

CALIFORNIA COASTAL COMMISSION

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49th Day: Waived
Staff: Robert Merrill
Staff Report: March 28, 2002
Hearing Date: April 11, 2002
Commission Action:

STAFF REPORT: APPEALSUBSTANTIAL ISSUE & DE NOVO

APPEAL NO.: **A-1-MEN-01-059**

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.

PROJECT DESCRIPTION: Construction of a 1,160-square-foot bedroom
addition to an existing residence and a 281-
square-foot workshop addition to an existing
detached garage, and modification of rooflines for
building-integrated photovoltaic roofing.

APPELLANTS: **Navarro Watershed Protection Association;
and Dr. Hillary Adams.**

SUBSTANTIVE FILE: 1) Mendocino County CDP No. 65-01; and
DOCUMENTS 2) Mendocino County Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

1. Summary of Staff Recommendation: Substantial Issue

The staff recommends that the Commission, after public hearing, determine that a SUBSTANTIAL ISSUE exists with respect to the grounds on which the appeal has been filed, and that the Commission hold a de novo hearing, because the appellants have raised a 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 a 1,160-square-foot bedroom addition to an existing residence, a 281-square-foot workshop addition to an existing detached garage, and replacement of the roof of the entire structure with building-integrated photovoltaic roofing. The project site is located on Navarro Ridge, approximately 1.25 miles southeast of Highway One, in an area designated in the certified Mendocino County Land Use Plan as highly scenic.

The appellants raise four specific contentions alleging inconsistencies of the project as approved with the visual resource policies of the certified Local Coastal Program. The appellants allege that (a) the proposed colors of the roofing materials do not conform with LCP policies stating that building material colors must blend in brightness and hue with colors of the surrounding area; (b) the proposed additions do not conform with LCP policies limiting structures in highly scenic areas to one-story; (c) the proposed development is inconsistent with LCP policies that call for the use of landscaping to minimize visual impacts; and (d) the height and bulk of the remodeled residence as proposed is not subordinate to the character of its setting as required by the LCP.

The County's adopted findings states that "The proposed development is in conformity with the certified Local Coastal Program." However, the adopted findings and the County staff report do not discuss the consistency of the project as approved with specific visual resource protection policies of the certified LCP. The only additional statement in either the adopted findings or the County staff report with regard to visual resource impacts and consistency of the approved project with the visual resource policies of the LCP is a statement in the Staff Report acknowledging that the project

site is located within a designated highly scenic area, but stating that "since the structures will not be visible from public view areas, the visual policies do not apply."

After visiting the project area and examining the project site from many different vantage points, Commission staff has determined that the County's finding is inaccurate. Although the existing residence and the approved additions would be screened from view from most public vantage points in the area, staff believes the approved addition to the south side of the existing house would, in fact, be visible from distant southbound sections of Highway One along the grade descending from Navarro Ridge to the Navarro River, and from a distant small portion of the beach at Navarro State Beach. In addition, the master bedroom addition and the artist studio addition to the garage, and the reconstructed roof would all be plainly visible from Navarro Ridge Road, the public road adjacent to the site.

In addition, the approved project would result in significant changes to the existing residence. The footprint of the house would increase in size by 36%. The footprint of the existing detached garage structure would increase in size by 21%. The existing redwood shake roof of the structure would be replaced by a building-integrated photovoltaic roof described as having a blue-green color. These changes in the structures at the site would greatly change their appearance.

Because portions of these approved structure additions would be visible from public vantage points and the County did not evaluate in its findings or staff report the consistency of the approved development with specific visual resource protection provisions of the certified LCP, there is not a high degree of factual or legal support for the County's decision to approve the project as being consistent with the certified LCP. Therefore, staff recommends that the Commission find that the appeal raises a substantial issue with respect to conformance of the approved project with the visual resource protection policies of the certified LCP.

The motion to adopt the Staff Recommendation of Substantial Issue is found on page 6.

2. Summary of Staff Recommendation De Novo: Approval with Conditions

The staff recommends that the Commission approve with conditions the coastal development permit for the proposed project on the basis that, as conditioned by the Commission, the project is consistent with the County's certified LCP.

The motion to adopt the Staff Recommendation of Approval with Conditions is found on page 30.

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." The approved development is located 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, 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 a single appeal (Exhibit No. 5) to the Commission in a timely manner on October 29, 2001 within 10 working days of receipt of the County's Notice of Final Action (Exhibit No. 6) by the Commission on October 15, 2001. On December 15, 2001, the Commission staff received a 14-page letter with attachments from Dr. Hillary Adams, representing the appellants. This letter provided discussion and support for contentions previously raised in the appeal without raising new contentions of inconsistencies of the project as approved with the certified LCP.

3. 49-Day Waiver.

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 section 13112 of the California Code of Regulations, on October 30, 2001, 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 November 28, 2001, after the day of the mailing of staff reports to the Commission and interested parties for the December meeting. 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 December meeting agenda. Consistent with Section 13112 of the California Code of Regulations, since the Commission did not timely receive the requested documents and materials, staff prepared a staff report recommending that the Commission open and continue the hearing during the December Commission meeting. On December 13, 2001, however, the applicant submitted a signed waiver of the 49-day time limit requirement, making it unnecessary for the Commission to open and continue the hearing at the December meeting. Therefore, the hearing was postponed.

PART ONE-SUBSTANTIAL ISSUE

I. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

Pursuant to Section 30603(b) of the Coastal Act and as discussed below, the staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed. The proper motion is:

MOTION

I move that the Commission determine that Appeal No. A-1-HUM-01-059 raises No Substantial Issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

Staff Recommendation:

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution to Find Substantial Issue:

The Commission hereby finds that Appeal No. A-1-HUM-01-059 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the project approved by the local government 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 which consists of the construction of a 1,160-square-foot bedroom addition to an existing residence, a 281-square-foot workshop addition to an

existing detached garage, and replacement of the roof of the entire structure with building-integrated photovoltaic roofing. The project site is located on Navarro Ridge, approximately 1.25 miles southeast of Highway One, at 31960 Navarro Ridge Road. The appeal was filed jointly by the Navarro Watershed Protection Association and Dr. Hillary Adams.

The appeal was filed on October 29, 2001. The appellants submitted a letter dated December 15, 2001 and received on December 18, 2001 that supplemented that appeal. The letter expanded on contentions raised in the appeal document filed on October 29, 2001 but did not raise new grounds for appeal. The appellants' contentions are summarized below, and the full text of the appeal and the appellants' letter of December 15, 2001 that supplements the appeal are included as Exhibit No. X.

The appeal raises contentions that the approved project is involving inconsistent with the County's LCP policies regarding visual resources. In the December 15, 2001 letter, the appellants state as background to their appeal that the Mendocino Coast "has a unique character deeply appreciated by people from around the state, nation, and the world...Over 1.5 million visitors come to the Mendocino Coast every year...Like those who live here, the tourists who come to enjoy the Mendocino coast want to protect its unique character...Since tourism is now the Mendocino Coast's most important industry, our unspoiled coastal views and clean public beaches are critical to our economy. Our coastal views and long stretches of seemingly undeveloped land, wisely protected by the certified LCP, are the only remaining hope for the economic viability of Mendocino County's coastal communities."

The appellants believe that development on Navarro Ridge, such as the Thelen project, is of particular concern with regard to protecting the County's visual resources. The appellants state, "Highway 128 meets Highway One at the Navarro Bridge. Development on Navarro Ridge is highly visible from 128 as it approaches the connection with One, as well as from Highway One on both the north and south grades. This is the Gateway to the Mendocino Coast for persons traveling from points inland...Because of the steep grades of scenic Highway One on either side of the Navarro River, development on Navarro Ridge has an exceptionally strong visual impact on Highway One. People traveling either direction along the scenic highway have a "head on" view of ridgeline houses built prior to the adoption of the Coastal Act and the certified LCP, as well as of houses like the Jones project (A-1-MEN-00-028) that have recently been approved by the Coastal Commission. Development on Navarro Ridge also impacts the recreational area of Navarro River Redwoods State Park; Capt. Fletcher's Inn (a recognized historic structure within the Park), and the public beaches, both in front of Capt. Fletcher's Inn (ca. 1865) and along the public ocean beaches all the way from the north beach, across the sandbar, to the southern area of Navarro River Redwoods State Park. As in Newport and Balboa, small houses built prior to the certified LCP are being replaced by much larger buildings ... These larger

'remodels' are essentially new houses and have a far greater visual impact than the smaller houses they replace. Height, color, roof lines, orientation and landscape are all critical to the mitigation of the cumulative impact of such houses along this prominent ridgeline." The appellants assert that the presence of existing visually intrusive development should not be a basis for approving new visually intrusive development as compatible with the character of the area. The appellants state that "the public did not intend for Navarro Ridge to continue to be visually degraded...It is extremely important that to correctly interpret the intention of the Coastal Act, the certified LCP and its policies ...for the Navarro Ridge area [that development] ...shall be sited and designed where feasible to restore and enhance visual quality in visual degraded areas."

Much of the submitted appeal raises general concerns about perceived inadequacies of the permit application review process for reviewing the visual impacts of new development proposed on the Mendocino Coast. These concerns about the permit review process do not allege specific inconsistencies of the Thelen project as approved with the certified LCP. For example, the appellants state that photographs submitted to decision makers on coastal permits by applicants and staff are frequently misleading because of the use of incorrect millimeter lenses and the use of small prints.

In addition, the appellants state that the County should require adequate story poles in all highly scenic areas, special communities and special neighborhoods, and that the poles should clearly mark the corners of all buildings and be clearly visible for the public from areas of possible impact. The appellants believe story poles are essential to provide adequate information for both staff and public review. No story poles were required for the Thelen project because the County staff did not believe the proposed development would be visible from public vantage points. The appellants believe the proposed development would be visible from Highway One, from Navarro River Redwoods State Park, and from the public beaches. The appellants assert that it is impossible for the public to assess the statements in applications and staff reports about the visual impacts of projects without story poles to demonstrate what the visual impact would be.

Another of the appellants' concerns about the review process is that the heights and other dimensions of proposed structures shown in plans utilized in the public review process should be labeled with numerical figures so that the public can more readily know what these heights and dimensions are.

A fourth concern is that color and material samples for the exterior of proposed structures should be required in the file for all development in highly scenic, special districts and neighborhoods of special concern. Samples should be large enough to take into the field in order to test the effect in the bright, reflective light of the ocean. The appellants point out that small color samples frequently appear to be dark indoors but

prove to be very light and reflective out of doors. The appellants believe that only dark brown shades blend in hue and brightness with a project's surroundings.

A fifth concern of the appellants is that when particular colors are necessary for a proposed project to blend with its surroundings, color and material requirements should be imposed through deed restrictions to ensure that future repainting and replacement of materials on approved projects will not be changed to inappropriate colors or materials.

A sixth concern is that the review of final choices of colors lighting fixtures, landscaping, and other project details should not be left to staff to review through conditions imposed in the permit. The appellants believe such decisions should be made by the Coastal Permit Administrator, Planning Commission, or Coastal Commission when action is taken to approve a project. In addition, the appellants believe any changes to such design details should not be subject to change through administrative permit amendments but rather should be subject to public hearings so the public would have the opportunity to comment on the changes.

A seventh concern is that when remodeling projects are proposed, plans of the existing development that can be readily compared against the proposed development are not always available in staff reports.

The appellants raise four specific contentions alleging inconsistencies of the project as approved with the visual resource policies of the certified Local Coastal Program. The appellants allege that (a) the proposed colors of the roofing materials do not conform with LCP policies stating that building material colors must blend in brightness and hue with colors of the surrounding area; (b) the proposed additions do not conform with LCP policies limiting structures in highly scenic areas to one-story; (c) the proposed development is inconsistent with LCP policies that call for the use of landscaping to minimize visual impacts; and (d) the height and bulk of the remodeled residence as proposed is not subordinate to the character of its setting as required by the LCP.

1. Building Material Colors

The appellants contend that the County's approval is inconsistent with LCP policies pertaining to building material colors. The appellants note that there were no samples for siding or roofing in the file, but that the permit application states "all new construction to match existing, except roofing, which will be structural standing seam metal roofing (blue/green in color) with photovoltaic laminate applied @ south side (dark blue in color)..." The appellants state that "since the photovoltaic roofs will face south, they may be highly visible from 'a public road, beach or recreation area.' Green and blue roofs can create a high visual impact. For example, a very large single-family residence in Dark Gulch near Little River was highly visible from Highway One until its green copper roof turned dark brown. Dark photovoltaic roofing material can also

appear light and bright near the ocean.” The appellants assert that the approval of the development is inconsistent with the requirements of Coastal Zoning Ordinance Section 20.504.015(C)(3) which states, in applicable part, “...In highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings...”

2. Number of Stories.

The appellants contend that the proposed additions do not conform with LCP policies limiting structures in highly scenic areas to one-story. The appellants note that the Thelen residence is currently a “..one-story house (1,533 sq. ft.) with a detached garage (672 sq. ft.) giving a total of 2,205 sq. ft. The house and garage were built prior to ...certification of the LCP. The house portion of the ‘remodel’ project ...adds 1,160 sq. ft. to nearly double the size of the existing structure (Total: 2,693 sq. feet) and is substantially changed in appearance. The new house will be considerably higher from the natural elevation in some portions than the original house, resulting in what appears to be a two-story elevation on the western side of the house (toward Highway One and the Park). The lower story is called a ‘basement.’ The ‘basement’ is above ground. What is the difference between a “story” and a ‘basement’ if both are above ground? More and more projects on ridgetops in designated highly scenic areas in Mendocino County are being proposed with ‘basements’ or ‘storage’ areas that look like a ‘story.’ This seems to be occurring more frequently since the California Coastal Commission approved the Smiley project (A-1-MEN-99-001), which is essentially a two-story house on a bare ridgetop. The lower story of the Smiley project (once shown with a large living area), remains essentially the same as it was in the plans denied twice by the Coastal Commission. The only difference is that the area is now designated as ‘storage.’ The cumulative effect of such project makes it extremely difficult to protect sensitive visual resources along ridge line in Mendocino County.” The appellants assert that the approval of the development is inconsistent with the requirements of LUP Policy 3.5-4(2) which state in applicable part, “minimize visual impacts of developments on ridges by (1) prohibiting development that projects above ridgeline; and (2) if no alternative site is available, development ...shall be limited to a single story above the natural elevation.”

3. Landscaping Requirements

The appellants contend that the proposed development is inconsistent with LCP policies that call for the use of landscaping to minimize visual impacts. The appellants state that “because the staff did not think the project would be visible to public areas, no landscaping plan was required. There is no indication in either the Thelen application or the permit of what, if any, existing mature trees and landscaping on the lot will be removed...Appropriate landscaping plans on Navarro Ridge are critical.” The appellants assert that the approval of the development is inconsistent with the

applicable requirements of (1) LUP Policy 3.5-4 which states, "minimize visual impacts of developments on ridges...if no alternative site is available below the ridgeline, development shall be sited and designed to reduce visual impacts by utilizing existing vegetation...landscaping;" (2) LUP Policy 3.5-5 which states, "providing that trees will not block coastal views from public areas such as roads, parks, and trails, tree planting to screen buildings shall be encouraged;" and (3) Coastal Zoning Ordinance Section 20.504.015 which states, "building and building groups that must be sited in highly scenic areas shall be sited...in or near a wooded area...Concentrate existing development near existing major vegetation... Prohibit...the removal of tree masses which destroy the ridgeline silhouette...Tree planting to screen buildings shall be encouraged..."

4. **Height and Bulk Not Subordinate to Character of Setting**

The appellants contend that the height and bulk of the remodeled residence as approved is not subordinate to the character of its setting as required by the LCP. The appellants state that "although technically a 'remodel,' the changes are so extensive that the Thelen project...is essentially a new house....The Thelen development is presently a one-story house (1,533 sq. ft.) with a detached garage (672 sq. ft.) giving a total of 2,205 sq. ft. The house and garage were built prior to the Coastal Act and the certification of the LCP. The house portion of the 'remodel' project...adds 1,160 sq. feet to nearly double the size of the existing structure (Total: 2,693 sq. feet) and is substantially changed in appearance. The new house will be considerably higher from the natural elevation in some portions than the original house, resulting in what appears to be a two-story elevation on the western side of the house (toward Highway One and the Park)...The 'remodeled' garage of the Thelen project is also considerably increased in size and changed in appearance. It now includes a 'workshop,' adding 281 sq. ft. and bringing the garage/workshop total to 953 sq. ft. The total project is now 3,7649 sq. feet, a difference of 1,444 sq. ft. from the present house: a considerable increase....A project of that size could have a strong visual impact upon the highway and/or beach. However, without story-poles, it is impossible for the public to properly assess the visual impact of the new project." The appellants' contentions raise inconsistencies of the project as approved with (1) the requirements of LUP Policy 3.5-3 and Coastal Zoning Code Section 20.504.015(A) which state in applicable parts, that in designated highly scenic areas, "development shall be subordinate to the character of its setting;" and (2) the requirements of Coastal Zoning Code Section 20.504.015(C) which state that "new development shall be subordinate to the natural setting..."

B. **LOCAL GOVERNMENT ACTION**

On September 27, 2001, the Mendocino County Coastal Permit Administrator (CPA), approved with conditions Coastal Development Permit No. CDP-65-01 (Thelen). The

approved development includes construction of a 1,160-square-foot bedroom addition to an existing residence, a 281-square-foot workshop addition to an existing detached garage, and modification of rooflines for building-integrated photovoltaic roofing. The height of the structure as remodeled would be 17'-6" above the average grade. The project site is located on Navarro Ridge, approximately 1.25 miles southeast of Highway One, at 31960 Navarro Ridge Road.

The Coastal Permit Administrator adopted the County staff's recommendation to approve the project with no special conditions. The County found that "the proposed development is in conformity with the certified Local Coastal Program." The County determined that the proposed use is compatible with the zoning district and is designated as the principal permitted use. In addition, the County determined that the proposed development complies with the maximum building height and setback requirements prescribed by the zoning code. The County noted that the project site is located within a designated "highly scenic area." However, the County determined that "since the structures will not be visible from public view areas, the visual policies do not apply." The adopted findings and staff report do not further discuss the consistency of the approved project with the specific visual resource policies of the LCP.

The CPA's decision was not appealed at the local level to the Board of Supervisors. 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 October 15, 2001 (Exhibit No. X). The project was appealed to the Coastal Commission in a timely manner on October 29, 2001 within 10-working days after receipt by the Commission of the Notice of Final Local Action. On October 30, 2001 staff requested all relevant documents and materials regarding the subject permit from the County; these materials were received on November 28, 2001.

C. PROJECT SETTING AND DESCRIPTION

1. Project Setting

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 xxxx). 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 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 County staff report indicates the house is not visible from public vantage points. However, after receiving the appeal, 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 project approved by the County consists of additions to and remodeling of the existing single-family residence on the property. The project includes 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.

The master bedroom addition is rectangular in shape, contains two levels, and has a 450-square-foot footprint. The floor of the top level would be even with the floor of the existing house. The top level includes the master bedroom, a master bathroom, and a stairwell that descends to a basement, the bottom level. The basement would be constructed partially below the existing ground level. As the ground slopes to the south in this location, the depth of excavation for the basement varies from several feet to as much as 8 or 9 feet. Approximately 20 cubic yards of material would be excavated to accommodate the basement. 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.

The 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.

The artist's studio addition off of the south side of the garage is one level and has a 140-square-foot footprint. The roof ridge of the addition and remodeled garage will 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 project also includes various changes to the interior spaces of both the house and garage structure. Certain rooms will be combined and expanded, and some new rooms would be added. For example, a laundry and storage room would be added to the garage and the garage doors would be relocated from the west side to the north side, changing the orientation of parked cars within the two-car garage. Even with all the changes, the house would remain a three-bedroom house, albeit with larger bedrooms and larger common areas. The total number of bathrooms would increase from two to three.

One of the more significant changes to the exterior appearance of the house would be modifications to the roofs. At present, the roof ridge of both the house and the garage have a north-south orientation, and as noted, both are redwood shake roofs. To both accommodate the additions and to provide for some south facing roof elements to better accommodate solar energy collection, the roofs would change. Although the majority of the house would still be covered by a roof with a north-south roof ridge orientation, the master bedroom addition, the remodeled and expanded south side of the house, and the studio/garage structure would have roof ridges with an east-west orientation to provide for south facing roof elements.

The roofing material would change from wood shakes to a non-reflective blue-green standing seam metal. The south-facing sections of the roof would be largely covered in photovoltaic laminate bonded to the roofing panels to collect solar energy and distribute it directly to the building as electric energy. The photovoltaic laminate utilizes

amorphous-silicon solar cells encapsulated in weather-resistant polymers. The photovoltaic laminate would have a dark bluish tinge.

All other building materials would generally match the building materials of the existing structures. 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. Previous Commission Permits for Site

The existing house was developed pursuant to Coastal Development Permit No. NCR-77-CC-497, granted by the North Coast Regional Commission on February 9, 1978 to Laurence R. Nye. The permit authorized the construction of a three-bedroom, one-story, 1,400-square-foot house with a two-car garage, well, pump house, and septic system. The total lot coverage by buildings was approved at 2,072 square feet. The permit was issued subject to conditions which required that the structure be placed within 150 feet of Navarro Ridge Road, to reduce visual impacts on Highway One.

Within two months of granting approval of the permit, the applicant applied for a permit amendment requesting that the house be allowed to be moved to a location up to 250 feet from Navarro Ridge Road. The applicant noted that two or three other permits had been granted for neighboring development allowing homes to be located below the crest of the hill at locations up to 250 feet of Navarro Ridge Road. The North Coast Regional Commission approved the amendment, finding that retaining the requirement that the house be located within 150 feet of Navarro Ridge Road would be unreasonable in light of the other approvals for constructing houses farther from the road on similar nearby properties and because the visual impacts of the development could be mitigated with design controls. The North Coast Regional Commission conditioned the permit amendment to allow the house to be placed up to 250-275 feet back from Navarro Ridge Road, but restricted the height of the structure to no more than 20 feet from finished grade to roof line and required that the exterior finish of the building blend with the terrain.

The approval of the amendment was appealed to the State Commission by Edward and Cleo Walsh, neighbors to the east, who contended that the relocated house would interfere with both their views and the views of the public. Prior to the scheduled hearing on the appeal, the appellants and applicants signed a settlement agreement by which the appellants agreed to dismiss their appeal in exchange for the applicant agreeing to locating the house on the property such that the most southerly portion of the house would be not more than 175 feet from the fence line on the southerly portion of Navarro Ridge Road and no less than 75 feet from the appellants property.

