

**STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT**

**CDP# 26-2014
JANUARY 22, 2015
CPA-1**

OWNER/APPLICANT: JOHN GALEAZZI
2516 HORSESHOE DRIVE
SANTA ROSA, CA 95404

AGENT: AMY WYNN, WYNN COASTAL PLANNING
703 NORTH MAIN STREET
FORT BRAGG, CA 95437

REQUEST: Standard Coastal Development Permit to hand-remove an unpermitted blufftop retaining wall spanning approximately 120 linear feet of bluff face.

LOCATION: In the Coastal Zone, on the west side of Highway 1, 3± miles south of the city of Point Arena, located at 27600 South Highway 1; APN 027-421-08.

APPEALABLE AREA: Yes. (Blufftop)

PERMIT TYPE: Standard

TOTAL ACREAGE: 0.68± acres

GENERAL PLAN: RR:5DL

ZONING: RR:5

EXISTING USES: Residential

ADJACENT ZONING: North: RR:5
East: RL:160
South: RR:5
West: N/A

SURROUNDING LAND USES: North: Residential
East: Range / Vacant
South: Residential
West: Pacific Ocean

SUPERVISORIAL DISTRICT: 5

CA COASTAL RECORDS PROJECT: [201303696](#)

ENVIRONMENTAL DETERMINATION: Exempt (Class 4)

OTHER RELATED APPLICATIONS: CDP# 44-2000, issued for single family residential; CDPM# 44-2000, issued for a deck.

PROJECT DESCRIPTION: The request is for approval to hand-remove unpermitted blufftop armoring followed by planting and reseeding of the disturbed area with native coastal species adhering to the recommendations as specified in "*Limited Scope Coastal Bluff Surficial Erosion Assessment*" (SHN Consulting Engineers and Geologists, Inc., June 6, 2014), "*Blufftop Removal Plan*" (SHN Consulting Engineers and Geologists, Inc., May, 2014) and WRA Environmental Consultant's Report (June 26,

2014). The unpermitted blufftop armoring consisted of the placement of four rows of 1 inch by 6 inch Trex board (250± square feet) hung from the top of the bluff face spanning the width of the property from north to south. The deck boards were held in place with metal brackets and 28 inch rebar stakes driven into the blufftop soils. Approximately three (3) cubic yards of decorative rock, landscape fabric and approximately 375 square feet of 18 inch by 18 inch rubber pavers were placed as ground cover along the outer bluff edge. The armoring was constructed in order to mitigate the erosion of coastal bluff by the property owner. The top of the bluff has since retreated several feet following placement of the armoring. In order to prevent possible injury from falling armoring to persons on the beach below the property, the armoring, metal brackets, decorative landscape fabric and rubber pavers were removed by hand and the area prepared for planting consistent with the recommendations of the Consultants' reports.

SUMMARY RECOMMENDATION:

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

Land Use

The parcel is classified on the Coastal Plan Map as Rural Residential-5 Acres Minimum, Development Limitations (RR:5DL). The principal permitted use for the Rural Residential district is residential and associated utilities, light agriculture and home occupation. The density is one dwelling unit per legally created parcel or one dwelling unit per five acres. The Development Limitations designation is a special combining district intended to be used only in conjunction with another land use classification on parcels or portions of parcels that according to available data have serious constraints that may prevent or severely limit development including slope over 30 percent, erosion, or landslide. Many parcels with this designation have suffered severe bluff erosion. The parcel is zoned RR:L-5. The existing single family residence and associated development are permitted uses within the Rural Residential Zoning District, and are consistent with the Rural Residential land use classification.

The residence and associated development on the site were approved by a previous coastal development permits (CDP# 44-2000 and CDPM# 44-2000). The required yard setbacks for a nonconforming parcel (due to lot size) less than five acres in an RR:L-5 zone are 20 feet from front, rear and side property lines. The structures on the parcel, excluding the bluff top armoring, comply with previously approved CDP# 44-2000 and CDPM# 44-2000).

The site is not within a designated Highly Scenic Area,

Maximum lot coverage for a lot less than 2 acres in size in an RR zone is 20%. Lot coverage is the percentage of the gross lot area covered by structures, including porches and decks. The lot is approximately 0.68 acres, or 29,621 square feet. CDP# 44-2002 application shows approximately 5,944 square feet of coverage, or 14%. The project complies with lot coverage limits.

Public Access

The project site is located west of Highway 1, and is identified as a proposed shoreline access trail location on the LUP maps. There is no evidence of prescriptive access on the developed site. The project would have no effect on public access to the coast.

Hazards

The project site is less than one acre in size and is exempt from CalFire's fire safety regulations.

The armoring was located along the edge of the blufftop and posed a hazard to persons on the beach below the property. Consistent with the policy of the Coastal Commission and the County on blufftop parcels, a condition of CDP# 44-2000 required recordation of a deed restriction as a condition of development, prohibiting the construction of seawalls and requiring that permitted improvements be removed from the property if threatened by bluff retreat. The restriction also required that the landowner

be responsible for any clean up associated with portions of the development that might fall onto a beach. Special Condition 4 of CDP# 44-2000 remains in effect.

Grading, Erosion and Runoff

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.*

Regarding stormwater runoff, Section 20.492.025 of the MCCZC states in pertinent part:

- (A) *Water flows in excess of natural flows resulting from project development shall be mitigated.*
- (C) *The acceptability of alternative methods of storm water retention shall be based on appropriate engineering studies. Control methods to regulate the rate of storm water discharge that may be acceptable include retention of water on level surfaces, the use of grass areas, underground storage, and oversized storm drains with restricted outlets or energy dissipaters.*
- (D) *Retention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In other situations, planted trees and vegetation such as shrubs and permanent ground cover shall be maintained by the owner.*
- (E) *Provisions shall be made to infiltrate and/or safely conduct surface water to storm drains or suitable watercourses and to prevent surface runoff from damaging faces of cut and fill slopes.*

Approximately three (3) cubic yards of decorative rock, landscape fabric, and rubber pavers were placed on top of the bluff near the bluff face and four rows of 1 inch by 6 inch Trex board (250± square feet) were hung from the top of the bluff face spanning the width of the property from north to south. The deck boards were held in place with metal brackets and 28 inch rebar stakes driven into the bluff-top soils. All of these materials were hand removed and a thin layer of soil was placed over the disturbed area to support re-vegetation. With removal of the armoring, the property is returned to its pre-armoring condition and there is no increase in the amount of impervious surfaces on the property. The approximately three to six foot wide band adjacent to the bluff face will be treated with a seed mix of native coastal terrace species. Condition 9 is recommended to implement this suggestion.

