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STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, *Governor*

CALIFORNIA COASTAL COMMISSION
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| Filed: | July 9, 1997 |
| Hearing Opened: | August 14, 1997 |
| Staff: | Jo Ginsberg |
| Staff Report: | February 20, 1998 |
| Hearing Date: | March 11, 1998 |
| Commission Action: | |

STAFF REPORT: APPEAL

DE NOVO ACTION ON APPEAL

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| LOCAL GOVERNMENT: | Mendocino County |
| DECISION: | Approval with Conditions |
| APPEAL NO.: | **A-1-MEN-97-46** |
| APPLICANT: | **DAVID AND KATHRYN RILEY** |
| AGENTS: | (1) Ralph Matheson; and<br>(2) Rawles, Hinkle, Carter, Behnke & Oglesby |
| PROJECT LOCATION: | 38868 Sedalia Drive, Gualala, Mendocino County; APN 145-181-01. |
| PROJECT DESCRIPTION: | Construct a two-story single-family residence with a subterranean garage, driveway, sewer lift pump, drainage system, and grading. |
| APPELLANT: | **Julie Verran** |
| SUBSTANTIVE FILE DOCUMENTS: | Mendocino County Local Coastal Program; County Permits CDP #06-94 (R/MOD) and #06-94. |

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SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve with conditions the coastal development permit application for the proposed project on the basis that it is consistent with the City's certified LCP and with the public access and recreation policies of the Coastal Act.

The two main issues raised by the proposed project and for which the Commission found substantial issue are visual impacts and geologic hazards. The potential significant adverse impacts of the project can be mitigated through special conditions. Staff is recommending several special conditions to minimize adverse impacts on visual and scenic resources, including a requirement that trees be planted along the south side of the house to screen the house from view from Gualala Point Regional Park, and a requirement that certain design restrictions be imposed to minimize visual impacts.

To address geologic concerns, at the request of the Commission at the August hearing on the project, the applicants agreed to hire an independent geologist to evaluate geologic hazards. The geologic report (see Exhibit No. 10) concludes that the location of the house as proposed, with a 35-foot blufftop setback, will be safe during the 75-year life of the project, and also concludes that the driveway will also be safe if relocated to be at least 25 feet back from the bluff edge. Thus staff is recommending a special condition that requires the driveway to be relocated and redesigned to the specifications in the geologic report.

The Motion to adopt the Staff Recommendation of Approval with Conditions is found on Page 3.

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PROCEDURAL NOTE

At the Commission meeting of August 14, 1997, the Commission determined that a substantial issue existed with respect to the grounds on which the appeal had been filed, pursuant to Section 13115 of the California Code of Regulations. Staff had prepared a recommendation with regard to the merits of the permit application, but the Commission decided to continue the public hearing to a later date and took no action on the de novo portion of the project that day. Due to conflicting information on geologic hazards presented by the geologist representing the applicants and the geologist representing the appellant, the Commission requested that a third geologist, agreed upon by both applicant and appellant, prepare a new geologic survey and that staff prepare a new recommendation on the merits of the project based on the recommendations of the new geologic survey.

As the project as approved by the County has been found to raise a Substantial Issue with respect to the policies of the LCP, the County's approval is no longer effective, and the Commission must consider the consistency of the project with the certified LCP de novo. A public hearing and vote on the project has been scheduled for the meeting of March 11, 1998. Testimony may

be taken from all interested persons at the de novo hearing. The Commission may approve, approve with conditions (including conditions different than those imposed by the County), or deny the application.

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I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION:

1. Motion:

I move that the Commission approve Coastal Development Permit No. A-1-MEN-97-46 subject to conditions.

2. Staff Recommendation of Approval:

Staff recommends a YES vote and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

3. Resolution to Approve Permit:

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, is in conformance with the certified Mendocino County LCP, is located between the sea and 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:

1. Assumption of Risk:

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the area governed by A-1-MEN-97-46 may be subject to extraordinary hazards from landslides, slope failure, and erosion, and that the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission and its officers, agents, and employees relative to the Commission's approval of the project for any damage due to natural hazards.

This document shall run with 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. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Driveway Relocation:

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director, final site, drainage, and project plans for a relocated driveway that incorporate the recommendations of the geologic report prepared by Rogers/Pacific dated November 28, 1997. The driveway shall be relocated against the west side of the old railroad embankment, utilizing the construction of an up to 10-foot-high crib wall or similar structure which shall be designed to be fully-drained and backfilled with crushed rock to enhance drainage. In addition, it shall be planted with vegetation to soften the visual appearance. The relocated driveway shall be a minimum of 25 feet back from the bluff edge.

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.

3. Final Foundation and Site Drainage Plans:

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director final foundation plans for the house and final site drainage plans for the proposed project. Except as concerns the relocated and redesigned driveway, these plans shall be consistent with the recommendations made in the Geotechnical Investigation Report prepared by BACE Geotechnical, Inc. dated June 30, 1992, which was submitted with the application, and with the four addendum letters submitted in 1997. In particular, the plans shall be consistent with the recommendations regarding site grading, construction of the foundation and retaining walls, blufftop setback for the house, and site drainage.

The permittee shall undertake development in accordance witht he 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. Landscaping Plan:

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit, for the Executive Director's review and approval, a landscaping plan prepared by a qualified professional with expertise in the field of landscaping, such as a landscape architect. The plan shall provide for the planting of an evergreen screen of drought-tolerant native or naturalized trees and/or shrubs along the south side of the residence to minimize the visual impacts to the Gualala Point Regional Park as a result of the proposed construction. 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 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 applicant shall notify the Executive Director in writing when the trees have been planted, and Commission staff shall verify the planting via a site visit or by examining photographs submitted by the applicant.

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.

5. Design Restrictions:

All exterior siding and roofing of the proposed structure shall be of natural or natural-appearing materials of dark earthtone colors only. In addition, all exterior materials, including the roof and the windows, shall be non-reflective to minimize glare. Finally, all exterior lights, including any lights attached to the outside of the house, shall be low-wattage, non-reflective, and have a directional cast downward.

6. Tree Removal:

This permit does not authorize the removal of any trees from the subject parcel, other than those required to be removed to meet the fire safety regulations of the California Department of Forestry and Fire Protection. Any future removal of trees shall require a new coastal permit or an amendment to Coastal Permit No. A-1-MEN-97-46.

7. Archaeological Resources:

If any archaeological or paleontological resources are discovered on the project site during construction authorized by this permit, all work that could damage or destroy these resources shall be suspended. The applicant shall then have a qualified archaeologist inspect the project site, determine the nature and significance of the archaeological materials, and, if he or she deems it necessary, develop appropriate mitigation measures using standards of the State Historic Preservation Office.

Should the qualified archaeologist determine that mitigation measures are necessary, the applicant shall apply to the Commission for an amendment to Permit No. A-1-MEN-97-46 requesting that the permit be amended to include the mitigation plan proposed by the qualified archaeologist. The plan shall provide for monitoring, evaluation, protection, and mitigation of archaeological resources on the project site. Should the archaeologist determine that no mitigation measures are necessary, work on the project site may be resumed.

## IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

1. Project Setting, Description, and History.

a. Project and Site Description:

The 1.2-acre subject site is located west of Highway One in Gualala, at the southwesterly terminus of a private road extending from Sedalia Drive. The property, which is situated just northwest of the mouth of the Gualala River near the edge of a steep coastal bluff, consists of a very narrow coastal terrace and part of the adjoining hillside. There are no other homes on the terrace. An abandoned railroad roadbed is located within the property, near the northeasterly property boundary, part way up the hillside. Groves of pine trees are located at the southeast and northwest ends of the property. There is no sensitive habitat on the subject parcel.

The proposed development consists of construction of a two-story, 28-foot-high, 2,814-square-foot single-family residence with an attached, subterranean 948-square-foot garage/basement, driveway, sewer lift pump system to accommodate public sewer service, and drainage system that includes freshwater leach lines (see Exhibit Nos. 3-7). The house would be built partly on the terrace and partly on the lower part of the hillside.

b. Project History.

In 1994 the County approved a coastal permit for residential development on the subject site, CDP 06-94. In 1996 the applicant applied to the County for a renewal/modification of the project that proposed a redesign of the house in the same location, including reducing square footage and lowering the height to approximately 28 feet. On February 27, 1997, Mendocino County's Coastal Permit Administrator approved with conditions Coastal Development Permit 06-94 (R/MOD). This approval was appealed to the Mendocino County Board of Supervisors, who denied the appeal and approved the project on May 23, 1997. The County then issued a Notice of Final Action on the Coastal Development Permit, which was received by Commission staff on June 27, 1997.

The Commission received from Julie Verran an appeal of the County of Mendocino's decision to approve the project. The appellant filed the appeal in a timely manner on July 9, 1997.

At the Commission meeting of August 14, 1997, the Commission opened the hearing and determined that a substantial issue existed with respect to the grounds on which the appeal had been filed. Staff had prepared a recommendation with regard to the merits of the permit application, but the Commission decided to continue the public hearing to a later date and took no action on the de novo portion of the project that day.

2. Geologic Hazards:

LUP Policy 3.4-7 states that the County shall require that new structures be set back a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic lifespans (75 years), and includes a setback formula. The retreat rate shall be determined from historical observation (e.g., aerial photographs) and/or from a complete geotechnical investigation.

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 states that new development in the coastal zone shall minimize risk to life and property in areas of high geologic hazard; assure structural integrity and stability; and neither create nor contribute significantly to erosion, geologic instability or destruction of the site or surrounding areas, nor in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Zoning Code Section 20.492.025 states that the acceptability of alternative methods of storm water retention shall be based on appropriate engineering studies, and that control methods to regulate the rate of storm water discharge that may be acceptable include retention of water on level surfaces, the use of grass areas, underground storage, and oversized storm drains with restricted outlets or energy dissipators.

Zoning Code Section 20.500.020.(A)(2) states that water, sewer, electrical and other transmission and distribution lines which cross fault lines shall be subject to additional standards for safety including emergency shutoff valves, liners, trenches and the like. Specific safety measures shall be prescribed by a licensed engineering geologist or a registered civil engineer.

The subject site is located upon Robinson's Landing, the northernmost of two parcels which used to be owned by the Gualala Railroad, a local lumber railroad that ran between Bourn's Landing and the Gualala Lumber Company mill in Gualala between 1875 and 1922. The site is atop rugged sea cliffs between 54 and 65 feet high. The proposed house site is situated between the precipice of the sea cliffs and a cut/fill embankment built for the old railroad, which lies between 100 and 200 feet landward of the face of the sea cliff. The house is proposed to be set back 35 feet from the bluff edge, while the driveway is proposed to be as close as 15 feet to the bluff edge.

A geotechnical report was prepared for the site by BACE Geotechnical, Inc. in 1992, supplemented by four addendum letters in 1997 to address additional concerns. The report indicates that the site can safely support the proposed project, and makes a number of recommendations regarding development on the site.

Based on a review of the site and of historic photographs, the report stipulates a bluff retreat rate of one inch per year. Applying the County's setback formula (setback = structure life X retreat rate), the necessary blufftop setback would be 6-1/2 feet. The proposed residence is set back 35 feet from the edge of the bluff, and the driveway is set back 15 feet, which meet the County's requirements. To address drainage, the applicant has proposed a drainage system incorporating freshwater leach lines and vertical risers above the drain pipes, which BACE Geotechnical has indicated would adequately drain the site. This arrangement would be in lieu of collecting and piping the runoff from the site down the face of the bluff, which would be inconsistent with policies of the LCP. The applicant would also employ a licensed civil engineer to do the structural design of the residence, and has indicated that the structural design would include lateral design calculations to resist seismic and wind forces according to the adopted Uniform Building Code of Mendocino County.

In her appeal of the project, the appellant has raised several concerns regarding potential geologic hazards on the subject site, including landsliding, bluff retreat, seismic hazards, drainage, and sea caves. The landslide to which the appellant refers is a cut slope failure within the old railroad roadbed, and is located approximately 80 feet from the lower end of the existing driveway; thus runoff from the driveway does not come near the landslide. BACE Geotechnical asserts that continued landslide movements would be completely contained within the railroad roadbed, which consists of a deep trench at his location. Thus, according to the applicant's geologist, the proposed driveway and residence would have no effect upon the landslide and the landslide would have no effect upon the proposed property improvements.

The appellant for the project hired another geologist, Dr. Kojan, who disagreed with some of the conclusions and recommendations made by BACE Geotechnical, particularly regarding bluff retreat and the recommended building setback. At the August 14, 1997 hearing, the Commission indicated that one of its major concerns regarding the project is whether or not the project would contribute to geologic hazards in a manner inconsistent with the certified LCP. The Commission noted that there were differing opinions regarding geologic hazards presented by the geologists representing the applicants and the appellant, and directed staff to request a geologic report prepared by a third party that has been agreed upon by the geologists representing the applicants and the appellant. The new report was to determine bluff retreat based on a review of historic photos and other available information, investigate through borings whether the various sea caves on the subject site extend under the bluff close enough to the proposed house to threaten development during its 75-year economic lifespan, and to investigate thoroughly the issue of seismic hazard to determine whether any faults that may exist on or near the property pose a significant threat to the structure.

The third party chosen was the geotechnical engineering firm of Rogers/Pacific, who prepared a report dated November 28, 1998 (see Exhibit No. 10). This report assesses the site, reviews ground and aerial photographs, and reviews and evaluates the geologic reports prepared for the site. The Rogers/Pacific report concludes that Dr. Kojan's estimates of cliff retreat, between 2.65 and 5.5 inches per year, "puts one in the expectable ballpark of values." Rogers/Pacific recommends thus that an average cliff retreat rate of five inches per year be applied to the site, resulting in a structural setback of 75 times that amount, or 31.25 feet. As noted above, the house is actually proposed to be set back 35 feet from the bluff edge, greater than the recommended distance. Rogers/Pacific does point out that even with such a setback, any structure built that close to the headlands is "certainly going to get physically splashed during extreme storm events, and may even experience overt splash damage."

The Rogers/Pacific report further recommends that the old railroad right-of-way, cut into the natural bluffs behind the proposed residence, should be avoided as a development site, as it will continue to experience shallow, localized slope failures, as occurred this past winter, which will eventually ravel upslope. Rogers/Pacific states that situating the back of the proposed residence against the west-facing slope of the west embankment should serve to isolate the house from both upslope drainage and landslide hazards, provided the structure is designed and built as a fully-drained retaining wall or series of walls. Rogers/Pacific concurs with the BACE Geotechnical report in concluding that the localized slippage and sloughing of the old railroad cut slope which occurred during the winter of 1996-1997 would not impact any of the proposed improvements on the subject parcel.

Rogers/Pacific further states that the driveway should be pulled back from the cliff face as far as practicable in the vicinity of the erosion cusp where modest levels of erosion have been noticed over the past 25 years, likely due to an unnatural concentration of surface flow emanating from the steep access road (see Exhibits 8 and 9). The report suggests that proper design and construction of the paved driveway could alleviate much of this erosion. The report recommends that the driveway pavement be cross-sloped 5% towards the uphill side, and runoff then be collected, conveyed, and discharged away from the driveway, preferably directly onto exposed bedrock just beneath the terrace colluvium.

The report further states that if properly constructed, the driveway could safely encroach to within 25 feet of the bluff edge by utilizing an up to 10-foot-high retaining wall against the west side of the old railroad embankment. The report recommends that any unsupported cuts not be made into the embankment, and that the retaining wall be designed as a fully-drained crib wall, which can be backfilled with crushed rock to enhance drainage, and covered with plants to soften the visual appearance.

Regarding the issue of sea caves raised by the appellant and Dr. Kojan, Rogers/Pacific states that the prominent cave situated seaward of the proposed house site does not appear to be in any danger of collapsing anytime soon, due to the crossing nature of the master joint suites. The report does not recommend any additional protective measures to mitigate against potential sea cave collapse.

Regarding the issue of seismic hazards raised by the appellant and Dr. Kojan, Rogers/Pacific states that they are not concerned about the potential for surface fault rupture in the very small fault feature exposed in the sandstone cliff on the site, nor are they concerned about the projected fault shown on the 1963 Santa Rosa sheet, which was removed from the newer Santa Rosa sheet released in 1982. No additional measures to protect against fault hazards were recommended.

