

STAFF REPORT FOR STANDARD COASTAL DEVELOPMENT PERMIT

**CDP_2015-0013
OCTOBER 22, 2015
CPA - 1**

OWNER/APPLICANT: JAY AND SARAH PENROD
3154 RODEO LANE
LIVERMORE, CA 94550

REQUEST: Standard Coastal Development Permit for repair and replacement of a single-family residence, clearing and replanting landscaping, repair and replacement of fencing, replacement of a storage structure, construction of a guest cottage and greenhouse, and replacement/expansion of decks.

LOCATION: In the Coastal Zone and in the town of Elk, lying east of Highway 1, 500± feet north of its intersection with Philo-Greenwood Road (CR 132), located at 6141 S. Highway 1; APN 127-232-03.

APPEALABLE: Yes – Conditionally Highly Scenic

PERMIT TYPE: Standard Coastal Development Permit

LOT AREA: 10,000 Square Feet

GENERAL PLAN: Rural Village (RV)

ZONING: Rural Village (RV)

EXISTING USES: Residential (existing single family residence and accessory development)

ADJACENT ZONING: North: Rural Village (RV)
East: Rural Residential (RR)
South: Rural Village (RV)
West: Rural Village (RV)

SURROUNDING LAND USES: North: Residential
East: Community Center
South: Residential
West: Residential

SUPERVISORIAL DISTRICT: 5

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA – Class 3

OTHER RELATED APPLICATIONS: N/A

PROJECT DESCRIPTION: The project includes the reconstruction of an existing 1,900± square foot single family residence (with the same footprint and location), reconstruction and enlargement of a recently demolished 480± square foot storage structure, construction of a 384± square foot guest cottage with half bathroom, construction of a 80± square foot greenhouse, reconstruction and enlargement of decks, reconstruction of a fence (same location), and landscaping.

Grading will be necessary associated with construction of the accessory structures. The proposed development will be visible from a public place (Highway 1 and Greenwood State Beach parking lot).

SITE DESCRIPTION AND SETTING: The 10,000± square foot subject parcel is situated on the south end of Elk, adjacent to Highway 1 on the west and the Greenwood Community Center parking lot on the west, and 500± feet north of Philo-Greenwood Road (CR 132). The site is bordered by residential development to the north and south, with a residence across Highway 1 to the west. The Greenwood Community Center parking lot is adjacent to the parcel to the east. Beyond adjacent parcels, visitor accommodation, commercial and residential uses are interspersed throughout Elk. The subject parcel is currently developed with an existing single family residence, septic system, fencing, and landscaping. A detached storage building that was recently demolished is proposed to be replaced and enlarged by this application. The parcel is flat and landscaped in association with the existing and historical residential use.

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 (MCC). **ATTACHMENT 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 **ATTACHMENT 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.

General Plan and Zoning Consistency

The property is designated Rural Village (RV) by the Coastal Element of the General Plan, and is also zoned Rural Village by the MCC. There is no conflict with the Coastal Land Use Classification in regards to density or use. The existing single-family residential unit is principally permitted by zoning and General Plan.

The minimum required front and rear yards in the RV zoning district are twenty feet, and minimum side yards are six feet. MCC Section 20.444.015(F) states that detached garages, storage sheds, or similar detached accessory buildings not exceeding fifteen feet in height and 500 square feet of floor area shall observe a five foot setback from rear property lines. The elevations submitted with the building application do not reference the height of the proposed greenhouse or proposed storage building. The application materials state that the proposed height of the storage building is fifteen feet. **Condition 12** is recommended, requiring the proposed storage building and greenhouse have building heights less than fifteen feet, to qualify for the reduced rear yard setback. The proposed replacement storage building and new greenhouse would meet the side yard setback and the five-foot rear yard setback for accessory structures less than fifteen feet in height and 500 square feet of floor area. The proposed guest cottage would also meet side and rear yard setbacks.

The existing residence and deck are placed along the northern property line, and the existing fence is on the neighboring parcel to the north, not meeting present side yard setbacks. MCC Section 20.480.015 states that “existing legal nonconforming structures may be remodeled, rehabilitated or reconstructed as long as the exterior dimensions remain the same.” The reconstruction of the residence would not expand the foot print. The reconstruction of the deck on the rear of the residence would be expanded, but will not encroach further into the setback.

The Revocable License Agreement, entered into by the applicant and the Elk County Water District, allows the applicant to replace and maintain the existing fence on the parcel north of the subject parcel. A fence has historically existed in this location, and this application would replace it in the same location. Specifically, the Revocable License Agreement states that the applicant “shall not be allowed to place, store or use the following on the property: refuse, debris, building materials, fuels, paints, structures, sheds (fencing is allowed)” (emphasis added).

The submitted site plan includes a proposed trash enclosure in the northern side yard. There was no previous development in this location, so the placement of new development cannot be permitted in the setback. **Condition 13** is recommended requiring the proposed trash enclosure not be within the side yard setback.

Subject to the recommended condition of approval, staff finds the application consistent with General Plan and Coastal Zoning Code regulations.

California Environmental Quality Act

The proposed project is Categorical Exempt from the provisions of CEQA, pursuant to Class 3 of Article 19 of the California Environmental Quality Act Guidelines. The Class 3 exemption finds that “construction and location of limited numbers of new, small facilities or structures”, meeting the criteria of Section 15303, has “been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA.”

The proposed development meets the criteria of Section 15303, and therefore will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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 MCC. The *Elk* LCP Map states that “everything within view easterly of Highway is designated Highly Scenic.” The proposed development fits this description, and is therefore subject to the LCP Highly Scenic Area (HSA) policies.

The LCP and MCC contain additional development criteria for projects in HSA to protect views to and along the ocean and scenic coastal areas. The proposed project would replace an existing single-family residence with a new single-family residence, replace a previously demolished storage building and construct a new guest cottage and greenhouse. At least some portion of each of the structures would be visible from Highway 1.

While the proposed development would be visible from public places (Highway 1), it would not block public views to or of the coast. The existing residence to be partially demolished is two stories tall, and the proposed structure would remain two stories tall, without any increase to the existing height. The application materials indicate that the proposed storage building and guest cottage would be fifteen (15) and sixteen (16) feet tall, respectively. The maximum permitted height in the RV district is 35 feet.

The proposed eighty (80) square foot greenhouse would be barely visible from Highway 1. The structure would be shielded by the residence, storage structure and guest cottage, as well as a six (6) foot fence across the south and western sides of the property.

Additionally, the project application indicates proposed materials and colors for the proposed structures. Materials used in Highly Scenic Areas are required to blend with the natural surroundings and minimize reflective surfaces. The final proposed project materials and colors are as follows:

Table 1: Proposed Project Materials and Colors		
Element	Materials	Color
Siding	Cedar	Sherwin Williams 2826 (olive green)
Trim	Cedar	Sherwin Williams 0050 (off-white)
Chimney	Metal bestos	Match existing (silver)
Roofing	Composite	Match existing (charcoal)
Window Frame	Wood	Sherwin Williams 2826 (brown/red)
Door	Wood	Sherwin Williams 2846 (olive green)
Fencing	Wood	Natural (brown)
Deck	Wood	Natural (brown)

Staff recommends **Condition 9** requiring the project be constructed with the proposed materials and colors.