Visual Resources

The parcel is located west of Highway 1 in a designated "Highly Scenic Area". While the armoring did not block views to and along the ocean, it did degrade views of the cliff face from the beach. Removal of the armoring helped to restore the visual quality of the views from the beach and is consistent with Coastal Element Policy 3.5-1 which provides general guidelines for all development in the coastal zone, requiring that:

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

Section 20.504.015(C)(3) of the Coastal Zoning Code requires:

New development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials including siding and roof material shall be selected to blend in hue and brightness with their surroundings.

With removal of the unpermitted armoring building materials and re-vegetation of the narrow strip along the top of the bluff, the project area would not be out of character with surrounding development. There would be no lighting associated with removal of the armoring.

Condition 11 is recommended to ensure that Special Condition 6 from CDP# 44-2000 regarding landscaping on the property continues to be implemented.

Natural Resources

The County of Mendocino Coastal Element describes an Environmentally Sensitive Habitat Area (ESHA) as follows:

Any areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Mendocino County required an ESHA evaluation and remedial action (Notice and Order to Abate Case BC #2013-0022) and submittal of a coastal development permit application. The site was visited to determine the presence or absence of on-site environmentally sensitive habitat areas (ESHA) and to provide recommendations for remedial actions (WRA, 2014). The project area was assessed concerning: (1) presence of natural community ESHA; (2) presence or potential to support of special-status species ESHA; (3) assess potential impacts to ESHA resulting from bluff stabilization efforts; and (4) recommend action following the removal of the bluff armoring materials (WRA, 2014).

No aquatic communities or rare natural communities were identified within or adjacent to the Project Area. The area between the residence and the bluff is non-native grassland. The bluff face contained less than five percent cover of species. With the exception of California Blackberry (*Rubus ursinus*), the bluff face contained non-native species only and typical coastal bluff scrub habitat is absent (WRA, 2014). The plant community within the Project Area is best characterized as non-native herbaceous with landscaped shrubs and scattered conifers. The WRA Report concluded that the construction of the retaining wall and rubber pavers did not appear to have impacted wetland or rare natural community (ESHAs) (WRA, 2014).

Twenty-two special-status species have been documented within five miles of the Project Area; however, only ten species are closely associated with xeric coastal prairie, three of which are restricted to coastal bluff faces and near-edges (WRA, 2014). The WRA Report noted that although the Project Area contains a bluff face and grassland habitat, the bluff face is nearly sheer with very few outcrops for plants to colonize. Similarly, the grassland on the coastal terrace is overwhelmingly dominated by dense thickets of non-native perennial grasses. The WRA Report noted that the site visit occurred in a period in which potential species would be readily identifiable and no special-status plant species were observed and concluded that it was unlikely that construction of the retaining wall and rubber pavers impacted special-status plant ESHA (WRA, 2014).

Six special-status wildlife species have been documented within five miles of the Project Area; however, only two of these species are closely associated with xeric coastal prairie and bluff trees. These are Behren's silverspot butterfly (*Speyeria zerene behrensii*) and monarch butterfly (*Danaus plexippus*). Behren's silverspot butterfly requires a host plant and nectar plants which are not present in the Project Area. Monarch butterflies roost in colonies within wind protected groves of eucalyptus (*Eucalyptus* spp.), Monterey cypress (*Hesperocyparis macrocarpa*), and other coastal trees, typically arranged in a U-shaped pattern with vertical density and multi-tiered canopy (WRA, 2014). The Project Area has a few trees but they do not form a contiguous canopy to buffer the direct effects of coastal winds. The WRA

Report concluded that it is unlikely that the construction of the retaining wall and rubber pavers impacted special-status wildlife ESHA (WRA, 2014).

In summary, construction of the retaining wall and rubber pavers does not appear to have impacted ESHAs. Wetlands and rare natural communities are not present with the Project Area and the habitats required by special-status plant and wildlife species known to occur in the Projected Area vicinity are not present (WRA, 2014).

In order to satisfy the CDP violation and mitigate impacts to the coastal bluff face, Condition 10 is recommended which shall follow the measures detailed in the WRA Environmental Consultant's Report (June 26, 2014) and require that:

- (1) Immediately following removal of retaining wall materials, a planting and seeding plan shall be implemented consisting of the following measures.
 - (a) The three to six foot band between the bluff face and terrace shelf shall be treated with a seed mix of native coastal terrace species (Table 1).
 - (b) The seed mix should be hydroseeded to attenuate seed drift and provide fertilizer for germination or be hand-broadcast.
 - (c) The three to six foot band landward of the seeding area should receive field fit plantings of native coastal terrace prairie perennials.
 - (d) Irrigation for both the seeded and planted areas should be conducted by hand and at a frequency to maintain health, but heavy watering should be avoided to prevent loading of the bluff face soils which could accelerate erosion.

Archaeological/Cultural Resources

The project consists of removal of surficial armoring and re-vegetation of the disturbed area. Condition Number 8 is recommended, advising the applicant of the requirements of the County's Archaeological Ordinance (Chapter 22.12 of the Mendocino County Code) in the event that archaeological or cultural materials are unearthed during removal activities or re-vegetation of the disturbed area.

Groundwater Resources

The removal of the armoring and re-vegetation of the project area would not impact groundwater resources. No change to provision of water or to the sewage disposal system would occur as a result of the project. The Division of Environmental Health commented that they can approve the request.

Transportation/Circulation

The project would not result in a new encroachment or an increase in use. No impacts to transportation/circulation are expected.

Zoning Requirements

The project complies with the zoning requirements for the RR:5 District set forth in MCC Section 20.376, et.seq., and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code.

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project, and adopts the following findings and conditions.

FINDINGS:

1. The proposed development is in conformity with the certified Local Coastal Program; and

2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment and is considered categorically exempt under Class 4 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.

CONDITIONS:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described

boundaries are different than that which is legally required by this permit, this permit shall become null and void.

8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. The recommendations in the Limited Scope Coastal Bluff Surficial Erosion Assessment prepared by SHN Consulting Engineers & Geologists, Inc. dated June 6, 2014, shall be followed in the removal of the blufftop armoring. These are the following:
 - (a) All of the armoring shall be removed by non-destructive methods. Under no circumstances shall mechanized excavation equipment (e.g., backhoes or mini-excavators) be allowed within 20 feet of the bluff edge.
 - (b) All of the armoring materials shall be manually removed with hand tools by a qualified contractor in order to minimize disturbance of the surficial soils to the extent feasible. The contractor hired to perform the work shall be solely responsible for all worker safety measures including, but not limited to, fall protection equipment.
 - (c) Prior to work commencing, the section of beach located below where the work is to be performed shall be cordoned off in order to protect the public from falling objects.
 - (d) All loose and/or overhanging soil material created during the removal of the armoring shall be removed to the extent feasible. Any remaining disturbed and bare soil areas along the flat lying portion of the bluff edge shall be revegetated to minimize the potential for future soil erosion.
10. Immediately following removal of retaining wall materials, a planting and seeding plan shall be implemented which shall include the following measures as described in the WRA Environmental Consultant's Report (June 26, 2014)
 - (a) The three to six foot band between the bluff face and terrace shelf shall be treated with a seed mix of native coastal terrace species (Table 1).
 - (b) The seed mix should be hydroseeded to attenuate seed drift and provide fertilizer for germination or be hand-broadcast.
 - (c) The three to six foot band landward of the seeding area should receive field fit plantings of native coastal terrace prairie perennials.
 - (d) Irrigation for both the seeded and planted areas should be conducted by hand and at a frequency to maintain health, but heavy watering should be avoided to prevent loading of the bluff face soils which could accelerate erosion.
11. Prior to issuance of the coastal development permit the Applicant shall provide evidence to the Coastal Permit Administrator that Special Condition 6 of CDP# 44-2000 has been implemented. Special Condition 6 of CDP# 44-2000 required the following:

