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Appeal Filed:	6/8/12
49 th Day:	7/27/12
Staff:	T. Gedik-E
Staff Report:	6/22/12
Hearing Date:	7/13/12

STAFF REPORT: APPEAL SUBSTANTIAL ISSUE

Appeal No.:	A-1-MEN-12-018
Applicants:	Wendell W. and Nancy Roscoe
Appellants:	William S. Huff and Laura J. Vogelgesang
Local Government:	County of Mendocino
Local Decision:	Approval with Conditions
Location:	Approximately 1 mile south of Little River, at 5708 North Highway One (APN 121-110-04)
Project Description: (as approved by the County):	After the fact request to demolish and rebuild a 160-square-foot pump house in its existing footprint with an attached 129-square-foot storage addition, and authorization of a variance of the front yard setback to reduce the setback from 20 feet to 12 feet from the property line.
Staff Recommendation:	No Substantial Issue

SUMMARY OF STAFF RECOMMENDATION

On June 8, 2012 the Commission's North Coast District office received an appeal of Mendocino County's approval of Coastal Development Permit Modification (CDPM) No. 38-2008(2011) and Coastal Development Variance (CDV) No. 1-2012.

Appellants Huff and Vogelgesang raise three grounds for appeal that assert that: a) the County approval of a pumphouse and storage addition with a reduced yard setback is inconsistent with the base zoning district standards; b) the reduced yard setback will result in a material detriment to adjoining property inconsistent with the criteria necessary to be met for the granting of a variance; and c) the County approval will negatively impact coastal resources in a manner inconsistent with the coastal development general review criteria of the Coastal Zoning Code.

Regarding the first contention, Commission staff believes the County has met the supplemental criteria and findings necessary to grant a variance to the yard setback requirements of the base zoning district, consistent with Mendocino County CZC Chapter 20.540.

Regarding the second contention, the appeal fails to demonstrate how the reduced setback will be materially detrimental to the public welfare or injurious to property or improvements in the vicinity. Furthermore, Commission staff believes the County findings provide factual evidence to demonstrate that the siting of the project 160 feet from the neighboring house will not be materially detrimental to public welfare, consistent with the requirements set forth by CZC Section 20.540.020(D).

The third contention of the appeal asserts that the County's findings acknowledge that the approved project will negatively impact the long term habitat of a pond located adjacent to the existing pumphouse footprint. Commission staff has reviewed the County's findings containing a contradictory statement that the County later indicated was a typographical error. The County's findings and administrative record, viewed in their entirety, demonstrate that the project will *not* negatively impact the resources, as evidenced further by the facts presented in the Natural Resources section of the County findings.

Commission staff believes there is factual and legal evidence in the record to support the County's findings that the project is consistent with the relevant LCP policies, and the appeal raises only local issues rather than issues of regional or statewide significance. Approval of this CDP and variance will not create an adverse precedent for future interpretations of the LCP, and the project will not adversely impact coastal resources. Therefore, Commission staff recommends that the Commission find that the appeal raises no substantial issue with respect to the grounds on which it was filed.

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APPENDICES

[Appendix A](#): Commission’s Appeal Jurisdiction Over Project

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EXHIBITS

Exhibit 1 – Regional Location Map

Exhibit 2 – Aerial Photo with Parcel Overlay

Exhibit 3 – Coastal Records Project Image

Exhibit 4 – Site Plan and Elevations

Exhibit 5 – Appeal

Exhibit 6 – Notice of Final Local Action and Findings for Approval

Exhibit 7 – Correspondence

I. MOTION AND RESOLUTION

Motion:

I move that the Commission determine and resolve that Appeal No. A-1-MEN-12-018 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion by voting “Yes” as is recommended by staff will result in a finding of **No Substantial Issue** and adoption of the following resolution and findings. The local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Resolution:

The Commission hereby finds that Appeal No. A-1-MEN-12-018 raises No Substantial Issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the approved development with the certified LCP and/or the public access policies of the Coastal Act.

II. FINDINGS AND DECLARATIONS

A. APPEAL JURISDICTION AND PROCEDURES

One appeal was timely filed with the Commission’s North Coast District Office on June 8, 2012, within 10 working days of receipt by the Commission of the County’s Notice of Final Action. The appeal was filed by William S. Huff and Laura J. Vogelgesang (**Exhibit No. 5**).

Pursuant to Coastal Act Section 30603, the County’s approval is appealable to the Commission because the approved development is located: (a) between the sea and the first public road paralleling the sea; (b) within 100 feet of a wetland; (c) within 300 feet of the top of the seaward face of a coastal bluff; and (d) within a designated “highly scenic area,” which is a type of sensitive coastal resource area (see Appendix “A”). The grounds for an appeal are limited to an allegation that the approved development does not conform to the standards set forth in the certified local coastal program and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determines that no substantial issue exists with respect to the grounds on which the appeal has been filed¹.

¹ The term “substantial issue” is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: (a) the degree of factual and legal support for the local government’s decision; (b) the extent and scope of the development as approved or denied by the local government; (c) the significance of the coastal resources affected by the decision; (d) the precedential value of the local government’s decision for future interpretations of its LCP; and, (e) whether the appeal raises only local issues, or those of regional or statewide significance.

Commission staff has analyzed the administrative record for the approved project, including the County's Final Local Action Notice for the development (**Exhibit No. 6**), the appellant's claims (**Exhibit No. 5**), and the relevant requirements of the certified LCP (Appendix B) and is recommending that the Commission find that the appeal raises no substantial issue with respect to the grounds on which the appeal has been filed.

In this case, because the staff is recommending that the appeal raises no substantial issue, the Commission will hear arguments and vote on the substantial issue question. Proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission on the substantial issue question are the applicant, the appellant and persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. It takes a majority of Commissioners present to find that no substantial issue is raised.

If the Commission determines that the appeal does raise a substantial issue, the Commission would continue the *de novo* portion of the appeal hearing to a subsequent meeting.

B. SITE DESCRIPTION AND PROJECT BACKGROUND

The parcel is located on a bluff-top parcel in Mendocino County approximately 1 mile south of Little River, at 5708 North Highway One (APN 121-110-04). The project site is located within a designated "highly scenic area" west of Highway One (See Exhibits 1-3). The County staff report indicates that the parcel is developed with an existing partially-two-story residence, and notes that the proposed 16-foot-tall pump house would *not* be visible from Highway One or other public vantage points.

The approximately one-acre legally nonconforming parcel is designated on the Land Use Plan Map as Rural Residential, Five Acre Minimum (RR-5). The parcel shows a similar zoning designation on the Coastal Zoning Map and includes a special minimum lot size combining district (RR:L-5).

On May 24, 2012, the County of Mendocino Coastal Permit Administrator approved Coastal Development Permit Modification (CDPM) No. 38-2008(2011) and Coastal Development Variance (CDV) No. 1-2012 that authorized an after-the-fact request to demolish and rebuild a 160-square-foot pump house in its existing footprint with an attached 129-square-foot storage addition, and that allowed a variance of the front yard setback to reduce the setback from 20 feet to 12 feet from the property line.

The original project description submitted to the County proposed after-the-fact authorization to rebuild the existing 160-s.f. pumphouse in the same footprint but with a 171-sq.-ft. storage addition. The applicant apparently intends to use the storage addition to store a small boat. The development necessitated approval of a variance to allow encroachment of the storage addition into the minimum 20-foot setback requirement from the property line and development. As originally proposed, the development would only have a 9-foot setback instead of the minimum 20 feet.

The applicant requested a variance from minimum property setback requirements. According to the applicant and as described in the County staff report, site constraints limit the options for locating additional storage on the parcel. These constraints include the presence of a pond sited midway on the parcel and adjacent to the existing pumphouse, bluff top setback requirements,

the presence of a creek and associated 10-foot-wide drainage easement, the presence of a septic system; and the long, narrow (approximately 62 feet wide) configuration of the parcel. The applicant indicates the pond was created approximately 40 years ago. The County staff report justifies the location of the pumphouse and storage addition that results in a reduced setback by stating: “As the project area is largely developed with an existing residence, driveway, and the pump house that previously occupied the proposed location adjacent to the existing well, it would make logical sense to enlarge the structure rather than create additional structures to provide accessory storage.”

At the April 26, 2012 Coastal Permit Administrator (CPA) hearing on the subject project, the CPA suggested reducing the size of the addition to the pump house to provide a larger setback from the property line; the applicant agreed to revise the drawings and add 3 feet to the setback. The CPA continued the item to allow the applicant time to redesign the project to meet the County’s request. The County submitted a memo dated May 7, 2012 to the Coastal Commission North Coast District Office documenting the changes to the building design and setback distance. On May 24, the County approved the modified development with a 12-foot setback and total structure size of 289 square feet (instead of the originally-proposed 331 square feet)(**Exhibit 4**). During the hearing, the County also added Special Condition No. 1 requiring that “any exterior lighting installed shall be shielded and downcast so that only reflected, non glaring light is visible from beyond the immediate vicinity of the site.”

C. ANALYSIS OF APPELLANT’S APPEAL CONTENTIONS

Appellants Huff and Vogelgesang raise three grounds for appeal, claiming:

- (1) **Minimum Yard Setbacks.** The County approval is inconsistent with the Mendocino County Coastal Zoning Code (CZC) Section 20.376.040 which requires that any nonconforming parcel less than 5 acres and which is zoned RR:L-5 shall observe 20-foot minimum yard setbacks;
- (2) **Findings in Support of Variance.** The approved encroachment within the minimum yard setback will result in a material detriment to property in the vicinity, inconsistent with the criteria necessary to grant a variance as required by CZC Section 20.540.020; and
- (3) **Effect on Coastal Resources.** The County staff report acknowledges that “The proposed project...does have the potential to negatively impact the long term maintenance of the habitat created by the pond,” inconsistent with CZC Section 20.488.05 which requires in part that any proposed development “will protect, maintain and where feasible enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources” (See **Exhibit No. 5**).

As set forth in Section 30603 of the Coastal Act, after certification of its local coastal program, an appeal of a local government-issued coastal development permit is limited to allegations made on the grounds that the approved development does not conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. All three contentions of the appeal raise valid grounds for appeal. As discussed below, the Commission finds that the appeal raises no substantial issue of conformance of the approved development with the policies of the certified LCP or the public access policies of the Coastal Act.

1. Minimum Yard Setbacks

The first contention asserts that the approved development is inconsistent with the minimum base zoning district requirements for nonconforming parcels with respect to yard setbacks.

The approved development does not meet the base zoning district standards requiring the establishment of a minimum 20-foot yard setback for parcels less than 5 acres within the RR:L-5 zoning district. However, the zoning code provides for exceptions to yard setbacks and other zoning district zone standards if certain criteria are met and the County issues a Variance. In their approval of the variance request and the related CDP modification, the County found that the required findings for approval of a variance could be substantiated and granted the variance.

Mendocino County CZC Chapter 20.540 “Variances” provides for several instances in which exceptions from zone restrictions may be authorized with the granting of a variance processed in tandem with the coastal development permit based upon the meeting of supplemental criteria and/or findings. CZC Section 20.540.005 “Purpose” states that a variance for exceptions to zone restrictions may be granted by the Coastal Permit Administrator upon application as follows:

...when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Variances shall not be granted to authorize uses or activities which are not otherwise expressly authorized by the regulations of this Division. (Ord. No. 3785 (part), adopted 1991)

The certified Mendocino County LCP requires that six findings be shown prior to granting or modifying any variance. Pursuant to CZC Section 20.540.020, the findings must demonstrate:

- (A) That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surroundings; and
- (B) That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in this Division and applicable policies of the Coastal Element; and
- (C) That such variance is necessary for the preservation and enjoyment of privileges possessed by other property in the same vicinity and zone and denied to the property in question because of the special circumstances identified in Subsection (A); and
- (D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and
- (E) That the variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel; and
- (F) That the granting of such variance is in conformity with all other provisions of this Division and the Mendocino Coastal Element and applicable plans and policies of the Coastal Act. (Ord. No. 3785 (part), adopted 1991)

In considering the granting of the variance from the 20-foot minimum yard setback, the County addressed the required findings described above. The County's findings on pages CPA-3 and CPA-4 of the staff report address how each of the six criteria of Mendocino County CZC Section 20.540.020 are met by the subject project such that a variance from the minimum 20-foot setback prescribed in CZC Section 20.376.040 can be granted (**pages 17 and 18 of Exhibit 6**). The findings also describe that the pumphouse with its storage addition is recognized as a residential accessory structure that is permitted in the Rural Residential zone.

The County findings include the following justification for granting of a variance due to site constraints and acknowledge that other properties in the vicinity enjoy similar reduced setbacks:

The subject parcel is constrained by width and the pond that is located south of the proposed pump house. The required setbacks are 20 feet each from all property lines, the assessor's parcel map shows the approximate width of the proposed parcel to be 62 feet, which would allow for a width of 22 feet of developable space. As the project area is largely developed with an existing residence, driveway, and the pump house that previously occupied the proposed location adjacent to the existing well, it would make logical sense to enlarge the structure rather than create additional structures to provide accessory storage. In reviewing aerial imagery, all of the developments in this subdivision are on or very close to property lines. Due to the location of the bluff edge, pond, creek, a 10 foot wide drainage easement and septic system, and areas of natural vegetation on the eastern portion of the subject parcel additional building space is limited. This finding can be made.

Thus the County's findings acknowledge that special circumstances are applicable to the property, consistent with the requirements of CZC Section 20.540.020(A).

The County findings additionally indicate that the special circumstances are not due to any action of the applicant subsequent to the application of the Mendocino County LCP policies because the pond was created on the parcel nearly 40 years ago. The Mendocino County LCP was certified after the creation of the pond, in 1992. On June 13, 2012 the applicant, Mr. Wendell Roscoe, contacted Commission staff regarding the appeal. Mr. Roscoe informed Commission staff that the pond was built in 1943 for the set of the movie "Frenchman's Creek." Commission staff reviewed 1993, 1986, and 1972 aerial imagery available for the site,² and observed the presence of the pond in both the 1993 and 1986 aerial imagery. Review of the 1972 aerial was inconclusive because the imagery was blurry and taken at an oblique angle. The presence of the pond in 1986 aerial imagery supports the County's findings that the existing conditions are not resultant from any action taken by the applicant subsequent to the application of the zoning regulations contained in the Division and applicable policies of the Coastal Element. Therefore, the County's approval of the variance is consistent with the requirements of CZC Section 20.540.020(B).

In its review of other development in the vicinity, the County concluded that other developments in the subdivision are on or very close to the property lines. The County further noted that the "pumphouse and storage addition is a residential improvement customarily associated [with]

² Accessed June 2012 online at CaliforniaCoastal Records Project, <http://www.californiacoastline.org>, Image Nos. 199300166007, 198650364, and 7209032

residential development in Mendocino County.” Therefore, the project as approved by the County is consistent with the requirements of CZC Sections 20.540.020(C) and (E).

The County’s findings state that granting the variance will not be materially detrimental to the public welfare or injurious to the property in the same vicinity and zone as the subject parcel as required by CZC Section 20.540.020(D). The County acknowledges receipt of a letter of concern from the owner of the property adjacent to the north, but notes that the approved pump house and addition will be located approximately 160 feet away from the house on the property to the north. Conformance with Section 20.540.020(D) is the specific subject of Contention 2 which is analyzed below. As discussed further in that section below, the Commission finds that Contention 1 of the appeal does not raise a substantial issue of conformance of the approved project with Section 20.540.020(D).

With respect to conformance with Section 20.540.020(F), the County findings indicate the County determined that granting the variance does not conflict with any other provisions of the LCP. Besides the sections of the Coastal Zoning Code regarding the yard setback requirements which is the subject of the variance, the only other provision of the LCP identified by the appellants as conflicting with the variance is Section 20.488.05 regarding coastal development general review criteria to insure protection of coastal resources. Conformance with this LCP provision is the subject of Contention 3 which is analyzed below. As discussed further in that section, the Commission finds that Contention 1 of the appeal does not raise a substantial issue of conformance of the approved project with Section 20.488.05 or with Section 20.540.020(F).

Given the factual evidence set forth by the County as the basis by which the variance to the yard setback requirement could be granted pursuant to CZC Section 20.540.020, the Commission finds that the requisite findings consistent with CZC Section 20.540.020 were made.

In conclusion, the Commission finds that the first contention of the appeal raises local issues rather than issues of regional or statewide significance and there is a high degree of factual support for the local government’s decision to find that its approval conforms with the criteria for granting a variance. Therefore, the Commission finds that the first contention of the appeal that the approved development is inconsistent with the yard setback standards of the base zoning district raises no substantial issue regarding consistency of the approved development with the policies and standards of the certified LCP relating to minimum yard setback requirements.

2. Findings in Support of Variance

The appellants contend that the approved encroachment within the minimum yard setback will result in a material detriment to property in the vicinity, inconsistent with the criteria necessary to grant a variance as required by CZC Section 20.540.020

The appellants allege that “The property owner whose property line would be within twelve, rather than twenty, feet of the structure allowed by the request would suffer a particular material detriment” (See **Exhibit 5**). The appellants’ reasons supporting the appeal do not specify what material detriment will affect the neighboring parcel (that is not owned by the appellants) as a result of the reduced setback between the pumphouse structure and the property line. The County staff report addresses CZC Section 20.540.020(D), which requires in part that the granting of a variance “will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located,” as follows:

Granting of the variance will not be materially detrimental to public welfare or injurious to the property in the same vicinity and zone as the subject parcel. The property owner to the north has submitted a letter of concern about the encroachment closer to the property line. The northern property owner completed a survey of the property which found the pump house to be 6 feet from the north property line of the subject parcel. The proposed pump house and addition is located approximately 160 feet east of the northern house. This finding can be made.

