## **SEPTEMBER 27, 2018** CDP 2018-0002

### **SUMMARY**

OWNER/APPLICANT:	JAMES REGA 259 REDWOOD RD SAN ANSELMO, CA 94960
AGENT:	DIANA WIEDEMANN PO BOX 395 ALBION, CA 95410
REQUEST:	Standard Coastal Development Permit to construct a single-family residence, garage studio, guest cottage, vehicle turn around, underground utilities, septic system, well, water-storage tank and hydrant; and construct seven road approaches to the highway along land fronting State Highway 1.
LOCATION:	In the Coastal Zone, 2± miles south of the town of Elk, on the East and West sides of State Highway 1 (SH 1), 2± miles south of its intersection with Philo-Greenwood Road (CR 132), at 10001 South Highway 1, consisting of two separate legal parcels (Parcel 1: APNs 131-030-01, -05, -08, and 131-010-08; and Parcel 2: APNS 131-030-03, -06, -23, -24 and -25).
TOTAL ACREAGE:	Parcel 1 is 106 acres; Parcel 2 is 115.25 acres
GENERAL PLAN:	Coastal Element, Mendocino County General Plan Agriculture (AG60:R)
ZONING:	Mendocino County Coastal Zoning Code Agricultural District (AG:60)
SUPERVISORIAL DISTRICT:	5
ENVIRONMENTAL DETERMINATION:	Categorically Exempt
APPEALABLE:	Yes. Mapped Appeal Jurisdiction & Highly Scenic Area
RECOMMENDATION:	Approve with Conditions

### **BACKGROUND**

Juliana Cherry

**STAFF PLANNER:** 

PROJECT DESCRIPTION: A Standard Coastal Development Permit request to construct a 5,586 square foot single-family residence, 1,808 square foot garage-studio, 640 square foot guest cottage, vehicle turn around, underground overhead utilities, septic system, one well, underground LP tank and a 5,000 gallon water storage tank. At the request of Elk Community Services District, the proposed project also includes a fire hydrant and a 50 foot by 100 foot gravel surface area adjacent to the garage. The primary site for residential development is a 0.18 acre portion of Parcel 1 and APN: 131-030-05 (See attachment Adjacent Parcels). The property owner has applied for an Encroachment Permit from CalTrans; a part of the proposed project is to construct road approaches at seven locations along State Route 1, including Post Mile (PM) locations 30.49, 30.58, 30.06, 30.30, 29.97 and two sites at PM 30.19. Previously four test pits were excavated to evaluate geological conditions; these test pit sites will be filled and compacted as a part of the proposed development (Bauer, page 3). To assist with establishing access to ground water,

staff is recommending that the approval include allowances for testing up to three alternative sites for well water. All development, including potential well sites, would be more than 100 feet from the edge of any sensitive coastal resource or environmentally sensitive habitat areas (or ESHA). Conversion of Agricultural Lands to non-agricultural use is not proposed.

APPLICANT'S STATEMENT: "Property is 116 acre bluff top with existing 12 foot wide gravel road/driveway to proposed house site, and beyond. Proposed new single story residence with stone patios and covered walkway, proposed new detached single story garage/studio building, and a proposed detached single-story guest cottage not to exceed 640 square feet. Building material for house, garage/studio and guest cottage shall be wood siding, and beams along with stone cladding, window frames shall be black or stainless steel. House and guest cottage roofs shall be bituminous membrane with gray to black gravel finish, garage/studio roof to be black/gray metal roof along with covered walkway. No buildings shall exceed 18 feet from mean existing grades. All utilities to be underground including electric, water, propane tank, new septic system per plan, new proposed drilled well and holding tank per plan. It shall be noted all proposed new construction and development shall be within half acre of land and shall be outside all required setbacks for ESHA and construction and geo tech requirements. Existing site terrain is an open grassy, flat bluff top area where proposed house site is located."

**RELATED APPLICATIONS:** Parcels 1 and 2 were created by CC\_2008-0013 and CDMS\_2004-0029 (See attachments *Legal Parcel Boundaries* and *Adjacent Parcels*).

On-Site Parcel 1 consists of APNs: 131-010-08, 131-030-01, -05, and -08.

APN: 131-010-08 Mapped Williamson Act/Ag Preserve Parcel

- ST24121
- CDP\_1995-0062
- EM 1999-0004
- MS 2004-0029

APN: 131-030-01 Mapped Williamson Act/Ag Preserve Parcel

A\_2015-0001 Agricultural Preserve Type I

APN: 131-030-05 proposed site for residential development

N/A

APN: 131-030-08 Mapped Williamson Act/Ag Preserve Parcel

A 2015-0001

**On-site Parcel 2** consists of APNs: 131-030-03, -06, -23, and -25 Mapped Williamson Act/Ag Preserve Parcels and APN: 131-030-24 Mapped Timber Production Zone Parcel

 CalTrans Encroachment Permit 0117-6-RS-0472 for proposed road approaches at 30.49, 30.58, 30.06, 30.30, 29.97

## Neighboring Property to the North APN: 131-010-11

- CDP 1999-0087
- EM 1999-0005
- BF\_2012-0160 Demo
- BF 2012-0161 Grading

## Neighboring Property to the South APN: 131-030-11

No related applications

**SITE CHARACTERISTICS:** 2 legal parcels are owned by the applicant; 8 tax parcel boundaries are shown across these 2 parcels. The westerly lot is 106 acres and includes the proposed site for residential development. Fronting the west and east sides of the highway is the second lot, which consists of 115.25 acres and 5 tax parcels (See attachments *Legal Parcel Boundaries*). State Route 1 bisects the land area. The primary development area, APN: 131-030-05, is west of the highway. The proposed residential development would be situated more than 100 feet east of the shore and coastal bluffs (See attachment *Site Plan*). The proposed development sites is not visible from the highway, as conifers are planted along the westerly edge of the highway and obscure views of the land and shore (See attachment *Aerial Imagery*). While the coastal terrace topography is relatively flat, the proposed building site is lower (See attachment *Topographic Map*).

Soil types are Flumeville and Tropaquepts (See attachment *Local Soils*). These soil types are poorly drained. There are several small ephemeral streams and swales that flow across the 221.25 acre site and empty directly into the Pacific Ocean (See attachment *Wetlands*). An existing compacted, gravel road provides access to the proposed house location. The road follows an existing vehicle access easement (See attachment *Aerial Imagery*). This easement begins on APN: 131-030-03 near highway Post Mile 30.19 and crosses onto APN: 131-030-06 and -05. An area mapped with riparian scrub is bisected by the existing vehicle access easement; this location is less than 100 feet from the northern boundary of APN: 131-030-06.

The proposed 7 road approaches front the highway and are located where there are existing gates in the fence line. Historically, the land use included livestock grazing and hay production; currently, flocks graze seasonally. Planted conifers are present and are likely to provide windbreaks. A botanical survey identifies coastal bluff scrub, meadows and seeps, riparian scrub and coastal strand (WRA, 2018). The proposal includes establishing a 100 foot buffer between all proposed development and the edge of the mapped and surveyed ESHAs.

**SURROUNDING LAND USE AND ZONING:** As listed on Table 1 below, the surrounding lands to the north, south, and east are classified Agriculture (See attachment *General Plan Classifications*). Immediately west of the site is the Pacific Ocean. The parcels located to the north, south, and east are undeveloped.

Table 1. Surrounding lands, lot sizes, and land uses				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Agricultural	Agricultural (AG: 60)	64 Acres	Agricultural
EAST	Agricultural	Agricultural (AG: 60)	45 Acres	Agricultural
SOUTH	Agricultural	Agricultural (AG: 60)	54 Acres	Agricultural
WEST	Ocean	Ocean	NA	Ocean

### LOCAL COASTAL PROGRAM CONSISTENTY

The proposed single-family residence, accessory structures, and ancillary development would be consistent with the goals and policies of the Local Coastal Program 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. The site is classified as Agricultural Lands (AG) (See attachment General Plan Classifications). The proposed land use is Single-Family Residential; this is a permitted use type in the AG 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 location of the proposed single-family residence is on lands mapped as non-prime agriculture and the proposed use is a Permitted Use Type. Agricultural fencing and gates are allowed accessory uses; the proposed road approaches would be located adjacent to the highway at locations where there are existing gates.

As proposed, the land use would be consistent with Mendocino County General Plan, Coastal Element policies.

2. <u>Zoning</u>: The proposed development would be situated on lands within the Agriculture (AG60) District (See attachment *Zoning Display Map*).

MCCZC Section 20.356.005 states, "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."

Section 20.356.010(A) identifies the proposed land use as a Principally Permitted Use Type in an AG District. Table 2 lists the required AG District development standards. As proposed, the project meets or exceeds the AG District requirements.

Table 2: Comparison of AG Development Standards and Proposed Project				
Chapter 20.356	Standard	Proposed		
Minimum Front and Rear Yards	50 feet	50 feet		
Building Height Limit	18 feet above natural grade	18 feet above natural grade		
Maximum Lot Coverage	10 percent	less than 10 percent		

As proposed, the development would be consistent with Chapter 20.356 regulations.

3. <u>Visual Resources</u>: The project site is mapped as a Highly Scenic Area (See attachment *Highly Scenic & Tree Removal Areas*).

Pursuant to MCCZC Section 20.504.010 the purpose of Visual Resource and Special Treatment Areas 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."

Table 3 lists the development criteria of Section 20.504.015(C) and compares the proposed to the adopted criteria.

Table 3: Comparison of Highly Scenic Area Development Standards and Proposed Project				
Section 20.504.015(C) Standard	Proposed			
20.504.015(C)(1)  Any development permitted in highly scenic areas shall provide for the protection of coastal views from public areas including highways, roads, coastal trails, vista points, beaches, parks, coastal streams, and waters used	Proposed is 0.18 acre of lot coverage and 0.44 acre equivalent area to be paved asphalt or gravel.			
for recreational purposes.				

Table 3: Comparison of Highly Scenic Area Development Standards and Proposed Project			
Section 20.504.015(C) Standard	Proposed		
20.504.015(C)(2)	Proposed building height is 18 feet.		
In highly scenic areas west of Highway 1 as identified on the Coastal			
Element land use plan maps, new development shall be limited to eighteen			
(18) feet above natural grade, unless an increase in height would not affect			
public views to the ocean or be out of character with surrounding structures.			
20.504.015(C)(3)	Proposed non-glare glass with black		
New development shall be subordinate to the natural setting and minimize	metal window frames. Building		
reflective surfaces. In highly scenic areas, building materials including siding	materials include redwood siding and		
and roof materials shall be selected to blend in hue and brightness with their	stone cladding. Roof materials include		
surroundings.	gravel, membrane, and black metal.		
20.504.015(C)(7)	Proposed development areas located		
Minimize visual impacts of development on terraces by the following criteria:	more than 250 feet west of the highway.		
(a) Avoiding development, other than farm buildings, in large open areas if	Buildings and cultivated landscaping		
alternative site exists; (b) Minimize the number of structures and cluster	would be grouped and located 100 feet		
them near existing vegetation, natural landforms or artificial berms; (c)	from ESHA and coastal bluffs.		
Provide bluff setbacks for development adjacent to or near public areas			
along the shoreline; (d) Design development to be in scale with rural			
character of the area. 20.504.015(C)(10)	Recommend requiring trees adjacent to		
Tree planting to screen buildings shall be encouraged; however, new	the easterly edge of the proposed		
development shall not allow trees to interfere with coastal/ocean views from	developed area.		
public areas.	developed allea.		
20.504.015(C)(11)	Recommend requiring power		
Power transmission lines shall be located along established corridors where	transmission lines be limited to		
possible and where the corridors are not visually intrusive.	locations approximate to or adjacent to		
possible and where the corndors are not visually initiasive.	the highway where possible or where		
	they would not be visually intrusive.		
20.504.015(C)(12)	Recommend requiring power		
Power distribution lines shall be placed underground in designated "highly	distribution lines be placed		
scenic areas" west of Highway 1 and in new subdivisions. East of Highway	underground.		
1, power lines shall be placed below ridgelines if technically feasible.			
20.504.015(C)(13)	Proposed 0.44 acre of paved areas		
Access roads and driveways shall be sited such that they cause minimum	finished with gravel similar to existing		
visual disturbance and shall not directly access Highway I where an alternate	color, hue, and textures.		
configuration is feasible.			