The applicant shall submit a revised Landscape Plan which includes the addition of three – ten gallon shore pines to be planted northwest of the proposed dwelling to provide additional screening from the Ross Creek/Whiskey Shoals trail. The revised plan shall include the evergreen trees surrounding the proposed residence in Exhibit F [see Appendix 1]. All trees shown on the revised Landscape Plan provide a significant visual buffer from Hwy 1 and the Ross Creek/Whiskey Shoals trail and shall be planted and/or retained. No tree removal or limbing of the existing trees shall occur without prior review and approval by the Coastal Permit Administrator. In the event that the screening trees die during the life of the project, they shall be replaced with similar species in the same location. All required

new landscaping indicated on the revised Landscaping Plan shall be established in accordance with the submitted specifications including species, size, and establishment techniques, (e.g. irrigation, fertilization, etc.). Said landscape plan shall be installed prior to the final inspection of the dwelling, or occupancy, whichever occurs first, and shall be maintained in perpetuity.

Staff Report Prepared By:

DATE

BILL KINSER
SENIOR PLANNER

December 10, 2014
BK/hm

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

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

Attachments:

Appendix 1: Landscape Plan (Exhibit F of CDP# 44-2000)

SUMMARY OF REFERRAL AGENCY COMMENTS:

Planning – Ukiah	No response.
Department of Transportation	No response.
Environmental Health – Fort Bragg	DEH can approve this request.
Building Inspection – Fort Bragg	No comment.
County Water Agency	No response.
US Fish and Wildlife Service	No response.
CalFire	No response.
Department of Fish & Wildlife	No recommendations.
Coastal Commission	Site visit with MC staff. No written response.
Dept. of Parks & Recreation	No response.
Friends of Schooner Gulch	No response.

BIBLIOGRAPHY

SHN Consulting Engineers & Geologists, Inc. (May, 2014). Blufftop Armoring Removal Plan Prepared for John Galeazzi, 27600 S. Hwy 1, Point Arena, CA. SHN Consulting Engineers & Geologists, Inc. 335 S. Main Street, Willits, CA 95490-3977.

SHN Consulting Engineers & Geologists, Inc. (June 6, 2014). Limited Scope Coastal Bluff Surficial Erosion Assessment 27600 S. Highway 1, Point Arena, Mendocino County, California; Assessor's Parcel Number 027-421-08. SHN Consulting Engineers & Geologists, Inc. 335 S. Main Street, Willits, CA 95490-3977.

Matt Richmond (Botanist/Coastal Ecologist), WRA Environmental Consultants (June 26, 2014). Report to Provide Results of Site Visit to Determine the Presence or Absence of On-site Environmentally Sensitive Habitat Areas (ESHA) and Provide Recommendations for Remedial Actions to an Eroding Coastal Bluff Located at 27600 South Highway 1 (APN#: 027-421-08), Point Arena, Mendocino County, California. WRA, Inc., 2169-GEast San Francisco Blvd, San Rafael, California 94901.



CASE: CDP 26-2014
OWNER: GALEAZZI, John
APN: 027-421-08
AGENT: Amy Wynn
ADDRESS: 27600 S. Hwy. 1, Point Arena

