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Staff: Tiffany S. Tauber
Staff Report: July 26, 2001
Hearing Date: August 8, 2001
Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: **1-92-200-A1**

APPLICANT: **CARL SANDERS**
(formerly WILEY AND MARY EATON)

PROJECT LOCATION: 17270 Ocean Drive, south of Ft. Bragg, Mendocino
County (APN 017-320-44)

DESCRIPTION OF PROJECT
PREVIOUSLY APPROVED: Construction of a one-story, 20-foot-high, 4,049-
square-foot single-family residence with an attached
garage, driveway, septic system, and water line to
an existing well.

DESCRIPTION OF
AMENDMENT REQUEST: Addition of an 840-square-foot, one-story, 12-foot-
high sunroom to enclose a swimming pool and spa.

GENERAL PLAN DESIGNATION: Rural Residential, 5-acre minimum; Planned
Development, 2-acre minimum - RR-5 PD(2)

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ZONING DESIGNATION: Rural Residential, 5-acre minimum, Planned Development

LOCAL APPROVALS RECEIVED: Mendocino LCP Consistency Review

SUBSTANTIVE FILE DOCUMENTS: (1) CDP# 1-89-28 (E.F.S Associates); (2) CDP# 1-92-200 (Eaton); (3) Mendocino County LCP

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve with conditions, the requested amendment to the coastal development permit originally granted for the construction of a single-family residence on a blufftop parcel located in a designated "highly scenic" area west of Highway One, south of Ft. Bragg in Mendocino County.

Coastal Development Permit No. 1-92-200 (Eaton) was approved by the Commission as an administrative permit on June 23, 1993 with no special conditions. The original permit approved the development of a 4,049-square-foot, single-family residence with an attached garage, driveway, septic system, and water line to an existing well. The subject parcel was created by a five-lot subdivision of a 56-acre parcel that was approved by the Commission in 1989 (CDP #1-89-28, E.F.S. Associates). The residence was constructed within a 100' x 100' building envelope that was delineated under the approval of the subdivision that created the subject parcel. The subdivision approval required special conditions to ensure protection of public access, visual resources, environmentally sensitive habitat areas, and archaeological resources.

The current amendment request seeks to add an 840-square-foot, one-story sunroom to enclose a proposed swimming pool and spa on the southwest side of the existing residence. The proposed addition would not extend outside of the previously delineated building envelope and is located over 90 feet from the bluff edge. The main issues concerning the proposed amendment are visual impacts to public coastal views from the nearby public access easement, geologic stability of the development, and controlling sedimentation.

Staff is recommending three (3) special conditions to ensure the project's consistency with the certified LCP. Special Condition No. 1 requires that building materials be of non-reflective material to ensure consistency with visual resource policies of the LCP. Special Condition No. 2 requires that the proposed pool be pumped and drained off-site as opposed to allowing the pool to drain into the existing septic system or over the bluff edge to prevent damage to the septic system and to minimize potential bluff erosion. Special Condition No. 3 requires (1) installing silt fencing prior to ground-disturbing construction activities, (2) covering on-site debris stockpiles at all times, and (3) maintaining on-site vegetation to the maximum extent possible and replanting of any disturbed areas following project completion.

As conditioned, staff has determined that the proposed development would be consistent with the certified Mendocino County LCP and public 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 Development Permit No. 1-92-200 (Eaton) was approved by the Commission as an administrative permit on June 23, 1993 with no special conditions. The original permit approved the development of a 4,049-square-foot, single-family residence with an attached garage, driveway, septic system, and water line to an existing well. The residence was constructed within a 100' x 100' building envelope that was delineated under the approval of the subdivision that created the subject parcel (CDP #1-89-28, E.F.S. Associates). The subdivision approval required special conditions to ensure protection of public access, visual resources, environmentally sensitive habitat areas, and archaeological resources.

The current amendment request seeks to add an 840-square-foot, one-story sunroom to enclose a proposed swimming pool and spa on the southwest side of the existing residence. The proposed addition would not extend outside of the previously delineated building envelope and there are no previous special conditions that prevent further development within the building envelope. Therefore, the Executive Director found that the proposed amendment would not conflict with the intent of Coastal Development Permit No. 1-92-200 because with further conditions, visual resources would continue to be protected to the same degree under the proposed amendment and the development could be safe from geologic hazards. Since this amendment request would not result in a lessening or avoidance of the intent of the originally 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. 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.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve the proposed amendment to Coastal Development Permit No. 1-92-200-A1 pursuant to the staff recommendation.

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 resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment and adopts the findings set forth below on grounds that the development as amended and subject to conditions will be in conformity with the policies of the certified Mendocino County Local Coastal Program and the public access policies of the Coastal Act. Approval of the permit 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 further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. STANDARD CONDITIONS: (See attached Appendix A)

III. SPECIAL CONDITIONS:

1. Design Restrictions

All exterior materials, including the roofing materials and windows, shall be non-reflective to minimize glare.

2. Pool Maintenance

Draining of the proposed pool and spa for on-going maintenance purposes shall occur by use of a pump truck to discharge water off-site. The pool and spa shall not be drained into the existing septic system or be allowed to drain over the bluff edge.

3. Sedimentation Control

- (a) Silt fencing to trap sediment contained in sheet flow shall be installed around the immediate perimeter of the construction area including the area necessary for maneuvering construction equipment prior to any ground-disturbing activities. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height.
- (b) On-site vegetation shall be maintained to the maximum extent possible during construction and any disturbed areas shall be replanted following project completion.
- (c) All on-site debris stockpiles shall be covered and contained at all times.

IV. FINDINGS AND DECLARATIONS FOR APPROVAL

The Commission hereby finds and declares:

1. Site Description & Project Description

The subject site is an approximately 11-acre blufftop parcel located west of Highway One, between Ocean Drive and the Pacific Ocean, 2 ½ miles south of Ft. Bragg in Mendocino County. The western portion of the property has gently undulating topography that is terminated along the west by a very steep beach bluff face. The property and surrounding area is designated as "highly scenic" in the certified Mendocino LCP.

The site is currently developed with a single-family residence approved under Coastal Development Permit No. 1-92-200 (Eaton). The original permit approved the development of a 4,049-square-foot, single-family residence with an attached garage, driveway, septic system, and water line to an existing well. The subject parcel was created by a five-lot subdivision of a 56-acre parcel that was approved by the Commission in 1989 (CDP #1-89-28, E.F.S. Associates). The subdivision was approved with six (6) special conditions to ensure the protection of public access, visual resources, environmentally sensitive habitat areas, and archaeological resources. The conditions included a requirement that an offer to dedicate an easement for public access to the blufftop and beach be recorded. The offered vertical easement is located approximately 300 feet to the north of the subject site at its closest point on another parcel of the subdivision. The original subdivision approval also required the delineation of 100' x 100' building envelopes on each of the five created parcels, including the subject parcel. The building envelopes were delineated with a 75-foot setback from the bluff edge and away from the environmentally sensitive habitat areas present at the site. The existing residence was constructed within the designated building envelope.

The proposed amendment request seeks approval for the addition of an 840-square-foot, one-story, 12-foot-high sunroom to enclose a proposed swimming pool and spa on the southwest side of the existing residence. The proposed addition does not extend outside of the 100' x 100' building envelope delineated by the original subdivision approval.

2. Geologic Hazards and New Development

LUP Policy 3.4-7 states that:

The County shall require that new structures be set back a sufficient distance from the edges of bluffs to ensure their safety from bluff erosion and cliff retreat during their economic 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:

$$\text{Setback (meters)} = \text{Structure life (years)} \times \text{Retreat rate (meters/year)}$$

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

All grading specifications and techniques will follow the recommendations cited in the Uniform Building Code or the engineering geologist's report.

This language is reiterated in Zoning Code Section 20.500.020(B).

LUP 3.4-9 states that:

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

Zoning Code Section 20.500.010 states that development shall:

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

Zoning Code Section 20.500.020(B) states that

Construction landward of the setback shall not contribute to erosion of the bluff face or to instability of the bluff.

LCP Policy 3.4-12 and Zoning Code Section 20.500.020(E)(1) state that

Seawalls, breakwaters, revetments, groins, harbor channels and other structures altering natural shoreline processes or retaining walls shall not be permitted unless judged necessary for the protection of existing development, public beaches or coastal dependent uses.

The subject property is located on a blufftop parcel that overlooks the ocean. The bluff slopes are variable in steepness, generally from 25 to 75 degrees. The bluffs are eroded in some areas and there are a number of sea caves along the western edge of the parcel. A small drainage is present to the south of the existing residence and proposed addition that exhibits effects of erosion at the edge of the bluff (referred to as the drainage/erosion feature). The area at the top of the bluff is well vegetated with local grasses and other plants.

