

CALIFORNIA COASTAL COMMISSION

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Staff:	Randall Stemler
Staff Report:	December 21, 2001
Hearing Date:	January 9, 2002
Commission Action:	

STAFF REPORT: APPEAL

SUBSTANTIAL ISSUE

LOCAL GOVERNMENT:	County of Mendocino
DECISION:	Approval with Conditions
APPEAL NO.:	A-1-MEN-01-056
APPLICANT:	Gale and Dorothy Williams
AGENT:	Ed McKinley
PROJECT LOCATION:	27560 South Highway One, south of Point Arena, Mendocino County (APN 027-421-06)
PROJECT DESCRIPTION:	Construction of a 2,460 square-foot, 23.85-foot-high, single-family residence, with a 632-square-foot attached garage/mechanical room, a septic system, connection to an existing private water system, driveway, concrete walkway, and wooden decks.
APPELLANTS:	Friends of Schooner Gulch, Attn: Peter Reimuller; Sierra Club, Mendocino-Lake Group, Attn: Rixanne Wehren; Hillary Adams; Roanne Withers
SUBSTANTIVE FILE: DOCUMENTS	1) Mendocino County CDP No. 35-01; and 2) Mendocino County Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that NO substantial issue exists with respect to the grounds on which the appeal has been filed. These grounds include alleged project inconsistencies with Mendocino County's certified Local Coastal Program (LCP) policies pertaining to visual resources and coastal development permit processing procedures. The appellant has not raised any substantial issue with the local government's action and its consistency with the certified LCP.

The development, as approved by the County, consists of a 2,460 square-foot, 23.85-foot-high, single-family residence, with a 632-square-foot attached garage/mechanical room, with a septic system, driveway, concrete walkway, and wooden decks.

Contentions raised by the appellants include alleged inconsistencies with Mendocino County's certified LCP policies relating to protection of visual resources, bluff setback restrictions, and sufficiency of information provided during the project application process.

The contentions regarding the protection of visual resources do not raise a substantial issue of conformance with the visual resource policies of the LCP. Because of the forested nature of the parcel and the elevation of the house relative to the highway, the location of the proposed structure would not block a view to the ocean from Highway One or any other public vantage point, including the Ross Creek and Whiskey Shoals public access trails, Bowling Ball Beach, Schooner Beach and its publicly accessed headlands, and the open ocean. In addition, the four existing residences in the same subdivision are all two stories in height. Thus, no substantial issue is raised that the approved house would affect public views to the ocean or that the approved two story design of the house would be out of character with surrounding structures.

The lower portion of the approved house would have stone facing that would not be readily visible. The approved color and building material is a mottled, textured stone that is not highly reflective and would blend with the dappled forest background. Landscaping would help hide what might be visible. The chimney would also use this color and material, but the chimney is not likely to stand out as an incongruity to the character of its setting because the lower portions of the structures will be completely screened by landscape plantings, and because the visible chimney profile would be minimal as seen from the highway and public trails, and would blend with the forested background.

The approved permit includes a condition requiring that all exterior lighting be shielded and have a directional cast downward. The existing trees and new landscaping would likely block or partially block beams of light coming from the interior of the development

and no evidence is provided that the light that would shine from the interior fixtures of the house as approved would adversely affect visual resources.

The contentions regarding bluff setback restrictions do not raise a substantial issue of conformance with the geologic hazard policies of the LCP. A geologic setback designed to protect the approved house from bluff erosion and cliff retreat over a 75-year economic lifespan was established based on an examination of aerial photographs and a complete geotechnical investigation.

Finally, the contentions regarding the sufficiency of information provided during the project application process do not raise a substantial issue of conformance of the approved project with the requirements of the LCP. That is, rather than challenge the approved project, the appellants challenge the process leading up to the County's approval. Although staff evaluates these procedural complaints, staff first notes that these complaints fail to allege an inconsistency of the approved project with the certified LCP.

The application provided a description of the proposed development, including map, plans, and other relevant data in sufficient detail to enable the County to determine that the project complied with the requirements of the certified Coastal Zoning Ordinance. Preliminary landscape plans were submitted with the application, the colors of the building materials to be used in the development were identified in the permit application and discussed in the staff report. Specific color samples were available to the decision maker before the County acted on the project. A geotechnical report was prepared and submitted with the application that determined the rate of bluff retreat utilizing methods required by the Coastal Zoning Ordinance. In addition, many of these referenced project details were specifically implemented by the County's imposition of special conditions.

A number of the contentions raised by the applicants relate to perceived inadequacies of the permit application review process. These contentions include the lack of required clear on-the-ground boundary markers; lack of color chips on samples of the actual building materials proposed, and failure to make the color submittals on file available to the public for review 10 days prior to the hearing; inconsistent and inadequate use of story poles to mark the location, size, and height of the proposed development; inability to regulate interior lighting that becomes de-facto exterior lighting; minimal landscaping requirements; lack of enforcement procedures; and most importantly, the need for all submittals, specifications, and plans to be complete, and available on file during the 10-day notification period. Many of these procedures have value, but none are currently required by the certified LCP. Therefore, whether or not some or all of these procedures were utilized by the County in its review of the subject development does not raise a substantial issue of conformance of the project as approved with the currently certified LCP. However, these suggested permit application review procedures may be appropriate for the County and the Commission to consider in the context of the upcoming update to the LCP.

For all of the above reasons, staff recommends that the Commission find that the appeal raises no substantial issue of consistency with the certified LCP and the public access policies of the Coastal Act. The motion to adopt the staff recommendation of No Substantial Issue is found on Page 5.

STAFF NOTES:

1. Appeal Process

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

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within three hundred feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or developments located on tidelands, submerged lands, public trust lands such as areas designated highly scenic, or within one hundred feet of any wetland, estuary, or stream, or within three hundred feet of the top of the seaward face of any coastal bluff.

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

The subject development is appealable to the Commission because: (1) it is located between the sea and the first public road; and 2) it is located within three hundred feet of the top of the seaward face of a coastal bluff.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. Unless it is determined that there is no substantial issue, the Commission would continue with a full public hearing on the merits of the project, which

may occur at a subsequent meeting. If the Commission were to conduct a de novo hearing on the appeal, because the proposed development is between the first road and the sea, the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program and with the public access and public recreation policies of the Coastal Act.

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

2. Filing of Appeal

A single appeal was filed by Friends of Schooner Gulch, represented by Peter Reimuller; Sierra Club, Mendocino-Lake Group, represented by Rixanne Wehren; Hillary Adams; and Roanne Withers (Exhibit No. 5). The appeal was filed to the Commission in a timely manner on October 16, 2001 within 10 working days of receipt of the County's Notice of Final Action (Exhibit No. 4) by the Commission on October 15, 2001. On October 30, 2001, the Commission staff received a 1 page letter from Peter Reimuller representing Friends of Schooner Gulch as an appellant. This letter referenced additional citations germane to issues previously raised in to the appeal. On November 5, 2001, the Commission staff received a 4 page letter in support of the appeal from Dr. Hillary Adams, one of the appellants. This letter provided discussion and support for contentions previously raised in the appeal. Both submittals supplement previously submitted reasons for the appeal without raising new contentions of inconsistencies of the project as approved with the certified LCP.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

MOTION:

I move that the Commission determine that Appeal No. A-1-MEN-01-056 raises NO substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

STAFF RECOMMENDATION ON NO SUBSTANTIAL ISSUE:

Staff recommends a YES vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de

- novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-1-MEN-01-056 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

I. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares:

A. APPELLANTS' CONTENTIONS.

The Commission received an appeal of the County of Mendocino's decision to approve the development, which is located along the Mendocino County coastline, south of Point Arena, on the west side of Highway One just south of Ross Creek, at 27560 South Highway One.

The appeal was received from Peter Reimuller representing Friends of Schooner Gulch; Rixanne Wehren representing the Mendocino-Lake Group of the Sierra Club; Dr. Hillary Adams; and Roanne Withers. The project as approved by the County consists of a 2,460-square-foot, 23.85-foot-high, single-family residence, with a 632-square-foot attached garage/mechanical room, with a septic system, driveway, concrete walkway, and wooden decks. The appellants' contentions are summarized below, and the full text of the contentions is included as Exhibit No. 5.

The appeal raises contentions involving inconsistency with the County's LCP policies regarding visual resources, bluff setback restrictions, and sufficiency of information provided in the permit application.

1. Visual Resources

The appellants contend that the project as approved by the County is inconsistent with LCP policies and standards regarding visual resources and development within highly scenic areas. The visual resources of the Schooner Gulch—Bowling Ball Beach—Saunders Reef Scenic View Corridor offer premiere aesthetic opportunities available to tourists and locals along the south coast of Mendocino County. These views are specifically recognized in the Local Coastal Plan, and as such, the subject property is designated highly scenic. New development in highly scenic areas is required to be sited and designed to protect views to and along scenic coastal areas, and be subordinate to the character of its setting.

The appellants assert that the development is inconsistent with the visual policy for protecting highly scenic areas because the development as approved would establish residential construction in a highly scenic area that would be visually prominent and would not be subordinate to the character of its setting. The proposed development is on a lot visible from Highway One, even though the proposed development would not block views of the ocean from the Highway, the appellants contend that it would intrude on the landscape from the Highway because of its excessive height, bulk, and the fact that many trees would be removed from the lot. The appellants also assert that views from the public trails in the area were not analyzed by County staff or addressed in the staff report findings. It is alleged that the proposed house would stand out strongly against the cliff top from the public trails at Ross Creek and at Whiskey Shoals Subdivision to the north.

In addition, the appellants claim that the landscaping plan is insufficient to actually accomplish an effective screening of the development. "There is no security to the public that the plan will actually mature in a way that will create a long-term and effective buffer to hide the bulk, lights, height, and colors of the structure. There are no performance standards submitted which would show how the landscape would screen the house."

The appellants further contend that light from the proposed development would intrude on the recreational experience of night beach users on the State Park beach below. "There is no standard or Special Condition in the approval which speaks to the problem of bright points of light shining through windows at night. Lighting at night, which may shine through the windows, could be a detriment from all view points... Without performance standards on interior lighting shining through windows this development will not be subordinate to the landscape as is required by the LCP."

Finally, the appellants assert that "The approved color of the stone facing for the house is too light in tone...[and will] not blend as required.... It is not a 'dark earthtone'...Further, no performance standards were applied by the staff or the CPA to the color. ...Performance standards and actual samples of materials are necessary to allow the staff, the public, and the CPA to make informed and accurate decisions or choices." The appellants assert that the County's approval of this development is inconsistent with all of the foregoing as specified within LCP Policy 3.5 et seq., and Coastal Zoning Code 20.504.015 et seq.

2. Bluff Setback Restrictions

In referring to the geological report, the appellants contend that, "The record which the geologist researched is too short a span of time to reasonably assure that these cliffs will not recede at a different rate than he supposes... The rate of erosion he has chosen (1-1/2 inches per year on average) is not justified in the report... The geological plan is not based on science... There is absolutely no analysis given to this lot's situation and how it

will be affected by the rising seas... Without a scientific analysis of the rate of the cliff recession as the seas rise, all we are given here is guess-work and rule-of-thumb setbacks."

Thus, the appellants assert that the approval of this development is inconsistent with the requirements of Coastal Zoning Code 20.500.020 (B)(1) 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 life spans (seventy-five (75) years)."*

3. Sufficiency of Information Provided

The appellants point to the County's LCP policies and standards requiring sufficient information to be provided at the time of the application. The appellants assert that the project as approved is inconsistent with the certified LCP because the application lacks information adequate to "provide the full disclosure required by the LCP." The appellants contend that:

"The Coastal Permit Administrator approved an application which was not complete. [Section 20.532.025 et seq., and especially paragraph A.] Complete details were not presented on matters of landscaping, colors, lighting, drainage, geology, and other items. [Sections 20.532 et seq. And 20.532.035 et seq., and especially paragraph A, and 20.536.010 et seq.]

The appellants go on to assert that the LCP requires

... full submission of details at the time of the application, or certainly by the time of the public hearing.

It is our contention that Mendocino County has established a procedural habit of approving Coastal Development Permits which are incomplete at the time of filing, and which in many cases are never completely submitted. This application is one of them.

Also, in many cases including this one, the CPA has approved applications the details of which were submitted to staff immediately prior to or during the hearing or were to be submitted for staff or CPA approval at some time after the approval hearing. This improper procedure robs the public of its right to complete information, the right to make informed comments at the hearing, and the requirement that decisions of the staff and the CPA will be subject to public hearing scrutiny.

It is extremely onerous for the public to be required to attend a public hearing just to...discover the final submission details regarding the case.

We have requested many times that the County obtain complete information regarding each application prior to accepting it for analysis and public hearing. Many times we have not been able to attend hearings and have found out after the hearing that substantial matters were changed at the hearing.

Landscaping: In the case at hand, we find that the final details regarding landscaping on this Highly Scenic Area lot have been delayed for approval at a later date.

Drainage: There is no drainage plan submitted. This is a sensitive area, and any drainage onto the beach must be engineered.

Colors: Final colors were not submitted to the CPA until the day of the hearing. The colors of the siding were never submitted, but were left to be described by words only.

Geological Report: The matter of global warming and rising seas and their effect on the cliff recession was never addressed.

In summary, the appellant contends that the project as approved is inconsistent with the LCP because the application submitted was lacking in detail, and the County accepted the application as complete with incomplete information, contrary to the requirements of Section 20.532.025 et seq. of the Coastal Zoning Ordinance. The appellant requests that "Mendocino County staff be required to ensure that the final plans and specifications for all projects be on file and available for the public at least during the 10 day notification period in advance of the CPA's hearing. Last minute changes, last minute submittals, and conditional approvals of plan details to be made at later dates by staff or the CPA are not acceptable practice."

B. LOCAL GOVERNMENT ACTION.

On September 27, 2001 the Coastal Permit Administrator for Mendocino County approved a Coastal Development Permit for a 2,460 square-foot, 23.85-foot-high, single-family residence, with a 632-square-foot attached garage/mechanical room, septic system, driveway, concrete walkway, and wooden decks.

The Coastal Permit Administrator attached a number of Special Conditions to the appeal, including requirements that:

1. The applicant shall incorporate all recommendations within the Geotechnical Investigation prepared by BACE Geotechnical dated March 16, 2001, into the design and construction of the proposed residence. [These recommendations include a recommendation that a 40-foot setback from the bluff edge be maintained, as well as recommendations for 1) Site Grading; 2) Drilled Pier Foundation Support; 3) Seismic Design Criteria; 4) Retaining Walls; 5) Concrete Slabs-on-Grade; 6) Driveway Construction; 7) Site Drainage; and 8) Additional Services that include prior to construction review of final grading and building plans and geotechnical related specifications].
2. Prior to the issuance of the Coastal Development Permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator that shall provide that:

- a) The landowner understands that the site may be subject to extraordinary geologic and erosion hazard and landowner assumes the risk from such hazards;
 - b) The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project;
 - c) The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
 - d) The landowner shall not construct any bluff or shoreline protective devices to protect the subject single-family residence, garage, septic system, or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future;
 - e) The landowner shall remove the house and its foundation when bluff retreat reaches the point where the structure is threatened. In the event that portions of the house, garage, foundations, leach field, septic tank, or other improvements associated with the residence fall to the beach before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal;
 - f) The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
3. All exterior building materials and finishes shall match those specified in the coastal development permit application. Windows shall be made of non-reflective glass. Roofing shall match the walnut color in the Owens Corning Mar Vista Shake brochure submitted on 9/27-01. The entry deck may be of concrete in lieu of redwood decking. Any change in approved colors or materials shall be subject to the review and approval of the Coastal Permit Administrator for the life of the project.

4. All existing trees within the construction area which screen the proposed residence from Highway 1 and which are not indicated on the landscape plan for removal shall be protected during the construction phase with construction fencing. All screening trees shall be retained. In the event that the screening trees die during the life of the project, they shall be replaced with similar species in the same location.
5. Prior to the issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Coastal Permit Administrator, a final landscape plan based on the preliminary landscape plan in Exhibit G of this report, and the preliminary plan as submitted to the CPA hearing on 9/27/01. Specifications shall be included to indicate species, size, and establishment techniques, (e.g. irrigation, fertilization, etc). All required landscaping shall be established prior to the final inspection of the dwelling, or occupancy, whichever occurs first and shall be maintained in perpetuity.

The decision of the Coastal Permit Administrator was not appealed at the local level to the County Board of Supervisors. The County then issued a Notice of Final Action, which was received by Commission staff on October 15, 2001 (Exhibit 4).

C. PROJECT AND SITE DESCRIPTION.

The project site is a blufftop parcel above Bowling Ball Beach approximately three miles south of Point Arena, one mile northwest of Schooner Gulch, and 1,000 feet south of Ross Creek (See Exhibits 1 and 2). The subject property is currently well forested with mature Bishop and Monterey pine trees with sparse understory consisting of poison oak, coyote brush, and native blackberries. There are no indications of Environmentally Sensitive Habitat Areas associated with the property. The parcel ranges in elevation between 33 and 61 feet above sea level, and is slightly less than a half acre in size. The property is accessed by a paved, common driveway off Highway One to the north-northeast. The common driveway ends in a cul-de-sac at the east-northeast corner of the property. A gravel driveway extends from the cul-de-sac along the northeast property line to the west-northwest neighboring residence. Neighboring two-story single-family houses currently exist on both sides of the project site.

Approval has been granted by the County to construct a 2,460 square foot two-story single-family residence, with a 632 square foot attached garage/mechanical room. The average height of the residence would be 23.85 feet above natural grade. The maximum height from existing grade would be no more than twenty-seven feet at any point on the house. The height at the middle of the house would be twenty-five and one-half feet. County approval includes installation of a septic system, connection to an existing private water system, and construction of an all-weather surfaced driveway, concrete walkway,

and wooden decks. The project would involve the removal of approximately 36 Bishop pines.

The site is in an area along the Mendocino coastline designated highly scenic. The residence would be visible from Highway One for a distance of approximately 300 feet while travelling south, but would not be visible while travelling north on Highway One due to the nature of the topography. Highway One is at a lower elevation than the subject property, and views are limited due to forested landscape on the subject property, as well as thickets of willow growing along the highway. The view of the property from Schooner Beach and its publicly accessed headlands is very limited. Where it would be in view, the neighboring house just to the south-west screens the proposed house. Views of the proposed house would be partially visible from a short portion of the Ross Creek/Whiskey Shoals public coastal access trail across Ross Creek to the west. The uppermost portion of the residence may be visible from Bowling Ball Beach, and from the Caltrans vista point to the north. Landscape plantings north and east of the residence are intended to provide visual screening to address views from these vantage points.

D. SUBSTANTIAL ISSUE ANALYSIS.

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

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

All of the contentions raised in this appeal present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP or with the public access policies of the Coastal Act. These contentions allege that the approval of the project by the County raises significant issues related to LCP provisions regarding:

- (1) The Protection of Visual Resources;
- (2) Bluff Setback Restrictions;
- (3) Sufficiency of Information Provided in Applications.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

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

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

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

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

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that with respect to all of the allegations below, no substantial issue exists with regard to the approved project's conformance with the certified Mendocino County LCP and the public access and recreation policies of the Coastal Act.

a. Visual Resources

The project would be developed on property within a highly scenic area designation, where development must be subordinate to the character of its setting. The appellants contend that the approved project is inconsistent with requirements of Mendocino County LUP policies relating to the protection of visual resources. As discussed below, the appellants contend that the project is inconsistent with LCP Policy 3.5 et seq.; and Coastal Zoning Ordinance Sections 20.504.010; 20.504.015 (A), (C1), and (C2); 20.504.020 (C2), (D); 20.504.025 (A); and 20.504.035.

LCP Policies:

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 protected 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 designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting."

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 development permitted in these areas shall provide for the 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 south boundary of the City of Point Area and the Gualala 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. Variances from this standard may be allowed for planned unit development that provides clustering and other forms of meaningful visual mitigation. New development should be subordinate to natural setting and minimize reflective surfaces. All proposed divisions of land and boundary line adjustments within 'highly scenic areas' will be analyzed for consistency of potential future development with visual resource policies and shall not be allowed if development of resulting parcel(s) could not be consistent with visual policies."

Policy 3.5-4 states in applicable part, *"...(5) promote roof angles and exterior finish which blend with hillside."*

Policy 3.5-5 states in applicable part, *"...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..."*

Policy 3.5-15 states in applicable part, *"In any event no lights shall be installed so that they distract motorists and they shall be shielded so that they do not shine or glare beyond the limits of the parcel wherever possible."*

Coastal Zoning Ordinance Section 20.504.010 relates to the purpose of the Visual Resource section, and states in applicable part, *"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, to restore and enhance visual quality in visually degraded areas."

Coastal Zoning Ordinance Section 20.504.015 states in applicable part, "(A) The visual resource areas listed below are those which have been designated highly scenic and in which development shall be subordinate to the character of its setting... (C1) 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... (C2) 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."

Coastal Zoning Ordinance Section 20.504.020 states in applicable part, "(C2) New development shall be sited such that public coastal views are protected... (D) The scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting."

Coastal Zoning Ordinance Section 20.504.025 (A) states in part, "Other areas of visual significance include special treatment areas shown on the Land Use Map and a 200 foot minimum designated scenic corridor along both sides of Highway 1 from Ten Mile River to the Sonoma County line..."

Coastal Zoning Ordinance Section 20.504.035 states, "(A) Essential criteria for the development of night lighting for any purpose shall take into consideration the impact of light intrusion upon the sparsely developed region of the highly scenic coastal zone. (1) No light or light standard shall be erected in a manner that exceeds either the height limit designated in this Division for the zoning district in which the light is located or the height of the closest building on the subject property whichever is the lesser. (2) Where possible, all lights, whether installed for security, safety or landscape design purposes, shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed. (3) Security lighting and flood lighting for occasional and/or emergency use shall be permitted in all areas. (4) Minor additions to existing night lighting for safety purposes shall be exempt from a coastal development permit. (5) No lights shall be installed so that they distract motorists."

Discussion:

The project location is in a highly scenic area on a blufftop parcel directly above Bowling Ball Beach in southern Mendocino County. The approved house would be visible for a brief period from Highway One on the southwest side of the road for motorists travelling south from Point Arena. The approved house would also be partially visible from a short portion of the Ross Creek/Whisky Shoals public access trail. Visibility from the beach would be insignificant. All parties agree that the project as approved would not block views to the ocean. The single-family residence would be within a subdivision of other two story structures along the bluff top. Placed within a forested setting on the residential lot, the site would retain visual screening trees. The project as approved also includes additional landscaping to increase visual screening from public views.

The appellants assert for a number of reasons as discussed below, that the project as approved is not subordinate to the character of its setting. The appellants place particular emphasis on the height of the structure, the color of the building materials, lighting, and landscaping. The appellants contend that the lot upon which the approved residence would be constructed is "...very visible to the travelling public. Most of the other lots in the area are not so much in the public's view. This entire lot is visible from Highway One, and from the ground up. The minimal and faulty landscaping which will probably be proposed after the hearing, the height variance, the colors chosen, and the possibility of interior light bulbs shining through the windows all contribute to a highly visible development in a Highly Scenic Area."

Height

The approved residence is two stories and 23.85 feet tall as measured from average grade. The appellants state that, "It is true that the development will not block the views of the ocean from the Highway" but maintain that "the development itself will intrude on the landscape from the Highway because of its excessive height, bulk, and the fact that so many trees will be removed from the lot."

The appellants go on to state that "It was impossible for us to analyze the impact of the development because the view of the skinny whitened tops of the story poles was blocked by the trees (which will be removed for construction). ...It was not possible for us to actually see the height and bulk of the house, nor to be able to analyze what will actually happen to the view when the trees are removed for the house and for the septic field."

The County staff report refers to LUP Policy 3.5-3 and Section 20.504.015 of the Coastal Zoning Code, which limit the maximum building height in this location to 18 feet (average) above natural grade, and one-story, unless an increase in height would not affect public views to the ocean, or be out of character with surrounding structures. If those two criteria can be met, the building height can be raised to a maximum of 28 feet and include two stories. As noted above, because of the forested nature of the parcel and

the elevation of the house relative to the highway, the location of the proposed structure would not block a view to the ocean from Highway One or any other public vantage point. In addition, the four existing residences in the same subdivision are all two stories in height. Thus, there is no substantial issue that the approved house would affect public views to the ocean or that the approved two story design of the house would be out of character with surrounding structures. Therefore, the Commission finds that the appeal raises no substantial issue of conformance of the approved project with the height and story limitations of the certified LCP, including LUP Policy 3.5-3 and Section 20.504.015 of the Coastal Zoning Code.

Color

The appellants assert that the proposed project as approved is not in conformance with Coastal Zoning Code Section 20.504.015 et seq. because *"The approved color of the stone facing for the house is too light in tone. It is not a 'dark earthtone'."* The applicable portion of Coastal Zoning Code Section 20.504.015 is paragraph (C) (3) which 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."* There is no requirement in the LCP policies and ordinances that approved colors be "dark earthtones," but rather that building materials *"blend in hue and brightness with their surroundings."*

The County staff report states that "The house is located in a grove of pine trees and would blend into the background." The siding and trim color (Duckback "Canyon") is a dark stain that is adequate to blend with the forested setting. This color is not under contention. Rather, the appellants make an assertion that the color should have been submitted as a color chip on a sample of the actual building material, and been "on file during the entire 10 day notification period." Limestone cultured stone (CSV-20-45) would be used as the stone facing for the siding of the lower portion of the structure, and for the single chimney. The color selected by the applicant and approved by the County is called "Chardonnay". The County considers the color to be "dark earthtone," but the appellants do not. Whether the "Chardonnay" color is, or is not a "dark earthtone," the fact remains that it is the lower portion of the structure that would have stone facing, and it will not be readily visible. Chardonnay is a mottled, textured stone facing that is not highly reflective (Exhibit No 7.) It contains various colors that would help blend the development with the dappled forest background. Landscaping would help hide what might be visible. The chimney would also use this color and material, but the chimney is not likely to stand out as an incongruity to the character of its setting because the lower portions of the structures will be completely screened by landscape plantings, and because the visible chimney profile would be minimal as seen from the highway and public trails, and would blend with the forested background. Therefore, no substantial issue is raised in regard to color. Therefore, the Commission finds that no substantial issue is raised that the approved building material colors blend in hue and brightness with

their surroundings and that the approved project conforms to the color limitations of the certified LCP, including Section 20.504.015 (C) (3) of the Coastal Zoning Code.

