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October 23, 2007

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT NEGATIVE

***DECLARATION FOR PUBLIC REVIEW***

NOTICE IS HEREBY GIVEN THAT the Mendocino County Coastal Permit Administrator, at the regular meeting on Monday, November 19, 2007, at 10:00 a.m., to be held in the Planning and Building Services Conference Room, 790 South Franklin Street, Fort Bragg, California, will conduct a public hearing on the following project and the Draft Negative Declaration at the time listed or as soon thereafter as the item may be heard.

CASE #: CDP #55-2006

DATE FILED: 8/29/2006

OWNER: BOWER LTD TRUST

AGENT: RAU & ASSOCIATES, INC.

APPLICANT: BOWER LTD PARTNERSHIP

REQUEST: Construct a 285±-foot long concrete block retaining wall to connect to a proposed 105±-foot long retaining wall on the adjacent lot to the south (APN 145-261-05 – Coastal Commission jurisdiction). Associated drainage improvements include the installation of 414± length feet of drainpipe, a storm drain manhole, and a six-foot stormwater treatment structure. Relocation and upgrade of underground septic systems.

LOCATION: In the Coastal Zone, in the town of Gualala, on the west side of Highway 1, parallel to and upslope from the Gualala River, approximately 500 feet south of its outlet to the Pacific Ocean, at 39200 South Highway 1 (APN 145-261-13).

PROJECT COORDINATOR: TERESA BEDDOE

**ENVIRONMENTAL DETERMINATION:** The Department of Planning and Building Services has prepared a Draft Negative Declaration for the above project (no significant environmental impacts are anticipated which cannot be adequately mitigated). A copy of the Draft Negative Declaration is available for public review at 501 Low Gap Road, Room 1440, Ukiah, California, and at 790 South Franklin Street, Fort Bragg, California. The staff report and notice are available on the Department of Planning and Building Services website at [www.co.mendocino.ca.us/planning](http://www.co.mendocino.ca.us/planning).

Your comments regarding the above project and/or the Draft Negative Declaration are invited. Written comments should be submitted to the Department of Planning and Building Services, at 790 South Franklin Street, Fort Bragg, California, no later than November 18, 2007. Oral comments may be presented to the Coastal Permit Administrator during the public hearing.

The Coastal Permit Administrator's action regarding the item shall constitute final action by the County unless appealed to the Board of Supervisors. If appealed, the Board of Supervisors action shall be final except that an approved project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. To file an appeal of the Coastal Permit Administrator's decision, a written statement must be filed with the Clerk of the Board

with a filing fee within 10 calendar days of the Coastal Permit Administrator's decision. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Coastal Permit Administrator at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 964-5379, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Coastal Permit Administrator's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

RAYMOND HALL, Coastal Permit Administrator

**STAFF REPORT FOR COASTAL DEVELOPMENT  
STANDARD PERMIT**

**CDP# 55-2006 (Bower)  
November 19, 2007  
CPA-1**

**OWNER:** Bower Limited Trust  
P.O. Box 1,000  
Gualala, CA 95445

**AGENT:** Rau and Associates, Inc.  
100 N. Pine St.  
Ukiah, CA 95482

**APPLICANT:** Bower Limited Partnership  
P.O. Box 1,000  
Gualala, CA 95445

**REQUEST:** Construct a 285±-foot long concrete block retaining wall to connect to a proposed 105±-foot long retaining wall on the adjacent lot to the south (APN 145-261-05 – Coastal Commission jurisdiction). Associated drainage improvements include the installation of 414± length feet of drainpipe, a storm drain manhole, and a six-foot stormwater treatment structure. Relocation and upgrade of underground septic systems.

**LOCATION:** In the Coastal Zone, in the town of Gualala, on the west side of Highway 1, parallel to and upslope from the Gualala River, approximately 500 feet south of its outlet to the Pacific Ocean, at 39200 South Highway 1 (APN 145-261-13).

**APPEALABLE AREA:** Yes – Bluff top lot, special neighborhood, ESHAs

**PERMIT TYPE:** Standard

**TOTAL ACREAGE:** 1.89± Acres

**GENERAL PLAN:** Gualala Village Mixed Use (GVMU)

**ZONING:** GVMU L: 6K; Flood Plain (FP)

**EXISTING USES:** Commercial, Public Trail

**ADJACENT ZONING:** GVMU

**SURROUNDING LAND USES:** North: Surf Motel  
East: Highway 1  
South: Surf Supermarket  
West: Gualala River Estuary

**SUPERVISORIAL DISTRICT:** 5

**CA COASTAL RECORDS PROJECT:** Image 200504204

**ENVIRONMENTAL DETERMINATION:**

An Initial Study was completed in conjunction with the subject staff report. As outlined in the Environmental Review portion of this report, staff finds that with proposed mitigations, the project would not result in significant environmental impacts, therefore a Mitigated Negative Declaration is indicated to comply with California Environmental Quality Act (CEQA) requirements. Staff finds that the project does not constitute "piecemealing" under CEQA. The initial study was conducted with all other project aspects in mind, including "Phase 1" of the onsite redevelopment plan, consisting of the demolition of the pharmacy building and removal of underground storage tanks, approved as CDP 24-2007 on September 27, 2007. CDP 24-2007 was found to be Categorically Exempt from CEQA, Class 1 (1)(3), and does not include project components deemed environmentally significant. The initial study was also completed with a possible "Phase 2" in mind. "Phase 2" of the redevelopment plan includes a possible boundary line adjustment between the subject parcel and parcel APN 145-261-05, demolition of other existing commercial structures, to be reconstructed to roughly the same square footage as pre-redevelopment (but situated in a different orientation), and the creation of a paved, landscaped parking area, effectively opening views to and along the ocean. This later phase was the subject of PAC 1-2007. The subject project appears to be the only aspect of the project with potential environmental impacts, and they can be mitigated to a level of less than significant. In regard to CEQA compliance, "piecemealing" is only relevant in association with an EIR or potential EIR. The subject project and all its associated known past and future aspects do not appear to justify an EIR.

**OTHER RELATED APPLICATIONS:**

**Coastal Commission 1-83-270-A1** – Concurrently filed modification to 1-83-270 for the 105 feet of retaining wall proposed on the Surf Supermarket (APN 145-261-05) parcel to the adjacent south. The Coastal Commission retains jurisdiction of this permit because they processed 1-83-270.

**CDP 24-2007** – Coastal Development Permit for the subject parcel, approved at the September 27, 2007 CPA hearing for the demolition and removal of an existing 4,710± sq. foot commercial pharmacy building with a maximum height of 18± feet above average finished grade; asphalt paving within the demolition footprint, and temporary use of the area for parking; removal of 3 to 4 underground storage tanks associated with a previously existing gas station at this site.

**PAC 1-2007** – Pre-application Conference for a larger onsite project which involves the demolition of existing commercial buildings, creation of a central parking area, and construction of new commercial structures.

**CDP 23-2003** – Approved on April 24, 2004, for Phase Two of the Gualala Bluff Trail for the Redwood Coast Land Conservancy (RCLC) located on the subject parcel. Phase Two proceeds south from the existing trail (Phase One) for approximately 700 feet along the bluff above the Gualala River. Includes a pedestrian bridge over a drainage swale, stairs along the blufftop, placement of sitting benches at viewing areas, sheep fencing, and signage.

**CDP 22-1996** – Approved on May 17, 1997, for Phase One of the Gualala Bluff Trail for the Redwood Coast Land Conservancy on APNs 145-261-11 and -12, located just north of the subject parcel. The trail consists of a 300 foot vertical access from Highway 1 to the blufftop and a 500 foot lateral access along the bluff. The first phase included approval for a native plant landscaped pathway, sheep fencing for safety, benches for viewing and picnicking, refuse containers and signs.

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**Coastal Commission 1-83-270** – Approved on December 13, 1983, the construction of a 120 foot-long wooden retaining wall, west of an existing market adjacent to the bluff edge on Gualala River, Mendocino County (on the southerly adjacent parcel number 145-261-05).

**PROJECT DESCRIPTION:** The following is the description of the project as submitted by the applicant:

The applicant requests a Coastal Development Permit for the construction of a concrete block retaining wall along the westerly edge of the property (Gualala River) and associated drainage improvements. The retaining wall will span the length of the subject property, and the parcel to the south (APN 145-261-05). At its lowest point on the subject property, the proposed retaining wall will be located 45± feet above mean high tide (on Coastal Commission jurisdiction lot).

The portion of the wall that will be located on APN 145-261-13 (Mendocino County jurisdiction) and subject to this permit is 285 feet in length. The portion of the wall that will be located on APN 145-261-05 (Coastal Commission jurisdiction) is 105 feet in length. The total length of the wall will be 390 feet.

Drainage improvements will also involve both parcels. Drainage improvements located on APN 145-261-13 (Mendocino County) include 304 linear feet of 12" SD, (2) 24" x 24" drop inlets, (1) storm drain manhole, 110 linear feet of 6" slot drain and (1) 6' stormwater treatment structure. Drainage improvements located on APN 145-261-05 (Coastal Commission) include the installation of 118 linear feet of 12"SD and (1) 24" x 24" storm drain manhole.

Minor vegetation will be removed as a result of construction activities, including 7,795 square feet of shrubs and herbaceous vegetation from the subject parcel. Erosion control will consist of native seed. Any required revegetation will consist of native plant materials, and will be consistent with the Landscape Plan submitted by RCLC for the access trail (attached). The rearrangement of the sanitary sewer system will be performed by the applicant under supervision of the Gualala Community Services District.

**GUALALA MUNICIPAL ADVISORY COUNCIL:** At the regularly scheduled meeting held December 7, 2006, GMAC reviewed the subject project, and voted (4-2) that the project be accepted. GMAC noted that the situation of the RCLC bluff trail and Bower's development is still not fully resolved. The Council expressed hopes that two parties reach a satisfactory negotiation soon concerning visual impact and vegetation removal and replacement that are part of this proposal.

On February 16, 2007, an agreement was reached between RCLC and Bower. The agreement is outlined in the Stipulation for Entry of Judgement and Proposed Judgement , Mendocino County Superior Court Case No. SCUK CVG 0594172.

**ENVIRONMENTAL REVIEW:**

**Earth (Item 1):**

- A. Unstable earth conditions or changes in geologic substructures:** The project is proposed to correct unstable earth conditions: approximately twelve to fourteen feet of old fill (placed approximately 20 to 30 years ago) is present in the project location. The fill is not compacted by today's building standards, and there are concerns that organic material, which may increase instability, may be present in the fill (Ashcraft 2007). Shallow surface failures occurred in December of 2005, which the wall is proposed to remediate. It is anticipated that construction of the retaining wall will require careful excavation of the bedrock in order to penetrate into the sandstone as minimally required for wall foundation support (RAU 2006). Such penetrations would not result in substantial impacts to

geologic substructures. Overall, the project would result in improvements to existing unstable earth conditions.

- B. Disruptions, displacements, compaction, or over covering of the soil:** The project proposes the excavation of approximately 6,464 cubic yards of existing fill material. The fill material would have any organic components removed, and would then be replaced and compacted to current building standards. Approximately 1,705 cubic yards of additional imported materials is anticipated to achieve proper installation and compaction. Disruptions would occur to areas already disturbed, where imported fill is currently present. Excavation, fill and wall construction are expected to occur to an average depth of 17.5 feet and to an anticipated maximum depth of approximately 25 feet on the subject parcel. The retaining wall would span the approximate 285 foot length of the parcel along the western bluff top. The project would result in excavation of soils and re-compaction, in the vicinity of the recently constructed portion of the Gualala Bluff Trail along approximately half the length of the subject parcel. While the project proposes disruptions and compaction of the soil, any potential detrimental effects can be mitigated to a level of less than significant, and overall the project would result in improvements to the current state of the soil in the project vicinity.

Section 20.492.005 through 20.492.010 of the Mendocino County Coastal Zoning Code (MCCZC) states in pertinent part:

*Sec. 20.492.005 Purpose and Applicability.*

*The approving authority shall review all permit applications for coastal developments to determine the extent of project related impacts due to grading, erosion and runoff. The approving authority shall determine the extent to which the following standards should apply to specific projects, and the extent to which additional studies and/or mitigation are required, specifically development projects within Development Limitations Combining Districts. (Ord. No. 3785 (part), adopted 1991)*

*Sec. 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)*

For the subject parcel, the project includes the installation drainage infrastructure including 414 linear feet of drainpipe, a storm drain manhole, and a six foot stormwater treatment structure. The proposed drainage improvements would treat an already existing drainage issue on the parcel. Overall, the project would impact drainage by decreasing roof and parking area runoff. The project would therefore be of overall benefit to the downslope estuary in that runoff and erosion into the estuary would be decreased.

