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Staff:	Randall Stemler
Staff Report:	September 20, 2002
Hearing Date:	October 9, 2002
Commission Action:	

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.:	1-85-102-A1
APPLICANTS:	MARY & MICHAEL SCHUH
APPLICANTS' AGENT:	Michael Leventhal, Leventhal/Schlosser Architects
PROJECT LOCATION:	6850 N. Highway One, approximately one mile south of the town of Little River, Mendocino County (APN 121-050-14).
DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:	Demolition of a 900-square-foot existing dwelling unit, and addition of approximately 2,500-square-feet to another dwelling unit.
DESCRIPTION OF AMENDMENT REQUEST:	Partial demolition, remodel and addition to the existing residence consisting of (1) adding approximately 903 square feet of living space under the existing residence; (2) adding a new elevated deck cantilevered out from the new room addition; (3) replacing the existing roof with a new copper

roof; (4) replacing all windows and exterior siding; (5) repairing the existing perimeter fencing as necessary; (6) making numerous interior changes; and (7) removing the existing greenhouse/garden shed.

GENERAL PLAN DESIGNATION: Rural Residential

ZONING DESIGNATION: Rural Residential, 5-acre Floodplain (FP)

LOCAL APPROVALS RECEIVED: Mendocino County LCP Consistency Review

SUBSTANTIVE FILE DOCUMENTS: (1) CDP No. 1-85-102 (White); (2) CDP No. 1-89-227 (White); (3) CDP No. 1-89-227-A (White); (4) CDP No. 1-89-227-A2 (White); (5) Waiver No. 1-90-50-W (White); (6) Mendocino County LCP

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve with conditions, the requested amendment to the coastal development permit granted originally for the 900-square-foot partial demolition of the existing dwelling unit and the addition of approximately 2,500 square feet to the remaining single-family residence, located at 6850 North Highway One, about one mile south of the town of Little River, Mendocino County.

The amendment request seeks authorization for partial demolition, remodeling, and addition to the existing single-family residence to add living space in the substructure or under-carriage of the existing dwelling, and to construct a new, elevated deck cantilevered out from the new room addition. The existing greenhouse/garden shed would be removed. The remodel would include all new windows, a new copper roof, and new exterior siding, as well as the replacement of existing perimeter fencing as necessary, and numerous interior changes according to the plans as submitted. The proposed addition would increase the previously permitted area to approximately 3,099-square-feet. The size and shape of the attached garage would remain the same.

Staff is recommending one (1) special condition to ensure that the project is consistent with the certified LCP. Special Condition No.1 requires use of non-reflective earthtone natural-appearing colors or materials for exterior siding and visible exterior components to ensure that the development will be visually compatible with the surrounding area consistent with the LUP Policy 3.5-1. The condition also requires that all new exterior lights be low-wattage, non-reflective, and have a directional cast downward.

As conditioned, staff has determined that the proposed development would be consistent with the certified Mendocino County LCP and public access policies of the Coastal Act.

STAFF NOTES:

1. Procedure and Background:

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

Coastal Development Permit No. 1-85-102 (White) was approved for demolition of a 900-square-foot existing dwelling unit, and addition of approximately 2,500 square feet to another dwelling unit existing on the property. The Commission authorized this development on November 8, 1985 as an administrative permit without any special conditions and with only one finding stating that public access was not an issue since the LUP did not designate this parcel as an access parcel. The Commission notes that other permits have been granted for this site, including permit number 1-89-227, which was authorized in 1989 for landscaping and construction of fencing along the eastern and southern property lines. A public access trail extends from Highway One to the sea along the southern property line, and in granting the permit, the Executive Director determined that the fencing and landscaping proposed at the time would not interfere with the trail. The Commission did, however, impose a future development deed restriction condition over the entire property to ensure that the public accessway would remain open. The applicant requested an amendment to that permit to limit the scope of the special condition so as not to require a coastal development permit for otherwise exempt development that would not interfere with the use of the pathway. The Commission granted Permit Amendment No. 1-89-227-A on May 10, 1991, to modify the future development deed restriction special condition to state that only future proposed development within 15 feet of the southern property line where the pathway is located would be subject to the future development restrictions of the permit for constructing fencing and landscaping for the subject property.

The current amendment requests approval for partial demolition, remodeling, and addition to the existing single-family residence to add living space in the under-carriage of the existing dwelling, and to construct a new elevated deck cantilevered out from the new room addition. The existing greenhouse/ garden shed would be removed. The remodel would include all new windows, a new copper roof, and new exterior siding, as well as the replacement of existing perimeter fencing as necessary, and numerous interior changes according to the plans as submitted. The proposed addition would increase the previously permitted area to approximately 3,099-square-feet. The size and shape of the attached garage would remain the same. The average height from natural grade would remain the same as the current height at approximately 24 feet. The development proposed under the permit amendment request would not encroach on the public access pathway except for the in-kind repairs to the fence separating the pathway from the rest of the parcel.

The Executive Director approved the original permit based on a finding that the proposed development would not adversely affect public access. As the development proposed under the permit amendment request would encroach no closer than the originally authorized development to the public access trail located along the southern property line as described above and would not otherwise adversely affect coastal access, the Executive Director found that the proposed amendment would not lessen the intent of Coastal Development Permit No. 1-85-102. Since this amendment request would not result in a lessening or avoidance of the intent of the originally approved permit, the Executive Director accepted the amendment request for processing.

2. Standard of Review

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

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve the proposed amendment to Coastal Development Permit No. 1-85-102-A1 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMITAMENDMENT:

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

II. STANDARD CONDITIONS: (See attached Appendix A)

III. SPECIAL CONDITIONS:

1. Design Restrictions

- A. All exterior siding of the proposed additions shall be composed of natural or natural appearing materials, and all proposed new siding and roofing shall be composed of materials of dark earthtone colors only. Repainting or staining the additions, new siding, or roofing with products that will lighten these elements of the house is prohibited. In addition, all new exterior materials, including roofs and windows, shall be non-reflective to minimize glare; and
- B. All new exterior lights, including any new lights attached to the outside of the buildings, shall be the minimum necessary for the safe ingress and egress of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel.

IV. FINDINGS AND DECLARATIONS FOR APPROVAL

The Commission hereby finds and declares:

1. Site Description & Project Description

The subject site is an approximately 1.4-acre oceanfront parcel located at 6850 North Highway One about one mile south of the town of Little River, in Mendocino County. The parcel is west of Highway One within an area designated as highly scenic [Exhibit No. 1 and 2]. The property is bounded on the north by Buckhorn Creek, and slopes at a 15-degree angle toward the beach at Buckhorn Cove. This single-family residence is landscaped with a manicured lawn and a terraced ornamental garden. The only environmentally sensitive habitat existing in proximity to the proposed development is a riparian ESHA associated with Buckhorn Creek. The proposed development would not extend toward the creek any closer than the current development. There are no known archaeological resources in the vicinity of the proposed development.

The site is currently developed pursuant to Coastal Development Permit No. 1-85-102 (White). Approval was given February 8, 1985 for demolition of a 900-square-foot existing dwelling unit, and the addition of approximately 2,500-square-feet to another dwelling unit existing on the property at the time.

