

CALIFORNIA COASTAL COMMISSION  
 NORTH COAST AREA  
 45 FREMONT, SUITE 2000  
 SAN FRANCISCO, CA 94105-2219  
 (415) 904-5260

# F 6a



Filed: March 21, 1996  
 49th Day: May 9, 1996  
 Staff: Jo Ginsberg  
 Opened & Cont'd: April 10, 1996  
 Staff Report: April 19, 1996  
 Hearing Date: May 10, 1996  
 Commission Action:

STAFF REPORT: APPEAL

LOCAL GOVERNMENT: Mendocino County

DECISION: Approved with Conditions

APPEAL NO.: **A-1-MEN-96-17**

APPLICANTS: **PETER AND PATRICIA CLARK**

PROJECT LOCATION: 43600 South Highway One, approximately 2.5 miles south of Point Arena, APN 027-433-011.

PROJECT DESCRIPTION: Construction of a one-story, 22' 6"-high, 1,441-square-foot single-family residence with a 728-square-foot deck, 13-foot-high, 500-square-foot detached garage, 100-foot-long fence, septic system, well, and driveway.

APPELLANTS: Peter Reimuller and the Friends of Schooner Gulch

SUBSTANTIVE FILE DOCUMENTS: Mendocino County LCP; Mendocino County CDP #26-95.

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 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 is 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. Since the staff is recommending No Substantial Issue, 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, because the proposed development is between the first road and the sea, 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.

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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 as the locally approved development conforms to the Mendocino County Certified Local Coastal Program. The grounds for the appeal are that the project does not conform to the visual resource policies of the LCP. The project as approved by the County is consistent with the requirements of the LCP that (a) public views be protected, (b) adverse impacts to visual resources be minimized, and that (c) new development in highly scenic areas be subordinate to the character of the area for several reasons. First, as approved by the County, only a portion of the residence will be visible from the beach and from various public highway turnouts. Second, as approved by

the County, the structure will be screened with existing vegetation and with new trees required to be planted pursuant to Special Condition No. 6 of the County coastal permit. New trees are also required along the highway side of the garage to partially screen the garage from Highway One. Third, County conditions requiring only the use of non-reflective building materials of earthtone color will minimize the visibility of any portions of the development not entirely screened from view by the required landscaping. Finally, as approved by the County, the residence would be visually compatible with the several other existing residences along the same stretch of highway that are larger in both bulk and height and that are visible from both Highway One and from the beach.

The Motion is found on Page 3.

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I. 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-96-17 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.

II. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. APPELLANT'S CONTENTIONS

The Commission received an appeal for this project from Peter Reimuller and the Friends of Schooner Gulch. The appellants submitted an attachment to their appeal form, discussing their concerns, which is included as Exhibit No. 8. The appellants also submitted some additional supplemental material. These materials are included as Exhibit No. 9.

The appellants raise concerns that the development as approved by the County would not be consistent with the visual resource policies of the LCP. As discussed more fully in Finding D(1)(b) below, the appellants contend that the

project as approved by the County would be visible from all public view points specifically required to be protected; would not be subordinate in character; that the glass wall would be reflective; that new plants would take 20 years to screen the building; and that the house would be over the 18-foot height limit.

**B. LOCAL GOVERNMENT ACTION**

The project was approved by the Mendocino County Coastal Permit Administrator (CPA) on February 22, 1996 with a number of special conditions. In approving the project, the CPA imposed eight special conditions. Special conditions attached to the local permit addressed such issues as landscape screening, geologic concerns, bluff setback, relocation of the residence to minimize visual impacts, design restrictions, exterior lighting, and fence design. The County's final conditions of approval are included as Exhibit No. 7.

The appellants did not appeal the project to the Mendocino County Board of Supervisors. However, Section 13573 of the California Code of Regulations states that exhaustion of all local appeals shall not be required if the local government jurisdiction charges an appeal fee for the filing or processing of appeals. In this case, Mendocino County does charge an appeal fee, and so this appeal may properly be processed by the Coastal Commission.

The North Coast Area office of the Commission received notice of the County's final action on March 11, 1996. The local decision was appealed in a timely manner to this Commission by Peter Reimuller and the Friends of Schooner Gulch on March 21, 1996.

Because staff had not received a copy of the County's files of relevant materials, the Commission, upon staff's request, voted to open and continue the hearing without voting on the appeal itself at the Commission meeting of April 10, 1996.

**C. PROJECT SETTING AND DESCRIPTION**

The proposed project consists of the construction of a 22'6"-high, 1,441-square-foot single-family residence with a 728-square-foot deck, 13-foot-high, 500-square-foot detached garage, 100-foot-long fence, septic system, well, and driveway located on the west side of Highway One approximately 2.5 miles south of Point Arena in Mendocino County.

The subject property is zoned in the County's LCP as Rural Residential-5 acres minimum: Development Limitations (RR:L-5-DL), meaning that there may be one parcel for every 5 acres, that the parcel is designated for residential use, and that slopes of over 30 percent, bluff erosion, or landslides may prevent or limit development. The subject parcel, which is approximately 6 acres in

size, is a legal, conforming lot. According to County staff, the subject parcel, which is a blufftop lot, was given the DL designation due to narrow parcel width, a steep and fragile bluff face, and the tidal area found within the parcel boundaries. The parcel contains numerous trees on the flat blufftop, but there is no sensitive habitat on the site.

**D. 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 areas of concern raised by the appellant, as discussed below.

**1. Visual Resources:**

**a. Relevant LCP Policies.**

The appellants cite several County LCP policies with which they believe the project as approved by the County is not consistent, including LUP Policies 3.5-1 and 3.5-4, and Zoning Code Section 20.504.015(c)(1), (2) and (3).

LUP Policy 3.5-1 states that the scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance and that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas shall be subordinate to the character of its setting.

LUP Policy 3.5-4 states that buildings that must be sited within the highly scenic area shall be sited near the toe of a slope, rather than on a ridge, or in or near the edge of wooded area. Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists. The visual impacts of development on terraces should be minimized by avoiding development in large open areas if an alternative site exists; minimizing the number of structures and clustering them near existing vegetation, natural landforms or artificial berms; providing bluff setbacks for development adjacent to or near public areas along the shoreline; and designing development to be in scale with rural character of the area.

Zoning Code Section 20.504.015(c)(1) states that 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. Section 20.504.015(c)(2) states that in highly scenic areas west of Highway 1, new development shall be limited to 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. Section 20.504.015(c)(3) states that new development shall be subordinate to the natural setting and minimize reflective surfaces; and that in highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings.

**b. Appellants Contentions:**

The appellants contend that as approved by the County, the residence would be visible from all public views points required to be protected and would not be subordinate in character, that the glass wall would be reflective, and that if the owner removes the minimal screening, new plants would take 20 years to screen the building, inconsistent with LUP Policy 3.5-1 and Zoning Code Section 20.504.015(c)(3) and (1). They further contend that the house, as approved by the County, would be over the 18-foot height limit and that wings on the proposed garage would block the view from the public highway inconsistent with LUP Policy 3.5-4 and Zoning Code Section 20.504.015(c)(2), and that it would be easy for the architect to lower the house height and remove the fence wings to protect the State Park and State Highway viewsheds as required by the Local Coastal Plan.

The appellants further contend that the development as approved by the County would have a visual impact on the beach below as the western half of the house would be clearly visible. Additionally, the appellants refer to an existing house overlooking the same beach that was built recently which County staff stated would not be visible but in actuality is quite visible from the beach.

**c. County Conditions:**

Recognizing the potential for significant adverse impacts to visual resources, the County conditioned the coastal permit to minimize such impacts to the public viewshed. Special Condition No. 3 requires that the applicant submit a revised plot plan depicting all development to be located a minimum of 35 feet from the edge of the coastal bluff. Revised Special Condition No. 4 requires that the applicant submit a revised site plan depicting the relocation of the residence 20 feet to the north, or, as an alternative, 15 feet to the north if an architect or engineer submits a foundation design acceptable to the County which protects the tallest shorepine tree located near the southeast corner of the relocated dwelling for the purpose of protecting existing trees not contained within the footprint of the relocated dwelling, garage, or parking area.

Special Condition No. 5 imposes a number of design restrictions, including requiring: (a) roof materials which are nonmetallic in material and also of earthtone color; (b) an exterior lighting plan depicting the minimum necessary

lighting for the safe ingress and egress of the structure; (c) all exterior siding of the proposed structures to be of natural or natural appearing materials or earthtone colors only; (d) all exterior materials and windows to be non-reflective; and (e) all exterior lights be shielded and have a directional cast downward.

Special Condition No. 6 requires that the applicant submit landscaping plans which depict trees of evergreen species to shield the development from public view along Highway One. The condition specifically requires that at least ten trees be planted along the highway side of the garage and five trees on the north side of the driveway. The landscaping plan must include a tree maintenance program for the newly planted trees and a tree replacement program on a one-to-one ratio for the life of the project. The new landscaping must be planted within 30 days of completion of the project. Trees identified on the site plan as "to remain" and those along the bluff edge shall be maintained to help screen the development from public view.

Special Condition No. 8 requires that the six-foot-high fence along Highway One be designed as an open style fence.

d. Analysis:

The Commission finds that as conditioned by the County, the proposed development is consistent with the visual resource policies of the LCP.

The County required the residence to be resited 15-20 feet to the north, to be located partially within an area of existing trees, consistent with LUP Policy 3.5-4, which states that buildings that must be sited within the highly scenic area shall be sited in or near the edge of wooded areas. The Commission finds that while it appears that the residence will be partially visible from certain Highway One turnouts to the south and from certain portions of the beach below, the house will be partly screened by existing trees and trees required to be planted pursuant to Special Condition No. 6 of the County permit. In addition, as noted above, there are several other special conditions attached to the County permit that will minimize adverse impacts to public views, such as design restrictions requiring nonmetallic roof and siding materials, minimum exterior lighting that must be shielded and have a directional cast downward, and earthtone colors only for exterior siding and roofing.

