

CALIFORNIA COASTAL COMMISSION

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Staff: Jo Ginsberg
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Hearing Date: October 9, 1997
Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 1-94-113-A2
APPLICANTS: PAUL KAUFMAN/MYRA SAUNDERS
AGENT: Leventhal/Schlosser Architects
PROJECT LOCATION: 4330 Highway One, south of Little River, Mendocino County, APN 122-010-20

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a 2,000-square-foot, 16-foot-high, one-story single-family residence with a garage, barn, water storage tank, well, and septic system.

DESCRIPTION OF AMENDMENT: (1) Relocate the house site approximately 450 feet to the west to a site near the bluff edge; (2) construct an enlarged and redesigned 18-foot-high house of 3,557 square feet; and (3) substitute a 625-square-foot, 23-foot-high guest cottage for the approved 600-square-foot, 12-foot-high barn and relocate it to a new site.

SUBSTANTIVE FILE DOCUMENTS: Mendocino County LCP; NCR-77-CC-415 (Roberts).

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve with conditions the coastal development permit amendment application for the proposed project on the basis that, as conditioned, the proposed development with the proposed amendment is

consistent with the certified Mendocino County Local Coastal Program and the public access and recreation policies of the Coastal Act.

The main issues concerning the proposed project are visual resources; environmentally sensitive habitat; and public access. Staff has recommended attaching a number of special conditions to the permit to address these issues. In particular, staff is recommending relocation of the proposed residence from a site near the bluff edge where it would be prominently visible from viewing areas affording public views, to a site near the eastern property boundary where impacts to the public viewshed would be minimal and where the residence will not affect environmentally sensitive habitat or public access.

1. PROCEDURAL AND BACKGROUND NOTE:

Coastal Permit No. NCR-77-CC-415 (Roberts) was approved by the Commission on December 8, 1977 with a number of special conditions intended to address visual and public access concerns, and to ensure that the development would be subordinate to the visual character of the highly scenic area where it will be constructed. Special Condition No. 1 requires that prior to issuance of the coastal permit, the applicant shall record an offer to dedicate a lateral and vertical easement for public access. Special Condition No. 2 requires elimination of the proposed tennis court. Special Condition No. 3 requires that the height of the house be reduced to 16 feet. Special Condition No. 4 requires that the height of the barn be reduced to 12 feet. Special Condition No. 5 requires that the area of the barn be a maximum of 600 square feet and resited to a less conspicuous location on the site. Special Condition No. 6 requires that all utilities shall be undergrounded. Special Condition No. 7 requires that prior to construction amended site, house, grading, and landscaping plans be submitted for review and approval.

The conditions of the permit were met, and remain in effect. The coastal permit was issued in February of 1979. Site development was begun, but the house and barn were never built. The permit was assigned several times to different property owners. The current owners, Kaufman/Saunders, obtained in February of 1995 an amendment to the coastal permit for construction of a 5-1/2-foot-high, 670-foot-long periphery fence along the north and east property boundaries set back to avoid the roadway and access easements. This fence has been constructed.

The current amendment request seeks to relocate the site for the house and also the site for the accessory structure, which is to be a guest cottage rather than a barn as originally approved, and to enlarge and redesign both structures. The house is proposed to be relocated from a site 540 feet west

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of the eastern property boundary to a site approximately 30 feet from the bluff edge, where it would be prominently visible from the nearby Heritage House, a major historic visitor-serving destination, and where it would be as close as five feet from the recorded offer to dedicate a public access easement. Staff is recommending that the house site be relocated away from the bluff edge to a location near the eastern property boundary, to avoid significant adverse impacts on visual resources and public access. In addition, as there is a large wetland in the central portion of the property, staff's recommended location near the eastern property boundary will avoid the wetland area and the recommended 100-foot wetland buffer area.

Finally, staff notes that the applicants do possess a valid coastal permit for a residence in the central portion of the site, and may choose not to accept this amendment to the existing permit.

2. STANDARD OF REVIEW: The Coastal Commission effectively certified Mendocino County's LCP in October of 1992. Therefore, the LCP is the standard of review for this amended project. In addition, for any development between the nearest public road and the sea, a specific finding must be made that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions:

The Commission hereby approves the proposed amendment to the coastal development permit, subject to the conditions below, on the grounds that the proposed development with the proposed amendment is consistent with the requirements of the California Coastal Act of 1976, is consistent with the provisions of the Mendocino Local Coastal Program, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached.

III. Special Conditions:

Special Conditions 1, 2, and 6 of the original permit remain in effect. Special Conditions 3, 4, 5, and 7 are deleted. The following new special conditions are added.

1. Revised Final Project Plans:

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicants shall submit for the review and approval of the Executive Director revised final project plans, including site, floor, foundation, grading, and drainage plans, and building elevations. The revised plans shall show the following changes. The house site shall be relocated to a location that is east of the identified wetland habitat and 100-foot buffer area (see Exhibit No. 4), at the eastern end of the property. The house may be redesigned and the guest cottage may be relocated and/or redesigned if necessary to conform to the new location, provided that (a) the house is not greater in size than the 3,557 square feet proposed, (b) the house and guest cottage are no higher than 28 feet as allowed by the Mendocino County LCP, and (c) the guest cottage is no greater in size than the 625 square feet proposed. Any redesign not consistent with these limitations shall require a further amendment to this permit.

2. Landscaping Plan.

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicants shall submit, for the Executive Director's review and approval, a landscaping plan prepared by a licensed professional with expertise in the field of landscaping. The plan shall provide for the planting of an evergreen screen of drought-tolerant native or naturalized trees and/or shrubs along the south and east sides of the residence and guest cottage that will minimize the visual impacts of the structures as seen from Highway One. No fewer than 10 trees shall be planted on the property. The trees to be planted shall be a minimum of five feet high when planted, and must reach a mature height of at least 20 feet. The plan shall specify the type, number, location, and mature heights of the trees to be planted.

The plan shall further include a tree maintenance program (e.g., pruning, fertilizing, watering, etc.) for newly planted trees and a tree replacement program on a one-to-one or greater ratio for the life of the project. The new trees and shrubs shall be planted within 60 days of completion of the project. The applicants shall notify the Executive Director in writing when the trees have been planted, so that the planting can be verified via a site visit or by examining photographs submitted by the applicants.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be

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reported to the Executive Director. Proposed changes to the approved final plans shall not occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Conformance of Final Plans to Geotechnical Report:

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicants shall submit for the review and approval of the Executive Director evidence that an appropriate licensed professional has reviewed and approved all final plans and certified that the plans are consistent with the recommendations made in the Geotechnical Investigation Report prepared by Earth Science Consultants dated August 14, 1995. In particular, the plans shall be consistent with the recommendations regarding site grading, construction of the foundation and retaining walls, and site drainage. Should the licensed professional determine that some of the recommendations made in the geotechnical investigation are not necessary due to the relocation of the house away from the bluff edge, the final plans to be submitted may omit those recommendations found to be no longer necessary due to the relocation of the house site. If any recommendations of the original geotechnical investigation are to be omitted from the final plans, the applicants shall submit a letter from the licensed professional documenting that the recommended measures to be omitted are no longer necessary.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. Proposed changes to the approved final plans shall not occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Deed Restriction:

PRIOR TO ISSUANCE of the amended Coastal Development Permit, the applicants shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, stating the following:

- a. that development on the property shall be limited to that described in Coastal Permit No. 1-94-113-A2, and any future addition or improvement will require an amendment to this permit, a new coastal development permit, or a determination that neither is necessary; and
- b. any rental or lease of the guest cottage separate from rental of the main residential structure is prohibited; construction and/or use of all cooking or kitchen facilities are prohibited in the guest cottage; and any change in the use of the guest cottage shall require an amendment to

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this coastal development permit, a new permit, or a determination by the Executive Director that neither is necessary.

The document shall run with the land binding all successors and assigns and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction.

5. Tree Removal:

This permit does not authorize the removal of any trees from the subject parcel, other than those required to be removed for construction or to meet the fire safety regulations of the California Department of Forestry and Fire Protection. Any future removal of trees for other than safety reasons shall require a new coastal permit or another amendment to Coastal Permit No. 1-94-113.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Project and Site Description:

The original project approved by the Commission (Coastal Permit No. NCR-77-CC-415, Roberts; see Exhibit No. 11) is for the construction of a 16-foot-high, 2,000-square-foot, single-family residence with a garage, water storage tank, barn, well, and septic system on an eight-acre blufftop lot located west of Highway One north of the town of Little River. The proposed amendment request seeks to (1) relocate the house site from its currently approved location 540 feet west of the eastern property boundary to a new location approximately 30 feet from the bluff edge; (2) enlarge and redesign the house so that it is 18 feet high and 3,557 square feet in size; (3) and substitute a 625-square-foot, 23-foot-high guest cottage for the approved 600-square-foot, 12-foot-high barn and relocate it to a new site.

The subject parcel is designated in the Land Use Plan as Rural Residential-10 (RR-10), meaning that there may be one parcel for every 10 acres. The subject parcel is approximately eight acres in size, and is a legal, non-conforming lot. The parcel contains a large wetland area in the central portion of the property, and a small seasonal drainage in the extreme southwestern portion of the parcel.

2. Visual Resources:

LUP Policy 3.5-1 states that the scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance, and that permitted development shall be sited and designed to

protect views to and along the ocean and to be visually compatible with the character of surrounding areas, and, in highly scenic areas, to be subordinate to the character of its setting. (Emphasis added.) Policy 3.5-3 states that new development west of Highway One in designated "highly scenic areas" should be subordinate to the natural setting and minimize reflective surfaces. (Emphasis added.) The subject parcel is in an area designated in the LUP as "Highly Scenic."

The Zoning Code reiterates these policies. Specifically, Section 20.376.045 of the Zoning Code requires an 18-foot height limit for parcels located west of Highway One in designated highly scenic areas in Rural Residential districts, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Section 20.504.015(C)(1) states that any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes. (Emphasis added.) Section 20.504.015(C)(7) states that visual impacts of development on terraces should be minimized by avoiding development in large open areas if an alternative site exists. (Emphasis added.)

The development originally approved by the Commission in 1977, as noted above, includes the construction of a 16-foot-high, one-story single-family residence, garage, barn, water storage tank, well, and septic system on the subject parcel. The approved house site was approximately in the center of the parcel, about 500 feet from the bluff edge and 540 feet west of the eastern property boundary. Findings for the project indicate that the proposed development was sited and designed to minimize visual impacts (see Exhibit No. 11). The site chosen for the residence was selected because it was west of an existing knoll and screened by trees so that it would not be visible from Highway One. Special Conditions were attached to the permit to ensure that significant adverse impacts to visual resources were minimized. Although site development was begun, the house was never built.

The proposed amended project is for a relocation of the house site, redesign and expansion of the house, and construction of a guest cottage rather than a barn as an accessory structure in a new location. The proposed new house site is a location approximately 30 feet from the bluff edge (see Exhibit No. 5), and would provide better ocean views for the applicants.

The subject parcel does not abut Highway One, as there is an intervening parcel between the subject lot and the highway. Views of the site from Highway One are quite limited. However, the proposed new house site will be visible from the nearby Heritage House Inn, a major visitor destination and historic landmark in Mendocino County that has been in operation since 1949. Many thousands of visitors come yearly to the Heritage House for overnight

accommodations, dining, to visit the nursery, or just to walk on the grounds and enjoy the coastal views. Staff at Heritage House estimates that on average, each month approximately 3,000 visitors lodge and dine at Heritage House, which has been also used as a location to film movies. The Heritage House and the nearby Little River Inn are the two most heavily patronized inns along the Mendocino coast.

