

## CALIFORNIA COASTAL COMMISSION

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Filed: October 27, 1999  
49<sup>th</sup> Day: December 15, 1999  
180<sup>th</sup> Day: March 17, 2000  
Staff: Eric Oppenheimer  
Staff Report: December 17, 1999  
Hearing Date: January 14, 1999  
Commission Action:

STAFF REPORT: PERMIT AMMENDMENT

APPLICATION NO: 1-92-201-A2

APPLICANT: JOHN ZUCKER

AGENT: Stephen Hale

PROJECT LOCATION: 3401 Highway One, approximately two miles north of Elk,  
Mendocino County, APN 127-040-03

DESCRIPTION OF PROJECT ORIGINALLY APPROVED: Construction of 2,040-square-foot,  
18 -foot-high, one-story single-family residence with a driveway, well, and septic system.

DESCRIPTION OF PREVIOUSLY APPROVED AMENDMENT: Enlarge the proposed house  
by (1) adding 653 square feet to the footprint, extending it 12 feet to the northwest; (2) adding a  
198 -square-foot basement; and (3) adding a second-story master bedroom loft, resulting in a  
house that remains no higher than 18 feet in height.

DESCRIPTION OF AMENDMENT: Construction of (1) a 14-foot tall barn with a 1056-  
square-foot footprint; (2) a 16-foot tall garage with  
an 840-square-foot footprint; and (3) an 18-foot-tall  
water tower with a 100-square-foot footprint.

SUBSTANTIVE FILE DOCUMENTS: Mendocino County LCP; Certificate of compliance #  
10-91\*

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendment with conditions. The proposed amendment proposes to develop a garage, barn, and water tower on a residential parcel that was previously developed with a single-family residence pursuant to the original permit. The principal issue raised by the amendment is whether the proposed new development would be visually subordinate to the character of the area. The site is located west of Highway One north of Elk along a spectacular stretch of open coast that appears largely undeveloped. The originally approved house was sited, designed, and conditioned to be largely invisible from public vantage points along Highway One to ensure that the development would be subordinate to the character of the area and to protect visual resources. This result was achieved by siting the house within existing trees, limiting its height, restricting the colors and kinds of exterior materials used in its construction, and planting additional trees and other landscaping. The proposed new structures have been similarly sited within trees and limited in height to make them largely invisible from the few vantage points south along Highway One where they would otherwise be visible to the public. To ensure that the existing vegetation that will serve to screen the development remains in place, staff is recommending a special condition that requires recordation of a deed restriction stating that all tree cutting or removal of trees on the parcel is prohibited and any dead or fallen trees must be replaced for the life of the project. In addition, staff is recommending a condition that limits the choice of colors of the exterior materials to be used in the construction of the proposed new structures to ensure that the structures will blend in with their surroundings. As conditioned, the proposed new development will be largely invisible and subordinate to the character of its setting.

The proposed structures will be sited more than 100 feet from the bluff edges of the parcel where they will not be affected by bluff retreat during the life of the structures. To ensure that runoff from the development does not contribute to any bluff instability, staff recommends a special condition requiring submittal of a drainage plan that routes drainage from the structures away from the structures themselves and away from the eroding southern bluff edge of the parcel, consistent with the recommendations of geotechnical reports previously prepared for the site. Because the garage and barn structures are large enough to be physically used as second residential units, inconsistent with LCP requirements that only one residential unit be developed on each parcel, staff is also recommending a special condition that requires recordation of deed restriction prohibiting use of these structures as second units.

As conditioned, staff believes that the proposed development with the proposed amendment is fully consistent with the policies of the certified LCP and with the coastal access policies of the Coastal Act.

STAFF NOTES

1. PROCEDURE AND BACKGROUND: Section 13166 of the California Code of Regulations states that the Executive Director shall reject an amendment request if it lessens or avoids the intent of the approved permit unless the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and procured before the permit was granted.

Coastal Permit No. 1-92-201 (Stewart) was approved by the Commission on March 18, 1993 with a number of special conditions intended to address visual and geologic concerns, and to ensure that the development would be subordinate to the visual character of the highly scenic area where it was constructed. Special Condition No. 1 required that prior to issuance of the coastal permit, the applicants shall record a future development deed restriction over the entire property stating that any future additions or new development as defined in Public Resources Code 30106 will require an amendment to Permit No. 1-92-201 or a new coastal permit. Special Condition No. 2 required submittal of final foundation and site drainage plans consistent with the recommendations of the geotechnical report. Special Condition No. 3 required submittal of a landscaping tree maintenance plan that included the planting of at least 16 trees for screening purposes. Special Condition No. 4 imposed various design restrictions, such as requiring earthtone colors for the structure to ensure that the development had no adverse impacts on visual resources.

The conditions of the original permit were met and remain in effect. The coastal permit was issued on May 31, 1996. The permit was extended and assigned from the original applicant, John Stewart, to the current property owner and applicant, John Zucker.

Coastal Permit Amendment No. 1-92-201A was issued to John Zucker on September 11, 1996. The approved amendment authorized enlarging the approved house by (1) adding 653 square feet to the footprint and extending it 12 feet to the northwest; (2) adding a 198-square-foot basement; and (3) adding a second-story master bedroom loft. The permit amendment included two new Special Conditions. Special Condition No. 1 of the permit amendment, which superceded Special Condition No. 2 of the original permit, required that the project be constructed in accordance with the final site and foundation plans, the final site drainage plan, and the 1996 geotechnical report. Special Condition No. 2 of the permit amendment, which superceded Special Condition No. 3 of the original permit, required that the applicant landscape the property in accordance with the revised landscaping plan dated July 26, 1996. Special Condition No. 2 also specified the species of trees to be planted, planting sizes, and the required height of mature vegetation. Additionally, Special Condition No. 2 required 100 percent replacement of dead trees for the life of the project. Special Conditions 1 and 4 of the original permit remained in effect and unchanged by the permit amendment.

Site development has been completed as approved and all conditions have been met. The applicant requests this amendment to allow the construction of a barn, a garage, and a water tower on the developed 24-acre subject parcel. The new structures would be located where they

are screened from view from public vantage points along Highway One by existing groves of trees and would be limited in height so that the structures do not extend above the tree line. Thus, the amended development would remain visually subordinate to the character of the area. In addition, the proposed structures would be located further inland than the approved house and would be set back sufficiently far from bluff edges to keep the project from contributing to geologic hazards. Therefore, the Executive Director, found that the proposed amendment will not conflict with the intent of the conditions attached to Coastal Permit No. 1-92-201 or Coastal Permit Amendment No. 1-92-201A. Since this amendment request would not result in a lessening or avoidance of the intent of the approved permit or subsequent amendments, the Executive Director accepted the amendment request for processing.

2. STANDARD OF REVIEW: The Coastal Commission effectively certified Mendocino County's LCP in October of 1992. Pursuant to Section 30604 of the Coastal Act, after effective certification of a certified LCP, the standard of review for all coastal permits and permit amendments for developments located between the first public road and the sea is the certified LCP and the public access policies of the Coastal Act.

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**I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:**

The staff recommends the Commission adopt the following resolution:

**Motion:**

I move that the Commission approve the amendment to Coastal Development Permit No. 1-92-201 subject to conditions.

**Staff Recommendation of Approval:**

Staff recommends a YES vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolutions and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution to Approve Permit Amendment:**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would

substantially lessen any significant adverse impacts of the amended development on the environment.

II. **STANDARD CONDITIONS:** See Attachment A

III. **SPECIAL CONDITIONS:**

Special Conditions 1 and 4 of the original permit remain in effect. Special Conditions 1 and 2 of the previous amendment supercede Special Conditions 2 and 3 of the original permit and remain in effect. The following additional special conditions also apply to the amended project.

1. **Second Structure Deed Restriction:**

A. The following restrictions shall apply with respect to the barn and the garage.

1. Any rental or lease of the structure separate from the lease of the main residential structure is prohibited.
2. Construction and or use of all cooking or kitchen facilities are prohibited in the barn and in the garage.
3. Neither the barn nor the garage will be converted into a residence or second residential unit.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**

**AMENDMENT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, stating the following restrictions shall apply with respect to the barn and the garage.

1. Any rental or lease of the structure separate from the lease of the main residential structure is prohibited.
2. Construction and or use of all cooking or kitchen facilities are prohibited in the barn and in the garage.
3. Neither the barn nor the garage will be converted into a residence or second residential unit.

C. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required. No changes in the use of the barn or in

the use of the garage shall occur without a Commission amendment unless the Executive Director determines that no amendment is required.

2. Tree Maintenance Deed Restriction:

- A. The following restrictions shall apply with respect to the maintenance of existing trees on the subject parcel for purposes of screening the structures from view along Highway One.
1. Tree cutting or the removal of trees on the subject parcel is prohibited.
  2. Any dead or fallen trees on the subject parcel shall be replaced in kind for the life of the project. Replacement trees shall be at least five feet high when planted and must reach mature height of at least 20 feet or the former height the tree being replaced.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, stating the following restrictions shall apply with respect to the maintenance of existing trees on the subject parcel for purposes of screening the structures from view along Highway One.
1. Tree cutting or the removal of trees on the subject parcel is prohibited.
  2. Any dead or fallen trees on the subject parcel shall be replaced in kind for the life of the project. Replacement trees shall be at least five feet high when planted and must reach mature height of at least 20 feet or the former height the tree being replaced.
- C. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required. No changes in the use of the barn or in the use of the garage shall occur without a Commission amendment unless the Executive Director determines that no amendment is required.

3. Design Restrictions:

All exterior siding and visible exterior components of the structures authorized pursuant to Coastal Development Permit Amendment 1-92-201-A2 shall be of natural or natural-appearing materials of dark earthtone colors, only, and the roofs of any structures shall also be of dark earthtone color and shall be of natural-appearing material. In addition, all exterior materials, including the roofing materials and windows, shall be non-reflective to minimize glare. Finally, all exterior lights, including lights attached to the outside of any structures, shall be low-wattage, non-reflective and have a directional cast downward.

