



**SUMMARY**

**OWNER:** BENEDICT WILLIAM M JR & MONICA  
PO BOX 463  
POINT ARENA, CA 95468

**APPLICANT:** KENTON COCHRAN  
PO BOX 173  
POINT ARENA, CA 95468

**AGENT:** WYNN COASTAL PLANNING  
ATTN: BLAIR FOSTER  
703 N MAIN ST  
FORT BRAGG, CA 95437

**REQUEST:** Standard Coastal Development Permit to demolish an existing 1050± square-foot legal nonconforming Second Residential Unit (SRU) and construct a new SRU positioned in the same location. New unit would be 880± square feet with an attached 108± square-foot covered entry porch. Maximum height of the proposed structure would be 17.6 feet.

**DATE DEEMED COMPLETE:** February 11, 2016

**LOCATION:** In the Coastal Zone, 1000± feet southwest of the Manchester village center, lying on the north side of Biaggi Road (private road), 800± feet northwest of its intersection with Highway 1, located at 44120 Biaggi Road, Manchester (APN: 133-100-03)

**TOTAL ACREAGE:** 0.87± acres

**GENERAL PLAN:** Rural Residential, 5-acre minimum (RR5:U)

**ZONING:** Rural Residential, 5-acre minimum (RR:5)

**SUPERVISORIAL DISTRICT:** 5

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt, Class 2 (Replacement or Reconstruction)

**RECOMMENDATION:** Approve with conditions

**STAFF PLANNER:** ROBERT DOSTALEK

**BACKGROUND**

**PROJECT DESCRIPTION:** The applicant proposes to demolish an existing 1050± square foot legal non-conforming second residential unit (SRU) and construct a new 880± square foot SRU with a 108± square foot attached covered entry porch. The unit would be positioned in the same footprint with a maximum height of 17.6 feet above natural grade.

**SURROUNDING LAND USE AND ZONING:**

	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LOT SIZES</b>	<b>USES</b>
<b>NORTH</b>	RR: 5	RR-5	6.17± acres	Residential
<b>EAST</b>	RR: 5	RR-5	0.73± acres	Residential
<b>SOUTH</b>	RL: 160	RL	43.92± acres	Residential
<b>WEST</b>	RR: 5	RR-5	0.63± acres	Residential

**PUBLIC SERVICES:**

Access: Private driveway off Biaggi Road (Private Road)  
 Fire District: Redwood Coast Fire Protection District  
 Water District: NONE  
 Sewer District: NONE  
 School District: POINT ARENA

**AGENCY COMMENTS:** On February 11, 2016 project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Department of Transportation		No Comment	February 18, 2016
Environmental Health-FB		Comment	March 8, 2016
Planning-FBPBS		Comments	February 22, 2016
Building Services-FBPBS		No Comment	March 1, 2016
Assessor		No Response	
Air Quality Management District		No Comment	February 22, 2016
Caltrans		No Response	
Sonoma State University-NWIC		Comments	February 23, 2016
Archaeological Commission		Comments	April 13, 2016
Department of Fish & Wildlife		No Response	
Coastal Commission		No Response	
Sherwood Valley Band of Pomo Indians		No Response	
Redwood Valley Rancheria		No Response	
Cloverdale Rancheria		No Response	

### KEY ISSUES

#### **1. General Plan and Zoning Consistency:**

The subject parcel is zoned Rural Residential, 5 acre minimum (RR:L-5) as depicted on the attached zoning display map. Single family residential is a permitted use in the RR:L-5 zone district with a maximum dwelling density of one (1) unit per legal parcel. However, the parcel contains two single family dwelling units: a primary residential unit, built in approximately 1950, and a second residential unit (SRU), built in approximately 1961. The applicant has provided records from the County Assessor documenting these approximated construction dates and their assessed use as residential dwelling units throughout their lifespan. Therefore, the existing SRU precedes the current prohibition of SRUs in most areas of the coastal zone pursuant to MMC Chapter 20.458, thus resulting in a legal nonconforming use.

The existing SRU also constitutes a legal nonconforming *structure* due to yard setback. MCC Section 20.376.040 states:

*“Any nonconforming parcel which is less than five (5) acres and which is zoned RR:L-5 or RR:L-10 shall observe a minimum front, side and rear yard of twenty (20) feet.”*

The northeast corner of the existing SRU has a side yard setback of 14.26 feet, thus nonconforming.

The applicant proposes to voluntarily demolish and rebuild the SRU in reliance on MCC Sections 20.480.020(A) and (A)(1), which state:

*“(A) Whenever a structure containing an existing legal nonconforming use or legal nonconforming structure is destroyed or partially destroyed either voluntarily or involuntarily, the structure may be:*

*(1) Rebuilt to its previous dimensions and arrangement and utilized to the same extent prior to its destruction provided restoration is started within one (1) year and diligently pursued to completion...”*

The existing 1,050 square foot, single story SRU is a nonconforming *use* and *structure* as described above. Otherwise, the structure conforms to height and lot coverage.

The proposed 880 square foot replacement SRU and 108 square foot entry porch would occupy the same footprint (albeit slightly smaller), remain a single story floor plan arrangement and continue to be utilized as an independent residential dwelling unit. The project would also result in a slight net loss of lot coverage.

The proposed replacement SRU would result in an approximately 538 cubic foot reduction of the nonconformity in the side yard (over 80% volumetrically). According to calculations provided by the applicant (attached), a minimal portion of the proposed SRU roof would rise to a peak height of 17.1 feet at the intersection of the east side yard setback as a result of the gabled design (see site plan illustration). However, this minor element would be largely offset by the overall reduction in bulk/volume.

#### **2. Visual Resources**

The project site is located within a designated Highly Scenic Area west of Highway 1. Section 20.376.045 of the MCC sets forth building height limits for RR Zone Districts. It states:

*“Twenty-eight (28) feet above natural grade for non-Highly Scenic Areas and for Highly Scenic Areas east of Highway 1. Eighteen (18) feet above natural grade for Highly Scenic Areas west of Highway 1 unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. Thirty-five (35) feet above natural grade for uninhabited accessory structures not in an area designated as a Highly Scenic Area (See Section 20.504.015(C)(2)).”*

The proposed 17.6 foot tall, 880 square foot SRU with attached 108 square foot covered entry porch would conform to the height standards of the current zoning regulations. The project site is located on a private road (Biaggi Road) approximately 800 feet northwest of Highway 1. Existing buildings and trees on neighboring parcels screen the entire property from Highway 1. The project site is not visible from any other public view area.

### 3. Environmental Protection:

A Categorical Exemption from the California Environmental Quality Act (CEQA) is recommended based on Section 15302 (Class 2) of the CEQA Guidelines, which state:

*"Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced..."*

The proposed project is to demolish and rebuild a legal, nonconforming second residential unit in the same location. As discussed above, the nonconforming use regulations require that nonconforming structures be rebuilt to their previous dimensions and arrangement and utilized to the same extent prior to its destruction (i.e. the same purpose and capacity). Therefore, the Class 2 exemption would appropriately apply to this project.

### RECOMMENDATION

By resolution, adopt a Class 2 Categorical Exemption pursuant to the California Environmental Quality Act and grant approval of Coastal Development Permit #CDP 2015-0034, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval.

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DATE

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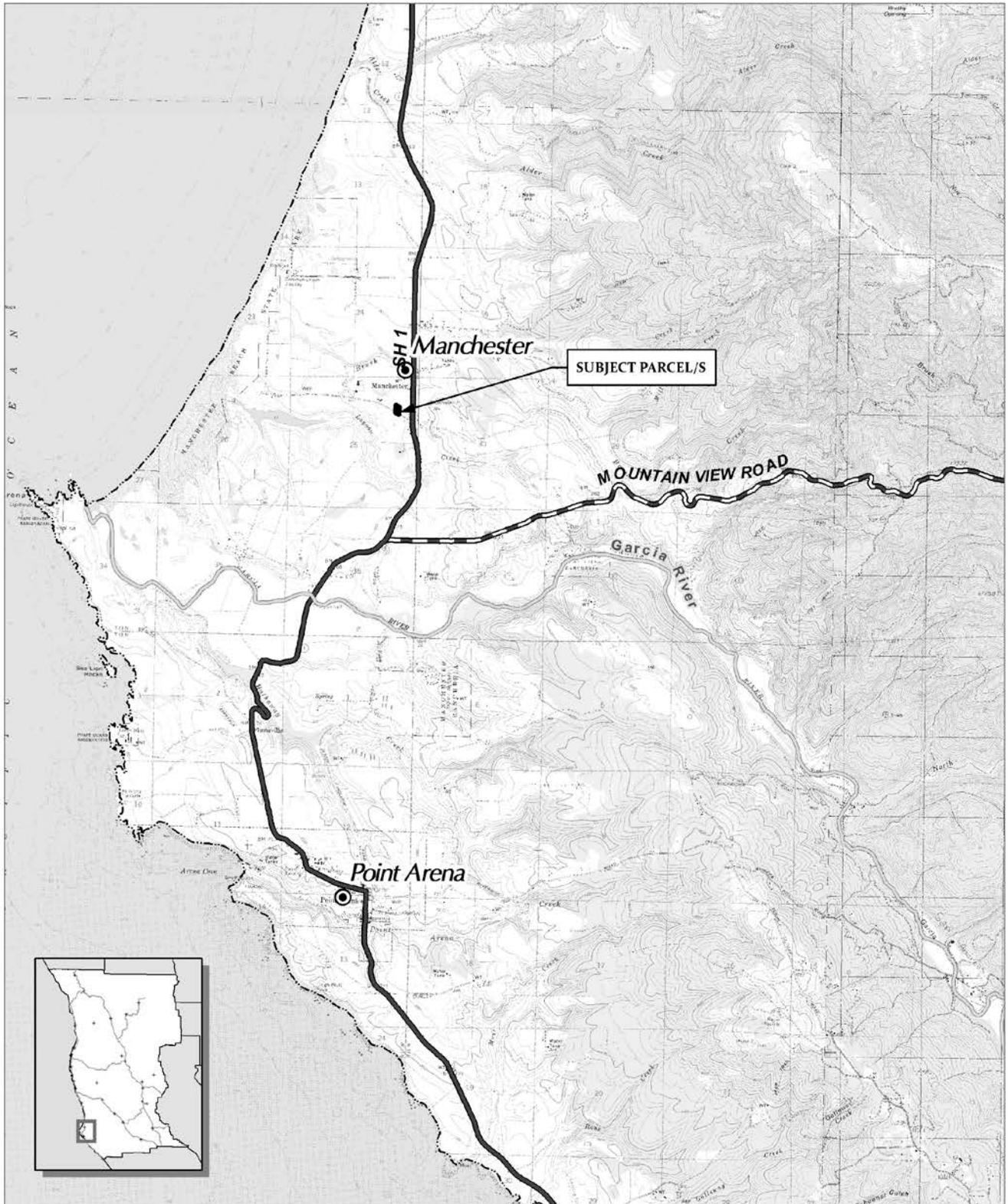
ROBERT DOSTALEK

