

CALIFORNIA COASTAL COMMISSION

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Filed: October 13, 1999
49th Day: December 1, 1999
Staff: Eric Oppenheimer
Staff Report: November 19, 1999
Hearing Date: December 10, 1999
Commission Action:

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: County of Mendocino

DECISION: Approval with Conditions

APPEAL NO.: A-1-MEN-99-070

APPLICANT: HUGH HATHCOAT

PROJECT LOCATION: Approximately 1,000 feet northwest of the intersection of Highway One and Ocean Drive, 38874 Honey Run Lane, Gualala (Mendocino County).

PROJECT DESCRIPTION: Modify Mendocino County Coastal Development Permit No. CDP 19-94 to authorize construction of a 624-square-foot detached shop/garage on a developed 0.5-acre parcel in Gualala.

APPELLANT: Julie Verran

SUBSTANTIVE FILE DOCUMENTS: Mendocino County CDP File No. 19-94; Mendocino County Local Coastal Program.

SUMMARY OF STAFF RECOMMENDATION: NO SUBSTANTIAL ISSUE

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. These grounds include alleged project inconsistencies with the public notification procedures, visual resource policies, geologic hazard policies, drainage and erosion policies, environmentally sensitive habitat area (ESHA) policies, archaeological resource protection policies, and public access policies contained in the county's certified LCP. The appellant has not raised any substantial or substantive issue with the local government's action and its consistency with the certified LCP.

First the appellant asserts that the County's action is inconsistent with LCP public notification procedures contained in Sec. 20.536.010 of the Coastal Zoning Code that require the County to notify all property owners within 300 feet of the perimeter of the parcel on which the development is proposed. Although it is possible that the County did not notify every landowner within 300 feet, the appellant raises a procedural inconsistency and not a substantial inconsistency of the approved project with certified LCP policies.

The appellant also asserts that the existing house and approved garage would be visually out of character with the existing development in the designated special neighborhood and would be visible from the Sonoma County coastline. Section 3.5-1 of the Coastal Element requires that permitted development be sited and designed to protect public views to and along the ocean and scenic coastal areas, and to be visually compatible with the character of surrounding areas. However, the existing house is not before the Commission in this appeal. Although the approved garage may be visible from the Sonoma County coastline, the degree to which coastal visual resources would be affected is not significant since the LCP allows for new development that is within the character and scope of the existing and proposed development.

The appellant also contends that the approved project is located on or in close proximity to a known active landslide or area of geologic instability. Section 20.500.020(D) of the Mendocino Coastal Zoning Code in part requires that new development avoid, where feasible existing and prehistoric landslides. Contrary to the appellant's contentions, the record does not contain any indication that the project would be located in an unstable area. The appellant has not provided compelling factual or legal information to support the contention that the project is inconsistent with the LCP.

The appellant also contends that the approved project will adversely affect bluff top erosion because the project would involve extending an existing onsite culvert approximately 20 feet closer to the bluff edge. The County has included standard and special conditions in the permit amendment which address potential drainage issues. The County's approval of the project is fully consistent with the policies contained in the LCP given these permit conditions and the fact that the LCP policy language contained in Section 20.492.005 of the Coastal Zoning Code grants the "approving authority" the discretion to determine the extent to which the LCP standards (re. grading, erosion, and runoff issues) should apply to specific projects.

The appellant further contends that the project would be located in a wetland, vernal pool, or sump area and that the project is located on or near a known archaeological site. However, the appellant has not demonstrated that a substantial issue is raised with regard to alleged project inconsistencies with Environmentally Sensitive Habitat Area (ESHA) policies or archaeological resource protection policies contained in the County's certified LCP. The County staff followed standard protocols and strictly adhered to LCP policies in their investigation of potential onsite ESHAs or archaeological resources. There is no evidence in the record that indicates the project would be located in or near an ESHA or an area containing archaeological resources.

Finally, the appellant contends that the approved project would interfere with the public's right to access the shoreline via an existing paved access road easement located adjacent to the project site. However, the existing access road was not subject to the County's action, and no prescriptive rights have been documented or established. Furthermore, even if a prescriptive right has been established on the existing paved access road easement, the approved project would not interfere with the public's right or ability to use the access way.

For all of the above reasons, staff recommends the Commission find that the appeal raises no substantial issue of consistency with the certified LCP. The Motion to adopt the Staff Recommendation of No Substantial Issue is found on Page 5.

STAFF NOTES:

1. Appeal Process.

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603).

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea or within one hundred feet of a wetland or stream or three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff.

Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments, which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access and public recreation policies set forth in the Coastal Act.

The subject development is appealable to the Commission because it is located between the sea and the first public road paralleling the sea.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. Unless it is determined that there is no substantial issue, the Commission would continue with a full public hearing on the merits of the project, which may occur at a subsequent meeting. If the Commission were to conduct a de novo hearing on the appeal, because the proposed development is between the first road and the sea, the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program and with the public access and public recreation policies of the Coastal Act.

The only persons qualified to testify before the Commission on the substantial issue question are the applicant, the appellant and persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing.

2. Filing of Appeal.

The appellant filed an appeal (Exhibit 5) to the Commission in a timely manner on October 13, 1999, within 10 working days of receipt by the Commission on October 12, 1999 of the County's Notice of Final Action.

3. Open and Continue.

Pursuant to Section 30621 of the Coastal Act, an appeal hearing must be set within 49 days from the date an appeal of a locally issued coastal development permit is filed. In accordance with the California Code of Regulations, on October 14, 1999, staff requested all relevant documents and materials regarding the subject permit from the County, to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. These materials were received on October 25, 1999. However, the County permit file information had not been received as of the day of the mailing of staff reports to the Commission and interested parties on October 15, 1999. Thus, the requested information was not received in time for the staff to review the information for completeness or prepare a recommendation on the substantial issue question for the Commission's November meeting agenda. Consistent with Section 13112 of the California Code of Regulations, since the Commission did not timely receive the requested documents and materials, the Commission opened and continued the hearing during the November Commission meeting.

I. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

Pursuant to Section 30603(b) of the Coastal Act and as discussed in the findings below, the staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. The proper motion is:

MOTION:

I move that the Commission determine that Appeal No. A-1-MEN-99-070 raises NO substantial issue with respect to the grounds on which the appeal has been filed pursuant to Section 30603 of the Coastal Act.

Staff recommends a YES vote. To pass the motion, a majority vote of Commissioners present is required. Approval of the motion means that the County permit action is final and effective.

II. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares:

A. APPELLANT'S CONTENTIONS

The Commission received an appeal of the County of Mendocino decision to approve the project from Julie Verran. The project as approved by the County through the modification of a coastal development permit is for the construction of a 624-square-foot detached shop/garage on a developed 0.5-acre parcel in Gualala.

The appellant's contentions are summarized below and the full text of the appellant's contentions as submitted to the Commission is included in Exhibit 5. Many of the contentions are repeated in somewhat different form in the various referenced documents. For purposes of the analysis, staff has summarized and consolidated the contentions into the general categories below. The contentions allege that the appealed project, as approved by the County, is inconsistent with policies contained in the certified LCP.

1. Project impacts on water quality

The appellant contends that the project as approved may adversely affect water quality because surface water runoff could intercept chemicals stored in the proposed shop/garage and contaminate sensitive downstream water bodies.

2. Project consistency with LCP public notification procedures

The appellant contends that the project as approved is inconsistent with LCP policies that require the County's Coastal Permit Administrator to notify all of the property owners within 300 feet of the boundaries of the parcel on which the project is proposed.

3. Project consistency with LCP visual resource protection policies

The appellant contends that the Mendocino County approval is inconsistent with a number of LCP policies on visual resources and special neighborhoods. The appellant cites policies that indicate that the projects located within designated special neighborhoods must be protected to the extent that new development shall remain within the scope and character of the existing development. The appellant contends that the approved project is not in character with the existing development.

The appellant further contends that the project as approved is inconsistent with LCP policies requiring protection of views to and along the ocean and scenic coastal areas because the project would be visible from Sonoma County. The appellant also contends that if the existing vegetation that currently screens the location of the proposed garage were to die the project would become more visible.

4. Project consistency with LCP hazard area policies

The appellant contends that the project as approved is inconsistent with LCP policies that relate to hazard management. The appellant raises concerns that the project will exacerbate an existing known landslide. The appellant cites LCP policies that require new development to be sited to minimize risks to life and property in areas of high geologic activity and that new development avoid existing and prehistoric landslides. The appellant also refers to a geologic evaluation (Exhibit 5, pages 35-44), that was prepared on her behalf, in support of the contentions regarding the project's inconsistency with LCP hazard area policies.

The appellant further contends that the existing access road/easement exceeds CDF slope standards for roads and therefore the existing road may be unstable and the project if approved would set an undesirable precedence for future use of an existing unstable access road/easement.

5. Project consistency with LCP grading, erosion and runoff policies

The appellant contends that the project as approved would result in accelerated bluff erosion because the project would involve extending an existing culvert approximately 20 feet closer to the bluff edge. The appellant references LCP policies regarding surface and subsurface drainage that require development landward of a bluff top parcel to be constructed to ensure that surface and subsurface drainage not contribute to erosion or instability of the bluff.

6. Project consistency with LCP Policies governing the use of Environmentally Sensitive Habitat Areas (ESHAs)

The appellant contends that the approved project may be located in a wetland, vernal pool, or sump area. The appellant does not reference any LCP policies regarding ESHAs in the

appeal. However, the LCP does contain ESHA protection provisions which in part require that the County's Coastal Permit Administrator review development projects to ensure ESHA protection.

7. Consistency with LCP archaeological resource protection policies

The appellant contends that the project as approved would be located in close proximity or on top of a known archaeological site. The appellant cites general LCP policies which in relevant part state that the County shall review all development permits to ensure that proposed projects will not adversely affect archaeological resources.

8. Consistency with LCP shoreline access policies

The appellant contends that the project as approved may be inconsistent with LCP policies that pertain to shoreline access because the project could interfere with public easements or prescriptive rights.

B. LOCAL GOVERNMENT ACTION

On August 26, 1999, the County of Mendocino Coastal Permit Administrator considered a request to modify Coastal Development Permit CDP#19-94(M) to allow the construction of a 624-square-foot detached shop/garage on a developed 0.5-acre parcel in Gualala. The Coastal Permit Administrator public hearing was continued to September 23, 1999, so that County staff could address issues raised by the appellant (Julie Verran) during the August 26, 1999 hearing. The issues raised during the August 26, 1999 hearing included concerns that the project's existing access road is too steep, the proposed garage site is a sump area and the project may affect drainage conditions, and the project would impact views from Sonoma County. During the continuance period, County staff consulted the Mendocino County Department of Transportation, the Sonoma County Park District, and the Mendocino County Building Division to evaluate the issues raised by Julie Verran. On September 23, 1999, the Coastal Permit Administrator approved with conditions a modification to Coastal Development Permit CDP#19-94(M). Special Condition #2, requiring that *"prior to issuance of the coastal permit, the applicant shall submit a drainage and/or erosion control plan to the Building Division which address the design of the culvert extension and erosion control measures necessary to protect the proposed structure and surrounding property,"* was added to the coastal development permit to address the appellant's concerns regarding potential drainage impacts.

The County then issued a Notice of Final Action on the coastal development permit, which was received by Commission staff on October 12, 1999 (Exhibit 4). The project was appealed to the Coastal Commission in a timely manner on October 13, 1999, within the 10-working day appeal period. On October 14, 1999, staff requested all relevant documents and materials regarding the subject permit from the County; these materials were received on October 25, 1999.

C. PROJECT SETTING AND DESCRIPTION, AND HISTORY.

The subject property is located on the west side of Highway One, approximately 1,000 feet northwest of Ocean Drive in Gualala, on the West side of Honey Run Lane at 38874 Honey Run Lane. The project site is located on a previously developed 0.5-acre parcel zoned Rural Residential RR-5. The existing onsite development consists of a 2,530-square-foot, two story single family residence with an average height of 34 feet and 577-square-foot detached garage. The existing residence was authorized and constructed pursuant to Mendocino County CDP #19-94.

The proposed project subject to this appeal involves modifying CDP #19-94 to allow the construction of 624-square-foot detached shop/garage. The structure would have a maximum height of 14 feet and would be clad with horizontal lapped siding to match the existing residence and stained gray in color. The roofing material would be black composition shingle, which would also match the existing residence. The proposed structure would be located 16 feet west (seaward) of the existing residence and 23 feet from the property boundary. The proposed structure would be located approximately 150 feet from the bluff edge. The project would not involve the removal of any vegetation or the construction of any new roads. The project as proposed would be in conformance with all setbacks established in the Coastal Zoning Code.

D. SUBSTANTIAL ISSUE ANALYSIS.

Section 30603(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

As discussed below, one of the contentions raised in the appeal does not present potentially valid grounds for appeal in that it does not allege the project's inconsistency with policies and standards of the certified LCP or public access policies of the Coastal Act. The remaining contentions present potentially valid grounds for appeal in that they allege the project's inconsistency with policies and standards of the certified LCP.

1. Appellant's Contentions That Are Valid Grounds for Appeal.

All of the contentions raised in this appeal except one present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP or with the public access policies of the Coastal Act. However, the Commission finds that these contentions do not raise a substantial issue, for the reasons discussed below.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal

unless it determines:

With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Cal. Code Regs., tit. 14, section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development as approved by the County raises no substantial issue.

a. **Project consistency with LCP public notification procedures**

The appellant contends that the project is inconsistent with Coastal Zoning Code Section 20.536.010 because the County did not notify all of the property owners within 300 feet of the proposed project.

LCP policies

Section 20.536.010 of the Mendocino Zoning Code in part states that:

The purpose of this section is to provide for the issuance of coastal development permits for those types of development projects which are not administrative or emergency permits.

Section 20.536.010(D), **Notice**, states in applicable part:

At least ten (10) calendar days prior to the first public hearing on the development proposal, the Coastal Permit Administrator shall provide notice by first class mail of a pending application for a development subject to this section. This notice shall be provided to each applicant, to all persons who have requested to be on the mailing list for that development project or for coastal decisions, to all property owners within three hundred (300) feet of the perimeter of the parcel on which the development is proposed, to all occupants of property within one hundred (100) feet of the perimeter of the parcel on which the development is proposed, and to the Coastal Commission.

Discussion: The appellant asserts that the county did not notify all of the property owners within 300 feet of the perimeter of the parcel on which the development is proposed, and that failure to notify all of these property owners is inconsistent with the LCP notification policies. As stated above, the LCP does contain policies requiring that the County's Coastal Permit Administrator to notify all property owners within 300 feet of the perimeter of the parcel on which the development is proposed. Although it is possible that the County did not notify every landowner within 300 feet, the County did make a documented effort to notify these landowners. Regardless of whether or not every landowner was notified, the contention raises a procedural inconsistency and not a substantial or substantive inconsistency of the approved project with the certified LCP. The contention thus raises a local issue relevant to this project and not an issue of regional significance since the County has LCP notification policies in place and the County's decision to approve the permit would not influence the existing LCP standards that include notification provisions. Furthermore, the Commission notes that it's own hearing on this appeal has provided additional opportunities for interested parties to provide comments on the project. With the exception of the appellant's comments, the only comments received (Exhibit 8) regarding the appeal as of the date of the staff report have been in favor of the project.

Therefore, the Commission concludes that the appeal raises no substantial issue with respect to conformance of the County's approval with the certified LCP.

b. Project consistency with LCP visual resource protection policies

The appellant contends that the project as approved is inconsistent with Coastal Element Policy 3.5-1 because the project would be visible from Sonoma County. The appellant also contends that if the existing vegetation that currently screens the location of the proposed structure were to die, the project would become more visible..

The appellant further contends that the project as approved is inconsistent with the Coastal Zoning Code Policy 20.504.020(C) because the project would be aesthetically out of character with the existing development in the surrounding special neighborhood.

LCP policies

LUP Policy 3.5-1 states in applicable part:

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

Section 20.504.010 of the Mendocino Zoning Code states:

The purpose of this section is to insure 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, restore and enhance visual quality in graded areas. (Ord. No. 3785 (part), adopted 1991)

Section 20.504.020 of the Mendocino Zoning Code, **Special Communities and Neighborhoods**, states in relevant part:

(B) The communities and service centers, designated as CRV or CFV, of Westport, Casper, Albion, Elk and Manchester, and the additional areas of Little River, Anchor Bay and Gualala, as described below, shall have special protection as set forth 20.504.020(C): (emphasis added)

(C) Development Criteria

(1) The scale of new development (building height and bulk) shall be within the scope and character of existing development in the neighborhood.

(2) New development shall be sited such that public coastal views are protected

(3) The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area.

Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history been substantiated, and only minor alterations been made in character with the original architecture.

(4) Building materials and exterior colors shall be compatible with those of existing structures.

(D) The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the

character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas.

Discussion: As stated above, the LCP requires that permitted development be sited and designed to protect public views to and along the ocean and scenic coastal areas, and to be visually compatible with the character of surrounding areas. The approved project is not located in a designated Highly Scenic Area (HSA), would not be visible from Highway One and would not affect or interfere with any public views to the ocean. However, the approved project may be visible from the Gualala Point Regional Park and its public beach in Sonoma County. The project as viewed from the Sonoma County coast would be seen as a distant small building among larger buildings in an existing well-vegetated neighborhood located above an exposed coastal terrace (Exhibit 6). The approved structure would be almost completely screened by existing vegetation. Even if the existing vegetation were to die, the exposed portion of the garage would blend in with the existing house and neighborhood. In addition the approved development has been designed to match the existing onsite structures. The appellant's assertion that the existing residence is not visually consistent with the surrounding neighborhood is not a relevant issue since the existing development is not the subject of the County's action or this appeal.

The appellant's contention only raises a local issue, as the approved project represents infill development within an existing subdivision, would not appreciably affect the view from Sonoma County or from any public view point, and would only be noticeably visible from within the neighborhood. The extent and scope of the development as approved by the County is not significant with respect to the development's potential impacts on visual resources since the project only involves the construction of a 624-square-foot garage in area of existing larger residences. Similarly, the project does not set a negative precedence for future interpretations of the LCP because there are already many residential projects in the surrounding area that affect visual resources to a greater degree.

Therefore, the Commission finds that no substantial issue is raised with regard to the provisions of LUP policies 3.5-1 and Zoning Code sections 20.504.010 and 20.504.020 that call for new development to be sited and designed to protect public views to and along the ocean and scenic coastal areas, be visually compatible with the character of surrounding areas, and protect the character of designated Special Neighborhoods.

c. Project consistency with LCP hazard area policies

The appellant contends that the project as approved is inconsistent with Section 3.4 of the Coastal Element in the General Plan and with LCP policy 20.500.020(D) in the Coastal Zoning Code because the project is in close proximity to a known landslide. The appellant further contends that the existing access road/easement exceeds CDF slope standards for roads and therefore the existing road may be unstable and the project if approved would set an undesirable precedence for future use of an existing unstable access road/easement. The appellant has submitted a geologic map and a geologic evaluation (Exhibit 5, pages 35-44)

prepared on her behalf, to support the contention that the project is inconsistent with LCP policies.

LCP policies

LUP Section 3.5-1 states in applicable part:

Definitions

Geologic hazards are defined by the LCP manual to include the following:

- *seismic hazard areas delineated on fault maps as subject to potential surface rupture, on soil maps indicating materials particularly prone to shaking or liquefaction, and in local and regional seismic safety plans;*
- *tsunami (seismic sea wave) runup areas identified on U.S. Army Corps of Engineers 100-year recurrence maps, by other scientific or historic studies, and other known areas of tsunami risk;*
- *landslide hazard areas delineated on slope stability maps and in local and regional geologic or safety plans;*
- *beach areas subject to erosion; and*
- *other geologic hazards such as expansive soils and subsidence areas.*

Hazards Issues

Landsliding. The main factors contributing to landslides are loose or weakly consolidated rock or soils, steep slopes, and water. Human influences include septic tank systems, excessive irrigation, and poorly constructed or incorrectly graded cuts and fills. The potential for landslides is high in most of the coastal zone; slides most frequently occur along road cuts, steep valleys and stream canyons, and along coastal cliffs. They are particularly common in the San Andreas fault zone along the Garcia and Gualala Rivers.

Section 20.500.020(D) of the Mendocino Coastal Zoning Code, **Geologic Hazards-Siting and Land Use Restrictions**, states in relevant part:

- (1) *New development shall avoid, where feasible existing and prehistoric landslides. Development in areas where landslides cannot be avoided shall also provide for stabilization measures such as walls, drainage improvements and the like. These measures shall only be allowed following a full environmental, geologic and engineering pursuant to Chapter 20.532 and upon a finding that no feasible, less environmentally damaging alternative is available.*

Discussion: The geologic evaluation that was submitted in support of the appellant's contentions in part addresses the local rates and patterns of cliff retreat, sea cliff stability, seismic hazards, and the effects of concentrated surface flows and subsurface discharges on the sea cliff area seaward of 38864 Sedalia Drive. It appears that the appellant's geologic evaluation was prepared to assess the potential impacts of a completely different project located in the vicinity of the proposed project. Although some of the findings in the geologic evaluation may be generally relevant to all projects in the vicinity of the proposed project, the report does not specifically address or evaluate the conditions of the subject site or approved structure. Furthermore, the Department of Conservation geologic map that was submitted by the appellant is inconclusive with respect to evaluating the approved developments potential impact on geologic stability.

The staff report prepared by the County for the coastal development permit states that the approved development would be located on slopes which are less than 20 percent and the development does not present any issue relevant to erosion and/or slope failure. The staff report also states that there are no known faults, landslides or other geologic hazards in close proximity to the approved development. The approved structure would be located approximately 150 feet from the bluff edge and would not be located on the bluff top. There is no evidence in the record that indicates that the proposed structure would be built on or near an area of geologic instability. The significance of the coastal resource issue raised regarding hazard areas is not substantial because the approved project is not located on a bluff top, there are intervening parcels between the subject property and the bluff edge, and the slope of the subject site is relatively low.

The Commission therefore concludes that the appeal raises no substantial issue with respect to conformance of the approved project with LCP provisions pertaining to hazard area and hazard management.

d. Project consistency with LCP Grading, Erosion and Runoff Policies

The appellant contends that the project as approved is inconsistent with LCP policy 3.4-9 of the Coastal Element in the General Plan and with chapter 20.492 of the Coastal Zoning Code because the project involves the 20-foot extension of an existing culvert. The appellant asserts that extending the culvert closer to the bluff edge will increase the rate and intensity of bluff erosion.

LCP policies

LUP policy 3.4-9 states:

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.

Chapter 20.492 of the Mendocino Zoning Code in relevant part states:

Sec. 20.492.005 Purpose and Applicability.

The approving authority shall review all permit applications for coastal developments to determine the extent of project related impacts due to grading erosion and runoff. The approving authority shall determine the extent to which the following standards should apply to specific projects, and the extent to which additional studies and/or mitigation are required, specifically development projects within Development Limitations Combining Districts. (emphasis added)

Sec. 20.492.010 Grading Standards.

(A) Grading shall not significantly disrupt drainage patterns and shall not significantly increase volumes of surface runoff unless adequate measures are taken to provide for the increase in runoff.