To ensure that the project will not create any geologic hazards, the Commission has attached Special Condition No. 2, which requires that the applicant submit plans to relocate the driveway against the west side of the old railroad embankment, utilizing the construction of an up to 10-foot-high fully-drained crib wall, which shall be backfilled with crushed rock to enhance drainage and set back a minimum of 25 feet from the bluff edge, consistent with the recommendations made by Rogers/Pacific in their geotechnical report.

The Commission also attaches Special Condition No. 3, which requires submittal of final foundation and site drainage plans that incorporate all recommendations of the BACE Geotechnical report and addendum letters, except regarding the driveway. Special Condition No. 3 also requires development to proceed consistent with the certified plans.

Although the applicant understands that the site has the potential for future geologic hazard, no one can predict when or if there might be bluff failure that might affect the house or driveway since such failure appears to be episodic in nature. The Commission thus attaches Special Condition No. 1, which requires recordation of a deed restriction whereby the landowner assumes the risks of extraordinary erosion and geologic hazards of the property and waives any claim of liability on the part of the Commission or its officers, agents, and employees for any damage due to these natural hazards. The Commission finds that development of the site may raise false expectations on the part of potential buyers of the property, lending institutions, and insurance agencies that the property is safe for an indefinite period of time and for further development indefinitely into the future. Special Condition No. 1 is consistent with the LCP in that recordation of the deed restriction will provide notice of potential hazards of the property and will help eliminate false expectations of future use and development that could put life and property at risk.

The Commission thus finds that the proposed project, as conditioned, is consistent with LUP Policy 3.4-7, 3.4-9, and Zoning Code Sections 20.492.025 and 20.500.020.(A)(2), as the house and driveway will be set back a safe distance from the bluff edge, and the site drainage will reduce erosion of the bluff.

3. 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 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.

LUP Policy 3.5-5 states that providing that trees will not block coastal views from public areas such as roads, parks and trails, tree planting to screen buildings shall be encouraged.

Zoning Code Section 20.504.020, Special Communities and Neighborhoods, refers to several communities including Gualala, and sets forth development criteria for those areas. Section 20.504.020(C) states that the scale of new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood, that new development shall be sited such that public coastal views are protected, and that building materials and exterior colors shall be compatible with those of existing structures.

Zoning Code Section 20.504.035(A)(2) states that where possible, all lights shall be shielded or positioned in a manner that will not shine light or allow glare to exceed the boundaries of the parcel on which it is placed.

The proposed development is a total of 3,762 square feet, and is two stories (with a subterranean garage) and approximately 28 feet high. The Commission finds that it is larger in terms of height and bulk than many surrounding residences, and due to its location on the lower coastal bluff, would be quite visible from most portions of the Gualala Point Regional Park in Sonoma County to the south, including from the public beach. While there are other houses nearby on the bluffs above the subject site that are somewhat visible from the public park and beach, the proposed development would be the only house on the lower terrace, and would be very noticeable due to its size and prominent location on the virtually undeveloped terrace.

Staff from Sonoma County Regional Parks has assessed the impacts of the proposed residence on the park, and recommends that an evergreen screen of native trees be planted along the south side of the residence to mitigate the visual impacts of the project on the park, and that the house be constructed with cedar siding with natural stain, dark fiberglass shingle roofing, and native field stone (see Exhibit No. 15). Although some trees grow along the hillside portion of the lot, these trees are located too far to the east of the proposed house location to effectively screen the house from view from the park.

To reduce the impacts of the proposed development on visual resources, the Commission attaches Special Condition No. 4, which requires that the applicant 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 side of the residence to mitigate the visual impacts to the Gualala Point Regional Park as a result of the proposed construction. The submitted plan must 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. While offering screening of the proposed house from vantage points within Gualala Point Regional Park, the required trees will not block views from any other public vantage point including roads, parks, and trails. Therefore, Special Condition No. 4 ensures that the project is consistent with LUP Policy 3.5-5.

The Commission also attaches Special Condition No. 5, which imposes design restrictions, including a requirement that all exterior siding and roofing of the proposed structure shall be of natural or natural-appearing materials of dark earthtone colors only; that all exterior materials, including the roof and the windows, shall be non-reflective to minimize glare; and that all exterior lights, including any lights attached to the outside of the house, shall be low-wattage, non-reflective, and have a directional cast downward. These requirements are consistent with the provisions of Zoning Code Sections 20.504.020(C) and 20.504.035(A)(2).

In addition, the Commission attaches Special Condition No. 2, which requires that the relocated driveway include a crib wall that will be planted with vegetation to soften the visual appearance, consistent with LUP Policy 3.5-1.

Since the existing trees on the site provide some softening effects and/or backdrop to minimize visual impacts, the Commission also attaches Special Condition No. 6, which states that this permit does not authorize the removal of any trees from the subject parcel, other than those required to be removed to meet the fire safety regulations of the California Department of Forestry and Fire Protection, and that any future removal of trees shall require a new coastal permit or an amendment to this permit.

The Commission thus finds that the proposed development, as conditioned, is consistent with LUP Policies 3.5-1 and 3.5-5, and with Zoning Code Sections 20.504.020 and 20.504.035, as coastal views will be protected and visual impacts will be minimized.

4. Public Access:

Projects located within the coastal development permit jurisdiction of a local government are subject to the coastal access policies of both the Coastal Act and the LCP. Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. 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. Policy 3.6-9 states that offers to dedicate an easement shall be required in connection with new development for all areas designated on the land use plan maps. Policy 3.6-28 states that new development on parcels containing the accessways identified on the land use maps shall include an irrevocable offer to dedicate an easement. LUP Policy 3.6-27 states that:

> No development shall be approved on a site which will conflict with easements acquired by the public at large by court decree. Where evidence of historic public use indicates the potential for the existence of prescriptive rights, but such rights have not been judicially determined, the County shall apply research methods described in the Attorney General's "Manual on Implied Dedication and Prescriptive Rights." Where such research indicates the potential existence of prescriptive rights, an access easement shall be required as a condition of permit approval.

This language is reiterated in Zoning Code Section 20.528.030.

In its application of these policies, the Commission is limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to offset a project's adverse impact on existing or potential public access.

The subject site is located west of the first public road and sits atop a steep coastal bluff. The County's land use maps do not designate the subject parcel for public access, and there does not appear to be any safe vertical access to the rocky shore down the steep bluffs. According to the County, there is no evidence of public prescriptive use of the subject site, and so the County did not instigate a prescriptive rights survey. Although there are some faint pathways on the site, there is no evidence that use of the site has been by anyone other than neighbors or locals. Such use by a limited group of people would not constitute substantial public use that could give rise to prescriptive rights. Moreover, the proposed development does not interfere with any possible existing public use of the site, as no development is proposed for the portion of the site on which the appellant asserts a prescriptive right may exist. Since the proposed development will not increase significantly the demand for public access to the shoreline and will

have no other impacts on existing or potential public access, the Commission finds that the proposed project, which does not include provision of public access, is consistent with the public access policies of the Coastal Act and the County's LCP.

5. Planning and Locating New Development:

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.

The subject property is zoned in the County's LCP as Rural Residential-5 acre minimum [Suburban Residential] (RR:L-5 [SR]), meaning that there may be one parcel for every 5 acres, or one parcel for every 6,000 square feet within water and sewer service areas. The subject parcel, which is approximately 1.2 acres in size and is served by community water and sewer services, is a legal, conforming lot.

The Commission finds that the proposed project is consistent with LUP Policies 3.9-1 and 3.8-1 to the extent that the parcel is able to accommodate the proposed development and that adequate services are available.

6. Archaeological/Cultural Resources:

LUP Policy 3.5-10 requires the County to review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources, and that a field survey should take place prior to approval of any proposed development within an area of known or probable archaeological or paleontological significance. The policy also requires that proposed projects incorporate reasonable mitigation measures so the development will not adversely affect existing archaeological/paleontological resources.

The cultural resources evaluation done for the site by Archaeological Resource Service indicates that the parcel includes a portion of an old railroad bed. The old railroad bed parallels the coastline and formerly provided access to nearby Robinson's Landing and the old cargo chute dating from the mid-1860's that is located on a rocky promontory at the edge of the bluff on an adjacent parcel. As a result, there is the potential for the presence of cultural resources on the site. With regard to archaeological resources, the survey

found no signs of prehistoric shellfish remains or artifacts, but expressed a concern that such remains might be uncovered during grading or construction.

To address this concern, the Commission attaches Special Condition No. 7, which requires that if any archaeological or paleontological resources are discovered on the project site during construction, all work that could damage or destroy these resources shall be suspended, and the applicant must then have a qualified archaeologist inspect the project site, determine the nature and significance of any archaeological materials discovered, and, if deemed necessary, develop appropriate mitigation measures to protect the archaeological resources using standards of the State Historic Preservation Office.

The Commission finds that the proposed project, as conditioned, is consistent with LUP Policy 3.5-10, as archaeological resources will be protected.

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. Required mitigation measures will minimize all adverse environmental impacts, including requirements that (1) the applicant shall record a deed restriction regarding assumption of risk and waiver of liability; (2) the applicant shall submit final site, drainage, and project plans for the driveway showing the driveway relocated against the west side of the old railroad embankment, utilizing the construction of a fully-drained crib wall planted with vegetation to soften its visual appearance; (3) the applicant shall submit final foundation and site drainage plans for the proposed project that are consistent with the recommendations made in the geotechnical report; (4) a landscaping plan be submitted that will provide for the planting of an evergreen screen of drought-tolerant native or naturalized trees and/or shrubs along the south side of the residence to minimize the visual impacts to the Gualala Point Regional Park; (5) design restrictions be imposed to minimize visual impacts of the project; (6) any future removal of trees shall require a new coastal permit or an amendment to this permit, other than those required to be removed to meet the fire safety regulations of the California Department of Forestry and Fire Protection; and (7) if any

archaeological resources are discovered on the site during construction, all work that could damage or destroy these resources shall be suspended, and, if deemed necessary by a qualified archaeologist, appropriate mitigation measures must be developed.

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 the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

9856p

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.

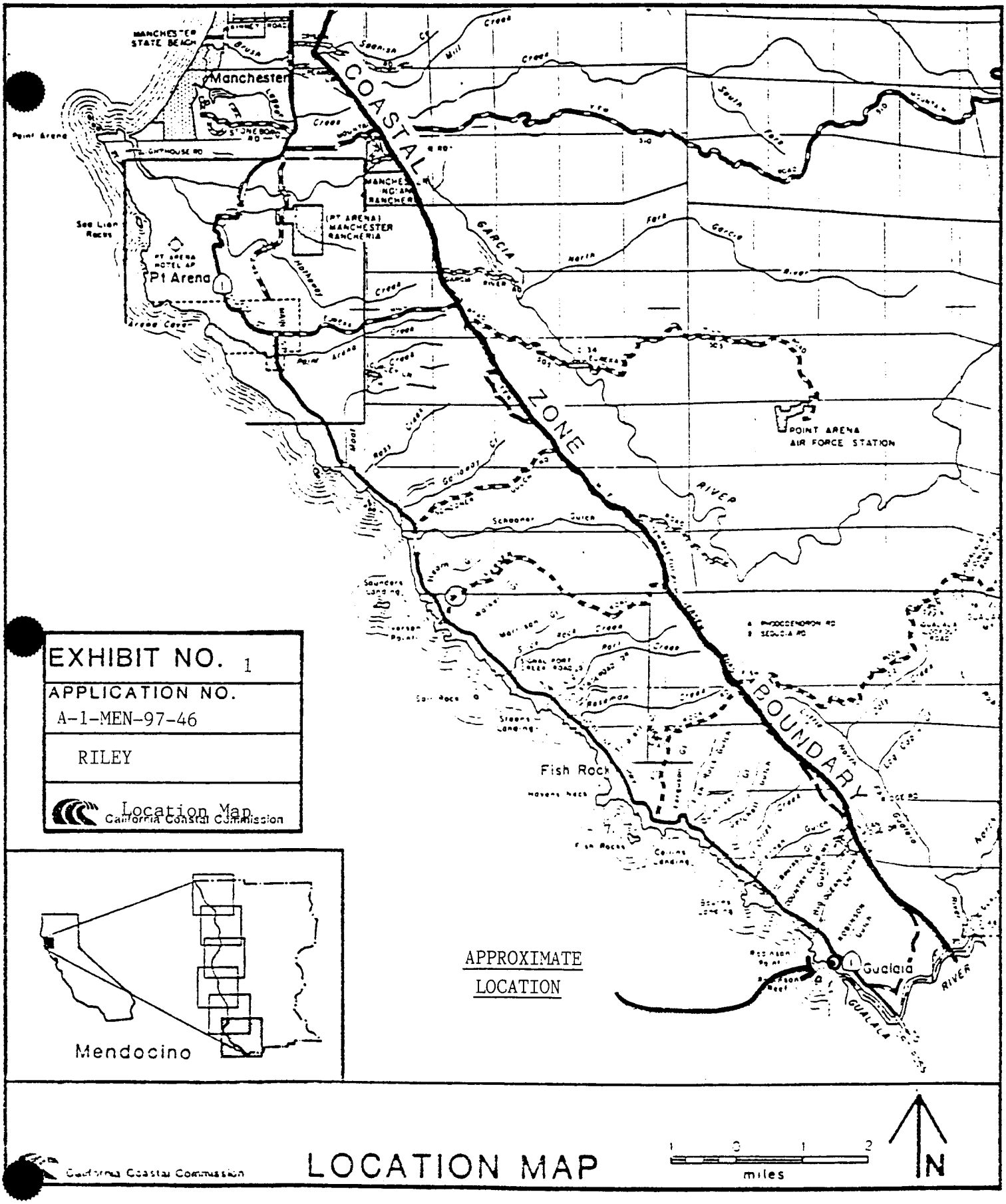
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent of 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.

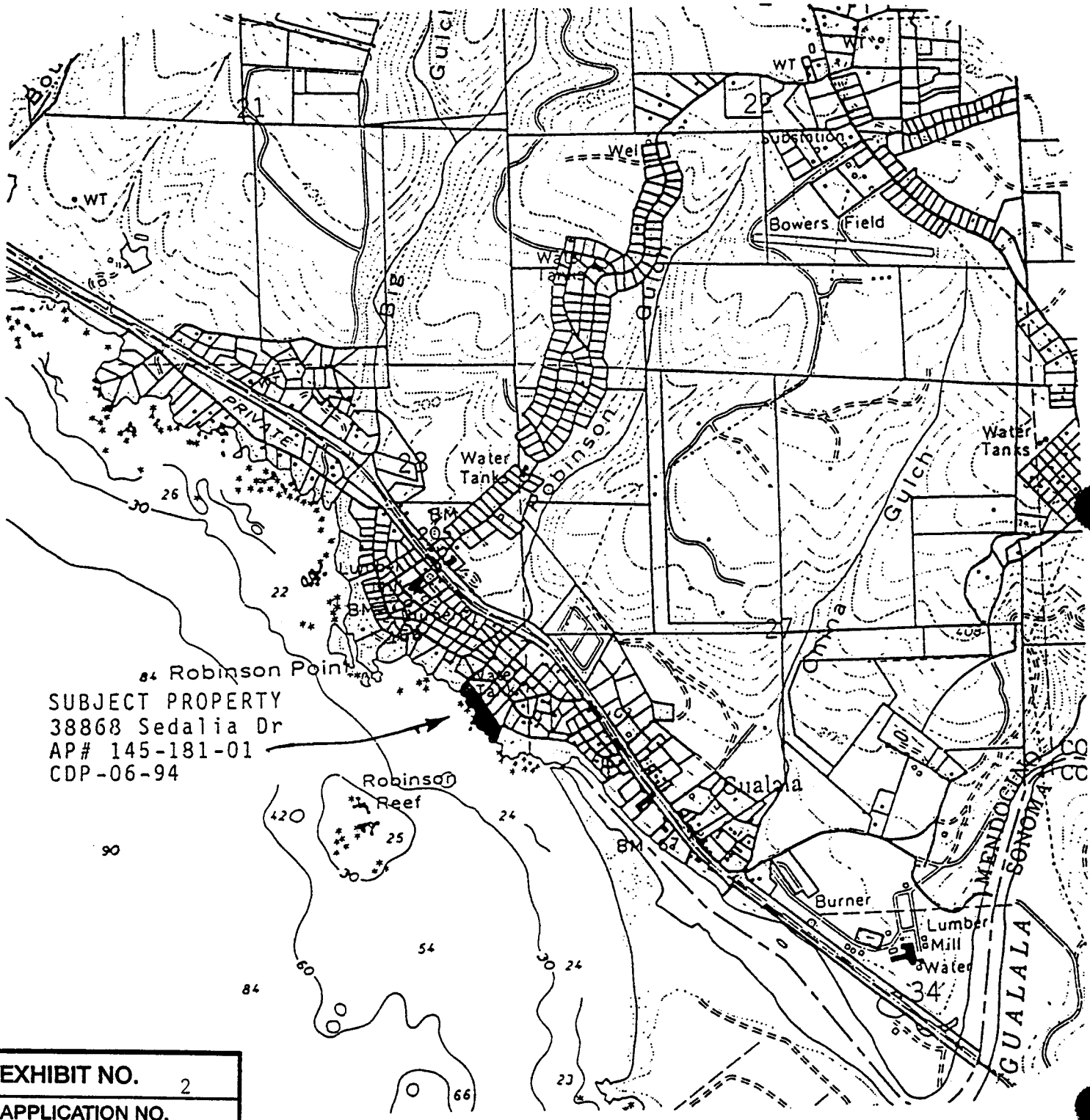
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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.