Appeal Period: 10 Days  
Appeal Fee: \$910.00

### ATTACHMENTS:

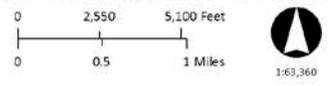
- A. Location Map
- B. Aerial Map
- C. Site Plan
- D. Existing Floor Plan
- E. Existing South and West Elevations
- F. Existing North and East Elevations
- G. Proposed Floor Plan and Elevations
- H. Adjacent Owner Map
- I. Zoning Map
- J. General Plan
- K. LCP Map
- L. Fire Hazards Map
- M. Highly Scenic/Tree Removal

### RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):



CASE: CDP 2015-0034  
OWNER: BENEDICT, William & Monica  
APN: 133-100-03  
APLCT: Kenton Cochran  
ADDRESS: 44120 Biaggi Rd., MA

-  Major Towns & Places
-  Major Roads
-  Major Rivers
-  Highways



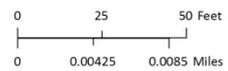
LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, January, 2016  
All spatial data is approximate. Map provided without warranty of any kind.

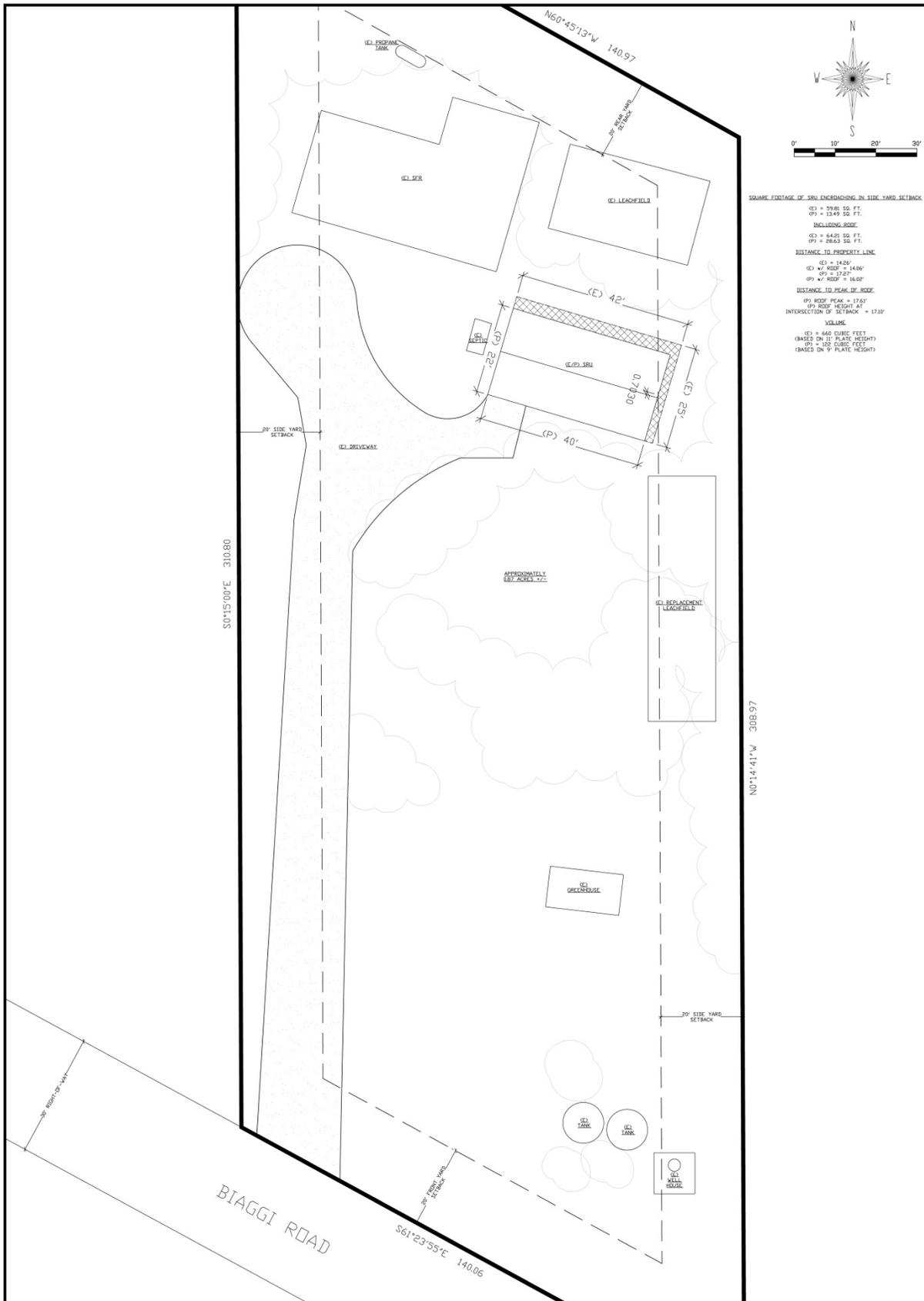


CASE: **CDP 2015-0034**  
OWNER: **BENEDICT, William & Monica**  
APN: **133-100-03**  
APLCT: **Kenton Cochran**  
ADDRESS: **44120 Biaggi Rd., MA**

— — Private Roads



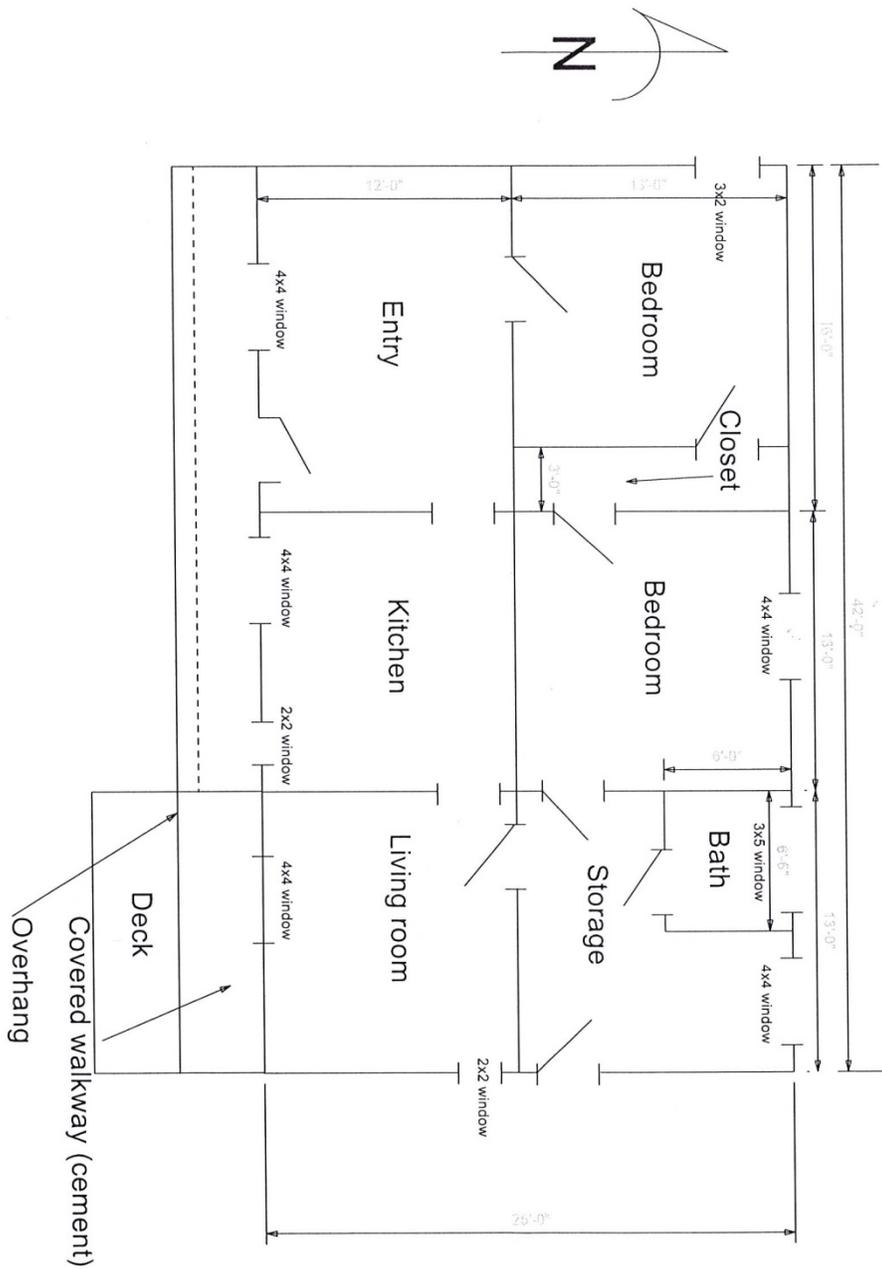
GOOGLE EARTH IMAGERY  
IMAGERY DATE: 8-17-2013



SQUARE FOOTAGE OF SRU ENCRUSHING IN SIDE YARD SETBACK  
 (E) = 5980 SQ. FT.  
 (P) = 1349 SQ. FT.  
 INCLUDING SIDE  
 (E) = 6481 SQ. FT.  
 (P) = 2863 SQ. FT.  
 DISTANCE TO PROPERTY LINE  
 (E) = 14.60'  
 (P) \* REDF = 14.66'  
 (P) \* REDF = 15.62'  
 DISTANCE TO PEAK OF ROOF  
 (P) ROOF PEAK = 17.61'  
 (P) ROOF PEAK \* P  
 INTERSECTION OF SETBACK = 17.13'  
 VOLUME  
 (E) = 640 CUBIC FEET  
 (BASED ON 12' PLATE HEIGHT)  
 (P) = 300 CUBIC FEET  
 (BASED ON 9' PLATE HEIGHT)

