

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
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May 16, 2024

AMENDMENT TO COASTAL DEVELOPMENT PERMITCoastal Development Permit Amendment No. **1-83-270-A**Permit Number **1-83-270** issued to Bower Limited Partnership for:

Construction of a 120-foot-long wooden retaining wall, west of an existing market adjacent to the bluff edge and Gualala River.

at: **39250 Highway One Gualala (Mendocino County) (APN(s): 145-261-05)**

has been amended to include the following change(s):

Amend the permit to allow for (1) replacement of a 70-foot-long wooden retaining wall with an approximately 105-foot-long "Geoweb" retaining wall extending across the subject property with an approximately 30-foot-long concrete block end wall at the southern end of the retaining wall, (2) installation of 118 linear feet of 12-inch storm drain with a storm drain manhole, and (3) replacement of an existing underground septic tank.

This amendment will become effective upon return of a signed copy of this form to the Commission office. Please note that the original permit conditions unaffected by this amendment are still in effect.

Sincerely,

Kate Huckelbridge, PhD
Executive Director

A handwritten signature in black ink, appearing to read "TG", written over a white background.

Tamara L. Gedik
District Supervisor

cc: Commissioners/File

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ACKNOWLEDGMENT

I have read and understand the above permit and agree to be bound by the conditions as amended of Coastal Development Permit 1-83-270-A.

Date: _____ Signature _____

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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
3. **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.
4. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. The permittee shall maintain the retaining wall authorized by CDP Amendment No. 1-83-270-A for the life of the development on site.
2. The approval is only for the work as submitted with this application and on file at the district office. The work shall be confined to Mendocino County Assessor parcel # 145-261-05.
3. **Revised Final Soil Stabilization and Drainage Improvement Plans**
 - A. PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-83-270-A, the permittee shall submit to the Executive Director, for review and

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written approval, final soil stabilization and drainage improvement plans prepared in consultation with the Redwood Coast Land Conservancy, the Dorothy King Young Chapter of the California Native Plant Society, and the Mendocino Coast Cooperative Weed Management Area that substantially conforms to the proposed soil stabilization and drainage improvement plans shown on sheets C100, C110, C200, C300, C400, C500, C504, C505, C600, C601, C610, C611, C620, C621, and C630 titled "Soil Stabilization and Drainage Improvements" dated April, 2008, attached as Exhibit No. 5 of the staff report, but shall be revised to include the following provisions:

- 1) The Geoweb Retaining Wall shall be aligned such that the seaward edge of the top of the wall conforms with the alignment of the original retaining wall constructed pursuant to CDP No. 1-83-270. The approved drainage improvements and septic tank replacement shall be repositioned as necessary to accommodate the required realignment of the approved wall.
- 2) The storm drain proposed to extend across APN 145-261-05 shall include inline drains to capture runoff from the parcel that flows towards the bluff and an on-site infiltration interceptor to capture any pollutants contained in the run-off. The system shall be designed to treat or filter stormwater runoff from each storm, up to and including the 85th percentile, 24-hour storm event.
- 3) The end wall proposed at the southern end of APN 145-261-05 shall be designed to accommodate a crossing by the public access trail in its existing location and in a manner consistent with Mendocino County CDP No. 23-03 granted to the Redwood Coast Land Conservancy for construction of the public access trail and related improvements.
- 4) At the northern end of APN 145-261-05, an end wall extending inland generally perpendicular to the Geoweb retaining wall of a design similar to the end wall approved at the southern end of APN 145-261-05 or its equivalent shall be included to protect against erosion around the north end of the wall. The end wall shall be designed to accommodate a crossing by the public access trail in its existing location and in a manner consistent with Mendocino County CDP No. 23-03 granted to the Redwood Coast Land Conservancy for construction of the public access trail and related improvements. The end wall shall also be designed to accommodate the possible future extension of a bluff retaining wall to the north on the adjacent parcel. This northern end wall on APN 145-261-05 need not be included if the Commission approves Appeal No. A-1-MEN-08-015 for a continuation of the Geoweb retaining wall on to adjoining APN 145-261-13.
- 5) The permittee shall replace in-kind and in a manner consistent with Mendocino County CDP No. 23-03 any existing public access improvements developed by the Redwood Coast Land Conservancy on APN 145-261-05

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- and in adjoining areas disturbed by the development authorized under CDP No. 1-83-270-A;
- 6) All plantings on the face of the Geoweb retaining wall shall be maintained in good condition throughout the life of the project to ensure continued compliance with the approved final landscaping provisions of the plans. If any of the trees and plants to be planted die, become decadent, rotten, or weakened by decay or disease, or are removed for any reason, they shall be replaced no later than January 1st of the next winter season in-kind or with another native species common to the coastal Mendocino County area that will grow to a similar or greater height in amounts sufficient to ensure that at least 50% of the face of the geoweb wall is covered by native vegetation;
 - 7) All proposed plantings shall be native species and compatible with the plantings to be planted as part of the Northern coastal scrub restoration plan required by Special Condition No. 4, below. All proposed plantings shall be obtained from local genetic stocks within Mendocino and Sonoma Counties. If documentation is provided to the Executive Director that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside the local area, but from within the adjacent region of the floristic province, may be used. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be planted or allowed to naturalize or persist within the development site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property;
 - 8) Rodenticides containing any anticoagulant compounds, including but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall not be used;
 - 9) The success of the plantings shall be monitored on a regular basis for five years, and monitoring results shall be submitted annually to the Executive Director by December 31 of each calendar year; and
 - 10) Any imported fill used in the project shall (a) be compatible with the native soil and Northern coastal scrub habitat present at the project site and (b) have minimal weed seed; and the source and means to be utilized to ensure weed seed is minimized shall be specified.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