On May 31, 2012, the Commission's North Coast District Office received a letter from the property owner to the north (Exhibit 7). The property owner, Ms. Phyllis Curtis, expressed concerns regarding the subject development in relation to reduced setbacks from her parcel. Amidst the background information provided by Ms. Curtis in relation to the subject property, Ms. Curtis highlighted two key issues of concern as it relates to the effects on her property: namely, that the original design of the pumphouse and addition provided access to the storage addition from the north side of the building which would encroach within Ms. Curtis' property; and secondly, the visual presence of the subject development would be a detriment as viewed from her property. Regarding the access to the storage addition, in a memo dated May 7, 2012 (**Exhibit 6**), Mendocino County staff indicated that "the boat access has also been revised to allow access on the west building elevation rather than the north building elevation as proposed originally. This revision would allow the applicant to use his own driveway, rather than potentially encroach on the adjacent property to the north."

Regarding the concern about the visual impact of the pumphouse on the adjoining parcel, the County's findings document that the siting of the pumphouse and the pumphouse addition (that total 289 square feet) will be approximately 160 feet from the neighboring house, thereby providing the factual evidence to support a conclusion that the granting of a variance from the minimum 20-foot setback to a 12-foot setback will not be materially detrimental to public welfare or injurious to property or improvements in the vicinity and zoning district as it relates to any visual impact, consistent with the requirements set forth by CZC Section 20.540.020(D). Thus, there is no evidence observed in the local record that supports the allegation that a reduced yard setback will be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.

In conclusion, the Commission finds that the second contention of the appeal raises only local issues rather than issues of regional or statewide significance. Furthermore, the County findings provide factual evidence to demonstrate how the project will not be materially detrimental to public welfare or injurious to property or improvements in the vicinity and zoning district, consistent with the requirements set forth by CZC Section 20.540.020(D). Therefore, for all of the above reasons, the Commission finds that the second contention of the appeal, regarding the granting of an exception to development standards that would be materially detrimental to public welfare or injurious to property or improvements in the vicinity and zoning district, does not raise a substantial issue of conformance of the project as approved with the certified LCP.

3. Effect on Coastal Resources

The appellants allege in their third contention that the approved project will adversely affect coastal resources inconsistent with coastal development general review criteria of CZC Section 20.488.05. The appellants quote a sentence from the County staff report which states "The

proposed project...does have the potential to negatively impact the long term maintenance of the habitat created by the pond,” inconsistent with CZC Section 20.488.05 which requires in part that any proposed development “will protect, maintain and where feasible enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.”

The statement referenced by the appellant appears in the County staff report on page CPA-2 under “Natural Resources,” where it states in its entire context the following:

The pump house’s existing footprint is adjacent to an existing pond which is fed by Frenchman’s Creek. The pond was developed by the landowner several decades ago. The area surrounding the pond is a landscaped and manicured lawn and driveway. The proposed addition would not encroach any closer to the pond; the proposed addition on the north side is adjacent to the driveway and within a graveled area. The proposed addition on the east side is within the manicured lawn. The proposed project will not impact any natural resources and does have the potential to negatively impact the long term maintenance of the habitat created by the pond. (Emphasis added)

On June 13, 2012, Commission staff contacted the County via email to inquire about the apparent contradiction in the last statement. County staff responded in effect that this was a typographical error and that the intent was to state that the project did *not* have the potential to negatively impact the resources (**Exhibit 7**).

Therefore, no basis has been established for an assertion that the approved project will adversely affect the habitat created by the pond or other coastal resources. To the contrary, the County’s record in support of its approval demonstrates that: a) the pumphouse will be sited in the location of the existing footprint of the previous pumphouse; b) the addition will be placed on the portion of the property that is currently developed as a lawn and as a graveled area adjacent to the driveway; and c) the development will not encroach any closer to the pond. Furthermore, the pumphouse and addition are not situated where public access or a trail would be obstructed, or where public views from any public road, trail, or public recreation area to, and along the coast would be significantly obstructed. The County staff report indicates that the 16-foot-tall pump house would not be visible from Highway One or other public vantage points.

In conclusion, the Commission finds that the third contention of the appeal, that the project will negatively impact coastal resources does not have a factual basis. The appellants rely on a statement in the County staff report that the project will negatively impact the long term maintenance of habitat created by the pond. However, the statement was not quoted in its entirety. When the statement is read in its entirety, a contradiction in the conclusion becomes apparent, which was subsequently acknowledged by County staff as the result of a typographical error. County staff has affirmed that the County determined that the approved project would not impact any natural resources. Thus, the Commission finds that the County’s administrative record, viewed in its entirety, supports its determination under CZC Section 20.488.05 that the approved development will protect and maintain the overall quality of the coastal zone environment and its natural and artificial resources. Therefore, the Commission finds that the appeal does not raise a substantial issue of conformance of the project as approved with coastal development review criteria of the certified LCP.

D. CONCLUSION

For the reasons stated above, the Commission finds that there is adequate factual and legal evidence in the record to support the County's approval of a CDP and variance for this project when it found that the project is consistent with the relevant LCP policies. The appeal raises only local issues rather than issues of regional or statewide significance. Approval of this CDP and variance will not create an adverse precedent for future interpretations of the LCP, and the project will not adversely impact coastal resources. The Commission therefore finds that the appeal raises no substantial issue with respect to the grounds on which it was filed.

APPENDIX A**COMMISSION'S APPEAL JURISDICTION OVER THE PROJECT**

On May 24, 2012, the County of Mendocino Coastal Permit Administrator approved Coastal Development Permit Modification (CDPM) No. 38-2008(2011) and Coastal Development Variance (CDV) No. 1-2012 that authorized an after-the-fact request to demolish and rebuild a 160-square-foot pump house in its existing footprint with an attached 129-square-foot storage addition, and that allowed a variance of the front yard setback to reduce the setback from 20 feet to 12 feet from the property line on a bluff-top parcel approximately 1 mile south of Little River, at 5708 North Highway One (APN 121-110-04). The project site is located within a designated "highly scenic area" west of Highway One.

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603). Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or within 100 feet of any wetland or stream, or within 300 feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission pursuant to Section 30603 of the Coastal Act because the approved development is located: (1) between the sea and the first public road paralleling the sea; (2) within 100 feet of a wetland; (3) within 300 feet of the top of the seaward face of a coastal bluff; and (4) within a designated "highly scenic area," which is a type of sensitive coastal resource area.

1. Between the First Public Road and the Sea

The subject property is located between Highway One and the Pacific Ocean. The Post LCP Certification Permit and Appeal Jurisdiction Map for the area adopted by the Commission in May of 1992, designates Highway One as the first public road paralleling the sea. Therefore, as the approved development is located between the first public road paralleling the sea and the sea, the subject development is appealable to the Commission pursuant to Section 30603(a)(1) of the Coastal Act.

2. Within 100 Feet of a Wetland

The approved development consists of after-the-fact authorization of a pumphouse and addition sited in the existing footprint of the previous pumphouse. The existing pumphouse footprint is located near a pond created on the site decades ago. As the approved development is located

within 100 feet of a wetland feature, the subject development is appealable to the Commission pursuant to Section 30603(a)(2) of the Coastal Act.

3. Within 300 Feet of the Top of the Seaward Face of a Coastal Bluff

The project site is a bluff-top parcel, and the approved development is located more than 125 feet but less than 300 feet from the bluff edge. Therefore, the subject development is appealable to the Commission pursuant to Section 30603(a)(2) of the Coastal Act.

4. Within a Sensitive Coastal Resource Area

Section 30116 of the Coastal Act defines Sensitive Coastal Resource Areas as follows:

"Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

- (a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.*
- (b) Areas possessing significant recreational value.*
- (c) Highly scenic areas. (emphasis added)*
- (d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.*
- (e) Special communities or neighborhoods which are significant visitor destination areas.*
- (f) Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.*
- (g) Areas where divisions of land could substantially impair or restrict coastal access.*

Section 30502 of the Coastal Act indicates that sensitive coastal resource areas are areas within the coastal zone where the protection of coastal resources and public access requires, in addition to the review and approval of zoning ordinances, the review and approval by the Commission of other implementing actions to protect coastal resources. Sensitive coastal resource areas (SCRAs) can be designated either by the Commission pursuant to Section 30502 of the Coastal Act, or by local government by including such a designation in its Local Coastal Program (LCP).

Section 30502 directs the Commission to designate SCRAs not later than September 1, 1977, pursuant to a report which must contain the following information:

- (1) A description of the coastal resources to be protected and the reasons why the area has been designated as a sensitive coastal resource area;*
- (2) A specific determination that the designated area is of regional or statewide significance;*
- (3) A specific list of significant adverse impacts that could result from development where zoning regulations alone may not adequately protect coastal resources or access;*
- (4) A map of the area indicating its size and location.*

The Commission did not ultimately designate SCRAAs or make recommendations to the Legislature, as contemplated by Section 30502 and 30502.5. Because it did not designate SCRAAs, the Commission does not have the authority to require local governments to adopt such additional implementing actions. Nothing in Sections 30502 or 30502.5, however, overrides other provisions in the Coastal Act that assign primary responsibility to local governments for determining the contents of LCPs and that authorize local governments to take actions that are more protective of coastal resources than required by the Coastal Act. Such Coastal Act provisions support the position that the Commission does not have the exclusive authority to designate SCRAAs. In 1977, the Attorney General's Office advised the Commission that if the Commission decided not to designate SCRAAs, local government approvals of development located in SCRAAs delineated in LCPs would nonetheless be appealable to the Commission.

The ability of local governments to designate SCRAAs in LCPs is further supported by the legislative history of changes to Section 30603. In 1982, after the 1978 deadline for the Commission to designate SCRAAs, the Legislature amended the provisions of Section 30603 that relate to appeals of development located in SCRAAs. (Cal. Stats. 1982, c. 43, sec. 19 (AB 321 - Hannigan).) The Legislature's 1982 revisions to the SCRA appeal process demonstrate that the Commission's decision not to designate SCRAAs did not have the effect of preventing local governments from designating SCRAAs through the LCP process. If the Commission's decision not to designate SCRAAs rendered the Coastal Act provisions that relate to SCRAAs moot, the Legislature's action in 1982 would have been a futile and meaningless exercise. Instead, by deliberately refining the SCRA appeal process, the Legislature confirmed that local governments continue to have the authority to designate SCRAAs.

Although a city or county is not required to designate SCRAAs in their LCP, at least four local governments have chosen to do so. The Commission has certified LCP's that contain SCRA designations from the City of Grover Beach (1982), San Luis Obispo County (1987), the City of Dana Point (1989) and the segment of Mendocino County's LCP that covers areas outside of the Town of Mendocino (1992).

Designation of SCRAAs in this manner is consistent with the reservation of local authority, under Section 30005, to enact certain regulations more protective of coastal resources than what is required by the Act. As noted above, the Coastal Act does not require local governments to designate SCRAAs, but local governments are allowed to designate such areas.

The appeal of Mendocino County Coastal Development Permit Modification (CDPM) No. 38-2008(2011) and Coastal Development Variance (CDV) No. 1-2012 was accepted by the Commission in part, on the basis that the project site is located in a sensitive coastal resource area designated by Mendocino County and certified by the Commission when the County's LCP was certified in 1992.

The applicable designation of sensitive coastal resource areas was accomplished in the LCP by defining sensitive coastal resource areas within the LCP to include "highly scenic areas," and by mapping specific geographic areas on the certified Land Use Maps as "highly scenic." Chapter 5 of the Mendocino County General Plan Coastal Element (the certified Land Use Plan) and Division II of Title 20, Section 20.308.105(6) of the Mendocino County Coastal Zoning Code (CZC), both define "Sensitive Coastal Resource Areas" to mean "those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity." Subparts (c) of these sections include "highly scenic areas." This definition closely

parallels the definition of SCRA contained in Section 30116 of the Coastal Act. Mendocino LUP Policy 3.5 defines highly scenic areas to include, in applicable part, “those [areas] identified on the Land Use Maps as they are adopted.” Adopted Land Use Map No. 18 designates the area inclusive of the site that is the subject of Mendocino County CDPM No. 38-2008(2011)/CDV No. 1-2012 as highly scenic. Therefore, it is clear that by defining sensitive coastal resource areas to include highly scenic areas, and by then mapping designated highly scenic areas on the adopted Land Use Maps, the County intended that highly scenic areas be considered sensitive coastal resource areas.

Section 30603 of the Coastal Act states that “after certification of its local coastal program, an action taken by a local government on a coastal development permit may be appealed to the Commission...” Included in the list of appealable developments are developments approved within sensitive coastal resource areas. Additionally, Division II of Title 20, Section 20.544.020(B)(6) of the certified Mendocino County Coastal Zoning Code specifically includes developments approved “located in a sensitive coastal resource area” as among the types of developments appealable to the Coastal Commission.

Therefore, for all of the above reasons, the Commission finds that as (1) highly scenic areas are designated and mapped in the certified LCP as a sensitive coastal resource area, and (2) approved development located in a sensitive coastal resource area is specifically included among the types of development appealable to the Commission in the certified LCP, Mendocino County’s approval of local CDPM No. 38-2008(2011)/CDV No. 1-2012 is appealable to the Commission under Section 30603(a)(3) of the Coastal Act and Section 20.544.020(B)(6) of the certified Mendocino County Coastal Zoning Code.

The decision of the Planning Commission was not appealed at the local level to the County Board of Supervisors. The County then issued a Notice of Final Action, which was received at the Commission’s North Coast District Office on June 7, 2012 (Exhibit No. 6). Section 13573 of the Commission’s regulations allows for appeals of local approvals to be made directly to the Commission without first having exhausted all local appeals when, as here, the local jurisdiction charges an appeal fee for the filing and processing of local appeals.

One appeal was filed with the Commission’s North Coast District Office on June 8, 2012 from William S. Huff and Laura J. Vogelgesang (Exhibit No. 5). The appeal was filed in a timely manner, within 10 working days of receipt by the Commission of the County's Notice of Final Action.

APPENDIX B

**MENDOCINO COUNTY LOCAL COASTAL PROGRAM POLICIES
CITED IN THE APPEAL AND IN THE SUBSTANTIAL ISSUE ANALYSIS**

A. LCP Policies Relating to Minimum Yard Setbacks in RR Districts:

Mendocino County Coastal Zoning Code (CZC) Section 20.376.030 “*Minimum Front and Rear Yards for RR Districts*” specifies the following setback requirements:

(A) RR; RR:L-2: *Twenty (20) feet each.*

(B) RR:L-5: *Thirty (30) feet each.*

(C) RR:L-10: *Fifty (50) feet each. (Ord. No. 3785 (part), adopted 1991)*

CZC Section 20.376.035 “*Minimum Side Yards for RR Districts*” specifies the following setback requirements:

(A) RR; RR:L-2: *Six (6) feet each.*

(B) RR:L-5: *Thirty (30) feet each.*

(C) RR:L-10: *Fifty (50) feet each. (Ord. No. 3785 (part), adopted 1991)*

CZC Section 20.376.040 “*Setback Exception*” states the following:

Any nonconforming parcel which is less than five (5) acres and which is zoned RR:L-5 or RR:L-10 shall observe a minimum front, side and rear yard of twenty (20) feet. (Ord. No. 3785 (part), adopted 1991)

B. LCP Policies Relating to Variances:

CZC Section 20.540.005 “*Purpose*” states the following:

A variance is an exception from zone restrictions granted by the Coastal Permit Administrator upon application when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Variances shall not be granted to authorize uses or activities which are not otherwise expressly authorized by the regulations of this Division. (Ord. No. 3785 (part), adopted 1991)

CZC Section 20.540.010 “*Original Jurisdiction*” states:

The original jurisdiction shall be exercised over variances as follows:

(A) *Concurrent Application. When an application for granting or modifying a variance is submitted concurrently with an application for granting or modifying another coastal permit and said variance would be incidental and necessary to said permit, the*

variance shall be designated as a concurrent variance and the application shall be reviewed by the approving authority.

(B) Regular Variance. All other variances shall be designated as a regular variance and applications for their granting or modification shall be under the jurisdiction of the Coastal Permit Administrator. (Ord. No. 3785 (part), adopted 1991)

CZC Section 20.540.020 “Findings” states the following

Before any variance may be granted or modified it shall be shown:

(A) That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surroundings; and

(B) That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in this Division and applicable policies of the Coastal Element; and

(C) That such variance is necessary for the preservation and enjoyment of privileges possessed by other property in the same vicinity and zone and denied to the property in question because of the special circumstances identified in Subsection (A); and

(D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and

(E) That the variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel; and

(F) That the granting of such variance is in conformity with all other provisions of this Division and the Mendocino Coastal Element and applicable plans and policies of the Coastal Act. (Ord. No. 3785 (part), adopted 1991)

C. LCP Policies Relating to General Review Standards:

CZC Chapter 20.488 states the following:

CZC Section 20.488.005 “Purpose and Applicability”

(A) The purpose of the coastal development special review criteria is to insure that proposed development will protect, maintain and where feasible enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.