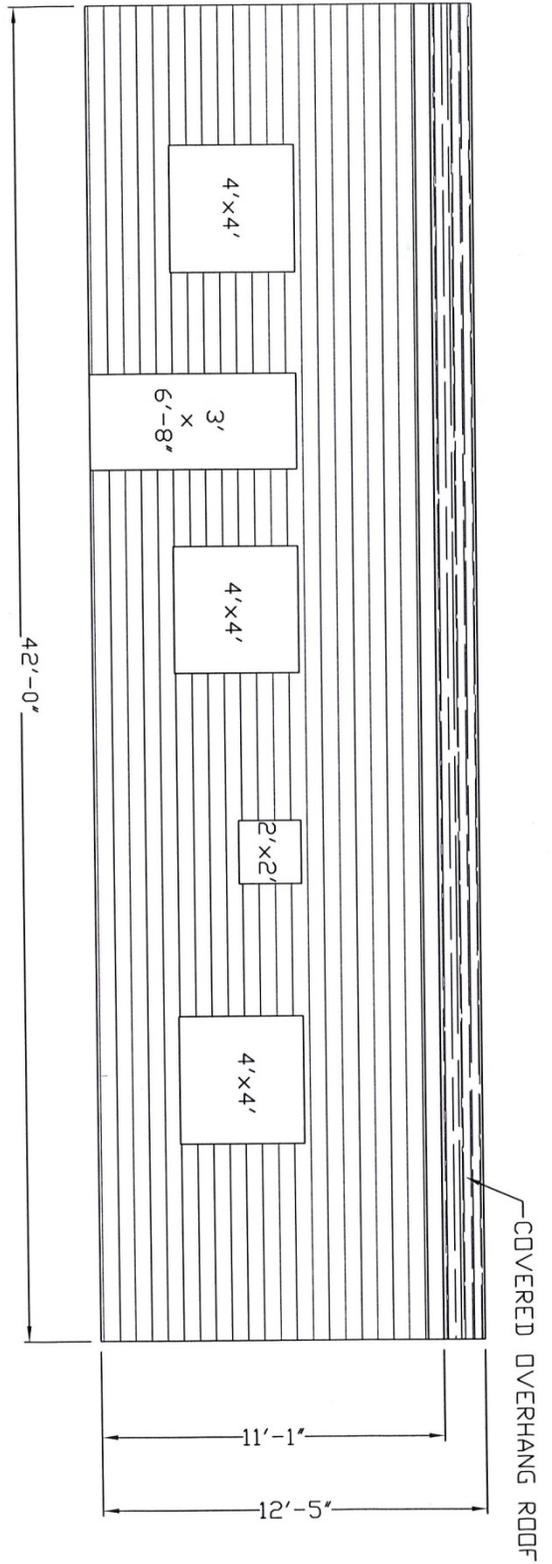
SITE PLAN

SHEET <b>1</b> OF 2 SHEETS	REVISION	BY	DATE	APR: 133-100-03-00	<b>BENEDICT</b>  44120 BIAGGI ROAD MANCHESTER, CA 95459-8981	 <b>Wynn Coastal Planning</b> 703 N. Main Street Fort Bragg, California 95437 (707) 964-2537 www.WCPlan.com	Based on a record of survey by: GEORGE J. RAU L.S. 3117 MENDOCINO, CA C2 D4 P7
	DRAWN TH DATE 07/07/2016 SCALE AS SHOWN APPROVED AW						

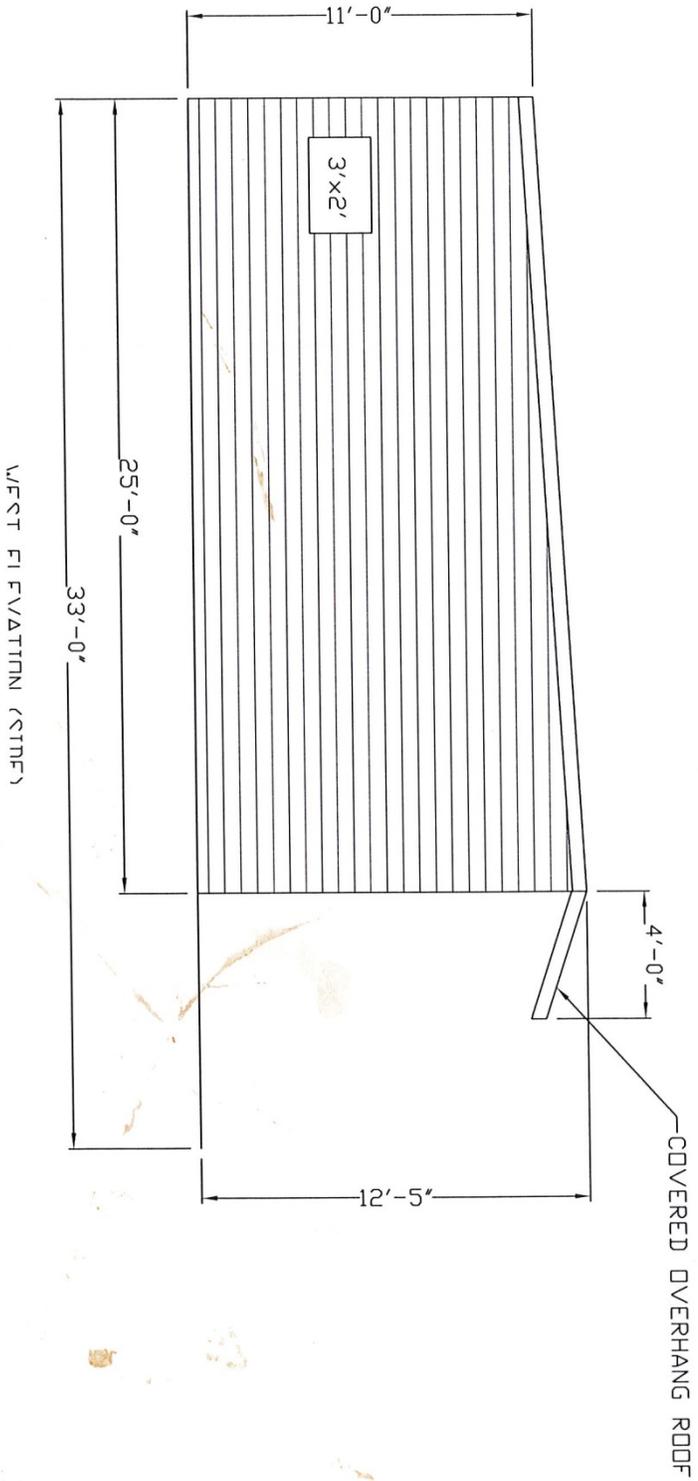


Benedict Existing House to be replaced

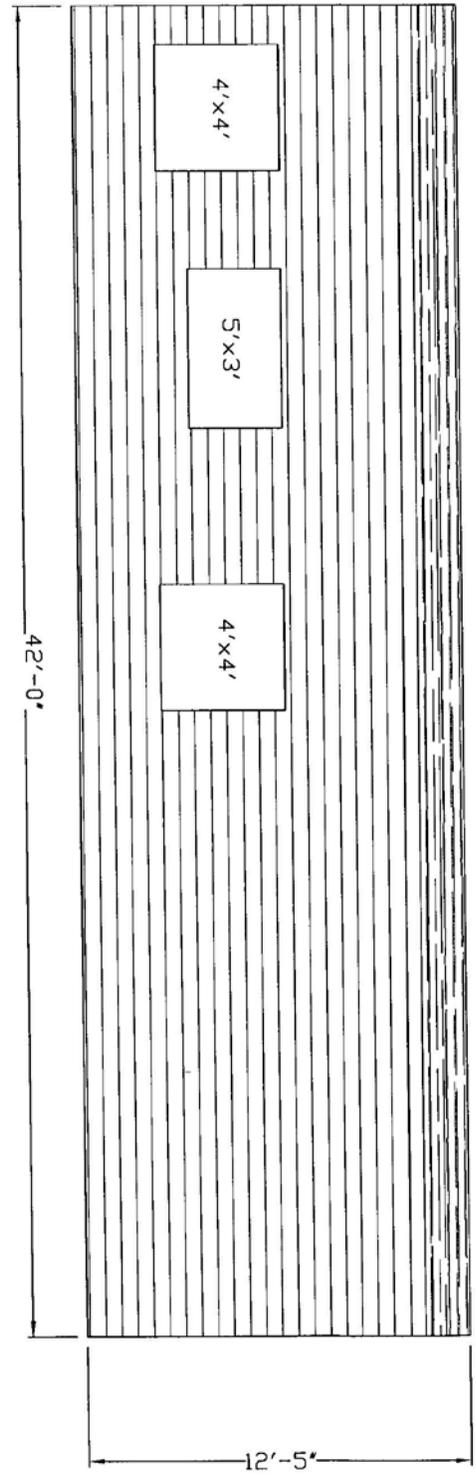
*Rec'd  
1/20/11  
RD*



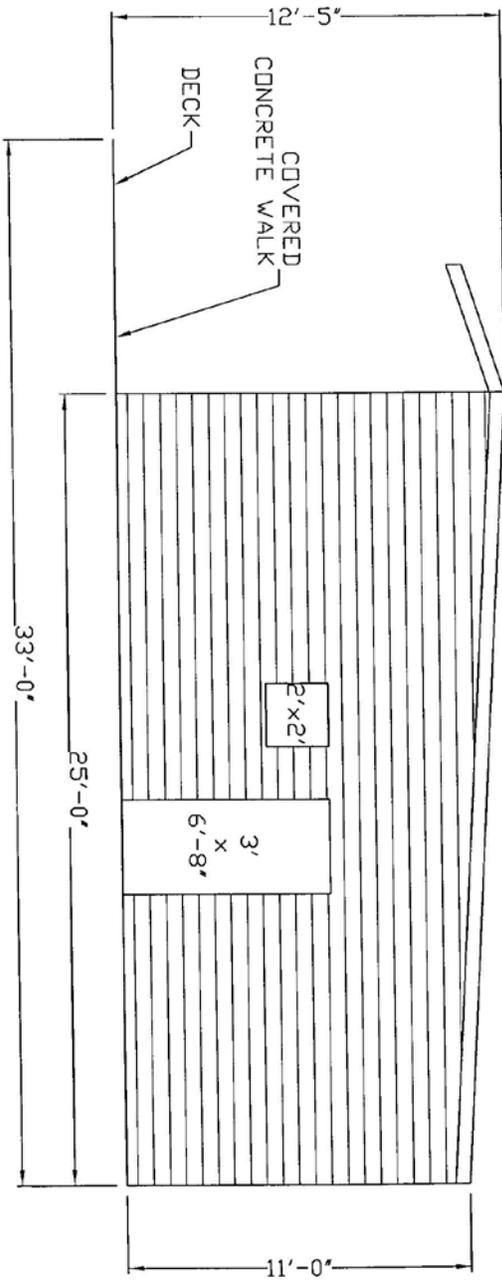
SOUTH ELEVATION (FRONT)