The original subdivision (CDP #1-89-28, E.F.S. Associates) established building envelopes that were required to be setback 75 feet from the bluff edge. This setback was based on prior geologic recommendations to ensure that no construction would take place on the subject property where development might result in erosion, geologic instability or destruction of the site or surrounding area, or require any protective devices that might substantially alter natural landforms.

The proposed project involves the addition of an 840-square-foot sunroom to enclose a proposed pool and spa on the southwest side of the existing residence that would be constructed within the designated building envelope. The applicant has submitted a Bluff Hazard Assessment and Geotechnical Evaluation for the proposed project prepared by Questa Engineering Corporation dated November 3, 2000. According to the geotechnical report, the coastal bluff consists of sandstone bedrock with interbedded shale and siltstone. Overlying the bedrock are alluvial soils and local terrace deposits that are dominated by sands and silty sands. Erosion of the bluff face occurs due to wave cutting of the bedrock at the toe of the bluff and of the mid-bluff during heavy storms and from runoff from the land above the bluff.

Mendocino County LUP Policy 3.4-7 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) and that setbacks be of sufficient distance to eliminate the need for shoreline protective works. Based on an analysis of aerial photographs and site observations, the geotechnical report estimates an average bluff retreat rate for the overall bluff of less than 0.2 meters per year, and less than 0.5 meters per year from a drainage swale at the bluff near the southwest corner of the property. In accordance with LUP Policy 3.4-7 and Coastal Zoning Code Section 20.500.020, the minimum setback is calculated from the setback

formula: $\text{Setback(meters)} = \text{structure life (75 years)} \times \text{retreat rate (meters/year)}$. Based on this formula, the geotechnical report indicates that the minimum setback for the pool house structure from the coastal bluff should be 15 meters (49.2 feet) and the minimum setback from the drainage swale should be 37.5 meters (123 feet). According to the geotechnical report, the distance from the proposed pool house addition to the bluff edge, at the nearest point, is approximately 96.5 feet and the distance from the on-site drainage swale at the edge of the bluff to the proposed pool house is approximately 127 feet. Thus, the geotechnical report concludes that the proposed setback is sufficient to provide for a 75-year design life of the structure.

In the course of processing the application, Commission staff became aware of rock placed in the drainage swale feature along the bluff face without benefit of a coastal development permit. The geotechnical report referred to 6 to 12-inch diameter rock rip-rap that had been dumped into the drainage swale and recommended that the rip-rap be improved using biotechnical stabilization methods. This unpermitted development is not before the Commission in the context of this permit amendment application and thus, the unpermitted violation remains unresolved. The applicant's geologists submitted a letter of clarification dated July 20, 2001 stating that:

"It is our opinion that the Pool House may be constructed without stabilizing the existing drainage/erosion feature. However, we also had recommended that the area of the existing drainage/erosion feature at the edge of the coastal bluff (in the area rock rip-rap was placed) be stabilized by biotechnical engineering methods. We understand that the rock rip-rap in the eroding drainage was placed without permit. The recommended work is intended to stabilize the area of the rock rip-rap which is in an unstable configuration. The recommended biotechnical stabilization will not eliminate coastal bluff retreat, but is intended to retard the process and give the coastal bluff a more natural vegetated appearance."

Thus, the proposed addition to the existing residence is not dependent on the unpermitted rock slope protection to ensure its geologic stability and structural integrity for the 75 year economic lifespan of the development. Commission staff will pursue resolution of the unpermitted development with the applicant and Mendocino County.

Mendocino County LUP Policy 3.4-9 requires that any development landward of the blufftop setback 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. Surface runoff from the site drains toward the bluff edge, but there is approximately 95 feet of vegetated area that allows for runoff to percolate before draining directly down the bluff face. Therefore, site drainage from the residence and the proposed addition does not pose a significant impact to the stability of the bluff. However, the Commission finds that allowing the pool to drain at the site and potentially over the bluff edge could cause or contribute to erosion of the bluff face. Although draining the pool and spa is likely to occur infrequently, the large volume of water released at once may have an adverse impact on the stability of the bluff face. Therefore, the Commission attaches Special

Condition No. 2 that requires the pool to be pumped and drained off-site to ensure that excess water does not flow over the bluff edge and contribute to erosion and geologic instability.

The Commission thus finds that the proposed development with the proposed amendment, as conditioned, is consistent with the policies of the Mendocino County LCP regarding geologic hazards, including LUP Policies 3.4-7, 3.4-9, 3.4-12, and Zoning Code Sections 20.500.010 and 20.500.020, as the proposed development will not result in the creation of any geologic hazards, and will not create nor contribute significantly to erosion or geologic instability of the coastal bluff.

3. Visual Resources

Section 30251 of the Coastal Act has been specifically incorporated into LUP Policy 3.5-1 of the Mendocino LCP and states in 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.

Portions of the coastal zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusions of certain areas east of Highway 1.

In addition to other visual policy requirements, new development west of Highway One in designated 'highly scenic areas' is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. ...New development should be subordinate to the natural setting and minimize reflective surfaces. ...

Zoning Code Section 20.504.015(C)(1) states that:

Any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.

Zoning Code Section 20.504.015(C)(2) states that:

In highly scenic areas west of Highway 1 as identified on the Coastal Element land use plan maps, new development shall be limited to eighteen (18) feet above natural grade, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures.

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.

Policy 3.5-1 of the County's LUP 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 County's Zoning Ordinance reiterates these policies. Specifically, Coastal Zoning Ordinance Section 20.504.015(C)(1) requires that new development in highly scenic areas protect coastal views from public areas including roads and trails. Section 20.504.015(C)(2) of the Zoning Code requires an 18-foot height limit for parcels located west of Highway One in designated highly scenic areas, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Coastal Zoning Ordinance Section 20.504.015(C)(3) requires that new development be subordinate to the natural setting and minimize reflective surfaces and requires that in highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings.

The subject site is a blufftop parcel located west of Highway One and Ocean Drive in an area designated as "Highly Scenic" in the Mendocino County LUP. As noted previously, building envelopes were delineated at the time of the subdivision that created the subject parcel, in part, to ensure maximum preservation of open space and to protect the views from Ocean Drive, the public road nearest the sea, as well as from areas of historic public use. The site is currently developed with a single-family residence approved under Coastal Development Permit No. 1-92-200 (Eaton). The original permit approved the development of a 4,049-square-foot, 20-foot-high residence with an attached garage, driveway, septic system, and water line to an existing well. The proposed project is an 840-square-foot sunroom addition to enclose a proposed pool and spa on the southwest side of the existing residence.

The existing residence is not visible from Ocean Drive, or from Highway One due to the distance between the designated building envelope and the nearest public roads (approximately 1,800 feet) and because of the dense intervening vegetation. Thus, the proposed addition would not be visible from any public roads. At the time of subdivision, the Commission required the recordation of an offer to dedicate an easement for vertical public access and passive recreational use to the blufftop and beach to offset the burden the proposed subdivision and the residential development that it would facilitate would have on public access. The public access easement has not yet been accepted by a public agency or private association, but acceptance is being actively pursued. The public access easement is located approximately 300 feet north of the subject site at its closest point.

The existing residence is a white color and is visible to the south from the designated public access easement. However, the proposed addition would not be any more visible from the public access easement than the existing residence due to its siting and design. Only a small portion of the addition may be visible when viewed at an angle from the westernmost point of the access location. The existing residence was approved at 20 feet in height, as it was determined that the increase from 18-feet to 20-feet would not affect public views to the ocean or be out of character with surrounding structures as required by Section 20.504.015(C)(2) of the Coastal Zoning Ordinance. The proposed sunroom addition is 12-feet-high and therefore, would not extend above the height of the existing residence and is consistent with Section 20.504.015(C)(2) of the Coastal Zoning Ordinance. The addition would be sited on the southwest side of the residence and because of its proposed lower elevation, would be only minimally visible from the westernmost point of the access easement located to the north. Furthermore, the proposed low roofline is designed to be consistent with that of the existing residence and would be compatible with the existing development.

The proposed project plans show the walls of the sunroom addition being constructed largely of glass windows, rather than painted surfaces. The proposed addition therefore, does not raise an issue with the hue and brightness requirement of Coastal Zoning Ordinance Section 20.504.015(C)(3). However, the extensive use of glass building materials could result in an adverse visual impact as viewed from the ocean or from the western end of the public access easement if the building materials were reflective in nature. Therefore, the Commission attaches Special Condition No. 1 to ensure that non-reflective building materials be used in the construction of the proposed addition to minimize glare. As conditioned, the project is consistent with LUP Policy 3.5-4 and 20.504.015(C)(3) requiring building materials to be of non-reflective surfaces and the proposed project would not result in a significant adverse impact to public views as required by LUP Policy 3.5-3 and Zoning Code Section 20.504.015(C)(1).