(B) The approving authority shall apply the general review standards of this Chapter to all Coastal Development Permit applications. (Ord. No. 3785 (part), adopted 1991)

CZC Section 20.488.010 “*General Review Standards*”

- (A) *Development shall not significantly degrade, or destroy the habitat for, endangered plant and animal species, including native mammals and resident and migratory birds. Diversity, both functionally and numerically, shall be maintained.*
- (B) *The productivity of wetlands, estuaries, tidal zones and streams shall be protected, preserved, and, where feasible, restored.*
- (C) *Approved grading activities shall be conducted in a manner that will assure that environmentally sensitive habitat areas will be protected from adverse impacts that can result from mechanical damage and undesirable changes in the water table, subsurface aeration and impacts to the root system of riparian vegetation, the alteration of surface or subsurface drainage, or other environmental conditions.*
- (D) *Wetland buffer areas (the transition areas between wetland and upland habitats) shall be protected, preserved, and, where feasible, restored. (Ord. No. 3785 (part), adopted 1991)*

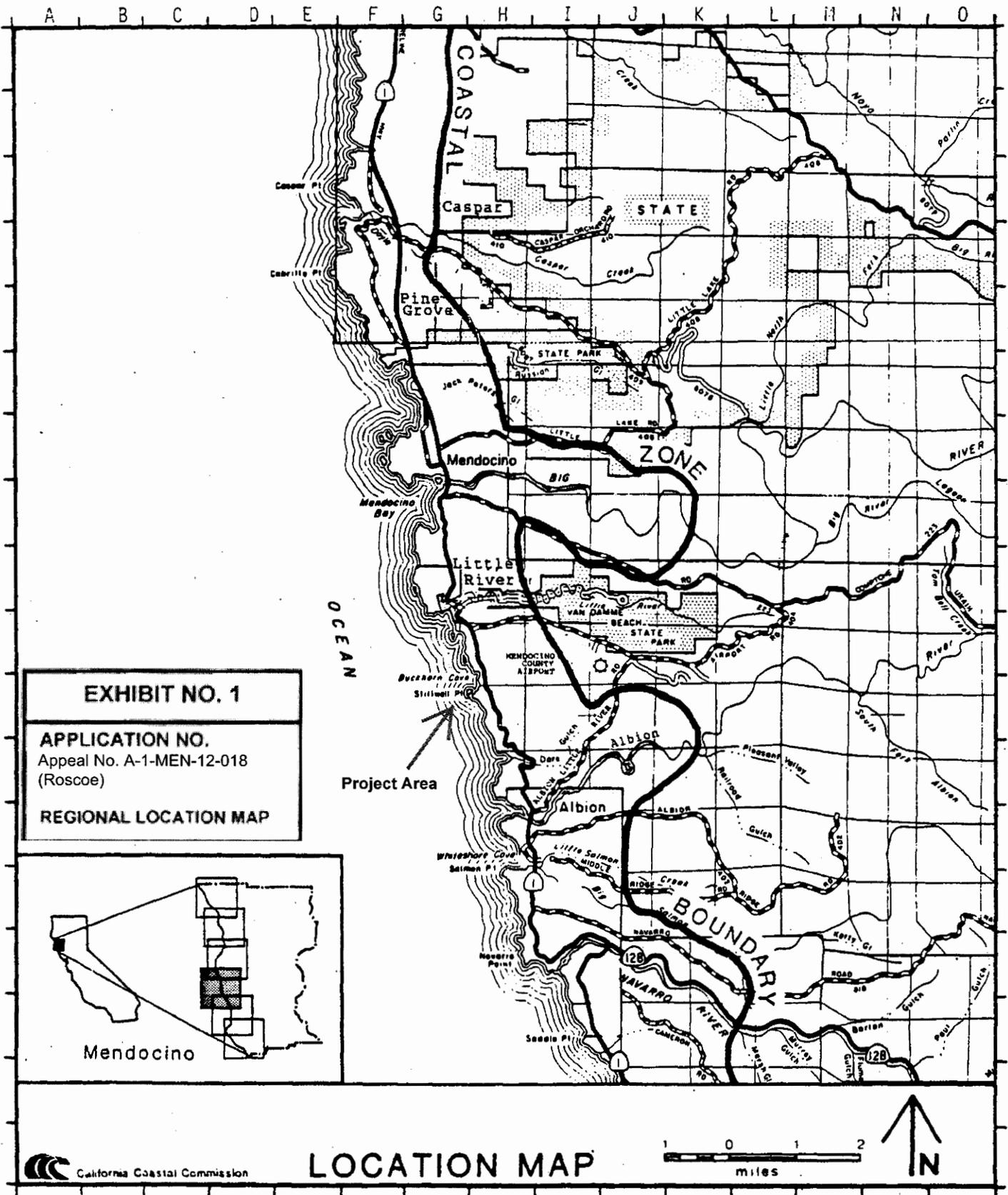
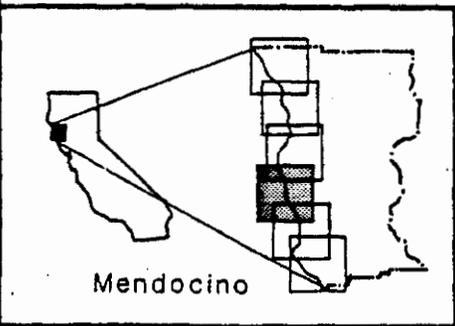


EXHIBIT NO. 1

APPLICATION NO.
Appeal No. A-1-MEN-12-018
(Roscoe)

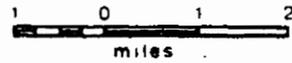
REGIONAL LOCATION MAP



Mendocino

California Coastal Commission

LOCATION MAP



County of Mendocino

EXHIBIT NO. 2

APPEAL NO.

A-1-MEN-12-018 (Roscoe)

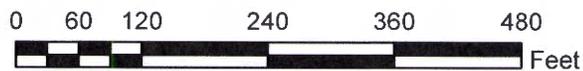
VICINITY MAP / AERIAL
PHOTO



Subject Parcel



1:2,091



Date: 6/18/2012



2009 AERIAL IMAGE OF ROSCOE PARCEL
APN 121-110-04 (boundary lines approximate)
Image source: California Coastal Records Project, Image 200903279

EXHIBIT NO. 3

Appeal No.
A-1-MEN-12-018
(Roscoe)
COASTAL RECORDS
PROJECT AERIAL IMAGE

STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDPM# 38-2008(2011)/CDV 1-2012 (Roscoe)
April 26, 2012
CPA-10

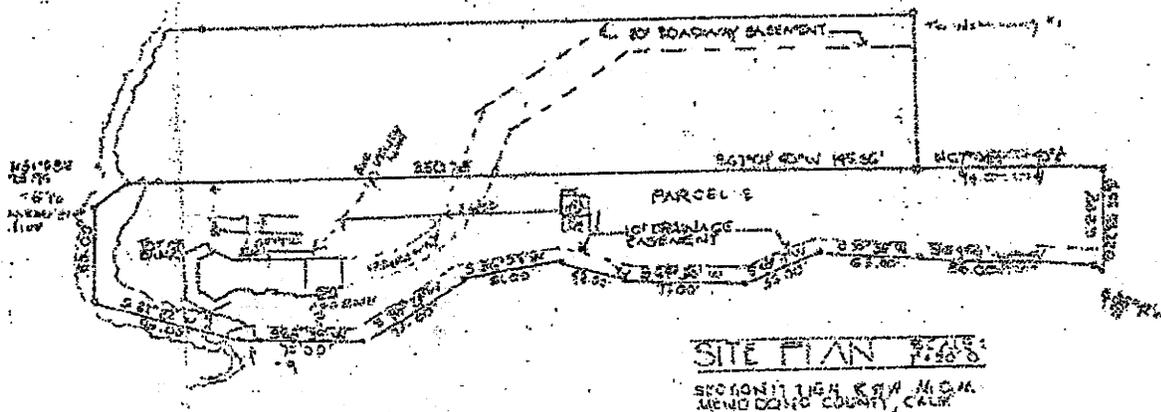
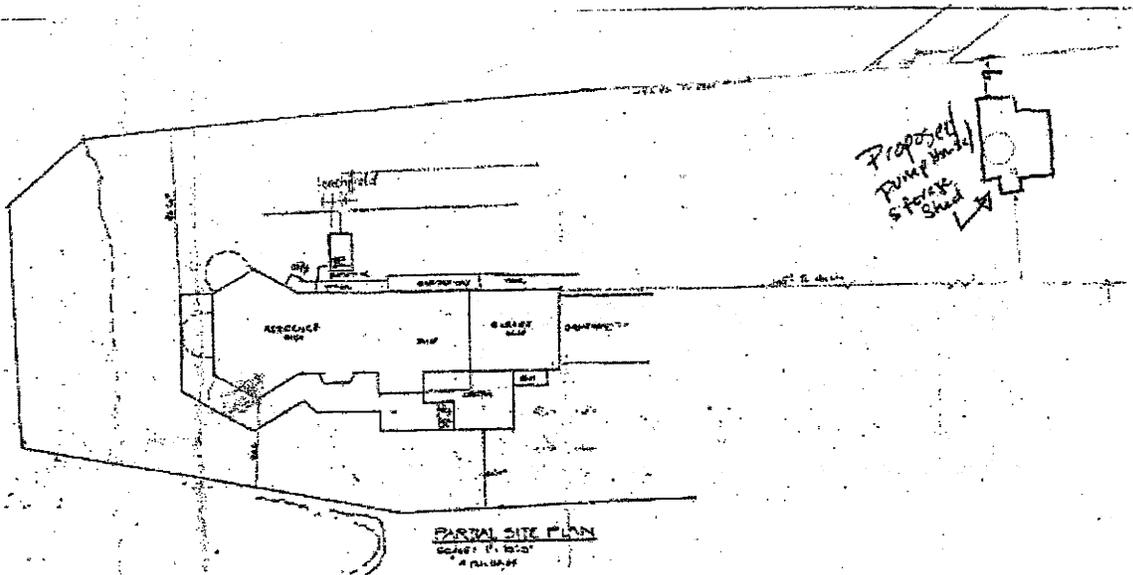
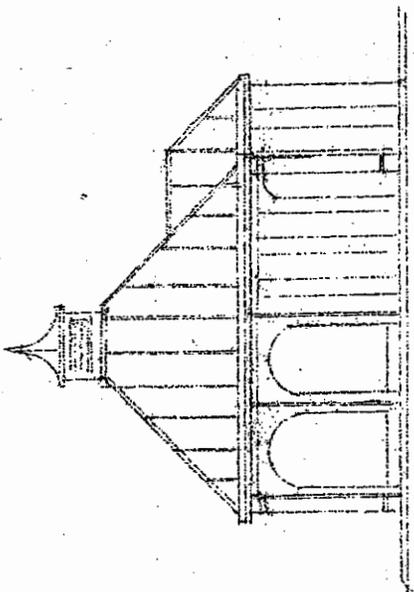
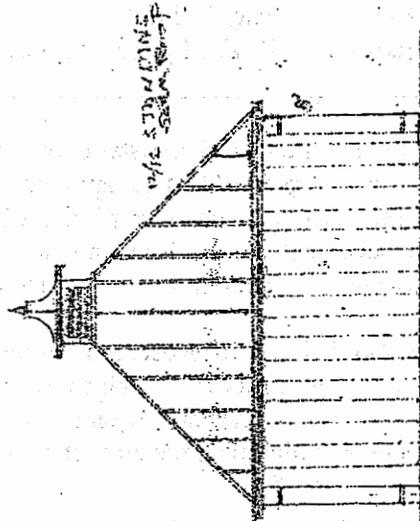
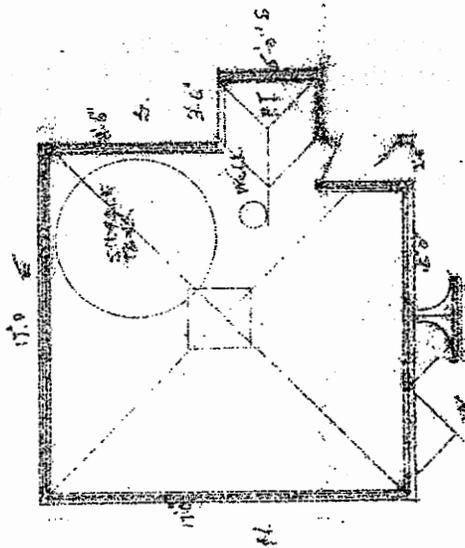


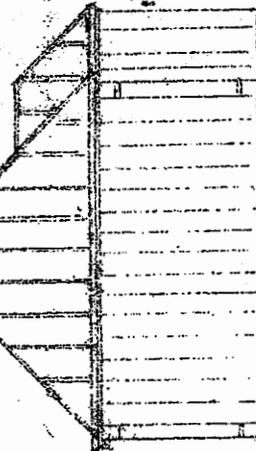
EXHIBIT NO. 4
APPLICATION NO.
A-1-MEN-12-018
ROSCOE
SITE PLAN AND ELEVATIONS
(1 of 3)



WEST ELEVATION



EAST ELEVATION



WEST ELEVATION

WENDELL W. ROSS COE

1427-2

5807 N. HINNY ST.
LITTLE ROCK, ARK.

707 037 2079

WILLIAM S. HUFF AND LAURA J. VOGELGESANG
P.O. Box 374
LITTLE RIVER, CALIFORNIA 95456

June 2, 2012

RECEIVED
JUN 04 2012
CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
North Coast District Office
710 E Street, Suite 200
Eureka, CA 95501

Dear Ladies and Gentlemen,

Enclosed is your form of Appeal From Coastal Permit Decision of Local Government with respect to a decision with respect to a proposed development at 5708 North Highway One, Little River, California, APN 121-110-04.

We do not believe that you will have yet received any notice of final action with respect to this decision; the property owner who would be most affected by the decision was advised that this communication must be received by you immediately, and we are attempting to address her concerns.

A copy of the form as completed and signed by us has been sent by us today by U.S. Mail addressed to the applicants, to Ms. Curtis, to Mr. Mobley as the Coastal Permit Administrator, and to the Executive Office of the Mendocino County Board of Supervisors.

Thank you for your attention,

Sincerely,

 Signature on File
William S. Huff



Signature on File


cc: Phyllis Curtis

EXHIBIT NO. 5
APPLICATION NO.
A-1-MEN-12-018
ROSCOE
APPEAL (1 of 5)

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET, SUITE 200
EUREKA, CA 95501
VOICE (707) 445-7833 FAX (707) 445-7877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: William S. Huff and Laura J. Vogelgesang

Mailing Address: P.O. Box 374

City: Little River

Zip Code: CA

Phone: 95456

SECTION II. Decision Being Appealed

1. Name of local/port government:

County of Mendocino Department of Planning and Building Services

2. Brief description of development being appealed:

"After the fact request to demolish and rebuild 160 sq. ft pump house in existing footprint with 171 sq. ft storage addition. Variance of the front yard setback is requested to reduce the setback from 20 feet to nine feet from the property line."

3. Development's location (street address, assessor's parcel no., cross street, etc.):

5708 North Highway One, APN: 121-110-04

4. Description of decision being appealed (check one.):

- Approval; no special conditions
 Approval with special conditions:
 Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO.

A-1-MEN-12-D18

DATE FILED

6/8/12

DISTRICT

North Coast

2 of 5

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: May 24, 2012

7. Local government's file number (if any): CDPM #38-2008(2011)/CDV #1-2012

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Wendell W. and Nancy Roscoe
1173 Elena Privada
Mt. View, CA 94040

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Phyllis Curtis
3003 Deerwood Drive
Ukiah, CA 95482

(2) William S. Huff and Laura J. Vogelgesang
P.O. Box 374
Little River, CA 95456

(3)

(4)

3095

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

1. Approval of the request required approval of a setback of less than 20 feet as required by Sec. 20.376040 ("Setback Exception: any nonconforming parcel which is less than five (5) acres and which is zoned RR-L-5 . . . shall observe a minimum front, side and rear yard of twenty (20) feet."). References are to the Mendocino County Coastal Zoning Code.

2. Sec. 20.540.020 requires various showings before a variance may be granted; it is unclear that other showings were made, but one would require that the variance "will not be materially detrimental to the . . . property . . . in such vicinity . . ." The property owner whose property line would be within twelve, rather than twenty, feet of the structure allowed by the request would suffer a particular material detriment. Whether or not there are existing historical encroachments, and whether or not they should have been allowed and whether or not there was any system in place to allow or not allow them, allowing more encroachments now is a material detriment to all property in the vicinity.

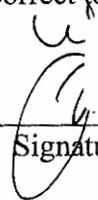
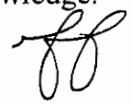
3. In addition, and whether or not there are indeed other historical encroachments on now-required setbacks, Sec. 20.488.05 states that the "coastal development special review criteria is to insure that proposed development will protect, maintain and where feasible enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources." One of the rationales claimed for the variance is that the owners created a pond which occupies space which would otherwise be available on their nonconforming parcel for the requested development; the staff report itself states "The proposed project . . . does have the potential to negatively impact the long term maintenance of the habitat created by the pond."