Lighting

The appellants contend that the County approved the permit without a "Special Condition in the approval which speaks to the problem of bright points of light shining through windows at night. Lighting at night, which may shine through the windows, could be a detriment from all view points. ...No performance standards were applied which would keep the light bulb from shining through the windows of the house to the beach at night and robbing the beach-going public of their right to a natural night sky." The appellants go on to assert that "Without performance standards on interior lighting shining through windows this development will not be subordinate to the landscape as is required by the LCP."

The appellants cite Section 20.504.035 of the Coastal Zoning Code, which states in applicable part that "*Where possible, all lights, whether installed for security, safety or landscape design purposes, shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed.*" The appellants recommend that "the Commission [should] establish a standard to define light intensities as they shine through windows at night. Perhaps a condition whereby any interior lighting which projects past the boundaries of the property would be required to be 'diffused', and not point-sources." It must be noted however, that the provision of the code cited by the appellants is within a section entitled "*Exterior Lighting Regulations*" and does not apply to interior lighting. No specific standard on interior lighting currently exists in the certified LCP. The approved permit includes a condition requiring that all exterior lighting be shielded and have a directional cast downward as required by Section 20.504.035. Furthermore, no evidence is provided that the light that would shine from the interior fixtures of the house as approved, would adversely affect visual resources. As described previously, the approved house would be built within a forested setting with additional landscaping required to screen the building. The existing trees and new landscaping would likely block or partially block, beams of light coming from the interior of the development. Moreover, there is no evidence that any light that would shine beyond the confines of the parcel would be any greater than the amount of light shining from other houses in the subdivision. Therefore, the Commission finds that the project as approved does not raise a substantial issue of conformance with the lighting provisions of the certified LCP, including Coastal Zoning Code Section 20.504.035.

Landscaping

The applicant acknowledges that without additional landscaping, from certain vantage points the single-family residence would be visible. For that reason, the applicant has employed a licensed landscape contractor to develop a landscape plan that would

maximize screening of the development. In particular, views from Highway One looking south-east toward the house, and views from the Ross Creek/Whiskey Shoals public access trails looking east toward the house are addressed by the landscaping plan. The appellant claims that the landscaping plan is insufficient to actually accomplish an effective screening of the development. *"There is no security to the public that the plan will actually mature in a way that will create a long-term and effective buffer to hide the bulk, lights, height, and colors of the structure. There are no performance standards submitted which would show how the landscape would screen the house."*

Policy 3.5-5 states in applicable part, *"...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..."*

As noted above, the applicant proposed plantings to screen the buildings from public view areas and the County approval requires that the landscaping be provided. The permit as approved contains a condition requiring that prior to issuance of the Coastal Development Permit, a final landscape plan based on the preliminary plan submitted by the applicant be submitted for the review and approval of County staff.

In addition, the project as approved would ensure that existing trees are only removed if necessary and that any screening trees that die be replaced. The County staff report states that "The house is located in a grove of pine trees and would blend into the background. The trees provide a backdrop for the residence as seen from all public view areas." The staff report acknowledges that "Approximately 36 trees would be removed to implement this project." However, the County's approval includes a provision that all screening trees be retained. Special Condition 4 states that "All existing trees within the construction area which screen the proposed residence from Highway 1, and which are not indicated on the landscape plan for removal, shall be protected during the construction phase with construction fencing. All screening trees shall be retained. In the event that the screening trees die during the life of the project, they shall be replaced with similar species in the same location." The appellants assert that the required landscaping is inadequate because performance standards are not specified and thus there is no assurance that the landscaping will mature to create an effective buffer. As conditioned, however, the approved project does provide for the planting of a specific amount of plants in particular locations to screen the development from view. With the requirements that existing trees be retained and replaced if they die, the project as approved would ensure that the development would continue to be screened over time. The specific requirement of the certified LCP with regard to landscaping is simply that tree planting to screen buildings shall be encouraged, provided that the trees will not block public views to the ocean. As stated above, there are no views through the site to the ocean due to the site's forested nature. As the approved project would not block views and would provide for additional landscaping to screen the proposed structure, the Commission finds that there is no substantial issue of conformance of the project as approved with the landscaping provisions of the certified LCP, including LUP Policy 3.5-

5 that tree planting to screen buildings be encouraged providing that trees will not block public views.

The appellant's concerns about the structure's height, colors, lighting, and landscaping relate to a broader contention that the project as approved is inconsistent with requirements of Mendocino County LUP policies, that development in highly scenic areas be subordinate to the character of its setting (LUP Policies 3.5-1 and 3.5-3).

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 protected 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 designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting."*

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 development permitted in these areas shall provide for the 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..."*

As discussed previously with regard to the more specific contentions about height, colors, lighting, and landscaping, the Commission finds that the project as approved raises no substantial issue with regard to LCP requirements that new development be subordinate to the character of its setting because 1) the existing trees and the required landscaping would screen the approved house from all public vantage points including Highway One, the Ross Creek and Whiskey Shoals public access trails, Bowling Ball Beach, Schooner Beach and its publicly accessed headlands, and the open ocean; 2) the two-story structure would be in character with the other homes in the subdivision as they are all two-story houses of similar height (Exhibit No.X); 3) and there is no substantial issue of conformance of the project as approved with the LCP visual policies regarding landscaping, lighting, and height. These factors present a relatively high degree of factual support for the County's decision that the development is consistent with the certified LCP policies requiring that new development in highly scenic areas be subordinate to the character of its setting. Therefore, the Commission finds that the local approval does not raise a substantial issue of consistency with the visual resource provisions of the certified LCP, including LUP Policies 3.5-1 and 3.5-3 requiring that new development be subordinate to the character of its setting.

b. Bluff Setback Restrictions

The appellant asserts that the approval of this development is inconsistent with the requirements of Coastal Zoning Code 20.500.020 (B)(1) 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 life spans (seventy-five (75) years)."*

In referring to the geological report, the appellants contend that, "The geological plan is not based on science. ...The record which the geologist researched is too short a span of time to reasonably assure that these cliffs will not recede at a different rate than he supposes. The oldest photograph cited is dated 1964. Thirty-five or 36 years is not a long enough baseline on which to base the next 75 years. The rate of erosion he has chosen (1-1/2 inches per year on average) is not justified in the report. He says it is based on 'historical observations' yet fails to cite those observations. He fails to identify the reference points for the 'measurements' he has cited as the scientific reasons for the rate of recession. He cites 'buildings' that were used, yet no buildings existed in this area at the time of the first aerial photos he has used, and if they did, they do not exist now and cannot therefore be used as reference points now."

The appellants, in referring to the geologist's report, go on to state that "The scale of the maps he used does not meet the industry-accepted minimum of 1:12,000. ...Blowing up a tiny aerial map to try to tease information out as small as 1-1/2 inches per year is slight-of-hand and not scientific. It is not possible to extract information from a small photograph, no matter how clear the negatives are. You have the same information when you blow it up, only it is fuzzier and larger. Therefore the information he has extrapolated from the short-time aerial record is leveraged inappropriately and cannot be considered a scientific analysis."

The appellants also assert that the geotechnical report fails to analyze and provide for the rise of the seas due to global warming. "There is absolutely no analysis given to this lot's situation and how it will be affected by the rising seas... Without a scientific analysis of the rate of the cliff recession as the seas rise, all we are given here is guess-work and rule-of-thumb setbacks."

LCP Policy

Coastal Zoning Code Section 20.500.020 (B)(1) Geologic Hazards – Siting and Land Restrictions – Bluffs states that:

(1) 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 life spans (seventy-five (75) years). New development shall be set back from the edge of bluffs a distance determined from information derived from the required geologic investigation and the setback formula as follows:

Setback (meters) = structure life (75 years) x retreat rate (meters/year)

Note: The retreat rate shall be determined from historical observation (aerial photos) and/or from a complete geotechnical investigation.

Discussion:

The appellants contend that the geological plan is not based on science, and therefore not adequate to judge the rate of bluff retreat. The LCP policy cited by the appellant requires that *"The retreat rate shall be determined from historical observation (aerial photos) and/or from a complete geotechnical investigation."* The applicants submitted a geotechnical analysis of the site prepared by BACE Geotechnical as part of its application to the County. The analysis was performed by a licensed geotechnical engineer and a licensed engineering geologist. They compared historical photographs from the years 1964, 1977, and 1981, and determined a bluff retreat rate of 1 ½ inches per year, and recommended a bluff setback of 40 feet for the approved house to protect it from bluff retreat over a 75-year lifespan for the house.

The Geotechnical Investigation performed by BACE Geotechnical reviewed photographs over a time-span equivalent to nearly half the 75-year economic lifespan of the house and determined a bluff setback rate as required by Coastal Zoning Code Section 20.500.020. The recommended 40-foot bluff setback was calculated using a safety factor of 4. The basic retreat rate of 1-½ inches per year, as determined from examination of the photographs, was multiplied by the safety factor to arrive at the recommended bluff setback. The relatively high safety factor of 4 would mitigate for the uncertainties of calculating bluff retreat rates using narrow periods of time for photo comparison; and for the uncertainties of future sea level rise due to global warming. It should be noted that the appellants have not presented any contrary geotechnical evidence indicating that a different bluff retreat rate should be used other than the one developed by the geotechnical consultants for the project as approved.

As a geologic setback was established based on an examination of aerial photographs and a complete geotechnical investigation, and as the setback is designed to protect the approved house from bluff erosion and cliff retreat over a 75-year economic lifespan as required by the LCP, there is a relatively high degree of factual support for the County's decision that the development is consistent with the geologic hazard policies of the certified LCP. Therefore, the Commission finds that the local approval does not raise a substantial issue of conformance with the geologic setback provisions of the certified LCP, including Coastal Zoning Ordinance Section 20.500.020 (b)(1).

c. Sufficiency of Information

The appellant contends that the County approved this Coastal Development Permit for an application that was incomplete, and that complete details were not provided for items dealing with landscaping, colors, lighting, drainage, and geology. "It is our contention that Mendocino County has established a procedural habit of approving Coastal Development Permits which are incomplete at the time of filing, and which in many cases are never completely submitted." The appellant believes that the project as approved is thus inconsistent with Coastal Zoning Code Sections 20.532.025 (A), and 20.536.010.

LCP Policies

Coastal Zoning Code Section 20.532.025 (A) states "*A description of the proposed development, including maps, plans, and other relevant data of the project site and vicinity in sufficient detail to determine whether the project complies with the requirements of these regulations. Sufficient information concerning the existing use of land and water on or in the vicinity of the site of the proposed project, insofar as the applicant can reasonably ascertain for the vicinity surrounding the project site, should also be provided.*"

Coastal Zoning Code Section 20.536.010 states in applicable part: "*The approving authority shall hold at least one public hearing on each coastal development application for an appealable development or for a non-appealable development which requires a public hearing pursuant to other provisions of this Division. The public hearing may be conducted in accordance with existing local procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing. The hearing shall occur no earlier than ten (10) calendar days following the mailing of the notice required in Subsection (C) below.*"

Discussion:

It should be noted that none of the procedural contentions allege an inconsistency of the approved project with the certified LCP. That is, rather than challenging the project as approved, the appellants challenge the process leading up to the County's approval. Although the below analysis addresses these procedural complaints, the Commission also finds that these procedural complaints fail to allege an inconsistency of the approved project with the certified LCP.

The Coastal Zoning Code sections cited above, require that "*sufficient detail*" be provided by the applicant in order to determine if the project complies with the requirements of the Coastal Zoning Ordinance and that a public hearing be conducted "*to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing.*"

It should be noted, however, that there is no requirement in the LCP policies and ordinances for exhaustive or "complete detail," but only that information be provided "*sufficient*" to determine compliance with the requirements of the regulations. Information of sufficient detail was provided by the applicant to allow the County to make a decision regarding the Coastal Development Permit in question.

Also, it should be noted that the requirement for a public hearing should not be interpreted to mean that the public hearing must be held at a time and location convenient for all parties, but only that the public has an "*opportunity to appear and present their viewpoints either orally or in writing.*" A public hearing concerning this project was held on Thursday, September 27, 2001, in the Department of Planning and Building Services conference room located at 790 South Franklin Street, Fort Bragg. The appellants attended the public hearing, and submitted written comments, and therefore had the opportunity to present their viewpoints both orally and in writing. Therefore, the project as approved raises no substantial issue of conformity with the public comment policies of Coastal Zoning Code Section 20.536.010.

In regard to lack of detail relating to public visibility of the proposed development once trees are removed to accommodate the development, the appellant states that: "The boundaries of the lot were not marked for field inspection, and neither the staff nor the public has an accurate idea of what the screening landscaping will look like when the trees are removed. And if the neighbors remove the trees across the lines, this development will indeed become more highly visible. There is no requirement in the LCP policies and ordinances for lot boundaries to be marked for field inspection by the public. It should be noted that Commission staff visited the project site and located property boundary markers as shown on the applicant's plot plan and geotechnical investigation site map. In addition, story poles were present to indicate roof-lines and heights, and building corners were staked on the ground. It was not clear whether those boundary markers and story poles were present at the time the County approved the project. However, even if these stakes and markers were not present on-the-ground when the County acted on the project, the County had other information submitted by the applicant to use to determine what trees would remain to screen the development once other trees are removed to accommodate the development as approved. This other information includes the site plan and preliminary landscaping plan. The review of project plans is a normal and accepted way to evaluate the visual impacts of a project. There are certainly other means of evaluating visual impacts such as computer modeling, and simulations that can project an image of what a project might look like with varying amounts of landscaping or other project changes. However, Section 20.536.025 (A) only states that an application must provide a description of the proposed development, including map, plans, and other relevant data in sufficient detail to determine whether the project complies with the requirements of the certified Coastal Zoning Ordinance. As such plans were submitted as part of the application, no substantial issue is raised that the

landscaping information submitted with the application was inadequate to determine the consistency of the project with the policies and standards of the certified LCP.

In regard to lack of detail relating to the Landscape Plan, the appellant asserts that the application is incomplete because Special Condition #5 of the County approved development includes the requirement that *"Prior to the issuance of the CDP, the applicant shall submit...a final landscape plan [based on the preliminary plan] submitted at the...hearing."* The appellants imply that because review of the final landscaping plans was delegated to the County staff through a permit condition, that incomplete information was available for the Coastal Permit Administrator to review how well the proposed landscaping would screen the development and make the development subordinate to the character of its setting.

The applicants submitted preliminary landscaping plans as part of the permit application. The County attached a special condition to the permit approval requiring submittal of final landscaping plans that conform to the preliminary plans, and provide more detail concerning species, size, and establishment techniques including irrigation and fertilization. This special condition was attached to the permit to ensure that the landscaping would be appropriately installed. The County and the Coastal Commission commonly attach "prior to issuance" conditions requiring the submittal of final plans that incorporate revisions or changes imposed by the decision making authority. Only preliminary plans are generally required at the application stage due to the expense of preparing final plans and the fact that the decision making authority may require changes to the plans. This practice is acceptable so long as (1) in the condition requiring the review of final plans, the decision making authority articulates clearly the criteria against which final plans would be reviewed by staff for conformance with the condition, and (2) the decision maker can establish that a plan based on these criteria is prepared that would be adequate to insure the project as approved would conform to the policies of the certified LCP. In this case, the condition requires the final plans to be based on the preliminary plan. Thus, to be approved, the plan would have to provide for at least the amount and location of landscaping as shown in the preliminary plan. Accordingly, the mere fact that final plans were not approved directly by the Coastal Permit Administrator but were required to be submitted for County staff review and approved prior to issuance of the permit does not raise a substantial issue of conformance with Section 20.532.025(A) requirements that sufficient information be provided to determine conformance with the Coastal Zoning Ordinance provisions.

In regard to color, the appellant asserts that there was "insufficient notice to study the color and determine whether it would blend with the landscape and represent a 'dark earthtone.' ...The late submission served to confuse the public and did not provide the full disclosure required by the LCP. ...The colors of the stone facing and the roof were submitted at the last minute during the hearing... As such, they are insufficient to allow the public to know for sure what is happening. ...They were never available to the public in the case file prior to the hearing. ...With this in mind, the very least that must be

submitted with the application is large color chips on the actual materials to be used in the final construction. This would give the public ample time to look at the colors and materials in the bright light of day and without the rush and bad lighting at the public hearing."

The colors of the building materials to be used in the development were identified in the permit application and discussed in the staff report. Samples were available to the decision maker before the County acted on the project. Although it would give the public a better idea of the actual color, there is no LCP policy or standard requiring that color samples be available for review prior to, or even during the public hearing. Therefore, the fact that samples of the colors may not have been available for public review prior to the hearing does not raise a substantial issue of conformance with Section 20.532.025(A) requirements that sufficient information be provided to determine conformance with the Coastal Zoning Ordinance provisions.

In regard to the Geological Report, the appellant asserts that the information provided is insufficient to justify conclusions reached by the geologist. "The rate of erosion he has chosen (1-1/2 inches per year on average) is not justified in the report. He says it is based on 'historical observations' yet fails to cite those observations.

"He fails to identify the reference points for the 'measurements' he has cited as the scientific reasons for the rate of recession. He cites 'buildings' that were used, yet no buildings existed in this area at the time of the first aerial photos he has used, and if they did, they do not now and cannot therefore be used as reference points now.

"The scale of the maps he used does not meet the industry-accepted minimum of 1:12,000. ...Blowing up a tiny aerial map to try to tease information out as small as 1-1/2 inches per year is slight-of-hand and not scientific. ...the information he has extrapolated from the short-time aerial record is leveraged inappropriately and cannot be considered a scientific analysis. The reference points he claims to have used are not included in the report.

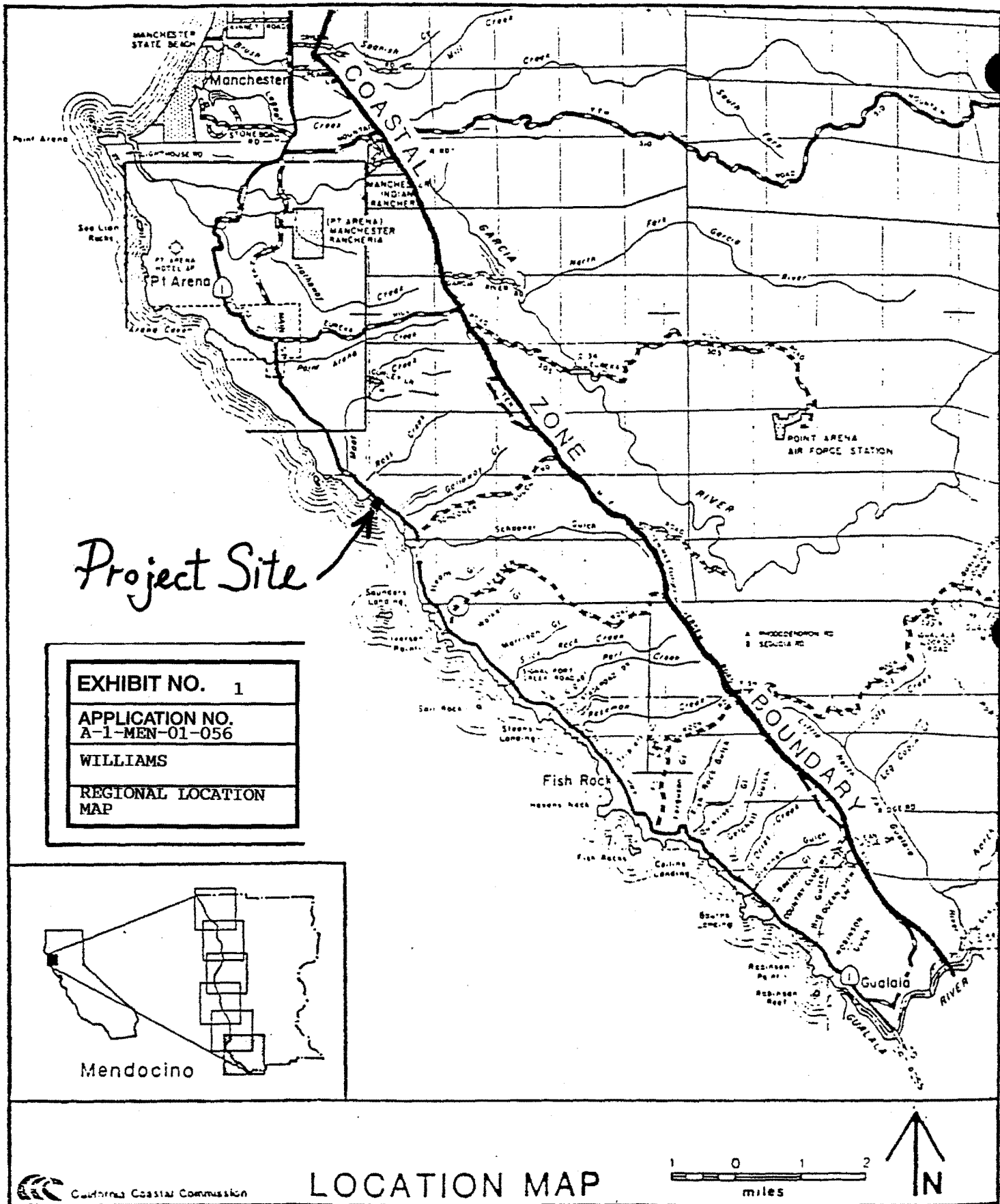
"Global warming and the ensuing rising seas are nowhere mentioned in his report. ...the geotechnical report fails to analyze and provide for the rise of the seas due to global warming. ...there is absolutely no analysis given to this lot's situation and how it will be affected by the rising seas. We know that rising seas will accelerate bluff subsidence. How much? How fast? We are not told." As discussed previously within Finding "D" subsection "b" entitled Bluff Setback Restrictions, which discusses the contentions raised regarding bluff setbacks, the method of determining bluff retreat rate as codified in Coastal Zoning Code Ordinance 20.536.010 was employed by BACE geotechnical. In addition, the recommended bluff setback includes a safety factor of 4 to account for the uncertainties of projecting bluff retreat rates. Therefore, no substantial issue is raised of conformance of the project as approved with Section 20.532.025(A) requirements that sufficient information be provided to determine conformance with the Coastal Zoning Ordinance provisions.

Conclusion

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

EXHIBITS

1. Regional Location Map
2. Vicinity Location Map
3. Project Plans
4. Notice of Final Action
5. Appeal
6. Geotechnical Investigation
7. Agent's Correspondence