From many vantage points on the Heritage House property one can see dramatic views of the spectacular headland on which the new house site is proposed. The western portion of this headland is undeveloped, and appears as an open flat coastal terrace that contains a grassy meadow with no trees within several hundred feet of the bluff edge. The few houses that are built on nearby parcels on the open coastal terrace are set back in trees several hundred feet back from the bluff edge where they do not interfere with coastal views across the terrace. As stated above, the subject parcel is in an area designated in the certified LUP as "Highly Scenic." Were the applicants' house to be built at the proposed coastal terrace site, the house would be the only house visible on the open headland from numerous locations on the Heritage House property, and thus have a significant adverse impact on visual resources. The house would not be visually compatible with or subordinate to the character of its setting, inconsistent with visual resource policies of 3.5-1 and 3.5-3 of the certified LCP.

In addition, although the Heritage House is privately owned, the Commission finds the views from Heritage House to be coastal views from a public area as contemplated by Section 20.504.015(C)(1), as the historic Heritage House is a heavily visited, unique visitor-serving facility that serves the public. Further, the public is permitted to visit the Heritage House even if not staying as overnight guests. Therefore, the proposed location on the coastal terrace would be inconsistent with Section 20.504.015(C)(1), which requires that any development in highly scenic areas protect the coastal views from public areas. Moreover, the proposed coastal terrace location would not minimize the visual impacts consistent with Section 20.504.015(C)(7) because, as discussed further below, an alternate site which avoids the large coastal terrace is available.

The Commission thus attaches Special Condition No. 1, requiring the applicants to submit revised final project plans, relocating the house site to a location (see Exhibit Nos. 3 and 4) at the eastern end of the property where it will not be visible from the Heritage House, thus minimizing visual impacts and protecting coastal views from public areas. The house is also required to be no higher than 28 feet, which is the maximum height allowed by the certified LCP.

Although the subject parcel is approximately eight acres in size, acceptable building sites are quite limited due to the presence of a large wetland area

in the central, wooded portion of the property. At the time the original permit was approved in 1977, no wetland survey had been done and the approved house site is set back about 500 feet from the bluff edge in the wooded portion of the property, where visual impacts would be minimized. However, as discussed more fully in Finding 3, below, the recent wetland survey dated August 6, 1997 reveals the presence of a large wetland area on the property (see Exhibit Nos. 3, 4 and 9), and recommends a 100-foot buffer area around the wetland. The Department of Fish and Game biologist who visited the site also recommends a 100-foot wetland buffer (see Exhibit No. 10). The house site approved by the Commission in 1977 is almost entirely within the 100-foot buffer area, with a small portion being within the wetland itself. The Commission finds, however, that as conditioned in Special Condition No. 1, the house site will not have significant adverse impacts on either visual resources or environmentally sensitive habitat.

The applicant has proposed berming and landscaping of the residence in the coastal terrace near the bluff edge, with the intent of screening the house from public views. However, while such measures could screen the house from view, the berming and landscaping would still be quite visible from public viewing areas. Instead of appearing as an open, flat coastal terrace vegetated with only grasses, the view of the terrace would be dominated by a tree-covered berm, unlike any other feature within that landscape. Thus, the development would not be "subordinate to the character of its setting," inconsistent with LUP Policy 3.5-1, or "subordinate to the natural setting," inconsistent with LUP Policy 3.5-3.

The Commission notes that the applicants have also suggested the relocation of the recorded offer to dedicate a public vertical access easement from the south property line to a new, more accessible location primarily along the north property line, intersecting with the lateral access along the bluff, as mitigation for the visual impacts associated with locating the house site along the bluff. The applicants believe it would be preferable to have a vertical access easement along the north property boundary rather than the south property boundary as the easement along the south property boundary passes through a portion of the wetland and crosses the seasonal drainage. The Commission finds that a relocated accessway would not serve to mitigate the above-identified significant visual impacts posed by the proposed coastal terrace house location. Thus, while the Commission appreciates the applicants' desire to improve public access, it cannot consider such an offer to be appropriate mitigation for significant adverse impacts to visual resources resulting from the placement of the house prominently in the public viewshed.

As noted above, the subject parcel does not abut Highway One, and there is an intervening parcel between it and Highway One. As conditioned, the house and guest cottage will be only minimally visible from Highway One. To further

minimize adverse impacts to the coastal viewshed from Highway One, the Commission attaches Special Condition No. 2, requiring the applicants to submit a landscaping plan that provides for the planting of an evergreen screen of drought-tolerant native or naturalized trees and/or shrubs along the south and east sides of the residence and guest cottage to minimize the visual impacts of the structures as seen from Highway One.

In addition, the Commission attaches Special Condition No. 4, requiring recordation of a deed restriction stating that all future additions or improvements on the subject parcel that might otherwise be exempt from permit requirements under the California Code of Regulations, such as fences or the addition of outbuildings, require a coastal permit. As a result, the Commission will be able to review such future development to ensure that it will not have significant adverse impacts on visual resources.

Further, the Commission attaches Special Condition No. 5, prohibiting the removal of any trees from the subject parcel, other than those required to be removed for construction or to meet the fire safety regulations of the California Department of Forestry and Fire Protection. Any future removal of trees for other than safety reasons shall require a new coastal permit or another amendment to Coastal Permit No. 1-94-113.

In addition, Special Condition No. 6 of the original permit requires that all utilities shall be undergrounded. The Commission retains this condition, which will minimize visual impacts of development by keeping unsightly utility lines underground and therefore not visible to the public.

The Commission finds, therefore, that only as conditioned can the proposed development with the proposed amendment be found to be consistent with Policies 3.5-1 and 3.5-3 of the LUP and with Section 20.504.015(C) and 20.376.045 of the Zoning Code, as the amended development will (1) be sited and designed to protect coastal views from a public area; (2) prevent impacts that would significantly degrade the area; (3) be visually compatible with the character of surrounding areas; and (4) be subordinate to the character of its setting.

3. Environmentally Sensitive Habitat Areas:

LUP Policy 3.1-2 states that development in environmentally sensitive habitat areas such as wetlands, riparian zones on streams, or sensitive plant or wildlife habitats zones shall be subject to special review to determine the current extent of the sensitive resource.

Policy 3.1-7 and Zoning Code Section 20.496.020(A) state that a buffer area shall be established adjacent to all environmentally sensitive habitat areas to protect the environmentally sensitive habitat from significant degradation

resulting from future developments. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and shall not be less than 50 feet in width.

Zoning Code Section 20.496.020(A)(4)(b) states that structures will be allowed within the buffer area only if there is no other feasible site on the parcel. Section 20.496.025 states that development within a wetland shall be limited to only a few specific types, such as a port facility, a new or expanded boating facility, etc., and only when there is no feasible, less environmentally damaging alternative.

A wetlands study dated August 6, 1997 was done for the subject parcel, focusing on a two-to-three acre portion of the property identified by Commission staff as potentially exhibiting wetland characteristics. The survey examined vegetation, hydrology, and soils, and determined that a large wetland exists on the site (see Exhibit Nos. 3, 4, and 9). In addition, the survey identified specimens of the rare and endangered plant swamp harebell (Campanula californica) within the central portion of the wetland area. Thus, the parcel contains an environmentally sensitive habitat area, subject to special protection under the County's LCP policies. A 100-foot buffer area was established by the wetland survey to protect the sensitive habitat. A biologist from the Department of Fish and Game has visited the site and concurs that a 100-foot buffer should be established within which no development should take place, and asserts that the buffer area should not be reduced to 50 feet, which would be allowable pursuant to LUP Policy 3.1-7 and Zoning Code Section 20.496.020 (see Exhibit No. 10). There is also a small seasonal drainage in the extreme southwestern portion of the site. No development is proposed in this portion of the property.

As noted previously, the house originally approved on the site pursuant to Coastal Permit No. NCR-77-CC-415 is located almost entirely within this 100-foot buffer, with a small portion of the house extending into the actual wetland. The applicants do possess a valid coastal permit to build a house in this location which could be exercised if the applicants do not accept the amendment. However, the applicants have applied to amend the original permit to construct a house elsewhere on the property, specifically, near the bluff edge out of the wetland and buffer area. Given that the Commission finds that locating a house in the new proposed site would result in significant adverse impacts to visual resources, the Commission is conditioning the permit to require resiting of the house to the far eastern portion of the property, where it will not have significant adverse impacts on visual resources or on environmentally sensitive habitat.

The Commission thus attaches Special Condition No. 1, requiring that the applicants submit revised final site and project plans that relocate the proposed residence to the eastern portion of the property, which does not contain sensitive habitat, and where it will not have significant adverse impacts on any other resources. The Commission also attaches Special Condition No. 4, requiring recordation of a deed restriction stating that all future improvements or additions on the subject parcel that might otherwise be exempt from permit requirements under the California Code of Regulations, such as fences or the addition of outbuildings, require a coastal permit. As a result, the Commission will be able to review all such future development to ensure that it will not have significant adverse impacts on environmentally sensitive habitat.

As conditioned, the proposed development with the proposed amendment will be located out of the wetland area and surrounding 100-foot wetland buffer area where it will not have any significant adverse impacts on sensitive habitat, consistent with Mendocino County LUP Policies 3.1-2 and 3.1-7, and Zoning Code Sections 20.496.020(A) and 20.496.025.

4. Locating and Planning New Development/Second Structure:

Policy 3.9-1 of the Mendocino County LUP states that new development shall be located in or in close proximity to existing areas able to accommodate it, and shall be regulated to prevent any significant adverse effects, either individually or cumulatively, on coastal resources. Policy 3.8-1 of the LUP requires consideration of Highway One capacity and availability of water and sewage disposal when considering applications for Coastal Development Permits. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

As noted above, the subject property is zoned in the County's LCP as Rural Residential-10 acres minimum (RR:L-10), meaning that there may be one parcel for every 10 acres, and that the parcel is designated for residential use. The subject parcel, which is approximately eight acres in size, is a legal, nonconforming lot. Section 20.376.025 of the Zoning Code states that the maximum dwelling density for parcels designated RR:L-10 is one unit per 10 acres.

As described above, the proposed amended development consists of construction of a 3,557-square-foot residence with an attached garage, 625-square-foot guest cottage, a well, and a septic system. The County has not permitted more than one residential unit on most residential parcels in Mendocino County, because of a concern that the increase in density could potentially result in cumulative adverse impacts on highway capacity, groundwater resources, and scenic values, inconsistent with LUP Policies 3.9-1 and 3.8-1.

To ensure that the guest cottage will not be used at any time as an additional residential unit, the Commission attaches Special Condition No. 4(b), requiring recordation of a deed restriction stating that the guest cottage shall not contain a kitchen or cooking facilities and shall not be separately rented, let, or leased.

The Mendocino County Department of Environmental Health has approved a well and septic system for the subject parcel. The Commission thus finds that, as conditioned, the proposed development with the proposed amendment is consistent with LUP Policies 3.9-1 and 3.8-1 to the extent that the parcel is able to accommodate the amount of development and that adequate services are available. In addition, the Commission finds that, as conditioned, the proposed development with the proposed amendment is consistent with these LUP policies and with Zoning Code Section 20.376.025 because Special Condition No. 4(b) will ensure that there will be only one residential unit on the parcel and the project will not contribute to adverse cumulative impacts on highway capacity, groundwater resources, and scenic values.

