



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT- STANDARD CDP**

**FEBRUARY 10, 2022
CDP_2020-0039**

SUMMARY

OWNER: ELK LLC & PETER EISENBERGER
170 BROOKS BEND
PRINCETON, NJ 08540

APPLICANT/AGENT: SWITHENBANK CONSTRUCTION INC.
DANIELLE MILLER
PO BOX 395
ALBION, CA 95410

REQUEST: Standard Coastal Development Permit to convert the existing garage to a 953 square foot family care unit. There will be a separate entrance to the remainder of the existing garage, pottery room and convenience bathroom. The request includes installing a new septic system and connections to existing well and utilities.

LOCATION: In the Coastal Zone, 2.4± miles south of the town of Elk, on the east side of State Route 1 (SH1); located at 9961 S. Hwy 1, Elk; APNs: 131-030-09, 131-030-02, 131-030-21, 131-030-22 & 131-030-28.

TOTAL ACREAGE: 160.74± Acres

GENERAL PLAN: Agriculture (AG60:R) Forest Land (FL:160)
Coastal Element, Mendocino County General Plan

ZONING: Agricultural District (AG: 60)
Timberland Production (TP:160)
Mendocino County Coastal Zoning Code

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt

APPEALABLE: NOT APPEALABLE

STAFF PLANNER: TIA SAR

BACKGROUND

PROJECT DESCRIPTION: A Standard Coastal Development Permit request to convert the existing garage to a 953 square foot family care unit. There will be a separate entrance to the remainder of the existing garage, pottery room and convenience bathroom. The request includes installing a new septic system and connections to existing well and utilities.

APPLICANT'S STATEMENT: 'Modifications to existing garage workshop to include 953 sqft converted to family care unit on 1st floor. Remainder of 1st floor to be garage, potting room and convenience bathroom, all with separate entry from living space.'

RELATED APPLICATIONS:

CDP_2002-0001 New SFR (Approved)
PR2020-0019 Septic System (Approved)
CE_2020-0010 Septic Tank (Approved)
PR_2020-0086 Septic System for Family Care Unit (Hold)

SITE CHARACTERISTICS: The conditional highly scenic site is located within the Coastal Zone, 2.4± south of Elk (See attached *Location Map*). The property, which consists of five separate tax parcels, is east of State Route 1 (SH1). The project site is mostly cleared with heavy vegetation to the northeast of the parcel. The property is developed with a single-family residence and a detached garage built in 2002. The existing development site sits on top of a knoll, south of the mouth of Elk Creek. The property is mapped as high fire hazard within the Elk Community Service District. This site is underlain by prime, non-prime, high productivity and main terrace deposits (Zone 2) subject to strong shaking. The proposed project is to convert the existing detached garage to a family care unit, no new structure proposed at this time.

SURROUNDING LAND USE AND ZONING: As listed on Table 1, the surrounding lands are classified and zoned similarly to the project site, with the exception of the property immediately north and east, see attached General Plan Classifications and Zoning Map:

	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Range Land (160)	Forest Land	99.2 Acres	Vacant
EAST	Forest Land (160)	Timberland Production	80.1 Acres	Vacant
SOUTH	Agricultural (60)	Agricultural (AG: 60)	44.6 Acres	Vacant
WEST	Agricultural (60)	Agricultural (AG: 60)	20.1 Acres	Vacant

LOCAL COASTAL PROGRAM CONSISTENCY

The proposed development is consistent with the goals and policies of the Local Coastal Program, General Plan, and Zoning Codes as detailed below:

LAND USE: The proposed project is located within the boundaries of the Local Coastal Program (LCP) area and is shown on LCP Map 21 *Bridgeport Landing* (See attached). The site is a split zoned classified as Agricultural Lands (AG) and Forest Land (FL) (See attachment *General Plan Classifications*). The existing development is located in the Agricultural (AG) portion of the property. There is no proposed change to the existing residential land use; this is a permitted use type in the AG Land Use and FL Land Use Classification. Mendocino County General Plan, Coastal Element Section 2.2 *Agriculture* states:

“The Agricultural Lands classification is intended to be applied to lands which are suited for and are appropriately retained for production of crops. The classification should include lands presently under Type I Agricultural Preserve contracts, lands having present or future potential for significant agricultural production, and contiguous or intermixed smaller parcels on which non-compatible uses could jeopardize the agricultural use of agricultural lands. Permitted non-agricultural uses, to the greatest extent possible, should not occur on lands that might otherwise be devoted to crop production. Prime and non-prime lands and existing Agricultural Preserves are included. Reconsolidation of agricultural parcels into larger units shall be encouraged, especially where prime soils exist or where there are larger parcels that would be more likely to support agriculture. Encouragement shall consist of the following: A positive effort by the County of Mendocino to provide information, explaining the advantages of reconsolidation (i.e. increased agricultural potential and possible tax advantages).”

“The Forest Lands classification is intended to be applied to lands which are suited for and are appropriately retained for the growing, harvesting and production of timber and timber-related products. The classification includes lands eligible to be zoned Timberland Production (TPZ);

intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of timber resource lands.”

The application proposes to convert the existing detached garage into a temporary ‘Family Care Unit.’ The proposed temporary ‘Family Care Unit’ is consistent with allowed temporary uses and allowed accessory uses associated with residential development per Mendocino County Coastal Element Chapter 2.2.

ZONING: The proposed conversion would be situated on lands within the Agriculture (AG60) and Timberland Production (TP) Districts (See attachment *Zoning Display Map*). MCC Section 20.356.005 states for those districts, respectively:

“This district is intended to encompass lands within the Coastal Zone which are suited for and appropriate for retention in agricultural uses including lands presently under Type 1 Agricultural Preserve contracts, lands having present or future potential for significant agricultural production and contiguous or intermixed smaller parcels on which non-compatible uses could jeopardize adjacent agricultural lands.”

“This district is intended to encompass lands within the Coastal Zone which because of their soil types and timber growing capabilities are suited for and should be devoted to the growing, harvesting, and production of timber and timber related products and are taxed as such”

MCC Section 20.356.010(A) identifies the proposed land use as a Principally Permitted Use Type in an AG and TP District. Table 2 lists the required AG District development standards.

Table 2: Comparison of AG Development Standards and Proposed Project		
MCC Chapter 20.356	Standard	Proposed
Minimum Front, Rear, & Side Yards	50 feet	No Change
Building Height Limit	28-ft above natural grade	No increase
Maximum Lot Coverage	10 percent	No increase

As proposed to convert the existing garage to a temporary family care unit is consistent with allowed temporary uses and allowed accessory uses associated with AG District requirements and the development would be consistent with MCC Chapter 20.356 regulations. There are no proposed change to the location, size or height of the existing detached garage.

The Mendocino County Coastal Zoning Code Division II, Chapter 20.460.040 (Family Care Unit)

...’The temporary use of a building, structure or trailer coach, not to exceed one thousand (1,000) square feet in size, will be allowed, upon issuance of a Coastal Development Standard Permit, to provide housing for (a) not more than two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who requires daily supervision and care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence subject to the following provisions:

(A) Standard Permit. The temporary unit shall be allowed only after securing a Coastal Development Standard Permit.

(B) Statement. Prior to the granting of the permit and yearly renewal:

- (1) A statement must be submitted by the owner of the property and signed under penalty of perjury that the use of the "family care unit" is to provide housing for (a) not more than two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who requires daily supervision and care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.*

- (C) *Termination. Should the use or necessity of the temporary family care unit cease, it must be removed from the premises or converted to an accessory structure as provided in Chapter 20.456. Should the occupants of the family care unit or the main residence move to another off-site residence, the permit for the family care unit shall become null and void.*

As proposed, the 953 ft² Family Care Unit is consistent with the MCC Section 20.460.040, as shown in *Attachment E: Floor Plan*. See conditions

VISUAL RESOURCES: The purpose of MCC Section 20.504 is to “insure that 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.”

The proposed project site is designated as Conditional Highly Scenic area, but is situated along State Route 1. The project would not be visible heading north or south on State Route 1. As proposed, the project would be subordinate to the natural setting and would minimize reflective surfaces pursuant to the development criteria for Conditional Highly Scenic Areas, per MCC Section 20.504.015(C).

Policy 3.5-1 of the Coastal Element states:

...The scenic and visual qualities of Mendocino County coastal areas shall be considered and projected 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...

Staff reviewed the proposed project to convert the existing detached garage to a temporary family care unit and found it would be consistent with the surrounding development criteria in protecting the visual resources in a conditional highly scenic area. Any exterior lighting will be downcast and shielded. As proposed, the project would be consistent with the intent of Visual Resource and Special Treatment Areas (MCC Sec 20.504.005 (C)). See conditions.

HABITATS AND NATURAL RESOURCES: LCP Habitats & Resources Map does not identify sensitive resource areas within the proposed project location. The parcel is mapped as Barren Upland Habitats. The lot is developed and regularly maintained throughout the year. As proposed, the conversion of the detached garage to a temporary family care unit would not impact any environmentally sensitive habitat and other designated resources. (See attachments *LCP Habitats & Resources and Wetlands maps*)

HAZARDS MANAGEMENT: MCC Chapter 20.500 *Hazard Areas* shall apply to all development proposed in the Coastal Zone unless and until is determined by the County Coastal Permit Administrator that the project is not subject to threats from geologic, fire, flood, or other hazards. The property is not identified with the following hazards: buffs and buff erosion, tsunamis, landslides, and flooding.

MCC Section 20.500.025 *Fire Hazard* - The parcel is located within an area classified with a “High Fire Hazard” severity rating (See attachment *Fire Hazard Zones & Responsibility Areas*). Fire protection services are provided by CalFire and Elk Community Service District. On June 24, 2021 the project application was referred to CalFire and Elk CSD for input. Our office received no response from CalFire. On July 16, 2021 and November 15, 2021, Elk CSD requested satisfactory completion of the following:

July 16, 2021:

Thank you for allowing our Agency to participate in the approval process for this permit application. As the public agency that provides Fire Protection services to this property, important additional conditions need to be included in this project to address fire safety issues. These call for adequate water storage with Fire Department hookups, roadway ingress/egress pull out issues, roadway load rating, and

apparatus turn-arounds.

The site plans included with this permit application are inadequate for our review purposes. We request drawings that show the private drive, the project site and the existing residence to more accurately depict locations for needed modifications. In the meantime, a rather crude map has been extracted from the project plans and is attached to this letter. Three identified areas are shown and generalized comments relating to these are included below.

All areas – private drive to meet CalFire SRA Fire Safe Regulations including

- 1) 75,000 lb. load rating capable of supporting fire apparatus*
- 2) Pull outs to be provided along the private drive*
- 3) 10,000 gallons of water storage for fire protection to be provided together unrestricted gravity flows to engine hookups*
- 4) Apparatus turn-arounds to be located at projects site and at existing residence.*

Area 1 (road intersection)

- 1) Turn radius from common access to Eisenberger private road to meet CalFire specifications to permit engines to turn into drive*

Area 2 (proposed new family care unit)

- 1) Hammer head apparatus turn-around to be provided within 50 feet of structure per CalFire specifications*
- 2) Personal vehicle parking spaces to be provided outside of fire engine turn around.*
- 3) 5,000 gallon fire water storage tank with 2 ½" NHT fire connection to be provided adjacent to turn around, or in lieu of tank, 2 ½" NHT fire hydrant located adjacent to engine turn around. Location and installation specifications to be approved by the District in advance.*
- 4) Engine pull out to be installed at intersection of Eisenberger private road and branch road to proposed new family care unit.*

Area 3 (existing main house area)

- 1) Hammer head engine turn around to be provided within 50 feet of structure per CalFire specifications*
- 2) Personal vehicle parking spaces to be provided outside of fire engine turn around*
- 3) 5,000 gallon fire water storage tank with 2 ½" NHT fire hydrant located adjacent to engine turn around. Location and installation specifications to be approved by the District in advance.*

Fire safety is of particular concern for this property. Identified on the internet as a site for large multi-day conferences, fire safety mitigation improvements/changes are even more critical and essential for fire response efforts."

November 15, 2021:

"Attached please find the Elk Community Services District's final response for this permit application. In sum, our design requirements have been satisfactorily addressed and we recommend P&BS more forward with the approval of this project.

Thank you for including our Agency in the approval process for this permit application. As the public agency that provides Fire Protection services to this property, we identified important changes and additions that were needed to address fire safety and protection issues. These focused on adequate water storage with fire department hookups, roadways ingress/egress pull out issues, roadway load rating, and apparatus turn-arounds.

Following our initial 7/16/2021 letter that detailed specific conditions to be satisfied for this project to proceed, important changes were incorporated into site plans. The first round of design changes will result in improved roadway access, new apparatus turnarounds, new vehicle pull-outs, roadway curve radius modifications and proper load bearing capabilities. Then, a second round of communications occurred (see Elk CSD conditions list attached). These addressed water storage tanks, piping

specifications, additional pull-outs, and specific equipment locations. Newly revised site plans (attached) dated November 15, 2021 now incorporate our District's fire-related requirements.

With Elk CSD's design conditions/changes now addressed, our District recommends P&BS move forward with the approval of the project."

Elk CSD conditions for approval

The following items apply equally and separately to both the main residence and the proposed family care unit.

Main Residence (existing) and Family Care Unit (proposed)

- 1) 5,000 tank to be located by entrance to new hammerhead turnaround on east side as roughly sketched onto enlarged portions "A" and "B" of planner's site plan*
- 2) tank to be fitted with minimum 2 1/2" outlet fitting and 2 1/2" full-flow shutoff valve*
- 3) a 2 1/2" NHT male firehose connection with cap to be provided after the full-flow valve or on a hydrant equipped with a 2 1/2" wharf valve*
- 4) if hydrant is utilized, it's installation and protection should follow the guidelines provided in Mendocino County Fire Safe Council's booklet "Developing Water Supplies for Fire Protection"*
- 5) system design shall ensure positive gravity flow to the hose connection and that all piping has minimum 2 1/2" diameter with no restrictions*
- 6) hydrant or fire valve shall be eighteen (18) inches above grade, eight (8) feet from flammable vegetation, no closer than four (4) feet nor farther than twelve (12) feet from roadway or pull-out*
- 7) new pull-out apron to be provided so apparatus accessing water will not block roadway as roughly sketched onto enlarged portions "A" and "B" of planner's site plan*
- 8) pull-out apron to be rated for 75,000 lb load capacity, same as roadway requirements*
- 9) a reflectorized blue marker, with a minimum dimension of 3 inches shall be installed to mark the hydrant/valve location*
- 10) Installation locations are subject to advance on-site confirmation/approval*

"Note: The latest undated site plan received on 11 /3/21 includes changes for road pull-outs, hammerhead turnarounds, designated parking outside engine turnarounds, driveway entrance curve radius modifications, and a 75,000 lb load rating for driveway/road. These important changes addressed several points identified in the Elk CSD 7 / 16/21 letter to P&BS. The items detailed above focus on required water storage and access issues."

As conditioned, the proposed project would be consistent with MCC Chapter 20.500 regulations for hazard areas, including geologic hazards (faults, bluffs, landslides, and erosion), fire hazards, and tsunami and flood hazards. Project proposes to convert the existing detached garage to a family care unit, thus no footprint expansion is proposed. (See Conditions)

GRADING, EROSION, AND RUNOFF: The purpose of MCC Chapter 20.492 *Grading, Erosion, and Runoff* is:

"The approving authority shall review all permit applications for coastal developments to determine the extent of project related impacts due to grading, erosion and runoff. The approving authority shall determine the extent to which the following standards should apply to specific projects, and the extent to which

additional studies and/or mitigation are required, specifically development projects within Development Limitations Combining Districts.”

Site preparation, including grading, in the areas of development is not required to accommodate the proposed project. On June 24, 2021, a referral was sent to Air Quality Management; our office received no comments.

AGRICULTURAL RESOURCES: MCC Chapter 20.508 *Agricultural Resources* applies to all lands designated Agricultural and therefore applies to portions of the land that are mapped non-Prime Ag (APN: 131-030-09,131-030-02,131-030-21,131-030-22).

The proposed project to convert the existing detached garage to a temporary family care unit is a permitted accessory use and the property owner does not propose conversion of agricultural lands to non-agricultural uses. The location of the proposed project conversion is on lands mapped “Non-Prime Ag” and “Williamson Act/Ag Preserve Parcel” (See attached *Lands in Williamson Act Contracts*).

On June 24, 2021, the project was referred to the California Coastal Commission, the Forestry Advisor, and the Agriculture Commissioner. Our office received no comments or response from the three (3) agencies. As proposed, the project would be consistent with Chapter 20.508 *Agricultural Resources* as existing agricultural lands are under Williamson Act contracts and the property owner does not request a permit to convert prime lands to non-agricultural uses.

ARCHAEOLOGICAL/CULTURAL RESOURCES: The County of Mendocino regulates cultural resources under Section 22.12 of the County Code which requires projects to be reviewed by the Northwest Information Center at Sonoma State University. The proposed project was referred to Sonoma State University, who responded that a survey is not required for no ground disturbance. The Discovery Clause is included as a recommended condition.

GROUNDWATER RESOURCES: The site is located within a mapped Critical Water Resources Bedrock and Marginal Water Resources Area (See attached *Ground Water Resources*). The temporary family care unit proposes to connect to the existing well on-site and a new septic system. A referral was sent to Division of Environmental Health on June 24, 2021; our department received no comments.