4. Grading and Drainage Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, a site grading and drainage plan for the portion of the subject parcel affected by the installation of the barn, garage, and water tower authorized pursuant to Coastal Development Permit Amendment No. 1-92-201-A2 which is consistent with the drainage recommendations contained in the 1992 and 1996 geotechnical investigations prepared for the original permit and previous permit amendment. The grading and drainage plan shall ensure that grading and drainage improvements are designed and constructed in a manner that will allow surface water to flow away from building areas towards the north drainage ravine and minimize surface water ponding within the building areas and adjacent to structures. The grading and drainage plan shall be designed 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. The plan shall be prepared and certified by an appropriate professional (i.e. civil or other appropriate engineer or architect).
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**IV. FINDINGS AND DECLARATIONS.**

The Commission hereby finds and declares as follows:

1. Project and Site Description:

The original project approved by the Commission included the construction of an 18-foot-high, 2,040-square-foot, single family residence with a driveway, well and septic system on a bluff top lot located west of Highway One approximately two miles north of the town of Elk. A subsequent amendment was also approved that authorized enlarging the house by (1) adding 653 square feet to the footprint and extending it 12 feet to the northwest; (2) adding a 198-square-foot basement; and (3) adding a second-story master bedroom loft.

The elongated property is situated on a finger-like extension of a coastal terrace. The site is near level, sloping slightly to the north. Steep to very steep coastal bluffs approximately 200 feet high extend along the south, west, and part of the north sides of the property. North of the property line, the slope descends moderately steeply into a natural, brush-covered drainage

ravine. The south and west portions of the property drop off relatively steeply down to the shoreline. The top of the slope to the southwest is the top of an overgrown landslide headscarp.

The subject parcel was created by a land patent in the 1800's and a Certificate of Compliance (#10-91) was issued by the County, establishing that it is a legal lot. The Certificate of Compliance was issued under subdivision (a) of Government Code Section 66499.35, meaning that the parcel met local government requirements at the time that it was created. The subject parcel is designated as Rangeland-160 (RL-160) in the Land Use Plan, meaning that there may be one parcel for every 160 acres. The subject parcel is approximately 24 acres and is therefore a legal non-conforming lot.

The proposed amendment seeks to allow the construction of a barn, garage, and water tower on the developed 24-acre subject parcel. The proposed barn would be 14 feet tall with a 1,056-square-foot footprint. The barn would be used as an accessory building for the storage and maintenance of garden equipment. The proposed garage would be 16 feet tall with a 1,190-square-foot footprint. The garage would be used for vehicle parking and for domestic water treatment. The proposed water tower would be 18 feet tall with a 100-square-foot footprint. The proposed structures would be located on near level portions of the subject parcel among groves of existing trees to the east of the existing residence. The proposed garage would be sited about 115 feet southeast of the existing house and the proposed barn and water tower would be located east of the garage.

2. Geologic Hazards:

Section 30253 of the Coastal Act has been specifically incorporated into Mendocino County's certified LCP. Section 30253 states in applicable part that:

*New development shall:*

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Mendocino County LUP Policy 3.4-7 states in applicable part that:

*The County shall require that new structures be set back a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans (75 years). Setbacks shall be of sufficient distance to eliminate the need for shoreline protective works. Adequate setback distances will be determined from information derived from the required geologic investigation and from the following setback formula:*



*Setback (meters) = Structure life (years) x Retreat rate (meters/year)*

*The retreat rate shall be determined from historical observation (e.g., aerial photographs) and/or from a complete geotechnical investigation.*

Mendocino County LUP Policy 3.4-9 states in applicable part that:

*Any development landward of the blufftop setback shall be constructed so as to ensure that surface and subsurface drainage does not contribute to the erosion of the bluff face or to the instability of the bluff itself.*

Mendocino County Coastal Zoning Code Policy 20.500.010 reiterates Section 30253 of the Coastal Act and Mendocino County Coastal Zoning Code Policy 20.500.020 restates the language contained in Mendocino County LUP Policy 3.4-7 above.

As discussed above, the subject property is located on top of a very high, steeply sloped coastal terrace. The slope to the southwest contains an overgrown landslide headscarp and a vegetated drainage ravine is located just to the north of the parcel. A geotechnical report and addendum previously prepared for the site made recommendations regarding site grading, drainage, building setback and foundation design. Among other things, the geotechnical report indicated that structures built on the portion of the parcel where the house was constructed should have special foundations, but that development of structures in the area closer to Highway One where the accessory buildings are proposed in the current amendment request would not require special foundations. The report also recommended that drainage from the development be directed away from the bluff edge on the south side of the property and directed instead to the drainage ravine on the north side of the property. Special Condition No. 2 of the original permit required submission of final foundation and site drainage plans that are consistent with the geotechnical reports recommendations. The applicant submitted plans for the original house design in 1996 that were approved by the Executive Director as complying with the recommendations of the geotechnical report and conforming with Special Condition No. 2 of the original permit.

The applicant then obtained a permit amendment to enlarge the approved structure. A new geotechnical investigation was submitted which evaluated the expanded development authorized by the permit amendment and concluded that the revised structure was geotechnically suitable. Special Condition No. 1 of the permit amendment required that the project be constructed in accordance with the recommendations contained in the new 1996 geotechnical report, including its drainage recommendations which called for directing surface water to flow away from building areas and minimizing surface water ponding within the building areas and adjacent to structures.

The existing house is located approximately 75 feet away from the bluff edge and all of the proposed new structures would be located farther away from the bluff edge and landward of the existing development. The proposed building sites are located approximately 195 feet away from the bluff edge, approximately 75 feet away from the top of the slope along the northern parcel

boundary and about 100 feet away from the headscarp. These setbacks exceed all of setbacks recommended in the original geotechnical report and subsequent geotechnical addenda. To ensure that surface and subsurface drainage from the proposed project will not contribute to the erosion of the bluff face or to the instability of the bluff itself, the Commission attaches Special Condition No. 4 to this amended permit to minimize the potential of the project to contribute to geologic hazards. Special Condition No. 4 requires the applicant to submit a site grading and drainage plan consistent with the drainage recommendations contained in the previous geotechnical investigations, for review and approval of the Executive Director, prior to issuance of the permit.

Therefore, the Commission finds that as conditioned, the proposed garage, barn, and water tower development is consistent with LUP policies 3.4-7 and 3.4-9 and with zoning code sections 20.500.010 and 20.500.020(B), as the proposed development will not result in the creation of a geologic hazard. The Commission further finds that as conditioned, the proposed development with the proposed amendment is consistent with these same LCP policies.

3. Visual Resources:

Section 30251 of the Coastal Act has been specifically incorporated into the certified LCP. Section 30251 states in part:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas...*

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.*

LUP Policy 3.5-3 states in applicable part:

*The visual resource areas listed below are those which have been identified on the land use maps and shall be designated as "highly scenic areas," within which new development shall be subordinate to the character of its' setting. Any new development permitted in these areas shall provide for protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.*

*...New development should be subordinate to the natural setting and minimize reflective surfaces.*

Section 20.368.040 **Building Height Limit for RL Districts**, of the Mendocino Zoning Code in relevant part states:

*...Eighteen feet above natural grade for Highly Scenic Areas west of Highway One unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. ...*

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)*

LUP Policy 3.5-4 and Zoning Code Section 20.504.015(C) state that buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below rather than on a ridge, or in or near the edge of a wooded area. Visual impacts on terraces should be minimized by (1) avoiding development in large open areas if an alternative site exists; (2) minimizing the number of structures and clustering them near existing vegetation, natural landforms or artificial berms; (3) providing bluff setbacks for development adjacent to or near public areas along the shoreline; and (4) designing development to be in scale with the rural character of the area.

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

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

Zoning Code Section 20.504.015(C)(3) states that new development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings.

As mentioned above, the development approved by the Commission includes an 18-foot-high single family residence and driveway on the subject parcel, which is a blufftop parcel located in an area designated in the County LUP as "Highly Scenic." The proposed amendment is for the construction of a barn, garage, and water tower. The water tower is the tallest structure proposed and it would be a maximum of 18 feet high.

The portion of the coast on which the subject site is located is between Elk and Albion, and is largely wide-open, affording sweeping views to motorists traveling on Highway One. It is an extremely scenic stretch of coast that has a very different character than the more developed portions of the Mendocino Coast.

The proposed accessory structures have been sited within groves of existing trees and no trees would be removed to construct these structures. The proposed structures would not be at all visible from Highway One when approaching from the north and traveling south, but they would be slightly visible from a Highway One turnoff to the south of the subject parcel. Filtered glimpses of the proposed structures would also be visible when approaching the proposed project site from the south on Highway One. As viewed from these vantage points, the structures would not extend above the tree line and would have a backdrop of coastal hills rather than the ocean.

Because the proposed development has been optimally sited and designed, the Commission finds that the proposed development would be well screened and subordinate to the character of its setting consistent with LCP policies. However, this finding is based on the assumptions that (1) the existing trees and other vegetation existing on the site that would serve to screen the development will remain healthy and in place, and (2) the buildings would not be constructed with brightly colored or reflective materials that would make them stand out despite screening by vegetation. If these assumptions are not correct, the structures would be more prominent and not subordinate to the character of their setting. To ensure that these crucial elements affecting the appearance of the proposed development are in place, the Commission attaches two new special conditions to this amended permit to minimize the project's potential effects on visual resources. Special Condition No. 2 requires recordation of a deed restriction stating that no trees shall be removed from the subject parcel and that all dead or fallen trees on the subject parcel shall be replaced in kind for the life of the project. The deed restriction will ensure that future purchasers of the property are notified that the vegetation must be maintained and replaced as needed. Special Condition No. 3 requires the use of earthtone colors, natural appearing and non-reflective materials, and low wattage lighting for the structures.

Section 30610(a) of the Coastal Act exempts certain additions to structures from requirements to obtain coastal development permit authorization. Pursuant to this exemption, future additions to the structures that are not as effectively designed as the original structures to be subordinate to the character of their setting could be built without Commission review. However, the Commission attached Special Condition No. 1 to the original permit, requiring recordation of a deed restriction stating that all future development on the subject parcel, that might otherwise be exempt from permit requirements under the California Code of Regulations, require a coastal permit. The deed restriction has now been recorded and as a result the Commission will be able to review all future development to ensure that it will not have significant adverse impacts on visual resources.

Therefore, the Commission finds that as conditioned, the proposed garage, barn, and water tower development is consistent with policies 3.5-1 and 3.5-3 of the LUP and with Sections 20.368.040 and 20.504.010 of the Coastal Zoning Code, as the development will (1) be sited and designed to protect views; (2) prevent impacts that would significantly degrade the area; (3) be visually compatible with the character of surrounding areas; (4) be no more than 18 feet in height; and (5) be subordinate to the character of its setting. The Commission further finds that as conditioned, the proposed development with the proposed amendment is consistent with these same LCP policies.