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 the recommendations in the California Department of Forestry letter dated February 20, 2014 (CDF #17-14), or other alternatives as acceptable to the Department of Forestry. 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 on this Coastal Development Permit, the applicant shall specify the proposed building materials and colors, which shall be consistent with those listed in **Table 1** of this report. The materials and colors shall be inspected by Planning and Building Services prior to final inspection of the building permit.
10. 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 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 extend beyond the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Code.
11. 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.
12. The proposed storage building and greenhouse shall be less than fifteen feet in height, and less than 500 square feet of floor area to qualify for rear yard setbacks of five feet, per MCC Section 20.444.015.
13. The proposed trash enclosure shall not be allowed within required yard setbacks.

Staff Report Prepared By:

DATE

SCOTT PERKINS
PLANNER I

ATTACHMENTS

- A. Coastal Permit Approval Checklist
- B. Location Map
- C. Aerial
- D. Aerial Close up
- E. Proposed Garage & Workshop
- F. Elevations
- G. Floor Plan – First Floor
- H. Floor Plan – Garage
- I. Zoning
- J. General Plan
- K. LCP
- L. Adjacent Parcels
- M. Fire Hazard
- N. Ground Water Resources
- O. Highly Scenic

ATTACHMENT A: COASTAL PERMIT APPROVAL CHECKLIST
CDP_2015-0013
OCTOBER 22, 2015

PROJECT TITLE: CDP_2015-0013

PROJECT LOCATION: 6141 S. Highway 1
 Elk, California 95432
 APN 127-232-03

**LEAD AGENCY NAME,
 ADDRESS AND CONTACT PERSON:** Scott Perkins
 Mendocino County Planning and Building Services
 120 West Fir Street, Fort Bragg, California 95437
 707-964-5379

GENERAL PLAN DESIGNATION: Mendocino County General Plan – Coastal Element
 RV (Rural Village)

ZONING DISTRICT Mendocino County Code – Division II
 RV (Rural Village)

DESCRIPTION OF PROJECT: The applicant requests a Standard Coastal Development Permit for repair and replacement of a single-family residence, clearing and replanting landscaping, repair and replacement of fencing, replacement of a storage structure, construction of a guest cottage and greenhouse, and replacement/expansion of decks.

SITE DESCRIPTION AND SETTING: The 10,000± square foot parcel is located in the town of Elk, lying east of Highway 1, 500± feet north of its intersection with Philo-Greenwood Road (CR 132). Visitor accommodation, commercial and residential uses are intermixed among vacant parcels throughout Elk. The subject parcel is currently developed with an existing single-family residence with associated development (decking, landscaping, and septic).

DETERMINATION: The proposed project satisfies all required findings for approval of a Coastal Development Permit, pursuant to Sections 20.532.095 and 20.532.100 of the Mendocino County Code, as individually enumerated in this Coastal Permit Approval Checklist.

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(A) The granting or modification of any coastal development permit by the approving authority shall be supported by findings which establish the following:				
(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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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"/>

20.532.095 Required Findings for All Coastal Development Permits	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(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"/>
(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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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:				
(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 (LCP) 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 LCP 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 LCP serves as an element of the General Plan and includes the Mendocino County Code (MCC), and its policies must be consistent with the goals of the California Coastal Act.

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

General Plan Land Use – Rural Village

The subject parcel is classified as Rural Village (RV) by the Coastal Element of the Mendocino County General Plan, which is intended “to preserve and maintain the character of the rural atmosphere and visual quality of the...[rural] villages...and to provide a variety of community-oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities.” (Chapter 2.2). The principally permitted use designated for the RV land use classification is “One dwelling unit per existing parcel and associated utilities and light agriculture.” The minimum parcel size for the RV land use classification is variable, depending on the availability of public utilities. The parcel is within the Elk County Water District, resulting in a minimum parcel size of 12,000 square feet.

The existing parcel density is legally non-conforming. A permitted single-family residence is currently present on the approximately 10,000 square foot parcel, with this application seeking to partially demolish the existing structure and replace it with a new single-family residence. The existing and proposed parcel density is one dwelling unit per 10,000 square feet, where 12,000 square feet is required. Since no change to dwelling density is proposed, the density will maintain its existing non-conforming status. The proposed use is consistent with the RV classification of the Coastal Element of the Mendocino County General Plan.

Hazards

Mendocino County Coastal Element Chapter 3.4, titled Hazards Management, addresses seismic, geologic and natural forces within the Coastal Zone.

Seismic Activity. The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone.¹ The San Andreas fault is located approximately four (4) miles to the west of the project site and is the nearest active fault. This project does not conflict with any state or local seismic hazard policy or plan.

Bluffs and Bluff Erosion. The development is proposed approximately 500 feet (and across Highway 1) from the edge of a coastal bluff. Section 20.500.20(B) of the MCC outlines siting and land use restrictions relative to ocean bluffs, requiring new structures to be set back a sufficient distance from the edge of the bluff to ensure their safety from bluff erosion and bluff retreat during their economic life span (seventy-five years). The distance of development from the bluff edge is such that no conditions are required for compliance with County bluff hazard policies.

Flooding. There are no mapped 100-year flood zones on the subject parcel, and no conditions are necessary to ensure consistency with flood policy.²

Fire. The parcel is located in an area characterized by a moderate fire hazard severity rating.³ The project application was referred to the California Department of Forestry and Fire Protection (CALFIRE) for input. CALFIRE submitted recommended conditions of approval (CDF #58-15) on March 17, 2015, requiring the applicant abide by typical conditions concerning address standards, driveway standards, and defensible space standards. **Condition 8** is recommended to require the applicant adhere to these policies.

Condition 8: The applicant shall comply with the recommendations in the California Department of Forestry letter dated February 20, 2014 (CDF #17-14), or other alternatives as acceptable to the Department of Forestry. 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.

The project application was likewise referred to Elk Community Services District (Elk CSD) for review and comment. In a letter dated May 20, 2015, Elk CSD stated, in part, that “The Board has no concerns with the nature of the project nor with the new structures on the site.”

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 MCC. The *Elk* LCP Map states that “everything within view easterly of Highway is designated Highly Scenic.” The proposed development fits this description, and is therefore subject to the LCP Highly Scenic Area (HSA) policies.

The LCP and MCC contain additional development criteria for projects in HSA to protect views to and along the ocean and scenic coastal areas. The proposed project would replace an existing single-family residence with a new single-family residence, replace a previously demolished storage building and construct a new guest cottage and greenhouse. At least some portion of each of the structures will be visible from Highway 1.

While the proposed development would be visible from public places (Highway 1), it would not block public views to or of the coast. The existing residence to be partially demolished is two stories tall, and

¹ State of California Special Studies Zones, Department of Conservation, Division of Mines and Geology.

² *Mendocino County and Incorporated Areas* [map]. 2011. Flood Insurance Rate Map, Panel 1425F, Number 06045C1425F. Federal Emergency Management Agency.

