

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260



Tu 12a

Filed:	October 12, 1995
49th Day:	November 30, 1995
Staff:	Jo Ginsberg
Staff Report:	November 3, 1995
Hearing Date:	November 14, 1995
Commission Action:	

STAFF REPORT: APPEAL

LOCAL GOVERNMENT:	Mendocino County
DECISION:	Approved with Conditions
APPEAL NO.:	A-1-MEN-95-57
APPLICANT:	PERRY MARINO
PROJECT LOCATION:	1400 Navarro Bluff Road, 4 miles north of Elk, Mendocino County, APN 126-140-04.
PROJECT DESCRIPTION:	Construction of a one-story, 1,600-square-foot, single-family residence, decking, septic system, well, driveway, and parking area.
APPELLANT:	Perry Marino
SUBSTANTIVE FILE DOCUMENTS:	Mendocino County LCP; Mendocino County CDP #33-95.

STAFF NOTE:

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 mean high tide line or inland extent of any beach or top of the seaward face of a

A-1-MEN-95-57
PERRY MARINO

Page Two

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 or the public access policies set forth in the Coastal Act.

The subject project has been determined to be appealable to the Commission because the proposed residence is located between the sea and the first public road paralleling the sea.

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. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project, which may occur at a subsequent meeting. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is 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, 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.

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 for the following reason: The locally approved development conforms to the Mendocino County Certified Local Coastal Program.

I. APPELLANT'S CONTENTIONS

The Commission received an appeal for this project from Perry Marino, the applicant. The appellant gives the following statement as the reason for his appeal:

The relocation of the proposed site closer to Navarro Bluff Road would increase the height of the dwelling by more than 17 feet obstructing the public ocean view from Coast Highway One in violation of General Plan Coastal Element 3.5 (Protection of Visual Resources, to Protect Views To and Along the Ocean).

The project, as proposed in regard to the location of the residential development, will meet all requirements dictated by Policy 3.5-1 of the Coastal Element and Section 20.504.020(D) of the zoning code. Furthermore, as indicated in the 'Staff Report For Coastal Development Standard Permit' the project, as proposed, also complies with zoning requirements for Rural Residential Zoning District set forth in Section 20.376 et.seq. and Section 20.416, and with all other zoning requirements of Title 20 - Division II of the Mendocino County Code.

The site location, as proposed, also conforms with [the] majority of the homes on Navarro Bluff Road which are also located on the bluff and do not interfere with scenic coastal views.

The relocation of the proposed site toward the road would not be in accordance to policy 3.5 of the Coastal Element and the zoning policies mentioned above in regard to protection of the scenic and visual resources of coastal areas of public importance. Please note that the closer the project is moved toward the road the greater the obstruction of the public ocean view from Coast Highway One.

Finally, the "Staff Report for Coastal Development Standard Permit" supports the approval of the project as proposed. The coastal planner completing this report is the only representative who has made an actual site visit. Staff recommends that the Coastal Permit Administrator to approve the proposed project.

II. LOCAL GOVERNMENT ACTION

The project was originally scheduled for a hearing before the Coastal Permit Administrator (CPA) on July 27, 1995 (Coastal Permit #CDP 33-95). The applicant was applying for a single-family residence, fence, decking, septic system, well, and driveway. A staff report had been prepared with a number of special conditions attached. Public testimony at the first public hearing on the project raised issues regarding the proposal's visual impact and compatibility with the neighborhood. The application was continued for review

of additional information which was considered at the second public hearing. Based upon information and testimony from the applicant and the public, the application was conditionally approved by the Coastal Permit Administrator. Conditions of approval required relocation of the proposed residence and elimination of the proposed six-foot-high solid board fence. At the public hearings, the applicant did not object to removal of the fence because he stated it was at the request of an adjacent owner. The applicant did object to relocation of the site of the proposed residence, and appealed the Coastal Permit Administrator's decision to the County Board of Supervisors.

On September 25, 1995, the County Board of Supervisors heard the applicant's appeal. The appeal was rejected on a 3-2 vote, and the decision of the Coastal Permit Administrator was upheld.

In approving the project, the County imposed seven special conditions. The County's final findings and conditions of approval are included as Exhibits No. 6 and 7. The applicant objects to Special Condition No. 7, included below:

Special Condition No. 7: The proposed dwelling be relocated from its proposed site to the east towards Navarro Bluff Road. The rear of the structure, as proposed to be sited, shall be no further than 150' from Navarro Bluff Road.

The North Coast Area office of the Commission received notice of the County's final action on September 29, 1995. The local decision was appealed in a timely manner to this Commission by Perry Marino on October 12, 1995.

III. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. Staff recommends a YES vote on the following motion:

MOTION:

I move that the Commission determine that Appeal No. A-1-MEN-95-57 raises NO substantial issue with respect to the grounds on which the appeal has been filed.

To pass the motion, a majority of the Commissioners present is required. Approval of the motion means that the County permit is valid.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Setting and Description.

The County of Mendocino approved construction of an approximately 1,600-square-foot, one-story, single-family residence, approximately 700 feet of decking, a septic system, a well, an approximately 200-foot-long driveway, and a parking area on a narrow blufftop lot on Navarro Bluff Road. The site is located west of Highway One, approximately four miles north of Elk, within a small subdivision of approximately 23 parcels in an otherwise rural, mostly undeveloped section of coast. The subject parcel slopes slightly towards the bluffs, then slopes steeply approximately 160 feet to a rocky intertidal area below. There is no sensitive habitat on the parcel.

The subject property is zoned in the County's LCP as Rural Residential-5 acres minimum (RR-5)/Rural Residential-5: Development Limitations (RR-5:DL), meaning that there may be one parcel for every 5 acres, that the parcel is designated for residential use, and that development on a portion of the property (from the 160' contour line west) may be limited due to slopes exceeding 30 percent, bluff erosion, or landslides. The subject parcel, which is .5-acre in size, is a legal, nonconforming lot.

B. Substantial Issue Analysis.

The Commission finds that no substantial issue exists because the locally approved project conforms to the certified LCP with respect to the area of concern raised by the appellant, as discussed below.

The applicant raises essentially two main issues as to why the County's action to require the house to be located near the road rather than near the bluff is inconsistent with the certified LCP. Both issues concern interpretation of the LCP's visual resource policies.

The subject site, although located west of Highway One, is not a designated Highly Scenic Area and is thus not subject to the County's LCP policies regarding protection of visual resources within designated Highly Scenic Areas. Nonetheless, there are other LCP policies regarding protection of coastal views that do apply to areas that are not designated as Highly Scenic such as the subject property.

Policy 3.5-1 and Zoning Code Section 20.504.020(D) state:

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.

