

CALIFORNIA COASTAL COMMISSION

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Staff:	Ruby Pap
Staff Report:	June 30, 2005
Hearing Date:	July 14, 2005
Commission Action:	

STAFF REPORT: APPEAL**SUBSTANTIAL ISSUE & DE NOVO**

APPEAL NO.:	A-1-MEN-05-024
APPLICANTS:	Monte and Barbara Reed
LOCAL GOVERNMENT:	County of Mendocino
DECISION:	Approval with Conditions
PROJECT LOCATION:	In the Town of Mendocino, at 10751 Lansing Street, on the east side of Lansing St., 150 feet north of the Palette Drive and Lansing St. intersection, Mendocino County (APN 119-140-38).
PROJECT DESCRIPTION:	Remodel and add to an existing 1,145 – square-foot one-story residence, to create a two-bedroom, four-bathroom, 27’8” tall, 5,428 square foot two-story residence, with an 826 – square-foot attached garage, paved driveway, patio, retaining wall, underground water storage tank, 80 – square-foot utility building, LPG tank, landscape berms, and 450 linear feet of 6-foot-high solid fence.
APPELLANTS:	1) Joan Curry; 2) Lee Edmundson;

SUBSTANTIVE FILE
DOCUMENTS:

1) Mendocino County CDP No. 54-03; and
2) Mendocino County Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

1. Summary of Staff Recommendation: Substantial Issue

The staff recommends that the Commission, after public hearing, determine that a SUBSTANTIAL ISSUE exists with respect to the grounds on which the appeal has been filed, and that the Commission hold a *de novo* hearing, because the appellant has raised a substantial issue with the local government's action and its consistency with the certified Local Coastal Program (LCP).

The development, as approved by the County, consists of remodeling and adding to an existing 1,145 – square-foot one-story residence, to create a two-bedroom, four-bathroom, 27'8" tall 5,428 – square-foot two-story residence, with an 826 – square-foot attached garage, paved driveway, patio, retaining wall, underground water storage tank, 80 – square-foot utility building, LPG tank, and landscape berms. The project site is located in the Town of Mendocino, at 10751 Lansing Street, on the east side of Lansing St., 150 feet north of the Palette Drive and Lansing St. intersection.

The appellants contend that the project as approved is inconsistent with the certified Mendocino Local Coastal Program. The appeal includes several allegations about how different aspects of the project are inconsistent with the visual resource policies for the Town of Mendocino, which is a designated "Special Community" in the LCP.

Staff recommends that the Commission find that the appellants' contention alleging an inconsistency of the approved development with the visual resource and special community provisions of the certified LCP is valid grounds for an appeal, and raises a substantial issue of conformity of the approved development with the certified LCP, because the scale and design of the approved residence are not compatible with the character of the surrounding area, inconsistent with LCP policies that require that new development be within the scope and character of existing development in the surrounding area. Given the "Special Community" status of the Town of Mendocino, special care must be taken in siting and designing structures to ensure that the character of this significant coastal resource is maintained. In this case, the County Coastal Permit Administrator approved an expansion of an existing residence that would increase the size of the residence by over five times, making the residence much larger than other residences in the neighborhood. Although larger inns are adjacent to the east and southeast of the subject property, the inn buildings are set back much farther from Lansing Drive, and to serve their function as inns, must necessarily be of a larger size than a single-family residence. In addition, as approved, the expanded house would be

painted bright white with contrasting basil green trim, and include a large faux attached "water tower," all of which would, together with the large mass of the house as expanded, cause the structure to become a focal point rather than blend in with its surroundings.

For all of the above reasons, staff recommends that the Commission find that the appeal raises a substantial issue of conformance of the project as approved by the County with the certified LCP policies with respect to all of the contentions raised.

The motion to adopt the staff recommendation of Substantial Issue is found on page no. 5.

2. Summary of Staff Recommendation *De Novo*: Denial

The staff recommends that the Commission deny the coastal development permit for the proposed project on the basis that the project is inconsistent with the County's certified LCP.

The proposed project is inconsistent with the visual resource protection provisions of the certified LCP and there are no conditions that could be imposed by the Commission in the *de novo* process that could make the particular residential structure that is proposed consistent with the certified LCP. The proposed project's size, as well as various design elements including the proposed faux "water tower" and the exterior colors, white with sweet basil green, are inconsistent with visual resource protection policies of the LCP, which require development to be compatible with the character of the surrounding area. Therefore, staff recommends that the Commission deny the proposed development.

The motion to adopt the Staff Recommendation of Denial is found on page no. 22.

STAFF NOTES:

1. Appeal Process

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603).

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within three hundred feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or within one hundred feet of any wetland or stream,

or within three hundred feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area, such as designated "special communities."

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 residence is (1) 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, "special communities." The approved development is located within an area designated in the LCP on the certified land use map as a "special community," 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 the appeal raises no substantial issue of conformity of the approved project with the certified LCP. Since the staff is recommending substantial issue, unless three Commissioners object, it is presumed that the appeal raises a substantial issue and the Commission may proceed to its *de novo* review.

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.

The only persons qualified to testify before the Commission on the substantial issue question are the applicants, the appellant and persons who made their views known to the local government (or their representatives). Testimony from other persons regarding substantial issue must be submitted in writing.

Unless it is determined that there is no substantial issue, the Commission will proceed to the *de novo* motion of the appeal hearing and review the merits of the proposed project. This *de novo* review may occur at the same or a subsequent meeting. If the Commission were to conduct a *de novo* hearing on the appeal, the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program.

2. Filing of Appeal

One appeal was filed by (1) Joan Curry and (2) Lee Edmundson (exhibit no. 8). The appeal was filed with the Commission in a timely manner on May 27, 2005, within 10 working days of receipt by the Commission of the County's Notice of Final Action (exhibit no. 7) on May 19, 2005.

PART ONE - SUBSTANTIAL ISSUE

I. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

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

MOTION:

I move that the Commission determine that Appeal No. A-1-MEN-05-024 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 by a majority of the Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-1-MEN-05-024 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.

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 from Joan Curry and Lee Edmundson. The project as approved by the County involves remodeling and adding to an existing 1,145 – square-foot one-story residence, to create a two-bedroom, four-bathroom, 5,428 – square-foot, two-story, 27'8" tall residence, with an 826 – square-foot attached garage, paved driveway, patio, retaining wall, underground water storage tank, 80 square foot utility building, LPG tank, and landscape berms, and 450 linear feet of 6-foot-high solid fence. The project is located in the Town of Mendocino, on the east side of Lansing Street (CR#500), 150 feet north of its intersection with Palette Drive (CR#448), at 10751 Lansing Street.

The appeal raises a contention alleging inconsistency of the approved project with the visual resource and special community provisions of the County's certified LCP. The appellants' contention is summarized below, and the full text of the contention is included as exhibit no. 8.

1. Protection of Visual Resources and Special Communities

The Appellants contend that the approved project is inconsistent with policies in Chapter Four of the Mendocino Town Plan, which requires the protection of the Town of Mendocino as a "special community," and requires that all development conform to Coastal Act Section 30251, which requires the protection of scenic and visual qualities of coastal areas and that development be visually compatible with the character of surrounding areas. Additionally, the Appellants contend that the approved project is inconsistent with the historic design standards set forth in the Mendocino Town Zoning Code. Specifically:

- The project blocks public views to the sea from Palette Drive;
- The project is not compatible with the surrounding area because it turns an 1,145-square-foot residence into a 6,250 – square-foot two-story "behemoth," and will visually overwhelm the surrounding residences and it is not compatible with the catholic church across the street;
- The County erred in comparing the project's proposed size to that of the neighboring Hill House and the former Reed Manor in order to justify its mass, because the latter are commercial visitor serving facilities (hotels). A proper comparison to the small residence on the lot to the north would be more appropriate;

- The 450-foot-long, 6-foot high approved fence is, in and of itself inconsistent with visual resource policies and Coastal Act 30251, and the fact that it is proposed to be painted basil green and white exacerbates its adverse visual impact;
- The unusual variety of hips, gables, and several different roof pitches, are also inconsistent with the policies, and unlike any adjacent architecture in the Point of View Estates;
- The three different exterior siding treatments are unlike any other adjacent building in the surrounding area;
- The approved water tower structure attached to the house is a faux addition and is inconsistent with the visual policies because it would draw attention to the structure and set it apart from other structures in the vicinity, rather than achieve compatibility with surrounding structures.
- The approved amount of glass on the residence is excessive and would not be masked by the approved fence on the northern, southern, or western views, contrary to County findings; and
- The use of blacktop on the approved driveway is inconsistent with the historic standard, which requires that driveways be made of grass, gravel, or turf stone.

B. LOCAL GOVERNMENT ACTION

The Mendocino Coastal Permit Administrator first heard the Reed's application for the approved project on December 20, 2004. County staff recommended approval of the project with special conditions, and found that the project was consistent with the visual resource policies of the Town Plan, and the development criteria for special communities and neighborhoods in the Mendocino Town Zoning Code. The staff report also stated that the Town of Mendocino was excluded from the Highly Scenic Area, and that the applicant's parcel was excluded from the Mendocino Historic Preservation District, as stated in Section 20.760.010(B) (see p.16) of the Mendocino Town Zoning Code, and hence, not subject to the design guidelines of the Historic District.

At the hearing, a letter was presented by Appellant Joan Curry stating that the design standards for the Mendocino Historic Preservation District should be applied to the Reed project, even though the building site is excluded from the District, based on Section 20.692.020(E), which states:

Development Outside the Historical Preservation District identified in Section 20.760.010 shall be consistent with the standards of the historical preservation District in Section 20.760.050.

The application was subsequently continued to January 27, 2005 for an assessment and determination of whether or not the project was subject to the historic design standards. At the January hearing, the project's design was found to be inconsistent with the visual resource policies of the Mendocino Town Plan, which require compliance with Section 30251 of the Coastal Act, which requires, among others, that development be sited and

designed to be visually compatible with the character of the surrounding areas. The size of the proposed house by itself was not found to be inconsistent, but the lighthouse entry tower as well as the amount of glass visible from public locations was found to be the most inconsistent with the above policies. The project was also found to be subject to and inconsistent with the historic design standards, and it was decided that the application be continued until such time as the project was redesigned to achieve consistency with the standards.

The project, with four proposed design modifications, was heard again on April 28, 2005. The proposed design modifications included the elimination of a 30-inch high metal picket fence enclosing the front portion of the lot, the elimination of an entry gateway structure north of the front of the garage, the submission of a landscape plan depicting plants along the fence, and the replacement of the octagonal simulated "lighthouse" entry tower with a square simulated "water tower" entry tower. County Staff recommended denial of the modified project based on the project's inconsistency with the visual resource policies of the Town Plan. While County Staff felt that the design modifications provided some reduction in the visual impacts, the modifications did not go far enough in achieving the project's compatibility with the surrounding area. Specifically, the elimination of the picket fence and the additional landscaping would provide some reduction in the visual impacts, but the water tower created a visual focal point designed to draw attention to the structure and set it apart from other structures in the vicinity, rather than to achieve compatibility. A decision on the project was again continued to May 6, 2005.

At the May hearing, the Coastal Permit Administrator approved the residence with conditions, and adopted several "findings of approval," stating that the project was consistent with the visual resource policies of the Mendocino Town Plan and Code, including that the proposed project was consistent with the development criteria for special communities and neighborhoods, that the development is within the scope and character of the surrounding neighborhood, public views to the coast would be protected, and the location and scale of the residence would not have an adverse effect on nearby historic structures. The Permit Administrator also found that the residence, as modified, was consistent with the historic design standards, utilizing a less stringent review process since the area in question is more 'modern,' and excluded from the Historical District. The following special condition was imposed relating to the reduction of the residence's visual impacts:

The establishment and maintenance of the fence around the structure, and the landscaping immediately adjacent to the fence as shown on the landscape plan received by Fort Bragg Planning and Building Services on April 12, 2005, is an integral factor in reducing the visual impact of the proposed residence. The fence and the landscaping shall be maintained for the life of the project.

The decision of the Coastal Permit Administrator was not appealed at the local level to the County Board of Supervisors. The County then issued a Notice of Final Action, which was received by Commission staff on May 19, 2005, (exhibit no. 7). Section 13573 of the Commission's regulations allows for appeals of local approvals to be made directly to the Commission without first having exhausted all local appeals when, as here, the local jurisdiction charges an appeal fee for the filing and processing of local appeals. The project was appealed to the Commission in a timely manner on May 27, 2005, within 10 working days after receipt by the Commission of the Notice of Final Local Action on May 19, 2005.

C. PROJECT AND SITE DESCRIPTION

Approval has been granted by Mendocino County to remodel and add to an existing 1,145 – square-foot one-story residence, to create a two bedroom, four-bathroom, 27'8" tall, 5,428 square foot two story residence, with an 826 – square-foot attached garage, paved driveway, patio retaining wall, underground water storage tank, 80 square foot utility building, LPG tank, and landscape berms. The property is located in the Town of Mendocino, on the east side of Lansing Street (CR#500), 150 north of its intersection with Palette Drive (CR#448), at 10751 Lansing Street.

An existing single-story, 1,145 – square-foot single-family residence is located in the northeastern corner of the parcel. As approved, the house would be remodeled and expanded to add an office, a bedroom, a bathroom, a laundry room, and closets. An enclosed sun porch is to be added on the west side, and a sun room/potting shed and storage room is to be added on the east side. The existing building with the east and west additions would remain a single story.

In addition, a two-story addition has been approved, to be constructed on the south side of the existing building. The ground floor would contain an entry hallway, a living room, a kitchen and dining room, a media room, a bathroom, a utility room, storage rooms, and a two-car garage. The upper floor would contain a bedroom, a computer room, two bathrooms, a laundry room, closets, and an outside deck. The west side of the building would be accented by a square simulated "water tower" over the entry, with windows on three levels, giving the appearance of a three-story structure, although the upper level is open to the second floor below, with no third floor in the tower.

The ground level of the building would enclose approximately 3,887 square feet, plus 826 square feet in the garage, for a total of 4,713 square feet. The upper level would enclose approximately 1,541 square feet, for a grand total of 6,254 square feet. The maximum height of the building is shown to be 27' 3" above finished grade at the peak of the "water tower" roof. A ridge running north and south over the two-story portion of the building is 26' 6". A retaining wall of approximately 4' 6" inches maximum height around the east and south sides of the house would allow the floor of the new addition to

be at the same level as the floor of the existing house, and be 1 to 3 ½ feet below the natural grade within the addition's footprint.

The approved structure uses three different types of siding, including Hardie panels with vertical battens, Hardie planks (horizontal), and Hardie fish-scale shingles, all painted white. Garage doors, trim fascia, gutters, and downspouts are to be "sweet basil green." The roof of the house would contain both hips and gables, and would be broken into sections with various modest pitches, ranging from 2 ½ in 12 to 5 in 12. Roofing is to be black or dark gray composition shingles. Downcast exterior light fixtures are proposed at eight locations around the building. The approved residence also uses a substantial amount of glass in the design, including on the sun room/potting shed to be added on the east side of the residence, facing away from the main thoroughfare as well as large windows, divided into lights, on the west side of the building facing the main thoroughfare, Lansing Street.

The approved project also includes an 8-foot x 10-foot utility building, 11-feet high, to be located south of the entry gate at Lansing Street, an LPG tank in the southwest corner of the property, screened by 30-inch-high fencing similar in design to the 6-foot existing fencing on the eastern portion of the parcel, a new paved driveway, and an underground water storage tank on the eastern portion of the lot. Soil to be removed from the site of the addition would be used to create two landscape berms between the house and Lansing Street, on either side of the driveway.

The subject parcel is designated on the Town of Mendocino Land Use Map as Suburban Residential – 20,000 square feet minimum lot size (SR-20,000), and is zoned Mendocino Suburban Residential (MSR). The Town of Mendocino is recognized as a unique community on the northern California coast, and is listed on the National Register of Historic Places. The town is designated as a "Special Community" in the County's LCP. The area is located outside of the core historic district to the south and southwest, which contains structures dating back to the late 1800s. In contrast, the buildings in the area surrounding the subject property were, for the most part, constructed during the mid to later part of the 20th Century. To the east of the applicant's parcel is the two-story Hill House Inn hotel and restaurant. To the south, across Palette Drive, are a cemetery and the MacCullum Suites Bed and Breakfast. To the west, across Lansing Street is the Catholic Church, and to the north is the Point of View Estates Subdivision, which is suburban in feel with a variety of single-family residential homes. The approved building is located just off of Lansing Street (the old Highway One), the main north-south road through town, and it would be significantly closer to the road than the two large inns to the east and southeast.

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.

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." (California Code of Regulations, Title 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 a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

The contention raised in this appeal presents potentially valid grounds for appeal in that it alleges the project's inconsistency with policies of the certified LCP. Specifically, this

contention alleges that the approval of the project by the County raises a significant issue related to LCP provisions regarding: (a) the protection of visual resources and special communities (b) consistency with the historic design standards of the Town of Mendocino. In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that with respect to the allegation below, the appeal raises a substantial issue with regard to the approved project's conformance with the certified Mendocino County LCP.