Three separate failures of fill material occurred during December 2005 storms. Because of the condition of the existing fill (not compacted to standards and may contain organic material), excavations of the existing fill are necessary. Installation of the proposed retaining wall is the least damaging option in that: 1. The no project alternative would result in continued erosion and stormwater runoff into the estuary, 2. Smaller retaining structures would be inadequate in the long term, 3. Installation to address separate failures as they occur would result in more extensive impacts overall<sup>1</sup>, and 4. Transitioning or rounding of the contours would impact existing development including an existing trailer, loading ramp, unpaved parking area, and sewer tank on the subject parcel, and would require that the majority of the bluff trail easement would be located on the slope. Option 4 would not serve the needs of the applicant (preservation of the unpaved on-site parking area), so an investment in that option is unlikely. Staff finds that due to the nature of the project (a retaining wall) Section 20.492.010(G) of the Mendocino County Coastal Zoning Code as outlined above, requiring a maximum allowable slope ratio of 50% does not apply to the project. The purpose of the project is to stabilize the slope. Further, Coastal Commission Permit 1-83-270, approved a wooden retaining wall with steeper slopes on the adjacent parcel to the south. This project is associated with the subject project in that a portion of retaining wall (105 linear feet) is co-proposed to correct a failure of said retaining wall, and proposed to connect to the subject retaining wall. Coastal Commission Permit 1-83-270 approved the retaining wall on slopes ranging from ¾:1 to 1:1 (Fodge 1983 (page 2)). The applicants propose to stabilize and revegetate exposed faces of earth cuts and fills with native seed. Required vegetation is proposed to consist of native plant materials, consistent with the Landscape Plan submitted by RCLC for the access trail. Special Condition Number 1 is recommended to mitigate for any potentially detrimental impacts resulting from disruptions, displacements, compaction, or overcovering of the soil, and to comply with Sections 20.492.010(E-G) as outlined above.

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<sup>1</sup> In the letter from RAU and Associates to Tiffany Tauber dated October 13, 2006, RAU states: "...it was considered what would be done if another debris flow were to occur. In order to construct another segment of the wall, part of the existing wall would have to be dis-assembled and part of the compacted fill behind the wall which was constructed would have to be removed and re-compacted again. The wall modules are 5 feet long and typically the wall is 6 modules to 8 modules high. This would require dis-assembling 30 to 40 feet of wall and excavating and re-compacting 150 to 200 cubic yards every time the wall was added to. Thus, it appears the most cost effective and least disturbing over the long term to do the entire length of the wall at one time (RAU, Oct 2006)."

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- C. Change in topography or ground surface relief features: The project consists of the installation of a retaining wall to correct existing and potential failures of existing fill material. In the localized area of the proposed retaining wall, the surface relief will be minimally impacted due to the presence of the retaining wall, which will result in a minimal break in slope. The topography is artificially altered in this vicinity by the presence of fill materials which were compacted and flattened, and the retaining wall would support this graded area which is currently used for commercial parking, contains a bluff trail, and contains commercially related structures including sewage tanks and lines, a trailer, and may be present as far back as to impact the existing concrete loading ramp on the subject parcel. The project would not result in significant changes to existing topography or ground surface relief features. Alternatives, such as the no project alternative or transitioning/rounding of contours would have greater overall long-term impacts to existing topography than the proposed project in that significant amounts of fill material would either be removed or would erode over time into the estuary/lagoon.
- D. The destruction, covering, or modification of any unique geologic or physical features: No unique geologic or physical features have been identified in the project area. The project would not impact any known geologic or physical features.
- E. Any increase in wind or water erosion of soils, either on or off the site: The project would not result in increases in wind or water erosion of soils, either on or off the site. On the contrary, the project would correct existing water erosion issues including the sheeting of stormwater runoff from the existing unimproved parking area and commercial structures into the Gualala River estuary/lagoon, pooling of stormwater runoff along the bluff edge just west of the parking area and proposed/temporary trail area, and erosion of fill materials which has already resulted in failures, and is apparent as cracking of the parking surface area. The project would result in no impact to wind erosion, and long-term positive impacts to water erosion of soils. Because the potential for short-term erosion related impacts during construction may exist, Special Condition Number 1 is recommended to mitigate any potential short-term impacts to water erosion of soils during construction activities.

Regarding erosion control, Section 20.492.015 of the MCCZC states in pertinent 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.*

Due to the size of the area to be graded and the proximity of the Gualala River estuary/lagoon, Special Condition Number 1 is included to require that an erosion control plan that complies with the MCCZC be submitted prior to the issuance of the building permit.

Sections 20.500.020(E)(1-2) state as follows:

*(E) Erosion.*



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- (1) Seawalls, breakwaters, revetments, groins, harbor channels and other structures altering natural shoreline processes or retaining walls shall not be permitted unless judged necessary for the protection of existing development, public beaches or coastal dependent uses. Environmental geologic and engineering review shall include site-specific information pertaining to seasonal storms, tidal surges, tsunami runups, littoral drift, sand accretion and beach and bluff face erosion. In each case, a determination shall be made that no feasible less environmentally damaging alternative is available and that the structure has been designed to eliminate or mitigate adverse impacts upon local shoreline sand supply and to minimize other significant adverse environmental effects.*
- (2) The design and construction of allowed protective structures shall respect natural landforms, shall provide for lateral beach access and shall minimize visual impacts through all available means.*

The proposed retaining wall is necessary to preserve, to the extent possible, the existing unpaved parking area which is accessory to the existing on-site commercial development. Parking in Gualala is a limited resource, and is particularly in demand in the summer season. The retaining wall would also serve to protect the existing and proposed onsite portions of the Gualala Bluff Trail, a coastal access trail, from erosion, and proposed retaining wall and drainage improvements would protect the downslope public beach area from erosion and currently untreated storm water runoff from the onsite structures and compacted unpaved parking areas. Site specific environmental geologic and engineering information has been provided by RAU and Associates as outlined in Section 20.500.020 of the Mendocino County Coastal Zoning Code, and staff finds that no feasible less environmentally damaging alternative is available. Contouring of the fill has been considered as an alternative, however this option would not preserve existing parking space on the site, and therefore would not meet the needs of the applicant. Consequently such an option is not realistic. Staff additionally finds that the structure has been designed to eliminate or mitigate adverse impacts upon the local shoreline sand supply and to minimize adverse environmental effects. According to the botanical survey report by BioConsultant (page 14):

...the only possible alternative would be no project. As discussed in the Project Site Description section of this report, [under the no project alternative] the bluff will remain susceptible to slides and accelerated erosion rates with the consequent risk of future catastrophic sediment input into the Gualala estuary, and loss of land supporting the coastal scrub community, Surf Center buildings, and the Gualala Bluff Trail. The "no project" alternative would not implement a program to control invasive weeds, which are encroaching upon and crowding out native species. In the long term, the Project as proposed is less environmentally damaging than the "no project" alternative (BioConsultant, August 2007).

As mitigated, the project would not have significant impacts to earth resources.

- F. Changes in deposition or erosion of beach sands, or changes in siltation, deposition, or erosion that may modify the channel of a river, stream, inlet, or bay? The project is designed to remediate existing erosion threats to the estuary/lagoon from unstable old fill material. The project would result in decreases in fill and runoff into the estuary/lagoon. As mitigated, no significant impacts would result to the estuary/lagoon from short-term construction activities.
- G. Exposure of people or property to geologic hazards such as earthquakes, ground failure, or other hazards: The project is designed to correct existing ground failures and prevent future ground failures resulting from unstable fill material. There are no known earthquake fault lines in the immediate project vicinity. The project would not result in the increased exposure of people or property to geologic or other hazards.

**Air (Item 2):**

- A. Substantial emissions or deterioration of ambient air quality: The project would not result in the production of substantial air emissions, nor would the project result in deterioration of ambient air quality.
- B. The creation of objectionable odors: The project is not expected to result in objectionable odors. No odor impact would occur.
- C. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally: The project would not result in significant local or regional alteration of air movement, moisture, or temperature, or any change in climate.

**Water (Item 3):**

- A. Changes in currents, or the course of water movements, in either fresh or marine waters: The project would not impact current or the course of fresh or marine waters.
- B. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff: The project would result in overall improvements to existing drainage patterns, and would insignificantly impact absorption rates and the rate or amount of surface runoff. Existing onsite drainage is problematic in that stormwater runoff from the onsite commercial structures and unpaved parking areas sheets to the west due to a slight downhill slope, which has resulted in cracking of the unpaved parking area, pooling in the vicinity of the Gualala Bluff Trail, and ground failures. Proposed drainage improvements would correct existing stormwater runoff problems.
- C. Alterations to the course of flow of floodwaters: The project is not located in any flood zones and would have no impact on the course of flow of floodwaters.
- D. Change in the amount of surface water in any water body: The project would not impact the amount of surface water in any water body.
- E. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity: As mitigated, the project would not result in significant impacts resulting from discharge into surface waters or in any significant alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity.

A stormwater treatment system is proposed to collect and treat existing stormwater runoff. Treated surface water would discharge from an existing culvert outlet just south of the subject parcels, which currently drains water from Highway 1 over the bluff edge and into the Gualala estuary/lagoon. Jan Goebel of the North Coast Regional Water Quality Control Board (NCRWQCB) was contacted regarding the project and commented as follows:

1. A construction stormwater pollution prevention plan is required for this project.
2. The proposed retaining wall is located downgradient of the Unocal Gualala gasoline station groundwater contamination. Any dewatering of the trench for construction purposes must be contained and sampled. This water may not be discharged to surface waters without a permit.

Ms. Goebel additionally commented that she would like Paul Keiran of her office to look at the

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proposed stormwater treatment system. Staff spoke with Mr. Keiran over the phone on October 18, 2007. Mr. Keiran reiterated the comments made by Ms. Goebel and additionally commented that staff should clarify the party responsible for maintenance of the stormwater treatment system. Special Condition Number 4 is recommended to address NCRWQCB comments.

The project would occur less than 100 feet upslope from the Gualala River Estuary/Lagoon and esturine/intertidal wetlands. As required by the Mendocino County Coastal Zoning Code, a reduced buffer analysis per Section 20.496.020 has been conducted by BioConsultant, the biological consulting firm. The reduced buffer analysis is included as Appendix A. The buffer width has been set at 50 feet. On the subject parcel, minimum distance from the project area to the resource area is 50 feet. No development would occur within the buffer area with the exception of restoration planting and invasive species removal. A representative from the California Department of Fish and Game visited the site with County planning staff on September 20, 2007, and agreed that the 50 foot buffer is adequate to protect the resource area. As outlined on page 16 of the BioConsultant LLC Botanical Survey dated August, 2007, the project includes extensive measures to avoid impacts to the downslope Gualala River Estuary/Lagoon and esturine/intertidal wetland ESHAs during and after construction, as follows:

- ❖ Implementation of a Storm Water Pollution Prevention Plan (SWPPP) consisting of site-specific measures to reduce impacts to water quality and protect the adjacent estuarine habitats during construction.
- ❖ Adoption of 20-25 construction site best management practices (BMPs) in the SWPPP.
- ❖ Use of the reinforced "Super Silt Fence" at the limits of construction to prevent sediment, rock, debris and/or other materials from entering the ESHAs during construction.
- ❖ The implementation of the comprehensive restoration plan will not only revegetate disturbed areas reducing the potential for erosion, but also will restore the historically altered coastal scrub habitat all along the length of the bluff and eliminate the widespread invasive weeds. The restored coastal scrub habitat will produce greater native plant biodiversity, in turn creating higher quality wildlife habitat with pleasing aesthetic and scenic values.
- ❖ Scheduling project activities during the dry season.
- ❖ Early completion of the project to allow vegetative erosion control measures to start to become effective prior to the rainy season (BioConsultant, August 2007).

Special Condition Number 2 is recommended to require all mitigation measures outlined by BioConsultant in the botanical survey report dated August, 2007, as a mandatory condition of approval of the subject Coastal Development Permit.