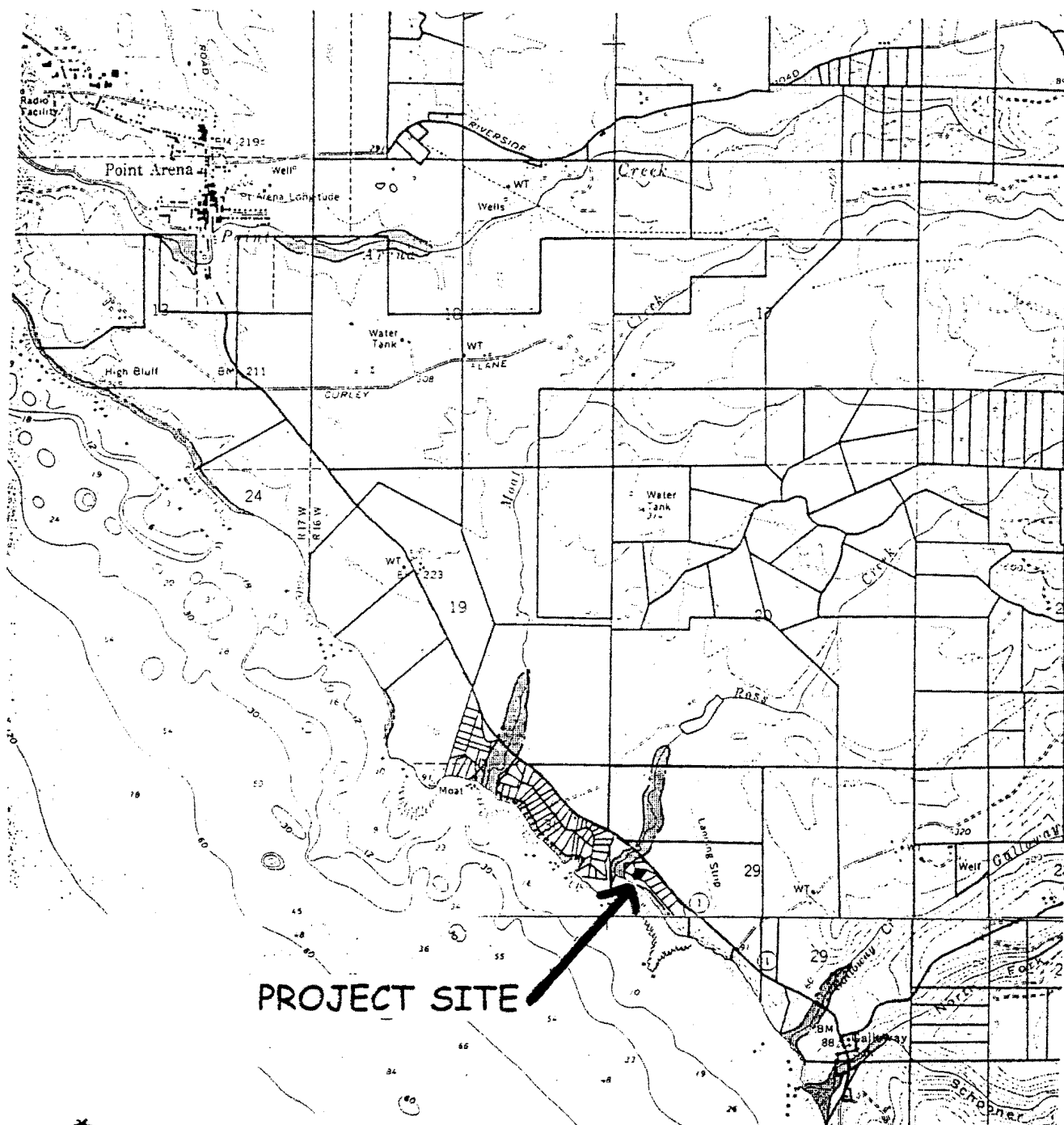


EXHIBIT A

EXHIBIT NO. 2

APPLICATION NO.
A-1-MEN-01-056

WILLIAMS

VICINITY LOCATION
MAP

LOCATION MAP

RESIDENCE FOR GALE WILLIAMS
27560 S. HWAY 1, FT. ARENA
AP#27-421-06

5-7-01

MAY 22 2001

AUG 22 2001

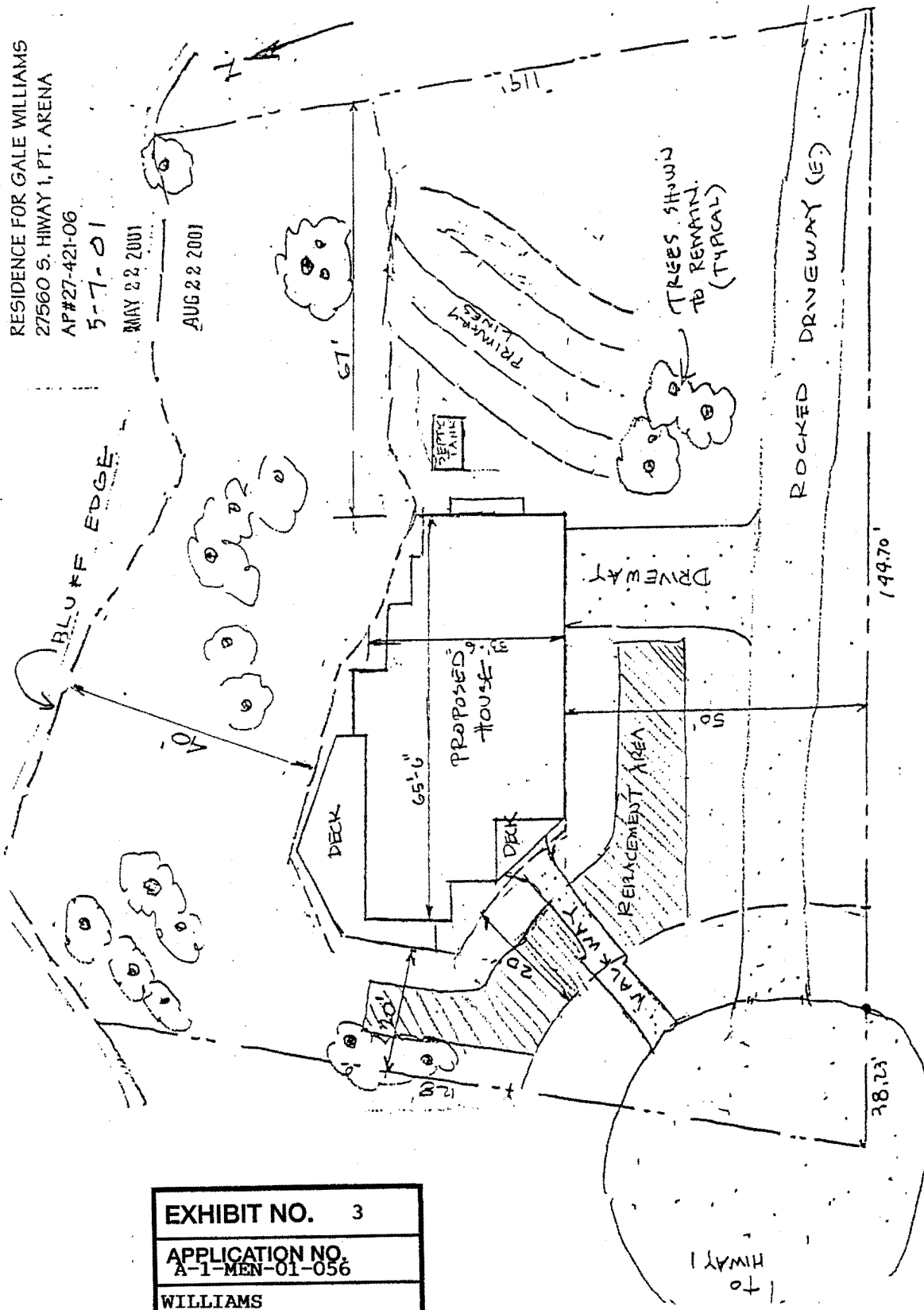
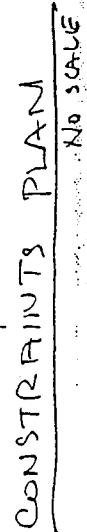
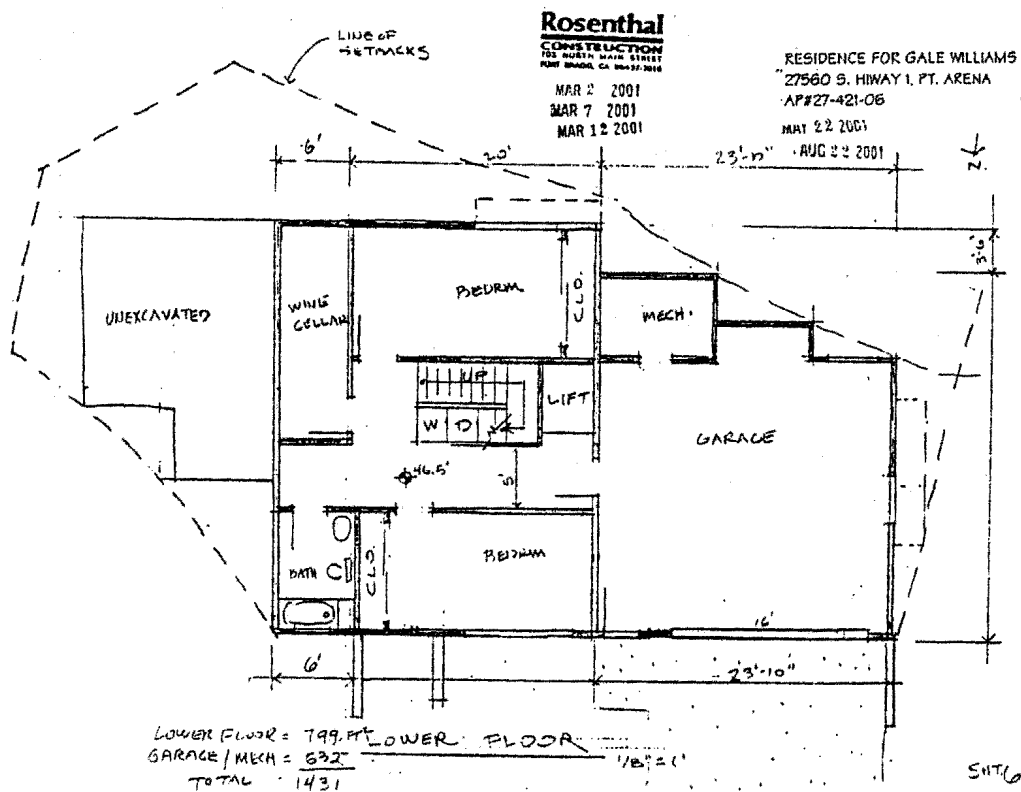
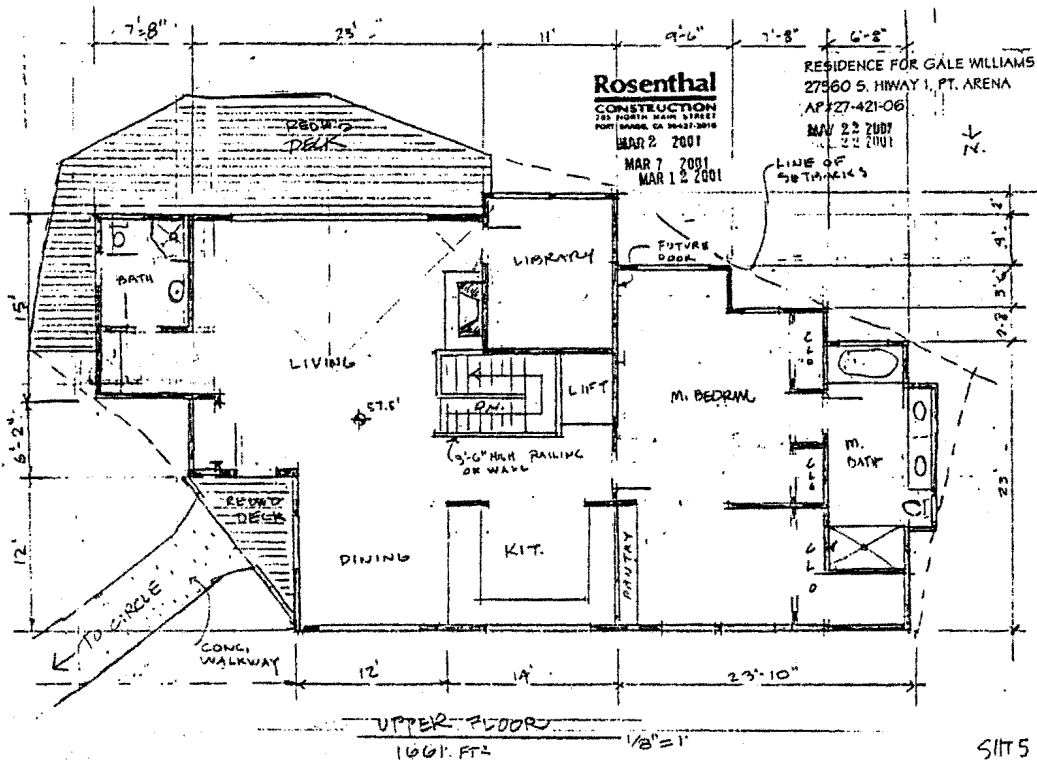
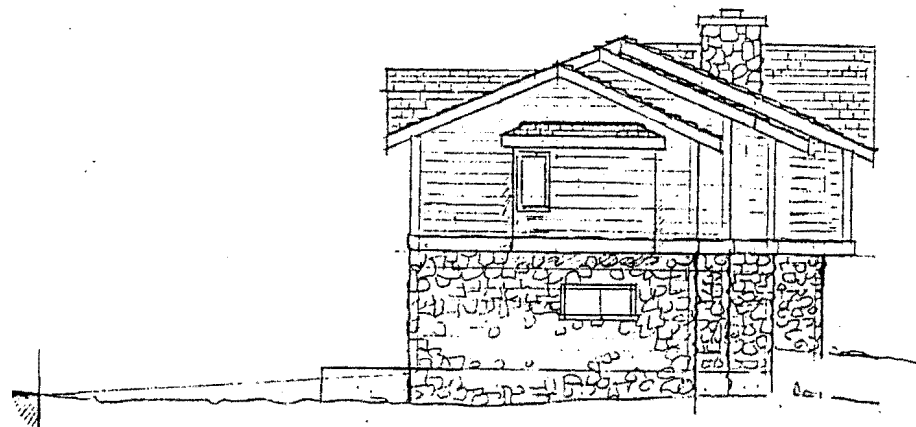


EXHIBIT NO.	3
APPLICATION NO.	A-1-MEN-01-056
WILLIAMS	
PROJECT PLANS	(1 of 6)

8-22-01



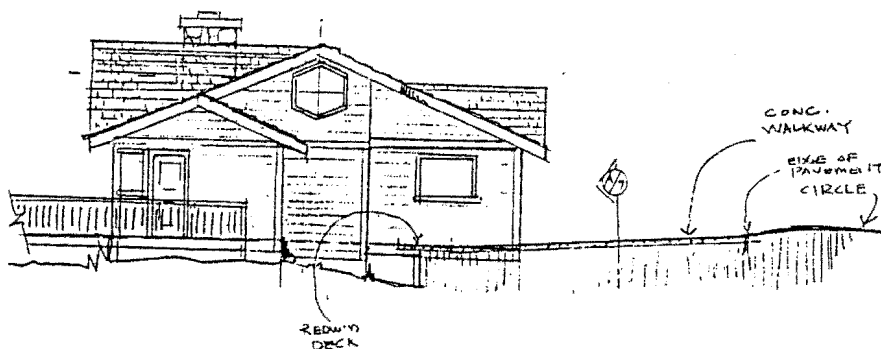




WEST ELEVATION
1/8"=1'

RESIDENCE FOR GALE WILLIAMS
27560 S. HIWAY 1, PT. ARENA
AP#27-421-06

Rosenthal
CONSTRUCTION
751 NORTH MAIN STREET
FORTY HANG, CA 94137-2018
MAR 2 2001
MAR 7 2001
MAR 12 2001
AUG 22 2001

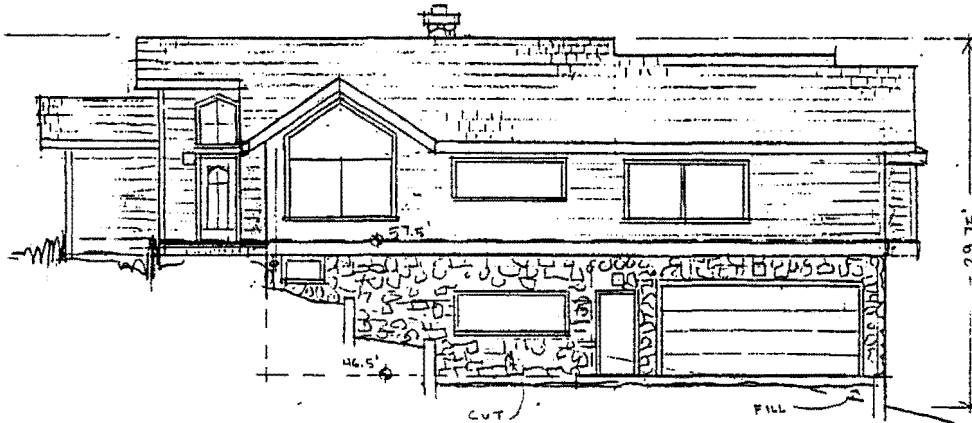


EAST ELEVATION
1/8"=1'

MAY 22 2001

RESIDENCE FOR GALE WILLIAMS
27560 S. HIWAY 1, PT. ARENA
AP#27-421-06

SIDING: REDWOOD SHINGLES &
CULTURED STONE - CHARDONNEY LIMESTONE
FINISH: DUCKBACK "CANYON" STAIN
ROOF: ARCH. GRADE COMP SHINGLES
COLOR: BLACK OR GREY
□ DENOTES SHIELDED EXTERIOR
LIGHT FIXTURE
AVERAGE H.T. = 23.85'

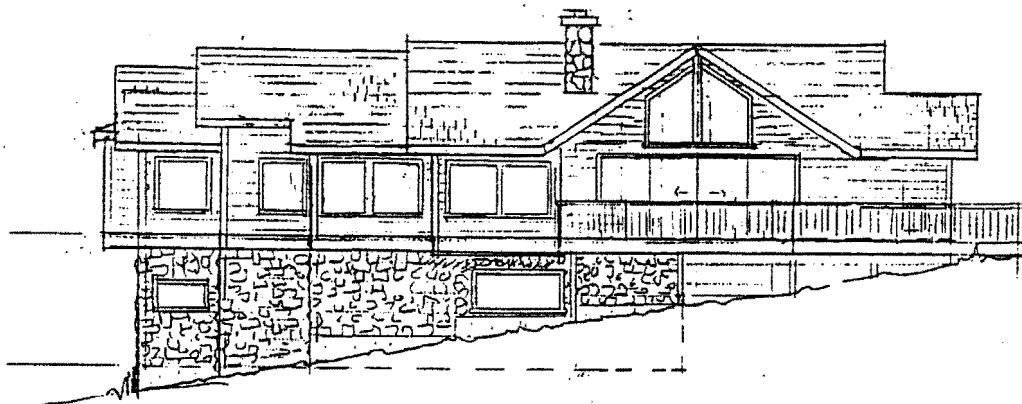


NORTH ELEVATION
1/8" = 1'

RESIDENCE FOR GALE WILLIAMS
27560 S. HWY 1, PT. ARENA
AP#27-421-06

Rosenthal
CONSTRUCTION
755 HEATH MAIN STREET
PORT WASHINGTON, CA 94063-2019

MAR 2 2001
MAR 7 2001
MAR 12 2001
MAY 22 2001
AUG 22 2001



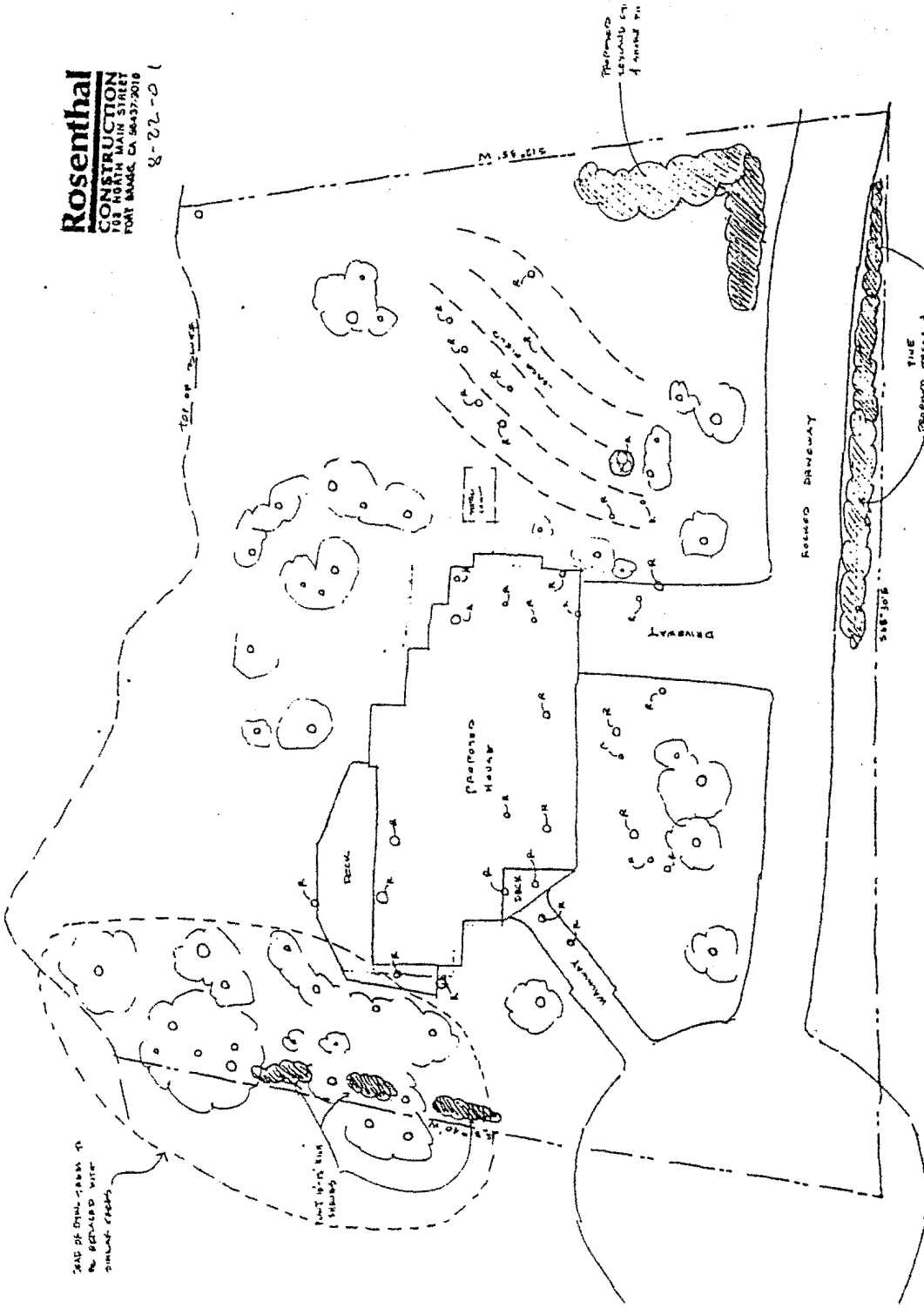
SOUTH ELEVATION
1/8" = 1'

RESIDENCE FOR GALE WILLIAMS
27560 S. HWY 1, PT. ARENA
AP#27-421-06

Rosenthal
CONSTRUCTION
108 NORTH MAIN STREET
FOYAT BRIDGE, CA 95643-7010
8-22-01

RESIDENCE FOR GALE WILLIAMS
27560 S. HWAY 1, FT. ARENA
AP#27-421-06

LANDSCAPE PLAN



6 of 6



RAYMOND HALL
DIRECTOR

COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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

TELEPHONE
(707) 964-5379

RECEIVED
OCT 15 2001

CALIFORNIA
COASTAL COMMISSION

October 9, 2001

NOTICE OF FINAL ACTION

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

CASE#: CDP #35-01
OWNER: Gale & Dorothy Williams
AGENT: Ed McKinley
REQUEST: Construct a 2,460 square foot single-family residence with a 632 square foot attached garage/mechanical room, average height to be 23.85 feet from natural grade; install septic system; connect to existing private water system; construct a driveway, concrete walkway and wooden decks.
LOCATION: W side of Highway One approximately 200 feet S of Ross Creek at Mile Marker 12.10 at 27560 S. Highway One (APN 027-421-06).
PROJECT COORDINATOR: Doug Zanini

HEARING DATE: September 27, 2001

APPROVING AUTHORITY: Coastal Permit Administrator

ACTION: Approved with Conditions.

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

The project was not appealed at the local level.

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

EXHIBIT NO.	4
APPLICATION NO.	A-1-MEN-01-056
WILLIAMS	
NOTICE OF FINAL ACTION (1 of 12)	

COASTAL PERMIT ADMINISTRATOR ACTION SHEET

CASE#: CDP 35-01 HEARING DATE: 9/27/01

OWNER: WILLIAMS

ENVIRONMENTAL CONSIDERATIONS:

☒ Categorically Exempt

☐ Negative Declaration

☐ EIR

FINDINGS:

☒ Per staff report

☐ Modifications and/or additions

ACTION:

☒ Approved

☐ Denied

☐ Continued _____

CONDITIONS:

☒ Per staff report

☒ Modifications and/or additions

see attached

Celine R. Jell
Signed: Coastal Permit Administrator

2412

Modified Conditions for CDP 35-01 William

Special Condition #3

- * Insert after "... non-reflective glass," before, "Any change..."
- "Roofing shall match the walnut color in the Owens Corning Mar Vista Shake brochure submitted on 9/27/01. The entry deck may be of concrete in lieu of redwood decking."

Special Condition #5

- Add after "... preliminary landscape plan in Exhibit G of this report,"
- "and the preliminary plan as submitted to the CPA hearing on 9/27/01."

STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 35-01
September 27, 2001
CPA-1

OWNER/APPLICANT: Gale and Dorothy Williams
834 22nd Street
Santa Monica, CA 90403

AGENT: Ed McKinley
237 Morrow Street
Fort Bragg, CA 95437

REQUEST: Construct a 2,460 square foot single family residence with a 632 square foot attached garage/mechanical room, average height to be 23.85 feet from natural grade; install a septic system; connect to existing private water system; construct a driveway, concrete walkway and wood decks.

LOCATION: On the west side of Highway One approximately 200 feet south of Ross Creek at Mile Marker 12.10 at 27560 S. Highway One (APN 027-421-06).

APPEALABLE AREA: Yes (west of the 1st public road & blufftop lot)

PERMIT TYPE: Standard

TOTAL ACREAGE: 0.41 acres

ZONING: RR:L-5-DL

GENERAL PLAN: RR-5-DL

EXISTING USES: Vacant

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Class 3

PROJECT DESCRIPTION: The applicant proposes to construct a 2,460 square foot single family residence with a 632 square foot attached garage/mechanical room. The average height of the residence is proposed to be 23.85 feet from natural grade. The applicant proposes to install a septic system, connect to an existing private water system and construct an all-weather surface driveway, concrete walkway and wood decks. The project would require the removal of approximately 36 bishop pines. In addition, the applicant proposes to install screening plantings north and east to screen the residence from the highway.

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

Land Use. The proposed single-family residence is compatible with the Rural Residential zoning district and is designated as a principal permitted use. The project is located in a designated highly scenic area. The proposed residence is 23.85 feet tall as measured from average grade. Per policy 3.5-3 of the Coastal Element and Section 20.504.015 of the Coastal Zoning Code, the maximum allowable building height in

4 of 12

STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 35-01
September 27, 2001
CPA-2

this location is 18 feet (average) above natural grade (and one-story) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. If those two criteria can be met, the building height can be raised to a maximum of 28 feet.

The location of the structure on the parcel is approximately 20-30 feet above Highway One. As such, the structure will not block a view to the ocean from Highway One. The four residences in the same neighborhood are all two-stories in height. Therefore, based on the visual analysis below, the proposed building height complies with the Local Coastal Plan policies and ordinances relating to height limitations.

Per Section 20.376.045 of the Coastal Zoning Code, the minimum building setback from property lines is 20 feet in the front and 6 feet on the sides. The proposed buildings are located a minimum of 20 feet from the closest property line; therefore, the proposed project meets the required setbacks.

Public Access. The project is on a blufftop parcel. The property is situated approximately 200 feet south of the Ross Creek shoreline access and approximately one mile north of the existing shoreline access at Schooner Gulch/Bowling Ball Beach. Coastal Access Coordinator, Louisa Morris states:

The project will be visible from the Moat Creek/Ross Creek public access trail. As such, care should be taken to minimize visual impacts to the following public viewsheds – from this trail (Moat/Ross Creeks), Bowling Ball Beach (which has an offer to dedicate (Auguste, APN 27-433-05) and Schooner Gulch State Park. In addition, the parcel should be inspected for possible prescriptive use atop the bluff and on the beach. Twenty-three feet may be too high.

Proposed lateral coastal access is also identified on the County's Land Use Map on the beach west of this parcel. The Coastal Element indicates the intention of establishing a blufftop trail in this location as well. Establishing a contiguous trail along the blufftop in this location is problematic in that small parcels have been created in this area which would create conflicts with public access along the blufftop. Furthermore, a nexus cannot be established linking the project's impact on public access facilities to the benefits derived from the exaction of an access easement across the property. No prescriptive trails were identified as a result of staff's site visit. Therefore, no dedication for a public trail has been required for this application.

Hazards. The Development Limitation (DL) combining district overlay was assigned to parcels which, according to available data, have serious constraints that may prevent or seriously limit development. The parcels along Bowling Ball Beach, including the subject parcel, were given the DL designation due to narrow parcel width and a steep and fragile bluff face.

Section 20.500.020 (B) (1) of the Mendocino County Coastal Zoning Code states:

"New structures shall be setback 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). New development shall be setback from the edge of bluffs a distance determined from information derived from the required geological investigation..."

Policy 3.4-4 of the Mendocino County Coastal Element states:

"Property owners should maintain drought-tolerant vegetation within the required blufftop setback. The County shall permit grading necessary to establish proper drainage or to install landscaping and minor improvements in the blufftop setback."

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STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 35-01
September 27, 2001
CPA-3

Policy 3.4-9 states:

"Any new 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."

BACE Geotechnical performed a geotechnical investigation of this parcel on March 16, 2001. The investigation concludes:

"From a geotechnical engineering standpoint, we judge that the site is suitable for the proposed residential development. The main geotechnical considerations affecting the project are bluff retreat, bluff stability, seismic ground shaking, weak soils, and the impact of the residential construction on the site..."