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4. Northern Coastal Scrub Habitat Restoration Plan

A. PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-83-270-A, the permittee shall submit for the review and approval of the Executive Director a plan for restoring and enhancing the northern coastal scrub habitat located on the portions of the bluff face below the exposed portions of the Geoweb retaining wall that will be disturbed by the development and/or backfilled. The plan shall be prepared by a qualified botanist or licensed landscape architect and shall be prepared in consultation with the Redwood Coast Land Conservancy, the Dorothy King Young Chapter of the California Native Plant Society, and the Mendocino Coast Cooperative Weed Management Area.

1) The plan shall demonstrate that:

- i. Northern coastal scrub habitat shall be restored all along the portions of the bluff face on APN 145-261-05 below the exposed portions of the Geoweb retaining wall that will be disturbed by the development and/or backfilled;
- ii. The Northern coastal scrub habitat shall visually buffer the base of the Geoweb retaining wall from Gualala Point Regional Park;
- iii. Invasive weeds shall be eliminated from the disturbed bluff area;
- iv. Only those plants that are drought tolerant and native to “northern coastal scrub” habitats of Mendocino County shall be used;
- v. All proposed plantings shall be obtained from local genetic stocks within Mendocino County. If documentation is provided to the Executive Director that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside the local area, but from within the adjacent region of the floristic province, may be used. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be planted or allowed to naturalize or persist on the parcel. No plant species listed as a “noxious weed” by the State of California or the U.S. Federal Government shall be utilized within the property;
- vi. No rodenticides of any kind shall be utilized within the property that is the subject of CDP No. 1-83-270-A;
- vii. All plantings shall be maintained in good condition throughout the life of the project. If any of the plants to be planted die, become decadent, rotten, or weakened by decay or disease, or are removed for any reason,

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they shall be replaced no later than January 1st of the next winter season in-kind or with another native Northern coastal scrub species in amounts sufficient to ensure that at least 90% vegetative cover of the restoration area is maintained;

- viii. The success of the restoration plan shall be monitored on a regular basis, and monitoring results shall be submitted annually to the Executive Director by December 31 of each calendar year;
 - ix. As many of the existing large blue blossom and silk tassel bush shall be retained as possible;
 - x. Erosion control fabric shall be installed on filled areas and other bare soil and densely seeded with fast-growing native ground cover to help hold the soil and outcompete non-native velvet grass and other weeds; and
 - xi. Weed eradication strategies shall be focused on eliminating the most noxious of the invasive weeds (Himalayan blackberry, capeweed, greater periwinkle, jubata grass, ice plant, and pride of Madeira) and follow-up strategies shall be devised to eliminate and/or control other invasive plants at the site including poison hemlock, wild radish, velvet grass, Harding grass, wild teasel, bull thistle, and Italian thistle.
- 2) The plan shall include, at a minimum, the following components:
- i. A final landscape site plan depicting the species, size, and location of all plant materials to be planted on the property, any irrigation system, delineation of the approved development, and all other landscape features;
 - ii. A schedule for the planting of the landscaping; and
 - iii. A narrative description of the methods to be used for invasive plant removal and management; and
 - iv. A monitoring plan for evaluating the success of the restoration plan.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Color of Geoweb Material

PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-83-270-A, the permittee shall submit for the review and approval of the Executive Director color

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samples of the proposed Geoweb material. The color of the Geoweb material shall be black or a dark earth tone color.

6. Best Management Practices & Construction Responsibilities

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

- A. Any and all excess excavated material resulting from construction activities shall be removed and disposed of at a disposal site outside the coastal zone or placed within the coastal zone pursuant to a valid coastal development permit;
- B. Straw bales, coir rolls, or silt fencing structures shall be installed prior to and maintained throughout the construction period to contain runoff from construction areas, trap entrained sediment and other pollutants, and prevent discharge of sediment and pollutants down slope toward the Gualala River;
- C. On-site vegetation shall be maintained to the maximum extent feasible during construction activities;
- D. Any disturbed areas shall be replanted or seeded and if necessary mulched as soon as feasible following completion of construction, but in any event no later than January 1st of the next winter season consistent with the final approved plan required by Special Condition Nos. 3 and 4 above;
- E. All on-site stockpiles of construction debris shall be covered and contained at all times to prevent polluted water runoff;
- F. No ground-disturbing activities shall occur during the period of October 15 and April 15 to minimize the potential for soil disturbance during the rainy season; and
- G. Noise generating construction activities shall be limited in duration to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday only so as to limit noise impacts to nearby visitor serving facilities.

7. Deed Restriction

PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-83-270-A, the permittee 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

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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.

8. Permit Expiration & Condition Compliance

This coastal development permit shall be deemed issued upon the Commission's approval and will not expire. Failure to comply with the special conditions of this permit may result in the institution of an action to enforce those conditions under the provisions of Chapter 9 of the Coastal Act.

9. Timeframe for Completion of Construction

All development authorized by CDP Amendment No. 1-83-270-A shall be completed within two (2) years of the date of Commission approval of CDP Amendment No. 1-83-270-A, or within such additional time as the Executive Director may grant for good cause.