EXHIBIT NO. 8

Permit No.
A-1-MEN-00-028-A1
(Bing)

ARBORIST REPORT
(1 of 5)

HORT SCIENCE

April 20, 2011

Dave Bing
21991 Navarro Ridge Rd.
Albion, CA 95410

Subject: Tree Planting Requirements

Dear Mr. Bing:

You recently learned that California Coastal Commission Special Condition 1 (March 6, 2001) for the home in Albion that you own included planting trees to screen the view of the home from Highway 1. That requirement pre-dated your purchase of the property. The previous owner failed to implement the planting, and you are now required to do so. You asked that I evaluate the planting plan and consider what will occur when the trees reach maturity. I visited the site on Feb. 16, 2011.

Current site conditions
Your home is sited on Navarro Ridge. The lot is approximately three acres in size. Approximately two acres of the property is on a generally south-facing 1.5:1 slope that begins 4' to 6' beyond the rear deck and 20' to 25' from your home. There is a cluster of three mature fir trees arising approximately 15' below the top of slope and 50' south of the house. The canopy extends to the top of slope. A single fir (tree 1) is present near the west property line at pad grade. Exhibit 1 illustrates the placement and canopy conformation of the existing trees.

Landscape planting requirements
The Landscape Plan (2001) approved by California Coastal Commission indicates that five grand fir (*Abies grandis*) and five shore pine (*Pinus contorta contorta*) trees were to be planted in a 60'-wide band along the top of bank, starting approximately 25' from the rear of your home. The mature size of grand fir is 80-200' and 25-35' wide; shore pine, 20-35' tall and wide. As the trees mature, the canopy will encroach to within a few feet of your home (Exhibit 2).

California fire-safe requirements
California Law (PRC 4291) requires property owners to create 100' of defensible space for fire around homes (Exhibit 3). Defensible space includes a 'clean and green' zone 30' immediately surrounding the home. This is accomplished by minimizing vegetation over 2' tall, and planting primarily herbaceous plants instead of shrubs and trees. A fuel reduction zone is required in the remaining 70 feet (or to the property line). This requires creating horizontal and vertical space between trees.

The Mendocino County Fire Safe Council[1] recommends the following on level ground: Within the 30' zone, "canopies of coniferous trees (Douglas-firs, pines, etc.), individually or in clumps of 3 or less, should be separated by 20' or more." Within the 70' zone, canopies should be separated by 15' or more."

Because fire travels much more quickly uphill than it does on level ground, homes on steep slopes require a larger defensible space. Homes with a 40% or greater slope, such as this one, require a 400' defensible space downslope with a 30' separation between the canopies, according to the book California Wildfire Landscaping[2].

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[1] http://firesafemendocino.org/pdf/Wildfire%20Risk%20Assessment%20%202010.pdf
[2] California Wildfire Landscaping, Maureen Gilmer, Taylor Publishing, 1994, pgs 58-61.

Impacts of Landscape Plan on your defensible space
As illustrated in Exhibit 2, the tree planting locations plotted on the 2001 Landscape Plan are in conflict with the County and State fire safety requirements. The ten trees are to be planted 10' to 30' apart. Because the trees naturally grow to be 20' to 35' wide, there will be no canopy separation several years after planting. The ten trees will form a dense mass of vegetation within a few feet of your home. Because of the density of the planting, pruning to raise the canopies would not be adequate to meet the fire safe requirements. Rather, it would be necessary to remove trees to create required canopy separation.

To adhere to the California Fire Safe laws, it would be necessary to plant the ten trees required in the Landscape Plan 100' to 200' down the slope, with the farthest tree being planted at an elevation of approximately 250'. With this spacing, none of the shore pines would create a visual screen from Highway 1, and only half of the grand firs would provide screening.

Species Selection
Grand fir is not an ideal species for your planting site – a windward slope directly exposed to the ocean. Native stands of grand fir are common on the southern side of the Navarro River, where they are more protected from the wind. Shore pine, however, does naturally occur on windward slopes, and therefore is better adapted to your planting area. I therefore recommend planting shore pine rather than grand fir at this location.

Recommendations
The goal of the planting is to screen the view of the home from Highway 1. This can be accomplished by planting trees farther down the slope than depicted on the Landscape Plan. Highway 1 is located approximately 400' below the Bing home. The view of the home is up the slope and existing trees below the home screen portions of the structure from view (Exhibit 1, View C).

To provide the desired screening from Highway 1, the most effective location for planting the shore pines is at the same elevation as the existing fir trees, approximately 40' south of the existing home. To comply with State Fire Safety regulations, they should be planted to maintain 15' canopy separation. To meet both the screening and fire safe requirements I recommend planting two shore pines between the existing grand fir trees and the northwestern property line at the same elevation as the firs, as depicted in Exhibit 2.

