

## CALIFORNIA COASTAL COMMISSION

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## RECORD PACKET COPY

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Staff:	Tiffany S. Tauber
Staff Report:	November 22, 2002
Hearing Date:	December 13, 2002
Commission Action:	

STAFF REPORT: PERMIT AMENDMENT

APPEAL NO.:	A-1-MEN-01-059-A1
APPLICANT:	Max & Phyllis Thelen
LOCAL GOVERNMENT:	County of Mendocino
DECISION:	Approval with Conditions
PROJECT LOCATION:	South side of Navarro Ridge Road, approximately 1.25 miles southeast of its intersection with Highway One, at 31960 Navarro Ridge Road, Mendocino County, APN 126-060-016.
DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:	Additions to an existing single-family residence including (1) construction of a 1,160-square-foot bedroom addition, (2) a 281-square-foot workshop addition to an existing detached garage, and (3) modification of rooflines for building-integrated photovoltaic roofing.
DESCRIPTION OF AMENDMENT REQUEST:	Modification of the approved remodeling of an existing single-family residence by (1) eliminating an approved

master bedroom addition off the west side of the building; (2) modifying approved changes to the existing configuration of rooms within the house; (3) retaining the north-south orientation of the existing roof ridge of both the house and the garage rather than changing the orientation of the roof ridges as previously approved; and (4) modifying approved changes to the garage to retain the existing orientation with vehicle entrance from the west, eliminate an approved studio addition, convert the existing two-car garage into a one car garage, and convert and expand a portion of the garage into a 384-square-foot guest cottage.

SUBSTANTIVE FILE:  
DOCUMENTS

- 1) CDP File No. A-1-MEN-01-059
- 2) Mendocino County Local Coastal Program

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SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve with conditions, the requested amendment to the coastal development permit originally granted involving modifications to an existing single-family residence in a designated "highly scenic" area on the south side of Navarro Ridge Road, approximately 1.25 miles southeast of its intersection with Highway One, at 31960 Navarro Ridge Road in Mendocino County.

The original permit approved additions to an existing single-family residence including (1) construction of a 1,160-square-foot bedroom addition, (2) a 281-square-foot workshop addition to an existing detached garage, and (3) modification of rooflines for building-integrated photovoltaic roofing. Approval of the original project was subject to five special conditions to ensure the project's consistency with the visual resource protection policies of the Mendocino County LCP requiring (1) submittal of a landscape plan, (2) design restrictions on siding and lighting, (3) maintenance of existing trees, (4) submittal of a revised roofing plan, and (5) adherence to conditions imposed by the local government.

The applicants now propose to further modify the originally approved improvements by (1) eliminating an approved master bedroom addition off the west side of the building; (2) modifying approved changes to the existing configuration of rooms within the house; (3) retaining the north-south orientation of the existing roof ridge of both the house and the garage rather than changing the orientation of the roof ridges as previously approved; and (4) modifying approved changes to the garage to retain the existing orientation with vehicle entrance from the west, eliminate an approved studio addition, convert the existing two-car garage into a one car garage, and expand a portion of the garage by approximately 40-square-feet and convert it into a 384-square-foot guest cottage.

The main issues raised by the original project concerned visual impacts to public coastal views from Highway One, Navarro River State Beach, and Navarro Ridge Road. The changes to the originally approved project as proposed by the amendment decrease the amount of total development that would occur at the site and thus, would reduce the extent to which the development would be visible from public vantage points.

Staff is recommending one new special condition to ensure the project's consistency with the certified LCP. Special Condition No. 6 is a new condition attached to the permit amendment requiring the applicant to record a deed restriction prohibiting the use of the guest cottage as a second residential unit. The condition is attached consistent with Mendocino LCP requirements that guest cottages not be used as residences, as the LCP limits the number of residences to one per parcel. Special Condition No. 1 of the original permit requiring a landscaping plan has been deleted, as the addition that the landscaping was intended to screen is proposed to be eliminated. Special Condition Nos. 2-5 remain in effect from the original permit. Special Condition No. 2 requires design restrictions on building materials and lighting. Special Condition No. 3 requires the maintenance of existing trees at the site. Special Condition No. 4 requires submittal of a revised roof plan. Lastly, Special Condition No. 5 requires adherence to all conditions imposed by the local government.

As conditioned, staff has determined that the proposed development with the proposed amendment would be consistent with the certified Mendocino County LCP.

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### **STAFF NOTES:**

#### **1. Procedure and Background**

Section 13166 of the California Code of Regulations states that the Executive Director shall reject an amendment request if it lessens or avoids the intent of the approved permit unless the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and procured before the permit was granted.

Coastal Development Permit No. A-1-MEN-01-059 was approved de novo by the Commission on April 11, 2002 with five special conditions. The original permit approved additions to an existing single-family residence including (1) construction of a 1,160-square-foot bedroom addition, (2) a 281-square-foot workshop addition to an existing detached garage, and (3) modification of rooflines for building-integrated photovoltaic roofing.

The main issues raised by the original project concerned visual impacts to public coastal views from Highway One, Navarro River State Beach, and Navarro Ridge Road. The Commission conditioned the permit to minimize visual impacts by requiring landscaping, the use of certain building materials, and modification of the roof design if necessary to minimize glare. The proposed modifications to the previously approved additions and remodeling of the existing single-family residence and associated garage would result in less overall development at the site than originally approved and thus, would be less visible and have less visual impact than the

originally approved project. Therefore, the Executive Director found that the proposed amendment would not conflict with the intent of Coastal Development Permit No. A-1-MEN-01-059, visual resources would continue to be protected to the same or a greater degree under the proposed amendment. Since this amendment request would not result in a lessening or avoidance of the intent of the originally approved permit, the Executive Director accepted the amendment request for processing.

## **2. Standard of Review**

The Coastal Commission effectively certified Mendocino County's LCP in October of 1992. Pursuant to Section 30604 of the Coastal Act, after effective certification of a certified LCP, the standard of review for all coastal permits and permit amendments for developments not located between the first public road and the sea is the certified LCP.

## **3. Scope**

This staff report addresses only the coastal resource issues affected by the proposed permit amendment, provides recommended special conditions to reduce and mitigate significant impacts to coastal resources and achieve consistency with the certified LCP and the public access and recreation policies of the Coastal Act, and provides findings for conditional approval of the amended project. All other analysis, findings, and conditions related to the originally permitted project, except as specifically affected by the proposed permit amendment and addressed herein, remain as adopted by the Commission on April 11, 2002.

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## **I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:**

The staff recommends that the Commission adopt the following resolution:

### **Motion:**

I move that the Commission approve the proposed amendment to Coastal Development Permit No. A-1-MEN-01-059-A1 pursuant to the staff recommendation.

### **Staff Recommendation of Approval:**

Staff recommends a YES vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution to Approve the Permit Amendment:**

The Commission hereby approves the coastal development permit amendment and adopts the findings set forth below on grounds that the development as amended and subject to conditions will be in conformity with the policies of the certified Mendocino County Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

**II. STANDARD CONDITIONS: See attached Attachment A.**

**III. SPECIAL CONDITIONS:**

**NOTE:** Special Condition No. 6 (Second Structure Deed Restriction) is a new condition attached to the permit amendment. Special Condition No. 1 (Landscape Plan) from the original permit has been deleted. Special Condition No. 3 (Maintenance of Trees) has been revised as shown in strikethrough below. Special Conditions No. 2, 4, and 5 are unchanged from the original permit and remain in full effect. All of the conditions in effect are listed below for reference.

**1. Landscape Plan**

**[DELETED]**

**2. Design Restrictions On Siding and Lighting**

- A(1) All exterior siding of the proposed additions to the existing structures on the site shall be composed of natural or natural appearing materials, and all siding of the proposed structures shall be composed of materials of dark earth tone colors only. The additions shall not be repainted or stained with products that will lighten the color of the additions as approved. In addition, all exterior siding materials and windows shall be non-reflective to minimize glare; and
- A(2) All exterior lights, including any lights attached to the outside of the proposed building additions, shall be the minimum necessary for the safe ingress and egress of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will shine beyond the boundaries of the subject parcel.

**B. PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-MEN-01-059, the applicants shall execute and record a deed restriction,**

in a form and content acceptable to the Executive Director, which reflects the above restrictions on development. The deed restriction shall include a legal description of the applicants' entire parcel. The deed restriction shall run with the land binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**3. Maintenance of Trees**

~~A(1) Consistent with the landscaping plan required by Special Condition No. 1, required landscaping vegetation shall be replaced in-kind as the vegetation dies or substantially declines throughout the life of the approved residential structural additions.~~

A(2) All existing trees on the northern half of the subject parcel shall be replaced in-kind in the same locations as the trees die or substantially decline throughout the life of the approved residential structure additions. No limbs shall be removed from these trees except dead limbs or those required to be removed to meet the fire safety regulations of the California Department of Forestry and Fire Protection.

**B. PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-MEN-01-059**, the applicants shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the above restrictions on development. The deed restriction shall include a legal description of the applicants' entire parcel. The deed restriction shall run with the land binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**4. Revised Roofing Plan**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a revised plan for the reconstructed roof to minimize the visual impacts of the development as seen from vantage points along Highway One, Navarro State Beach, and Navarro Ridge Road. The plan shall be prepared by a qualified professional.

1. The plan shall demonstrate that:

(a) all utilized photovoltaic laminate shall have a dark bluish tinge and be attached to a non-reflective black or dark brown standing seam metal.