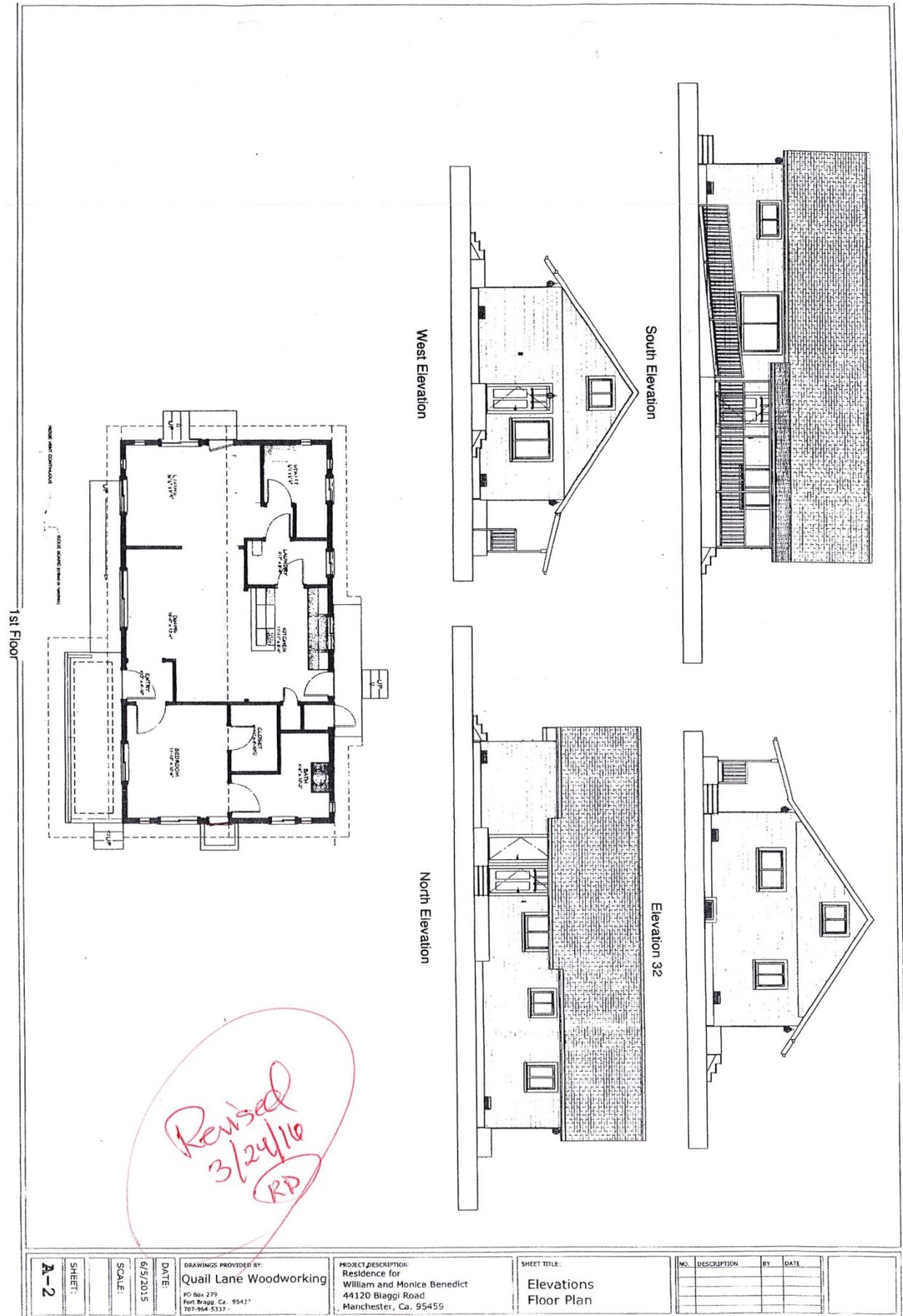
WEST ELEVATION (SIDE)



NORTH ELEVATION (REAR)

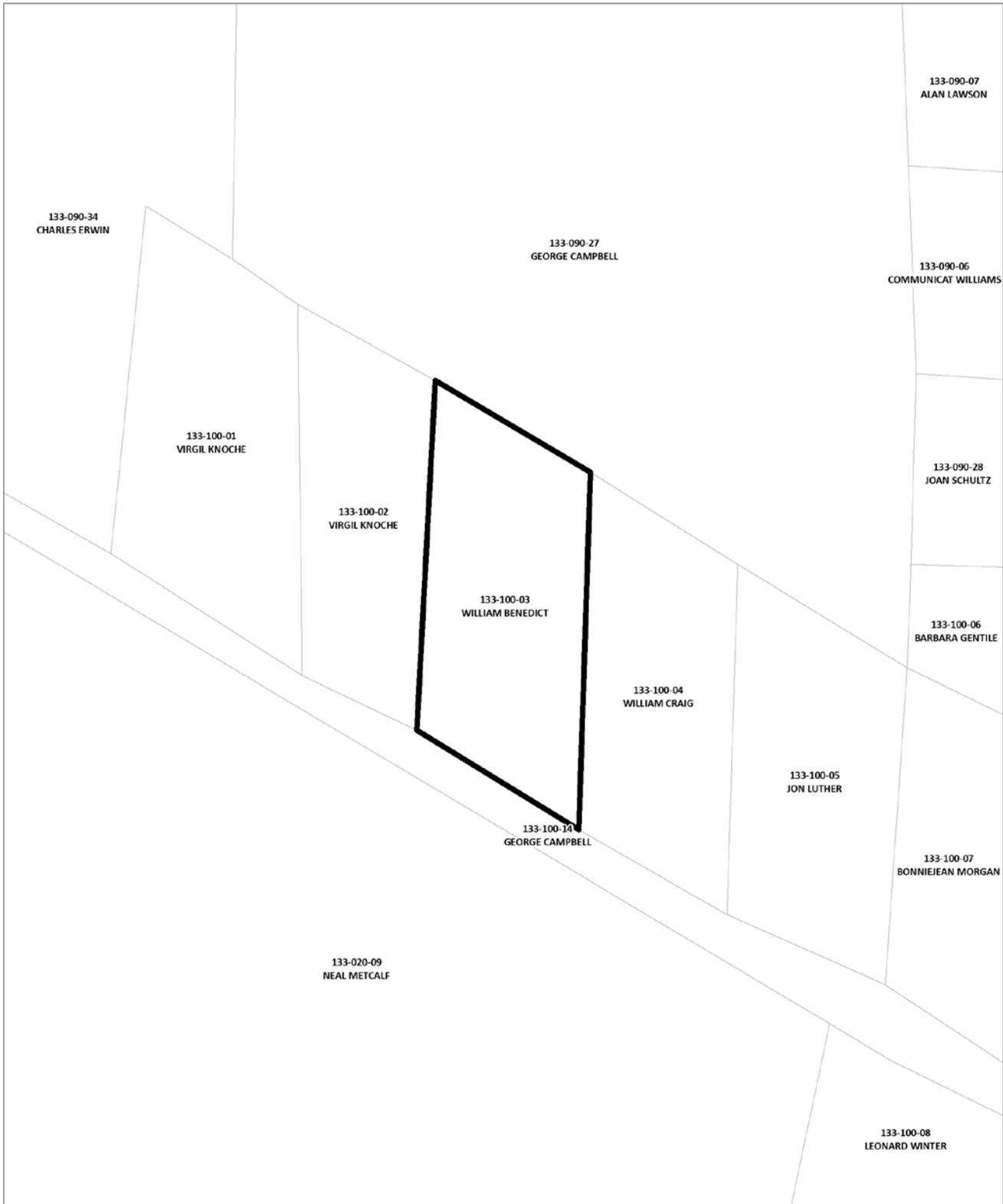


EAST ELEVATION (SIDE)

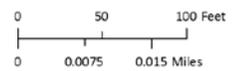


Revised  
3/24/16  
RP

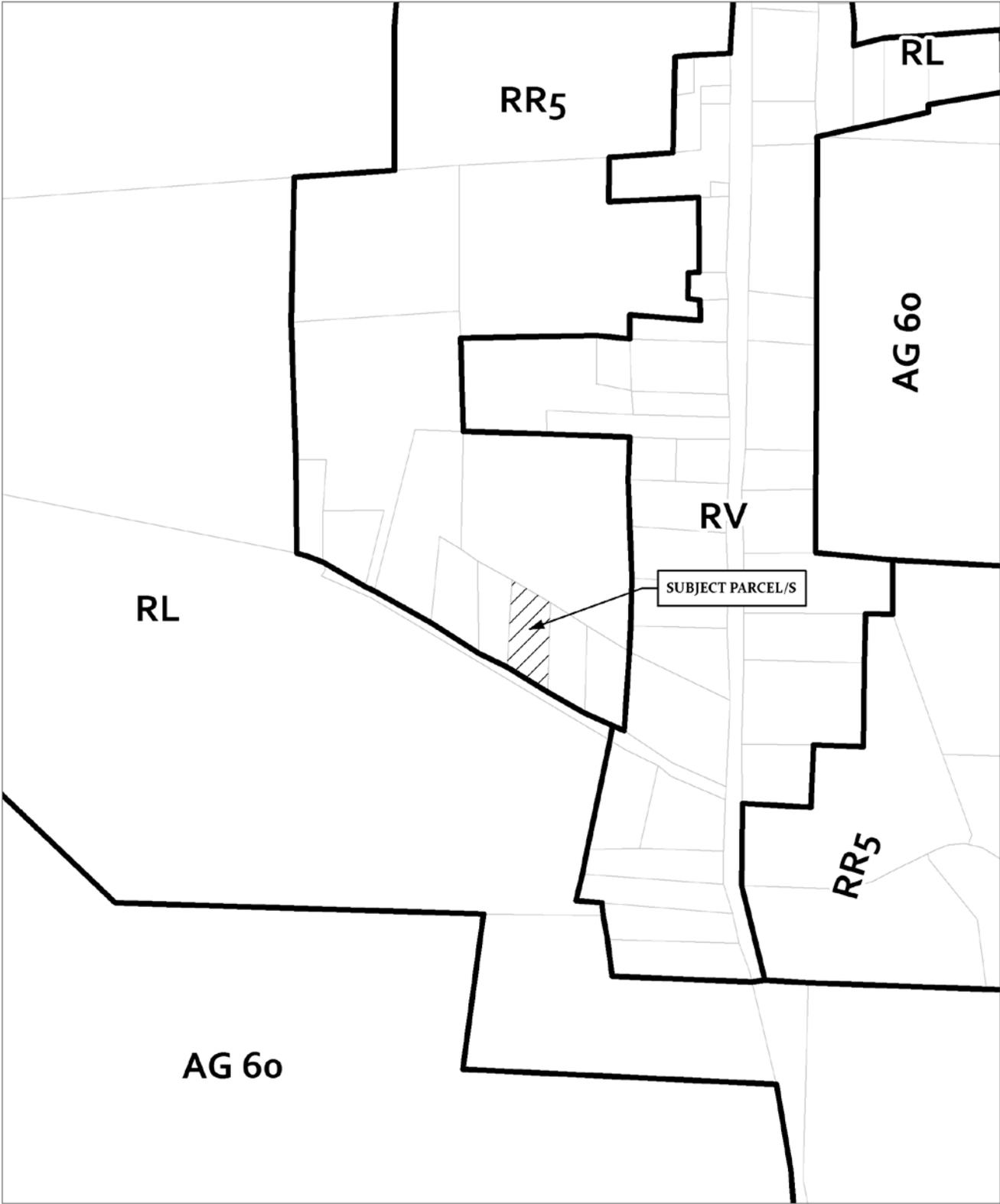
A-2	SHEET:	DATE:	DRAWINGS PROVIDED BY:	PROJECT DESCRIPTION:	SHEET TITLE:	NO.	DESCRIPTION	BY	DATE
		6/5/2015	Quail Lane Woodworking						



