



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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September 1, 2023

PUBLIC HEARING NOTICE OF PENDING ACTION
STANDARD COASTAL DEVELOPMENT PERMIT MODIFICATION

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held on Thursday, September 14, 2023, at 11:00 a.m. will conduct a public hearing on the following project located in the Coastal Zone at the time listed or as soon thereafter as the item may be heard. This meeting will take place at the Planning and Building Services Conference Room, located at 860 North Bush Street, Ukiah and Virtual attendance will be available via Zoom. Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>. In lieu of personal attendance, the public may participate digitally in meeting by sending comments to: pbscommissions@mendocinocounty.org or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>.

CASE#: CDPM 2023-0002

DATE FILED: 3/21/2023

OWNER/APPLICANT: ERIC CHRISTENSON

AGENT: DIANA WIEDEMANN

REQUEST: Replace existing cottage with garage, replace existing workshop with a new workshop, and construct new 640 square foot guest cottage with septic tank and undergrounded utilities.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: In the Coastal Zone, 1.5± miles south of Elk town center, along the west side of Highway 1 (SR 1), located at 8000 Highway 1, Elk; APN 131-010-03.

SUPERVISORIAL DISTRICT: 5 (Williams)

STAFF PLANNER: ROB FITZSIMMONS

The staff report, and notice, will be available 10 days before the hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>

As you are an adjacent property owner and/or interested party, you are invited to submit comments, at or prior to the hearing; all correspondence should contain reference to the above noted case number. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah or 120 W Fir Street, Fort Bragg, California, or by e-mail to pbscommissions@mendocinocounty.org no later than September 13, 2023. Individuals wishing to address the Coastal Permit Administrator during the public hearing under Public Expression are welcome to do so via e-mail at pbscommissions@mendocinocounty.org, or telecomment, in lieu of personal attendance.

All public comment will be made available to the Coastal Permit Administrator, staff, and the general public as they are received and processed by the Clerk, and can be viewed as attachments under its respective case number listed at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/coastal-permit-administrator>

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.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling (707) 234-6650 at least five days prior to the meeting.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at (707) 234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m.

JULIA KROG, Director of Planning and Building Services



**COASTAL PERMIT ADMINISTRATOR
STAFF REPORT FOR CDP MODIFICATION**

**SEPTEMBER 14, 2023
CDPM_2023-0002**

SUMMARY

OWNER/APPLICANT: ERIC CHRISTENSON
1735 COCHRANE RD
MORGAN HILL, CA 95037

AGENT: DIANA WIEDEMANN
PO BOX 395
ALBION, CA 95410

REQUEST: Replace existing cottage with garage, replace existing workshop with a new workshop, and construct new 640 square foot guest cottage with septic tank and undergrounded utilities.

LOCATION: In the Coastal Zone, 1.5± miles south of Elk town center, along the west side of Highway 1 (SR 1), located at 8000 Highway 1, Elk; APN 131-010-03.

TOTAL ACREAGE: 12± Acres

GENERAL PLAN: Coastal Element Chapter 4.2
Rural Residential 10ac

ZONING: Rural Residential; Floodplain

SUPERVISORIAL DISTRICT: 5 (Williams)

ENVIRONMENTAL DETERMINATION: Categorically Exempt

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: ROB FITZSIMMONS

BACKGROUND

PROJECT DESCRIPTION: Modification to CDP_2020-0028, to permit the replacement of the existing cottage with a 15 foot high, 1,380 square foot garage, replacement of the existing workshop with a new 18 foot high, 1,630 square foot workshop, and construction of a new 14 foot high, 640 square foot guest cottage with septic tank and undergrounded utilities.

RELATED APPLICATIONS:

- Record of Survey (Map Case 2, Drawer 2, Pages 58 of Mendocino County Records)
- CDP_2020-0028/BF_2022-0128 – Convert existing SFD into office, construct new SFD, accessory improvements
- CDP 83-99/BF_2000-0612 – two-story 24 ft. x 40 ft. Barn
- CDP 40-96 – Convert Storage to SFR

CDP_40-96 allowed for the conversion of an existing storage building to a 450 square foot SFD. Conditions for exterior finishes and lighting plans were required as part of CDP 40-96. The CDP also required conformance to encroachment permit procedures administered by the California Department of Transportation (CalTrans) to upgrade the existing driveway access to the parcel at the time. A landscaping plan, including maintenance of said landscaping, for purposes of screening the residence from views from SR 1.

CDP 83-99 allowed for the construction of a two story “Dutch Barn” with additional tree planting to compliment the landscaping plan required by the previous CDP.

CDP_2020.0028 allowed the conversion of the 450 square foot SFD to an office and the construction of the new 5,108 SFD currently under construction. It also allowed the installation of a solar array, a new septic system, two storage sheds, paved driveway expansion, and trenching for underground utilities. Temporary occupancy of the earlier SFD was permitted through the construction of the larger SFD.

SITE CHARACTERISTICS: The 12± acre subject parcel is located 1.5± miles south of the town of Elk, on the west side of State Route 1 (SR 1). The subject parcel is a bluff top parcel overlooking the Pacific Ocean, as shown on the *Location Map*. The site is adjacent to similarly-sized, developed parcels to the north and south. The parcels to the east are each larger than 80 acres, as shown on the *Aerial Imagery (Vicinity) map*. The site is currently developed with a cottage and workshop, an on-site septic system, and a gravel driveway accessed off State Route 1 (SR 1). A 5,108 square foot single-family dwelling (SFD) is also currently under construction.

The project is within a “Highly Scenic Area”, as shown on the *Highly Scenic and Tree Removal Areas map*. The site is mapped as a “High Fire Hazard” area and is located within a State Responsibility Area, as shown on the attached *Fire Hazard Zones and Responsibility Areas Map*. The parcel is mapped as “Estuarine and Marine Wetland” by the National Wetlands Inventory as shown on the attached *Wetlands Map*, but this appears to be confined to the base of the bluff, outside of any existing or proposed development. Soils present on the parcel are Mallopass loam, 0 to 5 percent slopes (0-5% slopes), as shown on the attached *Western Soils Classification Map*. The site is within a Critical Water Area per the Mendocino County Coastal Groundwater Study (see *Ground Water Resources map*), and is served by the Elk County Water District, which has granted approval for a second water service on the property.

The proposed project has been intentionally sited to avoid impacts to Environmentally Sensitive Habitat Areas (ESHA) and is proposed to be located outside of any 100 foot ESHA buffer boundary as specified within the *Environmentally Sensitive Habitat Area (ESHA) Survey*, prepared by WRA Environmental Consultants (WRA, October 2020), and the *WRA response to CFDW Comments* (WRA, March 2021).

The habitat observed within the study area on the parcel consists of two types of presumed ESHAs (WRA, 2020, pg. 3), consisting of Special-status plants and Special status species. Further detail regarding mitigation measures and best management practices to avoid impacts to ESHA are discussed under the Habitats and Natural Resources sections of this Staff Report.

SURROUNDING LAND USE AND ZONING: As listed on Table 1 below, the property is surrounded by Rangeland zoning. The proposed guest house and replacement structures will be consistent with the surrounding land uses and development.

Table 1: Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Range Lands	Rangeland	9.9± Acres	Residential
EAST	Range Lands	Rangeland	83.5/104.7± Acres	Vacant
SOUTH	Range Lands	Rangeland	11.7± Acres	Residential
WEST	N/A	N/A	N/A	Ocean

PUBLIC SERVICES:

Access: STATE ROUTE 1
 Fire District: ELK COMMUNITY SERVICES DISTRICT
 Water District: ELK COUNTY WATER DISTRICT
 Sewer District: NONE
 School District: MENDOCINO UNIFIED

AGENCY COMMENTS: Project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project (See Table 2). Their required or related permits, if any, are listed below.

Table 2: Referral Agency Responses	
REFERRAL AGENCIES	COMMENT
Environmental Health	Comment
Building Inspection – FB	No response
Assessor	No response
Archaeological Commission	Comment
CALTRANS	No response
Department of Forestry, CalFire Land Use	No response
CA Department of Fish and Wildlife	No response
Coastal Commission	No response
County Addresser	No response
Elk Community Services District	No response
Cloverdale Rancheria	No response
Redwood Valley Rancheria	No response
Sherwood Valley Band of Pomo Indians	No response
Sierra Club	No response

LOCAL COASTAL PROGRAM CONSISTENCY

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

Land Use: The site is classified as Rural Residential (RR-10). “*The Rural Residential classification is intended to encourage local small scale food production (farming) in areas which are not well suited for large scale commercial agriculture, defined by present or potential use, location, mini-climate, slope, exposure, etc. The Rural Residential classification is not intended to be a growth area and residences should be located as to create minimal impact on agricultural viability.*” Principal permitted uses include residential uses with associated utilities, light agriculture, and home occupations. The current residential use is consistent with the land use policies of the RR-10 classification. The proposed development is accessory to this use and is also consistent with the goals of the classification.

Coastal Element Chapter 4.10 *Navarro River to Mallo Pass Creek Planning Area (Includes Greenwood/Elk)* does not include policies or goals for areas outside of designated coastal access points and recreation areas.

Coastal Element Policies 3.5-3 and 3.5-4, relating to development standards for “Highly Scenic Areas”, are discussed in the Visual Resources section below.

Zoning: The project site is located in the Rural Residential District (RR:L-10). This district is intended “*to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability.*” Principal permitted uses include *Single-Family Residential, Vacation Home Rental, Light Agriculture, Row and Field Crops,*” and others. The current principal land use, *Single-Family Residential,* is a permitted use in the RR:L-10 District per MCC §20.376.010(A). The proposed private garage and workshop are considered accessory (necessarily and customarily associated with, and are appropriate, incidental, and subordinate to) the current principal use, per MCC §20.456.015(A) and (D), respectively. The proposed Guest Cottage is also considered an accessory use, subject to the additional restrictions of MCC §20.456.015(G): “*Accessory Living Unit. Not more than one (1) guest cottage or detached bedroom may be permitted on each legal parcel. An ADU and/or a JADU may also be permitted, subject to the limitations established in Chapter 20.458.*” Note that per CDP_2020-0028, although the site currently has an existing cottage and an under-construction SFD, the existing cottage was only authorized for temporary occupancy during construction of the SFD and per CDP_2020-0028 was to be converted to an office once the SFD was complete. The proposed modification would result in the cottage being demolished entirely, replaced with a garage, and a new guest house being constructed elsewhere on the parcel. At no point will the number of accessory living units on the parcel exceed one.

The proposed development conforms to the maximum lot coverage and all front, rear, and side yard minimum distances. See Table 3.

Table 3: MCC Chapter 20.376 Rural Residential Development Standards (RR:L-10)		
SECTION	STANDARD	PROPOSED
20.376.030 Minimum Front & Rear Yards	50 feet	more than 50 feet
20.376.035 Minimum Side Yards	50 feet	more than 50 feet
20.376.045 Building Height Limit	18 feet	18 feet
20.376.065 Maximum Lot Coverage	10 percent	less than 10 percent

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.”

The project site is gradually sloped down to the bluff edge. The applicant has estimated that the total grading required be approximately 35 cubic yards, which does not meet the threshold to necessitate a grading plan. Nonetheless, to ensure consistency with Visual Resource conservation policies for Highly Scenic Areas, Staff recommend **Condition 12**, requiring that grading or construction to follow the natural contours of the site (see Visual Resources section below). The project also proposes extending a gravel driveway 125 feet to the proposed guest cottage.

Staff also recommend **Condition 4**, emphasizing that the applicant still must secure all necessary permits still required for the proposed development, including Building Permits. Review of these permits will ensure that the project will remain consistent MCC Chapters 18.70 and 20.492.

Habitats and Natural Resources: MCC Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* applies to all development proposed in the Coastal Zone, unless and until it can be demonstrated to the approving authority that the project will not degrade an environmentally sensitive habitat or resource area and shall be compatible with the continuance of such areas. The *LCP Habitats & Resources* map depicts the site as barren (see attached), but the coastal edge of the parcel is mapped as “Estuarine and Marine Wetland” by the National Wetlands Inventory, as shown on the attached *Wetlands Map*. An Environmentally Sensitive Habitat Area (ESHA) Survey was prepared for the subject parcel by WRA Environmental Consultants, in support of CDP_2020-0028. A follow-up letter from WRA sent 5/8/2023 confirmed that this survey is applicable to the proposed development of CDPM_2023-0002 as well. The following sensitive status species were observed in the course of the survey:

- **Special-status plant species** - Mendocino paintbrush (*Castilleja mendocinensis*, CRPR 1B), headland wallflower (*Erysimum concinnum*, CRPR 1B), and short-leaved evax (*Hesper-evax sparsiflora* var. *brevifolia*, CRPR 1B).
- **Special status wildlife species** - Two special-status bats, American badger, and seven special-status birds, as well as non-status birds with baseline legal protections

All development maintains a 100 foot buffer to the identified ESHA, as shown on Proposed Site Plan. To avoid potential impact to ESHA's, including the protection of special status plants, special status wildlife and wetlands, **Condition 11** is recommended, as described within Section 6 Project Analysis and Recommendations of the Environmentally Sensitive Habitat Area (ESHA) Survey (WRA, 2020, pg. 22), to prevent disturbance to all ESHA's during construction of the proposed project.

Archaeological/Cultural Resources: An archeological report for the subject parcel, dated 9/12/2020, was prepared by William Roop, M.A., RPA, of Archaeological Resource Service in support of CDP_2020-0028, recommending no special conditions be applied beyond the standard discovery policies of MCC Chapter 22.12, which apply to all ground disturbance in the county. As the proposed development of CDPM_2023-0002 is within the study area of the 2020 Archeological Report, it was simply resubmitted. On 7/17/2023, comments from the Archaeological Commission confirmed that no additional archaeological resources review was necessary. On 5/26/2023, local tribes were contacted and comments on the proposed were requested; no response relating to cultural resources has been received. As proposed, the project would be

consistent with the archaeological resource policies of Coastal Element Chapter 3.5 and MCC Chapter 22.12. – these have been incorporated into the recommended Conditions of Approval as **Condition 7**.