It is true that should the house be moved an additional 40 feet or so to the north it would be located entirely within existing trees where it would not be visible at all from the beach or Highway One turnouts. However, the LCP does not require that structures be invisible to the public view, only that public views be protected and that adverse impacts to visual resources be minimized. Because it will be partly tucked into the existing trees, and screened by new

trees that are required to be planted, and because of the various design restrictions imposed by the County, the development will be sited and designed to protect views to and along the ocean and scenic coastal areas, will be subordinate to the character of its setting, will minimize reflective surfaces, and building materials including siding and roof materials have been selected to blend in hue and brightness with their surroundings, consistent with LUP Policy 3.5-1 and Zoning Code Section 20.504.015(c)(1) and (3).

Zoning Code Section 20.504.015(c)(2) states that in highly scenic areas west of Highway One, new development shall be limited to 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. The residence approved by the County will exceed 18 feet. However, the Commission finds that to allow a house 4-1/2 feet higher than the 18-foot limit would not appreciably affect public views to the ocean because existing trees that will not be removed already block all views to the ocean through the building site. Furthermore, the Commission finds that the house would not be out of character with the other houses along that stretch of highway, several of which are both taller and greater in bulk. In fact, the subject residence is quite modest in size (1,441 square feet). Therefore, the Commission finds that the proposed development will be compatible with the visual character of the surrounding area, consistent with LUP Policy 3.5-1 and Zoning Code Section 20.504.015(c)(2).

The Commission thus finds that a substantial issue is not raised with regard to the project's conformity with the LCP's policies on protecting visual resources.

e. Conclusions:

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.



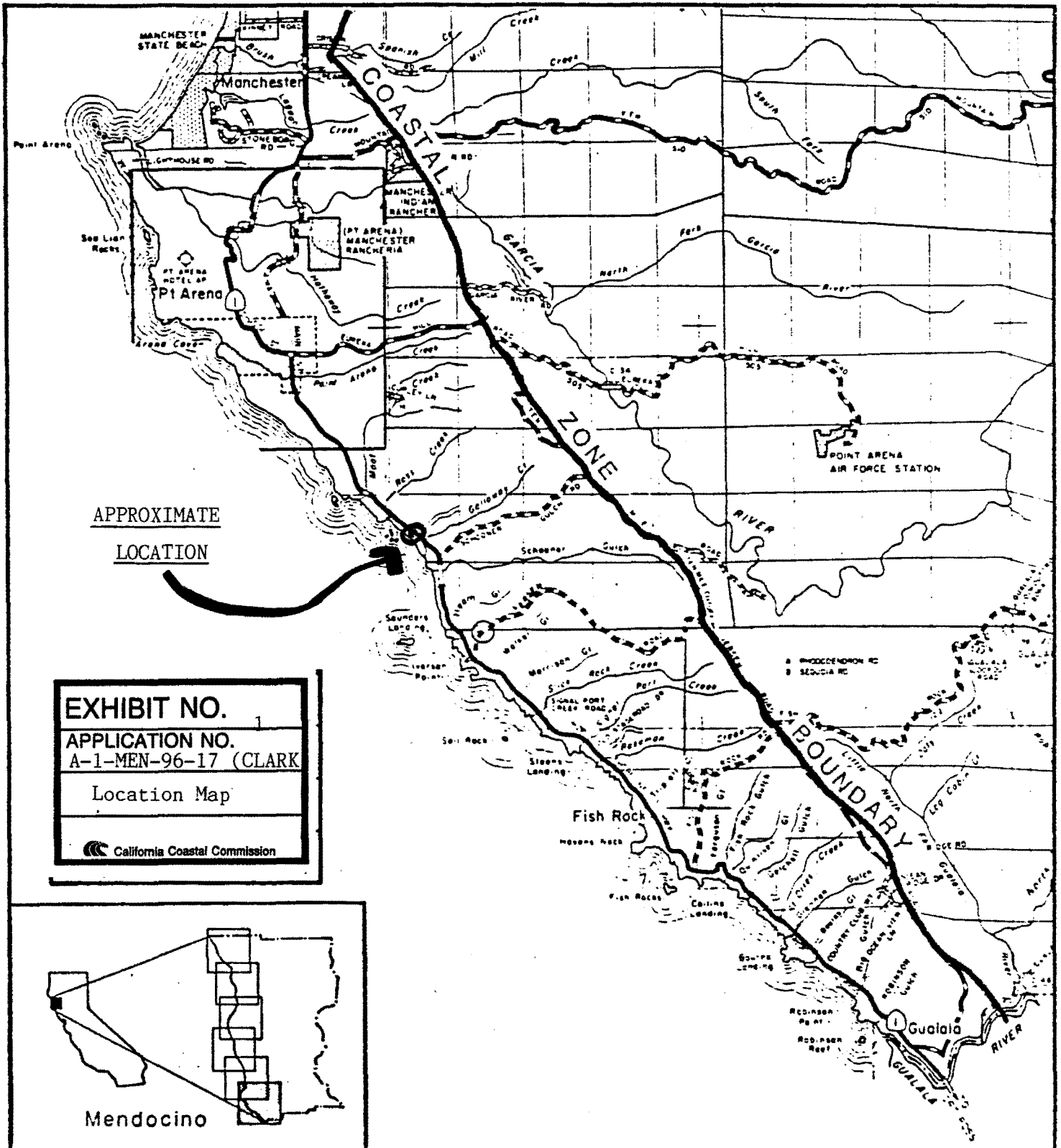
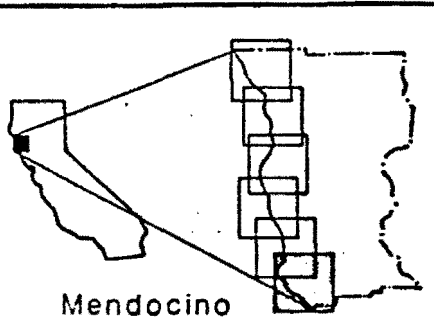


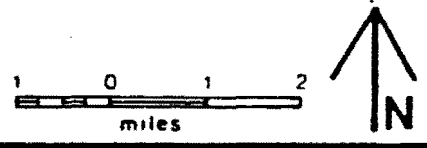
EXHIBIT NO. 1  
 APPLICATION NO. A-1-MEN-96-17 (CLARK)  
 Location Map  
 California Coastal Commission

