

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET, SUITE 200
EUREKA, CA 95501
(707) 445-7833



RECORD PACKET COPY

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ADMINISTRATIVE PERMIT

Page: 1 of 6

Date: October 29, 2004

Permit Application: 1-04-063

APPLICANT(S): Jack & Linda Shearin

PROJECT DESCRIPTION: Replace failing aluminum windows with vinyl clad; remove three existing windows; replace garage doors in kind; modify wood siding by applying cedar shingles over existing siding; and repaint house to match existing.

PROJECT LOCATION: 45604 South Caspar Drive, Caspar (Mendocino County) (APN 118-400-04)

EXECUTIVE DIRECTOR'S
DETERMINATION:

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE: November 19, 2004 PHONE: (310) 519-8200

TIME: Meeting begins at 9 a.m.

PLACE: Sheraton Los Angeles Harbor, 601 South Palos Verdes Street, San Pedro, CA

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER M. DOUGLAS
Executive Director

By: RANDALL STEMLER
Coastal Program Analyst



STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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 is not commenced, the permit will expire two years from the date this permit is reported to the Commission. 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 or 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit.

Subject to Standard and Special Conditions as attached, said development is in conformity with the certified Mendocino County Local Coastal Program, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Background and Project Description

1. Site

The project setting is in close proximity to Caspar Anchorage, a bay located west of the town of Caspar about halfway between the towns of Fort Bragg and Mendocino, on the Mendocino County coastline (Exhibit Nos. 1 and 2). The subject property is one of several blufftop parcels overlooking the southern portion of the bay, and is part of the Caspar South Subdivision consisting of approximately 110 parcels. The 0.8-acre subject property is currently developed with a two-story, 2,143-square-foot,

single-family residence with an attached 904-square-foot garage, a hot tub, deck, and a 6-foot-tall redwood picket fence along the east and west sides of the property. The existing development was previously permitted by the Executive Director in 1990, under Administrative CDP No. 1-90-88, as amended by the Executive Director in 2004, under Administrative CDP No. 1-04-037. The area is not designated on the certified Land Use Map as highly scenic.

2. Background

The submitted application seeks to modify the project as originally approved and as amended under administrative CDP No. 1-04-037 to add the improvements discussed below. The original permit, CDP No. 1-90-88 was issued with one special condition to require the recommendations of the geologic report to be implemented, specifically the 45-foot blufftop setback. The subsequent amendment, CDP No. 1-04-037 imposed an additional special condition that the project be conducted in accordance with the proposed remodeling as set forth in the application for permit. The additional special condition prohibited any changes to the approved project without an amendment to the coastal development permit unless the Executive Director determines that no amendment is required. Pursuant to Section 13165 of the Commission's regulations, amendments to administrative permits may be approved by the Executive Director upon the same criteria and subject to the same reporting requirement and procedures provided for the original issuance of such administrative permits. As proposed, the amendment request meets the criteria for processing the application as an administrative permit.

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 development within the certified area that is located between the first public road and the sea is the certified LCP and the public access policies of the Coastal Act.

3. Project

Principal elements of the amendment request include (1) the replacement of 16 failing aluminum windows with no change in locations or dimensions, (2) the removal of three existing windows, (3) the replacement of 2 garage doors, (4) the installation of cedar shingles over the existing siding, and (5) the application of paint to match existing. The locations of the 16 replacement windows are as shown on the "Proposed Elevations" page of Exhibit No. 3 of the application, and would be of vinyl-clad construction, and would be of the color "desert sand." The openings resulting from the removal of the 3 windows would be re-sided to match the rest of the completed exterior siding. The two garage doors would be replaced with materials to match existing. No. 1 cedar shingles would be used to cover the existing siding. The entire house exterior would then be repainted to match the existing exterior color. None of the proposed modifications would change the existing height, size, or footprint of the existing residence. As proposed, the exterior finishes would

match the existing colors. The proposed development as amended would maintain the previous required geologic setback of 45 feet from the edge of the coastal bluff, and would not be located any closer to the edge of the bluff than the existing approved development.

B. Visual Resource Protection

The certified Mendocino County LUP includes Policy 3.5-1, which states in applicable part:

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

...

LUP Policy 3.5-1 requires that scenic and visual qualities be protected as a resource of public importance, that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, and be visually compatible with the character of surrounding areas.

