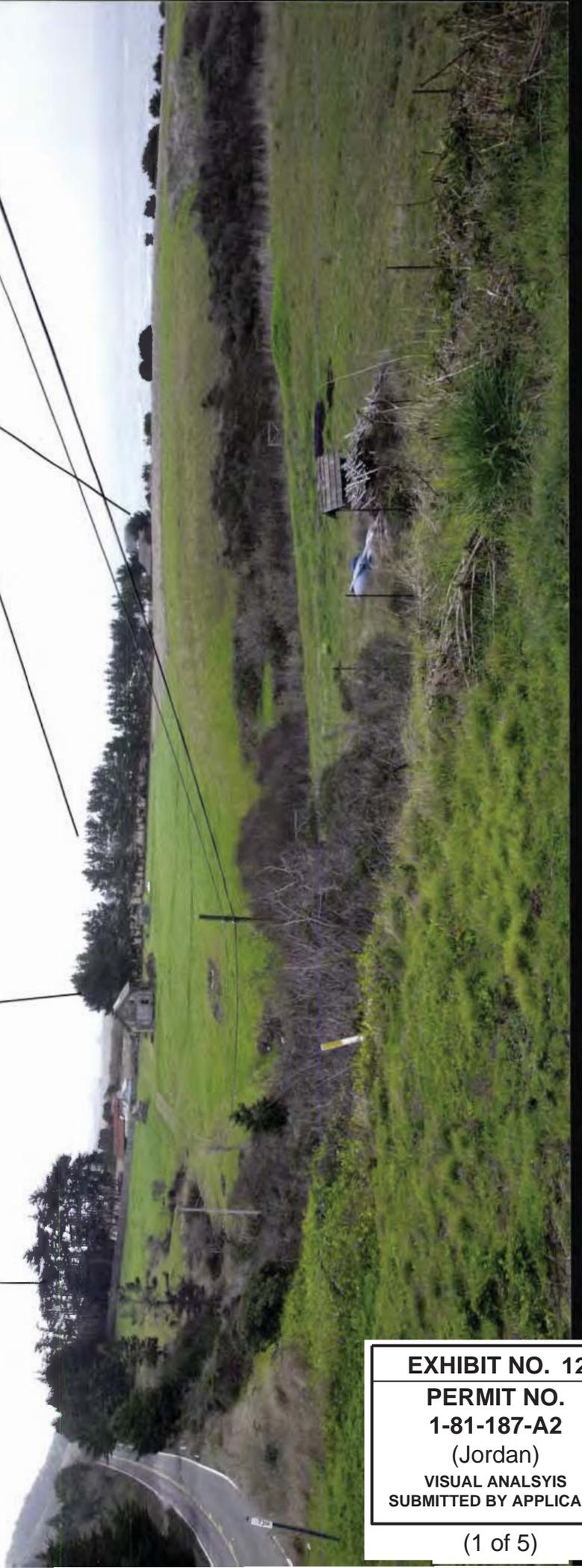


Photographed from south edge of Pacific Star Winery entrance drive  
All trees are existing, none Photoshopped

75-85' Native Monterey Cypressess  
on neighbor's driveway prior to  
property entrance at green water tank

40'-60' Pines on neighbor's property  
Extending along existing fence on my eastern boundary  
and along existing fence on my southern property line  
beginning at S/E corner and ending 2/3 towards west



**EXHIBIT NO. 12**  
**PERMIT NO.**  
**1-81-187-A2**  
(Jordan)  
VISUAL ANALYSIS  
SUBMITTED BY APPLICANT

Photographed from south edge of Pacific Star Winery entrance drive

Photoshopped Trees along eastern boundary and 50-70' along driveway on an east/west axis.

As shown, these would be 2-3 times taller than a native Shore Pine. A native Monterey Cypress can be topped at any height and would approximate cypresses topped to match or be shorter than the existing pines on the neighbor's property



Standing @30' above Pacific Star Winery Entrance  
All neighbor and Jordan existing trees shown  
No Photoshopped trees



Existing view toward Pacific Star Winery  
Viewing Bluff from House West Deck  
Looking North from deck



Looking North toward Winery Bluff  
SHORE PINES viewed from west deck of howe

- Naturally situated near the WATER
- Height controlled/topped higher up



California Coastal Commission  
North Coast District  
1656 Union Street, Room 150  
Eureka, California 95501  
(707) 443-1623

FILED 5/82  
49th 2/26/82  
STAFF REPORT 2/16/82  
HEARING DATE March 3 - 5, 82  
STAFF ANALYST Eugenia Laychak/IP  
BF/ML  
PC/DD

### STAFF REPORT: CONSENT CALENDAR

#### PROJECT DESCRIPTION

APPLICANT: G. Leroy and Louise Irwin

PERMIT NO. 1-81-187

PROJECT LOCATION: West of Highway One, approximately twelve miles north of Fort Bragg.

PROJECT DESCRIPTION: Construction of a single family residence, garage, and installation of a well, septic system, and driveway.

LOT AREA 4.5 acres

ZONING unclassified

BLDG. COVERAGE 1,941 square feet

(LCP) PLAN DESIGNATION AG-160

PAVEMENT COVERAGE N/A

PROJECT DENSITY N/A

LANDSCAPE COVERAGE 216 square feet

HEIGHT ABV. FIN. GRADE 155 feet

LOCAL APPROVALS RECEIVED: Mendocino County Planning and Health Departments conceptual approvals.