1. Protection of Ocean Views.

The applicant contends that siting the proposed residence closer to the bluff, as he proposes, would have less of an impact on the public's view of the ocean from Highway One or from Navarro Bluff Road because the house would be farther downslope and thus would appear lower on the horizon. He states that if the house is sited closer to the road, as approved by the County, the public's view of the ocean would be blocked, inconsistent with LUP Policy 3.1-5 and Zoning Code Section 20.504.020(D), which require permitted development to be sited and designed to protect views to and along the ocean and scenic coastal areas.

The Commission acknowledges that to site the house closer to the bluff would improve somewhat the public's view of the ocean from the road, in the manner described by the applicant, when looking directly west across the subject parcel. However, the Commission notes that the parcel is only 50 feet wide, thus any view of the ocean from the road directly opposite the proposed house is quite fleeting. Furthermore, there are other viewing areas from the road from which oblique ocean views would be blocked by siting the proposed development closer to the bluff. Most importantly, the house is proposed in a relatively small, isolated subdivision along a rural section of the Mendocino coast. There are extensive ocean views provided from sites located both north and south of the subdivision, so the subject parcel does not provide coastal views not otherwise available nearby. Thus, whatever public view would be preserved by siting the proposed residence closer to the bluff is minimal and not significant within the present setting.

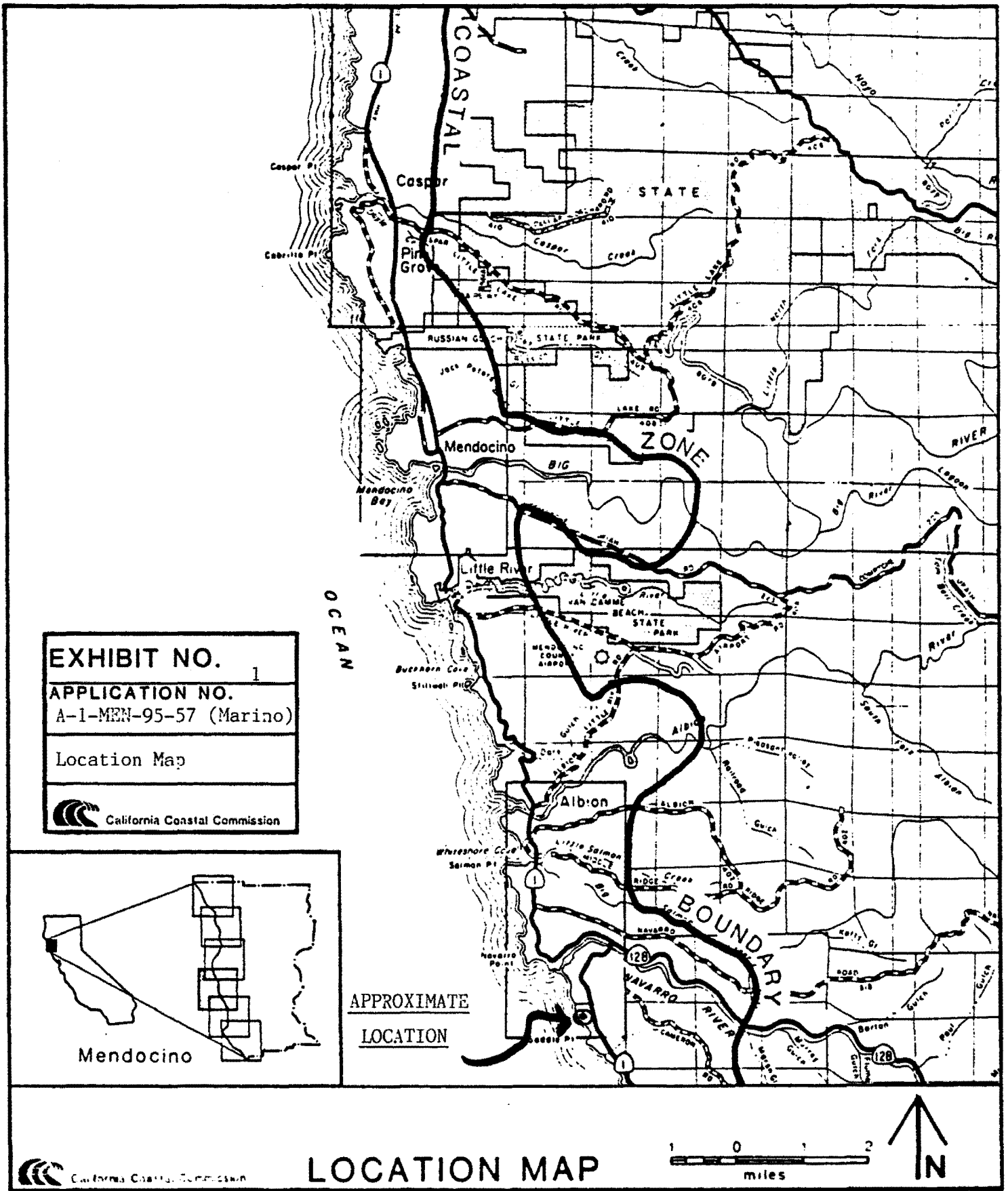
2. Visual Compatibility with the Character of the Surrounding Area.

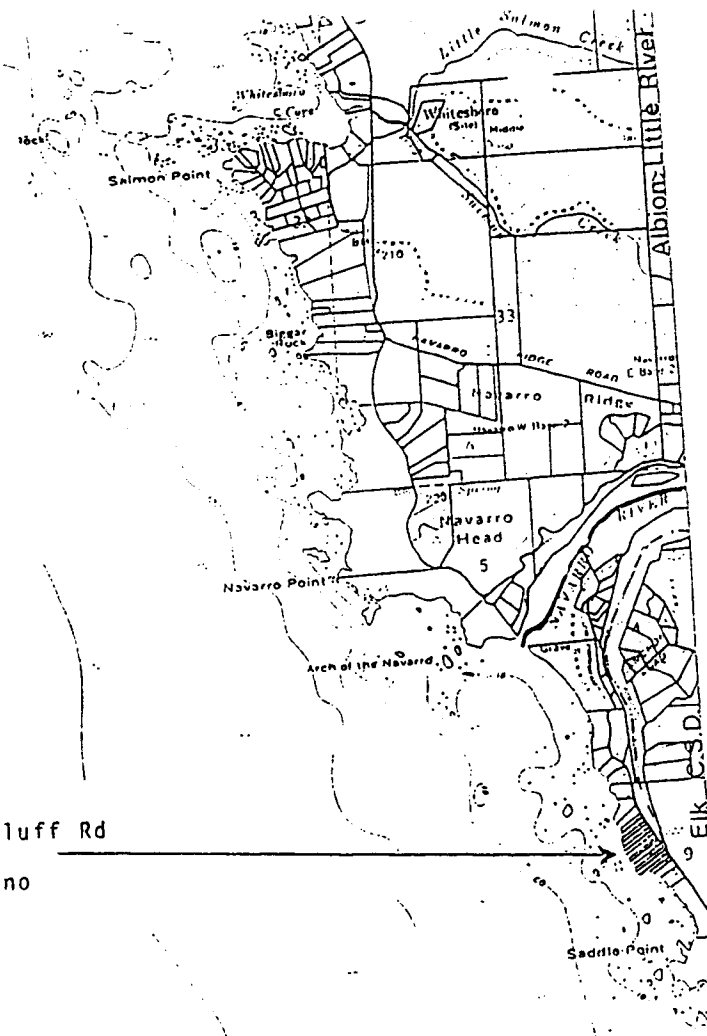
The second crucial issue concerns the proposed development's compatibility with the character of the surrounding area, as required in LUP Policy 3.1-5 and Zoning Code Section 20.504.020(D). The surrounding area consists of a small subdivision containing a number of small one- and two-story residences, most of which are clustered near the road (see Exhibit No. 8). The houses along Navarro Bluff Road form a fairly uniform line of houses when viewed from the road, with only two or three out of 20 houses located some distance from the road. Houses to the south of the subject site are located near the bluff edge, as the applicant had proposed, but because the blufftop area of those lots is so small, relative to the blufftop area available on the lots to the north, these houses, while near the bluff edge, are also quite near the road. The proposed residence, if sited where the applicant proposes, would be located 300 feet from the road, while the average distance from the road of houses in the subdivision is approximately 100 feet (see Exhibit No. 9).