Comparison between file photographs taken in 1977 and 1964 and 1981 aerial photographs of the area as it appears today show that the bluff has retreated at an average rate of about 1-1/2 inches per year. Such a rate would result in the loss of as much as about 9-1/2 feet of the bluff in 75 years (considered by the California Coastal Commission to be the economic lifespan of a house) Multiplying by a factor of safety of four, and rounding up slightly, a bluff setback of 40 feet should be suitable for the proposed residence and leachfield."

The proposed residence has been set back 40 feet from the bluff. The investigation includes discussions and recommendations necessary to build a safe residence. Special Condition #1 is included to ensure that all the recommendations of the BACE report are followed.

The Coastal Commission and Mendocino County have been applying a deed restriction for blufftop parcels where the development is within 100 feet of the bluff prohibiting the construction of seawalls with the requirement that the structures be removed from the property if threatened by bluff retreat. The restriction also requires that the landowner be responsible for any clean up associated with portions of the development that might fall onto a beach. It is anticipated that the Coastal Commission will continue to apply this deed restriction for any blufftop development. Staff recommends including Special Condition #2 to address this issue.

Visual Resources. The proposed project lies within a designated "highly scenic" area and is subject to the visual resource policies within the Mendocino County Coastal Element and Chapter 20.504 of the County Zoning Code.

Policy 3.5-1 of the Mendocino County Coastal Element states:

"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. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting."

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STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 35-01
September 27, 2001
CPA-4

Policy 3.5-3 states:

"Any development permitted in [highly scenic] areas shall provide for the 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."

"...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 shall be subordinate to the setting and minimize reflective surfaces..."

Colors/Materials: The materials/colors proposed for the exterior of the residence are:

Roof: Architectural grade composition shingles – black or gray
Siding: Cedar or redwood shingles and redwood boards – Duckback "Canyon" stain; Chardonnay Limestone cultured stone (CSV-20-45)
Trim: Wood trim – Duckback "Canyon" stain
Ext. Lighting: Fixture to be Kichler Model K-9234- BK with an architectural bronze finish

The proposed residence is two-stories and exceeds 18 feet in height. Story poles have been erected to indicate the height and the location of the proposed residence. The siting options on this parcel are limited because of the required setbacks and the geotechnical setback (See Exhibit C). Construction of a one-story building in the proposed location is difficult due to the sloping topography of the site. In addition, all of the residences along the access road to the parcel are two-stories in height. Therefore, this project is in character with surrounding structures.

The residence would be plainly visible from Highway One and will be partially visible from the coastal access trail to the north. The uppermost portion of the residence may be partially visible from Bowling Ball Beach at a distance and from the Caltrans vista point to the south. The dark colors and the shadows of the remaining trees should visually subordinate the project to the character of its setting.

The selected materials and colors are dark earthtones. The house is located in a grove of pine trees and would blend into the background. The trees provide a backdrop for the residence as seen from all public view areas. Special Condition #3 ensures that the building materials and colors will not be changed without prior approval of the Coastal Permit Administrator. Special Condition #4 protects the screen trees that are to remain.

The applicant has submitted a landscape plan to provide additional screening of the residence as seen from Highway One north of the parcel and as potentially seen from the southern view areas (see Exhibit G). Staff agrees with the concept and location of the plantings but would have to see a final landscape plan to comment on the number and species of trees. Special Condition # 5 requires the submittal of a final landscape plan before the coastal development permit is issued.

Policy 3.5-5 states:

"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. In specific areas, identified and adopted on the land use plan maps, trees currently blocking views to and along the coast shall be

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STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 35-01
September 27, 2001
CPA-5

required to be removed or thinned as a condition of new development in those specific areas. New development shall not allow trees to block ocean views."

The subject site is within a "Tree Removal" area designated on the County's Land Use Plan map. Because the elevation of the site is over 20 feet higher than Highway 1 to the east, removal of trees would not open any public views to the ocean. Therefore, no removal or thinning of trees is required for this permit. Approximately 36 trees would be removed to implement this project. The proposed residence will be located among the remaining trees.

Section 20.504.035 (A) (2) of the Coastal Zoning Code states:

"Where possible, all lights, whether installed for security, safety or landscape design purposes, shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed."

Kichler Model K-9234- BK is downcast and shielded. Therefore, the exterior lighting complies with Section 20.504.035 of the Coastal Zoning Code.

Natural Resources. The parcel to the east of the subject site is zoned as "Rangeland", which is afforded protection as an agricultural resource in the County Zoning Code. Section 20.508.015 (A) (1) states:

"No new dwellings in a residential area shall be located closer than two hundred (200) feet from an agriculturally designated parcel unless there is no other feasible building site on the parcel."

The subject residence is separated from the RL designated land by Highway 1 and the private road. The proposed residence would be elevated above the RL land. Therefore, it is not anticipated that there would be a conflict with the agricultural uses to the east. Also, there is no alternative building site within the parcel that would meet the requirement of the 200-foot setback; therefore, the proposed project is consistent with this requirement.

Mary Rhyne, Botanist, prepared a botanical survey. Ms. Rhyne found no rare or endangered plants on the project site.

Archaeological/Cultural Resources. This project was referred to the Northwest Information Center of the California Historical Resources Inventory at Sonoma State University (SSU) for an archaeological records search. SSU responded that the site has a probability of containing archaeological resources and further investigation was recommended. Thad Van Bueren, Registered Professional Archaeologist, performed an Archaeological Survey of this parcel on May 3, 2001. The survey found no historical or archaeological resources on the property. The survey was referred to the Mendocino County Archaeological Commission for acceptance. The survey was accepted on June 13, 2001. The applicant is advised by Standard Condition #8 of the County's "discovery clause" which establishes procedures to follow should archaeological materials be unearthed during project construction.

Groundwater Resources. The site is located within an area mapped as Critical Water Resources (CWR) by the County's Coastal Groundwater Study. The project is to be provided water by the Pt. Arena Water Works. A letter from Pt. Arena Water Works indicating that service is to be provided is in the Planning file.

Transportation/Circulation. The property is accessed from Highway 1 via a private road that serves the existing subdivision. The project would not involve any alterations to the existing paved road. The

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STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 35-01
September 27, 2001
CPA-6

project would contribute incrementally to cumulative traffic volumes on Highway 1 and other local roadways. It has been determined that these traffic impacts are not significant. Therefore, no mitigation is required.

Zoning Requirements. The project complies with the zoning requirements for the Rural Residential District set forth in Section 20.376.015, et.seq., and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code.

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

FINDINGS:

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

STANDARD CONDITIONS:

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

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STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 35-01
September 27, 2001
CPA-7

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

2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. That this permit be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one (1) or more of the following:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one (1) or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one (1) or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

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STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 35-01
September 27, 2001
CPA-8

SPECIAL CONDITIONS:

1. The applicant shall incorporate all recommendations within the Geotechnical Investigation prepared by BACE Geotechnical dated March 16, 2001, into the design and construction of the proposed residence.
2. Prior to the issuance of the Coastal Development Permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator that shall provide that:
 - a) The landowner understands that the site may be subject to extraordinary geologic and erosion hazard and landowner assumes the risk from such hazards;
 - b) The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project;
 - c) The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
 - d) The landowner shall not construct any bluff or shoreline protective devices to protect the subject single-family residence, garage, septic system, or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future;
 - e) The landowner shall remove the house and its foundation when bluff retreat reaches the point where the structure is threatened. In the event that portions of the house, garage, foundations, leach field, septic tank, or other improvements associated with the residence fall to the beach before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal;
 - f) The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
3. All exterior building materials and finishes shall match those specified in the coastal development permit application. Windows shall be made of non-reflective glass. Any change in approved colors or materials shall be subject to the review and approval of the Coastal Permit Administrator for the life of the project.
4. All existing trees within the construction area which screen the proposed residence from Highway 1 and which are not indicated on the landscape plan for removal shall be protected during the construction phase with construction fencing. All screening trees

11/4/12

STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 35-01
September 27, 2001
CPA-9

shall be retained. In the event that the screening trees die during the life of the project, they shall be replaced with similar species in the same location.

5. Prior to issuance of the Coastal Development Permit, the applicant shall submit, for the review and approval of the Coastal Permit Administrator, a final landscape plan based on the preliminary landscape plan in Exhibit G of this report. Specifications shall be included to indicate species, size, and establishment techniques, (e.g. irrigation, fertilization, etc.). All required landscaping shall be established prior to the final inspection of the dwelling, or occupancy, whichever occurs first and shall be maintained in perpetuity.

Staff Report Prepared By:

8/29/01
Date

Doug Zanini
Doug Zanini
Supervising Planner

Attachments: Exhibit A- Location Map
Exhibit B- Site Plan
Exhibit C- Constraints Map
Exhibit D- Floor Plans
Exhibit E- Elevations
Exhibit F- Elevations
Exhibit G- Landscape Plan

Appeal Period: 10 days
Appeal Fee: \$555

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STATE OF CALIFORNIA—THE RESOURCES AGENCY

GRAY DAVIS, GOVERNOR

CALIFORNIA COASTAL COMMISSION

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

RECEIVED
OCT 10 2001

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

CALIFORNIA
COASTAL COMMISSION

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

SECTION I. Appellant(s)

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

Friends of Schooner Gulch

BOX 4

PT. ARENA CA 95468 (707) 882-2001

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port
government: MENDOCINO CO.

2. Brief description of development being
appealed: single family dwelling

3. Development's location (street address, assessor's parcel
no., cross street, etc.): 27560 S. Hwy One, MM 12.10
APN 027-421-06

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: ✓

c. Denial: _____

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-1-MEN-01-056

DATE FILED: 10/16/01

DISTRICT: North Coast

H5: 4/88

EXHIBIT NO.	5
APPLICATION NO.	A-1-MEN-01-056
WILLIAMS	
APPEAL (1 of 21)	

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

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

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

6. Date of local government's decision: SEPT 27, 2001

7. Local government's file number (if any): CDP 35-D1

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

Gale and Dorothy Williams
834 22nd St
STA. MONICA CA 90403

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

- (1) ED MCKINLEY (agent)
237 MORROW ST
FT BRAGG CA 95437
- (2) Rixanne Wehren, Merdo-Lake Group, Sierra Club
Box 340 Albion Ca 95410.
- (3) Julie Verran, Box 382, Guadalupe Ca 95445
- (4) Roanne Withers, Box 198, Ft Bragg Ca 95437
- (5) Supervisor David Colfax, Court House, Ukiah Ca
95482
- 6 Hillary Adams 1391 Cameron Rd Elk CA 95432

SECTION IV. Reasons Supporting This Appeal

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

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

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

LCP 20,504.015 A, C1, C2. The development
will not be subordinate to the character of its
setting. LCP 20,532.025 A. Incomplete
application. Letter to follow with additional
LCP citations.

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

SECTION V. Certification

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

Additional Appellants:

- Theranne Wehren
Nundo - Lake Group
Sierra Club
Box 340
Albion Ca 95410
- Hillary Adams
1391 Cameron Rd
Elk Ca 95432

Peter Reimüller

Signature of Appellant(s) or
Authorized Agent

Date 10/10/01

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

Section VI. Agent Authorization

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

- Julie Perran
Box 382
Gustaf Ca 95445
- Rodanne Withers
Box 198
Fort Bragg Ca 95437

Friends of Schorner Gulch

Signature of Appellant(s)

Date 10/10/01

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Friends of Schooner Gulch

A Watershed Organization
P. O. Box 4, Point Arena, California 95468
(707) 882-2001, Fax (707) 882-2011

Executive Committee:

Lucie Marshall
Charles Peterson
Peter Reimuller

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OCT 29 2001

CALIFORNIA
COASTAL COMMISSION

October 11, 2001

Mr. Randy Stemler
California Coastal Commission
Box 4908
Eureka, CA 95502

RE: Williams Appeal (A-1-MEN-01-056)

Dear Mr. Stemler:

The original appeal form has already been sent to you. Following you will find the reasons and facts for our appeal.

Our organization was originally chartered over 20 years ago to protect the recreational values and especially the views of the "Schooner Gulch-Bowling Ball Beach-Saunders Reef Scenic View Corridor." The views across this bay are one of the several premiere views available to tourists and locals on the entire South Coast of Mendocino County.

These views are specifically recognized in the Local Coastal Plan, and the properties in question are designated Highly Scenic.

Reasons for Appeal

The Coastal Permit Administrator approved an application which was not complete. [Section 20.532.025 et seq., and especially paragraph A.] Complete details were not presented on matters of landscaping, colors, lighting, drainage, geology, and other items. [Sections 20.532 et seq. and 20.532.035 et seq., and especially paragraph A, and 20.536.010 et seq.]

We are not lawyers and cannot afford lawyers, but we have been told that the Sundstrom Decision speaks to the requirement for full submission of details at the time of the application, or certainly by the time of the public hearing.

From the Coastal Ridge to the Pacific Ocean, since 1986.

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It is our contention that Mendocino County has established a procedural habit of approving Coastal Development Permits which are incomplete at the time of filing, and which in many cases are never completely submitted. This application is one of them.

Also, in many cases including this one, the CPA has approved applications the details of which were submitted to staff immediately prior to or during the hearing or were to be submitted for staff or CPA approval at some time after the approval hearing. This improper procedure robs the public of its right to complete information, the right to make informed comments at the hearing, and the requirement that decisions of the staff and the CPA will be subject to public hearing scrutiny.

It is extremely onerous for the public to be required to attend a public hearing just to be able to get the final details about a case. We live in a huge county, and we have to travel over 3 hours to attend a hearing. It is expensive, and time consuming, for our unpaid volunteers to be required to attend. While we can sympathize with the workload of the County staff and occasionally allow a few days of delay in the preparation of the staff report, it is too much of a burden to have to go to the hearings just to discover the final submission details regarding the case.

We have requested many times that the County obtain complete information regarding each application prior to accepting it for analysis and public hearing. Many times we have not been able to attend hearings and have found out after the hearing that substantial matters were changed at the hearing.

Landscaping: In the case at hand, we find that the final details regarding landscaping on this Highly Scenic Area lot have been delayed for approval at a later date.

Drainage: There is no drainage plan submitted. This is a sensitive area, and any drainage onto the beach must be engineered.

Colors: Final colors were not submitted to the CPA until the day of the hearing. The colors of the siding were never submitted, but were left to be described by words only.

Geological Report: The matter of global warming and rising seas and their effect on the cliff recession was never addressed.

Visibility

The development will not be subordinate to the character of its setting. [20.504.015 et seq., especially paragraphs A and C.] This lot is tilted toward the public

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Highway One, unlike other lots in the area. This makes it very visible to the traveling public. Most of the other lots in the area are not so much in the public's view. This entire lot is visible from Highway One, and the from the ground up. The minimal and faulty landscaping which will probably be proposed after the hearing, the height variance, the colors chosen, and the possibility of interior light bulbs shining through the windows all contribute to a highly visible development in a Highly Scenic Area.

It was impossible for us to analyze the impact of the development because the view of the skinny whitened tops of the story poles was blocked by the trees (which will be removed for construction). The bottoms of some of the poles could be seen through the trees because the "screening" trees have no limbs on their bottom halves. So, it was not possible for us to actually see the height and bulk of the house, nor to be able to analyze what will actually happen to the view when the trees are removed for the house and for the septic field.

The trees on the lot appear to be about twice as tall as the story poles. The bottom half of the trees is mainly just trunks, with very little foliage there. That makes it possible to see the poles through the forest when you are close enough, such as from Highway One from the north. It also means that the trees on the lot will not shield the development from Highway One, especially when all the trees are removed from the building envelope and surrounding areas.

It is true that the development will not block the views of the ocean from the Highway, but the development itself will intrude on the landscape from the Highway because of its excessive height, bulk, and the fact that so many trees will be removed from the lot. Other houses in the area are more screened, lower, or hidden from view by the cut bank of the Highway. To say that other houses in the area are two storeys in height, and thereby have set a precedent for such a tall house, is not a tenable argument because this lot is more visible than those other lots and houses.

Views from the public trails in the area were not analyzed by staff or addressed in the report. The house will stand out strongly against the cliff top from the public trails at Ross Creek and at Whiskey Shoals Subdivision to the north. No landscaping is shown on those sides of the house to hide it from that angle.

The boundaries of the lot were not marked for field inspection, and neither the staff nor the public has an accurate idea of what the screening landscaping will look

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like when the trees are removed. And if the neighbors remove the trees across the lines, this development will indeed become more highly visible.

Landscape Plan

Special Condition of Approval #5 states: "Prior to the issuance of the CDP, the applicant shall submit a final landscape plan [based on the preliminary plan] submitted at the hearing."

The "landscaping plan" submitted (late) with the plans is incomplete. It does not claim to actually accomplish an effective screening of the development. It was truly called a "preliminary plan." There is no security to the public that the plan will actually mature in a way that will create a long-term and effective buffer to hide the bulk, lights, height, and colors of the structure.

There are no performance standards submitted which would show how the landscape would screen the house. Only the most sketchy notes are included to specify the sizes or kinds of trees or bushes to be planted.

Further, the CPA and the County staff in general lack the kind of expertise that would enable them to accurately judge any plan, even if submitted with the original application. We feel that only a Licensed Landscape Architect is qualified to effectively develop a plan which will screen the development for the long-term.

The County has no list of approved experts, such as Licensed Landscape Architects, which could ensure the accuracy, effectiveness and viability of any landscape plan.

Certainly, at the two houses immediately next door to the north and south, Calone and Jones, which were approved and built within the last decade, the "landscaping" which the County required is a joke. In the case of Jones the landscaping was never effective and never will be. In the case of Calone, the "required" landscaping was never installed and probably would not effectively screen the house from the public views even if it were to be installed. In those cases no performance standards were required, and the staff analysis of the "landscaping" was wrong and ineffectual. Mendocino County staff and CPA are not qualified to design landscape screening. Only a Licensed Landscape Architect is qualified.

It is impossible to tell what the effect will be from down the coast to the south, or from the public beach and the State Park just below and to the south of the house. Indeed, the staff report says it "may" be visible from those areas.

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It is likely that the trees on the lot are approaching maturity, or have already. Bishop pines don't have a long life. These are very tall already, and the winds there are very strong. In the eventuality that the owner would remove trees through the years, the house would become definitely very visible in a very sensitive area. Given that problem, permanently young (house-height) shielding landscaping is called for on this development.

We all know that the Jones house, just to the north, is plainly in view from the public beach area and from the State Park and from the Highway One traveled way, turnouts and Vista Point to the south. The Jones house's visibility was an admitted "mistake" by the staff analyst who wrote up the Jones permit for the County. In fact, the staff report said that it would NOT be visible from the beach areas. As such, it significantly degrades the coastal views there and regrettably cannot be removed. It has NO landscaping requirement to screen that view. The visibility of the Jones house certainly cannot be claimed to be a precedent for acceptable visibility of the Williams development.

The development may be relying on trees on the neighboring lot(s) to shield it from the views from the public areas to the south as well. If that is so, it would be necessary to have a requirement to require shielding trees to be planted should those neighboring trees be removed in the future. Also, there should be no limbing or trimming of the shielding trees.

Furthermore, Mendocino County has no enforcement procedures, no enforcement officers, and no plans to institute landscape checking after a house is finalled. Our experience is that once the plan is approved, the applicant can ignore the landscaping requirements with impunity.

At the hearing, the agent for the applicant, when asked about the landscaping plan that was submitted, said: "We believe it will work." Obviously, this is an insufficient guarantee to the public that it actually will work. Much depends on the trees to be left on the adjoining lots, and much depends on the future health of the trees planted.

With the well-publicized advent of Sudden Oak Death (SOD) and the (endemic) Pitch Canker diseases on our coast, it is not possible for an building designer, an applicant, the applicant's agent, County staff or the CPA to know what the landscape will look like over the long-term. Only a trained, Licensed Landscape Architect would be able to best know what the landscape will accomplish over the actual lifespan of the development. Indeed, shore pines are called for in one note on the plan. We understand that shore pines are susceptible to Pitch Canker Disease and are dying in

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Mendocino County. Only a Licensed Landscape Architect would be able to ensure the best possible plan for the protection of this Highly Scenic Area.

We feel large trees should be specified. And they should be specified as part of a rotating-screen system, whereby the first trees screen the development immediately, and a later date another screen matures to block the lower views after the first trees mature and are no longer effective.

The (probably tiny) ones which were marginally specified will just not mature fast enough in this windy and exposed location. The public needs a landscape screen in place immediately when the house is built, not in 10 or 20 or 30 years. Anything less is only lip service to "landscape screening" in a Highly Scenic Area. Planting just any old kind of trees is not going to solve our long-term landscape screen problem here.

Lights:

There is no standard or Special Condition in the approval which speaks to the problem of bright points of light shining through windows at night. Lighting at night, which may shine through the windows, could be a detriment from all view points. We feel this is a matter which has been necessary but lacking on many permits lately. Whereas exterior lighting is often spoken to and nominally regulated, interior lighting is in many cases more of a problem.

In the Clark case, on the same cliff to the south, there was no Special Condition that the lighting not be a problem at night. No performance standards were applied which would keep the light bulb from shining through the windows of the house to the beach at night and robbing the beach-going public of their right to a natural night sky. This has become a problem for night beach users on the State Park beach below.

We would recommend that the Commission establish a standard to define light intensities as they shine through windows at night. Perhaps a condition whereby any interior lighting which projects past the boundaries of the property would be required to be "diffused," and not point-sources.

Without such a standard the lights from within houses are often brighter and more obnoxious than those from exterior lighting, which is regulated. Without performance standards on interior lighting shining through windows this development will not be subordinate to the landscape as is required by the LCP.

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Color

The approved color of the stone facing for the house is too light in tone. It is not a "dark earthtone." On the original plans it was described as "Chardonney" color, whatever that is. We were not enlightened until the hearing when the agent produced the tiny lithographed picture from the manufacturer's catalog. As such, we had insufficient notice to study the color and determine whether it would blend with the landscape and represent a "dark earthtone." After the hearing, when we looked more closely at the sample it became apparent to us that it would not blend as required. The late submission served to confuse the public and did not provide the full disclosure required by the LCP.

Further, no performance standards were applied by the staff or the CPA to the color. If the manufacturer has a good day, it may be dark, but on a bad day the manufacturer may turn out a stone facing material which is not very close to the colors promised.

Many of us have bought clothing from catalogs which has turned out to be a different color than that shown in the catalog. Catalogs and the lithographic process have become notoriously inaccurate in their representation of colors. Often catalogs from the same printing will have variations in their color representation.

Clearly, choosing a color for a development from a catalog page is a delicate matter when the goal is to create a house which is subordinate to the landscape in a Highly Scenic Area. Performance standards and actual samples of materials are necessary to allow the staff, the public, and the CPA to make informed and accurate decisions or choices.

In many cases in the past the "words" used to describe colors turned out to be generic and subject to interpretation by staff or owner. Without having actual color chips and material samples in the file at the time the application is submitted the colors cannot be fairly analyzed by the public before the hearing.

The colors of the stone facing and the roof were submitted at the last minute during the hearing. They are tiny lithographic reproductions from a manufacturer's catalog. As such, they are insufficient to allow the public to know for sure what is happening. The staff and the CPA approved them in the fluorescent lighting of the meeting hall. Nobody knows how they will actually look outdoors and on genuine materials. They were never available to the public in the case file prior to the hearing.

In the neighboring Clark case, the colors of a roof sample submitted to and approved by staff after the public

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hearing turned out to be highly reflective and a blight to the view. In that case the County Counsel's office said the colors which had been submitted by the architect (as tiny color lithographic photos) represented a "failure of expectations." It was impossible for staff to judge the colors of the Clark house from the picture samples submitted by the architect, and they approved a roof color and material which is now an acknowledged problem, but we are stuck with it.

Likewise, the colors of the stain for the exterior siding, the roof materials, and the chimney stone require actual chips and samples of sufficient size, and require their submission with the original application. In this application, nothing was submitted until the hearing was underway, and the public was confused and unsure of the colors which were on the tiny lithographic reproductions. No stain color was submitted, only "words" to describe the color.

In an ocean environment, with ample light and changing cloud conditions, colors often look entirely different than they do in the office of the Planning Department. Inside the Planning offices, there is little light and it is fluorescent. With this in mind, the very least that must be submitted with the application is large color chips on the actual materials to be used in the final construction. This would give the public ample time to look at the colors and materials in the bright light of day and without the rush and bad lighting at the public hearing.

Next door to the south, at the Calone house, which was approved about 4 years ago, the staff allowed a light color to go on the house. This approval was made after the hearing, and without the benefit of the public's input. At a later date, the County Counsel's Office determined that the color "represented a failure of expectations" and Calone was required to repaint his house. The color finally approved by staff is still quite light and has a high reflectivity--certainly not a "dark earthtone." Since the landscaping was never installed at Calone's house, it still shines too brightly onto the public Highway when viewed from the south. Staff never required the building's trim to be repainted, and it remains a light color.

We have in this instance a complete failure of the County to ensure that the Calone development be "subordinate to the landscape." The County made a try to bring Calone into compliance, but lack of enforcement, lack of follow-up, lack of expertise, and lack of knowledge about materials and conditions and views all contributed to a grand failure. At

the present time, the Calone development seriously degrades the premiere view of the South Coast from Highway One.

At the hearing, the possible roof colors which the notification papers specified were "black or gray." At the hearing the roof color was changed by the agent to a dark walnut brown. The public had to be at the hearing to have any input into this change.

Special Condition #3 says that the CPA can approve and, perhaps, change the roof color at a later date without the benefit of a public hearing. We feel that the colors must stay dark if the roof is changed in the future. The County staff and the CPA have not been proven capable of making these choices, and only a public hearing would allow the public to stay involved.

Height

The LCP calls for a house height limit of 18 feet over natural grade in a Highly Scenic Area. Staff says that because there are taller houses in the area and because of the slope of the lot, that the applicant is entitled to an average height of 28 feet.

In reality, the north-east view of this house from Highway One will be 27' tall and will present considerable bulk to the traveling public. If there ever was a reason for the 18' height limit, it is for this very lot, and for this house in this location.

Too much house for this small lot is being proposed in this Highly Scenic Area. A single-storey house would be appropriate.

Geological Report

The record which the geologist researched is too short a span of time to reasonably assure that these cliffs will not recede at a different rate than he supposes. The oldest photograph cited is dated 1964. Thirty-five or 36 years is not a long enough baseline on which to base the next 75 years. The rate of erosion he has chosen (1-1/2 inches per year on average) is not justified in the report. He says it is based on "historical observations" yet fails to cite those observations.

He fails to identify the reference points for the "measurements" he has cited as the scientific reasons for the rate of recession. He cites "buildings" that were used, yet no buildings existed in this area at the time of the first aerial photos he has used, and if they did, they do not exist now and cannot therefore be used as reference points now.