³ *Fire Hazard Severity Zones in SRA* [map]. 2007. 1:150,000. Fire and Resource Assessment Program, California Department of Forestry and Fire Protection.

the proposed structure would remain two stories tall, without any increase to the existing height. The application materials indicate that the proposed storage building and guest cottage would be fifteen (15) and sixteen (16) feet tall, respectively. The maximum permitted height in the RV district is 35 feet.

The proposed eighty (80) square foot greenhouse would be barely visible from Highway 1. The structure would be shielded by the residence, storage structure and guest cottage, as well as a six (6) foot fence across the south and western sides of the property.

Additionally, the project application indicates proposed materials and colors for the proposed structures. Materials used in Highly Scenic Areas are required to blend with the natural surroundings and minimize reflective surfaces. The final proposed project materials and colors are as follows:

Table 1: Proposed Project Materials and Colors		
Element	Materials	Color
Siding	Cedar	Sherwin Williams 2826 (olive green)
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Window Frame	Wood	Sherwin Williams 2826 (brown/red)
Door	Wood	Sherwin Williams 2846 (olive green)
Fencing	Wood	Natural (brown)
Deck	Wood	Natural (brown)

Staff recommends **Condition 9** requiring the project be constructed with the proposed materials and colors.

Condition 9: Prior to issuance of a building permit in reliance on this Coastal Development Permit, the applicant shall specify the proposed building materials and colors, which shall be consistent with those listed in **Table 1** of this report. The materials and colors shall be inspected by Planning and Building Services prior to final inspection of the building permit.

The MCC 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 also must be shielded and positioned in a manner that light and glare does not extend beyond the boundaries of the parcel.⁴

No lighting is shown on the proposed elevations. **Condition 10** is recommended to ensure that any exterior lighting would comply with lighting policies.

Condition 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 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 extend beyond the boundaries of the parcel in compliance with Section 20.504.035 of the Mendocino County Code.

The recommended conditions of approval will ensure the project is consistent with visual resource policies of the LCP.

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

Consistent (with conditions of approval)

⁴ *Mendocino County Code*. § 20.504.35 (1991). Print.

Utilities

A septic system currently serves the existing development. The application was referred to Mendocino County Division of Environmental Health to address wastewater disposal for the project. In their response dated August 27, 2015, Environmental Health indicated that “a new map showing that setbacks for the septic system have been met,” and “a replacement field has been cited [sic] and approved that can support a three bedroom family residence.” No conditions are required associated with the proposed septic system.

The parcel is presently served by Elk County Water District. The District did not provide comment on the application; however, the existing residence is connected to District infrastructure, which would continue to serve the use. Utilities are adequate to serve the proposed new residence and accessory development, and no conditions are necessary.

Access Roads

The parcel is on the corner of Highway 1 and Louisa Street, a private road with deeded access “for the exclusive use of the Elk County Water District, the Elk Volunteer Fire Department, and the Greenwood Community Center.” The applicant does not propose to access the parcel via Louisa Street. Off-street parking is existing off Highway 1.

Additionally, the owner and the Elk County Water District have entered into a Revocable License Agreement, allowing the applicant to use the property (Louisa Street) for “access, egress and parking,” limited to motorcycles, automobiles and light trucks. The Revocable License Agreement also allows fencing on the property (discussed later in this report).

Mendocino County Department of Transportation (DOT) was invited to provide comment on the application. A letter to Planning and Building Services from DOT dated May 7, 2015, provided no comment on the project. Caltrans did not respond to a request for comments. The proposed development is currently provided with adequate access roads.

Drainage

Drainage is subject to Section 20.492.025 of MCCZC, and provides regulations mitigating the impact of stormwater runoff and erosion. **Condition 11** is recommended to reduce impacts from altering land forms (grading) and redirecting stormwater flows, and to ensure the development is provided with adequate drainage, which states:

Condition 11: 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.

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 (with conditions of approval)

Intent: The subject parcel is zoned Rural Village. The intent of the Rural Village zoning district is “to preserve and maintain the character of the rural atmosphere and visual quality of existing coastal rural villages; to provide a variety of community-oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities.”⁵ This application to allow the replacement of a residence and storage structure, construction of a guest cottage and accessory development does not conflict with the intent of the district.

⁵ Section 20.388.05, *Mendocino County Coastal Zoning Code*.

Use: The existing parcel is developed with a single-family residence and associated development. The applicant proposes to replace the existing development with a new single-family residence, accessory and associated development, including a guest cottage. Single-family residential uses and residential accessory uses are permitted in the RV zoning district.

Yards: The minimum required front and rear yards in the RV zoning district are twenty feet, and minimum side yards are six feet. MCC Section 20.444.015(F) states that detached garages, storage sheds, or similar detached accessory buildings not exceeding fifteen feet in height and 500 square feet of floor area shall observe a five foot setback from rear property lines. The elevations submitted with the building application do not reference the height of the proposed greenhouse or proposed storage building. The application materials state that the proposed height of the storage building is fifteen feet. **Condition 12** is recommended, requiring the proposed storage building and greenhouse have building heights less than fifteen feet, to qualify for the reduced rear yard setback. The proposed replacement storage building and new greenhouse would meet the side yard setback and the five-foot rear yard setback for accessory structures less than fifteen feet in height and 500 square feet of floor area. The proposed guest cottage would also meet side and rear yard setbacks.

Condition 12: The proposed storage building and greenhouse shall be less than fifteen feet in height, and less than 500 square feet of floor area to qualify for rear yard setbacks of five feet, per MCC Section 20.444.015.

The existing residence and deck are placed along the northern property line, and the existing fence is on the neighboring parcel to the north, not meeting present side yard setbacks. MCC Section 20.480.015 states that “existing legal nonconforming structures may be remodeled, rehabilitated or reconstructed as long as the exterior dimensions remain the same.” The reconstruction of the residence would not expand the foot print. The reconstruction of the deck on the rear of the residence would be expanded, but will not encroach further into the setback.

The Revocable License Agreement, entered into by the applicant and the Elk County Water District, allows the applicant to replace and maintain the existing fence on the parcel north of the subject parcel. A fence has historically existed in this location, and this application would replace it in the same location. Specifically, the Revocable License Agreement states that the applicant “shall not be allowed to place, store or use the following on the property: refuse, debris, building materials, fuels, paints, structures, sheds (fencing is allowed)” (emphasis added).

The submitted site plan includes a proposed trash enclosure in the northern side yard. There was no previous development in this location, so the placement of new development cannot be permitted in the setback. **Condition 13** is recommended requiring the proposed trash enclosure not be within the side yard setback.

Condition 13: The proposed trash enclosure shall not be allowed within required yard setbacks.

Height: The maximum permitted building height in the Rural Village zoning district is thirty five (35) feet.⁶ The existing residence is approximately twenty-two feet tall, and there is no proposed increase in the structure height. The elevations submitted with the building application do not reference the height of the proposed greenhouse or proposed storage building. The application materials state that the proposed height of the storage building is fifteen feet and the proposed height of the guest cottage is sixteen feet. The proposed development would meet RV district height standards.