Hazards Management: Coastal Element Chapter 3.4 and MCC Chapter 20.500 *Hazard Areas* applies to all development proposed in the Coastal Zone unless and until it is determined by the Coastal Permit Administrator that the project is not subject to threat from geologic, flood, or other hazards.

MCC Section 20.500.025 *Fire Hazard* – The parcel is classified as “Moderate Fire Hazard” (See attachment *Fire Hazard Zones & Responsibility Areas* map). Fire protection services are provided by the California Department of Forestry and Fire Prevention (CalFire). The application was referred to CalFire for input; to date, no response has been received.

A portion of the subject parcel has been designated by FEMA as Flood Zone V, defined as *Coastal areas with a 1% or greater chance of flooding and an additional hazard associated with storm waves. These areas have a 26% chance of flooding over the life of a 30-year mortgage. No base flood elevations are shown within these zones.* No development is proposed in this portion of the parcel.

Bauer Associates, Inc. conducted a Geotechnical Reconnaissance Report (April 2020, updated August 2020) in support of CDP_2020-0028, concluding “*that the planned development is feasible from a geotechnical engineering viewpoint. The primary geotechnical concerns are the presence of weak natural surface materials and variable density old fills, if present.*” It is not made clear in the report what the “planned development” refers to, beyond there being a “planned residence”. However, the report covers the entire parcel and appears to be applicable to the proposed development of CDPM_2023-0002. The report recommends a 50 foot setback from the bluff edge, and further states “*When actual building plans are developed, a detailed geotechnical investigation with subsurface exploration should be performed to provide recommendations for engineered grading to mitigate weak surface soils, foundation design, concrete slabs-on-grade, retaining walls as applicable, geotechnical drainage improvements and other supplemental services. We anticipate that subsurface exploration should consist of excavating test pits and/or borings.*” The recommended blufftop setback is rendered unnecessary by the overlapping, larger ESHA setback (**Condition 11**), but staff recommend **Condition 8**, requiring the applicant provide a detailed geotechnical investigation prior to the issuance of any Building Permits for the proposed development.

Seawalls, breakwaters, and other structures altering natural shoreline processes or retaining walls are not proposed. It is the policy of the California Coastal Commission (CCC) and Mendocino County to require recordation of a deed restriction as a condition of development on blufftop parcels, prohibiting the construction of seawalls and requiring that permitted improvements be removed from the property if threatened by bluff retreat. The restriction requires that the landowner be responsible for any clean-up associated with portions of the development that might fall onto a beach or into the ocean. Such a deed restriction was required in Condition 15 of CDP_2020-0028, and was recorded as DR_2022-06038.

With the inclusion of standard conditions requiring the property owner to obtain all necessary permits from local, State, and federal agencies, the project would be consistent with MCC Chapter 20.500 *Hazard Areas* (See **Condition 4**).

Visual Resources: The subject parcel is located in a mapped Highly Scenic Area, west of State Route 1 (SR1). Policy 3.5-3 stipulates that “*(i)n addition to other visual policy requirements, new development west of Highway One in designated ‘highly scenic areas’ is limited to one-story (above natural grade) unless an increase in height would not affect public views to the ocean or be out of character with surrounding structures and that (n)ew development should be subordinate to natural setting and minimize reflective surfaces.*” The proposed development meets these limitations. Policy 3.5-4 states “*Buildings and building groups that must be sited within the highly scenic area shall be sited near the toe of a slope, below rather than on a ridge, or in or near the edge of a wooded area. Except for farm buildings, development in the middle of large open areas shall be avoided if an alternative site exists,*” and imposes the following measures:

Minimize visual impact of development on hillsides by (1) requiring grading or construction to follow the natural contours; (2) resiting or prohibiting new development that requires grading, cutting and filling that would significantly and permanently alter or destroy the appearance of natural landforms; (3) designing structures to fit hillside sites rather than altering landform to accommodate buildings designed for level sites; (4) concentrate development near existing major vegetation, and (5) promote roof angles and exterior finish which blend with hillside. Minimize visual impacts of development on terraces by (1) avoiding development in large open areas if alternative site exists;

(2) minimize the number of structures and cluster them near existing vegetation, natural landforms or artificial berms; (3) provide bluff setbacks for development adjacent to or near public areas along the shoreline; (4) design development to be in scale with rural character of the area. Minimize visual impact of development on ridges by (1) prohibiting development that projects above the ridgeline; (2) if no alternative site is available below the ridgeline, development shall be sited and designed to reduce visual impacts by utilizing existing vegetation, structural orientation, landscaping, and shall be limited to a single story above the natural elevation; (3) prohibiting removal of tree masses which destroy the ridgeline silhouette. Nothing in this policy shall preclude the development of a legally existing parcel.

These requirements are implemented in the Development Criteria of MCC Section 20.504.015(C). The project site is gradually sloped down to the bluff edge. Landscaping and tree planting was previously required and implemented per the conditions of CDP 40-96 and CDP 83-99, which also stipulated that maintenance of these measures must continue in perpetuity.

As part of the review of CDP_2020-0028, Staff conducted a site visit on 9/15/2021 and determined the proposed development will be partially visible from *Turnout Cuffey's Point (Viewpoint Only)*, 3± miles north. Two days later, Staff again visited the area and determined the proposed project will also be partially visible from an existing vista point on SR 1, located just south of Elk Creek, 0.5± miles south. Also, just north of the existing driveway accessing the subject parcel from SR 1 at the existing power poles supplying utilities to the parcel, a 25± foot gap in vegetation exists where the parcel is visible from SR 1. Trees were later planted and maintained to fill these gaps per the conditions of CDP_2020-0028.

Standard bluff setbacks will be maintained, and no vegetation removal is proposed. The project as proposed is consistent with the bulk of these policies, but Staff recommends **Condition 12**, explicitly requiring that grading or construction to follow the natural contours of the site. **Condition 10** is also recommended to require exterior lighting to be kept to the minimum necessary for safety and security purposes and to be downcast and shielded, and positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with MCC Section 20.504.035.

Transportation and Circulation: The project would contribute minimally to new sources of traffic on local and regional roadways. The cumulative effects of traffic resulting from residential land uses were considered when the Coastal Element land use designations were assigned. As proposed, the project would not affect transportation or circulation and would be provided with adequate access.

The project was referred to the California Department of Transportation (CalTrans), who declined to comment on it.

Groundwater Resources: One of the purposes of MCC Chapter 20.516 *Transportation, Utilities, and Public Services* is "... that development occurs in areas where public services are available..." New development shall be approved subject to the availability of necessary public services and consistent with MCC Sections 20.516.015(A) *Septage and Leach Field* and (B) *Water Supply*. On May 26, 2023, the proposal was referred to agencies for comment, including the Mendocino County Division of Environmental Health (DEH) and the California Coastal Commission (Commission).

MCC Section 20.516.015(A) *Septage and Leach Field*. The proposed project includes expansion of the existing onsite septic system. On June 27, 2023, DEH confirmed that the septic system to support the project had been approved.

MCC Section 20.516.015(B) *Water Supply*. The property and surrounding lands are mapped as "Critical Water Resources" (See attached *Ground Water Resources* map). No well is proposed; per the application, water will instead be supplied by Elk County Water District, which has granted approval for a second water service on the property.

As proposed, the project would be consistent with the General Criteria of MCC Section 20.516.015, requiring new development be approved subject to the availability of necessary public services and consistent with provisions for septic, leach fields, and water supply.

Public Access: There is access to the shore north of the project site at Greenwood State Beach as well as south at Elk Creek, as shown on the *LCP Land Use Map 20: Elk* map. The site is located west of SR 1, north of Elk Creek and is not designated as a potential public access trail location. The nearest existing public

access to the shore is located at the Elk Creek Shoreline Access to the south and on the west side of SR 1. The proposed project will not impact any existing or proposed public access.

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 project meets the criteria to be Categorically Exempt from the California Environmental Quality Act, per CEQA Guidelines Section 15303(e) - new construction of accessory structures.

PROJECT FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 of the Mendocino County Code, the Coastal Permit Administrator approves the proposed project and adopts the following findings and conditions:

FINDINGS:

1. Pursuant with MCC Section 20.532.095(A)(1), the proposed development is in conformity with the certified local coastal program

The replacement of the existing cottage with garage, existing workshop with a new workshop, and construction of a new 640 square foot guest cottage with septic tank and underground utilities all comply with the certified Local Coastal Program. The primary purpose of the subject parcel will remain residential, consistent with the intent of the Rural Residential Classification; and

2. Pursuant with MCC Section 20.532.095(A)(2), the project will be provided with adequate utilities, access roads, drainage and other necessary facilities

Water will be provided by Elk County Water District, and the septic expansion has been approved by the Division of Environmental Health. As no new dwelling is proposed, the residential density of the parcel will not increase; and

3. Pursuant with MCC Section 20.532.095(A)(3), the project is consistent with the purpose and intent of the Rural Residential District, as well as all other provisions of Division II of Title 20 of the Mendocino County Code

The Rural Residential District is intended to encourage and preserve local small scale farming in the Coastal Zone on lands which are not well-suited for large scale commercial agriculture. Residential uses should be located as to create minimal impact on the agricultural viability. Allowing uses accessory to the primary residential use of the parcel, maintaining land use limitations is consistent with this goal; and

4. Pursuant with MCC Section 20.532.095(A)(4), the project, 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 Categorically Exempt from further environmental review

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 project meets the criteria to be Categorically Exempt from the California Environmental Quality Act, per CEQA Guidelines Section 15303(e); and

5. Pursuant with MCC Section 20.532.095(A)(5), the project will not have any adverse impact on any known archaeological or paleontological resources

An archaeological report for the subject parcel, dated 9/12/2020, was prepared by William Roop, M.A., RPA, of Archaeological Resource Service in support of CDP_2020-0028. As the proposed development of CDPM_2023-0002 is within the study area of the 2020 Archaeological Report, it was simply resubmitted. On 7/17/2023, comments from the Archeological Commission confirmed that no additional archaeological resources review was necessary. On 5/26/2023, local tribes were contacted and comments on the proposed were requested; no response relating to cultural resources has been received. As proposed, the project would be consistent with the archaeological resource policies of Coastal Element Chapter 3.5 and MCC Chapter 22.12. MCC Chapter 22.12 sets standard requirements

*and processes that apply in the event of archaeological discoveries during ground disturbance, and should any archaeological sites or artifacts be discovered further protection measures may be imposed as per **Condition 7**; 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 project was referred to various agencies providing public services. The Mendocino County Department of Transportation declined to comment on it. The proposed project includes expansion of the existing onsite septic system. On June 27, 2022, the Division of Environmental Health confirmed that the septic system to support the project had been approved. Water will be supplied by Elk County Water District, which has granted approval for a second water service on the property. There are no operating landfills in the County of Mendocino; solid waste is instead taken to the Potrero Hills landfill, which is not expected to meet capacity until 2048; and

7. Pursuant with MCC Section 20.532.095(B)(1), the proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and the Coastal Element of the General Plan

Although the parcel does border the coast of the Pacific Ocean, it is a blufftop parcel with a sheer drop down to the waves, and offers no direct access to the ocean, either public or private. The nearest existing public access to the shore is located at the Elk Creek Shoreline Access to the south and on the west side of SR 1. The proposed project will not impact any existing or proposed public access.

CONDITIONS OF APPROVAL:

1. This action shall become final and effective 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 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. To remain valid, progress towards completion of the project must be continuous. The Applicants have sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
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 of all necessary permits for the proposed construction and grading from County, State, and Federal agencies having jurisdiction.
5. 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.
6. 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.

7. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the property owner 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 Code.
8. Prior to issuance of a Building Permit, all grading specifications and techniques will follow the recommendations cited in the Uniform Building Code or the geotechnical engineer's report (Bauer Associates April 2020 and August 2020).
9. Prior to issuance of a Building Permit, exterior finish details shall be printed on the plans submitted. In accordance with MCC Section 20.504.015(C), new development be subordinate to the natural setting, minimize reflective surfaces, and utilize building materials, including siding and roof materials, that blend in hue and brightness with their surroundings; therefore, the project shall utilize the proposed building materials and color palette as follows:
 - a. All exterior siding and roof materials of the structures shall be of natural or natural-appearing materials and shall be earth tone in color.
 - b. All exterior materials shall be non-reflective and non-reflective glass shall be used in windows.
 - c. Roof material shall be aged copper metal (or similar material that is non-reflective and similar in hue and color). Metal materials shall blend in hue and brightness with their surroundings. Clear coat galvanized steel or other metallic finish are not permitted.
 - d. Exterior building finishes shall be "Sand Beige" and/or "Buckskin" stucco siding and stone cladding or similar material sharing hue, color, and texture.
 - e. Window frame color shall be "Dark Bronze" metal or similar material, hue, and color. The windows shall be dual glaze and non-glare glass.
 - f. Reflective metal surfaces shall be patinated or oxidized. Within one year of their installation, metal materials shall blend in hue and brightness with their surroundings; for example, the roof, gutters, downspouts, and other exterior metal materials shall limit reflective surfaces and blend in hue and brightness with their surroundings.
 - g. The existing structures and their exterior materials and colors which will be visually compatible with the character of the surrounding area and consistent with the approved exterior finishes under CDP 40-96, CDP 83-99, and CDP_2020-0028.
10. Prior to issuance of a Building Permit, exterior lighting details shall be printed on the plans submitted. All exterior lighting fixtures shall be kept to the minimum necessary for safety and security purposes, be downcast and shielded, and positioned in a manner that will not shine light or allow light glare to extend beyond the boundaries of the parcel in compliance with MCC Section 20.504.035.
11. All recommended Mitigation and Avoidance Measures of the *Environmentally Sensitive Habitat Area (ESHA) Survey*, previously imposed as CDP_2020-0028 Condition of Approval 17, remain in effect. These measures are as follows:

General Recommendations:

- a. Site preparation and construction will occur during the general dry season April 1 through October 15. Construction during the dry season and/or dry periods (between May 15 and October 15); and
- b. If a rain event occurs in excess of one inch over a 24 hour period occurs during the construction phase, all activities shall cease for 24 hours after perceptible rain ceases; and
- c. A minimum 100 foot buffer shall be maintained to the edge of any development activity, including grading, paving, trenching or other with pin flags, flagged stakes, or equivalently high-visibility

demarcation to prevent construction personnel from laying down equipment or materials within the 100 foot buffer; and

- d. Construction shall occur during daylight hours to limit disturbing construction noise and minimize disturbance; and

Potential Sensitive Land Cover and Special-status Plants:

- e. Native plants, native landscaping materials and non-invasive ornamentals shall be used and provisions shall be made to ensure the long term survival/replacement and maintenance of the landscaping; and
- f. All construction related activities (e.g., material storage, laying down of equipment), maximum extent of grading, and the final development footprint shall avoid all ESHA by 100 feet or greater; and
- g. Standard Best Management Practices (BMPs) shall be employed to assure minimization of erosion resulting from construction. Ground disturbance shall be limited to the minimum necessary and disturbed soil areas shall be stabilized as soon as feasible. Any soil stockpiles shall be covered or otherwise stabilized to prevent dust impacts; and

Potential Special-status Wildlife – Bats:

- h. Removal of vegetation removal and initiation of construction shall be done during non-roosting season (between September and October); and
- i. If development is to occur during the roosting season (November to August), a pre-construction survey is recommended with 14 days of the onset of construction to ensure that no roosts will be disturbed during development, and
- j. If evidence of bats use is observed, then biologists shall conduct acoustic surveys under appropriate conditions using an acoustic detector, to determine whether a site is occupied; and
- k. If bats are found, a minimum 50 foot buffer should be implemented around the roost tree. Removal of roost trees should occur in September and October, or after bats have left the roost and the recommendations of the survey shall be adhered, and

Special-status Wildlife – Birds:

- l. Vegetation removal and initial ground disturbance shall occur outside the general nesting bird season (August 16 to February 28); and
 - m. If vegetation removal and/or initial ground disturbance must occur during the nesting season (March 1 to August 15), prior to issuance of a Building Permit, a nesting bird survey shall be conducted by a qualified biologist for approval from the Coastal Permit Administrator or to the satisfaction of the Director of Planning and Building Services; and
 - n. If nesting activity is detected, a work exclusion buffer shall be placed around each active nest (those holding eggs or pre-fledge young); and
 - o. Buffers sizes shall be determined by the qualified biologist and may vary by bird species, nest location and ambient level of disturbance.
- 12. Any grading or construction required to implement this project shall follow the natural contours of the site.
 - 13. The landscaping plan required by CDP_2020-0028 Condition 13 shall continue to apply.
 - 14. To record the Notice of Exemption, the applicant shall pay a fee of \$50.00 for the filing of the Notice of Exemption which shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services within 5 days of the end of any project action.

15. Conditions of Approval of CDPM_2023-0002 shall be printed on or attached to any building permit application for work covered by the CDPM and shall be a part of on-site construction drawings.

8/10/2023

DATE

Rob Fitzsimmons

ROB FITZSIMMONS
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$2,674.00

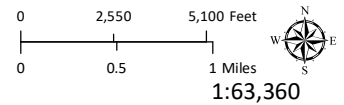
ATTACHMENTS:

- | | |
|---|---|
| A. Location Map | L. Adjacent Parcels |
| B. Aerial Map Imagery | M. Fire Hazard Zones & Responsibility Areas |
| C. Aerial Map Imagery (Detail) | N. Wildland-Urban Interface |
| D. Topographical Map | O. Special Flood Hazard Areas |
| E. Site Plan | P. Wetlands |
| F. Zoning Display Map | Q. Ground Water Resources |
| G. General Plan Classifications | R. Highly Scenic Areas |
| H. LCP Land Use Map 20: Elk | S. Estimated Slope |
| I. LCP Land Capabilities & Natural Hazards | T. Western Soil Classes |
| J. LCP Habitats & Resources | U. Farmland Classifications |
| K. Post LCP Certification & Appeal Jurisdiction | |



CASE: CDPM 2023-0002
OWNER: CHRISTENSON, Eric
APN: 131-010-03
APLCT: Eric Christenson
AGENT: Diana Wiedemann
ADDRESS: 8000 Hwy 1, Elk

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




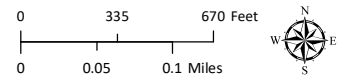
LOCATION

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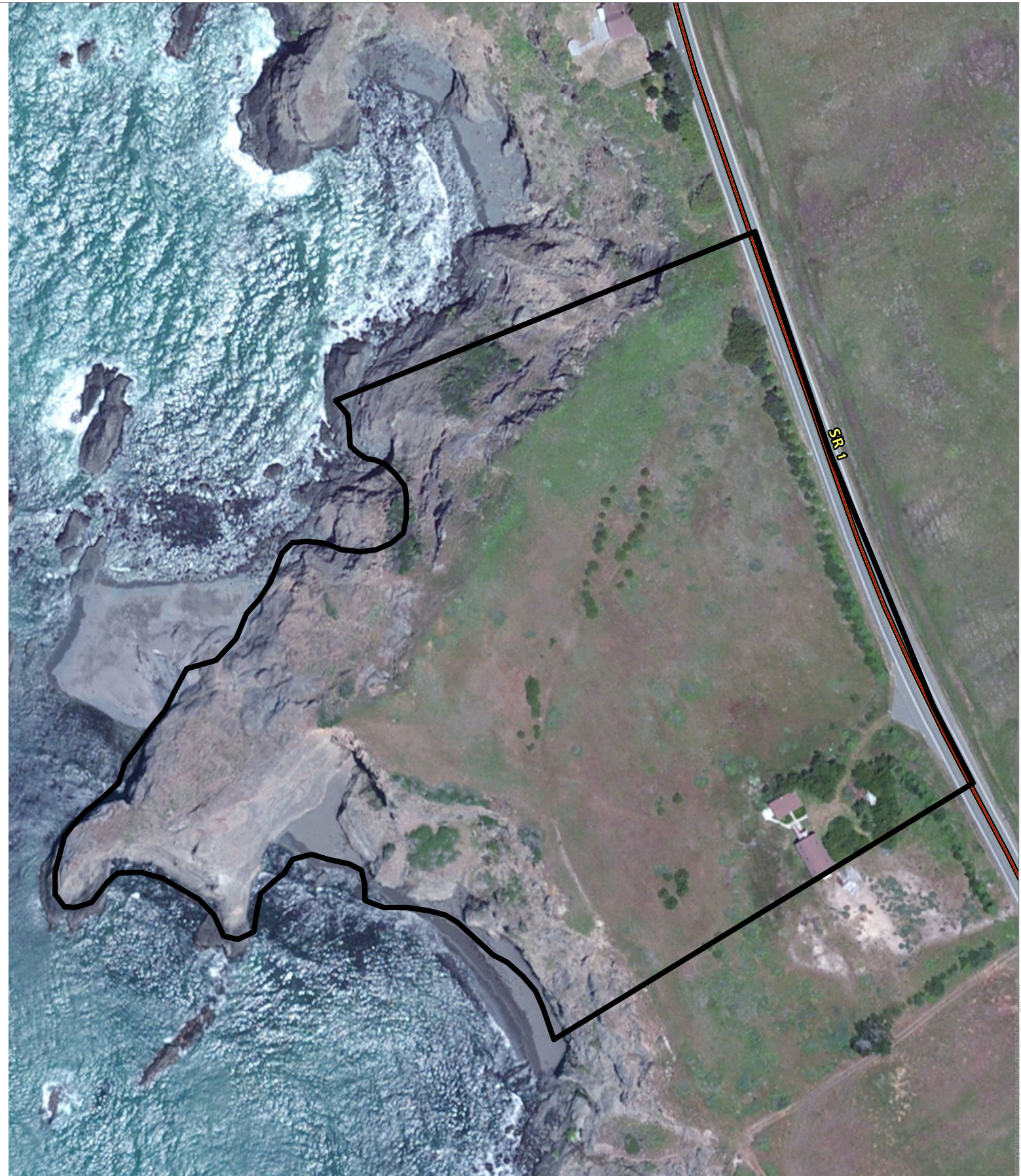
 Public Roads




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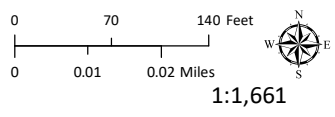
AERIAL IMAGERY

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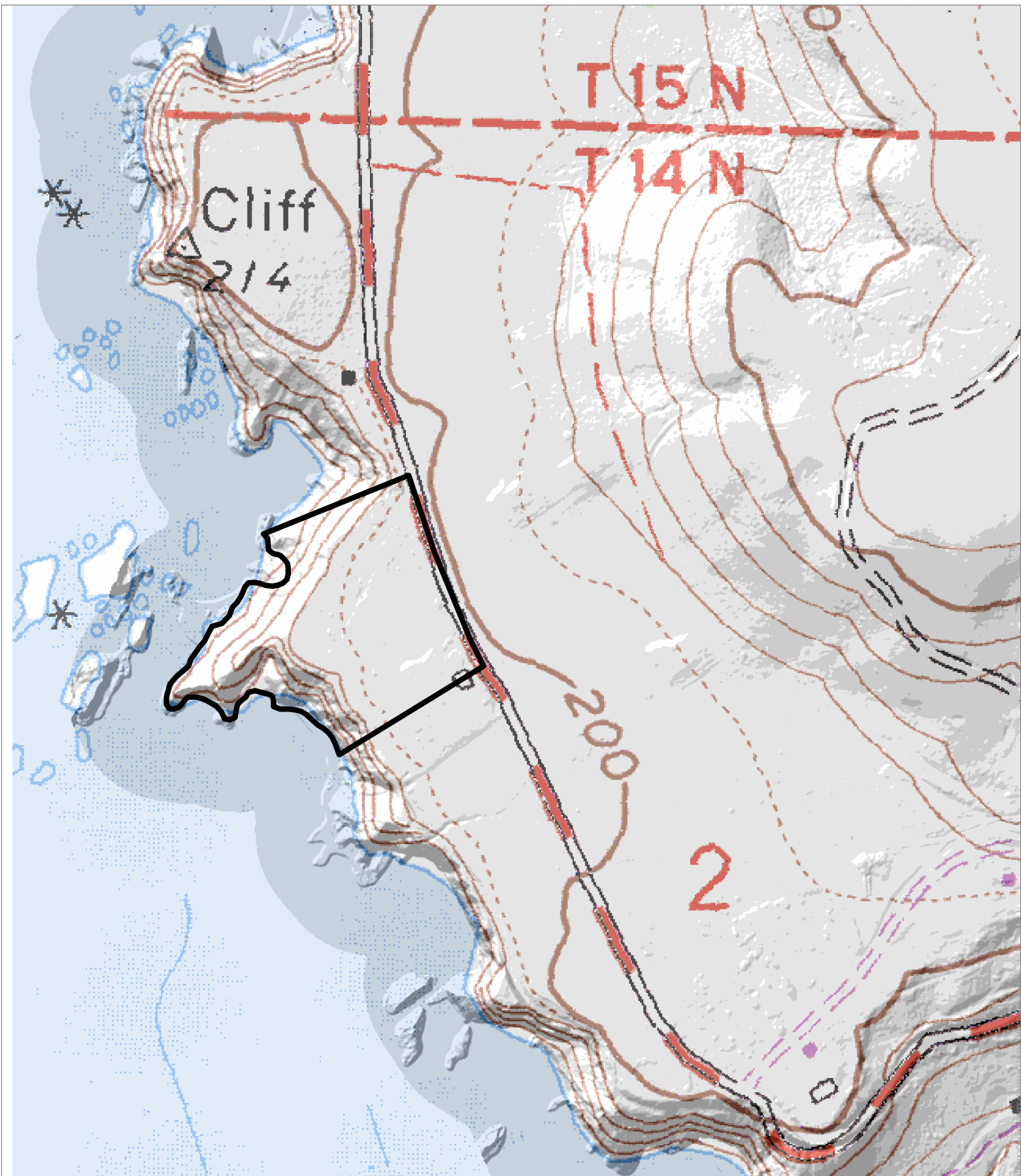
 Public Roads



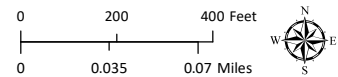
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AERIAL IMAGERY