Therefore, the Commission finds that as conditioned, the proposed development with the proposed amendment is consistent with Policies 3.5-1 and 3.5-3 of the LUP and with Section 20.504.015(C) of the Zoning Code, as the amended development will be (1) within applicable height limits for the designated highly scenic area, (2) be sited and designed to protect coastal views from a public area, (3) be visually compatible with the character of surrounding areas, and (4) be subordinate to the character of its setting.

4. Locating New Development

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

The subject site is designated in the Mendocino County LUP and Coastal Zoning Code as Rural Residential-5, Planned Development. The proposed project is an addition to an existing single-family residence located on an approximately 11-acre parcel in an area developed with single family residences. Therefore, the proposed addition to the single-family residence is consistent with the LUP and zoning designation of the site.

The proposed addition to the residence would not result in an increase in traffic demand on Highway One, as the addition would not result in a change in intensity of use at the site or surrounding area. Furthermore, as discussed in the Visual Resources findings above, the project has been conditioned to be consistent with visual resource policies of the Mendocino LCP.

The residence is served by an existing well and septic system. According to the LCP Consistency Review prepared by Mendocino County for the proposed project, the subject parcel is located within a Marginal Water Resources Zone (MWR) as identified in the County's Coastal Groundwater Study. The applicant provided a report prepared by a certified professional soil scientist that included the results from a Sustained Yield Test performed to determine whether the production capacity of the existing well is adequate to support the residence and the proposed pool and spa. The report states:

Based on the results of this test, it is estimated that this well produces a minimum of 12.8 gpm, at this point in time. At this production rate, the well would produce approximately 18,432 gallons of water per day. County water use estimates assign a flow of 450 gallons per day for a three bedroom residence for in-house water use. The production of the existing well will adequately serve the existing uses of the residence in addition to the proposed pool and spa.

The report concludes that the well has sufficient capacity to support the proposed swimming pool and spa and the Mendocino County Department of Environmental Health has concurred with this conclusion. The Mendocino County Department of Environmental Health further recommended that discharge from the pool not be directed to the existing septic system. The chemicals used to treat the pool and spa could damage the system and cause it to malfunction, and the volume of water discharged from the pool could overwhelm the system. Therefore, to prevent damage to

the existing septic system, the Commission attaches Special Condition No. 2 which requires the pool and spa to be drained by a pump truck and the water to be discharged off-site.

Therefore, the Commission finds that, as conditioned, the proposed development with the proposed amendment is consistent with LUP Policies 3.8-1 and 3.9-1 to the extent that the parcel is able to accommodate the development and adequate services are available and that the project will not contribute to adverse cumulative impacts on highway capacity, groundwater resources, and scenic values.

5. Sedimentation and Water Quality

Section 20.492.020 of the Mendocino Coastal Zoning Code incorporates sedimentation standards and states in part:

- (A) *Sediment basins (e.g., debris basins, desilting basins, or silt traps) shall be installed in conjunction with initial grading operations and maintained through the development/construction process to remove sediment from runoff wastes that may drain from land undergoing development to environmentally sensitive areas.*
- (B) *To prevent sedimentation of off-site areas, vegetation shall be maintained to the maximum extent possible on the development site. Where necessarily removed during construction, native vegetation shall be replanted to help control sedimentation.*
- (C) *Temporary mechanical means of controlling sedimentation, such as hay baling or temporary berms around the site, may be used as part of an overall grading plan, subject to the approval of the Coastal Permit Administrator.*
- (D) *Design of sedimentation control devices shall be coordinated with runoff control structure to provide the most protection.*

Section 20.492.020 of the Mendocino County Coastal Zoning Code sets forth sedimentation standards for development involving grading to minimize sedimentation of off-site areas. Specifically, Section 20.492.020 requires that sedimentation be minimized by use of temporary mechanical means and by maintaining the maximum extent of vegetation possible on the site and replanting when necessary.

Site drainage is directed toward the bluff edge and toward the drainage swale located to the south of the existing residence and the proposed addition. The existing single-family residence and the proposed addition are located over 90 feet from the bluff edge and much of the runoff from the site is filtered by the extensive pervious grassy area between the development and the bluff edge. The site is relatively flat and the proposed project does not involve a significant amount of grading, but does involve some excavation for construction of the proposed pool and spa. The proposed project does not involve major vegetation removal, but would result in the disturbance of a portion of the vegetated area surrounding the area to be excavated. The required excavation

results in the potential for sediment to be entrained in surface runoff and potentially be deposited off-site, particularly during the rainy season (October 15 – April 30). Sediments entrained in runoff can result in adverse water quality impacts such as increased turbidity and can result in potential adverse impacts to off-site environmentally sensitive habitat areas.

To control sedimentation and minimize the potential for large quantities of sediment to leave the site, the Commission attaches Special Condition No. 3 which requires silt fencing to be installed around the immediate perimeter of the construction area prior to the commencement of any ground-disturbing activities and that all on-site debris stockpiles be covered and contained at all times. Special Condition No. 3 further requires that vegetation at the site be maintained to the maximum extent possible and that any disturbed areas be replanted following project completion.

Therefore, the Commission finds that as conditioned, the proposed development with the proposed amendment is consistent with Section 20.492.020 as sedimentation will be controlled and minimized by (1) installing silt fencing prior to ground-disturbing construction activities, (2) covering and containing debris stockpiles at all times, and (3) maintaining on-site vegetation to the maximum extent possible and replanting any disturbed areas following project completion.

6. Environmentally Sensitive Habitat Areas

Policy 3.1-7 of the Mendocino County LUP states that a buffer area shall be established adjacent to all environmentally sensitive habitat areas in order to protect them from significant degradation from future development. Policy 3.1-10 of the LUP states that areas where riparian vegetation exists, such as riparian corridors, are environmentally sensitive habitat areas and development within such areas shall be limited to those uses which are dependent on the riparian resources. These policies are reiterated in the County's Zoning Code.

The subject parcel was created by a five-lot subdivision of a 56-acre parcel that was approved by the Commission in 1989 (CDP #1-89-28, E.F.S. Associates). The 56-acre parcel was found to contain a number of environmentally sensitive habitat areas, including a creek and wetland area with associated riparian habitat. At the time of subdivision, a number of conditions were imposed on the coastal permit to protect this sensitive habitat, including requiring that an open space deed restriction be recorded that created a riparian buffer area. In addition, building envelopes were sited on each of the five lots and were located away from all sensitive habitats.

The existing residence was approved under Coastal Development Permit No. 1-92-200 and included construction of a residence and septic system within the building envelope designated by the subdivision approval under CDP #1-89-28. The proposed project includes construction of an 840-square-foot sunroom addition to the southwest side of the existing residence. The proposed addition would not extend outside of the designated building envelope and thus, would not encroach into the environmentally sensitive habitat areas on the site. Therefore, the development with the proposed amendment is consistent with Mendocino County LUP Policies

3.1-7 and 3.1-10, and with the County's Zoning Code, as the development with the proposed amendment would have no adverse impacts on sensitive habitat.

7. Public Access

Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. In applying Section 30211 and 30212, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

The subject parcel is located west of Highway One and sits atop a coastal bluff. At the time of subdivision, the Commission required the recordation of an offer to dedicate to a public agency or private association an easement for vertical public access and passive recreational use to the blufftop and beach to offset the burden the proposed subdivision and the residential development that it would facilitate would have on public access. The access dedication has not yet been accepted, but is being actively pursued. Although the Commission found evidence of possible public prescriptive rights on the property when it approved the subdivision, none of the areas where it was determined that the prescriptive rights may exist are found within the building site for the proposed development. Since public access has already been provided for in the vicinity of the subject property in anticipation of the impacts that the currently proposed house and other future houses in the subdivision will have on public access, and since the proposed project will not interfere with any possible public prescriptive rights, the Commission finds that the proposed project is consistent with the coastal access policies of the Coastal Act and the County's LCP.

Therefore, the Commission finds that the proposed development with the proposed amendment does not have any adverse effect on public access, and that the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, and 30212 as there already exists a recorded offer to dedicate a public access easement north of the subject parcel.

8. Alleged Violation

As noted above, in the Geologic Hazards section, during the course of processing this application, staff has been informed of rock that was placed along a drainage swale along the top of the bluff face to stabilize an eroded area without the benefit of a coastal development permit. A request for authorization of the rock slope protection is not included as part of this application. A coastal development permit is required to either retain or remove the rock and staff will work with the applicant and the County to resolve this violation.

Consideration of this application by the Commission has been based solely upon the policies of the Mendocino County LCP and the public access policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

9. California Environmental Quality Act (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)(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 which the activity may have on the environment.