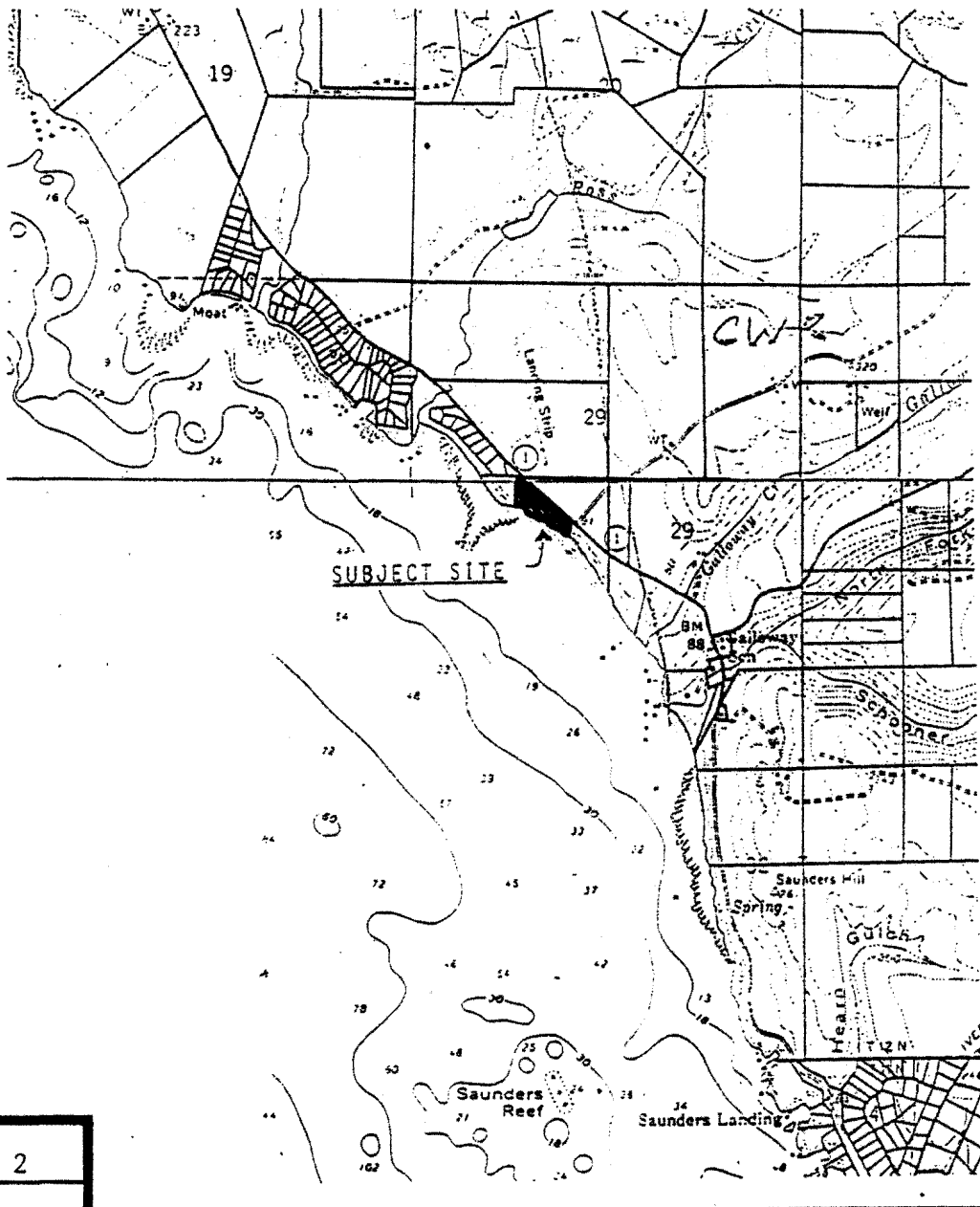


Mendocino

California Coastal Commission

LOCATION MAP

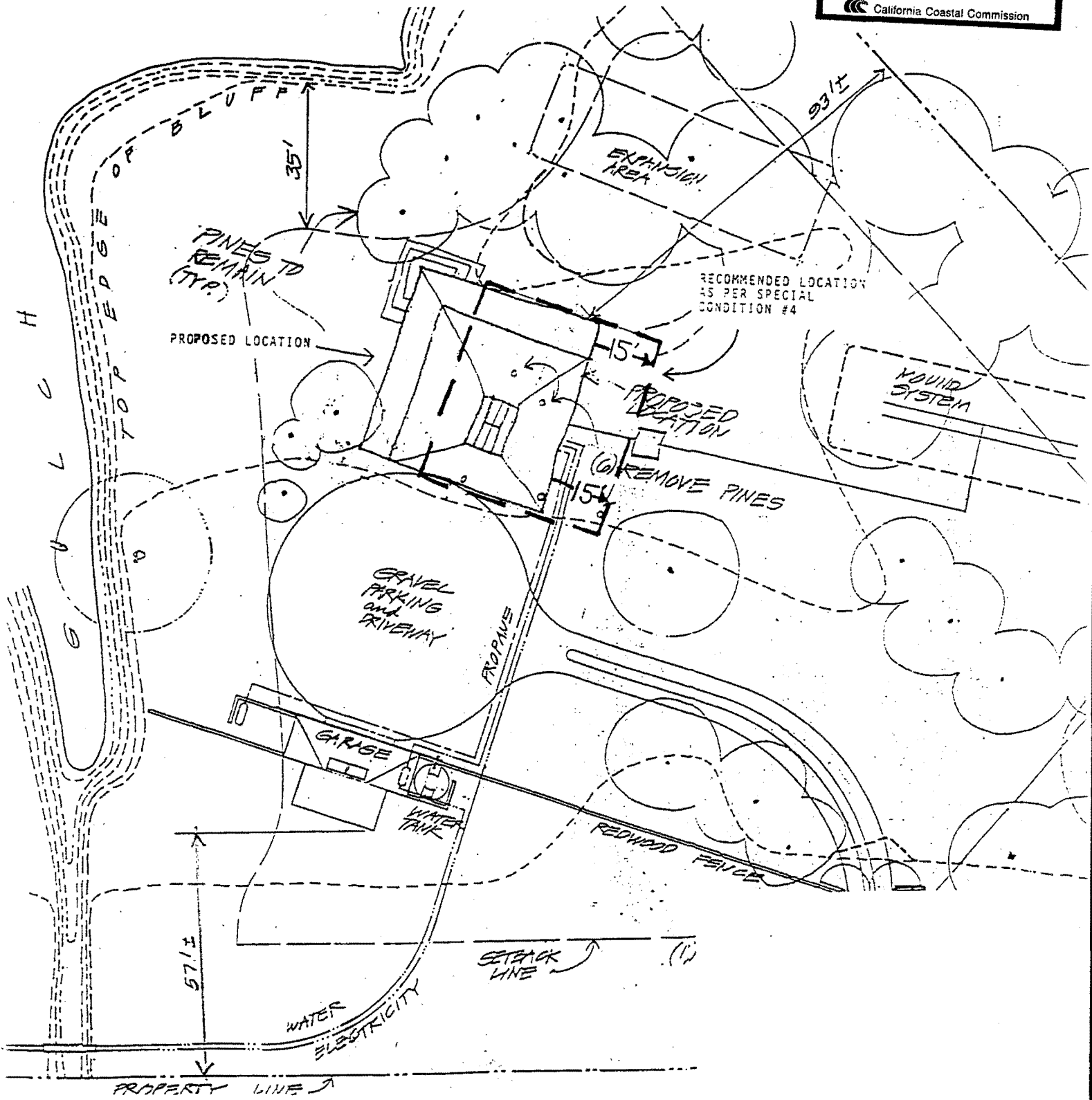




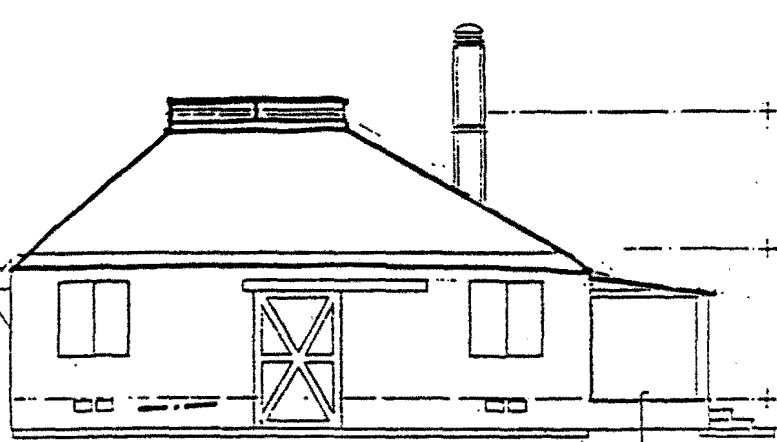
**EXHIBIT NO. 2**  
**APPLICATION NO.**  
**A-1-MEN-96-17 (Clark)**  
 Vicinity Map

LOCATION MAP

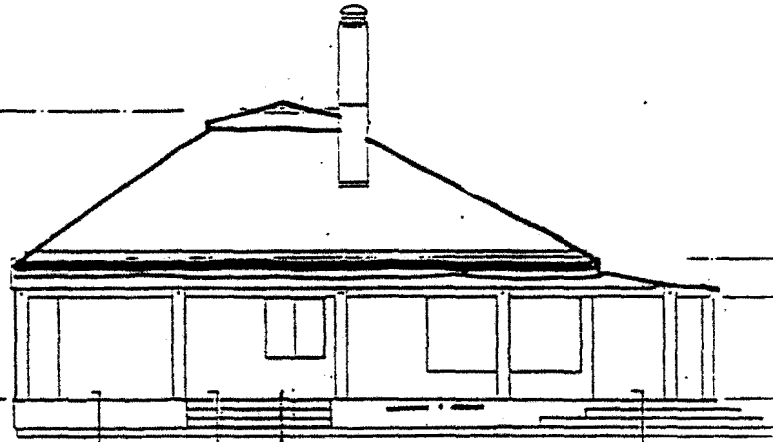
**EXHIBIT NO. 3**  
**APPLICATION NO.**  
 A-1-MEN-96-17 (Clark)  
**Site Plan/Relocated**  
 Residence  
 California Coastal Commission



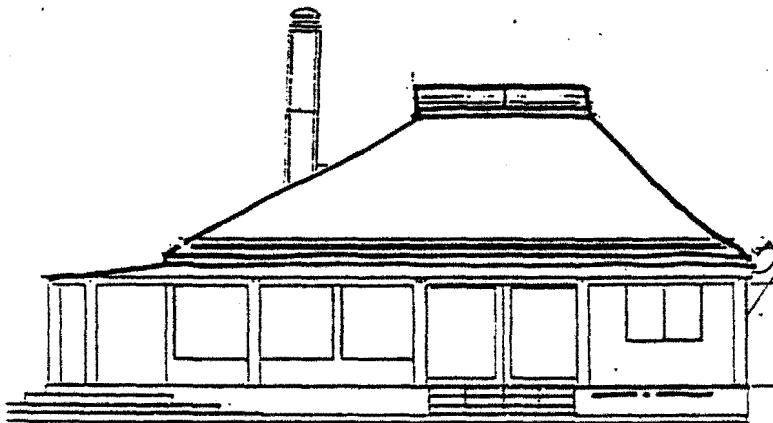
**RELOCATION OF RESIDENCE**



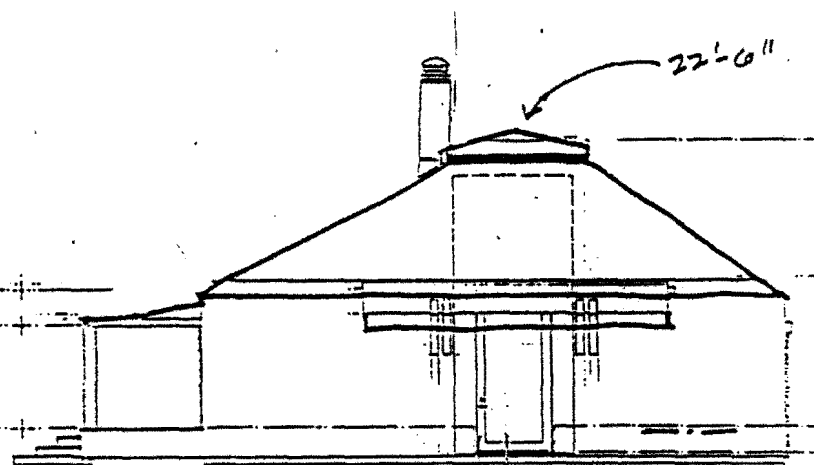
NORTH ELEVATION  
1/4" = 1'-0"



WEST ELEVATION  
1/4" = 1'-0"



SOUTH ELEVATION  
1/4" = 1'-0"