4 of 5

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

 Signature on File 

Signature of Appellant(s) or Authorized Agent

Date: June 2, 2012

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

5 of 5

Mendocino County Dept. of Planning & Building Services
Coastal Planning Division
120 West Fir Street
Fort Bragg, CA 95437
707 964-5379 (tel) • 707 961-2427 (fax)

MEMORANDUM

TO: Coastal Permit Administrator, project file
FROM: Abbey Stockwell, Planner II **AS**
DATE: May 7, 2012
SUBJECT: Revised project for CDPM 38-2008(12)/CDV 1-2012 staff report

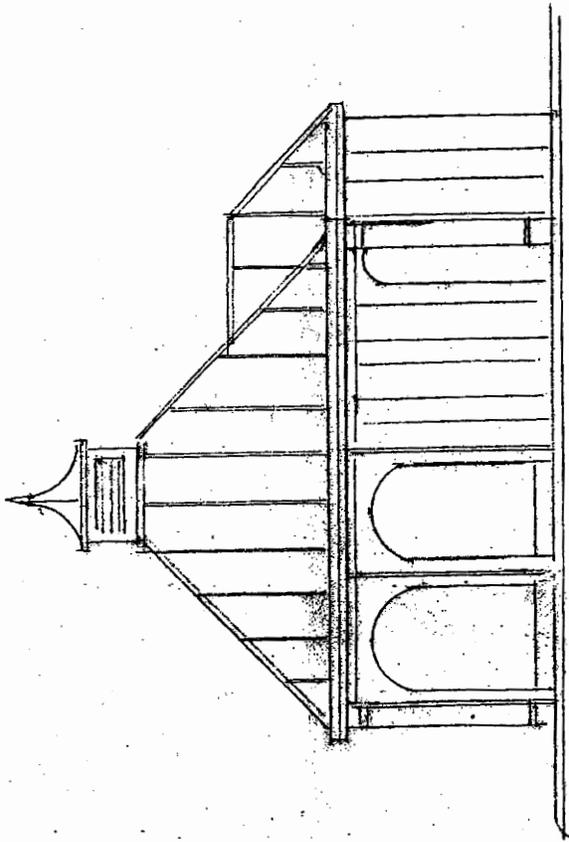
At the April 26, 2012 Coastal Permit Administrator hearing, Planning Director Roger Mobley, acting as the CPA, suggested that the applicant revise the proposed tank house and storage structure in order to address access issues to the portion of the structure proposed as boat storage as well as reduce the encroachment into the front yard setback. The applicant, Mr. Wendell Roscoe agreed to revise the drawings and the item was continued to the May 24, 2012 hearing.

On May 1, 2012 Mr. Roscoe submitted a revised building elevations and floor plan. The north addition of the proposed structure, which encroaches into the front yard setback, has been reduced by 3 feet. The variance request has now been revised to a 12 foot front yard setback (instead of nine feet as originally proposed) rather than the 20 foot setback as required by the zoning district. The proposed structure would now be ~289 ft².

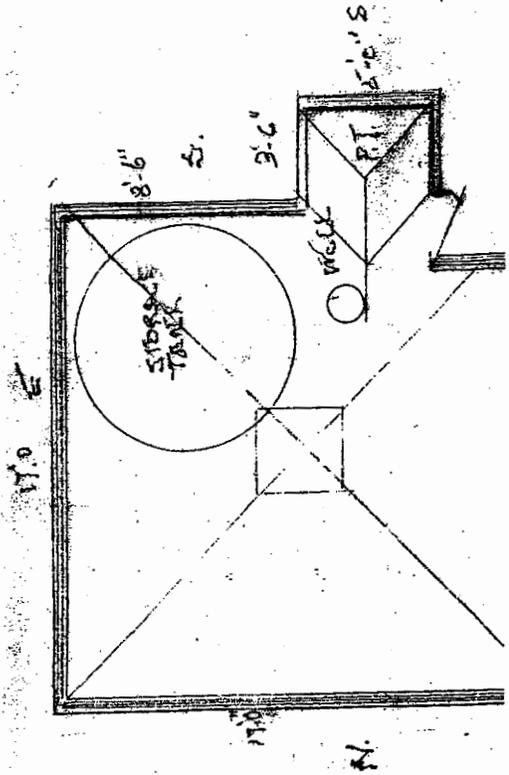
The boat access has also been revised to allow access on the west building elevation rather than the north building elevation as proposed originally. This revision would allow the applicant to use his own driveway, rather than potentially encroach on the adjacent property to the north.

With these revisions, the findings made in the staff report can still be made.

EXHIBIT NO. 6
APPLICATION NO. A-1-MEN-12-018 ROSCOE NOTICE OF FINAL LOCAL ACTION & FINDINGS FOR APPROVAL (1 of 46)



WEST ELEVATION



INTEROFFICE MEMORANDUM

TO: CALIFORNIA COASTAL COMMISSION
FROM: WYNNANN, PLANNING & BUILDING SERVICES
SUBJECT: NOTICES OF FINAL ACTION, MAY 24, 2012 CPA AGENDA
DATE: 6/5/2012

Enclosed please find the notices of final action and action sheets for the following items heard at the May 24, 2012 CPA hearing:

CDPM #38-2008(2011)/CDV #1-2012 (Roscoe)*

CDP #2-2012 (Hyland)

(*On 6/4/12, this office received an appeal of this item addressed to the Coastal Commission; I forwarded the packet to your office yesterday.)

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COASTAL COMMISSION

**MENDOCINO COUNTY COASTAL PERMIT ADMINISTRATOR
COASTAL DEVELOPMENT PERMITS
AGENDA**

DATE: May 24, 2012
TIME: 10:00 a.m.
PLACE: Veterans Memorial Building, 360 North Harrison Street, Fort Bragg, California

- A. Determination of Noticing.
- B. Public Hearing Items.

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COASTAL COMMISSION

Continued Items:

1. **CASE#:** CDP #2-2012
DATE FILED: 3/1/2012
OWNER: Carol Hyland
APPLICANT: Carol Hyland & Edward Rogers
REQUEST: Replace and relocate driveway gate.
LOCATION: In the coastal zone, south of the community of Little River, on the west side of Highway 1, approx. ¼ mile south of its intersection with Little River Airport Road, at 7044 N. Hwy 1 (APN 121-050-03).

PROJECT COORDINATOR: Abbey Stockwell

2. **CASE#:** CDPM #38-2008(2011)/CDV #1-2012
DATE FILED: Modification filed 11/22/11; Variance filed 3/1/12
OWNER: Wendell W. & Nancy Roscoe
REQUEST: After the fact request to demolish and rebuild 160 sq. ft pump house in existing footprint with 171 sq. ft storage addition. Variance of the front yard setback is requested to reduce the setback from 20 feet to nine feet from the property line. (See attached memorandum dated 5/7/2012 & revised floor plans & elevations for additional information).

LOCATION: In the Coastal Zone, 1± mile south of Little River on a blufftop parcel at 5708 N Highway One (APN: 121-110-04).

PROJECT COORDINATOR: Abbey Stockwell

- C. **Matters from the Public.** The Coastal Permit Administrator welcomes participation in meetings. This item is limited to matters under the jurisdiction of the Coastal Permit Administrator which are not on the posted agenda and items which have not already been considered by the Coastal Permit Administrator. No action will be taken.

- D. **Adjournment.**

Appeal Process. Applicants or other persons who are dissatisfied with a decision of the Coastal Permit Administrator may appeal the action to the Board of Supervisors. An appeal must be made in writing along with the applicable fee to the Clerk of the Board within 10 calendar days of the Administrator's decision. The appeal of the decision will be placed on the next available Board of Supervisors agenda for consideration and the appellant will be notified of the time, date and place. Appeals to the Board of Supervisors do not necessarily guarantee that the Coastal Permit Administrator's decision will be overturned. In some cases, the Board of Supervisors may not have the legal authority to overturn the decision of the Coastal Permit Administrator.

[Http://www.co.mendocino.ca.us/planning](http://www.co.mendocino.ca.us/planning)

**MENDOCINO COUNTY COASTAL PERMIT ADMINISTRATOR
COASTAL DEVELOPMENT PERMITS
AGENDA**

DATE: April 26, 2012
TIME: 10:00 a.m.
PLACE: Veterans Memorial Building, 360 North Harrison Street, Fort Bragg, California

A. Determination of Noticing.

B. Public Hearing Items.

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COASTAL COMMISSION

1. **CASE#:** CDP #22-2011
DATE FILED: 10/21/2011
OWNER: Laraine Galloway
AGENT: Roger Martin
REQUEST: Add 140± sq. feet to existing dining area that serves the inn, 550± sq. feet of upper story deck/stairway, and three new 2nd story dormers, which would add 200± sq. feet of storage space to the managers unit.
LOCATION: In the Coastal Zone, ¼± mile north of the Town of Mendocino, on the east side of Lansing Street, 1/8± mile south of its intersection with Highway One at 11201 Lansing Street (APN 119-030-10).
PROJECT COORDINATOR: Abbey Stockwell

2. **CASE#:** CDP #9-2011
DATE FILED: 4/11/2011
OWNER: Ken Sasaki & Jill Surdzial
AGENT: Lee Lette
REQUEST: Construct 1,120 sq. ft addition to existing single family residence with a maximum height of ~ 28 ft. Construct 144 sq. ft covered porch on east building elevation and 200 sq. ft deck on west elevation of single family residence. Construct ~572 sq. ft detached garage with a max. height of 14' 6". Associated developments include extending driveway 20'x20' with gravel surface to proposed garage, relocate septic system to area east of the proposed garage and relocate propane tank to north of the proposed garage.
LOCATION: In the Coastal Zone, approx. 2 miles south of Fort Bragg, on the west side of Highway 1, approx. 0.2 mi west of the intersection of Ocean Drive (CR# 436) and Pacific Way (CR# 436A). Located at 33401 Pacific Way (APN: 017-320-34).
PROJECT COORDINATOR: Abbey Stockwell

3. **CASE#:** CDP #2-2012
DATE FILED: 3/1/2012
OWNER: Carol Hyland
APPLICANT: Carol Hyland & Edward Rogers
REQUEST: Replace and relocate driveway gate.
LOCATION: In the coastal zone, south of the community of Little River, on the west side of Highway 1, approx. ¼ mile south of its intersection with Little River Airport Road, at 7044 N. Hwy 1 (APN 121-050-03).
PROJECT COORDINATOR: Abbey Stockwell

4. **CASE#:** CDPM #38-2008(2011)/CDV #1-2012
DATE FILED: Modification filed 11/22/11; Variance filed 3/1/12
OWNER: Wendell W. & Nancy Roscoe
REQUEST: After the fact request to demolish and rebuild 160 sq. ft pump house in existing footprint with 171 sq. ft storage addition. Variance of the front yard setback is requested to reduce the setback from 20 feet to nine feet from the property line.
LOCATION: In the Coastal Zone, 1± mile south of Little River on a blufftop parcel at 5708 N Highway One (APN: 121-110-04).
PROJECT COORDINATOR: Abbey Stockwell

C. **Matters from the Public.** The Coastal Permit Administrator welcomes participation in meetings. This item is limited to matters under the jurisdiction of the Coastal Permit Administrator which are not on the posted agenda and items which have not already been considered by the Coastal Permit Administrator. No action will be taken.

D. **Adjournment.**

Appeal Process. Applicants or other persons who are dissatisfied with a decision of the Coastal Permit Administrator may appeal the action to the Board of Supervisors. An appeal must be made in writing along with the applicable fee to the Clerk of the Board within 10 calendar days of the Administrator's decision. The appeal of the decision will be placed on the next available Board of Supervisors agenda for consideration and the appellant will be notified of the time, date and place. Appeals to the Board of Supervisors do not necessarily guarantee that the Coastal Permit Administrator's decision will be overturned. In some cases, the Board of Supervisors may not have the legal authority to overturn the decision of the Coastal Permit Administrator.

[Http://www.co.mendocino.ca.us/planning](http://www.co.mendocino.ca.us/planning)



RECEIVED

JUN 07 2012

CALIFORNIA
COASTAL COMMISSION

June 5, 2012

NOTICE OF FINAL ACTION

Action has been completed by the County of Mendocino on the below described project located within the Coastal Zone.

CASE#: CDPM #38-2008(2011)/CDV #1-2012
OWNER: Wendell W. & Nancy Roscoe
REQUEST: After the fact request to demolish and rebuild 160 sq. ft pump house in existing footprint with 171 sq. ft storage addition. Variance of the front yard setback is requested to reduce the setback from 20 feet to nine feet from the property line.
LOCATION: In the Coastal Zone, 1± mile south of Little River on a blufftop parcel at 5708 N Highway One (APN: 121-110-04).
PROJECT COORDINATOR: Abbey Stockwell

HEARING DATE: May 24, 2012

APPROVING AUTHORITY: Coastal Permit Administrator

ACTION: Approved with Conditions.

See staff report for the findings and conditions in support of this decision.

The project was not appealed at the local level.

The project is appealable to the Coastal Commission pursuant to Public Resources Code, Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

120 WEST FIR STREET · FORT BRAGG · CALIFORNIA · 95437

notice ros cdpm 38 08 2011 cdv 1 2012

Telephone 707-964-5379

FAX 707-961-2427

www.co.mendocino.ca.us/planning

April 12, 2012

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

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held Thursday, April 26, 2012, in the Veteran's Memorial Building, 360 North Harrison Street, Fort Bragg, at 10:00 a.m. or as soon thereafter as the item may be heard, will hear the below described project that is located in the Coastal Zone.

CASE #: CDPM #38-2008(2011)/CDV #1-2012

DATE FILED: Modification filed 11/22/11; Variance filed 3/1/12

OWNER: Wendell W. & Nancy Roscoe

REQUEST: After the fact request to demolish and rebuild 160 sq. ft pump house in existing footprint with 171 sq. ft storage addition. Variance of the front yard setback is requested to reduce the setback from 20 feet to nine feet from the property line.

LOCATION: In the Coastal Zone, 1± mile south of Little River on a blufftop parcel at 5708 N Highway One (APN: 121-110-04).

PROJECT COORDINATOR: Abbey Stockwell

As you are an adjacent property owner and/or interested party, you are invited to appear at the hearing, or to direct written comments to this office at the above address. If you would like to be notified of the Coastal Permit Administrator's action, please submit a written request to this office. All correspondence should contain reference to the above noted case number.

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

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

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

Roger Mobley, Coastal Permit Administrator

COASTAL PERMIT ADMINISTRATOR ACTION SHEET

CASE#: CDPM 38-08(2011)CDV 1-2012 HEARING DATE: 5/24/12

OWNER: ROSCOE

ENVIRONMENTAL CONSIDERATIONS:

- Categorically Exempt
- Negative Declaration
- EIR

FINDINGS:

- Per staff report
- Modifications and/or additions

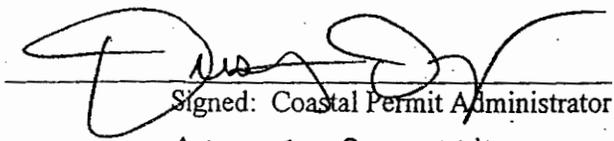
ACTION:

- Approved
- Denied
- Continued _____

CONDITIONS:

- Per staff report
- Modifications and/or additions

Special Condition #7
Any exterior lighting installed shall be shielded and downcast
so that only reflected, non-glaring light is visible from beyond
the immediate vicinity of the site.


Signed: Coastal Permit Administrator
Acting for Roger Mobley

COASTAL PERMIT ADMINISTRATOR ACTION SHEET

CASE#: COPM # 38-2008(11) / ^{CDV} 21-2012 HEARING DATE: 4/26/12

OWNER: ROSCOE

ENVIRONMENTAL CONSIDERATIONS:

- Categorically Exempt
- Negative Declaration
- EIR

FINDINGS:

- Per staff report
- Modifications and/or additions

ACTION:

- Approved
- Denied
- Continued MAY 29, 2012

CONDITIONS:

- Per staff report
- Modifications and/or additions

Signed: Coastal Permit Administrator



COUNTY OF MENDOCINO

DEPARTMENT OF PLANNING AND BUILDING SERVICES

120 WEST FIR STREET · FORT BRAGG · CALIFORNIA · 95437

notice roscoe cdpm 38 08 2011 cdv 1 2012

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APR 16 2012

CALIFORNIA
COASTAL COMMISSION

April 12, 2012

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

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held Thursday, April 26, 2012, in the Veteran's Memorial Building, 360 North Harrison Street, Fort Bragg, at 10:00 a.m. or as soon thereafter as the item may be heard, will hear the below described project that is located in the Coastal Zone.

CASE #: CDPM #38-2008(2011)/CDV #1-2012
DATE FILED: Modification filed 11/22/11; Variance filed 3/1/12
OWNER: Wendell W. & Nancy Roscoe
REQUEST: After the fact request to demolish and rebuild 160 sq. ft pump house in existing footprint with 171 sq. ft storage addition. Variance of the front yard setback is requested to reduce the setback from 20 feet to nine feet from the property line.
LOCATION: In the Coastal Zone, 1± mile south of Little River on a blufftop parcel at 5708 N Highway One (APN: 121-110-04).
PROJECT COORDINATOR: Abbey Stockwell

As you are an adjacent property owner and/or interested party, you are invited to appear at the hearing, or to direct written comments to this office at the above address. If you would like to be notified of the Coastal Permit Administrator's action, please submit a written request to this office. All correspondence should contain reference to the above noted case number.