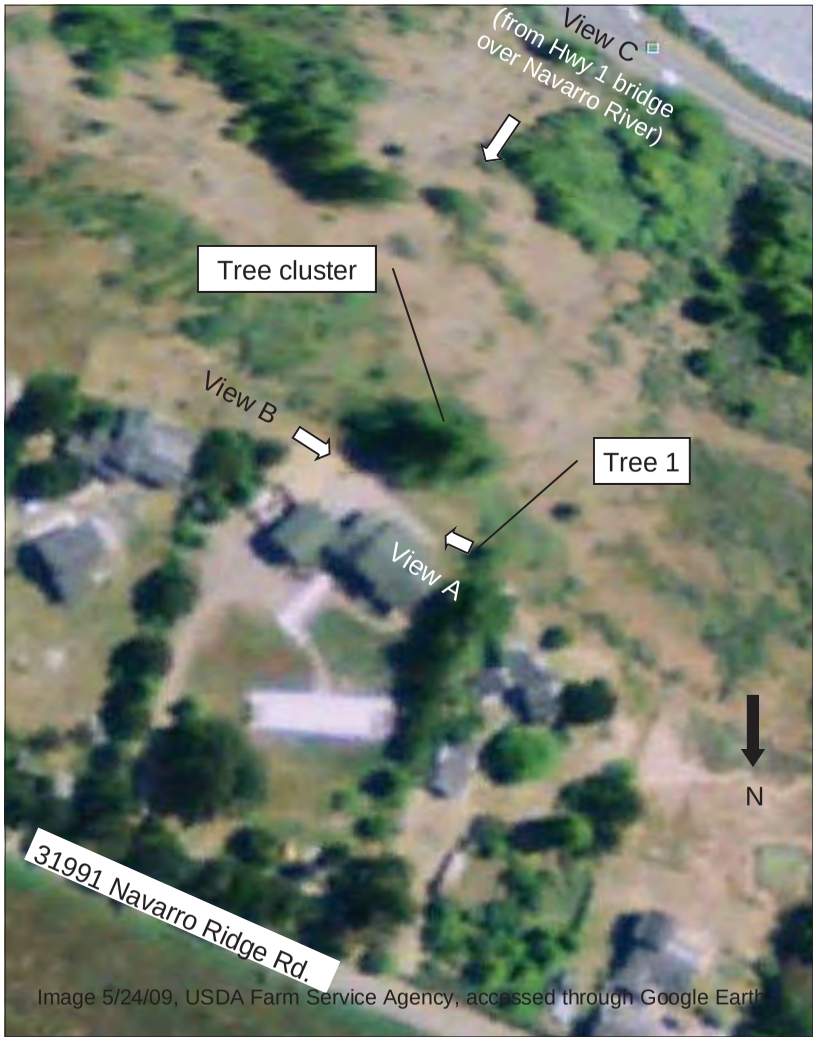
Sincerely,

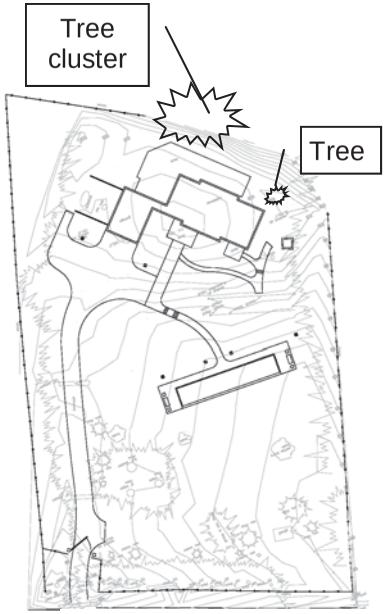
Nelda Matheny
Consulting Arborist

Exhibit 1: Site Conditions

Bing Residence
21991 Navarro Ridge Rd.
Albion, CA

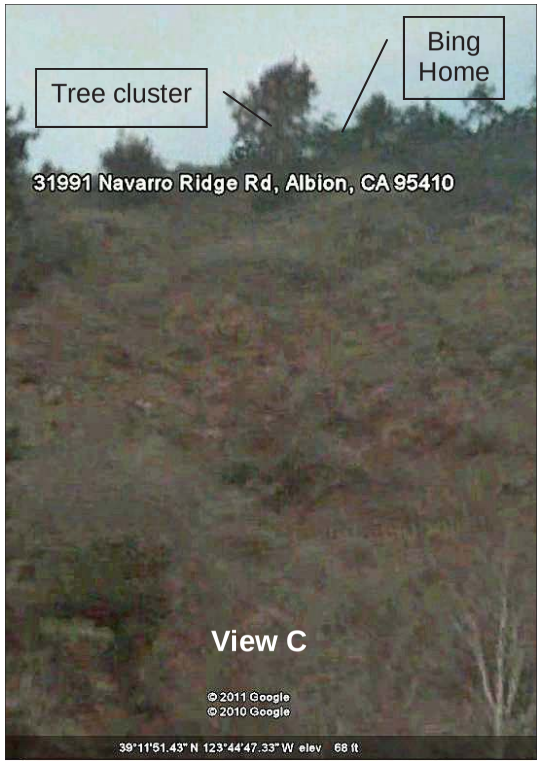
April 2011





31991 Navarro Ridge Rd.

Base by Russell D Mitchell & Associates

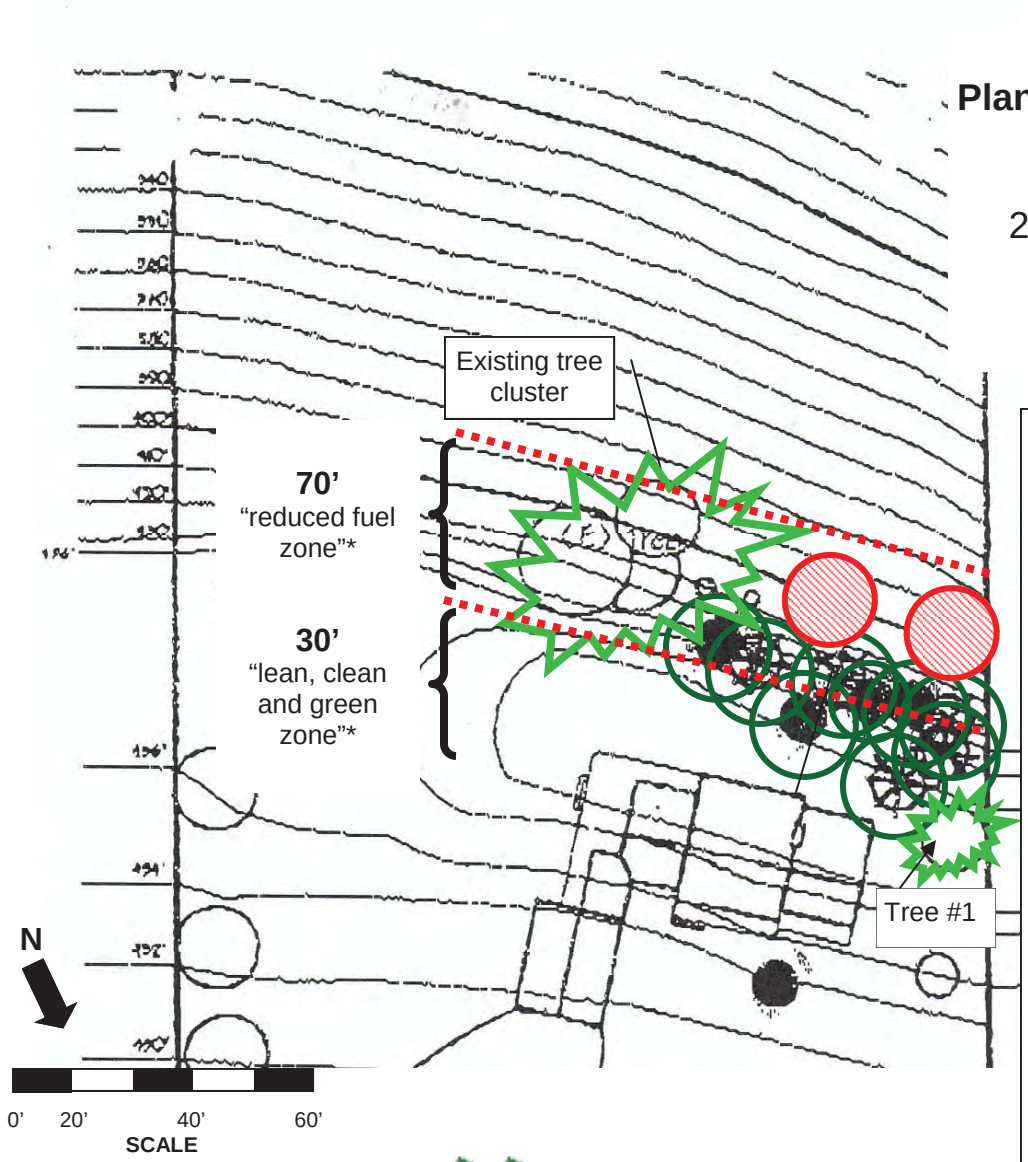


From Hyw 1 bridge over Navarro River

Exhibit 2: Landscape Plan and Defensible Space

Bing Residence
21991 Navarro Ridge Rd.
Albion, CA

April 2011



Tree Legend

- Property's Existing Trees
- New Trees (Grand Fir)
- New Trees (Shore Pine)