In 1988, the Executive Director granted Coastal Development Permit Waiver No. 1-88-233W to the applicants for some minor improvements to the property. These improvements included extending the deck along the east side of the house with a 6-foot-high wind baffle, adding a service yard adjacent to the garage, landscaping the yard and planting the tree buffer along the east property line.

D. 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.

The contentions raised in this appeal present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP or with the public access policies of the Coastal Act. The contentions allege that the approval of the project by the County raises a substantial issue related to LCP provisions regarding the protection of visual resources.

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 presents a substantial issue with regard to appellants' contentions relating to visual resources.

The project would be developed on property within an area designated in the certified Land Use plan as highly scenic. In such areas, the policies and standards of the LCP require that development be subordinate to the character of its setting. The appellants raise four specific contentions alleging inconsistencies of the project as approved with the visual resource policies of the certified Local Coastal Program. The appellants allege that (a) the proposed colors of the roofing materials do not conform with LCP policies stating that building material colors must blend in brightness and hue with colors of the surrounding area; (b) the proposed additions do not conform with LCP policies limiting structures in highly scenic areas to one-story; (c) the proposed development is inconsistent with LCP policies that call for the use of landscaping to minimize visual impacts; and (d) the height and bulk of the remodeled residence as proposed is not subordinate to the character of its setting as required by the LCP. The appellants believe these contentions raise inconsistencies of the approved project with the following specific LUP policies and Coastal Zoning Code sections: LUP Policies 3.5 et seq., especially 3.5-1, 3.5-3, 3.5-4, and 3.5-5, and Coastal Zoning Code Section 20.504 et seq., especially 20.504.015(A)(2) and 20.504.015(C)(3).

1. Summary of 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.*
-

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."

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 3.5-5 states, in applicable part:

Providing that trees will not block coastal views from public areas such as roads, parks and trails, tree planting to screen buildings shall be encouraged ...

Coastal Zoning Ordinance 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.

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.

(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 impacts 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.

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. The policies also provide guidance on how to ensure that new development is subordinate to its setting in highly scenic areas. LUP Policy 3.5-4 and Coastal Zoning Ordinance Section 20.504.015 provide that buildings and building groups that must be sited in highly scenic areas shall be sited near the toe of a slope, below rather than on a ridge, and in or near a wooded area. These policies also state that the visual impacts of development on ridges must be minimized by (a) prohibiting development that projects above the ridgeline; (b) siting and designing development that must project above the ridgeline in a manner that reduces visual impacts by utilizing existing vegetation, structural orientation, landscaping, and limiting development to a single story above the natural elevation; and (c) prohibiting removal of tree masses which destroy the ridgeline silhouette.

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.

2. Discussion

As described previously, the project site is located on Navarro Ridge Road above the Navarro River, east and north of Highway One, approximately 1.25 miles east of the ocean. The approximately 4.3-acre parcel extends southward from Navarro Ridge Road to the crest of Navarro Ridge before dropping sharply to Highway One along the river. The approved development is located within a designated highly scenic area that

extends generally between Navarro Ridge Road and the Navarro River, and west to the ocean.

Although the County staff report and findings for approval of the project indicate the site is not visible from public vantage points, Coastal Commission staff has visited the project site and vicinity and has determined that portions of the existing house and portions of additions and modifications to the house would, in fact, 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 existing house and the garage are screened from view from these vantage points. Some of the approved modifications to the exterior of the house would also be visible, 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 would not be visible because it would be located in an area screened by the large trees along the west property line of the subject parcel. The studio addition would not be visible from the highway and beach because the 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 as approved by the County.

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. From this vantage point, the approved addition to the south side of the residence would likely not be visible, but the master bedroom addition, the artist studio addition to the garage, and the reconstructed roof would all be plainly visible.

As noted above, the appellants raise four specific contentions alleging inconsistencies of the project as approved with the visual resource policies of the certified Local Coastal Program. The appellants allege that (a) the proposed colors of the roofing materials do not conform with LCP policies stating that building material colors must blend in brightness and hue with colors of the surrounding area; (b) the proposed additions do not conform with LCP policies limiting structures in highly scenic areas to one-story; (c) the proposed development is inconsistent with LCP policies that call for the use of landscaping to minimize visual impacts, and (d) the height and bulk of the remodeled residence as proposed is not subordinate to the character of its setting as required by the LCP.

Roofing Materials.

The appellants contend that the County's approval is inconsistent with LCP policies pertaining to building material colors. The appellants note that there were no samples for siding or roofing in the file, but that the permit application states "all new construction to match existing, except roofing which will be structural standing seam metal roofing (blue/green in color) with photovoltaic laminate applied @ south side (dark blue in color)..." The appellants state that "since the photovoltaic roofs will face south, they may be highly visible from 'a public road, beach or recreation area.' Green and blue roofs can create a high visual impact. For example, a very large single-family residence in Dark Gulch near Little River was highly visible from Highway One until its green copper roof turned dark brown. Dark photovoltaic roofing material can also appear light and bright near the ocean." The appellants assert that the approval of the development is inconsistent with the requirements of Coastal Zoning Ordinance Section 20.504.015(C)(3) which states, in applicable part, "...In highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings..."

As noted in the project description finding, the approved project includes expansion and reconstruction of the roofs of the house and garage. In addition to needing to cover the additions to both structures, the roof changes are proposed to better accommodate solar energy collection for use in providing electricity to the home. The roof ridges would be modified in places to allow for more segments of the roofs to face south. 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. As noted by the appellants, the metal roof is proposed to be blue-green in color and the photovoltaic laminate would have a dark bluish tinge.

As the appellants note, Section 20.504.015(C)(3) of the Coastal Zoning Code states, in applicable part, that "in highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings."

The approved roofing material is a relatively new product that has not been used on any of the other homes on Navarro Ridge. Although some homes on Navarro Ridge are painted and have metal roofs or roofs made with composite materials, the vast majority of the houses, including the applicants' existing house and roof have unpainted wood or shingle siding and have roofs with dark earthtone colors, whether made with wooden shakes or shingles, metals, or composite materials. Blue-green and blue colors have not generally been used as a color for building materials on the homes on Navarro Ridge Road.

Finding No. 1 of the County's adopted findings states that "The proposed development is in conformity with the certified Local Coastal Program." However, the adopted findings and the County staff report do not specifically discuss the consistency of the color of the approved roofing materials with the color hue and brightness standard of Section 20.504.015(C)(3). The only additional statement in either the adopted findings or the County staff report with regard to visual resource impacts and consistency of the approved project with the visual resource policies of the LCP is a statement in the Staff Report acknowledging that the project site is located within a designated highly scenic area, but stating that "since the structures will not be visible from public view areas, the visual policies do not apply."

The Commission notes that Coastal Zoning Code Section 20.504.015 (C)(3) does not contain language limiting the standard's applicability to only structures that will not be visible from public view areas, as the County staff report suggests. This standard simply requires within highly scenic areas, building materials shall be selected in hue and brightness with their surroundings. The standard applies whether the structure is visible or not from public vantage points. Nonetheless, Commission staff has determined that portions of the applicants' existing structures are, in fact, slightly visible from southbound sections of Highway One along the grade descending from Navarro Ridge to the Navarro River, from a small portion of the beach at Navarro State Beach, and from Navarro Ridge Road itself. The modifications to the exterior of the house approved by the county that would be visible from these vantage points are limited to 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. Although the section of new roof that would be visible from Highway One and the beach would be relatively small in size, a roof with a distinct color that contrasts significantly with the colors of other development in its setting could be noticeable to a degree disproportionate to its size. Such an effect could be exacerbated because the metal roof and its photovoltaic laminate would likely reflect more light than the existing redwood shake roof. A highly reflective roof with an unusual color could very likely stand out in the view from Highway One and the beach rather than blend in brightness and hue with the colors of its surroundings.

The north and west sides of the existing house and garage, as well as portions of the roof, are also visible from Navarro Ridge Road, the public road adjacent to the site. From this vantage point, the approved addition to the south side of the residence would likely not be visible, but the master bedroom addition and the artist studio addition to the garage, and the reconstructed roof would all be plainly visible. A roof with a distinct color that contrasts significantly with the colors of the rest of the house and other development in its setting and which could reflect light to a greater degree than the existing redwood shake roof does could very likely stand out in the view from Navarro Ridge Road rather than blend in brightness and hue with the colors of its surroundings.

As the County incorrectly assumed the development would not be visible from any public vantage point, and did not acknowledge that the visual resource limitations applied in highly scenic areas regardless if the development is visible from any public vantage point, the County did not analyze whether the approved roofing materials and colors would blend in hue and brightness with their surroundings. Because (1) the blue-green and bluish colored building materials are not common building material colors found in the area and the approved integrated photovoltaic roofing has not previously been used elsewhere along Navarro Ridge; (2) the approved metal roof with its photovoltaic laminate is likely to be more reflective than the existing redwood shake roof; (3) the roofing materials would be visible from public vantage points including Highway One, a small portion of Navarro State Beach and Navarro Ridge Road, and (4) the County did not adopt any findings discussing the roofing material's consistency with the requirements of Section 20.504.015(C)(3) of the Coastal Zoning Code that building materials blend in hue and brightness with their surroundings, there is not a high degree of factual or legal support for the County's decision to approve the project as being consistent with the certified LCP. Therefore, the Commission finds that the project as approved by the County raises a substantial issue with respect to conformance of the approved project with Section 20.504.015(C)(3) of the Coastal Zoning Code.

Single Story Limitation

The appellants contend that the proposed additions do not conform with LCP policies limiting structures in highly scenic areas to one-story. The appellants note that the project as approved nearly doubles the size of the existing structure and opine that the residence is substantially changed in appearance. The appellants point out that the remodeled house would be considerably higher from the natural elevation in some portions than the original house, resulting in what they believe would appear to be a two-story elevation on the western side of the house (toward Highway One and the Park). The appellants question whether the space identified in the plans is really a basement or a lower story. The appellants believe the cumulative effects of approval of numerous spaces below identified stories as basements or storage and not as actual building stories makes it extremely difficult to protect sensitive visual resources along ridge lines in Mendocino County. The appellants assert that the approval of the development is inconsistent with the requirements of LUP Policy 3.5-4(2).

As discussed previously, the approved master bedroom addition to be built off the west side of the existing house includes a basement. The basement would be partially excavated into the ground. As the ground slopes to the south in this location, the depth of excavation for the basement varies from several feet to as much as 8 or 9 feet.

LUP Policy 3.5-4 and Coastal Zoning Code Section 20.504.015 (C)(8)(b) state in applicable part, that if no alternative development site is available below the ridgeline

within a highly scenic area, development shall be limited to a single story above the natural elevation to minimize visual impacts.

As noted previously, Finding No. 1 of the County's adopted findings states that "The proposed development is in conformity with the certified Local Coastal Program." However, the adopted findings and the County staff report do not specifically discuss the consistency of the project as approved with LUP Policy 3.5-4 and Coastal Zoning Code Section 20.504.015 (C)(8)(b) and the requirement of these provisions of the certified LCP that development on ridgelines within highly scenic areas be limited to one story above the natural elevation. The only additional statement in either the adopted findings or the County staff report with regard to visual resource impacts and consistency of the approved project with the visual resource policies of the LCP is a statement in the Staff Report acknowledging that the project site is located within a designated highly scenic area, but stating that "since the structures will not be visible from public view areas, the visual policies do not apply."

As noted previously, Commission staff has determined that the master bedroom addition would not be visible from Highway One and Navarro State Beach, or any other public vantage point west and south of the project site because it would be located in an area screened by large trees along the west property line of the subject parcel. However, the master bedroom addition would be visible from Navarro Ridge Road, the public road directly adjacent to the north of the parcel.

As the County incorrectly assumed the development would not be visible from any public vantage point, and did not acknowledge that the visual resource limitations applied in the highly scenic areas regardless if the development is visible from any public vantage point, the County did not analyze whether the project as approved conforms with the requirements of LUP Policy 3.5-4 and Coastal Zoning Code Section 20.504.015 (C)(8)(b) that development on ridgelines within highly scenic areas be limited to one story above the natural elevation. Because (1) the portion of the approved additions that contains a basement below it would be visible from public vantage points along Navarro Ridge Road; and (2) the County did not adopt any findings discussing the roofing material's consistency with the requirements of LUP Policy 3.5-4 and Coastal Zoning Code Section 20.504.015 (C)(8)(b), there is not a high degree of factual or legal support for the County's decision to approve the project as being consistent with the certified LCP. Therefore, the Commission finds that the project as approved by the County raises a substantial issue with respect to conformance of the approved project with LUP Policy 3.5-4 and Coastal Zoning Code Section 20.504.015 (C)(8)(b).

Using Landscaping To Mitigate Visual Impacts

The appellants contend that the proposed development is inconsistent with LCP policies that call for the use of landscaping to minimize visual impacts, including LUP Policy 3.5-4, 3.5-5, and Coastal Zoning Code Section 20.504.015. The appellants state that "because the staff did not think the project would be visible to public areas, no landscaping plan was required. There is no indication in either the Thelen application or the permit of what, if any, existing mature trees and landscaping on the lot will be removed...Appropriate landscaping plans on Navarro Ridge are critical."

LUP Policy 3.5-4 and Coastal Zoning Ordinance Section 20.504.015 require in applicable part that the visual impact of development on ridges be minimized by various means, including utilizing existing vegetation, landscaping, and prohibiting removal of tree masses which destroy the ridgeline silhouette. LUP 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 buildings shall be encouraged." Coastal Zoning Ordinance Section 20.504.015 also states that tree planting to screen buildings shall be encouraged, however new development shall not allow trees to interfere with coastal/ocean views from public areas.

As discussed previously, Commission staff has determined that the approved addition to the south side of the existing house would in fact, be visible from southbound sections of Highway One along the grade descending from Navarro Ridge to the Navarro River, from a small portion of the beach at Navarro State Beach, and from Navarro Ridge Road itself. In addition, the master bedroom addition, the artist studio addition to the garage, and the reconstructed roof would all be plainly visible from Navarro Ridge Road, the public road adjacent to the site.

Finding No.1 of the County's adopted findings states that "The proposed development is in conformity with the certified Local Coastal Program." However, the adopted findings and the County staff report do not specifically discuss the consistency of the project as approved with the provisions of LUP Policy 3.5-4, 3.5-5, and Coastal Zoning Code Section 20.504.015 calling for the use of existing vegetation and landscaping to minimize the visual impacts of development in highly scenic areas in a manner that does not interfere with coastal/ocean views from public areas. The only additional statement in either the adopted findings or the County staff report with regard to visual resource impacts and consistency of the approved project with the visual resource policies of the LCP is a statement in the Staff Report acknowledging that the project site is located within a designated highly scenic area, but stating that "since the structures will not be visible from public view areas, the visual policies do not apply."

Implicit in the County's determination that the project would not be visible from public view areas is recognition that existing vegetation may serve to screen project elements from view. Based on Commission staff's site visits, the existing row of tall trees along the upper east side of the property do serve to screen most of the existing house and

would serve to screen the approved master bedroom addition from view from Highway One vantage points and the beach. However, because the County findings and staff report inaccurately indicate that none of the approved structure additions are in fact visible from these vantage points as well as from Navarro Ridge Road, the County findings and staff report do not evaluate the extent to which existing vegetation would be adequate in minimizing the visual impacts of these visible elements or evaluate whether new landscaping should be required to minimize visual impacts. In addition, the County did not include conditions requiring that the existing vegetation on the site that does serve to screen various parts of the project be maintained or that the limbing of existing trees that have screening value be restricted to retain their screening value. Without such conditions, there is no assurance that the County would review future limbing of trees and the removal of vegetation on the property for their effects on visual resources as the Coastal Act and the LCP only require that a coastal development permit be obtained for vegetation removal that is considered to be "major vegetation removal." Elimination of the row of trees along the upper east side of the property would dramatically increase the visibility of both the existing house and the approved additions and modifications to the house.

Therefore, because portions of the approved structure additions would be visible from public vantage points and the County did not evaluate in its findings or staff report the consistency of the project as approved with the provisions of LUP Policies 3.5-4, 3.5-5, and Coastal Zoning Code Section 20.504.015 calling for the use of existing vegetation and landscaping to minimize the visual impacts of development in highly scenic areas, there is not a high degree of factual or legal support for the County's decision to approve the project as being consistent with the certified LCP. Therefore, the Commission finds that the project as approved by the County raises a substantial issue with respect to conformance of the approved project with LUP Policies 3.5-4, 3.5-5, and Coastal Zoning Code Section 20.504.015

Height and Bulk of Remodeled Residence Subordinate to the Character of its Setting

The appellants contend that the height and bulk of the remodeled residence as approved is not subordinate to the character of its setting as required by LUP Policy 3.5-3 and Coastal Zoning Code Section 20.504.015(A). The appellants state that "although technically a 'remodel,' the changes are so extensive that the Thelen project...is essentially a new house...The house portion of the 'remodel' project...adds 1,160 sq. feet to nearly double the size of the existing structure (Total: 2,693 sq. feet) and is substantially changed in appearance. The new house will be considerably higher from the natural elevation in some portions than the original house, resulting in what appears to be a two-story elevation on the western side of the house (toward Highway One and the Park)...The 'remodeled' garage of the Thelen project will also be considerably increased in size and changed in appearance. It now includes a 'workshop,' adding 281 sq. ft. and bringing the garage/workshop total to 953 sq. ft. The total project is now

3,7649 sq. feet, a difference of 1,444 sq. ft. from the present house: a considerable increase.... A project of that size could have a strong visual impact upon the highway and/or beach. However, without story-poles, it is impossible for the public to properly assess the visual impact of the new project.”

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. The height and bulk of new structures or the additions to existing structures are key factors to consider in any determination of whether a development conforms with these policies and is subordinate to the character of its setting.

As the appellant notes, the approved additions to the applicants' existing residence would add significantly to the size of the structure. The footprint of the house would increase from approximately 2,500 square feet to 3,400 square feet, an increase of roughly 36%. 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%. With addition of the artist studio to this structure, the structure's height increases to approximately 17.5 feet.

Finding No.1 of the County's adopted findings states that "The proposed development is in conformity with the certified Local Coastal Program." However, the adopted findings and the County staff report do not specifically discuss the consistency of these approved increases in the height and bulk of the structures on the property with the provisions of LUP Policies 3.5-1, 3.5-3, and Coastal Zoning Ordinance Section 20.504.015 that require development in highly scenic areas to be subordinate to the character of its setting. The only additional statement in either the adopted findings or the County staff report with regard to visual resource impacts and consistency of the approved project with the visual resource policies of the LCP is a statement in the Staff Report acknowledging that the project site is located within a designated highly scenic area, but stating that "since the structures will not be visible from public view areas, the visual policies do not apply."

As discussed previously, Commission staff has determined that the approved addition to the south side of the existing house would in fact be visible from southbound sections of Highway One along the grade descending from Navarro Ridge to the Navarro River, from a small portion of the beach at Navarro State Beach, and from Navarro Ridge Road itself. In addition, the master bedroom addition, the artist studio addition to the garage, and the reconstructed roof would all be plainly visible from Navarro Ridge Road, the public road adjacent to the site.

Therefore, because portions of the approved structure additions would be visible from public vantage points and the County did not evaluate in its findings or staff report the

consistency of these increases in the height and bulk of the structures on the property with the approval of this development with the provisions of LUP Policies 3.5-1, 3.5-3, and Coastal Zoning Ordinance Section 20.504.015 that require development in highly scenic areas to be subordinate to the character of its setting, there is not a high degree of factual or legal support for the County's decision to approve the project as being consistent with the certified LCP. Therefore, the Commission finds that the project as approved by the County raises a substantial issue with respect to conformance of the approved project with LUP Policies 3.5-1, 3.5-3, and Coastal Zoning Ordinance Section 20.504.015.

Conclusion of Part One: Substantial Issue

The Commission finds that, as discussed above, the project as approved by the County raises a substantial issue with respect to the conformance of the approved project with the policies of the LCP regarding visual resources.

PART TWO-DE NOVO ACTION ON APPEAL

Staff Notes:

1. Procedure

If the Commission finds that a locally approved coastal development permit raises a Substantial Issue with respect to the policies of the certified LCP, the local government's approval no longer governs, and the Commission must consider the merits of the project with the LCP de novo. The Commission may approve, approve with conditions (including conditions different than those imposed by the County), or deny the application.

2. Incorporation of Substantial Issue Findings

The Commission hereby incorporates by reference the Substantial Issue Findings above.

3. Submittal of Additional Information by the Applicant

For purposes of de novo review by the Commission, the applicant has provided Commission staff with supplemental information including (1) an approximately 1-1/2-foot by 2-foot sample of the building integrated photovoltaic roofing panels that would be used as the new roofing material for the remodeled house and garage/studio structures, (2) additional information about the building integrated photovoltaic roofing panels, (3) and correspondence replying to the appeal with photographs of the project site and setting attached. The latter correspondence is attached to the staff report as Exhibit 13.

The supplemental information provides clarification of the proposed project and additional information regarding issues raised by the appeal that was not part of the record when the County originally acted to approve the coastal development permit.

I. MOTION, STAFF RECOMMENDATION DE NOVO, AND RESOLUTION:

Motion:

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

Recommendation of Approval:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit 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 Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the certified Mendocino County LCP. 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 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 development on the environment.

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

III. **SPECIAL CONDITIONS:**

1. **Landscape 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 plan for landscaping to minimize the visual impacts of the development as seen from Navarro Ridge Road. The plan shall be prepared by a qualified professional with expertise in the field of landscaping, such as a licensed landscape architect.

1. The plan shall demonstrate that:
 - (a) at least two evergreen trees shall be planted along the north side of the approved master bedroom addition,
 - (b) all new vegetation planted on the site will consist of native, drought-tolerant native or naturalized trees that will reach a mature height of at least 15 feet,
 - (c) all planting will be completed by within 60 days after completion of construction.

- (d) all required plantings will be maintained in good growing conditions through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan, and
2. The plan shall include, at a minimum, the following components:
- (a) a map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features,
 - (b) a schedule for installation of plants consistent with subsection 1A1 above,
 - (c) consistent with Special Condition No. 3, both 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.
- A. 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.

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 and roofing 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 standing seam metal.
 - (b) the roof segments containing photovoltaic laminate that is consistent with subsection 4A1a 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
- A. 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.

IV. **FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

1. **Project and Site Description**

Finding C of the Substantial Issue portion of this report regarding the project and site description is hereby incorporated by reference. See pages 12-16 of Part One of the staff report.

2. **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.

As described previously, the project approved by the local government consists of certain additions and remodeling of an existing three bedroom single-family residence. The approved additions would add a total of 900 square feet of structural footprint to the existing 2,500-square-foot footprint of the existing house. Even though the house would be enlarged, the house would remain a three-bedroom house, albeit with larger bedrooms and larger common areas. 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 proposed project is an addition to an existing single-family residence located in an area developed with single-family residences. Therefore, the proposed addition to the single-family residence is consistent with the LUP and zoning designation for the site.