4. Planning and Locating New Development

Policy 3.9-1 of the Mendocino County Land Use Plan states that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

The Mendocino County LUP designates the subject site as Rangeland-160 (RL-160), which allows a single family dwelling as a principal permitted use. Zoning Code Section 20.368.025 allows one unit per 160 acres. The subject parcel is approximately 24 acres and is therefore a legal non-conforming lot. Section 20.458.010 of the Zoning Code specifically prohibits the creation and/or construction of a second unit except in some very specific instances (e.g., farm employee housing, farm labor housing, family care units), because of concern with the adequacy of water and sewer services and the impacts of second units on traffic flow.

As mentioned above, the subject parcel contains an existing single family residence and the proposed development includes a garage, a barn and a water tower. The existing residence is served by an on-site well and septic system. As proposed, the new structures would require minimal additional water and sewer service that can be accommodated by the existing well and septic system. However, use of either the proposed garage or barn as a residential unit would impose significant additional demands for water and sewer service and the capacity of the existing well and septic system to accommodate those demands has not been evaluated. To ensure that neither the proposed barn or the proposed garage will not be used at any time as second residential unit, Special Condition No. 1 is attached to this permit amendment, requiring recordation of a deed restriction stating that barn and the garage shall be without kitchen or cooking facilities, and shall not be separately rented, let, or leased.

Therefore, the Commission finds that the proposed development, as conditioned, is consistent with LUP policy 3.9-1 and with Zoning Code Sections 20.368.025 and 20.458.010, because Special Condition No. 1 of this permit will ensure that there will be only one residential unit on the parcel, and because there will be adequate services on the site to serve the proposed development. The Commission further finds that as conditioned, the proposed development with the proposed amendment is consistent with these same LCP policies.

5. Environmentally Sensitive Habitat Areas:

Section 30240 of the Coastal Act has been specifically incorporated into the certified LCP, as have many other policies of the Coastal Act. Section 30240 provides, in applicable part, that environmentally sensitive habitat areas shall be protected against significant disruption of habitat values and that development adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts that would significantly degrade such areas.

LUP Policy 3.1-2 states in applicable part:

*Development proposals in environmentally sensitive habitat areas such as wetlands, riparian zones on streams or sensitive plant or wildlife habitats (all exclusive of buffer zones) including, but not limited to those shown on the Land Use Maps, shall be subject to special review to determine the current extent of the sensitive resource. Where representatives of the County Planning Department, the California Department of Fish and Game, the California Coastal Commission, and the applicant are uncertain about the extent of sensitive habitat on any parcel such disagreements shall be investigated by an on-site inspection by the landowner and/or agents, County Planning Department staff member, a representative of California Department of Fish and Game, a representative of the California Coastal Commission. The on-site inspection shall be coordinated by the County Planning Department and will take place within 3 weeks, weather and site conditions permitting, of the receipt of a written request from the landowner/agent for clarification of sensitive habitat areas.*

*If all of the members of this group agree that the boundaries of the resource in question should be adjusted following the site inspection, such development should be approved only if specific findings are made which are based upon substantial evidence that the resource as identified will not be significantly degraded by the proposed development. If such findings cannot be made, the development shall be denied. Criteria used for determining the extent of wetlands and other wet environmentally sensitive habitat areas are found in Appendix 8 and shall be used when determining the extent of wetlands.*

LUP Policy 3.1-7 states in applicable part:

*A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from significant degradation resulting from future developments. The width of the buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. ...*

LUP Policy 3.1-10 states in applicable part:

*Areas where riparian vegetation exists, such as riparian corridors, are environmentally sensitive habitat areas and development within such areas shall be limited to only those uses which are dependent on the riparian resources. All such areas shall be protected against any significant disruption of habitat values by requiring mitigation for those uses which are permitted. No structure or development, including dredging, filling, vegetation removal and grading, which could degrade the riparian area or diminish its value as a natural resource shall be permitted in the Riparian Corridor except for...*

The Coastal Zoning Code reiterates and implements the policies pertaining to environmental sensitive habitat areas that are contained in the Land Use Plan.

A natural, heavily brush-covered drainage ravine with moderately steep side slopes is located north of the subject property boundary. The proposed project site being considered under this amendment is approximately 100 feet from the break in slope leading down into the ravine and approximately 200 feet from the unnamed watercourse in the ravine, which is further away than the originally approved project. Since the proposed amended development will be located more than 100 feet from the riparian habitat, the Commission finds that the proposed garage, barn, and water tower development is consistent with the environmentally sensitive habitat area buffer policies of the County's LCP and will not have any significant adverse impacts on sensitive habitat. The Commission further finds that as conditioned, the proposed development with the proposed amendment is consistent with these same LCP policies.

6. California Environmental Quality Act:

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by findings showing that the permit, as modified by any conditions of approval, is consistent with any applicable requirement of the CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment. The project has been conditioned to be found consistent with the Coastal Act. Mitigation measures have been attached.

As discussed above, the amended project as conditioned, will not have any significant adverse effect on coastal resources or on the environment. Therefore, the Commission finds that the proposed project with the proposed amendment can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

Exhibits:

1. Location Map
2. Vicinity Map

**1-92-201-A2**

**JOHN ZUCKER**

Page 16

3. Site Plan
4. Elevations
5. Staff Report for previous Amendment
6. Staff Report for original Project

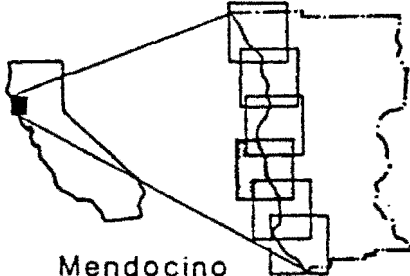


ATTACHMENT A

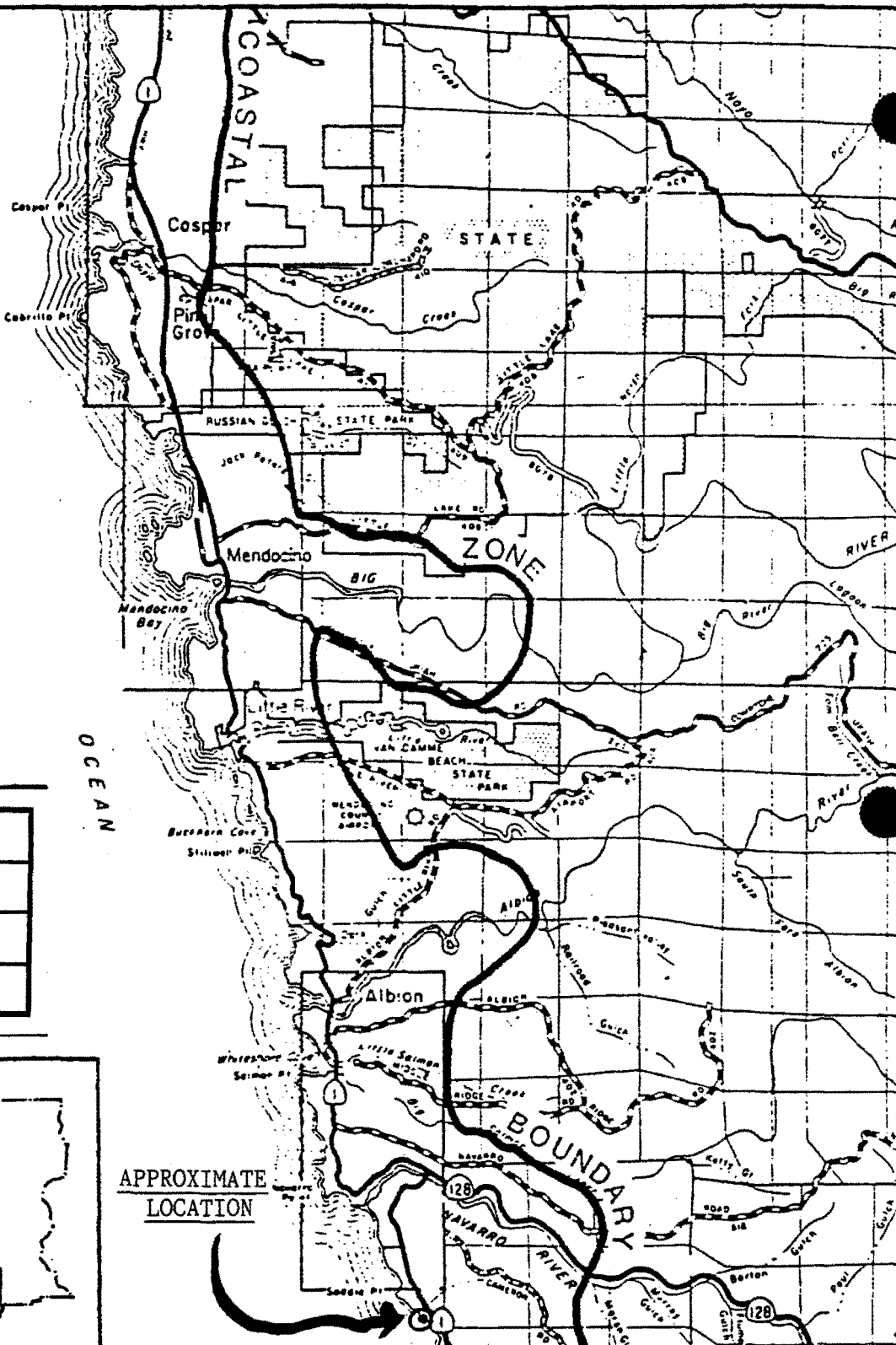
Standard Conditions

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

EXHIBIT NO.	1
APPLICATION NO.	
	1-92-201-A2
LOCATION MAP	



APPROXIMATE  
LOCATION



California Coastal Commission

LOCATION MAP



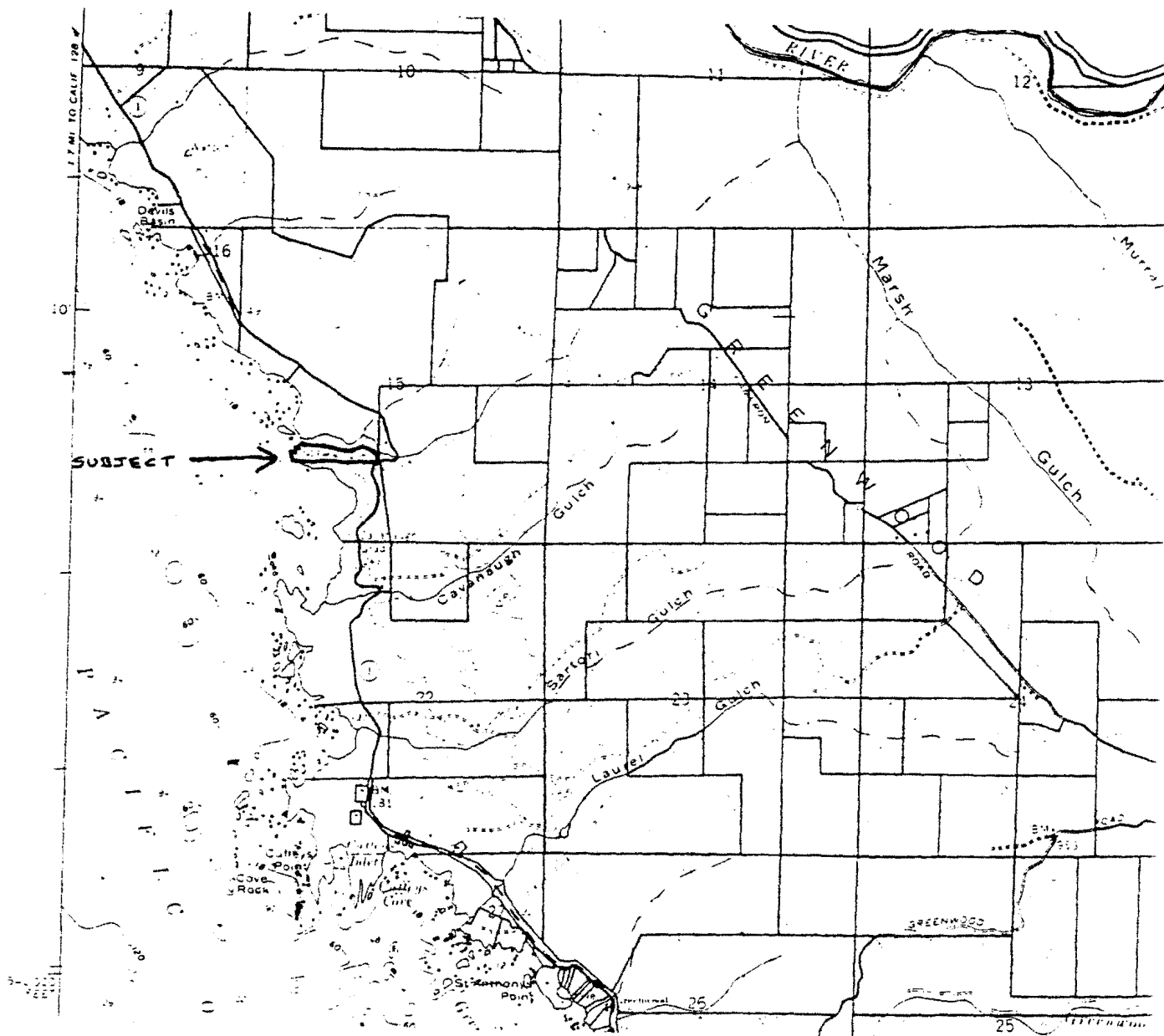


EXHIBIT NO. 2

APPLICATION NO.

1-92-201-A2

VICINITY MAP

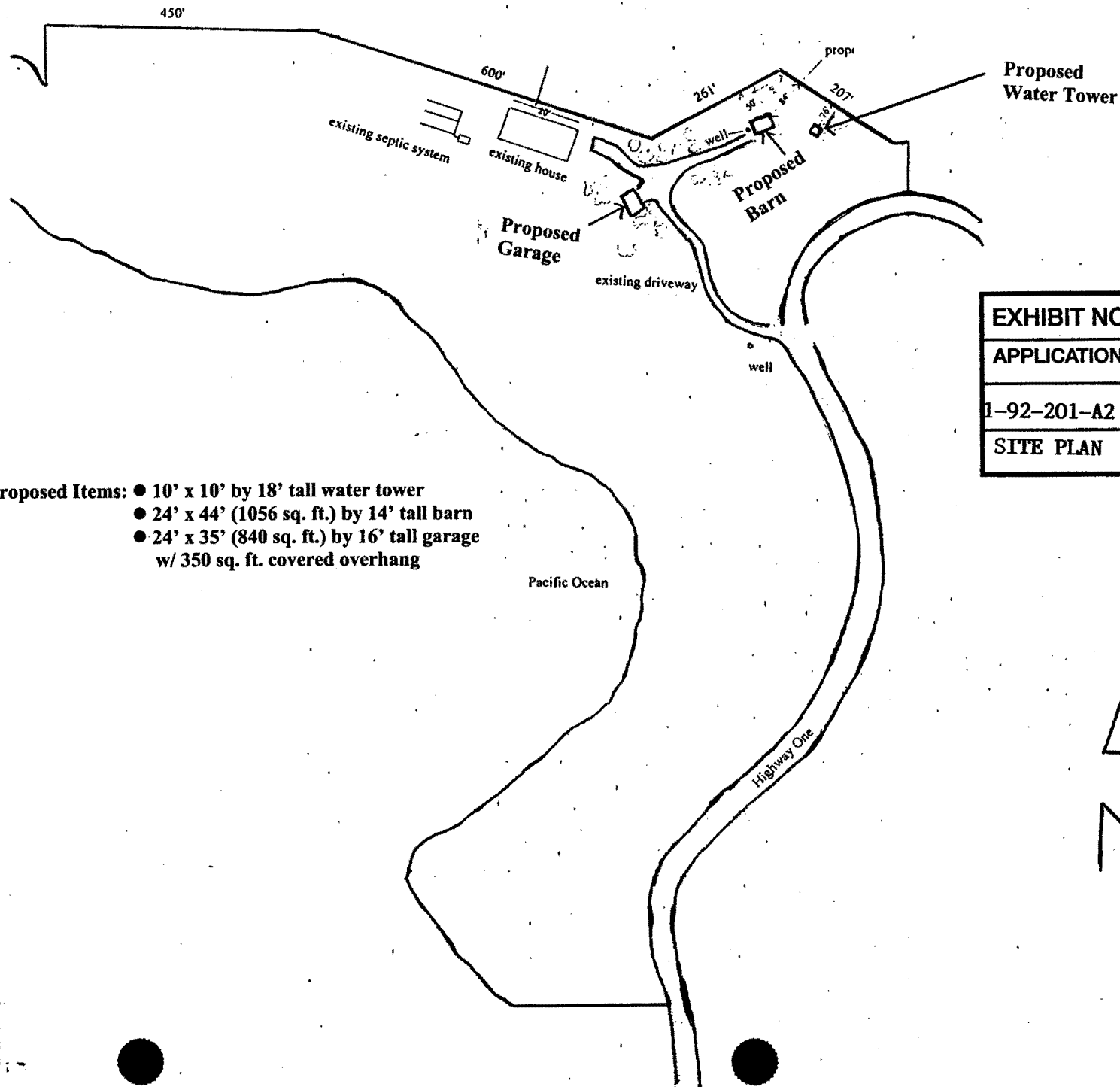
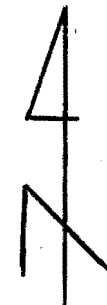
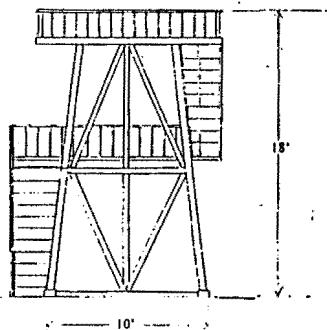


EXHIBIT NO. 3
APPLICATION NO.
1-92-201-A2
SITE PLAN

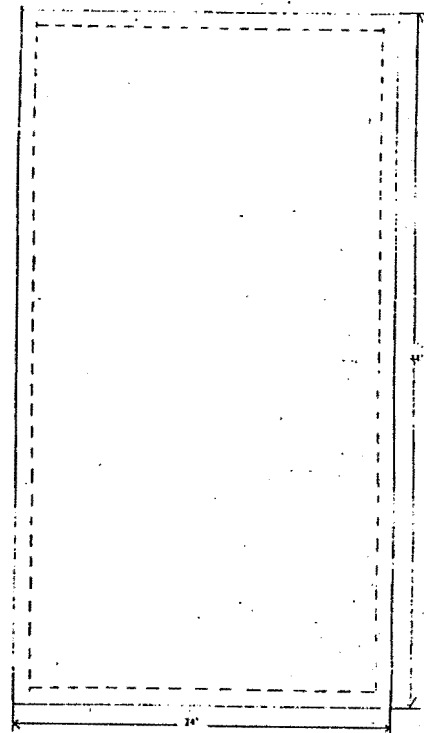


ZUCKER Plot Plan.  
3400 S. Highway One.  
ELK, CA.

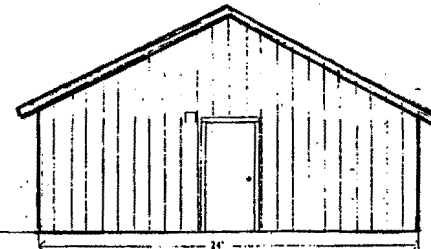
- Proposed Items:
- 10' x 10' by 18' tall water tower
  - 24' x 44' (1056 sq. ft.) by 14' tall barn
  - 24' x 35' (840 sq. ft.) by 16' tall garage w/ 350 sq. ft. covered overhang



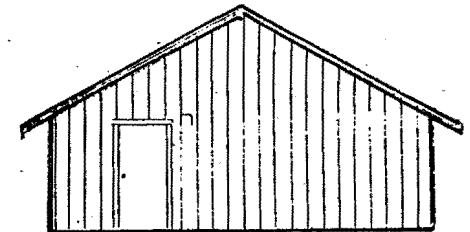
Water tower Plan



Barn Floor Plan

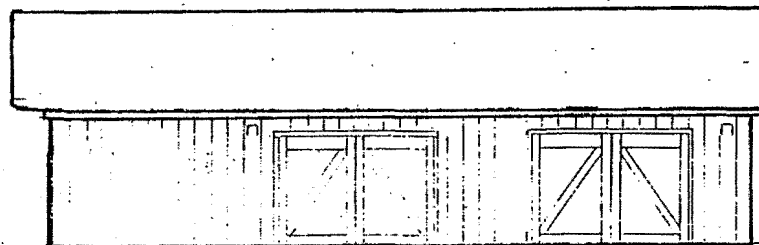


South Elevation



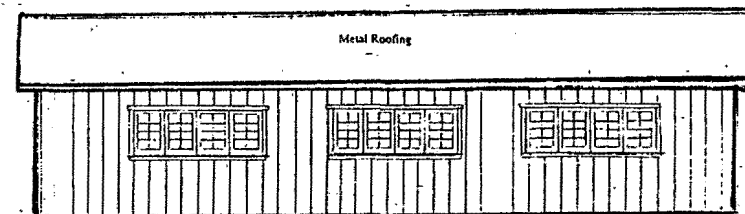
North Elevation

Barn Plan



East Elevation

Redwood Siding



Metal Roofing

West Elevation

Note: All Exterior light Fixtures  
To be Shielded with Down  
Cast Lighting Only

EXHIBIT NO. 4

APPLICATION NO.