CASE: CDP 2015-0034  
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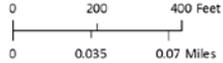


ADJACENT PARCELS



CASE: CDP 2015-0034  
 OWNER: BENEDICT, William & Monica  
 APN: 133-100-03  
 APLCT: Kenton Cochran  
 ADDRESS: 44120 Biaggi Rd., MA

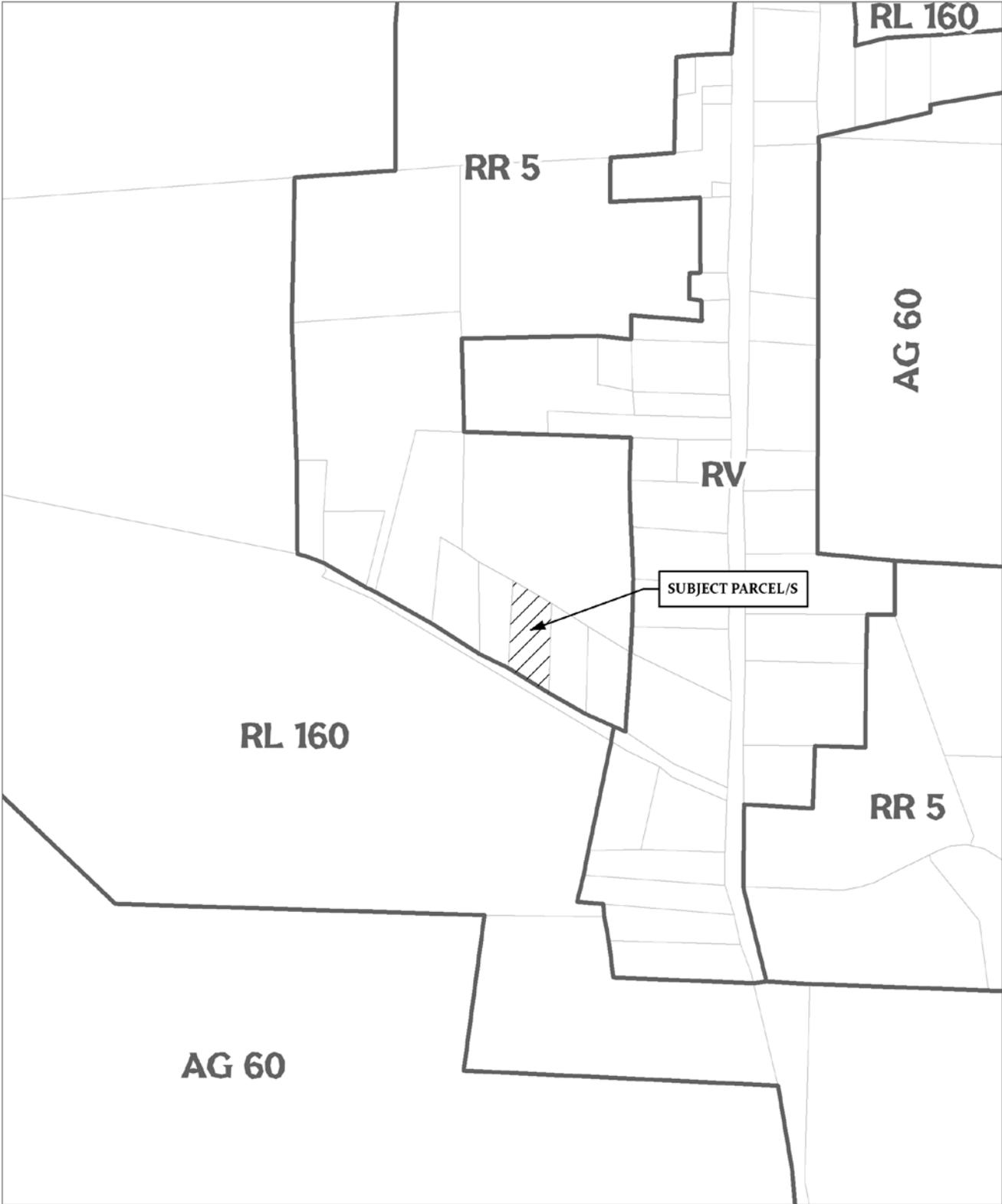
 Zoning Master



1:4,800

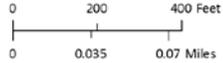
ZONING DISPLAY MAP

Map produced by the Mendocino County Planning & Building Services, January, 2016  
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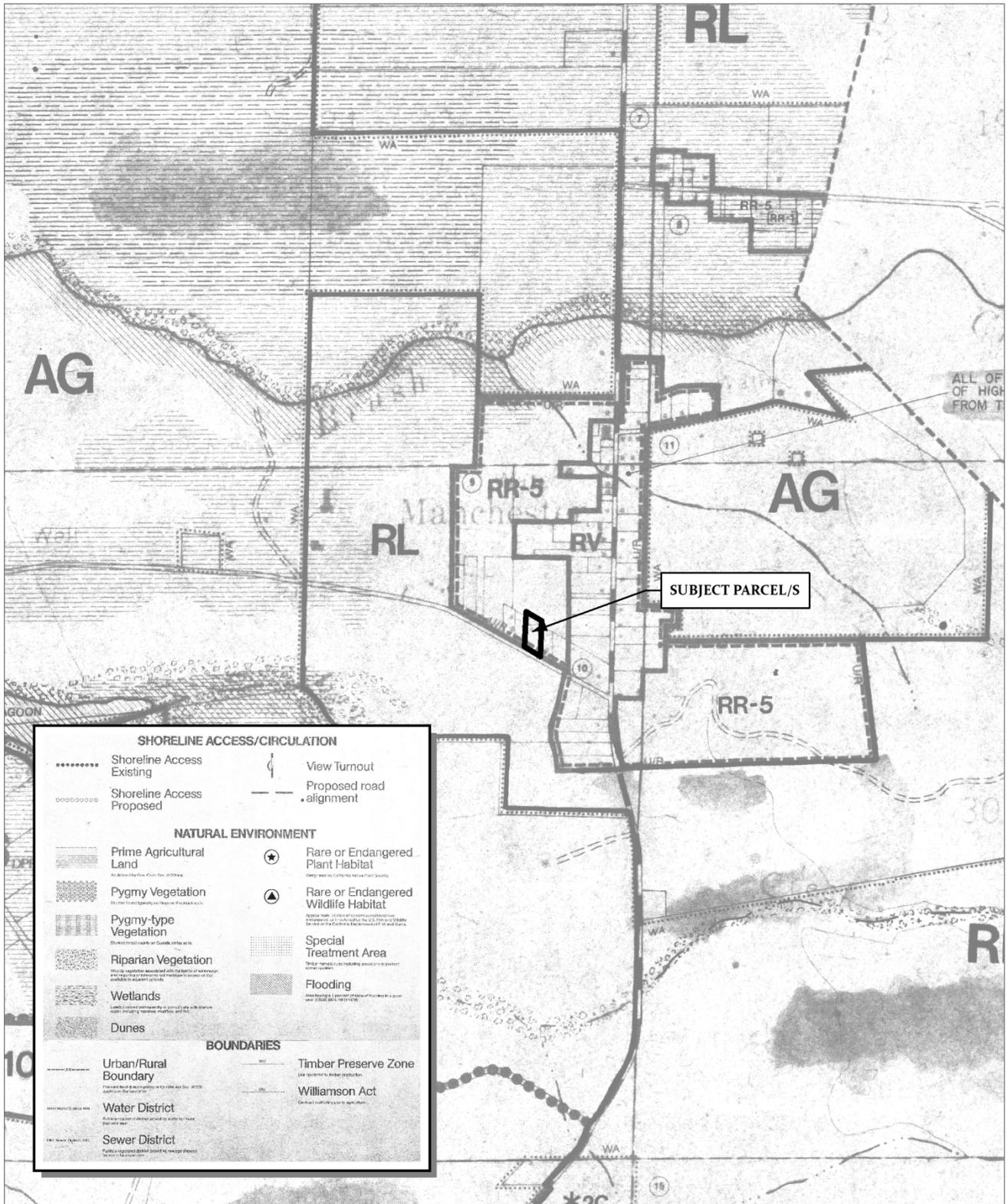
 General Plan Master



1:4,800

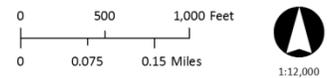
GENERAL PLAN CLASSIFICATIONS

Map produced by the Mendocino County Planning & Building Services, January, 2016  
 All spatial data is approximate. Map provided without warranty of any kind.