5. Public Access:

Projects located within the coastal development permit jurisdiction of a local government that are located between the nearest public road and the sea are subject to the coastal access policies of both the Coastal Act and the LCP.

Coastal Act Sections 30210, 30211, and 30212 address the provision of maximum public access. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

The Mendocino County LUP includes a number of policies regarding standards for providing and maintaining public access. As a condition of permit approval, in 1977 the Commission required that the property owner of the subject parcel (then Roberts) record an offer to dedicate a public access easement for lateral and vertical access. This offer was recorded in 1978. LUP Policy 4.8-5 specifically states that the offer of dedication (vertical and lateral) from Roberts [subject site] shall be accepted.

As there is already a recorded offer to dedicate a public access easement on the property, required as a condition of permit approval of NCR-77-CC-415, the Commission finds that no requirement for additional public access area is warranted. The proposed amended project would not increase the demand for public access above that created by the originally approved project to necessitate additional access area.

There are currently three active private nonprofit land trusts operating in Mendocino County which have recently been pursuing the acceptance of offers to dedicate public access easements. The Commission has every reason to believe that the offer to dedicate a public access easement on the subject property may at some point be accepted for management. However, the proposed new location of the house site is as close as five feet from the recorded accessway offer, and may result in future conflicts with users of the public access easement, should the offered accessway be accepted for management and opened for public use. The Commission thus attaches Special Condition No. 1, requiring that the proposed house site be relocated well away from the offered access easement.

The Commission thus finds that, as conditioned, the proposed development with the proposed amendment will not be located where it will result in conflicts with potential public access, consistent with the public access policies of the Coastal Act and the County's LCP. The Commission further finds that, as conditioned, the proposed development with the proposed amendment, which does not include any additional provisions for public access, is consistent with the public access policies of the Coastal Act and the County's LCP as there already exists a recorded offer to dedicate a public access easement on the subject parcel.

6. Geologic Hazards:

Mendocino County LUP Policy 3.4-7 states that new structures shall be set back a sufficient distance from the edges of bluffs to ensure their safety against bluff erosion and cliff retreat during their economic lifespans (75 years). Section 20.500.020(B) of the Zoning Code reiterates this language, and states that construction landward of the setback shall not contribute to erosion of the bluff face or to instability of the bluff.

Policy 3.4-9 states that any development landward of the blufftop setback shall be constructed so as to ensure that surface and subsurface drainage does not contribute to the erosion of the bluff face or to the instability of the bluff itself.

Zoning Code Section 20.500.010 requires that development in the coastal zone shall minimize risk to life and property in areas of high geologic, flood, and fire hazard; assure structural integrity and stability; and neither create nor

contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas.

The subject property is located atop a steep, 90-foot-high bluff. As the originally approved location for the house is proposed to be moved to a site 30 feet from the bluff edge, a geotechnical report, dated August 14, 1995, was prepared for the site. The report states that the proposed development is feasible if performed and maintained in accordance with the recommendations of the report regarding such things as bluff setback, foundation, retaining walls, and site drainage. Special Condition No. 3. requires submittal of final project plans that are consistent with the recommendations made in the Geotechnical Investigation Report. However, the Commission is also attaching Special Condition No. 1 requiring the house to be relocated to a site many hundreds of feet from the bluff edge. Should the geologist determine that some of the recommendations made in the geotechnical investigation are not necessary due to the relocation of the house away from the bluff edge, the plans may be revised to omit those recommended measures found to be no longer necessary due to the relocation of the house site.

In addition, Special Condition No. 4(b) requires Commission review of all future additions or improvements that might otherwise not require a coastal permit to ensure that any such development will be sited and designed to avoid creation of a geologic hazard.

The Commission finds, therefore, that, as conditioned, the proposed development with the proposed amendment is consistent with LUP Policies 3.4-7 and 3.4-9 and with Zoning Code Sections 20.500.010 and 20.500.020(B), as the amended development will be located and designed in a manner that will not result in the creation of a geologic hazard.

7. California Environmental Quality Act (CEQA).

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

The proposed project has been conditioned in order to be found consistent with the policies of the Mendocino County LCP and the public access and recreation policies of the Coastal Act. Mitigation measures, including requirements that (1) the applicants submit revised final project plans relocating the house site to a location that is east of the identified wetland habitat and 100-foot

buffer; (2) the applicants submit a landscaping plan that provides for landscape screening; (3) the applicants submit final foundation, grading, and site drainage plans that are consistent with the recommendations of the geotechnical report; (4) the applicants submit a deed restriction requiring Commission review of any future additions or improvements, and that the guest cottage shall be without kitchen or cooking facilities and shall not be separately rented, let, or leased, whether compensation be direct or indirect; and (5) a coastal permit is required for tree removal not necessary for construction or to meet the fire safety regulations of the California Department of Forestry and Fire Protection, will minimize all adverse environmental impacts.

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that, as conditioned, the proposed development with the proposed amendment is consistent with the requirements of the Coastal Act and to conform to CEQA.

ATTACHMENT A

Standard Conditions

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

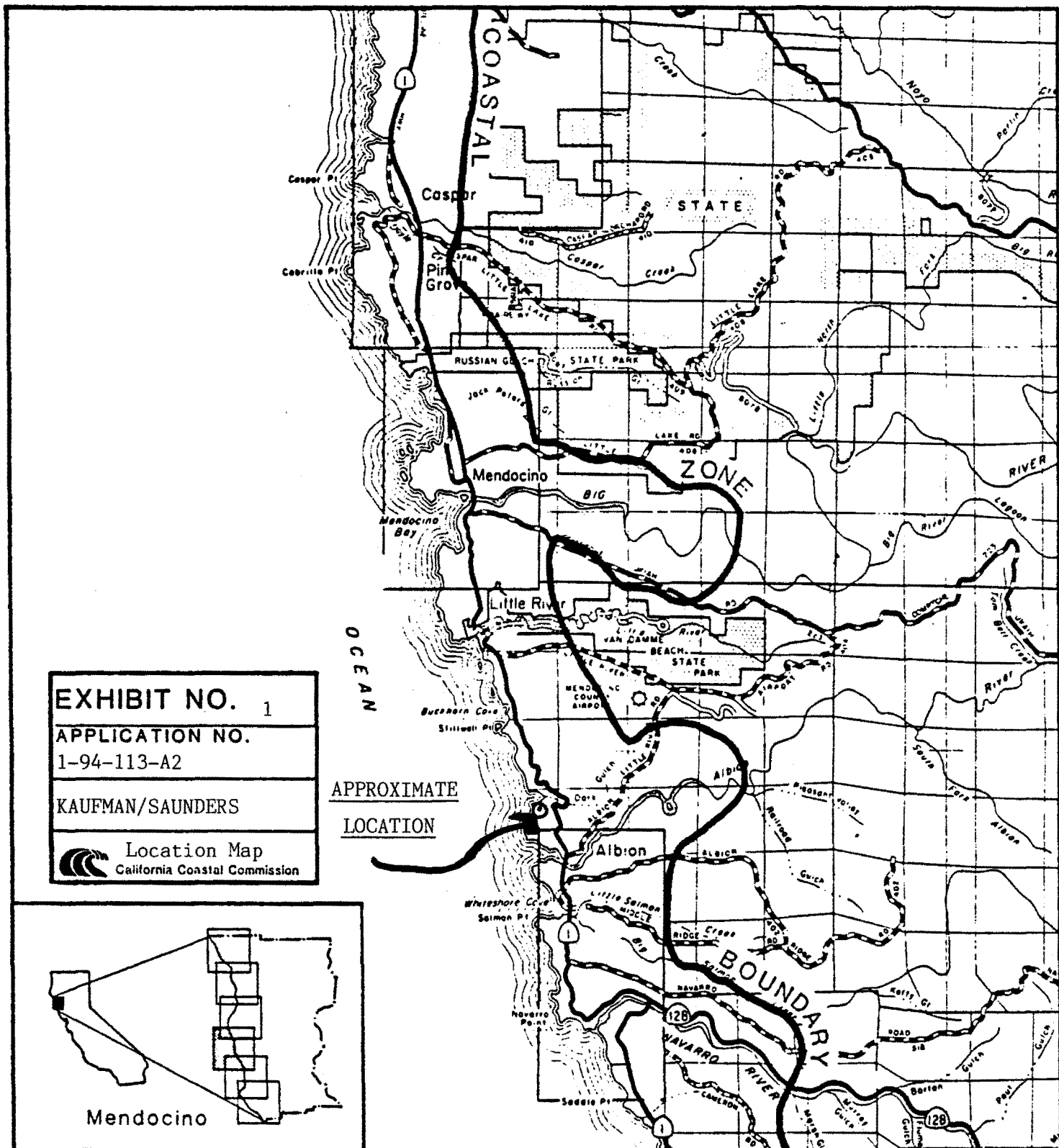
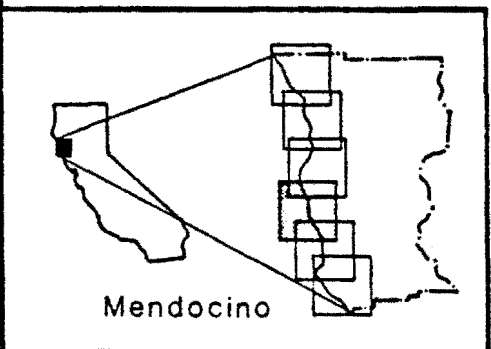


EXHIBIT NO. 1
APPLICATION NO.
1-94-113-A2
KAUFMAN/SAUNDERS
Location Map
California Coastal Commission

APPROXIMATE
LOCATION



Mendocino

California Coastal Commission

LOCATION MAP



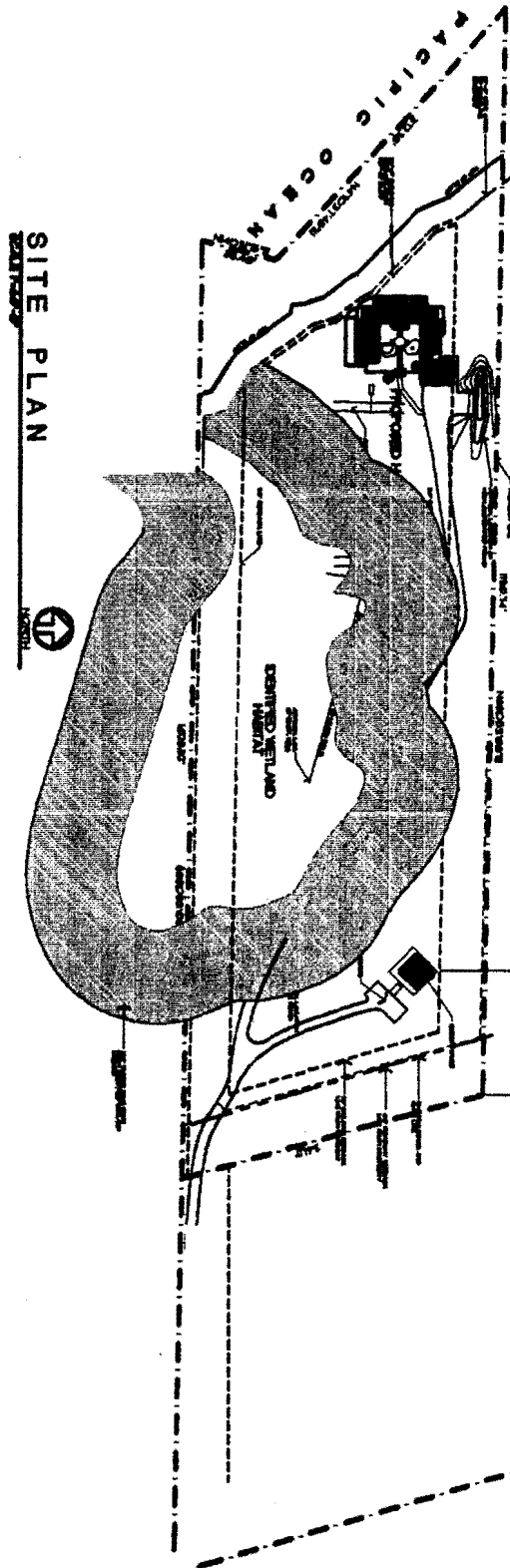


EXHIBIT NO. 3

APPLICATION NO.
1-94-113-A2

KAUFMAN/SAUNDERS

Revised Site Plan
 California Coastal Commission

NEW SINGLE FAMILY RESIDENCE and STUDIO for:
PAUL KAUFMAN and MITA SANDERS
4530 HIGHWAY ONE
LITTLE RIVER, CA. 95406
A.P.# 123-010-20