1-92-201-A2

ELEVATIONS (1 of 2)

Sieve Hale Construction  
Management & Design

Owner: John Zucker  
3400 South Highway One  
Elk, Co. A.P. # 127-040-03

Note: All Exterior Lighting to be covered with redwood box to match siding with down cast lighting only.

Revised set with a 16' height  
All metal roofing to be green  
To match as closely as possible  
To tree color

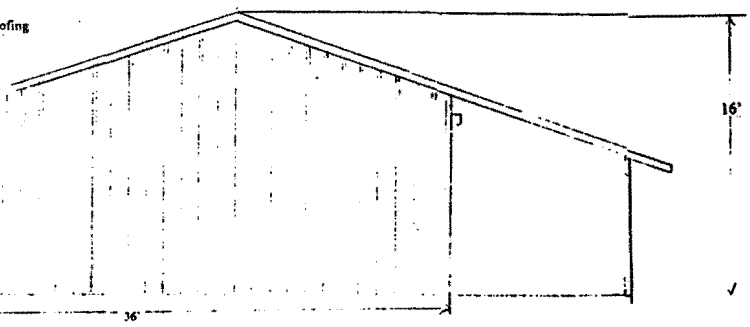
REVISIONS

Steve Hale Construction  
(Management & Design)

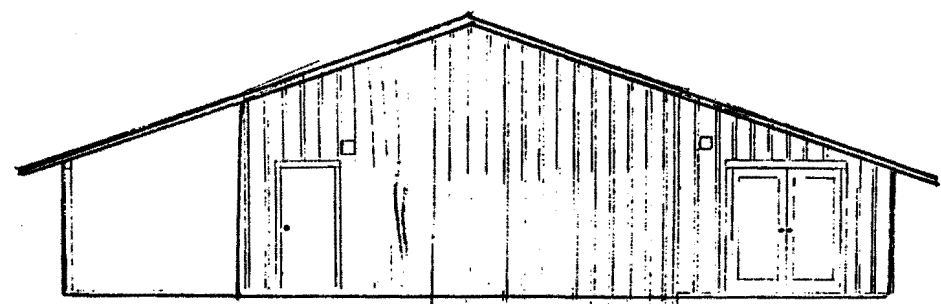
Garage

Owner: John Zucker  
3400 South Highway One  
Elk, Co. A.P. # 127-040-03

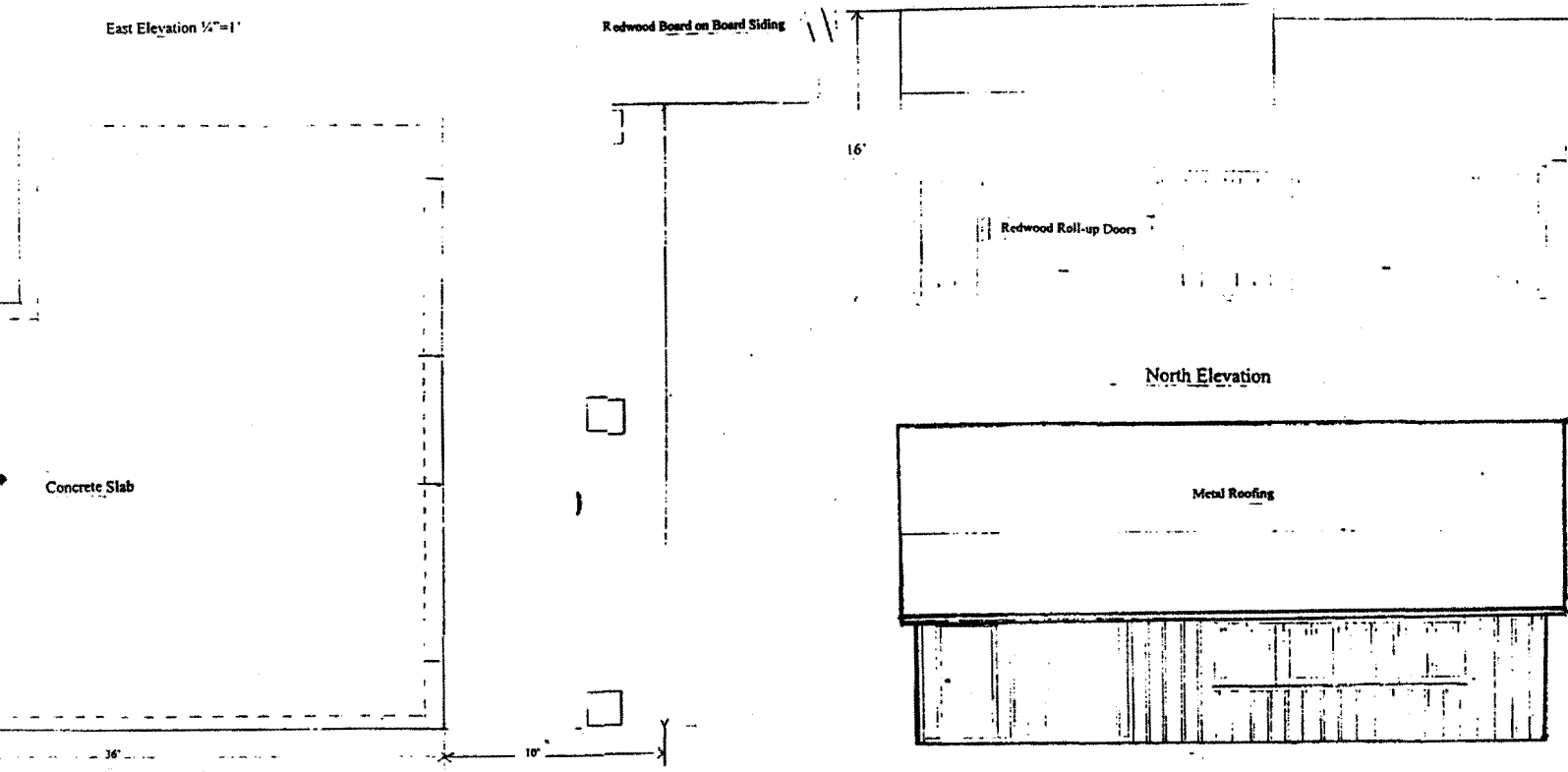
Date: 7-14-02  
Scale: 1/4" = 1'  
Drawn: [Signature]  
App: [Signature]



East Elevation 1/4"=1'

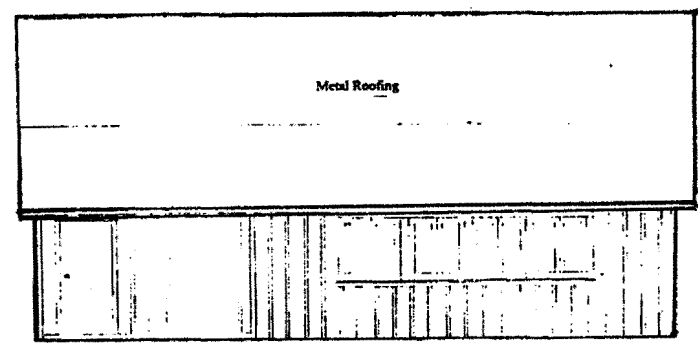


West Elevation



Concrete Slab

North Elevation



South Elevation 1/4"=1'

Foundation Plan 1/4"=1'

## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA  
FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
(415) 904-5260



# W 19a

EXHIBIT NO. 5
APPLICATION NO.
1-92-201-A2(1 of 9)
STAFF REPORT FOR PREVIOUS AMENDMENT

Filed: August 20, 1996  
49th Day: October 8, 1996  
180th Day: February 16, 1996  
Staff: Jo Ginsberg  
Staff Report: August 23, 1996  
Hearing Date: Sept. 11, 1996  
Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: **1-92-201-A**

APPLICANT: **JOHN ZUCKER**

AGENT: Stephen Hale

PROJECT LOCATION: 3401 Highway One, approximately two miles north of Elk, Mendocino County, APN 127-040-03x

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a 2,040-square-foot, 18-foot-high, one-story single-family residence with a driveway, well, and septic system.

DESCRIPTION OF AMENDMENT: Enlarge the proposed house by (1) adding 653 square feet to the footprint, extending it 12 feet to the northwest; (2) adding a 198-square-foot basement; and (3) adding a second-story master bedroom loft, resulting in a house that remains at no higher than 18 feet in height.

SUBSTANTIVE FILE DOCUMENTS: Mendocino County LCP; Certificate of Compliance #10-91.

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1. PROCEDURAL AND BACKGROUND NOTE: Pursuant to Section 13166 of the California Code of Regulations, the Executive Director has determined that this amendment is material and therefore is bringing it to the Commission for their review. If the applicants or objector so request, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Code Reg. 13166.

Section 13166 of the Regulations also states that the Executive Director shall reject an amendment request if it lessens or avoids the intent of the approved permit unless the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and produced before the permit was granted.