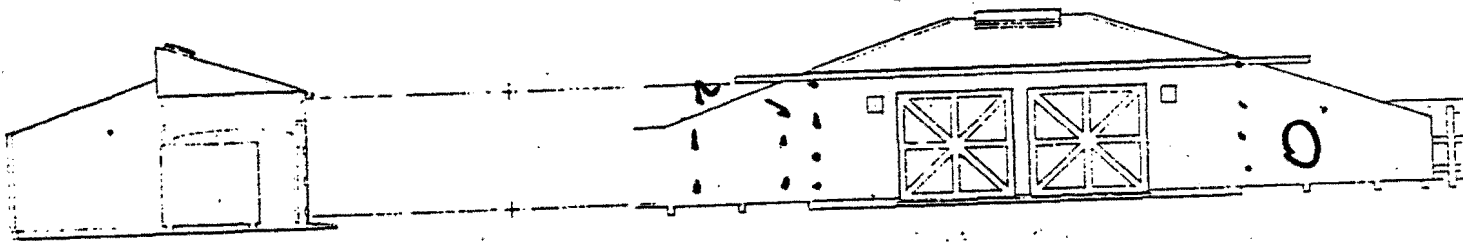
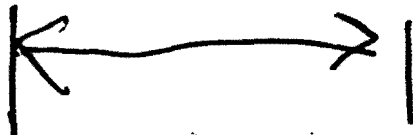


EAST ELEVATION  
1/4" = 1'-0"

EXHIBIT NO. 4

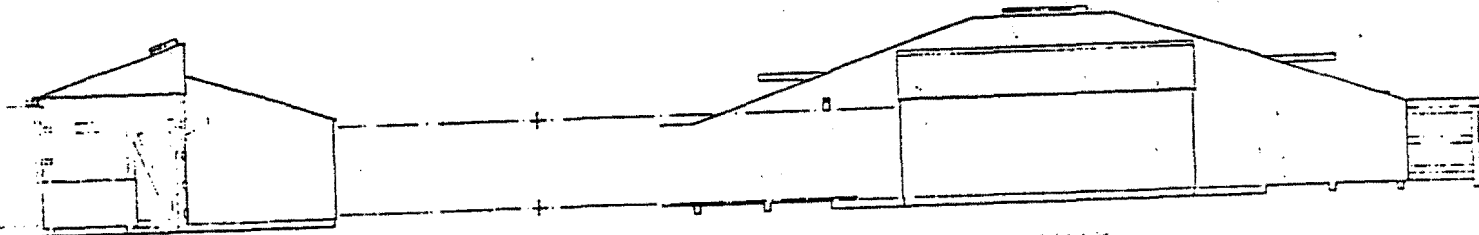
APPLICATION NO.  
A-1-MEN-96-17 (Clark)

Residential Elevation




NORTH ELEVATION  
1/4" = 1'-0"

WEST ELEVATION  
1/4" = 1'-0"

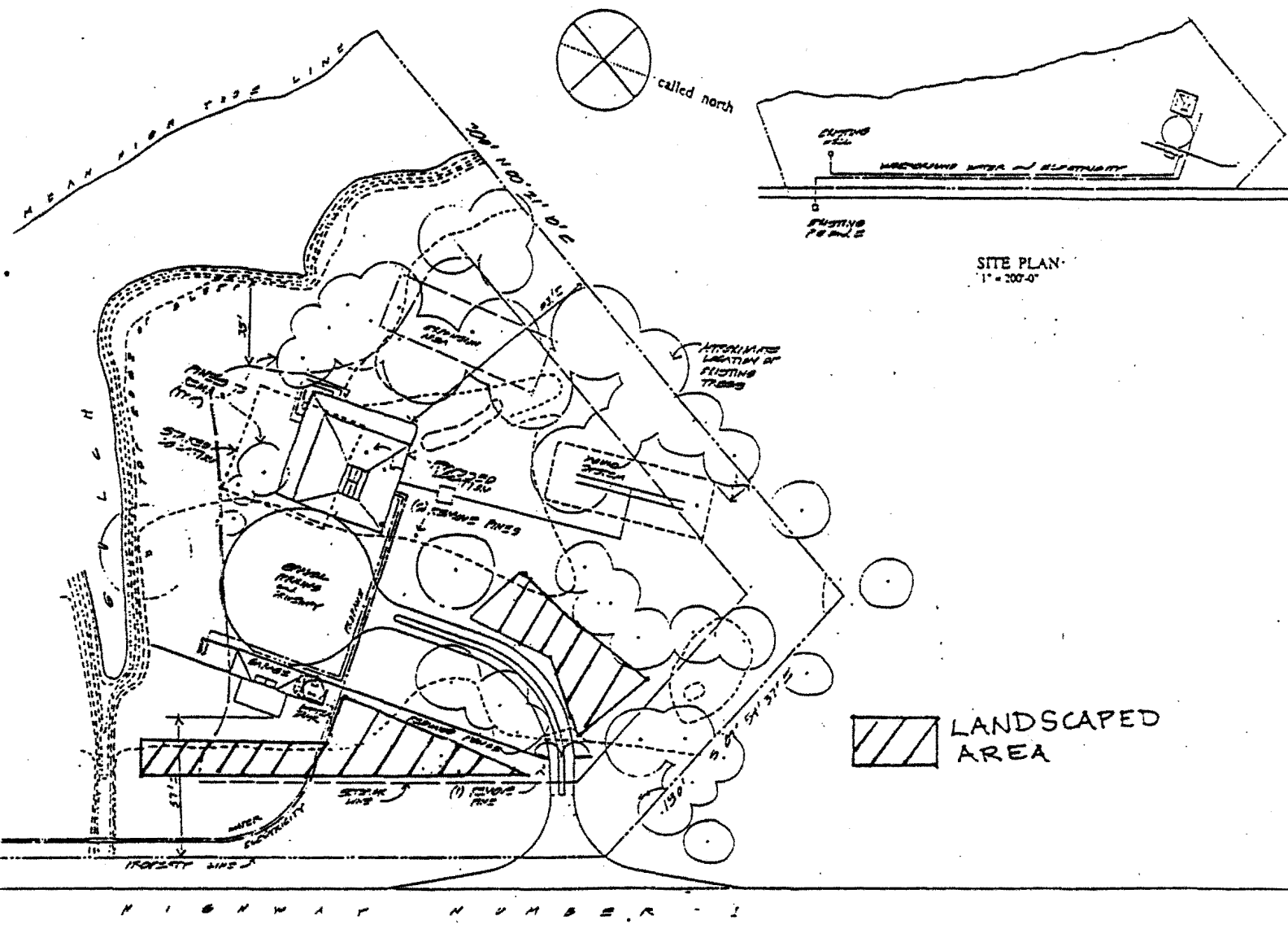


SOUTH ELEVATION  
1/4" = 1'-0"

EAST ELEVATION  
1/4" = 1'-0"

<b>EXHIBIT NO. 5</b>
APPLICATION NO. A-1-MEN-96-17 (Clark)
Garage Elevation
 California Coastal Commission

GARAGE ELEVATION



SITE PLAN  
1" = 200'-0"

PARTIAL SITE PLAN (REVISED)  
1" = 20'-0"

**EXHIBIT NO.** 6  
**APPLICATION NO.**  
 A-1-MEN-96-17 (Clark)  
 Landscaping Plan  
 California Coastal Commission

LANDSCAPING PLAN

COASTAL PERMIT ADMINISTRATOR ACTION SHEET

Case Number: CDP #26-95      Hearing Date: 2/22/96

Owner: Clark

ENVIRONMENTAL CONSIDERATIONS:

- Categorically Exempt
- Negative Declaration
- EIR

ACTION:

- Approved
- Denied
- Continued \_\_\_\_\_

FINDINGS:

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

CONDITIONS:


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

Special Condition #4 revised to read:

4. Prior to issuance of the Coastal Development Permit, the applicant shall submit a revised site plan to the Coastal Permit Administrator for review and approval which depicts the relocation of the proposed residence 20 feet to the north. As an alternative, the relocation may be reduced to 15 feet if an architect or engineer submits a foundation design acceptable to the Coastal Permit Administrator and the Building Official which protects the tallest shorepine tree located near the southeast corner of the relocated dwelling. The purpose of this condition is to protect existing trees not contained within the footprint of the relocated dwelling, garage or parking area. The applicant shall clearly mark each of the trees to be removed. Prior to issuance of the building permit and prior to the removal of any trees, staff shall confirm that the trees to be removed are consistent with the intent of this condition.

Special Condition #8 was added as follows:

8. The proposed six (6) foot fence along Highway One shall be designed and be consistent with that identified in Exhibit A, Page 2, dated February 22, 1996, as an open style fence.

<b>EXHIBIT NO.</b> 7
<b>APPLICATION NO.</b> A-1-MEN-96-17 (Clark)
County Final Conditions
 California Coastal Commission

*Roger Hall*  
 Signed Coastal Permit Administrator

the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and or use of the property in reliance on such permit has been initiated prior to its expiration.

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

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

SPECIAL CONDITIONS:

1. By acceptance of the Coastal Development Permit, the applicant agrees: (1) that the issuance of the permit and the completion of the development does not prejudice any subsequent assertion of any public rights of access to the shoreline, e.g., prescriptive rights;

EXHIBIT NO.	7
APPLICATION NO.	A-1-MEN-96-17 (Clark County Final Conditions



(2) that approval by Mendocino County of this permit shall not be used or construed, prior to the settlement of any claims of public rights, to interfere with any rights of public access westerly of the bluff acquired through use which may exist on the property; and (3) that the applicant shall not interfere with public access westerly of the base of the bluffs.