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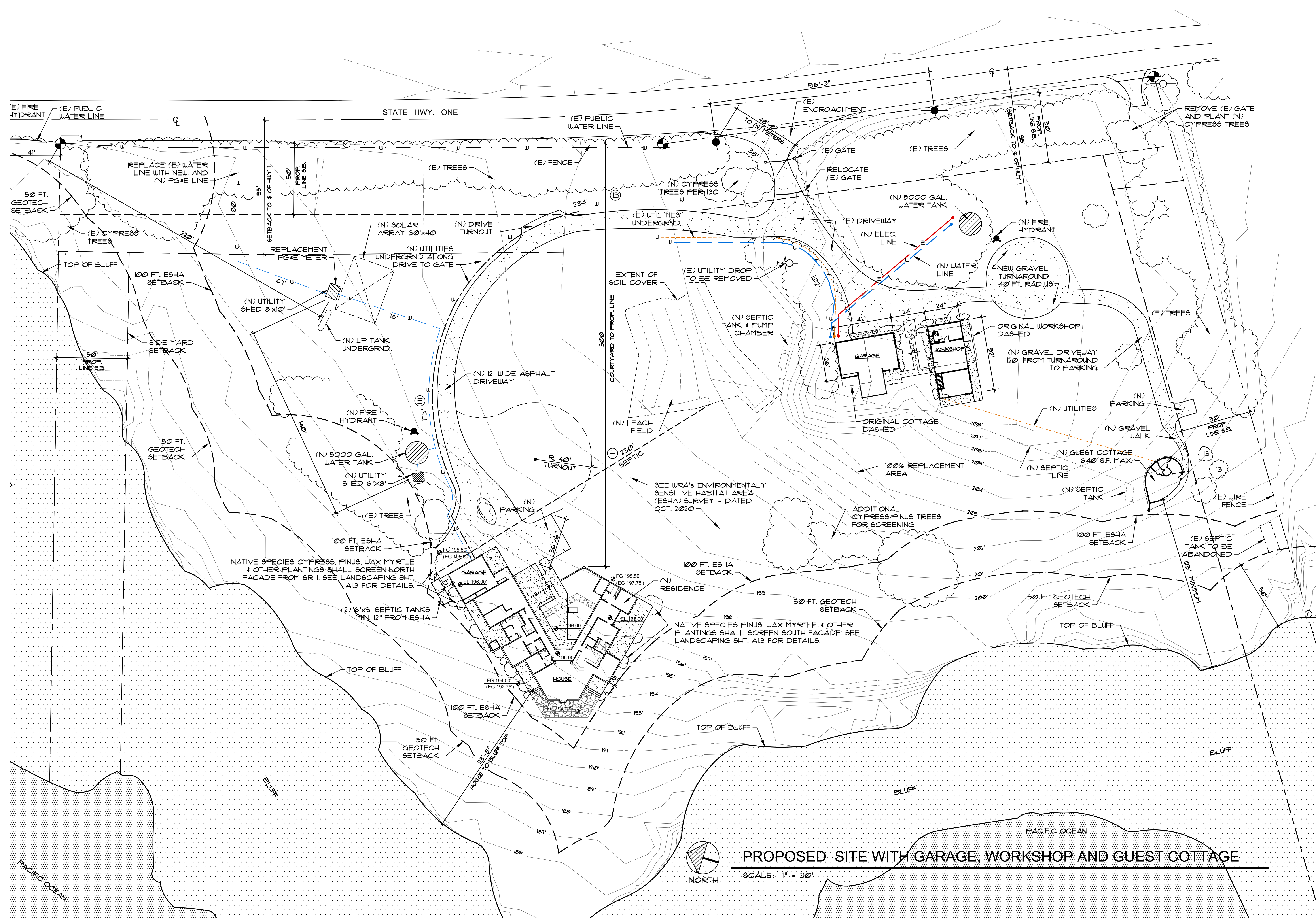


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1:4,797
TOPOGRAPHIC MAP
CONTOUR INTERVAL IS 40 FEET

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REVISIONS
APRIL 25, 2023
MAY 12, 2023

DIANA WIEDEMANN
 PLANNING DESIGN PERMITS
 energy efficient healthy environments
 ARCHITECT
 P.O. BOX 395
 ALBION, CA 95410
 707-957-2807

STAMP:

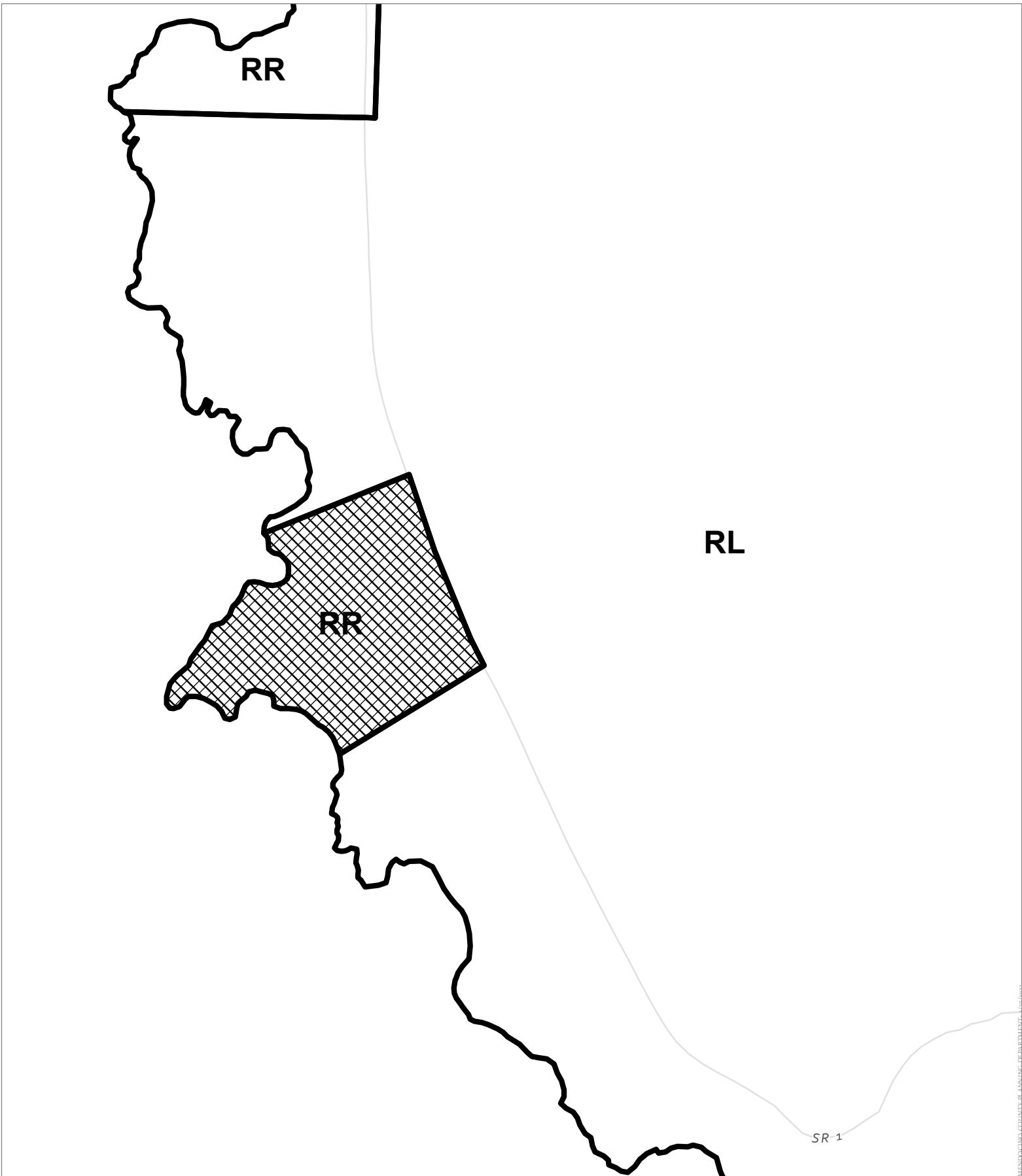
TITLE:
**PROPOSED SITE WITH
 GARAGE, WORKSHOP,
 GUEST COTTAGE**

PROJECT:
 CHRISTENSON REPLACEMENT
 MODIFICATION OF EXIST.
 COASTAL DEVELOPMENT PERMIT
 #2020-00-28
 8000 HIGHWAY ONE, ELK CA 95432

DATE: MAR 16, 2023
 SCALE: AS SHOWN
 DRAWN BY: MGH
 CHECKED: DW

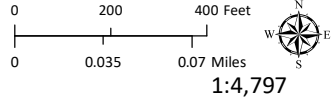
SHEET
A1.2b
 OF

PROPOSED SITE WITH GARAGE, WORKSHOP AND GUEST COTTAGE
 SCALE: 1" = 30'



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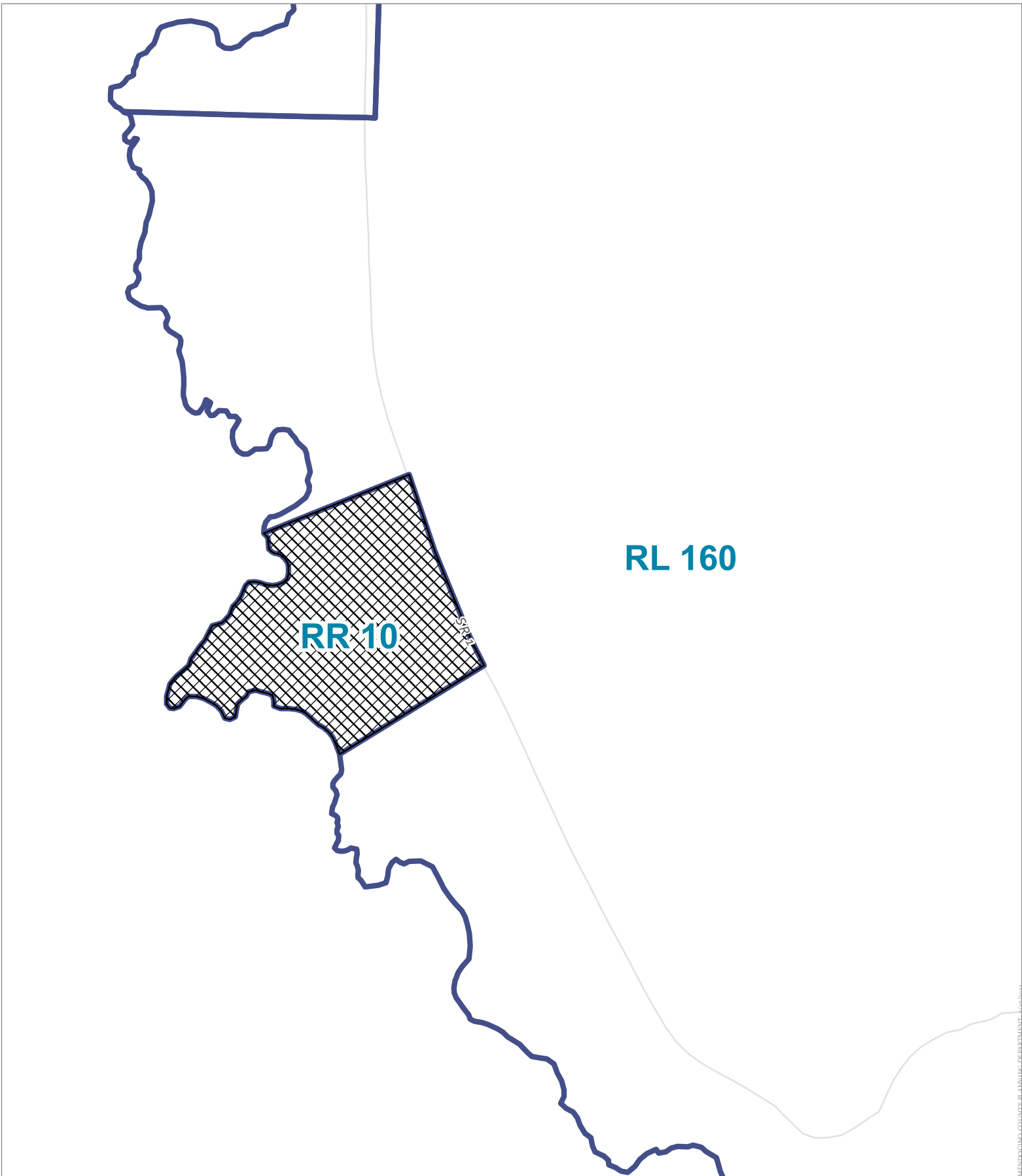
 Zoning Districts
 Public Roads





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ZONING


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MEMPHIS COUNTY PLANNING DEPARTMENT 3/27/2023



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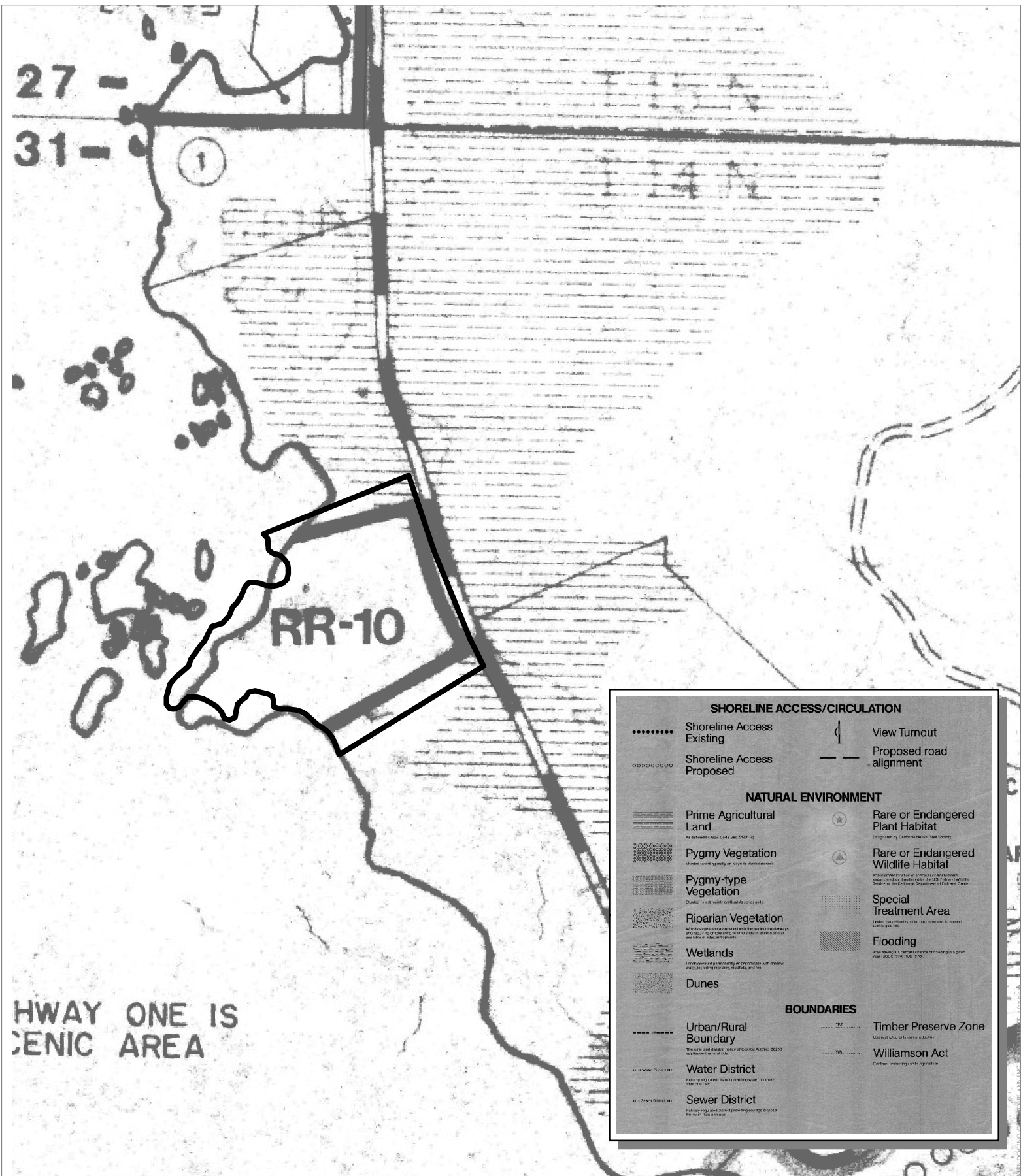
 General Plan Classes
 Public Roads