Coastal Permit No. 1-92-201 (Stewart) was approved by the Commission on March 18, 1993 with a number of special conditions intended to address visual and geologic concerns, and to ensure that the development would be subordinate to the visual character of the highly scenic area where it will be constructed. Special Condition No. 1 required that prior to issuance of the coastal permit, the applicant shall record a future development deed restriction over the entire property stating that any future additions or other development as defined in Public Resources Code section 30106 will require an amendment to Permit No. 1-92-201 or a new coastal permit. Special Condition No. 2 required submittal of final foundation and site drainage plans consistent with the recommendations of the geotechnical report. Special Condition No. 3 required submittal of a landscaping/tree maintenance plan that included the planting of at least 16 native trees for screening purposes. Special Condition No. 4 imposed various design restrictions, such as requiring earthtone colors for the structure to ensure that the development has no adverse impacts on visual resources.

The conditions of the permit were met, and remain in effect. The coastal permit was issued on May 31, 1996. The permit has been extended, and assigned from the original applicant, John Stewart, to the current property owner and applicant, John Zucker. Site development has begun, but the house itself has not been built.

This amendment request seeks to reconfigure and expand the footprint of the previously approved residence to accommodate the needs of the new property owner. As conditioned, these proposed changes keep the development visually subordinate to the character of the area, and the changes do not conflict with the recommendations of the previously prepared geologic report to keep the project from contributing to a geologic hazard. Therefore, the Executive Director found that the proposed amendment will not conflict with the intent of the conditions attached to Coastal Permit No. 1-92-201. Since this amendment request would not result in a lessening or avoidance of the intent of the approved permit, the Executive Director accepted the amendment request for processing.

2. STANDARD OF REVIEW: The Coastal Commission effectively certified Mendocino County's LCP in October of 1992. Therefore, the LCP, not the Coastal Act, is the standard of review for this amended project.

---



STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions:

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

II. Standard Conditions: See attached.

III. Special Conditions:

Special Conditions 1 and 4 of the original permit remain in effect. The following two new special conditions regarding site, foundation, drainage, and landscaping plans supercede Special Conditions 2 and 3 of the original permit.

1. Final Site, Foundation, and Drainage Plans.

The applicant shall construct the residence in accordance with the final site and foundation plans dated April 1996 prepared by G & G Design, submitted with the amendment request, and with the final site drainage plans dated May 1996, prepared by Stephen Hale, in accordance with the recommendations of the geotechnical report dated 15 February 1996. Any deviation from the approved plans will require an amendment of the permit.

2. Landscaping Plan.

The applicant shall landscape the property in accordance with the revised landscaping plan dated 26 July 1996 and prepared by Stephen Hale, which was submitted with the amendment request (see Exhibit No. 3). As provided in the plan, a total of 27 Douglas fir trees and shore pines shall be planted in the approximate locations shown on the landscaping plan for the purpose of screening the house from view along Highway One. The trees to be planted shall be a minimum of five feet high when planted, and must reach a mature height of at least 20 feet. The trees shall be watered by drip irrigation during the summer months, with 100% replacement of dead trees for the life of the project.

The trees shall be planted within 60 days of completion of the project. The applicant shall notify the Executive Director in writing when the trees have been planted, and Commission staff shall verify the planting via a site visit or by examining photographs submitted by the applicant. Any deviation from the approved plans will require an amendment to the permit.

**IV. Findings and Declarations.**

The Commission hereby finds and declares:

**1. Project and Site Description:**

The original project approved by the Commission is for the construction of an 18-foot-high, 2,040-square-foot, single-family residence with a driveway, well, and septic system on a blufftop lot located west of Highway One approximately two miles north of the town of Elk. The proposed amendment request seeks to enlarge the proposed house by: (1) adding 653 square feet to the footprint, extending it 12 feet to the northwest; (2) adding a 198-square-foot basement; and (3) adding a second-story master bedroom loft. The reconfigured and expanded structure will be no higher than 18 feet, with the extended portion being 14-16 feet in height.

The elongated property is situated on a finger-like extension of coastal terrace. The site is near-level, sloping slightly to the north. Steep to very steep coastal bluffs approximately 200 feet high extend along the south, west, and part of the north sides of the property. The heavily brush-covered slope along the north side of the terrace is relatively gentle. North of the property line, the slope descends moderately steeply into a natural, brush-covered drainage ravine. The south and west portions of the property drop off relatively steeply down to the shoreline. The top of slope to the southwest is the top of an overgrown landslide headscarp.

The subject parcel is not shown as a legal lot on the County's LUP maps or the County's assessor parcel maps. However, an investigation by Commission staff revealed that the parcel was created by a land patent in the 1800's, and that a Certificate of Compliance (#10-91) was issued by the County for the subject parcel, establishing that it is a legal lot. The Certificate of Compliance was issued under subdivision (a) of Government Code Section 66499.35, meaning that the parcel met local government requirements at the time it was created, and therefore a coastal permit for a land division is not necessary.

The subject parcel is designated in the Land Use Plan as Rangeland-160 (RL-160), meaning that there may be one parcel for every 160 acres. The subject parcel is approximately four acres in size, and is therefore a legal, non-conforming lot.

2. Geologic Hazards:

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

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

Zoning Code Section 20.500.010 requires that development in the coastal zone shall minimize risk to life and property in areas of high geologic, flood, and fire hazard; assure structural integrity and stability; and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas.

As noted above, the subject property is located atop a very high, steeply-sloped coastal terrace. The slope to the southwest contains an overgrown landslide headscarp. The proposed building site is approximately 75 feet from the south-facing bluff edge. A geotechnical report and addendum prepared for the site in 1992 made a number of recommendations regarding site grading, drainage, building setback, and foundation design intended to minimize erosion and eliminate any potential geologic hazards, and established a recommended footprint for all development. Special Condition No. 2 of the original permit required submission of final foundation and site drainage plans that are consistent with the geotechnical report's recommendations. The applicant submitted plans for the original house design in 1996 that were approved by the Executive Director as complying with the recommendations of the geotechnical report and conforming with Special Condition No. 2 of the original permit.

The proposed revised design for the expanded and reconfigured residence locates the entire structure within the footprint recommended in the original geotechnical report (see Exhibit No. 4). A new geotechnical investigation was submitted that evaluates the revised plans for the residence, including the expanded footprint, new loft, and new basement, and concludes that the revised location and design of the structure is geotechnically suitable, and that the development will not have adverse impacts on the stability of the coastal bluff or on erosion. Special Condition No. 1 of this amendment requires that final site, foundation, and drainage plans submitted with the amendment request and reviewed in the new geotechnical report dated 15 February 1996 shall be implemented according to recommendations made in the report; any

deviation from the approved plans will require an amendment of the permit. This condition will ensure that the house will either be built according to the plans approved by the geotechnical engineer for the project or the Commission will have the opportunity to review any future changes for consistency with the geologic hazard policies of the LCP.

In addition, Special Condition No. 1 of the original permit requires Commission review of all future development to ensure that it will be sited and designed to avoid creation of a geologic hazard.

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

3. Visual Resources:

LUP Policy 3.5-1 states that the scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance, and that permitted development shall be sited and designed to protect views to and along the ocean and to be visually compatible with the character of surrounding areas, and, in highly scenic areas, to be subordinate to the character of its setting. Policy 3.5-3 states that new development west of Highway One in designated "highly scenic areas" should be subordinate to the natural setting and minimize reflective surfaces. The Zoning Code reiterates these policies. Specifically, Section 20.368.040 of the Zoning Code requires an 18-foot height limit for parcels located west of Highway One in designated highly scenic areas in Range Land districts, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures.

The development approved by the Commission, as noted above, includes the construction of an 18-foot-high, one-story single-family residence and driveway on the subject parcel, which is a blufftop parcel located in an area designated in the County LUP as "Highly Scenic." The proposed amended project is for a reconfigured and expanded building footprint, including an additional 653 square feet which will extend the footprint 12 feet to the northwest, a new 198-square-foot basement, and a new second-story master bedroom loft. The structure will remain at no more than 18 feet in height, with the expanded portion being 14-16 feet to minimize visual impacts. No additional trees will be removed as a result of expanding the footprint.

The portion of the coast in which the subject site lies, between Elk and Albion, is largely undeveloped, with few structures visible from Highway One, affording wide-open, sweeping vistas to motorists travelling on the highway. It is an extremely scenic stretch of coast that has a very different character

than the more developed portions of the Mendocino coast. Existing trees growing on both sides of the proposed building site partially screen the site from view from Highway One. The residence will be located in a grove of trees on the north side of the property, which is the portion of the property least visible from Highway One. The proposed expanded residence will not be at all visible from the east or the north, but will be somewhat visible from a Highway One turnoff to the south of the subject parcel, and from the highway itself to the south.

Several special conditions were attached to the original staff report to minimize the adverse impacts of the development on visual resources. Special Condition No. 3 required submission of a landscape/tree maintenance plan that included the planting of twice the number of trees to be removed for the project along the eastern and southern portions of the property to further screen the residence from view from Highway One to the south. Eight trees were removed to allow for construction; therefore at least 16 trees were required to be planted (the applicant actually submitted a landscaping plan that included 22 trees). In addition, the Commission attached Special Condition No. 4, requiring the use of earthtone colors, natural appearing and non-reflective materials, and low-wattage and downcast lighting for the structure.

Furthermore, the Commission attached Special Condition No. 1, requiring recordation of a deed restriction stating that all future development on the subject parcel that might otherwise be exempt from permit requirements under the California Code of Regulations, such as fences or the addition of outbuildings, requires a coastal permit. As a result, the Commission will be able to review all future development to ensure that it will not have significant adverse impacts on visual resources.

Since the proposed amended project will have a greater footprint than the originally approved project, the applicant has submitted a revised landscaping plan that includes five new Douglas fir trees to be planted to the northwest of the residence to provide additional screening of the expanded structure when viewed from the south (see Exhibit No. 3), in addition to the 22 trees already to be planted. There will therefore be a total of 27 trees planted for landscape screening. The Commission attaches a new special condition to this amended permit, Special Condition No. 2, which requires that the new revised landscape plan dated 26 July 1996 submitted with the coastal amendment application shall be implemented in lieu of the previously submitted landscape plan dated 1 May 1996. The condition requires that a total of 27 Douglas fir trees and shore pines be planted in the approximate locations shown on the landscape plan for the purpose of screening the house from view along Highway One. The trees to be planted shall be a minimum of five feet high when planted, and must reach a mature height of at least 20 feet. The trees shall be watered by drip irrigation during the summer months, with a 100% replacement of dead trees for the life of the project. Any deviation from the plan will require an amendment of the permit.