TRANSPORTATION AND CIRCULATION AND MCC CHAPTER 20.516: The project would not contribute a significant amount of new traffic on local and regional roadways. The cumulative effects of traffic resulting from development on this site were considered when the Coastal Element land use designations were assigned. Additionally, the property has already been developed and has a home onsite that is occupied; therefore, an accessory use to a single-family residence is not anticipated to generate a significant amount of additional traffic beyond what presently exists. On June 24, 2021, the project application was referred to the Mendocino County Department of Transportation (MCDOT) for input. On July 23, 2021 our office received comments from MCDOT.

“The current property owner holds a permit for improvements that were completed in 2005. As this application is not proposing to add any new structures or results in a significant change in use, it is not expected to significantly change the number of trips generated by the parcel use/s. We have concluded that this application will not trigger any improvements to the existing access and we have no conditions of approval to request at this time.

Any future change in use that increases the number of trips or with any change in ownership (sale of the existing parcel) the road approach is expected to require improvements. The existing access will require reconstruction to pave the actual footprint of where vehicles currently drive. With any new encroachment permit application, we will require a speed study to determine the average speed of traffic traveling south to be able to determine acceptable site distance looking north.”

ENVIRONMENTAL DETERMINATION

The Secretary for Resources has found that certain classes or projects have been determined not to have

a significant effect on the environment and are therefore exempt from the requirement for the preparation of environmental documents. The proposed garage conversion to a temporary family care unit would meet the criteria for a Categorical Exemption from the California Environmental Quality Act (CEQA) under Article 19, Section 15303, Class 3(a), conversion of small structures to temporary second dwelling unit is categorically exempt from environmental review.

RECOMMENDED FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code (MCC), the Coastal Permit Administrator approves the proposed project to convert the existing detached garage to a temporary family care unit and adopts the following findings and conditions:

FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed conversion of the existing detached garage to a temporary family care unit is in conformity with the certified Local Coastal Program as residential use is a permitted land use on Agriculture (AG60:R) lands. Temporary family care unit are allowed with an approved Coastal Development Permit.
2. Pursuant with MCC Section 20.532.095(A)(2), the proposed development will be provided with adequate utilities, access roads, drainage, and other necessary facilities. The site is currently developed with a single-family home, detached garage, and other ancillary development. The proposed temporary use will have access to adequate utilities, access roads, and other necessary facilities as they are already on-site; and
3. Pursuant with MCC Section 20.532.095(A)(3), as proposed the temporary family care unit is allowed with a permitted residential use onsite. There is no proposed changes of the Agricultural District, the project satisfies the development requirements of the Agricultural District, and satisfies the specified requirements of the MCC Chapters 20.500 *Hazards* and 20.504 *Visual Resource and Special Treatment Areas*, and all other provisions of Division II.
4. Pursuant with MCC Section 20.532.095(A)(4), the proposed development, if completed 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 is determined to be Categorical Exempt from further environmental review; and
5. Pursuant with MCC Section 20.532.095(A)(5), the proposed project would not have any adverse impact on any known archaeological or paleontological resources, because there are no known resources within the vicinity of the site and Condition #8 is in place when archaeological sites or artifacts are discovered; and
6. Pursuant with MCC Section 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. The temporary family care unit propose a new septic system and connect to the existing well. Our office received no negative comments regarding the project from Environmental Health.
7. Pursuant with MCC Section 20.532.100(A)(2), The proposed conversion of the existing garage to a temporary family care unit is consistent with the findings for the long-term protection of resource lands (AG). There is no proposed expansion, ground disturbance or conversion of agricultural lands proposed at this time.
8. Pursuant with MCC Section 20.532.100(B)(1), the proposed development (a) maximizes protection of environmentally sensitive habitat areas; (b) minimizes construction of new roads by use of existing; (c) maintains public views by requiring no exterior changes; (d) ensures the adequacy of water, waste water disposal and other services; (e) ensures the preservation of the rural character of the site; (f) maximizes preservation of non-prime agricultural soils; and (g) ensures existing land use compatibility by maintaining productivity of on-site and adjacent agricultural lands. The proposed project to convert

the exiting garage to a temporary family care unit does not include footprint expansion.

9. Pursuant with MCC Section 20.532.100(B)(2), The proposed conversion of the existing garage to a temporary family care shall not change the agricultural use onsite. There is no conversion of non-prime land and, or land under Williamson Act Contract to non-agricultural use is proposed.
10. Pursuant with MCC Section 20.532.100(B)(3), The proposed conversion of the existing garage to a temporary family care unit shall not impact the existing agricultural use onsite, no conversion of agricultural land to non-agricultural use is proposed.

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 Coastal Code. CDP_2020-0039 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. CDP_2020-0039 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.
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 (MCC).
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. This permit shall be subject to the securing 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 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. CDP 2020-0039 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 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 Coastal Code.

9. 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.
10. Conditions approving CDP 2020-0039 shall be attached to any building permit application and shall be a part of on-site construction drawings.
11. The applicant shall have sole responsibility for renewing the temporary Family Care Unit permit each year prior to the expiration date.
12. Prior to the granting of the permit and annual renewal, a statement must be submitted by the owner of the property and signed under penalty of perjury that the use of the Family Care Unit is to provide housing for either: (a) not more than two (2) adult persons who are sixty (60) years of age or older, or (b) an immediate family member or members who require daily supervision or care, or (c) a person or persons providing necessary daily supervision and care for the person or persons residing in the main residence.
13. Should the use or necessity of the temporary Family Care Unit cease, it shall either be removed from the premises or converted to an accessory structure as provided in Chapter 20.456. Should the occupants of the Family Care Unit or the main residence move to another off-site residence, the permits for the Family Care Unit shall become null and void.
14. The following items apply equally and separately to both the main residence and the proposed family care unit. Prior to final of the building permit, the applicant shall complete conditions of approval per Elk Community Service District:

Main Residence (existing) and Family Care Unit (proposed)

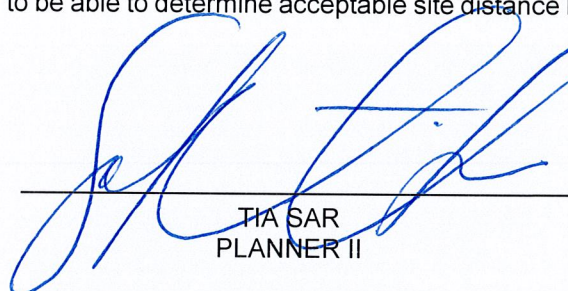
- a. 5,000 gallon tank to be located by entrance to new hammerhead turnaround on east side as roughly sketched onto enlarged portions "A" and "B" of planner's site plan
- b. Tank to be fitted with minimum 2 1/2" outlet fitting and 2 1/2" full-flow shutoff valve
- c. A 2 1/2" NHT male firehose connection with cap to be provided after the full-flow valve or on a hydrant equipped with a 2 1/2" wharf valve
- d. If hydrant is utilized, its installation and protection should follow the guidelines provided in Mendocino County Fire Safe Council's booklet "Developing Water Supplies for Fire Protection"
- e. System design shall ensure positive gravity flow to the hose connection and that all piping has minimum 2 1/2" diameter with no restrictions
- f. Hydrant or fire valve shall be eighteen (18) inches above grade, eight (8) feet from flammable vegetation, no closer than four (4) feet nor farther than twelve (12) feet from roadway or pull-out
- g. New pull-out apron to be provided so apparatus accessing water will not block roadway as roughly sketched onto enlarged portions "A" and "B" of planner's site plan
- h. Pull-out apron to be rated for 75,000 pound load capacity, same as roadway requirements
- i. A reflectorized blue marker, with a minimum dimension of 3 inches shall be installed to mark the hydrant/valve location
- j. Installation locations are subject to advance on-site confirmation/approval.

15. Per California Department of Transportation, any future change in use that increases the number of trips or with any change in ownership (sale of the existing parcel) the road approach is expected to require improvements.

- 1) The existing access will require reconstruction to pave the actual footprint of where vehicles currently drive.
- 2) With any new encroachment permit application, we will require a speed study to determine the average speed of traffic traveling south to be able to determine acceptable site distance looking north

Staff Report Prepared By:

1/12/2022
DATE


TIA SAR
PLANNER II

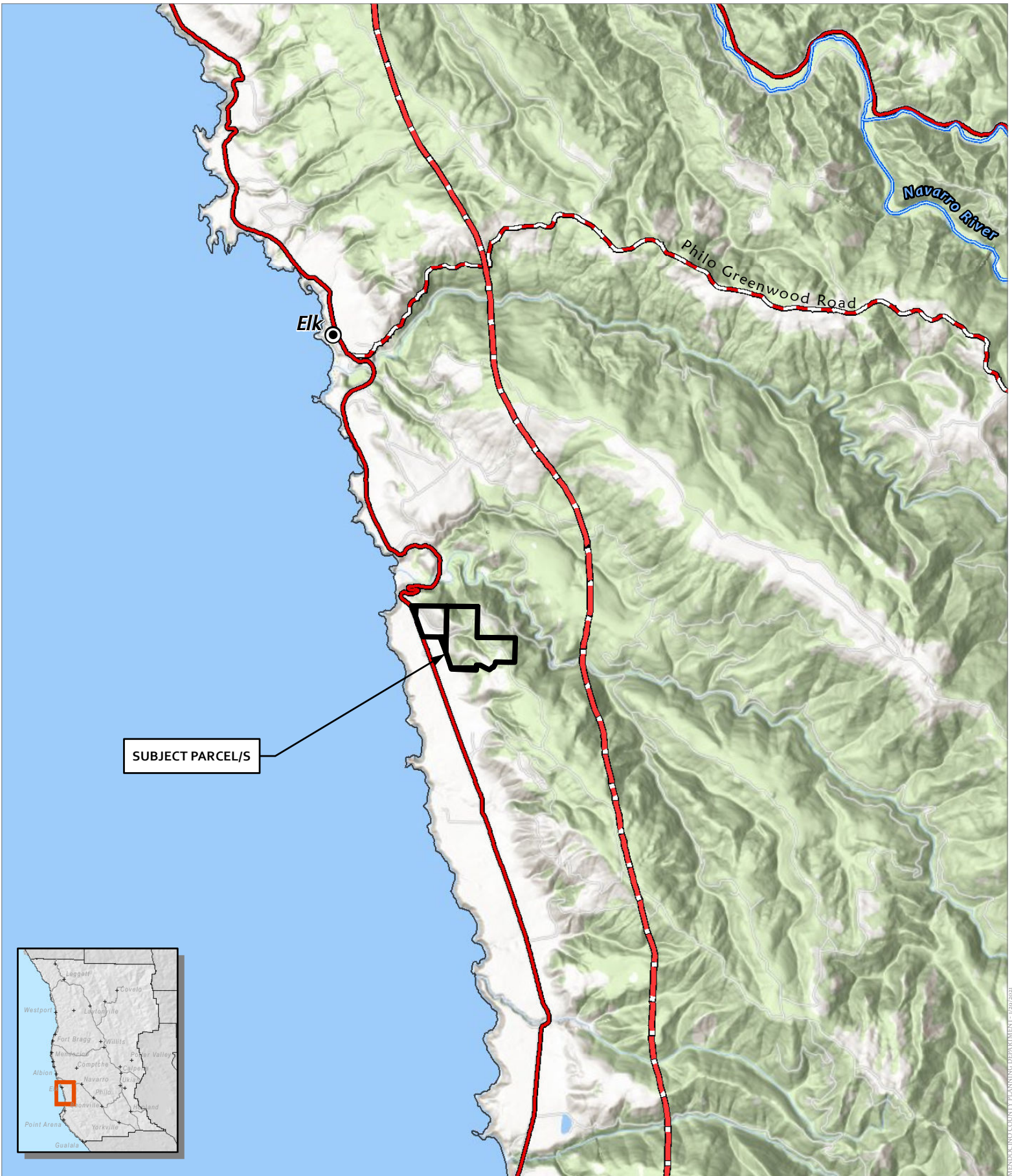
Appeal Period: 10 Days
Appeal Fee: \$1,616.00

ATTACHMENTS:

- | | |
|--|---|
| A. Location Map | L. Adjacent Parcels |
| B. Aerial Vicinity | M. Fire Hazard Zones & Responsibility Areas |
| C. Aerial Imagery | N. Wildland-Urban Interface Zones |
| D. Topographic Map | O. Wetlands |
| E. Site Plan, Elevation & Floor Plan | P. Ground Water Resources |
| F. Zoning Display Map | Q. Highly Scenic & Tree Removal Areas |
| G. General Plan Classifications | R. Slope |
| H. LCP Land Use Map 21: Bridgeport Landing | S. Local Soils |
| I. LCP Land Capabilities & Natural Hazards | T. Lands in Williamson Act Contracts |
| J. LCP Habitats & Resources | U. Important Farmland |
| K. Appealable Areas | |

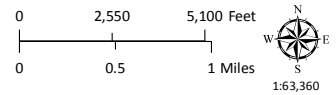
SUMMARY OF REFERRAL AGENCY COMMENTS:

Planning (Ukiah)	No Comment
Department of Transportation	Comment
Environmental Health (FB)	No Comment
Building Inspection (FB)	No Comment
Agriculture Commissioner	No Comment
Assessors	No Response
California Coastal Commission	No Response
Air Quality Management	No Comment
Archaeological Commissioner	Comment
Resource Lands Protection Committee	No Comment
Department of Fish & Wildlife	No Response
Department of Forestry and Fire Protection	No Response
Elk Community Services District	Comment
Cloverdale Rancheria	No Response
Potter Valley Tribe	No Response
Redwood Valley Rancheria	Comment
Sherwood Valley Band of Pomo Indians	No Response



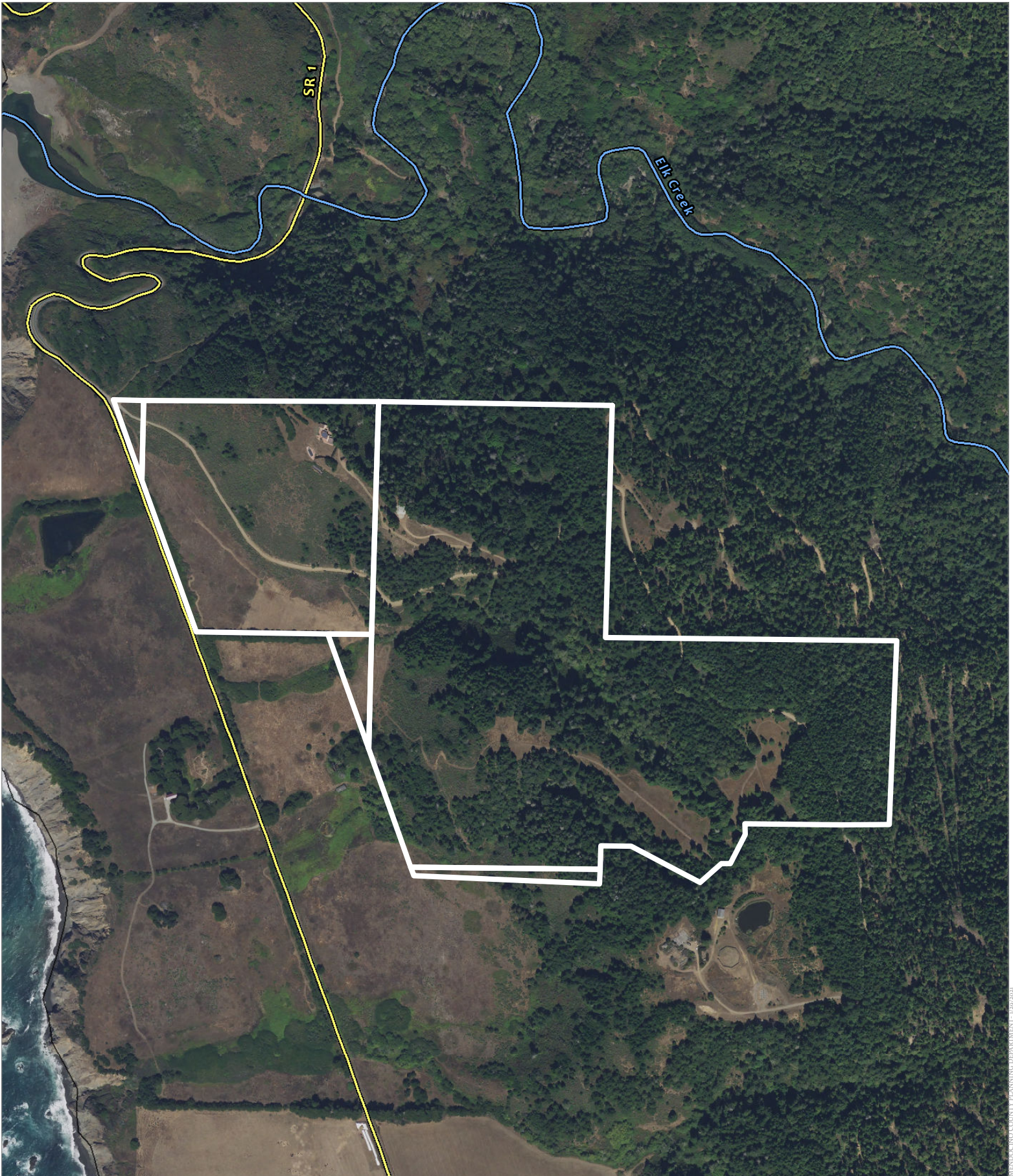
CASE: **CDP 2020-0039**
 OWNER: **ELK, LLC**
 APN: **131-030-09**
 APLCT: **Danielle Miller**
 AGENT: **Danielle Miller**
 ADDRESS: **9961 S. Highway 1, Elk**