LOCATION MAP

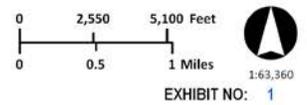


EXHIBIT NO: 1

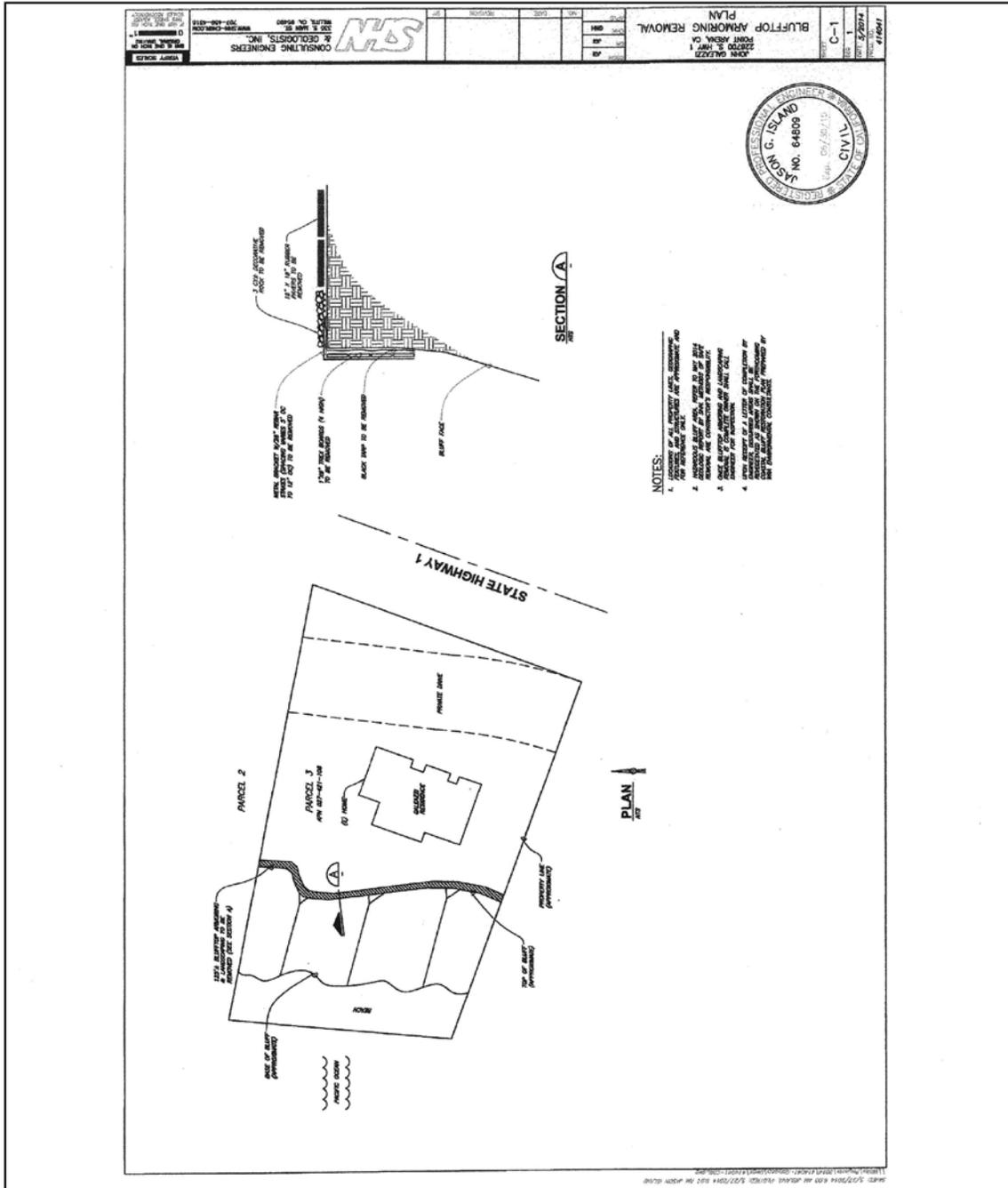


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GOOGLE EARTH AERIAL IMAGERY
IMAGERY DATE: 8-17-2013

NO SCALE

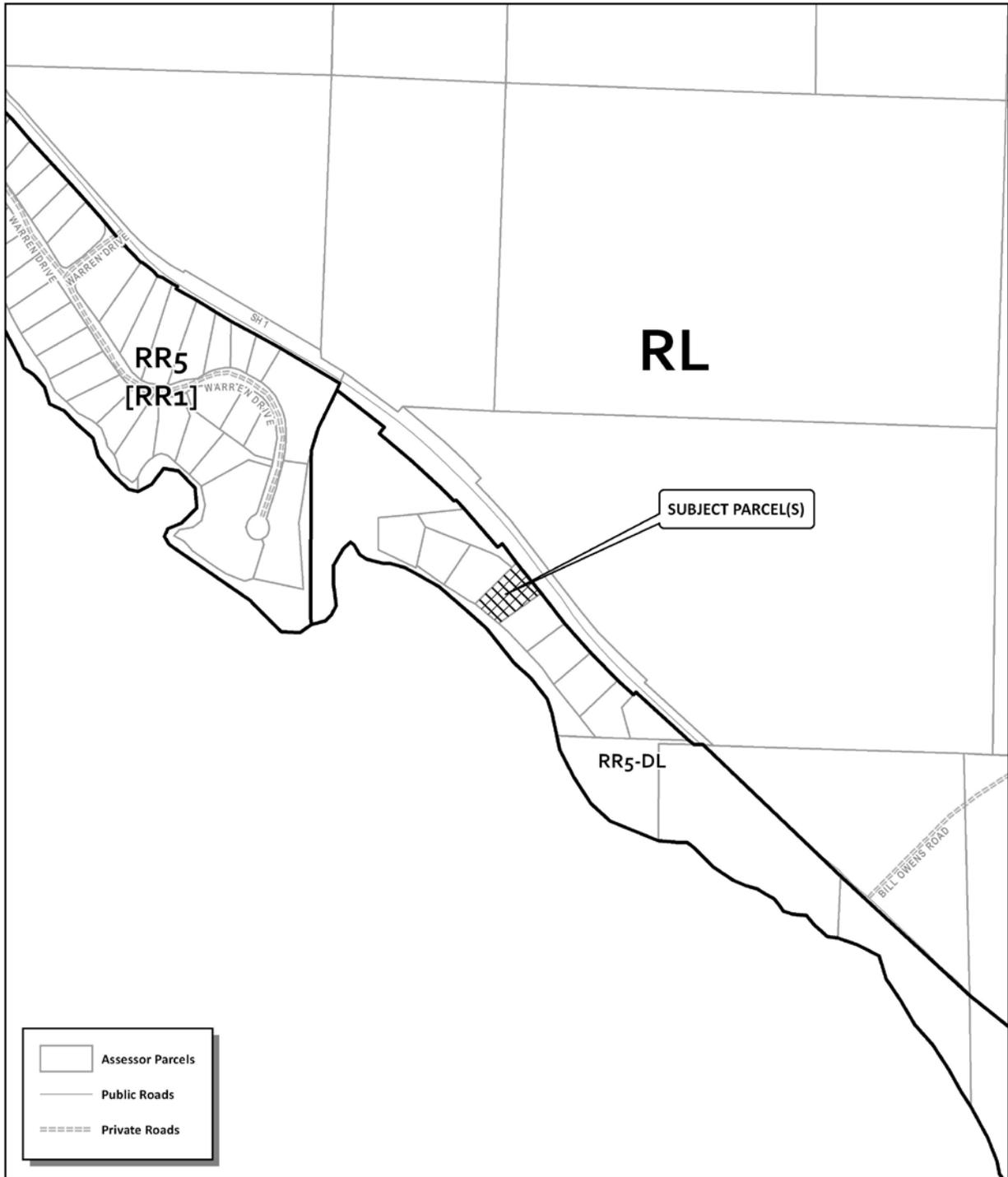
EXHIBIT NO: 2



CASE: CDP 26-2014
OWNER: GALEAZZI, John
APN: 027-421-08
AGENT: Amy Wynn
ADDRESS: 27600 S. Hwy. 1, Point Arena

EXHIBIT MAP (SITE PLAN)