Allegation Raising Substantial Issue Regarding Protection of Visual Resources and Special Communities

The Appellants contend that the approved project is inconsistent with policies protecting the Town of Mendocino as a "special community," and the protection of scenic and visual qualities of the area. Specifically:

- The project blocks public views to the sea from Palette Drive;
- The project is not compatible with the surrounding area because it turns an 1,145-square-foot residence into a 6,250 – square-foot two-story "behemoth," and will visually overwhelm the surrounding residences and it is not compatible with the catholic church across the street;
- The County erred in comparing the project's proposed size to that of the neighboring Hill House and the former Reed Manor in order to justify its mass, because the latter are commercial visitor serving facilities (hotels). A proper comparison to the small residence on the lot to the north would be more appropriate;
- The 450-foot-long, 6-foot-high approved fence is, in and of itself inconsistent with visual resource policies and Coastal Act 30251, and the fact that it is proposed to be painted basil green and white exacerbates its adverse visual impact;
- The unusual variety of hips, gables, and several different roof pitches, are also inconsistent with the policies, and unlike any adjacent architecture in the Point of View Estates;
- The three different exterior siding treatments are unlike any other adjacent building in the surrounding area;
- The approved water tower structure attached to the house is a faux addition and is inconsistent with the visual policies because it would draw attention to the structure and set it apart from other structures in the vicinity, rather than achieve compatibility with surrounding structures.
- The approved amount of glass on the residence is excessive and would not be masked by the approved fence on the northern, southern, or western views, contrary to County findings; and
- The use of blacktop on the approved driveway is inconsistent with the historic standard, which requires that driveways be made of grass, gravel, or turf stone.

Appellants cite policies in Chapter Four of the Mendocino Town Plan, which require the protection of the Town of Mendocino as a "special community," and require that all

development conform to Coastal Act Section 30251, which requires the protection of scenic and visual qualities of coastal areas and that development be visually compatible with the character of surrounding areas. Additionally, Appellants cite the historic design standards of the Town zoning code.

LCP Policies and Standards

LUP Policy 4.13-1 States:

The Town of Mendocino shall be designated a special community and a significant coastal resource as defined in Coastal Act Section 30251. New development shall protect this special community which, because of its unique characteristics, is a popular visitor destination point for recreational uses.

Mendocino shall be recognized as a historic residential community with limited commercial services that are important to the daily life of the Mendocino Coast.

The controlling goal of the Town Plan shall be the preservation of the town's character. This special character is a composite of historic value, natural setting, attractive community appearance and an unusual blend of cultural, educational and commercial facilities.

The preservation of the town's character shall be achieved, while allowing for orderly growth. This shall be done by careful delineation of land uses, provision of community services and review and phasing of development proposals. Balance shall be sought between residential units, visitor accommodations and commercial uses. Provision of open space and siting of structures to retain public views of the sea shall be considered as part of all new development proposals. The objective shall be a Town Plan which retains as much as possible the present physical and social attributes of the Mendocino Community.

"Balance" between residential uses, commercial uses and visitor serving uses shall be maintained by regulating additional commercial uses through development limitations cited in the Mixed Use and Commercial Land Use Classifications; and, by limiting the number of visitor serving uses.

Visitor Serving Units listed on Table 4.13-1 (234) shall remain fixed, and a ratio of thirteen long term dwelling units to one Vacation Home Rental or one Single Unit Rental (Tables 4.13-2 and 4.13-3) shall remain fixed; until the plan is further reviewed and a plan amendment is approved and certified by the California Coastal Commission.

For example, an increase in long term residential dwelling units from the current count of 306 to 319, would allow an increase of one short term rental, whether Single Unit Rental or Vacation Home Rental.

Tables 4.13-2 (Single Unit Rentals) and 4.13-3 (Vacation Home Rentals) shall be flexible as to location and such changes of location shall not require a plan amendment.

LUP Policy 4.13-13 States:

In addition to any design review related to protection of the character of the town, all development shall conform to Section 30251 of the Coastal Act, and any specifically designated scenic and view areas as adopted on the map. Provisions of open space and siting of structures to retain public views shall be considered as part of all new development proposals. (Emphasis added).

Coastal Act Section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, 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 such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. (Emphasis added)

Sec. 20.504.020 of the Mendocino County Coastal Zoning Code states in applicable part:

- (A) The Town of Mendocino is the only recognized special community in the Coastal Element. Division III of Title 20 provides specific criteria for new development in Mendocino...*
- (C) Development Criteria.*
 - (1) The scale of new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood.*
 - (2) New development shall be sited such that public coastal views are protected.*
 - (3) The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture.*
 - (4) Building materials and exterior colors shall be compatible with those of existing structures.*

(D) *The scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting. (Ord. No. 3785 (part), adopted 1991) (Emphasis added).*

Mendocino Town Plan Policy 4.13-8 states:

The Historical Preservation District Zoning Ordinance, as amended, shall be made a part of the implementing ordinances of the Mendocino Town Plan and the Mendocino Historical Review Board shall continue to exercise those charges as specified by the ordinance.

Mendocino Town Plan Policy 4.13-9 states:

Design review guidelines shall set criteria which will be utilized to ensure preservation, protection, enhancement, rehabilitation, reconstruction and perpetuation of existing structures of historic significance in a manner consistent with the character of the Town.

New buildings, rehabilitations and renovations to existing structures will be consistent with the character of the town and they shall not degrade the setting of buildings of landmark stature (as described in the Inventory of Historic Building, Appendix, Historic Structures). Regulations shall be consistent with the historic ordinance and guidelines as accepted by the County Board of Supervisors. Such criteria shall include, but not be limited to architectural design, size, height, dormers, windows, structures, appurtenances, proportion and placement of improvements on the parcel, and landscaping, including planting or removal of vegetation, must be reviewed in the application process.

Mendocino Town Plan Policy 4.13-11 states:

Review of applications for all new development shall include consideration of requiring dedicated scenic easements to protect views from Highway 1, as well as public views to the sea and landmark structures as described in the Inventory of Historic Structures (Appendix).

Mendocino Town Plan Policy 4.13-13 states:

In addition to any design review related to protection of the character of the town, all development shall conform to Section 30251 of the Coastal Act, and any specifically designated scenic and view areas as adopted on the map. Provisions of open space and siting of structures to retain public views shall be considered as part of all new development proposals.

Sec. 20.760.010 of the Mendocino Town Zoning Code states:

Designation of District.

In addition to the use regulations provided in this division there is hereby established the Mendocino Historical Preservation District which shall be an overlay district applying to the following unincorporated areas of the Town of Mendocino:

- (A) That area bounded on the north by Slaughterhouse Gulch, on the south by the waters of Big River and Mendocino Bay, on the west by the Pacific Ocean and the east (north of Little Lake Road) by those parcels fronting on the west side of Gurley Street (south of Little Lake Road), following the present Sewer District/Town Plan boundaries as per drawing (Assessor's Parcel Book 119, Pages 10 and 11).*
- (B) Excepting that subdivision commonly known as Point of View Estates, and Assessor's Parcel Numbers 119-070-12, 119-080-12, 119-080-14, 119-080-15, 119-140-04, 119-140-05 and 119-140-29 (November 28, 1978, Reed vs. County of Mendocino #44860); all that real property situated in the County of Mendocino, State of California, described in Exhibit "A", which is incorporated herein by reference and is available for public inspection at the office of the Mendocino County Office of the Clerk of the Board of Supervisors, Courthouse, Ukiah. Such area shall be subject to the provisions of this Chapter. (Ord. No. 3915 (part), adopted 1995)(emphasis added)*

Section 20.692.020 of the Mendocino Town Zoning Code states in applicable part:

Special Considerations.

(E) Development outside the Historical Preservation District identified in Section 20.760.010 shall be consistent with the standards of the Historical Preservation District in Section 20.760.050. (Ord. No. 3915 (part), adopted 1995)

Section 20.760.050 of the Mendocino Town Zoning Code (historic design standards) states:

Standards.

It is the intent of this section to provide standards which shall be used by the Review Board when considering applications subject to the provisions of this Chapter:

- (A) Size, forms, materials, textures, and colors shall be in general accord with the appearance of structures built in Mendocino prior to 1900. To this end they shall be in general accord with the designs as exemplified, but not limited to, those depicted in the photographs contained in Exhibit "B", a book of photographs which is incorporated herein by reference and is available for public inspection through the Clerk of the Mendocino Historical Review Board. This section shall not be interpreted as requiring construction to be with the forms, materials, textures, colors or design as used in Mendocino prior to 1900, but only that the construction be compatible with and not in disharmony with the architectural standards herein expressed.*
- (1) All activities subject to this Chapter shall relate to the area in which it is located through texture, size, proportion, height, form, style, siting, materials, and relationship to surrounding structures. Contemporary design is not expressly prohibited.*
- (2) The excessive use of glass is discouraged.*
- (3) The architecture, size, materials, details, proportion, height, texture, color, facade treatment and fenestration of the work proposed insofar as the same affects the appearance of the subject property and other property within the district.*
- (4) Fences should be of wood, iron, or plant materials. Retaining walls should be of dry stone, stone masonry or wood.*
- (5) Sidewalks of brick, flagstone, or board are allowed. Driveways of grass, gravel or turf stone are allowed. Major coverage of front yard setbacks is prohibited.*
- (6) Lighting: If sign lighting is required, it shall be indirected, restricted to business hours only, and shall not create a glare or reflection onto adjacent properties or public streets. Neon lighted signs are prohibited. Indoor lighted signs visible to the public from outside the building are subject to the approval of the Mendocino Historical Review Board.*
- (7) Utility poles and street lighting: Street lighting shall be limited to only that necessary for safety to light streets and pedestrian walkways.*
- (8) Signs:*
 - (a) Signs should be made of wood.*
 - (b) Only one (1) sign will be allowed per business when one (1) sign will suffice.*

- (c) Use of a "directory" type sign is recommended for buildings containing more than one (1) business and using a common entrance.*
 - (d) Size, design, and location of sign shall be in harmony with the building and surrounding buildings.*
 - (e) Signs shall not block public views or lines of sight. Signs flush to building are preferable; signs perpendicular to building are permitted under special circumstances.*
 - (f) Signs advertising businesses outside of the Historic District or advertising local businesses not located on the same property are prohibited.*
- (9) Exterior painting: In the use of paint color schemes involving more than one (1) color, the "accent" color shall be limited to those parts of the structure, defined herein:*
 - (a) Basic color: applied to exterior siding.*
 - (b) Trim color: applied to soffits, fascias and trim.*
 - (c) Accent color: applied to window frames, emullients, muntins and doors.*
- (10) Dumpsters shall be effectively screened from public view.*
- (11) Landscaping: Any construction related to landscaping in excess of six (6) feet in height shall be compatible with and not in disharmony with the existing structure(s) on the property or other structures in the District.*
- (B) In order to further amplify and illustrate the descriptions or definitions of Mendocino architecture prior to 1900, and to furnish more complete details, architectural elements and composition thereof, the Review Board may from time to time submit additional illustrations, photographs and definitions, which, when approved by resolution of the Board of Supervisors of Mendocino County, shall be additional standards applicable in the Historical Preservation District.*
- (C) To determine whether activities subject to this chapter will be in conformance with the standards set forth above, the Review Board shall evaluate the following elements of each application proposal:*
 - (1) Height. The height of any new development and of any alteration or new construction to a landmark structure shall be compatible with the style and character of the structure and with surrounding structures in the same Historical Zone.*
 - (2) Proportions of Windows and Doors. The proportions and relationships between doors and windows of any new development and of any proposed alteration or new construction to a landmark structure shall be compatible with the architectural style and character of the structure and with surrounding structures in the same Historical zone.*
 - (3) Relationship of Building Masses and Open Spaces. All new development shall provide open space areas and the relationship of the siting of any development to the open space between it and adjoining structures shall*

- be compatible. All development shall be compatible with public views to the sea and to landmark and historically important structures.*
- (4) Roof Shape. The design of the roof of any new development and of any proposed alteration or new construction to a landmark structure shall be compatible with the architectural style and character of the structure and surrounding structures in the same Historic Zone.*
 - (5) Landscaping. Landscaping shall be compatible with the architectural character and appearance of adjacent landmark and historically important structures and surrounding structures, landscapes and public views in the same Historic Zone. Landscaping shall be used to effectively screen on-site parking areas where appropriate.*
 - (6) Scale. The scale of any new development or alteration or new construction to an existing structure shall be compatible with the architectural style and character of existing and surrounding structures in the same Historic Zone.*
 - (7) Directional Expression. Facades shall blend with other structures with regard to directional expression and structures shall be compatible with the dominant vertical expression of surrounding structures. The directional expression of a landmark and/or historically important structure after alteration, construction or partial demolition shall be compatible with its original architectural style and character.*
 - (8) Architectural Details. Where any alteration, demolition or new construction is proposed for a landmark or historically important structure, architectural details, including materials, color, textures, fenestration and ornamentation shall be treated so as to make the structure compatible with its original architectural style and character, and to preserve and enhance the architectural style and character of the structure. (Ord. No. 3915 (part), adopted 1995)*

Discussion

LUP Policies 4.13-1 and 4.13-13, Coastal Act Section 30251, and the development criteria for "Special Communities", as stated in Section 20.504.020 of the Coastal Zoning Code, require that the scale of new development be within the scope and character of existing development in the surrounding area, and that building materials and exterior colors be compatible with existing structures, and that new development be sited and designed to be visually compatible with the character of the surrounding area.

The approved 5,428 – square-foot remodeled house, or 6,254 – square-foot house if one adds the approved attached garage, would be more than five times the size of the existing residence and much larger than other single-family residences in surrounding neighborhood. Additionally, the west elevation of the house would be somewhat more than three times the size of that of the existing house, and the north elevation would also show a similar increase in size, with the second story addition appearing above and

beyond the remodeled existing building. While there are two large inns behind the Reed residence, the 8,317 – square-foot MacCallum House Suites, a 5-unit bed and breakfast facility, and the 35,000 - square-foot Hill House Inn, these structures are visitor-serving units, and by their very nature, are large. The subject residence is not an inn, but a residence, and therefore other residences in the neighborhood arguably provide a more appropriate baseline for comparison in evaluating whether the project is visually compatible with its surroundings. The Reed residence as approved would be significantly larger and out of character with the surrounding residences. These include the small, inconspicuous approximately 1,000 – square-foot neighboring residence to the north (see exhibit 5), and all of the 1,048 – 2,710 square foot residences in the Point of View Subdivision to the north.

The Applicants and their agent have submitted square footages for several large structures in Mendocino County to the Commission, but virtually none of the residences are located close to the Reed residence, and many of the structures submitted are commercial structures, not residences. The Applicants did note the “Lemley House”, a 4,851 – square-foot residence on Lansing Street, but this house is located on the other side of Lansing Street and 1,500 feet north of the Reed residence, and is largely outside the plane of view as one views the Reed residence and its environs from Lansing Street. Furthermore, the Reed residence as approved would still be 1,400 square feet larger than the Lemley House.

Moreover, even if one were to use the adjacent two inns as a baseline for determining the project’s compatibility with its surroundings, the Hill House Inn and the MacCallum House Suites, while very large, are set back approximately 200 – 250-feet from Lansing Street and do not visually dominate the main thoroughfare. The Reed residence is situated on a large open lawn, and the expanded residence would be approximately 60-feet off of Lansing Street, a well-traveled thoroughfare, and the proposed addition expanding the house by five times its current size would dominate the landscape from the eye of the passerby. Currently the passerby can look east from Lansing Street and see a smooth transition from smaller/shorter residences (including the current Reed residence) to the taller inns on the hillside behind the smaller residences to the east. If the Reed house, which is currently 1,145 square feet and single story, were enlarged dramatically as approved, it would break up this smooth transition and draw one’s attention to the large residence towering over the road.

Furthermore, the ‘faux’ water tower design element as well as the approved colors on the residence, would further add to the residence’s tendency to “stand out” rather than blend in with the surrounding area. The neighboring Hill House Inn is light green and the MacCallum House Suites is beige. Neither of these colors is very bright so as to cause the structures to stand out from their surroundings. Exterior colors used in the Point of View Subdivision to the north are varied, but mainly are weathered wood, and many have white painted trims rather than brighter colors, in contrast to the proposed basil green trim on the Reed residence. While there are water towers throughout the Mendocino Historic

District, this area of town contains structures that are more modern, and differently designed than those structures downtown, and there are no other water towers that are prominent in the immediate vicinity of the subject parcel from Lansing Street. The approved water tower and the approved colors on the Reed residence, white with sweet basil trim, combined with its large size, would cause the structure to become a focal point, rather than blend with the surroundings.

Although the Mendocino County Permit Administrator ultimately approved the project, County Staff made the following observations in their January 25, 2005 staff recommendation:

"The redesign of the entry tower to a design element evoking a water tower rather than a lighthouse could be argued to have some increased connection to Mendocino architecture, as there are water towers in Mendocino, but not lighthouses. However the structure being proposed is neither a water tower nor a lighthouse, but a residence, and it is debatable whether there is really any reason why a building being designed to be a residence should look like either a lighthouse or a water tower. The water towers shown in the enclosed photos submitted by the Reeds were originally built as water towers, and later converted to accommodate other uses, retaining elements of their original design. They were not constructed to look like something else, or to evoke something from the past. It appears to staff that the primary purpose of the entry tower is to create a visual focal point designed to draw attention to the structure and set it apart from other structures in the vicinity, rather than to achieve compatibility. (April 18, 2005 County Staff Report)"

Further comments about the 'focal point' rather than 'compatibility' aspect of the approved residence in the January 25, 2005 staff report include:

"The house proposed by the applicant contains a variety of different shapes, forms, window sizes and styles, and roof pitches. The variety of elements do not form a cohesive whole, so much as a collection of disparate elements...the varied shapes and masses of the house will make it stand out rather than fit in."

Given the "Special Community" status of the Town of Mendocino, special care must be taken in siting and designing structures to ensure the character of this significant coastal resource is maintained. For all of the above reasons, the Commission finds that the appeal raises a substantial issue as to whether the scale and design of the approved residence is compatible with the character with: (1) the surrounding area, as required by LUP Policies 4.13-1 and 4.13-13, Coastal Act Section 30251; and (2) the development criteria for "Special Communities", as stated in Section 20.504.020 of the Coastal Zoning Code, which require that the scale of new development be within the scope and character of existing development in the surrounding area, and that building materials and exterior

colors be compatible with existing structures, and that new development be sited and designed to be visually compatible with the character of the surrounding area.

