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49 th Day:	December 9, 2002
Staff:	Randall Stemler
Staff Report:	November 22, 2002
Hearing Date:	December 13, 2002
Commission Action:	

STAFF REPORT: APPEAL**SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT:	County of Mendocino
DECISION:	Approval with Conditions
APPEAL NO.:	A-1-MEN-02-149
APPLICANT:	Ann Woodhead & Toby Hickman
AGENT:	Ed McKinley
PROJECT LOCATION:	37033 Omega Drive, Westport, Mendocino County (APN 013-280-10).
PROJECT DESCRIPTION:	Demolish an existing 16-foot-tall residence and detached garage. Construct a new 25 ½-foot-high, 2,838-square-foot single-family residence with attached garage.
APPELLANT:	Charles C. Wright
SUBSTANTIVE FILE: DOCUMENTS	1) Mendocino County CDP No. 31-02; and 2) Mendocino County Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that NO SUBSTANTIAL ISSUE exists with respect to the grounds on which the appeal has been filed. An appeal has been filed by Charles C. Wright alleging that the County's approval of the development is inconsistent with provisions of Mendocino County's certified LCP protecting the visual character of the community of Westport. Specifically, the appellant alleges that the project as approved would (1) not be consistent in scope and character with the rural atmosphere and visual quality of the rural village of Westport, (2) not be consistent with provisions of Westport Beach Subdivision, (3) have adverse effects on historic structures in Westport, and (4) be inconsistent with provisions regulating yards and setbacks that prohibit use of a neighboring yard's open space to meet setback requirements of the applicant's proposed development.

The project site is located within the rural village of Westport, about 15 ½ miles north of Fort Bragg, Mendocino County. The property is west of Highway One, but is not a coastal blufftop parcel, and is not in an area designated as highly scenic. The site is located on the east side of the north/south section of Omega Drive, the first public road inland from the sea. The 6,000-square-foot property is situated on a 60' by 100' parcel and surrounded by other densely-spaced existing single-family residences, the majority of which are two-story structures.

The development, as approved by the County, would involve demolition of an existing 16-foot tall residence and detached garage and out building, and construction of a new 25 ½-foot high, 2,838-square-foot, two-story, single-family residence with attached garage.

Staff has determined that the contentions do not raise a substantial issue of conformance with the certified LCP policies protecting the visual character of Westport. The LCP states that the scope and character of the Rural Village of Westport has more to do with its spectacular setting, compact form, and lack of sprawl than with individual buildings. Westport supports a diversity of residential structures that vary widely in size, shape, height, and bulk. The applicant's approved structure is comparable to other buildings in the community. The subject property is not located in Westport Beach Subdivision. Therefore the appellants contention that the development as approved does not conform with LCP policies affecting the Westport Beach Subdivision do not raise a substantial issue. The appellant gave no reasons why he believes the approved development would adversely affect historic structures, and there are no indications that the approved development would have any adverse effect on the one historic structure identified in the immediate neighborhood of the approved development. Finally, the County's adopted findings for approval indicate that the County did not rely on use of open space of another building as a basis for approving continuance of the legal but non-conforming side yard setback for the approved structure.

For all of the above reasons, staff recommends the Commission find that the appeal raises no substantial issue of consistency with the certified LCP.

The Motion to adopt the Staff Recommendation of Substantial Issue is found on Page 4.

STAFF NOTES:

1. Appeal Process

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 three hundred 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 one hundred feet of any wetland or stream, or within three hundred 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 because the proposed house is located (1) within 300 feet of the mean high tide line; (2) within 300 feet of the top of the seaward face of a coastal bluff; and (3) within a sensitive coastal resource area. Section 20.308.110(6) of the Mendocino County Zoning Code and Section 30116 of the Coastal Act define sensitive coastal resource areas as "*those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity,*" including, among other categories, "*Special communities or neighborhoods which are significant visitor destination areas.*" The approved development is located within the rural village of Westport, which is an area designated in the LCP as a "*special neighborhood*" and, as such, is appealable to the Commission.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the Commission decides to 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. It takes a majority of Commissioners present to find that no substantial issue is raised. Unless it is determined that there is no substantial issue, the Commission would continue with a full public hearing on the merits of the project, which may occur at a subsequent meeting. If the Commission were to conduct a de novo hearing on the appeal, (because the proposed development is not between the first road and the sea), the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program.

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.

2. Filing of Appeal

An appeal was filed by Charles C. Wright (Exhibit 6). The appeal was filed with the Commission in a timely manner on October 21, 2002 within 10 working days of receipt of the County's Notice of Final Action (Exhibit 5) by the Commission on October 11, 2002. On November 6, 2002 the appellant submitted a letter to supplement contentions raised in his appeal after close of the appeal period. At that time he also raised new contentions not previously covered in the original appeal. Because the appeal period closed on October 28, 2002, these new contentions were not raised during the appeal period, and therefore are not valid grounds for appeal.

I. STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:

Pursuant to Section 30603(b) of the Coastal Act and as discussed below, the staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. The proper motion is:

MOTION:

I move that the Commission determine that Appeal No. A-1-MEN-02-149 raises NO substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

Staff Recommendation of No Substantial Issue :

Staff recommends a YES vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application *de novo* and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution to Find Substantial Issue:

The Commission finds that Appeal No. A-1-MEN-02-149 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.

I. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. APPELLANT'S CONTENTIONS:

The Commission received one appeal from Charles C. Wright of the County of Mendocino's decision to approve the development.

The project as approved by the County consists of demolition of an existing 16-foot-tall residence, detached garage, and out building, and construction of a new 2,838-square-foot single-family residence with attached garage. The maximum height of the structure would be 25 ½-feet as measured from finished grade. Westport Water District would provide water and sewer services. The project site is located along the Mendocino County coastline, in the rural village of Westport, on the east side of the road at 37033 Omega Drive (APN 013-280-10).

The appeal raises four (4) contentions involving alleged inconsistencies with the County's LCP policies and standards related to (1) the scope and character for the rural village of Westport, (2) Westport Beach Subdivision, (3) adverse effects on historic structures in Westport, and (4) yards and setbacks that prohibit use of a neighboring yard's open space to meet setback requirements of the applicant's proposed development.

The appellants' contentions are summarized below, and the full text of the contentions is included in the appeal as Exhibit No. 6.

1. Scope and Character for Rural Village of Westport

The appellant contends that the project as approved, is inconsistent with the provisions of several Mendocino County Local Coastal Program (LCP) policies and standards concerning the protection of the visual character of Westport, including Land Use Policy (LUP) 2.2, LUP Policy 3.5-2, LUP Policy 4.2-4, and Mendocino County Coastal Zoning Code (CZC) Sections 20.504.005 and 20.504.10. The appellant asserts that the approved development is out of character with the visual quality of Westport because the approved house is larger, taller, and bulkier than other buildings in the community, and is of a boxy design that is inconsistent with the architectural style of the community. The appellant maintains that if constructed as approved, the structure would be visually incompatible with the other modest homes in Westport, and would set a precedent for future development that would be out of character with the rural atmosphere and visual quality of the Rural Village of Westport.

2. Westport Beach Subdivision

The appellant contends that the approved development is inconsistent with LUP Policy 4.2-1, which regulates the Coastal Element Policy, and requires new development within the Westport Beach Subdivision to apply the highly scenic area policies of LUP Policy 3.5-3 and 3.5-4. The appellant

simply cites the policy without stating why the approved project would be out of compliance with LUP Policy 4.2-1.

3. Adverse Effects on Historic Structures

The appellant contends there is an inconsistency of the County approval with CZC Section 20.504.020(C)(3) requiring that no adverse effect from the proposed project occur to nearby historic structures. However, the appellant provides no specific reasons why the approved development would adversely affect nearby historic structures.

4. Yards and Setbacks—Use of Open Space of Another Building

The appellant contends there is an inconsistency of the County approval with CZC Section 20.444.015 of the Coastal Zoning Code dealing with yards and setbacks requiring that no yard or open space provided for one building be used as yard or open space for a neighboring building. The appellant contends that the County relied on the adjoining side yard of the neighbor to the north of the subject property to approve building the proposed residence with a non-conforming 3-foot side yard setback.

B. LOCAL GOVERNMENT ACTION:

On September 26, 2002, the Mendocino County Coastal Permit Administrator approved with conditions a Coastal Development Permit for the subject development.

The County attached to its coastal development permit two special conditions (see pages 9 of 11, and 10 of 11 contained in Exhibit 5). The first special condition requires the applicant prior to issuance of the coastal development permit to submit an exterior lighting plan complete with design details for all exterior lighting fixtures. The second special condition requires the applicant prior to construction of the residence, to obtain an encroachment permit from the Mendocino County Department of Transportation for a driveway approach onto Omega Drive.

The decision of the Coastal Permit Administrator was not appealed at the local level to the Board of Supervisors. The County then issued a Notice of Final Action, which was received by Commission staff on October 11, 2002, (Exhibit 5). The project was appealed to the Coastal Commission in a timely manner on October 21, 2002, within 10 working days after receipt by the Commission of the Notice of Final Action. The local action by the Planning Commission need not be appealed to the Board of Supervisors before it is appealed directly to the Commission because the County charges a fee for local appeals.

C. PROJECT AND SITE DESCRIPTION:

The project site is located within the rural village of Westport, about 15 ½ miles north of Fort Bragg, Mendocino County. The property is west of Highway One, but is not a coastal blufftop parcel. The site is located on the east side of the north/south section of Omega Drive, the first public road inland from the sea. (Exhibits 1, 2 and 3). The 6,000-square-foot property is situated on

a 60' by 100' parcel and surrounded by other densely-spaced existing single-family residences, the majority of which are two-story structures (Exhibits 3, 10 and 11). No environmentally sensitive habitat is known to exist on the property. Fifty to fifty-five-foot tall cypress and *Eucalyptus* trees are growing across the street from the applicant's property on the west side of Omega Drive.

Approval has been granted by the County for the proposed development, which would consist of demolition of an existing 16-foot-high house, out-building, and detached garage on the property, and replacement with a new 2,838-square-foot, 25 ½-foot-tall, two-story, single-family residence with an attached garage.

D. SUBSTANTIAL ISSUE ANALYSIS:

Section 30603(b)(1) of the Coastal Act states:

"The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division."

1. Appellant's Contentions that are Valid Grounds for Appeal

All of the contentions raised in the appeal filed during the appeal period present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP or with the public access policies of the Coastal Act. These contentions allege that the approval of the project by the County raises substantial issues related to LCP provisions regarding (1) the scope and character for the rural village of Westport, (2) Westport Beach Subdivision, (3) adverse effects on historic structures in Westport, and (4) prohibitions on use of a neighboring yard's open space to meet side yard setback requirements of the applicant's proposed development.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (California Code of Regulations, Title 14, Section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;

2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that with respect to the appellant's allegations related to: (1) the scope and character for the rural village of Westport, (2) Westport Beach Subdivision, (3) adverse effects on historic structures in Westport, and (4) prohibitions on use of a neighboring yard's open space to meet setback requirements of the applicant's proposed development, no substantial issue exists with regard to the approved project's conformance with the certified Mendocino County LCP.

Allegations Raising No Substantial Issue:

a. Scope and Character for Rural Village of Westport

The appellant contests the County approval of the project on the grounds that the approval of the project is inconsistent with Mendocino County's LCP policies and standards designed to protect the scope and character of the specially designated rural neighborhood of the community of Westport.

LCP Policies:

LUP Policy 2.2 - Description Of Land Use Plan Map Designations – in applicable part states:

RURAL VILLAGE - COASTAL

Map Code: RV

Intent: To preserve and maintain the character of the rural atmosphere and visual quality of the following villages: Westport, Cleone, Caspar, Little River, Albion, Elk and Manchester; and to provide a variety of community- oriented neighborhood commercial services; and to provide and allow for mixed residential and commercial activities.

Principal Permitted Use: One dwelling unit per existing parcel and associated utilities and light agriculture.

Conditional Uses: Cottage industry, neighborhood commercial, visitor accommodations, public and semi-public facilities and utilities, increased intensity of existing use,

laundromat, electrical transmission and distribution lines (see Policy 3.11-9), natural gas pipeline (see Policy 3.11-5).

Minimum Parcel Size:

Within water and sewer service areas: 6,000 square feet

Within water or sewer service areas: 12,000 square feet

Not in a water or sewer service area: 40,000 square feet

Maximum Dwelling Density:

Within water and sewer service areas

1 single family dwelling per 6,000 square feet

Within water or sewer service areas

1 single family dwelling per 12,000 square feet

Not in a water or sewer service area

1 single family dwelling per 40,000 square feet

LUP Policy 3.5-2 states:

The Town of Mendocino is designated as a "special community." Development in the Mendocino Town shall maintain and enhance community character, as defined in the Mendocino Town Plan.

Other communities and service centers along the Mendocino Coast including Westport, Caspar, Little River, Albion, Elk and Manchester shall have special protection to the extent that new development shall remain within the scope and character of existing development by meeting the standards of implementing ordinances.

LUP Policy 4.2-4 states:

Future development of Westport as a Rural Village shall require that new development be compatible with existing development relative to scope and character.

Coastal Zoning Code Section 20.504.005 – Applicability- states:

This section shall apply to those areas identified as highly scenic areas, special communities and special treatment areas as defined by the Mendocino Coastal Element and identified on the Coastal Land Use Maps. All development proposals shall be reviewed by the Coastal Zone Permit Administrator to determine if the standards set forth in this section shall apply. Application of standards in this Chapter shall not preclude the development of a legally established parcel.

Coastal Zoning Code Section 20.504.010 – Purpose – states:

The purpose of this section is to insure that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas.

Coastal Zoning Code Section 20.504.020 in applicable part states:

(B) The communities and service centers, designated as CRV or CFV, of Westport, Caspar, Albion, Elk and Manchester, and the additional areas of Little River, Anchor Bay and Gualala, as described below, shall have special protection as set forth in Section 20.504.020(C):

(C) Development Criteria.

(1) The scale of new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood.

(2) New development shall be sited such that public coastal views are protected.

...

(4) Building materials and exterior colors shall be compatible with those of existing structures.

Discussion:

The appellant contends that the project as approved by the County raises a substantial issue of conformance with several provisions of the certified LCP regarding protecting the scope and character of the rural village of Westport. LUP Policy 2.2 states an intent to preserve and maintain the character of the rural atmosphere and visual quality of Westport. LUP Policy 3.5-2 states that Westport shall have special protection to the extent that new development remains within the scope and character of existing development. LUP Policy 4.2-4 requires future development of the rural village of Westport to be compatible with existing development relative to the scope and character. CZC Section 20.504.010 ensures that development be sited and designed to protect views to and along the ocean and scenic coastal areas, and to be visually compatible with the character of surrounding areas. CZC Section 20.504.020(B) designates Westport as a neighborhood entitled to receive special protection as set forth in CZC Section 20.504.020(C) requiring the scale of new development (building height and bulk) to be within the scope and character of existing development in the surrounding neighborhood. Also, under these provisions new development must be sited to protect public coastal views; and building materials and exterior colors shall be compatible with those of existing structures.