#### STAFF NOTES

SITE CHARACTERISTICS: Bluff top terrace, vegetated with grasses, undeveloped

SURROUNDING LAND USE: Agricultural, residential

COASTAL ACT ISSUES: Visual resources, geologic stability

STANDARD CONDITIONS: See attached

SPECIAL CONDITIONS: See attached

EXHIBIT NO. 13
APPLICATION NO. 1-81-187-A2 JORDAN STAFF REPORT FOR ORIGINAL CDP NO. 1-81-187 (1 of 6)

STAFF RECOMMENDATION

The staff recommends that the commission adopt the following resolution:

I. Approval with Conditions

The commission hereby grants a permit for the proposed development subject to the conditions below, on the grounds that, as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

Conditions

1. Prior to issuance of the permit and therefore construction, the applicant shall submit a visual subordination plan including:

- a. An engineered foundation plan indicating the northeast corner of the residence will be placed eight feet lower than the existing grade;
- b. Placement of an eight foot high berm, created from the soils produced from the excavation;
- c. Revised house plans indicating the use of a shake roof and a natural colored wood siding;
- d. A nightlighting plan which will indicate the use of low intensity lights, directed toward the residence and shielded from the public view;
- e. A landscape plan indicating the use of vegetation other than trees.

The subordination plan shall be subject to the approval of the executive director and the site shall be developed in accordance with this plan

2. Prior to the issuance of a coastal permit and therefore commencement of construction, the applicant shall submit to the executive director, a deed restriction for recording free of prior liens except for tax liens, that binds the applicant and any successors in interest. The forms and content of the deed restriction shall be subject to the review and approval of the executive director. The deed restriction shall provide (a) that the applicants understand that the site is subject to extra-ordinary hazard from seismic shaking, related seismic hazards and wave erosion, and the applicants assume the liability from those hazards; (b) the applicants unconditionally waive any claim of liability on the part of the commission or any public agency for any damage from such hazards; and (c) the applicants understand that construction in the face of these known hazards may make them ineligible for public disaster funds or loans for repair, replacement, or rehabilitation of the property in the event of seismic shaking and other geologic hazards.

2 of 6

FINDINGS

1. Located outside an urbanized area and relying primarily on private services (septic, well, road), this rural-residential development is nevertheless consistent with the surrounding pattern of development. Development has been sited and designed as to avoid adverse impacts on vegetation, to minimize grading and protect the visual resources. At the present rate and density of development, the project will not cumulatively affect the recreational capacity of coastal roads or preclude options in the context of a local coastal program (Section 30250)a).
2. Located between the shoreline and the nearest public road, the development complies with the Public Access and Recreation policies of the Coastal Act of 1976 because substantial public access to the coast is provided nearby at the Caltrans scenic easement approximately 1,400 feet north of the applicant's parcel (Section 30210 - 30224).
3. The applicant's parcel is located in a highly scenic area as defined in previous coastal permit decisions, 81-CC-283 (Schwartz) and 1-81-72 (Barker), and in the Mendocino County draft land use plan. The proposed residence can be found to be consistent with Section 30251 of the Coastal Act with certain modifications of the applicant's submittal.

The proposed residence is to be located on an undeveloped exposed bluff top shelf that is extremely visible from Highway One on the south and somewhat less visible from the highway on the north. The site does not support any trees or large brush, therefore, the commission requires subordination without the use of such vegetation. The commission commends the applicant for placing the residence on the slope of a small knoll, approximately 85 feet from the bluff edge. Such placement together with a proposed three foot excavation would partially shield the structure's northern exposure. However, the commission finds that the residence can be subordinated, further, by requiring a deeper cut of eight feet thus dropping the foundation further below the knoll and exposing less of the northern elevation.

Additional subordination techniques include construction of an eight foot berm along the southern elevation, replacing the composition roof with a shake roof and natural wood siding which will weather through time. These measures will adequately subordinate the southern exposure of the residence during the daylight hours.

To ensure adequate subordination during the nighttime, the commission requires the limiting of exterior lighting to that which is of a low intensity directed toward the structure and shielded from the public view. The commission finds the subordination measures described above will bring the proposed development into conformance with Section 30251 of the Coastal Act.

4. The geology report submitted with the application states that the residence will be setback eighty-five feet from the bluff edge and the ocean erosion at this location "is thought to be minimal".

However, in areas where the commission has concerns about geologic stability of bluff top development, it requires the applicant to waive liability against the commission for any damage on the property due to seismic shaking, related seismic hazards and wave erosion. With this precaution, the commission finds the proposal consistent with Section 30253 of the Coastal Act.

5. The Mendocino County draft LCP land use plan describes the subject parcel as being within a highly scenic area where development shall be subordinate to the character of its setting. The County Planning Commission recommends the following visual resource policy:

"The visual resource areas listed below are those which have been identified on the habitats and resource maps 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.

- The entire coastal zone from the Ten Mile estuary (including its wooded slopes, wetlands, dunes, and ocean vistas visible from Highway One) north to the Humboldt County line with the exception of Westport Beach Subdivision."

Commission staff comments agree with the proposed policy with the exception of the reference to Westport Beach Subdivision. The commission finds the proposed development, as conditioned, will not prejudice development of the LCP.

6. The development's potential significant adverse environmental impacts within the meaning of the California Environmental Quality Act are adequately mitigated or minimized by the conditions attached to the permit.

#### A. Alternatives

1. Project Relocation - One application located east of the applicant's parcel was denied by the commission (1-81-72 - Barker) due to the project's impact on the visual resource. The commission found that the application did not conform with proposed policies in the LCP which provided protection of scenic resources.