The Commission certified the Mendocino LCP with its designation of the Town of Mendocino as a special community in recognition of its historic and visual significance. Thus the Commission finds the visual character of the Town of Mendocino is a significant coastal resource, and the project as approved raises a substantial issue of conformance with the provisions of LUP Policies 3.4-1 and 3.4-7 and Coastal Zoning Code Sections 20.500.020.

Conclusion of Part One: Substantial Issue

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

PART TWO—*DE NOVO* ACTION ON APPEAL

Staff Notes:

1. Procedure

If the Commission finds that a locally approved coastal development permit raises a Substantial Issue with respect to the policies of the certified LCP, the local government's approval no longer governs, and the Commission must consider the merits of the project with the LCP *de novo*. The Commission may approve, approve with conditions (including conditions different than those imposed by the County), or deny the application. Since the proposed project is within an area for which the Commission has certified a Local Coastal Program, the applicable standard of review for the Commission to consider is whether the development is consistent with Mendocino County's certified Local Coastal Program (LCP). Testimony may be taken from all interested persons at the *de novo* hearing.

2. Incorporation of Substantial Issue Findings

The Commission hereby incorporates by reference into its findings on the *de novo* review of the project the Substantial Issue Findings above.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

Pursuant to Section 30625 of the Coastal Act and as discussed below, the staff recommends that the Commission determine that the development does not conform to the standards set forth in the certified local coastal program **deny** the permit. The proper motion is:

MOTION: I move that the Commission approve Coastal Development Permit No. A-1-MEN-02-148 for the development proposed by the applicant.

Staff Recommendation of Denial:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT:

The Commission hereby **denies** a coastal development permit for the proposed development on the ground that the development will not conform with the policies of the certified LCP. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. FINDINGS AND DECLARATIONS FOR DENIAL

The Commission hereby finds and declares:

A. PROJECT AND SITE DESCRIPTION

Finding C of the Substantial Issue portion of this report regarding the project and site description is hereby incorporated by reference.

B. ANALYSIS OF LCP CONSISTENCY

As discussed below, the Commission is denying the proposed residence because it is inconsistent with certified LCP provisions intended to protect visual resources and the "Special Community" of Mendocino.

1. Protection of Visual Resources and Special Communities

LCP Policies

LUP Policy 4.13-1 States:

The Town of Mendocino shall be designated a special community and a significant coastal resource as defined in Coastal Act Section 30251. New development shall protect this special community which, because of its unique characteristics, is a popular visitor destination point for recreational uses.

Mendocino shall be recognized as a historic residential community with limited commercial services that are important to the daily life of the Mendocino Coast.

The controlling goal of the Town Plan shall be the preservation of the town's character. This special character is a composite of historic value, natural setting, attractive community appearance and an unusual blend of cultural, educational and commercial facilities.

The preservation of the town's character shall be achieved, while allowing for orderly growth. This shall be done by careful delineation of land uses, provision of community services and review and phasing of development proposals. Balance shall be sought between residential units, visitor accommodations and commercial uses. Provision of open space and siting of structures to retain public views of the sea shall be considered as part of all new development proposals. The objective shall be a Town Plan which retains as much as possible the present physical and social attributes of the Mendocino Community.

"Balance" between residential uses, commercial uses and visitor serving uses shall be maintained by regulating additional commercial uses through development limitations cited in the Mixed Use and Commercial Land Use Classifications; and, by limiting the number of visitor serving uses.

Visitor Serving Units listed on Table 4.13-1 (234) shall remain fixed, and a ratio of thirteen long term dwelling units to one Vacation Home Rental or one Single Unit Rental (Tables 4.13-2 and 4.13-3) shall remain fixed; until the plan is further reviewed and a plan amendment is approved and certified by the California Coastal Commission.

For example, an increase in long term residential dwelling units from the current count of 306 to 319, would allow an increase of one short term rental, whether Single Unit Rental or Vacation Home Rental.

Tables 4.13-2 (Single Unit Rentals) and 4.13-3 (Vacation Home Rentals) shall be flexible as to location and such changes of location shall not require a plan amendment.

LUP Policy 4.13-13 States:

In addition to any design review related to protection of the character of the town, all development shall conform to Section 30251 of the Coastal Act, and any specifically designated scenic and view areas as adopted on the map. Provisions of open space and siting of structures to retain public views shall be considered as part of all new development proposals. (Emphasis added).

Coastal Act Section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, 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 such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. (Emphasis added).

Sec. 20.504.020 of the Mendocino County Coastal Zoning Code states in applicable part:

- (A) The Town of Mendocino is the only recognized special community in the Coastal Element. Division III of Title 20 provides specific criteria for new development in Mendocino...*
- (C) Development Criteria.*
 - (1) The scale of new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood.*
 - (2) New development shall be sited such that public coastal views are protected.*
 - (3) The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture.*
 - (4) Building materials and exterior colors shall be compatible with those of existing structures.*
- (D) The scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land*

forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting. (Ord. No. 3785 (part), adopted 1991) (Emphasis added).

Discussion

As described above, the project proposal would remodel and add to an existing 1,145 – square-foot one-story residence, to create a two-story 5,428 – square-foot residence with an 826 – square-foot attached garage, for a total of 6,254 square feet. It would increase the size of the existing residence fivefold, including two bedrooms, four bathrooms, a dining room, kitchen, living room, media room, office, sun porch, two-car garage, and a shop utility room. Accessory improvements would include a paved driveway, patio, retaining wall, underground water storage tank, an 80-square-foot utility building, LPG tank, and landscape berms.

The certified LCP provisions of Coastal Zoning Code Section 20.504.020 require that the building scale, including height and bulk, of new development be within the scope and character of existing development in the surrounding neighborhood, and that building materials and colors be compatible with that of existing structures. These provisions implement LUP Policies 4.13-1 and 4.13-13, which require that development in Mendocino preserve the special character of the community, and that development be consistent with Coastal Act Section 30251, which requires that new development be visually compatible with the surrounding area.

Regarding the proposed development's scale, the proposed residence would increase in size by over five times the square footage of the existing residence, three times the height on the western and northern elevation, the latter of which where the second story addition would appear above and beyond the remodeled existing building. This residence would be much larger than other residences in the neighborhood. Immediately adjacent and to the north is a small, inconspicuous, approximately 1,000 – square-foot residence, which would be dominated by the proposed residence (see exhibit 5). Other residences in the neighboring Point of View Subdivision range in size from 1,048 to 2,710 square feet. While there are larger structures in the vicinity, including the "Lemley House," located on the west side of Lansing Street and north of the Reed parcel, which is 4,850 square feet; and the two inns to the east of, and behind the proposed residence, MacCallum House Suites at 8,317 square feet and the Hill House Inn at 35,000 square feet and the Catholic Church's meetinghouse across the street; the majority of these structures are visitor or public serving units. The proposed development is not an inn nor a meetinghouse, but a residence, and it would be significantly larger than other residences in the area. While the applicant has submitted information on other large residences in the Town of Mendocino, none of these are located in the immediate vicinity of the Reed parcel, and hence cannot be used to determine whether the proposed residence is visually compatible with the surrounding area.

Even if one were to compare the proposed residence with the neighboring inns, Hill House and MacCallum House Suites, one would need to take note of the visual context of these structures. The two inns are set back approximately 200-250 feet from Lansing Street, and they do not dominate the main public thoroughfare. In contrast, the Reed parcel is situated immediately adjacent to Lansing Street, and if, as proposed, the residence were enlarged to five times its size, it would dominate the landscape from the eye of the passerby. Currently, the passerby can look east from Lansing Street and see a smooth transition from smaller and shorter residences (including the current Reed residence) to the taller inns on the hillside behind them. If the Reed residence were enlarged as proposed, it would break up this smooth transition and draw one's attention to the large residence towering over the road. Thus, from the standpoint of scale, including bulk and height, the proposed development is inconsistent with Coastal Zoning Code Section 20.504.020(C)(1).

Secondly, various design elements of the proposed residence are inconsistent with Coastal Zoning Code Section 20.504.020(C), which require that building materials and colors be compatible with existing structures. The faux "water tower" attached structure, as well as the proposed white with sweet basil green trim colors, would cause the residence to stand out rather than to be compatible with other structures in the area. The neighboring Hill House Inn is light green, the MacCallum Suites is beige, the small residence neighboring the Reeds to the north is natural wood, and the exterior colors used in the neighboring Point of View Subdivision are mainly weathered wood and many have white trim, in contrast to the proposed basil green trim on the proposed residence. None of these colors are very bright as to cause the structures to stand out from their surroundings. While there are other water towers in Mendocino, the area of town where the Reed parcel is located contains structures that are more modern and differently designed from those structures downtown, and there are no other water towers prominently visible in the vicinity of the subject parcel from Lansing Street, the main vantage point. Thus, the proposed water tower design and the proposed colors on the residence would cause the structure to become a focal point, rather than to blend in with existing surrounding structures, especially when combined with the structures large size, as described above.

Therefore, the Commission finds the project as proposed is inconsistent with LUP Policies 4.13-1 and 4.13-13, and Coastal Zoning Code 20.504.020 and must be denied.

Alternatives

Denial of the proposed permit will not eliminate all economically beneficial or productive use of the applicants' property or unreasonably limit the owner's reasonable investment backed expectations of the subject property. Denial of this permit request to remodel and expand their existing residence would still leave the applicants available alternatives to use the property in a manner that would be consistent with the policies of the LCP.

The applicants currently have a residence that they can continue to use on the approximately ½-acre property within the Town of Mendocino. In addition, after securing a coastal development permit from the county of Mendocino, the applicants could construct a smaller addition that could be approved if the height were limited to one story, the size were more in keeping with the size of surrounding residences, and the design did not include features such as a water tower and bright colors that are designed to draw attention to the development.

Therefore, the Commission finds that feasible alternatives to the proposed project exist for the applicants to make economically beneficial or productive use of the property in a manner that would be consistent with the policies of the certified LCP.

Conclusion of Part Two: De Novo Action on Appeal

The Commission finds that as discussed above, the project as proposed is inconsistent with the Mendocino County certified LCP because the proposed building's scale, including height and bulk, are not within the scope and character of existing development in the surrounding neighborhood, and the building's design, including the faux "water tower" and the proposed bright colors, white and sweet basil green, are not compatible with that of existing structures in the area, inconsistent with LUP Policies 4.13-1 and 4.13-13, and Coastal Zoning Code 20.504.020.

The Commission finds that there are no conditions that could be applied that could make the particular residential structure that is proposed consistent with LUP Policies 4.13-1 and 4.13-13, and Coastal Zoning Code 20.504.020. Therefore, the Commission finds that the proposed project must be denied.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Section 13906 of the California Code of Regulation requires Commission approval of coastal development permit applications to be supported by a finding showing that the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse impact that the activity may have on the environment.

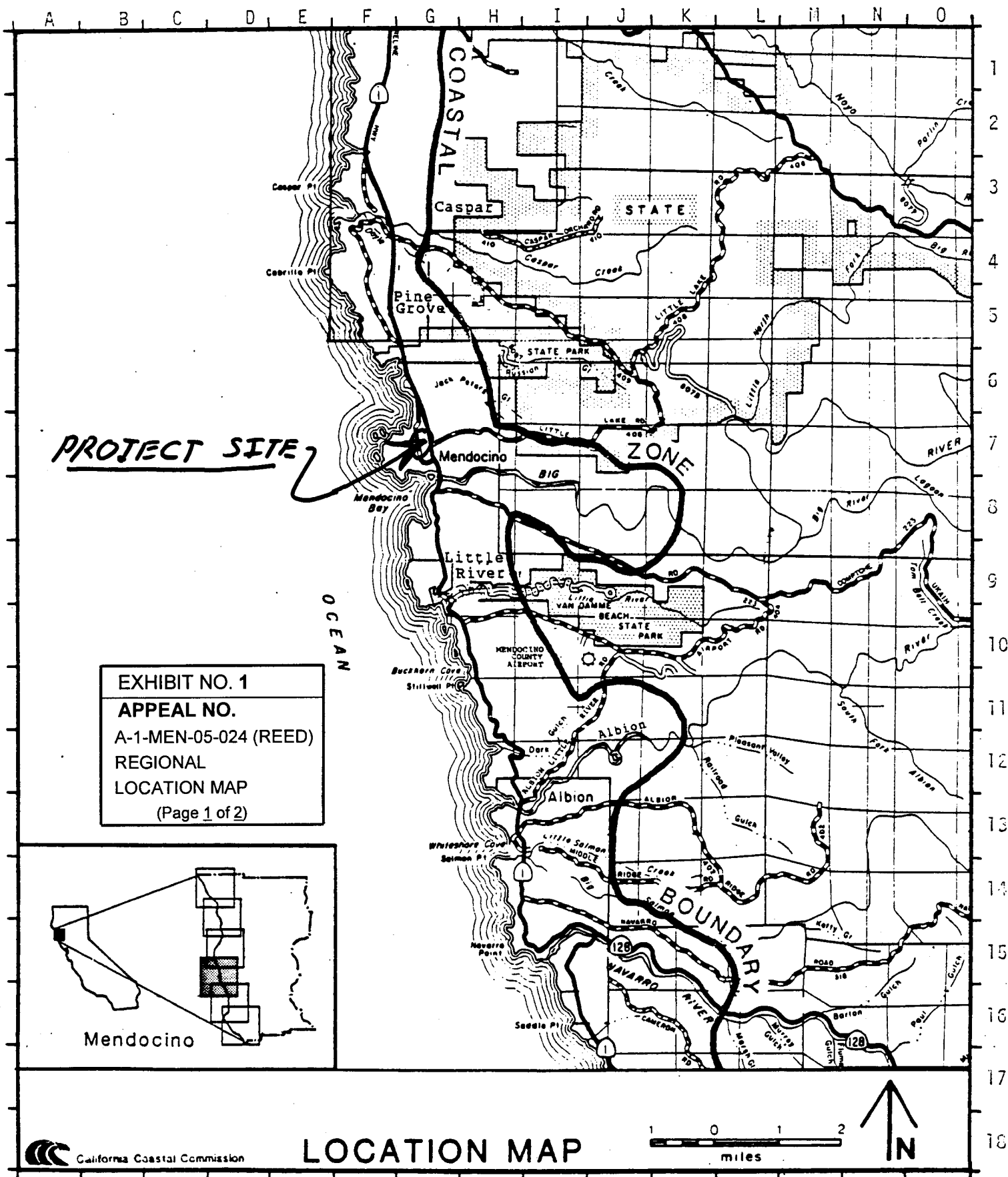
The Commission incorporates its findings on conformity with LCP policies at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report.

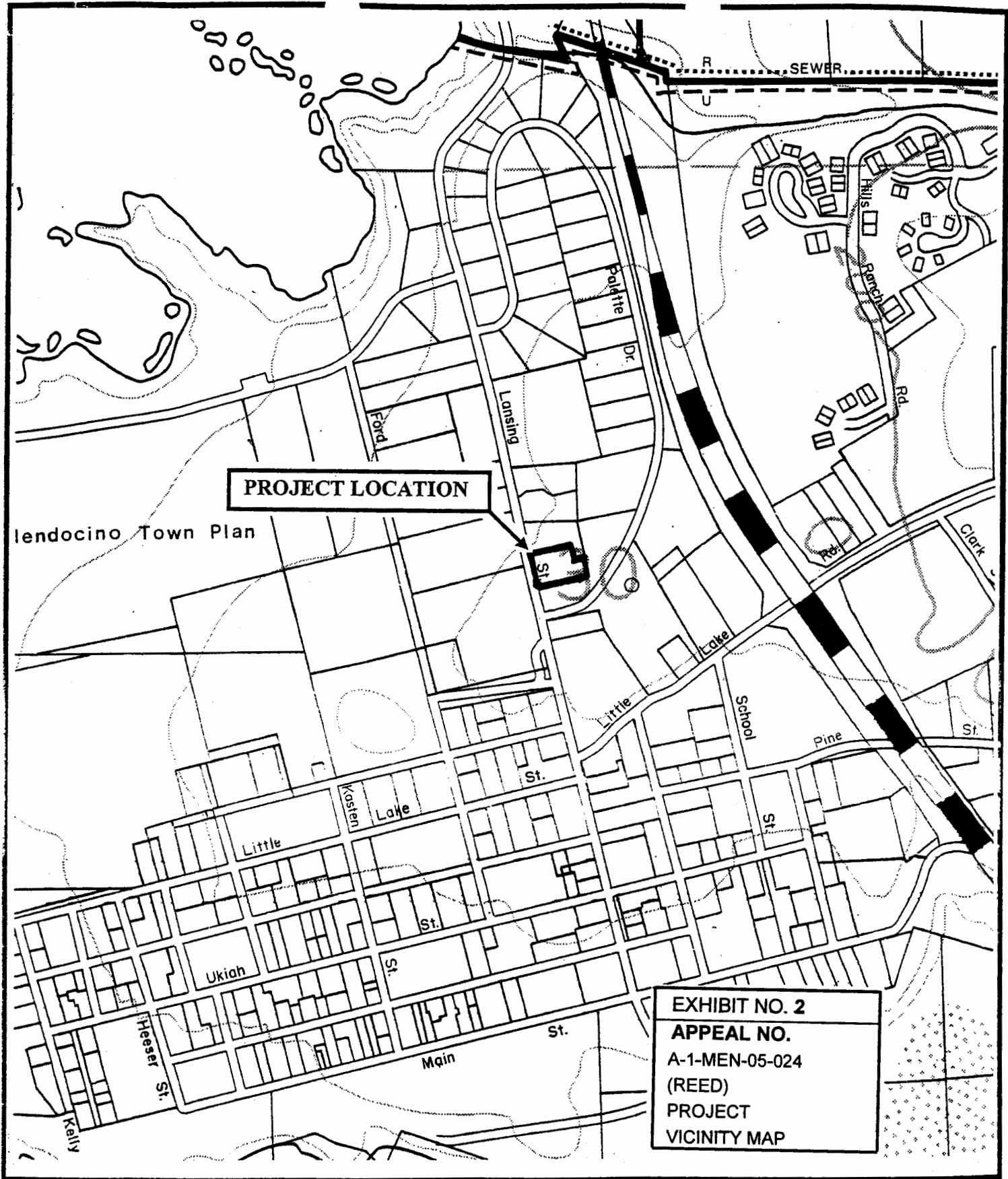
As discussed herein, in the findings addressing the consistency of the proposed project with the certified LCP, the proposed project is not consistent with the policies of the certified LCP regarding the protection of visual resources and "special communities," because the scale of the proposed residence, including its height and bulk, are not within the scope and character of existing development in the surrounding neighborhood, and the design of the proposed residence, including the faux "water tower" and the proposed bright colors, white and sweet basil green, are not compatible with that of existing structures in the area.

