep loading.

Resistance to lateral loads can be generated on that portion of the pier that extends into supporting soil. The passive resistance can be assumed to be an equivalent fluid pressure of 350 pounds per cubic foot. The passive resistance can be applied to 1.5 times the projected area of the pier.

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Reinforced concrete grade beams should be designed to span across the tops of the piers and carry the building loads to the piers, without relying on the soil between piers for support.

Foundations should be designed for seismic loading conditions as set forth in the applicable Uniform Building Code. The appropriate design parameters for use with the 1997 UBC are as follows: Soil Profile Type Sd; Seismic Source Type A; and the closest distance to known seismic source is 3 kilometers.

3. Slab-on-Grade Construction

If concrete slabs-on-grade are to be used for living space areas, or in other applications where movement and cracking is unacceptable, the slab subgrades should be composed of select, nonexpansive soil (maximum plasticity index of 12) to a depth of at least 24 inches. Some of the native soils on the site may qualify as select, nonexpansive fill. Expansive soil swells as its moisture content increases, and this can result in slab heave and cracking. The subgrade of the building pad should be evaluated for expansive soil conditions at the time of construction, and select fill should be placed at the upper 24 inches of the pad, when required.

It is recommended that a moisture retarding treatment be provided beneath interior slab-on-grade floors where moisture would be undesirable. A minimum but commonly used treatment is illustrated on Figure 7. The moisture prevention treatment can make up the upper 6 inches of the select fill layer, where it is required. It should be pointed out that other, more expensive but possibly more effective, methods have been used in some cases, and the architect should make the final decision regarding moisture prevention based on the needs of the project. Our contribution in this matter is only to point out that moisture will be available at the base of slabs from the subgrade soil due to groundwater conditions and capillary rise.

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4. Surface Drainage

It is important that careful attention be given to surface drainage considerations on all aspects of the project. We recommend that all roof rain gutter downspouts be connected to nonperforated pipes that lead to suitable storm drainage facilities. Surface gradients should be designed such that there is always a positive slope away from any buildings and away from pavements.

We have observed on past projects that numerous drainage problems in the form of moisture under buildings and pavement failures have occurred due to the design and construction of landscape and irrigation improvements after the rough grading has been completed. Planting areas that drain toward pavements cause water to collect in the baserock layer, and this directly results in pavement failures, even under light traffic. The same considerations also apply to depressed areas beneath buildings (crawl spaces) and to gravel layers beneath floor slabs. Any low areas on the site should be provided with catch basins that lead by nonperforated pipes to suitable drainage facilities. In general, water should not be allowed to pond at the top of slopes or to flow over the face of slopes.

Details of surface drainage are to be designed by the civil engineer and are beyond the scope of our assignment. The recommendations of this section are intended to provide only general guidelines for drainage control measures.

5. Pavements

The final design of pavement sections should be based on the actual quality of the material exposed in the pavement area subgrades after the grading is completed and should be based on the anticipated traffic for the driveway. Several different types of soil may be exposed in the driveway subgrade, including possible import soil. However, for preliminary planning purposes, we recommend that pavements be designed assuming a subgrade soil R-value of 5.

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Prior to placing the pavement section, the subgrade should be scarified to a minimum depth of 6 inches, brought to a moisture content that will permit proper compaction, and then the upper 6 inches should be compacted to a minimum degree of compaction of 95% (ASTM D1557). It is emphasized that the compaction of the subgrade should be undertaken just before placement of the baserock and pavement so that the construction activities will not cause disturbance which could destroy the compaction of the subgrade.

It should be pointed out that many pavement failures occur on projects because water collects in the baserock layer beneath the pavements. In many cases, this water is generated from adjacent landscape water that percolates in the topsoil layer and then flows laterally under curbs and into the relatively pervious baserock layer. Careful attention should be given to the surface drainage gradients to see that water is directed away from the pavements. In addition, some type of moisture barrier could be constructed at the edges of pavements to inhibit the flow of water to the baserock layer.

Where possible, pavement areas should not be designed with central valley drainage, but rather they should slope to one side or the other. Valleys in the middle of pavement areas tend to result in water collecting in the baserock layer beneath the valley, and this results in pavement failures.

It should also be pointed out that pavements are often subjected to the heaviest loading conditions during the actual project construction, when heavy wheel loads of concrete trucks and other equipment cross the pavement. Therefore, construction scheduling should be considered, and it may be desirable to plan on a pavement overlay after construction of the project has been completed so that the finished pavements will be smooth.

Additional analysis and testing of the pavement section design should be undertaken when details of traffic requirements and subgrade qualities are better defined.

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6. Utility Trench Backfill Construction

If settlement is to be avoided, backfill placed in utility trenches should be compacted to a minimum degree of compaction of 90% (ASTM D1557) from 2 feet above the top of the pipe to the finished grade. In the case that utility trenches are located in paved areas, the upper 6 inches of backfill below the pavement subgrade level should be compacted to a minimum degree of compaction of 95% (ASTM D1557), as recommended in the "Pavements" section above.

Either on-site soil or imported granular fill can be used as trench backfill material. It is noted that if the on-site clayey soil is used for trench backfill, jetting would not be expected to achieve the compaction specification of 90%. We would anticipate that the on-site clayey material would have to be placed in relatively thin lifts and compacted with a whacker or other mechanical compaction device to achieve the specified degree of compaction.

As mentioned, imported granular fill material could also be used to backfill utility trench excavations. Granular fill material would be easier to compact in small excavations. If granular material is used, the fill should be placed in layers and compacted to a minimum degree of compaction of 90%. It is possible that jetting of granular backfill, such as sand, in the utility trenches would achieve the recommended degree of compaction. Many times, utility contractors choose to place granular fill in one lift, and then jet the backfill to achieve the specified degree of compaction. In this case, test pits would have to be excavated at various levels within the backfill, at some reasonable spacing along the trench line, so that field density tests could be taken in the backfill to sample the degree of compaction that is being achieved.

Preparation of the bedding layer of the utility pipes and the placement of shading and cover over the pipe should be undertaken according to the standard specifications of the various utility districts and plumbing manufacturers that would have jurisdiction over the various utilities.

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7. Construction Considerations and Review of Plans

It is recommended that the foundation and grading plans for the proposed development be submitted to our office for review. The purpose of this review would be to determine that the intent of our recommendations has been understood and is reflected on the drawings. At that time, any specific details of the project that may not have been covered by the recommendations given in this report should be brought to our attention so that appropriate supplemental recommendations can be made.

It is also recommended that the foundation pier excavations be examined by our representative prior to the placement of steel and concrete. This would enable us to verify our assumptions regarding the soil/rock conditions and to see that the foundations are extending to the minimum recommended depth into suitable supporting material.

As mentioned, all grading work (if any) should be performed under our direct observation. Material that is to be used as select fill should be subjected to appropriate testing and approved by our representative before the material is imported to the site.

It should be anticipated that some of the soil at the site may be too wet to compact, particularly during the winter months. Therefore, some spreading and aeration of the soil may be required before proper compaction can be achieved. Conversely, some of the soil may have to be moisture conditioned by adding water prior to compaction.

LIMITATIONS

The conclusions and opinions in this report are based on the exploratory borings that were made on the site, spaced as shown on the site plan, Figure 1. While in our opinion these borings adequately disclose the soil conditions across the site, the possibility exists that anomalies or changes in the soil conditions which were not discovered by this investigation could occur between the borings. Should such items be discovered during construction, our office should be notified

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immediately so that any necessary supplemental recommendations can be made.