The proposed addition to the residence 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 amendment has been conditioned to be consistent with 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 proposed expanded development.

The Commission finds that the proposed project as conditioned is consistent with LUP Policies 3.9-1 and 3.8-1 because the parcel is able to accommodate the proposed development as conditioned and that adequate services are available.

The Commission finds, therefore, that as conditioned, the proposed project is consistent with LUP Policies 3.9-1 3.8-1 because the development is located in an existing rural residential area able to accommodate the development, there will be adequate services on the site to serve the proposed development, and the project as conditioned will not contribute to adverse cumulative impacts on highway capacity, scenic values, or other coastal resources.

3. 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.*

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."

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 3.5-5 states, in applicable part:

Providing that trees will not block coastal views from public areas such as roads, parks and trails, tree planting to screen buildings shall be encouraged ...

Coastal Zoning Ordinance 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.

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.*
- (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 impacts 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.*

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.

Various aspects of the proposed additions would affect the visual impact of the residence. The proposed additions to the existing residence would add significantly to the size of the structure. The footprint of the house would increase from approximately 2,500 square feet to 3,400 square feet, an increase of roughly 36%. 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%. With regard to height, the additions to the house would project to no higher elevation than the existing house. However, because of the gently sloping nature of the ground beneath the proposed master bedroom addition, the maximum height of the west wall of the approved master bedroom addition is higher than the 17.5-foot average height above natural grade of the rest of the house. The studio addition of the garage structure, increased the elevation of the structure by approximately 2 feet above its current maximum elevation. With regard to building materials, the siding of the additions would be of wood shingles and wood selected to blend with the wood and shingle siding of the existing structures. The new roof, however, would change from a redwood shake roof to a building-integrated photovoltaic metal seam roof with different roof ridges to provide more south facing roof segments to optimize solar energy collection. The predominant colors of the roofing materials would be black and a periwinkle or dark blue. The proposed roofing material is a relatively new product that has not been used on any of the other homes on Navarro Ridge to date.

In its findings for approval and staff report, the County stated that the proposed project would not be visible from public vantage points. As discussed previously, this statement is inaccurate. Coastal Commission staff has visited the project site and vicinity and has determined that portions of the existing house and portions of additions and modifications to the house would, in fact, 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. Some of the approved modifications to the exterior of the house would also be visible, 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 would not be visible because it would be located in an area screened by the large trees along the west property line of the subject parcel. The studio addition would not be visible from the highway and beach because the 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 as approved by the County.

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. From this vantage point, the approved addition to the south side of the residence would likely not be visible, but the master bedroom addition, the artist studio addition to the garage, and the reconstructed roof would all be plainly visible.

The house site is towards the eastern end of a string of approximately 27 rural residential parcels located within the designated "highly scenic" area and visible to travelers on Highway One approaching the Navarro Headlands area from the south. Twenty-four of these parcels have already been developed, including the parcels on either side of the applicants' property. The homes that have been developed within this "highly scenic" area vary in size, height, design, and color, with the result that some are more prominent than others. The prominence of some 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 break up the building silhouettes. All but ten of the existing structures in this area were built prior to the Coastal Act. Five were approved by the County after certification of the Mendocino LCP and implementation of its policies concerning development in highly scenic areas, including policies affecting ridgeline development. One of these was appealed to the Commission, A-1-MEN-00-028 (Jones). The Commission approved the project de novo with conditions in January of 2001. In addition, the Commission has processed one permit amendment, 1-81-12-A(Wolfe) since certification of the LCP.

Four of the permits approved by the County and the permit amendment approved by the Commission since certification of the LCP, 1-81-12-A (Wolfe), authorized homes on parcels that differ from the Thelen parcel in that these parcels did not include the actual crest of the ridge and an area that slopes northward away from the ridge. These permits

are CDP 4-93(Tadlock), CDP 84-93 (Quist), CDP 77-89 (Newman) and permit amendment 1-81-12-A (Wolfe). All of these parcels are on the south facing slopes of Navarro Ridge below the crest and none of the parcels have locations where development could have been sited completely out of view from vantage points along Highway One and where development would not project above the ridgeline..”

The permit approved by the Commission on appeal since certification of the LCP, A-1-MEN-00-028 (Jones), did involve a parcel similar to the Thelen parcel in that it included the ridge and area sloping downward from the crest towards Navarro Ridge Road to the north. However, the Commission determined that locating the house in this area would not be feasible given certain drainage concerns and the Commission approved the house on the top of the ridge. The Commission did impose conditions requiring the preparation of a landscaping plan and maintenance of the existing trees on the property to minimize the visual impact by screening the residence with landscaping.

The LCP visual resource protection policies cited above set forth various standards that are applicable to the project. 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. The policies also provide guidance on how to ensure that new development is subordinate to its setting in highly scenic areas. LUP Policy 3.5-4 and Coastal Zoning Ordinance Section 20.504.015 provide that buildings and building groups that must be sited in highly scenic areas shall be sited near the toe of a slope, below rather than on a ridge, and in or near a wooded area. These policies also state that the visual impacts of development on ridges must be minimized by (a) prohibiting development that projects above the ridgeline; (b) siting and designing development that must project above the ridgeline in a manner that reduces visual impacts by utilizing existing vegetation, structural orientation, landscaping, and limiting development to a single story above the natural elevation; and (c) prohibiting removal of tree masses which destroy the ridgeline silhouette.

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.

As noted previously, the proposed development would be constructed on a ridgeline. In its evaluation of the consistency of the proposed project with the above LCP policies and standards, the Commission first considers whether there is an alternative site available below the ridgeline.

Alternative Sites.

As noted above, LUP Policy 3.5-4 and Coastal Zoning Ordinance Section 20.504.015 provide that buildings and building groups that must be sited in highly scenic areas shall be sited near the toe of a slope, below rather than on a ridge, and in or near a wooded area. These policies also state that the visual impacts of development on ridges must be minimized by prohibiting development that projects above the ridgeline, but allow for siting on a ridgeline if no alternative site is available below the ridgeline. These policies primarily guide the siting of new structures where options may be available for locating structures off of ridgelines to reduce the visual impact of the development rather than the expansion of existing structures already located on a ridgeline. The proposed development involves the expansion and remodeling of a house and an adjacent detached garage that already exist on a ridge top to provide for an expanded kitchen, dining room, bedroom area and other rooms of the residence and to provide for a more desirable arrangement of interior spaces within the existing structures for the applicants. These objectives of the project cannot be accomplished without expanding the existing structures. The Commission notes that as discussed below in the following sections of this finding, the visual impacts of the development can be mitigated with permit conditions to ensure that the project as conditioned is subordinate to the character of its setting. The Commission finds that no alternative exists for developing the project below the ridgeline and therefore, the project as conditioned is consistent with the siting requirements of LUP Policy 3.5-4 and Coastal Zoning Code Section 20.504.015(C).

Consistency With Other Ridgeline Development Policies

If no alternative building site is available below a ridgeline, LUP Policy 3.5-4 and Coastal Zoning Code Section 20.504.015(C)(8) require that the development shall be sited and designed to reduce visual impacts by (1) utilizing existing vegetation, (2) structural orientation, (3) landscaping, and (4) shall be limited to a single story above the natural elevation.

Utilizing Existing Vegetation. Most of the portion of the subject parcel that slopes downward to the south to Highway One is currently devoid of trees. However, numerous trees exist in the northern portion of the property. In this northern area, rows of trees exist along the northern property boundary that borders Navarro Ridge Road, as well as along the western and eastern property boundaries bordering the applicant's neighbors to the west and east. All of the existing trees would have value in helping to reduce the visual impact of the proposed additions to the existing residential structures on the site. The trees north of the building site and along the eastern property boundary would partially screen the master bedroom addition proposed off the west side of the house, as well as portions of the reconstructed roof, from view from Navarro Ridge Road. The row of trees along the east side of the property would

entirely screen the master bedroom addition proposed off the west side of the house as well as portions of the reconstructed roof from view from the vantage points along Highway One and the beach at Navarro State Beach from which the development can be seen. This row of tall trees is a significant part of the current viewscape and forms part of the ridgeline silhouette along this portion of Navarro Ridge. Therefore, the proposed development would utilize existing vegetation to reduce visual impacts consistent with LUP Policy 3.5-4 and Coastal Zoning Code Section 20.504.015.

To ensure that the existing trees remain on the site and continue to help reduce the visual impacts of the proposed structural additions, the Commission attaches Special Condition No. 3, which 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. 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. The Commission finds that as conditioned, the project is consistent with the provisions of LUP Policy 3.5-4 and Coastal Zoning Code Section 20.504.015 that require new development on ridgelines to utilize existing vegetation to reduce visual impacts.

Structural Orientation. As modified by the proposed additions, the structural orientation of the house would remain consistent with the orientation of other houses in the area, including the houses on the adjoining properties to the east and west. The houses in the area are generally oriented to the south and are mainly located on the ridgeline, as the subject house is oriented. Therefore, the Commission finds that the project would be consistent with the provisions of LUP Policy 3.5-4 and Coastal Zoning Code Section 20.504.015 that require new development on ridgelines to utilize structural orientation to reduce visual impacts.

Landscaping. The existing trees on the site are very effective in screening and muting views of the house, both as currently constructed and as modified by the approved project. As seen from the limited public vantage points that afford views of the project site along Highway One and the extreme northwest corner of Navarro State Beach, only a small portion of the proposed addition to the south of the house would not be screened by the existing trees. Both of the other additions, including the master bedroom addition and the artist studio addition to the garage, would be completely screened by the row of trees along the west side of the property. Given the effectiveness of the existing trees from screening the proposed development from these

vantage points, the relatively small scale of the development, and the distance of more than a mile between the vantage points and the development, no additional landscaping is needed to screen the proposed development to protect views from Highway One and the beach.

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% (See North Elevation at the bottom of Exhibit 8). The visual impact of this portion of the development could be reduced by the addition of landscaping along the north wall of the addition. Utilizing landscaping to reduce the visual impact of the house would be consistent with the above cited ridgeline development limitations of LUP Policy 3.5-4 and Coastal Zoning Code Section 20.504.015. Therefore, the Commission attaches Special Condition No. 1 which requires the applicants to submit a landscaping plan for the review and approval of the Executive Director that would provide for the planting of two drought-tolerant native or naturalized 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.

The Commission finds that as conditioned to require the submittal of the landscaping plan to screen the main view of the house from public vantage points that is not already effectively screened by existing vegetation, the proposed project is consistent with the provisions of LUP Policy 3.5-4 and 20.504.015(C)(8)(c) that require the use of landscaping to reduce visual impacts of ridgeline development.

Single Story Above Grade. The existing house is a single story and rises to a maximum height of 17.5 feet above the natural grade. The proposed additions are proposed as single story additions and would project to no higher elevation than the maximum elevation of the existing house.

The master bedroom addition does include a basement that would extend under the entire extent of that particular addition. As noted previously, the basement would be constructed partially below the existing ground level. As the ground slopes to the south in this location, the depth of excavation for the basement varies from several feet to as much as 8 or 9 feet. Approximately 20 cubic yards of material would be excavated to accommodate the basement. The basement is planned as an open room with no interior walls or bathroom facilities and the applicants indicate the basement would be used for storage.

The certified LCP does not contain definitions of the terms "story" and "basement." LUP Policy 3.5-4 and Coastal Zoning Code Section 20.504.015(C)(8)(b), in limiting ridgeline development to a single story, do not specifically limit basements or discuss whether basements should be considered to be stories. However, the intent of the policy is clearly to limit the apparent height and mass of structures built on ridgelines to minimize their visual impact. In this case, the Commission finds that as conditioned, the proposed master bedroom addition with its basement partially below the existing ground level is consistent with this intent. As noted above, as conditioned the master bedroom addition and its basement would not be seen from any of the public vantage points offering views of the site along Highway One and at Navarro State Beach because of the screening provided by the existing row of trees along the west property line that must be maintained over the life of the project pursuant to Special Condition No. 3. The only view of the master bedroom addition would be from Navarro Ridge Road. This view of the house with the addition is generally shown in the north elevation shown in Exhibit No. 8. The master bedroom addition is the one-third of the structure depicted in the elevation that is farthest to the right. The elevation depicts how the basement would be sunken into the ground and contains no windows through the north basement wall. In addition, the north wall of the basement would be completely sheathed with the same rock façade that forms a wainscot for the rest of the north wall of the residence. Thus, the design of the addition as viewed from the one public vantage point that affords a view of the addition does not suggest that a separate living space is present below the master bedroom. Furthermore, the top of the master bedroom addition does not project to as high an elevation as the maximum height of the reconstructed house or reconstructed garage. Thus, inclusion of the basement does not cause the height or mass of the addition to be out of conformance with the height and mass of the rest of the development.

Therefore, the Commission finds that the proposed project is consistent with the provisions of LUP Policy 3.5-4 and Zoning Ordinance Section 20.504.015(C)(8)(b) that require ridgeline development to be limited to a single story above the natural elevation.

Consistency With Color Requirements

Coastal Zoning Ordinance Section 20.504.015(C)(8)(c) requires that in highly scenic areas, building materials shall be selected to blend in hue and brightness with their surroundings.

As noted in the project description finding, the applicants intend to use shingle siding and dark wood trim. A rock wainscot would line the lower portions of the remodeled residence. These materials are generally consistent in kind and color with the building materials used on the existing structure and in other development in the area. To ensure that only these or similar building materials and colors are used in remodeling of the residential structures and in the future, the Commission attaches Special Condition No.

2, which requires that all exterior siding of the proposed additions shall 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 proposed project includes expansion and reconstruction of the roofs of the house and garage. In addition to needing to cover the additions to both structures, the roof changes are proposed to better accommodate solar energy collection for use in providing electricity to the home. The roof ridges would be modified in places to allow for more segments of the roofs to face south. 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 application originally submitted to the County indicates the metal roof is proposed to be blue-green in color and the photovoltaic laminate would have a dark bluish tinge. The approved roofing material is a relatively new product that has not been used on any of the other homes on Navarro Ridge. The vast majority of the houses, including the applicants' existing house, have shingle, shake, or composition roofs with dark earth tone colors.

Since the appeal was filed, the applicants have provided to Commission staff an approximately 1.5-foot by 2-foot sample of a section of the proposed roofing material. Although the application submitted to the County describes the material as being blue green in color, the base metal of the sample is actually a non-reflective black in color and the photovoltaic laminate is a dark blue or periwinkle color. The predominant visual impression is of a very dark color rather than a light blue-green or aquamarine color. This dark color is 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. 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 photovoltaic laminate has a partial sheen to it that is noticeable when the sample of the roofing material is held up to bright light such as strong sunlight at certain angles. This sheen could create its own visual impact regardless of how well the black or periwinkle 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. To address this concern, the applicants' representative submitted information regarding the likelihood of sunlight to reflect off the proposed roof in a manner that would create a visual impact from public vantage points. Excerpts of this

information are included as Exhibit No. 11. The information depicts how the angle of reflectivity off of a reflective surface is equal to the angle of incidence, or the angle at which the light hits the reflective surface. For example, when the sun is directly overhead and shines down on a horizontal reflective surface, the reflection would be directed directly back towards the sun. When the sun is at an angle to the reflective surface, the reflection is directed away from the sun at an angle equal to the angle at which the streaming sunlight hits the reflective surface.

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. These viewing areas are located to the west of the project site. In northern California latitudes, when the sun reaches its maximum altitude in the sky during the course of the day, the sun is generally a few degrees to the south of directly overhead. The angle of the sun is even lower in the winter time. Thus, when the sun is at its maximum altitude, sunlight hitting the south-facing roof would reflect skyward in a generally southern direction. This angle would not create a reflection impact towards the principle public viewing vantage points to the west on Highway One and at the beach. As the sun moves westward across the sky and starts its descent to sunset, the angle of reflectivity off of the south facing roof would be more and more to the east and less and less skyward. These angles also would not create a reflection impact on the public viewing vantage points to the west of the 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.

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. Therefore, 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 attaches Special Condition No. 4. The condition requires that a revised roofing plan be submitted that demonstrates that the roof segments containing photovoltaic laminate 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. In addition, because of the discrepancy between the description in the permit application of the roof as blue-green in color and the black and dark blue colors of the submitted sample, the special condition requires that the revised roofing plan also demonstrate that all of the photovoltaic laminate utilized will have a dark bluish tinge and be attached to a non-reflective black standing seam metal.

The Commission finds that as, conditioned, the project is consistent with LUP Policy 3.5-4 and Coastal Zoning Code Section 20.504.015(C)(8)(c) because building materials are required that will blend in hue with their surroundings and the building-integrated photovoltaic roof will be constructed in a manner that will ensure that brightness due to reflected sunlight will not adversely affect public viewing areas.

Consistency With View Protection Requirements

LUP Policy 3.5-1 and 3.5-3 and Coastal Zoning Code Section 20.504.010 require that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas. As the project site is located approximately 1.25 miles inland from the ocean, and as the public viewing points which afford views of the site are located west and north of the site, development at the project site does not block any views of the ocean from public vantage points. The project site is located within a designated highly scenic area that extends generally from Navarro Ridge Road south to the Navarro River and west to the ocean, as well as further east. The small portions of the additions that would be visible from the public vantage points along Highway One and Navarro State Beach would appear very small and block very little of the view eastward along the highly scenic area as it extends to the east given the modest size of the additions and the approximately one mile distance between these viewing areas and the project site. As viewed from Navarro Ridge Road, only the roof changes and the master bedroom addition would be readily visible. The roof additions extend to no higher elevation than the maximum elevation of the existing roof and therefore do not block any additional views. The master bedroom addition would only block a limited view of the opposite ridge across the Navarro River. The opposite ridge is not within a designated highly scenic area. Therefore, the blockage of views to and along scenic coastal areas would be insignificant. Therefore, the Commission finds that the project as conditioned is consistent with the view protection provisions of LUP Policy 3.5-1 and 3.5-3 and Coastal Zoning Code Section 20.504.010

Consistency With Requirement That New Development Be Subordinate to Character of Setting

LUP Policy 3.5-1 and 3.5-3 and Coastal Zoning Code Section 20.504.015(C) require that development in highly scenic areas shall be subordinate to the character of its setting. In this case, the proposed additions to the existing residential structures as conditioned are subordinate to the character of its setting for several reasons. First, the additions would largely be screened from view by public vantage points by existing landscaping that is 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 tree line of trees that exist at the top of the ridge. Fourth, the requirements of Special Condition No. 4 will ensure that the proposed building integrated photovoltaic roof is not constructed in a manner that would create reflections that will adversely affect views from all public vantage points. Finally, 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 the project as conditioned is consistent LUP Policy 3.5-1 and 3.5-3 and Coastal Zoning Code Section 20.504.015(C).

1. **Agricultural Buffer**

The property to the north of the subject parcel is zoned for Rangeland (RL) and is under a Williamson Act contract. The Rangeland parcel is currently utilized for cattle grazing.

LUP policy 3.2-9 states:

In order to minimize agricultural-residential conflicts, land divisions or site plans in residential areas 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 parcel across Navarro Ridge Road from the subject parcel is designated Rangeland and is currently used for cattle grazing, an agricultural use. The existing residential structures are slightly closer than 200 feet to Rangeland parcel across Navarro Ridge Road. The existing house is as close as 180 feet to the Rangeland parcel and the portion of the existing garage nearest the Rangeland parcel is approximately 150 feet away from the Rangeland parcel.

The proposed additions to the house would be located off the south side of the house, and thus would not encroach towards the Rangeland parcel as much as the existing structure. In fact, the two additions are more than 200 feet away from the Rangeland parcel; the proposed master bedroom addition would be approximately 210 feet away and the south side addition would be no closer than 220 feet away. Therefore, the

proposed additions to the house are fully consistent with the 200-foot agricultural setback requirement LUP Policy 3.2-9.

The proposed studio addition to the garage structure is located approximately 170 feet from the Rangeland parcel. Although this addition would not provide for a full 200-foot separation from the Rangeland policy, the proposed studio addition is consistent with LUP Policy 3.2-9 as the development does not result in a new residential structure being closer than 200 feet from an agricultural parcel. The structure to which the addition would be attached is already 150 feet away from the Rangeland parcel, and whether or not the addition were constructed, this residential structure would remain 150 feet away. No new residential structure would be created that is within 200 feet of the Rangeland parcel, only an addition to an existing structure that already encroaches into the 200-foot setback area. Furthermore, the proposed studio addition to the garage structure would encroach no closer to the Rangeland parcel than the existing structure. In fact, the studio addition would be added to the south side of the existing garage structure which is the side farthest away from the Rangeland parcel.

Therefore, the Commission finds that: (1) as the proposed additions to the existing house would be located more than 200 feet away from the nearest agricultural parcel; and (2) the proposed studio addition to the existing garage structure would not result in a new residential structure being closer than 200 feet from an agricultural parcel and would encroach no closer to the nearest agricultural parcel than the structure to which the addition would be attached, the project is consistent with the agricultural buffer provisions of LUP Policy 3.2-9.