As also discussed above in the findings addressing project alternatives, there are feasible mitigation measures and feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project cannot be found consistent with the requirements of the Coastal Act to conform to CEQA.

EXHIBITS

1. Regional Location Map
2. Location Map
3. Project Plans
4. Photograph-Reed residence
5. Photograph-neighboring residence
6. Photographs-Lemley house and neighbors on Palette Drive
7. Notice of Final Action
8. Appeal
9. Correspondence





CASE NO: CDP 54-03

EXHIBIT B

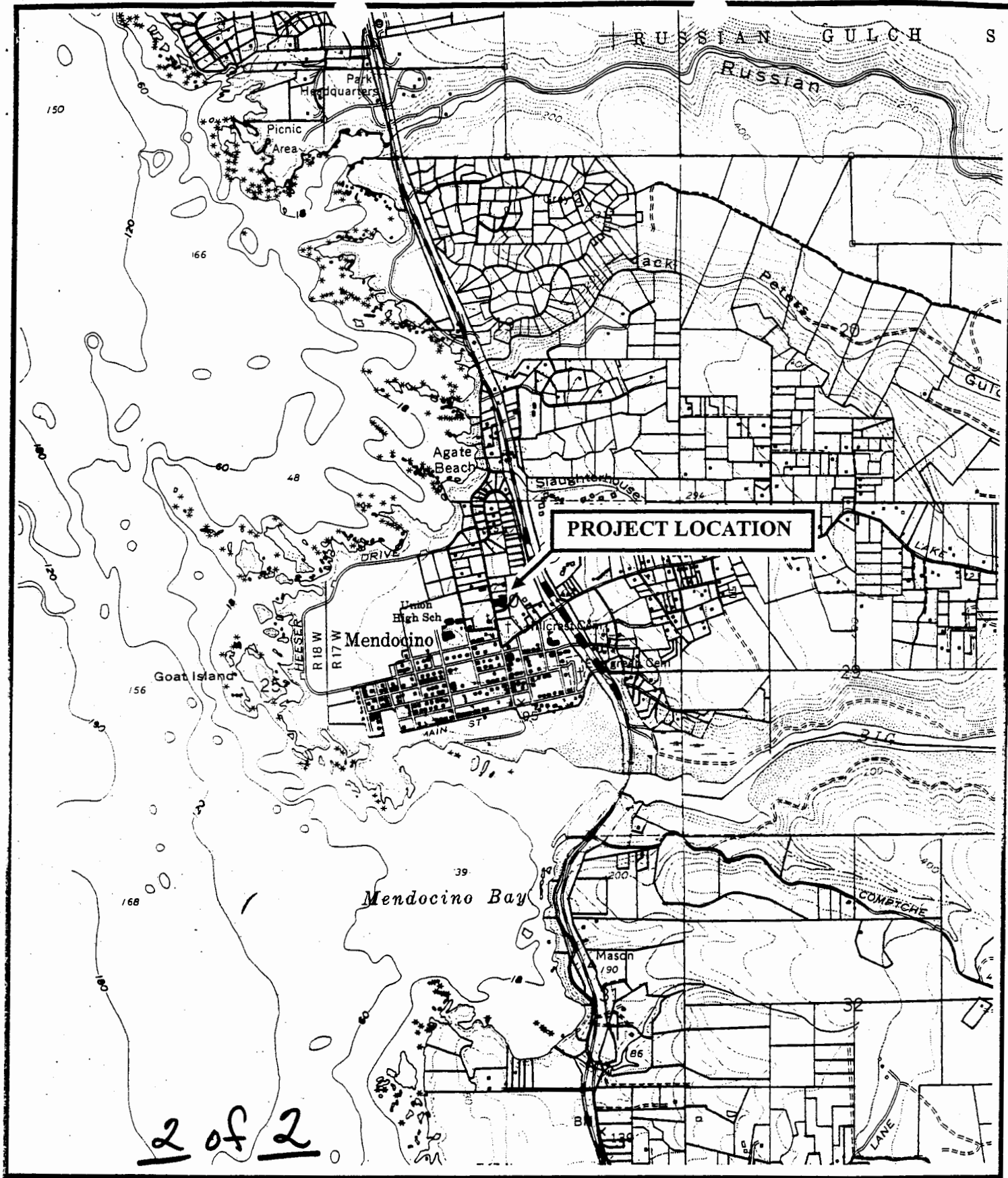
MONTE & BARBARA REED

VICINITY MAP

SCALE: 1 INCH = 500 FEET



NORTH



CASE NO: CDP 54-03

EXHIBIT A

MONTE & BARBARA REED

LOCATION MAP

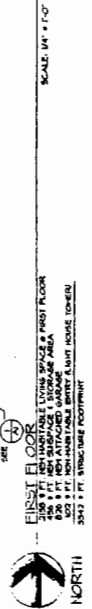
SCALE: 1 INCH = 2000 FEET





NORTH

**PLANNING & BUILDING SE
FORT BRAGG CA**



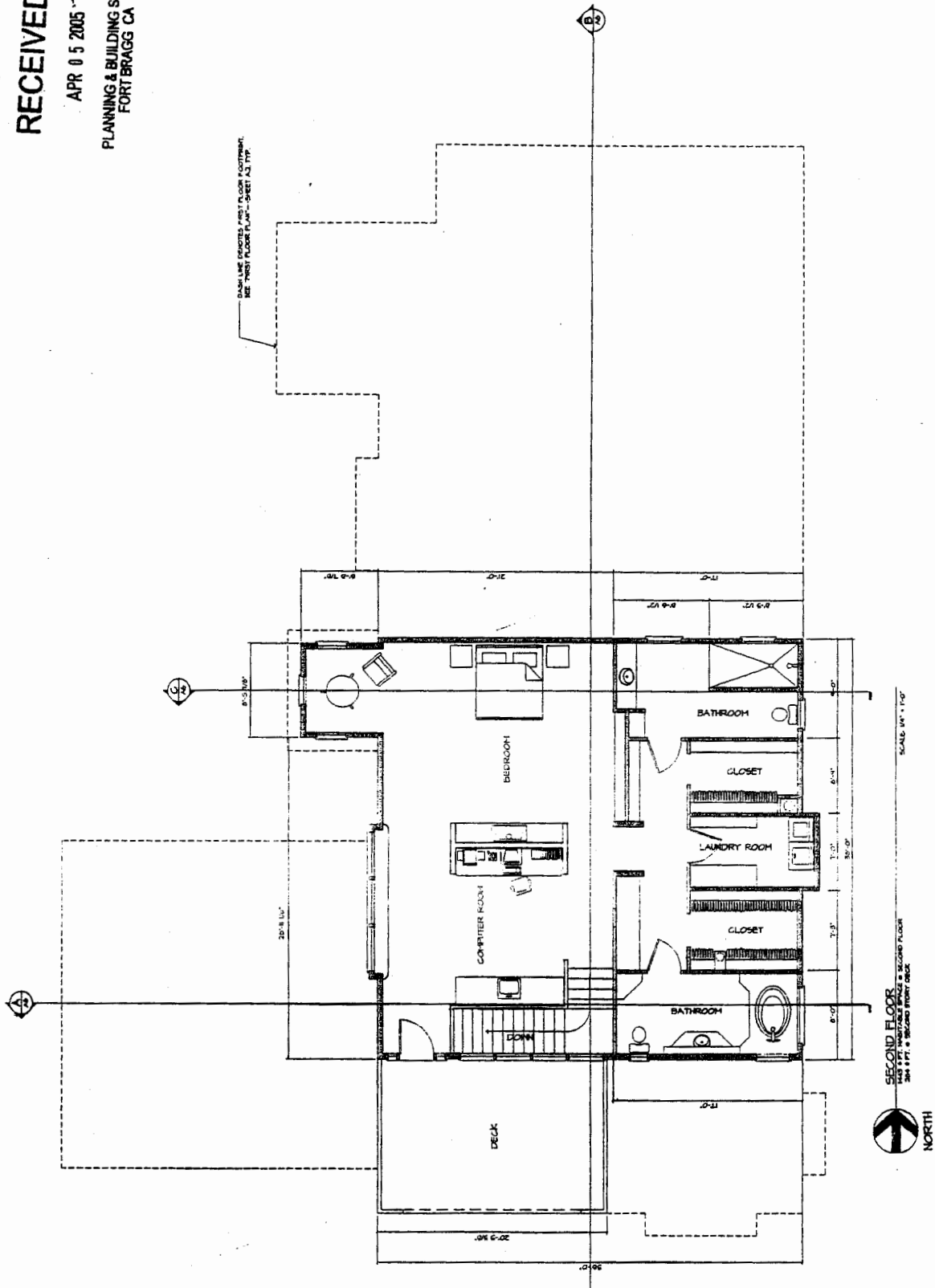
NORTH

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CASE NO: CDP 54-03

EXHIBIT E
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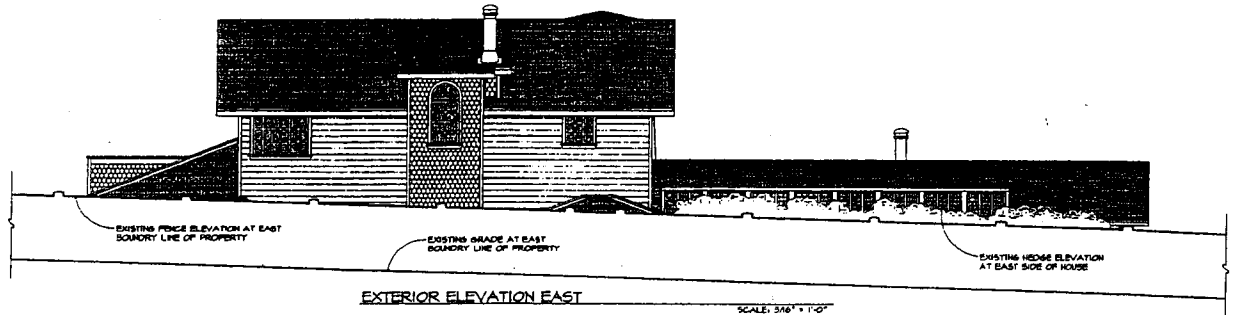
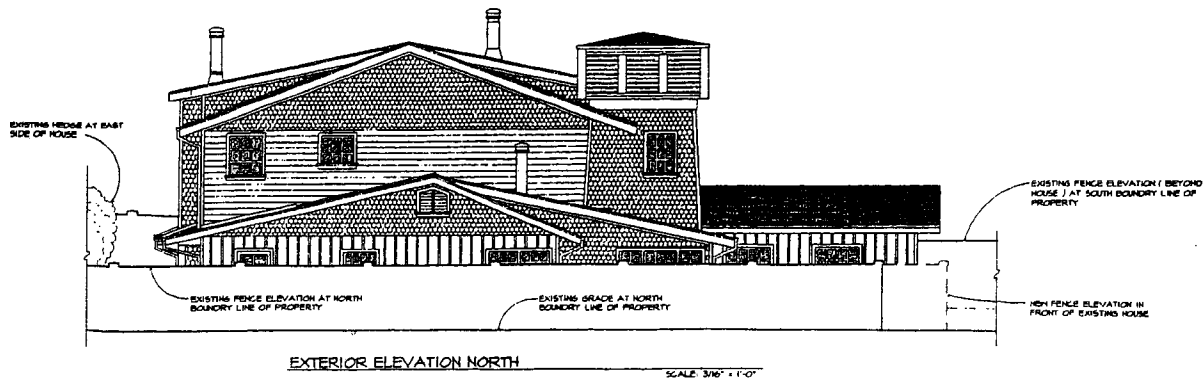
MONTE & BARBARA REED

SECOND FLOOR PLAN REV. APRIL 2005

SCALE: NONE



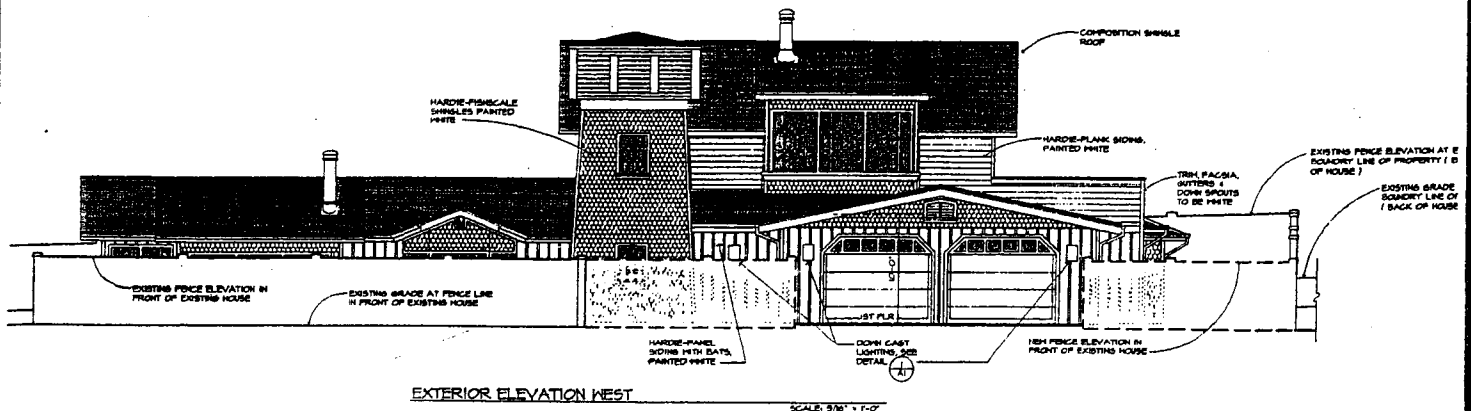
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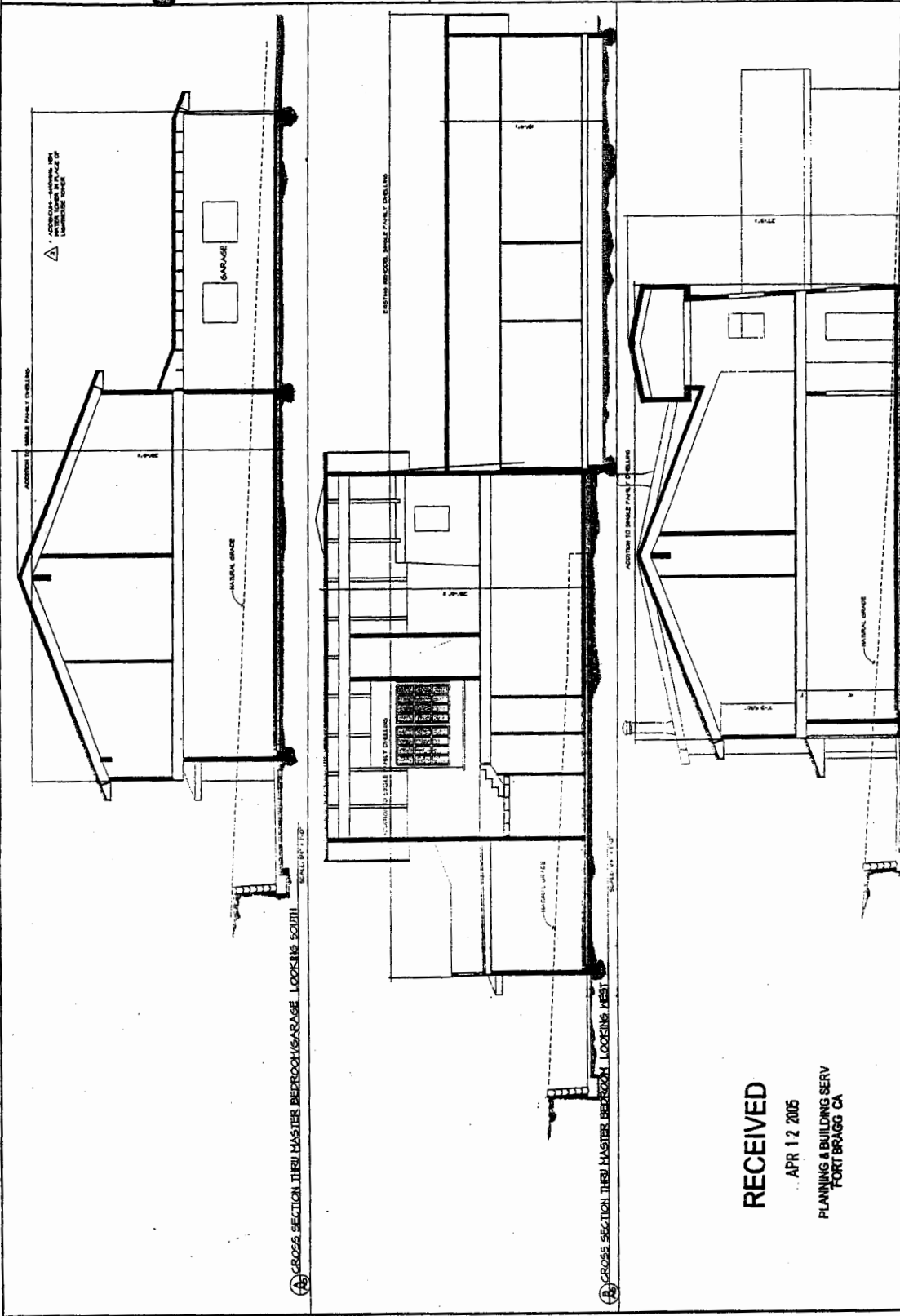
CASE NO: CDP 54-03