2. Unless modified by the terms of this permit, all recommendations of the geotechnical evaluation (BACE Geotechnic, Report 10843.1, dated October 12, 1994 and August 11th and August 14th, 1995 amendments) shall be incorporated into the final construction plans for the project. All grading and building plans shall be reviewed by the project geologist to confirm the adequacy of the proposed foundation system, drainage and septic system.
3. Prior to issuance of the Coastal Development Permit, the applicant shall submit a revised plot plan to the Coastal Permit Administrator for review and approval which depicts that all proposed development would be a minimum of 35 feet from the edge of the coastal bluff.
4. Prior to issuance of the Coastal Development Permit, the applicant shall submit a revised plot plan to the Coastal Permit Development Administrator for review and approval which depicts the relocation of the proposed residence fifteen (15) feet northerly of its proposed location (See Exhibit I).
5. Prior to issuance of the Coastal Development Permit, the applicant shall submit to the Coastal Permit Administrator for review and approval, roof material alternative(s) which are nonmetallic in material. The applicant also shall submit an exterior lighting plan for the approval of the Coastal Permit Administrator. The lighting shall be the minimum necessary for the safe ingress and egress of the structure. All exterior siding of the proposed structures shall be of natural or natural appearing materials or earthtone colors only. The roofs shall be nonmetallic material and also of earthtone color. All exterior materials shall be non-reflective and non-reflective glass shall be used in window. All exterior lights shall be shielded and have a directional cast downward.
6. Prior to issuance of the Coastal Development Permit, the applicant shall submit landscaping plans for the review and approval of the Coastal Permit Administrator, which depict trees of evergreen species commonly found along the North Coast, preferably pine trees as existing in the subject property, to shield the structure from public view along Highway One. The plans shall call for a minimum of ten (10) trees to be planted along the highway side of the garage and five such trees on the north side of the proposed driveway.

The landscaping plan shall include a tree maintenance program (i.e. pruning, fertilizing, watering, etc.) for the newly planted trees and a tree replacement program on a one-to-one ration for the life of the project. The new landscaping shall be planted within 30 days of completion of the project in the areas as indicated on Exhibit H.

Trees identified in Exhibit H as "to remain" and those along the bluff edge shall be maintained to help screen the proposed development from public view.

7. Prior to issuance of the Coastal Development Permit, the applicant shall submit to the Coastal Permit Administrator for review and approval, a valid encroachment permit from the California Department of Transportation.

Staff Report Prepared By:

Date: 2-13-96

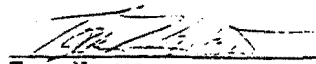
  
Tony Navarro  
Coastal Planner


EXHIBIT NO. 7
APPLICATION NO. A-1-MEN-96-17 (Clark)
County Final Conditions
 California Coastal Commission

EXHIBIT NO. 8

APPLICATION NO.  
A-1-MEN-96-17 (Clark

Appellants' Reasons

for Appeal

California Coastal Commission

## Reasons for Appeal

Friends of Schooner Gulch appeals this decision of the Mendocino County Permit Administrator because it proposes substantial issues of inconsistency with Local Coastal Plan policies, and because it will create significant adverse impacts on the coastal views:

1. Proposed house would be visible from all public view points specifically required to be protected, and would not be subordinate in character. Glass wall would be reflective. If owner removes the minimal screening, new plants would take 20 years to screen the building. It would be easy for the architect to move this house back into the trees to the north and thereby protect the State Park and State Highway viewsheds as required by the Local Coastal Plan.  
Mendocino Coastal Element 3.5-1.  
Mendocino County Coastal Zoning Code 20.504.015, c, 3.  
Mendocino County Coastal Zoning Code 20.504.015, c, 1.
2. Proposed house would be over the 18' height limit. Wings on the proposed garage would block the view from the public highway. It would be easy for the architect to lower the house height and remove the fence wings to protect the State Park and State Highway viewsheds as required by the Local Coastal Plan.  
Mendocino Coastal Element 3.5-4.  
Mendocino County Coastal Zoning Code 20.504.015, c, 2.
3. State Parks' letter of December 5, 1995 states that this development would have a visual impact from the beach below. As proposed, the west half of the house would be clearly visible. See policies cited above.
4. Mendocino County's Planning Department already made a huge mistake last year by improperly permitting a multi-storey house overlooking this same beach. The County staff report clearly stated that the house would not be visible. See policies cited above. The Mendocino County Planning Department Permit Administrator cannot be trusted to protect our valuable coastal views. Friends of Schooner Gulch feels that the Department is making the same mistake all over again because of the consistently lax way it interprets and applies the Local Coastal Plan policies.

Date: 3-22-1996  
# of pages (including this page): 1  
Time: \_\_\_\_\_ am \_\_\_\_\_ pm

Peter Reimuller and Leslie Tuche  
Post Office Box Four, (45,500 Schooner Gulch Road)  
Point Arena, California 95468  
(707) 882-2001, fax on request: (707) 882-2011

To: Jo Ginsberg From: Peter Reimuller RECEIVED  
Attention: \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ MAR 26 1996

Please answer via: Fax ( ) Phone ( ) Mail ( ) Not necessary (  ) CALIFORNIA COASTAL COMMISSION

A couple of final notes:

- 1) Mendocino County justified the excess height by saying it was lower than the neighbors. Well, the "neighbors" are 2000' and 500' away. Hardly "neighboring."
- 2) State Parks also feels the height unnecessary,
- 3) "Grey" color was specified. That won't blend in this location.
- 4) The trees that are required along the highway will
  - a) Take a long time to grow.
  - b) Block the view to the ocean at one end of the fence.

Thank you for your consideration

Peter Reimuller

Enclosed are supplemental materials for the appeal.

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LINDA RUFFING

45400 Fish Rock Road • P.O. Box 735 • Eureka, CA 95515  
Tel: 707-834-4900 • Fax: 707-834-4901 • earthmap@menore

Tony Navarro, Planner I  
Mendocino Co. Dept. of Planning & Building  
143 W. Spruce Street  
Fort Bragg, CA 95468

December 26, 1995

Subject: CDP # 26-95, Clark

*To: Linda Ruffing is  
a planning  
commissioner.*

Dear Tony,

A couple of weeks ago I visited the site of the proposed Clark residence on the bluff above Bowling Ball Beach. It is clear that the proposed building site will place the house directly in view of the Highway 1 turn-outs south of Schooner Gulch and will also be visible from the beach below.

As you are aware, this permit has generated a great deal of public concern. Schooner Gulch State Beach Bowling Ball Beach is one of only a few publicly accessible beaches in this area. Bowling Ball Beach is a geologic phenomenon and a cherished resource. The protection of its scenic qualities is absolutely imperative. The recently constructed house at Ross Creek exemplifies the vulnerability of this beach to insensitively sited development on the adjoining bluffs.

I draw your attention to Coastal Element policies regarding development in highly scenic areas:

...Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas...[and] shall be subordinate to the character of its setting. (LCP, policy 3.5-1)

...Any development permitted in these [highly scenic] areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams and waters used for recreational purposes. (LCP, policy 3.5-3)

...Minimize visual impacts of development on terraces by ...(3) provide bluff setbacks for development adjacent to or near public areas along the shoreline. (LCP, policy 3.5-4)

Clearly, the intent of our Coastal Plan is to ensure that the impacts of new development on scenic viewsheds are minimized. In this case, the most effective way of mitigating visual impacts is to locate the house where it will not be visible from the vista point or the beach. This can be accomplished by requiring a minimum 85 foot setback from the gulch on the south side of the proposed site. An 85-foot setback would place the house in a position where it would not be visible from the beach, and would allow for existing trees to screen the house from longer range views from the Highway 1 vista points. Of course, you'll also need a condition restricting removal and/or trimming of the trees. A lesser setback will not accomplish anything.

Thanks for your consideration. I can't impress upon you enough how important it is that the premium coastal views be protected for the public in perpetuity. Here's your chance to help.

Sincerely,

Linda Ruffing, 5th District Planning Commissioner

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*OOPS. Jones house here visible from Beach.*

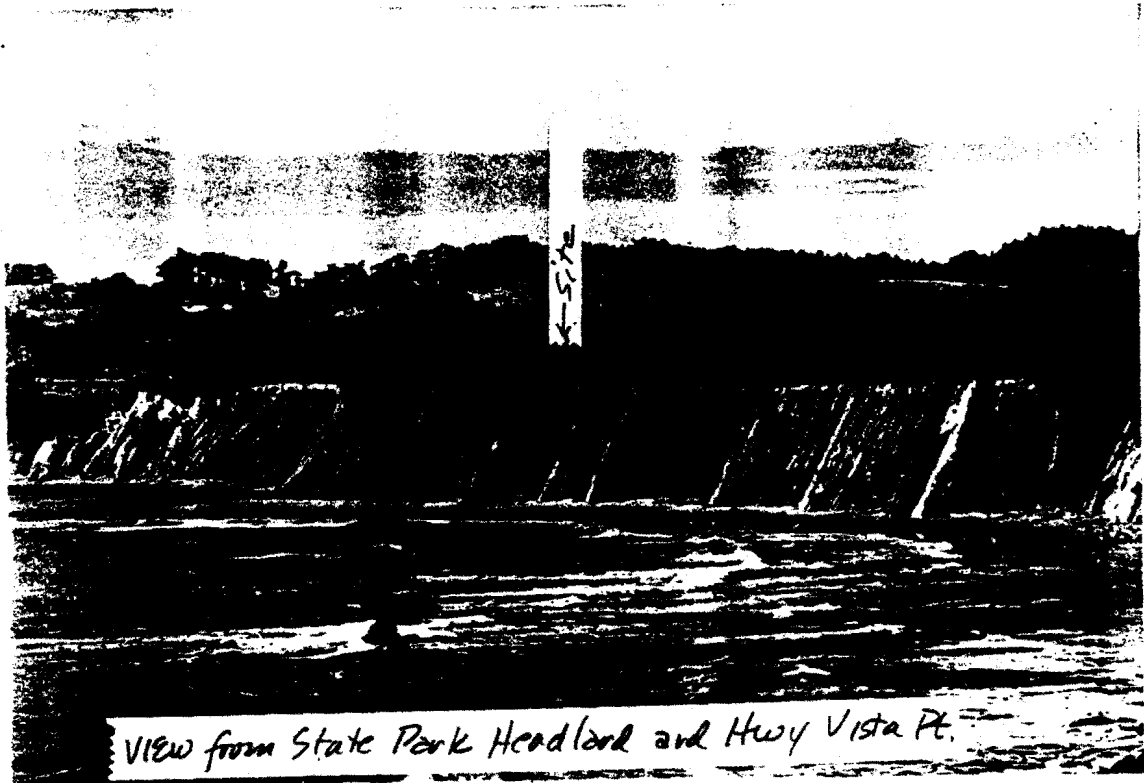
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VIEW from State Park Headland and Hwy Vista Pt.

