

**CALIFORNIA COASTAL COMMISSION**

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49 <sup>th</sup> Day:	Opened and Continued
Staff:	Robert Merrill
Staff Report:	July 31, 2000
Hearing Date:	August 11, 2000
Commission Action:	

STAFF REPORT: APPEALSUBSTANTIAL ISSUE

LOCAL GOVERNMENT:	County of Mendocino
DECISION:	Approval with Conditions
APPEAL NO.:	A-1-MEN-00-028
APPLICANT:	Bob & Lori Jones
AGENT:	Luz Harvey
PROJECT LOCATION:	South side of Navarro Ridge Road, approximately 1.25 miles southeast of its intersection with Highway One, at 31991 Navarro Ridge Road, Mendocino County, APN 126-060-02.
PROJECT DESCRIPTION:	Construction of an 18-foot-high, 2,524-square-foot single-family residence with an attached 612-square-foot garage; installation of leach field and septic system; connection to existing well and on-site utilities; and temporary occupancy of a travel trailer during construction of the residence.
APPELLANTS:	Navarro Watershed Protection Association; Hillary Adams; and Sierra Club, Mendocino/Lake Group, Roanne Withers

SUBSTANTIVE FILE:  
DOCUMENTS

- 1) Mendocino County CDP No. 62-99; and
- 2) Mendocino County Local Coastal Program

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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. These grounds include alleged project inconsistencies with Mendocino County's certified LCP policies pertaining to visual resources. The appellant has not raised any substantial issue with the local government's action and its consistency with the certified LCP.

The Mendocino Coastal Permit Administrator, approved with conditions a coastal development permit for the construction of an 18-foot-high, 2,524-square-foot single-family residence with an attached 612-square-foot garage; installation of a leach field and septic system; connection to existing well and on-site utilities; and temporary occupancy of a travel trailer during construction of the residence off of Navarro Ridge Road above the Navarro River in Mendocino County. Visual issues were at the center of the County's review of the project as the project site is located within an area designated as highly scenic under the LCP. The project site is inland from Highway One and other vantage points and thus would not block or affect views to or along the coast. Rather, the visual issues considered involved whether the development would be compatible and subordinate with the character of the surrounding area and whether the project is consistent with LCP policies that discourage development on ridge tops.

The approved development is located on one of about a dozen similar parcels that straddle Navarro Ridge and are zoned for rural residential use. Many of the parcels are already developed with single family residences, including the parcels on either side of the applicants' parcel. The applicants modified the project during the local review process to reduce its visual impacts, making such changes as moving the house further to the north off the southern crest of the ridge, reducing the structure to one story and 18 feet in height, reducing the amount of glass in the southern exposure of the building, and adding landscaping to partially screen the development from view. The Coastal Permit Administrator conditioned the project to further reduce its visual impacts, such as requiring that the landscaping plan be modified to include additional landscaping including fast growing species, that the proposed and existing landscaping be maintained and replaced as needed to assure that adequate screening is maintained, and limiting the building materials to dark non-reflective materials to ensure the project would blend in with its surroundings.

The appellants assert that the project as approved is inconsistent with the above cited LCP policies in three main respects. First, the appellants contend that the approved house is not compatible with the natural character of the ridge, inconsistent with LUP Policy 3.5-1 and Zoning Code Section 20.504.010. The appellants believe that the County inappropriately

considered existing homes developed prior to adoption of the certified LCP to be part of the character of the area for purposes of reviewing the project for consistency with the LCP.

However, LUP Policy 3.5-1 and Zoning Code Section 20.504.010 do not exclude existing buildings from consideration of what comprises the visual character of the area surrounding a project. There are already many residential projects approved in the surrounding area and elsewhere along the coast where the presence of existing buildings has been taken into account in determining that the residential project is visually compatible with the character of the surrounding area consistent with LUP Policy 3.5-1 and Zoning Code Section 20.504.010.

Second, the appellants contend that the landscaping required by the County will be inadequate to screen the approved house to make it subordinate to the character of its setting, as required by LUP Policy 3.5-1 and Zoning Code Section 20.504.015(C)(3).

However, as approved, the landscaping has been conditioned to avoid many of the specific concerns raised by the appellants. The terms of the approved permit provide for augmenting the vegetation screening proposed by the applicant with additional trees, provide for the planting of fast growing trees that will screen the structure in a shorter period of time, and include provisions to ensure that existing and proposed trees will be maintained and/or replaced over time to ensure the project will be adequately screened in perpetuity. As conditioned, the required landscaping would be adequate to screen the approved house to achieve consistency with LUP Policy 3.5-1 and Zoning Code Section 20.504.015(C)(3).

Finally, the appellants contend that the project would be inconsistent with LUP Policy 3.5-1 and Zoning Code Section 20.504.015(C)(8) because the approved house would project above the ridgeline and be highly visible to the public and the appellants believe there are alternative house locations on the site that would not create such impacts.

In its approval of the project, the County did consider moving the house northward off the ridge top as suggested by the appellants. However, the County determined that the need to provide an adequate buffer between the residence and adjacent rangeland to the north as required by LUP Policy 3.2-9 and concerns raised by the County Division of Environmental Health that a suitable area for a leach field would not be available to serve the house in that location made moving the house off the ridge top problematic. In light of the evidence available in the local record, staff believes the determination of the County was reasonable. Furthermore, given that (1) the proposed project would be built within a row of existing houses along the ridge that also project above the ridgeline, including houses on the parcels immediately east and west of the subject parcel, (2) the house would be limited to 18 feet and one story, which is lower than some of the houses visible in the string along the ridge, (3) the house would be framed by a backdrop of existing trees and would not extend above the treeline, (4) the house would also be limited to dark colors and non-reflective materials in contrast to some of the more prominent homes on the ridge and would be screened by landscaping, the development as approved would not appreciably affect the quality of the view. Thus, the particular visual resource affected by the decision is insignificant.

For all of the above reasons, staff recommends that the Commission find that the appeal raises no substantial issue of consistency with the certified LCP. The Motion to adopt the Staff Recommendation of No Substantial Issue is found on Page 5.

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### **STAFF NOTES:**

#### **1. Appeal Process**

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 one hundred feet of a wetland or stream or 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, or those located in a sensitive coastal resource area.

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 and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission because the proposed house is located in a sensitive coastal resource area. Section 20.308.110(6) of the Mendocino County Zoning Code and Section 30116 of the coastal Act define sensitive coastal resource areas, as "those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity," including, among other categories, "highly scenic areas." Much of the subject development, including the proposed single-family residence, would be located on the crest of a ridgeline within an area designated in the LCP on the certified land use map as a "highly scenic area," and, as such, is appealable to the Commission.

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. Unless it is determined that there is no substantial issue, the Commission would continue with a full public hearing on the merits of the project, which may occur at a subsequent meeting. If the Commission were to conduct a de novo hearing on the appeal, because the proposed development is between the first road and the sea, the applicable test for the Commission to

consider would be 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, the appellant and 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.

2. Filing of Appeal

The appellants filed an appeal to the Commission in a timely manner on June 6, 2000, within 10 working days after receiving notice of final local action on May 22, 2000 (Exhibit No. 8).

3. Open and Continue.

Pursuant to Section 30621 of the Coastal Act, an appeal hearing must be set within 49 days from the date an appeal of a locally issued coastal development permit is filed. In accordance with the California Code of Regulations, on June 9, 2000, staff requested all relevant documents and materials regarding the subject permit from the County, to enable staff to analyze the appeal and prepare a recommendation as to whether a substantial issue exists. These materials were received on June 23, 2000, the day of the mailing of staff reports to the Commission and interested parties. Thus, the requested information was not received in time for the staff to review the information for completeness or prepare a recommendation on the substantial issue question for the Commission's July meeting agenda. Consistent with Section 13112 of the California Code of Regulations, since the Commission did not timely receive the requested documents and materials, the Commission opened and continued the hearing during the July Commission meeting.

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I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

**MOTION:** I move that the Commission determine that Appeal No. A-1-MEN-00-028 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

**STAFF RECOMMENDATION ON NO SUBSTANTIAL ISSUE:**

Staff recommends a YES vote. Passage of this motion will result in a finding of No substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

## **RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:**

The Commission finds that Appeal No. A-1-MEN-00-028 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

## **II. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

### **A. APPELLANTS' CONTENTIONS.**

The Commission received one appeal of the County of Mendocino's decision to approve the development. The appeal was filed jointly by the Navarro Watershed Protection Association; Hillary Adams; and the Sierra Club, Mendocino/Lake Group represented by Roanne Withers.

The project as approved by the County consists of the construction of an 18-foot-high, 2,524-square-foot single-family residence with an attached 612-square-foot garage; installation of leach field and septic system; connection to existing well and on-site utilities; and temporary occupancy of a travel trailer during construction of the residence. The project site is located on Navarro Ridge, approximately 1.25 miles southeast of Highway One, at 31991 Navarro Ridge Road

The appeal raises contentions involving inconsistency with the County's LCP policies regarding visual resources. The appellants' contentions are summarized below, and the full text of the contentions are included as Exhibit No 8.

#### **1. Project consistency with LCP visual resource protection policies**

The appellants contend that the County's approval is inconsistent with LCP policies pertaining to minimizing the visual impact of development on ridges. The appellants contend that the approved house would project above the ridgeline and be highly visible to the public. The appellants contend that the house could be sited elsewhere on the lot where it would not project above the ridgeline.

The appellants further contend that the project as approved is inconsistent with LCP policies requiring new development to be compatible with the character of the surrounding area. The appellants contend that the approved house is not compatible with the natural character of the ridge and that the County inappropriately considered existing homes developed prior to adoption of the certified LCP to be part of the character of the area for purposes of reviewing the project for consistency with the LCP.

Moreover, the appellants contend that the County's approval is inconsistent with LCP policies requiring new development in highly scenic areas to be subordinate to the character of its setting.

The appellants contend that the landscaping required by the County will be inadequate to screen the approved house in a manner that would make the house in its approved location subordinate to the character of its setting.

### **C. LOCAL GOVERNMENT ACTION**

On May 5, 2000, Planning & Building Services Director Ray Hall, acting as Coastal Permit Administrator (CPA), approved with conditions Coastal Development Permit No. CDP-62-99 (Jones). The approved development includes construction of an 18-foot-high, 2,524-square-foot single-family residence with an attached 612-square-foot garage; installation of a leach field and septic system; connection to existing well and on-site utilities; and temporary occupancy of a travel trailer during construction of the residence. The CPA's decision was not appealed at the local level to the Board of Supervisors.

The proposed development was approved by the CPA with six special conditions. Special Condition No. 1 limited occupancy of the travel trailer to the construction period for the approved house and required its removal prior to occupancy of the house. Condition No. 2 requires the applicants to submit a landscape plan for the review and approval of the CPA that provides for the planting of at least four grand fir trees south of the approved structure as proposed by the applicants and the planting of a faster growing species, such as shore pine, to provide some level of shielding of the structure from views from public vantage points. The condition also requires the applicants to irrigate, maintain, and replace the trees as necessary to ensure that a vegetation screen is established and maintained in perpetuity. Finally, the condition requires any future tree removal on the property to be approved by the County.

Special Condition No. 3 requires the applicant to temporarily fence and protect existing trees from construction activities. Special Condition Nos. 4 and 5 require that only dark and non-reflective building materials and windows be used, with certain choices of building materials to be reviewed by the CPA. Finally, Special Condition No. 6 requires that a permit amendment be obtained prior to erection of any additional structures or placement of exterior lighting on any portion of the site within view of Highway One or Navarro Beach State Park.

The hearing on the coastal development permit application had been opened and continued in the months prior to action by the Coastal Permit Administrator. After the hearing was first opened, the applicant made a number of changes to the project to reduce its visual impact from public vantage points along Highway One and the State Park. These changes included (1) moving the structure from its original location on the south crest of the ridge (Navarro River side) to a location approximately 35 feet north that is on the north crest of the ridge (Navarro Ridge Road side); (2) relocating the ridgeline of the roof 20 feet back off the coastal ridge; (3) reducing the height of the structure from 26 feet to 18 feet; (4) changing the proposed structure from two stories to one, (5) reducing the amount of windows facing the public views of the structure from the southwest, and (6) eliminating proposed excavation of the ridge top that was intended to lower the relative height of the structure but would have altered the landform.