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 project 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 project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

Exhibits:

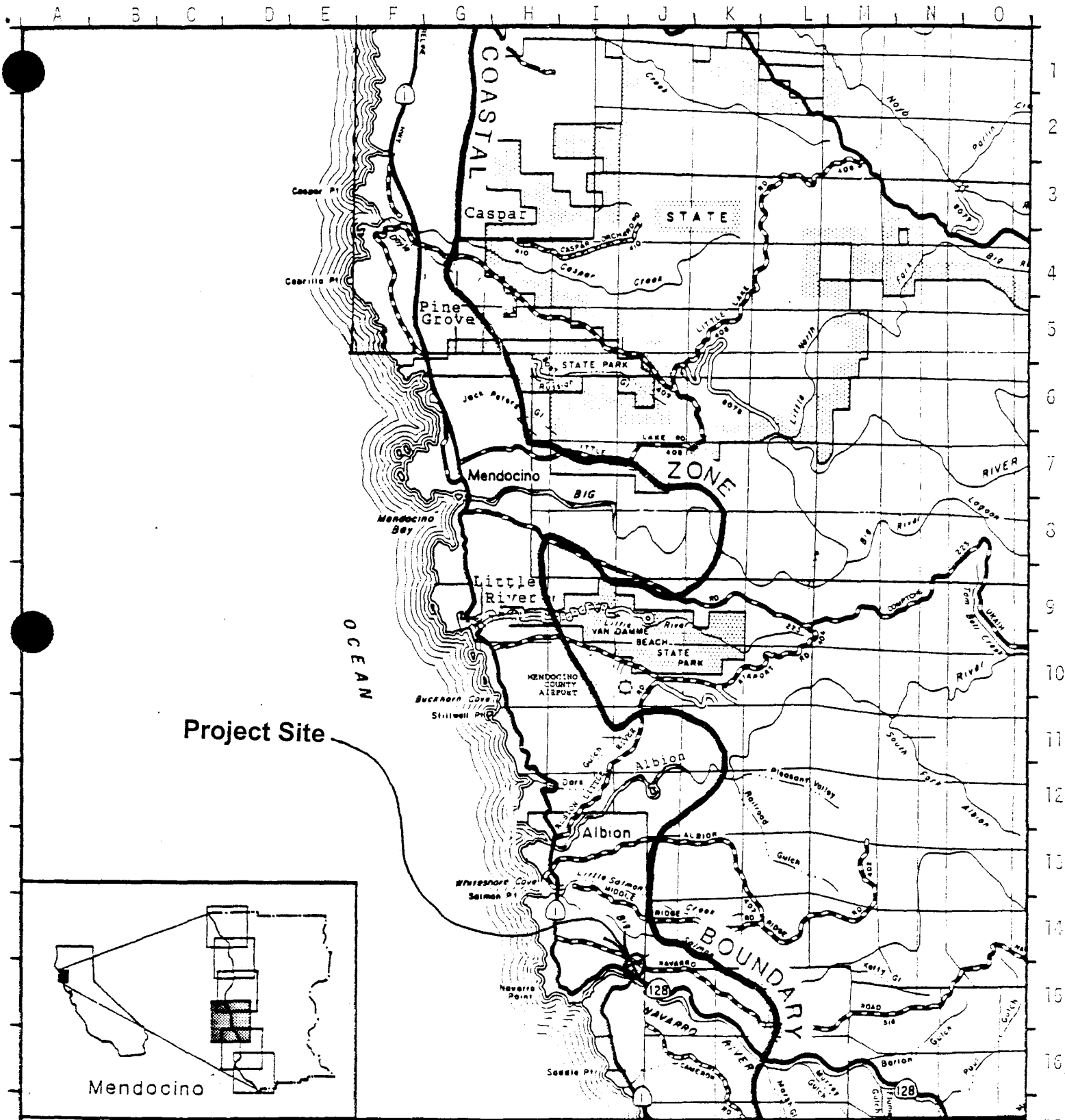
1. Regional Location Map
2. Vicinity Map
3. Zoning Map
4. Existing Development
5. Site Plan
6. Site Plan Detail
7. Floor Plan
8. Elevations
9. Appeal
10. Notice of Final Action
11. Reflectivity Information
12. State Parks Correspondence
13. Applicant's Reply to Appeal

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

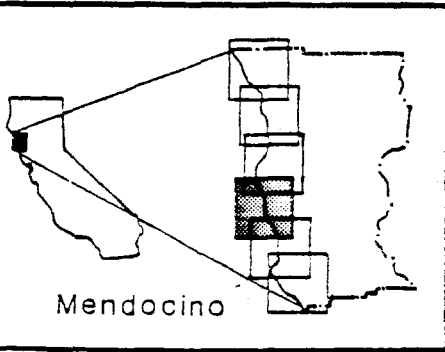


EXHIBIT NO. 1
APPLICATION NO. A-1-MEN-01-059
THELEN
REGIONAL LOCATION MAP



California Coastal Commission
County of Mendocino

Sheet 4 of 6

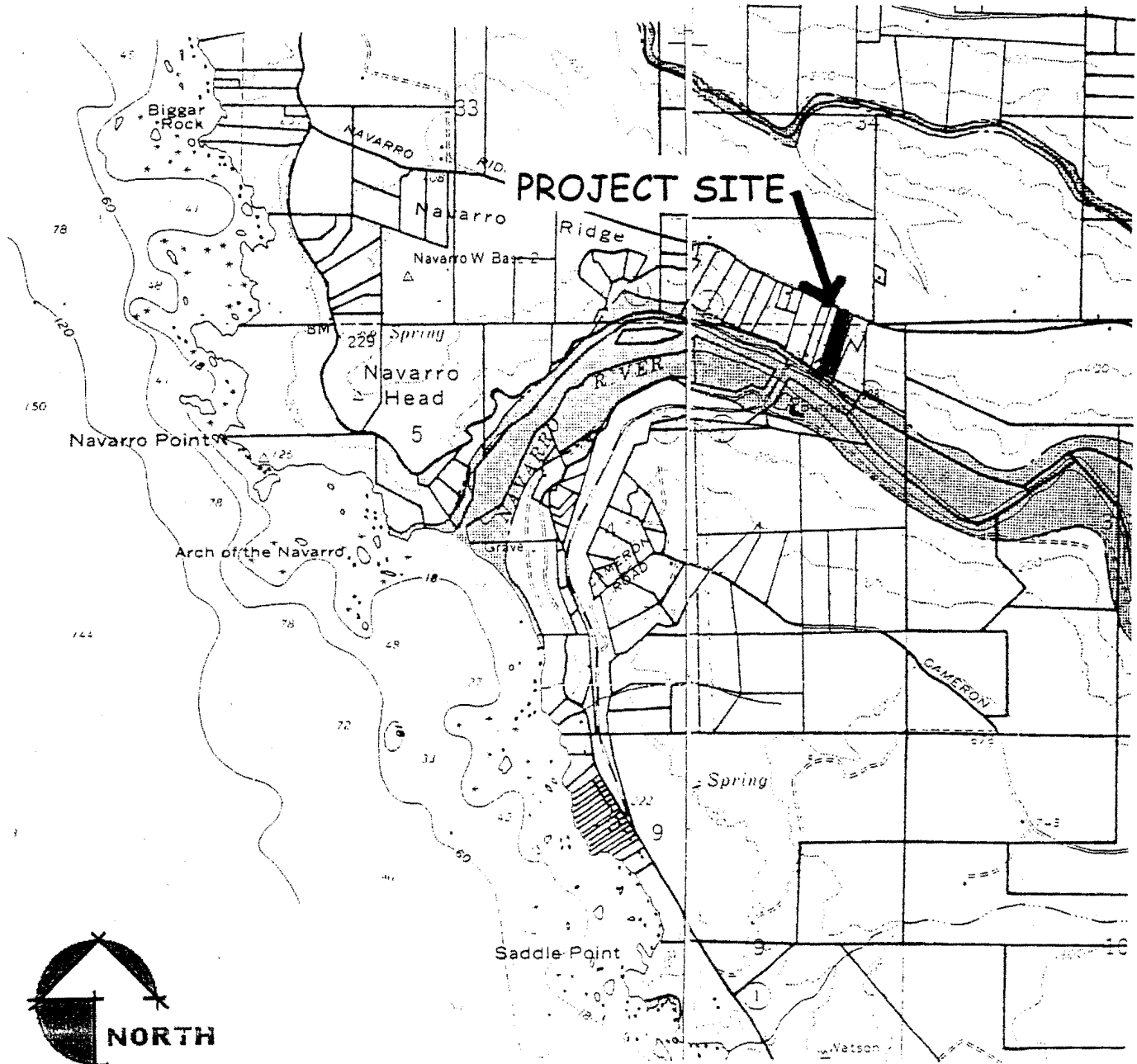


EXHIBIT NO.	2
APPLICATION NO.	A-1-MEN-01-059
THELEN	
VICINITY MAP	

LOCATION MAP

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

BETWEEN ALBION 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

TURNOUT

RR-5-PD

RL

RMR-20

Subject Parcel

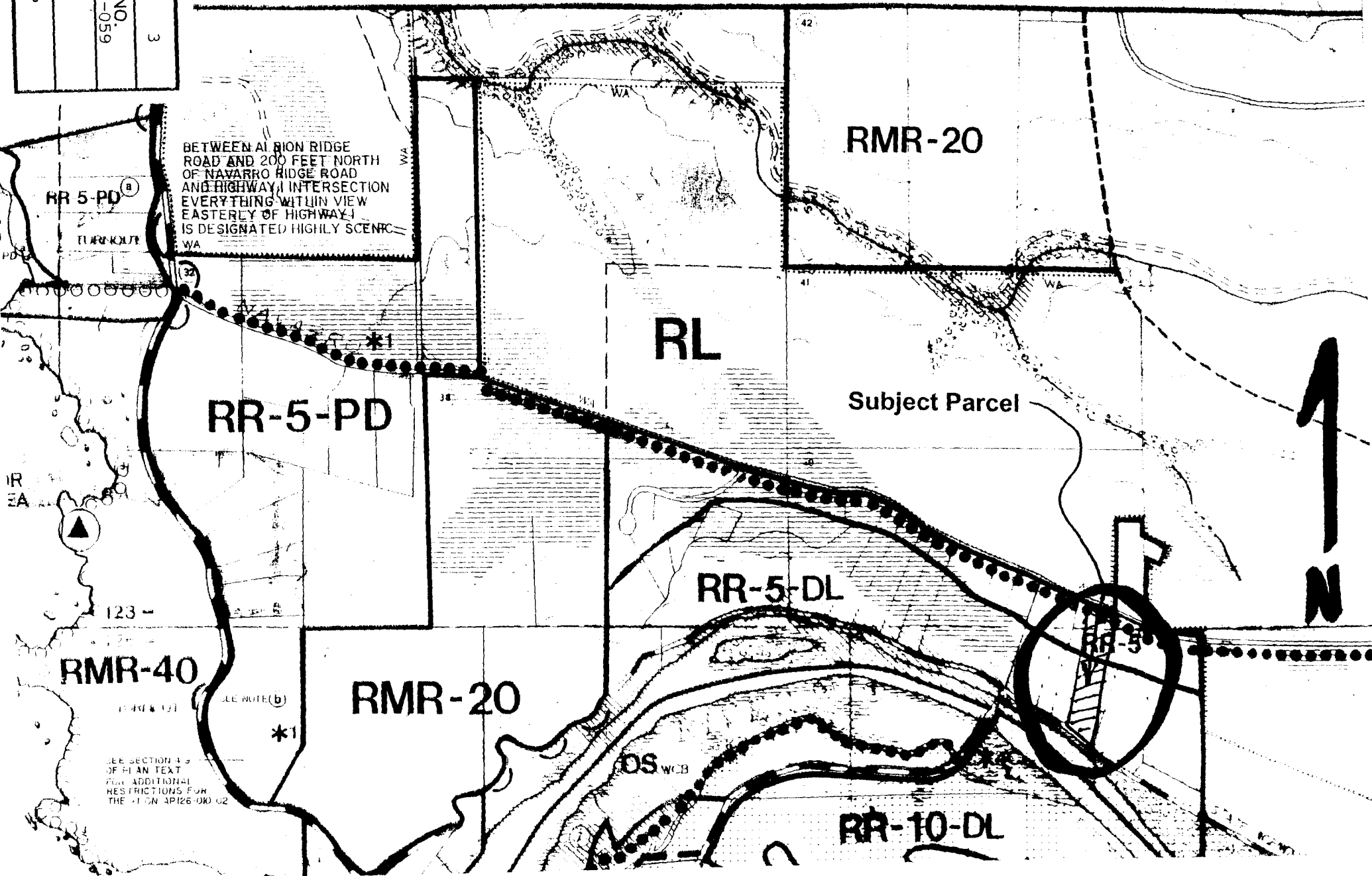
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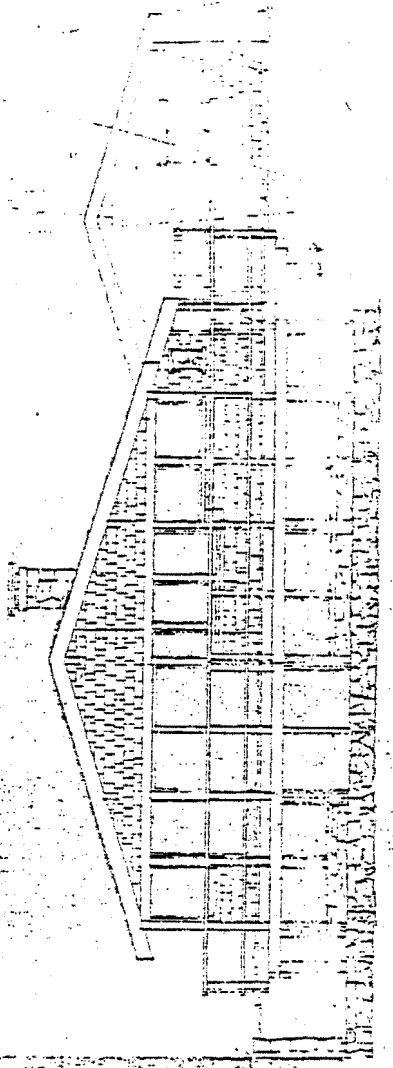
RMR-40

RMR-20

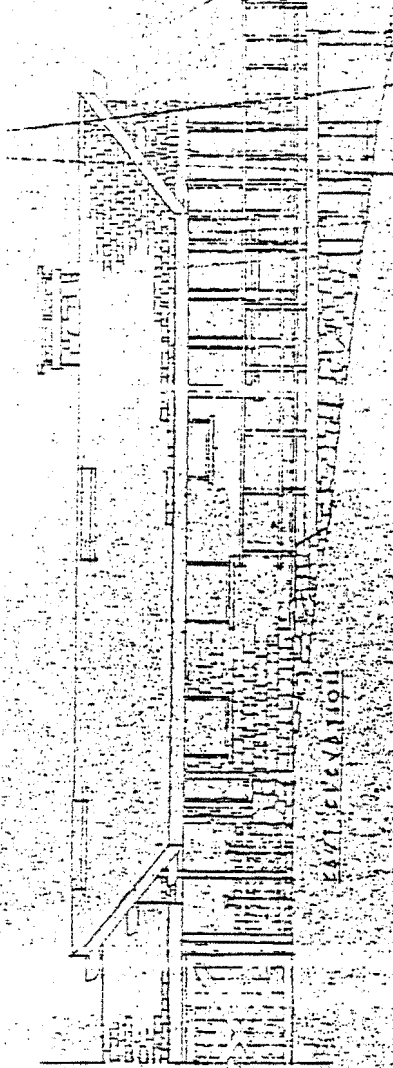
RR-10-DL

SEE SECTION 4 OF PLAN TEXT FOR ADDITIONAL RESTRICTIONS FOR THE CITY OF AP126-010 G2

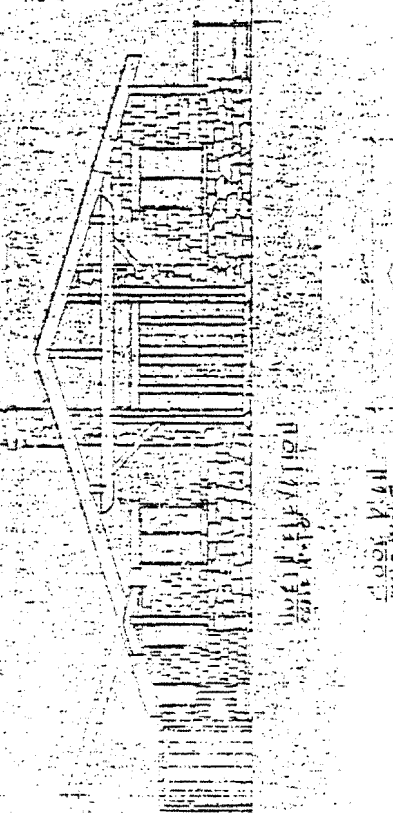




FRONT ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION

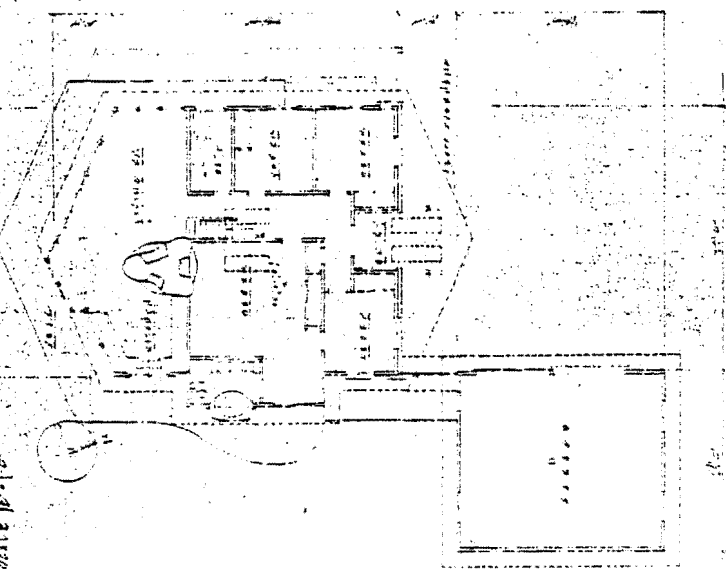
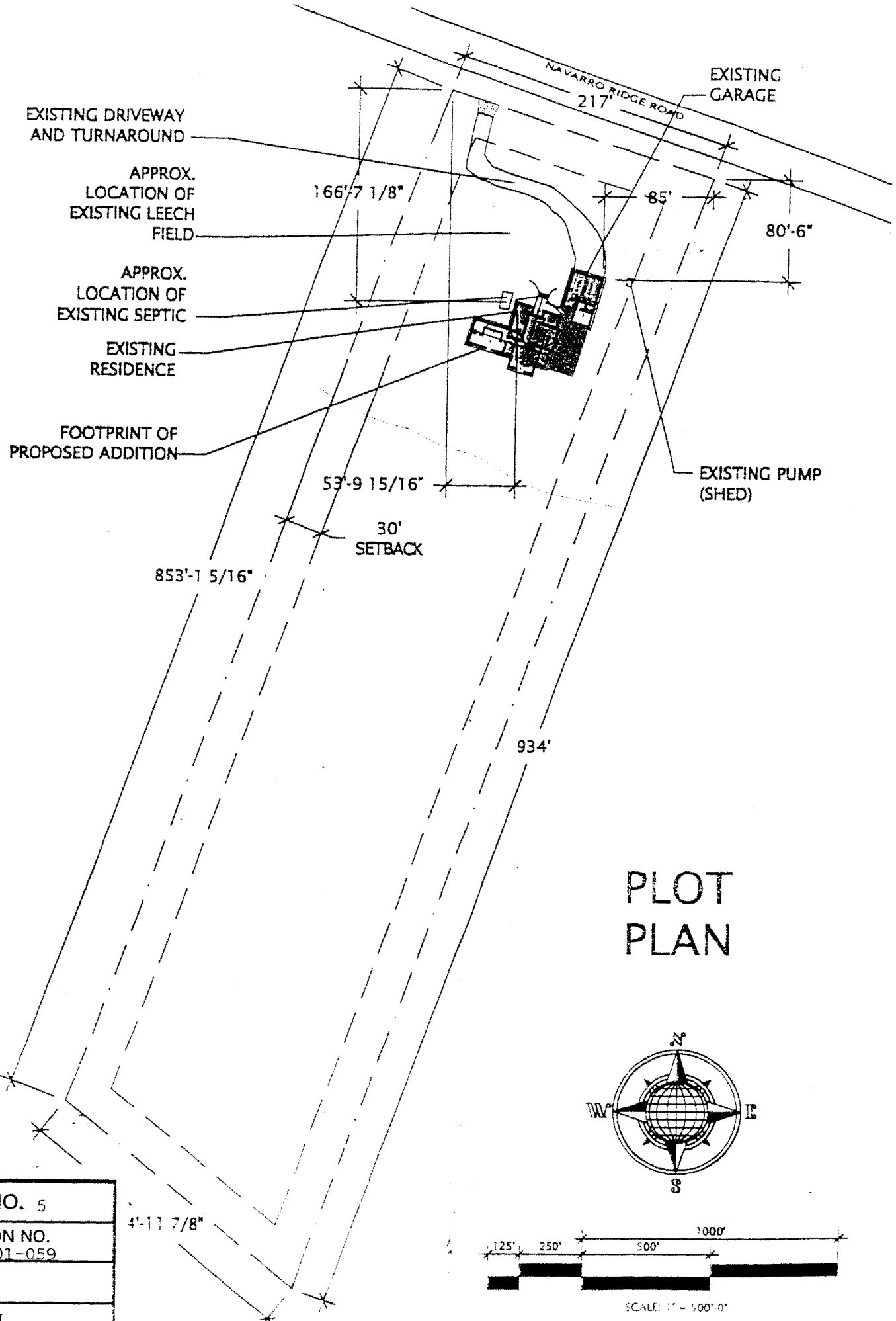
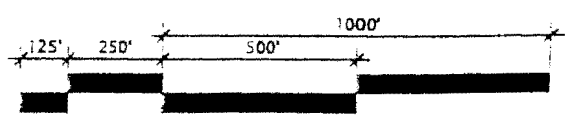
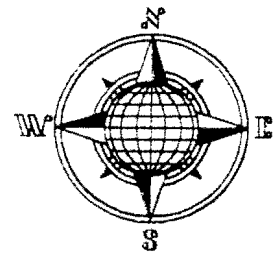


EXHIBIT NO.	4
APPLICATION NO.	A-1-MEN-01-059
THELEN	
EXISTING DEVELOPMENT	



PLOT PLAN

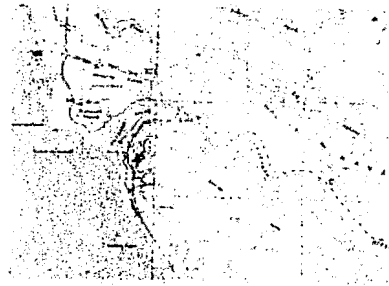


SCALE: 1" = 500'-0"

EXHIBIT NO. 5
APPLICATION NO. A-1-MEN-01-059
THELEN
SITE PLAN

REMODEL OF AN EXISTING GARAGE AND RESIDENCE FOR Phyllis & Max **THELEN** and family

31960 Navarro Ridge Road, Albion, California, 95410



BOMESTEAD
ARCHITECTS

2010 1st St.
Albion, CA 95410
Tel: (916) 486-1111
Fax: (916) 486-1112

PROJECT INFORMATION

CODE ANALYSIS
PROJECT TYPE: REMODEL IMPROVEMENT OF AN EXISTING RESIDENCE AND GARAGE WITH 1 ADDITIONAL ADJACENT PARCEL, A.C.
APPROXIMATE PARCEL NO.: 02-008-12