REVISED
SITE PLAN

APRIL 1983
Richard Schiffman
Michael Lumbard
and Linda Lee Spurr
Port Brown, California
767 888-0811

▷	▷	▷	▷	▷	▷	▷	▷

EXHIBIT NO. 7

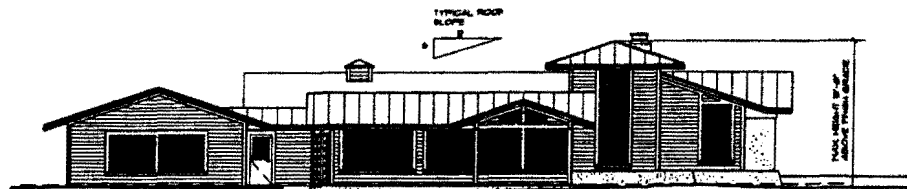
APPLICATION NO.
1-94-113-A2

KAUFMAN/SAUNDERS

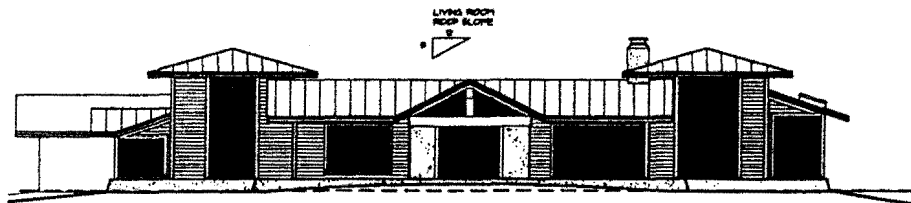
Elevation Plans
California Coastal Commission

EXTERIOR MATERIALS

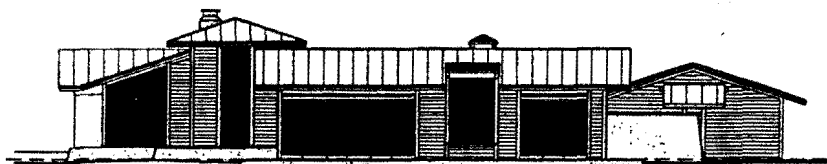
SHINGLES	1/2" SHIP LAP RUFF REDWOOD
SHINGLES	DUCKS BACK OR EQUAL MARINE CLEAR FINISH
CORNERBOARDS	1/2" REDWOOD
CASINGS	1/2" RUFF REDWOOD
PARCHAS	1/2" RUFF REDWOOD
SPICERS	ANODIZED ALUMINUM BLACK COLOR
DOORS	CLEAR ALL HEART R.D. REDWOOD WITH CLEAR FINISH
ROOFING	1/2" D.E. COPPER STANDING SEAM ROOFING
FLASHING	1/2" D.E. COPPER
GUTTERS	1/2" D.E. COPPER
DOWNSPUTS	1/2" D.E. COPPER
EXPOSED CONC.	BOARD FORMED CONCRETE
CONC. PLATFORM	4" CONCRETE SLAB WITH EXPOSED AGGREGATE FINISH STAIRS TO MATCH
RAILING	ALL EXPOSED RAILING TO BE STAINLESS STEEL RING BULK TYPE
DECK	2X CONSTRUCTION HEART REDWOOD



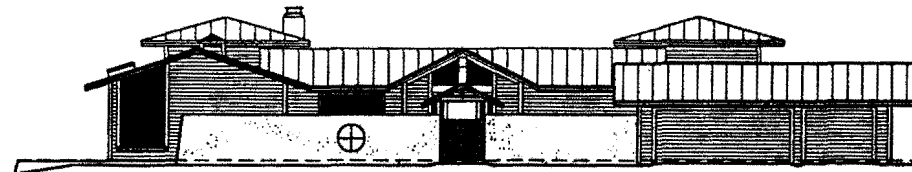
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



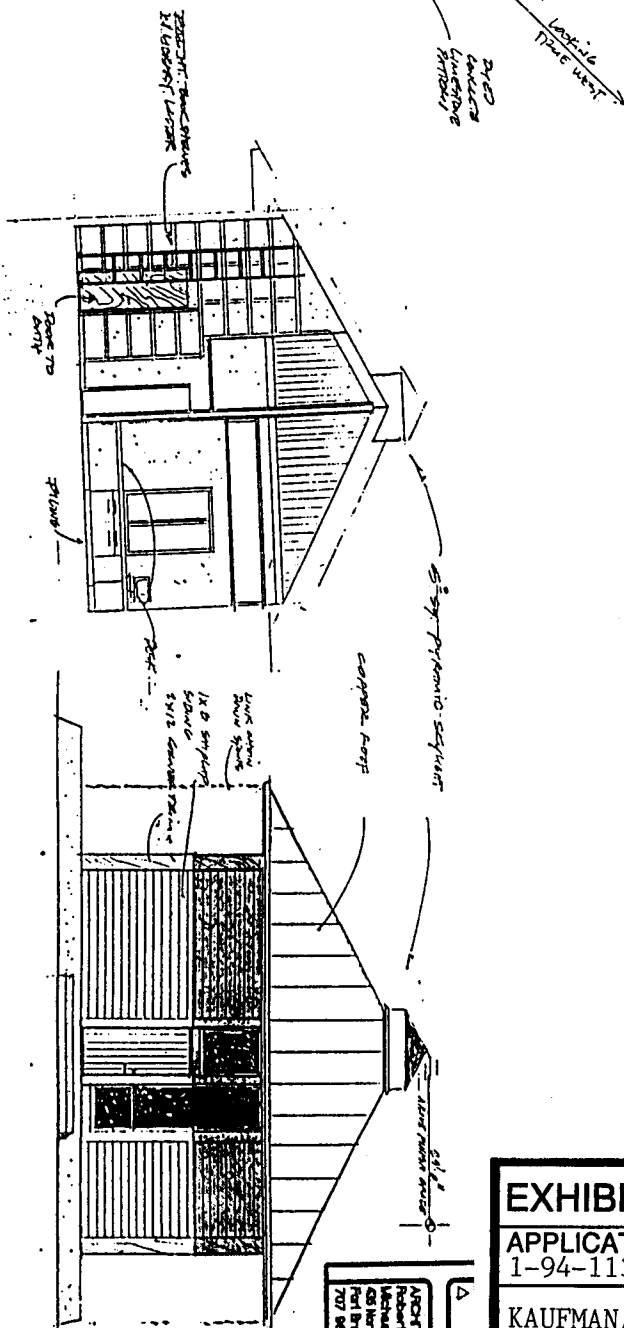
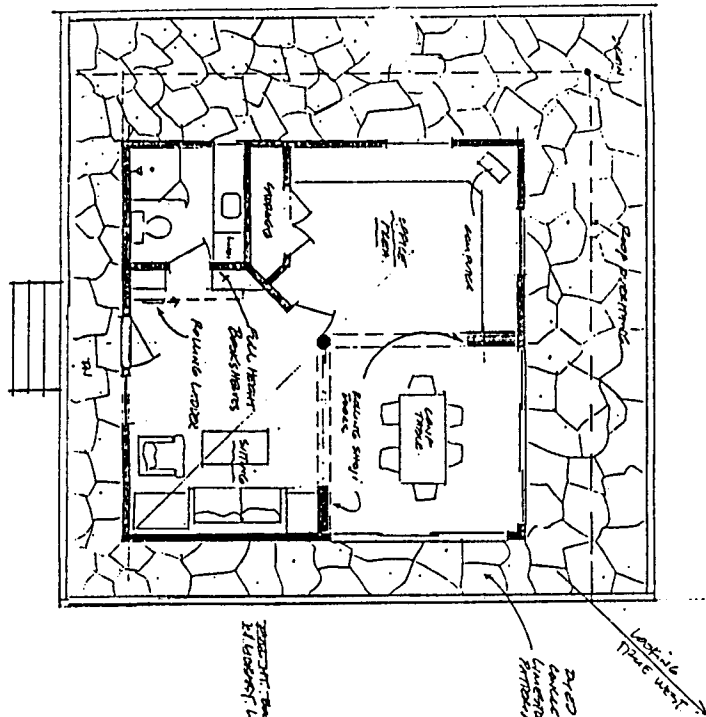
EAST ELEVATION

NEW SINGLE FAMILY RESIDENCE and STUDIO for
PAUL KAUFMAN and MYRA SAUNDERS
4330 HIGHWAY ONE A.P.# 123-010-20
LITTLE RIVER, CA. 95456

EXTERIOR ELEVATIONS

ARCHITECTS
Robert S. Scharber
Michael L. Lunsford
400 North Van Street
Fort Bragg, California
707-867-0881

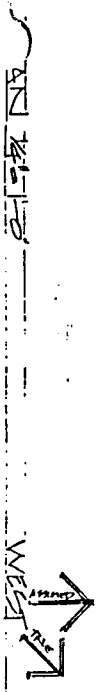
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"NORTH"

"WEST"

"SOUTH"



SECTION - LIVING ROOM & BEDROOM

EAST ELEVATION - ENTRY

A5

DETACHED STUDIO for
PAUL KAUFMAN and MYRA SAUNDERS
 4330 HIGHWAY ONE
 A.P. # 123-010-20
 LITTLE RIVER, CA. 95456

FLOOR PLAN, EXTERIOR ELEVATIONS AND SECTION

ARCHITECTS
 Robert Saunders
 Michael Kaufman
 4330 Highway One
 Little River, CA 95456
 Tel: 954-088