Sec. 20.492.015 Erosion Standards.

(A) The erosion rate shall not exceed the natural or existing level before development.

Sec. 20.492.025 Erosion Standards.

(E) Provisions shall be made to infiltrate and/or safely conduct surface water to storm drains or suitable watercourses and to prevent surface runoff from damaging faces of cut and fill slopes.

Discussion: As indicated above the approved project involves extending an existing onsite culvert approximately 20 feet past the location of the proposed structure, and consequently 20 feet closer to the bluff edge. The existing culvert currently collects drainage from upgradient subdivision areas and discharges to an unprotected grassy area in the vicinity of the proposed project site. Based on the information provided by the County, it appears that the culverts discharge point as extended would be least 130 feet from the bluff edge.

During the project review period, County planning staff consulted the County Building Division with regard to the proposed projects potential impact on drainage and erosion. The County's Senior Building Inspector stated that the culvert must stay out of the "45 degree bearing area" and have an erosion control plan for the runoff generated from the culvert. In response to the appellant's concerns, consultation with the Building Division, and the requirements of LCP policies, the County Coastal Permit Administrator added Special Condition #2 to the coastal development permit modification. Special Condition #2 requires that "*prior to issuance of the coastal permit, the applicant shall submit a drainage and/or erosion control plan to the Building Division which addresses the design of the culvert extension and erosion control measures necessary to protect the proposed structure and surrounding property.*" The County's approval of the project is fully consistent with the policies contained in the LCP given Special Condition #2 and the fact that the LCP policy language contained Sec. 20.492.005 grants the "approving authority" the discretion to determine the extent to which the LCP standards (re. grading, erosion, and runoff issues) should apply to specific projects.

The scope and extent of the proposed project is not substantial, in so far as it affects drainage and erosion, given that the project will only slightly modify the location of an existing culvert and will not change the volume of discharge from the culvert. Additionally, the appeal only raises a local issue with regard to LCP erosion, grading and runoff policies, as the proposed project represents a discrete implementation of existing policy and the County's action would not influence these existing regional policies. The Commission also notes that the project as approved provides an opportunity to improve an existing potential drainage/erosion problem by incorporating drainage and erosion controls into the project design. The Commission therefore concludes that the appeal raises no substantial issue with respect to conformance of the approved project with LCP provisions regarding drainage, erosion and runoff.

e. Project consistency with LCP Policies governing the use of Environmentally Sensitive Habitat Areas (ESHAs)

The appellant contends that the County's action is inconsistent with ESHA policies contained in the certified LCP because the project as approved may be located in a wetland, vernal pool, or sump area.

LCP policies

Chapter 20.496 of the Mendocino Zoning Code, **Environmentally Sensitive habitat and other resource areas**, in relevant part states:

Sec. 20.496.005 Applicability. This Chapter shall apply to all development proposed in the Coastal Zone unless and until it can be demonstrated to the approving authority that the projects will not degrade an environmentally sensitive habitat or resource area and shall be compatible with the continuance of such areas. While symbols denoting habitat and resource areas appear on Land Use Maps, field investigations and review the Department of Fish and Game Data Base may be required prior to a determination of the applicability of this Chapter.

Sec. 20.496.010 Purpose. The purpose of this Chapter is to ensure that environmentally sensitive habitat and other designated resource areas listed on Pages 39, 40 and 41 of the Coastal Element dated November 5, 1985, which constitute significant public resources are protected for both the wildlife inhabiting them as well as the enjoyment of present and future populations.

Environmentally Sensitive Habitat Areas (ESHA's) include: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation which contain species of rare or endangered plants and habitats of rare and endangered plants and animals.

Sec. 20.496.015 ESHA-Development Application Procedures

(A) Determining the Extent of ESHA. *The Coastal Permit Administrator shall review, with the assistance of land use maps, all permit applications for coastal development to determine whether the project has the potential to impact an ESHA.*

Discussion: The appellant's contention that the project may be located on a wetland, vernal pool, or sump area appears to be speculative and unfounded. Pursuant to Coastal Zoning Code policies and Planning Department protocol, the County consulted land use maps and the California Department of Fish and Game's Natural Diversity Data Base to determine whether the project site could potentially contain ESHAs. County planning staff also conducted a site visit and did not find any evidence of wetland, vernal pool, or sump areas. Furthermore, during the permit review period the application was referred to the County Department of Transportation for review and comment regarding potential drainage and sump area issues. The County Department of Transportation stated in their referral dated September 20, 1999 that "the proposed project does not appear to be located in a sump area."

The appellant has not provided any evidence that the site may contain any ESHAs and there is no indication in the record that the project site contains any wetland, vernal pool, or sump areas. Given that there is no evidence to suggest there is any resource effected, the decision would not affect an ESHA resource of any significance.

The Commission therefore concludes that the appeal raises no substantial issue with respect to conformance of the approved project with LCP policies regarding ESHA identification and protection.

f. Consistency with LCP archeological resource protection policies

The appellant contends that the project as approved is inconsistent with LCP policies contained in chapter 3.5 of the Coastal Element because the project site is located in close proximity or on top of a known archeological site and project construction could potentially impact archeological resources.

LCP policies

LUP Chapter 3.5 states in applicable part:

Coastal archaeological sites and areas subject to archaeological surveys have been mapped by the California Archaeological Sites Survey, and the data is kept in the Cultural Resources Facility, Sonoma State University. ... At present, residential development, public access and timber harvesting appear to be the principle sources of destruction of archaeological sites.

LUP policy 3.5-10 states:

The County shall review all development permits to ensure that proposed projects will not adversely affect existing archaeological and paleontological resources. Prior to approval of any proposed development within an area of known or probable archaeological or paleontological significance, a limited field survey by a qualified professional shall be required at the applicant's expense to determine the extent of the resource. Results of the field survey shall be transmitted to the State Historical Preservation Officer and Cultural Resource Facility at Sonoma State University for comment. The County shall review all coastal development permits to ensure that proposed projects incorporate reasonable mitigation measures so the development will not adversely affect existing archaeological/paleontological resources. Development in these areas are subject to any additional requirements of the Mendocino County Archaeological Ordinance.

Discussion: The appellant has provided photographs and other documentation indicating that the Robinson Landing and other historic and/or archeological sites exist in the general vicinity of the proposed project. However, the contentions are irrelevant because the appellant has not provided any specific information or evidence indicating that archeological sites or artifacts exist on the approved project site.

The original coastal development permit that was issued by the County for the existing residence states that there are no known archaeological and paleontological resources on the project site. Consistent with LCP provisions, the initial application was referred to the Northwest Information Center of the California Archaeological Inventory at Sonoma State University. Staff at the center conducted a records search and found that the project area has the possibility of containing archaeological resources. The Mendocino County Archaeological Commission reviewed the referral from the Archaeological Inventory and determined that an archaeological survey was not necessary. Therefore, the degree of factual evidence in support of the County's decision is high.

Additionally, the coastal development permit modification, subject to this appeal, contains an archaeological discovery clause as a standard condition. This standard condition states in part that " *if any archaeological sites or artifacts are discovered during excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services.*"

The record documents the County's investigation of potential archeological resources and supports the County's determination that the proposed project would not affect archaeological resources. The Commission therefore concludes that the appeal raises no substantial issue with respect to conformance of the approved project with LCP archaeological resources policies.

g. Consistency with LCP shoreline access policies

The appellant contends that the project as approved may be inconsistent with LCP policies contained in chapter 3.6 in the Coastal Element because public access or a prescriptive right may have been established on the existing paved access road that will serve the proposed

development. The appellant also asserts that a publicly used trail was destroyed when the paved access road was constructed in 1991.

LCP policies

LUP Chapter 3.6 states in applicable part:

3.6-27 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.

Discussion: The existing paved access road was not a subject of the County's action and is not subject to this appeal. The project site is located west of Highway one, but it is not a bluff top site and it is not designated as a potential public access trial location on the County's LUP maps. The record does not contain any evidence of prescriptive rights on the property. Even if a prescriptive right has been established along the existing paved access road easement, the County's action and the proposed project would not affect the public's right or ability to use the access way. The extent and scope of the development is small and given its size and location it does not have the potential to impact public access. The project would not set precedence for future interpretation of LCP shoreline accesses policies because the County and the Commission have already reviewed and approved other larger residential developments in the vicinity, including the Riley project, that have also utilized the same access road and have adopted findings that those projects and the use of the access road will not affect public access.

The Commission therefore concludes that the appeal raises no substantial issue with respect to conformance of the approved project with LCP shoreline access policies.

2. Appellant's Contentions That Are Not Valid Grounds for Appeal

a. Project impacts on water quality:

The appellant's contention that the project may adversely affect water quality because surface water runoff could intercept chemicals stored in the proposed shop/garage and contaminate sensitive downstream water bodies is not valid grounds for appeal.

Discussion: The Commission notes that indoor covered storage of chemicals, as opposed to outdoor storage, is considered a Best Management Practice (BMP) for water quality protection because any spillage from the stored chemicals would not be washed into nearby surface waters by stormwater. Therefore, the project would actually reduce the likelihood of water contamination since it would facilitate indoor storage of vehicles and chemicals.

Moreover, Coastal Act Section 30603(b)(1) specifically limits the grounds for appeal to the question of whether the proposed development conforms to the public access and public recreation policies of the Coastal Act and to the standards of the certified local coastal program as it stands. The certified LCP does not contain any policies that are relevant to the appellant's contention related to the projects impact on water quality. In its action in September of 1999 to certify the Gualala Town Plan as an amendment to the County's LCP (LCP Amendment No. 2-98), the Commission adopted suggested modifications that would (1) add a policy to the Land Use Plan requiring that new development maintain and where feasible enhance water quality and (2) a standard to the Coastal Zoning Ordinance that would mandate the use of best management practices to mitigate water pollution from nonpoint sources. However, the County has not yet had the opportunity to act on whether to accept the suggested modifications and the Gualala Town Plan amendment is not yet effective. Therefore, the Commission finds that this contention is not valid grounds for appeal as the contention does not allege an inconsistency for the project as approved with a policy or standard of the currently effective LCP.

3. Conclusion

The Commission finds that, for the reasons stated above, that the appeal raises no substantial issue with respect to conformance of the approved project with the certified LCP.

EXHIBITS:

1. Regional Location Map
2. Site Location Map
3. Site Plan and Elevations
4. Notice of Final Action and Findings and Conditions of Approval [October 6, 1999]
5. Appeal to Commission, October 13, 1999 (with subsequent addendum's and photographs)
6. Project proponents photographs
7. Appeal reference: Original County Staff Report on 1994 Hathcoat project
8. Correspondence

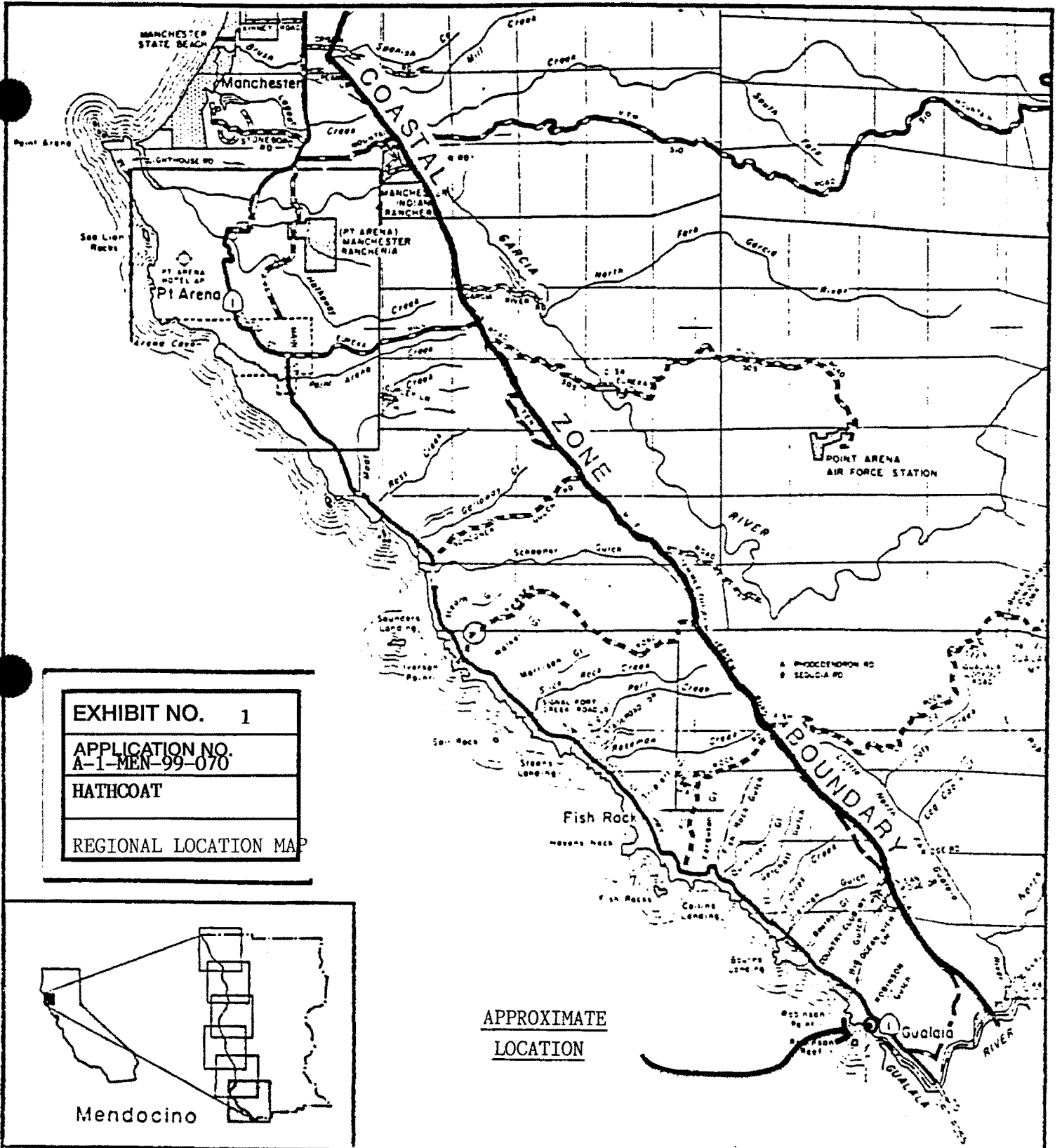
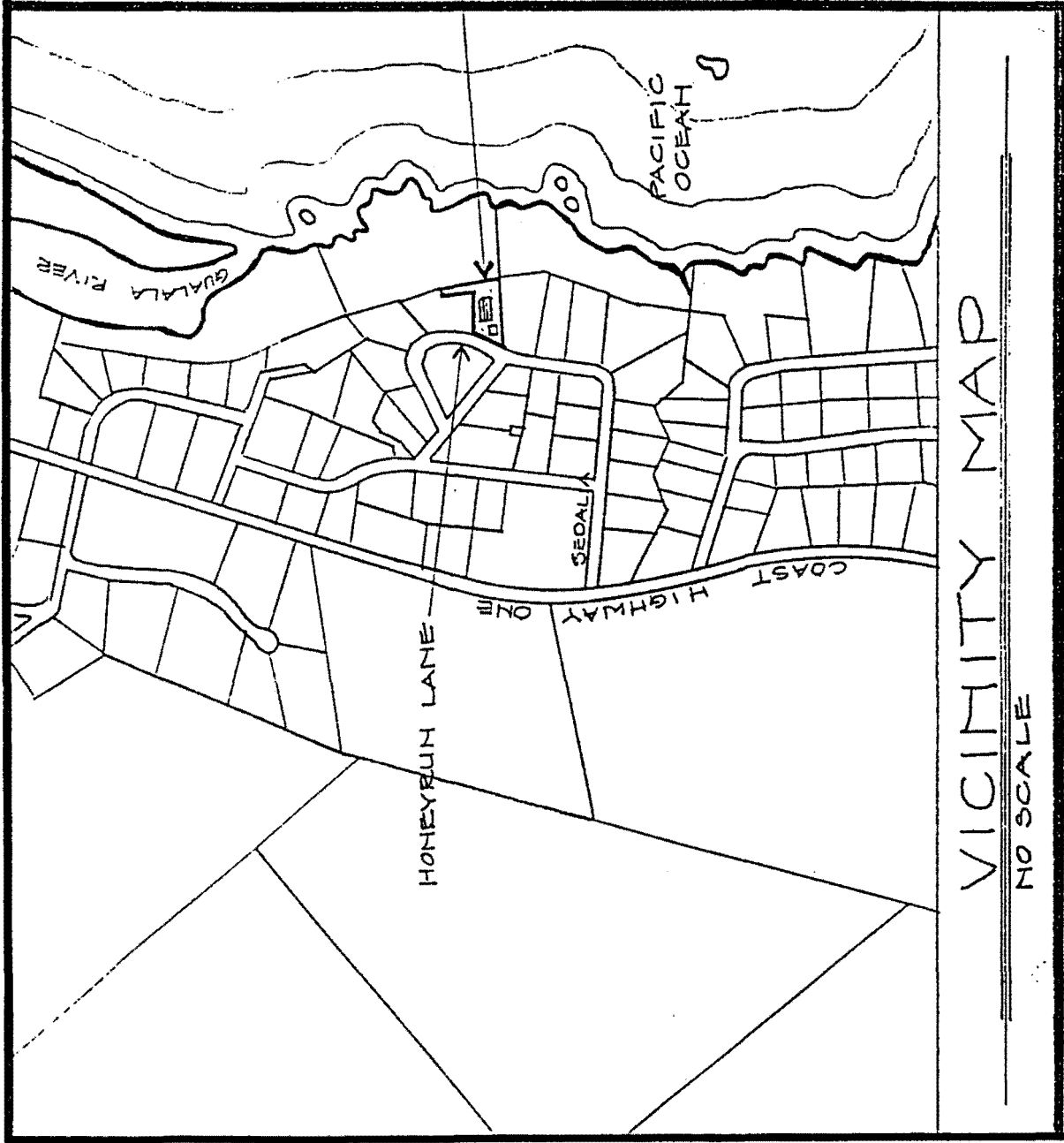


EXHIBIT NO. 2
APPLICATION NO. A-1-MEN-99-070
Hathcoat
Site Location Map

SUBJECT PROPERTY



VICINITY MAP

NO SCALE



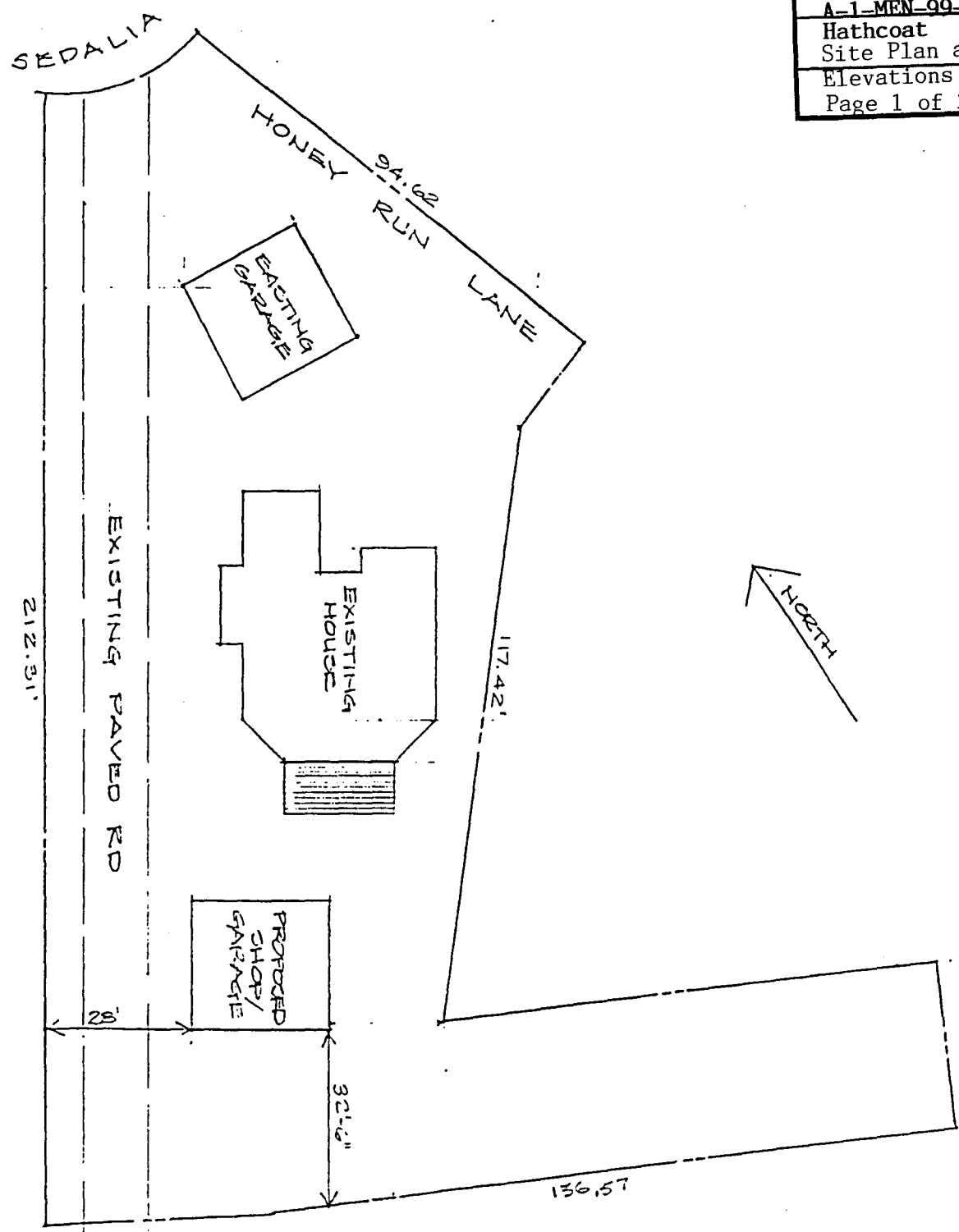
COUNTY OF MENDOCINO

PLOT PLAN
BUILDING INSPECTION DIVISION

JOB ADDRESS 38874 HONEY RUN ASSESSOR'S PARCEL NO. 145-191-11 APPLICATION NO. _____

TOWN OF COMMUNITY GUALALA OWNER'S (LEGAL) NAME HUGH HATHCOAT

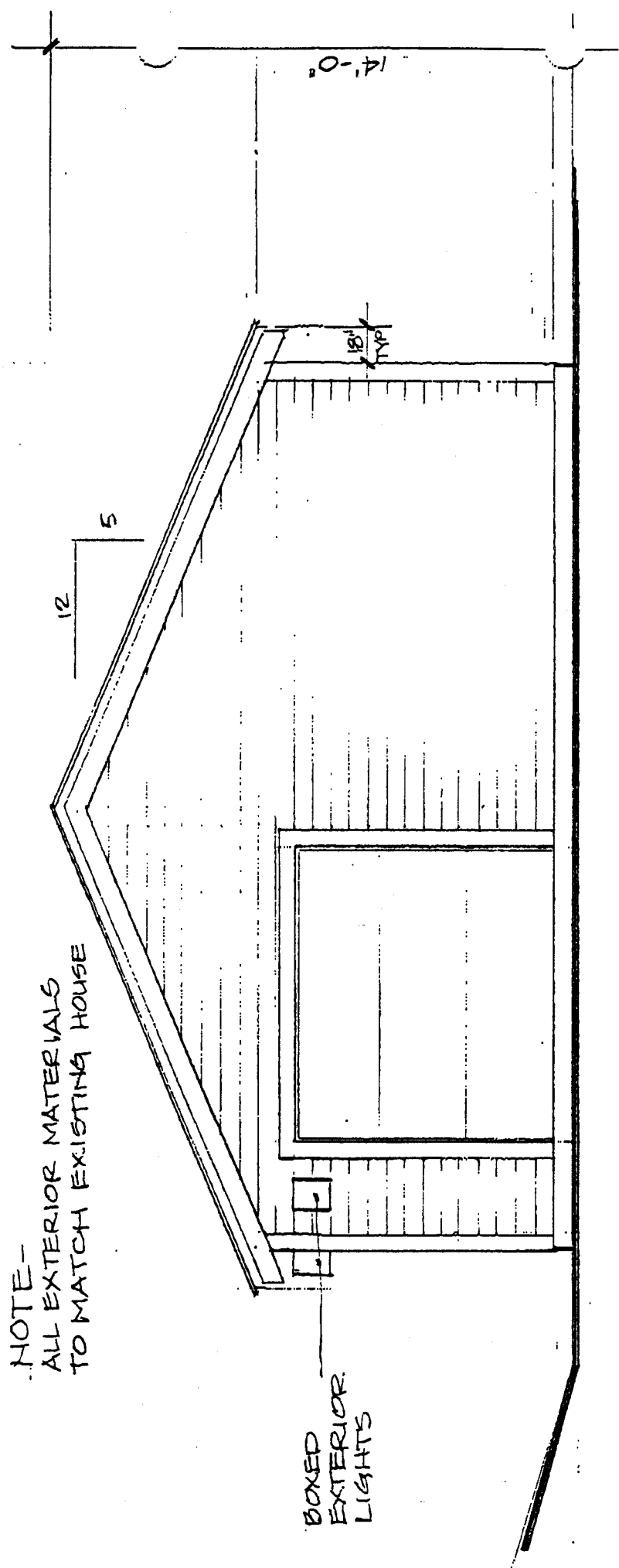
EXHIBIT NO.	3
APPLICATION NO.	A-1-MEN-99-070
Hathcoat	
Site Plan and	
Elevations	
Page 1 of 3	