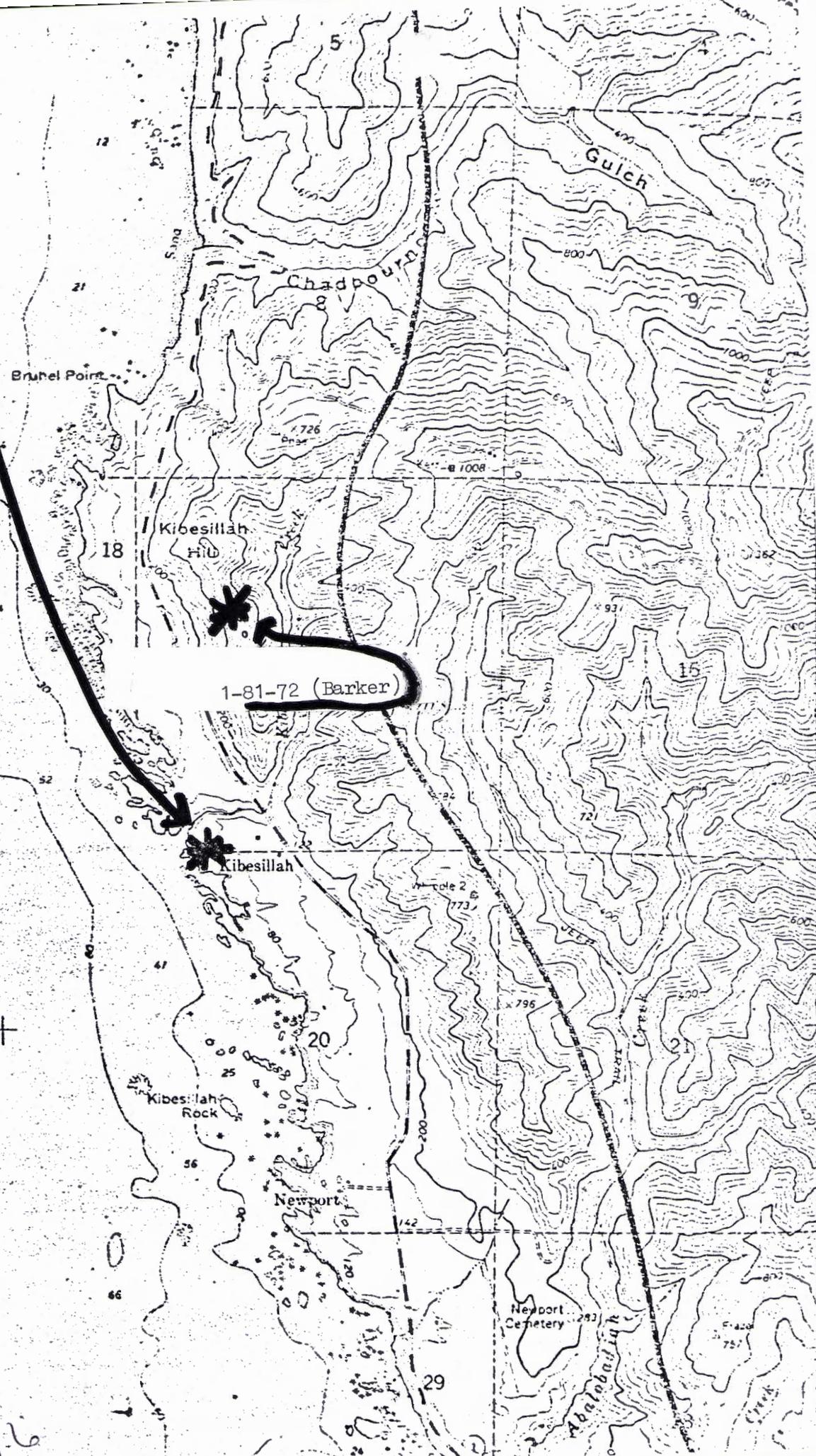
The subject application differs in that the proposed location of the applicant's residence will be the least environmentally damaging as defined by CEQA. The residence will be sited behind a knoll which will partially shield the residence and act as a backdrop for the structure. Other locations on the parcel do not provide such features to allow subordination of the house. In addition, the proposed location will minimize alteration of natural landforms. The commission finds relocation of the residence is not desirable and therefore is not necessary to bring the project into conformance with CEQA.

2. No Project - The commission finds the "no project" alternative is not necessary to bring the project into conformance with CEQA.

4 of 6

EXHIBIT NO. 1  
APPLICATION NO.  
1-81-187  
Leroy Laise Irwin  
California Coastal Commission

(approximately  
6 miles north  
of Fort Bragg)