- Major Towns & Places
- Major Roads
- Coastal Zone Boundary
- Highways





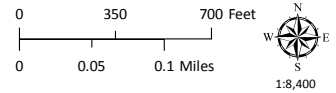
LOCATION MAP
 ATTACHMENT A

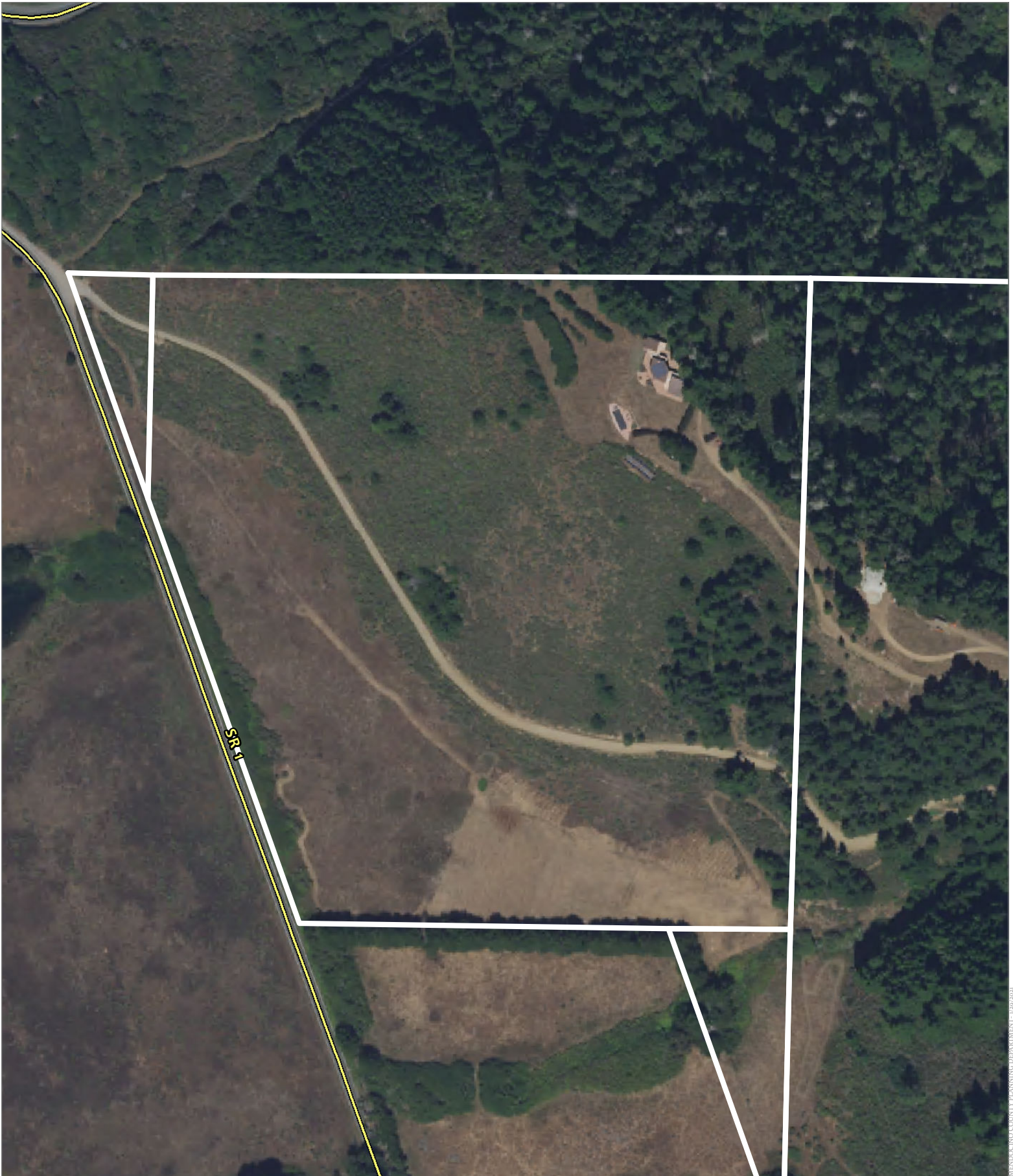
MENDOCINO COUNTY PLANNING DEPARTMENT 4/29/2021



CASE: CDP 2020-0039
OWNER: ELK, LLC
APN: 131-030-09
APLCT: Danielle Miller
AGENT: Danielle Miller
ADDRESS: 9961 S. Highway 1, Elk

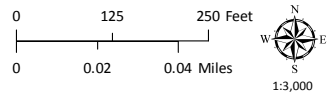
 Named Rivers
 Public Roads



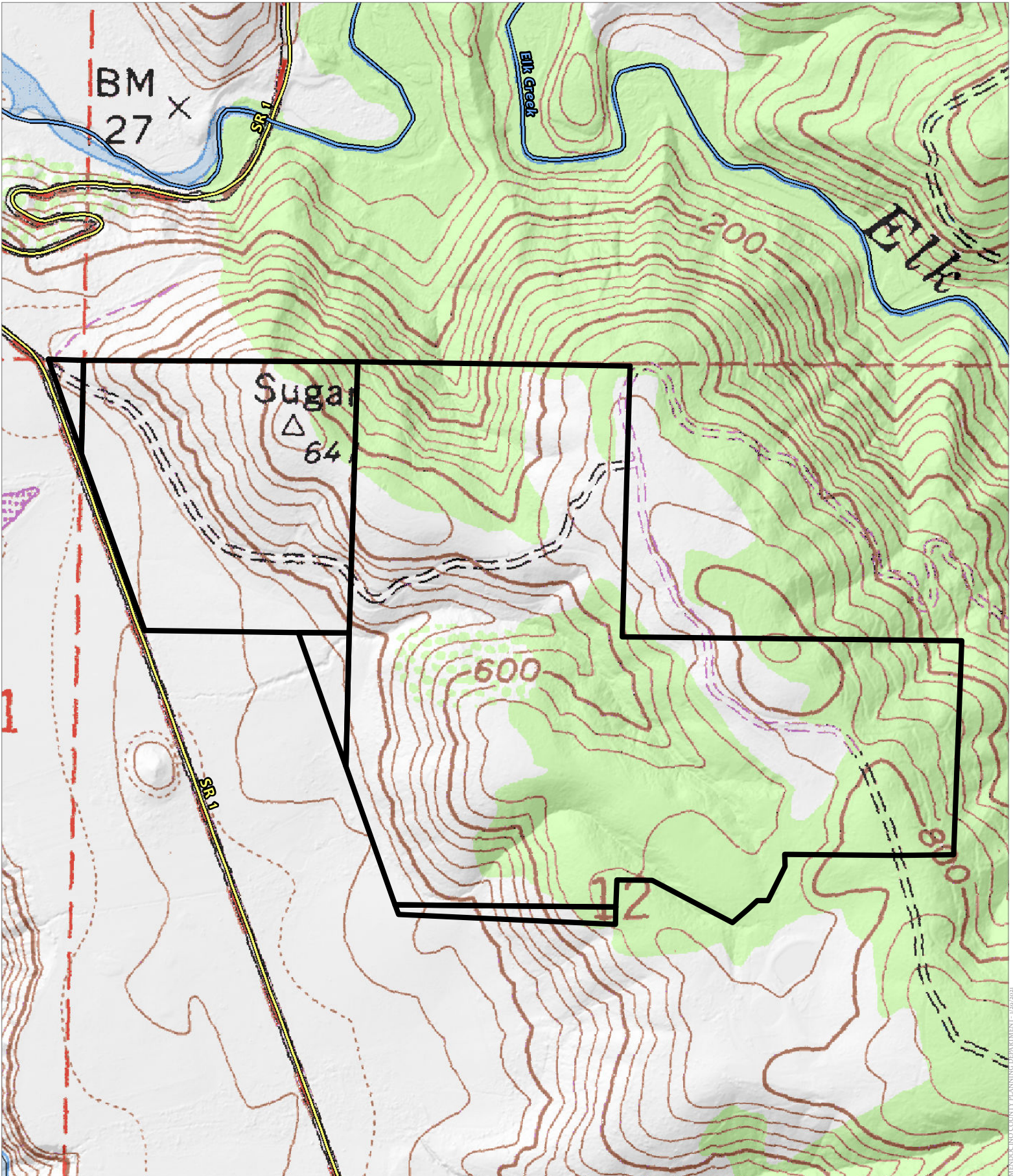


CASE: CDP 2020-0039
OWNER: ELK, LLC
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AGENT: Danielle Miller
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Public Roads

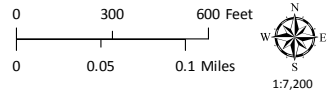


RENDERING COURTESY OF TECHNOLOGY DEPARTMENT - 12/29/2021



CASE: CDP 2020-0039
 OWNER: ELK, LLC
 APN: 131-030-09
 APLCT: Danielle Miller
 AGENT: Danielle Miller
 ADDRESS: 9961 S. Highway 1, Elk

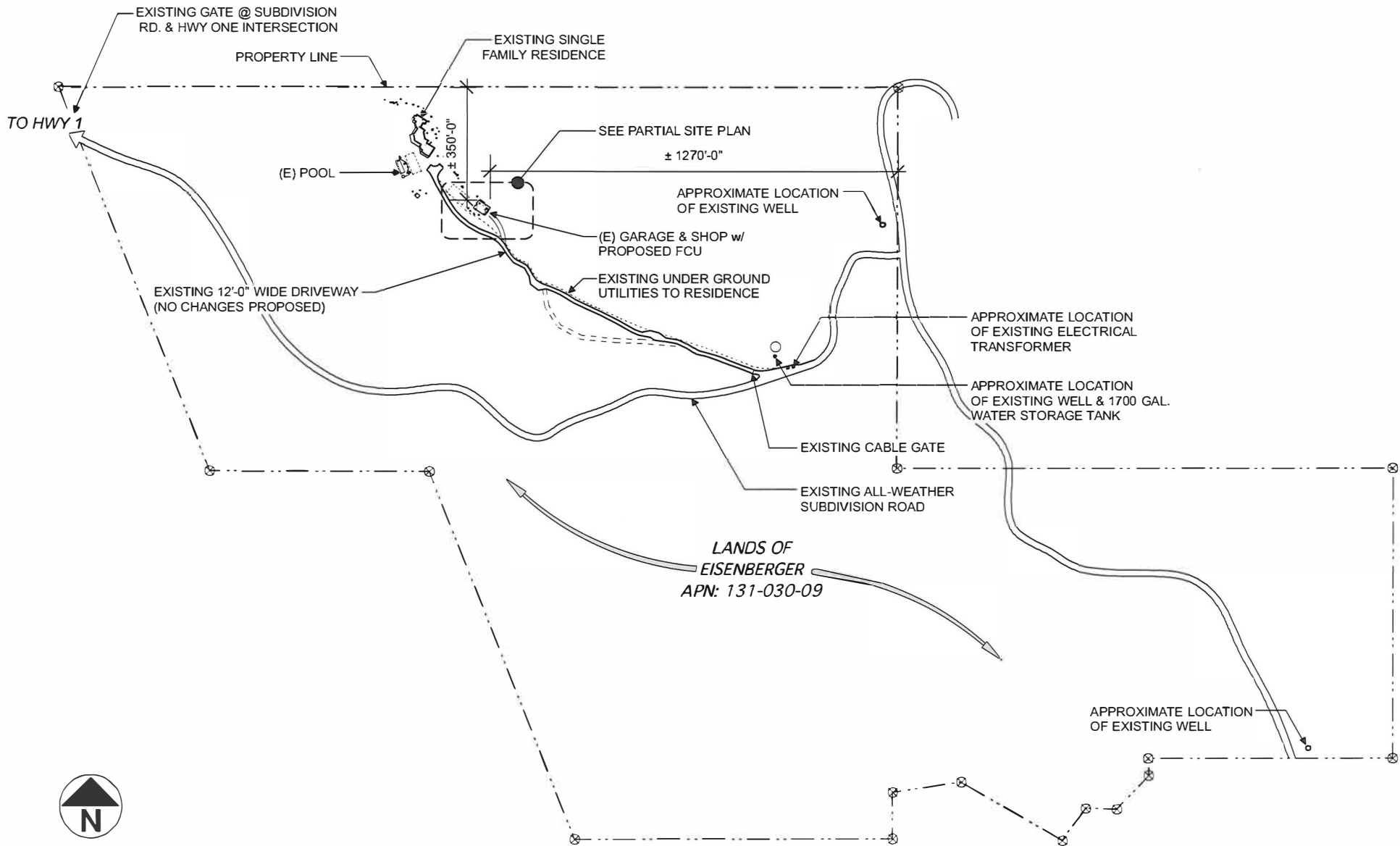
-  Named Rivers
-  Public Roads



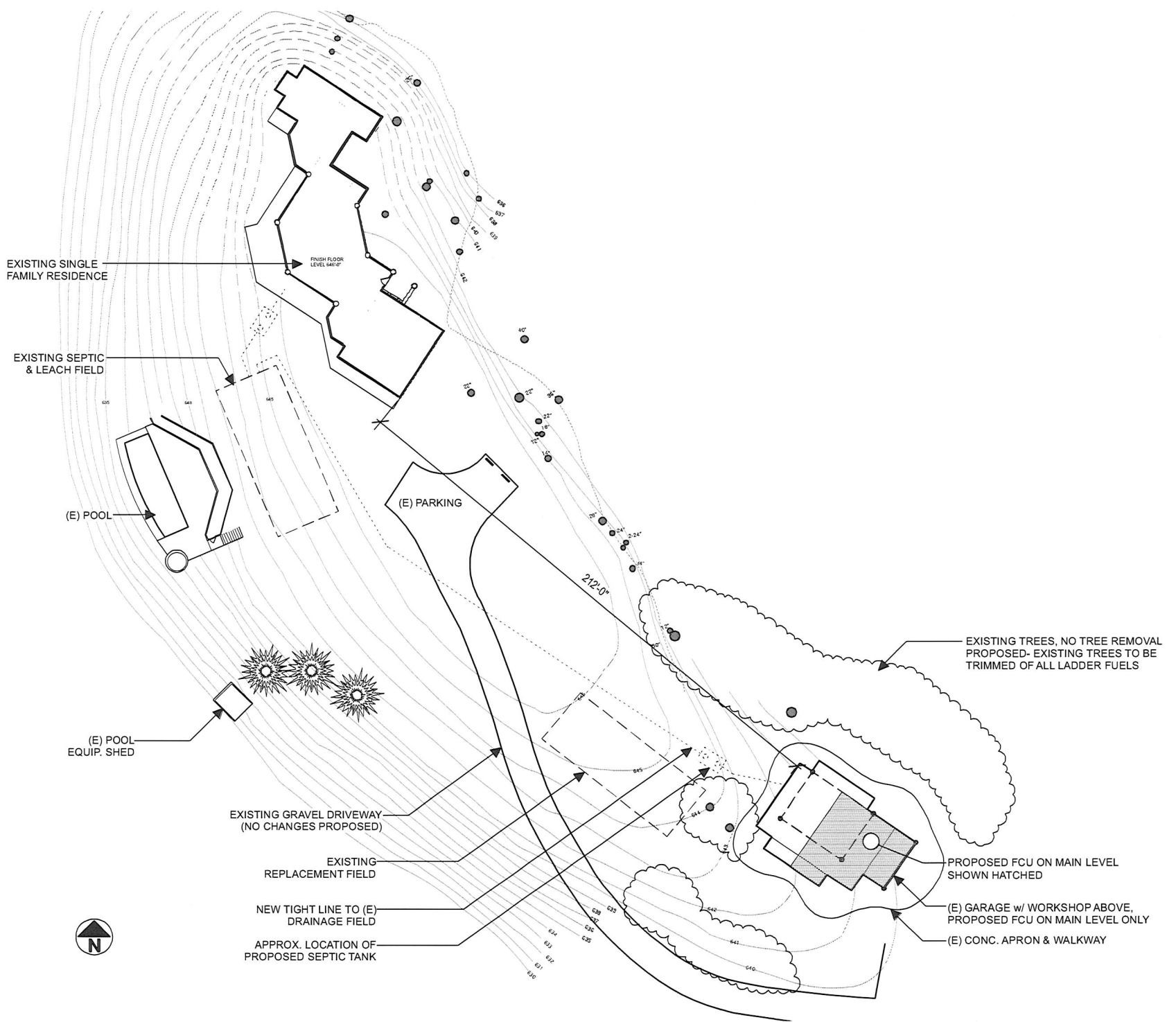
TOPOGRAPHIC MAP
 CONTOUR INTERVAL IS 40 FEET