SITE PLAN

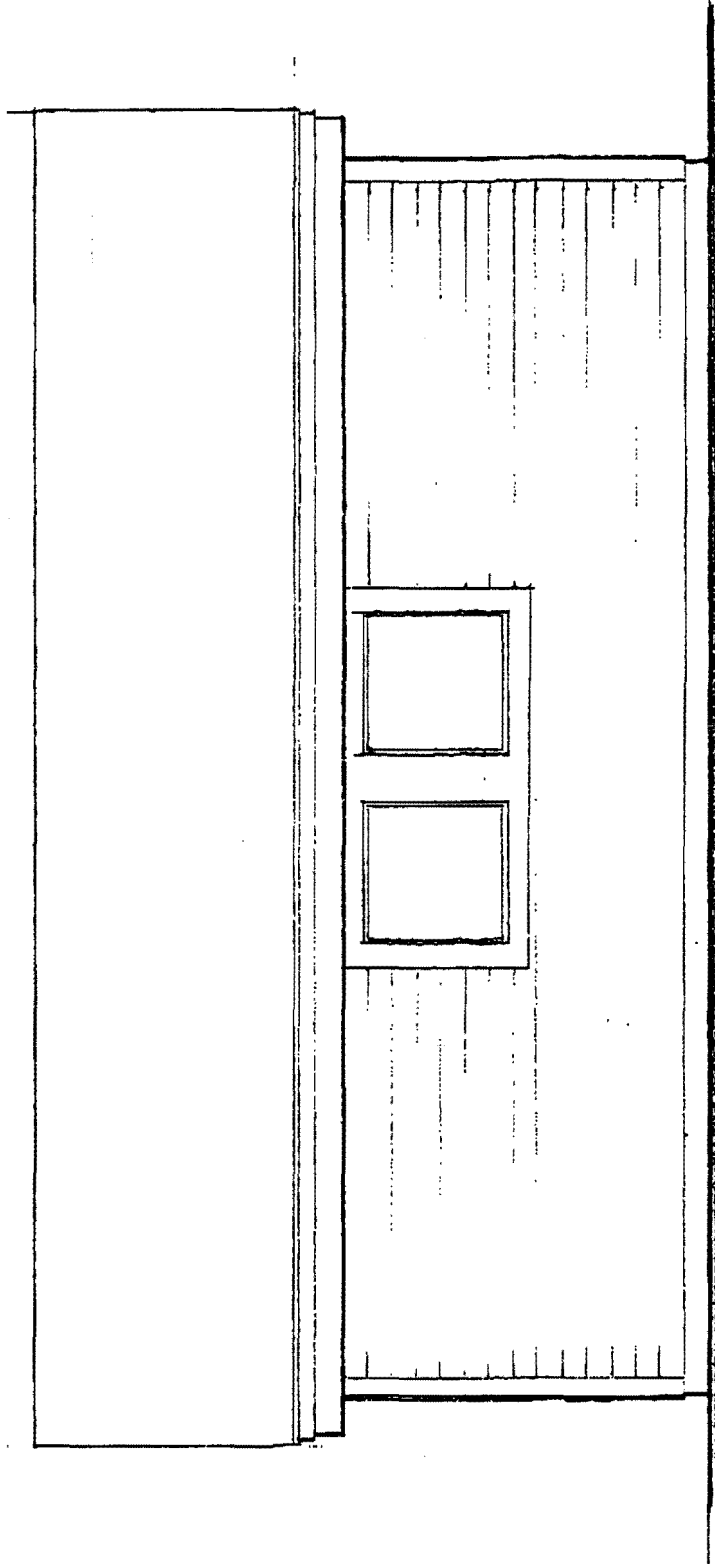
30'

NOTE-
ALL EXTERIOR MATERIALS
TO MATCH EXISTING HOUSE



WEST ELEVATION

1/4" = 1'-0"



SOUTH ELEVATION

1/4" = 1'-0"



101EN-99-361

RAYMOND HALL
DIRECTOR

TELEPHONE
(707) 964-5379

COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

MAILING ADDRESS:
790 SO. FRANKLIN
FORT BRAGG, CA 95437

October 6, 1999

NOTICE OF FINAL ACTION

Action has been completed by the County of Mendocino on the below described project located within the Coastal Zone.

CASE#: CDP #19-94(M)
OWNER: Hugh Hathcoat
AGENT: Paul Styskal
REQUEST: Modify Coastal Development Permit #19-94 to construct a 624 square foot detached shop/garage.
LOCATION: W side of Highway One approximately 1,000 feet NW of the intersection of Highway One and Ocean Drive (CR #523), W side of Honey Run Lane at 38874 Honey Run Lane, Gualala (APN 145-191-11).
PROJECT COORDINATOR: Rick Miller

HEARING DATE: September 23, 1999

APPROVING AUTHORITY: Coastal Permit Administrator

ACTION: Approved with Conditions.

See staff report for the findings and conditions in support of this decision.

The project was not appealed at the local level.

The project is appealable to the Coastal Commission pursuant to Public Resources Code, Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.

EXHIBIT NO.	4
APPLICATION NO.	A-1-MEN-99-070
Notice of Final Actions & Findings & conditions of Approval 10/6/99	

RECEIVED
OCT 08 1999
CALIFORNIA
COASTAL COMMISSION

COASTAL PERMIT ADMINISTRATOR ACTION SHEET

CASE#: CDP #19-94(M)

HEARING DATE: 9/23/99

OWNER: Hathcoat

ENVIRONMENTAL CONSIDERATIONS:

Categorically Exempt

Negative Declaration

EIR

FINDINGS:

Per staff report

Modifications and/or additions

ACTION:

Approved

Denied

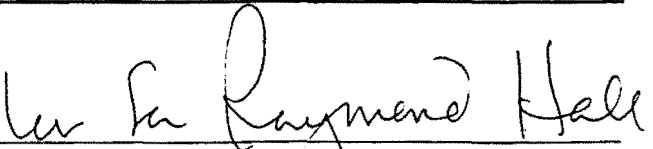
Continued _____

CONDITIONS:

Per staff report

Modifications and/or additions

Add Special Condition #2 as follows: "Prior to issuance of the coastal permit, the applicant shall submit a drainage and/or erosion control plan to the Building Division which addresses the design of the culvert extension and erosion control measures necessary to protect the proposed structure and surrounding property."


Signed: Coastal Permit Administrator

COASTAL PERMIT ADMINISTRATOR ACTION SHEET

CASE#: CDP #19-94(M)

HEARING DATE: 8/26/99

OWNER: Hathcoat

ENVIRONMENTAL CONSIDERATIONS:

Categorically Exempt

Negative Declaration

EIR

FINDINGS:

Per staff report

Modifications and/or additions

ACTION:

Approved

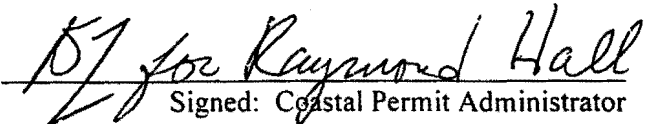
Denied

Continued to September 23, 1999, Coastal Permit Administrator hearing to address issues raised by J. Verran at this hearing. Rick Miller to refer the project to DOT and Sonoma County Parks. Rick Miller to consult with the Building Division regarding drainage and building site. Rick Miller to review claim of prescriptive access.

CONDITIONS:

Per staff report

Modifications and/or additions


Signed: Coastal Permit Administrator

STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 19-94 (M)
August 26, 1999
CPA-1

OWNER: Hugh Hathcoat
P.O. Box 724
Gualala, CA 95445

AGENT: Paul Styskal
P.O. Box 1177
Gualala, CA 95445

REQUEST: Modify Coastal Development Permit #19-94 to
construct a 624 square foot detached shop/garage.

LOCATION: In Gualala, on the W side of Highway One,
approximately 1,000 feet NW of the Highway One and
Ocean Drive (CR 523) intersection, on the W side of
Honey Run Lane at 38874 Honey Run Lane (APN 145-
191-11).

APPEALABLE AREA: Yes

PERMIT TYPE: Standard

TOTAL ACREAGE: 0.5 ± Acre

ZONING: Rural Residential

GENERAL PLAN: RR-5 (SR)

EXISTING USES: Residential

SUPERVISORIAL DISTRICT: 5

GOV'T CODE 65950 DATE: December 8, 1999

ENVIRONMENTAL DETERMINATION: Categorically exempt, Class 3(e)

OTHER RELATED APPLICATIONS: CDP 19-94 SFR; 949-438 SFR; 949-449 garage.

PROJECT DESCRIPTION: The applicant requests to modify CDP 19-94 to construct a 624 square foot detached shop/garage on a developed 0.5 acre parcel in Gualala. The structure would have a maximum height of 14 feet. The shop/garage would be clad with horizontal lapped siding to match the existing house and stained grey in color. The roofing material would be black composition shingles which would also match the existing residence. The existing 2,410 square foot residence and detached garage were constructed pursuant CDP 19-94 and the proposed structure would be located approximately 16 feet west of the existing residence and 23 feet from the property boundary. The proposed structure would be located approximately 150 feet from the bluff edge. The applicant is not requesting to remove any vegetation or construct any roads for the proposed development.

LOCAL COASTAL PROGRAM CONSISTENCY RECOMMENDATION: The proposed project is consistent with the applicable goals and policies of the Local Coastal Program as described below. A indicates that the statement regarding policy consistency applies to the proposed project.

Land Use

- The proposed detached shop/garage is compatible with the Rural Residential zoning district and a permitted accessory use.
- The proposed development complies with the maximum building height and setback requirements of the Rural Residential zoning district and corridor preservation setbacks, if applicable.

Public Access

- The project site is located west of Highway 1, but is not a blufftop site and is not designated as a potential public access trail location on the LUP maps. There is no evidence of prescriptive access on the site.

Hazards

- The project site is less than one acre in size and is exempt from CDF's fire safety regulations. Fire safety issues are addressed as part of the building permit process. The project is located in a "moderate" fire hazard classification area.
- The proposed development would be located on slopes which are less than 20% and the development does not present any issues relative to erosion and/or slope failure.
- There are no known faults, landslides or other geologic hazards in close proximity to the proposed development.

Visual Resources

- The project site is not located within a designated "highly scenic area."
- The project complies with the exterior lighting regulations of Section 20.504.035 of the Zoning Code and Special Condition #1 is added to the coastal permit requiring compliance.

Natural Resources

- There are no known rare or endangered plant or animal species located on or in close proximity to the project site.
- There are no environmentally sensitive habitat areas located within 100' of the proposed development.

Archaeological/Cultural Resources

- The project site is not located in an area where archaeological and/or cultural resources are likely to occur. The applicant is advised by Standard Condition #8 of the County's "discovery clause" which establishes procedures to follow should archaeological materials be unearthed during project .

Groundwater Resources

- The site is shown as a Critical Water Resource area on the Coastal Groundwater Study maps. The property is within the service area of the North Gualala Water Company and domestic water would be supplied by the water company and would not adversely affect groundwater resources.
- The proposed development would not include the need for a wastewater treatment system and would not adversely affect groundwater resources.

Transportation/Circulation

- The project site is presently developed and the proposed project would not increase the intensity of use at the site. No impacts to Highway 1, local roads and circulation systems would occur.

Zoning Requirements

- The project complies with all of the zoning requirements of Division II of Title 20 of the Mendocino County Code.

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

FINDINGS:

1. The proposed development is in conformity with the certified Local Coastal Program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and

6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development; and
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan.

STANDARD CONDITIONS:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. That this permit be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one (1) or more of the following:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as to be a nuisance.

- d. A final judgment of a court of competent jurisdiction has declared one (1) or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one (1) or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

SPECIAL CONDITIONS:

1. Exterior lighting shall kept to a minimum necessary for safety and security purposes and shall be downcast and shielded in compliance with Sec. 20.504.035.

Staff Report Prepared By:

8-12-99

Date

Rick Miller

Rick Miller
Coastal Planner

Attachments: Exhibit A: Location Map
Exhibit B: Site Plan

Appeal Period: 10 days
Appeal Fee: \$555

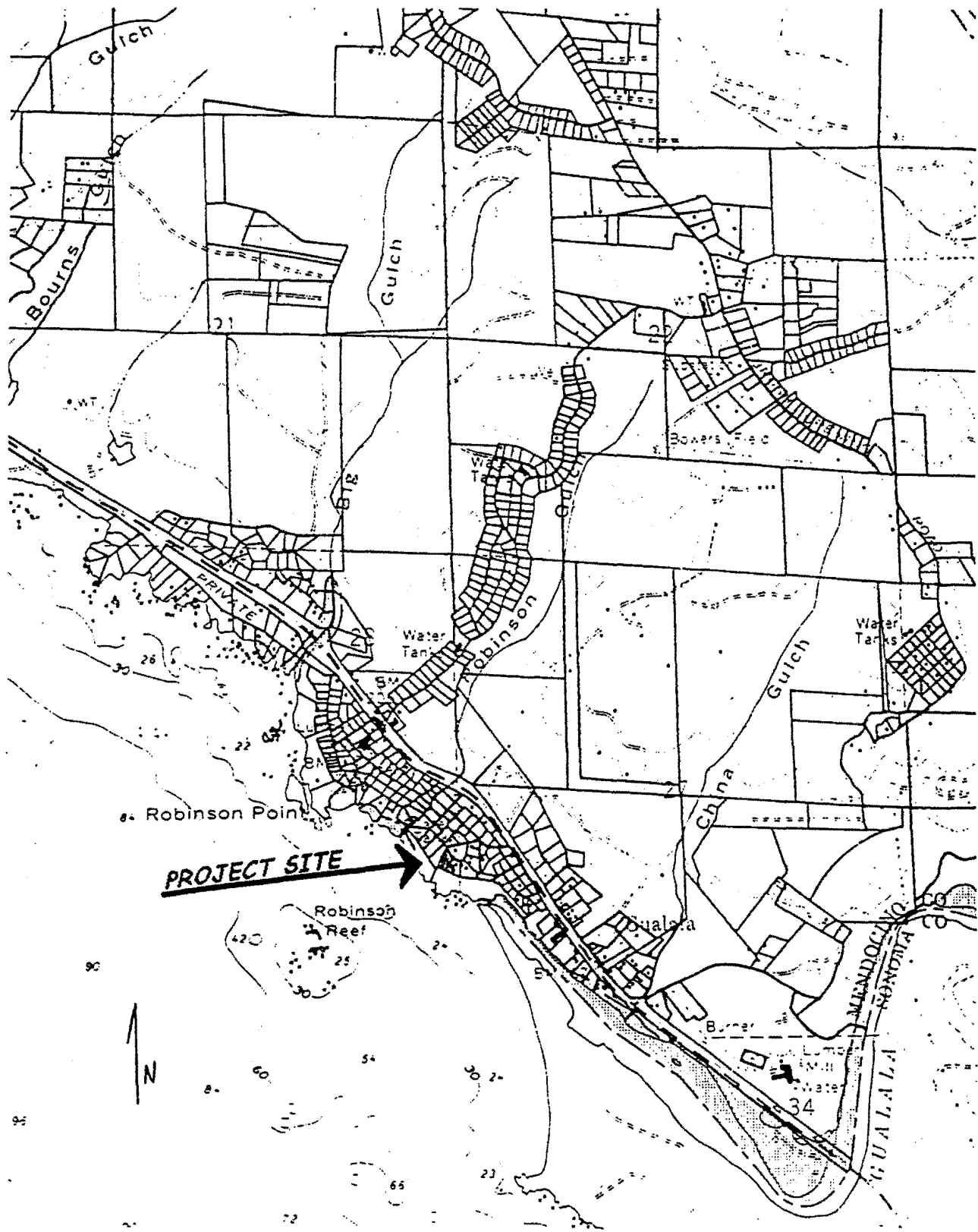
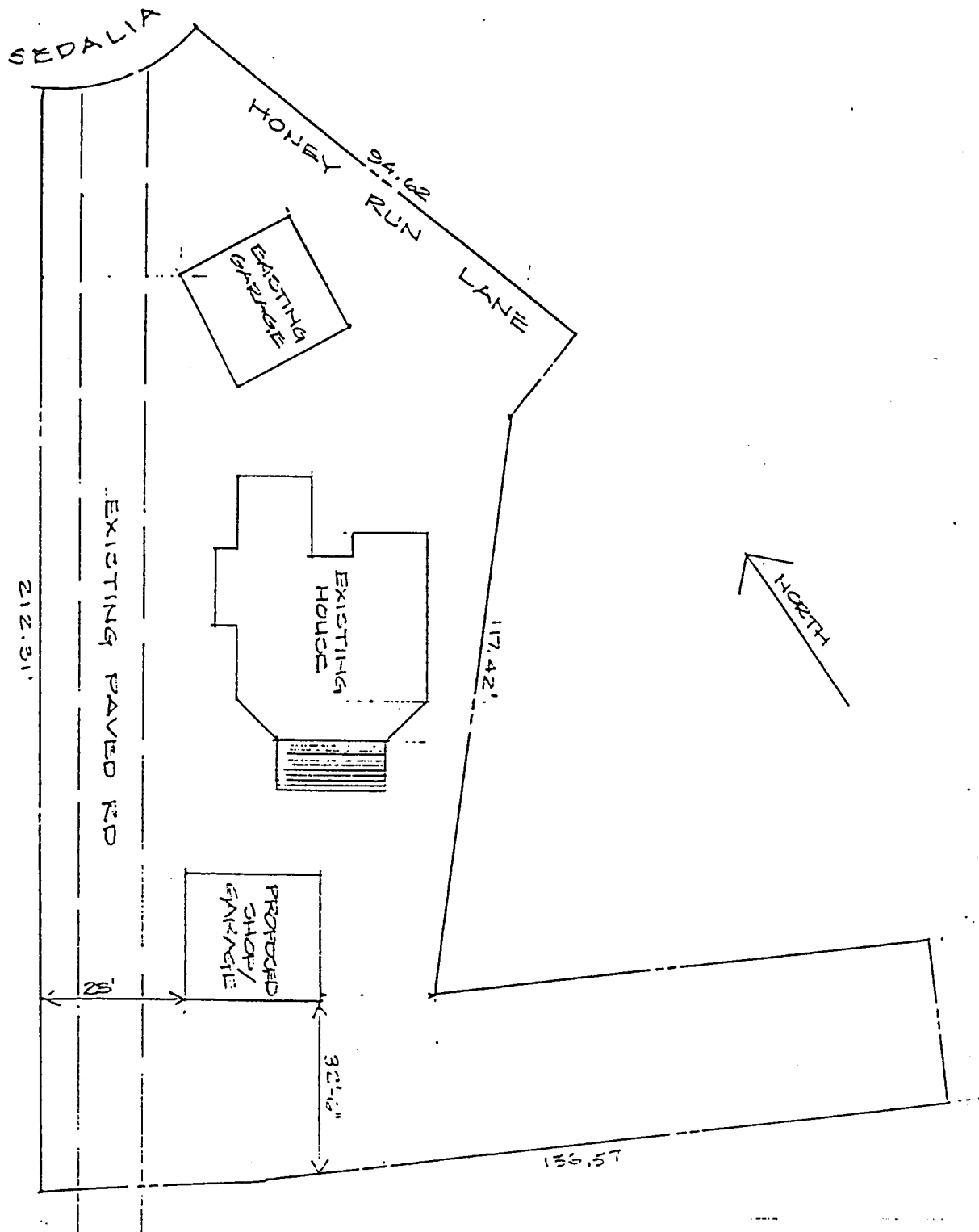
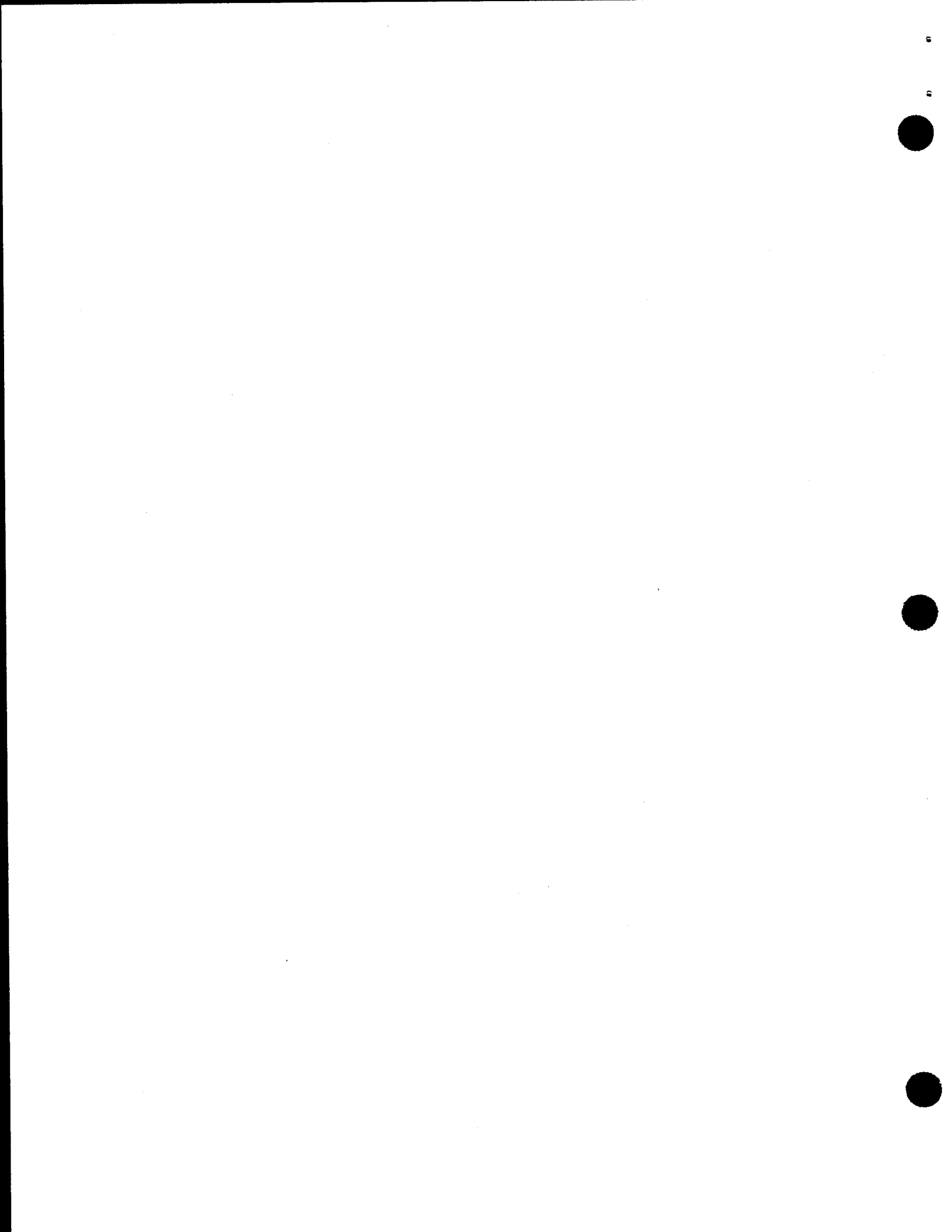


EXHIBIT A

LOCATION MAP





CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

RECEIVE
OCT 25 1999



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

CALIFORNIA
COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior To Completing
This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Julie Verran, P.O. Box 382, Gualala, CA 95445-0382 (38864 Sedalia Dr.)