The proposed repair and maintenance activities as described above would include modifications to an existing single-family residence located on a blufftop parcel overlooking the south side of Caspar Anchorage. The subject property and the surrounding area are not designated as highly scenic. The applicants have received a written determination from Mendocino County that no LCP consistency review is necessary for the type of project being requested. The project as proposed would not have significant adverse impacts on visual resources. No changes in the height of the existing residential development are proposed. The building materials and color scheme for the repair and maintenance activities would match the existing approved structure, except that the use of cedar shingles would slightly change the texture and visual appearance of the siding. However, once the shingles are painted to match the existing approved color as proposed, the siding would blend well with the character of the surrounding area. Special Condition No. 2 of CDP No. 1-04-037, a previous amendment to the Commission's authorization for development of the single-family residence, requires that any changes to the approved project shall not occur without an amendment to the permit unless the Executive Director determines that no amendment is required. This condition is re-imposed without revision as a condition of this permit amendment. Therefore, the Executive Director will be able to review any changes to the proposed building materials and colors to determine if they are consistent with the visual resource protection policies of the LCP and need a permit amendment.

Therefore, for all of the above reasons, the Executive Director finds that the proposed project would be sited and designed to protect views to and along the ocean and scenic coastal areas, and be visually compatible with the character of surrounding areas consistent with the visual

resource protection requirements of LUP Policy 3.5-1 of the certified Mendocino County LCP.

C. Public Access

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. 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, 30212, and the public access policies of the certified LCP, the Commission is also limited by the need to show that any denial of a permit application based on these sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential access.

The subject property is located in Caspar South Subdivision along a private road on the Mendocino County coastline between Highway One and the shoreline on a coastal terrace at the south end of Caspar Anchorage. Certified LUP Map No. 15 designates that public access should be acquired along South Caspar Drive. This road borders the subject parcel across the front of the property and leads from Point Cabrillo Drive out toward the headlands south of Caspar Anchorage, but does not provide pedestrian access to the shoreline. There is no beach at the base of the very steep and rocky bluff along this portion of the bay, however Caspar Beach State Park is a very popular beach with easy public access in the immediate vicinity.

The amendment as proposed to make slight alterations to the existing single-family residence would not increase the demand for public access as it would not add any new residential units that would bring more people to the coast. There is no existing public access on the blufftop portion of the subject property that would be affected by the proposed development. Because the proposed development would not affect any existing access to the shoreline, or increase the demand for access to the shoreline, or preclude future acquisition of public access along South Caspar Drive, the Executive Director finds that the proposed development does not have any significant adverse impact on public access, and that the proposed development without new public access is consistent with the coastal access requirements of the Mendocino County certified LCP and Coastal Act Sections 30210, 30211, and 30212.

SPECIAL CONDITIONS

Special Condition No. 1 of the original permit (Gallagher CDP No. 1-90-88) and Special Conditions Nos. 2 and 3 of the previous amendment (Shearin CDP No. 1-04-037) are re-imposed without revision as conditions of the permit amendment and remain in full force and effect.

1. The recommendations of the geologic report shall be implemented, specifically the 45 foot bluff-top set-back will be followed. Any deviation from the recommendations of the geologic report will require an amendment to permit 1-90-88.
2. Performance in Accordance with Approved Plans

The permittee shall conduct the project in accordance with the proposal as set forth in the application for permit. No changes to the approved project shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Erosion Control and Protection of Water Quality

The applicant shall implement the following erosion and runoff control measures which will serve to minimize the volume and velocity of stormwater runoff leaving the subject development, and to capture sediment and other pollutants contained in stormwater runoff from the subject development, by facilitating on-site infiltration and trapping of sediment generated from construction:

1. A physical barrier consisting of bales of straw placed end to end shall be installed between any construction and bluff edges that are downslope of the approved construction. The bales shall be composed of weed-free rice straw, and shall be maintained in place throughout the construction period.
2. Vegetation at the site shall be maintained to the maximum extent possible and any disturbed areas shall be replanted or seeded with native vegetation immediately following project completion. No non-native invasive plants shall be used.
3. All on-site debris stockpiles shall be covered and contained at all times.
4. Runoff from the roofs of the house additions authorized herein shall be collected and directed into pervious areas on the site (lawn or other landscaped areas) for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site. Where gutters and downspouts are used, velocity reducers shall be incorporated, to prevent scour and erosion at the outlet.