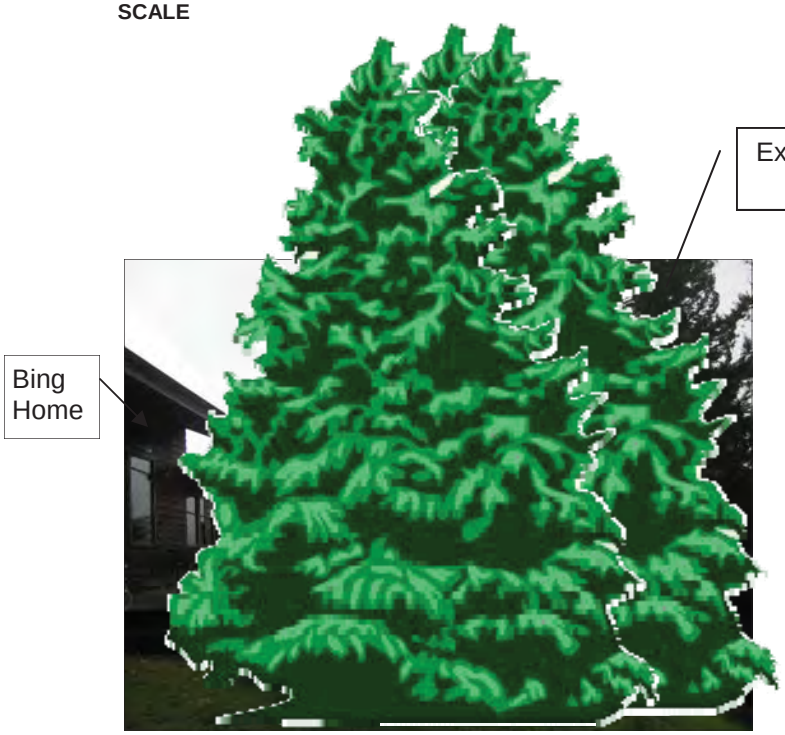
Est. 30' diameter mature canopy for trees in 2001 Landscape Plan

Existing tree canopy

Recommended planting of two shore pines in compliance with CA Fire Safe laws.

Notes:
Landscape Plan approved by California Coastal Commission 3/6/01. Canopies and defensible space notations added by HortScience 2/25/11.

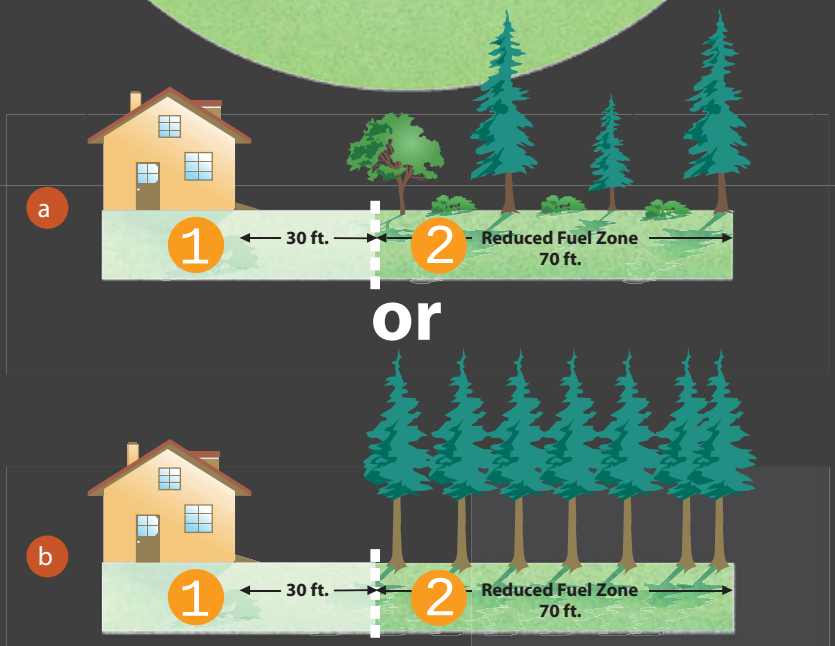
*See Exhibit 3: Cal Fire 100' Defensible Space



View A photograph (Exhibit 1) overlaid with images of four mature trees required to be planted within 10-30' of Bing home. by 3/6/01 Landscape Plan.

HORT SCIENCE

100' DEFENSIBLE SPACE
Make Your Home FIRE SAFE



Contact your local CAL FIRE office, fire department, or Fire Safe Council for tips and assistance.

www.fire.ca.gov

Why 100 Feet?

Following these simple steps can dramatically increase the chance of your home surviving a wildfire!

A Defensible Space of 100 feet around your home is required by law.[1] The goal is to protect your home while providing a safe area for firefighters.

1 "Lean, Clean and Green Zone."

– Clearing an area of 30 feet immediately surrounding your home is critical. This area requires the greatest reduction in flammable vegetation.

2 "Reduced Fuel Zone."

– The fuel reduction zone in the remaining 70 feet (or to property line) will depend on the steepness of your property and the vegetation.

Spacing between plants improves the chance of stopping a wildfire before it destroys your home. You have two options in this area:

a Create horizontal and vertical spacing between plants. The amount of space will depend on how steep the slope is and the size of the plants.

b Large trees do not have to be cut and removed as long as all of the plants beneath them are removed. This eliminates a vertical "fire ladder."

When clearing vegetation, use care when operating equipment such as lawnmowers. One small spark may start a fire; a string trimmer is much safer.

Remove all build – up of needles and leaves from your roof and gutters. Keep tree limbs trimmed at least 10 feet from any chimneys and remove dead limbs that hang over your home or garage. The law also requires a screen over your chimney outlet of not more than ½ inch mesh.

1. These regulations affect most of the grass, brush, and timber-covered private lands in the State. Some fire departmentjurisdictions may have additional requirements. Some activities may require permits for tree removal. Also, some activities may require special procedures for, 1) threatened and endangered species, 2) avoiding erosion, and 3) protection of water quality. Check with local officials if in doubt. Current regulations allow an insurance company to require additional clearance. The area to be treated does not extend beyond your property. The State Board of Forestry and Fire Protection has approved Guidelines to assist you in complying with the new law. Contact your local CAL FIRE office for more details.

July 2007

Figure 4. Existing Bing residence as seen from Highway One, south of Navarro Bridge.

Screening vegetation appears to have never been installed, contrary to Special Condition #1 of CDP A-1-MEN-00-028 (Jones).

Due to the dark materials and colors, the existing residence is visually compatible with the character of the surrounding area and is subordinate to the character of its setting, per LCP Policy 3.5-1 and Zoning Code Sections 20.504.010 and 20.504.015.

Figure 5. Photo-illustration of Bing residence with proposed modified landscaping: install two Shore Pines at same base elevation as existing Grand fir trees, maintaining both visual screening and 15' canopy separation.

Installing shrubs in this location meets the intent for screening visual effects, while still allowing private views from within the house and maintaining compliance with State Fire Safety regulations.

EXHIBIT NO. 9

Permit No.
A-1-MEN-00-028-A1
(Bing)

VEGETATION SCREENING ANALYSIS FROM AGENT

No zoom.
Photos taken from pull-out north of Mile Marker 41.07.

Mid-zoom.
Cars can be seen travelling Highway One below.