0 200 400 Feet
 0 0.035 0.07 Miles

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GENERAL PLAN

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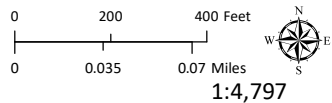
MEMPHIS COUNTY PLANNING DEPARTMENT 3/27/2023



SHORELINE ACCESS/CIRCULATION			
.....	Shoreline Access Existing		View Turnout
o-o-o-o-o-o-o-o	Shoreline Access Proposed		Proposed road alignment
NATURAL ENVIRONMENT			
	Prime Agricultural Land <small>As defined by our Code Sec. 17.07 (c)</small>		Rare or Endangered Plant Habitat <small>Designated by California Native Plant Society</small>
	Pygmy Vegetation <small>Classified based primarily on slope to drainage code</small>		Rare or Endangered Wildlife Habitat <small>As determined under the special procedures in the California Fish and Wildlife Code, or the California Department of Fish and Game</small>
	Pygmy-type Vegetation <small>Classified based mostly on drainage code</small>		Special Treatment Area <small>Other management planning required to protect scenic quality</small>
	Riparian Vegetation <small>Where riparian vegetation grows in the banks of waterways, producing or supporting surface water flows in excess of that considered in the riparian code</small>		Flooding <small>As defined in the California Flood Hazard Mapping Act, and the Flood Hazard Mapping Act</small>
	Wetlands <small>As defined in the California Wetlands Act, and the Wetlands Act</small>		
	Dunes		
BOUNDARIES			
	Urban/Rural Boundary <small>The natural land use boundary of California A/R No. 3020 as shown on the land title</small>		Timber Preserve Zone <small>As defined by the California Code of Regulations</small>
	Water District <small>As defined by the California Code of Regulations</small>		Williamson Act <small>Contract agreements with agriculture</small>
	Sewer District <small>As defined by the California Code of Regulations</small>		

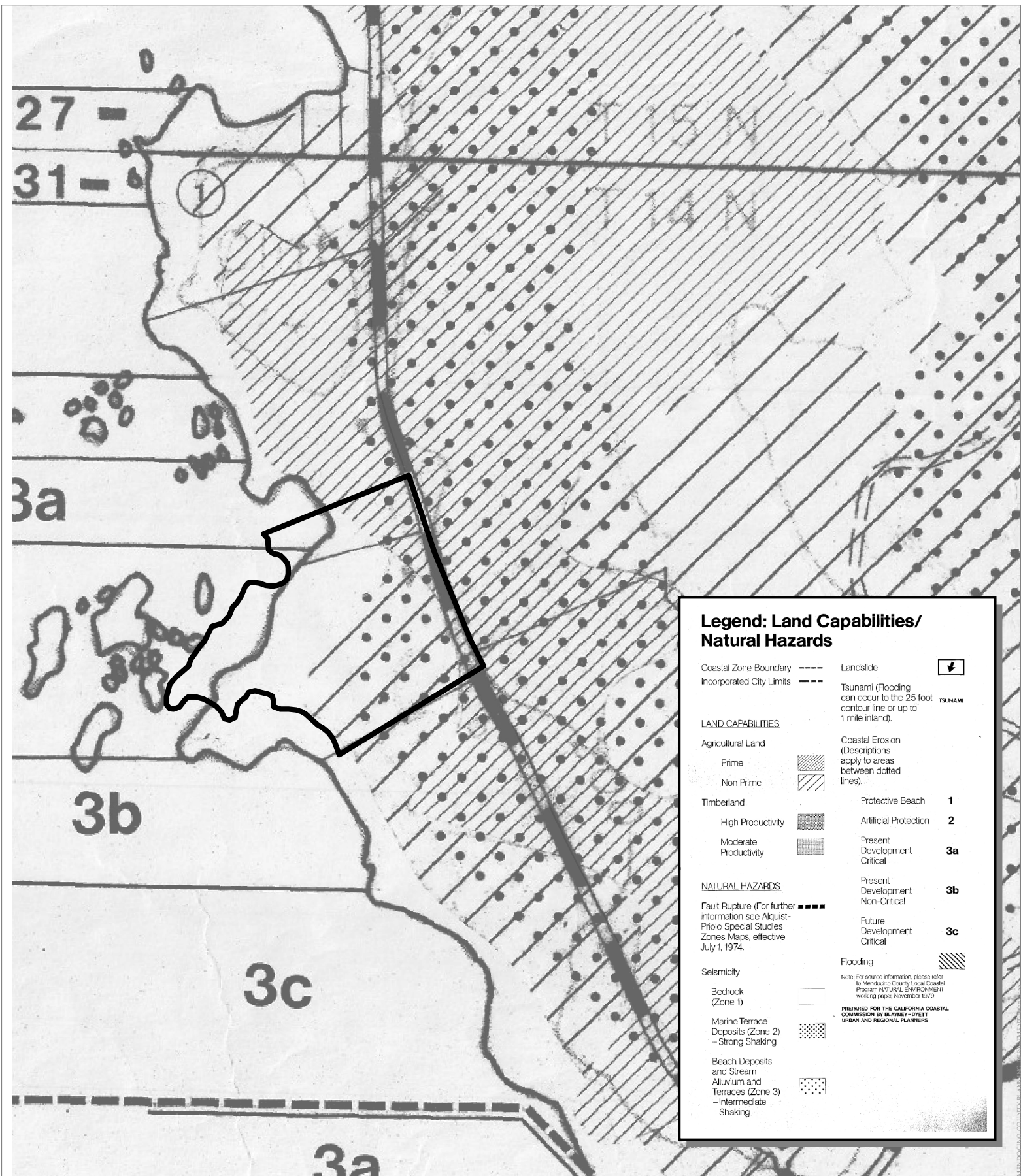
CASE: CDPM 2023-0002
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Public Roads



1:4,797
LCP LAND USE MAP 20: ELK

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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 [cross-hatch]
 Moderate Productivity [cross-hatch]

NATURAL HAZARDS

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

Seismicity
 Bedrock (Zone 1) [solid line]
 Marine Terrace Deposits (Zone 2) - Strong Shaking [cross-hatch]
 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 [dotted]
 Artificial Protection 2 [dotted]
 Present Development Critical 3a [dotted]
 Present Development Non-Critical 3b [dotted]
 Future Development Critical 3c [dotted]

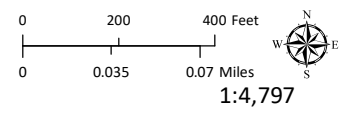
Flooding [diagonal lines]

Note: For source information, please refer to Mendocino County's Local Coastal Program NATURAL ENVIRONMENT working paper, November 1979.

PREPARED FOR THE CALIFORNIA COASTAL COMMISSION BY BLANEY-DYETT URBAN AND REGIONAL PLANNERS

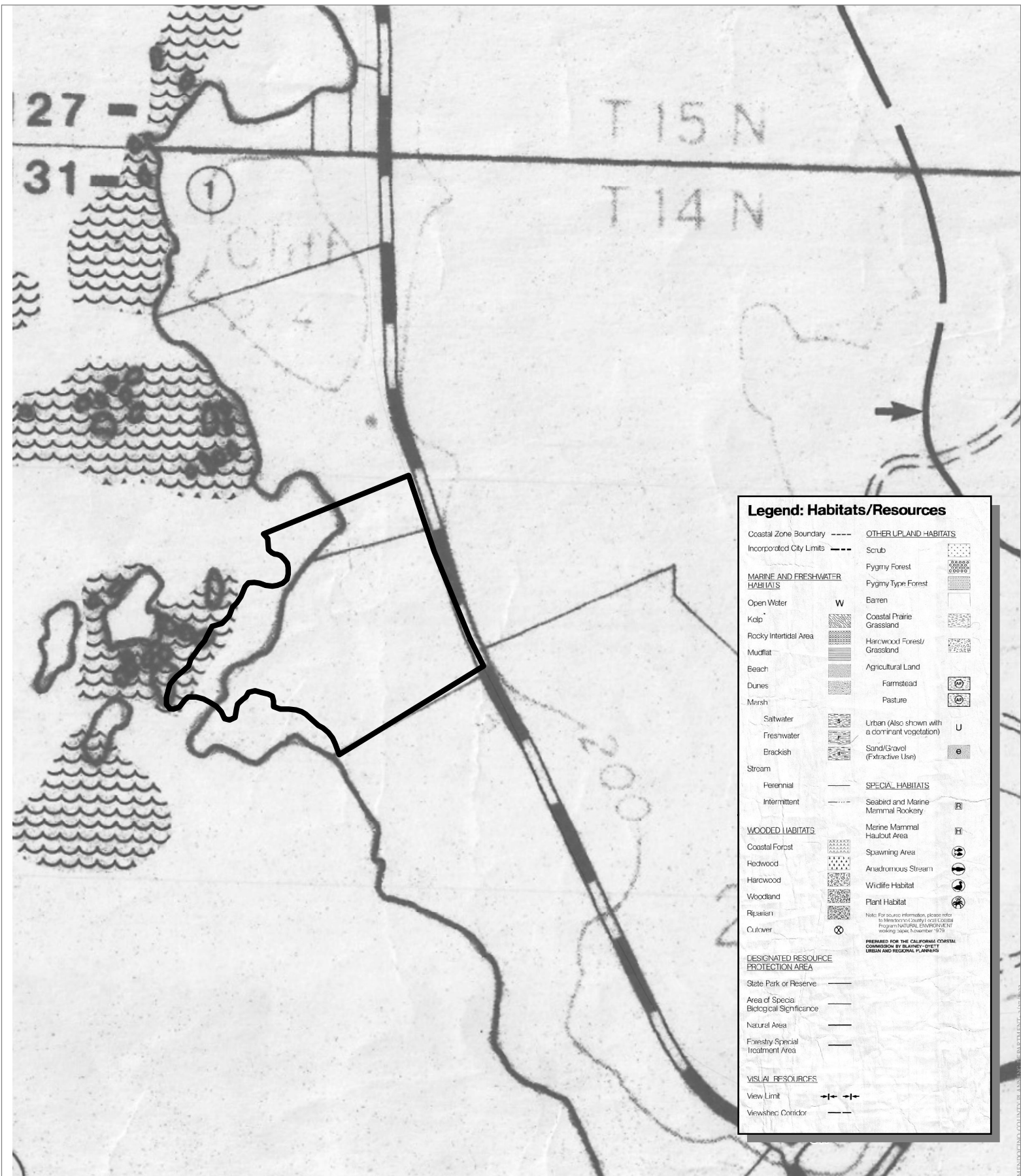
CASE: CDPM 2023-0002
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AGENT: Diana Wiedemann
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Public Roads