MONTE & BARBARA REED

EXHIBIT F
REVISED APRIL 2005

ELEVATIONS REVISED APRIL 2005
SCALE: NONE

4 of 6



RECEIVED
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PLANNING & BUILDING SERVICES
FORT BRAGG CA

CASE NO: **CDP 54-03**

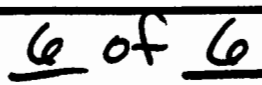
EXHIBIT H

MONTE & BARBARA REED

SECTIONS REVISED APRIL 2005

SCALE: NONE

5 of 6



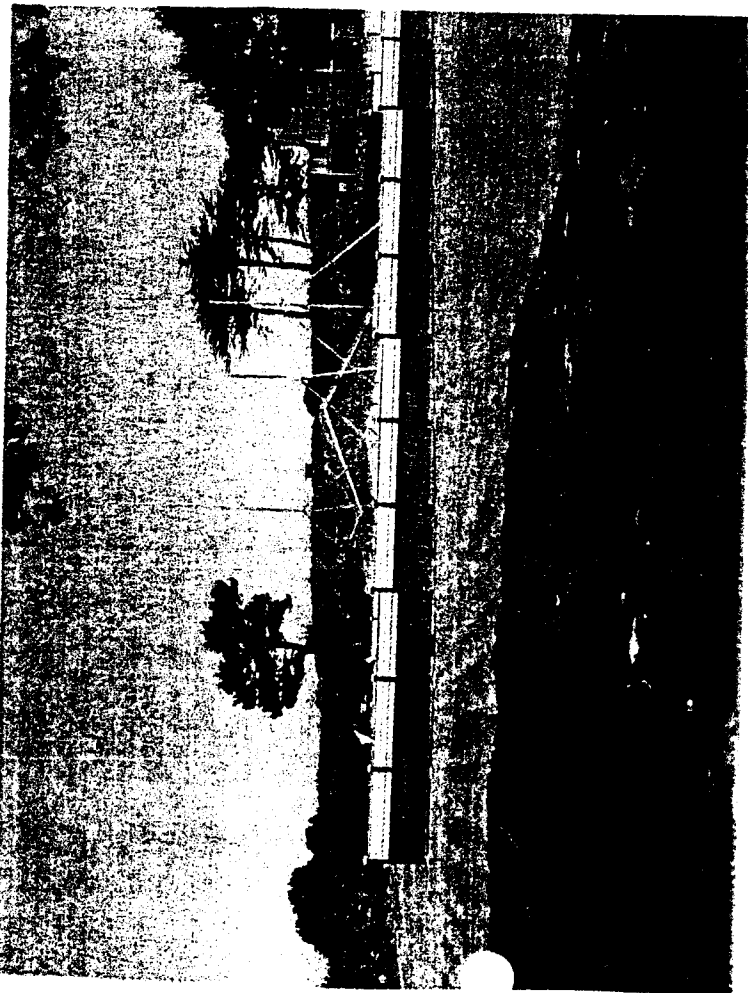


EXHIBIT NO. 4
APPEAL NO.
A-1-MEN-05-024 (REED)
Reed Residence with Story
Poles Depicting Addition
(Page 1 of 2)

Reed
 CMP 54-03
 July 15, 2004

existing residence



2 of 2

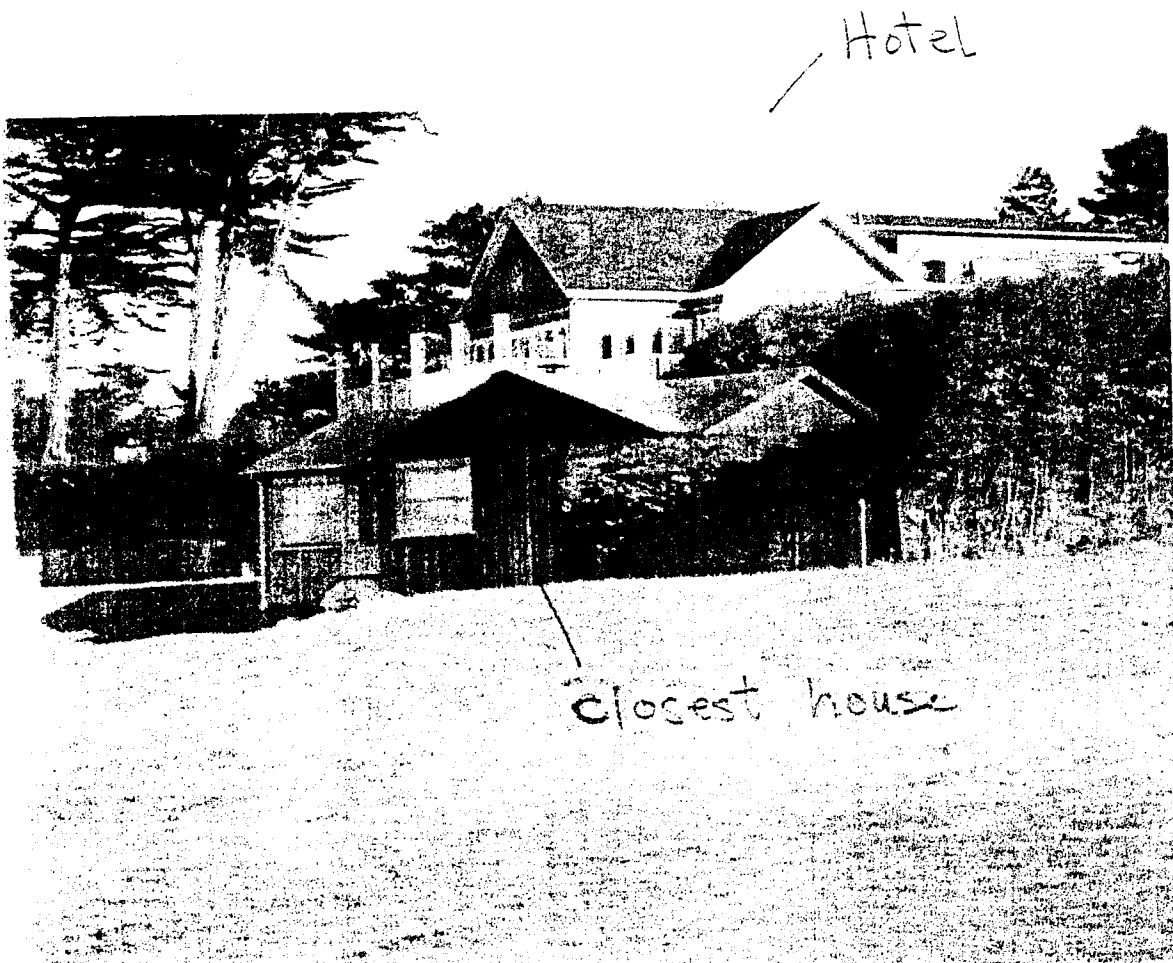


EXHIBIT NO. 5
APPEAL NO.
A-1-MEN-05-024 (REED)
Neighboring residence to the north, w/Hill House Inn in the background

Lemley House, north of Reed parcel



EXHIBIT NO. 6
APPEAL NO.
A-1-MEN-05-024 (REED)
Top: Lemley House located
1,500 ft. NW of Reed Residence
(on other side of Lansing St.)

10/29/04

Palett Drive vicinity, north
of Reed parcel.

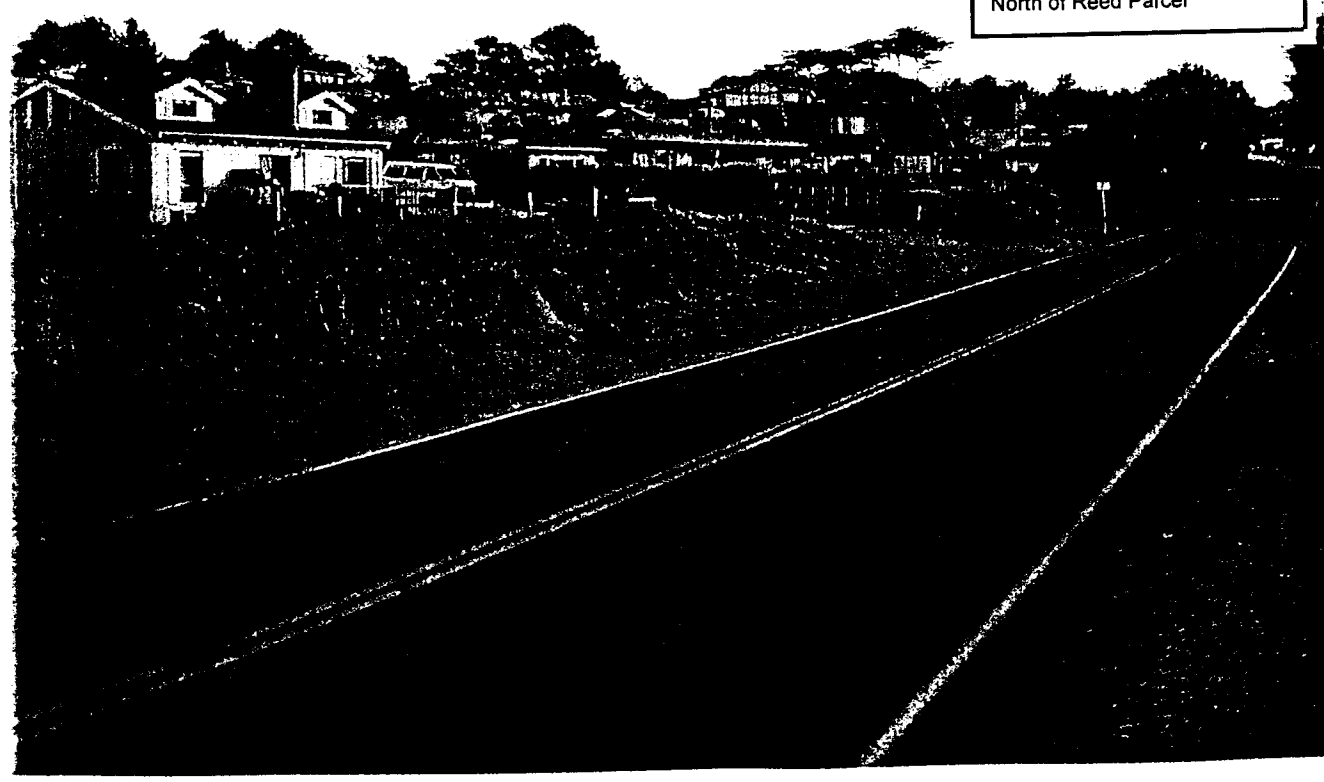


EXHIBIT NO. 6 (cont'd.)
APPEAL NO.
A-1-MEN-05-024 (REED)
Bottom: Houses on Palette Dr.
(Point of View Subdivision)
North of Reed Parcel



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
790 SOUTH FRANKLIN • FORT BRAGG • CALIFORNIA • 95437

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www.co.mendocino.ca.us/planning

May 16, 2005

NOTICE OF FINAL ACTION

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

CASE#: CDP #54-03
OWNER: Monte and Barbara Reed
AGENT: Wendy Squires
REQUEST: Remodel and add to an existing 1,145 sq. ft. one story residence, to create a two-bedroom, four-bathroom, 5,428 sq. ft. two-story residence, 27 ft.-8 in. tall, with an 826 sq. ft. attached garage, paved driveway, patio, retaining wall, underground water storage tank, 80 sq. ft. utility building, LPG tank, entry gate, landscape berms, 240 ft. of 30 inch high metal picket fence, and 450 ft. of 6 foot high solid fence.
LOCATION: In the town of Mendocino, on the east side of Lansing St. (CR# 500), 150 feet north of its intersection with Palette Dr. (CR# 448), at 10751 Lansing St. APN 119-140-38.
PROJECT COORDINATOR: Charles N. Hudson

HEARING DATE: May 6, 2005

APPROVING AUTHORITY: Coastal Permit Administrator

ACTION: Approved with Conditions.

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

The project was not appealed at the local level.

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

EXHIBIT NO. 7

APPEAL NO.

A-1-MEN-05-024 (REED)

**NOTICE of FINAL
ACTION**

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**FINDINGS OF APPROVAL FOR
STANDARD COASTAL DEVELOPMENT PERMIT**

**CDP# 54-03
May 6, 2005
Page-1**

OWNER: Monte and Barbara Reed
P. O. Box 127
Mendocino, CA 95460

AGENT: Wendy Squires *Jim Jackson*
169 Hocker Lane
~~Eort Bragg, CA 95437~~

REQUEST: Remodel and add to an existing 1,145 sq. ft. one story residence, to create a two-bedroom, four-bathroom, 5,428 sq. ft. two-story residence, 27 ft.-8 in. tall, with an 826 sq. ft. attached garage, paved driveway, patio, retaining wall, underground water storage tank, 80 sq. ft. utility building, LPG tank, landscape berms, and 450 ft. of 6 foot high solid fence.

LOCATION: In the town of Mendocino, on the east side of Lansing St. (CR# 500), 150 feet north of its intersection with Palette Dr. (CR# 448), at 10751 Lansing St. APN 119-140-38.

BACKGROUND:

The Reeds are proposing a 5,109 square foot addition to an existing 1,145 square foot single family residence on Lansing Street in Mendocino. The Reeds' application, Coastal Development Permit CDP 54-03, was first heard by the Coastal Permit Administrator on December 20, 2004, and continued for an assessment and determination of whether or not the project is subject the District design standards in Section 20.760.050 of the Town Zoning Code. The application was heard again on January 27, 2005, and found to be subject to the design standards. The project was found not to be entirely consistent with the standards, and continued to April 28, 2005, to allow time for revised plans to be prepared.

PROPOSED MODIFICATIONS:

On April 5 and April 12, 2005, revised plans were submitted illustrating the following changes:

1. The 30 inch high metal picket fencing proposed to enclose the front portion of the lot, westerly of the west face of the garage, has been eliminated.
2. The entry gateway structure north of the front of the garage has been eliminated.
3. A landscape plan has been prepared, showing four species of plants along the westerly side of the fence across the central portion of the parcel. Climbing roses are shown along the outside of the fence around the north, east and south side of the house site.
4. The octagonal simulated "lighthouse" entry tower portion of the addition has been changed to a square simulated "water tower" entry tower. The 8-sided windowed cupola and balcony at the top of the lighthouse tower has been replaced with a square simulated "tank house" element, overhanging the tapered tower beneath. The tank house portion

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has three windows on each of the four sides, covered by louvers which can be closed to block light.

5. With the exception of the change of the entry tower from an octagonal plan to a square plan, the footprint of the building on the site and the floor plans of the lower and upper floors, remain essentially unchanged.
6. With the exception of the entry tower, the exterior appearance of the building remains unchanged. The "water tank" entry tower is shown to be five inches shorter than the "lighthouse" entry tower. The lighthouse had eight windows that were 2 ½ feet square. The tank house has 12 windows that measure 3 by 3 ½ feet, but they are covered by louvers.

DISCUSSION: At the CPA hearing on January 27, 2005, the design was found to be inconsistent with Policies 4.13-1 and 4.13-13 of the Mendocino Town Plan, which require compliance with Section 30251 of the Coastal Act. The size of the house by itself, was not found to be in conflict. The lighthouse entry tower and the amount of glass visible from public locations were identified as the most inconsistent elements. Submission of a more comprehensive landscape plan, including vegetation more substantial than roses, was recommended.

Policy 4.13-1 of the Town Plan states, in part:

The town of Mendocino shall be designated a special community and a significant coastal resource as defined in Coastal Act Section 30251. New development shall protect this special community which, because of its unique characteristics, is a popular visitor destination point for recreational uses.

Policy 4.13-13 of the Town Plan states:

In addition to any design review related to protection of the character of the town, all development shall conform to Section 30251 of the Coastal Act, and any specifically designated scenic and view areas as adopted on the map. Provisions of open space and siting of structures to retain public views shall be considered as part of all new development proposals.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, 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 such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The modifications that have been made to the project primarily affect its appearance from Lansing Street. The elimination of the metal picket fence and the entry gateway reduces the amount of development in the front portion of the lot, retaining a little more of the open character that presently exists between the existing house and the street. The proposed landscaping, once it becomes established, will soften the

**FINDINGS OF APPROVAL FOR
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view of the new fence. The simulated water tower entry tower has a heavier, more bulky, feel than the simulated lighthouse entry tower, making it appear less tall. In fact it is shorter, but only by five inches.