ACKNOWLEDGEMENT OF PERMIT RECEIPT / ACCEPTANCE OF CONTENTS:

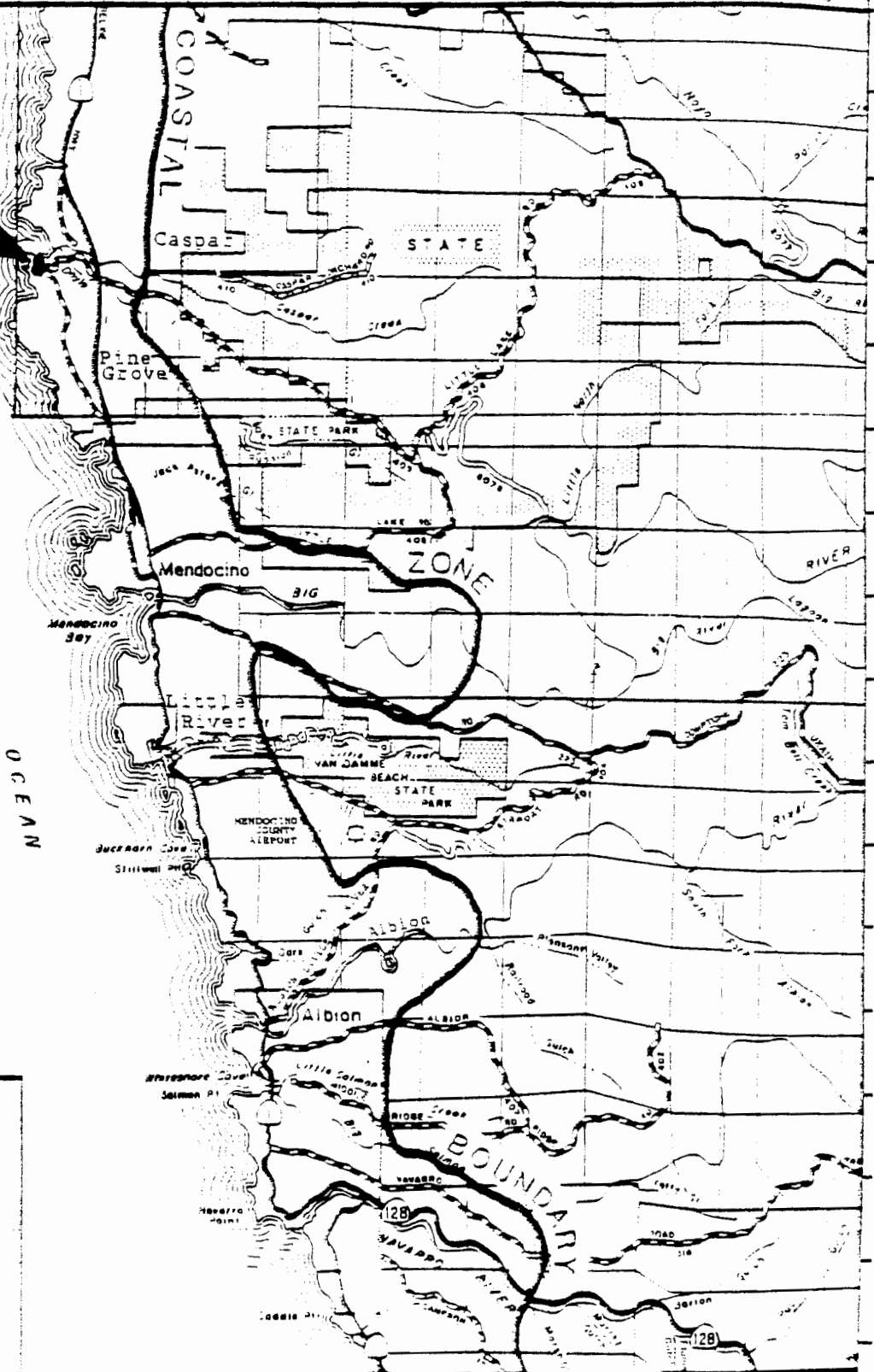
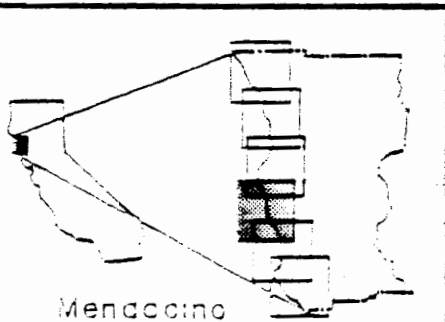
I / We acknowledge that I / we received a copy of this permit and have accepted its contents including all conditions.