NO SCALE

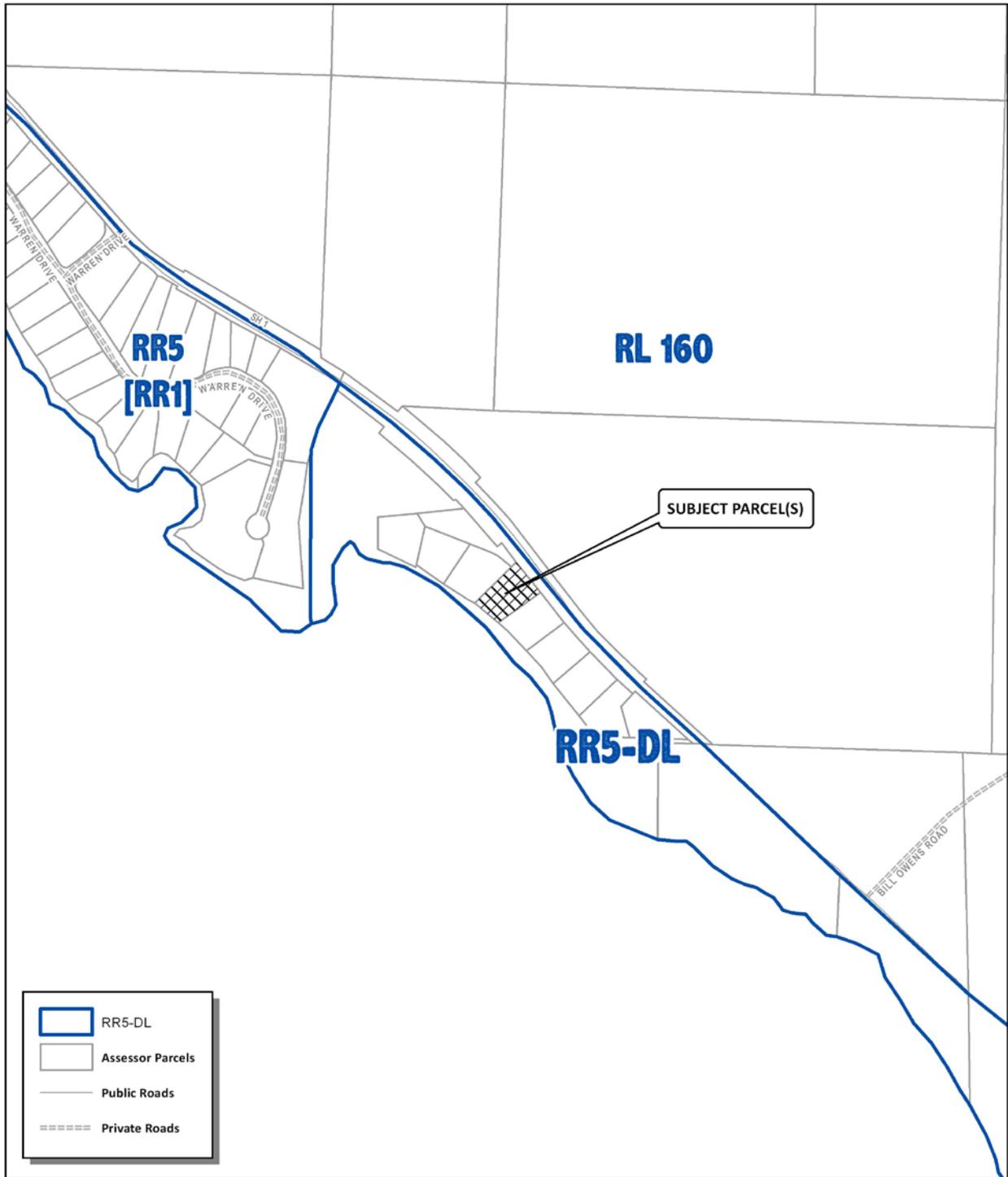


CASE: CDP 26-2014
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GP/ZONE: RR5-DL / RR5-DL
ADDRESS: 27600 S. Hwy. 1, Point Arena

ZONING DISPLAY MAP



EXHIBIT NO: 4



CASE: CDP 26-2014
OWNER: GALEAZZI, John
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GP/ZONE: RR5-DL / RR5-DL
ADDRESS: 27600 S. Hwy. 1, Point Arena

GENERAL PLAN DESIGNATIONS

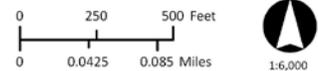
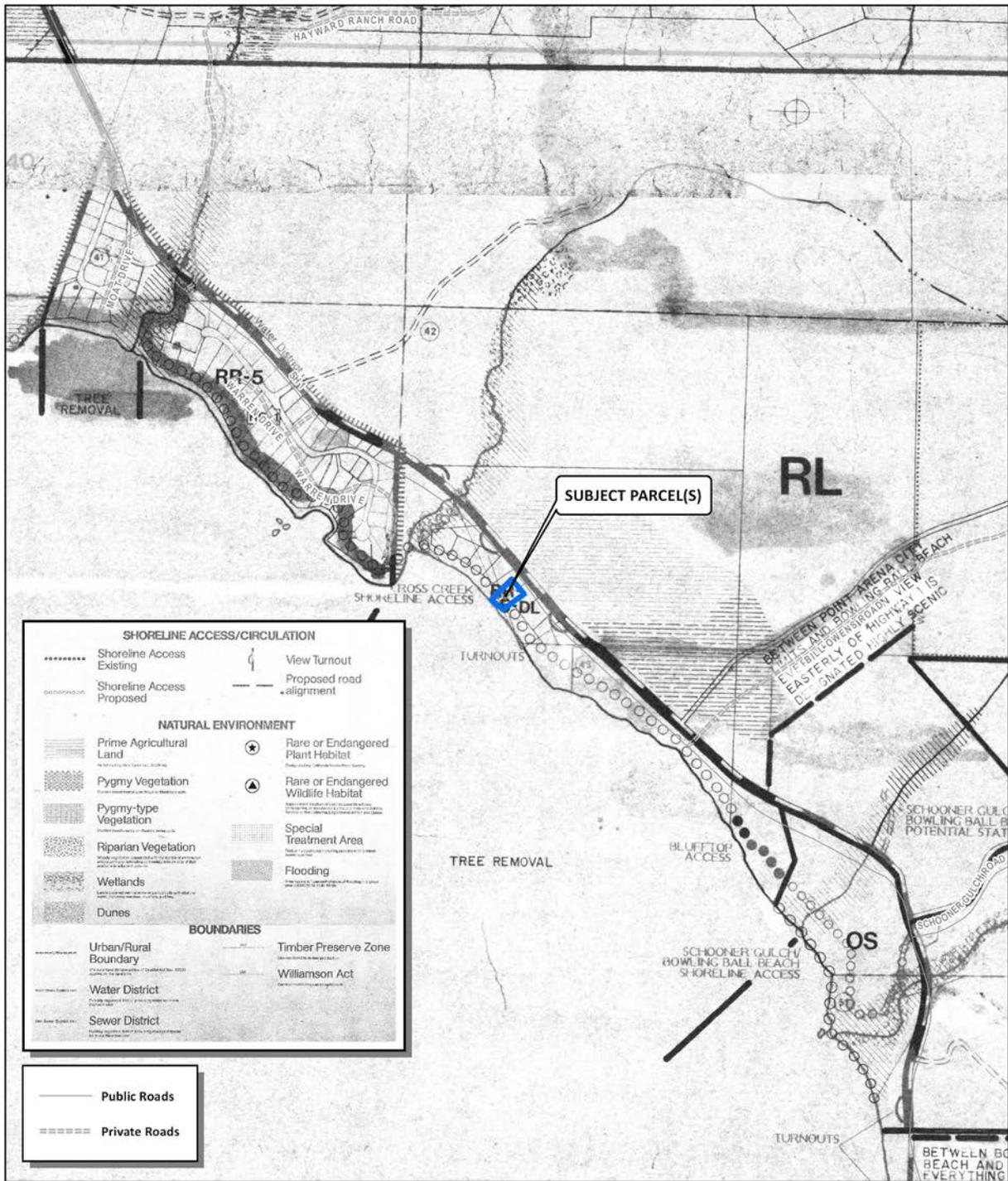