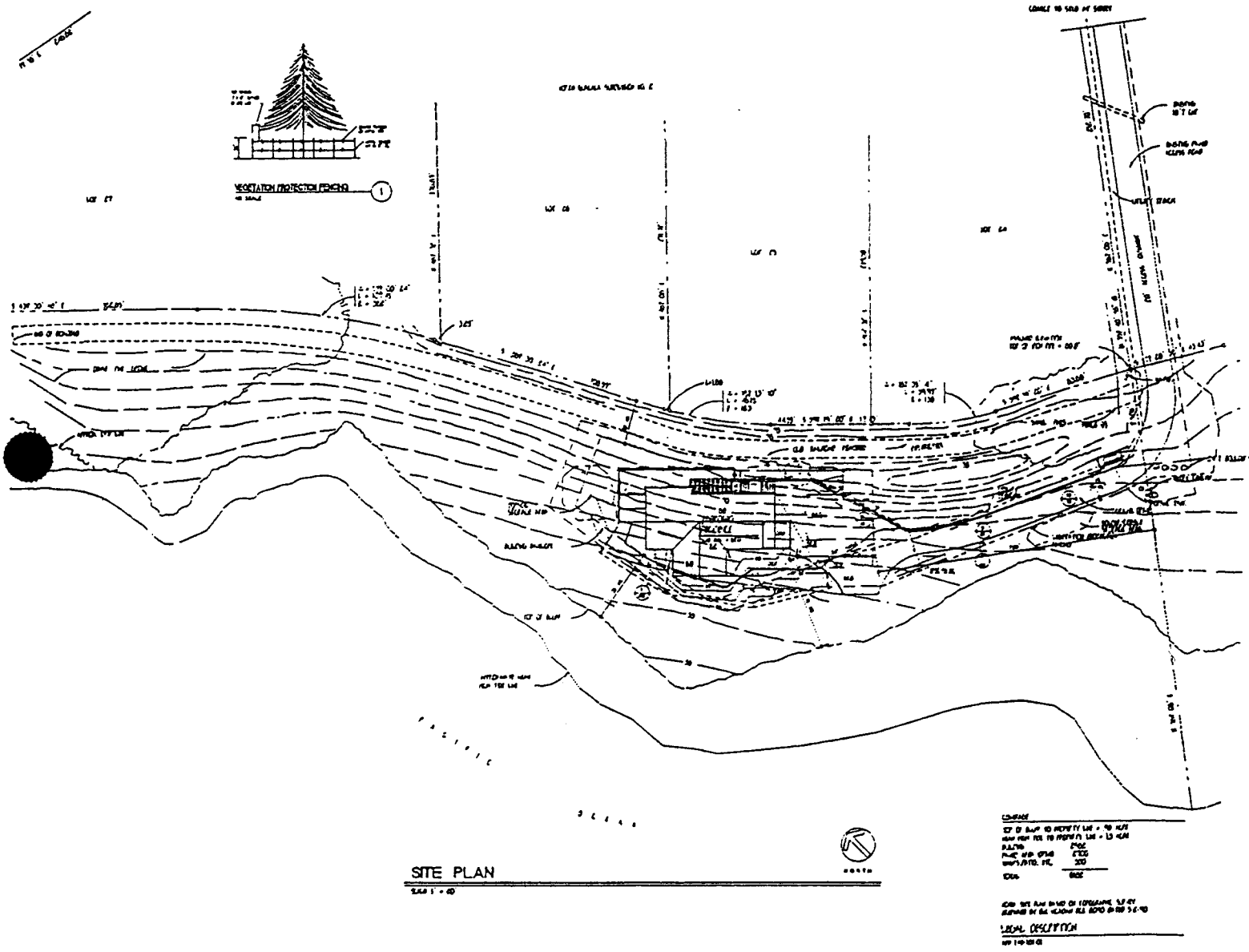



County of Mendocino

Sheet 6 of 6

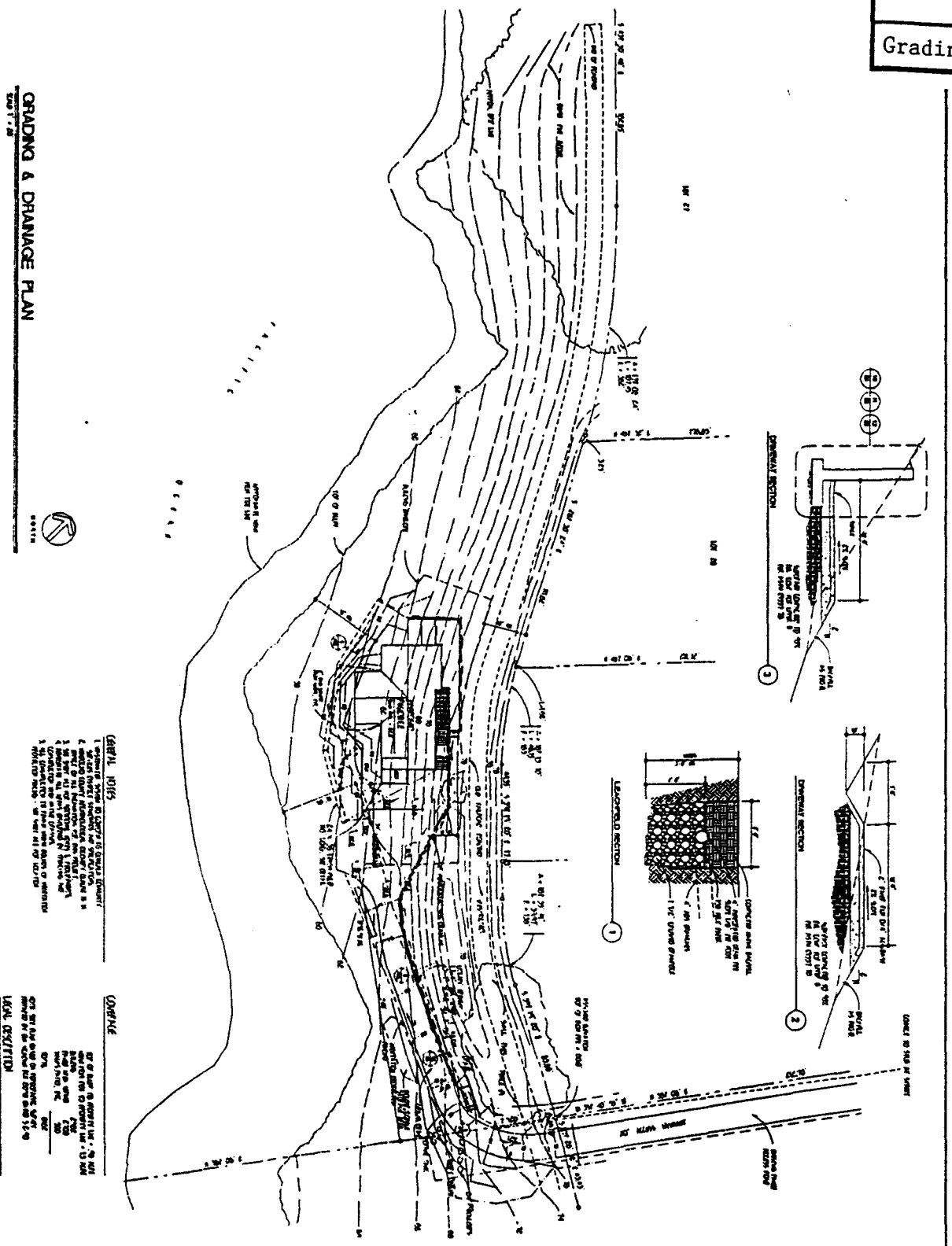



| EXHIBIT NO. 2 |
| --- |
| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Vicinity Map |




| EXHIBIT NO. 3 |
| --- |
| APPLICATION NO. 3-1-MEN-97-46 |
| RILEY |
| Site Plan |

| EXHIBIT NO. 4 |
| --- |
| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Grading and Drainage |



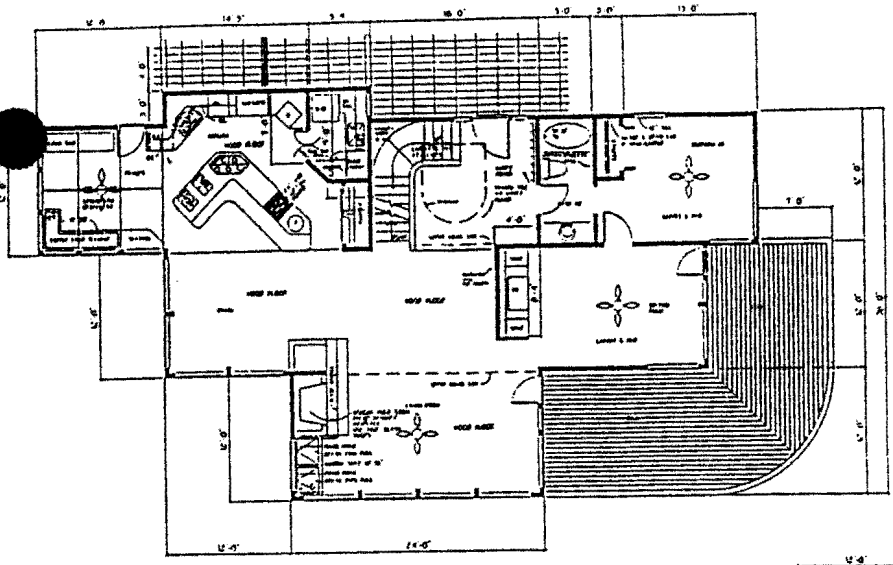
GRADING & DRAINAGE PLAN

RILEY RESIDENCE

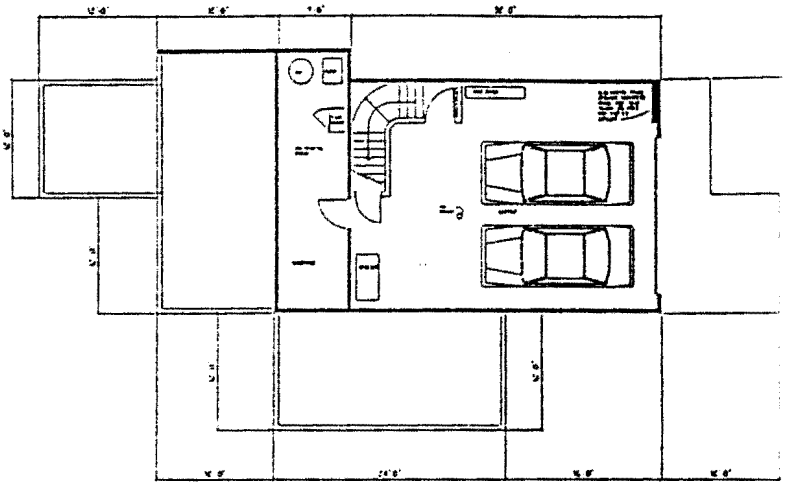
STRUCTURAL ENGINEER
KURT MANNING

P.O. BOX 321 GUALALA, CALIFORNIA
(707) 884-3712

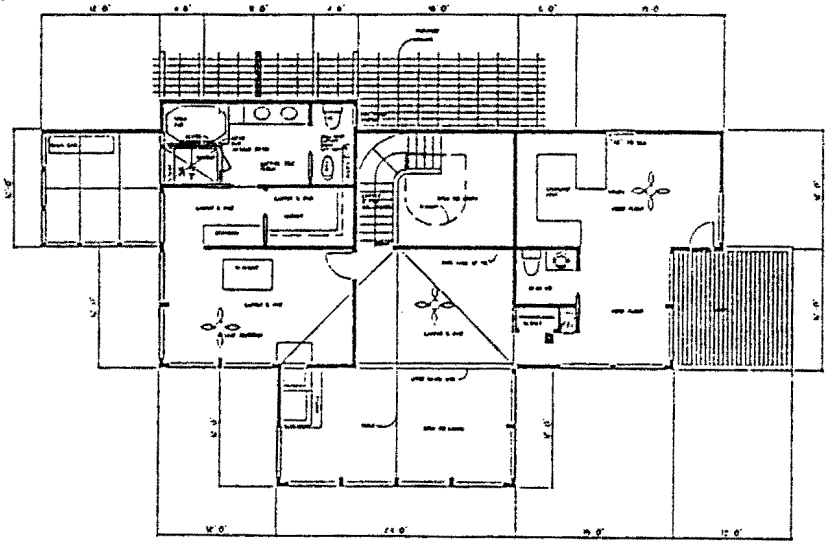
A1.2



main floor plan



garage/basement plan

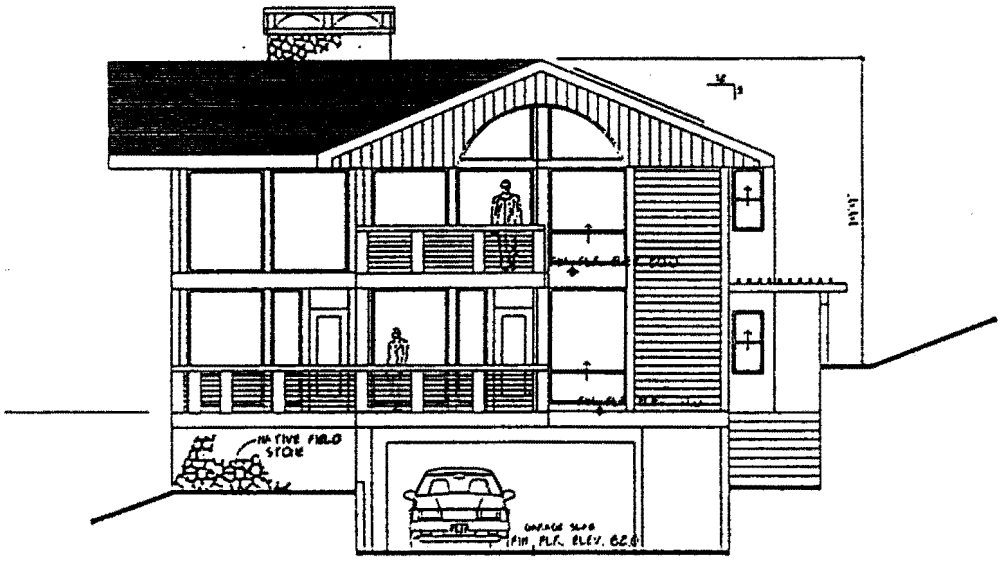


upper level plan

| |
|---|
| EXHIBIT NO. 5 |
| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Floor Plans |


north elevation

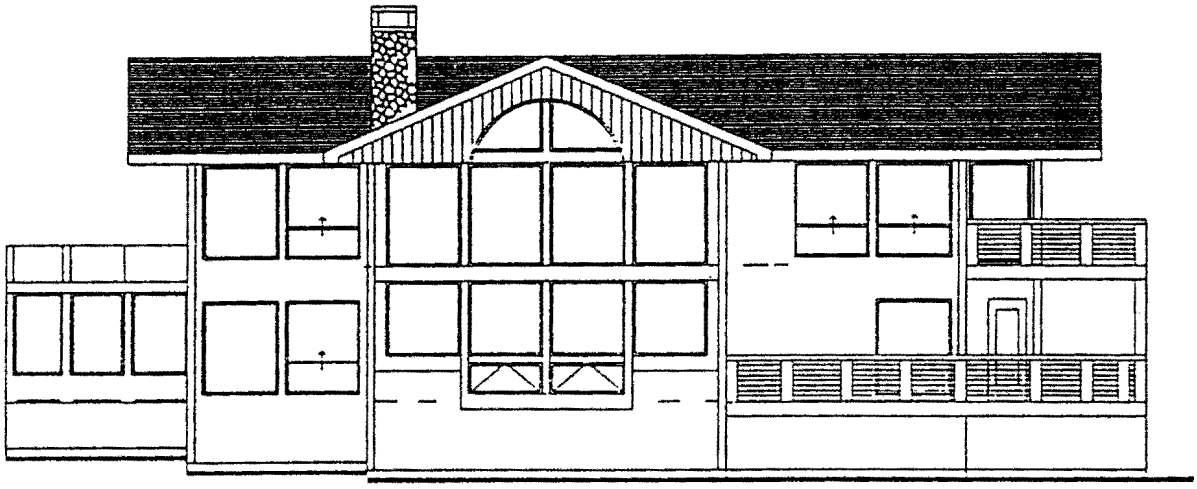
scale 1/4"=1'-0"




south elevation

scale 1/4"=1'-0"

| EXHIBIT NO. 6 |
| --- |
| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Elevation Plans |