The proposed amendment requests approval for partial demolition and remodeling of the existing residence. Construction would include the addition of approximately 903-square-feet of living space in the under-carriage or supporting sub-structure of the existing residence (and decking above), and construction of a new, elevated deck cantilevered out from the new room addition.

The residence would have all new windows, new copper roofing, new exterior siding, and numerous interior changes. An existing greenhouse/garden shed would be removed. Portions of the perimeter redwood fencing that are dilapidated or rotten would be repaired with like materials as necessary. The proposed height of the new construction would be the same as the height of the existing structure, and would not exceed the current average of twenty-four feet from natural grade. The entire proposed permit amendment would add approximately 903 square feet to the existing 2,891-square-foot single-family structure on the parcel. This includes the approximately 695-square-foot attached garage. No further expansion of this structure's footprint is proposed [Exhibit Nos. 3-5]. The proposed demolition, remodel and addition are not exempt from the coastal development permit requirements of the Coastal Act because (1) the subject development would be located between the first public road and the sea and involves more than a 10% increase in floor area; and (2) the subject development is located within an area designated as highly scenic.

2. Locating New Development

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

Policy 3.8-1 states that Highway 1 capacity, availability of water and sewage disposal system and other known planning factors shall be considered when considering applications for development permits.

Zoning Code Section 20.376.025 provides for one dwelling unit per residentially designated parcel.

Zoning Code Section 20.458.010 states that the creation and/or construction of a second residential unit is prohibited, except for farm employee housing, farm labor housing, and family care units.

The subject property is designated in the Mendocino County LUP and Coastal Zoning Code as Rural Residential, 5-acre Floodplain (FP). The proposed project is an addition to an existing single-family residence located on a 1.4-acre parcel in an area developed with single-family residences, and would not construct additional dwelling units. Therefore, the proposed addition to the single-family residence is consistent with the LUP and zoning designation for the site.

The proposed addition to the residence would not result in an increase in traffic demand on Highway One, since the addition would not result in a change in intensity of use at the site or surrounding area. Furthermore, as discussed in the Visual Resources findings below, the

proposed amendment has been conditioned to be consistent with the visual resource policies of the Mendocino LCP.

The residence is served by well water, and an on-site septic system. No increase in the number of bedrooms would occur; therefore the existing septic tank and leach field as previously approved is sufficient to meet the needs of the proposed development.

The Commission finds, therefore, that as conditioned, the proposed development with the proposed amendment is consistent with LUP Policies 3.9-1, 3.8-1, and with Zoning Code Sections 20.368.025 and 20.458.010, because there will be only one residential unit on the parcel, there will be adequate services on the site to serve the proposed development, and the project will not contribute to adverse cumulative impacts on highway capacity, scenic values, or other coastal resources.

3. Geologic Hazards

LUP Policy 3.4-1 in applicable part states:

The County shall review all applications for Coastal Development permits to determine threats from and impacts on geologic hazards arising from seismic events, tsunami runup, landslides, beach erosion, expansive soils and subsidence and shall require appropriate mitigation measures to minimize such threats.

This shoreline property is not a typical blufftop lot with a steep drop to the ocean, but rather, a lot that slopes gradually to the beach at the most inland extent of the waters of Buckhorn Cove. The distance between the existing development and the beach located at the property line is approximately 128 feet, and includes portions of manicured lawn, and terraced ornamental gardens. During a site visit conducted by staff, no evidence of any landslides, bluff retreat, beach erosion, or other geologic instability was apparent. In issuing the administrative permit for the original project in 1985, the Executive Director determined that the original oceanfront development as proposed was consistent with the Chapter 3 policies of the Coastal Act, including the geologic hazard policy. The risks of shoreline erosion affecting the existing and proposed amended development during the life of the structure are very low, as the house is located on a lot with a fairly uniform rise from the beach to the development site. The rise is less than 30 feet in a horizontal distance of 128 feet, a slope of 15 degrees. The proposed living space addition would be constructed within the under-carriage or supporting sub-structure of the existing home and therefore would not expand the footprint of the development. There would be no encroachment toward the ocean that would expose the proposed new development to any greater risk from shoreline erosion than exists for the existing residence. Therefore, because the oceanfront parcel does not contain a steep bluff that is subject to erosion, because the existing and proposed development is not located on a steep gradient and is separated from the ocean by approximately 128 feet of distance and a sandy beach, and because the proposed development would not extend any closer to the ocean than the current development, the development as amended would not create any new risk of geologic hazard. Therefore, the Commission finds

that the development as amended, is fully consistent with the geologic hazard provisions of the certified LCP.

4. Visual Resources

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

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

LUP Policy 3.5-3 in applicable part states:

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 Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusions of certain areas east of Highway 1.*

...

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

LUP Policy 3.5-4 in applicable parts states:

Buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below rather than on a ridge, or in or near the edge of a

wooded area. Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists.

LUP Policy 3.5-15 in referring to lighting states in applicable part, that lights "*shall be shielded so that they do not shine or glare beyond the limits of the parcel...*"

Coastal Zoning Code Section 20.504.015(A) and (A)(2) state:

(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:

...

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

Coastal Zoning Code Section 20.504.015(C)(1),(2),(3), and (5) in applicable part state:

(C) Development Criteria.

(1) 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.

(2) 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.

(3) 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.

...

(5) Buildings and building groups that must be sited in highly scenic areas shall be sited:

(a) Near the toe of a slope;

(b) Below rather than on a ridge; and

(c) In or near a wooded area.

The subject site is a shoreline parcel located on the west side and immediately adjacent to Highway One in an area designated highly scenic in the Mendocino County LUP. The view from Highway One west through the subject site toward the ocean is of thick riparian vegetation located along Buckhorn Creek located immediately to the north of the subject parcel, of large conifer trees in the vicinity, and of the approximately 11-foot- high front of the existing residence located very close to the highway [see Page 1 of Exhibit No. 5]. The existing house, the local topography, and the presence of thick vegetation block all views from Highway One.

In constructing the proposed development with the proposed amendment, the applicant would utilize exterior colors and materials "generally making the building blend more fully into the surrounding landscape." The applicant proposes to provide new cedar-shingle siding on all exterior walls that would be treated with clear penetrating-oil finish and allowed to achieve a natural weathered finish. The windows would all be changed to non-reflective glass, and the stucco chimney would be painted to match the cedar siding. The new roof would be composed of copper sheeting and allowed to tarnish by natural weathering. The tarnished green color of the copper roof would blend in hue and brightness with the mottled greens of the natural vegetation and ornamental landscaping of the site. Doors and trim would be redwood with clear finish. Although the roof would be changed from flat to peaked, the maximum height would not be increased. Thus, the replacement of the roof would result in no additional view blockage. Therefore, as the proposed building materials and colors would consist of greens and earthtones that would blend into the wooded surroundings of the site and as the changes to the building would not cause additional view blockage, the view from Highway One of the development as modified by the proposed amendment would remain subordinate to the character of its setting.