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The scale of the maps he used does not meet the industry-accepted minimum of 1:12,000. In a letter to the owners he cites using a scale of 1:20,000, and admits it is a "very difficult scale to work with, since a parcel of land will appear extremely small. We routinely have portions of these photographs enlarged to make them useful." Blowing up a tiny aerial map to try to tease information out as small as 1-1/2 inches per year is slight-of-hand and not scientific. It is not possible to extract information from a small photograph, no matter how clear the negatives are. You have the same information when you blow it up, only it is fuzzier and larger. Therefore the information he has extrapolated from the short-time aerial record is leveraged inappropriately and cannot be considered a scientific analysis. The reference photos he claims to have used are not included in the report.

Global warming and the ensuing rising seas are nowhere mentioned in his report. In the letter to the owners he cites that a 4 times safety factor "is intended to provide for possible changes in the coming years, including climatic changes and predictable sea level changes.". What we read from this statement is that instead of scientific analysis, he has decided to set the house back a little further than he might have otherwise.

After conferring with a qualified geologist who works for a major state agency and is an expert on the matter of coastal cliff erosion, we would like to note that the geotechnical report fails to analyze and provide for the rise of the seas due to global warming. The Coastal Commission, we have been told by that authority, commonly recognizes that global warming in the 20th century resulted in an average sea level rise of .8 feet. In light of the commonly accepted fact that the seas will be rising more in the future, the Commission is now accepting a minimal figure of double that amount for the 21st century (2000-2099). Therefore the geotechnical report should analyze the cliff recession based on a figure of 1.6 feet of average sea level rise, minimum.

Enclosed is a recent page from the National Geographic, a very conservative and reliable publication. It says "Sea levels will likely rise 18 or more inches in the next century." Given that they will rise some, there is absolutely no analysis given to this lot's situation and how it will be affected by the rising seas. We know that rising seas will accelerate bluff subsidence. How much? How fast? We are not told. Without a scientific analysis of the rate of the cliff recession as the seas rise, all we are given here is guess-work and rule-of-thumb setbacks.

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Summary

We still do not know what kind of landscape plan we will get with this house nor if it will work when it is installed. The County has been proven not qualified to approve or administer landscape plans.

Too much house is proposed for the lot. A single storey house would fit the lot and meet the requirements of the LCP.


The colors proposed for the house were not available to the public before the public hearing. It is not appropriate to approve this application without color chips and materials being on file during the entire 10 day notification period.

Interior lighting is not regulated and could create an exterior nuisance.

The geological plan is not based on science.

We request that Mendocino County staff be required to ensure that the final plans and specifications for all projects be on file and available for the public at least during the 10 day notification period in advance of the CPA's hearing. Last minute changes, last minute submittals, and conditional approvals of plan details to be made at later dates by staff or the CPA are not acceptable practice.

Sincerely,



Peter Reimuller
Secretary

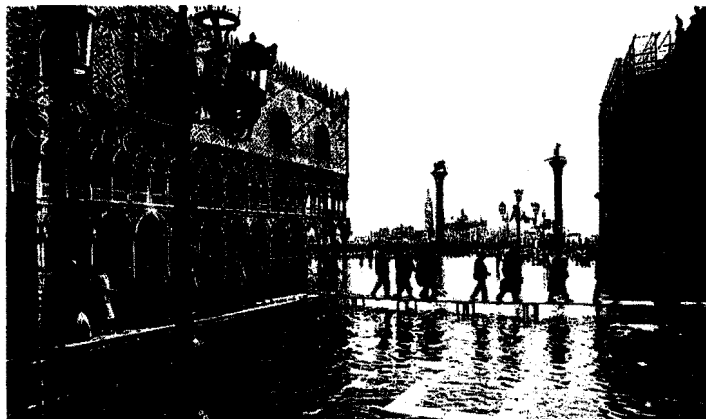
encl: page from September, 2001, National Geographic

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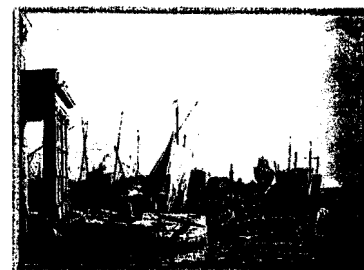
Canaletto to the Rescue

Looking to art for clues to save a soggy Venice



Three centuries after the artist Giovanni Antonio Canaletto—better known as Canaletto—painted his realistic views of Venice's architecture

(above right), his work may help Italians protect that city's treasured buildings from being swamped regularly by flooding seawater (above). Comparing the



ART RESOURCE (ABOVE); MICHAEL YAMASHITA

18th-century tidemarks portrayed in Canaletto's paintings with modern marks should help engineers in charge of a proposed dam to determine Venice's optimum water level. The project will hold the water, which now fluctuates with rising sea levels and seasonal storms, close to that optimum point.

Sea levels will likely rise 18 more inches in the next century. In addition, Venice's landmass is sinking—ten inches over the past 100 years, says a recent study.

CONSERVATION

Snakes Feel the Bite on Cambodian Lake

Declining fish catches over the past three years in Cambodia's Tonle Sap—the largest freshwater body in Southeast Asia—have led to heavy exploitation of the region's water snakes. Snakes have replaced fish as feed for local crocodile farms and are also consumed by humans. Water snake eggs, like these being extracted at a Cambodian market (right), are a particular delicacy. During 1999 and 2000 more than 8,500 water snakes were caught each day during the wet season. That rate of harvest may not be sustainable, says researcher Bryan Stuart of the Wildlife Conservation Society. He hopes to teach fishermen to recognize and release the most endangered of the snake species.



BRYAN STUART

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Frienus of Schooner Gulch

A Watershed Organization

P. O. Box 4, Point Arena, California 95468
(707) 882-2001, Fax (707) 882-2011

Executive Committee:

*Lucie Marshall
Charles Peterson
Peter Reimuller*

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OCT 19 2001

CALIFORNIA
COASTAL COMMISSION

October 17, 2001

Mr. Randy Stemler
California Coastal Commission
Box 4908
Eureka, CA 95502

RE: Williams Appeal

Dear Mr. Stemler:

We did not have permission to put Julie Verran on the Williams appeal as an Additional Appellant. Please use this communication as my official request to strike her name from the original appeal we filed. If we receive permission in the future from her, we will contact you.

Please confirm--email would be sufficient for our purposes [peterr@mcn.org]. Thank you.

Sincerely,



Peter Reimuller
Secretary

From the Coastal Ridge to the Pacific Ocean, since 1986.

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Date: 10 - 30 - 2001**Peter Reimuller & Leslie Lindborg**

of pages (including this page)

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Post Office Box 4, (45,500 Schooner Gulch Road)

Point Arena, California 95468

Time: ✓ am pm

OCT 30 2001 (707) 882-2001, Fax(707) 882-2011, reimuller@mcn.org

To: Randy Stept CALIFORNIA COASTAL COMMISSIONFrom: Peter Reimuller

Attention: _____

To Fax: () 445-7877Subject: WILLIAMS APPEALPlease note these references:GEOLOGICAL 20.504.010 (HSA's)20.500.020 B1 (Hazards)LIGHTING20.504.035 Note that thisdefinition includes
interior lighting
which becomes
de facto exterior
lighting.VISUAL20.504.025 A (200' strip)20.504.020 et seq especially
paragraphs C2 and D. (Special
neighborhoods)Sincerely
Peter Reimuller

FRIENDS OF SCHOONER GULCH

P.S. you may find other relevant sections in
the Coastal Element of the General Plan
or in the Zoning Code of the Coastal Zone.PPS. I'm in office this week, especially 2nd, 3rd,
and then gone Nov 3 → Dec 2. PR

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CALIFORNIA
COASTAL COMMISSION

Dr. Hillary Adams
P. O. Box 1936
Mendocino, CA. 95432

November 2, 2001

Coastal Commissioners
c/o Mr. Randy Stemler
P. O. Box 4908
Eureka, Ca. 95502:

RE: A-1-MEN-01-056 - Williams

Dear Commissioners:

This letter is in support of the appeal of the Williams project (A-1-MEN-01-056) originated by Friends of Schooner Gulch-Bowling Ball Beach State Park.

The Williams project has numerous problems which are typical of Coastal Development Permits (CDP's) in Mendocino County. All of the problems mentioned in the original appeal concerning position, colors, interior lighting, height, landscaping, engineered drainage plans, monitoring and enforcement, can be seen repeated up and down the Mendocino coast in the Highly Scenic Areas which our certified Local Coastal Program (LCP) was designed to protect. This is largely due to inappropriate approval by Coastal Permit Administrators based on incomplete CDP's (Zoning Code Section 20.532 et seq.; 20.532.015 et. seq, especially, paragraph A; and 20.536.010 et seq. LCP 3.5 et seq.) Most of the problems could be avoided by complete applications fully available for public review, by proper standards applied consistently throughout highly scenic areas, and by proper monitoring and enforcement. In other words, with better governance, the public would not be forced to appeal so many Mendocino County CDP's to the Coastal Commission. As it is, we must rely on the Coastal Commission to protect our certified LCP. Please find significant issue for the Williams appeal for the following reasons:

Visual Impacts in Highly Scenic Areas: (Zoning Code 20:504. 015 et seq. especially paragraphs 1 and C. LCP 3.5 et. seq.)

1) **Story poles** were not fully visible to the public without trespass. Story poles should be placed on **all corners** of the project, at the actual height from natural (not average) grade. The tops should be painted white, and the poles should be of a size and color that is easily seen by the public from public places such as beaches, scenic Highway One and coastal trails. The poles should be required to be in position at least two weeks prior to the public hearing. Any changes in plans should require a change in the story poles and a new public hearing. There are frequent examples houses which should have been kept to the "18' above natural grade" requirement which Mendocino County planning staff has often allowed to become two-story houses, apparently because they believed the houses would not be seen from public areas either due to screening landscape, or because they used "average grade." The 18' height limit on the west side of Highway One and on ridgetops must be maintained, since that height is already over the height of an ordinary one story house, and because both screening landscape and new landscape plans have frequently been inadequate or changed (see below). In the Williams case, because of the visibility of the lot, the 18' from natural grade should be enforced.

Frequently, story poles are the only means the general public has of knowing that a project is being planned and what impact it might have. The present County policy allows applicants to chose their own material, including thin plastic tubing (e.g., Jones, A-1-MEN-00-028, Navarro

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Ridge), The Jones' application claimed that their project would not be visible either from Highway One or the beach. The story poles were nearly invisible and only two were placed. The actual project is much larger, and in fact is quite visible from both the highway and the beach.

Applicants are allowed to choose the number of poles (e.g., Berlincourt A-1-MEN-98-094; Elk headlands; Levanthal and Schlosser, Architects). Only one pole was visible from Highway One and was in position for only a few days. There would have been no story poles had the public not objected. Citizens of Elk are now surprised at the high visibility and bulk of the project. A more recent example is CDP 77-99 (Newman), Levanthal and Schlosser, architects: two 18' high story-poles showing only the center of one facade were placed for a 3, 612 sq. ft. house which has a long horizontal profile. It will be sited just below the crest of Navarro Ridge Road but due to the slope and lack of trees will be highly visible to both Highway One and the Navarro River Redwoods State Park beach below. Apparently, the actual height of the central section as approved may have been several feet higher than the poles indicated. The architects were not required to have more poles or to change the height in order to show the actual impact. In the case of CDP 65-01 (Thelen), a remodel which will nearly double the size of the building in a highly scenic area on Navarro Ridge, no story poles were required.

2) Samples for color and material. Mendocino County, in nearly every case, allows color to be determined after the public hearings by a single person, the Coastal Permit Administrator. Only if the public is present at the hearing and objects is there a chance for public review. Colors may be changed after the public hearings at the discretion of the Coastal Administrator or planning staff (see below: Fling). Consequently the color, as in the Williams case, is frequently inappropriate for protection of public views.

Actual samples should be required to be submitted at least 14 days in advance of the public hearing so that the public can see them, and so that the samples can be viewed on site in the ocean light during the public hearing. The public should always be allowed to visit the site during the hearing. In the Jones case cited above, the public was not allowed on site (Coastal Administrator Ray Hall). The samples should be of an actual material and of significant size with the proposed paint or stain colors applied. Changes should not be allowed during the public hearing unless those samples are also available for public review. Large color chips and material samples should be retained in the file for future enforcement issues.

Colors and materials which are finally approved should run with the deed. Any changes should require public review, not simply that of the Coastal Administrator or planning staff (Zoning Code Sec. 20.536.020 et seq. esp. Section C). There are numerous examples on Navarro Ridge and in Little River where colors have been changed from those required in the permit. An example is CDP 45-96 (Fling), a two-story house on a ridge top in a highly scenic area to the east of, and fully visible from, Highway One. Permit requirement: "earth toned and selected to blend in hue and brightness with the natural setting." The applicant originally proposed natural cedar or redwood siding protected by clear "duckback"; This was later amended to a gray with white trim and approved by the Planning Dept.). No landscape plan was originally required because of the screening trees, which were apparently subsequently removed.

A small color sample was approved for the Crahan project (just south of the Berlincourt project near Elk). The sample appears to be a dark tone in the Fort Bragg Planning Dept. Office, but very light on the building. Clearly the planning staff did not consider the effect of bright light from the Pacific ocean. Like the Williams project, the Crahan project is highly visible to the public

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and to Highway One due to the conformation of its lot. Its landscaping plan consists of a group of trees on a berm which will take many years to shield the house from scenic Highway One.

3) Interior Lights. These are a serious problems up and down the Mendocino coast in highly scenic areas. For example, CDP 16-95 (Witchener- 33745 Navarro Ridge Road) a two-story house on a low ridgetop, directly above Navarro Headlands in a designated highly scenic area. According to its permit, this house should not be visible from Highway One, but in fact it stands out starkly on the low ridge. The house was apparently placed differently from the permitted position (monitoring and enforcement problems). It has no landscaping plan, since it was not expected to be visible from Highway One. At night, huge interior lights are both disconcerting and blinding for drivers on the otherwise dark highway. The house appears light beige in color with dark trim and does not blend with its natural setting in any way whatsoever.

4) Landscaping inadequate to mitigate visual impacts. (LCP 3.5 et seq, esp. 3.5.5) Where buildings cannot be sited out of the public viewshed due to lot conformation, landscaping is the only alternative. Landscape plans by licensed landscape architects should be required in all highly scenic areas. Mature trees that are to be removed should be clearly marked by bright tape visible to the public.

Mendocino County is notorious for not requiring the implementation of landscape plans on CDP's or monitoring their implementation and health. For example, 1) CDP 4-93 (Tadlock,) on Navarro Ridge, a two-story house which appears light beige in color with no trees behind it. It has a landscaping plan which was never implemented. The County's efforts toward enforcement appear to have been a single telephone call made last year. 2) Wolsky, 11400 South Highway One, several miles south of Elk in the Bridgeport Landing area; a large two-story house which appears to be cream colored. It is located on the west side of Highway One in an open field on the edge of a coastal bluff. The landscaping plan was apparently partially planted but allowed to die. If the County has made attempts to enforce this permit plan, no results are visible.

Particularly insidious is the practice of removing the lower limbs from the existing mature trees which the coastal planning staff have determined will provide "adequate natural screening." The limbs are typically removed after the house is built and the Planning Dept. has signed off on the project. There are numerous examples of this practice along the coast. Efforts over the past year by the public to have a clause inserted in the landscaping terms requiring that lower limbs and screening branches remain in place have been futile.

Te County has gradually improved its landscaping requirements concerning replacement, watering, feeding and wind protection, as a result both of actions taken by the Coastal Commission on appeal and the insistence of the public on the County level. However, the County seldom requires sufficient trees, or a landscaping plan which will show the growth patterns prior to the 40 year grow out. Trees which are described as fir or pine are allowed to be shown in the plans as fluffy, deciduous trees so that four or five trees appear adequate. The result is misleading to both staff and public. Fast-growing bushes should be combined with more mature trees during the early years. The landscape plans should be done by a licensed landscape architect and be phased for growing time to protect the public viewshed immediately, not forty years in the future.

Species of trees must be varied for fast and more slowly growing trees, for a balance of natives and otherwind /salt tolerant species. Many of our natives are now succumbing to endemic Pitch Canker diseases. Bishop Pine live only 75-100 years before they begin to drop their limbs

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and die. Many of the Bishop pine which have grown up along the Mendocino Coast and are expected to supply "adequate natural screening" are of that age. They are highly susceptible to disease. Landscape plans must allow for replacement as the trees age, and for species which can continue to fill in the lower areas where the house is publicly visible.

Safety

1) **Engineered drainage and grading plans.** (Zoning Code 20.492 et. seq). Almost no Mendocino CDP requires engineered drainage plans. Consequently the public cannot tell whether or not the drainage will be adequate and where it will spill. In the Williams case this is critical. Similarly, Mendocino County does not have a grading ordinance, although its General Plan required such an ordinance to have been in place many years ago. At least one lawsuit was filed against Mendocino County recently in order to obtain the grading ordinance required by the General Plan. The County presently has a grading committee working on such an ordinance, but the plans presently going through the Planning Dept. are frequently inadequate to the situation.

Monitoring and Enforcement:

No matter how good the landscaping plans, the color choices, and the siting on the lot, if there is inadequate monitoring and enforcement, our coastal views will not be protected and our LPC will not be properly implemented. Until recently, Mendocino County apparently had 1.5 enforcement personnel for the entire county. Lake County, similar in population size and without the additional task of coastal enforcement, has five enforcement officers. Recently, the primary enforcement officer in Mendocino County quit. Ray Hall, Planning Director, has stated that it will be at least six month before this officer is replaced. Mr. Hall has also apparently stated that projects which are appealed to the Coastal Commission cannot be enforced by the Mendocino County, indicating that the appeal takes the enforcement issue out of the County's jurisdiction. Such an interpretation suggests that the Planning Director of Mendocino County does not wish to enforce CDP permit terms. It is also apparent from the lack of enforcement of the permit terms on CDP's which have **not** been appealed to the Coastal Commission (see examples above) that enforcement has a very low priority under the Planning Dept. of Mendocino County.

The Economic Effect

Mendocino County has allowed almost all of the traditional natural resources which formed the base of the coastal economy to be depleted. River and ocean fishing, both commercial and sportsfishing, is nearly extinct. The tourist facilities that depended upon salmon and crab fishing are closed. The last of the magnificent redwoods are being clearcut at an unprecedented rate. That leaves the Mendocino coast with only one economic base: tourism. Millions of tourist come here every year to visit the State Parks, to shop in our stores, to stay in the bed-and-breakfast facilities. They come for the peace and the magnificent coastal views. Because of the poor governance in our county, we must rely on the Coastal Commission to help protect our certified Local Coastal Program. Please vote to find substantial issue for the Williams appeal: A-1-MEN-01-056.

Sincerely,

Hillary Adams

Dr. Hillary Adams

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BACE Geotechnical
A Division of Bruning Associates, Inc.

EXHIBIT NO. 6

APPLICATION NO.

A-1-MEN-01-056

WILLIAMS

GEOTECHNICAL

INVESTIGATION

(1 of 31)

September 25, 2001

11509.2

Gale and Dorothy Williams
834 22nd Street
Santa Monica, CA 90403

RECEIVED
DEC 18 2001
CALIFORNIA
COASTAL COMMISSION

RE: Response to September 18, 2001 Letter From Friends of Schooner Gulch to Mendocino County Planning Department, Proposed Residence, 27560 South Highway One, Mendocino County, California, CDP 35-01

Dear Mr. & Mrs. Williams:

This letter is in response to the September 18, 2001 letter from the Friends of Schooner Gulch to Mr. Doug Zanini of the Mendocino County Planning Department, regarding your planned residence at 27560 South Highway One, Mendocino County, California. In their letter they raise several issues concerning our Geotechnical Investigation report dated March 16, 2001. Their issues and our responses are as follows:

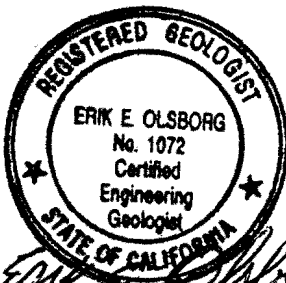
- **Sea Level Rise and Erosion Rate** - The bluff setback recommended in our report is based upon an erosion rate of 1-1/2 inches per year (based upon historical observations and photographs) times a factor of safety of four. The 4 times safety factor is intended to provide for possible changes in the coming years, including climatic changes and predictable sea level changes.
- **Accuracy of Aerial Photograph Measurements** - The 1964 and 1981 aerial photographs used for this study were originally at a scale of 1:20,000 (1" = 1667'), which is a very difficult scale to work with, since a parcel of land will appear extremely small. We routinely have portions of these photographs enlarged to make them useful. Since the enlargements are made directly from the negatives, the photographic quality and precision for measurements is very good.
- **Method of Measurements** - Distances between unchanged, fixed points on both the 1964 and 1981 aerial photographs (such as house to highway and driveway intersection, highway to creek channel, point on driveway to highway centerline, etc.) were measured on each photograph to first establish that the photographs had the same relative scale. Distances to

the bluff edges were measured from the Highway One centerline; although the highway and shoulder widths may change as the highway is improved over the years, the centerline location usually stays in approximately the same location (unless major realignment occurs).

- Time Span of the Photographs - Our erosion rate is based upon the 1964 and 1981 aerial photograph measurements as well as photographs of other portions of the bluff edge taken by the undersigned in 1977 elsewhere at Bowling Ball Beach. These photographs document the actual erosion rate during nearly half of a 75-year period. Older photographs could be obtained and studied, but the scales and the clarity are typically poor; furthermore, there would be no way of enlarging the old photos with any degree of precision. Therefore, the older photographs could not be used as a basis for measuring erosion rates.

We trust the above information suits your needs at this time. Please contact us if we can be of further service to you on this project.

Respectfully submitted,



Erik E. Olsborg
Engineering Geologist - 1072

cc: Ed McKinley

EEO/PRD/seb

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GEOTECHNICAL INVESTIGATION

WILLIAMS RESIDENCE
27560 SOUTH HIGHWAY ONE
POINT ARENA, CALIFORNIA

11509.1

March 16, 2001

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Brunsing Associates, Inc.



GEOTECHNICAL INVESTIGATION

WILLIAMS RESIDENCE
27560 SOUTH HIGHWAY ONE
POINT ARENA, CALIFORNIA

11509.1

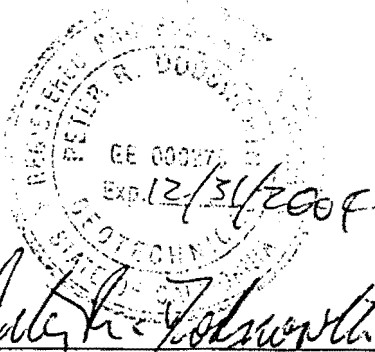
prepared for

Gale and Dorothy Williams
834 22nd Street
Santa Monica, CA 90403

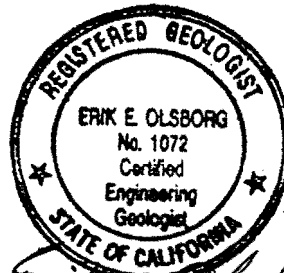
prepared by

BACE GEOTECHNICAL
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P.O. Box 749
Windsor, CA 95492
(707) 838-0780

March 16, 2001



Peter R. Dodsworth
Geotechnical Engineer - 278



Erik E. Olsborg
Engineering Geologist - 1072



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1.0 INTRODUCTION

This report presents the results of the Geotechnical Investigation performed by BACE Geotechnical (BACE), a division of Brunsing Associates, Inc., for the proposed residential development of 27560 South Highway One, Mendocino County, California. The property, A.P. No. 27-421-06, is located on a coastal bluff above Bowling Ball Beach, approximately three miles south of Point Arena, as shown on the Vicinity Map, Plate 1.

The property is shown on a topographic map prepared by Richard A. Seale, dated December 1999. It is anticipated that the project will include a new single-family residence on the easterly half of the property and a leach field on the westerly half of the site, as shown on the Site Geologic Map presented on Plate 2.

According to preliminary project plans, dated March 12, 2001, prepared by Rosenthal Construction, the new residence will be one and two-story, wood-frame construction. The residence will have both slab-on-grade and supported floors. The garage is expected to have slab-on-grade floors. Retaining walls will be required on the uphill sides of the structure. The extent of site grading has not been determined at this time. However it is anticipated that the cut and fill slopes will not exceed two to three feet in height in the building areas to create a level building pad with proper site drainage.

Our approach to providing geotechnical guidelines for the design of this project utilized our knowledge of the geologic conditions in the site vicinity, and experience with similar projects. As outlined in our Service Agreement transmitted June 12, 2000, our scope of services for the geotechnical investigation included subsurface exploration, laboratory testing and engineering and geologic analyses in order to provide recommendations regarding:

1. The geologic suitability of the site for the proposed development, including discussion of areas of geologic hazards (bluff stability);
2. The potential effects of seismicity and fault rupture;
3. Site grading;
4. Foundation support;
5. Support of concrete slab-on-grade floors;
6. Site drainage;
7. Retaining wall design criteria;
8. Additional geotechnical services, as appropriate.

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2.0 INVESTIGATION

2.1 Research

As part of our investigation, we studied aerial photographs and researched various published geologic maps and reports and unpublished consultants' reports for other properties on the bluffs above Bowling Ball Beach. The aerial photographs, dated 1964 and 1981, were enlarged to a scale of one-inch equals approximately 200 feet. The published and unpublished references reviewed for this project include:

- Davenport, C.W., Geology and Geomorphic Features Related to Landsliding, Point Arena 7.5 - Minute Quadrangle, Mendocino County, California, dated 1984, California Division of Mines and Geology (CDMG).
- Hays, T.D., Geotechnical Investigation, A.P. No. 27-433-01, Mendocino County, California, dated March 22, 1977, Thomas D. Hays & Associates
- Konigsmark, T., A Trip to Bowling Ball Beach, in Geologic Trips, Sea Ranch, dated 1994.
- Olsborg, E.E., Faulted Wave-Cut Terrace Near Point Arena, Mendocino County, California, in California Geology, Volume 45/Number 1, dated January/February, 1992, California Division of Mines and Geology (CDMG)
- Olsborg, E.E., and A.H. Graff, Geotechnical Investigation, A.P. No. 27-433-01, Mendocino County, California, dated October 12, 1994, BACE Geotechnical
- Olsborg, E.E., and A.H. Graff, Geotechnical Investigation, A.P. No. 27-421-10, Mendocino County, California, dated July 11, 1988, Field Engineering Associates, Inc.
- Wagner, D.L. and E.J. Bortugno, Geologic Map of the Santa Rosa Quadrangle, Regional Geologic Map No. 2A, dated 1982, CDMG
- Williams, J.W. and T.L. Bedrossian, Geologic Factors in Coastal Zone Planning, Schooner Gulch to Gualala River, Mendocino County, California, dated 1976, CDMG.