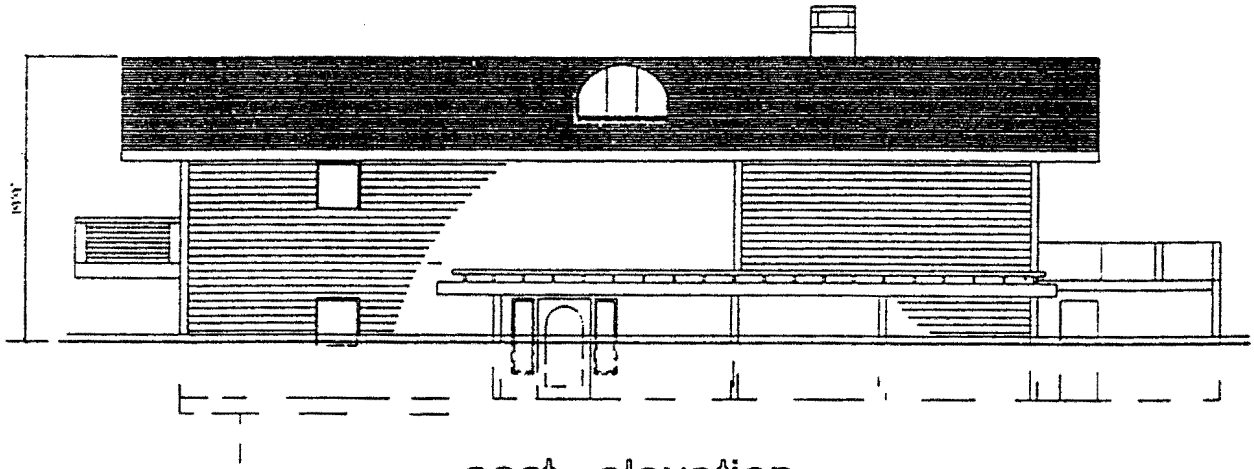
west elevation

scale 1/4"=1'-0"

SIDING: 1X6 HORIZONTAL CEDAR SIDING LAP SIDING RESAWN FACE

ROOFING: ELK CLASS A ROOF SABLE BLACK COLOR

NOTE: ALL EXTERIOR LIGHTING TO BE SHIELDED WITH BOXED LIGHTS OR DOWNLIGHT RECESSED SPOTS.



east elevation

scale 1/4"=1'-0"

EXHIBIT NO. 7

APPLICATION NO. A-1-MEN-97-46

RILEY

Elevation Plans

| EXHIBIT NO. 8 |
| --- |
| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Photo of Erosional Cusp |

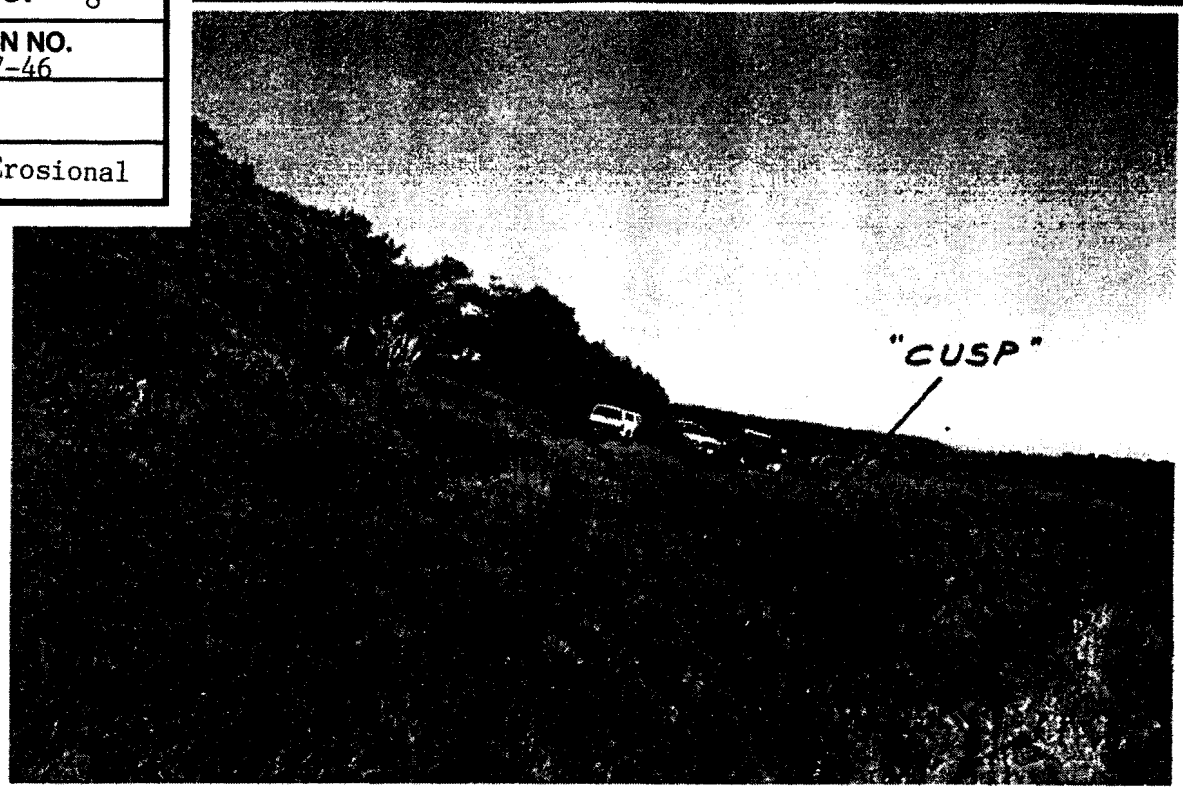



**Photo 6:** Erosional "cusp" in marine terrace, as seen from just north of the cusp, at the crown of the sea cliffs. The proposed driveway alignment skirts this feature. The old railroad embankment is at left. Note trail, which directs runoff to this location.


**Photo 7:** View of the erosional "cusp" in the marine terrace, taken from an elevation about 10 feet below the top of cliff. The approximate contact between the Gualala sandstone and the terrace deposits is dashed. Note how the sandstone platform has been washed clean by wave wash, upwards of 50 feet above sea level.

| ROGERS/PACIFIC<br>Consultants in the Applied Earth Sciences | RILEY PARCEL | | |
| --- | --- | --- | --- |
| | 38868 Sedalia Drive, GUALALA, CALIFORNIA | | |
| | PROJECT NO.<br>PR3057 | DATE<br>NOVEMBER 1997 | PHOTO NO.<br>6 & 7 |

ROGERS/PACIFIC
Consultants in the Applied Earth Sciences

JULY 1, 1996 AERIAL PHOTO RILEY PARCEL

38868 Sedalia Drive, GUALALA, CALIFORNIA

| PROJECT NO. | DATE | PHOTO NO. |
|---|---|---|
| PR3057 | NOVEMBER 1997 | 11 |

| EXHIBIT NO. 9 |
|---|
| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Aerial Photo |

ROGERS/PACIFIC
Geological and Geotechnical Engineering
396 Civic Drive Pleasant Hill, CA 94523
(510) 682-7601 (510) 682-7605 fax
15643 Sherman Way, Suite 410
Van Nuys, CA 91406
(818) 781-2695 (818) 781-6542 fax



Friday November 28, 1997

David and Kathryn Riley
520 Edgehill Drive
Gibsonia, PA 15044-9221

RE: Engineering geologic peer review
38868 Sedalia Drive, Gualala, CA
Mendocino Co. APN 145-181-01

Dear Mr. and Mrs. Riley:

In accordance with our proposal to yourselves and the California Coastal Commission, dated October 15, 1997, we have made a review of the sea cliff and bluff stability situation involving your parcel at 38868 Sedalia Drive in Gualala, Mendocino County, California. The scope of this review included: review of documents in the public record (including topographic and geologic maps; governments reports and research dissertations), review of engineering geologic reports by BACE Geotechnical and Ernest Kojan, Ph.D., RG, CEG; review of historic aerial photographs; review of ground photos; review of historic information from published and non-published sources; a site reconnaissance with your consulting geologist Erik Olsborg and your neighbor Julie Verran (and others); analysis of the collected data; and the preparation of this report.

The purpose of this review is to evaluate certain disagreements which have been aired between your consultants (BACE Geotechnical) and those retained by the upslope neighbors (Dr. Eugene Kojan). Central to this dispute are estimates of the average rate of cliff retreat, since the Coastal Commission requires that new structures be set back 75 times the average annual rate of cliff retreat.

Our review has been made at the request of Ms. Jo Ginsberg of the North Coast Area office of the California Coastal Commission, 45 Fremont Street, Suite 2000, San Francisco, CA 94105-2219. It is possible that additional information, not known to us at this time, could significantly alter the conclusions drawn herein, and that such conclusions, therefore, are based on the available data and our best professional judgement.

| EXHIBIT NO. 10 |
| --- |
| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Geotechnical Report |



## Site Location

The subject site is located at 38868 Sedalia Drive in Gualala, California, in extreme southern Mendocino County, right on the shoreline. The parcel is situated upon Robinson's Landing, the northernmost of two parcels which used to be owned by the Gualala Railroad, a local lumber railroad that ran between Bourn's Landing and the Gualala Lumber Company mill in Gualala between 1875-1922. The sea cliffs at this site are between 54 and 65 feet high, very rugged, and underlain by sandstone units of the Gualala formation. In some alcoves there is a prominent bedrock bench situated about 25 feet above low tide, while at the promontories, the cliffs drop straight into the water without any meaningful steps. The house site is situated between the precipice of the sea cliffs and a cut/fill embankment built for the old railroad, which lies between 100 and 200 feet behind the cliff face, depending on location. The building site is underlain by 2 to 6 feet of colluvium/terrace sediments that appear to date from the last glaciation, when the coast was situated about 5-1/2 to 6-1/2 miles seaward of the existing shore. Older terrace surfaces are prominently displayed above the site, and is upon these surfaces that the upslope neighbors of this parcel have founded their residences, at a considerably higher elevation.

## Review of Historic Information

The site has a long and colorful history which lends itself to helping to unravel the rate of cliff retreat over the past 130 years. According to the local history book titled Gualala, written by Annette White Parks in 1986, Gualala was served principally by coastal sea schooners who transited back and forth to San Francisco, because, up until the late 1930s, the only wharf in the region was situated in Point Arena. Redwood timber and tanbark was the region's principal commercial commodity in the early days, and loading and unloading of sea schooners was effected via the employment of timber chutes, situated on rocky promontories, such as Robinson's Landing.

Cyrus D. Robinson appears to have constructed the first timber loading chute in the Gualala area at this location, and the remains of the tower structure for the chute can be seen on the adjacent parcel. A single timber post sits on a resistant piece of sandstone about 25 feet above sea level. On page 39 of Parks' book, an undated photo of Robinson's Chute is presented, with the Cole Brothers chute in the background, situated on the adjacent promontory, which collapsed in 1986. Although the photo is undated, according to events in the text, it was likely imaged around 1875 because the Cole Brothers chute, originally constructed in 1865, appears to be inoperative, while the Robinson chute was completely rebuilt in 1875. So, the photo likely dates from 1875, or shortly thereafter, unless the Cole Brothers were just beginning construction, in which case it would be 1865.

Parks (1986) relates that Robinson's Landing was precarious at best, and was "known to close by the first of June each year", due to foul landing conditions. Within a few years, Bourn's Landing, about 2-1/2 miles north of Gualala, became the principal point of shipment for the coastal schooners. We must assume that this transition occurred sometime around 1875, when the Gualala railroad extended their tracks northward, to Bourn's Landing. Bourn's Landing was thriving by 1885, when a photos

of it appear in Logging the Redwoods (Carranco and Labbe, 1975; page 36). Begun as a horse-powered tram railroad, the company employed a novel gauge width of 68-½ inches (in lieu of the standard gauge 56-1/2 inches), so that two-horse teams could pull the freight cars while walking between the tracks. Soon thereafter, the railroad built a small donkey [steam] engine on a flat car, which made three trips to Bourn's Landing each day. In 1877 the railroad re-tracked their line to 30 pound (per 3 feet section) T- rail, and purchased their first steam locomotive (Gualala Mill Co. Engine No 1) from Miners Foundry & Machine Works of San Francisco in 1878. Another San Francisco-built locomotive was purchased in 1884 (Engine No. 2), and the line was again relaid, this time with 40 pound rail (to handle the heavier engines). In 1888-89 the road acquired a Baldwin Locomotive Works engine, christened Engine No. 3, and later still another (Engine No. 4), the latter of which worked the line until its insolvency sometime between 1922-30.

Interior portions of the rail line suffered extensive earth movement damage in the April 1906 earthquake (Photo 33 in Lawson, et al, 1908), not surprising in view of its multiple crossings of the San Andreas fault, which controls the linear trend of the Gualala River. However, there is no evidence that the coastal line serving Bourn's Landing was adversely affected. The big timber mill then burned down in September 1906, never to be rebuilt. According to Logging the Redwoods (page 70), the railroad went into "final bankruptcy" in 1922, but Parks (1986) gives the last date of operations as extending to 1930. Parks relates that the old rails were taken up and sold for scrap in 1936. A piece of what appears to be 30-pound T-rail remains partially buried in the old right-of-way on your parcel.

## Review of Ground Photographs

Comparisons of hand-held photographs taken by people on the ground have long proven valuable for discerning changes over time due to the normal processes of erosion and mass wasting. This site is no exception. Figure 12 on page 39 of Parks' book on Gualala presents a high definition view of Robinson's chute tower at Robinson's Landing, built upon a resistant sandstone pedestal on what is now the adjacent parcel (to the south). This view is presented as Photo 1. Comparison with the same view, taken today, is presented in Photo 2. Although taken at different sunlight angles, the comparison suggests that the remaining timber is the north most post of the old supporting bent for the timber chute tower, dating back to at least 1875. We can easily discern a large volume of cliff situated behind the resistant sandstone pedestal beneath the tower has been eroded away, and the supporting pedestal has become isolated, out in the surf. One can no longer walk directly down to the pedestal, as portrayed in Photo 1.

Another view, taken much later, after the chute had collapsed or been torn down is presented on page 22 of Gualala, which likely dates from around the turn of this Century (1900), or later. This is reproduced as Photo 3. In this view only the supporting bent for the chute tower remain. Someone appears to have placed a timber pole diagonally, across the supporting bent, or this may be the remains of the landward side of the chute. The existence of timber drift and flotsam behind the tower bent is corroborated with the present situation, and the resistant pedestal appears more isolated from

the cliff than in the view reproduced as Photo 1. Critical evaluation of Photos 1, 2 and 3 suggests that the sandstone cliffs are actually retreating at discernable rate, likely in excess of several inches per year.