An existing public access trail is located along the southern property line extending from Highway One to Buckhorn Cove. In securing a coastal development permit for landscaping and construction of the existing perimeter fence, the Commission required that future development on the subject property not interfere with coastal access provided by this public access trail. The current amendment request for the proposed development would encroach no closer to the public access trail than the existing house. As discussed above, the house, as remodeled, would add living space in the structural under-carriage of the existing residence, would provide a new elevated deck cantilevered out from the new room addition, would provide new windows, a new roof, new exterior siding, and changes to the interior space. The development as amended would use exterior materials and colors that blend with the surroundings, and would remain subordinate to the character of its setting. Since the additions would be no closer and no higher than the existing structures to the access easement, and since the project as conditioned would blend in hue and brightness with the surrounding areas, the amended development would result in no additional visual impact on the future users of the access easement.

The existing public view of the current development from the beach and waters of Buckhorn Cove is unsightly due to the framing used for the underpinning and structural support of the lower level of the house. The proposed development with the proposed amendment would close in the lower level of the house with the addition of a bedroom that would be integrated into the architectural appearance of the structure utilizing exterior materials and colors that better blend

with the natural surroundings. The amended project would improve views available to the public from Buckhorn Cove east toward the development consistent with LUP Policy 3.5-1, which requires that new development be visually compatible with the character of surrounding areas.

The changes proposed by the amendment would not involve any grading or alteration of topographic features. The entire addition proposed in the proposed amendment would be contained within the existing footprint without any alteration of natural landforms consistent with the provisions of LUP 3.5-1 that require that permitted development minimize the alteration of natural landforms.

The natural building colors and materials proposed would blend with the colors of the semi-natural state of the development's surroundings, which include the wooded riparian area along Buckhorn Creek and other natural and ornamental landscapes. Because the development is located in a designated highly scenic area, the proposed exterior building materials and colors were chosen to be subordinate to the natural setting, to minimize reflective surfaces, and to blend in hue and brightness with their surroundings consistent with Coastal Zoning Code Section 20.504.015(C)(3). To ensure that the exterior building materials and colors used in the construction of the proposed development with the proposed amendment are compatible with natural-appearing earth tone colors that blend in hue and brightness with their surroundings as proposed, the Commission attaches Special Condition 1, which requires that all exterior siding and visible exterior components be made of natural-appearing materials of dark earth tone colors only. Additionally, Special Condition 1 requires that exterior lights be shielded and positioned in a manner that will not allow glare beyond the limits of the parcel as required by LUP Policy 3.5-15.

The existing residence is approximately twenty-four (24)-feet above average natural grade and has two stories. LUP Policy 3.5-3 and Coastal Zoning Code Section 20.504.015(C)(2) limit the height of structures built in highly scenic areas west of Highway One to eighteen (18)-feet above average natural grade and limit the number of stories to one unless (1) an increase in height would not affect views to the ocean or (2) be out of character with surrounding structures. The proposed development with the proposed amendment would not change the existing height and footprint of the structure and would not block any additional views of the ocean from Highway One or from the public access pathway along the southern boundary of the parcel. Therefore the proposed development with the proposed amendment would not affect views to the ocean. The existing two-story structure appears as if it were a one-story building as viewed from Highway One. Other two-story houses exist in the vicinity, and although the proposed project would increase the number of stories to three, the additional story would not increase the apparent size of the structure as the third story would be built within the structural underpinning of the existing building. The basic architectural style of the proposed project, the bulk, shape, and size of the building, and the use natural appearing materials and colors, including cedar-shingled siding, would be consistent with other houses in the neighborhood. Because the proposed development with the proposed amendment would not affect public views to the ocean and would not be out of character with surrounding structures, the approximately 24-foot height and three stories of

the proposed development with the proposed amendment is consistent with the story and height limitations of LUP Policy 3.5-3, and Coastal Zoning Code Section 20.504.015(C)(2).

Therefore, the Commission finds that since the proposed development would not block any additional view of the ocean and would not increase the height of the existing single-family residence, the development would be sited and designed to protect views to and along the ocean consistent with the applicable provisions of LUP Policy 3.5-1. In addition, as the development includes no significant alteration of natural landforms, the amended development is consistent with the provisions of LUP Policy 3.5-1 requiring that new development minimize the alteration of landforms. Furthermore, the Commission finds that as the proposed amended development would not expand the footprint of the home, the height of the new addition would be consistent with the height of the existing structure, the building colors and materials as conditioned would blend with the existing development on the parcel, and the lighting would be limited to avoid glare, the proposed amended development as conditioned, would be visually compatible with the character of surrounding areas as required by LUP Policy 3.5-1. Therefore, the Commission finds that as conditioned, the proposed development as proposed to be amended is fully consistent with the visual resource protection requirements of the LCP.

5. Water Quality.

LUP Policy 3.1-25 states:

The Mendocino Coast is an area containing many types of marine resources of statewide significance. Marine resources shall be maintained, enhanced and, where feasible, restored; areas and species of special biologic or economic significance shall be given special protection; and the biologic productivity of coastal waters shall be sustained.

LUP Policy 3.1-25 calls for the protection of the biological productivity of coastal waters. Storm water runoff from new residential development can adversely affect the biological productivity of coastal waters by degrading water quality. The proposed development, however, would not significantly adversely affect the water quality of the nearby ocean.

As discussed above, the proposed development with the proposed amendment would be entirely confined within the footprint of the existing structure. Although the roof would be replaced and changed from flat to peaked, the impervious surface would not be increased, and the roof-runoff would be the same amount as before. The nearest portion of the proposed amended development to the ocean would be approximately 128 feet back from the western edge of the property at Buckhorn Cove. The property is well vegetated with a manicured lawn and terraced ornamental gardens. Storm water runoff generated from the development has ample opportunity to infiltrate into vegetated areas and deposit any entrained sediment before leaving the property. Therefore, the Commission finds that the project would not significantly adversely affect the water quality and consequently the biological productivity of nearby coastal waters consistent with the provisions of LUP Policy 3.1-25, because (1) the development proposed by the amended project

would not increase the amount of stormwater runoff from the site, and (2) storm water runoff from the proposed development would be controlled on-site by infiltration into vegetated areas.

6. Environmentally Sensitive Habitat Areas

Policy 3.1-7 of the Mendocino County LUP states that a buffer area shall be established adjacent to all environmentally sensitive habitat areas in order to protect them from significant degradation from future development. This policy is reiterated in Section 20.496.020 of the County's Zoning Code. Buckhorn Creek runs along the northern property boundary of the parcel. At the time that the original development was approved, a narrow buffer was established to protect the ESHA resources associated with Buckhorn Creek. The proposed development would not extend any closer to the riparian ESHA than the current existing development. Therefore, the proposed development with the proposed amendment is consistent with Mendocino County LUP Policy 3.1-7 and with the County's Zoning Code, because a buffer has already been established and would continue to be maintained to its full extent to protect the riparian ESHA from any significant degradation that might result from the proposed amended development.

