

## CALIFORNIA COASTAL COMMISSION

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## RECORD PACKET COPY

Filed: September 14, 2001  
 49<sup>th</sup> Day: Waived  
 Staff: Randall Stemler  
 Staff Report: June 27, 2002  
 Hearing Date: July 11, 2002  
 Commission Action:

### STAFF REPORT: APPEAL

### SUBSTANTIAL ISSUE

**APPEAL NO.:** A-1-MEN-01-051

**APPLICANT:** Gene A. and C. J. Meredith

**AGENTS:** Alan Block  
Bud Kamb

**LOCAL GOVERNMENT:** County of Mendocino

**DECISION:** Approval with Conditions

**PROJECT LOCATION:** At 17230 Ocean Drive, west of Highway One, approximately 3 miles south of Fort Bragg, Mendocino County (APN 017-330-10).

**PROJECT DESCRIPTION:** Construct an 8,610-square-foot, two-story residence with three separate elements connected by a 210-foot-long bridge/library; with a driveway, well, septic system and landscaping.

**APPELLANTS:** Coastal Commissioners John Woolley and Mike Reilly.

**SUBSTANTIVE FILE:  
DOCUMENTS**

- 1) Mendocino County CDP No. 12-2001; and
- 2) Coastal Development Permit No. 1-89-028-A3;
- 3) Mendocino County Local Coastal Program

**SUMMARY OF STAFF RECOMMENDATION:**

**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 at a subsequent meeting 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 Planning Commission approved with conditions Coastal Development Permit #12-2001 for an 8,610-square-foot, two-story residence with three separate elements connected by a 210-foot-long bridge/library; together with a driveway, well, septic system and landscaping. The project site is situated on an ocean bluff terrace located northwest of the inlet for the mouth of Mitchell Creek, west of Ocean Drive, about three miles south of central Fort Bragg, in area designated in the certified Mendocino County Land Use Plan as highly scenic.

The appellants raise contentions alleging inconsistencies of the project as approved with the visual resource policies and ordinances of the certified Local Coastal Program. The appellants allege that the project as approved by the County is inconsistent with LCP policies that limit the height and number of stories of structures built within highly scenic areas to 18 feet and one story respectively, unless the development would not affect public views to the ocean and would not be out of character with surrounding structures. The house as approved by Mendocino County would be 28 feet high and consist of two stories. The appellants allege that the project as approved by the County affects public views to the ocean, and is out of character with surrounding structures. Additionally, the appellants allege that the project as approved by the County is inconsistent with LCP policies that require development within highly scenic areas to be subordinate to the character of its setting. The appellants assert that the approved development would allow an "exceptionally large structure of a highly unusual design and of maximum height" that would not be subordinate to the character of its setting as required by the certified LCP.

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 visual issues raised are particularly important here because the affected view of the ocean is from a state park, the Jug Handle State Reserve. The project, as approved by the County, raises a substantial issue of conformance with the LCP policies that only allow a structure in a highly scenic area to exceed 18 feet and one story when the structure would not affect views to the ocean and would not be out of character with surrounding structures. A substantial issue of conformance of the project as approved with these height and story limitations is raised because 1) the very large proposed house, with its unusually long 210-foot second story shoreline façade would affect views from Jug Handle State Reserve of the ocean embayment between the state park and the shoreline of the project site; and 2) the unique design of the house is not consistent with surrounding structures because the approved house is much bigger than any of the other houses; the approved house has a full second-story, whereas most

other houses in the area are either only one story or one-story with a partial second-story; the approved house occupies an extensive length of shoreline frontage and has a large amount of glazed surface compared to other houses; and the approved house includes six unusual tail vent-structures that extend an additional 9 feet above the 28-foot roofline (for a total of 37 feet above the finished grade). Finally, the project as approved by the County raises a substantial issue of conformance with the LCP policies that require development in highly scenic areas to be subordinate to the character of its setting because the unusually long frontage of the house along the shoreline and its unusual design would cause the house to stand out prominently against the landscape.

**The motion to adopt the Staff Recommendation of Substantial Issue is found on page 5.**

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**STAFF NOTES:**

1. Simultaneous Processing of CDP Amendment Request

The approved development on appeal to the Commission consists of the construction of the 8,610-square-foot house and an associated driveway, well, septic system, and landscaping. Ultimately, however, the development is dependent on the Commission's approval of Coastal Development Permit Amendment Request No. 1-89-028-A3 to move the approved building envelope for the applicants' parcel to the southwest, closer to the bluff and within a grove of trees on the terrace. The proposed permit amendment would also enlarge the building envelope from 10,000 to 18,000 square feet and reconfigure the envelope to accommodate the 210-foot length of the approved house; avoid the sensitive rare plant community found at the site; and reduce the setback from the bluff edge from 75 to 35 feet. The house approved by the County of Mendocino would not fit within the building envelope established by the Commission's original subdivision permit. In addition, the applicants have indicated to Commission staff that if the house were proposed to be built within the existing building envelope already approved by the Commission they would likely propose a different house design to better fit the physical characteristics and development constraints affecting that particular location on the property. The applicants have simultaneously applied to the Commission for Coastal Development Permit Amendment Request No. 1-89-028-A3 to change the building envelope as described above. If the Commission finds substantial issue on the appeal of the locally approved permit, the Commission will consider both the de novo portion of the appeal and the proposed permit amendment in a consolidated hearing at a subsequent meeting.

2. 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 (1) between the sea and the first public road paralleling the sea; (2) within 300 feet of the mean high tide line; (3) within 300 feet of the top of the seaward face of a coastal bluff; and (4) within 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.

### 3. Filing of Appeal

The appellants filed a single appeal (Exhibit No. 8) to the Commission in a timely manner on September 14, 2001, within 10 working days of receipt of the County's Notice of Final Action (Exhibit No. 9) by the Commission on August 30, 2001.

4. 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. The 49<sup>th</sup> day after the September 14, 2001 appeal filing date is November 2, 2002. In accordance with section 13112 of the California Code of Regulations, on September 17, 2001, after receiving the subject appeal, 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 September 21, 2001, the day of the mailing of staff reports to the Commission and interested parties for the October 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 October 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 October Commission meeting. The Commission opened and continued the appeal hearing on October 11, 2001. In addition, on October 29, 2001, the applicant submitted a signed waiver of the 49-day time limit requirement.

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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-MEN-01-051 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-MEN-01-051 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 approved project with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

## II. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

### A. Appellants' Contentions

The Commission received one appeal of the County of Mendocino's decision to approve the development. The project, as approved by the County, consists of the construction of an 8,610-square-foot, two-story residence with three separate elements connected by a 210-foot-long bridge/library; together with a driveway, well, septic system and landscaping. The project site is situated on an ocean bluff terrace located northwest of the inlet for the mouth of Mitchell Creek, at 17230 Ocean Drive, about three miles south of central Fort Bragg, Mendocino County, in an area designated in the certified Mendocino County Land Use Plan as highly scenic. The appeal was filed on September 14, 2001 by Commissioners Mike Reilly and John Woolley. The appellants' contentions are summarized below and the full text of the appeal is included as Exhibit No. 8.

The appeal raises contentions that the project as approved is inconsistent with the certified Local Coastal Program policies and ordinances regarding visual resources. As described further below, the appellants allege that the project as approved by the County is inconsistent with LCP policies that allow structures in highly scenic areas to exceed 18 feet and one story only if they do not affect views to the ocean and are consistent with surrounding structures. The appellants also allege the project is inconsistent because the 28-foot-high two-story structure would affect public views to the ocean from Jug Handle State Reserve and because the unusual design (unusually long, glazed surface, two-story with tall vent structures) would be out of character with the surrounding structures. The appellants also allege that the project as approved by the County is not consistent with LCP policies that require development in a highly scenic area to be subordinate to the character of its setting because the unusually long frontage of the house along the shoreline and its unusual design would cause the house to stand out prominently against the landscape, and therefore the development would not be subordinate to the character of its setting.

### B. LOCAL GOVERNMENT ACTION

On August 16, 2001, the Mendocino County Planning Commission approved modification of conditions of Minor Subdivision #MS 44-88 to change the configuration and location of the building envelope on the Meredith's Belinda Point sub-division Parcel 1 and enlarge the building envelope from 10,000 square feet to 18,000 square feet, reduce the bluff setback from 75 feet to 35 feet and reduce the tree removal setback along the south parcel boundary from 150 feet to 70 feet. This action taken by the County was a Subdivision Map Act approval and not a coastal development permit amendment approval. (The coastal development permit for the original subdivision was granted by the Commission, and only the Commission can amend a coastal development permit previously granted by the Commission.) At the same time, the Planning

Commission also approved with conditions Coastal Development Permit #12-2001 for an 8,610-square-foot, two-story residence with three separate elements connected by a 210-foot-long bridge/library; together with a driveway, well, septic system and landscaping. The approved building site is within the new building envelope approved by the County as a modification of the minor subdivision, but not yet approved by the Commission as a coastal development permit amendment. The subject site is in an area designated in the certified Mendocino County Land Use Plan as highly scenic. The height of the structure as approved would be 28 feet above the finished grade, with six passive ventilation chimneys, each 2 ½ feet by 8 ½ feet, rising an additional 9 feet higher than the roof line, for an effective height of thirty-seven (37) feet.

The County Planning Commission approved the project with nineteen conditions, attached as pages 4-7 of Exhibit 9. Three of these conditions, Condition Nos. 8-10, involve measures related to protection of visual resources germane to contentions raised by the appellants. Condition 8 states: "To the maximum extent practicable, the applicant shall incorporate the five recommendations contained in the report prepared by John Phillips, dated December 7, 2000, into design and construction of the proposed residence, with the objective of minimizing adverse impact on the trees in the vicinity of the construction site." John Phillips is a licensed arborist and his December 7, 2000 report is a review of two proposed building sites, and preliminary evaluations on their respective impact to existing trees that provide visual screening, along with guidelines for minimizing potential negative impacts. His five recommendations include 1) laying out the building to minimize the number of trees to be removed; 2) designing structural foundations that minimize intrusion into the root environment; 3) preserving the decomposition element by allowing the surface organic materials to stay in place; 4) utilizing the least impactful construction techniques and tools; and 5) landscaping according to the requirements of the forest, including avoiding introduction of non-native plants, pruning for views after construction clearly shows where it may be needed, and attempting to satisfy the need for views by removing dead or dying branches. Condition 9 states: "Only dead or hazardous trees shall be removed from the areas west and south of the residence." Condition 10 states: "Prior to issuance of a building permit for the residence, the applicant shall provide evidence of compliance with California Department of Forestry and Fire Protection requirements for tree removal."

The County Planning Commission action 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 for Coastal Development Permit #12-2001 for construction of the residence. The Notice of Final Action was received by Commission staff on August 30, 2001 (Exhibit No. 9). The project was appealed to the Coastal Commission in a timely manner on September 14, 2001 within 10-working days after receipt by the Commission of the Notice of Final Local Action. On September 17, 2001 staff requested all relevant documents and materials regarding the subject permit from the County; these materials were received on September 21, 2001. On October 11, 2001, the Commission opened and continued the appeal hearing. On October 29, 2001, prior to the 49<sup>th</sup> day after the appeal was filed, the applicant submitted a signed waiver of the requirements of Section 30621 that an appeal hearing must be set within 49 days from the date an appeal of a locally issued coastal development permit is filed.

**C. PROJECT SETTING AND DESCRIPTION**

1. Project Setting

The subject property is a 10.6-acre bluff top parcel located within the Belinda Point Subdivision about three miles south of Fort Bragg, Mendocino County. It is the most southerly of the 5 lots in the subdivision, that range in size from about 9 acres to about 14 acres. The project site is located west of Ocean Drive, and south of Pacific Way, at 17230 Ocean Drive (Exhibit 2).

The subject parcel is undeveloped except for an existing water well on the property. The property is zoned Rural Residential, Five Acres Minimum, Planned Development (RR:L-5:PD). Within the Rural Residential Zone, a single-family residence is a permitted use, subject to approval of a coastal development permit. The Belinda Point subdivision was originally approved by the Commission pursuant to Coastal Development Permit No. 1-89-028, which was granted to E.F.S. Associates on June 13, 1989. Each parcel has an approved building envelope proposed by the applicants as part of the subdivision. The building envelopes were initially developed to address environmental concerns related to bluff setback policies, riparian and other sensitive habitat areas, as well as archaeological resources located on the project site. In addition, conditions of the coastal development permit required that Environmentally Sensitive Habitat Areas (ESHA) on the property be deed restricted as open space. The majority of the deed restricted ESHA is located on the four parcels to the north of the applicant's property, with a small patch of protected riparian ESHA located on the applicant's parcel immediately to the east of the defined building envelope. Furthermore, an offer to dedicate a vertical public accessway to a cove from Ocean Drive across the subdivision properties was required to be recorded in a location along the northerly boundary of the subdivision, well to the north of the applicant's property. The parcels are served by two common driveways extending from Ocean Drive toward the shoreline, along alignments that are north of the applicant's parcel. All of the subdivision parcels were proposed to be served by wells and septic systems.

The subject parcel is located on a coastal terrace that slopes gently to the west and south, and is largely vegetated by maritime pine forest dominated by Bishop pine, with some occurrence of shore pine—which extends to within a few feet of the steep ocean bluff. The parcel includes approximately 550 linear feet of bluff edge. The bluff is approximately fifty to sixty feet in height, with mostly near-vertical slope gradients, and has four relatively small sea caves. A transition between forestland and grassland occurs in the northwestern corner of the applicant's parcel. Along the terrace area to the north, the land assumes more of the character of open coastal-grassland, vegetated with native grasses, ferns, various wildflowers, and associated species. The existing building envelope established in 1989 by approval of Coastal Development Permit No. 1-89-28 lies generally in a clearing within the transition area, with a stand of trees approximately 100 feet wide to the west between the clearing and the bluff. It is within this stand of trees that the County has approved relocating the building envelope and constructing the residence.

The subject parcel contains environmentally sensitive habitat areas. As noted previously, a riparian ESHA with a 50-foot buffer located immediately east of the building envelope was



required to be deed restricted as open space as part of the subdivision approval. In addition, a population of the rare plant *Castilleja latifolia* spp. *mendocinensis* (Mendocino coast paintbrush) was discovered during a botanical survey performed for the proposed development by Dr. Gordon McBride in 2001. This rare plant population is located immediately to the west of the approved building envelope.

The property is located two parcels to the north of the mouth of Mitchell Creek, within an area designated "Highly Scenic" in the Coastal Plan. Although the parcel is not visible from Highway One or other public roads, the parcel is visible from the publicly visited Jug Handle State Reserve headland to the southwest, across the small bay that forms the ocean inlet of Mitchell Creek (Exhibit 3). There are other residences in the view of the coastal bluff from Jug Handle State Reserve. On the parcel immediately south of the applicant's property is a partial two-story structure partly screened by trees. On the parcel immediately to the north is a one-story structure currently under construction, and north of it another single-story house, both of which are located in open grassland with no natural screening available. Although other houses can be seen from Jug Handle State Reserve, the viewscape from the park property along this stretch of coast is dominated by views of Pine Cove Beach located within the embayment at the mouth of Mitchell Creek, the dramatic coastal bluffs, and the forested bluff-top terrace. The houses are generally scattered along the terrace about every 400-500 feet.

## 2. Project Description

The approved development on appeal to the Commission consists of the construction of the 8,610-square-foot house and an associated driveway, well, septic system, and landscaping. Ultimately, however, the development is dependent on the Commission's approval of Coastal Development Permit Amendment Request No. 1-89-028-A3 to move the approved building envelope for the applicants' parcel to the southwest, closer to the bluff and within a grove of trees on the terrace. The proposed permit amendment would also enlarge the building envelope from 10,000 to 18,000 square feet and reconfigure the envelope to accommodate the 210-foot length of the approved house, avoid the sensitive rare plant community found at the site, and reduce the setback from the bluff edge from 75 to 35 feet. The house approved by the County of Mendocino would not fit within the building envelope established by the Commission's original subdivision permit. In addition, the applicants have indicated to Commission staff that if the house were proposed to be built within the existing building envelope already approved by the Commission they would likely propose a different house design to better fit the physical characteristics and development constraints affecting that particular location on the property. The applicants have simultaneously applied to the Commission for Coastal Development Permit Amendment Request No. 1-89-028-A3 to change the building envelope as described above. As noted previously, the change in building envelope also necessitated an amendment of Mendocino County Minor Subdivision Approval No. MS 44-88 to meet the requirements of the Subdivision Map Act. As the modification of MS 44-88 is not an action on a coastal development permit, only the County's approval of the house (Mendocino County CDP No. 12-2001) is on appeal to the Commission and is the subject of Appeal No. A-1-MEN-01-051.

The application that the County approved on August 16, 2001 requested an 8,610-square-foot development. The County was notified on August 7, 2001 that the applicant had made a mistake and inadvertently transposed the numbers on the application. According to the applicant, the requested square footage for the development should have been 6,810 square feet. As approved by the County, however, the house is 8,610-square-feet in size.

The residence as approved would consist of three distinct elements connected by an elevated second-story level bridge/library. (See Exhibits 5, 6 & pages 1 and 2 of Exhibit 7.) The largest element, at the southerly end of the structure, includes the two-story living quarters, a three-car garage, an exercise room, and a utility yard. Eighty feet to the north, connected at the upper level by the bridge/library, would be a two-story bedroom and office unit. Ten feet farther north would be a two-story office and mechanical unit, also connected by the bridge. At both ends of the structure, the bridge would become a cantilevered deck, extending 20 feet further out from the building. The entire structure measures 210 feet north to south, and 110 feet east to west. Along the 210-foot length of west elevation, the three elements would each rise 28 feet above the finished grade. Six passive ventilation chimneys, each 2 ½ feet by 8 ½ feet (two at each unit) would rise an additional 9 feet higher to a height of 37 feet above the finished grade. To the east, the roof of the garage, the exercise room, and the utility court would slope down to approximately two feet above grade. The building materials the County approved for the residence's second-story elevated bridge consist of stained cement board siding, and a continuous glass skylight roof. For other structural walls, the County approved a combination of concrete, redwood, or weathered copper. The garage wing and other roofs would use metal or sod, and flat membrane roofing. The structure as approved has a substantial amount of window area, most of it along the westerly side facing the ocean. The upper windows of the main residential element are sloped outward at the top to help reduce reflected glare.

A circular driveway and parking area would be constructed within the interior angle formed by the two wings of the structure. A septic leach field would be located about 300 feet east of the house site. An existing water well that is located about 500 feet east of the house site would serve the residence. In order for the house to be constructed as approved by the County, numerous trees would have to be removed. The local approval does not specify exactly how many trees would be removed. It is clear, however, that the applicant must comply with fire safe regulations requiring maintenance of a 30-foot defensible space perimeter surrounding the house. The County imposed Condition of Approval #10 stating "prior to issuance of a building permit for the residence, the applicant shall provide evidence of compliance with California Department of Forestry and Fire Protection (CDF) requirements for tree removal." The forest stand contains numerous dead and dying trees, with a substantial volume of dead branches attached.

**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 with respect to the allegations below, a substantial issue exists with regard to the approved project's conformance with the certified Mendocino County LCP.

#### **Allegations Raising Substantial Issue**

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. LCP policies and standards also

require that development be one story and only 18 feet in height unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. In such cases the maximum height allowable is 28 feet. The appellants raise specific contentions alleging inconsistencies of the project as approved with the visual resource policies of the certified Local Coastal Program. The appellants allege that the project as approved is inconsistent with the certified LCP, specifically LUP Policies 3.5-1, 3.5-3, and Coastal Zoning Ordinance Section 20.504.015 regarding visual resources. The appellants specifically contend that the development would not be subordinate to the character of its setting. In addition, the appellants allege that the development does not conform with the exceptions provided for under the LCP that would allow structures to be more than one story and taller than 18 feet in highly scenic areas under certain circumstances. The appellants allege that the approved development would affect public views to the ocean and would be out of character with surrounding structures in addition to alleging that the approved development would not be subordinate to the character of its setting.