Applicants' Signatures

Date of Signing

PROJECT SITE

EXHIBIT NO. 1
APPLICATION NO.
 1-04-063
 SHEARIN
 REGIONAL LOCATION
 MAP



PROJECT SITE

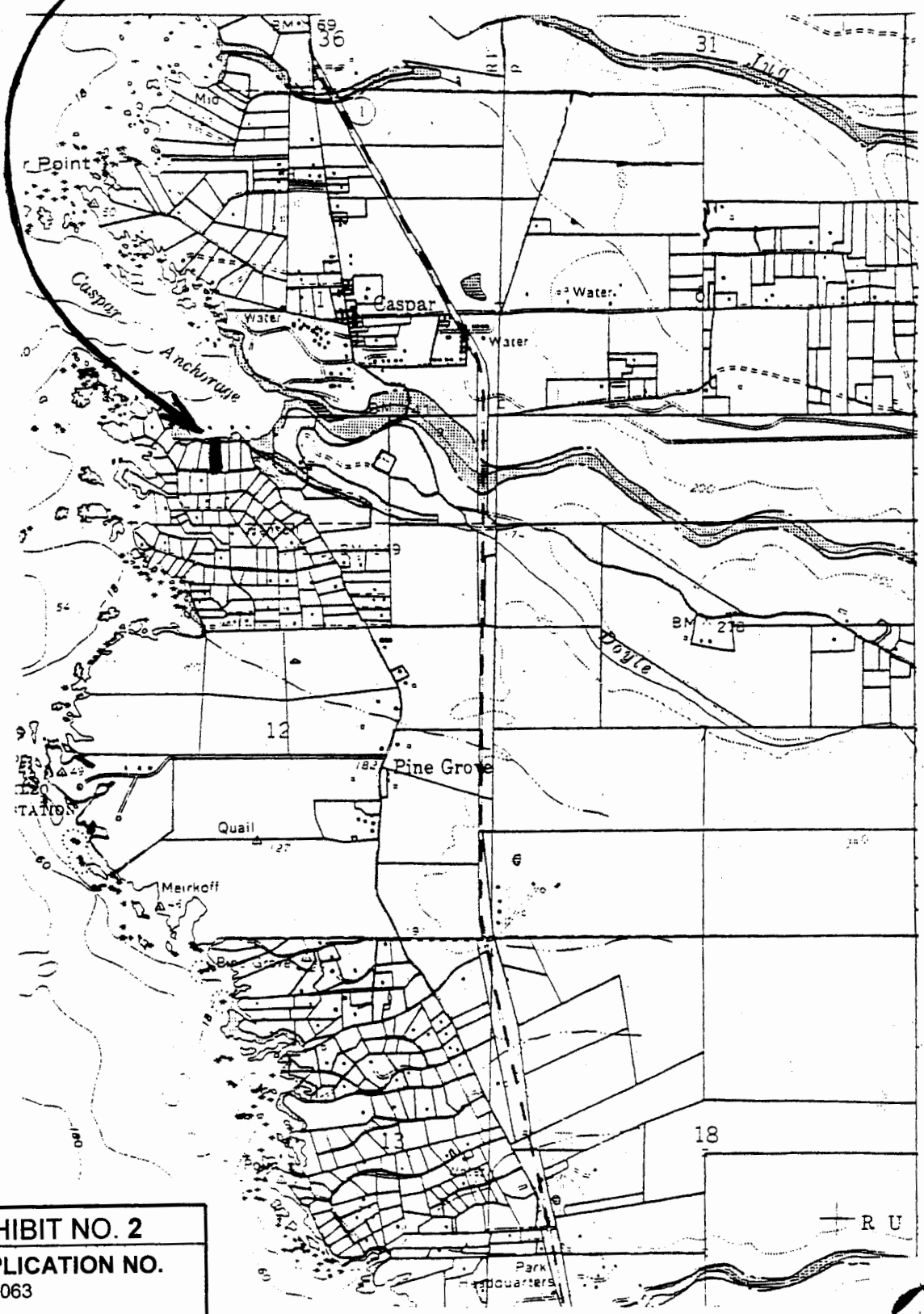
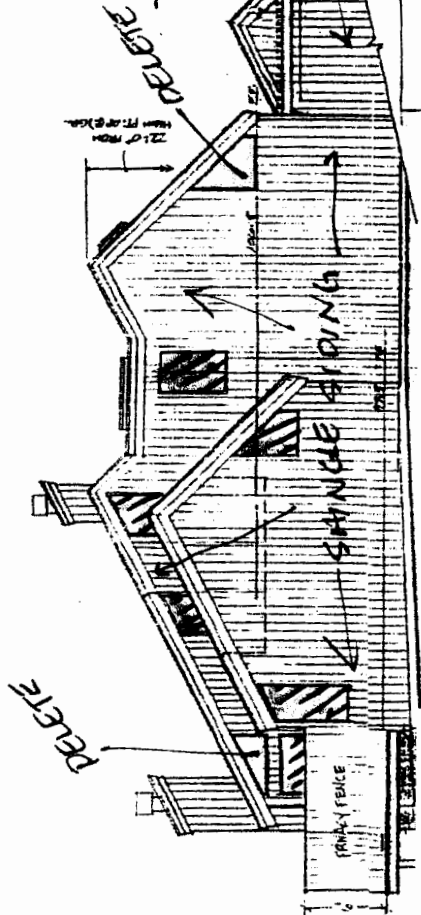
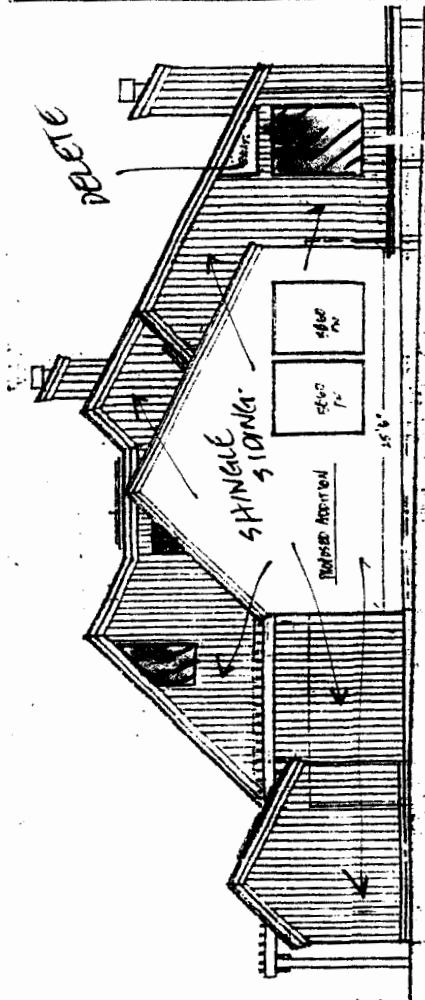