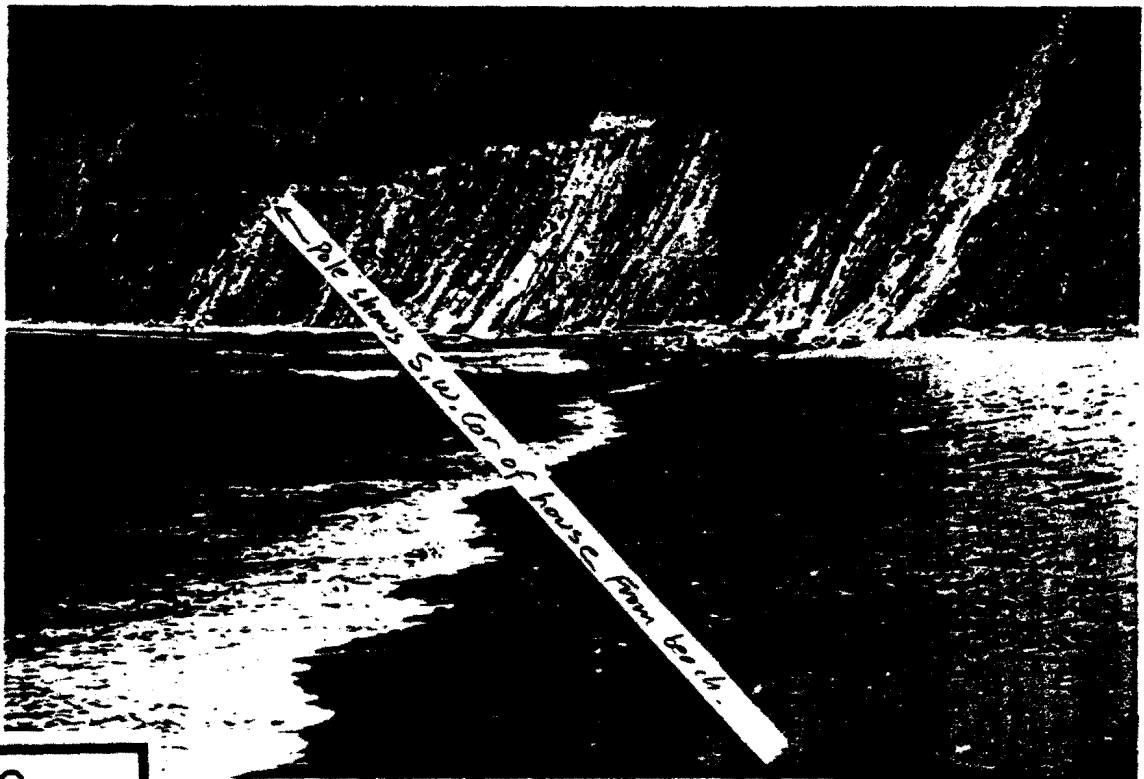


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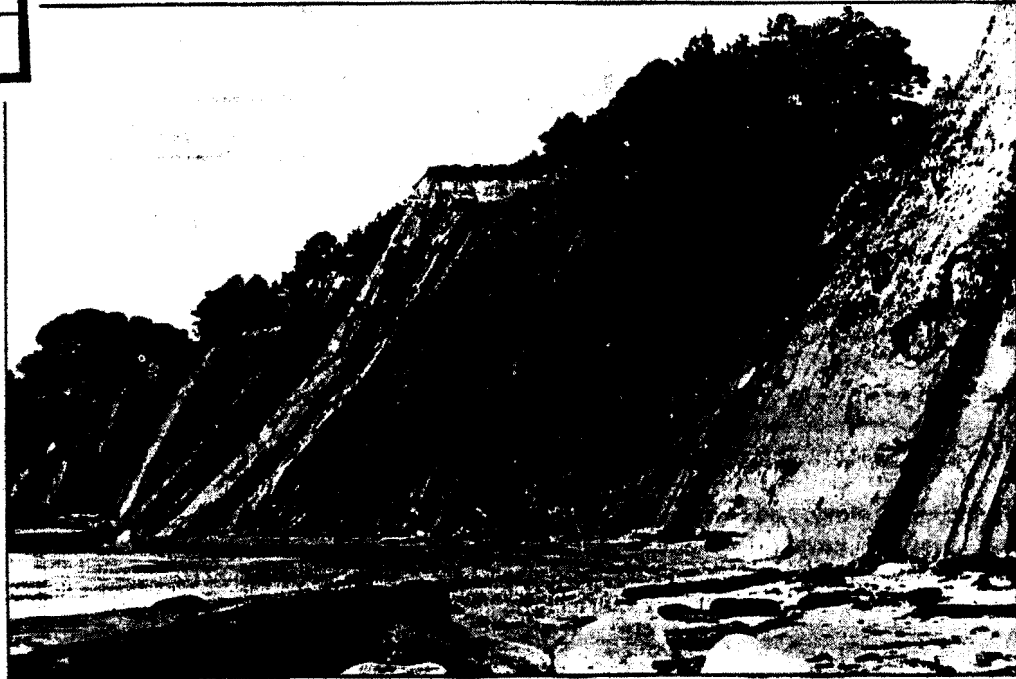
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*Merba. Co. Bldg Dept; "will not be visible from public beh."*

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The dramatic cliffs of Schooner Gulch State Beach may be topped by a home proposed to be built near the bluff edge. The construction site is approximately where the trees are at the top right of this photo, above the ravine. Julie Verran photo.

## Planned house will overlook Bowling Ball Beach

By Julie Verran

Friends of Schooner Gulch, active for 25 years to protect beaches in that area, are working to modify a proposed house that would be visible from the beach and the vista point. The proposal comes up for a Mendocino County Coastal Permit on January 18.

The two-story house, designed by award-winning local architect Obie Bowman, is proposed by Patricia and Peter Clark of San Francisco. It would have a metal roof.

Mendocino County Planning Commissioner Linda Ruffing has suggested that the proposed residence be sited 100 feet in from the edge of the bluff behind a screen of trees from the beach and vista viewed. "It's a question of protecting the landowner's investment, and protecting the public's interest."

The Planning Commission will not consider the permit application because it does not involve a subdivision or a zoning change.

According to Peter Reimuller of Friends of Schooner Gulch, the public's interest extends beyond the viewshed issue. In a letter to Coastal Planner Tony Navarro, he

writes, "Several other houses on the same bluffs were built over the last decade. On at least two of them, the act of building itself has caused the destabilization of the bluffs. Because of this, the houses are more visible than when first built."

Reimuller says that the public has to pay when owners of blufftop houses have to call upon emergency services. "At least one of the houses built on the cliffs has had to provide a guarantee that public assistance would not be sought or used should the cliffs subside," he writes.

In an article in the January/February 1992 issue of California Geology, "Faulted Wave-cut Terrace Near Point Arena", Engineering Geologist Erik E. Olsborg writes of the bluff near the proposed house, "The erosion is caused by slaking (crumbling due to exposure to air and moisture) of the sedimentary rock. Small rock particles continually drift down the bluff face forming a talus deposit that is periodically washed away by high tides and storms. Continuous slaking of the friable rock strata, combined with periodic wave erosion at the bluff toe, is causing a relatively high bluff retreat

rate at this location."

Schooner Gulch State Park lies south of the parcel proposed for building. The Department of Parks and Recreation wrote a letter, signed State Park Superintendent Bill Berry, asking that the county make sure the house is subordinate to the setting, as required by the county's Local Coastal Plan designation of the area as "highly scenic."

The DPR letter states, in part, "The scenic resources of this park and associated beach are some of the finest to be found on the coast. There is no doubt that the proposed structure would have a visual impact as viewed from the beach below. We feel that this viewshed warrants the kind of protection that the LCP sets out to establish. As such, extreme care and sensitivity must be applied when considering permitted development. In this particular case we believe that the visual impacts can be adverse."

A two-story house built recently on the same stretch of shore was re-

quired by its coastal permit to be out of view of the beach, but it proves to be clearly visible. Another house on a continuation of the same bluff as the proposed house lost 15 feet or more of its ocean-front yard, plus a stairway to the beach. It now dangles unrightly, drain pipes down towards the sand.


Planner Navarro has asked that the roof be non-reflective and that the house be moved in from the bluff more than the standard 37.5 feet. That setback is figured on a six-inch per year bluff retreat and a 75-year economic life for a house.

Architect Bowman said that metal roofs have been a feature of the north coast landscape for over 100 years, but that he was willing to modify the design to allow for the roof to be painted, perhaps a medium gray. He said that moving the house inland would place it within a grove of pines, cutting sunshine and view for the residents.

The building site is the

Hol.



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## *Friends of Schooner Gulch*

A Watershed Organization  
Post Office Box 4  
Point Arena, California 95468  
(707) 882-2001

COPY

November 1, 1995

Members of the Planning Commission,  
c/o Mr. Tony Navarro, Coastal Planner,  
143 W. Spruce St.,  
Fort Bragg, CA 95437  
FAX 961-2427

Re: Coastal Application 26-95 "Clark"

At the regular meeting of the Board of Directors of Friends of Schooner Gulch, held in June 15, 1995, it was unanimously decided to recommend disapproval of Coastal Permit 26-95 "Clark". We sent a letter to Mr. Tony Navarro, the Coastal Planner for this case, on June 22, 1995. In that letter we indicated our disapproval based only upon our preliminary investigations of the matter.

Subsequent investigations, discussions with Mr. Navarro, site visits, and an in-depth analysis of the relevant Local Coastal Plan regulations have only reinforced more strongly our total disapproval of the permit as sited and proposed.