The County found in its action to require the house to be located near the road that if the proposed residence were sited near the bluff edge, it would not be compatible with the character of the surrounding area, inconsistent with the policies of the LCP. The Commission recognizes that the issue of visual compatibility is not clear-cut, and that the applicant's position is not without merit, as visual concerns are always subjective, but finds that the threshold question that the Commission must address is whether the project, as approved by the County, is or is not consistent with the County's certified LCP. Since the County approved the project relocated to a site that is clearly compatible with the character of the surrounding area (near the road), and where the adverse impacts to coastal views are minimal, the Commission finds that while there is certainly a question raised as to the visual impacts of the project, the project as approved by the County is adequately consistent with the LCP so as to not raise a substantial issue.

C. Conclusion.

In summary, for the reasons stated above, the Commission finds that the project as approved and conditioned by the County of Mendocino is consistent with the County's certified LCP, and that no substantial issue exists with respect to the grounds on which the appeal has been filed.






SUBJECT SITE
 1400 Navarro Bluff Rd
 AP# 126-140-04
 CDP 33 95 Marino

LOCATION MAP

EXHIBIT A

EXHIBIT NO.	2
APPLICATION NO.	A-1-MEN-95-57
Vicinity Map	
 California Coastal Commission	



COUNTY OF
MENDOCINO
C/O COURTHOUSE, UKIAH, CA 95482
PHONE (707) 463-4281

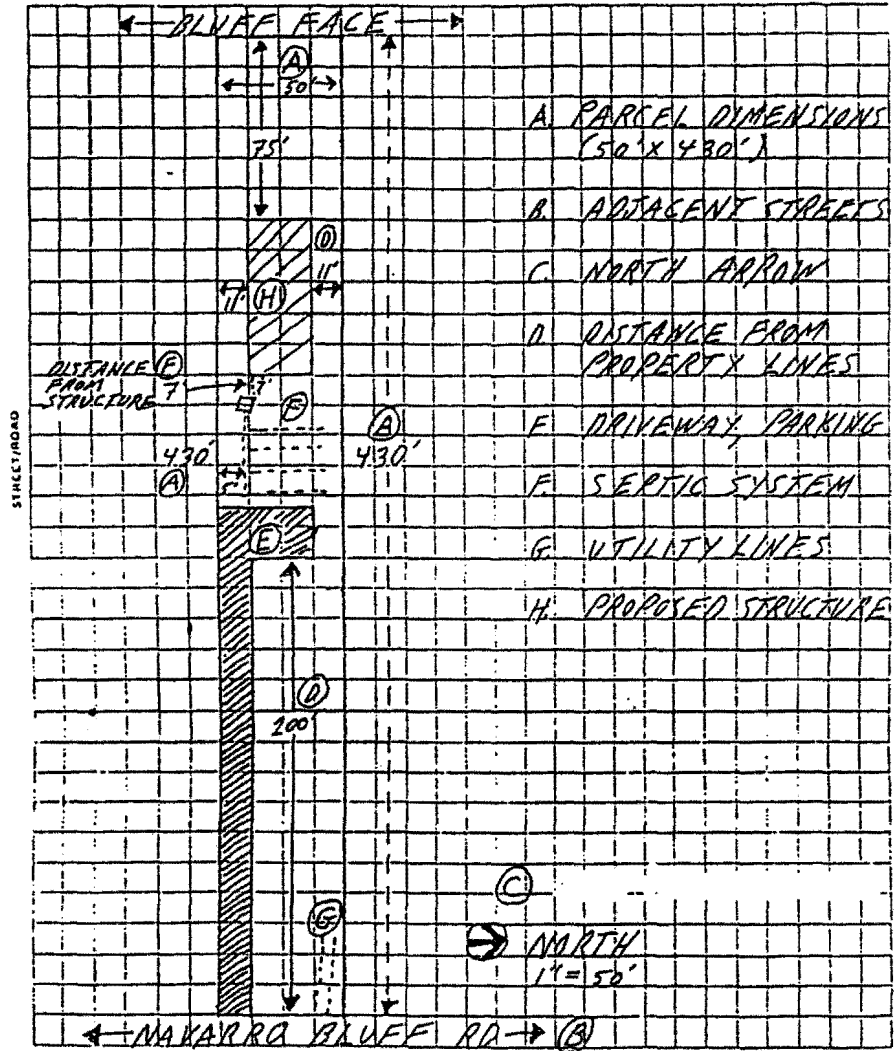
PLOT PLAN
BUILDING INSPECTION DIVISION

153 W. SPRUCE ST., FORT BRAGG, CA 95427
PHONE (707) 964-3379

JOB ADDRESS 1400 NAVARRO BLUFF ASSESSOR'S PARCEL NO. 126-140-04 APPLICATION NO. _____

TOWN OR COMMUNITY FLK OWNER'S (LEGAL) NAME PERRY MARINO

Show all buildings, structures, mobile homes, septic tanks and leach fields, wells, streams, fences, roads, streets, alleys, retaining walls, fences, easements, electrical power poles, and any other improvements and indicate all distances between. Specify whether existing or proposed. Draw to and show scale, indicate orientation with a North Arrow.