After the close of the local appeal period, the County issued a Notice of Final Action on the coastal development permit, which was received by Commission staff on May 22, 2000 (Exhibit No. 7). The project was appealed to the Coastal Commission in a timely manner on June 6, 2000 within 10-working days after receipt by the Commission of the Notice of Final Local Action. On June 9, 2000 staff requested all relevant documents and materials regarding the subject permit from the County; these materials were received on June 23, 2000.

#### **D. PROJECT SETTING AND DESCRIPTION**

##### **Project Setting**

The subject parcel is a 3.9-acre parcel that straddles the top of Navarro Ridge, an east-west trending ridge that forms the north side of the deep valley carved by the Navarro River as it makes its way west to the Mendocino coast. Highway One crosses the Navarro River valley on its route north along the coast by first traversing eastward down the flank of the opposite ridge on the south side of the valley, crossing the river on a low bridge at a point approximately 1.25 miles inland from the coast, and finally traversing westward up the southern flank of Navarro Ridge to the coastal terrace north of the mouth of the river. Highway 128 intersects Highway One at the north end of the bridge crossing. The subject parcel is one of about a dozen mostly similar-sized parcels zoned for Rural Residential use along this part of Navarro Ridge. These parcels are relatively long and narrow and extend all the way from Navarro Ridge Road, which runs parallel to and north of the crest of the ridge, to Highway One south of the crest along the valley floor next to the river. The parcel is located at 31991 Navarro Ridge Road, approximately 1.25 miles east of the ocean, at a location directly opposite of the north end of the Highway One Bridge over the Navarro River.

Most of the dozen or so similar parcels in the immediate vicinity of the subject property have already been developed with single family homes, most located right on the crest or slightly off the crest of Navarro Ridge. The applicant's parcel is towards the eastern end of this string of parcels and sits in-between two parcels already developed with homes. Other mostly undeveloped larger parcels extend west of the string of parcels to the ocean. Much larger mostly undeveloped Rangeland extend east of the string of parcels and north across Navarro Ridge Road.

The houses built on the string of a dozen or so similar parcels in the immediate vicinity of the subject property vary in size, height, design, and color, with the result that some are more prominent than others. The string of houses are visible from different vantage points along Highway One on both sides of the river, as well as from portions of Navarro Beach State Park. The State Park property extends from a beach at the mouth of the river along the flats along the south side of the river to the Highway One Bridge. The subject parcel is visible from different vantage points along Highway One on both sides of the river, although from fewer vantage points than the homes located farther west. The subject parcel is only visible from the State Park from vantage points within the river or along the flats near the Highway One Bridge. The site is not visible from the sandy beach along the ocean.



Rows of trees rise above the ridge behind many of the homes in the vicinity of the project site. These trees form a backdrop to many of the homes as viewed from Highway One and the park. One such row of trees would form a backdrop to the applicant's proposed house.

The ridgeline of the subject parcel is at an elevation of approximately 440 feet above sea level. The south side of the parcel drops steeply down the southern flank of Navarro Ridge to near sea level. North of the crest, the parcel slopes more gently to an elevation of about 410 to 420 feet above sea level near Navarro Ridge Road.

The parcel is mostly covered with grasses and shrubs. Approximately two dozen trees are growing on the parcel, mostly along the property lines north of the crest of the ridge. A few trees grow to the southeast of the proposed building site near the center of the parcel. The parcel contains no known sensitive habitat area. The eastern end of the parcel apparently has a relatively high groundwater table that precludes its use for a septic system leach field, although the groundwater apparently does not rise to the surface to form a wetland. A well has been drilled on the property pursuant to a previous Mendocino County coastal development permit and the applicants keep a travel trailer on the site.

#### Project Description

The proposed project subject to this appeal consists of the construction of an 18-foot-high, 2,524-square-foot single-family residence with an attached 612-square-foot garage. See Exhibits 4-6. The project includes installation of a leach field and septic system as well as connection to an existing well and on-site utilities. The house would be located on the Navarro Ridge Road side of the crest of the coastal ridge, at a point approximately 125 feet from the centerline of the road. The septic system would be located north of the house. See Exhibit 4. The project also includes use of a travel trailer located on the property as a temporary residence during construction of the house.

The house would be of a single story design and would utilize earth tone colors. The proposed finishes of the residence and garage are as follows:

Siding:	redwood shingles
Trim:	dark wood
Windows:	wood framed
Roof:	composition shingles
Chimney:	stone
Ext. Lights:	to be shaded, downcast, and located beside all exterior doors.
Security Lights:	where needed.

#### **E. SUBSTANTIAL ISSUE ANALYSIS**

Section 30603(b)(1) of the Coastal Act states:

*The grounds for an appeal pursuant to subdivision (a) shall be 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 this division.*

**1. Appellant's Contentions That Are Valid Grounds for Appeal**

The contentions raised in the appeal present valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

*With respect to appeals to the Commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.*

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Cal. Code Regs., tit. 14, section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development as approved by the County raises no substantial issue.

**Project consistency with LCP visual resource protection policies**

The appellants contend that the County's approval is inconsistent with LCP policies pertaining to the protection of visual resources. These policies are listed below.

**LCP policies**

LUP Policy 3.5-1 states in applicable part:

*State Highway 1 in rural areas of the Mendocino County coastal zone shall remain a scenic two-lane road.*

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

LUP Policy 3.5-3 states in applicable part:

*The visual resource areas listed below are those which have been identified on the land use maps and shall be designated as "highly scenic areas," within which new development shall be subordinate to the character of its setting. Any development permitted in these areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.*

...

- *Portions of the coastal zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusions of certain areas east of Highway 1.*

...

*In addition to other visual policy requirements, new development west of Highway One in designated "highly scenic areas" is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Variances from this standard may be allowed for planned unit development that provides clustering and other forms of meaningful visual mitigation. New development should be subordinate to natural setting and minimize reflective surfaces ....*

LUP Policy 3.5-4 states in applicable part:

*Buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below rather than on a ridge, or in or near the edge of a wooded area. Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists.*

...  
*Minimize visual impact of development on ridges by (1) prohibiting development that projects above the ridgeline; (2) if no alternative site is available below the ridgeline, development shall be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and shall be limited to a single story above the natural elevation; (3) prohibiting removal of tree masses which destroy the ridgeline silhouette. Nothing in this policy shall preclude the development of a legally existing parcel.*

LUP Policy 3.2-9 states in applicable part:

*In order to minimize agricultural-residential conflicts, land divisions or site plans in a residential area shall not result in a residential structure being closer than 200 feet from a parcel designated for agricultural use unless there is no other feasible building site on the parcel.*

Coastal Zoning Code Section 20.304.035 states in applicable part:

*Conflict Resolution.*

...  
(B)

*Where regulations within this Division and between Divisions of Title 20 overlap, the policy which, on balance, is most protective of coastal resources shall take precedence.*

Coastal Zoning Code Section 20.504.010 states in applicable part:

*Purpose.*

*The purpose of this section is to insure that permitted development shall be sited and designated 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.*

Coastal Zoning Code Section 20.504.015 states in applicable part:

*Highly Scenic Areas.*

(A) *The visual resource areas listed below are those which have been designated highly scenic and in which development shall be subordinate to the character of its setting:*

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

(C) *Development Criteria.*

- (1) *Any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.*
- (2) *In highly scenic areas west of Highway 1 as identified on the coastal Element land use plan maps, new development shall be limited to eighteen (18) feet above natural grade, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures.*
- (3) *New development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings*
- ...

- (5) *Buildings and building groups that must be sited in highly scenic areas shall be sited:*
- (a) Near the toe of a slope;*
  - (b) Below rather than on a ridge; and*
  - (c) In or near a wooded area.*
- ...

- (8) *Minimize visual impact of development on ridges by the following criteria:*
- (a) Prohibiting development that projects above the ridgeline;*
  - (b) If no alternative site is available below the ridgeline, development shall be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and shall be limited to a single story above the natural elevation;*
  - (c) Prohibiting removal of tree masses which destroy the ridgeline silhouette.*
- ...

- (10) *Tree planting to screen buildings shall be encouraged, however, new development shall not allow trees to interfere with coastal/ocean views from public areas.*
- ...

- (13) *Access roads and driveways shall be sited such that they cause minimum visual disturbance and shall not directly access Highway 1 where an alternate configuration is feasible.*

**Discussion:**

Visual issues were at the center of the County's review of the project as the project site is located within an area designated as highly scenic under the LCP. The issues raised were not related to blockage of coastal views, as the project site is inland from Highway One and the other public vantage point in the area, the Navarro Beach State Park. The approved structure would not block views to and along the coast from any public vantage point. Rather the visual issues centered around whether the development would be compatible and subordinate with the character of the surrounding area and whether the project is consistent with LCP policies that discourage development on ridge tops.

As noted in the "Project Setting" finding above, the project site is visible from different vantage points along Highway One on both sides of the Navarro River. The subject parcel is visible from portions of Navarro Beach State Park, but only from vantage points within the river or along the flats near the Highway One Bridge. The site is not visible from the sandy beach along the ocean. As also discussed previously, the house site is towards the eastern end of a string of approximately a dozen rural residential parcels that straddle the ridge top. Many of these parcels and others in the vicinity have already been developed, including the parcels on either side of the applicants' property. The homes that have been developed within this group of parcels vary in size, height, design, and color, with the result that some are more prominent than others.

As noted in the "Local Government Action" finding above, the applicants made a number of changes to the project to reduce its visual impact from public vantage points along Highway One and the state park during the County's review of the project. These changes included (1) moving the structure from its original location on the south crest of the ridge (Navarro River side) to a location approximately 35 feet north that is on the north crest of the ridge (Navarro Ridge Road side); (2) relocating the ridgeline of the roof 20 feet back off the coastal ridge; (3) reducing the height of the structure from 26 feet to 18 feet; (4) changing the proposed structure from two stories to one, (5) reducing the amount of windows facing the public views of the structure from the southwest, and (6) eliminating proposed excavation of the ridge top that was intended to lower the relative height of the structure but would have altered the landform.

The County also conditioned the permit in a manner to further reduce the visual impacts of the project. These conditions included requiring a revised landscaping plan that includes both grand firs as proposed by the applicant, and faster growing tree species to largely screen the south facing side of the house from view from the aforementioned public vantage points. The conditions require the trees to be planted to be irrigated and maintained, and require that any proposal to remove these or any of the other existing trees on the property would require review by the County. Other conditions required temporarily fencing and protecting the existing trees

from construction activities, and limiting the choice of building materials to dark, non-reflective materials.

With the changes to the project proposed by the applicant and the conditions imposed by the County, the resulting home would remain visible from various vantage points along Highway One and from certain vantage points at the state park along the river. The structure would also continue to project above the ridgeline. However, the structure would be located between other existing homes that are visible from these same vantage points. Many of the other homes are visible from more vantage points along the highway and within the park. Trees would largely screen the approved structure once the landscaping grows in. Existing trees on the property and in the nearby vicinity would also provide a backdrop of trees and the structure would not project above the tree line. The portions of the house that could be viewed through the trees would be one story, 18 feet in height, and constructed with dark non-reflective building materials.

The LCP visual resource protection policies cited above set forth various standards that are applicable to the project. LUP Policy 3.5-1 and Zoning Code Sections 20.504.010 and 20.504.015 require that new development be visually compatible with the character of surrounding areas and subordinate to the character of its setting. LUP Policy 3.5-4 and Zoning Code Section 20.504.015(C)(8) require that the visual impacts of development on ridges be minimized by prohibiting development that projects above the ridgeline unless no alternative site is available below the ridgeline, in which case the visual impacts shall be reduced by utilizing existing vegetation, optimizing the structural orientation, landscaping, and protecting existing tree masses which define the ridgeline silhouette.

As noted above, the appellants assert that the project as approved is inconsistent with the above-cited LCP policies in three main respects. First, the appellants contend that the approved house is not compatible with the natural character of the ridge, inconsistent with LUP Policy 3.5-1 and Zoning Code Section 20.504.010. Second, the appellants contend that the landscaping required by the County will be inadequate to screen the approved house to make it subordinate to the character of its setting, as required by with LUP Policy 3.5-1 and Zoning Code Section 20.504.015. Finally, the appellants contend that the project would be inconsistent with LUP Policy 3.5-4 and Zoning Code Section 20.504.015(C)(8) because the approved house would project above the ridgeline and be highly visible to the public and the appellants believe there are alternative house locations on the site that would not create such impacts.