Lot Coverage: The maximum permitted lot coverage in the Rural Village zoning district is fifty (50) percent.⁷ The parcel is approximately 10,000 square feet, allowing for a maximum permitted lot coverage of approximately 5,000 square feet. The sum of the existing and proposed development is approximately

⁶ Section 20.388.040, *Mendocino County Coastal Zoning Code*.

⁷ Section 20.388.045, *Mendocino County Coastal Zoning Code*.

3,500 square feet for a lot coverage percentage of approximately thirteen (35) percent. The proposed development is consistent with the lot coverage requirements of the Rural Village zoning district.

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)

The proposed project is Categorical Exempt from the provisions of CEQA, pursuant to Class 3 of Article 19 of the California Environmental Quality Act Guidelines. The Class 3 exemption finds that "construction and location of limited numbers of new, small facilities or structures", meeting the criteria of Section 15303, has "been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA."

The proposed development meets the criteria of Section 15303, and therefore will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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)

For small projects such as remodels, additions, small outbuildings (projects with minimal earthwork) PBS procedure is to not refer these types of projects to either California Historic Resource Information System (CHRIS) or the Mendocino County Archaeological Commission. PBS procedure (as detailed in a Staff Memorandum) was reviewed by the Mendocino County Archaeological Commission in 2005 and again in 2014, and was determined to be an appropriate guidance document specifying the types of projects that should require archaeological review.

The proposed project would reconstruct a residence, deck and storage building in an already disturbed area of the property. The proposed guest cottage and greenhouse would be placed in an already cleared and landscaped area; therefore, the proposed development was not referred to California Historic Resource Information System (CHRIS) or to the Mendocino County Archaeological Commission.

Recommended **Condition 14** advises the applicant of the Mendocino County Archaeological Resources Ordinance, and specifically Section 22.12, which prescribes the procedures subsequent to the discovery of any cultural resources during construction of the project, and states:

Condition 14: 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.

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 (without conditions of approval)

Solid Waste: The Albion Transfer Station is located approximately thirteen (13) 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 replacement of a residence and proposed accessory development would not produce a significant amount of solid waste beyond that which is produced by the existing development. Solid waste disposal is adequate to serve the proposed development.

Roadway Capacity: The increase in traffic volume associated with the development proposed in the application would be negligible. Additionally, Caltrans and Mendocino Department of Transportation reviewed the application and did not state concerns relating to roadway capacity (referrals on file). The existing roadways and private access are adequate to serve the proposed development.

20.532.095(B)(1) 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: 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

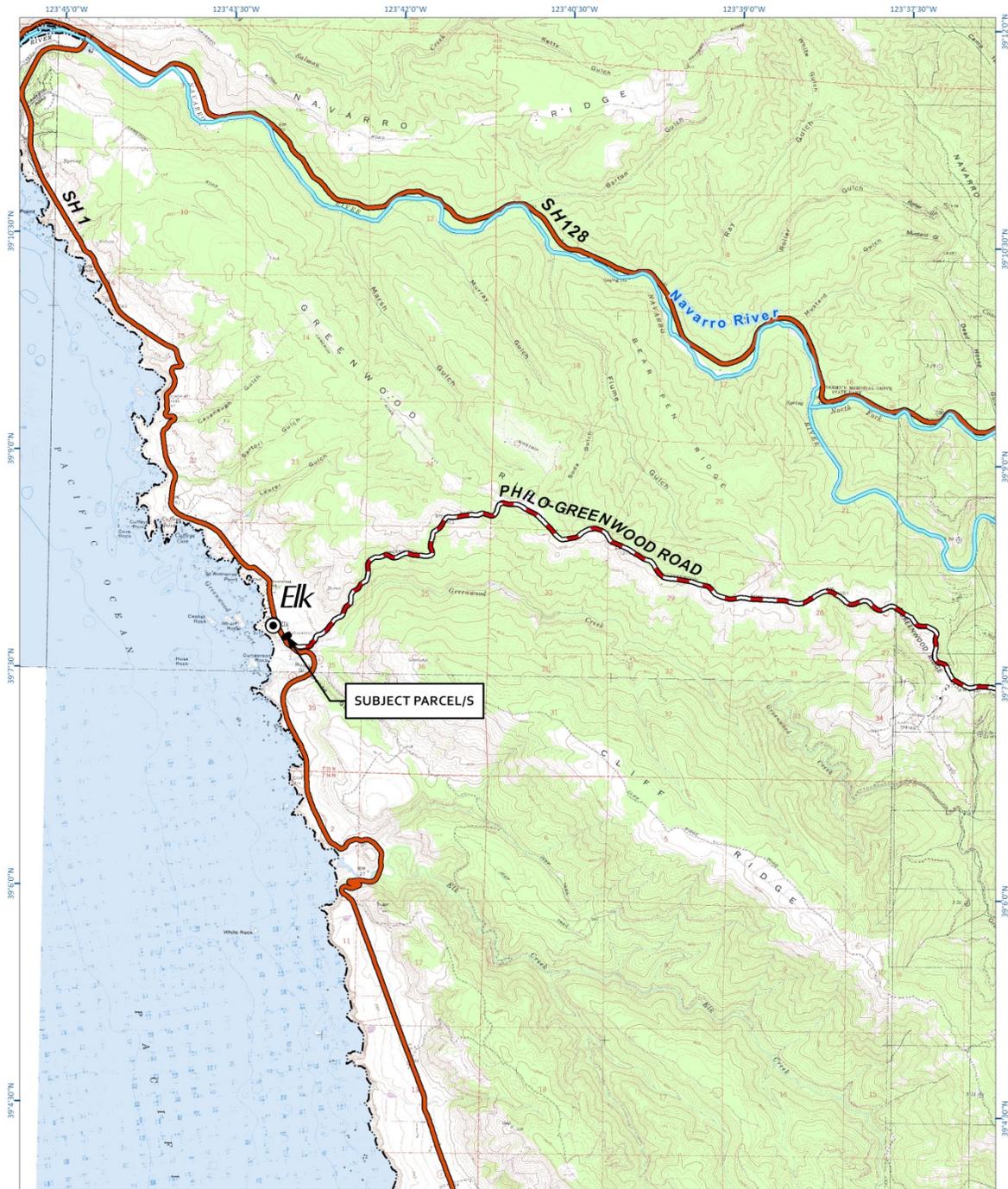
The proposed development is located east of Highway One, and no existing access or public recreation policies pursuant to Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan are affected by the application.

20.532.100 (A) Resource Protection Impact Findings	Inconsistent	Consistent (With Conditions of Approval)	Consistent (Without Conditions of Approval)	Not Applicable
(1) Development in Environmentally Sensitive Habitat Areas. No development shall be allowed in an ESHA unless the following findings are made:				
(a) The resource as identified will not be significantly degraded by the proposed development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) There is no feasible less environmentally damaging alternative.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) All feasible mitigation measures capable of reducing or eliminating project related impacts have been adopted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2) Impact Finding For Resource Lands Designated AG, RL and FL. No permit shall be granted in these zoning districts until the following finding is made:				
(a) The proposed use is compatible with the long-term protection of resource lands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

20.532.100(A)(1), et. seq. No development shall be allowed in an ESHA unless the following findings are made...