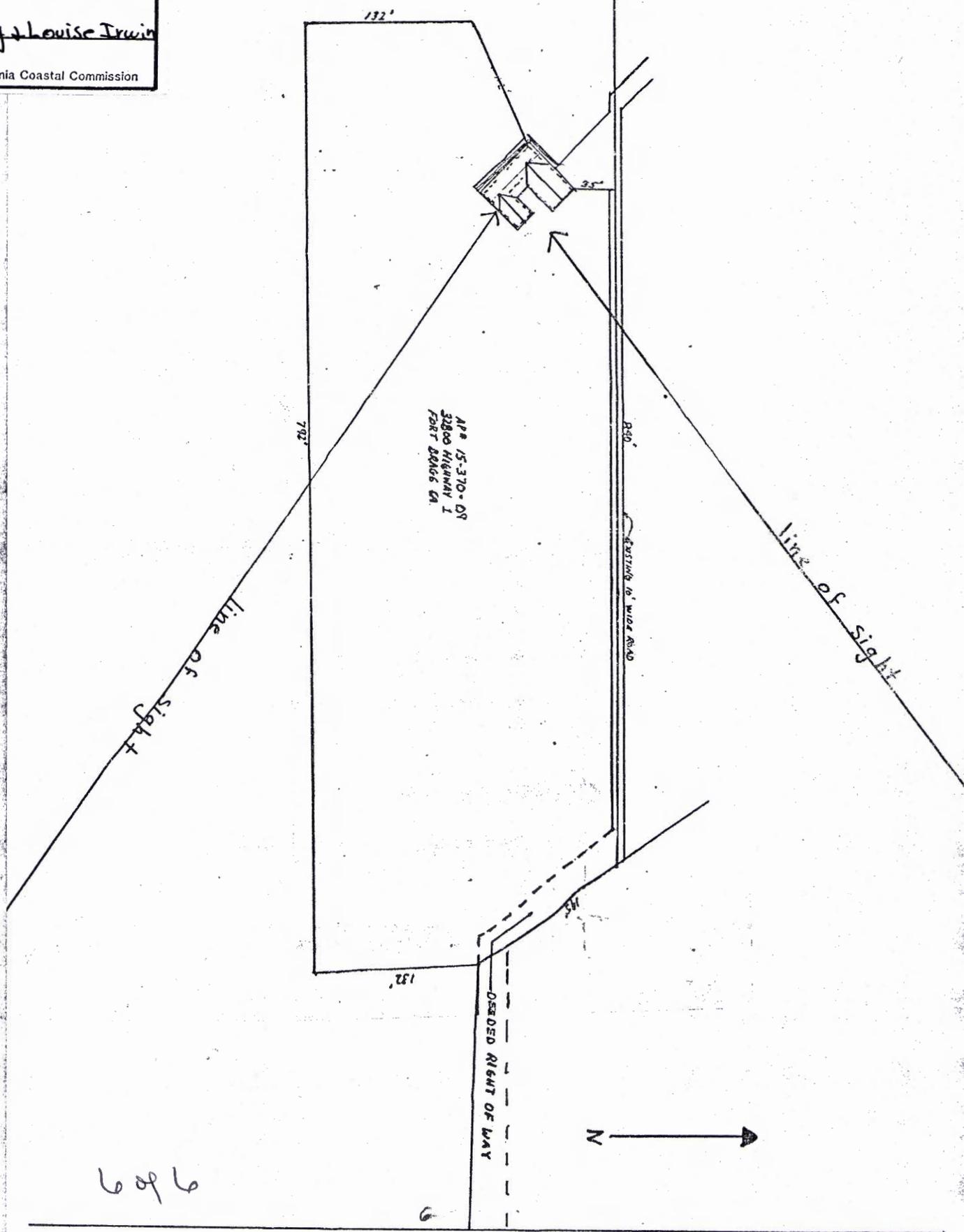


1-81-72 (Barker)

5.9.6

EXHIBIT NO. 2  
 APPLICATION NO.  
 1-81-187  
 G. Leroy & Louise Irwin  
 California Coastal Commission

PACIFIC OCEAN



APR 15-370-09  
 32800 HIGHWAY 1  
 FORT BRAGG CA

696

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST AREA  
631 HOWARD STREET, 4TH FLOOR  
SAN FRANCISCO, CA 94105  
(415) 543-8555

Filed: May 3, 1990  
49th Day: June 21, 1990  
180th Day: November 1, 1990  
Staff: G.L.Holloway - SF  
Staff Report: June 1, 1990  
Hearing Date: June 13, 1990  
Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 1-81-187-A  
 APPLICANT: RUDOLPH L. CUTINO  
 PROJECT LOCATION: 32700 North Highway One, 12 miles north of Fort Bragg, Mendocino County (APN 15-370-09)  
 DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of 15 ft. high 2,000 sq.ft. single-family home, driveway and septic system.  
 DESCRIPTION OF AMENDMENT: Construction of 638 sq.ft. guesthouse  
     Lot area: 4 acres  
     Building coverage: 638 sq.ft.  
     Plan designation: AG-60 (Agriculture, 60 acre minimum parcel size)  
     Ht abv fin grade: 15 ft.  
 LOCAL APPROVALS RECEIVED: Mendocino County LCP Consistency Review  
 SUBSTANTIVE FILE DOCUMENTS: Mendocino County Land Use Plan; Coastal Permit No. 1-81-187.

**EXHIBIT NO. 14****APPLICATION NO.**

1-81-187-A2

JORDAN

STAFF REPORT FOR CDP  
NO. 1-81-187-A[1] (1 of 10)

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material (14 Cal. Admin. Code 13166).

The Executive Director has determined that the proposed amendment is a material change.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed development with the proposed amendment, subject to the conditions below, is consistent with the requirements of the Coastal Act.

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions. See attached

III. Special Condition.

1. Second Structure

PRIOR TO ISSUANCE OF THE PERMIT, permittee shall submit for review and approval of the Executive Director and shall subsequently record, a deed restriction stating that any portion of the guesthouse shall be without kitchen or cooking facilities, clearly subordinate and incidental to the main house on the same building site, and not to be separately rented, let, or leased, whether compensation be direct or indirect.