#### Compatibility with Character of the Surrounding Area.

The appellants assert that the approved house is not compatible with the natural character of the ridge and that the County inappropriately considered existing homes developed prior to adoption of the certified LCP to be part of the character of the area for purposes of reviewing the project for consistency with the LCP. The appellants state that "the older development on Navarro Ridge is frequently pointed to as a 'terrible example,' ...[and] was the primary reason that the local citizens' committee of the LCP required specifically that Navarro Ridge be protected from further visual degradation by inclusion in the 'Highly Scenic' category...The 'visual compatibility' paragraph of the LCP and Code sections were meant to assure, in part, that new

building designs would be compatible in areas with historic, Victorian buildings. If the Commission were to interpret 'visual compatibility' as meaning 'the right to continue visual degradation' it would set a dreadful precedent."

The Commission notes that the provisions of LUP Policy 3.501 and Zoning Code Section 20.504.010 that require new development to be visually compatible with the character of surrounding areas contain no language that excludes existing structures from being considered as part of the visual character of the surrounding area. Nor do the policies make any distinction that only existing Victorian buildings may be considered part of the visual character of the area. The County and the Commission on appeal have historically considered all aspects of the visual character of the setting of a project as contributing to the visual character of the area. In areas with existing structures, the County and the Commission have regularly considered the presence of these structures to partly define the visual character of the area. Structures are sometimes approved as being compatible with the visual character of the area precisely because they are located within a group of homes. In other instances, where a proposed house has been proposed in an otherwise undeveloped area, the County and the Commission have sometimes found that building a prominent single home in isolation from any others would not be visually compatible with the character of its setting.

In the present case, the proposed home would be constructed in between other homes that have been developed along the ridge top. The existing homes help define the character of the area. The house was not proposed on portions of the ridge west of the present string of houses where the ridge top is largely undeveloped where the visual character is limited to the natural features of the setting. The project does not set a negative precedence for future interpretations of the LCP because there are already many residential projects approved in the surrounding area and elsewhere along the coast where the presence of existing buildings has been taken into account in determining that the residential project is visually compatible with the character of the surrounding area consistent with LUP Policy 3.5-1 and Zoning Code Section 20.504.010. Therefore, the fact that the County considered the presence of other existing homes in the immediate vicinity of the project site does not raise a substantial issue of consistency with the LCP policies addressing compatibility of development with the character of the surrounding area.

#### Inadequacy of Landscaping To Assure Subordinate Development.

The appellants contend that the landscaping required by the County will be inadequate to screen the approved house to make it subordinate to the character of its setting, as required by LUP Policy 3.5-1 and Zoning Code Section 20.504.015(C)(3). The appellants state the following:

"The landscaping plan approved by Coastal Administrator Ray Hall is, in our opinion, insufficient to ever adequately screen the Jones house from public view. The Jones development is sited near the edge of the precipitous northern ridge and would be clearly visible on the ridgeline (photograph #4, taken from the River Road; the lot to the left of the A-frame). Only three Grand Fir trees are intended for the south side of the house, facing scenic Highway #1 and Navarro River Redwoods State Park. Grand Fir are very



slow growing. The applicant stated in writing that he was willing to increase the number of these trees, but was not required to do so in the permitting terms. A much larger number of trees is required on this side of the house. Moreover, these slowly growing trees should be augmented by a fast-growing screen of native species....a heavy screen of trees is needed on the scenic corridor side of all new development along Navarro Ridge."

As approved, however, the landscaping has been conditioned to avoid many of the specific concerns raised by the appellants. Special Condition No. 2 requires submittal of a revised landscaping plan. The condition requires that additional trees besides the grand firs proposed by the permittee be included in the plan, and that the trees include a fast growing species such as Shore Pine. Furthermore, the condition requires that the trees to be planted be irrigated, maintained, and replaced as necessary to ensure that the approved house would be adequately screened in perpetuity. The condition also requires County review of any proposal to remove trees and requires that the existing trees on the site be protected. Thus, the terms of the approved permit provide for augmenting the vegetation screening proposed by the applicant with additional trees, provide for the planting of fast growing trees that would screen the structure in a shorter period of time, and include provisions to ensure that existing and proposed trees will be maintained and/or replaced over time to ensure the project will be adequately screened in perpetuity. Given the County's inclusion of these provisions, a high degree of factual support exists for the CPA's decision that the required landscaping would be sufficient to adequately screen the approved house to make it subordinate to the character of its setting, as required by LUP Policy 3.5-1 and Zoning Code Section 20.504.015(C)(3). Therefore, the Commission finds that the required landscaping does not raise a substantial issue of conformance with LCP policies requiring that the proposed development be subordinate to the character of its surroundings.

Prohibiting development that projects above the ridgeline.

The appellants contend that the project would be inconsistent with LUP Policy 3.5-4 and Zoning Code Section 20.504.015(C)(8) because the approved house would project above the ridgeline and be highly visible to the public and the appellants believe there are alternative house locations on the site that would not create such impacts.

As approved, the proposed residence would project above the ridgeline as indicated by the appellant. The Commission notes, however, that LUP Policy 3.5-4 and Zoning Code Section 20.504.015 allow development that projects above the ridgeline, if "no alternative site is available below the ridgeline." In such instances, the LCP policies require that visual impacts be reduced by utilizing existing vegetation, structural orientation, landscaping, and limiting development to a single story above the natural elevation.

In approving the proposed development which projects above the ridgeline, the Coastal Permit Administrator considered the alternative of locating the house further north of the ridge on the portion of the parcel that slopes gently downward towards Navarro Ridge Road. If moved far enough into that area, the 18-foot structure would likely not project above the ridgeline. The Coastal Permit Administrator (CPA) considered whether the house should be moved to the north and sited a couple of factors that would make it problematic to locate a house in that area. First,

the CPA noted that to require relocation to the north would bring the structure closer to agricultural lands under Williamson Act contract. The CPA noted that Policy 3.2-9 of the LCP states as follows:

"In order to minimize agricultural-residential conflicts...site plans in a residential area shall not result in a residential structure being closer than 200 feet from a parcel designated for agricultural use unless there is no other feasible building site on the parcel."

The CPA notes the proposed structure is located approximately 165 feet from the rangeland and Williamson Act land to the north and that to require that the structure be relocated to the north would be inconsistent with Policy 3.2-9. The CPA also noted that the County Division of Environmental Health has noted this site is highly constrained and that moving the house further to the north would move the septic replacement field into an area of a high water table.

The local record does not demonstrate that these factors absolutely preclude the option of locating the house further northward where it would not project above the ridge. LUP Policy 3.2-9 allows residential development to be located closer than 200 feet from agricultural parcels if there is no other 'feasible' building site. Visual concerns could be taken into account in the determination of what constitutes a feasible building site to allow a reduced buffer. With respect to septic concerns, an evaluation of alternative septic leach field system sites prepared by a knowledgeable hydrologist or engineer familiar with the design of such systems was not included in the materials contained in the local record. Thus, the information available in the local record does not rule out that possibility of relocating the septic system to accommodate moving the house north. On the other hand, the appellant has not presented any evidence from on-site investigations that would support the assertion that a septic system can be located elsewhere on the property to accommodate moving the house northward. Given the evidence in the record that the County Division of Environmental Health expressed concerns that the site is highly constrained for relocating the septic system and the need to maintain an agricultural buffer consistent with LUP Policy 3.2-9, the CPA's determination that the project as approved complies with LUP Policy 3.5-4 and Zoning Code Section 20.504.015(C)(8) concerning development on ridge tops is reasonable.

The appellants raise a valid issue as to whether the approved project is fully consistent with LUP Policy 3.5-4 and Zoning Code Section 20.504.015(C)(8). However, the Commission must find not just that an issue of conformance with the certified LCP is raised by the project but that a substantial issue is raised in order to set aside the County permit and consider the application de novo.

In the present case, the Commission finds that the project as approved does not raise a substantial issue with regard to the protection of the scenic and visual qualities of ridge tops. The significance of the particular visual resource affected by the decision is not great. The project would not affect public views to and along the ocean as the site is located inland of the coastal highway. Thus the visual impacts are limited to issues of conformance to the character of the area and the appearance of a structure on a ridge top. As discussed previously, the proposed

project would be built within a row of existing houses along the ridge, including houses on the parcels immediately east and west of the subject parcel. Thus, the project would not introduce a structure into a view of a previously undeveloped area nor be the first house in the area to project above the ridgeline. The house would be limited to 18 feet and one story, lower than some of the houses visible in the string along the ridge. The house would be framed by a backdrop of existing trees and would not extend above the treeline. The house would also be limited to dark colors and non-reflective materials in contrast to some of the more prominent homes on the ridge. Furthermore, the required landscaping would screen much of the development from view. Thus, the development as approved would not be out of character with the visual setting and would not appreciably affect the quality of the view. The Commission finds that the impacts of the proposed development do not rise to regional or statewide significance. Similarly, the project does not set a negative precedent for future interpretations of the LCP because there are already a number of residential project in the surrounding area that affect visual resources to a greater degree.

Therefore, the Commission finds that no substantial issue is raised with regard to the conformance of the project as approved with the policies that affect development of houses on ridges.