LCP Policies:

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 protected 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."*  
[Emphasis added]

Policy 3.5-3 states in applicable part, *"The visual resource areas listed below are those which have been identified on the land use maps and shall be designated as "highly scenic areas," within which new development shall be subordinate to the character of its setting. Any development permitted in these areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes. ...Portions of the coastal zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusions of certain areas east of Highway 1. ...In addition to other visual policy requirements, new development west of Highway One in designated "highly scenic areas" is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Variances from this standard may be allowed for planned unit development that provides clustering and other forms of meaningful visual mitigation. New development should be subordinate to natural setting and minimize reflective surfaces..."*  
[Emphasis added]

Coastal Zoning Ordinance Section 20.504.015 states in applicable part, *"(C) Development Criteria.*

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

### Discussion

As described previously, the project site is on a coastal bluff within the Belinda Point Subdivision about three miles south of Fort Bragg. The subject property is a 10.6-acre parcel located at 17230 Ocean Drive. The approved development is located within a designated highly scenic area that extends west of Highway One. The parcel is visible from a headland of Jug Handle State Reserve just south of Mitchell Creek, and the approved project places new development prominently within view from this public park location. The approved project would affect views from Jug Handle State Reserve of the ocean embayment between the state park and the shoreline of the project site.

As noted above, the appellants raise two specific contentions alleging inconsistencies of the project as approved with the visual resource policies of the certified Local Coastal Program. First, the appellants allege that the project as approved by the County is inconsistent with LCP policies that limit the height and number of stories of structures built within highly scenic areas. Second, the appellants allege that the unusual design and the height and length of the structure as approved is not subordinate to the character of its setting as required by the LCP.

### Height and Story Limitations.

LUP Policy 3.5-3 states in applicable part, that new development west of Highway One in designated "highly scenic areas" is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Similarly, Coastal Zone Ordinance Section 20.504.015 (2) states in applicable part, in highly scenic areas west of Highway 1...new development shall be limited to eighteen (18) feet above natural grade, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures.

The house as approved by Mendocino County would be 28 feet high and consist of two stories. The appellants allege that the project as approved by the County is not consistent with the provisions of LUP Policy 3.5-3 and Coastal Zoning Ordinance Section 20.504.015 (2) that would

allow for a structure taller than 18 feet and greater than one story only if the development would not affect public views to the ocean and would not be inconsistent with the character of surrounding structures. The appellants allege that the project as approved would adversely affect views to the ocean as viewed from the Jug Handle State Reserve headland across a small embayment toward the shoreline of the subject parcel, and the design of the structure is inconsistent with the character of surrounding structures.

Finding No. 1 of the County Planning Commission's adopted findings states that "The proposed development is in conformity with the certified Local Coastal Program." Finding No. 1 does not specifically discuss the consistency of the project as approved with LUP Policy 3.5-3 and Coastal Zone Ordinance Section 20.504.015 (2). The meeting minutes of the Planning Commission meeting contain several statements suggesting why those Commissioners voting in favor of the project may have voted to approve the project and allow the added height and second story. The minutes reflect that Commissioners commented they felt that (1) the house would be in character with other structures built in the coastal zone; (2) the proposed structure would be screened from public locations by the existing trees; (3) with the natural material being used in the construction; (4) the residence would be in character with the area; and (5) the project should be supported because comments received from the Department of Parks and Recreation indicate that the Department has no concerns with the structure.

Because the project as approved is taller than 18 feet and more than one story, the approved house must not affect views to the ocean and must not be out of character with surrounding structures to be found consistent with LUP Policy 3.5-3 and Coastal Zone Ordinance Section 20.504.015 (2). With regard to whether the approved house affects views to the ocean, the project as approved "affects" views to the ocean from the Jug Handle State Reserve headland even though it would not "block" views from vantage points on the headland. The pine forest on the coastal terrace blocks all view of the house and ocean from vantage points to the east, and the house is not located between the ocean and public vantage points along the public access way required to be offered for dedication as a condition of approval of the coastal development permit for the subdivision. Accordingly, the house does not block any view of the ocean from the Jug Handle State Reserve headland. However, given the geographical relationship between the Jug Handle State Reserve headland and the project site, with the two sites located on opposite sides of a small embayment of the ocean, the project as approved "affects" views to the ocean from the Jug Handle State Reserve headland even though it would not "block" views from vantage points on the headland. (See Exhibit 3.) The view toward the house site from the State Reserve looks toward and across the ocean waters within the bay. The backdrop of this public view of the ocean consists of the 50 to 60-foot-high bluff face, a narrow width of open coastal terrace, and dense Bishop Pine forest. The house would change this backdrop of the public view of the ocean by superimposing the 210-foot length of the unusually large two-story 8,610-square-foot house with its highly unusual design and substantial amount of glass against the current backdrop of trees.

As approved, the house would be set back within the trees to a certain extent and would be partially screened by the trees. In approving the project, the Planning Commission noted that the proposed structure would be screened from public locations by the existing trees. However, as

approved, the house would still be located within 40 to 50 feet of the bluff edge and near the current seaward edge of the forested area. Therefore, the house as approved would only be partially screened by a relatively thin band of trees. Numerous trees would need to be removed to accommodate the house and any dead or dying trees or tree limbs between the house and the shoreline, or elsewhere within a 30-foot radius of the house, would have to be removed to meet California Department of Forestry and Fire Protection fire safety regulations. In addition, the project as approved is not subject to any condition requiring that if any of the screening trees die that they be replaced or that the applicant be required to apply for authorization to remove trees. Thus, there is no guarantee that trees that provide any screening of the structure will continue to exist in the future. Therefore, because the conditions of the permit approved by the County for the project do not assure that a vegetative screen will be sufficiently maintained to screen the house from view from the Jug Handle State Reserve headland, and because the unusual design, large size, and long shoreline frontage of the structure as approved by the County would significantly affect the backdrop of the ocean views toward the site from the Jug Handle State Reserve headland, a substantial issue is raised that the project as approved would affect views of the ocean from public vantage points.

With regard to whether the approved house would be out of character with surrounding structures, a Planning Commissioner opined when the Planning Commission approved the project that the structure would be in character with other structures built in the coastal zone. The local record does not indicate what other houses in the coastal zone the Planning Commissioner may have been referring to. However, the standard contained in LUP Policy 3.5-3 and Coastal Zoning Ordinance Section 20.504.015(2) for allowing structures to exceed 18 feet and one story in highly scenic areas is not whether the structure would be consistent with other structures built in the coastal zone, but instead whether the structure would be inconsistent with surrounding structures. The design of the house is very unusual and the house differs in significant ways from other houses in the area. A principal feature of the design is the bridge/library second story that would bridge over large stretches of ground between smaller first floor supporting elements. No other homes in the area utilize this unique design. Some of the buildings on neighboring parcels are one-story structures and others have partial second stories. However, the second story of the project as approved by the County is much larger than the ground floor (two-hundred and ten (210) feet long) and would have a substantial amount of southwest facing glass surface greatly exceeding the proportion of glass on the partial second stories of the other structures. The orientation of the 210-foot long bridge/library is such that the long expanse of the bridge/library faces the headland at Jug Handle State Reserve. The design elevates a significant amount of the mass of the building above the base 18-foot height limit applicable to the area.

The house itself is much larger than the size of surrounding houses. At the approved size of 8,610 square feet, and even at 6,810 square feet, the size that the applicant indicates is the actual size of the planned building, the house would greatly exceed the size of (1) the 2,931-square-foot Walsh house approved by Mendocino County in 2001 for the property located four parcels to the north; (2) the 4,049-square-foot Sanders house approved prior to certification of the LCP by the Commission in 1993 as amended through 2001, for the property two parcels to the north; (3) the 1,960-square-foot Silver house with its 576-square-foot guest cottage approved by Mendocino

County in 2001 on the parcel immediately to the north; and (4) the 4,616-square-foot Pons house approved in 1989 as amended through 1991 by the Commission prior to certification of the LCP for the property on the parcel immediately to the south. The other houses in the area are similarly of more modest size than the applicants' approved house.

Yet another feature of the house as approved that differs substantially from the more traditional design of other houses in the area are the six passive ventilation chimneys, each 2-1/2 feet by 8-1/2 feet, that would rise nine feet higher than the peak of the roof to approximately 37 feet above grade. The Coastal Zoning Ordinance allows for appurtenant building features such as chimneys to exceed the maximum height limit established for each zoning district. Although many of the homes in the area have fire-place chimneys, few exceed 28 feet in height and none of the other homes within the subdivision and the surrounding area have as many or as large chimney-like features such as those incorporated into the approved house.

Because the unique design of the house differs significantly in many ways from the design of other houses in the area, including the aspect of the design that elevates a large amount of structural mass containing large amounts of glass above the base 18-foot height limit applicable to the area, and because the house is significantly larger than other houses in the vicinity, the Commission finds that a substantial issue is raised that the project as approved would be out of character with surrounding structures.

In approving the project, the Planning Commission noted that the Department of Parks and Recreation commented that it has no concerns with the structure. However, the Department commented on the proposed development in relation to its agency responsibility to operate, maintain, and protect state park lands on the headland at Jug Handle State Reserve. The Department did not comment on whether the project is consistent with the height and story limitations of LUP Policy 3.5-3 and Coastal Zoning Ordinance Section 20.504.015(2) or any other policy or standard of the LCP.

As noted above, LUP Policy 3.5-3 and Coastal Zoning Ordinance Section 20.504.015(2) only allow structures to exceed 18 feet in height above grade and one story when the structure would not affect public views to the ocean or be out of character with surrounding structures. As discussed above, the project as approved would both affect public views to the ocean and be out of character with surrounding structures. 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 3.5-3 and Coastal Zoning Ordinance Section 20.504.015(2).

Residence Subordinate to the Character of its Setting.

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 appellants allege that the structure as approved by the County is not subordinate to the character of its setting because of the structure's unusual design, maximum height, and expanse along the shoreline within its setting on a forested bluff top.

As noted previously, the public vantage point with views of the site is the headland at Jug Handle State Reserve across a small embayment from the shoreline of the project site. (Exhibit 3.) The character of the view-shed toward the site from the headland is of ocean, bluff, coastal terrace, woodlands and scattered houses of modest size. As noted above, the structure would superimpose against a view of coastal terrace and woodland an exceptionally large structure of a highly unusual design. As discussed previously, the 8,610-square-foot size of the structure is much larger than the size of the other modest homes in the project vicinity. In addition, the second story of the structure as approved by the County is two hundred and ten feet long with its maximum expanse facing the Jug Handle State Reserve headland. The second story would also have a substantial amount of southwest facing glass surfaces greatly exceeding the proportion of glass on the partial second stories of the other structures. In approving the project, the Planning Commission noted that the proposed structure would be in character with surrounding structures because natural material would be used. Although the design of the structure incorporates the use of some natural materials and materials that have natural appearing colors, the substantial amount of glass along the long second story façade that faces the public viewing area at Jug Handle State Reserve would not appear natural and blend with the natural landscape.

As approved, the project would be partially screened by trees. Vegetative screening could act to reduce the prominence of the structure within the viewscape. However, as noted above, many trees would have to be removed to accommodate the approved structure and to conform to fire safe regulations; and the project as approved is not subject to any condition requiring that if any of the screening trees die that they be replaced, or that the applicant be required to apply for authorization to remove trees. Thus, the permit as approved by the County does not ensure that a sufficient vegetative screen would be maintained in the future to reduce the prominence of the structure.

Therefore, the approved structure would be prominently visible within the coastal view-shed of the headland of Jug Handle State Reserve, and the unusual design and large size of the approved structure would cause the house to stand out from other houses along this section of coastline. Furthermore, because the project would affect coastal views from the coastal headland of a state park, the significance of the visual resources affected by the approved project is great. 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 the provisions of LUP Policies 3.5-1, 3.5-3, and Coastal Zoning Ordinance Section 20.504.015 that new development in highly scenic areas be subordinate to the character of its setting.

### **Conclusion: 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.

**Continuance of de Novo Review of Application**

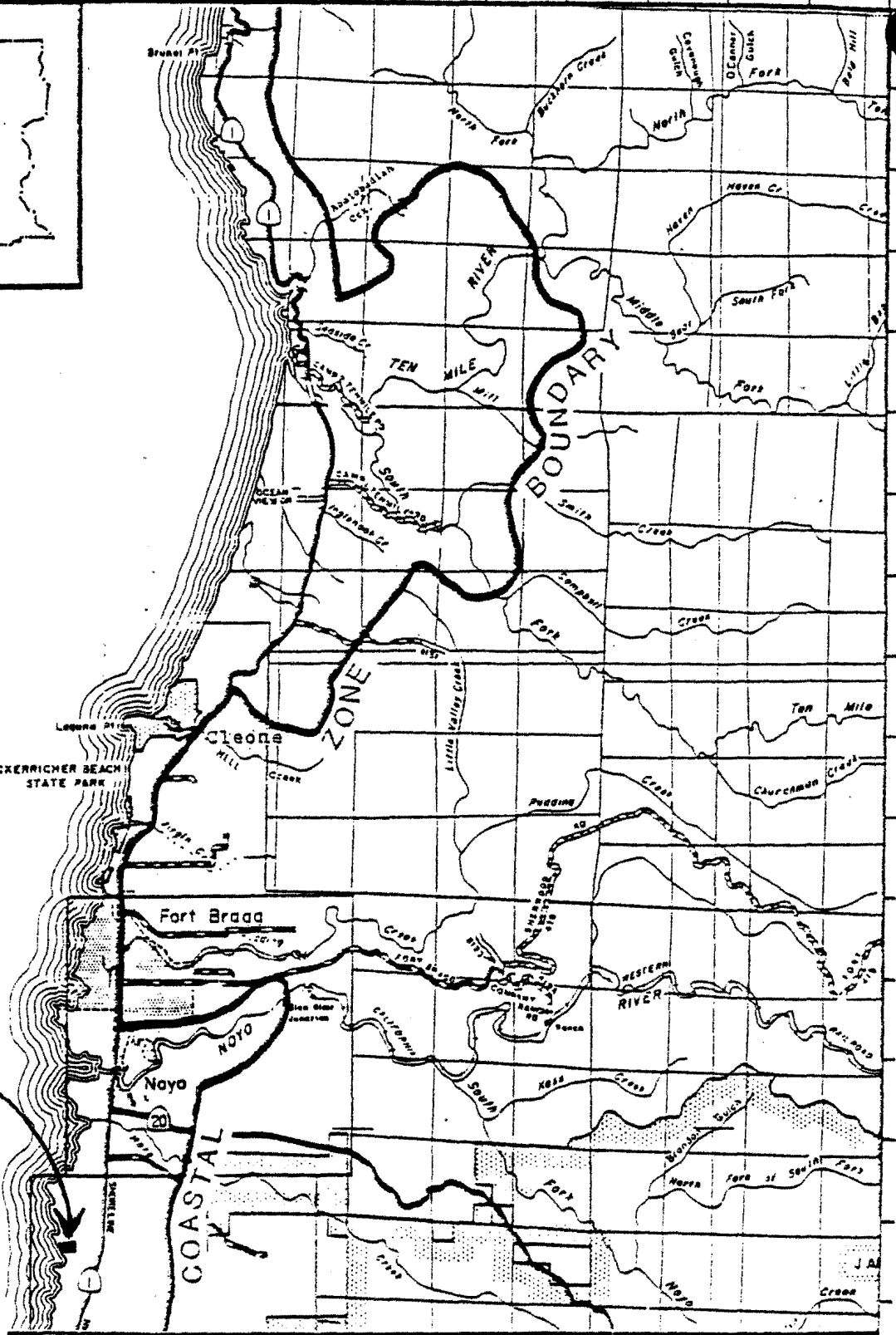
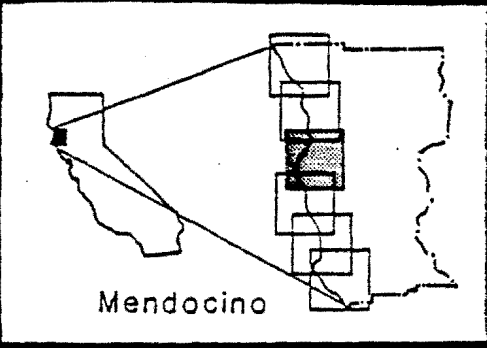
As stated above, Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which an appeal has been filed. Section 30621 of the Coastal Act instructs the Commission to provide for a de novo hearing on all appeals where it has determined that a substantial issue exists with respect to the grounds on which an appeal has been filed. If the Commission finds substantial issue as recommended above, staff also recommends that the Commission continue the de novo hearing to a subsequent date. Staff recommends that the de novo hearing be scheduled for the same meeting when a hearing and Commission action can be scheduled on related Coastal Development Permit Amendment No. 1-89-28-A3.

Exhibits:

1. Regional Location Map
2. Vicinity Map
3. Subdivision & Neighboring Property
4. Site Plan
5. First Floor Plan
5. Second Floor Plan
7. Evaluations
8. Appeal
9. Notice of Final Action

A B C D E F G H I J K L M N O

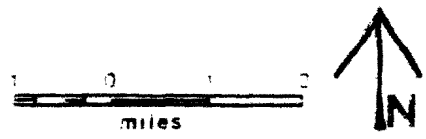
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*Project Site*