- (b) the roof segments containing photovoltaic laminate that is consistent with subsection 4(A)(1)(a) above, shall be constructed at angles to the sun in a manner that will ensure that sunlight does not reflect off the photovoltaic laminate towards public viewing vantage points along Highway One, Navarro State Beach, and Navarro Ridge Road.

2. The plan shall include, at a minimum, the following components:

- (a) elevations of the proposed development that accurately depicts the proposed configuration and angles of all roof segments,
- (b) a visual analysis of what locations within the surrounding viewshed would be affected by sunlight reflecting off the segments of roof proposed to be covered with photovoltaic laminate that indicates the specific angles of reflectivity that would affect the public viewing vantage points along Highway One, Navarro State Beach, and Navarro Ridge Road.

(c) Descriptions and samples of the colors to be used for all roofing materials

- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**5. Conditions Imposed By Local Government**

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act.

**6. Second Structure Deed Restriction**

- A. The following restrictions shall apply with respect to the conversion of a portion of the existing and expanded garage into a guest unit consisting of one (1) bedroom, and one (1) bathroom.
  - 1. Any rental or lease of the guest unit separate from rental of the main residential structure is prohibited. The guest unit shall not be separately rented, let, or leased, whether compensation be direct or indirect, for any residential or visitor-serving use, vacation home rental, or other purpose.
  - 2. Construction and/or use of all cooking or kitchen facilities are prohibited.

**B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**

**AMENDMENT NO. A-1-MEN-01-059-A1**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the above restrictions on development. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required. No changes in the use of the guest unit shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

**1. Site Description**

The subject parcel is a 4.3-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 (See Exhibits No. 1-2). 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. Navarro River State Beach extends west from a point downstream of the bridge to the beaches at the mouth of the river. The parcel is relatively long and narrow, measuring 217 feet across and extending 934 feet 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 31960 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.

There are approximately 27 lots located along Navarro Ridge that are designated as "highly scenic" and visible to travelers on Highway One approaching the Navarro Headlands area from the south. Approximately 24 of these lots have been developed with single-family residences. The subject parcel and most similar parcels in the immediate vicinity of the subject property are designated and zoned for rural residential use and 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 the Navarro Ridge "highly scenic" area, in-between parcels already developed with homes. The applicants' parcel is one of about a dozen parcels of similar size and shape. Other mostly undeveloped larger parcels extend to the west of these dozen parcels toward the ocean. Much larger mostly undeveloped Rangeland extends east of the string of parcels and north across Navarro Ridge Road (see Exhibit No. 3).

The existing house is generally on the crest of Navarro Ridge, approximately 450 feet above and on the inland side of Highway One. The bluff portion of the parcel is so steep that one cannot see Highway One and the river from the house. The Coastal Commission staff visited the site and determined that the house is slightly visible from several public vantage points. Glimpses of the distant house are afforded to southbound travelers along Highway One as travelers descend to the Navarro River. In addition, staff believes the house can be seen from the extreme northern portion of the beach at Navarro State Beach. However, the house cannot be seen from anywhere else at Navarro State Beach, including from anywhere within the parking lot, upriver from the beach, and from the vast majority of the beach itself. Staff notes that the portion of the beach from where the house can be seen is cut off to pedestrians most of the year by the river. Only during the early fall when river flows are low and the sand spit builds to convert the river into a coastal lagoon can walkers safely reach the extreme northern portion of the beach from where the Thelen house is partially visible. Even from that vantage point, the view of the house is very distant and is mostly screened by existing trees. It is difficult to see the house without binoculars. Near the subject property, the house can be seen from Navarro Ridge Road at its intersection with the driveway to the property and in glimpses in-between trees east of the driveway.

The ridgeline of Navarro Ridge cuts across the northern end of the parcel. The deep south side of the parcel drops steeply down the southern flank of Navarro Ridge to near sea level. The 100 to 150 lineal feet of the parcel that extends north of the crest slopes very gently to Navarro Ridge Road.

The parcel is mostly covered with grasses and shrubs. A row of approximately 30 mature tall pine trees extends along the western property line on the upper portions of the property. Additional trees are growing in rows along the frontage to Navarro Ridge Road and along the eastern property line on the upper portions of the property. The parcel contains no known environmentally sensitive habitat areas.

The existing residence is located near the crest of Navarro Ridge, approximately 140 to 175 feet south of Navarro Ridge Road roughly midway between the parcels to the east and west. The existing three-bedroom 1,533-square-foot residence is one story with a basement. Adjoining the northeast corner of the house is a detached 672-square-foot garage. The height of the house is 17.5 feet above the average natural grade. The height is computed by taking the average height of the tallest portion of the building as measured from the highest and lowest ground elevations covered by the building. The existing buildings are sided with wood shingles and have redwood shake roofs. An unpainted redwood deck extends around the south and east sides of the residence. Access to the property is via a driveway that extends from Navarro Ridge Road near the northwest corner of the parcel. The house is served by a well and an existing septic tank and leach field system.

## 2. Project Description

The original project approved by the Commission consisted of additions to and remodeling of the existing single-family residence on the property. The original project included essentially three additions to the existing home and garage, including (1) a new master bedroom addition off the west side of the building; (2) an addition along the south side of the existing house to expand the kitchen and expand space currently used for a living room that will be converted into a dining room and study; and (3) an artist studio addition off the south end of the existing garage (see Exhibit Nos. 4 & 5). Furthermore, the original project included modification of the north-south orientation of the roof line to an east-west orientation and the replacement of the redwood shake roofing with a metal roof with photovoltaic laminate.

The proposed amendment would modify the approved remodeling of the residence by (1) eliminating the approved master bedroom addition off the west side of the building; (2) modifying approved changes to the existing configuration of rooms within the house; (3) retaining the north-south orientation of the existing roof ridge of both the house and the garage rather than changing the orientation of the roof ridges as previously approved; and (4) modifying approved changes to the garage to retain the existing orientation with vehicle entrance from the west, eliminate an approved studio addition, convert the existing two-car garage into a one car garage, and expand a portion of the garage by approximately 40-square-feet and convert it into a 384-square-foot guest cottage (see Exhibit Nos. 5-8).

The master bedroom addition approved under the original permit was proposed to contain two levels, and have a 900-square-foot footprint. The basement was proposed to be constructed partially below the existing ground level and would require approximately 20 cubic yards of excavation. The roof ridge above the master bedroom addition would reach a maximum height approximately 3 feet lower than the 17.5-foot-high roof ridge of the existing structure. This entire addition would be eliminated with the proposed amendment.

The previously approved south side addition consists of one level and would extend out from the angled walls that form the current south side of the building to form a squared off side with a small rectangular projection that would extend approximately 3 feet farther out to the south than the maximum southward projection of the existing structure. A wooden deck would extend 3 feet farther to the south from this portion of the addition. The new dining area would occupy the rectangular projection, and the other portions of the addition would be devoted to an expanded kitchen and an expanded study area. The addition would add 155 square feet of building footage to the existing structure. A small wooden deck would extend off the south. The roof ridge above this addition would be no higher than the 17.5-foot-high roof ridge of the existing structure. This previously approved addition is not proposed to change with the modifications included in the proposed amendment.

The originally approved artist's studio addition off of the south side of the garage was proposed to be one level with a 140-square-foot structural footprint. The roof ridge of the addition and remodeled garage would extend approximately 2 feet higher than the existing roof ridge of the garage, but no higher than the existing 17.5-foot-high roof ridge of the house itself. The originally approved project included relocating the garage doors from the west side to the north

side and changing the orientation of parked cars within the two-car garage. As originally approved with all the changes, the house would remain a three-bedroom house, albeit with larger bedrooms and larger common areas and the total number of bathrooms would increase from two to three. The applicants now propose to retain the existing orientation with vehicle entrance from the west, eliminate the approved studio addition, convert the existing two-car garage into a one car garage, and convert and expand a portion of the garage into a 384-square-foot guest cottage thus, increasing the total number of bedrooms from three to four.

The previously approved permit approved modifications to the roofs of the residence and existing detached garage. At present, the roof ridge of both the house and the garage have a north-south orientation. To both accommodate the additions and to provide for some south facing roof elements to better accommodate solar energy collection, the previously approved permit included roof ridges with an east-west orientation to provide for south facing roof elements on the master bedroom addition, the remodeled and expanded south side of the house, and the studio/garage structure. With the proposed amendment, the applicants propose to retain the north-south orientation of the existing roof ridges of both the house and the garage rather than changing the orientation of the roof ridges as previously approved. The applicants still propose to change the roofing material from redwood shakes to a dark colored standing seam metal covered in photovoltaic laminate bonded to the roofing panels to collect solar energy as previously approved.

All other building materials would generally match the building materials of the existing structures and are not proposed to change with the proposed amendment. The siding of all the additions would consist of unpainted wooden shingles and a masonry wainscoat. The new deck would be redwood or other unpainted wood. The trim of the house would remain redwood or other unpainted wood. Gutters and downspouts would be copper.

### **3. Planning and Locating New Development**

Policy 3.9-1 of the Mendocino County Land Use Plan states that new development shall be located within or near existing developed areas able to accommodate it or in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

Policy 3.8-1 states that Highway 1 capacity, availability of water and sewage disposal systems and other known planning factors shall be considered when considering applications for development permits.