Currently, we are preparing press materials in order to gather community-wide support for our stand on this matter. Before getting too involved in that time-consuming task, we are trying to solve the problem at Staff level. Specifically, we would think it appropriate if Staff would submit to the Planning Commission a recommendation for conditional approval, but based on applicable coastal permit law. Our recommendations for this conditional approval are found later in this letter.

Friends of Schooner Gulch is a local environmental group which has a good track record for responsible and effective advocacy involving the Schooner Gulch Watershed and the beaches called Schooner Gulch and Bowling Ball. Over the


From the Coast Ridge to the Pacific Ocean.

last 15 years we have had successes: (A) Disapproval of the building permit over Bowling Ball Beach which would have privatized the access and the views; (B) Convincing State Parks to purchase Bowling Ball Beach, which was our longest and most difficult community action; (C) Legal actions against Louisiana Pacific in the over-logged Schooner Gulch Watershed, one of which suits we won; (D) Suggesting to and catalyzing Cal-Trans to create the beautiful Vista Point south of Schooner Gulch on Highway One; (E) Disapproval and defeat of the Time-Share Condominium plan for Whiskey Shoals; (F) Considerable input into the County's LCP; (G) Moneys donated to Friends of the Garcia to include the Coastal Watershed on their computerized data and analysis maps for the sake of future environmental data gathering and analysis; (H) Support and impetus for many separate Stream Rehabilitation Programs on Galloway and North Fork of Schooner Gulch Creeks; (I) And most recently, donation of cash to the Most Creek Management Agency for the purpose of helping local property owners remove logjams and slides on Galloway Creek.

Through the years we have collected donations from over 300 individuals in the community and in our Watershed and have sponsored over 10 fund-raising community events. Friends of Schooner Gulch has a historic policy not to react, unless the threat is substantial and our input can be responsible and effective.

The Clark application is unacceptable to Friends of Schooner Gulch for the following reasons:

1. As proposed, on the revised plan submitted by the architect, the house will be visable to the recreational users of the publicly visited beach below it, as well as from the beaches owned by the State of California, called "Bowling Ball and Schooner Gulch State Park." The LCP specifically states that the County must protect the views from highways, roads, vista points, beaches, parks, streams and coastal waters. This single application intrudes visually on each and every one of those specific entities.


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The applicant put up poles recently so Staff could see the site from those vantage points. We fervently asked Staff to request the applicant to keep the poles erected so the public could see just what was proposed. The next day they were completely gone.

The applicant has modified the original proposal at Staff's request. The house has been "moved" about 25 feet north, tucking one corner of the house behind two very small "tree" symbols on the plan. There is no assurance that this will accomplish anything, yet we have heard from Staff that Staff thinks such "moving" will meet the requirements of the LCP. The south wall of the house is the wall with the most glass, and thus with the most reflectiveness. We can only assume that the architect does not take the LCP's requirements seriously.

The architect has "diminished" the height of the roof by about 2-1/2'. This is supposed to make the house look smaller, we assume. In reality, this token redesign is meaningless in view of the overall seriousness of the intrusion of this house into the view. The architect says that such height is important to the proportions of the house. Clearly, he is not concerned with the requirements of the LCP or the views from the State Park, as much as he is with creating a visible monument to his own design excellence. (Please refer to his letter to Staff.) Staff told the architect that a 22' height would be permissible, yet the LCP calls for a height limit of 18'. Why does the County of Mendocino Planning Staff feel that the specific requirements of the LCP can be negotiated away to the benefit of specific property owners? We find this incomprehensible.

Please do not confuse Schooner Gulch and Bowling Ball Beach State Park with your normal, non-visible beach. *This beach is a treasure, and is probably the most photographed and admired beach on the entire South Mendocino Coast.* It is a rare day that you will drive along the cliffs south of the proposed site and not see a tourist taking a picture or just enjoying the view. Because these 2 beaches themselves are jointly one of the few sites that are easily accessible to the public, tourist serving facilities such as Bed and Breakfasts, Motels, and Campgrounds frequently send their clients there for the day. Over the last 10 years, the parking lot on Highway One is often full with 5 to 10 cars on every weekend.

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Does it seem reasonable to the Commission that each visitor coming to the beach for, say, an hour once a year, should have to accept intrusive visual residential development on the cliffs as part of this experience? Yet, this is what the applicant requests. Rather than being able to look down upon the beach 24 hours a day, 365 days a year, it would make more sense for the applicant build a ways back from the cliffs, and when desired, get up, walk 75 feet, and enjoy the beach in complete privacy. This would leave the incredible beauty of the view in a pristine condition for the tourists that bring the money to our community.

2. The proposed house must be pulled back from the cliffs, to an area which will not be visable when the cliffs do erode. Several other houses on the same bluffs were built over the last decade. On at least two of them, the act of building itself has caused the destabilization of the bluffs. Because of this, the houses are more visable than when first built.

Apparently, the geologic reports which were required for the homes recently built on the bluffs were flawed. They, too, said that the cliffs would recede very slowly, yet the cliffs in 2 or maybe 3 instances actually caved in soon after the houses were built. It is a combination of unforeseen factors which causes this to happen on these very cliffs. (1) Runoff from the new roofs and paved areas apparently pools near the houses and makes the cliffs saturated beyond their ability to hold together. (2) This is made worse by the septic systems on the very narrow space between the highway and the cliff-top. Those septic systems combine with the roof and pavement runoff to create still more weight in the cliff's soils. (3) The owners of the parcels have removed trees to improve the view (which, incidently, makes the cliff-top homes all the more visable from the public access areas) and the roots then die, rot, and lose their ability to help hold the cliffs together. Perhaps the weight of each house and its concrete foundations also acts to crumble the cliffs.

The geologist's report fails to clearly state the nature of the slippage of the cliffs. The steeply up-angled strata of the property, and its very soft composition, make it just a matter of time until the whole mass subsides along this very part of the coast-line. Indeed, along the south boundary of the property is a steeply cut ravine caused by mere highway runoff. These cliffs are not stable. As a group we have

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watched them for 25 years. They were relatively more stable until the houses were built.

At least one of the houses built on the cliffs has had to provide a guarantee that public assistance would not be sought or used should the cliffs subside. And at least one already built house has attempted a wooden staircase to the beach, which the wave action has consistently destroyed. It is just a matter of time until those owners attempt to pour cement buttresses to hold the cliffs permanently. In 2 cases, they have already added drainage tubes all the way down the cliff, and dangling onto the recreational beach. This eyesore has been there several years.

3. Probably the most dangerous fact relative to the permit relates to the wave action on the cliffs below. The point which creates the promontory upon which the applicant wishes to build is only a remnant of the original cliff which has not been washed by the waves. Offshore about 150 feet is a very shallow and soft rock which in the past has broken the waves which come to the property, just enough to protect the cliffs there. If that one small protection were to change, the entire buildable area of the point would be vulnerable to erosion very quickly. Given the fact that global warming is raising the levels of the ocean faster than all previous estimates, it is perhaps a matter of as short a time as 100 years until the point is assailed by an average water level 1-1/2' higher than we now have. (Please see the appended San Francisco Chronicle article.)

The subject property "enjoys" a cliff angle of approximately 2 vertical measures to 1 horizontal measure. This is approximately a 60-degree slope. As such, it is much steeper than the rest of the cliffs in the area, which lie at an angle of repose of approximately 1 horizontal to 1 vertical. Such an angle of repose in this case exists because of the off-shore rock (which is mentioned above) which protects the property from wave erosion.

4. The recreational resource below the property--the very beautiful beach known as Bowling Ball Beach, along with the bowling balls and the striated bluffs--is an extremely valuable tourist and local recreational user's asset. So much so, in fact, that State Parks has bought part of it to keep it from development. Why would the applicant want to have a house which is so easily visible by the recreational public?

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5. It is our feeling that the permits in the area have not been written very carefully by the governmental agencies who have been charged with the job of regulating the development of the properties. Houses are supposed to recede, both from the beach and from the highway. Indeed, this small stretch of public highway is being made into a local Malibu Wall. The view of the ocean, from the highway is disappearing permit by permit, year by year.

6. This permit is a big precedent for the future of development in the area. From the Highway One corridor to the south, and looking northerly, there are 15 or 20 more parcels to be developed, and which must be kept hidden from this most beautiful view. If this permit is allowed, those parcels will be next in line for blatant in-your-face development.

7. Only two weeks ago we were very disappointed to see that a new house erected at the north end of Bowling Ball Beach, next to Ross Creek. The staff report for the permit, #5-94 dated April 28, 1994, contains material errors and those errors have impacted the views from the beach and highway.

*Specifically, the report states "Due to the setback location and sloping bluff top topography, the proposed development would not be visable [emphasis added] from the Schooner Gulch/Bowling Ball Beach area until one reaches the Ross Creek area."*

Well, now that it's built, it IS visable from those areas. Please check it out yourself. About 1/3 of the house can be seen from Highway One south of Schooner Gulch, and from the headlands and beach areas of Schooner Gulch and Bowling Ball Beach State Park far to the south. Sticks right out there into the view. This is exactly the tourist view that the LCP was designed to protect, and now because of Staff's lack of research and subsequent error, we will have to live with it forever. This amounts to just one more precedent for sloppy, uncaring development on this most beautiful and photographed stretch of the South Mendocino Coast.

Should the Commission wish to conditionally approve this permit, Friends of Schooner Gulch suggests the following conditions of approval:

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The owner will agree that the house will never be visable from the State beach or headlands, or from the highway Vista Point south of Schooner Gulch bridge.

2. The applicant will agree to never modify the cliffs to attempt to hold back the wave action.

3. The geologist will study the subsidence of the cliffs on the other parcels in the area which have sloughed off since they were built on. Appropriate measures will be taken to ensure that this will not happen on the subject parcel.

