

OWNER/APPLICANT: MICHAEL AND ROXANNE WHITEHURST
1634 SORRENTO PLACE
LIVERMORE, CA 94550

REQUEST: Standard Coastal Development Permit for the construction of a 240 square foot accessory structure (shed), walkway and bocce court.

LOCATION: In the Coastal Zone and in the town of Elk, lying west of Highway 1, approximately one half mile north of its intersection with Philo-Greenwood Road (CR 132) at 5860 South Highway 1 (APN 127-181-15).

APPEALABLE: Yes – West of first public road (blufftop)

PERMIT TYPE: Standard Coastal Development Permit

TOTAL ACREAGE: 1.3± acres

GENERAL PLAN: Rural Village (RV)

ZONING: Rural Village (RV)

EXISTING USES: Residential (existing single family residence and guest cottage)

ADJACENT ZONING: North: Rural Village (RV)
East: Rangeland (RL) and Rural Village (RV)
South: Rural Village (RV)
West: N/A

SURROUNDING LAND USES: North: Residential
East: Residential and Agricultural
South: Residential
West: N/A

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA – Class 3

OTHER RELATED APPLICATIONS: CDP 45-2000: Approved for a 500 square foot addition onto the west-facing side of the existing dwelling with a maximum height of seventeen (17) feet.

PROJECT DESCRIPTION: The project includes the construction of a new twelve (12) foot by twenty (20) foot, thirteen (13) foot, two (2) inch tall accessory building (storage shed), walkway and bocce court. The accessory building is proposed fifty (50) feet from the northern property boundary and thirty (30) feet from the eastern property boundary. Building materials and colors are proposed to match the existing single family residence and guest cottage. The proposed accessory building will be served by electricity from the existing meter at the existing guest cottage, and is not proposed to be served by water or gas.

The structure is not proposed to be used as habitable space. Grading will be necessary, normally associated with and incidental to the construction of a twelve (12) foot by twenty (20) foot accessory building. No vegetation removal or planting is proposed with this application, other than that which will be removed by the necessary grading associated with construction. The proposed development will be partially visible from a public place (Highway 1).

The proposed walkway extends around and near the existing residence from the southern portion of the property to the western side of the existing guest cottage. The proposed bocce court is proposed west of the existing guest cottage. Both the proposed walkway and bocce court have been determined to not meet the definition of development, provided neither requires grading in excess of two (2) cubic yards.

SITE DESCRIPTION AND SETTING: The 1.3 acre subject parcel is situated on the north end of Elk, adjacent to Highway 1 on the east and the Pacific Ocean on the west, and approximately 3,000 feet north of Greenwood Creek. The site is surrounded by residential development, with agricultural uses across Highway 1 to the east. Beyond adjacent parcels, visitor accommodation and commercial uses abound throughout Elk. The subject parcel is currently developed with an existing single family residence with attached garage, guest cottage, septic system, fencing, landscaping and paved access.

The parcel contains blufftop topography, generally sloping down toward the west boundary and is characterized by a nearly flat area on the east of the property. Slope gradients in the eastern and central part of the site are near level. Steeper slopes are present on the west-facing terrace slopes adjoining the bluff. The ocean bluff is approximately 100 feet in vertical height and very steep.

KEY ISSUES: Coastal Development Permit applications are subject to the findings enumerated in Section 20.532.095 and Section 20.532.100 of the Mendocino County Coastal Zoning Code (MCCZC). **APPENDIX A** of this report individually addresses each of the Required Findings for all Coastal Development Permits and any Supplemental Findings applicable to this project.

The issues listed below are drawn from **APPENDIX A** and have been determined to be “key issues” because they either require special conditions for the findings to be made, or they address matters of particular concern by referral agencies.

➤ Hazards – Fire

The project is located in an area that has a moderate fire hazard severity rating. The project application was referred to the California Department of Forestry and Fire Protection (CalFire) and the Elk Community Services District (Elk CSD) for input. CalFire submitted recommended conditions of approval (CDF #123-14, on file) on May 1, 2014, for address standards, driveway standards, and defensible space standards. **Condition 8** is recommended to achieve compliance with CalFire safety standards.

➤ Visual Resources

Protection of visual resources is a specific mandate of Section 30251 of the Coastal Act, and is subsequently addressed in Chapter 3.5 of General Plan’s Coastal Element and implemented by Chapter 20.504 of the MCCZC.

The project is not located in an area that is designated Highly Scenic by the Local Coastal Program. Consequently, the project is not subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas. However, the project is located on a parcel in the Elk Rural Village, subject to protection as specified by the development criteria in MCCZC Section 20.504.020(C).