Protection of Coastal Views: From the highway, public views of the shore and ocean are limited by the row of conifers paralleling the road. To ensure that over time public views from the highway improves, staff recommends a condition of project approval requiring the trees adjacent to the highway be removed, and not replaced, when the individual trees show signs of failing (See recommended Condition 18). Located more than two hundred feet west of the highway, the proposed area for development is generally lower than the surrounding lands. The applicant proposes to group the proposed buildings and locate them within a low sloped area 100 feet east of the bluff top. Development would cover 0.18 acre of Parcel 1 (106 acres). The low ratio of developed lands to open lands, sparse tree canopy, distance views, the proposed location of the building site, proposed building height, and clustering of development all contribute to protecting public views.

Natural Setting: The proposed 0.44 acre of gravel paving, non-glare glass, black metal window frames, redwood siding, stone cladding, and roofing material would blend in hue and brightness with their surroundings. The visual impact of the proposed buildings' heights, grouping, and mass would be offset by their distance from the highway and distance from the coastal bluff. The proposed scale is suited to the rural character of the area. To further assure that the visual impact of development is limited, Staff recommends a condition of project approval requiring trees to be planted and maintained in locations that are adjacent to and easterly of the proposed development site (See recommended Condition 17). The trees should be appropriate to the building height and scale; the trees should be a regionally appropriate native plant. Proposed landscaping would be located more

than 100 feet of any ESHA and situated adjacent to the proposed house, garage, and studio. The proposed plant list includes Carex comens, Rosmarinus officinalis, Erica canaliculata, Calluna vulgaris, Coleonema diosma, Lithodora, Miscanthus, Lavendula, Lantana, Pennisetium, Phlomis lanata, Leptospermum, Rhododendrons, Grevillea lanigera, and Stipa grasses.

Undergrounding Overhead Utilities: Section 20.504.015(C)(11) requires power transmission lines to be located along established corridors. Section 20.504.015(C)(12) requires power distribution lines to be located underground. Recommended conditions of project approval would require the property owner to comply with these local regulations (See recommended conditions #19 and 20). While trenching, and any other ground disturbing activity, shall be completed more than 100 feet from the edge of any ESHA, Staff recommends a condition allowing one-time trenching within the existing vehicle access easement and other utility easements (See recommended condition #12c). Areas trenched would be backfilled and restored with seed or gravel paving.

Access Roads: The unimproved access roads and driveways exist. At the request of CalTrans, the applicant proposes to finish seven road approaches with asphalt. The interior vehicle access easement would be finished with compacted gravel that would have the same color, hue, and brightness seen today. Staff recommends a specific project condition requiring that no pavement improvements or work be allowed within 100 feet of the edge of any ESHA or other identified resource area (e.g., coastal bluff scrub, meadows and seeps, riparian scrub, and coastal strand) (See recommended Conditions 10-12).

As conditioned, the proposed development would be consistent with the development standards of Chapter 20.504, including protection of ocean views, natural setting, undergrounding overhead utilities, and access roads (See recommended Conditions 16-22).

4. <u>Hazards Management</u>: Section 20.500.020(A) *Faults* - The property neither lies within, nor does it adjoin a mapped Alquist-Priolo Earthquake Fault Zone (Brunsing, page 5). Based on field reconnaissance, the property does not appear to be underlain by an active fault. However, the proximity of the site to the main trace of the San Andreas Fault continues to be a significant geologic hazard. The probability of a large magnitude earthquake occurring on this segment of the San Andreas Fault is moderately high (Brunsing).

Section 20.500.020(B) *Bluffs and Bluff Erosion* - Geotechnical Investigations were prepared (Brunsing Associates 2016 and Bauer Associates, 2017). Brunsing Associates geotechnical investigation recommends differing bluff edge setbacks (100, 50, or 40 feet) depending on the condition of the coastal bluffs; Bauer Associates recommends a 100 foot setback from the bluff edge at the proposed development site. Development is proposed to be 100 feet landward of the bluff edge and 100 feet east of the edge of coastal bluff ESHA (See attachment *Site Plan*). Development would be sited consistent with the geotechnical recommendations and a minimum 100 feet from any ESHA.

Section 20.500.020(C) *Tsunami* - While portions of the land, for example the shoreline, are subject to tsunami, the proposed area for development is atop a coastal bluff (See attachment *Special Flood Hazard Areas*). The property bluffs are approximately 240 feet in vertical height. Impact or inundation from a severe storm surge or tsunami event is not considered a risk for the site (Brunsing, page 5).

Section 20.500.020(D) *Landslides* - Several large landslides are present on the ocean bluffs. The landslides are a result of bluff toe (wave) erosion and water seepage from inland areas. There are also numerous small areas of shallow sliding and erosion (Brunsing, page 4).

Section 20.500.020(E) *Erosion* - Seawalls, breakwaters, revetments, groins, and other structures altering natural shoreline processes or retaining walls are not proposed. In accordance with PBS memorandum dated June 1, 2004, staff recommends a condition requiring the property owner to record a deed restriction prior to the issuance of a Building Permit (See recommended Condition 15). The document would state that the construction of seawalls is prohibited and require that structures be removed from the property if threatened by bluff retreat. The document would require that the landowner be responsible for any clean up associated with portions of the development that might fall onto a beach.

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 the California Department of Forestry and Fire Protection (CalFire) and the Elk Community Services District (CSD). The applicant provided preliminary clearance from CalFire (File Number 24-18), which includes a requirement to satisfy address, driveway, and defensible space standards, and to maintain defensible space. The project application was referred to CalFire and Elk CSD for input. On July 16, 2018, Elk CSD requested satisfactory completion of the following: (a) inclusion of a 50 x 100 foot graveled apron located adjacent to the proposed garage; (b) a 5,000 gallon capacity water storage tank; (c) a fire hydrant meeting Mendocino County Fire Safe Council specifications and connected to a water storage tank. The applicant agrees to Elk CSD's request and Staff has incorporated this request with the recommended conditions of project approval (See recommended Condition 14).

Section 20.500.030 *Flood Hazard* - While the shoreline would be subject to flooding, the proposed area for development is approximately 240 vertical feet above the shore. Flooding is unlikely to affect lands proposed for development (See attachment *Special Flood Hazard Areas*).

As conditioned, the proposed project would be consistent with Chapter 20.500 regulations for hazard areas, including geologic hazards (faults, bluffs, landslides, and erosion), fire hazards, and tsunami and flood hazards.

5. <u>Habitats and Natural Resources</u>: As conditioned, the proposed would be consistent with Chapter 20.496 *Environmentally Sensitive Habitats and Other Resource Areas*. In January 2018, WRA prepared an *Environmentally Sensitive Habitat Area Survey*. The survey found coastal bluff scrub, meadows and seeps, and riparian scrub. Also identified where locations of Mendocino Paintbrush, Short-leaved Evax, an intermittent stream, and a perennial stream. A 100 foot buffer from sensitive coastal resources is identified. The existing ESHA would be at minimum 100 feet from the proposed development.

On July 2, 2018, Daniel Harrington, from the Department of Fish and Wildlife, responded to Staff's request for comments on the proposed project. He wrote, "I have reviewed CDP 2018-0002. As long as the recommendations included in the *Environmentally Sensitive Habitat Area Survey* (WRA, 2018) are included as conditions of approval, CDFW does not have comments for this project at this time." WRA recommendations include protections for wetlands; riparian habitats; streams, rivers, and anadromous fish habitat; special-status plants; and special-status wildlife (WRA, Section 6.0). Staff has incorporated WRA recommendations in their recommended conditions for project approval (See recommended Conditions 10-12).

No ground disturbing activity is proposed within 100 feet of the surveyed and mapped intermittent stream, area of riparian scrub, or other ESHA. Staff recommends a condition allowing one-time trenching to underground overhead utilities within the existing vehicle access route that crosses an intermittent stream and area of riparian scrub (WRA. Figure A-7) (See recommended condition #12c).

As conditioned, the proposed project would be consistent with Chapter 20.496 regulations, including ESHA development criteria, wetlands and riparian corridors and other riparian resource areas.

6. <u>Agricultural Resources</u>: The proposed residential development would be on Parcel 1, which consists of four tax parcels and 106 acres of lands designated Agriculture. The location of the proposed residential development is on lands mapped "Non-Prime Ag" (See attachment *Lands in Williamson Act Contracts*); this tax parcel is also not mapped as Williamson Act/Ag Preserve Parcel (See APN: 131-030-05). The proposed seven road approaches are proposed adjacent to the highway and on 115.25 acres of lands that are designated Agriculture and mapped "Prime Ag."

Chapter 20.508 *Agricultural Resources* applies to all lands designated Agricultural and therefore applies to Lot 1 and Lot 2, where portions of the lands are mapped Non-Prime Ag (see APNs: 131-010-08 and 131-030-05), Prime Ag (see APNs: 131-030-01, -03, -06, -08, -23, and -25), or Timber Production Zone (see APN: 131-030-24). The following portions of Parcel 1 and Parcel 2 are mapped as Williamson Act/Ag Preserve Parcels: APNs: 131-010-08, and 131-030-01, -03, -06, -08, -24, and -25. The property owner does not propose conversion of agricultural lands to non-agricultural uses.

As proposed, the project would be consistent with Chapter 20.508 *Agricultural Resources* as existing agricultural lands are either under Williamson Act contracts and, or the property owner does not request a permit to convert prime lands to non-agricultural uses.

- 7. <u>Archaeological/Cultural Resources</u>: On June 13, 2018, the Archaeological Commission accepted the April 22, 2018 survey report prepared by Thad Van Bueren, including his recommendation that a discovery clause be a part of the conditions of project approval (See recommended Condition 8). As proposed, the project would be consistent with Mendocino County policies for cultural resources.
- 8. <u>Grading, Erosion, and Runoff</u>: Bauer Associates prepared recommendations for site preparation and grading for the building and driveway areas, foundation types and design criteria, and geotechnical engineering drainage. Staff recommends that by condition the property owner adhere to the recommendations of a qualified engineering geologist and geotechnical engineer (See recommended Condition 13).

As conditioned, the proposed project would be consistent with Chapter 20.492 *Grading, Erosion and Runoff*, including specified standards for grading, erosion, sedimentation, and runoff.

9. <u>Transportation and Circulation</u>: Proposed is the construction of seven road approaches adjacent to the highway. California Department of Transportation (CalTrans) issued Encroachment Permit No 0117-6-RS-0472 to enter the State Route 1 right-of-way at various locations in Mendocino County to (a) construct a single-family road approach to current standards at PM 30.19, left, (b) construct a single-family road approach and upgrade culvert to 18 inches at PM 30.19, right, and provide for intermittent farm field access at (c) 5 locations between PM 29.97 and PM 30.58 (See Encroachment Permit). The areas approved by CalTrans for work within State Route 1 right-of-way are shown on the proposed site plan. Staff recommends requiring the property owner to demonstrate that they have satisfied Encroachment Permit No. 0117-6-RS-0472 requirements and require that all work be located more than 100 feet from the edge of an ESHA. Construction of road approaches to State Route 1 right-of-way would not have the effect of vesting CDP\_2018-0002.

The project proposal includes obtaining an encroachment permit from CalTrans to pave road approaches to the highway with asphalt; this would be consistent with Chapter 20.516 regulations.