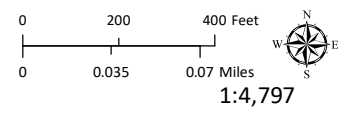
LCP LAND CAPABILITIES & NATURAL HAZARDS

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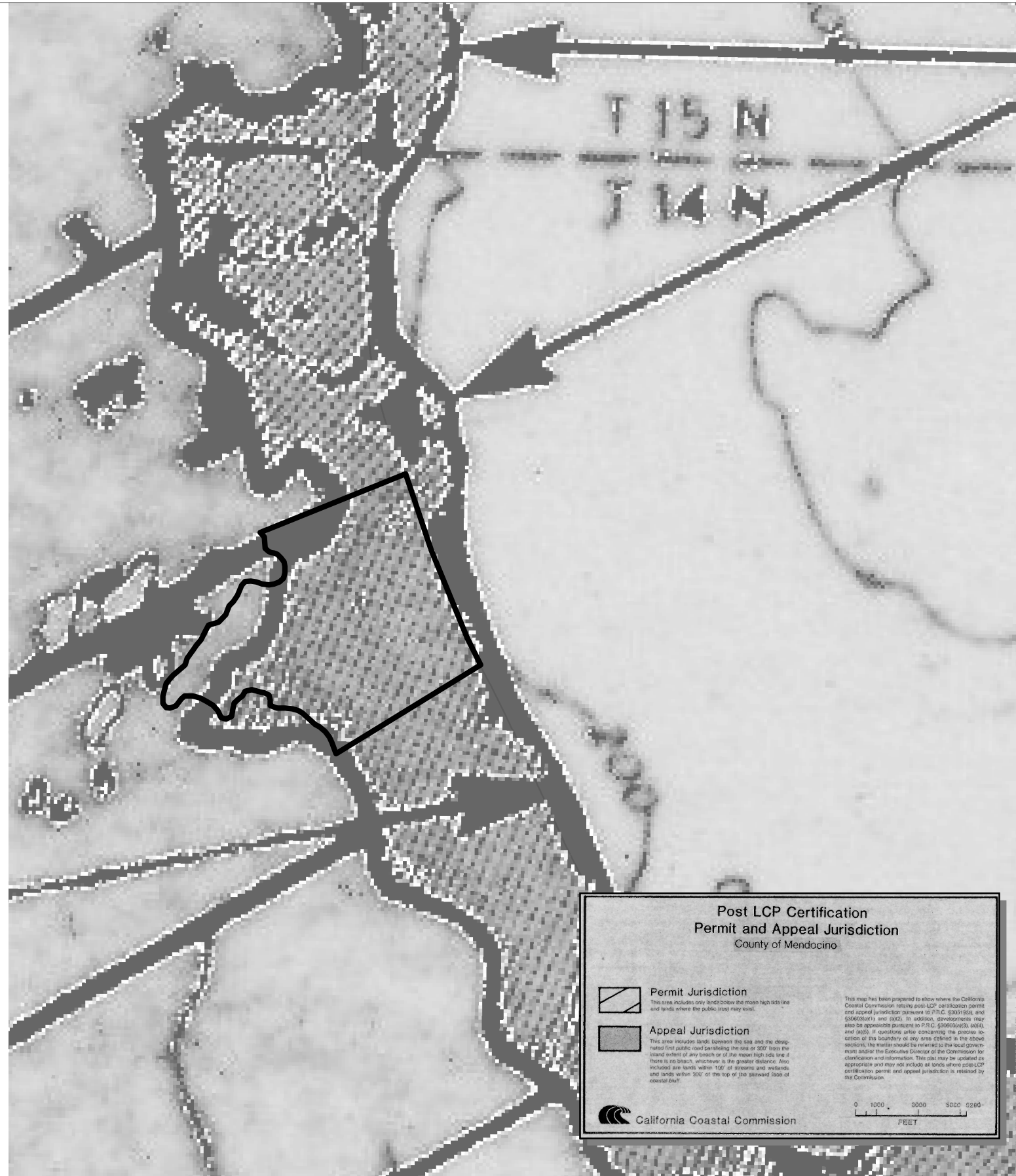
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— Public Roads



LCP HABITATS & RESOURCES

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**Post LCP Certification
Permit and Appeal Jurisdiction**
County of Mendocino

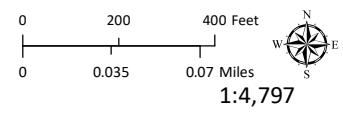
Permit Jurisdiction
This area includes only lands between the mean high tide line and lands where the public trust may exist.

Appeal Jurisdiction
This area includes lands between the sea and the designated first public road paralleling the sea or 300' from the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 100' of streams and wetlands and lands within 500' of the top of the seaward face of coastal bluff.

This map has been prepared to show where the California Coastal Commission retains post-LCP certification permit and appeal jurisdiction pursuant to P.C. 63031(b), and 556008(a)(1) and (a)(2). In addition, developments may also be appealable pursuant to P.C. 556003(a)(3), 6304, and 6305. If questions arise concerning the precise location of the boundary of any area defined in the above sections, the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and information. This map may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.

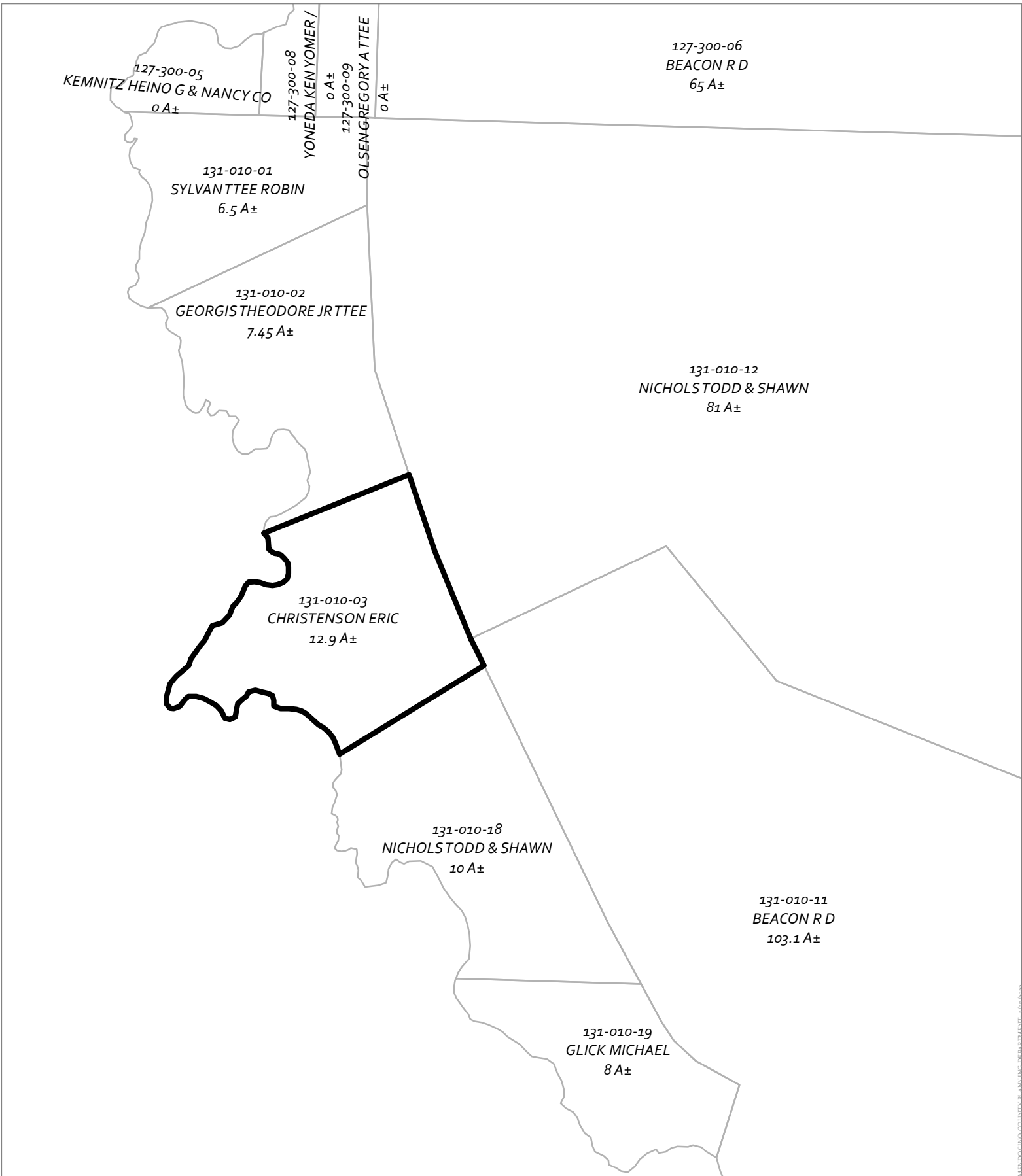
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— Public Roads

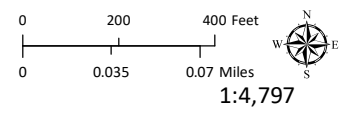


POST LCP CERTIFICATION & APPEAL JURISDICTION

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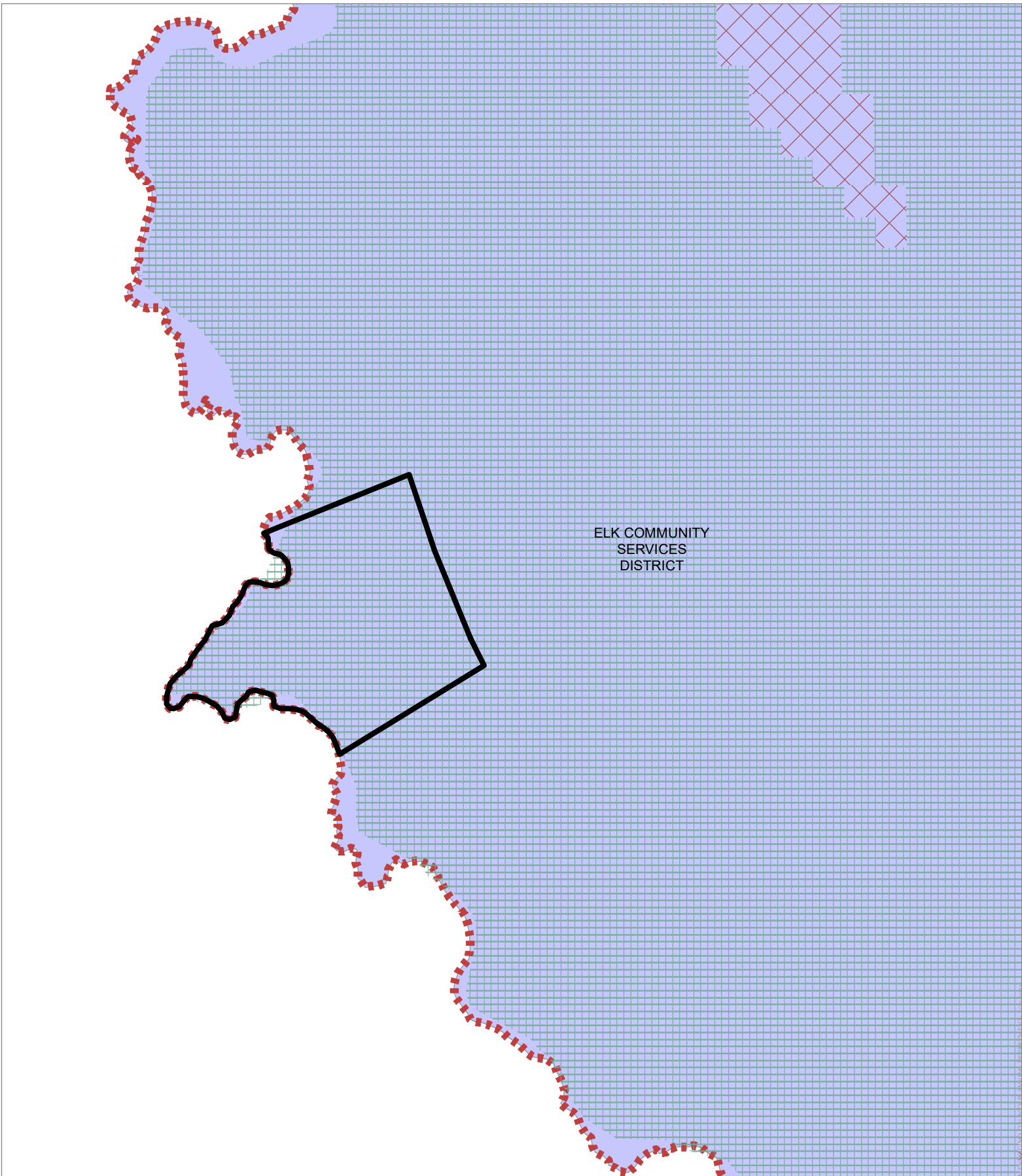
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ADJACENT PARCELS

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MEMPHIS COUNTY HEALTH DEPARTMENT - 3/27/2023



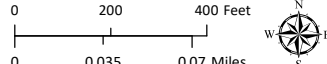
ELK COMMUNITY
SERVICES
DISTRICT

CASE: CDPM 2023-0002
OWNER: CHRISTENSON, Eric
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✕✕ High Fire Hazard