Zoning Code Sections 20.458.005 regulates the creation of second residential units in the coastal zone and 20.458.010 states that the creation and/or construction of a second residential unit is prohibited, except for such things as farm employee housing, farm labor housing, and family care units.

As described previously, the proposed amendment consists of modifications to previously approved additions and remodeling of the existing three bedroom single-family residence. The previously approved additions that are not deleted from the project by the amendment would add a total of approximately 200 square feet of structural footprint to the existing 2,500-square-foot footprint of the existing house. The proposed new addition in conjunction with the proposed conversion of a portion of the existing detached garage would expand the garage to accommodate a guest cottage with one bedroom and one bathroom. The total number of bedrooms would increase from three to four and the total number of bathrooms would increase from two to three.

The subject property is zoned as Rural Residential- 5 Acre Minimum, meaning that there may be one parcel for every 5 acres. The subject parcel, which is approximately 4.3 acres in size, is a legal, nonconforming lot. The development as proposed to be amended is an addition to an existing single-family residence located in an area developed with single-family residences. Therefore, the development as proposed to be amended is consistent with the LUP and zoning designation for the site.

The proposed development as proposed to be amended would not result in an increase in traffic demand on Highway One, as the addition would not result in a change in intensity of use at the site or surrounding area. Furthermore, as discussed in the Visual Resources findings below, the proposed development as proposed to be amended has been conditioned to be consistent with the visual resource policies of the Mendocino LCP.

The development is served by an existing well that has adequate water quantity and quality to serve the approved development. The house is served by an existing septic system. The Mendocino County Division of Environmental Health reviews the adequacy of proposed septic systems in Mendocino County and issues septic permits for new and expanded septic systems. Coastal Commission staff has consulted with the staff of the Division concerning the applicants' development. The staff of the Division has informed the Commission staff that they have reviewed the applicants' system and determined that the existing septic system is adequate to serve the development as proposed to be amended.

As noted above, the amendment proposes to convert the detached, two-car garage to a one-car garage and add an additional approximately 40-square-feet to create a 384-square-foot, one-bedroom, one-bathroom guest cottage. The guest cottage would have an entrance separate from the main residence and could potentially be used as a second unit if kitchen and cooking facilities were constructed in the guest cottage in the future. To ensure that the proposed guest house will not be used at any time as a second residential unit inconsistent with Zoning Code Sections 20.458.005 and 20.458.010, Special Condition No. 1 is attached to this permit, requiring recordation of a deed restriction stating that the guest unit shall be without kitchen or cooking facilities, and shall not be separately rented, let, or leased.

The Commission finds, therefore, that as conditioned, the development with the proposed amendment is consistent with LUP Policies 3.9-1, 3.8-1, and with Zoning Code Sections 20.458.005 and 20.458.010, because Special Condition No. 1 of this permit will ensure that there

will be only one residential unit on the parcel, there will be adequate services on the site to serve the proposed development, and the project will not contribute to adverse cumulative impacts on highway capacity, scenic values, or other coastal resources.

#### 4. Visual Resources

The project site is located within an area designated as "highly scenic" under the Mendocino County LCP.

##### a. Mendocino County LCP Policies

LUP Policy 3.5-1 states, in applicable part:

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

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Note 1: LUP Map No. 19 contains an inset map that designates all of the area in the immediate vicinity of the applicants' parcel between Navarro Ridge Road and the south side of the Navarro River as highly scenic.

Note 2: Coastal Zoning Ordinance 20.504.015(A)(2) reiterates this section of coastline as being a "highly scenic area."

Coastal Zoning Ordinance Section 20.504.015(C) states, in applicable part:

- (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.*
- ...
- (3) New development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials shall be selected to blend in hue and brightness with their surroundings.*
- ...

The site is located on the crest of Navarro Ridge above the north side of the Navarro River, east and north of Highway One, approximately 1.25 miles inland from the coast. The project site is located in a designated "highly scenic" area, pursuant to LUP Policy 3.5-3, LUP Map No. 19, and Coastal Zoning Code Section 20.504.015(A)(2). The proposed project involves additions to existing residential structures. Thus, the project would be set against the visual landscape created by the natural setting of Navarro Ridge, the existing house and garage structures on the site, and surrounding development on nearby parcels.

Coastal Commission staff has visited the project site and vicinity and determined that portions of the existing house, and portions of the originally approved additions and modifications to the house, would be slightly visible from several public vantage points. Glimpses of the distant house are afforded to southbound travelers along Highway One as travelers descend to the Navarro River. In addition, staff believes the house can be seen from the extreme northern portion of the beach at Navarro State Beach when this area is accessible during the early fall when the river becomes a lagoon and the sand spit provides access to the area. From these vantage points, however, the views of the house are very distant and are mostly screened by existing trees. It is difficult to see most of the existing house without binoculars. The visible portions of the existing structure that are visible from Highway One and the small portion of beach consist mainly of portions of the walls along the south side of the house. The rest of the house and the garage are screened from view from these vantage points.

The proposed amendment involves changes to previously approved additions and modifications to the existing residence and detached garage. The originally approved permit included (1) a new master bedroom addition off the west side of the building; (2) an addition along the south side of the existing house to expand the kitchen and expand space currently used for a living room that will be converted into a dining room and study; and (3) an artist studio addition off the south end of the existing garage. Furthermore, the originally approved project included modification of the north-south orientation of the roof line to an east-west orientation and the replacement of redwood shake roofing with a metal roof with photovoltaic laminate. The proposed amendment would modify the previously approved remodeling of the residence by (1) eliminating the approved master bedroom addition off the west side of the building; (2) modifying approved changes to the existing configuration of rooms within the house; (3) retaining the north-south orientation of the existing roof ridge of both the house and the garage

rather than changing the orientation of the roof ridges as previously approved; and (4) modifying approved changes to the garage to retain the existing orientation with vehicle entrance from the west, eliminate an approved studio addition, convert the existing two-car garage into a one car garage, and convert and expand a portion of the garage into a 384-square-foot guest cottage.

In its findings for approval of the original project, the Commission found that various aspects of the proposed additions would affect the visual impact of the residence as viewed from public vantage points including Highway One, Navarro River State Beach, and Navarro Ridge Road. The Commission attached several special conditions (Nos. 1-4) to insure the project's consistency with the visual resource protection policies of the Mendocino County LCP outlined above.

#### **Summary of Commission Action on Original Permit**

In its findings for approval of the original project, the Commission found that the originally approved additions to the existing residence would add significantly to the size of the structure, increasing the footprint of the house from approximately 2,500 square feet to 3,400 square feet, or an increase of roughly 36%. As previously approved, the footprint of the detached garage structure would increase from approximately 675 square feet to 815 square feet with the addition of the new artist studio, an increase of roughly 21%. The Commission found that some of the proposed modifications to the exterior of the house would be visible from the highway and the beach, including the addition to the south side of the house which would extend the structure approximately 3 feet farther south and the roof changes above this section of the house. The master bedroom addition and studio would not be visible from the highway or the beach because it would be located in an area screened by the large trees along the west property line of the subject parcel and because the studio addition would be located behind the existing structure as seen from these vantage points and would not extend above the height of the existing and modified residence. Near the subject property, the house can be seen from Navarro Ridge Road at its intersection with the driveway to the property and in glimpses in between trees east of the driveway. The originally approved master bedroom addition, the artist studio addition to the garage, and the reconstructed roof would all be plainly visible from Navarro Ridge Road. The Commission found that the existing trees along the northern property boundary that borders Navarro Ridge Road, as well as along the northern end of the western and eastern property boundaries, have value in helping to reduce the visual impact of the proposed additions to the existing residential structures on the site. The Commission attached Special Condition No. 3 to ensure that the existing trees remain on the site and continue to help reduce the visual impacts of the approved structural additions. The condition (1) requires that all of the above mentioned trees be replaced in-kind during the life of the project if they should die or substantially decline, (2) prohibits the removal of live limbs from these trees so that the trees retain the substantial value the limbs provide in screening the development, and (3) requires that the requirements to maintain the existing trees on the site be set forth in a recorded deed restriction.

The Commission further found that although the existing trees along the northern property line screen much of the view of the development from Navarro Ridge Road, significant views of the master bedroom addition would be afforded from the road through the driveway entrance on to

Navarro Ridge Road. The master bedroom addition would increase the apparent width and mass of the existing structure as viewed from Navarro Ridge Road by about 50%. Therefore, the Commission required Special Condition No. 1 requiring the applicants to submit a landscaping plan for the review and approval of the Executive Director that would provide for the planting of two evergreen trees along the southwestern side of the residence to minimize the visual impacts of the development as viewed from Navarro Ridge Road. The condition further specifies that consistent with Special Condition No. 3, the landscaping plan must include a tree maintenance program (e.g., pruning, fertilizing, watering, etc.) for newly planted trees and a tree replacement program on a one-to-one or greater ratio for the life of the project.

Additionally, the originally approved project included expansion and reconstruction of the roofs of the house and garage to better accommodate solar energy collection for use in providing electricity to the home. As originally approved, the roof ridges would be modified in places to allow for more segments of the roofs to face south and the entire redwood shake roof of the existing house would be replaced with a metal roof. The south-facing metal roof panels would be largely covered in photovoltaic laminate containing amorphous-silicon solar cells encapsulated in weather-resistant polymers. The Commission found that the predominant visual impression of the panels is of a very dark color not distinctly different in hue than the dark colors of the project vicinity displayed in the dark wood siding of the structures and the dark evergreen colors of the existing trees and that the color would also blend well with the dark silhouettes presented by the tree lines and ridgeline as viewed from Highway One and the beach.