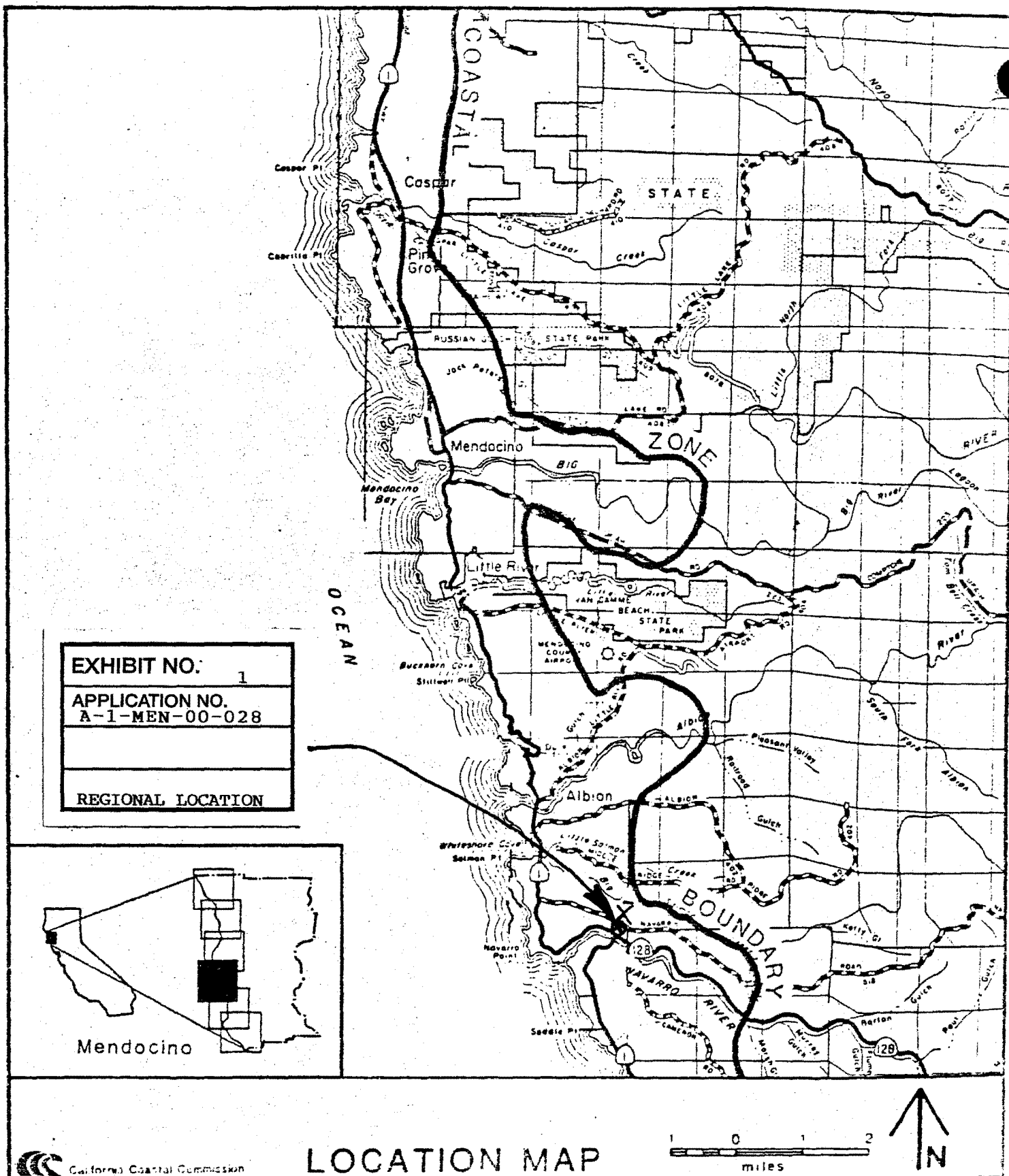
### Conclusion

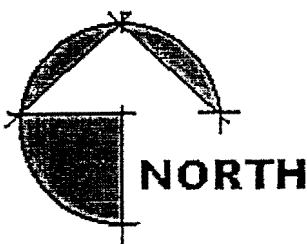
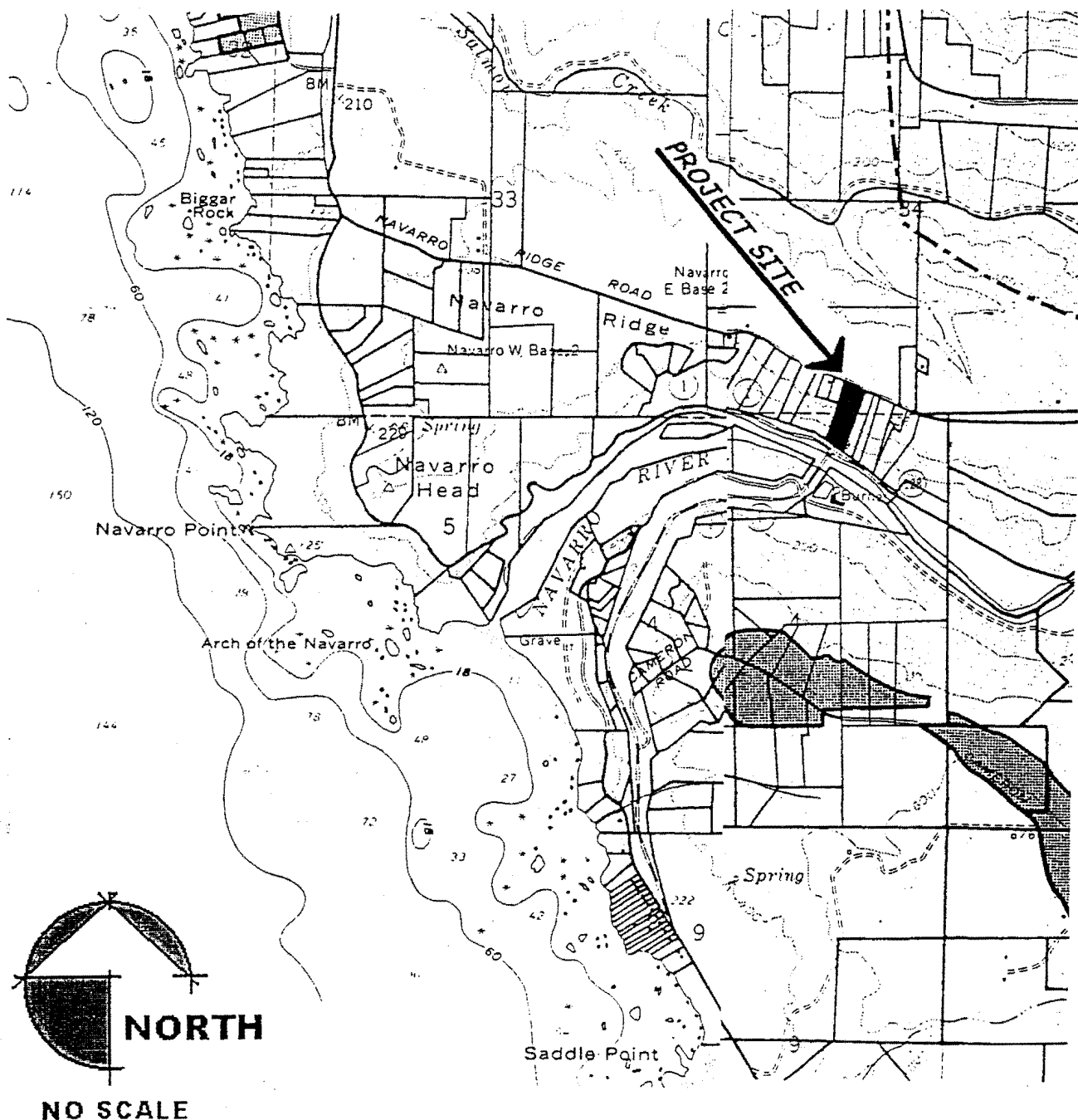
The Commission finds that, for the reasons stated above, that the appeal raises no substantial issue with respect to conformance of the approved project with the certified LCP.

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### EXHIBITS:

1. Regional Location
2. Vicinity Map
3. Land Use Plan/Zoning
4. Site Plan
5. Elevations
6. Floor Plan
7. Notice of Final Action, Staff Report, and Conditions of Approval
8. Appeal to Commission
9. Applicants' Correspondence





NO SCALE

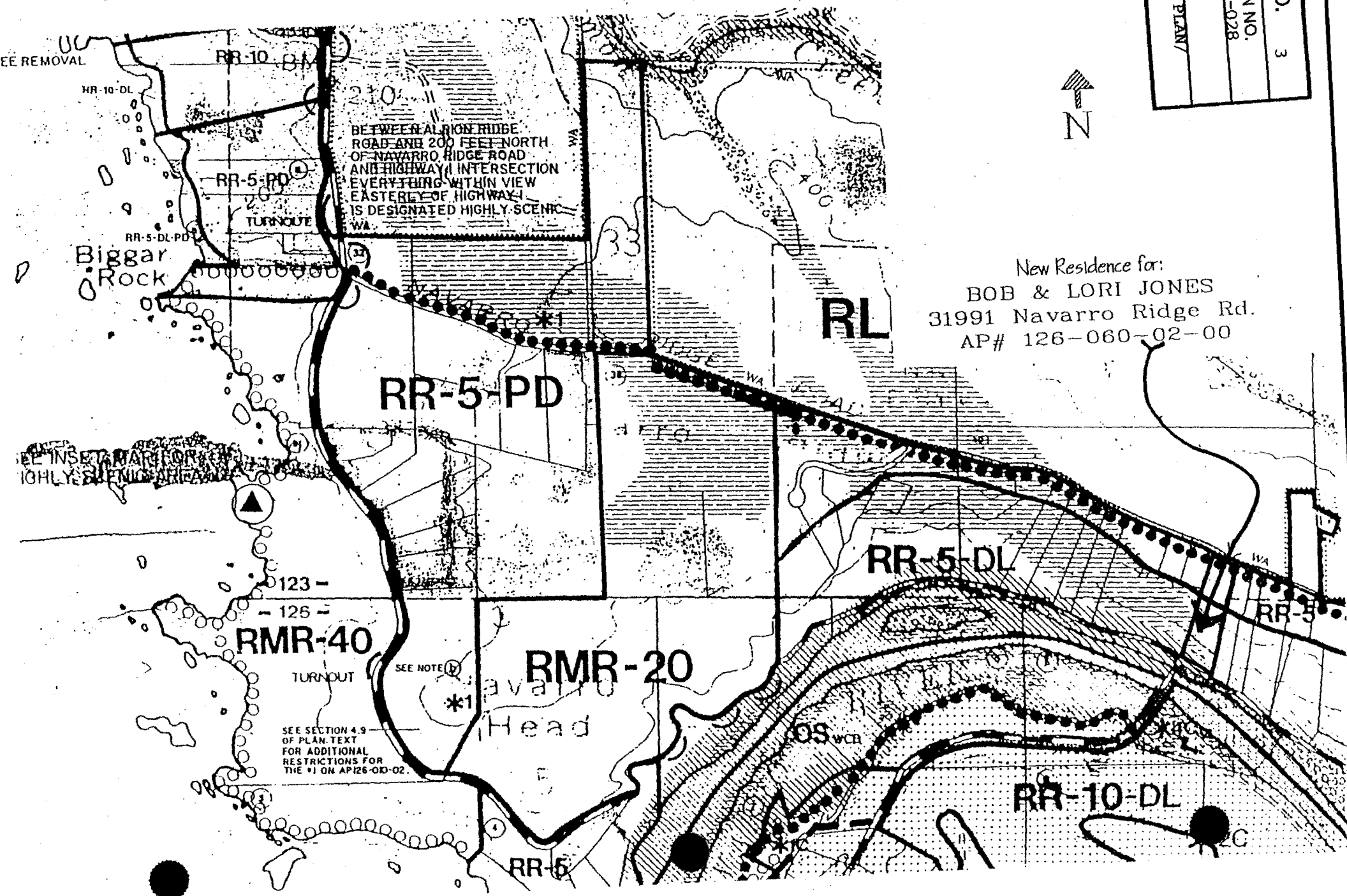
EXHIBIT A

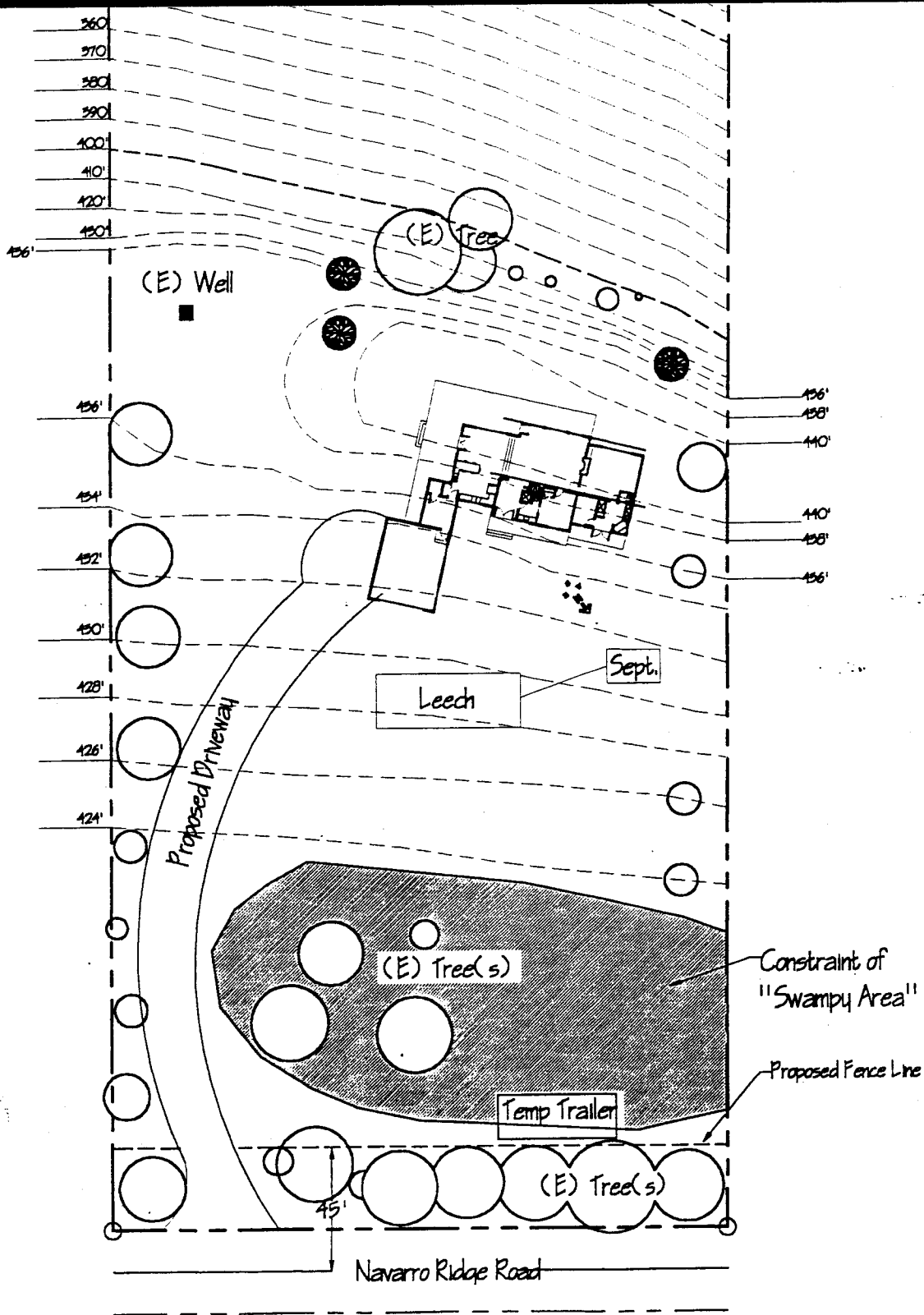
EXHIBIT NO.	2
APPLICATION NO.	A-1-MEN-00-028
VICINITY MAP	

EXHIBIT NO.	3
APPLICATION NO.	A-1-MEN-00-028
LAND USE PLAN/ ZONING	



New Residence for:  
BOB & LORI JONES  
31991 Navarro Ridge Rd.  
AP# 126-060-02-00