EXHIBIT NO. 1
APPLICATION NO. A-1-MEN-01-051
MEREDITH
REGIONAL LOCATION MAP

LOCATION MAP



County of Mendocino

# FORT BRAGG

Project Site

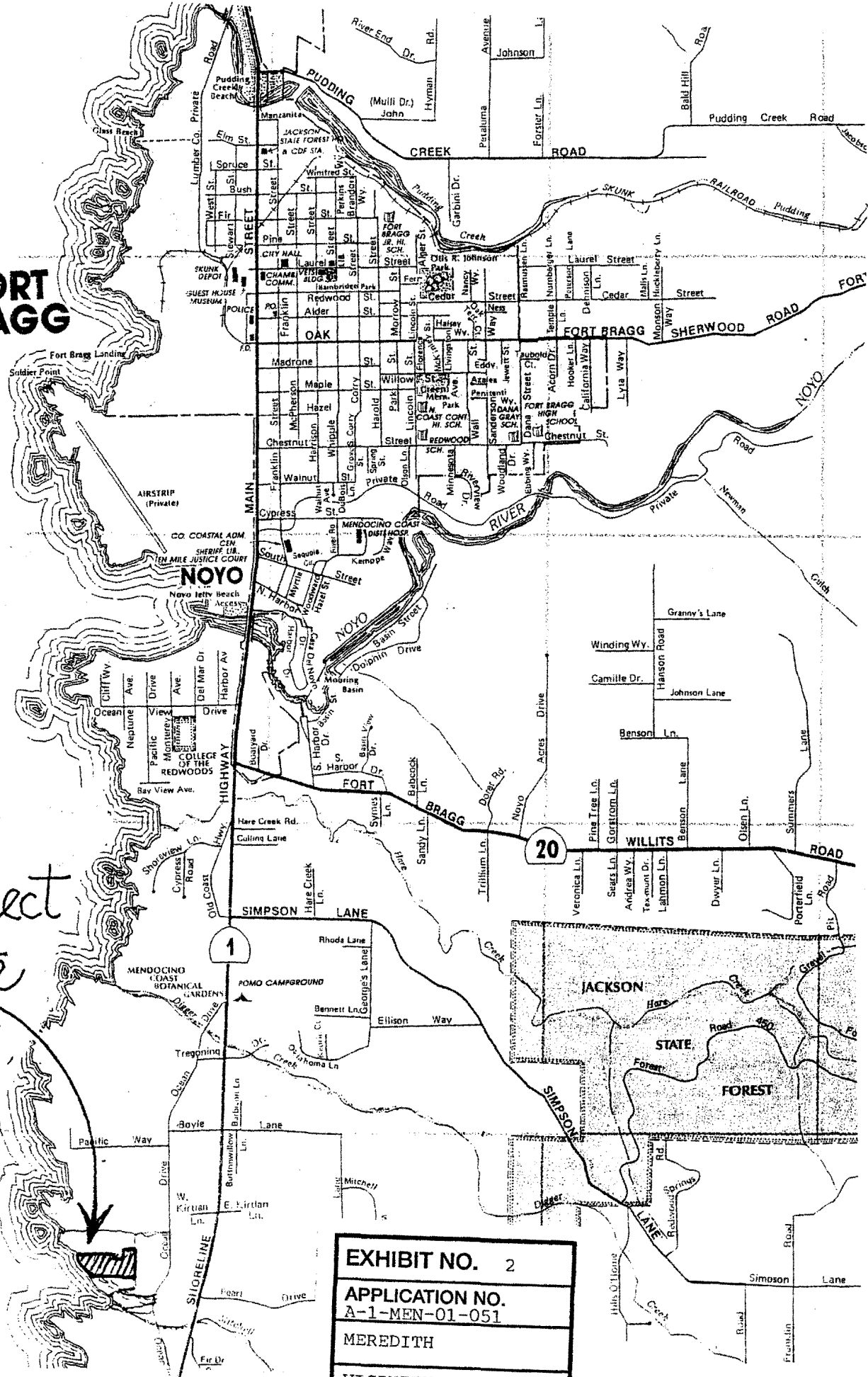


EXHIBIT NO. 2
APPLICATION NO. A-1-MEN-01-051
MEREDITH
VICINITY MAP

# Belinda Point Subdivision and Neighboring Property

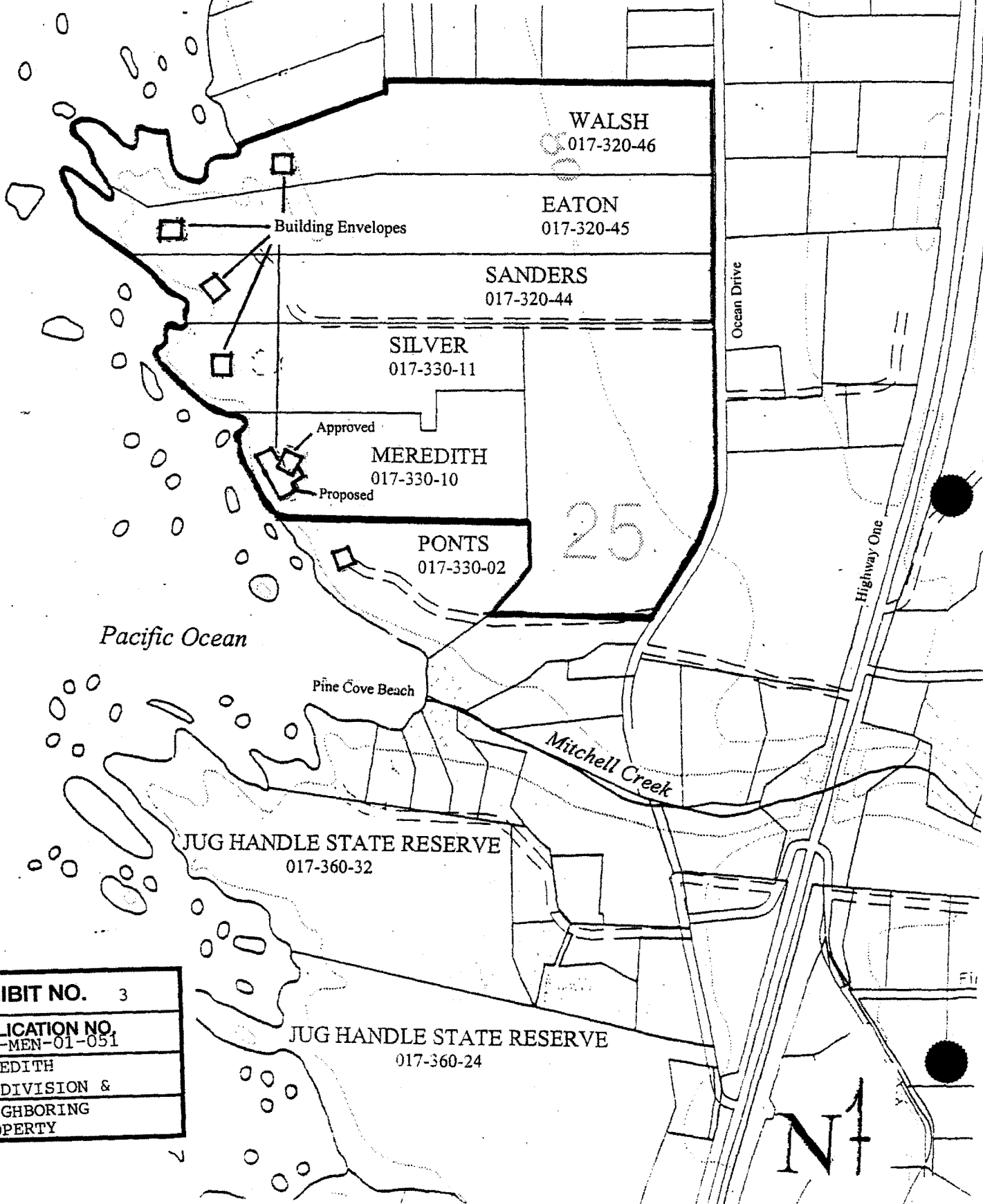
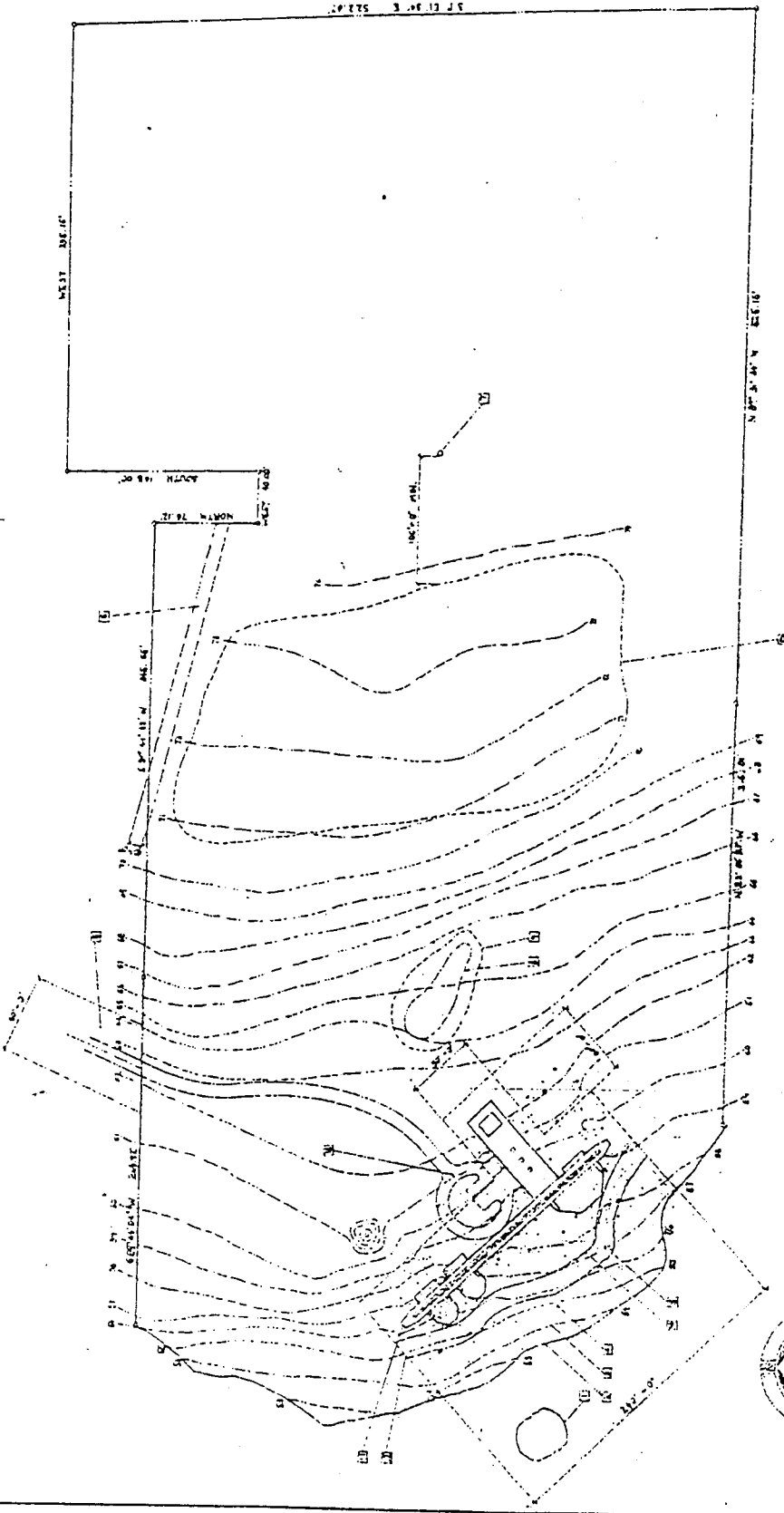


EXHIBIT NO.	3
APPLICATION NO.	A-1-MEN-01-051
MEREDITH SUBDIVISION & NEIGHBORING PROPERTY	

**SITE PLAN NOTES**

- 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- 2. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD.
- 3. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD.
- 4. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD.
- 5. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD.
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- 19. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD.
- 20. ALL DISTANCES ARE MEASURED ALONG THE CENTERLINE OF THE ROAD.

NEW BUSINESS CENTER (MUNICIPAL OFFICE) 10115 N. 101ST AVENUE, S.W. SUITE 100 DENVER, CO 80231	
PROJECT NO. 10115-01-051 SHEET NO. 1 OF 1	DATE: 10/1/01
DRAWN BY: [Name] CHECKED BY: [Name] APPROVED BY: [Name]	



SITE PLAN



<b>EXHIBIT NO.</b> 4
<b>APPLICATION NO.</b> A-1-MEN-01-051
MEREDITH
SITE PLAN

(A)

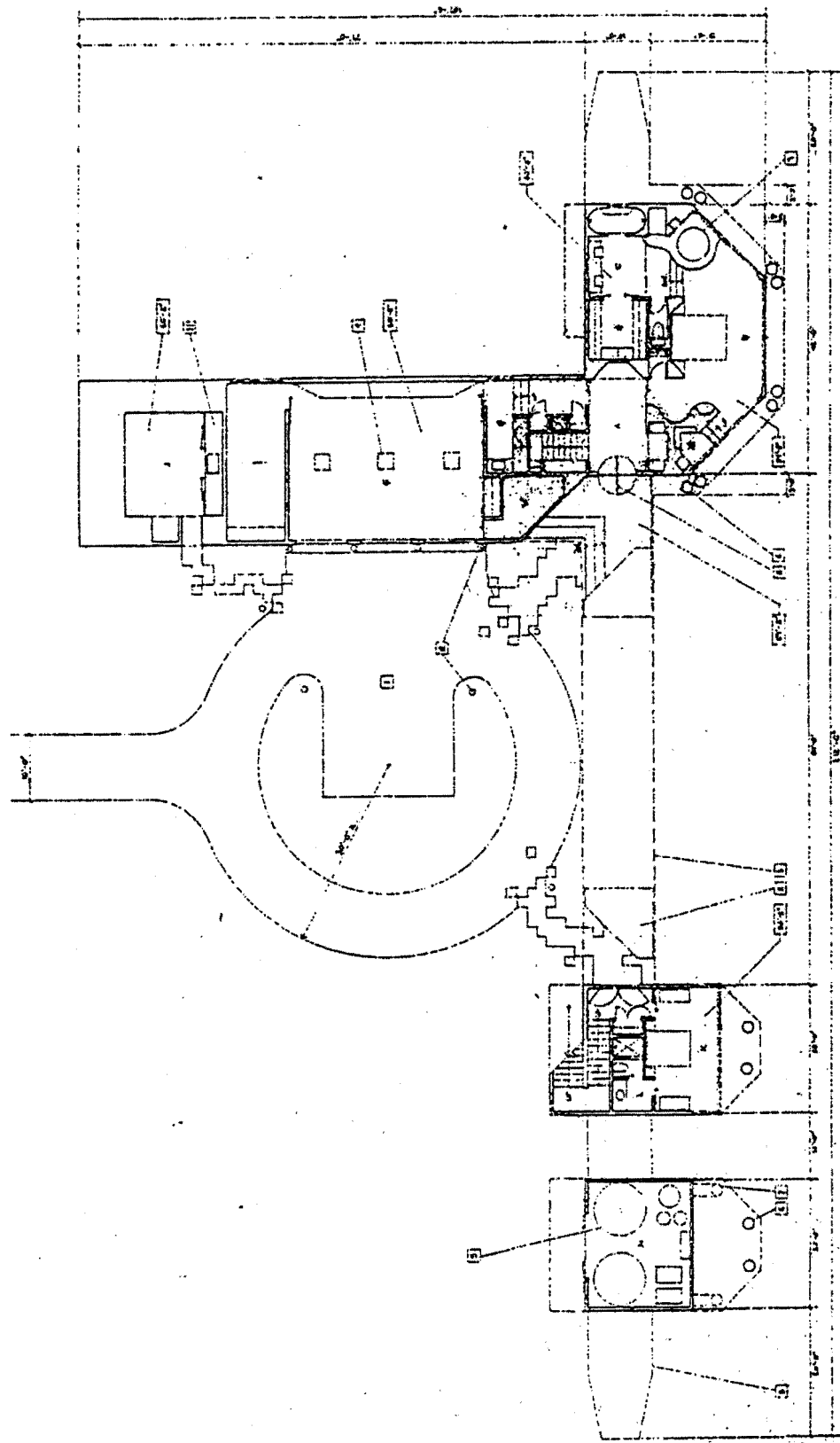
**FLOOR PLAN NOTES:**

- 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
- 2. ALL WALLS ARE 1/2" THICK UNLESS NOTED OTHERWISE.
- 3. ALL DOORS ARE 3'0" WIDE UNLESS NOTED OTHERWISE.
- 4. ALL WINDOWS ARE 4'0" WIDE UNLESS NOTED OTHERWISE.
- 5. ALL CEILING HEIGHTS ARE 8'0" UNLESS NOTED OTHERWISE.
- 6. ALL FLOOR FINISHES ARE 1/2" CONCRETE ON 4" GRAVEL.
- 7. ALL WALL FINISHES ARE 5/8" GYPSUM BOARD ON STUDS.
- 8. ALL CEILING FINISHES ARE 5/8" GYPSUM BOARD ON JOISTS.
- 9. ALL ELECTRICAL SYMBOLS ARE AS SHOWN ON SHEET E-101.
- 10. ALL MECHANICAL SYMBOLS ARE AS SHOWN ON SHEET M-101.
- 11. ALL PLUMBING SYMBOLS ARE AS SHOWN ON SHEET P-101.
- 12. ALL FINISHES ARE AS SHOWN ON SHEET F-101.
- 13. ALL MATERIALS ARE AS SHOWN ON SHEET M-101.
- 14. ALL WORK IS TO BE ACCORDING TO THE 1997 INTERNATIONAL BUILDING CODES.
- 15. ALL WORK IS TO BE ACCORDING TO THE 1997 INTERNATIONAL PLUMBING CODE.
- 16. ALL WORK IS TO BE ACCORDING TO THE 1997 INTERNATIONAL MECHANICAL AND ELECTRICAL CODES.
- 17. ALL WORK IS TO BE ACCORDING TO THE 1997 INTERNATIONAL FIRE AND SAFETY CODE.
- 18. ALL WORK IS TO BE ACCORDING TO THE 1997 INTERNATIONAL ENERGY CONSERVATION CODE.
- 19. ALL WORK IS TO BE ACCORDING TO THE 1997 INTERNATIONAL SMOKE AND ALARM CODE.
- 20. ALL WORK IS TO BE ACCORDING TO THE 1997 INTERNATIONAL ACCESSIBILITY STANDARDS.

**ROOM LEGEND**

NO.	DESCRIPTION	NO.	DESCRIPTION
1	RECEPTION	11	OFFICE
2	CONFERENCE	12	OFFICE
3	TRAINING	13	OFFICE
4	MEETING	14	OFFICE
5	WORKSHOP	15	OFFICE
6	LABORATORY	16	OFFICE
7	STORAGE	17	OFFICE
8	RESTROOM	18	OFFICE
9	TOILET	19	OFFICE
10	LOCKER	20	OFFICE

DRAWN BY: [ ]  
 CHECKED BY: [ ]  
 DATE: 11/10/01  
 PROJECT NO.: [ ]  
 SHEET NO.: [ ] OF [ ]  
 TITLE: [ ]



**FIRST FLOOR PLAN**  
11-10-01

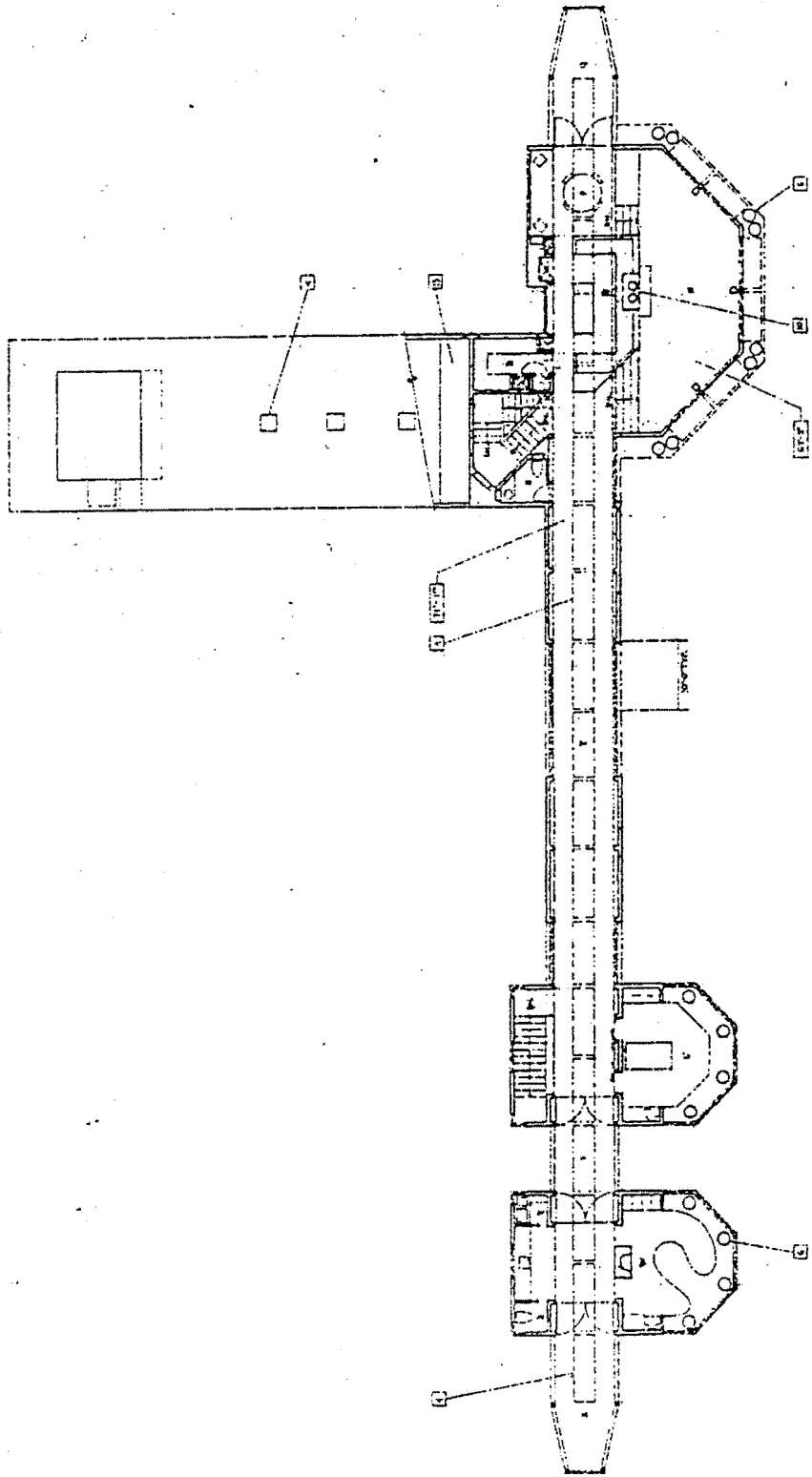
(B)