DIG FORM 300.15

05/09/13315

EXHIBIT B

SITE PLAN

EXHIBIT NO. 3

APPLICATION NO.
A-1-MEN-95-57

Site Plan (As originally proposed)

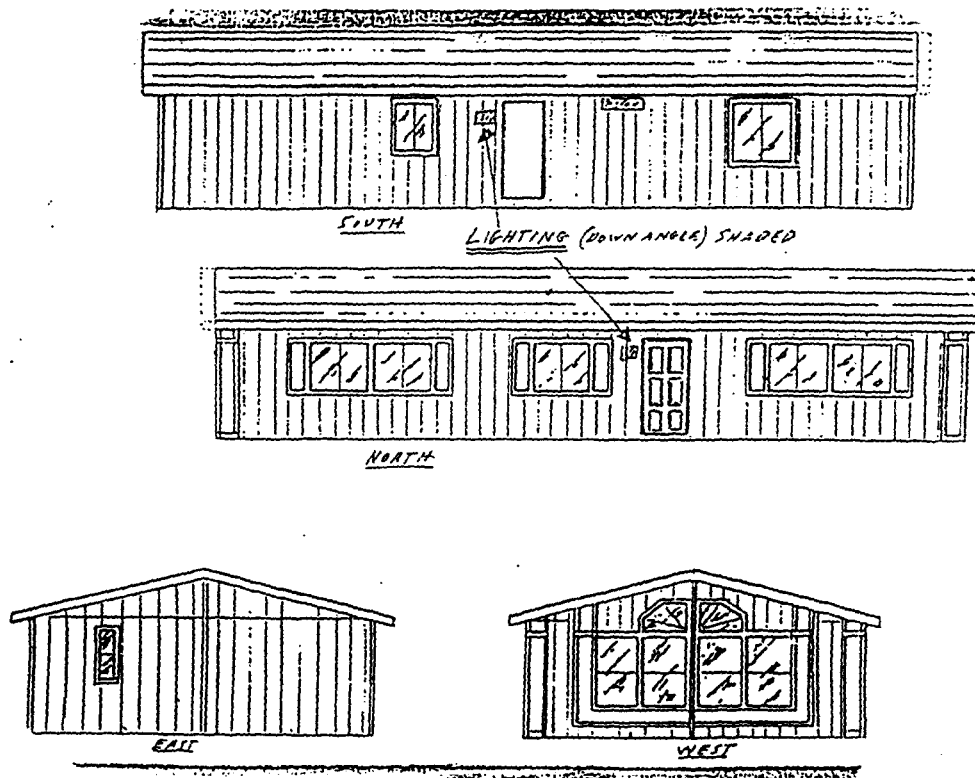


EXHIBIT C

ELEVATIONS

EXHIBIT NO. 4

APPLICATION NO.
A-1-MEN-95-57

Elevation Plans

California Coastal Commission

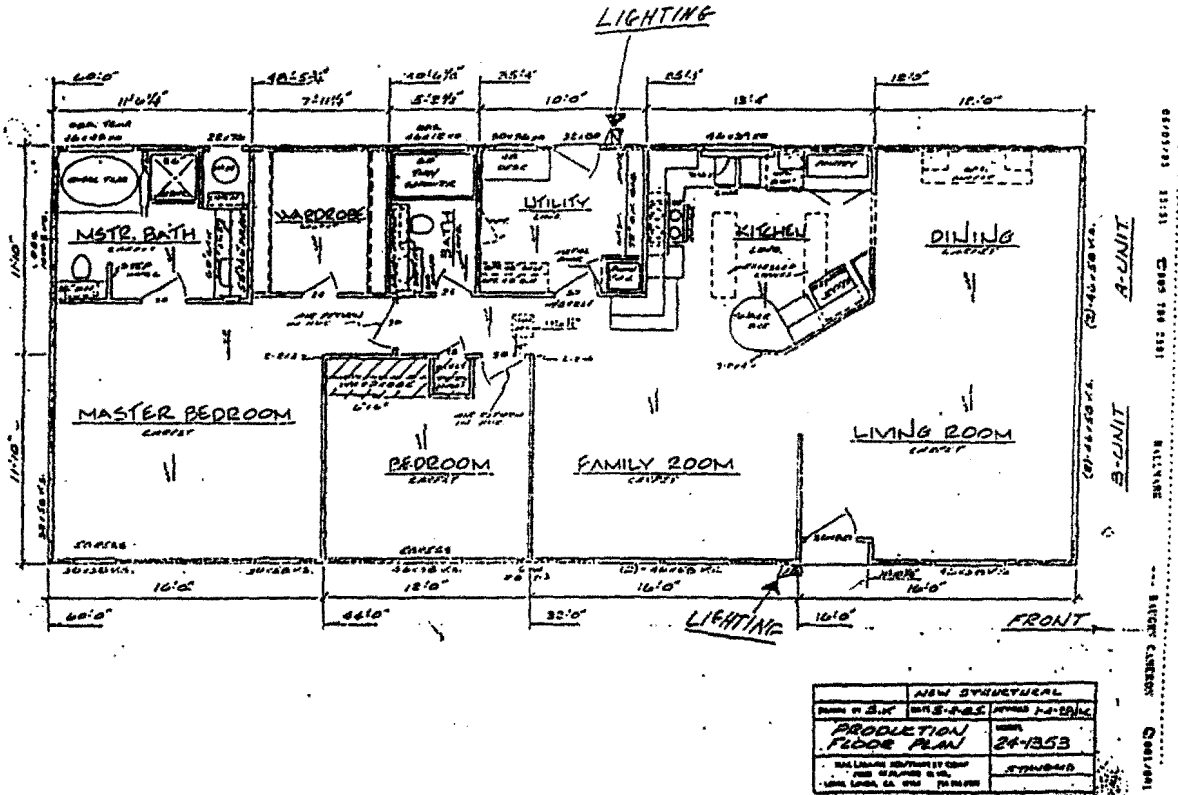


EXHIBIT D

FLOOR PLAN

EXHIBIT NO. 5

APPLICATION NO.
A-1-MEN-95-57

Floor Plan

COASTAL PERMIT ADMINISTRATOR ACTION SHEET

Case Number: CDP #33-95 Hearing Date: 8/24/95
Owner: Perry Marino

ENVIRONMENTAL CONSIDERATIONS:

☒ Categorically Exempt
☐ Negative Declaration
☐ EIR

ACTION:

☒ Approved
☐ Denied
☐ Continued _____

FINDINGS:

☒ Per staff report
☒ Modifications and/or additions --


Policy 3.5-1 of the Coastal Element and Section 20.504.020(D) of the zoning code require new development to be compatible with the character of surrounding areas. As demonstrated by photographs and public testimony, the project, as proposed, would not meet these requirements in that:

1. The area is an open ocean front coastal terrace with no residential development near the bluff from the applicant's site northward.
2. There are no other six foot high solid board fences running from Navarro Bluff Road to the ocean bluffs. Construction of such fencing would set a precedent which could allow similar fencing on other lots. This would significantly change the present character of the area, especially because of the narrowness of the lots.
3. Placement of the structure 75 feet from the bluff could set a precedent for future development on three vacant parcels to the north, or for replacement structures on developed parcels. Existing residences to the north are located less than 100 feet from Navarro Bluff Road, and provide for an undeveloped, open bluff area.