10. <u>Groundwater Resources</u>: The building site is mapped as a Marginal Water Resource area. Other areas of the 221.5-acre site are mapped as either Critical Water Areas (most northerly lands) or Critical Water Resources Bedrock (most easterly lands) (See attachment Ground Water Resources). The applicant proposes to drill a well adjacent to the house and on lands mapped as Marginal Water Resources. The property owner is required to demonstrate access to a sufficient supply of ground water prior to issuance of a building permit for any residential structure (See recommended Condition 23). To facilitate access to ground water in a Marginal Water Resource area, Staff recommends allowing the property owner, with the approval of CDP\_2018-0002, to test up to three alternative well sites if the proposed site does not satisfy the requirements of Chapter 20.516 *Transportation, Utilities, and Public Services*. All well sites and ground water testing sites shall be located a minimum 100 feet from the edge of any sensitive coastal resource or ESHA.

Adjacent to the proposed well location would be a 5,000 gallon water-storage tank for fire suppression with a pipe connection to a fire hydrant. Proposed near the north side of the garage and guesthouse would be two septic tanks.

Pursuant with MCCZC Section 20.516.015(B)(1), "Approval of the creation of ... additional building sites shall be contingent upon an adequate water supply during dry summer months which will accommodate the proposed parcels, and will not adversely affect the groundwater table of contiguous or surrounding areas. Demonstration of the proof of water supply shall be made in accordance with policies found in the Mendocino Coastal Groundwater Study dated June 1982, as revised from time to time and the Mendocino County Division of Environmental Health's Land Division requirements as revised." On June 20, 2018, the Division of Environmental Health responded to Staff's request for comments and stated that the site does not have a well.

As conditioned, the proposed project would be consistent with Section 20.516.015 that requires new development to be approved subject to the availability of necessary public services and consistent with provisions for septage and leach fields, water supply, and transportation systems.

11. <u>Public Access</u>: There is access to the shore north of the project site at Greenwood State Park and Elk Creek. The westerly side of State Route 1 is mapped as a coastal access route on Local Coastal Program Map 21 *Bridgeport*. Neither Coastal Element Chapter 3.6 *Shoreline Access and Trail/Bikeway System* nor Chapter 4.10 *Navarro River to Mallo Pass Creek Planning Area*, nor Coastal Element Appendix 13 Table 3.6.-1 *Summary of Designated Coastal Access Points and Trail System* list this location as designated public access. On-site, there is no evidence of an existing public easement or the potential existence of a prescriptive right.

As proposed, the project would be consistent with Chapter 20.528 Coastal Access Regulations and Open Space Easements.

### RECOMMENDED FINDINGS AND CONDITIONS

Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Coastal Zoning Code (MCCZC), the Coastal Permit Administrator approves the proposed single-family residence, garage-studio, guest cottage, vehicle turn around and seven road approaches, underground utilities, septic, well, and water storage tank, fire hydrant, and adopts the following findings and conditions:

### **FINDINGS:**

- 1. Pursuant with MCCZC Section 20.532.095(A)(1), the proposed development is in conformity with the certified Local Coastal Program as it proposes the construction of a permitted land use on Agriculture (AG60:R) lands, including a single-family residence, garage-studio, guest cottage, and other accessory or ancillary development. The AG classification is intended for lands suited to production of crops and single-family residential land uses are permitted.
- 2. Pursuant with MCCZC Section 20.532.095(A)(2), as conditioned the proposed residential land use and accessory uses are provided with adequate utilities, access roads, drainage and other necessary facilities.
- 3. Pursuant with MCCZC Section 20.532.095(A)(3), as conditioned the proposed residential use is consistent with the purpose and intent of the Agricultural District, satisfies the development requirements of the Agricultural District, and satisfies the specified requirements of the MCCZC Chapters 20.500 Hazards, and 20.504 Visual Resource and Special Treatment Areas, and all other provisions of Division II.
- 4. Pursuant with MCCZC Section 20.532.095(A)(4), the proposed development will not have any significant adverse impacts on the environment and a Categorical Exclusion for the construction of a single-family home has been prepared pursuant to the California Environmental Quality Act.
- 5. Pursuant with MCCZC Section 20.532.095(A)(5), the proposed development will not have any adverse impacts on any known archaeological or paleontological resource. A standard condition advises the applicant of the County's "discovery clause" which establishes procedures to follow in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.
- 6. Pursuant with MCCZC 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. Well water will be supplied to the project.
- 7. Pursuant with MCCZC Section 20.532.095(B)(1), the proposed development is in conformity with public access policies, including Chapter 20.528 Coastal Access Regulations and Open Space Easements.

- 8. Pursuant with MCCZC Section 20.532.100(A)(1), the proposed development conforms to Chapter 20.496 *Environmentally Sensitive Habitat and Other Resource Areas* regulations as it locates development 100 feet or more from the edge of surveyed and mapped environmentally sensitive habitat areas, including coastal bluffs and riparian areas.
- 9. Pursuant with MCCZC Section 20.532.100(A)(2), the proposed residential use is compatible with the long-term protection of resource lands and no conversion of agricultural lands is proposed.
- 10. Pursuant with MCCZC 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 trees fronting the highway to be removed and not replaced; (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 prime agricultural soils; and (g) ensures existing land use compatibility by maintaining productivity of on-site and adjacent agricultural lands.
- 11. Pursuant with MCCZC Section 20.532.100(B)(2), no conversion of prime land and, or land under Williamson Act Contract to non-agricultural use is proposed.
- 12. Pursuant with MCCZC Section 20.532.100(B)(3), no conversion of agricultural land to non-agricultural use is proposed.

### **CONDITIONS OF APPROVAL:**

- 1. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Coastal Code. CDP\_2018-0002 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 2018-0002 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 (MCCZC).
- 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\_2018-0002 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. Conditions approving CDP\_2018-0002 shall be attached to any building permit application and shall be a part of on-site construction drawings.
- 10. In accordance with MCCZC Section 20.496.020(A), a buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from developments and shall be compatible with the continuance of the habitat areas. The width of the buffer area shall be a minimum 100 feet.
  - a. Development shall avoid impacts on the *Sidalcea calycosa ssp. rhizomata* and *Sidalcea malviflora ssp. purpurea*.
  - b. A minimum 100 foot buffer shall be maintained from the upland edge of riparian vegetation along all watercourses to the edge of any development activity, including grading, paving, trenching or other.
- 11. In accordance with MCCZC Section 20.496.020(A)(1)(B), the width of the buffer zone shall be based on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by development; therefore, the property owner shall protect environmentally sensitive habitat areas, including California and northern red-legged frogs, special status plants, and nesting birds, by the following measures:
  - a. <u>California and northern red-legged frogs</u>. (i) Prior to construction, a qualified biologist will survey the building site and existing access route footprint to determine if special status frogs are present. If special status frogs are observed, no work will be initiated until the biologist has determined that the frog has left the impact area of its own accord and is in no danger. (ii) An exclusion fence will be erected around all project-related activity areas. Fencing will be designed to exclude frogs from the relevant areas and could double as erosion control fencing. (iii) Construction personnel will be given a biological awareness program that covers the potential presence of special-status frogs, basic identification of the species pair, the legal ramifications for any take of any special-status frogs, and the need to stop work and immediately contact a qualified biologist if observations occur during any phase of construction. (iv) Ground disturbance will occur only during the dry season, approximately April 15 through October 15. (v) If a rain event occurs during the construction period, all activities shall cease for 48 hours after the rain stops. Prior to resuming construction activities, trained construction crews shall examine the site for the presence of special status frogs. If no frogs are observed, normal construction activities may resume.
  - b. <u>Special-status Plants</u>. To protect the special-status plants in the Study area, landscape plantings shall consist of locally native species (or ornamental plants without the potential to become invasive) and any erosional control methods deploying vegetative material will be from certified week-free sources.
  - c. <u>Nesting birds</u>. To avoid impacts to nesting birds, vegetation removal and initial ground disturbance shall occur outside of the general nesting bird season, August 16 through February 28. If vegetation removal or initial ground disturbance must occur during the nesting season, March 1 through August 15, a nesting bird survey will be conducted by a qualified biologist. If

nesting activity is detected, a work exclusion buffer will be placed around each active nest. Buffer sizes will be determined by the biologist and may vary by bird species, nest location, and ambient level of disturbance. Exclusion buffers will remain in space until the biologist determines that young have fledged or nesting has otherwise ceased. If nests are outside of direct activities, but within 300 feet of construction areas, buffers will be implemented if deemed appropriate by the biologist.

- 12. In accordance with MCCZC Sections 20.496.025(A) and 20.496.035(A), development or activities adjacent to wetland vegetation, wetlands, streams and riparian habitats shall maintain a 100-foot or greater buffer. To protect environmentally sensitive habitat areas, such as wetlands, riparian corridors, streams, and environmentally sensitive habitat situated near the access road immediately prior to, during, and immediately following construction-related activities, the property owner shall:
  - a. Erect high-visibility fencing with a sediment curtain at the footing to ensure that vehicles and heavy equipment do not incidentally enter the wetland; ensure that equipment and materials are not incidentally, nor intentionally, laid down in the wetland; and ensure that sediment does not migrate into the wetland.
  - b. Conduct all work during the dry season, generally regarded as April 15 through October 15, but dependent upon in season weather conditions, to ensure that wet, loosened sediment does not migrate into the wetland.
  - c. Within the vehicle access easement, which is a disturbed area adjacent to an ESHA, one time trenching and backfilling to underground overhead utilities is permitted. When the ground is disturbed, a biologist shall be on-site and make recommendations to ensure the protection of the ESHA from trenching and backfilling. Areas trenched shall be backfilled and restored with seed, gravel paving, or at the biologist's recommendation to protect the ESHA.
- 13. In accordance with MCCZC Section 20.500.020(E)(3), all grading specifications and techniques will follow the recommendations cited in the Uniform Building Code or the geotechnical engineer's report (for example, Bauer Associates report of December 13, 2017 or Brunsing Associates report of April 17, 2016).
- 14. In accordance with MCCZC Section 20.500.025 and at the request of Elk CSD, the property owner shall construct, as shown on the revised site plan:
  - a. A 50 x 100 foot graveled apron located adjacent to the proposed garage.
  - b. A 5,000 gallon capacity water storage tank.
  - c. A fire hydrant meeting Mendocino County Fire Safe Council specifications and connected to a water storage tank. The fire hydrant shall be 2.5 inch wharf valve with 2.5 inch NHT. The fire hydrant shall be connected to a 5,000 gallon water storage tank by a 4 inch diameter pipe with fittings to ensure flow is unrestricted.
- 15. Prior to the issuance of a Building Permit associated with CDP\_2018-0002, the property owner shall execute and record a deed restriction, in a form and content acceptable to the Coastal Permit Administrator and County Counsel, which shall provide that:
  - a. The landowner understands that the site may be subject to extraordinary geologic and erosion hazards and the landowner assumes the risk from such hazards; and
  - b. The landowner agrees to indemnify and hold harmless the County of Mendocino, its successors in interest, advisors, officers, agents and employees against any and all claims, demands, damages, costs, and expenses of liability (including without limitation attorneys' fees and costs of the suit) arising out of the design, construction, operation, maintenance, existence or failure of the permitted project. Including, without limitation, all claims made by any individual or entity or arising out of any work performed in connection with the permitted project; and

- c. The landowner agrees that any adverse impacts to the property caused by the permitted project shall be fully the responsibility of the applicant; and
- d. The landowner shall not construct any bluff or shoreline protective devices to protect the subject structures or other improvements in the event that these structures are subject to damage, or other erosional hazards in the future; and
- e. The landowner shall remove the subject structures when bluff retreat reaches the point where the structures are threatened. In the event that portions of the subject structures or other improvements associated with the subject structures fall to the beach or ocean before they can be removed from the blufftop, the landowner shall remove all recoverable debris associated with these structures from the beach and ocean and lawfully dispose of the material in an approved disposal site. The landowners shall bear all costs associated with such removal; and
- f. The document shall run with the land, bind all successors and assigns, and shall be recorded free of all prior liens and encumbrances, except for tax liens.
- 16. In accordance with MCCZC Section 20.504.015(C)(3), 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. Roof material shall be gravel, membrane, and black 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.
  - b. Exterior building finishes shall be redwood siding and stone cladding or similar material sharing hue, color, and texture.
  - c. Window frame color shall be black metal or similar material, hue, and color. The windows shall be dual glaze and non-glare glass.
  - d. 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 gutters, downspouts, and other exterior metal materials shall limit reflective surfaces and blend in hue and brightness with their surroundings.
- 17. In accordance with MCCZC Section 20.504.015(C)(7), development shall be clustered and, to the satisfaction of the Director, regionally appropriate native trees shall be planted adjacent to the easterly edge of the proposed residential development location.
- 18. In accordance with MCCZC Section 20.504.015(C)(9), the existing trees adjacent to the westerly edge of the highway right-of-way shall not be replaced. Tree thinning and removal adjacent to the westerly edge of highway is required.
- 19. In accordance with MCCZC Section 20.504.015(C)(11), power transmission lines shall be located along established corridors and in locations where the corridors are not visually intrusive. The property owner may defer undergrounding overhead transmission lines.
- 20. In accordance with MCCZC Section 20.504.015(C)(12), the property owner shall underground overhead power distribution lines.
- 21. In accordance with MCCZC Section 20.504.015(C)(13), internal vehicle access routes shall following the existing gravel pathway shown on the site plan and the gravel color shall match existing conditions.
- 22. In compliance with MCCZC Section 20.504.035, 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. Prior to issuance of a Building Permit, the property owner shall furnish exterior lighting details to the satisfaction of the Director.

