

From: [Rob Fitzsimmons](#)
To: [Steve Klick](#); [Diana Wiedemann](#); dw@dianawiedemann.com
Subject: Re: christenson cdp modification Geotech discussion
Date: Friday, August 25, 2023 1:40:18 PM
Attachments: [CDPM_2023-0002 Correspondence 4.18-5.5.2023 emphasis added re geotech condition.pdf](#)

Thank you for the clarification.

Diana, I do want to point out that I had explained that this condition would apply back in May, after you informed me that the Geotechnical Report covered the entire site and that you felt clarification from Bauer Associates was unnecessary (see attached). In order to avoid setting the project timeline back, I will prepare a memo for Coastal Permit Administrator hearing covering this and modifying the recommended Condition 8.

Best,

Rob Fitzsimmons

Planner II
Planning and Building Services
Mendocino County

From: Steve Klick <steve@bauergeotech.com>
Sent: Thursday, August 17, 2023 4:53 PM
To: Diana Wiedemann <dweed@mcn.org>; Rob Fitzsimmons <fitzsimmons@mendocinocounty.gov>; dw@dianawiedemann.com <dw@dianawiedemann.com>; Julia Krog <krogj@mendocinocounty.gov>
Subject: Re: christenson cdp modification Geotech discussion

Hi Rob,

Our August 7, 2020 Geotechnical Investigation Report scope of work was exclusively for the main residence structure that we understand has already been built. We did not include geotechnical recommendations for other structures on the property.

Let me know if you have any other questions regarding our report.

Thanks,

Steve Klick
Engineering Geologist

Bauer Associates Inc.
Geotechnical Consultants

www.bauergeotech.com

P.O. Box 460
Forestville, CA 95436
707-478-1349 c
707-887-2505 o

From: Diana Wiedemann <dweed@mcn.org>

Sent: Thursday, August 17, 2023 9:51 AM

To: Rob Fitzsimmons <fitzsimmons@mendocinocounty.org>; dw@dianawiedemann.com <dw@dianawiedemann.com>; Steve Klick <steve@bauergeotech.com>; Julia Krog <krogj@mendocinocounty.org>

Subject: christenson cdp modification Geotech discussion

Hi Rob I am trying to get in touch with you and heard you are now working away from office and have gone back to school....good luck.....

I have a problem with one of your condition regarding needing to follow the Geo Tech report as it runs with property that is erroneous as the work with the Geo Tech was solely for house site and the cliff stability which Bauer work was satisfied. They are not responsible or hired to report and investigate on any other buildings that will be subject to bldg permit, as these buildings are well beyond 50 ft bluff set back requirement. So your report CPA-5 (Hazards) and CPA-9 condition #8 need to be amended to **remove requiring a Geo tech report. I will get a letter from Bauer and Associates today responding to this matter....** Please call my office to discuss and email me also.

regards Diana

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Diana Wiedemann - Architect
707-937-2807

From: [Rob Fitzsimmons](#)
To: [Diana Wiedemann](#)
Bcc: [Julia Krog](#)
Subject: Re: CDPM_2023-0002 Additional Materials Requested
Date: Friday, May 5, 2023 11:32:11 AM
Attachments: [EST_2023-0122.pdf](#)

You can apply for a Coastal Variance - see attached fee estimate. However, please note that in order to support a Variance, the following findings must be made:

[MCC Sec. 20.540.020 - Findings.](#)

Before any variance may be granted or modified it shall be shown:

(A) That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surroundings; and

(B) That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in this Division and applicable policies of the Coastal Element; and

(C) That such variance is necessary for the preservation and enjoyment of privileges possessed by other property in the same vicinity and zone and denied to the property in question because of the special circumstances identified in Subsection (A); and

(D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and

(E) That the variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel; and

(F) That the granting of such variance is in conformity with all other provisions of this Division and the Mendocino Coastal Element and applicable plans and policies of the Coastal Act.

(Ord. No. 3785 (part), adopted 1991)

If these findings cannot be made, staff would not be able to support granting a Variance.

Best,

Rob Fitzsimmons

Planner II

Planning and Building Services

Mendocino County

From: Diana Wiedemann <dweed@mcn.org>
Sent: Friday, May 5, 2023 10:56 AM
To: Rob Fitzsimmons <fitzsimmons@mendocinocounty.org>
Subject: Re: CDPM_2023-0002 Additional Materials Requested

can we get a variance on set back from south RL property 60 ft it would need to be who should we confir with should I call Michel at coastal commission let me know your thoughts regards diana

On 5/5/2023 10:14 AM, Rob Fitzsimmons wrote:

As requested in our phonecall just now, please find attached the Zoning Map for the subject parcel and immediate environs.