The appellant believes that the project as approved by the County is not consistent with the above provisions of the certified LCP because the project would be out of character with the visual quality

of Westport. The appellant maintains that the approved house would be larger, taller, and bulkier than other buildings in the community, and that the boxy design would be inconsistent with the architectural style of the community. Further, the appellant contends that if constructed as approved, the approved structure would be visually incompatible with the other modest homes in town, thereby setting a precedent for future development that would be out of character with the rural atmosphere and visual quality of the Rural Village of Westport.

Defining the "character" of an area can become rather subjective when deciding if a particular structure is consistent or not. Some elements to consider include the location of the proposed structure, and the distance from where it is being viewed. The siting of the structure, visible rooflines, materials proposed for use, height and size should all be evaluated. Of primary concern should be the plan orientation and topography of the surrounding area that takes into consideration natural vegetative cover and sight lines of the proposed development. Section 4.2 of the Mendocino County certified Coastal Element contains a description of Westport referring to its cluster of buildings "huddled against the elements," and the "clearly defined town edges almost unknown in California" as primary expressions of the town's character. The discussion goes on to state: "Westport's spectacular setting and its compact form contribute more to its character than does the architecture of individual buildings."

The appellant maintains that the scale of the approved development (building height and bulk) is not within the scope and character of the Rural Village of Westport. He contends that if constructed as approved by the County, this structure would be the largest residence on a lot of this size in the town, and would therefore set a precedent for future development. Some information is available in the local record about the size and height of various buildings in Westport. The appellant's residence, for instance is 35 feet high at the tallest point, and occupies approximately 2,806-square-feet, including the garage, with an additional 466-square-feet of porch. The applicant's proposed residence located on the same side of Omega Drive, and two parcels to the south, would be 25 1/2 feet-high at the tallest point, and would occupy approximately 2,838-square-feet, including the garage. A residence located at 38970 N. Highway One, three parcels to the south of the applicant's property, is 27-feet-tall, and occupies 1,780-square-feet including the garage, with an additional 284-square-foot deck. While it is true that the applicant's approved house would occupy more square-footage than the other examples offered here, there are residences in Westport that appear even larger in size (Exhibit 10 and 11). In terms of structural height, even within a few houses north and south of the applicant's property, structures exist that are taller than the proposed structure would be. Other homes in Westport are located close to their property lines presenting a "bulky" appearance. The applicant's approved house (as depicted in a 3-D rendering included as Exhibit 9) does not present an appearance that would raise a substantial issue of consistency in terms of height or bulk with other structures in the immediate neighborhood or within the larger Westport community.

As noted above, Section 4.2 of the Mendocino County certified Coastal Element states: "Westport's spectacular setting and its compact form contribute more to its character than does the architecture of individual buildings." There is no particular style of architecture that characterizes Westport. The town exhibits a very diverse variety of building types, styles, architecture, and materials. The existing structures range from quite modest historic one-bedroom cabins, to a coastal development

permit-approved Victorian-style, multi-level residence with a 35-foot-tall tower (the appellant's residence). The variety itself contributes to the character of the community. Thus, there is no basis for attributing Westport's character to one particular architectural style or design. Therefore, the contention that the approved house would not conform to the architectural style of the town of Westport does not raise a substantial issue.

There is a high degree of factual and legal support for the local government's decision that the development is consistent with the range of sizes and heights and bulky structures found within Westport. The local record includes data from the County Assessor's roles indicating the size of various homes in the community, including those in the immediate neighborhood of the approved development, which indicates that the approved house is not out of scale with other existing houses in the community. Furthermore, as the certified LCP indicates that the character of Westport is more dependent on its spectacular setting and compact form, more than the architecture of individual buildings, the contentions about the architecture of the approved house being out of visual character of Westport raise local issues rather than issues of regional or statewide significance. Therefore, the Commission finds that the County's approval does not raise a substantial issue of conformance with the visual resource provisions of the LCP pertaining to the protection of the visual character of Westport, including LUP policies 2.2, 3.5-2, 4.2-4, and CZC Sections 20.504.010 and 20.510.020.

b. Westport Beach Subdivision

The appellant contends that the project as approved by the County is inconsistent with LUP Policy 4.2-1, which requires that highly scenic area policies of LUP Policy 3.5-3 and 3.5-4 are applicable for new development within the Westport Beach Subdivision.

LCP Policy:

Policy 4.2 includes an introductory section describing the Westport Beach Subdivision located between the town of Rockport and Little Valley Road.

Westport Beach Subdivision

The Westport Beach Subdivision Map (dated 1971) shows that this subdivision lies east of Highway 1 with the exception of one parcel and that 33 of its 80 20-acre residential parcels are located wholly within the coastal zone. A study prepared by the California Coastal Commission staff in 1978 concluded that 20 parcels are bisected by the zone and that of those twenty only three parcels has the primary building site within the coastal zone, thus at full buildout 37 homes will be constructed on roughly 700 acres (some parcels are larger than 20 acres) within the coastal zone.

LUP Policy 4.2-1 - Coastal Element Policy: Westport Beach Subdivision – states:

All of the existing parcels of the Westport Beach Subdivision which are located wholly or partly within the coastal zone shall be recognized as legal subdivision lots.

That portion of the subdivision which is located within the coastal zone shall be designated on the land use maps as Remote Residential, with a minimum parcel size of 20 acres (RMR-20), corresponding to the average size of the existing parcels.

One housing unit shall be allowed as a principal use on each existing parcel, except as designated visitor service facility on the Land Use Maps, provided that prior to the issuance of a coastal development permit for any new development, all of the applicable standards and policies of this plan shall be met. Site development review shall be a requirement for new development within the Westport Beach Subdivision applying the standards or policies 3.5-3 and 3.5-4.

Discussion:

The applicant raises the contention that the approved project is inconsistent with LUP Policy 4.2-1 regulating new development within the Westport Beach Subdivision. LUP Policy 4.2-1 requires site development review for new development located within the Westport Beach Subdivision, and requires application of the highly scenic provisions of LUP Policies 3.5-3 and 3.5-4. Westport Beach Subdivision is a series of 80 approximately 20-acre parcels extending north of the rural town of Westport for several miles. Except for one parcel, all are located east of Highway One. The applicant's parcel is located in the rural village of Westport west of Highway One, and is not within the Westport Beach Subdivision. Therefore, the provisions of LUP Policy 4.2-1 do not apply. The subject property is not in an area designated as highly scenic on the County's certified Land Use Maps, and therefore the provisions of LUP Policies 3.5-3 and 3.5-4 also do not apply.

There is a high degree of factual and legal support for the local government's decision that the development is consistent with the certified LCP because the applicant's parcel is not located within the Westport Beach Subdivision, and is not subject to provisions of LUP Policies 4.2-1, 3.5-3, and 3.5-4 related to Westport Beach Subdivision. Therefore, the Commission finds that the County's approval of the proposed project does not raise a substantial issue of conformance with LCP Policies 4.2-1, 3.5-3, and 3.5-4.

c. Adverse Effects on Historic Structures

The appellant contends that the approved project as approved is inconsistent with CZC provisions requiring that proposed structures do not have adverse effects on nearby historic structures.

LCP Policy:

Coastal Zoning Code Section 20.504.20(C)(3) states:

The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture.

Discussion:

The appellant asserts that the County approval of the project is inconsistent with CZC Section 20.504.20(C)(3) which prohibits a proposed structure from having an adverse effect on nearby historic structures that would be greater than an alternative design with the same floor area. However, the appellant does not state how he believes the applicant's project would adversely affect historic structures.

An historic structure is located on a bluff-top parcel in the vicinity of the applicant's proposed development that meets the definition as contained in the above policy. Located at 37002 at the southwest corner of Omega Drive southwest of the applicant's property, it is an historic two-story house that was built in 1872 (Exhibit 3 and 10). The main structure of the historic residence occupies 1,165 square feet, with an additional 140-square-foot detached sleeping room, and a 270-square-foot deck. The architectural style includes a steeply pitched roofline, multi-paned windows, and shingle and board siding. The yard of this residence is vegetated with tall trees along the street, and a thick brush hedge growing along the south property boundary.

Views of the historic residence would not be blocked by the applicant's approved development. The location of the applicant's property northeast of the nearby historic structure would not affect public views of the structure from Highway One. Public views of the historic structure from the Westport headlands would be from the southwest, and because the applicant's property is to the northeast of the historic structure, and not situated between the historic structure and the public headlands, it would not impinge on public views of the historic structure. The proposed development also would not shade the historic structure, because the location of the applicant's property to the northeast would not inhibit the solar aspect of the historic structure.

There is a high degree of factual and legal support for the local government's decision that the development is consistent with the certified LCP and with the public access policies of the Coastal Act because the development is situated relative to the structure where it would have no impact, and no evidence is provided that the proposed development would in any way adversely affect nearby historic structures. Furthermore, the significance of the coastal resource affected by the decision is not great, as there is only one structure in the neighborhood of the approved development that qualifies as a historic structure and the approved development is located several lots away and across the street from this structure. Therefore, the Commission finds that the County's approval of the proposed project does not raise a substantial issue of conformance with CZC Section 20.504.20(C)(3).

d. Yards and Setbacks—Use of Open Space of Another Building

The appellant contends that the project as approved is inconsistent with provisions of CZC Section 20.444.015(A) dealing with yards and setback requirements pertaining to the use of open space of another building.

LCP Policy:

Coastal Zoning Code Section 20.444.015(A) – Yards – states:

(A) No yard or other open space provided about any building for the purpose of complying with the regulations of this Division shall be considered as providing a yard or open space for any other building or structure.

Discussion:

The applicant's existing house is a legal, but non-conforming structure. The house was constructed prior to adoption of the current zoning code. The structure does not comply with the front yard, side yard, or corridor preservation setback requirements for the zoning district. The Rural Village Zoning (RV) requirements of Westport call for 20-foot setbacks from front and rear property lines, and 6-foot setbacks from side property lines. The existing footprint of the residence is 30 feet from the centerline of Omega Drive to the west, 10 feet from the front property line, and 3 feet from the northern side yard property line. The approved improvements would not increase the non-conformity of the structure. There would be no further encroachment into the legal but non-conforming setback.

The appellant contends that the County's approval of the project relied on use of the adjoining side yard of the neighbors parcel to the north to mitigate the continuance of a non-conforming 3-foot side yard setback for the applicant's proposed structure. Although it is true that the residence immediately to the north of the subject parcel is setback from the approved development in a manner that would ensure a modest amount of side yard open space between the two structures, not withstanding the applicant's non-conforming 3-foot side yard setback, the County's findings indicate that that is not the reason the County approved the project. Instead, the County findings cite the non-conforming use and structure provisions of the Coastal Zoning Code as a basis for approval of the non-conforming 3-foot side yard. The project was approved on the basis that the non-conforming portions of the new rebuilt structure would occupy the same footprint as the existing structure. Because the applicant intends to salvage the majority of the first floor of the existing residence and construct a second-story addition, the expansion of the non-conforming portion of the structure would be in height only. Otherwise, the additional proposed improvements would comply with the required setbacks of 20 and 6 feet for the front and side yards, respectively. The County maintained that a variance was not required, since the non-conformity would not be expanded. Consistent with the non-conforming use and structure provisions of the Coastal Zoning Code, the County staff report also notes that there are other structures in the neighborhood with narrow, legal, non-conforming setbacks.

The significance of the coastal resource affected by the County's approval of the 3-foot side yard is not great. As discussed above, the homes in Westport are located close together in a relatively dense arrangement, there are other homes in the neighborhood with a 3-foot side yard, and the side yard would be the same as the 3-foot side yard of the existing house on the site to be demolished. As a result, the narrow side yard would not have a significant effect on visual character and would not otherwise be detrimental to the neighborhood. Furthermore, as the certified LCP indicates that the character of Westport is more dependent on its spectacular setting and compact form more than

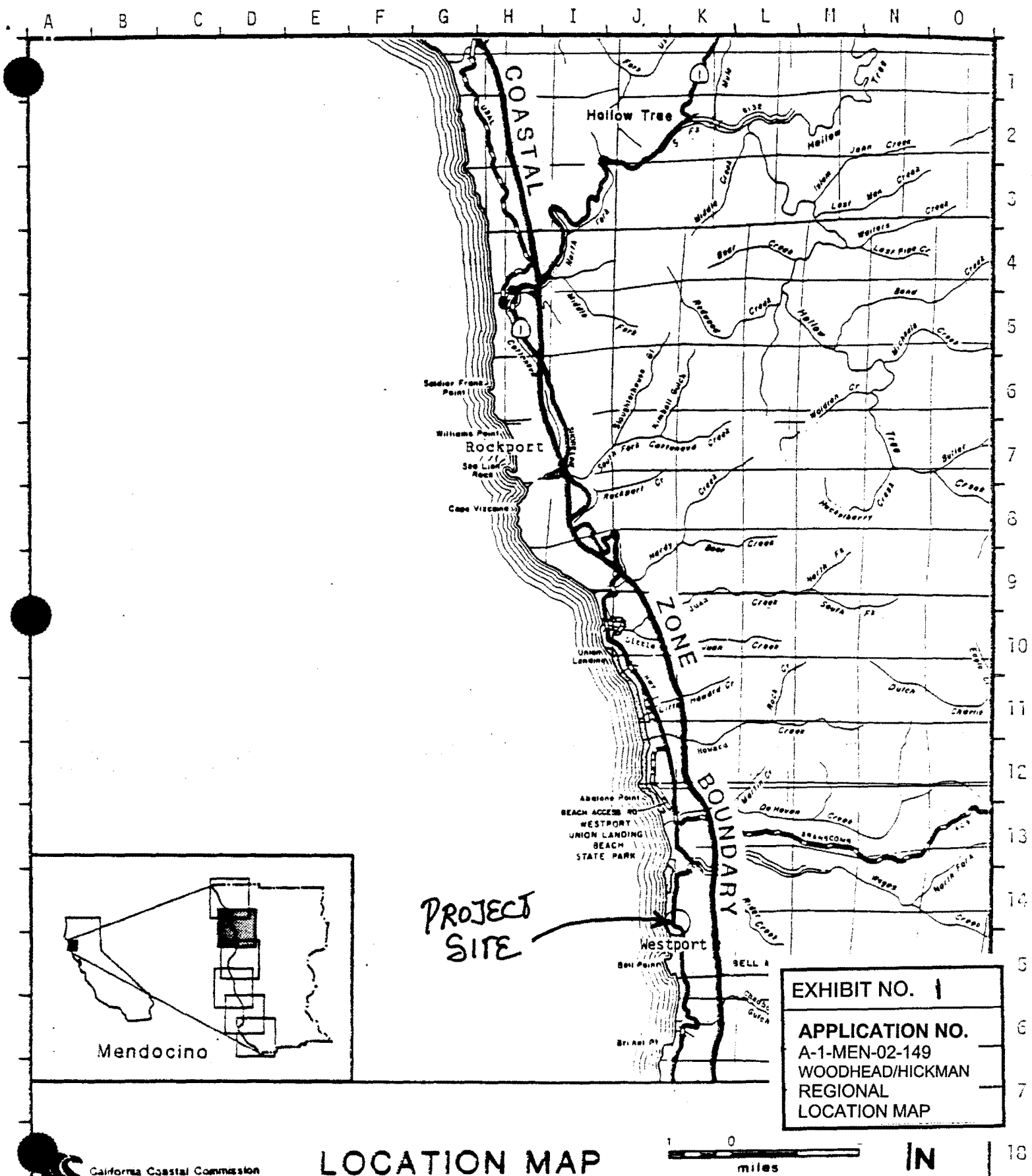
the architecture of individual buildings, the contention about the adequacy of the side yard raises a local issue rather than an issue of regional or statewide significance. Therefore, the Commission finds that the project as approved raises no substantial issue of conformance with CZC Section 20.444.015, since the County did not rely on the use of the open space provided by the adjoining neighbor's side yard to approve the 3-foot side yard proposed by the applicant's, instead relying on the non-conforming use and structure provisions of the Coastal Zoning Code. Therefore, the Commission finds that the County approval does not raise a substantial issue of conformance with Section 20.444.015 of the Coastal Zoning Code.