- F. Alteration in the rate of flow of groundwater. The project would not significantly impact the rate of flow of ground water.
- G. Change in the quantity of ground water, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations: While the project proposes to improve existing surface water drainage, no impacts to groundwater are indicated.
- H. Substantial reduction in the amount of water otherwise available for public water supplies: The project would not impact public water supplies.

- I. Exposure of people or property to water related hazards such as flooding or tsunamis: According to FEMA maps, the project area is upslope of the 100 year flood area. The project area is not subject to flooding, and is not located in a tsunami hazard zone. The project would not result in exposure to people or property to water related hazards such as flooding or tsunamis.

**Plant Life (Item 4):**

- A. Change in the diversity of species, or number of any species of plants including trees, shrubs, grass, crops, and aquatic plants: Botanical surveys of the project area occurred on May 3, June 13, and July 5, 2007, adequately spaced to encompass blooming windows of all potentially present plant species of concern, as outlined in Appendix B of the botanical survey report dated August, 2007. According to the survey report, the project would result in impacts to the existing vegetated hillside, including existing invasive and ruderal plants, and northern coastal scrub habitat. While the northern coastal scrub habitat is not protected as a rare or endangered plant community under the Coastal Act, as outlined on page 14 of the botanical survey report by BioConsultant, the habitat is valuable for its biological values and functions and aesthetics. BioConsultant proposes a comprehensive, long-term plan to restore the original habitat values and slope stabilizing function of the coastal scrub vegetation to mitigate potential impacts to a level of less than significant. The specific recommendations shown as follows are outlined on page 15 of BioConsultant's botanical survey report:

- ❖ Schedule a site visit by a restoration professional prior to the onset of construction activities to examine pre-construction conditions and to locate occurrences of invasive weeds, noting in particular those areas where invasive weeds are rooted in the middle slope and lower bluff toe areas.
- ❖ Retain as many of the existing large blue blossom and silk tassel bush as possible.
- ❖ Utilize existing native shrub species in the plantings: silk tassel bush, blue blossom, coyote brush, thimbleberry, California blackberry, and oso berry.
- ❖ Use large-size (5 gal. or greater) container shrubs and provide irrigation as needed. Install erosion control fabric on filled areas and other bare soil, densely seeding these areas with fast-growing native perennial California brome to help hold the soil in the first year after construction and to outcompete non-native velvet grass and other weeds.
- ❖ Remove jubata grass and pride of Madeira (Echium) from the toe of the bluff, replacing these species with native shrubs.
- ❖ Focus weed eradication strategies on eliminating the most noxious of the invasive weeds (Himalayan blackberry, capeweed, greater periwinkle, jubata grass, ice plant, and pride of Madeira), and devise follow-up strategies to eliminate and/or control poison hemlock, wild radish, velvet grass, Harding grass, wild teasel, bull thistle, and Italian thistle.
- ❖ Design and implement a long-term monitoring effort and make modifications to the restoration plan as needed (BioConsultant, August 2007).

Special Condition Number 2 is recommended to require all mitigation measures outlined by BioConsultant in the botanical survey report dated August, 2007, as a mandatory condition of approval of the subject Coastal Development Permit. As mitigated, the project would have a less than significant impact on plant diversity and populations.

- B. Reduction of the numbers of any unique, rare, or endangered species of plants: Botanical surveys of the project area occurred on May 3, June 13, and July 5, 2007, adequately spaced to encompass blooming windows of all potentially present plant species of concern, as outlined on pages seven and eight (Table 1.) of the botanical survey report dated August, 2007. As summarized on page nine of the botanical survey report, no special status plant species were identified in the project area. The project would have no impact on any unique, rare or endangered species of plants.
- C. Introduction of new species of plants into an area, or in a barrier to the migration or movement of animals: The project would result in 285 length feet of retaining wall with a height varying from approximately three to 12 feet above finished grade, and an average height of approximately six feet above finished grade on the subject parcel (see Exhibit B, wall profile). Cumulatively, the wall would span 390 length feet when connected to the proposed wall on the parcel to the immediate south. It is likely that the wall would provide a limited barrier to the movement of small animal species, however, the barrier effectively divides a natural area from a developed area. The area east of the proposed wall consists of the coastal access trail, with a parking area beyond, commercial buildings beyond that, and the highway beyond that. Therefore, since the barrier may actually prevent the movement of small animal species in the direction of the highway, therefore potentially protecting animals from vehicle related deaths, the barrier may have potential positive impacts to the movement of animals. The project is not likely to negatively impact the movement of animal species. The project would not result in a barrier to any known animal migrations. As mitigated, the project would result in the introduction of native plant species only, and would result in a decrease in exotic and invasive plants.
- D. Reduction, in acreage, of any agricultural crop: The project would not result in the reduction in acreage of any agricultural crop.

**Animal Life (Item 5):**

- A. Change in the diversity of species, or number of any species of animals, including birds, land animals, reptiles, fish, shellfish, insects, and benthic organisms: According to the botanical survey report by BioConsultant (page 16), the project has the potential to impact wildlife species due to noise generated during construction activities, and potential to impact common resident wildlife species during the excavation and removal phase. Common wildlife species found within the project area to be potentially impacted include resident white crowned sparrow (*Zonotrichia leucophrys nuttalli*), several species of common hummingbirds, raccoons (*Procyon lotor*) and woodrats (*Neotoma fuscipes*). The woodrat and raccoon habitat areas were found near the toe of the bluff, outside of the project impact area. BioConsultant contends that both woodrats and raccoons are highly adaptable to noise impacts, and are not expected to be significantly affected. BioConsultant recommends the following mitigation measures to minimize impacts to resident bird species:
- ❖ Schedule the excavation and vegetation removal activities after May 15<sup>th</sup>. This should allow the white-crowned sparrow and the hummingbirds sufficient time to successfully fledge one brood. Both the sparrow and the hummingbirds have relatively early nesting dates and usually lay several clutches.
  - ❖ Implement the restoration plan and invasive weed control program to enhance the coastal scrub habitat, which in the long-term will support greater native plant biodiversity, and create high quality wildlife habitat for the resident avifauna (BioConsultant, August 2007).

Special Condition Number 2 is recommended to require all mitigation measures outlined by BioConsultant in the botanical survey report dated August, 2007, as a mandatory condition of approval of the subject Coastal Development Permit. As mitigated, the project would have a less than significant impact on animal diversity and populations.

- B. Reduction in the number of any unique, rare, or endangered species of animals:** As outlined on page 17 of the botanical survey report by BioConsultant, harbor seals (*Phoca vitulina*) and brown pelicans (*Pelecanus occidentalis*) are known to occur approximately ½ mile away, across the estuary/lagoon, at the Gualala Regional Point Park. Regarding these species, the botanical report states:

The distance, the physical barrier of the estuary, and the habituation capabilities of the harbor seal should be sufficient to avoid significant disturbance. The peak in the noise generating activities will occur prior to the late summer arrival of the brown pelican and therefore should not cause significant impacts (BioConsultant, August 2007).

As mitigated, the project is not likely to result in the reduction in number of any unique, rare, or endangered species of animals.

- C. Introduction of new species of animals into an area, or a barrier to the migration or movement of animals:** The project does not propose nor would it be conducive to the introduction of new animal species into an area. There are no known animal migratory routes in the area.
- D. Deterioration of existing fish or wildlife habitat:** As mitigated, the project would not cause deterioration of existing fish or wildlife habitat. The project would result overall in positive impacts to existing fish and wildlife habitat in that erosion and stormwater runoff would decrease, invasive plants would be removed, and community appropriate native plants would be established.

**Noise (Item 6):**

- A. Increases in existing noise levels:** The only noteworthy noise generated by the project will be that of construction activity associated with project implementation. To reduce these temporary construction related noise impacts to nearby visitor serving facilities, Special Condition Number 3 is recommended, limiting noise related construction activities to occur between the hours of 8 am and 5 pm, Monday through Friday. As mitigated, noise impacts will not be significant.
- B. Exposure of people to severe noise levels:** The project would not expose people to severe noise levels.

**Light and Glare (Item 7):**

- A. Production of new light and glare:** The project does not include any exterior lighting or any glare producing infrastructure. No light or glare impacts would occur.

**Land Use (Item 8):**

- A. Substantial alteration of the present or planned use of a given area:** The parcel is classified on the Coastal Plan Map and zoned as Gualala Village Mixed Use (GVMU). The proposed development is accessory to the existing on-site commercial development including the unpaved parking area, and coastal trail, which are principally permitted uses in the GVMU district, and consistent with the GVMU land use classification.

The site located west of the highway, therefore the height limit is 18 feet above average finished grade, except where exceptions apply. The proposed retaining wall would not rise significantly above grade and therefore complies with the height limit.

The project would not impact the existing view corridor in that views to the ocean would not be impeded by the retaining wall.

The retaining wall would not significantly impact lot coverage.

The proposed retaining wall would allow for continued use east of the retaining wall for the public access trail. The applicant has indicated a desire to create a paved parking area in the general area at a future time, in association with a future redevelopment plan (see PAC 1-2007). The proposed drainage improvements and retaining wall would facilitate such future parking improvements by reducing potential erosion and drainage impacts resulting from the creation of impervious surfaces in this area. Overall, the project would not result in substantial alteration of present or planned use of the given area, as the area would continue to be used for the public access trail within the 25 foot trail easement area, and may possibly continue to be used for parking associated with existing on-site commercial developments beyond the trail easement area.

**Natural Resources (Item 9):**

- A. Increase in the rate of use of any natural resources: The project would not result in increases in the rate of use of any natural resources.

**Population (Item 10):**

- A. Alterations in the location, distribution, density, or growth rate of human populations: The project would not affect the location, distribution, density or growth rate of human population.

**Housing (Item 11):**

- A. Will the proposal affect existing housing or create a demand for new housing? The project would not affect existing housing or create a demand for new housing.

**Transportation/Circulation (Item 12):**

- A. Generation of substantial additional vehicular movement? The project would minimally contribute to traffic on local and regional roadways in a temporary manner during construction activities. The project would not result in substantial additional vehicular movement.
- B. Effects on existing parking facilities, or demand for new parking? The project would not generate the need for parking. The existing unpaved parking area would be temporarily impacted.
- C. Substantial impact upon existing transportation systems? The project would not significantly impact existing transportation systems.
- D. Alterations to present patterns of circulation or movement of people and/or goods? The project area would not cause substantial hindrance to any existing circulation areas. Temporary impacts to

circulation of people on the coastal access trail would occur during construction (discussed in the Public Access and Recreation section, Item 18, below), and the project would temporarily impact the unpaved parking area. The project would not have long-term impacts on present patterns of circulation or movement of people and/or goods.

- E. Alterations to waterborne, rail, or air traffic? The project area would not result in alterations to waterborne, rail or air traffic.
- F. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians. The project is not expected to result in an increase in traffic hazards to motor vehicles, bicyclists, or pedestrians.

**Public Services (Item 13):**

- A. Will the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas: Fire protection, police protection, schools, parks and other recreational facilities, other governmental services: The project would not impact government services, and would not result in the need for new or altered government services.
- Maintenance of public facilities, and roads? The project would have an insignificant effect upon public facilities, and would not result in the need for new or altered government services.

**Energy (Item 14):**

- A. Use of substantial amounts of fuel or energy? There would be no significant consumption of energy as a result of the proposed project.
- B. Substantial increase in demand upon existing sources of energy, or require the development of new energy sources? The project would not place a substantial increase in demand upon existing sources of energy, and would not require the development of new energy sources.