The Commission incorporates its findings on conformity with LCP policies and the public access and recreation policies of the Coastal Act at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project with the proposed amendment that were received prior to preparation of the staff report. As discussed herein, the proposed project with the proposed amendment has been conditioned to be found consistent with the certified LCP and the access and recreation policies of the Coastal Act. Mitigation measures which will minimize all adverse environmental impacts have been made requirements of project approval. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have 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.

CARL SANDERS

1-92-200-A1

Page 17

Exhibits:

1. Regional Location Map
2. Site Location
3. Site Plan
4. Elevations
5. Geotechnical Report (November 3, 2000)
6. Addendum to Geotechnical Report (July 20, 2001)

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. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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.

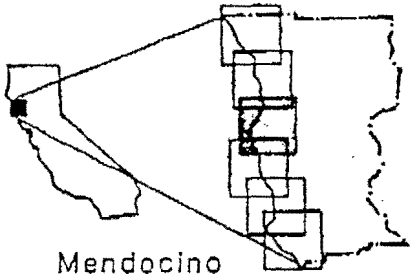
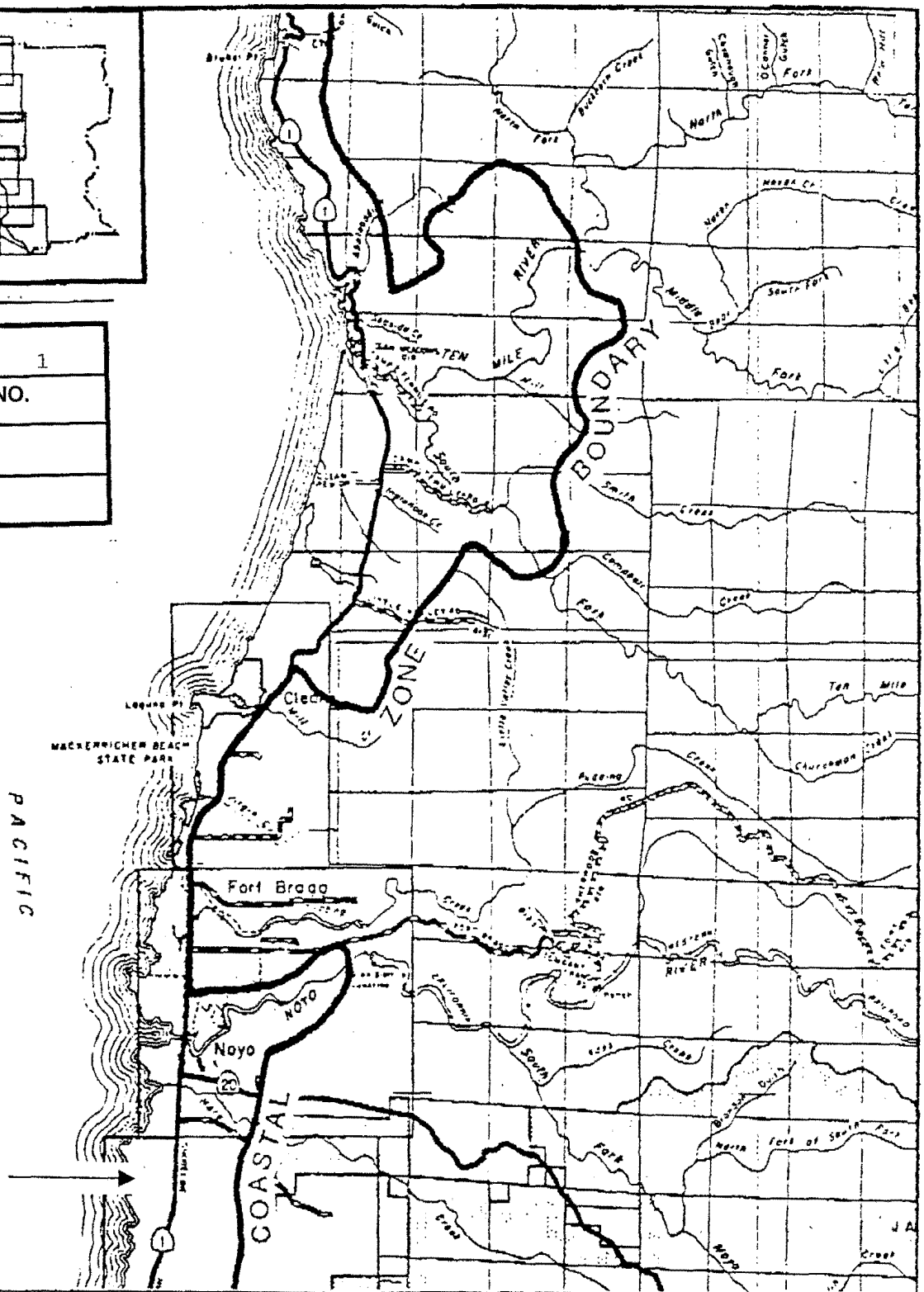


EXHIBIT NO. 1

APPLICATION NO. 1-92-200-A1

Sanders

Location Map



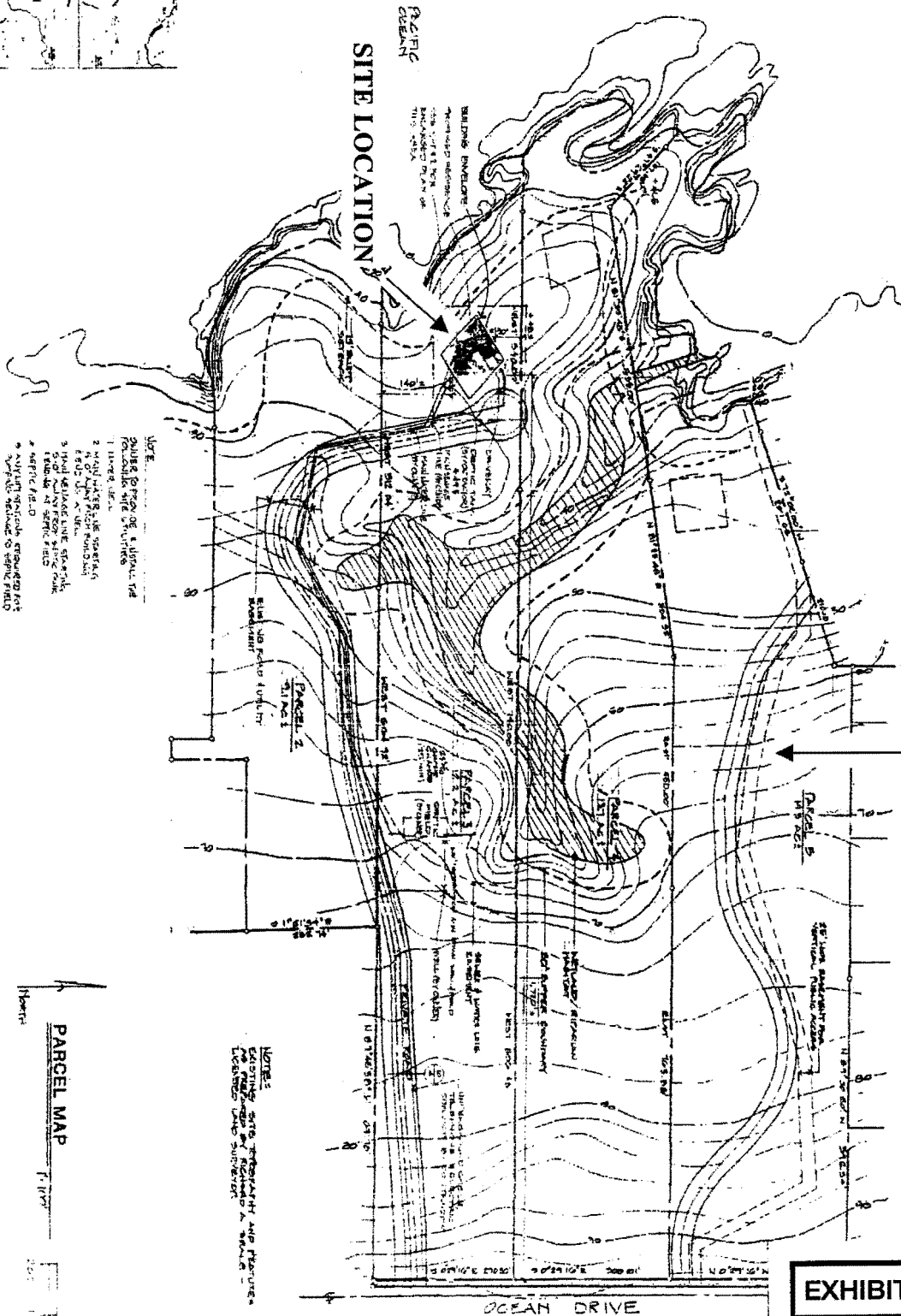
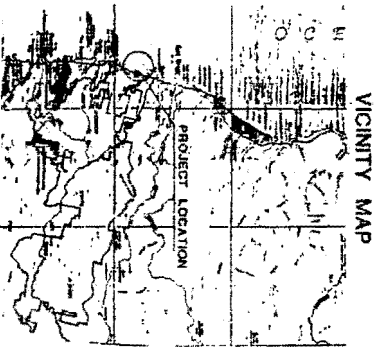
PROJECT LOCATION



LOCATION MAP



County of Mendocino



- NOTE:
1. 100' WIDE EASEMENT FOR
 2. 25' WIDE EASEMENT FOR
 3. 10' WIDE EASEMENT FOR
 4. 5' WIDE EASEMENT FOR
 5. 2' WIDE EASEMENT FOR

NOTES:
EXISTING SITE PROGRAMS AND FEATURES
SHOWN FOR REFERENCE ONLY.