<b>EXHIBIT NO.</b>	5
<b>APPLICATION NO.</b>	A-1-MEN-01-051
MEREDITH	
FIRST FLOOR PLAN	



DATE: 11/11/54	
DRAWN BY: [illegible]	
CHECKED BY: [illegible]	
APPROVED BY: [illegible]	
PROJECT: [illegible]	
SHEET NO. 19 OF 20	
DRAWING NO. [illegible]	
SCALE: [illegible]	
SHEET TITLE: [illegible]	
SHEET NO. 19 OF 20	
DRAWING NO. [illegible]	
SCALE: [illegible]	
SHEET TITLE: [illegible]	

①



SECOND FLOOR PLAN  
1/4" = 1'-0"

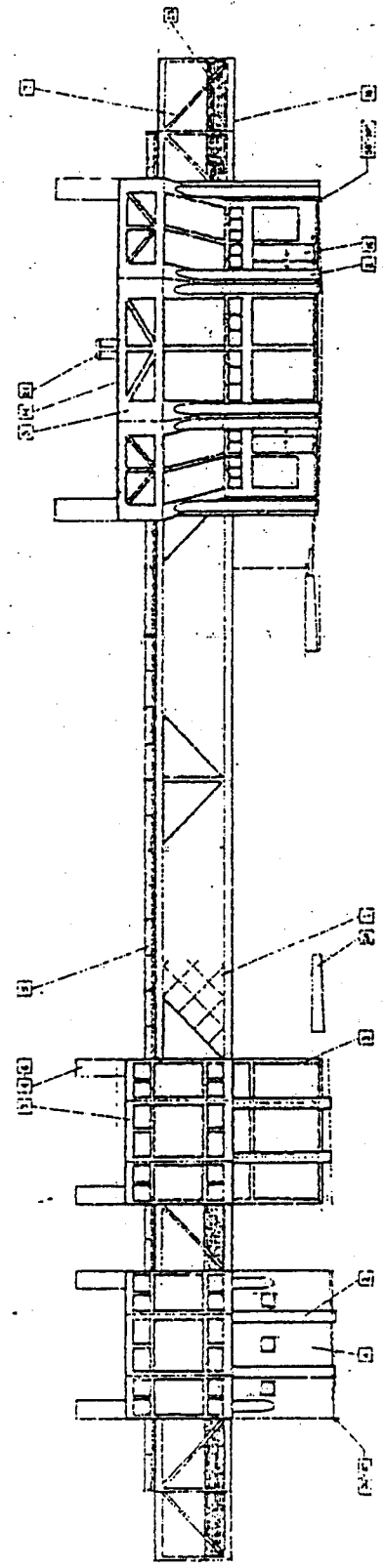
EXHIBIT NO. 6
APPLICATION NO. A-1-MEN-01-051
MEREDITH
SECOND FLOOR PLAN

**ELEVATION ROLLS**

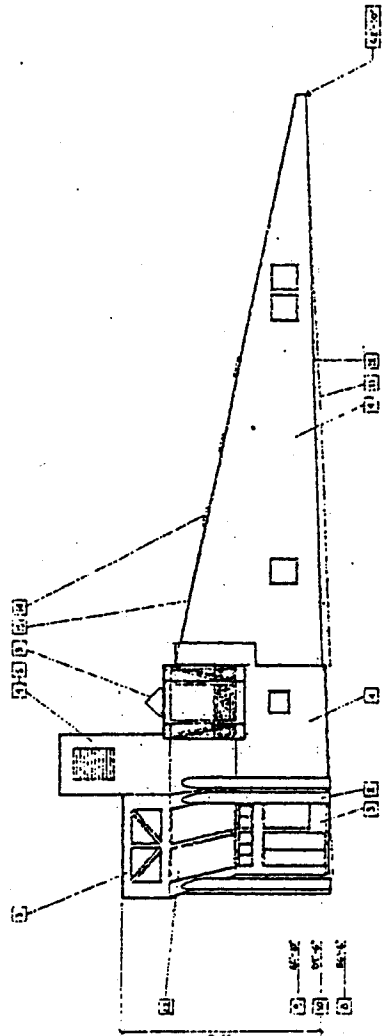
- 1. PROJECT NO. 74
- 2. DRAWING NO. 100
- 3. SHEET NO. 100-1
- 4. DATE 10/1/54
- 5. DRAWN BY J. W. GIBSON
- 6. CHECKED BY J. W. GIBSON
- 7. APPROVED BY J. W. GIBSON
- 8. CONTRACT NO. 100-1
- 9. CONTRACTOR J. W. GIBSON
- 10. OWNER J. W. GIBSON
- 11. ADDRESS 100-1
- 12. CITY 100-1
- 13. STATE 100-1
- 14. COUNTY 100-1
- 15. ZIP CODE 100-1
- 16. SCALE 1/8" = 1'-0"
- 17. SHEET NO. 100-1
- 18. TOTAL SHEETS 100-1
- 19. PROJECT NO. 74
- 20. DRAWING NO. 100
- 21. SHEET NO. 100-1
- 22. DATE 10/1/54
- 23. DRAWN BY J. W. GIBSON
- 24. CHECKED BY J. W. GIBSON
- 25. APPROVED BY J. W. GIBSON
- 26. CONTRACT NO. 100-1
- 27. CONTRACTOR J. W. GIBSON
- 28. OWNER J. W. GIBSON
- 29. ADDRESS 100-1
- 30. CITY 100-1
- 31. STATE 100-1
- 32. COUNTY 100-1
- 33. ZIP CODE 100-1
- 34. SCALE 1/8" = 1'-0"
- 35. SHEET NO. 100-1
- 36. TOTAL SHEETS 100-1

PAL C-20

NEW HAMPSHIRE REGISTERED ARCHITECT  
 1733 WORTH DRIVE, PORTSMOUTH, N.H. 02871  
 PHONE 3-272-3441



**SOUTHWEST ELEVATION**  
1/8" = 1'-0"



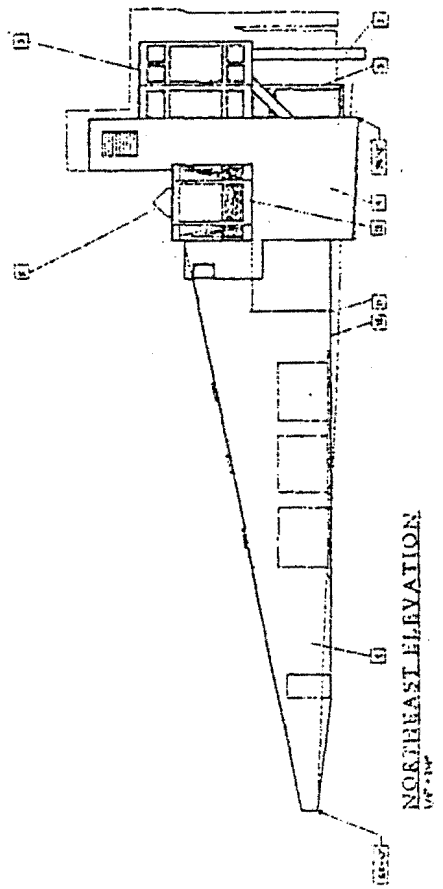
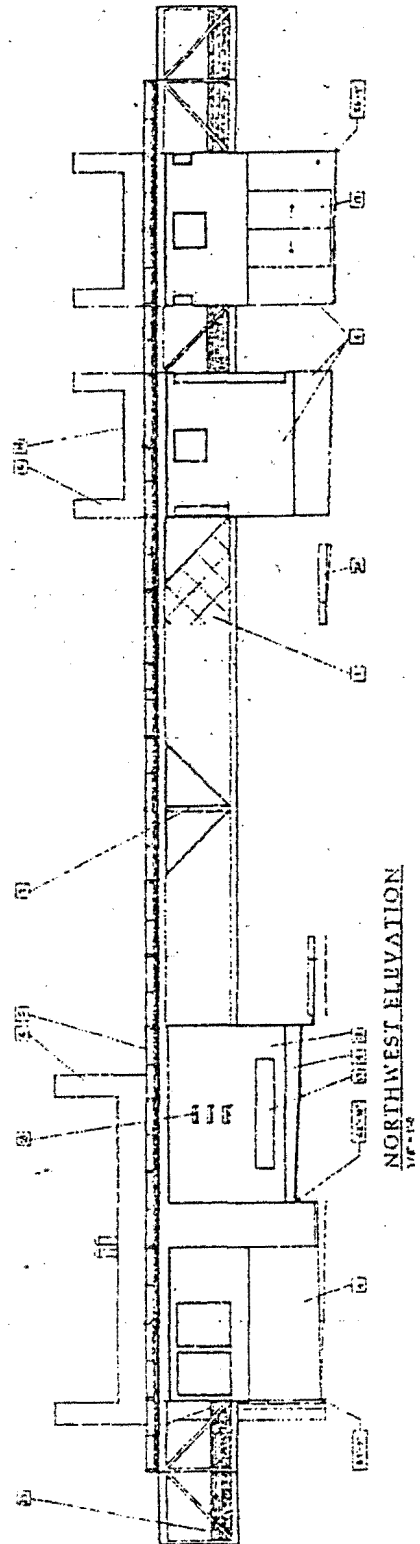
**SOUTHEAST ELEVATION**  
1/8" = 1'-0"

(2)

EXHIBIT NO.	7
APPLICATION NO.	A-1-MEN-01-051
MEREDITH	
ELEVATIONS	(1 of 2)

DATE: 10/11/11 DRAWN BY: [Name] CHECKED BY: [Name] PROJECT NO.: [Number]	
PROJECT: [Name] CLIENT: [Name]	
1111 CECIL DRIVE, FORT WALK, TX 76114	
SCALE: 1/8" = 1'-0"	SHEET NO.: 21

11



242

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
710 E STREET • SUITE 200  
EUREKA, CA 95501-1865  
VOICE (707) 445-7833  
FACSIMILE (707) 445-7877

MAILING ADDRESS:  
P. O. BOX 4908  
EUREKA, CA 95502-4908



APPEAL FROM COASTAL PERMIT  
DECISION OF LOCAL GOVERNMENT

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

**RECEIVED**  
SEP 14 2001

SECTION I. Appellant(s)

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

<u>Commissioner Mike Reilly</u>	<u>John Woolley</u>
<u>County of Sonoma</u>	<u>Board of Supervisors</u>
<u>575 Administration Drive, Room 100</u>	<u>825 5<sup>th</sup> Street</u>
<u>Santa Rosa, CA 95403-2887</u>	<u>Eureka, CA 95501-1153</u>
<u>(707) 565-2241</u>	<u>(707) 476-2393</u>

CALIFORNIA  
COASTAL COMMISSION

SECTION II. Decision Being Appealed

1. Name of local/port government: The County of Mendocino

2. Brief description of development being appealed: Coastal Development Permit for a 8,610 square foot, two story residence with three separate elements connected by a 210 foot long bridge/library; together with a driveway, well, septic system and landscaping

3. Development's location (street address, assessor's parcel no., cross-street, etc.): 17230 Ocean Drive, Fort Bragg (Mendocino County)  
APN 017-330-10

4. Description of decision being appealed
- a. Approval; no special conditions: \_\_\_\_\_
  - b. Approval with special conditions: CDP 12-2001 & MS 44-1988/2001
  - c. Denial: \_\_\_\_\_

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-1-MEN-01-051  
DATE FILED: 9/14/01  
DISTRICT: North Coast

<b>EXHIBIT NO.</b> 8
<b>APPLICATION NO.</b> A-1-MEN-01-051
MEREDITH
APPEAL (1 of 7)

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

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

6. Date of local government's decision: 8/16/2001

7. Local government's file number (if any): MS 44-1988/2001 and CDP #12-2001

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:

Gene A. and C. J. Meredith  
110 Frederick Street  
Santa Cruz, CA 95062

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) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (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.

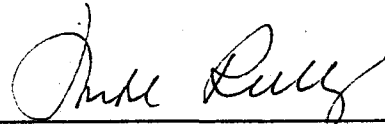
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

\_\_\_\_\_  
See Attachment A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.



\_\_\_\_\_  
Signature of Appellant(s) or  
Authorized Agent

Date 9/14/01

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

Section VI. Agent Authorization

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

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

Date \_\_\_\_\_

397

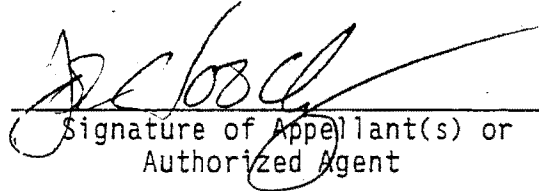
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment A

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.

  
Signature of Appellant(s) or Authorized Agent

Date 9/14/01

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

Section VI. Agent Authorization

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

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

Date \_\_\_\_\_

4 of 7

## ATTACHMENT A

### Reasons for Appeal

The approval of Coastal Development Permit Application No. 12-2001 by Mendocino County is inconsistent with the certified Local Coastal Program (LCP), and raises substantial issues regarding visual resources.

### VISUAL RESOURCES

The approval of the coastal development permit by Mendocino County encompasses property within a highly scenic area designation, and is in conflict with visual resource policies and standards contained in the Mendocino LCP, including, but not limited to Policies 3.5-1, 3.5-3, and Coastal Zoning Ordinance Section 20.504.015.

### Policies

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 protected 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."*

Policy 3.5-3 states in applicable part, *"The visual resource areas listed below are those which have been identified on the land use maps and shall be designated as "highly scenic areas," within which new development shall be subordinate to the character of its setting. Any development permitted in these areas shall provide for the protection of ocean and coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes. ...Portions of the coastal zone within the Highly Scenic Area west of Highway 1 between the Ten Mile River estuary south to the Navarro River as mapped with noted exceptions and inclusions of certain areas east of Highway 1. ...In addition to other visual policy requirements, new development west of Highway One in designated "highly scenic areas" is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Variances from this standard may be allowed for planned unit development that provides clustering and other forms of meaningful visual mitigation. New development should be subordinate to natural setting and minimize reflective surfaces..."*

Coastal Zoning Ordinance Section 20.504.015 states in applicable part, *"(C) Development Criteria.*

- (1) Any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used for recreational purposes.*



- (2) *In highly scenic areas west of Highway 1 as identified on the Coastal Element land use plan maps, new development shall be limited to eighteen (18) feet above natural grade, unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures.*
- (3) *New development shall be subordinate to the natural setting and minimize reflective surfaces. In highly scenic areas, building materials including siding and roof materials shall be selected to blend in hue and brightness with their surroundings."*

### Discussion

The County of Mendocino approved Coastal Development Permit # 12-2001 for an 8,610 square foot, two story residence with three separate elements connected by a 210-foot-long bridge/library; together with a driveway, well, septic system and landscaping. The proposed residence would consist of three distinct elements connected by an elevated bridge/library. The largest element, at the southerly end of the structure, would include the two-story living quarters, a three-car garage, an exercise room, and a utility yard. Eighty feet to the north, connected at the upper level by the bridge/library, would be a two-story bedroom and office unit. Ten feet further north would be a two-story office and mechanical unit, also connected by the bridge. At both ends of the structure the bridge would become a cantilevered deck, extending 20 feet out from the building. The entire approved structure measures 210 feet north to south, and 110 feet east to west. Along the west elevation, the three elements would each rise 28 feet above the finished grade. Six passive ventilation chimneys, each 2 ½ feet by 8 ½ feet, two at each unit, would rise an additional nine feet higher. To the east, the roof of the garage, exercise room and utility court would slope down to approximately two feet above grade. The building has a substantial amount of window area, most of it along the westerly side.

The project as approved by the County would have significant impact on visual resources. The parcel is located within an area designated as "highly scenic" in the Coastal Plan. The parcel is visible from a headland of Jug Handle State Reserve just south of Mitchell Creek, and the approved project places new development prominently within view from this public park location.

The limitations contained in LUP Policy 3.5-3 and Coastal Zone Ordinance 20.504.015 (2) allow structures to exceed one story and eighteen (18) feet in height *only* after finding such variance would not affect public views to the ocean or be out of character with surrounding structures. No findings were adopted that explain why a twenty-eight (28) foot high two-story structure is allowed to be built in a highly scenic area within view from public parkland. Some of the buildings on neighboring parcels are one-story structures and others have partial second stories. However, the second story of the project as approved by the County is much larger than the ground floor, and is in excess of one-story in height, two-hundred and ten (210) feet long, and would have a substantial amount of southwest facing glass surface greatly exceeding the proportion of glass on the partial second stories of the other structures. Therefore, the second story of the project as approved by the County is out of character with surrounding structures, inconsistent with the provisions of LUP Policy 3.5-3 and Coastal Zoning Ordinance Section 20.504.015(2) that only allow structures with more than a single story and greater than eighteen (18) feet in height when the development *would not be out of character with surrounding*

6 of 7

*structures.* Furthermore, as noted previously the location of the house as approved by the County would be prominent from Jug Handle State Reserve. The view towards the house site from the State Reserve looks towards ocean waters within the small bay that is a large inlet separating the Jug Handle State Reserve headland from the shoreline of the subject blufftop parcel. The backdrop of this public view of the ocean is currently a narrow open coastal terrace and dense Bishop Pine forest. The house would be superimposed against this backdrop in a manner that would leave the structure only partially screened by trees. In addition, numerous trees within the existing viewshed would need to be removed to accommodate the approximately 8,600-square-foot-house. The project as approved by the County affects public views to the ocean, and therefore is inconsistent with the provisions of LUP Policy 3.5-3 and Coastal Zoning Ordinance Section 20.504.015(2) that only allow structures with more than a single story and greater than eighteen (18) feet in height when the development *would not affect public views to the ocean.*

The project as approved by the County would not be subordinate to the character of its setting as required by LUP Policy 3.5-1 and Coastal Zoning Ordinance Section 20.504.015 (3). The character of the subject viewshed is of ocean, bluff, coastal terrace, woodlands and a few widely scattered houses of modest size. As noted above, the structure would superimpose—against a view of coastal terrace and woodland—an exceptionally large structure of a highly unusual design and of maximum height. As approved, the project would be partially screened by trees. However, the project as approved is not subject to any condition requiring that if any of the screening trees die that they be replaced, or that the applicant be required to apply for authorization to remove trees. Thus, there is no guarantee that trees that provide any screening of the structure will continue to exist in the future, and thus no guarantee that the structure will remain even partially screened. Furthermore, the large amount of glass in the southwest exposure will cause glare to viewers from the State Reserve. Therefore, the project as approved by the County is inconsistent with LUP Policy 3.5-1 and Coastal Zoning Ordinance Section 20.504.015 (3) as it will not be subordinate to the character of its setting and will not minimize reflective surfaces.

### CONCLUSION

The Commission finds that the project as approved by the County, is inconsistent with, and raises substantial issues, with respect to its conformance with LCP standards and policies and Coastal Act policies pertaining to visual resource protection.



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
501 LOW GAP ROAD • ROOM 1440 • UKIAH • CALIFORNIA • 95482

1-MEN-01-132  
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pbs@co.mendocino.ca.us  
www.co.mendocino.ca.us/planning

**RECEIVED**  
August 27, 2001  
AUG 30 2001  
CALIFORNIA  
COASTAL COMMISSION

**NOTICE OF FINAL ACTION**

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

**CASE#:** MS 44-1988/2001 and #CDP 12-2001

**DATE FILED:** 01/05/2001

**OWNER:** GENE A. AND C.J. MEREDITH

**AGENT:** BUD KAMB

**REQUEST:** Modification of conditions of Minor Subdivision #MS 44-88 to enlarge the building envelope on Parcel 1 from 10,000 square feet to 18,000 square feet, reduce the bluff setback from 75 feet to 35 feet, and reduce the tree removal setback along the south parcel boundary from 150 feet to 70 feet; and also Coastal Development Permit for a 8,610 square foot, two story residence with three separate elements connected by a 210 foot long bridge/library; together with a driveway, well, septic system and landscaping.

**LOCATION:** In the Coastal Zone, approximately 3 miles south of Fort Bragg, 150± feet west of Ocean Drive, 200± feet south of Pacific Way; Parcel 1 of Belinda Point Subdivision; AP# 017-330-10.