Conclusion:

The Commission finds that for the reasons stated above, the project as approved by the County raises no substantial issue with respect to the conformance of the approved project with the policies of the LCP regarding (1) the scope and character for the rural village of Westport, (2) Westport Beach Subdivision, (3) adverse effects on historic structures in Westport, and (4) prohibitions on use of a neighboring yard's open space to meet side yard setback requirements of the applicant's proposed development.

EXHIBITS:

1. Regional Location Map
2. Vicinity Location Map
3. Assessor's Map
4. Site Plans
5. Notice of Final Action and Staff Report
6. Appeal
7. Appellant's Correspondence
8. Other Correspondence
9. 3-D Rendering of Applicant's Proposed House
10. Photograph of North Westport
11. Photograph of South Westport

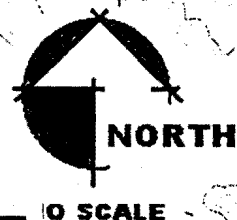


County of Mendocino

PROJECT SITE

EXHIBIT NO. 2

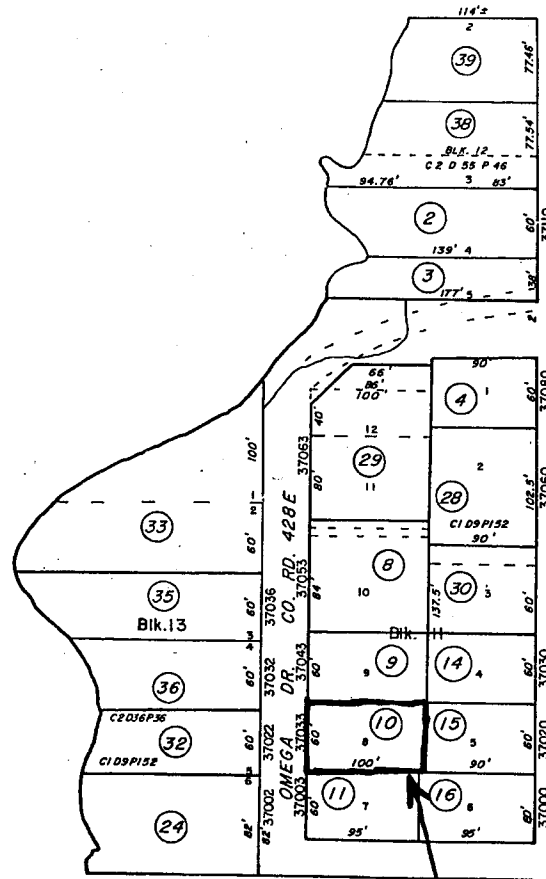
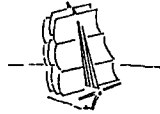
APPLICATION NO.
A-1-MEN-02-149
WOODHEAD/HICKMAN
VICINITY MAP



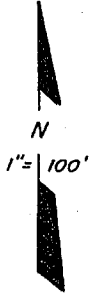
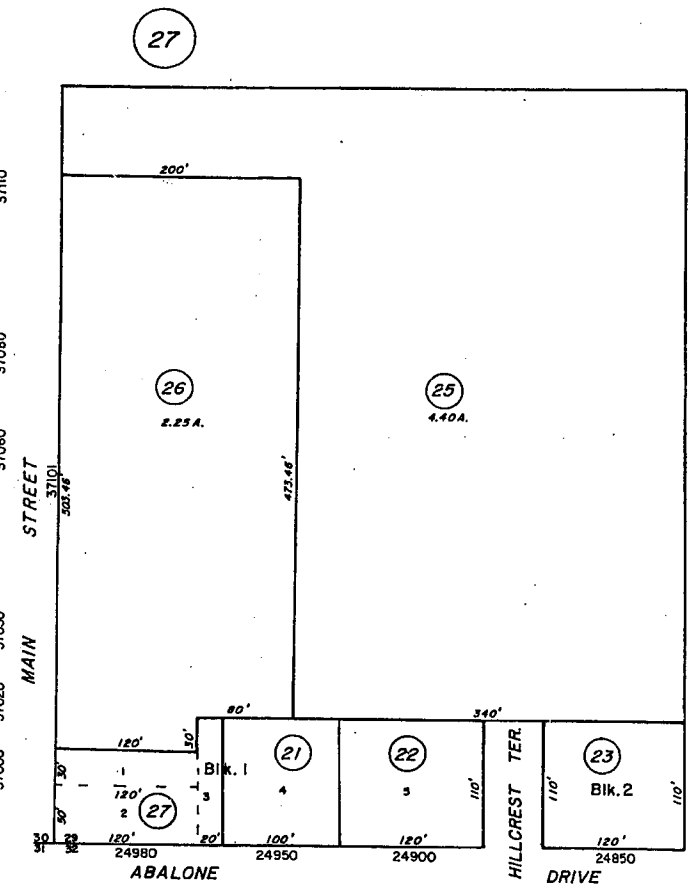
TOWN OF WESTPORT

PACIFIC

OCEAN



PROJECT SITE



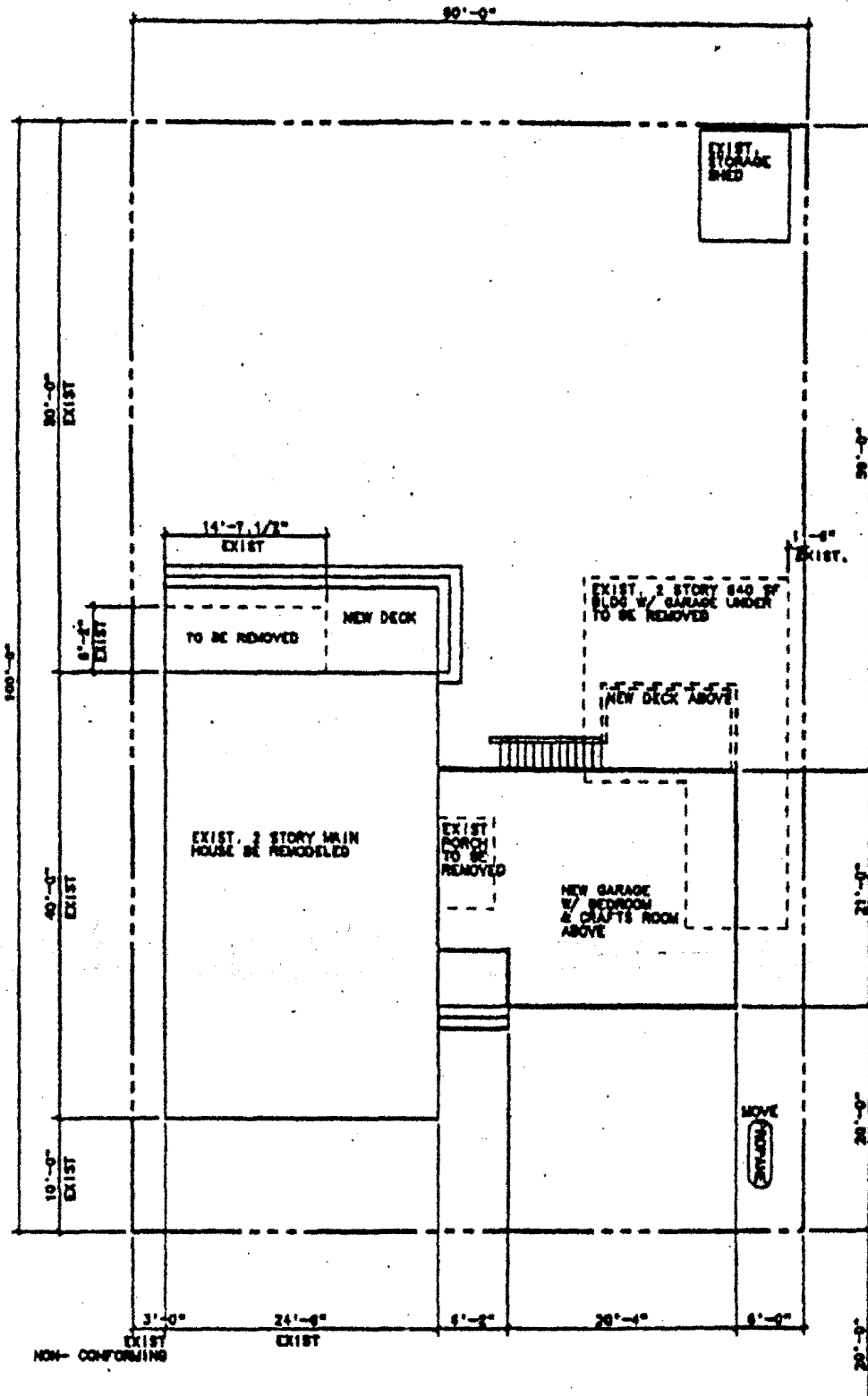
1" = 100'

NOTE: This map was prepared for assessment purposes only. No liability is assumed for the data delineated herein.

MAR 13 1995

Assessor's Map
County of Mendocino, Calif.
September, 1947

EXHIBIT NO. 3
APPLICATION NO. A-1-MEN-02-149
WOODHEAD/HICKMAN ASSESSOR'S MAP



Ω OMEGA DRIVE

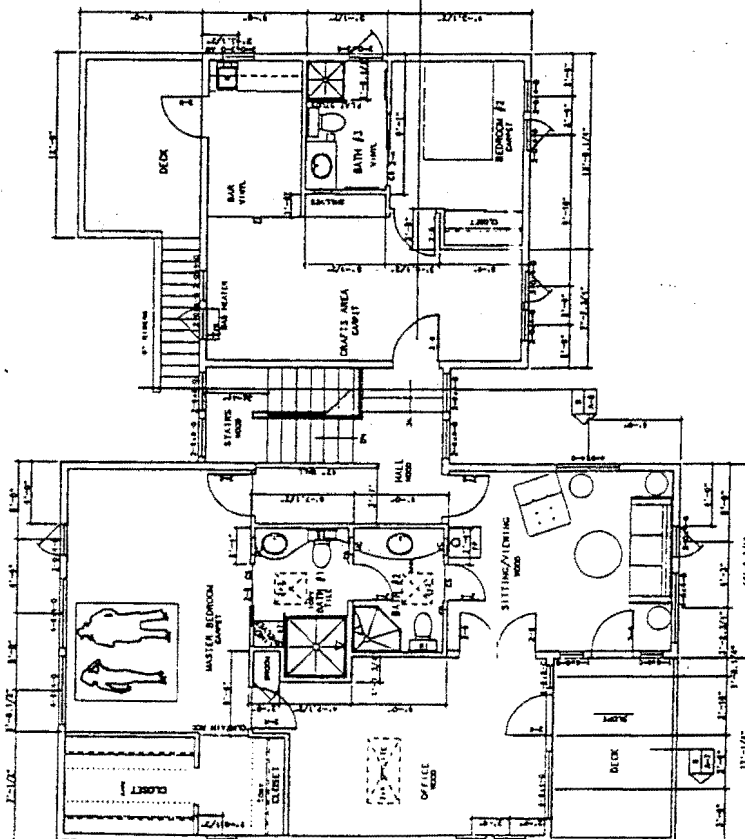
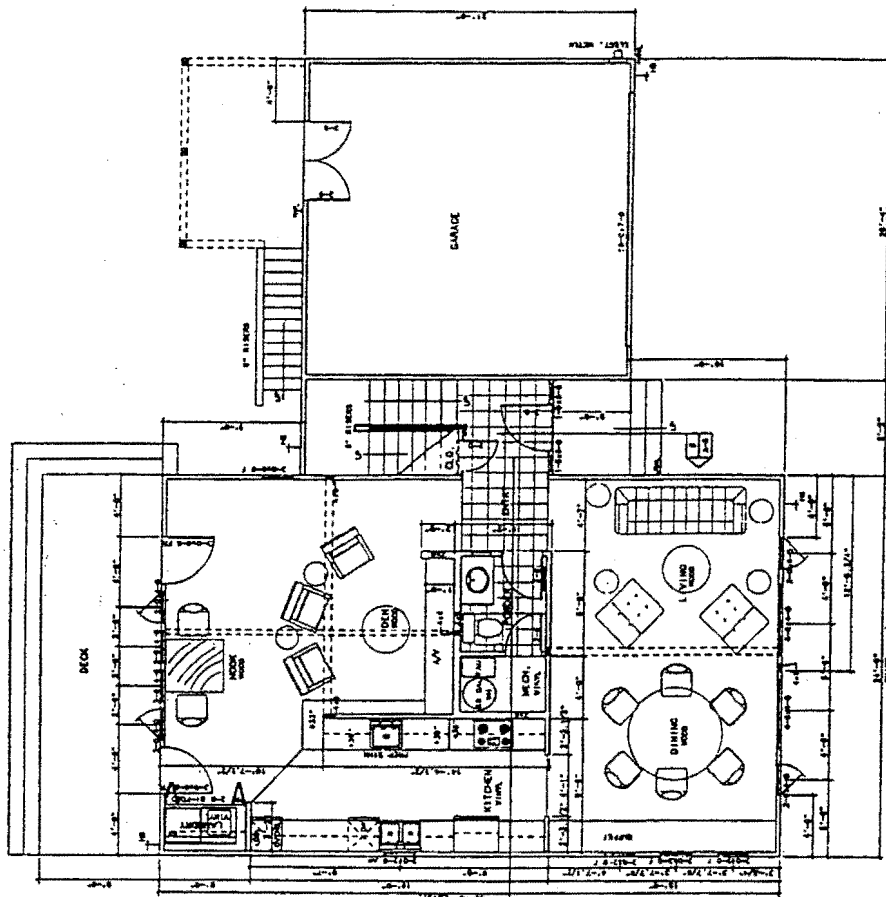
EXHIBIT B

EXHIBIT NO. 4

APPLICATION NO.
A-1-MEN-02-149
WOODHEAD/HICKMAN
SITE PLANS (1 of 4)