Zip (707) Area Code Phone No.
884-3740

SECTION II. Decision Being Appealed

1. Name of local/port
government: County of Mendocino

2. Brief description of development being
appealed: Modify existing Coastal Development Permit for house and detached
garage to allow construction of second detached shop/garage

3. Development's location (street address, assessor's parcel
no., cross street, etc.): West of Highway 1, W side of Honey Run Lane at
38874 Honey Run Lane, Gualala (APN 145-191-11). Corner of Sedalia Dr.

- 4. Description of decision being appealed:
a. Approval; no special conditions:
b. Approval with special conditions: X
c. Denial:

Note: For jurisdictions with a total LCP, denial
decisions by a local government cannot be appealed unless
the development is a major energy or public works project.
Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

DATE FILED:

DISTRICT:

H5: 4/88

EXHIBIT NO. 5
APPLICATION NO.
A-1-MEN-99-070
Appeal to Commission
10/13/99 w/subsequent
addendum & photographs
Page 1 of 44 pages

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: September 23, 1999

7. Local government's file number (if any): CDP#19-94(M)

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Hugh Hathcoat, P.O. Box 724, Gualala, CA 95445

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal. Please note: most of these landowners within 300 feet

did not receive a notice from the county due to old list Therefore, they could not comment at county level.

(1) Julie & Roger Sheridan 1444 Quail View Circle
Walnut Creek, CA 94596

(2) Joan C. Cooper (5) Ron & Janice Knight
P.O. Box 1710 308 Breese Ave.
Gualala, CA 95445 Red Bluff, CA 96080

(3) B. Gandel & L. Selinger (6) David & Kathryn Riley
185 Circle Ave. 520 Edgahill Dr.
Mill Valley, CA 94941 Gibsonia, PA 15044

(4) Ben & Georgianna Stillman (7) Gerald Heckert
11165 La Paloma 4213 Wooster Ave.
Cupertino, CA 95014 San Mateo, CA 94403

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

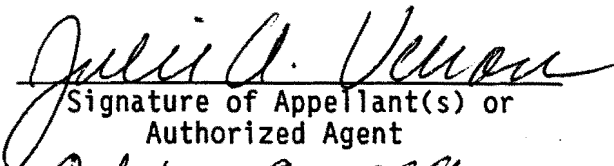
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing.

(Use additional paper as necessary.) Please refer to materials I submitted for Appeal 1-97-46 MEN(Riley) on an adjacent parcel. This narrative updates my letter of 10/08/99. ~~I have reviewed the Hathcoat file in Fort Bragg on 10/15/99.~~
~~Insufficient public notice: Sonoma County was notified, but only a few of the land-owners within 300 feet, so others were denied opportunity to comment.~~
Visual Resources: New garage would be visible from public beach in Sonoma Co., trees cannot be relied on for screening because many properties within 300 feet have lost numerous trees within past 3 years. Existing Hathcoat garage & house are out of character with majority of houses within 300 feet. (Mendocino Co. General Plan Coastal Element 3.5 Visual Resources..., esp. 30251, 30253(5), 30244; Mendocino County Coastal Zone Zoning Code 20.504.020 Special Communities & Neighborhoods, esp. (B)(3), C, and (D). Geologic Hazard: Men. Co. 1984 geologic hazard map shows an active slide within 200 feet of proposed garage. My geotech report for previous appeal confirms continued sliding. Thus, contrary to Co. permit, there is a known geologic hazard in close proximity to proposed project. Feasible less damaging alternative would be to make more intensive use of existing garage or house and paved area. (MCGPCE 3.5 Hazards Management, esp. Large sliding section; 3.4-9 surface & subsurface drainage esp. (D): MCZC 20.500 esp. 20.500.020 Hazard Areas; 20.492 Grading, Erosion and Runoff.) (continued on a separate page.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.


Signature of Appellant(s) or
Authorized Agent
Date October 19, 1999

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

J. Verran appeal of Mendocino County CDP#19-94 (M) additional page

The special condition proposed by the county would require the existing culvert to be extended. That would bring it closer to the fragile edge of the bluff and would result in discharge of water from county streets in the vicinity of a mapped active landslide. It could cause saturation and bluff failure could happen sooner or more damagingly. The drainage from the Hathcoat property ends up on the proposed garage site; the culvert discharges county storm water drainage via a county drainage easement noted on old parcel maps. Archaeological and cultural Resources: The site is on Robinson Landing, which is mentioned in the Coastal Commission's Coastal Resource Guide (1987) p. 125. A railroad, flume-type structure, and lumber chutes are documented, yet no evaluation by Sonoma State U. was required by the county. The site is on a significant headland overlooking a salmon and steelhead river. Cultural remains could exist also. (MCGPCE 3.5, page 77.)

Public Blufftop Access: I believe a public right was established after the access road was built in 1991, for foot access used for sightseeing and ledge fishing. I know that public beach access and shoreline blufftop access up and down the coast was well-established at Robinson Landing. (MCGPCE 3.6)

I will be submitting more photos, maps, + documents.
Time will not allow these to come to you in one package.
J.V.

Julie Verran
[38864 Sedalia Drive]
P.O. Box 382
Gualala, CA 95445-0382
October 8, 1999

Deputy Director Steve Scholl
California Coastal Commission, North Central Coast
45 Fremont, Suite 2000, San Francisco, CA 94105-2219

Deputy director Robert Merrill
California Coastal Commission, North Coast
P.O. Box 4908, Eureka, CA 95502-4908

RECEIVED
OCT 13 1999
CALIFORNIA
COASTAL COMMISSION

Dear Sirs,

I wish to appeal to the California Coastal Commission a decision of the Mendocino County Coastal Permit Administrator, CDP #19-94(M) Hathcoat. I called Mr. Scholl about this on or about Oct. 1 and requested a form for the appeal, but it has not arrived. It may have been sent to the wrong address – my copy of the Gualala Town Plan Staff Report was mis-sent to a P.O. Box in Santa Rosa belong to the Grapegrowers or Winemakers, who kindly tracked me down with the help of Commissioner Mike Reilly and sent the staff report on to me in a timely fashion. I did inform the S.F. office of this problem, but it can be very hard to change an address in a computer system. Please use the P. O. Box address at the top of this letter for all mail to me. The street address will not work and the Santa Rosa folks have not sent on any further mail.

Also, I submitted a request in writing to the Mendocino County Coastal Permit Administrator for a copy of the Notice of Final Determination, and have not received it. I discussed all this with Mr. Oppenheimer in the Eureka office and he advised me to send a letter; this is it.

I am a property owner located within 300 feet of the proposed Hathcoat permit modification, specifically, the second house to the northwest. Both the Hathcoat house and my house are on the first roadway inland from the mean high tide line and located west of Highway 1, so the proposed project is within the appeal area. Mendocino county charges about \$700 for a appeal to the Board of Supervisors from decisions of the Coastal Permit Administrator, so I can appeal directly to the Commission.

I did not object to the county when the original permit was under consideration in 1994, because the house and garage were close to street level and in line with existing houses, most of which were built pre-Commission. After the Hathcoat house and detached garage were built, they appeared out of character with existing buildings in the neighborhood. The two-car garage has a steeply pitched roof topped with a faux clerestory; existing nearby garages are subordinate to the houses.

Now the Hathcoats want to build a second detached garage-workshop below the house, on the level with the old Gualala Railroad grade on Robinson Landing. If the Hathcoats were to apply for a permit to modify their existing garage to add workshop space in the pitched roof, even if this were to involve putting windows in the faux clerestory and an external staircase, I would not object. I do object to a third building that would likely be visually intrusive from

Page 5 of 44

public viewsheds based on the appearance of the existing Hathcoat house and garage.

I appeal this project on the basis of:

- 1) public viewshed from Gualala Point Regional Park in Sonoma County;
- 2) county failure to notify Sonoma County of the pending permit;
- 3) inadequate county consideration of possible historic archaeological remains on the proposed building site;
- 4) inadequate provision by Mendocino County for drainage from county streets down the 20-foot drainage easement used as an access road to the proposed garage-workshop;
- 5) the building site is very wet in winter, I have observed standing water there, it is possibly a wetland or vernal pool and the county declined my request to allow staff to observe the wetness of the building site over a winter;
- 6) use of the garage-workshop to store landscaping chemicals and other hazardous substances is likely, based on statements by the Hathcoats at the county hearings, and could lead to entrance of such substances into the fragile marine environment at the mouth of a notable steel-head river which still supports some coho salmon.

I used coastal access trails along the railroad easement both to downtown Gualala and to Coral Court, as well as a trail from Robinson Landing to the beach in Sonoma County, regularly and many times starting in 1969 without let or hindrance and I know many others who did so. I did not personally use these trails for access to fishing, but over the past 30 years I have observed many other people do so, and photographed some of them. This access did not to my knowledge cross the Hathcoat property, but after the access road was built, the public did use that for foot access to the coastal bluff for sight-seeing and wildlife viewing, as well as fishing.

Hathcoats claimed at the county hearings that there was no historic fishing access to the headland at the mouth of the Gualala River; historic access should be presumed because it is an anadromous fish-bearing river.

7) The county fails to recognize public access and the Coastal Commission should recognize and protect it.

8) In addition I object strenuously to vehicle use of the access road beyond allowing access to the existing Hathcoat garage or emergency vehicle access to the blufftop.

I previously appealed a project reached by this road to the Coastal Commission in 1997. (Riley) Since then, new information has come to my attention, most notably the presence of an active slide on the county geologic hazard maps dated 1984. While these maps are noted to be used only in conjunction with site-specific geologic surveys, I did pay for such a survey in 1997 by Dr. Eugene Kojan, who identified an active slide in the approximate position shown on the 1984 map. I claimed in the Riley appeal that drainage from the access road, which is the same that would be used to access the proposed Hathcoat garage, threatens to undermine my house (and others) by directing excess county water below this active slide.

9) Also, the Hathcoat garage is extremely likely to be used as a precedent for more vehicle use of this steep road, further endangering upslope houses.

I wish to refer Commission staff to my submissions in the Riley appeal. I will be resubmitting key information previously submitted for that appeal, as well as new material including but not limited to published and unpublished historic photographs and text and photographs taken by my parents and me.

At the first county hearing in August, I told Planner Rick Miller locations of culverts which appear to lead to a culvert which discharges near the Hathcoat building site, and also

Verran to Coastal Commission, 10/8/99 page 3.

referred him to the Riley file in the Fort Bragg office of the Mendocino County Department of Planning and Building, but was not able to attend the field inspection by Mr. Miller and the county engineer, where I could have shown them the openings for these culverts. Had I been able to show them on the ground, the county determination may have been different.

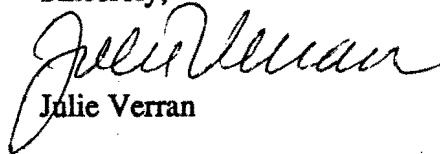
If it is possible, I respectfully request to be present at any site inspections by Coastal Commission staff. The Hathcoats too, if they like.

Enclosed are copies of my two letters to the county. The September 23 letter did not photocopy well, and in the first sentence in paragraph 3, the last word should read "notified".

My parents located the family home ca. 150 feet from the vegetated edge of the ocean bluff, and were assured when they bought the lot that the railroad easement between their property and the mean high tide line would become part of a park. Even though they built pre-Commission, they followed the requirements that they thought would be imposed by such a Commission, and would be appropriate next to a park.

I have continued to keep the property low-key in appearance and maintain biomass on the property, which includes a possible wetland, in spite of loss of a number of trees to senescence and storm damage. I feel that I represent the ordinary working people of the coast as well as a strong environmental viewpoint, and respectfully request that the Commission give careful consideration to my concerns.

Sincerely,



Julie Verran

Julie Verran
38864 Sedalia Drive
P.O. Box 382
Gualala, CA 95445-0382

Mr. Raymond Hall
Coastal Permit Administrator
Mendocino County Department of Planning & Building
790 South Franklin Street
Fort Bragg, CA 95437

RECEIVED
OCT 10 1994
CALIFORNIA
COASTAL COMMUNITY DEVELOPMENT

Re:

Dear Mr. Hall,

As a landowner within 300 feet of the Hathcoat property, I oppose their proposal to build a garage / workshop situated below their house and request that the County of Mendocino deny it. The main problems are access, drainage, and viewshed from the Gualala Point Regional Park.

ACCESS: I have written letters of complaint about the access road which the Hathcoats would have to use since 1991. County documents show that this road was constructed in the center of a 20-foot drainage easement. There is no grading ordinance in Mendocino County, so the road was built without the oversight such an ordinance would provide. The slope of the road appears to knowledgeable observers to be approximately 30 percent. California Department of Forestry and Fire Protection standards call for driveways to be sloped no more than 16 percent. If CDF does not count the access road, but only the approach to it from the proposed structure, that is a loophole big enough to drive a truck into the ocean through.

The Public Works office in Ukiah does not appear to have an encroachment permit for this access road. They do have one for a former owner of the Riley parcel which is reached by the same access road, but that permit is for a driveway located only 50 feet from Ocean Drive, about two blocks south of the subject roadway.

After it was built in 1991, the road was not posted for trespassing until 1998; properties reached by it changed hands. During that seven-year period the public used the road to access a viewpoint, traditional fishing area, and known historic place – Robinson Landing. A prescriptive right may exist for use of the road by the public. For several months, Mr. Hathcoat has parked a pickup truck in the road, discouraging those members of the public who still used the road for foot access after it was posted. This has caused considerable inconvenience to neighbors on the ocean side of Sedalia Drive, whose property long-time users now cross to reach Robinson Landing. The Sheridans have had to post their property No Trespassing and No Fishing, and other neighbors may have to follow suit. The county should recognize the public prescriptive right to access Robinson Landing.

DRAINAGE: The proposed garage site is a sump in winter. A culvert debouches near it and enough water flows from this culvert to cause gulying. Public Works in Ukiah has conducted several searches for maps showing the culverts around and under the access road, but have not found them. The culvert is part of a system that carries storm water from as far away as Bakertown, and possibly even from the modular housing park on the east side of Highway 1. Water sufficient to cause gravel rills also flows down the road, not surprising since it is a 20-foot

Page 8 of 44

Verran to Hall, 8/25/99

county drainage easement. In addition, the 1984 county geologic hazard maps show an active slide in this area. With the scale of the map, it is hard to tell if that is the older of two slides affecting the Stillman, Verran and Riley properties, or if it is a slide that was covered by the building of the access road. Disturbance of the drainage by construction on this site could re-activate slides in this unstable area, threatening the Stillman residence and possibly others, including the Hathcoat residence itself, a three-story house which already has a two-car garage.

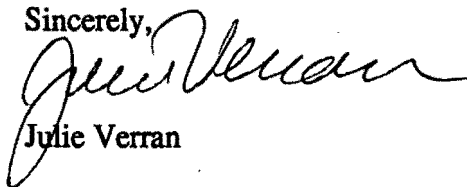
PARK VIEWSHED: The subject building site is within 300 feet of the Sonoma County line. It is in the viewshed of the park visitor center, the main trail, most of the beach, and Whale Watch Point. Was the Sonoma County parks department consulted? If so, they are likely to ask for tree planting to screen the garage / workshop. Unfortunately, this might not work. It would be hard to get trees to start and grow in such a wet place which is exposed to salt spray in the winter. Also, a disquieting number of trees have died in the immediate neighborhood in 1997-98-99. Many were removed by their owners, but some died recently and are still standing. Thus, even if trees were to start, they might not survive to provide screening. The use of the park is increasing each year, and it was recommended as an addition to Salt Point State Park by the 1998 Sonoma County Grand Jury.

In short, the access road may not be legal, it is not safe for frequent use because it is so steep, long-term public access is being denied to the detriment of neighbors, the immediate area is geologically unstable according to the county's own maps and geologic reports prepared for nearby landowners, and the proposed site takes the storm drainage from a considerable area. In addition, the project is within the viewshed of a park in Sonoma County.

Finally, garage/shop space is available for rent in Gualala, and the Hathcoats already have a large garage in front of their house. Future owners might be tempted to use the extra garage proposed here as an illegal second residential unit or rental.

Please deny this proposal and encourage the owners to rent space nearby, rather than jeopardize their residence.

Sincerely,



Julie Verran

3864 Seltzer Drive
Box 382, Gualala, CA 95528

RECEIVED
October 23, 1999

October 23, 1999

PLANNING & BUILDING
FORI SPAGE, CA
Regarding CDP # 79-94 (M) Hathcote

Dear Mr. Hall,

I will probably appeal this permit to the Coastal Commission, so please have a note of final determination sent to my P.O. Box address as soon as it is issued. Thank you.

Since the town may not have picked up my networks, this is included to clarify them for the record + add a bit.

It appears that the county line was not precisely located during the consideration of this permit and that Sonoma Co. may not have been located. Lucille Joint Regional Park is a Sonoma Co. Park and negotiations are under way at the recommendation of the Sonoma Co. Grand Jury which could add the park to the State Park system. Unlike the divorce of parks viewed court be small, it would set a precedent for building or that problem existing there are a number of subdivisions about Robinson

landings, a known historic place. The Hathcote lot is a subdivision lot located just inland from the Empire Redwood REO location. There was long-term public use of lot relevant and a publicly-use he ~~point~~ archeological remains on the historic property. I have considered for some years that paving + site plan

access road has a private road map (1989), confirmed by map active slide on the local geologic road map (1989), confirmed by map protection report provided by the Empire project + the County (1997) by Sanjour before local. The Ribel permit listed on the local Commission during the access road. The location still has not determined on the Hathcote property. on the Hathcote property.

Re: Verran appeal of Mendocino Co. COP 19-94 (m)

October 21, 1999
(38864 Sedalia Dr.)
P.O. Box 382
Eureka, CA 95445-0382

RECEIVED

OCT 22 1999

Dear Mr. Merrill,

Enclosed are ^{OCALIFORNIA} color photos + photocopies of black + white photos submitted in support of my appeal. Also, a copy of the relevant sector of the Mendocino Co. Ecological Hazard Map, 1984, + a copy of the geotechnical report prepared for me by Dr. Eugene Hojan in 1997.

I took the enclosed color photos from the public street and public beach using a standard 50-mm lens on a hand-held 35 mm camera on October 8 + September 7, 1999, and they are accurate, unaltered representations of the subject matter. These photos show that the existing Hatched house + garage are not visually consistent with other houses located within 300 feet (only the closest such houses are shown). Also, existing Hatched garage is visually discordant + larger than other garages nearby. The view from the public beach in Sonoma Co. shows the Hatched house somewhat visually consistent with houses on either side, but new garage would be visible through trees on blufftop level and survival of trees is not assured. The Verran house is visible to the left of the Stillman house, but is not obtrusive.

I purchased black + white reproductions of historic photos from the Mendocino County Historical Society in 1998, + I have not altered them + these photocopies were made on a standard photocopier + not altered I have checked them against present-day land forms + I can attest that the photos of Robinson Landing do

10/21/99 p.2

Show the area of concern which I marked on the enclosed copy of the 1984 Mendoc. Co. geologic hazard map. These prints show that Robinson landing is a historic site. The railroad line itself forms the seaward boundary of the Hothcoat property, less than 35' from the proposed new garage. Note, ties, rails, a flume-like structure + possible electric line in photo taken looking north from what is now approx. the Veiran northwest property corner. Historic archaeological remains could exist on the Hothcoat site.

I commissioned the enclosed geotechnical report by Dr. Eugene Kojan + accompanied him on the field investigation. I submitted signed copies of the letters + the report to the Coastal Commission in August, 1997. I also attended a gathering of geotechnical experts convened by Dr. David Rogers on Robinson landing in October, 1997. Therefore, I can submit the enclosed photocopy of the 1984 Co. geo. haz. map because I commissioned a site-specific study + I am aware of others which I have read + discussed with their authors, at least briefly. I bought ~~the~~ copies of the 1984 map + logged at the Mendoc. Co. map room in Ukiah in 1998 and these are standard photocopies which I have altered with colored pens + markers to highlight certain features + only in those places which are obvious. Based on the map + geotechnical report, I claim dangerous nuisance.

Page 12 of 44

10/21/99 p. 3

to my property from any grading, construction, or alteration of drainage within 100 feet of active slides + disturbed ground shown on the map and within 300 feet of my property.