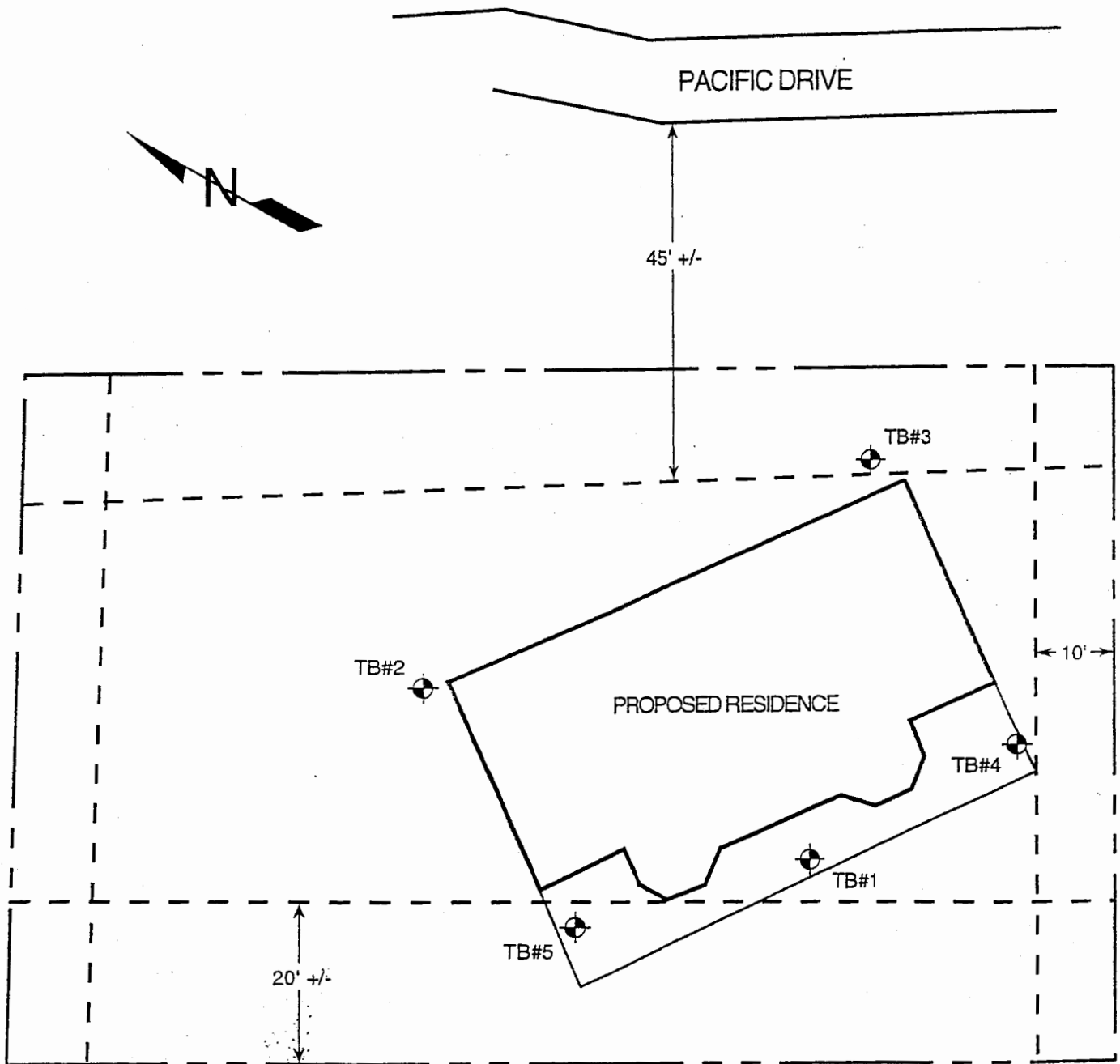
This study was not intended to disclose the locations of any existing utilities, septic tanks, leaching fields, or other buried structures. The contractor or other people working on the project should locate these items, if any.

This study was not intended to delineate the presence of toxic contamination in the soil and groundwater at the site. No environmental testing of the soil and groundwater was undertaken in the present scope of work. In order to determine if toxic contamination exists in the soil and groundwater at the site, much more detailed environmental testing and investigation would be required.

This report was prepared to provide engineering opinions and recommendations only. It should not be construed to be any type of guarantee or insurance.

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Site Plan Sketch
38520 Pacific Drive
Gualala, California



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Approximate boring location
Approximate scale: 1" = 20'

PROJECT

38520 Pacific Drive, Gualala

BORING NO. 1

BORING SUPERVISOR

DC

TYPE OF BORING

3.25 inch diameter manual bucket auger

DATE OF BORING

1/21/05

HAMMER WEIGHT 15 pounds, 18 inch drop

SURFACE ELEVATION Not measured

GROUNDWATER
DEPTH

2.5'

1/21/05

(4 hrs after drilling)

DESCRIPTION OF
MATERIALS

DEPTH IN FT.

SAMPLE

SAMPLE NUMBER-
SAMPLE DIAMETERDRIVING RESISTANCE
BLOWS PER FT.

DRY DENSITY P.C.F.

MOISTURE CONTENT
%UNCONFINED
COMPRESSIVE
STRENGTH P.S.F.OTHER
TESTSSoft mottled brown and red brown clayey silt
with organics (Fill)

2

Medium stiff red brown clayey silt (Fill)

1) 2"

12/6"

Stiff red brown to tan clayey silt to sandy
silt (Fill)

4

Medium stiff mottled red brown and tan clayey
silt with organics (Fill)

6

2) 2"

15/6"

Stiff mottled red brown and tan clayey
silt with organics (Fill)

8

Very stiff red brown sandy silt
(weathered Terrace Deposit)

10

3) 2"

59/6"

Bottom of boring at 11 feet

12

14

16

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Job No. 04-SR541



Michelucci & Associates, Inc.

Figure 2

PROJECT

38520 Pacific Drive, Gualala

BORING NO. 2

BORING SUPERVISOR

DC

TYPE OF BORING

3.25 inch diameter manual bucket auger

DATE OF BORING

1/21/05

HAMMER WEIGHT

15 pounds, 18 inch drop

SURFACE ELEVATION

Not measured

GROUNDWATER
DEPTH

Dry

ATD

DESCRIPTION OF
MATERIALS

DEPTH IN FT.

SAMPLE

SAMPLE NUMBER-
SAMPLE DIAMETERDRIVING RESISTANCE
BLOWS PER FT.

DRY DENSITY P.C.F.

MOISTURE CONTENT
%UNCONFINED
COMPRESSIVE
STRENGTH P.S.F.OTHER
TESTSMedium stiff dark brown clayey silt to
sandy silt (Native)

1

1) 2"

21/6"

Stiff red brown clayey silt to sandy silt

2

3

2) 2"

36/6"

Very stiff orange brown sandy silt to
clayey silt (weathered Terrace Deposit)

4

5

6

Bottom of boring at 6 feet

7

8

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Job No. 04-SR541



Michelucci & Associates, Inc.

Figure 3

PROJECT

38520 Pacific Drive, Gualala

BORING NO. 3¹

BORING SUPERVISOR

DC

TYPE OF BORING

3.25 inch diameter manual bucket auger

DATE OF BORING

1/21/05

HAMMER WEIGHT 15 pounds, 18 inch drop

SURFACE ELEVATION Not measured

GROUNDWATER
DEPTH

Dry

ATD

DESCRIPTION OF
MATERIALS

DEPTH IN FT.

SAMPLE

SAMPLE NUMBER-
SAMPLE DIAMETERDRIVING RESISTANCE
BLOWS PER FT.

DRY DENSITY P.C.F.

MOISTURE CONTENT
%UNCONFINED
COMPRESSIVE
STRENGTH P.S.F.OTHER
TESTSMedium stiff red brown rocky, clayey silt
with small debris and organics (Fill)

1

2

Medium stiff dark brown clayey silt
(Native)

3

Stiff red brown clayey silt to sandy silt
(weathered Terrace Deposit)

4

5

Bottom of boring at 5 feet

6

7

8

20 of 34

Job No. 04-SR541



Michelucci & Associates, Inc.

Figure 4

PROJECT

38520 Pacific Drive, Gualala

BORING NO. 4

BORING SUPERVISOR		DC		TYPE OF BORING					DATE OF BORING		
HAMMER WEIGHT		15 pounds, 18 inch drop		3.25 inch diameter manual bucket auger					1/21/05		
SURFACE ELEVATION		Not measured		DEPTH IN FT.	SAMPLE	SAMPLE NUMBER- SAMPLE DIAMETER	DRIVING RESISTANCE BLOWS PER FT.	DRY DENSITY P.C.F.	MOISTURE CONTENT %	UNCONFINED COMPRESSIVE STRENGTH P.S.F.	OTHER TESTS
GROUNDWATER	4.0'	ATD									
DEPTH											
DESCRIPTION OF MATERIALS											
Medium stiff dark brown clayey silt with rock fragments (Native)				1							
Stiff red brown clayey silt				2							
				3							
Medium dense saturated tan to yellow brown silty sand				4							
				5							
Stiff red brown clayey silt (weathered Terrace Deposit)				6							
				7							
Bottom of boring at 7 feet				8							

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GUIDE SPECIFICATIONS FOR ENGINEERED FILL

Page 1 - Job. No. 04-SR541

A. GENERAL

1. Definition of Terms

FILL...is all soil or soil/rock materials placed to raise the grade of the site or to backfill excavations.

ON-SITE MATERIAL...is that which is obtained from the required excavations on the site.

IMPORT MATERIAL...is that hauled in from off-site areas.

SELECT MATERIAL...is a soil material meeting the requirements set forth in "C(2)" below.

ENGINEERED FILL...is a fill upon which the Soil Engineer has made sufficient test and observations to enable him to issue a written statement that in his opinion the fill has been placed and compacted in accordance with the specification requirements.

AASHTO SPECIFICATIONS...are the Standard Specifications of the American Association of State Highway Officials latest revision.

ASTM SPECIFICATIONS...are the Annual Book of ASTM Standards (Part 19), American Society for Testing and Materials, latest revision.

MAXIMUM LABORATORY DENSITY...is the maximum density for a given fill material that can be produced in the laboratory by the Standard procedure ASTM D1557, "Moisture-Density Relations of Soils Using a 10-Pound (4.5 kg) Hammer and an 18-inch (457 mm) Drop" (AASHTO Test T-180, "Moisture-Density Relations of Soils Using 10-Pound Hammer and an 18-Inch Drop").

OPTIMUM MOISTURE CONTENT...is the moisture content at which the maximum laboratory density is achieved using the standard compaction procedure ASTM Test Designation D1557 (AASHTO Test -180).

DEGREE OF COMPACTION...is the ratio, expressed as a percentage, of the dry density of the fill material as compacted in the field to the maximum dry density for the same material.