25' wide easement for
vertical public access

PARCEL MAP FROM WALD, RANNEY & DOSE, ARCHITECTS
DATED 12-11-92
HENDOXING COUNTY BLDG. DEPT. PERMIT NO. 994-096,
COASTAL COMMISSION PERMIT NO. 1-92-200

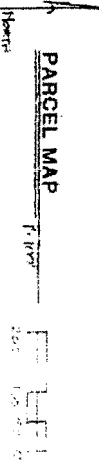
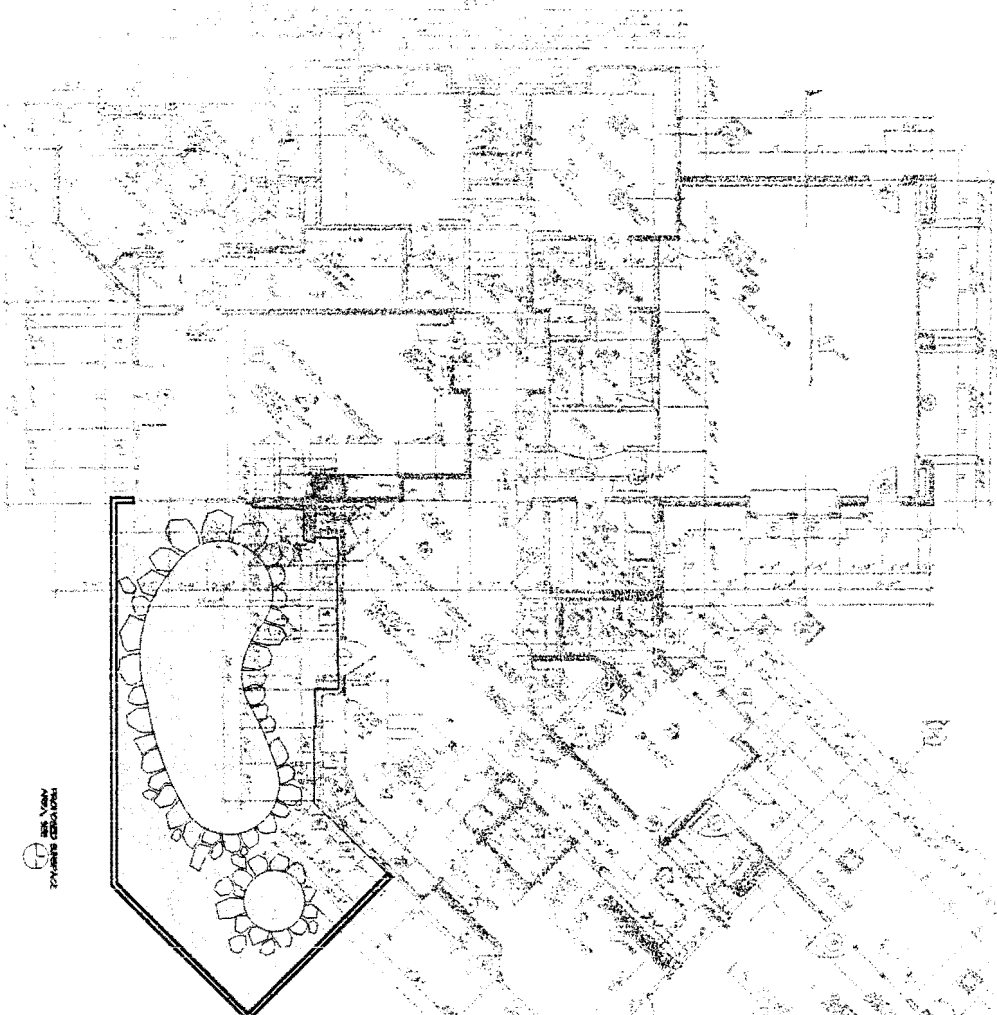


EXHIBIT NO. 2
APPLICATION NO. 1-92-200-A1
Sanders
Site Location

ORIGINAL FLOOR PLAN WITH SUNSPACE ADDITION
 348' 0" X 177' 0" ORIGINAL FLOOR PLAN
 209' 0" X 177' 0" SUNSPACE ADDITION
 209' 0" X 177' 0"

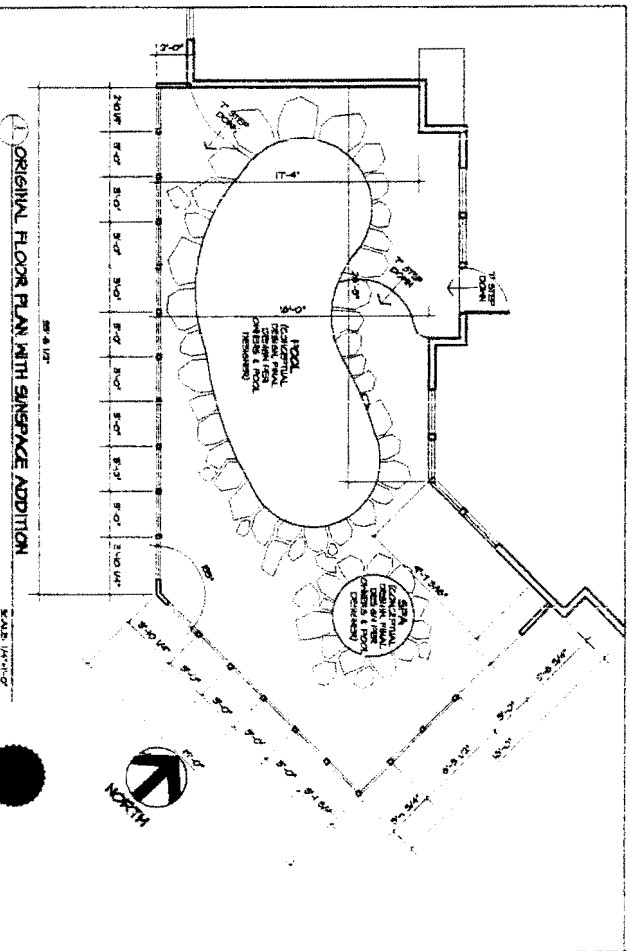
SCALE: 1/8"=1'-0"



INDICATED SUNSPACE
 FROM THE ORIGINAL FLOOR PLAN



ORIGINAL FLOOR PLAN
(shown in title)
 BY WALD, RANKE & DOST, ARCHITECTS
 DATED 12-11-92
 HENOLOGO COUNTY BLDG. DEPT. PERMIT NO. 494-086,
 COASTAL COMMISSION PERMIT NO. 1-42-200



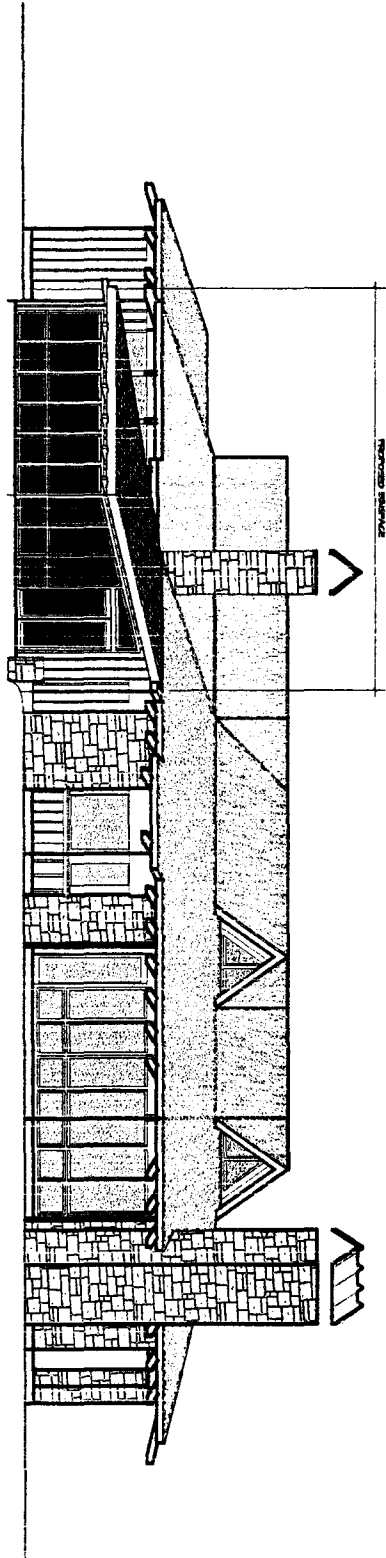
ORIGINAL FLOOR PLAN WITH SUNSPACE ADDITION
 348' 0" X 177' 0"