Of particular note in Photo 2 is the existence of a driftwood tree trunk above and behind Robinson's Chute, situated about 45 feet above sea level. This trunk (not to be confused with another tree trunk situated at a higher elevation, but not appearing to be driftwood), attests to the crashing and uplifting action of storm waves over the old Landing pedestal block, which must be considerable during foul weather. Clearly this situation did not exist when Photo 1 was imaged in 1875 or thereabouts.

Ms. Julie Verran, the neighbor at 38864 Sedalia Drive, Gualala, lives on the parcel immediately upslope of your parcel, which her parents purchased almost 30 years ago, in 1969. They built their home a few years later, and she has lived there since that time. She loaned us with two black and white photographs taken of the middle promontory, where the Cole Brothers built their loading chute around 1865. The oldest of these ground photos was taken by Ms. Verran's deceased mother in March 1973. It is reproduced herein as Photo 4. It shows the shoreward 15 to 20 feet of cliff face promontory to be severely undercut and detached, with wide open fissures at two levels: one extending from below sea level to about 15 feet, and another upper level of erosion between 25 and 35 feet above sea level. The loss of material here appears to be controlled by the sluicing action of small shale interbeds, between the more massive beds of sandstone. The seaward column of rock appears to be in a most precarious position. The supporting post for the old Robinson Chute can just be seen protruding from behind the face of this promontory.

The comparison photo is presented as Photo 5. It was taken 24 years later, in March 1997, and shows that the entire block comprising the seaward 15 to 20 feet of cliff face, has collapsed into the sea, and several of the largest blocks can be seen protruding from the surf. The angle of the view is a bit more southerly, suggesting the photographer (Ms. Verran) stood a bit more seaward than her mother's 1973 image. The overhang beneath the Robinson Chute timber post can be easily appreciated.

## Review of Aerial Photographs

Stereopairs of aerial photographs taken in 1942, 1953,1964, 1965, 1981 and 1996 were reviewed as part of this project. These photos were provided by Julie Verran, Dr. Kojan and BACE Geotechnical; who obtained them from established aerial photos sources, such as the Fairchild Archives at Whittier College, Geonex of Sacramento, and Pacific Aerial Surveys of Oakland. A key landmark along the crown of the sea cliffs is a small concave cusp extending onto the uppermost terrace deposits, adjacent to the proposed driveway (Photos 6, 7 and 8). It would appear that this small cusp represents accelerated erosion due to localized concentration of runoff, emanating from the steep access road that serves the two undeveloped sea bluff parcels in question. The cusp is a very small, but pronounced feature, extending about 6 feet land ward of the cliff crown north and south of it's location. It was most surprising to find that this feature appears little changed, dating back to the

earliest aerial photos in 1942! There is evidence of some additional erosion on the south side of the cusp feature in the past several years, likely due to the intense storms of January 1993, January 1995 and December 1996-January 1997, which have caused considerable damage along this portion of the coast.

Comparison of the July 6, 1964 and September 29, 1965 aerial photos is of particular importance, because of the March 27, 1964 Alaskan earthquake and a sequence of intense storms that struck the northern California coast during the Christmas holidays of December 1964, causing record runoff in many of the region's rivers, such as the Van Duzen, Mad, Eel, Russian and Klamath. Careful scrutiny of these photos reveals that a major cliff failure occurred sometime between the 1953 and 1964 photos (closer to 1964), towards the north end of your parcel, and about 175 to 250 feet south of Robinson Gulch. This rockfall/cliff retreat sequence is seen in the July 1964 photo, included herein as Photo 9. The scale of this localized cliff retreat appears to be between 20 and 30 feet wide blocks, involving about 60 to 75 feet of the cliff face.

Much of the blocks and detritus from the early 1960s cliff retreat south of Robinson Gulch appears to have been eroded away by the time of the image made in June 1981. There also appears to be some recent scalloping of the terrace deposits capping the Gualala sandstone adjacent to the proposed house site, and some enlargement of the prominent cusp described earlier, along its south side. These erosion features are small, but recognizable, even with large scale images (Photo 10).

This past winter, some localized slumps occurred at the base of the cut slope made for the Gualala Railroad, where it curves around Robinson's Landing. A review of the aerial photos revealed that this is a recurring problem, and was also noted in Photo 9, taken in July 1964. A review of the September 1965 photos suggests that this erosion was renewed during the Christmas 1964 floods (and as occurred this past winter). Given the over steepened nature of this cut slope, this should not be surprising. The July 1, 1996 photo reveals very little erosion of the same cut slope in the 10 to 15 years prior to that image, based on the mature vegetation mantling the cut slope.

The July 1, 1996 aerial photos by Pacific Aerial Surveys of Oakland are color images (Photo 11). They present excellent tonal definition on local ocean turbidity in vicinity of Robinson's Gulch and the Landing, and they show the splash line of the surf on the sea cliffs. The prominent driftwood trunk above and behind old Robinson's Landing is also clearly shown, and appears to be bleached, suggesting it has been in-place for a season or more by mid-1996. The loss of the middle promontory, shown in Photos 4 and 5, is clearly shown, as is the exposed position of the pedestal block supporting the old post at Robinson's Landing. Photo 11 also shows how the entire massif of Robinson's Landing protrudes out into the sea, due to the more resistant nature of the underlying sandstone, as compared to the shaley units outcropping north and south of the Landing. The prevailing longshore wash appears out of the west northwest, hitting the cliffs at an angle of about 45 degrees.

## Review of Consultant's Reports

### June 1992 Report by BACE Geotechnical Consultants

The original geotechnical investigation for this parcel appears to have been prepared for yourselves by BACE Geotechnical, Inc., back in June 1992. This report was prepared by Erik Olsborg and Art Graff. The purpose of their report was to present geotechnical engineering recommendations for a new single family wood frame residence. BACE related making an earlier reconnaissance of the site for Field Engineering Associates in 1989. A topographic map was included in their report, prepared by D.N. McAdam. Although this map does not extend down to the ocean, it does project a Mean High Tide Line and the abandoned Gualala Railroad alignment.

BACE utilized shallow trenches to explore the site's subsurface conditions because of the relatively thin veneer of terrace deposits lying upon the bedrock pediment form by erosion of the underlying late Cretaceous-age Gualala formation sandstone. BACE states that the sea cliffs are between 54 and 65 feet high, being about 58 feet in height closest to the proposed building site.

A site geologic map was overlain on this topographic site plan. The site geology is described as the Anchor Bay member of the Gualala formation, of Late Cretaceous age (Davenport, 1984), dipping into the cliff. The formation consisted of gray sandstone with shale interbeds in the lower 35 feet of cliff, being overlain by light brown to orange brown sandstone with little fracturing above this transition. Based on their subsurface exploration of the area, they stated that between 4 and 5 feet of colluvium/terrace deposits mantle the bedrock, forming the prominent topographic platform that typifies the building area of the parcel. A sample recovered from this terrace exhibited a free swell of 30% (on Test Pit 2), suggesting they are expansive. Some inactive shears (faults) were also noticed in the exposed cliffs, but assumed to be inactive as no evidence of offset could be traced up into the terrace deposits (see Photo 12).

Although the depth to firm underlying subsoils was presented as being *"about 2-1/2 feet"* (page 7), foundation recommendations were made for continuous spread footings extending between 4 and 6-1/2 feet deep, or, drilled piers with interconnecting grade beams, also extending to depths between 4-1/2 and 6 feet (page 8). Native soils beneath proposed slabs-on-grade were to be overexcavated at least 24 inches (2 feet) and recompacted with engineered fill (page 10).

Bluff stability was considered stable, based on observations between 1989 and 1992. The <u>average</u> rate of bluff retreat was opined to be on the order of an inch per year or less (bottom, page 5). On page 7, Building Setback Criteria were reviewed. A structural setback was calculated by using *"a factor of safety 0.6 times the bluff height of approximately 58 feet vertical (equaling a 35 -foot setback) should be suitable for siting the structure."* Exterior curtilage, such as patios and decks, could encroach on the structural setback, provided they were structurally detached from the main residence.

| EXHIBIT NO. 10 |
| --- |
| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Geotechnical Report |

Comments on the June 1992 BACE report

The report appears adequate for the purposes intended. There might have been some additional discussion of the implications of 30% free swell of the terrace deposits on foundation reinforcement and design. The 0.60H setback, where H is the height of the cliffs, is customary practice for setbacks from static rock cliffs, but in this situation, where ocean waves are pounding away at the cliff toe, might not be as conservative as is presumed by the report's authors.

**May 15, 1997 Report by BACE Geotechnical**

A letter report was prepared by Messrs. Olsborg and Graff in mid May of this year addressed to Matheson Design of Gualala to respond to concerns voiced by Mendocino County Department of Planning and Building Services on March 26, 1997. A small landslide had occurred during the winter 1996-97 storms on the old railroad cut slope, extending across this parcel and the adjacent plot to the south. BACE concluded that future instability of the cut slope would have no impact on the proposed development, and vice versa, because of the cut/fill embankment on the opposing side of the old railroad right-of-way, which serves to restrict drainage and debris catchment from co-mingling with the proposed site improvements.

BACE also argues for the use of vertical overflow risers for perforated runoff conveyance discharge pipes comprising the "fresh water leach lines" concept mandated by the Coastal Commission. They also identify two sea caves and three potential sea caves on the site plan, though these do not appear to have been precisely located.

They then reiterate their feelings that the cliff retreat rate is infinitesimal, providing comparative ground photos of the crest of the sea cliffs, taken in 1992 and 1997. The reiterate their view that "the bluff is basically stable", and that their previously stated bluff retreat rate (something less than 1" per year) was adequate.

Comments on BACE report of May 1997

It would appear that more localized sliding and sloughing of the old railroad cut slope occurred during the winter of 1996-97 than is represented in this report, which limits the movement to one small area on the adjacent parcel. But, this slippage would not impact any of the proposed improvements on your parcel.

Comparisons of photos taken 5 years apart (1992 to 1997) are not a meaningful exercise to demonstrate cliff face stability, insofar as rock falls likely occur as episodic events, several centuries apart. There is no denying that the sea cliffs area actively regressing at this site, it's simply a matter of determining how much.

**BACE Geotechnical Letter of June 10, 1997**

Messrs. Olsborg and Graff wrote a two-page letter to Matheson Design again on June 10, 1997 to address new concerns voiced by Mendocino County about the stability and life span of the vehicular driveway serving the proposed residence. In this letter they describe the 35 feet structural setback to be for the house, not for the driveway, and that moving the driveway that far in from the slope would necessitate construction of a 10 feet high retaining wall, supporting the westernmost portion of the old railroad cut/fill embankment on the seaward side of that historic right-of-way.

Comments on BACE letter of June 1997

The rationale for allowing the driveway to be inside the 35 feet structural setback explained by BACE in this response is based upon rational engineering theory, provided the driveway were graded to drain runoff landward, where it can be safely collected and conveyed to a reasonable point of discharge. In this area the cliff has realized its greatest landward regression, due in part to accelerated erosion of the terrace veneer, which has receded about 25 feet behind the actual rock cliff face, so some encroachment of the structural setback could be rationalized here. The terrace materials appear to have been eroded by wave splash, so the driveway may receive considerably more salt water and salt spray than might be imagined by visitors on a fair day.

**August 1997 Report by Eugene Kojan, Ph.D., Consulting Engineering Geologist**

Dr. Eugene Kojan prepared an 8-page report for the upslope neighbor, Julie Verran, dated August 8, 1997. This report contains a number of issues and concerns raised by Dr. Kojan, principally in regards to sea cliff retreat rates and other geologic hazards of building on the Riley parcel. His scope of work included a site visit in July 1997, review of historic stereopair aerial photographs dating back to 1942, a review of published literature, and preparation of a written report with annotated air photo enlargements.

In the section describing sea cliff retreat rates, Dr. Kojan begins by characterizing the natural retreat mechanisms as being dominated by isolated rockslides and rockfalls, not a coherent semi-uniform retreat normally associated with gradual wearing down of a surface. The geometry of the various bedrock blocks subject to sporadic and isolated episodes of cliff retreat are controlled by the geometry of bedding, pre-existing joints, shears, faults and "*other structural defects*". He also makes mention of the tectonic down dropping of a portion of the Mendocino coastline associated with the 1992 Petrolia earthquake. He then mentions the tsunami that affected downtown Crescent City following the March 27, 1964 Alaska earthquake, and the potential for another tsunami sweeping the terrace platform clean.

Kojan states that he enlarged aerial photos from 1942, 1964, 1984 and 1996 and prepared an overlay which suggests that the cliff rates at various locations varied between 2.6 inches per year to as much as 6.9 inches per year. This range of average cliff retreat would result in structural setbacks of

EXHIBIT NO. 10
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RILEY
Geotechnical Report



between 16.25 and 43.5 feet, if taken over 75 years. Further south, Kojan found a retreat rate of 37



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RILEY





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Geotechnical Report



*all represent features formed later in Pleistocene history than terraces at similar elevations in stable*



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also retreats 53% of the total distance during this same interim, we can back-calculate rates of shoreline retreat for each increment of sea level rise. The only variable, therefore, is the beginning distance: how far the coast line has receded at any given location over the past 11,000 years.

Between 9,650 and 8,400 ybp, sea level rose another 28 1% in just 1250 years. Between 8,400 and 6,000 ybp, sea level rose 10.1% in 2400 years. And, over the past 6,000 years, sea level has risen just 8.7 % of the total Holocene rise of approximately 350 feet. This latter rate is the one which we are concerned with, for it should provide a maximal constraint on the "average" rate of shoreline retreat, taken over the past 6,000 years.

Based on an evaluation of the Greene and Kennedy (1989) bathymmetry maps, the likely range in distance to the late Pleistocene shore off Gualala is something between 5.78 miles (30,552 feet) and 6.4 miles (33,792 feet). If sea level has only risen about 30.5 feet in the past 6,000 years, we are assuming only 8.71% of the shoreline regression to have occurred during that interim. The range in values would be calculated by multiplying 0.087 times the total distance of shore regression, and dividing by 6,000 years. By performing this simple calculation, a range of between 5.3 inches per year and 5.9 inches per year was estimated.

damage. Additional setback for quality of life might well be considered, as should be the weathering effects of consistent seasonal salt spray on wood framing elements. Based upon the physical evidence for storm splash at this site, pulling the house back as far as possible would seem to be a prudent precaution.

Railroad right-of-way

The old railroad right-of- way, cut into the natural bluffs behind the proposed residence, is a good area to avoid. It will continue to experience shallow, localized slope failures, as occurred this past winter. These failures will eventually ravel upslope, and enlarges in volume, but the rate at which such erosion occurs is not linear, it is episodic, a function of the weather.

Situating the back of the proposed residence against the west-facing slope of the west embankment should serve to isolate the house from both upslope drainage and landslide hazards, provided the structure is designed and built as a fully-drained retaining wall (or series of walls). At some point in the future, drainage of surface runoff within the closed depression formed by the old railroad corridor, should be considered, as runoff now concentrates towards the north, where runoff from other parcels on Sedalia Drive also concentrates, causing increased levels of erosion.

Driveway

Every effort should be made to pull the driveway back from the cliff face as far as practicable in vicinity of the erosion cusp (Photos 6, 7 and 8). The proposed alignment comes very close to the cusp in the terrace, where modest levels of erosion have been noticed over the past 25 years, likely due to unnatural concentration of surface flow, emanating from the steep access road. Proper design and construction of the paved driveway could alleviate much of this erosion. If the driveway pavement is cross-sloped 5% towards the uphill side, and runoff is then collected, conveyed and discharged away from the driveway, preferably directly onto exposed bedrock just beneath the terrace colluvium (Figure 2). If the driveway is constructed in such a manner, the accelerated erosion of the cusp should cease. However, rainfall and splash activity appears to encroach the crest of the sea cliffs at regular intervals, so some accommodation for this should also be considered.

The driveway could, therefore, encroach the 31.25 feet setback, but it is our recommendation that this be minimized as much as possible, through the construction of a up to 10 feet high retaining wall against the west side of the old railroad embankment, which should provide for a 25-feet setback. We would not recommend that any unsupported cut be made into the embankment. The retaining wall should be designed to be fully-drained, such as a crib wall. A crib wall can be backfilled with crushed rock to enhance drainage, it allows for a near vertical cut, and plants will overgrow it so as to give it a very "soft" visual appearance, should the old rail line be someday converted to a regional recreation corridor.