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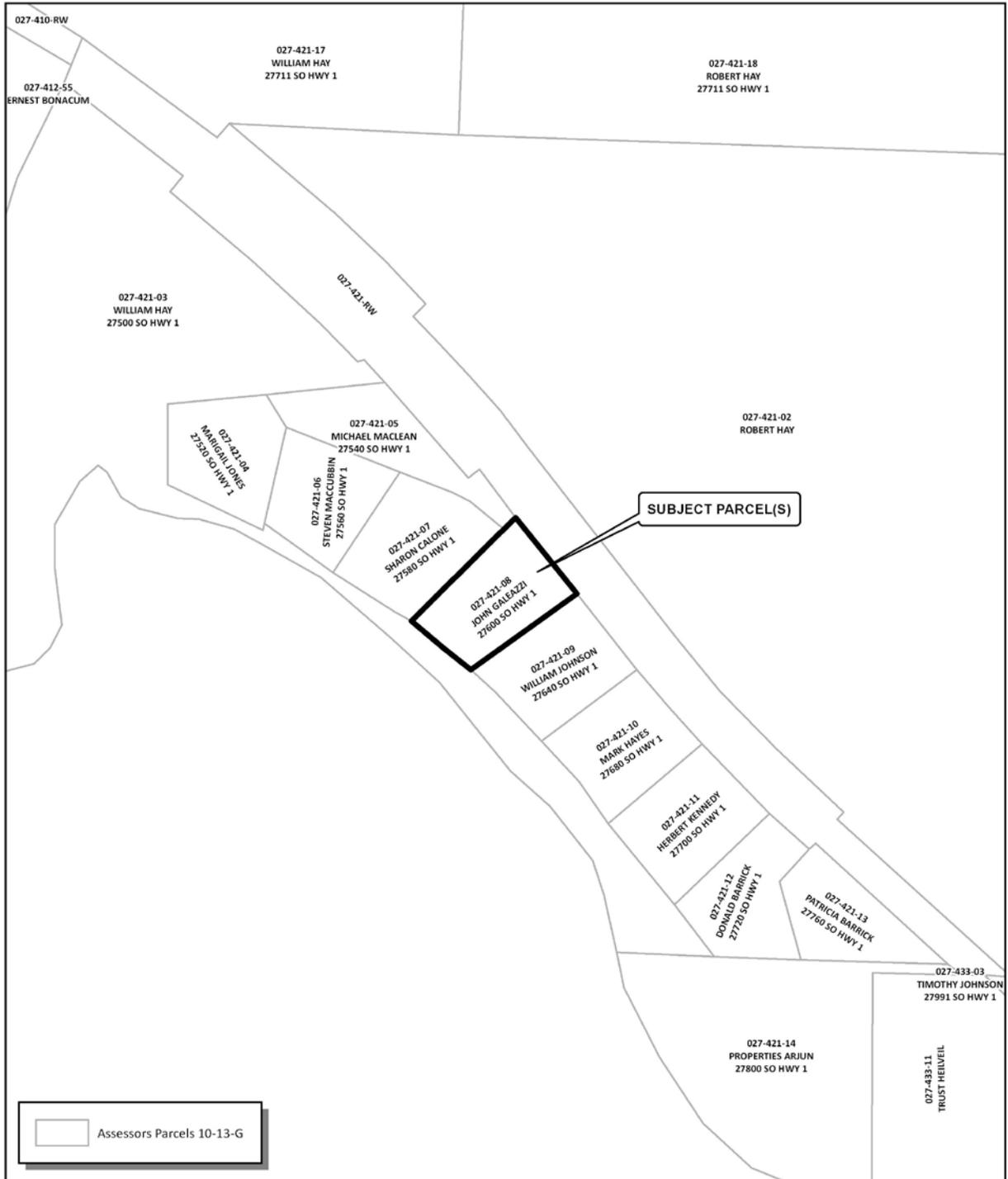


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LCP MAP 28

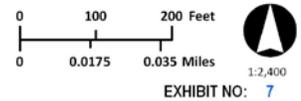
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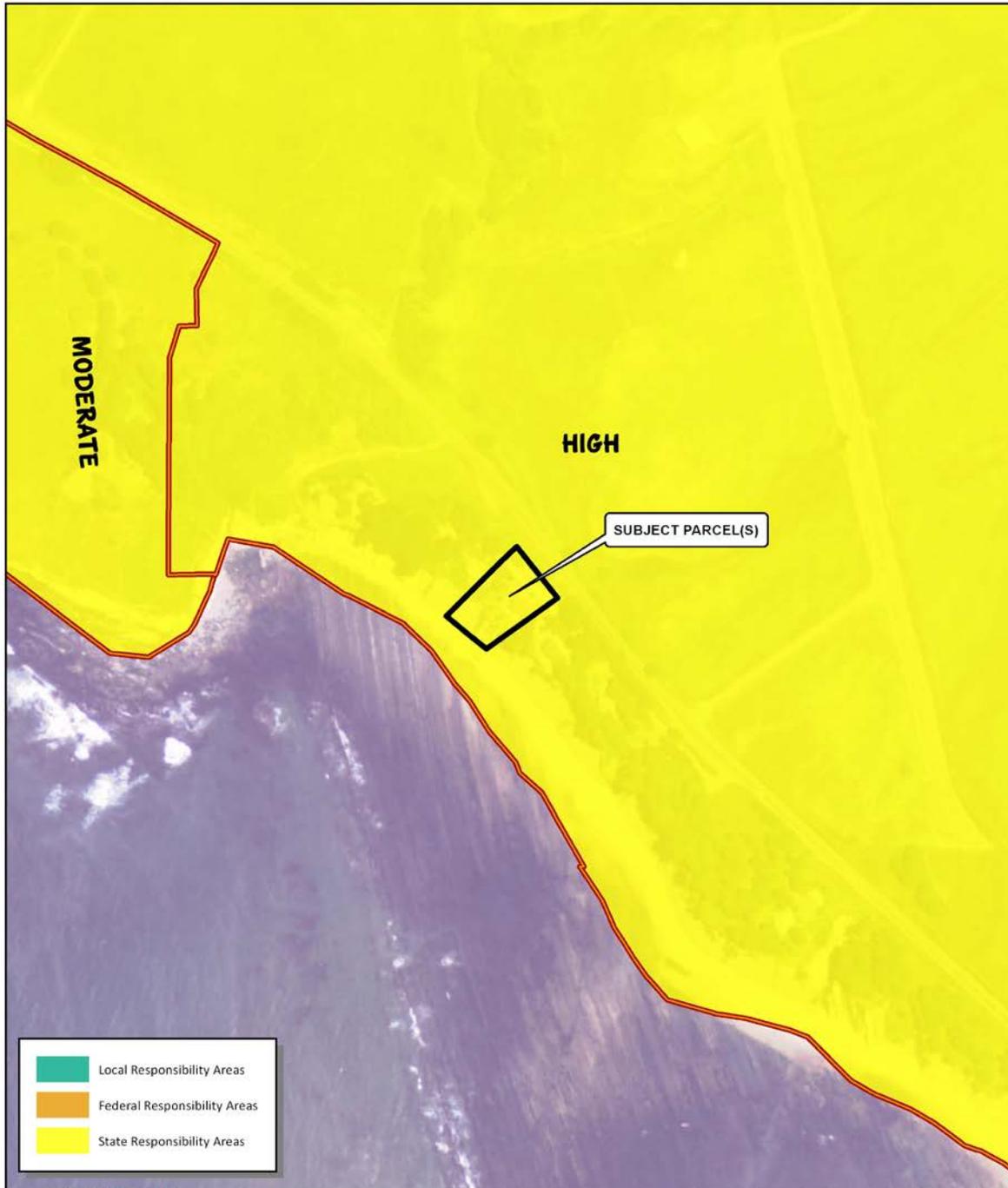
EXHIBIT NO: 6