This deed restriction shall be recorded with deed to the parcel (APN 15-370-09) and shall bind all successors and assigns of the permittee. Any change in the use of the structure shall require a separate coastal permit or amendment to Coastal Development Permit No. 1-81-187-A.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description

The applicant is requesting construction of 638 sq.ft. one-story guesthouse, consisting of a living room, bedroom and bathroom. The parcel also contains

2 of 10

an existing 2,000 sq.ft. single-family home which was constructed pursuant to Coastal Permit No. 1-81-187. The County Division of Environmental Health has approved the water well as adequate to serve this development and is requiring a replacement septic tank, along with low-flow toilets in both the existing single-family home and proposed guesthouse. There is no increase needed in the leachfield area. The proposed development will only minimally increase the building footprint on the four acres. The site is located west of Highway One and is a gently-sloping, undulating grassland with some chaparral vegetation, with a row of Monterey cypress along the Highway One side.

B. New Development/Second Structure

Section 30250(a) of the Coastal Act states in part that:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, or coastal resources.

The proposed development includes the construction of a 638 sq.ft. one-story guesthouse on a 4-acre parcel which already also contains a single-family home. The Mendocino County LUP designates the parcel as being Agricultural, as it is located in the rural Kibesillah area, surrounded by much larger parcels in agricultural use. The County has attested to the availability of water to serve the development and is requiring the installation of an increased-capacity septic tank, and low-flow toilets.

Of primary concern is the issue of doubling the density with the potential for cumulative adverse impacts on highway capacity, ground water resources, and scenic values, inconsistent with Coastal Act Section 30250(a). Special Condition No. 1 requiring a deed restriction on the parcel stating that this guesthouse shall be without kitchen or cooking facilities, and that it shall not be separately rented, let, or leased, ensures that the proposed development will not be used as a second residence, which would result in an increase in development that could not be accommodated by the existing services and resources available. Thus, as conditioned, the Commission finds that the proposed project will be consistent with Section 30250(a) of the Coastal Act, as it is located in an existing developed area with utilities to accommodate it.

C. Visual Resources

Section 30251 of the Coastal Act states in part that the scenic and visual qualities of coastal areas be protected, that development be sited and

30910

designed to protect views to and along the ocean and scenic coastal areas, and that it be visually compatible with the character of surrounding areas. In addition, it states that new development in highly scenic areas shall be subordinate to the character of its setting. Policy 3.5-3 of the certified Mendocino County LUP is reflected in maps which designate "highly scenic areas" within which new development shall be subordinate to the character of its setting, in order to protect ocean and coastal views from highways, etc. The LUP designates the entire coastal zone from Ten Mile River estuary north to Hardy Creek Bridge as "highly scenic". This area includes the subject property at Kibesillah, four miles south of Westport and 12 miles north of Fort Bragg.

In approving the coastal permit for the existing single-family home (No. 1-81-187), the Commission found that its location on a highly-visible gently-sloping and undulating grass-covered marine terrace was mitigated by its placement behind a small knoll on the terrace and the use of wood shingles and siding, which would not be painted, but allowed to weather naturally. This helped to protect coastal views and subordinate the home to the natural setting.

The proposed guesthouse is 1/3 the size, scale and bulk of the existing home. It is to be the same height (15 ft.), design and of the wooden materials as the adjacent home. Its location almost 1/4 mile west of and below the line of sight from Highway One and adjacent to the small knoll helps to mitigate its impact. So does a row of large Monterey cypress which parallel the west side of Highway One for almost one-half mile and help to further mitigate the visibility of any structures to the west as viewed from either north or south along the coast. It will be only minimally glimpsed from the Highway as seen by southbound traffic. And, due to its closeness (20 ft.) to and alignment with the existing home on the same axis (see Exhibit No. 3), it will not further impact public views and will be visually compatible with the home, as seen by northbound highway users.

Therefore, the Commission finds that the proposed guesthouse is consistent with both Section 30251 of the Coastal Act and Policy 3.5-3 of the LUP as it is visually compatible with existing development and subordinate to the character of its setting, and protects ocean and coastal views in this "highly scenic area".

#### D. Public Access

Section 30212 of the Coastal Act states in part that public access from the nearest public roadway to the shoreline shall be provided in new development projects except where adequate access exists nearby.

This project is located on a marine terrace perched above high cliffs adjacent to a rocky cove, which is virtually inaccessible. 1/4 mile to the north is an improved Caltrans rest area on Kibesillah Hill, which provides for substantial public access. Therefore, this new development is consistent with Section 30212 of the Coastal Act as adequate public access exists nearby.

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E. Mendocino County LUP/Prejudice to LCP

Section 30604 of the Coastal Act authorizes permit issuance if the project is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, is consistent with Chapter 3 policies of the Coastal Act as discussed above, and thus will not prejudice local government's ability to implement a certifiable LCP.

F. CEQA

The project, as conditioned, will not have a significant adverse effect on the environment, within the meaning of CEQA. The project has been mitigated as discussed above to ensure consistency with the Coastal Act.