Sea Caves

Dr. Kojan's assessment of the sea cliffs also turned out to be close to the mark, at least for the largest cave, explored by myself and Mr. Olsborg on October 17th. In that case, the extreme penetration of the ocean occurs below mean low tide, and extends between 85 and 100 feet behind the extreme point of cliff (the third promontory on Photo 11).

As described previously in regards to Photos 4 and 5, cliff erosion is most pronounced at two horizons, between sea level and +15 feet, and between 25 and 35 feet. Close inspection of the sea caves revealed that they are forming on these two levels. The upper cave level was not being impacted by wave action at the time of our inspection, due to low sea state and low tide conditions. It appears to be invaded at higher tides and sea states, which serve to suction out particles. The sea caves appear to have formed along prominent regional systematic joint clusters, trending into the cliff.

The prominent cave situated seaward of the proposed house site appears to have limiting geometry roughly in keeping with those areal limits opined by Dr. Kojan on his 1996 air photo color overlay. However, this cave does not appear to be in any danger of collapsing anytime soon, due to the crossing nature of the master joint suites, as shown in Photos 13 and 14. The geometry of crossing joints serves to form large wedges which can only be removed through lateral erosive action or loss of supporting pedestals. This later mechanism appears to be the dominant failure mode, as evidenced by those portions of the proto sea cave which must have collapsed seaward of the present opening.

## WARRANTY AND CLOSURE

This review has been performed by request of the California Coastal Commission, and our choice as an independent peer reviewer was agreed to in writing by letters from Dr. Eugene Kojan (September 9, 1997) and BACE Geotechnical, Inc. (September 17, 1997). Our services have been limited to the review of the documents previously identified and a recent visual review of the property with various members of the project team and Ms. Julie Verran, one of the upslope neighbors. We have no control over the future construction on this property and make no representations regarding its future conditions.

We have employed accepted engineering geologic procedures, and our professional opinions and conclusions are made in accordance with generally accepted engineering geologic principles and practices. The contents of this report are valid as of the date of preparation. However, changes in the condition of the site can occur over time as a result of either natural processes or human activity. In addition, advancements in the practice engineering geology may affect the validity of this report. Consequently, this report should not be relied upon after an elapsed period of three

years without a review by Rogers/Pacific, Inc. for verification of validity. This warranty is in lieu of all other warranties, either expressed or implied.

We hope this report provides you with the information which you require to proceed. If you have any questions regarding this matter, please feel free to give us a call.

Very truly yours,

**ROGERS/PACIFIC, INC.**

J. David Rogers, Ph.D., RG, CEG, CHG
Principal

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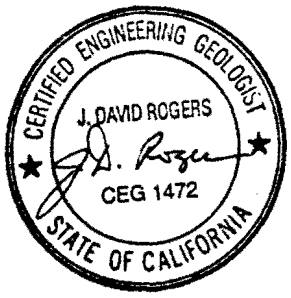


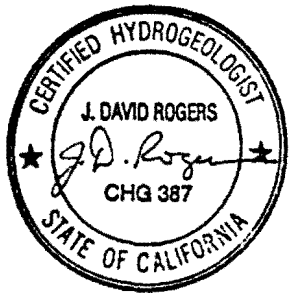


Copies: Addressee (2)
California Coastal Commission, North Coast Area, Jo Ginsberg
Mendocino Co. Planning & Bldg. Services, Gary Berrigan
BACE Geotechnical, Erik Olsborg, CEG
Dr. Eugene Kojan, CEG
Ms. Julie Verran
Matheson Design Services, Ralph Matheson, AIBD

| EXHIBIT NO. 10 |
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| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Geotechnical Report |

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SONOMA COUNTY REGIONAL PARKS

Jim R. Angelo
Director

2300
County Center Drive
Suite 120A
Santa Rosa
CA 95403
Tel: 707 527 2067
Fax: 707 579 8247

April 11, 1997

RECEIVED
APR 15 1997
PLANNING & BUILDING SERV.
FORT BRAGG, CA

Gary Berrigan, Coastal Permit Administrator
County of Mendocino
Department of Planning & Building Services
143 West Spruce Street
Fort Bragg, CA 95437

Dear Mr. Berrigan:

Thank you for the opportunity to comment on the potential impacts to Gualala Point Park from the proposed Riley residence (CDP #06-94) to be constructed on the bluff North of the park.

Staff from Regional Parks visited the building site and the park on April 9, 1997 to assess the impacts of the proposed residence on the park. The only identifiable impact would be visual. The building site and proposed residence is a middle ground view and is visible from most areas of the park on the West side of Highway One.

The choice of materials and finishes for the exterior of the residence, ie. cedar siding with natural stain, dark fiberglass shingle roofing, and native field stone will reduce the visual impacts to the park.

We did not receive a landscape plan as part of the planning packet, so we are uncertain if any attempt has been made to lessen the visual impacts to the park and soften the architectural lines of the residence. We would like to propose that the conditions of the permit include an evergreen screen of native trees along the South side of the residence (see included site plan) to mitigate the visual impacts to Gualala Point Park as a result of this construction.

If you have any questions or require additional information. please call me at (707) 527-2041.

Sincerely,

Philip Sales
Planning & Design Administrator

cc: JRA

EXHIBIT NO. 11
APPLICATION NO. A-1-MEN-97-46
RILEY
Correspondence

| EXHIBIT NO. 11 |
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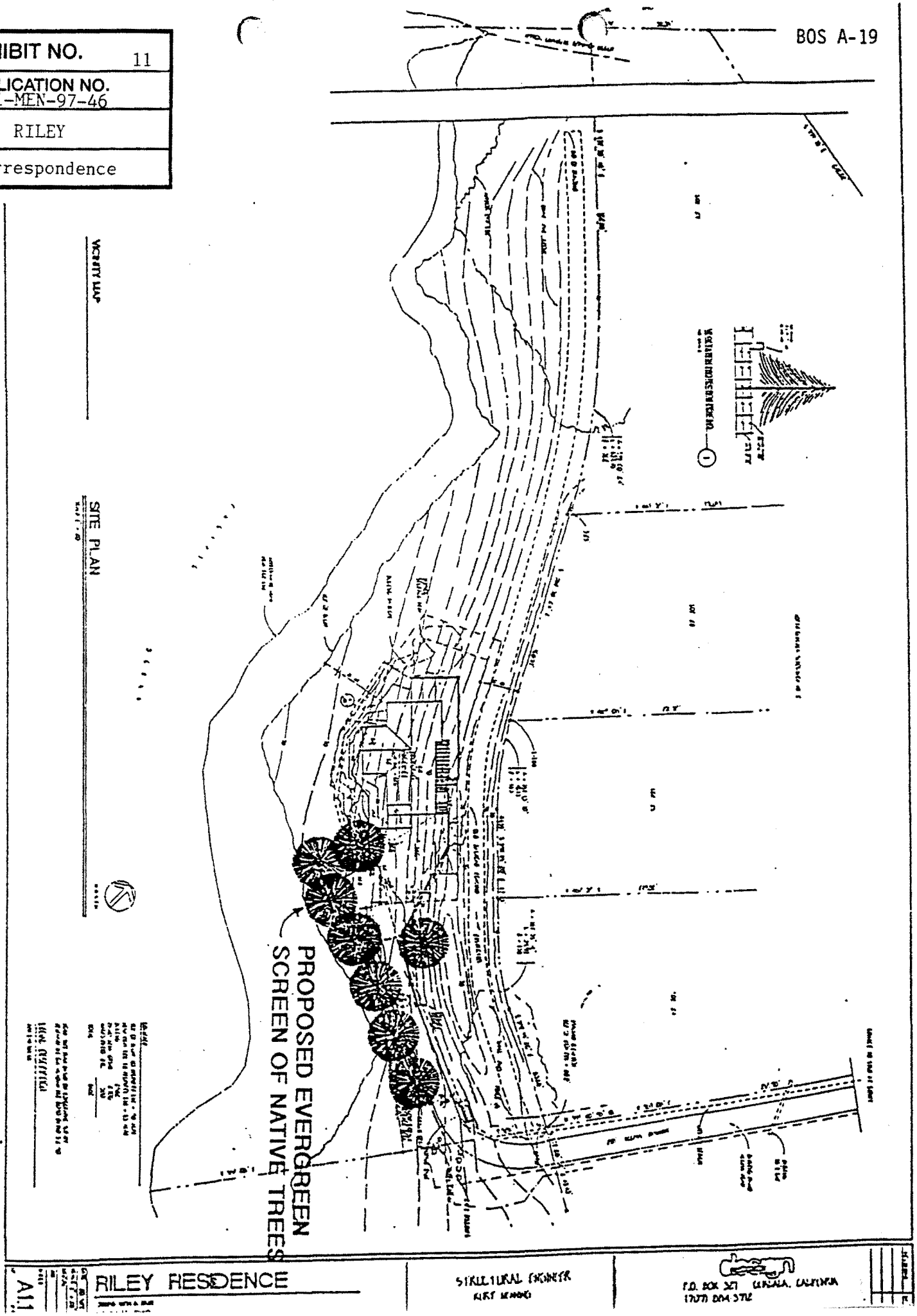
| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Correspondence |





| EXHIBIT NO. 12 |
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| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Correspondence |

July 14, 1997

J o Ginsberg
California Coastal commission
North coast area

JUL 18 1997

Subject: Derran Coastal commission appeal of Mendo. county Riley CDP 6-94

Dear Ms Ginsberg:

This is to express my concern about the proposed construction of a large (3 story 70 ft. + long) residence on a narrow ocean bluff at 38868 Sedalia Drive, Gualala. I understand Mendocino county has granted a permit having clarified that the builder, not Mendocino, would be liable if recognized potential hazards cause damage. I understand the owner of the property immediately above the proposed building site, Julie Derran, has appealed the County's decision to the Coastal Commission.

I own the residence at 38851 Sedalia which is across the street from the Derran and Stout properties, both of which would be impacted if

there are further slides on the area below them. I am familiar with that area from frequent walks there over the last several years. I checked the proposed building site this month and noted the recent slide below the adjacent Stellman property, the on-going erosion of what appear to be sandstone bluffs, and the indentation of the bluff (a cave?) at the mid-point below the proposed construction. On previous walks and from the Stout's deck when the waves are high and it is windy I have seen the ocean spray come up over that bluff.

Sedalia residents have been alerted to how extensive the damage can be from a landslide in the area with the recent massive slide at Coral Court, just north of Sedalia. I cannot imagine why a person would assume the risk of building such a large house on a narrow, fragile, water swept, ocean bluff — both risking the structure and increasing the risk to the area above it.

I am asking that the Coastal Commission staff look carefully at the request to build on

this inappropriate and potentially hazardous site. Perhaps another geologist's valuation would be helpful and could be obtained.

Thank you for your consideration of my observations and concerns.

Ethelyn (Lynn) Sellinger
ETHELYN (LYNN) SELLINGER

P.O. Box 1243
Gualala, CA 95445

327 Richardson Drive
Mill Valley, CA 94941

| EXHIBIT NO. 12 |
| --- |
| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Correspondence |

P.O. Box 1275
Gualala, CA 95445
July 17, 1997

California Coastal Commission
North Coast Area
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

| EXHIBIT NO. 13 |
| --- |
| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Correspondence |

To whom it may concern:

This letter is in support of Julie Verran's request for Appeal from Coastal Permit decision of Local Government, dated July 7, 1997. The decision was Mendocino County Riley CDP 6-94. I wish to address this issue from four perspectives: (1) as one who has spent some time in the Verran's house, (2) as a volunteer worker at the Gualala Point Regional Park (Sonoma County), (3) as a resident of Gualala and (4) as a former member of the Gualala Bluff top committee.

(1) While I am not a nearby neighbor, I did spend some time at the house in the capacity of hospice volunteer when Ms. Verran's father, George Verran, was terminally ill. When I first saw the property in question, I assumed it was part of the Verran's, but was told it was not, but that it could never be built upon. Given its proximity to the cliffs and rocks below, I had no doubt that was so. When I read that someone was submitting a plan to build upon that property, I thought surely it would be denied. Imagine my further amazement when I realized that Ms. Verran's appeal was denied, and the manner in which it was denied. (i.e. the appeal was denied a public hearing even though a timely request was filed prior to the meeting.)

(2) I volunteer every Saturday morning at the Gualala Point Regional Park, and have watched the Gualala skyline sprout like a weed on the river bluff top. One of the few places where the natural environment is maintained is on the north side of the river mouth, and most visitors trek out to the north end of the beach to gaze up at the cliffs and trees, not houses. To state that "Gualala already looks so bad that there is little view to protect" or that "compared to downtown commercial buildings, the proposed residence would be minor" shows little regard for what once was and what someday might be again. As a resident, I have only myself and my inactive friends and neighbors to blame for the damage already done. To assume that further development would not make things any worse is quite incorrect; visitors to this portion of the coast have as much right to its beauty as the residents who live here, or happen to know of local access points.

(3) We have been property owners in Gualala for 15 years, and have watched the river and ocean view slowly disappear from the main street. We have also watched, and visited, the sites where heavy rains have done extensive damage to land that was once used for other purposes, (Coral Court, in 1995 and 1997.) These sites were unstable due to fill from the old mill, and I understand that the parcel in question also has fill, since it was once used as a railroad for the lumber mill and has since been abandoned. This would not appear to provide a stable building site.

(4) One of the most charming aspects of Gualala is its river mouth and view of the ocean. In order to preserve that charm, a group of local residents formed a committee to begin the legal processes for construction of a public bluff top trail from the northern part of town south to the end of the businesses. While the necessary approvals are still being sought, a very cursory examination of the proposed trail shows that the latest commercial development, which was required to maintain a 25-foot easement along the front of the building for public access for an ocean view, presents no such easement. It is obvious that there was no expectation that such access would ever be requested. It is also obvious that the closer to the bluff top, the more spectacular the home, or the better for this business, with little regard for building a reasonably safe structure, given the bluff top erosion, winter storms, and proximity to the San Andreas fault in this area.

The manner in which this parcel has been used, ignored, divided, parceled out, studied (and not studied), and now being sought as a residence site, gives some indication of the lack of understanding of the hazards of utilizing property so close to the bluff edge. I feel that Ms. Verran has presented some very cogent arguments that need to be addressed rather than ignored as just another disgruntled neighbor. Please give her fair and *informed* consideration.

Sincerely,

Irene E. Leidner

Irene E. Leidner

cc: Ms. Julie Verran

| EXHIBIT NO. 13 |
| --- |
| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Correspondence |

403 Boynton Ave.
Berkeley CA 94707
July 21, 1997

California Coastal Commission
North Coast Area
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

Dear Ms. Ginsberg:

We are writing this letter to support Julie Verran with regards to the property at 38868 Sedalia Dr. in Gualala, Mendocino County. We have visited the Verran house frequently over the last 15 years. The Verran house overlooks the bluff where a house is planned by the Rileys.

We have noticed over the past 15 years that the old railroad bed in the Riley parcel has become very much less clearly defined as a result of gradual land settling. We have also visited the Verran house during winter storms and have witnessed the shuddering of the house when large waves hit the bluff. Sometimes, during severe winter storms, waves break with sufficient force to reach over the tops of the bluff. Evidence for this is the failure of any but salt-tolerant vegetation to become established in the zone proximate to the edge of the bluff. Even during calm sunny winter days a noticeable amount of salt from spray is often deposited on eyeglasses.

For some time we have been somewhat concerned even for the safety of the Verran and some of the other already-existing houses because of the gradual erosion of the bluff and the proximity of the houses to the edge, so we were quite surprised and dismayed that anyone would consider building a house even closer to the ocean on such an exposed bluff.

We have also noticed that the well-defined public access foot trail at the edge of the bluff has been significantly eroded in the times between our visits. Many pedestrians use the path to enjoy the view, and we have often used it ourselves to enjoy numerous wildflowers and also nesting Pigeon Guillemots and Cormorants during the summer. It is hard to imagine people feeling free to continue using the path with a large house on that small section of bluff, even if the owners would not object. Walking along the bluff has also given us clear views of the beach at Gualala Park. Obviously, any large house such as the one being planned will be another detriment to the view from the park beach that we have enjoyed using. Clearly, the proposed house would not be shielded by trees from park view as most of the older houses are, because it is too close to the ocean to allow trees to grow, the salt and wind from ocean being clearly too strong.

We were quite shocked several years ago when the issue of a house being built on the proposed site first came up as it seems clearly unsuitable in terms of land instability and erosion. We hope the Coastal Commission will reconsider allowing such a house to be built.