23. In accordance with MCCZC Section 20.516.015(B)(1), the property owner shall demonstrate that access to a sufficient supply of ground water prior to issuance of a building permit for any residential structure. In addition to the proposed well site, the property owner may test up to three alternative well sites to satisfy this condition. All well sites and ground water testing sites shall be located a minimum 100 feet from the edge of any sensitive coastal resource or environmentally sensitive habitat area.

Staff Report Prepared By:

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

#### **ATTACHMENTS:**

- A. Location Map
- B. Topographic Map
- C. Aerial Imagery
- D. Zoning Display Map
- E. General Plan Classifications
- F. Fire Hazard Zones & Responsibility Areas
- G. Local Soils
- H. Wetlands
- I. Highly Scenic & Tree Removal Areas
- J. Special Flood Hazard Areas
- K. Ground Water Resources
- L. Adjacent Parcels
- M. Legal Parcels

- N. Legal Parcels
- O. Timber Production Zones
- P. Lands in Williamson Act Contracts
- Q. Important Farmland
- R. Wildland-Urban Interface Zones
- S. Site Plan
- T. Floor Plans & Elevations
- U. Guest Cottage Plan
- V. Appealable Areas
- W. LCP Habitats & Resources
- X. LCP Land Capabilities & Natural Hazards
- Y. LCP Land Use Map 21: Bridgeport Landing

#### SUMMARY OF REFERRAL AGENCY COMMENTS:

Planning (Ukiah)	Comment
Environmental Health (FB)	Comment
Building Inspection (FB)	No Comment
Agriculture Commissioner	No Response
Assessors	No Response
California Coastal Commission	No Comment
Cloverdale Rancheria	No Response
Department of Fish & Wildlife	Comment
Department of Forestry and Fire Protection	No Response
Elk Community Services District	Comment
Farm Advisor	No Comment
Manchester Union School District	No Response
Redwood Valley Rancheria	No Comment
Sherwood Valley Band of Pomo Indians	No Response
State Clearinghouse	No Response
US Fish & Wildlife Service	No Response

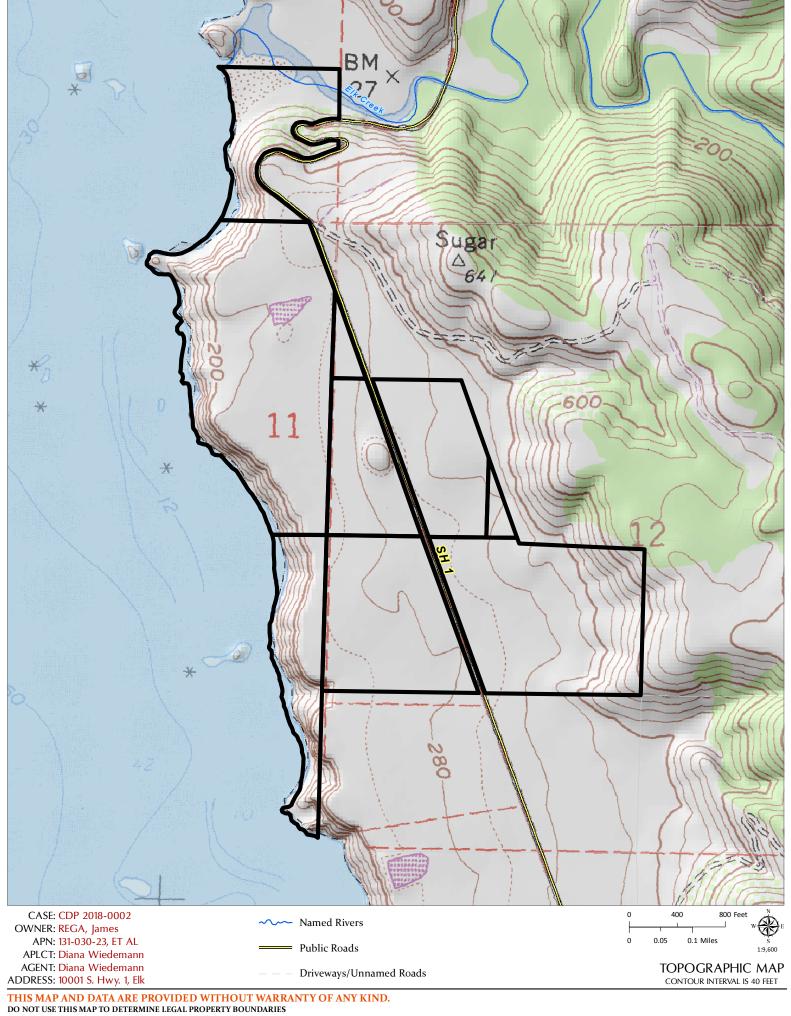
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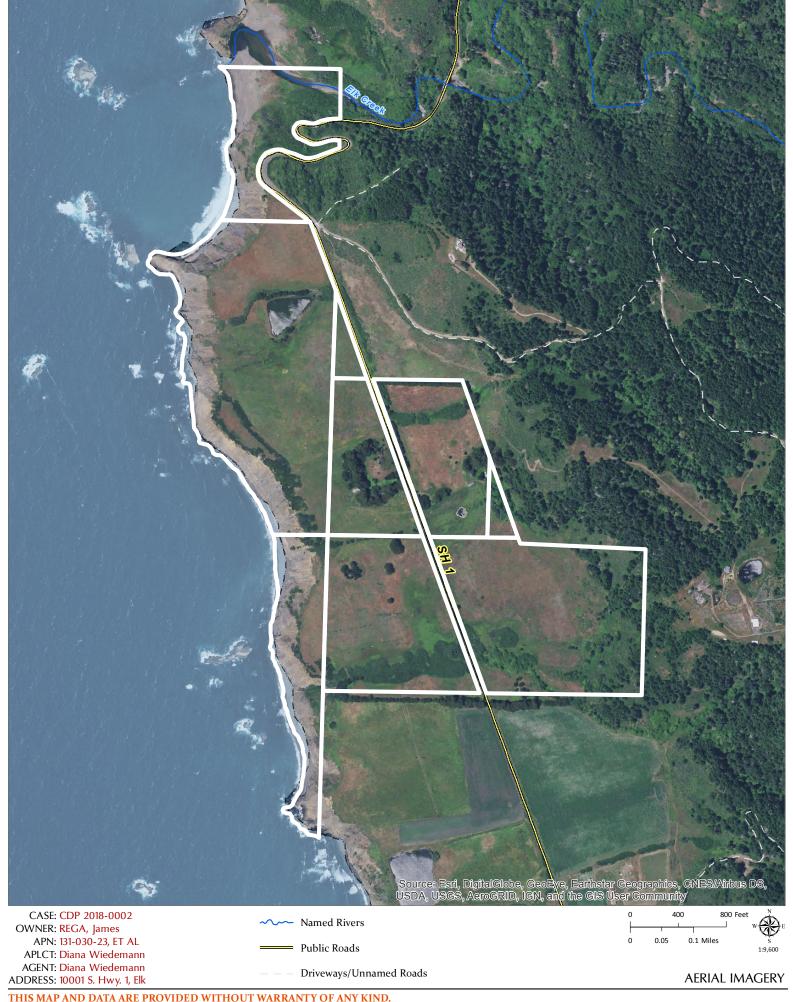
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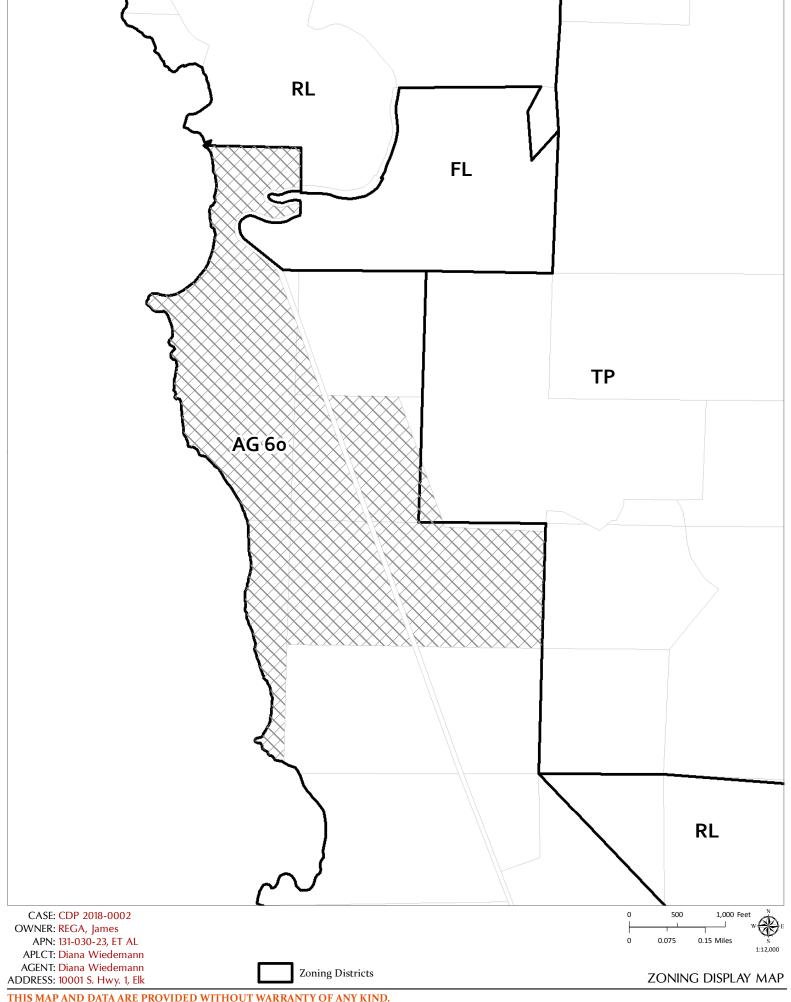
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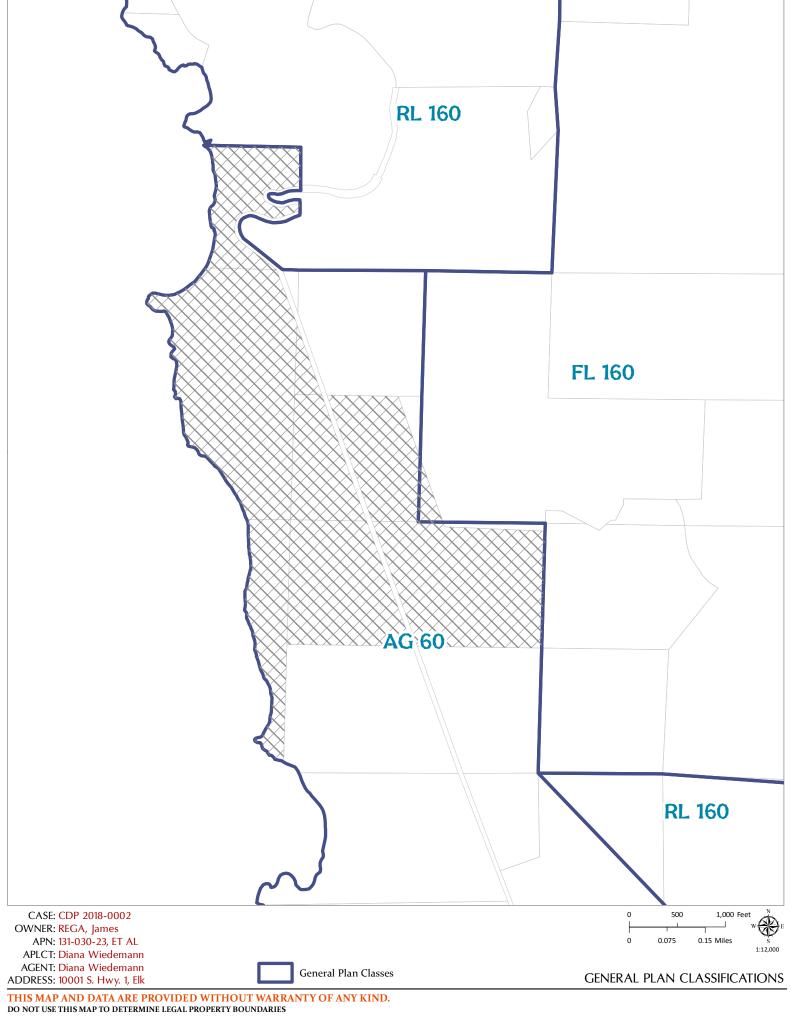
- 10001 S Highway 1, Elk. December 13, 2017.
- Brunsing Associates, Inc. Engineering Geologic Reconnaissance Proposed Blufftop Residence, 10001 S Highway 1, Elk. April 27, 2016.
- Chapter 20. Mendocino County, Planning and Building Services, Planning Division. *Division II Mendocino County Coastal Zoning Code*. 1991. Ukiah, CA.
- Coastal Element Chapter 2.2 Agriculture. Mendocino County, Planning and Building Services, Planning Division. *The County of Mendocino General Plan.* 1991. Ukiah, CA.
- Van Bueren, Thad. Archaeological Survey of the Rega Property South of Elk. April 22, 2018.
- WRA. Environmentally Sensitive Habitat Area Survey: Rega Property 10001 Highway 1, Elk. January 2018.