EXHIBIT NO. 2
APPLICATION NO.
1-04-063
SHEARIN
VICINITY MAP

NORTH
NO SCALE

LOCATION MAP

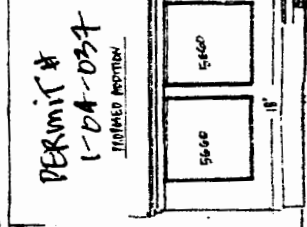
WINDOWS TO BE REPLACED:



EAST

REPLACE GAR. DR.

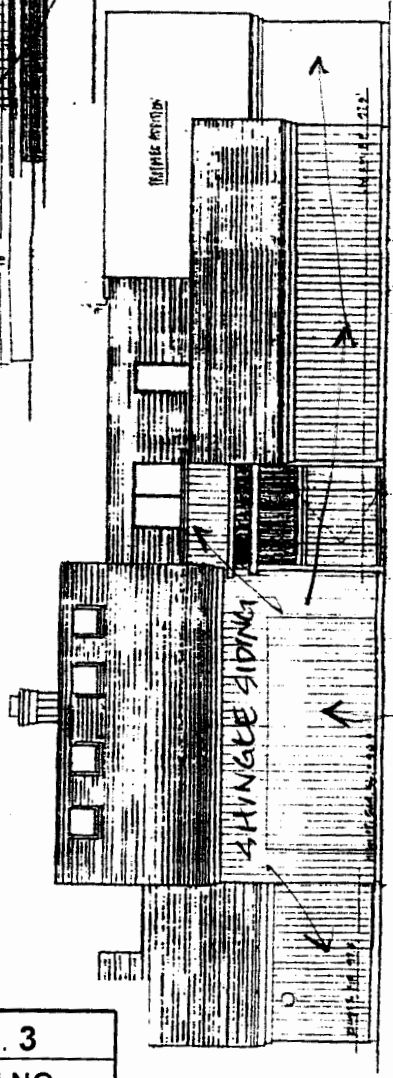
WEST (AN VIEW OF ADDITION)



NORTH

SHINGLE SIDING

SCALE = 1/4" = 1'-0"



SOUTH

REPLACE GARAGE DOOR

PROPOSED ELEVATIONS

EXHIBIT NO. 3
APPLICATION NO.
1-04-063
SHEARIN
ELEVATIONS

PROPOSED ELEVATIONS

ARCHITECTS
L. CARSON SOWLE
JOHN F. COOK
15004 SOUTHWALK DRIVE
MENDOTA, ILL. 61850

DATE: _____
SHEET NO. _____

DATE: _____
SHEET NO. _____

DATE: _____
SHEET NO. _____