Sincerely,

Krehe H. Ritter

Krehe H. Ritter

Katherine S. Ritter

Katherine S. Ritter

RECEIVED

CO

| EXHIBIT NO. 14 |
| --- |
| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Correspondence |

Lindsay Vurek, PO Box 168, Gualala, CA 95445; 707 884-1915 fax 707 884-4733

California Coastal Commission
North Coast Area -- Jo Ginsberg
45 Fremont # 2000
San Francisco, CA 94105-2219
415 904-5260
fax 415 904-5400

7-22-97 via fax



RE: Mendocino County CDP- 6-94(Mod)

Dear Jo Ginsberg:

It has been brought to my attention that a coastal property owner in our town is requesting approval of building plans that might jeopardize neighboring properties in addition to being unsafe for the proposed house and the public coast line below the building site. Apparently there are unresolved issues regarding adequate set-backs from the bluff edge, the road to service the house and the property line. The sea cave lengths below the proposed house are an additional unknown.

Very close to the proposed house a relatively recent slide destroyed a large section of a house by dumping it into the ocean along with a number of chemicals such as oil and gas. Indications are that the proposed house may have large sections built on fill similar to the house involved in the slide.

A smaller house with adequate set backs and proper pilings under the structure might be more appropriate if all the safety issues can not be resolved.

Thank You

Lindsay Vurek

| EXHIBIT NO. 15 |
| --- |
| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Correspondence |

J. Verran
P.O. Box 382
38864 Sedalia Drive, Gualala, 95445

January 8, 1998



Mr. Robert Merrill & Ms. Jo Ginsberg
California Coastal Commission, North Coast Area
45 Fremont, Suite 2000, San Francisco, CA 94105-2219

RE: my appeal # A-1-MEN-97-46

Dear Coastal Commission Staff,

This letter follows up on our phone conversations in December. When documents sent you before the August Commission meeting are relevant, that will be noted thus (S).

I request that the continuation of my appeal not be heard until May, 1998, to allow evaluation of winter storm effects on the subject property. Even without multi-day winter storms, there has been soil scarp retreat since the geotechnical experts gathered there on October 17, 1997. This winter is predicted to be one of the most severe on record; the most severe storms here typically occur between January and March.

I also request a new staff field review. The review took place before you received my appeal, in mid-summer when drainage and wave-action issues are hard to see. Please take note of the following:

The sites of the 1995 and 1997 Coral Court slides, and continuing efforts to stabilize the area, located only 3 or 4 parcels north of the subject parcel.

Piping, as defined by Dr. Eugene Kojan, is occurring on the side of the access road to the subject parcel, near the Hathcoat propane tank. It is already two feet or more deep.

At the foot of the access road the drive to the proposed house would have to make a near-90-degree turn past the cusp defined by Dr. David Rogers, the furthest retreat of the soil scarp. The space between the cusp and the foot of the railroad berm is less than 20 feet. (S) not allowing for a 15-foot setback without removing the railroad berm. From the top of the RR berm near the cusp the 1995 landslide affecting the Stillman and Riley properties is visible, as well as original 19th Century ties and a section of rail. All property corners and intermediate survey points are now flagged on the boundary between the old RR easement, now the subject parcel, and the upslope properties. (S)

A game trail enters the rock bench area at the cusp. Local game wardens say animals using it may be going down to the ocean for salt. The human trail used by picnickers and people who fish is located south of the cusp, opposite the end of the access road.

There has been substantial loss of vegetation and soil scarp retreat since 10/17 north of what Dr. Rogers calls the third promontory. This would threaten the northwest corner of the proposed building.

Continuing north, the area at the foot of the 10-foot county drainage easement between the Stout/Sheridan house and the Brittsan/Knight house is where Dr. Rogers estimates that a 25 to 30-foot bluff collapse occurred along a 60 to 70-foot front about 35 years ago. There appears to be a large sea cave under this area, which the geotech experts did not have time to check on 10/17/97.

Further north along the RR grade lie the remains of a 19th Century RR engine. Dr. Rogers estimated, based on the Bessemer steel and the type of concrete used, it dates after 1874.

Past that are the remains of the burned trestle and a drop off to Robinson Gulch where the boundary between the Riley and Hoffman properties lies.

In updating the staff report, please consider both the Kojan and Rogers reports and include photographs from both. A serious inequity occurred in the original staff report: Eight photographs submitted by applicant's agent Olsborg were in included but none of my many photographs(S). In addition, I request to show about 15 slides at the continuation meeting showing views of the subject parcel from other properties, wave action, and drainage issues.

My appeal of this project to the Mendocino County Supervisors was continued on issues of park viewshed and drainage. William Hoffman, the adjacent landowner to the north of the subject parcel, is a soils scientist and attorney. He attended both county hearings and wrote to the Coastal Commission in August, 1997, that the response of applicants' agents was inadequate on drainage. It appears that this letter, of which he says he hand-delivered 20 copies to your office in good time, did not reach the Commissioners. Had they read it, they likely would have asked for more drainage information. The subject parcel lies at the foot of two county drainage easements, which date from the creation of the subdivision ca. 1960(S). When the subject parcel was formed by certificate of compliance in 1989, no provision was made for this drainage; the easements still just end at the property line. A complex system of culverts drains into these easements carrying storm drainage from Sedalia Drive, a county road, and possibly from further up the hill. The County Engineer's office can look into this at your request.



The easement for access to the subject parcel, which lies within the southerly drainage easement, also dates from the original subdivision. At that time no dwellings were planned on the RR easement. Therefore, the easement may have been intended for public access, or for access to repair the RR right of way, which unravels periodically as shown by aerial photos over time(S). Applicants are now denying access to repair a 1997 slide which affects primarily the Stillman property, secondarily the subject property, and has the potential to expand to affect my property, according to Licensed Surveyor Richard Seale(S). If the Commission and the County cannot guarantee access for repairs to the upslope landowners whose western boundary is the eastern side of this 19th Century cut bank, no permit can be granted, because of liability.

There is new information on environmental and park issues. Public acquisition of the subject promontory, which is located at the north side of the mouth of the Gualala River, was proposed in the 1980s but not followed through. That may be the best solution. In November, 1997, the Resources Agency released the Progress Report of the California Rivers Assessment. That document ranks the estuary / lagoon of the Gualala River an Outstanding rating for both aquatic and riparian factors. The subject promontory drains partly into the estuary / lagoon, and partly just outside it, where anadromous fish are also likely to gather at times in their life cycles.

Both the 1992 archaeological report (S) and the 1997 Rogers report emphasize the historic importance of the promontory. The RR ran from the mill at Mill Bend, near the present north end of the Gualala river Bridge, to Bourn's Landing, about two miles north of the subject parcel. The promontory may be the only place where actual traces of the RR and chutes remain. Much of the RR grade has fallen into the sea. On December 2, 1997, fish biologist Patrick Higgins presented

his literature search on the Gualala River to the GR Watershed Council. His study was funded by the Coastal Conservancy via the Redwood Coast Land Conservancy. Higgins found that the Gualala R. has more 19th Century photo documentation than any other watershed he knows of. Many 8"x10" glass plates showing industrial methods (and fish habitat) are preserved at the Heald-Poage Museum in Ukiah. Based in part on the Higgins report, the GRWC applied for federal Heritage River status for the Gualala. If it is granted, the industrial remnants at the mouth of the river – including the subject parcel – will increase in importance.

The long-term public use of the promontory, which shows in paths visible on aerial photos, is not limited to locals. Even if it were, when the Coastal Act went to the voters, one selling point was that it would retain access to the shoreline for local residents. The promontory is visible from the inn in downtown Gualala. It is only a fifteen-minute walk – the only attractive walk available from downtown. The people who fish there probably have local roots, but may no longer live here.

The Kojan and Rogers reports support many of the points in my original appeal relating to the Coastal Act and the Local Coastal Plan. Liability is an important concern. My house is most directly threatened by the proposed project, but others could also be affected. Can a house be built on the subject parcel that will last 75 years, and can it be done without endangering existing upslope houses? Geotechnical experts can point out difficulties, but only a structural engineer can suit a building to such conditions, and make full recommendations to safeguard the upslope properties. Applicants had an architect who was with an engineering firm, but they fired him in late 1994, according to a letter in county files (S). Hence my concern that if a permit were granted the project could be started but never finished. Applicants should be required to post a bond to guarantee return of the land to its original condition in event of abandonment, plus a bond to cover damage to upslope properties, including the two houses on the east side of Sedalia Drive opposite the two county drainage easements – based on the Coral Court experience, they are also at risk.

As Mr. Hoffman points out, applicants and their agents give changing sizes, heights, and square footage for the proposed building. Their former architect wrote (S) that they intend to install a full-time caretaker. This suggests that they may intend to build a two-unit structure. The lowest size estimate they give would be twice the size of my house, which is the nearest home and in the mid-range of size for the immediate neighborhood. Mendocino County does not have the resources to assure that buildings in this outlying area conform to requirements during construction. As part of my work I have photographed: the Gualala Country Inn built partly in the right of way of Center Street; the Breakers and Sea Cliff inns built into the Gualala bluff-top trail easement; a house at the mouth of Galloway Creek that was said to be placed out of sight from Schooner Gulch State Beach, but is intrusively visible. You must be aware of these cases. No permit should be granted for the current Riley project.

Yours sincerely,

Julie Verran

Julie Verran, (707) 884-3740

| EXHIBIT NO. 16 |
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| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Correspondence |

| EXHIBIT NO. 16 |
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| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Correspondence |

J. David Rogers
Rogers/Pacific
396 Civic Drive
Pleasant Hill, CA 94523

Dec. 1, 1997

P.O. Box 382
Gualala, CA 95445

Dear Professor Rogers,

This is to follow up on the phone message I left you re the Riley property in Gualala. First, I had the great good fortune to have my file box with original photos and negatives returned. Someone who found it in Ukiah looked in it and found my phone number! So, if you want better copies or slides of the photos you wanted for your classes, let me know. Second, I have been keeping a safety watch on the area and have some things to report.

On November 9, two friends and I noticed some cracks parallel to the soil scarp, two "bites" north of the point of rock in front of my house. The cracks were two or three inches wide and within 3 or 4 feet of the vegetated edge. We were concerned these might presage a landslide.

On Nov. 14 there was a 6.7 foot high tide accompanied by waves the Press Democrat said were 30 feet. They may have been more like 20 feet here. High tides and surf also occurred for a couple of days around that. The waves were striking the bluff and cascading up 20 feet or more and then falling as water, not spray, on the bluff edge and running off. This was most pronounced where we had seen the cracks, and also above the cave you probed on October 17. There was no wind and the weather was clear and warm.

On November 26 we had a severe storm with high, sustained wind and a lot of rain. It took out the biggest tree in my yard (sigh). The wind was from the northwest. There were similar high waves cascading upwards, and the water was just blown across the proposed building site with great force. After the storm I checked for unsafe conditions. The place where we saw the cracks no longer showed them. Either the soil washed away from around the plants, or the edge itself crumbled away. No new cracks appeared, but it does look like there has been retreat of the vegetated edge since October 17.

On that date, Mr. Stillman's geotech consultant, Jim Glomb from Sebastopol, told me he was there in part to negotiate for access to repair the landslide on Mr. Stillman's property. He said the applicant was denying access and the work needed to be done soon. He has still not done the work, so I assume there is still no access. This could cause a liability situation for applicant.

On Nov. 26, after the storm, I checked the slide. It looked like there was little, if any, movement since 10/17. The portion of the slide that is on applicants' property was blocking the drainage from the north and causing water to back up in the railroad grade at the base of the cut bank that forms the western boundary of ~~the~~ my property. Could the construction of the railroad grade in the 19th Cent. have changed the drainage pattern, shifting it toward the south? Would the original drainage have gone straight to the v-shaped indentation?

I hope you and your family are well,

~~Sincerely,~~

Julie Verran

cc: Eugene Kojan, Jo Ginsberg

Photo taken March, 1973 (1)
Gualala Point County Park in
back ground shows bluff shape.
VERRAN appeal of Riley CDP 6-94

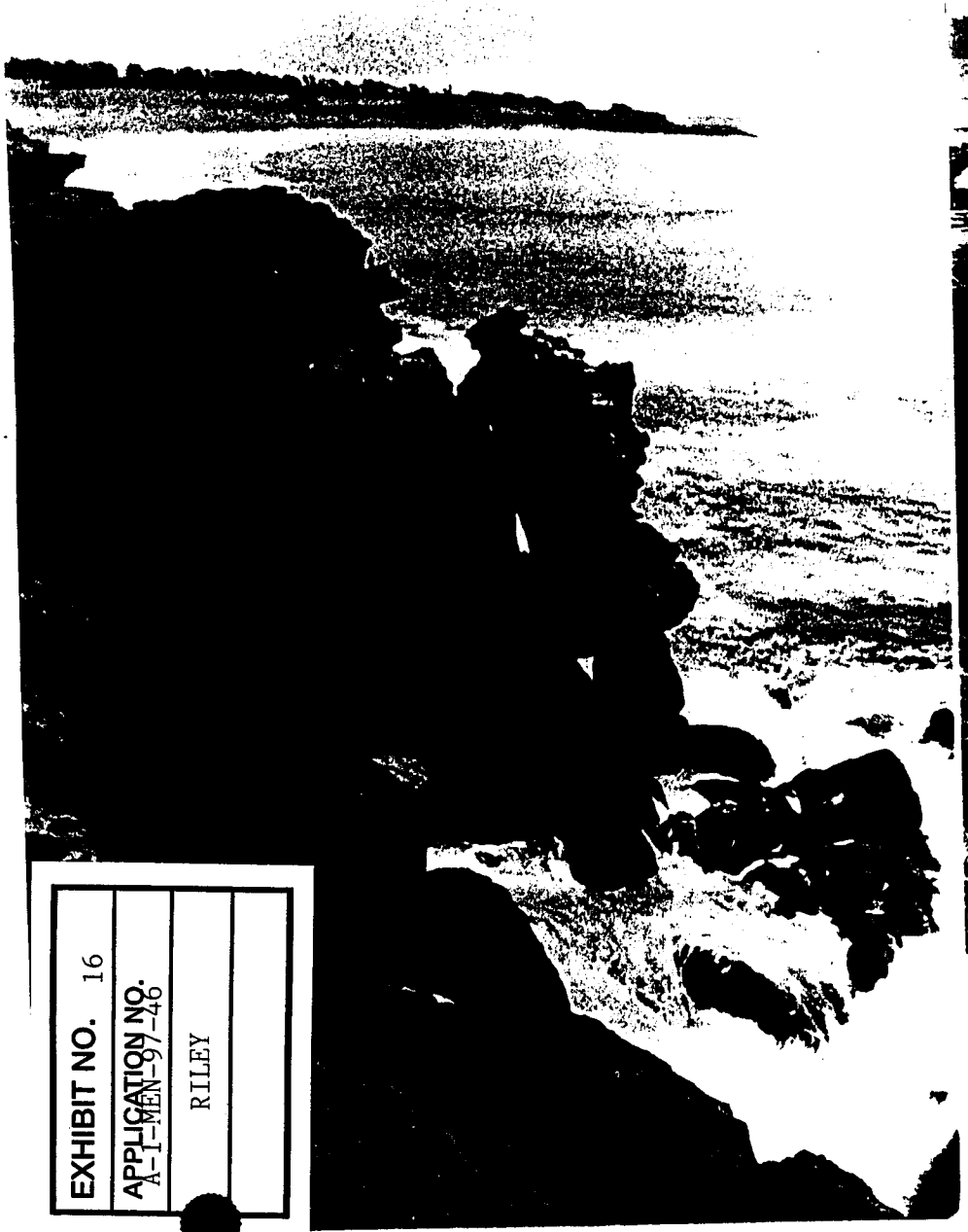

Photo taken March, 1997 (2)
showing same location with
bluff retreat.
VERRAN appeal of Riley CDP 6-94