ATTACHMENT D

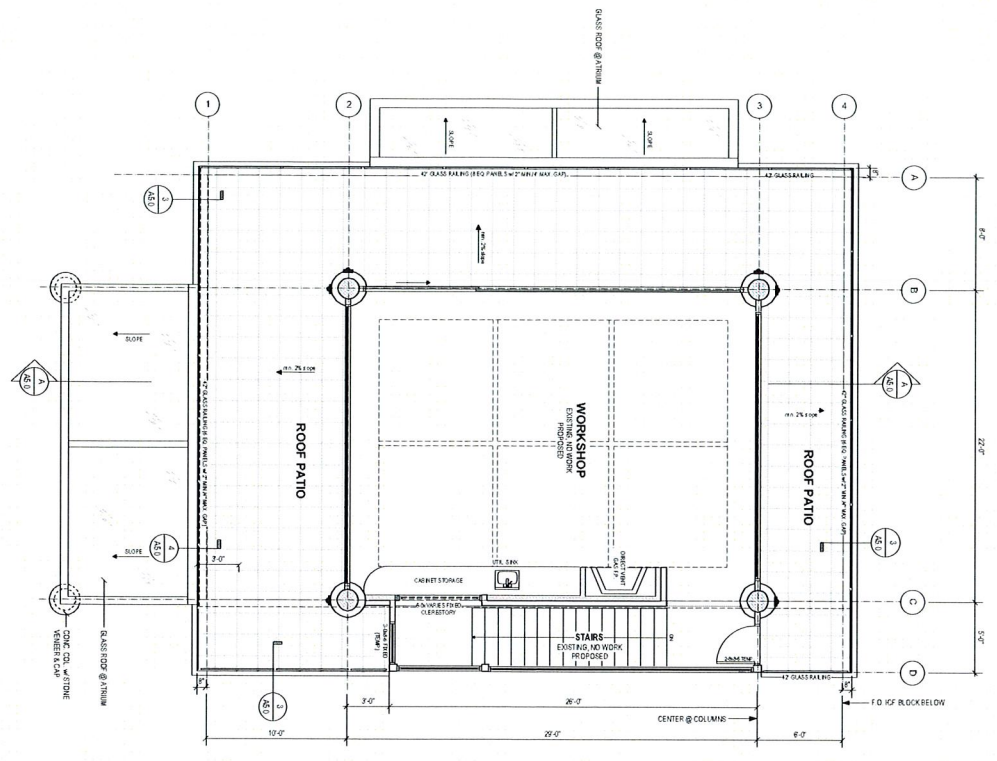
KENDRICK COUNTY PLANNING DEPARTMENT - 1/29/2021



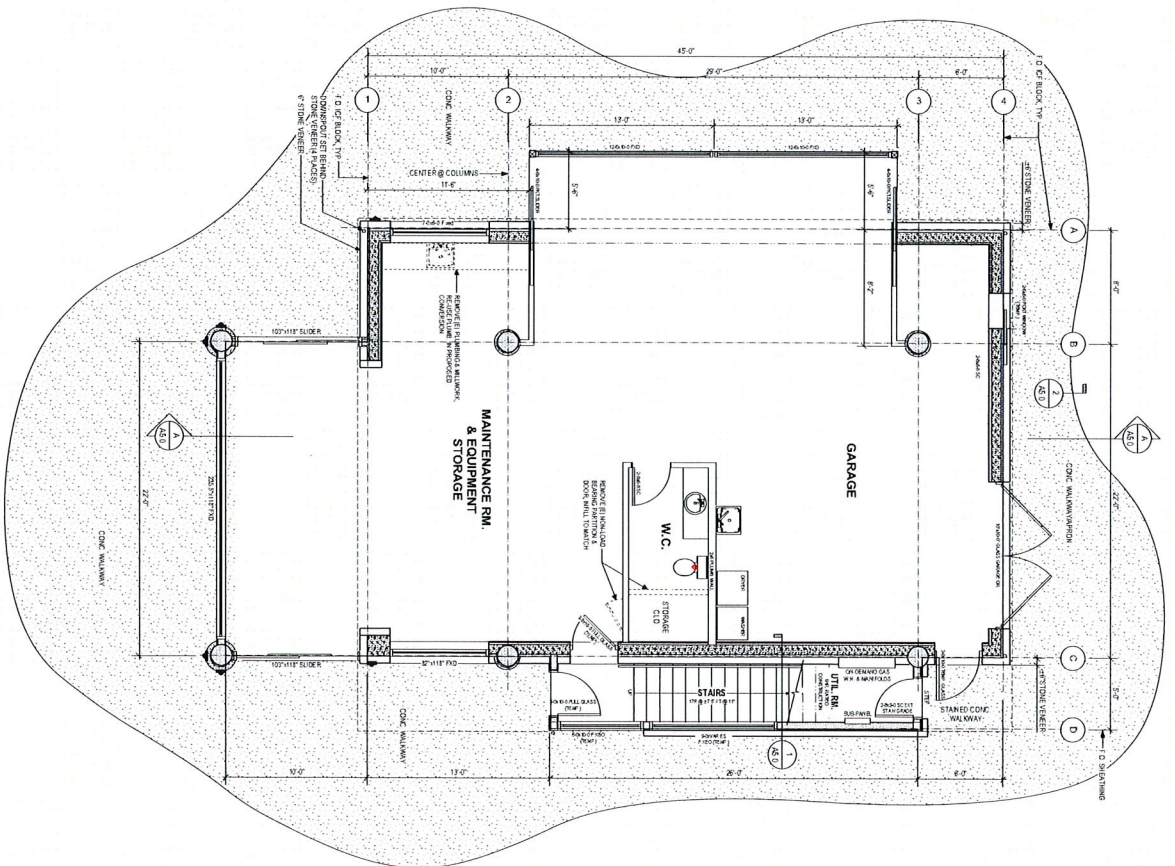
1 SITE PLAN



2 EXISTING UPPER PLAN (NO WORK PROPOSED)
Scale: 1/4" = 1'-0"



1 EXISTING MAIN FLOOR PLAN
Scale: 1/4" = 1'-0"



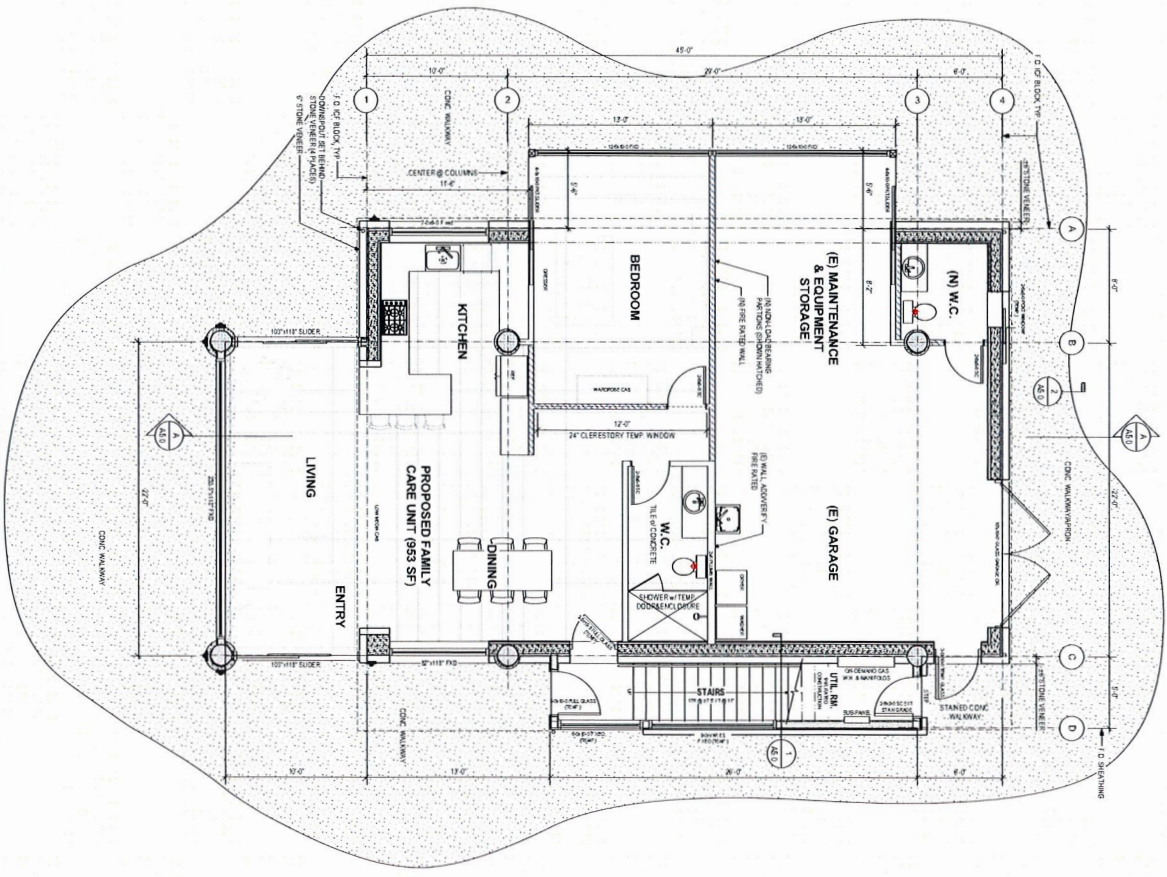
A2.0 EXISTING FLOOR PLANS

Project: Eisenberger FCU/CDP
Date: 08/25/2020

Eisenberger
FCU Conversion
9961 S. Highway One
Elk, California
APN: 131-030-09

Andreis Design Studio
www.andreisdesign.com
P.O. Box 699 | Fort Bragg CA 95437
T: 707.357.7969

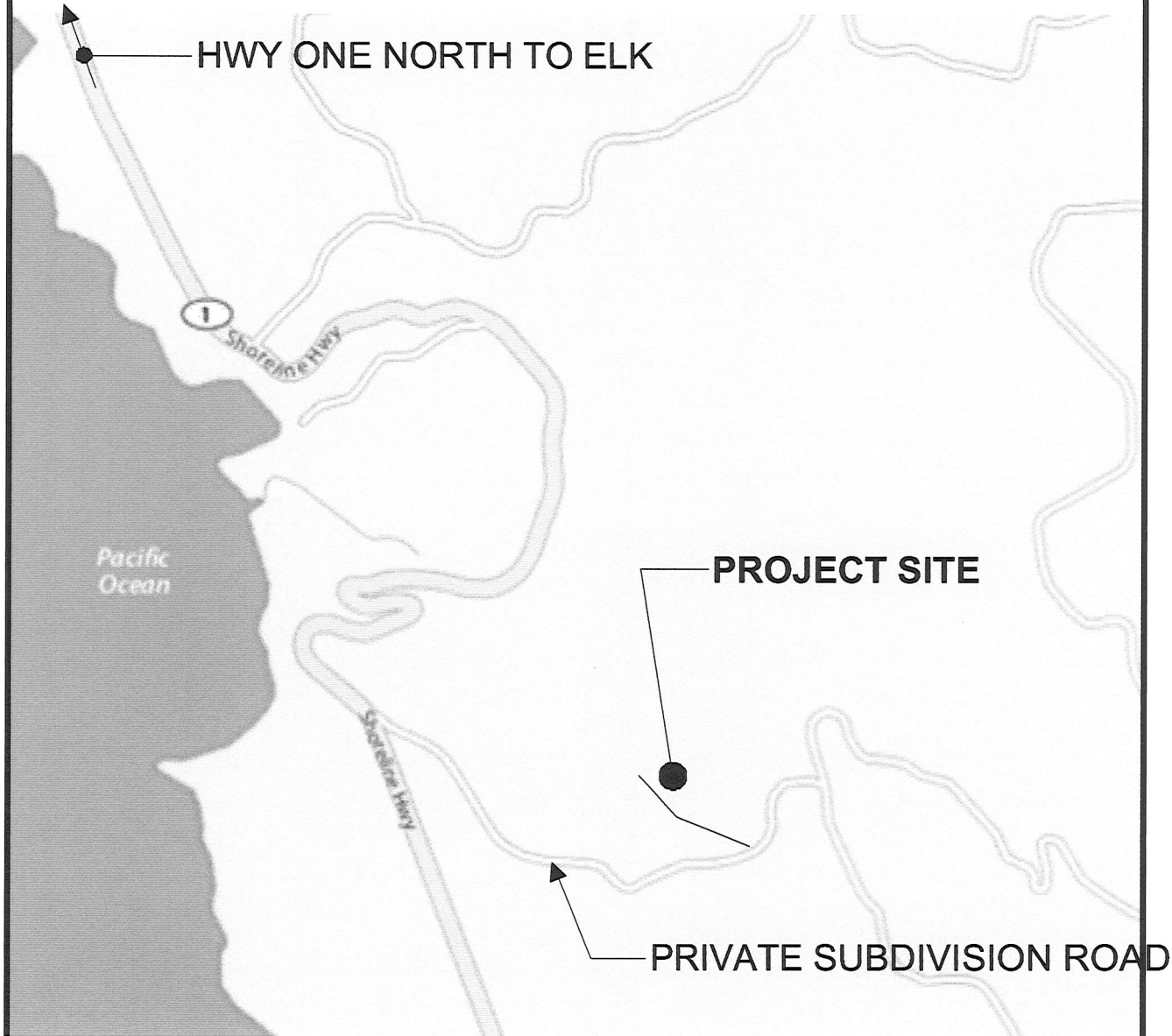
1 PROPOSED MAIN FLOOR PLAN
Scale: 1/4" = 1'-0"



A2.1	PROPOSED CONVERSION PLAN	Eisenberger FCU Conversion 9961 S. Highway One Elk, California APN: 131-030-09
	Project: Eisenberger FCU-CDP	
	Date: 08/25/2020	
	DRAWING NO. _____ DATE _____ SCALE _____ SHEET NO. _____	

Andreis Design Studio
www.andreisd.com
 P.O. Box 699 | Fort Bragg CA 95437
 T. 707.357.7989

VICINITY MAP



- 4. At least
- outlets. ce
- 5. GROU
- shower ar
- 6. All brar
- tamper-re
- 7. OUTDC
- and shall
- 8. Exterio

11. CARBO
units with
back-up

- a)
- b)

12. CIRCL

- a) dis
- ap
- b) su
- c) ou

13. Recep

14. PANE

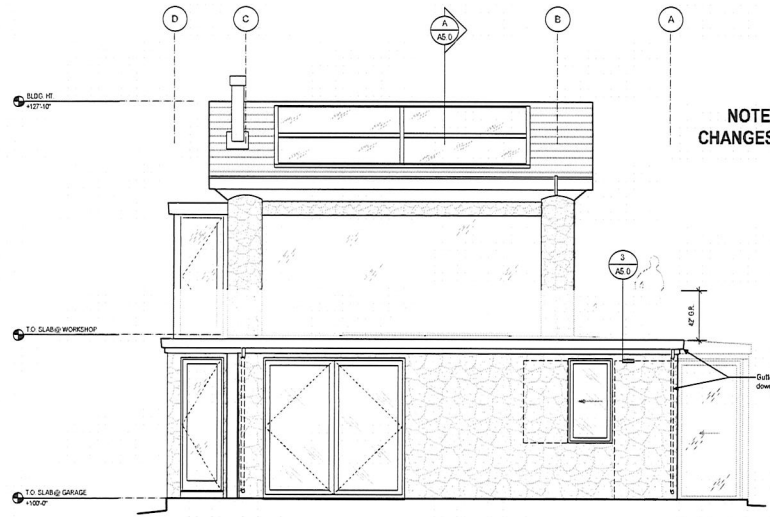
installed a

15. GROU

FIRE RA1

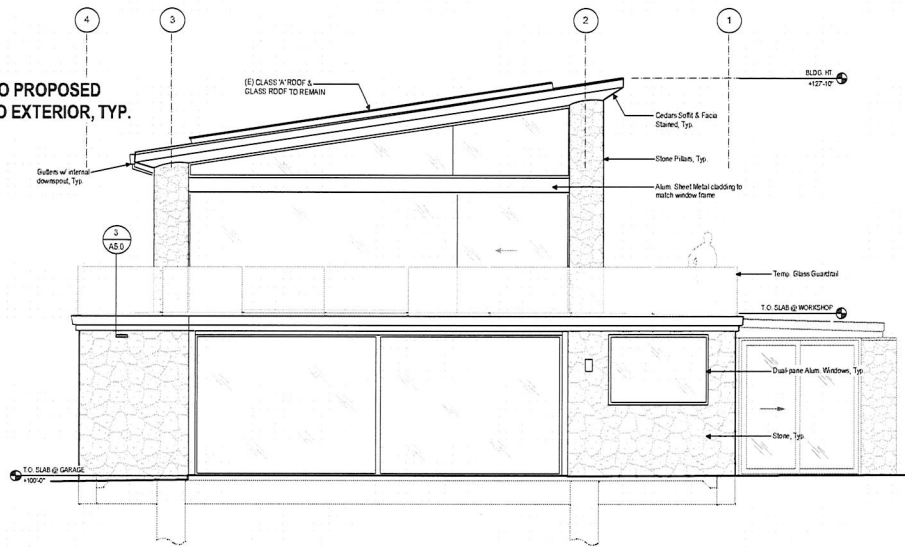
1. Interior

arcion

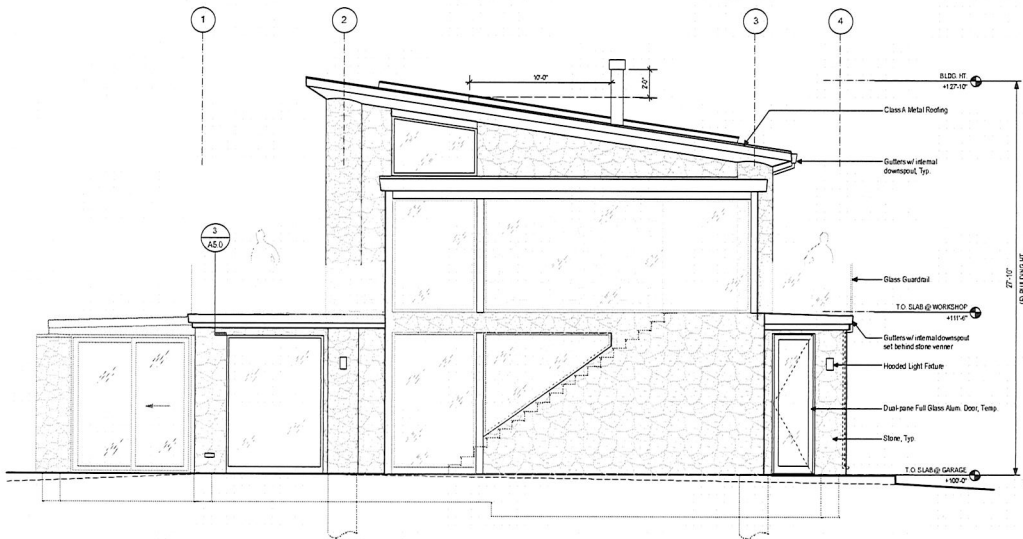


3 North Elevation
Scale: 1/4" = 1'-0"

NOTE: NO PROPOSED CHANGES TO EXTERIOR, TYP.