EXHIBIT NO. 8
 APPLICATION NO.
 1-94-113-A2

KAUFMAN/SAUNDERS

Guest Cottage Plans
 California Coastal Commission

Vicinity of 4330 North Highway 1, Mendocino County

Mendocino County Assessor's Parcel Number 123-010-20

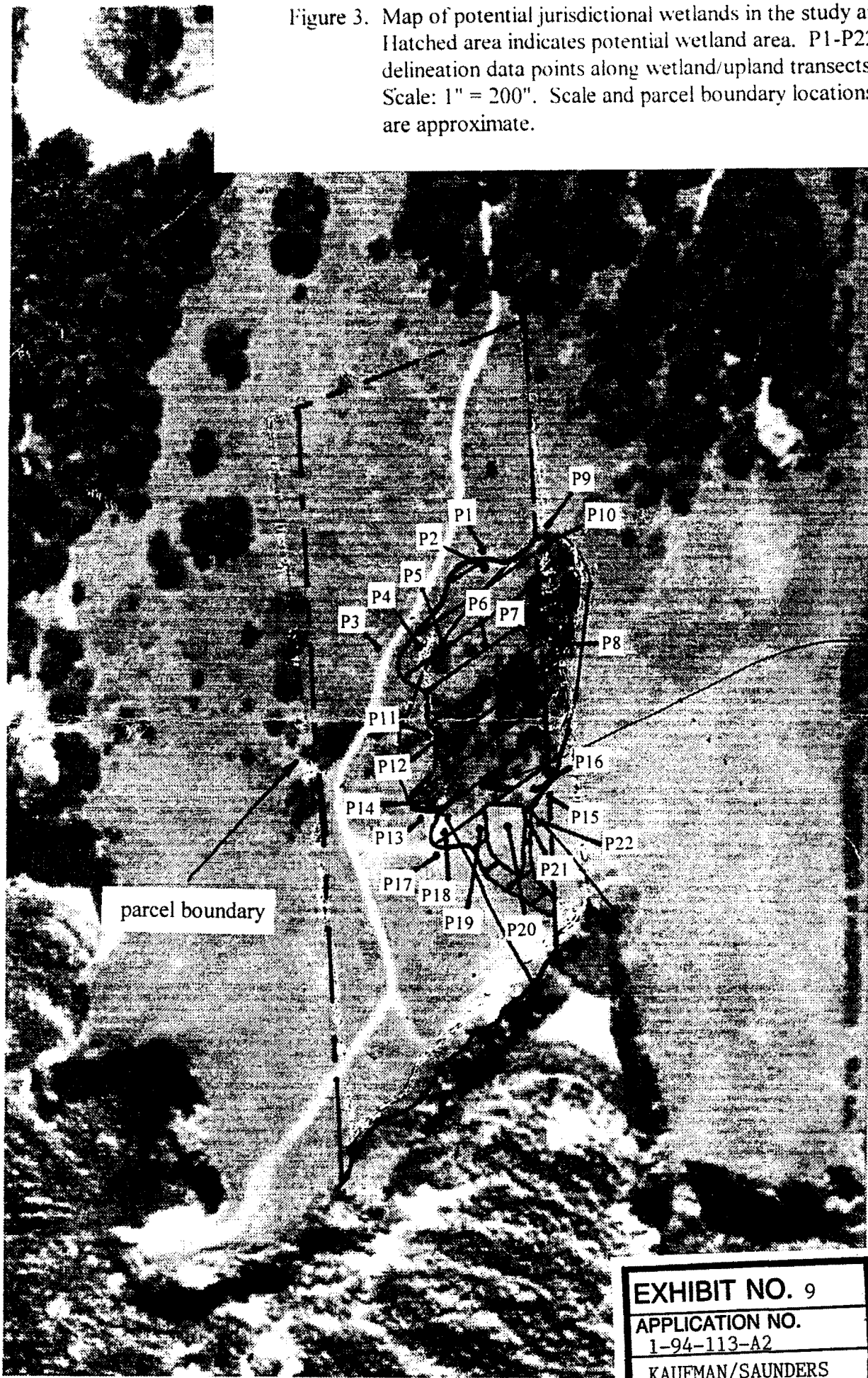


Figure 3. Map of potential jurisdictional wetlands in the study area. Hatched area indicates potential wetland area. P1-P22 are delineation data points along wetland/upland transects. Scale: 1" = 200". Scale and parcel boundary locations are approximate.

No Scale

AREA NEEDING WETLANDS SURV

EXHIBIT NO. 9

APPLICATION NO.

1-94-113-A2

KAUFMAN/SAUNDERS

Wetland Area

California Coastal Commission

California Coastal Commission
Technical Services Division

Memorandum

Ms. Jo Ginsberg, Coastal Planner
California Coastal Commission
North Coast Area
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

Date: September 15, 1997

RECEIVED
SEP 17 1997

From : Department of Fish and Game

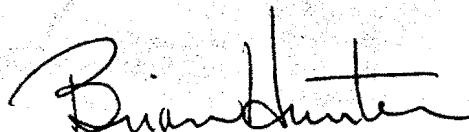
CALIFORNIA
COASTAL COMMISSION

Subject: Coastal Development Permit Application No. 1-94-113-A
(Kaufman/Saunders)

Department of Fish and Game Personnel have reviewed the Coastal Development Permit Application and the Wetlands Study by John E. Vollmar, Wetland Ecologist. A site visit was conducted on September 12, 1997. The proposed project is adjacent to a wetland that contains swamp harebell (*Campanula californica*), a U. S. Fish and Wildlife species of concern. It is also on the California Native Plant Society list 1B.

The standard buffer required by the Mendocino County Coastal Land Use Plan for protection of Environmentally Sensitive Habitat Areas (ESHA's) is 100 feet. The revised site plan by Schlosser and Leventhal, August 20, 1997, provides adequate protection for the wetland habitat and special plants by using a 100-foot buffer. To reduce the buffer only increases the threat to the wetland habitat and wildlife that utilize it; therefore, the Department requests that the 100-foot buffer around the wetland not be reduced in size.

If you have any questions regarding these comments, please contact Mr. Jack W. Booth, Wildlife Biologist, at (707) 468-0639; or Mr. Carl Wilcox, Environmental Services Supervisor, at (707) 944-5525.



Brian Hunter
Regional Manager
Region 3

cc: Leventhal and Schlosser, Architects
435 North Main Street
Fort Bragg, CA 95437

EXHIBIT NO. 10

APPLICATION NO.
1-94-113-A2

KAUFMAN/SAUNDERS

Correspondence

California Coastal Commission

Conserving California's Wildlife Since 1972

CALIFORNIA COASTAL COMMISSION
 NORTH COAST REGION
 1656 UNION STREET, ROOM 150
 P.O. BOX 4946
 EUREKA, CALIFORNIA 95501
 (707) 443-1523

EXHIBIT NO. 11
APPLICATION NO. 1-94-113-A2
KAUFMAN/SAUNDERS
CDP NCR-77-CC-415 California Coastal Commission

RECEIVED
 FEB 22 1979

Mr. & Mrs. David G. Roberts
 24165 Summit Woods Drive
 Los Gatos, California 95030

C. C. Z. C. C.
 NORTH COAST REGION

Dear Mr. & Mrs. Roberts:

RE: Permit NCR-77-CC-415

On December 8, 1977, by a vote of 9 in favor, 0 opposed, the North Coast Region of the California Coastal Commission granted your application for a permit for the development described in the attached application summary and staff recommendation, which were adopted at the Commission meeting of December 8, 1977. This permit is limited to the above described development and is subject to the terms and conditions contained therein.

This permit will be in effect for a period of two years from the time of the Regional Commission's final action. If the ~~development~~ development has not been ~~filed~~ completed by that date, application for any extensions must be made before expiration of the permit.

If you should determine that you wish to assign this permit to another party, you should contact the Regional Commission office for instruction in the appropriate procedure.

You will also find attached a "Notice of Completion" which should be returned when you have finished your project.

Please return to this office copies of this statement with your signature acknowledging that you have received it and understood its content.

All construction must occur in accord with the proposal as set forth in the application for permit, subject to any special conditions as set forth in the attachment. Any deviations from the approved plans must be reviewed by the Commission pursuant to California Administrative Code, Title 14, Sections 13164-13168.

Yours truly,


 RICHARD G. RAYBURN
 Executive Director

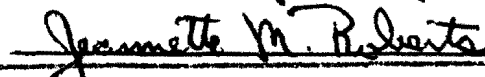
attachment
 CC: Bud Kamb
 County Assessor's Office
 Building
 Planning Department

The undersigned permittee acknowledges receipt of the California Coastal Commission Permit No. NCR-77-CC-415, and fully understands its contents, including all conditions imposed.

DATE

PERMITTEE

2/18/79


 Jeannette M. Roberts

CALIFORNIA COASTAL COMMISSION

NORTH COAST REGION

UNION STREET, ROOM 150

P.O. BOX 4947

EUREKA, CALIFORNIA 95501

(707) 443-1623

STAFF REPORT

~~XXXXXX~~ PUBLIC HEARING AGENDA

Application No: NCR-77-CC-415

Date Filed: 10-20-77

A.P. No. 123-010-20

Findings:

I. APPLICATION SUMMARY

Applicant: Mr. and Mrs. David G. Roberts
24165 Summit Woods Drive
Los Gatos, CA 95030

Agent: Bud Kamb
Box 1348
Mendocino, CA 95460

Development Description: Construction of a single story, single family residence of approximately 2000 sq. ft., garage, water storage tank, a barn of approximately 950 sq. ft., a 60' x 120' tennis court, well and septic system.

Location (address and area): Located on an 8+ acre parcel west of Highway One, approximately 1 1/4 mile north of Albion.

Approvals Received: 1. Mendocino County Planning and Building Department
2. Mendocino County Health Department

II. STAFF EVALUATION

Site Characteristics: Project site is a bluff parcel with scattered pines, grasses, berries and poison oak. Parcel has a slight knoll and then slopes gently to the bluff top.

Surrounding Land Use: The parcel immediately to the south has a residence, as do two parcels east of the highway. The Heritage House and other Dark Gulch development is approximately 1/2 mile to the north.

Policy Conformance (Chapter 3, Coastal Act):

Public Access (30210-30213): See below.

Recreation (30220-30224): See below.

Marine Environment (30230-30236): The placement of the septic system over 250' from the bluff meets the Water Quality Control setback guidelines and will not effect marine resources.

Land Resources (30240-30244): See below.

Development (30250-30255): See below.

Industrial Development (30260-30264): Not applicable.

EXHIBIT NO. 11

APPLICATION NO.
1-94-113-A2

KAUFMAN/SAUNDERS

CDP NCR-77-CC-415
California Coastal Commission

Coastal Issues:Geologic Stability

The proposed homesite has been located 275' inland from the bluff top. Using the formula for the area of demonstration from the interpretive guidelines (height of bluff x 2.75 = setback), the development is sited to assure bluff stability and structural integrity. The bluff face is approximately 60' in height, giving a minimum setback of 165 feet.

Public Access

The project site is an 8+ acre, ocean fronting parcel. The height and configuration of the bluff does not afford easy access to the ocean, and the small beach below the bluff is seasonal.

As required by Section 30212 of the Act, "Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects . . ."

Limited public access to the coast exists at the Heritage House approximately $\frac{1}{4}$ mile north, and more available access is at Albion Flats $1\frac{1}{2}$ mile south. Because of the very limited nature of access in this area, a determination can not be made that adequate access is available.

Access available at the Heritage House is limited to guests and can not be considered adequate as applied to the general public. Also, the type of access in Albion Flats affords a different type of coastal recreational and access experience, that being primarily fishing oriented.

The scenic quality of the project site, because of its physical characteristics and views south to Albion Head and north along the coast, provide a different experience potential for the coastal visitor. As such, the option for public access must be maintained through the certification process.