GUIDE SPECIFICATIONS

FOR ENGINEERED FILL

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2. Responsibility of the Soil Engineer

The Soil Engineer shall be the Owner's representative to observe the grading operations, both during preparation of the site and compaction of any engineered fill. He shall make enough visits to the site to familiarize himself generally with the progress and quality of the work. He shall make a sufficient number of field observations and tests to enable him to form an opinion regarding the adequacy of the site preparation, the acceptability of the fill material, and the extent to which the degree of compaction meets the specification requirements. Any fill where the site preparation, type of material, or compaction is not approved by the Soil Engineer shall be removed and/or recompacted until the requirements are satisfied.

3. Soil Conditions

A soil investigation has been performed for the site by Michelucci & Associates and a report has been issued by them dated March 31, 2005 covering that investigation. The contractor shall familiarize himself with the soil conditions on the site, whether covered in that report or not, and shall thoroughly understand all recommendations associated with the grading.

B. SITE PREPARATION

1. Stripping

Prior to any cutting or filling, the site shall be stripped to a sufficient depth to remove all grass, weeds, roots, and other vegetation, including trees and their root systems. The minimum stripping depth shall be 3 inches. The site shall be stripped to such greater depth as the Soil Engineer in the field may consider necessary to remove materials that, in his opinion, are unsatisfactory. The stripped material shall either be removed from the site or stockpiled for reuse later as topsoil, but none of this stripped material may be used for engineered fill.

When trees are removed, the soils loosened by the roots shall be overexcavated at least to the bottom of the disturbed zone and to the width of the equipment. These excavations should be backfilled with engineered fill.

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**GUIDE SPECIFICATIONS
FOR ENGINEERED FILL**

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2. Preparation for Filling

After stripping, the weak soils in areas to be filled or in building footprint areas plus 5 feet beyond building lines shall be overexcavated to the minimum depth called for on the plans or that is required by the Soil Engineer in the field. The overexcavated soils that are clean and free from organic material can be used later as general engineered fill.

After stripping the surface vegetation and overexcavating the weak soils to the required depths, the exposed surface shall be scarified to a minimum depth of 6 inches, watered or aerated as necessary to bring the soil to a moisture content that will permit compaction, and recompacted to the requirements of engineered fill as specified in "D" below. Prior to placing fill, the Contractor shall obtain the Soil Engineer's approval of the site preparation in the area to be filled. The requirements of this section may be omitted only when approved in writing by the Soil Engineer.

C. MATERIAL USED FOR FILL

1. Requirements for General Engineered Fill

All fill material must be approved by the Soil Engineer. The material shall be a soil or soil/rock mixture that is free of organic matter or other deleterious substances. The fill material shall not contain rocks or lumps over 6 inches in greatest dimension, and not more than 15% by dry weight shall be larger than 2 1/2 inches in greatest dimension. The soils from the site, except the surface strippings, shall be suitable for use as fill.

2. Requirements for Select Fill Material Beneath Floor Slabs

In addition to the requirements of "C(1)" above, select material, when called for on the plans and for use under floor slabs or in buttress fills, must conform to the following minimum requirements:

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**GUIDE SPECIFICATIONS
FOR ENGINEERED FILL**

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Maximum Plasticity Index

12

3. Environmental Certification for Imported Fill

All imported fill materials, to be used as a select material or otherwise, shall be free from hazardous contaminants and other refuse. The contractor shall provide to the owner proper certification and other documentation as required by the owner to verify that the imported material is not contaminated with hazardous substances. The acceptable levels of any contaminants discovered in the soil shall be determined by the owner.

D. PLACING AND COMPACTING FILL MATERIAL

All fill material shall be compacted as specified below or by other methods, if approved by the Soil Engineer, so as to produce a minimum degree of compaction of 90%. Fill material shall be spread in uniform lifts not exceeding 8 inches in uncompacted thickness.

Before compaction begins, the fill shall be brought to a water content that will permit proper compaction by either aerating the material if it is too wet or spraying the material with water if it is too dry. Each lift shall be thoroughly mixed before compaction to ensure a uniform distribution of water content. Where natural clayey soils are used within 3 feet of the finished ground surface, they shall be placed and compacted at a moisture content that is 1% to 3% above optimum.

E. EXCAVATION

All excavations shall be carefully made true to the grades and elevations shown on the plans. The excavated surfaces shall be properly graded to provide good drainage during construction and to prevent ponding of water.

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**GUIDE SPECIFICATIONS
FOR ENGINEERED FILL**

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F. SUBGRADE PREPARATION UNDER FLOOR SLABS

The floor slab area shall be overexcavated to a sufficient depth to accommodate a 12-inch thickness of select fill, when called for by the soil engineer. After overexcavating, the exposed surface shall be scarified, mixed with water, if necessary, and compacted to a degree of compaction of 90% at a moisture content 1% to 3% above optimum. The select engineered fill shall be placed immediately to prevent drying up of the subgrade. The select fill shall be placed and compacted as in "D" above.

G. TREATMENT AFTER COMPLETION OF GRADING

After grading is completed and the Soil Engineer has finished his observation of the work, no further excavation or filling shall be done except with the approval of and under the observation of the Soil Engineer. It shall be the responsibility of the Grading Contractor to prevent erosion of freshly graded areas during construction and until such time as permanent drainage and erosion control measures have been installed.

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GUIDE SPECIFICATIONS FOR SUBSURFACE DRAINS

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A. DESCRIPTION

Subsurface drains are pipes installed beneath the ground surface and which collect and convey subsurface drainage water. Unless otherwise directed by the Soil Engineer in the field, the conduit shall be placed in a trench, and the trench shall be backfilled with pervious material. The conduit and pervious material shall meet the requirements for the materials given in these specifications. The materials for the subsurface drain and the size of the trench shall be as shown on the plans or as determined by the Soil Engineer in the field.

B. MATERIALS

1. Subdrain Pipe

Subdrain pipe shall be manufactured in accordance with the following requirements:

a. Perforated corrugated metal pipe shall conform to the specifications of AASHTO Designation M36. Corrugated steel sheet used in the fabrication of the pipe shall have a protective coating of zinc (galvanizing), aluminum, or aluminum-zinc alloy conforming to ASTM Designation A760.

b. Acrylonitrile-butadiene-styrene (ABS) plastic pipe shall conform to the specifications for ABS plastic pipe given in ASTM Designation D2282 and ASTM Designation D2751. ABS pipe shall have a minimum pipe stiffness of 45 psi at 5% deflection when measured in accordance with ASTM Method D2412.

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**GUIDE SPECIFICATIONS
FOR SUBSURFACE DRAINS**

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c. Polyvinyl chloride (PVC) pipe shall conform to ASSHTO Designation M278. PVC pipe shall have a minimum pipe stiffness of 50 psi at 5% deflection when measured in accordance with ASTM Method D2412. Schedule 40 PVC pipe shall be suitable.

2. Pervious Backfill Material

Pervious materials for use in backfilling trenches shall conform to the requirements of Paragraph "C1" of these specifications. Pervious material conforming to the requirements of Paragraph "C2" may be used, provided that the backfill is wrapped in a suitable geotextile ("filter fabric") meeting the requirements given in Section "D".

C. BACKFILL MATERIAL

1. Filter Material

Filter material for use in backfilling trenches around and over subdrain pipes and behind retaining walls shall consist of clean coarse sand and gravel or crushed stone conforming to the following requirements:

<u>Sieve Size</u>	<u>% Passing Sieve</u>
2"	100
3/4"	70 to 100
3/8"	40 to 100
# 4	25 to 50
# 8	15 to 45

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**GUIDE SPECIFICATIONS
FOR SUBSURFACE DRAINS**

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#30	0 to 40
#50	0 to 20
#200	0 to 3

Class 2 "permeable material" conforming to the State of California Department of Transportation Standard Specifications, latest edition, Section 68-1.025 shall be suitable.

2. Gravel

Gravel for use in pervious blankets and in backfilling trenches or wrapped in filter fabric meeting the requirements of Section D of these specifications shall consist of clean fresh stone conforming to the following grading requirements:

<u>Sieve Size</u>	<u>% Passing Sieve</u>
1"	100
1/2"	50 to 100
#4	40 to 100
#8	0 to 40
#30	0 to 40
#50	0 to 5
#200	0 to 3

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**GUIDE SPECIFICATIONS
FOR SUBSURFACE DRAINS**

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Class 1 "permeable material" conforming to the State of California Department of Transportation Standard Specifications Section 68-1.025 shall be suitable.

D. GEOTEXTILE

Geotextiles for use in subdrains or as directed by the Soil Engineer shall be of nonwoven, needlepunch construction and consist of long chain polymeric fibers composed of polypropylene, polyethylene, or polyamide. The fibers shall be oriented into a multidirectional, stable network. The geotextile shall conform to the physical property requirements listed below:

<u>Physical Property</u>	<u>Test Method</u>	<u>Acceptable Typical Test Results</u>
Tensile Strength, wet, lbs	ASTM D1682	90 (minimum)
Elongation, wet, %	ASTM D1682	40 (minimum)
Coefficient of Water Permeability, cm/sec	Constant Head	0.10 (minimum)
Pore Size--EOS, U.S. Standard Sieve	Corps of Engineers CW-02215	40 (maximum)

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**GUIDE SPECIFICATIONS
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E. LAYING AND PLACEMENT

The drain pipe and filter material shall be placed as shown on the plans or as determined by the Soil Engineer in the field. Unless otherwise directed by the Soil Engineer, perforated pipe shall be laid with the perforations at the bottom. Corrugated metal pipe sections shall be joined with couplers.