Full digital zoom.
(280%)
Note shadows cast by existing trees

EXHIBIT NO. 10

Permit No.
A-1-MEN-00-028-A1
(Bing)

PHOTOS FROM HWY. 1

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

GRAY DAVIS, *GOVERNOR*

CALIFORNIA COASTAL COMMISSION

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

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

EXHIBIT NO. **11**

APPLICATION NO.
A-1-MEN-00-028-A1
BING
STAFF REPORT REVISED FINDINGS FOR APPROVAL OF CDP NO. A-1-MEN-00-028
(1 of 24)

F7a

Staff: Robert S. Merrill
Staff Report: April 20, 2001
Hearing on Revised Findings: May 11, 2001
Commission Action on Findings:

STAFF REPORT: REVISED FINDINGS

APPEAL NO.:	**A-1-MEN-00-028**
APPLICANTS:	**Bob & Lori Jones**
AGENT:	Alan Block
PROJECT LOCATION:	South side of Navarro Ridge Road, approximately 1.25 miles southeast of its intersection with Highway One, at 31991 Navarro Ridge Road, Mendocino County, APN126-060-02.
PROJECT DESCRIPTION:	Construction of an 18-foot-high, 2,524-square-foot single-family residence with an attached 612-square-foot garage; installation of leach field and septic system; connection to existing well and on-site utilities; and temporary occupancy of a travel trailer during construction of the residence.
COMMISSION DECISION:	Approval with Conditions

COMMISSIONERS ON THE PREVAILING SIDE	Commissioners Allgood, Dettloff, Hart, Lee, McCoy, Orr, Potter, Reilly, Susskind, Woolley, and Chairman Wan
LOCAL GOVERNMENT:	County of Mendocino
APPELLANTS:	**Navarro Watershed Protection Association; Hillary Adams**
SUBSTANTIVE FILE: DOCUMENTS	1) Mendocino County CDP No. 62-99; and 2) Mendocino County Local Coastal Program

STAFF NOTES:

1. Procedure.

At the Commission meeting of August 11, 2000, the Commission considered whether the appeal of Mendocino County's approval of the single family residence and septic and water utility improvements raised a substantial issue of conformance with the County of Mendocino's certified LCP. Commission staff had recommended that the Commission find that the appeal did not raise a substantial issue. However, the Commission found that the appeal did raise a substantial issue with regard to the project's conformance with the County of Mendocino's certified LCP.

At the Commission meeting of January 12, 2001, the Commission held a de novo hearing on the project and at the conclusion of the hearing, the Commission approved the project with conditions. Commission staff had recommended approval of the project with conditions, including a condition that would have required the proposed single family residence to be moved to an alternative location on the site. However, the Commission determined at the hearing that the alternative site was not feasible, and did not impose the proposed condition that would have required the house to be moved. The Commission also added a landscaping plan condition requiring that certain changes to the applicants' proposed landscaping plan be made to better screen the house in its proposed location. Other conditions recommended by staff were adopted by the Commission. As the Commission's de novo action on the project differed from the written staff recommendation, staff has prepared the following set of revised findings for the Commission's consideration as the needed findings to support its action at the de novo hearing. The revised findings reflect the action taken by the Commission at the meeting of January 12, 2001, in the de novo portion of the hearing. In discussing how the Commission conditioned the project to make it consistent with the certified LCP, the findings also serve to demonstrate how the appeal raised a substantial issue of conformance with the certified LCP.

The Commission will hold a public hearing and vote on the revised findings contained in this report at its May 11, 2001 meeting. The purpose of the hearing is to consider whether the revised findings accurately reflect the Commission's previous action rather than to reconsider the merits of the project or the appropriateness of the adopted conditions. Public testimony will be limited accordingly.

2. Standard of Review

The Coastal Commission effectively certified Mendocino County's LCP in October of 1992. Pursuant to Section 30604 of the Coastal Act, after effective certification of a certified LCP, the standard of review for all proposed development located between the first public road and the sea is the certified LCP and the public access policies of the Coastal Act.

MOTION, STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends that the Commission adopt the revised findings in Section IV below, in support of the Commission's actions on January 12, 2001 approving the project with conditions. The proper motion is:

> **Motion:**
> I move that the Commission adopt the revised findings dated April 20, 2001, in support of the Commission's action on January 12, 2001, to approve with conditions Appeal No. A-1-MEN-00-028.

Staff recommends a YES vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the January 12, 2001 Commission hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action on the permit are eligible to vote. See the listing on Page 1.

RESOLUTION TO ADOPT REVISED FINDINGS:

The Commission hereby adopts the findings set forth below for Appeal No. A-1-MEN-00-028 on the ground that the findings support the Commission's decision made on January 12, 2001 and accurately reflect the reasons for it.

COMMISSION ACTION:

The adopted resolution, conditions, and findings in support of the Commission's January 12, 2001 action are provided below.

I. ADOPTED RESOLUTION:

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

II. STANDARD CONDITIONS: (See attached Appendix A)

III. SPECIAL CONDITIONS:

1. Landscaping Plan:

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's review and approval, a landscaping plan prepared by a qualified professional with expertise in the field of landscaping, such as a landscape architect. The plan shall provide for the planting of an evergreen screen containing at least 10 drought-tolerant native or naturalized trees along the southwestern side of the residence to minimize the visual impacts to Highway One and the Navarro River Redwoods State Park. The plan shall provide that at least 5 of the required trees will be of a fast growing species such as shore pine and shall specify the type and mature heights of the trees to be planted. The fast growing trees shall be planted at an elevation that is approximately the same as the elevation of the base of the approved house. The plan shall further include a tree maintenance program (e.g., pruning, fertilizing, watering, etc.) for newly planted trees and a tree replacement program on a one-to-one or greater ratio for the life of the project. All trees to be planted shall be a minimum of five feet high when planted and must reach a mature height of at least 20 feet. The new trees and shrubs shall be planted within 60 days of completion of the project.

The applicant shall notify the Executive Director in writing when trees have been planted, and Commission staff shall verify the planting via a site visit or by examining photographs submitted by the applicant. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall not occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required because the change is not substantive in nature.

2. Design Restrictions

All exterior siding and visible exterior components of the structures authorized pursuant to Coastal Development Permit A-1-MEN-00-028 shall be of natural or natural-appearing materials of dark earthtone colors, only, and the roof of any structure shall also be of dark earthtone color and shall be of natural-appearing material. In addition, all exterior materials, including the roofing materials and windows, shall be non-reflective to minimize glare. Finally, all exterior lights, including lights attached to the outside of any structures, shall be low-wattage, non-reflective and have a directional cast downward.

3. Temporary Occupancy of Travel Trailer

The travel trailer may be occupied while constructing the single family residence, subject to the following limitations:

(a) The travel trailer may be occupied for the period required to complete construction of the primary dwelling, but shall not be occupied for more then two years unless an amendment is obtained from the Commission to allow a longer period of occupancy.

(b) A valid building permit for a permanent dwelling on the premises must be in effect.

(c) Building and Health permits must be obtained prior to the set up and occupancy of the travel trailer.

(d) All utility connections to the travel trailer shall be disconnected and the trailer shall be removed from the property or placed in storage per Section 20.456.015(J) of the Code prior to the final building inspection or occupancy of the permanent dwelling, whichever comes first.

4. Tree Removal

This permit does not authorize the removal of any trees from the subject parcel other than those required to be removed to meet the fire safety regulations of the California Department of Forestry and Fire Protection or those required to be removed to accommodate the relocation of the house and garage as required in Special Condition No. 1. No trees may be removed for the placement of the temporary trailer.