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The undersigned, Erik E. Olsborg, performed the field exploration/geologic reconnaissance portion of the Geotechnical Investigation by Thomas D. Hays & Associates while an employee of that firm in 1977. As part of the study for A.P. No. 27-433-01, field photographs of the property bluffs taken in 1977 were compared with the bluffs as they appeared in 1994.

2.2 Field Exploration

The field exploration consisted of geologic reconnaissance and subsurface exploration. Our reconnaissance consisted of observations of the bedrock and soils exposed on the bluff face in the property vicinity. Our subsurface exploration included drilling and logging four test borings to depths ranging from approximately 14½ to 20¼ feet below the ground surface. The boring locations are shown on Plate 2. The field exploration was conducted on July 19, 2000 with a track-mounted drill rig. Our engineering geologist logged each boring and obtained samples of the soil and rock materials for visual classification and laboratory testing.

Relatively undisturbed tube samples of the soil and rock materials encountered were obtained by driving a 3-inch outside diameter Sprague & Henwood split-barrel sampler using a 140 pound drop hammer falling 30 inches per blow. The inside of the sampler barrel contained 2.4 inch I.D. brass liners for retaining the soil and weathered rock materials. The blows required to drive the sampler were converted to equivalent "Standard Penetration" blow counts for correlation with empirical test data. Sampler penetration resistance (blow counts) provides a relative measure of soil/rock consistency and strength.

The test boring logs, showing the soil and rock materials encountered and the depths of the samples taken, are presented on Plates 3 through 6. The soil classification system used to describe the soils is outlined on Plate 7, and the physical properties criteria used for the soil descriptions are presented on Plate 8. The rock characteristics used to describe the rock materials are presented on Plate 9.

2.3 Laboratory Testing

Representative samples of the soil and rock materials obtained from the borings were tested in our laboratory to evaluate their geotechnical engineering characteristics. Laboratory testing included moisture content, dry density, and triaxial shear strength. The test results are summarized on the boring logs in the manner shown on the Key to Test Data, Plate 7.

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3.0 SITE CONDITIONS

The property is located on a coastal bluff on the southwest side of Highway One, approximately one mile northwest of Schooner Gulch. The ocean bluff is about 70 to 75 feet in vertical height, with a slope gradient of about one half horizontal to one vertical (1/2 H:1V) and localized portions that are near vertical. The bluff rises above a near-level wave-cut platform that is fully exposed only at low (minus) tides. The wave-cut platform, which is comprised of bare rock, extends several hundred feet out into the ocean. The platform is striated by the truncated strikes of the individual rock beds that comprise the platform and adjacent bluff.

The property is accessed by a paved, common driveway off Highway One. The common driveway ends in a cul-de-sac at the east-northeast corner of the property. A gravel driveway extends from the cul-de-sac along the northeast property line to the west-northwest neighboring residence.

The upper terrace level and bluff line undulates at the property. The east-southeast half and the northeast side of the property slopes to the west-northwest with a moderately steep slope gradient of approximately 5H:1V. A swale extends from the central portion of the bluff edge toward (landward) the north-northeast property corner. The swale slopes very gently, about 10H:1V, back from the bluff, then moderately steeply, about 5H:1V, near the neighbor's driveway. The bluff edge slopes up again from the swale to the southwest corner of the site.

The bluff face is striated by differential erosion of the exposed, tilted rock beds. Talus piles periodically form at the bluff toe below the more-erodible beds. A small sandy beach is located at the bluff toe. The beach (as typical of near-shore environments) diminishes during the winter months. Waves wash across this beach at high tides, removing the talus piles frequently.

The upper terrace level contains a thicket of pine trees with some fallen branches and underbrush. The ground surface in the proposed residence site is covered with 4 to 8 inches of pine needle mulch. The bluff face is mostly bare rock. No surface water or evidence of ground-water seepage was observed during our September 2000 field exploration.

4.0 REGIONAL GEOLOGY

Mendocino County is within the northern Coast Ranges geomorphic province of California. The coastal region of southwesterly Mendocino County is comprised of rocks of the Point Arena Terrane of the Salinian Block. The Point Arena



Terrane extends west of the San Andreas Fault from Manchester to Fort Ross in Sonoma County. The rocks of this terrane consist of a sequence of consolidated continental and marine sediments from Late Cretaceous to Eocene age. The sedimentary rocks (primarily sandstone, shale and conglomerate) are generally well-bedded, occasionally fractured and friable to hard. The basement rocks underlying the Point Arena Terrane are comprised of spilitized basalt (altered by low grade metamorphism), representative of oceanic crust.

5.0 SITE GEOLOGY AND SOILS

Site bedrock, as found in our test borings and exposed on the bluff face adjacent to the property, consists of interbedded claystone, siltstone, sandstone and minor shale of the Miocene Epoch, Gallaway-Skooner Gulch Formation. The gray to orange-brown rock strata are thin-bedded, closely to little fractured, low to moderate in hardness and moderately to deeply weathered. Site bedding orientation consists of a north-northwest trending strike with a moderately steep dip (50 to 54 degrees from horizontal) to the southwest.

Slaking (crumbling when exposed to air and water) of the claystone, siltstone and shale beds is causing erosion of the bluff face. Small (sand-sized) rock particles intermittently drift down the bluff face when subject to wind action. The slaking forms a talus deposit, up to several feet in thickness, at the bluff toe. The talus deposits are periodically washed away by waves during high tides and storms.

The upper terrace level of the property was created during the Pleistocene Epoch, when glaciation caused sea level fluctuations which created a series of steps or terraces cut into the coastal bedrock by wave erosion. Shallow marine sediments were deposited on the wave-cut, bedrock platforms while they were submerged beneath the ocean. Some of these marine deposits have been locally eroded away as the terrace began to emerge from the ocean approximately 14,000 years ago. Present sea levels were achieved about five to seven thousand years ago.

No evidence of landsliding was observed at the site. In the referenced 1992 California Geology article, Olsborg noted (from a distance) an "apparent landslide where the top of the bluff tilts back." This "tilts back" area is a portion of the subject property bluff. Upon closer observation during our present study, the top of the bluff has apparently been previously eroded at an angle. The rock beds exposed on the bluff face dip uniformly with the rest of the rock beds of the bluff. Therefore, Pleistocene, or somewhat later erosion, is responsible for the "tilts back" appearance, not landsliding.



One to three feet of Pleistocene terrace deposits were observed within portions of the upper bluff edges at the property. The terrace deposits consist of dark gray silty sand. Terrace deposits were not encountered in our test borings.

The bedrock in the proposed residence site is covered by 4 to 7 feet of silt and clay residual soils at our test boring locations. The majority of the silts and clays are medium stiff to hard; the upper 1 to 2 feet of these soils are soft, porous and contain roots.

No evidence of faulting was observed in the property vicinity, and generally available published references show no active faults on, or trending towards, the property. Two inactive faults (no rupture in Holocene time) are located several hundred feet southeast of the property. The active San Andreas Fault is located within the Garcia River Canyon, approximately six kilometers northeast of the site.

The Coast Ranges geomorphic province is in a zone of high seismic activity associated with the San Andreas Fault system, which passes through the south Mendocino coastal area. Future damaging earthquakes could occur on the San Andreas Fault during the lifetime of the proposed structure.

6.0 CONCLUSIONS

6.1 General

From a geotechnical engineering standpoint, we judge that the site is suitable for the proposed residential development. The main geotechnical considerations affecting the project are bluff retreat, bluff stability, seismic ground shaking, weak soils, and the impact of the residential construction on the site. These and other issues are discussed below.

6.2 Bluff Retreat/Building Setback

Comparison between file photographs taken in 1977, and the 1964 and 1981 aerial photographs of the area as it appears today show that the bluff has retreated at an average rate of about 1-½ inches per year. Such a rate would result in the loss of as much as about 9 ½ feet of the bluff in 75 years (considered by the California Coastal Commission to be the economic lifespan of a house). Multiplying by a factor of safety of four, and rounding up slightly, a bluff setback of 40 feet should be suitable for the proposed residence and leachfield.



6.3 Bluff Stability

No evidence of gross instability, such as landsliding, was observed on the bluff at the property or near the vicinity. However, as with all ocean bluff or hillside sites in general, some risk of instability exists and must be accepted by the property owner. The current standard of practice in geotechnical engineering makes it possible to identify most areas of existing instability, and/or to make recommendations which lower the risk of instability to levels that are generally acceptable, but cannot make total assurances of mitigating all possible future instability.

6.4 Seismicity and Fault Rupture

The site will be subject to strong ground shaking during future, nearby, large magnitude earthquakes. In general, the intensity of the ground shaking at the site will depend on the distance to the causative earthquake epicenter, the magnitude of the shock and the response characteristics of the underlying earth materials. Structures founded in firm soil or rock, and designed in accordance with the current Uniform Building Code (UBC), are well suited to resist the detrimental effects of seismic shaking.

Since the active San Andreas Fault is about six kilometers away from the site, and the faults observed by BACE several hundred feet from the site were found to be inactive, we judge the potential for surface fault rupture at this site to be very low.

6.5 Weak Soils

The near surface topsoils are weak, porous and moderately compressible. These soils could undergo erratic and detrimental settlement under the planned structure foundation loads. Foundations will, therefore, have to be supported on the underlying firm soil or bedrock, to mitigate these potential detrimental effects.

6.6 Construction Impact

In general, the proposed development, constructed in accordance with our recommendations, should have very little effect upon the bluff stability. The planned leach field location, as shown approximately on Plate 2, is geologically suitable. The property should not be adversely affected by the installation and operation of an approved septic tank/leachfield waste disposal system at this location. To reduce the possibility of adverse effects of sewage effluent on the



soils exposed on the upper bluff, the final leachfield location should not be closer than 40 feet from the edge of the bluff.

7.0 RECOMMENDATIONS

7.1 Site Grading

Grading should be kept to the minimum required to provide access to the building site and to construct proper site drainage within the building envelope.

Areas to be graded should be cleared to remove vegetation. Surface soils containing weeds, brush, mulch, and root growth should be stripped from planned grading areas. In general, the depth of stripping should be about 4 to 10 inches. Deeper stripping may be locally required to remove concentrations of organics such as tree roots. Strippings should not be reused as fill material; however, they may be stockpiled for future use in landscaping, if desired.

After stripping, soft/weak soils should be removed to their full depth, which is expected to be about one to two feet at our boring locations. Soils exposed by this operation should be scarified, moisture conditioned to near optimum moisture content, and compacted to at least 90 percent relative compaction per ASTM D 1557 test procedures.

Fill material should be free of organic matter, rocks greater than four inches in largest dimension, and be low in expansion potential (expansion index less than 40 per ASTM D 4829). On-site soils in a "cleaned" condition (i.e., less organics and oversized rock) should be suitable for re-use as fill within planned building areas.

Fill, on-site or imported, should be placed in thin lifts, moisture conditioned to near optimum moisture content, and compacted to at least 90 percent relative compaction based on the ASTM D 1557 test procedures.

7.2 Drilled Pier Foundation Support

The structure should be supported on a system of cast-in-place drilled concrete piers interconnected with grade beams. The piers should be a minimum of 16 inches in diameter. Piers should extend through the weak, near-surface soils a minimum of 6 feet below the lowest adjacent soil grade, and at least 4 feet into firm, weathered bedrock materials. Typical pier depths are anticipated to range from 8 to 11 feet below the ground surface, as determined by BACE during the drilling operations.



Spacing for the piers should be no closer than 3 pier diameters, center to center. Support for the piers may be gained from skin friction resistance equal to 800 pounds per square foot (psf) of pier surface area for dead plus long-term live downward loads. For the total downward load design, including wind or seismic forces, increase downward capacity by 50 percent. Uplift frictional capacity for piers should be limited to 2/3 of the allowable downward capacity.

Resistance to lateral loads can be obtained using passive earth pressure against the face of the piers. An allowable passive pressure of 250 psf per foot of depth, plus 450 psf (triangular distribution) is appropriate for design. Passive pressure should be neglected in the weak soil zones, and within the upper six inches of subgrade soils, unless the surface is confined by concrete slabs or pavement. Below the weak soil zones, passive pressure can be projected over two pier diameters, and should be limited to depths above 7 times pier diameter.

When final pier depths have been achieved, as determined by BACE, the bottoms of the pier holes should be thoroughly cleaned of loose material. BACE should observe the drilling and final clean out of the pier holes and the placement of reinforcing steel and concrete.

No ground water was encountered in our test borings during our July 2000 field exploration. If ground water is encountered during construction, the pier holes should be dewatered prior to placement of reinforcing steel and concrete. Alternatively, concrete can be tremied into place with an adequate head to displace water or slurry, if more than six inches of ground water has entered the pier hole. Concrete should not be placed by freefall in such a manner as to hit the sidewalls of the excavation.

During bidding, we recommend that proposed foundation drillers be given a copy of this report to review. The foundation contractor should be prepared to case pier holes where caving occurs.

7.3 Seismic Design Criteria

The structure should be designed and constructed to resist the effects of strong ground shaking (up to at least Modified Mercalli Intensity IX) in accordance with current building codes. The Uniform Building Code (UBC), 1997 edition, indicates the following seismic criteria are appropriate for design:



Seismic Zone Factor, $Z = 0.40$

Soil Profile Type = S_c

Seismic Coefficients, $C_a = 0.40 N_a$

$C_v = 0.56 N_v$

Near Source Factors $N_a = 1.2$

$N_v = 1.5$

Seismic Source Type = A (San Andreas Fault)

Distance to Fault = 6 km

7.4 Retaining Walls

The retaining or subsurface walls should be provided with permanent drainage to prevent buildup of hydrostatic pressure. Drainage and backfill details are presented on Plate 10. Quality, placement and compaction requirements for backfill behind subsurface walls are the same as previously presented for select fill. Light compacting equipment should be used near the wall to avoid overstressing the walls.

Our recommended lateral earth pressures for retaining wall design are presented on Plate 11. These pressures do not consider additional loads resulting from adjacent foundations, vehicles, or other downward loads. BACE can provide consultation regarding surcharge loads, if needed.

7.5 Concrete Slabs-on-Grade

During foundation and utility trench construction, previously compacted subgrade surfaces may be disturbed. Where this is the case, the subgrade should be moisture conditioned as necessary, and recompact to provide a firm, smooth, unyielding surface compacted to at least 90 percent relative compaction.

Slab-on-grade floors should be underlain by at least 4 inches of clean, free-draining gravel or washed crushed rock, graded in size from 1-1/2 or 3/4 inches maximum to 1/4 inches minimum to act as a capillary moisture break. In areas where movement of moisture through the slab would be detrimental to its intended use, installation of a vapor barrier should be considered.

Exterior concrete flatwork (e.g., sidewalks and patios) can be placed directly on compacted subgrade soils as described in the previous sections of this report.



7.6 Driveway Construction

Grading for the driveway should be performed in accordance with the recommendations presented in Section 6.1. The upper 6 inches of driveway subgrade soils should be compacted to at least 95 percent relative compaction, prior to the placement of aggregate base. The subgrade should also be non-yielding under heavy equipment loads. Aggregate base should be placed in 6 to 8 inch lifts, moisture conditioned as necessary to near optimum moisture content, then compacted to at least 95 percent relative compaction.

7.7 Site Drainage

Uncontrolled surface and/or subsurface water is often the cause of slope instability and foundation problems. Care must be taken to intercept and divert concentrated surface flows and subsurface seepage away from the structural improvements, building foundations and bluff edges. Concentrated flows such as from roof downspouts, driveways, area drains and the like should be collected in a closed pipe and discharged into a functioning storm drain system or into a natural drainage area well away from foundations and the bluff.

7.8 Additional Services

Prior to construction, BACE should review the final grading and building plans, and geotechnical-related specifications for conformance with our recommendations.

During construction, BACE should be retained to provide periodic observations, together with field and laboratory testing, during site preparation, placement and compaction of fills and backfills, and foundation construction. Drilled pier excavations should be reviewed by BACE while the excavation operations are being performed. Our reviews and testing would allow us to verify conformance of the work to project guidelines, determine that the soil and rock conditions are as anticipated, and to modify our recommendations, if necessary.

8.0 LIMITATIONS

This investigation and review of the proposed development was performed in accordance with the usual and current standards of the profession, as they relate to this and similar localities. No other warranty, either expressed or implied, is provided as to the conclusions and professional advice presented in this report. Our conclusions are based upon reasonable geologic and engineering interpretation of available data.

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The soil and rock samples taken and tested, and the observations made, are considered to be representative of the site; however, soil and geologic conditions may vary significantly between points of subsurface exploration. As in most projects, conditions revealed during construction may be at variance with the preliminary findings of our investigation. If this occurs the changed conditions must be evaluated by BACE Geotechnical and revised recommendations provided as required.

This report is issued with the understanding that it is the responsibility of the Owner, or of his/her representative, to ensure that the information and recommendations contained herein are brought to the attention of all other design professionals for the project, and incorporated into the plans, and that the Contractor and Subcontractors implement such recommendations in the field. The safety of others is the responsibility of the Contractor. The Contractor should notify the Owner and BACE if the Contractor considers any of the recommended actions presented herein to be unsafe or otherwise impractical.

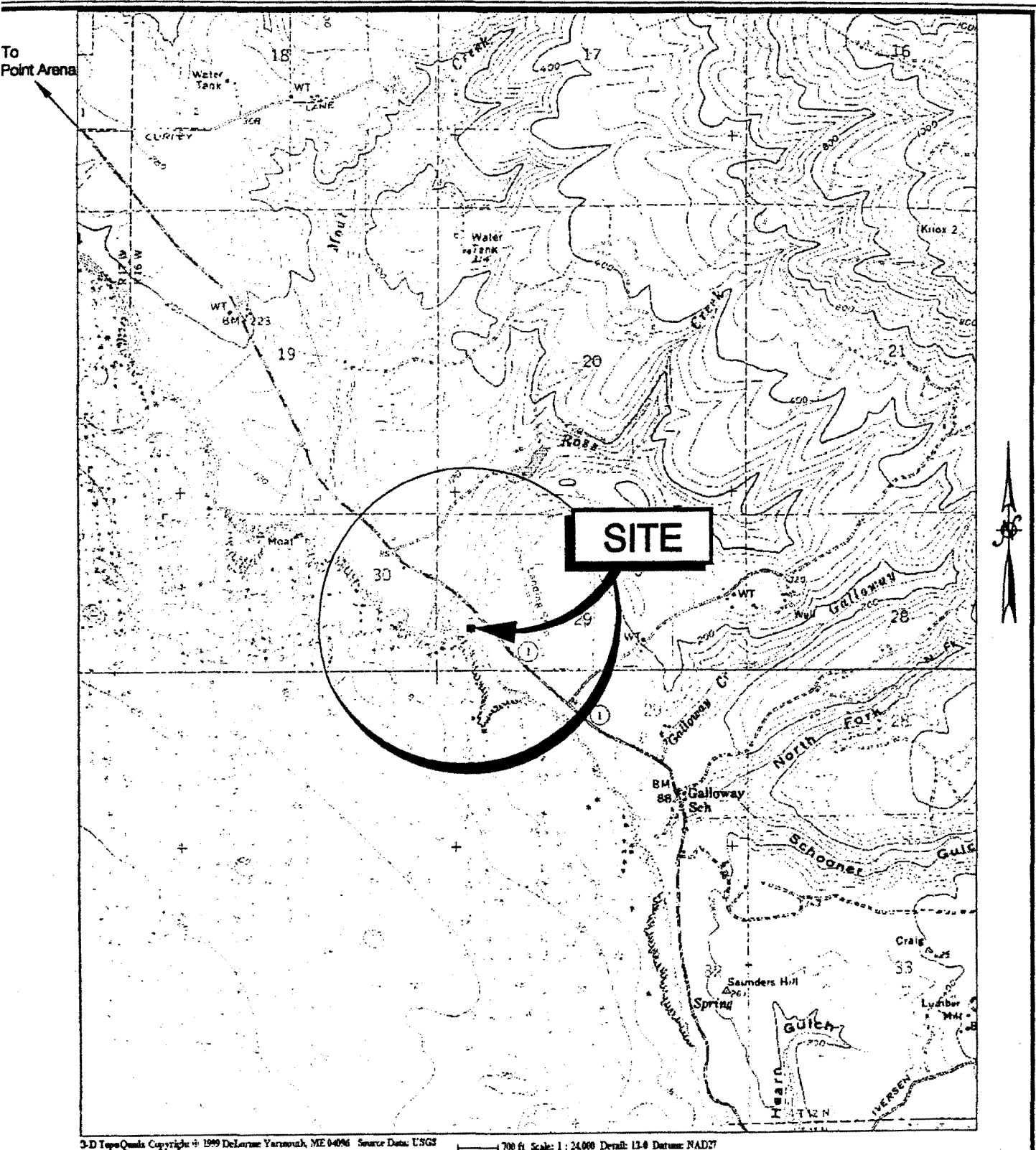
Changes in the conditions of a site can occur with the passage of time, whether they are due to natural events or to human activities on this or adjacent sites. In addition, changes in applicable or appropriate codes and standards may occur, whether they result from legislation or the broadening of knowledge. Accordingly, this report may become invalidated wholly or partially by changes outside our control. Therefore, this report is subject to review and revision as changed conditions are identified.

The recommendations contained in this report are based on certain specific project information regarding type of construction and building location which has been made available to us. If conceptual changes are undertaken during final project design, BACE should be allowed to review them in light of this report to determine if our recommendations are still applicable.



ILLUSTRATIONS





3-D TopoQuads Copyright © 1999 DeLorme, Yarmouth, ME 04096 Source Data: USGS

700 ft Scale: 1 : 24,000 Detail: 1:2.4 Datum: NAD27



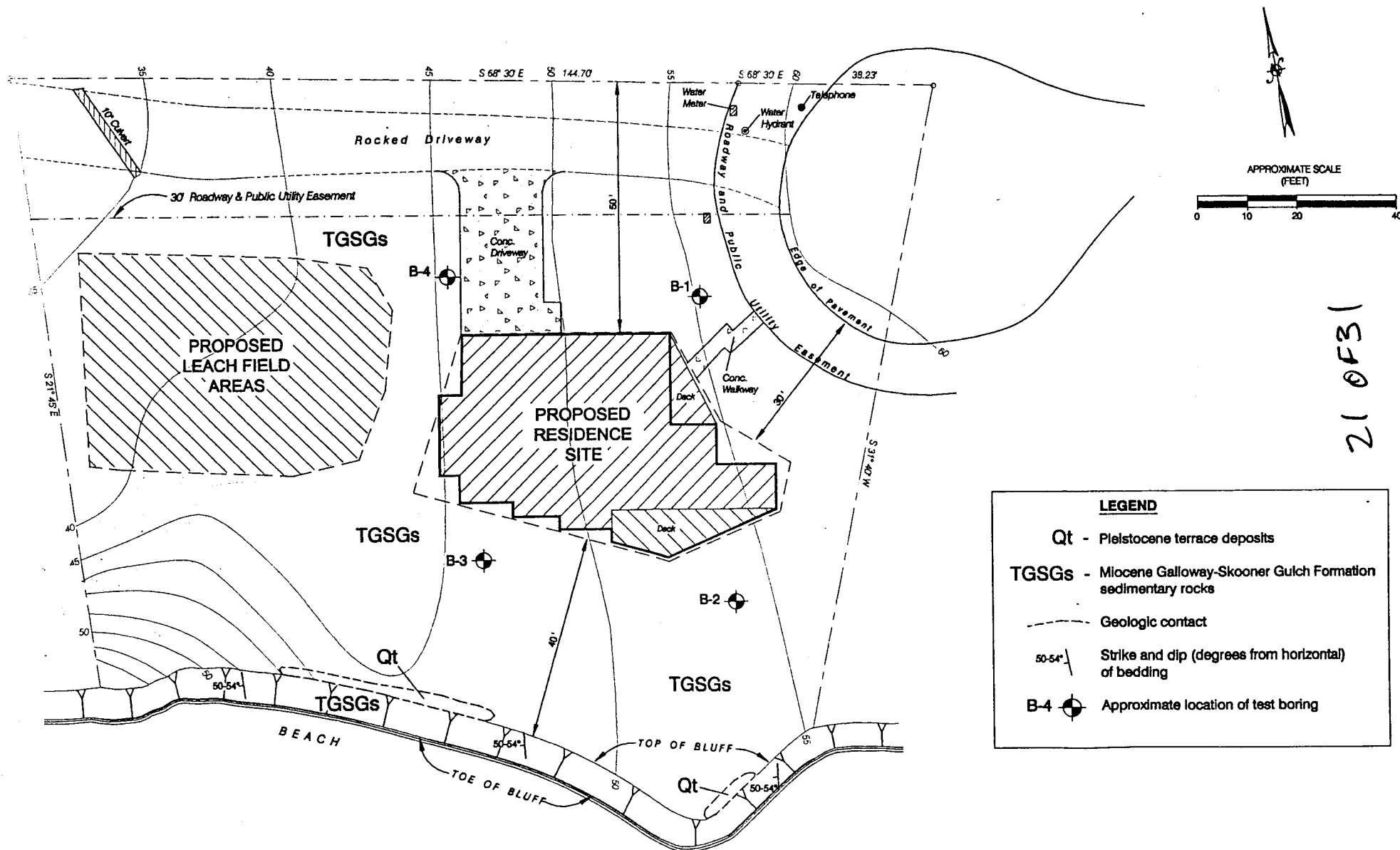
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Job No.: 11509.1
Appr.: *EEO*
Date: 03/23/01

VICINITY MAP
WILLIAMS RESIDENCE
27560 South Highway One
Mendocino County, California

PLATE
1

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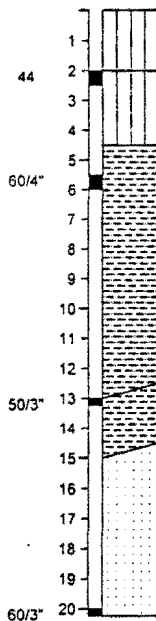
Laboratory Tests

Moisture Content (%)
Dry Density (pcf)
Blows/foot*

15.5 86 44

30.0 80 50/3"

Depth (ft.)
Sample



6" of pine needle mulch at surface
DARK GRAY CLAYEY SILT (ML)
soft, dry, porous with roots and angular rock fragments 1/4" to 2"
DARK GRAY CLAYEY SILT (ML-CL)
medium stiff to stiff
LIGHT BROWN and LIGHT ORANGE-BROWN SILTSTONE
close fracturing, low to moderate hardness, deep to moderate weathering, moist
DARK GRAY to BLACK CLAYSTONE
little fractured, low hardness, moderate weathering, damp
DARK GRAY SANDSTONE
little fracturing, low to moderate hardness, little weathering damp

NOTES:
(1) No Caving
(2) No Free Water Encountered

Log of Boring B-1

Equipment: Morooka "B-40" Drill rig

Date: 7/19/00

Logged By: WAS Elevation: 55.0' **

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* Equivalent "Standard Penetration Blowcounts"

** Elevations interpolated from Topographic Site Map by R.A. Seale, L.S. 4455, dated December 1999.



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LOG OF BORING B-1
WILLIAMS RESIDENCE
27560 South Highway One
Mendocino County, California

PLATE

3

Log of Boring B-2

Equipment: Morooka "B-40" Drill rig

Date: 7/19/00

Logged By: WAS Elevation: 54.5' **

Laboratory Tests

Tx 2635 (576)

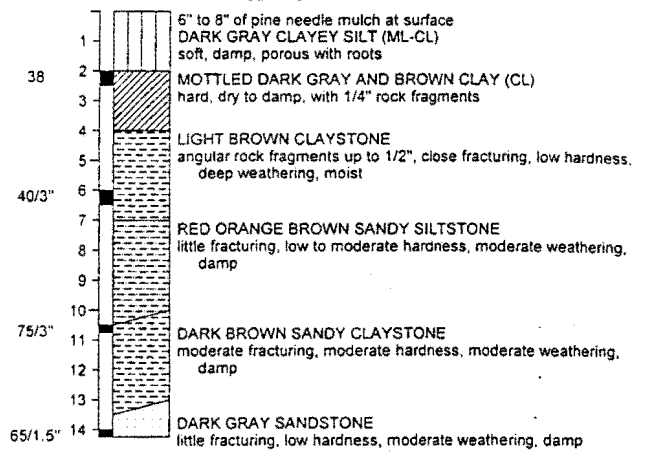
Moisture
Content (%)

Dry
Density (pcf)

Blows/foot*

Depth (ft.)