CASE: CDP 26-2014
OWNER: GALEAZZI, John
APN: 027-420-08
AGENT: Amy Wynn
ADDRESS: 27600 S. Hwy. 1, Point Arena

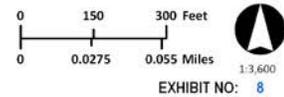
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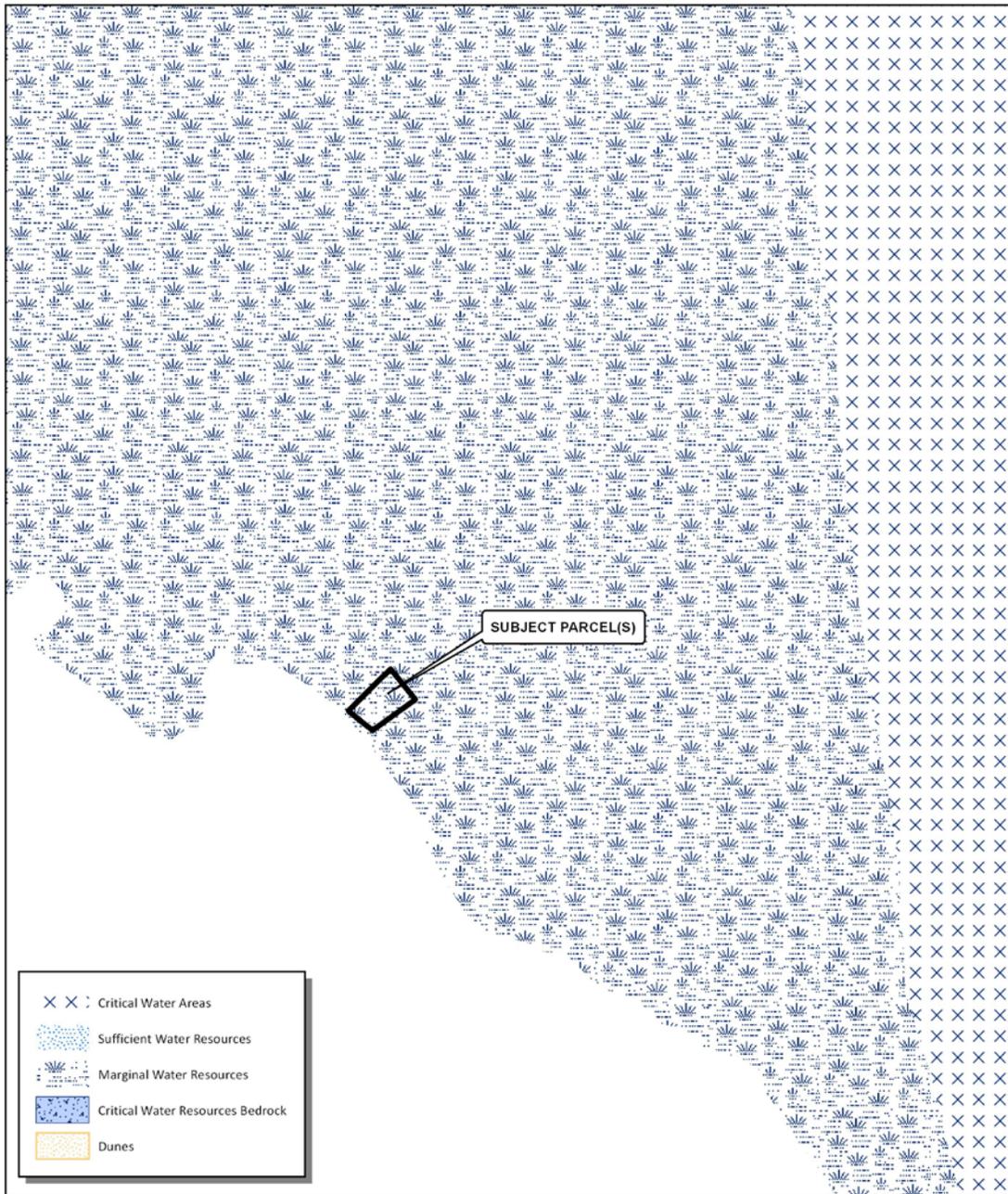




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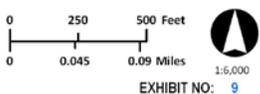
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REDWOOD COAST FIRE PROTECTION DISTRICT