The County ~~proposes~~ conditioned the permit, CPP 19-94 (m) to require the applicant to prepare a drainage report after the approval of the permit, + apparently to extend the culvert 20 feet. This would bring a significant and unknown amount of storm water drainage closer to the fragile bluff edge. That has the potential to further destabilize the existing active slide + disturbed ground shown on the map.

I ask the Commission to deny this permit.

Respectfully Submitted,

Jellis A. Verman

①

ROBINSON'S CHUTE CIRCA 1875.
PHOTOGRAPHER'S CAPTION
ON CHUTE - REMAINDER OF
THE WIRE BRD. CHUTE STOWED
IN BACK GROUND.

PHOTO CREDIT:
Robert J. Lee, Collection
(FOM) 3
L-03996.

②

ROBINSON'S CHUTE - GUANAZA
CIRCA 1895? SECOND ABOVE
AS WELL AS LARGE CHUTE.

PHOTO CREDIT:
Robert J. Lee, Collection
(M. N. A. I. E. S.) 3
L-03997.

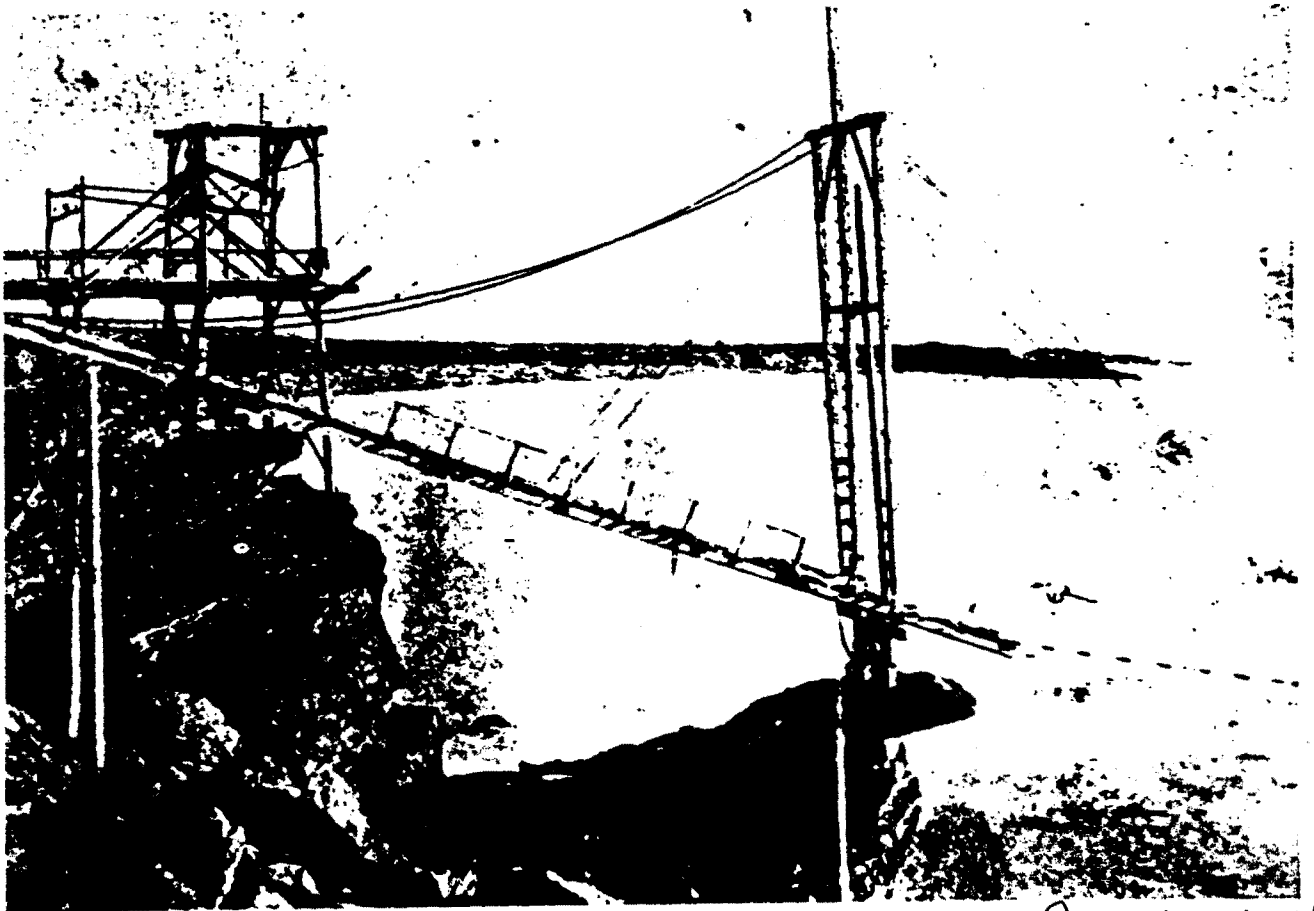
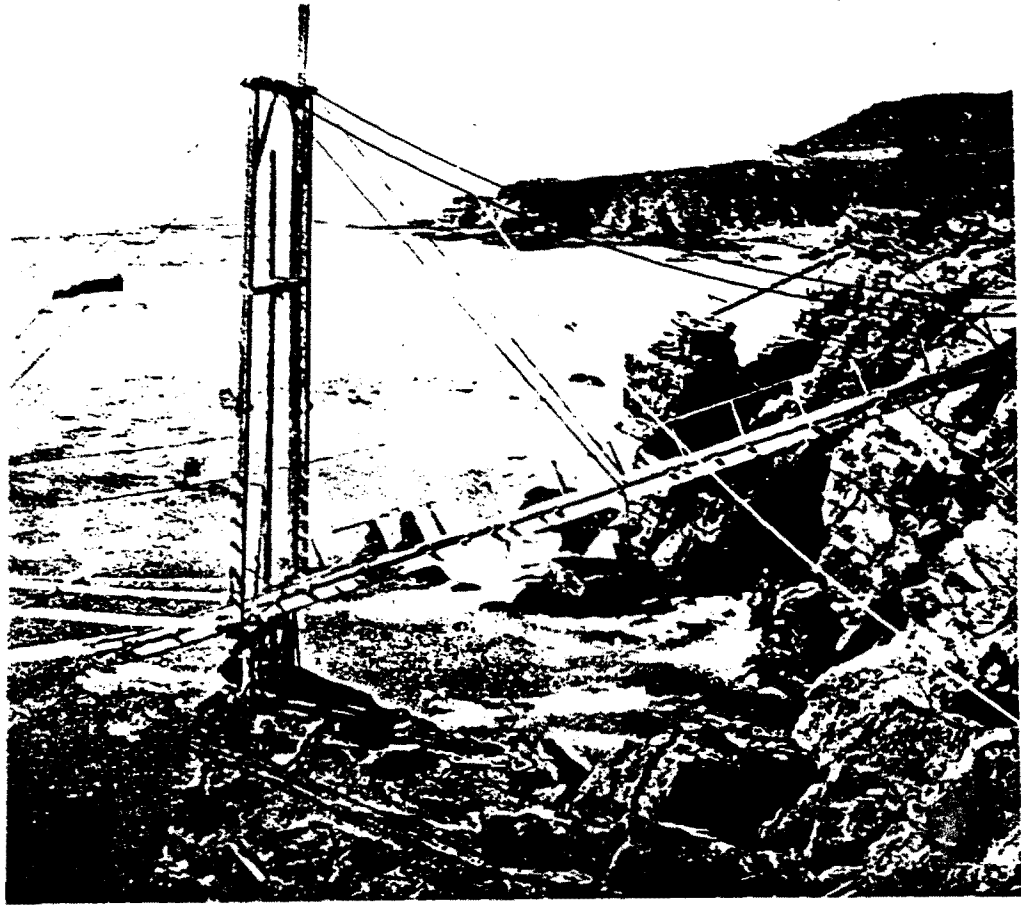
③

ROBINSON'S CHUTE - (WIRE)
GUANAZA.

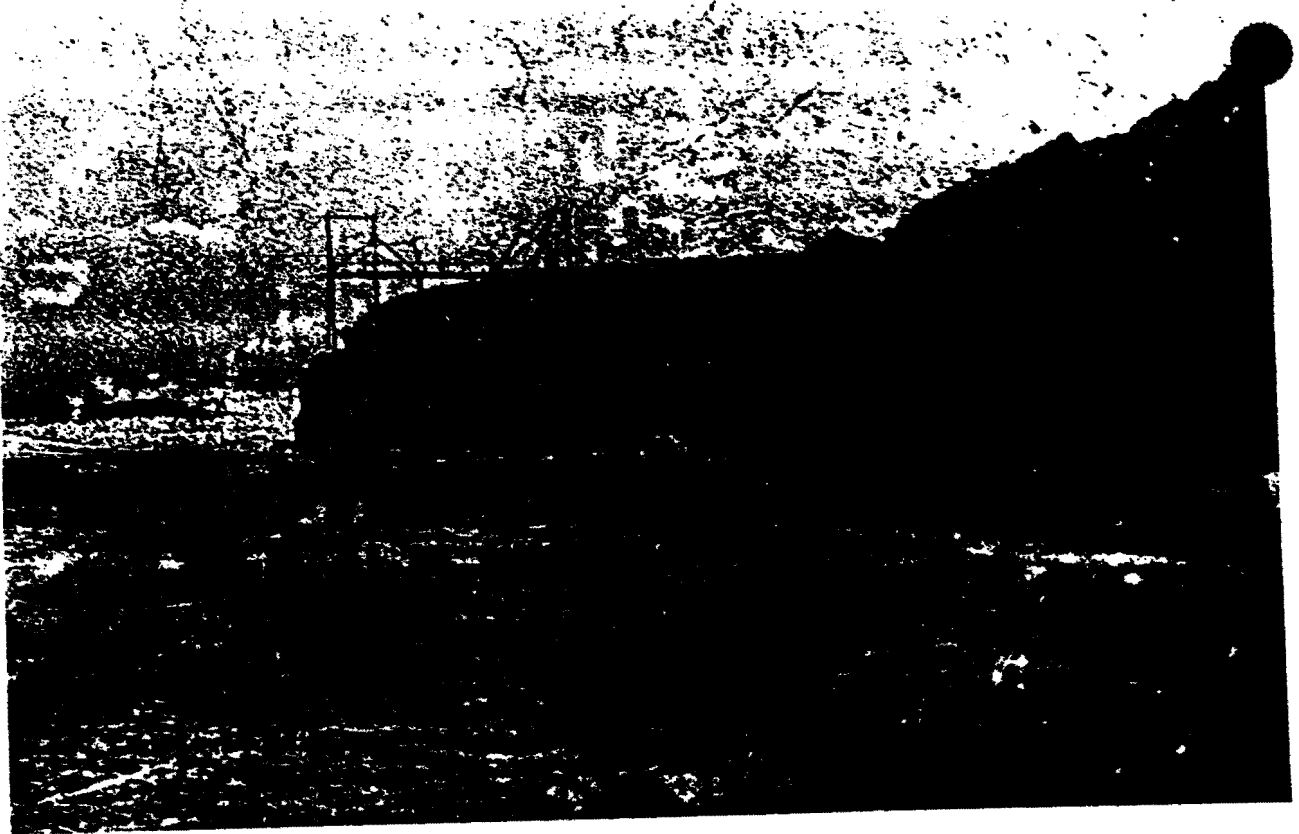
PHOTO CREDIT:
Robert J. Lee, Collection
(B. K. O. S.) 3
L-11012 L.N.

④

PHOTO CREDIT:
Robert J. Lee, Collection
(F. O. S. T. E. R.) 3
L-07288.



Submitted by J. Verran
10/21/99



To: R. Merrill + E. Oppenheimer
 Calif. Coastal Comm., Eureka

FAX - 707-445-7877

From: J. Verman, FAX 884-1710
 Voice - 884-3501

I seem to have mailed you two
 copies of page 4 which expands on
 geo-hazard of extending County culvert
 closer to edge of fragile bluff + cites

Archaeological Resources - Coastal Element, p. 77 -
 Should have been referred to Sonoma State U. +
 Robinson regarding a known historic place
 mentioned in Commission's Calif. Coastal
 Resources Guide p. 125.

Plus - public may have established ^{foot} access +
 njuts to blufftop for sightseeing + ledge fishing
 since road was built in 1991 + that beach access -
 blufftop trail up + down coast existed until
 recent years + I used trail - MCG-PCF 306

J. Verran

(38864 Sedalia Drive)
P.O. Box 382,
Gualala, CA 95445-0382

October 30, 1999

Mr. Eric Oppenheimer, Coastal Planner
California Coastal Commission
North Coast Area
710 E Street, Suite 200
Eureka, CA 95501

RECEIVED
NOV 02 1999

CALIFORNIA
COASTAL COMMISSION

RE: A-1-MEN-99-070

Dear Mr. Oppenheimer,

Enclosed are some documents from Mendocino County Department of Planning and Building Services files on the Hathcoat property which may in part support issues I raised in my appeal.

ARCHAEOLOGICAL / HISTORICAL: The enclosed form letter dated Mar. 28, 1994, from Sonoma State University is checked at the second highest level of concern, stating that a study is recommended prior to commencement of project activities. There is no blank that could have been checked stating that a study was required. The enclosed letter from Planner Linda Ruffing states that the Mendocino County Archaeological Commission did not require an archaeological survey of the site. This letter also states that vegetative removal and grading occurred on the site prior to Planning staff site visits, and a fine was imposed. The grading activities could have destroyed or concealed cultural or historical archaeological materials.

Yet, the files of the Mendocino County Historical Society, published sources, and the Coastal Commission's own resource guide clearly show that Robinson Landing was a historic site. The county should have required an archaeological survey before granting the original Hathcoat permit in 1994. On page 2 of the Coastal Development Permit Project Intake Checklist signed by Hugh Hathcoat and dated 7-8-99, Item #11 on archaeological/historical records search is checked **XX** N/A, apparently by county staff. Yet, the subject parcel meets the following five of the six listed criteria:

It is near a stream or spring or is located with easy access to creeks. A year-round stream, Robinson Gulch, is located less than 400 feet from the Hathcoat property. Historically, it provided water for a planing mill at China Gulch, conveyed through an elevated wooden structure along the inland edge of the Gualala Railroad line. Starting in 1937, Robinson Gulch provided the town water source for many years, and still provides some of the town water.

It has a southern exposure.

Page 18 of 44

Verran to Oppenheimer, 10/30/99, page 2

It has easy access to the ocean. Until about 1982 a trail used even by children went down to the beach about 100 feet from the subject parcel. Until recent years, a steep trail with a fixed hand-line went down to the beach even closer to the subject parcel. The ocean at this point is at the mouth of an anadromous fish-bearing stream. Also, the beach seasonally forms a bar across the river mouth, allowing crossing of a wide and deep river and travel up and down the coast.

It is on a large, flat coastal area, ~~xxx~~ (the proposed new garage site).

It is on a hillside with a good view. (The part where the existing house and garage are founded.)

County staff should have seen these criteria on the parcel maps, and certainly could not have missed them during site inspections.

My academic background is in linguistics and archaeology; I was fortunate to be able to participate in archaeological field classes through UC Berkeley, UCLA and UN Reno. In July, 1998, my former husband, James T. Toney, Phd, who is an archaeologist currently doing contract work for the State of Arkansas and the Army Corps of Engineers and historical interpretive work for the State Parks Dept. in Arkansas, visited Gualala and examined Robinson Landing and surroundings. He noted remains of the Gualala Railroad and lumber chute attachments, as well as a trail he thought may have been built in the 19th Century for maintenance of the chutes. He said the trail to the river sandbar which formerly existed would have been important for travel up and down the coast before ferries and bridges were built, but he could not date the trail because it has washed away. Regarding the railroad, Dr. Toney said that the mid-19th Century slope disturbance was failing in several places and that "further disturbance of this already-disturbed slope would threaten the upslope houses most severely." While he was mainly referring to the Sheridan, Verran and Stillman houses, this could apply to disturbance below the Hathcoat house as well. To show that historical remains could occur on the Hathcoat property, a strange rock in my garden was identified by Dr. Toney as slag from the boiler of a train engine, and my garden is farther from the railroad line than the proposed Hathcoat garage.

PUBLIC ACCESS: I observed over a period of years before ~~the~~ 1990 that there was a publicly-used trail to Robinson Landing from Sedalia Drive located in the vicinity of the Hathcoat property, but any traces of the upper part

of this trail would have been destroyed by construction of the steep road and the clearing and grading of the Hathcoat property. The road was built ca. 1991, and I wrote to the county complaining about it at that time. The subdivision was created ca. 1960, when the coast-side railroad easement was still in one piece and owned by Empire Lumber. I believe the easement was for occasional access to the Robinson Landing area for property maintenance by Empire Lumber, and was not intended as regularly-used access to structures. There may also be a public right of access to the ocean and rivermouth.

SLOPE & DRAINAGE ISSUES: The Memo dated 20 September 1999 from Engineer Benjamin Kageyama confirms my repeated contention that the access road exceeds the 16 percent slope standard set by CDF. I think the county standard is 15 percent. The problem seems to be that the road was built to access land, not structures, so CDF was not consulted. Subsequently, when structures were proposed, CDF treated the access road as pre-existing and therefore outside its purview. That is what I meant in my letter to the county as "a loophole big enough to drive a truck into the ocean through." Under existing zoning it appears that the two large certificate-of-compliance lots on Robinson Landing could be subdivided into about 15-20 small lots with this access road as the only way to reach them. That is why approval of the Hathcoat garage would set a precedent that would not be in the public interest, so this permit should be denied.

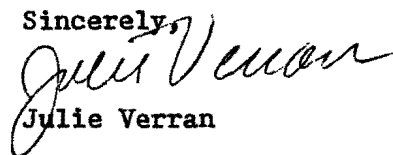
Engineer Kageyama confirms my statement that the driveway to the current Hathcoat garage is okay. He also confirms the pattern of culverts which were observed by Mr. Stillman and me and which I wrote about on several occasions to both the county and the Coastal Commission. When he writes that the Board of Supervisors rejected maintenance of the access road, I think he means during my appeal of the Riley project to that board in 1997. I was contending that the county was responsible for the road and drainage. The county still may be responsible for the drainage since the pipe that opens near the proposed Hathcoat garage "picks up drainage from an upstream culvert crossing Sedalia Drive." (Kageyama)

Engineer Kageyama also confirms some of my concerns about slope stability. He disagrees with my written statement that the proposed site is a sump. He is no doubt correct in an engineering sense. He looked at it following months of unusually dry weather. I have seen it and the adjacent part of Robinson Landing with standing water, and friends and I have observed a pattern of interlocking curved small watercourses, with hummocks of vegetation between them, filled with water following storms. I don't know the technological term for this, but it looks like it contributes to erosion of the bluff top because the water in the little channels looks muddy during storms. The vegetation has been removed from the Hathcoat garage site so wetland plants may have been removed, making identification difficult. A dead pine tree lying near the garage site appears to have uprooted itself, possibly due to wetness around the roots. Mr. Stillman, who owns the house located between the Hathcoat and Verran houses, told me in 1997 that the previous owner of his house, Elena Durning, had to put a sump pump under the house because of water there. The Stillman house is upslope from the proposed Hathcoat garage, so that could need a sump pump, too.

Although I have represented myself in this series of appeals, I had help with language of my letters from two attorneys. William Hoffman was a soil scientist and mapped the Mendocino County soils before he became an attorney with the firm of Pillsbury, Madison & Sutro. Mr. Hoffman wrote in a letter supporting one of my appeals that Robinson Landing "is a bog in winter." I should have used that term instead of "sump."

Extension of the 12-inch pipe closer to the fragile bluff edge as proposed by Mr. Hathcoat would deliver more water to an already wet and unstable area. Please note in the photo of Robinson Landing from the public beach that it looks un-naturally flat. I believe it was artificially flattened as a landing ca. 1870. This would explain why geotechnical reports refer to the soil there as "colluvium" which is a term for the layer beneath topsoil.

Sincerely,


Julie Verran



RAYMOND HALL
DIRECTOR

TELEPHONE
(707) 964-5379

COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

MAILING ADDRESS:
143 WEST SPRUCE STREET
FORT BRAGG, CA 95437

April 18, 1994

Mr. Hugh Hathcoat
P.O. Box 1151
Lafayette, CA 94549

Subject: Coastal Development Permit Application #19-94
Site Address: 38874 Honey Run Lane, Gualala
Assessor's Parcel #: 145-191-11

Dear Mr. Hathcoat:

The Planning Division has received all of the information requested in our letter dated March 18, 1994 and has been informed by the Mendocino County Archaeological Commission that an archaeological survey of the site will not be required.

Planning Division staff conducted site visits on March 26, 1994 and April 13, 1994 and determined that vegetation removal and grading has occurred on the site. These activities require a coastal development permit per Section 20.532.015 and 20.308.034(D) of the Mendocino County Code. Since this is considered a violation, you are required to submit an additional fee of \$940 to the Department of Planning & Building Services.

Please feel free to call me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Linda Ruffing".

Linda Ruffing
Coastal Planner

hathcoat1.let



VIEW FROM NE COR

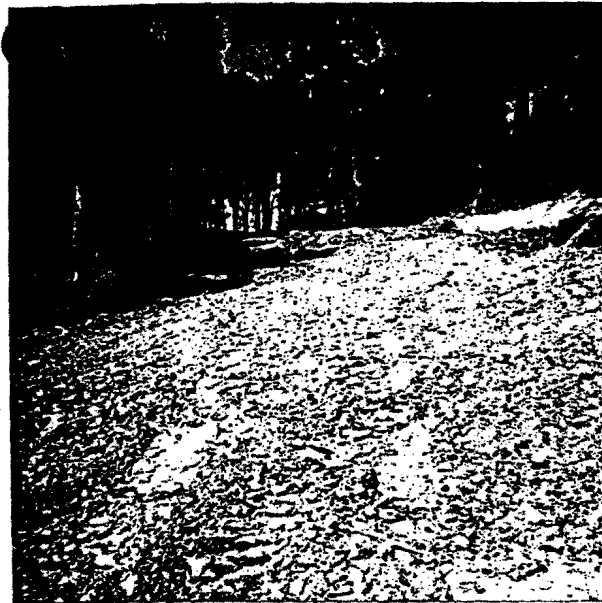
①

CDP-19-94



④

CDP-19-94
W COR OF SITE



VIEW FROM ~~THE~~
MIDDLE OF SITE

③

CDP-19-94



②

CDP-19-94
VIEW FROM N. COR

Historical
Resources
File System



ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE
HUMBOLDT
LAKE

MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO
SAN FRANCISCO

SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Foundation Center, Bldg. 300
Sonoma State University
Rohnert Park, California 94928
(707) 664-2494 • Fax (707) 664-3947

28 March 1994

File No.: 94-ME-26

RECEIVED

MAR 29 1994

PLANNING & BUILDING SERV.
FORT BRAGG, CA

Tony Navarro
County of Mendocino
Department of Planning and Building Services
143 West Spruce Street
Fort Bragg CA 95437

re: CDP 19-94, Hathcoat

Dear Mr. Navarro:

Records at this office were reviewed to determine if this project could adversely affect historical resources. The review for possible historic structures, however, was limited to references currently in our office. The Office of Historic Preservation has determined that any building or structure 45 years or older may be of historic value. Therefore, if the project area contains such properties they should be evaluated prior to commencement of project activities.