The following is a review of the proposed project and its compatibility with the development criteria in MCCZC Section 20.504.020(C):

- (1) *The scale of new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood.*

The proposed accessory storage building is 240 square feet and thirteen (13) feet, two (2) inches tall. An inventory of accessory structures within 1,100 feet of the proposed development, all within the Elk Rural Village land use classification is presented in Appendix B: *Accessory Structures Near Project*.

The average bulk of accessory structures within 1,100 feet of the proposed shed is approximately 364 square feet, approximately 124 square feet larger than the proposed shed. Average height in the same range is approximately one (1) story, or approximately ten (10) to fifteen (15) feet tall. The range of height of existing structures in the community is roughly equivalent to the proposed thirteen (13) foot, two (2) inch tall shed. A visual comparison of the proposed shed and existing accessory structures near the project is provided in Appendix B: *Height and Bulk Comparison*.

The scale of the proposed shed (building height and bulk), at 240 square feet and just over thirteen (13) feet tall, is within the scope and character of existing accessory buildings in the surrounding Rural Village neighborhood.

(2) New development shall be sited such that public coastal views are protected.

Public coastal views require protection in the Elk Rural Village. The subject parcel is located west of Highway 1. Highway 1 is the only public place affected by the proposed project. The coastal views potentially affected by the proposed shed consist of offshore rock outcroppings and the ocean. An existing fence, residence, and vegetation frame the brief existing view of the coastal features in the proposed shed location.

Staff reviewed two alternative shed locations. The original application proposed the shed approximately thirty (30) feet from both the north and east property boundaries (Location A). During a site visit on September 5, 2014, staff determined that the shed would be visible from Highway 1, and would partially obstruct a brief view of coastal rocks and the ocean. Staff estimates that the shed, sited in Location A, would be visible and impact public coastal views for approximately ten (10) to twelve (12) paces at one location on Highway 1, and would be visible and impact public coastal views for approximately eight (8) to eleven (11) paces in another location on Highway 1.

Following another staff visit to the site with a representative from the California Coastal Commission on September 29, 2014, the applicant revised the application to propose a second location approximately fifty (50) feet from the north property boundary and approximately thirty (30) feet from the east boundary (Location B). Story poles were erected representing the proposed shed at this location. On November 4, 2014, staff determined that the proposed shed, sited in Location B, would be visible for five (5) to seven (7) paces from one location on Highway 1, and would not be visible from any other public place.

When walking along Highway 1, if positioned at Location A, the shed would be visible for a total of approximately eighteen (18) to twenty three (23) paces, if positioned at Location B would be and visible for a total of approximately five (5) to seven (7) paces. Location B reduces the shed's visibility from Highway 1 by approximately sixty (60) to seventy five (75) percent. While the shed is still visible in Location B, the impacts to public coastal views are minimal, and do not significantly diminish the existing brief visibility of the sea from Highway 1 through the existing development. **Condition 9** is recommended, which requires the building permit for the shed to reflect the location as depicted in the *Site Map (Location B)*.

(3) The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture.

There are no structures in Elk listed on the National Register of Historic Places. Additionally, no site in Elk is listed as a State Landmark, California Historic Resource, or Historic Point of Interest by the California Office of Historic Preservation. Many structures in Elk may meet the definition of historic as defined in the

policy above; however, no structure potentially meeting the definition is adversely affected by the proposed development.

(4) Building materials and exterior colors shall be compatible with those of existing structures.

There is currently an existing single family residence and guest cottage on the parcel. The residence and guest cottage are aesthetically similar, both donning tan wooden siding, white wood trim, and a grey composite roof. Development on neighboring parcels similarly utilize grey composite roofing, white wooden trim, and painted wooden siding.

The application materials specify that the siding, trim, window frames, and doors of the proposed shed will be made of wood. The siding will be painted tan, and made to match the existing residence. The trim, window frame(s) and door(s) will be painted white to match the existing residence and guest cottage. Roofing material will be composite and a coal color, also matching existing development.

As proposed, the building materials and exterior colors are compatible with those of existing structures. **Condition 10** is recommended, requiring the building permit for the shed to specify materials and colors consistent with the application materials.

In summary, the proposed development is consistent with the visual resource policies specified in Section 20.504.020(C) for the Elk Rural Village. The scale and bulk of proposed development is consistent with the surrounding neighborhood, the proposed structure in Location B is sited such that public coastal views are protected, the proposed shed does not adversely affect nearby historic structures, and the building materials and colors are compatible with those of existing structures.