IV. FINDINGS AND DECLARATIONS

1. BACKGROUND

On May 5, 2000, Planning & Building Services Director Ray Hall, acting as Coastal Permit Administrator (CPA), approved with conditions Coastal Development Permit No. CDP-62-99 (Jones). The approved development includes construction of an 18-foot-high, 2,524-square-foot single-family residence with an attached 612-square-foot garage; installation of a leach field and septic system; connection to existing well and on-site utilities; and temporary occupancy of a travel trailer during construction of the residence (See Exhibits 1- 6). The CPA's decision was not appealed at the local level to the Board of Supervisors.

The proposed development was approved by the CPA with six special conditions (See Exhibit 7). Special Condition No. 1 limited occupancy of the travel trailer to the construction period for the approved house and required its removal prior to occupancy of the house. Condition No. 2 required the applicants to submit a landscape plan for the review and approval of the CPA that provides for planting trees, to provide some level of shielding of the structure from views from public vantage points. The condition also required the applicants to irrigate, maintain, and replace the trees as necessary to ensure that a vegetation screen is established and maintained in perpetuity. Finally, the condition required any future tree removal on the property to be approved by the County.

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

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

After the close of the local appeal period, the County issued a Notice of Final Action on the coastal development permit, which was received by Commission staff on May 22,

2000 (Exhibit No. 7). The project was appealed to the Coastal Commission in a timely manner on June 6, 2000, within 10-working days after receipt by the Commission of the Notice of Final Local Action.

On August 11, 2000 the Coastal Commission found that a substantial issue was raised by the appeal.

1. PROJECT AND SITE DESCRIPTION:

Project Setting

The subject parcel is a 3.9-acre parcel that straddles the top of Navarro Ridge, an east-west trending ridge that forms the north side of the deep valley carved by the Navarro River as it makes its way west to the Mendocino coast (See Exhibits 1-3). Highway One crosses the Navarro River valley on its route north along the coast by first traversing eastward down the flank of the opposite ridge on the south side of the valley, crossing the river on a low bridge at a point approximately 1.25 miles inland from the coast, and finally traversing westward up the southern flank of Navarro Ridge to the coastal terrace north of the mouth of the river. Highway 128 intersects Highway One at the north end of the bridge crossing. The subject parcel is one of about a dozen mostly similar-sized parcels zoned for Rural Residential use along this part of Navarro Ridge (See Exhibit 3). These parcels are relatively long and narrow and extend all the way from Navarro Ridge Road, which runs parallel to and north of the crest of the ridge, to Highway One south of the crest along the valley floor next to the river. The parcel is located at 31991 Navarro Ridge Road, approximately 1.25 miles east of the ocean, at a location directly opposite of the north end of the Highway One Bridge over the Navarro River.

There are approximately 27 lots located in this area of Navarro Ridge that are designated as "highly scenic" and visible to travelers on Highway One approaching the Navarro Headlands area from the south. Approximately 23 of these lots have been developed with single family residences. The Coastal Commission permit records shows that only 9 out of the 23 single-family residences were permitted subsequent to the Coastal Act. Of these nine permits; five were issued by the Coastal Commission prior to the County's certification of its LCP, and four have been issued by the County from 1993 (post LCP certification) to the present, including CDP 4-93(Tadlock), CDP 84-93 (Quist), CDP 51-97 (Brown), and CDP 77-89 (Newman). The Commission has processed one permit amendment, 1-81-12-A (Wolfe), since certification of the LCP for one of the permits originally approved before certification.

All four of the permits approved by the County and the permit amendment approved by the Commission since certification of the LCP, 1-81-12-A (Wolfe), authorized homes on parcels that differ from the Jones parcel. CDP 4-93 (Tadlock), CDP 84-93 (Quist), CDP 77-89 (Newman) and permit amendment 1-81-12-A (Wolfe) do not involve parcels that include the actual crest of the ridge and area that slopes northward away from the ridge;

all of these parcels are on the south facing slopes of Navarro Ridge below the crest and none of the parcels have locations where development could have been sited completely out of view from vantage points along Highway One and where development would not project above the ridgeline. The Commission's findings for approval of Permit Amendment No. 1-81-12-A(Wolfe), state on page 7:

> "The originally approved development was for a 20-foot-high, 640-square-foot house and a 17-foot-high, 1,440-square-foot garage set back from the break in slope more than 200 feet, in a flat bench area where adverse impacts on public views would be reduced; if the structures were set farther back from the bluff edge, they would be **more** visible from Highway One due to the rise in slope."

As discussed in the County staff report for CDP 51-97 (Brown), the development approved on the Brown parcel is completely outside of the highly scenic area, and therefore not subject to the LCP policies pertaining to highly scenic areas.

Most similar parcels in the immediate vicinity of the subject property have already been developed with single family homes, most located right on the crest or slightly off the crest of Navarro Ridge. The applicant's parcel is towards the eastern end of the Navarro Ridge "highly scenic" area, in-between two parcels already developed with homes. Other mostly undeveloped larger parcels extend along the western section of the Navarro Ridge "highly scenic" toward the ocean. Much larger mostly undeveloped Rangeland extends east of the string of parcels and north across Navarro Ridge Road.

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

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

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

The parcel is mostly covered with grasses and shrubs. Approximately two dozen trees are growing on the parcel, mostly along the property lines north of the crest of the ridge. A few trees grow to the southeast of the proposed building site near the center of the parcel. The parcel contains no known environmentally sensitive habitat area. The northeastern end of the parcel has a relatively high groundwater table that precludes its use for a septic system leach field, although the groundwater does not rise to the surface to form a wetland. The Mendocino County Planning Staff conducted site views on two occasions and saw no evidence of wetland habitat; therefore, no wetland survey was required. There are no known occurrences of rare and endangered species on the subject property. The project would have no adverse effects on natural resources.

A well has been drilled on the property pursuant to a previous Mendocino County coastal development permit. The applicants also keep a travel trailer on the site.

Project Description

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

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

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

3. <u>PLANNING AND LOCATING NEW DEVELOPMENT</u>

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

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

The subject property is zoned as Rural Residential- 5 Acre Minimum, meaning that there may be one parcel for every 5 acres. The subject parcel, which is approximately 3.9 acres in size, is a legal, nonconforming lot.

The applicants seek approval for the temporary use of the travel trailer as a residence while the main residence is being completed. The County has not permitted more than one residential unit on most residential parcels in Mendocino County because of a concern that the increase in density could potentially result in significant cumulative adverse impacts on highway capacity, groundwater resources, and scenic values, inconsistent with LUP Policies 3.9-1 and 3.8-1. To prevent such cumulative adverse impacts, the Commission imposes Special Condition No. 3 requiring the applicant to remove the temporary trailer prior to occupancy of the main residence.

The development would be served by an existing well. Sewage would be processed by a septic system as proposed by certified soil scientist Carl Rittiman (Exhibit 10).

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

4. VISUAL RESOURCES

The project site is located within an area designated as "highly scenic" under the Mendocino County LCP. The project site is inland from Highway One and the other public vantage point in the area, the Navarro Beach State Park. The proposed structure would not block views to and along the coast from any public vantagepoint. Rather, the visual issues center around whether the development would be compatible and subordinate with the character of the surrounding area and whether the project is consistent with LCP policies that discourage development on ridge tops.

Mendocino County LCP Policies

LUP Policy 3.5-1 states in applicable part:

> *State Highway 1 in rural areas of the Mendocino County coastal zone shall remain a scenic two-lane road.*
>
> *The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean*

and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.