Not applicable

The certified Mendocino County LCP includes sections of both the MCC and the Coastal Element of the General Plan addressing Environmentally Sensitive Habitat Areas (ESHA). The MCC states that development having the potential to impact an ESHA shall be subject to a biological survey, prepared by a qualified biologist, to determine the extent of sensitive resources, to document potential negative impacts, and to recommend appropriate mitigation measures. The subject parcel has existing development and is completely landscaped, within a town setting. The proposed redevelopment of the site does not have the potential to impact and ESHA.



CASE: CDP 2015-0013
OWNER: PENROD, Jay & Sarah
APN: 127-232-03
APLCT:
ADDRESS: 6141 S. Hwy. 1, ELK

-  Major Rivers
-  Highways
-  Major Roads



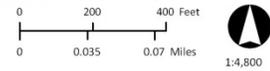
LOCATION MAP

Map produced by the Mendocino County Planning & Building Services, May, 2015
All spatial data is approximate. Map provided without warranty of any kind.



CASE: CDP 2015-0013
OWNER: PENROD, Jay & Sarah
APN: 127-232-03
APLCT:
ADDRESS: 6141 S. Hwy. 1, EL

- Named Rivers
- Public Roads
- - Private Roads



2014 NAIP AERIAL ORTHOPHOTO

Map produced by the Mendocino County Planning & Building Services, May, 2015
All spatial data is approximate. Map provided without warranty of any kind.



IMAGE COURTESY OF THE CALIFORNIA COASTAL RECORDS PROJECT
© 2013 Kenneth & Gabrielle Adelman adelman@adelman.com

CASE: CDP 2015-0013
OWNER: PENROD, Jay & Sarah
APN: 127-232-03
APLCT:
ADDRESS: 6141 S. Hwy. 1, EL

NO SCALE

CCRP IMAGERY, 2005

Map produced by the Mendocino County Planning & Building Services, May, 2015
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EXTERIOR ELEVATIONS
SCALE: 1/4" = 1'-0"

SHEET NOTES:

1. DRAWINGS FOR TO VERIFY ALL DIMENSIONS AND SHOW DISCREPANCIES UP WITH ARCHITECT.
2. THESE DRAWINGS SHOW ALL EXISTING FEATURES AND MATERIALS TO BE REPLACED WITH NEW.
3. ALL UNCOMMON TO BE REPLACED WITH NEW.

LIGHTING SPEC SHEET

NO.	DESCRIPTION	MANUFACTURER	MODEL	TYPE	WATTAGE	VOLTS	PHASE	REMARKS
1	RECESSED DOWN LIGHT	OSRAM	AR111	DOWN LIGHT	40W	120V	1P	
2	RECESSED DOWN LIGHT	OSRAM	AR111	DOWN LIGHT	40W	120V	1P	
3	RECESSED DOWN LIGHT	OSRAM	AR111	DOWN LIGHT	40W	120V	1P	
4	RECESSED DOWN LIGHT	OSRAM	AR111	DOWN LIGHT	40W	120V	1P	
5	RECESSED DOWN LIGHT	OSRAM	AR111	DOWN LIGHT	40W	120V	1P	
6	RECESSED DOWN LIGHT	OSRAM	AR111	DOWN LIGHT	40W	120V	1P	
7	RECESSED DOWN LIGHT	OSRAM	AR111	DOWN LIGHT	40W	120V	1P	
8	RECESSED DOWN LIGHT	OSRAM	AR111	DOWN LIGHT	40W	120V	1P	
9	RECESSED DOWN LIGHT	OSRAM	AR111	DOWN LIGHT	40W	120V	1P	
10	RECESSED DOWN LIGHT	OSRAM	AR111	DOWN LIGHT	40W	120V	1P	

DEBRA LENNOX, AIA
ARCHITECT
1000 W. 10TH AVENUE
MIDWINTER, CA 95040
TEL: 916.281.0778
FAX: 916.281.0779
DL@DLA.AIA.COM

Art & Architecture
DBI

PROJECT: MODEL & DECK ADDITION, PORCHED GARAGE & WORKSHOP FOR 8141 SOUTH HIGHWAY ONE, ELK, CA
AP#000-000-00

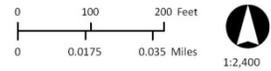
SCALE: 1/4" = 1'-0"
TITLE: EXTERIOR ELEVATIONS
DATE: 10/20/10
BY: [Redacted]
CHECKED BY: [Redacted]

A3.0
SHEET



CASE: CDP 2015-0013
OWNER: PENROD, Jay & Sarah
APN: 127-232-03
APLCT:
ADDRESS: 6141 S. Hwy. 1, EL

 Zoning Master



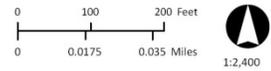
ZONING DISPLAY MAP

Map produced by the Mendocino County Planning & Building Services, May, 2015
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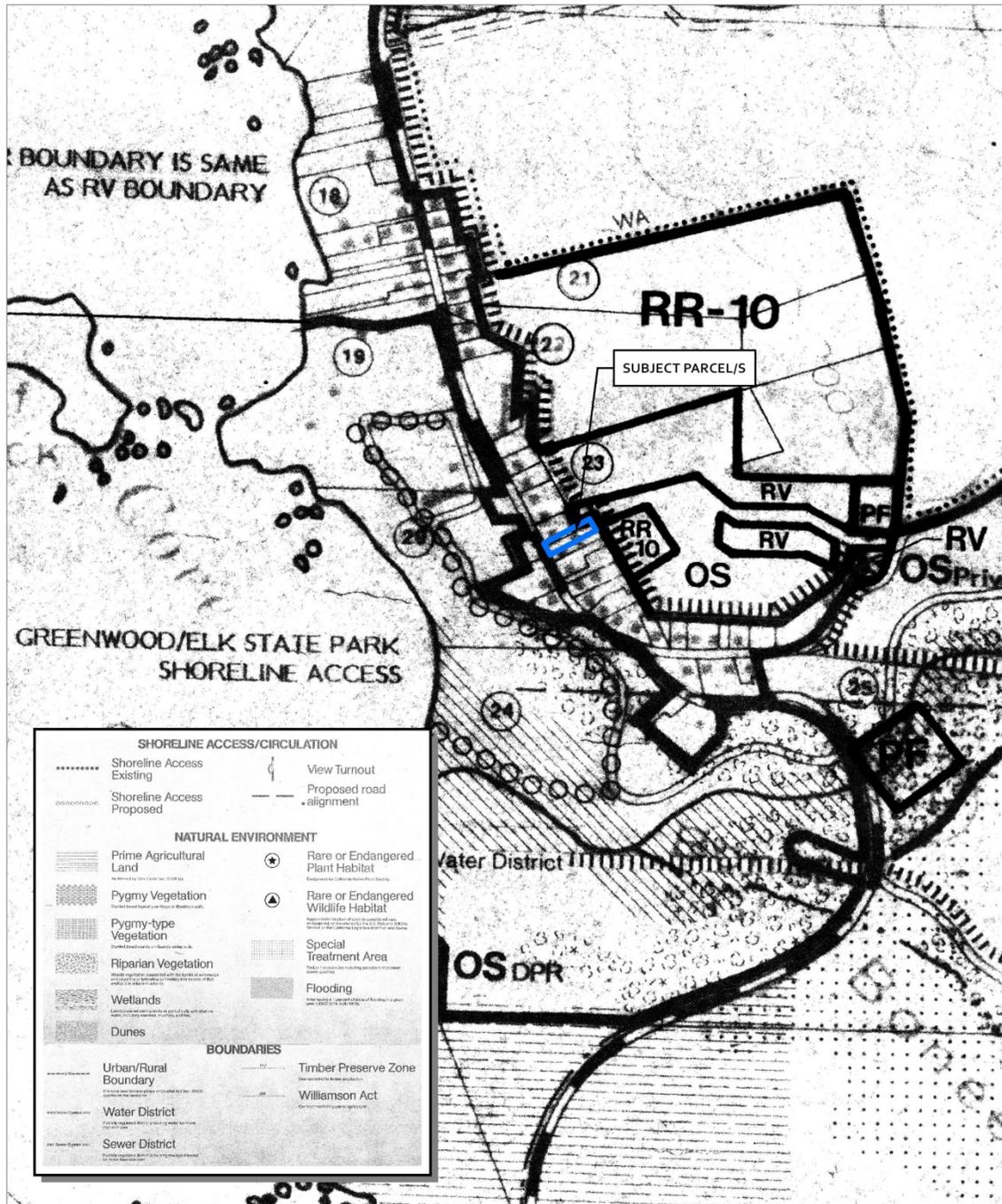
CASE: CDP 2015-0013
OWNER: PENROD, Jay & Sarah
APN: 127-232-03
APLCT:
ADDRESS: 6141 S. Hwy. 1, EL