___ The proposed project area contains or is adjacent to the archaeological resource(s) (). A study is recommended prior to commencement of project activities.

X The proposed project area has the possibility of containing archaeological resources. A study is recommended prior to commencement of project activities.

___ The proposed project area contains a listed historic structure (). See recommendations in the comments section below.

___ Study # identified one or more historical resources. The recommendations from the report are attached.

___ Study # identified no archaeological resources. Further study for historical resources is not recommended.

___ There is a low possibility of archaeological sites. Further study for archaeological resources is not recommended.

___ Comments:

If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 664-2494.

cc: Mendocino Archaeological
Commission

Sincerely,

Lisa C. Hagel
Leigh Jordan
Assistant Coordinator

Page 24 of 44

COASTAL DEVELOPMENT PERMIT PROJECT INTAKE CHECKLIST

The following information and materials must be submitted at the time a coastal development permit application is filed with the Planning Division. Applicants should check off each completed item under the box marked "A" and submit this checklist with the application.

A C

1. 10 Copies of items a-d. on 8 1/2" x 11" paper, collated and stapled into individual application packets. (Note: For Administrative CDPs only 5 copies are necessary.)

- a) APPLICATION FORM AND COASTAL ZONE INITIAL SITE AND PROJECT DESCRIPTION QUESTIONNAIRE. Please be sure to answer all questions thoroughly and accurately.
- b) LOCATION MAP using USGS quad maps with parcel boundaries (See attached example),
- c) SITE PLAN drawn to scale (See attached example),
- d) ARCHITECTURAL BUILDING FLOOR PLANS & ELEVATIONS (& Sign Detail, if applicable)

A C

2. SITE PLAN, FLOOR PLANS, AND ELEVATIONS - 1 Full-Size Set Drawn to scale and folded to 8 1/2" x 11" size. Outdoor lighting fixtures should be indicated on the elevations and site plan. A design detail of the light fixtures or a copy of a catalog description with illustration is adequate. Note that all exterior lighting shall be downcast and shielded to prevent light and glare from being shed beyond the parcel boundaries.

A C

3. SIGNED CERTIFICATION AND SITE VIEW AUTHORIZATION FORM - 1 Copy

A C

4. SIGNED DECLARATION OF POSTING - 1 Copy

A C

5. SIGNED INDEMNIFICATION AGREEMENT - 1 Copy

A C

6. PROOF OF THE APPLICANT'S LEGAL INTEREST IN THE SUBJECT PROPERTY - 1 Copy
Applicant will mail deed
 Proof can be in the form of a current tax statement, title report, lease agreement or other documents showing legal interest to apply for the permit and comply with all conditions of approval. All holders or owners of any other interest of record in the affected property shall be identified on the application and notified in writing of the permit application by the applicant and invited to join as co-applicant.

A C

7. STAMPED, LEGAL SIZE ENVELOPES addressed to all owners of property situated within three hundred (300) feet of property boundaries and occupants situated within one hundred (100) feet of the property lines of the project site (excluding roads) and, to any other parties known to the applicant to have an interest in the proposed development. Return address shall be left blank on the envelopes.

A C 8. MAILING LIST - 1 COPY A list containing the names, addresses and Assessor's Parcel Numbers of owners/occupants/parties of interest as required above shall be typed or printed legibly on the form provided in the application packet.

A C N/A 9. A PRELIMINARY CLEARANCE FORM from the California Department of Forestry & Fire Prevention (CDF) must be included in applications for new construction or detached structures on parcels that are 1+ acres in size.

NOT
NEEDED

A C 10. FILING FEE (check with a planner for fee amount). Checks should be made payable to the County of Mendocino.

A C N/A 11. A \$25.00 CHECK PAYABLE TO SONOMA STATE UNIVERSITY for an archaeological/historic records search must be submitted with the application if the site meets any of the following criteria:

- Is near a stream or spring or is located with easy access to creeks
- Has southern exposure
- Has easy access to the ocean
- Is on a large, flat coastal area
- Is on the top of a ridge
- Is on a hillside with a good view

ADDITIONAL INFORMATION MAY BE REQUIRED AS FOLLOWS,
CONTACT THE PLANNING DIVISION FOR DETAILS.

- A BOTANICAL SURVEY may be required if an endangered species, Environmentally Sensitive Habitat Area (ESHA), stream, creek, wetland, or sand dune occupies any portion of the site.
- A WATER/SEWER SERVICE LETTER must be included with the application if water or sewer services are proposed to be provided by a Service District, public agency, or community system.
- A GEOTECHNICAL REPORT may be required if the project is on a bluff top property or within a Seismic Safety Combining District. That report must address the issues required by the Coastal Zoning Code Chapter 20.500, including but not limited to site geology, soils, soil stability, landsliding, erosion, drainage, bluff top setback, seismicity and faulting, tsunami issues, appropriateness of the proposed development on the site and construction techniques to adequately provide stability for your development.
- A DRAINAGE PLAN may be required where the project has a potential to adversely affect water quality within any waterway and where the project has the potential to affect slope stability along bluffs and steep slopes.
- A LANDSCAPE PLAN may be required where the project is located within a designated highly scenic area and landscaping is needed to offset the visual impacts of the project.
- AN ARCHAEOLOGICAL SURVEY is required for all projects where the Mendocino County Archaeological Commission has determined that a survey is required.
- STORY POLE PLACEMENT may be required for projects within designated highly scenic areas that are visible from public areas.

DECLARATION OF POSTING

At the time the application is submitted for filing, the applicant must Post, at a conspicuous place, easily read by the public as close as possible to the site of the proposed development, notice that an application for the proposed development has been submitted. Such notice shall contain a general description of the nature of the proposed development and shall be on standard form provided in the application packet. If the applicant fails to post the completed notice form and sign the Declaration of Posting, the Department of Planning and Building Services cannot process the application.

As Proof of Posting, please sign and date this Declaration of Posting form when the site is posted; it serves as proof of posting. It should be returned to the Department of Planning and Building Services with the application.

Pursuant to the requirements of Section 20.532.025(H) of the Mendocino County Code, I hereby certify that on _____ (date of posting), I or my authorized representative posted the "NOTICE OF PENDING PERMIT" for application to obtain a Coastal Development Permit for the development of:

24 x 26' 2 CAR GARAGE

(Description of development)

Located at: 38874 Honey Run Lane
Guadalupe, CA. 95445

145-191-11

(Address of development and Assessor's Parcel Number)

The public notice was posted at: 38874 Honey Run Lane

(A conspicuous place, easily seen by the public and as close as possible to the site of proposed development)

W. E. Ketchum
Owner/Authorized Representative

7-8-99
Date

A copy of the notice which was posted shall be attached to this form.

YOUR APPLICATION CANNOT BE PROCESSED UNTIL THIS "DECLARATION OF POSTING" IS SIGNED AND RETURNED TO PLANNING AND BUILDING SERVICES.



R.V. PARKER
ACTING DIRECTOR OF TRANSPORTATION

Ex Officio
Road Commissioner
County Engineer

COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION

340 LAKE MENDOCINO DRIVE
UKIAH, CALIFORNIA 95482-9432
VOICE (707) 463-4363 FAX (707) 463-5474

20 September 1999

FUNCTIONS

Administration & Business Services
Airports
County Surveyor
Engineering
Land Improvement
Roads and Bridges

RECEIVED

SEP 22 1999

PLANNING & BUILDING SERV
FORT BRAGG, CA

TO: Linda Ruffing, Supervising Planner
Department of Planning and Building Services, Fort Bragg

FROM: Benjamin Kageyama, Engineer III *BK*
Department of Transportation

SUBJECT: COASTAL DEVELOPMENT PERMIT NO. CDP 19-94 (HATHCOAT)
PROJECT COORDINATOR - RICK MILLER

We have reviewed the modified application for the above referenced coastal development permit, including letter from Julie Verran to Raymond Hall, received under cover of the transmittal memorandum from Rick Miller dated 2 September 1999, and offer the following comments for your consideration:

1. The applicant is requesting a modification of CDP 19-94 for construction of a 624 square foot detached shop/garage, located on the south side of Sedalia Drive (CR 523A), at its intersection with Honey Run Lane (private) at 38874 Honey Run Lane, Gualala.
2. As shown on the recorded map for North Gualala Subdivision No. 4 (C2 D28 P78), there is a 20 foot wide access easement and drainage easement along the westerly boundary of the subject property. The plot plan indicates that the proposed garage would be located 28 feet from the westerly lot line, or 8 feet from the drainage easement. As determined from our site review, there is a steep paved driveway within the access easement, with a 12 inch pipe located on the east side of the driveway. This pipe appears to be connected to an upstream inlet on the west side of the driveway, which picks up drainage from an upstream culvert crossing Sedalia Drive. Please note that the drainage easement through the subject property was rejected for maintenance by the Board of Supervisors. Except for the southerly most portion of the lot, the subject property is generally sloping steeply from north to south, and the proposed garage would appear to be located in an area of steep terrain. The owner, Hugh Hathcoat indicated that the existing drainage pipe would be extended to a point beyond the proposed garage. Contrary to the statements made in the letter from Julie Verran to Raymond Hall, the proposed location for the garage does not appear to be located in a sump area. However, because the proposed garage construction may result in significant grading, special attention may be necessary to ensure maintaining slope stability. We are available to further assist planning staff in the review of any such engineering matters.
3. The existing driveway connects directly to Sedalia Drive, adjacent Honey Run Lane. The driveway approach is adequately surfaced and has good sight distance onto Sedalia Drive. In regards to the driveway access to the proposed garage, the letter from Julie Verran states: "The slope of the road

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appears to knowledgeable observers to be approximately 30 percent. California Department of Forestry and Fire Protection standards call for driveways to be sloped no more than 16 percent." Although we did not measure the driveway slope, it appears to be well in excess of the CDF standard of 16 percent. We recommend that serious consideration be given to any comments from CDF on this issue.

If you have any questions regarding this, please contact me at your convenience.

cc: CDP 19-94

October 31, 1999

Julie Verran
38864 Sedalia Drive
P.O. Box 382
Gualala, CA 95545-0382

Mr. Eric Oppenheimer
Coastal Planner
California Coastal Commission
710 E Street, Suite 200
Eureka, CA 95501

RE: A-1-MEN-99-070

① Circled numbers refer to photos.

Dear Mr. Oppenheimer,

Enclosed is a set of photographs which I took of the site of the proposed second Hathcoat garage and vicinity. I took them with a standard lens of a 35-mm camera, hand held, on October 27 & 31. On October 27 the surf was unusually high. The photographs are as they are captioned and were not altered.

Although they were fined for removing vegetation in advance of a permit in 1994, the Hathcoats did again remove vegetation this time. A botanist might be able to determine by examining the pile of vegetation near the west corner of the garage site whether wetland vegetation was removed.

Looking at the site in light of Mr. Kageyama's letter, I observed that the part of the site nearest the house is indeed steeply sloped. The 12-inch pipe discharges near the flatter, lower part of the site. The two lower corner stakes are lying on the ground, perhaps knocked down by a storm on October 26. There is a gully formed below the pipe and angled into the lower portion of the building footprint. The water would appear to drain from the gully toward the Gualala River. Extending the pipe 20 feet as Mt. Hathcoat proposed and as the county required would appear to cause the water from the pipe - which drains a considerable area on Sedalia and Hubert Drives - toward the west, where runoff from the access road already discharges over the bluff edge in a narrow and unstable part of the bluff below an active slide which affects principally the Stillman property. That slide is located approximately 50 feet from the western edge of the access road. It lines up with the place where the drainage from the access road goes over the bluff edge. Therefore, moving the outlet of the culvert could indeed increase substantially the water going into a mapped unstable area with an active slide. Hence, my claim of nuisance. It is well known that changing where water drains can cause landslides.

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The slide on Mr. Stillman's lot also affects my lot, which is next to Stillman's. Should this slide regress headward, which it could if re-activated by hydrologic change, it would probably affect both my land and the Stillman land and could affect both houses and remove part of their lateral support. Note: the slide is on the uphill side of the RR berm.

It would take a hydrologist to work all this out; no hydrologic evaluation of this multi-property hazard situation has been done.

Just a few parcels up the coast, on the opposite side of Robinson Gulch, the 1984 county geological hazard map shows an area of unstable ground like that shown on this side of Robinson Gulch. Several slides have affected a total of 14 properties since then in the vicinity of Coral Court, according to county records. The county and the Coastal Commission should make every effort to prevent a similar situation on the Sedalia Drive side of Robinson Gulch.

An environmentally less damaging alternative to this project exists: using space within the existing footprint of the current Hathcoat house and garage and paved driveway, plus landscaping the site proposed for a second garage, leaving the drainage as it is and incorporating it into the landscape design.

These photographs are intended to show aspects of the Hathcoat project and vicinity. For more photos which I took of this multi-property geologic hazard situation, please refer to the file for My Riley appeal. The file is very large because the applicants packed the record, but you should be able to find my color slides because they are in boxes.

Again, if you do a field inspection I would like to go along. Besides some archaeological field training, I also did a lot of volunteer work for the Sierra Club which involved trail siting, road repair and landform restoration planning on the north coast, where I was privileged to learn from experts.

Sincerely,

Julie Verran
Julie Verran



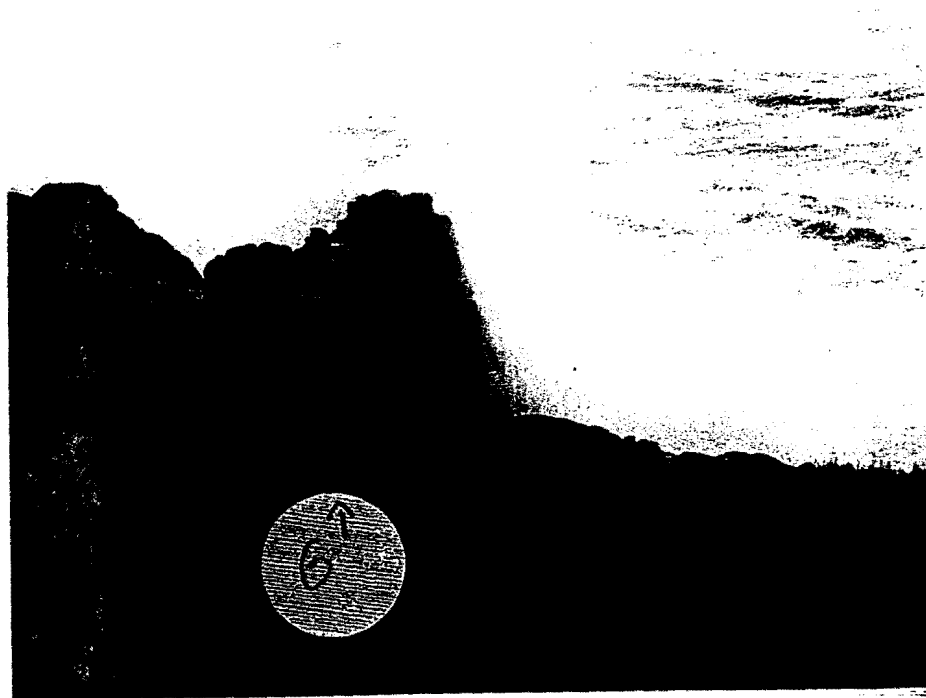
Submitted by J. Verran
for A-1-MEN-99-070
to accompany letter to staff
dated 10/31/99





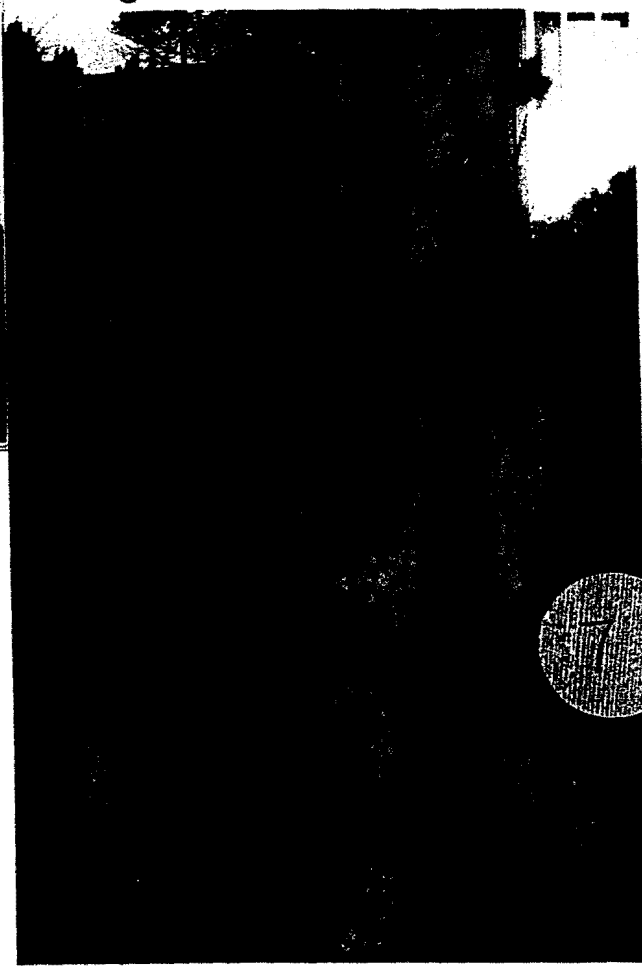
Submitted by
J. Verran for
A-1-MEN-99-070

to
accompany
letter to staff dated
10/31/99



Verran
house
↓

Stillman
house
↓

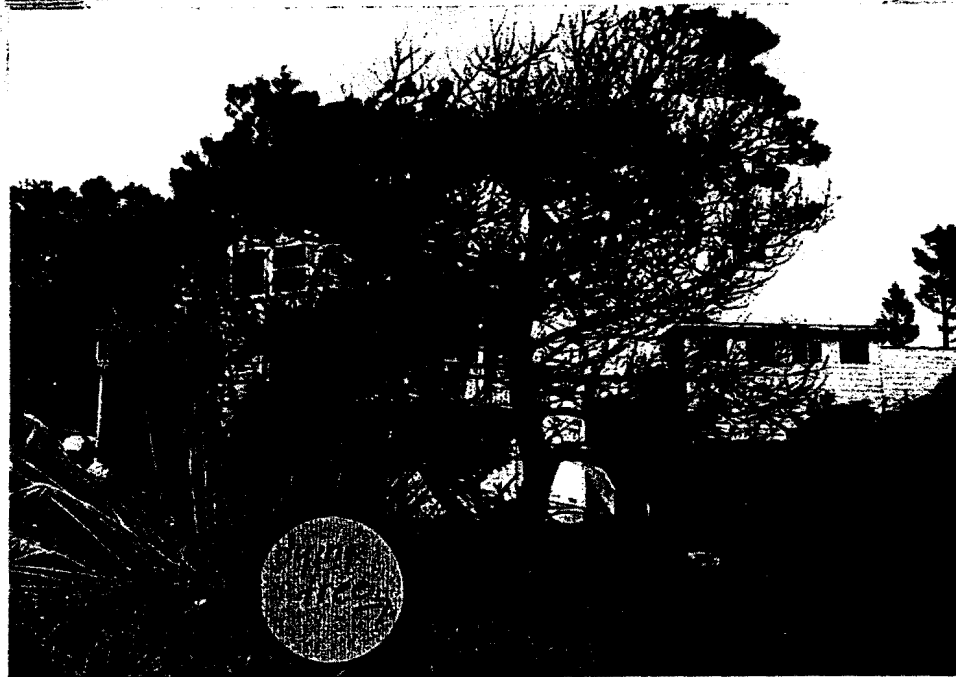
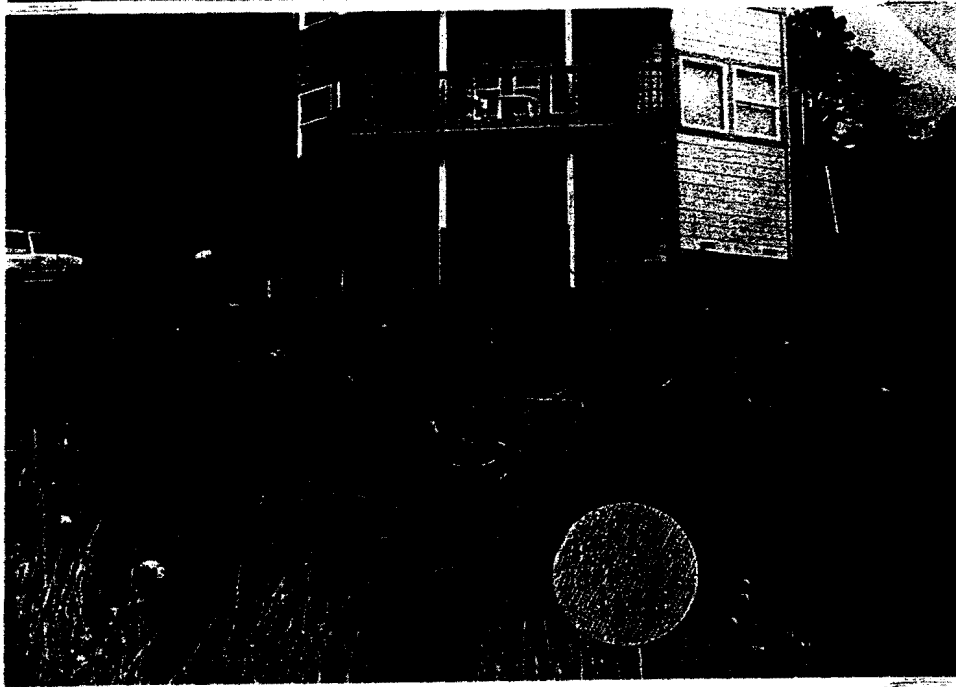


Photos #6 + #7 were
taken from the same spot
on top of the railroad berm.
Note heavy surf and spray
in air.

Hathcoat
house
appears much
taller than
nearby pre-
Commission
houses. 2nd
garage
below Hathcoat
house would
make it look
even taller



Submitted
by J. Verran
for
A-1-MEN-99-07
to
accompany
letter to Staff
dated 10/31/99



← Bower

Ms. Julie Verran
P.O. Box 382
Gualala, CA 95445

August 8, 1997

Re: Your Coastal Commission Appeal No. A-1-97-46

Dear Ms. Verran:

At your request, I have conducted an independent engineering-geological inspection and analysis of the geological hazards of the sea cliff area seaward of your property at 38864 Sedalia Drive, Gualala, CA.

Specifically, I focused on the following significant geological hazards impacting proposed construction in this zone and probable impacts on the environment by such construction.

- (1) Local rates and patterns of cliff retreat since 1942.
- (2) the stability of the sea cliff and the local geological factors and processes controlling cliff failure and collapse.
- (3) Seismic hazard, including the direct and indirect effects of fault rupture and ground shaking.
- (4) The hazard directly related to the partial collapse of the roofs of the several recognized sea caves underlying the marine terrace, but whose lengths are as yet undetermined.
- (5) The effects of concentrated surface and subsurface discharge of the cumulative runoff from impervious surfaces such as roofs, driveways, patios on the very fragile, cohesionless colluvium overlying the wave cut terrace on which construction is proposed.