**PROJECT COORDINATOR:** Charles Hudson

**ACTION TAKEN:**

The Planning Commission, on August 16, 2001, approved the above described project. See attached documents for the findings and conditions in support of this decision.

The above project was not appealed at the local level.

This 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.

Attachments

cc: Gene and Kitty Meredith  
Bud Kamb  
Coastal Commission  
Assessor

<b>EXHIBIT NO.</b>	9
<b>APPLICATION NO.</b>	A-1-MEN-01-051
<b>MEREDITH</b>	
<b>NOTICE OF FINAL ACTION</b>	(1 of 36)

**MENDOCINO COUNTY PLANNING COMMISSION  
DRAFT MINUTES  
AUGUST 16, 2001**

**6C. MS 44-1988/2001 and CDP 12-2001 – CHAPMAN/MEREDITH – South of Fort Bragg**

Request: Modification of conditions of Minor Subdivision #MS 44-88 to enlarge the building envelope on Parcel 1 from 10,000 square feet to 18,000 square feet, reduce the bluff setback from 75 feet to 35 feet, and reduce the tree removal setback along the south parcel boundary from 150 feet to 70 feet; and also Coastal Development Permit for a 8,610 square foot, two story residence with three separate elements connected by a 210 foot long bridge/library; together with a driveway, well, septic system and landscaping.

Mr. Hudson reviewed the staff report. Commissioner Barth noted that the map in the staff report is not legible and Mr. Hudson reviewed another map of the project site and identified the location of the Mendocino coast paintbrush.

In response to Commissioner Lipmanson, Mr. Hudson stated that staff is recommending denial of the application based primarily on the size of the proposed house, the long westerly frontage and locating the structure closer to the bluff than is consistent with goals and policies of the Coastal Plan. Mr. Hudson explained that the Coastal Plan calls for a single story or 18-foot tall structure. He described the view of the proposed house from Jug Handle State Park headland. Mr. Falleri expanded on staff's recommendation for denial of the application and explained that approval of large structures will set a precedent for action on subsequent residences. Mr. Falleri described other structures in the area and action by the Coastal Permit Administrator on residences in the area. Mr. Hudson stated, in response to Commissioner Lipmanson, that staff did not request information from the applicant justifying the need for a house of the proposed size. Also, in response to Commissioner Lipmanson, Mr. Hudson stated that the retreat rate is 1.75 inches per year and the applicants are requesting a 35-foot setback. The Local Coastal Program requires a 75-year life span for bluff retreat.

In response to Commissioner Nelson, Mr. Hudson stated that it is unlikely that this properly could be subdivided given the environmental constraints on the site. Also in response to Commissioner Nelson, Mr. Hudson stated that second units are not allowed in the coastal zone. The CC&R's prohibit further division.

Commissioner Barth commented that she viewed this site from Jug Handle State Park. She described the site and surrounding development and stated that the views depicted in the photographs circulated to the Commission show the area fairly well.

Mr. Bud Kamb, representing the application, discussed the history of development and subdivision in the area. Mr. Kamb stated, because no plans were available at the time of subdivision for structures, the building envelopes were established in the center of the parcel. There were no specific studies done in establishing the building envelopes. Mr. Kamb described surrounding development and views from public locations. It was his opinion that the proposed residence will not impact views from public locations. Plans of the proposed structure were viewed by State Parks and they have no concerns. Mr. Kamb also pointed out that no opposition has been raised regarding the proposed modification and coastal development permit for the residence.

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In response to Commissioner Lipmanson, both Mr. Kamb and Commissioner Barth stated that the ranger who reviewed the proposed residence has been in this area for many years and resides in the area. Commissioner Barth estimated that he has been in the area for over 10 years and is familiar with the issues.

The public hearing was declared open and subsequently closed when no one came forward to address the commission.

Chairman McCowen voiced concerns with aesthetic impacts from the proposed structure. He stated that the proposed structure is not in keeping with the character of the area. He also stated that he could not support moving the building envelope and residence closer to the bluff.

Commissioner Barth disagreed and commented that she feels that the house is in character with other structures built in the coastal zone. The proposed structure will be screened from public locations by the trees and given the natural material being used in the construction, the residence will be in character with the area.

Commissioner Lipmanson commented that he could not make the findings required by CEQA relating to visual impacts. In addition, he had concerns with the location of the residence in relation to the bluff. The fact that the structure is screened does not justify allowing bigger and bigger residences in the area. He stated that he could support a smaller structure with additional screening. He also had concerns regarding visual impacts from the ocean itself.

The Commission briefly discussed the unconventional design of the structure, with Commissioner Lipmanson explaining that his concerns are not relating to the unconventional design but more toward the size of the structure.

Chairman McCowen stated that he could not support the reduced bluff setback and visual screening.

Commissioner Nelson stated that, given the Department of Parks and Recreation comments, he could support the proposed structure.

In response to Commissioner Calvert, Mr. Bowman, project architect, reviewed photographs and drawings of the site, describing the proposed structure, setbacks and screening. He described vegetation on the site which resulted in the proposed design of the structure.

Discussion followed by the Commission regarding the appropriate setback, aesthetics, views from public locations, size and scale of the proposed structure and existing structures, and protection of the Mendocino coast paintbrush. Mr. Falleri explained that the code is clear that a 50-foot minimum setback is required from an environmentally sensitive habitat.

Upon motion by Commissioner Barth, seconded by Commissioner Calvert and carried by the following roll call vote, IT IS ORDERED that the Planning Commission adopts a Negative Declaration and approves the modification of #MS 44-88 and approves Coastal Development Permit #CDP 12-2001 making the following findings and subject to the following conditions of approval:

**General Plan Consistency Finding:** The Planning Commission finds that the proposed project is consistent with applicable goals and policies of the General Plan with the inclusion of the conditions of approval.

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**Environmental Findings:** The Planning Commission finds that no significant environmental impacts would result from the proposed project which can not be adequately mitigated through the conditions of approval, therefore, a Negative Declaration is adopted.

**Department of Fish and Game Findings:** The Planning Commission has evaluated the Initial Study and other information pertinent to the potential environmental impacts of this project and finds that, based upon the existing development on the subject parcel and surrounding parcels, the project will not have any adverse impact upon wildlife or the habitat upon which wildlife depends and, therefore, the Commission has rebutted the presumption set forth in subdivision (d) of Section 753.5.

**Coastal Development Permit Findings:** The Planning Commission finds that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of the Coastal Zoning Code, that:

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 zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code, and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.
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 the Coastal Element of the General Plan.

**Project Findings:** The Planning Commission, making the above findings, approves the modification of #MS 44-88 and approves #CDP 12-2001 subject to the following conditions of approval.

**CONDITIONS OF APPROVAL:**

1. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$25.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to August 31, 2001. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if project is approved) or returned to the payer (if project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. Failure of the applicant to make use of this permit

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within 2 years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.

2. The application for the building permit for the proposed residence shall include plans and specifications sufficient to demonstrate that the recommendations for erosion control and prevention contained in the BACE Geotechnical Investigation, dated June 28, 2001, will be implemented.
3. The application for the building permit for the proposed residence shall include plans and specifications sufficient to demonstrate that the recommendations for bluff setback and foundation design contained in the BACE Geotechnical Investigation, dated June 28, 2001, will be implemented.
4. Prior to the issuance of the Coastal Development Permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator that shall provide that:
  - a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazard and landowner assumes the risk from such hazards;
  - b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project;
  - c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
  - d. The landowner shall not construct any bluff or shoreline protective devices to protect the subject single-family residence, garage, septic system, or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future;
  - e. The landowner shall remove the house and its foundation when bluff retreat reaches the point where the structure is threatened. In the event that portions of the house, garage, foundations, leach field, septic tank, or other improvements associated with the residence fall to the beach before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal;
5. The application for the building permit for the proposed residence shall include plans and specifications sufficient to demonstrate that runoff from development on the site will be directed to a disposal point consistent with the recommendations in the BACE Geotechnical Investigation, dated June 28, 2001.

The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.

6. A revised exhibit map for Parcel 1 of #MS 44-88 shall be prepared showing the following information:
  - a. The location of the Mendocino coast paintbrush community identified by Dr. Gordon McBride, together with a minimum 50 foot buffer area measured from the outside edge of the environmentally sensitive habitat area. The revised exhibit map shall note that no development other than that permitted under Section 20.496.020(A)(4) shall be allowed within the buffer area.
  - b. The approximate extent of the area of riparian vegetation located east of the proposed building site, as identified on the exhibit map submitted with #MS 44-88, together with a minimum 50 foot buffer. (If supported by written documentation, it may be possible to find that a reduced setback, or a determination that no environmentally sensitive habitat area exists, is consistent with Coastal Plan Policies.)
  - c. The revised location of the building envelope, outside of any environmentally sensitive habitat buffer areas.
7. Prior to beginning any construction on the site, construction fencing shall be installed at the outer limit of the 50 foot buffer area, sufficient to prevent construction activities from encroaching within the buffer areas required around the locations of the Mendocino coast paintbrush and the riparian area shown on the revised exhibit map.
8. To the maximum extent practicable, the applicant shall incorporate the five recommendations contained in the report prepared by John Phillips, dated December 7, 2000, into design and construction of the proposed residence, with the objective of minimizing adverse impact on the trees in the vicinity of the construction site.
9. Only dead or hazardous trees shall be removed from the areas west and south of the residence
10. Prior to issuance of a building permit for the residence, the applicant shall provide evidence of compliance with California Department of Forestry and Fire Protection requirements for tree removal.
11. Lighting fixtures, both interior and exterior, shall be designed, located and/or shielded so that only reflected non-glaring light is visible beyond the project parcel boundaries. The application for the building permit shall include lighting information or specifications sufficient to demonstrate compliance with this condition. Compliance with this condition shall be achieved prior to the final inspection by the Building Inspection Division, and shall be maintained for the duration of this permit.
12. Prior to issuance of a building permit for the proposed residence, the applicant shall submit to the Department of Planning and Building Services a letter or other evidence that any requirements of the California Coastal Commission pertaining to the modification of the conditions of #MS 44-88 and Coastal Permit No. 1-89-28 have been satisfactorily completed.
13. The developer shall comply with all requirements of the California Department of Forestry and Fire Protection, CDF File No. 219-01, dated April 26, 2001, or with other alternatives acceptable to the Department, and with the requirements of the Fort Bragg Rural Fire District. Written verification shall be submitted to the Department of Planning and Building Services that all requirements of the two departments have been satisfied prior to final building inspection signoff.



14. In the event that archaeological or paleontological resources are encountered during construction of the project, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
15. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
16. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved by the Planning Commission.
17. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
18. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following:
  - a. That the permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which the permit was granted have been violated.
  - c. That the use for which the permit was granted is being conducted so as to be detrimental to the public health, welfare or safety or to be a nuisance.
  - d. That a final judgment of a court of competent jurisdiction has declared one or more of the conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more of the conditions.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

19. This permit is issued without a legal determination having been made upon the number, size or shape of the parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.

AYES: Nelson, Little, Calvert, Barth  
NOES: Lipmanson, McCowen  
ABSENT: Berry

Commissioner Little stated that he concurs with some of the comments made by Commissioner Lipmanson. He stated that there has been a major change in the coastal area over the years.

Chairman McCowen commented that the illustrations clearly show that the proposed structure will be visually obtrusive.



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**  
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July 18, 2001

**RECEIVED**  
 JUL 20 2001  
 CALIFORNIA  
 COASTAL COMMISSION

Planning - FB  
 Department of Transportation  
 Environmental Health  
 Native Plant Society

Dept of Forestry  
 Dept of Fish and Game  
~~Coastal Commission~~  
 Fort Bragg Rural Fire District

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT NEGATIVE  
 DECLARATION FOR PUBLIC REVIEW

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, August 16, 2001, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project and the Draft Negative Declaration at the time listed or as soon thereafter as the item may be heard.

**CASE#:** MS 44-1988/2001 and #CDP 12-2001

**DATE FILED:** 01/05/2001

**OWNER:** GENE A. AND C.J. MEREDITH

**AGENT:** BUD KAMB

**REQUEST:** Modification of conditions of Minor Subdivision #MS 44-88 to enlarge the building envelope on Parcel 1 from 10,000 square feet to 18,000 square feet, reduce the bluff setback from 75 feet to 35 feet, and reduce the tree removal setback along the south parcel boundary from 150 feet to 70 feet; and also Coastal Development Permit for a 8,610 square foot, two story residence with three separate elements connected by a 210 foot long bridge/library; together with a driveway, well, septic system and landscaping.

**LOCATION:** In the Coastal Zone, approximately 3 miles south of Fort Bragg, 150± feet west of Ocean Drive, 200± feet south of Pacific Way; Parcel 1 of Belinda Point Subdivision; AP# 017-330-10.

**PROJECT COORDINATOR:** Charles Hudson

**ENVIRONMENTAL DETERMINATION:** The Department of Planning and Building Services has prepared a Draft Negative Declaration for the above project (no significant environmental impacts are anticipated which cannot be adequately mitigated). A copy of the Draft Negative Declaration is attached for your review.

**RESPONSE DUE DATE:** August 15, 2001. If no response is received by this date, we will assume no recommendation or comments are forthcoming and that you are in agreement with the contents of the Draft Negative Declaration.

It should be noted that the decision making body may consider and approve modifications to the requested project(s). Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services, at 501 Low Gap Road, Room 1440, Ukiah, California. Oral comments may be presented to the Planning Commission during the public hearing(s).

The Planning Commission's action shall constitute final action by the County unless appealed to the Board of Supervisors. If appealed, the Board of Supervisors action shall be final except that an approved project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. To file an appeal of the Planning Commission's decision, a written statement must be filed with the Clerk of the Board with a filing fee within 10 calendar days of the Planning Commission's decision. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing(s). All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 463-4281, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

RAYMOND HALL, Secretary to the Planning Commission

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**COUNTY OF MENDOCINO  
ENVIRONMENTAL REVIEW GUIDELINES  
DRAFT NEGATIVE DECLARATION**

**I. DESCRIPTION OF PROJECT.**

DATE: July 12, 2001

CASE#: MS 44-1988/2001 and #CDP 12-2001

DATE FILED: 01/05/2001

OWNER: GENE A. AND C.J. MEREDITH

AGENT: BUD KAMB

REQUEST: Modification of conditions of Minor Subdivision #MS 44-88 to enlarge the building envelope on Parcel 1 from 10,000 square feet to 18,000 square feet, reduce the bluff setback from 75 feet to 35 feet, and reduce the tree removal setback along the south parcel boundary from 150 feet to 70 feet; and also Coastal Development Permit for a 8,610 square foot, two story residence with three separate elements connected by a 210 foot long bridge/library; together with a driveway, well, septic system and landscaping.

LOCATION: In the Coastal Zone, approximately 3 miles south of Fort Bragg, 150± feet west of Ocean Drive, 200± feet south of Pacific Way; Parcel 1 of Belinda Point Subdivision; AP# 017-330-10.

PROJECT COORDINATOR: Charles Hudson

**II. DETERMINATION.**

In accordance with Mendocino County's procedures for compliance with the California Environmental Quality Act (CEQA), the County has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, it has been determined that:

Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, it is recommended that a NEGATIVE DECLARATION be adopted.

The attached Initial Study and staff report incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.

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**STAFF REPORT FOR MODIFICATION OF CONDITIONS FOR A MINOR SUBDIVISION AND COASTAL DEVELOPMENT PERMIT**

**#MS 44-88  
#CDP 12-2001  
AUGUST 16, 2001  
PAGE PC-1**

**NEW OWNER:** GENE AND KITTY MEREDITH  
110 FREDERICK STREET  
SANTA CRUZ CA 95062

**AGENT:** BUD KAMB  
PO BOX 616  
LITTLE RIVER CA 95456

**REQUEST:** Modification of conditions of Minor Subdivision #MS 44-88 to enlarge the building envelope on Parcel 1 from 10,000 square feet to 18,000 square feet, reduce the bluff setback from 75 feet to 35 feet, and reduce the tree removal setback along the south parcel boundary from 150 feet to 70 feet; and also Coastal Development Permit for a 8,610 square foot, two story residence with three separate elements connected by a 210 foot long bridge/library; together with a driveway, well, septic system and landscaping.

**LOCATION:** In the Coastal Zone, approximately 3 miles south of Fort Bragg, 150± feet west of Ocean Drive, 200± feet south of Pacific Way; Parcel 1 of Belinda Point Subdivision; AP# 017-330-10.

**TOTAL ACREAGE:** 11.0+- acres.

**GENERAL PLAN:** RR-5:PD [RR-2:PD]

**ZONING:** RR:L-5:PD

**EXISTING USES:** Undeveloped

**ADJACENT ZONING:** North: RR:L-5:PD  
East and South: RR:L-5  
West: Ocean

**SURROUNDING LAND USES:** North, East and South: Residential  
West: Ocean

**SURROUNDING LOT SIZES:** North: 9.1+- acres  
East: 16.09+- acres  
South: 6.25+- acres  
West: Ocean

**SUPERVISORY DISTRICT:** 4

**GOV. CODE 65950 DATE:** October 30, 2001

**OTHER RELATED APPLICATIONS ON SITE OR SURROUNDING AREA:**

Certificate of Compliance Application #CC 77-81, submitted by Joseph Eaton in July 1981, resulted in two certificates being issued, one in December 1982, and one in January 1983.

Boundary Line Adjustment #B 35-85, submitted by Wylie Eaton in April 1985, requesting adjustment of a boundary line between two parcels that were later subdivided to create the applicant's parcel, was approved by the Minor Subdivision Committee in May 1985.

Preliminary Hardship Division Application #PHD 3-85, submitted by Wylie Eaton in April 1985, requesting that a division be allowed under the hardship criteria allowed by the Court during the development injunction imposed on the County, was withdrawn.

Subdivision #S 7-87 (Belinda Point), submitted by EFS Associates in November 1987, requesting creation of 14 parcels, was withdrawn in August 1988.

Minor Subdivision #MS 44-88, submitted by EFS Associates in September 1988, requesting creation of 5 parcels, was completed in March 1990.

A request for a modification of conditions of #MS 44-88 was submitted by Eaton in November 1990, requesting relocation of the building envelope on Parcel 2 westerly from the location shown on the exhibit map to the location originally shown on the tentative map approved by the Coastal Commission, was approved by the Planning Commission in April 1991.

A request for a modification of conditions of #MS 44-88 submitted by Eaton and McCulloch in April 1993, requesting removal of the condition prohibiting further subdivision of the parcels created by #MS 44-88, was continued indefinitely by the Board of Supervisors in December 1994.

**PROJECT DESCRIPTION:** The applicant proposes to construct a single family residence of approximately 8,600 square feet, together with a driveway, parking area, well, septic system and landscaping. As proposed, the project requires approval of two applications, one to modify conditions of the division that were established when the parcel was created by Minor Subdivision #MS 44-88, and the other to obtain a coastal development permit for the construction of the residence and related development.

The application for modification of the conditions of #MS 44-88 requests an increase the building area from 10,000 square feet to 18,000 square feet, a reduction of the bluff setback from 75 feet to 35 feet, and a reduction of the tree removal setback along the south parcel boundary from 150 feet to 70 feet.

Coastal Development Permit Application #CDP 12-2001 requests approval of an 8,600 square foot residence composed of three separate two story elements connected at the upper levels by a bridge/library, together with related development.

**Modification of Conditions of #MS 44-88:**

The modification of conditions of #MS 44-88 is being requested to allow the applicant's proposed residence to be built outside the building envelope established when #MS 44-88 was approved, closer to the bluff, and to encroach into a buffer area from which trees were not to be removed.

The five parcels created by #MS 44-88 are the result of a ten year effort to subdivide the Belinda Point property. The effort began in 1991 with an application for certificates of compliance, which resulted in recognition of two parcels, followed by a boundary line adjustment. A request for a hardship division, ultimately withdrawn, was submitted while the County was barred from processing most coastal land division applications during the development of the Coastal Plan. A subsequent application for a subdivision creating 14 parcels was also later withdrawn due to concerns about potential environmental impacts. Ultimately #MS 44-88, creating five parcels, ranging in size from eight to fourteen acres, was approved by the County in 1989, subject to numerous conditions. Because the County did not have permit authority at the time, the application was also heard by the Coastal Commission for issuance of the coastal development permit. A permit was issued subject to additional conditions.