**Utilities (Item 15):**

- A. Will the project result in a need for new systems or substantial alterations to the following:
- Potable water: The project would not result in the need for a new water system.
- Sewerage, Energy or information transformation lines: The project includes the removal and relocation of two existing on-site septic tanks. The tanks serve the existing on-site commercial structures. These tanks serve as effluent collection and pumping tanks to the sewer mains in Highway 1 which are owned and operated by the Gualala Community Service District (GCSD). Therefore all effluent is treated and disposed at the GCSD plant and not onsite. The project was referred to the County Division of Environmental Health (DEH). David Jensen of DEH responded on May 9, 2007, that "DEH can clear this CDP with the revised new tank locations as indicated in RAU & Associates letter dated May 2, 2007." The project would not result in an intensification of on-site septic disposal, and the septic tanks would be relocated further from the bluff edge than the existing septic tanks, therefore potential environmental impacts would be decreased. Such replacement is allowable within the trail easement area, according to the Mutual Settlement Agreement and Release by and between Bower Limited Partnership, John H. Bower, Redwood Coast Land Conservancy, Shirley Eberly, Lois Lutz and California Coastal Commission (Case No. SCUk CVG 0594172), which reads as follows (pertinent part):

RCLC [Redwood Coast Land Conservancy] agrees that subject to the limitations in this agreement, BLP [Bower Limited Partnership] is entitled to access and use of the easement areas for uses that are not

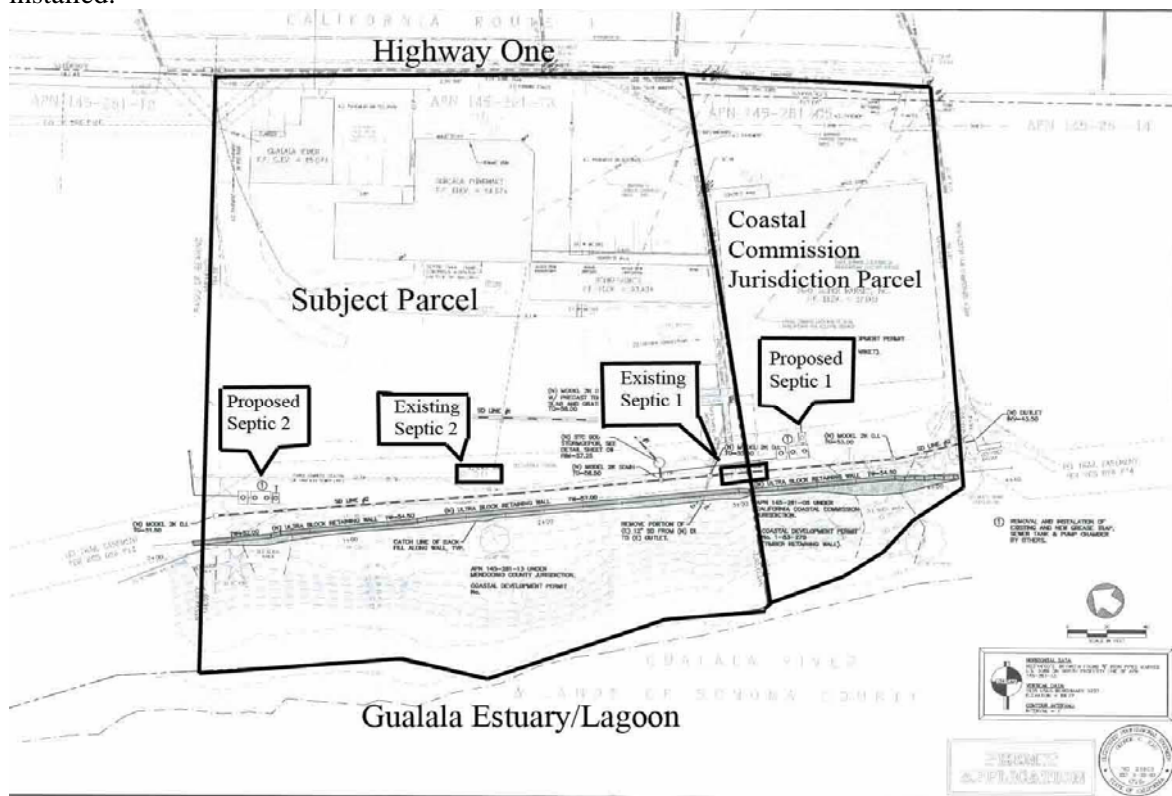


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inconsistent with the public pedestrian access authorized by the May 2004 Mendocino County coastal development permit. Such access and use may include, but is not limited to replacement of the retaining wall on Parcel 5, installation of a retaining wall on Parcel 13, installation and relocation of necessary utilities on Parcels 5 and 13, provided that BLP obtains all necessary permits for such work, including coastal development permits where required. RCLC understands and agrees that such work may result in temporary disruption and/or temporary relocation of pedestrian access on RCLC's easement area. BLP further agrees that to the extent that any of its use of or access to the easement area damages the public pedestrian access amenities constructed by RCLC, BLP will expeditiously repair such damage at BLP's expense (Bower Limited Partnership vs. Redwood Coast Land Conservancy and California Coastal Commission, 2007 (Item 10)).

The project will not result in the need for new septic systems or for substantial alterations. The relocation and upgrade are proposed because the timing is beneficial – it is advantageous to relocate and upgrade the tanks to more appropriate positions while the fill is being removed anyway. Existing septic location number 1, shown in Figure 1, straddling the boundary between parcels APN 145-261-13 and APN 145-261-05, is currently exposed due to erosion. The upgraded septic system in this area would be placed approximately 14 feet east of the retaining wall, entirely on parcel 145-261-05, which is under the Coastal Commission's jurisdiction. Therefore, the relocation and upgrade of this septic system requires approval by the Coastal Commission. Septic relocation number 1 is included in this report only because the tank would be relocated from part of the subject parcel. Septic relocation number 2 would be relocated from its present location, shown on Figure 1 as in the center of the subject parcel, approximately 15 feet east of the proposed retaining wall. Septic system 2 would be relocated further north, still approximately 15 east of the proposed retaining wall. From a geotechnical standpoint, the replacement areas are dependant upon approval of the retaining wall, in that the relocation areas were chosen based upon the assumption that the retaining wall would be installed.



**Figure 1.** RAU site plan as modified by staff to show existing and proposed septic locations.

Section 20.500.020(E)(4) of the Mendocino County Coastal Zoning Code requires the recordation of a deed restriction in association with all Coastal Permits for blufftop residential or commercial development. Section 20.500.020(E)(4)(c) of that requirement stipulates that “The landowner shall not construct any bluff or shoreline protective devices to protect the subject permitted residence, guest cottage, garage, septic system, or other improvements in the event that these structures are subject to damage, or other natural hazards in the future”. Such a deed restriction has not been recorded on the subject parcel to date, as most development upon the lot predates this requirement. The deed restriction was not included in CDP 23-2003 for the Gualala Bluff Trail for the following reasons, as outlined in the staff report:

First, the access easements are fixed on the ground. As the natural bluff erosion occurs through time the width of the easement will continue to be reduced. If RCLC or its successors were made to agree to move the trail back from the bluff, it would probably cease to exist, as the trail would literally run out of room. The engineering performed by BACE and Moffat & Nichol Engineers should assure that the original trail construction is designed in the most responsible geotechnically feasible manner possible. Also, phase one of the trail was approved without the benefit of the deed restriction so as a matter of course the existing portion of the trail is not subject to the deed restriction. Second, it can be anticipated that if bluff erosion should begin to undermine the existing commercial development east the trail, such as Building C at the Breaker’s Inn for example, an application would be made to arrest erosion with a seawall or retaining structure to protect existing development. The County LCP provides the possibility to protect existing development when it is undermined by shoreline erosion per Section 20.500.020 of the MCCZC. The County has a responsibility to try and maintain the public access provided by the Gualala Bluff Trail due to the high priority the Coastal Act gives to public access and the policies of the LCP. Finally, any proposed seawall would require an amendment to this permit or a separate permit at which time the proposal could be thoroughly analyzed and discussed (Miller, 2004).

The deed restriction requirement was also not included in CDP 24-2007, because the project consisted of demolition and removal, not new development<sup>2</sup>, therefore the deed restriction would not be applicable to any structures.

For the subject permit, the deed restriction is not applicable, because all structures are existing, the exception being the proposed retaining wall. As pointed out by Julie Price, Environmental Planner for RAU and Associates, and agent for the project, the proposed relocation and upgrade of the septic equipment meets the definition of “Repair and Maintenance of Public Utilities,” which is normally considered as exempt from the Coastal Permit process according to the Repair, Maintenance and Utility Hook-Up Exclusions from Permit Requirements, adopted by the California Coastal Commission on September 5, 1978. The septic relocation is included in the subject CDP because it is possible that due to the proximity of the estuary, the repair may not be exempt. In any case, the proposed repair and maintenance is not new development, therefore the deed restriction requirement does not apply to the septic repair aspect of the project. To apply the “no retaining wall” deed restriction to the proposed retaining wall, the only new development applicable, would not be appropriate. Therefore, the deed restriction requirement is not included in the subject CDP.

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<sup>2</sup> Section 20.500.020(E)(4)(e), a portion of the deed restriction requirement, states that “The requirements of subsection (d) [for removal of existing infrastructure should bluff retreat threaten] shall not apply to residences or associated improvements on the property that pre-date the subject coastal permit.”

**Human Health (Item 16):**

- A. Creation of any health hazard or potential health hazard? The project is not expected to result in the creation of health hazards or potential health hazards to humans.
- B. Exposure of people to any existing health hazards? The project would not result in the exposure of people to any existing health hazards.
- C. A risk of an explosion or the release of hazardous substances (including oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions? The project includes the use of machinery requiring gasoline and oil. Best Management Practices (BMPs) are to be adopted in conjunction with the implementation of the Storm Water Pollution Prevention Plan. As mitigated, the project would not indicate significant risks of explosion or the release of hazardous substances.
- D. Possible interference with an emergency response plan or evacuation plan: The project would not interfere with any emergency response plan or evacuation plan.

**Aesthetics (Item 17):**

- A. Obstruction of any scenic vista or view open to the public, or create an aesthetically offensive site open to public view? The parcels upon which the retaining wall is proposed (APN 145-261-13, subject parcel; APN 145-261-05, Coastal Commission jurisdiction parcel) are not located in a designated highly scenic area according to the Coastal Plan Map. However, analysis of aesthetic issues relating to appearance and views to and along the ocean are required for all development in the coastal zone. The importance of aesthetics is evidenced by policies in the County's Coastal Element which apply to all areas in the coastal zone regardless of location in a designated highly scenic area:

Coastal Plan Policy 3.5-1 of the Mendocino County Coastal Element states in pertinent 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.*

The project would result in 285 length feet of retaining wall with a visible height varying from approximately three to twelve feet. The wall will extend a maximum of approximately one and one half feet above finished grade of the bluff trail, with the remaining height extending below the bluff trail. The wall has an average height of approximately six feet below finished grade of the bluff trail on the subject parcel (see Exhibit B, wall profile). Cumulatively, the wall would span 390 length feet when connected to the proposed wall on the parcel to the immediate south. Visual impacts would be greatest on the south parcel (the portion of the project under Coastal Commission Jurisdiction) as the wall would be roughly 25 feet high at its most visible point. The top of the retaining wall would be at bluff trail grade, to as much as one and one half feet above grade, as viewed from the subject parcels, so it would not impact views to or along the ocean from that perspective, however the retaining wall would be visible from the Gualala Point Regional Park, located across the estuary/lagoon in Sonoma County. From this perspective, the retaining wall would be backdropped by existing commercial structures, which appear as a continuous line of light blue buildings, spanning both parcels. Sonoma

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County Regional Parks was notified regarding the project, and Mark Cleveland, Supervising Park Planner, responded in a letter dated November 20, 2006 as follows (pertinent part):

Per the plans and project description submitted with this application, the proposed concrete block retaining wall will vary between 15 and 30 feet in height. The exposed and visible portions of the wall as shown in the sections provided with the plans indicate that at Section CC approximately 25 feet of this retaining wall will be visible from the river and our park. This poses a significant impact to the visual aesthetics and should be mitigated. No landscaping or other screening elements are included with the project, primarily due to the steep terrain and the desire to stay as far away as possible for the Gualala River.

Sonoma County Regional Parks would like to recommend the use of a concrete crib wall instead of a closed masonry wall. This would allow vegetation to be established in the open interstices between the concrete wall units to soften and minimize, to the extent possible, the visual and aesthetic impacts of this significant structure to park and river users.