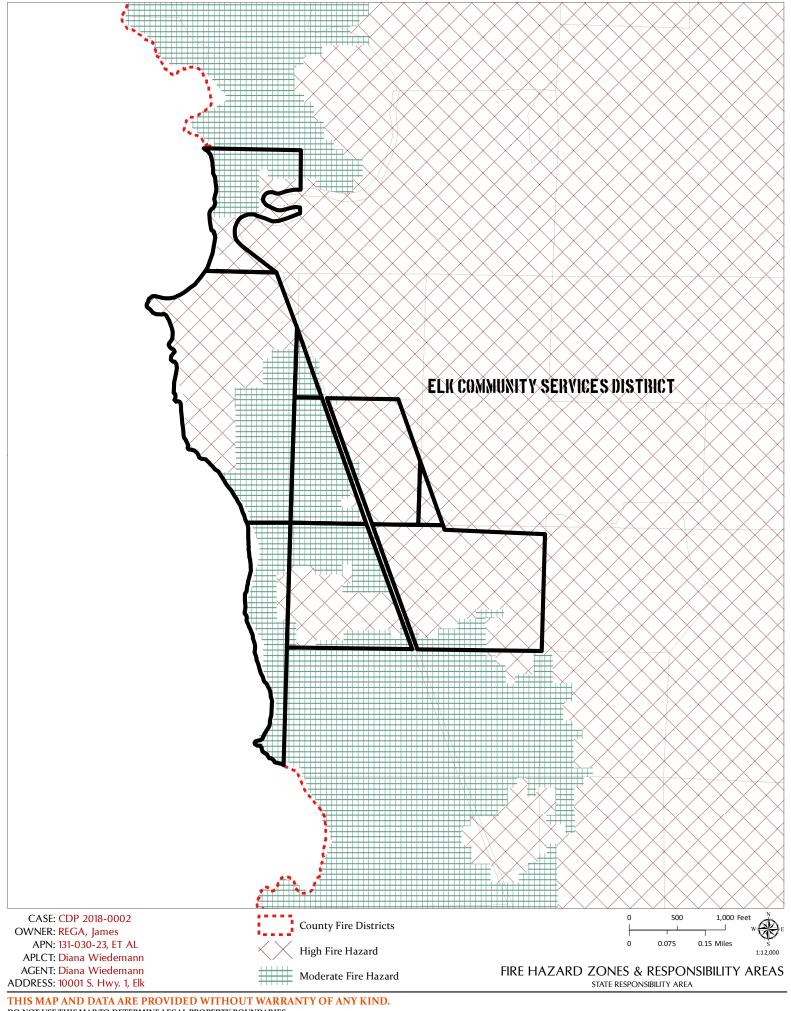


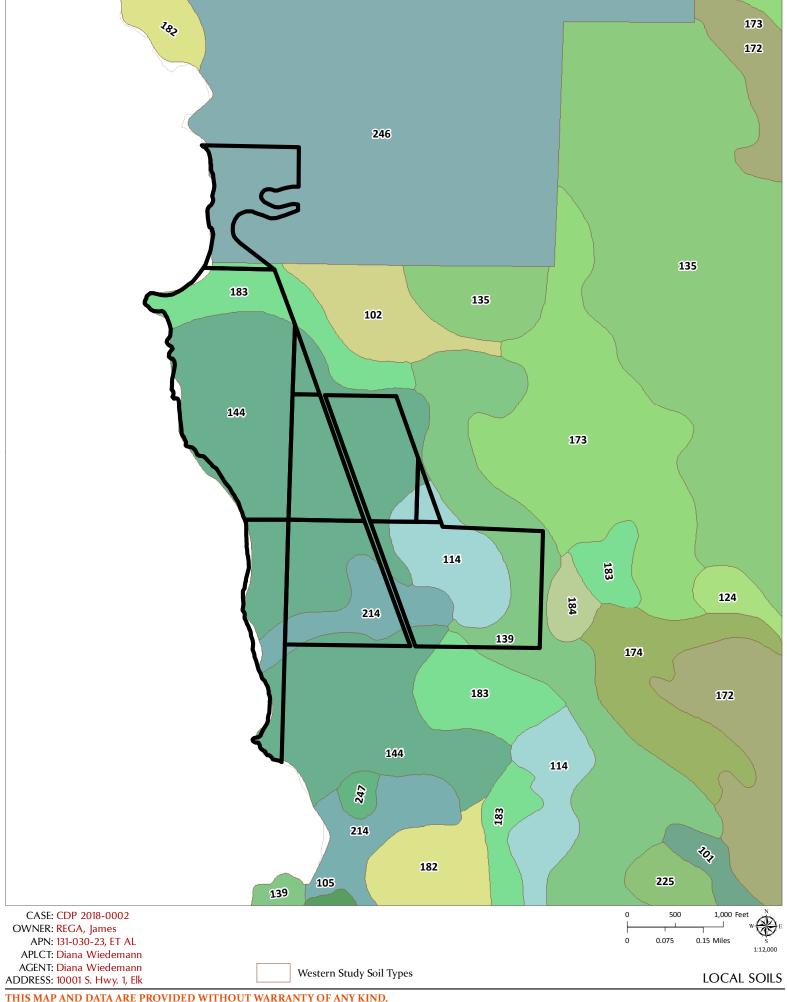


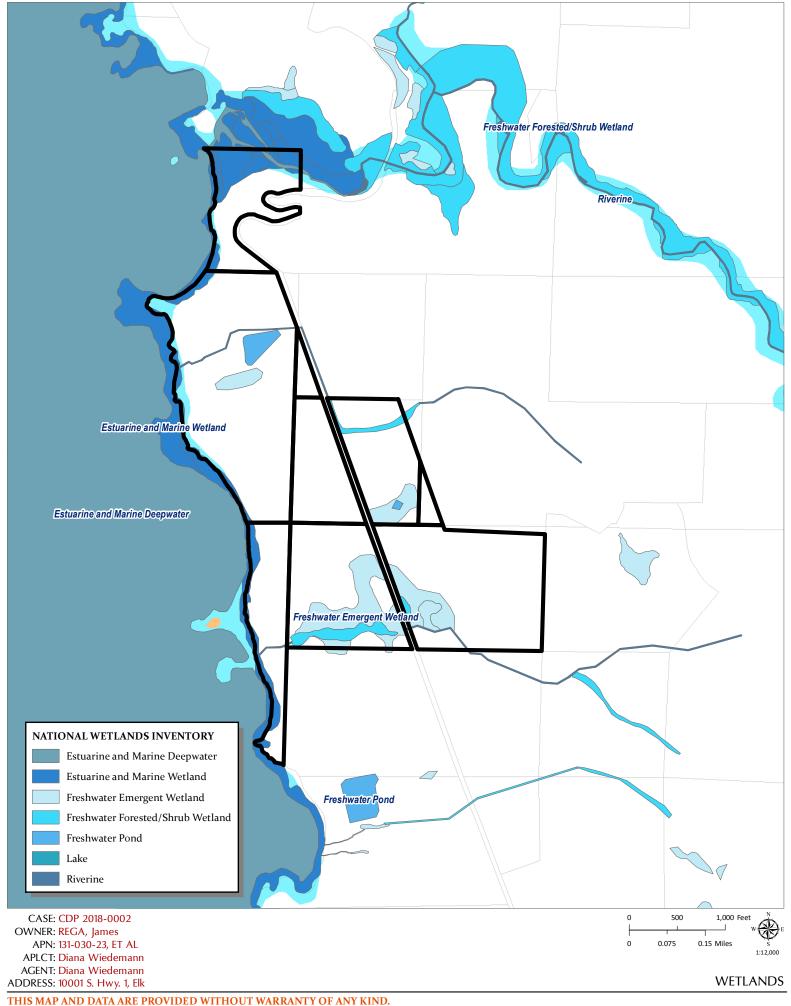


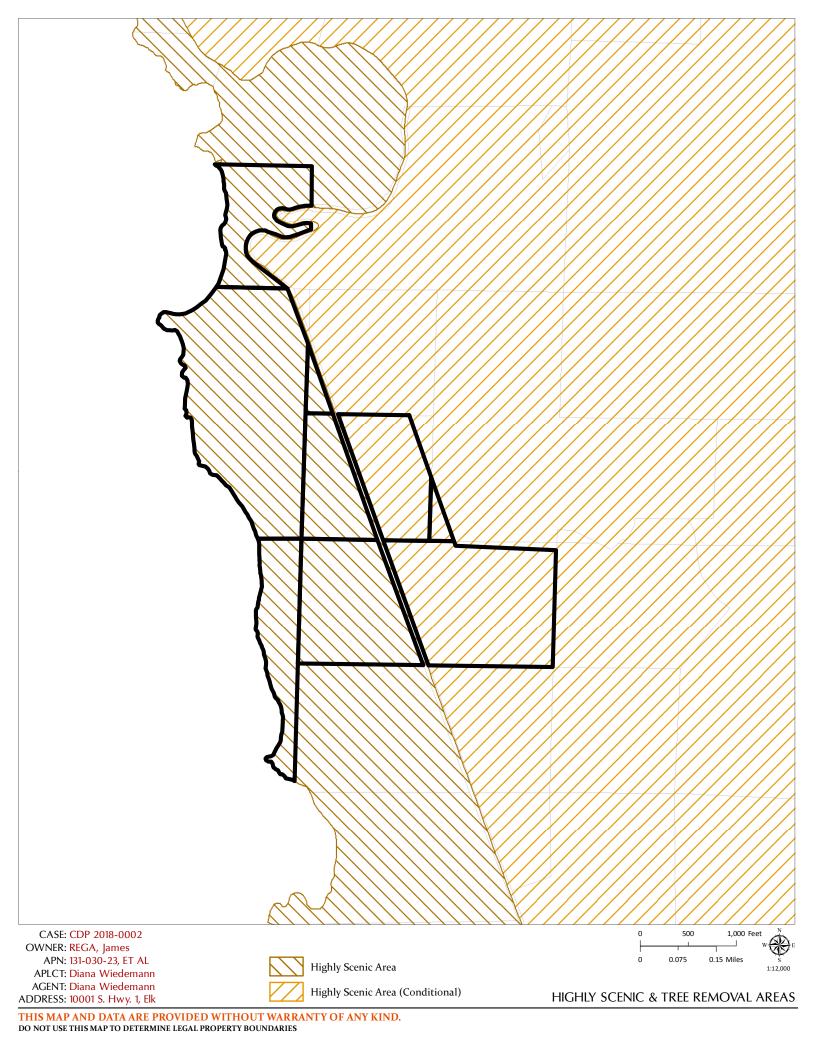


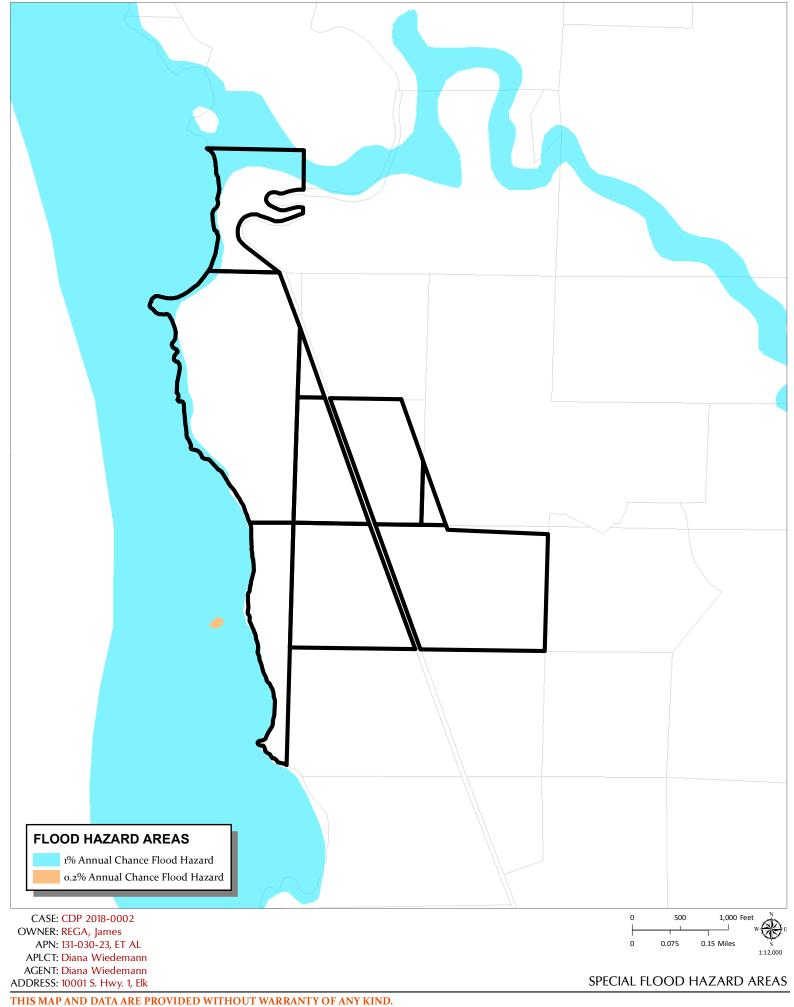


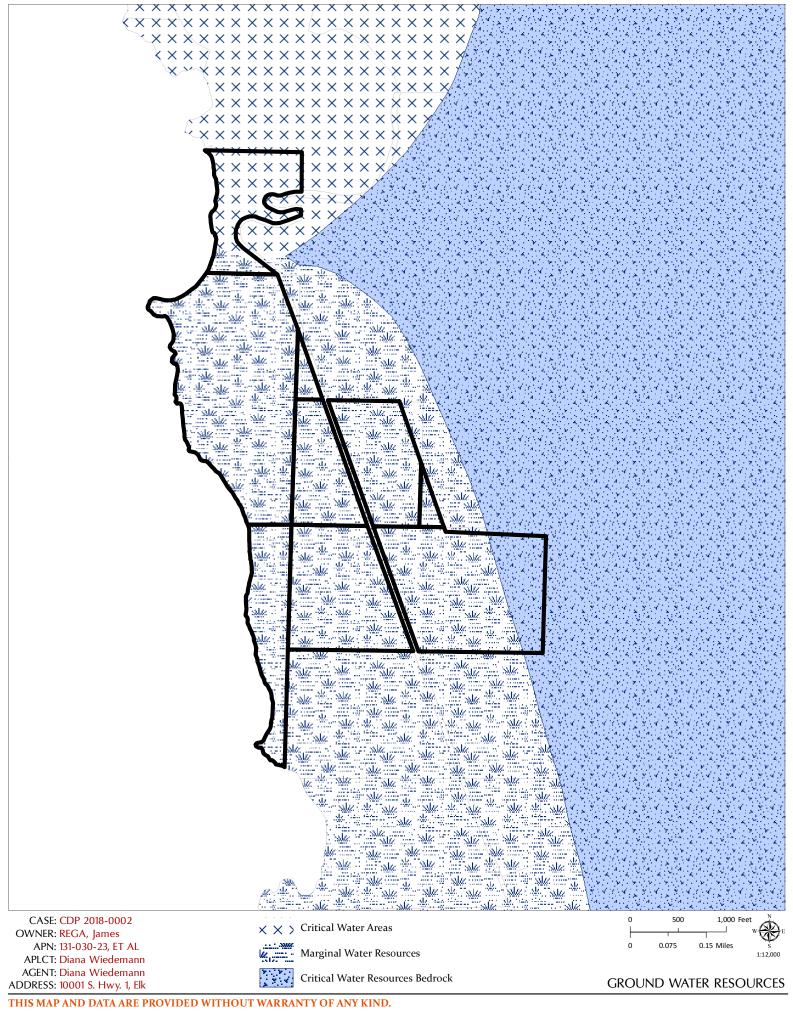


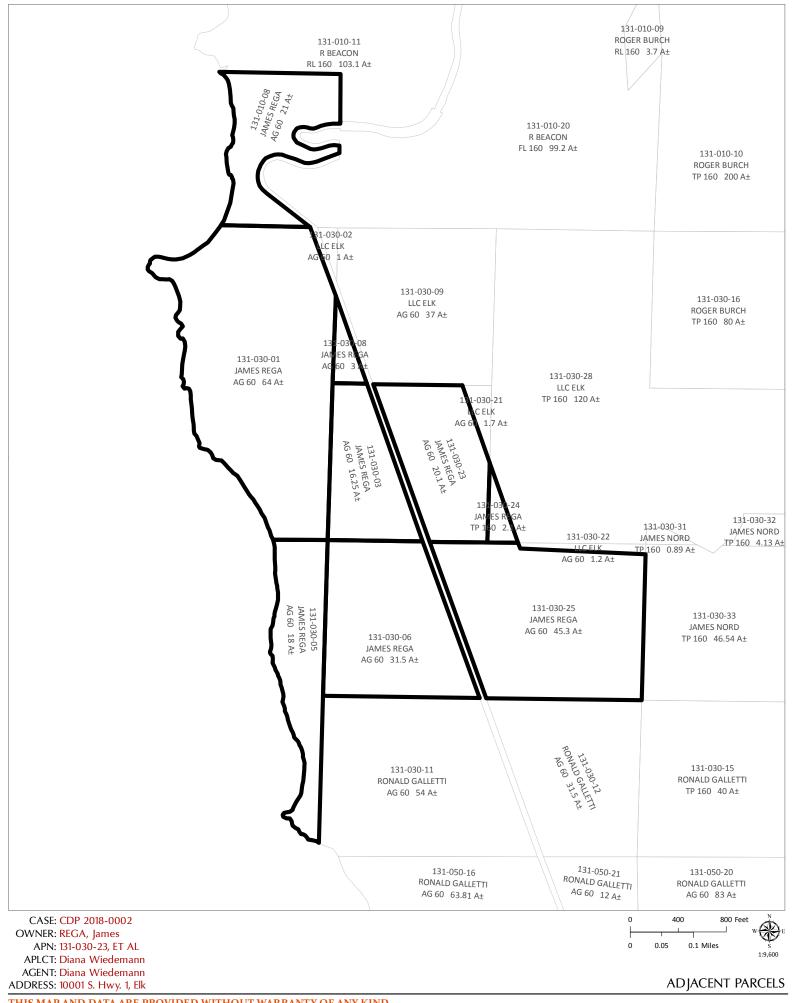