Subsurface drains shall be placed to the depths, lines, and grades shown on the plans and as directed by the Soil Engineer in the field. Subsurface drains shall discharge to a suitable outlet as defined in the field by the Soil Engineer or as shown on the plans.

After excavating the subsurface drain trench but before placing the drain pipe, a minimum of 4 inches of filter material shall be placed on the trench bottom. The filter material shall be rounded to conform to the curvature of the pipe so that the pipe is carefully bedded. The trench shall then be backfilled to the top of the pipe, and the backfill tamped or hand wedged into place to provide firm support at the sides of the pipe. In general, the installation shall follow the guidelines of ASTM Designation D2774, except that compaction of the filter material in the trench shall not be required.

The contractor shall, at his expense, replace pipes damaged during the installation or subsurface drains not placed at the lines and grades called for on the plans or as determined by the Soil Engineer in the field.

The geotextile shall be placed in the manner and at the locations shown on the plans. The surface to receive the fabric and/or the trench into which the fabric is to be placed shall be prepared to a smooth condition free of obstructions and debris.

The geotextile shall be covered with a permeable material within two weeks of its placement. Should the fabric be damaged

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**GUIDE SPECIFICATIONS
FOR SUBSURFACE DRAINS**

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during construction, the torn or punctured section shall be repaired by placing a piece of fabric that is large enough to cover the damaged area and to meet the overlap requirement. Adjacent borders of the geotextile shall be overlapped a minimum of 12 inches or sewn. The preceding roll shall overlap the following roll in the direction the material is being placed.

F. CLEANOUTS

At the direction of the Soil Engineer, cleanouts shall be provided at the ends of pipes and at junctions and connections of pipelines. Junction angles should be no steeper than 45 degrees where cleanout pipes connect to the subdrain pipes. Cleanouts should be provided with lockable caps.



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

June 6, 2005

Ms. Paula Deeter
Department of Planning & Building Services
790 S. Franklin St.
Ft. Bragg, CA 95437

RE: CDP #52-04, Everts, Higgins, and Gill

Dear Ms. Deeter,

At the regularly scheduled Gualala Municipal Advisory Council meeting June 2, 2005, the Council heard concerns regarding permitted project, CDP #52-04. The Council unanimously (7-0) agreed the concerns raised by the neighbors are important and should be included in any information provided to the California Coastal Commission. We understood that the California Coastal Commission is hearing the project at the present time.

Neighbors Susan Dawes, Sloan McDonald, and Julie Verran raised the primary concerns. These citizens expressed concern for the following potential impacts arising from the proposed development:

1. Potential impacts to a public view corridor
2. Inadequate parking on site for the scope and scale of the home.
3. Disruption of continuance of the California Coastal Trail
4. Geological disruptions from improper or unevaluated drainage

We certainly appreciate your consideration of the above-mentioned concerns. And, we would appreciate the county forwarding them to the California Coastal Commissions. We regret the Council was not provided an opportunity to review the project when it was undergoing initial review. Under the conditions set forth (projects that are commercial, in highly scenic areas, boundary line adjustments, and neighborhoods of special concern), the Council should have received the project as it is within the Robinson Reef neighborhood, designated a neighborhood of special concern.

Please let us know if you have any questions or concerns. And, thank you for your assistance.

Sincerely,

Britt Bailey
Britt Bailey
Council Member

RECEIVED

JUN 07 2005

CALIFORNIA
COASTAL COMMISSION

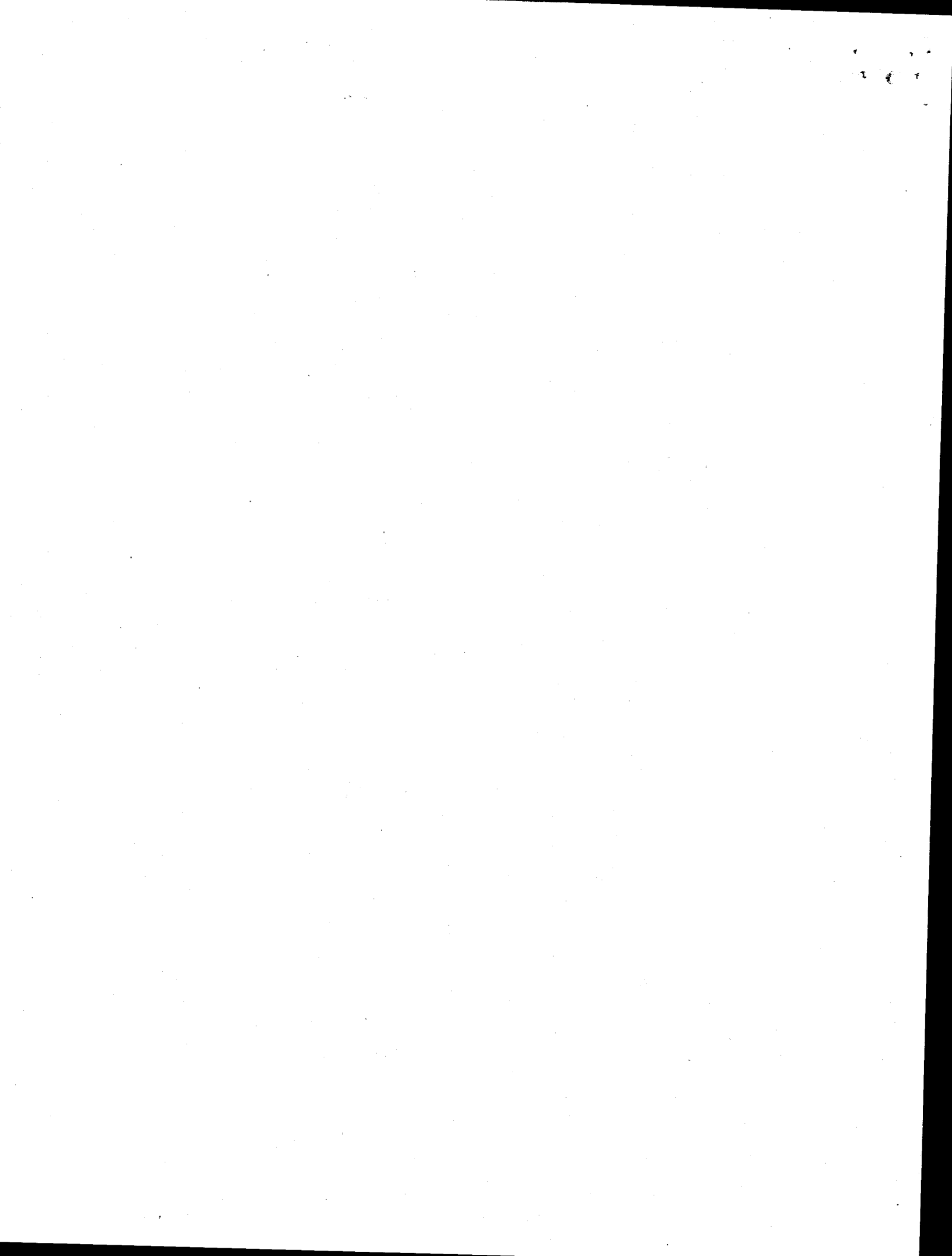
EXHIBIT NO. 8

APPEAL NO.

A-1-MEN-05-023

EVERTS, HIGGINS, & GILL

CORRESPONDENCE





COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

790 SOUTH FRANKLIN • FORT BRAGG • CALIFORNIA • 95437

RAYMOND HALL, DIRECTOR

Telephone 707-964-5379

FAX 707-961-2427

pbs@co.mendocino.ca.us

www.co.mendocino.ca.us/planning

May 9, 2005

NOTICE OF FINAL ACTION

RECEIVED

MAY 11 2005

CALIFORNIA

COASTAL COMMISSION

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

CASE#: CDP #52-04

OWNER: Frederick Everts, Charles Higgins, Leela Gill

REQUEST: Construct a 2,517 square foot single-family residence with a maximum height of 27 feet from average finished grade, connect to existing utilities (sewer, water and power).
Install a propane tank. Temporary occupancy of a travel trailer during construction.

LOCATION: In the Coastal Zone, on the west side of Pacific Drive (CR# 530), approximately 113 feet south of its intersection with Westward Ho (CR # 529), at 38520 Pacific Drive, APN 145-163-06.