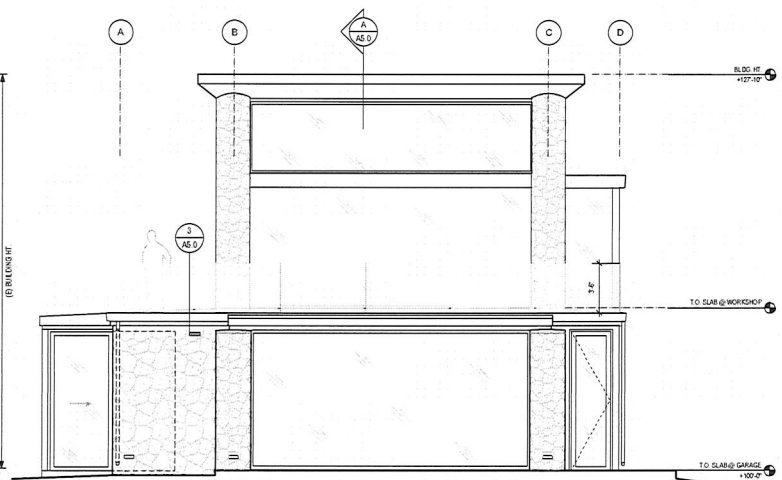


2 West Elevation
Scale: 1/4" = 1'-0"

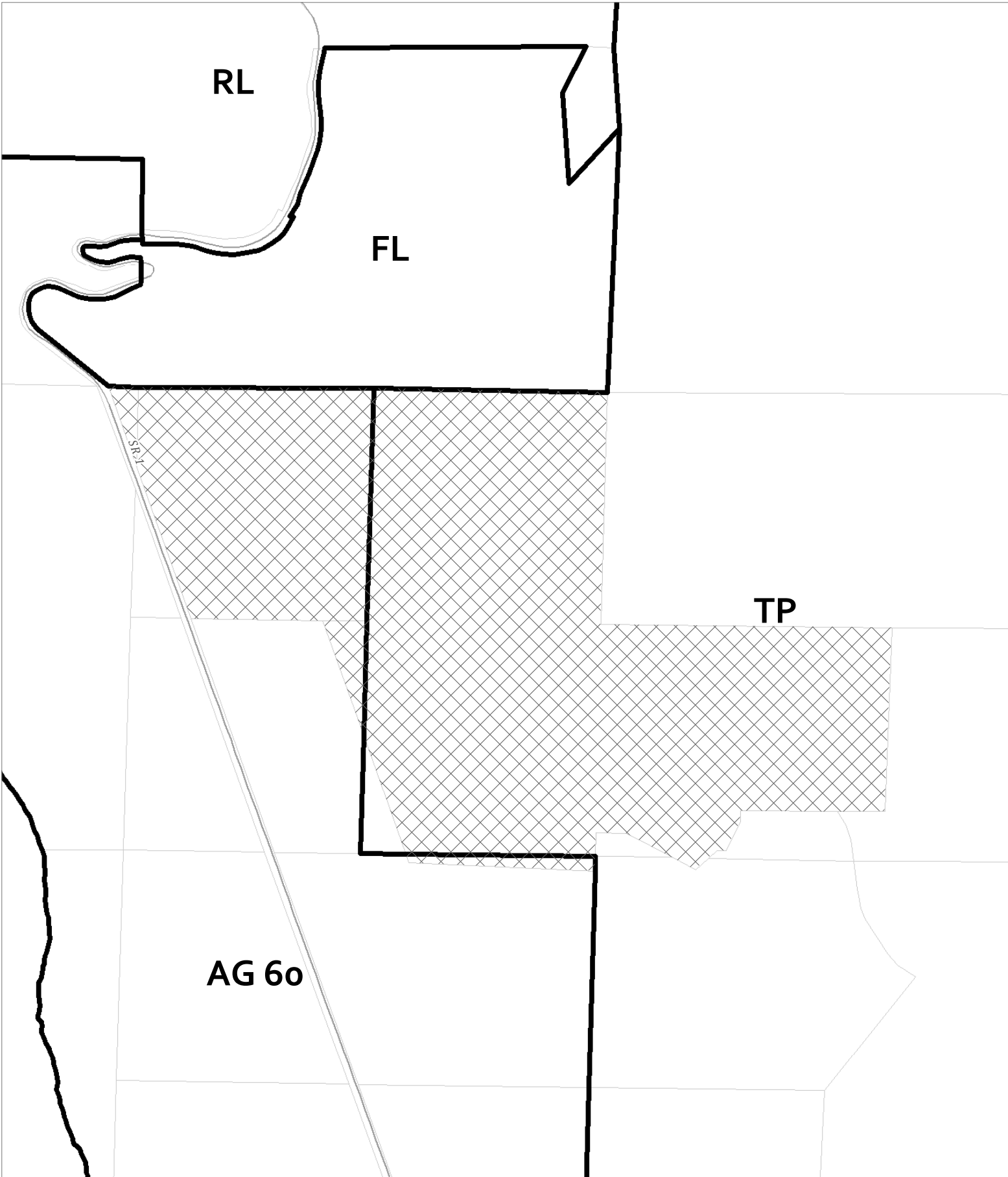


4 East Elevation
Scale: 1/4" = 1'-0"

NOTE: NO PROPOSED CHANGES TO EXTERIOR, TYP.






1 South Elevation
Scale: 1/4" = 1'-0"

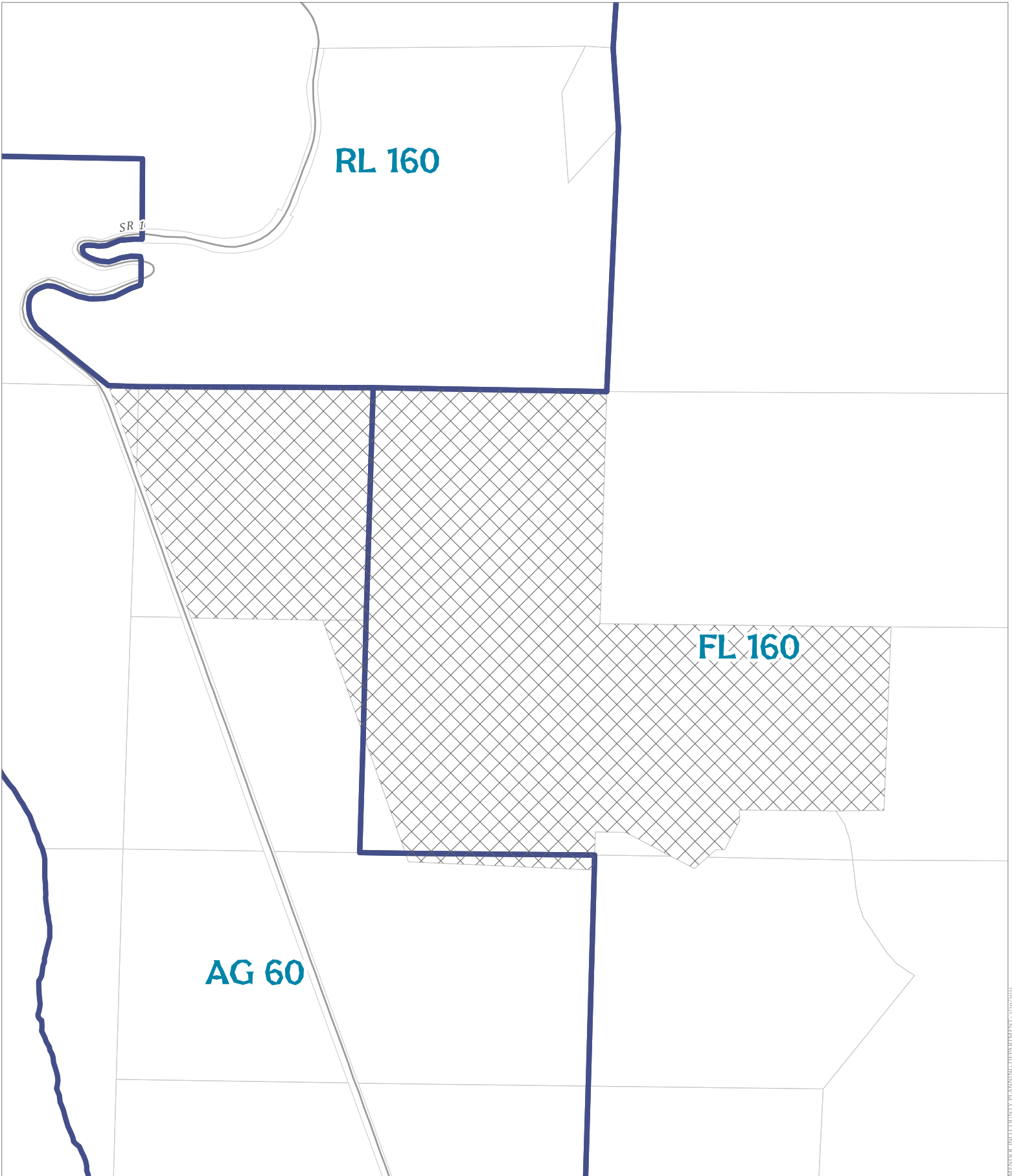


MENDOCINO COUNTY PLANNING DEPARTMENT - 7/29/2021



CASE: CDP 2020-0039
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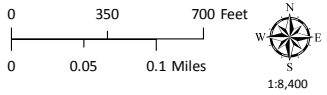
 Zoning Districts
 Public Roads

0 350 700 Feet
 0 0.05 0.1 Miles

 1:8,400

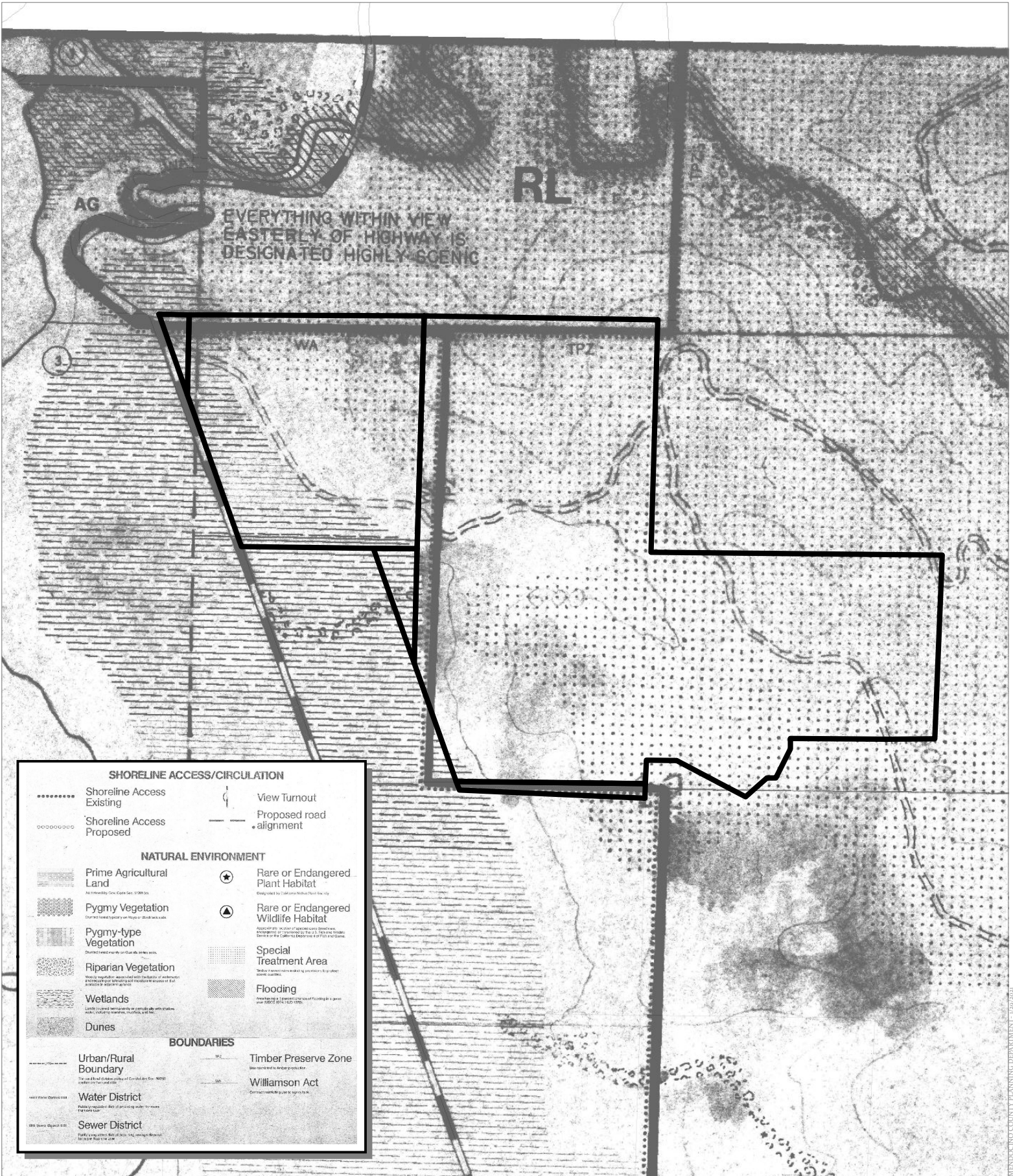


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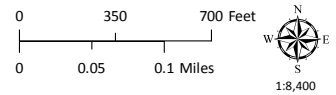
 General Plan Classes
 Public Roads

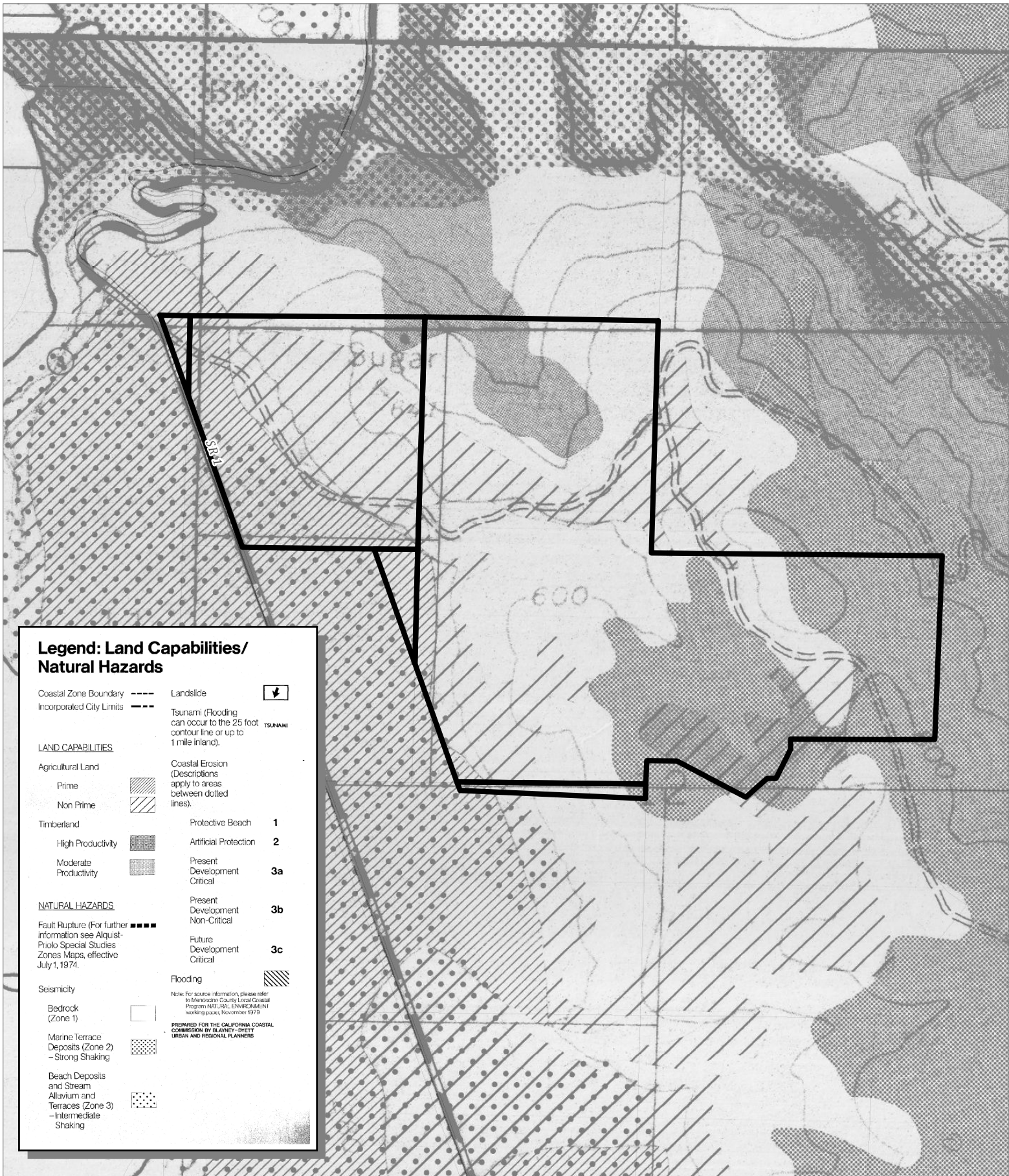


MENDOCINO COUNTY PLANNING DEPARTMENT - 7/29/2021



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**Legend: Land Capabilities/
Natural Hazards**