1348
1673
3418 TOTAL 37

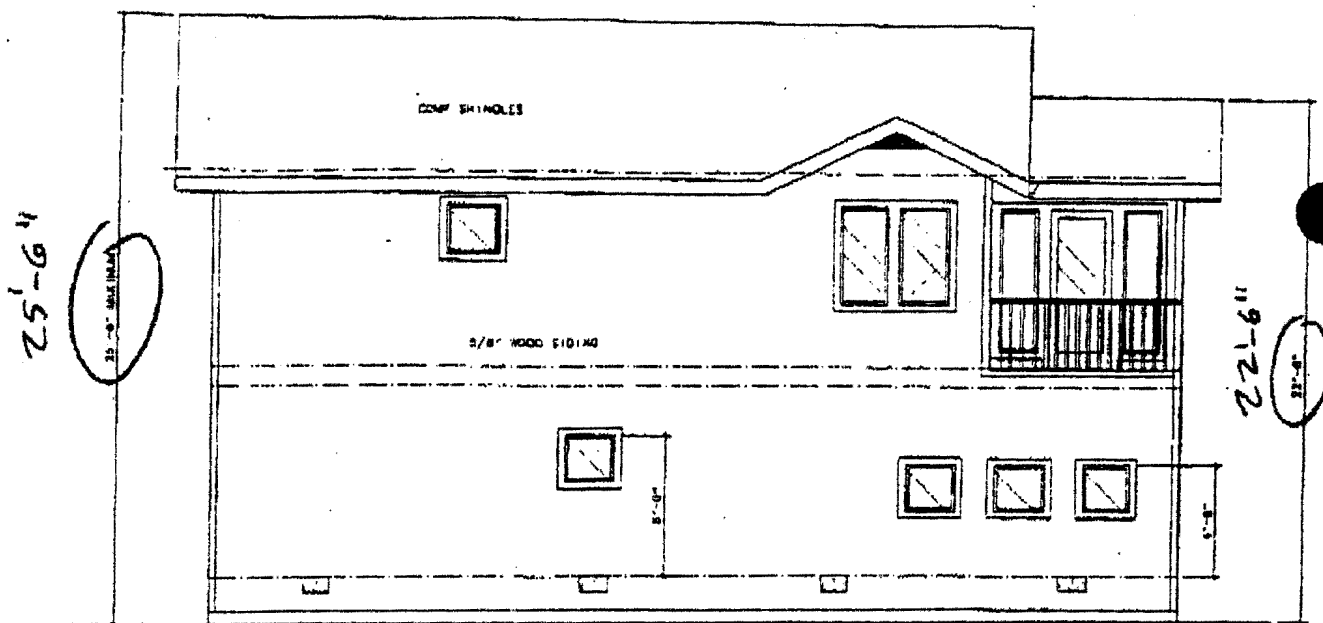
FIRST FLOOR 1971



SECOND FLOOR

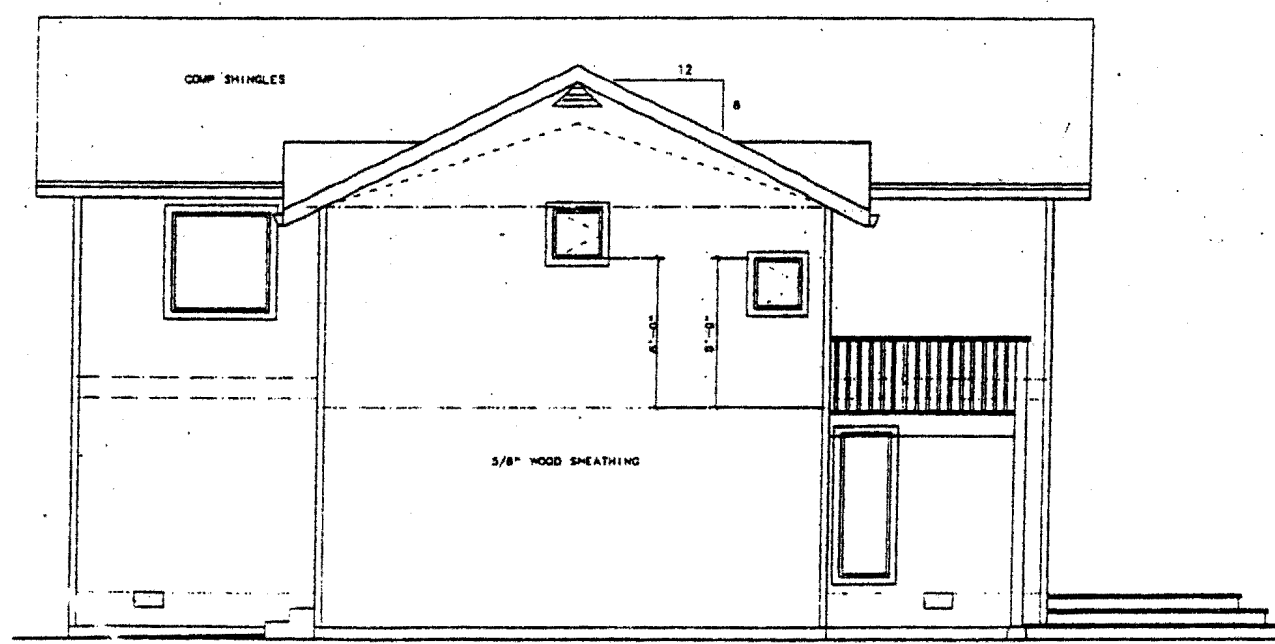
294

FLOOR PLANS



N NORTH ELEVATION

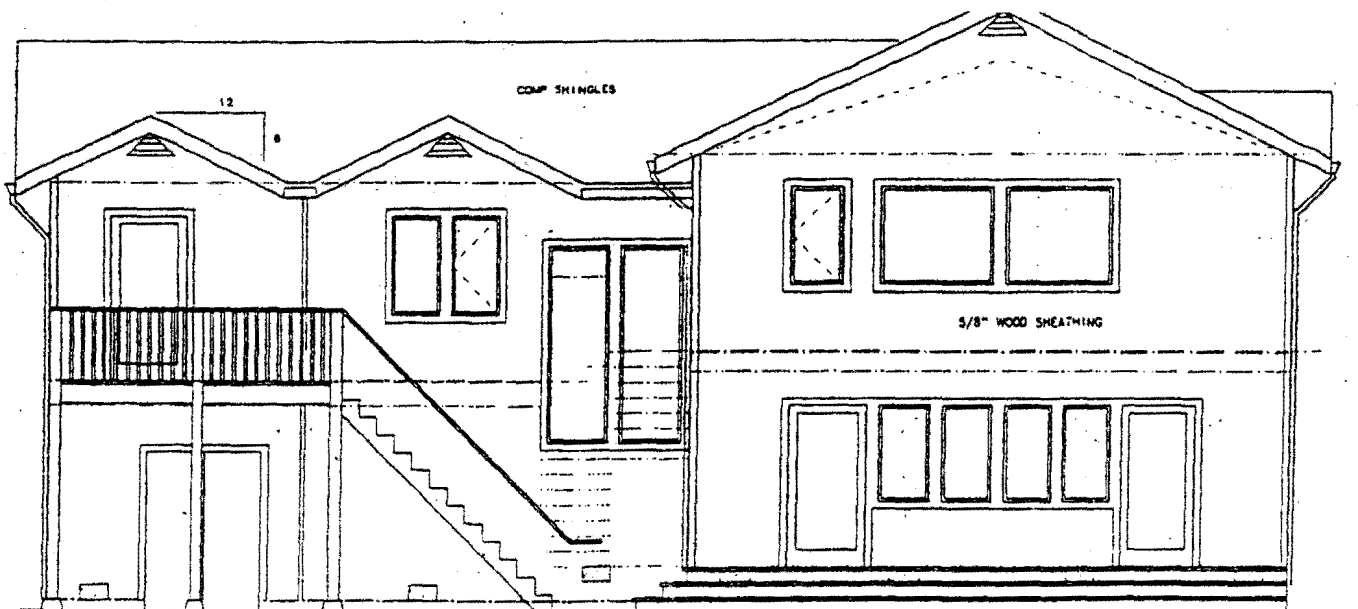
WOODHEAD - HICKMAN RES. WESTPORT



S SOUTH ELEVATION



WEST ELEVATION
1/8"



EAST ELEVATION
1/8"



RAYMOND HALL
DIRECTOR

COUNTY OF MENDOCINO

TELEPHONE
(707) 964-5379

DEPARTMENT OF PLANNING AND BUILDING SERVICES

MAILING ADDRESS:
790 SO. FRANKLIN
FORT BRAGG, CA 95437

October 7, 2002

RECEIVED

OCT 11 2002

CALIFORNIA
COASTAL COMMISSION NOTICE OF FINAL ACTION

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

CASE#: CDP #31-02
OWNER: Ann Woodhead & Toby Hickman
AGENT: Ed McKinley
REQUEST: Demolish an existing 16-foot tall residence and detached garage. Construct a new 2,838 square foot single-family residence with attached garage, maximum average height of the structure to be 27 feet as measured from finished grade. Westport Water District to provide water and sewer services.
LOCATION: In the village of Westport, E side of Omega Drive (CR #428E) approximately 300 feet W of its intersection with Highway One at 37033 Omega Drive (APN 013-280-10).
PROJECT COORDINATOR: Robert Dostalek

HEARING DATE: September 26, 2002

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.

EXHIBIT NO. 5
APPLICATION NO. A-1-MEN-02-149 WOODHEAD/HICKMAN NOTICE OF FINAL ACTION & STAFF REPORT (1 of 11)

STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 31-02
August 22, 2002
CPA-1

OWNER:

Ann Woodhead & Toby Hickman
6030 Roblar Road
Petaluma, CA 94952

AGENT:

RECEIVED
AUG 19 2002
CALIFORNIA
COASTAL COMMISSION

Ed McKinley
237 Morrow Street
Fort Bragg, CA 95437

REQUEST:

Demolish existing 16-foot tall residence and detached garage. Construct a new 2,838 square foot single family residence with attached garage. Maximum average height of the structure to be 27 feet as measured from finished grade. Westport Water District to provide water and sewer services.

LOCATION:

In the village of Westport, on the east side of Omega Drive (CR #428E), approximately 300 feet west of its intersection with Highway One at 37033 Omega Drive (APN: 013-280-10).

APPEALABLE AREA:

Yes (Special Neighborhood)

PERMIT TYPE:

Standard

PARCEL SIZE:

6,000 square feet

ZONING:

Rural Village (RV)

GENERAL PLAN:

Rural Village (RV)

EXISTING USES:

Residential

SUPERVISORIAL DISTRICT:

4

ENVIRONMENTAL DETERMINATION: Categorically Exempt, Class 1(I)1 & Class 3(a)

OTHER RELATED APPLICATIONS:

None

PROJECT DESCRIPTION: The applicant proposes to demolish the existing 16-foot tall residence and detached garage. The project also includes the construction of a new 2,838 square foot single family residence with attached garage. The maximum average height of the structure to be 27 feet as measured from finished grade. The Westport Water District would provide water and sewer services.

The applicant intends to salvage the majority of the lower level and utilize the existing foundation to accommodate the proposed second story rebuild. However, the project description includes full demolition in the event that once construction activities commence and it appears that salvaging portions of the existing residence is not feasible, then the entire demolition would be specifically authorized.

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LOCAL COASTAL PROGRAM CONSISTENCY RECOMMENDATION: The proposed project is consistent with the applicable goals and policies of the Local Coastal Program as described below. A ☒ indicates that the statement regarding policy consistency applies to the proposed project.

Land Use/ Zoning Requirements

Single family residences are compatible with the Rural Village Zoning District (RV) and are designated as a principal permitted use. The resulting development would total approximately 30.3% lot coverage (the RV district permits up to 50% lot coverage). The proposed 27-foot tall residence complies with the maximum building height (35 feet) of the zoning district.

The existing residence is legal, non-conforming in that the structure was constructed prior to the implementation of the current zoning code and does not comply with the front yard, side yard or corridor preservation setback requirements for the zoning district. The Rural Village Zoning District (RV) requires 20-foot setbacks from front and rear property lines and 6 feet from side property lines. The existing footprint of the residence is 30 feet from the centerline of Omega Drive, 10 feet from the front property line and 3 feet from the northern side property line. The proposed improvements would not increase the nonconformity of the structure (i.e. encroaching further into the non-conforming setback).

The non-conforming portions of the rebuilt/new structure would occupy the same footprint as the existing structure. The expansion of the non-conforming portion of the project would be in height only. Otherwise, the additional proposed improvements would comply with the required setbacks of 20 and 6 feet for the front and side yards, respectively. A variance is not required as long as the non-conformity is not expanded.

Section 20.480.020(A) states:

"Whenever a structure containing an existing legal nonconforming use or legal nonconforming structure is destroyed or partially destroyed either voluntarily or involuntarily, the structure may be:

- (4) Expanded through the use permit process consistent with Section 20.480.025 and all other applicable policies of the Coastal Element and this Division..."*

It is the County's Policy to allow the expansion of a non-conforming *structure* through Coastal Development Permit process. The required findings are cited below followed by discussion for each. The "Visual Resource" section of this report provides further discussion of character and compatibility with surrounding structures.

Section 20.480.025(A) states:

"Existing legal nonconforming uses conforming with Section 20.480.010 may be expanded or reduced to a use of lesser intensity through the issuance of a Coastal Development Use Permit provided the following findings are made:

- (1) That it is not reasonably economically or physically feasible to make the use of the property compatible with the applicable general plan designation; and*

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The applicant intends to salvage the majority of the first floor of the existing residence and construct a second story addition. The expansion of the non-conforming portion of the structure, as previously stated, would be in height only. The use as a residence is compatible with the RV Zoning District.

(2) That the use is, and, after expansion, will be compatible with adjacent land uses and that any increased adverse impacts on access or public facilities and services will be mitigated; and

There are 4 existing residences on the east side of the north/south section of Omega Drive. With the exception of the residence located at 37043 Omega Drive, the residences at 37003 and 37053 are in roughly the same alignment, ± 10 feet from the front property line, as the subject structure. Although the structure would be setback roughly the same distance as surrounding structures, it would have a slightly bulkier appearance due to the absence of a front porch. The residence at 37043 and the garage at 37053 are setback approximately the same distance as the new garage portion of the residence would be, ± 20 feet. All four of the aforementioned residences are two stories with heights ranging from ± 16 for the existing subject residence to 35 feet as measured to the top of the tower located at 37053 (approved per CDP #48-00).

(3) That the site is physically separate from surrounding properties such that continued nonconforming use is appropriate in that location; and

The structure is physically separate from surrounding structures and the continued residential use of the non-conforming structure would not be detrimental to the neighborhood. Additionally, two of the other residences on the east side of Omega are at roughly the same non-conforming front yard setback. The residence immediately to the north is setback sufficiently from its side yard to allow the continuance of the 3 foot side yard setback for the subject property without creating adverse impacts.