The applicant's proposed siting would not be in character with the existing area's character, and the structure should be located further from the bluff. However, due to vegetation, topography and development to the south of the applicant, it does not seem necessary to relocate the proposed dwelling all the way back to Navarro Bluff Road. As relocated by the condition below, the structure should be more in character with the area by protecting the openness of the neighborhood, and by utilizing existing vegetation, topography and development to fit in to the area.

CONDITIONS:

☒ Per staff report
☒ Modifications and/or additions --

EXHIBIT NO. 6
APPLICATION NO. A-1-MEN-95-57
County CPA Action
Sheet
 California Coastal Commission

Special Condition #6 was added to read:

6. The proposed six foot high solid redwood fence is not approved.

Special Condition #7 was added to read:

7. The proposed dwelling shall be relocated from its proposed site to the east towards Navarro Bluff Road. The rear of the structure, as proposed to be sited, shall be no further than 150' from Navarro Bluff Road.


Signed Coastal Permit Administrator

EXHIBIT NO. 6

APPLICATION NO.

A-1-MEN-95-57

County CPA Action
Sheet

SPECIAL CONDITIONS:

1. Development shall be in compliance with all conditions and recommendations of the David E Paoli, P.E. geotechnical report dated January 24, 1995 and as amended June 21, 1995 prepared for this site.
2. No development shall be permitted along the bluff edge or face or within the blufftop setback area except as noted in the geotechnical report.
3. The property owner shall 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.
4. Any downspouts shall direct water away from the foundations of the structures and dissipate the water away from the bluff edge, maintaining the natural sheet flow as recommended in the David E Paoli, P.E. geotechnical report dated January 24, 1995 and as amended June 21, 1995 prepared for this site.
5. In conformance with encroachment permit procedures administered by Department of Public Works, applicant shall construct a standard private driveway approach at Navarro Bluff Road (CR #517A), to a minimum width of ten (10) feet, area to be improved fifteen (15) feet from the edge of the county road, to be surfaced with comparable surfacing on the county road.

STAFF REPORT FOR COASTAL DEVELOPMENT
STANDARD PERMIT

CDP-33-95
DATE: July 27, 1995
CPA-8

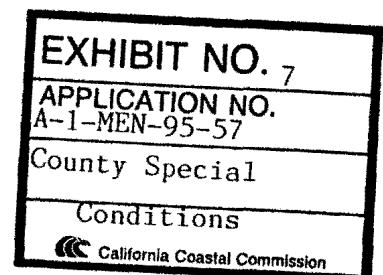
Staff Report Prepared By:

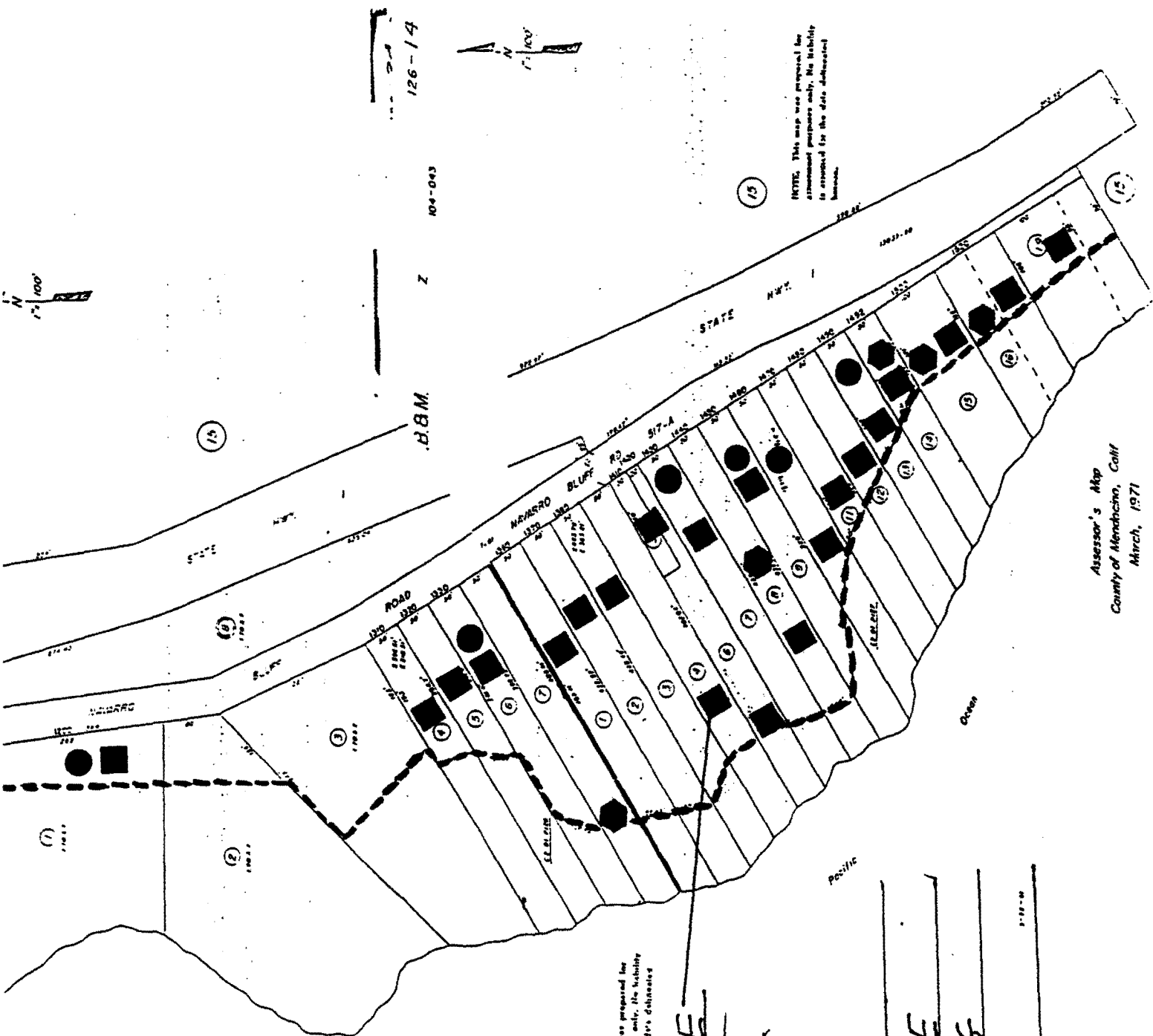
Date: _____

Mary B. Stinson
Coastal Planner

Attachments: Exhibit A - Location Map
 Exhibit B - Site Plan
 Exhibit C - Floor Plan
 Exhibit D - Elevations
 Exhibit E - Lighting Plan

Appeal Period: 10 days
Appeal Fee: \$635





Assessor's Map
County of Mendocino, Calif
March, 1971

NOTE: This map was prepared for assessment purposes only. Its liability is assumed for the date delineated herein.