The Commission finds, therefore, that the proposed amended project, as conditioned, is consistent with Policies 3.5-1 and 3.5-3 of the LUP and with Section 20.368.040 of the Zoning Code, as the amended development will (1) be sited and designed to protect views; (2) prevent impacts that would significantly degrade the area; (3) be visually compatible with the character of surrounding areas; (4) be no more than 18 feet in height; and (5) be subordinate to the character of its setting.

4. Environmentally Sensitive Habitat Areas:

LUP Policy 3.1-2 states that development in environmentally sensitive habitat areas such as riparian zones shall be subject to special review to determine the current extent of the sensitive resource. Policy 3.1-7 states that a buffer area shall be established adjacent to all environmentally sensitive habitat areas to protect the environmentally sensitive habitat from significant degradation resulting from future developments. Policy 3.1-10 states that areas where riparian vegetation exists, such as riparian corridors, are environmentally sensitive habitat areas which shall be protected. These policies are reiterated in the Zoning Code.

A natural, heavily brush-covered drainage ravine with moderately steep side slopes is located north of the subject property boundary. The riparian vegetation associated with the unnamed watercourse is approximately 100 feet from the property boundary. The botanist who examined the property at the time of the original permit application has conducted another botanical survey and has determined that there is no sensitive habitat that will be affected by the proposed amended project. Since the proposed amended development will be located more than 100 feet from the riparian habitat and will not have any significant adverse impacts on sensitive habitat, the Commission finds that the proposed amended project is consistent with the County's LCP.

8. CEQA:

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(1) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As discussed above, the project has been mitigated to avoid significant impacts and hazards. The project, as conditioned, will not have a significant adverse effect on the environment, within the meaning of CEQA.

## ATTACHMENT A

### Standard Conditions

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

CALIFORNIA COASTAL COMMISSION  
NORTH COAST AREA  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
(415) 904-5260

Th 56

**EXHIBIT NO.6****APPLICATION NO.**

(Page 1 of 13)  
1-92-201-A2

**STAFF REPORT FOR  
ORIGINAL PROJECT**

Filed: December 3, 1992  
49th Day: Hearing Opened & Cont'd  
180th Day: June 1, 1993  
Staff: Jo Ginsberg  
Staff Report: March 5, 1993  
Hearing Date: March 18, 1993  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: **1-92-201**

APPLICANT: **JOHN STEWART**

AGENT: Stephen Hale

PROJECT LOCATION: 3401 Highway One, approximately two miles north of  
Elk, Mendocino County, APN 127-040-03x.

PROJECT DESCRIPTION: Construct a one-story single-family residence with a  
driveway, well, and septic system.

Lot area: 4 ± acres  
Building coverage: 2,040 sq.ft.  
Plan designation: Rangeland-160 (RL-160)  
Zoning: RL-FP  
Project density: 1 du/4 acres  
Ht abv fin grade: 18 feet

LOCAL APPROVALS RECEIVED: Mendocino County LCP Consistency Review;  
Department of Environmental Health well and  
septic approval; Certificate of Compliance #10-91.

SUBSTANTIVE FILE DOCUMENTS: Mendocino County Local Coastal Program.

**STAFF NOTE**

At the Commission meeting of January 12, 1993, the Commission opened and continued the public hearing on the subject application and directed staff to investigate certain visual and botanical concerns that were raised at the meeting. The staff report for the project has been revised to include new information. A number of pieces of correspondence have been submitted since the January meeting, and these are included as exhibits.



1-92-201

JOHN STEWART

Page Two

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions:

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

II. Standard Conditions: See attached.

III. Special Conditions:

1. Future Development:

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit for review and approval of the Executive Director, and subsequently record a document stating that the subject permit is only for the development herein described in the coastal development permit and that any future additions or other development as defined in Public Resources Code Section 30106, including the construction of fences, additions, or outbuildings that might otherwise be exempt under Public Resources Code Section 30610(a), will require an amendment to this permit or will require an additional coastal development permit from the California Coastal Commission or from its successor agency. The document shall be recorded as a covenant running with the land binding all successors and assignees in interest to the subject property.

2. Final Foundation and Site Drainage Plans:

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit for the review and approval of the Executive Director final foundation and site drainage plans for the proposed project. These plans shall be consistent with the recommendations made in the Geotechnical Investigation Report prepared by Kleinfelder, Inc. dated February 13, 1992, and the addendum to this report dated June 9, 1992, which were submitted with the application. In particular, the plans shall be consistent with the recommendations regarding site grading, construction of the foundation, blufftop setback, and

site drainage. Any deviation from the approved plans will require an amendment of this permit.

3. Landscaping:

PRIOR TO ISSUANCE of the Coastal Development Permit, the applicant shall submit for the Executive Director's review and approval, a landscaping/tree maintenance plan that includes planting a minimum of 16 native trees, either Douglas fir, Bishop pines, or shore pines, and any shrubs the applicant wishes to plant, along the southern and eastern portions of the property for the purpose of screening the house from view along Highway One. The trees to be planted shall be a minimum of five feet high when planted. The plan shall specify the kind of trees to be planted, and the mature height of the trees, which shall be at least 20 feet.

The plan shall further include a tree maintenance program (e.g., pruning, fertilizing, watering, etc.) for newly planted trees and shrubs and a tree replacement program on a one-to-one or greater ratio for the life of the project. The new trees and shrubs shall be planted within 60 days of completion of the project.

4. Design Restrictions:

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

IV. Findings and Declarations.

The Commission finds and declares the following:

1. Project and Site Description:

The proposed project consists of the construction of an 18-foot-high, 2,040-square-foot, single-family residence with a driveway, well, and septic system on a blufftop lot located west of Highway One approximately two miles north of the town of Elk.

The elongated property is situated on a finger-like extension of coastal terrace. The site is near-level, sloping slightly to the north. Steep to very steep coastal bluffs approximately 200 feet high extend along the south,

west, and part of the north sides of the property. The heavily brush-covered slope along the north side of the terrace is relatively gentle. North of the property line, the slope descends moderately steeply into a natural, brush-covered drainage ravine. The south and west portions of the property drop off relatively steeply down to the shoreline. The top of slope to the southwest is the top of an overgrown landslide headscarp.

The subject parcel is not shown as a legal lot on the County's LUP maps or the County's assessor parcel maps. However, an investigation by Commission staff revealed that the parcel was created by a land patent in the 1800's, and that a Certificate of Compliance (#10-91) was recently issued by the County for the subject parcel, establishing that it is a legal lot. The Certificate of Compliance was issued under subdivision (a) of Government Code Section 66499.35, meaning that the parcel met local government requirements at the time it was created, and therefore a coastal permit for a land division is not necessary.

The subject parcel is designated in the Land Use Plan as Rangeland-160 (RL-160), meaning that there may be one parcel for every 160 acres. The subject parcel is approximately four acres in size, and is therefore a legal, non-conforming lot.

2. Locating and Planning New Development:

Section 30250(a) of the Coastal Act states in part that:

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

The Mendocino County Department of Environmental Health has issued well and septic permits for the subject property. The proposed development, therefore, is consistent with Coastal Act Section 30250(a) to the extent that the parcel is able to accommodate the proposed development and that adequate services are provided.

3. Geologic Hazards:

Coastal Act Section 30253 states in part that

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

As noted above, the subject property is located atop a very high, steeply-sloped coastal terrace. The slope to the southwest contains an overgrown landslide headscarp. The proposed building site is approximately 75 feet from the top of the headscarp. The geotechnical report makes a number of recommendations regarding site grading, drainage, building setback, and foundation design intended to minimize erosion and eliminate any potential geologic hazards. To ensure that the proposed residential development is consistent with the recommendations made by the geologist who surveyed the property, the Commission attaches Special Condition No. 2, requiring submittal of final foundation and site drainage plans for the review and approval of the Executive Director.

In addition, the Commission attaches Special Condition No. 1, requiring recordation of a deed restriction stating that all future development on the subject parcel that might otherwise be exempt from coastal permit requirements under the California Code of Regulations requires an amendment or coastal development permit. This condition will allow future development to be reviewed to ensure that the project will not be sited where it might result in a geologic hazard.

As conditioned, therefore, the proposed development is consistent with Coastal Act Section 30253, as the proposed development will not have adverse impacts on the stability of the coastal bluff or on erosion, and the Commission will be able to review any future additions to ensure that development will not be located where it might result in the creation of a geologic hazard.

4. Visual Resources:

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed development, as noted above, includes the construction of a one-story single-family residence and driveway on the subject parcel, which is a blufftop parcel located in an area designated in the County LUP as "Highly Scenic." This portion of the coast, between Elk and Albion, is largely undeveloped, with few structures visible from Highway One, affording wide-open, sweeping vistas to motorists travelling on the highway. It is an extremely scenic stretch of coast that has a very different character than the more developed portions of the Mendocino coast. Existing trees growing on both sides of the proposed building site partially screen the site from view from Highway One. The proposed residence will be located in a grove of trees on the north side of the property, which is the portion of the property least visible from Highway One. The proposed residence will not be at all visible from the east or the north, but will be somewhat visible from a Highway One turnoff to the south of the subject parcel, and from the highway itself to the south (see Exhibit No. 8).

To minimize the adverse impacts of the proposed development on visual resources, the Commission attaches Special Condition No. 3, requiring submission of a landscape/tree maintenance plan that includes the planting of twice the number of trees to be removed for the project (8 trees will be removed; 16 will be planted) along the eastern and southern portions of the property to further screen the residence from view from Highway One to the south. In addition, the Commission attaches Special Condition No. 4, requiring the use of earthtone colors, natural appearing and non-reflective materials, and low-wattage and downcast lighting for the structure.

Furthermore, the Commission attaches Special Condition No. 1, requiring recordation of a deed restriction stating that all future development on the

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subject parcel that might otherwise be exempt from permit requirements under the California Code of Regulations, such as fences or the addition of outbuildings, requires a coastal permit. In this way, the Commission will be able to review all future development to ensure that it will not have significant adverse impacts on visual resources.

There has been some concern raised by neighbors that the visual impacts of the development could be better addressed by relocating the proposed residence to a site some 200 feet to the east of the site selected by the applicant (see Exhibit No. 23). Staff has received a number of letters from interested parties concerning visual impacts (see attached exhibits). The Commission has had to consider whether the proposed residence should be sited in the proposed location, which will result in the removal of 8 trees (6 for the house, and 2 for the driveway), or perhaps relocated to the alternative site farther east where no trees would need to be removed. The Commission has weighed the pros and cons of these two sites and has determined that, on balance, the originally proposed site is superior because, with the landscape screening required in Special Condition No. 3, the residence will be less visible in that location than at the alternative location. Should the house be located in the alternative site, it would be visible not only from the south, but also from the east, while if the house is located in the originally proposed site, it will only be partially visible from the south. In addition, as the alternative site is 200 feet closer to Highway One, the structure would appear larger and be much more prominent from Highway One in the alternative site than in the proposed site.