AREA CALCULATIONS

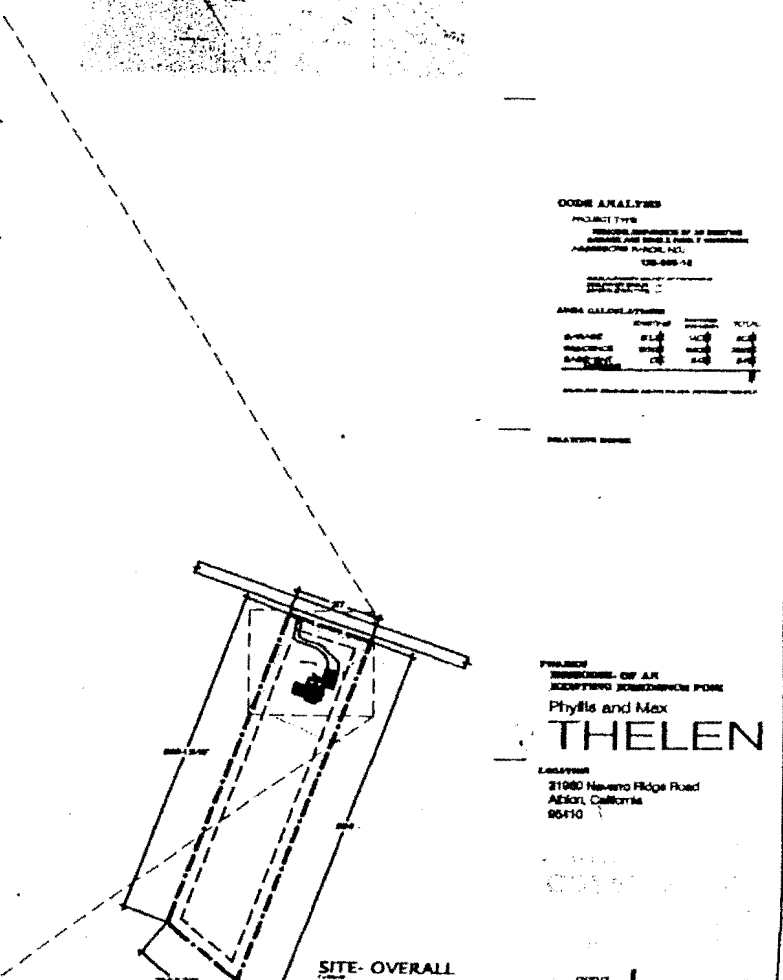
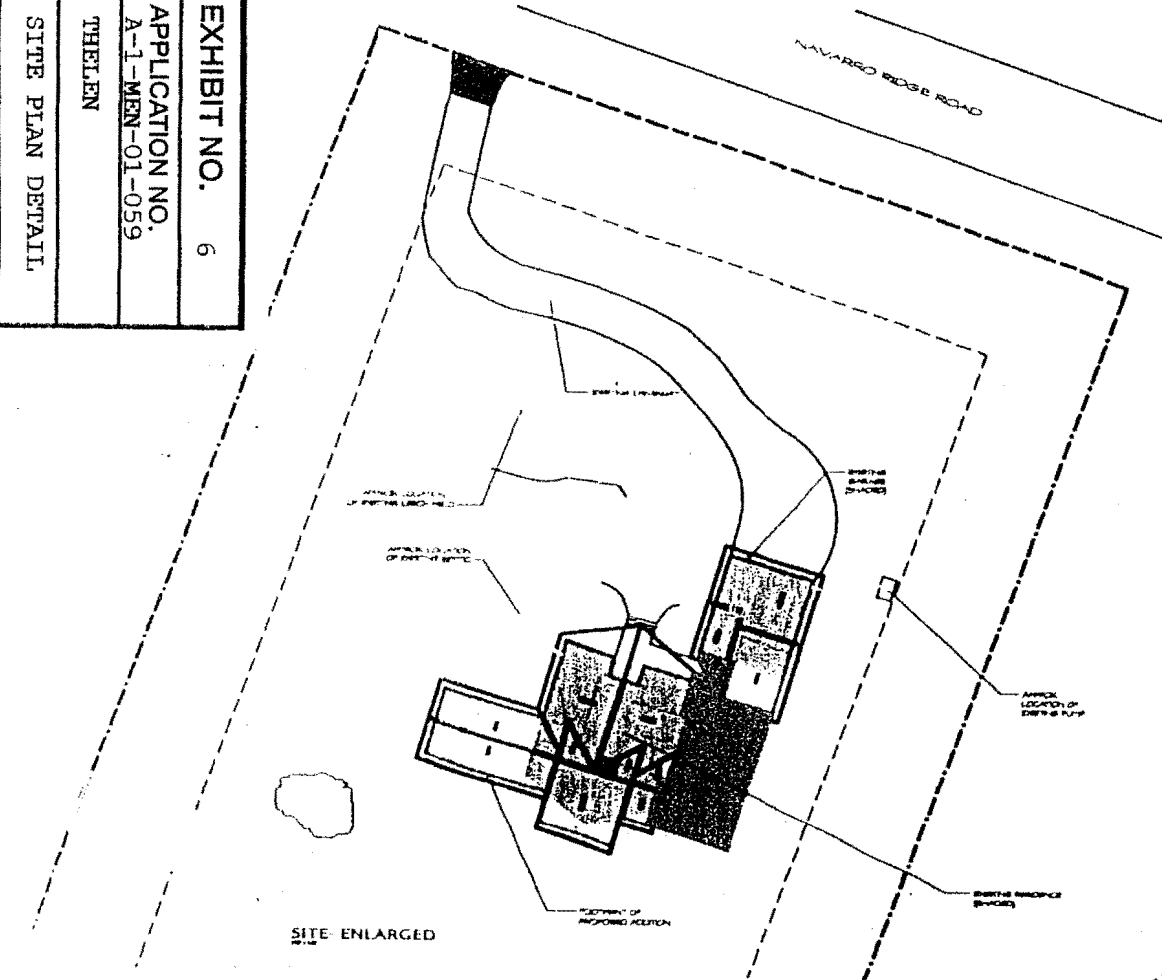
AREA	S.F.	ACRES	PERCENT
LOT AREA	10,000	0.23	100%
IMPROVEMENT	1,500	0.03	15%
REMAINING	8,500	0.20	85%

REMARKS

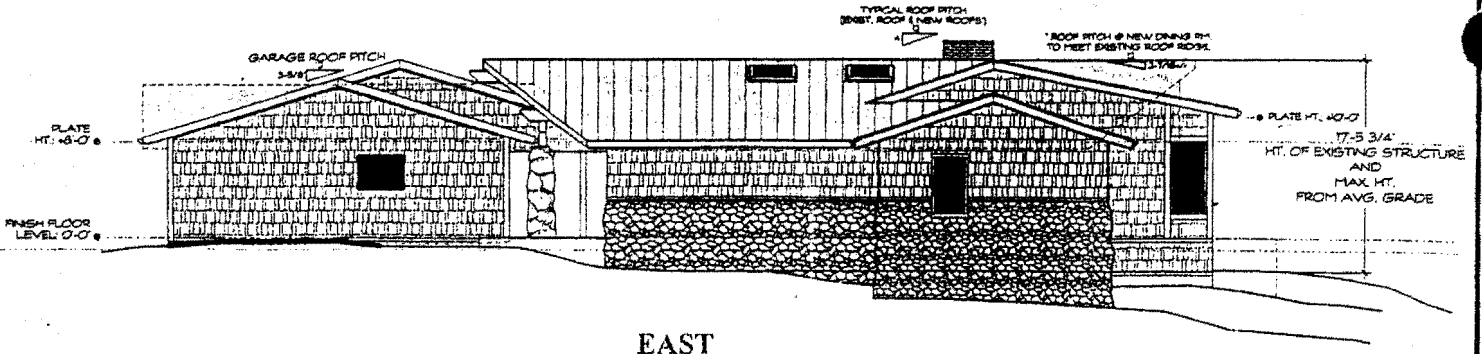
PROJECT: REMODEL OF AN EXISTING RESIDENCE FOR
Phyllis and Max
THELEN
Location: 31960 Navarro Ridge Road
Albion, California
95410

OVERALL AS SHOWN

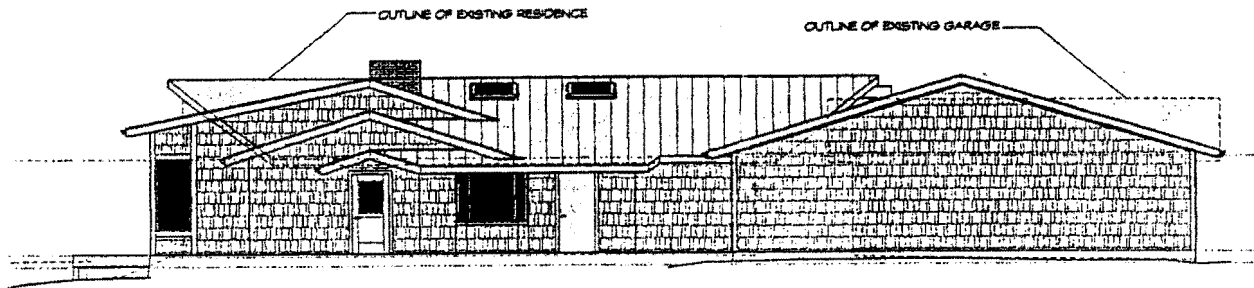
EXHIBIT NO.	6
APPLICATION NO.	A-1-MEN-01-059
THELEN	
SITE PLAN DETAIL	



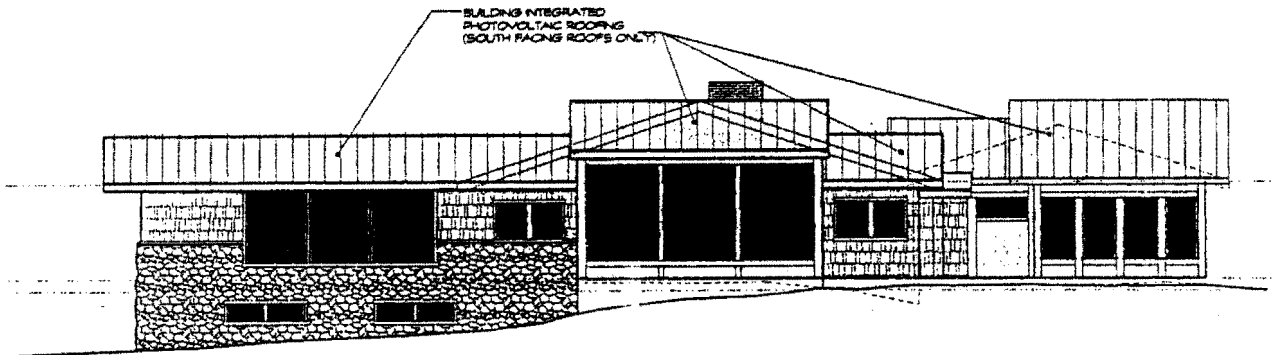
COVER SHEET AND SITE PLAN



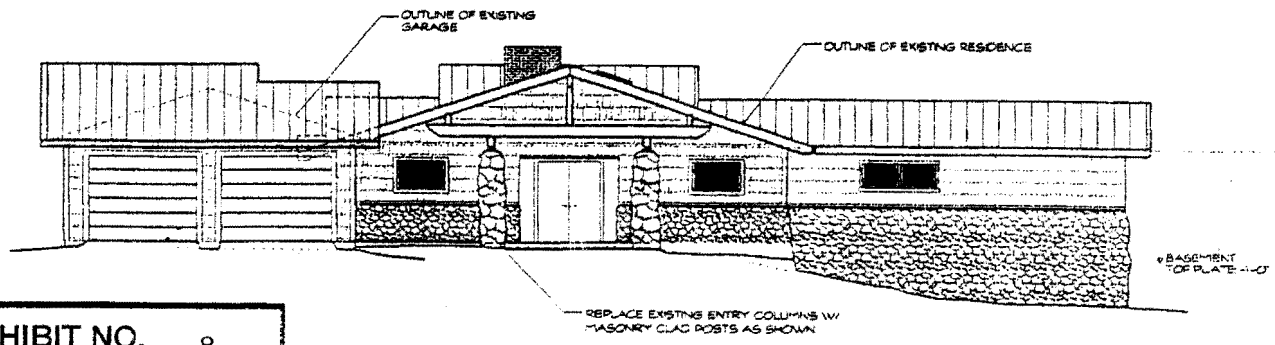
EAST



WEST



SOUTH



NORTH

ELEVATIONS

EXHIBIT NO.	8
APPLICATION NO.	A-1-MEN-01-059
THELEN	
ELEVATIONS	

CALIFORNIA COASTAL COMMISS'

NORTH COAST DISTRICT OFFICE MAILING ADDRESS:
710 E STREET • SUITE 200 P. O. BOX 4908
EUREKA, CA 95501-1865 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):

Navarro Watershed Protection Assn., Dr. Hillary Adams, personally
P.O. Box 1936
Mendocino, CA 95460 (707) 877-3527
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: Mendocino County

2. Brief description of development being appealed: 1,533 sq. ft. residence being nearly doubled in size by a 1,160 sq. ft. addition + 281 sq. ft. workshop addition on and existing 672 sq. ft. garage, 2 story area.

3. Development's location (street address, assessor's parcel no., cross street, etc.): 31960 Navarro Ridge Road
APN: 126-0160-16

- 4. Description of decision being appealed:
a. Approval; no special conditions: X
b. Approval with special conditions:
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.
RECEIVED OCT 29 2001 CALIFORNIA COASTAL COMMISSION

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-1-MEN-01-059

DATE FILED: 10/29/01

DISTRICT: North Coast

H5: 4/88

Table with 2 columns: Field Name and Value. Fields include EXHIBIT NO. (9), APPLICATION NO. (A-1-MEN-01-059), THELEN, and APPEAL (1 of 25).

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: 9/27/01

7. Local government's file number (if any): CDP:65-01

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:

Max + Phyllis Thelan / Homestead Enterprises
199 Mountain View / 110 S. Harrison St.
San Rafael, CA 94901 / Fort Bragg, CA 95437

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) Maravato Watershed Protection Assn + Hillary Adams
P.O. Box 1936
Mendocino, CA 95460

interest: to receive notice

(2) Mr. Peter Reimulla
Friends of Schooner Gulch
P.O. Box 4, Pt. Arena, CA 95460

"

(3) Rixanne Wehren, Mendocino/Wake group
Sierra Club
P.O. Box 340
Albion, CA 95410

(4) _____

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.)

LCP 3, ^{especially} (5-4) et seq. - restore & enhance visual quality in visually degraded area
Ord. No 3785 and 20.504 ~~et seq.~~ - asp. (8)
minimize visual impact of development on
ridges (highly scenic area) - LCP 20.532.025A - incomplete application
lack of landscaping plan - Visual impact. erroneous application (possibly)
Appellants believe project will be visible from
Highway #1 and possibly from beach/recreation areas.
Letter to follow with additional citations

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.

Hillary Adams for self + NWPA
Signature of Appellant(s) or
Authorized Agent

Date 10/25/2001

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

Section VI. Agent Authorization

I (We) hereby authorize Hillary Adams to act as my (our) representative and to bind me/us in all matters concerning this appeal.

(NWPA) Navarro Watershed Protection Ass'n Board
Signature of Appellant(s)

Date 10/25/2001

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NAVARRO WATERSHED PROTECTION ASSOCIATION

RESOLVED
DEC 18 2001

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

CALIFORNIA
COASTAL COMMISSION

December 15, 2001

Mr. Randy Stemler or Mr. Robert Merrill
California Coastal Commission
P. O. Box 4908
Eureka, CA. 95502

RE: A-1-MEN-01-059 (Thelen)
CDP 65-01

Dear Mr. Stemler:

We have received notification that our appeal has been received by your office and a file opened October 29, 2001 for CDP 65-01 (Thelen) 31960 Navarro Ridge Road, Mendocino County, APN 126-060-16. We wish to submit the following additional information in support of our appeal:

Reason for the appeal: (substantial issue)

Mendocino County certified Local Coastal Program, (LCP). and Land Use Policies: LCP 3.5 et seq., especially LUP 3.5-1,3, and 4, 5 ("...tree planting to screen buildings shall be encouraged..." and Mendocino County Zoning Code, Coastal Element: Chapter 20, 504 et. seq., especially 20.504.015 (A-2 and 3) (Highly Scenic, Navarro) and (C)"Promote roof angles and exterior finish which blend with hillside,"and (Zoning Code: 20.544 et seq., especially Sec. 20.544.020 (C) (2): "The development fails to protect public views from any public road, or from a recreational area to, and along, the coast;" and (E)(4)[exhausting local appeals]: "The County charges an appeal fee for the filing and processing of appeal;" and, for incomplete application: Chapter 20.532 et seq., especially Sec. 20.532.015 (A): "...Development projects which are appealable to the Coastal Commission, including any division of land, shall not be processed as an administrative permit;" and Sec. 20.536.010 et seq., especially (G: appealable application): "...If a notice of final action is defective and does not contain information pursuant to ... Section 20.532. 095 (A): 'The granting and modification of any Coastal Development Permit by the approving authority shall be supported by findings which establish that: (1) The proposed development is in conformity with the certified Local Coastal Program.'" [emphasis added]

Over 1.5 million visitors come to the Mendocino Coast every year. The coast has a unique character deeply appreciated by people from around the state, the nation, and the world. Like those who live here, the tourists who come to enjoy the Mendocino coast want to protect its unique character. That was proven by the hundreds of people who signed the petitions against the inappropriate

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siting of the original Berlincourt project (CDP: 19-98), in a place on the Greenwood/Elk headlands visible from scenic Highway One and from a public beach and State Park. Since tourism is now the Mendocino Coast's most important industry, our unspoiled coastal views and clean public beaches are critical to our economy. The natural resources of fishing and lumber--which traditionally provided the foundation for coastal economy--are almost entirely exhausted. Our coastal views and long stretches of seemingly undeveloped land, wisely protected by the certified LCP, are the only remaining hope for the economic viability of Mendocino County's coastal communities. The intention of the Coastal Act, the LCP and the Mendocino Zoning Code, Coastal Element is to recognize and protect those resources:

"...the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people..." [Coastal Act 30001(a); LCP 1.1;]

"Tourists are attracted by the coast's natural habitats, the tidepools, estuaries and coves, its 'uncrowded' rural character." (LCP 3.7)

"... the scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance..." Coastal Act 30251; LCP 3.5 (p. 74). and (CZO 20.504.020(D)). [emphasis added].

These unique and valuable public resources must be strongly protected now, more than ever, for the sake of all the people who live and work here, for those who will come to be part of our communities in the future, and for the millions of visitors for whom the Mendocino coast provides rest and renewal for both body and spirit.

Visual Impact of Development on Navarro Ridge - Thelen: Coastal Act 30251: "Permitted development shall be sited and designed to protect public views to and along the coast and scenic coastal areas...to restore and enhance visually degraded areas." LCP 3.5 et seq. especially 3.5-1, 3, 4 and 5 and 4.9-4.10 (Navarro River): LUP 3.5-1: "*The scenic and visual qualities of Mendocino County areas shall be considered and protected as a resource of public importanceetc.;*" and 3.5-3: "*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*" (See also 4.9-10) and 3.5-4: "*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.*" (p. 77); "Minimize visual impact of development

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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 the removal of tree masses which destroy the ridgeline silhouette..." (p. 77); and 3.5-5: "Providing that trees will not block coastal views from public areas such as roads, parks and trails, tree planting to screen buildings shall be encouraged." (p. 77) [emphasis added];

And: Zoning Code Chapter 20.504 et seq., especially CZO 20.504.020(D): "...the scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance...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;" and 20.504.015(A) (2) and (3), describing the highly scenic area around the Navarro River; and (C) (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;" and (5)(c) "Buildings and building groups that must be sited in highly scenic areas shall be sited... in or near a wooded area" and (6)(d): "concentrate existing development near existing major vegetation" and (6)(e) "Promote roof angles and exterior finish which blend with the hillside;" and (8)(b) "...development shall be sited and designed to reduce visual impacts by utilizing existing vegetation, landscaping, and shall be limited to a single story above the natural elevation." and (8)(c): "Prohibiting the removal of tree masses which destroy the ridgeline silhouette;" and (10): "Tree planting to screen buildings shall be encouraged..." and 20.505.020 (C)(3): "The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture;" and (D): "the scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance...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;" and: 20.532 et seq., especially CZO Sec. 20.532.015 (A), administrative permits; and 20.536.010 et seq., especially G (appealable projects).

The visual element is one of the most significant of the certified LCP. The intention of the LCP is not only to protect views from and along scenic Highway One, but to protect the view from and along all public roads in the highly scenic area. Highway 128 meets Highway One at the Navarro Bridge. Development on Navarro Ridge is highly visible from Highway 128 as it approaches the connection with One, as well as from Highway One on both the north and south grades. This is the Gateway to the Mendocino Coast for persons traveling from points inland. The only other highway accessing the Mendocino area from an east-west direction is Highway 20 near Fort Bragg.

There was no way for the public to accurately assess the visual impact of the Thelen project on public areas to and along the coast. The project, consisting of an extensive "remodel" of a house and detached garage on 3.9 acres, is located on Navarro Ridge Road, 1.25 miles east of its connection with scenic Highway One. Houses built on the lots immediately around the Thelen property are visible from scenic Highway One, the Navarro River Redwoods State Park and the public beaches. No story-poles were required for either the remodeled house or the remodeled garage/workshop on the Thelen property, even though both will be significantly larger than the original house and garage and have a significantly different appearance, will have higher roof lines and possibly different colors. The materials and colors were not required to ride with the deed. There were no material or color samples for siding, trim or roofing in the file.

Mendocino County should require adequate story-poles to address public concerns and provide adequate information for both staff and public review (see below, Story-Poles, p. 12). In our opinion, the Thelen project will be visible from Highway One, from Navarro River Redwoods State Park, and from the public beaches. Granting the Thelen permit under conditions which do not allow the public to clearly understanding or assess the visual impact, sets yet another unacceptable precedent for all future coastal development in highly scenic areas on the Mendocino coast.

We believe that the Thelen project will violate the very important visual policies of the certified Local Coastal Program (LCP 3.5) and the Coastal Act Section 30001.5 et seq., especially (a): "Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural...resources;" and LCP 3.5 et seq., especially LUP 3.5-1: "the scenic and

visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance.”

Navarro River Redwoods State Park. Historic Building, Beaches

LCP 3.7 et seq. Recreational and visitor services facilities: The State Parks are the largest, best known and most heavily used recreational services along the coast;” protect public views from any public road, or from a recreational area to, and along, the coast;” CZO:20.504.020 (C)(3): “The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture.”

It is essential to reduce the visual impact of ridgeline development on Navarro River Redwoods State Park. Most of the Highly Scenic area along Navarro Ridge, is visible from the beach and/or building of historic “Capt. Fletcher’s Inn, ca. 1865,” a project of the Save America’s Treasures Program of the National Trust for Historic Preservation. The building is in the process of preservation by the California Department of Parks and Recreation in cooperation with the Navarro-by-the-Sea Center for Riparian and Estuarine Research. When restored, the lower floor will be open to the public with historic and scientific displays. Day use is expected to be high both at the Inn and on its beach (see photos attached).