PROJECT COORDINATOR: Paula Deeter

HEARING DATE: April 28, 2005

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-05-023

EVERTS, HIGGINS, & GILL

NOTICE OF FINAL LOCAL

ACTION (Page 1 of 14)

COASTAL PERMIT ADMINISTRATOR ACTION SHEET

CASE#: CDP #52-04 HEARING DATE: 4/28/05

OWNER: Everts, Higgins, Gille

ENVIRONMENTAL CONSIDERATIONS:

P Categorically Exempt

 Negative Declaration

 EIR

FINDINGS:

P Per staff report

 Modifications and/or additions

ACTION:

P Approved

 Denied

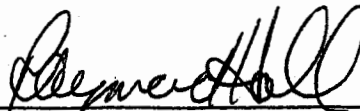
 Continued

CONDITIONS:

 Per staff report

X Modifications and/or additions

Conditions in Staff
Report + special conditions dated 4/28
as contained in memo from P. Dector as
modified


Signed: Coastal Permit Administrator

INTEROFFICE MEMORANDUM

TO: CDP FILE 52-04
FROM: PAULA DEETER, PROJECT COORDINATOR
SUBJECT: ADDENDUMS/CLARIFICATIONS
DATE: 4/28/2005

Paula Deeter

As per the Coastal Permit Administrator's request, Planning and Building Division^{has} researched the requirements for drainage issues in an area previously prone to landslides. The following comments are included in order to add a special condition:

CDP

of the Building Division

Special Condition # 4: Prior to the issuance of the ~~building permit~~, the applicant shall submit, for the review and approval of the Coastal Permit Administrator, a drainage report prepared by a licensed civil engineer that specifically details surface drainage improvements required to assure that the project does not increase erosion on or off the parcel. The most critical part of the report shall identify the stabilization of the "old mill site" fill debris on the subject parcel. The approved drainage report shall become part of the building permit application.



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

790 SOUTH FRANKLIN • FORT BRAGG • CALIFORNIA • 95437

notice everts et al 52-04 DIRECTOR

Telephone 707-964-5379

FAX 707-961-2427

pbs@co.mendocino.ca.us

www.co.mendocino.ca.us/planning

RECEIVED

APR 18 2005

April 15, 2005

CALIFORNIA
COASTAL COMMISSION

**PUBLIC NOTICE OF PENDING ACTION
STANDARD COASTAL DEVELOPMENT PERMIT**

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held Thursday, April 28, 2005 in the Planning and Building Services Conference Room, 790 South Franklin Street, Fort Bragg, at 10:00 a.m. or as soon thereafter as the item may be heard, will hear the below described project that is located in the Coastal Zone.

CASE #: CDP #52-04

DATE FILED: 6/30/04

OWNER: Frederick Everts, Charles Higgins, Leela Gill

REQUEST: Construct a 2,517 square foot single-family residence with a maximum height of 27 feet from average finished grade, connect to existing utilities (sewer, water and power). Install a propane tank. Temporary occupancy of a travel trailer during construction.

LOCATION: In the Coastal Zone, on the west side of Pacific Drive (CR# 530), approximately 113 feet south of its intersection with Westward Ho (CR # 529), at 38520 Pacific Drive, APN 145-163-06.

PROJECT COORDINATOR: Paula Deeter

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

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

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

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

Raymond Hall, Coastal Permit Administrator

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STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 52-04
April 28, 2005
CPA-1

OWNER: Frederick Everts, Charles Higgins & Leela Gill
6917 California Street
San Francisco, CA 94121

REQUEST: Construct a 2,517 square foot single-family residence with a maximum height of 27 feet from average finished grade, connect to existing utilities (sewer, water and power). Install a propane tank. Temporary occupancy of a travel trailer during construction.

LOCATION: In the Coastal Zone, on the west side of Pacific Drive (CR# 530), approximately 113 feet south of its intersection with Westward Ho (CR# 529), at 38520 Pacific Drive, APN 145-163-06.

APPEALABLE AREA: Yes, west of the first public road

PERMIT TYPE: Standard

TOTAL ACREAGE: 12,460 square feet

ZONING: Suburban Residential (SR)

GENERAL PLAN: RR:5 [Suburban Residential]

EXISTING USES: Vacant

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically exempt, Class 3

OTHER RELATED APPLICATIONS: Preliminary approval #85-46 (no permit secured); # F-87671 single family residence (permit issued in 1985 and subsequently cancelled by the owner in 1988; no work was done)

PROJECT DESCRIPTION: The applicant proposes to construct a 2,517 square foot single-family residence with a maximum height of 27 feet from average finished grade and connect to existing utilities (sewer, water and power) that are located on site. Installation of a propane tank is included in this request. Temporary occupancy of a travel trailer during the construction of the residence is included as well.

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

Land Use

The proposed single-family dwelling and the placement of a temporary travel trailer are compatible with the Suburban Residential zoning district and are designated as principal permitted uses. Section

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20.460.010 (E) of the Mendocino County Coastal Zoning Code allows for the temporary use of a travel trailer for certain purposes. Section 20.460.035(C) notes:

Occupancy while constructing a dwelling. The installation, use and occupancy of a trailer coach as a temporary dwelling by the owner of a lot or contiguous lot on which a dwelling is under construction or for which a building permit has been issued. Such administrative permit may be issued for the period required to complete construction of the facility, but not to exceed two years unless renewed.

Special Condition #1 is recommended to ensure compliance with the above noted Code.

During the construction period, the travel trailer shall be connected to a waste line, which shall connect to Gualala Community Services District for sewage disposal. Special Condition #2 is recommended to reflect this.

The proposed development complies with the maximum building height requirements of the Suburban Residential zoning district, which is 35 feet. The structure would not exceed 27 feet from average finished grade. Setbacks would be met, as the requirement of 20 feet for the front and rear yards and 6 feet for the side yards is recognized. Front and rear setbacks are proposed at 20 feet each, and side yard setbacks are 60 and 25 feet, respectively.

Corridor preservation setbacks also are exceeded, as Pacific Drive requires a 25-foot setback from the centerline of the road, as a local road. It is 54 feet to the centerline of Pacific Drive from the closest portion of the residence and over 35 feet to the proposed propane tank

Public Access

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

Hazards

The project site is less than one acre in size and is exempt from CDF's fire safety regulations. Fire safety issues are addressed as part of the building permit process.

The proposed development would be located on slopes which are less than 20% and the development does not present any issues relative to erosion and/or slope failure.

There are no known faults, landslides or other geologic hazards in close proximity to the proposed development.

Visual Resources

The project site is not located within a designated "highly scenic area" and is not visible from any public viewing location.

Policy 3.5-1 of the County of Mendocino Coastal Element applies to all development within the Coastal Zone. It states:

The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed

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

The project complies with the exterior lighting regulations of Section 20.504.035 of the Zoning Code as the applicant has submitted lighting details that indicate downcast and shielded exterior lighting.

Natural Resources

There are no known rare or endangered plant or animal species located on or in close proximity to the project site.

There are no environmentally sensitive habitat areas located within 100' of the proposed development.

Archaeological/Cultural Resources

The project site is not located in an area where archaeological and/or cultural resources are likely to occur. The applicant is advised by Standard Condition #8 of the County's "discovery clause" which establishes procedures to follow should archaeological materials be unearthed during project construction.

Groundwater Resources

The site is located in an area mapped as "Critical Water Resources".

The proposed development would be served by an existing community water system and a community wastewater treatment system, and would not adversely affect groundwater resources.

A response to a referral sent to the Division of Environmental Health states:

Comments concerning waste system for this CDP should be solicited from GCSD.

A letter dated April 8, 2003 from Gualala Community Services District notes the availability of service to the subject parcel once the fees are paid and all permits are acquired.

Transportation/Circulation

The Department of Transportation requires that the applicant obtain an encroachment permit. A new encroachment would be constructed on to Pacific Drive to serve the proposed development.

Special Condition #3 is recommended to ensure compliance with the Department of Transportation's requirements.

The project would contribute incrementally to traffic on local and regional roadways. The cumulative effects of traffic due to development on this site were considered when the Coastal Element land use designations were assigned. No adverse impacts would occur.

Zoning Requirements

The project, as conditioned, complies with all of the 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.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

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. The permit is subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which such permit was granted have been violated.
 - c. The use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or is a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more 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 feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

SPECIAL CONDITIONS:

1. The temporary occupancy of an existing trailer coach while constructing a new residence is subject to the following conditions of approval:
 - (a) The term of this permit is valid for the period required to complete construction of the dwelling, but shall not exceed two years unless renewed. The permit shall be effective on the effective date of CDP 52-04 and shall expire on April 28, 2007.
 - (b) All utility connections to the existing trailer coach shall be disconnected and the trailer shall be removed prior to the final building inspection of the new single family residence, or occupancy of the new dwelling, whichever occurs first.

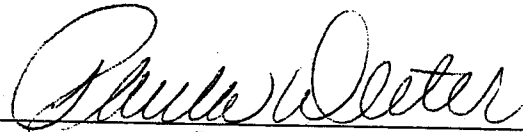
9 of 14

2. Prior to the commencement of construction activities for the residence, the applicant shall obtain all necessary water, sewer, and electrical permits for the connection of the temporary trailer.
3. Prior to commencement of construction activities for the residence, the 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, the applicant shall complete, to the satisfaction of the Department of Transportation, a standard private driveway approach onto Pacific Drive (CR# 530), to a minimum width of ten feet, area to be improved fifteen feet from the edge of the County road, to be surfaced with surfacing comparable to that on the County road.