Best,

Rob Fitzsimmons
Planner II
Planning and Building Services
Mendocino County

From: Rob Fitzsimmons <fitzsimmons@mendocinocounty.org>
Sent: Thursday, May 4, 2023 3:23 PM
To: Diana Wiedemann <dweed@mcn.org>; [dw@dianawiedemann.com](mailto:dwan@dianawiedemann.com)
<[dw@dianawiedemann.com](mailto:dwan@dianawiedemann.com)>
Subject: Re: CDPM_2023-0002 Additional Materials Requested

Good afternoon,

I got your call yesterday, and received the items you left for me today. Thank you for submitting the Elk Water letter and the other materials.

Typically, if a Site Plan needs to demonstrate that a setback will be met, it must show the distance between the nearest points on the features being referenced. The Site Plan attached to your last email, Sheet A1.2b, does not show that the nearest points on the ADU and top of bluff will be at least 125' apart (it also doesn't seem to include the subject parcel's APN). This means additional restrictions apply, including the necessity of a Geotech study and a Deed Restriction prohibiting the development of bluff or shoreline protective devices to protect the ADU from bluff retreat, erosion, or other coastal hazards in the future. However, the current ADU location cannot be permitted regardless, as upon review the neighboring parcel is zoned Rangeland (RL), which imposes a 200' setback onto ADUs pursuant to MCC 20.458.045(F).

20.458.045(F) *An ADU may not be permitted in a residential area on a parcel within two hundred (200) feet of lands that are designated AG, RL, FL or TPZ unless it is attached to an existing legally-authorized residence and does not extend further into the setback from the parcel with AG, RL, FL or TPZ zoning. In such cases, the ADU would not be considered an expansion of a legal, non-*

conforming use.

The ADU in its current location encroaches upon the above-referenced 200' setback. Please note that **all** neighboring parcels are zoned Rangeland.

Regarding the other technical reports, the Archeological Report concludes that "The project area contains no indicators of the presence of prehistoric or historic era archaeological deposits other than the excavated right of way of the railroad." The project scope changed since this was written (for example, the 600sf cottage is now an 800sf ADU, which again cannot be permitted in the current proposed location). The Archeological Commission may not feel this matters, but a letter would make it stronger.

Similarly, the ESHA survey did not examine the ADU and other items as the 'Project Area', but they were included in the Study Area and do meet the prescribed setback. If you wish to move forward without a letter, we can do so, but CDFW or another Responsible Agency may take issue with it.

The Geotech study you've provided states:

When actual building plans are developed, a detailed geotechnical investigation with subsurface exploration should be performed to provide recommendations for engineered grading to mitigate weak surface soils, foundation design, concrete slabs-on-grade, retaining walls as applicable, geotechnical drainage improvements and other supplemental services. We anticipate that subsurface exploration should consist of excavating test pits and/or borings.

This "detailed geotechnical investigation" would be required as a Condition of Approval.

Please submit a **revised Site Plan** either removing the ADU or showing that it meets all required setbacks. If considering a new location, please be sure to take into account the Highly Scenic limitations of [20.458.045\(C\)](#). And as previously stated, a completed application for a **Preliminary CAL FIRE clearance** for the ADU is still needed as well.

Best,

Rob Fitzsimmons
Planner II
Planning and Building Services
Mendocino County

From: Diana Wiedemann <dweed@mcn.org>
Sent: Thursday, April 27, 2023 11:24 AM
To: Rob Fitzsimmons <fitzsimmons@mendocinocounty.org>;
diana.wiedemann@mcn.org <diana.wiedemann@mcn.org>

Subject: Re: CDPM_2023-0002 Additional Materials Requested

Good day Rob attached are some of the requested pieces of information you requested be sent to you and more will be coming next week once I get letters back from consultants....let me know you received these and are satisfied with them regards, Diana Wiedemann project Architect

1. Elk Water District letter of approval for a second water hook up.
2. New site plans for project per request and please use these as it shows ADU is more than 125 ft from bluff and also septic tank and pressurized line run to existing approved septic system in first CDP application.
3. Archeological Report attached please read pages 1-3 addressing site survey which included ADU area ...not sure I need a letter here...as we did the survey knowing we were phasing CDP.
4. Geo-tech reconnaissance was for entire bluff site once again read report page 2 & 3 and not sure we need a letter here either.
5. WRA esha did the whole site and hence why we have a 100 ft set back line from coastal bluff scrub....will get a letter if need be but they did the whole site again with anticipating this second phase....
6. No problem with a deed restriction for ADU it is welcomed!!!