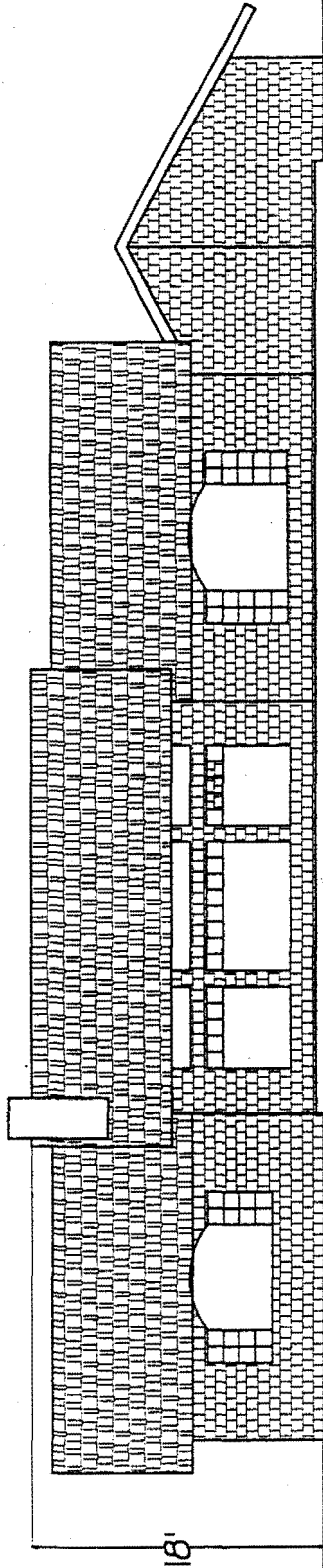


# Approved Site Plan

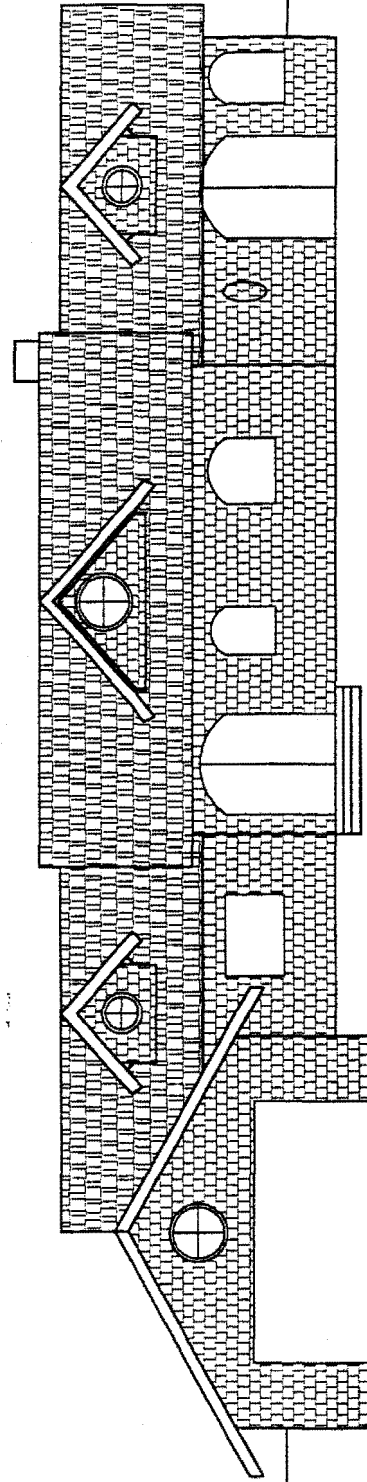
- Property's Existing Trees
- ⊗ New Trees (Grand Fir)

EXHIBIT NO.	4
APPLICATION NO.	A-1-MEN-00-028
SITE PLAN	

EXHIBIT NO.	5
APPLICATION NO.	A-1-MEN-00-028
ELEVATIONS	



SW Elevation (visible from Highway 1)



NE Elevation (visible from Navarro Ridge Road)

SCALE 1" = 12'



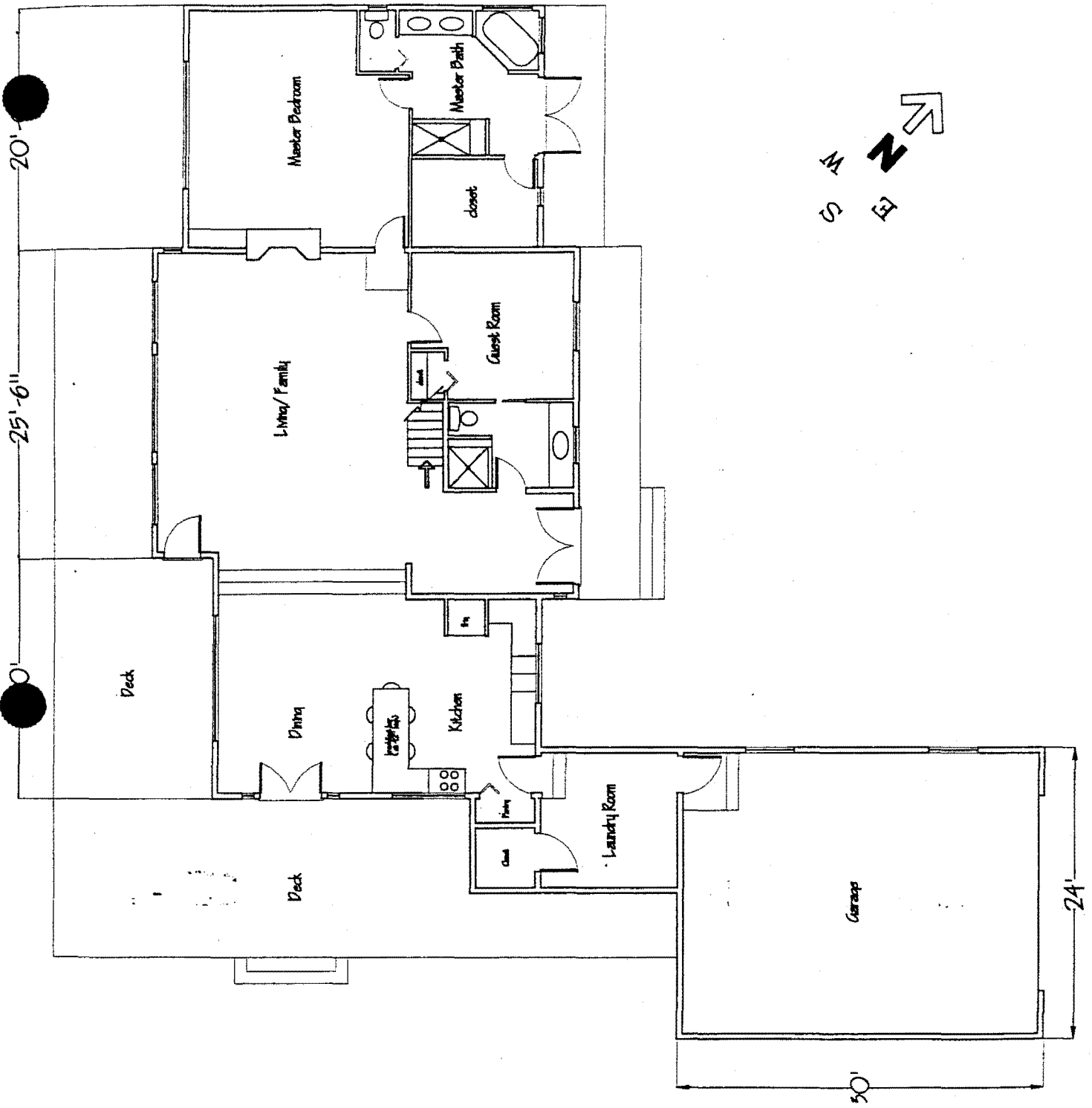


EXHIBIT NO.	6
APPLICATION NO.	A-1-MEN-00-028
FLOOR PLAN	



RAYMOND HALL  
DIRECTOR

COUNTY OF MENDOCINO  
DEPARTMENT OF PLANNING AND BUILDING SERVICES

TELEPHONE  
(707) 964-5379

MAILING ADDRESS:  
790 SO. FRANKLIN  
FORT BRAGG, CA 95437

May 18, 2000

RECEIVED  
MAY 22 2003

NOTICE OF FINAL ACTION

CALIFORNIA  
COASTAL COMMISSION

Action has been completed by the County of Mendocino on the below described project located within the Coastal Zone.

**CASE#:** CDP #62-99  
**OWNER:** Bob & Lori Jones  
**AGENT:** Luz Harvey  
**REQUEST:** Construction of a 2,524 square foot single family residence with an attached 612 square foot garage, building height to be 18 feet; installation of leach field and septic system; connection to existing well and on-site utilities; temporary occupancy of a travel trailer while constructing the residence.  
**LOCATION:** S side of Navarro Ridge Road (CR #518), approximately 1.25 miles SE of its intersection with Highway One at 31991 Navarro Ridge Road (APN 126-060-02).  
**PROJECT COORDINATOR:** Doug Zanini

**HEARING DATE:** May 5, 2000

**APPROVING AUTHORITY:** Coastal Permit Administrator

**ACTION:** Approved with Conditions.

See staff report for the findings and conditions in support of this decision.

The project was not appealed at the local level.

The project is appealable to the Coastal Commission pursuant to Public Resources Code, Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.

EXHIBIT NO.	7
APPLICATION NO.	A-1-MEN-00-028
NOTICE OF FINAL	
ACTION (1 of 16)	

1 of 16

# COASTAL PERMIT ADMINISTRATOR ACTION SHEET

CASE#: CDP #62-99

HEARING DATE: May 5, 2000

OWNER: Jones

## ENVIRONMENTAL CONSIDERATIONS:

☒ Categorically Exempt

☐ Negative Declaration

☐ EIR

## FINDINGS:

☐ Per staff report

☒ Modifications and/or additions:

See findings on attached memorandum dated May 5, 2000.

## ACTION:

☒ Approved

☐ Denied

☐ Continued

*file copy*

## CONDITIONS:

☒ Per staff report and

☒ Modifications and/or additions:

Special Condition #2 in the staff report is replaced with Special Condition #2 as shown on the attached memorandum dated May 5, 2000.