Staff Report Prepared By:

4-5-05

Date

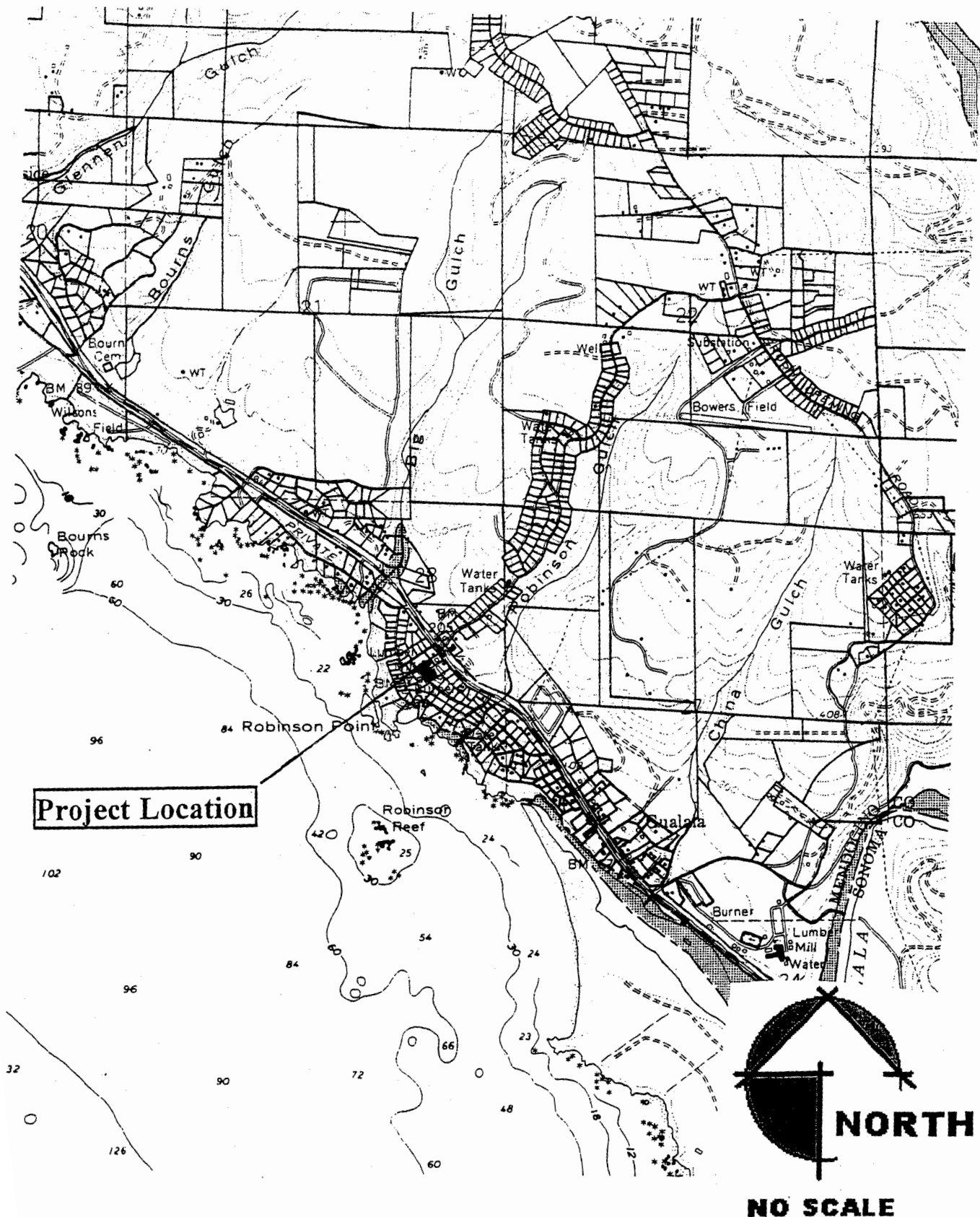


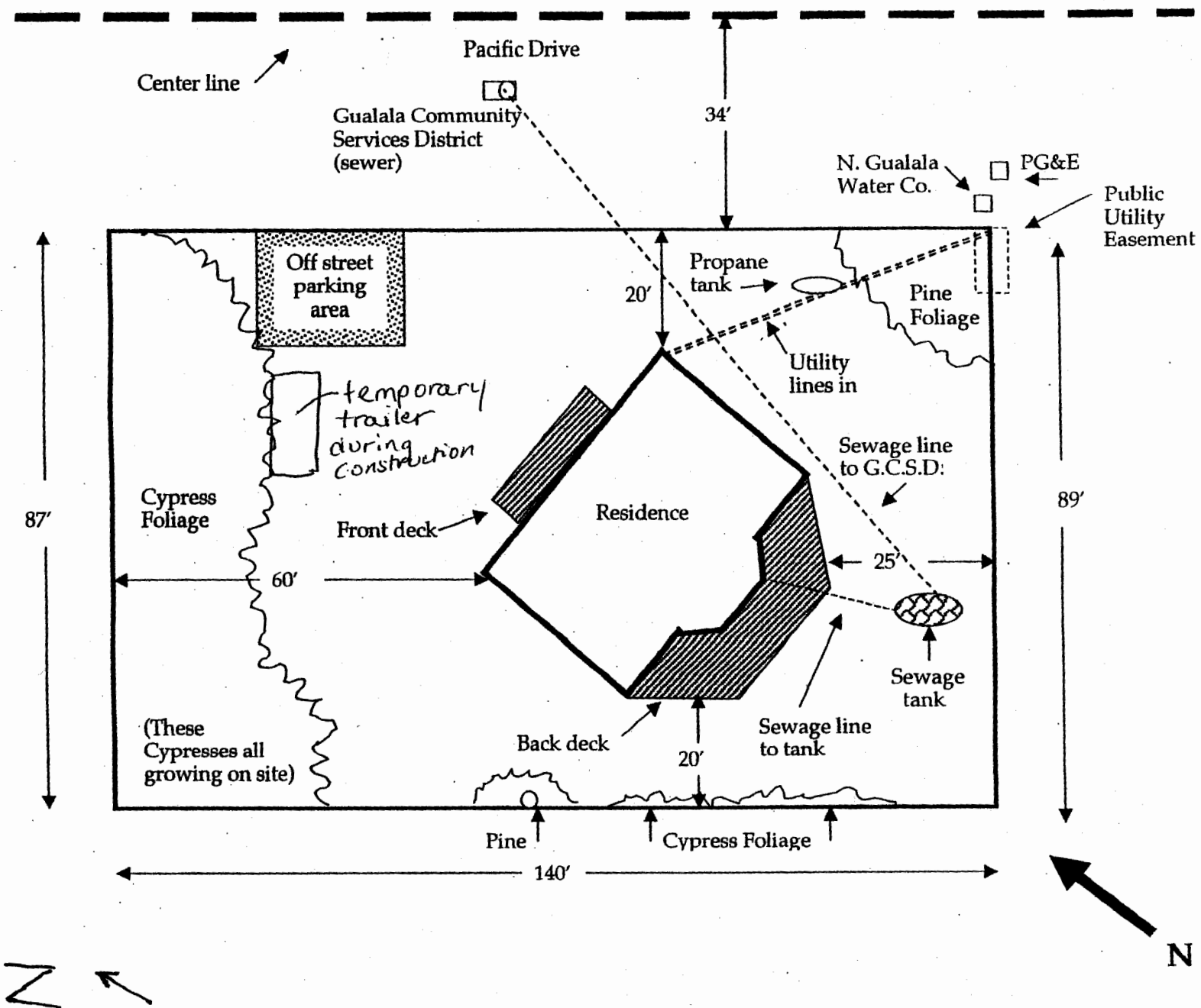
Paula Deeter
Planning Technician II

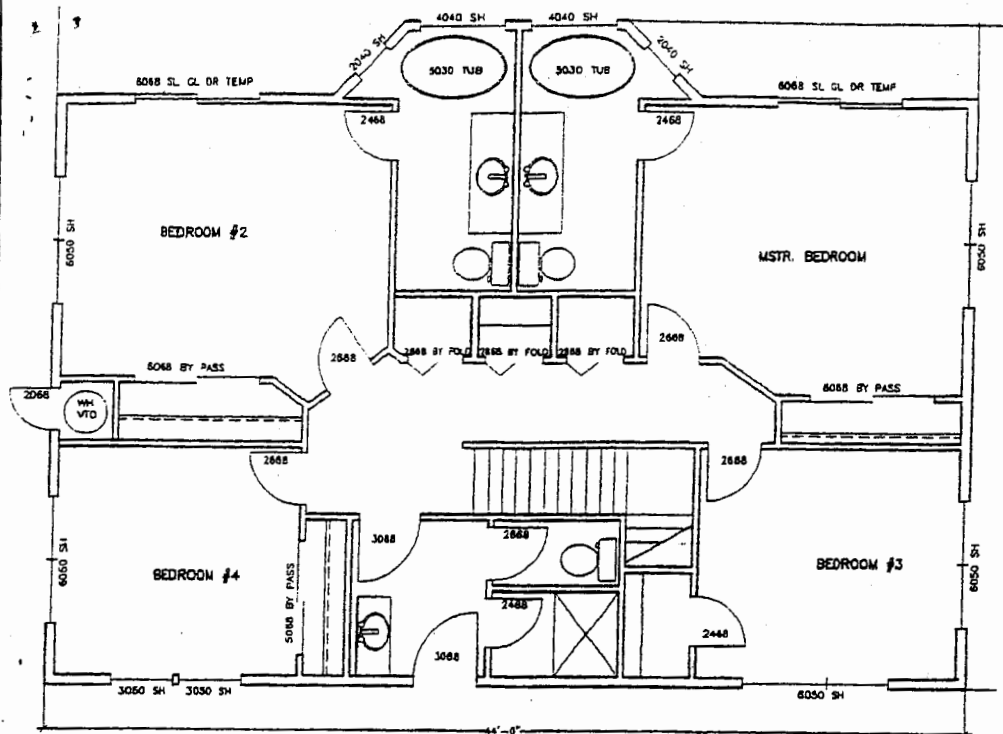
Attachments: Exhibit A: Location Map
Exhibit B: Site Plan
Exhibit C: Floor Plan
Exhibit D: Elevations

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.