(4) The expansion is found consistent with all other applicable policies of the Coastal Element of the Mendocino County General Plan."

See "Visual Resource" section of this report for discussion of Policy 3.5-2 of the Coastal Element and Section 20.504.020 of the Coastal Zoning Code.

The project, as conditioned, complies with all of the zoning requirements of Division II of Title 20 of the Mendocino County Code.

Public Access

- ☒ The project site is located west of Highway 1, but is not a blufftop site and is not designated as a potential public access trail location on the LUP maps. There is no evidence of prescriptive access on the site.

Hazards

- ☒ The project site is less than one acre in size and is exempt from CDF's fire safety regulations. Fire safety issues are addressed as part of the building permit process.
- ☒ The proposed development would be located on slopes which are less than 20% and the development does not present any issues relative to erosion and/or slope failure.

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- ☒ There are no known faults, landslides or other geologic hazards in close proximity to the proposed development.

Visual Resources

The project site is not located within a designated "highly scenic area," however, it is located in a Special Neighborhood as defined in the sections below.

As derived from Policy 3.5-2 of the Coastal Element, Section 20.504.020(B) of the Coastal Zoning Code states:

"The communities and service centers, designated as CRV or CFV, of Westport, Caspar, Albion, Elk and Manchester, and the additional areas of Little River, Anchor Bay and Gualala, as described below, shall have special protection as set forth in Section 20.504.020(C)."

The Town of Westport, in accordance with Section 20.504.020(B), is designated as a Special Neighborhood and development proposals shall be subject to the development criteria set forth in Section 20.504.020(C)(1-4) which states:

- (1) *"The scale of the new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood."*
- (2) *"New development shall be sited such that public coastal views are protected."*
- (3) *"The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture."*
- (4) *"Building materials and exterior colors shall be compatible with those of existing structures."*

In addition, Section 20.504.020(D) applies to all development located in the coastal zone which states:

"The scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas..."

The Town of Westport exhibits a diverse variety of building type, style, architecture and materials. The existing structures range from modest one bedroom cabins to a residence with a 35 foot tall tower, as approved with CDP #48-00, which was designed to incorporate Victorian architectural elements. This varietal aspect of existing development in Westport appears to significantly contribute to the overall character of the community. Therefore, identifying one particular architecture style or building design as the principal or historic norm would be inappropriate for Westport as discussed in Section 4.2 of the Coastal Element which states:

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"During the 1880's Westport was a lumber shipping point and supply center for mills and lumber camps north of Ten Mile River, potentially rivaling Mendocino in size. Today its cluster of 50 buildings huddled against the elements retains clearly defined town edges almost unknown in California. Westport's spectacular setting and its compact form contribute more to its character than does the architecture of individual buildings. Except for the Switzer-Fee house (c. 1884) just south of town, Westport consists of modest homes, most old, a few new or remodeled. Its grocery store, post office, two inns, restaurant and deli provide as many services as resident and tourist populations can support. Many residents work in Fort Bragg."

Section 4.2-4 of the Coastal Element states:

"Future development of Westport as a Rural Village shall require that new development be compatible with existing development relative to scope and character."

The proposed residence would be a two story, 27-foot tall structure. The proposed exterior materials and finishes as described in the Coastal Development Permit application are as follows:

- Roofing: Slate gray composition shingles
- Siding: Resawn plywood siding painted light gray
- Trim: Wood trim painted white
- Garage Door: Thermogard II elongated raised panel garage door, white

The architecture features gabled roofs with second story decks in the front and back of the residence. Most structures in the vicinity are two story residences with varying degrees of height.

The height, bulk, architecture and color scheme of the proposed residence appears to be in character with surrounding development in that adjacent lots contain similarly designed and styled houses with light colored exterior finishes. Although the alignment of the residences on the block are roughly the same, the proposed structure may appear slightly bulkier due to the lack of a front porch. Overall however, the development appears to comply with the intent of the visual resource policies and zoning ordinances contained in Section 3.5 of the Coastal Element and Chapter 20.504 of the Coastal Zoning Code.

Sec. 20.504.035 of the Coastal Zoning Code (Exterior Lighting Regulations) states:

- "(A) Essential criteria for the development of night lighting for any purpose shall take into consideration the impact of light intrusion upon the sparsely developed region of the highly scenic coastal zone.*
- (2) Where possible, all lights, whether installed for security, safety or landscape design purposes, shall be shielded or shall be positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel on which it is placed.*
- (5) No lights shall be installed so that they distract motorists."*

The applicant did not submit locations, specifications or design details for the exterior lighting. The parcel is adjacent to Highway One and exterior lighting location, quantity and design are especially important.

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STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 31-02
August 22, 2002
CPA-6

Special Condition #1 is recommended to require, prior to the issuance of a building permit, submittal of exterior lighting details and locations to ensure compliance with Section 20.504.035.

Natural Resources

- ☒ There are no known rare or endangered plant or animal species located on or in close proximity to the project site.
- ☒ There are no environmentally sensitive habitat areas located within 100' of the proposed development.

Archaeological/Cultural Resources

- ☒ The project site is not located in an area where archaeological and/or cultural resources are likely to occur. The applicant is advised by Standard Condition #8 of the County's "discovery clause" which establishes procedures to follow should archaeological materials be unearthed during project construction.

Groundwater Resources

The proposed development would be served by the Westport County Water District and would not adversely affect groundwater resources.

The proposed development would be served by the Westport community wastewater treatment system and would not adversely affect groundwater resources.

Transportation/Circulation

The project site is presently developed and the proposed project would not increase the intensity of use at the site. No impacts to Highway 1, local roads and circulation systems would occur.

A referral response dated June 3, 2002 from the Mendocino County Department of Transportation states:

"As determined from our site review, there is currently no existing driveway approach onto the County road. We recommend construction of a standard private driveway approach..."

Special Condition #2 is recommended to require the applicant to construct a standard driveway approach in accordance with encroachment permit procedures administered by the Mendocino Department of Transportation.

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

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STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 31-02
August 22, 2002
CPA-7

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

ADDITIONAL FINDINGS FOR THE EXPANSION OF NON-CONFORMING STRUCTURES:

8. That it is not reasonably economically or physically feasible to make the use of the property compatible with the applicable general plan designation; and
9. That the use is, and, after expansion, will be compatible with adjacent land uses and that any increased adverse impacts on access or public facilities and services will be mitigated; and
10. That the site is physically separate from surrounding properties such that continued nonconforming use is appropriate in that location; and
11. The expansion is found consistent with all other applicable policies of the Coastal Element of the Mendocino County 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 (10) 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.

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STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

CDP# 31-02
August 22, 2002
CPA-8

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. That this permit be subject to the securing of all necessary permits for the proposed development from County, State and Federal agencies having jurisdiction.
5. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
6. This permit shall be subject to revocation or modification upon a finding of any one (1) or more of the following:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety or as to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one (1) or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one (1) or more such conditions.
7. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
8. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

SPECIAL CONDITIONS:

1. Prior to issuance of the coastal development permit, the applicant shall submit an exterior lighting plan and design details or manufacturer's specifications for all the exterior lighting fixtures. Exterior lighting shall be kept to the minimum necessary for safety and security purposes and shall be downcast and shielded in compliance with Sec. 20.504.035 of the Zoning Code.

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STAFF REPORT FOR
STANDARD COASTAL DEVELOPMENT PERMIT

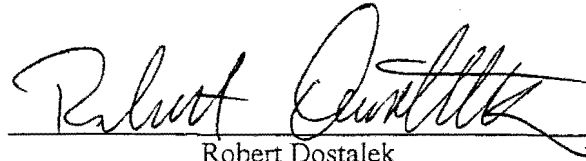
CDP# 31-02
August 22, 2002
CPA-9

2. Prior to commencement of construction activities for the residence and pursuant to encroachment permit procedures administered by the Mendocino County Department of Transportation (MCDOT), the applicant shall obtain an encroachment permit from MCDOT and construct a standard private driveway approach onto Omega Drive (CR #428E), to a minimum width of ten (10) feet, area to be improved fifteen (15) feet from the edge of the County road, to be surfaced with surfacing comparable to that on the County road.

Staff Report Prepared By:

8/14/02

Date



Robert Dostalek
Coastal Planner

Attachments: Exhibit A: Location Map
Exhibit B: Site Plan
Exhibit C: Floor Plans
Exhibit D: North & South Elevations
Exhibit E: East & West Elevations

Appeal Period: 10 days
Appeal Fee: \$555

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MENDOCINO COUNTY MEMORANDUM

TO: Frank Lynch, Coastal Permit Administrator

FROM: Robert Dostalek, Project Coordinator *RD*

SUBJECT: CDP #31-02 (Woodhead/Hickman)

DATE: September 25, 2002

This project was continued from the August CPA meeting at the request of the applicant's agent. Since that time, the applicant has submitted revised elevations which illustrate the following changes:

1. The roof peak on the right side of the west elevation has been reduced from 24'-2" (as scaled on the original drawing) to 23'-6" inches as indicated on the revised west elevation.
2. The roof peak on the left side of the north elevation has been reduced from 26' (as dimensioned on the original drawing) to 25'-6" as indicated on the revised west elevation.
3. The roof peak to the south of the exterior second story deck, above the sitting/viewing room, has been modified from a shed dormer to a gable dormer and reduced in height from 26' (as dimensioned on the original drawing) to 22'-6" as indicated on the revised north elevation.

The footprint, floor plan and total square footage remain unchanged.

These revisions were incorporated as a result of public interest at the August CPA meeting. These revisions do not affect staff's recommendation or conditions.

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STATE OF CALIFORNIA--THE RESOURCES AGENCY

GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
710 E STREET - SUITE 200
EUREKA, CA 95501-1808
VOICE (707) 443-7822
FACSIMILE (707) 446-7877

MAILING ADDRESS:
P.O. BOX 4908
EUREKA, CA 95502-4908

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OCT 21 2002

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

CALIFORNIA
COASTAL COMMISSION

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

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

CHARLES C. WRIGHT
37 TARA ROAD
ORINDA, CALIFORNIA 94563 (510) 420 8990 (WORK)
Zip Area Code Phone No.

SECTION II. Decision Being Appealed1. Name of local/port government: MENDOCINO COUNTY2. Brief description of development being appealed: Demolish an existing 16' tall residence and detached garage. Construct a new 2833 sq ft single family residence with attached garage. Average height of structure is 27' from finished grade.3. Development's location (street address, assessor's parcel no., cross-street, etc.): 37033 Omega Drive, Westport, CA
(APN 013-180-10).

4. Description of decision being appealed

- a. Approval; no special conditions: _____
- b. Approval with special conditions: X
- c. Denial: _____

Note: For jurisdiction 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-02-149DATE FILED: 10/21/02DISTRICT: North CoastEXHIBIT NO. 6

APPLICATION NO. _____
A-1-MEN-02-149
WOODHEAD/HICKMAN _____
APPEAL (1 of 3)

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

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

a. ☐ Planning director/Zoning Administratorc. ☐ Planning Commissionb. ☐ City Council/Board of Supervisorsd. ☒ Other Costal Permit Administrator

6. Date of local government's decision:

Aug 22, 2000
Sept 26, 2000

7. Local government's file number (if any):

CDP # 31-02SECTION 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:

Ann Woodhead & Toby Hickman
6030 Roblar Road
Petaluma, CA 94952

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) Ms Virginia Smith
P.O. Box 8
Westport CA (707) 964 1221
- (2) Dr Hillary Adams
P.O. Box 1936
Mendocino CA 95460 (707) 817 3527
- (3) Mr & Mrs Bill Brazil
P.O. Box 1439
Mendocino CA 95460 (707) 931 4007
- (4) _____

SECTION IV. Reasons Supporting This Appeal

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, which continues on the next page.

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

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.)

- (1) ~~Not in character of rural atmosphere and visual quality of Rural Village. Westport LUP 202 Rural Village. NE Visual Resources 3.5-12 & Section 4.2.1 "Westport consists of modest homes...." & 4.2-4.3 C7C 2004, 005 & 010. In view permitted development shall be visually compatible with character of surrounding areas. The scale of new development Building Height & Bulk shall be within the scale & character of existing development. C7C 20.504, 20(C) Development Criteria (3) Use of Open Space of another building C7C 20.904, 015~~

Note: The above description 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.

Supplementary material sent under separate cover: letter
prints and photos.

SECTION V. Certification

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

Charles C. Wright, III
Signature of Appellant(s) or
~~Authorized Agent~~

Date 10/13/2002

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

SECTION VI. Agent Authorization

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

Signature of Appellant(s)

Date _____

EXHIBIT NO. 7

APPLICATION NO.

A-1-MEN-02-149

WOODHEAD/HICKMAN

APPELLANT'S

CORRESPONDENCE

(1 of 19)

Charles Wright
37 Tara Road
Orinda CA 94663

NOVEMBER 6, 2002

California Coastal Commission
PO Box 4908
Eureka CA 95502-4908
Attn: Mr Randy Steiner

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CALIFORNIA
COASTAL COMMISSION

Case #: CDP #31-02

Owner: Ann Woodhead & Toby Hickman
Location: 37033 Omega Dr, Westport CA.

Dear Mr Steiner

Further to our telephone conversation this afternoon I am writing to clarify my reasons for appealing this Project to the California Coastal Commission.

Listed below are the reasons I believe the decision warrants a new hearing. A discussion of each issue supplemented with extracts from the staff report and relevant planning documents follows:

1. The scale of the proposed development (building height & bulk) is not within the scope and character of the Rural Village of Westport, Sections 20.504, 20 (B) and (C) (1-4)

1 of 19

1/9

2. Additional data requested of the applicant by the Coastal Permit Administrator (8/20/02) was not presented at the continued hearing 9/26/02. Sec. 20.532.025 (A) i.e.: The application was incomplete.
3. Legal non-conforming use/structure criteria was misinterpreted and evaluated out of sequence in the Staff Report, Chapter 2p. 480
4. The applicants propose to more than double the size and volume of the existing legal non-conforming structure. This proposed expansion requires a use permit - not a standard permit as applied for. Section 20.480.020 (A) (4)
5. The adjoining 24 foot wide side yard of the neighbor to the north is referenced as mitigating the building of the proposed residence with a 3' side yard setback. Sec 20.444.015 (A)

DISCUSSION:

1. Scale of the Proposed Development:
The applicants PROJECT DESCRIPTION is as follows:

Demolish existing 16-foot tall residence and detached garage. Construct a new 2830 square foot single family residence with attached garage. Maximum average height of the structure to be 27 feet as measured from finish grade.

2/9/19

2/9

The proposed residence is comprised of two 27 foot high gable roofed wings located on the street side of a 6000 sq ft lot, 60 feet wide. The structure is 51 feet wide (3 ft and 6 ft side yards) with 10 ft front yard setback.

If constructed as approved this structure would be the largest residence on a lot of this size in the Village of Westport and set a precedent for future development.

For comparison, one home on Omega Drive has an attached garage (1-stall). This home is less than $1/2$ the area and bulk of the proposed structure and is constructed with a 20 foot plus front yard setback on a lot twice the size of the subject property.