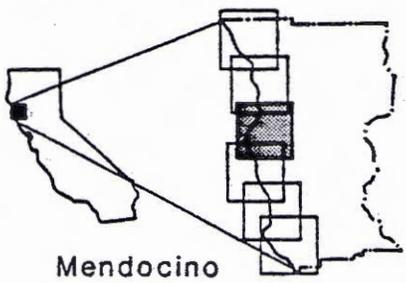
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ATTACHMENT A

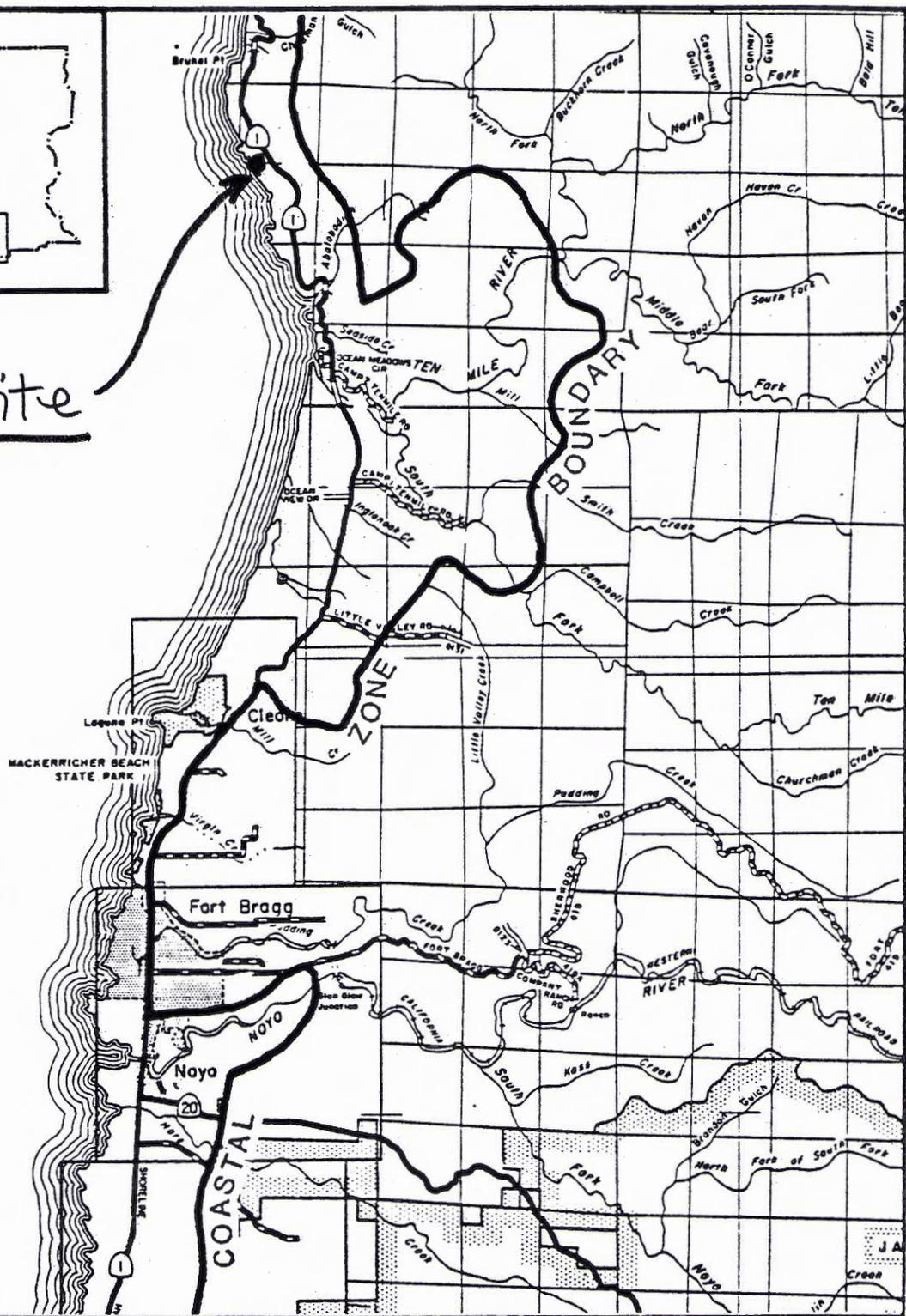
Standard Conditions

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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.