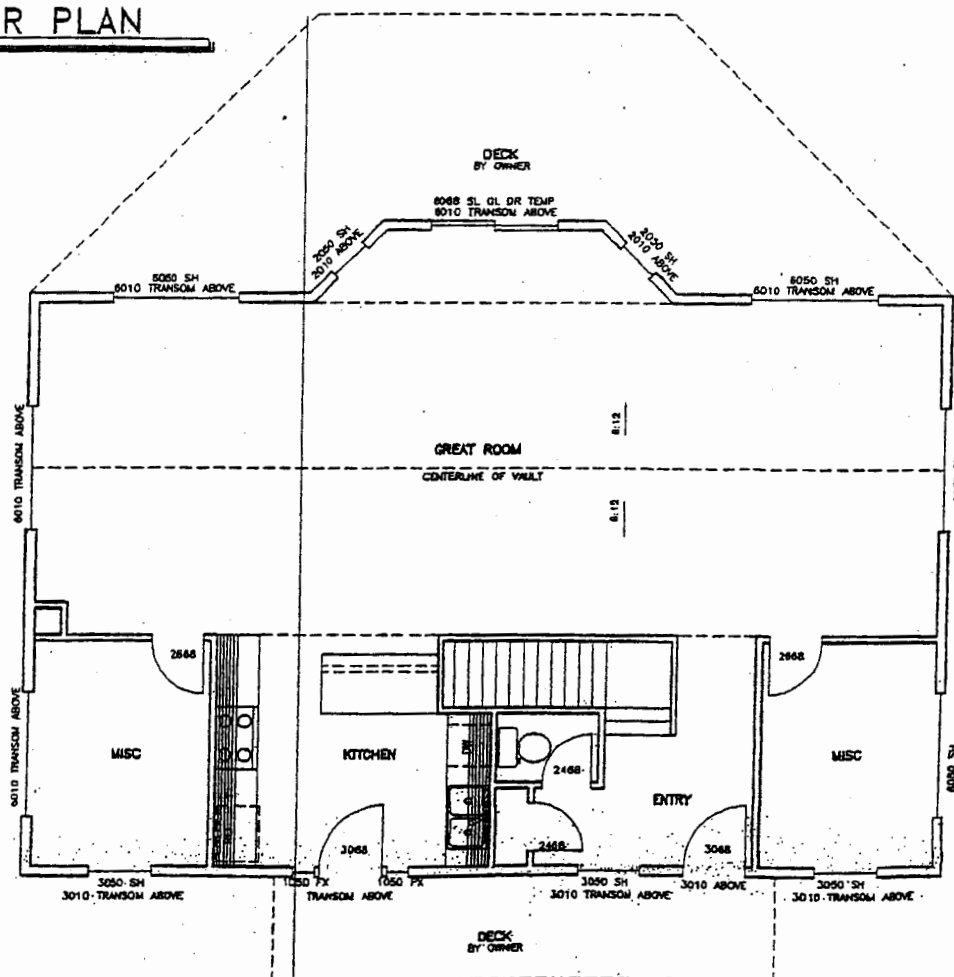
Appeal Fee: \$715 (For an appeal to the Mendocino County Board of Supervisors.)



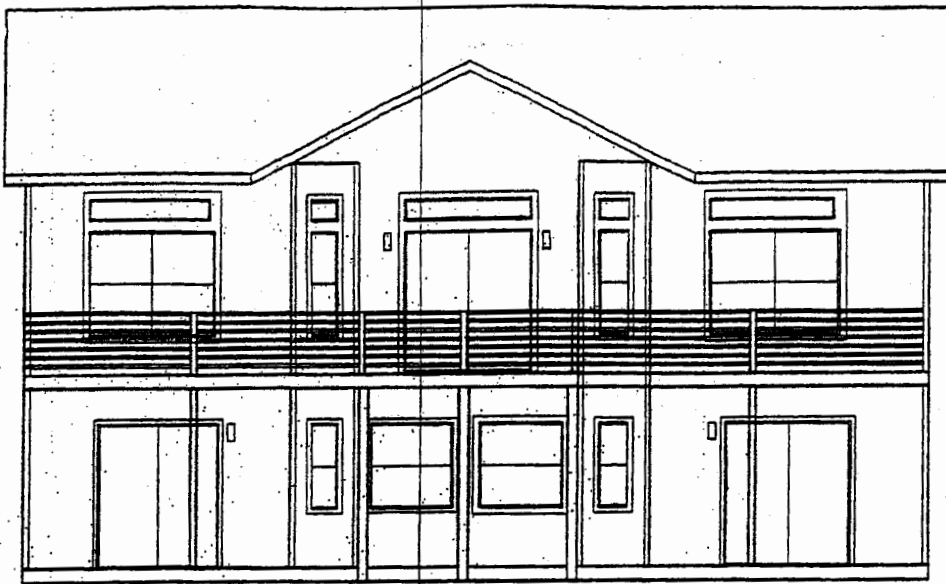




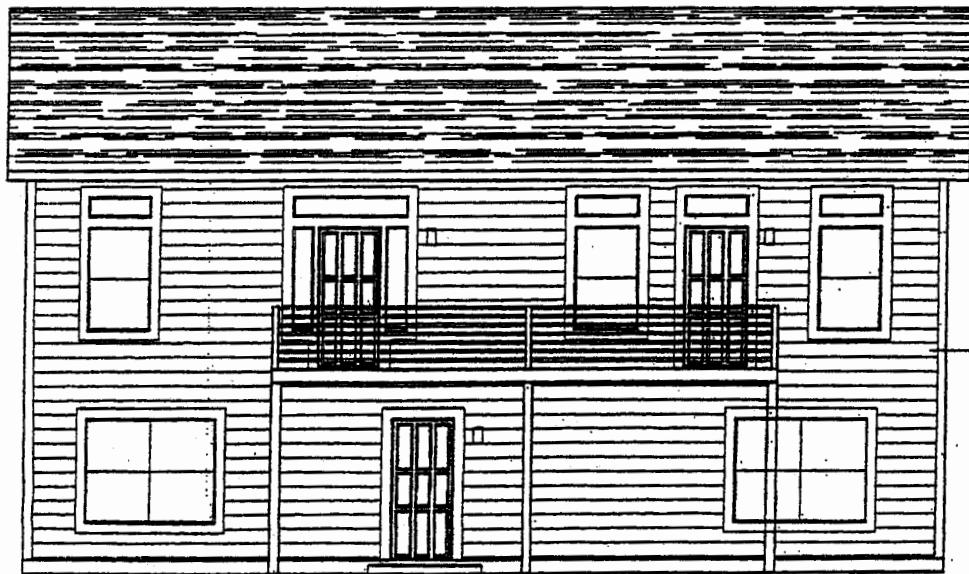
LOWER FLOOR PLAN



UPPER FLOOR PLAN



REAR ELEVATION ~ SOUTH



FRONT ELEVATION - NORTH

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CA COASTAL COMMISSION

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STATE OF CALIFORNIA - THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

710 E STREET, SUITE 200

EUREKA, CA 95501

VOICE (707) 445-7833 FAX (707) 445-7877

ARNOLD SCHWARZENEGGER, Governor



RECEIVED

MAY 24 2005

CALIFORNIA
COASTAL COMMISSION

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: SUSAN C. DAWES

Mailing Address: P.O. BOX 1047

City: GUALALA CA. Zip Code: 95445 Phone: 707-884-4708

SECTION II. Decision Being Appealed

1. Name of local/port government:

MENDOCINO PLANNING DEPT.

2. Brief description of development being appealed:

SINGLE FAMILY DWELLING ON APPROX 1/3 ACRE
SUBDIVISION LOT DWELLING 2517 #

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

38520 PACIFIC DR. GUALALA
AP 145-163-06

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

☐ Approval; no special conditions☒ Approval with special conditions: ADDITIONAL SOILS, DRAINAGE REPORT☐ Denial

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

DATE FILED:

EXHIBIT NO. 10

APPEAL NO.