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

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

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

Roger Mobley, Coastal Permit Administrator



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RECEIVED
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 CALIFORNIA
 COASTAL COMMISSION

March 7, 2012

Planning-Ukiah
 DOT
 Environmental Health

Building Inspection (FB)
 Assessor
 Dept of Fish & Game

Coastal Commission

***CASE#:** CDPM #38-2008(2011)/CDV #1-2012
OWNER: Wendell Roscoe
REQUEST: After the fact request to demolish and rebuild 160 sq. ft pump house in existing footprint with 171 sq. ft storage addition.** Variance of the front yard setback is requested to reduce the setback from 20 feet to nine feet from the property line.

APPEALABLE AREA: Yes
LOCATION: In the Coastal Zone, approx. 1 mile south of Little River, on a blufftop parcel located at 5708 N. Hwy 1 (APN: 121-110-04).

***PROJECT COORDINATOR:** Abbey Stockwell
RESPONSE DUE DATE: March 22, 2012

***PLEASE NOTE THE CASE NUMBER AND NAME OF PROJECT COORDINATOR WITH ALL CORRESPONDENCE TO THIS DEPARTMENT.**

Attached to this form is information describing the above noted project(s). The County Department of Planning and Building Services is soliciting your input, which will be used in staff analysis. If we do not receive a response within fifteen (15) days, we will assume no response is forthcoming.

You are invited to comment on any aspect of the proposed project(s). Please address any concerns or recommendations on environmental considerations and specific information regarding permits you may require to the project coordinator at the above address.

**** THE REQUEST FOR DEMOLITION AND REBUILDING OF THE PUMPHOUSE, WITH AN ADDITION, WAS REFERRED FOR COMMENTS IN DECEMBER OF 2011. AN ADJACENT PROPERTY OWNER OBJECTED TO THE MODIFICATION, SO IT WILL BE SET FOR A HEARING, ALONG WITH THE REQUESTED VARIANCE, AT A LATER DATE. YOUR COMMENTS ON THE VARIANCE ARE REQUESTED.**

REVIEWED BY: Name _____ Department _____ Date _____

_____ No Comment _____ Comment to follow

_____ Comments attached or Below

**STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT**

**CDPM# 38-2008(2011)/CDV 1-2012 (Roscoe)
April 26, 2012
CPA-1**

OWNER/APPLICANT: Wendell W. and Nancy Roscoe
1173 Elena Privada
Mt. View, CA 94040

REQUEST: After the fact request to demolish and rebuild 160 sq. ft pump house in existing footprint with 171 sq. ft storage addition.

Variance of the front yard setback is requested to reduce the setback from 20 feet to nine feet from the property line.

LOCATION: In the Coastal Zone, 1± mile south of Little River on a blufftop parcel at 5708 N Highway One (APN: 121-110-04).

APPEALABLE AREA: Yes (Bluff top lot & Highly Scenic Area)

PERMIT TYPE: Standard

TOTAL ACREAGE: 1 ± Acre

ZONING: RR: L-5

GENERAL PLAN: RR-5

EXISTING USES: Single family Residence

SUPERVISORY DISTRICT: 5th

ENVIRONMENTAL DETERMINATION: Categorically Exempt Class 1

CALIFORNIA COASTAL RECORD IMAGE: 200503556 (S of "A frame" house)

PROJECT DESCRIPTION: The owner request an after the fact authorization to demolish and rebuild 160 sq. ft pump house in existing footprint with 171 sq. ft storage addition. The structure would have a maximum height of approximately 16 feet above grade. The owner also requests a variance of the front yard setback to reduce the setback from 20 feet to nine feet from the property line.

The subject parcel is also developed with an existing partially two-story residence located on a blufftop parcel in a designated highly scenic area. The proposed pump house would not be visible from any public view areas.

Pursuant to Section 20.532.020 (C) of MCCZC, a coastal development permit is required for the project since it is located in a designated highly scenic area.

LOCAL COASTAL PROGRAM CONSISTENCY RECOMMENDATION: The proposed project is consistent with the applicable goals and policies of the Local Coastal Program as described below.

Land Use: The parcel is classified on the Coastal Plan Map as Rural Residential Five Acres Minimum (RR-5). The proposed pump house would serve as a residential accessory structure which is permitted in the Rural Residential zone. The height of the addition would be 16 feet above grade. The required setbacks in RR-5 zone for a parcel less than five acres is 20 feet each. The proposed structure is located 9 feet from the north property line.

Public Access: The project site is located west of Highway 1, and is a blufftop lot. It is not designated as a potential public access trail location on the LUP maps and no evidence of prescriptive access exists on the site.

Hazards: The property is located in an area assigned a moderate fire hazard rating. The development is exempt from the requirements of Calfire. The proposed pump house is located over 125 feet from the bluff edge. There are no known faults, landslides or other geologic hazards in close proximity to the proposed development.

Visual Resources: The parcel is located in a designated "Highly Scenic Area" west of Hwy 1. The proposed pump house will not be visible from any public locations and will not affect the visual qualities of this highly scenic area. The proposed pump house would be partially located in its existing footprint, the proposed additions would be located to the north and east of the existing footprint. The structure is designed to match the exterior finish of the existing residence. The maximum height of the proposed structure is 16 feet from natural grade.

Natural Resources: The pump house's existing footprint is adjacent to an existing pond which is fed by Frenchman's Creek. The pond was developed by the landowner several decades ago. The area surrounding the pond is a landscaped and manicured lawn and driveway. The proposed addition would not encroach any closer to the pond; the proposed addition on the north side is adjacent to the driveway and within a graveled area. The proposed addition on the east side is within the manicured lawn. The proposed project will not impact any natural resources and does have the potential to negatively impact the long term maintenance of the habitat created by the pond.

Archaeological/Cultural Resources: The project site is currently developed. Standard Condition Number 8 advises the applicant of the County's "discovery clause" which establishes procedures to follow in the unlikely event that archaeological or cultural materials are unearthed during construction activities.

Groundwater Resources: The site is located within an area mapped as Moderate Groundwater Resources. The proposed bathroom addition would not substantially change the existing water usage on the site.

Transportation/Circulation: The project would not change traffic volumes on local and regional roadways.

Zoning Requirements: The project complies with the zoning requirements for the Rural Residential District set forth in Chapter 20.20.376 of the Coastal Zoning Code, and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code.

VARIANCE CDV# 1-2012

Section 20.540.020 of the Coastal Zoning Code requires that the approving authority make all of the following findings prior to granting variances within the Coastal Zone:

- A. *That there are special circumstances applicable to the property involved, including size shape, topography, location or surroundings.*

Applicant's response: The lot is 600' wide and 52' wide

Staff comment: The subject parcel is constrained by width and the pond that is located south of the proposed pump house. The required setbacks are 20 feet each from all property lines, the assessor's parcel map shows the approximate width of the proposed parcel to be 62 feet, which would allow for a width of 22 feet of developable space. As the project area is largely developed with an existing residence, driveway, and the pump house that previously occupied the proposed location adjacent to the existing well, it would make logical sense to enlarge the structure rather than create additional structures to provide accessory storage. In reviewing aerial imagery, all of the developments in this subdivision are on or very close to property lines. Due to the location of the bluff edge, pond, creek, a 10 foot wide drainage easement and septic system, and areas of natural vegetation on the eastern portion of the subject parcel additional building space is limited. This finding can be made.

- B. *That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in the Division and applicable policies of the Coastal Element.*

Applicant's response: None

Staff comment: The existing conditions are not resultant from any action taken by the applicants, other than the creation of the pond nearly 40 years ago according to the applicant. This finding can be made.

- C. *That such variance is necessary for the preservation and enjoyment of privileges possessed by other property in the same vicinity and zone and denied to the property in question because of special circumstances identified in Subsection (A).*

Applicant's response: Most houses are located closer than 10 feet from the property lines due to the shape of the subdivision.

Staff comment: The proposed pump house and storage addition is a residential improvement customarily associated residential development in Mendocino County. This finding can be made.

- D. *That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property in the same vicinity and zone in which the property is located.*

Applicant's response: Be a definite improvement

Staff comment: Granting of the variance will not be materially detrimental to public welfare or injurious to the property in the same vicinity and zone as the subject parcel. The property owner to the north has submitted a letter of concern about the encroachment closer to the property line. The northern property owner completed a survey of the property which found the pump house to be 6 feet from the north property line of the subject parcel. The proposed pump house and addition is located approximately 160 feet east of the northern house. This finding can be made.

- E. *That the variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel.*

Applicant's response: No response.

Staff comment: Since this is a simple setback variance, it does not authorize a use or activity that is prohibited by the zoning provisions of the Rural Residential district. A detached shed is a permitted accessory use in the zoning district. This finding can be made.

F. That the granting of such variance is in conformity with all other provisions of this Division and the Mendocino Coastal Element and applicable plans and policies of the Coastal Act.

Applicant's response: No response.

Staff comment: Staff did not identify any other provisions of the County Coastal Zoning Code, Coastal Element or the Coastal Act that conflict with the requested variance. Therefore, this finding can be made.

RECOMMENDED ACTION FOR CDV #1-2012: Staff recommends that the Coastal Permit Administrator approve the proposed coastal development variance request, the required findings for approval of a variance can be substantiated

PROJECT FINDINGS AND CONDITIONS: Pursuant to the provisions of Chapter 20.532 and Chapter 20.536 of the Mendocino County Code, staff recommends that the Coastal Permit Administrator approve the proposed project, and adopt the following findings and conditions.

FINDINGS:

1. The proposed development is in conformity with the certified Local Coastal Program; and
2. The proposed development will be provided with adequate utilities, access roads, drainage and other necessary facilities; and
3. The proposed development is consistent with the purpose and intent of the applicable zoning district, as well as all other provisions of Division II, and preserves the integrity of the zoning district; and
4. The proposed development, if constructed in compliance with the conditions of approval, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act; and
5. The proposed development will not have any adverse impacts on any known archaeological or paleontological resource; and
6. Other public services, including but not limited to, solid waste and public roadway capacity have been considered and are adequate to serve the proposed development; and
7. The proposed development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act and Coastal Element of the General Plan.

STANDARD CONDITIONS:

1. This action shall become final on the 11th day following the decision unless an appeal is filed pursuant to Section 20.544.015 of the Mendocino County Code. The permit shall become effective after the ten working day appeal period to the Coastal Commission has expired and no appeal has been filed with the Coastal Commission. The permit shall expire and become null and void at the expiration of two years after the effective date except where construction and use of the property in reliance on such permit has been initiated prior to its expiration.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

2. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and that compliance therewith is mandatory, unless an amendment has been approved by the Coastal Permit Administrator.
4. This permit is subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
 - a. The permit was obtained or extended by fraud.
 - b. One or more of the conditions upon which the permit was granted have been violated.
 - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDPM# 38-2008(2011)/CDV 1-2012 (Roscoe)

April 26, 2012

CPA-6

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

Staff Report Prepared By:

4/13/12

Date

Abbey Stockwell

Abbey Stockwell
Planner II

Attachments: Exhibit A: Location Map
Exhibit B: Zoning Map
Exhibit C: Aerial Photo
Exhibit D: Site Plan
Exhibit E: Elevations & Floor Plan

Appeal Period: Ten calendar days for the Mendocino County Board of Supervisors, followed by ten working days for the California Coastal Commission following the Commission's receipt of the Notice of Final Action from the County.

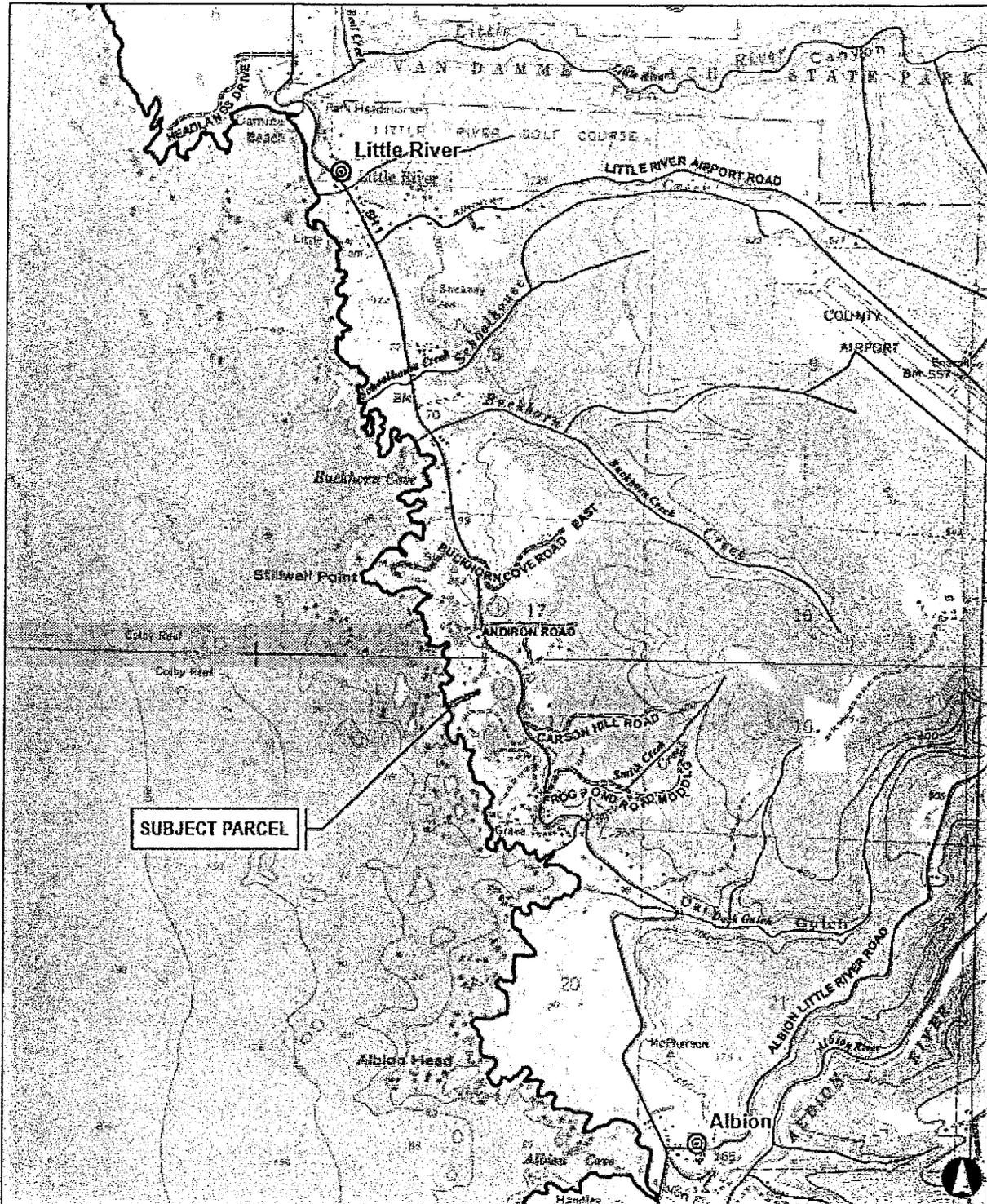
Appeal Fee: \$945.00 (For an appeal to the Mendocino County Board of Supervisors.)

STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDPM# 38-2008(2011)/CDV 1-2012 (Roscoe)

April 26, 2012

CPA-7



OWNER: Michael K. Roscoe & Jill Madlem

APN: 121-110-04

CASE: CDPM 38-2008(11)

ADDRESS: 5708 S. Hwy. 1, Little River

LOCATION MAP

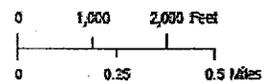
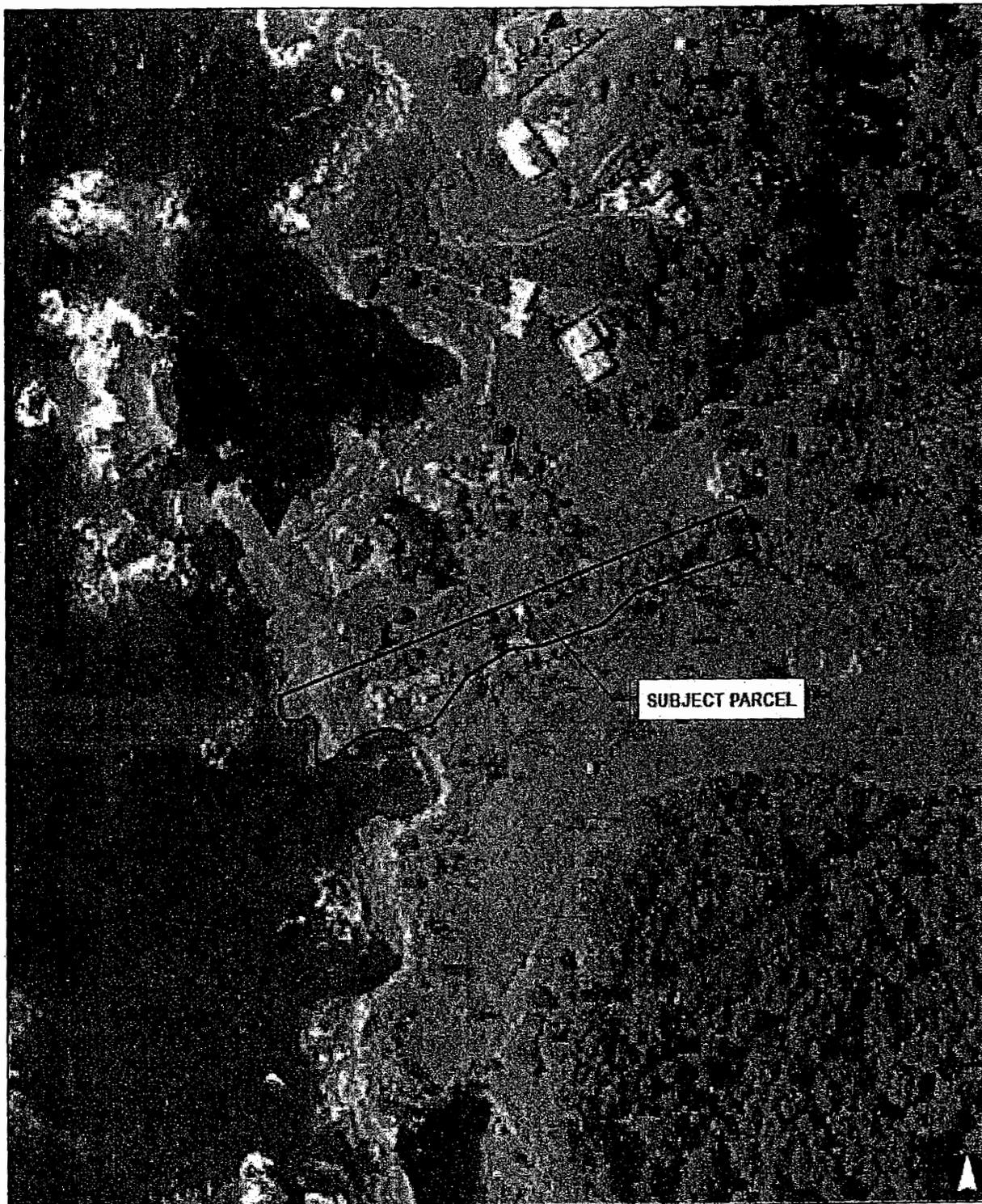


Exhibit A

**STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT**

**CDPM# 38-2008(2011)/CDV 1-2012 (Roscoe)
April 26, 2012
CPA-9**



OWNER: Michael K. Roscoe & Jill Madlem

APN: 121-110-04

CASE: CDPM 38-2008(11)

ADDRESS: 5708 S. Hwy. 1, Little River

2010 NAIP AERIAL ORTHOPHOTO

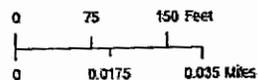
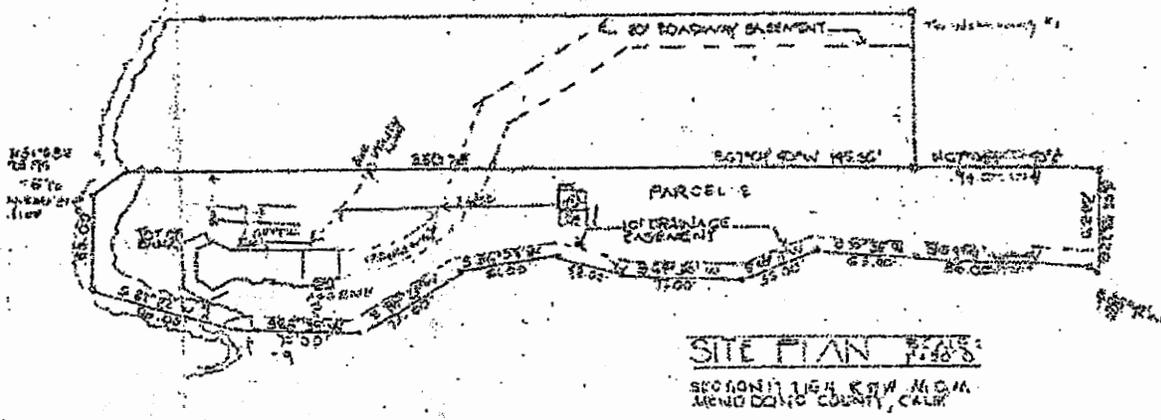
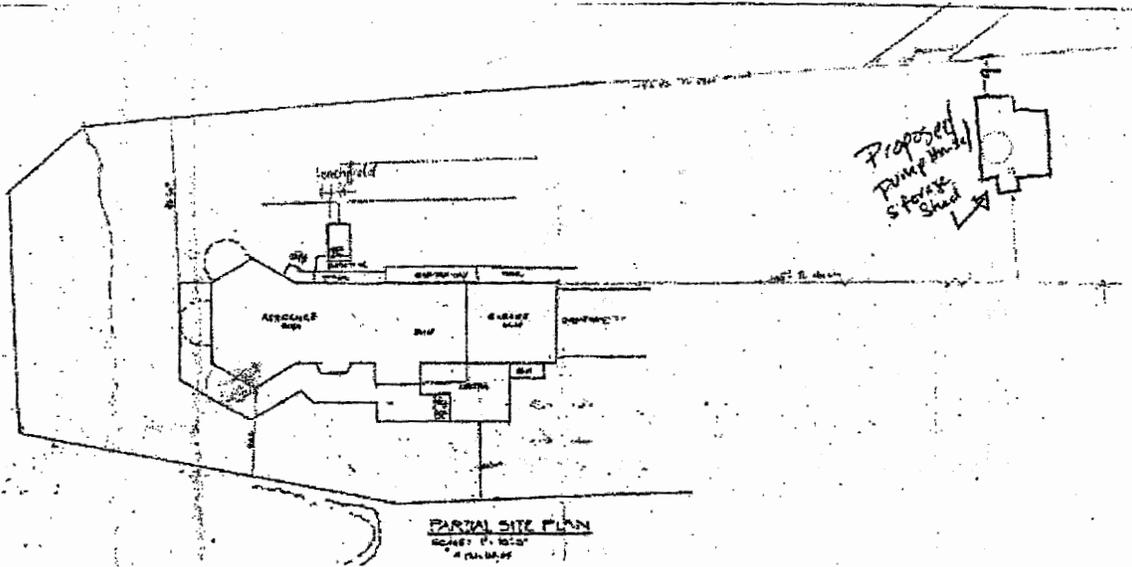


Exhibit C



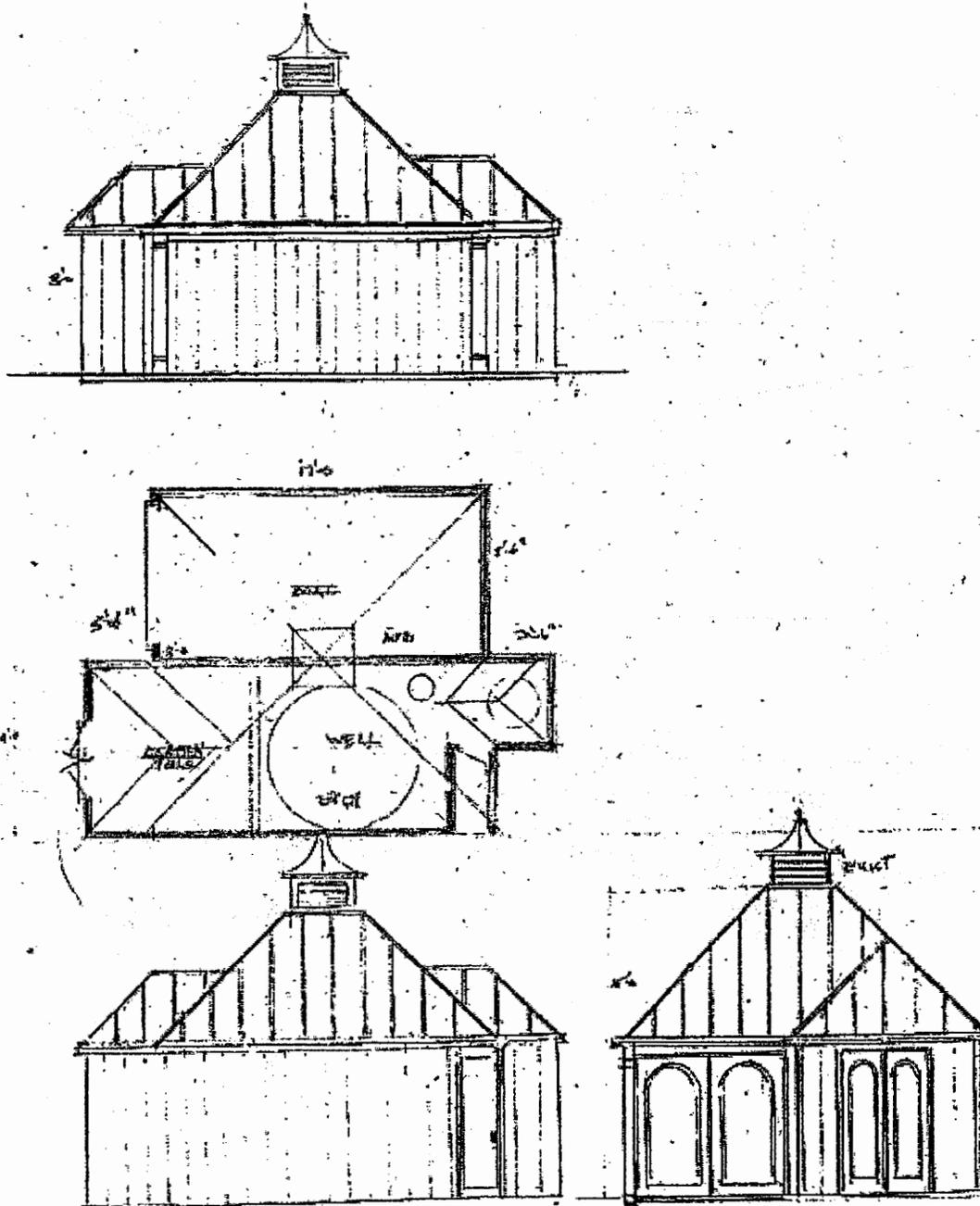


Exhibit E

Elevations and Floor plan

COASTAL DEVELOPMENT PERMIT REVIEW SHEET

<input type="checkbox"/> STANDARD	<input type="checkbox"/> ADMINISTRATIVE	<input checked="" type="checkbox"/> MODIFICATION	CDPM # 38-2008(2011)/ V 1-2012
<input type="checkbox"/> USE PERMIT	<input checked="" type="checkbox"/> VARIANCE	<input type="checkbox"/> _____	DATE FILED: 11.22.11
APPEALABLE AREA: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO HSA & Blufftop			Updated 3.1.12
			GOV'T CODE DATE:

OWNER/APPLICANT: Wendell Roscoe

REQUEST: After the fact request to demolish and rebuild 160 sq. ft pump house in existing footprint with 171 sq. ft storage addition. Variance of the front yard setback is requested to reduce the setback from 20 feet to nine feet from the property line.

LOCATION: In the Coastal Zone, approx. 1 mile south of Little River, on a blufftop parcel located at 5708 N. Hwy 1 (APN: 121-110-04).

STREET ADDRESS: 5708 N. Hwy 1

APN: 121-110-04

GENERAL PLAN: RR-5

ZONING: RR:L-5

PARCEL SIZE: ~1 ac

EXISTING USES: SFR

SUPERVISORIAL DISTRICT: 5

TOWNSHIP:

RANGE:

SECTION:

USGS QUAD#:

RELATED CASES: CDP 38-2008 - SFR addition

PERMITS ON HOLD PENDING CDP:

REFERRAL AGENCIES:

<input checked="" type="checkbox"/> Planning (Ukiah)	<input checked="" type="checkbox"/> Coastal Commission	<input type="checkbox"/> Sewer District
<input checked="" type="checkbox"/> Environmental Health (FB)	<input type="checkbox"/> Caltrans	<input type="checkbox"/> Water District
<input checked="" type="checkbox"/> Building Inspection (FB)	<input type="checkbox"/> Northwest Information Center	<input type="checkbox"/> Fire District
<input checked="" type="checkbox"/> Transportation	<input checked="" type="checkbox"/> Department of Fish & Game	<input type="checkbox"/> Community Svcs
<input type="checkbox"/> MHRB	<input type="checkbox"/> Department of Parks & Recreation	<input type="checkbox"/> City Planning
<input checked="" type="checkbox"/> Assessor	<input type="checkbox"/> RWQCB	<input type="checkbox"/> School District
<input type="checkbox"/> County Water Agency	<input type="checkbox"/> US Fish & Wildlife Service	
<input type="checkbox"/> Air Quality Management District	<input type="checkbox"/> Army Corps of Engineers	
<input type="checkbox"/> ALUC	<input type="checkbox"/> Trails Advisory Council	<input type="checkbox"/> Friends of Schooner Gulch
<input type="checkbox"/> Gualala Municipal Advisory Council	<input type="checkbox"/> Native Plant Society	<input type="checkbox"/> Point Arena City Hall

ADDITIONAL INFORMATION:

ASSESSOR'S PARCEL #:

PROJECT COORDINATOR: Abbey Stockwell

PREPARED BY: AS

DATE: 3.2.12

ENVIRONMENTAL DATA
(To be completed by Planner)

ENVIRONMENTAL DATA

- | Yes | No | |
|-------------------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1. CDP Exemption or CDP Exclusion. |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. LUP Map Number. 18 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Blufftop Parcel. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Highly Scenic Area: West of Hwy 1. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Adjacent to State Forest/Park/Recreation Area. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 6. Within/Adjacent to Agriculture Preserve or Timberland Production. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7. Within Mendocino Historic Preservation District: Zone A or B: |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 8. Alquist-Priolo Earthquake Fault Zone (Manchester to Gualala). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9. Floodplain/Floodway Map. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 10. Natural Diversity Data Base. |
| <input type="checkbox"/> | <input type="checkbox"/> | 11. ESHA - Riparian, Wetland, Rare Plants, Sand Dunes, Pygmy Vegetation/Soils. |
| <input type="checkbox"/> | <input type="checkbox"/> | 12. Building Envelopes/Buffer Zones. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. Geotechnical Hazards: Coastal Bluff |
| <input type="checkbox"/> | <input type="checkbox"/> | 14. Coastal Groundwater Study Zone: MWR |
| <input type="checkbox"/> | <input type="checkbox"/> | 15. Fire Hazard Severity Classification: <input type="checkbox"/> LRA <input type="checkbox"/> SRA-CDF# Moderate, High, Very High |

CEQA Status: _____

ADDITIONAL INFORMATION:

COUNTY OF MENDOCINO
 DEPT OF PLANNING AND BUILDING SERVICES
 501 LOW GAP ROAD, ROOM 1440
 UKIAH, CA 95482
 Telephone: 707-463-4281
 FAX: 707-463-5709
 pbs@co.mendocino.ca.us
 www.co.mendocino.ca.us/planning



Case No(s)	VFI-2012
CDF No(s)	
Date Filed	
Fee	
Receipt No.	
Received by	
Office Use Only	

APPLICATION FORM

APPLICANT

Name Wendell W. BOSCO
 Mailing _____
 Address 1173 ELENNA TERRACE
 City Mt. View State CA Zip Code 94040 Phone 650-280-9016

PROPERTY OWNER

Name Wendell W. Bosco
 Mailing _____
 Address 1173 ELENNA TERRACE
 City Mt. View State CA Zip Code 94040 Phone 650-280-9016

AGENT

Name _____
 Mailing _____
 Address _____
 City _____ State _____ Zip Code _____ Phone _____

PARCEL SIZE

Square feet
 Acres

1

STREET ADDRESS OF PROJECT

5708 W. Henry

ASSESSOR'S PARCEL NUMBER(S)

TYPE OF APPLICATION

(Check Appropriate Boxes)

- | | |
|---|--|
| <input type="checkbox"/> Rezoning | <input type="checkbox"/> Use Permit |
| <input type="checkbox"/> Land Division: Minor | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Land Division: Major | <input type="checkbox"/> General Plan Amendment |
| <input type="checkbox"/> Land Division: Parcel | <input type="checkbox"/> Agricultural Preserve |
| <input type="checkbox"/> Land Division: Resubdivision | <input type="checkbox"/> Reversion to Acreage |
| <input type="checkbox"/> Exception | <input type="checkbox"/> Certificate of Compliance |
| <input type="checkbox"/> Modification of Conditions | <input type="checkbox"/> Other: _____ |

I certify that the information submitted with this application is true and accurate.

[Signature]
 Signature of Applicant/Agent

2-22-12
 Date

[Signature]
 Signature of Owner

2-22-12
 Date

SITE AND PROJECT DESCRIPTION QUESTIONNAIRE

The purpose of this questionnaire is to relate information concerning your application to the Department of Planning and Building Services and other agencies who will be reviewing your project proposal. Please remember that the clearer picture that you give us of your project and the site, the easier it will be to promptly process your application. Please answer all questions. Those questions which do not pertain to your project, please indicate "Not applicable" or "N/A".

THE PROJECT

1. Describe your project. Include secondary improvements such as wells, septic systems, grading, vegetation removal, roads, etc.