Lateral access along the bluff will be recommended as a condition to maintain lateral access options along this portion of the coast.

The project parcel was created by a minor division prior to the effective date of Proposition 20. An error in surveying was made, and an approximately 10 foot wide hiatus was created extending from the highway to the bluff (see Exhibit B). The legal status of this hiatus is questionable, as is its future disposal. However, it is suitable for potential access and vertical access options should be maintained. Because of this hiatus, the lack of adequate public access in the area, and the provisions in Section 30212 of access "to the shoreline and along the coast," vertical access is also being recommended as a condition to a permit. (Location of access points is shown on Exhibit C.)

EXHIBIT NO. 11**APPLICATION NO.**
1-94-113-A2**KAUFMAN/SAUNDERS**

Recreation

While the project parcel has approximately 450 feet of ocean frontage, the size of the parcel (8 acres) limits its recreational potential. A further limiting factor is the existing residence immediately south of the project site.

The recreational potential of the larger, undeveloped parcels immediately north of Albion River must be addressed in the Local Coastal Program. However, this project as conditioned with lateral and vertical access, maintains recreational planning options in this area and will not preclude recreational potential.

Land Resources

Soils on the subject parcel and parcels to the south are Baywood loamy course sand with a capability unit of III. These soils are suitable for pasturage, hay production or specialty crops. However, because of the limited size of the project parcel, it is not suitable as an economic agricultural unit. The developed parcel to the south further limits this agricultural potential, as does the Kneeland soil to the north.

The project will neither convert agricultural lands nor encroach upon the viability of the agricultural lands to the south. Planning options for agricultural viability and feasibility studies of these lands during the certification process will be maintained and the project will not prejudice these options.


Development

Section 30250(a) of the Coastal Act states: "new development be located within, contiguous with, or in close proximity to existing developed areas, able to accommodate it, or where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources."

The basic purpose of this section is to provide for the orderly progression of development and appropriate areas for infilling within the Coastal Zone, consistent with the protection of coastal resources and public access to the coast.

The Commission has determined in the guidelines interpreting this policy that it would not normally effect single family residences on lots zoned for such use at the time the Coastal Act became effective, where adverse cumulative impacts would be insignificant, and in rural areas where the owner owns only one such lot. This guideline is applicable in this instance.

The project parcel, because of adjacent development, will not have any significant impacts, and the applicant owns only this parcel.

EXHIBIT NO.	11
APPLICATION NO.	1-94-113-A2
KAUFMAN/SAUNDERS	
 California Coastal Commission	

Coastal Viewshed

Section 30251 of the Act states "the scenic and visual qualities of 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 . . . (and) to be visually compatible surrounding areas . . ."

This portion of the Mendocino coast from Highway 128 to Dark Gulch is of high scenic value. The coastal bound travelers from Highway 128 are provided their first glimpse of the character and quality of the northern Mendocino coast.

The residence immediately to the south of the project site is screened by trees and not visible from the highway.

The proposed project should also be designed in the same manner. The house will be sited on the property to the west of the knoll in an attempt to screen it from view.

The elevation of the parcel at the home site is approximately 90 feet, the top of the knoll is approximately 102 feet, and the height of the house is proposed to be 22 feet. This reveals that the upper 10 feet of the house will be visible.

In order to limit the visibility of the house, staff is recommending the maximum height be 16 feet. The applicant will then ~~have~~ the option to redesign the viewing balcony and roof pinnacle; and/or to landscape the top of the knoll with limited height shrubs.

The barn will be more visible because of its size (962 sq. ft.) and location site. To reduce these visual impacts, staff recommends the barn be sited approximately 10 feet east and 10 feet south of the proposed location. This will place the structure closer to the large pine trees and afford better screening. Staff is also recommending the size of the barn be limited to a height of 12 feet and 600 square feet in area in order to further mitigate the visual impacts. The proposed barn is 27.5 feet x 35 feet and 24 feet in height. Staff proposal would allow a size of 25 feet x 24 feet.

Section 30251 further states new development shall "be visually compatible with the character of surrounding areas . . .". The question is whether a tennis court is "visually compatible with the Character" of this area.

A proper tennis court facility requires, at the minimum, cyclone fencing, a wind break, and could easily be provided with lighting at a later date. Because of the special character of the Mendocino coast, the location of the project parcel, and the potential adverse visual impacts of a tennis court, staff is recommending this be eliminated from the project.

EXHIBIT NO. 11**APPLICATION NO.**

1-94-113-A2

KAUFMAN/SAUNDERS

Local Coastal Program

The development of parcels on the east of Highway One, to the south of the project, and in the Dark Gulch area, in conjunction with parcel sizes, would not prejudice the Local Coastal Program process. The project will not preclude agricultural or recreational studies for larger parcels to the south of the project site and north of Albion River during the certification process.

The project, as conditioned, will not individually or cumulatively impact coastal resources, and planning options will be preserved through the Local Coastal Program process by the proposed conditions.

Alternatives

Alternatives include:

1. Project as proposed.
2. Project without tennis court.
3. Project without barn.
4. Project without barn and tennis court.
5. Conditioned project.
6. No project.


The conditioned project is the most feasible in this instance. It will protect the visual qualities of the area; be compatible with the character of the area; maintain access options; provide individual use of the parcel without conflicting impacts on coastal resources or areas of public importance.

III. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

1. Approval with Conditions:

The Commission hereby grants a permit, subject to the following conditions, on the grounds that the development as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 (Sections 30200 - 30264 P.R.C.), that the development will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program conforming to the provisions of Chapter 3 of the Act, that the development will not have a significant adverse impact on the environment within the meaning of the California Environmental Quality Act, and that the project site is located between the sea and the public road nearest the sea and as conditioned is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act of 1976.

EXHIBIT NO.	11
APPLICATION NO.	1-94-113-A2
KAUFMAN/SAUNDERS	
 California Coastal Commission	

2. Conditions:

The permit is subject to the following conditions:


1. Prior to the issuance of a permit, the applicant and all persons with an interest in the applicant's parcel shall execute and record a document, the form and content of which have been approved by the Executive Director of the Regional Commission, offering to dedicate to the public, the right of access 1) a lateral easement of 25 feet as measured landward from the "break in slope at the bluff top along the westerly boundary of Parcel 3, as number and designated on Parcel Map #M.D. 276-72 filed January 24, 1973 in Map Case 2, Drawer 20, Page 35, Mendocino County Records, and, 2) a vertical easement of 6 feet in width as measured northward from the southerly boundary and extending along the entire southerly boundary of Parcel 3, as numbered and designated on Parcel Map #M.D. 276-72 filed January 24, 1973 in Map Case 2, Drawer 20, Page 35, Mendocino County Records, and 3) a vertical easement of 6 feet in width as measured northward from the southerly boundary and extending along the entire southerly boundary of the 60 foot easement for roadway and utility purposes as shown and designated on Parcel Map M.D. #276-72 filed January 24, 1973 in Map Case 2, Drawer 20, Page 35, Mendocino County Records.

That the applicant shall be required prior to issuance of permit to provide the Regional Commission with a title report and guarantee in favor of the Regional Commission listing all parties who are necessary to execute the dedication for it to be effective. The offer to dedicate shall be irrevocable for a period of 25 years and shall run with the land, binding successors and assigns of the applicant. Only a public agency or a private association agreeing to accept responsibility pursuant to Public Resources Code Section 30212 for maintenance and liability of the accessway shall the offer. The applicant shall agree to dedicate such interest in the land as required by the public agency or private association that accepts the dedication, except that the public use of the land may be limited to pedestrian travel, viewing, and coastal trail access. Access by the public shall not be permitted until the provisions of Public Resources Code Section 30212 regarding liability and maintenance are fulfilled and an access program including the possible acceptance of the area offered in dedication pursuant to this condition has been included in a certified local coastal program for the area. If upon certification, the local coastal program does not contain an access program including the possible acceptance of the applicant's offer of dedication, the Executive Director of the Regional Commission or its successor shall, pursuant to request by the applicant, execute in a form proper for recordation a document releasing applicant from any further obligation under this offer. Issuance of permit shall not take place until the applicant has submitted to the Executive Director of the Regional Commission evidence of recordation of the approved offer of dedication.

EXHIBIT NO. 11

APPLICATION NO.
1-94-113-A2

KAUFMAN/SAUNDERS

EXHIBIT NO. 11
APPLICATION NO. 1-94-113-A2
KAUFMAN/SAUNDERS
 California Coastal Commission

2. The project shall not include a tennis court.
3. The height of the house shall be a maximum of 16 feet as measured from the present elevation of the house site designated on Exhibit D as location site A. (SEE ATTACHED)
4. The height of the barn shall be a maximum of 12 feet.
5. The area of the barn shall be a maximum of 600 sq. ft., and sited as shown on Exhibit D.
6. All utilities shall be undergrounded.
7. Prior to construction, the applicant shall submit to the Executive Director of the Regional Commission for his review and approval, amended site plans, house plans, any grading plans and landscaping plans. Construction shall not commence until the Executive Director has approved the revised plans in writing, and construction shall conform to the approved plans.

Findings and Declarations:

The Commission finds and declares as follows:

Coastal Resources

That the development will not adversely affect coastal resources or the environment in that soils, topography, and setbacks are adequate to sustain the development without adverse environmental impacts.

Public Access

That adequate access does not exist nearby, and that, as conditioned, the project is in conformity with the public access provisions of the Coastal Act.

Development

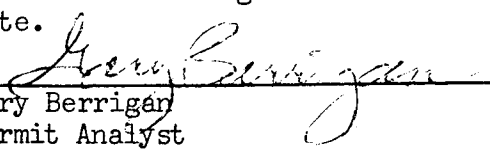
That the conditioned proposal will not have an adverse impact either individually or cumulatively, and the project is located in an area able to accommodate it.


Coastal Viewshed

That the project has been conditioned to be compatible with the character of the area, and to prevent adverse visual impacts in this scenic area.

Local Coastal Program

That the project will not prejudice the certification process. Public access planning options have been preserved, and the project will not prejudice recreational or agricultural feasibility studies for the area south of the site.


Gary Berrigan
Permit Analyst

CONCUR: 
RICHARD G. RAYBURN
Executive Director

DATED: November 30, 1977

Addendum to Condition 3

Height restriction shall not apply to Cupala.