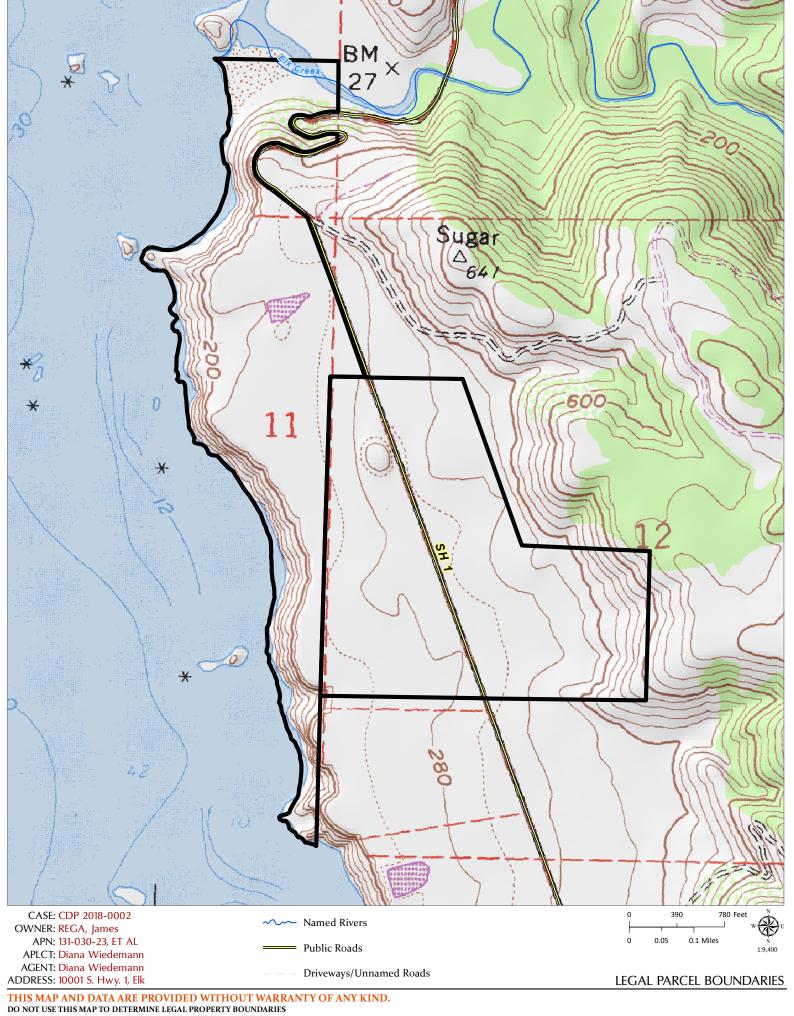


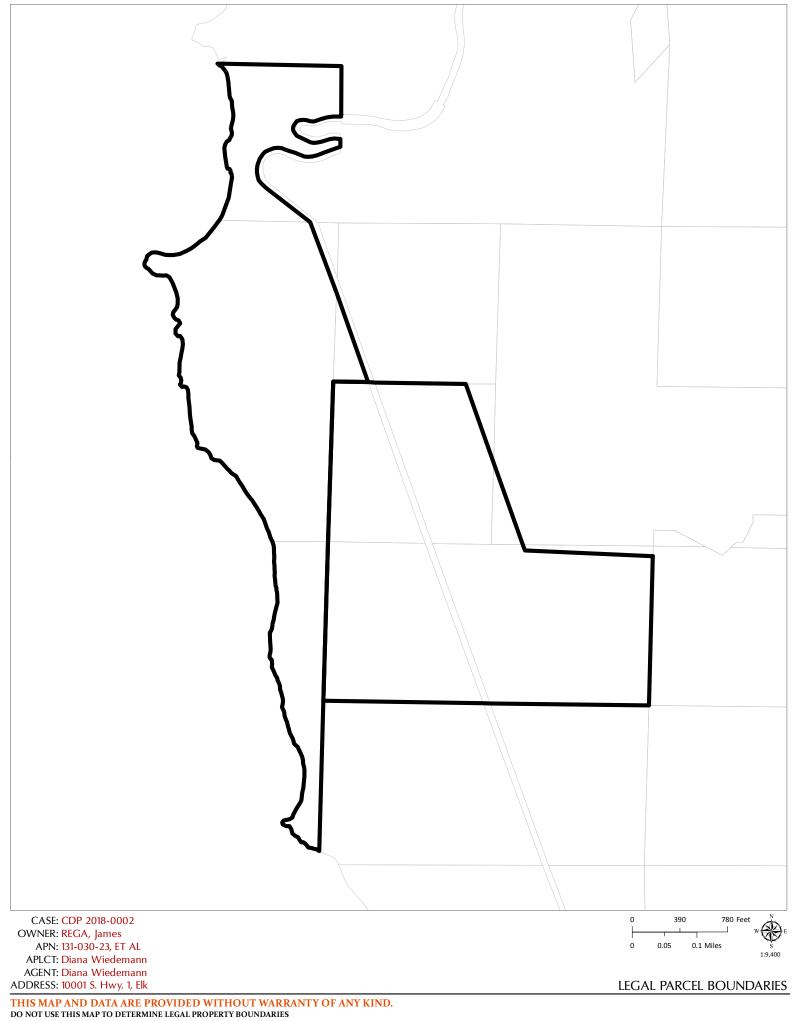


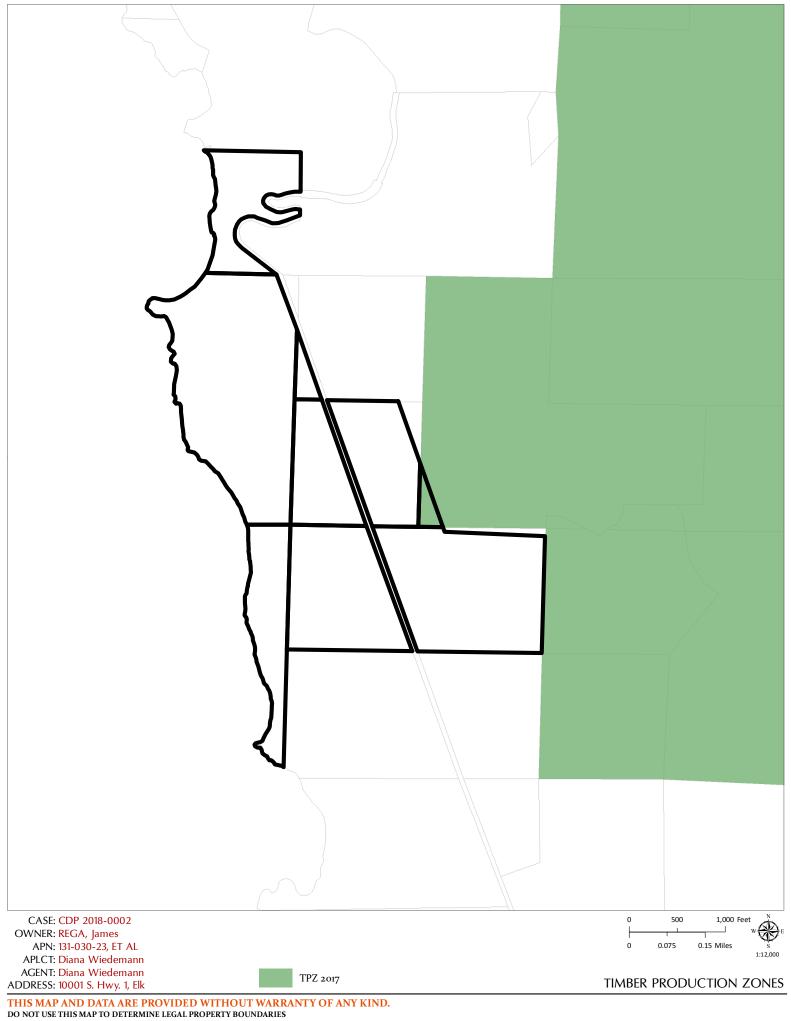


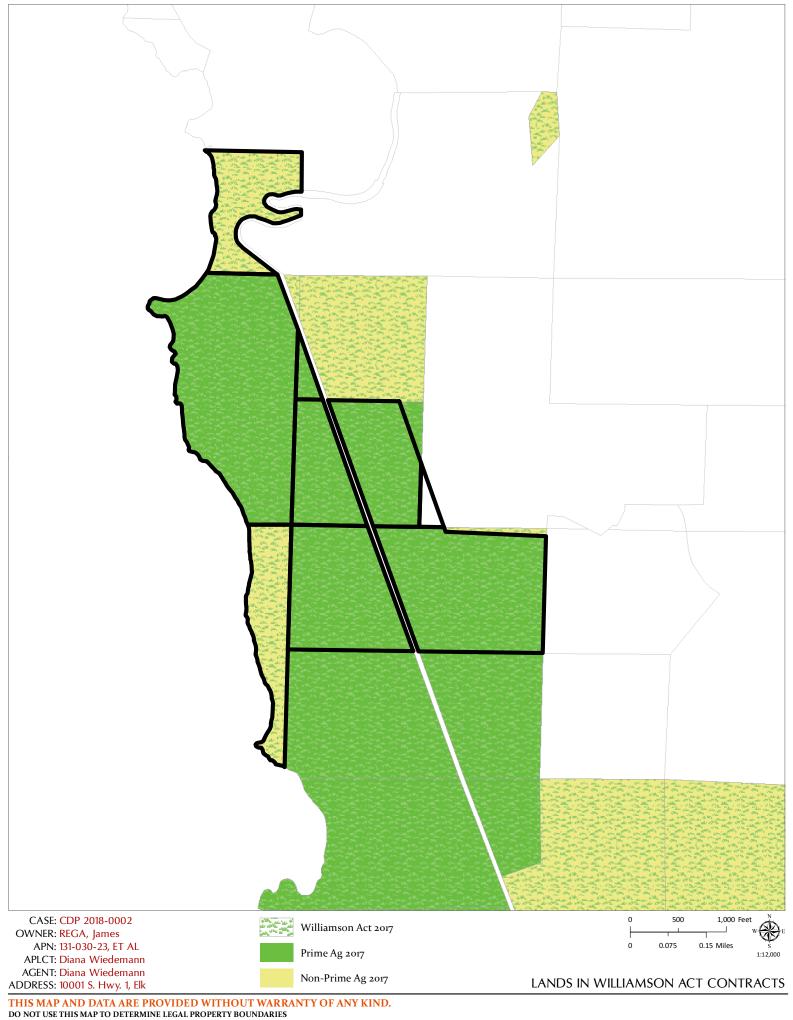


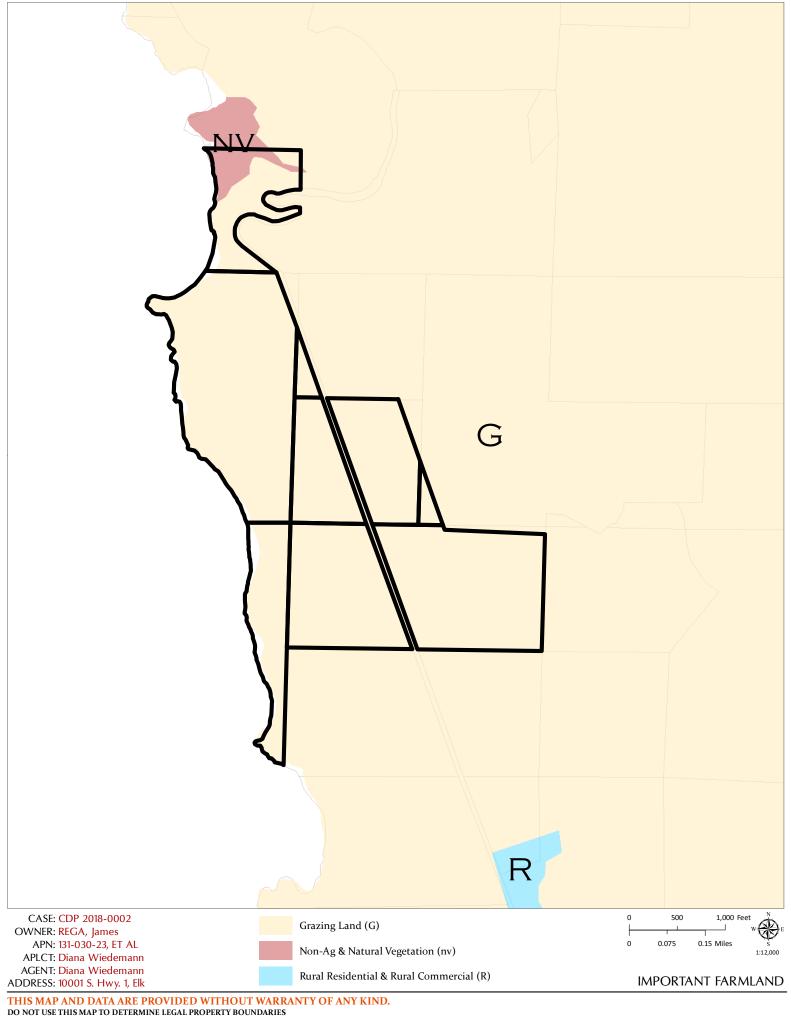


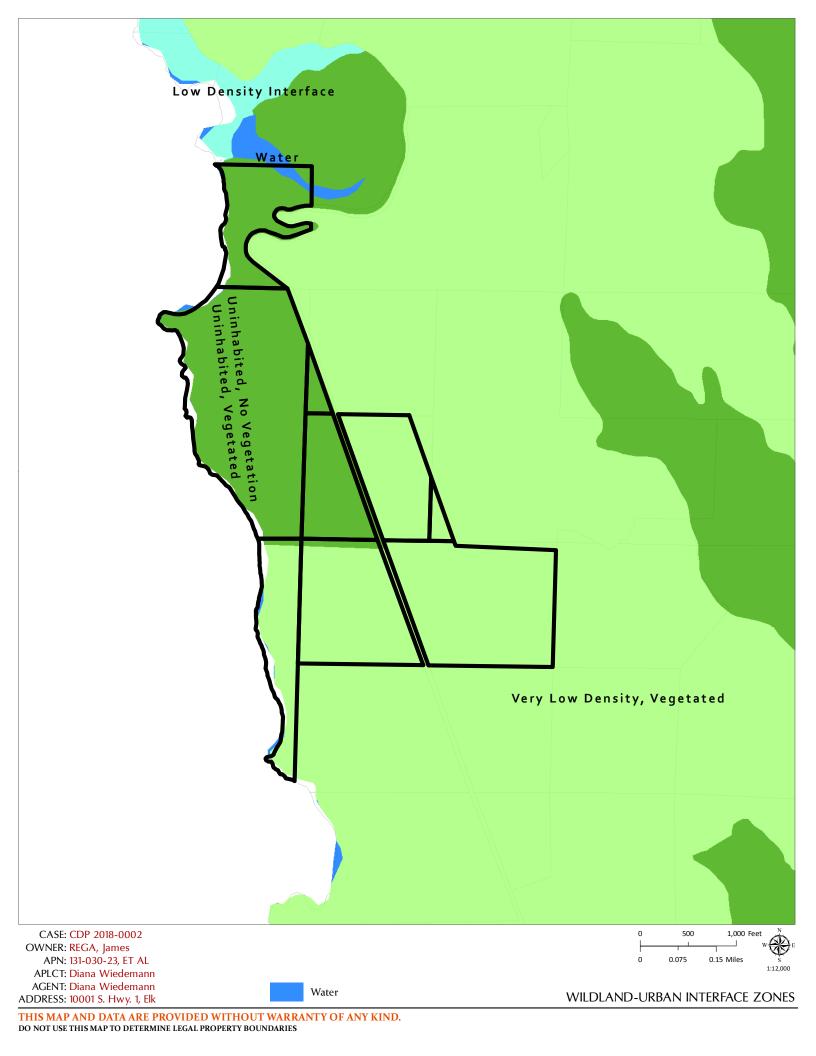


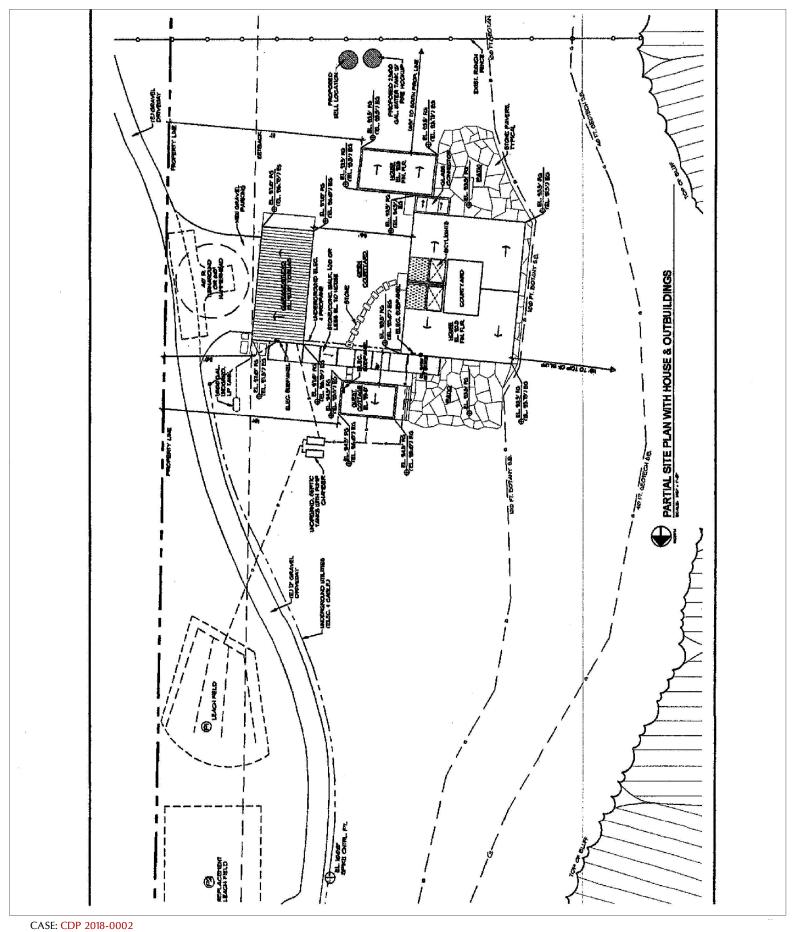