As stated above, Mr. Cleveland considers Section CC, the section of wall to be located in Coastal Commission jurisdiction, to pose a significant impact, necessitating mitigation to soften visual effects. The portions of wall located on the subject lot would not be as visually apparent as the Coastal Commission portion, but would increase the cumulative impact, and would nonetheless be visible in and of itself. Therefore mitigations are warranted for the section of wall proposed on the subject lot, to reduce visual impacts to a level of less than significant. In speaking with JR Ashcraft of RAU and Associates, staff learned that different wall and finish types were considered that would best blend with the area visually. The crib type wall that Mr. Cleveland suggests was ruled out because it would require a wider base, and therefore a greater amount of excavation into the bedrock. Geotextile grid installation was also considered, heading horizontally through the fill toward the existing commercial buildings, to a distance of approximately 50+ feet, and there simply is not enough room due to the presence of existing structures. Visual mitigations proposed include a "California Random Stone" face, to be stained with Sherman Williams "Foothills" stain (SW 7514). Staff recommends the stain to be applied in a manner that allows for some natural contrast between the faux stone facing and the contoured faux grout areas. In addition, native plants are to be planted on the finished grade downslope of the wall, including community appropriate native vines that will climb the wall and provide for a softening effect. Special Condition Number 2 is recommended to require the proposed and requested mitigation measures as outlined here, as mandatory conditions of approval. As conditioned, the project would not result in significant impacts to visual resources.

**Public Access & Recreation (Item 18):**

- A. Impact upon the quality or quantity of existing recreational opportunities? The project is located within the easement of the Gualala Bluff Trail, an existing coastal access trail that is approximately ½ to ¾ of the way finished on the subject lot. The project would result in temporary direct impacts to the Gualala Bluff Trail, in that the portion of the trail within the project area would have to be temporarily closed or re-routed during construction activities. No permanent detrimental impacts would occur to the quality or quantity of existing recreational opportunities as a result of the proposed project, therefore impacts would be less than significant.

**Cultural Resources (Item 19):**

- A. Alteration or destruction of a prehistoric or historic archaeological site? As indicated on page CPA-10 of the Staff Report for CDP 23-2003, the site was surveyed for archaeological/cultural resources during the analysis for phase two of the Gualala Bluff trail. The survey was conducted by Tom Origer

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& Associates, who summarized in their survey report dated September 13, 2001, that no evidence existed of any archeological or other historical resources on the site. The survey was accepted at the County Archaeological Commission hearing held May 14, 2003 (Miller 2004). Nonetheless, the applicant is advised by Standard Condition Number 8 of the County's "discovery clause" which establishes procedures to follow should archaeological materials be unearthed during project construction. The project would not impact prehistoric or historic archaeological sites.

- B. Adverse physical or aesthetic effects to a prehistoric or historic building or structure?** As indicated on page CPA-10 of the Staff Report for CDP 23-2003, the site was surveyed for archaeological/cultural resources during the analysis for phase two of the Gualala Bluff trail. The survey was conducted by Tom Origer & Associates, who summarized in their survey report dated September 13, 2001, that no evidence existed of any archeological or other historical resources on the site. The survey was accepted at the County Archaeological Commission hearing held May 14, 2003 (Miller 2004). Nonetheless, the applicant is advised by Standard Condition Number 8 of the County's "discovery clause" which establishes procedures to follow should archaeological materials be unearthed during project construction. The project would not impact prehistoric or historic buildings or structures.
- C. Cause a physical change that would affect the unique ethnic cultural values?** The project would not cause a physical change that would affect any unique cultural values.
- D. Restrict existing religious or sacred uses within the potential impact area?** There are no known existing religious or sacred uses within the potential impact area. The project would not impact religious or sacred uses.

**ENVIRONMENTAL RECOMMENDATION:**

No significant environmental impacts are anticipated which cannot be adequately mitigated, therefore, a Negative Declaration is recommended.

**GENERAL PLAN CONSISTENCY RECOMMENDATION:** The proposed project is consistent with applicable goals and policies of the General Plan.

**RECOMMENDED MOTION:**

**General Plan Consistency Finding:** As discussed under pertinent sections of this report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions being recommended by staff.

**Environmental Findings:** The Coastal Permit Administrator finds that no significant environmental impacts would result from the proposed project which can not be adequately mitigated through the conditions of approval, therefore, a Negative Declaration is adopted.

**Coastal Development Permit Findings:** 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.

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**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.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan.

**STANDARD CONDITIONS:**

1. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.

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5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$1,850.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to December 24, 2007 (within 5 days of the end of any appeal period). Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. **The applicant has the sole responsibility to insure timely compliance with this condition.**

**SPECIAL CONDITIONS:**

1. Prior to the issuance of the grading permit, the applicant shall submit for approval by the Coastal Permit Administrator, an erosion control and Storm Water Pollution Prevention Plan, in compliance with Sections 20.492.010(E-G) and 20.492.015 of the Mendocino County Coastal Zoning Code, and in conformance with mitigation measures outlined by BioConsultant in the botanical survey report for the subject parcel, dated August, 2007, as follows:
  - ❖ Implementation of a Storm Water Pollution Prevention Plan (SWPPP) consisting of site-specific measures to reduce impacts to water quality and protect the adjacent estuarine habitats during construction.
  - ❖ Adoption of 20-25 construction site best management practices (BMPs) in the SWPPP.
  - ❖ Use of the reinforced "Super Silt Fence" at the limits of construction to prevent sediment, rock, debris and/or other materials from entering the ESHAs during construction.
  - ❖ All excavation and vegetation removal activities shall occur after May 15<sup>th</sup>, with peak noise generating activities ceasing prior to August 15, and all ground disturbing activities ceasing October 15.
2. The Gualala River estuary/lagoon and associated estuarine/intertidal wetland shall be protected in perpetuity on-site with a minimum 50 foot buffer. No development or placement of materials shall occur within the Environmentally Sensitive Habitat Areas or 50 foot buffer area with the exception of the proposed weed control and habitat restoration activities. All mitigation measures outlined by BioConsultant in the botanical survey report dated August, 2007, are hereby required as a mandatory condition of approval of the subject Coastal Development Permit:

Prior to issuance of the Coastal Development Permit, the applicant shall submit for approval to the Coastal Permit Administrator, a comprehensive, long-term plan to restore the original habitat values and slope stabilizing function of coastal scrub vegetation at the Project Site. The plan shall utilize native plantings based on the results of the plant inventory (Appendix C of the botanical survey report by BioConsultant, dated August 2007) and habitat conditions, and shall be designed to revegetate disturbed areas and bare soil, restore stable northern coastal scrub all along the length of the bluff, visually buffer the retaining wall from the Gualala Point Regional Park (including native vine type plants that can grow up the wall), and eliminate invasive weeds. The plan shall be implemented by a professional restoration company and shall incorporate a restoration monitoring component. Cooperative efforts between the landowner and RCLC, the Dorothy King Young chapter of the California Native Plant Society, and the Mendocino Coast Cooperative Weed Management Area is encouraged. The following guidelines as outlined in the botanical survey report shall guide the final restoration plan:

- ❖ Schedule a site visit by a restoration professional prior to the onset of construction activities to examine pre-construction conditions and to locate occurrences of invasive weeds, noting in particular those areas where invasive weeds are rooted in the middle slope and lower bluff toe areas.
- ❖ Retain as many of the existing large blue blossom and silk tassel bush as possible.



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- ❖ Utilize existing native shrub species in the plantings: silk tassel bush, blue blossom, coyote brush, thimbleberry, California blackberry, and oso berry.
- ❖ Use large-size (5 gal. or greater) container shrubs and provide irrigation as needed. Install erosion control fabric on filled areas and other bare soil, densely seeding these areas with fast-growing native perennial California brome to help hold the soil in the first year after construction and to outcompete non-native velvet grass and other weeds.
- ❖ Remove jubata grass and pride of Madeira (Echium) from the toe of the bluff, replacing these species with native shrubs.
- ❖ Focus weed eradication strategies on eliminating the most noxious of the invasive weeds (Himalayan blackberry, capeweed, greater periwinkle, jubata grass, ice plant, and pride of Madeira), and devise follow-up strategies to eliminate and/or control poison hemlock, wild radish, velvet grass, Harding grass, wild teasel, bull thistle, and Italian thistle.
- ❖ Design and implement a long-term monitoring effort and make modifications to the restoration plan as needed.

To mitigate for potential impacts to wildlife, the following measure, as outlined in the botanical survey report by BioConsultant, dated August 2007, shall be required:

- ❖ All excavation and vegetation removal activities shall occur after May 15<sup>th</sup>, with peak noise generating activities ceasing prior to August 15, and all ground disturbing activities ceasing October 15.

The retaining wall shall be faced with the proposed quarry rock facing. Sherwin Williams stain number SW 7514 (Foothills) or equivalent as approved by the Coastal Permit Administrator, shall be applied to the retaining wall face by hand, prior to installation. The stain shall be applied in a manner that will create a natural looking contrast between the quarry rock portion of the face and the grout portion of the face. Maintenance shall occur as needed to assure that the face of the wall remains visually appealing over time.

3. Noise generating construction activities shall be limited in duration to between the hours of 8:00 am and 5:00 pm, Monday thru Friday only. The intent of this condition is to limit noise impacts to nearby visitor serving facilities.
4. Prior to issuance of the grading permit, and prior to construction activities, the applicant shall provide written documentation to the Coastal Permit Administrator that all necessary permits from the North Coast Regional Water Quality Control Board, including the permit associated with the construction stormwater pollution prevention plan, have been secured. Any dewatering of the trench for construction purposes must be contained and sampled. This and any other ground water encountered during the project shall not be discharged to surface waters without prior permission from the North Coast Regional Water Quality Control Board. The applicant shall be responsible for maintenance of the stormwater treatment system for the life of the project.
5. A copy of the staff report and coastal permit for CDP 55-2006 shall be provided to the contractor and all sub-contractors conducting the work, and must be in their possession at the work site. This requirement is intended to ensure that the project construction is done

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in a manner consistent with the submitted application and all other supplemental information contained in the staff report.

Staff Report Prepared By:

Date		Teresa Beddoe Planner I
Attachments:	Exhibit A      Location Map Exhibit B      Zoning Map Exhibit C      Site Plan Exhibit D      Retaining Wall/ Storm Drain Profiles Exhibit E      Retaining Wall Sections Exhibit F      Details	
Appendix A   Reduced Buffer Analysis		
Appeal Period: Ten calendar days for the Mendocino County Board of Supervisors, followed by ten working days for the California Coastal Commission following the Commission's receipt of the Notice of Final Action from the County.		
Appeal Fee:      \$795 (For an appeal to the Mendocino County Board of Supervisors.)		
<b>SUMMARY OF REFERRAL AGENCY COMMENTS:</b>		
Planning – Ukiah	No comment.	
Department of Transportation	No comment.	
Environmental Health – Fort Bragg	DEH can clear this CDP with the revised new tank locations as indicated in RAU & Associates letter dated May 2, 2007.	
Building Inspection – Fort Bragg	No comment.	
Assessor	No response.	
Department of Fish & Game	Botanical survey (following DFG guidelines) is needed. Other comments as indicated in the staff report and project file.	
Native Plant Society	Project may constitute "piecemealing" under CEQA; the project may have significant/cumulative environmental and visual impacts; the project encompasses an environmentally sensitive location; removal of native plants should be kept to a minimum to reduce erosion impacts; new botanical survey needed; invasive weed control issues.	
Coastal Commission	The information in the geotechnical report seems to indicate that the bluff is relatively stable and that existing development does not appear to necessitate a current need for protection from erosion.	
GMAC	Voted to recommend approval. Hopes that issues between RCLC and Bower can be resolved regarding visual impact and vegetation removal.	

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NCRWQCB Redwood Coast Land Conservancy	No comment. Concerns include whether the wall is actually needed, or if there are more localized solutions to failures; visual impacts of the wall, disturbance to native vegetation, drainage, and potential disruptions to the trail.
North Gualala Water Company	No impact of North Gualala Water Co.'s facilities proposed in this project. NGWC whole heartedly supports this project. Community, coastal & private benefits of the retaining wall & drainage facilities greatly improves downtown Gualala.
South Coast Fire District GCSD	No comment. A 3,000 gallon grease trap will be added to the District's system on APN 145-261-05 as well. The addition of the tank as well as the relocation of all four District tanks and associated equipment will be at the expense of the property owner and shall be done in accordance with the District's specifications. Four new PVC risers will need to be installed as well on the District's tanks. No applications needed for this project.
Sonoma Regional Parks	Concerned with visual impacts of the proposed wall – would recommend a concrete crib wall rather than a closed masonry wall, in order to soften and minimize visual impacts by allowing the growth of vegetation in the interstices.