SITE

- SCALE
- HOUSE
 - GARAGE
 - ⬢ BUILDING
 - BUFF

EXHIBIT NO. 8
APPLICATION NO. A-1-MEN-95-57
Subdivision House Locations
California Coastal Commission

CASE #33-95

SREET NUMBER	DISTANCE TO BLUFF APPROX.	DISTANCE TO ROAD APPROX.	PROPERTY OWNER	PARCEL NUMBER
1200	20 FT	15 FT	SAUNDERS CHARLES & CHARLOTTE	126-130-01
1210	VACANT	VACANT	WOODS GLEN & LEOTA	126-130-02
1300	VACANT	VACANT	ROSE ROGER	126-130-03
1310	73 FT	72 FT	GOODWIN PATRICIA	126-130-04
1320	90 FT	66 FT	DOMENICHELLI GEORGE	126-130-05
1330	98 FT	42 FT	LUNAS ROBERT & DARLENE	126-130-06
1340	5 FT	400 FT	PASTORI FRANK & EDITH	126-130-07
1360	275 FT	75 FT	BERGEM W.T.	126-140-01
1370	339 FT	66 FT	HILL NORMAN	126-140-02
1380	329 FT	65 FT	EAKLE JAMES	126-140-03
1400	75 FT *	300 FT *	MARINO PERRY	126-140-04
1410	300 FT	63 FT	TODD FRANCES	126-140-05
1420	23 FT	340 FT	SCHATZ BYRON & FRANCES	126-140-06
1430	300 FT	33 FT	TRUCCO FRANK & DORIS	126-140-07
1440	125 FT	255 FT	BROWN DAVID	126-140-08
1450	280 FT	45 FT	VALDEZ MARTIN & BARBARA	126-140-09
1460	48 FT	120 FT	OZENNE LEROY & GENE	126-140-10
1470	75 FT	147 FT	CLEONE DOROTHY	126-140-11
1480	75 FT	123 FT	GALLESPY LARRIAN	126-140-12
1490	45 FT	57 FT	HALL E.F. & ELLEN	126-140-13
1492	30 FT	108 FT	REINE MIDA	126-140-14
1500	32 FT	69 FT	LAFRANCHI FRANK	126-140-15
1520	20 FT	57 FT	FRY DORIS	126-140-16
1540	15 FT	57 FT	DANIEL GEANNE	126-140-19

* PROPOSED SITE

MARINO PERRY

EXHIBIT NO. 9

APPLICATION NO.
A-1-MEN-95-57Subdivision House
Locations - Distance

California Coastal Commission

OCT. 24, 1995

To: California Coastal Commission
North Coast Area - with: Jo Ginsberg

From: Betty and Byron Schatz

RECEIVED

OCT 27 1995

CALIFORNIA
COASTAL COMMISSION

Re: Appeal A-1-MEN-95-57

Perry Moreno (Local Permit # CDP # 33-95-)

We approve the decision made by the Coastal permit administrator, Gary Barrigan, and upheld by the County Board of Supervisors, regarding CDP # 33-95.

The property in question is not in a designated highly scenic area and no public views will be effected if the proposed house remains or is built as approved by Mr. Barrigan. Ocean views north and south of the small subdivision are the ones effected.

We feel the county action was not incorrect nor incompatible with the local Coastal Program, and wish that that decision be upheld.

Byron and Betty Schatz
2800 Sparks Way
Hayward,

Ca. 94541

EXHIBIT NO. 10

APPLICATION NO.
A-1-MEN-95-57

Correspondence

Jo Ginsberg, Coastal Planner
California Coastal Commission
North Coast Area
45 Fremont, Suite 2000
San Francisco, Ca. 94105

RECEIVED
OCT 27 1995
CALIFORNIA
COASTAL COMMISSION

10-25-95

Dear Jo Ginsberg;

RE: Perry Marino CDP #33-95 APN 126-140-04

We are writing in regard to the above named case in protest of his being allowed a hearing on this matter with the Coastal Commission.

A decision has been made on this by Mr Gary Berrigan, Senior Planner for Mendocino County and upheld by the Board of Supervisors of Mendocino County.

Public Concern is not an issue in our area as we have never been designated "Highly Scenic", and even if it was an issue Marino's Mobile Home will not block public view!

THE DECISION MADE BY MR BERRIGAN, SENIOR PLANNER AND UPHELD BY THE BOARD OF SUPERVISORS IS NOT INCONSISTANT WITH THE L.C.P. LOCAL COAST PROGRAM IN OUR AREA.

We also believe that the Mobile Home be compatible with the character of our neighborhood. Our area of the subdivision is an open meadow with all homes in a row and no fences, one story, single family homes located near the County road.

The Sub-divider of this property has sent a Statement to the Senior Planner in Mendocino County, stating that "it was the original Planned Intent to keep the houses in a row and without fences, to preserve the OPEN SPACE AND AIR FOR ALL TO ENJOY.

Since the purpose and intent of the zoning laws is to preserve the integrity of an area and avoid detrimental effects, only a one story placed near the County road is acceptable and Compatible in this neighborhood.

The undersigned feel strongly that no houses should be placed near the cliff. Any such houses would block our Open Space and Air and set a dangerous precedent for the future! Not mentioning the fact that we have some real good Earthquakes in this area.

THIS LETTER IS TO PUT US ON RECORD AS OPPOSING THE CONSTRUCTION AND POSITIONING OF MARINO'S MOBILE HOME OTHER THEN WHAT MR GARY BERRIGAN, SENIOR PLANNER AND THE BOARD OF SUPERVISORS HAS INSTRUCTED HIM!

Very sincerely

ROBERT & DAREENE LUNAS
WILLIAM & BONNIE FEENEY

Robert Lunas
Dareene Lunas
William Feeney
Bonnie Feeney

EXHIBIT NO. 11

APPLICATION NO.