In support of changing the entry tower from a "lighthouse" to a "water tower," the Reeds have submitted a number of photos of other water towers in the Town of Mendocino. Most are detached from other structures, or are only attached at the ground floor level, although some have been incorporated into adjacent structures. Many are enclosed and have habitable space inside, and most no longer have a water tank at the top.

The Reeds have also submitted photos of a number of buildings in Mendocino that have a variety of different types of siding, generally a combination of horizontal and vertical board siding, and shingles, similar to the types of siding proposed for their home.

The following four plant species are specified on the landscape plan to be planted in front of the fence crossing the center of the lot. The descriptions were provided in a letter dated April 4, 2005, from Barbara Reed.

1. Arbutus "marina" an evergreen tree with rose pink flowers in fall.
2. Ceanothus "Dark Star" shrub, dark green foliage with cobalt blue clusters, grows from five to six feet.
3. Westringia "Smokey A.M. Light" gray in color foliage with small white flowers.
4. Arctostaphylos "nummularia" a dense shrub with bright green leaves and small white flowers, or "Emerald Carpet" a dense shrub with bright green leaves and pink flowers.

Roses, some of which have already been planted, are shown around the outside of the fence around the other three sides of the house. More extensive landscaping is not planned in the areas where the roses are shown because the fence is along the property line, and any landscaping on the outside of the fence would be on the adjacent parcels. The Reeds own the adjacent parcel to the north, and have obtained consent from the owner of the adjacent land to the east and south (Hill House Inn) for the roses.

CONCLUSIONS AND FINDINGS:

The elimination of the picket fence and the additional landscaping will provide a reduction in the visual impact of the project. The redesign of the entry tower to a design element evoking a water tower rather than a lighthouse has an increased connection to Mendocino architecture as there are water towers in Mendocino but not lighthouses.

Admittedly it is difficult to apply the design standards drafted with protection of the 19th century architecture of downtown Mendocino in mind to a structure whose neighbors are mostly buildings of contemporary design constructed during the last 40 years. The standards do not prohibit contemporary design, even in Zone A. They require compatibility with surrounding structures. The two nearest neighbors of the Reed's house are the Hill House and a small inconspicuous residence. Excessive use of glass is discouraged. The Reed's house has a generous amount of glass, but does not use large plate glass windows found in other homes in Point of View Estates. It should be noted that the building elevations shown as Exhibit F in the Staff Report dated December 20, 2004, do not include the existing and proposed fence around the structure. Therefore in reviewing the elevations at the January hearing, I did

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not consider the effect that the existing and proposed fence would have in reducing the amount of glazing visible from public locations. Various elements of the structure are required to be compatible with other structures in the same Historical Zone, but the Reed's project is not in a Historical Zone. Any determination of compatibility or lack of compatibility is going to be subjective, and highly dependent on the point of view of the person making the determination. Based on the decision made at the January 27 hearing, the prior design did not comply with visual resource requirements of the Town Code and needed to be redesigned.

Section 20.504.020 (C) and (D)

Section 20.504.020 (C) and (D) contain development criteria for special communities and neighborhoods:

(C) Development Criteria.

- (1) *The scale of new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood.*
- (2) *New development shall be sited such that public coastal views are protected.*
- (3) *The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture.*
- (4) *Building materials and exterior colors shall be compatible with those of existing structures.*

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

The scope and character of existing development in the surrounding neighborhood is varied. To the east of the applicant's parcel is the two-story, 35,000 sq. ft. +/- Hill House Inn and restaurant. To the south, across Palette Drive, is a cemetery and the MacCallum House Suites. To the west, across Lansing Street is the Catholic Church, and to the north is the Point of View Estates Subdivision.

The Point of View Estates Subdivision encompasses a variety of building sizes, types, styles, architecture, materials and colors. This is a suburban subdivision and would not be considered a sensitive visual resource area. Surrounding residences range from 1,048 to 2,710 square feet of floor area with most being

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a single story. Including accessory structures (i.e. garages, guest cottages, etc.), the total floor area per lot increases to 1,428 to 3,697 square feet. Roof styles include hipped, gabled, flat, and shed, which incorporate various colors and materials ranging from tans to light and dark grays to black. Exterior materials and colors of existing residences are mostly weathered wood, however, other colors include yellow, white, baby blue, dark brown and natural redwood, many with white trim (see color aerial photos in file).

Although the majority of houses in the vicinity are single story, there are a few that are two stories, which, together with the location of the applicant's parcel adjacent to the Hill House Inn and near the MacCallum House Suites, makes it possible to find that the structure is consistent with the character of existing development in the surrounding neighborhood. The structure will not block any public views of the ocean. There are no historic structures on the Inventory of Historic Buildings in the vicinity of the site that would be adversely affected by the proposed addition. The proposed color scheme, white with green trim, is not inconsistent with other structures in the vicinity. In its location toward the easterly edge of the lot, the house will be backed up by trees when viewed from most points along Lansing Street.

Exterior lighting is specified to be shielded and downcast, consistent with Section 20.504.035 of the Zoning Code.

Sec. 20.760.050 Standards.

It is the intent of this section to provide standards which shall be used by the Review Board when considering applications subject to the provisions of this Chapter:

(A) Size, forms, materials, textures, and colors shall be in general accord with the appearance of structures built in Mendocino prior to 1900. To this end they shall be in general accord with the designs as exemplified, but not limited to, those depicted in the photographs contained in Exhibit "B", a book of photographs which is incorporated herein by reference and is available for public inspection through the Clerk of the Mendocino Historical Review Board. This section shall not be interpreted as requiring construction to be with the forms, materials, textures, colors or design as used in Mendocino prior to 1900, but only that the construction be compatible with and not in disharmony with the architectural standards herein expressed.

Chapter 20.760 establishes three levels of review for development within the Town of Mendocino. The most stringent review is required for development within Historical Zone A, the portion of the Town west of Highway 1, containing the preponderance of the 19th century structures giving Mendocino its architectural character. Within Zone A most development requires review by the Mendocino Historical Review Board (MHRB). Within Historical Zone B, east of Highway 1, only development that can be seen from Zone A requires review by the MHRB. Development subject to MHRB review in either zone is subject to all the provisions of Chapter 20.760, Historical Preservation District regulations. The least stringent level of review is applied to the portion of the Town excepted from the Historical District (Point of View Estates and seven additional Assessor's parcels, including the subject property). Development within the excepted area is not subject to review by the MHRB, and is not subject to all the requirements of Chapter 20.760, but is required to be consistent with the standards of the Historical Preservation District in Section 20.760.050.

Point of View Estates was subdivided in 1965. The Historical District was established in 1973. From 1973 to 1978, the Point of View area was within Zone A of the Historical District, and subject to MHRB

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review. Attempts to subject new residential development within the subdivision to Historic District standards resulted in controversy resulting in appeals of MHRB decisions to the Board of Supervisors. The standards called for steep roofs, small windows, and "vertical" houses, while the residents in the area wanted low houses with large windows and low-pitched roofs that didn't block views to the ocean. The Board exempted Point of View Subdivision from the District in 1978, followed by seven additional Assessor's parcels (including the subject parcel) in 1982. From about 1981 until 1996, the Coastal Commission had permit authority within the coastal zone. In 1996, following certification by the Coastal Commission of the Town Plan and Zoning Code, Mendocino County regained permit authority from the Coastal Commission within the Town of Mendocino. The Town Zoning Code contained Section 20.692.020 (E) which subjects development within the excepted area to the Historical District design standards, but until now, the standards have never been applied to development within the excepted area.

The standards were originally drafted to provide guidance to the MHRB when considering development on parcels within the District. Even within the District some discretion is allowed. New development is not required to duplicate 19th century architecture, but only to be "in general accord" with historic structures, and to be "compatible with and not in disharmony with" the standards. The Point of View area was exempted from the Historical District by the Board of Supervisors to eliminate the need for compliance with Historical District development regulations. Subsequently, with the adoption of the Town Zoning Code, development within the Point of View area was required to be consistent with the standards of the District although up until recently no project within Point of View was reviewed for consistency with the standards. It would seem reasonable that the excepted area would not be held to the same level of compliance with the design standards as the land within the District, otherwise there would have been no point in excepting the area from the District. Comments below addressing consistency with the standards attempt to find a middle ground between the level of compliance that would be required within Zone A, and no review for compliance as has been County practice since the Point of View area was excepted in 1978 and 1982.

(1) All activities subject to this Chapter shall relate to the area in which it is located through texture, size, proportion, height, form, style, siting, materials, and relationship to surrounding structures. Contemporary design is not expressly prohibited.

The staff report prepared for CDP 54-03 addressed the visual impact of the proposed addition in relation to provisions in the Town Plan and Zoning Code applicable to development regardless of its location in or out of the Historical District. Although the proposed building would be substantially larger than other residences in the area, and incorporates some features (the lighthouse tower) not common to other structures, it was found to be "...consistent with the character of existing development in the surrounding neighborhood." The residence will be larger than other residences in the area, but not larger than Hill House or the MacCallum House Suites, its most dominant neighbors. As on lots in of Point of View, it is sited on a parcel that allows compliance with yard setbacks. The composition shingle and Hardie board siding are used on other residences in the vicinity. Although taller than most residences in Point of View, the house complies with the height limit and lot coverage requirements for the zone.

(2) The excessive use of glass is discouraged.

The proposed addition does make substantial use of glass. The largest area is the sun room/potting shed to be added on the east side of the existing residence, where it will not be visible from most public locations. There are also large windows proposed on the west side of the building, facing Lansing Street, but a large proportion of the glass on the first floor will not be visible from off the property because of the

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existing and proposed fence and landscaping. Special condition #3 requires the establishment and maintenance of the fencing and landscaping for the life of the project. The application shows that the windows will be divided into lights, in an attempt to make them more compatible with the design of historic structures, however they are larger and make up a greater proportion of the building elevation than is typical of historic structures. On the other hand, in Point of View Estates, large plate glass windows are common. On one house in particular, CDP 100-98, Darnell, nearly the entire northwest façade is made up of large picture windows. Several other buildings also have substantial areas of glass. Based on the above, the proposed residence is not inconsistent with the advisory that excessive use of glass is discouraged.

(3) The architecture, size, materials, details, proportion, height, texture, color, facade treatment and fenestration of the work proposed insofar as the same affects the appearance of the subject property and other property within the district.

The proposed addition will be a significant change from the existing condition. Currently a small (1,145 square foot) single-story residence exists on the site. Prior to the recent addition of fencing, the house was not particularly noteworthy, and did not attract one's attention. The addition of 4,284 square feet of floor area in a two-story structure, with a water tower entry, and 450 feet of fencing will make the house a more dominant feature in the vicinity. It will not, however, be detracting from historic structures because there are no landmark or historically important structures in the immediate vicinity. Furthermore, nearby neighboring structures (Hill House Inn and MacCallum House Suites) are far larger than the proposed project.

(4) Fences should be of wood, iron, or plant materials. Retaining walls should be of dry stone, stone masonry or wood.

The application proposes 450 feet of six foot high green and white solid fence. The solid fence is made primarily of Hardie Panels, but would not look significantly different if made of wood. Fencing on residential parcels in Mendocino is not uncommon, although there is not much fencing in Point of View Estates. The green and white fencing, some of which has already been installed, seems to stand out more than other fencing in the Town. In time, the appearance of the fence will be softened by landscaping. A retaining wall with a maximum height of 4 feet-6 inches is proposed around the east and south sides of the proposed addition. The materials and colors of the wall are not specified, but the wall will be within the fenced yard around the house and will not be significantly visible, if at all, from public locations.

(5) Sidewalks of brick, flagstone, or board are allowed. Driveways of grass, gravel or turfstone are allowed. Major coverage of front yard setbacks is prohibited.

No sidewalk is proposed. A large, curving driveway leading to a two-car garage is proposed. The driveway will have a new encroachment onto Lansing Street and is to be surfaced with blacktop or similar surfacing. Blacktop has not been considered consistent with the standard within the Historic District. There are a number of paved driveways in Point of View Estates. The proposed driveway is located outside the Historic District and is therefore not in conflict with the standard. Other than the driveway and fencing, there is no coverage proposed in the front yard setback, although there is an 8 by 10 foot utility building and a 5 by 10 foot fenced LPG tank enclosure proposed immediately inside the front setback line.

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(6) Lighting: If sign lighting is required, it shall be indirected, restricted to business hours only, and shall not create a glare or reflection onto adjacent properties or public streets. Neon lighted signs are prohibited. Indoor lighted signs visible to the public from outside the building are subject to the approval of the Mendocino Historical Review Board.

No signs or sign lighting are proposed. Lighting at exterior doors is shielded and aimed downward.

(7) Utility poles and street lighting: Street lighting shall be limited to only that necessary for safety to light streets and pedestrian walkways.

Not applicable. No street lighting is proposed.

(8) Signs:

(a) Signs should be made of wood.

(b) Only one (1) sign will be allowed per business when one (1) sign will suffice.

(c) Use of a "directory" type sign is recommended for buildings containing more than one (1) business and using a common entrance.

(d) Size, design, and location of sign shall be in harmony with the building and surrounding buildings.

(e) Signs shall not block public views or lines of sight. Signs flush to building are preferable; signs perpendicular to building are permitted under special circumstances.

(f) Signs advertising businesses outside of the Historic District or advertising local businesses not located on the same property are prohibited.

Not applicable. No signs are proposed.

(9) Exterior painting: In the use of paint color schemes involving more than one (1) color, the "accent" color shall be limited to those parts of the structure, defined herein:

(a) Basic color: applied to exterior siding.

(b) Trim color: applied to soffits, fascias and trim.

(c) Accent color: applied to window frames, emullients, muntins and doors.

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The house is proposed to be white, with green accents. Green color is to be applied to trim, doors, including garage doors, and fence posts and lower fence panels. Window frames are proposed to be white. Buildings in both in the older part of the Town of Mendocino, and in Point of View Estates use white as the primary exterior color, although darker colors are more prevalent in Point of View. The existing house on the site is white.

(10) Dumpsters shall be effectively screened from public view.

Not applicable. No dumpsters are proposed.

(11) Landscaping: Any construction related to landscaping in excess of six (6) feet in height shall be compatible with and not in disharmony with the existing structure(s) on the property or other structures in the District.

The only landscaping structure that was proposed in excess of 6 feet in height was a roofed entry gateway in line with the front wall of the garage. The revised plan submitted in April eliminated the roofed entry gateway.

(B) In order to further amplify and illustrate the descriptions or definitions of Mendocino architecture prior to 1900, and to furnish more complete details, architectural elements and composition thereof, the Review Board may from time to time submit additional illustrations, photographs and definitions, which, when approved by resolution of the Board of Supervisors of Mendocino County, shall be additional standards applicable in the Historical Preservation District.

This paragraph gives the Review Board authority to provide additional examples of Mendocino architecture. It is not, in itself, a design standard.

(C) To determine whether activities subject to this chapter will be in conformance with the standards set forth above, the Review Board shall evaluate the following elements of each application proposal:

(1) Height. The height of any new development and of any alteration or new construction to a landmark structure shall be compatible with the style and character of the structure and with surrounding structures in the same Historical Zone.

The proposed development is not within a Historical Zone. Within the excluded area there are both single and two-story buildings. The style and character of the proposed addition is probably more similar to that of the Hill House, its nearest neighbor, than to most of the residences in the excluded area. The height complies with the height limit for the Mendocino Suburban Residential Zone.

(2) Proportions of Windows and Doors. The proportions and relationships between doors and windows of any new development and of any proposed alteration or new construction to a landmark structure shall be compatible with the architectural style and character of the structure and with surrounding structures in the same Historical zone.

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The structure is not within a historical zone. Within the excepted area there is a wide variety of architectural styles and characters because the buildings have all been built within the last 40 years, and only a dozen or so were subject to review by the MHRB. The Reeds' proposed residence has a variety of window styles, including small 9-light windows, narrow strips of windows over the garage doors, larger windows forming large portions of the exterior walls of some rooms, and the almost entirely glass-enclosed sun room/potting shed (where it is not visible from most public locations). There are a number of different sizes of windows and different sill heights. One window on the east side has an arched top. All of the windows are divided into lights, as is common in older structures in Mendocino, but the variety of sizes and shapes of the windows do not resemble historic structures.

Doors and windows on the first floor will be largely obscured by the existing and proposed fencing and landscaping. Only one door will be located on the second floor and is balanced by a window on the opposite side of the south elevation. Windows and doors are generally compatible with the style and character of the proposed structure.

Due to the distance from the proposed structure (located outside the Historic Zone) to the structures within the Historic Zone, the proposed proportions and relationships of windows and doors, including the garage doors, is not incompatible with or detract from the architectural style and character of the structure and surrounding structures in the Historical Zone.

Given the wide variety of architectural styles in the area outside the historical Zone, it is difficult to determine compatibility, however the proposed structure will not detract from the modern structures within the point of View area.

(3) Relationship of Building Masses and Open Spaces. All new development shall provide open space areas and the relationship of the siting of any development to the open space between it and adjoining structures shall be compatible. All development shall be compatible with public views to the sea and to landmark and historically important structures.

The project proposes approximately 24% lot coverage. The front of the garage is set back about 73 feet from the front property line, providing a large open front yard. The east side of the building is about 50 feet from the Hill House property line. The addition provides a 12 foot setback from the south property line and continues the existing 8 foot setback on the north side. The addition will not block any public views to the sea, or to historical structures. The project meets all zoning setback and lot coverage requirements.

(4) Roof Shape. The design of the roof of any new development and of any proposed alteration or new construction to a landmark structure shall be compatible with the architectural style and character of the structure and surrounding structures in the same Historic Zone.