*PJ for Ray Hall*

Signed: Coastal Permit Administrator

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## MENDOCINO COUNTY MEMORANDUM

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TO: DOUG ZANINI - SUPERVISING PLANNER  
FROM: RAYMOND HALL - DIRECTOR *R. Hall*  
SUBJECT: COASTAL DEVELOPMENT PERMIT #CDP 42-99 - JONES  
DATE: MAY 5, 2000

On this date (May 5, 2000) I heard and approved Coastal Development Permit #CDP 42-99 as revised (April 13, 2000). Specifically, I:

- (a) found proper notice has been given,
  - (b) found the project Categorically Exempt from CEQA, and
  - (c) approved the project with the findings attached and with conditions contained in the March 23, 2000 Staff Report except that Special Condition Number 2 was replaced with the following:
2. Prior to issuance of the coastal permit, the applicant shall submit a landscape plan to the Coastal Permit Administrator for review and approval. The landscape plan shall include at least four grand fir trees in the approximate location shown on the revised site plan dated April 13, 2000. The landscape plan shall also include a faster growing species, such as shore pine, to provide some level of "shielding" to break up the outline of the structure while the slower growing grand fir trees are maturing. All required landscaping shall be installed prior to final building inspection. All required landscaping shall be irrigated, staked, maintained and replaced, as necessary, to ensure that a vegetation screen is established and maintained in perpetuity. Any future tree removal on the site shall require prior authorization from the Planning Division or, if it constitutes major vegetation removal, shall require a coastal development permit.

## FINDINGS OF APPROVAL FOR CDP# 62-99:

Per memo from Supervising Planner Doug Zanini summarizing Policies 3.5-1 and 3.5-3. *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. ...New development should be subordinate to natural setting and minimize reflective surfaces.* [LCP Policies 3.5-1,3 and Zoning Code Section 20.504.010 and 20.504.015(C)(3)]

The previously considered project was a two story structure which required grading to remove the top of the ridge and included many windows facing Highway One and public lands to the southeast. The revised design lowers the height to 18 feet, limits the structure to one story, relocates the ridge of roof 20 feet back off the ridge, reduces the amount of windows facing the southwest and retains the top of the ridge. Therefore, the revised project would be consistent with this policy.

Policy 3.5-4 states in part, *Buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below rather than on a ridge, or in or near the edge of a wooded area. Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists.*

As shown in Exhibits A, B and C and verified during a site view on March 23, 2000 there are existing trees immediately to the west, to the northeast and also on the subject site. The top of the one story dwelling will be below the top of the tree line to the northeast (Exhibit A). When considering the height of the structure with existing vegetation and required landscaping (Special Condition Number 2) the proposed development meets the standard contained in the LCP by being sited "...in or near the edge of a wooded area."

Policy 3.5-4 further states: *Minimize visual impact of development on hillsides by (1) requiring grading or construction to follow the natural contours; (2) resiting or prohibiting new development that requires grading, cutting and filling that would significantly and permanently alter or destroy the appearance of natural landforms; (3) designing structures to fit hillside sites rather than altering landform to accommodate buildings designed for level sites; (4) Concentrate development near existing major vegetation, natural landforms or artificial berms...*

The previous design included a 10 foot cut to the ridge top. The revised design follows the natural contours with only minor grading and would not destroy the appearance of natural landforms. The structure is located near existing trees which would help to visually subordinate the structure. Therefore the revised design would be consistent with this policy.

Policy 3.5-4 further states: *Minimize visual impact of development on ridges by (1) prohibiting development that projects above the ridgeline; (2) if no alternative site is available below the ridgeline, development shall be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and shall be limited to a single story above the natural elevation. (3) prohibiting removal of tree masses which destroy the ridgeline silhouette. Nothing in this policy shall preclude the development of a legally existing parcel.* [LCP Policy 3.5-4 and Zoning Code Section 20.504.015(C)(8)]

The emphasis of Policy 3.5-4 when read in its entirety is to MINIMIZE the visual impact of development. In this particular instance the structure is one story in height, is located near existing trees, will be required to have additional trees planted (Special Condition Number 2) and as stated in the March 23, 2000 Staff Report "The materials selected by the applicant are dark in color and will help the building blend into the surroundings." (See also Special Conditions Number 4 and 5). It should be noted that the most prominent structures along Navarro Ridge are those that are two story in height, "hang out" over the ridgetop, have no or very limited trees or vegetation close by and/or are painted a bright color. These factors/traits are not represented in the Jones project.

Further, it should be emphasized that Planning and Building Services staff (memo dated April 10 and April 17) and the Coastal Permit Administrator (May 5 hearing) have concluded that the project as revised and conditioned is, "...visually compatible with the character of surrounding areas...", "...subordinate to the character of its setting..." and "...concentrates development near existing major vegetation."

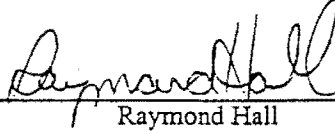
To require relocation to the north would bring the structure closer to agricultural lands under Williamson Act contract. Policy 3.2-9 of the LCP states: *"In order to minimize agricultural-residential conflicts...site plans in a residential area shall not result in a residential structure being closer than 200 feet from a parcel designated for agricultural use unless there is no other feasible building site on the parcel."*

The proposed structure is located approximately 165 feet from the rangeland and Williamson Act land to the north. Requiring that the structure be re-located to the north would be inconsistent with Policy 3.2-9.

Finally the County Division of Environmental Health has noted this site is highly constrained and that moving the house further to the north would move the septic replacement field into an area of a high water table. By letter dated March 17 the adjacent property owners to the west state that, "some winters, during heavy constant rain, water has been found flowing from 31991 property westward, through our parcel. Buildings in this low area could be damaged by water."

1. On balance given the house location, design and vegetation the project, as conditioned, is in conformity with the certified LCP and,
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resources; and
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan.

Approved and adopted this 5<sup>th</sup> day of May, 2000



---

Raymond Hall  
Coastal Permit Administrator

RH:sb

Attachments

cc: Bob and Lori Jones  
Hillary Adams

# COASTAL PERMIT ADMINISTRATOR ACTION SHEET

CASE#: CDP #62-99

HEARING DATE: 3/23/00

OWNER: Jones

## ENVIRONMENTAL CONSIDERATIONS:

☐ Categorically Exempt

☐ Negative Declaration

☐ EIR

## FINDINGS:

☐ Per staff report

☐ Modifications and/or additions

## ACTION:

☐ Approved

☐ Denied

☒ Continued to Friday, March 31, 2000 in the Planning and Building Services Conference Room, Ukiah

## CONDITIONS:

☐ Per staff report

☐ Modifications and/or additions

*KZ for Kay Hall*

Signed: Coastal Permit Administrator

7 08 16



STAFF REPORT FOR  
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 62-99  
March 23, 2000  
CPA-1

OWNER: Bob and Lori Jones  
P.O. Box 547  
Albion, CA 95410

AGENT: Luz Harvey  
P.O. Box 1384  
Mendocino, CA 95460

REQUEST: Construction of a 2,177 square foot single family residence with a maximum building height of 26 feet. Construction of a 612 square foot detached garage with a maximum building height of 22 feet. Installation of a leachfield and septic system, connection to existing well and on-site utilities. Temporary occupancy of a trailer during construction.

LOCATION: On the south side of Navarro Ridge Road (CR#518), approximately 1.25 miles southeast of its intersection with Highway One at 31991 Navarro Ridge Road (APN 126-060-02).

APPEALABLE AREA: Yes, Highly Scenic Area

PERMIT TYPE: Standard

TOTAL ACREAGE: 3.9 Acres

ZONING: RR:L-5/RR:L-5 DL/FP

GENERAL PLAN: Rural Residential - 5 Acre Minimum

EXISTING USES: Residential (non-permitted)

SUPERVISORIAL DISTRICT: 5

GOV'T CODE 65950 DATE: August 9, 2000

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Class 3

OTHER RELATED APPLICATIONS: CDP 26-96 Well/Electric

PROJECT DESCRIPTION: The applicant proposes to construct a 2,177 square foot single family residence with a maximum building height of 26 feet and a 612 square foot detached garage with a maximum building height of 22 feet. The project includes installation of a leach field and septic system, connection to existing well and on-site utilities. The applicant has requested temporary occupancy of a

STAFF REPORT FOR  
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 62-99  
March 23, 2000  
CPA-2

trailer that currently exists on the property during construction of the main dwelling. Special Condition #1 of CDP 26-96, which was granted for a production well for fire protection and irrigation purposes, states that: "the travel trailer shall be maintained in dead storage and shall not be connected to any utility, including water, gas or electricity without obtaining appropriate permits for such use." Upon viewing the site, it was apparent that the trailer is utilized for residential purposes, constituting a violation. This application is the remedy to allow temporary use of the trailer while constructing the main residence. If the CPA denies this application, the trailer will have to be removed from the site or be put into dead storage.

The project, as originally proposed, sited the residence on top of the ridge. On September 15, 1999 staff sent a letter to the applicant informing the applicant of several policies which conflict with the project as proposed. As a result, the proposed residence was relocated approximately 35 feet to the northeast of the original building site.

The project site is 3.9 acres. The top of Navarro Ridge lies approximately 125 feet south of the centerline of Navarro Ridge Road. South of the ridge, the site slopes sharply down to Highway One and the Navarro River. North of the ridge, the site contains moderate slopes down to Navarro Ridge Road. There are approximately eight evergreen trees in various stages of development located south and west of the proposed residence to be retained for screening the development. The applicant is proposing to plant two new grand fir trees to the northeast of the proposed residence to help break up the silhouette of the building against the horizon, and one grand fir tree to the southwest to help conceal the structure from the Navarro Beach area and Highway One.

The project proposes to remove approximately 10 feet off the top of Navarro Ridge to bring the perceived height of the building above the natural ridge to 18 feet. The proposed finishes of the residence and garage are:

- Siding: Redwood Shingles
- Trim: Dark Wood
- Windows : Wood (as above)
- Roof: Composite Shingles
- Chimney: Stone
- Exterior Lights: to be shaded, downcast and located beside all exterior doors.
- Security lights: where needed.

**LOCAL COASTAL PROGRAM CONSISTENCY RECOMMENDATION:** The proposed project is inconsistent with the applicable goals and policies of the Local Coastal Program as described below. If it is determined by the Coastal Permit Administrator that the project can be found to be consistent with the Local Coastal Program, staff has included an analysis and prepared conditions which would minimize the impact of the project in the proposed location.

Land Use. Section 20.460.025 of the Coastal Zoning Code allows for the temporary occupancy of buildings during the course of construction with the issuance of a CDP. This section also states that all temporary uses shall be terminated not later than twenty-four (24) months after issuance of building permits unless a written request for extension of time has been submitted to and approved by the Planning Director prior to the expiration of said 24 months. Special Condition # 1 requires that the

STAFF REPORT FOR  
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 62-99  
March 23, 2000  
CPA-3

temporary use of the trailer as a residence beyond 24 months be renewed by written request and renewal fee submitted to the Planning Director prior to the second anniversary of the issuance date of the building permit for the primary residence.

Public Access. There is an existing shoreline access indicated on the County Land Use Map located adjacent to Navarro Ridge Road. The implementation of this project would not impede the use of the access trail.

Hazards. The fire hazard classification for the project site is "Moderate". The project is subject to the requirements of the California Department of Forestry and Fire Protection (CDF). CDF's standards for driveways, setbacks and defensible space will apply to the project.

There are no faults, landslides or other geologic hazards mapped on the project site. The structure is set back from the steeper slopes to the southwest. Structural and slope stability issues will be addressed during the Building Division's plan check for the building permit.

Visual Resources. The project as proposed appears to be in conflict with several LCP visual resource policies. The residence will be visible from southbound traffic on Highway One north of the Navarro River Bridge, from northbound traffic south of the bridge and from the beach at the Navarro River Redwoods State Park. Story poles erected by the applicant indicate the full height of the southwestern elevation of the residence would be visible from these areas. A portion of the southwestern elevation of the residence would be screened by clusters of existing evergreen trees in the foreground.