Like the neighboring Jones and Olson projects (see below), we believe the Thelen project will be visible from the ocean beaches. It is not enough for staff to go to the parking lot of the beach to determine visibility. They must walk the beach from south to north (see photos attached).

Visual Impact, Navarro Ridge: Coastal Act 30251; LCP 3.5; and Zoning Code 20.504.020 (D) “the scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance...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. (Ord. No. 3785 (part) adopted 1991) [emphasis added].

The Thelen project is sited on the ridgeline of Navarro Ridge in an area

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designated as Highly Scenic by Mendocino County's certified Local Coastal Program. The early development of Navarro Ridge, especially on the eastern section, with highly visible houses perched on the crest of the ridge, was the primary reason that the citizen-driven LCP denoted this area as Highly Scenic. The public did not intend for Navarro Ridge to continue to be visually degraded; nor could they have foreseen that the statement "to be visually compatible with the character of surrounding areas" [Coastal Zoning Code (CZC): 20.504.010] or "shall be within the scope and character of existing development in the surrounding neighborhood" (CZO 20.504.020) would ever be used to attempt to weaken the effectiveness of the certified LCP in this regard. Applying the "compatibility" standard to the development of Navarro Ridge, would allow an even greater cumulative impact upon a highly scenic public road, a State recreational area, an historic structure and public beaches.

It is extremely important to correctly interpret the intention of the Coastal Act, the certified LCP and its policies and the Coastal Zoning Codes and its ordinances for the Navarro Ridge area. The correct application in this case, from the same paragraph, is: "shall be sited and designed...where feasible, to restore and enhance visual quality in visually degraded areas." (emphasis added)

Because of the steep grades of scenic Highway One on either side of the Navarro River, development on Navarro Ridge has an exceptionally strong visual impact on Highway One. People traveling either direction along the scenic highway have a "head on" view of ridgeline houses built prior to the adoption of the Coastal Act and the certified LCP, as well as of houses like the Jones project (A-1-MEN-00-028) that have recently been approved by the Coastal Commission.

Development on Navarro Ridge also impacts the recreational areas of Navarro River Redwoods State Park: Capt. Fletcher's Inn (a recognized historic structure within the Park); and the public beaches, both in front of Capt. Fletcher's Inn (ca. 1865) and along the public ocean beaches all the way from the north beach, across the sandbar, to the southern area of Navarro River Redwoods State Park.

As in Newport and Balboa, small houses built prior to the certified LCP are being replaced by much larger buildings (i.e., the Thelen and Olson projects, see below). These larger "remodels" are essentially new houses and have a far greater visual impact than the smaller houses they replace. Height, color, roof lines, orientation and landscape are all critical to the mitigation of the cumulative

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impact of such houses along this prominent ridgeline.

Although many of the older houses on Navarro Ridge were originally dark-brown in color, more and more of them are being painted white and beige. Even some of the houses built under the LCP have been painted beige because the permitted color was not made part of the deed. Instead of requiring low downsloping roof lines that blend with the landscape, the County is consistently permitting sharp, shed roofs that attract the eye and allow expansive walls of glass. Dark-brown color, downward sloping roof lines, orientation, non-reflective glass, appropriate exterior *and interior* lighting to avoid night time glare, protective landscaping and mature screening trees are all extremely important mitigating factors in situations of cumulative visual impact like Navarro Ridge.

Photographs

Photographs of the kind that owners, agents and even staff submit to the Coastal Administrator, the Supervisors, and the Coastal Commission for review are frequently misleading, intentionally or not. The use of incorrect millimeter lenses which distort the size of objects in the distance, making them appear much smaller than they actually appear to the eye. The use of small prints makes it impossible for the reviewing bodies to fully appreciate the powerful visual impact of Navarro Ridge development in its curving panorama. 190-210 mm lenses must be used to give any thing like the actual visual impact of the eastern end of the Ridge where the Thelen and Jones and Olson projects are located (see photographic enclosures).

Navarro Ridge Lots and Precedents (Navarro Ridge Road, South Side):

On a plot map, the lots along Navarro Ridge road all appear to be long and narrow. In reality, the lots vary from shallow to deep in relation to the distance to the cliff edge. Therefore the decision concerning placement of buildings must be made lot by lot. For example, the lot owned by Bob and Lori Jones lot is deep, and their large house could have been placed further back from the edge to help mitigate the visual impact on public places (A-1-MEN-00-028; Mendocino CDP # 62-99; now building; see photographs). Other lots are so steep and shallow that some houses built before the LCP literally hang over the edge (octagon house, once dark-brown in color, now painted white and 'for sale'). The cliff edge should be clearly marked on site plans and plot maps.

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Recently the Coastal Commission approved siting the Jones project on the ridgeline in a location highly visible to scenic Highway One, the recreation areas of the Park, and public beaches (see photo). A few months after the Jones' permit was approved, Mendocino County approved another large house, a so-called "remodel" on the lot immediately to the east of Jones (Fred and Sally Olson, CDP 03-01, permitted September 17, 2001; agent, Ed McKinley).

The County staff's argument for approval of the two-story Olson "remodel" (height: 25') at the visual crest of the ridge depended largely upon the fact that the Coastal Commission had recently approved the Jones project next door (July 26, 2001, CPA - 3). Staff apparently did not notice that the Coastal Commission went contrary to their staff's recommendation in allowing the Jones project to be built so close to the cliff edge, and that the reasoning was largely based on what the Commission perceived as a difficult drainage problem. The Jones project has set a precedent which the County used to permit both the Olson and then the Thelen projects.

The house presently on the Olson property appears to be a low, one-story house painted a very dark color with good vegetative screening. The house was built before the LCP and blends well into the landscape. The enlarged "remodel," with vast windows in its two-story central section, has essentially no landscaping plan. The mature trees which the staff felt would mitigate its visual impact are on another lot. It can be expected to be far more visually intrusive than the original house. In other words, the "remodeled" houses on Navarro Ridge under the LCP as interpreted by Mendocino County will actually have a greater visual impact than the houses built prior to the Coastal Act and the LCP. Instead of solving a problem, the County is compounding it.

Similarly, because of the visual sensitivity of Navarro Ridge and the recent approval of the Jones project, the Olson project should have been brought to the attention of the Coastal Commissioners to consider for appeal. Coastal Commission staff stated that they saw the potential problem, but that there were other problems elsewhere that needed to be addressed. The opportunity for review by Coastal Commission staff is designed to address all LCP problems. If there are too many problems for the staff to deal with, then it is the obligation of the legislature to provide appropriate funding for additional Coastal Commission staffing. How else can the public will, as reflected in the Coastal Act and the provisions of the certified LCP, be enforced?

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Height and bulk of project

Although technically considered a "remodel," the changes are so extensive that the Thelen project, like the Olson project, is essentially a new house. It has a new detached garage/workshop. There is no pre-development plan or elevation in the file. A pre-development plan such as that submitted with the Olson project (see enclosures) should always be required in highly scenic areas, special neighborhoods and communities so that the public can determine what the present house looks like, and what changes will be made .

Practices and protocols on both County and Commission level need to be revised so that projects are not described in misleading ways. It is apparently the practice to use the applicant's description and square footage figures without necessarily checking them against the blueprints to see if they are correct and accurately reflect the impact of the project. The practice of leaving out the total square footage of the project and the square footage of the "garage" can result in serious mistakes.

The Riley project in Gualala (A-1-MEN-99-046) is a classic example of what can go wrong when the total square footage is not given, and the "garage" square footage is omitted. Apparently both the Supervisors and the Coastal Commissioners thought they were permitting a much smaller "house." In that case, the area described as "garage" was actually partly living area. It included a garage, a studio and a bath. The garage/studio/bath forms the first story of a three-story building and is an integral part of the building's bulk and height (first floor). The description of the garage as "subterranean," when in fact it is above grade and forms part of the height of the house (Height: at least 31'), was misleading. The building thus appeared to be nearly a thousand square feet smaller and three to four feet lower than it will be in reality.

The Thelen development is presently a one-story house (1,533 sq. ft.) with a detached garage (672 sq. ft.) giving a total of 2,205 sq. ft. The house and garage were built prior to the Coastal Act and the certification of the LCP. The house portion of the "remodel" project (Mendocino CDP 65-01) adds 1,160 sq. feet to nearly double the size of the existing structure (Total: 2, 693 sq. feet) and is substantially changed in appearance. The new house will be considerably higher from the natural elevation in some portions than the original house, resulting in what appears to be a two-story elevation on the western side of the house (toward Highway One and the Park). The lower story is called a "basement." The

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"basement" is above ground. What is the difference between a "story" and a "basement" if both are above ground?

More and more projects on ridgetops in designated highly scenic areas in Mendocino County are being proposed with "basements" or "storage" areas that look like a "story." This seems to be occurring more frequently since the California Coastal Commission approved the Smiley project (A-1-MEN-99-001), which is essentially a two-story house on a bare ridgetop. The lower story of the Smiley project (once shown with a large living area), remains essentially the same as it was in the plans denied twice by the Coastal Commission. The only difference is that the area is now designated as "storage." The cumulative effect of such projects makes it extremely difficult to protect sensitive visual resources along ridge lines in Mendocino County.

The "remodeled" garage of the Thelen project is also considerably increased in size and changed in appearance. It now includes a "workshop," adding 281 sq. ft. and bringing the garage/workshop total to 953 sq. ft.

The total project is now 3,649 sq. feet, a difference of 1,444 sq. ft. from the present house: a considerable increase. The total square footage figure, along with that of the house and garage, present and proposed, should appear on the application and in the staff report, in order for staff, public, and reviewing entities to properly assess the total impact of the project.

A project of that size could have a strong visual impact upon the highway and/or beach. However, without story-poles, it is impossible for the public to properly assess the visual impact of the new project.

Height limitations - east side of scenic Highway One - highly scenic area

LCP 3.5 and LUP 3.5-4(2): "minimize visual impacts of development on ridges by 1) prohibiting development that projects above ridgeline; (2) if no alternative site is available, ...shall be limited to a single story above the natural elevation;" and CZO Sec. 20. 376.045 and CZO 20.504.015(8)(b) "...development shall be sited and designed to reduce visual impacts by utilizing existing vegetation, landscaping, and shall be limited to a single story above the natural elevation." [emphasis added]

The County permit allows an "averaging" of the height above natural elevation to arrive at an "average" height of 17' 6." Actual heights of the various

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roofs should be given from the natural elevation as required by the LCP. No numerical figures for the heights of the various roof lines are shown on the plans. The general public is not accustomed to scaling a house from blueprints. The reduced plans in staff reports cannot be scaled. Without numerical figures, heights are not readily grasped by the public or the reviewing bodies. The County's protocol harms the public's ability to assess the actual heights of the various elevations of the Thelen project, and thus to assess its visual impact. Numerical figures need to be shown in dark print, large enough to be easily read when the blueprints are reduced to the 8 1/2" x 11" size used for staff reports.

Navarro Ridge Applications

The Thelen application for CDP 65-01 (no date given for filing) states that the project will not be visible either from scenic "State Highway One" or from a "Park, beach or recreation area." However, such statements have proven to be unreliable on applications on Navarro Ridge in the past. For example:

1) the original application for the Bob and Lori Jones project (CDP 662-99; A-1-MEN- 00-028), only a few lots to the west, stated that the project would not be visible from "highway, park, beach or recreation area." After public challenge of the Jones' application statement, a new application was submitted which stated that their project would be visible "from Highway 1 while southbound at 'Navarro Point' curb [which may refer to one of the pullouts] and while northbound prior to crossing the Navarro River Bridge," but would not be visible from "Park, beach or recreation area." In reality, the project as it is now being built is highly visible along the entire northern Navarro grade of scenic Highway One, and for a longer distance than any other house on the ridge. It is not visible from the Navarro River bridge, due to the setback required by the Coastal Commission, but is visible from the State Park, not only from the ocean beach and sandbar but also from the recreational beach in front of Captain Fletcher's Inn (see photographs enclosed).

2) the Olson application stated that it would be seen from the beach but not from the Park or Highway One. The present one-story Olson project is visible from Highway One, the Park and the beaches. The two-story remodel, with its large window areas and significantly different appearance can be expected to have a much greater visual impact. There is no indication on the plans of what vegetation will have to be removed in order to build the new house.

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Neither the public nor the staff can depend upon application statements. The public should be able to depend upon staff evaluations. However, County staff did not believe that the Jones project would be visible from the public beaches and it is. In our opinion, staff is also incorrect in concluding that the Thelen project will not be visible from scenic Highway One, the Park and the beaches. However, it is impossible for the public to assess this accurately without the proper story poles.

Story-Poles

In spite of the location of the Thelen project in a highly scenic area, no story-poles were required by Mendocino coastal planning staff for the Thelen project. The Coastal Administrator stated that although he drove past the site, he did not look at the project from the highway or the beach, and did not walk the site. Without the story poles in position, the project's visibility may have been confusing to the Coastal Administrator as well as to the public. The County does not have a consistent and effective policy regarding story-poles.

Story-poles should be required in all highly scenic areas, special communities and special neighborhoods. The poles must show the actual height and bulk of the proposed project. They must be placed at all corners of the project (including subsidiary buildings), painted white on top, and made of a material which is substantial enough to be clearly visible to the public from the areas of possible public impact: in this case, Highway One on both sides of the River, Navarro River Redwoods State Park, Capt. Fletcher's Inn and the public beaches.

Landscaping plan: Coastal Act 30251; LCP 3.5 especially:

LUP 3.5-4: *"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...landscaping;"*

LUP 3.5-5: *"Providing that trees will not block coastal views from public areas such as roads, parks and trails, tree planting to screen buildings shall be encouraged."*
(p. 77) [emphasis added];

CZO 20.504.015(5)(c) *"Buildings and building groups that must be sited in highly scenic areas shall be sited... in or near a wooded area;"* and (6)(d): *"concentrate existing development near existing major vegetation;"* and (8)(c): *"Prohibiting the removal of tree masses which destroy the ridgeline silhouette;"* and (10): *"Tree*

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planting to screen buildings shall be encouraged...."

Because the staff did not think the project would be visible to public areas, no landscaping plan was required. There is no indication in either the Thelen application or the permit of what, if any, existing mature trees and landscaping on the lot will be removed. Grading will be done for a portion of the "remodel" on the western side, creating what appears to be a two-story area.

Appropriate landscaping plans on Navarro Ridge are critical. Although a great improvement over the plan approved by the County, the landscaping plan for the Jones project probably will not adequately protect the public views of the project to the west from the scenic highway or the park, beach and recreation areas. Adequate story-poles could help to determine the effectiveness of proposed landscape plans.

Color or material samples

CZO 20.504.015(C)(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;"* and(6)(e) *"Promote roof angles and exterior finish which blend with the hillside."*

There are no samples for siding or roofing in the file. The application says: "all new construction to match existing, except roofing which will be structural standing seam metal roofing (blue/green in color) with photovoltaic laminate applied @ south side (dark blue in color). Siding includes unpainted shingles and a masonry wainscot. Gutters/downspouts to be copper. Trim/casings/ corner-boards/ fascias to be redwood or other wood, unpainted."

Mendocino County Coastal staff does not require samples in highly scenic areas when they believe the house is out of the public view. However, buildings which staff considered out of the public view in the past have turned out to be very much *in* view (e.g., Little River: Mills/Roby, CDP 13-96; Navarro Ridge, west: Witchener, CDP 16-95). Color and material samples should be required in the file for all development in highly scenic, special districts and neighborhoods of special concern. Samples should be large enough to take into the field in order to test the effect in the bright, reflective light of the ocean. Frequently, small color samples which appear to be dark indoors, prove very light and reflective out of doors. Light "earth tones" do not blend with

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surrounding areas on the coast in hue and brightness and are out of character with their settings. Only dark brown shades blend in hue and brightness.

Since the photovoltaic roofs will face south, they may be highly visible from "a public road, beach or recreation area." Green and blue roofs can create a high visual impact. For example, a very large single-family residence in Dark Gulch near Little River was highly visible from Highway One until its green copper roof turned dark brown. Dark photovoltaic roofing material can also appear light and bright near the ocean.

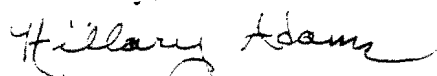
Deed restrictions, administrative amendments, administrative permit.

There are many examples along the Mendocino coast of houses which have been repainted, frequently by new owners, in light colors which are out of compliance with the LCP and Coastal Zoning Element. This is because the colors and materials were not required to run with the deed. There is no deed restriction for the materials or colors of the Thelen "remodel."

Administrative amendments are regularly made after the permit is approved and without the benefit of public review. This practice can have disastrous results. For example, Fling (CDP 45-96) changed the color of his project by administrative amendment from "natural cedar or redwood" to "gray stain" immediately after the permit was approved. The building is now apparently *painted* gray and has white trim. The mature trees which were expected to shield the house from public view were cut down. The building has a strong visual impact on Highway One [Little River, Buckthorn Drive].

Colors, lighting fixtures (CZO 20.504.035), landscaping plans and even final septic and water determinations are frequently listed as "conditions" on Mendocino County CDP's, and are determined by the Coastal Administrator after the public hearing, and after the approval of the permit. This takes critical information which may be relevant for appeal out of the public review. Such a process essentially creates an "administrative permit." This is, in our opinion, contrary to Zoning Code 20.532.015(A) and should not be allowed.

Sincerely,



Dr. Hillary Adams
Chairperson

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James
Charles
Helen
Helen

(A) ...



... ..

NORMAN ESTERLINE
MURDERER ...

Capt. Helen ...

19 25

1925

1925

Stone of the Hebert?

Stone point



Highway one ↑
meets Hwy 148

Alvare River F-stone

Alvare River P-stone

Walden River
Lake Umbagog
Maine August

August 21, 1955
1955



90 mm

Houses in distance and Chap. Fletcher's Inn, are too small
due to distortion caused by incorrect lens.

Jones Olson Miller ?
↓ ↓ ↓



200 mm

Photograph is too small to show detail of Chap. Fletcher's Inn
and other buildings in distance. The church is the
one with the steeple. The houses are the ones
seen in the distance in the first photograph.

20 of 25

highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting."

Policy 3.5-3 states:

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

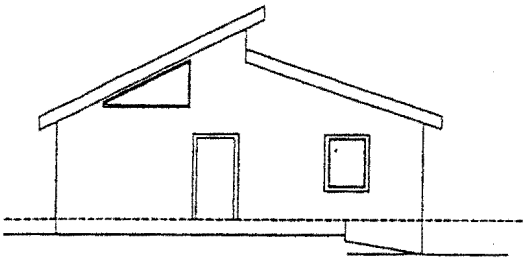
- (5) *Buildings and building groups that must be sited in highly scenic areas shall be sited*
- (a) *near the toe of a slope;*
 - (b) *below rather than on a ridge; and*
 - (c) *in or near a wooded area.*
- (8) *Minimize visual impact of development on ridges by the following criteria:*
- (a) *prohibiting 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.*

The Navarro Ridge area contains structures that 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.

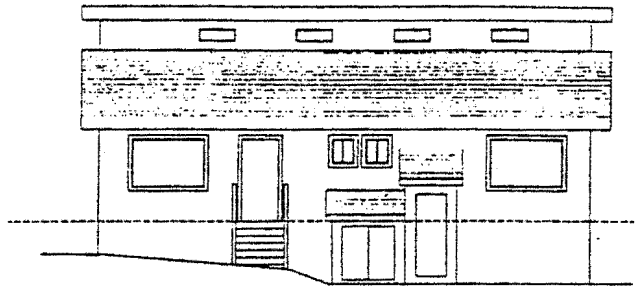
CDP 4-93 (Tadlock), located four parcels to the west, was approved in 1993 to establish a single-family residence. The difference between CDP 4-93 and this project is that 100% of the CDP 4-93 project site is visible from the public view areas to the south and west; therefore, there were no alternatives to place the structure out of view. The CDP 4-93 project does not have background trees to break up the silhouette of the structure nor was the required landscaping established.