Mendocino

Site



California Coastal Commission

# LOCATION MAP



EXHIBIT NO. 1
APPLICATION NO. 1-81-187-A
CUTINO
California Coastal Commission

County of Mendocino

7910

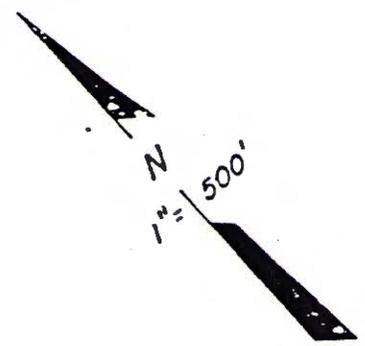
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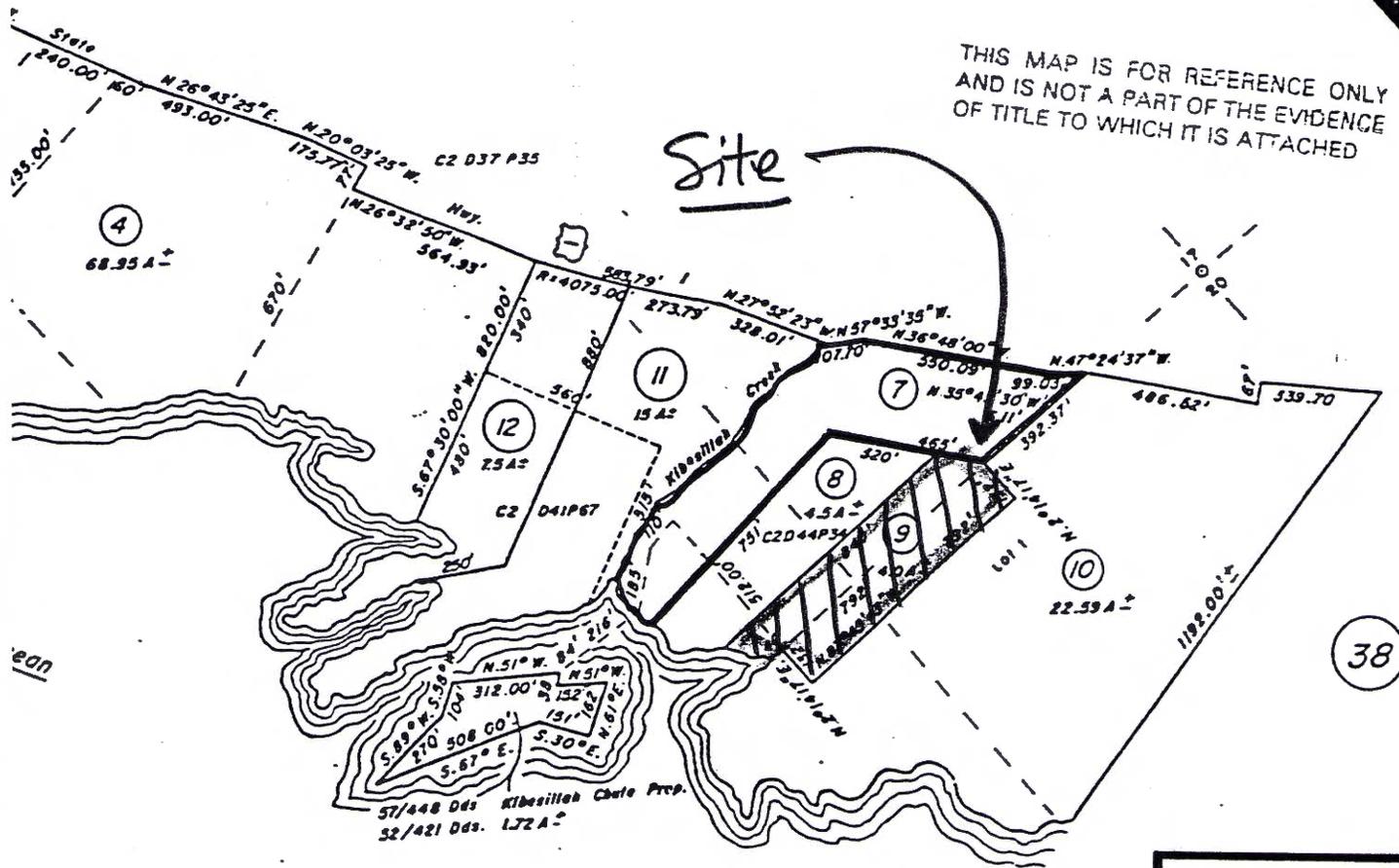
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THIS MAP IS FOR REFERENCE ONLY  
 AND IS NOT A PART OF THE EVIDENCE  
 OF TITLE TO WHICH IT IS ATTACHED

Site



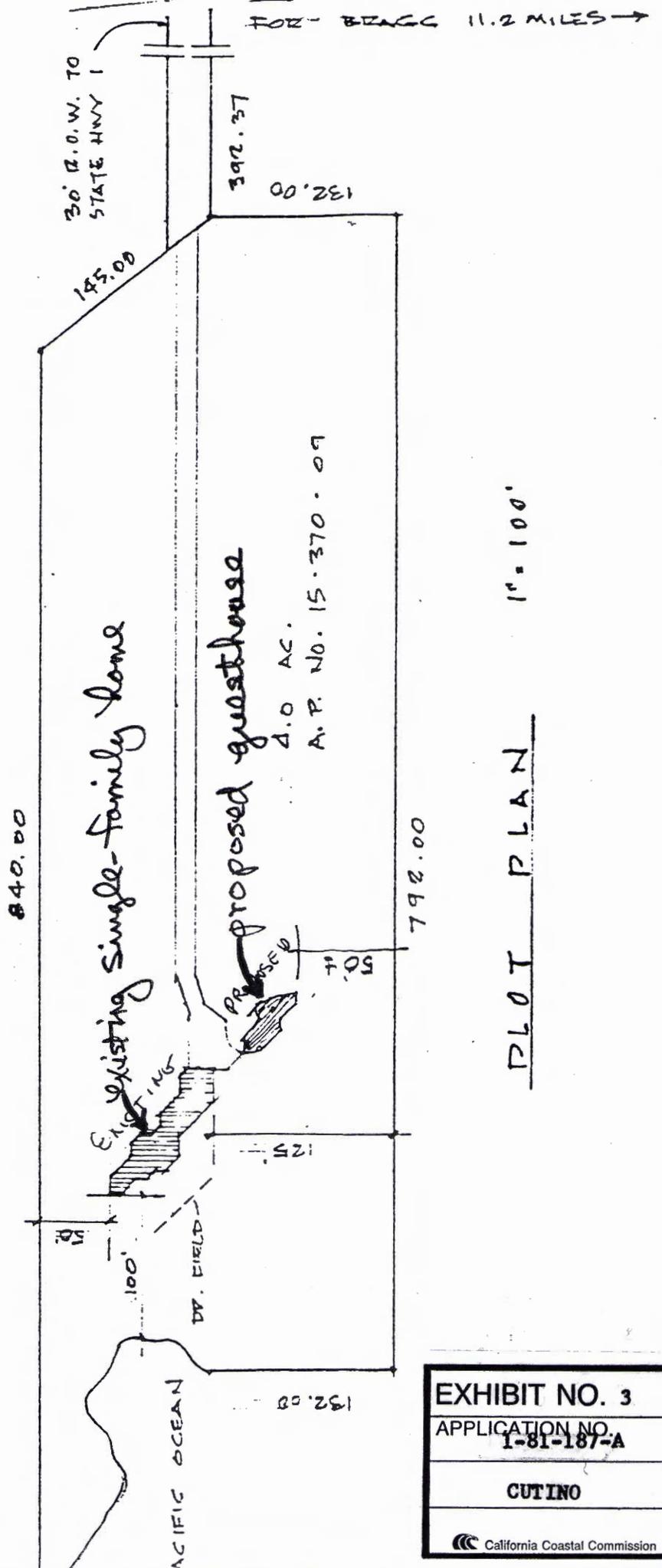
This map was prepared for  
 informational purposes only. No liability  
 is assumed for the data delineated  
 hereon.