Policy: *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. ...New development should be subordinate to natural setting and minimize reflective surfaces. [LCP Policies 3.5-1,3 and Zoning Code Section 20.504.010 and 20.504.015(C)(3)]*

Policy: *"Buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below rather than on a ridge, or in or near the edge of a wooded area. Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists.*

*Minimize visual impact of development on hillsides by (1) requiring grading or construction to follow the natural contours; (2) resiting or prohibiting new development that requires grading, cutting and filling that would significantly and permanently alter or destroy the appearance of natural landforms; (3) designing structures to fit hillside sites rather than altering landform to accommodate buildings designed for level sites; (4) Concentrate development near existing major vegetation, natural landforms or artificial berms...*

*Minimize visual impact of development on ridges by (1) prohibiting development that projects above the ridgeline; (2) if no alternative site is available below the ridgeline, development shall be sited and designed to reduce visual impacts by utilizing existing vegetation, structural*

*orientation, landscaping, and shall be limited to a single story above the natural elevation. (3) prohibiting removal of tree masses which destroy the ridgeline silhouette. Nothing in this policy shall preclude the development of a legally existing parcel."* [LCP Policy 3.5-4 and Zoning Code Section 20.504.015(C)(8)]

The Navarro Ridge area contains structures which are very prominent along the ridge. Many of the existing structures on the ridge predate the LCP policies. The prominence of the existing structures results from siting on top of the ridge, bright colors and lack of landscape screening in front of the structures and trees behind the structures to breakup the building silhouette. The most recent structure is also the most prominent structure.

CDP4-93 (Tadlock), located three parcels to the west, was approved in 1993 to establish a single family residence. The difference between CDP4-93 and this project is that 100% of the CDP4-93 project site is visible from the public view areas to the south and west; therefore, there were no alternatives to place the structure out of view. The CDP4-93 project does not have background trees to break up the silhouette of the structure nor was the required landscaping established. For this project, there appears to be ample room to construct a residence and accessory structure(s) which would not be visible from Highway One or Navarro Beach. The project therefore appears to be inconsistent with the above policy.

The proposed buildings could be moved to a northeasterly location which is entirely outside of the Highway One and Navarro River/Beach viewshed without raising new environmental concerns. Staff recommends Special Condition #2 which requires that a revised site plan be prepared which relocates the development outside of the viewshed area of Highway One and Navarro Beach.

The subject project has incorporated several design features to reduce the visual impact from the public view areas. The materials selected by the applicant are dark in color and will help the building blend into the surroundings. The site has a natural backdrop of trees which are proposed to be supplemented with an additional tree. The existing trees located immediately to the south and west of the proposed residence would provide screening of the structures from viewpoints to the south and west and shall be retained. Two additional trees are proposed to supplement the existing screen trees. Special Condition # 3 has been incorporated to ensure protection of the existing screen trees. As viewed from the beach area, the proposed structure be located among a cluster of existing homes. Therefore it is not anticipated that this project in the proposed location would be the most prominent along the ridge.

There are a substantial amount of windows on the southwest side of the proposed residence. Windows are typically highly reflective and create glare. Reflectivity and color brightness are two items that could cause the building to contrast with its surroundings. As such, Special Condition #4 has been applied to require non-reflective glass be used in the windows.

The proposed residence is two stories. Before the project was submitted to the Planning Division, the applicant was advised that a two story building would be acceptable if it was designed in such a way as to appear to be one story. If the ridge top remains, the visible height of the building would be 18 feet (or one story) as viewed from the southwest. The grading of the ridge counteracts the reasoning of locating the residence 35 feet to the north of the ridge. With the grading, the entire two stories would be visible and the structure would appear to be two stories from public view areas with the project as proposed.

The color of the buildings is specified to <sup>be</sup> ~~the~~ dark. Samples of the trim color and the roof color have not been submitted as of the writing of this report. Special condition #5 requires that color samples of the roofing shingles and the trim be submitted and approved by the Coastal Permit Administrator prior to issuance of the Coastal Development Permit. Special Condition #6 requires an amendment to this coastal permit prior to erection of any additional structures or placement of exterior lighting on any portion of the site within view of Highway One or the Navarro River Redwoods State Park.

Natural Resources. The proposed project is not located near any designated environmentally sensitive habitat areas. The applicant has indicated that there is a swampy area on the northern portion of the property. Staff conducted site views on two occasions and saw no evidence of wetland habitat; therefore, no wetland survey was required. There are no known occurrences of rare and endangered species on the subject property. The project would have no adverse effects on natural resources. The property to the north is zoned for Rangeland (RL) and is under a Williamson Act contract.

Section 20.508.020 (A-1) of the Coastal Zoning Code states development adjacent to agriculturally designated parcels is subject to the following:

*"No new dwellings in a residential area shall be located closer than two hundred (200) feet from an agriculturally designated parcel unless there is no other feasible building site on the parcel."*

The proposed building site is located approximately 165 feet from the rangeland property to the north. Because of the steep topography on the southern portion of the site, a 200 foot setback from the rangeland property can not be attained. There are two conflicting policies associated with this site. The visual policies require that the residence be located out of the viewshed and off of the ridge. The agricultural policies require that the dwelling be located 200 feet or as far as possible from the agriculturally zoned property.

Section 20.304.030 (B) of the Coastal Zoning Code states:

*(B) Where regulations within this Division and between Divisions of Title 20 overlap, the policy which, on balance, is most protective of coastal resources shall take precedence.*

Moving the residence away from the ridge would substantially improve the visual impact to the public view areas and would not adversely affect the agricultural property across Navarro Ridge Road to the north. Therefore, adherence to the visual resource policies would be the most protective of coastal resources and the 200 foot minimum setback would not be required.

Archaeological/Cultural Resources. This project was distributed to the Northwest Information Center at Sonoma State University (SSU). SSU commented that there is a low possibility of historical resources and further study of historical (or archaeological) resources was not recommended. Standard Condition #8 advises the applicant of the County's "discovery clause" which establishes the procedures to follow in the event that archaeological or cultural resources are uncovered during site preparation and construction activities.

Groundwater Resources. The site is located within an area mapped as critical water resources (CWR) by the Coastal Groundwater Study. Domestic water supply would be provided by an existing well on the site.

Transportation/Circulation. While the project would contribute incrementally to traffic volumes on local and regional roadways, such incremental increases were considered when the LCP land use designations were assigned to the site.

Zoning Requirements. The project does not comply with the zoning requirements for the rural residential District set forth in Section 20.376, et. seq., and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code. (See Land Use analysis above).

**PROJECT FINDINGS AND CONDITIONS:** Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, staff recommends that the Coastal Permit Administrator deny the proposed project, and adopt the following findings and conditions.

**FINDING FOR DENIAL:**

1. The proposed development is not in conformity with the certified Local Coastal Program.

If through the public hearing process, the Coastal Permit Administrator determines that the project as conditioned or modified is consistent with the LCP visual resource policies, staff would recommend the following findings and conditions.

**FINDINGS FOR APPROVAL:**

1. The proposed development is in conformity with the certified Local Coastal Program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development.

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7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan.

STANDARD CONDITIONS:

1. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.544.015 of 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 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 Division II of Title 20 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 of the Department of Planning and Building Services.
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.

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- d. A final judgment of a court of competent jurisdiction has declared one (1) or more conditions 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 the Department 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. An administrative permit is hereby granted for temporary occupancy of the travel trailer while constructing the single family residence, subject to the following conditions of approval:
  - (a) The term of this administrative permit is valid for the period required to complete construction of the primary dwelling, but shall not exceed two years unless renewed.
  - (b) The administrative permit shall be effective on the effective date of CDP #62-99 and shall expire two years henceforth.
  - (c) A valid building permit for a permanent dwelling on the premises must be in effect.
  - (d) Building and Health permits must be obtained prior to the set up and occupancy of the travel trailer.
  - (e) All utility connections to the travel trailer shall be disconnected and the trailer shall be removed from the property or placed in storage per Section 20.456.015(J) of the Code prior to the final building inspection or occupancy of the permanent dwelling, whichever comes first.
2. Prior to issuance of the Coastal Development Permit, a revised site plan shall be provided for the review and approval of the Coastal Permit Administrator which relocates all development to below the ridgeline out of view from Highway One and Navarro Beach. No structure or portion thereof shall be visible from Highway One and Navarro Beach.

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STAFF REPORT FOR  
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3. Prior to any site development activities, temporary fencing shall be constructed around all trees that are identified for retention. Construction activities (vegetation removal, excavation, materials or equipment storage) shall not be permitted within the dripline of these trees.
4. All exterior building materials and finishes shall match those specified in the coastal development permit application. Windows shall be made of non-reflective glass.
5. Prior to issuance of the Coastal Development Permit, the applicant shall submit for the review and approval of the Coastal Permit Administrator color samples for the trim and the roof. Colors shall be dark and non-reflective.
6. An amendment to this coastal permit shall be obtained prior to erection of any additional structures or placement of exterior lighting on any portion of the site within view of Highway One or the Navarro River Redwoods State Park.

Staff Report Prepared By:

3/10/00  
Date

Doug Zanini  
Doug Zanini  
Supervising Planner

Attachments: Exhibit A- Location Map  
Exhibit B- Site Plan  
Exhibit C- Floor Plans  
Exhibit D- Elevations  
Exhibit E -Visual Resource Impact Simulation.

Appeal Period: 10 days  
Appeal Fee: \$555

CALIFORNIA COASTAL COMMISSION

GRAY DAVIS, GOVERNOR

NORTH COAST DISTRICT OFFICE MAILING ADDRESS:  
710 E STREET - SUITE 200 P.O. BOX 4808  
EUREKA, CA 95501-1005 EUREKA, CA 95502-4908  
VOICE (707) 445-7833  
FACSIMILE (707) 445-7877



APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing  
This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

1. Navarro Watershed Protection Assoc., P.O. Box 1936, Mendocino, CA 95460
2. Dr. Hillary Adams, 1391 Cameron Rd. Elk, CA 95432 (H. Adams, Chair)
3. Roanne Withers, Sierra Club, Mendocino/Lake Group  
P.O. Box 2330, Ft. Bragg CA (707) 877-3527 (Adams)  
Zip 95437 Area Code 707 Phone No. 961-1953 (Sierra Club)

SECTION II. Decision Being Appealed

1. Name of local/port government: Mendocino County Coastal Permit Administrator

Ray Hall

2. Brief description of development being appealed: 3,524 sq ft single family home with attached 612 sq ft garage, 12' height, installation of leach field and septic, connection to existing well; temporary occupancy of travel trailer

3. Development's location (street address, assessor's parcel no., cross street, etc.): S. Side of Navarro Ridge (CR #518).  
1.25 miles SE of Ukiah Highway CR. 3891 Navarro Ridge Rd  
APN 126-068-12

4. Description of decision being appealed:

a. Approval; no special conditions: \_\_\_\_\_

b. Approval with special conditions: X

c. Denial: \_\_\_\_\_

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-1-MEN-00-028

DATE FILED: 6/6/00

DISTRICT: North Coast

H5: 4/88

RECEIVED  
JUN 06 2000

CALIFORNIA  
COASTAL COMMISSION

EXHIBIT NO.	8
APPLICATION NO.	A-1-MEN-00-028
APPEAL	(1 of 8)

5. Decision being appealed was made by (check one):

- a. ☒ Planning Director/Zoning Administrator      c. ☐ Planning Commission  
b. ☐ City Council/Board of Supervisors      d. ☐ Other \_\_\_\_\_

6. Date of local government's decision: April 27, 2000

7. Local government's file number (if any): CDP #62-99

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Bob and Lori Jones / Luz Harvey, Agent  
P.O. Box 547 / P.O. Box 1384  
Albion, CA 95416 / Mendocino, CA 95460

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) Hillary Adams { 1st hearing; also went 4/13/letter  
1391 Cameron Road { to BKiah to testify 2nd hearing  
ELK, CA 95432 { but was continued to 4/27 w/o notice.  
could not attend 4/27 - sent letter NWPP
- (2) Peter Reimuller  
P.O. Box 4 / April 27 meeting  
Pt. Arena, CA 95468
- (3) Navarro Watershed Protection Assn / letter  
P.O. Box 1936  
Mendocino, CA 95460
- (4) Supt. Greg Picard / letter  
Calif. Dept. Parks & Recreation  
P.O. Box 440  
Mendocino, CA 95460

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

House<sup>is</sup> sited on the ridgetop, visible from Scenic Highway #1;  
and from River Road and estuary beach of Navarro  
River Redwoods State Park. Inconsistent with LCP  
visual resource policies; 3.5-1-3 and zoning code  
section 20.504.010 and 20.504.015(C)(3);  
LCP 3.5-4 and zoning Code Section 20.504.015(C)(3);  
Landscaping is inadequate to protect views; alternative  
site appears to be available. The 200' setback from rangeland  
should not take precedence over visual: Sec. 20.304.030(B) CZ code.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

#### SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Roanne Wilkes *Sierra Club*  
*Mendo Lake Group*  
Hillary Adams, Chair, NWPA  
Signature of Appellant(s) or  
Authorized Agent

Date May 30, 2000

NOTE: If signed by agent, appellant(s) must also sign below.