On 4/18/2023 4:47 PM, Rob Fitzsimmons wrote:

Good afternoon,

It was good speaking with you today. To summarize, the following items are still needed in order for review of CDPM_2023-0002 to move forward:

- written approval from the Elk County Water District, specifically authorizing the connection of the ADU
- a completed application for a Preliminary CAL FIRE clearance for the ADU

Additionally, while not strictly necessary at this point, the following items have also been requested and may make for a stronger Staff Report and/or head off potential issues down the road:

- digital copies of the ESHA Analysis, Archeological Report, and Geotechnical Report
- letters from the preparers of the ESHA Analysis, Archeological Report, and Geotechnical Report, confirming that the revisions to the the project do not change their overall recommendations or require further review
- a Site Plan showing the full extent of the property and all proposed improvements (I meant to bring this up in our phonecall - the only sheet showing the proposed improvements only shows a portion of the parcel, while the sheet showing the full parcel only shows the

existing structures)

As discussed, a Deed Restriction will also ultimately be required prior to issuance of the Building Permit for the proposed ADU, pursuant to [MCC § 20.458.020\(F\)](#). Once drafted, the Deed Restriction will need to be reviewed by County Counsel before it can be recorded, which can take some time. If you'd like, I can provide some template language for the Deed Restriction, and once a complete draft has been prepared I can forward it to County Counsel so the review can run in parallel with the processing of the CDPM.

Best,

Rob Fitzsimmons
Planner II
Planning and Building Services
Mendocino County

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MEMORANDUM

DATE: SEPTEMBER 14, 2023
TO: COASTAL PERMIT ADMINISTRATOR
FROM: ROB FITZSIMMONS, PLANNER II
SUBJECT: MODIFICATION OF RECOMMENDED CONDITION 8 AND STAFF REPORT FOR
CDPM_2023-0002

SUMMARY:

The Staff Report and Recommended Conditions for CDPM_2023-0002 were prepared based on the materials submitted by the agent, including the 2020 Geotechnical Report prepared by Bauer Associates, Inc. After the Staff Report had been completed and the 9/14/2023 hearing noticed, the agent had the Geotechnical Report's authors (Bauer Associates, Inc) submit a clarifying email (**Attachment 1** of this memo) stating that the recommendations included in said report need not apply to the additions proposed in CDPM_2023-0002. Changes to the Staff Report and Recommended Conditions are included below to factor in this additional information.

AMENDMENTS:

The Hazard Management section of the Staff Report, on page CPA-5, includes a paragraph starting with "Bauer Associates" which should be amended as follows (additions underlined, removals struck through, bold and italics as in original):

Bauer Associates, Inc. conducted a Geotechnical Reconnaissance Report (April 2020, updated August 2020) in support of CDP_2020-0028, concluding "*that the planned development is feasible from a geotechnical engineering viewpoint. The primary geotechnical concerns are the presence of weak natural surface materials and variable density old fills, if present.*" On 8/17/2023, Steve Klick of Bauer Associates clarified via email that the report was "exclusively for the main residence structure" and "did not include geotechnical recommendations for other structures on the property." As all elements of the project maintain at least a 100-foot setback to the edge of the bluff, staff do not feel that additional geotechnical review for the elements proposed by this CDPM are necessary. It is not made clear in the report what the "planned development" refers to, beyond there being a "planned residence". However, the report covers the entire parcel and appears to be applicable to the proposed development of CDPM_2023-0002. The report recommends a 50 foot setback from the bluff edge, and further states "~~When actual building plans are developed, a detailed geotechnical investigation with subsurface exploration should be performed to provide recommendations for engineered grading to mitigate weak surface soils, foundation design, concrete slabs on grade, retaining walls as applicable, geotechnical drainage improvements and other supplemental services. We anticipate that subsurface exploration should consist of excavating test pits and/or borings.~~" The recommended blufftop setback is rendered unnecessary by the overlapping, larger ESHA setback (**Condition 11**), but staff recommend **Condition 8**, requiring the applicant provide a detailed geotechnical investigation prior to the issuance of any Building Permits for the proposed development.

Recommended Condition 8 should also be amended, as follows:

8. Prior to issuance of a Building Permit, all grading specifications and techniques will follow the recommendations cited in the Uniform Building Code or the geotechnical engineer's report (Bauer Associates April 2020 and August 2020).