LUP Policy 3.5-3 states in applicable part:

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

...

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

...

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

LUP Policy 3.5-4 states in applicable part:

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

...

Minimize visual impact of development on ridges by (1) prohibiting development that projects above the ridgeline; (2) if no alternative site is available below the ridgeline, development shall be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and shall be limited to a single story above the natural elevation; *(3) prohibiting removal of tree masses which destroy the ridgeline silhouette.*

Nothing in this policy shall preclude the development of a legally existing parcel. [emphasis added]

Coastal Zoning Code Section 20.504.010 states in applicable part:

Purpose.

The purpose of this section is to insure that permitted development shall be sited and designated to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas.

Coastal Zoning Code Section 20.504.015 states in applicable part:

Highly Scenic Areas.

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

...

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

...

(C) Development Criteria.

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

...

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

(5) Buildings and building groups that must be sited in highly scenic areas shall be sited:

> *(a) Near the toe of a slope;*
> *(b) Below rather than on a ridge; and*
> *(c) In or near a wooded area....*
>
> *(8) Minimize visual impact of development on ridges by the following criteria:*
>
> *(a) Prohibiting development that projects above the ridgeline;*
> *(b) If no alternative site is available below the ridgeline, development shall be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and shall be limited to a single story above the natural elevation;*
> *(c) Prohibiting removal of tree masses which destroy the ridgeline silhouette.*
>
> ...
>
> *(10) Tree planting to screen buildings shall be encouraged, however, new development shall not allow trees to interfere with coastal/ocean views from public areas.*
>
> ...
>
> *(13) Access roads and driveways shall be sited such that they cause minimum visual disturbance and shall not directly access Highway 1 where an alternate configuration is feasible.* [Emphasis added.]

As noted in the "Project Setting" finding above, the project site is located in a designated "highly scenic" area. The proposed house location is on the crest of Navarro Ridge (Exhibit 4). The house as proposed would be one story with a total height of 18 feet, and would incorporate natural color siding and screening landscaping to mitigate visual impacts. On page 6 of his letter of December 21, 2000, the applicants' representative, Alan Block states that the proposed house "will not be visible from any public viewing location." See Exhibit 9, Page 6 of 64. This statement is not correct. Commission staff made several site visits to the site and surrounding areas to view the property and the story poles that the applicants had erected on the site to depict the location of the proposed house. Based on these site visits, Commission staff confirms that the structure as proposed would project above the ridgeline and be visible from public vantage points along Highway One on both sides of the river. The structure would also be visible from portions of Navarro Beach State Park, but only from vantage points within the river or along the flats near the Highway One Bridge. The site is not visible from the sandy beach along the ocean.

As also discussed previously, the house site is towards the eastern end of a string of approximately 27 rural residential parcels located within the designated "highly scenic"

area" and visible to travelers on Highway One approaching the Navarro Headlands area from the south. Twenty-three of these parcels have already been developed, including the parcels on either side of the applicants' property. The homes that have been developed within this "highly scenic" area vary in size, height, design, and color, with the result that some are more prominent than others. The prominence of some of the existing structures results from siting on top of the ridge, bright colors, and lack of landscape screening in front of the structures and trees behind the structures to break up the building silhouettes. All but nine of the existing structures in this area were built prior to the Coastal Act. Four were approved after certification of the Mendocino LCP and implementation of its policies concerning development in highly scenic areas, including policies affecting ridgeline development. In addition, the Commission has processed one permit amendment, 1-81-12-A(Wolfe) since certification of the LCP for one of the permits approved before certification.

All four of the permits approved by the County since certification of the LCP and the permit amendment approved by the Commission since certification of the LCP, 1-81-12-A (Wolfe), authorized homes on parcels that differ from the Jones parcel. CDP 4-93(Tadlock), CDP 84-93 (Quist), CDP 77-89 (Newman) and permit amendment 1-81-12-A (Wolfe) do not involve parcels that include the actual crest of the ridge and area that slopes northward away from the ridge; all of these parcels are on the south facing slopes of Navarro Ridge below the crest and none of the parcels have locations where development could have been sited completely out of view from vantage points along Highway One and where development would not project above the ridgeline. The Commission's findings for approval of Permit Amendment No. 1-81-12-A, state on page 7:

> "The originally approved development was for a 20-foot-high, 640-square-foot house and a 17-foot-high, 1,440-square-foot garage set back from the break in slope more than 200 feet, in a flat bench area where adverse impacts on public views would be reduced; if the structures were set farther back from the bluff edge, they would be **more** visible from Highway One due to the rise in slope."

As discussed in the County staff report for CDP 51-97 (Brown), the development approved on the Brown parcel is completely outside of the highly scenic area, and therefore not subject to the LCP policies pertaining to highly scenic areas.

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

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

Consideration of Alternative Sites

Although siting the proposed house south of the applicants' proposed building site would position the development below the ridgeline, any location south of the ridgeline would not be practical to develop because of very steep slopes. The sloping area is also very exposed to Highway One; thus, building in this area would not appreciably reduce the visual impact of the proposed development.

North of the ridgeline, the lot slopes downward towards Navarro Ridge Road. The choice of alternative building sites in this area is greatly limited by the need to accommodate a septic system for the development in this same area. The results of the soils investigation performed by the applicant's soil scientist indicated that there is only one suitable location for the septic system leach field, in the location proposed, directly north of the proposed house site. The leach field cannot be located farther to the north at the extreme northern end of the property because the high winter ground water would not meet septic system leach field standards. The leach field cannot be located where the applicant's propose to locate the house because this location would not provide for a required minimum 100-foot setback between the leachfield and the wells on this and the adjacent parcel. The need to locate the septic system as proposed, leaves only one potential alternative building site for the proposed house, the area at the extreme northern end of the parcel between the proposed septic system location and Navarro Ridge Road.

This alternate site at the northern end of the parcel below the ridgeline would have ample room to construct a residence and accessory structure(s) in a manner that would not be visible from Highway One or Navarro Beach State Park. Under this alternative, the proposed buildings (house and garage) would be entirely outside of the Highway One and Navarro River/Beach viewshed. The elevation of the alternate site is approximately 16 feet lower than the proposed ridgeline site. Since the proposed house would be 18 feet in height, if the house were built in this location, only two feet of the roofline would protrude above the ridgeline. However, the house would not be visible or appear to protrude above the ridgeline from all of the public vantage points along Highway One and the river because of the angle of view. At the alternate site, the house would be set back approximately 150 feet from the ridge. The public vantage points along Highway One and the river are all considerably lower in elevation than the ridgeline. The plain of view from these vantage points towards the project site would thus extend up at an angle towards the ridgeline and extend well over the top of the 18-foot-high house.

The applicants raised concerns during the public hearing on the project that the alternate site at the northern end of the parcel is neither safe nor practicable. The Jones state in their letter, dated September 22, 2000 (Exhibit 10, pages 3-7 of 13) that:

> "Quite simply stated it is neither safe nor practicable to build further north due to winter flooding conditions. The topography and underlying soil conditions of our parcel are such that during the prolonged winter rainy season on the north coast the rear portion of our lot floods. This is due to run-off from higher ground to the south on our own parcel and higher grounds to the east on neighboring parcels, and a layer of non-porous clay just under the surface. Whether or not it is a wetlands or marsh is not an issue. It is certainly an area where in winter months it would be unsafe to have the foundation of a home; where one would wade around, at times in ankle deep water.