7. Public Access

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. In applying Sections 30210, 30211 and 30212, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

The original Coastal Development Permit No. 1-85-102 was granted with the Executive Director's determination that "although the property is located west of the first public road, access is not an issue in that the County of Mendocino approved land use plan does not designate this parcel as an access parcel." However, an existing public access trail is located along the southern property boundary line extending from Highway One to Buckhorn Cove. In a subsequent coastal development permit granted for landscaping and construction of the existing perimeter fence, the Commission required that future development on the subject property not interfere with this public access trail. The beach west of the parcel is also available for public access use. The current amendment request for the proposed development would not encroach any closer to the public access trail than the existing development already does. The only encroachment toward the beach would be in the form of the 8-foot-wide deck to be cantilevered off of the seaward side of the proposed downstairs addition. The deck would be approximately 120 feet away from the beach and therefore would not inhibit or affect public access use of the

beach. The proposed house, as remodeled, would add living space in the structural under-carriage of the existing residence, provide a new elevated deck cantilevered out from the new room addition, provide new non-reflective windows, a new roof, new exterior siding, and changes to the interior space. Since the additions would not be appreciably closer and no higher than the existing structures to either the existing public access trail or beach, there would be no additional impact on public access resulting from the proposed amended development.

Therefore, the Commission finds that the proposed development with the proposed amendment does not have any significant adverse effect on public access, and that the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, and 30212, and the coastal access policies of the County's LCP.

8. California Environmental Quality Act (CEQA)

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

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

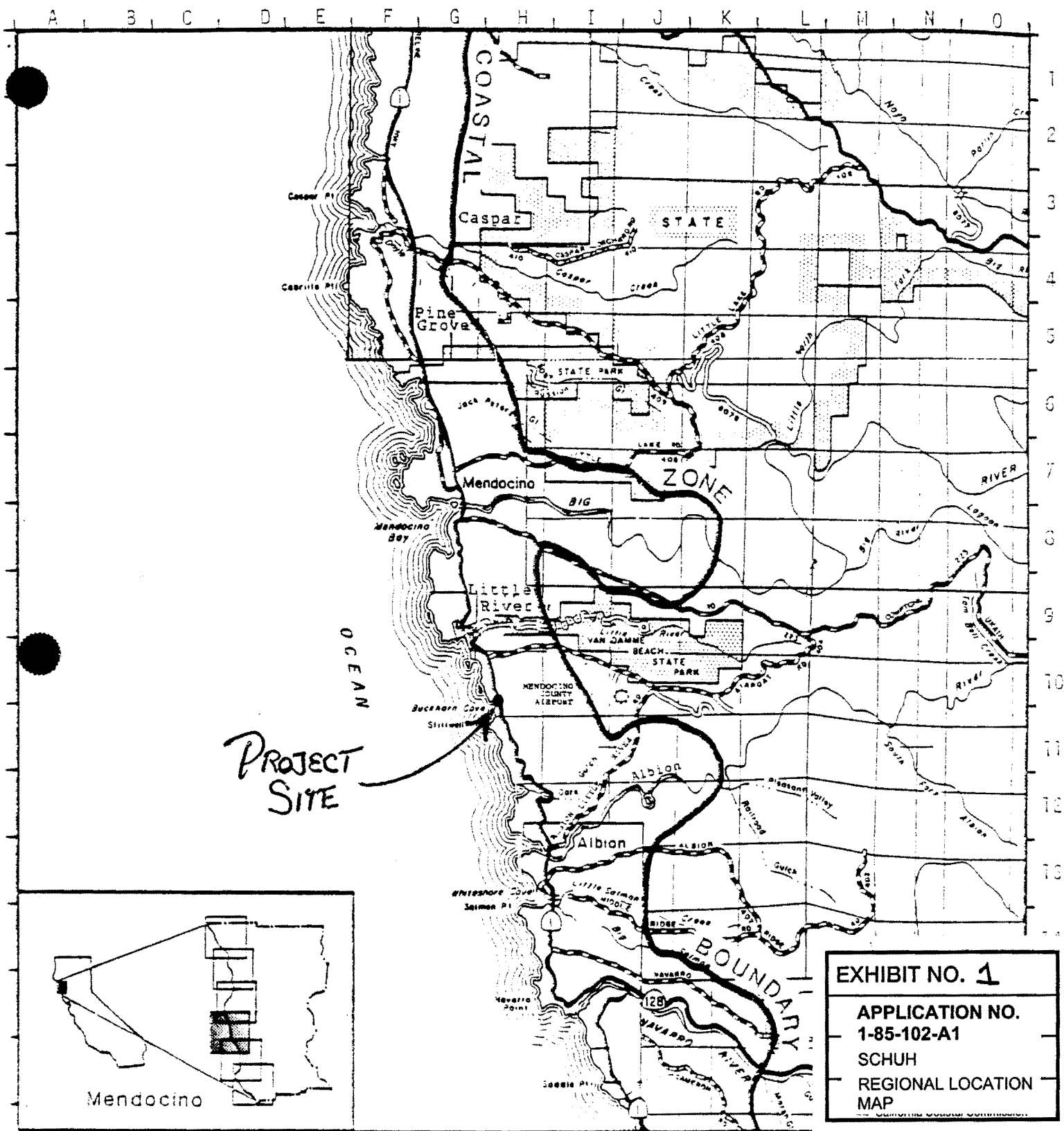
Exhibits:

1. Regional Location Map
2. Vicinity Map
3. Site Plan
4. Floor Plans
5. Elevations

ATTACHMENT A

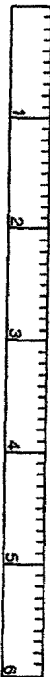
Standard Conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