SCALE: 1/8"=1'-0"



EXHIBIT NO. 3
APPLICATION NO. 1-92-200-A1
Sanders
Site Plan

PROPOSED SOUTHEAST EXTERIOR ELEVATION



ORIGINAL SOUTHEAST EXTERIOR ELEVATION

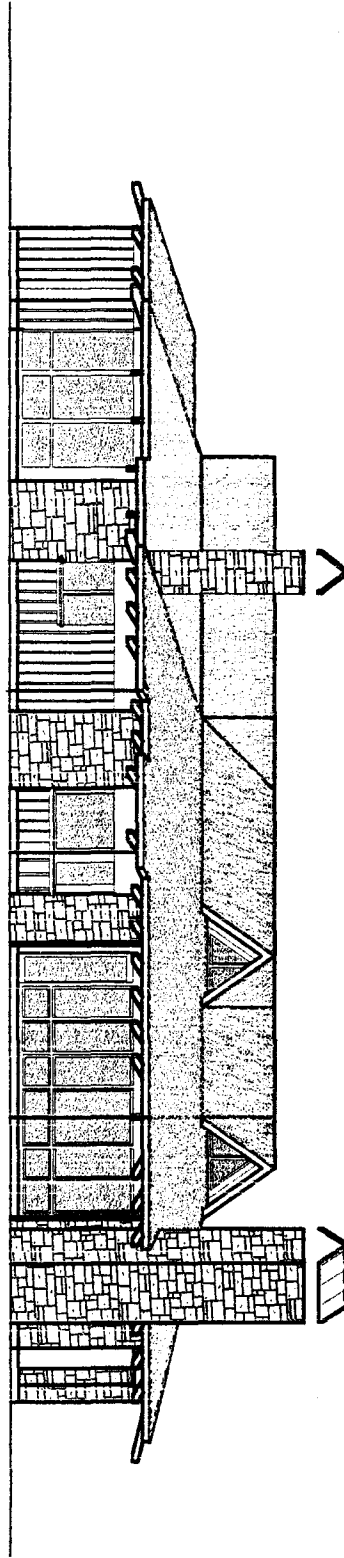
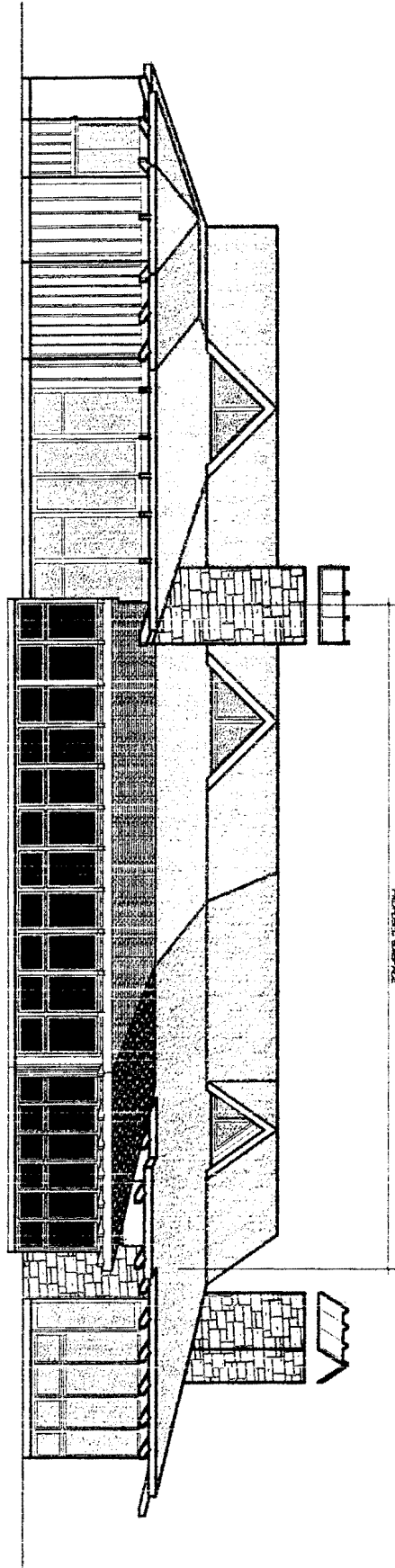


EXHIBIT NO.	4
APPLICATION NO.	1-92-200-A1
Sanders	
Elevations (pg.1of2)	

PROPOSED SOUTHWEST EXTERIOR ELEVATION



ORIGINAL SOUTHWEST EXTERIOR ELEVATION

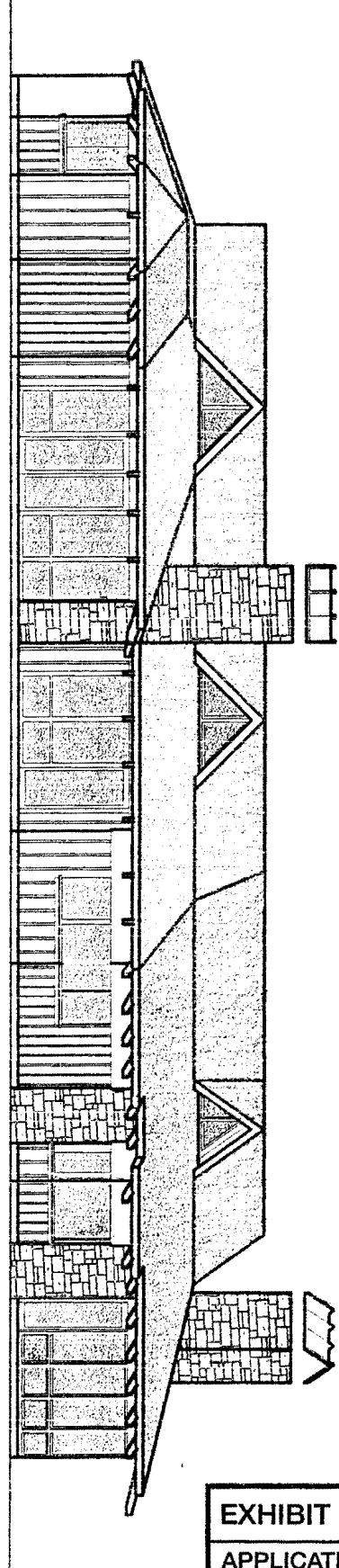


EXHIBIT NO. 4

APPLICATION NO.
1-92-200-A1

Elevations

(pg. 2 of 2)



Civil,
Environmental
& Water
Resources

ENGINEERING CORP.

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MAR 19 2001

CALIFORNIA
COASTAL COMMISSION

November 3, 2000

EXHIBIT NO. 5
APPLICATION NO. 1-92-200-A1
Sanders Geotechnical Report
(pg. 1 of 8)

Mr. Carl Sanders
1131 N. Main Street
Fort Bragg, CA 95437

Subject: Bluff Hazard Assessment and Geotechnical Evaluation, 17270 Ocean Drive,
Fort Bragg, California

Dear Mr Sanders:

This letter presents our Bluff Hazard Assessment and Geotechnical Evaluation for the Pool House addition at 17270 Ocean Drive, Fort Bragg, California. The scope of work included an analysis of historic aerial photographs, a map, literature, report and internet site review and a site reconnaissance to observe conditions of the property and the coastal bluff. The scope was designed to satisfy requirements of Section 20.500.020 of the Mendocino County Coastal Zoning Code.

SITE RECONNAISSANCE

A site reconnaissance on the subject property was performed on September 23, 2000, by our project environmental engineer. The reconnaissance included observations of the existing residence and vicinity, the drainage and erosional characteristics of the property and an examination of the coastal bluff adjacent to the property. A video tape was made of the site and digital photographs were also taken. Our senior engineering geologist viewed the video tape and digital photographs as part of this analysis and discussed observations of the site with our project engineer. **Figure 1** presents a site plan of the property and vicinity.