Neighbors have raised a concern that removing the six trees from the applicant's proposed house site may cause the remaining 32 trees in the grove to die, leaving the house exposed and visible. It has been pointed out that the trees on the headland have survived as a grove with wind and saltburned branches dying on one tree but protecting and allowing growth of a branch on another; in such cooperative fashion the grove has survived as a unit, each protecting and being protected by another. This issue has been addressed by the botanist who surveyed the subject site (see Exhibit No. 18). He states that while no one can predict with absolute certainty the final outcome of removing some trees from a grove, it is his opinion that the proposed removal of six trees will not do long term damage to the trees that remain. He states:

The prevailing winds on the site are from the northwest. The Douglas fir trees on the site have become established with that exposure, and I suspect if one could measure the root system of these trees they would be better adapted to support the trees in the face of this wind than the roots of trees growing in a more sheltered site. If the smaller trees around the periphery of the grove were removed, leaving the larger trees in the center

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of the grove exposed (the opposite of what is proposed) the probability of the exposed trees suffering from windburn or blowdown would be higher. The proposal is, however, to remove six trees from the middle of the grove and leave the remainder [32 trees]. The shaping of the crowns of these trees by the prevailing northwest wind presents a minimum amount of the crown to the wind, and the wind tends to "slide" over the crowns, more or less on the principle of an inclined plane. The resulting lateral force of the wind that would cause blowdown is mostly deflected. Removing six trees from the center of this grove will not change the overall shape of the grove that deflects the damaging effect of the wind over the grove. I do not believe that the northwest wind will have a deleterious effect on the peripheral trees that would remain if the proposed removal of six trees takes place.

Occasionally Pacific storms cause strong winds to blow from the southwest and could cause trees without protection to blow down. But in this case, in my opinion, the same argument prevails: the trees in the center of the grove would be more in danger of blowing down if the peripheral trees were removed. But the peripheral trees will remain and the central trees are proposed for removal. Moreover, the house, if it is constructed as proposed, would provide some measure of protection to the remaining trees from southwest winds.

The issue has also been raised that new trees required to be planted as screening will not survive on the headland. The botanist who surveyed the property has addressed this issue as well, stating that there is no reason to expect that healthy trees, if provided adequate water and protection from deer browsing, would not prosper.

The Commission therefore concludes that the proposed project, as conditioned, is consistent with Coastal Act Section 30251, as the development will be sited and designed to protect views, prevent impacts that would significantly degrade the area, be visually compatible with the character of surrounding areas, and be subordinate to the character of its setting.

##### 5. Public Access:

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, except where adequate access exists nearby, or where the provision of public access would be inconsistent with public safety.

Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

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

The subject parcel is located west of Highway One and sits atop a steep bluff that rises to approximately 200 feet. There is no evidence of any public use of the subject lot for blufftop or beach access, and there does not appear to be any safe vertical access to the beach down the steep bluffs. Since the



proposed development will not increase the demand for public access and will have no other impacts on existing or potential public access, the Commission finds that the project, which does not include provision of public access, is consistent with Coastal Act Sections 30210, 30211, and 30212.

6. Environmentally Sensitive Habitat Areas:

Section 30240 of the Coastal Act states that:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Section 30231 of the Coastal Act states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

A natural, heavily brush-covered drainage ravine with moderately steep side slopes is located north of the subject property boundary. The riparian vegetation associated with the unnamed watercourse is approximately 100 feet from the property boundary. Since the proposed development will be located more than 100 feet from the riparian habitat and so will not have any significant adverse impacts on sensitive habitat, the Commission finds that the proposed project is consistent with Coastal Act Sections 30240 and 30231.

Letters have been submitted by concerned neighbors and citizens who feel that the existing Douglas fir trees on the site constitute sensitive habitat, and

that sensitive habitat will be destroyed by the proposed project. (Please note that a site plan provided by the applicant and attached as Exhibit No. 3 indicates that the majority of trees on the site are "pine" trees; in fact, they are Douglas fir trees.) These trees have been referred to by one correspondent as "60-100 year old climax Douglas fir forest habitat demonstrating a classic example of the Krummholtz effect." The correspondence further refers to the "destruction of an entire plant community" and also to the "total degradation of an entire plant community, a plant community that does not exist in another location for over 10 miles to the north and 4 miles to the south."

These concerns have been addressed by the botanist who surveyed the subject property (see Exhibit No. 12). He states that in order for "the total destruction of an entire plant community" to take place, the vegetation on the entire parcel would have to be not only removed, but permanently extirpated, which is clearly not the case. He further states that the driveway, building envelope, septic system, and well are proposed for less than an acre of the flat portion of the site, and that the vegetation on the bluffs and most of the four-acre site, including most of the Douglas fir trees, will not be disturbed. The site has 118 Douglas fir trees on it now; only 8 need be removed for the proposed development. The botanist further states that the true plant community on the site is North Coast (Franciscan) Bluff Scrub with some conifers, and that this plant community is almost continuous (except for beaches) along the bluffs of northern Mendocino County.

In addition, the botanist addresses the issue of "the Krummholtz effect." He states that there is indeed such a thing as Krumholtz vegetation, but it is a manifestation of a boreal forest near the timberline in mountainous regions. According to Polunin (An Introduction to Plant Geography, 1960, pg. 377), "at its upper limits the forest becomes less luxuriant and the canopy lower until it passes into 'elfin wood' and ultimately into 'Krumholtz' of stunted, twisted trees...about where the alpine tundra begins." He states that true Krumholtz vegetation is not characteristic of sea level plant communities. Moreover, even if the windshaped Douglas fir on the site were Krumholtz vegetation, which it is not, that plant community does not qualify as "sensitive habitat" under either the Coastal Act or the County's LCP policies.

Several letters refer to the age of the Douglas fir trees as being 60-100 years old. In actuality, these trees cannot be more than 35 years old, as the applicant has submitted a photograph from 1959 of the subject site and surrounding area that clearly shows that there are no trees visible on the subject parcel and barely a tree at all on the headland. In other words, all the trees on the subject parcel appear to be at most 35 years old.

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Other letters from neighbors address the concern that there are specimens of the rare and endangered Castilleja mendocinensis (Mendocino coast paintbrush) growing on the site and within the building envelope, but which the botanist would have been unable to see blooming since the site had been tractor mowed. The botanist who surveyed the site has addressed this issue and states that (1) he visited the site before any tractor mowing took place and so would have seen the Mendocino coast paintbrush if it were present, and (2) there are specimens of Castilleja wightii (Wight's paintbrush) on the site but there is no Castilleja mendocinensis; Wight's paintbrush is not rare or endangered.

The Commission wishes to point out that it would be preferable if no trees need be removed for the subject development, no matter what the age or species of the trees and despite the fact that the trees on the subject site are not considered environmentally sensitive habitat under the definition in the County's certified LCP. However, the Commission has had to weigh the concern with visual impacts in this highly scenic area against the concern with preserving trees that are not considered environmentally sensitive habitat (not rare or endangered and not wetland or riparian species). The Commission has determined that since only eight trees need be removed and since twice that number will be planted per Special Condition No. 3, it is appropriate to permit development at the originally proposed site where visual impacts will be minimized. The Commission, therefore, finds that there will be no significant adverse impacts on sensitive habitat, consistent with Coastal Act Section 30240.

7. Mendocino County LCP:

Policy 3.5-1 of the Land Use Plan provides for the protection of the scenic and visual qualities of the coast, requiring permitted development to be sited and designed to protect views to and along the ocean and to be visually compatible with the character of surrounding areas. Policy 3.5-3 states that new development west of Highway One in designated "highly scenic areas" should be subordinate to the natural setting. The Zoning Ordinance, which has been approved by the Commission, reiterates these policies. Specifically, Section 20.368.040 of the Zoning Code requires an 18-foot height limit for parcels located west of Highway One in designated highly scenic areas in Range Land districts, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures.

Special Condition No. 4 will ensure that there are no adverse impacts on visual resources resulting from the proposed development by imposing design restrictions such as the use of dark earthtone colors, natural appearing and non-reflective materials, and low-wattage downcast lighting. Special Condition No. 1 requires Commission review of all future development to ensure that it will be sited and designed to avoid adverse impacts to visual

resources. Special Condition No. 3 requires submission of a landscape/tree maintenance plan that includes planting of several native trees to screen the proposed residence from Highway One. Therefore, the development, as conditioned, is consistent with Policies 3.5-1 and 3.5-3 of the LUP and with Section 20.368.040 of the Zoning Code.

Policy 3.4-7 of the LUP requires that new structures be set back a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic life spans (75 years). Section 20.500.020(B) of the Zoning Code reiterates this language, and states that construction landward of the setback shall not contribute to erosion of the bluff face or to instability of the bluff. The proposed building site is located 75 feet back from the south-facing bluff edge. The geotechnical report submitted with the application states that the proposed building location is satisfactory from the standpoint of potential hazards from slope instability.

Policy 3.4-9 states that any development landward of the blufftop setback shall be constructed so as to ensure that surface and subsurface drainage does not contribute to the erosion of the bluff face or to the instability of the bluff itself. Special Condition No. 1 requires Commission review of all future development to ensure that it will be sited and designed to avoid creation of a geologic hazard. Special Condition No. 2 requires submission of final foundation and site drainage plans that are consistent with the geotechnical report's recommendations, which are intended to minimize geologic hazards and avoid an increase in erosion or bluff instability. As conditioned, therefore, the proposed project is consistent with Policies 3.4-7 and 3.4-9 of the LUP and with Section 20.500.020(B) of the Zoning Code.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the Mendocino County LCP.

8. CEQA:

The project, as conditioned, does not have a significant adverse effect on the environment, within the meaning of CEQA. The project has been mitigated as discussed above to ensure consistency with the Coastal Act, as the project is located in an area able to accommodate it, will not create a geologic hazard, and will not have any significant adverse effects on coastal resources, including groundwater resources, environmentally sensitive habitat areas, public access, and visual resources.