LOCATION MAP

County of Mendocino

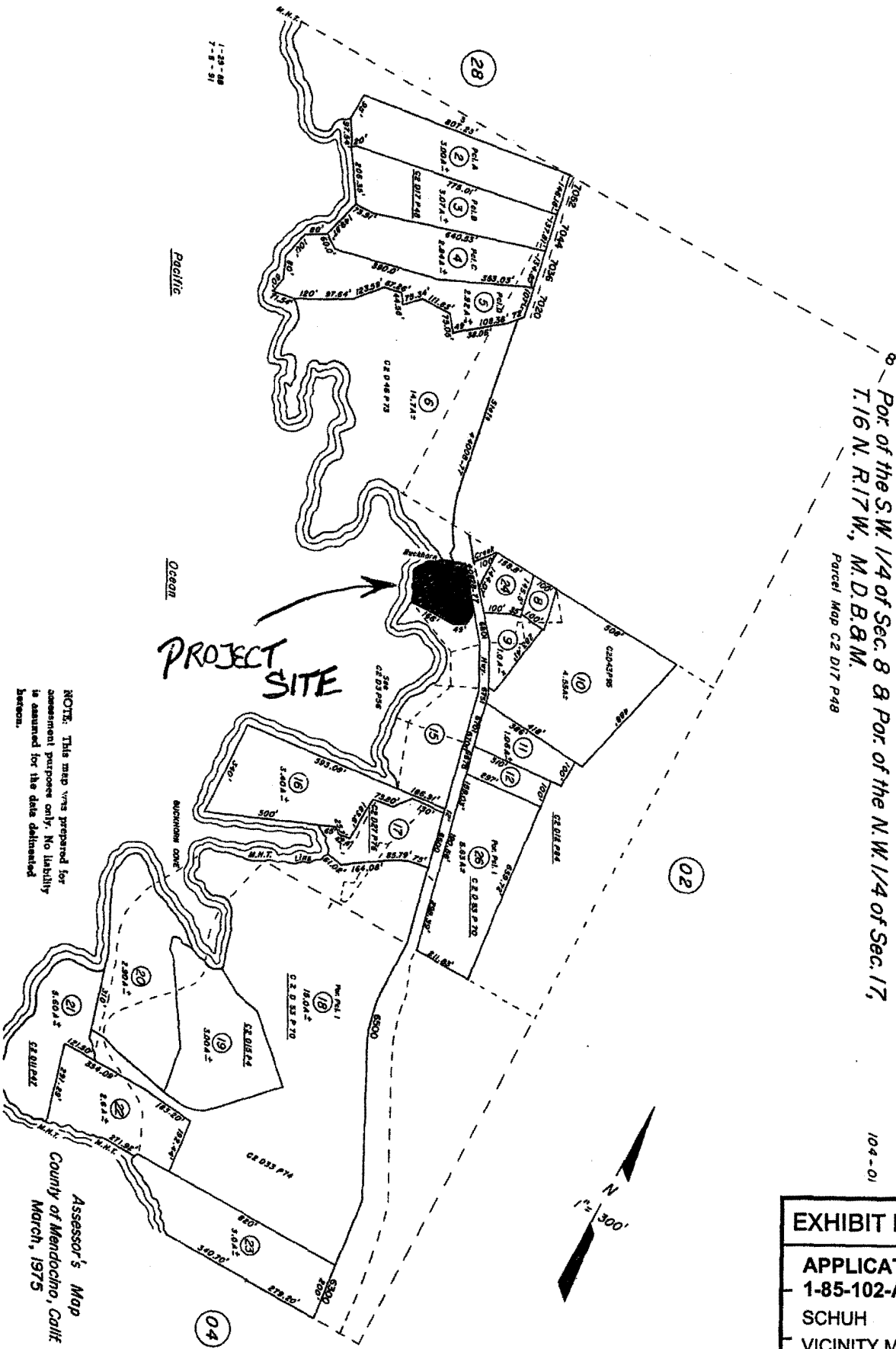


SCALE IN 1/10 OF AN INCH

Por. of the S.W. 1/4 of Sec. 8 & Por. of the N.W. 1/4 of Sec. 17,
T.16 N. R.17 W., M.D.B.&M.
Parcel Map C2 D17 P48

104-01

EXHIBIT NO. 2	
APPLICATION NO.	
1-85-102-A1	
SCHUH	
VICINITY MAP	
California Coastal Commission	



NOTE: This map was prepared for assessment purposes only. No liability is assumed for the data delineated herein.

Assessor's Map
County of Mendocino, Calif.
March, 1975

SITE PLAN

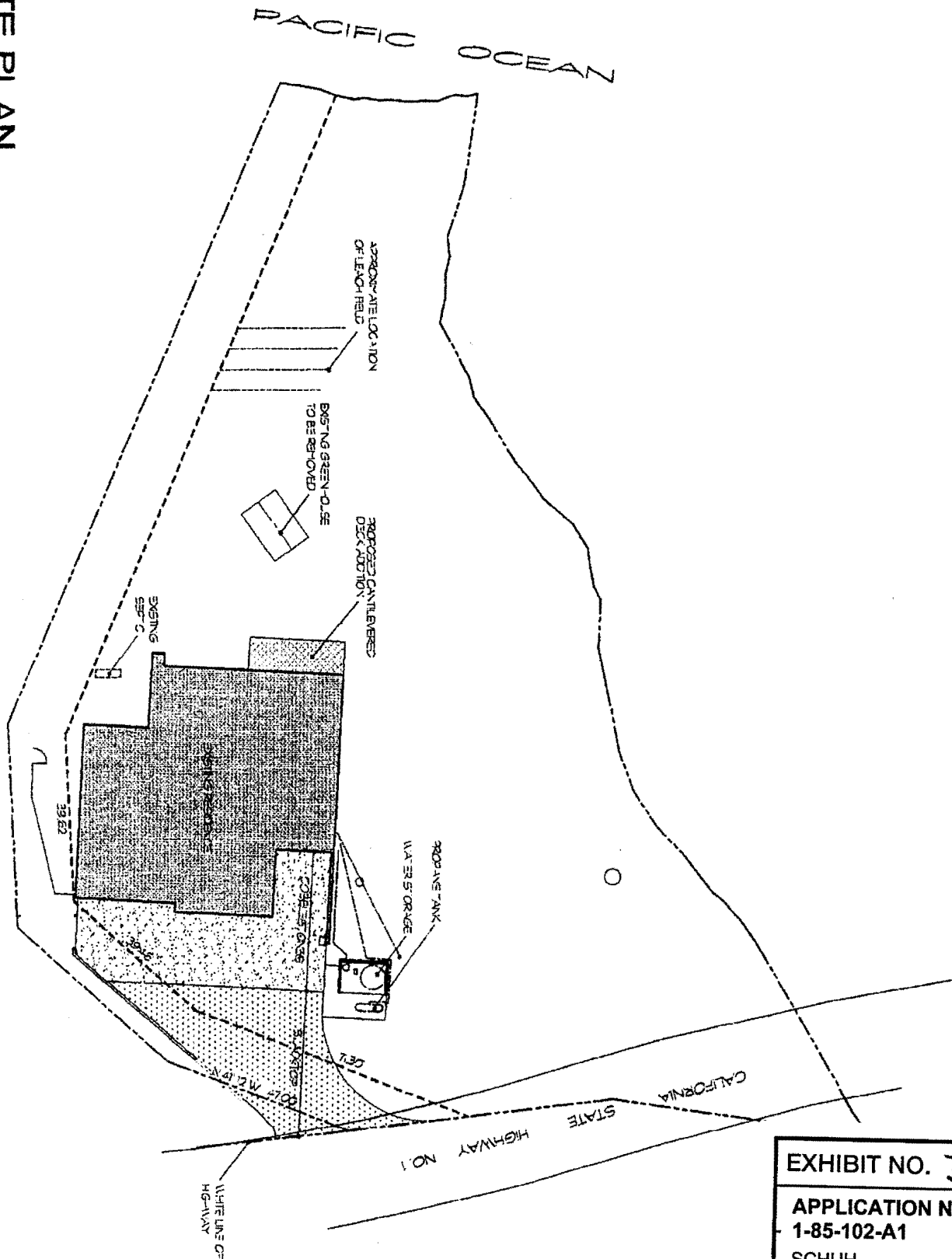


EXHIBIT NO. 3

APPLICATION NO.
1-85-102-A1

SCHUH

SITE PLAN

California Coastal Commission

A12
1
2
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12

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12

Remodel of an Existing Building for
MARY AND MIKE SCHUH
8850 North Highway One
Little River, California, 95456