Coastal Zone Boundary - - - -
 Incorporated City Limits - - - -

LAND CAPABILITIES

Agricultural Land
 Prime [diagonal lines] [diagonal lines]
 Non Prime [diagonal lines] [diagonal lines]

Timberland
 High Productivity [stippled] [stippled]
 Moderate Productivity [stippled] [stippled]

NATURAL HAZARDS

Fault Rupture (For further information see Alquist-Prilo Special Studies Zones Maps, effective July 1, 1974. [thick dashed line])

Seismicity
 Bedrock (Zone 1) [white box]
 Marine Terrace Deposits (Zone 2) - Strong Shaking [stippled]
 Beach Deposits and Stream Alluvium and Terraces (Zone 3) - Intermediate Shaking [dotted]

Landslide [arrow pointing down]

Tsunami (Flooding can occur to the 25 foot contour line or up to 1 mile inland). [wavy line]

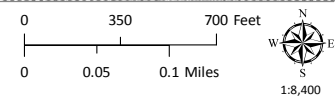
Coastal Erosion (Descriptions apply to areas between dotted lines).
 Protective Beach 1 [diagonal lines]
 Artificial Protection 2 [diagonal lines]
 Present Development Critical 3a [diagonal lines]
 Present Development Non-Critical 3b [diagonal lines]
 Future Development Critical 3c [diagonal lines]

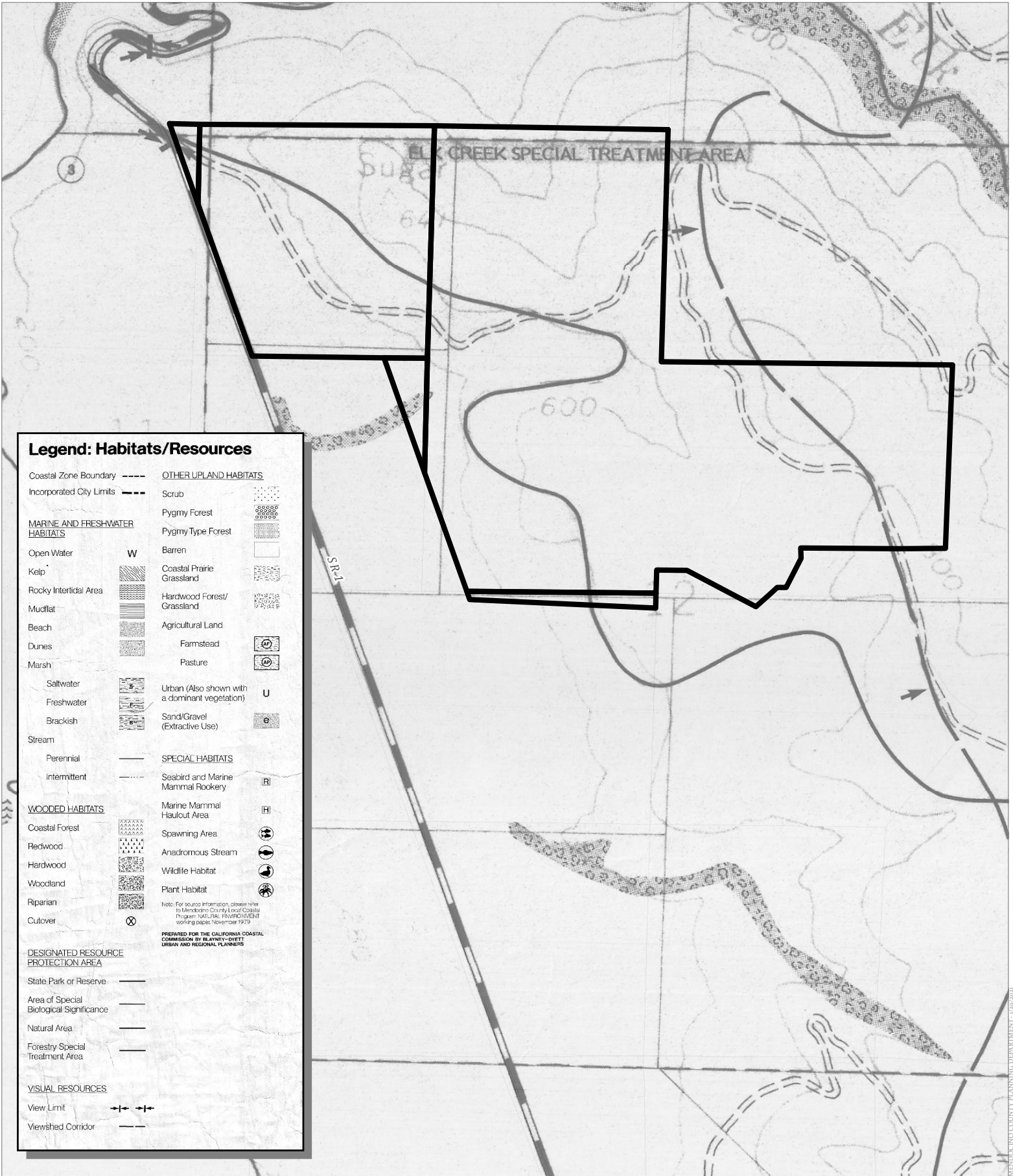
Flooding [diagonal lines]

Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper, November 1975.
 PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLANNEY-TWETT URBAN AND REGIONAL PLANNERS

CASE: CDP 2020-0039
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Public Roads



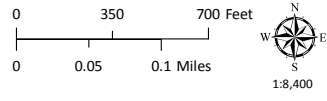


Legend: Habitats/Resources

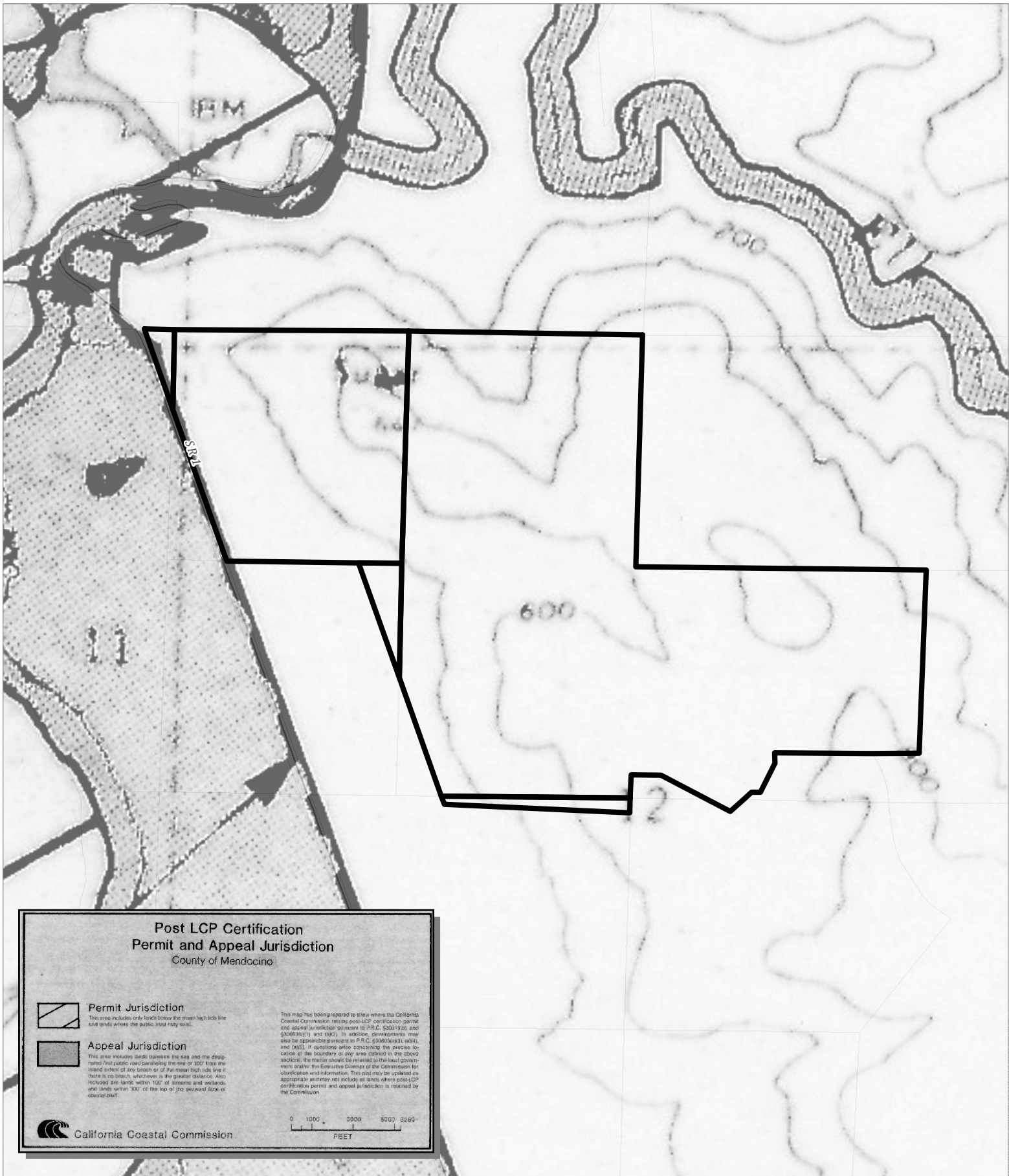
Coastal Zone Boundary	---	OTHER UPLAND HABITATS
Incorporated City Limits	---	Scrub
MARINE AND FRESHWATER HABITATS		
Open Water	W	Pygmy Forest
Kelp	[Pattern]	Pygmy Type Forest
Rocky Intertidal Area	[Pattern]	Barren
Mudflat	[Pattern]	Coastal Prairie Grassland
Beach	[Pattern]	Hardwood Forest/Grassland
Dunes	[Pattern]	Agricultural Land
Marsh	[Pattern]	Farmstead
Saltwater	[Pattern]	Pasture
Freshwater	[Pattern]	Urban (Also shown with a dominant vegetation)
Brackish	[Pattern]	Sand/Gravel (Extractive Use)
Stream		
Perennial	—	SPECIAL HABITATS
Intermittent	---	Seabird and Marine Mammal Rookery
WOODED HABITATS		
Coastal Forest	[Pattern]	Marine Mammal Haulout Area
Redwood	[Pattern]	Spawning Area
Hardwood	[Pattern]	Anadromous Stream
Woodland	[Pattern]	Wildlife Habitat
Riparian	[Pattern]	Plant Habitat
Cutover	[Pattern]	
DESIGNATED RESOURCE PROTECTION AREA		
State Park or Reserve	—	
Area of Special Biological Significance	—	
Natural Area	—	
Forestry Special Treatment Area	—	
VISUAL RESOURCES		
View Limit	--- --- ---	
Viewshed Corridor	---	

Note: For source information, please refer to Mendocino County Local Coastal Program NATURAL ENVIRONMENT working paper, November 1979
 PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLAINEY/DEWITT URBAN AND REGIONAL PLANNERS

— Public Roads



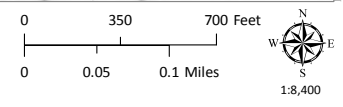
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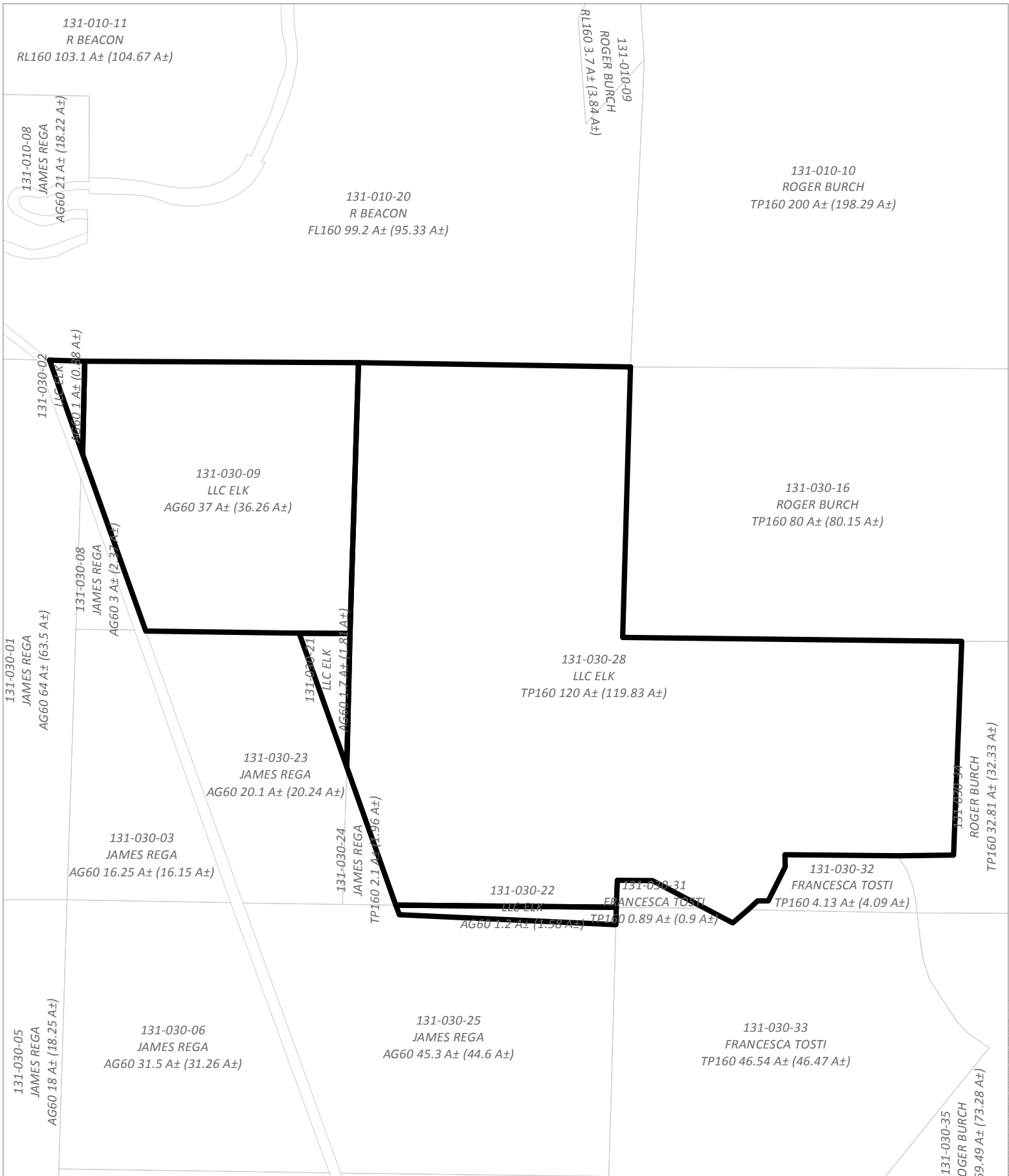


MENDOCINO COUNTY PLANNING DEPARTMENT - 1/29/2021

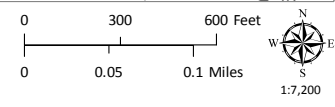
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— Public Roads