EXHIBIT NO. 11

APPLICATION NO.
1-94-113-A2

KAUFMAN/SAUNDERS

PROJECT PARCEL

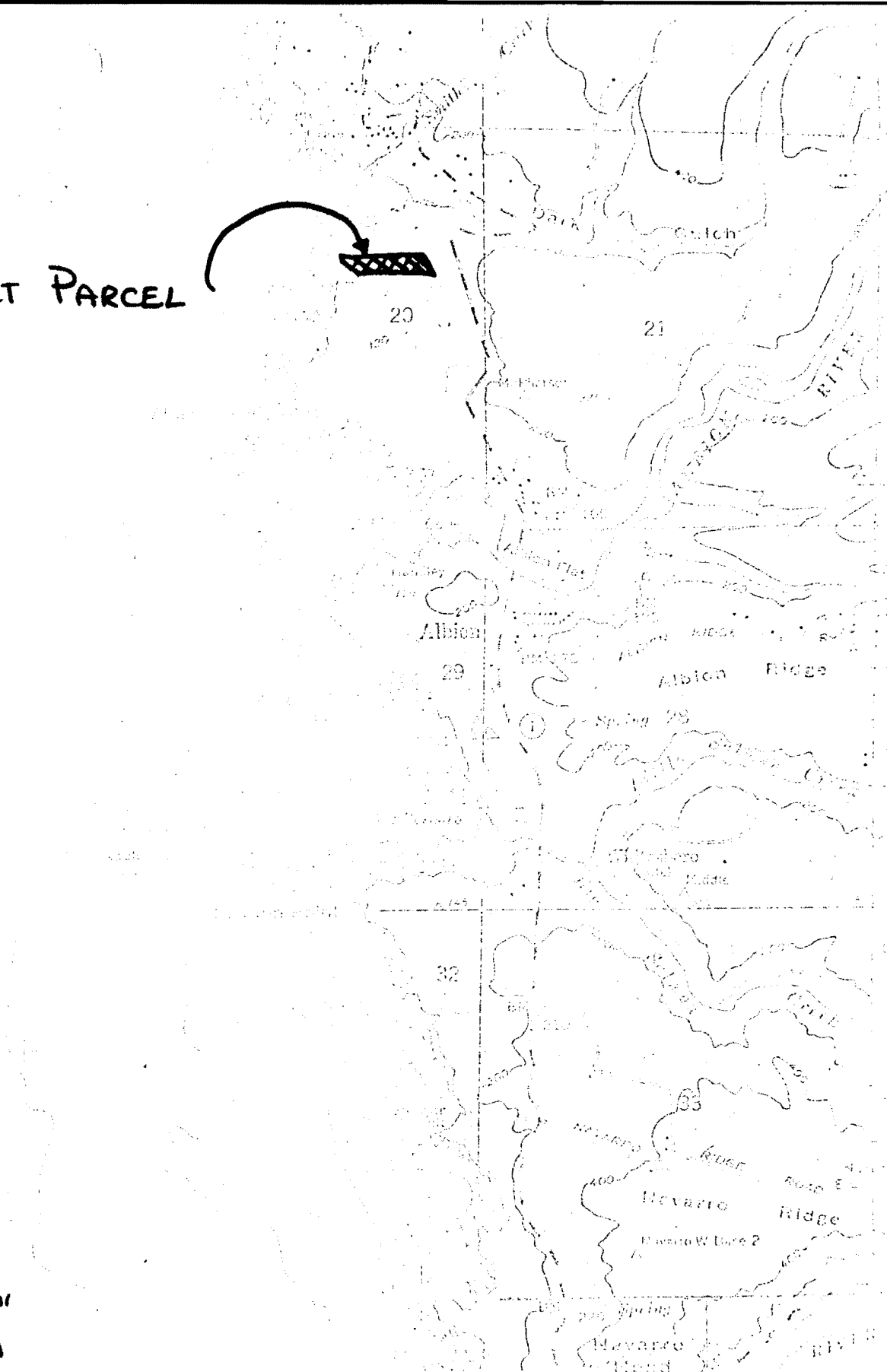


EXHIBIT "A"

ROBERTS
NCR-77-CC-415

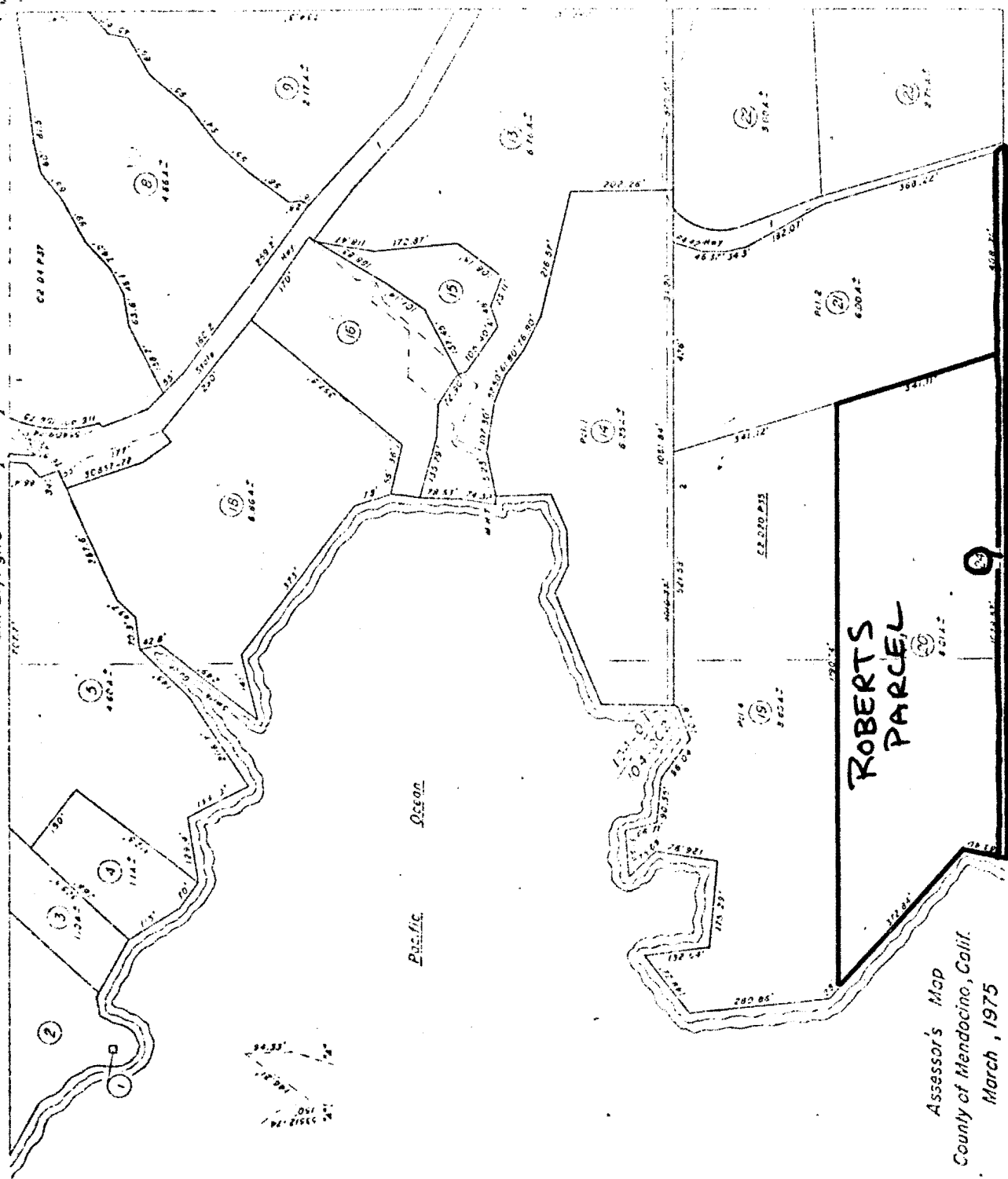
EXHIBIT NO. 11

APPLICATION NO.
1-94-113-A2

KAUFMAN/SAUNDERS

California Coastal Commission

LOT 1 & POR. of the S. 1/2 of the N.E. 1/4 of Sec. 20, T.16N. R.17W., M.D.B.M.
 Parcel Map C2 D20 P15
 Bk. 121, Pg. 13



Assessor's Map
 County of Mendocino, Calif.
 March, 1975

Pg. 03

SURVEYOR'S ERROR
 HIATUS

EXHIBIT NO.	11
APPLICATION NO.	1-94-113-A2
KAUFMAN/SAUNDERS	
California Coastal Commission	

EXHIBIT "B"
 ROBERTS

Lot 1 & Por. of the S. 1/2 of the N.E. 1/4 of Sec. 20, T.16N. R.17W, M.D.B.M.
 Parcel Map C2 020 P.75

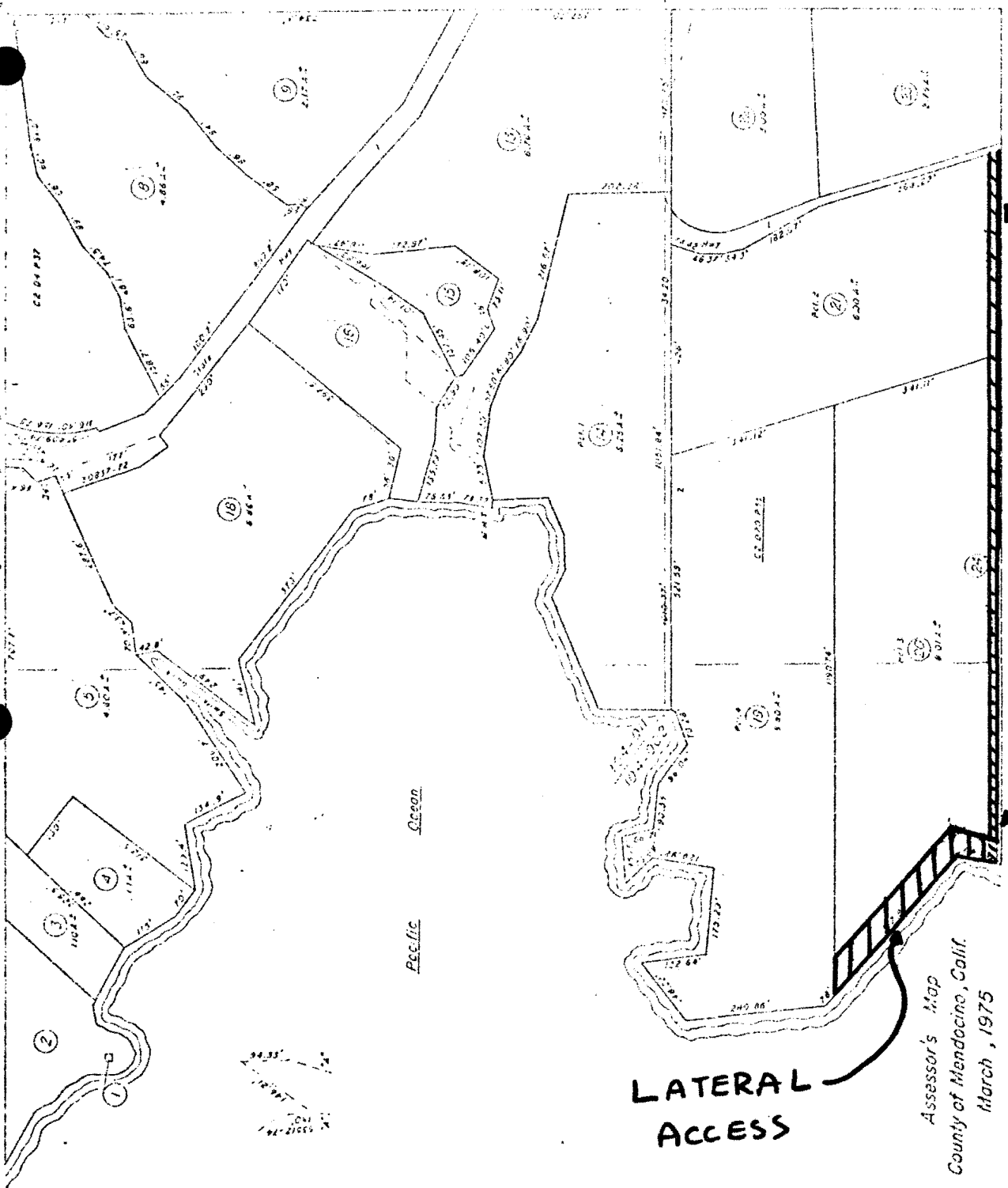



EXHIBIT NO. 11
APPLICATION NO. 1-94-113-A2
KAUFMAN/SAUNDERS
California Coastal Commission