**REFERENCES:**

- Ashcraft, J.R. 2007. *Memorandum to CDP 55-2006 Bower file; Subject: Telephone conversation with JR of RAU and Associates*. September 7, 2007.
- BioConsultant, February 2007. *Wildlife Survey, Bower LLP Project – Gualala (APN 145-261-013 & 005)*. BioConsultant LLC, Santa Rosa, CA.
- BioConsultant, August 2007. *Botanical Survey, Bower LLP Project – Gualala (APN 145-261-013 & 005)*. BioConsultant LLC, Santa Rosa, CA.
- Bower Limited Partnership vs. Redwood Coast Land Conservancy and California Coastal Commission. Case Number SCUK CVG 0594172, Superior Court of California, County of Mendocino, Ukiah Branch. Endorsed-Filed February 16, 2007.
- Fodge, Bruce. 1983. *Staff Report for Coastal Development Permit 1-83-270, John Bower*. California Coastal Commission, North Coast District. December 14, 1983.
- Miller, Rick. 2004. *Staff Report for Coastal Development Permit 23-2003, Redwood Coast Land Conservancy*. Mendocino County Planning Division, April 29, 2004.
- RAU and Associates, Inc., 2006. *Site Reconnaissance and Preliminary Geotechnical Investigation, For Design of Retaining Wall along Gualala River Bluff on Property Identified by Assessor's Parcel Numbers 145-261-05 and 145-261-13, Gualala, Mendocino County, California*. RAU and Associates, Ukiah, CA. July 2006.

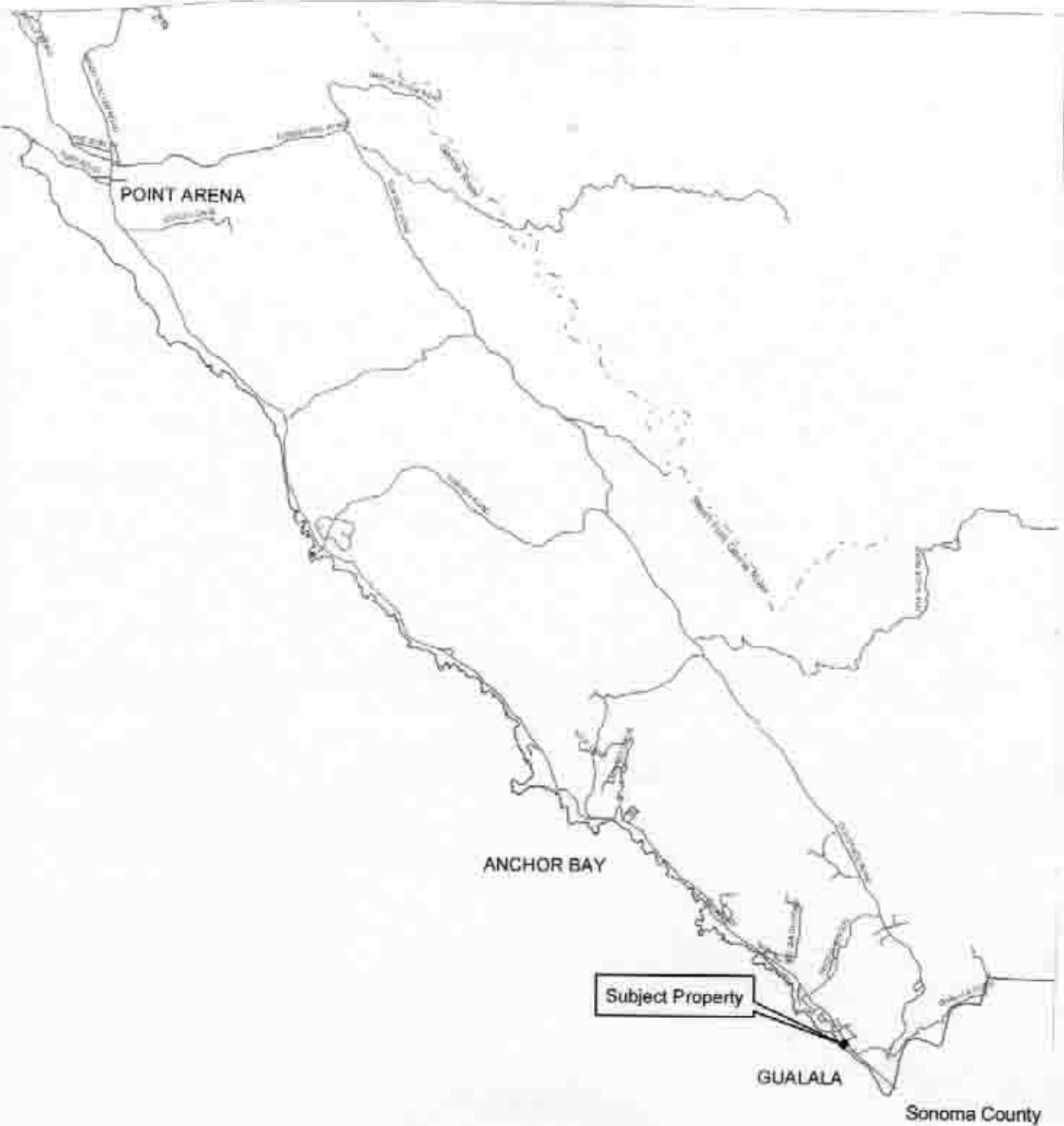
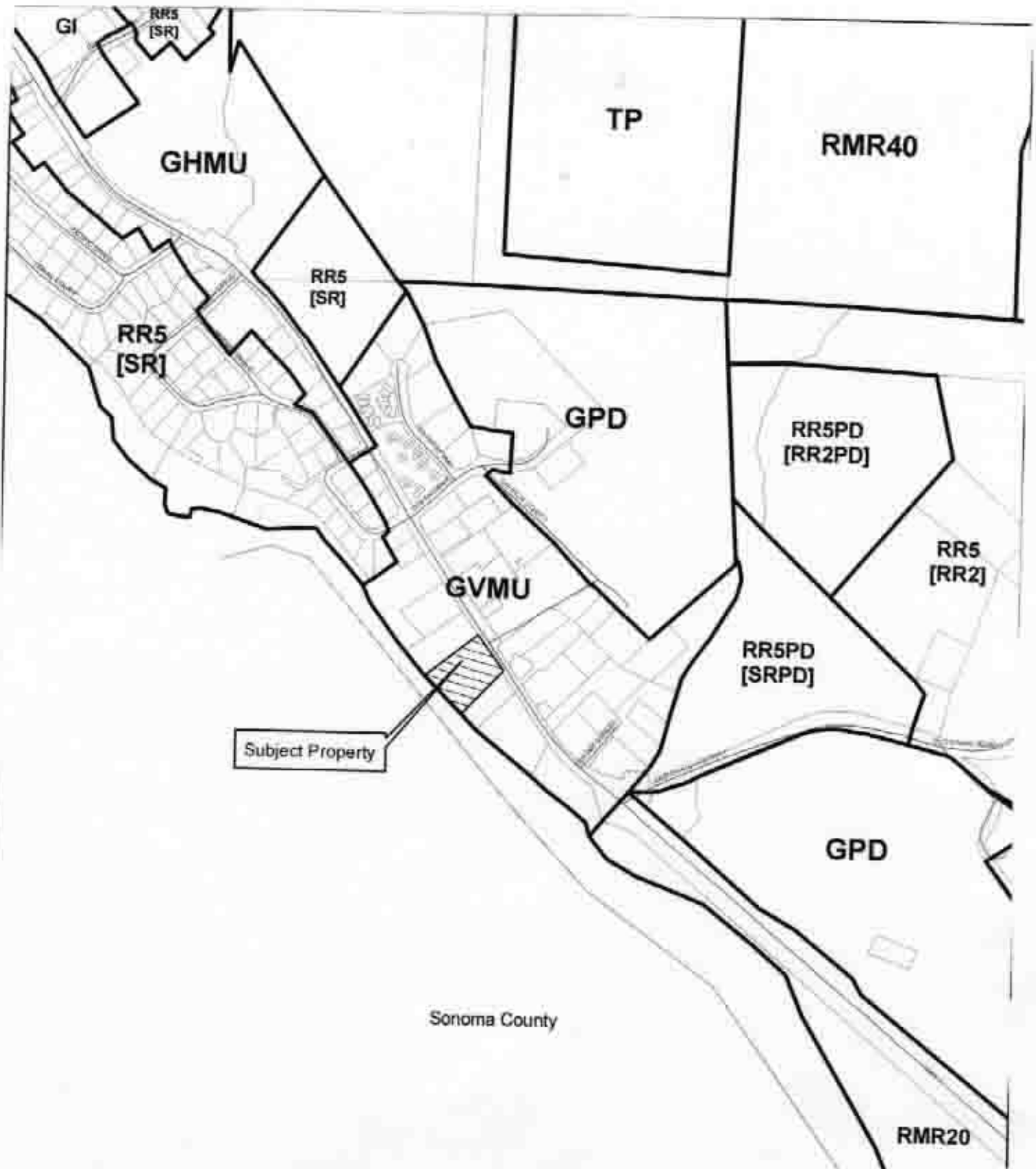


EXHIBIT A

LOCATION MAP





STAFF REPORT FOR COASTAL DEVELOPMENT  
STANDARD PERMIT

CDP #55-2006 (Bower)  
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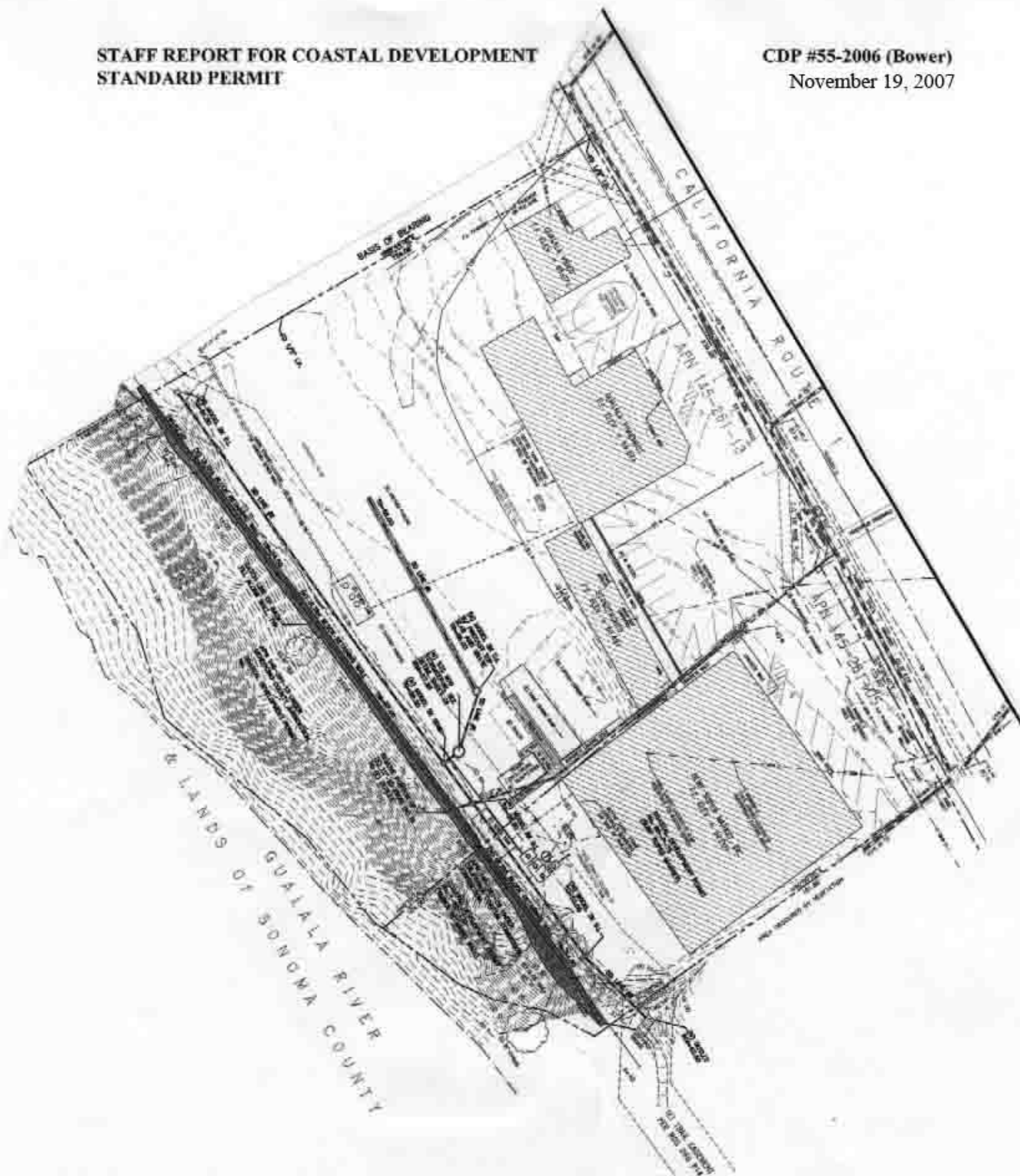
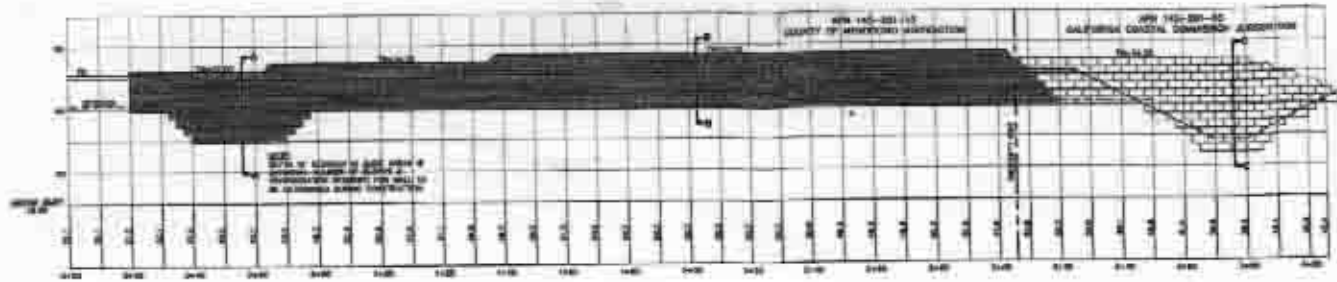