 General Plan Master

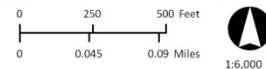


GENERAL PLAN CLASSIFICATIONS

Map produced by the Mendocino County Planning & Building Services, May, 2015
All spatial data is approximate. Map provided without warranty of any kind.

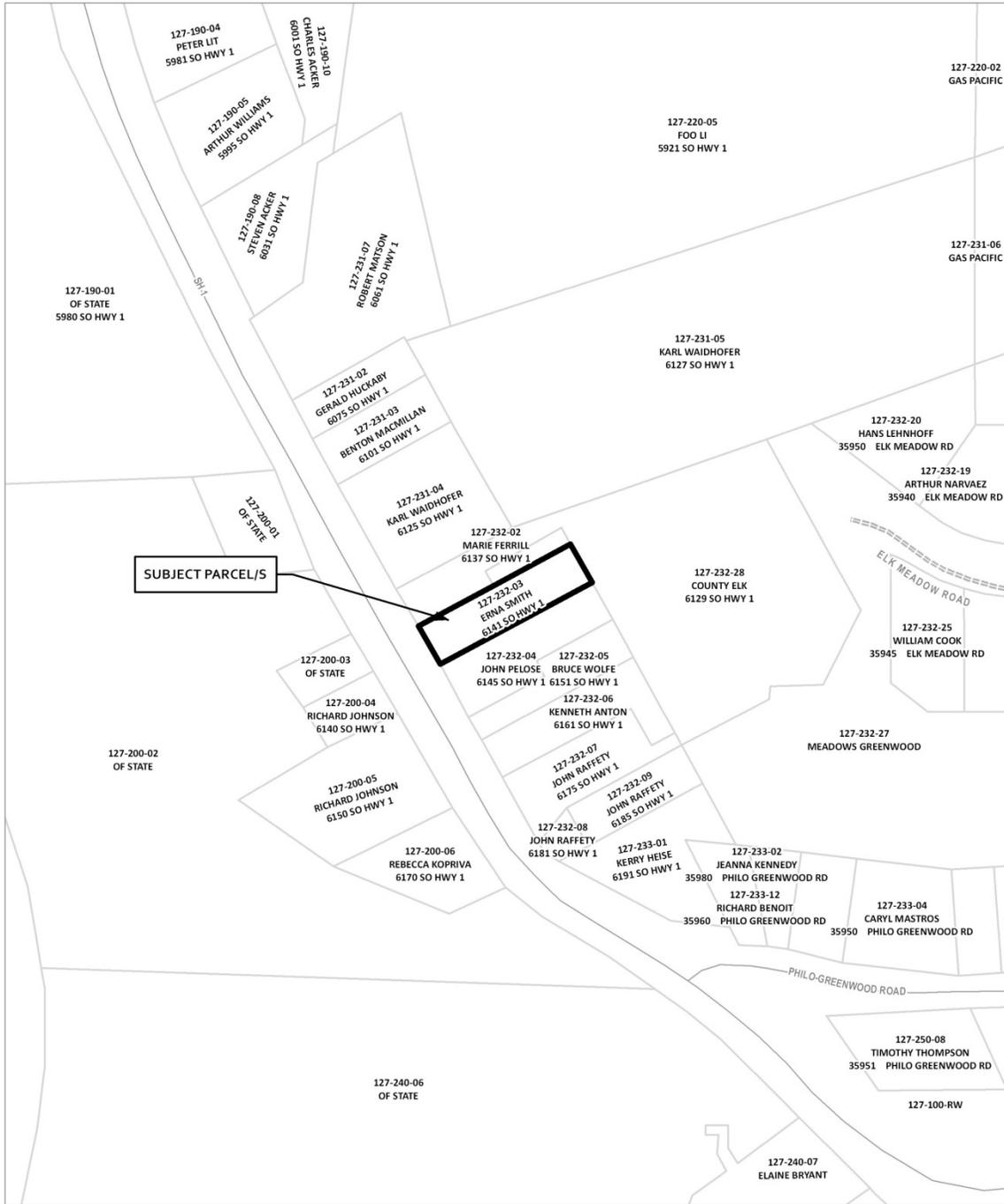


CASE: CDP 2015-0013
OWNER: PENROD, Jay & Sarah
APN: 127-232-03
APLCT:
ADDRESS: 6141 S. Hwy. 1, EL

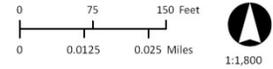


LCP MAP 20: ELK