Pertinent extract from Page 4 of the staff report is as follows:

Visual Resources

The project site is not located within a designated "highly scenic area," however, it is located in a Special Neighborhood as defined in the sections below.

As derived from Policy 3.5-2 of the Coastal Element, Section 20.504.020(B) of the Coastal Zoning Code states:

"The communities and service centers, designated as CRV or CFV, of Westport, Caspar, Albion, Elk and Manchester, and the additional areas of Little River, Anchor Bay and Guadalupe, as described below, shall have special protection as set forth in Section 20.504.020(C)."

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13/9

The Town of Westport, in accordance with Section 20.504.020(B), is designated as a Special Neighborhood and development proposals shall be subject to the development criteria set forth in Section 20.504.020(C)(1-4) which states:

- (1) "The scale of the new development (building height and bulk) shall be within the scope and character of existing development in the surrounding neighborhood."
- (2) "New development shall be sited such that public coastal views are protected."
- (3) "The location and scale of a proposed structure will not have an adverse effect on nearby historic structures greater than an alternative design providing the same floor area. Historic structure, as used in this subsection, means any structure where the construction date has been identified, its history has been substantiated, and only minor alterations have been made in character with the original architecture."
- (4) "Building materials and exterior colors shall be compatible with those of existing structures."

In addition, Section 20.504.020(D) applies to all development located in the coastal zone which states:

"The scenic and visual qualities of Mendocino County Coastal Areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas..."

The Town of Westport exhibits a diverse variety of building type, style, architecture and materials. The existing structures range from modest one bedroom cabins to a residence with a 35 foot tall tower, as approved with CDP #48-00, which was designed to incorporate Victorian architectural elements. This varietal aspect of existing development in Westport appears to significantly contribute to the overall character of the community. Therefore, identifying one particular architecture style or building design as the principal or historic norm would be inappropriate for Westport as discussed in Section 4.2 of the Coastal Element which states: . . .

"No one at the Public Hearings mentioned 'one particular architectural style or building design'. Westport is a 19th Century Village comprised of 50 buildings consisting of modest homes, most old, a few new or remodeled. True to their 19th Century heritage a residential unit is typically made up of a main structure with living space on the ground floor and attic bedrooms. Auxiliary functions are provided in out-buildings (garage storage etc). The few newer buildings in Westport are generally modest in scale of varying styles (Craftsman Bungalow etc)

Photographs illustrating the previous statement are ^{being} prepared by Bill Brazill and will be forwarded to you within the next week.

I take strong exception to the approval of this proposal on the basis that is in character with the Rural Village of Westport.

2. Additional Data Requested by the Coastal Permit Administrator:

After several individuals voiced concern about the size (area) and bulk (volume) of the proposed structure the Coastal Permit Administrator conducted a straw poll of Westport Owners present at the 8/22/02 hearing to get an informal survey of lot and structure size and height. Data on garages (none, attached, detached) was also given. The Coastal Permit Administrator requested the applicants to provide the same data for homes in the neighborhood at the continued hearing. The applicants did not present this requested information. The Coastal Development Permit was approved without a complete application.

Sec. 10.532.025

(A) A description of the proposed development, including maps, plans, and other relevant data of the project site and vicinity in sufficient detail to determine whether the project complies with the requirements of these regulations. Sufficient information

concerning the existing use of land and water on or in the vicinity of the site of the proposed project, insofar as the applicant can reasonably ascertain for the vicinity surrounding the project site, should also be provided.

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3. Legal Non-conforming Use/Structure Criteria:

Extract from Page 2 of the staff report:

Land Use/Zoning Requirements

Single family residences are compatible with the Rural Village Zoning District (RV) and are designated as a principal permitted use. The resulting development would total approximately 30.3% lot coverage (the RV district permits up to 50% lot coverage). The proposed 27-foot tall residence complies with the maximum building height (35 feet) of the zoning district.

The existing residence is legal, non-conforming in that the structure was constructed prior to the implementation of the current zoning code and does not comply with the front yard, side yard or corridor preservation setback requirements for the zoning district. The Rural Village Zoning District (RV) requires 20-foot setbacks from front and rear property lines and 6 feet from side property lines. The existing footprint of the residence is 30 feet from the centerline of Omega Drive, 10 feet from the front property line and 3 feet from the northern side property line. The proposed improvements would not increase the nonconformity of the structure (i.e. encroaching further into the non-conforming setback).

The non-conforming portions of the rebuilt/new structure would occupy the same footprint as the existing structure. The expansion of the non-conforming portion of the project would be in height only. Otherwise, the additional proposed improvements would comply with the required setbacks of 20 and 6 feet for the front and side yards, respectively. A variance is not required as long as the non-conformity is not expanded.

Section 20.480.020(A) states:

"Whenever a structure containing an existing legal nonconforming use or legal nonconforming structure is destroyed or partially destroyed either voluntarily or involuntarily, the structure may be:

- (4) *Expanded through the use permit process consistent with Section 20.480.025 and all other applicable policies of the Coastal Element and this Division..."*

This interpretation concludes that expansion of the height of the legal non-conforming structure is of no consequence. I do not agree.

Review of attached Chapter 20.480 Non Conforming Uses and Structures puts the issue of expansion in context.

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20.480.005

CHAPTER 20.480

NONCONFORMING USES AND
STRUCTURES

Sec. 20.480.005 Purpose.

To allow for the continued utilization of lawfully existing improvements and uses made nonconforming by the adoption of the Coastal Element of the Mendocino County General Plan and this Division, where the use is compatible with adjacent land uses and where it is not feasible to replace the activity with a conforming land use.

(A) A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of this Division but which does not conform with the use regulations for the zone in which it is located.

(B) A nonconforming structure is a structure which was lawfully erected prior to the effective date of the application of these regulations but which, under this Division, does not conform with the standards of yard spaces, height of structures, distance between structures, parking, etc., prescribed in the regulations for the zone in which the structure is located. (Ord. No. 3785 (part), adopted 1991)

Sec. 20.480.010 Continuance and
Maintenance.

(A) A legal nonconforming use or structure may be continued if it conforms to the following criteria:

(1) If the existing use is contained within a structure built or modified to accommodate the existing use, conformance is required with the applicable building code and/or zoning code in effect at the time of construction or modification.

(2) The use must be compatible with adjacent land uses, such that its hours of operation, noise levels, aesthetic impacts, and traffic to the site do not now significantly adversely impact adjacent land uses.

(B) Routine maintenance and repairs may be performed on a nonconforming structure or site. (Ord. No. 3785 (part), adopted 1991)

Sec. 20.480.015 Remodelling, Rehabilitation
and Reconstruction.

Existing legal nonconforming structures may be remodelled, rehabilitated or reconstructed as long as the exterior dimensions of the building remain the same. (Ord. No. 3785 (part), adopted 1991)

Sec. 20.480.020 Restoration of Damaged
Structures.

(A) Whenever a structure containing an existing legal nonconforming use or legal nonconforming structure is destroyed or partially destroyed either voluntarily or involuntarily, the structure may be:

(1) Rebuilt to its previous dimensions and arrangement and utilized to the same extent prior to its destruction provided restoration is started within one (1) year and diligently pursued to completion, or

(2) Rebuilt, if the nonconforming structure is destroyed by involuntary means or forces out of control of the owner(s), provided it shall not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent; shall be sited in the same location on the affected property as the destroyed structure except that no part of the ten (10) percent addition shall encroach further into the setback than the original structure; and further provided restoration is started within one (1) year and diligently pursued to completion, or

(3) Rebuilt or reconstructed under the State Historic Building Code or the Uniform Building Code if the structure is over one hundred (100) years old, or

(4) Expanded through the use permit process consistent with Section 20.480.025 and all other applicable policies of the Coastal Element and this Division. See Section 20.532.020 for exemptions. (Ord. No. 3785 (part), adopted 1991)

Sec. 20.480.025 Expansion or Reduction of
Nonconforming Uses.

(A) Existing legal nonconforming uses conforming with Section 20.480.010 may be expanded or reduced to a use of lesser intensity through the issuance of a use permit.

All dimensions including height

EXPANSION OF MAX 10% IS ALLOWED ONLY IF DESTROYED BY DISASTER (FIRE, FLOOD ETC)

*NOT APPLICABLE IN THIS CASE
NOTE: USE PERMIT PROCESS*

*APPLIES TO USES LIKE SINGLE FAMILY RESIDENCE
NOT STRUCTURE*

7419

7/9

20.480.025

ance of a Coastal Development Use Permit provided the following findings are made:

(1) That it is not reasonably economically or physically feasible to make the use of the property compatible with the applicable general plan designation; and

(2) That the use is, and, after expansion, will be compatible with adjacent land uses and that any increased adverse impacts on access or public facilities and services will be mitigated; and

(3) That the site is physically separate from surrounding properties such that continued nonconforming use is appropriate in that location; and

(4) The expansion is found consistent with all other applicable policies of the Coastal Element of the Mendocino County General Plan.

(B) A legal nonconforming mobile home may be replaced by a new mobile home without a use permit if no use permit was required for the original installation. (Ord. No. 3785 (part), adopted 1991)

done or discontinued for any reason, or changed to a conforming use, for a continuous period of one (1) year, the nonconforming use shall not be re-established, and the use of the structures or site thereafter shall be in conformity with the regulations for the zone in which it is located. (Ord. No. 3785 (part), adopted 1991)

Sec. 20.480.045 Nuisances.

None of the provisions of this Chapter restrict any authority to require modification or termination of any nonconformity which has been declared a nuisance by the Board of Supervisors. (Ord. No. 3785 (part), adopted 1991)

this section is discussed in the staff report as if it applies to structures.

this section applies to uses

Sec. 20.480.030 Discontinuation or Relocation of Nonconforming Uses.

Nonconforming uses which do not conform to the type of uses designated on the map of the Coastal Element of the Mendocino County General Plan and which do not conform to the criteria listed in Section 20.480.025(A) should be encouraged to be discontinued or relocated to the zoning district where the use would be recognized as a permitted use. (Ord. No. 3785 (part), adopted 1991)

Sec. 20.480.035 Previous Use Permits in Effect.

Any use in existence by virtue of a use permit issued pursuant to zoning regulations previously in effect which use under this Division is not permissible may continue in existence but only as regulated by the provisions and terms of the existing use permit. (Ord. No. 3785 (part), adopted 1991)

Sec. 20.480.040 Abandonment of Nonconforming Uses.

Whenever a nonconforming use has been aban-

4. EXPANSION OF LEGAL NONCONFORMING STRUCTURES:

Applicant proposes to expand the size (area) and bulk (volume) of the legal non conforming structure more than 100%. See Sec 20.480.020(4) on page 7. Expansion requires: Use permit Process not Standard as applied for.

5. Use of Adjoining Side Yard To North to mitigate ^{continuance of} nonconforming 3' setback for proposed structure.

Extract from page 3 of Staff Report.

(3) That the site is physically separate from surrounding properties such that continued nonconforming use is appropriate in that location; and

The structure is physically separate from surrounding structures and the continued residential use of the non-conforming structure would not be detrimental to the neighborhood. Additionally, two of the other residences on the east side of Omega are at roughly the same non-conforming front yard setback. The residence immediately to the north is setback sufficiently from its side yard to allow the continuance of the 3 foot side yard setback for the subject property without creating adverse impacts.

Section 20.444.015 (A) takes exception to this interpretation.

Sec. 20.444.015 Yards.

- (A) No yard or other open space provided about any building for the purpose of complying with the regulations of this Division shall be considered as providing a yard or open space for any other building or structure.

Please Call (510) 420 8190 if you have questions
Cheers! Charles C. Wright ~~at~~ 9/9
9.9.19

Post-it® Fax Note	7671	Date	11/20/02	# of pages	10
To	RANDY STEMLER	From	C. WRIGHT		
Co.	COSTAL COMM.	Co.	AME		
Phone #		Phone #	510 420 8190		
Fax #	707 445 7877	Fax #	510 420 8186		

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 NOV 20 2002
 CALIFORNIA
 COASTAL COMMISSION

VISIONS

RE: CPP #31-02

WOODHEAD &
 HICKMAN

FOR A NEW AMERICAN DREAM

Purchased 11/19/02 @ Recommendation of Randy Hester
 Prof of Planning, U.C. Berkeley — Cheers Charlie

PROCESS, PRINCIPLES, AND AN ORDINANCE TO PLAN AND DESIGN SMALL COMMUNITIES

Anton Clarence Nelessen

APA

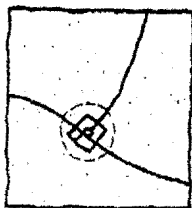
Planners Press
 American Planning Association
 Chicago, Illinois Washington, D.C.

Randy - further to our telecon yesterday - I believe the issues of scale character & bulk (the third dimension) as applied to the rural village of Westport in the Coastal Plan are discussed in the following pages. Westport's compact plan is a textbook example of what ALL small communities should strive for. For what its worth, the underline on page 208 is the only one in the text. I also find this feature the most out of character with the

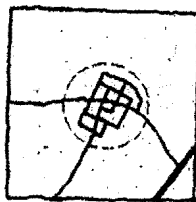
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This volume provides guidelines to plan and design small communities including hamlets, villages, and neighborhoods in the urban fringe whether they are new or to be retrofitted.

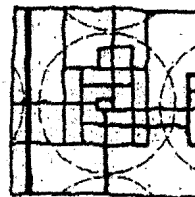
The recommendations are generic. Adaptation and variation will be required in the specific site application.



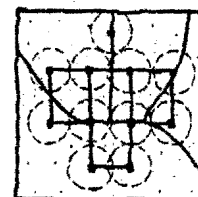
Hamlet



Village



Neighborhood

The Neighborhood
within the Town

Anyone who wants to plan and build a community must be able to visualize two- and three-dimensional space and the four-dimensional impact on the user. One must understand these relationships at the smallest scale first, in order to apply them to a larger scale.

11/19

2 Visions for a New American Dream

A SEVEN STEP PLANNING AND DESIGN PROCESS

After years of planning and designing small and large projects, a process has emerged which reflects this evolutionary diagram. When this process is followed, opportunities to create small communities exist. The process consists of seven conceptual steps:

- I. Understanding the biography of the past
- II. Analyzing and understanding the problems
- III. Creating a common vision, Design by Democracy
- IV. Analyzing and applying the potentials
- V. Creating three- and four-dimensional plans
- VI. Developing illustrated codes that reflect the common vision and the potentials
- VII. Improving interaction between the community and the developers through submission and review of plans

These seven steps have been used to define the various sections in this book.

STEP I THE BIOGRAPHY OF THE PAST

The biography of the past looks at a town's political, physical, and economic development over the life span of current generations. We must understand the historical development or growth of our municipality, document these changes over time, and analyze the impact of the total build-out pattern based on current zoning. We must understand the past policies at the national level as well as our personal conditioning. Chapters 3 and 4 review the history and evolution of suburban planning and design since the 1920s.