MCCZC Section 20.504.035 provides exterior lighting regulations intended to protect coastal visual resources. Exterior lighting is required to be within the zoning district's height limit regulations, and requires exterior lighting to be shielded and positioned in a manner that light and glare does not exceed the boundaries of the parcel.

No lighting is shown on the proposed site plan or building elevations. **Condition 11** is recommended to ensure that any exterior lighting will comply with MCCZC lighting standards.

➤ Drainage

Drainage is subject to Section 20.492.025 of MCCZC, and provides regulations mitigating the impact of stormwater runoff and erosion. **Condition 12** is recommended to reduce impacts from altering land forms (grading) and redirecting stormwater flows, and to ensure the development is provided with adequate drainage.

➤ Cultural Resources

The project was referred to the California Historic Resource Information System (CHRIS) to review for impacts on cultural resources, including archaeological or paleontological resources. In a letter dated June 25, 2014 (on file), CHRIS replied that there is "no record of any previous cultural resource studies for the proposed project area," and therefore recommended further study "prior to commencement of project activities."

On August 13, 2014, the project was referred to the Mendocino County Archaeological Commission to determine the need for further archaeological study on the parcel. The Archaeological Commission determined that no further survey would be required, as the project location was not a likely site of archaeological resources.

The Archaeological Commission advised the applicant of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause." Recommended **Condition 13** similarly advises the applicant of the Discovery Clause, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project.

RECOMMENDED FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, Planning and Building Services recommends the Coastal Permit Administrator approve the proposed project, and adopt the following findings and conditions.

REQUIRED FINDINGS FOR THIS COASTAL DEVELOPMENT PERMIT:

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

CONDITIONS OF APPROVAL:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two (2) years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.

- c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
 8. The applicant shall comply with those recommendations in the California Department of Forestry Conditions of Approval (CDF# 123-14) or other alternatives acceptable to the Department of Forestry. Prior to the final inspection of the building permit, written verification shall be submitted from the Department of Forestry to the Department of Planning and Building Services that this condition has been met to the satisfaction of the Department of Forestry.
 9. Prior to issuance of a building permit in reliance of this Coastal Development Permit, the building permit application must depict the location of the proposed shed consistent with Location B, as shown in Appendix B: *Site Map (Location B)*. The shed shall be located fifty (50) feet from the northern property boundary and thirty (30) feet from the east property boundary.
 10. Prior to issuance of a building permit in reliance of this Coastal Development Permit, the building permit application must indicate that siding, trim, window frames and doors shall be made of wood; siding shall be painted tan to match the existing residence and guest cottage; and trim, window frames, and doors shall be painted white to match the existing residence and guest cottage. Roof materials shall be composite, and colored grey to match the existing residence and guest cottage.
 11. Prior to issuance of a building permit in reliance of this Coastal Development Permit, the applicant shall submit an exterior lighting plan and design details or manufacturer's specifications for all the exterior lighting fixtures. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded, and shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Coastal Zoning Code.
 12. Prior to issuance of a building permit in reliance of this Coastal Development Permit, the applicant shall submit for approval by Planning and Building staff a drainage and erosion control plan. The plan shall detail erosion and sediment control Best Management Practices, including concrete wash out area, staging, stockpile locations, and tree protection areas, as necessary. Roof down spouts shall be directed to landscaped areas and avoid discharging off the parcel.
 13. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resource(s) in accordance with Section 22.12.090 of the Mendocino County Code.

Staff Report Prepared By:

DATE

SCOTT PERKINS
PLANNER I

APPENDIX A

Coastal Permit Approval Checklist

ATTACHMENTS

A – Location Map
 B – Topographic Map
 C – Aerial Photo
 D – Site Plan
 E – Adjacent Parcels
 F – Zoning Display
 G – General Plan
 H – LCP Map
 I – Fire Hazard Zones
 J – Height and Bulk Comparison
 K – Impact on Coastal Views (Location A)
 L – Impact on Coastal Views (Location B)
 M – Existing Coastal View from Highway 1
 N – Accessory Structures Near Project

SUMMARY OF REFERRAL AGENCY COMMENTS:

Planning – Ukiah	No comment
Mendocino Department of Transportation	No comment
Environmental Health – Fort Bragg	Recommends conditional approval
Building Inspection – Fort Bragg	No comment
Assessor	No response
Agricultural Commissioner	No response
Cal. Historic Resources Information System	Recommend archaeological survey
Archaeological Commission	No survey required
CalTrans	No response
Department of Forestry / CALFIRE	Recommended standard conditions
Department of Fish and Wildlife	No response
U.S. Fish and Wildlife	No response
Coastal Commission	Comments received following site visit
Elk Fire District	Recommended conditional approval