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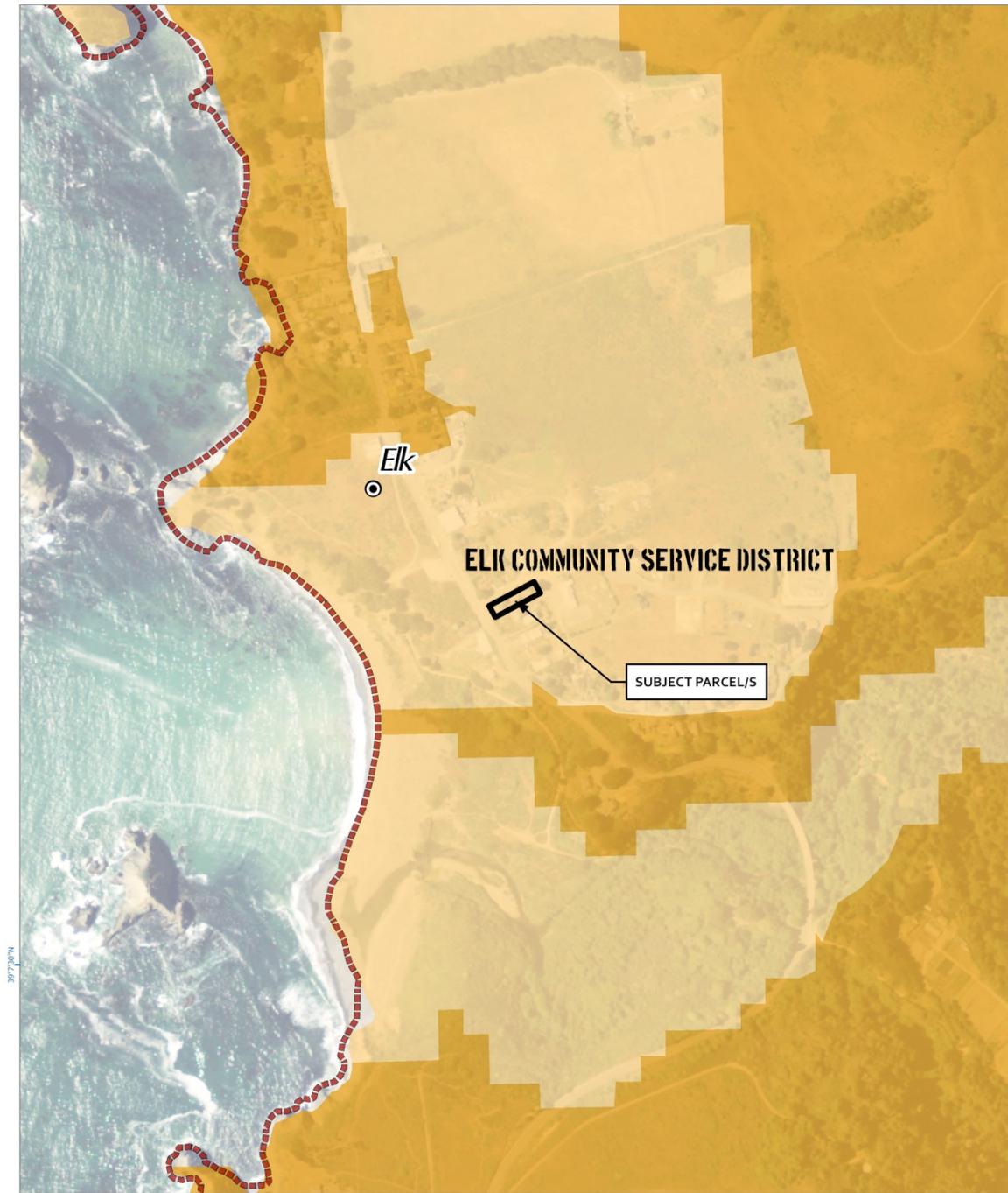


CASE: CDP 2015-0013
OWNER: PENROD, Jay & Sarah
APN: 127-232-03
APLCT:
ADDRESS: 6141 S. Hwy. 1, EL



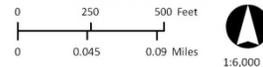
ADJACENT PARCELS

Map produced by the Mendocino County Planning & Building Services, May, 2015
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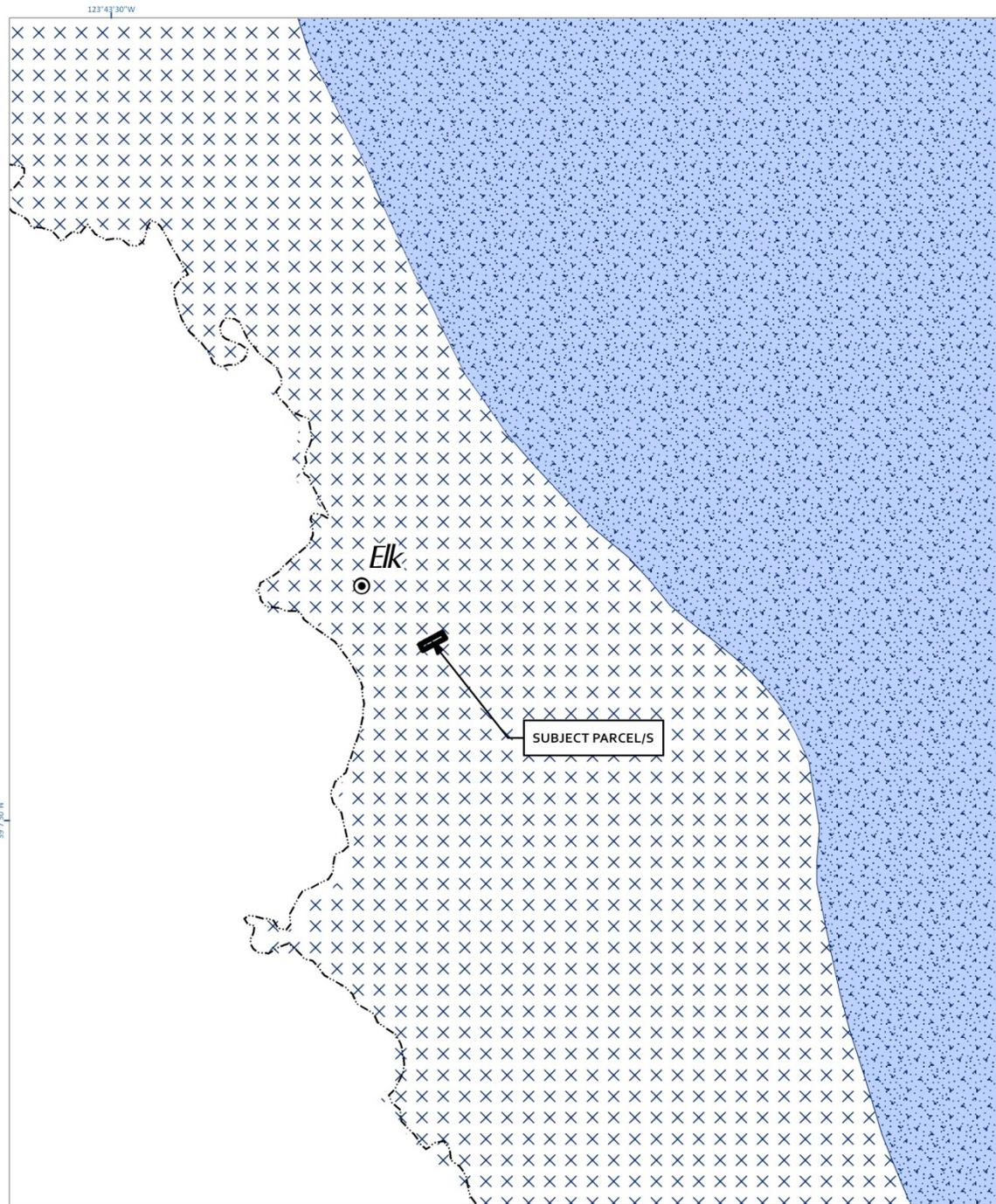
CASE: CDP 2015-0013
OWNER: PENROD, Jay & Sarah
APN: 127-232-03
APLCT:
ADDRESS: 6141 S. Hwy. 1, EL