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<b>EXHIBIT NO. 2</b>
APPLICATION NO. <b>1-81-187-A</b>
<b>CUTINO</b>
California Coastal Commission



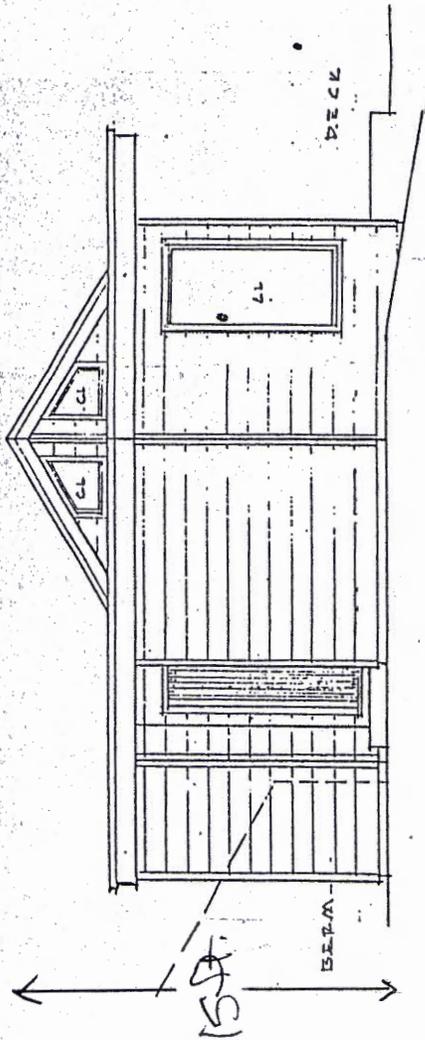
9 of 10.



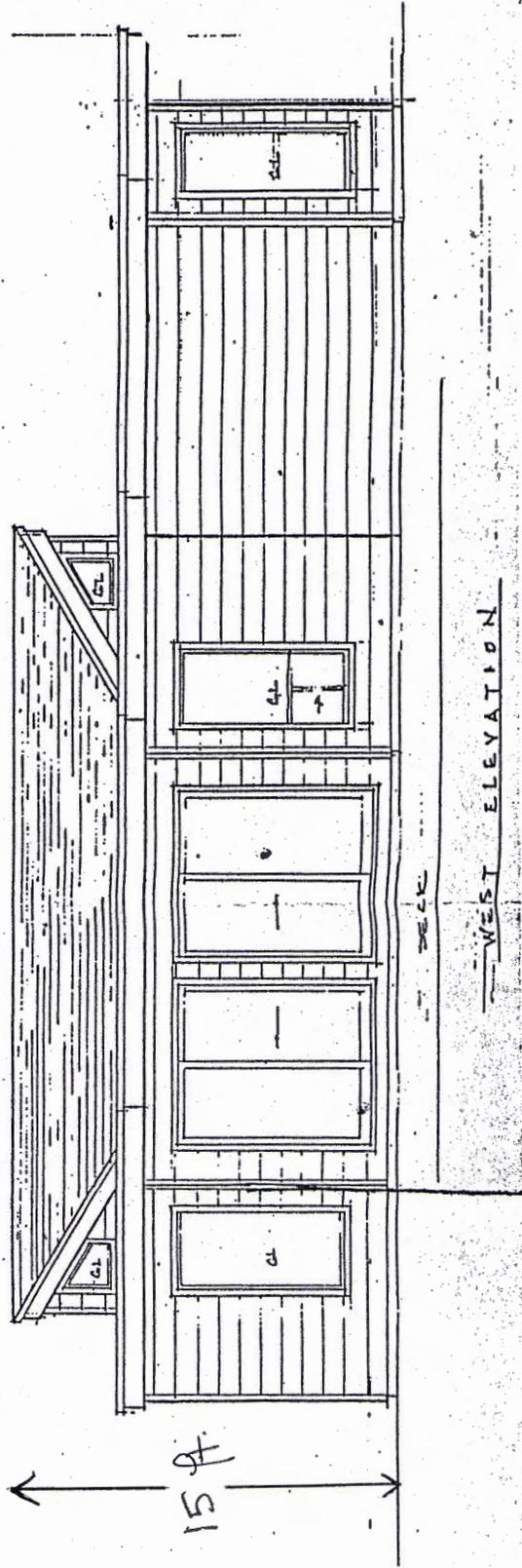
PLOT PLAN 1" = 100'

<b>EXHIBIT NO. 3</b>
APPLICATION NO. <b>1-81-187-A</b>
<b>CUTINO</b>
California Coastal Commission

ACCIDENT



NOETH ELEVATION



WEST ELEVATION

10 of 10

<b>EXHIBIT NO. 4</b>
APPLICATION NO <b>1-81-187-A</b>
<b>CUTINO</b>
California Coastal Commission