The Commission further found that the photovoltaic laminate has a partial sheen to it that is noticeable when the roofing material is subjected to bright light such as strong sunlight at certain angles. The Commission found that this sheen could create its own visual impact regardless of how well the dark colors of the roofing material blend in hue with other colors in the surroundings if sunlight were to reflect off the proposed roof into the eyes of someone viewing the roof.

The portions of the roof that would be visible from public viewing vantage points along Highway One and at Navarro Beach would be south facing located to the west of the project site. The only period of the day when the sunlight might reflect at angles that could potentially cause reflective impacts to the viewers to the west on Highway One or at the beach may be during early morning, when the sun rises in the east at a low angle above the horizon. This low angle of incidence would create a low angle of reflectivity that could conceivably bounce off the roof towards the west. The Commission found that without a more detailed analysis of the specific angles of incidence and reflectivity, the exact areas that would be affected by reflected light from the photovoltaic laminate and for what specific length of time cannot be determined. To ensure that the roof is constructed in a manner that would not cause reflected sunlight to adversely affect views from public vantage points, the Commission attached Special Condition No. 4 that requires that a revised roofing plan be submitted that demonstrates that the roof segments containing photovoltaic laminate be constructed at angles to the sun in a manner that will ensure that sunlight does not reflect off the photovoltaic laminate towards public viewing vantage points along Highway One, Navarro State Beach, and Navarro Ridge Road. The special condition also requires that the revised roofing plan demonstrate that all of the photovoltaic laminate utilized

will have a dark bluish tinge and be attached to a non-reflective black or dark brown standing seam metal.

To ensure that building materials and colors consistent in kind and color with the building materials used on the existing structure and in other development in the area are used in remodeling of the residential structures and in the future, the Commission attached Special Condition No. 2, which requires that all exterior siding of the proposed additions be composed of natural or natural appearing materials with dark earth tone colors only. In addition, the condition requires that all exterior windows be non-reflective to minimize glare and that the condition further provides that these color and building material requirements must be set forth in a recorded deed restriction.

Finally, the Commission found that the originally approved additions to the existing residential structures as conditioned would be subordinate to the character of its setting as required by LUP Policy 3.5-1 and 3.5-3 and Coastal Zoning Code Section 20.504.015(C) for several reasons. First, the additions would largely be screened from view by public vantage points by existing landscaping that was conditioned to be maintained. Second, the required landscaping and earthtone building material colors would contribute to the proposed house blending in with its surroundings much more so than some of the existing homes that have bright colors and little landscaping. Third, the proposed additions would not project to a higher elevation than the existing structures on the site and the development as remodeled, would remain lower than the line of trees that exist at the top of the ridge. Fourth, the requirements of Special Condition No. 4 would ensure that the proposed building integrated photovoltaic roof is not constructed in a manner that would create reflections that would adversely affect views from all public vantage points. Lastly, the proposed house is near the eastern end of the string of residential parcels along Navarro Ridge Road, farther from view from the public vantage points along Highway One and the Navarro River than all but a few of the houses along the ridge.

#### **Proposed Amendment to the Original Permit**

As described previously, the proposed amendment is for modifications to the additions and remodeling of an existing single-family residence and detached garage previously approved and described above.

The LCP visual resource protection policies cited above set forth various standards that are applicable to the proposed amendment. In addition to calling for the protection of views to and along the ocean and scenic coastal areas, LUP Policies 3.5-1, 3.5-3, and Coastal Zoning Ordinance Section 20.504.015 provide in applicable part that development in highly scenic areas must be subordinate to the character of its setting. Coastal Zoning Ordinance Section 20.504.015 further provides in applicable part that new development in highly scenic areas be subordinate to the natural setting and minimize reflective surfaces, that building materials be selected to blend in hue and brightness with their surroundings, and that tree planting to screen buildings be encouraged provided the tree planting does not interfere with coastal/ocean views.

The changes to the originally approved project as proposed by the amendment have the effect of decreasing the amount of total development that would occur at the site and thus, would minimize the extent to which the development would be visible from public vantage points. The proposed amendment would eliminate construction of the master bedroom which results in a decrease of 900-square-feet of structural foot print. As a result of eliminating the master bedroom addition, the planting of two evergreen trees as required by previous Special Condition No. 1 is no longer necessary to screen the addition from Navarro Ridge Road as required by Coastal Zoning Ordinance Section 20.504.015.

Additionally, the amendment proposes to retain the existing north-south roof ridge orientation for the existing structure and the additions rather than reorienting the roof lines to an east-west orientation. The amendment proposes the replacement of redwood shake roofing with the same dark-colored photovoltaic panels as originally approved. The Commission found that the predominant visual impression of the panels is of a very dark color not distinctly different in hue than the dark colors of the project vicinity displayed in the dark wood siding of the structures and the dark evergreen colors of the existing trees and that the color would also blend well with the dark silhouettes presented by the tree lines and ridgeline as viewed from Highway One and the beach.

As discussed previously, in its approval of the original project, the Commission found that the sheen from the photovoltaic panels could create its own visual impact regardless of how well the dark colors of the roofing material blend in hue with other colors in the surroundings if sunlight were to reflect off the proposed roof into the eyes of someone viewing the roof. The development with the proposed amendment would result in less potential to result in visual impacts from glare reaching public vantage points than the originally approved project because the amended project involves less total roof area with the elimination of the master bedroom addition and the proposed smaller garage addition. Furthermore, the project with the proposed amendment would retain the existing east-west roof line orientation which would minimize the likelihood that glare would be directed from the roof to public vantage points to the west along Highway One or Navarro River State Beach to the west (see Exhibit Nos. 8-10).

However, the Commission finds that the condition imposed on the original permit approval requiring submittal of a revised roofing plan is still necessary with the proposed amendment to ensure that the roof is constructed in a manner that would not cause reflected sunlight to adversely affect views from public vantage points. Therefore, Special Condition No. 4 remains in effect and requires that a revised roofing plan be submitted that demonstrates that the roof segments containing photovoltaic laminate be constructed at angles to the sun in a manner that will ensure that sunlight does not reflect off the photovoltaic laminate towards public viewing vantage points along Highway One, Navarro State Beach, and Navarro Ridge Road. The special condition also requires that the revised roofing plan demonstrate that all of the photovoltaic laminate utilized will have a dark bluish tinge and be attached to a non-reflective black or dark brown standing seam metal to ensure that reflective surfaces are minimized consistent with the requirements of Coastal Zoning Section 20.504.015.

The existing trees in the northern portion of the property, including along the northern, eastern, and western property boundaries effectively screen a large part of the existing development from Navarro Ridge Road and would partially screen portions of the reconstructed roof from Navarro Ridge Road, as well as from the public vantage points along Highway One and Navarro State Beach. Although the existing trees are no longer necessary to screen the previously approved bedroom addition that would be eliminated with the proposed amendment, the trees continue to have value in helping to reduce the visual impact of the proposed additions to the existing residential structures on the site. Therefore, to ensure that the existing trees remain on the site and continue to help reduce the visual impacts of the proposed structural additions, Special Condition No. 3 of the original permit remains in effect. The condition requires that all of the trees on the northern half of the parcel be replaced in-kind during the life of the project if they should die or substantially decline. The condition also prohibits the removal of live limbs from these trees so that the trees retain the substantial value the limbs provide in screening the development. The condition allows for the removal of dead limbs or other limbs required to be removed to meet the fire safety regulations of the California Department of Forestry and Fire Protection. The condition further provides that these requirements to maintain the existing trees on the site must be set forth in a recorded deed restriction. This condition will ensure that any future buyers of the property will be notified that the trees must be maintained and replaced as necessary to maintain their value in mitigating the visual impacts of the development as amended.

The proposed amendment would not result in additions or modifications to the residence that would project any higher in elevation than the existing house. Furthermore, the color and composition of the building materials are not proposed to change as a result of the proposed amendment. To ensure that only these or similar building materials and colors are used in remodeling of the residential structures and in the future, Special Condition No. 2 from the original permit remains in effect and requires that all exterior siding of the proposed additions be composed of natural or natural appearing materials with dark earth tone colors only. In addition, the condition requires that all exterior windows shall be non-reflective to minimize glare. The condition further provides that these color and building material requirements must be set forth in a recorded deed restriction. This condition will ensure that any future buyers of the property will be notified that the choice of colors and materials for any repainting or repair of the approved structures must conform to these color and material limitations.

The Commission finds that the proposed amendment to the originally approved additions to the existing residential structures as conditioned would be subordinate to the character of its setting as required by LUP Policy 3.5-1 and 3.5-3 and Coastal Zoning Code Section 20.504.015(C) for several reasons. First, the development as amended results in less total development than the original project and the additions would largely be screened from view by public vantage points by existing landscaping that is conditioned to be maintained. Second, the improvements are required to be constructed using earthtone building material colors and dark-colored roofing materials which would contribute to the proposed house blending in with its surroundings. Third, the proposed development as amended would not project to a higher elevation than the existing structures on the site and the development as remodeled would remain lower than the line of trees that exist at the top of the ridge. Fourth, the requirements of Special Condition No.