The applicant is requesting modification of the following conditions of #MS 44-88 required by the County:

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11. The subdivider shall include in the CC&R's a statement that all development (structures, roads, driveways, wells and septic systems) shall avoid those exhibited areas (geologic setback from bluff, riparian buffer and areas of archaeological significance) as shown on the Exhibit Map to be filed with the Parcel Map.
12. A note shall appear on the Parcel Map stating that future development shall be subject to the recommendations specified in the Preliminary Geologic Hazards Assessment prepared by Questa Engineering Corporation, dated November 2, 1987, on file in the Department of Planning and Building Services.
14. Prior to filing the Parcel Map, the subdivider shall provide an exhibit map showing the (1) 75 foot blufftop setback, (2) areas of biological significance and its required 50 foot buffer zone and (3) areas of archaeological sensitivity. All development, including structures, roads, driveways, water tank(s), wells and septic systems shall avoid those exhibited areas.
  - A. The exhibit map shall include a 50 foot buffer of trees along the northerly line of the Remainder Parcel, a 100 foot buffer of trees along the easterly line of parcel 1 and a 150 foot buffer of trees along the southerly line of Parcel 1.
  - B. A statement shall be included in the CC&R's that trees may be removed from the buffer along the northerly line of the remainder parcel to allow for the construction of a 16 foot wide access road to the building site on the remainder parcel. Also, within the three perimeter tree buffer zones, any diseased or dead trees may be removed but must be replanted with a similar native tree species.

The applicant is requesting that the 75 foot blufftop setback be reduced to 35 feet, that the 150 foot tree buffer area along the south property line be reduced to 70 feet, and that the building envelope shown on the exhibit map be relocated and expanded to accommodate the proposed development.

If the requested modifications are approved by the County, the applicant will need to obtain approval of the changes from the Coastal Commission. When the coastal development permit was issued for #MS 44-88, the Coastal Commission imposed several additional conditions, some relevant to the proposed changes. Specifically the Commission required revisions to the CC&Rs, to prohibit grading or vegetation removal outside the adopted building envelopes.

**Coastal Development Permit #CDP 12-2001:**

The request for modification of #MS 44-88 involves some of the same issues that would be considered during the review of the coastal development permit for the proposed residence, and the requested modifications are in part due to the design of the residence. Consequently the applicant has elected to submit both applications simultaneously.

The proposed residence will consist of three distinct elements connected by an elevated bridge/library. The largest element, at the southerly end of the structure, includes the two-story living quarters, a three car garage, an exercise room, and a utility yard. Eighty feet to the north, connected at the upper level by the bridge/library, is a two-story bedroom and office unit. Ten feet farther north is a two-story office and mechanical unit, also connected by the bridge. At both ends of the structure the bridge becomes a cantilevered deck, extending 20 feet out from the building. The entire structure measures 210 feet north to south, and 110 feet east to west. Along the west elevation, the three elements will each rise 28 feet above the finished grade. Six passive ventilation chimneys, each 2 1/2 feet by 8 1/2 feet, two at each unit, rise an additional nine feet higher. To the east, the roof of the garage, exercise room and utility court slopes down to approximately two feet above grade. Exterior building materials and colors are proposed as follows:

Bridge walls:	Stained cement board.
Bridge roof:	Continuous skylight.
Building walls:	Concrete or redwood or weathered copper.
Garage wing roof:	Sod or metal.
Other roofs:	Flat membrane roofing.

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The building has a substantial amount of window area, most of it along the westerly side. The upper windows of the main residential element are sloped outward at the top to reduce the possibility of reflected glare.

A circular driveway and parking area is proposed within the interior angle formed by the two wings of the structure. A leach field area is proposed to be located about 300 feet east of the house site. An existing well located about 500 feet east of the house site will be put into service to serve the residence.

#### ENVIRONMENTAL REVIEW:

Earth (Item 1E - Erosion): With their application, the applicants submitted an Engineering Geologic Reconnaissance of the site prepared by BACE Geotechnical. Additional information was submitted after BACE had had an opportunity to examine some sea caves along the bluff face. A final Geotechnical Investigation report was prepared June 28, 2001. The report describes existing site conditions, and finds the site suitable for the proposed development from a geotechnical engineering standpoint. The report notes that there is an area of erosion, approximately 30 feet wide on the southerly bluff where surface water appears to be flowing over the bluff edge and eroding soils down to the hard rock below, and recommends that an earthen berm be constructed to divert surface water to a suitable area.

Policy 3.4-9 of the Coastal Plan requires that drainage from development on a blufftop lot be controlled to avoid erosion of the bluff. Condition Number 2 is recommended.

Earth (Item 1G - Geologic Hazards): The 75 foot blufftop setback required as a condition of #MS 44-88 was based on a Preliminary Geologic Hazards Assessment prepared by Questa Engineering Corporation in November 1987. The Questa report, using information prepared by Moore and Tabor in 1978, found that bluff retreat in the area would be expected to be less than one foot per year, and using the Coastal Plan requirement that blufftop setbacks provide for a 75 year life span for structures, recommended a 75 foot setback.

The Geotechnical Investigation prepared by BACE Geotechnical concludes that the bluff is eroding at about the rate of one and three quarters of an inch per year. Using a factor of safety of three, BACE determined that a suitable bluff setback would be 33 feet, provided measures are implemented to control runoff from the site to prevent bluff erosion. Without erosion control measures, BACE recommends a 44 foot setback.

The Fort Bragg Building Division of the Department of Planning and Building Services commented that the structure would need to meet Uniform Building Code setback requirements, which require a setback equal to one third the bluff height, but not to exceed 40 feet. Using the 50 to 60 foot bluff height given in the BACE report, the setback required by the Uniform Building Code would be 17 to 20 feet.

BACE also inspected several sea caves in the bluff face and determined that they presented no hazard to the proposed development.

Several policies in the Coastal Plan address potential hazards related to blufftop lots. Policy 3.4-1 requires the geologic hazards be evaluated and that recommended mitigation measures be implemented. Policy 3.4-7 requires sufficient blufftop setback to provide for a 75 year life span for structures. It also requires that any recommendations contained in an engineering geologist's report be followed.

Based on the information contained in the Geotechnical Investigation prepared by BACE Geotechnical Investigation, dated June 28, 2001, the requested reduction in blufftop setback will be consistent with Coastal Plan Policies addressing geologic hazards on blufftop lots, provided the recommendations in the report are implemented. Condition Number 3 is recommended.

The Coastal Commission and Mendocino County have been requiring a deed restriction on blufftop parcels on which development is to be located within 100 feet of the bluff. The deed restriction prohibits the construction of seawalls, and requires that the structures be removed from the property if threatened by bluff retreat. The restriction also requires that the landowner be responsible for any clean up associated with portions of the development that

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might fall onto a beach. It is anticipated that the Coastal Commission will continue to apply this deed restriction for any blufftop development, and staff recommends including Condition Number 4 to include this requirement.

Water (Item 3B - Runoff): The driveway, parking area, surfaced walkways and the roof of the residence will contribute to increased amounts of runoff during rainstorms, with the potential of causing additional erosion on the site if not properly accommodated. Coastal Plan Policy 3.4-9, mentioned above, requires that runoff from impervious surfaces be disposed of in a manner that will not contribute to erosion on the site. Condition Number 5 is recommended.

Plant Life (Item 4B): A botanical survey prepared by Winzler and Kelly in 1987 stated that Castilleja latifolia had been found below the bluff edge. A subspecies, ssp. mendocinensis (Mendocino coast paintbrush) is classed as rare and endangered. The Winzler and Kelly report states that positive identification of the subspecies was not possible due to the inaccessible location of the plants on the bluff face, but that the subspecies has been found in similar locations. The report also identified a riparian plant community located to the east of the adopted building envelope.

Gordon E. McBride, Ph.D., surveyed the site on March 29 and April 6, 2001, and determined that the Mendocino coast paintbrush was not present on the site, and that no mitigation measures were necessary for protection of the Mendocino coast paintbrush on the parcel. On a subsequent visit to the site he did find Mendocino coast paintbrush growing on the site, in an unusual location, back from the bluff, at the base of some pine trees. He recommends a 50 foot buffer around the location. The plants are growing in an area approximately 37 feet northerly of the northeast corner of the proposed dwelling.

In a telephone conversation, Dr. McBride stated that it was his opinion that the plant community identified on the exhibit map as a riparian area did not constitute a riparian habitat.

Policy 3.1-7 of the Coastal Plan and Section 20.496.020 of the Coastal Zoning Code call for a 100 foot setback from environmentally sensitive habitat areas, with a possible reduction to 50 feet if approved by the California Department of Fish and Game and County Planning staff. Conditions Number 6 and 7 are recommended for protection of Mendocino coast paintbrush habitat identified on the site, and for compliance with the Coastal Plan and Zoning Code.

John M. Phillips, Arborist, was retained to review two proposed building sites, and provide preliminary evaluations of their impact on existing trees, and to offer guidelines for minimizing negative potential impacts. (A copy of Mr. Phillips' report is attached.)

Two building locations with different building types were considered. The first is described as a conventional structure with perimeter or slab foundation located in a clearing just inland of the westernmost forest stand. This appears to coincide roughly with the building envelope identified in #MS 44-88, in which 15 trees were indicated for future removal. The second is described as a structure supported on posts, within the westernmost forest stand, with any slabs or driveways located within clearings. The second option is found to cause less of an impact to the forest stand. No plot plans showing the locations of the two options were submitted.

Mr. Phillips' report states that either option will have impact on the trees, and offers five recommendations to reduce the potential impact to the forest. Conditions Number 8 and 9 are recommended to mitigate impact to the tree stand in the vicinity of the building site.

The California Department of Forestry and Fire Protection commented in a letter dated May 29, 2001, that if any trees are to be removed, a Timber Harvest Plan, Timberland Conversion Permit or an Exemption would be required. Based on the staked-out location of the residence when staff visited the site on July 3, it appears that 12 to 15 trees will need to be removed from the building footprint area, with additional tree removal necessary to gain adequate clearance around the structure. Condition Number 10 is recommended to ensure compliance with California Department of Forestry and Fire Protection timber harvest requirements.

Animal Life (Item 5): A typical coastal development permit for a residence is categorically exempt under CEQA, and is not subject to wildlife habitat impact fees imposed by the Department of Fish and Game (DF&G). The fact that the coastal development permit for this residence is subject to environmental review, and consequently subject

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to a DF&G finding, is a result of being combined with the request for modification of the minor subdivision conditions. Therefore the determination of whether the project is "de minimis" or not is being made only on the basis of the requested modifications to #MS 44-88. The proposed relocation of the building envelope and reduction in tree buffer setback is not anticipated to have any significant impact on wildlife habitat, beyond that which would result from construction in the adopted building envelope, and it is recommended that the project be found to be "de minimis" in its effect on wildlife habitat under Section 711 of the Fish and Game Code. Condition Number 1 is recommended.

Light and Glare (Item 7): The plans for the proposed residence show several exterior lighting fixtures in the vicinity of the circular driveway and garage entry. A note on the First Floor Plan drawing states: "All outdoor lighting is downcast and not visible from neighboring properties or public lands." Because the house is located toward the western edge of an 11 acre parcel, shielded lighting should present no light or glare impacts to adjacent parcels or to public roads to the east. The house site will be visible from the Jug Handle State Reserve headlands to the southwest. While the exterior lighting on the northeast side of the house should not be visible from the headland, the house does have considerable west-facing window area, and interior lights could result in light or glare sources visible from a public place. Condition Number 11 is recommended to require that interior as well as exterior lighting be shielded from direct view from locations beyond the parcel boundaries.

Land Use (Item 8): The property is zoned Rural Residential, Five Acres Minimum, Planned Development (RR:L-5:PD). Within the Rural Residential Zone a single family residence is a permitted use, subject to approval of a coastal development permit. The Planned Unit Development (PD) Classification was applied to the property when the Coastal Plan was adopted in 1985, in anticipation of future subdivision of the property, to require that the development plan provide maximum protection to coastal resources. With the withdrawal of the subdivision application in 1988 and submission of a minor subdivision application to divide the property, the possibilities for clustering, or other innovative project design provided by the PD Classification were never utilized. Development of a single family residence and related accessory uses is not subject to the requirements of the PD Combining District.

At the time that #MS 44-88 was approved by the County Planning Commission, the Local Coastal Program had not been completed and permit authority was held by the Coastal Commission. Consequently the coastal development permit for the division was granted by the Coastal Commission (Application Number 1-89-28), approved June 13, 1989 Coastal Commission staff has advised that approval of an amendment of the coastal permit by the Coastal Commission will be necessary following approval of the modification by the County. Condition Number 12 is recommended to require that evidence of satisfactory completion of any Coastal Commission requirements be submitted to the Department of Planning and Building Services prior to issuance of a building permit for the residence.

Transportation/Circulation (Item 12): Access to the parcel is provided by Belinda Point Road, a private road connecting to Ocean Drive. No alterations to Belinda Point Road or Ocean Drive are proposed. At the time Minor Subdivision MS 44-88 was approved, it was found that the additional traffic that would result from the creation of the five proposed parcels was consistent with the Coastal Plan in that the additional density being proposed was within the limits of densities allowed by the Coastal Plan. The Department of Transportation had no comment on the current applications.

Public Services (Item 13 - Fire Protection): The California Department of Forestry and Fire Protection submitted recommended conditions of approval regarding required standards for driveways, addressing, and defensible space. The Fort Bragg Rural Fire District commented that the project must meet access and water supply requirements. Condition Number 13 is recommended to require compliance with the requirements of the California Department of Forestry and Fire-Protection and the Fort Bragg Rural Fire District.

Utilities (Item 15 - Water Supply and Sewage Disposal): The parcel is in an area designated as a Marginal Water Resource area (MWR) in the Coastal Groundwater Study. Water is to be provided from an existing well on the property. Sewage disposal is to be by septic tank and leach field in an portion of the site east of the building site. The Fort Bragg Division of Environmental Health commented that the proposed adjustment of the building envelope did not conflict with the soil evaluation report prepared by Cari Rittiman.

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Aesthetics (Item 17): The request to allow the building envelope setback to be reduced from 75 feet to 35 feet, together with a building design that proposes a two-story 210 foot long southwest elevation with substantial glass area, poses potential for significant visual impact.

The parcel is located within an area designated as "highly scenic" in the Coastal Plan, and although not visible from Highway 1 or other public roads, it is visible from the Jug Handle State Reserve headland just south of Mitchell Creek. Several policies in the Coastal Plan address new development within a highly scenic area.

Policy 3.5-1 states that the scenic qualities of the coast are a resource of public importance and shall be protected; that new development shall be sited and designed to protect views to and along the ocean and scenic coastal areas and shall be visually compatible with the character of surrounding areas; and that new development shall be subordinate to the character of its setting.

Policy 3.5-3 requires that ocean and coastal views from public areas shall be protected, and that new development west of Highway 1 shall be limited to one story unless additional height would not affect public views to the ocean or be out of character with surrounding structures. New development must be subordinate to its natural setting and minimize reflective surfaces. The policy allows for possible variances to these requirements for planned unit developments that provide clustering or other visual mitigation.

Policy 3.5-4 calls for bluff setbacks to minimize visual impacts of development along the shoreline and keeping development in scale with the rural character of the area.

Most of the applicant's parcel is covered with Bishop Pine forest. Along the ocean to the north, the land is more open coastal grassland. A transition between grassland and forest occurs in the northwestern corner of the applicant's parcel. The adopted building envelope lies generally in a clearing within the transition area, with a stand of trees approximately 100 feet wide between the clearing and the bluff. It is within this stand of trees that the applicant would like to locate the residence. There appears to be ample room on the parcel to locate an expanded building envelope that would accommodate the proposed residence with views of the ocean and with much less potential impact on the forest. Locating the building behind the westernmost stand of trees would also retain much more of a screen between the structure and Jug Handle State Reserve.

When viewed from the Jug Handle headland, there are other residences in view along the bluff in the vicinity of the applicant's parcel. Immediately south of the applicant's parcel is the Pons' residence, a two story residence minimally screened by trees. Two parcels to the north of the applicant's parcel is the Sanders' single story residence. Although this residence is located in open grassland with no screening whatsoever, it is located within one of the building envelopes approved by #MS 44-88. A coastal development permit has been approved for a single story residence, guest cottage and detached garage for Silver on the parcel immediately to the north of the applicant's parcel. Implementation of a landscape plan was required to provide screening from Jug Handle State Reserve.

A letter was received from Ron Munson, Chief Ranger with the Department of Parks and Recreation, stating that State Parks had reviewed the plans for the Meredith residence with the architect, owner and agent, and that State Parks was satisfied that their concerns for protecting the viewshed from State Park property on the headlands had been sufficiently addressed.

Although the Pons' residence is a two story structure, only a portion of the house is two stories, opposed to the applicant's proposed residence, with its bridge extending 210 feet at the second story level. In staff's opinion, the combination of the two-story height, the long façade facing Jug Handle State Reserve and the reduction in screening that will result from the reduced setback results in a project that is not consistent with the overall objective expressed by Coastal Plan policies that new development in highly scenic areas be unobtrusive, and recommends that the requested relocation of the building envelope be denied. Staff could support a modified building envelope located substantially within the clear area behind the westernmost stand of trees so long as it is clear of the required 50 foot setback from Mendocino coast paintbrush habitat. However, staff would express concern for a 210-foot long structure that elevates a large amount of glass surface to the second story. Although, there is considerable subjective judgement in considering whether the size and design of the proposed structure is compatible with scope, scale and

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character, and is subordinate to its setting, staff can not find the proposed residence consistent with those parameters.

Cultural Resources (Item 19): The site has been studied for archaeological resources in association with prior applications, and no archaeological resources have been identified on the applicant's parcel. Condition Number 14 is recommended to advise the applicant of the requirements of the County Archaeological Ordinance in the event that any archaeological resources should be discovered during construction.

**ENVIRONMENTAL RECOMMENDATION**: Staff finds that significant aesthetic impacts are anticipated which cannot be adequately mitigated, therefore, can not support adoption of a Negative Declaration for the project as designed. Should the project be denied, no environmental determination is required.

**GENERAL PLAN CONSISTENCY RECOMMENDATION**: The proposed project as requested is not consistent with Policies 3.5-1, 3.5-3 and 3.5-4 of the Coastal Element of the General Plan as discussed above.

**RECOMMENDED MOTION**: The Planning Commission finds that the proposed location of the building envelope together with the size and design of the proposed residence would create adverse aesthetic impacts which would conflict with pertinent policies of the Coastal Element of the General Plan, therefore, denies the requested Modification of Conditions for #MS 44-88 and Coastal Development Permit #CDP 12-2001.

**ALTERNATIVE MOTION**: Should the Planning Commission determine that the project is consistent with goals and policies of the Coastal Plan, staff offers the following recommended findings and conditions.

**General Plan Consistency Finding**: The Planning Commission finds that the proposed project is consistent with applicable goals and policies of the General Plan with the inclusion of the conditions recommended in the staff report.

**Environmental Findings**: The Planning Commission finds that no significant environmental impacts would result from the proposed project which can not be adequately mitigated through the conditions of approval, therefore, a Negative Declaration is adopted.

**Department of Fish and Game Findings**: The Planning Commission has evaluated the Initial Study and other information pertinent to the potential environmental impacts of this project and finds that, based upon the existing development on the subject parcel and surrounding parcels, the project will not have any adverse impact upon wildlife or the habitat upon which wildlife depends and, therefore, the Commission has rebutted the presumption set forth in subdivision (d) of Section 753.5.

**Coastal Development Permit Findings**: The Planning Commission finds that the application and supporting documents and exhibits contain information and conditions sufficient to establish, as required by Section 20.532.095 of the Coastal Zoning Code, that:

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 zoning district applicable to the property, as well as the provisions of the Coastal Zoning Code, and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.

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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 the Coastal Element of the General Plan.

**Project Findings:** The Planning Commission, making the above findings, approves #MS 44-88 Modification and #CDU 12-2001 subject to the conditions of approval recommended by staff.