The coastal bluff was observed to consist of sandstone bedrock with interbedded shale and siltstone (**Figure 2**). Overlying the bedrock are alluvial soils and, locally, terrace deposits. These soils are dominated by sands and silty sands. The area at the top of the bluff is well vegetated with local grasses and other plants. The bluff slopes are variable in steepness, generally from 25 to 75 degrees. Erosion of the bluff face occurs due to wave cutting of the bedrock at the toe of the bluff and of the mid-bluff during heavy storms, and run-off from the land above the bluff. A small drainage is present to the south of the existing residence and proposed pool house and exhibits the effects of erosion (**Figure 3**). An attempt to stabilize this drainage/erosion feature consists of 6 to 12-inch diameter rock rip-rap which was apparently dumped into the drainage. The rock appears to have reduced the erosion for the short term but may require some improvement to provide long-term erosion protection. The overall coastal bluff in this area is very stable; the stability is governed by the strength, structure and orientation of the bedrock which is present within several feet of the top of the bluff and exposed along the bluff face.

Page 2
Mr. Sanders
November 3, 2000

The distance from the residence at the proposed pool house addition to the bluff edge, at the nearest point, was measured to be approximately 96.5 feet (30 m). The distance from the on-site drainage/erosion feature at the edge of the coastal bluff to the proposed pool house was determined to be 127 feet (39 m). **Figure 4** shows the proximity of the residence to the eroding drainage feature.

REGIONAL AND SITE GEOLOGY

The site regional geology has been compiled on the Geologic Map of the Fort Bragg Quadrangle by the State of California Department of Forestry (April 1979) and on the Geology and Geomorphic Features Related to Landsliding, Fort Bragg 7.5-minute Quadrangle, by the California Division of Mines and Geology (CDMG Open-File Report 83-5, 1983). The maps show the site as consisting of the Quaternary age marine terrace deposits with exposures of Tertiary to Cretaceous Franciscan Coastal Belt, the youngest portion of the Franciscan Complex, exposed along the shoreline. The marine terrace deposits consist predominantly of fine sand with some coarse sand and fine gravel interbeds. The Coastal Belt consists of sedimentary rocks, including sandstones, siltstones and shales and meta-volcanic rocks, including greenstone and metamorphosed tuffaceous sandstone. The sandstones and greenstones commonly form resistant bluffs and sea mounts. The regional structural trend of northwest to southeast is very pronounced in these rocks and affects the shape of the coastline in the area.

The San Andreas fault is located off-shore in this region within several miles of the site and is the closest active fault. Other active faults in Mendocino County include the Maacama fault located approximately 22 miles to the east-northeast. Two smaller northwest-southeast trending faults have been mapped in the area cutting the Coastal Belt rocks on the shoreline to the northeast of the site. These are not considered active faults by the State of California Division of Mines and Geology.

AERIAL PHOTOGRAPH ANALYSIS

Stereo pairs of aerial photographs for several different years were examined. The purpose of aerial photographic analysis was to evaluate bluff slope stability and bluff retreat rates. Photographs examined included:

February 8, 1942. CVN-13B-55, Scale 1:20,000 (1"=1667 feet)

April 21, 1984. WAC-84C 18-11 & 12, Scale 1:31,680 (1"=2640 feet)

March 24, 1996. WAC-MENDOCINO-96 9-200 & 201, Scale 1:13740 (1"=1145 feet)

1942 Photograph. Only one aerial photograph was observed for this year. However, the clarity of the photo is excellent and the coastal bluff appears to be little changed from this 1942 photo to the 1996 photographs. In 1942, the residence area is undeveloped grassland. The coastal bluff has the same pattern of erosion observed in later photographs and the primary points of erosion are the same as in later photographs, primarily in the area of the drainage/erosion feature to the southwest of the residence location.

1984 Photographs. These aerial photographs were taken prior to development of the site and vicinity and construction of the residence. The coastal bluff appears to be in the current stable configuration. The small on-site drainage/erosion feature to the southwest of the residence is present in the photograph in its current location. The condition of the erosion feature appears much as it does at the present time.

1996 Photographs. The residence is present in this photograph. The condition of the coastal bluff appears essentially unchanged from the 1984 photos. The overall bluff appears to be very stable with bedrock structure paralleling the coastline. The exposed sandstones appear very stable and resistant to the wave action. The small on-site drainage/erosional feature appears much as it does today with no evidence of significant recent bluff retreat. The overall coastal bluff retreat from the 1942 to the 1996 photographs appears to be less than 5 meters (less than 0.1 m/year). The coastal bluff retreat in the vicinity of the drainage/erosional feature from 1942 to 1996 appears to be approximately 18 meters (0.33 m/year).

COASTAL BLUFF SETBACK CONCLUSIONS

Based on our review of the geological data, our site reconnaissance and detailed aerial photographic analysis, the bluff is moderately stable in its current configuration. Based on our observations we estimate an average bluff retreat rate for the overall bluff of less than 0.2 m/yr and for the drainage/erosional feature of less than 0.5 meters per year. In accordance with the Mendocino County Coastal Zoning code, Section 20.500.020, the minimum setback is calculated from the setback formula: $\text{Setback (meters)} = \text{structure life (75 years)} \times \text{retreat rate (meters/year)}$. Based on this formula the minimum setback for the pool house structure from the Coastal Bluff should be: 75 years times 0.2 m/year = 15 meters. The minimum setback from the drainage/erosional feature should be: 75 years times 0.5 m/year = 37.5 meters. These are conservative estimates. Based on our assessment, the rate of retreat has been less than the cumulative average for the time period observed (54 years) in aerial photographs.

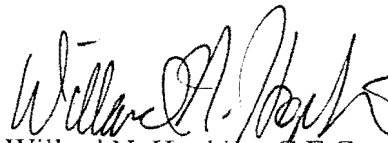
RECOMMENDATIONS

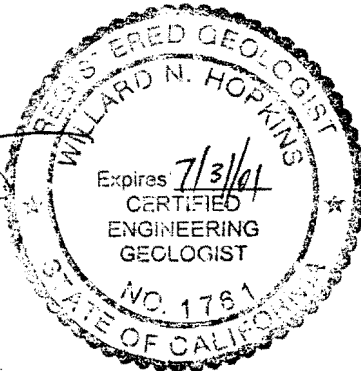
Based on results of our assessment, we recommend that the existing erosional control measures at the drainage/erosional feature be improved. A common type of biotechnical stabilization involves placing soil around existing rock rip-rap, placing erosion control materials and planting the area with native, erosion resistant, plant species. This type of stabilization would further reduce the potential for rapid bluff retreat during major storm or seismic sea wave (a.k.a. tidal wave or tsunami) events which periodically affect the coastal area.

Our overall conclusion is that the Pool House construction can proceed as planned, provided that our recommendations for improvement of the site drainage/erosional feature are followed. The proposed setback is sufficient to provide for a 75-year design life for the structure.

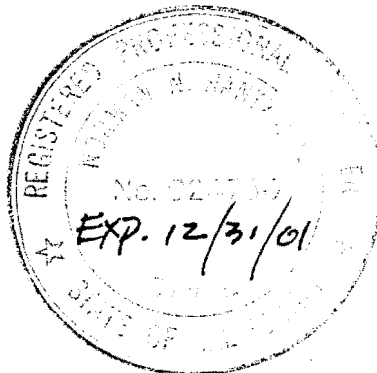
Should you have any questions please call the undersigned at (510) 236-6114, ext. 222.