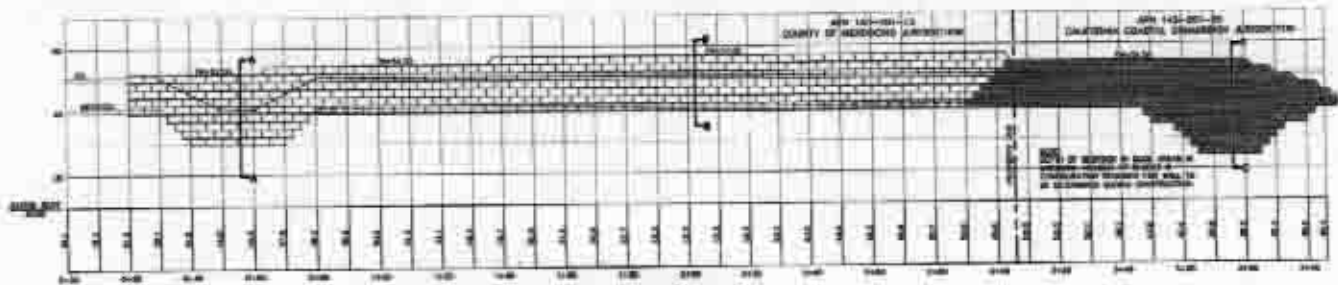
EXHIBIT C

SITE PLAN





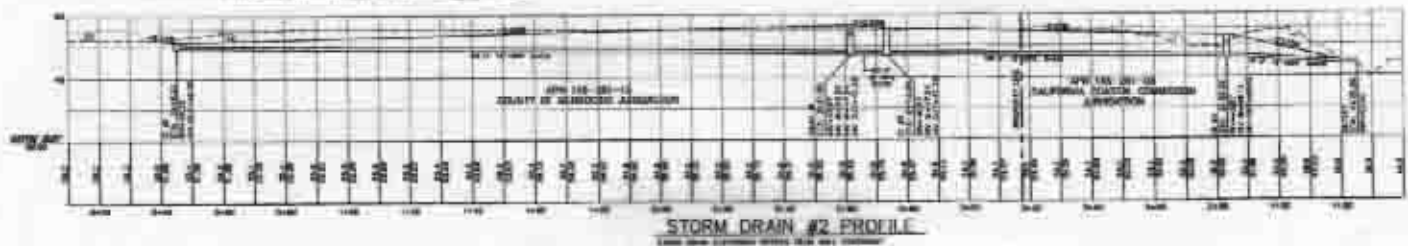
WALL PROFILE



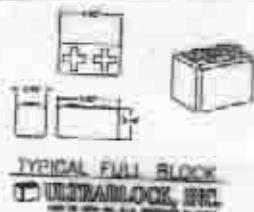
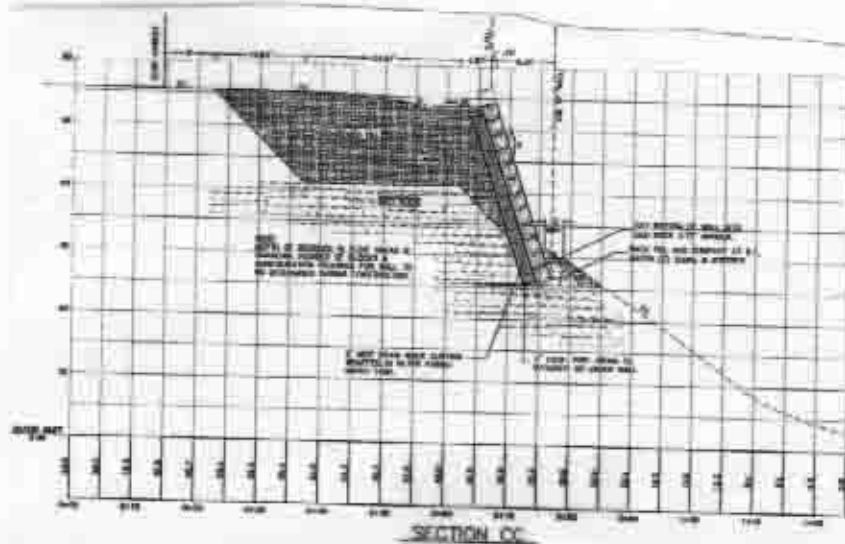
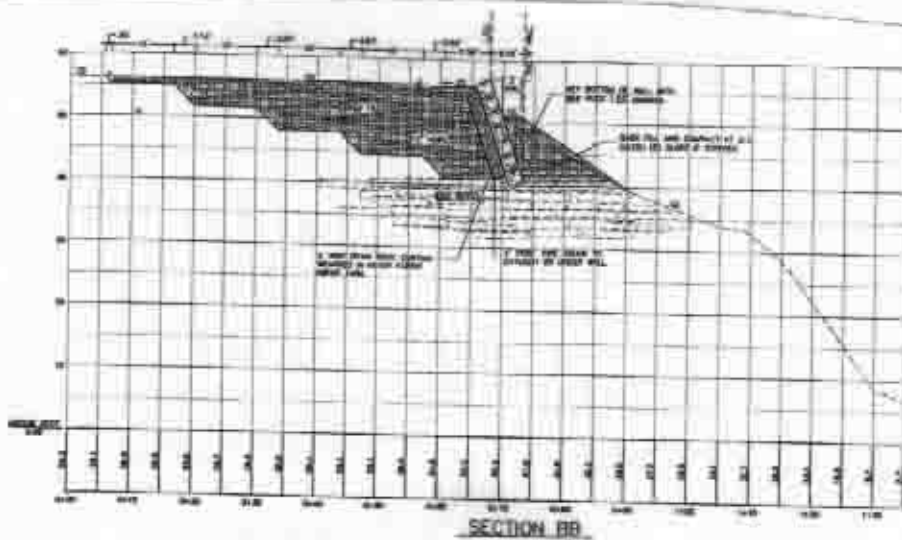
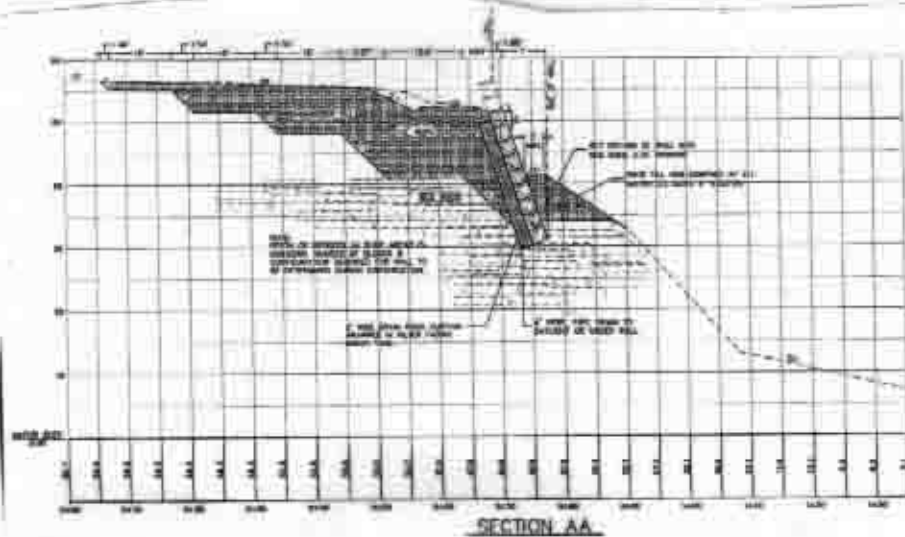
WALL PROFILE



STORM DRAIN #1 PROFILE

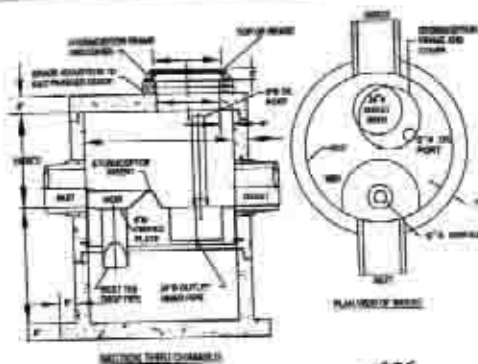


STORM DRAIN #2 PROFILE





**CDP #55-2006 (Bower)**  
November 19, 2007

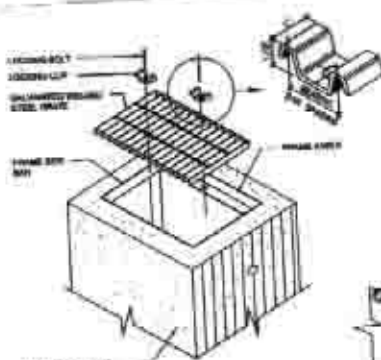


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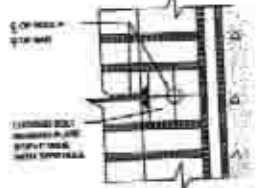
**STC 900 PRECAST CONCRETE STORMCEPTOR**

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2P5520	3"	18	600	18	100	5
2P5521	3 1/2"	24	800	24	100	5
2P5522	4"	24	1000	24	100	5
2P5523	4 1/2"	24	1200	24	100	5
2P5524	5"	24	1400	24	100	5
2P5525	6"	24	1600	24	100	5
2P5526	8"	24	2000	24	100	5
2P5527	10"	24	2400	24	100	5
2P5528	12"	24	2800	24	100	5
2P5529	14"	24	3200	24	100	5
2P5530	16"	24	3600	24	100	5
2P5531	18"	24	4000	24	100	5
2P5532	20"	24	4400	24	100	5
2P5533	22"	24	4800	24	100	5
2P5534	24"	24	5200	24	100	5
2P5535	26"	24	5600	24	100	5
2P5536	28"	24	6000	24	100	5
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2P5538	32"	24	6800	24	100	5
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2P5540	36"	24	7600	24	100	5
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2P5721	398"	24				