▬▬▬ County Fire Districts

▤▤▤ Moderate Fire Hazard

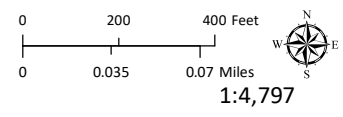


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FIRE HAZARD ZONES & RESPONSIBILITY AREAS
 STATE RESPONSIBILITY AREA

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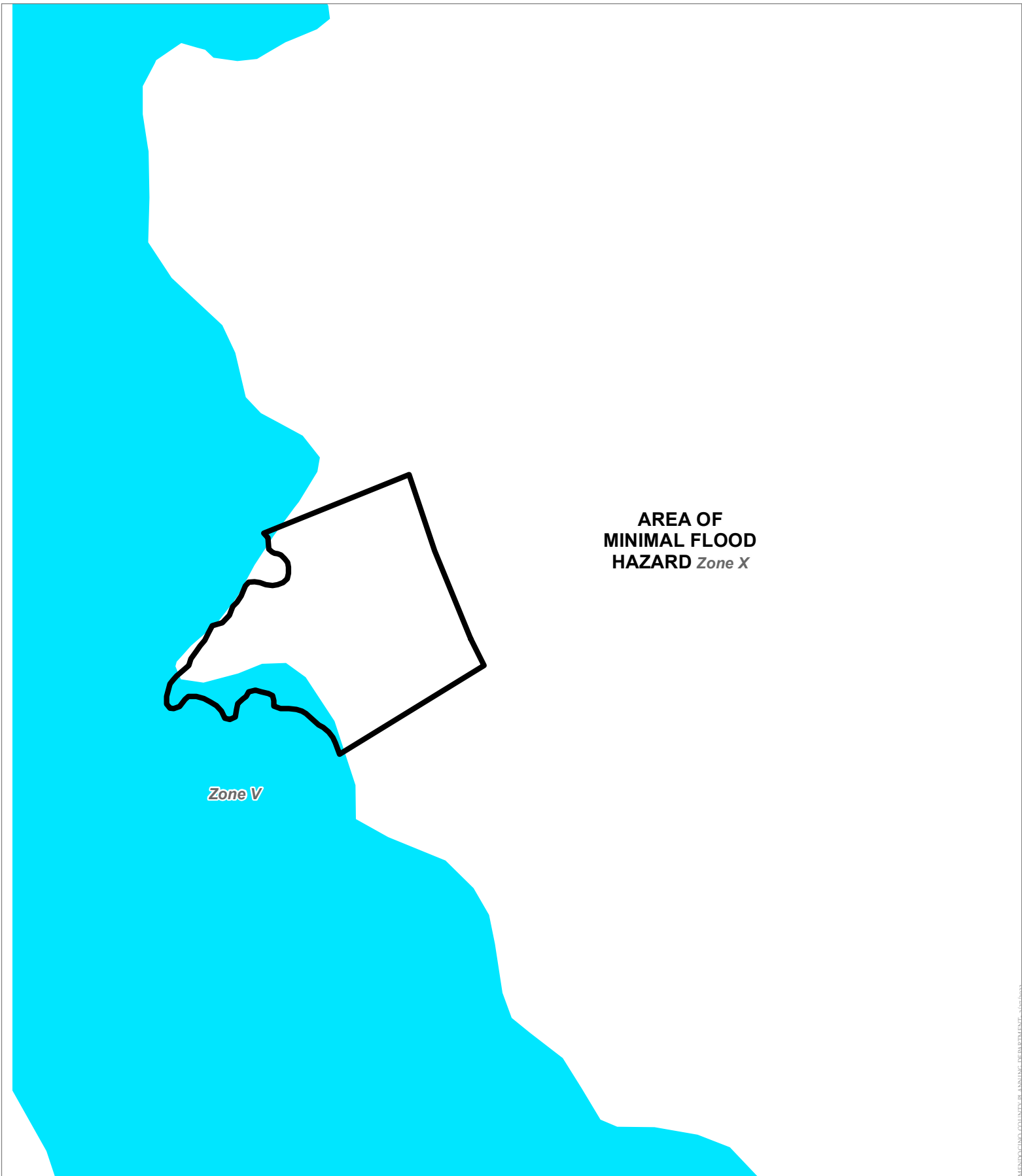


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1:4,797
WILDLAND-URBAN INTERFACE

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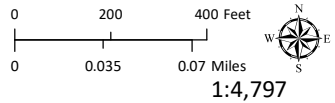


Zone V

AREA OF
MINIMAL FLOOD
HAZARD *Zone X*

MEMPHIS COUNTY HEALTH DEPARTMENT - 3/27/2023

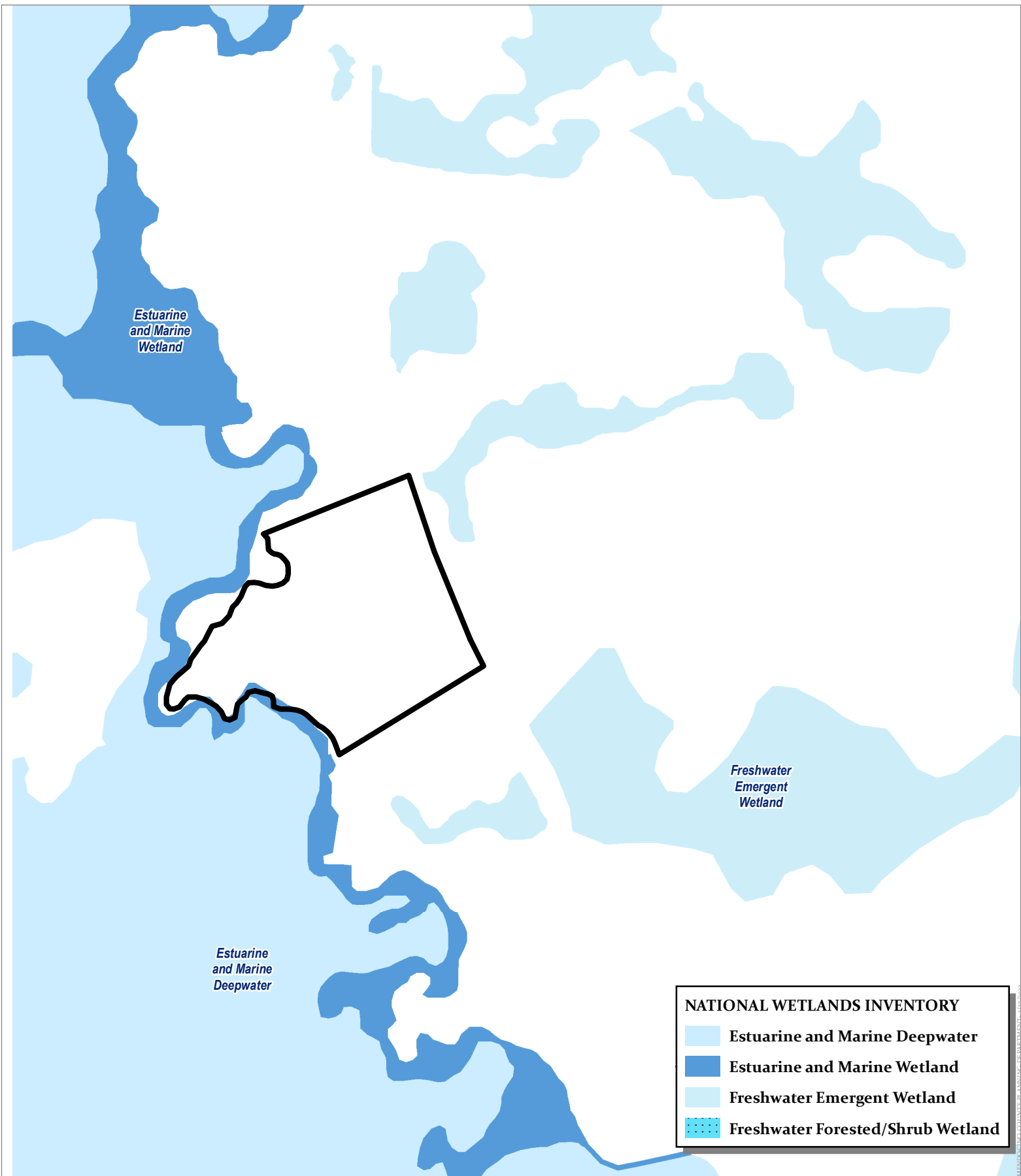
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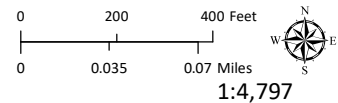
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FLOOD ZONES

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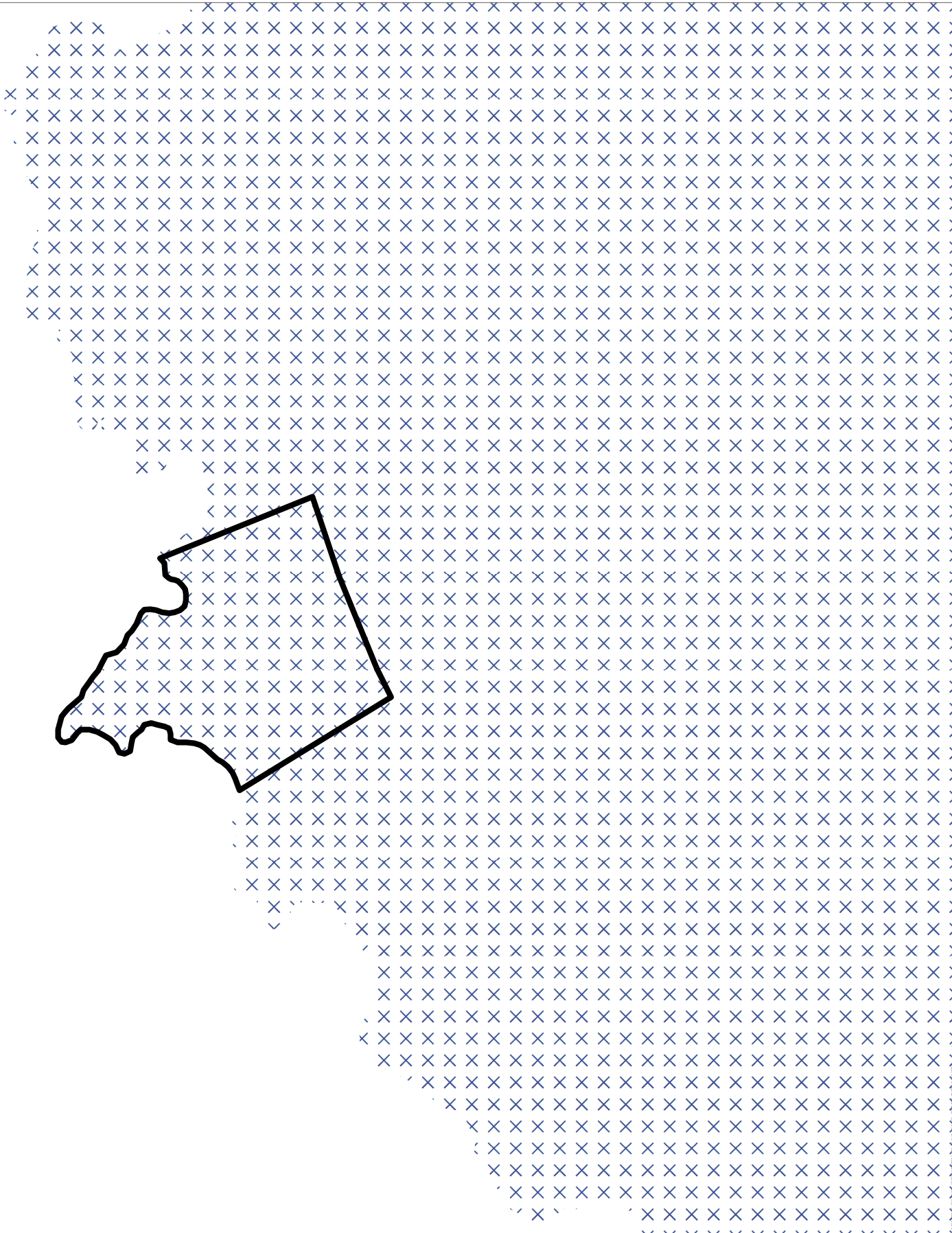


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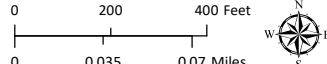
WETLANDS

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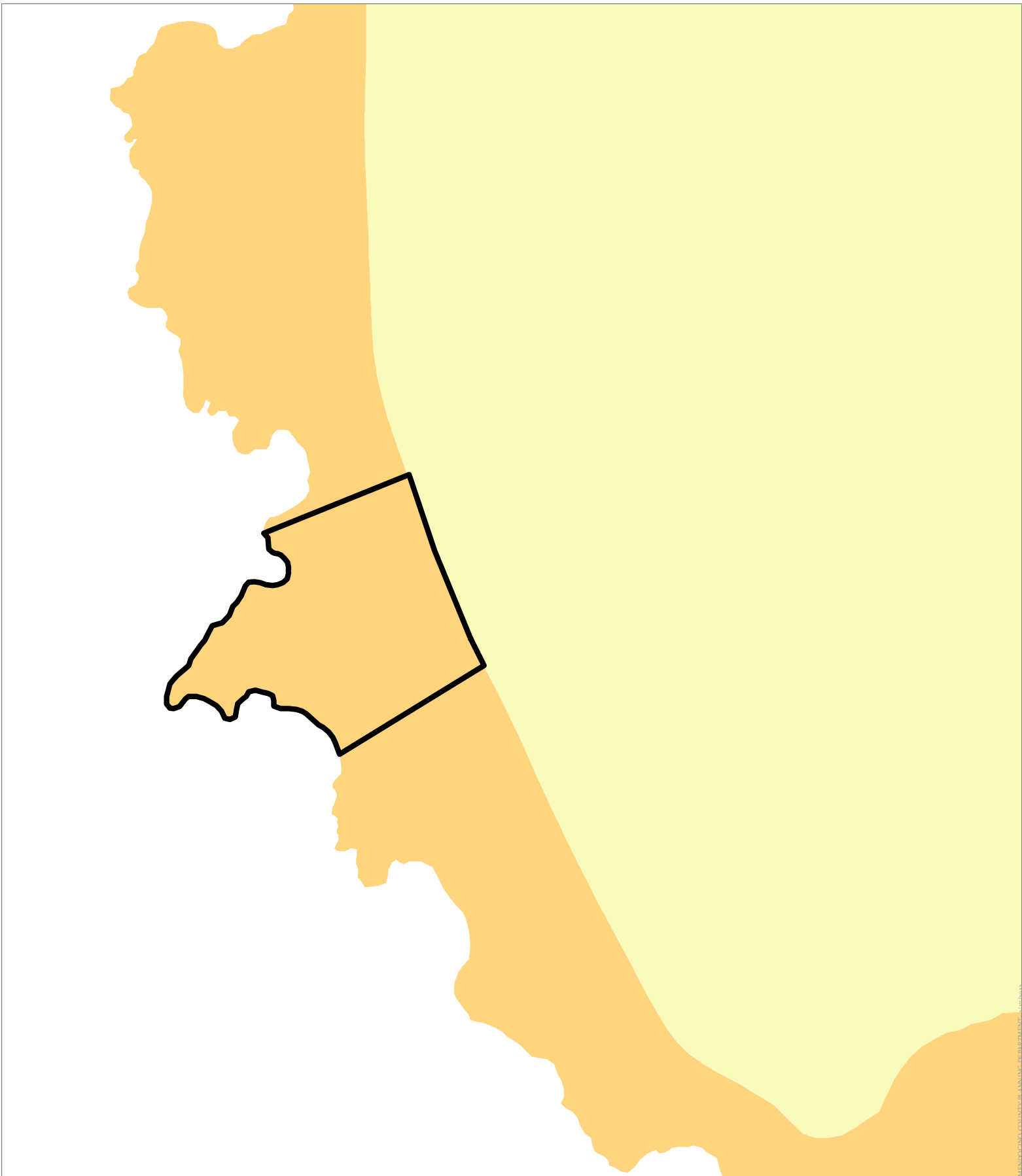
⊗ Critical Water Resources