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



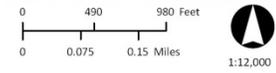
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
STATE RESPONSIBILITY AREA

Map produced by the Mendocino County Planning & Building Services, May, 2015
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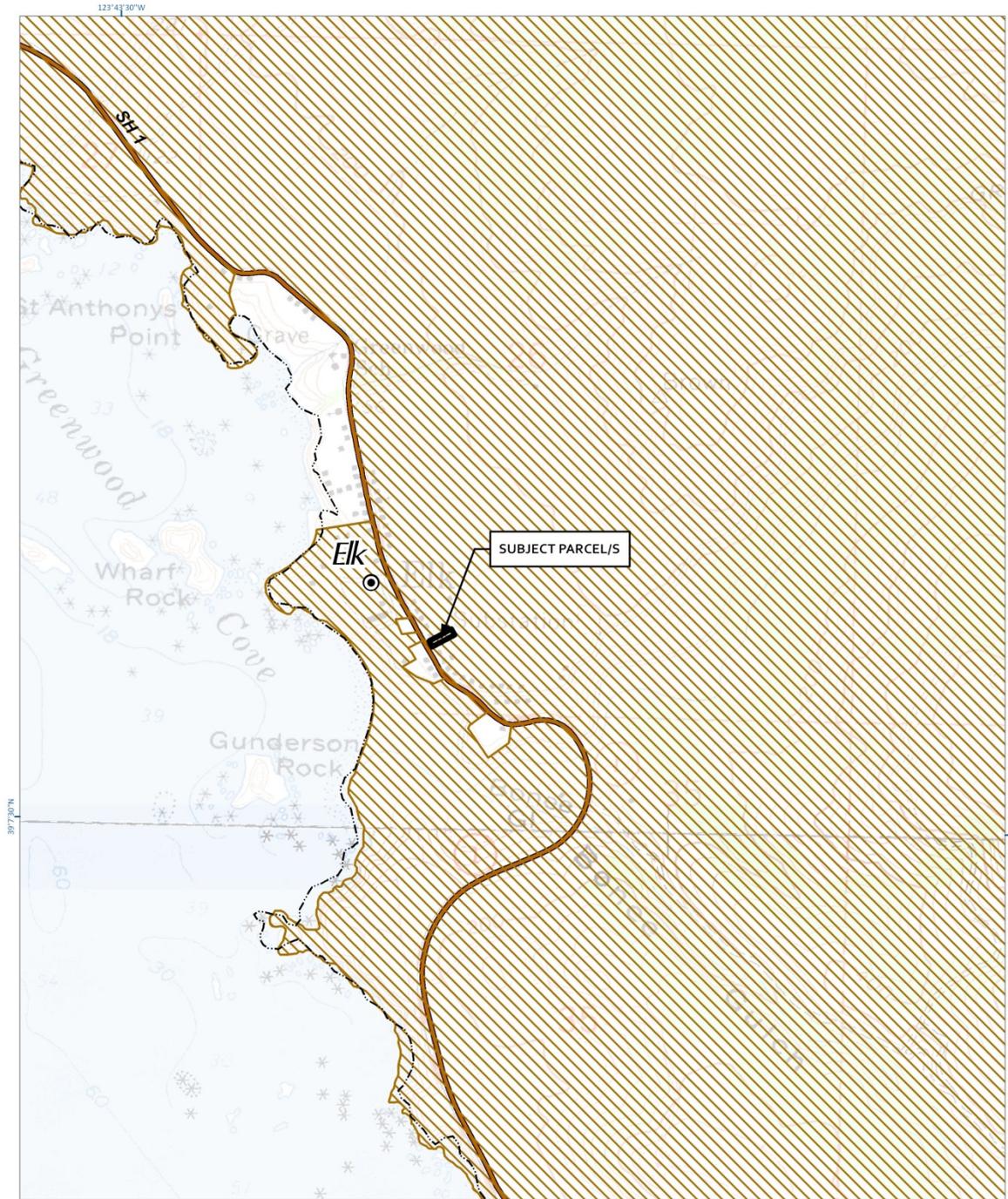
CASE: CDP 2015-0013
OWNER: PENROD, Jay & Sarah
APN: 127-232-03
APLCT:
ADDRESS: 6141 S. Hwy. 1, EL

-  Critical Water Areas
-  Critical Water Resources Bedrock



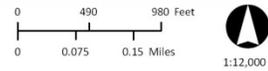
GROUND WATER RESOURCES

Map produced by the Mendocino County Planning & Building Services, May, 2015
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CASE: CDP 2015-0013
OWNER: PENROD, Jay & Sarah
APN: 127-232-03
APLCT:
ADDRESS: 6141 S. Hwy. 1, EL

 Highly Scenic Area
 Highways



HIGHLY SCENIC & TREE REMOVAL AREAS

Map produced by the Mendocino County Planning & Building Services, May, 2015
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COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

860 NORTH BUSH STREET · UKIAH · CALIFORNIA · 95482
120 WEST FIR STREET · FT. BRAGG · CALIFORNIA · 95437

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www.co.mendocino.ca.us/planning

September 22, 2015

**PUBLIC NOTICE OF PENDING ACTION
STANDARD COASTAL DEVELOPMENT PERMIT**

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, October 22, 2015, in the Fort Bragg Public Library, 499 East Laurel Street, Fort Bragg, California, at 10:00 a.m. or as soon thereafter as the item may be heard, will hear the below described project that is located in the Coastal Zone.

CASE#: CDP_2015-0013

DATE FILED: 4/2/2015

OWNER/APPLICANT: JAY & SARAH PENROD

AGENT: ROSCO TUOMALA

PROJECT COORDINATOR: SCOTT PERKINS

REQUEST: Standard Coastal Development Permit for repair and replacement of a single-family residence, clearing and replanting landscaping, repair and replacement of fencing, replacement of a storage structure, construction of a guest cottage and greenhouse, and replacement and expansion of decks.

ENVIRONMENTAL DETERMINATION: Categorically Exempt - Class 3

LOCATION: In the town of Elk, lying east of Highway 1, 500± feet north of its intersection with Philo-Greenwood Road (CR 132) at 6141 S. Highway 1; APN 127-232-03.

As you are an adjacent property owner and/or interested party, you are invited to appear at the hearing, or to direct written comments to Planning and Building, Services 860 N Bush Street, Ukiah, CA 95482, attention Commission Staff. If you would like to be notified of the Coastal Permit Administrator's action, please submit a written request to this office. All correspondence should contain reference to the above noted case number.

The decision of the Coastal Permit Administrator shall be final unless a written appeal is submitted to the Board of Supervisors with a filing fee within 10 calendar days thereafter. If appealed, the decision of the Board of Supervisors to approve the project shall be final unless appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project.

If you challenge the above case in court, you may be limited to raising only those issues described in this notice or that you or someone else raised at the public hearing, or in written correspondence delivered to the Coastal Permit Administrator at or prior to, the public hearing.

Additional information regarding the above noted case may be obtained by calling the Planning and Building Services Department at 964-5379, Monday through Friday.

STEVE DUNNICLIFF, Director of Planning and Building Services