4. The fence proposed along the highway, and which would block the ocean view from Highway One, will not be permitted.

5. The applicant will agree to never use public assistance or emergency services to heroically try to save or recover the development from high waves or seismic disaster.

6. There is no actual public right-of-way for the highway in this area. It is by right-of-use, and is generally considered to be the roadway fence line. Currently, there is room for a car to pull off the highway in this area. The owner must agree to keep this pull-off lane available to the traveling public. (Too many lanes for pulling off the highway have been lost due to landowners putting fences up just close enough to the highway to keep cars from using the lane.)

7. For purposes of establishing the public record for appeal of this permit, please see the comments listed in detail in the Staff letter of June 16, 1995, addressed to the applicant.

8. State Parks shall be notified, prior to the public hearing, that this structure, as proposed, will be visable from Highway One, the Vista Point, and Schooner Gulch and Bowling Ball Beach State Park (both the headlands and the beaches).

In summary, Friends of Schooner Gulch requests that this permit be presented to the Planning Commission with a recommendation of Conditional Approval from the Staff, based upon the 8 points listed above. Should Staff choose to ignore the applicable LCP provisions, then Friends of

Schooner Gulch will have more input at the time of the hearing concerning each and every aspect of applicable coastal development requirements. We expect the Planning Commission and Staff alike to follow the law just as they expect citizens to follow the law.

Sincerely,


5/

Peter Reimuller, Corresponding Secretary  
for the Board of  
Friends of Schooner Gulch

cc: Charles Peterson

attached: Chronicle article regarding ocean levels.

file:fsgcom04

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THIS IS INTERESTING. IF THE WATER COMES UP ONLY A LITTLE, THE POINT THIS PROPERTY IS ON WILL SURELY BE GREATLY ERODED AS IT IS NOW ONLY PROTECTED BY A LOW REEF A FEW HUNDRED FEET OUT.

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TUESDAY, SEPTEMBER 19, 1995

SCIENCE

\*\*\*\*\* See 3

# Dire Forecast of Disruptions From Global Warming

## Scientists more certain that human activity is at fault

By William K. Stevens  
*New York Times*

The Earth has entered a period of climatic change that is likely to cause widespread economic, social and environmental dislocation in the next century if emissions of heat-trapping gases are not reduced, according to experts advising the world's governments.

The picture of probable disruption, including adverse changes and some that would be beneficial, emerges from draft sections of a new assessment of the climate problem by the Intergovernmental Panel on Climate Change and from interviews with scientists involved in the assessment.

The panel, a United Nations group, advises parties to a 1992 treaty who are negotiating reductions in heat-trapping greenhouse gases such as carbon dioxide.

The new feature of the assessment — the first in five years by the intergovernmental panel — is that the experts are now more convinced than before that global climate change is indeed in progress and that at least some of the warming is the result of human action, specifically the burning of coal, oil and wood, which releases carbon dioxide into the atmosphere.

Like its predecessors, the forecast relies heavily on uncertain computer simulations of the atmosphere's response to heat-trapping gases.

Although some environmentalists and their allies have long believed potentially catastrophic human-induced climate change to be a fact, and some political conservatives and industry groups have been skeptical, experts in the mainstream of climate science have never confirmed either view.

So far, most governments have taken small steps to rein in emissions of greenhouse gases, with the hope of at least avoiding further contributions to the warming problem.

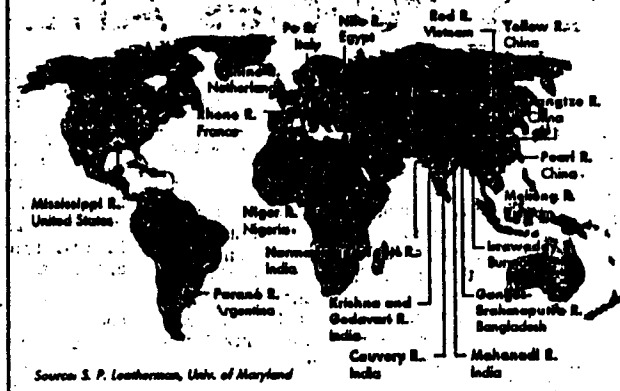
But even before the current re-assessment, parties to the 1992 treaty had agreed that these steps were inadequate and had opened talks about stronger measures.

According to draft sections of the new forecast, some of the predicted effects of climate change may now be emerging for the first time or with increasing clarity. The possible early effects include these:

■ A continuing rise in average global sea level, which is likely to amount to more than a foot and a

### LAY OF THE LAND: DELTAS IN DISTRESS

If the effects of global warming raise sea levels an average of a foot and a half around the world, as some scientists predict, parts of many populated deltas would become uninhabitable.



Source: S. P. Leatherman, Univ. of Maryland

NEW YORK TIMES GRAPHIC

half by the year 2100. This, say the scientists, would inundate parts of many heavily populated river deltas and the cities on them, making them uninhabitable, and would destroy many beaches around the world.

At the most likely rate of rise, some experts say, most of the beaches on the East Coast of the United States would be gone in 25 years. They are already disappearing at an average of two to three feet a year.

■ An increase in extremes of temperature, dryness and precipi-

tation in some regions. A U.S. government study conducted by one of the panel's scientists has shown that these extremes are increasing in America. There is a 90 percent to 95 percent chance, the study concluded, that climate change caused by the emission of greenhouse gases is responsible. The intergovernmental panel forecasts an increase in droughts like the current one in the Northeastern United States, heat waves like the one in Chicago this summer, and more fires and floods in some regions.

■ A "striking" retreat of mountain glaciers around the world, accompanied in the Northern Hemisphere by a shrinking snow cover in winter. In some semiarid regions, the panel says, runoff from melting glaciers may increase water resources. But in most other places, rivers and streams could be diminished in the summer.

"While there will be some beneficial effects of climate change, there will be many adverse effects, with some being potentially irreversible," says one of the panel's draft summaries.

Beneficial effects, if the panel's forecast is right, would include, for instance, milder winters in northern climes, an increase in rainfall in some regions that need it, and faster crop growth: Grain belts of North America and Russia could expand; Agricultural production worldwide is not expected to decrease much.

But some regions — especially sub-Saharan Africa, South and Southeast Asia and tropical Latin America — could suffer losses in their harvests. Deserts are expected to expand, and the heartlands of continents to become drier. There would be more rain throughout the world. Northern temperate regions would experience more rain and less snow in winter. In summer, water would evaporate faster, drying the soil.

Natural ecosystems, being untended, would be even more vul-

nerable than cropland.

Computerized models indicated that if atmospheric carbon dioxide levels double, "one-third of all the forest area of the Earth will change," said Dr. Steven P. Hamburg, a forest ecologist at Brown University who is a member of the intergovernmental panel. "But we still don't have a good grasp of what it will look like," he added.

Carbon dioxide concentrations are expected to double by late in the next century if no further action is taken to limit emissions.

Scientific opinion among climatologists is now shifting, and more are prepared to say that human activity is probably a cause of at least part of the climatic change experienced so far.

The human contribution to global warming could range from highly significant to trivial: The panel's scientists say it is not yet possible to measure how much of the warming has been caused by human activity and how much is a result of natural causes.

Even if atmospheric concentrations of greenhouse gases were stabilized immediately, the report says, the world would still warm by about 1 to 3.5 degrees, resulting in some degree of climatic dislocation, which could result in severe flooding in low-lying areas such as the Maldives, Egypt and Bangladesh, casting many of their inhabitants on the world's mercies as environmental refugees.



John W. Nichols  
28000 S. Hwy. 1  
Point Arcna, CA. 95468

April 8, 1996

**RECEIVED**  
APR 08 1996  
CALIFORNIA  
COASTAL COMMISSION

California Coastal Commission  
45 Fremont, Suite 2000  
San Francisco, CA., 94105-2219

Attention: Jo Ginsberg

Ref: Mr. Clark, 27990 S. Hwy. 1, AP 027-433-11, CDP 26-95

Dear Sirs, and to whom it may concern:

My property is adjacent to the south side of concerned parcel and is 027/433/12.

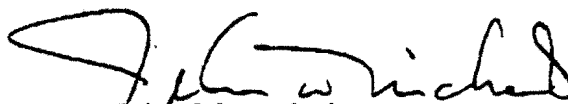
My concern in the issue is contrary to the objections by Mr Peter Reimuller who calls himself "Friends of Schooner Gulch". They are:

(1) Mr. Reimuller does not live on Hwy 1 and thus cannot understand the character of the traffickers. I do not know the exact percentages of commercial verses tourists but I'm sure there is far more commercial. So as his issue goes, House would Not be visible from all public view! Glass wall would reflect only if and when sun would be in a certain position and doubtful to the direction of the Highway. Mr Reimuller evidently knows only of slow growth screen planting, twenty years?? I see no reason why Mr Reimuller should dictate where to locate Mr Clarks House!

(2) I believe if the surrounding homes are more than one story high, his may also be. That was true when I built as the Auguste home to my south and the Kennedy home to my north are three and two stories high. Clark is also between these. As for the view from the Highway, House sets deep on the property and easily screened if necessary.

(3) Visual impact from the beach would hardly be noticeable. The bluff is approximately 85 feet above sea level and at an approximate 60 degrees. The view point from the beach would be almost a quarter mile away!. My house is roughly 1600 feet south and Bob Aughuste's is another 500 feet beyond and neither are discernible from Clark's property nor the beach. I don't think this is any big issue as Mr Reimuller states.

(4) I think the Mendocino County Planning Department Administrator can be trusted and has done a good job.. I feel that if Mr Clark wants to put his house on the bluff for his view, that is his privilege, that is why he bought that property. Incidentally, Mr Reimuller had the same complaints in the processing of my building permit and with little impact, thank goodness!!

  
John W. Nichols

<b>EXHIBIT NO.</b> 10
<b>APPLICATION NO.</b> A-1-MEN-96-17 (Clark)
Correspondence