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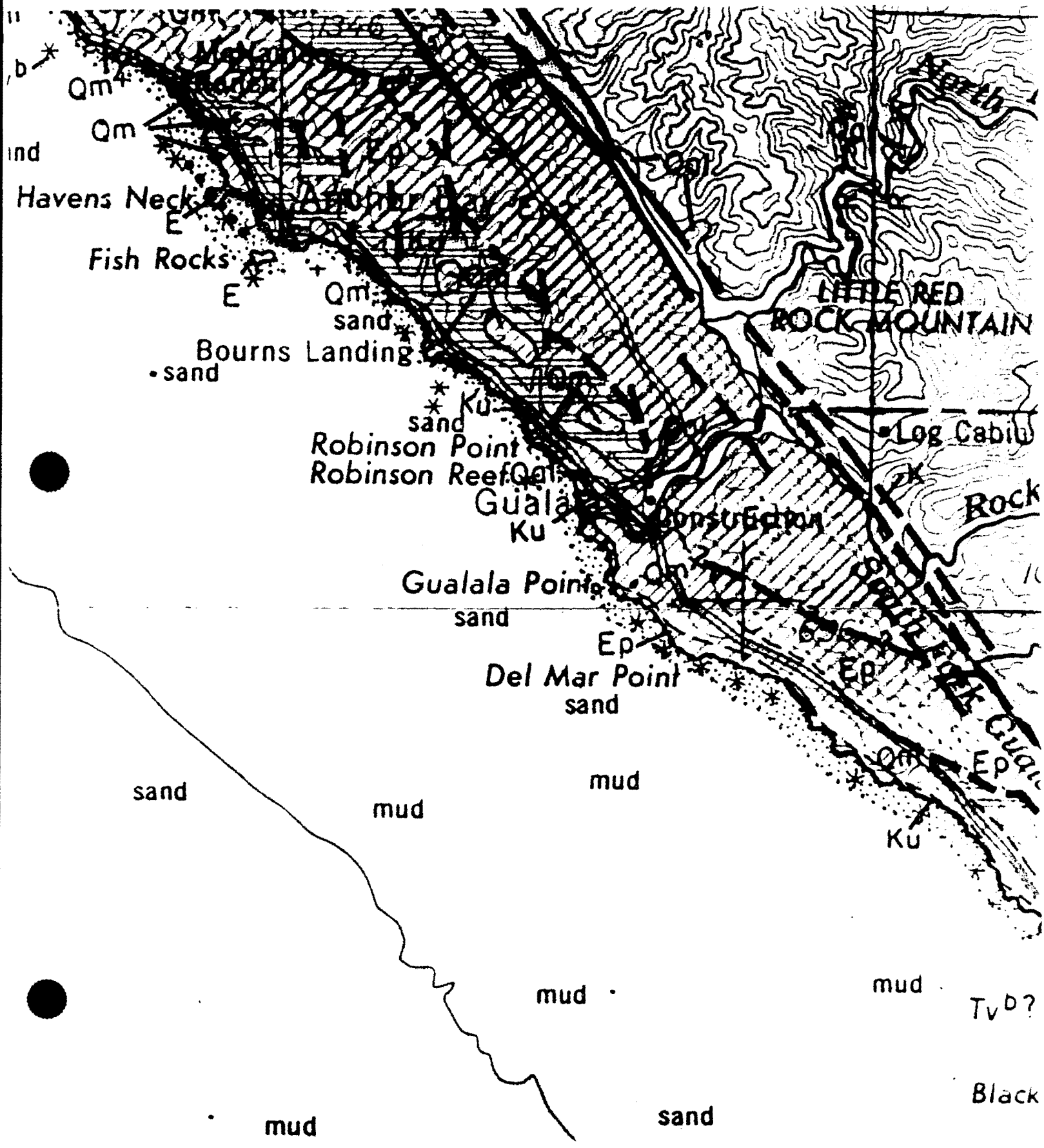
APPLICATION NO.
A-1-MEN-97-46
RILEY

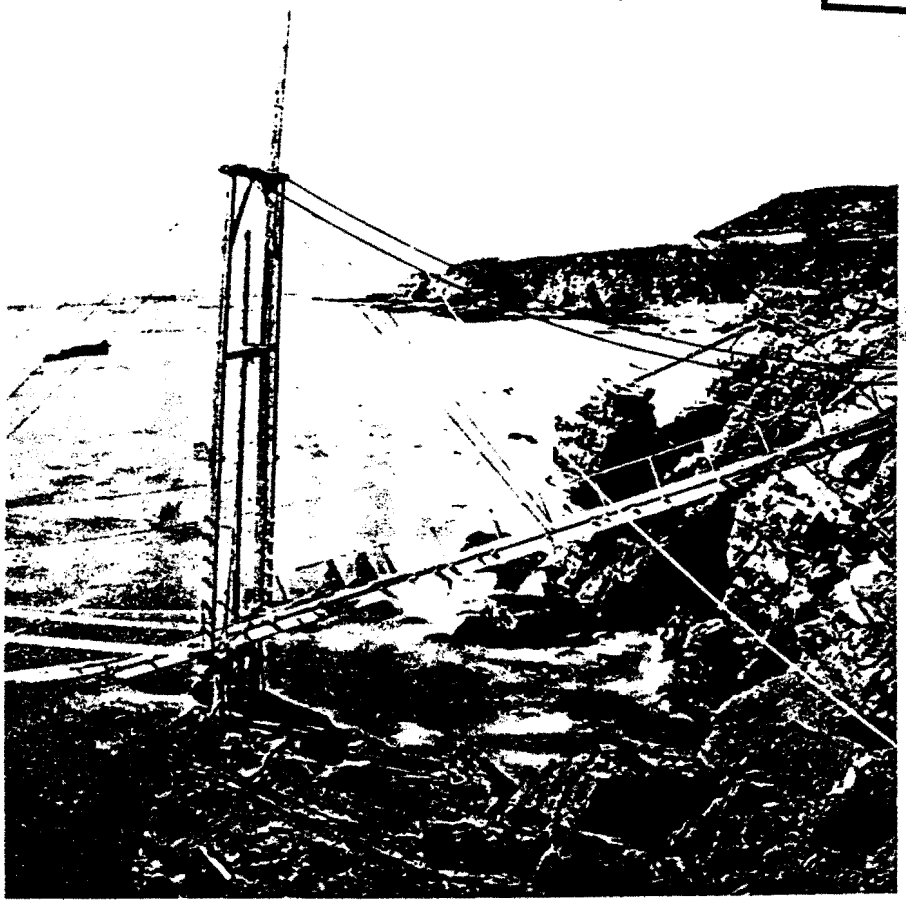
EXHIBIT NO. 16

APPLICATION NO. A-1-MEN-97-46

RILEY



*12. Robinson's chute, with two passengers soaking up spray. The remains of Cole Brothers chute show in the background.*





beach the next day. The vessel was insured and will be sold by the Underwriters' Agent for this District in a few days.[8]

The biggest problem at the Gualala landing was always *shoaling*, or the tendency of sand to accumulate in large amounts where the river met with the sea. The story is also told of *Lulu*, who, on January 17, 1884, was driven onto the beach by a northwester and "floated off the next morning at high tide with the help of a strong, downriver land breeze." A postscript to *Lulu's* story is that a year later she wrecked at Westport with a full load of tanbark and was sold for ten dollars—"after her lines parted during a storm."[9]

When a ship pulled into a *landing*—usually on a bluff high above a small bay—it moored at the closest possible point underneath. Location of both boat and landing were arranged to make the best use of gravity. Near to the bluff's edge—usually called a *point*—special *chutes* were set up, designed to work as closely as possible with the nature of land and sea as they existed in proximity to one another. Most basic of chutes was the *apron*, which worked a lot like a slide; merely scooting cargo from the landing point to the ship deck below. Walter A. Jackson, author of *Doghole Schooners*, described this chute as: "merely two poles placed upright in the form of an inverted V supporting a wooden trough and held in place by ropes or wire cables."[10] Cargo was controlled at the ship end by means of an "apron," hinged to be lowered or raised as required.

More advanced among chutes was the *wire*—alternately referred to as *cable*—which stretched from the point to where a ship was moored in the sea and sent cargo down in a sling. Its weight caused the load to descend, while brake control remained at the head. Reputed to have derived from the rigs miners used to extract gold from the Sierras.[11] the wire chute was sturdier, faster and allowed more control than the apron. In the 1870's the St. Ore's brothers, George

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| RILEY |
| Correspondence |

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astal Commission
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Appeal no. A-1-MEN-97-46
Riley - Verran

RECEIVED
AUG 11 1997
CALIFORNIA
COASTAL COMMISSION

Dear Sir;

I support the above appeal by Ms. Verran.

I've owned the adjoining coastal lot to the north since 1973. In 1988 I took out my own building, electrical, plumbing and mechanical permits and spent a number of years building my house and garage. I complied with all Planning, Building, and Coastal Commission rules.

In 1949 I mapped soils and vegetation in Mendocico County as a professional forester and soils specialist. My name is on the Soils and Vegetation Map published for Mendocino County still distributed and widely used.

I received notice of Riley's 3 story log house. I received no notice of the present 3 story frame house, until I received notice of Ms. Verran's appeal to the Board of Supervisors. Although I have an absolute right to appeal because of lack of notice, I prefer to submit the matter to the judgment of the Commission. I've usually found that public bodies try very hard to follow the rules and do the right thing.

I do not oppose the Rileys right to build, but I do oppose the 3 story, 28 foot high building he proposes for the open meadow portion of his lot on geologically questionable winter bog in full view from the Sonoma County Park across the Gualala River.

VISUAL IMPACTS

Height

The original 1994 staff report for the 3 story log house states on page 2 the height is 32 feet. The 1997 staff report states on page 1 that the present 3 story frame house is 6 to 10 feet lower in height, making the height either 22 or 26 feet. The 1997 Coastal Commission staff report states on page 6 the height of the present 3 story frame house is "approximately" 28 feet. The Commission should nail down the shifting heights once and for all over signature of the owner and designer the height approved by the Commission.

Size

The original 1994 staff report for the 3 story log house states

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on page 1 the house is 3800 square feet. The 1994 staff report states on page 1 the 3 story frame house is 3600 square feet plus a 948 square foot garage/basement. The Coastal Commission staff report states on page 4 that the 3 story frame house is 2814 square feet plus a 948 square foot garage/basement. The Commission should nail down the shifting square footage once and for all over the signature of the owner and designer the square feet approved by the Commission.

View from the park

The Coastal Commission staff report on page 8 states "The proposed development is larger in terms of height and bulk than surrounding residences, and due to its location on the lower terrace near the bluff edge, will be quite visible from ***the ***park." "The south elevation *** will appear massive ***from the ***park." It states further, "Section 20.504.020(C) states that the scale of new development (building height and bulk) shall be within the scope and character of existing development."

It is not and it is the Commission's duty to see that it is.

I agree strongly with the Commission staff report requiring tree planting and cedar siding and roof of natural tone.

Unfortunately the 3 story house has many windows which can be seen from the park, and is not designed with sufficient porch roof or overhang to shade the windows from the sun. As a result either blinds or shades will be drawn 75% of the time and will be more visible from the park than the siding. The Commission should require that all exterior sides of blinds and shades be in dark or earthtone color of non-glare material.

GEOLOGICAL HAZARDS

I own 360 feet of ocean frontage along the old Empire Lumber Co. right of way north of Robinson Gulch, attached to a ¼ acre lot connecting it to Coral Court.

Prior to 1973 a private driveway was constructed down my lot from Coral Court and ¼ mile along the Empire right of way to service what is now Swegel's home on the large point north of Robinson Gulch. Prior to the Coastal Commission or any LCP the county engineer refused to permit this private driveway to service a private home on the ground of geological hazard. A new right of way had be obtained off the Empire right of way.

In working with Commission staff to get my permit, staff wanted my house foundation to be entirely off Empire right of way and 65 feet back from the bluff top. I complied.

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The Coastal Commission also tried to force me to record a statement to the effect that I understood my building site to be geologically unstable. I filed suit and they removed that requirement and paid my costs.

Now the Board of Supervisors is permitting a house on the Empire right of way when on adjoining the County did not permit a private driveway. They are permitting a 35 foot set back while adjoining they wanted a 65 foot set back, and they not only don't want a geological hazard confession, they don't even seem to see one there.

The Board relied on Bace Geotechnical report. This report has no apparent connection to the original 3 story log house for which it was prepared in 1992. The report states on page 1, it anticipates a "typical wood frame structure." A typical wood frame structure is framed with 2 by 6's. It is one part wood and 8 parts air. A log house is solid wood walls often 12 inches thick weighing 10 to 20 times as much. The footings on page 8 of Bace report were for typical wood frame and never would support the 3 story log house. I'm quite familiar with log houses and their construction.

The Riley building site is pretty much a saturated bog in winter. Bace obviously knows this. In letter dated May 15, 1997 to designer Matheson, Bace proposes vertical risers out of the drain pipes to allow water that can't be adequately drained to simply "sheet flow" across the site. In plain language it's going to be a lake in winter.

Ms Verran's objections have merit and are not rebutted by Bace which filed a report in 1992 for a different house than the one filed by the Rileys, and admit the site cannot be adequately drained in winter.

Much of the foregoing could have been straightened out at the last hearing before the Board had it not been closed to further public hearing. It wasn't closed after I left the first hearing. I had a 5 hour drive from Gualala to Ukiah and back for nothing. The Board permitted the applicant and 3 or 4 professional witnesses to testify. Only Ms Verran was permitted to testify for Appelant.

Sincerely,

William P. Hoffman

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| RILEY |
| Correspondence |

gust 10, 1997.

Jo Ginsberg
Coastal Planner
California Coastal Commission
North Coast Area Office
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

| Post-it™ Fax Note 7671 | Date | # of pages ▶ |
|---|---|---|
| To Jo Ginsberg | From Ron Knight | |
| Co./Dept. | Co. | |
| Phone # | Phone # 916 527-3914 | |
| Fax # 415-904-5400 | Fax # | |

Dear Ms. Ginsberg"

I am writing in support of Julie Verran, regarding her appeal, No. A-1-MEN-97-46. We are co-owners of property at 38848 Sedalia Drive, also known as Lot 27. This lot is located above and at the northerly end of the Riley property. My wife's parents purchased the lot in 1958 and built the current dwelling in 1963-64. For some 39 years, our families have spent quality time there; and would like to continue doing so hopefully with little changes in the area's landscape.

I would like to comment on the three areas of the Appellant's concerns referred to in the staff report.

Visual Impacts

The view from the Sonoma County (Gualala) Regional Park is spectacular, at least in the area of the dwellings along Sedalia Drive. Any large development in the area would diminish the view, increasing the chances of it looking like the town area!!

I agree that the visual impact issue is substantial. Mitigation measures have been proposed. Yet, there seems to be differences of opinion (and facts) between the Mendocino County Board of Supervisors ( trees won't grow there) and Regional Park personnel who state that native trees will grow on the site. Perhaps sufficient information has not yet been made available. If this mitigation effort must be met, then it seems a landscape plan should be completed before approving or denying the appeal.

Geologic Hazards

I do not profess to be a geologist. Yet it concerns me when two professionals, one for the applicant, one for the appellant, present different information about bluff erosion rates. Both seem based on very little documentation. We would expect some expert information as to what development on the lot below us would do to the stability ( or lack thereof) of our property. Perhaps another geology report, with facts and documentation, is in order before a final decision is made.

Public Access

Though not formally designated as prescriptive rights, the County's contention that there is no public access at or onto the subject parcel is simply not true. Staff discussion stating limited use, and then



| EXHIBIT NO. 18 |
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| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| Correspondence |

15a-4

only by neighbors and locals, is also grossly incorrect. On many visits to our property, we most always observe people hiking along the bluffs. People have asked us about access to the bluffs. They are neither neighbors nor locals. There must also be people hiking along the bluffs when we are not there.

Our real concern is access at the north end of Riley's property. Assuming access will be denied at the south end, people will look to other access avenues. The most logical would be access between the houses on Lots 26 & 27 (ours). We have had people ask to access through our property. This is reason enough for us to be less than enchanted with the developement on this long narrow parcel of land.

We have also enjoyed ( all 4 generations of us) fishing on the ledge below the bluff. If such access will no longer be available, we feel some effort should be made by the applicant to control trespass.

We would certainly hope any decision regarding this project be at least deferred until factual information relating to these three areas of concern be presented.

Sincerely,

Ronald S. Knight
308 Breese Avenue
Red Bluff, CA 96080
916-527-3914

| EXHIBIT NO. 18 |
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| APPLICATION NO. A-1-MEN-97-46 |
| RILEY |
| CORRESPONDENCE |