**RECOMMENDED CONDITIONS:**

1. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$25.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to August 31, 2001. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if project is approved) or returned to the payer (if project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. Failure of the applicant to make use of this permit within 2 years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.
- \*\* 2. The application for the building permit for the proposed residence shall include plans and specifications sufficient to demonstrate that the recommendations for erosion control and prevention contained in the BACE Geotechnical Investigation, dated June 28, 2001, will be implemented.
- \*\* 3. The application for the building permit for the proposed residence shall include plans and specifications sufficient to demonstrate that the recommendations for bluff setback and foundation design contained in the BACE Geotechnical Investigation, dated June 28, 2001, will be implemented.
- \*\* 4. Prior to the issuance of the Coastal Development Permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator that shall provide that:
  - a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazard and landowner assumes the risk from such hazards;
  - b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project;
  - c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant;
  - d. The landowner shall not construct any bluff or shoreline protective devices to protect the subject single-family residence, garage, septic system, or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future;

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- e. The landowner shall remove the house and its foundation when bluff retreat reaches the point where the structure is threatened. In the event that portions of the house, garage, foundations, leach field, septic tank, or other improvements associated with the residence fall to the beach before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal;

The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.

- \*\* 5. The application for the building permit for the proposed residence shall include plans and specifications sufficient to demonstrate that runoff from development on the site will be directed to a disposal point consistent with the recommendations in the BACE Geotechnical Investigation, dated June 28, 2001.
- \*\* 6. A revised exhibit map for Parcel 1 of #MS 44-88 shall be prepared showing the following information:
  - a. The location of the Mendocino coast paintbrush community identified by Dr. Gordon McBride, together with a minimum 50 foot buffer area measured from the outside edge of the environmentally sensitive habitat area. The revised exhibit map shall note that no development other than that permitted under Section 20.496.020(A)(4) shall be allowed within the buffer area.
  - b. The approximate extent of the area of riparian vegetation located east of the proposed building site, as identified on the exhibit map submitted with #MS 44-88, together with a minimum 50 foot buffer. (If supported by written documentation, it may be possible to find that a reduced setback, or a determination that no environmentally sensitive habitat area exists, is consistent with Coastal Plan Policies.)
  - c. The revised location of the building envelope, outside of any environmentally sensitive habitat buffer areas.
- \*\* 7. Prior to beginning any construction on the site, construction fencing shall be installed at the outer limit of the 50 foot buffer area, sufficient to prevent construction activities from encroaching within the buffer areas required around the locations of the Mendocino coast paintbrush and the riparian area shown on the revised exhibit map.
- \*\* 8. To the maximum extent practicable, the applicant shall incorporate the five recommendations contained in the report prepared by John Phillips, dated December 7, 2000, into design and construction of the proposed residence, with the objective of minimizing adverse impact on the trees in the vicinity of the construction site.
- \*\* 9. Only dead or hazardous trees shall be removed from the area west and south the residence
- \*\* 10. Prior to issuance of a building permit for the residence, the applicant shall provide evidence of compliance with California Department of Forestry and Fire Protection requirements for tree removal.
- \*\* 11. Lighting fixtures, both interior and exterior, shall be designed, located and/or shielded so that only reflected non-glaring light is visible beyond the project parcel boundaries. The application for the building permit shall include lighting information or specifications sufficient to demonstrate compliance with this condition. Compliance with this condition shall be achieved prior to the final inspection by the Building Inspection Division, and shall be maintained for the duration of this permit.

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- \*\* 12. Prior to issuance of a building permit for the proposed residence, the applicant shall submit to the Department of Planning and Building Services a letter or other evidence that any requirements of the California Coastal Commission pertaining to the modification of the conditions of #MS 44-88 and Coastal Permit No. 1-89-28 have been satisfactorily completed.
- \*\* 13. The developer shall comply with all requirements of the California Department of Forestry and Fire Protection, CDF File No. 219-01, dated April 26, 2001, or with other alternatives acceptable to the Department, and with the requirements of the Fort Bragg Rural Fire District. Written verification shall be submitted to the Department of Planning and Building Services that all requirements of the two departments have been satisfied prior to final building inspection signoff.
14. In the event that archaeological or paleontological resources are encountered during construction of the project, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
- \*\* 15. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
16. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and compliance therewith shall be mandatory, unless a modification has been approved by the Planning Commission.
17. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the use permit.
18. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one or more of the following:
- a. That the permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which the permit was granted have been violated.
  - c. That the use for which the permit was granted is being conducted so as to be detrimental to the public health, welfare or safety or to be a nuisance.
  - d. That a final judgment of a court of competent jurisdiction has declared one or more of the conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more of the conditions.
- Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.
19. This permit is issued without a legal determination having been made upon the number, size or shape of the parcels encompassed within the permit boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit boundaries are different than that which is legally required by this permit, this permit shall become null and void.

July 13, 2001  
DATE

Charles N. Hudson  
CHARLES N. HUDSON  
PLANNER III

CNH:sb  
7/12/2001

Negative Declaration

Appeal Fee - \$600.00  
Appeal Period - 10 days

\*\* Indicates conditions relating to Environmental Considerations - deletion of these conditions may effect the issuance of a Negative Declaration.

SUMMARY OF COMMENTS:

Planning - FB  
Department of Transportation  
Environmental Health - FB

Building Inspection - FB

CDF

DF&G  
Coastal Commission  
Fort Bragg Rural Fire District

Not consistent with Coastal Plan Policies.

No comment.

Adjustment of building envelope is consistent with Rittiman's soil evaluation report.

Cliff setback must be 1/3 cliff height, but not more than 40 feet, per UBC.

A THP, Timberland Conversion Permit or Exemption is required if trees are to be removed. Fire safe regulations must be met.

No response.

No response.

Must meet access and water supply requirements.

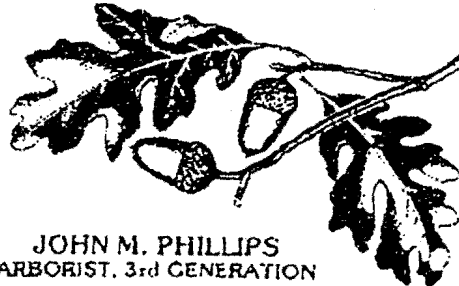
21 of 36

December 7, 2000

Project: Proposed Meredith Residence

Location: Belinda Point  
Ocean Dr., Mendocino Co.

For: Obie G. Berman  
P.O. Box 1114  
Healdsburg, Ca. 95448



JOHN M. PHILLIPS  
ARBORIST, 3rd GENERATION

Assignment: Review two proposed building sites and provide preliminary evaluations on their impact of existing trees. In addition, offer guidelines for minimizing negative potential impacts.

### SUMMARY

The project is to provide a residence on the site that maximizes the ocean views while minimizing the impact on existing trees. Of the two options proposed, the one within the forest appears to best accomplish these objectives. This is predicated on a building design and construction techniques that are sensitive to the forest's structural and biological integrity.

### OBSERVATIONS

The site is part of a rural subdivision on the coast several miles south of Fort Bragg. There are two proposed building sites, both at the western edge of the parcel. A drawing was provided that shows the original layout ("option 1"). The newer option ("option 2") was laid out on site with string.

Option 1 sits in a clearing just inland of the western most forest stand. According to the drawing, at least 15 trees would have to be removed in order to complete the building. In order to get the desired ocean views from this site, an undetermined number of trees would have to be cut down. This number appears to be quite substantial.

Option 2 is placed within the western most forest stand. There would be two buildings placed in existing spaces between trees. Connecting these two buildings would be an elevated walkway. Desired ocean views from these buildings would require the removal of very few trees, if any. Minor pruning may be all that is necessary.

Option 1 is described as a conventional structure utilizing perimeter and/or slab foundation. Option 2 would be placed on posts entirely (any slabs, driveways, and septic systems would be placed in the clearing designated for Option 1).

The area in and around the building sites is mostly an even-aged stand of three pine species (shore, Bishop & Monterey) and white fir. There are younger trees, including seedlings, at the perimeter of the stand. Along the western edge of the stand there is evidence of recent changes as seen in the form of tree death, decline and collapse. Overall, the forest appears in fair to good health.



## DISCUSSION

The development of any site cannot be done without some impact on an existing landscape. Minimizing this impact to trees must be attentive to both the above and below ground portions of them. The former are usually the most obvious and easier to provide for.

In a forest stand such as this one, it is important to consider group structure. Having grown up together, each tree is used to the others being nearby. Opening holes in the group could cause the failure to stand of one or more of the others. This may already be occurring at the western edge of the existing stand.

Trees in groups are also supported by an underground network of roots and microorganisms. Viability is maintained through the annual deposition of leaves, twigs, and other woody debris that accumulates on the soil surface. This "food" is critical to the network, and the network is critical to good health of the trees.

Building in an open clearing is typically less disruptive than within a stand. In order to accomplish the latter with minimal impact, innovative design is necessary. Equally important is a high degree of sensitivity and skill during construction.

## CONCLUSIONS

Option 1 is deemed more impactive than Option 2 based on the amount of trees required to achieve the desired ocean views. Such removal would likely create corridors in the stand that would precipitate adjacent trees to collapse. The exact number is not predictable but is likely to be far less than the number of trees needed to complete Option 2.

On the other hand, Option 2 has the potential for a high degree of root loss. In order to avoid this, building foundations will have to minimize surface area and be placed very carefully between trees.

The following recommendations are given to assist in the planning and implementation of Option 2 with minimal impact on the forest.

1. Layout the building to minimize the number of trees removed. Focus on leaving the larger, healthier individuals and removing the dead, dying or suppressed.

2. Design foundations that will minimize intrusion into the root environment. Use posts only within the stand and keep lateral bracing above soil grade (most roots are in the top foot of the soil). Place waste system (tank and drainfield) outside the stand. Hand dig all trenches within the stand and preserve all roots possible.

3. Preserve the decomposition element by allowing the surface organic materials to stay in place. These include fallen leaves, branches and whole trees. Remove them only where needed for passage or to minimize fire threat.


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4. Investigate and utilize the least impactive construction techniques and tools. Require the construction team to use these and adopt a sensitivity to tree preservation. It is highly recommended that a qualified arborist be retained to help interpret the preservation concepts and assist in their implementation.

5. Landscape improvements after construction should continue to align with the requirements of the forest. Avoid introducing non-native plants into the stand, especially any dense ground covers. Where new trees are desired, move seedlings of the existing species from elsewhere on the property. Prune for views after construction clearly shows where it may be needed and attempt to satisfy the need by removing dead/dying branches.

The above conclusions and recommendations are based on the observations made at this time. Should further information become available, I reserve the right to make any necessary modifications:

by:



John M. Phillips

ISA Certified Arborist #106

Registered Consulting Arborist #253



CASE NO: MS 44-88 Mod.  
 CDU 12-01

AGENT: Bud Kamb

25936

MEREDITH

LOCATION MAP

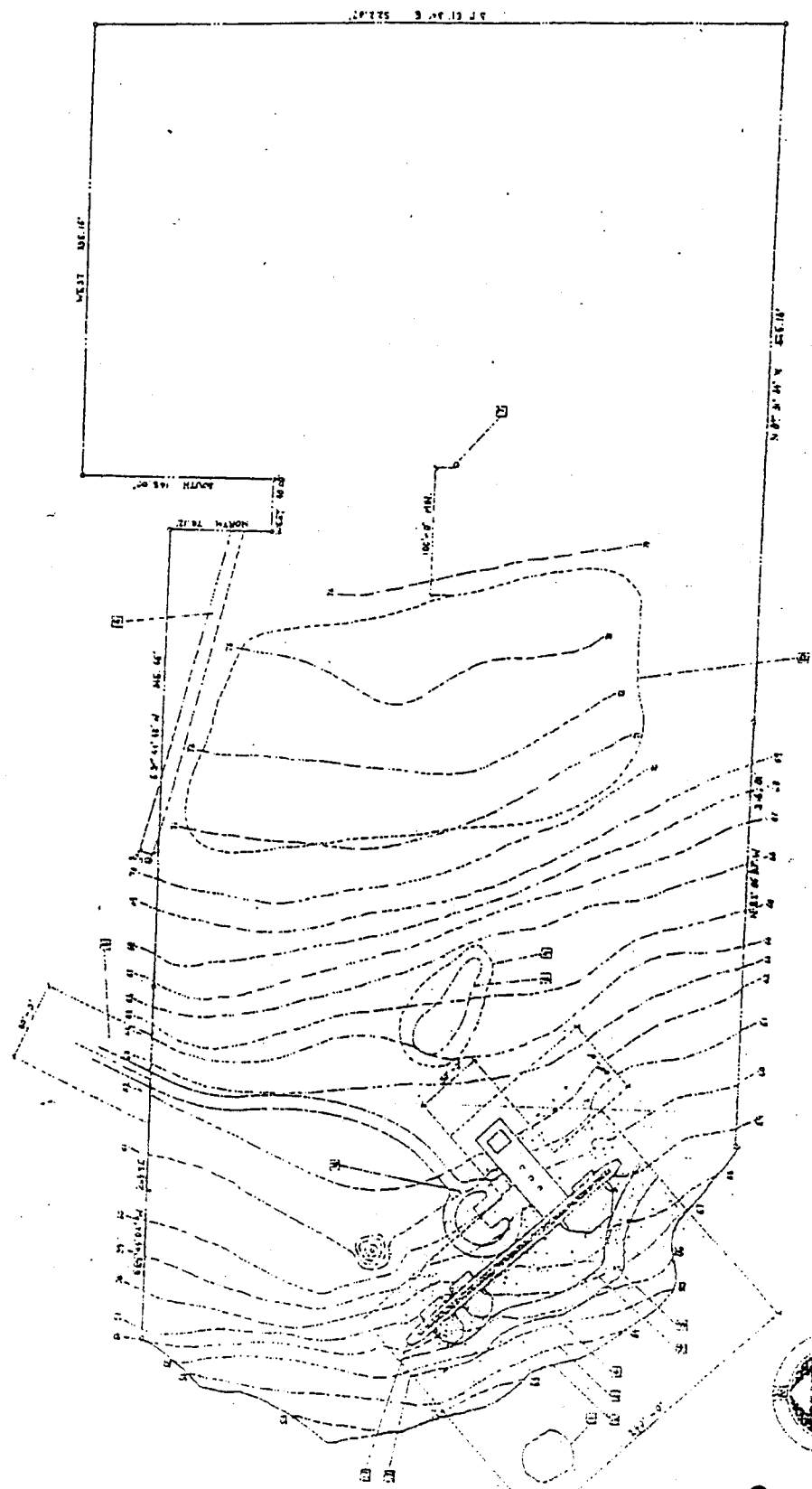
SCALE: 1 INCH = APPROX. 30 FEET



**SITE PLAN NOTES**

- 1. GENERAL NOTES AND CONDITIONS SHALL APPLY TO THIS PLAN.
- 2. THIS PLAN IS TO BE USED FOR THE PURPOSES INDICATED HEREON.
- 3. THE LAND IS BEING OFFERED AS SHOWN ON THIS PLAN.
- 4. THE LAND IS BEING OFFERED AS SHOWN ON THIS PLAN.
- 5. THE LAND IS BEING OFFERED AS SHOWN ON THIS PLAN.
- 6. THE LAND IS BEING OFFERED AS SHOWN ON THIS PLAN.
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- 9. THE LAND IS BEING OFFERED AS SHOWN ON THIS PLAN.
- 10. THE LAND IS BEING OFFERED AS SHOWN ON THIS PLAN.

DATE: _____	PROJECT: _____
NORTH ARIZONA STATE UNIVERSITY 1500 UNIVERSITY AVENUE TEMPE, ARIZONA 85287-0001 TEL: (602) 964-2000 FAX: (602) 964-2000	
SCALE: _____	BY: _____
DATE: _____	PROJECT: _____



SITE PLAN

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(A)

PLAN NOTES

- 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
- 2. FINISH FLOOR IS INDICATED BY A DASHED LINE.
- 3. ALL WALLS ARE 4" THICK UNLESS NOTED OTHERWISE.
- 4. ALL DOORS ARE SWUNG UNLESS NOTED OTHERWISE.
- 5. ALL WINDOWS ARE 2' X 4' UNLESS NOTED OTHERWISE.
- 6. ALL CEILING IS 8' UNLESS NOTED OTHERWISE.
- 7. ALL FLOORS ARE CONCRETE UNLESS NOTED OTHERWISE.
- 8. ALL ROOFS ARE FLAT UNLESS NOTED OTHERWISE.
- 9. ALL STAIRS ARE 36" WIDE UNLESS NOTED OTHERWISE.
- 10. ALL ELEVATIONS ARE IN FEET UNLESS NOTED OTHERWISE.
- 11. ALL SYMBOLS ARE AS SHOWN IN THE LEGEND.
- 12. ALL NOTES ARE TO BE READ IN CONJUNCTION WITH THE DRAWING.

ROOM LEGEND

SYMBOL	DESCRIPTION
1	OFFICE
2	RECEPTION
3	CONFERENCE
4	RESTROOM
5	STAIR
6	ELEVATOR
7	MECHANICAL
8	STORAGE
9	LABORATORY
10	WORKSHOP
11	ENTRANCE
12	EXIT
13	RECEPTION
14	OFFICE
15	CONFERENCE
16	RESTROOM
17	STAIR
18	ELEVATOR
19	MECHANICAL
20	STORAGE
21	LABORATORY
22	WORKSHOP
23	ENTRANCE
24	EXIT