My work consisted of a field visit to the site on July 14, 1997; and investigation of bedrock structure exposed on the cliff face and areas already denuded by wave action on the top of the terrace itself; a traverse along the old railroad grade bordering your property on the west; and a detailed examination of the properties of the colluvium soil mantling the wave cut terrace. I also performed an analysis and mapping of greatly enlarged (to 1": 50') stereo air photos of the site dating from 1942, 1964, 1984 and 1996 as well as of oblique close-up photos of the cliff area taken over the last 25 years. This 55-year record provided invaluable evidence of the rates and patterns of progressive cliff collapse. I reviewed all available reports and geological maps of the area, especially the 1963 Santa Rosa geological quadrangle published by the Calif. Division of Mines and Geology.

This report summarizes my observations and conclusions based on this specific investigation as well as on my 35 years of professional research and consulting on processes of beach erosion, rockslide failures and of landslides in general.

Yours sincerely,

Eugene Kojan, PhD., Engineering Geologist
California Certificate: 00811
Oregon Certificate: 00088

Page 35 of 44

**Engineering - Geologic Evaluation of the Coastal Zone Adjacent to
Your Property at 38864 Sedalia Drive, Gualala, California,
and Potential Environmental Impacts Associated with Development**

By Eugene Kojan PhD.
Engineering Geologist
California Certification: 000811

August 8, 1997

Dear Ms. Verran:

At your request I have conducted an independent engineering-geological inspection and analysis of the geological hazards of the sea cliff area seaward of your property at 38864 Sedalia Drive.

Introduction:

Specifically, I focused on the following significant geological hazards impacting the proposed construction in this zone and probable impacts on the environment by such construction:

- I** Local rates and patterns of cliff retreat since 1942.
- II** The stability of the sea cliff and the local geological factors and processes controlling cliff failure and collapse.
- III** Seismic hazard, including the direct and indirect effects of fault rupture and ground shaking.
- IV** The hazard directly related to the partial collapse of the roofs of the several recognized sea caves underlying the wave cut sea terrace, but whose lengths are as yet undetermined.
- V** The effects of concentrated surface and subsurface discharge of the cumulative runoff from impervious surfaces such as roofs, driveways, patios on the very fragile, cohesionless colluvium overlying the wave cut terrace on which the construction is proposed.

My work consisted of a field visit to the site on July 14, 1997; an investigation of bedrock structure exposed on the cliff face and areas already denuded by wave action on the top of the terrace itself; a traverse along the old abandoned railroad grade bordering your property on the west; and a detailed examination of the properties of the colluvium soil mantling the wave cut terrace. I also performed an analysis and mapping of greatly enlarged (to 1": 50') stereo air photos of the site dating from 1942, 1964, 1984 and 1996 as well as of oblique close-up photographs of the cliff area taken over the last 25 years. This 55-year record provided invaluable evidence of the local rates and patterns of progressive cliff collapse. I reviewed all available reports and geological maps of the area,

especially the 1963 Santa Rosa geological quadrangle published by the Calif. Division of Mines and Geology.

This report summarizes my observations and conclusions based on this specific investigation as well as on my 35 years of professional research and consulting on processes of beach erosion, rockslide failures and of landslides in general.

I Setback from Top of Sea-Cliff – Rates of Cliff Failure, Collapse and Retreat

A. Annual local rates of cliff retreat vary significantly over a range of several multiples of ten (orders of magnitude) along the precipitous northern California coast between Jenner at the mouth of the Russian River to Shelter Cove at the northern end of the Mattole peninsula. These sea cliffs fail almost exclusively by a process of rockslides and collapses by toppling, as well as other landslide processes. At this site, rockslides dominate. In common with rockslides worldwide, they typically occur sporadically, suddenly and massively without warning. In fact, the higher the intrinsic strength of the rock material, the more sudden and unpredictable they are. (Note Yosemite Valley rockslides of 1996.) Although very detailed geologic mapping and subsurface exploration by core drilling can often define the pre-existing jointing, faults and other structural defects which control the approximate dimensions of each future successive collapse, these slides are essentially unpredictable in place and time without very sophisticated instrumentation and years of observation. They respond to unpredictable events, such as the intensity and duration of the immediately preceding rainstorms, wave conditions (especially direction, height and wave length) earthquakes and tsunamis. As a consequence this coast is among the most unstable in the world. Tsunamis and earthquakes in addition create other modes of failure in coastal zones. In 1992, for example, a coastal strip in the vicinity of Cape Mendocino dropped suddenly and permanently up to two feet in elevation over a very wide area extending inland for at least 15 kilometers. In 1964, the downtown business district of Crescent City was swept off its foundations by a tsunami triggered by the Anchorage earthquake thousands of miles to the north.

For the Coastal Commission and the LCP to apply a criterion based on "average" rates of cliff retreat is unwarranted and dangerous. As an analogy, to note that California has not experienced a great earthquake since 1906 would be a meaningless and misleading characterization of the seismic risk in California. Earthquake and tsunami triggered landslides much larger than the 35 foot setback provided are very common worldwide. Similarly, even though tsunamis have not swept this terrace platform in recent memory is no reason to ignore their very real potential to destroy structures and dwellings built so close to the edge of the cliff. Local residents report that numerous pieces of driftwood have been cast onto the terrace surface by ordinary storms in recent years.

B. The BACE report's geologist indicated that he had "reviewed" the 1964 and 1981 air photos of the site enlarged to a scale of 1":300' and that the "average" rate of bluff retreat appears to be "on the order of" one inch or less per year.

No maps or documentation which would support this conclusion appear in the BACE report or in any subsequent correspondence. No accurate maps were supplied which show the cliff top edge in 1964 or 1981 or on any prior or subsequent date. Where were these measurements made?

The report fails to address or even mention the ever-present hazard of tsunamis or the effect of *great* earthquakes on landslides and the rate of cliff retreat. (There have been none since 1906.)

C. Based on my own analysis of cliff retreat obtained from large scale (1":50') enlargements of air photos from 1942, 1964, 1984 and 1996 (a total of 55 years) I have produced an overlay map indicating the actual position of the top of the scarp in 1964, 1984 and 1996. The positions at which the measurements were taken are indicated by the numbered sections 1A through 5 on the 1996 air photo overlay. (Their respective magnitudes are listed on the accompanying table.) The overlay depicts the edge of the soil scarp at the top of the sea cliff on the dates of 1964, 1984 and 1996.

In summary, they indicate a rate of retreat ranging from 2.6"/year to 37" /year. Immediately seaward of the proposed dwelling, they indicate a rate of cliff retreat of 2.6" /year (section 1A) to 6.9" /year (section 1B) between the years 1964 and 1996. For the zone immediately seaward of the proposed dwelling, *these rates translate to 43.5 feet of setback, applying the Coastal Commission's criterion of 75 times the annual rate of cliff retreat.* The proposed structure is set back only 35 feet. Four hundred feet to the south, the rate of cliff retreat increases to 37" /year for sections 4 and 5 between the years of 1984 and 1996, translating into a required setback of 231 feet.

Nevertheless, since there has not been a major earthquake or tsunami during the period 1942 to the present, there is no basis for the assumption that these measurements represent long term *maximum* rates of cliff retreat. Furthermore, the positions or loci of maximum rate of cliff retreat are likely to shift with time. If this were not the case, the coast of California would consist of hundreds of long, narrow peninsulas extending out to the edge of the Pacific plate!

Conclusions and Recommendations

The setback criterion is inadequate to deal with the major hazard of an acceleration in the rate of cliff retreat associated with earthquake and/or tsunami triggered landslides.

The Coastal Commission and the respective counties should revise the setback criterion so as to prohibit new construction of any dwellings at sites considered by the California Division of Mines and Geology as being susceptible to direct or indirect hazard from earthquake-triggered landslides or tsunamis. At a minimum, a default setback, unless it is otherwise demonstrated that the site is secure, should be at least one hundred feet in recognition of the probability of changes in the loci of maximum cliff retreat.

II The Stability of the Sea Cliff and the Local Geologic Factors and Processes Controlling Cliff Failure and Collapse

A. In common with most of the California coast, landslides (including rockslides) of various types are the dominant mechanism responsible for sea cliff retreat. The sea cliff for at least 300 feet to the north and 450 feet to the south consists *almost exclusively* of the product of rockslides. A jumble of very large, fresh, joint blocks derived from rockslides on the immediately adjacent scarp are undeniable evidence of recent rockslides on the face of the scarp and to its fundamental instability. Such slides fail instantaneously and move at very high velocities (tens to hundreds of feet per second). Factors which contribute to the high rockslide susceptibility include the very steep slope, high relief (up to 65 feet high above sea level), the adverse orientation of pre-existing, persistent rock defects and of continuous wave attack.

At the top of the scarp and overlying the bedrock surface of the wave cut terrace, the colluvium is *failing* by a continuous series of small debris slides and by the back-sapping of piping failures. In general, this rubble, including the largest of the rock fragments in the colluvium, have been swept away by wave splash.

B. The statements in the BACE report that "no evidence of landsliding or severe erosion was observed on the property bluffs" (1992 report p. 5, paragraph 3) and "the bluff is basically stable" (5/15/97 BACE letter p. 2, paragraph 5) are simply totally erroneous and outrageously misleading.

Debris slides along the western portion of your property and of your neighbors' to the south are, in part, a response to the initial excavation of the old railroad cut bordering your property. Any adverse effects on the stability of the berm along the western side of the cut (beyond your property line) could severely accelerate and expand the boundaries of existing slides and create new ones. If the berm is to be partially removed, a properly designed and fully drained retaining structure should be constructed.

C. Conclusions and Recommendations

I urge the Coastal Commission and the Planning Dept. of Mendocino County to request the assistance of a geologist from the California Division of Mines and Geology to inspect such sites and issue a report reflecting the opinion of the Agency regarding the prevalence of the landslides (rock slides) and the overlying debris slides within this area.

III Seismic Hazard, Including the Direct and Indirect Effects of Fault Rupture and Ground Shaking

A. The northern California coastal region is among the most seismically-active areas on earth. The main San Andreas fault zone, and its branches, which control the course of the Gualala River and of the development of portions of the coastline itself, is less than one and one-half miles to the northeast. As shown on the published Santa Rosa geologic quadrangle, an un-named branch fault of the San Andreas very probably controls the course of the Gualala River at its mouth and very likely extends through the zone west of your property. The strike of this fault is almost identical to the single, exposed fault observation reported in the 1992 BACE report. The nearby surrounding region includes the epicenters of many moderate to large earthquakes. The seismic hazards at this site consists of both the *direct* effects of ground shaking and *indirect* effects in the triggering of rockslides and other types of landslides along the base of the bluff. Sudden seismically generated, massive rockslides causing a 30 to 50 foot long collapse cannot be dismissed.

Another indirect effect of ground shaking of cohesionless silts, silty sands and sandy silts (such as described in the 1992 BACE report as occurring in *every* one of the five test pits excavated) is liquefaction. During an earthquake, if saturated, such materials lose virtually all of their strength, destroying buildings and other structures placed on them.

Disposal of concentrated storm runoff from impervious surfaces could lead to increased saturation, making this soil extremely vulnerable to liquefaction.

B. The 1992 BACE report and subsequent documents contain *no* evidence of any deliberate effort to search for the presence of active faults displacing the very recent colluvial soil cover overlying the cut bedrock terrace. Accepted techniques to search for (and discover), to prove or disprove the existence of active faults in general would include the excavation of several long (at least 80' in length) backhoe trenches into firm bedrock along axes approximately perpendicular to the most likely trend of a candidate fault. Such trenches should then be mapped in great detail to record any recent offset of the weathering profile or soil cover.

The generally accepted definition of an "inactive" fault includes the absence of any displacement during the last 10,000 years. Since the soil/bedrock horizon is probably less than 1-3,000 years old, the proof of "*inactivity*" would be difficult to establish at this site. But if one does not search deliberately for active faults it is highly unlikely that one would be found.

C. Conclusions and Recommendations

The BACE reports and documents are very seriously flawed and deficient in their treatment of the seismic hazard both in the risk from actual surface fault rupture and the effects of ground shaking on sea cliff collapse and liquefaction of the overlying colluvium forming the upper portion of the scarp.

Most serious however, is the complete absence of any reference in any of the documents which I have reviewed which indicate the responsible involvement and signature by a licensed structural engineer or architect. Applications for construction permits for dwellings in seismically hazardous zones (such as the entire coastal zone of California) should be summarily rejected unless signed by a licensed structural engineer and/or a licensed architect. The inadequacies of the report in dealing with the very real seismic hazard appear to violate Zoning Code 20.500.010.

IV The Hazard Directly Related to the Partial Collapse of the Roofs of the Several Recognized Caves Underlying the Marine Terrace, Whose Lengths and Other Dimensions Are As Yet Undetermined

A. Sea caves, tunnels and blow holes are very common on the coast of California, Oregon and Washington. Many of these caves are 20 to 30 feet and deeper, and are the result of wave attack on the locally highly fractured rock. The roofs of most sea caves eventually collapse. Blowholes are sea caves whose roofs have only partially collapsed.

The 1992 report makes *only minor* mention of the existence of sea caves under this parcel. In 1997, in response to the appellant's protests, the positions of five sea caves were finally indicated on a map without any indication of their individual lateral and longitudinal boundaries and extent.

Sea caves must be considered as the advanced front of wave attack, erosion, collapse and retreat of the sea cliff, and their maximum landward extent should be the basis for subsequent calculations for the setback line.

B. To date, no effort has been made by the applicant's consultants to determine the boundaries and maximum landward extent of any of any of the sea caves undermining the property. Any structure built on a surface subject to sudden roof collapse could be severely damaged and might be life threatening. There is a high risk of violation of Zoning Code Section 20.500.010.

C. Conclusions and Recommendations

The position, orientation, width, depth and maximum landward extent of all of the sea caves should be accurately determined before any approval of any construction plans be allowed within the entire coastal zone.

The position, orientation, depth, width and landward extent of all of the sea caves can be effectively determined by detailed, closely parallel refraction seismic geophysical survey traverses. The results of these surveys should then be verified by a series of closely spaced borings with continuous rock cores sampled and logged.

V The Effects of Concentrated Surface and Subsurface Discharge of the Cumulative Runoff from Impervious Surfaces such as Roofs, Driveways, Patios on the Very Fragile, Cohesionless Colluvium Overlying the Wave Cut Terrace on which the Construction is Proposed

A. The engineering descriptions of the soils encountered in each of the 5 test pits reported on Plates 3, 4 and 5 of the 1992 BACE Geotechnical Report are without exception cohesionless and very susceptible to piping (progressive subsurface erosion) when saturated even under static (non-earthquake) conditions and liquefaction under conditions of ground shaking in an earthquake.

The discharge of accumulated runoff by means of leach lines in such soils would lead to a rise in the level of saturation *in the soil adjacent to the leach line*, and to a significant hazard of piping and liquefaction.

The adverse changes in ground water hydrology due to the creation of impervious surfaces and the consequent more sudden, locally concentrated surface and/or subsurface flows would locally increase seepage pressures on the face of the unsupported soil scarps at the top of the cliff, leading to increased seepage pressures and a degrading and accelerated erosion of the soil cover on the marine terrace surface. This could be in violation of Policy 3.4-9 and Zoning Code Section 20.492.025.

Yours sincerely,

Eugene Kojan, PhD.
Engineering Geologist
California Certificate: 00811
Oregon Certificate: 00088

**Measured Rates of Sea Cliff Retreat at Five Sections in Vicinity
of 38864 Sedalia Drive, Gualala, CA.**

Period 1964 to 1996 (32 years)

Period 1984 to 1996 (12 years)

Section 1A	Total retreat = 7'	= 4'
	Annual average = .21'	= .33' /year
	= 2.6"	= 3.9" /year
	Setback criterion = 15.75'	= 24.75'
Section 1B	Total retreat = 7'	= 7'
	Annual Av. = .22' /year	= .58' /year
	= 2.6" /year	= 6.9" /year
	Setback Cr. = 16.5'	= 43.5'
Section 2A	Total retreat = 10'	= 2'
	Annual Av. = .31' /year	= .166' /year
	= 3.7" /year	= 2" /year
	Setback Cr. = 23.43'	= 12.45'
Section 2B	Total retreat = 13'	= 7'
	Annual Av. = .4' /year	= .58' /year
	= 4.8" /year	= 6.9" /year
	Setback Cr. = 23.43'	= 43.5'
Section 3	Total retreat = 19'	= 15'
	Annual Av. = .59' /year	= 1.25' /year
	= 7" /year	= 15" /year
	Setback Cr. = 44.25'	= 93.7'
Section 4	Total retreat = 48'	= 37'
	Annual Av. = 1.5' /year	= 3.08' /year
	= 18" /year	= 36.9" /year
	Setback Cr. = 112'	= 231'
Section 5	Total retreat = 60'	= 37'
	Annual Av. = 1.87' /year	= 3.1' /year
	= 22.5" /year	= 37" /year
	Setback Cr. = 140'	= 231'

Below Cluster of Homes as seen from Beach. This picture taken with telephoto lens, from beach.

HATHCOAT

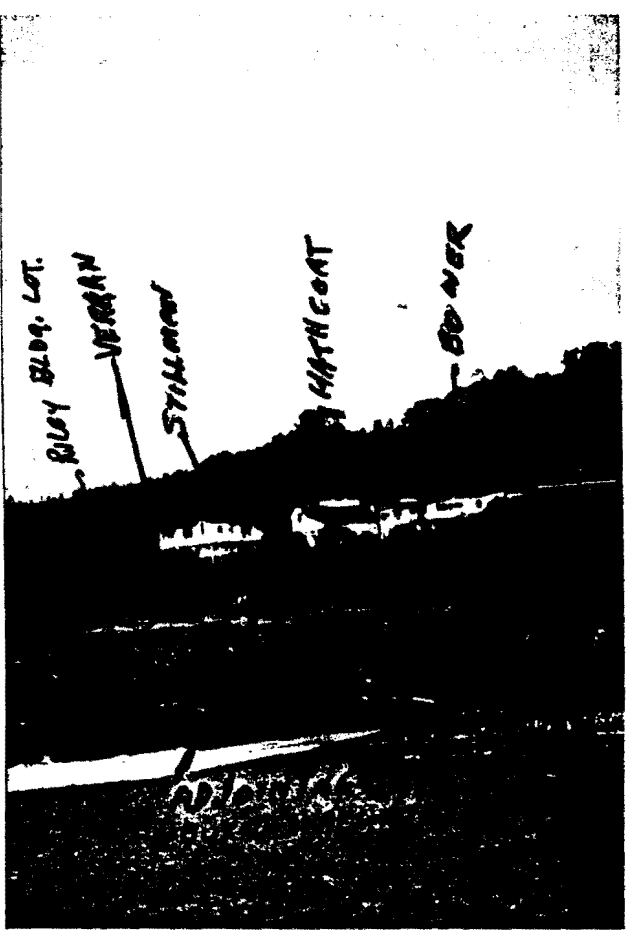
Permit # 1994

Appeal #

A1-MEN-99-070

APN #

145-191-11



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EXHIBIT NO.	6
APPLICATION NO.	A-1-MEN-99-070
Project proponents photographs	

Green Line depicts Height of Top of Garage Roof.



RECEIVED
OCT 25 1999

RAYMOND HALL
DIRECTOR

CALIFORNIA TELEPHONE
COASTAL COMMISSION (707) 964-5379

COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

MAILING ADDRESS:
143 WEST SPRUCE STREET
FORT BRAGG, CA 95437

COASTAL DEVELOPMENT STANDARD PERMIT

EXHIBIT NO. 7
APPLICATION NO. A-1-MEN-99-070
Original County staff report
Page 1 of 9

Case #: CDP #19-94

Owner: Hugh Hathcoat

Request: Construction of a 2530 square foot, two story single family residence with average height of 34 feet and a 577 square foot garage.

Location: In Gualala at 38874 Honey Run Lane (private road). Located on W side of Hwy 1, approximately 1000 feet NW of the Hwy 1/Ocean Drive (CR #523) intersection (APN 145-191-11).

Action: Approved with conditions.

Effective Date: July 6, 1994

Expiration Date: July 6, 1996

Conditions of Approval: See staff report for conditions.

Planning Department Statement: I hereby certify that all conditions which must be met prior to use or occupancy of this permit have been met and that this permit is deemed by the Planning and Building Services Department to be a valid permit subject to all conditions of approval.

Signed _____
Coastal Permit Administrator

7-18-94
Date

Owner's Statement: I am the owner of the property subject to this permit (or his authorized agent) and I hereby certify that I have reviewed the conditions of approval and will establish and continue to use in compliance with the specified conditions and applicable sections of the Mendocino County Code. I further grant permission for County Staff to enter upon the premises for which the permit is issued to verify compliance with the required conditions.

Signed _____

_____ Date

STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT

CDP # 19-94
May 26, 1994
CPA-1

OWNER/APPLICANT: Mr. Hugh Hathcoat
P.O. Box 1151
Lafayette, CA 94549

REQUEST: Coastal Development Permit to
construct a 2530 sq.ft., two-story
single family residence with average
height of 34 ft and a 577 sq.ft.
garage.

LOCATION: In Gualala at 38874 Honey Run Lane
(pvt rd.). Located on west side of
Highway 1, approximately 1000 ft. NW
of the Highway 1/Ocean Drive (CR 523)
intersection. (APN 145-191-11)

APPEALABLE AREA: Yes. West of the first public road.

PERMIT TYPE: Standard

TOTAL ACREAGE: 0.5 acre

ZONING: RR:L-5

ADJACENT ZONING: North: RR:L-5
East: RR:L-5
South: RR:L-5
West: RR:L-5

GENERAL PLAN: RR-5[SR]

EXISTING USES: Vacant

SURROUNDING LAND USES: N/E/S: Residential
W: Vacant

SUPERVISORIAL DISTRICT: 5

GOVT CODE 65950 DATE: November 1, 1994

ENVIRONMENTAL DETERMINATION: Categorical Exemption, Class 3(a)

OTHER RELATED APPLICATIONS: none

PROJECT DESCRIPTION: The project site is located in the community of Gualala on the west side of Highway 1. Access to the site is provided from a private road, Honey Run Lane, which is located off of Sedalia Drive (CR 523A) (Exhibit A). The applicant proposes to construct a 2530 sq. ft. single family residence and a 577 sq. ft. two-car garage on the .5-acre parcel (Exhibit B). Floor plans for the residence are shown on Exhibit C and elevations on Exhibit D. The maximum height of the residence would be 42 feet above grade, and the average height, 34 feet. Horizontal wood siding and composition shingle roofing are proposed. Sewer service would be provided by the Gualala Community Services District and water service would be provided by the North Gualala Water Company.

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

Land Use: The project site is located in the RR-5[SR] zoning district. Single family residences and garages are permitted. Minimum front, rear, and side yard setbacks of 20', 20' and 6' are required. The project would comply with the established setbacks.