Sample



NOTES:

- (1) No Caving
- (2) No Free Water Encountered

* Equivalent "Standard Penetration Blowcounts"

** Elevations interpolated from Topographic Site Map by R.A. Seale, L.S. 4455, dated December 1999.



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LOG OF BORING B-2
WILLIAMS RESIDENCE
27560 South Highway One
Mendocino County, California

PLATE

4

BORING LOG 11509.1 GPJ BACE GDT 3/23/01

Log of Boring B-3

Equipment: Morooka "B-40" Drill rig

Date: 7/19/00

Logged By: WAS Elevation: 46.5' **

Laboratory Tests

Tx 5798 (1296)

Moisture Content (%)	Dry Density (pcf)	Blows/foot	Depth (ft.)	Sample
			1	5" to 8" of pine needle mulch
			2	DARK GRAY-BROWN SILTY CLAY (CL)
			3	soft to stiff, damp, upper 1 foot is porous with roots
		48	4	DARK GRAY to BLACK SANDY CLAY (CL)
			5	with 1/2" angular rock fragments, hard, damp to dry
17.8	101	45/3"	6	
			7	DARK GRAY to BLACK SANDY CLAYSTONE
			8	close fracturing, low hardness, deep weathering, damp
			9	
			10	
16.5	107	75/4.5"	11	LIGHT BROWN to GRAY SANDSTONE
			12	close fracturing, low to moderate hardness, moderate weathering, damp
			13	
			14	
		93	15	DARK RED-BROWN SHALE/SILTSTONE
			16	close fracturing, low hardness, moderate weathering, damp

NOTES:

- (1) No Caving
- (2) No Free Water Encountered

* Equivalent "Standard Penetration Blowcounts"

** Elevations interpolated from Topographic Site Map by R.A. Seale, L.S. 4455, dated December 1999.



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LOG OF BORING B-3
WILLIAMS RESIDENCE
27560 South Highway One
Mendocino County, California

PLATE

5

BORING LOG 11509.1 GPJ BACE GDT 3/23/01

240F31

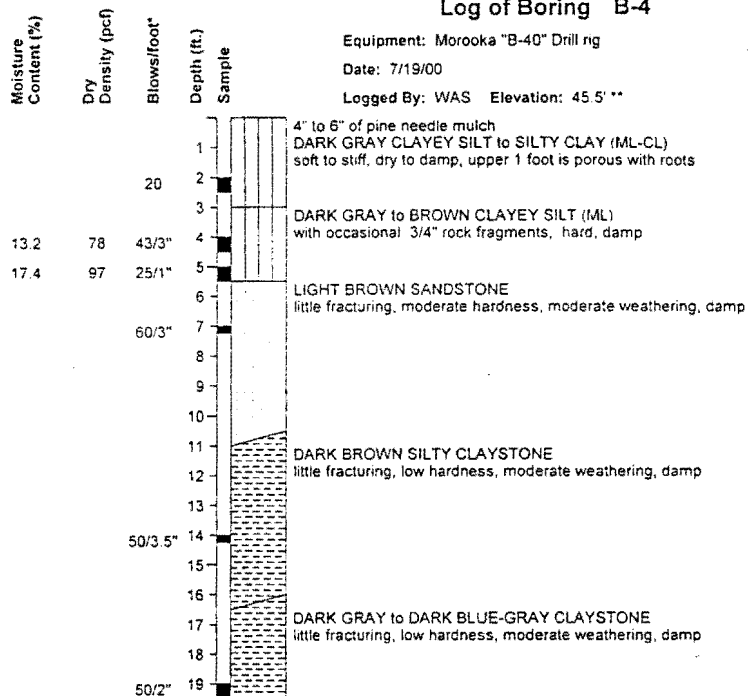
Log of Boring B-4

Equipment: Morooka "B-40" Drill rig

Date: 7/19/00

Logged By: WAS Elevation: 45.5' **

Laboratory Tests



NOTES:

- (1) No Caving
- (2) No Free Water Encountered

* Equivalent "Standard Penetration Blowcounts"

Locations interpolated from Topographic Site Map by R.A. Seale, L.S. 4455, dated December 1999.



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












LOG OF BORING B-4
WILLIAMS RESIDENCE
27560 South Highway One
Mendocino County, California

PLATE

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UNIFIED SOIL CLASSIFICATION SYSTEM

UNIFIED SOIL CLASSIFICATION SYSTEM	MAJOR DIVISIONS			SYMBOLS		TYPICAL DESCRIPTIONS
				GRAPH	LETTER	
	COARSE GRAINED SOILS MORE THAN 85% OF MATERIAL IS LARGER THAN NO. 200 SIEVE SIZE	GRAVEL AND GRAVELLY SOILS MORE THAN 85% OF COARSE FRACTION RETAINED ON NO. 4 SIEVE	CLEAN GRAVELS (LITTLE OR NO FINES)		GW	WELL-GRADED GRAVELS, GRAVEL-SAND MIXTURES, LITTLE OR NO FINES
			GRAVELS WITH FINES (APPROXIMATE AMOUNT OF FINES)		GP	POORLY-GRADED GRAVELS, GRAVEL-SAND MIXTURES, LITTLE OR NO FINES
			CLEAN SANDS (LITTLE OR NO FINES)		GM	SILTY GRAVELS, GRAVEL-SAND-SILT MIXTURES
					GC	CLAYEY GRAVELS, GRAVEL-SAND-CLAY MIXTURES
		SAND AND SANDY SOILS MORE THAN 85% OF COARSE FRACTION PASSING ON NO. 4 SIEVE	SANDS WITH FINES (APPROXIMATE AMOUNT OF FINES)		SW	WELL-GRADED SANDS, GRAVELLY SANDS, LITTLE OR NO FINES
					SP	POORLY-GRADED SAND, GRAVELLY SAND, LITTLE OR NO FINES
	FINE GRAINED SOILS MORE THAN 85% OF MATERIAL IS SMALLER THAN NO. 200 SIEVE SIZE	SILTS AND CLAYS LIQUID LIMIT LESS THAN 50	SANDS WITH FINES (APPROXIMATE AMOUNT OF FINES)		SM	SILTY SAND, SAND-SILT MIXTURES
					SC	CLAYEY SAND, SAND-CLAY MIXTURES
				ML	INORGANIC SILTS AND VERY FINE SANDS, ROCK FLOUR, SILTY OR CLAYEY FINE SANDS OR CLAYEY SILTS WITH BLUISH PLASTICITY	
				CL	INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAY, SILTY CLAY, LEAN CLAYS	
SILTS AND CLAYS LIQUID LIMIT GREATER THAN 50		SANDS WITH FINES (APPROXIMATE AMOUNT OF FINES)		OL	ORGANIC SILTS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY	
				MH	INORGANIC SILTS, MICACEOUS OR DUCTACEOUS FINE SAND OR SILTY SOILS	
				CH	INORGANIC CLAYS OF HIGH PLASTICITY	
				OH	ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS	
HIGHLY ORGANIC SOILS				PT	PEAT, MUCK, SWAMP SOILS WITH HIGH ORGANIC CONTENTS	

NOTE: SOIL SYMBOLS ARE USED TO INDICATE BORDERLINE SOIL CLASSIFICATIONS

KEY TO TEST DATA

Consol - Consolidation	Shear Strength, psf	Confining Pressure, psf
LL - Liquid Limit	Tx 320 (2600)	- Unconsolidated Undrained Triaxial
PI - Plasticity Index	TxCU 320 (2600)	- Consolidated Undrained Triaxial
EI - Expansion Index	DS 2750 (2600)	- Consolidated Drained Direct Shear
SA - Sleeve Analysis	FVS 470	- Field Vane Shear
■ - Retained, recovered Sample	UC 2000	- Unconfined Compression
□ - Retained, not recovered	PP 2000	- Field Pocket Penetrometer
⊠ - Bulk Sample	Set	- Sample saturated prior to test



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SOIL CLASSIFICATION CHART

WILLIAMS RESIDENCE
27560 South Highway One
Mendocino County, California

PLATE

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RELATIVE DENSITY OF COARSE-GRAINED SOILS

Relative Density	Standard Penetration Test Blow Count (blows per foot)
Very loose	Less than 4
Loose	5 to 10
Medium dense	11 to 30
Dense	31 to 50
Very dense	More than 50

CONSISTENCY OF FINE-GRAINED SOILS

Consistency	Identification Procedure	Approximate Shear Strength (psf)
Very soft	Easily penetrated several inches with fist	Less than 250
Soft	Easily penetrated several inches with thumb	250 to 500
Medium stiff	Penetrated several inches by thumb with moderate effort	500 to 1000
Stiff	Readily indented by thumb, but penetrated only with great effort	1000 to 2000
Very stiff	Readily indented by thumb nail	2000 to 4000
Hard	Indented with difficulty by thumb nail	More than 4000

NATURAL MOISTURE CONTENT

Dry	No noticeable moisture content. Requires considerable moisture to obtain optimum moisture content* for compaction.
Damp	Contains some moisture, but is on the dry side of optimum.
Moist	Near optimum moisture content for compaction.
Wet	Requires drying to obtain optimum moisture content for compaction.
Saturated	Near or below the water table, from capillarity, or from perched or ponded water. All void spaces filled with water.

* Optimum moisture content as determined in accordance with ASTM Test Method D1557-91.

Where laboratory test data are not available, the above field classifications provide a general indication of material properties; the classifications may require modification based upon laboratory tests.



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PHYSICAL PROPERTIES CRITERIA for SOIL CLASSIFICATION

Williams Residence
27560 South Highway One
Mendocino County, California

PLATE
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Generalized Graphic Rock Symbols

	Siltstone or Claystone		Limestone		Tuff (Volcanic Ash)
	Shale		Chert		Deeply (Spheroidally) Weathered Lava
	Sandstone		Serpentine		Little Weathered Lava or Greenstone
	Conglomerate		Metamorphic Rock		Granite

Stratification

Bedding of Sedimentary Rocks

Massive
Very thick bedded
Thick bedded
Thin bedded
Very thin bedded
Laminated
Thinly laminated

Thickness of Beds
No apparent bedding
Greater than 4 feet
2 feet to 4 feet
2 inches to 2 feet
0.5 inches to 2 inches
0.125 inches to 0.5 inch
less than 0.125 inch

Fracturing

Fracturing Intensity

Little
Occasional
Moderate
Close
Intense
Crushed

Thickness of Beds
Greater than 4 feet
1 foot to 4 feet
6 inches to 1 foot
1 inch to 6 inches
0.5 inches to 1 inch
less than 0.5 inches

Strength

Soft
Friable
Low hardness
Moderate hardness
Hard
Very hard

Plastic or very low strength.
Crumbles by hand.
Crumbles under light hammer blows.
Crumbles under a few heavy hammer blows.
Breaks into large pieces under heavy, ringing hammer blows.
Resists heavy, ringing hammer blows and will yield with difficulty only dust and small flying fragments.

Weathering

Deep	Moderate to complete mineral decomposition, extensive disintegration, deep and thorough discoloration, many extensively coated fractures.
Moderate	Slight decomposition of minerals, little disintegration, moderate discoloration, moderately coated fractures.
Little	No megascopic decomposition of minerals, slight to no effect on cementation, slight and intermittent, or localized discoloration, few stains on fracture surfaces.
Fresh	Unaffected by weathering agents, no disintegration or discoloration, fractures usually less numerous than joints.



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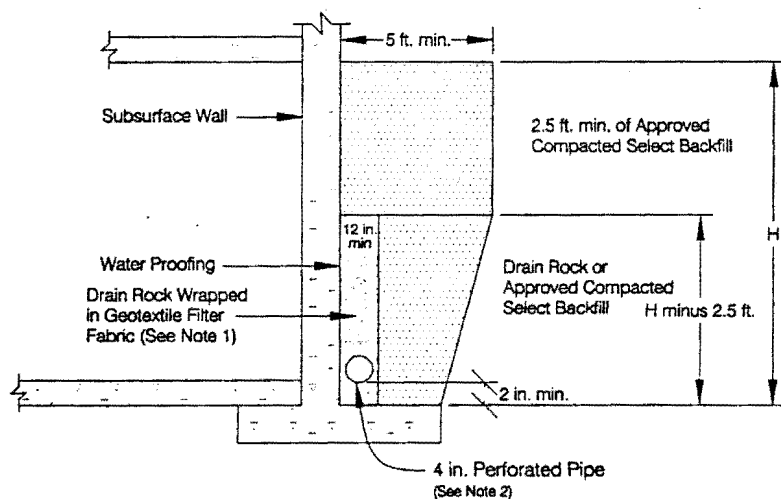
ROCK CHARACTERISTICS CHART

WILLIAMS RESIDENCE
27560 South Highway One
Mendocino County, California

PLATE

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SUBSURFACE WALL DRAINAGE DETAIL
(Not to Scale)

- (1) Drain rock should be clean, free-draining and meet the requirements for Class 1, Type B, Permeable Material, Section 68, State of California "Caltrans" Standard Specifications, latest edition, and should be wrapped in geotextile filter fabric (Mirafi 140 or equivalent).
- (2) Pipe should conform to the requirements of Section 68 of Standard Specifications, perforations should be placed down, sloped at 1% to drain to gravity outlet or sump with automatic pump.



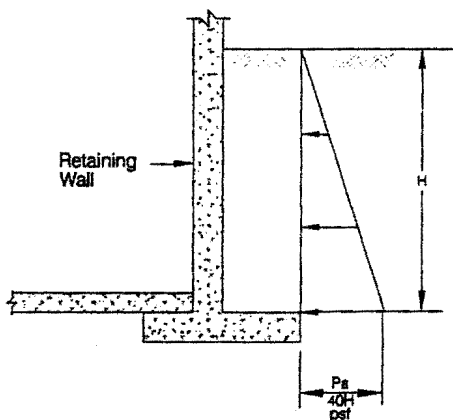
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Date: 03/23/01

RETAINING WALL DRAINAGE DETAIL
WILLIAMS RESIDENCE
27560 South Highway One
Mendocino County, California

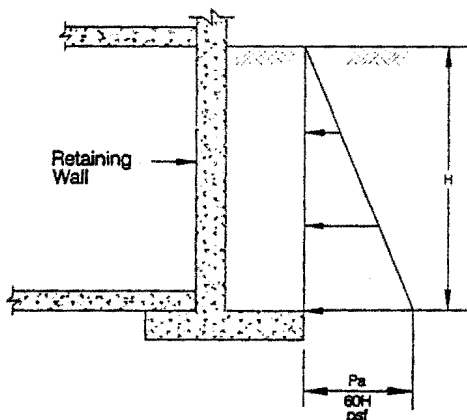
PLATE
10

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ACTIVE SOIL PRESSURE DIAGRAM

For walls that are free to yield slightly
(See Note 2)



AT-REST SOIL PRESSURE DIAGRAM

For braced walls of substantial rigidity
(See Note 2)

NOTES:

- (1) The above are soil pressures only and do not include lateral loads resulting from traffic, floor loads or other vertical loads.
- (2) If the wall, at surface of the backfill, cannot yield about 0.1% of its height, the wall should be considered as a braced wall and the at-rest soil pressures should be used.
- (3) The above pressures assume a fully drained condition: See Plate 10 for drainage and backfill details.
- (4) The above pressures should be used where backfill slope is flatter than 3 horizontal to 1 vertical (3H:1V).

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LATERAL EARTH PRESSURES

WILLIAMS RESIDENCE
27560 South Highway One
Mendocino County, California

PLATE

11

DISTRIBUTION

One copy	Gale and Dorothy Williams 834 22 nd Street Santa Monica, CA 90403
Two copies	Ed McKinley 237 Morrow Street Fort Bragg, CA 95437
Three copies	Rosenthal Construction 703 North Main Street Fort Bragg, CA 95437



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237 Morrow Street
Fort Bragg, CA 95437
Telephone/Fax/Voice Mail: 707 964 2537
e-mail: edmc@mcn.org

EXHIBIT NO. 7
APPLICATION NO. A-1-MEN-01-056
WILLIAMS (1 of 18)
AGENT'S CORRESPONDENCE

December 14, 2001

California Coastal Commission
P.O. Box 4908
Eureka, CA 95502-4908

RECEIVED
DEC 18 2001
CALIFORNIA
COASTAL COMMISSION

RE: Williams Appeal A-1-MEN-01-056
Mendocino County CDP 35-01

Dear Commissioners,

The Williams' house design, approved in CDP 35-01, is the result of a need to have wheelchair access to the only escape route available as well as the need for a garage to accommodate a wheelchair accessible van with a side-loading ramp.

One of the owners is in a wheelchair and must have wheelchair access to the private road in the event of a fire, earthquake or other emergencies. The only way to accomplish this is to have the upper floor at an elevation that works with a ramp to the street. This residence has been designed with the maximum ramp steepness allowed by state building codes.

Exiting the van in a wheelchair is a time-consuming process, and during our rainy season (44" average rainfall) a garage is needed. The garage will also protect the owners' investment of this specially fitted van from the salt air environment.

The garage is located at the low end of the parcel and at the only point available between areas reserved for the primary and backup septic systems drainfields. There are no other areas available for the drainfields.

A single story residence cannot provide access to the private road.

FRIENDS OF SCHOONER GULCH LETTER. The Friends have cited several issues that we believe we must respond to prior to the Coastal Commission substantial issue determination hearing.

Incomplete submittal. LCP requires the application to provide "sufficient detail" to determine whether the project complies with the regulations. We believe the application and supporting documents submitted for this project were sufficient.

I *strongly* disagree with the appellants' contention that the Mendocino County planning staff inappropriately processes and approves Coastal Development Permits (CDP). I have been assisting owners with CDP's since the early 1980's. The application process has become very complex over the years. It has never been more demanding than at present. County Staff thoroughly reviews each application and, in almost every instance, requires additional studies or information, no matter how thorough we are in our original submittal.

At present CDP applications for residential structures are very costly to prepare. The list of plans and reports provided for this CDP application include:

1. Survey and topographical map
2. Site plan
3. House plans and elevations
4. Septic system design report
5. Geotechnical survey and report
6. Landscape plans (preliminary)
7. Botanical survey
8. Archaeological survey
9. Building envelope constrictions plan
10. Tree removal plan
11. Story pole construction (tops painted white)
12. Exterior materials and color specifications
13. 24" x 36" display board for public hearing (landscape/site plan)
14. 24" x 36" display board for public hearing (8 color photos of site)
15. Landscape plans (final - submitted 12/17/01)

Public hearing attendance. The public *must* attend the hearing if they have concerns. The public hearing is the forum where design concepts are discussed, and concerns of all parties are expressed. From this interaction, the CPA formulates an opinion and makes a decision and often adds or revises special project conditions. Colors as well, as other design elements, are often changed during the hearing to finalize mitigation of visual concerns.

Landscaping. We provided a landscape plan sufficiently detailing locations of plantings designed to help reduce the visual impact of the residence. The plan was developed with the concerns of the appellants in mind. We met with Mr. Riemuller at the site to discuss specific landscape mitigation measures prior to the public hearing and incorporated his suggestions. The preliminary and final

plans include dense plantings of several varieties, growth rates and heights to give as complete screening as is physically possible on this parcel.

A landscape architect is requested by appellants. There are few, if any, landscape architects in our area. We use licensed landscape designer/contractors experienced with the harsh coastal environment to prepare plans. I believe it would be unlawful to specifically require an architect for any or all design work.

The diseases cited by the appellants are new to the area and not well understood as yet. We can only address this as we did in both the preliminary and final landscape plans: *all dead or dying trees are to be replaced*. Special Condition #4 requires replacement of dead trees during the life of the project.

Landscape contractors recommend against planting the larger size trees suggested by the appellants because larger trees can be killed or damaged by the shock of transplanting in the ocean bluff environment.

Drainage. The entire parcel is sloped away from the ocean bluff. Roof downspouts and driveway drainage will flow through an *existing* culvert toward a natural drainage course that, in turn, drains into Ross Creek. The topographical plan shows the location of this culvert. This is one of the drainage methods recommended in the geotechnical report.

Colors. The color samples and descriptions submitted to the county staff were found to be acceptable by the staff and the CPA.

Siding and trim color. We did not need to submit this color sample because it is the color we have negotiated with Mr. Riemuller on several previous applications. Mr. Riemuller has agreed that Duckback "Canyon" is a dark stain that performs the intended mitigation measure adequately.

Stone facing. This material is proposed for the lower portion of the building and a single chimney. The lower portions of the structure will be completely screened by the plantings specified in the preliminary and final landscaping plan. The chimney presents very minor surface areas to the road and trails. The "Chardonney" color is not highly reflective.

Geotechnical Report. The geologist addressed the issues of global warming and his survey methods in the geotechnical report for this site and in his supplemental letter of September 25, 2001. With all due respect, Mr. Riemuller is not qualified to analyze a geotechnical report. Simply conferring with an unidentified geologist is an inappropriate method of critiquing a geotechnical report. Each site is unique and must be surveyed and researched by a qualified

professional. BACE Geotechnical is very familiar with the Mendocino coast and, specifically, Bowling Ball Beach.

Visibility. This site is visible from the highway and a public trail. Mitigation measures are addressed in the staff report and the landscape plans. All parties agreed that this development will not block public views to the ocean. The existing residences in this subdivision are all two story.

Height. The design of the proposed residence is dictated by the slope of the parcel and the need to have wheelchair access to the private road as outlined in the opening paragraphs of this letter.

Ross Creek and Whiskey Shoals trails not addressed. The county staff report clearly addresses the view from the public trails on page CPA 4. Our landscaping plan specifically addresses these view points. Visibility from the trails was discussed at the public hearing and color photo display boards were used to illustrate the views from these points and proposed mitigation measures.

Story Poles. Poles are installed at the most visible corners and ends of ridge lines. Tops of poles were painted white. I confer with county planning staff prior to installation of story poles. Dense tree growth makes these poles difficult to see; however, with careful observation from the nearby Highway 1 turnout, especially with binoculars, one can see them. It would not be appropriate to remove trees in order to see the poles. The house plans approved in CDP 35-01 are revised from those originally submitted to accommodate the geological setback. The story poles represent the original, slightly larger structure.

Lighting. This complaint appears to address interior lighting. We do not believe an appeal of a specific application is the correct method for amending the LCP.

DR. HILLARY ADAMS LETTER. The appeal letter from Dr. Hillary Adams is difficult to respond to as it heavily cites previous CPA actions and recommends amendments to the LCP and to county policy. I will minimize my response to this letter as most concerns are addressed above.

Story poles. Poles were visible through careful observation from Highway 1 and from the public trails to the north. Installation was done prior to June 7th, the tops were painted white at the request of Mr. Riemuller, and visible corners and ridge lines were represented. I negotiated the exact placement of the story poles with county staff prior to installation as I do for all my clients.

Landscaping. Ms. Adams suggests varied species and growth rates and appears to recommend close spacing as opposed to drawing "fluffy" trees spaced farther apart. I believe the preliminary landscape plan sufficiently

represents how we will accomplish these goals. The final plan should confirm this assumption.

Drainage. County staff frequently require drainage plans. Grading plans are required when substantial amounts of earth are to be moved. Special Condition #1 of CDP 35-01 requires the recommendations of the geotechnical report be incorporated into the design and construction of the project. The BACE report recommends drainage into a natural drainage course which this plan accomplishes.

Enforcement. This item is not controlled by the applicant.

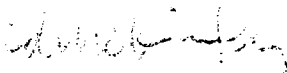
Economic effect. This house is located within an approximately one mile long section of trees and is surrounded by other houses. Visibility from the highway is limited to a few seconds in the southward direction only.

The house will not be visible from nearly 98% of the Schooner Gulch/Bowling Ball beach and headlands. We verified this with the story poles and by moving portable pvc poles with white flags using walkie-talkies and binoculars. With the mitigation measures proposed we believe this project will not stand out as a detriment to tourism.

I have intended to address all the stated concerns of the appellants with this letter. In an effort to keep my letter as concise as possible I have tried not to simply restate the logic presented in the county staff report.

The appellants would like to see changes to the LCP permit process, that is clear. However, it seems unfair that they should hold the applicant "hostage" to their demands. My hope is that the commission will find no substantial issue with this appeal. Thank you.

Sincerely,



Ed McKinley

G R E G Z I E M E R L A N D S C A P I N G
P.O. Box 777 Albion, California 95410 • 707 964-514
License No. 737317

Dec. 11, 2001

Landscaping Plan
AP 27-421-06
Williams Residence
27560 S. Hwy. 1
Pt. Arena, CA.

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COASTAL COMMISSION

Dear Sirs,

This is the landscape plan for the Williams residence. I have designed a landscape that will effectively screen the house from the public view corridors. The following is a description of the landscape plan.