SITE PLAN





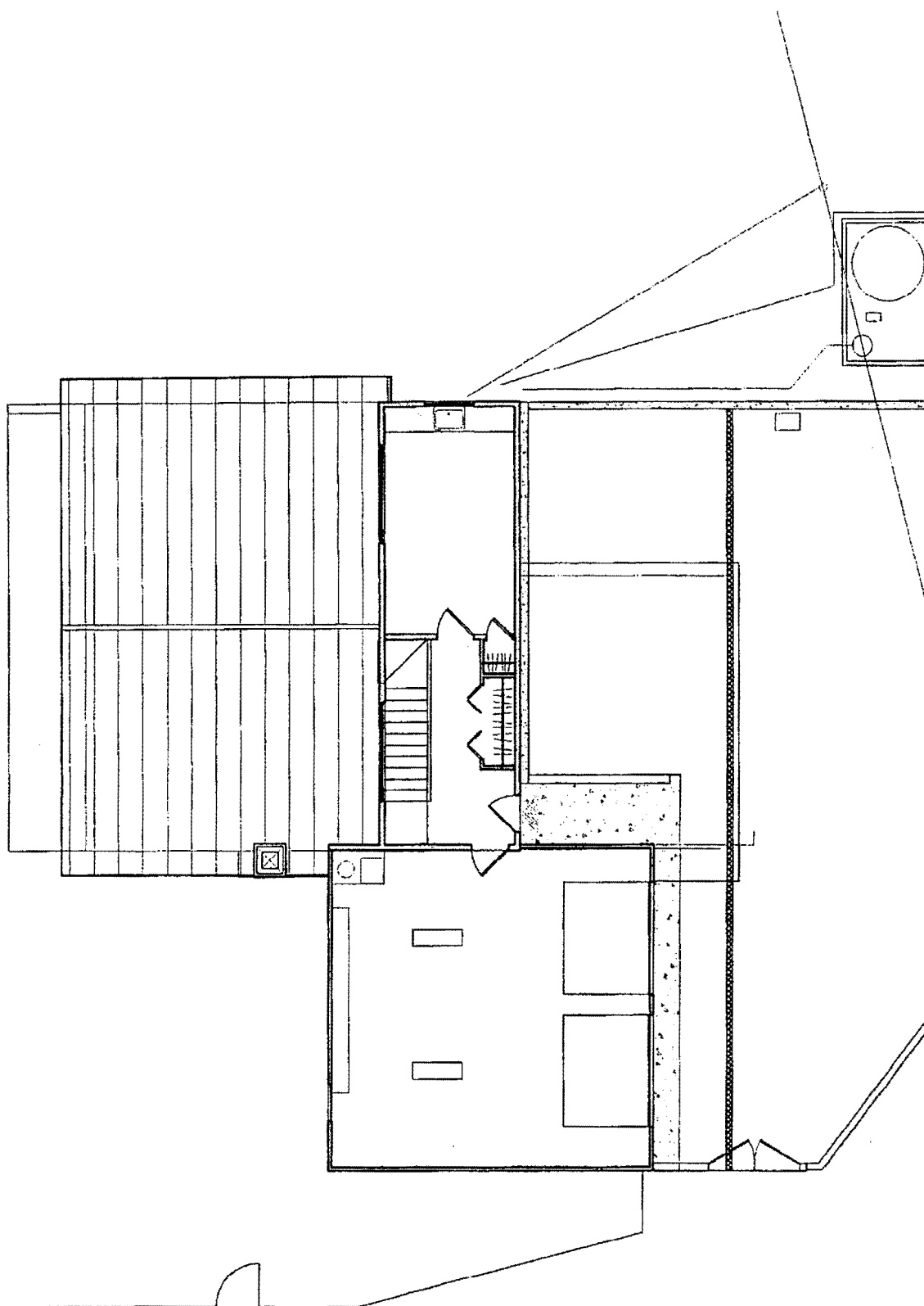
NEW CONSTRUCTION

**NEW CONSTRUCTION
(FOOTPRINT)**

 California Coastal Commission



ENTRY LEVEL FLOOR PLAN



2 of 4

A2.1
DATE
BY
CHKD
APP'D
NO. OF SHEETS
SHEET NO.

REVISIONS
NO.
DATE
DESCRIPTION

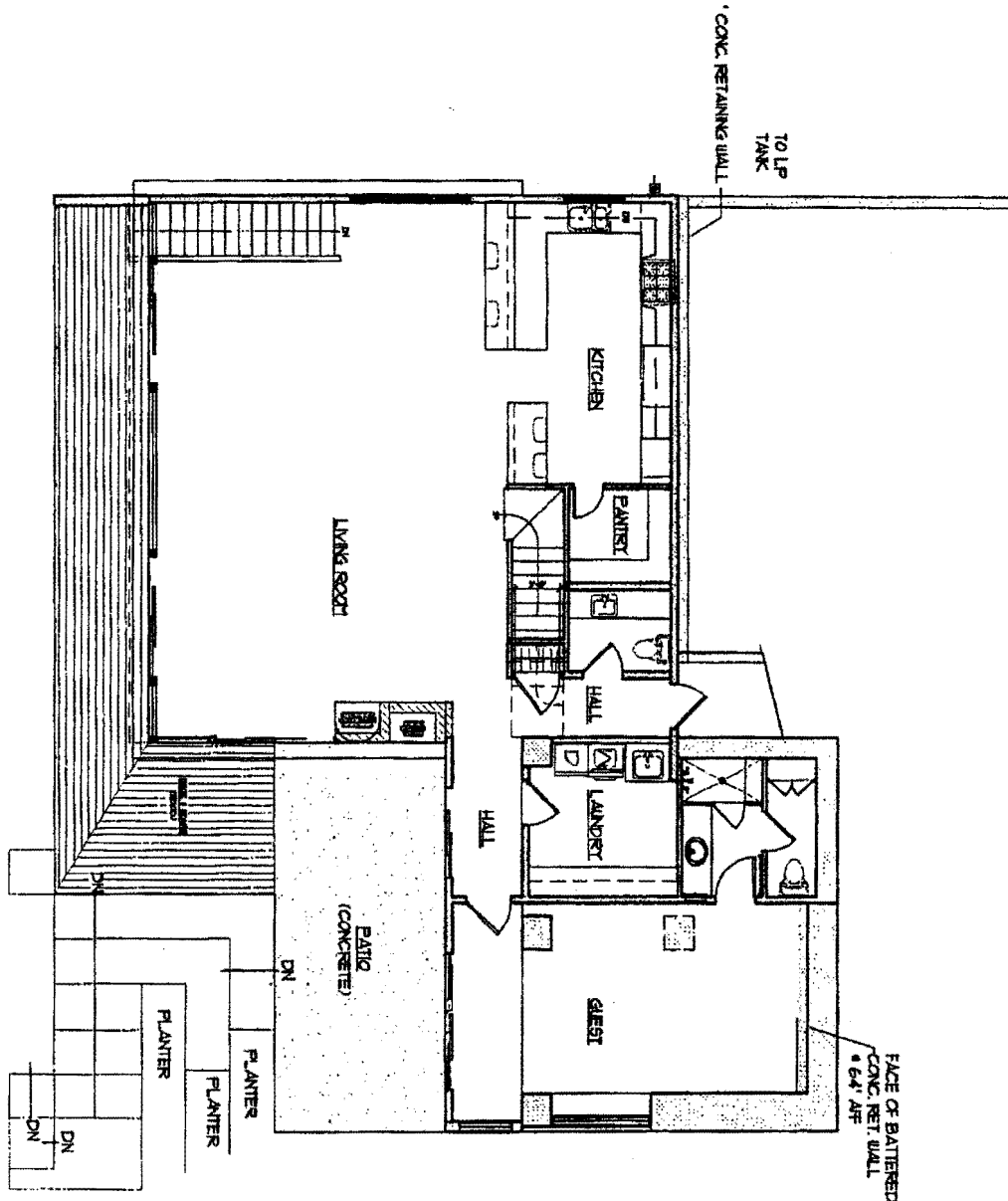
Remodel of an Existing Building for
MARY AND MIKE
SCHEIDT
6860 North Highway One
Little River, California, 95456