4 remain in effect for the proposed development as amended and would ensure that the proposed building integrated photovoltaic roof is not constructed in a manner that would create reflections that would adversely affect views from all public vantage points. Lastly, the proposed house is near the eastern end of the string of residential parcels along Navarro Ridge Road, farther from view from the public vantage points along Highway One and the Navarro River than all but a few of the houses along the ridge.

Therefore, the Commission finds that as conditioned, the proposed development with the proposed amendment is consistent with Policies 3.5-1 and 3.5-3 of the LUP and with Section 20.504.015(C) of the Zoning Code, as the amended development will be (1) sited and designed to protect coastal views from a public area, (2) visually compatible with the character of surrounding areas, and (3) subordinate to the character of its setting.

## **5. California Environmental Quality Act**

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by findings showing that the application, as modified by any conditions of approval, is consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Local Coastal Program consistency at this point as if set forth in full. As discussed above, the proposed development with the proposed amendment has been conditioned to be found consistent with the policies and standards of the certified LCP. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. Mitigation measures that will minimize or avoid all significant adverse environmental impact have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed development with the proposed amendment, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

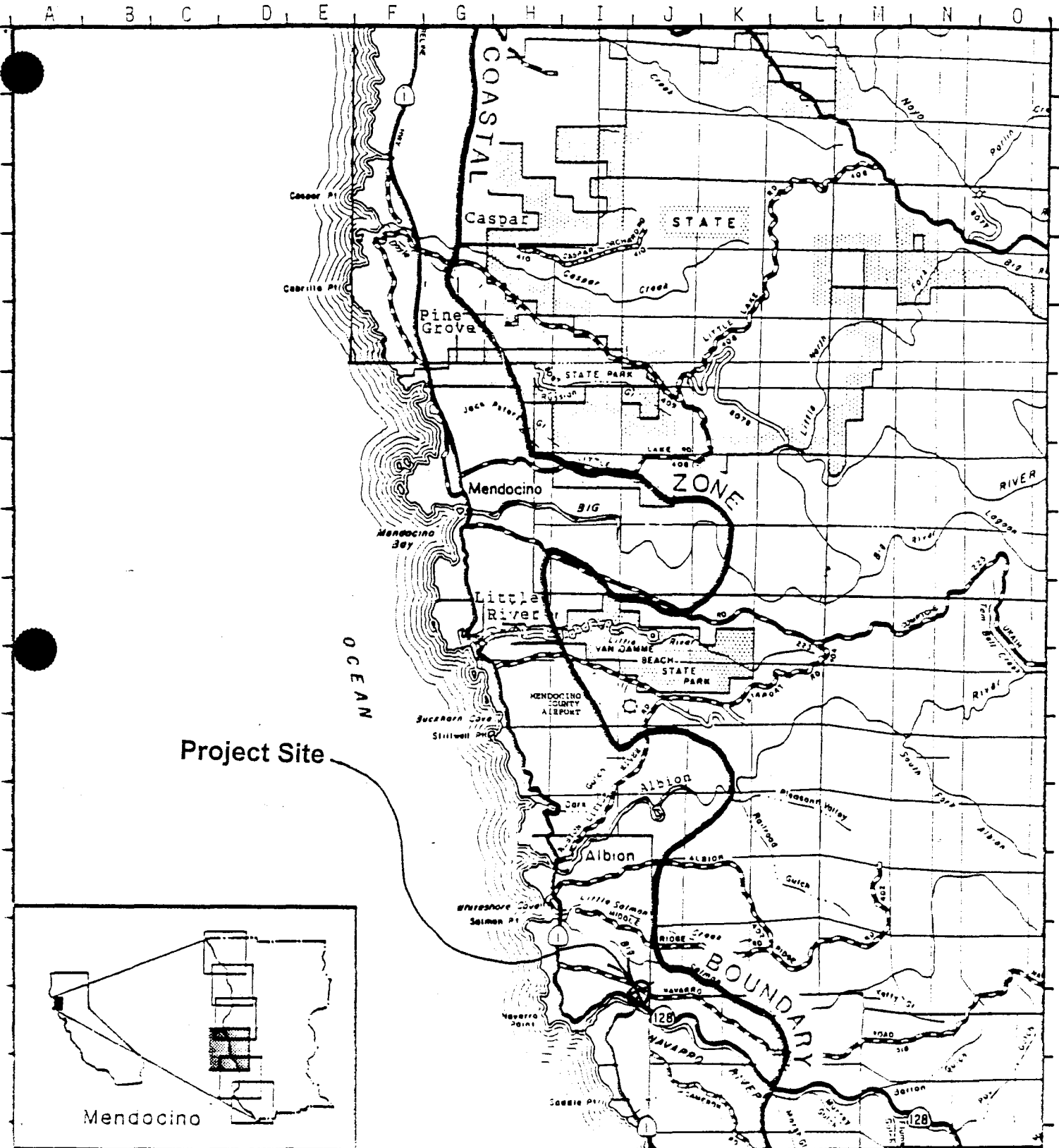
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Exhibits:

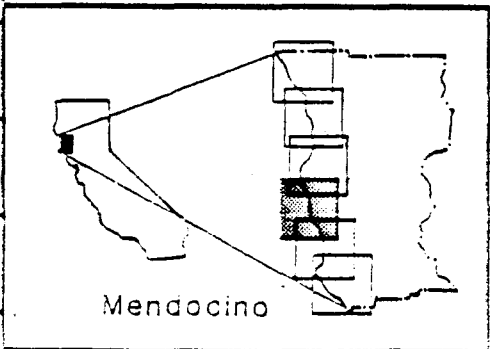
1. Regional Location Map
2. Vicinity Map
3. Zoning Map
4. Originally Approved Site Plan
5. Originally Approved Floor Plan
6. Proposed Floor Plan
7. Proposed Elevations
8. Roof Plan
9. Reflectivity Information
10. Additional Reflectivity Information

**ATTACHMENT A**  
**STANDARD CONDITIONS:**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



Project Site



Mendocino

EXHIBIT NO. 1

APPLICATION NO.  
A-1-MEN-01-059-A1  
THELEN  
REGIONAL LOCATION  
MAP



California Coastal Commission

County of Mendocino

Sheet 4 of 6

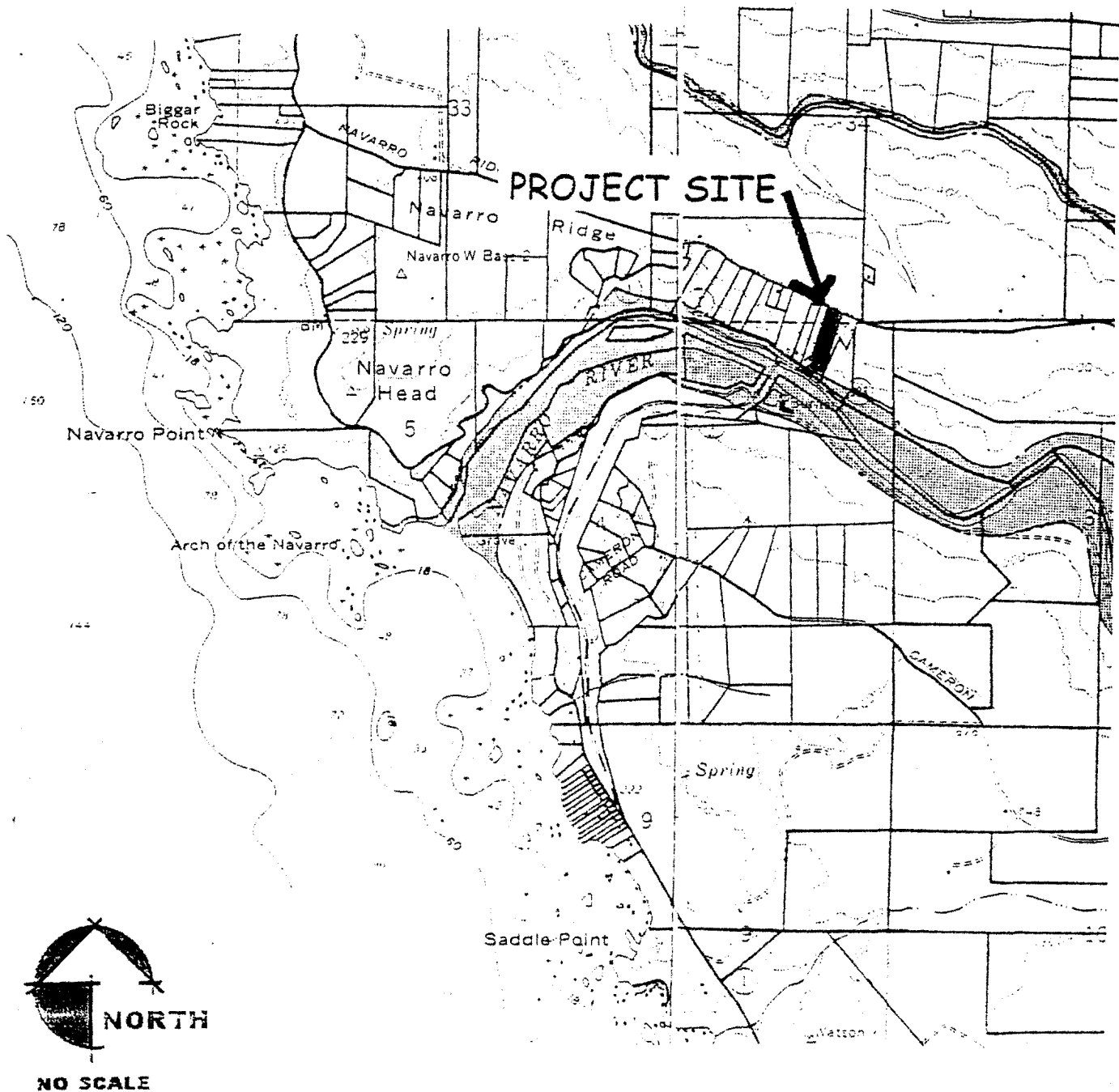


EXHIBIT NO. 3  
APPLICATION NO. A-1-MEN-01-059-A1  
THELEN  
ZONING MAP

BETWEEN ALHION RIDGE ROAD AND 200 FEET NORTH OF NAVARRO RIDGE ROAD AND HIGHWAY 1 INTERSECTION EVERYTHING WITHIN VIEW EASTERLY OF HIGHWAY 1 IS DESIGNATED HIGHLY SCENIC