The proposed development is not within a Historic Zone. As mentioned in the staff report, the roof includes hips and gables, and several different pitches. The pitches are generally not as steep as are typically found on historic structures, but are more in line with roof pitches found on buildings in Point of View Estates. Roofing is to be dark green composition shingles. Composition shingles of various dark colors are found on many buildings in the area.

(5) Landscaping. Landscaping shall be compatible with the architectural character and appearance of adjacent landmark and historically important structures and surrounding structures, landscapes and public

**FINDINGS OF APPROVAL FOR
STANDARD COASTAL DEVELOPMENT PERMIT**

**CDP# 54-03
May 6, 2005
Page 11**

views in the same Historic Zone. Landscaping shall be used to effectively screen on-site parking areas where appropriate.

There are no landmark or historically important structures adjacent to or in close proximity to the applicants' parcel. The application does propose two low, rounded landscape berms to be placed between the house and Lansing Street, using soil excavated from the house site. The berms are to be seeded with vegetation matching the existing ground cover on the site. Additionally there will be landscaping along the fence. The primary on-site parking area is within the garage.

(6) Scale. The scale of any new development or alteration or new construction to an existing structure shall be compatible with the architectural style and character of existing and surrounding structures in the same Historic Zone.

The proposed development is not within a Historic Zone. Within the area excepted from the Historical District there are a variety of modern architectural styles and characters that include single and two story homes, generally ranging in size from 1,000 to 2,700 square feet. The recently approved Krieger house is 3,507 sq. feet. At 5,428 square feet, the house will be much larger than other homes in its neighborhood. But even within the Historical District, large homes have been allowed. The Lemley house, 1,500 feet north of the Reed parcel, on a bluff top lot on the west side of Lansing Street, in Historical Zone A, is 4,850 square feet. The former Reed Manor, now MacCallum House Suites, a residence and 5 unit bed and breakfast facility, 400 feet southeast of the Reed parcel, in Zone A, is 8,317 square feet. MacCallum House itself, a Category I Landmark structure in "downtown" Mendocino is about 5,000 square feet (6579 sq. ft. according to the applicant). The Hill House Inn (approximately 35,000 sq.ft.) immediately to the east of the proposed structure is similarly located outside the Historic District and is much larger than the proposed Reed residence.

(7) Directional Expression. Facades shall blend with other structures with regard to directional expression and structures shall be compatible with the dominant vertical expression of surrounding structures. The directional expression of a landmark and/or historically important structure after alteration, construction or partial demolition shall be compatible with its original architectural style and character.

The requirement that the façade blend with other structures was most likely written with "downtown" Mendocino in mind, where lots are smaller and buildings are in close visual proximity to one another. On the Reed's site, the existing house is set apart from other structures. There is a small residence on the lot to the north, and Hill House on the lot to the east. There aren't really any nearby facades to blend with. The façade has both horizontal and vertical elements. The existing house and the garage have a predominantly horizontal character. No alteration of a landmark or historically important structure is proposed.

(8) Architectural Details. Where any alteration, demolition or new construction is proposed for a landmark or historically important structure, architectural details, including materials, color, textures, fenestration and ornamentation shall be treated so as to make the structure compatible with its original architectural style and character, and to preserve and enhance the architectural style and character of the structure.

12 of 15

**FINDINGS OF APPROVAL FOR
STANDARD COASTAL DEVELOPMENT PERMIT**

**CDP# 54-03
May 6, 2005
Page-12**

Not applicable. No alteration of a landmark or historically important structure is proposed.

Policies 4.3-1 and 4.13-13 of the Mendocino Town Plan, and Section 30251 of the Coastal Act.

Based upon the discussion on Page 2 and all subsequent discussion and conclusions in these findings, I conclude that the project as redesigned is in compliance with Policies 4.13.1 and 4.13-13 of the Mendocino Town Plan and Section 30251 of the Coastal Act.

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.720, of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project, and adopts the following findings and conditions.

FINDINGS:

1. The proposed development is in conformity with the certified Local Coastal Program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as all other provisions of Division III, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
6. Other services, including but not limited to, solid waste, public roadway capacity, and proof of an adequate water supply pursuant to Chapter 20.744 have been considered and are adequate to serve the proposed development; and
7. The proposed development is in conformance with the design standards of Section 20.760.050.

STANDARD CONDITIONS:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

13 of 15

**FINDINGS OF APPROVAL FOR
STANDARD COASTAL DEVELOPMENT PERMIT**

**CDP# 54-03
May 6, 2005
Page-13**

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

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

SPECIAL CONDITIONS:

14 of 15

**FINDINGS OF APPROVAL FOR
STANDARD COASTAL DEVELOPMENT PERMIT**

**CDP# 54-03
May 6, 2005
Page-14**

1. Topsoil within the area of the driveway and berms shall be removed and stockpiled prior to placing the fill, and shall be used as the final layer of fill for construction of the berms.
2. Prior to commencement of construction activities for the residence, the applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation and construct appropriate improvements to protect the County road during the construction phase of the project. Prior to final inspection or occupancy, the applicant shall complete, to the satisfaction of the Department of Transportation, a standard private driveway approach onto Lansing Street (CR 500), with a minimum width of ten feet, improved 15 feet back from the edge of the County road, with surfacing comparable to that on the County road. Prior to issuance of the building permit, a copy of the encroachment permit shall be submitted to the Planning and Building Services Department.
3. The establishment and maintenance of the fence around the structure, and the landscaping immediately adjacent to the fence as shown on the landscape plan received by Fort Bragg Planning and Building Services on April 12, 2005, is an integral factor in reducing the visual impact of the proposed residence. The fence and the landscaping shall be maintained for the life of the project.
4. The applicant shall submit a draft deed restriction to the Coastal Permit Administrator for review and approval. The deed restriction shall clearly state that the project approved under CDP 54-03 is a single family dwelling and is not to be used for a visitor serving facility or other commercial use inconsistent with the zoning of the property. Upon approval of the deed restriction by the Coastal Permit Administrator, the applicant shall record said deed restriction.

5/6/05
Date

Raymond Hall
Raymond Hall
Coastal Permit Administrator

15 of 15

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

710 E STREET, SUITE 200

EUREKA, CA 95501

VOICE (707) 445-7833 FAX (707) 445-7877



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)Name: Joan CurryLee EdmandsonMailing Address: Po Box 457Po Box 1167City: MendocinoZip Code: 95460Phone: JC (707) 937-1649
LE (707) 937-4369SECTION II. Decision Being Appealed

1. Name of local/port government:

Mendocino County

2. Brief description of development being appealed:

Enlarging an existing 1145 sq ft. single family residence to a 6254 single family residence with 2 bedrooms, 4 bathrooms, 2 laundry rooms etc. to become largest single family residence in the town of Mendocino.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

10751 Lansing St., APN 119-140-38, intersection of Lansing & Palatte Dr.

4. Description of decision being appealed (check one.):

- ☐ Approval; no special conditions
- ☒ Approval with special conditions:
- ☐ Denial

RECEIVED

MAY 27 2005

CALIFORNIA
COASTAL COMMISSION

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

EXHIBIT NO. 8

APPEAL NO.

A-1-MEN-05-024 (REED)

APPEAL

(Page 1 of 7)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

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

- ☒ Planning Director/Zoning Administrator
☐ City Council/Board of Supervisors
☐ Planning Commission
☐ Other

6. Date of local government's decision:

May 6, 2005

7. Local government's file number (if any):

CDP 54-03

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:

Monte + Barbara Reed
Po Box 127
Mendocino, Ca 95437

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

(1) Kathleen Cameron
Po Box 438
Mendocino, Ca 95460

(5) Mary Weaver
Po Box
Mendocino, Ca 95460

(2) Leonard Dill
Po Box 790
790 Mendocino, Ca 95460

(3) Gail Daly
Po Box
Mendocino, Ca 95460

(4) Polly Green
Po Box
Mendocino, Ca 95460

(5) Robert Kerstein
Po Box
Mendocino, Ca 95460

2 of 7

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE 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.
- 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.)
- This 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.

The project does not satisfy the conditions of the Coastal Act, Sec. 30251. It blocks public views to the sea from Palette Dr. It violates all Reasonable for designating the Town of Mendocino a "Special Community".

It does not comply with Sec 20.692.020 of the Coastal Zoning Code which requires development outside the Historical Preservation District, identified in Sec 20.760.010, shall be consistent with the standards of the Historical Preservation District in Sec 20.760.020

Mr. Hall has interpreted the standards to fit the Reed's proposed structure, not the structure to fit the standards.

Because Sec 20.692.020(E) had not previously been used (overlooked) does not lessen its validity. It was in the Town ordinances, Title 20-Division III, which became effective Dec. 1996. Consequently no structures constructed before that time can be used as an example to approve the Reed project as Mr. Hall has done. Pointe of View Estates is now also subject to the standards but anything built before Dec 20, 2004 when Sec 20.692.020 (E) came to light cannot be used as an example for approval of the Reed project

Standard #1

Relate to area: as one crests the Larcina St. Hill going ^{on +} left north one sees the Reed property on the right with the Catholic Church. (not on the Inventory of Historic Structures but is historic having been built in 1930).

Standard #2: Excessive use of glass cannot be denied

Standard #3: It boldly dominates the area

Standard #5: "Driveways of gravel, gravel or turfstone are allowed." NOT blacktop as approved by Mr. Hall

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

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: May, 2005

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: _____

LEE EDMUNDSON

Post Office Box 1167 · Mendocino, California 95460-1167
Phone/Fax: 707-937-4369 · Email: lee@mcn.org

April 22, 2005

RECEIVED

RE: Proposed Reed Residence Remodel -- CDP # 54-03

MAY 27 2005

CALIFORNIA
COASTAL COMMISSION

- 1) The Town of Mendocino is designated a Special Community and a significant coastal resource as defined in Coastal Act Section 30251. New development shall protect this special community which, because of its unique characteristics, is a popular destination point for recreational use. (Section 4.13-1, Mendocino Town Plan).
- 2) Mendocino Zoning Code Section 20.692.020(E) requires, "Development outside the Historical Preservation District identified in Section 20.760.010 shall be consistent with the standards of the Historical Preservation District in Section 20.760.050". Hence, the subject parcel in CDP #54-03 is subject to and must conform to the standards listed in the Town Zoning Code Section 20.760.050.
- 3) The April 18, 2005 Mendocino County Planning & Building Staff Report recommended denial of project because, "Based on the decision made at the January 27 (2005) hearing, the prior design did not comply with the visual resource requirements of the Town Code and needed to be redesigned, staff does not find that the modifications submitted have significantly altered the project..." (Staff report, 4/18/05, page 4). CPA Ray Hall has over ridden Staff findings, and generated his own, which are not supported by facts.
- 4) Section 30251 of the Coastal Act states, "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed...to be visually compatible with the character of surrounding areas...New development...shall be subordinate to the character of its setting.

5 of 7

- 5) Proposed project modifies an existing 1145 sq/ft one story single family residence into a 6250+ sq/ft two story behemoth.
- 6) Comparing project's proposed size to that of the neighboring Hill House and the former Reed Manor in order to justify its mass is inappropriate because the latter are commercial visitor serving facilities (hotels). A proper comparison is to the "small residence on the lot to the north", which is approximately the same size as the existing Reed residence and which the proposed Reed remodel (six times larger in mass and scale) -- if approved -- will visually overwhelm.
- 7) Excessive use of glass is obvious and will not be masked by fence from the northern, southern or western views. The 450-foot long, 6-foot high masking fence is in and of itself out of compliance with Coastal Act Section 30251. The fact that it is proposed to be painted basil green and white only exacerbates its adverse visual impact.
- 8) The unusual variety of hips, gables and several different roof pitches does not comply. The proposed project contains six different ridge lines and roof pitches, unlike any adjacent architecture or in Point of View Estates.
- 9) The proposed project would have three different exterior siding treatments, unlike any other adjacent building in the surrounding area.
- 10) The water tower element is not genuine, but faux. The 4/18/05 Staff Report notes, "It appears to staff that the primary purpose of the entry tower is to create a visual focal point designed to *draw attention to the structure and set it apart from other structures in the vicinity, rather than to achieve compatibility.*" (Emphasis added. Staff Report 4/18/05, page 4 of 4).
- 11) Staff report states, "In staff's opinion the revisions made to the project since January 27, 2005, do not make the project "...subordinate to the character of its setting," as required by Section 30251 of the Coastal Act, nor do they go very far toward achieving greater compliance with the provisions of the Design Standards of Section 20.760.050 of the Town Zoning Code." (op. cit.).

12) Staff concludes, "Based on the decision made at the January 27 hearing, that the prior design did not comply with the visual resource requirements of the Town Code and needed to be redesigned, staff does not find that the modifications submitted have significantly altered the project, and recommends that the application be denied. (Staff Report 4/18/05, page 4 of 4).

The proposed project does not conform to the requirements of Coastal Act Section 30251, nor does it comply with the Design Standards set out in the Mendocino Town Code Section 20.760.050, specifically subsections (A): Size, forms, materials, textures and colors; (A)(1): relationship to surrounding structures; (A)(2): excessive use of glass and, (A)(3): adverse affects on other property. The subject property, while located outside the Historic Preservation District, is required Town Code Section 20.692.020(E) to conform to the Design Standards contained within Town Code Section 20.760.050, and fails to do so for the aforementioned reasons. Accordingly, I am appealing to the California Coastal Commission to deny the application of Mendocino County CDP #54-03.

Sincerely Submitted,

Lee Sommers

June 20, 2005

Robert Merrill
California Coastal Commission
North Coast District Office
710 E Street, Suite 200
Eureka, California 95501

RECEIVED

JUN 20 2005

CALIFORNIA
COASTAL COMMISSION

Re: A-1-MEN-05-024 Height

Dear Bob,

Last Thursday when you asked about the story poles we forgot to mention the following:

Under the old Mendocino County Zoning Code the Hill House Inn and MacCallum House Suites were approved for a height of 35 feet and were built to those specifications.

Our home is on a down slope from Hill House Inn and MacCallum House Suites with a height limit of 28 feet.

Even if you forget about the down slope we are still 7 feet shorter in height than the Hill House Inn and MacCallum House Suites.

Hope the above is of some help to you.

Sincerely,

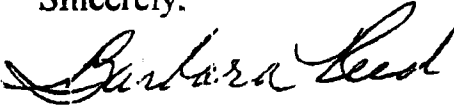

for Barbara and Monte Reed

EXHIBIT NO. 9

APPEAL NO.

A-1-MEN-05-024 (REED)

APPLICANT'S

CORRESPONDENCE

(Page 1 of 11)

Friday, June 24, 2005

Robert Merrill
California Coastal Commission
North Coast District Office
710 E Street, Suite 200
Eureka, California 95501

Re: A-1-MEN-05-024: Square Footages

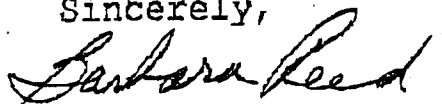
Dear Bob,

The square footage of other properties in our area
is as follows:

Building	Sq. Feet	Notes
Petzer House	<u>6,500</u>	Surf Wood Estates- Can be seen from Town and Headlands
Hill House Inn	<u>35,000</u>	Inn immediately North of Reed Home
MacCallum House Suites	<u>12,000</u>	E&B immediately South of Reed Home
MacCallum House Inn	<u>6,500</u>	Inn Build as Home in center of Mendocino Town Square Footage obtained from owner estimate
Lemley House	<u>4,851</u>	North of Reed Home can be seen from Headlands State Park

Hope this information is of help to you.

Sincerely,


for Barbara and Monte Reed

2 of 11



**MENDOCINO'S OLDEST
REAL ESTATE FIRM
SINCE 1963
1061 MAIN STREET
P.O. Box 14
MENDOCINO, CA 95460**

**FAX: 707-937-2823
PHONE: 707-937-5822
WWW.MENDOREALTY.COM**

FAX #: 445-7877 ATTN: Bob Merrill

REFERENCE: Reed Permit

TRANSMITTING 11 PAGES INCLUDING THIS PAGE.

TIME OF TRANSMISSION: 10:10 DATE: 6-28-06

Message: Hi Bob. I got a Message
from Ruby but I don't have her
fax. I found the county records not
accurate in the pastage department. There
are some from the M.L.S., they are very
close in pastage. I find the Village is
A mix of Large and small Structures,
most starting out as Residential.
Some become commercial.

I hope this helps you guys.

Thank KS

3 of 11

SENDER: Jim

Residential Client Handout

**Coastal Mendocino Association Of Realtors
Multiple Listing Service**



	Beds	Baths	List Price	MLS#
Status	SOLD	2	2	\$965,000 19412
View	Ocean View			
AddView	Limited	Recent Chg Sold		
Exposure		Sub Type Homes		
#Units		Sq Feet 3000-3299		
LotSize		AppxSqFt 3000		
AppxAcre		Frontage		
APN1	110-160-13	Zoning MTR-12K		
APN2		CZ Yes		
School	Mendocino	Year Built 1878		
Misc		Arch/Designer		
		Builder		
Sale Price	\$965,000	Sale Date 8/14/2005		

10851 Ford Street			
Mendocino	CA	95460	
Area	MDO	SubArea	VIL
SubDiv			

Immaculate two story gem in the village. This beautiful home was built in 1878. Current owners completed total remodel in 1989. Unique interior design creates comfortable common areas and completely private sleeping quarters. Entire upstairs is the guest suite, but owners will prefer to use it as the master. Downstairs, guests will enjoy a private bath and french doors leading to the charming and whimsical garden.