As Part of plan

FOR STORAGE AT EXISTING

STRUCTURE - well

5. Will vegetation be removed on areas other than the building sites and roads? Yes No
Explain:

6. Will the project involve the use or disposal of potentially hazardous materials such as toxic substances, flammables, or explosives? Yes No If yes, explain:

7. How much off-street parking will be provided?

	Number	Size
Number of covered spaces	_____	_____
Number of uncovered spaces	_____	_____
Number of standard spaces	_____	_____
Number of handicapped spaces	_____	_____
Existing Number of Spaces	_____	
Proposed Additional Spaces	_____	
Total	_____	

8. Is any road construction or grading planned? Yes No If yes, grading and drainage plans may be required. Also, describe the terrain to be traversed (e.g., steep, moderate slope, flat, etc.).

9. For grading or road construction, complete the following:

A.	Amount of cut	<u>50</u>	cubic yards
B.	Amount of fill	_____	cubic yards
C.	Maximum height of fill slope	_____	feet
D.	Maximum height of cut slope	_____	feet
E.	Amount of import or export	_____	cubic yards
F.	Location of borrow or disposal site	_____	

10. Does the project involve sand removal, mining or gravel extraction? Yes No
 If yes, detailed extraction, reclamation and monitoring plans may be required?

11. Will the proposed development convert land currently or previously used for agriculture to another use?
 Yes No

If yes, how many acres will be converted? _____ acres. An agricultural economic feasibility study may be required.

12. Will the development provide public or private recreational opportunities? Yes No
 If yes, explain below:

<p>13. Is the proposed development visible from State Highway 1 or other scenic route? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>14. Is the proposed development visible from a park, beach or other recreational area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
---	--

15. Does the development involve diking, filling, dredging or placing structures in open coastal water, wetlands, estuaries or lakes?

Diking: Yes No
 Filling: Yes No
 Dredging: Yes No

Placement of structures in:

open coastal waters
 wetlands
 estuaries
 lakes

If so, amount of material to be dredged or filled? _____ cubic yards.

Location of dredged material disposal site? _____

Has a U.S. Army Corps of Engineers permit been applied for? Yes No

16. Will there be any exterior lighting? Yes No If yes, describe below and identify the location of all exterior lighting on the plot plan and building plans.

17. Utilities will be supplied to the site as follows:

A. Electricity:

- Utility Company (service exists to the parcel)
- Utility Company (requires extension of service to site: _____ feet _____ miles)
- On Site Generation - Specify: _____

B. Gas:

- Utility Company/Tank
- On Site Generation - Specify: _____
- None

C. Telephone: Yes No

18. What will be the method of sewage disposal?

- Community sewage system - Specify supplier _____
- Septic Tank
- Other - Specify: _____

19. What will be the domestic water source:

- Community water system - Specify supplier _____
- Well
- Spring
- Other - Specify: _____

20. Are there any associated projects and/or adjacent properties under your ownership?

Yes No If yes, explain (e.g., Assessor's Parcel Number, address, etc.):

21. List and describe any other related permits and other public approval required for this project, including those required by other County departments, city, regional, state and federal agencies:

THE SITE

22. Describe the location of the site in terms of readily identifiable landmarks (e.g., mailboxes, mile posts, street intersections, etc.):

PER PLOT PLAN

23. Are there existing structures on the property? Yes No
If yes, describe below, and identify the use of each structure on the plot plan or tentative map if the proposal is for a subdivision.

MY HOME

24. Will any existing structures be demolished? Yes No
Will any existing structures be removed? Yes No

If yes to either question, describe the type of development to be demolished or removed, including the relocation site, if applicable?

25. Project Height. Maximum height of existing structures 14 feet. Maximum height of proposed structures _____ feet.

26. Gross floor area of existing structures _____ square feet (including covered parking and accessory buildings). Gross floor area of proposed structures 730 square feet (including covered parking and accessory buildings).

27. Lot area (within property lines): _____ square feet acres.

28. Briefly describe the project site as it exists before the project, including information on existing structures and their uses, slopes, soil stability, plants and animals, and any cultural, historical or scenic aspects. Attach any photographs of the site that you feel would be helpful.

EXISTING TANK HOUST
 EXISTING FOND
 NO PLANTS INVOLVED

29. Briefly describe the surrounding properties, including information on plants, animals and any cultural, historic or scenic aspects. Indicate the type of land use (use chart below) and its general intensity. Attach any photographs of the vicinity that you feel would be helpful.

WATER TANK NEXT LOT
 20'

30. Indicate the surrounding land uses:

	North	East	South	West
Vacant	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Residential				<input checked="" type="checkbox"/>
Agricultural				
Commercial				
Industrial				
Institutional				
Timberland				
Other				

FINDINGS FOR VARIANCES OUTSIDE THE COASTAL ZONE
MENDOCINO COUNTY CODE SECTION 20.200.020(A) THROUGH (E)

Please provide information to substantiate the required findings. All of the five findings must be substantiated by adequate and accurate information. Attach additional information if necessary.

- (A) That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding;

LOT 600 - 40x90
52' WIDE #1 TANK HOUSE

- (B) That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in the Division;

- (C) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property in question;

MOST HOUSES ARE LOCATED
LESS THAN 10' FROM PROPERTY
LINE DUE TO THE SHAPE OF SUBDIVISION

- (D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located;

AS A SEPARATE IMPROVEMENT

- (E) That the granting of such variance will not adversely affect the General Plan.

TRUE

**FINDINGS FOR VARIANCES WITHIN THE COASTAL ZONE
(EXCLUDING THE TOWN OF MENDOCINO
MENDOCINO COUNTY CODE SECTION 20.540.020(A) THROUGH (F)**

- (A) That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surroundings; and

TRUE

- (B) That such special circumstances or conditions are not due to any action of the applicant subsequent to the application of the zoning regulations contained in this Division and applicable policies of the Coastal Element; and

TRUE

- (C) That such variance is necessary for the preservation and enjoyment of privileges possessed by other property in the same vicinity and zone and denied to the property in question because of the special circumstances identified in Subsection (A); and

- (D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and

TRUE

- (E) That the variance does not authorize a use or activity that is not otherwise expressly authorized by the zoning provisions governing the parcel; and

TRUE

- (F) That the granting of such variance is in conformity with all other provisions of this Division and the Mendocino Coastal Element and applicable plans and policies of the Coastal Act.



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
120 WEST FIR STREET · FORT BRAGG · CALIFORNIA · 95437

IGNACIO GONZALEZ, DIRECTOR
Telephone 707-964-5379
FAX 707-961-2427
www.co.mendocino.ca.us/planning

1.5.12

FYI

Wendell Roscoe
1173 Elena Privada
Mt. View, CA 94040

Subject: Coastal Development Permit Application No.: CDPM 38-2008(2011)
Site Address: 5708 N. Hwy 1
Assessor's Parcel No.: 121-110-04

Dear Mr. Roscoe:

Your application for the proposed project located at the address above was filed by our office on November 22, 2011. We intended to process the request to rebuild with additions the 'tank house' as an immaterial amendment to your coastal development permit as the well and associated structure supports the main residence. However, during the permit process we have received an objection to the proposed project that has raised a substantial issue preventing the issuance of the Coastal Development Permit modification. The issue raised is proximity of tank house, and specifically the new additions, to the northern property boundary.

The subject parcel is zoned Rural Residential Five Acre Minimum. As the subject parcel is less than five acres (approximately one acre) the setbacks required are 20 feet each for any new structure. With your recent submittal of an enlarged site plan, it appears that the new addition would be approximately nine feet from the northern property boundary. The site plan submitted with the permit application was unclear which is why this issue was not identified sooner.

Your options would be to: 1) relocate the structure in order to comply with the required setback of twenty feet, 2) apply for a Variance to the yard setbacks, please be aware that the approval of a variance must be justifiable (please see application for required findings and necessary justifications), 3) Remove additions that encroach closer to the northern property boundary, so as to maintain the existing footprint of the tank house.

Should you have any questions, please feel free to contact this office.

Sincerely,

Abbey Stockwell
Planner I

37 of 46

Enclosure: Variance application and fee estimate



COUNTY OF MENDOCINO
 DEPARTMENT OF PLANNING AND BUILDING SERVICES
 120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

IGNACIO GONZALEZ, DIRECTOR
 Telephone 707-964-5379
 FAX 707-961-2427
 www.co.mendocino.ca.us/planning

RECEIVED
 DEC 14 2011
 CALIFORNIA
 COASTAL COMMISSION

December 12, 2011

Planning-Ukiah
 DOT
 Environmental Health

Building Inspection (FB)
 Assessor
 Dept of Fish & Game

Coastal Commission

***CASE#:** CDPM #38-2008(2011)
OWNER: Wendell Roscoe
REQUEST: After the fact request to demolish and rebuild 160 sq. ft pump house in existing footprint with 171 sq. ft storage addition.
APPEALABLE AREA: Yes
LOCATION: In the Coastal Zone, approx. 1 mile south of Little River, on a blufftop parcel located at 5708 N. Hwy 1 (APN: 121-110-04).
***PROJECT COORDINATOR:** Abbey Stockwell
RESPONSE DUE DATE: December 27, 2011

***PLEASE NOTE THE CASE NUMBER AND NAME OF PROJECT COORDINATOR WITH ALL CORRESPONDENCE TO THIS DEPARTMENT.**

Attached to this form is information describing the above noted project(s). The County Department of Planning and Building Services is soliciting your input, which will be used in staff analysis. If we do not receive a response within fifteen (15) days, we will assume no response is forthcoming.

You are invited to comment on any aspect of the proposed project(s). Please address any concerns or recommendations on environmental considerations and specific information regarding permits you may require to the project coordinator at the above address.

REVIEWED BY: Name _____ Department _____ Date _____

_____ No Comment _____ Comment to follow

_____ Comments attached or Below

COASTAL DEVELOPMENT PERMIT REVIEW SHEET

<input type="checkbox"/> STANDARD	<input type="checkbox"/> ADMINISTRATIVE	<input checked="" type="checkbox"/> MODIFICATION	CDPM # 38-2008(2011)
<input type="checkbox"/> USE PERMIT	<input type="checkbox"/> VARIANCE	<input type="checkbox"/> _____	DATE FILED: 11.22.11
APPEALABLE AREA: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO HSA & Blufftop			GOV'T CODE DATE:

OWNER/APPLICANT: Wendell Roscoe

REQUEST: After the fact request to demolish and rebuild 160 sq. ft pump house in existing footprint with 171 sq. ft storage addition.

LOCATION: In the Coastal Zone, approx. 1 mile south of Little River, on a blufftop parcel located at 5708 N. Hwy 1 (APN: 121-110-04).

STREET ADDRESS: 5708 N. Hwy 1

APN: 121-110-04

GENERAL PLAN: RR-5

ZONING: RR:L-5

PARCEL SIZE: ~1 ac

EXISTING USES: SFR

SUPERVISORIAL DISTRICT: 5

TOWNSHIP:

RANGE:

SECTION:

USGS QUAD#:

RELATED CASES: CDP 38-2008 - SFR addition

PERMITS ON HOLD PENDING CDP:

REFERRAL AGENCIES:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Planning (Ukiah) | <input checked="" type="checkbox"/> Coastal Commission | <input type="checkbox"/> Sewer District |
| <input checked="" type="checkbox"/> Environmental Health (FB) | <input type="checkbox"/> Caltrans | <input type="checkbox"/> Water District |
| <input checked="" type="checkbox"/> Building Inspection (FB) | <input type="checkbox"/> Northwest Information Center | <input type="checkbox"/> Fire District |
| <input checked="" type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Department of Fish & Game | <input type="checkbox"/> Community Svcs |
| <input type="checkbox"/> MHRB | <input type="checkbox"/> Department of Parks & Recreation | <input type="checkbox"/> City Planning |
| <input checked="" type="checkbox"/> Assessor | <input type="checkbox"/> RWQCB | <input type="checkbox"/> School District |
| <input type="checkbox"/> County Water Agency | <input type="checkbox"/> US Fish & Wildlife Service | |
| <input type="checkbox"/> Air Quality Management District | <input type="checkbox"/> Army Corps of Engineers | |
| <input type="checkbox"/> ALUC | <input type="checkbox"/> Trails Advisory Council | <input type="checkbox"/> Friends of Schooner Gulch |
| <input type="checkbox"/> Gualala Municipal Advisory Council | <input type="checkbox"/> Native Plant Society | <input type="checkbox"/> Point Arena City Hall |

ADDITIONAL INFORMATION:

ASSESSOR'S PARCEL #:

PROJECT COORDINATOR: Abbey Stockwell

PREPARED BY: AS

DATE: 12.9.11

ENVIRONMENTAL DATA
(To be completed by Planner)

ENVIRONMENTAL DATA		
Yes	No	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. CDP Exemption or CDP Exclusion.
<input type="checkbox"/>	<input type="checkbox"/>	2. LUP Map Number. 18
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Blufftop Parcel.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. Highly Scenic Area: West of Hwy 1.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Adjacent to State Forest/Park/Recreation Area.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Within/Adjacent to Agriculture Preserve or Timberland Production.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7. Within Mendocino Historic Preservation District: Zone A or B.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8. Alquist-Priolo Earthquake Fault Zone (Manchester to Gualala).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9. Floodplain/Floodway Map.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	10. Natural Diversity Data Base.
<input type="checkbox"/>	<input type="checkbox"/>	11. ESHA - Riparian, Wetland, Rare Plants, Sand Dunes, Pygmy Vegetation/Soils.
<input type="checkbox"/>	<input type="checkbox"/>	12. Building Envelopes/Buffer Zones.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13. Geotechnical Hazards: Coastal Bluff
<input type="checkbox"/>	<input type="checkbox"/>	14. Coastal Groundwater Study Zone: MWR
<input type="checkbox"/>	<input type="checkbox"/>	15. Fire Hazard Severity Classification: <input type="checkbox"/> LRA <input type="checkbox"/> SRA-CDF# Moderate, High, Very High

CEQA Status: _____

ADDITIONAL INFORMATION:

COUNTY OF MENDOCINO
DEPT OF PLANNING & BUILDING SERVICES
120 WEST FIR STREET
FORT BRAGG, CA 95437
Telephone: 707-964-5379

Case No(s) CDM 38-08(2011)
CDF No(s)
Date Filed
Fee \$
Receipt No.
Received by
Office Use Only

Amendment
COASTAL DEVELOPMENT PERMIT APPLICATION FORM

Name of Applicant <u>Wendell W. Roscoe</u>	Name of Owner(s) <u>SAME</u>	Name of Agent
Mailing Address <u>1173 ELENA PRIVADO MT View, CA 94040</u>	Mailing Address <u>SAME</u>	Mailing Address
Telephone Number <u>650-2109016</u>	Telephone Number	Telephone Number

I certify that the information submitted with this application is true and accurate.

Signature of Applicant/Agent

Date

Wendell W. Roscoe
Signature of Owner

11-18-11
Date

Driving Directions:

The site is located on the (N/S/E/W) side of Highway 1 (name road)

approximately (feet/miles) (N/S/E/W) of its intersection with

 (provide nearest major intersection).

Assessor's Parcel Number(s)

12111004

Parcel Size

Square Feet

Acres

Street Address of Project

5708 N Hwy 1
LITTLE RIVER CR

Please note: Before submittal, please verify correct street address with the Planning Division in Ukiah.

COASTAL DEVELOPMENT PERMIT APPLICATION QUESTIONNAIRE

The purpose of this questionnaire is to relate information concerning your application to the Planning & Building Services Department and other agencies who will be reviewing your project proposal. The more detail that is provided, the easier it will be to promptly process your application. Please answer all questions. Those questions which do not pertain to your project, please indicate "Not Applicable" or "N/A".

1. Describe your project and include secondary improvements such as wells, septic systems, grading, vegetation removal, roads, driveways, propane tanks, oil tanks, water storage tanks, solar panels, etc.

2. If the project is residential, please complete the following:

TYPE OF UNIT	NUMBER OF STRUCTURES/UNITS	EXISTING SQ. FEET PER STRUCTURE	PROPOSED SQ. FEET PER STRUCTURE	TOTAL SQ. FEET PER STRUCTURE
<input type="checkbox"/> Single Family	_____	_____	_____	_____
<input type="checkbox"/> Mobile Home	_____	_____	_____	_____
<input type="checkbox"/> Duplex/Multifamily	_____	_____	_____	_____
<input type="checkbox"/> Detached Structures	_____	_____	_____	_____
(List individually)	_____	_____	_____	_____
TANK HOUSE	_____	160	_____	331

3. Are there existing structures on the property? Yes No
If yes, describe below and identify the use of each structure on the site plan.

4. Utilities will be supplied to the site as follows:

- A. Electricity
- Utility Company (service exists to the parcel).
 - Utility Company (requires extension of services to site: _____ feet _____ miles)
 - On Site generation, Specify: _____
 - None
- B. Gas
- Utility Company/Tank
 - None
- C. Telephone: Yes No

5. Will there be any new exterior lighting? Yes No
 If yes, provide lighting details and specifications for all exterior lighting fixtures. Please ensure that all fixtures are downcast and shielded. Identify the location of all exterior lighting on the site plan and building plans.