Public Access: Although the project site is located west of Highway 1, it is not located adjacent to the coastal bluff. There is no evidence of historic public use of the property and the property is not designated for public

access in the Coastal Element. The proposed project would not impact existing or proposed public access to the coast, and the project complies with the public access policies of the Coastal Act and the Coastal Element.

Hazards: The project site is not located on the coastal bluff and there are no known active faults in the immediate site vicinity. The San Andreas Fault is located approximately 2-3 miles east of the site and the site would be subject to intermediate groundshaking during a seismic event. The site is located in a "moderate" fire hazard classification area. Emergency fire protection services are provided by the California Department of Forestry & Firefighting (CDF) and the South Coast Volunteer Fire Department. CDF reviewed the application and issued a preliminary clearance form, requiring only that defensible space standards be maintained.

Visual Resources: The project site is not located within a designated "highly scenic area" and is not visible from Highway 1 or any public recreational area. In the SR zoning district, the maximum building height is 35 feet. As shown on Exhibit D, the south elevation of the structure has a maximum height of 38 feet above natural grade and the north elevation has a maximum height of 42 feet. If an average grade calculation is applied to account for the sloping site, a maximum building height of 48 feet is permitted at the lowest site elevation. The proposed structure complies with this height limitation.

The Coastal Zoning Code requires that exterior light fixtures be shielded and downcast to prevent nighttime illumination from exceeding the boundaries of the parcel upon which they are placed (Section 20.504.035). Special Condition #1 is recommended requiring the applicant to submit plans and specifications showing the location and type of all exterior light fixtures for the review and approval of the Coastal Permit Administrator prior to issuance of the Coastal Development Permit.

Natural Resources: The site does not contain any environmentally sensitive habitat areas and is not likely to provide habitat for any rare and/or endangered plant and animal species.

Archaeological/Cultural Resources: There are no known archaeological or paleontological resources on the project site. This application was referred to the Northwest Information Center of the California Archaeological Inventory at Sonoma State University. They conducted a records search and found that the project area has the possibility of containing archaeological resources. The Mendocino County Archaeological Commission reviewed the referral from the Archaeological Inventory and determined that an archaeological survey was not necessary.

Special Condition #2 is recommended to ensure that if any archaeological artifacts are encountered during the course of excavation or construction activities, appropriate actions are taken to ensure the proper handling of the discovery per Chapter 22.12 of the Mendocino County Code.

Groundwater Resources: The site is shown as a Critical Water Resource area on the Coastal Groundwater Study maps. The property is within the service area of the North Gualala Water Company and domestic water would be provided by the water company.

Transportation/Circulation: The project would not alter any existing roadways, but would contribute incrementally to cumulative traffic volumes on Highway 1 and local roads. These incremental impacts were considered when the site was assigned the SR land use designation in the Coastal Element.

Zoning Requirements: The project complies with the zoning requirements for the Suburban Residential District set forth in Sec 20.384.005 et.seq., and with all other zoning requirements of Title 20, Division II of the Mendocino County Code.

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532 and 20.536 of the Mendocino County Code, staff recommends that the Coastal Permit Administrator approve the proposed project, and adopt the following findings and conditions:

FINDINGS:

- (1) The proposed development is in conformity with the certified Local Coastal Program; and
- (2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
- (3) The proposed development is consistent with the purpose and intent of the Suburban Rural zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
- (4) The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
- (5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
- (6) Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
- (7) The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan.

STANDARD CONDITIONS:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and/or use of the property in reliance on such permit has been initiated prior to its expiration.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20, Division II of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division.
6. This permit shall be subject to revocation or modification upon a finding of any one (1) or more of the following:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.

- c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one (1) or more condition to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one (1) or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

SPECIAL CONDITIONS:

1. Prior to issuance of the Coastal Development Permit, the applicant shall submit plans and specifications for all proposed exterior light fixtures for the review and approval of the Coastal Permit Administrator. All exterior lights shall be downcast and shielded in accordance with Section 20.504.035 of the Zoning Code.
2. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery; and make notification of the discovery to the Director of Planning & Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

Staff Report Prepared By:

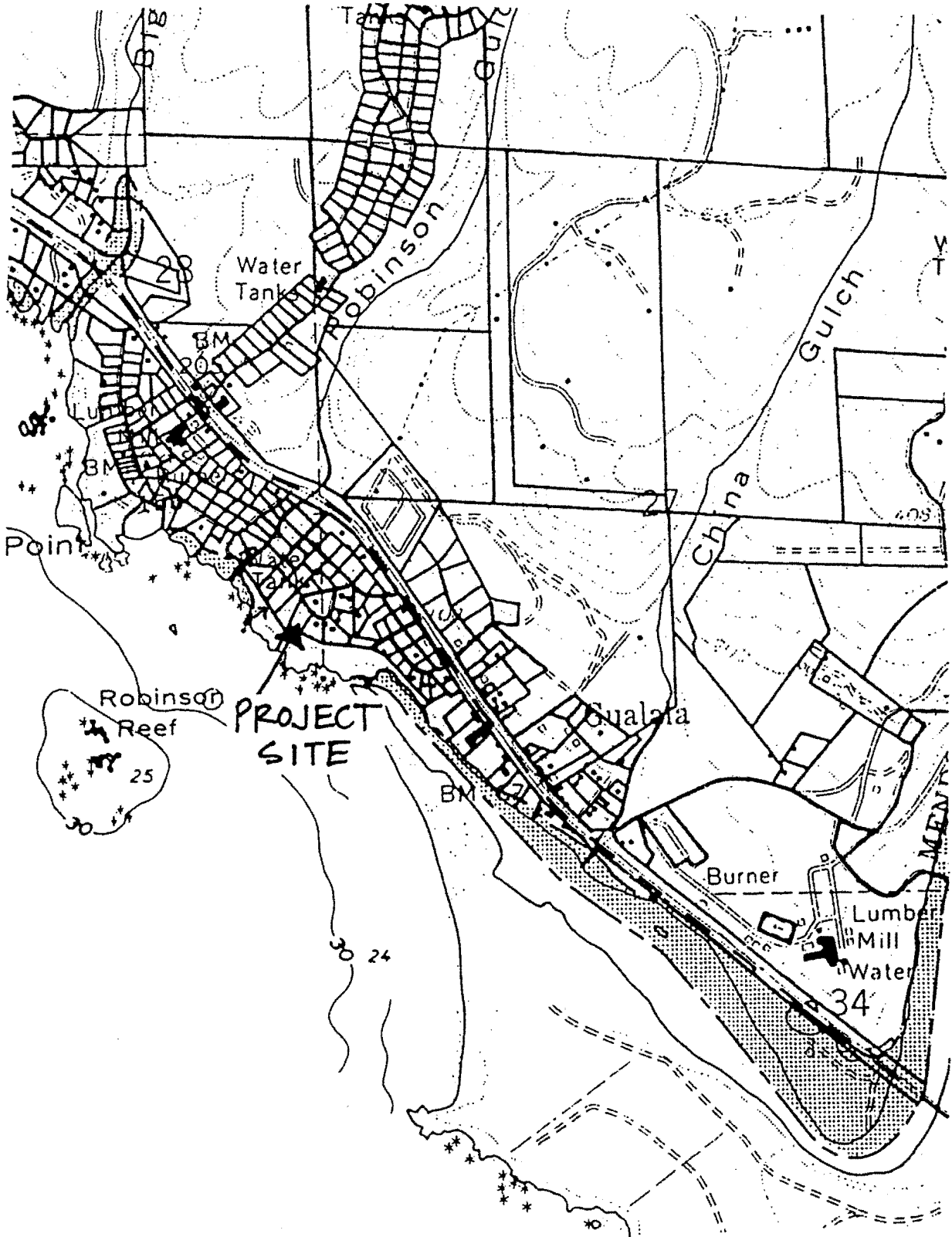
Date: 5.10.94

Linda Ruffing
Linda Ruffing
Coastal Planner

Attachments: Exhibit A: Location Map
Exhibit B: Plot Plan
Exhibit C: Floor Plans
Exhibit D: Elevations

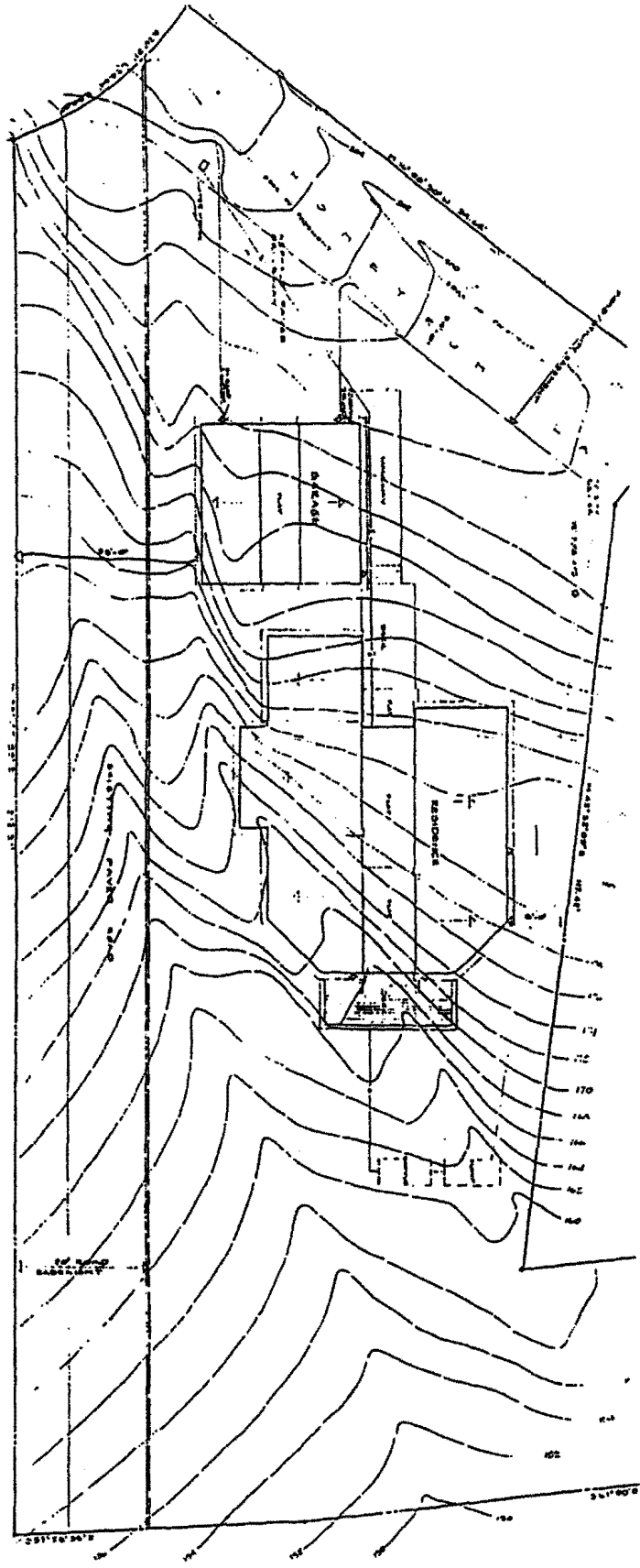
Appeal Period: 10 days
Appeal Fee: \$555

CDP #19-94
May 26, 1994
CPA-5

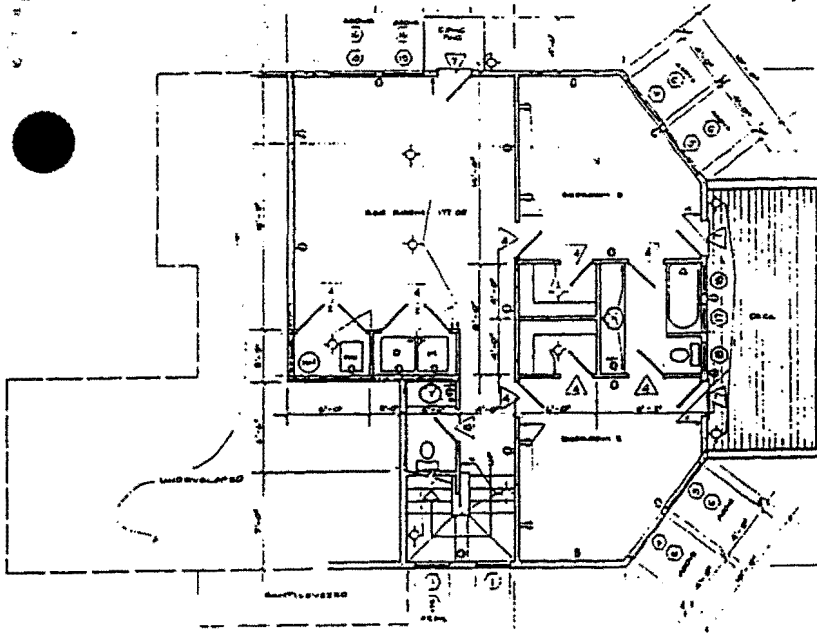


CDP #19-94
May 26, 1994
CPA-6

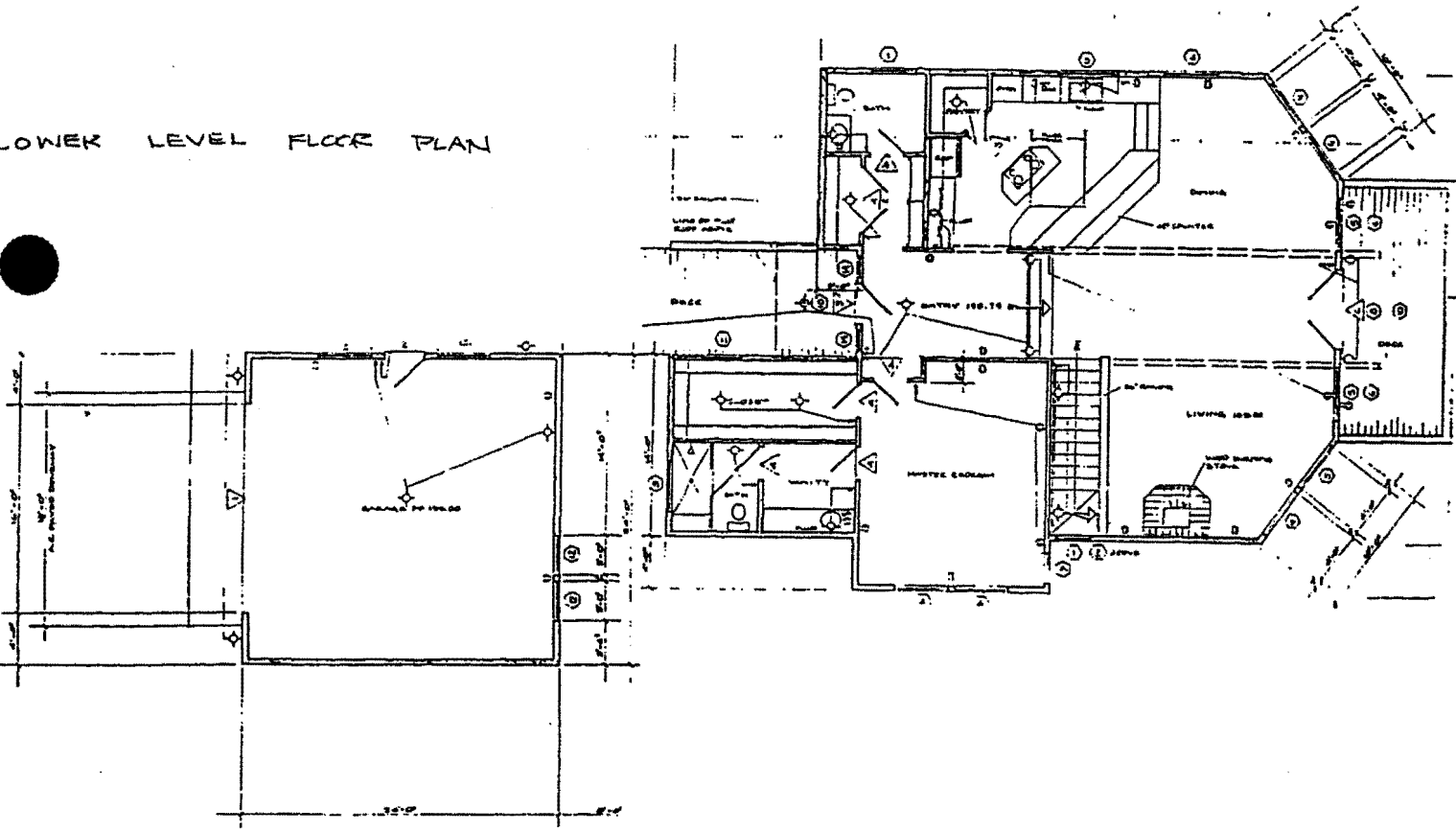
PLOT MAP



CDP #19-94
May 26, 1994
CPA-7

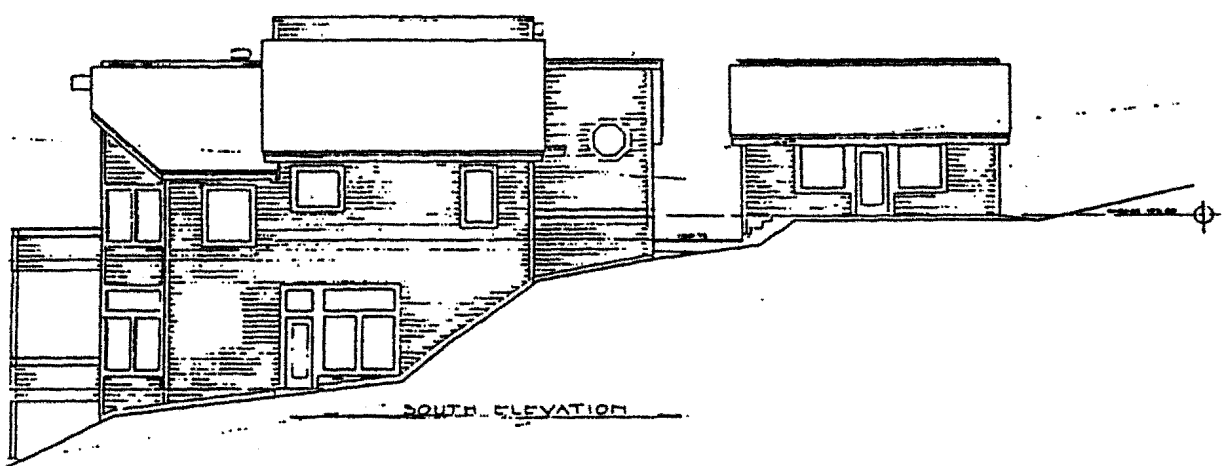
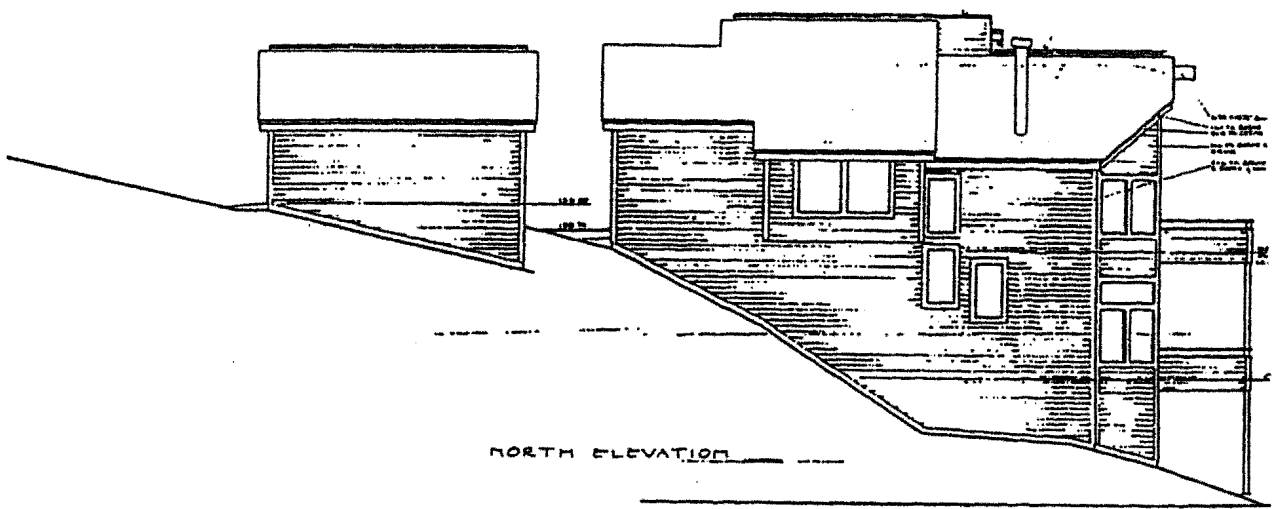
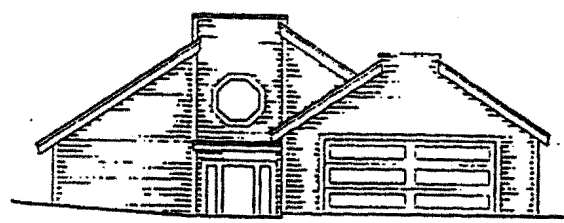
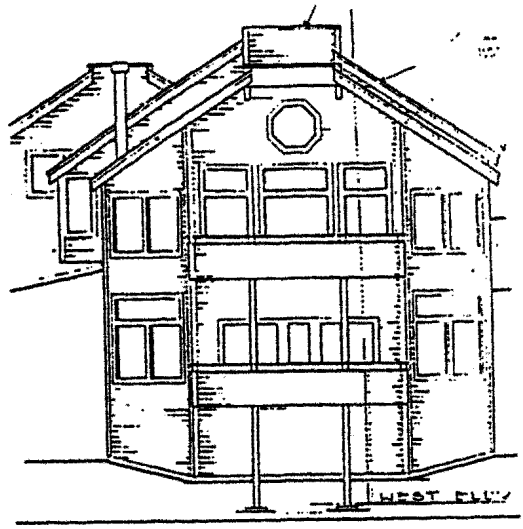


LOWER LEVEL FLOOR PLAN



MAIN FLOOR PLAN

CDP #19-94
May 26, 1994
CPA-8



To: FAX 707-445-7877

10/25/99

California Coastal Commission
North Coast District Office
710 E. St., Suite 200
Eureka, Ca. 95501

RECEIVED
OCT 27 1999
CALIFORNIA
COASTAL COMMISSION

Attention Eric Oppenheimer

Subject: 11/5/99 Commission Meeting, item F5.5a ;
(Mendocino County Coastal Development
Permit # CDP 19-94)

My name is Ben Hillman, and my wife
and I own the property directly adjacent to
and to the north of Hathcoats subject property.
Our address is 38842 Sedalia Dr., Eureka.

This letter is to advise the Commission
that my wife and I have no objections
to the Hathcoats building their ^{DETACHED} ~~attached~~
garage as approved by the county.

Thank you very much,
Sincerely,
Ben Hillman

11165 La Paloma Dr.
Cupertino, Ca. 95014

EXHIBIT NO.	8
APPLICATION NO.	A-1-MEN-99-070
Correspondence	