Sincerely,


Willard N. Hopkins, C.E.G.
Senior Engineering Geologist

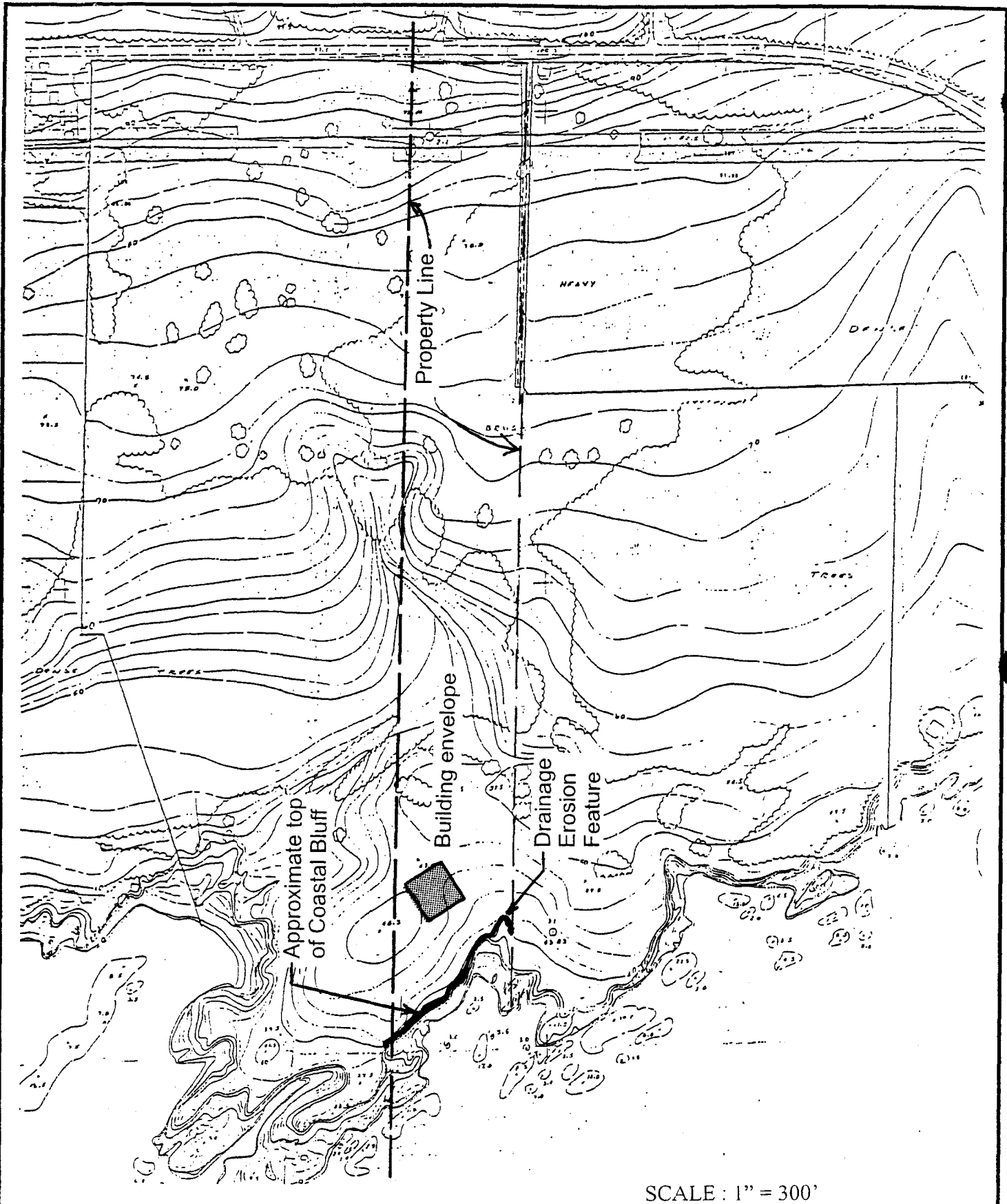



Norman N. Hantzsche, P.E.
Principal/Managing Engineer



NNH/WNH/ljt

Ref.: 20208L3



SCALE : 1" = 300'

Date:	11 / 2 / 2000
Drawn:	L.I.
Appr'd:	N.H.
Dwg. No.	FIG1.CDR

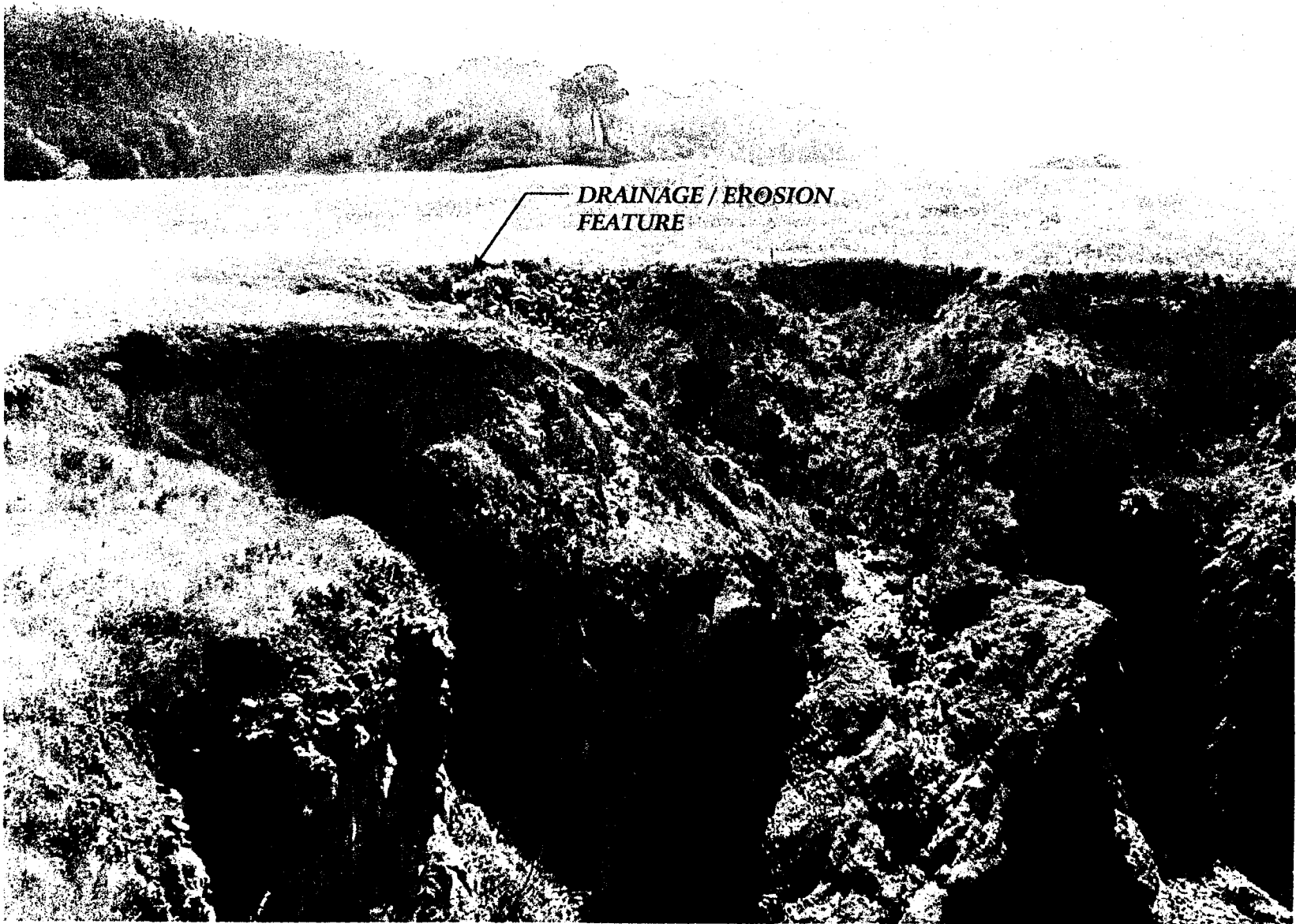
QUESTA
 Civil Environmental & Water Resources
 1370 24th St
 Fort Bragg, CA 94734
 (707) 462-4444
 www.questaenv.com
 P.O. Box 70356 1220 Brickyard Cove Road Point Richmond, CA 94807

SITE PLAN
SANDERS PROPERTY
 FORT BRAGG, CA

FIGURE
1



FIGURE 2: Coastal Bluff showing exposed bedrock on the bluff face.



Pg. 7 of 8

FIGURE 3: Coastal Bluff showing on site drainage and gradually eroding bluff face.

pg. 8 of 8.



FIGURE 4: Proximity of residence to gradually eroding Coastal Bluff.

July 20, 2001

RECEIVED
JUL 23 2001
CALIFORNIA
COASTAL COMMISSION

Mr. Bob Merrill
California Coastal Commission
710 E Street, Suite 710
Eureka, CA 95501

Subject: Geotechnical Evaluation Clarification, 17270 Ocean Drive, Fort Bragg, California

Dear Mr. Merrill:

This letter is written in response to your request for clarification concerning our recommendations as presented in our letter to Mr. Carl Sanders dated November 3, 2000 titled *Bluff Hazard Assessment and Geotechnical Evaluation, 17270 Ocean Avenue, Fort Bragg, California.*

Our conclusion in the referenced report was that there is a sufficient setback from the Coastal Bluff to allow construction of the proposed Pool House in accordance with applicable Mendocino County Coastal Policies. It is our opinion that the Pool House may be constructed without stabilizing the existing drainage/erosion feature. However, we also had recommended that the area of the existing drainage/erosion feature at the edge of the coastal bluff (in the area rock rip-rap was placed) be stabilized by biotechnical engineering methods. We understand that the rock rip-rap in the eroding drainage was placed without permit. The recommended work is intended to stabilize the area of the rock rip-rap which is in an unstable configuration. The recommended biotechnical stabilization will not eliminate coastal bluff retreat, but is intended to retard the process and give the coastal bluff a more natural vegetated appearance.

We trust this is the information you require at this time. If we can provide additional information please contact the undersigned.

Sincerely,



Willard N. Hopkins, E.G. #1761
Senior Engineering Geologist



Norman N. Hantzsche, P.E. #24750
Principal/Managing Engineer

xc: Mr. and Mrs. C. Sanders

ref: 20208L5

EXHIBIT NO. 6
APPLICATION NO. 1-92-200-A1
Sanders
Geotechnical Addendum