A-1-MEN-05-023

EVERTS, HIGGINS, & GILL

APPEAL

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CA COASTAL COMMISSIO

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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:

APRIL 28, 2005

7. Local government's file number (if any):

CDP 52-04**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:

EVERTS, HIGGINS, GILL
6917 CALIFORNIA ST
SAN FRANCISCO, CA 94121

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) JULIE VERRAN
P.O. BOX 1200
GUALALA, CA.
95445-1200

(2) HENRIK LIISBERG
P.O. BOX 726
GUALALA, CA.
95445-0726

(3) SLOANE McDONALD
c/o LIISBERG
P.O. BOX 726
GUALALA, CA 95445-0726

(4) ROBERT GANT
c/o GUALALA HOTEL
GUALALA, CA 95445

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CA COASTAL COMMISSIO

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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 APPLICANTS PROPOSE A LARGE 4 BDRM 3+ BATH HOME ON APPROX 1/3 AC. DEVELOPERS LOT. THE ABOVE IS TO BE USED BY THREE UN-RELATED PRINCIPALS AND THEIR FAMILIES. MY REASON FOR APPEAL IS NO SATISFACTORY OR APPROPRIATE SPACE FOR CARS + SUV'S GENERATED BY ABOVE AND GUESTS. THEIR PLAN DRAWING INDICATES CARS TO PARK FRONTING THE PUBLIC ROADWAY (ATTACHED) THE SUBDIVISION, AS BUILT, SETS NO SUCH PRECEDENT FOR A CAR LOT IN THE RESIDENTIAL SETBACK SPACE.

I REFER YOU TO CHAPTER 20.472 OF THE LOCAL COASTAL PLAN ORDINANCE (ATTACHED) REGARDING VEHICLES AND PROPERTY SETBACK.

THE ABOVE PROPOSED DWELLING IS ON A PUBLIC COUNTY STREET BETWEEN HWY I AND THE OCEAN.

Respectfully,

SUSAN C. DAWES

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CA COASTAL COMMISSIO

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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.

Susan Dawes
Signature of Appellant(s) or Authorized Agent

Date: 5-24-05

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

Section VI. Agent Authorization

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

Signature of Appellant(s)

Date: _____

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PBS FORT BRAGG

PAGE 01/02

20.472.005

CHAPTER 20.472**OFF-STREET PARKING****Sec. 20.472.005 Declaration.**

The purpose of this Chapter is to require off-street parking spaces for all land uses in sufficient numbers to accommodate vehicles which will be congregated at a given location to minimize on-street parking, increase traffic and pedestrian safety and promote the general welfare. (Ord. No. 3785 (part), adopted 1991)

Sec. 20.472.010 General.

(A) Accessible off-street parking areas shall be provided and maintained as set forth in this Chapter to provide minimum parking and maneuvering room for motor vehicles and for pedestrian safety based on the anticipated occupancy of a given building, structure or area of land or water. Where there is a combination of principal uses in any one facility, the sum of the parking requirements of these uses shall be provided unless otherwise indicated. If the calculation of parking needs results in the requirement for a fraction of a parking space, such a parking space need not be provided unless the fraction equals or exceeds fifty (50) percent. This Division shall not be construed to prohibit the installation and maintenance of more parking spaces than the minimums required.

(B) At the time of initial occupancy of a site or of construction of a structure or of a major alteration or enlargement of site or structure, there shall be provided off-street parking facilities for automobiles in accordance with the regulations prescribed in this Chapter. For the purposes of this Chapter the term "major alteration or enlargement" shall mean a change of use or an addition which would increase the number of parking spaces required by more than ten (10) percent of the total number required.

(C) In any SR, RV, or RR Residential District, no motor vehicle over three-quarter (¾) ton, boat, or recreational vehicle shall be stored or parked in any front yard setback nor any side or rear yard

setback facing a street for a continuous period exceeding seventy-two (72) hours.

(D) For any use not specified in the following sections, the same number of parking spaces shall be provided as required for the most similar specified use, as determined by the Coastal Permit Administrator.

(E) Where there is a question of primary use of any given site the use requiring the most parking spaces shall be used.

(F) The required parking spaces shall be on-site except that a variance may be granted pursuant to Chapter 20.540 from the parking requirements of this Division in order that some or all of the required parking spaces be located off-site, including locations in other local jurisdictions, or that in-lieu fees or facilities be provided instead of the required parking spaces, if all of the following conditions are met:

(1) The variance will be an incentive to, and a benefit for, the non-residential development.

(2) The variance will facilitate access to the non-residential development by patrons of public transit facilities, particularly guideway facilities.

(3) The variance shall not impact existing or proposed traffic patterns or parking conditions on residential or other adjacent property use types.

(G) Where an unnecessary hardship results and is inconsistent with the general purpose of this section due to the strict application of certain provisions herein, a variance may be granted by the Coastal Permit Administrator consistent with the provisions of Chapter 20.540.

(H) One of the required parking spaces for any parcel may be located in the front or side yard setback area.

(I) Parking areas shall, at a minimum, be surfaced with gravel; however, the approving authority may require a hard surface such as road oil mix, or other surfacing of a more durable type such as a bituminous plant mix, asphaltic concrete or concrete as a condition of the Coastal Development Permit.

(J) All required parking spaces shall be at least nine (9) by twenty (20) feet, unless otherwise pro-

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CDP 52-04
April 28, 2005

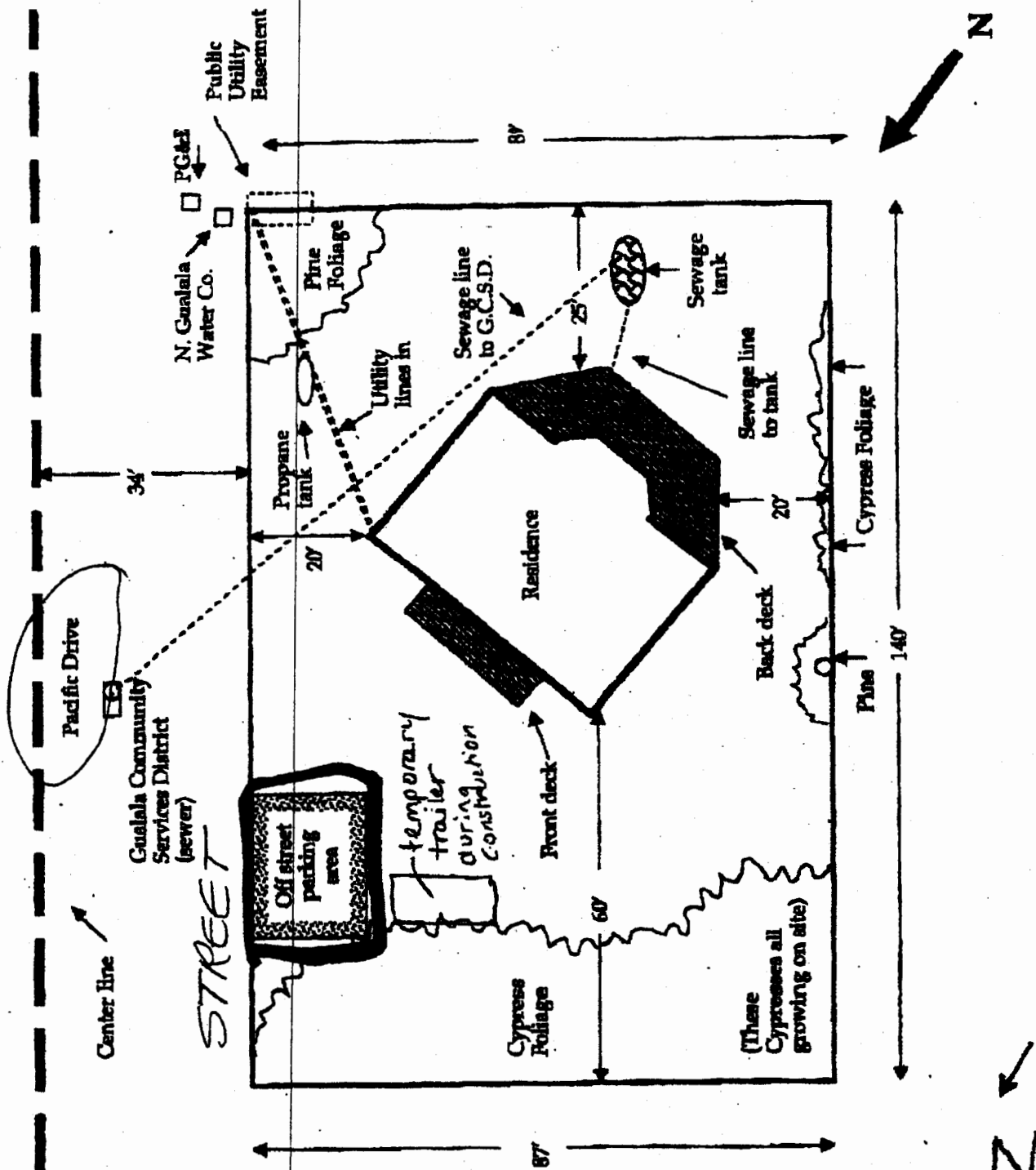


EXHIBIT B

SITE PLAN

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