PROJECT: \_\_\_\_\_

DATE: \_\_\_\_\_

SCALE: \_\_\_\_\_

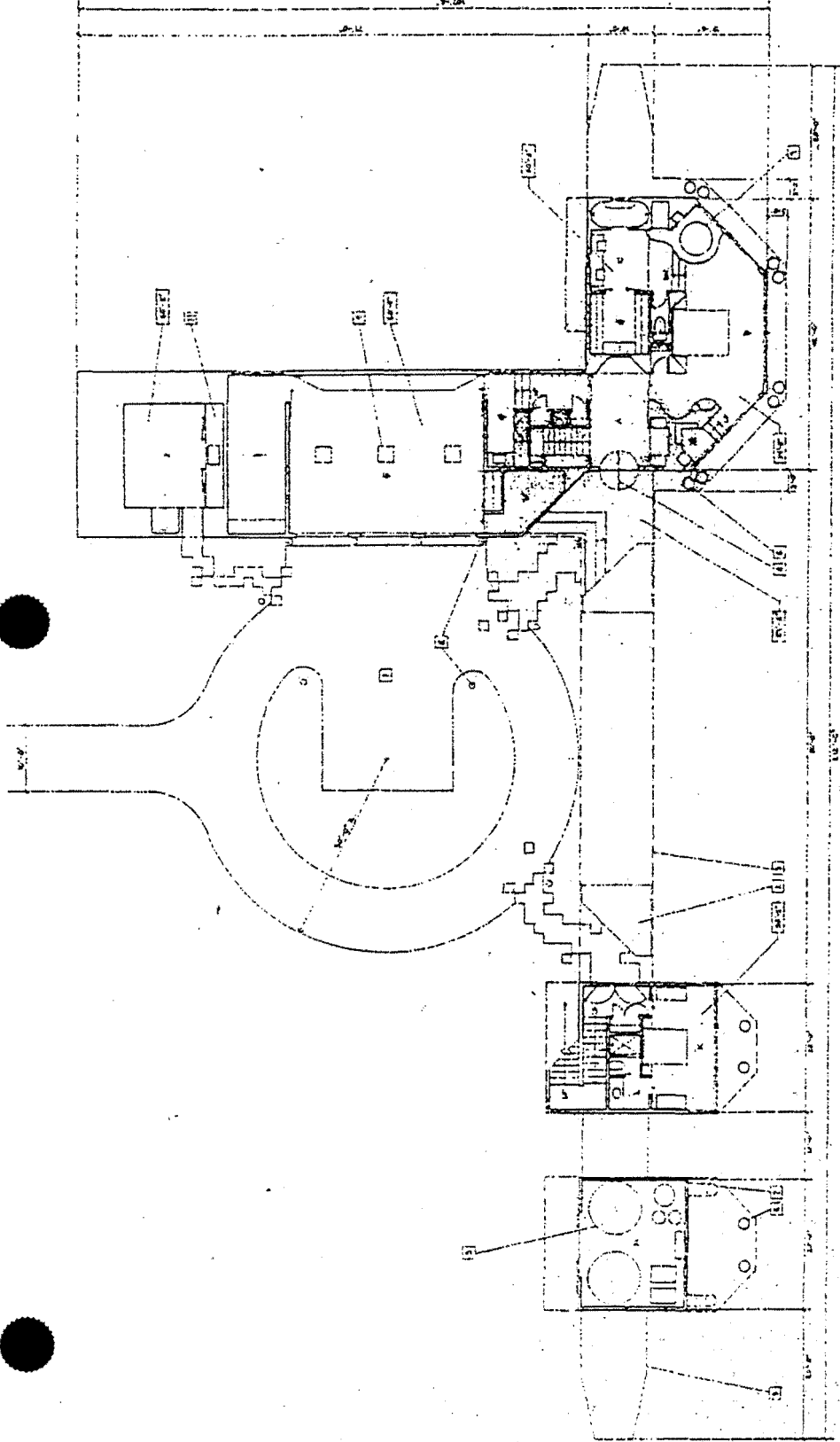
BY: \_\_\_\_\_

CHECKED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

PROJECT NO: \_\_\_\_\_

SHEET NO: \_\_\_\_\_

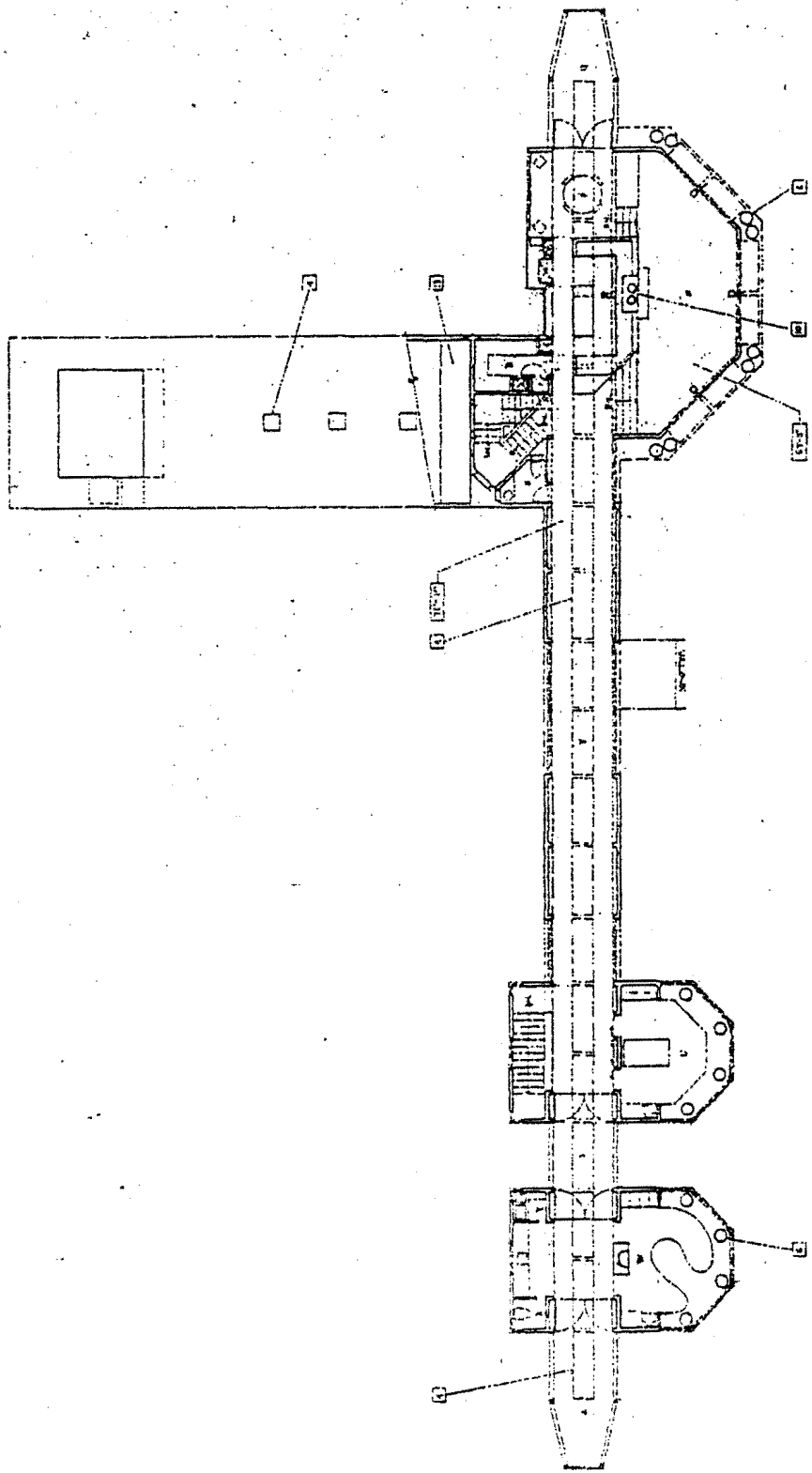


FIRST FLOOR PLAN

27436

STATE OF WASHINGTON DEPARTMENT OF COMMERCIAL AND TRADE SERVICES DIVISION OF PROFESSIONAL REGULATION	
License No. _____ Expiration Date _____ Issued Date _____	Licensee Name _____ License Category _____ License Status _____
STATE OF WASHINGTON DEPARTMENT OF COMMERCIAL AND TRADE SERVICES DIVISION OF PROFESSIONAL REGULATION 3300 1st Ave. Olympia, WA 98501 (360) 339-1200	
License No. 3-1-12 Licensee Name _____ License Category _____ License Status _____	

2



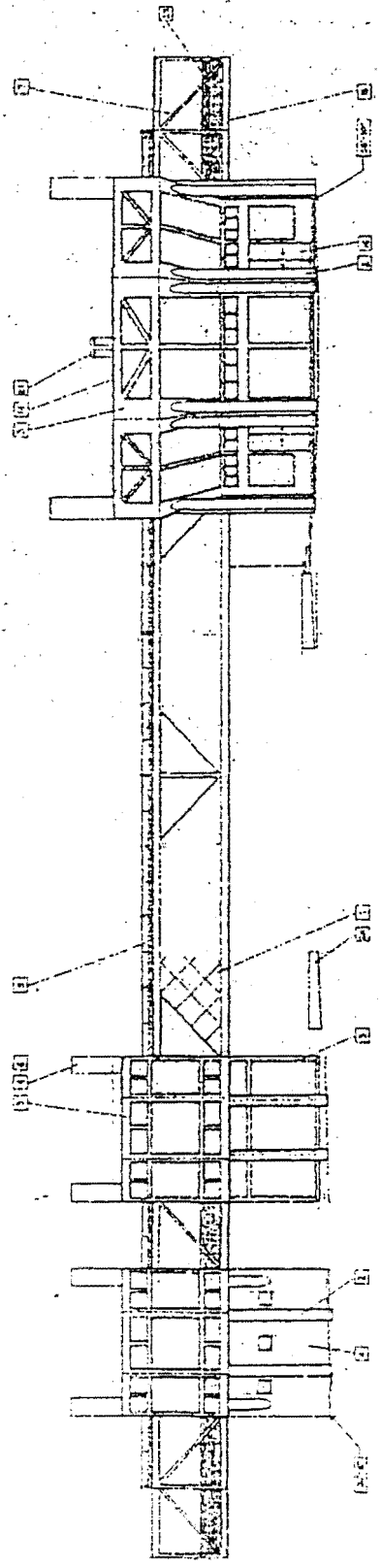
SECOND FLOOR PLAN

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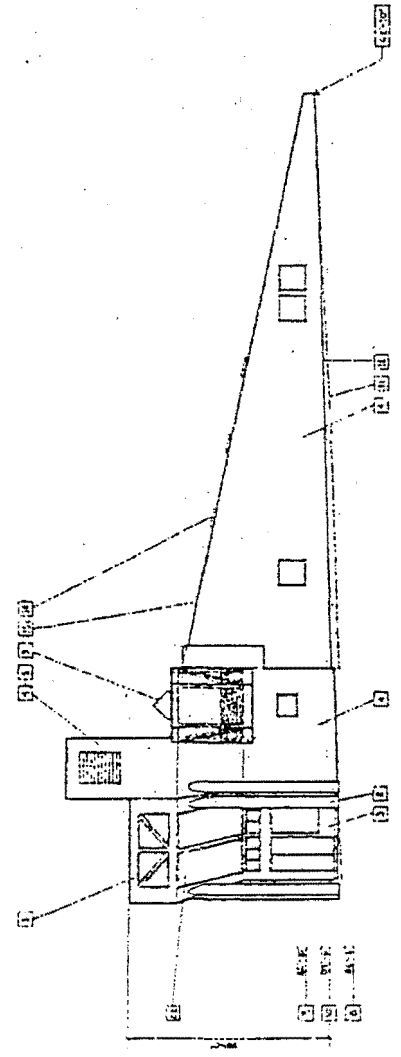
**REVISION NOTES**

1. REVISED TO SHOW...
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19. REVISED TO SHOW...
20. REVISED TO SHOW...

PROJECT NO. _____ SHEET NO. _____ DATE _____	
DRAWN BY _____ CHECKED BY _____ APPROVED BY _____	
TITLE _____	



**SOUTHWEST ELEVATION**  
1/2" = 1'-0"

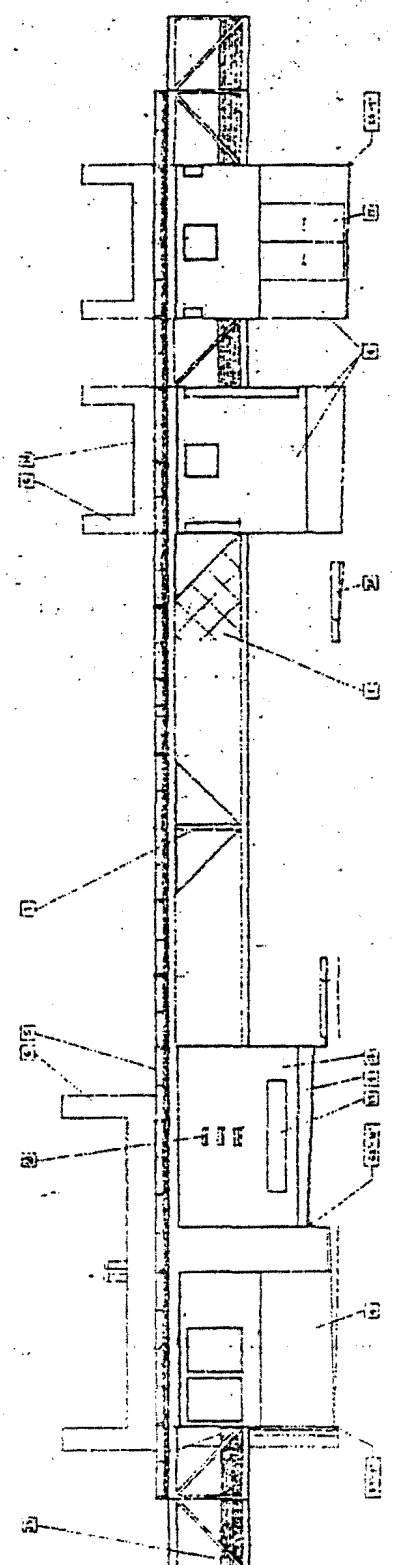


**SOUTHEAST ELEVATION**  
1/2" = 1'-0"

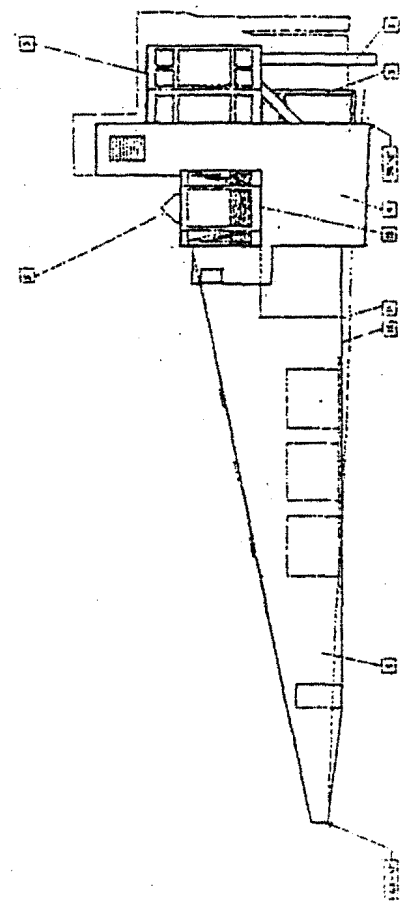
(1)

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NEW BRIDGE ON CALEB ISLAND, HONOLULU, HAWAII	
DATE: 1/11/61	SCALE: 1/8" = 1'-0"
DRAWN BY: [Name]	
CHECKED BY: [Name]	
APPROVED BY: [Name]	
PROJECT NO. 100-100-100	
SHEET NO. 30 OF 36	



NORTHWEST ELEVATION  
VP-10



NORTHEAST ELEVATION  
VP-10

(12)



**MENDOCINO COUNTY  
INITIAL STUDY**

<b>Section I</b>	<b>Description Of Project.</b> <b>DATE:</b> July 12, 2001  <b>CASE#:</b> MS 44-1988/2001 and #CDP 12-2001 <b>DATE FILED:</b> 01/05/2001 <b>OWNER:</b> GENE A. AND C.J. MEREDITH <b>AGENT:</b> BUD KAMB <b>REQUEST:</b> Modification of conditions of Minor Subdivision #MS 44-88 to enlarge the building envelope on Parcel 1 from 10,000 square feet to 18,000 square feet, reduce the bluff setback from 75 feet to 35 feet, and reduce the tree removal setback along the south parcel boundary from 150 feet to 70 feet; and also Coastal Development Permit for a 8,610 square foot, two story residence with three separate elements connected by a 210 foot long bridge/library; together with a driveway, well, septic system and landscaping. <b>LOCATION:</b> In the Coastal Zone, 3+- miles south of Fort Bragg, 150± feet west of Ocean Drive, 200± feet south of Pacific Way; Parcel 1 of Belinda Point Subdivision; AP# 017-330-10. <b>PROJECT COORDINATOR:</b> Charles Hudson
<b>Section II</b>	<b>Environmental Checklist.</b>  "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change, may be considered in determining whether the physical change is significant (CEQA Guidelines, Section 15382).  Accompanying this form is a list of discussion statements for <u>all</u> questions, or categories of questions, on the Environmental Checklist (See Section III). This includes explanations of "no" responses.

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INITIAL STUDY ENVIRONMENTAL CHECKLIST

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
<b>1. EARTH:</b>					
A. Unstable earth conditions or changes in geologic substructures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Disruptions, displacements, compaction, or overcovering of the soil.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Change in topography or ground surface relief features.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. The destruction, covering, or modification of any unique geologic or physical features.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Any increase in wind or water erosion of soils, either on or off the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Changes in deposition or erosion of beach sands, or changes in siltation, deposition, or erosion that may modify the channel of a river, stream, inlet, or bay?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. Exposure of people or property to geologic hazards such as earthquakes, ground failure, or other hazards.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. AIR:</b>					
A. Substantial air emissions or deterioration of ambient air quality.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. The creation of objectionable odors.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. WATER:</b>					
A. Changes in currents, or the course of water movements, in either fresh or marine waters.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Alterations to the course of flow of flood waters.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Change in the amount of surface water in any water body.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
F. Alteration of the direction or rate of flow of ground water.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G. Change in the quantity of ground water, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Substantial reduction in the amount of water otherwise available for public water supplies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I. Exposure of people or property to water related hazards such as flooding or tsunamis.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. PLANT LIFE:</b>					
A. Change in the diversity of species, or number of any species of plants including trees, shrubs, grass, crops, and aquatic plants.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Reduction of the numbers of any unique, rare, or endangered species of plants.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Reduction in acreage of any agricultural crop.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. ANIMAL LIFE:</b>					
A. Change in the diversity of species, or number of any species of animals including birds, land animals, reptiles, fish, shellfish, insects, and benthic organisms.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Reduction in the number of any unique, rare, or endangered species of animals.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Introduction of new species of animals into an area, or in a barrier to the migration or movement of animals.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Deterioration of existing fish or wildlife habitat.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6. NOISE:</b>					
A. Increases in existing noise levels.	<input checked="" type="checkbox"/>				
B. Exposure of people to severe noise levels.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
<b>7. LIGHT AND GLARE:</b>					
A. Production of new light and glare.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>8. LAND USE:</b>					
A. Substantial alteration of the present or planned land use of a given area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>9. NATURAL RESOURCES:</b>					
A. Increase in the rate of use of any natural resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>10. POPULATION:</b>					
A. Alterations in the location, distribution, density, or growth rate of human populations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>11. HOUSING:</b>					
A. Will the proposal affect existing housing or create a demand for new housing?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>12. TRANSPORTATION/ CIRCULATION:</b>					
A. Generation of substantial additional vehicular movement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Effects on existing parking facilities, or demand for new parking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. Substantial impact upon existing transportation systems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Alterations to present patterns of circulation or movement of people and/or goods?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E. Alterations to waterborne, rail, or air traffic?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>13. PUBLIC SERVICES:</b>					
A. Will the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:					
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schools?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks and other recreational facilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintenance of public facilities, and roads?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other governmental services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
Other governmental services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>14. ENERGY:</b>					
A. Use of substantial amounts of fuel or energy?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Substantial increase in demand upon existing sources of energy, or require the development of new energy sources?-	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>15. UTILITIES:</b>					
A. Will the project result in a need for new systems or substantial alterations to the following:					
Potable water?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewerage?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Energy or information transmission lines?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>16. HUMAN HEALTH:</b>					
A. Creation of any health hazard or potential health hazard?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Exposure of people to any existing health hazards?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. A risk of an explosion or the release of hazardous substances (including oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Possible interference with an emergency response plan or evacuation plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>17. AESTHETICS:</b>					
A. Obstruction of any scenic vista or view open to the public, or create an aesthetically offensive site open to public view?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>18. RECREATION:</b>					
A. Impact upon the quality or quantity of existing recreational opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>19. CULTURAL RESOURCES:</b>					
A. Alteration or destruction of a prehistoric or historic archaeological site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. Adverse physical or aesthetic effects to a prehistoric or historic building or structure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
C. Cause a physical change that would affect the unique ethnic cultural values?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D. Restrict existing religious or sacred uses within the potential impact area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section III	<b>Responses to Environmental Checklist.</b>
	For a discussion of each of the environmental effects listed in the Environmental Checklist along with related goals and policies of the General Plan, see the Environmental Review section of the attached staff report.

Section IV	<b>Mandatory Findings of Significance.</b>
	<p>A. As discussed in the preceding sections, the project <input type="checkbox"/> does <input checked="" type="checkbox"/> does not have the potential to significantly degrade the quality of the environment, including effects on animals or plants, or to eliminate historic or prehistoric sites.</p> <p>B. As discussed in the preceding sections, both short-term and long-term environmental effects associated with the project will be <input type="checkbox"/> significant <input checked="" type="checkbox"/> will be less than significant.</p> <p>C. When impacts associated with the project are considered alone or in combination with other impacts, the project-related impacts are <input type="checkbox"/> significant <input checked="" type="checkbox"/> insignificant.</p> <p>D. The above discussions <input type="checkbox"/> do <input checked="" type="checkbox"/> do not identify any substantial adverse impacts to people as a result of the project.</p>

Section V	<b>Determination.</b>
	<p>On the basis of this initial evaluation, it has been determined that:</p> <p><input checked="" type="checkbox"/> The proposed project will not have a significant effect on the environment, and it is recommended that a <b>NEGATIVE DECLARATION</b> be adopted.</p> <p><input type="checkbox"/> Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, it is recommended that a <b>NEGATIVE DECLARATION</b> be adopted.</p> <p><input type="checkbox"/> The proposed project may have a significant effect on the environment, and an <b>ENVIRONMENTAL IMPACT REPORT</b> is required.</p>