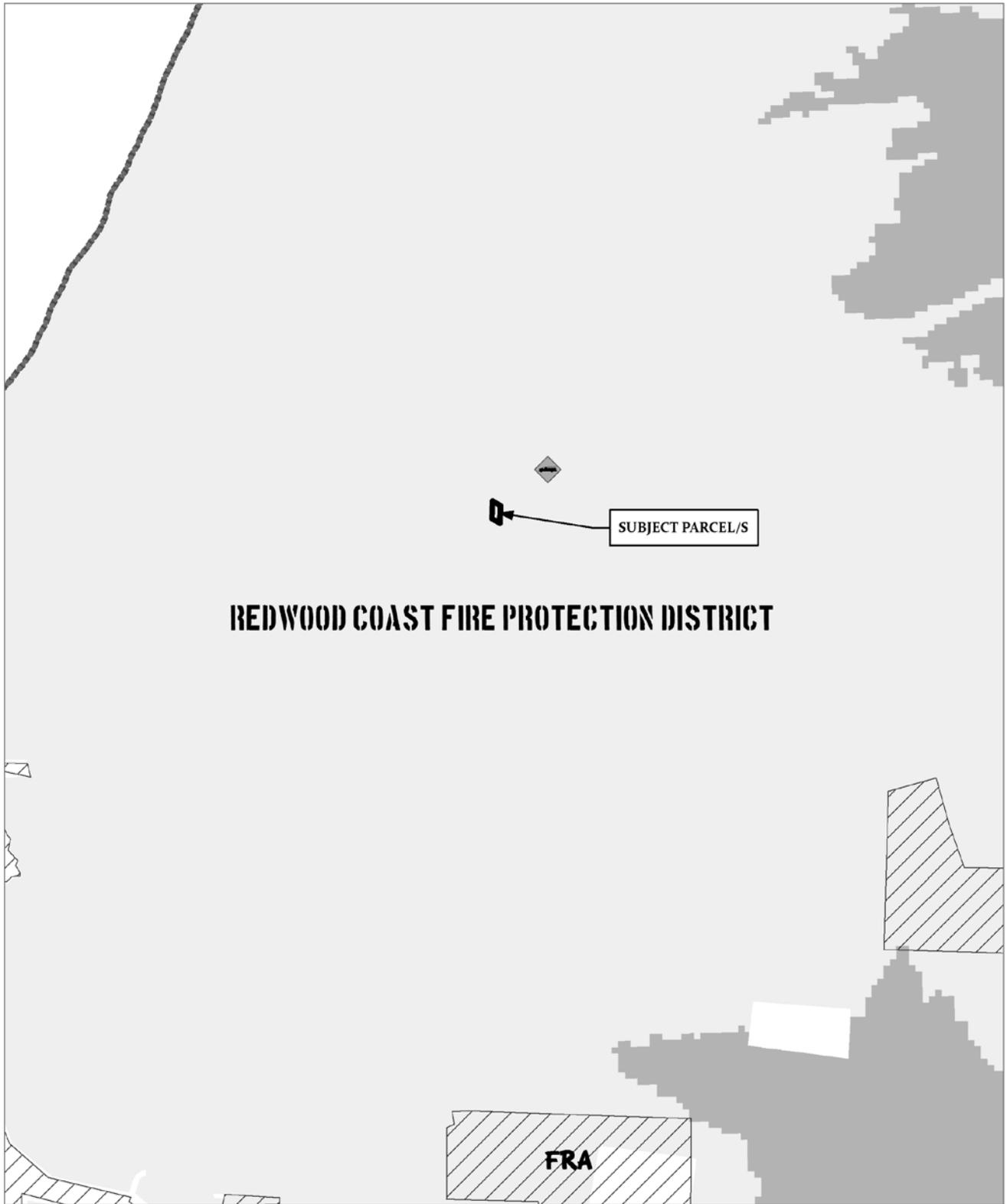


SHORELINE ACCESS/CIRCULATION	
-----	Shoreline Access Existing
-----	Shoreline Access Proposed
⤵	View Turnout
-----	Proposed road alignment
NATURAL ENVIRONMENT	
[Pattern]	Prime Agricultural Land <small>As defined by the State of California, 2007</small>
[Pattern]	Pygmy Vegetation <small>As defined by the State of California, 2007</small>
[Pattern]	Pygmy-type Vegetation <small>As defined by the State of California, 2007</small>
[Pattern]	Riparian Vegetation <small>As defined by the State of California, 2007</small>
[Pattern]	Wetlands <small>As defined by the State of California, 2007</small>
[Pattern]	Dunes
[Symbol]	Rare or Endangered Plant Habitat <small>As defined by the State of California, 2007</small>
[Symbol]	Rare or Endangered Wildlife Habitat <small>As defined by the State of California, 2007</small>
[Pattern]	Special Treatment Area <small>As defined by the State of California, 2007</small>
[Pattern]	Flooding <small>As defined by the State of California, 2007</small>
BOUNDARIES	
[Line]	Urban/Rural Boundary <small>As defined by the State of California, 2007</small>
[Line]	Water District <small>As defined by the State of California, 2007</small>
[Line]	Sewer District <small>As defined by the State of California, 2007</small>
[Line]	Timber Preserve Zone <small>As defined by the State of California, 2007</small>
[Line]	Williamson Act <small>As defined by the State of California, 2007</small>

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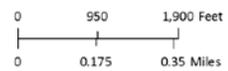


LCP MAP 23: MANCHESTER



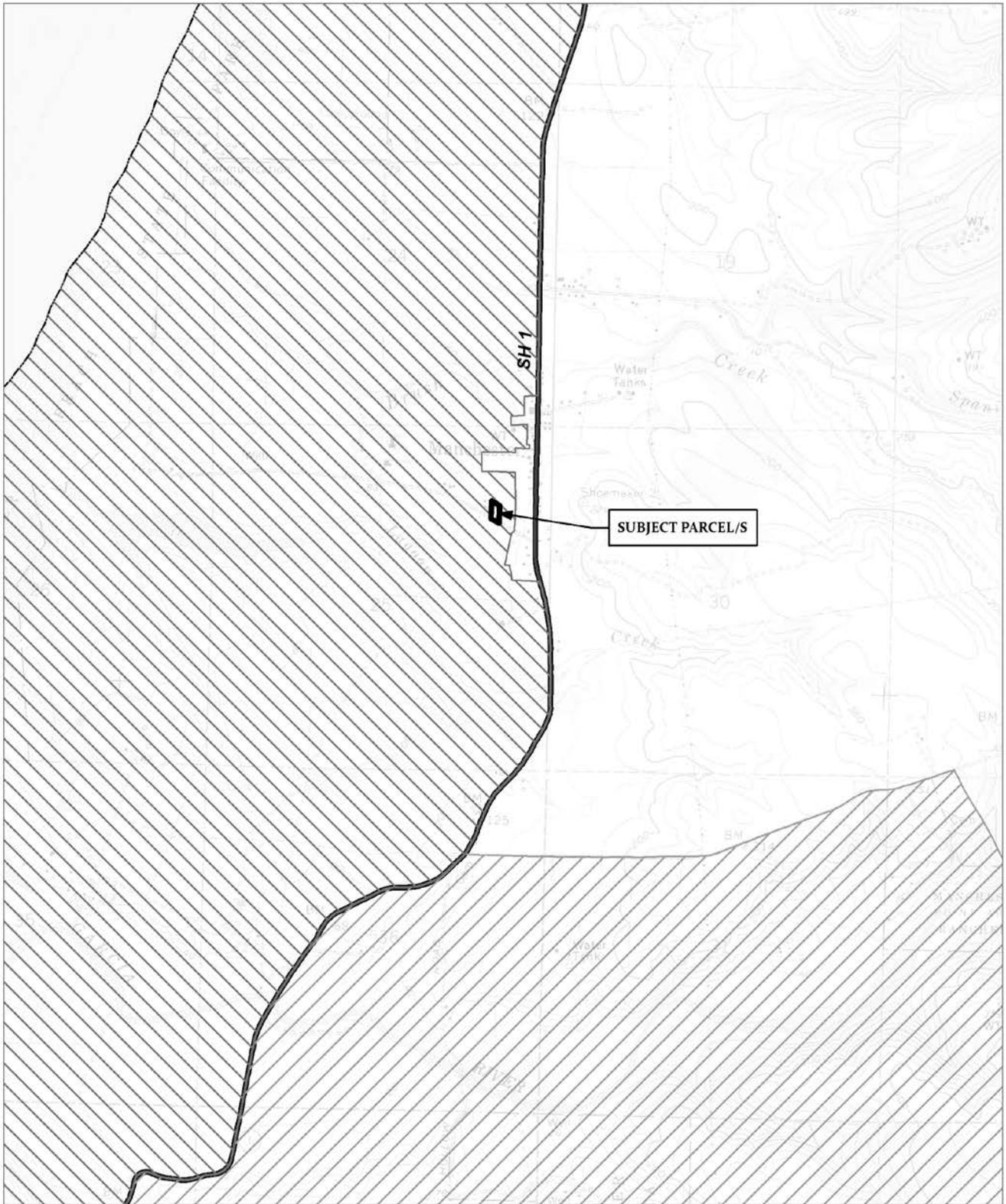
CASE: CDP 2015-0034  
OWNER: BENEDICT, William & Monica  
APN: 133-100-03  
APLCT: Kenton Cochran  
ADDRESS: 44120 Biaggi Rd., MA

-  Fire Stations
-  County Fire Districts
-  High Fire Hazard
-  Moderate Fire Hazard



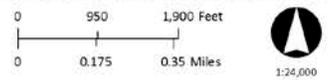
**FIRE HAZARD ZONES & RESPONSIBILITY AREAS**  
STATE RESPONSIBILITY AREA

Map produced by the Mendocino County Planning & Building Services, January, 2016  
All spatial data is approximate. Map provided without warranty of any kind.



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-  Highly Scenic Area
-  Highly Scenic Area (Conditional)
-  Highways



HIGHLY SCENIC & TREE REMOVAL AREAS

Map produced by the Mendocino County Planning & Building Services, January, 2016  
All spatial data is approximate. Map provided without warranty of any kind.

**COASTAL PERMIT APPROVAL CHECKLIST  
CDP\_2015-0034 (BENEDICT)  
AUGUST 25, 2016**

**PROJECT TITLE:** CDP\_2015-0034 (BENEDICT)

**PROJECT LOCATION:** In the Coastal Zone, 1000± feet southwest of the Manchester village center, lying on the north side of Biaggi Road (private), 800± feet northwest of its intersection with Highway 1, located at 44120 Biaggi Road, Manchester (APN: 133-100-03)

**LEAD AGENCY NAME,  
ADDRESS AND CONTACT PERSON:** Robert Dostalek  
Mendocino County  
Planning and Building Services  
860 N. Bush Street  
Ukiah, California 95482  
707-234-6650

**GENERAL PLAN DESIGNATION:** Rural Residential, 5-acre minimum (RR5:U)

**ZONING DISTRICT:** Rural Residential, 5-acre minimum (RR:5)

**DESCRIPTION OF PROJECT:** The applicant proposes to demolish an existing 1050± square foot legal non-conforming second residential unit and replace it with a new 880± square foot second residential unit. The unit would be positioned in the same location with a maximum height of 17.6 feet (measured from natural grade).