The Jones's design consultant, Ed Powers, in letters dated October 3, 2000 and December 4, 2000, submitted as part of the Applicants correspondence (See Exhibit 9, pages 61 and 62 of 64) estimates that

> "To relocate the house from where it was approved by the County to where the Coastal Commission proposes, will increase your overall budget a minimum of $40,000 to $55,000 or somewhere between 26% to 36% of your entire building budget."

The applicant's consultants, Mr. Rittiman and Mr. Powers, have indicated that a drainage system would be necessary, a more costly foundation would have to be built, and a sewage pumping system would have to be installed. The applicant's consultants indicate that utilizing the northern end of the parcel as a building site would be problematic because of the higher costs associated with these special building measures. Mr. Powers estimates these costs to be $40,000 to $55,000, or 26% to 36% of the applicants' building budget. The applicants suggest that this added expense makes it infeasible to build a house on the parcel.

The definition of feasible is provided in Coastal Zoning Code 20.308.045 (F). It states "*feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.*" The Commission finds that while this added expense is significant to the applicants, the additional expense does not by itself make building a house in the alternate location infeasible. Building a house in this location is still "capable of being accomplished." Many of the homes being built in the Mendocino coastal zone have a building budget that exceeds the approximately $160,000 building budget Mr. Powers indicates the applicants have established for their development. Furthermore, the Commission notes that at least a portion of the estimated $40,000-$50,000 additional cost that the applicants' agent estimates would be required to build in the alternate location is discretionary. In his letter of October 3, 2000, Mr. Powers breaks down the additional costs as follows:

> "The necessary changes would include, but are not limited to:
> 1. Design and installation of site drainage system for rear portion of lot.
> 2. Redesign of foundation/found drainage system.

3. Redesign of residence/garage to take full advantage of any aesthetic options offered by the suggested site."

Item 3 on the above list is the most expensive. Mr. Powers states:

> "Creating and elaborating a design that makes the most aesthetically of the suggested site from design development phase to construction documents would add no less than $20,000."

As presented by the applicants' representative, this last item is not required for designing or redesigning foundations and a drainage system to make it feasible to build in the alternate location, but instead is for "creating and elaborating a design that makes the most aesthetically of the suggested site." Use of the design proposed by the applicants in their application would not require this additional expense.

The building cost information submitted does not provide sufficient evidence that the alternate building site would be infeasible because of economic factors. The Commission finds that drainage ditches, French drains, and sewage pumping systems are not uncommon features in coastal zone developments and there is no evidence indicating that installation of these features or a special foundation would be so costly as to make the project infeasible.

However, the applicants raise another concern regarding drainage that does affect the feasibility of the alternative building site. In his letter of December 21, 2000, (see Exhibit 9, pg. 7 of 64) the applicants' representative, Alan Block, notes that:

> "In addition, as stated in Mr. Powers letter, dated December 4, 2000, both the County of Mendocino and Cal Trans, have both indicated that they are not inclined to approve of an alternative drainage plan which provides for additional drainage onto the highway."

Whatever drainage is collected from the alternate site must be discharged somewhere else. One way to redirect drainage away from the alternate building site would be to direct it either to Navarro Ridge Road, maintained by the County, or to Highway One, maintained by Caltrans. Mr. Powers indicates in his letter of December 4, 2000 that he has been advised by Caltrans representatives that they would need to review an engineered drainage plan if drainage is to be routed to Highway One and that they are not inclined to have additional drainage onto the highway. He also indicates that Mendocino County would also not be inclined to accept draining water onto Navarro Ridge Road.

Commission staff contacted officials at both the Mendocino County Transportation Department and Caltrans to discuss the likelihood of either agency being able to grant an encroachment permit to the applicants to allow drainage from the applicants alternative site to be discharged onto the agency's road right-of-way. Mr. Chris Rau of the County Transportation Department and Mr. Royal McCarthy of Caltrans both indicated that

definitive determinations as to whether encroachment permits could be granted could not be made until after each agency had received and acted upon encroachment permit applications from the applicants. However, both officials indicated that certain factors would have to be overcome to enable their respective agencies to approve encroachment permits. In the case of the Mendocino County Transportation Department, Mr. Rau indicated that the County was concerned that acceptance of additional drainage water from another source could overwhelm the County's already taxed drainage facilities along Navarro Ridge Road. Acceptance of additional drainage could result in discharges of roadway drainage water onto other private property along Navarro Ridge Road, contributing to flooding of those properties. The County would be unlikely to grant an encroachment permit to the applicants if the acceptance of the applicants drainage water would contribute to flooding on other private property along the roadway. Mr. McCarthy of Caltrans stated that depending on the volume of water that the applicants would need to direct from their property to the Highway One right-of-way, the existing highway drainage facilities may need to be improved to handle the greater volume of water. Conceivably, additional or larger culverts and drainage ditches may need to be constructed. Such improvements could involve considerable costs, and the applicants would have to provide all necessary funds for such improvements. Although neither the County nor Caltrans could rule out the possibility that the concerns they expressed could be overcome and encroachment permits could be granted, the unique drainage concerns applicable to this project make issuance of necessary encroachment permits problematic and uncertain.

Draining water collected from the alternate building site directly to the roads is not the only means for the applicants to discharge drainage water from the alternative building site. It would be physically possible to direct the drainage onto the applicants' downhill neighbor's property. However, this approach could contribute to flooding of the neighbors' property and would require their permission. No such permission has been sought or obtained as of the date of the Commission's action. Finally, consideration could be give to directing and dispersing drainage water to other parts of the applicants' 3.9-acre property. The applicants reviewed this possibility with a licensed landscape and building contractor. In a letter dated January 10, 2001 (see Exhibit 12), Contractor Lori Kaye states the following:

> "I am writing you today, to express my professional opinion, regarding the property in question. I am fully aware and familiar with this parcel of land. Extreme flooding of this parcel due north is caused by the sloping terrains east to west and south to north. Water sits and will not disperse. The alternative to diverting the water, was to pump it back up hill and distribute it around the property. This plan will not work due to the natural slope of the land. Water seeks it's 'own level.' The water will run right back to the lowest grade level. When building homes for clients, where the land has severe saturation, I always stress the point to 'never' build on top of a lake."

Thus, no clear practical means has been identified for dealing with the drainage water that would have to be collected from the alternative building site to enable a house to be build in this location. Based on the site specific constraints applicable to this property, including unique drainage concerns, the Commission finds that it has not been established that the

alternative of building the home at the northern end of the property is *capable of being accomplished in a successful manner.* Therefore, the alternative is not feasible, as defined by Coastal Zoning Code Section 20.308.045. As no other alternative building site available below the ridgeline has been identified, the Commission further finds that locating the proposed house on the ridgeline is consistent with LUP Policy 3.5-4 and Coastal Zoning Code Section 20.504.015(C)(8).