ENTRY LEVEL
FLOOR PLAN





LIVING LEVEL FLOOR PLAN



3 of 4

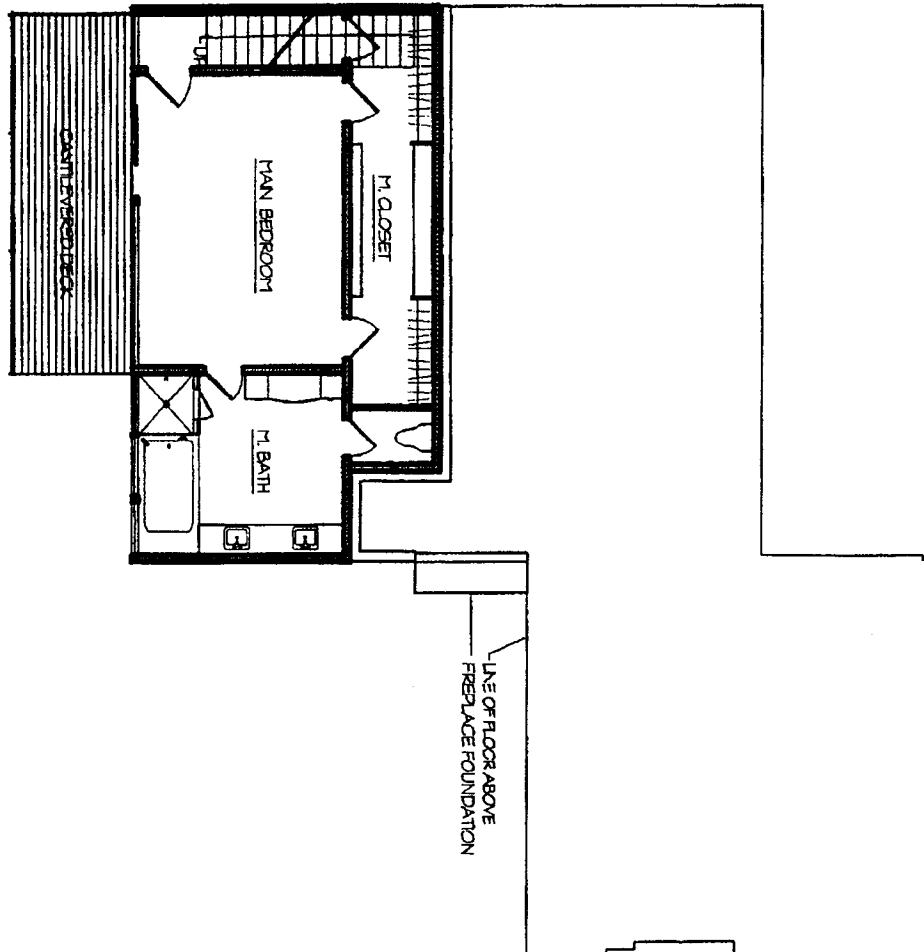
A2.2

DATE	1/1/80
BY	MD
CHECKED	MD
APPROVED	MD
SCALE	1/4" = 1'-0"

Remodel of an Existing Building for
MARY AND MIKE
SCHEIDT
8850 North Highway One
Little River, California, 95456

LIVING ROOM LEVEL
FLOOR PLAN





494

NAME	
ROOM	
DATE	
TIME	
BY	
REMARKS	

A2.3

Remodel of an Existing Building for
MARY AND MIKE
SCHUL
6800 North Highway One
Little River, California, 92450