6. What will be the method of sewage disposal?

Community sewage system, specify supplier _____

Septic Tank (indicate primary + replacement leachfields on plot plan) EXIST

Other, specify _____

7. What will be the domestic water source?

Community water system, specify supplier EXIST

Well On-site Off-site

Spring On-site Off-site

Other, specify _____

8. Is any grading including road/driveway construction planned? Yes No

Estimate the amount of grading (cut and fill quantities) in cubic yards: _____ c.y. Please indicate on the site plan the areas and quantities of grading. **If greater than 50 cubic yards or if greater than 2 feet of cut or 1 foot of fill will result, please provide a grading plan.**

Estimate the length of the proposed road/driveway: _____ feet.

Describe the terrain to be traversed (e.g., steep, moderate slope, flat, etc.).

9. Will vegetation be removed to accommodate the proposed project? Yes No

If yes, explain:

How many trees will be removed as a result of the project: _____. Indicate on the site plan all trees to be removed which are greater than 12-inches in diameter (measured four feet from the ground). If applicable, please indicate on the site plan the size, location and species of all on-site trees that provide screening from public view areas.

10. Will the proposed development be visible from:

A. State Highway 1? Yes No

B. Park, beach, or recreation area? Yes No

If you answered yes to either question, explain.

11. Project Height. Maximum height of structure(s): 15 feet

12. Describe all exterior materials and colors of all proposed structures.

Siding material	<u>T-111</u>	Color	<u>GREY</u>
Trim material	_____	Color	_____
Chimney material	_____	Color	_____
Roofing material	<u>METAL</u>	Color	<u>ANTI-CORRODED</u>
Window frame material	_____	Color	_____
Door material	_____	Color	_____
Fencing material	_____	Color	_____
Retaining walls material	_____	Color	_____
Other exterior materials	_____	Color	_____

13. Are there any water courses, anadromous fish streams, sand dunes, rookeries, marine mammal haul-out areas, wetlands, riparian areas, pygmy vegetation, threatened, rare or endangered plants/communities, animals or habitat which support rare and endangered species located on the project site or within 100 feet of the project site?

Yes No

If yes, please describe the resource and attach any biological/botanical reports:

14. If the project is commercial, industrial, or institutional, complete the following:

Total square footage of all structures: _____
Estimated employees per shift: _____
Estimated shifts per day: _____
Type of loading facilities proposed: _____

Will the proposed project be phased? Yes No

If Yes, explain your plans for phasing.

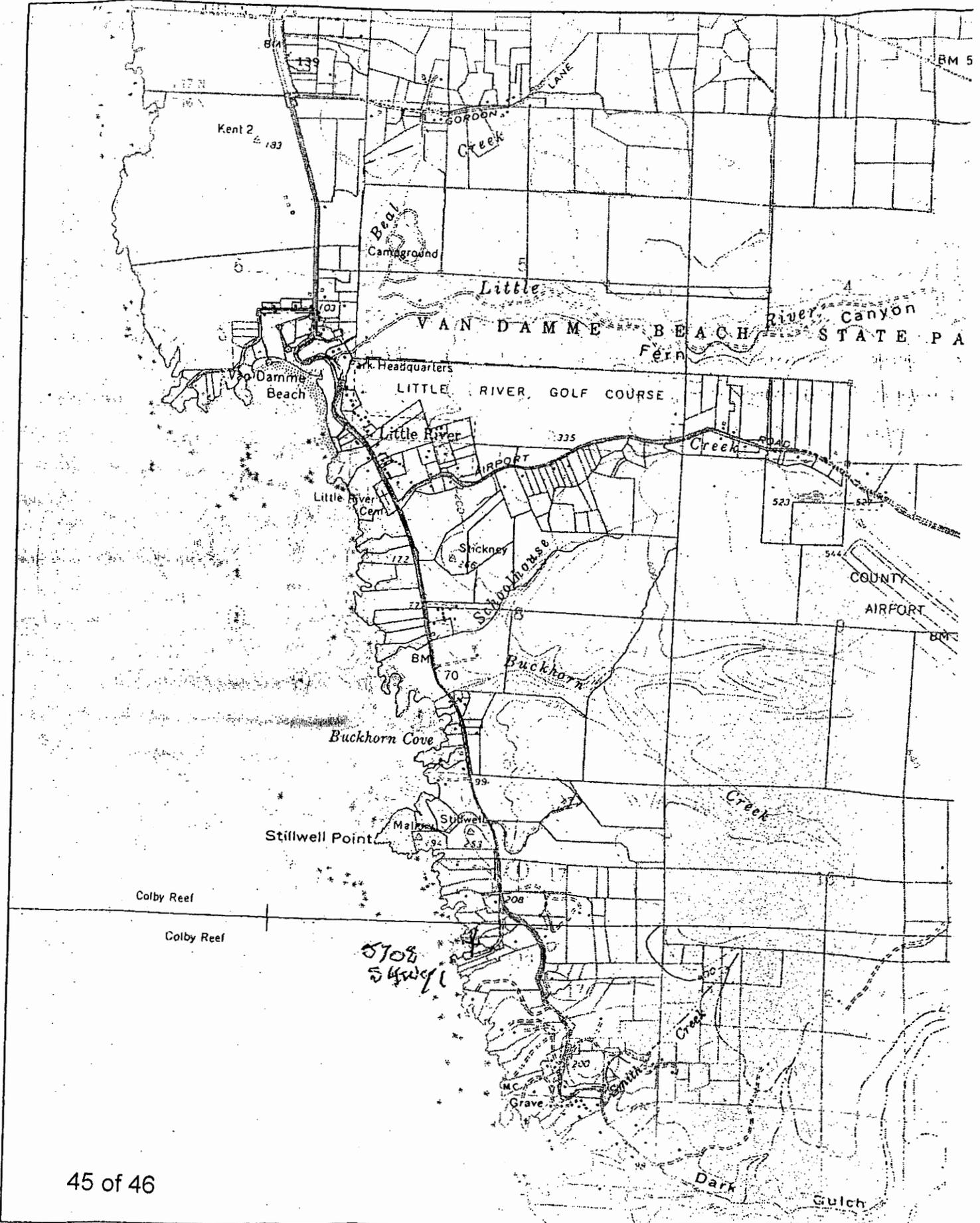
Parking will be provided as follows:

Number of Spaces Existing: _____ Proposed: _____ Total: _____

Number of standard spaces: _____ Size: _____

Number of handicapped spaces: _____ Size: _____

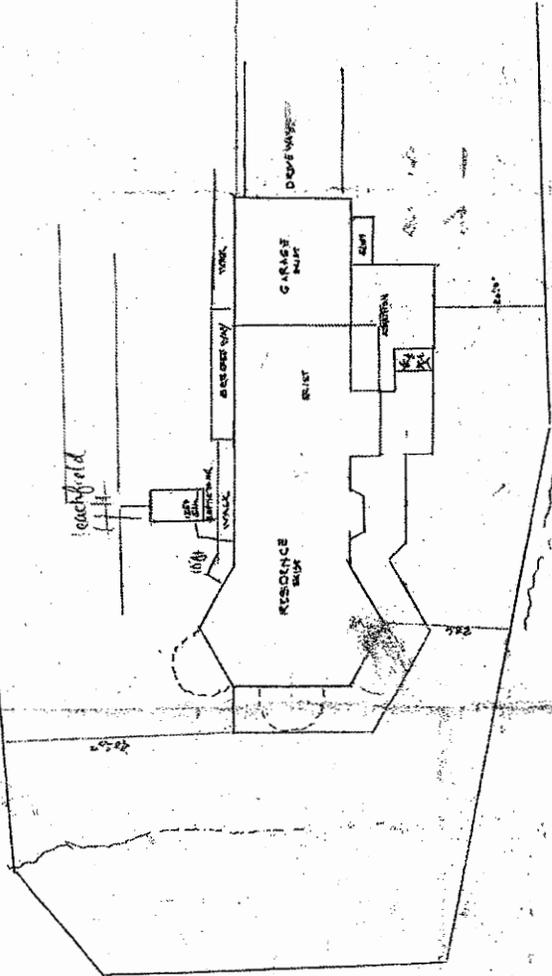
LOCATION MAP



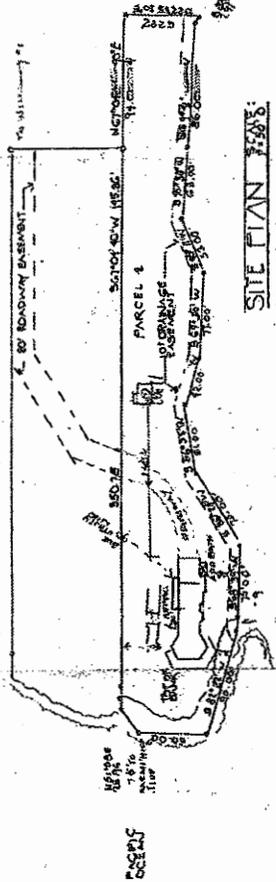
WENDALL W. ROSSCOE
 ARCHITECT - DESIGNER
 1175 STEVENSON AVE.
 SAN FRANCISCO, CALIF. 94115

A MANDOLINO BEACH HOME FOR
 MR. AND MRS. WENDALL W. ROSSCOE
 5782 S. MANDOLINO BLVD., MANDOLINO, CA.

DATE 11-1-75
 SHEET 1



PARTIAL SITE PLAN
 SCALE: 1/4" = 1'-0"



SITE PLAN 7505
 2500 SOUTH COUNTY CALIF.

INLAND MENDOCINO COUNTY LAND TRUST, INC.

Phyllis Curtis, President

P.O. Box 205
Ukiah, CA 95482
(707)462-4924

5/29/12

RECEIVED

MAY 31 2012

CALIFORNIA
COASTAL COMMISSION

EXHIBIT NO. 7
APPLICATION NO.
A-1-MEN-12-018
ROSCOE
CORRESPONDENCE (1 of 7)

Bob Merrill
Coastal Commission

I am writing to you as a private land-owner, not under the auspices of the Land Trust - I just wanted you to know I am a strong environmental activist.

Enclosed are copies of the two problems I am dealing with

We built a very small A frame on the bluff as we wanted to minimize our foot print.

Historically there has been public access to the ocean & we have been happy to allow people to use our bluff to fish & skin dive.

Mr. Roscoe dammed up a beautiful stream to put in a pond so he is unable to put his addition on his land because the

pond is there! Thank you

Signature on File



April 12, 2012

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

The Mendocino County Coastal Permit Administrator, at a regular meeting to be held Thursday, April 26, 2012, in the Veteran's Memorial Building, 360 North Harrison Street, Fort Bragg, at 10:00 a.m. or as soon thereafter as the item may be heard, will hear the below described project that is located in the Coastal Zone.

CASE #: CDPM #38-2008(2011)/CDV #1-2012
DATE FILED: Modification filed 11/22/11; Variance filed 3/1/12
OWNER: Wendell W. & Nancy Roscoe
REQUEST: After the fact request to demolish and rebuild 160 sq. ft pump house in existing footprint with 171 sq. ft storage addition. Variance of the front yard setback is requested to reduce the setback from 20 feet to nine feet from the property line.
LOCATION: In the Coastal Zone, 1± mile south of Little River on a blufftop parcel at 5708 N Highway One (APN: 121-110-04).
PROJECT COORDINATOR: Abbey Stockwell

As you are an adjacent property owner and/or interested party, you are invited to appear at the hearing, or to direct written comments to this office at the above address. If you would like to be notified of the Coastal Permit Administrator's action, please submit a written request to this office. All correspondence should contain reference to the above noted case number.

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

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

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

Roger Mobley, Coastal Permit Administrator

*The bldg. was red tagged due to no
 This request was denied by the planning dept. since
 the entrance went through my property line & the
 existing pump house footprint was + is 12' from
 my property line + should be 20'.
 He has submitted a new plan which would give*

Permit

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34 ~~A. Harrison~~
10 AM

him the added square footage but is still 12' from my property line.

I would hope you will deny this for 2 reasons - the foot print is illegal &

Secondly we have had a beetle infestation which has killed most all of our Bishop Pine & the bldg. is going to stand out like a sore thumb.

He is putting on a new roof & allowed a huge truck to park within 2' of my AFrame for weeks - leaving a cement-like finish to the ground - I can't loosen it with a shovel.

I pd. \$850 to have my property re surveyed to be certain of my property boundaries.

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Mendocino County Health & Human Services Agency

Healthy People, Healthy Communities

Stacey Cryer, Director

Community Health Services

Sharon Hunt, Acting Branch Director

Division of Environmental Health

Ukiah Office: 860 N Bush St, Ukiah CA 95482 Phone: 707-463-4466
Fort Bragg Office: 120 W Fir St, Fort Bragg CA 95437 Phone: 707-961-2714



DATE: April 9, 2012

Phyllis Curtis
3003 Deerwood Dr
Ukiah, CA 95482

SUBJECT: 5708 N Hwy 1, Little River

Dear Phyllis:

The Environmental Health Division has received your report alleging violations of health laws at the above referenced address.

The Environmental Health Division strives to conduct investigations in a timely manner and an inspector may be contacting you for additional information.

Thank you for bringing this public health concern to our attention. Your interest in maintaining a healthy environment is appreciated.

Sincerely,

Signature on File

Ginger Black SAIII
Division of Environmental Health

Mr Roscoe has installed a new septic tank - no permit
+ 3 of his leach lines are illegal. An individual from
the above agency was told by him to get off his
property - they are in the process of getting permission
from his wife

047 He is adding a new bathroom to his home - I don't
know if he has a permit.

Administrative Services 747 S. State St. Ukiah, CA 95482 Ph. 707-472-2333 Fax 707-472-2335	Adult & Aging Services 747 S. State St. Ukiah, CA 95482 Ph. 707-463-7900 Fax 707-463-7979	Children & Family Services 727 S. State St. Ukiah, CA 95482 Ph. 707-463-7990 Fax 707-463-7960	Behavioral Health & Recovery Services 1120 S. Dora St. Ukiah, CA 95482 Ph. 707-472-2300	Public Health Services 1120 S. Dora St. Ukiah, CA 95482 Ph. 707-472-2700 Fax 707-472-2773	Employment & Family Assistance Services 737 S. State St. Ukiah, CA 95482 Ph. 707-463-7700
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5/29/12

It is my understanding I need
permission from your dept. to remove

9 totally dead Bishop Pine trees.

They are a fire hazard so I am
anxious to remove them.

5 of 7

Gedik, Tamara@Coastal

From: Abbey Stockwell [stockwea@co.mendocino.ca.us]
Sent: Thursday, June 14, 2012 8:41 AM
To: Gedik, Tamara@Coastal
Subject: couple Q's re:CDPM#38-2008(2011)/ CDV#1-2012 (Roscoe)

Does it really "does have the potential"!? Well that is an embarrassing typo, I was trying to say that it "does not have the potential".

I will check with Ann on the local record.

>>> "Gedik, Tamara@Coastal" <Tamara.Gedik@coastal.ca.gov> 6/13/2012 5:46 PM >>>
Hi Abbey;

As you know, the subject project approved by the County was appealed to the Coastal Commission. Has the local record been sent to us for this project? Perhaps it's already in transit but we haven't received it yet so I just thought I'd check with you.

Also, I understand that a copy of the appeal was submitted to your office by the appellants. Item 3 of the appeal states that "One of the rationales claimed for the variance is that the owners created a pond which occupies space which would otherwise be available on their nonconforming parcel for the requested development; the staff report itself states 'The proposed project...does have the potential to negatively impact the long term maintenance of the habitat created by the pond.'" (emphasis added)

I believe this quotation is coming from your staff report page CPA-2 under "Natural Resources," where it states the following:

The pump house's existing footprint is adjacent to an existing pond which is fed by Frenchman's Creek. The pond was developed by the landowner several decades ago. The area surrounding the pond is a landscaped and manicured lawn and driveway. The proposed addition would not encroach any closer to the pond; the proposed addition on the north side is adjacent to the driveway and within a graveled area. The proposed addition on the east side is within the manicured lawn. The proposed project will not impact any natural resources and does have the potential to negatively impact the long term maintenance of the habitat created by the pond. (emphasis added)

The underlined portion of the staff report seems contradictory; could you please clarify this since I believe this is the statement that is referenced in the appeal?

Thanks for your help, Abbey.
~Tamara L. Gedik
Coastal Program Analyst
California Coastal Commission
710 E Street, Suite 200
Eureka, CA 95501
(707)445-7833
Tamara.Gedik@coastal.ca.gov

~To purchase a whale tail license plate or access Coastal Commission information, go to www.coastal.ca.gov

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6/20/2012

WILLIAM S. HUFF AND LAURA J. VOGELGESANG
P.O. Box 374
LITTLE RIVER, CALIFORNIA 95456

June 13, 2012

Tamara Gedik, Coastal Program Analyst
California Coastal Commission
North Coast District Office
710 E Street, Suite 200
Eureka, CA 95501

Re: Commission Appeal No. A-1-MEN-12-018

Dear Ms. Gedik,

We see that we did not fill in our telephone number on the appeal form, which we completed in haste, and we apologize.

Our telephone number is (707) 937-2747.

Thank you for your attention

Sincerely

Signature on File

William S. Huff



Signature on File

Laura J. Vogelgesang

RECEIVED

JUN 18 2012

CALIFORNIA
COASTAL COMMISSION

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