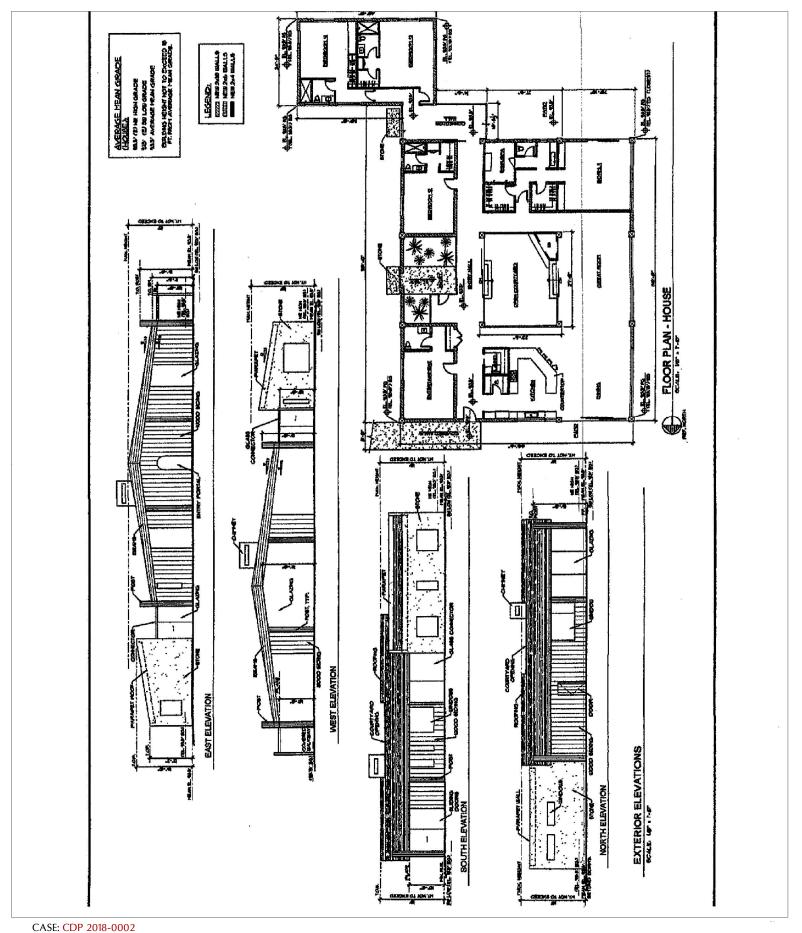




OWNER: REGA, James APN: 131-030-23, ET AL APLCT: Diana Wiedemann AGENT: Diana Wiedemann ADDRESS: 10001 S. Hwy. 1, Elk

NO SCALE

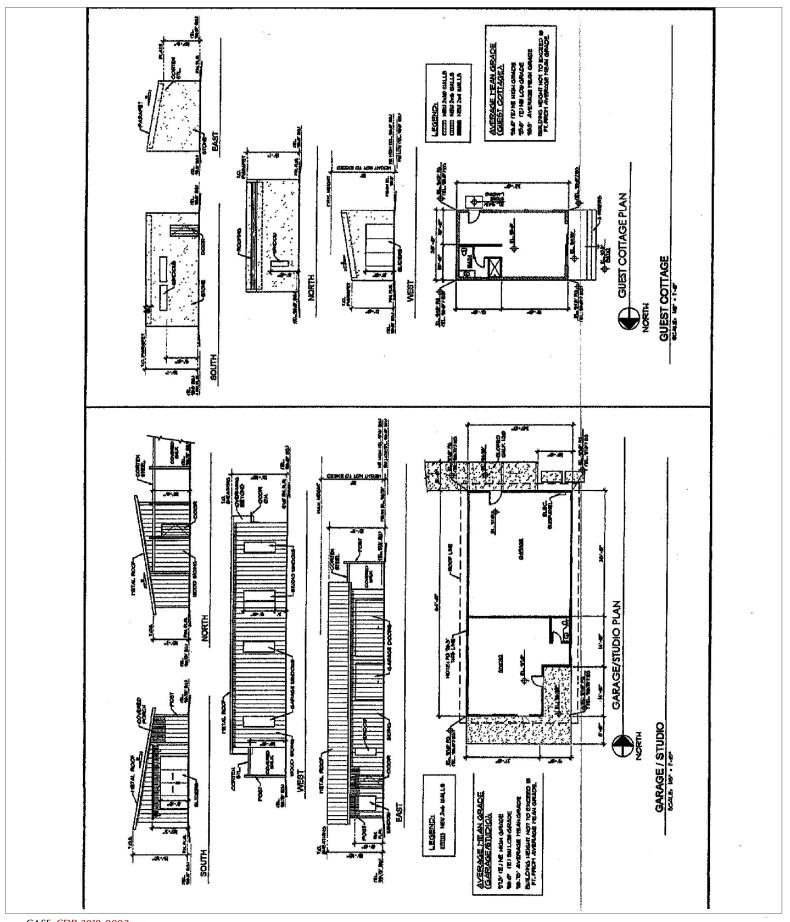
SITE PLAN



OWNER: REGA, James APN: 131-030-23, ET AL APLCT: Diana Wiedemann AGENT: Diana Wiedemann ADDRESS: 10001 S. Hwy. 1, Elk