Directions NE Corner of Ford & Covelo

FinRemark

ROOMS:	INTERIOR:	EXTERIOR:	FEATURES:
LivRm	Int Finish	Style	Two Story Studio
DinRm	Heat	Central Heat,	Exterior Wood Apns+
FamRm	Cable TV	Yes	Roof Composition UST
BrkRm	Floor	Hardwood, Part	Garage None Tanks Propane-Kemgas
Kitchen	Window	Single Pane	Carpent Linc All Marked
Other	#Fpl		#PrkngSpc Sat Dish None
Den Office	Fireplace	Airtight	AddnlPrk Rent
MasterBd	Electric	Yes	Income
BedRm2	Telephone	Yes	Road Paved Addl Units
BedRm3	Insulation	Celling, Walls	Sprinkler RV Parking
BedRm4	PersPropnci	Dishwasher	Fence Perimeter Dues
ExtraRm	Shop		Topography Level Docs
Laundry	Closet	HomeWarr	Foundation Perimeter Discl
Attic	No	AlleyAccess	Water Drilled Well Pond No
Stories	2	AcreSource Not Verified	Sewer City Stream/Rvr
		SqFtSource Owner	

Interior 220 V Wiring, Shades/ Blinds
Features
Kitchen Dishwasher, Propane, Range, Refrigerator
Features
Exterior
Outbuildings Shed

Information Deemed Reliable But Not Guaranteed And Is Subject To Change.

printed 8/27/2006

4 of 11

Residential Client Handout

Coastal Mendocino Association Of Realtors Multiple Listing Service



Status	SOLD	Beds	4	Baths	4	List Price	\$1,780,000	MLS#	18704
View	Ocean View								
AddView		Recent Chg							
Exposure		Sub Type							
#Units		Sq Feet							
LotSize		AppxSqFt							
AppxAcre		Frontage							
APN1	118-060-29	Zoning							
APN2		CZ							
School	Mendocino	Year Built							
Misc	Pictures on website	Arch/Designer							
Sale Price \$1,875,000		Builder							
		Sale Date 8/8/2004							

46001 Heester Drive			
Mendocino	CA	95460	
Area	MDO	SubArea	VIL
SubDiv			

Broker is owner.

Directions

FinRemark

ROOMS:	INTERIOR:	EXTERIOR:	FEATURES:
LivRm	Int Finish	Style	Studio
DlnRm	Hest	Exterior	Apne+
FamRm	Cable TV	Roof	UST
BrkRm	Floor	Garage	Tanks
Kitchen	Window	Carport	Lines
Other	WFl	#PrkngSp	Sat Dish
Don Office	Fireplace	AddnlPrk	Rent
MasterBd	Electric		Income
BedRm2	Telephone	Road	Add Units
BedRm3	Insulation	Sprinkler	RV Parking
BedRm4	PersPropincl	Fence	Dues
ExtraRm	Shop	Topography	Dece
Laundry	HomeWarr	Foundation	Unknown
Attic	AlleyAccess	Water	Unknown
Stories	AcreSource	Sewer	Unknown
	SqFtSource		

Interior Features
Kitchen Features
Exterior Deck, Spa
Outbuildings

Information Deemed Reliable But Not Guaranteed And is Subject To Change.

printed 6/27/2005

5 of 11

Commercial Client Handout

Coastal Mendocino Association Of Realtors Multiple Listing Service



45050 Main Street
Mendocino CA 95480
Area MDC SubArea VIL
Complex

Status	SOLD	List Price	\$2,450,000	MLS#	19244
Bus. Name	Main Street Square				
View	Ocean View	Recent Chg	Sold		
AddView		Sub Type	Retail		
Exposure		Sq Feet	3600-More		
LotSize	160x90	AppxSqFt	6300		
AppxAcre		Frontage			
APN1	118-238-09	Zoning	MC-12K		
APN2		CZ	Yes		
School	Mendocino	Year Built	1890-1980		
Misc		Arch/Designer			
		Bulder			
Sale Price	\$2,350,000	Sale Date	4/8/2005		

Main Street Square, Retail commercial complex with six tenants, gardens, ocean view, Main and Abion Street exposures. Potential Flex-a-tern for an out of town investor. Priced at 6% +/- cap rate, solid investment.

Directions Main Street to address.

FinRemark Cash or terms acceptable to Sellers.

FEATURES				INCOME		ANNUAL	EXPENSE	ANNUAL
Sep Meters	APN+			Gr Sched =			RE Taxes	
Stories	Yr Acquired	2001		Less Vac =	0		Insurance	
# of Bldgs	Present Use			Rent Inc +	206,627		Electric	
Lot Dimen	Sale Incl			Other Inc +			Fuel	
Exterior Wood	Foundation	Mixed		Oper Exp =			Utilities	
Const Type	Hndcp Acc			Gross =			Maint	
Roof Asphalt	Tenant Pays			Net Op Inc =	150,190		Repair	
Parking	Floors	Hardwood		Debt Srv =			Mgmt	
Parking #	Heat			Cash Flow =			Other	
OH Doors	Utilities	220V		Docs			Total	
Ceiling Hgt	Door							
	Cable TV			Discl	Coastal		GRM	
AcreSource	Tax Record						Cap Rate	6.00%
SqFtSource							Equity	
							Oper P L	

Income

Unit	Tenant	SqFt	Rent	LeaseTo	LeaseExp

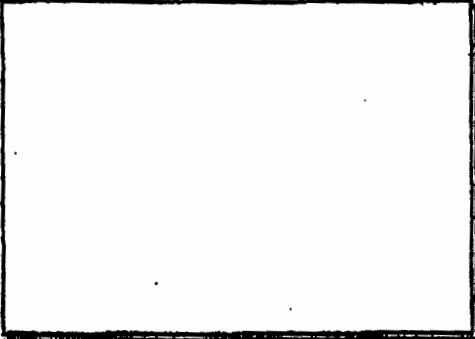
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Commercial Client Handout

Coastal Mendocino Association Of Realtors Multiple Listing Service

		Status	WITHDRAWN	List Price	\$2,500,000	MLS#	17348
		Bus. Name	N/A				
		View	Ocean View	Recent Chg	Withdrawn		
		Addl View		Sub Type	Retail		
		Exposure		Sq Feet	3600-More		
		Lot Size	156'x155	Appx Sq Ft	9700		
		Appx Acres		Frontage			
		APN1	118-238-16	Zoning	MC		
		APN2		CZ	Yes		
		School	Mendocino	Year Built	1979		
Misc		Arch/Designer					
Builder	Owner						

45000 Main Street		
Mendocino	CA	95480
Area	MDO	SubArea VIL
Complex		

Corner of Lansing and Ukiah Street (Mendocino Mercantile Building). Presently occupied by Rainsong Clothing and 3 apartments with an additional approximate 6500 sq. ft. vacant and under study for division into retail spaces. Would prefer sale of property but also interested in any prospective tenants. Pictures, financial information and other details to follow.

Directions

Fin Remark

FEATURES				INCOME		ANNUAL EXPENSE	
Sep Motors		APN+		Gr Sched =		RE Taxes	
Stories		Yr Acquired		Less Vac -		Insurance	
# of Bldgs		Present Use		Rent Inc +		Electric	
Lot Dimen		Sale Incl		Other Inc +		Fuel	
Exterior		Foundation	Perimeter	Oper Exp -		Utilities	
Const Type		Hndcp Acc		Gross =		Maint	
Roof		Tenant Pays		Net Op Inc =		Repair	
Parking		Floors		Debt Srv -		Mgmt	
Parking #		Heat		Cash Flow =		Other	
OH Doors		Utilities		Docs		Total	
Ceiling Hgt		Door		Discl			
		Cable TV				GRM	
AcresSource						Cap Rate	
SqFtSource						Equity	
						Oper P L	

Income

Unit	Tenant	Sqft	Rent	LeaseTo	LeaseExp

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Commercial Client Handout

Coastal Mendocino Association Of Realtors Multiple Listing Service

10463 Howard Street			
Mendocino	CA	95460	
Area	MDO	SubArea	VIL
Complex			

Status	WITHDRAWN	List Price	\$1,450,000	MLS#	10463
Bus. Name	Headlands Inn				
View	Ocean View	Recent Chg	Withdrawn		
AddView	Mtn/ Valley	Sub Type	Lodging		
Exposure		Sq Feet	3600-More		
LotSize	10000	AppxSqFt	6000		
AppxAcre		Frontage			
APN1	118-260-49	Zoning	MTC		
APN2		CZ	Y		
School	Mendocino	Year Built			
Misc		Arch/Designer			
		Builder			

A rare find! The Headlands Inn is a premium bed and breakfast with most rooms having ocean views and fireplaces. The inn is located in the heart of Mendocino Village. Best of all, it offers the owners a private, spacious two bedroom home with a white water view from the master suite. Absolutely no casual, drop-by showings! Advance notice at least 24 hours!

Directions: Howard and Abbon Streets.

FinRemark: Assumable loan of approximately \$343,000.

FEATURES				INCOME		ANNUAL EXPENSE	
Sep Meters		APN+		Gr Sched =		RE Taxes	
Stories	123123	Yr Acquired		Less Vac -		Insurance	
# of Bldgs		Present Use		Rent Inc +		Electric	
Lot Dimen	40X160	Sale Incl		Other Inc +		Fuel	
Exterior	WOOD	Foundation	PERIM, PIE	Oper Exp -		Utilities	
Const Type		Handcp Acc		Gross =	200,000	Maint	
Roof	Comp	Tenant Pays		Net Op Inc =		Repair	
Parking	GARAGE	Floors	HARDWOOD	Debt Srv -		Mgmt	
Parking #		Heat	WOOD	Cash Flow =		Other	
OH Doors		Utilities	220V	Docs	PERSONAL	Total	
Ceiling Hgt		Door		Discl	PROPERTY		
		Cable TV					
AcreSource						GRM	
SqFtSource						Cap Rate	
						Equity	
						Oper P L	

Income	Unit	Tenant	SqFt	Rent	LeaseTo	LeaseExp

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Commercial Client Handout

Coastal Mendocino Association Of Realtors Multiple Listing Service

45080 Ukiah Street			
Mendocino	CA	95460	
Area	MDO	SubArea	VIL
Complex			

Status	WITHDRAWN	List Price	\$1,850,000	MLS#	16088
Bus. Name					
View	Ocean View	Recent Chg	No Change		
AddView		Sub Type	Other		
Exposure		Sq Feet	3800-More		
LotSize	100X160	AppxSqFt	7928		
AppxAcre		Frontage	Street		
APN1	119-233-05	Zoning	MMU		
APN2		CZ	Y		
School	Mendocino	Year Built			
Misc		Arch/Designer			
		Builder			

Last new commercial building constructed in Mendocino village. Beautiful design by Leventhal & Schlosser with five commercial spaces and four apartments. Meticulously maintained "panny farthing building" with tasteful interior appointments, beautiful landscaping, excellent water source, 10k underground storage. Owner is willing to negotiate for a leaseback.

Directions Ukiah Street between the Post Office and Beacon Bldg.

FinRemark

FEATURES				INCOME		ANNUAL EXPENSE		ANNUAL	
Sep Meters	6	APN+		Gr Sched =		RE Taxes			
Stories	2	Yr Acquired		Less Vac -		Insurance			
# of Bldgs	1	Present Use		Rent Inc +		Electric			
Lot Dimen	100x160	Sale Incl		Other Inc +		Fuel			
Exterior	WOOD	Foundation	PERIM	Oper Exp -		Utilities			
Const Type		Indep Acc	RAMP	Gross =		Maint			
Roof	COMP	Tenant Pays	UTILITIES	Net Op Inc =		Repair			
Parking	LOT, OFF-3	Floors	VINYL, W/W	Debt Srv -		Mgmt			
Parking #		Heat		Cash Flow =		Other			
OH Doors		Utilities	220V, ELEC,	Docs	BUILDING PERMIT,	Total			
Celling Hgt		Door		Diagl					
		Cable TV							
AcresSource						GRM			
SqFtSource						Cap Rate			
						Equity			
						Oper P L			

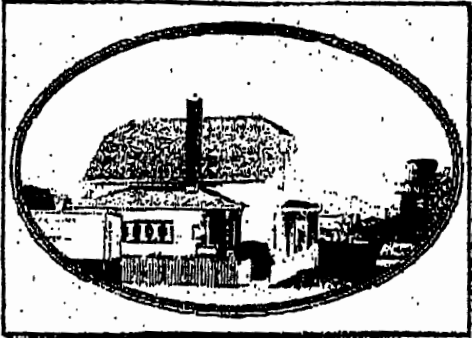
Income					
Unit	Tenant	Sqft	Rent	LeaseTo	LeaseExp
	Law Office		5,280		
Ste A	FATCO		1,689	2003	
Ste B	Farmers In		1,069	2003	
Ste C	Vacant		875		
4Apts			2,748	Mo to Mo	

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Coastal Mendocino Association Of Realtors Multiple Listing Service



Status	ACTIVE	List Price	\$1,200,000	MLS#	19503
Bus. Name	Cafe Beaujolais	Recent Chg	New Listing		
View	Ocean View	Sub Type	Food		
Add/View		Sq Feet	3300-3500		
Exposure		AppxSqFt			
LotSize		Frontage			
AppxAcre	0.50	Zoning	MMU-12K		
APN1	119-250-41	CZ	Yes		
APN2		Year Built	1893		
School	Mendocino	Arch/Designer			
Misc		Builder			

961 Ukiah Street
Mendocino CA 95460
Area MDO SubArea VIL
Complex

The Cafe Beaujolais, which is located in a charming 1893 Victorian farmhouse, is world renown for its superb & distinctive cuisine. Its savory dishes feature locally grown organic produce, meat from humanely raised animals & local seafood. As declared by Country Living Magazine: "It's not hard to understand why Cafe Beaujolais is one of California's best restaurants." Restaurant seats 55. Brickery provides breads baked in a wood-fire oven. Garden deck seating for 20. Gross income over \$1,000,000. Sale includes FFE

Directions Main Street, north on Evergreen, west on Ukiah.

FinRemark Cash to Seller.

FEATURES		INCOME		ANNUAL EXPENSE		ANNUAL	
Sep Meters	APN+	Gr Sched =		RE Taxes			
Stories 2	Yr Acquired	Less Vac -		Insurance			
# of Bldgs	Present Use	Rent Inc +		Electric			
Lot Dimen 19772 s.f.	Sale Incl	Other Inc +		Fuel			
Exterior	Foundation Mixed	Oper Exp -		Utilities			
Const Type	Mndsp Acc	Gross =		Maint			
Roof	Tenant Pays	Net Op Inc =		Repair			
Parking	Floors Hardwood	Debt 3rv -		Mgmt			
Parking #	Heat Central Heat	Cash Flow =		Other			
OH Doors	Utilities	Done		Total			
Ceiling Hgt	Door	Discl					
	Cable TV						
AcraSource	Tax Record			GRM			
SqFtSource	Owner			Cap Rate			
				Equity			
				Oper P L			

Income	Unit	Tenant	SqFt	Rent	LeaseTo	LeaseExp

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**Coastal Mendocino Association Of Realtors
Multiple Listing Service**



45184 Little Lake Street		
Mendocino	CA	95460

Area	MDO	SubArea	VIL		
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SubDiv

Status	SOLD	4	4	\$1,250,000	18739
View	Ocean View				
IdView	Village	Recent Chg	Sold		
posure		Sub Type	Homes W/ Rental		
#Units		Sq Feet	3600-More		
LotSize	100x160	AppxSqFt			
pxAcre	0.00	Frontage			
APN1	119-160-08	Zoning	MRM-12K		
APN2		CZ	Yes		
School	Mendocino	Year Built	1878		
Misc	2 walls, 1 dug, 1 drilled	Arch/Designer			
		Builder			
le Price	\$1,250,000	Sale Date	6/29/2004		

This beautifully appointed & restored Italianate mansion is all about the details: An artist/craftsman husband-and-wife team has collaborated to bring this magnificent lady back to life! Her notable past includes a starring role in the movie "Pontiac Moon". Known as the Maxwell-Jervis House, for its first occupants, this once-upon-a-time single-family home is now very logically divided into four legal units. Each unit has a discrete entrance, which insures privacy for all. This is a rare opportunity to have Mendocino Village at your feet and income to afford it. Live here full-time or part time and let the rents help you pay for your dream.

Directions Little Lake Street to address.

FinRemark

ROOMS:		INTERIOR:	EXTERIOR:		FEATURES:		
LivRm		Int Finish		Style	Other	Studio	
DinRm		Heat	Electric, Propane	Exterior	Wood	Apna+	
FamRm		Cable TV	Avail	Roof	Composition	UST	No
BrkRm		Floor	Vinyl, Hardwood,	Garage	Detached	Tanks	Propane-Suburba
Kitchen		Window	Single Pane	Carport		Lines	
Other		#Fpl	1	#PrkngSpc		Sat Dish	
Don Office		Fireplace	Free Standing,	AddnlPrk		Rent	
MasterBd		Electric	Yes			Income	
BedRm2		Telephone	Yes	Road	Paved	Addl Units	3+ Bedrooms
BedRm3		Insulation	Unknown	Sprinkler	Garden	RV Parking	street
BedRm4		PersPropincl	All W/ Cov	Fence	Partial	Doss	
ExtraRm		Shop		Topography	Gentle	Doss	
Laundry	Porch	HomeWarr	Yes	Foundation	Mixed	Diad	Coastal, TDS
Attic	Accessible	AlleyAccess	Yes	Water	Drilled Well, Dug	Pond	No
Stories	33	Acresource		Sewer	City	Stream/Rvr	
		SoFtSource					

Interior, Drapes/ Curtains, Shades/ Blinds, Vaulted Ceiling

Features	
Kitchen	Dishwasher, Propane, Range, Refrigerator

Features	
Exterior	Garden Area, Storage Shed, Patio

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