**M. BEDROOM LEVEL
FLOOR PLAN**



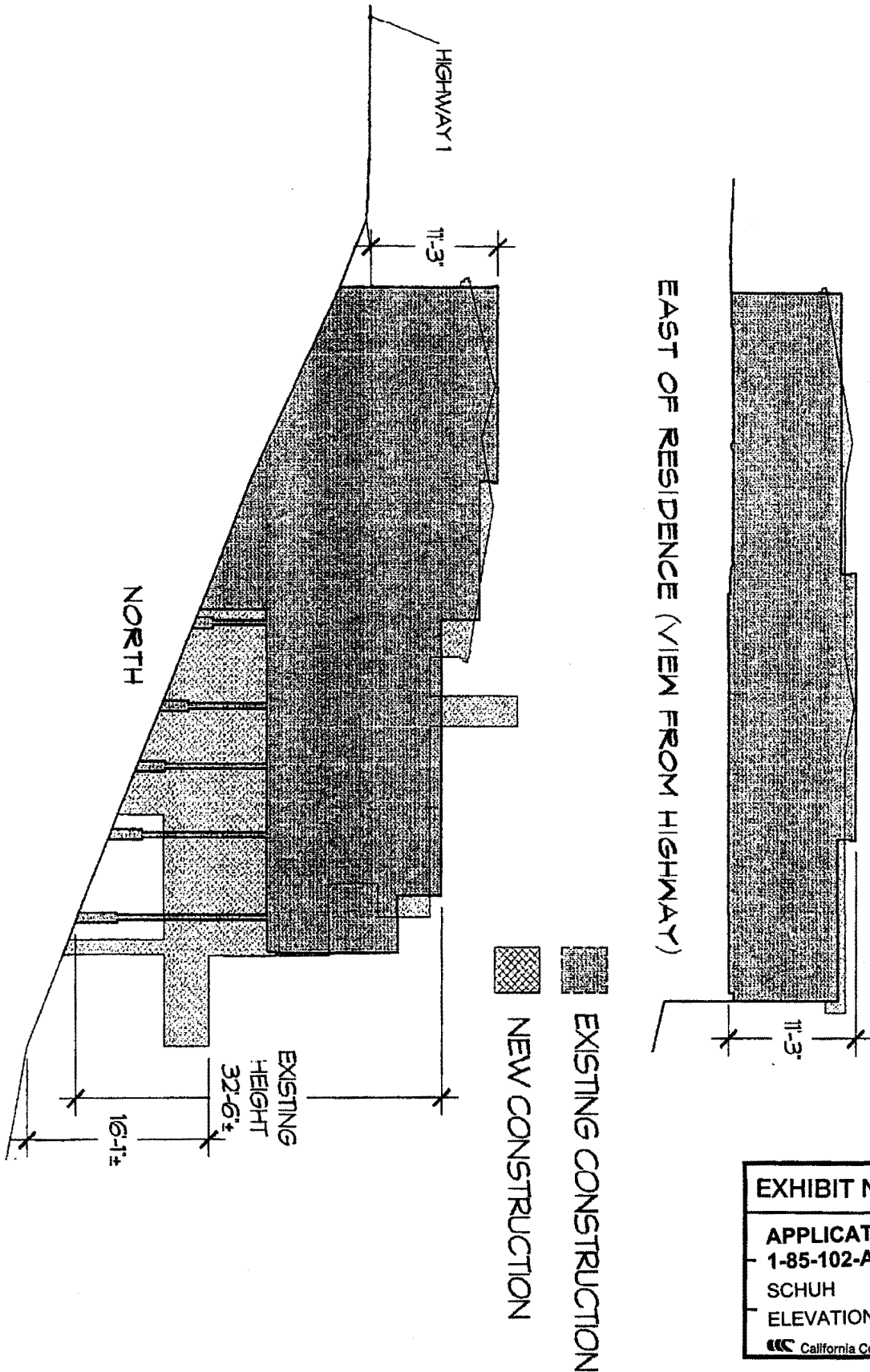


EXHIBIT NO. 5

APPLICATION NO.
1-85-102-A1

SCHUH
ELEVATIONS (1 of 3)

California Coastal Commission

A3.1

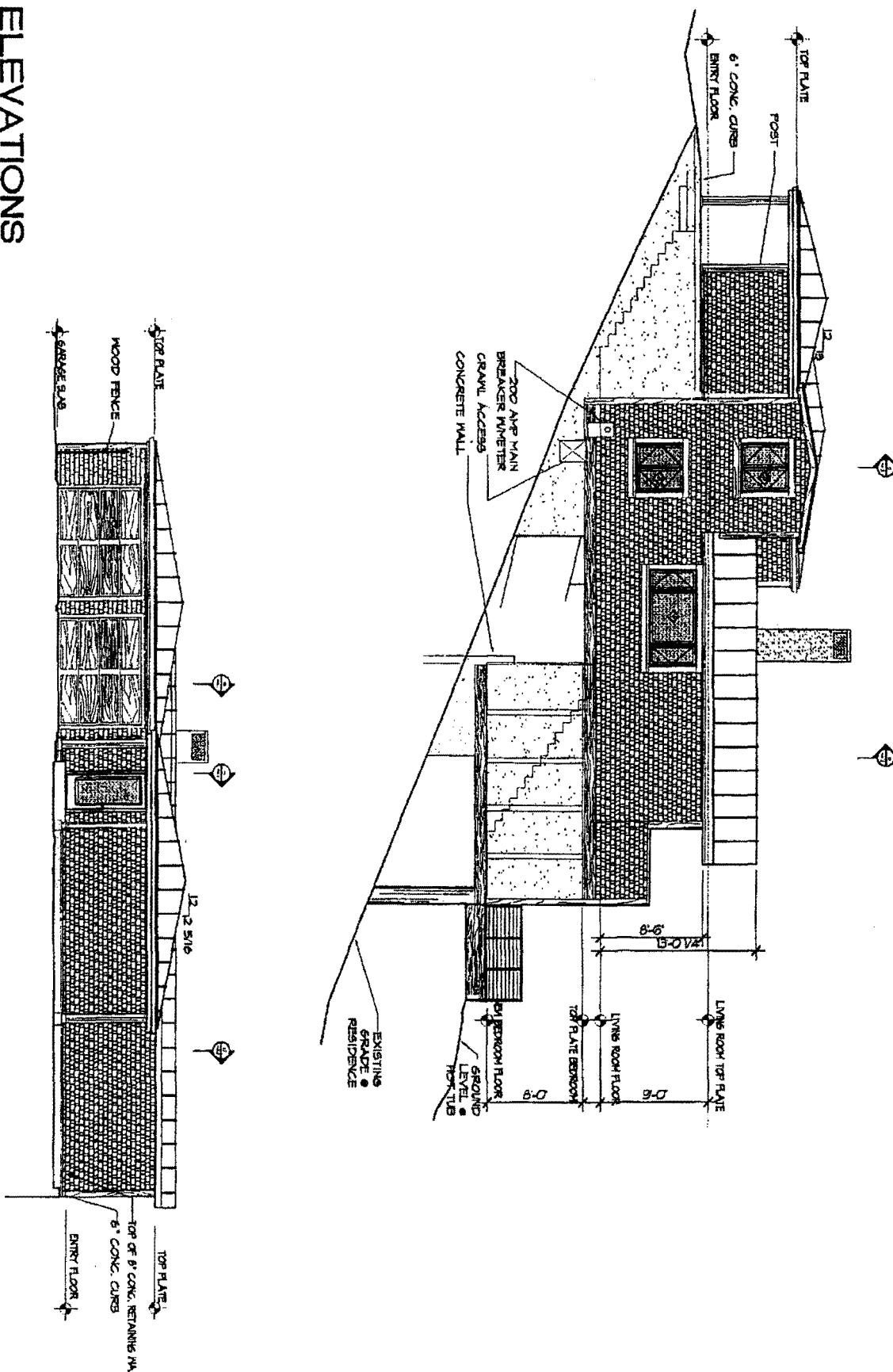
REVISIONS

Remodel of an Existing Building for
MARY AND MIKE
SCHUH
6850 North Highway One
Little River, California, 95456

ELEVATIONS

DEVELOPMENT PROJECT NO. 1-85-102-A1
PROJECT NAME: SCHUH ELEVATIONS
DATE: 10/1/85
DRAWN BY: [Signature]
CHECKED BY: [Signature]

ELEVATIONS



2 of 3

A3.1

NO
FLAME
1/2" x 1/4"

Remodel of an Existing Building for
MARY AND MIKE
 6850 North Highway One
 Little River, California, 95456

EXTERIOR
 ELEVATIONS

DEVELOPER, CONSULTANT, ARCHITECT
 ALL RIGHTS RESERVED. NO PART OF THIS
 DRAWING MAY BE REPRODUCED OR
 TRANSMITTED IN ANY FORM OR BY ANY
 MEANS, ELECTRONIC OR MECHANICAL,
 INCLUDING PHOTOCOPYING, RECORDING,
 OR BY ANY INFORMATION STORAGE
 AND RETRIEVAL SYSTEM.

3 4 3

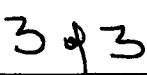


PLATE
12.
FROM
1870-1871

SOCHI



LEVENTHAL, ECHOLS, ARCHITECTS
 GENERAL, INTERIOR, AND EXTERIOR DESIGNERS
 AND EXHIBIT DESIGN GROUPS FORT WORTH, TEXAS
 Phone 817-336-1111 Fax 817-336-1112
 1001 Ross Street