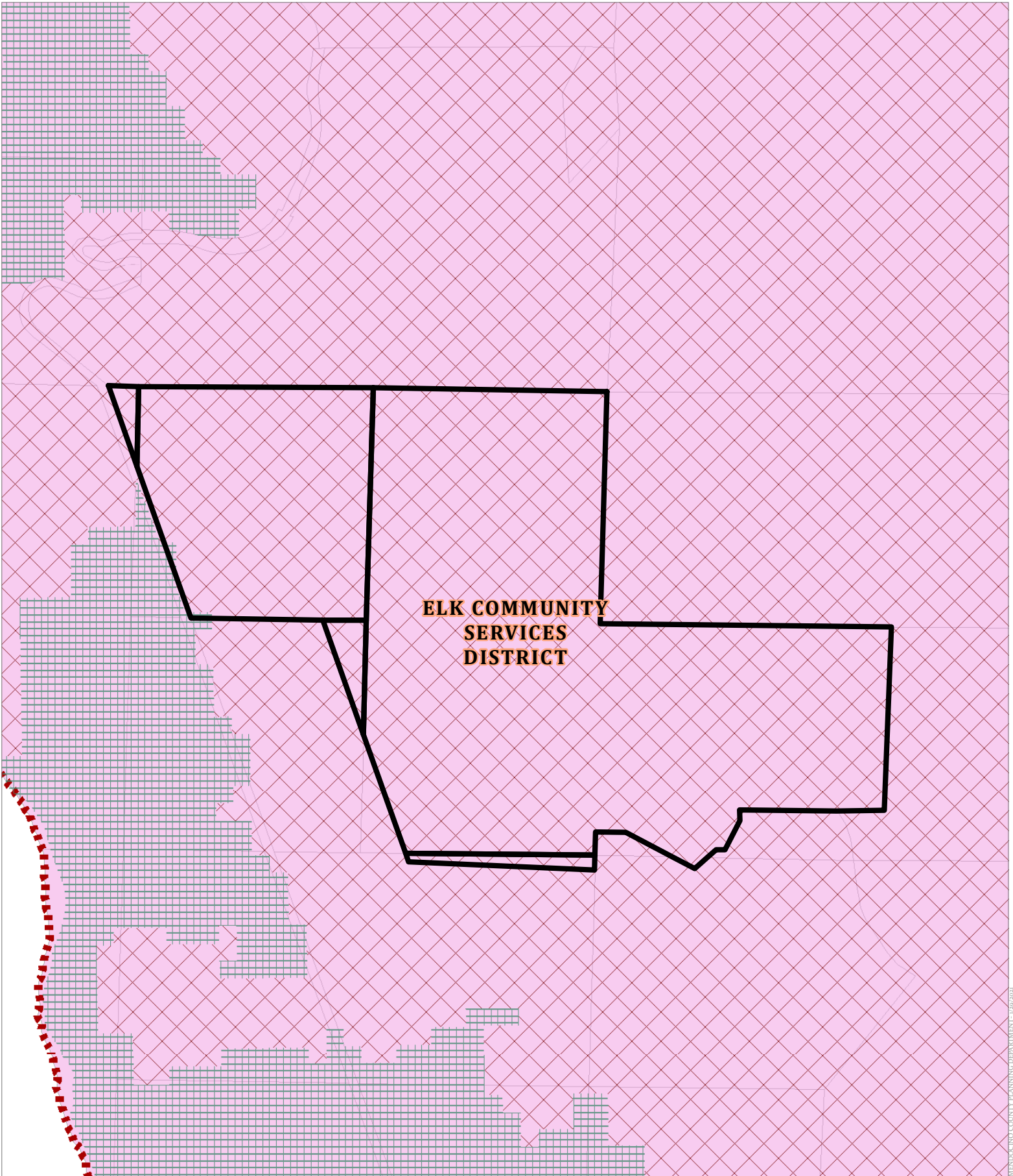




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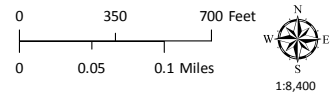


MENDOCINO COUNTY PLANNING DEPARTMENT - 1/29/2021



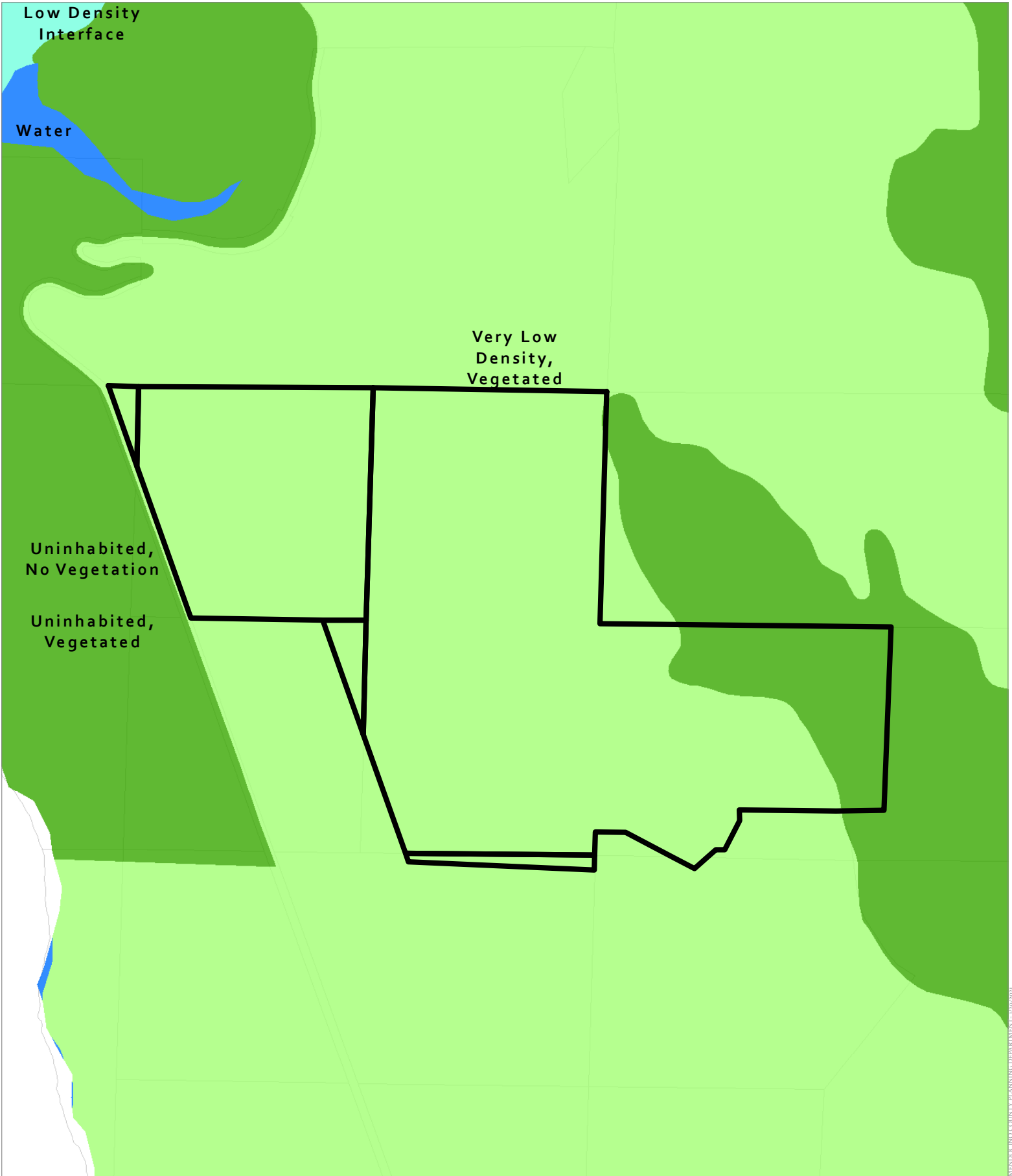
CASE: CDP 2020-0039
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 AGENT: Danielle Miller
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-  High Fire Hazard
-  Moderate Fire Hazard
-  County Fire Districts



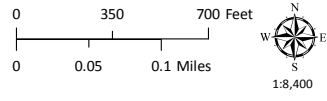
FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

MENDOCINO COUNTY PLANNING DEPARTMENT - 7/27/2021

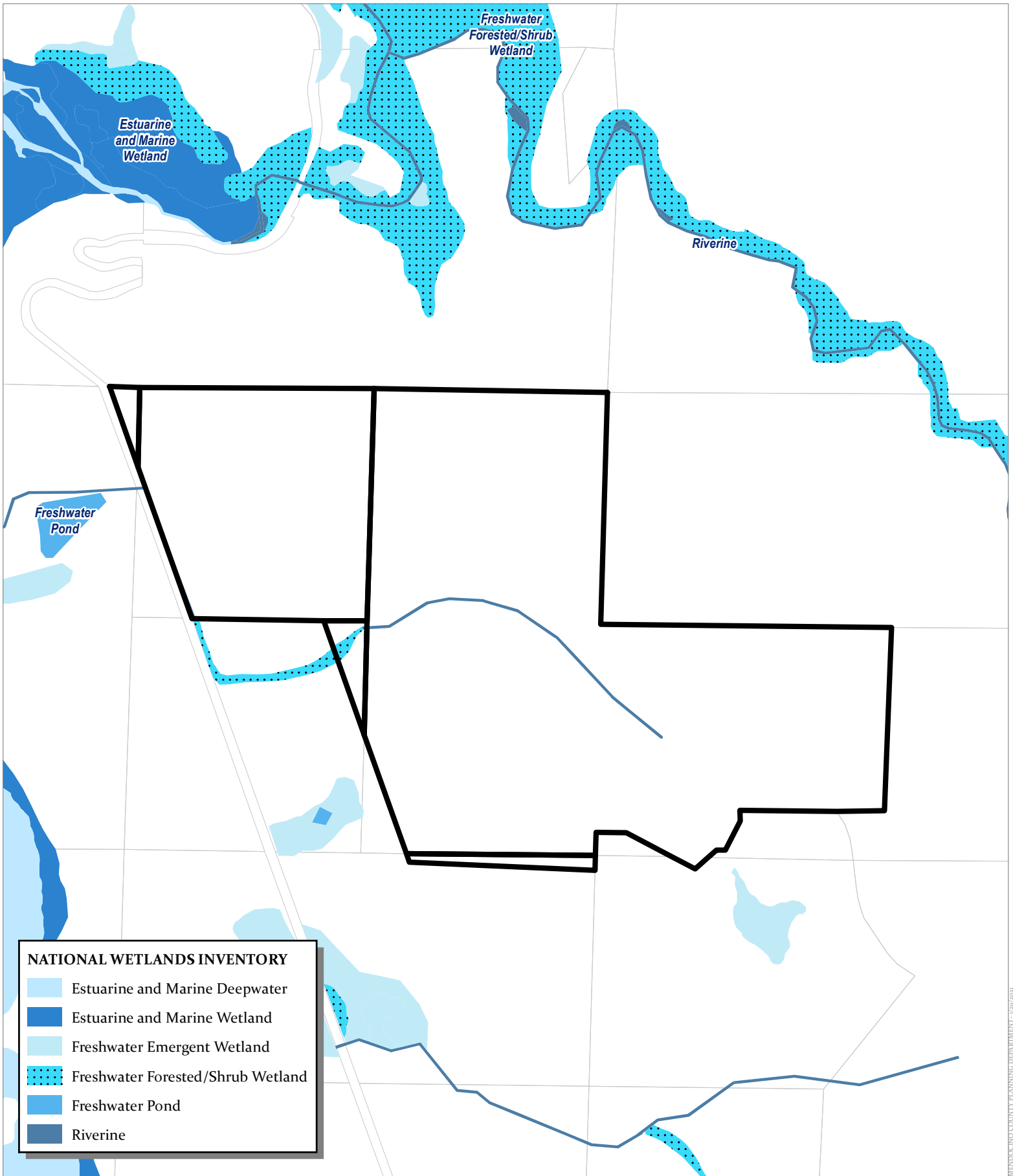


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 Water



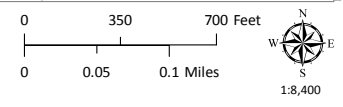
MENDOCINO COUNTY PLANNING DEPARTMENT - 12/29/2021



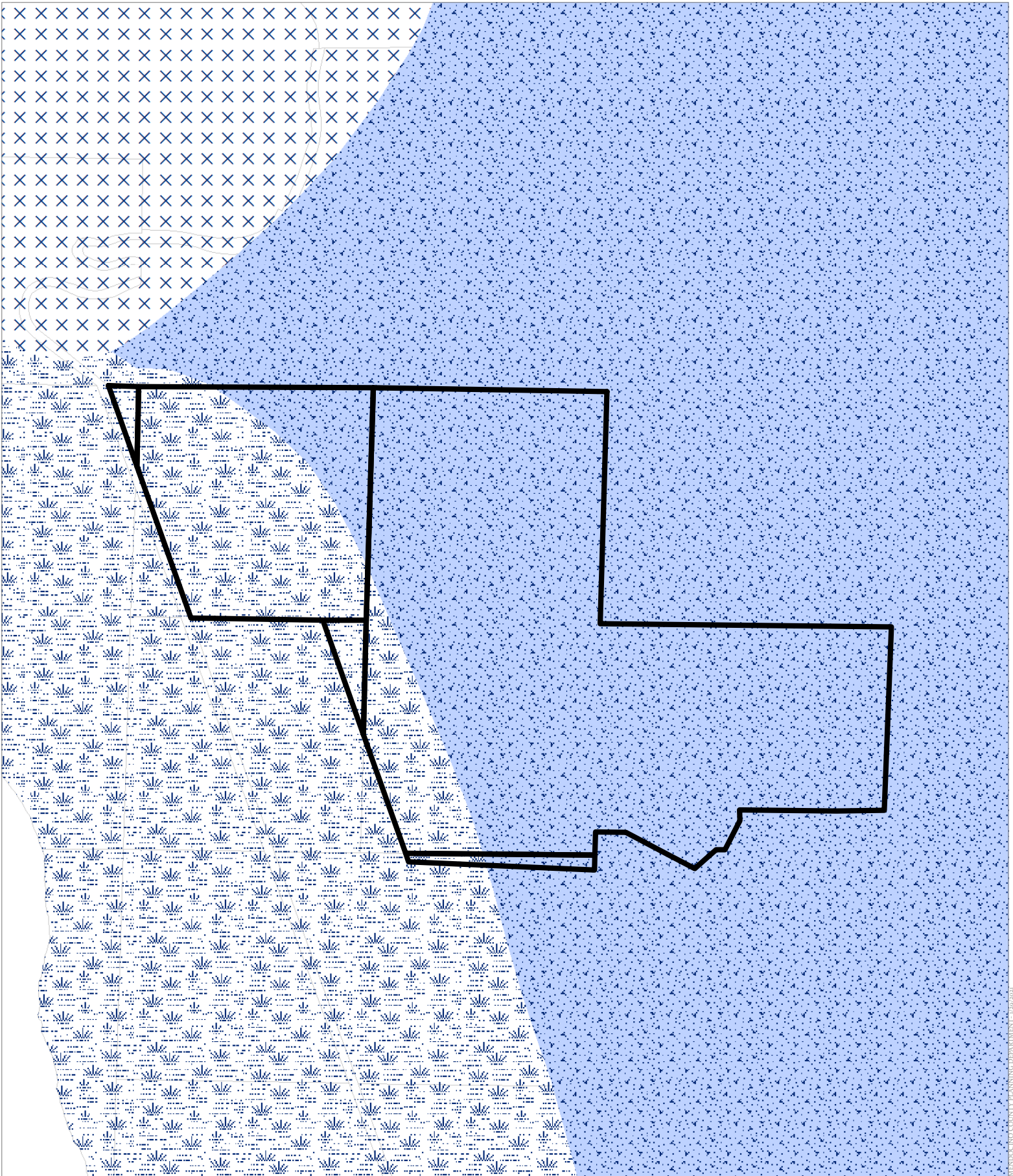
NATIONAL WETLANDS INVENTORY

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Riverine




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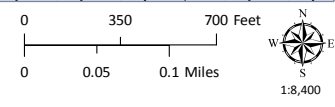


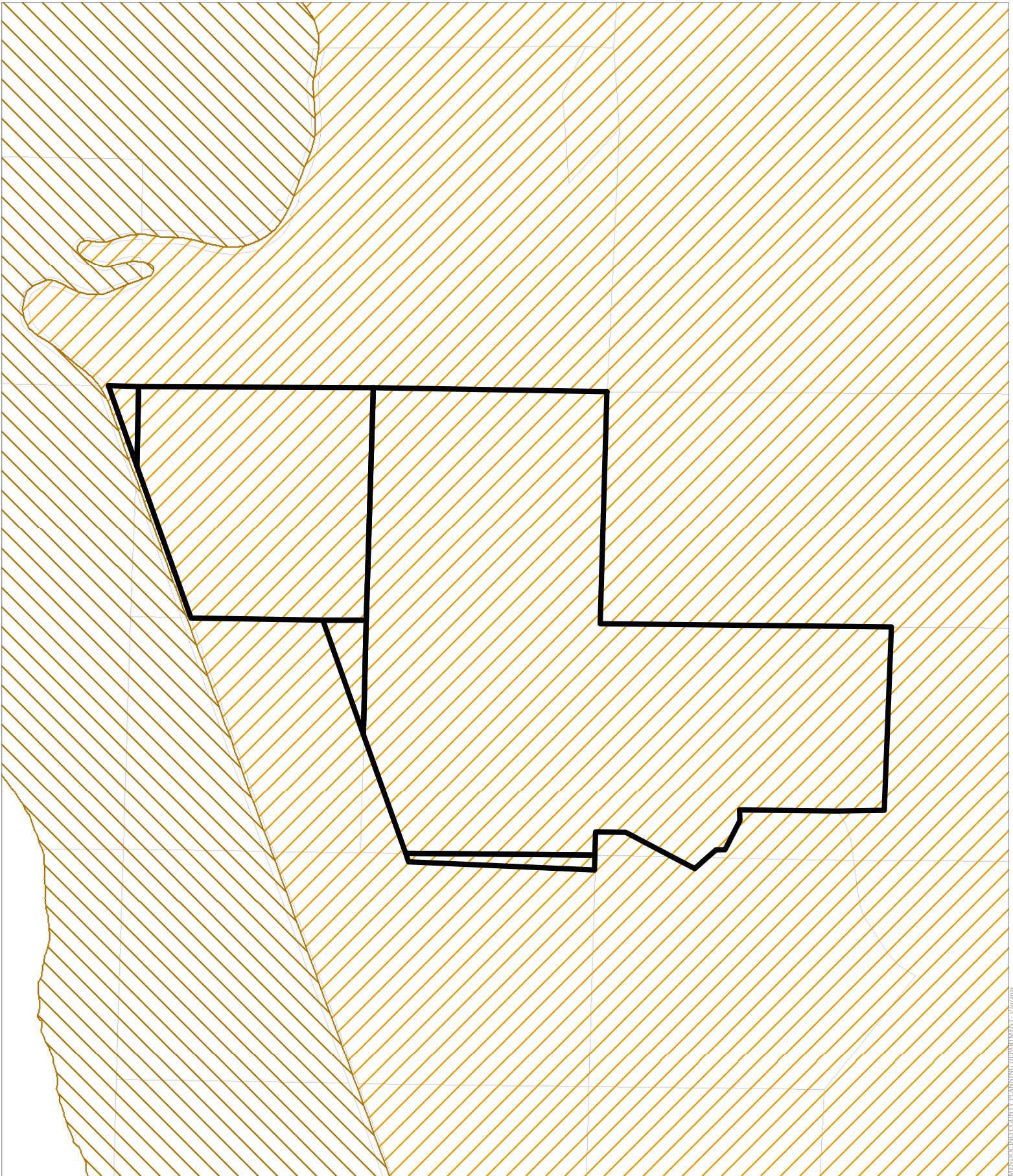
MENDOCINO COUNTY PLANNING DEPARTMENT - 7/29/2021