→ CDP 62-99 (Jones), a single-family residence west of the Olson site, was approved by the County on May 5, 2000 and was appealed by the Coastal Commission who ultimately approved the project. The Jones project was limited to one-story and 18 feet in height based on Policy 3.5-3. This project is different than the Jones project in that a residence already exists on the property and the development is located 67 feet from the edge of the ridge. The addition is on the eastern portion of the property; therefore, it is not as visible as if it were on the western portion of the structure. Only the upper portion of the structure is seen from the Highway. The garage/guest cottage is located to the north of the residence, farther away from

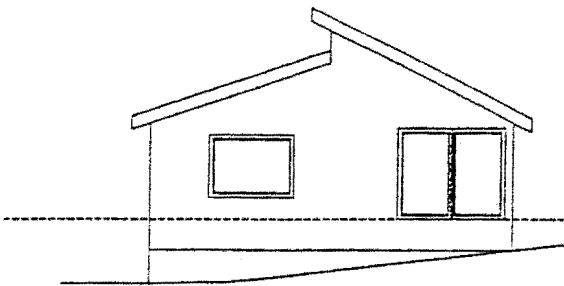
219 25



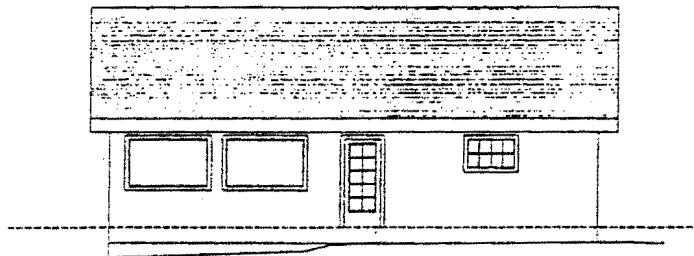
EAST ELEVATION
SCALE 1/8" = 1'-0"



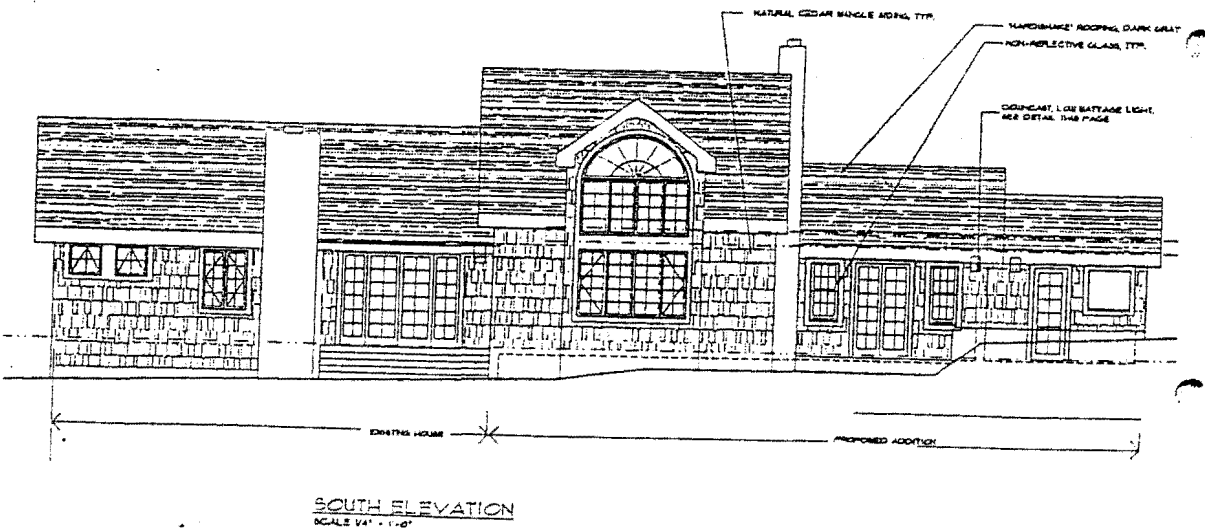
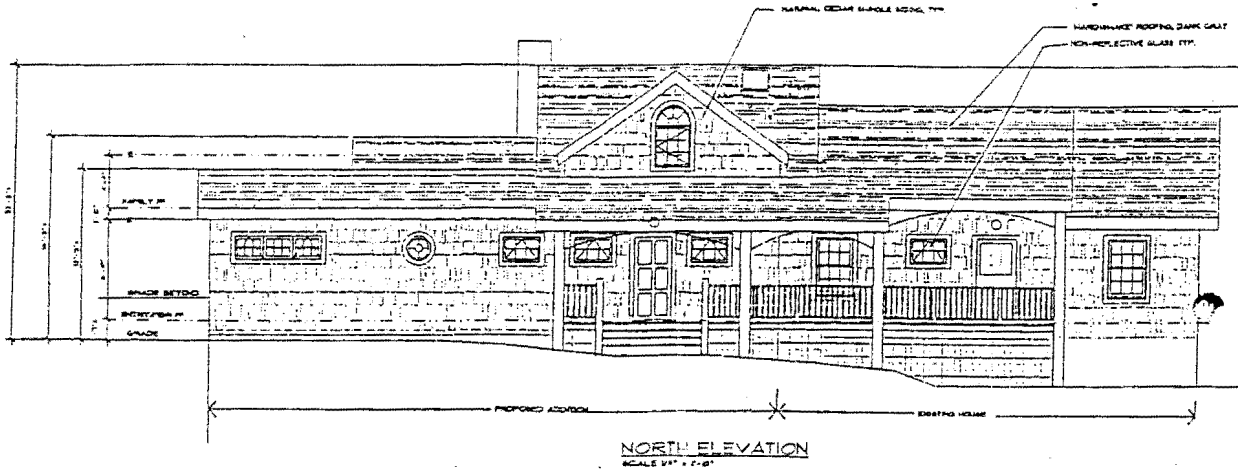
NORTH ELEVATION
SCALE 1/8" = 1'-0"



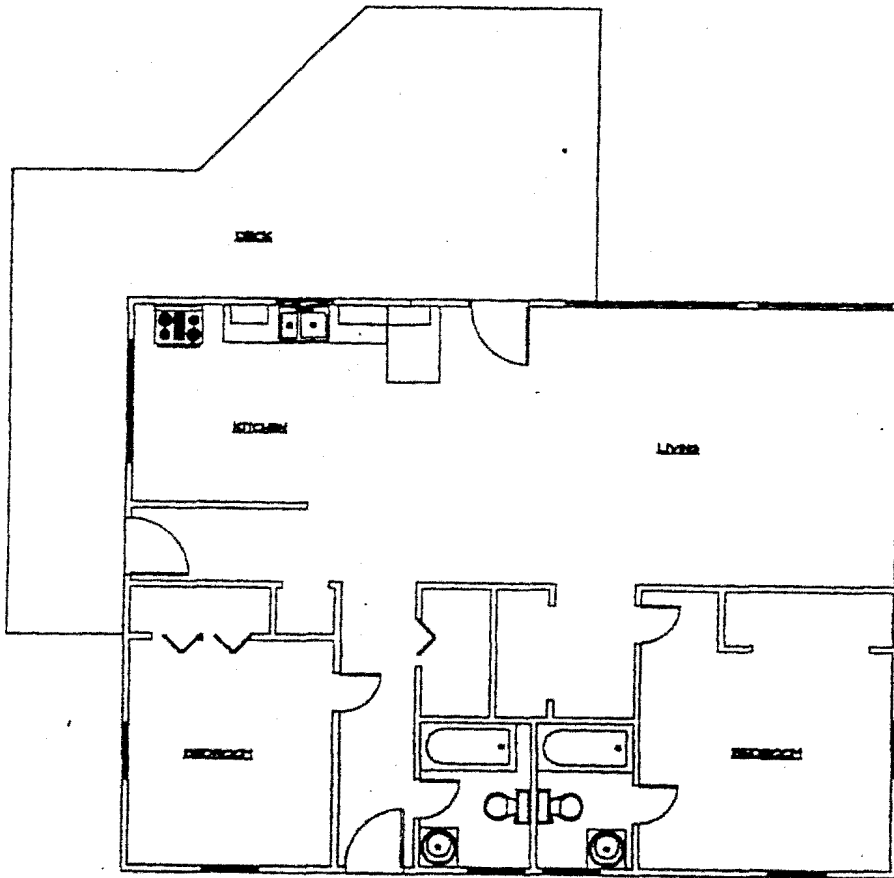
WEST ELEVATION
SCALE 1/8" = 1'-0"



SOUTH ELEVATION
SCALE 1/8" = 1'-0"

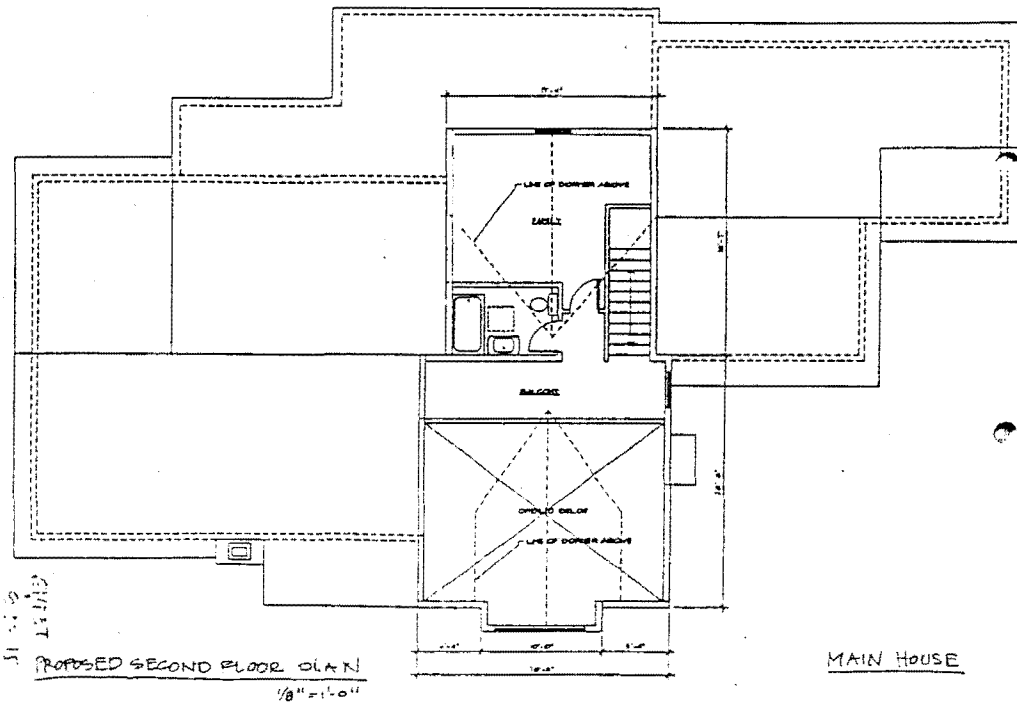
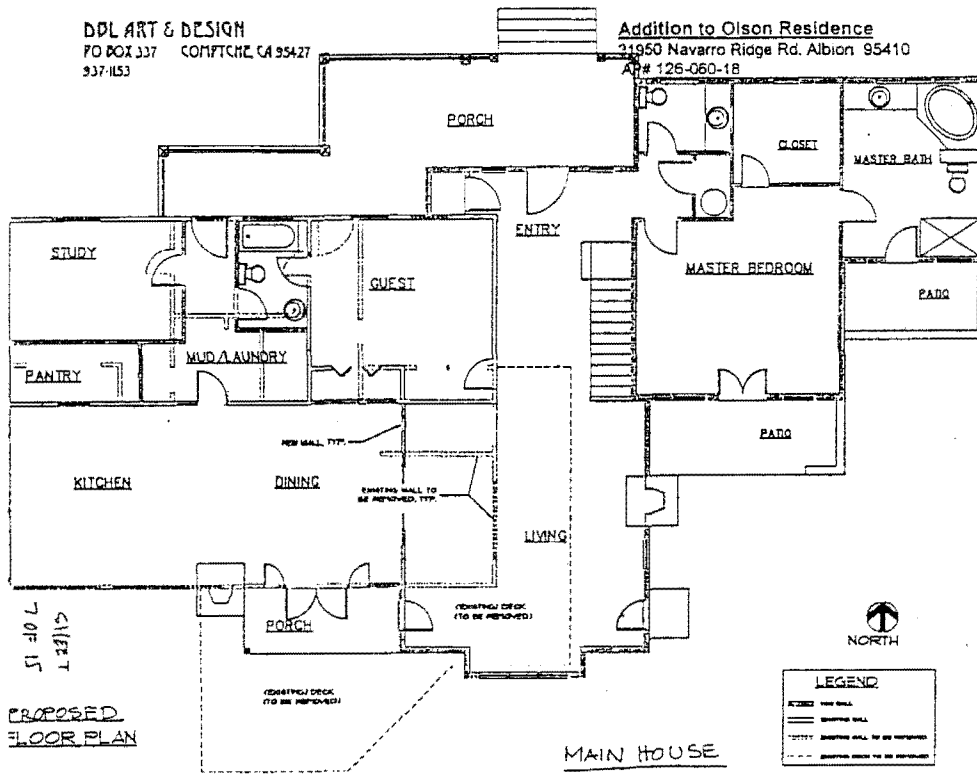


23425



DPL ART & DESIGN
 PO BOX 337 COMPTCHE, CA 95427
 937-1153

Addition to Olson Residence
 21950 Navarro Ridge Rd. Albion 95410
 AP# 126-060-18



254 25



RECEIVED
OCT 15 2001
CALIFORNIA
COASTAL COMMISSION

RAYMOND HALL
DIRECTOR

TELEPHONE
(707) 964-5379

COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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

October 9, 2001

NOTICE OF FINAL ACTION

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

CASE#: CDP #65-01
OWNER: Max & Phyllis Thelen
AGENT: Homestead Enterprises
REQUEST: Construct a 1,160 square foot bedroom addition and 281 square foot workshop addition to an existing residence and garage. Height of the structure is to be 17'6" from average grade. Modification to the existing rooflines to accommodate building-integrated photovoltaic roofing.
LOCATION: S side of Navarro Ridge Road approximately 2 miles E of its intersection with Highway One at 31960 Navarro Ridge Road (APN #26-060-06).
PROJECT COORDINATOR: Doug Zanini

HEARING DATE: September 27, 2001

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. 10
APPLICATION NO. A-1-MEN-01-059
THELEN
NOTICE OF FINAL ACTION (1 of 6)

OWNER: Max and Phyllis Thelen
199 Mountain View
San Rafael, CA 94901

AGENT: Homestead Enterprises
110 S. Harrison Street
Fort Bragg, CA 95437

REQUEST: Construct a 1,160 square foot bedroom addition and a 281 square foot workshop addition to an existing residence and garage. Height of the structure to be 17 feet 6 inches from average grade. Modification to existing roof lines to accommodate building-integrated photovoltaic roofing.

LOCATION: On the south side of Navarro Ridge Road approximately 2 miles east of its intersection with Highway One at 31960 Navarro Ridge Road. (APN: 126-060-16).

APPEALABLE AREA: Yes (highly scenic)

PERMIT TYPE: Standard

TOTAL ACREAGE: 4.3 acres

ZONING: RR:L-5-DL

GENERAL PLAN: RR-5 - DL

EXISTING USES: Residential

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL DETERMINATION: Categorically exempt, Class 1

OTHER RELATED APPLICATIONS: N/A

PROJECT DESCRIPTION: The applicant proposes to construct a 1,160 square foot bedroom addition to an existing 1,533 square foot residence and a 281 square foot workshop addition to an existing 672 square foot garage. The height of the structures would be 17 feet 6 inches from average grade. The project includes modifications to existing roof lines to accommodate building-integrated photovoltaic roofing and approximately 23.5 cubic yards of grading to accommodate the new additions. No new exterior lighting is proposed. The project site is located within a designated highly scenic area; however, the structures would not be visible from any public view areas.

LOCAL COASTAL PROGRAM CONSISTENCY RECOMMENDATION: The proposed project is consistent with the applicable goals and policies of the Local Coastal Program as described below. A indicates that the statement regarding policy consistency applies to the proposed project.

2 of 6

Land Use

- The proposed use is compatible with the zoning district and is designated as a principal permitted use and a permitted accessory use.
- The proposed development complies with the maximum building height and setback requirements of the zoning district and corridor preservation setbacks.

Public Access

- The project site is located east of Highway 1 and public access to coastal resources is not an issue.

Hazards

- The project is exempt from CDF's fire safety regulations. Fire safety issues are addressed as part of the building permit process.
- The proposed development would be located on slopes which are less than 20% and the development does not present any issues relative to erosion and/or slope failure.
- There are no known faults, landslides or other geologic hazards in close proximity to the proposed development.

Visual Resources

The project site is located within a designated "highly scenic area." However, since the structures will not be visible from public view areas, the visual policies do not apply.

Natural Resources

- There are no known rare or endangered plant or animal species located on or in close proximity to the project site.
- There are no environmentally sensitive habitat areas located within 100' of the proposed development.

Archaeological/Cultural Resources

- The project site is not located in an area where archaeological and/or cultural resources are likely to occur. The applicant is advised by Standard Condition #8 of the County's "discovery clause" which establishes procedures to follow should archaeological materials be unearthed during project construction.

Groundwater Resources

- The proposed development would be served by an existing on-site water source and would not adversely affect groundwater resources.

3 of 6

- The proposed development would be served by an existing septic system and would not adversely affect groundwater resources.

Transportation/Circulation

- The project site is presently developed and the proposed project would not increase the intensity of use at the site. No impacts to Highway 1, local roads and circulation systems would occur.

Zoning Requirements

- The project complies with all of the zoning requirements of Division II of Title 20 of the Mendocino County Code.

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

FINDINGS:

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.
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 11th 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.
 - 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. None

Staff Report Prepared By:

9/14/01
Date

Doug Zanini
Doug Zanini
Supervising Planner

Attachments: Exhibit A: Location Map
Exhibit B: Site Plan

Appeal Period: 10 days
Appeal Fee: \$555

Reflectivity

Principle :

Angle of incidence = Angle of reflectivity

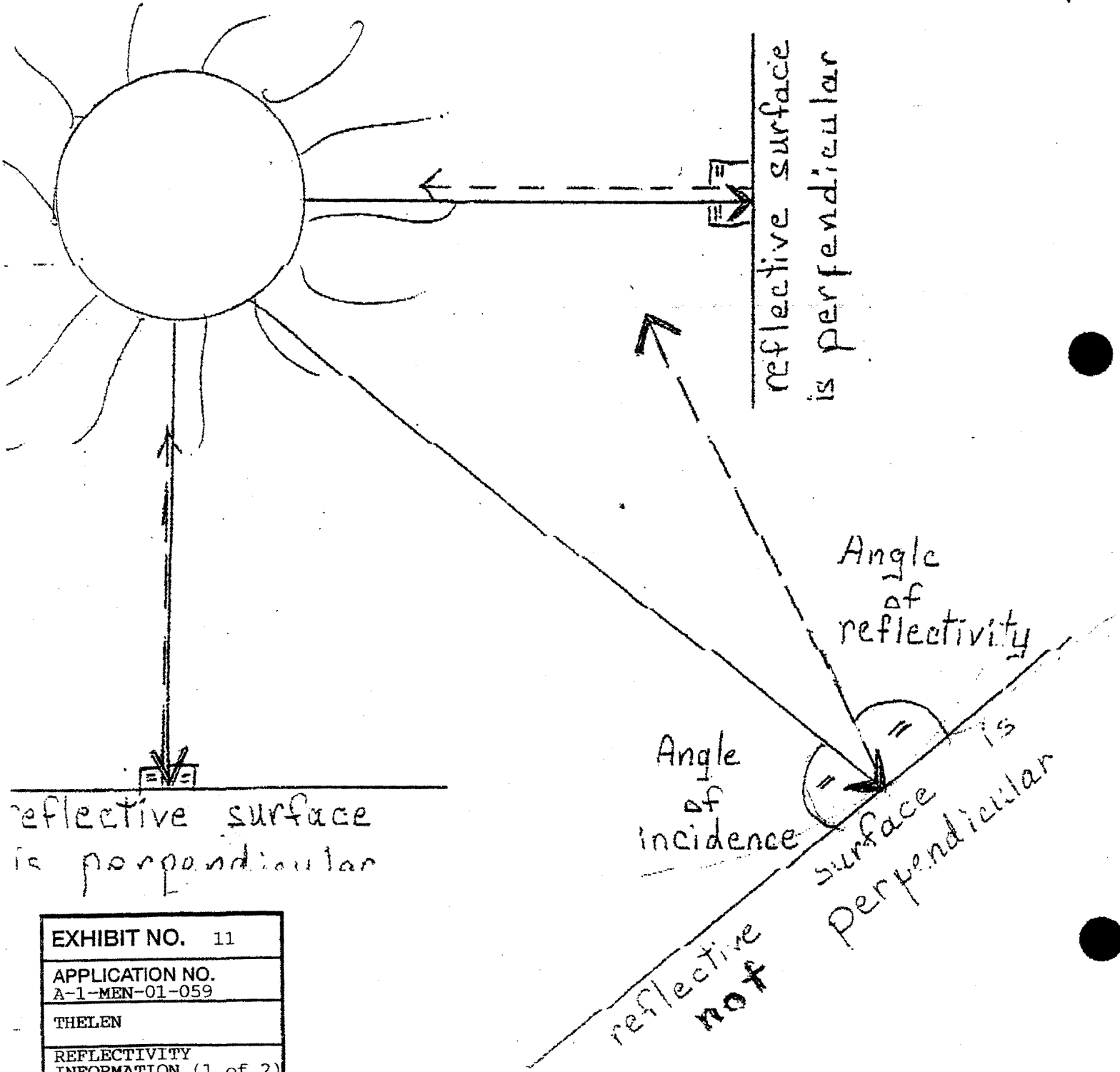
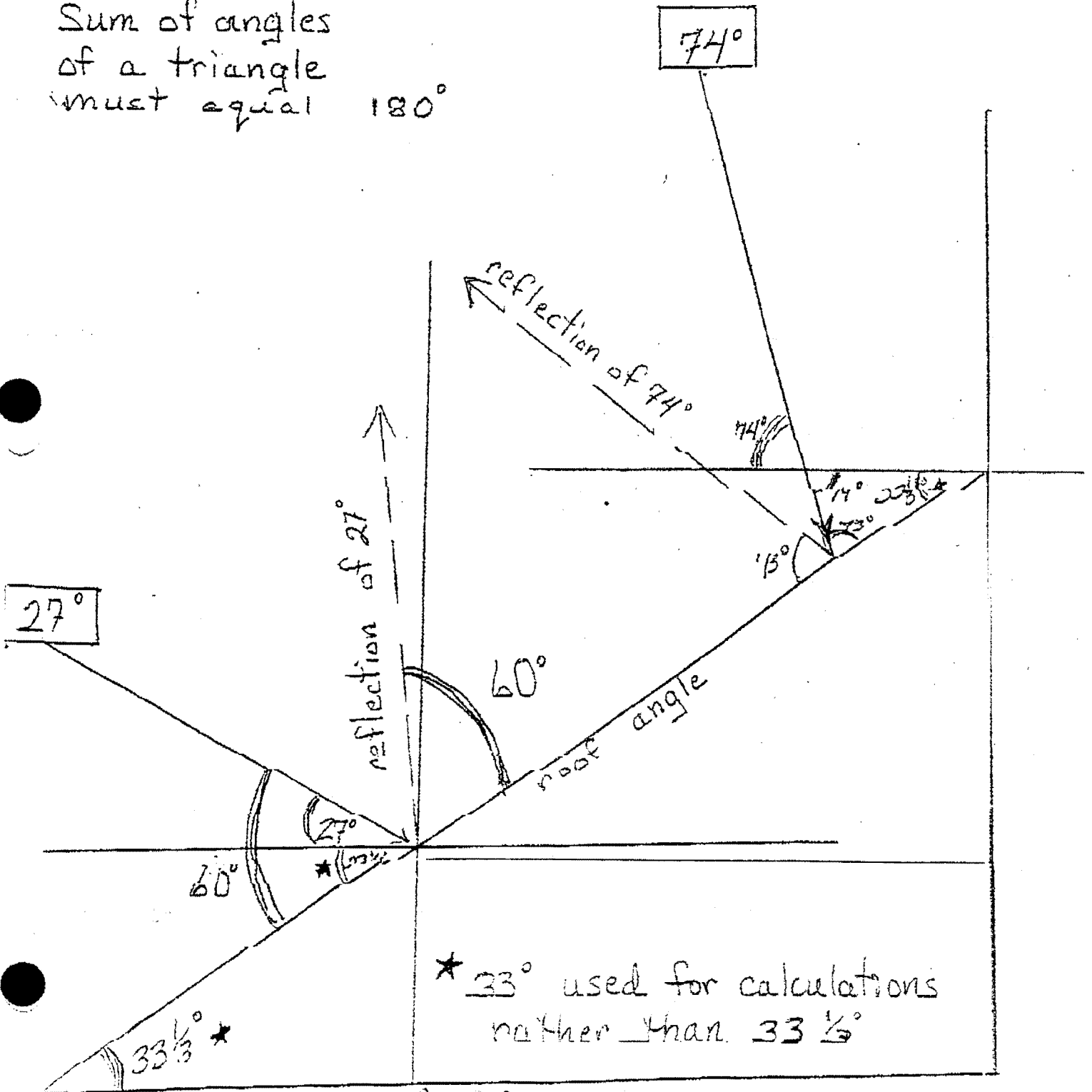


EXHIBIT NO. 11
APPLICATION NO. A-1-MEN-01-059
THELEN
REFLECTIVITY INFORMATION (1 of 2)

Math used to determine angles

Principle =

Sum of angles
of a triangle
must equal 180°





DEPARTMENT OF PARKS AND RECREATION
Mendocino District
PO Box 440
Mendocino, CA 95460

Rusty Areias, Director

January 7, 2002

Robert Merrill
California Coastal Commission
P.O. Box 4980
Eureka, CA 95502-4980

Dear Mr. Merrill :

In re : A-1-MEN-01-059 (Thelen) CDP 65-01, I met with Mr. Thelan today at his residence on 31960 Navarro Ridge Road, the site of the proposed renovation. Navarro Beach is not visible from that location. We also went to Navarro Beach to look back up toward the subject property. The Navarro River was swollen with the recent rains and we were unable to cross to the northern side of the rivermouth, but I believe that the proposed development will have little or no visual impact from the State Park.