**SITE DESCRIPTION AND SETTING:** The 0.87± acre subject parcel is accessed by Biaggi Road (private) on the west side of Highway 1 in the Manchester area. The zoning to the north, east and west is RR5 and to the south is Rangeland (RL). All surrounding properties are developed with single family residences. The subject parcel is currently developed with a single family residence and a second residential unit.

**DETERMINATION:** The proposed project **conditionally satisfies all required findings for approval of a Coastal Development Permit**, pursuant to Section 20.532.095 and 20.532.100 of Division II of Title 20 of the Mendocino County Code (MCC), as individually enumerated in this Coastal Permit Approval Checklist.

<b>20.532.095 Required Findings for All Coastal Development Permits</b>	<b>Inconsistent</b>	<b>Consistent (With Conditions of Approval)</b>	<b>Consistent (Without Conditions of Approval)</b>	<b>Not Applicable</b>
<b>(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:</b>				
(1) The proposed development is in conformity with the certified local coastal program.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>(B) If the proposed development is located between the first public road and the sea or the shoreline of any body of water, the following additional finding must be made:</b>				
(1) 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

➤ **20.532.095(A)(1) The proposed development is in conformity with the certified local coastal program.**

*Consistent (with conditions of approval)*

The Local Coastal Program sets goals and policies for managing resource protection and development activity in the Coastal Zone of Mendocino County, an area that extends from the Humboldt County line to the Gualala River. The Local Coastal Program addresses topics such as shoreline access and public trails; development in scenic areas, hazardous areas, and coastal blufftops; environmentally sensitive habitat areas; cultural resources; transportation; public services; and more. The Local Coastal Program serves as an element of the General Plan and includes Division II of Title 20 of the Mendocino County Code (MCC), and its policies must be consistent with the goals of the California Coastal Act.

Various aspects of the Local Coastal Program are specifically addressed by separate Required and Supplemental Findings for Coastal Development Permits, including utilities, transportation, zoning, CEQA, archaeological resources, public services, coastal access, and resource protection. The following is a discussion of elements of the Local Coastal Program not specifically addressed elsewhere in this checklist.

**General Plan Land Use – Rural Residential**

The subject parcel is classified as Rural Residential by the Coastal Element of the Mendocino County General Plan, which is “intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.” (Chapter 2.2 of the County of Mendocino General Plan Coastal Element). The principally permitted uses designated for the Rural Residential land use classification are Residential and associated utilities, light agriculture and home occupation.” (Chapter 2.2 of the County of Mendocino General Plan Coastal Element).

**Nonconforming Uses and Structures**

The subject parcel contains two single family residences: a primary residential unit, built c. 1950, and a second residential unit (SRU), built c. 1961. The applicant has provided records from the County Assessor documenting these approximated construction dates and their assessed use as residential dwelling units throughout their lifespan. Therefore, the pre-existing SRU precedes the current prohibition of SRUs in most areas of the coastal zone pursuant to MMC Chapter 20.458, thus resulting in a legal nonconforming use.

The existing SRU also constitutes a legal nonconforming structure due to yard setback. MCC Section 20.376.040 states:

*“Any nonconforming parcel which is less than five (5) acres and which is zoned RR:L-5 or RR:L-10 shall observe a minimum front, side and rear yard of twenty (20) feet.”*

The northeast corner of the existing SRU has a side yard setback of 14.26 feet, thus nonconforming.

The applicant proposes to voluntarily demolish and rebuild the SRU in reliance on MCC Sections 20.480.020(A) and (A)(1), which state:

*“(A) Whenever a structure containing an existing legal nonconforming use or legal nonconforming structure is destroyed or partially destroyed either voluntarily or involuntarily, the structure may be:*

*(1) Rebuilt to its previous dimensions and arrangement and utilized to the same extent prior to its destruction provided restoration is started within one (1) year and diligently pursued to completion...”*

The existing 1,050 square foot, single story SRU is a nonconforming *use and structure* as described above. Otherwise, the structure conforms to height and the existing development on the parcel complies with the permissible lot coverage (20%).

The proposed 880 square foot replacement SRU and 108 square foot entry porch would occupy the same footprint (albeit slightly smaller), remain a single story floor plan arrangement and continue to be utilized as an independent residential dwelling unit. The project would also result in a reduction of lot coverage.

The existing SRU is designed with a shed roof; the proposed is designed with a gabled roof. At 12.5 feet and 17.6 feet, respectively, the existing and proposed SRUs conform to the 18 foot structural height limit for highly scenic areas west of Highway 1 (*see further discussion in “Visual Resources”*).

The proposed SRU would reduce the overall structural nonconformity in the east side yard. The following compare linear, area and volumetric measurements for the existing (E) and proposed (P) structures.

#### SQUARE FOOTAGE OF SRU ENCROACHING INTO SIDE YARD SETBACK

(E) = 59.81 SQ. FT.  
(P) = 13.49 SQ. FT.

#### INCLUDING ROOF PROJECTION

(E) = 64.21 SQ. FT.  
(P) = 28.63 SQ. FT.

#### DISTANCE TO PROPERTY LINE

(E) FOOTPRINT = 14.26'  
(E) w/ROOF = 14.06'  
(P) FOOTPRINT = 17.27'  
(P) w/12" ROOF = 16.02'

#### ROOF HEIGHTS

(E) ROOF PEAK = 12.5'  
(E) ROOF HEIGHT AT INTERSECTION OF SETBACK = 12.125'  
(P) ROOF PEAK = 17.61'  
(P) ROOF HEIGHT AT INTERSECTION OF SETBACK = 17.10'

#### VOLUME

(E) = 660 CUBIC FEET (BASED ON 11' PLATE HEIGHT)  
(P) = 122 CUBIC FEET (BASED ON 9' PLATE HEIGHT)

The proposed replacement SRU would result in an approximately 538 cubic-foot reduction of the nonconformity in the side yard (over 80% volumetrically). According to calculations above, a minimal portion of the proposed SRU roof would rise to a peak height of 17.1 feet at the intersection of the east side yard setback as a result of the

gabled design (see site plan illustration). However, this minor element would be largely offset by the overall reduction in bulk/volume.

**Condition 9** is recommended to reiterate that reconstruction shall commence within one year following demolition or the nonconforming allowance would be forfeited.

### Hazards

Chapter 3.4 of the Mendocino County Coastal Element addresses Hazards Management within the Coastal Zone.

Seismic Activity: The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake fault zone. The San Andreas fault is located approximately 2,200 feet southeast of the project site and is the nearest active fault. The site, like the rest of Mendocino County, is subject to strong ground shaking. Figure 3-12 of the Mendocino County General Plan indicates that the subject parcel is not located in a known area of soil liquefaction.

Landslides: There are no known translational/rotational or debris slides mapped on the subject parcel (Department of Conservation, Division of Mines and Geology 1984).

Flooding: There are no mapped 100 year flood zones on the subject parcel, and no conditions are necessary to ensure consistency with flood policy (Federal Emergency Management Agency 2011).

Fire: The parcel is mapped as having a Moderate Fire Hazard severity rating. The project was referred to the Redwood Coast Fire Protection District for comments or recommendations. However, no response was received.

### 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 MCC Chapter 20.504. Coastal Element Policy 3.5-1 provides general guidelines for all development in the coastal zone, requiring that:

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

The project is located in an area that is designated Highly Scenic by the Local Coastal Program (see Highly Scenic and Tree Removal Zones map). Therefore, the project is subject to Local Coastal Program Visual Resource policies relating to Highly Scenic Areas. Pertinent development criteria include protection of public coastal views, siting of structures on the parcel, and location of access roads in areas where they cause minimal visual impact.

The project site is located on a private road (Biaggi Road) approximately 800 feet northwest of Highway 1. Existing buildings and trees on neighboring parcels screen the entire property from Highway 1. The project site is not visible from any other public view area. The building location of the proposed SRU is positioned in the rear portion of the property approximately 200 feet north of Biaggi Road. The proposed structure would comply with the eighteen-foot height limit for Highly Scenic Areas west of Highway 1.

The neighboring residence to the east is positioned significantly closer to Biaggi Road than the residences on the applicant's property. Additionally, with the combination of existing vegetation between the two parcels and the reduction of bulk of the proposed SRU, the project would remain harmonious with surrounding development.

**Condition 10** is recommended to ensure exterior lighting of the new SRU is downcast and shielded per MCC Section 20.504.035.

As conditioned, the project is found consistent with the Highly Scenic Area development criteria per MCC Chapter 20.504.

**Natural Resources**

Protection of natural resources is addressed in Chapter 3.1 of the Mendocino County Coastal Element and implemented by MCC Chapter 20.496.

The California Natural Diversity Database (CNDDDB) includes a documented occurrences of Contra Costa goldfields (*Lasthenia conjugens*), Pacific gilia (*Gilia capitata ssp. Pacifica*) and Behren's Silverspot Butterfly (*Speyeria zerene behrensii*) in the vicinity of the project site. However, the parcel has been utilized for and disturbed by continuous residential activities since the 1950's. The project involves the voluntary demolition and rebuild of an existing nonconforming second residential unit positioned in the nearly identical footprint. Further, the project would not require tree removal or soil disturbance in otherwise undisturbed areas. Accordingly, a biological scoping survey was not required for the project and adverse effects to biological resources are not anticipated.

A July 6, 2016 referral response from the California Department of Fish & Wildlife states in pertinent part:

*"Due to the level of existing use and disturbance, the fact that the new structure will be smaller and located within the existing development footprint, the lack of new grading for the project, and my understanding that trees will not be removed, it appears that the potential for additional environmental impacts from this project would be minimal. Staging of construction equipment and building materials should occur within areas of the site that have already been developed. I have no additional recommendations other than standard construction BMPs, site maintenance and clean-up, which the County likely requires."*

A windrow of trees exist beyond the northern property boundary of the subject parcel. The windrow could provide protective habitat for a species such as the Behren's Silverspot Butterfly. To direct construction activities away from the relatively undisturbed tree "windrow," **Condition 11** is recommended to require the applicant to submit a demolition and construction staging plan. BMPs will be addressed during the building permit process and site clean-up is addressed below as **Condition 12**.