A-1-MEN-95-57

Correspondence

California Coastal Commission

(1)

OCTOBER 25, 1995

JO GINSBERG, COASTAL PLANNER
CALIFORNIA COASTAL COMMISSION
NORTH COAST AREA
45 FREMONT SUITE 2000
SAN FRANCISCO, CA, 94105

RE. APPEAL: A-1-MEN-95-57

PERMIT: COP #33-95

PERRY MARINO

DEAR MS. GINSBERG

I AM ONE OF THE OWNERS IN THE
SUBDIVISION IN WHICH MR MARINO
HAS APPLIED FOR A BUILDING PERMIT
TO BRING IN A MOBILE HOME. WE
DO NOT HAVE ANY OTHER MOULARS
(MOBILE HOMES) IN THIS SUBDIVISION

MR. MARINO WANTS TO BUILD OUT
FURTHER TO THE BLUFF WHICH
COULD SET A PRECEDENCE FOR
THE OTHER VACANT LOTS IN OUR
SUBDIVISION. IF THIS IS ALLOWED
ON THE THREE OTHER VACANT
LOTS IN THE SUBDIVISION WE WOULD
ALL BE WORKING AT THE BACKS OF
HOUSES INSTEAD OF THE BEAUTIFUL,
PEACEFUL, PANORAMIC VIEW WE
NOW ALL SHARE NOW.

(2)

THE ORIGINAL DEVELOPER OF THIS
SUBDIVISION IS STILL ALIVE AND
SET THE HOUSES BACK CLOSE TO
THE ROAD SO THAT ALL HOUSES COULD
HAVE THE ADVANTAGE OF THE VIEW.

PLEASE UPHOLD THE DECISIONS OF
BOTH THE PLANNING COMMISSION
AND THE BOARD OF SUPERVISORS
THAT MR MARINO SHOULD SHOULD
MOVE BACK CLOSER TO THE ROAD
SO THAT WE MAY KEEP OUR
VIEW AND OPEN SPACES WHICH
ARE MAINTAINED BY WHOMEVER
FEEL LIKE MOWING.

WE ARE NOT IN A DESIGNATED
SCENIC AREA SO MOVING MR MARINO
MOBILE HOME BACK WILL NOT
EFFECT THE PUBLIC VIEW.

THE DECISIONS MADE BY BOTH
GARY BERRIGAN, PLANNING BOARD
COMMISSIONER, OR THE BOARD OF
SUPERVISORS IS NOT INCONSISTANT
WITH THE LOCAL COASTAL PROGRAM.

EXHIBIT NO. 12

APPLICATION NO.

A-1-MEN-95-57

Correspondence

Pages One & Two of 3

California Coastal Commission

(3)

MY HUSBAND AND I WORKED VERY HARD AND SAVED FOR YEARS TO BUY A HOME (VACATION) ON THE COAST WITH A VIEW WHERE WE COULD GO AND RELAX AND ENJOY THE BEAUTIFUL OCEAN. MY HUSBAND DIED OF CANCER IN 1989 AND BEING ALONE NOW I STILL LOVE TO GO OVER AND SET AND ENJOY THE VIEW.

PLEASE HELP US KEEP OUR VIEWS. I SHARE MY HOME (VACATION) WITH SEVERAL PEOPLE HERE IN LAKEPORT AND EACH TIME THEY COME BACK THEY SAY HOW PEACEFUL THE VIEW WAS FOR THEM.


SINCERELY
Patricia D. Goodwin
PATRICIA D. GOODWIN
1310 NACARRO BLUFF RD

EXHIBIT NO. 12

APPLICATION NO.
A-1-MEN-95-57

Correspondence

Page 3 of 3

 California Coastal Commission

10-31-95

Joe Gengberg.

RE: Moreno appeal

After further research of the above matter I want to inform you of a viewing point the public use on Navarro Bluff road; there is an area by a dead end where the cars will park & the people walk to a vacant lot & look down at the ocean.

If Moreno is allowed to go ~~on~~ on the Bluff he will most certainly be blocking public view from this viewing area, as the vacant lot is next to his.

Please take this into consideration.

Very sincerely
Robert Luna
Darlene Luna
Bonnie Faney
Bill Faney

EXHIBIT NO. 13

APPLICATION NO.

A-1-MEN-95-57

Correspondence

EXHIBIT NO. 14

APPLICATION NO.
A-1-MEN-95-57

Correspondence

Page 1 of 4

California Coastal Commission

Ms. Jo Ginzburg
Regional Coastal Commission
Planner
Re: Moreno Appeal

October 29, 1995

Dear Ms. Ginzburg,

I am providing the following materials for your consideration regarding the Moreno appeal (permit #J395). I am enclosing a diagram of the Navarro Bluff Road/Highway #1 area with respect to the question of blockage of public views. Please note the following information in your deliberations:

1) The turnout to Navarro Bluff Road is the first turn out available to the public to have a bluff view of the ocean after traveling westward on Highway #124. After traveling upwards of one to one half hours or more of twisting and winding Highway #128, southward bound auto travelers are not afforded a full view bluff of the ocean until traveling an additional mile upward from the Navarro River to the top of the Navarro bluff. The first and only west side turnout for autos is that turnout for the Navarro Bluff Road; the frontage road upon which Mr. Moreno's property exists.

This turnout from Highway #1 connects directly to Navarro Bluff Road. However, there is no where to park a car unless one parks in the dead end area in near the Trucco lot (see Diagram). Attempting to park anywhere else would mean parking on private property.

2) Many people turn off on Navarro Bluff Road and park their cars in precisely this spot. After they get out of their cars, they proceed to a point located between the Trucco lot and the vacant lot next to the Moreno's lot. They proceeded to this spot precisely because it provides an unobstructed 180 degree view of the ocean, the bluff, and the mouth of the Navarro river.

This view is also unobstructed because the houses which currently occupy the corridor on the right-hand side of the public viewer (Eckols, Hill, Bruckler, Lunas, Goodwin) are small, cabin-like structures uniformly in line with each other and not extending more than approximately 60-70 feet from the road.

3) Mr. Moreno originally proposed to build his 14 foot high structure on the edge of the bluff. As you know, the height of this structure, and its size of this proposed development was not visually compatible with the character of the surrounding area. As you can see, however, such a proposed development would also restrict public views of blue ocean drastically because it would be located squarely in the middle of the public view of the blue ocean from the commonly used public viewpoint.

4) The county proposal that Mr. Moreno have the lower edge of his proposed development be no more than 150 from the Navarro Bluff road causes a lesser restriction of public views to blue ocean than

Mr. Moreno's original bluff proposal. The public could move slightly southward to have their view of the ocean unimpeded if Mr. Moreno built according to the county plan. However, it could not retain an ocean view if he were to build on the bluff area as he originally proposed. This is because a member of the public's view to the ocean would be directly blocked.

(The Schatz structure located near the bluff is only approximately 8-9 feet high and is located near directly south of the Trucco lot, thus is not directly in line with the public viewing).

5) It should be remembered that a member of the public is not likely to stand in front of a built structure to try and have a view of the blue ocean. Hence, they attempt to see the ocean from a vantage point which is both close to their autos and next to a vacant lot. This is why they attempt to view the ocean from the public viewpoint I have described on the diagram.