STEP II ANALYSIS OF PROBLEMS

The analysis of the physical problems at a local municipal level becomes apparent through the vision planning process. Specific focus sessions with the elected officials, police, public works staff, legal council, neighborhood groups, or at town-wide meetings provide lists of the physical planning and related economic and social problems facing the area. In this stage there is an assessment of the most severe problems and what the participants recommend as solutions. This is particularly critical when the current master plan or zoning ordinance allows the physical characteristics which create the problems.

STEP III DETERMINING THE COMMON VISION

The common vision provides specific images of those places and examples of land use patterns that are positive and acceptable to the community, as well as those that are negative and unacceptable. I use both the VPS™ and Hands-On Model Workshops to help generate the vision. These visual images should be used in the creation of the master plan's goals and objectives, in the land use, circulation, open space, and

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The Process 3

community facilities plans. They are particularly important to demonstrate the three-dimensional reality of the two-dimensional plan. The two-dimensional plan elements of the master plan can be given their three-dimensional image by using photographs and models to represent various land uses, points of interest, and attractive landscape characteristics. Images with positive ratings can be used to demonstrate the standards for streetscapes, housing densities, transit stops, parks, etc. The clearer and more understandable the vision of the master plan, the greater the probability that your municipality will get the quality of growth and/or redevelopment it desires. The negative images tell you specifically what to avoid. Chapter 5 describes the Vision Planning Process and the Hands-On Modeling technique.

STEP IV THE POTENTIALS

Using the positive images is the next step in the process. The potential of what the area wants to be in the future is generated through those images and model design workshops in the common vision step of the process. The range of characteristics which can be assessed in this process is dependent on those images used in the VPS™ and the results of the Hands-On Model Workshops. We typically include many images in the VPS™ which are further along on the evolution spiral or which have stood the test of time. If they come up positive, the potential for implementation exists. Sometimes the results of the Hands-On Model Workshops can be recycled directly into codes through figure ground plan and design standards. Chapter 6 looks at potentials for positive development and redevelopment and economic feasibility.

STEP V CREATING PLANS

Many of the potential images for future development duplicate pre-1938 streetscapes and land use patterns found in traditional places. To translate these potentials into master plans and zoning/development ordinances requires that they be more design specific and more three-dimensional. This does not mean that highly rated images, street form details, or building materials should be copied. Instead it means a sensitive understanding of the design principles inherent in the analysis of the positive images should form the basis of the master plan and design-development zoning ordinance. To the extent possible, the master plan should include the specific location and layout of all future roads, a conceptual figure ground plan for all zones, and specific plans for the higher-density houses, mixed-use, and non-residential zones. Conceptual axonometric or positive photographic images can be used as guidelines. The normal two-dimensional plans must become more three-dimensional; the clearer the master plan, the easier the translation into the zoning and development ordinances. Chapter 7 contains the Ten Principles to design a small community.

STEP VI ILLUSTRATED CODES

It is critical that development ordinances be written and illustrated. Chapter 8 is an example of an illustrated ordinance which can be used in total or in parts for the creation of hamlet, villages, or neighborhoods.

STEP VII SUBMISSION AND REVIEW PROCESS

Chapter 9 describes the application process, with an emphasis on informal submissions and the submission requirements which hopefully fast-track the approval process.

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DEFINITIONS AND PROGRAM CHARACTERISTICS

CHAPTER TWO

The Design of a Small Community

Definition:

The art and science of the two-, three-, and four-dimensional spatial arrangements of buildings and structures, streets and roads, infrastructure and landscape elements, on the land, in harmonious and positive relationship to the human scale and the natural environment, in order to create and enhance a positive sense of community, neighborhood, and personal well-being.

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Definitions and Program Characteristics

7

The Two-, Three-, and Four-Dimensional Community

In the recent past planning has been viewed two dimensionally. Professionals work from drawings and technical manuals that obscure the complexities of a community. It should not be surprising then that flat, two-dimensional drawings and words inadequately express the multi-faceted aspects and problems of the built environment. Planning for small communities, in contrast, requires a comprehensive process that integrates traditional, two-dimensional land-use planning with the third and fourth dimensions of design. The third dimension defines the physical, spatial characteristics of a place. It asks, for example: How tall must a building be and what should define its relationship to other buildings in order to create an appropriate sense of enclosure? The fourth dimension is a time and perception factor as it relates to the experience of place. The fourth dimension is concerned with how people use and perceive their environment as they live in it and move through it.



One of the models produced at the Chester County, PA, 2000 symposium.

Time

Time is one of the central human measurements for evaluating the operational characteristics of place. Time is required in order to complete the daily tasks of life, commute to work, get to the grocery store, take the children to school. In a world where time is a highly valued commodity, a typical suburban community, whose physical organization requires that large quantities of time be spent getting from place to place, squanders natural resources as well as human resources. Surely these resources could be used more effectively. This wastefulness, particularly the lost time, detracts from the quality of life. Conversely, a community that is structured so that many tasks may be performed without spending many hours in an automobile, on a crowded highway, or in frequent traffic jams will, as a result of its physical structure, add considerably to the quality of life.



Typical peak hour traffic flow currently on Route 1, New Brunswick, N.J. The average commute to work is currently 24 minutes or 200 hours per year in your car.

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Definitions and Program Characteristics

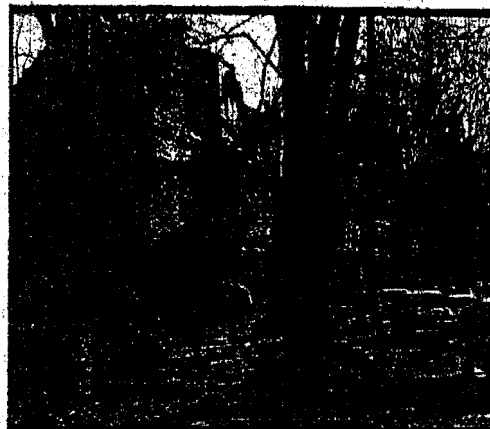
Program Characteristics of Small Communities

Small communities can take many forms, but I find three basic types—hamlets, villages, and neighborhoods—particularly applicable for the creation of new subdivisions or the retrofitting of existing strip commercial or residential development. Hamlets and villages correspond to types of centers identified by the State Planning Commission. These small communities share certain fundamental features, although they differ from each other primarily in size and intensity.

Small communities are designed with respect to the human scale, a scale which underscores a sense of community. They are distinguished from residence-only sprawl subdivisions and Edge City office-park malls by their compact form, their mixed use, their network of streets, their distinctive character, and their environmental sustainability.

Small communities are ecologically responsible. They are located and developed according to capacity-based planning. The demand for development must be balanced with the limits of environmental and infrastructure constraints. These constraints include, but are not limited to, groundwater capacities, the impact of solid waste disposal, infrastructure systems, and sewer, water, air, and soil capacities.

Small communities are compact. The physical size and layout of the community is based upon comfortable, feasible walking distances. Shops, housing, schools, community services, recreation, jobs, and/or public transit can be reached by foot. Easing dependence upon the car fosters a higher quality, more richly detailed physical environment. As people walk, they inevitably notice architectural details. These, in turn, are part of the visual pleasure of walking. Walking with a goal (reaching a shop, for example) thus becomes an aesthetic experience that engenders interest and respect for one's community. It also augments a sense of responsibility and pride in the community.



This street in Princeton, NJ, is part of a network of streets that respect the human scale.



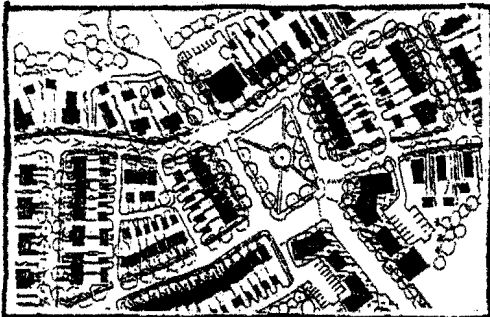
This aerial of Blawenburg, NJ, illustrates a compact hamlet surrounded by open space.

16419

12 Visions for a New American Dream



The Village Common is the center of the community.



A network streets where every street intersects with at least two other streets.



Main Street of Basking Ridge, N.J., illustrates a good range of building sizes, shapes, and footprints.

Small communities are easily identifiable in the landscape. In rural situations they are surrounded by open space that defines the development boundary. This open space may be environmentally sensitive land or it may contain very low density uses such as recreational areas, large estates, or agricultural lands. Internal open spaces are fundamental to small communities. These spaces function as formal or informal public gathering places, they define neighborhoods and create recreation opportunities for all. When designed as infill in developed areas, new Communities of Place seek to integrate existing development with open spaces and a street network.

Small communities have a distinct physical identity, a community focus such as a village green or common, a mixed use core, or a simple crossroads. In larger small communities (villages, neighborhoods, or a town consisting of several neighborhoods), the community core or focus provides basic employment, shopping, and a mass-transit hub for residents as well as those living in surrounding areas.

Small communities contain a network of streets designed according to proven functional streetscape standards generated from the VPS™ and user surveys. This network promotes walking by offering the possibility of multiple routes to destinations. Walking is further encouraged because of the many design standards, for example, sidewalk widths, street trees, and parallel parking that acts as a buffer between the pedestrian and moving traffic. These features were also created with the convenience of the private automobile and public transportation in mind; a network of streets provides multiple or alternative routes for an automobile as well as for the pedestrian.

Small communities are composed of buildings with a variety of footprints, heights, and scale. They contain a range of residential sizes and types affordable by a wide range of age and income groups. Lot sizes are mixed, with smaller housing units interspersed throughout the community. However, the majority of higher density, smaller lots are located near the core with larger lots nearer the periphery. Small communities are strengthened by the economic, social, and age diversity that such housing stock can provide. Behavior or the social contract is controlled through pride or the sense of community.

Newly purchased
Westport Headland

17419

Definitions and Program Characteristics

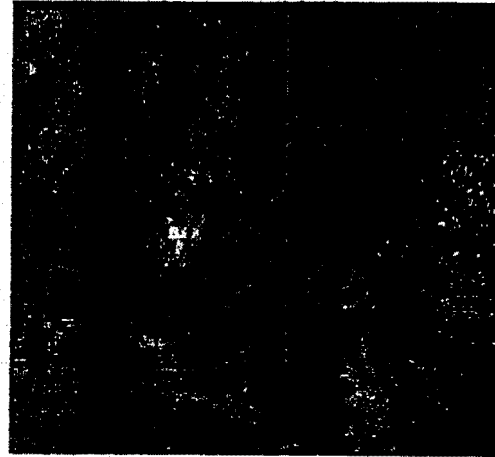
Small communities have a mix of uses. Buildings that contain uses other than residential units are located, primarily, in the community core. Mixed uses occur both horizontally, in adjacent buildings, and vertically, in offices and residences above shops and within certain height restrictions.

Small communities contain a well-proportioned balance of jobs to housing; housing to recreation; housing to retail; housing to civic and social uses.

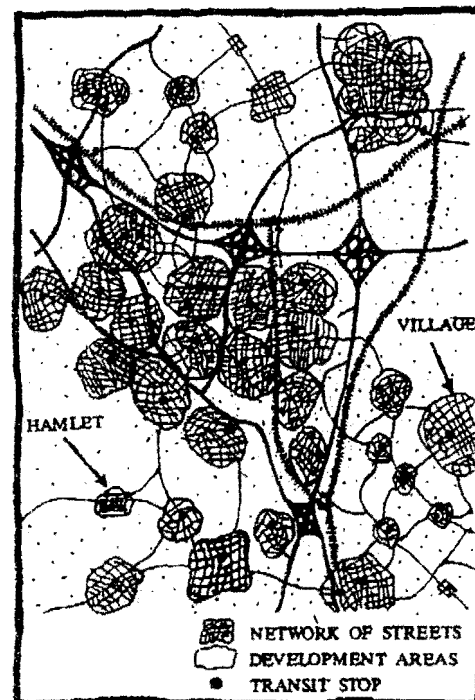
Small communities make use of a distinctive design vocabulary. This vocabulary is defined by a use of common materials, colors, and building-design relationships. Variation within the vocabulary gives richness and character.

Small communities prioritize maintenance of all kinds. Public facilities and services, including public community lands, are maintained to preserve the quality and character of a place. Personal and property safety must be maintained.

Small communities should be interrelated to form a hierarchy of places. This order of place, by size, includes hamlets in rural areas, as the smallest type, villages in rural, suburban and exurban areas, neighborhoods in suburban areas, which are part of towns. All small communities must be interconnected by roads, transit, and bicycle with all other small communities. Although small communities are discrete settlements, they need not be municipalities with taxing authority; many occur within existing townships. Their individuality and significance results from a spirit or sense of self engendered by their physical composition.



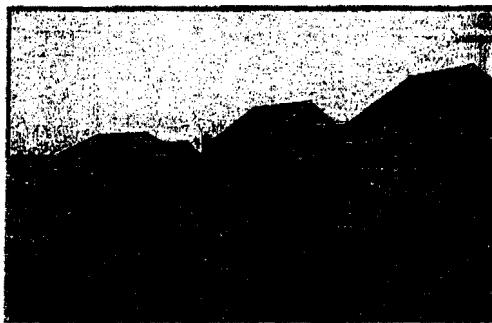
The Main Street of Cranbury has a distinctive design vocabulary. White painted clapboards, simple roof pitches, and shutters create a unity.



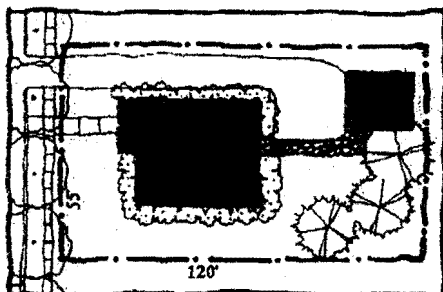
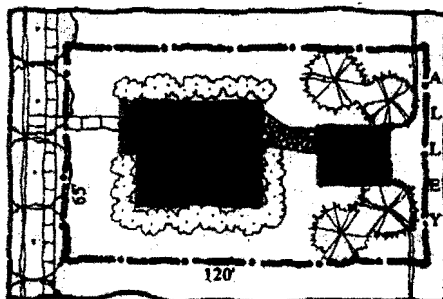
Connected hierarchy of communities.

18 of 19

200 Visions for a New American Dream



A negatively rated garagescape.



Garages located in the rear yard, off an alley, behind the front yard set back, or screened from primary views enhances the positive character of the street.

10. The Location and Placement of the Garage

The location of the garage, and particularly of the garage door, is an important site-location decision for achieving positive streetscapes. To the extent possible, garages should be located in the rear yard, set-back a few feet from the property lines, and they should look like traditional out-buildings. A two foot side yard provides access for maintenance and four to six feet allows for some planting. This location provides the opportunity to screen the rear yard and create interesting rear-yard spaces. Ideally, vehicular access to the garage is available from an alley and secondarily from a narrow driveway (eight feet) which can be shared by more than one property. The garage door can be directly perpendicular to or parallel with the alley. Garages should never be located in the front yard and should never be the dominant visual element of the viewshed on the streetscape.