As conditioned, the project is found consistent with MCC Chapter 20.496.

- **20.532.095(A)(2) The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities.**

*Consistent (without conditions of approval)*

Utilities: The site has utilities which provide service to the existing structures and would continue to provide service to the primary residence and reconstructed nonconforming second unit. The project was referred to the Mendocino County Division of Environmental Health (DEH) to review the on-site water and septic systems . In response to a letter from DEH dated March 8, 2016, the applicant has revised the floor plan of the proposed reconstructed second unit from two (2) bedrooms to one (1) bedroom. This revision was made to respond to the capacity of the existing septic system. No additional conditions are necessary to ensure adequate utilities would be provided for the proposed project.

Access Roads: The parcel is currently accessed by a private driveway from Biaggi Road and no modification to access is proposed. The Mendocino County Department of Transportation reviewed the application during project referral and provided no comment. Adequate access to the subject parcel would remain following project implementation.

Drainage: Drainage is subject to MCC Section 20.492.025, and provides regulations mitigating the impact of stormwater runoff and erosion. No significant earthwork would occur to accommodate the new construction. Therefore, no conditions are required for compliance with drainage requirements contained in the code.

- **20.532.095(A)(3) The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of this Division and preserves the integrity of the zoning district.**

*Consistent (without conditions of approval)*

Use: The subject parcel is zoned RR:L-5 (Rural Residential, 5 acre minimum). The proposal is to demolish and reconstruct a nonconforming SRU. Single-family residential is a permitted use in the Rural Residential zoning district. The parcel would continue to be used for single-family residential purposes in the same capacity. Therefore, the proposed project would be consistent with the allowable uses in the Rural Residential zoning district.

Density: The maximum dwelling density in the RR:L-5 zoning district is one dwelling unit per five (5) acres. As discussed above, the subject parcel contains an existing legal-nonconforming SRU. The proposed project would not increase or decrease the existing number of dwelling units on the parcel and therefore would not conflict with the density standards for the zoning district.

Yards: The RR:L-5 zoned subject property is a nonconforming parcel in that it is less than five (5) acres in size. Section 20.376.040 provides a setback exception in these instances. As such, the subject parcel shall observe a minimum front, side and rear yard of twenty (20) feet. The existing SRU footprint is set back 14.26 feet from the property line, thus a nonconforming structure. The continuance of the encroachment is permissible as previously discussed, and in this instance, there would be a reduction in the nonconformity — with a proposed footprint setback increase to 17.27 feet.

MCC Section 20.444.015(D) states:

*“Eaves, canopies, and similar roof features may overhang into any required yard setback a distance not exceeding two (2) feet.”*

Similar to the footprints, the setback *including the roof overhang* would also be reduced — from an existing 14.06 feet to a proposed 16.02 feet.

Height: The subject parcel is located in a Highly Scenic Area west of Highway 1. The maximum building height is eighteen (18) feet above natural grade for Highly Scenic Areas west of Highway 1 unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures. The proposed 17.6-foot tall SRU would comply with the maximum building height regulations.

Lot Coverage: The maximum lot coverage is twenty (20) percent for parcels less than two (2) acres in size per Section 20.376.065. The proposed project would comply with the maximum lot coverage allowance.

- **20.532.095(A)(4) The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.**

*Consistent (without conditions of approval)*

A Categorical Exemption from the California Environmental Quality Act (CEQA) is recommended based on Section 15302 (Class 2) of the CEQA Guidelines, which state:

*“Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced...”*

The proposed project is to demolish and rebuild a legal, nonconforming second residential unit. Conjointly, the nonconforming use regulations require that nonconforming structures be rebuilt to their previous dimensions and arrangement and utilized to the same extent prior to its destruction (i.e. the same purpose and capacity). Therefore, the Class 2 exemption would appropriately apply to this project.

- **20.532.095(A)(5) The proposed development will not have any adverse impacts on any known archaeological or paleontological resource.**

*Consistent (with conditions of approval)*

The project was referred to the California Historic Resource Information System (CHRIS) to review for potential existence of cultural resources, including archaeological or paleontological resources. CHRIS replied that the site has the potential to contain unrecorded archaeological sites, and recommended completion of a study prior to

commencement of project activities. The project was heard by the Mendocino County Archaeological Commission on April 13, 2016, where they determined that no archaeological survey would be required.

The applicant is still advised of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, commonly referred to as the "Discovery Clause." Recommended **Condition 8** 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.

**Condition 8:** If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (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.

With the inclusion of the recommended condition of approval, the project is found consistent with protection of paleontological and archaeological resources.

- **20.532.095(A)(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.**

*Consistent (with conditions of approval)*

Solid Waste: The South Coast Transfer Station in Gualala is located approximately 17 miles from the project site, providing for the disposal of solid waste resulting from the existing residential uses on the parcel. Additionally, curbside pickup is available, should the owner choose to purchase the service. The reconstruction of a residential unit would not generate solid waste beyond what is currently created. Solid waste disposal is adequate to serve the proposed development.

Equipment and materials would be staged on the subject parcel. Excess materials from demolition and new construction would be removed from the site. The owner would be responsible for ensuring that all requirements for disposal of material are met by the contractor. **Condition 12** is recommended to ensure that any debris remaining from the project be removed from the site.

Roadway Capacity: The proposed project is to demolish and rebuild a pre-existing, nonconforming second residential dwelling unit. Therefore, the project would not result in a net increase in traffic volume. Additionally, Mendocino County Department of Transportation reviewed the application and did not state concerns relating to roadway capacity. The existing roadways and private access are adequate to serve the proposed development.

- **20.532.095(B)(1) 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.**

*Not Applicable*

Although the proposed development is located west of the first public road, the subject parcel is not designated as a potential public access trail on the certified Local Coastal Program map (Map# 23-Manchester), making the subject finding not applicable to this project.

Resolution Number \_\_\_\_\_

County of Mendocino  
Ukiah, California  
August 25, 2016

CDP\_2015-0034 BENEDICT WILLIAM M JR & MONICA

RESOLUTION OF THE COASTAL PERMIT ADMINISTRATOR,  
COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A  
CATEGORICAL EXEMPTION AND GRANTING CDP 2015-0034 FOR  
DEMOLITION AND RECONSTRUCTION OF A NONCONFORMING  
SECOND RESIDENTIAL UNIT.

WHEREAS, the applicant, WILLIAM & MONICA BENEDICT AND AND KENTON COCHRAN, filed an application for a Standard Coastal Development Permit with the Mendocino County Department of Planning and Building Services to demolish an existing 1050± square-foot legal non-conforming second residential unit (SRU) and construct a new 880± square-foot SRU with a 108± square-foot attached covered entry porch; located approximately 1000± feet southwest of the village of Manchester, lying on the north side of Biaggi Road (private road), 800± feet northwest of its intersection with Highway 1, located at 44120 Biaggi Road, APN: 133-100-03; General Plan RR5:U; Zoning RR:5; Supervisorial District 5; (the "Project"); and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State and County Guidelines thereto, this project has been found to be Categorical Exempt from environmental review; and

WHEREAS, in accordance with applicable provisions of law, the Coastal Permit Administrator held a public hearing on August 25, 2016, at which time the Coastal Permit Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Class 2 Categorical Exemption from the California Environmental Quality Act pursuant to PRC Section 15302 and the Project. All interested persons were given an opportunity to hear and be heard regarding the Class 2 Categorical Exemption and the Project; and

WHEREAS, the Coastal Permit Administrator has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the certified Local Coastal Program regarding the Class 2 Categorical Exemption and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Coastal Permit Administrator makes the following findings;

1. The proposed development is in conformity with the certified local coastal program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the zoning district applicable to the property, as well as the provisions of the MCC and preserves the integrity of the zoning district; and
4. The proposed development will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. Through the application of Condition 8, 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; and
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan; the project will not diminish access to the coast; and

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby adopts the Class 2 Categorical Exemption from the California Environmental Quality Act pursuant to Guidelines Section 15301.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator hereby grants the requested Coastal Development Permit, subject to the Conditions of Approval in Exhibit "A", attached hereto.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Coastal Permit Administrator decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Coastal Permit Administrator action shall become final on the 11<sup>th</sup> day after the date of the Resolution unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission.

*I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.*

ATTEST: ADRIENNE THOMPSON  
Commissions Services Supervisor

By: \_\_\_\_\_

BY: STEVE DUNNICLIFF  
Director

ANDY GUSTAVSON  
Coastal Permit Administrator

\_\_\_\_\_

\_\_\_\_\_

## EXHIBIT A

### CONDITIONS OF APPROVAL CDP\_2015-0034 August 25, 2016

Standard Coastal Development Permit to demolish an existing 1050± square foot legal non-conforming Second Residential Unit (SRU) and construct a new SRU positioned in the same location. New unit would be 880± square feet with an attached 108± square-foot covered entry porch. Maximum height of the proposed structure would be 17.6 feet.

**APPROVED PROJECT DESCRIPTION:** The applicant proposes to demolish an existing 1050± square-foot legal non-conforming second residential unit (SRU) and construct a new 880± square-foot SRU with a 108± square-foot attached covered entry porch. The unit would be positioned in the same footprint with a maximum height of 17.6 feet above natural grade.

#### **CONDITIONS OF APPROVAL:**

1. This action shall become final on the 11<sup>th</sup> 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 (10) working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration. To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division 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 Coastal Permit Administrator.
4. That this permit 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 (1) or more of the following:
  - a. That such permit was obtained or extended by fraud.
  - b. That one or more of the conditions upon which such permit was granted have been violated.
  - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (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 resources in accordance with Section 22.12.090 of the Mendocino County Code.
9. Reconstruction of the approved SRU shall commence within one (1) year of demolition and shall be diligently pursued to completion per MCC Section 20.480.020(1).
10. Prior to issuance of a building permit in reliance on 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.
11. Prior to issuance of a building permit in reliance on this Coastal Development Permit, the applicant shall submit a construction material storage and demolition debris staging plan. Staging areas and equipment storage shall be limited to areas south of the existing and proposed second residential units. Said plan shall illustrate and label the locations of construction equipment, demolition debris and construction material staging and storage.
12. At least 10 days prior to commencement of construction activities, the applicant shall submit a final plan for debris disposal to the Department of Planning & Building Services that identifies appropriate disposal sites for all materials. Prior to the final building inspection or occupancy of the SRU, whichever occurs first, the applicant shall provide proof that the construction debris has been properly disposed. Proof may be in the form of receipts or other documentation acceptable to the Coastal Permit Administrator.