RR-5 PD

RMR-20

RL

RR-5-PD

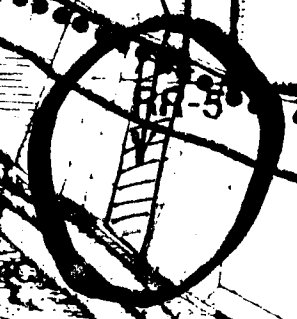
Subject Parcel

RR-5-DL

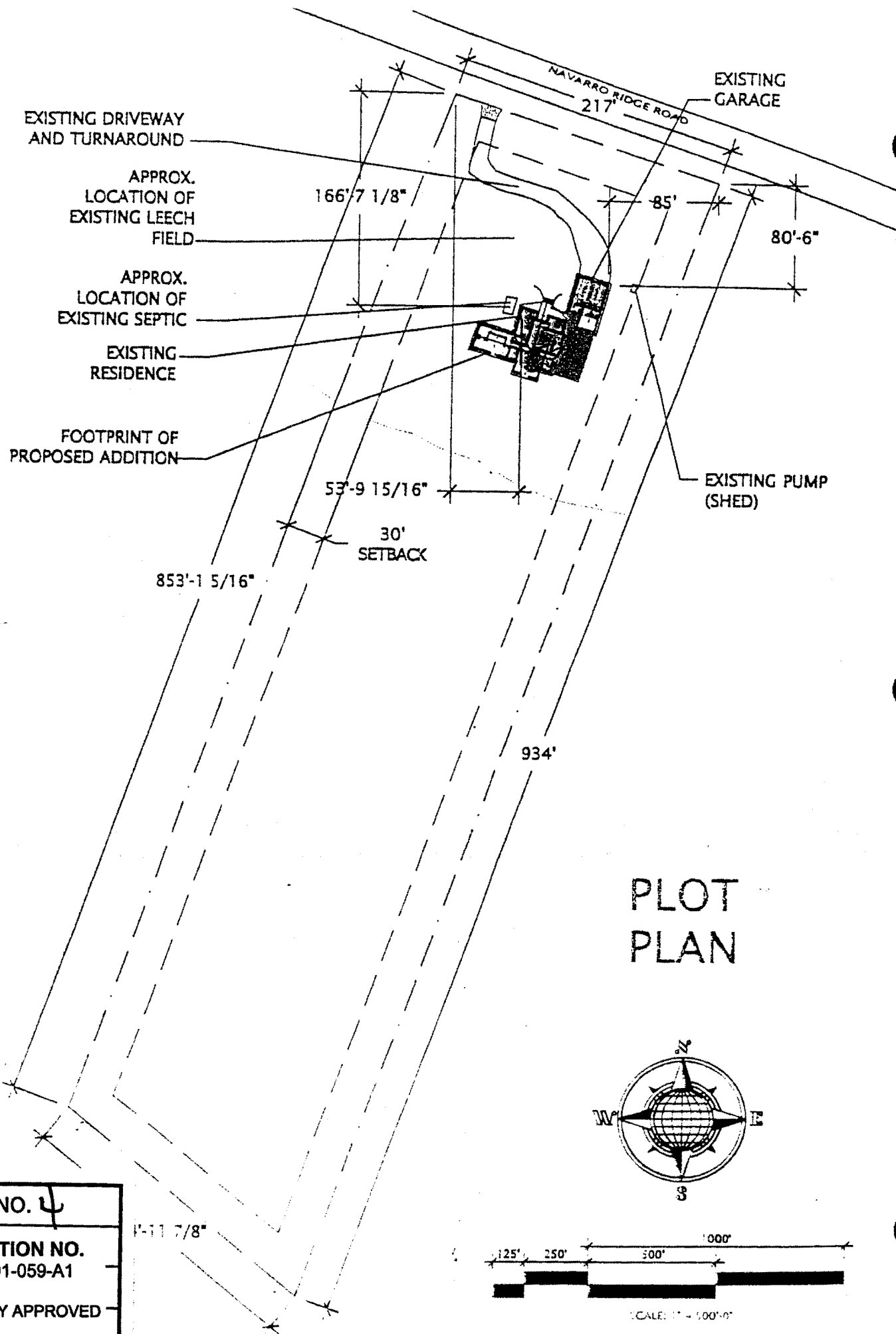
RMR-40

RMR-20

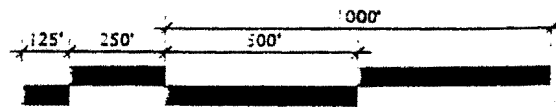
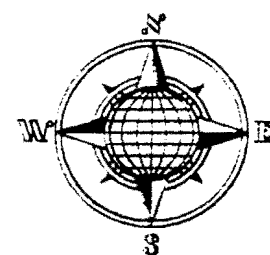
RR-10-DL



ALL SECTION 1.5 OF PLAN TEXT FOR ADDITIONAL RESTRICTIONS FOR THE HIGHWAY 1 CORRIDOR



# PLOT PLAN



SCALE: 1" = 100'-0"