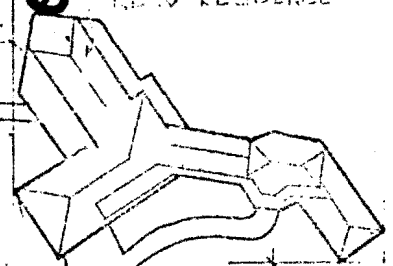
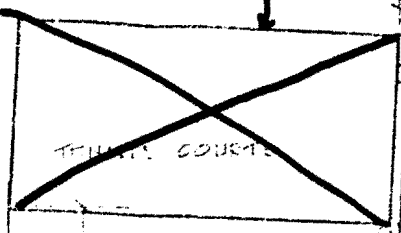
EXHIBIT C
 ROBERTS

EXHIBIT NO.	11
APPLICATION NO.	1-94-113-A2
KAUFMAN/SAUNDERS	
 California Coastal Commission	

CONDITIONED
FROM PERMIT

LOCATION
SITE "A"

NEW RESIDENCE



APPROXIMATE
RELOCATION
SITE OF BARN

S I T E P L A N SCALE: 1/8" = 10'

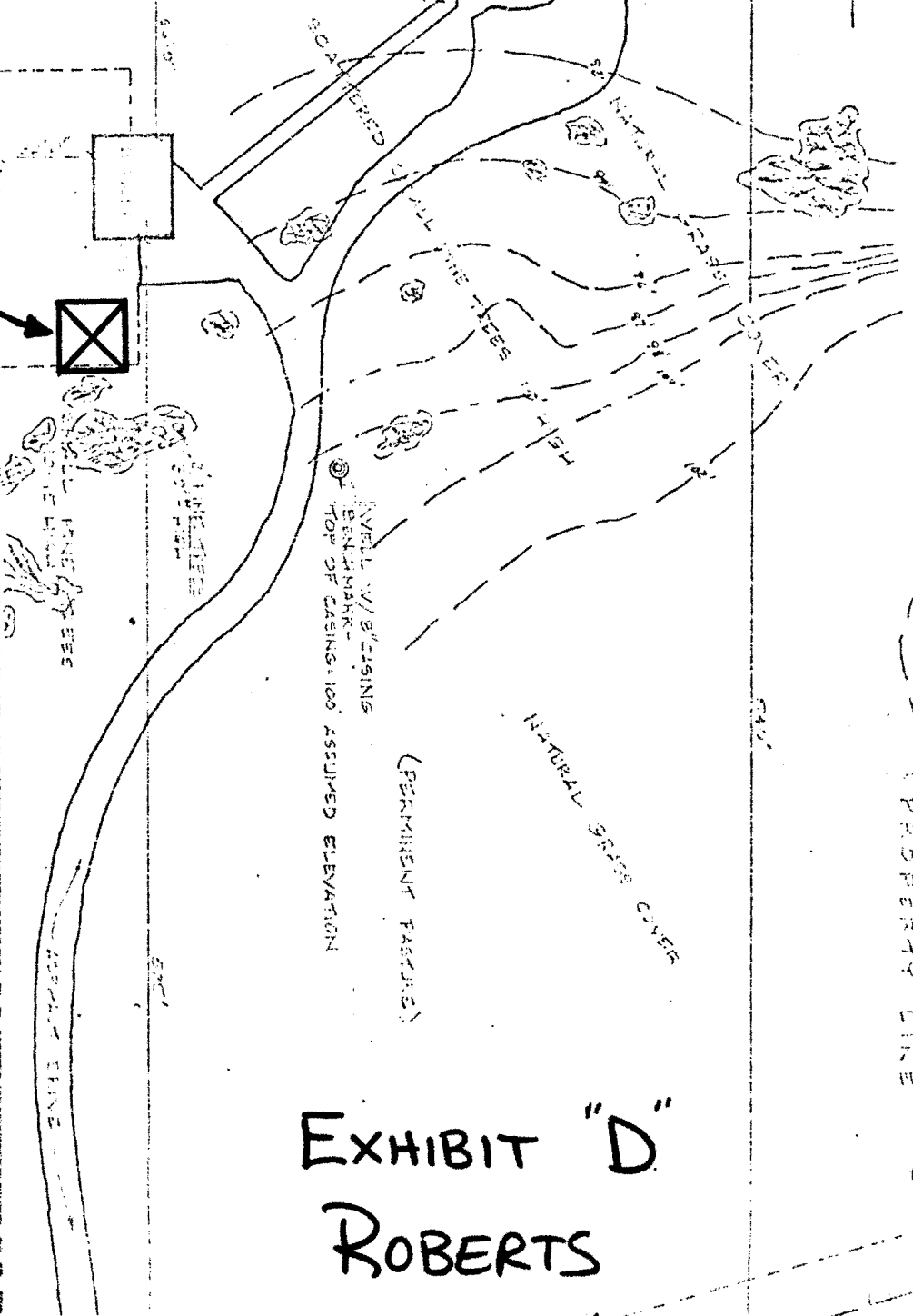
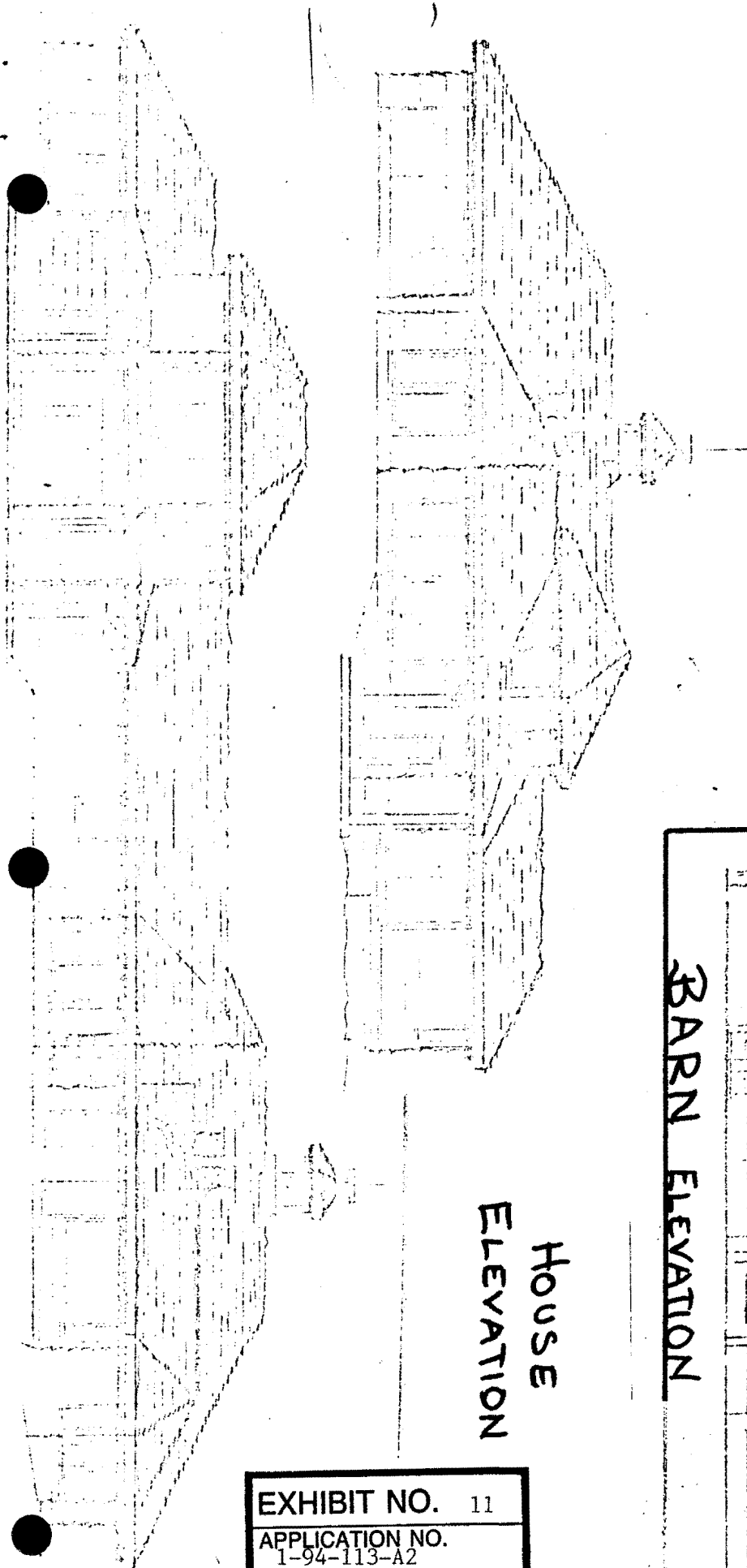


EXHIBIT "D"
ROBERTS

EXHIBIT E
ROBERTS

(NOT TO SCALE)



HOUSE
ELEVATION

BARN ELEVATION

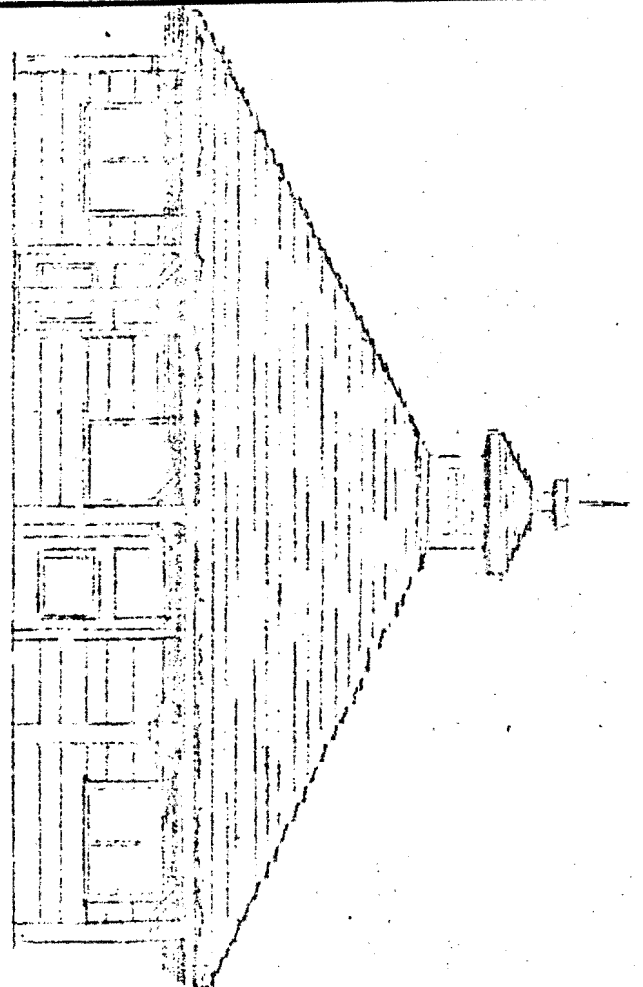


EXHIBIT NO. 11

APPLICATION NO.
1-94-113-A2

KAUFMAN/SAUNDERS