As you can see by the diagram, the next vacant lot on Navarro Bluff Road is five lots down and is sided by two houses. Hence, it does not offer the better view than the public viewpoint next to the Trucco lot provides. Also, it is further from their parked autos.

6) It should be remembered that most people park only briefly to take in the view and stretch their legs; not to search out empty lots looking for viewpoints. It is not logical for a member of the public to stand in front of Mr. Moreno's lot with a house built on it and try to view the ocean from there when a viewpoint next to an adjacent lot with a far better view exists nearby. Hence, that Mr. Moreno's structure obstructs blue ocean view from viewers standing on Highway #1 is fallacious. Members of the public don't stand on Highway #1 to view the ocean because there is nowhere to park, highly dangerous on a narrow shoulder and not logical to attempt a blue ocean view in front of a built structure.

6). With respect to the argument that the county certified Moreno development project would impede public view of the blue ocean from within an automobile on Highway #1, please consider the following: The public has hundreds of miles of visual access from their automobiles to blue ocean from Highway #1. However, southbound Highway #1 travelers who have arrived at the ocean from Highway #128 have no other easily accessible stationary bluff viewing point than the Navarro Bluff road. Indeed, the next available parking area for Highway #128-southbound Highway #1 travelers is at least 2 to 2 1/2 miles south and does not afford a view of the mouth of the Navarro River. National Geographic, July 1993, p. 63 is an aerial photo of precisely this area which substantiates my point.

In sum, I hope these facts will form part of your decision-making process and thank you very much for all your time and effort in this matter to date.

Sincerely,



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Highway # 1

Highway # 1

BRUSH AREA

BRUSH AREA

UNWEAR BUILT ROAD

public viewing point

public viewing point

for better view
(not board view access)

1st access point for public viewing after 128 highway,

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CREEK RAINE

600000

LOT

UNWEAR

LOT

UNWEAR

LOT

BUCKLER

LOT

HILL

LOT

Eckols

LOT

moreno

LOT

UNWEAR

LOT

TRUCO

LOT

300 ft

30 ft

30 ft

30 ft

30 ft

30 ft

30 ft

30 ft

30 ft

30 ft

30 ft

30 ft

30 ft

30 ft

30 ft

30 ft

30 ft

30 ft

30 ft

30 ft

30 ft

option: 600 ft. and point for houses
now built in above section.

Lower
limit of
proposed
house
according to
county plans.

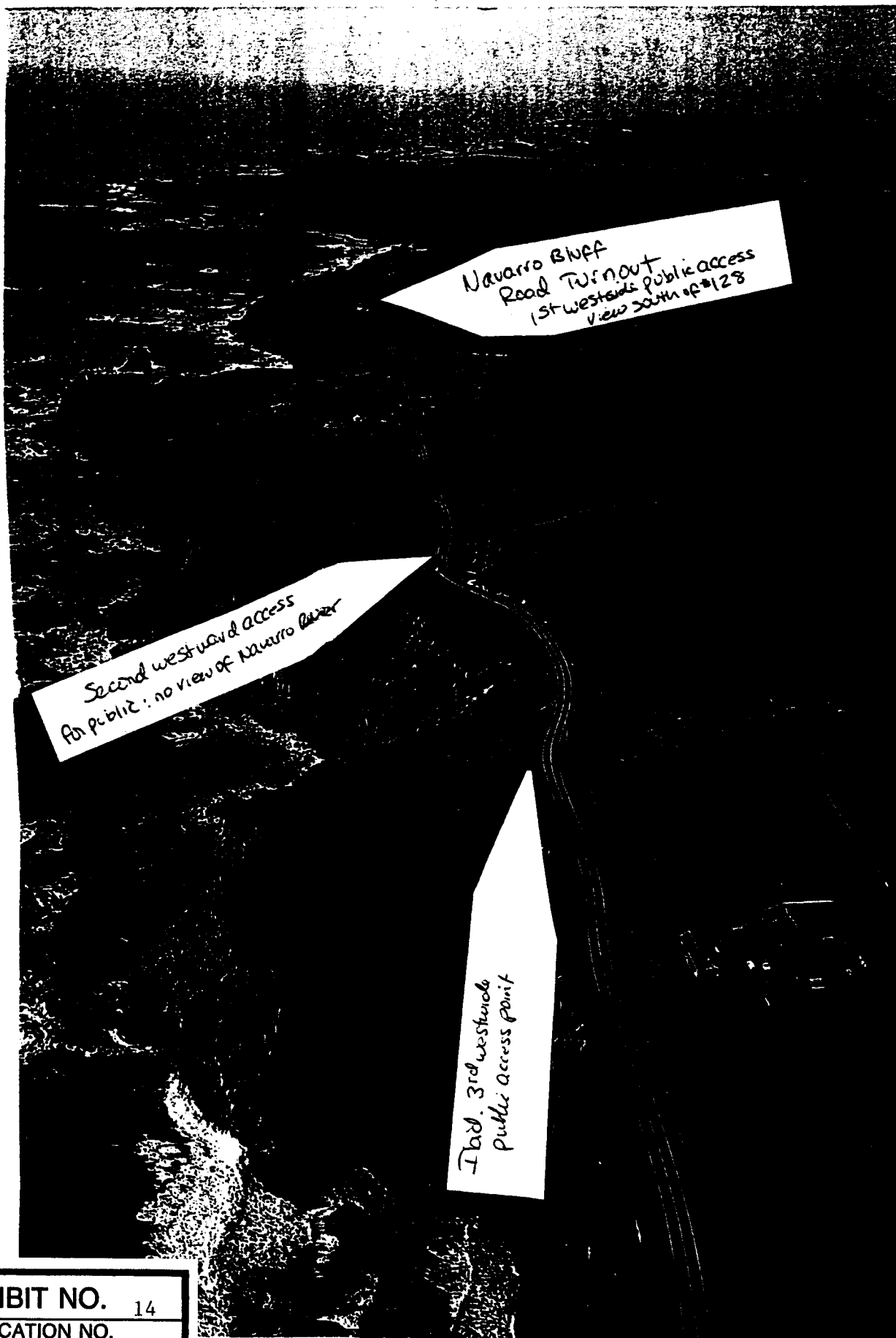
150 ft.

SCHULTZ

LOT

moreno's desired
building spot;
14 feet high; near
or next to bluff.
Block much more of
the public view of
ocean than county
approved limit of 150 ft.
from the road.

NA 300



← This
clump of
properties
is the Navarro
Bluff Road
Area.

Second westward access
for public: no view of Navarro River

1st, 3rd westward
public access point

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Highway #1 - looking North toward Navarro River
National Geographic July 1993, p. 63