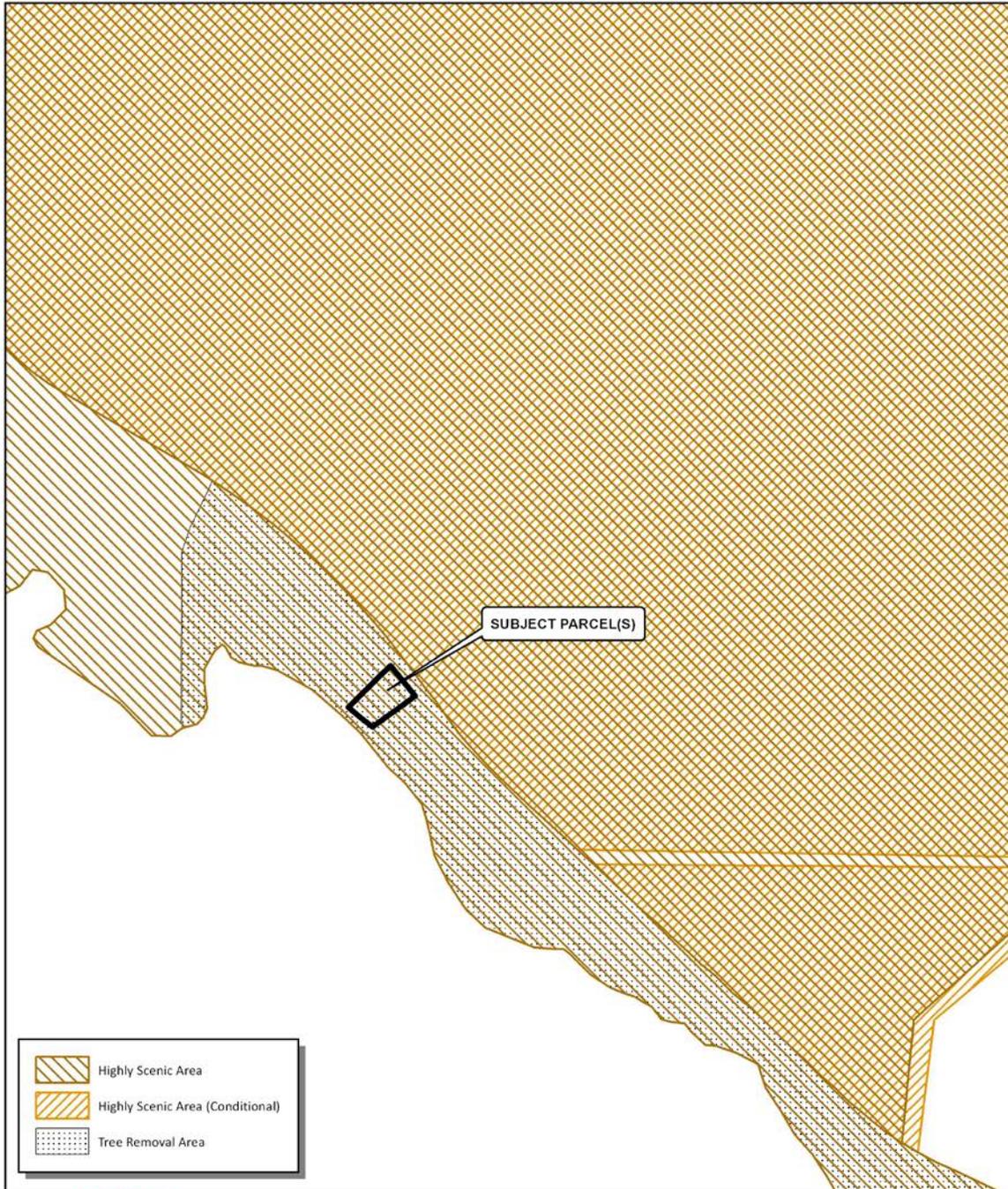




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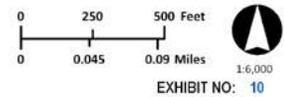
COASTAL GROUNDWATER RESOURCE AREAS

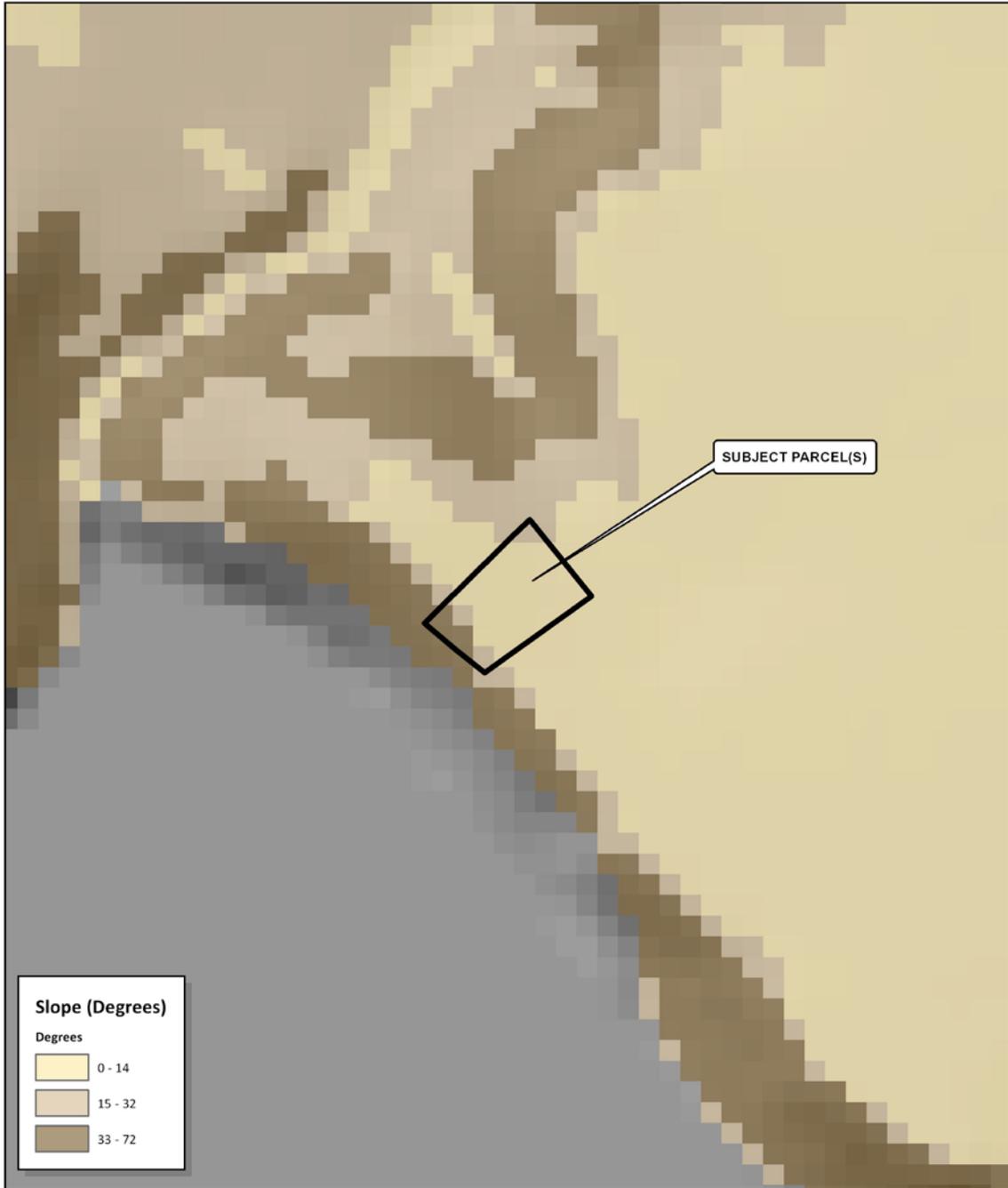




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HIGHLY SCENIC & TREE REMOVAL AREAS





CASE: CDP 26-2014
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ESTIMATED SLOPE

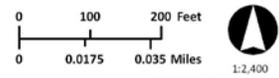


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