Consistency With Other Ridgeline Development Policies

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

Utilizing Existing Vegetation. Most of the portion of the subject parcel that slopes downward to the south to Highway One is currently devoid of trees. However, numerous trees exist in the nortnern portion of the property. In this northern area, a row of trees exists along the property boundary that borders Navarro Ridge Road to the north and another row of trees exists along the eastern property . Additional trees grow in the low area with the high groundwater table previously discussed as a possible alternative development site. Finally, approximately five to ten trees of varying size grow near the proposed building site, including several just off the ridgeline to the north of the proposed building site and two on the ridgeline to the west of the building site. All of the existing trees would have value in helping to reduce the visual impact of the proposed development. The trees north of the building site would partially screen the proposed house from view from Navarro Ridge Road. The trees just north and east of the building site would also partially screen the house from view from vantage points along Highway One. The trees along the eastern property boundary and the trees north of the building site also create a backdrop of trees to the proposed building site that would help to reduce the prominence of the house. Therefore, the proposed development would utilize existing vegetation to reduce visual impacts consistent with LUP Policy 3.5-4 and Coastal Zoning Code Section 20.504.015. To ensure that the existing trees remain on the site and continue to help reduce the visual impacts of the proposed house, the Commission attaches Special Condition 3, which prohibits removal of any trees from the subject parcel other than those required to be removed to meet the fire safety regulations of the California Department of Forestry and Fire Protection. The Commission finds that as conditioned, the project would be consistent with the provisions of LUP Policy 3.5-4 and Coastal Zoning Code Section 20.504.015 that require new development on ridgelines to utilize existing vegetation to reduce visual impacts. The Commission also finds that as conditioned to prohibit the removal of existing trees, the proposed project is consistent with the provisions of LUP Policy 3.5-4 and 20.504.015(C)(8)(c) that prohibit the removal of trees which destroy the ridgeline silhouette.

Structural Orientation. As proposed, the structural orientation of the house would be consistent with the orientation of other houses in the area, including the houses

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

Landscaping. The proposed project includes a landscaping plan that provides for the planting of three Grand Fir trees and three Shore Pines on the slope that descends southward from the ridgeline development site. Another Grand Fir is proposed to be planted on the north side of the house. The proposed landscaping would augment the existing trees on the site in partially screening the house from view from both Navarro Ridge Road and vantage points along Highway One.

Utilizing landscaping to reduce the visual impact of the house is consistent with the ridgeline development policies of LUP Policy 3.5-4 and Coastal Zoning Code Section 20.504.015. However, the proposed landscaping is not as effective as it could be in screening the proposed house to reduce its visual impact. The Grand Fir and Shore Pine to be planted can generally be expected to grow to a mature height of approximately 20 feet. As shown on the landscaping plan, several of the trees proposed to be planted, however, would be planted at elevations 40 to 70 feet below the elevation of the base of the proposed house. Thus, these trees would not be expected to grow tall enough to screen portions of the house. In addition, of the seven trees to be planted to the south of the building site, three are slow growing Grand Fir trees. Faster growing trees would achieve their full value for screening much sooner. Moreover, planting more trees than proposed would increase the screening value of the landscaping. Therefore, the Commission attaches Special Condition One which requires the applicants to submit a revised landscaping plan for the review and approval of the Executive Director that would provide for the planting of an evergreen screen containing at least 10 drought-tolerant native or naturalized trees along the southwestern side of the residence to minimize the visual impacts to Highway One and the Navarro River Redwoods State Park. The condition requires that the trees to be planted be a minimum of five feet high when planted and that at least 5 of the required trees be of a fast growing species such as shore pine. The trees must be planted at an elevation that is approximately the same as the elevation of the base of the approved house. The condition further specifies that the landscaping plan must include a tree maintenance program (e.g., pruning, fertilizing, watering, etc.) for newly planted trees and a tree replacement program on a one-to-one or greater ratio for the life of the project. The Commission also finds that as conditioned to require the submittal of the revised landscaping plan, the proposed project is consistent with the provisions of LUP Policy 3.5-4 and 20.504.015(C)(8)(c) that require the use of landscaping to reduce visual impacts of ridgeline development.

Single Story Above Grade. As proposed, the house would be single story, rising to a maximum height of 18 feet above the natural grade. Therefore, the Commission finds that the proposed project is consistent with the provisions of LUP Policy 3.5-4 and Zoning

Ordinance Section 20.504.015(C)(8)(c) that require ridgeline development to be limited to a single story above the natural elevation Policy 3.5-4 and Coastal.

Consistency With Other Visual Resource Policies

Coastal Zoning Ordinance Section 20.504.015(C)(8)(c) requires that in highly scenic areas, building materials shall be selected to blend in hue and brightness with their surroundings. As noted in the project description finding, the applicants intend to use redwood shingle siding, dark wood trim, and composition shingle roof. These proposed materials would be consistent with the requirements of Section 20.504.015(C)(8)(c). To ensure that such materials are actually used in the construction of the proposed residence, the Commission attaches Special Condition 2, which requires that all exterior siding and visible exterior components of the structures be of natural or natural-appearing materials. Therefore, as conditioned, the project is consistent with LUP Policy 3.5-4 and 20.504.015(C)(3) because building materials are required which will blend in hue and brightness with their surroundings.

LUP Policy 3.5-1 and Zoning Code Sections 20.504.010 and 20.504.015 require that new development be visually compatible with the character of surrounding areas and subordinate to the character of its setting.

In this case, the proposed house in its proposed location on the ridgeline may be considered compatible with the character of surrounding areas and subordinate to the character of its setting as required by LUP Policy 3.5-1 and Zoning Code Sections 20.504.010 and 20.504.015 for several reasons. First, as noted above, the project's setting includes many homes that have already been located along the ridge top, including homes on either side of the applicant's parcel. Second, the required landscaping and earthtone building material colors will contribute to the proposed house blending in with its surroundings much more so than some of the existing homes that have bright colors and little landscaping. Third, although the proposed 18-foot-high house will project above the top of the ridge, the house will not project higher than the tree line of trees that exist at the top of the ridge. Finally, the proposed house is near the eastern end of the string of residential parcels along Navarro Ridge Road, farther from view from the public vantage points along Highway One and the Navarro River than all but a few of the houses along the ridge.

The Commission concludes that as conditioned to require a revised landscaping plan, limit the color of building material, and prohibit tree removal, the proposed development is compatible and subordinate to the character of its setting consistent with LUP Policy 3.5-1 and Zoning Code Sections 20.504.010 and 20.504.015 as it will be out of view from public vantage points along Highway One and the Navarro River and will blend into other natural features on the site as seen from Navarro Ridge Road.

5. AGRICULTURAL BUFFER

The property to the north of the subject parcel is zoned for Rangeland (RL) and is under a Williamson Act contract (See Exhibit 3). The Rangeland parcel is currently utilized for cattle grazing.

LUP policy 3.2-9 states:

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

The parcel across Navarro Ridge Road from the subject parcel is designated Rangeland and is currently used for cattle grazing, an agricultural use. The proposed building site is located approximately 265 feet from this Rangeland property. Therefore, the proposed project is consistent with the provisions of LUP Policy 3.2-9 that direct that residential structures not be located closer than 200 feet from a parcel designated for agricultural use.

6. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

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

Exhibits

1. Regional Location Map
2. Vicinity Map
3. Land Use Plan/Zoning Map
4. Site and Landscaping Plan
5. Elevations
6. Floor Plan
7. Notice of Final Action
8. Appeal
9. Applicants' Correspondence
10. Additional Applicants' Correspondence
11. Sewage Disposal Proposal
12. Landscape Contractor's Letter on Drainage

ATTACHMENT A

Standard Conditions:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.