Schooner Beach/Headlands View Corridor:

The view of the property from Schooner Beach and its publicly accessed headlands is very limited. I believe it will be impossible to see the proposed house from the headlands, as the headlands do not extend far enough to the SW(out into the ocean) to see the house. The neighboring house just to the SW screens the proposed house from any view I could find.

From Schooner Beach the topmost peak of the roof may be visible at low tide. Again the neighbors house and small outbuilding to the SW screens the proposed house.

However in order to satisfy any lingering concerns of the house being visible, I have added two groupings of English Holly. These plants will grow up to fill in between the existing trees thus blocking the house from any possible view.

In addition I recommend taking down any existing dead or dying Pines in this location, and replacing them with Bishop Pines as per the plan. These younger trees will insure that the stand of trees continues to provide screening in the future. Specific planting instructions for these trees follows.

Highway 1 Traveling North Corridor:

There is no view of the property along Highway 1 to the south, while traveling north.

Public Trail along Ross Creek and Traveling South on Hwy. 1 Corridor:

The house is most exposed to view from this direction. Screening will be achieved by planting a combination of lower growing Shore Pines and Leyland Cypressess along the north property line and backing these with taller growing White Firs as well as the existing Pines. As a person walks oceanward along the trail the house will be screened

by these trees until the neighboring houses to the north block it out.

Likewise, as a person drives south on Hwy. 1, these trees as well as the line of trees along the east property boundary screen the house. There is approximately 300 feet of roadway along which the house is visible. Tall Willows along Hwy. 1 block the view of the property up to the trailhead parking area. Then the hillside and its vegetation 300 feet down the road takes over blocking the view of the property.

To further screen the view from this direction I have included Wax Myrtles as understory along the east property line. These shrubbier plants will fill in the gaps between the tree trunks as the trees mature, thus creating a solid wall of vegetation.

Additional Notes:

There are some special concerns at this location for optimal plant survival and overall health.

The existing trees are largely Bishop and/or Monterey Pine of mostly mature age. These trees are in a harsh environment and are fairly fragile when their environment is changed as with proposed tree thinning and construction.

Soil compaction is the biggest killer in these situations. I recommend that construction fencing be placed around all trees that are to remain. The fencing should be placed out away from the tree trunk as far as the tree canopy extends. This will ensure that men and machinery will not be able to compact the soil during construction.

To reduce the risk of disease and pests all down branches, felled trees and resulting slash should be removed from the property. Any remaining wood over 3 inches in diameter is large enough to harbor several beetle pests and diseases. Trees to be removed should be felled in such a manner that they do not break branches off or scar the trunks of remaining trees.

When planting trees, all duff must be removed down to the soil from the area to be planted. After the trees are in the ground, a minimum of 3 inches of composted wood chips should be placed around the base of the trees.

Specifications:

All plants to be added will be healthy and established in 5 gallon containers. Please see the plant list included for more specific plant descriptions. When planting, the holes will be twice the diameter of the container, the subsoil will be amended with alfalfa pellets and a pelletized time release fertilizer such as Romeo Brand 10-10-10 will be spread around the plant at the soil's surface. In addition, a three inch layer of wood chips or mulch will be placed around each plant to keep weeds down and moisture in the soil. Each plant will be watered automatically with a drip irrigation system. Each tree and shrub will have 4 - 2 gallon per minute Agrifirm emitters. Half inch drip tubing will provide water to the plants. A Hardie Raindial timer or similar timer will automatically turn on a Rainbird Antisiphon valve which will release the water. The plants will be watered everyday during the dry season to ensure they grow as quickly as possible.

The plantings will be maintained twice monthly to ensure that the irrigation system is working properly and that the trees and shrubs remain healthy. Any plant loss will be replaced on a one to one or greater ratio immediately. All plants will be fertilized at least twice a year with a time release fertilizer so that every time the irrigation system turns on, or it rains the plants will be fed. Any needed pruning will be done to maximize screening of the house from the public.

Any questions or comments can be directed to me at the above address.
Thank you for your consideration.

Sincerely,

Greg Zierner

PLANT DESCRIPTIONS

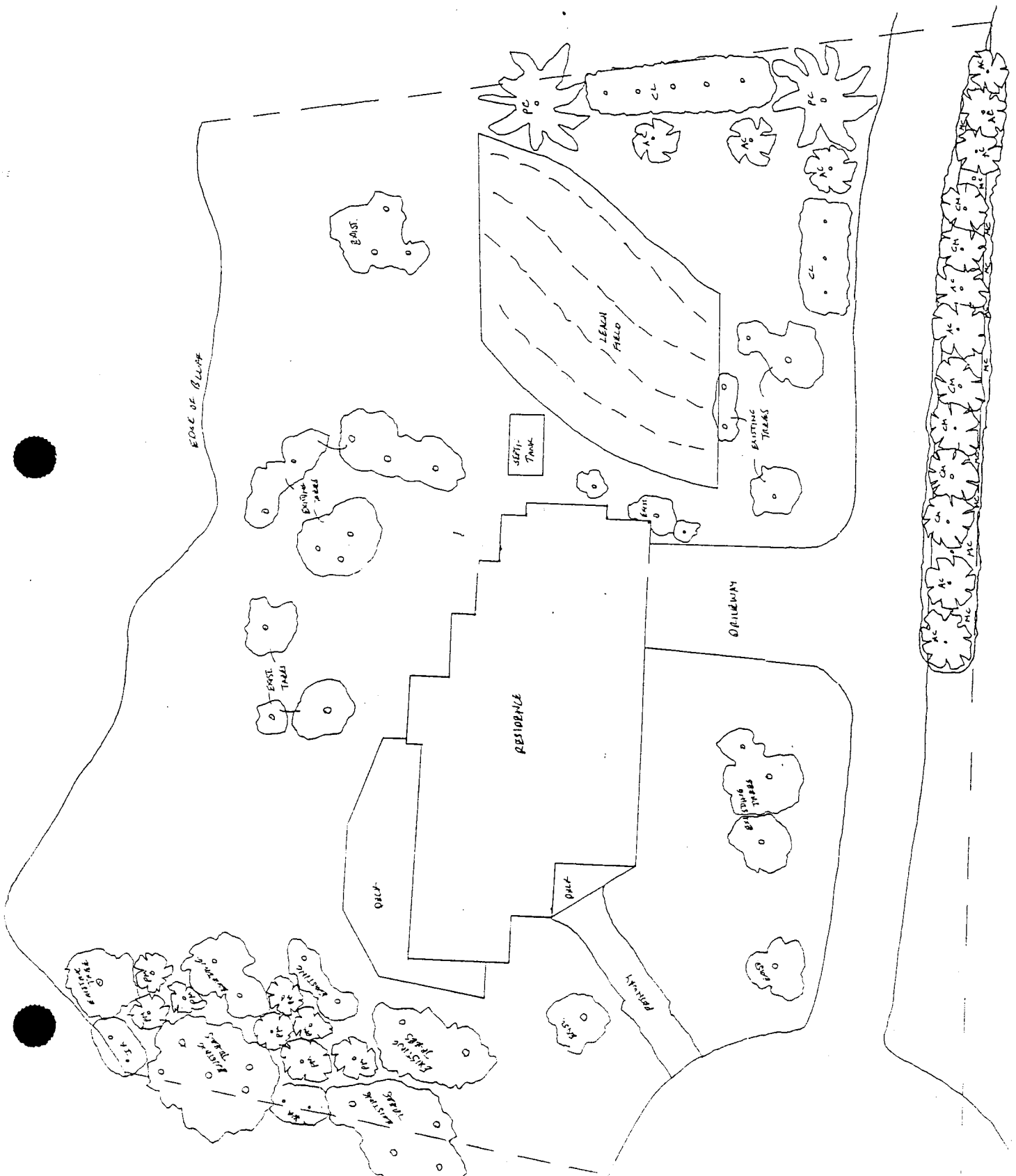
All the plants listed below unless noted otherwise like coastal conditions and are perennial, evergreen, drought tolerant, deer proof or resistant and require low maintenance. All plant sizes given are their mature dimensions. Please match the abbreviations with those on landscape plan.

- CL - 8 *Cupressocyparis leylandii*(Leyland Cypress); loose pyramidal evergreen. Very fast growing eventually to 40 feet and 20 feet broad. Can easily be kept smaller as a hedge or shaped tree. Very wind tolerant, great for screening.
- PC - 2 *Pinus contorta*(Shore Pine); broad loosely branched, long needled pine. Grows to 30 feet tall and as broad. Very tolerant of ocean winds and spray.
- AC - 10 *Abies concolor*(White Fir); large symetrical tree to 120 feet tall and 15 - 20 feet wide. On the coast it remains shorter and denser with a pyramidal shape.
- IA - 4 *Ilex aquafloium*(English Holly); large shrub or small tree. Deep green, glossy leaves with spines. Brilliant red berries in winter. Plant shape is dependent on sun and wind. On coast low growing and spreading to 25 feet wide. More upright and rounded inland.. Easily pruned or shaped at any age.
- CM - 6 *Cupressus macrocarpa*(Monterey Cypress); loose pyramidal evergreen. Fast growing to 40 feet and sometimes much more and 20 wide, sometimes much more. Looses lower limbs with age, becoming very attractive wind sculpted tree.
- PM - 8 *Pinus muricata*(Bishop Pine); very fast growing tree to as much as 75 feet tall and 40 feet wide. Pyramidal in youth growing to be irregular with age. Takes salt air and wind. Grows much lower and narrower on coast.
- MC - 12 *Myrica californica*(Pacific Wax Myrtle); large evergreen shrub or tree. In windy locations the plant is low growing. With less wind it is a multibranching upright tree to 30 feet tall and as broad. Leaves are gloss dark green above and paler flat green below. Creamy colored branches provide nice contrast. Nice understory tree in taller forest setting.

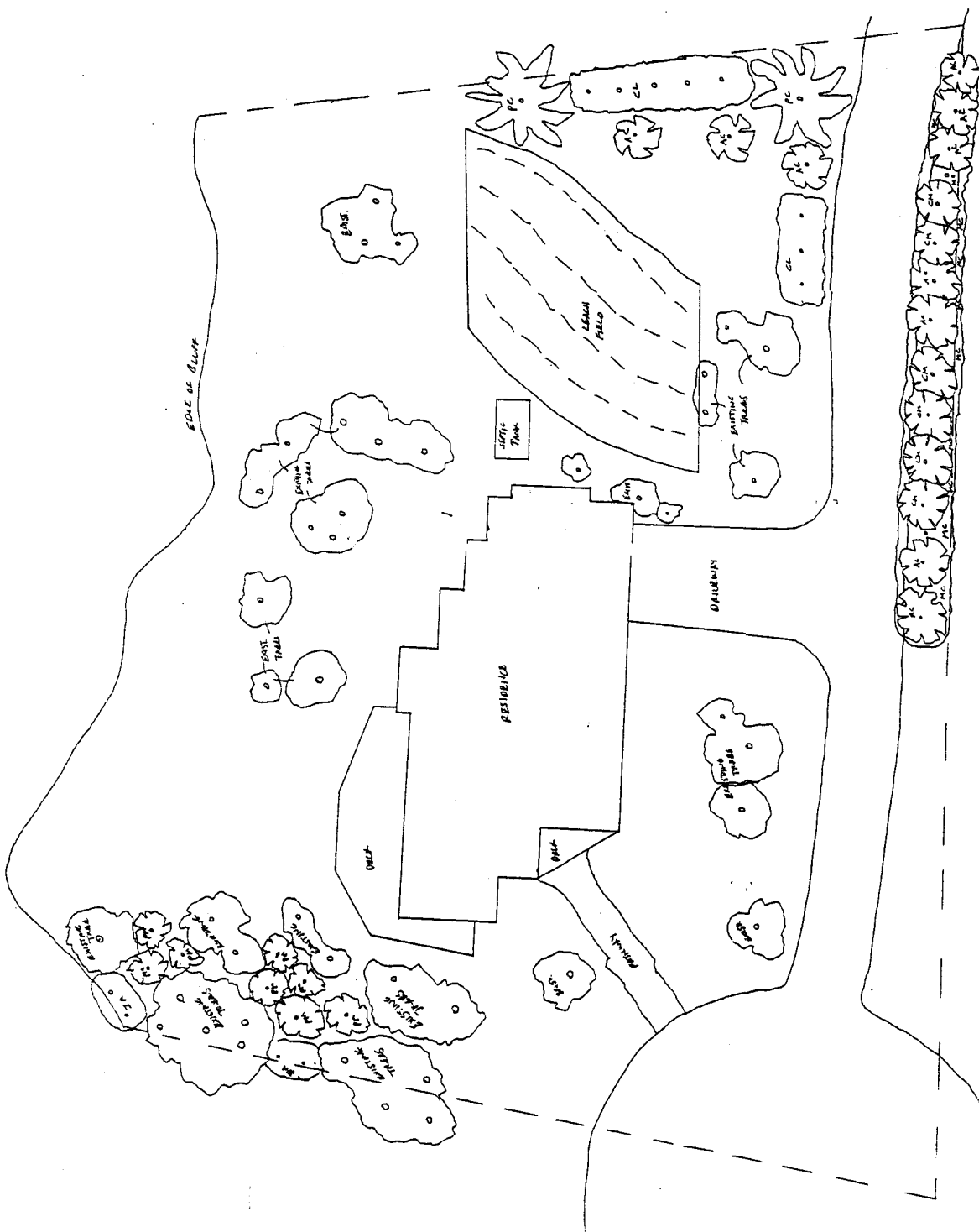
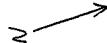


737317

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GNC AND COUNTRY LUMBER 27550 S. HWY 11 PT. ARIZONA, CA. AP 27-461-06	PREPARED BY: GREG ZIEGLER PO BOX 777 ALBUQU, CA. 95040 CND 944-6745 LIC # 77777
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JUL 25 2001

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VIEW TO THE RIGHT OF THE FENCE



VIEW TO THE LEFT OF THE FENCE

WILLIAMS

JUL 20 1961

Rosenthal
CONSTRUCTION
703 NORTH MAIN STREET

13

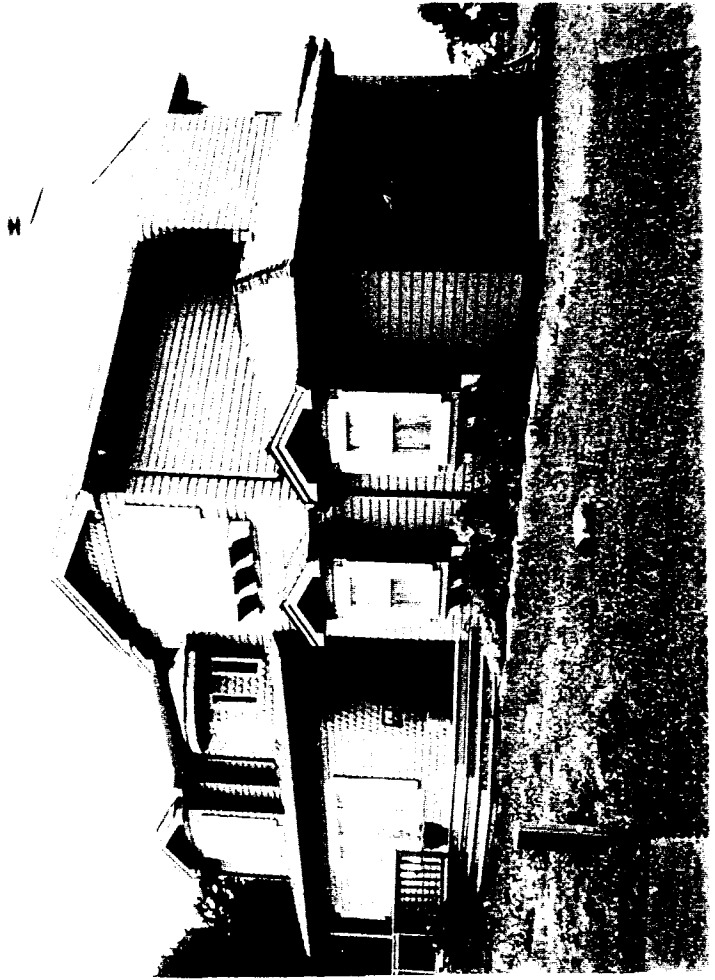
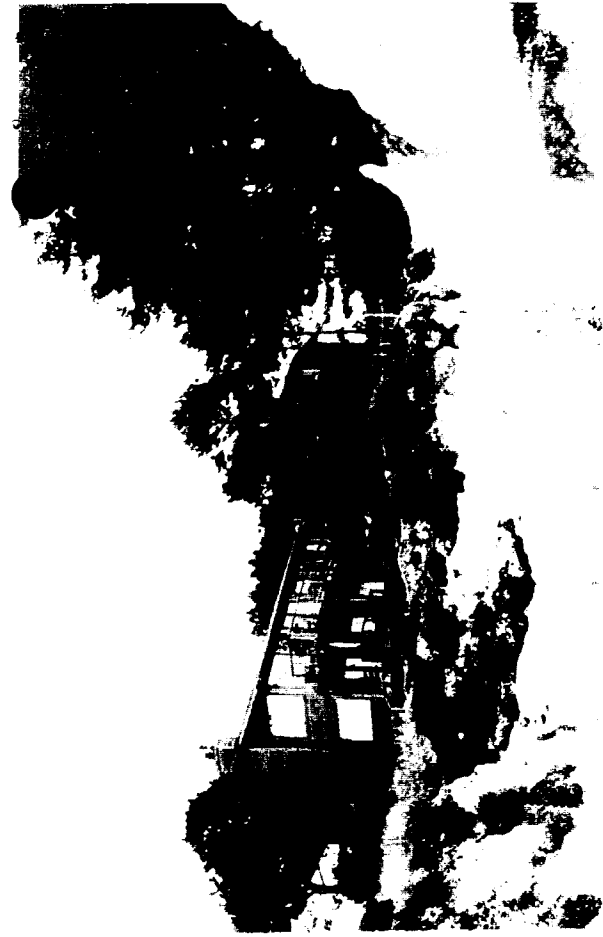


JUL 25 2001

VIEW FROM BOWLING BALL BEACH

Rosenthal
INSTRUCTION
NORTH MAIN STREET
EAGLE, CA 95437-3016



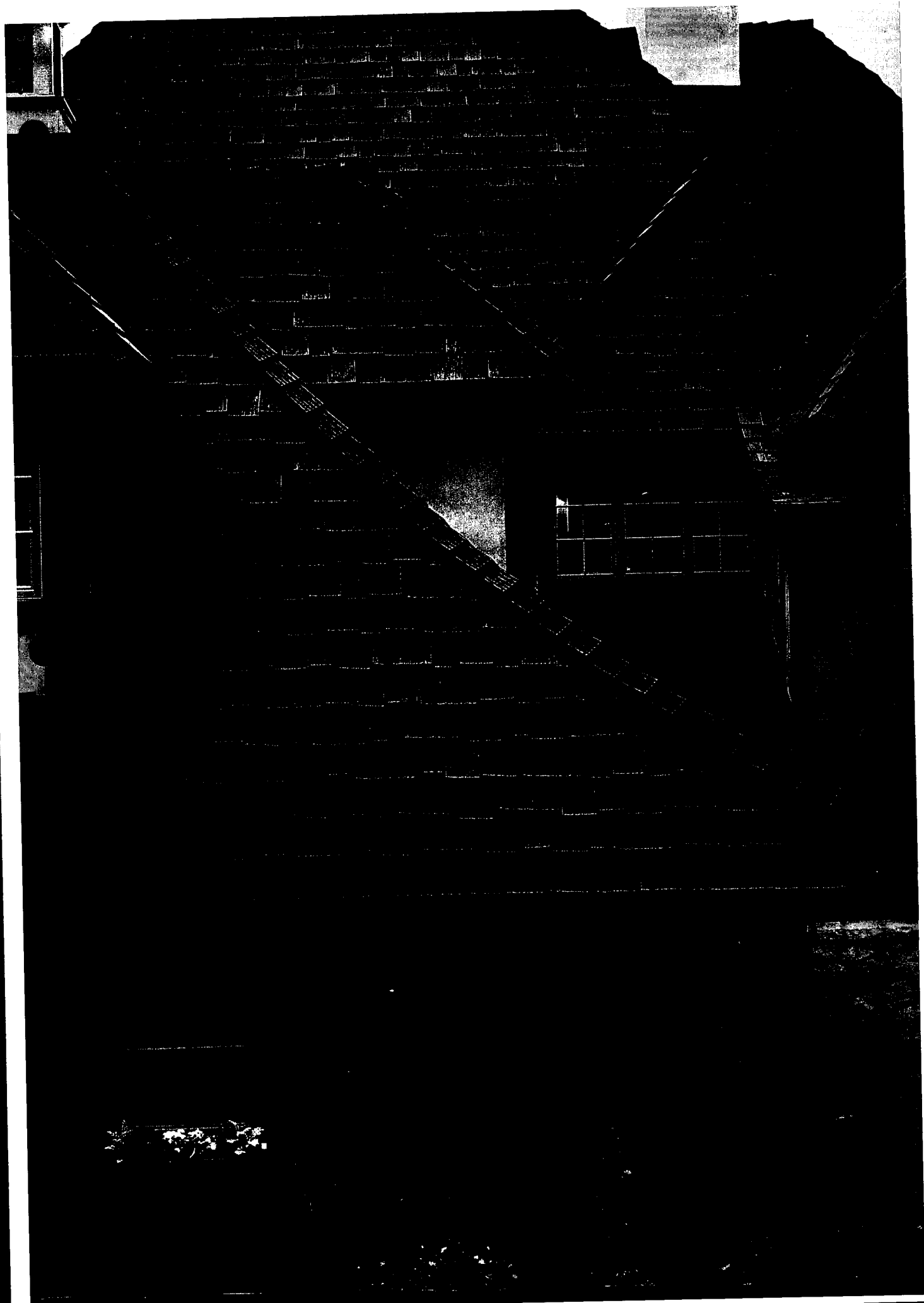


WILLIAMS

Rosenthal

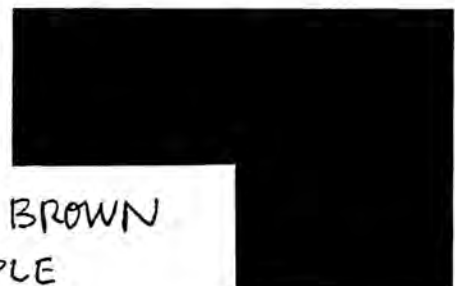
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OFF 916 437-1111

ALSO SEE LISTING PAGE 10





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SAMPLE



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KENTUCKY Limestone (CSL-20024)

C

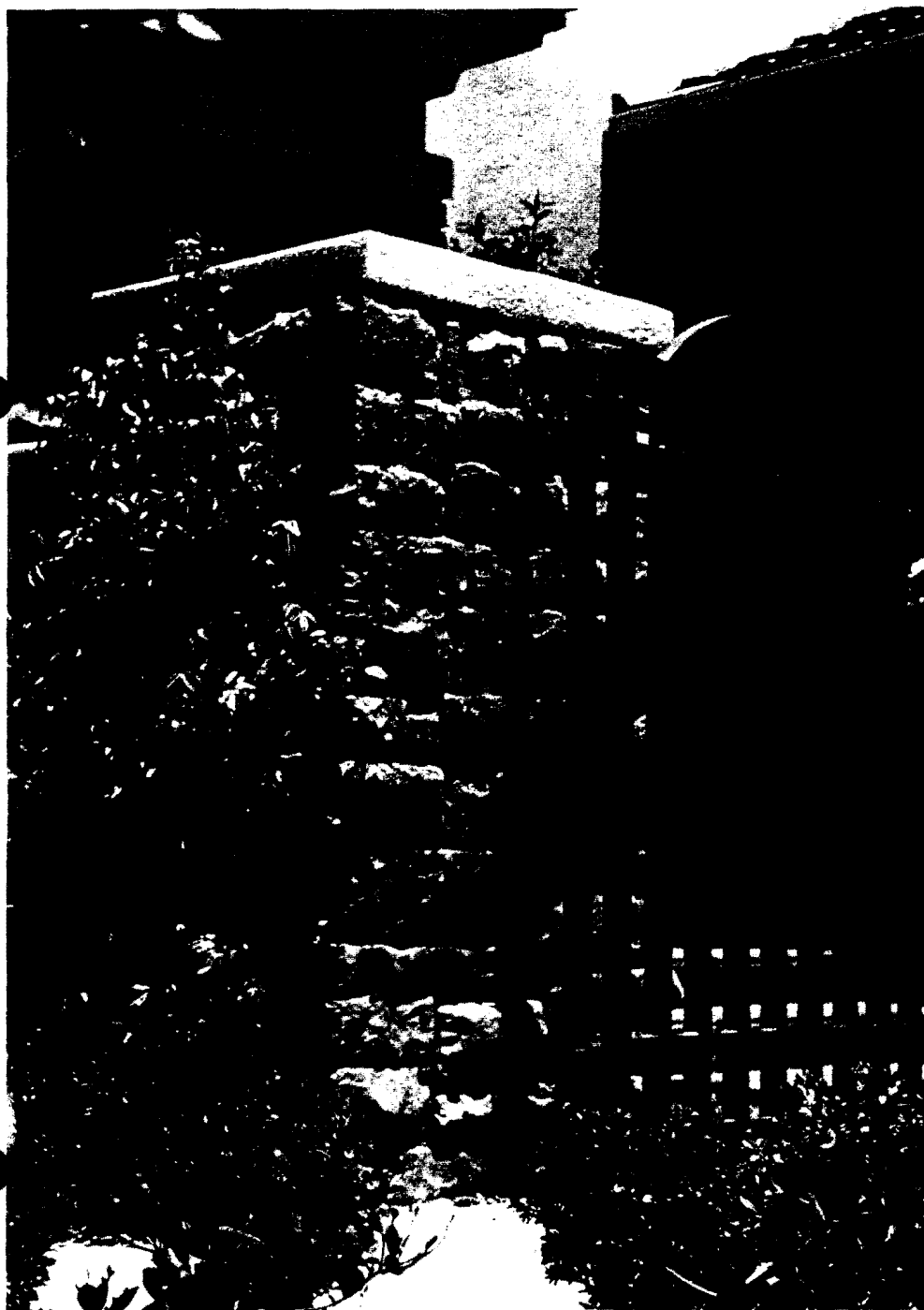
BUCKS COUNTY Limestone (CSL-2074)

C

LAKE ERIE Limestone (CSL-2006)

All product samples shown in 3/4"=1'-0" scale. Companion Hearthstones on page 80.

Below: Suede Limestone appears both on the home itself and in the surrounding landscaping.



CHARLENNAY Limestone (CSL-2015)

BUCKINGHAM Limestone (CSL-2023)

SUEDE Limestone (CSL-2010)

CLIFF Limestone (CSL-2011)