### TYPICAL DROP INLET SCHEDULE

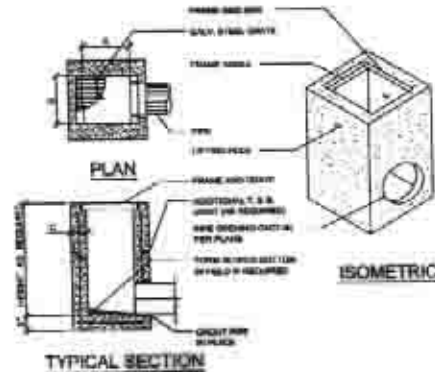


### TYPICAL DROP INLET

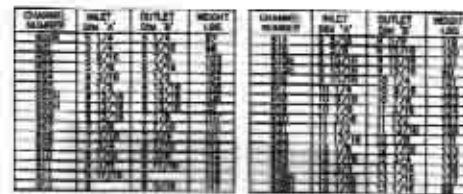
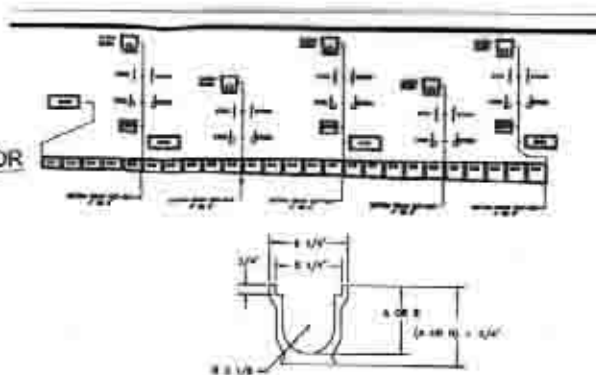


### PARTIAL PLAN

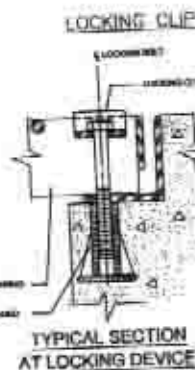
## DROP INLET GRATE LOCKS



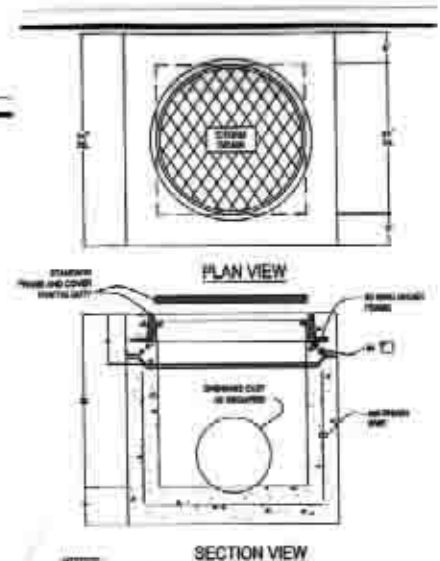
### TYPICAL SECTION



## POLYCAST 800 SERIES TRENCH DRAIN



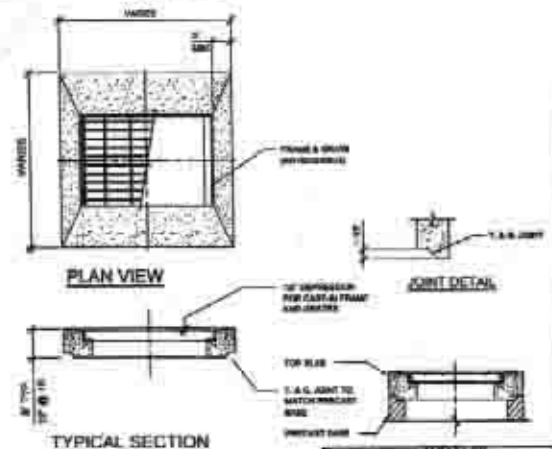
**TYPICAL SECTION  
AT LOCKING DEVICE**



### SECTION VIEW

- SECTION VI

MODEL 2K STORM DRAIN MANHOLE



## **Myrrors**

6. Representations of  $\mathcal{A}$  and  $\mathcal{B}$  are  $\mathcal{A}$  and  $\mathcal{B}$  respectively.

**MODEL 3K TOP SLAB AND GRATE**  
(OPTIONAL HEIGHT)



## **Appendix A**

### **Reduced Buffer Analysis**

## BUFFER ZONE ANALYSIS

Projects that propose construction with a buffer less than 100ft. from an ESHA must provide information that demonstrates that a reduced buffer width will not have a significant adverse impact on the habitat. The buffer zone analysis utilizing Mendocino LCP Ordinance 20.496.020 (A) through 3 is presented in Table 4: Reduced Buffer Analysis.

**Table 4. Reduced Buffer Zone Analysis.**

Section 20.496.020 Coastal Zoning Ordinance	
(A) <b>Buffer Areas.</b> A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from future developments and shall be compatible with the continuance of such habitat areas.	Buffer widths were analyzed based on the current on-site habitat conditions, parcel size and configuration, site topography and soils, and the ESHA resources.

<p><b>(1) Width.</b> The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent Environmentally Sensitive Habitat Area.</p>	<p>The Project proposes buffer widths that range from 28ft. to 70ft., from the mean high tide to the limits of construction activities. The smallest buffer of 28ft. occurs on APN 145-261-05 (Coastal Commission) between the southern slide area and the estuarine wetland. A 50ft. minimum buffer will be maintained on APN 145-261-13 (County) with buffers that range from 50ft. to 70ft. with an average buffer of 60ft.</p> <p>The buffer widths were measured from the western limits of construction (the west edge of soil disturbance) to the mean high tide line, which encompasses the estuary/intertidal wetland ESHAs. The applicant is not proposing to sub-divide the parcel.</p>
<p><b>(a) Biological Significance of Adjacent Lands.</b> The degree of significance depends upon the habitat requirements of the species in the habitat area.</p>	<p>The existing intact coastal scrub vegetation, (between slide areas) provides the biologically significant function of erosion control and water quality protection for the ESHAs, but the slide areas that are devoid of scrub vegetation have potential for continued and increased sediment delivery during winter rains. Following completion of the Project, the bluff will be stabilized, non-engineered fill removed, and the coastal scrub vegetation re-vegetated and restored; thus enhancing the biological significance of the Project Site and adjacent land.</p>
<p><b>(b) Sensitivity of Species to Disturbance.</b> The width of the buffer zone shall be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development.</p>	<p>Potentially sensitive harbor seals and brown pelicans are known to occur across the River estuary at heavily visited Gualala Regional Point Park (0.5 mi.). This distance, the physical barrier of the estuary, and the habituation capabilities of the harbor seal should be sufficient to avoid significant disturbance. The peak of noise generating activities will occur prior to the late summer arrival of the brown pelican.</p>
<p><b>b(i) Nesting, feeding, breeding, resting, or other habitat requirements of both resident and migratory fish and wildlife species.</b></p>	<p>No special-status species were observed at the Project Site, and although it is likely that special-status species do occur in the river ESHA, none would require the use of the Project Site. Common song birds and raccoon do utilize and reside in the coastal</p>

	scrub vegetation at the Project Site.
b(ii) An assessment of the short-term and long-term adaptability of various species to human disturbance.	Common species such as raccoon and the resident song bird population are highly adaptable to short-term human disturbances. The Project will displace a portion of the song bird population during the construction phase; however, with the implementation of the restoration plan the habitat will support greater native plant diversity which in the long-term will create higher quality wildlife habitat, especially for the resident song birds. It is expected that common species will continue to utilize the coastal scrub habitat outside of the construction envelope during construction and post-construction.
b(iii) An assessment of the impact and activity levels of the proposed development on the resource.	Implementation of the mitigation and erosion control measures are expected to avoid impacts to the ESHAs during and post-development.
<b>(c) Susceptibility of Parcel to Erosion.</b> The width of the buffer zone shall be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for erosion. A sufficient buffer to allow for the interception of any additional material eroded as a result of the proposed development should be provided.	Due to the steepness of the slope, amount of unstable fill, lack of vegetation cover in slide areas, and the amount of vegetation removal required for the wall construction, the potential for erosion is high. However, the project proposes robust and extensive erosion control measures; the most important is the use of the "Super Silt Fence" to be placed at the limits of construction activities to prevent any sediment and/or debris from entering the EHSA. At present the entire bluff is susceptible to eroding at an accelerated rate with the consequent risks of increased sediment delivery to the ESHAs, loss of coastal scrub due to slides, and loss of land for the Surf Center buildings and Gualala Bluff Trail.
<b>(d) Use of Natural Topographic Features to Locate Development</b>	The development and buffer locations are pre-determined by the location of the unstable bluff and location of the slide areas.
<b>(e) Use of Existing Cultural Features to Locate Buffer Zones.</b> Cultural features (e.g., roads and dikes) shall be used, where feasible, to buffer habitat areas. Where feasible, development shall be located on the side of roads, dikes, irrigation canals,	The development and buffer locations are pre-determined by the location of the unstable bluff and location of the slide areas, therefore the wall cannot be located any further away from the ESHA.

flood control channels, etc., away from the ESHA.	
<b>(f) Lot Configuration and Location of Existing Development.</b> Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance shall be required as a buffer zone for any new development permitted. However, if that distance is less than one hundred (100) feet, additional mitigation measures (e.g., planting of native vegetation) shall be provided to ensure additional protection.	The project has been designed to reduce the amount of vegetation removal and the landowner has proposed appropriate mitigation measures.
<b>(g) Type and Scale of Development Proposed.</b> The type and scale of the proposed development will, to a large degree, determine the size of the buffer zone necessary to protect the ESHA. Such evaluations shall be made on a case-by-case basis depending upon the resources involved, the degree to which adjacent lands are already developed, and the type of development already existing in the area.	The development is proposed to prevent continued erosion and protect the water quality of adjacent ESHAs. Construction activities are expected to be completed within one (1) construction season.
<b>(2) Configuration.</b> The buffer area shall be measured from the nearest outside edge of the ESHA (e.g., for a wetland from the landward edge of the wetland; for a stream from the landward edge of riparian vegetation or the top of the bluff).	The buffer widths were measured from the mean high tide to the limit of construction activities, which correspond to the west edge of soil disturbance. The mean high tide line encompasses the landward edge of the estuarine wetland and was therefore chosen to represent the "outside edge" of the ESHAs.
<b>(3) Land Division.</b> New subdivisions or boundary line adjustments shall not be allowed which will create or provide for new parcels entirely within a buffer area.	The applicant does not propose subdividing the property or adjusting the boundary lines.
<b>(k)</b> The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.	The proposed Project will not have a significant impact on the environment if the recommended mitigations are implemented.

## IMPACT ANALYSIS AND MITIGATION MEASURES

The project includes development within the standard 100ft. buffer to the off-site Gualala River Estuary and estuarine/intertidal wetland ESHAs. The Reduced Buffer Zone Analysis demonstrates that with the implementation of the proposed mitigation and protective measures, the buffer is sufficient to protect the ESHAs. No development or construction related activities are proposed within the buffer; only weed control and habitat restoration will occur in the buffer.



**COUNTY OF MENDOCINO  
ENVIRONMENTAL REVIEW GUIDELINES  
DRAFT NEGATIVE DECLARATION**

**I. DESCRIPTION OF PROJECT.**

**DATE:** October 23, 2007

**CASE #:** CDP #55-2006

**DATE FILED:** 8/29/2006

**OWNER:** BOWER LTD TRUST

**AGENT:** RAU & ASSOCIATES, INC.

**APPLICANT:** BOWER LTD PARTNERSHIP

**REQUEST:** Construct a 285±-foot long concrete block retaining wall to connect to a proposed 105±-foot long retaining wall on the adjacent lot to the south (APN 145-261-05 – Coastal Commission jurisdiction). Associated drainage improvements include the installation of 414± length feet of drainpipe, a storm drain manhole, and a six-foot stormwater treatment structure. Relocation and upgrade of underground septic systems.

**LOCATION:** In the Coastal Zone, in the town of Gualala, on the west side of Highway 1, parallel to and upslope from the Gualala River, approximately 500 feet south of its outlet to the Pacific Ocean, at 39200 South Highway 1 (APN 145-261-13).

**PROJECT COORDINATOR:** TERESA BEDDOE

**II. DETERMINATION.**

In accordance with Mendocino County's procedures for compliance with the California Environmental Quality Act (CEQA), the County has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, it has been determined that:

Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, it is recommended that a **NEGATIVE DECLARATION** be adopted.

The attached Initial Study and staff report incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.