EXHIBIT NO. 4

APPLICATION NO.  
A-1-MEN-01-059-A1  
THELEN  
ORIGINALLY APPROVED  
SITE PLAN

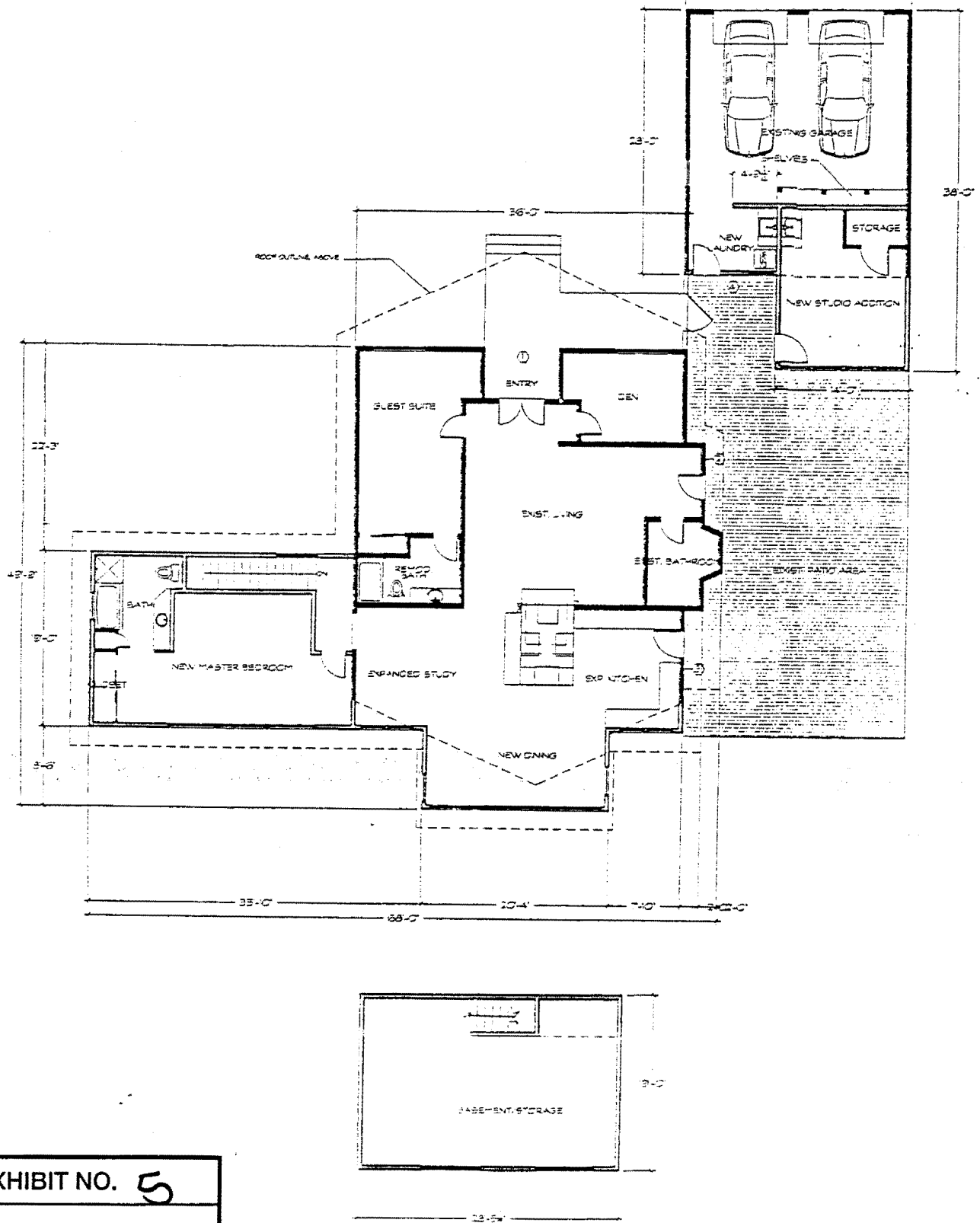


EXHIBIT NO. 5

APPLICATION NO.  
A-1-MEN-01-059-A1  
THELEN  
ORIGINALLY APPROVED  
FLOOR PLAN

FLOOR PLAN

RECEIVED

AUG 1 2 2002

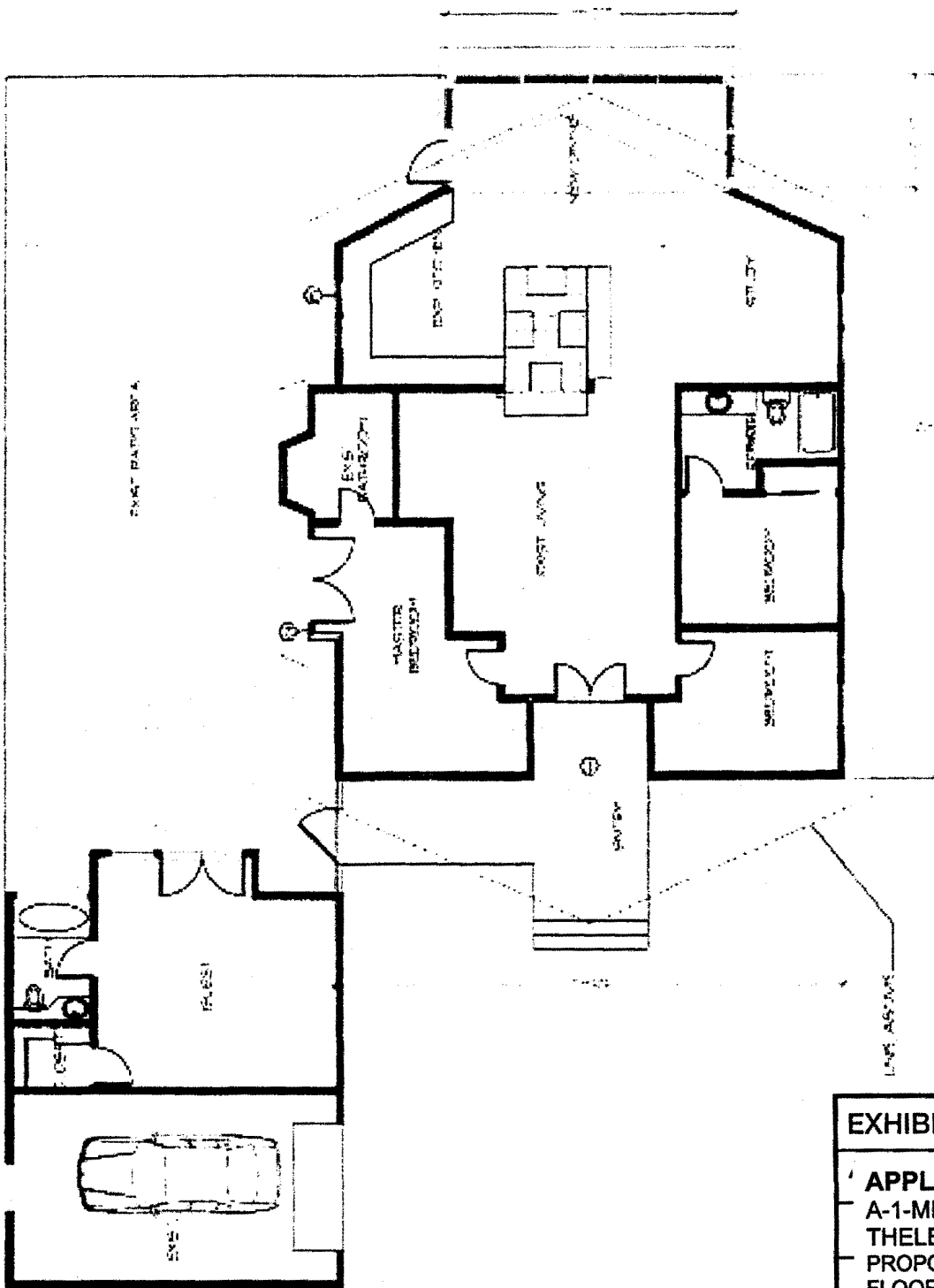
CALIFORNIA  
COASTAL COMMISSION



FLOOR PLAN  
(NOT TO SCALE)

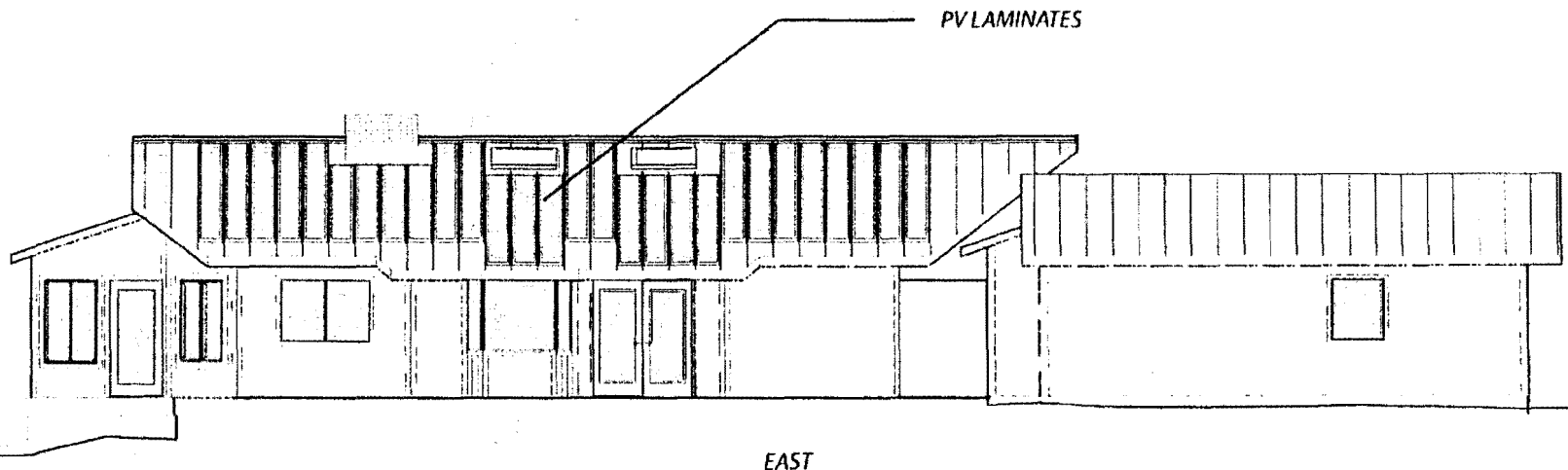
HOMESTEAD  
ENTERPRISES

KARL ROTH

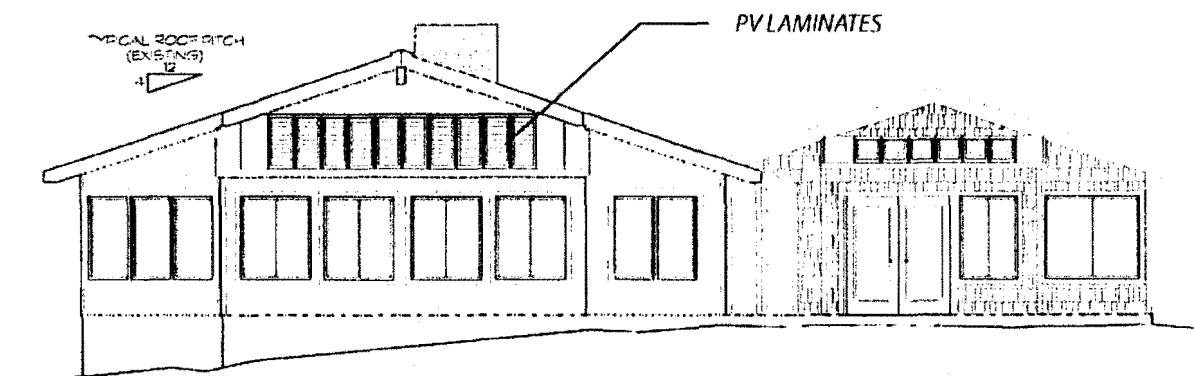


Phyllis and Max Thelen  
Nevada State Board  
Architects

EXHIBIT NO. 6  
APPLICATION NO.  
A-1-MEN-01-059-A1  
THELEN  
PROPOSED  
FLOOR PLAN



EAST



SOUTH

ELEVATIONS  
(NOT TO SCALE)

Proposed Remodel to an Existing Residence for:

**Phyllis and Max Thelen**

Navarro Ridge Road  
Albon, California

prepared by:

**HOMESTEAD**  
ENTERPRISES

10000 0101 W. 111

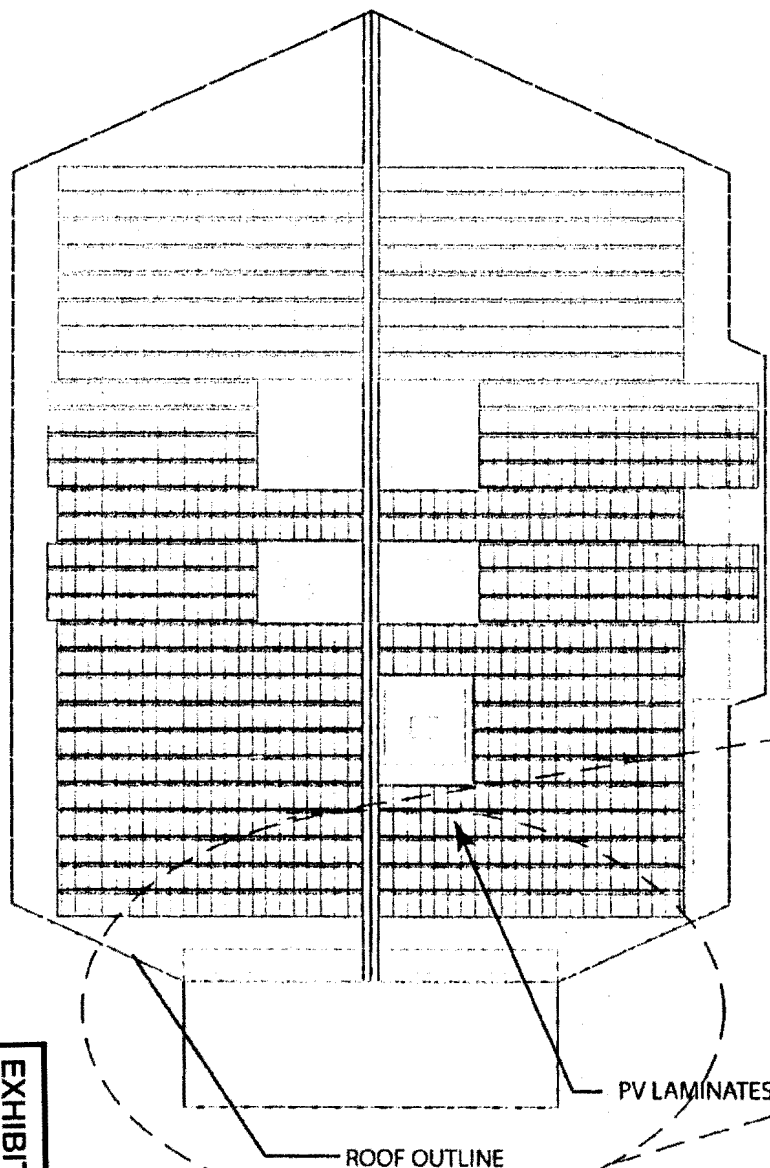


EXHIBIT NO. 7

APPLICATION NO. A-1-MEN-01-059-A1

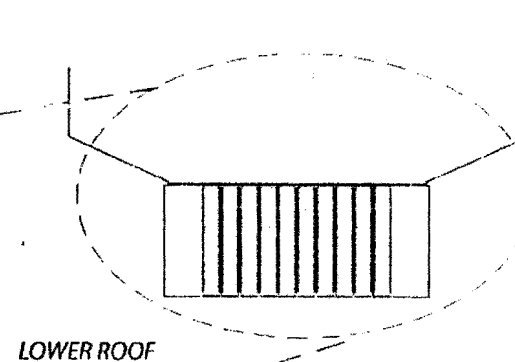
THELEN  
PROPOSED  
ELEVATIONS

DATE: 11/11/11



Proposed PV laminate applied to standing seam metal roofing.

Single PV laminate (ill.)



ROOF PLAN  
(NOT TO SCALE)

Proposed Remodel to an Existing Residence for  
**Phyllis and Max Thelen**  
 Navarra Ridge Road  
 Albon, California

DESIGNED BY  
**HOMESTEAD**  
 ENTERPRISES



EXHIBIT NO. 2

APPLICATION NO. A-1-MEN-01-059-A1

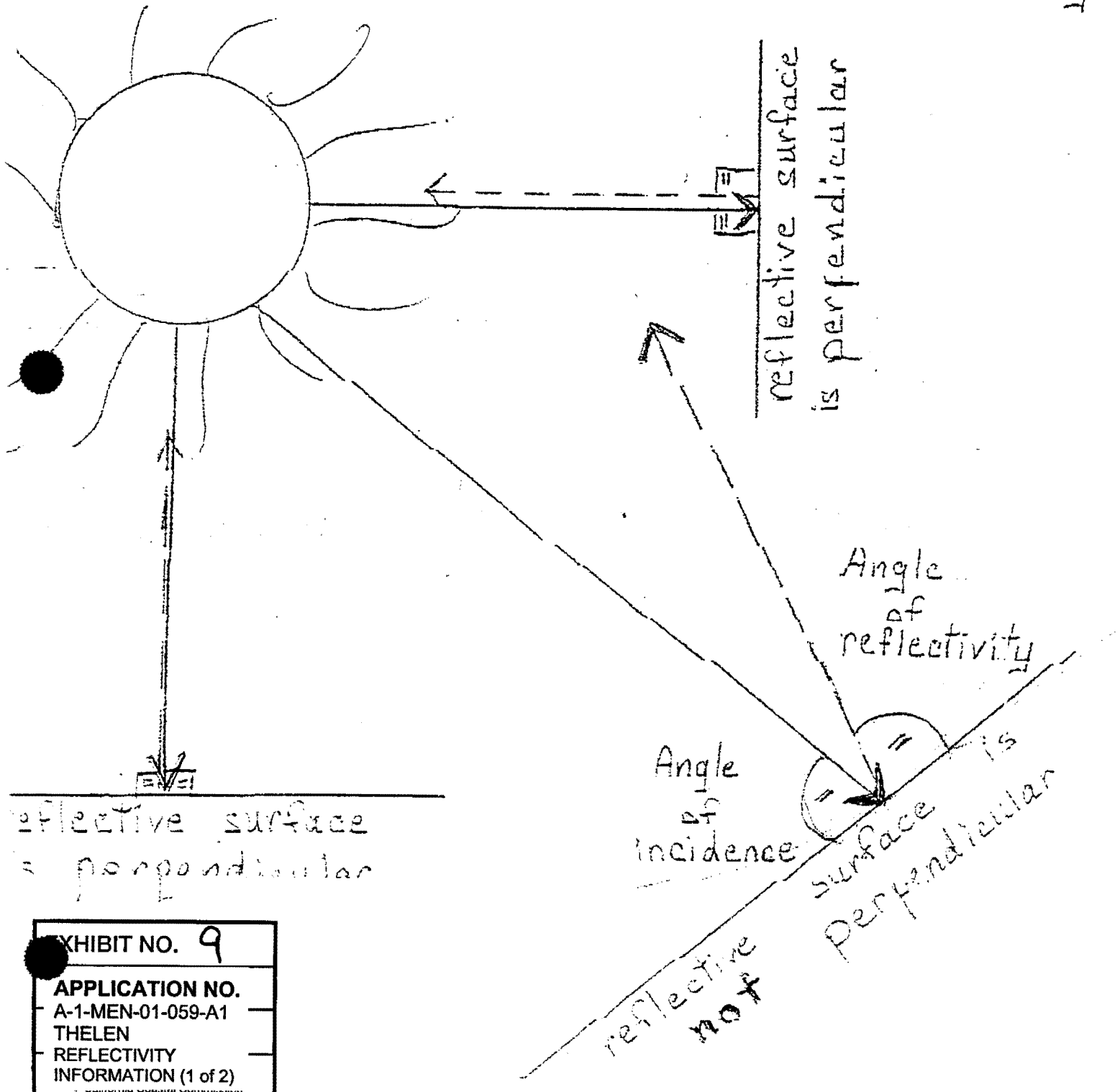
THELEN  
 ROOF PLAN

California Coastal Commission

# Reflectivity

Principle :

Angle of incidence = Angle of reflectivity



Sum of angles of a triangle must equal  $180^\circ$

27°

74°

reflection of 74°

reflection of 27°

60°

root angle

33°

33 1/3°

\* 33° used for calculations rather than 33 1/3°

Dark roofing material and dark PV laminate material absorb most of the sun's light, with a minimal amount of light (color) reflected upwards and north into the atmosphere. Glares are further prevented by both the PV laminate, which has a textured surface that diffuses light, and by the standing seams on the metal roof, which block and further diffuse light striking the roof surfaces. Morning light, from the East, approaches the roof at a very shallow pitch and subsequently reflects upwards into the atmosphere. Late evening light, approaching from a similarly shallow pitch, is mostly blocked by the buildings and trees to the West of the Thelen parcel, and reflects upwards into the atmosphere anyway.

angle of sun @ summer solstice

(75°)

angle of sun @ vernal & autumnal equinox

(55°)

angle of sun @ winter solstice

(27°)

Existing Residence

250'-0" +/-

areas of concern,  
beyond and further south  
(Navarro Beach, Highway 1)

North/South Section  
through Navarro Ridge,  
looking West.

Proposed Remodel to an Existing Residence for

**Phyllis and Max Thelen**

Navarro Ridge Road

Agona, California

Not to Scale

EXHIBIT NO. 10

APPLICATION NO.

A-1-MEN-01-059-A1

THELEN

REFLECTIVITY

INFORMATION