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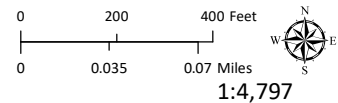
COASTAL GROUND WATER RESOURCES

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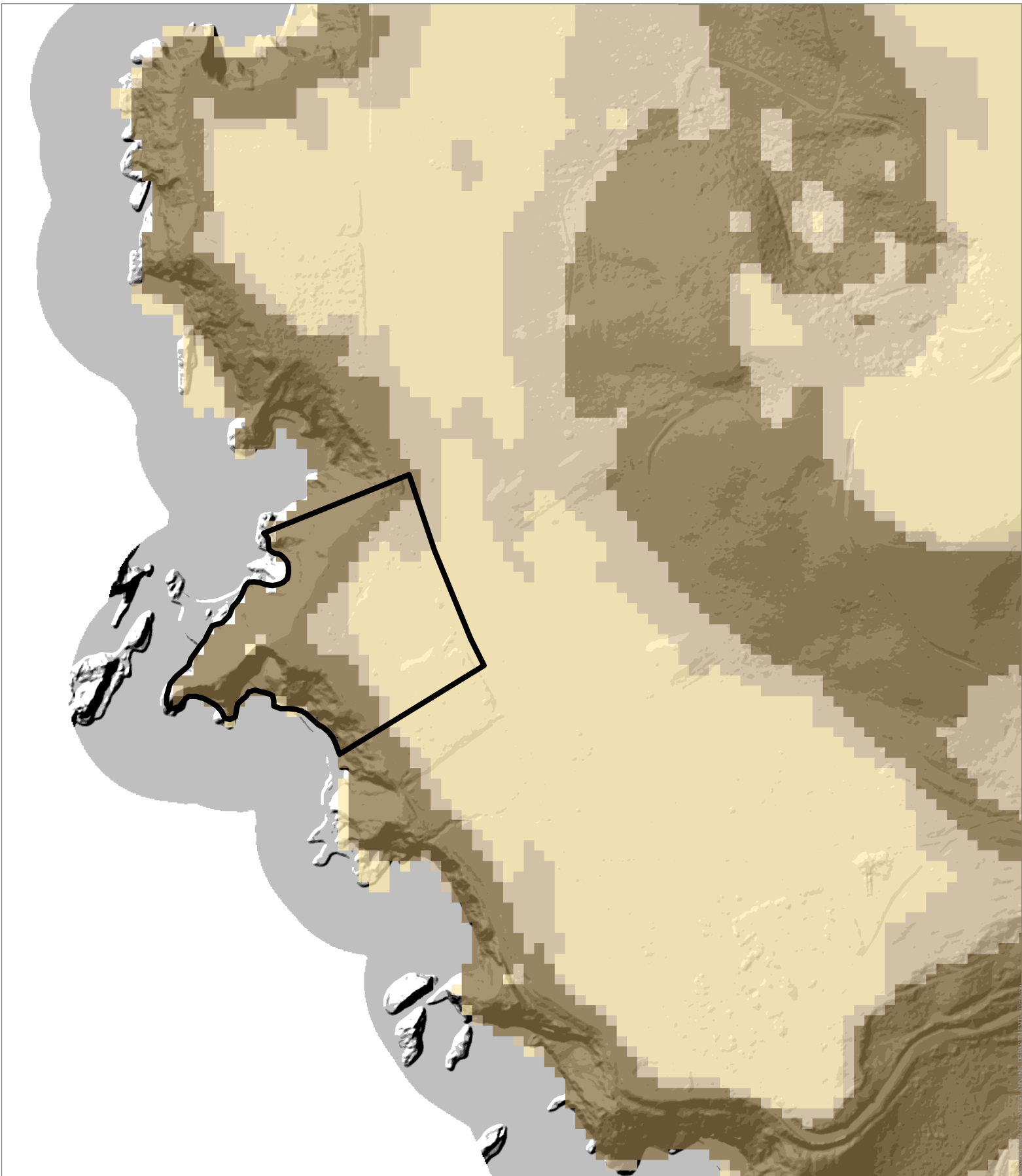
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 Highly Scenic Area
 Highly Scenic Area (Conditional)

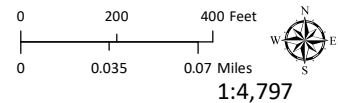
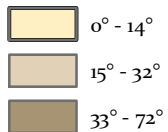


HIGHLY SCENIC AREAS

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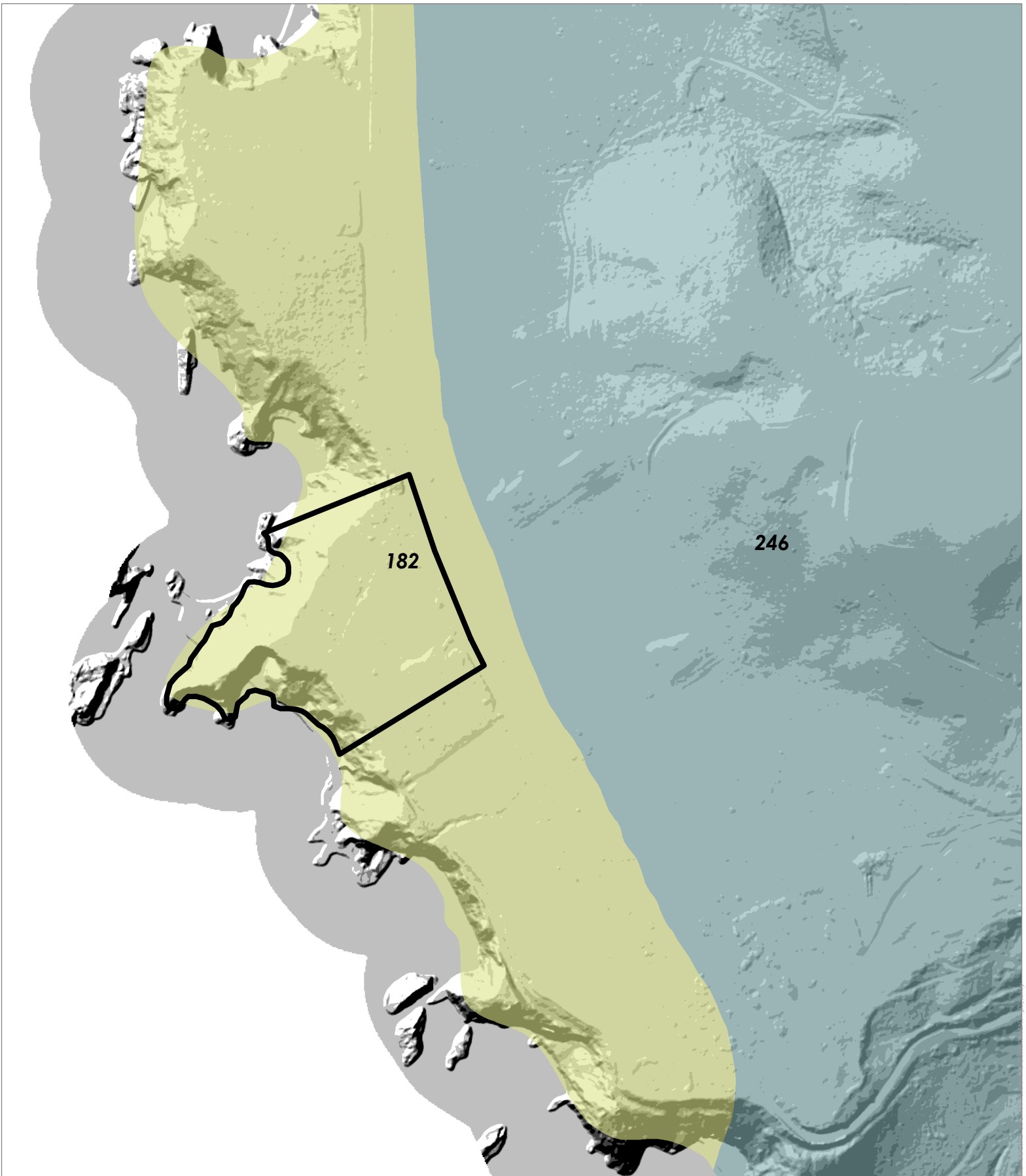


CASE: CDPM 2023-0002
OWNER: CHRISTENSON, Eric
APN: 131-010-03
APLCT: Eric Christenson
AGENT: Diana Wiedemann
ADDRESS: 8000 Hwy 1, Elk

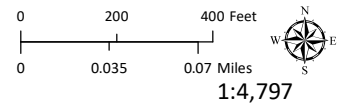


ESTIMATED SLOPE

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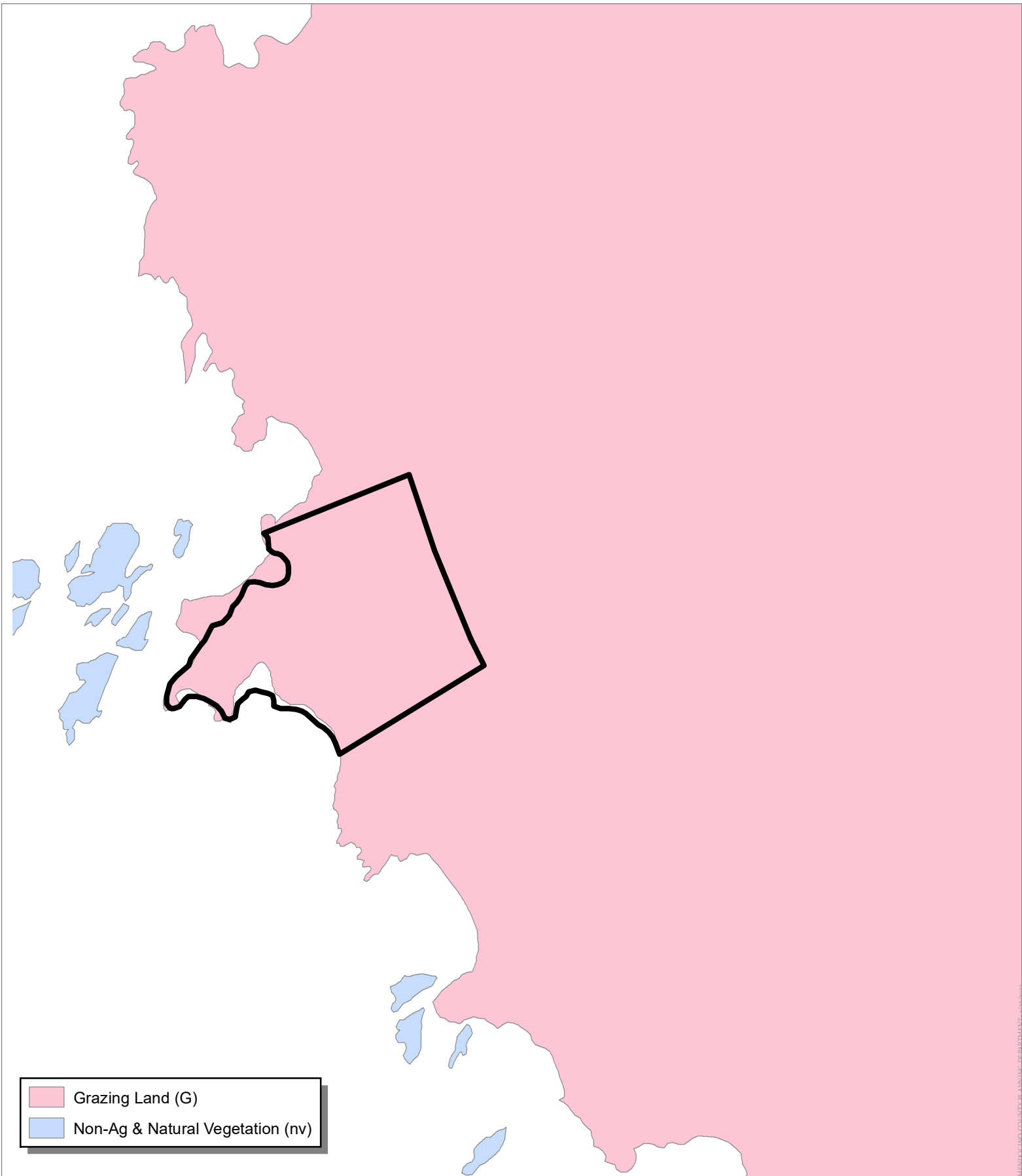




CASE: CDPM 2023-0002
OWNER: CHRISTENSON, Eric
APN: 131-010-03
APLCT: Eric Christenson
AGENT: Diana Wiedemann
ADDRESS: 8000 Hwy 1, Elk



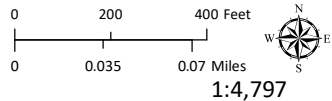
WESTERN SOIL CLASSIFICATION

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	Grazing Land (G)
	Non-Ag & Natural Vegetation (nv)

CASE: CDPM 2023-0002
OWNER: CHRISTENSON, Eric
APN: 131-010-03
APLCT: Eric Christenson
AGENT: Diana Wiedemann
ADDRESS: 8000 Hwy 1, Elk



1:4,797

IMPORTANT FARMLANDS

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MENDOCINO COUNTY PLANNING DEPARTMENT - 3/27/2023