There is some criticism of this design feature from those who believe that you cannot sell a house without an integrated garage. To meet this criticism we recommend that the garages be oversized with the opportunity for an additional room or work space/shop, that the pedestrian exit of the garage be tied to the house with a pergola, and, if a driveway is used, a traditional "portcochere" or a porch roof be extended over the driveway to allow covered access to the house in rain or snow. Remember, the majority of garages in this country are detached and these properties continue to sell.



The portico provides an ideal answer to cover parking close to the house. Most houses in the United States still have garages in the rear yard.

19419

Nedra Lancaster
PO Box 51
Westport, CA 95488

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

RECEIVED

NOV 20 2002

CALIFORNIA
COASTAL COMMISSION

RE: A-1-MEN-02-149

ATT Randall Stemler,

As a resident of the town of Westport, I feel that the proposed remodel of, the residence at, 37033 Omega Drive is wholly in keeping with the look and spirit of our small town. It is comparable in size with the other residences on Omega Drive, therefore will blend in nicely. Please include my letter in the materials forwarded for the Commission's consideration.

Sincerely

Nedra Lancaster
Nedra Lancaster

EXHIBIT NO. 8
/ APPLICATION NO.
A-1-MEN-02-149
WOODHEAD/HICKMAN
OTHER
CORRESPONDENCE
(1 of 10)

George Lancaster
PO Box 51
Westport, CA 95488

RECEIVED

NOV 20 2002

CALIFORNIA
COASTAL COMMISSION

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

RE: A-1-MEN-02-149

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Sincerely


George Lancaster

2 of 10

Amanda Semorile
PO Box 51
Westport, CA 95488

RECEIVED

NOV 20 2002

CALIFORNIA
COASTAL COMMISSION

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

RE: A-1-MEN-02-149

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Sincerely

Amanda Semorile

Amanda Semorile

3 of 10

RECEIVED

NOV 20 2002

CALIFORNIA
COASTAL COMMISSION

15 November 2002

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


Attention: Randall Stemler

RE; A-1-MEN-02-149

Mr. Stemler,

We want the Commission to know that we do not object to nor do we wish to stand in the way of the remodel of 37033 Omega Drive in Westport as proposed by Ann Woodhead, Toby Hickman & Tim Hickman. Please include our letter in the materials forwarded for the Commission's consideration.

Sincerely, -


Jane & Keith Grier
38921 North Highway One
PO Box 418
Westport, CA 95488

4 of 10

11-11-02

LIZA SAENZ
24210 HOWARD CREEK RD.
WESTPORT, CA 95488

RECEIVED

NOV 18 2002

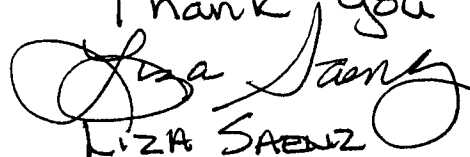
CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
North Coast District
710 E. St., Suite 200
Eureka, CA 95501

RE: A-1-MEN-02-149

ATT Randall Stember,

As a resident of Westport, I feel that the proposed remodel of 37033 Omega Dr. is wholly in keeping with the look and spirit of our village. Please include my letter in the materials forwarded for the Commission's consideration.

Thank you

LIZA SAENZ

5 of 10

11-11-02

RECEIVED

NOV 13 2002

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

CALIFORNIA
COASTAL COMMISSION

Re: A-1-MEN-02-149

Dear Sirs,

I am writing you in support of
Tim Hickman, Toby Hickman and
Ann Woodhead's proposed remodel
of their home located at 37033
Omega Drive in Westport California.

As a property owner and
member of the Westport community,
I wholly support this project and
ask you to approve it without
further delay. It is in keeping
with the look and Spirit of
our community.

(192) 6410

Please include my letter
in the materials forwarded
for the commissioners
consideration.

Thank you.

Sincerely,
Russell Barnes
24100 DeHaven Creek Dr.
Westport, Ca.
(707) 357-1570

(2 of 2) 7910

William and Julie Brazill, homeowners
37002 Omega Drive
Westport, CA
P.O. Box 1439
Mendocino, CA 95460

Randy Steinler
California Coastal Commission
P.O. Box 4908
Eureka, CA 95502-4908
Attn: Mr Randy Steiler

RECEIVED

NOV 21 2002

CALIFORNIA
COASTAL COMMISSION

Regarding: CDP #31-02
Owner: Ann Woodhead and Toby Hickman
Location: 37033 Omega Drive, Westport, CA

November 13, 2002

Dear Mr. Steinler,

Thank you for considering our comments on this proposed development.

The scale of the proposed development (building height and bulk) is not within the scope and character of what is designated a Rural Village of Westport: Sections 20.504.20 (B) and (C0 (1-4).

Please consider that on the entire coast of California, Westport has probably received the least amount of development over the last fifty years. Therefore anything built there that does not harmonize with the earlier style of architecture becomes precedent setting. What is presently a turn of the century work-man's town changes with each unsensitive addition.

Though the planning document states, "the rebuilt new structure will occupy the same footprint as the existing structure", the commissioners should note that in actuality, the "existing structure" is two modest structures that have a fair amount of open space between them, lending visual relief to the eye and harmonizing with the existing character of the neighborhood.

What the owners, Woodhead and Hickman, are proposing is a domicile that reaches 11 feet beyond the original buildings' 16 feet tall peak and covers the street side of the lot with its massive box-like architectural style. The minimal roof pitch on the full two story building will appear gigantic along side of the neighbor to the south which is a modest story and a half high home.

8 of 10

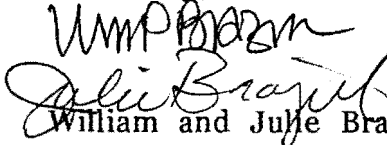
The applicants propose to more than double the size and volume of the existing legal, non-conforming structure. This proposed expansion requires a use permit-not a standard permit, as applied for, according to Section 20.480.020 (A) (4)

Our recommendation would be to heed the Mendocino County Coastal Zoning Codes (MC 10-91) codes and ask the applicants to be more sensitive to the structures on either side of Omega Drive.

Duplicate the same foot print as exists: construct two structures of modest size (roof height and pitch as it exists presently) rather than combining them into one large structure. This approach would then harmonize with the prevalent architecture in the neighborhood.

We feel that Westport is a very unique and special coastal community and deserves special attention. The recent acquisition of the Headlands in Westport emphasizes this point and we really need to be sensitive to the development of the village so that it can retain its beautiful and unique character.

Sincerely,


William and Julie Brazill

9/10



PROPOSED remodel of 37033 Omega Dr



EXISTING DWELLING at 37033 Omega Dr
10410

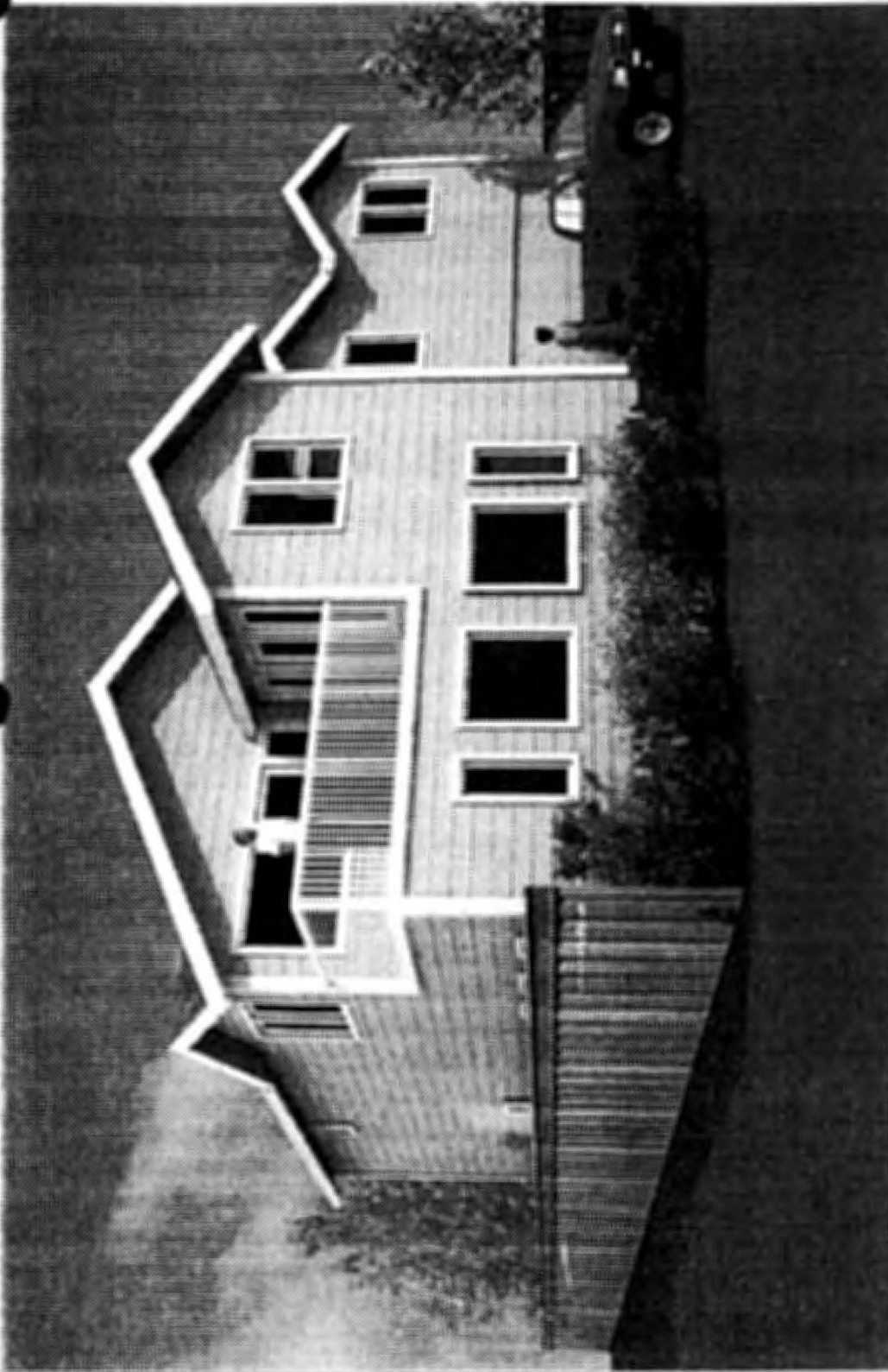


EXHIBIT NO. 9

APPLICATION NO.
A-1-MEN-02-149
WOODHEAD/HICKMAN
3-D RENDERING OF
APPLICANT'S
PROPOSED HOUSE



Rural Village of Westport—Photo#11188 taken 11/5/02
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EXHIBIT NO. 10
APPLICATION NO. A-1-MEN-02-149 WOODHEAD/HICKMAN PHOTOGRAPH OF WESTPORT NORTH (1 of 2)





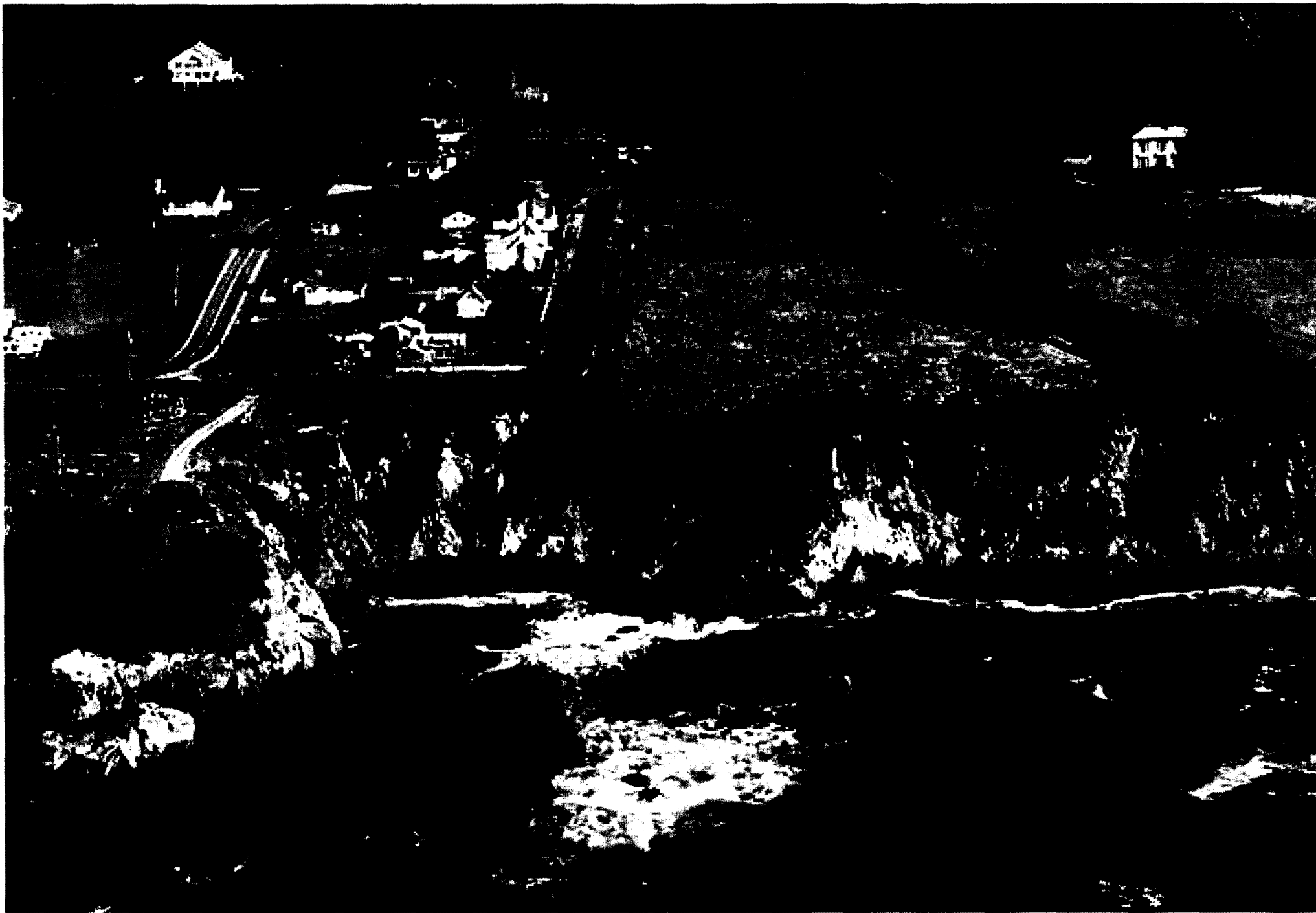
Rural Village of Westport—Photo#11188 taken 11/5/02
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Rural Village of Westport—Photo#11193 taken 11/5/02
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EXHIBIT NO.	11
APPLICATION NO.	A-1-MEN-02-149
WOODHEAD/HICKMAN	
PHOTOGRAPH OF	
WESTPORT SOUTH	
(1 of 2)	





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