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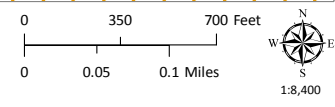
-  Critical Water Areas
-  Marginal Water Resources
-  Critical Water Resources Bedrock



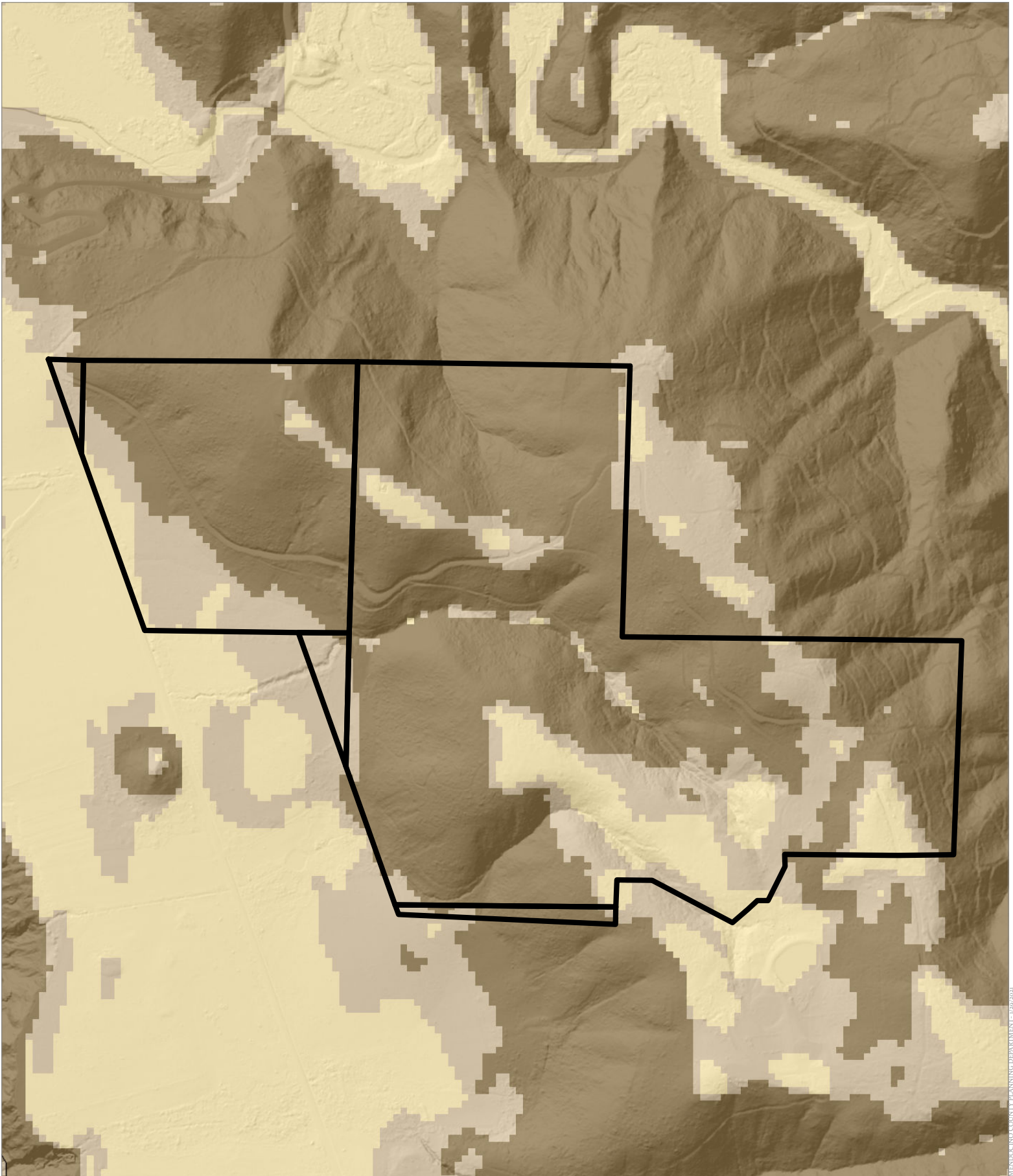


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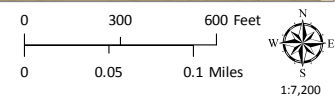
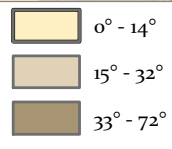
-  Highly Scenic Area
-  Highly Scenic Area (Conditional)



MENDOCINO COUNTY PLANNING DEPARTMENT - 1/29/2021

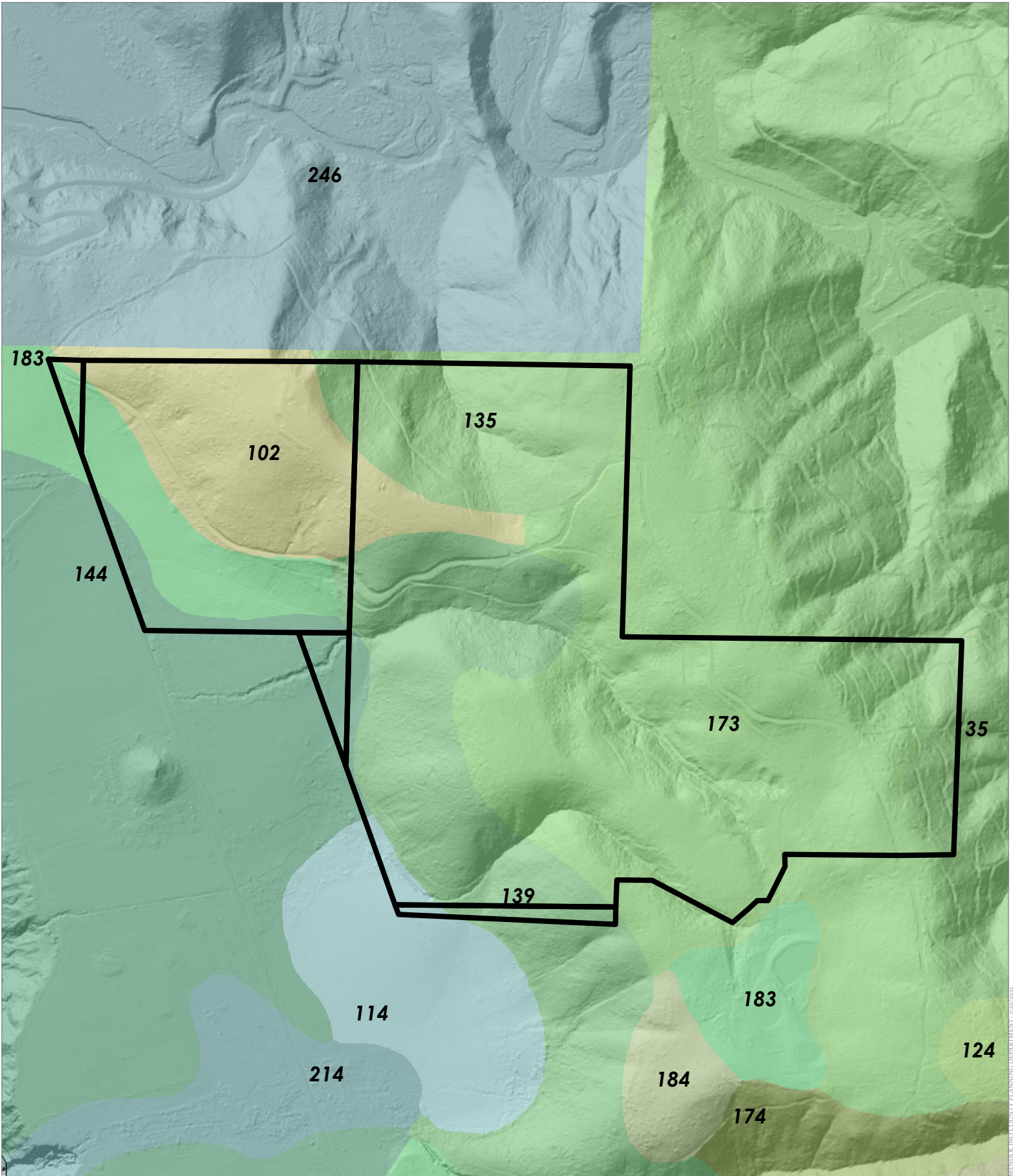


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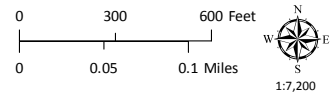


ESTIMATED SLOPE
 ATTACHMENT R

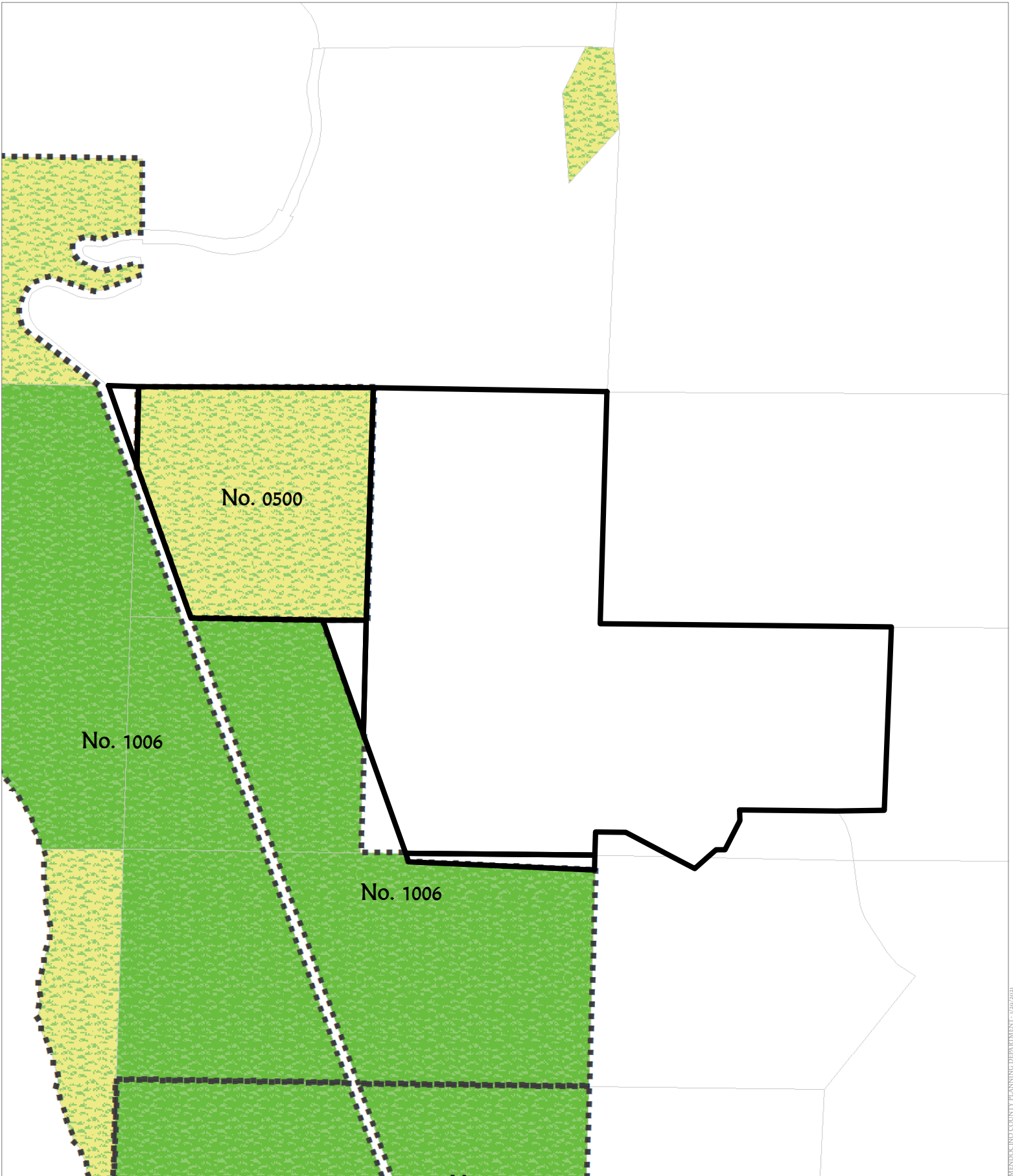
MENDOCINO COUNTY PLANNING DEPARTMENT - 7/29/2021







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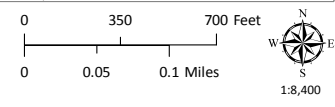


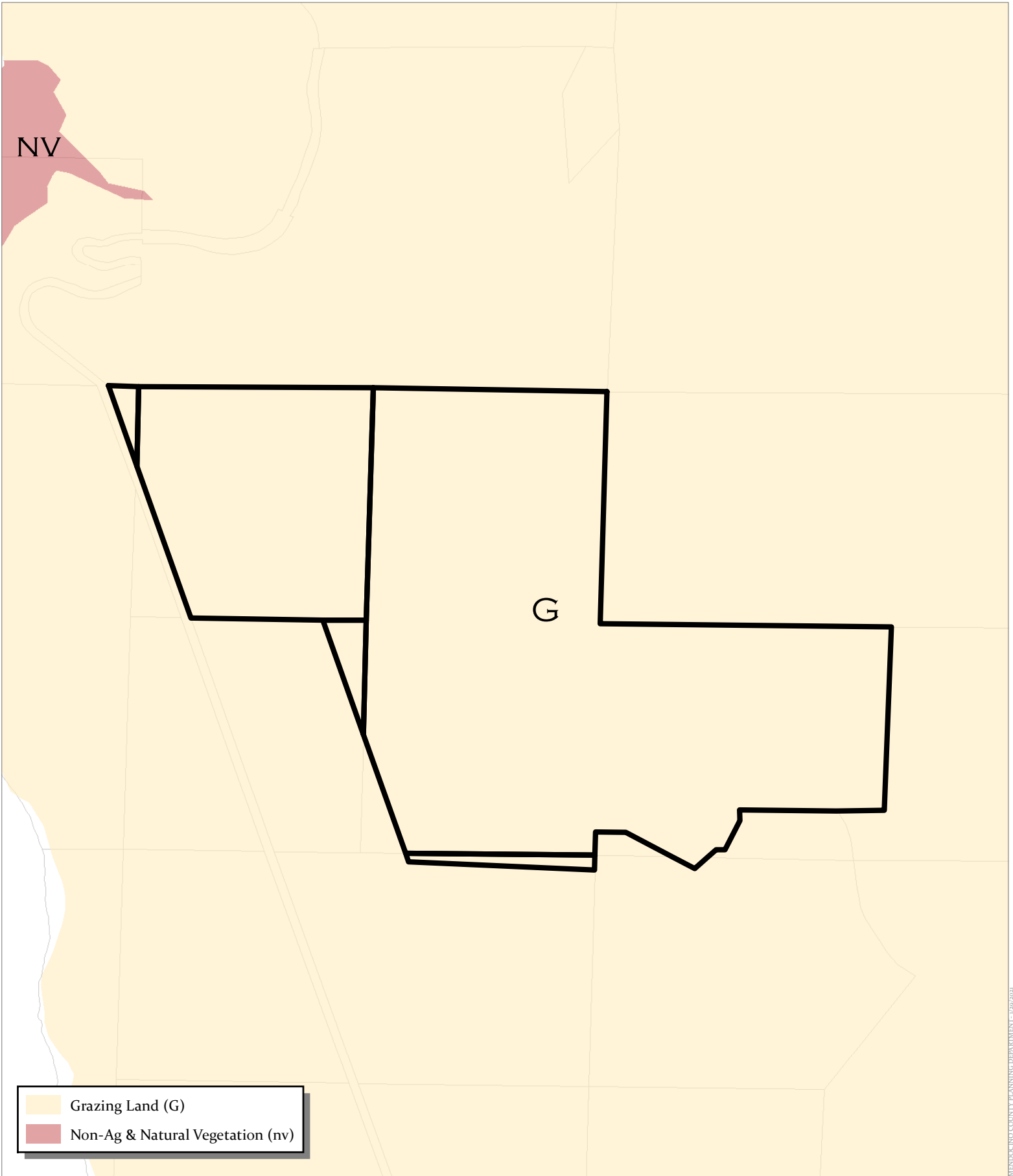
MENDOCINO COUNTY PLANNING DEPARTMENT - 12/29/2021



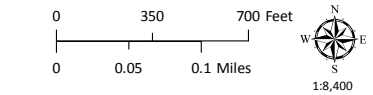
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-  Contract Boundaries
-  Non-Prime Ag 062920
-  Williamson Act 2018
-  Prime Ag 062920





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MENDOCINO COUNTY PLANNING DEPARTMENT - 7/27/2021