NO SCALE

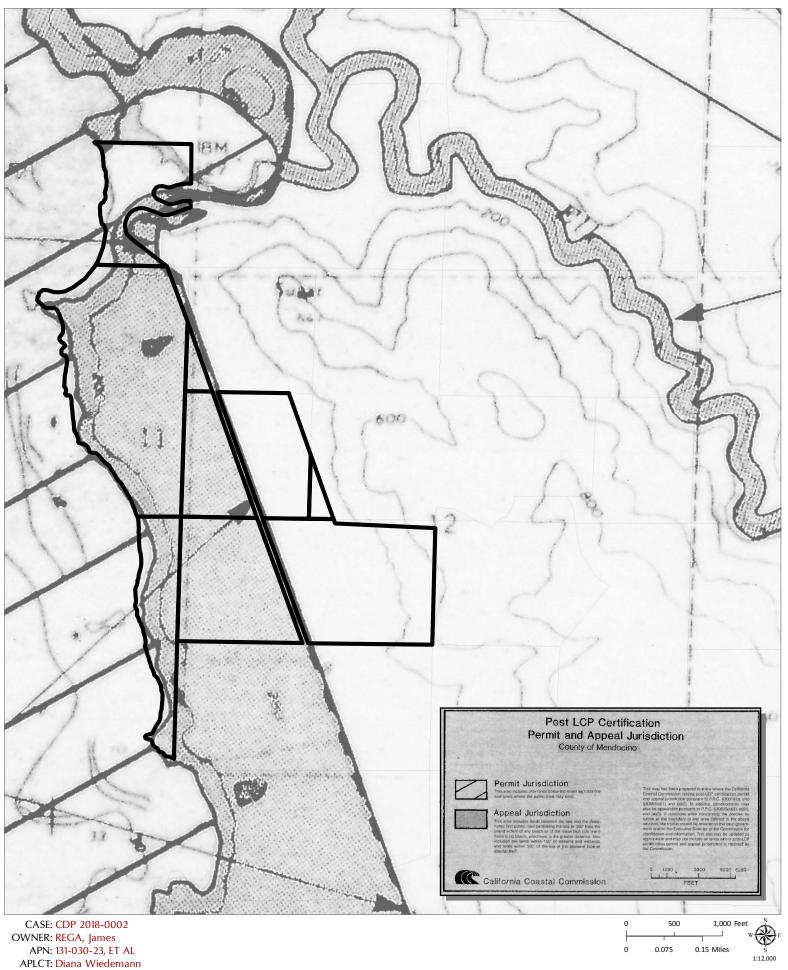
FLOOR PLANS & ELEVATIONS



CASE: CDP 2018-0002 OWNER: REGA, James APN: 131-030-23, ET AL APLCT: Diana Wiedemann AGENT: Diana Wiedemann ADDRESS: 10001 S. Hwy. 1, Elk

NO SCALE

GUEST COTTAGE PLAN



AGENT: Diana Wiedemann ADDRESS: 10001 S. Hwy. 1, Elk