In my letter to you dated December 30, I stated that the project was visible from the park. I apparently confused this project with those of his immediate neighbors, some of which are in progress now and clearly visible. I apologize for this mistake.

I hope this error has not caused any undue hardship, and I hope that this clarification aids the Coastal Commission in coming to an equitable determination regarding the Thelan project. Please feel free to contact me at (707) 937-5804 x 110 if you have any other questions.

RECEIVED

JAN 11 2002

CALIFORNIA
COASTAL COMMISSION
NORTH COAST AREA

Sincerely,

Ron Munson
Chief Ranger

EXHIBIT NO.	12
APPLICATION NO.	A-1-MEN-01-059
THELEN	
STATE PARKS	
CORRESPONDENCE	(1 of 2)



State of California • The Resources Agency

Gray Davis, Governor

DEPARTMENT OF PARKS AND RECREATION
Mendocino District
PO Box 440
Mendocino, CA 95460

Rusty Areias, Director

December 18, 2001

Robert Merrill
California Coastal Commission
P.O. Box 4980
Eureka, CA 95502-4980

RECEIVED
DEC 18 2001
CALIFORNIA
COASTAL COMMISSION

Dear Mr. Merrill :

In re : A-1-MEN-01-059 (Thelen) CDP 65-01. The California Department of Parks and Recreation submits the following recommendations consistent with those typically submitted for any project that will be visible from State Park property, and particularly those in the highly scenic coastal corridor. This proposed project will be visible from the beach at Navarro River Redwoods State Park.

Story poles should be erected to give a clear indication of the height of the structure(s) and the potential visual impact, particularly of the western facing façade. Heights determined from the average grade often do not clearly show the total visual exposure from the lowest point to the roof ridge.

The exterior of the building(s) should be a dark natural color that recedes into the natural surroundings. Exterior lighting should be downcast, and glass should be non-reflective.

State Parks also suggests requiring a landscaping plan that will provide vegetative screening to further camouflage the structure(s) and break up linear patterns, especially along the ridgeline. A mixture of low-lying shore pines (*Pinus contorta*) and taller Bishop pines (*Pinus muricata*) along with wax myrtle (*Myrica californica*) is recommended – all are successful coastal native species.

One further suggestion that State Parks offers is that any of the above conditions adopted be recorded in perpetuity, so that future owners will not be able to cut down the trees and paint the house in bright colors.

We hope that these suggestions are helpful to the Coastal Commission in determining the outcome of the Thelen project. Please feel free to contact me at (707) 937-5804 x 110 if you have any questions.

Sincerely,

Rofi Munson
Chief Ranger

2 of 2

Max Thelen, Jr.

Agenda Item F 5d

Appl. # A-1-MEN-01-59

Phyllis and Max Thelen, Jr.

In opposition to the Appeal

November 26, 2001

California Coastal Commission
Robert Merrill, District Manager
North Coast District Office
710 E. Street, Suite 200
Eureka, CA 95501-1865.

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NOV 28 2001
CALIFORNIA
COASTAL COMMISSION

EXHIBIT NO. 13
APPLICATION NO. A-1-MEN-01-059
THELEN
APPLICANT'S REPLY TO APPEAL (1 of 10)

Dear Mr. Merrill:

The residence in issue was built in approximately 1978. We purchased the home in 1988 and have used it as a vacation home for our family. We have roots in Mendocino County. My maternal great grandfather came to the Mendocino Coast in 1855, and a few years he later acquired a 640 acre parcel which lay just north of the mouth of the Navarro river. The home was on Navarro Ridge. My maternal grandmother was born in 1859. We care for Mendocino County and expect to do our part to preserve it.

Although our house is empty most of the time, when we have family gatherings, or when one of our children brings our grandchildren, there are simply not enough rooms. When we purchased the house it contained four bedrooms. This caused the living and dining area to be too small, so we removed an interior bedroom wall to enlarge the common area. As a result we are short of sleeping space. Mrs. Thelen is an artist, but the house does not provide a studio. The exterior of the house is finished in unpainted natural woods.

The house and the requested improvements were designed to avoid interfering with the ocean view of our neighbor to the east. Our own important view is directly south across the canyon of the Navarro River and to the ocean. Our property is five acres, a majority of which is down the steep embankment to the South and Highway 128. The house with the improvements requested is not visible from Highway 1 or 128 nor from the public beach at the mouth of the Navarro river. The house is set back from route 513 a distance of about one hundred feet, and there is a row of older trees on our property along the south side of the road, screening it from our house. This road is below grade where it fronts on our property thus providing additional screening. We have another row of trees along our western boundary which extends sufficiently to the south to screen our house from the house to the west.

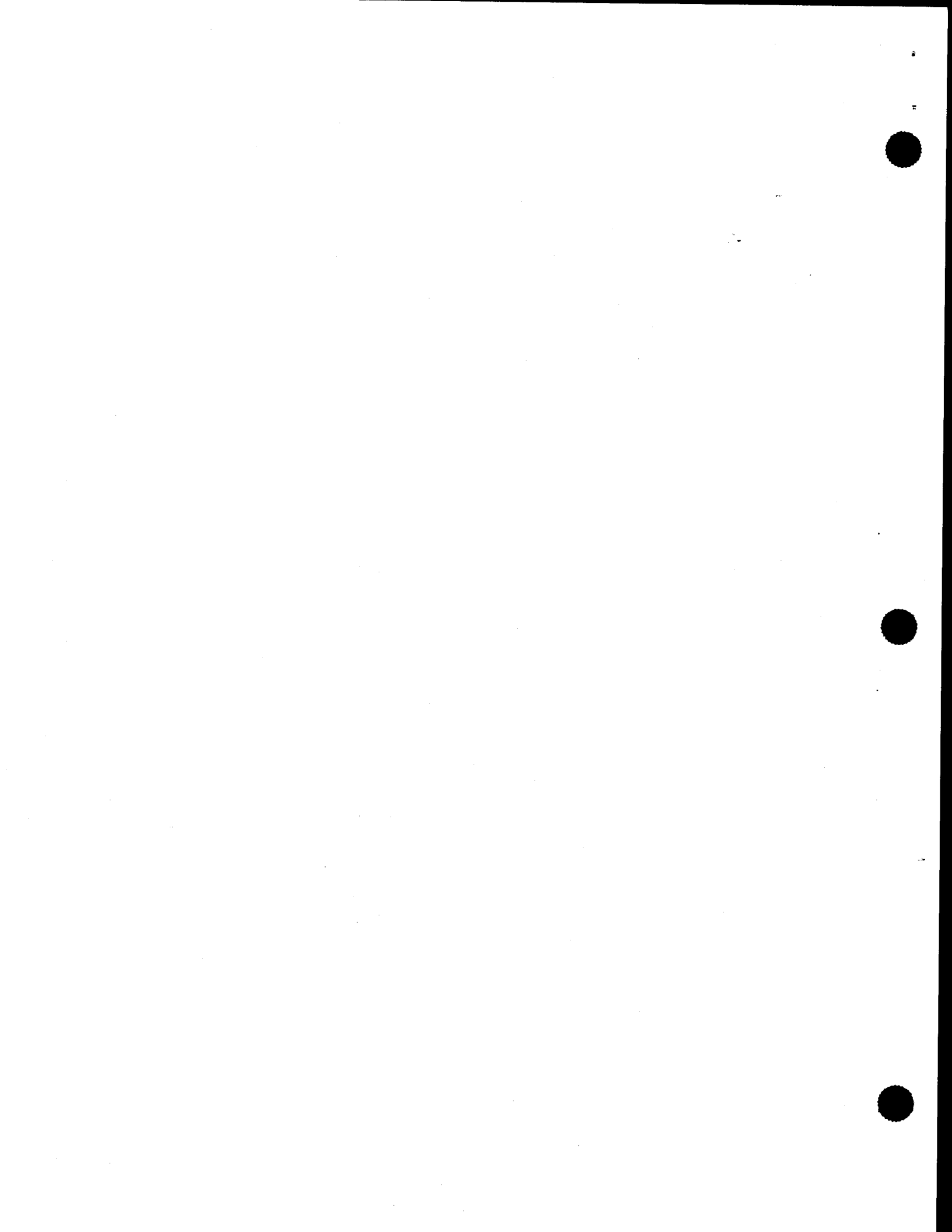
We believe that the proposed additions to our house, which the Mendocino County Planning Department approved in a public hearing, do not interfere with our neighbors or the public's view. There are one or two houses across the river to the south. They have access from the Cameron ridgeroad. If they are high enough and can see the river, they can look up to the north and see, at least partially, and on a clear day, some of our house. Binoculars would help. This has been the situation since 1978, and we have never had a complaint up to now. I do not know

the exact distance between the Adam's (the appellant) house and ours, but it is hundreds and hundreds of yards across the river.

We respectfully submit that the appellants have not shown the existence of any substantial issue. Nor is there any legal or factual basis for the denial of our Application which the County of Mendocino approved.

Sincerely,

Phyllis and Max Thelen
Phyllis and Max Thelen, Jr.



Max Thelen, Jr.

Agenda Item
Appl. # A-as-MEN-01-5
Phyllis and Max Thelen, Jr.
In opposition to the Appeal

January 16, 2002

California Coastal Commission
Robert Merrill, District Manager
North Coast District Office
710 E. Street, Suite 200
Eureka, CA 95501-1865

Dear Mr. Merrill:

This supplements our letter to you of November 26, 2001 and responds to the letter of Navarro Watershed Protection Association (Hilary Adams) of December 15, 2001 and the letter of Ron Munson, Chief Ranger of December 18, 2001.

The Appeal raises no substantial issue and should be dismissed. The story starts in 1977 when the former owner who built the house, Lawrence Nye, applied to the Coastal Commission for a building permit. It was opposed, but was finally approved by the Commission. However, prior to the issuance of the permit, Nye changed his plans to move the house back approximately one hundred feet from the bluff thus avoiding a restriction on the neighbor's view. This put the house in a less obtrusive position than that approved by the Commission. This would seem to dispose of the appeal, since the requested addition to the house, which is to the West, and screened by the trees planted on the Western boundary of the property, does not make the house more visible from the west.

The Thelen house is approximately 1600 square feet, one story. The lot is 217 feet fronting on road 518, and is 853 feet in depth running over the bluff and down to the river. The bluff is so steep that one cannot see the river from the house. (Pictures #1 and #2)

The heart of the appellant's objection is that the house and the improvements will be visible from the public beach at the mouth of the Navarro river. In earlier stages of the proceeding appellant Hilary Adams flatly stated that the House could be seen from the public locations. In her current letter the statement is changed to only in her "opinion" the Thelen house is visible(p.4). Her opinion is wrong as shown by the photographs which are enclosed, (Pictures #3 and #4) the action of the Mendocino Planning Staff, the Statements of the Appellees who have lived in the house for ten years, and the report of the Coastal Commission Staff. Appellant admits that the action of the Mendocino County Planning Department was taken in the belief that the house was not visible "to public areas" (p. 14). Ron Munson, of the Department of Parks and Recreation wrote Robert Merrill, stating that the Thelen house will be visible from the beach at the Navarro River Redwoods State Park. It developed that at the time he made this observation he did not

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know which was the Thelen House. Later he graciously agreed to visit the Thelen house on January 7 and stated promptly that the Beach was not visible from the Thelen house (Picture #3). We went to the northwest corner of the beach and he confirmed that the Thelen house was not visible. (Picture#4). He stated that he had made a mistake and would write a letter to Mr Merrill so stating.

In appellant's letter there are many statements to the effect that houses on Navarro Ridge are visible from public places. It is true that some are, but the Thelen house is not (Picture #4), and the visibility of other houses is not relevant. In addition to being set back one hundred feet from the bluff, there is a large row of trees along the western boundary of the Thelen property (Pictures #2 and#6). These screen the Thelen house from the Gridley house(formerly owned by Raymond) immediately to the West and other houses farther to the West. This is shown in the photographs (Pictures#3 and#6). If these trees were removed, we would see the Gridley and other houses from our house, but I do not think that the public beach would be visible. It is hidden from our house by hills on the left, right and center. In any event, we will agree not to cut down the trees on the west, which appear to be quite healthy.

Because of suggestions that the house can be seen from Highway 1, we have checked and rechecked the views from the Thelen house and from Highway 1 with camera and binoculars. The house is not visible from the south side of Highway 1 going south from the Bridge over the Navarro River up to Cameron Ridge. Going North from the Bridge toward Albion the house is not visible from the a car on the Highway , the view is away from the direction of the Thelen house. Going South on Highway 1 from the top of the Ridge on the road to Albion there is a space of about 150 to 200 feet of the Highway where, if one is on foot, one can see a small part of the Thelen house. On the entire stretch of the road , and whether going north or south , one would be endangering ones safety to take ones eyes off the road. Going downhill or east, there are a series of wide spots on the very narrow , steep highway which will accommodate a parked car. We have parked and looked at the top four of these spaces with camera and binoculars , and the Thelen house is not visible.

The Thelen house is at such a distance, approximately one mile or more, from the public beach that even if a part of it could be seen with binoculars from the beach , it would not interfere in any meaningful way with a view from the beach. From the beach one needs binoculars to delineate the area immediately to the west of the Thelen house, and the binoculars show that one cannot see the Thelen house from the public beach (Picture #4).

The appellant's letter is full of misstatements and irrelevancies. It takes offense at the planned improvements to the garage. The garage is to the north and east of the house and could not possibly be viewed from the cited public spaces (Picture #1). Appellant objects to the fact that the garage will contain a workshop , presumably new. The fact is that the present garage now contains what we call a carpenter's bench and some storage, and this is all that is intended for the remodel. There is no drill press, table saw, lathe , etc., simply hand tools, a lawn mower and other garden tools.

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Appellant's letter states that the improved house "will be considerably higher", but in fact the ridge line of the improved house is identical to the existing, and within the 17'6" limitation imposed by the County. The floor level of the addition to the West is at the same level as the existing floor level. The new bedroom addition is to the West, not the South, and is hidden by the row of large trees from viewers to the South or West (Picture #6). The basement to which appellant objects is simply the space below the bedroom which requires excavation of about 20 cubic yards to give headroom. This does not add to the height of the structure.

The bulk of Appellants letter is a series of complaints against past actions and inactions of the Mendocino Planning Department and the Coastal Commission. We believe that these complaints are not relevant to the question as to whether this appeal raises a substantial question. We leave these complaints to the Staff for reply if they think it necessary.

The Appellants go to great length to point out alleged errors in the Commission's actions and inactions particularly in the Olsen and Jones cases. We have not relied expressly on those two cases as requiring that the Appeal be denied in our case. However, their existence cannot be denied. Appellant states that Mendocino Planning used the Jones case as a precedent for approval of the Olsen and the Thelen projects (p. 8). We are not aware of anything in the record which supports that statement.

Appellant notes that the Coastal Zoning Code provides that developments are "to be visually compatible with the character of surrounding areas" and "shall be within the scope and character of existing development in the surrounding neighborhood". This being the case, it cannot be argued that the Thelen house does not fit in to the surrounding neighborhood. There are a number of houses to the West, and one house directly to the East with several farther to the East on large lots and near the bluff (Picture #4). Since the outside of the Thelen house is not painted it is more harmonious with the environment than a number of houses nearby that are painted. Since the Thelen house is not visible from the beach, the outside color of house or roof is not an issue.

Appellant complains of the possible color of the Thelen house. The house has a redwood shake roof and redwood shingles on the sides (Pictures #1 and #2). The decks are redwood. Nothing is painted. The improvements will be comparable. The new roof will be non reflective blue green or dark bronze metal if the Commission desires, and the photovoltaic panels will be an integral part of the roof with a dark bluish tinge. These same panels were approved by the Court in the Smiley project (A-1-MEN -99-001). cited by Appellants (p.10). We suggest that it would be a serious public mistake to prevent the use of photovoltaic panels to conserve electricity in Mendocino County. This would be contrary to both State and National policy.

Appellant recognizes that when a project is not visible from public spaces, Mendocino County does not require a landscaping plan samples of materials or story poles to be provided. No new trees or bushes are planned.



Appellant complains that the square footage of the Thelen project was not known to the public, but the Public Notice prepared by Mendocino County specifically states that the addition for a bedroom will be 1160 square feet and the garage addition will be 261 square feet and the overall height will be 17'5" above the average grade.

Although not entirely clear, there are specific indications that views from a public beach to an area more than a mile inland are not the views which are to be protected. The Zoning Code quoted by appellant on page 1 states "the development fails to protect public views from any public road, or from a recreational area" to, and along the coast". The words "to, and along, the coast" correspond with common sense. The valuable coastal views are those looking toward the coast or along the coast, not looking inland. No white water or beach view is available from the Thelen house, and the house does not interfere with any neighbor's or public view (Picture #6). At page 3, appellant quotes paragraph 3.5-5 of page 75 of the LCP "providing that trees will not block coastal views from public areas such as roads, parks and trails,----". Appellants are not complaining about the blockage of a coastal view, but about alleged views from a coastal or public road. This is a distinction of major significance which accords with common sense.

Appellant seeks to build her case by invoking the provisions of the Zoning Code which relate to interfering with the public view from a public road or beach or park. But this requires as a minimum that the addition to the Thelen house be visible from a public road or beach, and this she has failed to do. The burden is on appellant, but she has not come forth with any meaningful evidence.

We respectfully submit that the appellant has failed to show that the Thelen house and / or the proposed additions are visible from a public beach, park or road and /or that there is a substantial issue. Wherefor we request that the Appeal be dismissed.

Respectfully submitted,

Phyllis and Max Thelen
Phyllis and Max Thelen



all pictures except 3 were taken with a Ricoh shotmaster with
35 + 10 mm lens - 35 mm Kodak film 200 + 100 speed



#1 FROM TOP OF DRIVEWAY LOOKING TOWARD THELEN HOUSE
31960 NAVARRO RIDGE ROAD, ALBION 10:05 AM 11/06/02



#2 FROM BLUFF LOOKING TOWARD SOUTHERN END OF THELEN HOUSE
100 FEET FROM BLUFF. 3:15 PM. 01/06/02





#3

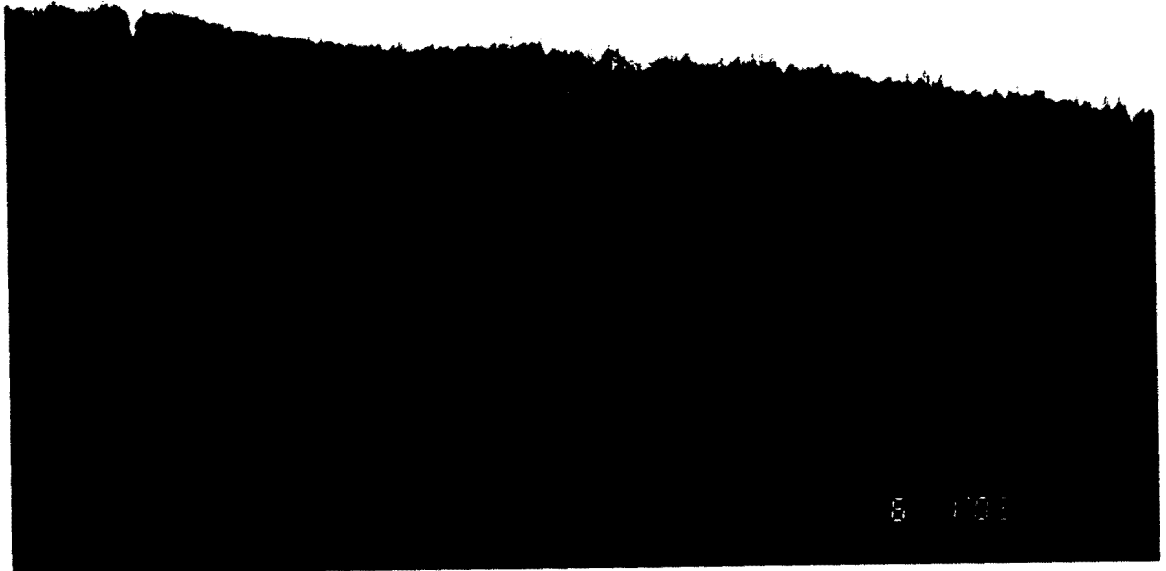
View from FARTHEST SOUTH (MIDDLE) OF THE DECK ON SOUTH END
 of House Looking toward Ocean beyond the Beach - not visible
 0113102 11:00 AM PENTAX ME-50 MM LENS 35MM KODAK 200 speed



#4

VIEW FROM NORTH WEST CORNER OF PUBLIC BEACH. THE HOUSE NOT
 VISIBLE WITH NAKED EYE OR BINOCULARS 10:40 AM 1106102 20 MM LENS





#5

VIEW FROM CENTER of deck on south of Thelen House across
the Navarro River Canyon toward Cameron Ridge 1106102. 10:30 AM 50 MM lens



#6

VIEW from patio of house next door to
the east of THELEN house whose roof is just
visible against trees on western boundary of
Thelen house 01106102 10:40 AM 1106102. 70MM lens



#7



WALSH
HOUSE

6 102

VIEW OF HOUSES ON NARRO RIDGE
FROM FIRST WIDE SPOT ON HIGHWAY #9

1.5 MILE FROM CREST. THE LEN HOUSE NOT VISIBLE. SMALL PART OF
WALSH HOUSE IMMEDIATELY TO THE EAST (SEE PHOTO 6) VISIBLE WITH TRANSMISSION
POLE BEHIND IT TO THE EAST.

#8



WALSH
HOUSE

6 102

VIEW OF HOUSES ON NAVARRO RIDGE FROM THIRD
WIDE SPOT ON HIGHWAY #9 1.5 MILE FROM CREST.
THE LEN HOUSE NOT VISIBLE, POSSIBLE WITH BINOCULARS TO SEE
SMALL PART OF WALSH HOUSE IMMEDIATELY TO THE EAST (PICTURE #6)
AND TRANSMISSION POLE BEHIND IT TO THE EAST.

D