#### Section VI. Agent Authorization

I/We hereby authorize \_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date \_\_\_\_\_

· **NAVARRO WATERSHED**  
· **PROTECTION ASSOCIATION**

· **P. O. Box 1936 \* Mendocino, CA. 95460**

Mr. Robert Merrill  
Coastal Commission  
P. O. Box 9908  
Eureka, CA. 95502- 9908

June 22, 2000  
**RECEIVED**  
JUN 05 2000

CALIFORNIA  
RE: A-1-MEN-00-028 (Jones) COASTAL COMMISSION

Dear Mr. Merrill:

We wish to add to the comments already made by our organization for Mendocino CDP #62-99, approved by Coastal Administrator Ray Hall and appealed by us and the Sierra Club to the Coastal Commission. The Jones house can, and should, be moved further back on the lot, out of the public view. This project will set a precedent for numerous other lots which are in the process of development on Navarro Ridge. In our opinion, the Jones project is inconsistent with LCP Visual Resource Policies 3.5-1, 3, 4 and 5; and Zoning Code Sections 20. 304. 035 (B); 20.504.010; 20.504.015(C)(3); and 20.504.015 (C)(8).

Visual

The long view of Navarro Ridge, on which the Jones property is located, is the first stunning view of the coastal ridges for thousands of tourists who arrive here via Highway 128; and the last one they see as they travel home with their memories of this magnificent coast. Navarro Ridge is highly visible from scenic Highway #1 for several miles on both sides of the Navarro River. This ridge is also visible from the River Road in Navarro River Redwoods State Park, and from the estuary and beach of that park. This portion of the park is visited by thousands of people every year because of its beauty, and its numerous species of bird and marine life. Historic Captain Fletcher's Inn at the Navarro estuary is presently being restored by the California Department of Parks and Recreation. The Parks department also has an annual canoeing program on Navarro River starting from the estuary beach. Private canoes and kayaks also use the river.

State Highway #128 meets scenic Highway #1 at the Navarro River bridge. The Jones property is directly above that juncture in an area designated highly scenic. The house would be visible from the southern approach to Navarro bridge, from the River Road along Navarro estuary, from the Navarro Grade of scenic Highway #1 on the north side of the Navarro River, and from the river itself.

The Jones, after several hearings and a great deal of argument, finally agreed to change their house from a two-story to a one-story structure, and to move the house somewhat further back from the ridgeline. However, the staff report of April 17th found that the revised project would still be inconsistent with LCP Policy 3.5-4

and Zoning Code Section 20.504.015(C) (8). This zoning code section, titled "Highly Scenic Areas," states: "Minimize visual impact of development on ridges by the following criteria: (a) Prohibiting development that projects above the ridgeline." Similarly, LCP Policy 3.5-4 states: "Minimize visual impact of development on ridges by (1) prohibiting development that projects above the ridgeline." The Jones house as it is presently permitted would project above the ridgeline. The house would be highly visible to the public. The mitigating landscaping plan is, in our opinion, inadequate. There is enough space on the lot for the house to be moved further back out of the public view. It should be moved back.

The applicant apparently refuses to move the house back from the ridgeline because he wants an expansive view of the Navarro River estuary, the beach and the Pacific Ocean. An historic photograph taken from near the subject site shows a view similar to that which the property could have (see photograph #1). Most of the buildings of the historic town of Navarro-by-the-Sea have disappeared. Only the Mill Manager's house and Captain Fletcher's Inn remain. The Inn has been designated an Official Project of the "Save America's Treasures" program of the National Trust for Historic Preservation. It is being restored by the California Department of Parks and Recreation. The Jones development would be visible from the Inn, from the estuary beach and from the river estuary itself.

#### Agriculture vs. Visual

Coastal Administrator Ray Hall apparently stated in the hearing of April 27th that he was permitting this application because he had to balance the requirements of agricultural setback with visual concerns. In relation to this question, the staff report dated March 23, p. 5, states that: "Moving the residence away from the ridge would substantially improve the visual impact to the public views and would not adversely affect the agricultural property across Navarro Ridge Road to the north. Therefore adherence to the visual resource policies would be the most protective of coastal resources and the 200' minimum setback would not be required."

It is our understanding that when there is an issue of conflict between agricultural (in this case Rangeland (RL)) and visual, the visual should prevail. Section 20.304.035(B) of the Coastal Zoning Code states: "Where regulations within this Division and between Divisions of Title 20 overlap, the policy which, on balance, is most protective of coastal resources shall take precedence."

#### High Water Table vs. Visual

The applicant argued during the hearing of April 17th that the high water table on the northern portion of the lot prevented him from moving the house

further back. The high water table should have been taken into consideration when the applicant purchased the lot. The septic situation does not preclude moving the house back from the ridgeline and should not be used as an argument to disregard the visual protections provided by the certified LCP and zoning codes.

### Visual Degradation

It is the applicant's contention that his new development would sit among other, older houses, and that therefore the new development would be "compatible" with what is already there. However, these houses were built prior to the adoption of the certified Local Coastal Program. The older development on Navarro Ridge is frequently pointed to as a "terrible example." It was the primary reason that the local citizens' committee of the LCP required specifically that Navarro ridge be protected from further visual degradation by inclusion in the "Highly Scenic" category. In our opinion, the line for highly scenic along Navarro Ridge does not extend back far enough. One very large house recently built outside the highly scenic demarcation and painted white can be clearly seen from the southern part of Navarro Beach in Navarro River Redwoods State Park.

Policy 3.5-1, Visual Resources, of the certified LCP for Mendocino County states: "The scenic and visual qualities of 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. . . and, where feasible, to restore and enhance visual quality in visually degraded areas. . ." Code Section 20.504.010 states: "The purpose of this section is to insure 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." Navarro Ridge, near the Jones project, is a visually degraded area in terms of ridgeline development and non-subordinate colors (photograph #2).

The "visual compatibility" paragraphs of the LCP and Code sections were meant to assure, in part, that new building designs would be compatible in areas with historic, Victorian buildings. If the Commission were to interpret "visual compatibility" as meaning "the right to continue visual degradation" it would set a dreadful precedent. Such a decision would counter the very intention of the LCP in this area. There are a number of other undeveloped lots along Navarro Ridge. About ten empty lots were identified by Mendocino County planning staff. This number apparently did not include all of the available lots, which extend both eastward and to the western edge of Navarro Ridge (photograph #3/panorama).

The western lots are bare of trees due to early logging practices, and extremely visible (see photographs #1 and 3 panorama). This area was limited to twenty-acre lots to keep the western portion of Navarro Ridge from excessive development and protect the visual corridor. Unfortunately, the western area was allowed to be subdivided into ten-acre lots by the Mendocino County Supervisors several years ago, thus doubling the potential development there. Some of these lots are now in the permit process. To decide that the Jones house is "visually compatible" would set a precedent for all new development along Navarro Ridge. It would guarantee a string of such houses sited on the ridgeline. In other words, the very thing that the LCP was designed to avoid would be certain to happen here.

### Landscaping

As the Jones project now stands, the public must depend on landscaping alone to protect the viewshed. This approach has not been successful in Mendocino County. There are numerous examples along the coast of insufficient landscaping plans that have been permitted by the County, of landscaping that has not been planted, of trees that have been removed or trimmed so that only a few thin trunks act as screening, of plantings that have been allowed to die, of slow-growing species placed so far down on the slope that it will take thirty to forty years for them to mature sufficiently to screen the houses. Several examples of these landscaping "tricks" already exist along Navarro Ridge Road. To counteract this problem takes a constantly alert citizens' group devoted to protecting the highly scenic areas. This would not be the case if permitting terms adopted by the Mendocino Coastal Administrators adequately protected the public resource, as intended by the LCP and the zoning codes; and if there were vigorous enforcement of permitting terms.

The landscaping plan approved by Coastal Administrator Ray Hall is, in our opinion, insufficient to ever adequately screen the Jones house from public view. The Jones development is sited near the edge of the precipitous northern ridge and would be clearly visible on the ridgeline (photograph #4, taken from River Road; the lot to the left of the A-frame). Only three Grand Fir trees are intended for the south side of the house, facing scenic Highway #1 and Navarro River Redwoods State Park. Grand Fir are very slow growing. The applicant stated in writing that he was willing to increase the number of these trees, but was not required to do so in the permitting terms. A much larger number of trees is required on this side of the house. Moreover, these slowly growing trees should be augmented by a fast-growing screen of native species.

LCP policy 3.5-3 states: "new development should be subordinate to natural setting . . . ." Policy 3.5-5 states: "Providing that trees will not block coastal views from public areas such as roads, parks and trails, tree planting to screen building



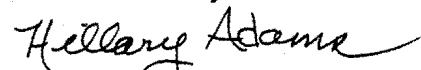
shall be encouraged . . . In the enforcement of this requirement it shall be recognized that trees often enhance views of the ocean area, commonly serve a valuable purpose in screening structures and in the control of erosion and the undesirable growth of underbrush." Similarly, zoning code section 20.504.015 (C) (3) states: "New development shall be subordinate to the natural setting . . ."

On the ridge south of the Navarro river, new development largely occurred after the LCP was certified. On that ridge, none of the houses that exist opposite Navarro Ridge are visible. These houses cannot be seen by travelers on scenic Highway #1 or Highway #128. The houses are sited behind a true screen of forest trees, yet their occupants have excellent views of the river and the ocean. This is an example of how the LCP was meant to work (photograph #5).

The applicant argued that the mature trees behind his house on the north side would mitigate the visual impact on the south side. This is clearly not the case. Mendocino Supervisor Patti Campbell cited the houses on Navarro Ridge as what she never wanted to see happen again when she voted, illogically, to permit the Smiley project. Because the houses on Navarro Ridge stand out so significantly along the ridge and are in the viewshed for such a long time, she thought that none of the houses had trees behind them. She used the argument that the Smiley project would have mature trees behind it, and that these would mitigate the visual impact. Actually, most of the older houses on Navarro Ridge are backed by mature trees (photograph #2). The trees obviously do not mitigate the visual impact. A heavy screen of trees is needed on the scenic corridor sides of all new development along Navarro Ridge.

Please support our certified Local Coastal Program by siting the Jones house further back from the ridgeline and providing an adequate landscaping plan.

Most sincerely,



Hillary Adams, Chairperson

encl: 5 photocopies + panorama  
zoning map

(FOR THE COASTAL COMMISSION HEARING ON JULY 14, 2000)

The appellants do not have a valid appeal.

We are amazed that the unsubstantiated claims of uninformed parties can be given credence and potentially overturn the year-long reasoned process through which the local agency arrived at the decision to grant our permit.

We have been diligently compromising, co-operating and working with our local coastal development agency for over a year only, it seems, to have a casual letter set us back.

As to the appellants, we do not think they have a valid right to appeal directly to the coastal commission without first exhausting all lower administrative levels of appeal.

One of the appellants, RoAnne Withers, was not represented at any of the public hearings held by the local coastal commission, and therefore should be excluded as an appellant.

The other appellant, Hillary Adams, attended only the first hearing. She did not attend the second or third hearings where our significantly modified residential plan was ultimately approved by the local agency. Perhaps this is why she continues her invalid statements in opposition to the permit. We hope that the year-long effort of the local planning agency to arrive at an accurate understanding of the planned residence and its effects on the public interest are not to be cast aside.

EXHIBIT NO.	9
APPLICATION NO.	A-1-MEN-00-028
APPLICANTS'	
CORRESPONDENCE	(1 of 2)

1 of 2

The object of all of this concern is a moderate single family residence, **sited in a cluster of similar residences**. It will be the least visible of all of the houses in our subdivision. By working closely with our local coastal agency we have modified our home plan to be subordinate to the local environment. Through landscaping, architectural design, and proposed building materials, we have done our best to minimize the home's impact on the public viewshed.

More than enough of everyone's time has been spent on this project. We have full confidence that your staff will conclude that there is no substantial issue involved here.

